



Planning & Development Division
Planning & Economic Development Department


Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

MEMORANDUM

DATE: July 5, 2022

TO: Planning Commission

FROM: Kyle Deming, Planner II 

SUBJECT: Tabled agenda item – PL 22-077 – IUP at 2835 Minnesota Ave.

At the June 14, 2022 Planning Commission meeting you voted to table the proposed vacation dwelling unit interim use permit due to comments from a resident that the property had been rented to guests before obtaining the required permits.

Attached you will find a response from the applicants indicating the rental of the unit was for a period of 30 days which is permitted by the existing long-term rental license held by the applicants (copy of license attached). Additionally, they pledged to not operate the property as a short-term rental until all required permits are obtained.

Also attached are emails from Frank Berdan and Mary Jo Sodd with comments and news articles they asked be forwarded to the Commission.

Staff recommends the Planning Commission approve the interim use permit with the findings in the staff report (attached).

Tri Waters Property, LLC
2835 Minnesota Ave
Duluth, MN 55802

June 29th, 2022

Planning & Development Division

411 West First Street

Duluth, MN 55802

Re: Planning Commission 6.14.2022 Agenda item PL-22-007

Dear Planning Commission,

This message is in response to the question and /or concern about the rental of our property at 2835 Minnesota Avenue, prior to receiving the VUD permit. We are new to being an owner of a rental home and new to the City of Duluth VUD permit process. With that inexperience, when the commissioner asked me at the planning commissioning meeting if the home had been rented before the approval of the VUD permit, I said yes. I did not think to mention that the rental length of the current, and only renter was in compliance with the City of Duluth long-term rental licensing for a long-term rental, (see attached). I wish I had attempted to clarify this during the planning commissioning meeting, but I did not know if I had the opportunity to talk again after I was asked to be seated.

We will not short-term rent, 2835 Minnesota Ave until all required VUD permits are issued. We will only use the home for our own personal use or for long-term rental which is in compliance with our current long-term rental license.

Since the last planning commission meeting held on June 14, 2022, we have met with the two neighbors that sent emails prior to the June 14, 2022 planning commission meeting. We attempted to set the record straight that we were in fact in compliance with our long-term rental license as they did not know that we have a long-term license in place for the property. They unfortunately jumped to the conclusion that we were not in compliance and decided to send emails to the City of Duluth that were not truthful. They should have done their due diligence to collect facts, instead of voicing their opinions. We asked them to not be angry with us, we are only applying for a program provided by the City of Duluth for a VUD permit.

Should you have further questions, I will be at the July 12, 2022 Planning Commission meeting.

Sincerely,

Patrick Sims & Heather Grazzini-Sims

Tri Waters Property, LLC



**City of Duluth
Fire Department - Life Safety Division**

615 West First Street • Duluth, Minnesota • 55802-1194
218-730-4380 • Fax: 218-730-5902 • www.duluthmn.gov

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RENTAL LICENSE

Date Issued: 09/13/2019

LOCATION OF LICENSED PREMISE:

**2835 MINNESOTA AVE
DULUTH, MN 55802**

LICENSE #:LS-1-4039

PLAT/PARCEL #:010-3110-01030:

LICENSED UNITS: **1**

BEDROOMS: **2**

LICENSE TYPE: **1 FAMILY**

PARKING: **2**

LICENSE EXPIRES: 09/01/2022

PROPERTY OWNER: HEATHER GRAZZINI-SIMS
PO BOX 860
DULUTH, MN 55801

PROPERTY MANAGER: SCOTT TORVINEN
5310 IDLEWOOD ST
DULUTH, MN 55804

THIS LICENSE AUTHORIZES RENTAL FOR PERIODS OF 30 DAYS OR MORE. FOR RENTAL PERIODS OF LESS THAN 30 DAYS A VACATION DWELLING UNIT INTERIM USE PERMIT IS REQUIRED, WHERE CODES ALLOW.

It is recommended that you maintain a copy of this license for your file as there is a charge of \$ 11.00 for each additional copy.

**HEATHER GRAZZINI-SIMS
PO BOX 860
DULUTH, MN 55801**

Fire Prevention / Life Safety Division
Fire Marshal

From: Frank Berdan <>
Sent: Sunday, July 3, 2022 6:49 PM
To: Kyle Deming <kdeming@DuluthMN.gov>
Subject: Re: PL 22-077

Kyle, yes, please forward to the Commission with my email comments. Thank you,

Frank Berdan

On Mon, Jun 27, 2022, 10:51 AM Kyle Deming <kdeming@duluthmn.gov> wrote:

Hello,

Thank you for your comment and the news story. Please let me know if your request of me is to forward the news story to the Planning Commission and include any comments you would like to accompany it.

The Planning Commission can consider your comments and the tabled matter at their next regular meeting Tues., July 12, 5 p.m.

Thanks,

--Kyle

Kyle Deming, Planner II

From: Frank Berdan <>
Sent: Monday, June 20, 2022 3:47 PM
To: Kyle Deming <kdeming@DuluthMN.gov>
Subject: PL 22-077

Kyle,

Just a double check to assure that the Planning Commission is aware of best practice approaches around the nation, and beyond. Appropriate constraints should be applied in Duluth, on Park Point, Skyline Drive, and other locations. We don't want to become like west London UK.

Thank you,

Frank & Kathi Berdan

2818 MN Av

https://www.cbc.ca/news/canada/london/cottage-ontario-airbnb-vbro-1.6407851?_vfz=medium%3Dsharebar

London

Ontario lakeside towns push to regulate short-term rentals to preserve their way of life

Communities are fed up with beach towns bought up by investors and overrun by 'partiers'

[Colin Butler](#) · CBC News · Posted: Apr 10, 2022 4:00 AM ET | Last Updated: April 10



Port Stanley, Ont., sees an influx of tourists each summer to its beaches. The lakeside town is considering a licensing scheme for short-term rentals for next summer, part of a growing movement of lakeside communities looking to keep investors from eroding local neighbourhoods. (Colin Butler/CBC)

There's a growing movement among Ontario lakeside communities to push back against short-term rental services, such as Airbnb and VRBO, that some say are disrupting the social fabric of their close-knit rural communities to the point where it could upend their way of life.

The Municipality of Lambton Shores is the latest to look at more stringent regulations for the beach communities of Port Franks, Ipperwash and Grand Bend, when council reviewed [a draft bylaw on Tuesday](#) to license short-term rentals, put a cap on occupancy at 10 people per dwelling and create a 24/7 hotline for locals to report nuisance parties.

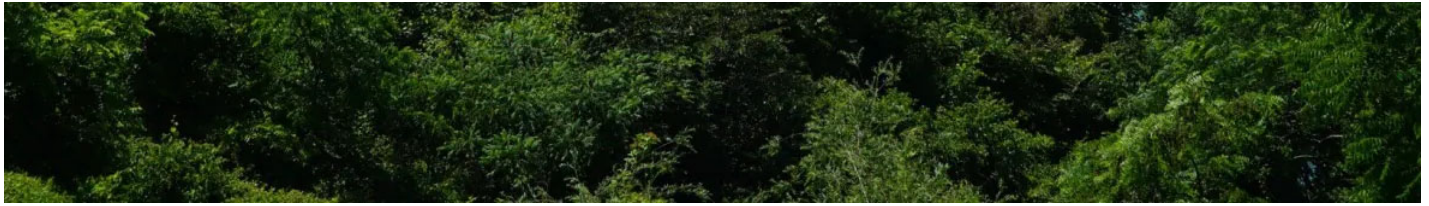
Port Stanley, a beach town on Lake Erie's shore that's part of Central Elgin municipality, is also considering a bylaw and recently voted 4-3 to study the issue to hopefully have a licensing scheme in place next year.

"To me we needed to regulate it," said Mayor Sally Martyn, noting most homes sold in town often get scooped up by out-of-town investors looking to turn them into short-term rentals. "It's a real problem in Port Stanley."

Preventive medicine

Others, such as the Town of Goderich, are weighing their options. "Canada's prettiest town" only has about 30 short-term rentals, but as they grow in number, it's becoming clear to some that they can influence more than just property prices.





While it may have all-year industry, such as the town's salt mine as shown here, with a slogan like 'Canada's prettiest town,' Goderich gets plenty of tourists. So council is looking at regulating short-term rentals before they become a problem. (Colin Butler/CBC)

"We have to be careful that we don't erode that rural fabric and rural neighbourhoods that we've had for centuries," said Goderich Mayor John Grace.

With factories, a courthouse and the largest salt mine on Earth, Goderich is far more than just a tourist town.

Goderich's 7,600 residents live there year round and they worry that if enough of the community's homes get bought up by absentee landlords who operate short-term rentals, it would alter the centuries-long tradition of neighbours helping neighbours that keeps the community bonded together.

“We need to make sure it doesn't take over our neighbourhoods.”

- Goderich Mayor John Grace

"We need to get a handle on it, we need to manage it and we need to make sure it doesn't take over our neighbourhoods."

The Municipality of South Bruce Peninsula, a collection of beach towns about an hour and a half northeast on the coast of Georgian Bay learned that lesson the hard way.

'Every cottage country town is facing this'

The community — which includes the lakeside towns of Red Bay, Mallory Beach and Sauble — cracked down on short-term rentals in January 2021, creating a licensing scheme, a round-the-clock hotline to report party houses, and a "three strikes and you're out" system to keep absentee landlords in line with neighbours' expectations.



A little girl plays on a beach in Sauble Beach, Ont., where municipal officials estimate up to 15 per cent of private dwellings are short-term rentals. (Colin Butler/CBC News)

If they don't, they're liable to lose their licence and could face fines of up to \$500 a day, according to Mayor Janice Jackson, who said the tradition of cottaging in the community took on new intensity with the financialization of housing in Ontario.

"We're not messing around. Partiers and people who don't care about our community are not welcome here.

"We're fielding increasing complaints from the community where their neighbour sold their place and now it's party house next door, and it's just been heartbreaking to hear some of the stories.

"We're getting people who are buying houses sight unseen."

Jackson said it's estimated short-term rentals now account for up to 15 per cent of all private dwellings in her community, which has had serious impact on the community, turning otherwise residential neighbourhoods into tourist zones.

"Every cottage country town is facing this and COVID has really exacerbated this issue. So we had to do something.

"If this continues, we're going to get to a point, maybe five years from now, where we have equal amount of rental properties to our permanent residents," Jackson said.

"That is going to erode the fabric of the community, there's no question."

Jackson said the pandemic and the rise of the staycation brought so many visitors and outside investors to town that something had to be done to balance things out.

"We want people to come up here and enjoy South Bruce Peninsula because it's absolutely gorgeous here, but you've got to respect your neighbours. We have too many people who are coming up that simply have no respect for our neighbours."

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From: Mary Sodd <>
Sent: Tuesday, July 5, 2022 12:39 PM
To: Kyle Deming <kdeming@DuluthMN.gov>; planning <planning@DuluthMN.gov>
Subject: Fwd: Request denial of VDU permit for 2835 Minnesota

Begin forwarded message:

From: Mary Sodd < >
Date: July 5, 2022 at 12:21:34 PM CDT
To: Mary Sodd < >
Subject: Request denial of VDU permit for 2835 Minnesota

To the Duluth Planning and Development Commission:

The VDU permit for 2835 Minnesota Avenue, should be denied. Please consider the negative aspects of these permit requests.

On June 30, 2022, the NPR special broadcast titled Wealth Gap in Housing, included Duluth's experience within the story. There was great focus about the needs for POLICY prohibiting or limiting investors due to a need for stability, healthcare, and schools within any community. Healthy growth and community planning, and reorganization of problematic policy, was emphasized in this program. The visibility of the homeless and trials of first time buyers in Duluth was revealed within the broadcast.

On June 19, 2020, CBS news reported the problems with garbage on Park Point beaches. What happens when there are fewer residents to secure the beauty and/or safety of the area? Who will pay for needed services? Last week, I saw 4 fires on the beach in five days. Hotels and motels often have security available to their businesses. Are VRBO and VDU's going to be held accountable for public safety or fires? Will the city be legally responsible should harm happen to individuals or property?

On May 20, 2022, the Star Tribune had an article by Jana Hollingsworth about the neighborhood concerns over VRBO and VDU rentals in Duluth. Without concern and attention, Hollingsworth journalism could continue or expand coverage of this issue. According to NPR, the Minnesota rate of home ownership is declining due to corporate investors and equity builders.

Ironically to Park Point residents, an article below is about vacation permits and concerns in Two Harbors; the town looked to Duluth for more structural policy concerning VDU permits:

Duluth Monitor, April 15, 2022:

The City of Duluth (pop. 85,000) currently has a cap of 80 VDUs in residential districts. This equates to one VDU for every 1,063 people.

Commercial saturation of these permits in Park Point area is heavy. The demographics of Park Point reveal 1,548 housing units, 2,492 residents. As of now, there are 74 units advertised by VRBO and 11 by Heirloom Vacations (not sure of any overlaps). If the VDU formula quoted above by the Duluth Monitor was applied in Park Point, there would be a cap of three permits total.

Multiple policy issues need to be considered in the community for healthy growth. You have the power to consider any and all misuse of permits in Park Point. Please do so and move these vacation permit requests to other sections of Duluth.

Links to follow this message; please include with comments.

Respectfully,
Mary Jo Sodd
2824 Minnesota Avenue

From: Mary Sodd <>
Sent: Tuesday, July 5, 2022 5:45 PM
To: Kyle Deming <kdeming@DuluthMN.gov>
Subject: Fwd: VRBO story

Kyle,

I contacted Jana Hollingsworth and she directly sent the text of at least this article that appeared in the Star Tribune. Hopefully it transmits cleanly. If it does, please include with my comments to the commission. Thank you!
Mary Jo Sodd

Sent from my iPhone

Begin forwarded message:

From: "Hollingsworth, Jana" <Jana.Hollingsworth@startribune.com>
Date: July 5, 2022 at 5:32:14 PM CDT
To: Mary Sodd <>
Subject: VRBO story

DULUTH

Tension brews over vacation rentals in Duluth

By [JANA HOLLINGSWORTH](#), STAR TRIBUNE
May 20, 2022 - 6:23 PM

DULUTH — Sarah Lawrence and her husband were sitting one afternoon on the deck of their Duluth hillside bungalow with expansive views when some strangers walked by and offered to buy their house for twice what it was worth.

"We said, 'would you live here?' They said 'no,'" she said.

To her, it was the latest example of a shifting tide in Duluth, where full-time vacation rentals are spreading across the scenic city, and some residents are nervous.

Last fall, the city made [sweeping](#) changes to its rental rules and allowed up to 10 new full-time permits in residential neighborhoods each year, as long as 10 new residential housing units were added, capped at 120. Fifty-five Duluth homes in residential zones are now full-time vacation rentals; about half are on Park Point, a mileslong residential sandbar with houses, beaches and a small airport.

Duluth is among a number of in-demand tourism communities under strain across the country as residential vacation rentals grow in popularity, particularly in places like the Carolinas, Arizona and California.

The proliferation in Duluth has some residents worried about the repercussions, despite restrictions put in place by city officials. Neighbors attended city government hearings to express their concerns about the lack of on-site owners, the impact of outside investors on an already tight housing market and boisterous visitors who they say threaten the appeal of quiet neighborhoods. The issue is expected to resurface Monday when a group of neighbors plans to attend the City Council meeting to appeal a vacation rental permit that the city granted.

Beth Storaasli filed the \$407 appeal against a house in her eastern Duluth neighborhood. She said her daughter is one recent example of the many potential Duluth homebuyers who can't find homes in their price range.

"The City Council came up with what appears to be a grand compromise, and they put their heads down and will not look at what it's doing to the community," Storaasli said.

Council Member Roz Randorf said residents' concerns were discussed in-depth before the council approved new rules last fall, including concerns over the city's housing crisis and density issues.

"We peeled the onion deep," she said.

As part of the agreement, Randorf said, they made many concessions to appease neighborhood concerns. The city requires screens or fencing and a maximum number of bedrooms. The city imposed parking requirements and requires a property manager living within 25 miles. The permits last six years, and then require reapplication.

"We put a lot of thought into the ordinance and made some thoughtful changes that everyone is complying with," she said. "I hope we don't unpack this thing and do it again."

'Not a NIMBY response'

Andrea Kuzel said her family has lived on Park Point for about a decade, relishing the coveted beach community with longtime residents who borrow sugar from each other and share baked goods. But the sheer number of vacation rentals on the Point is "destroying" its fabric, she said, adding that property taxes are "skyrocketing."

"It's the neighbors who live in houses who give it value," Kuzel said, and many rentals don't have onsite owners or are owned by businesses. "We are some of the younger people on Park Point — there aren't many kids now. It's slowly fading."

Limiting the number of vacation rentals in any one neighborhood isn't likely, said Adam Fulton, deputy director of planning and development for Duluth.

"It is complex to administer and is essentially a market modification that sometimes has unintended consequences," he said.

The city of roughly 36,000 households has about 100 vacation rentals in total. Some areas, such as downtown and other business districts, do not have a cap on permits. Complaints about renters are few, Fulton said, and because of the time limit on the permits, officials say they do not believe these types of properties will become permanent features.

"This is an emerging business," he said, and cities are approaching it in a variety of ways — from no restrictions to capping numbers or banning them outright.

"The policy imperative here is to ensure we are providing an adequate level of housing and making sure we are not suffering a loss of available housing of all types in our community," Fulton said.

Hundreds of apartment units in Duluth are expected to be built and opened in the next few years. [There's a dearth](#), however, of available single-family homes.

The city is experiencing "the biggest growth in the number of housing units created in our city in a generation or longer," said Council Member Gary Anderson.

Lise Lunge-Larsen sees it differently. She lives across from the house at the heart of the appeal the City Council will consider Monday.

"Every house that gets turned into a VRBO (vacation rental by owner) is a home that's off the market," Lunge-Larsen said. "It feels like the left hand doesn't know what the right hand is doing."

As for Lawrence, she said she worries about the growing number of vacation rentals dotting Observation Hill that sit empty in-between visitors, giving a lonely vibe to a place that once bustled with children.

"This is not a NIMBY response," she said, using the acronym for the phrase "not in my backyard." "It's the absence of what might be there that bothers me."

Jana Hollingsworth writes about the Duluth/Superior region. She joined the Star Tribune in 2021. [Sign up to receive the new North Report newsletter.](#)

jana.hollingsworth@startribune.com [218-508-2450](tel:218-508-2450) [jhollingsworths](#)

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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 22-077	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	June 14, 2022	
Deadline for Action	Application Date	May 9, 2022	60 Days	July 8, 2022
	Date Extension Letter Mailed	May 16, 2022	120 Days	September 6, 2022
Location of Subject	2835 Minnesota Avenue (Park Point)			
Applicant	Tri-Water’s Property, LLC	Contact	Heather Grazzini-Sims	
Agent	Heirloom Property Management	Contact		
Legal Description	Lot 197, Lower Duluth, Minnesota Avenue, and Lot 198, Lower Duluth, St. Louis Avenue (PID 010-3110-01030)			
Site Visit Date	June 4, 2022	Sign Notice Date	May 31, 2022	
Neighbor Letter Date	May 26, 2022	Number of Letters Sent	28	

Proposal

To use an 1,871 sq. ft., 3-bedroom detached home as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of 7 occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list.

Recommended Action: Approval, with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
North	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
South	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
East	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
West	Residential-Traditional (R-1)	St. Louis Bay	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 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.
- 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.

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:

2021 – Home was demolished down to the foundation and new home constructed on remaining foundation with additions.

PL 20-147 – Planning Commission approval of a side-yard setback variance to allow a combined width of 9.7 feet.

PL 20-161 – Planning Commission approval of a shoreland setback variance to allow the dwelling to be constructed at 27 feet to the shoreline.

Review and Discussion Items:

1. Applicant’s property is 40 feet wide by approximately 120 feet deep with frontage on St. Louis Bay.
2. The home was reconstructed on an existing foundation, with additions, in 2021 and consists of 1,871 sq. ft., with an attached one-car garage.
3. Proposal is a 3-bedroom vacation dwelling unit for up to 7 guests. Minimum stay duration will be 2 nights.
4. The applicant is providing one parking stall in the garage and a second parking stall in the driveway to meet the required two off-street parking stalls.
5. Applicant has indicated guests will not bring campers or trailers to the property.
6. The site plan shows outdoor areas that consist of a sitting area on the front porch, an 8-foot-wide deck on the rear of the building with tables, chairs, and a grill, a gas fire pit with seating in the rear yard, and a dock with seating in St. Louis Bay.
7. For screening, there is an existing fence to the north side of the property, and the abutting property owner (2839 Minnesota Ave.) has waived, in writing, the requirement for a screening fence.
8. 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.
9. 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.
10. Applicant must comply with items listed in the Vacation Dwelling Unit Worksheet 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."
11. Two email comments from a residents (attached). No other comments from City staff, or any other entity.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit 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. 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.



PL22-077
 Vacation Dwelling Unit
 Interim Use Permit
 2835 Minnesota Avenue
 Tri-Water's Property, LLC

Legend

- Hiking
- Lots
- Parcels
- Subdivision Boundaries
- Zoning Boundaries



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.

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, May 24, 2022. Source: City of Duluth.



PL22-077
 Vacation Dwelling Unit
 Interim Use Permit
 2835 Minnesota Avenue
 Tri-Water's Property, LLC

Legend

- Hiking
- Lots
- Parcels
- Subdivision Boundaries
- Zoning Boundaries
- Open Space
- Traditional Neighborhood



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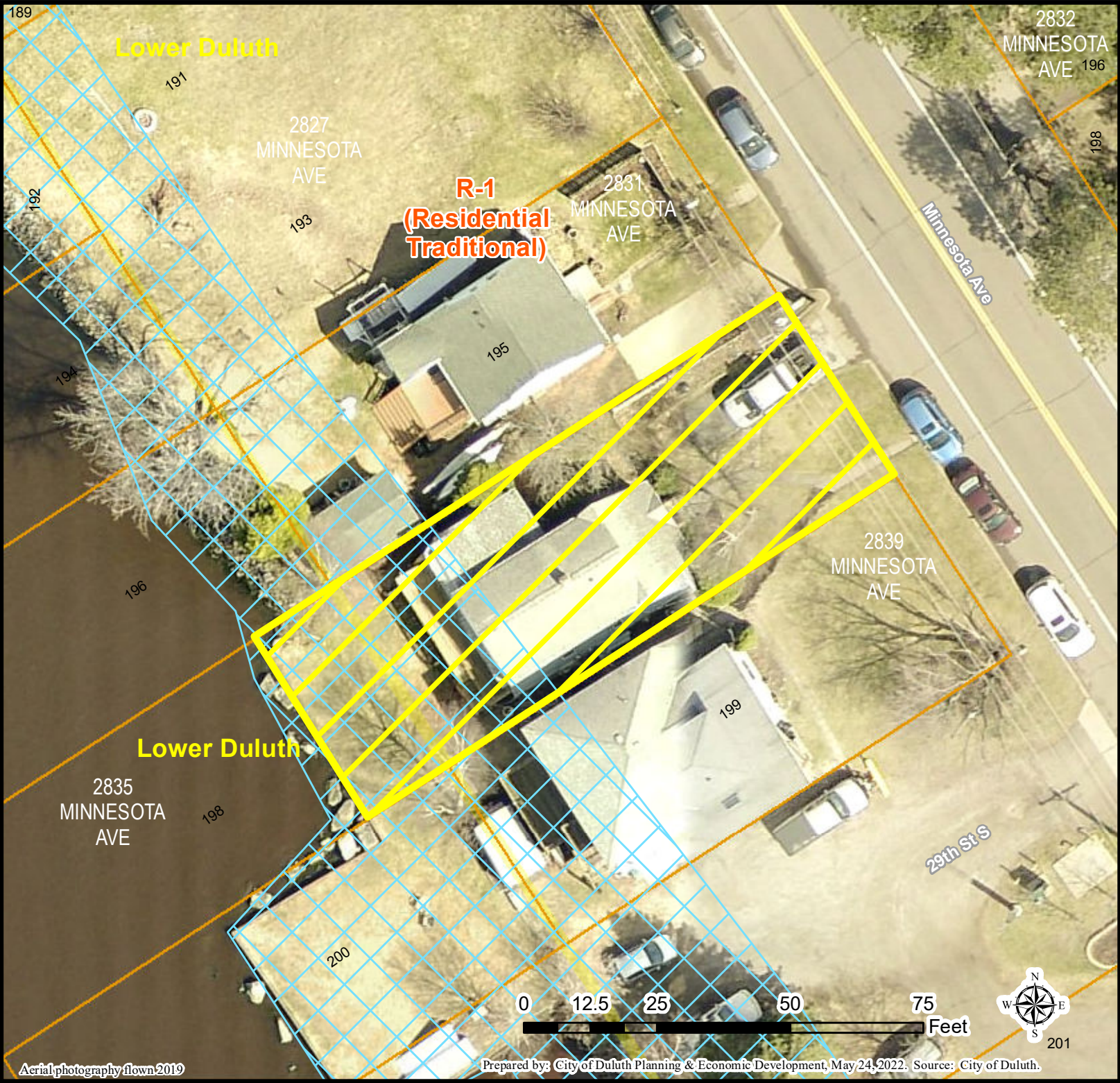
Prepared by: City of Duluth Planning & Economic Development, May 24, 2022. Source: City of Duluth.



PL22-077
 Vacation Dwelling Unit
 Interim Use Permit
 2835 Minnesota Avenue
 Tri-Water's Property, LLC

Legend

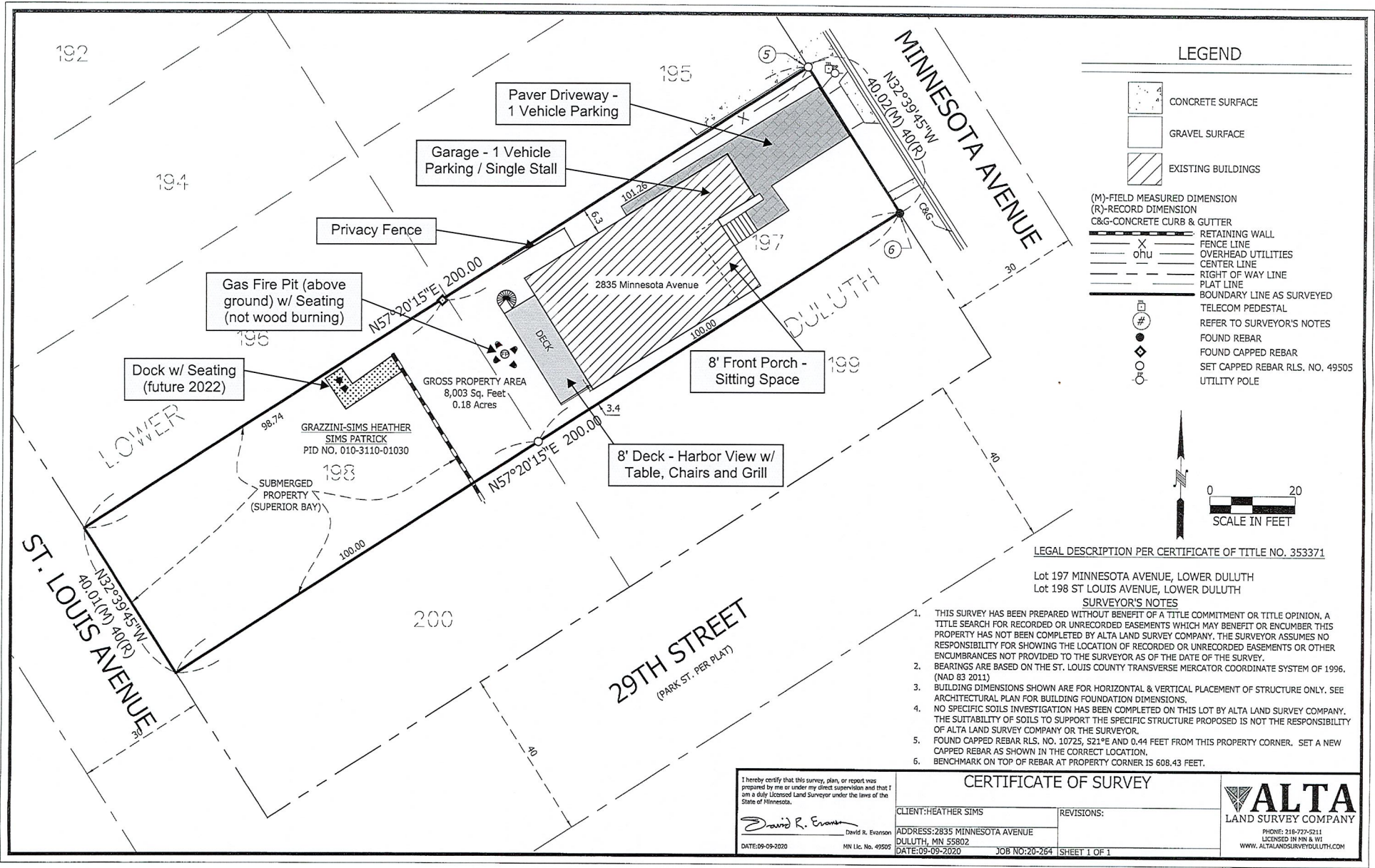
- Lots
- Parcels
- Subdivision Boundaries
- Zoning Boundaries
- Floodplain (UDC)
- Flood Fringe



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LEGEND

- CONCRETE SURFACE
- GRAVEL SURFACE
- EXISTING BUILDINGS

(M)-FIELD MEASURED DIMENSION
 (R)-RECORD DIMENSION
 C&G-CONCRETE CURB & GUTTER

- RETAINING WALL
- FENCE LINE
- OVERHEAD UTILITIES
- CENTER LINE
- RIGHT OF WAY LINE
- PLAT LINE
- BOUNDARY LINE AS SURVEYED
- TELECOM PEDESTAL
- REFER TO SURVEYOR'S NOTES
- FOUND REBAR
- FOUND CAPPED REBAR
- SET CAPPED REBAR RLS. NO. 49505
- UTILITY POLE

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 353371

Lot 197 MINNESOTA AVENUE, LOWER DULUTH
 Lot 198 ST LOUIS AVENUE, LOWER DULUTH
 SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
5. FOUND CAPPED REBAR RLS. NO. 10725, S21°E AND 0.44 FEET FROM THIS PROPERTY CORNER. SET A NEW CAPPED REBAR AS SHOWN IN THE CORRECT LOCATION.
6. BENCHMARK ON TOP OF REBAR AT PROPERTY CORNER IS 608.43 FEET.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. David R. Evans DATE: 09-09-2020 MN Lic. No. 49505		CERTIFICATE OF SURVEY	
CLIENT: HEATHER SIMS ADDRESS: 2835 MINNESOTA AVENUE DULUTH, MN 55802 DATE: 09-09-2020		REVISIONS: JOB NO: 20-264 SHEET 1 OF 1	
		PHONE: 318-977-5211 LICENSED IN MN & WI WWW.ALTLANDSURVEYDULUTH.COM	

Vacation Dwelling Unit Worksheet

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?** two 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

8

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? 2

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?** no motorhome or trailer parking

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. **Heirloom Property Management is agent**

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. **see attached**

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. **OK**

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):

Heirloom Property Management is my agent, I can obtain this information from them if needed

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:

Heirloom Property Management 218-390-4317

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:

This information will be provided to guest within the contract they are required to sign in order to rent the property

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. ok

From: [planning](#)
To: [Kyle Deming](#)
Subject: FW: PL 22-077
Date: Wednesday, June 1, 2022 7:30:13 AM

From: Frank Berdan <>
Sent: Tuesday, May 31, 2022 9:50 PM
To: planning <planning@DuluthMN.gov>
Subject: PL 22-077

To whom it may concern,

We are concerned that two transient vacation dwelling units in an otherwise residential block diminishes the quality of life in our neighborhood. There is already a VRBO unit at 2832 Minnesota Avenue (licensed?), directly across the street from the property at issue.

Frank & Kathi Berdan
2818 MN Av

From: [Mary Sodd](#)
To: [Kyle Deming](#); [planning](#)
Cc: [Mary Jo Sodd](#)
Subject: PL 22-077
Date: Tuesday, June 7, 2022 8:52:41 AM

To: Mr. Deming and Duluth Planning Commission
In re: PL 22-077

From: Mary Jo Sodd
Homeowner, 2824 Minnesota Avenue, Duluth, MN 55802

This is a response to a letter sent recently to residents within 350 feet of 2835 Minnesota Avenue about a vacation dwelling unit (“VDU”) interim-use permit. It is my understanding from neighbors that if the permit is awarded, this would be a third VDU within 1-1/2 blocks of my home.

A group of neighbors discussed this new VDU permit notification a week ago as we read the posted public notice. It was not a happy discussion. One neighbor told us that Heirloom, the VDU agency, had told the owner to go ahead with renting as the VDU permit would go through as they have clout.

That day a renter from New York (per their license plates) had already moved into the house. Afterwards I checked google for VRBO websites and saw bookings on offer for future dates at \$912 a night. Isn’t an interim-use permit required before interim use?

In apparent violation of the Duluth building code, the front porch did not and does not have safety railings, and the current renters have a young child. Did the house pass its final inspection? Has it been issued an occupancy permit?

I am fully against this VDU permit for this property. If the owners wish to rent the property long term, that would be fine. Then our environment would not be transient.

Myself and others worry about the long-term implication that this area could become a commercial zone. Our property taxes are being hiked up by commercial (“non-residential”?) usage; when does this end?

I thought I was moving into a safe neighborhood with my adult daughter who has autism and epilepsy, however these new zoning practices might destroy our dream. A “neighborhood” could become a more transient hotel row and more dangerous, etc. Can you help us?

Furthermore, the Duluth Planning Commission might not be aware of all of the nearby VDUs. I also never received notification that a VDU would be or was operating next door to my house, at 2832 Minnesota Avenue (a VRBO according to the decals on the side of the cleaner’s van). But that fact

has become all too clear. A driveway is shared between my home and the VRBO. Last February and March, VRBO plowed snow from the 2832 side of the driveway 6-8 feet high in front of my garage at 2824 (I was not there during that time) without my permission. It took weeks to negotiate a plow out with Heirloom so Comfort Systems could make a furnace maintenance appointment.

Heirloom may have a similar problem for 2835. Where will they deposit their driveway's snow?

What kind of neighbors are VDUs? Our experience concludes that VDUs operate for their profit and at the expense of others' tax rates, collateral damage and inconvenience.

Please turn this permit down and others on Park Point. There are too many VDUs here.

Respectfully,
Mary Jo Sodd