



Legislation Text

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File #: 21-0330R, Version: 1

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RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT IN THE R-1 ZONE DISTRICT AT 1407 MORNINGSIDE AVENUE FOR REBECCA ORN.

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 no. PL 21-029);

WHEREAS, the commission gave due notice of public hearing to consider the application during a public hearing to occur on April 13, 2021; and

WHEREAS, the city planning commission, at its regular meeting on April 13, 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 no. PL 21-029, that the commission gave due notice of a public hearing to be held at its regularly scheduled meeting of April 13, 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.

(b) Based on the evidence in the record of the application for an interim use permit for a vacation dwelling unit contained in PL 21-029 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.

(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 Rebecca Orn an interim use permit to operate a two-bedroom vacation dwelling unit for up to 5 guests located at 1407 Morningside Avenue legally described below, subject to the conditions set forth below:

THAT PART OF LOT 8 LYING BETWEEN THE DIVIDING LINE OF LOTS 8 & 9 AND THE FOLLOWING DESCRIBED LINE START AT THE INTERSECTION OF THE DIVIDING LINE OF LOTS 11 AND 8 WITH A LINE PARALLEL TO AND 39 FT DISTANT FROM THE DIVIDING LINE OF LOTS 8 AND 9 THENCE NWLY A DISTANCE OF 75 FT ALONG SAID PARALLEL LINE THENCE ON A STRAIGHT LINE TO THE NW COR OF

LOT 8 THERE TERMINATING AND ALL OF LOT 9 AND THAT PART OF LOT 11 LYING NLY AND ELY OF A CONTINUATION OF THE LINE DIVIDING LOTS 8 AND 9 OF THE REARRANGEMENT MORLEY HEIGHTS 1ST ADDITION DULUTH

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.
- b) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- c) 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

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 Rebecca Orn an interim use permit for a 2-bedroom vacation dwelling unit at 1407 Morningside Ave. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first. The property is zoned R-1 and subject to the city wide cap. This applicant was on the waitlist for available permits.

The applicant has applied for all the required inspections and licenses.

On April 13, 2021, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 8 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the interim use permit with conditions.

Request filed: March 9, 2021

Action deadline: July 7, 2021