



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 21-029	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	April 13, 2021	
Deadline for Action	Application Date	March 9, 2021	60 Days	May 8, 2021
	Date Extension Letter Mailed	March 25, 2021	120 Days	July 7, 2021
Location of Subject	1407 Morningside Avenue			
Applicant	Rebecca Orn	Contact		
Agent		Contact		
Legal Description	PID # 010-3330-01332			
Site Visit Date	March 31, 2021	Sign Notice Date	March 30, 2021	
Neighbor Letter Date	March 31, 2021	Number of Letters Sent	24	

Proposal

Applicant proposes to use a two-bedroom home as a vacation dwelling unit. Up to 5 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.

	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	Residential	Traditional Neighborhood
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 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):

- 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 property contains a 930 square foot single family home built in 1988.

Review and Discussion Items:

- 1) Applicant's property is located at 1407 Morningside Ave. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing 2 off street parking spaces in the driveway.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by guests.
- 4) The applicant has indicated no outdoor amenities. The applicant does indicate there is privacy fence on the property.
- 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 themselves 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 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) 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 at the time this report was drafted.



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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 shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) 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.

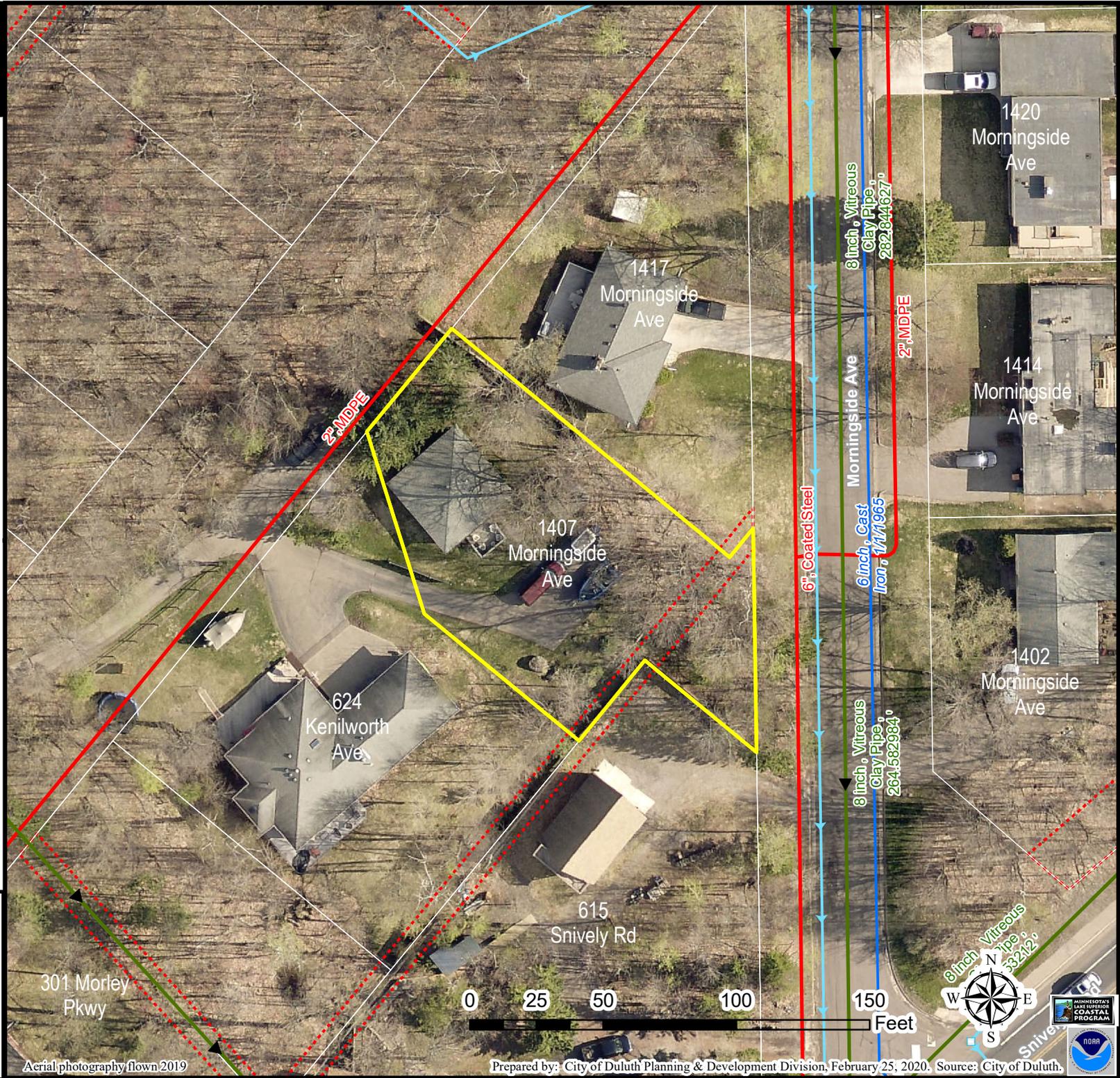


PL 21-029
Interim Use Permit
1407 Morningside Dr.

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





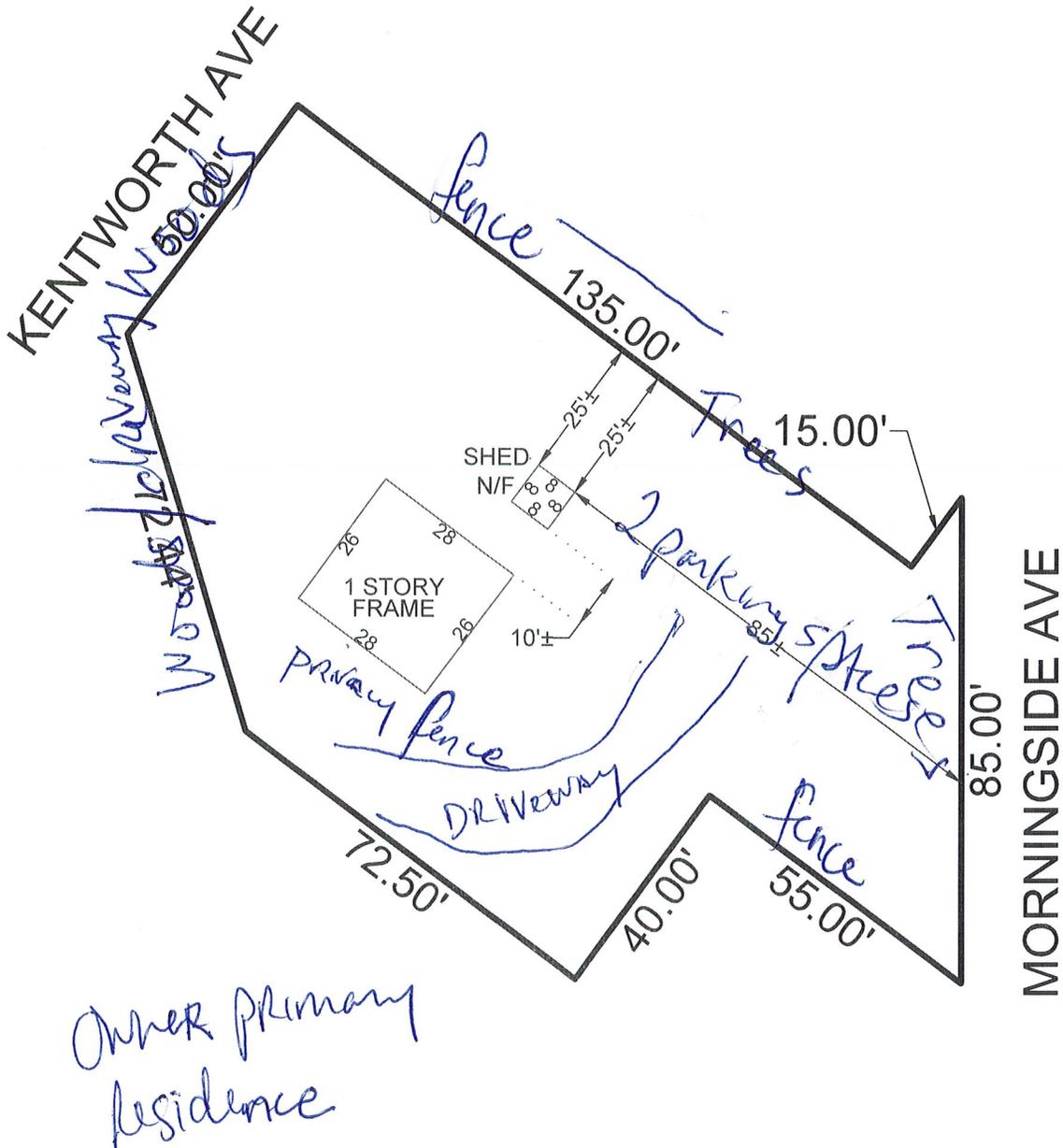
EPIC PROPERTY SERVICES

EPIC PROPERTY SERVICES, INC.

PROPERTY SKETCH

LEGAL: SEE SCHEDULE A

30 Scale



1407 MORNINGSIDE AVE

DULUTH

THIS IS NOT A SURVEY NOR SHOULD THIS BE USED AS A SURVEY TO LOCATE FUTURE IMPROVEMENTS. This drawing is for residential mortgage informational purposes only. the information relating to the property dimensions is based upon the recorded plat or maps in the country records the improvements location and dimensions shown are approximate and based upon a visual inspection.



From: [REDACTED]
To: [Chris Lee](#)
Cc: [REDACTED]
Subject: Interim use permit at 1407 Morningside avenue
Date: Friday, April 2, 2021 7:22:46 PM

Dear Chris Lee, planner 1,

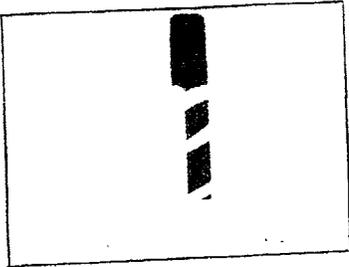
The Orn family are very considerate and responsible neighbors. I saw the small two bedroom house before and after they remodeled and it is beautiful. I am confident that Rebecca will not tolerate any out of control nonsense at the house right next door to their home. My home borders their property and it is isolated by fences and woods on all sides. I support their application.

Please share my email with the planning commission as I will not be attending. Feel free to call me if you wish. [REDACTED]

Sincerely,

[REDACTED]
[REDACTED] 55803

Sent from my iPhone



Epic Property Services, Inc Property Inspection Report

Order Number: _____

Address On Building: _____

City: _____

15481

1402

Morningside Ave

County: _____

St Louis

Character Of Improvements?

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> 1 Sty | <input checked="" type="checkbox"/> Frame | <input checked="" type="checkbox"/> Residential |
| <input type="checkbox"/> 1 1/2 Sty | <input type="checkbox"/> Brick | <input type="checkbox"/> Townhouse |
| <input type="checkbox"/> 2 Sty | <input type="checkbox"/> Stucco | <input type="checkbox"/> Condo |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | <input type="checkbox"/> Commercial |
| | | <input type="checkbox"/> Other |

Garage?

- Attached
 Not Attached
 Car
 None

Any Alley?

- Yes
 No

Estimated Age Of Improvements?

- New Construction
 Less than 1 year
 1 to 5 years
 5 to 15 years
 15 years or older

Any Apparent Recent Improvements?

- Yes Describe: _____
 No _____

Apparent Easements?

- Yes Describe: _____
 No _____

Any Fences On The Property?

- Yes
 No

Do Improvements On Adjoining Property

Appear To Encroach?

- Yes Describe: _____
 No _____

Any Party Walls?

- Yes Describe: _____
 No _____

Do All Structures And Improvements Appear To Be Within Property Lines?

- Yes Describe: _____
 No _____

Access To Property?

- Street/Alley
 Shared Drive
 Access Esmt
 Other

Water On property

- Lakes
 Wetlands
 Rivers
 Creek

Persons In Possession?

- Occupied (No Response)
 Unoccupied
 Owner
 Workmen
 Other _____

Overhead powerlines

- Yes
 No

Other Information: _____

Inspection Date: _____

11-3-15

Inspected By: _____

W. Johnson

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?

2 5

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? 2

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

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):

I will keep an Excel spreadsheet with names and dates of stay of all guests

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:

Self - Rebecca Orn 651-485-5736 ornrebecca@
Husband - Brad Orn 617-963-8700 orns17@gmail.com

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:

VRBO / AIRBNB

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.