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Title: RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2301 EAST 4TH STREET LOCATED IN THE R-1 RESIDENTIAL-TRADITIONAL ZONE DISTRICT (MICHELLE & JIM LELWICA).

Sponsors:

Indexes:

Code sections:

Attachments: 1. PL 21-066 Staff Report and Attachments

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 7/19/2021 | 1 | City Council | adopted | |

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2301 EAST 4TH STREET LOCATED IN THE R-1 RESIDENTIAL-TRADITIONAL ZONE DISTRICT (MICHELLE & JIM LELWICA).

CITY PROPOSAL:

WHEREAS, pursuant to Section 50-20.3.U and Section 50-37.10.D of the Duluth City Code, 1959, as amended (the "Code"), the applicant applied for an interim use permit and the application was duly referred to the city planning commission (planning commission file number PL 21-066);

WHEREAS, the commission gave due notice of public hearing to consider the application during a public hearing that occurred on June 8, 2021; and

WHEREAS, the city planning commission, at its regular meeting on June 8, 2021, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

WHEREAS, Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use.

RESOLVED, that the city council finds that:

(a) That applicant's application for an interim use permit for a vacation dwelling unit was duly referred to the planning commission as file number PL 21-066, that the commission gave due notice of a public hearing to be held at its regularly scheduled meeting of June 8, 2021, that said hearing was held, that the application was duly considered at said meeting and that the commission voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

(b) Based on the evidence in the record of the application for an interim use permit for a vacation dwelling unit contained in PL 21-066 and on the testimony and evidence received during the public hearing,

the application, as so modified, is consistent with the use specific standards for vacation dwelling units and the criteria for granting interim use permits contained in Section 50-20.3 U and Section 50-37.10 D of the Code; and

(c) A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location.

FURTHER RESOLVED, that the city council hereby grants Michelle and Jim Lelwica an interim use permit to operate a three-bedroom vacation dwelling unit for up to seven guests located in the R-1, Residential-Traditional Zone district at 2301 East 4th Street legally described below, subject to the conditions set forth below:

LOTS 1 AND 2 INC LOT 11 AND W 10 FT OFLOT 12 BLK 11 LONGVIEW ADD

FURTHER RESOLVED, that the land use supervisor is authorized to issue an interim use permit for a vacation dwelling unit on the subject property (in the form of that attached hereto as Exhibit A) subject to the following conditions:

- a) The interim use permit shall not be effective until the applicant has received all required licenses and permits for operation required by the Code and by State statute and provided copies thereof to the land use supervisor; and
- b) Said permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and
- c) The applicant shall adhere to the terms and conditions listed in said permit; and
- d) The applicant shall not rent the property as a vacation dwelling unit until the permit is issued, and all outstanding violations shall be resolved prior to the effective date of the Interim Use Permit form.

FURTHER RESOLVED, that the land use supervisor may approve such changes or modifications to the applicant's plans as included in applicant's application as are otherwise authorized under the Code, provided that no such administrative approval shall constitute a variance from Chapter 50.

STATEMENT OF PURPOSE: This resolution grants to Michelle and Jim Lelwica an interim use permit for a 3-bedroom vacation dwelling unit at 2301 East 4TH Street in the Chester Park Neighborhood. If approved, the interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The site is located in the R-1 Residential-Traditional zone district. This applicant was on the list of eligible applicants, and applied when the applicant's name was at the top of the list for an available interim use permit under the cap of 60 total permitted interim use permits.

As shown in the staff report in Exhibit B (attached), the applicant is indicating the deck as an outdoor amenity that is sufficiently screened.

On June 8, 2021, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The Planning Commission voted 7 yeas, 1 nays, and 0 abstentions to recommend that the City Council approve the interim use permit with conditions.

Request filed: May 4, 2021

Action deadline: September 1, 2021