



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 17-037	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	March 6, 2017	60 Days	May 5, 2017
	Date Extension Letter Mailed	February 14, 2017	120 Days	July 4, 2017
Location of Subject	1137 North 6 th Avenue East			
Applicant	Jacob and Janette Shaw	Contact	1136 North 6 th Avenue East	
Agent	Jacob and Janette Shaw	Contact	1136 North 6 th Avenue East	
Legal Description	PID: 010-0470-01650, SLY ½ Lot 29 and all of Lot 30			
Site Visit Date	March 31, 2017	Sign Notice Date	March 28, 2017	
Neighbor Letter Date	March 27, 2017	Number of Letters Sent	62	

Proposal

Applicant proposes use of a single family home with 3 bedrooms as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

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

Summary of Code Requirements:

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

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

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 or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the

date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures or improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities

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 and neighborhood extensions, and new traditional neighborhood areas.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

Review and Discussion Items:

- 1) Applicant's property is located on 1137 North 6th Avenue East. The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) 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 owners, Jacob and Janette Shaw, who reside at 1136 North 6th Avenue East, located across the street from the Vacation Dwelling Unit, will act as the managing agent.
- 3) The vacation dwelling unit provides two off street parking spaces, one space in the tuck under garage and one space in the driveway. The parking requirement for a 3-bedroom unit is 2 spaces and has been satisfied.
- 4) The site plan indicates that there is an exterior cement patio that will be screened by an existing window/privacy screen. The site plan shows existing screening/buffering consisting of lilacs along the side and rear yard areas of the home. Aerial photography also identifies trees and shrubs along the side yard area.
- 5) 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.
- 6) Applicant will need to obtain a City of Duluth Tourism Tax license and have a Tax ID number. Applicant has had an inspection completed by the Minnesota Department of Health as part of the process for obtaining a Lodging License, and another with the City's fire prevention office but will need to correct issues identified during the inspection. Applicants will also need to apply for a Hotel/Motel License.
- 7) 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").
- 8) No citizen or City comments were received on this zoning application.

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 document and provide evidence of compliance, which will be included in the resolution.
- 3) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 4) Burning of garbage outdoors is prohibited.



City Planning

PL17-037: IUP
1137 N 6th Ave W

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor

- Sanitary Sewer Forced Main

- Storage Basin

- Pump Station

Gas Distribution Main

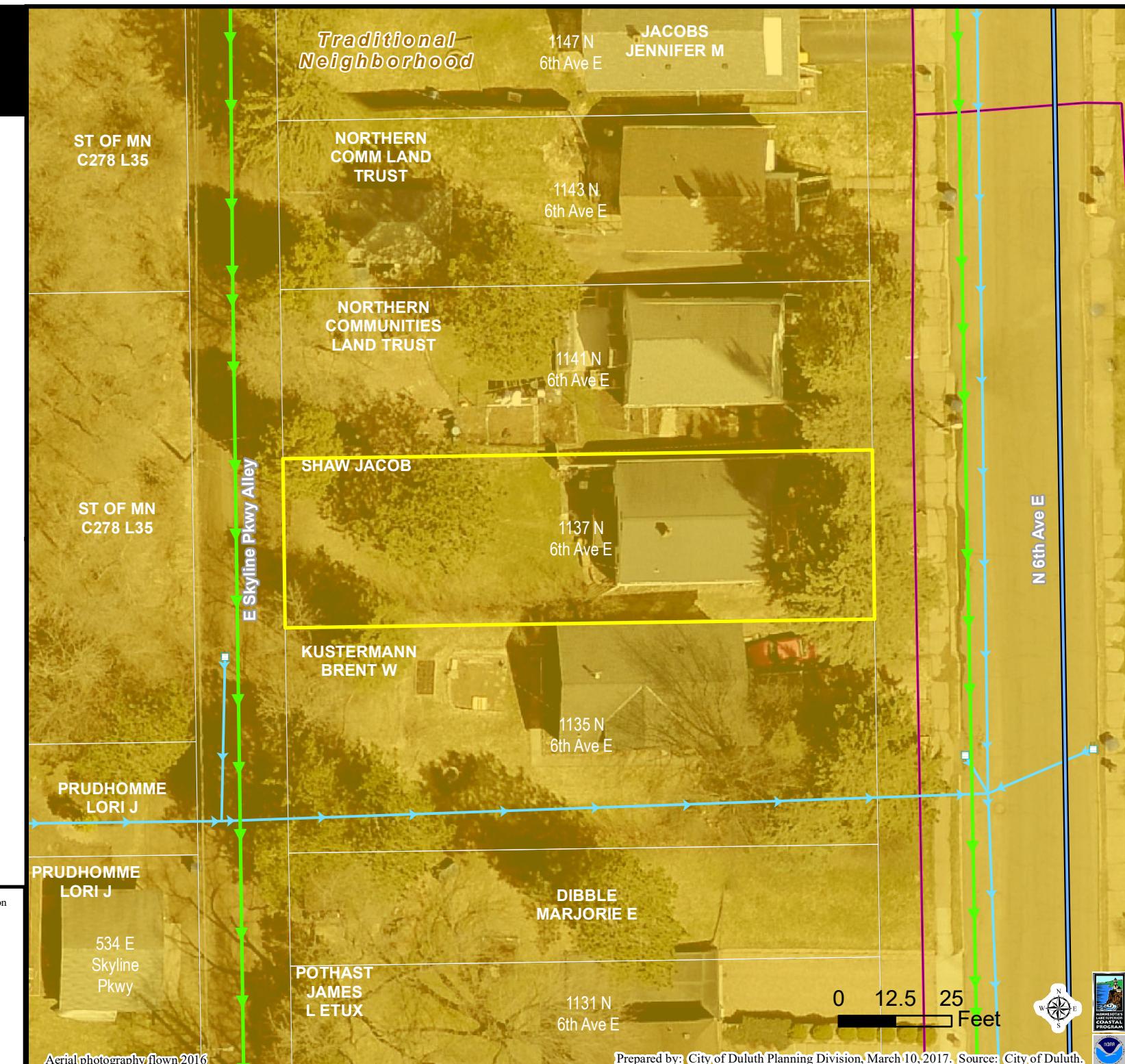
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin

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 2016



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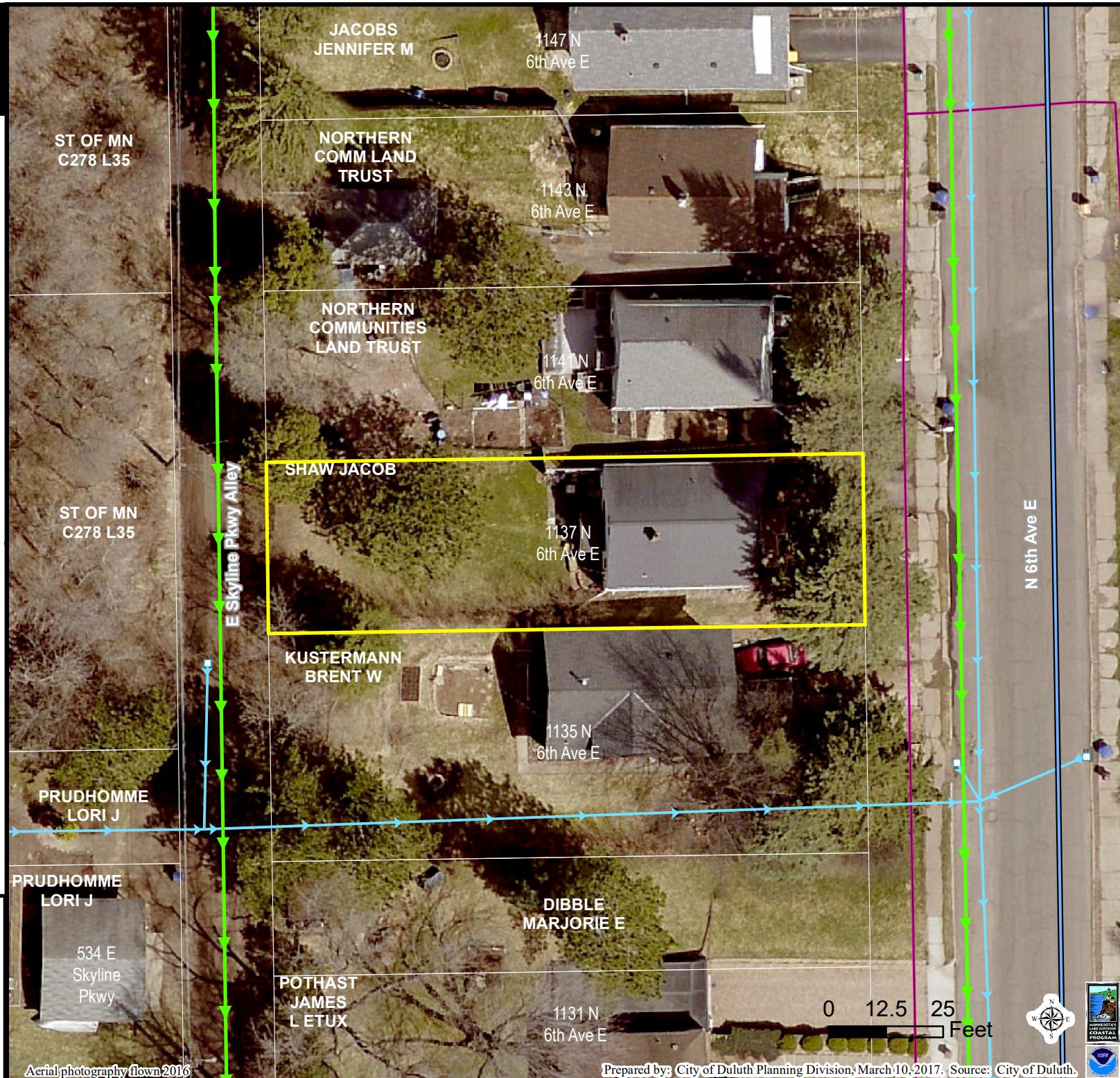
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Aerial photography flown 2010

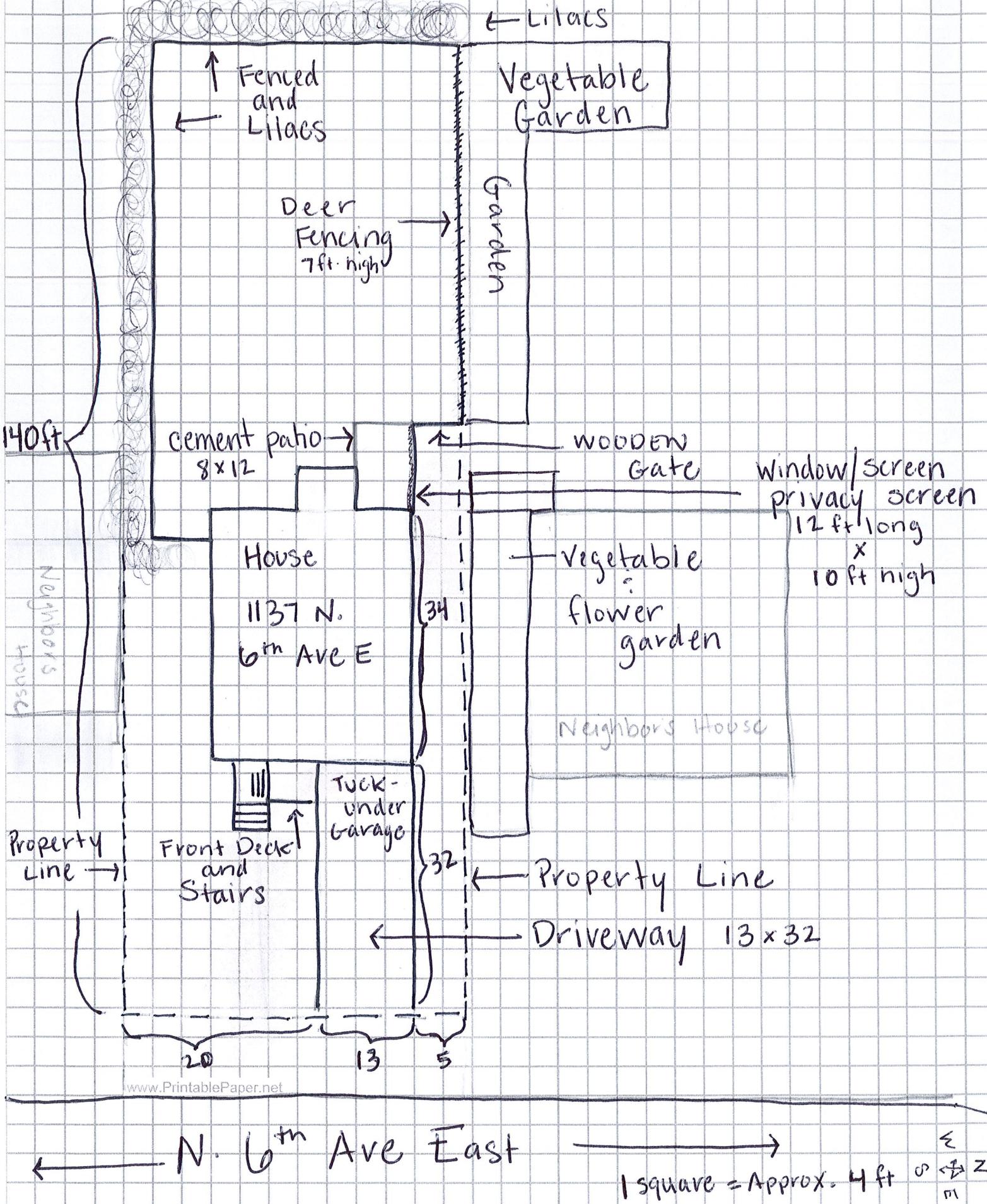


Prepared by: City of Duluth Planning Division, March 10, 2017. Source: City of Duluth



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ALLEY



**1137 N 6th Ave E
Duluth MN 55805**

We are interested in providing a vacation rental home to provide lodging for couples, a small group of friends or families so they may visit the great city of Duluth, which we are lucky enough to call home.

1. The vacation rental dwelling will allow no less than a rental period of two consecutive nights.
2. The vacation dwelling unit is a three bedroom, 1.5 bathroom home. The maximum number of persons allowed to occupy the vacation dwelling unit is seven.
3. The vacation dwelling provides two off street parking space; one space in a tuck under garage and one space in the driveway. See site plan for location and dimensioned parking space.
4. One motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) will be permitted to be parked at the site, but this option will not be advertised.
5. We will obtain all licenses and permits from the City of Duluth and State of Minnesota that are required for guest occupancy on the property for 2 to 29 days. We will provide all reports, permits, tax ID and licenses that have been obtained or applied for.
6. We will provide all required documents in order to be issued a permit.
7. See attached site plan for dimensions on house, set back from lot lines, parking, outdoor amenities (patio) and existing buffer. The current buffer in the back yard is fencing and mature lilac bushes on the entire south side and west end of the yard. The east side of the yard runs adjacent to the neighbor's vegetable garden and is blocked off with deer fencing. The backyard patio that butts up to the back of the house has a wooden window screen privacy screen on the north side. If need be, we are open to barrier improvements; however, if at all possible, we would like to not impede on the sunshine for the neighbors garden.
8. As the owners of the property, our intent is to rent this home as a vacation rental for the entire term of the six year permit.
9. A guest record will be kept which will include name, address, phone number and vehicle license plate information on all guests. We will also have a list of guests through the booking site we plan to use, Airbnb.
10. We, the owners of the property, will act as managing agent and be the local contact. We will be living directly across the street. In the event this changes, the city will be informed.
Jacob and Janette Shaw
1136 N 6th Ave E Duluth MN 55805.
218-209-6325 (Jacob) 920-540-4981 (Janette)
11. After obtaining the Vacation Rental permit our contact information will be provided to all the neighbors within 100 feet of the property.
12. Expectations of tenant behavior will be posted inside the vacation rental unit. These expectations will also be listed in any adverted description. We are committed to making sure our guests know the expectations before booking our rental. We are also committed to keeping our fantastic neighbors happy.

13. We will post our permit number on all advertisements
14. Prior to renting the property we will contact the Fire Marshall to inspect the property. We shall comply with any recommendations. (currently awaiting a return phone call)
15. We will apply for State and local sales tax numbers, including Hotel and Motel Use Sale Tax.
(permits submitted March 6th, 2017)

March 5, 2017

Melissa Boyle and Jen Stenersen
1141 North 6th Ave East
Duluth MN 55805

City of Duluth
Life Safety Division

To Whom It May Concern:

We have lived on North 6th Ave East for 13 years. Janette and Jacob Shaw have been our next door neighbors for the past four years. They wish to convert their current home at 1137 North 6th Ave East to an Airbnb vacation rental. We have no doubt about their commitment to our neighborhood wellbeing and character. They will not be moving far away, rather just across the street to their other home at 1136 North 6th Ave East. We have no concerns about parties or disturbances from the guests Jacob and Janette choose for short term rentals of their home. Instead we plan to welcome our new temporary neighbors, helping them experience Duluth beyond Canal Park and sharing with them what makes our Hillside neighborhood special.

We have had only positive experience as guests at several different Airbnbs in the Twin Cities; Madison, Wisconsin and Florida. Not all tourists want a typical hotel experience. Staying at an Airbnb helped stretch our travel budget, and allowed us to spend more money at other tourist attractions and local stores. The firsthand knowledge about the area from our Airbnb hosts helped us explore the city beyond the typical tourism centers.

This type of lodging should be an important part of Duluth's tourism industry, and we think Airbnbs are certainly options visitors to Duluth and travelers with moderate incomes like ourselves would appreciate.

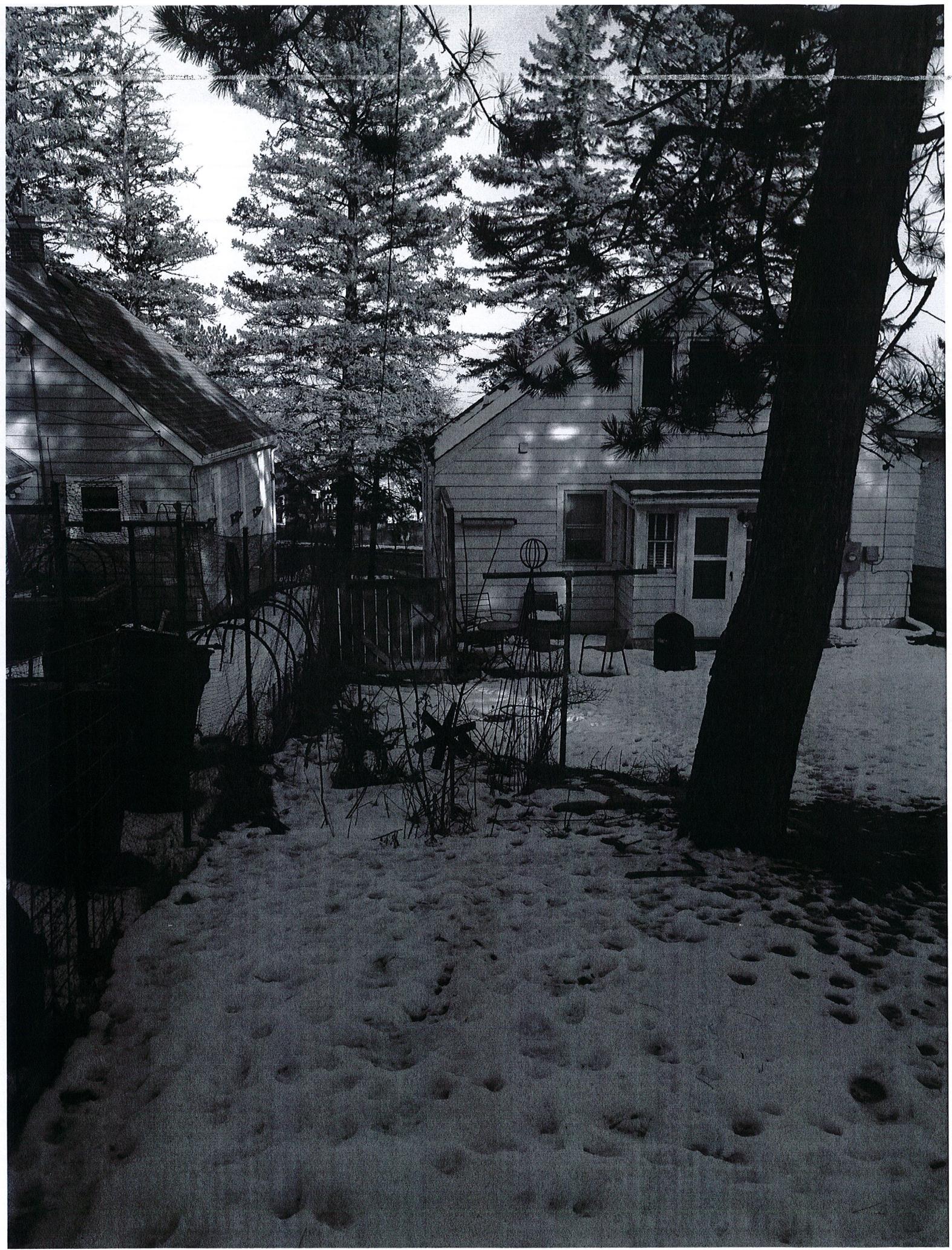
Sincerely,

The image shows two handwritten signatures. The signature on the left is "Melissa Boyle" and the signature on the right is "Jen Stenersen". Both signatures are in cursive and appear to be done in black ink.

Melissa Boyle and Jen Stenersen
1141 North 6th Ave East









Google Earth

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46°48'04.68" N 92°06'16.76" W elev 1030 ft eye alt 1032 ft