



**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 21-066	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		June 8, 2021
<b>Deadline for Action</b>	<b>Application Date</b>	May 4, 2021	<b>60 Days</b>	July 3, 2021
	<b>Date Extension Letter Mailed</b>	May 18, 2021	<b>120 Days</b>	September 1, 2021
<b>Location of Subject</b>	2301 East 4 <sup>th</sup> Street			
<b>Applicant</b>	Michelle & Jim Lelwica, Owner	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	PID # 010-1380-03680			
<b>Site Visit Date</b>	May 28, 2021	<b>Sign Notice Date</b>	May 25, 2021	
<b>Neighbor Letter Date</b>	May 25, 2021	<b>Number of Letters Sent</b>	32	

**Proposal**

Applicant proposes to use a three-bedroom home as a vacation dwelling unit. Up to 6 people will be allowed to stay in the home.

The applicant was on the list as an applicant eligible to apply for an IUP for a vacation rental permit.

**Recommended Action:** Staff recommends that Planning Commission recommend approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Church	Traditional Neighborhood
<b>West</b>	R-1	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 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):**

Governing Principle #8 - Encourage mix of activities, uses, and densities. A short-term rental allows property owners to generate income from otherwise vacant properties 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 2,211 sq ft home was built in 1925 and contains 3 bedrooms.

**Review and Discussion Items:**

- 1) Applicant's property is located at 2301 East 4<sup>th</sup> Street. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) The applicant is proposing 2 off street parking spaces on a graveled parking area east of the existing garage and accessed from the East 5<sup>th</sup> Street Alley.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has indicated a sun deck and a fire pit as an outdoor amenities. The sun deck is located above a rear portion of the home. The fire pit is screened by the existing vegetation and the garage on the northeast corner of the backyard area.
- 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 Janelle Jones with North Shore Management 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



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

10) At the time this report was drafted no additional comments have been received.

**Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following

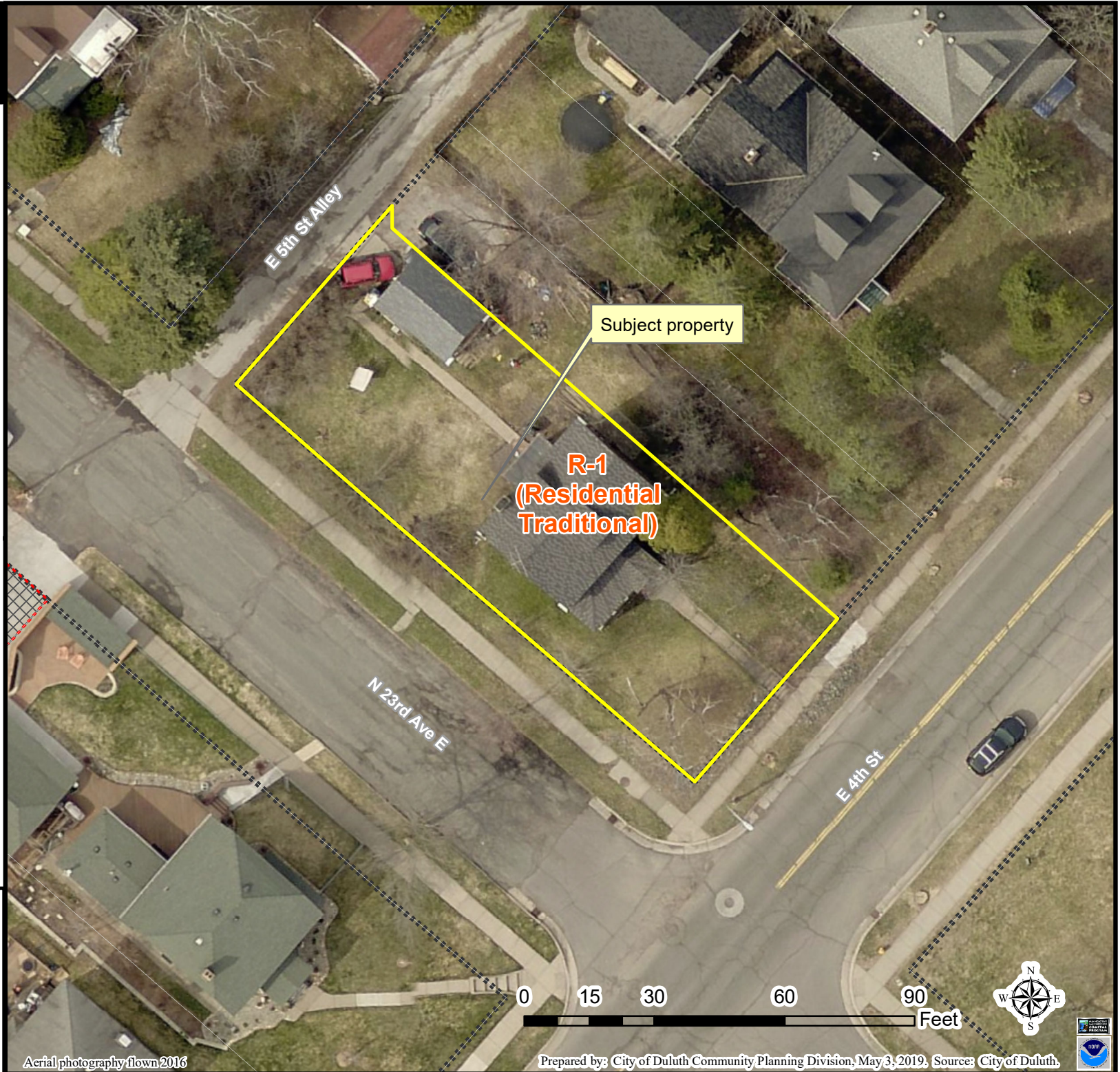
- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements 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.



PL 21-066  
Interim Use Permit  
Zoning Map

**Legend**

- ▬▬▬▬ Road or Alley ROW
- ⊠ Vacated ROW
- Easement Type**
- ▨ Utility Easement
- ▨ Other Easement
- ▬ Zoning Boundaries
- ▬ Trout Stream (GPS)
- ▬ Other Stream (GPS)



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Aerial photography flown 2016

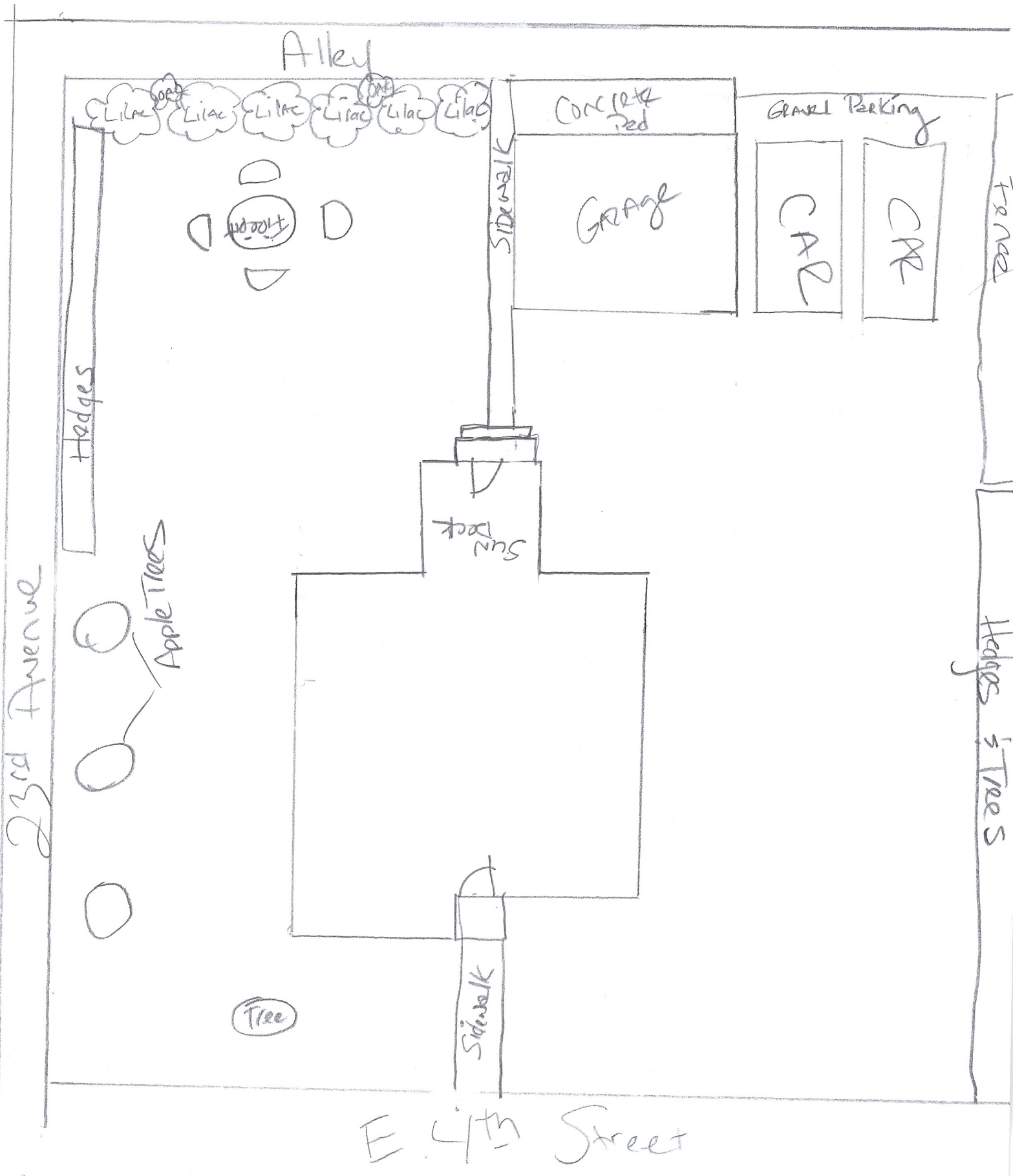
Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.



2301 East 4<sup>th</sup> Street

Duluth, MN

Site Plan



May 29, 2021

To The Duluth Planning and Development Division

We received the notice of the Interim Uses Permit for a Vacation Dwelling Unit at 2301 East 4<sup>th</sup> Street and we are opposed to the permit for a Vacation Rental Unit at that address.

We own a bed and breakfast at our historic home at the above address and we abide by rules and regulations set forth by the city, county, state, fire marshal and health department. We are regularly inspected by those agencies and have continuously exceeded their regulations for over 23 years. In the City of Duluth, owners of a bed and breakfast are required to live on sight while operating their businesses in a R1 zone. We live on the premises and are hands on innkeepers to the guests who choose to stay with us. We believe allowing a vacation rental in a R1 zone without owner full-time occupancy would be an unfair advantage to us and other bed and breakfast owners of the Historic Bed and Breakfast Inns of Duluth association. Allowing this vacation dwelling permit would create an unlevel playing field for operating a residential business in our neighborhood.

It seems that the rules and regulations for a vacation rental unit are not regulated in the same manner as a bed and breakfast and those units are often the place where guests cause noise and problems because the owners are not present.

We respectfully request that the Planning Commission not approve the vacation rental unit at 2301 East 4<sup>th</sup> Street.

Jim and Joy Fischer, Owners/Innkeepers

The Firelight Inn on Oregon Creek Bed and Breakfast