



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL21-175		Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		November 9, 2021
Deadline for Action	Application Date		October 4, 2021	60 Days	December 3, 2021
	Date Extension Letter Mailed		October 20, 2021	120 Days	February 1, 2022
Location of Subject	11 E. Fourth St., Unit B (Central Hillside)				
Applicant	BJS Land Co. DLH, LLC		Contact	Neal Jacobi	
Agent	Heirloom Property Management		Contact		
Legal Description	Living Unit 3 and an undivided interest in the Common Elements, CIC #81, Lake Superior View Condominiums (PID 010-2785-00030)				
Site Visit Date	October 25, 2021		Sign Notice Date	October, 2021	
Neighbor Letter Date	October 20, 2021		Number of Letters Sent	37	

Proposal

To use a 2-bedroom condominium unit as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of 5 occupants. The proposed vacation dwelling is located in the Mid-Rise Neighborhood Shopping District (F-6).

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6 Mid-Rise Neighborhood Shopping	Residential - Condominium	Neighborhood Mixed Use
North	R-2 Residential-Urban	Residential	Traditional Neighborhood
South	F-6 Mid-Rise Neighborhood Shopping	Community Center and park	Neighborhood Mixed Use
East	F-6 Mid-Rise Neighborhood Shopping	Residential - Condominium	Neighborhood Mixed Use
West	F-6 Mid-Rise Neighborhood Shopping	Residential - Condominium	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location . . . ; 2. The applicant agrees to sign a development agreement with the city. 3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

- Governing Principle #8 - Encourage mix of activities, uses, and densities. Project is a reuse of a dwelling in a condominium building.
- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed vacation dwelling unit expands beyond Canal Park some of the Duluth's tourism economy, possibly providing new tourism experiences.
- Housing Policy #2 – Provide affordable, attainable housing opportunities
- Housing Policy #3 – Prioritize inclusive housing policies to reflect the city's social, cultural, economic, and historic diversity and development patterns.
S4: Prioritize opportunities for permanent affordability, including affordable home ownership programs, in neighborhoods throughout the city. The condominium unit is an affordable housing unit (\$158,000) that will be used for short-term lodgings rather than long-term rental or homeowner housing.

Future Land Use– Neighborhood Mixed Use – A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets. The proposed vacation dwelling unit is a limited commercial use.

History:

- The building was constructed in 1905.
- In 2006 the subject property was combined with 9 E. Fourth St., 13 E. Fourth St., and a new 8-unit building built at 1 E. Fourth St. to form Lake Superior View Condominiums. The project included the complete renovation of the subject property and the neighboring properties as well as the provision of additional off-street parking in the basement of 1 E. Fourth St.
- A vacation dwelling unit interim use permit was granted to Nikki Olson for 11 E. Fourth St., Unit B on 6/26/2017 (Res. #17-0472, Planning file no. PL17-073). This permit expired when the property was sold by Olson.

Review and Discussion Items:

1. Applicant's property is the upper unit in a 2-unit building. It is part of the 16-unit Lake Superior View Condominiums consisting of 8 units at 1 E. Fourth St., 2 units at 9 E. Fourth St., 2 units at 11 E. Fourth St., and 4 units at 13 E. Fourth St. The applicant has provided a letter (attached) from the Lake Superior View Condo Association agreeing to continue to allow short-term vacation rentals at the property.
2. The subject condominium unit was granted a vacation dwelling unit interim use permit in 2017 (PL17-073) that expired when the owner sold the unit.
3. Applicant is proposing a 2-bedroom vacation dwelling unit for up to 5 guests. Minimum stay duration will be 1 night, which is permitted in Form Districts.
4. Though provision of off-street parking is not required due to the location in a Form District, the applicant is providing one parking stall behind the dwelling unit, accessed from the alley, and an additional parking stall in the basement of 1 E. Fourth St. accessed from Lake Ave.
5. Applicant has indicated guests will not bring campers or trailers to the property.
6. The condominium unit has a balcony located on the front porch roof with a coffee table and chairs. As there is limited yard space, the applicant does not expect much use of the property's exterior spaces.
7. Applicant has indicated that Heirloom Property Management will manage the property and that they will contact the owners of all properties within 100 feet of the subject property to provide the manager's contact information.
8. A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
9. Applicant must comply with items listed in the Vacation Dwelling Unit Worksheet (included with staff report) and

provide to guests information about City rules found on the handout provided to the applicant titled "Selected City Ordinances on Parking, Parks, Pets, and Noise."

10. No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend to the City Council approval subject to the following:

1. The Interim Use Permit shall not be effective until the applicant has obtained all required licenses and permits for operation and provided notice to landowners within 100 feet of the property with required contact information.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

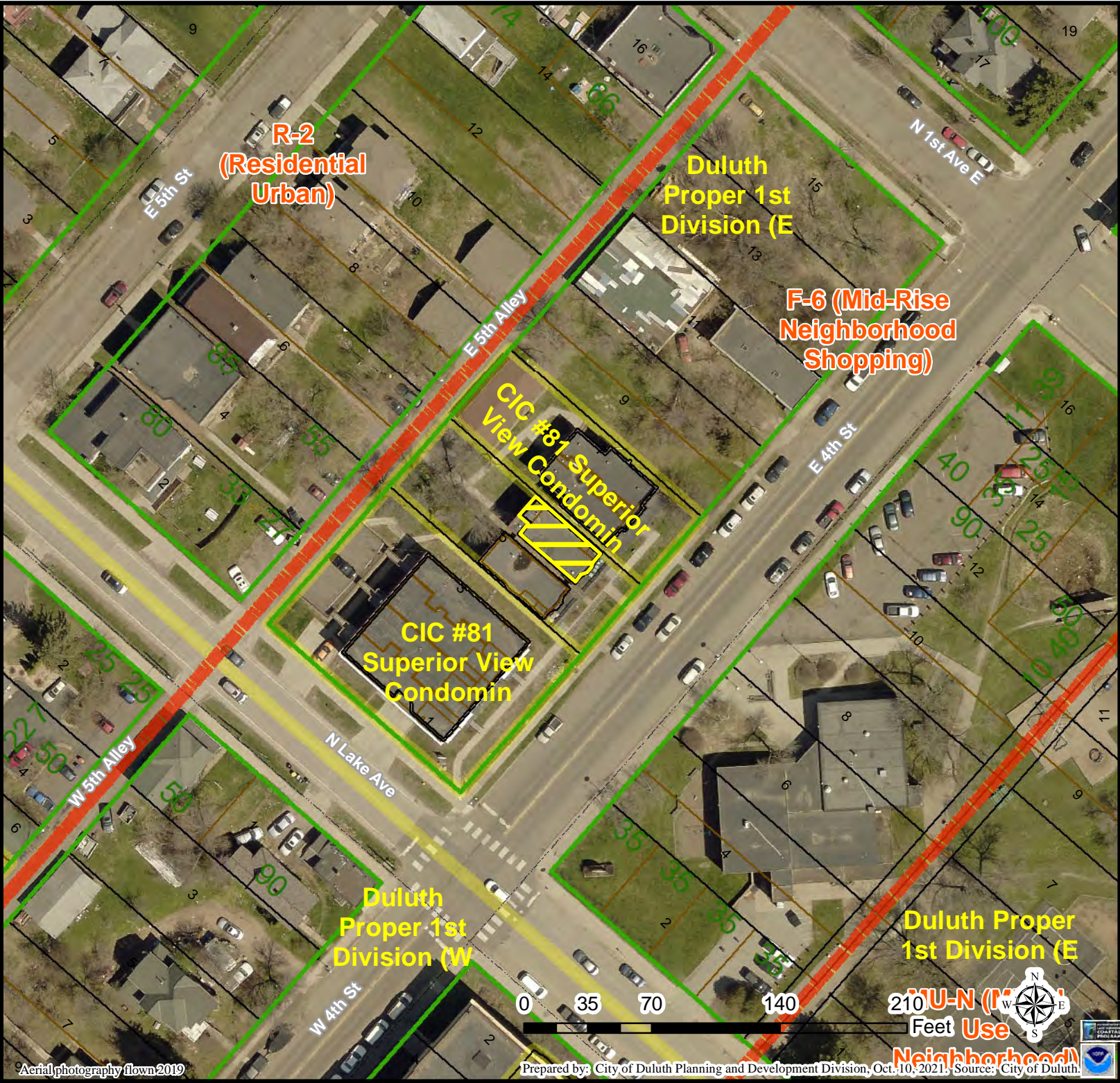


PL21-175
 Vacation Dwelling Unit
 Interim Use Permit
 11 E. 4th St., Unit B
 BJS Land Co. DLH, LLC

Legend

- Blocks
- Lots
- Subdivision Boundaries
- Boundary Lines**
- <all other values>
- Subtype, ROW_TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Zoning Boundaries**
- Trout Stream (GPS)
- Other Stream (GPS)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





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 Vacation Dwelling Unit
 Interim Use Permit
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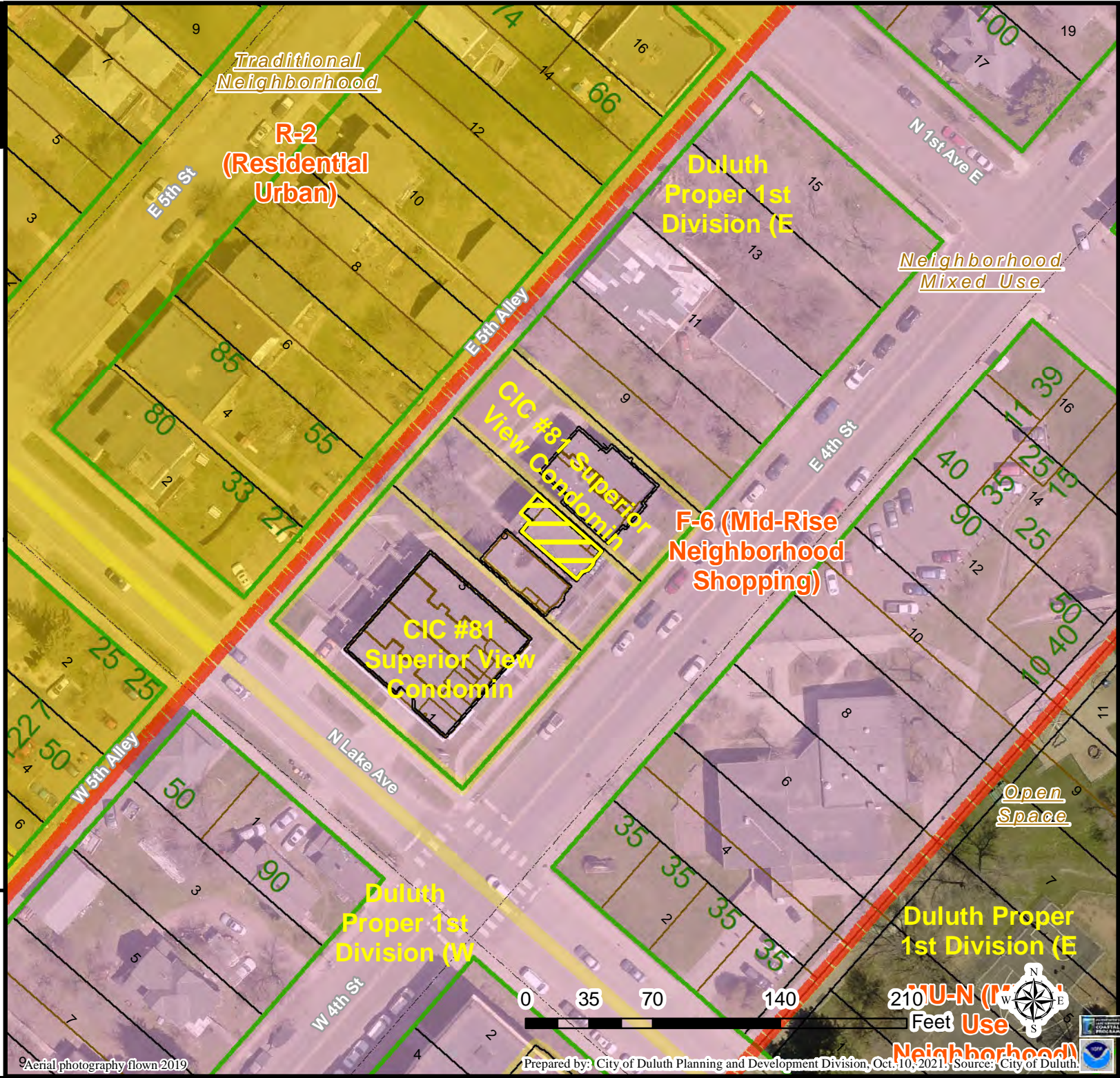
Blocks
 Lots
 Subdivision Boundaries

Boundary Lines
 <all other values>
 Subtype, ROW_TYPE
 Lot Line
 Parcel Line
 ROW (Road)
 ROW (Not Road)
 Subdivision Line
 Water Line
 Survey Line
 Municipal Boundary

Zoning Boundaries
 Trout Stream (GPS)
 Other Stream (GPS)

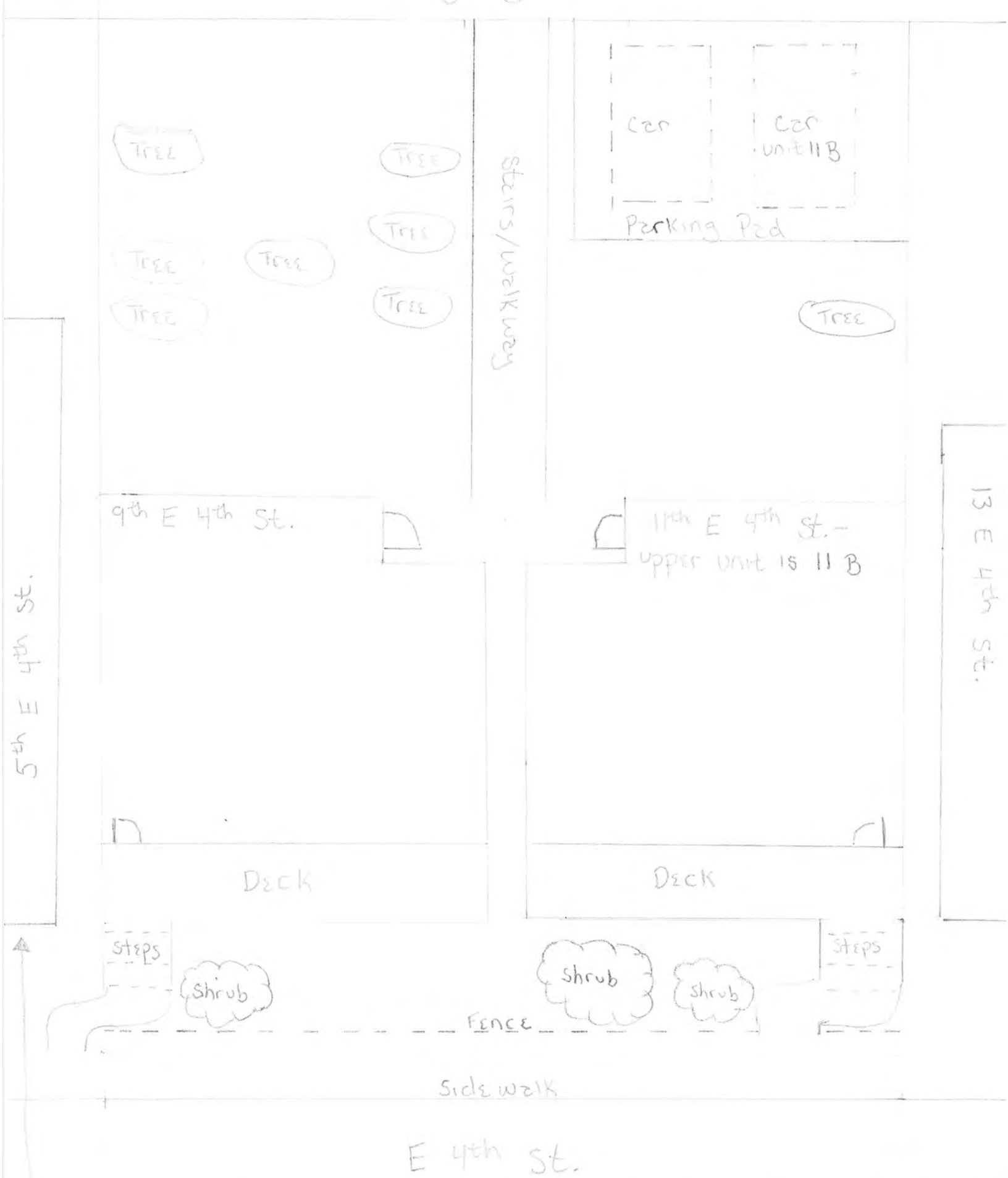
Future Land Use - Plus

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Aerial photography flown 2019

Alleyway



One underground parking spot in 5th E 4th St Building - Entrance on N. Lake Ave



ZONING NOTICE

APPLICANT:
Neil Jacobs - B&B Land Co. B&B LLC

ADDRESS OF PROPERTY:
11 S. 4th Street, Unit 118

PROJECT NARRATIVE:
General Use Approval Request - Short term rental

PROJECT DESCRIPTION:
Application for Short Term Rental Permit for Vacation Dwelling Unit (SR vs. PLS-175)

PROPERTY OWNER:
Neil Jacobs - B&B Land Co. B&B LLC

PROPERTY MANAGER:
Midwest Property Management
1400 W. Blue Street, Suite 1000
Phone: 312-730-6750
Email: Neil@midwestpm.com

ASSIGNED CITY PLANNER:
Kyle Gilling - Planning and Development Director
Phone: 312-730-6880
Email: kgilling@cityofchicago.gov

DATE & TIME OF PUBLIC HEARING:
Tuesday, November 8, 2021, 8 p.m. Public hearing to be held virtually via the link <https://www.cityofchicago.gov>. Comments may be sent before the hearing to kgilling@cityofchicago.gov

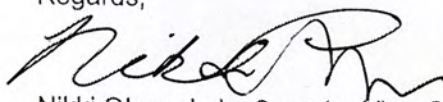
**PRIVATE
PROPERTY
NO TRESPASSING**

To: Prospective Buyers into the Condo Association
From: Lake Superior View Condo Association
Re: Vacation Rental Allowances
Date: 8/31/2021

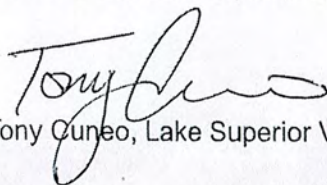
To Whom it may concern,

Upon transfer of title of 11B E 4thSt, Duluth MN 55805, the Lake Superior View Condo Association agrees to continue to allow short-term vacation rentals that meet all local, county, and state permits and regulations.

Regards,



Nikki Olson, Lake Superior View Condo Association President



Tony Cuneo, Lake Superior View Condo Association Secretary