

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-0149R

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3315 MINNESOTA AVENUE (DOUG SABO AND LORRI HANNA).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Douglas Sabo and Lorri Hanna an interim use permit to operate a vacation dwelling unit located at 3315 Minnesota Avenue and as described by the following:

Lots 285, 287, 289 and 291, Lower Duluth, Minnesota Avenue (PID 010-3110-01490); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-017); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 12, 2013; and

(f) The city planning commission, at their regular meeting on March 12, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below.

FURTHER RESOLVED, that an interim use permit for the subject property, is

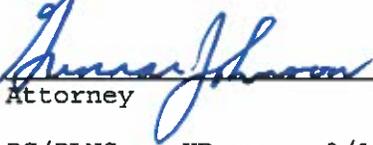
approved subject to the following conditions:

(a) The applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC/PLNG KD:cs 3/15/2013

STATEMENT OF PURPOSE: This resolution grants to Doug Sabo and Lorri Hanna an interim use permit for a vacation dwelling unit at 3315 Minnesota Avenue. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant's proposal meets the use specific criteria for a two bedroom vacation dwelling unit including the provision of three off-street parking spaces.

On March 12, 2013, the city planning commission held a public hearing on the proposal, heard testimony from citizens, and voted 9 yeas, 0 nays, and 0 abstentions, with 0 commissioners absent, to recommend that the City Council approve the interim use permit with conditions relating to quiet hours at the property and disclosure to guests the location of the nearest legal beach access.

Request filed: January 30, 2013  
Action deadline: May 30, 2013



**CITY OF DULUTH**  
 Planning Division

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

**STAFF REPORT**

<b>File Number</b>	PL13-017	<b>Contact</b>	Kyle Deming, kdeming@duluthmn.gov	
<b>Application Type</b>	Interim Use Permit	<b>Planning Commission Date</b>	March 12, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	January 30, 2013	<b>60 Days</b>	March 31, 2013
	<b>Date Extension Letter Mailed</b>	February 21, 2013	<b>120 Days</b>	May 30, 2013
<b>Location of Subject</b>	3315 Minnesota Ave.			
<b>Applicant</b>	Doug Sabo & Lorri Hanna	<b>Contact</b>	dsabo@soltreks.com, 218-830-1233	
<b>Agent</b>	Same	<b>Contact</b>		
<b>Legal Description</b>	Parcel I.D. #010-3110-01490			
<b>Site Visit Date</b>	February 26, 2013	<b>Sign Notice Date</b>	February 26, 2013	
<b>Neighbor Letter Date</b>	February 22, 2013	<b>Number of Letters Sent</b>	31	

**Proposal**

Interim Use Permit for a Vacation Dwelling Unit consisting of two (2) bedrooms.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Dwelling	Traditional Neighborhood
<b>North</b>	R-1	Superior Bay	Traditional Neighborhood
<b>South</b>	R-1	Dwellings	Traditional Neighborhood
<b>East</b>	R-1	Dwellings	Traditional Neighborhood
<b>West</b>	R-1	Superior Bay	Traditional Neighborhood

**Summary of Code Requirements (reference section with a brief description):**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.  
 UDC Sec. 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 50-37.1.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 met.  
 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 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 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.

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**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Governing Principle #8 - Encourage mix of activities, uses, and densities  
Governing Principle #5 - Strengthen neighborhoods

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 and neighborhood extensions, and new traditional neighborhood areas.

- 4-8 units/acre
- Form standards and conservation development an option
- Mix of housing types (i.e. town homes and 4-plexes) at corners
- Limited commercial uses (i.e., 'corner store') serving neighborhood market

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Staff finds that:

- 1.) The applicant has submitted the required materials and agency approvals.
- 2.) The site is 160' wide by roughly 60-90' deep. It has 3 three off-street parking spaces (2 required);
- 3.) The applicant will be the managing agent (and has a backup agent - their neighbor). Applicant has notified all owners within 100 feet;
- 4.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Units at this location can function without negative impacts on surrounding residential uses thereby causing damage to the public's health, safety and welfare.

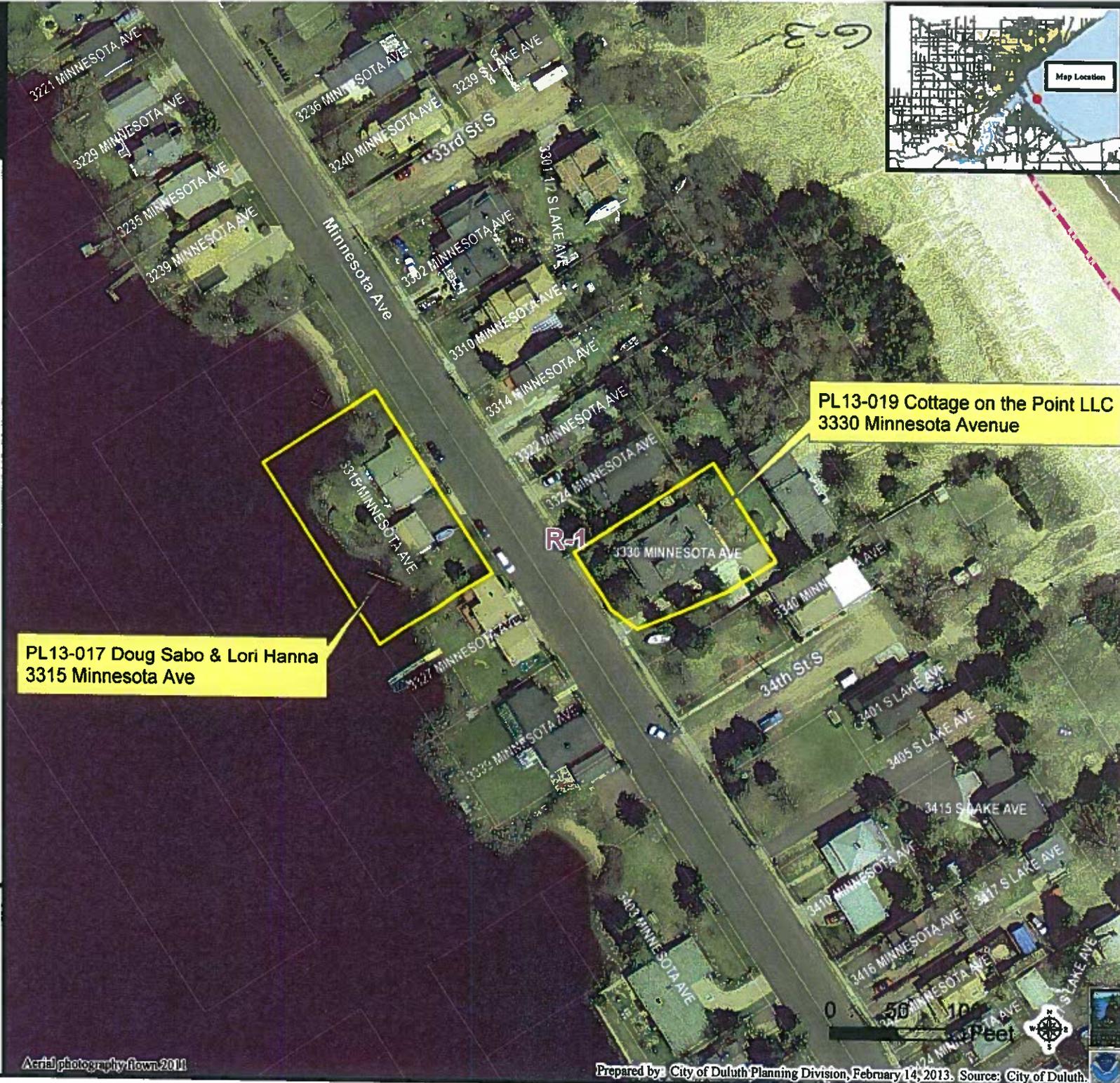
**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, staff recommends the Commission recommend approval of the Interim Use Permit.

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**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

PL13-017 and PL13-019  
Vacation Dwelling Unit Interim Use  
Permits  
3315 Minnesota Ave: Douglas Sabo  
3330 Minnesota Ave: Cottage on the Point



PL13-019 Cottage on the Point LLC  
3330 Minnesota Avenue

PL13-017 Doug Sabo & Lori Hanna  
3315 Minnesota Ave

**Legend**



Zoning (Final)

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.

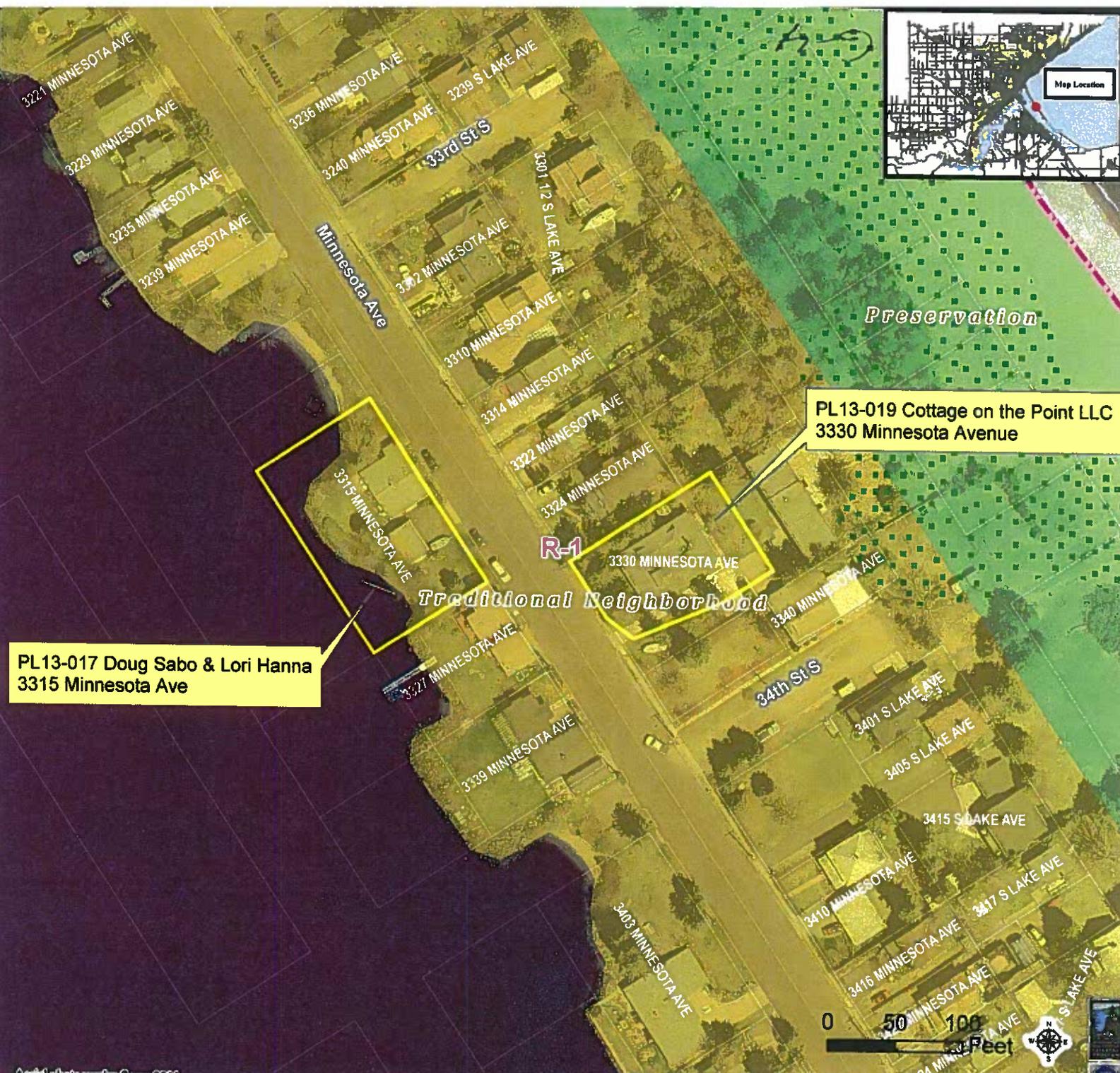
PL13-017 and PL13-019  
 Vacation Dwelling Unit Interim Use  
 Permits  
 3315 Minnesota Ave: Douglas Sabo  
 3330 Minnesota Ave: Cottage on the Point

**Legend**

 Zoning (Final)

**Future Land Use**

-  Preservation
-  Recreation
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Neighborhood Mixed Use
-  General Mixed Use
-  Central Business Secondary
-  Central Business Primary
-  Auto Oriented Commercial
-  Large-scale Commercial
-  Business Park
-  Tourism/Entertainment District
-  Medical District
-  Institutional
-  Commercial Waterfront
-  Industrial Waterfront
-  Light Industrial
-  General Industrial
-  Transportation and Utilities
-  Sensitive Lands Overlay



**PL13-017 Doug Sabo & Lori Hanna  
 3315 Minnesota Ave**

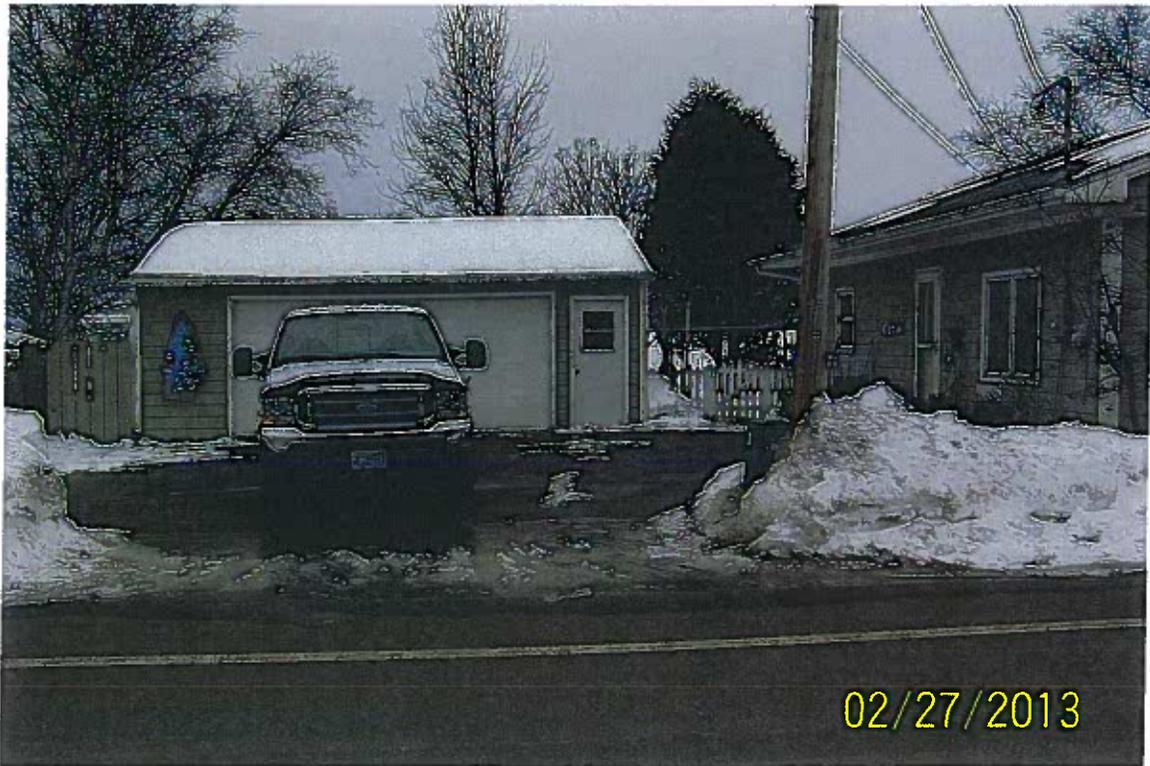
**PL13-019 Cottage on the Point LLC  
 3330 Minnesota Avenue**

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02/27/2013

3315 Minnesota Ave looking northwest



02/27/2013

3315 Minnesota Ave. looking west

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02/27/2013

3315 Minnesota Ave. - taken from Minnesota Ave looking southwest



02/27/2013

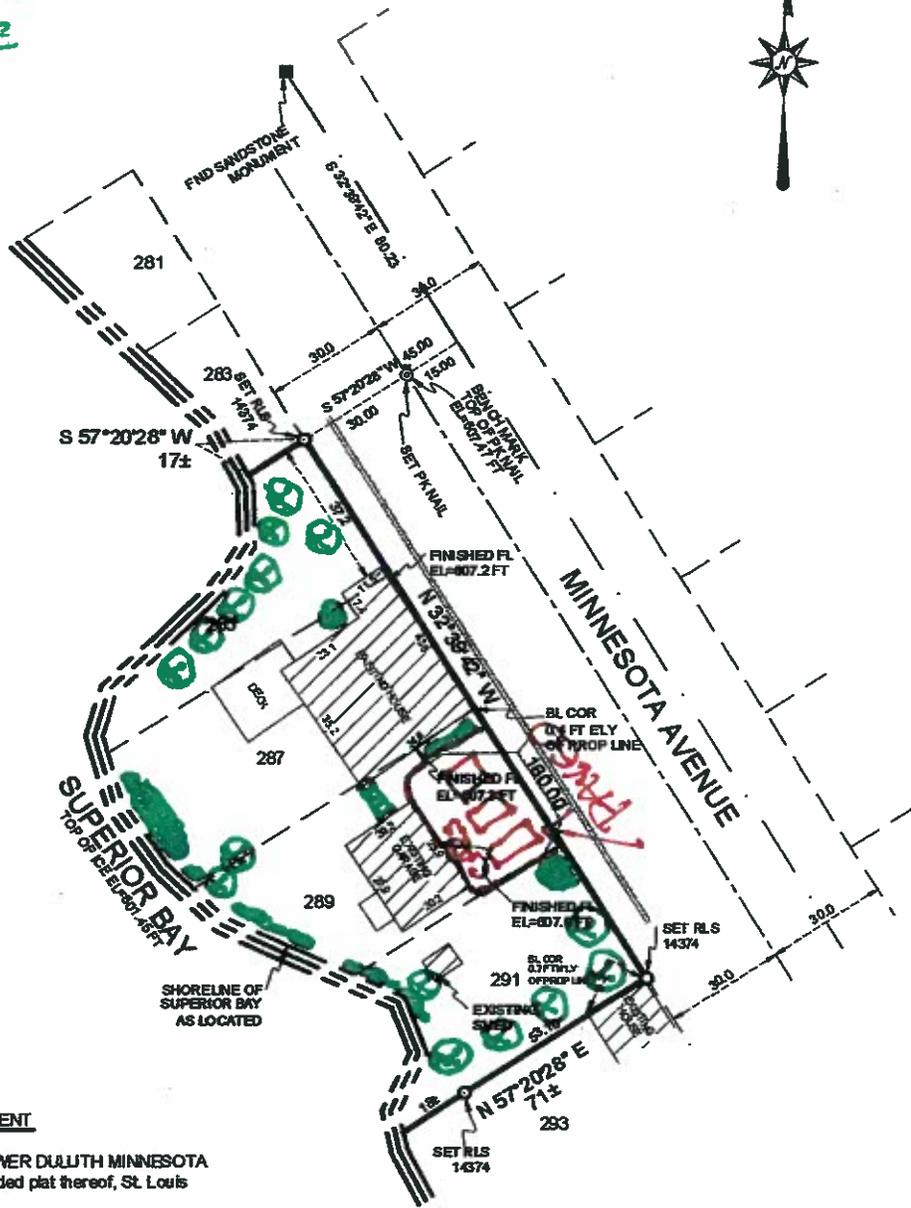
3315 Minnesota Ave - looking southwest

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CERTIFICATE OF SURVEY

SITE PLAN

① = TREE  
[Symbol] = SHRUB  
[Symbol] = FENCE



LEGAL DESCRIPTION PER CLIENT

Lots 285, 287, 289 and 291, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

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: 12-28-09  
*Ronald L. Krueger*  
Ronald L. Krueger MNLICENSE No. 14374

NOTES

- BEARINGS ARE BASED ON AN ASSUMED DATUM.
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY AFFECT OR ENLARGE THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

DATE: 12-21-09  
SCALE: 1 IN = 30 FEET  
CLIENT: DOUG SABO  
PROPERTY ADDR: 3315 MINNESOTA AVE  
PROJECT NO: 09-141

**ALTA**  
SURVEY COMPANY, INC.  
Residential, Commercial, and Surveying Land  
Development Legal Descriptions  
682 S. 25th Ave. W., Suite 4  
Duluth, MN 55812  
Phone: 218-227-8211 Fax: 218-227-3788

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**"The Cottage"**  
**Vacation Rental**  
**3315 Minnesota Avenue**  
**Duluth, MN 55802**

**Vacation Dwelling Unit Interim Use Permit Standards:**

- 1. We understand the minimum rental period shall not be less than 5 nights during the period from June 15 – September 15 and during the rest of the year not be less than 2 nights.**
- 2. The total number of persons renting at one time will be 5 or less.**
- 3. The property has off street paved parking space for 1-3 vehicles.**
- 4. We understand only one motorhome, trailer, for ATV's, boat, personal water craft, snowmobile, etc. may be parked at the site on or off the street.**
- 5. We understand we must obtain all licenses and permits from the City of Duluth and State of MN required for guest occupancy on the property for 3 to 21 days.**
- 6. We understand we 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, and interim use permit violations procedures.**
- 7. We understand the interim use permit shall expire upon change of ownership of the property of in six years which ever occurs first.**

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1. We will be keeping a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all our guests.

2. We, Doug Sabo and Lorri Hanna, will be the managing agents and have a back up person when we are unavailable. Our neighbor Tim Buck (3314) has agreed to be our backup contact when we are unavailable. Below is his contact information:

**Tim Buck – Cell 218-591-9255 – Work 218-720-0140**  
3314 Minnesota Ave.  
Duluth, MN 55802  
Parcel # 3110-03540  
Directly across Street – East

3. We understand and we will provide the name, address, and phone number of the local contact to our neighbors within 100 feet from our property and notify them within 10 days of any changes in local contact.

4. Guest rules (currently in progress and under review by counsel).

5. We understand the rules for being cited for any nuisance event.

6. We will post our permit number on all print, poster or web ads.

7. We will have our rental inspected and an Operational Permit issued by the Fire Prevention Office.

8. We will apply for State and local sales tax numbers and Hotel and Motel Sales tax.

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## RENTAL RULES AND REGULATIONS

**Property:** The property is located on: Park Point, Duluth, Minnesota

**"The Cottage"**  
**3315 Minnesota Ave. Duluth, MN 55802**

**Contact Person(s): Doug Sabo and Lorri Hanna**  
**2346 Hwy #3**  
**Two Harbors, MN 55616**  
**Doug Sabo 218-830-1233 or Lorri Hanna 612-867-2232**

**1. Rental Party:** The rental party shall consist of no more than **(4)** Guests and the following persons **Names, Address, Phone #, Vehicle/Trailer License #** are:

PLEASE TYPE

1)

2)

3)

4)

**2. Maximum Occupancy:** The maximum number of guests is limited to **(4)** persons. **(No small children).**

**3. Term of the Lease:** The lease begins at 3:00 p.m. on \_\_\_\_\_ (the "Check-in Date") and ends at 11:00 p.m. on \_\_\_\_\_ (the "Checkout Date").

**4. Minimum Stay:** This property requires a **5 night minimum stay from June 15 – September 15** and **2 night minimum stay from September 16 – June 14.** Longer minimum stays may be required during holiday periods and Grandma's Marathon week.

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**5. Rental Rules:** Guest agrees to abide by the Rental Rules at all times while at the property and shall cause all members of the rental party and anyone else that the Guest(s) permits on the property to abide by the following rules at all times while at the property.

**6. Access:** Guest shall allow Homeowner access to the property for purposes of repair and inspection. Homeowner shall exercise this right of access in a reasonable manner.

**7.** Smoking is **NOT** allowed on the premises of the property.

**8.** People other than those in the Guest party set forth above may not stay overnight. Any other person in the property is the sole responsibility of Guest.

**9.** Keep the property and all furnishings in good order.

**10.** Only use appliances for their intended uses.

**11.** Pets are **NOT** allowed.

**12. Parking** – Parking is limited to **(2)** vehicle(s) and **(1)** Boat/trailer or RV. Vehicles are to be parked in designated parking areas only. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner. **(NO PARKING ON THE GRASS)**

**13. Housekeeping:** There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included. We suggest you bring beach towels. We do not permit towels or linens to be taken from the units.

**14. Fireplace:** The fireplace is a vented propane gas log fireplace. Please do not set anything on the fireplace. Fireplaces are turned on/off with the black remote. Please make sure the outside vent is unobstructed. Please turn off fireplace when not in room monitoring it.

**15. Sauna:** Please contact owner for use.

**16. Renters will be asked to leave immediately if they become a nuisance to our neighbors, disrespectful to the home and or property or refuse to follow the above rules and regulations.**

Guest Sign \_\_\_\_\_ Date \_\_\_\_\_

Guest Name (Print) \_\_\_\_\_

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City of Duluth  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-730-6904 • www.duluthmn.gov

An Equal Opportunity Employer

**INTERIM USE PERMIT  
FOR  
VACATION DWELLING UNIT**

**Permit Number:** PL13-017

**Issued Date:** April 22, 2013

**Permit Holder:**

Doug Sabo and Lorri Hanna  
3315 Minnesota Avenue  
Duluth, MN 55802  
[dsabo@soltreks.com](mailto:dsabo@soltreks.com)  
218-830-1233

**Permit Location:**

3315 Minnesota Ave.  
Lots 285, 287, 289, and 291, Lower Duluth,  
Minnesota Avenue  
PID 010-3110-01490

**Permit Terms:**

1. The number of vacation dwelling units issued under this permit is 1.
2. The vacation dwelling unit consists of 2 bedrooms.
3. The total number of persons that may occupy the vacation dwelling unit is 5.
4. The number of off-street parking spaces provided for the vacation dwelling unit is 1.
5. 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.
6. The minimum rental period shall not be less than 5 nights during the period from June 15 to September 15. The minimum rental period shall not be less than 2 nights during the rest of the year.
7. The property owner must maintain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 3 to 21 days.
8. The interim use permit shall expire upon change in ownership of the property or in six years from the "issued date" listed above, whichever occurs first.
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.
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.
  - a. Managing agent: Tim Buck  
3314 Minnesota Ave.  
Duluth, MN 55802  
218-591-9255
11. 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. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.
12. 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;
13. If a permit holder is cited for any nuisance event as described in Chapter 40, Article III of the Duluth Legislative Code, the Land Use Supervisor may suspend the Interim Use Permit for 90 days. If the permit holder is cited for any nuisance event a second time, the Interim Use Permit shall be revoked.
  14. Permit holder must post the permit number on all print, poster or web advertisements;
  15. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit-holder must maintain the property in conformance with this permit and be granted permit renewals as required by the Fire Department.
  16. Prior to rental, the building must be inspected and the appropriate lodging license issued by the State of Minnesota and such licensure must be maintained.
  17. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax. Permit holder must make required sales tax payments to State and local governments according to the terms established by each taxing authority.
  18. Permit holder must apply for and be granted a Hotel/Motel/B&B License from the City Clerk and must maintain licensure.
  19. Permit holder agrees 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 permit holder's expense upon change in ownership of the property or 6 years from the permit issue date, whichever occurs first, (c) the termination of the interim use 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.
  20. The permit holder must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach.
  21. The permit holder must disclose to all guests in writing that there shall be no noise emanating from the property between the hours of 10 p.m. and 8 a.m.

**Attachments:**

Site Plan

Permit Holder	Land Use Supervisor
Date	Date

**Please note:**

Interim Use Permits approved by the City Council shall lapse if the project or activity authorized is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control (UDC Sec. 50-37.1.N).