



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 20-142	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		October 13, 2020
Deadline for Action	Application Date	September 8, 2020	60 Days	November 6, 2020
	Date Extension Letter Mailed	September 16, 2020	120 Days	January 6, 2021
Location of Subject		409 South 19 th Avenue East		
Applicant	Nola Wick	Contact		
Agent		Contact		
Legal Description		PID # 010-1460-00360, 010-1460-00355		
Site Visit Date	October 1, 2020	Sign Notice Date		September 29, 2020
Neighbor Letter Date	September 28, 2020	Number of Letters Sent		33

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would be good for a 3-bedroom home with 6 occupants.

This property is located in the F-2 Form District and is exempt from the cap of 60 vacation dwelling units .

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Residential	Neighborhood Mixed Use
North	F-2	Residential	Neighborhood Mixed Use
South	F-2	Residential	Neighborhood Mixed Use
East	F-2	Residential	Neighborhood Mixed Use
West	F-2	Residential	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 zone district.

UDC Sec. 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;
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 #5 - Strengthen neighborhoods

Governing Principle #8 - Encourage mix of activities, uses, and densities – The issuance of a permit allows an otherwise unused or underutilized structure to have use and increase tax base.

- 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 – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live -work spaces. May include limited commercial - only space oriented to neighborhood or specialty retail markets.

Current History: The property currently a single family home. It is 1,178 square feet and contains 3 bedrooms built in 1891.

Review and Discussion Items:

- 1) Applicant's property is located at 409 South 19th Avenue East. The proposed vacation dwelling unit contains 3 bedrooms that would allow for a maximum of 7 guests. Applicant is proposing a maximum of 6 guests.
- 2) 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 Heirloom Properties to serve as the managing agent.
- 3) Form district regulations allow for modification to parking requirements if parking is unavailable on the site. Applicant indicates that renters will park on the street. There is not space on this property for off-street parking.
- 4) The site has a deck as an amenity. The deck is screened from the neighboring properties by a fence around the rear yard and some vegetation.
- 5) 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.
- 6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



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8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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

- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



409 S 19th Ave E

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.



1810
London Rd
TACO JOHNS
Aerial photography flown 2019

1821 South St Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



S. 19th Ave E.

On-Street Parking, Lots Available

6
Lilac
Trees
1
ash

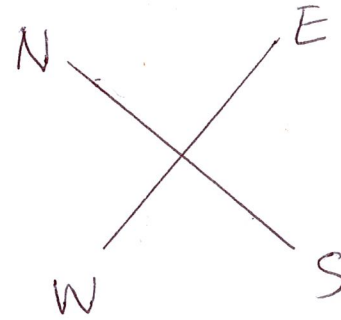
4'4"
↔

409 S. 19th
Ave E.

HOUSE

15'

5'6"
↔



40'

20'

25
ash
trees
Big
Trees

45'
HOUSE
TO
FENCE

Raised
4'
Deck

Yard

29' Fence to Fence

8 Big Ash
Trees

— Fence

10 feet / Inch

Vacation Dwelling Unit Worksheet (April 2018)

1. The minimum rental period shall be not less than two consecutive nights. What will be your minimum rental period?

1 nights *It is my understanding that the code requirements for a form district is 1 night minimum*

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

3 6

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

How many off-street parking spaces will your unit provide? 0 *It is my understanding that for form districts no parking is required.*

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. Will you allow motorhome or trailer parking? If so, where? No **There is plenty of on-street parking available.*

5. The property owner must obtain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days. Provide copies of the lodging and fire inspection reports with your initial application.

- ☐ Mn Department of Health Lodging License (Requires Inspection) *Called twice, waiting on response.*
- ☐ City of Duluth Fire Operational Permit (Requires Inspection) *Called twice, waiting on response.*
- ☐ City of Duluth Hotel/Motel License *→ City clerk office told me I don't need one.*
- ☐ City of Duluth Tourism Tax Number *→ Don't need it if I only use AirBnB or Urbo.*
- ☐ State of Mn Tax Identification Number *→ I will register when I decide if it will be an LLC or sole proprietorship.*

6. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

7. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

8. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

9. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will keep your guest record (log book, excel spreadsheet, etc):**

Management company will take care of this.
they use Airbnb and Live Rez.

10. Permit holder 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 any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Potentially Heirloom Management 218-390-4317

11. Permit holder must disclose in writing to their guests the following rules and regulations:

- The managing agent or local contact's name, address, and phone number;
- The maximum number of guests allowed at the property;
- The maximum number of vehicles, recreational 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, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

Management company will provide this.
~~management company will provide this information on the website, listing site, and welcome book~~
information on the website, listing site, and welcome book

12. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements?** Yes in each unit.

13. **Prior to rental**, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

14. **Prior to rental**, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax, as discussed in item number 5 above; submit a copy of these approvals to the Planning and Community Development office.

5 years. We have not had an issue with parking ~~th~~ during that time. We have on-street, alternate side parking and there are almost always many spaces available.

There are 6 lilac bushes on the North side of the house. There are 25 ash trees on the West side of the lawn, as well as a big hill. There are 8 ash trees on the South West side of the yard. The Deck is more than 4 feet above the neighbors yard on the South side, as the yards slope down towards the lake.

Thank You for accepting my application. I look forward to hearing back.

Best,

Nola Wick





From: [planning](#)
To: [Chris Lee](#)
Subject: FW: 409 S 19th Ave E - October 13th commission meeting
Date: Tuesday, October 6, 2020 6:20:46 AM

From: Mags David <[REDACTED]>
Sent: Monday, October 5, 2020 6:31 PM
To: planning <planning@DuluthMN.gov>
Subject: 409 S 19th Ave E - October 13th commission meeting

Dear Commissioners,

I am writing in regard to the requested Interim Use Permit for a Vacation Dwelling Unit at 409 S 19th Ave E in Duluth. I live on the block that this property is on and do not support a vacation rental use of the property. Following are my concerns that underlie my lack of support for the Interim Use Permit.

Parking

The property at 409 S 19th Ave E has no off street parking available. That property is one of four properties on the block that do not have off street parking, the remaining properties on the block have limited off street parking. The commercial building at the corner of S 19th Ave E and South St does not have adequate parking for the employees and customers who use the building, and often employee cars fill all of 19th Ave below London Rd and South St from 19th Ave to 18th Ave and occasionally beyond, especially in the winter. I would object to any new business on our street that did not have off street parking for their customers. A vacation rental unit is a business and should provide parking for their customers.

Out of town visitors often are confused or uninformed about alternate side parking in Duluth. Cars parked on the wrong side of the street cause difficulties with snow removal, and just one car on the wrong side of the street can create a situation that makes the street impassable.

Housing Shortage

As you well know, Duluth faces a serious shortage of housing for our residents. The last occupants of 409 S 19th Ave E were a family with two children who were

stationed in Duluth by the Coast Guard. We need housing for families. Using our residential buildings for occasional out of town guests leaves valuable housing space unoccupied for days or weeks at a time.

Neighborhood

Our block on S 19th Ave E is a small community within a busy urban area. The residents and businesses here know each other and support each other. A building that serves as temporary lodgings detracts from a community by removing community members in favor of visitors who have no connection to the community and no incentive to meet community norms or watch out for unusual happenings on the street.

Absentee landlord

The current owner of the property does not live in Duluth. I am not confident that problems with guests can be adequately addressed. Or that problems the guests have can be adequately addressed. Even with local Duluth contacts, if the owner is not on the premises while guests are present, problems will arise, and neighbors most likely will have nowhere to turn for help.

Please deny the requested Interim Use Permit for a Vacation Dwelling Unit at 409 S 19th Ave E in Duluth.

Thank you for your consideration,
Mags David

420 S 19th Ave E
Duluth MN 55812

From: [planning](#)
To: [Chris Lee](#)
Subject: FW: Comments for public hearing
Date: Tuesday, October 6, 2020 8:30:42 AM

From: Rory Litwin [REDACTED] >
Sent: Tuesday, October 6, 2020 8:29 AM
To: planning <planning@DuluthMN.gov>
Subject: Comments for public hearing

Dear planning department,

This email is in reference to the public hearing for an interim use permit for a vacation dwelling unit at 409 S. 19th Ave. E. I am the owner of the property next door, on the corner of London Rd. and 19th Ave. E. I am writing only to say that I have no problem with the application for the permit. I am fine with it.

Rory Litwin