



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL17-073		Contact	Kate Van Daele, kvandaele@duluthmn.gov	
Type	Interim Use Permit- Vacation Dwelling Unit		Planning Commission Date	June 13, 2017	
Deadline for Action	Application Date	April 27, 2017	60 Days	June 27, 2017	
	Date Extension Letter Mailed	May 19, 2017	120 Days	August 28, 2017	
Location of Subject	11 B East 4 th Street				
Applicant	Nikki Olson		Contact		
Agent	Nikki Olson		Contact		
Legal Description	Living Unit 3 and an undivided interest in the common elements				
Site Visit Date	June 5, 2017		Sign Notice Date	May 30, 2017	
Neighbor Letter Date	June 1, 2017		Number of Letters Sent	36	

Proposal

Applicant proposes to use their condo for a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Single Family Residential	Mid-rise Neighborhood Shopping
North	R-2	Single Family Residential	Residential Urban
South	F-6	Single Family Residential	Mid- rise Neighborhood Shopping
East	F-6	Single Family Residential	Mid-rise Neighborhood Shopping
West	F-6	Single Family Residential	Mid- rise Neighborhood Shopping

Summary of Code Requirements

UDC Section 50-19.8. Permitted Land Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Section 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 50-37.10.1.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 Section 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 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 Permit 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 of 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 #8 – Encourage mix of activities, uses and densities

Future Land Use – Traditional Neighborhood

Characterized by a grid or connected street pattern, houses orientated 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 and neighborhood extensions, and new traditional neighborhood areas.

This site has been developed so that it is consistent with the future land use as described and the applicants are not proposing alterations to its use.

Review and Discussion Items

- 1) The applicant's property is located on 11 East 4th Street, unit B. The dwelling unit has two bedrooms, which would allow for a maximum of five people.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has the 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 designated Nikki Olson as the managing agent. The Mrs. Olson resides at 3525 East 2nd Street, Duluth.
- 3) One parking space is required for this unit. The parking space is designated behind the home in a reserved spot. The applicant also has a separate parking spot located in the condo building two parcels down from the applicant's home.
- 4) The site plan indicates trees that provide screening in the northeast and northwest portions of the lot.
- 5) A time limit on this Interim Use Permit 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 that Interim Use Permits shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has obtained a Duluth Tourism Tax Permit, and State tax I.D., hotel/motel license, in addition to the Department of Health, and Fire inspection permit.
- 7) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Pets, and Noise").
- 8) No comments from citizens or other City Departments were received regarding this zoning application.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission recommend approval subject to the following conditions:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permit for operation. The resolution cannot be affirmatively considered by the City Council until all required documentation is provided to City Staff.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit documents and provide evidence of compliance, which will be included in the resolution.
- 3) The applicant must disclose to all guests, in writing that quiet hours shall be observed between the hours of 10p.m. and 8a.m.
- 4) Trash burning is prohibited on the property.

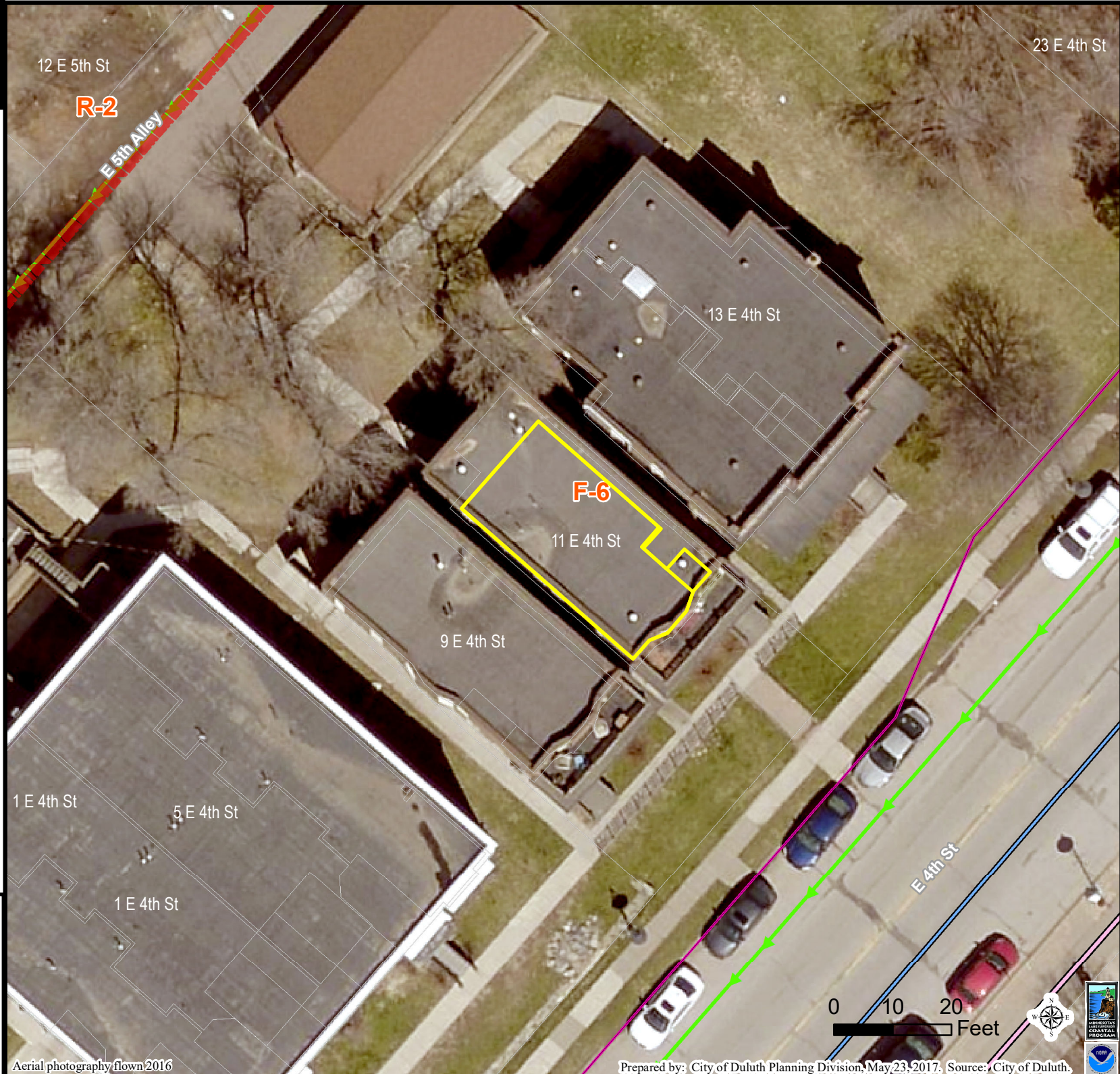


City Planning

PL17-072: IUP
11 East 4th Street

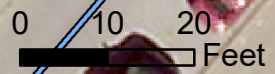
Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement



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.

Aerial photography flown 2016



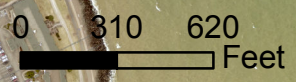
Prepared by: City of Duluth Planning Division, May 23, 2017. Source: City of Duluth.



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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, June 5, 2017, Source: City of Duluth.



Alley between Lake Avenue and 1st Avenue East

$1/2" = 6 \text{ ft.}$

20 ft

18 ft

TWO SPOTS

General
Condo
Parking

Designated
11B Parking

Rental Garage Parking

Sidewalk

30 ft

Private Back
Porch

Private sidewalk between bldg. 9 & 11

11B, upper unit
in a 2 story brownstone

Sidewalk between Bldg 11 & 13

54 ft

Neighboring
Porch

private front porch

No Porch

Sidewalk

Neighbor,
Owner Occupied



CITY OF DULUTH

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Community Planning Division
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
218-730-5580 – An Equal Opportunity Employer

Site Visit at 11 B East 4th Street (PL17-073)



Front of the home

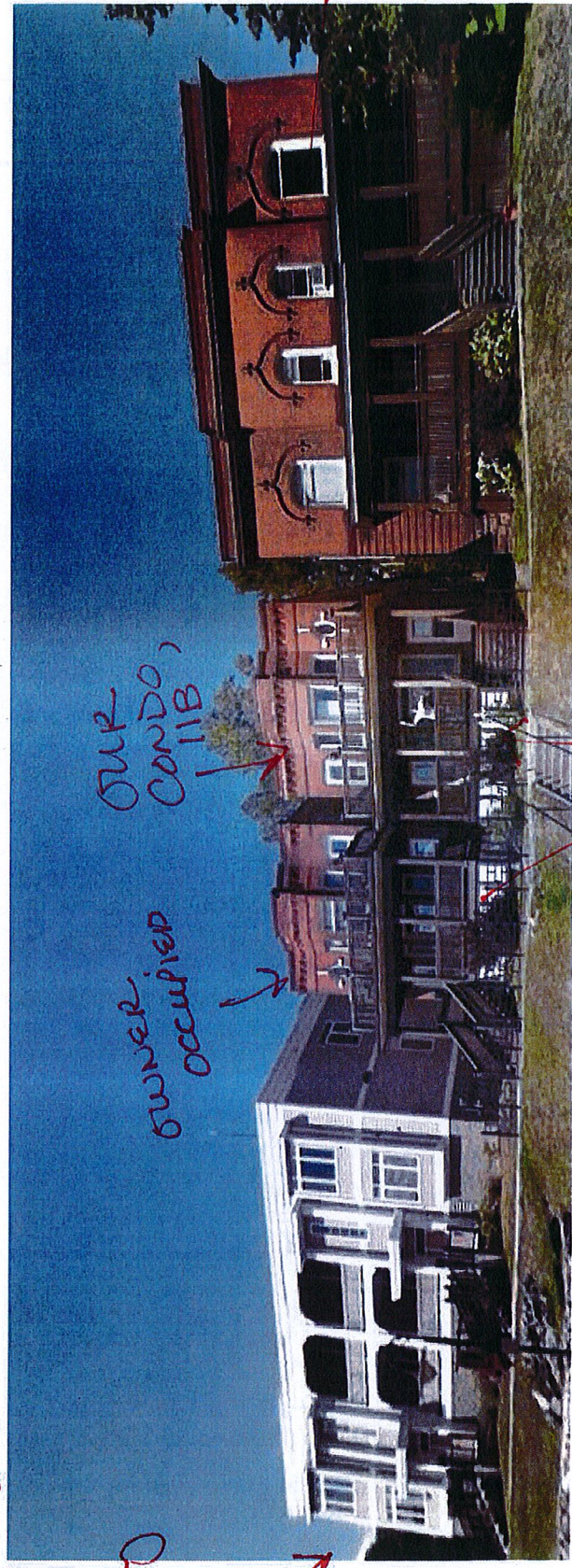


Left side of the building

Right side of the building



Reservid parking space under this building



owner occupied

OUR CONDO, 11B

NO DECK

ALL RENTAL

RENTAL

ALL RENTALS

Nikki Olson and Henry Eichman
11B East 4th Street
Duluth, MN 55804

We are interested in providing a vacation rental home to provide lodging for couples, a small number of friends, or a tiny family.

1. Our vacation rental dwelling would allow no less than a 2 night minimum.
2. Our vacation dwelling unit is a two bedroom, one bathroom home. We are interested in providing a cozy space for no more than 4 people.
3. Our vacation dwelling provides two off street parking spaces. There is one spot located in the alley directly behind our condo building. The 2nd spot is located in an underground garage located under the building on the corner of 4th and Lake. See site plan for location and properly dimensioned parking space.
4. We do not intend on advertising or permitting motorhomes or trailers in our advertisement for our vacation rental.
5. The State Health Inspector and the Fire Marshall have been to the property to inspect the space. We have already obtained the fire permit and approval to get the state permit.
 - a. State Tax ID# 8834300
 - b. Tourism Tax #1466
 - c. Completed Hotel/Motel License *pd. 5/25/2016 \$14.00 City Clerks office*
6. We will provide all required documents in order to be issued a permit.
7. See attached site plan. Although this is a condo, we have a private entrance and decks for our guests to use. There are not any common use outdoor spaces.
8. We are hoping to rent this home as a vacation rental for the entire term of the permit.
9. We will keep a guest book inside the home. We will also have a list of guests through the booking site we plan to use, airbnb.com.
10. I will be acting as the local contact, Nikki Olson. I live 4 miles from the property. In the event this changes, I will inform the city. 3525 East 2nd Street Duluth, MN 55804
11. I will hand out my contact information to all the neighbors within 100 feet of the property. I will also post expectations for our guests about respecting the neighbors. See included information sheet.
12. I plan to post expectations inside our vacation rental unit, in addition, to in our advertising description. I am committed to making sure that our guests know the expectations before booking our rental.
13. We will post our permit number on all advertisements
14. The Fire Marshall has already visited our condo and issued us an Operational Permit, #FPOP2016-7308. A copy is included.
 - a. State Sales Tax Number- 8834300
 - b. Tourism Tax 1466

Type: Full
Date: 09/23/16
Time: 10:55:45
Report: 7980161103**Lodging Establishment
Inspection Report**

Page 1

Location:Charming Downtown Condo
11 B E 4th Street
Duluth, MN55805
St. Louis County, 69**Establishment Info:**ID #: N00011b
Risk: Low
Announced Inspection: Yes**License Categories:**

Expires on: 12/31/16

Operator:Nikki Olson
Phone #:
ID #:

The violations listed in this report include any previously issued orders and deficiencies identified during this inspection. Compliance dates are shown for each item.

The following orders were issued during this inspection.

38 POST LICENSE**38A1 Severity Level: 1**

MN Chapter 157.16 Subd. 4. Post the original license certificate issued from the regulatory authority in a conspicuous location at the establishment.

Comply Before Opening

Total Points (All Re-Issued Orders): 0
Total Points (All New Orders): 1
Total Score This Report: 99**Notes**

1. This was a walk through for a new vacation rental in the city of duluth. The property has municipal water and sewer.
2. Room sizes
Bedroom 78 Ft2, window 26"x58" 26" off floor
Bedroom 72 Ft2, same window
Back living area 99 Ft2, 2 full doors
Front living area 192 Ft2, 2 full doors
The condo is approved for 7 people but will be rented for 4
3. Hot water temperatures 121F, the maximum allowed in the lodging code is 130F
4. City of Duluth Fire has inspected and approved the unit
5. You should receive your license 7-10 business days after you mail it in if you do not please let me know.

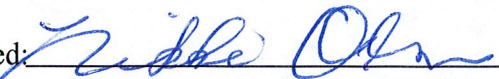
Type: Full
Date: 09/23/16
Time: 10:55:45
Report: 7980161103
Charming Downtown Condo

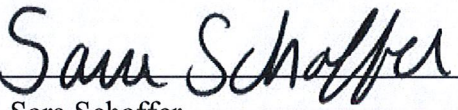
Lodging Establishment Inspection Report

NOTE: Plans and specifications must be submitted for review and approval prior to new construction, remodeling or alterations to the premises or its facilities.

I acknowledge receipt of the Minnesota Department of Health inspection report number 7980161103 of 09/23/16.

Inspection report reviewed with person in charge and emailed.

Signed: 
Nikki Olson
Owner

Signed: 
Sara Schaffer
Environmental Health Specialist
Duluth
218-302-6184
sara.schaffer@state.mn.us



**City of Duluth
Fire Department - Life Safety Division**

615 West First Street • Duluth, Minnesota • 55802-1194
218-730-4380 • Fax: 218-730-5902 • www.duluthmn.gov

An Equal Opportunity Employer



OPERATIONAL PERMIT

Date Issued: 09/20/2016

LICENSE #: FPOP2016-7308
OCCUPANCY NAME: VACATION RENTAL - OLSON
OCCUPANCY ADDRESS: 11 E 4TH ST
DULUTH, MN 55805

DATE PERMIT EXPIRES: 09/01/2019

OCCUPANCY CLASS: R-3 Vacation Rental
PROPERTY OWNER: OLSON NIKKI L
3525 E 2ND ST
DULUTH, MN 55804

Permit Requirements:

1. Each operational permit shall be displayed in a conspicuous location accessible to the public.
2. Each permit shall state the name and address of the owner of the business or the managing agent occupying the building.
3. No permit shall be transferred to another use or building.
4. All permits shall be issued by the code official.
5. Change in ownership or occupancy of a building requires written notice to the code official. A new permit shall then be issued once the appropriate forms and/or fees have been submitted.
6. All occupancies requiring operational permits shall be made available for inspection by the code official at any reasonable time.

Fire Prevention / Life Safety Division
Fire Marshal

VACATION RENTAL - OLSON
11E 4TH ST
DULUTH, MN 55805



MINNESOTA · REVENUE

May 17, 2016

ID: XXX-XX-5871
Letter ID: L0445539904

#BWBBMRR
#0000 0044 5539 9040#
NIKKI L OLSON
3525 E 2ND ST
DULUTH MN 55804-1810

This letter confirms that your business is registered with the Minnesota Department of Revenue and has been assigned a Minnesota tax ID number. **Please keep this letter as proof of registration.** If you have questions about this registration, please contact the Registration Service Office at 651-282-5225.

Your Minnesota tax ID number is: 8834300

Use your Minnesota tax ID number on all returns, payments and correspondence to ensure your filings and payments are processed correctly.

Our records show your business is activated for the following tax(es):

Account Type	Effective Date	Filing Cycle
Sales and/or Use Tax	08/01/2016	Quarterly
Duluth Sales	08/01/2016	Quarterly
Duluth Use	08/01/2016	Quarterly
St. Louis County Transit Sales	08/01/2016	Quarterly
St. Louis County Transit Use	08/01/2016	Quarterly

If sales tax is listed above, this letter serves as your permit to make taxable sales and/or services.
If withholding tax is listed above, make deposits according to your federal deposit schedule.
If any of the MinnesotaCare taxes is listed above, make deposits according to the deposit schedule in your instruction book.

You must let us know of any changes to your business information. To update your information, go to our website at www.revenue.state.mn.us and click on Update business info from the e-Services menu.

Filing and paying your taxes

Information about your filing and paying responsibilities is available on our website at www.revenue.state.mn.us (click on Quick Start for Business Taxpayers). If you have questions and do not have Internet access, call our tax assistance number for your tax type.

- Sales and use taxes: 651-296-6181 or 1-800-657-3777
- Withholding tax: 651-282-9999 or 1-800-657-3594
- MinnesotaCare taxes: 651-282-5533
- Insurance taxes: 651-556-3024
- Special taxes: 651-556-3022
- Corporate franchise tax, S corporation, partnership and estate/trust taxes: 651-556-3075