



**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	PL17-043	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 8, 2017	60 Days	May 7, 2017
	Date Extension Letter Mailed	March 13, 2017	120 Days	July 6, 2017
Location of Subject		3102 Minnesota Ave		
Applicant	Bruce and Susan Kleven	Contact		
Agent	R.A. Carlson	Contact		
Legal Description		Lot: 0242 Block: 000		
Site Visit Date		March 19, 2017	Sign Notice Date	March 28, 2017
Neighbor Letter Date		March 24, 2017	Number of Letters Sent	20

**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 3102 Minnesota. 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 RaeAnn Carlson, as the managing agent. The Mrs. Carlson resides at 2724 Mountain Shadow Drive.
- 3) One off-street parking space is required for this unit. In discussions with the applicant, an off-street parking space will be created in the backyard. To meet this standard, the applicant will need to pave a 9' x 17' parking space and install a legal driveway apron.
- 4) The site plan submitted indicates that there shows existing screening/buffering from other properties on the North and South sides of the home. The lot to the West of the property is vacant. There is a large tree in the Northwest corner of the lot that provides additional screening. 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 a Duluth Tourism Tax Permit. The applicant needs to obtain a hotel/motel license, fire operational permit, lodging license and a State I.D.
- 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) One letter has been received in opposition to this application. The Engineering Department agrees that a driveway apron must be installed to meet the UDC parking requirements.

**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 Land Use Supervisor has determined that the following conditions have been met:
  - a. The applicant has received all required licenses and permits for operation.
  - b. The applicant shall send the required letter to neighbors with the property managers contact information.
  - c. Before a permit may be issued, the applicant will need to create a parking space meeting all City of Duluth parking standards. Those being paved, with an apron, and meeting the space requirements of 9' x 17'. This would require the applicant applying for a driveway apron from the Engineering department.
- 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

Interim Use Permit  
3102 Minnesota Ave

### Legend

#### 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
- PS 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
- Wetlands (NRRI)
- Vacated ROW

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, March 13, 2017, Source: City of Duluth.



## Vacation Dwelling Unit Interim Permit Standards Standards

1. N/A (I agree to 2+ nights rental)
2. Five leasing persons total
3. 1 parking space. 3d. Since a rental license is in effect through June 1, 2018 I believe this exemption applies to my property.
4. There are no vehicles under this paragraph that will be parked on the property.
5. N/A
6. It is intended to provide a binder with this information inside the dwelling.
7. See attached
8. Owner hereby requests this adjustment.
9. A log of such information is intended to be kept in the possession of property owner.
10. Manager has been in effect for more than two years currently.
11. This occurred more than two years ago.
12. It is intended to provide a binder with this information inside the dwelling.
13. Upon receipt of permit, provided.
14. Inspection taken in 2015; need to be advised if further inspections required.
15. N/A (intent to obtain Hotel/Motel license)



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3102 Minnesota  
Avenue Duluth  
MN 55802

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## Kate Van Daele

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**To:** mrsparkpoint@gmail.com  
**Subject:** RE: Interim use permit at 3102 Minnesota Ave.

From: Dawn Buck [mrsparkpoint@gmail.com]  
Sent: Wednesday, March 29, 2017 10:24 AM  
To: Kate Van Daele  
Cc: Em Westerlund  
Subject: Interim use permit at 3102 Minnesota Ave.

March 29 2017

Dear Ms. Van Daele,

Re. Interim use permit at 3102 MN for Vacation Dwelling Unit

Thank you for sending me the notice about our neighbor's request to operate a Vacation Dwelling Unit across the street from my house. I noted the posting about the hearing went up on Monday on the property.

My concern would center around parking needs for guests given the busy park next door and the lack of parking on the property. I have observed guests visiting this home for several years who park in the Lafayette Square parking lot during the day or on the street at night.

I believe a driveway and a parking pad previously existed on that property which allowed a parking spot behind the house. I am not sure why that off street parking space was eliminated several years ago? Would this on-site parking be returned for guests' use?

Also, on several occasions, guests staying at the home have parked very close to my driveway creating a dangerous situation for me and motorists on Park Point. I would request that guests to 3102 be informed of Duluth's parking regulations pertaining to proximity to driveways.

Lafayette Park is busy in the summer and fall with guests to the beach and to community events. The skating rink also saw an active season. With the addition of public restrooms this year, I would expect an increase in use of the beach and the facility's amenities ie ball field, tennis courts, playground & rink. Many of the park users will arrive in cars so parking areas fill and families park on Minnesota Ave.

Since this home is next to the Lafayette Parking lot, I will remain hopeful that careful consideration of important details now will reduce and/or eliminate future conflicts and stress for neighbors and City park users and all guests to our wonderful park & beach.

Would you be willing acknowledge the receipt of this note and also send me the Planning Staff's recommendations regarding this proposal? (PL 17-043)

Thank you for taking the time to consider my concerns and I look forward to hearing back from you soon.

Dawn Buck  
3105 Minnesota Ave.



## 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 3102 Minnesota Ave (PL17-043)



Above: Side of the home and 31<sup>st</sup> Street

Below: Front of the home







**Above: Rear of home and proposed parking space**

**Below:**







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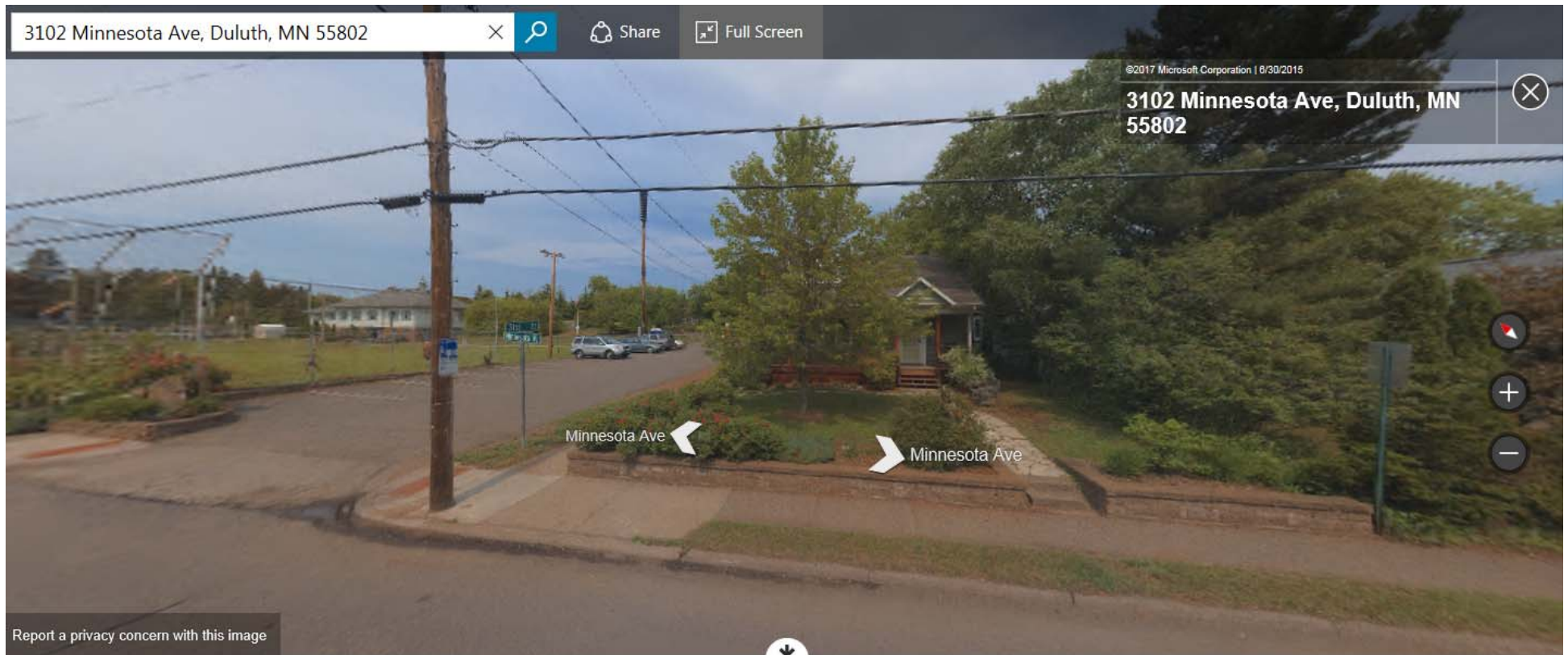
**Proposed parking space**





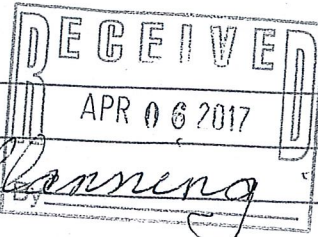
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Side of the home, noting 31<sup>st</sup> Street and Lafayette Park Parking Lot





Dept of Planning

We are quite concerned  
about the thought of  
a vacation dwelling  
at 3102 Minnesota Ave.  
We already have one  
on the 30th block.

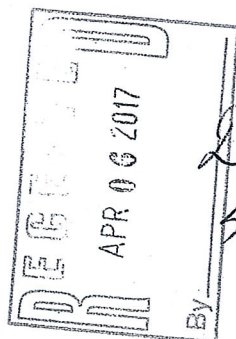
If this keeps going,  
we won't have a  
neighborhood any more.  
A person doesn't feel  
secure without  
neighbors we know.

Gloria Lyle  
3009 Minnesota Ave



ST. PAUL MN 551

APR 2017 PM 8 L



Duluth Dept of Planning  
411 W 1st Street  
Room 208

Duluth MN 55802