



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-125	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	July 28, 2021	60 Days	September 27, 2021
	Date Extension Letter Mailed	August 12, 2021	120 Days	November 25, 2021
Location of Subject	216 West 6 th Street			
Applicant	Danielle Thralow	Contact		
Agent		Contact		
Legal Description	PID # 010-1280-00190			
Site Visit Date	August 31, 2021	Sign Notice Date	August 31, 2021	
Neighbor Letter Date	August 27, 2021	Number of Letters Sent	40	

Proposal

Applicant proposes to use a three-bedroom home as a vacation dwelling unit in the R-1 zoning district. Up to 7 people will be allowed to stay in the home.

The applicant was on the list as an applicant eligible to apply for an IUP for a vacation rental permit.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the R-1 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



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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. A short-term rental allows property owners to generate income from otherwise vacant properties and provide a service for tourists.

- 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.

Future Land Use— Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The 1,329 square foot home was constructed in 1896.

Review and Discussion Items:

- 1) Applicant's property is located at 216 W 6th St. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) The applicant is proposing 2 off street parking spaces in the existing garage.
- 3) The applicant has indicated there will be a space for camper or trailer storage by VDU guests. Any campers parked on the property are not to be occupied at any time.
- 4) The applicant has indicated no outdoor amenities on the site plan as part of this rental.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent, and they live within the minimum required distance.
- 7) 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.



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8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"), including the prohibition on burning of trash.

10) At the time this report one comment was received with concerns regarding parking. The letter (included) states concerns with visitors parking on the property across the street that is not associated with this rental.

Staff Recommendation:

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

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) 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.



PL 21-125
Interim Use Permit
216 W 6th St

PLANT A LOT
COMM GARDEN
PROGRAM

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Zoning Boundaries



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, August 11, 2021. Source: City of Duluth

Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

3 7

3. Off-street parking shall be provided at the following rate:

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
- e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 3

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** YES DRIVE WAY / GARAGE

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

keep your guest record (log book, excel spreadsheet, etc):

LOG BOOK, WEBSITE AND SPREADSHEET

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

DANIELLE THALOW 309 716 5955

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number; ✓
- b. The maximum number of guests allowed at the property; ✓
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked; ✓
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities; ✓
- e. Applicable sections of City ordinances governing noise, parks, parking and pets; ✓

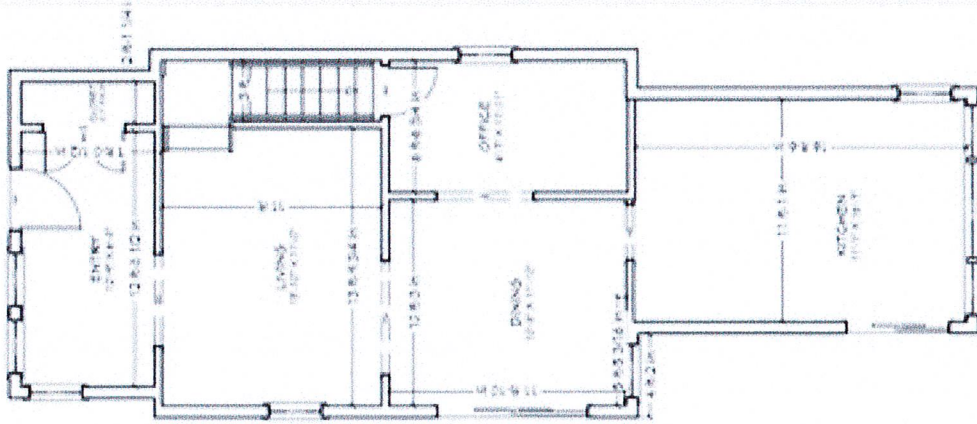
Please state where and how this information will be provided to your guests:

EMAIL OR TEXT UPON RESERVATION BOOKING
AND/OR UPON REQUEST FOR GUEST.

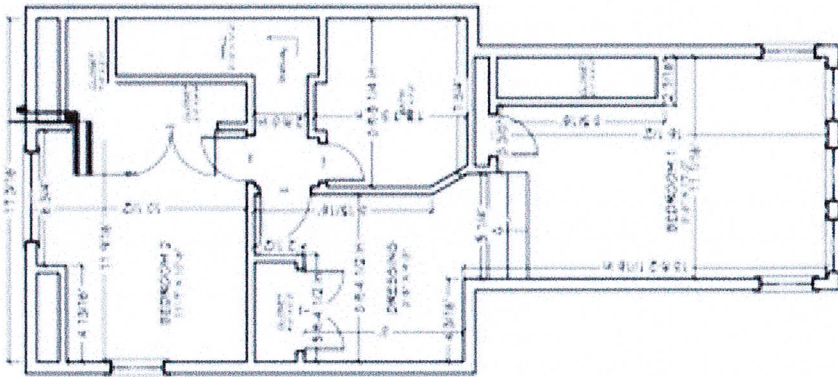
11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? YES

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information. ✓

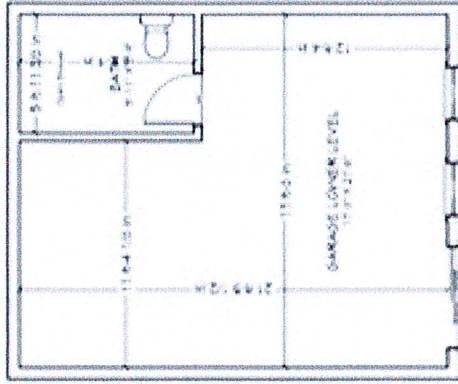
Main Floor



Second Floor



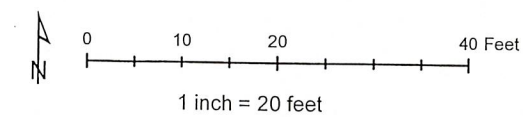
Lower Level Garage





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SITE MAP Building Safety



Printed: 7/20/2021

Map Create
9-28-2012

From: [planning](#)
To: [Chris Lee](#)
Cc: [Eleanor Bacso](#)
Subject: FW: Vacation Dwelling Comments
Date: Wednesday, September 1, 2021 1:46:56 PM

Chris, can you add this to the staff report as a citizen comment?

Eleanor, can you save in the file community garden file? I think there is a sub folder under tax forfeit.

From: Starr Brainard <starr@duluthcommunitygarden.org>
Sent: Monday, August 30, 2021 1:13 PM
To: [planning](#) <planning@DuluthMN.gov>
Subject: Re: Vacation Dwelling Comments

I forgot to mention, DCGP's property is Strawberry Hill Community Garden, **219 W 6th St.**

On Mon, Aug 30, 2021 at 12:57 PM Starr Brainard <starr@duluthcommunitygarden.org> wrote:

Hello. I am writing in response to a letter my organization received regarding a permit for a Vacation Dwelling Unit at 216 W. 6th St. The only concern of the Duluth Community Garden Program is that vacationers using the unit do not park on our property. The neighborhood has very limited parking, and we have had issues before with neighbors parking on DCGP property so that our community gardeners are not able to park and access the garden. We do not want tissue exasperated by vacationers.

Is this email adequate to submit our comment or are we required to send a representative to the public hearing? Please let me know. Thank you.

--

Starr Brainard
Land Stewardship Coordinator
Duluth Community Garden Program
[218-722-4583](tel:218-722-4583)
206 W 4th St. #214
Duluth, MN 55806
www.duluthcommunitygarden.org
pronouns: she, her, hers

*The Duluth Community Garden Program strives to cultivate healthy neighborhoods
by providing access to land, resources, and community.*



--

Starr Brainard

Land Stewardship Coordinator

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