

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-0168R

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 124 NORTH HAWTHORNE ROAD (THERESA HANSON).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Theresa Hanson and David J. Hanson, an interim use permit to operate a vacation dwelling unit located at 124 North Hawthorne Road and as described by the following:

Lots 30 and 31, Congdon Park Division, First Rearrangement (PID 010-0690-00020); 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 (PL13-034); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 26, 2013; and

(f) The city planning commission, at their regular meeting on March 26, 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; and

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

approved subject to the following conditions:

(a) The interim use permit shall not be effective until an operational permit has been granted by the Fire department and a lodging license has been granted by the state of Minnesota; and

(b) The interim use permit is issued allowing up to 14 guests; 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; and

(d) There shall be no more than seven vehicles parked at the site at any time, excluding any vehicles parked inside the garage.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC/PLNG KD:cs 4/9/2013

STATEMENT OF PURPOSE: This resolution grants to Theresa Hanson an interim use permit for a vacation dwelling unit at 124 North Hawthorne Road. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has submitted the required materials and agency approvals except for an operational permit from the city fire department and a lodging license from the state department of health. These agencies have made inspections of the site and the applicant has made the required improvements except for the installation of egress windows that meet code. Due to the significant cost in making this improvement the applicant has asked, and staff and planning commission recommend, that the required window replacement be made if the interim use permit is approved.

The applicant's property is a 3,200+ square foot traditional home that was constructed in 1914, an era of large families often with live-in servants. Two of the five bedrooms have additional rooms located adjacent to them, one 13'x13' and the other 17'x11', that the applicant has configured as two-bedroom suites. This results in the home comfortably accommodating 14 guests rather than the standard 11. Additionally, the home is sited on a 1.2 acre lot with more than the required off-street parking. For all these reasons, staff and planning commission recommend 14 guests be allowed.

The applicant has a large driveway to accommodate parking of multiple automobiles. A portion of the driveway is located on the city's unimproved right-of-way for East Second Street and is shared with the neighbor to the north Jim and Rachel Moseley. At the planning commission public hearing the commission heard from the Moseleys their concerns with vehicle parking (please see their letter attached to the staff report) and voted to recommend a limit of seven vehicles be allowed on site, excluding vehicles parked inside the garage.

The applicant has a managing agent who lives within the required distance and has notified all owners within 100 feet with the agent's contact info.

On March 26, 2013, the city planning commission held a public hearing on the proposal, heard testimony from citizens, and voted 8 yeas, 0 nays, and 0 abstentions, with 0 commissioners absent, to recommend that the City Council approve the interim use permit with the conditions described above.

Request filed: February 11, 2013  
Action deadline: June 11, 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>	PL13-034	<b>Contact</b>	Kyle Deming, kdeming@duluthmn.gov	
<b>Application Type</b>	Interim Use Permit	<b>Planning Commission Date</b>	March 26, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	February 11, 2013	<b>60 Days</b>	April 12, 2013
	<b>Date Extension Letter Mailed</b>	March 8, 2013	<b>120 Days</b>	June 11, 2013
<b>Location of Subject</b>	124 N. Hawthorne Rd. (Congdon)			
<b>Applicant</b>	Theresa Hanson	<b>Contact</b>	duluthhawthornemanor@gmail.com, 218-310-4721	
<b>Agent</b>	Same	<b>Contact</b>		
<b>Legal Description</b>	Lots 30 and 31, Congdon Park Division, 1st Rearrangement (Parcel I.D. #010-0690-00020)			
<b>Site Visit Date</b>	February 27, 2013	<b>Sign Notice Date</b>	March 10, 2013	
<b>Neighbor Letter Date</b>	March 11, 2013	<b>Number of Letters Sent</b>	29	

**Proposal**

Interim Use Permit for one vacation dwelling unit consisting of five bedrooms (including two 2-room suites).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	One-family dwelling	Traditional Neighborhood
<b>North</b>	R-1	Dwellings	Traditional Neighborhood
<b>South</b>	R-1	Dwellings	Traditional Neighborhood
<b>East</b>	R-1	Park	Traditional Neighborhood
<b>West</b>	R-1	Dwellings	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.

1-3

**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 except for a Fire Operational Permit from the City and a Lodging License from the State. These agencies have made inspections of the site and the applicant has made the required improvements except for the installation of egress windows that meet code. Due to the significant cost in making this improvement the applicant has asked, and staff recommends, that the required window replacement be made after the interim use permit is approved;
- 2.) The site has room for 6-8 parking spaces (including 1 in the garage), more than the required 3 off-street parking spaces;
- 3.) This 3,200+ square foot traditional home was constructed in 1914 in an era of large families often with live-in servants. Two of the five bedrooms have additional rooms located adjacent to them, one 13' x 13' and the other 17' x 11', that the applicant has configured as two-bedroom suites. This results in the home comfortably accommodating 14 guests rather than the standard 11. Additionally, the home is sited on a 1.2 acre lot with more than the required off-street parking. For all these reasons, staff recommends 14 guests be allowed;
- 4.) The applicant has a managing agent who lives within the required distance. Applicant has notified all owners within 100' with the agent's contact info.;
- 5.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit at this location can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. The time limit will be up to six years from the effective date of the Council resolution approving the interim use permit.

**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 subject to the following conditions:

- 1.) The Interim Use Permit shall not be effective until the Fire Operational Permit has been granted by the City Fire Department and the Lodging License has been granted by the State Department of Health;
- 2.) The permit be issued allowing 14 guests.
- 3.) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications deemed necessary by the Land Use Supervisor provided that no such administrative approval shall constitute a variance from Chapter 50.

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

5-2



# City Planning

PL13-034  
Vacation Dwelling Unit  
Interim Use Permit  
124 N. Hawthorne Rd.  
Theresa Hanson



**Legend**

**Right-of-Way Type**

- ..... Road or Alley ROW
- ▣ Vacated ROW

**Easement Type**

- ▤ Utility Easement
- ▥ Other Easement
- ▦ 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.

E-3

Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, March 7, 2013; Source: City of Duluth



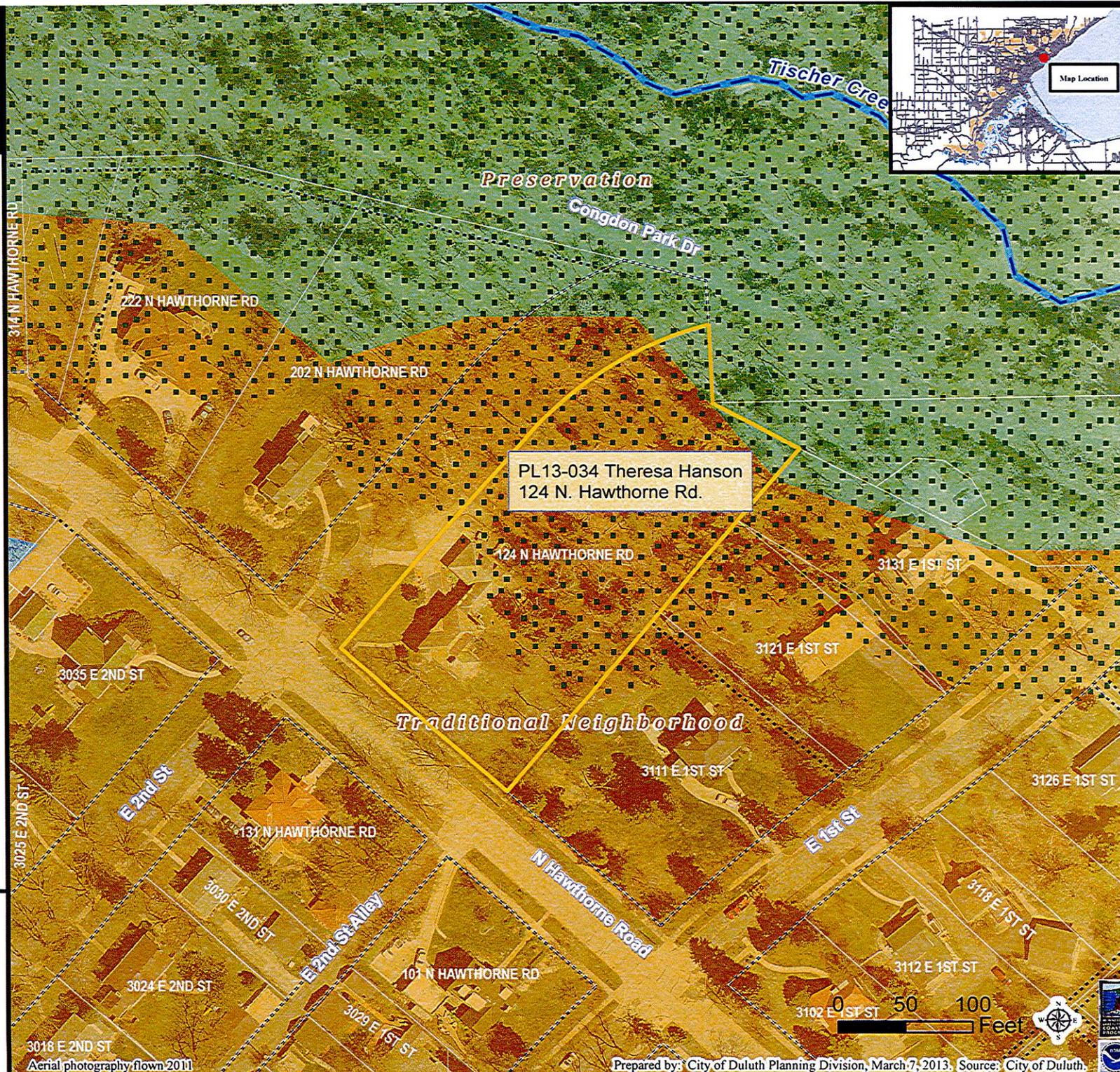


# City Planning

PL13-034  
Vacation Dwelling Unit  
Interim Use Permit  
124 N. Hawthorne Rd.  
Theresa Hanson

## Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Right-of-Way Type**
- Road or Alley ROW
- 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



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G-4

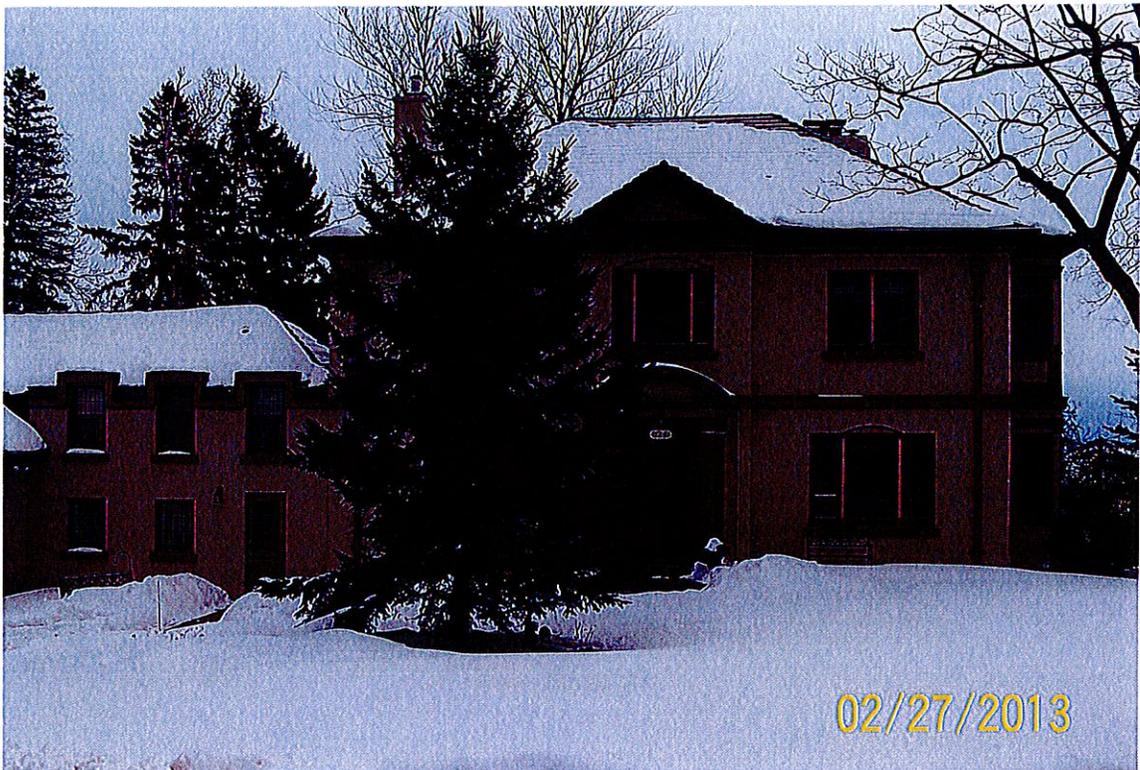
Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, March 7, 2013. Source: City of Duluth.

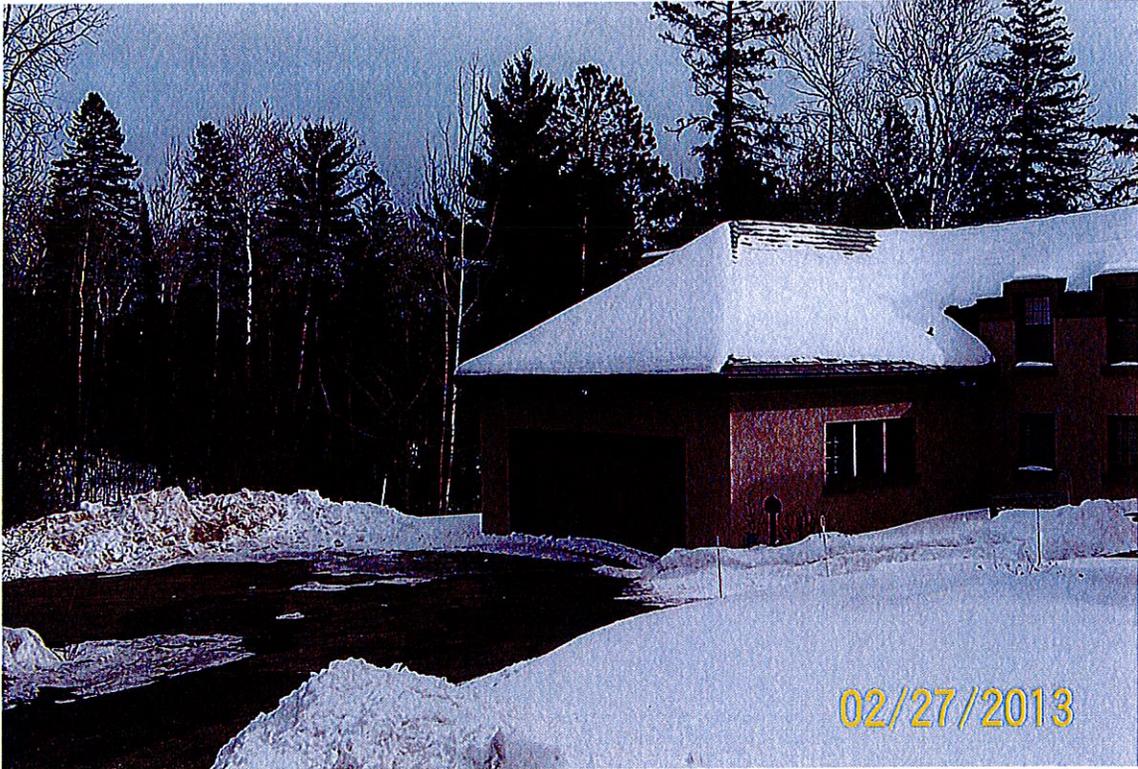




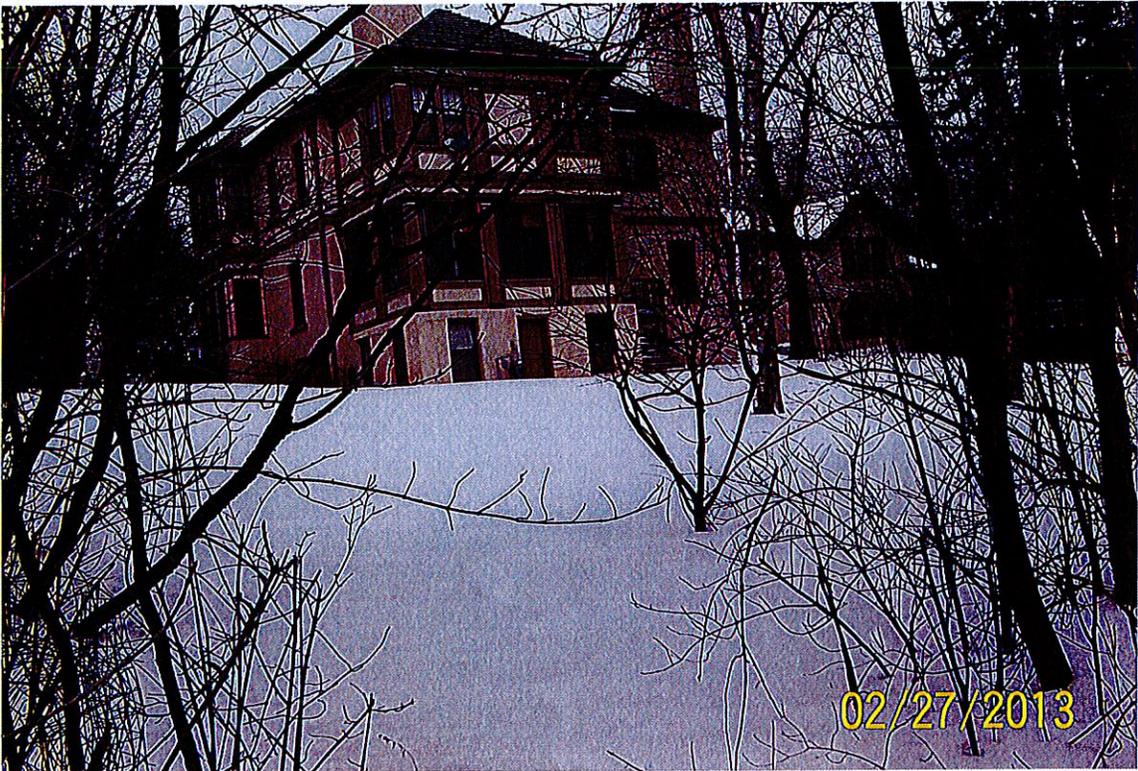
124 N. Hawthorne Rd - from Hawthorne Rd. looking southeast



124 N. Hawthorne Rd. from 2nd St. looking south



124 N. Hawthorne Rd - from 2nd St. looking southeast - parking



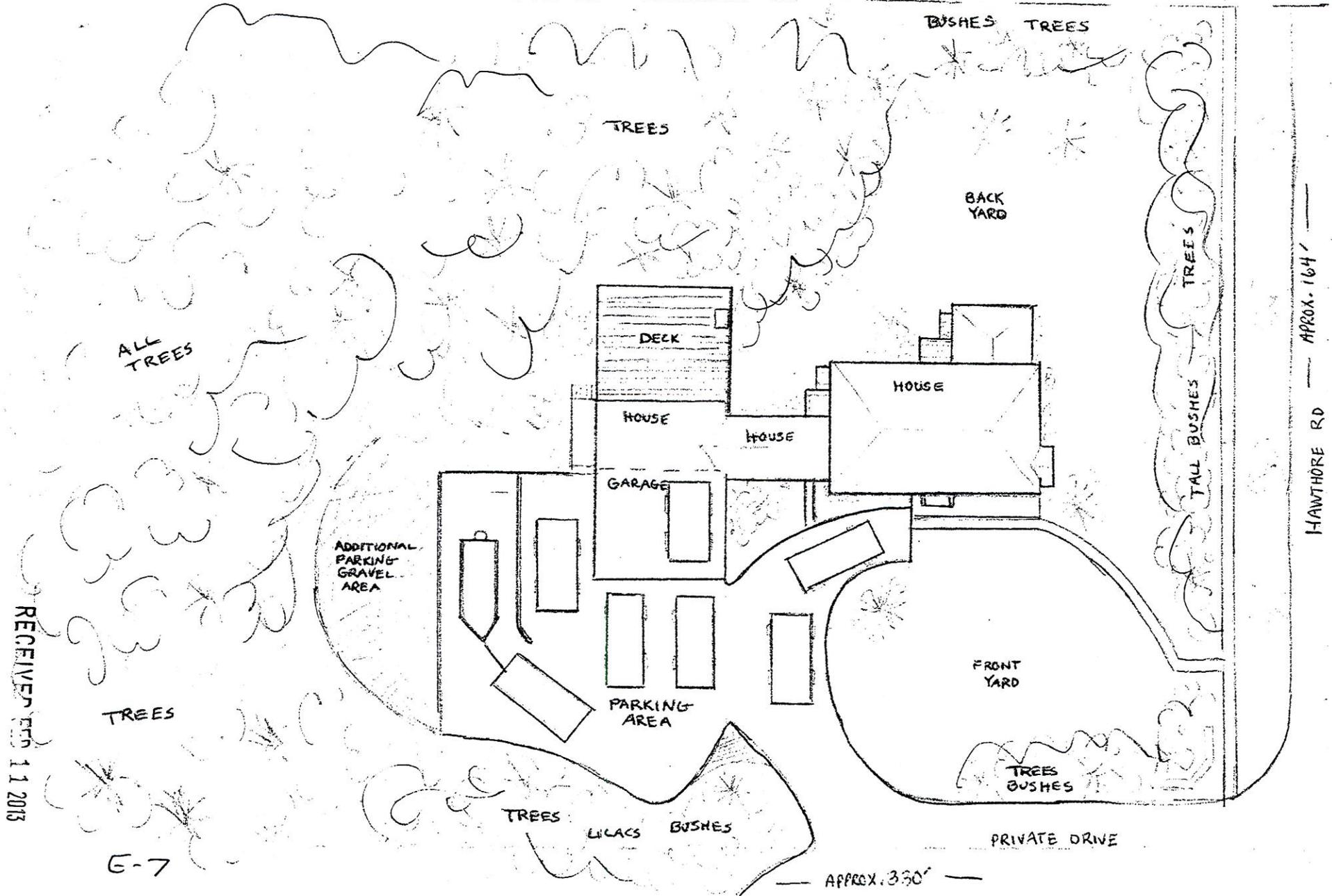
124 N. Hawthorne Rd - from Hawthorne Rd looking northeast - rear yard

E-6

THERESA HANSON  
PROPERTY: 124 N HAWTHORE RD, DULUTH, MN

□ = 5'

# SITE PLAN



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E-7

Theresa Hanson  
Mailing Address:  
1950 E Rose Creek Pkwy S.  
Fargo ND, 58104  
Phone: 218-310-4721

## **Vacation Dwelling Unit Interim Use Permit**

**RE: Vacation Dwelling Unit - Property address: 124 N Hawthorne Rd, Duluth MN 55812**

Minnesota State Sale Tax ID - # 2709280  
Hotel/Motel License – See Attached  
Lodging License- Applied for – Inspection Jan 25<sup>th</sup>, 2013 Deb Kosiak – See Attached  
Fire Inspection and Operational Permit – Inspection Jan 22<sup>nd</sup> – John Edwards –See Attached  
Site Plan – See Attached  
Pre-App Verification Form – See Attached

The attach information is provided in order to comply with the City of Duluth vacation rental ordinances. The information that I am required to provide to the guests in writing is outlined below. In addition, I speak directly to the renters and go over rules and expectations prior sending them a rental agreement.

**LOCAL PROPERTY MANAGERS:** Robert and Karley Frey Address: 1521 N 42<sup>nd</sup> Ave E, Duluth MN 55804. Phone: 701-866-3234. Their information is provided to guests and to homes within 100 feet of property. They overseeing the property, garbage, cleaning and inspecting the property after each guest, when needed they deal with service people and guests. In addition, my husband and I travel to the property frequently. In 2012, we traveled to the home at least 10 times. We also commission ongoing services from:

Lawn Care  
David Fischer - 1209 East 6th St. Duluth, MN 55805.  
Snow Removal  
Pete Cagel - 5052 Maxwell Rd Duluth, MN 55804

**OCCUPANCY:** I use the language below in my rental agreement.  
Any party falsely representing the number of people in the home or exceeding the number paid for may be subject to immediate eviction without refund. Over occupancy is considered a serious violation of this Rental Agreement. Home is not to be used as a "party house". There is also a limit to people at/on property. Property manager may verify. Receptions, weddings and gatherings of such whereas large groups come to the home are not allowed. Discuss intentions with owner/manager.

**GUEST RECORD/VEHICLE LICENSE PLATE:** As part of the rental agreement, I require guests to provide a list with the name of every guests and include their address, phone number and vehicle license plate number.

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8  
6-8

## Vacation Dwelling Unit Interim Use Permit

Cont....

Property address: 124 N Hawthorne Rd, Duluth MN

**PARKING:** There is off street parking to accommodate 6 -8 cars in the designated drive way/parking area and 1 additional car in the garage, (See attached Site Plan.) The language below is provided in both in the rental agreement and at the home to instruct renters regarding parking.

Renter agrees to park in the designated parking space. Driveway area can accommodate 6 vehicles, plus 1 car in garage. Private drive area at the top of driveway is shared with neighbor and should not be used for parking or blocked by renters. No Campers or RVs. No Tents. Limit of one trailer for transporting a recreational vehicles (boat or snow mobile etc.).

**RULES AND REGULATIONS:** The information below is some of the language provided in writing to guests both in the rental agreement, which is signed by the guests and at the home in a guest information binder.

**USE:** Rental shall be used so as to comply with state, county, and municipal laws and ordinances. Renter shall not use rental or permit it to be used for any disorderly or unlawful purpose or in any manner so as to interfere with other resident's quiet enjoyment of their residence. Any misuse described above shall result in immediate termination of Rental Agreement and no refund of any payments will be issued. Quiet hours, between 10:00 p.m. and 7:00 a.m. must be respected. No fireworks, or hunting allowed. No fires allowed in the yard. Alcohol consumption is allowed however excessive drinking and noise, kegs and drinking parties are not. Residential area.

**SMOKING:** This is a smoke-free facility. Smoking is not allowed, including inside the garage. Violations to this agreement will automatically forfeit your security deposit. . NO SMOKING.

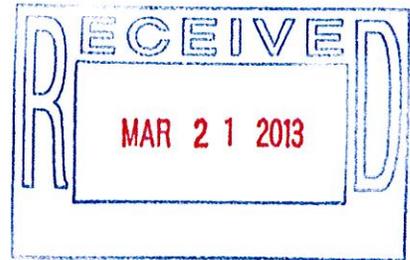
**GARBAGE:** All garbage should be emptied and placed in the Waste Management containers/garbage can located in the garage. On Thursday morning (around 7:15am) the Hawthorne Manor caretaker will come over, enter through the garage overhead door, take the bin from the garage and roll the bin to the curb by main sidewalk by Hawthorne Rd for weekly garbage collection. (Do not set garbage can outside, it will attract raccoons, skunks and black bear).

**FIREPLACES:** Always keep fireplace doors and screens shut while in use. Do not attempt to clean out or dispose of ash. The Housekeeping staff will clean the ash out of the fireplaces. For safety always have an adult in charge of fire. Beware that the glass gets hot. No fires allowed in yard.

C-9

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Mary Elizabeth Jones  
3111 E First Street  
Duluth, MN 55812



Duluth Planning Commission  
411 West First Street  
Duluth, MN 55802

March 18, 2013

Dear Planning Commission,

I'm writing in response to your letter regarding the March 26<sup>th</sup> public hearing on the request of Theresa Hanson to operate a Vacation Dwelling Unit on their property at 124 E. Hawthorne. I will not be able to attend the hearing but do want to submit my concerns.

I have lived at 3111 E. First Street for forty-six (46) years and have an adjoining backyard with the 124 E. Hawthorne property.

My concerns are as follows:

- A vacation rental business would be detrimental to the existing, established neighborhood. Absentee owners using the house as a business do not have the same investment in the property, the neighbors or the neighborhood as an owner who lives at the property.
- This is a large home and as a vacation rental would attract large groups. It creates a nuisance to have several cars coming and going, especially with the limited parking. This was an issue last summer with renters at this property.
- I am concerned that the value of my property will decrease if the adjoining property is a vacation rental.

For these reasons, I strongly urge the Planning Commission's recommendation to the City Council is to **not** grant an Interim Use Permit for this property as a Vacation Dwelling Unit.

Sincerely,

*Mary Elizabeth Jones*  
Mary Elizabeth Jones

Duluth Planning Commission  
411 West First Street  
Duluth, MN 55802

March, 21, 2013

RE: Property of Theresa Hanson – 124 N Hawthorne Rd – Vacation Dwelling –

Dear Planning Commission,

I am writing this in response to a letter you received from Mary Jones listing her concerns regarding my property operating as a Vacation Dwelling. I can appreciate Mary Jones' comments and would like to address her three areas of concern. I hope to help ease her concerns.

1. She is concerned that I do not have the same investment in the property, the neighbors or the neighborhood as an owner who lives at the property.

124 N Hawthorne is my home. It is furnished entirely with my personal belongings. We are less than 4 hours away and travel to the home nearly every month, sometimes more. Over the years, we have made a great deal of improvements. In just the last year, we added new city sewer lines and drain to the home. In addition, I have employed Robby and Karley Frey to watch over my home. Some of their responsibilities include taking out garbage each week and cleaning and inspecting the property after and before each renter. They also are available to address any concerns that may arise.

I have the utmost respect for my neighbors. I screen potential renters and will turn down those which I feel may pose a nuisance to my neighbors, regardless of the loss in revenue. My neighbors are welcome to call me with questions and to discuss any concerns they may have.

2. She is concerned that there will be cars coming and going, and a parking issue.

I have a large driveway and parking area. I have three times the parking required by the city. Hawthorne is a busy road, cars are always coming and going. I live on a dead end and there is only my house and one other on the street. On average, my guests will have three cars; at times there are no occupants.

3. She is concerned that this will cause her property value to decrease.

There is nothing physical that sets my home apart as a vacation home from others. It looks no different, and unless told, one would not even know it is a rental. My lot is a ½ city block and surrounded by trees and large bushes.

I also think it is important to note that I have had several residents of the Congdon area and a direct neighbor request the home for their family members to use during holidays and special events such as weddings. My home attracts mostly two groups of people: those who are accustomed to a similar home and furnishings, and appreciate having the option available to them; and to those who have a great deal of respect for the home's history and value, and for a short time, would love to experience staying there. Both groups are responsible adults and are mainly families spending quality time together.

Thank you for your consideration,

Theresa Hanson  
218-310-4721

March 25, 2013

To Members of the Duluth Planning Commission and City Council,

We are writing in regards to the Vacation Dwelling Unit Interim Use Permit (PL 13-034) being sought by Theresa Hanson at 124 N. Hawthorne Rd. There are a few comments we would like to make regarding this unique property setup on our private driveway. Our address is 202 N. Hawthorne Rd.

If you refer to the aerial photograph that is the first attachment to the permit application, you will see how 124 N. Hawthorne and 202 N. Hawthorne are connected by a common driveway, in the shape of a Y. The two houses face each other, with ours being on the upper side of the hill. Anyone pulling into the parking space at 124 Hawthorne needs to drive down the shared part of the driveway past our house to enter.

In all of the years of living next to a single family with 2 cars living at 124 Hawthorne, we never felt like this was an infringement on our privacy. Traffic in the shared portion was minimal and most neighbors would park in the garage and close the door.

Since the Vacation Rental has become our "neighbor", we have come to feel an increased sense of exposure to people we don't even know, as well as the disruption that 6-8 cars can cause when they are all trying to maneuver their way in and out of the parking spot. It has compromised the lifestyle we previously enjoyed in this idyllic site, and we are seriously concerned that this will negatively affect our property's value when we consider selling in the next few years. There is a huge difference between sharing this space with a single family and several families who are gathering for a week-long reunion....EVERY week, all summer long.

At this point, it seems that it is only a formality for this permit to be granted. We would, however, like to ask that you **NOT** make the special exception to grant permission for **6-8 cars** to park there. It truly looks and feels like a can of sardines when these guests try to squish in there. It is also a very narrow place to back out of, much less turn around. It causes a lot of commotion several times a day. We have heard the guests complaining about it.

The Vacation Rental Regulations that we were given a copy of indicate that **units with 5 bedrooms should provide 3 spaces for off-street parking**. That would be acceptable and reasonable. We have experienced, time and time again in the past 2 years, that any more than that can be very disruptive.

We hope that you recognize the very unique nature of this particular setup with its shared private driveway and that you will follow the general Standards for parking and number of occupants that all other units in Duluth are subject to.

Respectfully submitted,

Jim and Rachel Moseley  
202 N. Hawthorne Rd.  
Duluth, MN 55812  
728.2364



## INTERIM USE PERMIT FOR VACATION DWELLING UNIT

**Permit Number:** PL13-034

**Issued Date:** April 22, 2013

**Permit Holder:**

Theresa Hanson

David J. Hanson

1950 E. Rose Creek Pkwy S.

Fargo, ND 58104

218-310-4721

[duluthhawthornemanor@gmail.com](mailto:duluthhawthornemanor@gmail.com)

**Permit Location:**

124 N. Hawthorne Rd.

Lots 30 and 31, Congdon Park Division, First  
Rearrangement

PID 010-0690-00020

**Permit Terms:**

1. The number of vacation dwelling units issued under this permit is 1.
2. The vacation dwelling unit consists of 5 bedrooms.
3. The total number of persons that may occupy the vacation dwelling unit is 14.
4. The minimum number of off-street parking spaces provided for the vacation dwelling unit shall be 3 and at no time shall there be more than 7 vehicles parked at the site, excluding any vehicles parked inside the garage.
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 "issue 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: Robert and Karley Frey  
1521 N. 42<sup>nd</sup> Ave. E.  
Duluth, MN 55804  
701-866-3234
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. This interim use permit shall not be effective until an Operational Permit has been granted by the Fire Department and a Lodging License has been granted by the State Health Department.

**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).