



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-010	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		April 13, 2021
<b>Deadline for Action</b>	<b>Application Date</b>	February 5, 2021	<b>60 Days</b>	April 4, 2021
	<b>Date Extension Letter Mailed</b>	February 12, 2021	<b>120 Days</b>	June 3, 2021
<b>Location of Subject</b>	3027 Minnesota Ave			
<b>Applicant</b>	Steven Sola	<b>Contact</b>		
<b>Agent</b>	Mia Mullins	<b>Contact</b>		
<b>Legal Description</b>	PID # 010-3110-01220			
<b>Site Visit Date</b>	February 26, 2021	<b>Sign Notice Date</b>	February 23, 2021	
<b>Neighbor Letter Date</b>	February 25, 2021	<b>Number of Letters Sent</b>	22	

**Proposal**

Applicant proposes to use a three-bedroom home as a vacation dwelling unit. Up to 7 people will be allowed to stay in the home.

The applicant was on the waitlist for available IUPs for vacation rentals.

**Recommended Action:** Staff recommends that Planning Commission recommend approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Open Space	Traditional Neighborhood
<b>West</b>	R-1	Harbor	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 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.
3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for



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vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

**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 from otherwise vacant properties and provide 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 home is 1,300 square feet in size and constructed in 1899. The structure is currently a licensed single-family rental for long-term renters.

**Review and Discussion Items:**

- 1) Applicant's property is located at 3031 Minnesota Avenue. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) The applicant is proposing 2 off street parking spaces in the driveway located in front of the detached garage. No modifications to the existing paved driveway are anticipated.
- 3) The applicant has indicated there will be a space for camper or trailer storage by VDU guests. However, that camper must remain unoccupied during rental of the home.
- 4) The applicant has indicated a deck as an outdoor amenity. The deck is screened by the existing fence and vegetation.
- 5) Permit holders must designate a managing agent or local contact who resides with 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 Mia Mullins at 3033 Minnesota Avenue 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.



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- 8) 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").
- 9) One citizen comment was received regarding parking and trash. In response, staff has included a condition that the applicant shall provide on-site trash service and that guests may not park in the Lafayette Square parking lot overnight.
- 10) Construction Services commented that the applicant must check with their office for Building Code requirements prior to permit approval. No other 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 Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant will provide trash service for guests, and shall clearly identify how such service shall be used by guests.
- 3) Guests may not park in the Lafayette Square parking lot.
- 4) No fires on the beach at Park Point.
- 5) Quiet hours are to be limited to 10pm – 7am.
- 6) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 7) 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 21-010  
Interim Use Permit  
3027 Minnesota Ave

**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
  - 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 2019

Prepared by: City of Duluth Planning & Development Division, March 31, 2020. Source: City of Duluth.

## Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

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 bedrooms 7

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.

e. Form districts are not required to provide parking spaces.

**How many off-street parking spaces will your unit provide?** 3-4

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?** Yes, both on+ off street

5. 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.

6. 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.

7. 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.

8. 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):

The above Information will be collected on the VRBO platform and stored. It will also be in excel form on Google Docs.

9. 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:

Lia Mullins / 3033 Minnesota Ave / Duluth 612.804.4329

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

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. 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;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

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

The above information will be included on the VRBO site and guests will also receive emails.

11. 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

12. 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.

C:\P\3928\dwg\L3928.dwg Tue Jun 29 17:19:57 1999 plotted by JK

30'

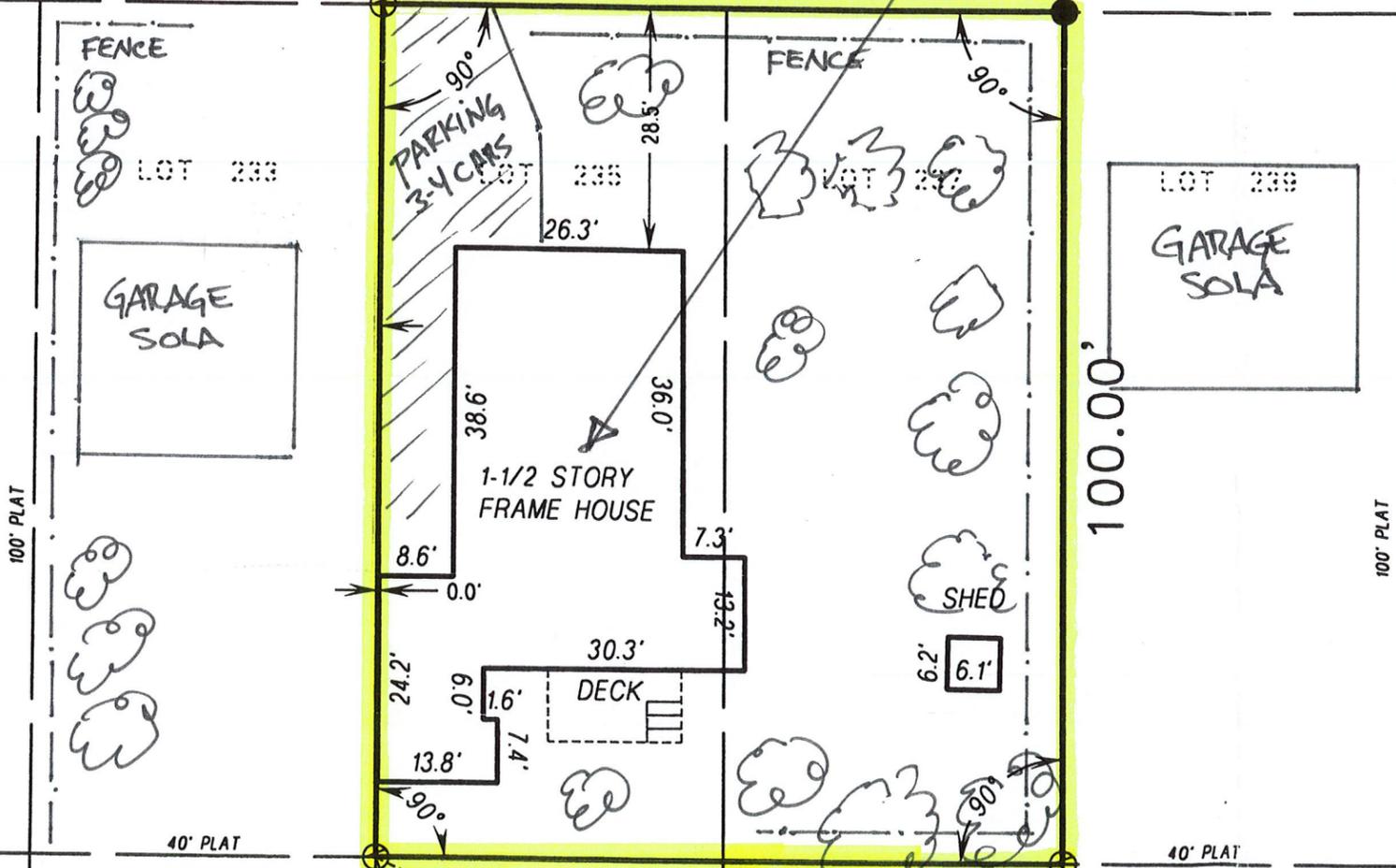
30'

# MINNESOTA AVENUE

## BAY VIEW COTTAGE

 = EVERGREEN TREE

80.02' (180.0' PLAT)



- ⊕ SET IRON SURVEY MARKER MN. LIC. 13794
- IRON ROD FOUND
- LOT LINE
- PROPERTY LINE

LEGAL DESCRIPTION  
LOTS 235 & 237, MINNESOTA AVENUE, LOWER DULUTH.



**ENGINEERS • SURVEYORS • PLANNERS**  
**SALO ENGINEERING, INC.**  
 15 East First Street • Duluth, Minnesota 55802 • 218/727-8796

I HEREBY CERTIFY THAT THIS SURVEY 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.  
*Dale L. Berntsen*  
 DATE 6/27/99  
 MN. LIC. NO. 13794

NO	DATE	REVISION	BY	JOB NO.	DATE
1				L-3928	6/23/99
2					
3					

BOUNDARY SURVEY  
 FOR: STEVEN SOLA  
 SUE MARINO  
 2071 MN AVE  
 DULUTH, MN

**From:** [REDACTED]  
**To:** [Chris Lee](#)  
**Subject:** re. 3031 MN Ave permit request  
**Date:** Wednesday, March 10, 2021 9:42:51 AM  
**Attachments:** [image.png](#)

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Hi Chris,  
Thanks for chatting on the questions I had related to the neighbor's request for this permit re. 3031 MN Ave (previously 3027 MN Ave)

I am not sure when the hearing is for this interim use permit, seems you mentioned it was going to be pushed ahead a month.

I would be grateful if you would be willing to bring these concerns forward:

Applicant provides on site garbage and recycling for the business and homes.

Applicant provides adequate parking on site- have seen renters of other vrbos use up spaces at Lafayette park instead of using onsite parking, (the owner told them to park at Lafayette instead) Is there a way to enforce this?

Applicant provides guidance on use of accesses to bay and beach & Lafayette for customers- applicant or their customers will not dissuade or harass the public from seeking access to the bay across from the Lafayette parking lot

Also, if there is a problem ie loud noise/music , smoke from fires, parking problems who do the neighbors call?

Thank you,

[REDACTED]  
[REDACTED]