



Planning & Development Division
Planning & Economic Development Department

Room 160
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 Duluth, Minnesota 55802

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| | | | | |
|-----------------------------|---|---------------------------------|--|-------------------|
| File Number | PLIUP-2410-0012 | Contact | Natalie Lavenstein nlavenstein@duluthmn.gov | |
| Type | Interim Use Permit – Vacation Dwelling Unit | Planning Commission Date | November 6, 2024 | |
| Deadline for Action | Application Date | October 15, 2024 | 60 Days | December 14, 2024 |
| | Date Extension Letter Mailed | October 18, 2024 | 120 Days | February 12, 2025 |
| Location of Subject | 809 W 4 th St | | | |
| Applicant | Brian Mooers | Contact | NA | |
| Agent | EXC North LLC | Contact | NA | |
| Legal Description | PIN: 010-1270-03050 | | | |
| Site Visit Date | October 29, 2024 | Sign Notice Date | October 23, 2024 | |
| Neighbor Letter Date | October 18, 2024 | Number of Letters Sent | 63 | |

Proposal

The applicant proposes use of a 2-bedroom dwelling in a duplex as a new vacation rental property. Applicant was on the eligibility list.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | R-1 | Residential | Traditional Neighborhood |
| North | R-1 | Residential | Traditional Neighborhood |
| South | R-1 | Residential | Traditional Neighborhood |
| East | R-1 | Residential | Traditional Neighborhood |
| West | 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 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.

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

Governing Principle #4- Support economic growth sectors

A short-term rental supports the tourism industry and provides a service for visitors.

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, 809 W 4th St, was built in 1908. The existing structure is a duplex (809 and 811 W 4th St). 809 W 4th has a current accessory home share permit.

Review and Discussion Items:

Staff finds that:

- 1) Applicants’ property is located at 809 W 4th St. The dwelling unit contains 2 bedrooms, which allow for a maximum of 6 guests.
- 2) Staff notes that applicant is in current violation of their Accessory Home Share permit (PLAHS2111-001) by renting more than the approved bedroom amount and by not occupying the unit. Applicant is also in violation at 811 W 4th St by using that unit as a vacation dwelling unit without a permit. Applicant has been notified through a City enforcement action that 811 W 4th St must cease operating as a vacation dwelling unit; approval of this interim use permit will allow applicant to come into compliance for 809 W 4th St.
- 3) The proposed minimum rental period will be two nights.
- 4) One parking space will be provided in the rear area.
- 5) The applicant has indicated they will not allow motorhome or trailer parking.
- 6) The site plan does indicate outdoor furniture in the rear yard as an outdoor amenity. The site plan indicates a proposed fence as the dense urban screen. The fence will screen the home and the outdoor amenity in the rear yard.
- 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 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) There are currently 157 licensed vacation dwelling units in the city, with 74 of those in form districts; the remaining 83 are subject to the cap of 100.
- 11) One public comment was received and is attached.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

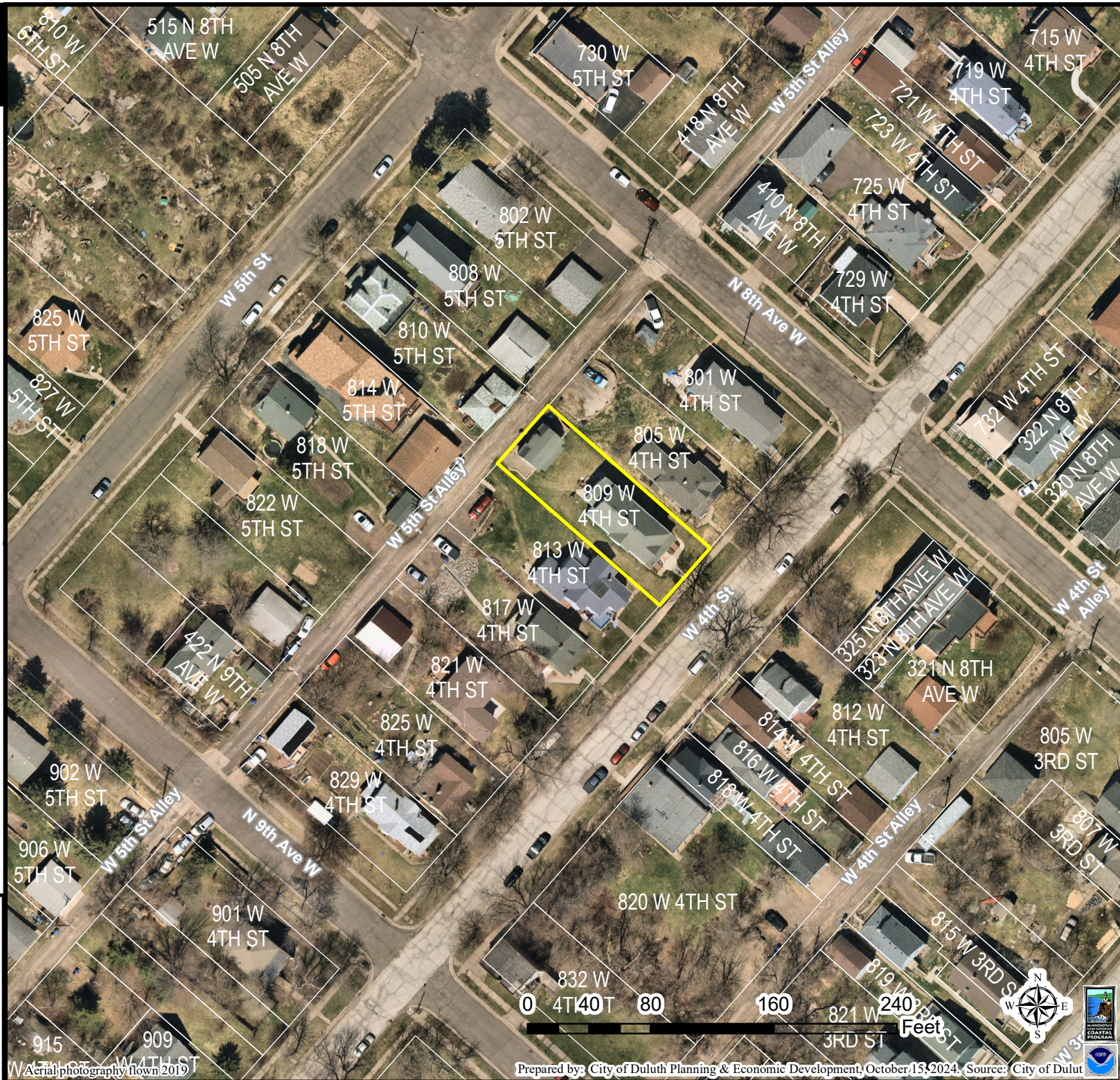
Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) The applicant shall construct, or obtain waivers from the screening requirement, prior to receiving 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.

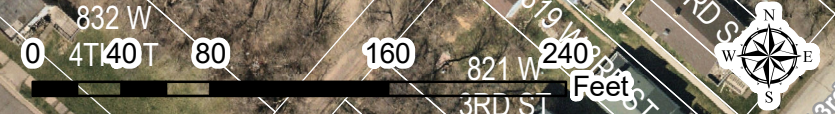


PLIUP-2410-0012
Interim Use Permit for
Vacation Dwelling Unit
809 W 4th St



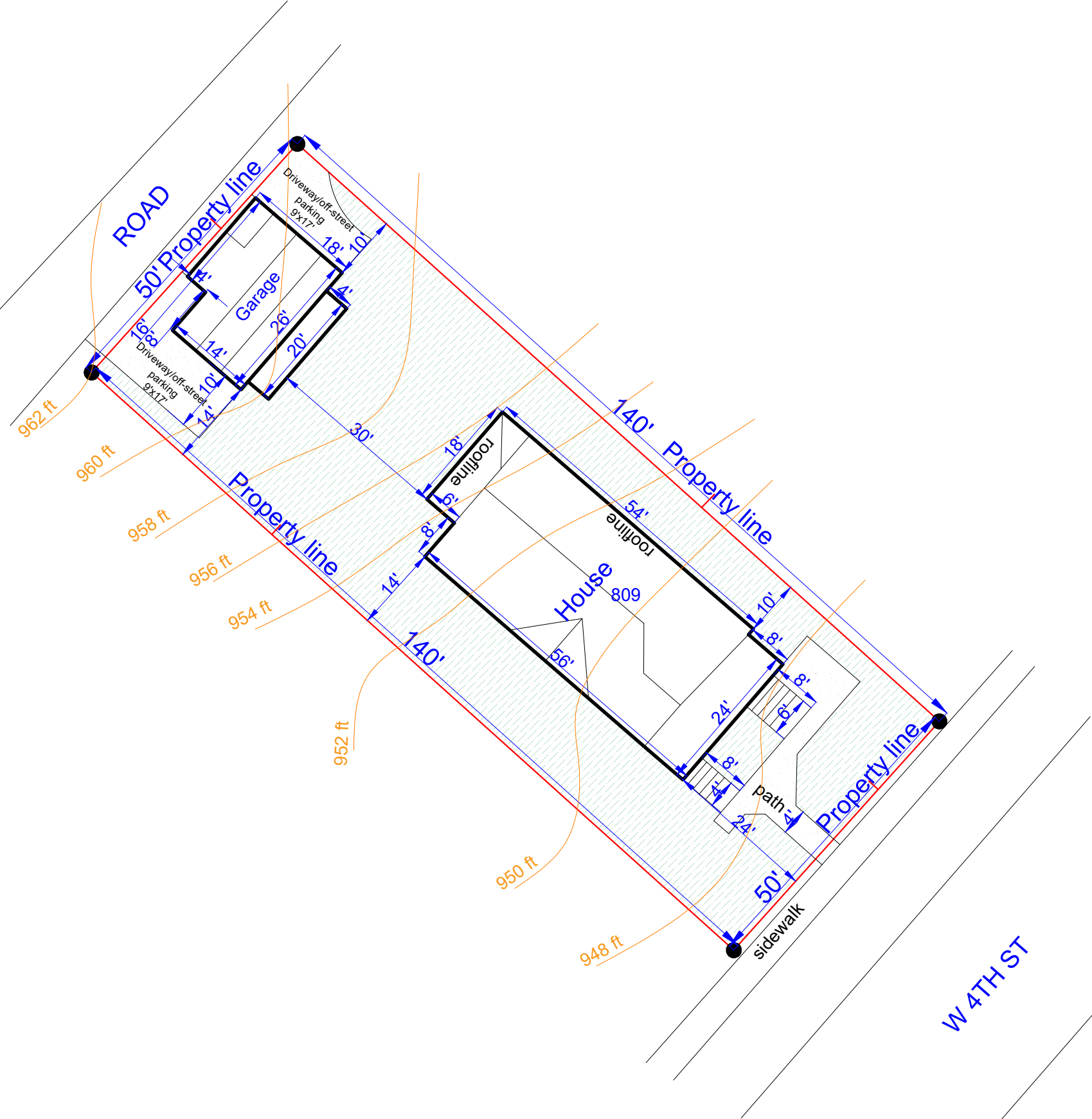
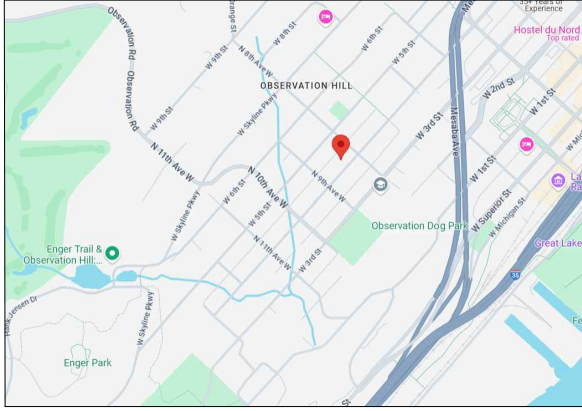
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Aerial photography flown 2019



Prepared by: City of Duluth Planning & Economic Development, October 15, 2024. Source: City of Duluth

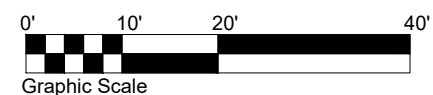
Vicinity Map



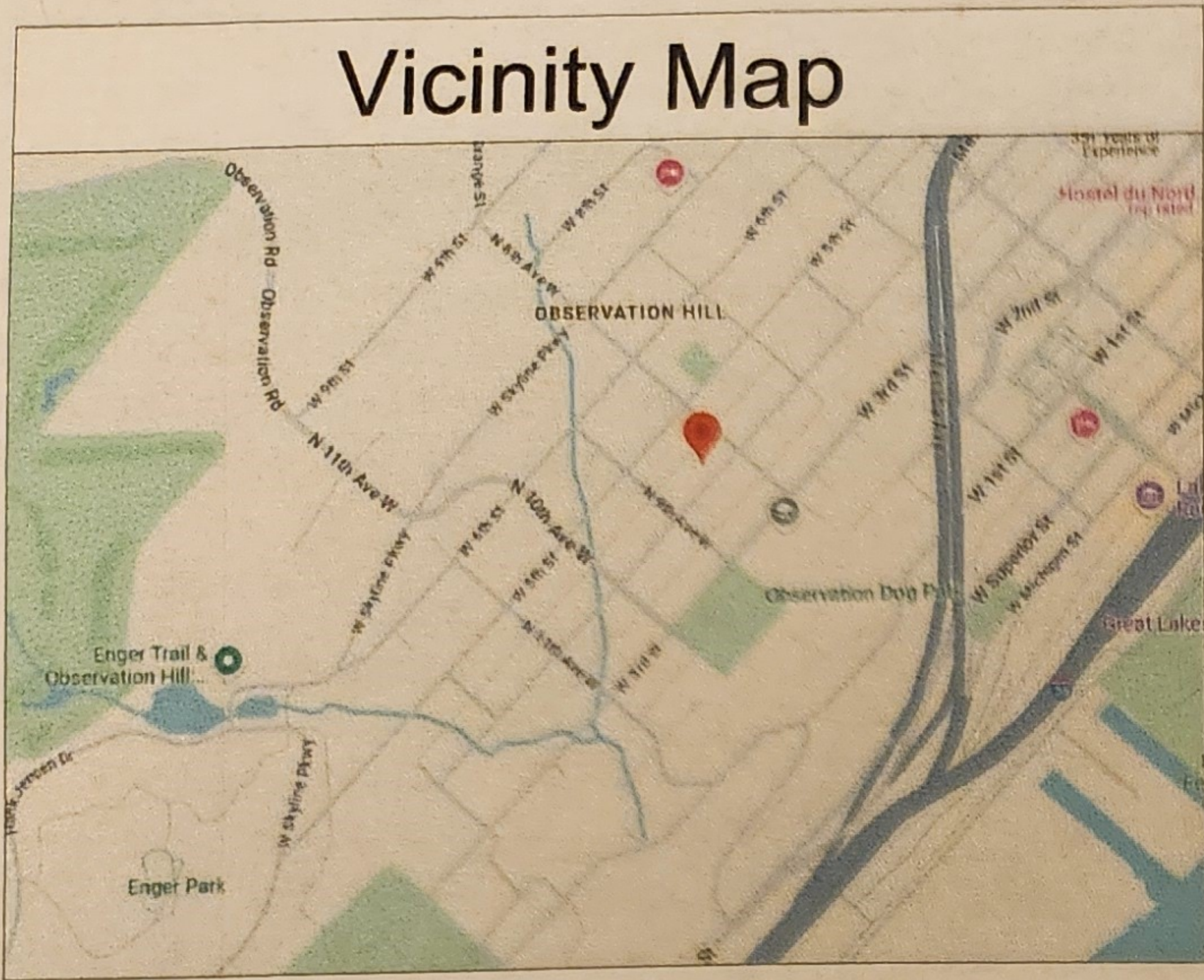
Parcel No. (APN) 010-1270-03050
 Land Use RESIDENTIAL
 MISCELLANEOUS RESIDENTIAL
 Lot Area 6,974 SF (0.16 ACRES)

ADDRESS: 809 W 4TH ST
 DULUTH, MN 55806
 Scale: 1"=20'

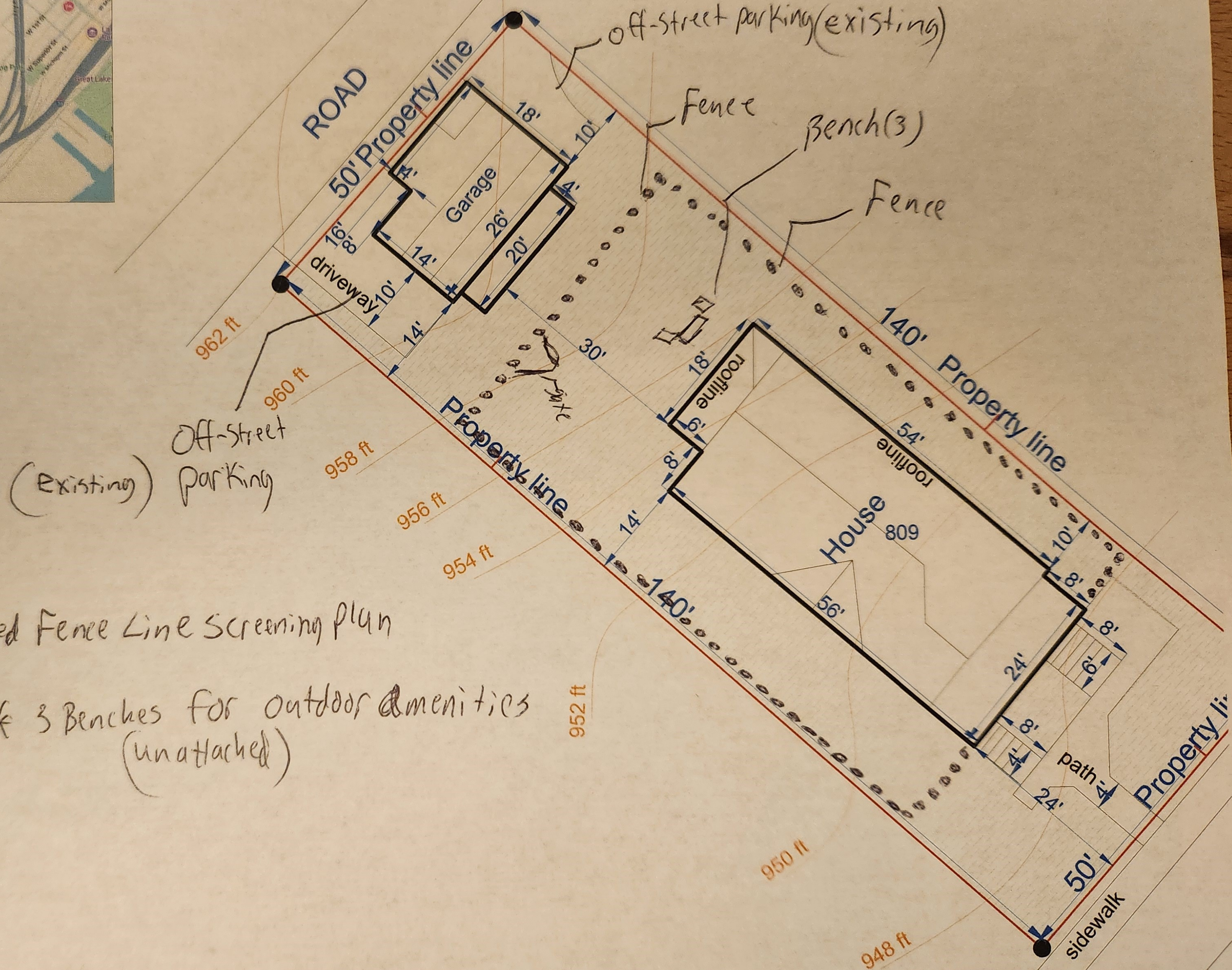
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Vicinity Map



809 W. 4th St
Duluth, MN, 55806



..... = proposed Fence Line Screening Plan

* 3 Benches for outdoor amenities (unattached)

809 w 4th st permit.

From Aaron Hansen <[REDACTED]>
Date Wed 10/23/2024 1:20 PM
To Natalie Lavenstein <nladenstein@DuluthMN.gov>

Hello Natalie, we spoke earlier today on the phone about a permit for a vacation dwelling. It's my understanding he's been running an air no out of that address for some time. I am attaching a link to the airbnb site which shows the apartment building in question.

<https://www.airbnb.com/rooms/617400842447789386?viralityEntryPoint=1&s=76>