



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 23-200	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling	Planning Commission Date		December 12, 2023
Deadline for Action	Application Date	November 6, 2023	60 Days	January 5, 2024
	Date Extension Letter Mailed	November 13, 2023	120 Days	March 5, 2024
Location of Subject		413 South 20th Avenue East		
Applicant	Jason Kleiman	Contact		
Agent		Contact		
Legal Description		PID # 010-1460-00620		
Site Visit Date		November 30, 2023	Sign Notice Date	November 28, 2023
Neighbor Letter Date		November 16, 2023	Number of Letters Sent	26

Proposal

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

The applicant was not on the eligibility list; this is a property in the form district that is exempt from the eligibility list. Vacation dwelling units located in a Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Residential	Neighborhood Mixed Use
North	F-2	Commercial	Neighborhood Mixed Use
South	F-2	Residential	Neighborhood Mixed Use
East	F-2	Commercial	Neighborhood Mixed Use
West	F-2	Residential	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-6 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 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. 3. There is a city-wide cap on vacation dwelling units or accessory vacation dwelling units; permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

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

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.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

History: 413 South 20th Avenue East- The 2,496 square foot building was built in 1950. The first floor is office space. The upper floor will be used for the vacation dwelling unit.

Review and Discussion Items

Staff finds that:

- 1) Applicant's property is located at 413 South 20th Avenue East. The unit is located on the second floor of the structure. The proposed vacation dwelling is a one-bedroom unit. The unit would allow for a maximum of 3 guests.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
- 3) The applicant has noted on the site plan that there will be two off street parking spaces provided in the rear yard area of the building.
- 4) The applicant has noted that there will be no parking for a camper or trailer.
- 5) The site does not have any outdoor amenities in the rear yard area. The applicant will need to provide a dense urban screen of vegetation or fencing along the south property line or the requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter. The applicant does plan on providing screening on the existing covered exterior patio in the front of the house from the property to the south.
- 6) 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 applicant has listed themselves to serve as the managing agent, which meets the criteria.
- 7) 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.
- 8) 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").
- 9) No comments from citizens, City staff, or any other entity were received regarding the application.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

10) The permit will expire 6 years from the approval date. The permit will lapse if no activity takes place within 1 year of approval.

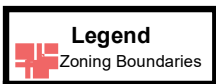
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the interim use permit subject to the following:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) 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 approval; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



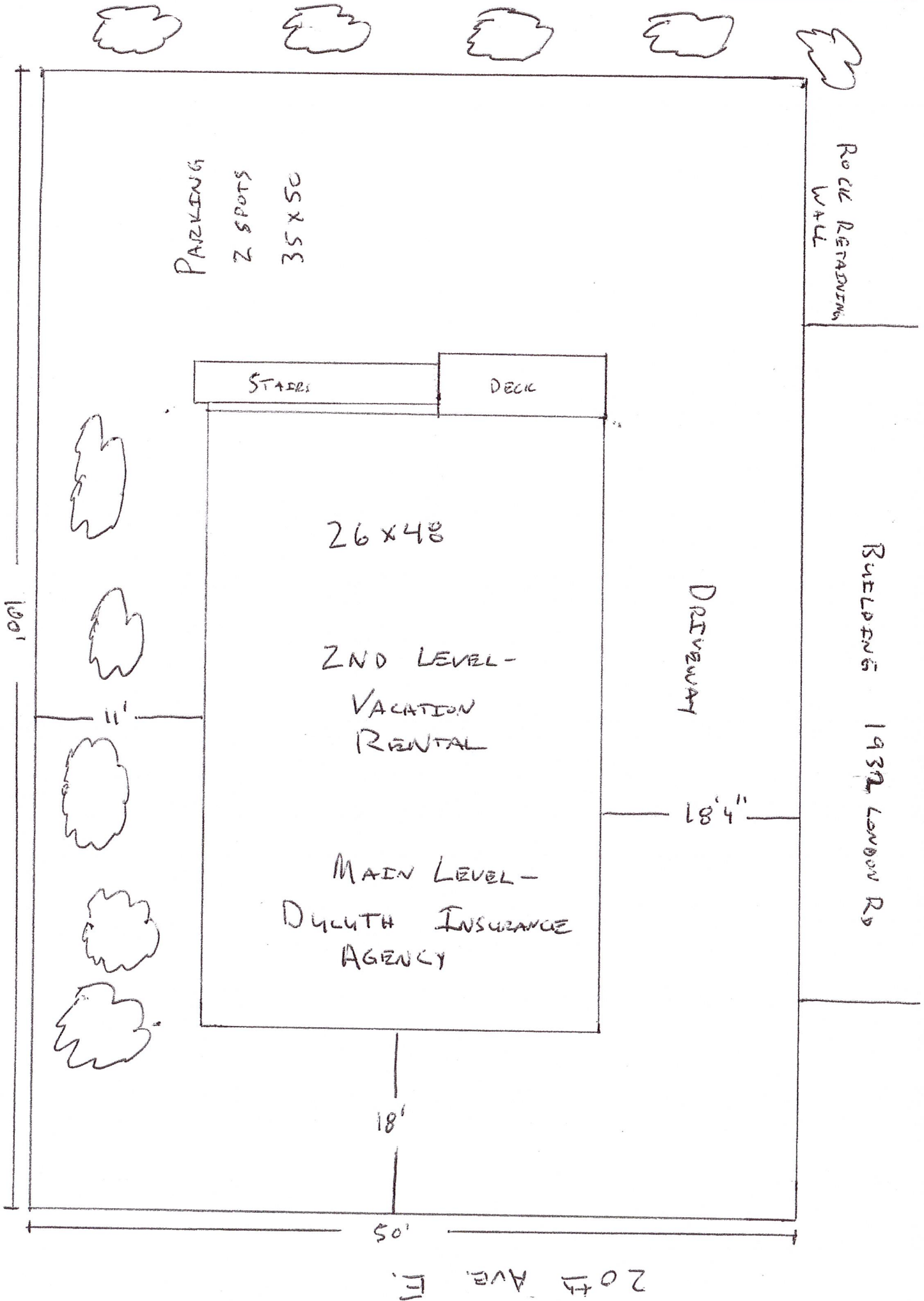
413 South 20th Avenue East



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.



ICO



413 S. 20th AVE. E.

