



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 22-083	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		June 14, 2022
Deadline for Action	Application Date	May 10, 2022	60 Days	July 9, 2022
	Date Extension Letter Mailed	May 13, 2022	120 Days	September 7, 2022
Location of Subject		940 South Lake Avenue		
Applicant	Carl and Mathew Sherman	Contact		
Agent		Contact		
Legal Description		PID # 010-4380-00910		
Site Visit Date		May 27, 2022	Sign Notice Date	May 31, 2022
Neighbor Letter Date		May 19, 2022	Number of Letters Sent	29

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 on the vacation dwelling unit eligibility list.

Recommended Action: Staff recommends that Planning Commission approve.

	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	Lake	Open Space
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.



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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 and provides 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: The 1,280 sq. ft. home was built in 1959 is a duplex with 938 South Lake Avenue being owner occupied. The subject property, 940 South Lake Avenue, had an approved interim use permit (PL 15-059).

Review and Discussion Items:

- 1) Applicant's property is located at 940 South Lake Avenue. The home is a two family dwelling (duplex). The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests. The adjacent unit, 938, is an owner occupied dwelling.
- 2) The applicant is proposing 1 off street parking space in the driveway located to the north and adjacent to 938 with access from South Lake Avenue.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has noted on their site plan there is an outdoor patio area with table and chairs located on the southwest front corner of the dwelling unit. There are existing trees, shrubs and fencing along the southern property line. The property does not share a lot line with the adjacent lot to the south and is separated by right of way. Staff believes this is a sufficient dense urban screening for the outdoor amenities from the property to the south.
- 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 Carl Sherman 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 Dwelling Unit Regulations, including providing information to guests on city rules



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(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.

10) The permit will lapse if no activity takes place within 1 year of approval.

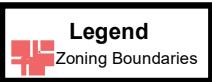
Staff Recommendation:

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) 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 22-083
Interim Use Permit
Vacation Dwelling Unit

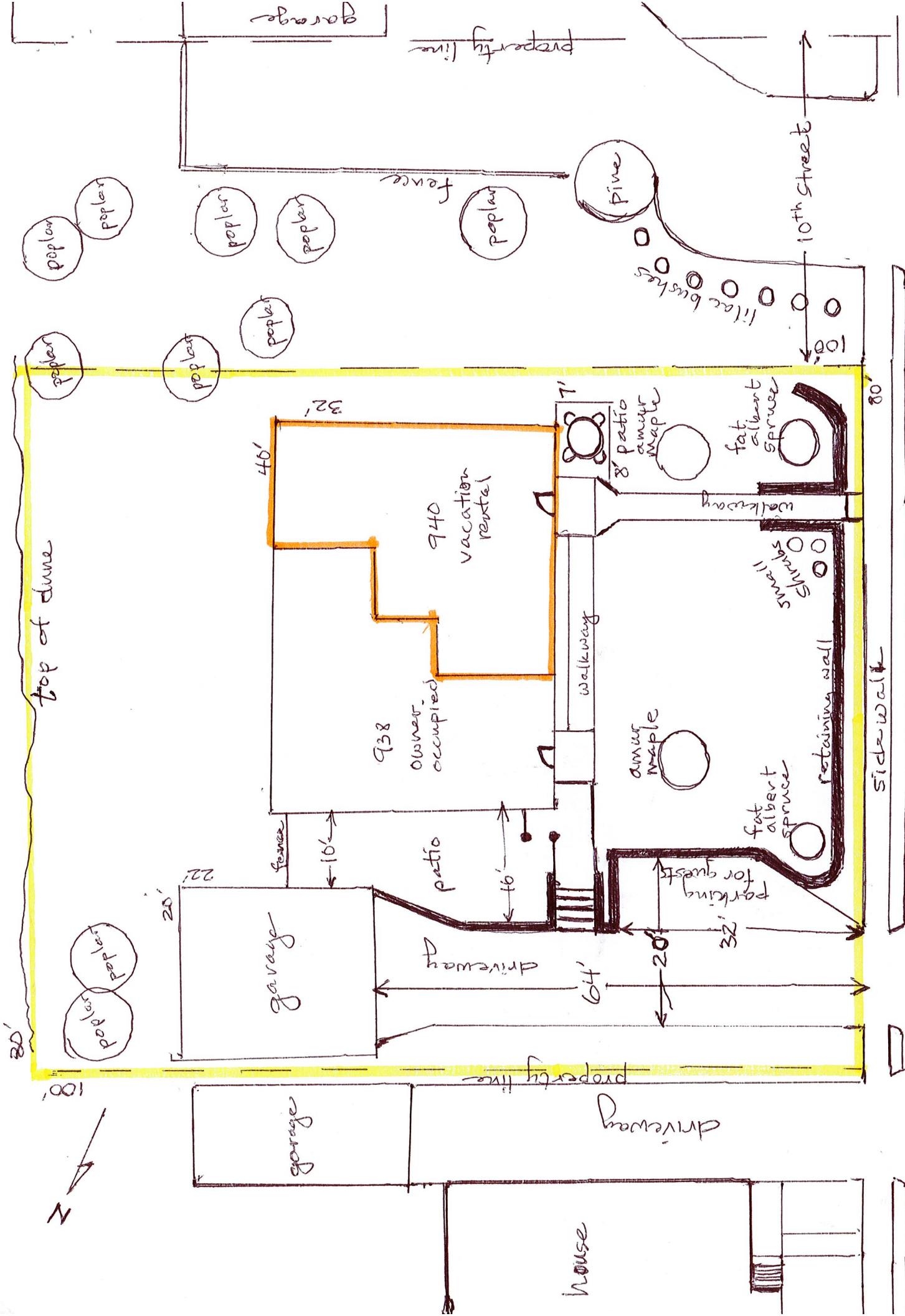


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Aerial photography flown 2016

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





S Lakes Ave