



Legislation Text

File #: 17-0606R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 139 HOWARD GNESEN ROAD (DOUG MCCORISON).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Doug McCorison an interim use permit to operate a three-bedroom vacation dwelling unit for up to seven guests located at 139 Howard Gnesen Road and as described as:

LOT: 0005, BLOCK: 001, and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3. U and Section 50-37.10. D of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL 17-015); the commission gave due notice of public hearing and considered the application during a public hearing occurring on July 11, 2017; and

(f) The city planning commission, at their regular meeting on July 11, 2017, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property, is approved subject to the following conditions:

- 1) All renting stops until the applicant obtains a lodging license, hotel/motel license and a State I.D.
- 2) Evidence of the three licenses and I.D.'s needs to be sent to staff before a permit will be issued.
- 3) Accessory units including the garage and lighthouse must be brought to code if they are continued to be used as residences.
- 4) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permit for operation. The resolution cannot be affirmatively considered by the city council until all required documentation is provided to city staff.

- 5) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit documents and provide evidence of compliance, which will be included in the resolution.
- 6) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10p.m. and 8a.m.
- 7) Trash burning on the property is prohibited.
- 8) Applicant must bring the car port attached to the garage back onto his property. The car port must be taken down, or decreased in size so that it meets the three-foot side yard setback requirements noted in the UDC.

A four-month time frame will be placed on this application to come into compliance of all of the conditions listed above. If all of the conditions are not met, the permit will be revoked.

STATEMENT OF PURPOSE: This resolution grants to Doug McCorison an interim use permit for a three-bedroom vacation dwelling unit at 139 Howard Gnesen Road. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has obtained an Operational Permit from the Fire Department and the State Health Department has inspected the property, in addition to a Lodging License before renting the property. The applicant has provided evidence of being set up to pay the appropriate taxes to the state and city. The applicant has paid for the required city license from the city clerk to rent short term.

On July 11, 2017, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 9 yeas, 0 nays, and 0 abstentions, with 0 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: June 8, 2017

Action deadline: July 11, 2017