



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 19-158	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Interim Use Permit Renewal – Vacation Dwelling Unit	Planning Commission Date		December 10, 2019
Deadline for Action	Application Date	October 29, 2019	60 Days	October 27, 2019
	Date Extension Letter Mailed	November 8, 2019	120 Days	February 26, 2020
Location of Subject	1329 Minnesota Ave			
Applicant	Kate Hovarth and Joe Wicklund	Contact		
Agent		Contact		
Legal Description	Lot 0106 of Block 000 of the Upper Duluth Minnesota Avenue (PID 010-4390-01850 & 010-4400-00540)			
Site Visit Date	November 26, 2019	Sign Notice Date	November 26, 2019	
Neighbor Letter Date	November 25, 2019	Number of Letters Sent	30	

Proposal

Applicant proposes to renew an interim use permit and continue use of the house with 3 bedrooms for a vacation rental. The current permit allows up to 7 people to stay in the home. No changes to the use, occupancy, or site layout are proposed. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	One-Family Dwelling	Traditional Neighborhood
North	R-1	One-Family Dwelling	Traditional Neighborhood
South	R-1	One-Family Dwelling	Traditional Neighborhood
East	R-1	One-Family Dwelling	Traditional Neighborhood
West	R-1	One-Family Dwelling	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 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 .



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

Governing Principle #5 - Strengthen neighborhoods

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

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 and neighborhood extensions, and new traditional neighborhood areas.

History: The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use. There have been no complaints filed with the City related to the vacation dwelling unit.

Review and Discussion Items:

- 1) Applicant's property is located at 1329 Minnesota Avenue. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests. This 1,172 square foot home was constructed in 1899.
- 2) The property was previously permitted for a Vacation Dwelling Unit (PL 13-030 and PL 16-046).
- 3) The applicant has listed Heirloom Properties as the managing agent. This is a new managing agent and the applicant will be required to notify property owners within 100' of the property of the managers contact information.
- 4) The site has room for 2 vehicles to be parked on a parking pad behind the property.
- 5) The applicant has indicated on the site plan that a deck, a patio with basketball hoop, and fire pit will be used as an outdoor amenity. The deck and patio is screened by an existing fence. These amenities are unchanged from previous permits.
- 6) In previous vacation dwelling unit interim use permit reviews in the Park Point neighborhood, the Planning Commission has recommended conditions that the applicant notify their guests in writing where the nearest pedestrian access to the Lake Superior beach may be found as well as the requirements no fires on the beach and of quiet hours at the property between 10 p.m. and 8 a.m.
- 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 has obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, and has a Tax ID number, a fire operational permit, and a Hotel/Motel License.



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7) Applicant must comply with vacation dwelling unit regulations, including providing information to guests on city rules such as parking, parks, pets, and noise.

8) 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 approval subject to the following:

- 1) 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.
- 2) The applicant shall adhere to the site plan submitted on October 29, 2019 and 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 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, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50.



PL 19-158: Interim Use
1329 Minnesota Ave



Legend

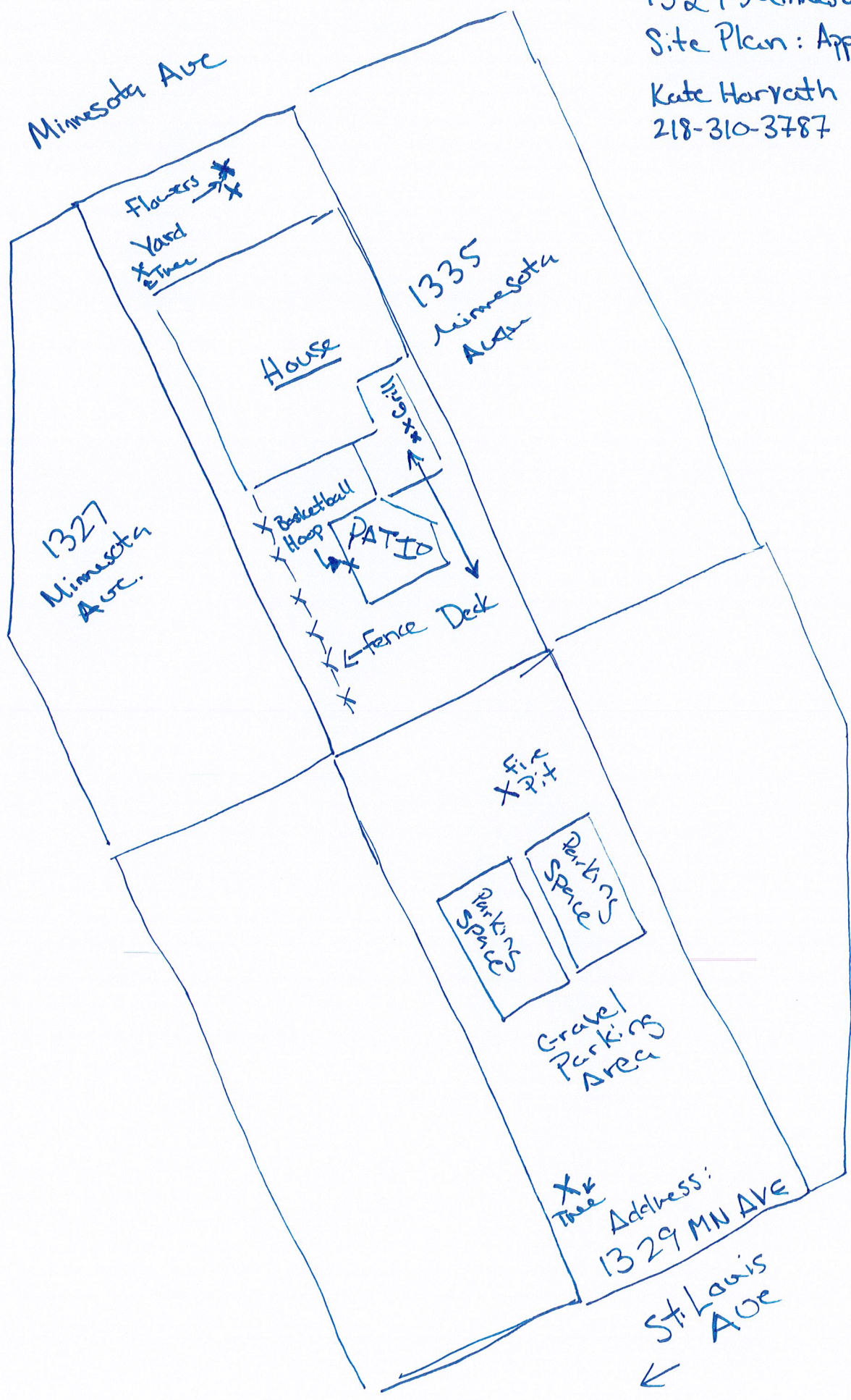
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Vacated ROW
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, November 17, 2019, Source: City of Duluth

1329 Minnesota Ave.
Site Plan: Application date
10/28/19
Kate Horvath
218-310-3787



Minnesota Ave

1327
Minnesota
Ave.

1335
Minnesota
Ave

Flowers
Yard
Trees

House

Driveway

Basketball
Hoop

PATIO

Fence Deck

Fire
Pit

Parking
Space

Parking
Space

Gravel
Parking
Area

Tree

Address:
1329 MN AVE

St. Louis
Ave





