



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 23-023	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Accessory Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	January 31, 2023	60 Days	April 1, 2023
	Date Extension Letter Mailed	February 28, 2023	120 Days	May 31, 2023
Location of Subject		420 West 9 th Street		
Applicant	Ben Gasner	Contact		
Agent		Contact		
Legal Description		PID # 010-1350-05230		
Site Visit Date		April 28, 2023	Sign Notice Date	April 25, 2023
Neighbor Letter Date		April 13, 2023	Number of Letters Sent	12

Proposal

Applicant proposes to use a one-bedroom accessory home as a vacation dwelling unit. Up to 3 people will be allowed to stay in the home.

The applicant has applied for a renewal to their Interim Use Permit PL 17-099.

Recommended Action: Staff recommends that Planning Commission approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	RR-1	Communication towers	Traditional Neighborhood
South	R-1	Vacant land	Traditional Neighborhood
East	R-1	Vacant land	Traditional Neighborhood
West	R-1	Vacant land	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. 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.



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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 provides 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 subject property, 420 West 9th Street, had an approved interim use permit in 2017, which expires in 2023. Records do not indicate any known violation to the existing permit.

Review and Discussion Items:

- 1) Applicant's property is located at 420 West 9th Street. The vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests.
- 2) This is a renewal interim use permit. When originally permitted in 2017, this unit was the only structure on the property. Applicant proposes to build a new house on the property for personal use, making this structure an accessory dwelling unit.
- 3) When originally created as a dwelling unit in 2017, applicant was required to build road frontage as required by UDC Section 50-21.2.E. This road has not been constructed to date; however, applicant has submitted road plans to City Engineering which have been approved. Applicant has indicated this road will be constructed in spring 2023 as soon as the construction season begins.
- 4) Parking for the accessory dwelling unit is located in the driveway and by the dwelling unit. The applicant has stated that 6 parking spaces are provided.
- 5) The applicant has indicated there will not be a space for camper or trailer.
- 6) The site plan does not indicate any outdoor amenities. However aerial photography does show a fire pit located north and east of the dwelling unit. Aerial photography also identifies vegetation along the property lines. The property is adjacent to residential zoning but does not have residential uses adjacent to the site. Staff believes this is a sufficient dense urban screening for the outdoor amenity from the adjacent properties.
- 7) 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



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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.

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) Applicant 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) No comments from citizens, City staff, or any other entity were received regarding the application. No issues or complaints have been reported since the initial vacation dwelling unit was authorized in 2017.

11) 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 approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Applicant shall construct a 50-foot section of road satisfying the administratively adjusted street frontage requirements to city street construction standards prior to the activation of the approved Interim Use Permit PL 23-023.
- 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 23-023
420 West 9th Street

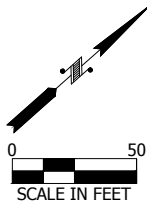
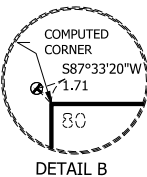
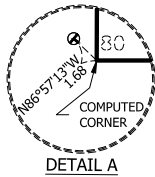


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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.



LEGEND

- FENCE POST
- GUY WIRE
- UTILITY POLE
- FOUND REBAR RLS. NO. 40077
- UTILITY VAULT
- FOUND REBAR RLS. NO. 49505
-
- SET CAPPED REBAR RLS. NO. 49505
- FOUND T-STAKE MONUMENT
- FOUND REBAR RLS. NO. 21774
- CONCRETE SURFACE
- GRAVEL SURFACE
- OHP OVERHEAD UTILITIES

LEGAL DESCRIPTION PER CLIENT

Lot 65 thru 72, 74, 76, 78 and 80, Block 111, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA SURVEY COMPANY, INC. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA SURVEY COMPANY, INC. OR THE SURVEYOR.

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I hereby certify that this plan, specification, 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.

Date: NOVEMBER 3, 2014

David R. Evanson MN License No. 49505

CERTIFICATE OF SURVEY	
CLIENT: BENJAMIN GASNER	REVISIONS: XXX
DATE: 11-3-14	
ADDRESS: XXX	
JOB NUMBER: 14-457	

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