



**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>	PL 15-066	<b>Contact</b>	Steven Robertson, 218 730 5295	
<b>Application Type</b>	Interim Use Permit	<b>Planning Commission Date</b>	May 12, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	April 14, 2015	<b>60 Days</b>	June 13, 2015
	<b>Date Extension Letter Mailed</b>	April 25, 2015	<b>120 Days</b>	August 12, 2015
<b>Location of Subject</b>	2525 East 1st Street			
<b>Applicant</b>	NSF	<b>Contact</b>		
<b>Agent</b>	Daniel Neby	<b>Contact</b>	neby.dan@gmail.com	
<b>Legal Description</b>	010-2080-00765			
<b>Site Visit Date</b>	April 18, 2015	<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>	April 24, 2015	<b>Number of Letters Sent</b>	26	

**Proposal**

The applicant would like to use the single family home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 21 days, with a minimum of 2 nights, with the exception of a minimum of 5 nights from June 15 to September 15 for properties zoned RR-1, RR-2, R-1, and R-P.

	<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	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	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.

IV R-1

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

--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.

--The alley was vacated in 1909, and no utility easement was retained, but a sanitary sewer collector runs down a portion of the alley to N 26th Avenue East.

--Note, while this is neighborhood has a historic character and feel, no property in the immediate area is designated as a locally historic landmark by the City's Heritage Preservation Commission (the nearest properties are the Killorin Residence at 2708 Branch Street, the Alfred and Jane McCordic Residence at 2104 East Superior, and George H and Charlotte S Crosby House at 2029 East Superior). The closest properties on the National Registry of Historic Places is the Endion School at 1801 East 1st Street and the Congdon Estate at 3300 London Road.

--The area around this property was reviewed for historical significance in the East End Historical Survey Area.

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

- 1) Applicant is applying for an Interim Use Permit. The minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights.
- 2) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 3) The applicant owns lot 12 (open) and lot 11 and 1/2 of lot 10 (location of home), of Block 7 of Harrisons Division; the property is 125 feet wide and 150 feet deep. According to St. Louis County records the home was built in 1959 and has a main floor sq. ft. of 2,174, with a gross area of 2,174 sq. ft. There is also a 90 square foot storage building on site.
- 4) The applicant will rent out 3 bedrooms, allowing a maximum of 7 guests at any one time. The applicant will provide two off street parking spaces (existing); two parking spaces are required for 3 bedrooms.
- 5) Interim Use Permit holders must keep a guest record for all guests. Permit holders must also 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. 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.
- 6) Based on the location (near other single family homes), Planning Staff recommend some type of buffer between this property and the neighboring single family homes. A buffer could be a fence or a vegetative screen; if fence is provided as a screen, it should be constructed as to fit the character of the neighborhood.
- 7) Applicant has completed an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License, and one with the City's fire prevention officer. He has provided tax identification numbers, and has applied for both a Hotel/Motel License and a Tourism Tax permit.
- 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) Several public comments have been received (included with staff report). The Commission may want to consider adding additional conditions in order to reduce potential land use conflicts (such as recommending a reduced term length for the interim use permit, additional buffering/screening, or other actions that could reduce any negative impacts on adjacent property).

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

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 document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 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 administrative approval shall constitute a variance from the provisions of Chapter 50.
- 4) Additional conditions that the Planning Commission may deem necessary to reduce land use conflicts, including additional buffering between adjacent properties, and the requirement that no additional paved surface (driveway) be provided in order to minimize the visual change to the property.

R-2

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



City Planning

PL15-066, 2525 East First St



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 17, 2015. Source: City of Duluth.

**Legend**

**Contours 1 Ft**

- Index
- Intermediate
- Index

- Trout Stream (GPS)
- Other Stream (GPS)

**Easement Type**

- Vacated ROW
- 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.

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# City Planning

PL15-066, 2525 East First St

**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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

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Aerial photography from 2013

Prepared by: City of Duluth, Planning Division, April 17, 2015. Source: City of Duluth.

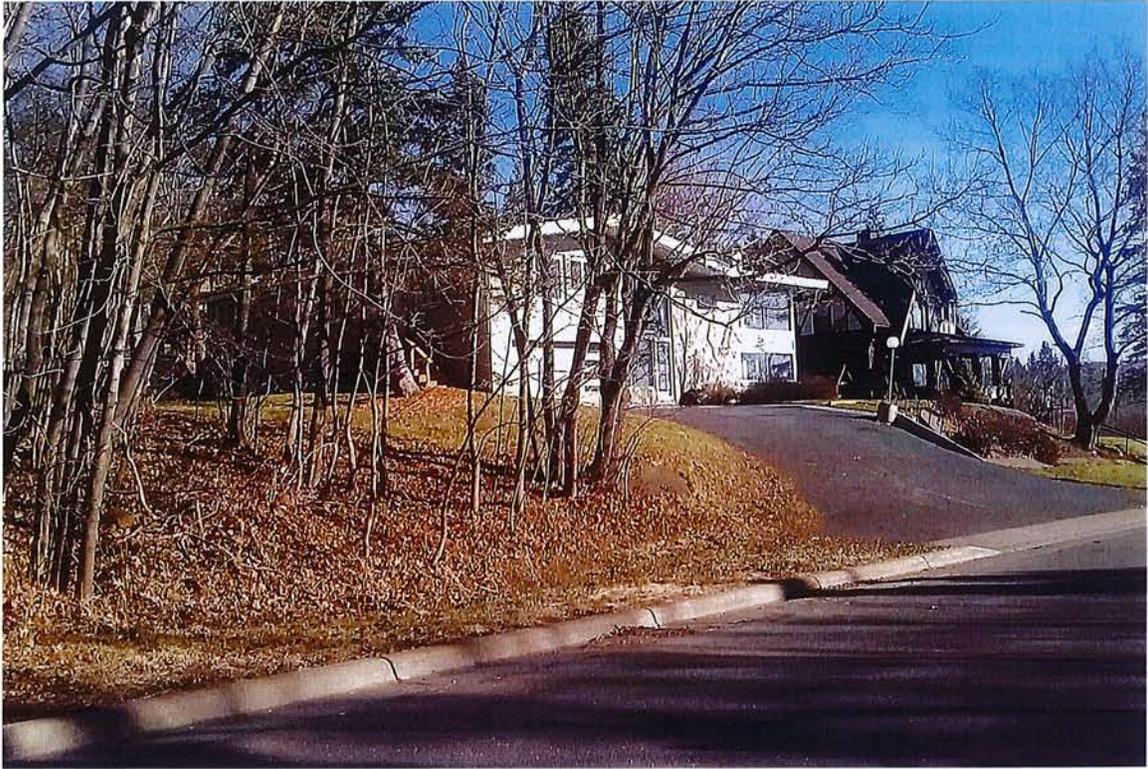
R-4



© 2013

R-5





R-7



2-8



Fenced yard

Future drive

Tree under  
2-Car  
Garage

Tree Row

2514 E  
157th St

2536 E  
157th St

14th  
26th  
Ave E

Edwards Ave

R-9



## Vacation Rentals Regulations

*Vacation rental units are defined in the City of Duluth Legislative Code Chapter 50 (Unified Development Chapter) as Vacation Dwelling Units and are subject to the regulations described here.*

Vacation Dwelling Unit – a habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities that are physically separated from other habitable units that may or may not be located in the same building for periods of occupancy from 3 to 21 days. This use does not include hotels, motels, or bed and breakfasts.

Vacation Dwelling Units and Accessory Vacation Dwelling Units are allowed as an Interim Use in RR-1, RR-2, R-1, R-2, R-P, MU-N, and F-5 districts. All vacation rentals must obtain an Interim Use Permit.

Vacation Dwelling Unit Interim Use Permit Standards:

1. The minimum rental period shall be as follows:
  - a. For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
  - b. For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 3 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.
3. Off-street parking shall be provided at the following rate:
  - a. 1-2 bedroom unit, 1 space
  - b. 3-4 bedroom unit, 2 spaces
  - c. 5+ bedroom unit, 3 spaces
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.
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 3 to 21 days.
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 interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

In addition to the UDC Interim Use Permit requirements listed above, Vacation Dwelling Units and Accessory Vacation Dwelling Units must adhere to the following regulations:

1. 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.
2. 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.
3. 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.
4. 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;
5. 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.
6. Permit holder must post their permit number on all print, poster or web advertisements;
7. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Contact the Fire Prevention office at 218-730-4397 or 218-730-4399 for information.
8. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

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## Selected City Ordinances on Parking, Parks, Pets & Noise

*Thanks for choosing to visit our wonderful city. The summary of ordinances below was assembled to answer commonly asked questions related to vehicle parking, park use, pets and noise. We hope you enjoy all that Duluth has to offer and that you'll return again soon!*

### Vehicle Parking Rules:

**Sec. 33-82. Prohibitions generally.**

(c) No person shall, for the purpose of camping, lodging, or residing therein, leave or park a vehicle or motor vehicle on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a camp site;

**Sec. 33-85. Parking more than 24 consecutive hours prohibited.**

No vehicle shall be left standing or parked more than 24 consecutive hours on any street or highway within the city.

**Sec. 33-97.8. Alternate side parking.**

Except where signs direct otherwise, all vehicles parked on streets in Duluth must observe the alternate side parking program to enable street cleaning, plowing, and other maintenance. All vehicles must be parked on the side of the street designated for parking for the week with house numbers that are either odd or even, see <http://www.duluthmn.gov/> for the designation of "odd" or "even" side parking for the week. The following week vehicles must be parked on the opposite side of the street. Every Sunday between the hours 4:00 p.m. and 8:00 p.m. shall be a changeover period and the provisions of this Section shall not be in force during such time.

### Park Rules:

**Sec. 35-9.3. Use of parks between certain hours prohibited without prior registration. Nearly all parks and beaches in Duluth are closed to public use after 10:00 p.m., including the beaches along Park Point.**

**Sec. 35-6. Vehicles, parking and recreational trails and paths.**

(b) No person shall operate any motor vehicle or bicycle or ride a horse in any area of any park except on the roadway portion of streets, or highways, or parking areas in such park.

Many of the trails in Duluth are reserved for specific users year round or only during certain times of the year. This information is posted near trailheads to designate where bicycles, skis, and hikers are allowed. Direction of travel for trails may also be designated. Please observe these rules.

Additionally, winter use of ski trails within the City of Duluth requires that users have a DNR Ski Pass. See <http://www.dnr.state.mn.us/licenses/skipass/index.html> for more info. on obtaining this pass.

**Sec. 35-7. Setting fires, prohibited.**

(a) Except as provided in this Section, no person shall start or maintain any fire or hot coals in any park other than in designated park grills or privately owned grills suitable for the purpose for which they are used;

(c) The director of parks and recreation or the fire chief may ban all burning, including burning in grills, in parks at times of high fire danger.

**It is a violation of this section to create a recreational fire on the beaches of Park Point.**

R-12

**Sec. 35-8. Prohibited activities.**

Within any public park, no person shall:

- (a) Discharge any firearm, air gun, crossbow, bow and arrow, slingshot or other missile firing device, provided that the director of parks may, by written permit, authorize archery exhibitions and contests
- (b) Do any hunting or trapping or in any other manner disturb or injure or attempt to disturb or injure any animal, including birds;
- (c) Urinate or defecate anywhere but in a proper toilet facility;
- (d) Throw, deposit or place or cause to be thrown, deposited or placed any papers, bottles, cans or any other garbage or waste at any place except into a trash container;
- (e) Tip over any trash container or otherwise cause the contents of a trash container to be deposited on the ground;
- (i) Possess any glass beverage container while outside of a motor vehicle;
- (j) Consume alcoholic beverages or possess opened or unopened alcoholic beverages.

**Sec. 35-2. Animals running at large, animal control.**

- (a) No dogs, cats or other domestic pets shall be allowed to run at large upon any park. Dogs, cats and other domestic pets shall be considered to be at large if they are not under control of the owner or other responsible person by means of a leash of suitable strength not exceeding six feet in length;
- (b) The director of parks and recreation may designate any park or area in a park as prohibited to pets or other animals. Any area so designated shall be clearly marked by signs indicating such prohibition. No person owning, controlling or caring for any animal shall allow such animal to enter any park area where such animal is prohibited.

**Sec. 35-3. Fastening animals to fences, trees, etc., prohibited.**

No person shall tie or fasten any animal to any fence, building, railing, tree, shrub or plant in or upon any park in the city.

## **Pet Rules:**

**Sec. 6-33. Animal noise.**

- (a) No person shall harbor or keep any dog which, by loud and frequent or habitual barking, yelping or howling shall cause reasonable annoyance of another person or persons;

**Sec. 6-36. Running at large prohibited.**

No person shall suffer or permit any animal owned or controlled by that person to run at large within the city.

**Sec. 6-38. Animal litter.**

- (a) The owner of any animal or any person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner;
- (b) It is unlawful for any person owning, keeping or harboring an animal to cause said animal to be on property, public or private, not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transfer of animal feces to a receptacle located on property owned or possessed by such person. A device may include a plastic or paper bag which is used to recover animal feces;
- (c) It is unlawful for any person in control of, causing or permitting any animal to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such animal to a proper receptacle located on the property owned or possessed by such person;
- (d) For the purposes of this Section, the term public property includes, without limitation, streets, sidewalks, boardwalks, trails, boulevards, playgrounds and parks;

R-13

## Noise Rules:

### Sec. 34-5. Disturbing the neighborhood.

No person, within the city, shall keep a dwelling, gaming area, party room, or meeting area which attracts people to the neighborhood at times or in such a manner that their arrival or leaving or activities while in the neighborhood result in an unreasonable disturbance of the usual peace, quiet, comfort, or decency of the neighborhood.

### Sec. 34-6. Disorderly conduct.

(a) No person shall commit or suffer to be committed in any apartment or other dwelling owned, occupied or controlled by him, any rioting, quarreling, fighting, reveling, shouting, loud music or electronically amplified noise, or disorderly conduct which disturbs or annoys another person in a neighboring apartment or other dwelling, or in a neighboring building, or lawfully in the vicinity of said neighboring dwelling or building;

(b) No person within any public or private place shall take part in or incite or encourage any brawling, shouting, dancing, or noise production, which unreasonably disturbs others lawfully in the vicinity.

### Sec. 40-10. Definitions, User Charge for Excessive Consumption of Police Services.

Nuisance event. An event requiring special security assignment in order to protect the public peace, health, safety and welfare. A nuisance event includes, but is not limited to, the following:

- (e) Loud and boisterous conduct, noises and activities that disturb the peace;
- (f) Events between 11:00 p.m. and sunrise which disturb the peace and tranquility of the neighborhood;
- (g) Congregating in a tumultuous, noisy or rowdy crowd;
- (h) Fighting or use of obscene or inflammatory language;
- (i) Loud music constituting a nuisance or disturbing the peace;
- (j) Activities causing excessive pedestrian or vehicular traffic and parking problems and congestion.

R-14

**Steven Robertson**

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**From:** fryer22@charter.net  
**Sent:** Friday, May 01, 2015 11:26 AM  
**To:** Steven Robertson  
**Subject:** 2525 E. First Street - Vacation Rental

Steven Robertson, Senior Planner

We are writing this email to voice our very deep concern regarding the proposed Interim Use Permit to allow a vacation rental dwelling in a R-1 zone at 2525 E. First Street.

It is beyond our comprehension how/why The City would even allow or consider such a use in an area that The City has designated as an historical district. There have been 9 property owners within 1 and a half blocks of the subject property that have spent a significant amount of hard-earned money the last 2-4 years to upgrade these wonderful properties. Just within the 350 foot radius referred to in your letter, there has been well over \$1 million dollars spent on restoring these historical homes and now you are telling us that someone can open up a hotel/vacation rental. REALLY!?!?!?!!

The new owner has indicated he wants to build another driveway and a parking lot to accommodate more cars. This is a 3-bedroom home with a 2-car garage and a driveway that can hold at least another 2 cars. Why would anyone need more than 4+ parking spaces for a 3 bedroom house?

This is absolutely the WRONG use for any property in this wonderful historic neighborhood and we are vehemently opposed to this .

Cameron and Mignon Fryer  
2508 E. First Street  
Duluth, MN 55812

Sent from Windows Mail

R-15

**Steven Robertson**

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**From:** Mary Pat Renaud <mprenaud1@gmail.com>  
**Sent:** Friday, May 01, 2015 11:41 AM  
**To:** Steven Robertson  
**Cc:** Joel Sipress  
**Subject:** Permit to Allow a Vacation Rental Dwelling at 2525 East First Street

Dear Mr. Robertson:

Thank you for advising us of the proposed change in use for the referenced property. We do have comments.

We purchased our home two and half years ago because it was in a quiet, historic, residential neighborhood. There are rentals in the area with owners on premises and/or where it is a permanent, long-term rental. Those individuals are part of the neighborhood on an ongoing basis. We have absolutely no problem with those scenarios.

We are not in favor of changing the use for the referenced property into a vacation rental with different people coming and going, where there is no owner living on the premises. In our opinion, that changes the neighborhood from a residential neighborhood by inserting a commercial operation. Since this is one of the neighborhoods consistently used on tours of the City, we think a commercial operation greatly detracts from the historic sense of the neighborhood. Further, the additional traffic is a safety concern for families with small children in the area.

If the new owner does not want to live in the house he purchased, he certainly would have the option of using it as a traditional rental property, which is a much better fit for a purely residential neighborhood.

Thank you for considering our thoughts on this proposal before making a final decision.

Sincerely,

Mary Pat Renaud and Tom Griffin  
2432 East First Street  
218-464-4729

R-16

## Steven Robertson

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**From:** Douglas Fifield <dhfifield@charter.net>  
**Sent:** Friday, May 01, 2015 1:34 PM  
**To:** Steven Robertson  
**Subject:** Property at 2525 E. 1st St.

Dear Mr. Robertson,

I am writing as a concerned property owner (2602 E. 1st St.) as regards the request for an Interim Use Permit to Allow a Vacation Rental Dwelling at the aforementioned address. My concerns are as follows:

- 1) Neighborhood character: This is an old neighborhood filled primarily with historic, owner-occupied houses. For the most part, we are a quiet and reflective group of people. We would like to keep it that way. We have already felt the negative impact of absentee landlords and itinerant renters when an adjacent property (2531 E. Superior St.) was converted from a single family dwelling to a college rental housing 10 students. That property has been a source of complaints for several years. Neighborhood traffic and on-street parking issues increased dramatically along with noise emanating from numerous festivities both indoor and out. I do not wish to expand that problem.
- 2) Property values: Many of us living here have made substantial investments in our properties. We believe that having a transient vacation rental in our midst will have a negative impact on the property values we have worked so hard to build.
- 3) Noise: The very definition of "vacation rental" conjures up the image of people intent on having a good time. I have nothing against enjoyment, but I do have issues with late night, noisy parties. With turnovers every couple of days, we would be faced with a revolving door of anonymous strangers with no ties to the neighborhood, with no desire to be good neighbors, and no intention of conducting themselves in a quiet and unobtrusive manner.
- 4) Nature of the project: I am disappointed that the owner of the property is filing for this permit without meeting with those of us who will live cheer-to-jowl with the result. Mr. Neby never contacted me, or any other home owner that I am aware of, concerning his intention to introduce a vacation rental in our midst. While I am sure that he is within his rights by moving forward without consultation, I believe he is making a mistake in so doing. My first intimation of this project was a letter from you informing me of such. To me, this indicates that Mr. Neby has no desire to meet with, and explain his plans to the folks that will be affected daily by the result. In my view, this is unseemly and bodes ill for the future of our relationship. Another mark in the unfavorable category.
- 5) Parking: As previously stated, on-street parking has burgeoned since the rental property on Superior Street appeared. Renting a house as a vacation get away implies that such rental groups will include multiple people, perhaps multiple families. While there is off-street parking associated with the property, my observation over the many years that I have lived here is that due to the steepness of the driveway two cars at most tend to occupy the space. This is exacerbated in winter when many cars/trucks cannot negotiate the grade. I already have to contend with parked cars obstructing my sidewalk, trash left behind when revelers return to their cars after a night of "fun", and door-banging and loud mufflers being fired up in the wee hours of the morning. Enough is enough.

R-17

I have lived in this area for a long time. I grew up in the problem rental property on Superior St., moving in in 1954. I went to elementary school, junior high school, and high school while living in that house. I moved to the Twin Cities in 1985 to pursue an occupation and to raise a family, returning to Duluth in 2008 to purchase the house I now live in on First St. I have seen many changes over the years, both good and bad. I am invested in this neighborhood and am committed to maintaining its already abundant fine points and working to correct those items that need addressing. I am opposed to this proposed use of the neighborhood and will do all within my power to prevent its occurrence.

With all respect,

Douglas Fifield  
2602 E. 1st St.  
651-270-4257 Cell  
[dhfifield@charter.net](mailto:dhfifield@charter.net)

R-18

Randy and Mary Zimmermann  
2531 E 1<sup>st</sup> Street, Duluth, MN 55812  
(218) 724-1140

May 1, 2015

Steven Robertson, Senior Planner  
City of Duluth Planning Division  
411 West First Street, Room 208  
Duluth, MN 55802-1197

Dear Mr. Robertson,

We are writing today with regard to the Application for Special Use Permit at 2525 E 1<sup>st</sup> Street (PL15-066). It is our understanding that the current owners have applied for a special use permit to operate a commercial vacation rental business. As neighbors directly impacted by this application, we would like to express our strong opposition to the granting of the permit for the following reasons:

1. The residence is literally **on the boundary** of our property at 2531 East 1<sup>st</sup> Street, and will afford us no distance or ability to avoid the transient renters of the vacation property. There is less than 7' from the east side of their residence and our property. The deck off the back of their residence directly overlooks our patio, which we use regularly during summer months. We fully expect renters to use the deck for meals, cocktails, socializing, and listening to music, as people on vacation want to unwind and have a good time. For people on vacation, every night will be a "Saturday" night. These activities, however, are not compatible with our lifestyle or the peaceful nature of our neighborhood.
2. Should this business be permitted, we are concerned about the quality of the renters, the level of responsibility the renters will demonstrate during their rental period, and the continuous turnover of transient renters required to sustain the business as a viable enterprise. The fact that the owners live some distance away (we understand they live in the Piedmont area) also poses concerns about how they would resolve renters' problems or troubles instigated by disorderly renter conduct. In addition, transient neighbors pose safety concerns for our family and our property.
3. We bought our house in October 2006 based on the fact that this was a residential, family-focused neighborhood. At the time of our purchase, we had three young boys and the owners of 2525 E 1<sup>st</sup> Street had two children. Several families in the neighborhood also had children. While two of our sons have left for college, several of the homes in our neighborhood are now occupied by younger couples starting new families. We believe that converting the residence at 2525 E 1<sup>st</sup> Street to commercial rental purposes will significantly diminish the character of the neighborhood and adversely affect the desirability of the area.
4. Lastly, we are seriously concerned about how the rental property will diminish the value of our property and those of our neighbors.

We sincerely hope that the Commission will take our concerns, and any others expressed by our neighbors, into account during your discussions and decline to issue the special permit.

Thank you for your consideration of our request. Please call us if you have questions.

Sincerely,  
Randy and Mary Zimmermann

PS: Please see photos on following pages.

R-19

Randal & Mary Zimmermann  
2531 E 1<sup>st</sup> ST  
Duluth, MN 55812

Re: Special Use Permit Application for 2525 E 1<sup>st</sup> ST, Duluth, MN (PL15-066)

Exhibit Photos

#1 – View from Zimmermann dining room to rear deck of 2525 E 1<sup>st</sup> Street:



#2 – View from Zimmermann patio to rear deck of 2525 E 1<sup>st</sup> Street:



*R-20*

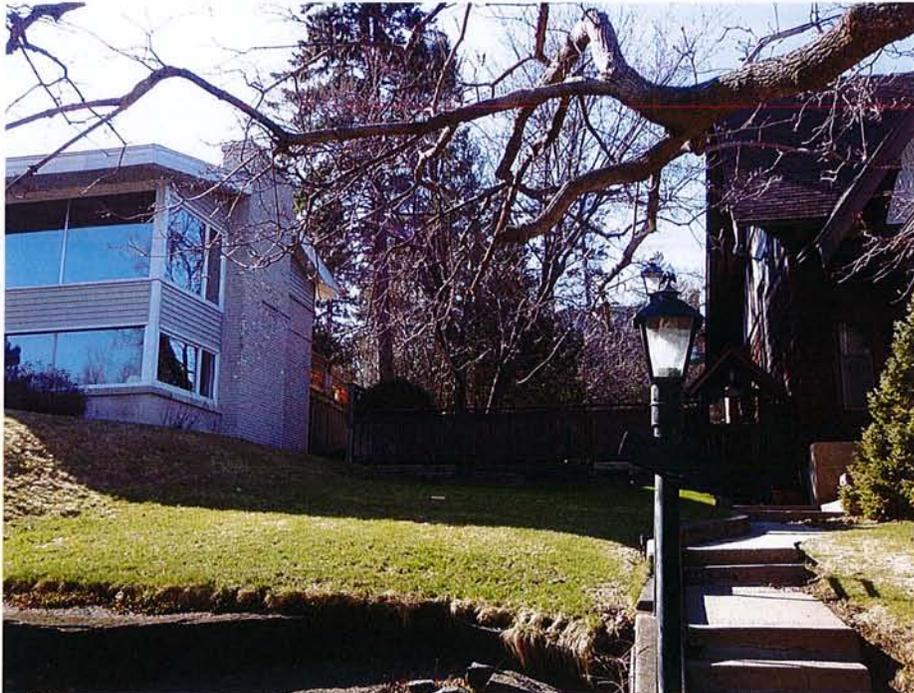
Re: Special Use Permit Application for 2525 E 1<sup>st</sup> ST, Duluth, MN (PL15-066)

Exhibit Photos (cont'd)

#3 – View from Zimmermann front steps to side of 2525 E 1<sup>st</sup> Street:



#4 – View of boundary between 2531 and 2525 E 1<sup>st</sup> Street:



R-21

Re: Special Use Permit Application for 2525 E 1<sup>st</sup> ST, Duluth, MN (PL15-066)

Exhibit Photos (cont'd)

#5 – Close-up view of boundary between 2531 and 2525 E 1<sup>st</sup> Street:



R-22

**Steven Robertson**

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**From:** Dennis Lamkin <dennislamkin@hotmail.com>  
**Sent:** Friday, May 01, 2015 4:46 PM  
**To:** Steven Robertson  
**Subject:** Vacation Rental-2525 East First Street

Dear Mr. Robertson:

I am aware that the new owners of the home at 2525 East First Street have applied for a variance in order to allow the lawful use of their property as a temporary vacation rental and I would like to make known my opposition to this use. With owners immediately next door and directly across the street having invested well over a million dollars each into their homes, I feel this use has the potential to negatively affect their values and their enjoyment of their homes...as well as the marketability of their properties.

While we have a number of Bed and Breakfast establishments in the area which have not had a negative effect of either value or neighbor enjoyment of their properties, this proposed use is far different. The owners/operators of the Bed and Breakfast homes in the area are live-in operators and their guests are typically upscale tourists interested in the historic character of the neighborhood. At a vacation rental, the owner is absent and the guests are free to party at will without regard to the neighbors.

While I am not an immediate neighbor (21st Avenue East and First Street) I am on the board of the Duluth Preservation Alliance and the executive council of the Minnesota Historical Society and a member of Preservation Alliance of Minnesota and have considerable experience with the effects a non-compliant use can have on a neighborhood.

Very sincerely yours,

Dennis L. Lamkin

R-23

**Steven Robertson**

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**From:** Katie Spreitzer <katiespreitzer@gmail.com>  
**Sent:** Sunday, May 03, 2015 5:18 PM  
**To:** Steven Robertson  
**Subject:** Vacation Rental Dwelling at 2525 East First Street

Mr. Steven Robertson,

We are writing to express our concern about the application for an interim use permit to allow a vacation dwelling at 2525 East 1st Street. We do not feel a vacation dwelling would be a good fit in this neighborhood of single family, owner occupied homes. There are many homes in this neighborhood that been given care to restore and maintain the residential neighborhood setting. The addition of a vacation rental would also mean an increase in traffic and change in traffic patterns that speaks to safety and concern for our young families. We were drawn to the neighborhood due to its quiet residential setting. We do not feel a vacation rental is a good fit for this location. We urge you to recommend that the City Council deny the Interim Use Permit, thank for your consideration.

Katie and Jim Spreitzer  
2520 E 1st Street

Sent from my iPad

R-24

## Steven Robertson

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**From:** Nicole Bakken <mrsnicolebakken@gmail.com>  
**Sent:** Sunday, May 03, 2015 10:43 PM  
**To:** Steven Robertson  
**Subject:** Regarding Vacation Rental application for 2525 E. 1st St

Dear Mr. Robertson,

We are the neighbors to the west of the proposed vacation rental at 2525 E. 1<sup>st</sup> St. We have reviewed the United Development Code and to the best of our knowledge it does appear that the applicant, Mr. Neby, has met all of the criteria necessary for an R-1 Vacation home interim permit. However, we are not in favor of a vacation rental property at this address.

The area we are most concerned with is a letter that we received from Mr. Neby roughly two weeks ago. He stated, "since I own the lot on the west side of the house I am planning to create an additional driveway with additional parking space. Currently, we have off street parking for two vehicles on the driveway and one or two more with the garage." My husband had to inform him that we own a significant portion of that "west side." We have several issues regarding Mr. Neby's proposal for additional parking. First, we have two very young children who have a playset on our lot that is immediately adjacent to where Mr. Neby wants to extend his driveway. There is no fence present. We believe his proposed alteration to the driveway could pose a safety risk to our children. Secondly, according to the United Development Code, he currently has sufficient parking present to meet the interim permit requirements. As stated in the UDC, a 3-4 bedroom unit must provide 2 parking spaces, which he already has per his letter to us. Lastly, the property of our home and value of our lot would depreciate if the driveway would be extended. Should his vacation rental permit still be granted despite our concerns we kindly request that he would not be permitted to extend his driveway.

East 1<sup>st</sup> street, specifically between 24<sup>th</sup> and 26<sup>th</sup> Ave, is home to part of Duluth's rich history. Multiple homes are part of the Duluth Preservation Alliance's East End walking tour. In 2014, our home was one of twenty-two homes in the state of Minnesota selected by historian Larry Millett to be featured in the Minnesota Historical Society's book Minnesota's Own: Preserving our Grand Homes. Millett selected the houses because they all spoke "to the value and importance of historic preservation." Placing a rental in this area, perhaps even with a rental sign out front, will disrupt the fabric of our single family neighborhood. Furthermore, it will depreciate the value of the neighborhood homes.

In section C of the UDC's Review and Approval Procedures it states, "the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community." An extended driveway with multiple extra parking spaces like a parking lot could be considered a "random pattern of development" in a residential area. Furthermore, a rental property decreases the value of the homes around it, decreasing home taxes and the city's tax income.

We hope that you will take these concerns which come from the owners who live in and have a vested interest in the future of this historic family neighborhood into serious consideration. Please feel free to contact us with any further questions.

Sincerely,

Nicole and Johan Bakken

R-25

May 4, 2015

Steven Robertson – Senior Planner  
City of Duluth, Planning Division - 411 W 1st Street, Room 208 - Duluth, MN 55802

RE: Interim Use Permit for Vacation Dwelling Unit - 2525 East 1<sup>st</sup> Street, Duluth, MN 55812

Dear Steven,

Regarding the Interim Use Permit application by Mr. Daniel Neby for a Vacation Dwelling Unit at 2525 East 1<sup>st</sup> Street, I urge that this request be **Denied** by the Planning Commission based on several issues that are critical for Duluth, the Congdon Park Neighborhood, and the home owners nearby.

There is a significant shortage of homes available in Duluth to serve the projected growth of our City over the next several years, further limiting the ability to attract and retain new families. A home like 2525 East 1<sup>st</sup> street is in the 'sweet-spot' of the \$200k-\$400k price range where we have the greatest shortage. In fact, Doug and Martha Bremer, two very active young professionals in Duluth had made an offer on this home for their family of 5 and were superseded with a cash offer by Mr. Neby. By approving this IUP, the home will be further removed from the housing stock for long term rentals, converted to a commercial use, and sets a precedent that exacerbates the housing shortage. Duluth has great hotels and B&B's that are appropriately managed and zoned for this type of use.

The Congdon Park neighborhood is one of the more unique and well-preserved historic areas in Duluth. Many of the home owners directly adjacent to Mr. Neby's property have invested hundreds of thousands of dollars in recent years toward saving Duluth's heritage by restoring these homes. This commercial use would detract from the character of this purely residential neighborhood environment and is in no way consistent with the pattern of residential development.

Lastly, the neighbors near this property will be subjected to the burdens of an absentee managed, short term commercial rental. Unlike the successful B&B's in the neighborhood that have on-site management/home owners, Vacation Rental by Owner, or "VRBO", properties have no immediate oversight of very short term renters and run a high risk of activity that would detract from the safety and character of the neighborhood. Recent stories in the media about "VRBO" properties are testament to this risk. We have chosen to live and raise our families in this neighborhood for its strong sense of community and unique historic residential character. Undoubtedly, this would have a negative fiscal impact on the property values and safety/security of the neighborhood environment.

We urge that the Planning Commission act in their power to deny this permit under the provisions of the UDC based on the inconsistent use in the context of this established neighborhood development and the negative fiscal and environmental impacts to the community.

Best regards,



Aaron D. Kelly, AIA, LEED AP  
(218) 279-2404  
Aaron.kelly@lhbcorp.com

R-26

## Steven Robertson

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**From:** Streitz, John M. <John.Streitz@EssentiaHealth.org>  
**Sent:** Monday, May 04, 2015 1:20 PM  
**To:** Steven Robertson  
**Subject:** Neighborhood rental

Dear Mr. Robertson,

I am writing about our neighbor's vacation rental plans at 2525 east first street. I am opposed to this proposal, as it would have a profound negative impact on the character of this neighborhood. I have lived on the corner of 25<sup>th</sup> and 1<sup>st</sup> for forty years of my life. It has always been, and remains a quiet, family neighborhood; I was raised here and returned to raise my own children in this safe and quiet environment. Vacation renters would have little concern for the family values of the neighborhood and introduce a volatility that would be unwelcome.

Thanks for listening.

Sincerely,  
John M. Streitz, Jr.

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This message was secured by ZixCorp<sup>(R)</sup>.

R-27