



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLIUP-2411-0018		Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		February 11, 2025
Deadline for Action	Application Date		November 2, 2024	60 Days	March 1, 2025 (extended)
	Date Extension Letter Mailed		November 20, 2024	120 Days	April 30, 2025 (extended)
Location of Subject		608 West 4 th Street, Unit 3			
Applicant	Justin & Alyssa Voegele		Contact		
Agent			Contact		
Legal Description		PID # 010-1270-01150			
Site Visit Date		November 23, 2024	Sign Notice Date		January 17, 2024
Neighbor Letter Date		November 18, 2024	Number of Letters Sent		36

Proposal

Applicant proposes to use a one-bedroom unit within an existing multi-family dwelling located at 608 West 4th Street, Unit 3 as a vacation dwelling unit. Up to 3 people would be allowed to stay in the unit. This property was on the eligibility list for a vacation dwelling unit.

Recommended Action: Staff recommends that Planning Commission deny the interim use permit based on the lack of available off street parking in a complaint location.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Traditional Neighborhood
North	R-2	Vacant land	Traditional Neighborhood
South	R-2	Vacant land	Traditional Neighborhood
East	R-2	Vacant land	Traditional Neighborhood
West	R-2	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 Section 50-20.3.V Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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.

UDC Sec. 50-24.4 Location of parking spaces... parking is only permitted in the rear yard, and the rear yard, and the area



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between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard.

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 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: This 3,245 sq ft home was built in 1890. The home is a 4-unit multifamily dwelling. Units 1 and 4 have been issued interim use permits for vacation dwelling units.

Review and Discussion Items:

Staff finds that:

- 1) Applicant's property is located at 608 West 4th Street. The property is zoned R-2, Urban Residential. Unit 3 is located on the first floor of a four-unit multifamily dwelling. The proposed vacation dwelling unit ("VDU") contains 1 bedroom, which would allow for a maximum of 3 guests for a minimum rental period of two nights.
- 2) The applicant failed to demonstrate compliance with the parking standards in Section 50-20.3.V.3, which require operators of one-bedroom VDUs to provide at least one legally authorized off-street parking space. Specifically, the application included a parking space located in the property's front yard in violation of the parking restrictions in UDC Section 50-24.4 for residentially zoned property.
- 3) The applicant contends the City already authorized use of the proposed parking stall, citing a building permit and site plan issued on June 22, 1977 (attached). However, the building permit applications state that they are for the construction of an addition and deck. The building permit application does not request approval of construction of parking regardless of the site plan. The permit cost stated on the application is the cost of construction of the addition and deck, not the parking areas.
- 4) The Duluth City Code has continuously prohibited front yard parking spaces in residential districts since 1958. See Ord. No. 7158, § 20.3.3 (July 14, 1958). As such, even assuming the 1977 permit authorized one or more front yard parking spaces on the applicant's property, that decision was not supported by law and the past errors of City officials do not legally justify approval of new or continued uses that violate the UDC. See *Mohler v. City of St. Louis Park*, 643 N.W.2d 623, 634 (Minn. Ct. App. 2002).
- 5) The applicant has indicated they will not allow motorhome or trailer parking.
- 6) The site plan indicates a deck as the only outdoor amenity.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has



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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 David Hagemann to serve as the managing agent.

- 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) An applicant that is approved for an IUP to operate a vacation dwelling unit must comply with vacation dwelling unit regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 10) There are currently 167 licensed vacation dwelling units in the city, with 82 of those in form districts; the remaining 85 are subject to the cap of 100.
- 11) No City, public or agency comments were received.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

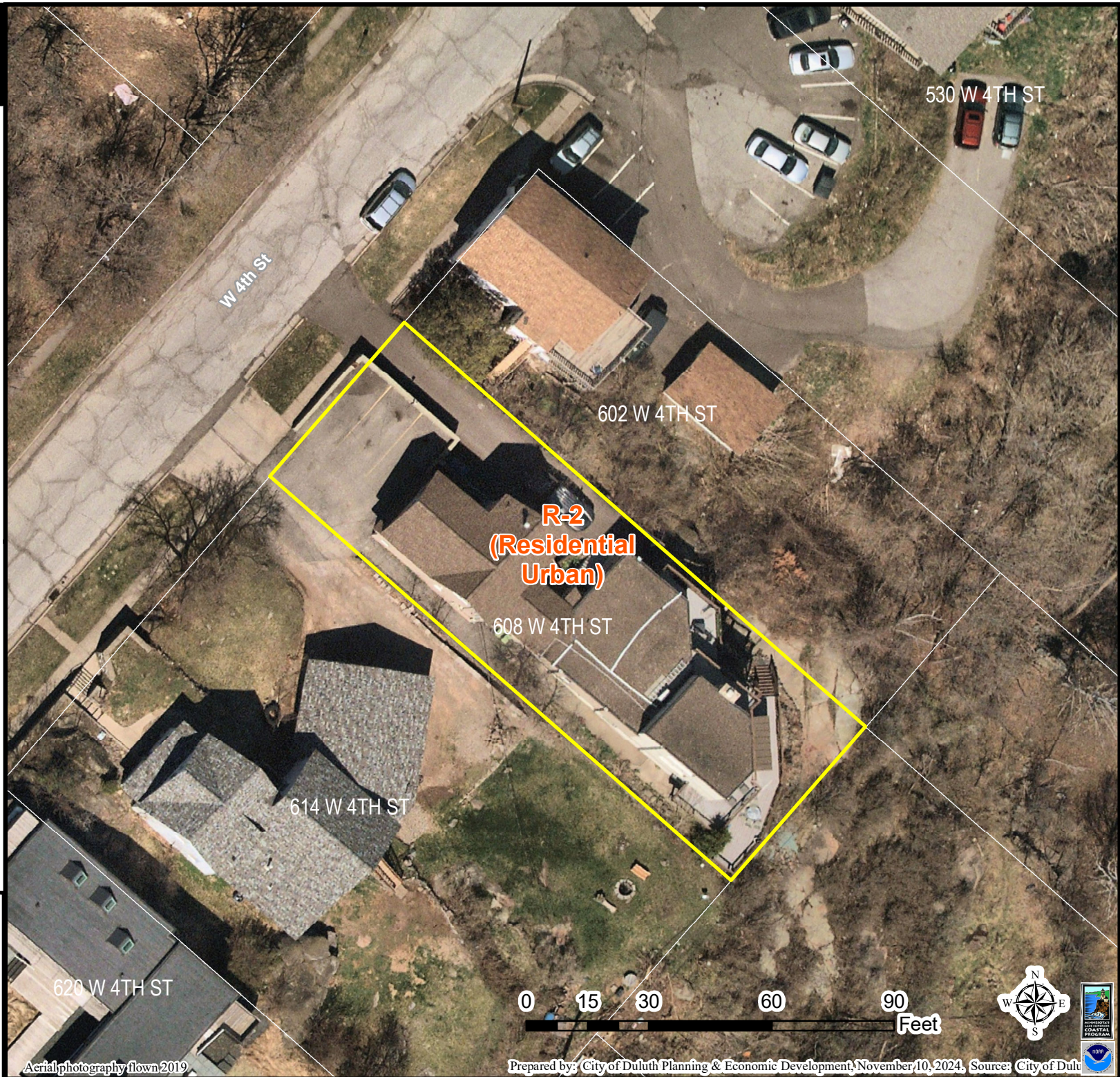
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission deny the permit based on the following reason:

- 1) The off-street parking space proposed by the applicant is prohibited under UDC 50-24.4, so the application does not satisfy the off-street parking requirement to operate a vacation dwelling unit under 50-20.3.V.3.



PLIUP-2411-0018
Interim Use Permit
608 E 4th St



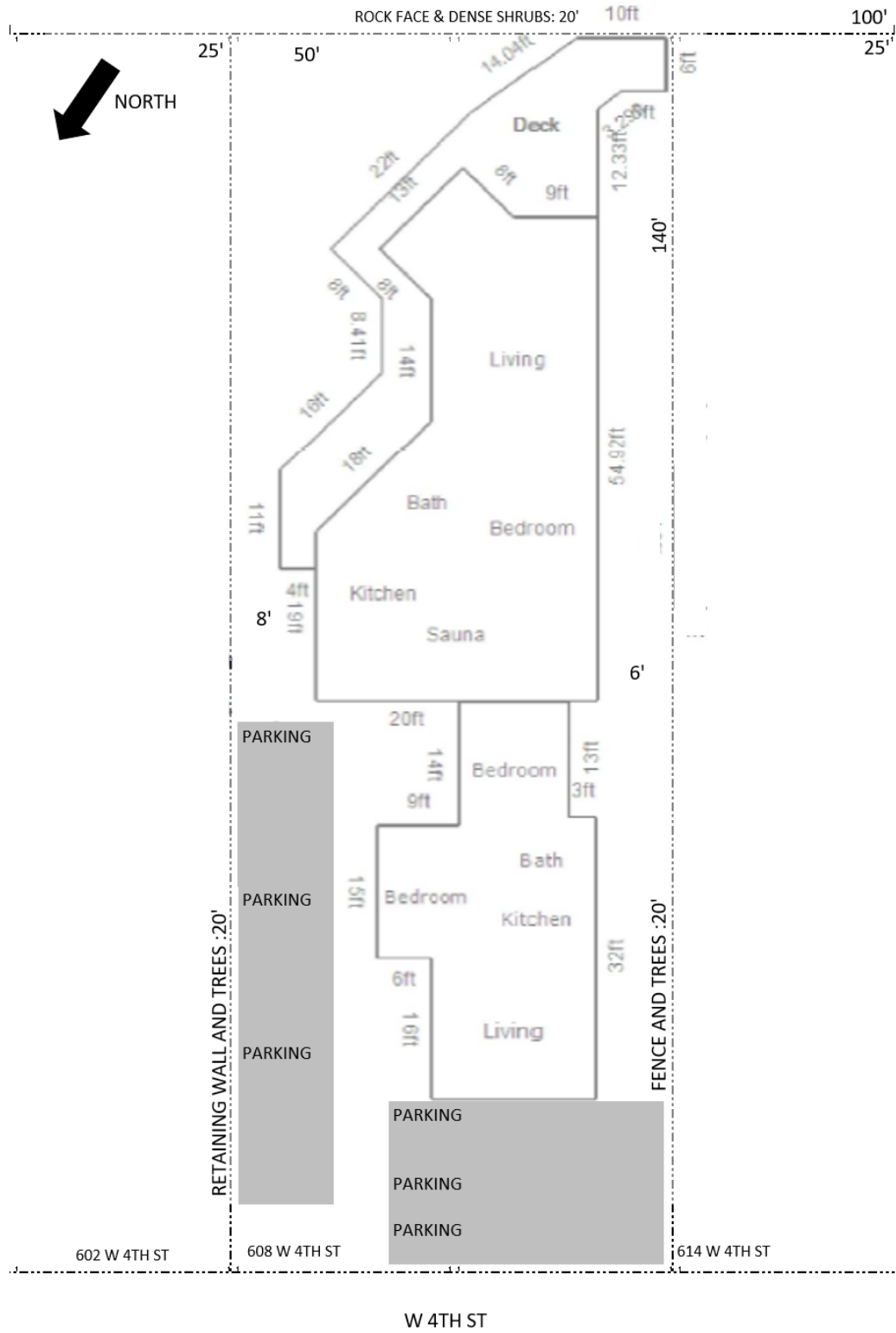
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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, November 10, 2024, Source: City of Duluth

608 W 4TH STREET, DULUTH SITE MAP

608 SITE PLAN: NOTHING ADDITIONAL NEEDED DUE TO PRESENCE OF TREES ON PROPERTY LINES



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?

2 night(s).

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?

1

What will be your maximum occupancy?

3 or Bedroom # + 1

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?

1

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?

No

If so, where?

N/A

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):

EXCEL SPREADSHEET STORED ON A GOOGLE DRIVE

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:

DAVID HAGEMANN

608 W 4th St

2187274489

DAVIDHAGEMANN@CHARTER.NET

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:

WILL BE LISTED ON THE VACATION RENTAL LISTING SITE AS WELL AS A BINDER IN THE HOME

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.