



**CITY OF DULUTH**  
Community Planning Division

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

File Number	PL17-039	Contact	Kate Van Daele, <a href="mailto:kvandaele@duluthmn.gov">kvandaele@duluthmn.gov</a>	
Type	Interim Use Permit- Vacation Dwelling Unit	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	March 6, 2017	60 Days	May 5, 2017
	Date Extension Letter Mailed	March 13, 2017	120 Days	July 4, 2017
Location of Subject		1802 Minnesota Ave		
Applicant	William Weller	Contact		
Agent	Rick Maas	Contact		
Legal Description		LOT 17 & SLY 10 FT OF LOT 19 MINNESOTA AVENUE UPPER DULUTH & LOT 18 & SLY 13 FT OF LOT 20 LAKE AVENUE UPPER DULUTH		
Site Visit Date	March 19, 2017	Sign Notice Date		March 28, 2017
Neighbor Letter Date	March 24, 2017	Number of Letters Sent		18

**Proposal**

Applicant proposes to use their home as 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.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Single Family Residential	Traditional Residential
<b>North</b>	R-1	Single Family Residential	Traditional Residential
<b>South</b>	R-1	Single Family Residential	Traditional Residential
<b>East</b>	R-1	Single Family Residential	Traditional Residential
<b>West</b>	R-1	Single Family Residential	Traditional Residential

**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 1802 Minnesota. The dwelling unit has six bedrooms, which would allow for a maximum of thirteen 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 Rick Maas as their local agent. Mr. Maas resides at 4544 Rice Lake Dam Road.
- 3) Five parking spaces are required for this unit. Two parking spaces are located in the garage, with three located outside the garage that will be parked in front of the garage
- 4) The site plan submitted indicates that there is existing screening from properties on the South, North and West sides of the property. The useable exterior space has been buffered from all adjoining properties in accordance with the UDC requirements.
- 5) A time limit on this Interim Use Permit is needed 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) Applicants has obtained the following: Duluth Tourism Tax Permit, State of Minnesota I.D. and lodging license. The applicant has applied for a fire operational permit, and a hotel/motel license and is awaiting responses from the permitting agencies.
- 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 on the property is prohibited.



## City Planning

PL 17-039: IUP  
1802 Minnesota Ave

### Legend

#### 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

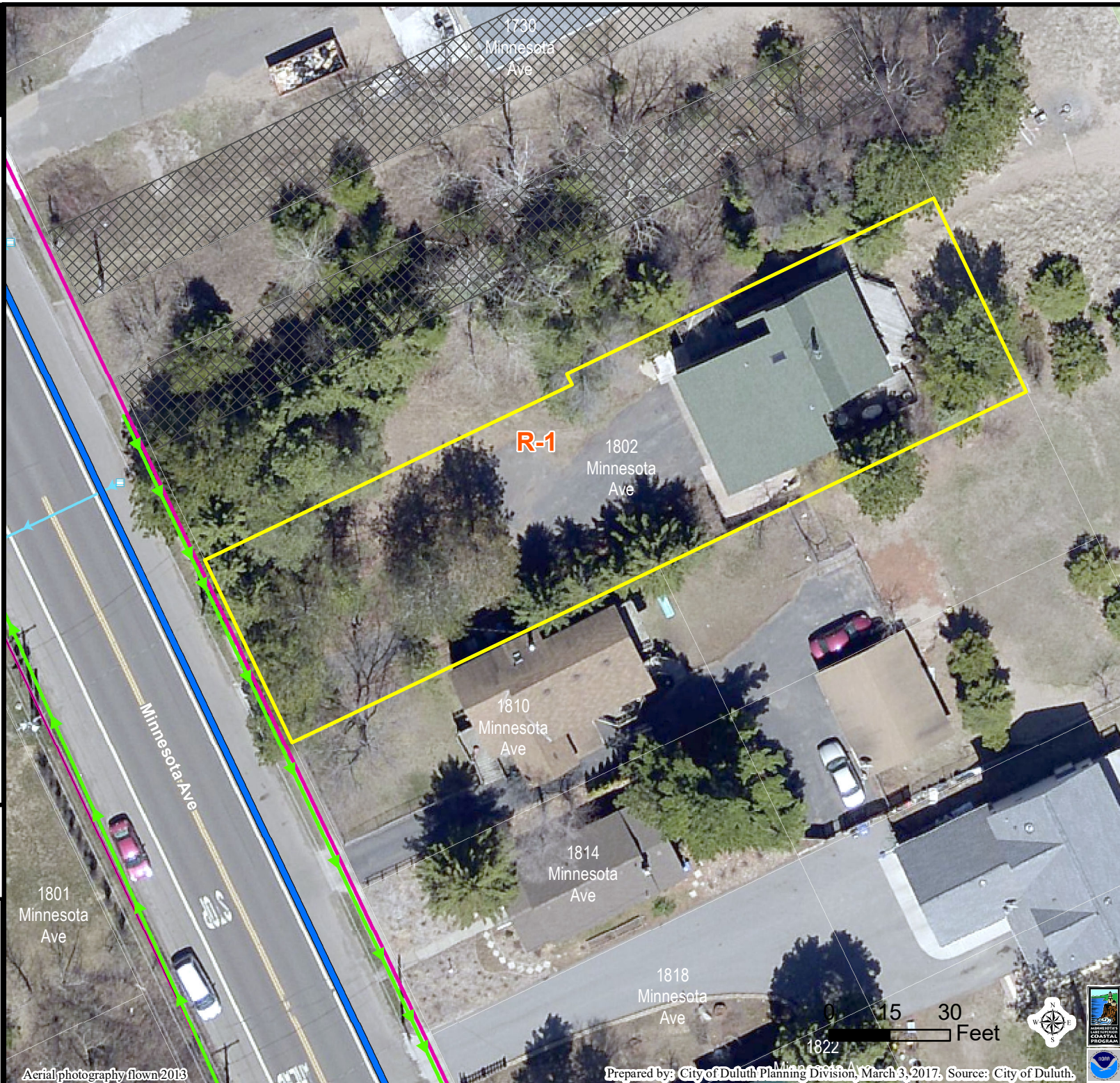


Utility Easement



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 2013

Prepared by: City of Duluth Planning Division, March 3, 2017; Source: City of Duluth.



## 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 1802 Minnesota (PL17-039)



**Back of the home from the street**

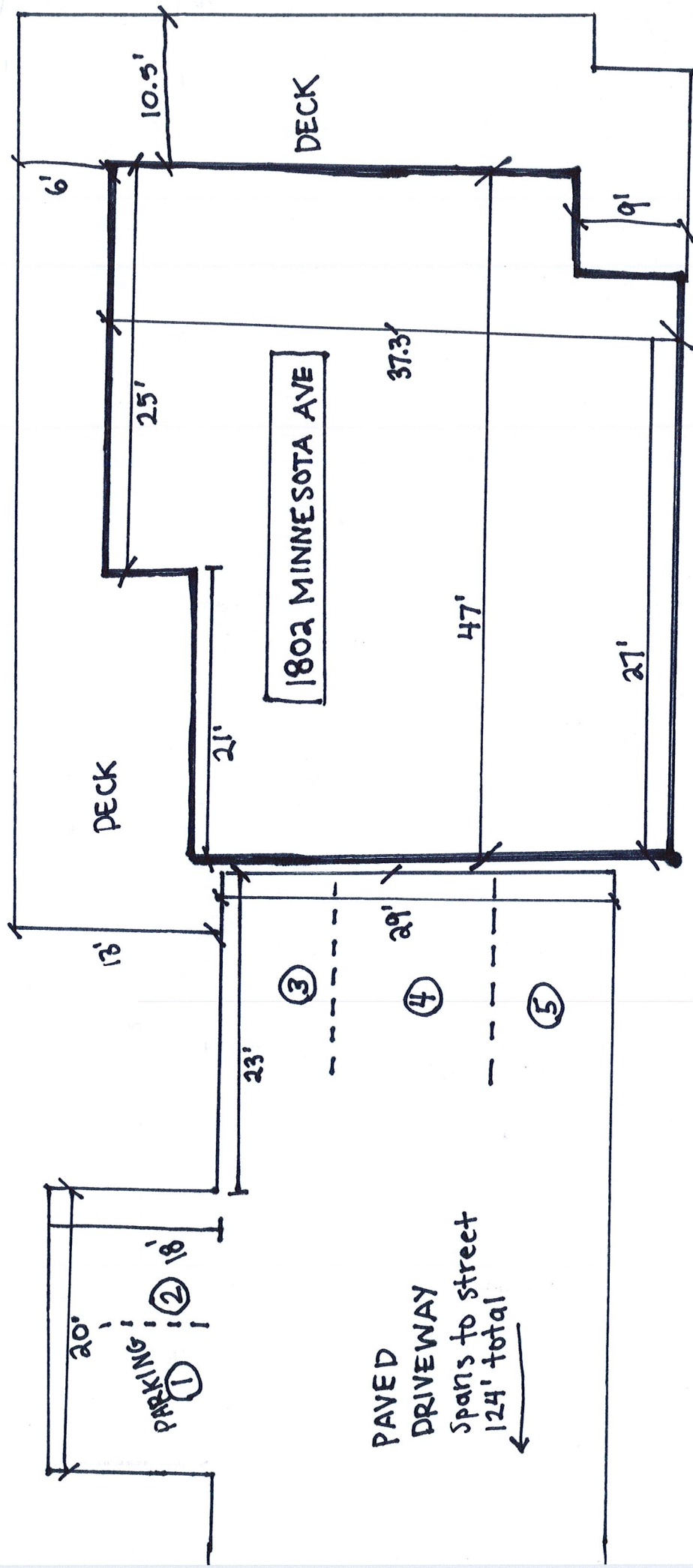


**Total of five parking spots**



**Driveway leading up to the home**

VARIOUS TREES  
(PINE, BIRCH ETC.)



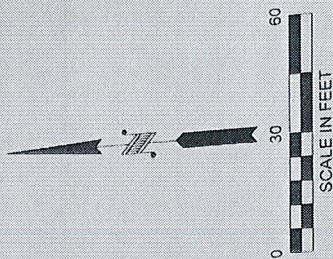
65' PRIVACY FENCE

Various Trees  
(Pine, birch etc.)

\* ① INDICATE PARKING SPACES 1-5

1. My rental period is two or more nights.
2. ~~Six~~ bedrooms equals thirteen people. *Five*
3. There are ~~five~~ off street parking spaces. *four*
4. Permit holder is allowed only one pick-up mounted camper or one trailer for inhabiting or for transporting recreational vehicles, (ATVs, personal watercraft, snow mobiles, etc.) on or off the street.
5. Permit holder has or is in the process of obtaining all required licenses or permits.
6. Permit holder will keep guest records designating and disclosing a local contact, property use rules, taxation and interim use violations and procedures.
7. A site plan is included with this application.
8. Agree.
9. The permit holder will keep a guest record including the name, address, phone number and vehicle license plate information for guests in order to provide a report to the city upon forty eight hours notice.
10. The managing agent is Flagship USA, Inc. and the local contact is Rick Mass 4544 Rice Dam Road, Duluth MN 55803. Phone 218-591-1685
11. Permit holder will provide name, address and phone number for the managing agent and local contact.
12. Permit holder will disclose in writing to guests the following rules, a managing agent and local contact name address and phone number. Maximum number of guests allowed. Maximum number of vehicles and trailers allowed at the property and where they are to be parked. Property rules related to use of exterior features of the property such as decks, pools hot tubs etc.
13. permit holder will post the permit number on all print, poster or web advertisements.
14. Permit holder has an operational permit issued by fire prevention office.
15. Permit holder will apply for and be granted state and local sales tax numbers including hotel and motel sales tax.

# CERTIFICATE OF SURVEY



## LEGAL DESCRIPTIONS


### PARCEL A

Lot 19, Minnesota Avenue Upper Duluth, except the Southerly 10.0 feet thereof, and Lot 20 Lake Avenue Upper Duluth, except the Southerly 13.0 feet thereof, and the Southerly 20.00 feet of the adjacent vacated 18" Street South.

### PARCEL B

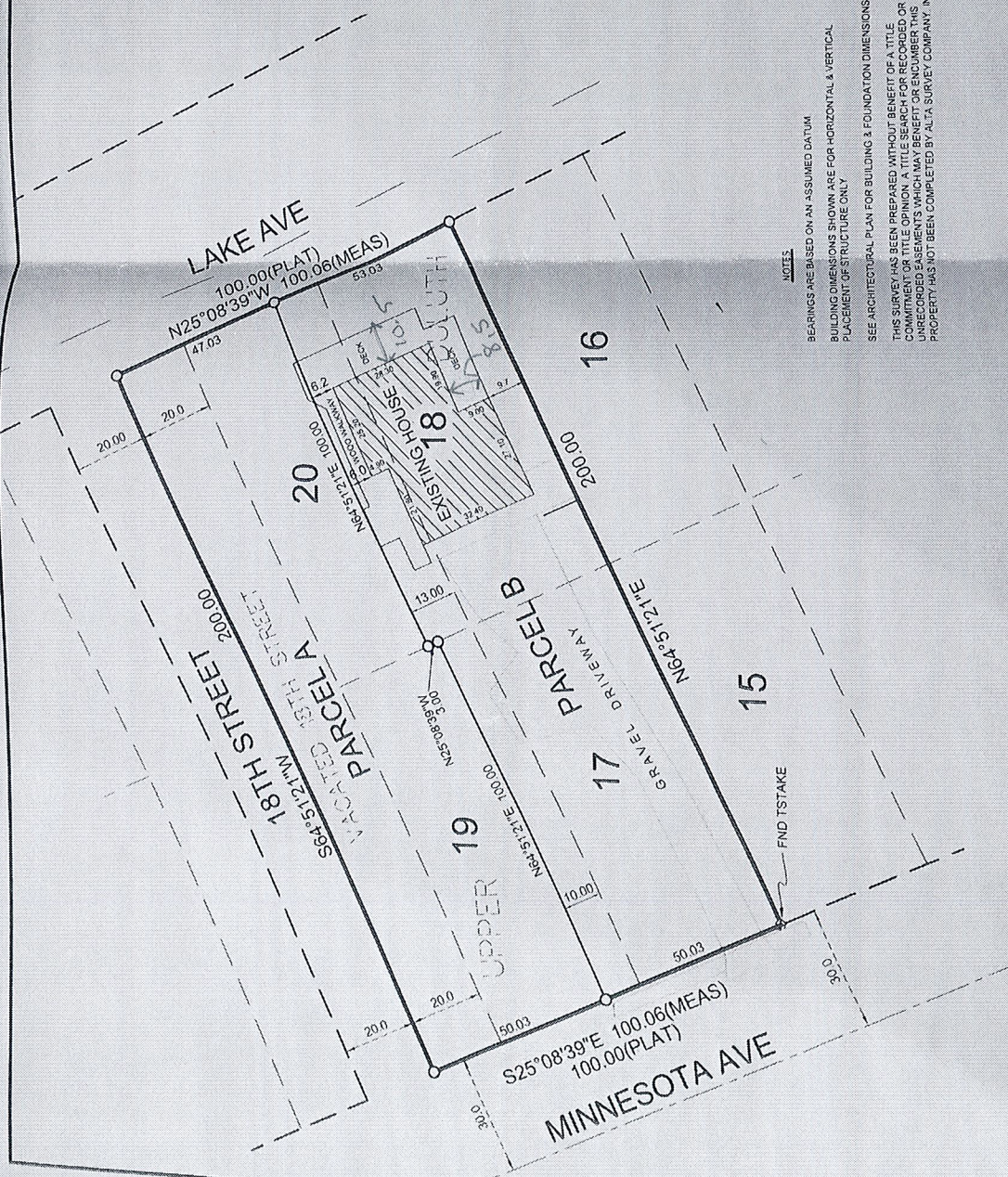
Lot 17 and the Southerly 10.0 feet of Lot 19, Minnesota Avenue Upper Duluth, and Lot 18 and Southerly 13.0 feet of Lot 20, Lake Avenue Upper Duluth.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date 12-17-10  
  
 Ronald L. Krueger MIN License No. 14374

## NOTES

BEARINGS ARE BASED ON AN ASSUMED DATUM  
 BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL  
 PLACEMENT OF STRUCTURE ONLY  
 SEE ARCHITECTURAL PLAN FOR BUILDING & FOUNDATION DIMENSIONS  
 THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE  
 COMMITMENT OF THE SURVEYOR TO RECORD OR FOR RECORDED OR  
 UNRECORDED INTERESTS WHICH MAY BENEFIT OR ENCUMBER THIS  
 PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.



DATE 11-17-10  
 SCALE 1" = 30 FEET  
 CLIENT MINNESOTA AVENUE LLC  
 PROPERTY ADD 1802 MINNESOTA AVENUE  
 PROJECT NO. 10-131

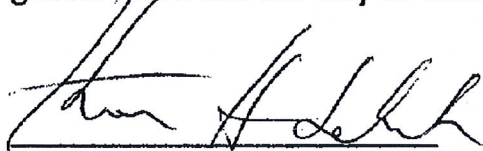
**ALTA**  
 SURVEY COMPANY, INC.  
 Residential/Commercial Land Surveying/Land  
 Development/Legal Descriptions  
 P.O. BOX 181138 Duluth, MN 55806  
 Phone 218-727-3211 Fax 218-727-3798

March 27, 2017

It has been brought to my attention that William Weller is applying for a IUP as a Vacation Home through the City of Duluth.

William Weller has rented his home at 1802 Minnesota Avenue since 2004 as a Vacation Home. He has been a good neighbor and his renters have not created any problems for me as a next-door neighbor.

Because the past twelve years have been without problems I support his effort to get an IUP from the City of Duluth.

A handwritten signature in black ink, appearing to read "Tom Selinski", written over a horizontal line.

Tom Selinski

1730 Minnesota Avenue

Duluth, MN

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D. Nguyen  
Duy Nguyen  
1810 Minnesota Ave  
Duluth, MN