



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, July 8, 2025

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 25-0610](#) Planning Commission Minutes 06/10/25

Attachments: [6-10-25 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PLIUP-2504-0025](#) Interim Use Permit for a Vacation Dwelling Unit at 702 S Lake Ave by Jeff and Kristy Huotari [JM]

Attachments: [PLIUP-2504-0025 Staff Report with Attachments](#)

[PLIUP-2506-0029](#) Interim Use Permit for a Vacation Dwelling Unit at 732 E Superior St by Sorrento Group LLC [NL]

Attachments: [PLIUP-2506-0029 Staff Report with Attachments](#)

[PLIUP-2506-0030](#) Interim Use Permit for a Vacation Dwelling Unit at 1429 London Rd by PJI Mountain Properties [CH]

Attachments: [PLIUP-2506-0030 Staff Report with Attachments](#)

[PLIUP-2506-0031](#) Interim Use Permit for a Vacation Dwelling Unit at 1431 London Rd by PJI Mountain Properties [CH]

Attachments: [PLIUP-2506-0031 Staff Report with Attachments](#)

[PLVAC-2505-0004](#) Vacation of a Utility Easement at 3501 E 2nd St by Meghan Klasic [CH]

Attachments: [PLVAC-2505-0004 Staff Report with Attachments](#)

PUBLIC HEARINGS

[PLSUP-2505-0056](#) Special Use Permit for a Bed and Breakfast at 2400 E Superior St by CF Design [CL]

Attachments: [PLSUP-2405-0056 Staff Report and Attachments](#)

[PLVAR-2506-0008](#) Variance to Front Yard Setback at 315 W Faribault St by Nathan Anderson [CL]

Attachments: [PLVAR-2506-0008 Staff Report and Attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Heritage Preservation Commission Report

City of Duluth Planning Commission

June 10th, 2025 – City Hall Council Chambers
Meeting Minutes

Call to Order

Vice President Andrea Wedul called to order the meeting of the city of Duluth Planning Commission at 5:00 p.m. on Tuesday, June 10th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Nik Bayuk, Brian Hammond, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Jason Crawford, Gary Eckenberg, and Kate Van Daele

Staff Present: Nick Anderson, Chris Lee, Jason Mozol, Ben Van Tassel, Ariana Dahlen, Natalie Lavenstein, Christian Huelsman, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – May 13th, 2025 –

MOTION/Second: Sarvela/Bayuk approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No comments.

(Item PLIUP-2505-0027 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

PLIUP-2504-0026 Interim Use Permit for a Vacation Dwelling Unit at 301 104th Ave W by Carie & Clinton Massey [CH]

~~PLIUP-2505-0027 Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Ave by Kate Horvath [CL]~~

PLPR-2505-0002 Planning Review for a Cold Storage Building at 2030 N Arlington Ave in an MU-I district by St Louis County [JM]

PLSUB-2505-0007 Minor Subdivision at 010-2320-01680 (Sherburne St) by One Roof Community Housing [CH]

PLVAR-2504-0007 Variance at 9426 Congdon Blvd by Amanda Flowers [NL]

Public: No speakers.

MOTION/Second: Rhodes/Hammond approve the consent agenda items as per staff recommendations

VOTE: (6-0)

Public Hearings

PLIUP-2505-0027 Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Ave by Kate Horvath [CL]

Staff: Chris Lee addressed the commissioners. The applicant proposes to renew a 3-bedroom dwelling as a vacation dwelling unit at 1329 Minnesota Ave. This property was previously approved as permit PL19-158. The current zoning for this property is R-1, and a vacation dwelling unit is an Interim Use in the R-1 zone district. The applicant is proposing 2 off-street parking stalls, satisfying the standards in the UDC Section 50-20.3.V.3. The applicant has indicated they will not allow motorhome or trailer parking. The site plan does indicate a firepit and deck as outdoor amenities and has appropriate screening on one side and a screening waiver from the other neighbor.

One public comment was received concerning the conditions of the rear parking area. Staff has found that the gravel parking surface is compliant with what is permitted in residential zone districts. Staff recommends approval with conditions.

Commissioners: Commissioner Rhodes asked staff for clarification regarding the screening for the two parcels associated with this permit; PID 010-4390-01850 & 010-4400-00540. It appears that the screening requirement was only between the main dwelling and the neighboring dwelling. She asked if the unimproved and improved parcels for this permit should be treated as one property so both lots have the same screening requirements.

Staff: Lee answered that the two developed parcels will be subject to the screening requirements since those are the parcels where the residential uses are taking place. Staff found the screening to be adequate. Commissioners may add a condition to add more screening if they see fit. The comment received from the neighbor would not change staff's review on the screening.

Commissioners: Commissioner Hammond expressed concern regarding the ongoing trespassing issue brought up by a neighbor, the standing water in the driveway, and the approach to parking on the site. He feels that this VDU is not well-managed

Applicant: Kate Horvath addressed the commissioners. She stated that her property has been operating successfully as an Airbnb for the past 6 years. Horvath was not aware of the driveway condition issue brought up by the neighbor, and it is not one of the requirements on the application. She explained that the driveway is at a dead end, and the city plows dump snow and gravel at the end of the dead end where the driveway is. Other neighbors also use the driveway as public access to nearby trails and the public boat site. If there is trespassing, she feels that it's a community issue and not exclusive to her property.

Commissioners: Rhodes asked the applicant if they had seen the standing water and to clarify where it is, precisely. She also asked the applicant if they would be open to adding more screening to the unimproved lot where people are parking for delineation purposes.

Applicant: Horvath responded that there is a puddle at the end of her gravel driveway, and she could resolve the issue by dumping two buckets of gravel into the hole. She added that driveway maintenance is not a requirement for this application.

Horvath would be open to adding more screening, but the neighbor's garage and garden extend over the property line and onto her property. Those neighbors have declined additional screening.

On the other side of Horvath's property, there is vegetative screening that was planted by the neighbors. Those neighbors have not addressed their concerns with her directly. Horvath stated that those neighbors also drive their campervan through her yard to access their property. If the neighbors want her to fence that part of her property off, they will need to have a conversation with her about using her yard as access to their property.

Commissioners: Commissioner Sarvela asked staff to explain the process for when a neighbor has a complaint about a VDU property and asked if there have been any compliance issues with the subject property.

Staff: Lee explained the process for receiving zoning violation complaints and enforcement. Trespassing is handled as a civil matter. Staff research involves checking to see if any previous complaints had been made against a property, and there were none for the subject property. From a zoning perspective, it seems to be a well-run operation.

Applicant: Horvath added that she lives a couple blocks away from the subject property and all the surrounding neighbors have her cell phone number and are friends with her on Facebook, excluding the neighbors with the campervan. She has tried to contact the neighbors who complained but they do not respond.

Public: No speakers.

Motion/second: Rhodes/Hammond approve as per staff recommendation with the following conditions:

- 1. The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.**
- 2. Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.**
- 3. The applicant will attempt to resolve the standing water issue in their driveway.**

Vote: (6-0)

PLUMA-2503-0003 UDC Map Amendment 3901 E Superior St by Northland Country Club [NL]

Staff: Natalie Lavenstein addressed the commissioners. Applicant is requesting a UDC Map Amendment (rezoning) from R-1 to Residential-Planned (R-P) to construct 11 two-family dwellings (22 units total), 4 lots for single family homes (4 units total), and 2 bed and breakfast sites (4 units total). They are proposing to rezone 13.4 acres of the Northland Country Club from R-1 to R-P. R-P rezonings allow for an expansion of uses and buildings with process to protect against development that is out of character with the area. As part of the Map Amendment process, an R-P plan identifying uses, density, and height is required. Lavenstein explained the rezoning process and went over the rezoning application criteria.

The parcels contain an existing sport court and accessory buildings to support Northland County Club amenities. The future land use is primarily open space with some traditional neighborhood. The R-P district requires a minimum of 30% of the area to be kept in open space and 66% of the remaining area (excluding common open space) for residential purposes; applicant is proposing 6.4 acres as common open space, 4.8 acres as residential, and 1.2 acres of commercial. The remaining one acre is for streets and infrastructure.

An R-P district requires a level of public benefit that exceeds what would be required in the underlying zone district. As shown in the attached memo, the applicant proposes the following three public benefits: 1) Preservation of Natural Resources and Undeveloped Areas: More compact two-family dwellings allow for clustered development, thereby preserving a larger contiguous tract of land. Approximately 4.2 acres directly adjacent to the 40th Ave Creek will be kept in preservation; this allows for creek, trees, and wildlife habitat to be maintained in its current state. 2) A Higher Level of Sustainability: Standards will be set to ensure this development achieves higher sustainability than otherwise required; staff recommends a minimum of 4 points in accordance with Sec. 50-29. 3) More Efficient & Effective Use of Streets: By extending an existing developed area to create single and two-family residential opportunities, there will be less environmental impact, utility work and road construction necessary to achieve development. Keeping the new access road to the proposed homes as a private street will eliminate the need for City plow and maintenance services. Lavenstein read through the rest of the Review and Discussion Items from the staff report. There was one public comment received with concerns about the use of multifamily dwellings, but the proposal does not include multifamily dwellings. Staff recommends approval to city council.

Commissioners: Rhodes asked staff for more information regarding the proposed waterline to lakeside and how it would be a public benefit.

Wedul asked staff about the general development shoreland area on the map, as well as what the other colors represented. She also asked for clarification on the distinction between single-family developments and town homes, and what the proposed access to the property looks like.

Staff: Lavenstein spoke with Engineering staff about this. There is an existing water tank above this area, and the hope is to transition from the tank to the waterline. There has been a watermain installed on the site.

Lavenstein explained that the general development shoreland area is the orange hatched part on the map. Shoreland regulations apply there. The red lines mark the setbacks. The blue boundary is labeled as pedestrian access for residents, club members, employees, and guests of the club. The yellow section on the map represents the area for single-family homes. There are four lots, and each of them is for a single-family home. The smaller boxes represent two-family dwellings, and the pink areas represent the proposed bed and breakfasts.

The 5 units per acre density speaks only to the residential developments and does not include the bed and breakfasts. There will be access from Superior Street and the applicants may be able to provide more details.

Commissioners: Rhodes asked if there is any consideration for the pedestrian right of way to extend to those who are not part of the club as a public benefit.

Staff: Lavenstein responded that that was not included as a staff-recognized public benefit because of the lack of public access. She deferred to the applicant for further clarification.

Applicant: Tony Young and Luke Sydow addressed the commissioners. Young is the former president of the country club and Sydow is the landscape architect working on the project. They have been working with city Engineering for the past couple years and are excited to bring a new water source to lakeside.

The only access is off Superior Street and there are no plans for other access points. The access for the pedestrian walkway will remain private.

Commissioners: Bayuk asked the applicant if there was any consideration for a turn lane on Superior Street because of the high school traffic down the road.

Wedul asked about their efforts to preserve the creek, and Bayuk asked if anyone would be able to buy these homes with the HOA.

Applicant: Sydow said that the high school traffic has not been a concern of the city engineer. They are not planning to build right against the creek. Their goal is to preserve its natural state, and the easement provides for that buffer as well. It is their intention that the HOA would be for members only.

Public: David Delisle, 3806 E 3rd St – Delisle is in opposition of the project provided pictures of areas along E. 3rd St. to the commissioners. He stated that when this plan was presented about a year ago, his street was in the process of being redone with the new waterline. At that time, Delisle said that the plan was to have the waterline connect into Northland's property via an easement beside his home. The waterline access has since been moved to a paper street (E. 3rd St.). He feels that there should be more consideration for this project.

Commissioners: Discussion ensued among the commissioners regarding connectivity issues in this neighborhood and the public benefits of the project.

Motion/second: Rhodes/Bayuk approve as per staff recommendation with the following conditions:

1. **This proposal is consistent with the Comprehensive Land Use Plan.**
2. **The proposed R-P District is reasonably related to the overall needs of the community and to existing land use.**
3. **Material adverse impacts on nearby properties are not anticipated or will be mitigated.**

Vote: (6-0)

PLUMA-2505-0004 UDC Map Amendment at 010-1773-00010 (Arrowhead Rd) by Titanium Partners [CL]

Staff: Chris Lee addressed the commissioners. Applicant is requesting a UDC Map Amendment (rezoning) from R-2 to Mixed Use Neighborhood (MU-N) to allow for a mix of commercial and residential uses. The parcel is currently vacant and natural. There is no history of development on the site. The future land use of this area is Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. It includes conversions of houses to office or live-work spaces, and it may include limited commercial-only space oriented to neighborhood or specialty retail markets.

One comment from city engineering was received regarding stormwater and the preservation of the headwaters of Chester Creek. This is not a condition for approval, but it would likely come up when building permits are pulled or if any special use permits are required for future developments on the site. City engineering wants to ensure that wetlands and sensitive areas are preserved. No other public comments were received. Staff recommends approval to city council.

Commissioners: Rhodes asked who enforces the preservation of a wooded swamp. Wedul asked why the parcels to the east and west of the subject property are not also being rezoned as to avoid spot rezoning.

Staff: Lee responded that as development progresses, the city will ensure that those areas are preserved. This will be done through the building permit review process and city engineering will make sure that storm water conditions are met.

Lee responded that while he is unsure of why the adjacent parcels are not being rezoned as well, the future land use of the subject area lines up with this proposal. He noted that the area being rezoned is 6.5 acres in total. Rezoning those other parcels would be treated differently according to the designated future land use.

Applicant: Jesse Carlson with Titanium Partners was present to answer questions.

Public: No speakers.

Motion/second: Sarvela/Rhodes approve as per staff recommendation with the following conditions:

1. **This proposal is consistent with the Comprehensive Land Use Plan.**
2. **The proposed MU-N zoning is consistent with the future land use categories of Neighborhood Mixed Use.**

Vote: (6-0)

PLUTA-2503-0001 UDC Text Amendment to Trash Enclosure Screening [CL]

Staff: Chris Lee addressed the commissioners and went over the memo for this proposal.

Currently, the code indicates that exterior trash enclosure screening must be constructed of masonry, brick, wood, stone, or similar material and it must have a gate constructed of wood or metal. This language is in place to create a cohesiveness in site-wide design of the enclosures, so they coordinate with other structures existing on the site.

Staff has proposed to remove the material requirements and replacing it with "durable, weather resistant material that is opaque." This allows entire enclosures to be constructed of wood or metal if it provides cost savings for the project. The proposed changes are to ease the financial burden and alleviate site constraints to new site development.

Commissioners: Rhodes appreciates that the code language is being changed to be more flexible as material options continue to change.

Wedul asked how opacity and durability will be determined.

Staff: Lee responded that staff looked at how other cities approach this language. Staff recognize that different materials can be used for screening purposes, so they want the code language to allow for that flexibility. The intent is to have trash containers screened with materials that won't fail without limiting people to the use of masonry, brick, wood, stone, or similar materials.

Public: No speakers.

Commissioners: Adatte is in support of the text changes.

Wedul expressed her concerns about the proposed language leaving open to interpretation, which could lead to liability issues. She does not oppose the changes, but she would like to see this proposal come back with less room for interpretation.

Motion/second: Rhodes/Sarvela recommend approval to City Council.

Vote: (6-0)

PLUTA-2505-0002 UDC Text Amendment Related to Daycare, Small and Large; and Preschool [KD]

Staff: Kyle Deming addressed the commissioners and gave a presentation. There continues to be a shortage of capacity for childcare in Duluth as documented in public and media reports. Multiple levels of government and non-profit agencies have been addressing this through a multi-prong approach. For its part, the City has examined current zoning rules concerning provision of childcare (City of Duluth Legislative Code Chapter 50, the Unified Development Chapter (UDC)) to identify opportunities to encourage the creation of additional childcare capacity.

The UDC modification would add new language to the use specific standards (Section 50-20.3.I) for Daycare facility, large and small, that would exempt the project from needing a special use permit if it meets a set of requirements, which are listed in the staff memo. The requirements

are based on a review of existing facilities, which are also listed in the staff report. This change would reduce uncertainty in establishing a daycare center by eliminating the discretionary approval by the Planning Commission and the public hearing preceding it. Projects that do not meet the proposed criteria would go through the special use permit process.

Staff also propose a few smaller changes. These include deleting some language that is already covered by state licensing, deleting the provision that allows the Land Use Supervisor to deny an application for childcare in MU-B due to health and safety concerns because this consideration can be made by the Planning Commission during the special use permit review, and adding a requirement for the Planning Commission to consider the location of outdoor play area relative to abutting residential uses.

In addition to the proposed changes listed above, staff is proposing UDC changes to definitions of daycare facility, large and small, to better align terminology with the building code and State licensing for the desired result of reduced confusion by potential daycare operators when navigating UDC rules.

Commissioners: Adatte asked staff to explain the reasoning behind having this language in the zoning code in conjunction with state regulations.

Staff: Deming responded that it is within our purview of local governments to regulate land use. The state does license daycare centers, and the county will license smaller operations. The goal is to align the terminology on a city level to make it more cohesive with state and county licensing requirements.

Commissioners: Rhodes is in support of the proposed changes. She asked if there will be further discussion about requirements and decreasing barriers for daycares.

Bayuk asked if part-time and full-time daycare children are treated the same in terms of capacity.

Staff: Deming stated that staff do consider ways to decrease barriers but are wary of the concerns about having too many regulations on a specific use. Planning commission and the land use supervisor have significant authority to consider individual circumstances, which allows a more sensitive approach.

Deming assumes that part-time and full-time kids are treated the same when performing headcounts, but he would defer to the state regulations.

Public: No speakers.

Motion/second: Bayuk/Rhodes recommend approval to City Council.

Vote: (6-0)

Other Business

Spirit Valley Core Investment Area (SVCIA) – Kyle Deming gave a presentation on the project. He outlined the project area boundaries and spoke about staff's engagement efforts, which included community strolls and business-focused meetings. Deming also spoke about the community feedback that staff received, and the plan committee that was assembled for this project. The presentation also highlighted the project's next steps and the goals that staff hope to accomplish this summer.

Commissioners: Rhodes asked staff about the desired outcomes, and if commissioners could expect to see UDC modifications and other zoning changes following this report.

Wedul asked if staff has identified potential funding sources as part of this project.

Staff: Deming explained that this is a stand-alone plan. The objective is to bring policy and recommendations from comprehensive plan into the SVCIA project so it can be utilized as a

resource for business owners and future developments. Though Deming has not thought that far ahead, he anticipates that there will likely be map and/or text changes in the UDC after this. Staff will identify potential funding sources but will not take things further than that. This is meant to serve as a high-level planning document.

Communications

Land Use Supervisor (LUS) Report – Ben Van Tassel addressed the commissioners and stated that he is filling as the LUS for tonight’s meeting in Jenn Moses’s absence. He informed them of the upcoming brown bag meeting on June 30th at 12pm.

Heritage Preservation Commission Report – Adatte was not in attendance for the most meeting, but he stated that the national historic recognition of the Ordean Building was on the agenda for commissioners to comment on.

Adjournment

Meeting adjourned at 6:36 p.m.
Respectfully,

Jenn Moses, Manager
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



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File Number	PLIUP-2504-0025	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit Renewal	Planning Commission Date		July 8, 2025
Deadline for Action	Application Date	May 25, 2025	60 Days	July 24, 2025
	Date Extension Letter Mailed	May 25, 2025	120 Days	September 22, 2025
Location of Subject		702 S Lake Ave		
Applicant	Jeff and Kristy Huotari	Contact		
Agent		Contact		
Legal Description		PIN: 010-4380-01220		
Site Visit Date		June 9, 2025	Sign Notice Date	June 24, 2025
Neighbor Letter Date		June 11, 2025	Number of Letters Sent	13

Proposal

The applicant proposes to renew a 3-bedroom dwelling as a vacation dwelling unit. A vacation dwelling unit permit was previously approved for the unit via PL19-079.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacation Dwelling Unit	Traditional Neighborhood
North	R-1	Public Park	Open Space
South	R-1	Residential	Traditional Neighborhood
East	R-1	Beach	Open Space
West	MU-N	Hotel	Commercial Waterfront

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities.

A short-term rental allows property owners to generate income and provides a service for tourists.

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.

History: This home has a gross floor area of 1,900 sq ft and was built in 1904. One previous Interim Use Permit was approved for this property in 2019.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 702 S Lake Ave. The dwelling unit contains 3 bedrooms, which will allow for a maximum of 7 guests.
- 2) This is a renewal application for PL19-079. No changes are proposed from the 2019 application. Staff is not aware of any reported code violations or police calls regarding the subject property.
- 3) The minimum rental period will be two nights.
- 4) Two off-street parking spaces are required to be provided for a 3-bedroom vacation dwelling unit. The applicant is proposing three off street parking stalls in the driveway.
- 5) Motorhome or trailer parking will be allowed in the driveway.
- 6) The site plan indicates that patios in the rear and front of the house are outdoor amenities available to guests.
- 7) The neighbor to the south provided a letter waiving the need for screening along the shared property line. The property is adjacent to the beach and the canal on the other sides of the parcel. Screening is not required from the beach or canal since they are not residential land uses.
- 8) Permit holders 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 complaints from neighbors or the City. Permit holders must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property Management to serve as the managing agent.
- 9) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 10) Applicant must comply with the City's vacation dwelling unit regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 11) There are currently 178 licensed vacation dwelling units in the city, with 89 of those in form districts; the remaining 89 are subject to the cap of 110. The subject property is located within a residential district and is subject to the cap.
- 12) No City, public or agency comments were received.
- 13) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.





PLIUP-2504-0025

Interim Use Permit for VDU
702 S Lake Ave

Legend

Zoning

-  R-1 (Residential Traditional)
-  MU-N (Mixed Use Neighborhood)

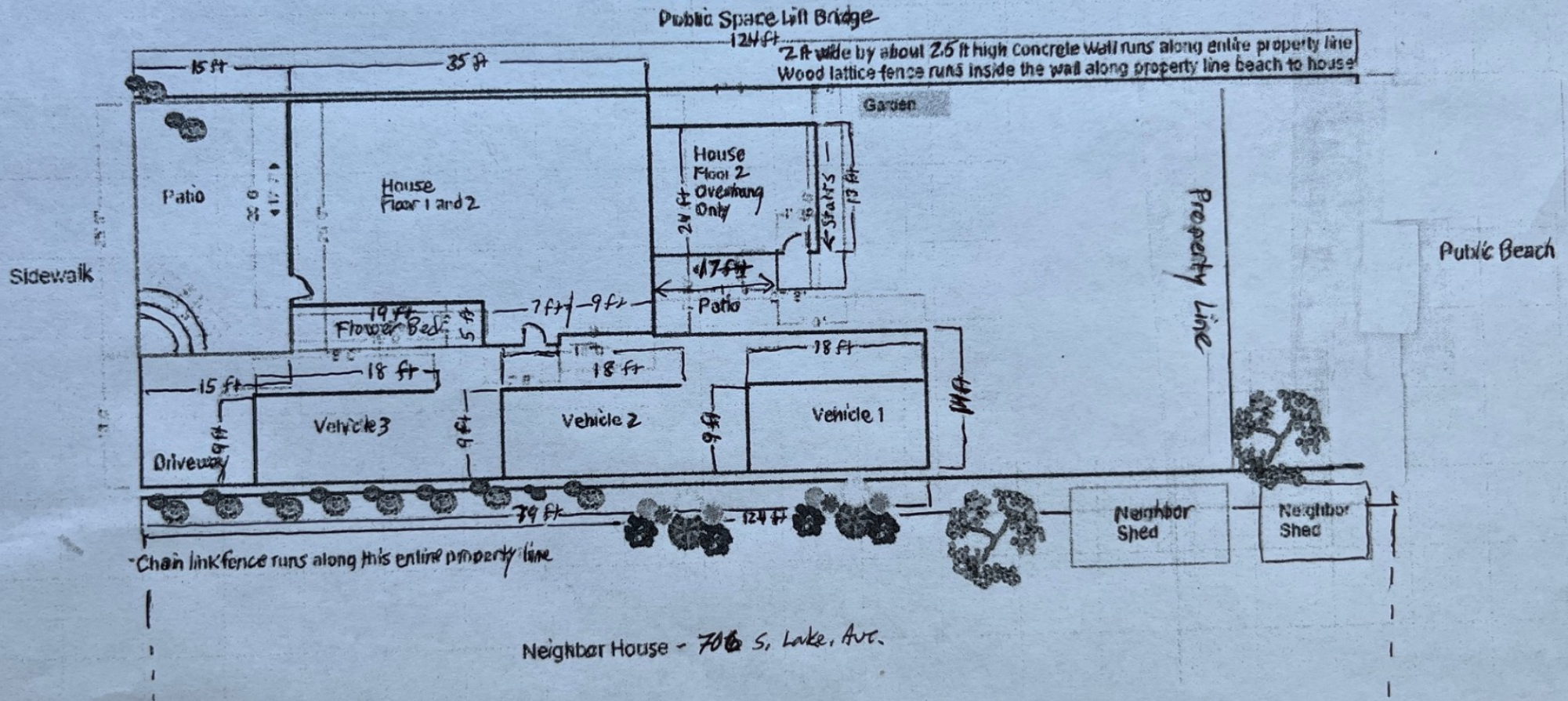


Aerial Imagery Captured 2019

Prepared by: City of Duluth Planning & Economic Development; March 6, 2025; Source: City of Duluth



Site Plan for 702 South Lave Ave, Duluth, MN





Screening Waiver 702 S Lake Ave Vacation Unit Application

From Nate Harsha <[REDACTED]>

Date Sat 5/24/2025 8:54 AM

To Jason Mozol <jmozol@DuluthMN.gov>

Cc [REDACTED] <[REDACTED]>; Carolyn Kerns [REDACTED] >

Hello,

My wife (Carolyn Kerns) and I (Nate Harsha) who live at 706 S Lake Ave have spoken with Jeff Houtari about the city fence requirement in his VRBO application between 702 and 706 S Lake Ave on Parker Point. We would prefer to leave the current fence in place and would like to waive the need for any new fence in his application for a VRBO permit. Let me know if any further documentation is required to grant Jeff the waiver.

Thank you!

Nate Harsha



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLIUP-2506-0029		Contact	Natalie Lavenstein, nlavenstein@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		July 8, 2025
Deadline for Action	Application Date		June 3, 2025	60 Days	August 2, 2025
	Date Extension Letter Mailed		June 9, 2025	120 Days	October 1, 2025
Location of Subject		732 E Superior St			
Applicant	Sorrento Group LLC		Contact	Jim Berarducci	
Agent	NA		Contact	NA	
Legal Description		010-3820-00410			
Site Visit Date		June 26, 2025	Sign Notice Date		June 23, 2025
Neighbor Letter Date		June 16, 2025	Number of Letters Sent		12

Proposal

The applicant proposes use of a 2-bedroom unit in a Form District as a vacation rental property.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Residential/Restaurant	Tourism Entertainment
North	F-8	Mixed Use	Tourism Entertainment
South	F-8	Lake Walk	Open Space
East	F-8	Vacant	Tourism Entertainment
West	F-8	Mixed Use/Residential	Tourism Entertainment

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-8 zone district.

UDC Section 50-20.3.V Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #4 – Support economic growth sectors

A short-term rental allows property owners to generate income and provides a service for tourists.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

- **S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront - related uses, open space uses.

History: The subject property was built in 1911. There is restaurant space on the lower level and a residential unit in the upper level.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 732 E Superior St. The proposed vacation dwelling unit contains 2 bedrooms which allows for a maximum of 5 guests. The applicant listed 6 guests, but only 5 are allowed.
- 2) The minimum rental period will be 1 night. The applicant listed the minimum rental period as 3 nights, but 1 is allowed.
- 3) One off-street parking space will be provided in the parking area North of the building.
- 4) The applicant has indicated they will not allow motorhomes or trailers.
- 5) There is an existing upper deck on the rear side of the property; staff finds that UDC Sec. 50-20.3.V, paragraph 7 requires placement of dense urban screening along the West side of the deck, as the neighboring property to the West is partially residential.
- 6) Permit holders 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 complaints from neighbors or the City. Permit holders must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Mallory Moore to serve as the local contact.
- 7) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.9 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with vacation dwelling unit regulations, including providing information to guests on city rules.
- 9) There are currently 178 licensed vacation dwelling units in the city, with 89 of those in form districts; the remaining 89 are subject to the cap of 110. The subject property is located within a form district and is not subject to the cap.
- 10) No public, agency, or City comments were received.
- 11) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) The applicant shall add 6 ft tall screening on the West side of the rear upper deck, to be approved by the Land Use Supervisor and installed prior to receiving the Interim Use Permit, or obtain a waiver from the screening requirement prior to receiving the interim use permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLIUP-2506-0029

Interim Use Permit
Vacation Dwelling Unit
732 E Superior St



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Aerial Imagery Captured 2019

Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth.





Planning & Development Division
Planning & Economic Development Department

Room 160 • 411 West First Street • Duluth, Minnesota 55802
218-730-5580 • www.duluthmn.gov



APPLICATION COVER SHEET

CONTACT INFORMATION

Owner:

Name: Jim Berarducci

Phone:

Email:

Address:

APPLICANT

Name: Jim Berarducci

Phone: (612) 325-4000

Email: jberard@outlook.com

Address:

APPLICATION INFORMATION:

Street Address and Zoning of Property:

Parcel ID Number:

Reason for this Request: commercial building

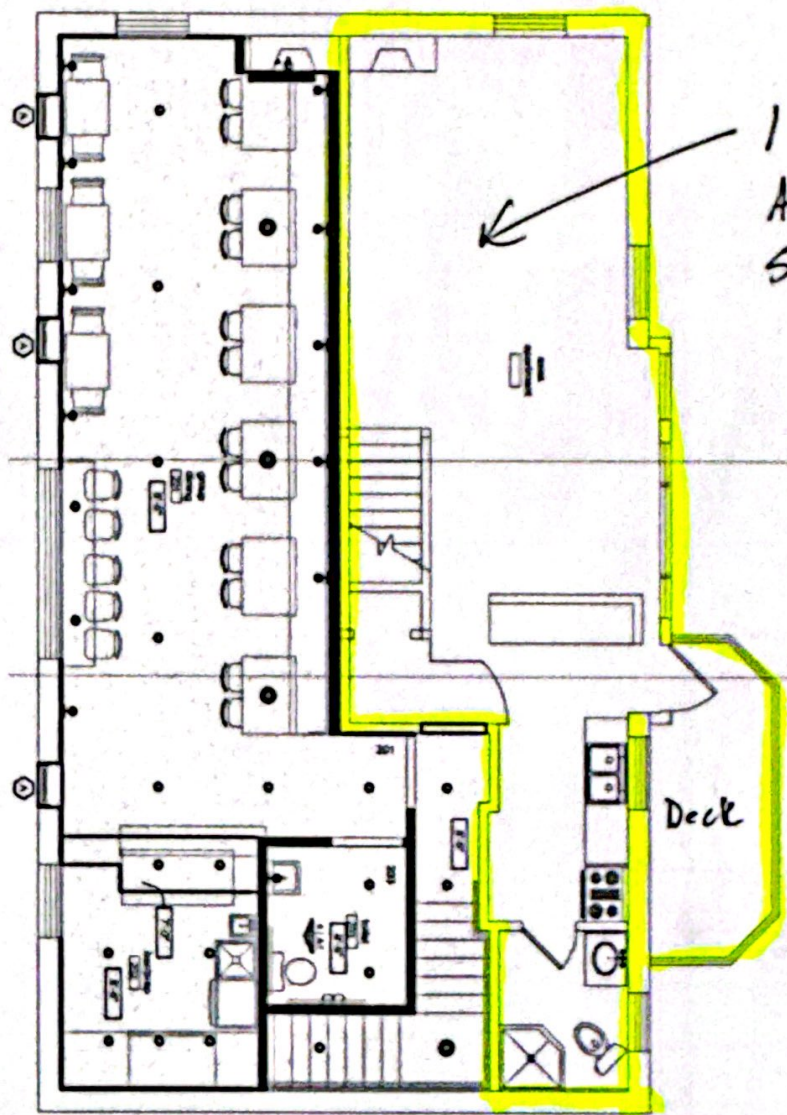
2 bedrooms

1 parking stall

Plan Number: PLIUP-2506-0029

Plan Type: PL Interim Use Permit

Plan Work Class: PL Interim Use Permit



1ST FLOOR OF
Apartment w/
stair to 2ND LEVEL

Deck

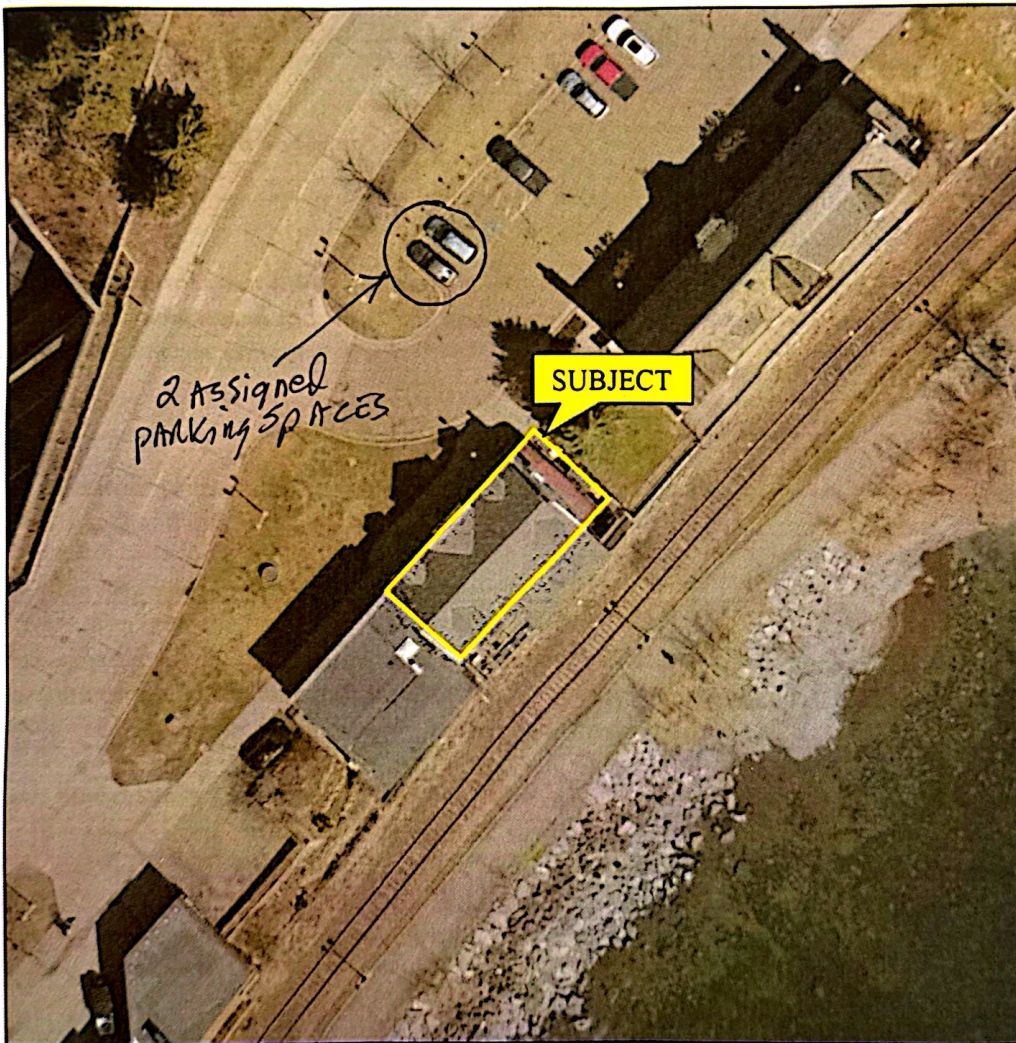
TAX AND ASSESSMENT DATA

The subject is assessed as follows for tax purposes for taxes payable in 2024.

Parcel Code	Land EMV	Building EMV	Total EMV	2024 Taxes
010-3820-00410	\$76,300	\$688,100	\$764,400	\$17,260

The assessed value of the subject has increased over the past year from the prior value of \$639,600.

GIS MAP



7

EST. 1890
F.I. SALTER
APPRAISALS



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLIUP-2506-0030		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		July 8, 2025
Deadline for Action	Application Date		June 9, 2025	60 Days	August 8, 2025
	Date Extension Letter Mailed		June 12, 2025	120 Days	October 7, 2025
Location of Subject		1429 London Rd			
Applicant	PJI Mountain Properties LLC		Contact	Peter J. Isaksen	
Agent			Contact		
Legal Description		PIN: 010-1460-04080; 010-1460-04081			
Site Visit Date		June 23, 2025	Sign Notice Date		June 24, 2025
Neighbor Letter Date		June 16, 2025	Number of Letters Sent		38

Proposal

The applicant proposes to use a 4-bedroom dwelling as a vacation dwelling unit. This is a new application, and the applicant is on the eligibility list.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Mixed Use	Central Business Secondary
North	MU-N	Residential	Central Business Secondary
South	MU-I	Dental office	Central Business Secondary
East	F-2	Marine supply store	Neighborhood Mixed Use
West	F-2	Mixed Use	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-2 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities.

A short-term rental allows property owners to generate income and provides a service for tourists.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the primary central business area or standalone area providing a similar mix of destination land uses but as a lower intensity than the primary CB uses. Includes mixed regional and neighborhood retails, employment centers, public spaces, medium density residential, and public parking facilities.

History: The subject property, 1429-31 London Rd, was built in 1901 as a duplex. The existing structure is an 8-bedroom, two-family home, including four bedrooms at 1429 London Rd, with a surface parking lot at the rear nearest to Jefferson Alley.

Review and Discussion Items:

Staff finds that:

- 1) The applicant's property is located at 1429-31 London Rd. The dwelling unit contains 4 bedrooms, which allows for a maximum of 9 guests.
- 2) This is a new application. The applicant was on the eligibility list. Staff does not have record of any violations or enforcement actions relating to the subject property.
- 3) The minimum rental period will be two nights.
- 4) The minimum off-street parking requirements for vacation dwelling units do not apply in form districts, per Section 50-20.3.V.3(d). The applicant is proposing two off-street parking stalls, located in the parking lot at the rear of the building.
- 5) The applicant has indicated they will allow motorhome or trailer parking.
- 6) The site plan does not indicate any outdoor amenities. Staff notes there is a deck located to the rear of the structure. The property is not subject to dense urban screen requirements, due to the adjoining property to the west not having residential use. All other property lines abut public streets or alleys.
- 7) Permit holders 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 complaints from neighbors or the City. Permit holders must provide contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed himself to serve as the managing agent.
- 8) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.9 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) Applicant must comply with the City's vacation dwelling unit regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 10) There are currently 178 licensed vacation dwelling units in the city, with 89 of those in form districts; the remaining 89 are subject to the cap of 110. The subject property is neither located within a residential district nor subject to the cap.
- 11) No City, public or agency comments were received.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

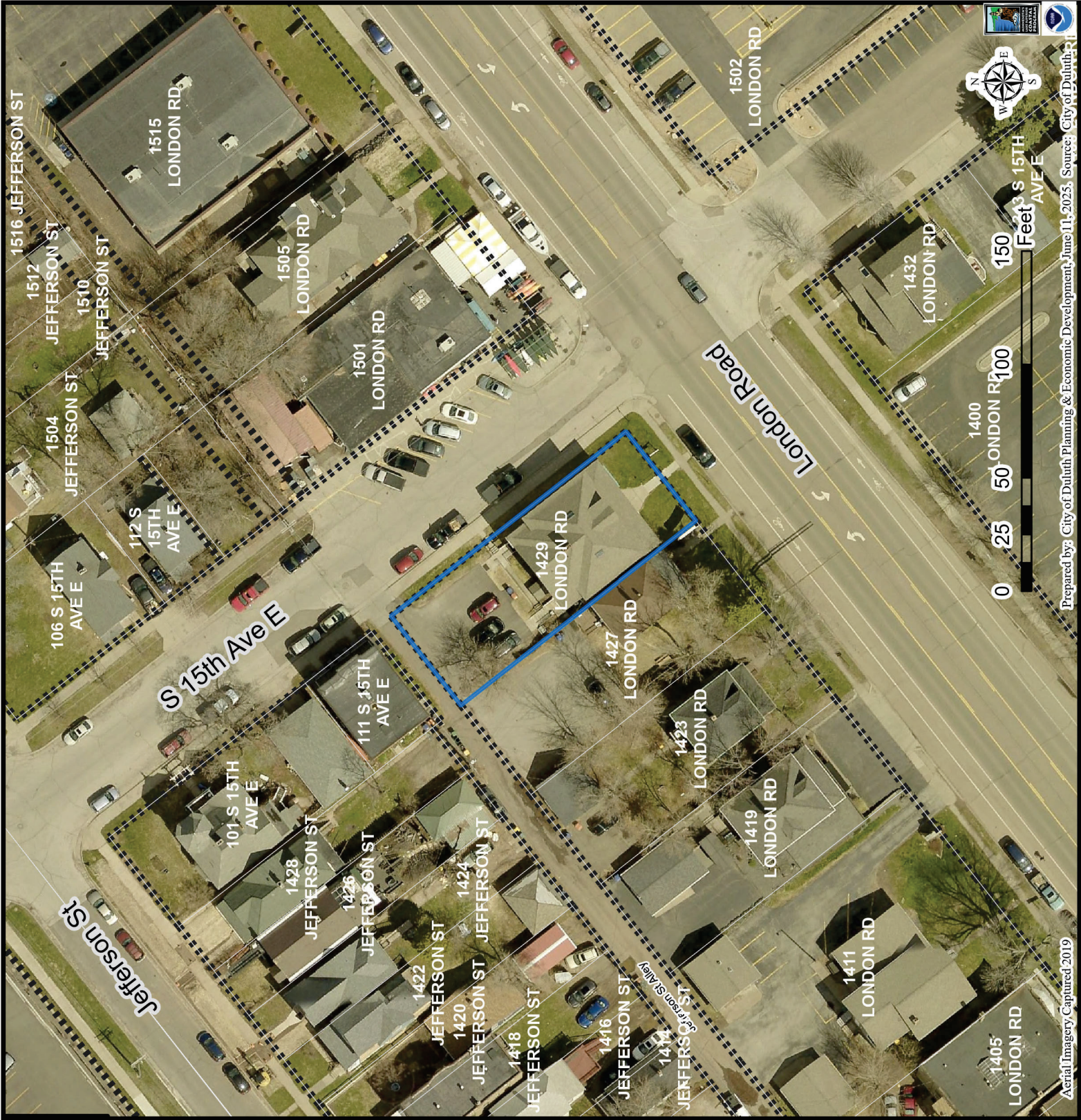
Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.



PLIUP-2506-0030

Interim Use Permit for VDU
1429 London Rd



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Aerial Imagery, Captured 2019

Prepared by: City of Duluth Planning & Economic Development, June 11, 2025; Source: City of Duluth

J02002 RD

Foot Print
Promotional
Advertising

1429

~~1429~~ 1431

Front Porch

Deck

Deck

Hall

Deck-25

Deck-25

Deck-25

Deck-25

ALLEY

S. 15 AVE EAST

MARINE GENERAL



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.

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;

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.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLIUP-2506-0031		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		July 8, 2025
Deadline for Action	Application Date		June 9, 2025	60 Days	August 8, 2025
	Date Extension Letter Mailed		June 12, 2025	120 Days	October 7, 2025
Location of Subject		1429 London Rd			
Applicant	PJI Mountain Properties LLC		Contact	Peter J. Isaksen	
Agent			Contact		
Legal Description		PIN: 010-1460-04080; 010-1460-04081			
Site Visit Date		June 23, 2025	Sign Notice Date		June 24, 2025
Neighbor Letter Date		June 16, 2025	Number of Letters Sent		38

Proposal

The applicant proposes to use a 4-bedroom dwelling as a vacation dwelling unit. This is a new application, and the applicant is on the eligibility list.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Mixed Use	Central Business Secondary
North	MU-N	Residential	Central Business Secondary
South	MU-I	Dental office	Central Business Secondary
East	F-2	Marine supply store	Neighborhood Mixed Use
West	F-2	Mixed Use	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-2 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities.

A short-term rental allows property owners to generate income and provides a service for tourists.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the primary central business area or standalone area providing a similar mix of destination land uses but as a lower intensity than the primary CB uses. Includes mixed regional and neighborhood retails, employment centers, public spaces, medium density residential, and public parking facilities.

History: The subject property, 1429-31 London Rd, was built in 1901 as a duplex. The existing structure is an 8-bedroom, two-family home, including four bedrooms at 1431 London Rd, with a surface parking lot at the rear nearest to Jefferson Alley.

Review and Discussion Items:

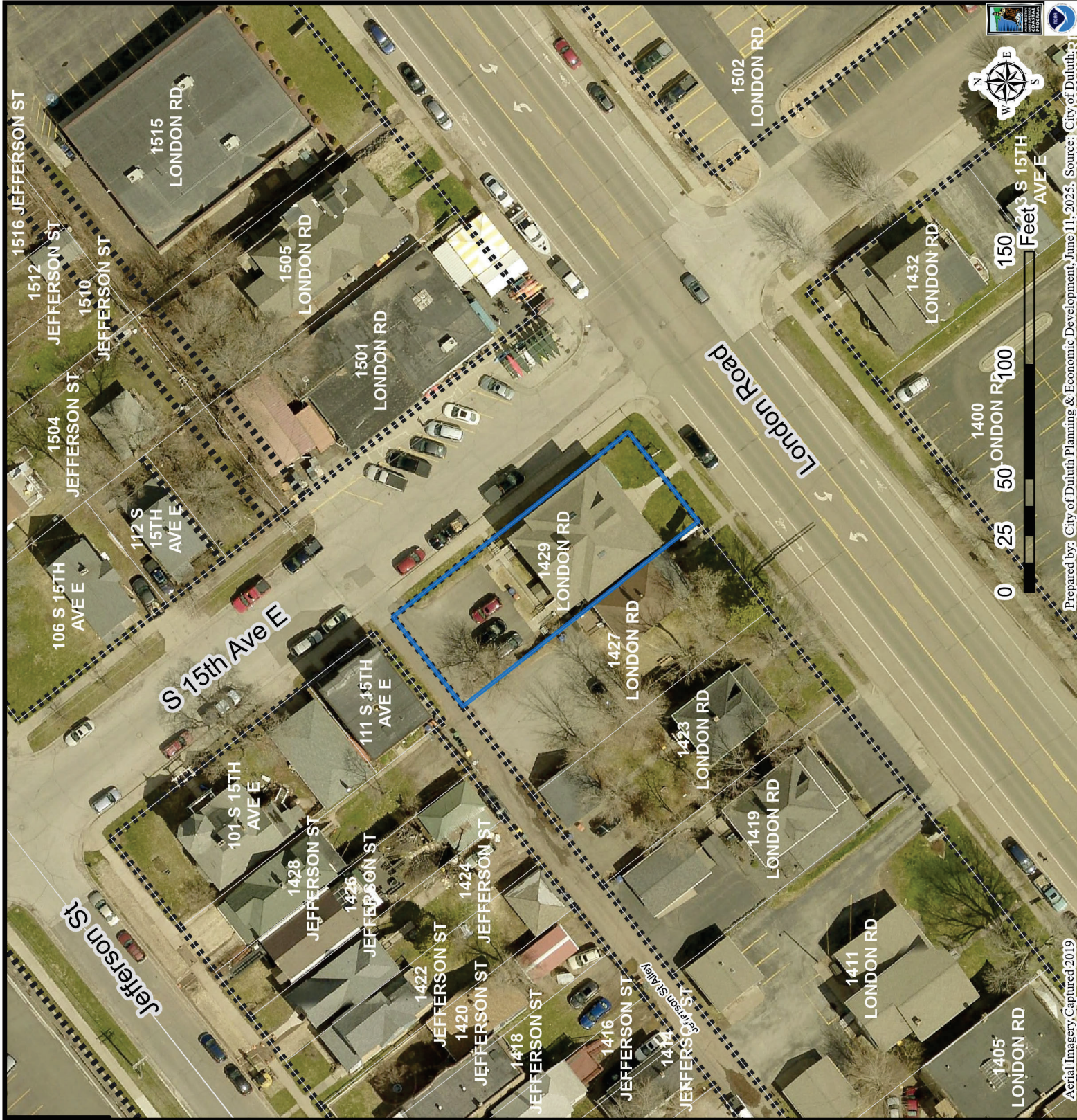
Staff finds that:

- 1) The applicant's property is located at 1429-31 London Rd. The dwelling unit contains 4 bedrooms, which allows for a maximum of 9 guests.
- 2) This is a new application. The applicant was on the eligibility list. Staff does not have record of any violations or enforcement actions relating to the subject property.
- 3) The minimum rental period will be two nights.
- 4) The minimum off-street parking requirements for vacation dwelling units do not apply in form districts, per Section 50-20.3.V.3(d). The applicant is proposing two off-street parking stalls, located in the parking lot at the rear of the building.
- 5) The applicant has indicated they will allow motorhome or trailer parking.
- 6) The site plan does not indicate any outdoor amenities. Staff notes there is a deck located to the rear of the structure. The property is not subject to dense urban screen requirements, due to the adjoining property to the west not having residential use. All other property lines abut public streets or alleys.
- 7) Permit holders 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 complaints from neighbors or the City. Permit holders must provide contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed himself to serve as the managing agent.
- 8) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.9 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) Applicant must comply with the City's vacation dwelling unit regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 10) There are currently 178 licensed vacation dwelling units in the city, with 89 of those in form districts; the remaining 89 are subject to the cap of 110. The subject property is neither located within a residential district nor subject to the cap.
- 11) No City, public or agency comments were received.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

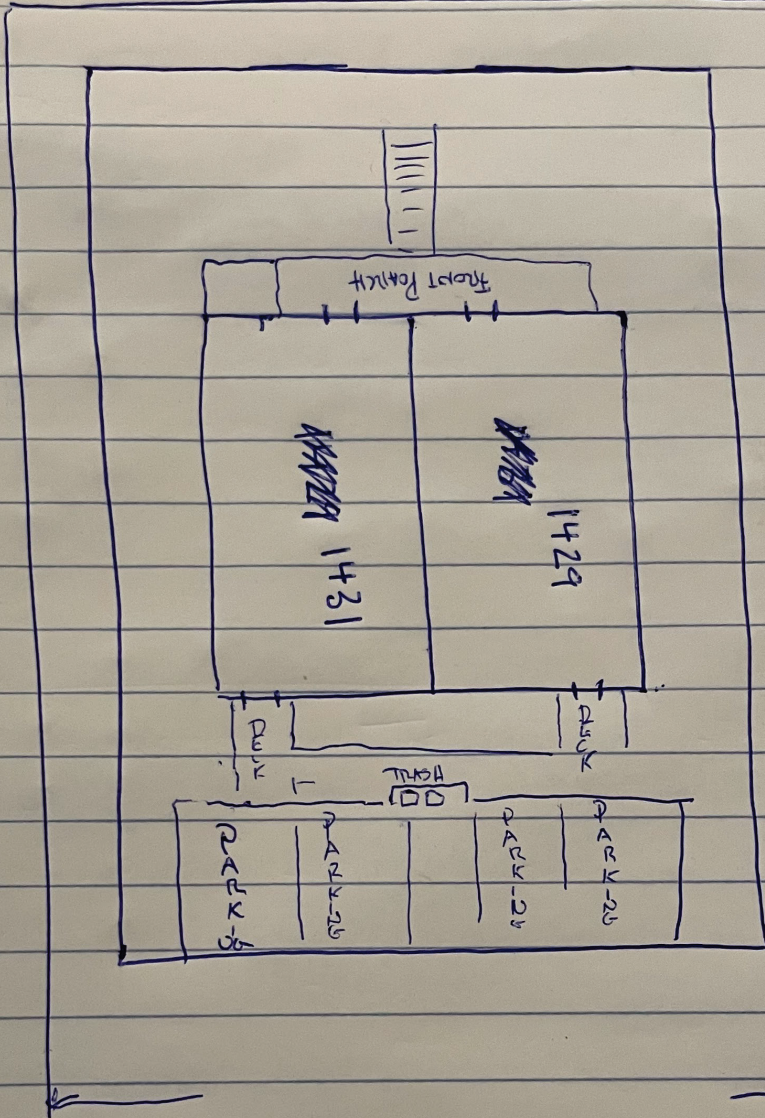
- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) The applicant must obtain a CSVDU permit from Construction Services and Inspections, and an operational permit from Life Safety, prior to operating the Vacation Dwelling Unit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.



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J02002 RD

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S. 15 AVE EAST

MARINE GENERAL

ALLEY



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.

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;

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.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLVAC-2505-0004		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Vacation of Utility Easement		Planning Commission Date		July 8, 2025
Deadline for Action	Application Date		May 25, 2025	60 Days	July 24, 2025
	Date Extension Letter Mailed		June 12, 2025	120 Days	September 22, 2025
Location of Subject		3501 E 2nd St			
Applicant	Meghan Klasic		Contact		
Agent			Contact		
Legal Description		PIN: 010-1370-00055; 010-1370-00520			
Site Visit Date		June 23, 2025	Sign Notice Date		June 24, 2025
Neighbor Letter Date		June 13, 2025	Number of Letters Sent		36

Proposal:

The applicant seeks to vacate a 46 ft x 140 ft portion of a utility easement that runs along the vacated 35th Ave E ROW, while retaining 20 ft x 140 ft portion along active sewer. The existing easement is wider than necessary to maintain sewer.

Recommended Action: Staff recommends that Planning Commission recommend approval to City Council with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

Vacation of public rights of way and/or easements require a Planning Commission public hearing with a Recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and Council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #1 – Reuse previously developed lands.

Doing so strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services. The vacation will allow for the property owner to make improvements to their property.

Future Land Use – Traditional Neighborhood: An area characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garage, 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.

History: The subject utility easement, along the 200 block of 35th Ave E, was established in 1925. The 35th Ave E right-of-way on this block was also vacated in 1925.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate 46 ft x 140 ft of utility easement along vacated 35th Ave E: a 23 ft x 140 ft portion on the west side of vacated 35th Avenue East affecting Lot 16 of Block 1; and a 23 ft x 140 ft portion on the east side of the east side of vacated 35th Avenue East, affecting Lot 2 of Block C. All of the vacated area is within the Plat of Rearrangement of Part of East Duluth and of First Addition to East Duluth.
2. A 20 ft x 140 ft portion of the vacated 35th Avenue East will have a utility easement retained for sewer.
3. The proposed vacation will allow the adjacent property owner to make property improvements.
4. The existing easement is wider than necessary to maintain the sewer line.
5. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signatures from the adjoining property owners, demonstrating no objection to vacating a portion of the utility easement.
6. The utility easement proposed to be vacated was established at the full width of the vacated 35th Avenue East right-of-way but never utilized in full. The northernmost portion of the easement continues as a utility easement measuring a width of 20 ft at the applicant's rear property line.
7. The proposed easement to be vacated will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
8. No City, public or agency comments were received at the time of drafting this report.
9. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

- 1) The vacation and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.
- 2) The vacation must be approved with a 6/9 vote from City Council.



PLVAC-2505-0004

Vacation of a Utility Easement
3501 E 2nd St

Legend

■■■■ Road or Alley ROW

□□□□ County Parcel Data

▨▨▨▨ Vacation Area

Easement Type

▨▨▨▨ Utility Easement

▨▨▨▨ Other Easement

ROW

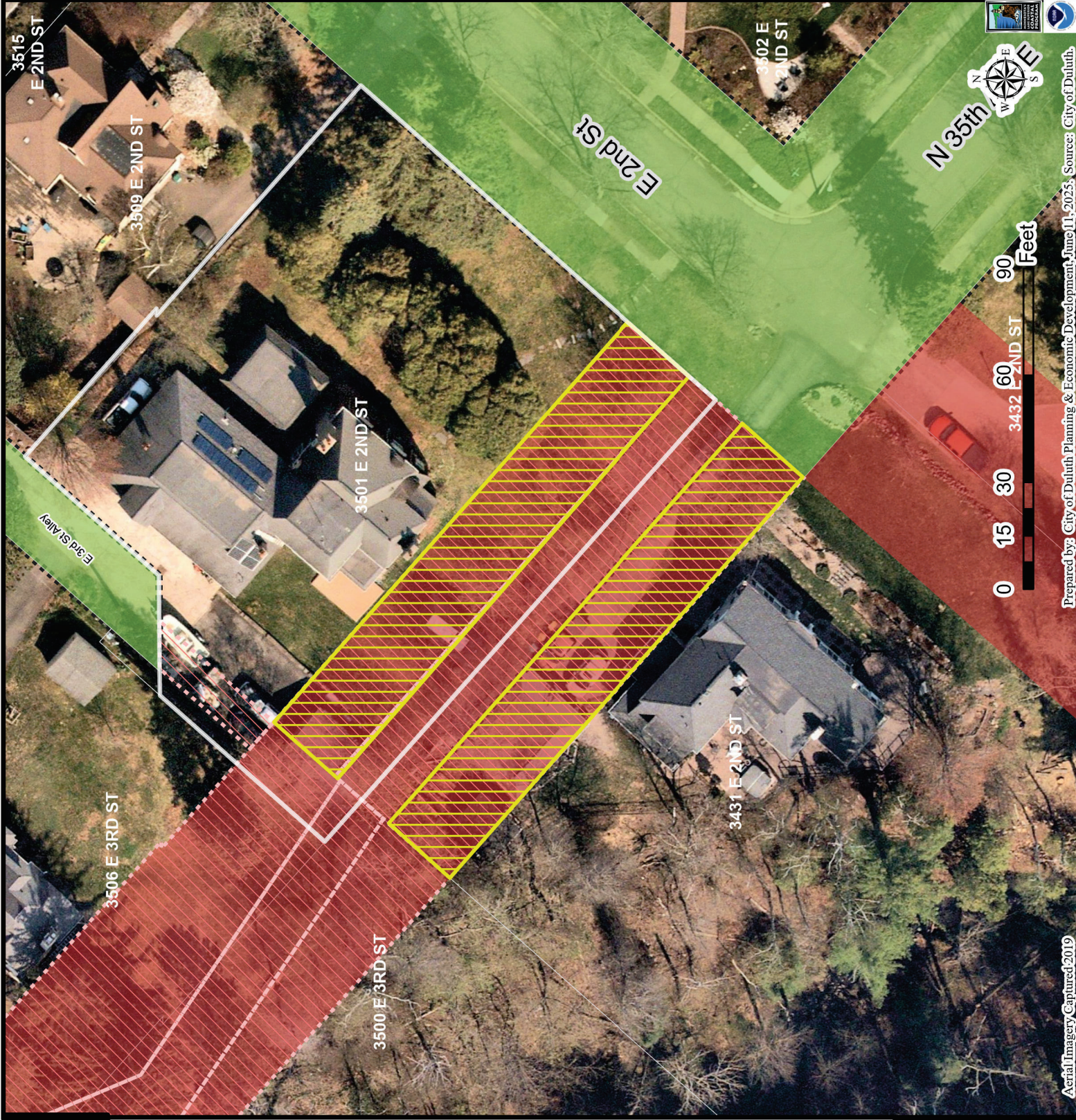
▨▨▨▨ Utility, Active

▨▨▨▨ Road, Active - currently
in use

▨▨▨▨ Utility, Vacated -
vacated via recorded
document

▨▨▨▨ Road, Vacated - vacated
via recorded document

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 errors in connection with the use of this information.



LEGEND

	UTILITY EASEMENT TO BE RETAINED
	UTILITY EASEMENT TO BE VACATED
	PLAT DIVISION LINE
	CENTER LINE
	RIGHT OF WAY LINE
	EXISTING EASEMENT LINE
	RETAINED EASEMENT LINE
	EXISTING PLAT LINE

LEGAL DESCRIPTION OF PORTION OF UTILITY EASEMENT TO BE VACATED
That part of Vacated 35th Avenue East lying adjacent to and abutting Lot 2 Block C and adjacent to and abutting Lot 16, Block 1, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, which lies Northwesterly of the Northwesterly right of way line of East Second Street and lying Southeasterly of the Southwesterly extension of the Northwesterly line of said Lot 2, Block C, and Southeasterly of the Northeastly extension of the Northwesterly line of said Lot 16, Block 1, EXCEPTING therefrom a 20.00 foot wide strip of land lying 10.00 feet on both sides of the centerline of said Vacated 35th Avenue East.
Said utility easement vacation contains 6,900 Sq. feet or 0.16 Acres.

SURVEYOR'S NOTES

- DIVISION LINE BETWEEN PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH AND CRESCENT VIEW PARK.
- THE NORTHWESTERLY LINE OF LOT 2, BLOCK C, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH AND ITS SOUTHWESTERLY EXTENSION.
- THE NORTHWESTERLY LINE OF LOT 16, BLOCK 1, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH AND ITS NORTHEASTERLY EXTENSION.
- A 16 FOOT WIDE UTILITY EASEMENT RETAINED IN VACATED 35TH AVENUE EAST AS DESCRIBED IN TORRENS DOCUMENT NO. 507292 AND ABSTRACT DOCUMENT NO. 468020 FILED IN THE OFFICE OF THE REGISTRAR OF TITLES ST. LOUIS COUNTY, MINNESOTA ON DECEMBER 30, 1988.
- VACATION OF 66 FOOT WIDE RIGHT OF WAY OF 35TH AVENUE EAST WITH A UTILITY EASEMENT RETAINED OVER ALL 66 FEET OF VACATED RIGHT OF WAY OF 35TH AVENUE EAST PER TORRENS DOCUMENT NO. 93756 FILED IN THE OFFICE OF THE REGISTRAR OF TITLES ST. LOUIS COUNTY MINNESOTA ON FEBRUARY 14, 1938.
- THE NORTHWESTERLY RIGHT OF WAY LINE OF EAST SECOND STREET.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- THIS IS NOT A BOUNDARY SURVEY.

UTILITY EASEMENT VACATION EXHIBIT

CLIENT: ANDREW LEACH & MEGHAN KLASIC	REVISIONS:
ADDRESS: 3501 E 2ND STREET DULUTH, MN 55804	
DATE: 02-18-2025	JOB NO: 25-027 SHEET 1 OF 2

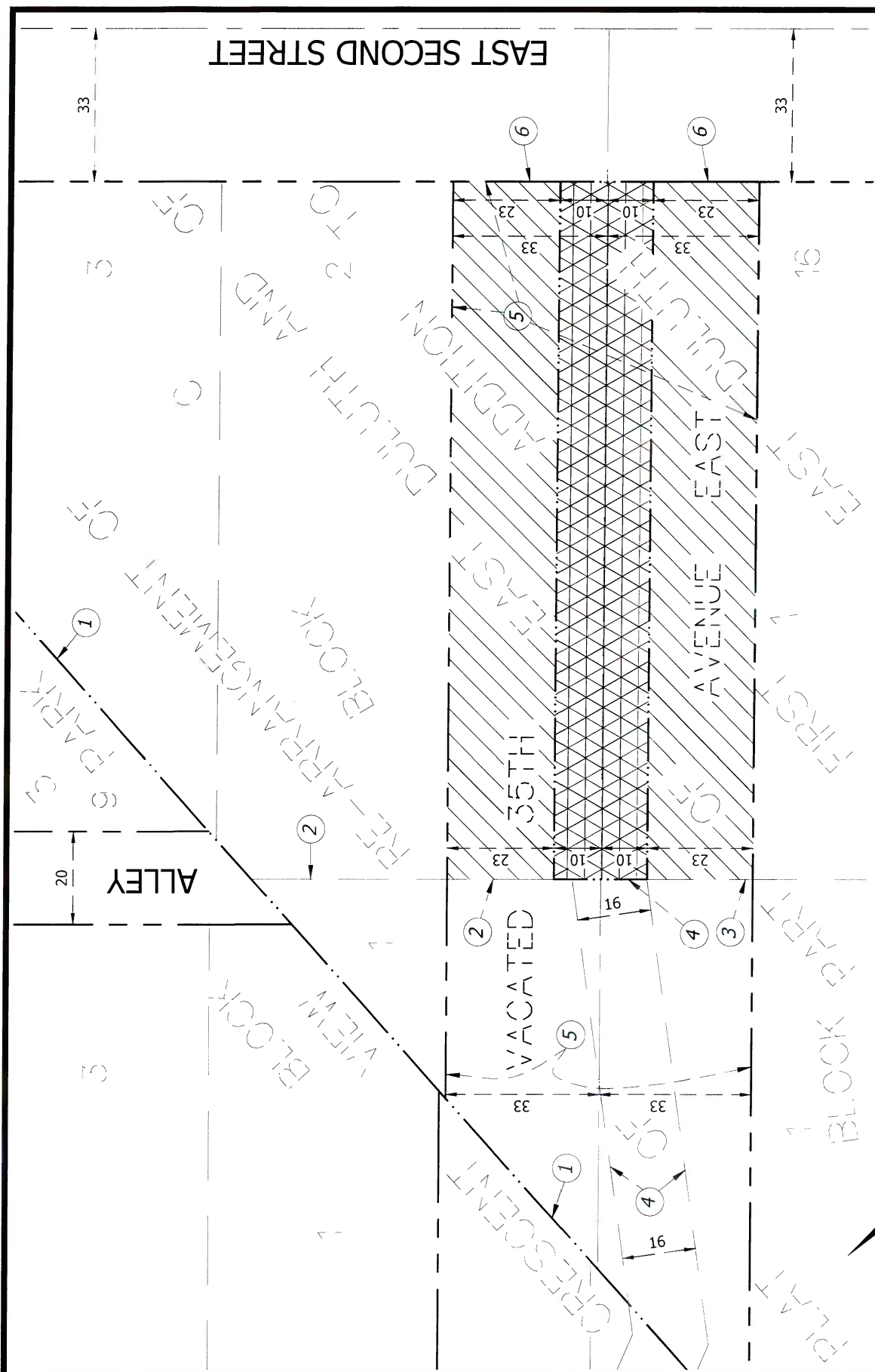
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

David R. Evanson
David R. Evanson
MN License #49505
DATE: 02-18-2025

Approved by the City Engineer of the City of Duluth, MN this 23 day of June 2025

By C. J. J. J.

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTAANDSURVEYDULUTH.COM



UTILITY EASEMENT VACATION EXHIBIT

<p>CLIENT: ANDREW LEACH & MEGHAN KLASIC ADDRESS: 3501 E 2ND ST. DULUTH, MN 55804 DATE: 02-18-2025</p>	<p>REVISIONS:</p> <p>JOB NO: 25-027 SHEET 2 OF 2</p>
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ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
 LICENSED IN MN & WI
 WWW.ALTASURVEYDULUTH.COM

Petition to Vacate Street, Alley, or Utility Easement

Name: MEGHAN KLASIC AND ANDREW LEACH

Description of street, alley, or easement to vacate: UTILITY EASEMENT ALONG WEST PROPERTY LINE OF 3501 E. 2ND ST ADJACENT TO 3431 E. 2ND ST.

My request for this vacation is to (indicate purpose of vacation):

REDUCE WIDTH OF EASEMENT TO 20 FEET (10 FT ON EACH SIDE OF PROPERTY LINE) TO ACCOMMODATE FENCE

The City of Duluth will not need this street, alley, or easement in the future because:

EXISTING EASEMENT IS WIDER THAN NECESSARY TO MAINTAIN SEWER LINE

PLEASE TAKE NOTICE: Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Council to vacate the street, alley, or easement described in the attached legal description.

This petition is made upon the following facts and reasons (Identify the factual basis and reasons supporting the petition) ¹:

Per the utility easement vacation exhibit prepared by ALTA Land Survey Company and vacation easement pre-app meeting with the City of Duluth, the existing easement is wider than necessary to maintain the sewer line. Based on this evidence we are petitioning to vacate a portion of the existing easement.

This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signatures of these persons is attached hereto and made a part hereof. ²

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s): Meghan Klasic Andrew Leach

Date: 5/20/25

Notice: This is public data.

¹ In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

² If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLSUP-2505-0056	Contact	Chris Lee, clee@duluthmn.gov	
Type	Special Use Permit – Bed and Breakfast	Planning Commission Date		July 8, 2025
Deadline for Action	Application Date	May 30, 2025	60 Days	July 29, 2025
	Date Extension Letter Mailed	June 15, 2025	120 Days	September 27, 2025
Location of Subject		2400 E Superior St		
Applicant	David and Trisha Halvorsen	Contact		
Agent	Cheryl Fosdick	Contact		
Legal Description		PIN: 010-2080-02340		
Site Visit Date		June 25, 2025	Sign Notice Date	June 24, 2025
Neighbor Letter Date		June 17, 2025	Number of Letters Sent	36

Proposal

The applicant proposes using a 5-bedroom structure as a bed and breakfast.

Recommended Action: Staff recommends that the Planning Commission approve the special use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A bed and breakfast is a Special Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to bed and breakfasts.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #4- Support economic growth sectors

A bed and breakfast supports the tourism industry and provides a service for visitors.

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.

History: The primary structure on the property is a 6 room, 2.5 bathroom structure that is currently used as a commercial structure (social club) for the Duluth Woman's Club.

Review and Discussion Items:

Staff finds that:

- 1) Applicant's property is located at 2400 E. Superior St. and the primary structure is a 6,513 square-foot home. UDC Sec. 50-20.3.F limits Bed and Breakfasts to no more than 12 habitable units and the Applicant's property has 5 one-bedroom suites. The property was previously used as a social club and event space.
- 2) The site plan shows improvements to the rear yard of the property to accommodate parking stalls, new driveways and access, landscaping, and screening to mitigate light and noise to the surrounding properties.
- 3) The applicant is proposing screening and landscaping between the proposed parking and the adjacent single family properties. Staff finds that the screening is adequate and will retain an appearance of a single family home.
- 4) The applicant will not reside at the property.
- 5) The site plan indicates that 6 parking stalls will be provided for guests and a property manager. This does not exceed the parking maximums.
- 6) The property appears outwardly to be a single-family dwelling with a structure and features that are common at residential properties. The proposed bed and breakfast is not anticipated to create any impact on surrounding properties.
- 7) The parcel is .76 acres in size exceeding the minimum required for a Bed and Breakfast. The main floor of the structure is 3,400 square feet exceeding the minimum required. A sign is allowed to identify the property and will be reviewed with a separate sign permit.
- 8) One comment from engineering was received stating that the stormwater presented in the site plan does not show enough detail to be reviewed. A full stormwater plan for the proposed rear parking area must be included in the building permit review for the parking improvements.
- 9) One comment was received in opposition, citing concerns regarding previous uses of the property.
- 10) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the special use permit:




- 1) The project be limited, constructed, and maintained consistent with plans submitted and included in this report;
- 2) Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.



PLSUP-2505-0056


Special Use Permit
2400 E Superior St

Legend

-  Zoning Boundaries
-  Road or Alley ROW
-  County Parcel Data

Zoning

UDC Zoning

-  R-1 (Residential Traditional)

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PLSUP-2505-0056

Special Use Permit
2400 E Superior St

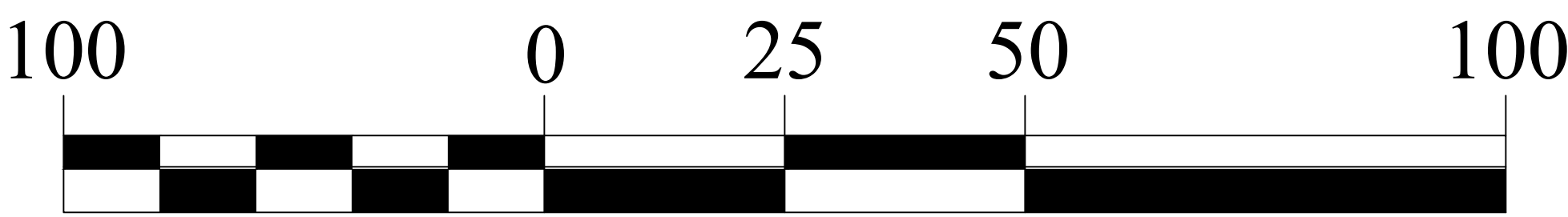
Legend

- Zoning Boundaries
- Road or Alley ROW
- County Parcel Data

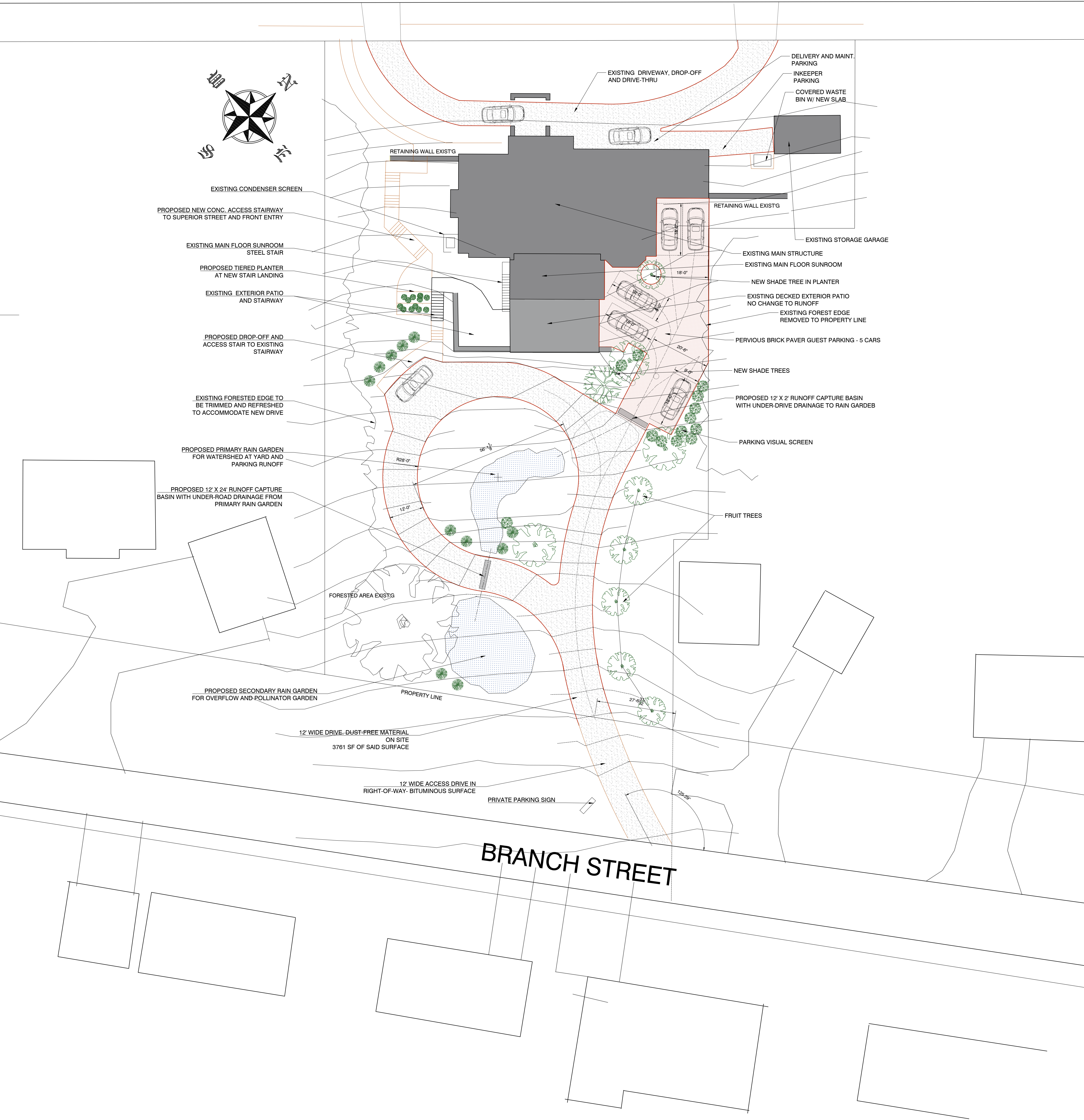
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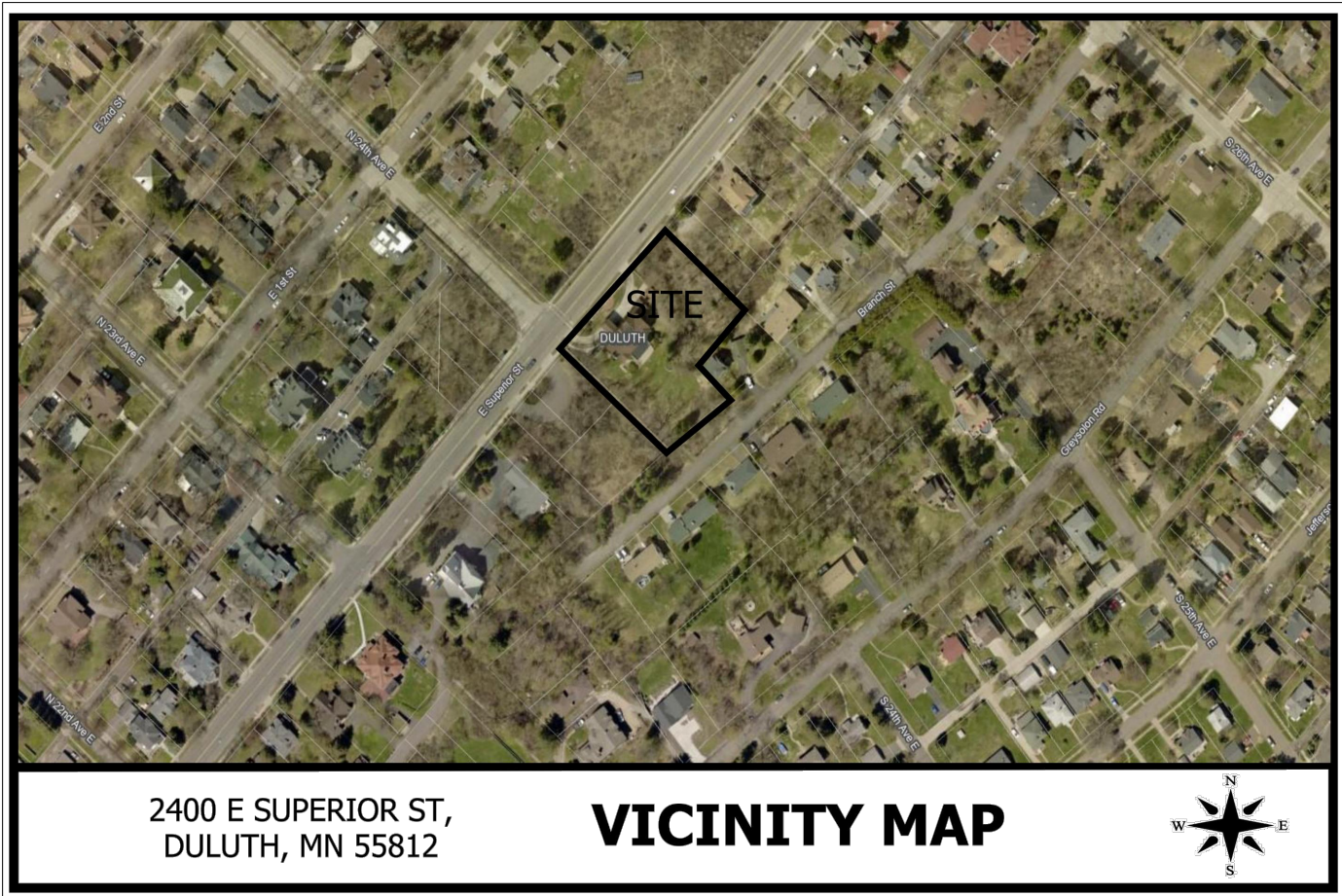


GRAPHIC SCALE



E. SUPERIOR STREET





2400 E SUPERIOR ST,
DULUTH, MN 55812

VICINITY MAP

LEGAL DESCRIPTION AS SURVEYED

Lots 1, 2, 3, 4, 16, The Northerly 23 feet of Lots 13 & 14, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, including that part of vacated 24th Avenue East accruing thereto.

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 79258

Lot 15 EXCEPT all that part of the E'ly 12 feet of Lot 15 lying S'ly of a line parallel to and 23 feet S'ly from the N'ly line of said lot Block 19 HARRISON'S DIVISION OF DULUTH.

LEGAL DESCRIPTION OF PARCEL A

Lots 1 and 2 Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, including that part of vacated 24th Avenue East, also known as Virginia Avenue accruing thereto.

AND

The Northerly 65.00 feet of Lot 3, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

Lot 4, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT the Easterly 49.00 feet of the Northerly 65.00 feet.

AND

Lot 15 EXCEPT all that part of the E'ly 12 feet of Lot 15 lying S'ly of a line parallel to and 23 feet S'ly from the N'ly line of said lot Block 19 HARRISON'S DIVISION OF DULUTH.

AND

Lot 16, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, including that part of vacated 24th Avenue East, also known as Virginia Avenue accruing thereto.

Said Parcel A contains 33,369 square feet or 0.77 acres.

LEGAL DESCRIPTION OF PARCEL B

Lot 3, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT the Northerly 65.00 feet thereof.

AND

Lot 4, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT that part lying Westerly of the Easterly 49.00 feet of the Northerly 65.00 feet thereof.

Said Parcel B contains 14,019 square feet or 0.32 acres.

LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION (R)-RECORD DIMENSION TW-TOP OF WALL ELEVATION C/L-CENTER LINE C&G-CONCRETE CURB & GUTTER CONC-CONCRETE		YARD DRAIN
	BITUMINOUS SURFACE			GAS METER
	LANDSCAPED SURFACE			GAS VALVE
	EXISTING BUILDINGS	RETAINING WALL FENCE LINE RAILING OHU-OVERHEAD UTILITIES SS-STORM SEWER CL-CENTER LINE RW-RIGHT OF WAY LINE EL-EXISTING EASEMENT LINE PL-PROPOSED PARCEL LINE BL-BOUNDARY LINE AS SURVEYED EP-EXISTING PLAT LINE		HYDRANT
				WATER MANHOLE
				LIGHT POLE
				SIGN
				FOUND IRON PIPE
				FOUND CAPPED REBAR RLS. NO. 14374
				SET CAPPED REBAR RLS. NO. 49505
				GUY ANCHOR
				UTILITY POLE
				CULVERT

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

CERTIFICATE OF SURVEY

I hereby certify that this survey, plan, 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.
David R. Evanson
DATE: 4-5-2021

CLIENT: DULUTH WOMEN'S CLUB
ADDRESS: 2400 EAST SUPERIOR ST,
DULUTH, MN 55812
DATE: 4-5-2021

REVISIONS:

JOB NO: 21-068 SHEET 1 OF 1

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
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Statement about how the requested use is consistent with the comprehensive plan:

The requested use is an adaptive re-use of an existing residential home, built in approx. 1907, without change of scale or contextual materials. Since 1937, the community has identified with this property as the home of the Duluth Womans Club, for which it has been zoned r1-residential clubhouse.

It is an historic home in a very prominent location and strong visual presence on a high point of east superior street. Projects of this size and age are very difficult to maintain as residences and a bed and breakfast, with limited occupancy no greater than the original family would have programmed, will provide an income stream to be applied to property maintenance and appearance, thus- a fundamentally appropriate historic home can occupy a sustainable position in todays economy.

This is a reinvestment in this traditional neighborhood of large and gracious homes, which are among Duluth's significant tourist attractions. As a bed and breakfast, the home will join others across the east end who accommodate visitors year round and add to outside monies spent within the city. While a bed and breakfast is unlike a family home, visitors often increases walking within neighborhoods and brings new, curious, and often culturally diverse people together.

Future lnd use for this location is not proposed to change from its traditional neighborhood status- to support this, allowing the use change to commercial- bed and breakfast, in the r1 zone will assure a continuity of scale, density, and appearance in this neighborhood. Signage requirements are conservative and further encourage an understated residential attitude towards sidewalk and street use

No Negative Impact:

The use of the residential property as a clubhouse for the last almost 90 years, has been a gift towards the careful and dedicated maintenance of the property, as membership income was well-spent on upkeep and repair....however, regular, larger membership-based gatherings on the property have required a substantial amount of street parking, as there is little developed off-street parking on this large lot.

A change of use to bed and breakfast- commercial will reduce the number of occupants daily and a planned provision for off-street parking for all 5 proposed bedroom/ bathroom suites, inkeeper, and delivery vehicles, will eliminate the need for both side street parking in front of the property on superior street, excepting any seasonally allowed special events, which will be rare. As access to the front of the property is limited in height and down a steep drive, a new access to the rear of the property is proposed with angular access off branch street, to avoid car light interaction with existing homes.

A proposed 5-car parking lot will be tucked alongside the existing residence, virtually invisible from the street. Screening using trees and shrubs is proposed for the private 12' wide back yard drive and 2 new rain gardens are proposed to better manage existing water flow off of the mostly treeless yard. The existing forested edges of the property will be cleaned up and trimmed, for a better appearance overall. No increased parking is expected on Branch Street at all. The proposed use is more consistant with the original use of the property as a 5+ bedroom family home. Changing use from clubhouse to bed and breakfast better integrates the property with the neighborhood.

From: Dr. Liang HM <[REDACTED]@gmail.com>
Sent: Wednesday, June 25, 2025 8:31 AM
To: planning <planning@DuluthMN.gov>
Cc: Jennifer Liang <[REDACTED]@gmail.com>
Subject: Comments re: 2400 E Superior PLSUP-2505-0056

Dr. HM Liang
Dr. Jennifer Ostrom Liang
2410 Branch Street, Duluth, MN 55812
June 25, 2025

Duluth City Planning Commission
Re: Special Use Permit PLSUP-2505-0056 for 2400 East Superior Street

Our concern with the proposal for a bed and breakfast at 2400 East Superior is the potential impact on the residential characteristics of the neighborhood, and the safety for neighbors on and near Branch Street. When the Duluth Women's Club, former owners of 2400 East Superior, hosted large wedding parties, the increased traffic, parking, workers and guests using Branch Street as overflow parking and access points, plus the noise, negatively impacted the safety of the neighborhood and our quality of life.

Branch Street is narrow, a dead-end, and without sidewalks. It is frequently used by neighbors, particularly children, for walks, biking, and play. If this proposal increases the likelihood that Branch Street will be used for guest parking or increasing traffic flow, then we have concerns about safety and noise. We appreciate the opportunity to share our concerns with the commission and the proprietors.

Sincerely, HM and Jennifer Liang



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

File Number	PLVAR-2506-0008	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance from front yard setback	Planning Commission Date		July 8, 2025
Deadline for Action	Application Date	June 3, 2025	60 Days	August 2, 2025
	Date Extension Letter Mailed	June 13, 2025	120 Days	October 1, 2025
Location of Subject		315 W Faribault St		
Applicant	Nathan Anderson	Contact	NA	
Agent	NA	Contact	NA	
Legal Description		010-0640-01180		
Site Visit Date		June 26, 2025	Sign Notice Date	June 24, 2025
Neighbor Letter Date		June 18, 2025	Number of Letters Sent	42

Proposal

The applicant is seeking a variance from the front yard setback to construct an addition to the home and a porch.

Recommended Action: Staff recommends that Planning Commission deny the variance.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-14.5 – Residential Traditional District Dimensional Standards (paraphrased): Minimum depth of front yard: the smaller of 20 ft. or average of adjacent developed lots facing the same street. Corner lot: width of front side yard for principal and accessory structures is 15 ft.

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

Governing Principle #1 – Reuse previously developed lands

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.

History: The property was built in 1913 and contains 3 bedrooms, 1.5 bathrooms and 1,152 square feet.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a variance for a 14' by 20' addition to the northwest corner of the existing home. This addition is proposed to reduce the front yard setback by 4.5' and be located 15.5' from the property line. There is an existing porch that will be replaced.
- 2) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The subject property is not exceptionally shallow or narrow. There are some minor grade changes, but not enough to be considered a practical difficulty. Staff find that this results in buildable area for an addition without the need for a variance.
- 3) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The existing primary structure was not built by the current owner. The primary structure is a nonconforming building that was legally reconstructed per UDC Sec. 50-38.3.A and the need for a variance is due to the location of the home built in 1913.
- 4) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The existing primary structure is located closer to the front property line compared to the adjacent properties; this is a somewhat typical development pattern for residential properties in Duluth. There is buildable area on the side and rear yard that would not require a variance.
- 5) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant's proposal to build a moderately sized addition to a 1,152 square foot home is a reasonable use.
- 6) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The variance will not impair an adequate supply of light and air to adjacent properties.
- 7) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* The addition will not alter the character of the neighborhood as there are several homes of similar size throughout the neighborhood. The addition, if it were to be approved, would be as close to the property line as the existing attached porch.
- 8) No public, agency, or City comments were received.
- 9) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission deny the variance based on the following reason:




- 1) The applicant has failed to demonstrate that the proposed addition cannot be accommodated on the property without a variance request.
- 2) The subject property does not meet the criteria for exceptional narrowness, shallowness, or shape.



PLVAR-2506-0008

Variance
315 W Faribault St

Legend

-  Zoning Boundaries
-  Road or Alley ROW
-  County Parcel Data



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial Imagery Captured 2019

Prepared by: City of Duluth Planning & Economic Development, June 11, 2025; Source: City of Duluth.

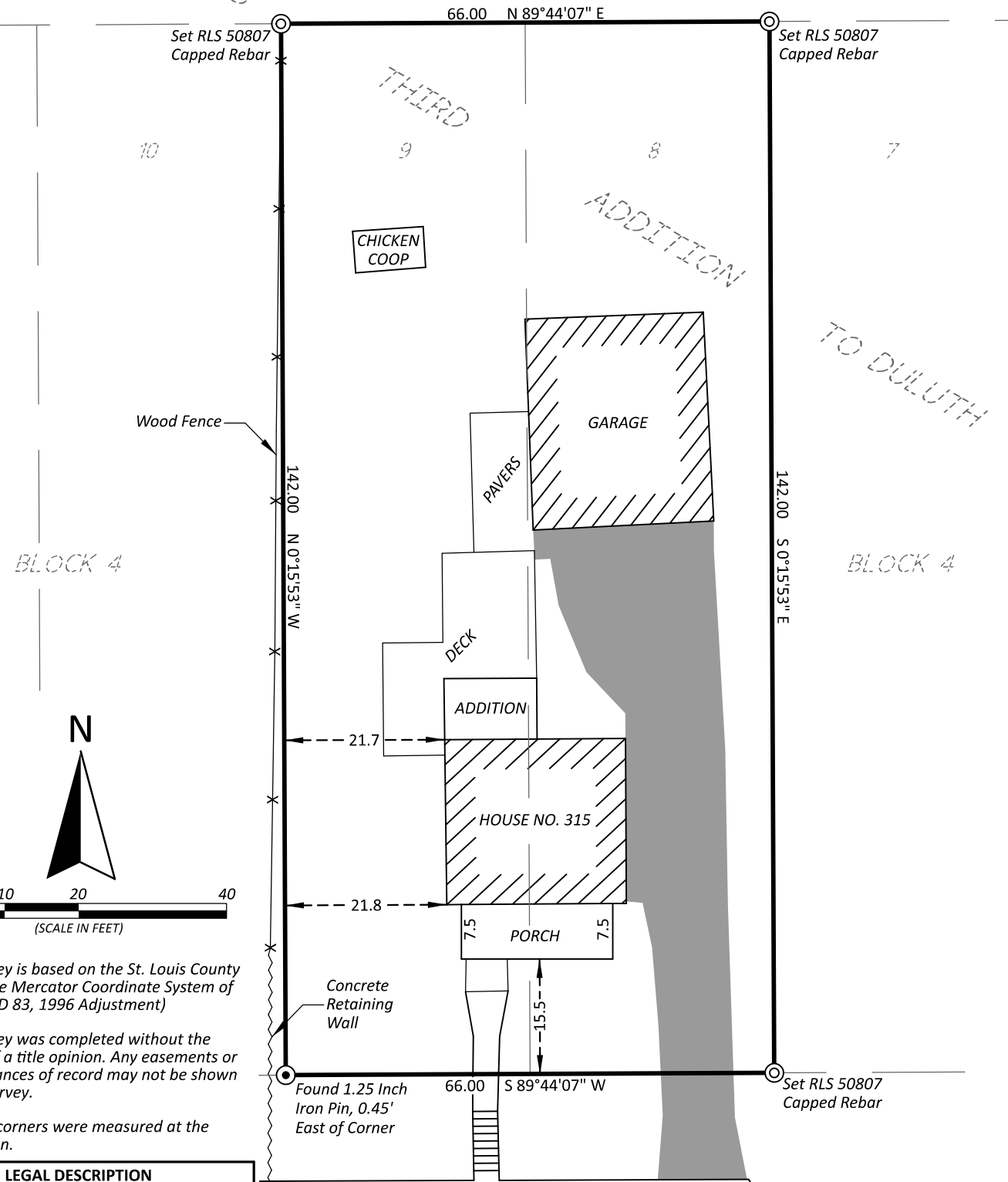


CERTIFICATE OF SURVEY

COLMAN'S

PLATTED ALLEY
(Unimproved)

Found 1.5 Inch
Pinched Pipe



BLOCK 4

BLOCK 4

TO DULUTH

N



- Notes:
- 1). This survey is based on the St. Louis County Transverse Mercator Coordinate System of 1996 (NAD 83, 1996 Adjustment)
 - 2). This survey was completed without the benefit of a title opinion. Any easements or encumbrances of record may not be shown on this survey.
 - 3). Building corners were measured at the foundation.

LEGAL DESCRIPTION (Per Doc # 845499.0)

Lot 8 Block 4 Colman's Third Addition to Duluth
Lot 9 Block 4 Colman's Third Addition to Duluth



I hereby certify that this survey, plan, or report was prepared by me or under my supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signature: *Kevin M. Sutherland* Date: 05/04/25
Kevin M. Sutherland License No. 50807

CENTERLINE WEST FARIBAUT STREET

CLIENT	PROJECT NO.	SURVEY DATE	REVISIONS
Diser Construction	25-111	May 2025	55

CERTIFICATE OF SURVEY

SITE PLAN
PLATTED ALLEY
(Unimproved)

Found 1.5 Inch
Pinched Pipe

COLMAN'S

Set RLS 50807
Capped Rebar

Set RLS 50807
Capped Rebar

* proposed
add'n
- Bedroom w/
3/4 bath

+
existing porch
to be demolished
& rebuilt due
to deteriorated
condition

N



- Notes:
- 1). This survey is based on the St. Louis County Transverse Mercator Coordinate System of 1996 (NAD 83, 1996 Adjustment)
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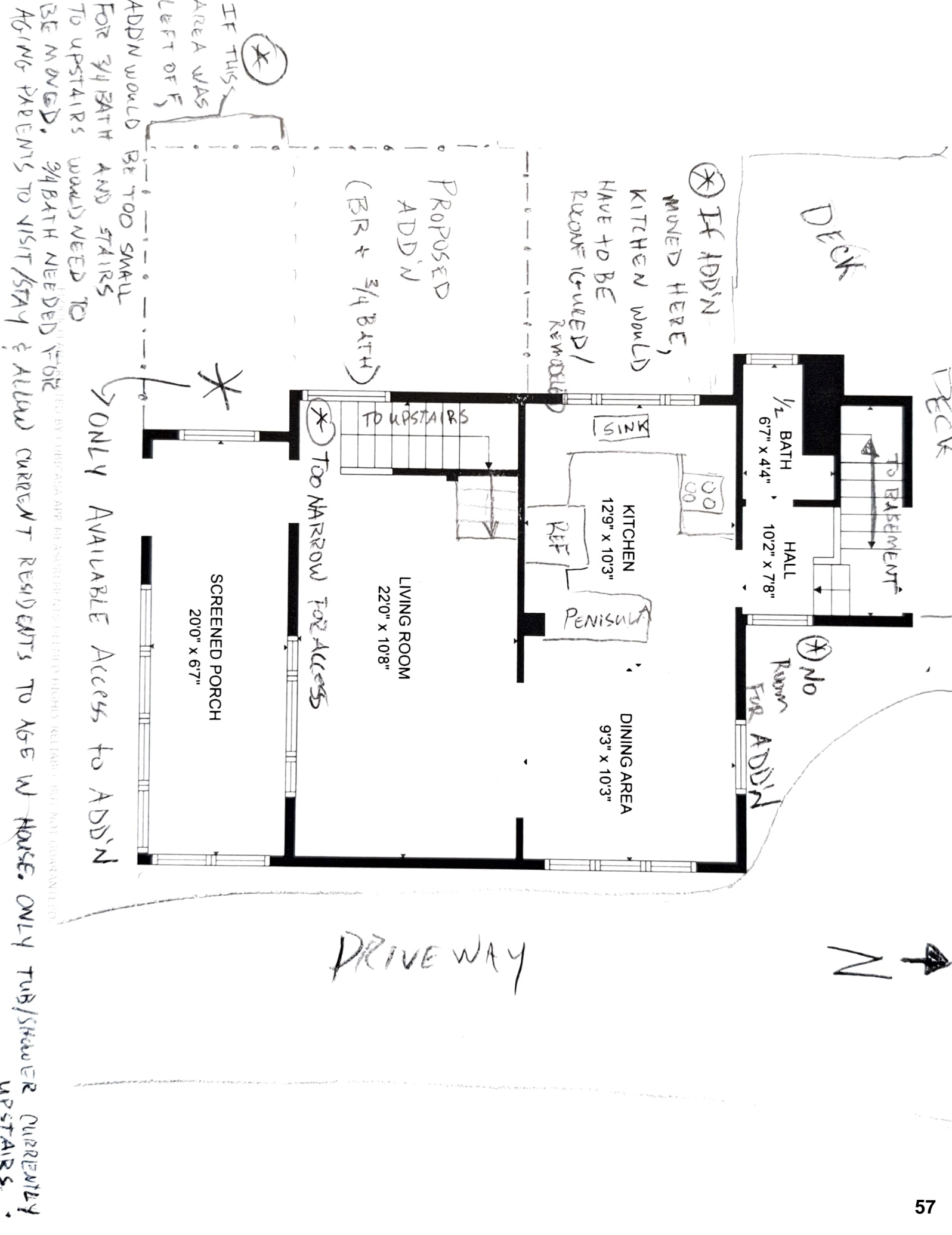


I hereby certify that this survey, plan, or report was prepared by me or under my supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signature: *K. Sutherland* Date: 05/04/25
 Kevin M. Sutherland License No. 50807

CENTERLINE WEST FARIBAULT STREET

CLIENT	PROJECT NO.	SURVEY DATE	REVISIONS
Diser Construction	25-111	May 2025	



Deck

⊗ IF ADD'N MOUNED HERE, KITCHEN WOULD HAVE TO BE RECON/IGURED/REMOVED

PROPOSED ADD'N (BR + 3/4 BATH)

⊗ IF THIS AREA WAS LEFT OF,

ADD'N WOULD BE TOO SMALL FOR 3/4 BATH AND STAIRS TO UPSTAIRS WOULD NEED TO BE MOVED. 3/4 BATH NEEDED FOR AGING PARENTS TO VISIT/STAY & ALLOW CURRENT RESIDENTS TO AGE IN HOUSE. ONLY TUB/SHOWER CURRENTLY UPSTAIRS.

TO BASEMENT

1/2 BATH 6'7" x 4'4" HALL 10'2" x 7'8"

KITCHEN 12'9" x 10'3"

PENINSULA

DINING AREA 9'3" x 10'3"

TO UPSTAIRS

⊗ TOO NARROW FOR ACCESS

LIVING ROOM 22'0" x 10'8"

SCREENED PORCH 20'0" x 6'7"

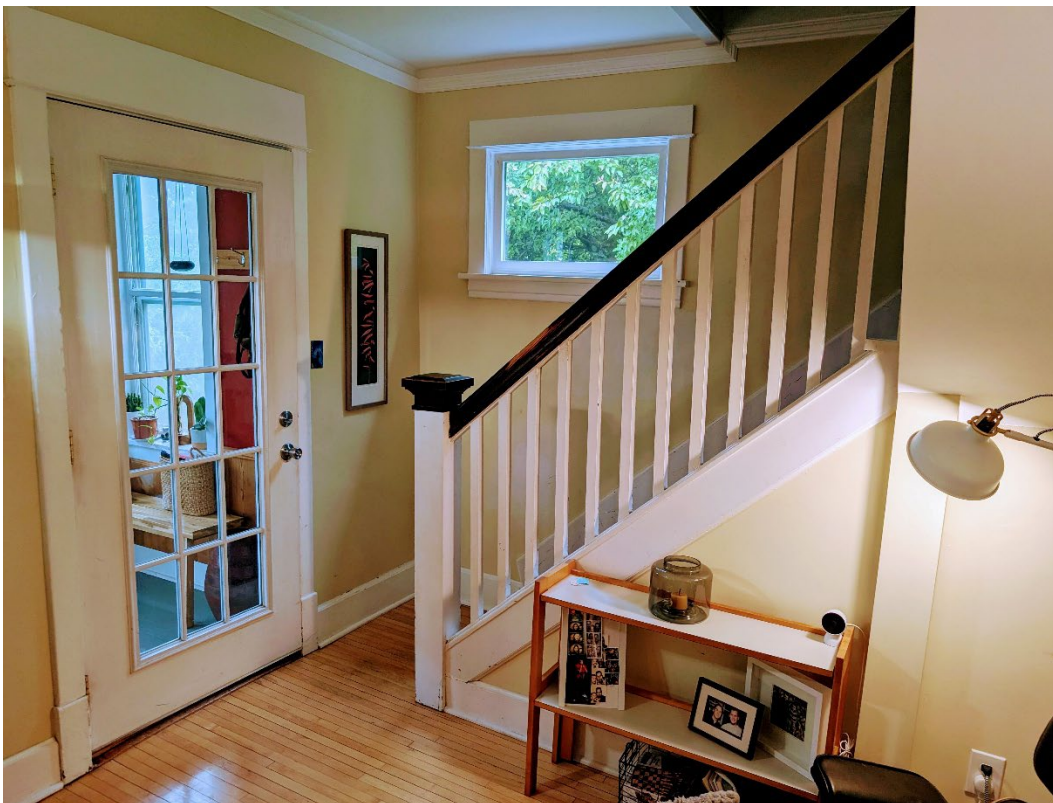
ONLY AVAILABLE ACCESS TO ADD'N

DRIVEWAY



⊗ NO ROOM FOR ADD'N

Interior Photos (applicant supplied)





June 30, 2025

Re: Variance Request for Property at 315 W Faribault St., Duluth MN 55803

To the City of Duluth Planning Commission,

I'm writing to express my support for the variance request submitted by my neighbors, Nathan and Dan.

They have been great neighbors since I moved into the neighborhood in 2009. I've seen firsthand how well they have improved and maintained their home and property over the years. They have shared their plans for an addition of a bedroom and 3/4 bath on the first level and I know this will help add needed space for their family.

I am the closest neighbor to this proposed addition and anticipate no negative impact. In fact, I believe this improvement will benefit the neighborhood as a whole. I fully support their plans and hope they continue to be excellent neighbors for years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Johnson", written in a cursive style.

Jim Johnson
321 W Faribault St.
Duluth, MN 55803