



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 21-010	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	April 13, 2021	
Deadline for Action	Application Date	March 5, 2021	60 Days	May 4, 2021
	Date Extension Letter Mailed	March 20, 2021	120 Days	July 3, 2021
Location of Subject	942 89 th Avenue West Apt. 102			
Applicant	Ann VanRyswyk	Contact		
Agent		Contact		
Legal Description	PID # 010-3300-01950			
Site Visit Date	March 31, 2021	Sign Notice Date	March 30, 2021	
Neighbor Letter Date	March 31, 2021	Number of Letters Sent	51	

Proposal

Applicant proposes to use a two-bedroom apartment as a vacation dwelling unit. Up to 2 people will be allowed to stay in the home. The applicant is the owner of the property.

The applicant was on the waitlist for available IUPs for vacation rentals.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Multi-Family Residential	Traditional Neighborhood
North	R-1	Single Family Residential	Traditional Neighborhood
South	R-2	Single Family Residential	Traditional Neighborhood
East	R-2	Single Family Residential	Traditional Neighborhood
West	R-1	Single Family 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-2 zone 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.
3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for



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vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number 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):

- 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 structure is a 2,160 square foot multi-family dwelling containing 5 units (1 efficiency and 4 one-bedroom), constructed in 1913. The structure is currently a licensed multi-family rental.

Review and Discussion Items:

- 1) Applicant's property is located at 942 89th Avenue West, Apartment 102. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 2 guests.
- 2) The applicant is proposing 1 off street parking space in the driveway located in front of the detached garage. No modifications to the existing paved driveway are anticipated.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has indicated no outdoor amenities.
- 5) 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 Justin Wimmer to serve as the managing agent.
- 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) Construction Services commented that the applicant must check with their office for Building Code requirements prior



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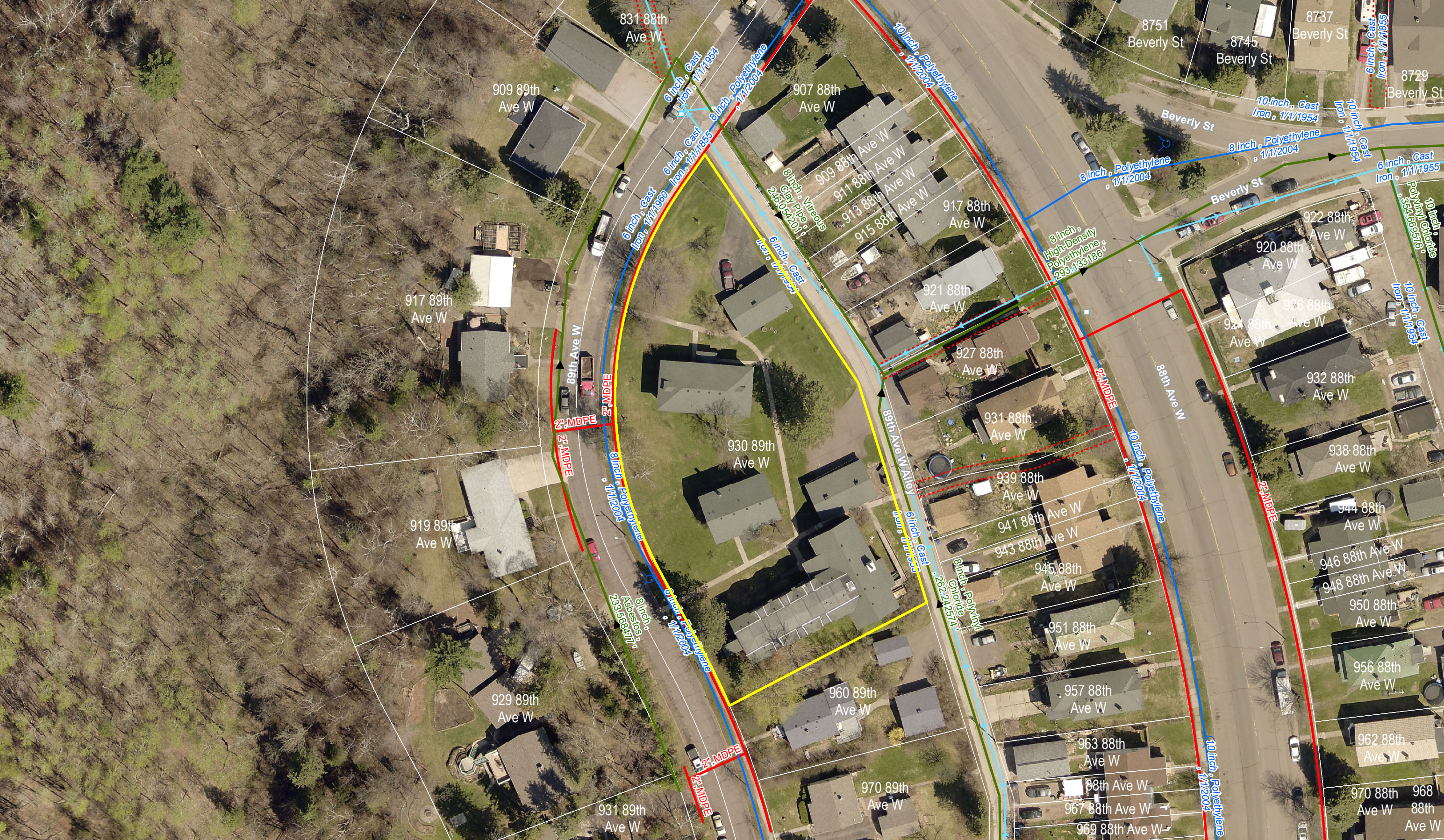
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to permit approval. No other comments from citizens, City staff, or any other entity were received regarding the application.

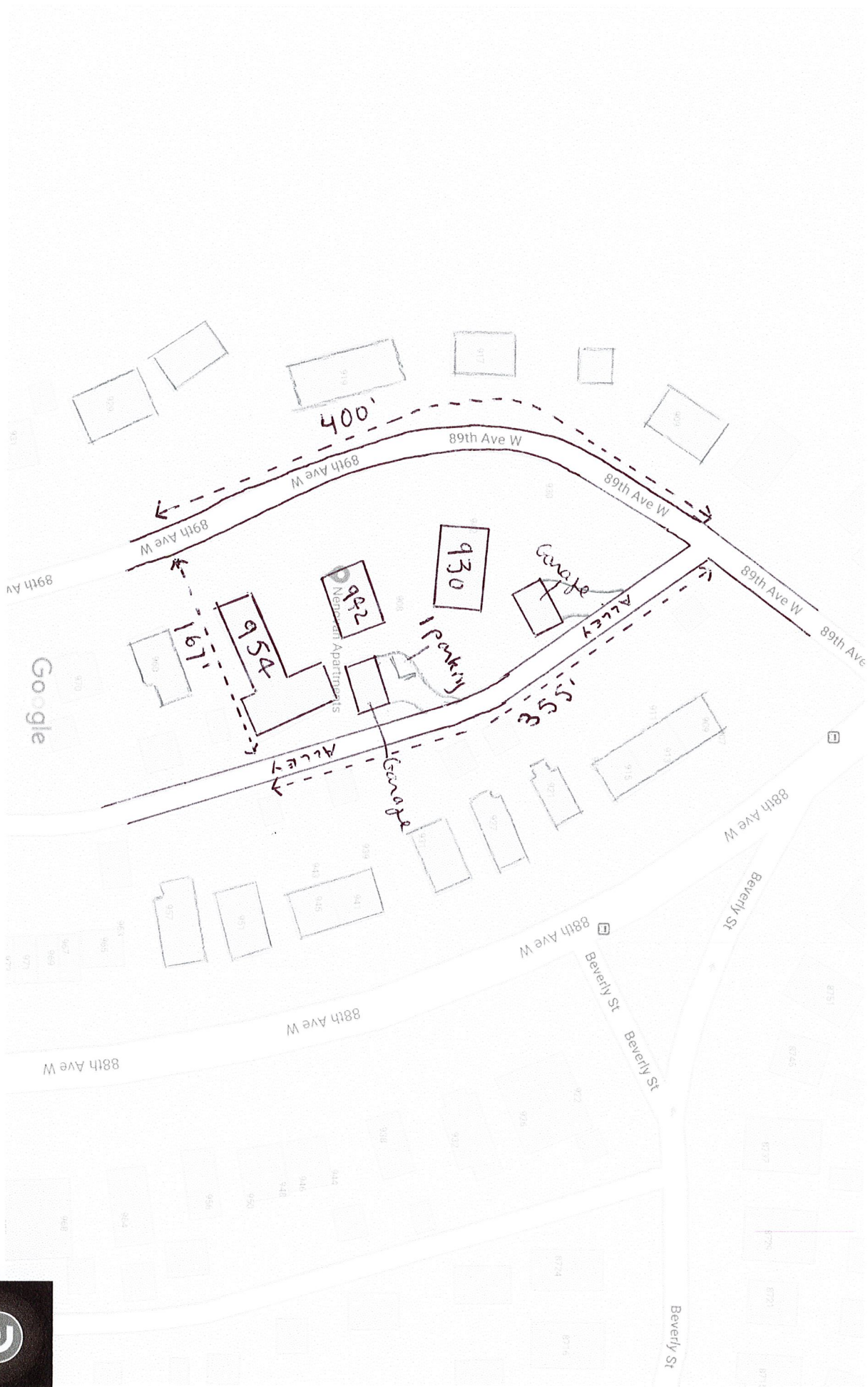
Staff Recommendation:

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 shall adhere to the terms and conditions listed in the Interim Use Permit.
- 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.



Google Maps



Map data ©2021

50 ft



Vacation Dwelling Unit Worksheet (September 2020)

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 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

1 2

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? If so, where?** no

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):

We will keep a detailed guest record @ 959 89th Ave. N.
Apt # 101

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.

Duluth
55808

Please provide the name and contact information for your local contact:

Justin Wimmer 218-491-3050

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:

The information will be printed and placed
in the rental apartment.

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.

Ann VanRyswyk
954 89th Avenue W. Apt. 101
Duluth, MN 55808
(612) 607-3283
hubert.bonnet@gmail.com

March 2nd, 2021

William Hakala
929 89th Avenue W.
Duluth, MN 55808

Dear Bill & Cindy,

This letter is to inform you that we are applying for an Interim Use Permit. Per the city of Duluth, we are required to notify neighbors that are living within 100 feet from our property. If you have any questions you can contact us via email or by phone.

Sincerely,

Ann VanRyswyk

Welcome to Apartment 102 at 942 89th Avenue West, Duluth!

Thanks for choosing our place for your stay in Duluth. Here are some information that we would like to share with you.

Towels

Towels are in the bathroom on the shelf.

Heat

The apartment should feel comfortable, but if you are cold please let us know (please do not change the temperature on the thermostat as it affects the whole building). And if you are too warm, you can shut the radiators off by turning the valve. We don't have central air.

Coffee

We have a coffee machine for your convenience.

Food items and groceries

There is tea and coffee for your to use in the kitchen. Whatever food items you find in the cupboards and the fridge feel free to use. For groceries there is a Whole Foods Coop at 4426 Grand Avenue. They have a large selection of local & organic produce and other high quality food. There is also a Super One grocery at 5300 Bristol St. in west Duluth.

WIFI

Network: MySpectrumWIFI22 - 5G

PW: purpletiger353

Guests

The maximum of guests allowed in this unit is 2.

TV

To access Netflix and other apps, press "smarthub" on the tv remote.

Parking

There is parking for one car in the garage driveway under the tree, accessible from the alley.

Willard Munger Trail

With a bicycle you can easily access the trail from this location.

Spirit Mountain

Less than 5 minutes by car, a great place for downhill skiing, cross-country skiing, and mountain biking.

Mont Du Lac

About 10 minutes away, great place for downhill skiing.

Shops & Restaurants

We have listed numerous places in our guest book on Airbnb.

Lock

Please lock the door when you leave.

Trash

Underneath the sink, on the right side, there is a trash bin and to the left side, there is a recycling bin. If your stay is long and you need to throw away your trash, please let us know.

Smoking/Pets

Please note that we have a no smoking and no pet policy.

Sickness/Emergency

In case you get sick there is a pharmacy at Walgreens on 4501 Grand Avenue. At 4702 Grand Avenue there is an Urgent Care at St. Luke's Denfeld Medical Clinic. For any major issue obviously call 911.

Bluetooth Speaker

You can play music on your phone using the bluetooth speaker located in the living-room. Turn the speaker on, and select ENEBY20 by going to Bluetooth on your phone.

Check-out

Check out time is at 11am.

Please put all dirty towels, dishrags etc. in the laundry basket in the bathroom.

Don't forget to lock the apartment.

Contact

Please text us for any concerns or questions. If you have an urgent concern that needs to be addressed please call Hubert at 218-409-0484.

On-site Manager

If need be, you can also contact the on-site manager. His name is Justin Wimmer and his number is 218-491-3050. He lives on the property at 930 89th Avenue West Apt. B1.

We wish you a wonderful stay in our beautiful city and neighborhood. Thank you again for choosing to stay with us!