



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-075	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		July 9, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	May 28, 2019	<b>60 Days</b>	July 27, 2019
	<b>Date Extension Letter Mailed</b>	June 12, 2019	<b>120 Days</b>	September 25, 2019
<b>Location of Subject</b>	13402 West 3 <sup>rd</sup> Street			
<b>Applicant</b>	Matthew Evingson	<b>Contact</b>	mevingson@hotmail.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	E 10 ft. of Lot 17 and all of Lot 19, Fond du Lac, Third Street (010-1610-00090, 00100)			
<b>Site Visit Date</b>	June 24, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 20, 2019	<b>Number of Letters Sent</b>	9	

**Proposal**

This is a renewal for permit PL 13-065. Applicant proposes to use the house with 5 bedrooms each for vacation rentals. Up to 11 people will be allowed to stay in the home. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	One-Family Dwelling	Neighborhood Commercial
<b>North</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>South</b>	MU-N	Campground	Traditional Neighborhood
<b>East</b>	MU-N	One-Family Dwelling	Traditional Neighborhood
<b>West</b>	MU-N	Campground	Traditional Neighborhood

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the MU-N 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



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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 #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 – Neighborhood Commercial

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 at 13402 West 3<sup>rd</sup> Street. The proposed vacation dwelling units contains 5 bedrooms, which would allow for a maximum of 11 guests. This 2,446 square foot traditional home was constructed in 1920 and features a tuck under garage.
- 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. Applicant has listed himself to serve as the managing agent.
- 3) The site has room for 4 vehicles to be parked on the driveway and off the street. There will be a space on the east side of the home for a camper parked on a pad. The camper must be unoccupied during rental period.
- 4) The applicant has indicated that a deck and fire pit will be used as outdoor amenities. These amenities are screened with an existing privacy fence.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses



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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, have a Tax ID number, a fire operational permit, and 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 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 Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) 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.
- 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.

STATE HWY. 23 (WEST 3RD STREET)

EXISTING DRIVEWAY / CURB CUT

EXISTING SIDEWALK

PROPERTY LINE = 91.00'

EXISTING PINE TREES

New Driveway and Parking area for 4 vehicles to be created after HWY 23 modifications with existing curb-cut.

FUTURE PARKING IF NEEDED

Temporary Parking until Hwy 23 project completed in summer 2017. Uses existing pavement and gravel.

NEW COVERED PORCH - SEE ARCH. PLAN

New Walkway

9'-0" TYP.

17'-0" TYP.

21'-0"

10'-0"

EXISTING HOUSE (2 STORY 1,200 S.F. PER FLOOR)

Privacy fence

PROPERTY LINE = 120.50'

PROPERTY LINE = 120.50'

Central AC

fire pit



Privacy fence

new outdoor Grill - Affixed in ground

NEW WOOD DECK - SEE ARCH. PLANS

PROPERTY LINE = 91.00'

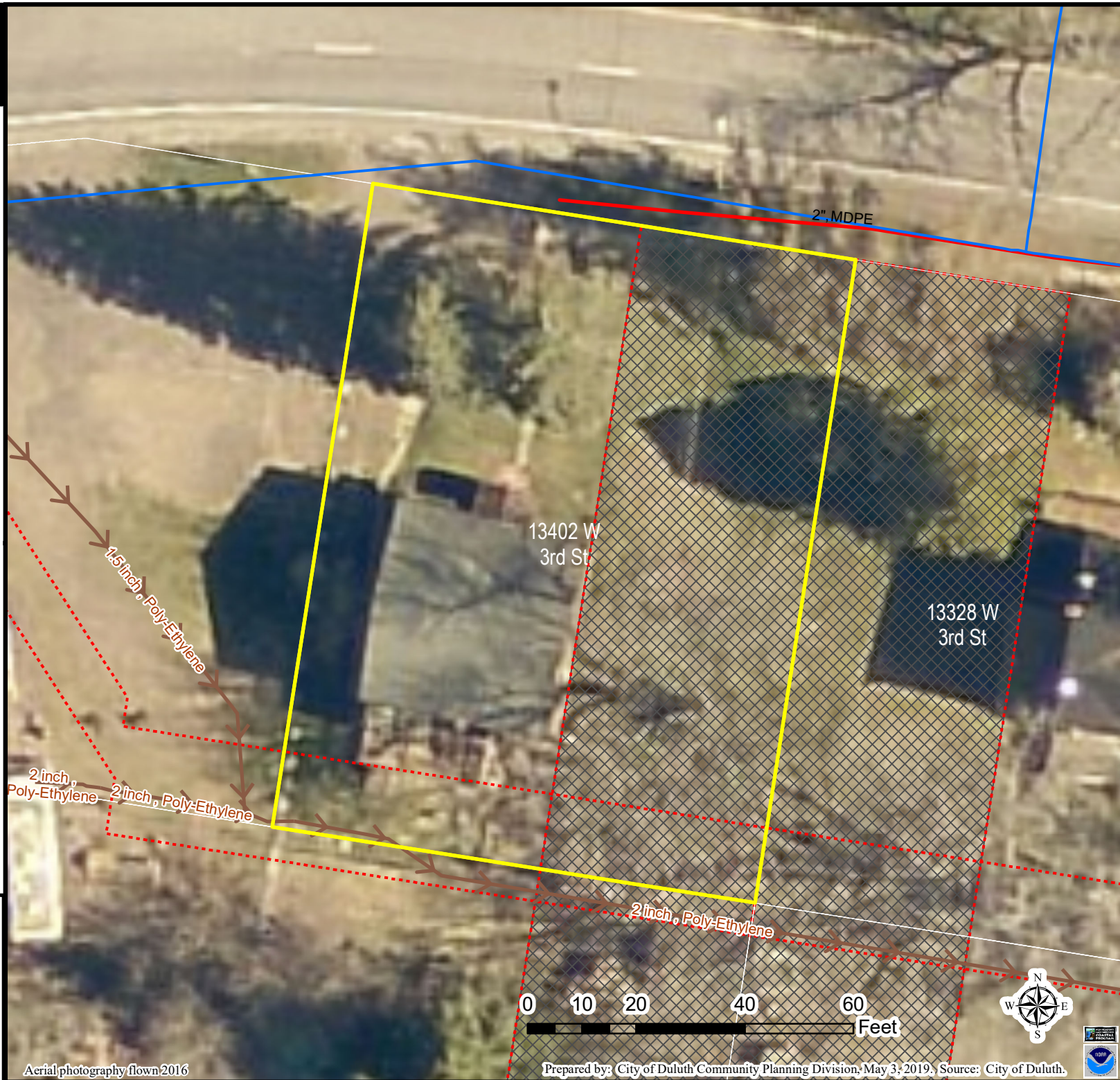
Privacy fence

# 1 architectural site plan

1/8" = 1'-0"



13402 W 3rd St



**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

- Storage Basin
- Pump Station

**Storm Sewer Mains**

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW

**Easement Type**

- Utility Easement
- Other Easement

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Aerial photography flown 2016



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

