



## Legislation Text

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**File #:** 21-0569R, **Version:** 1

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RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5330 EAST SUPERIOR STREET, LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT, UNIT A (SARAH AND SETH MAXIM).

### 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 applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL 21-087); the commission gave due notice of public hearing and considered the application during a public hearing occurring on July 13, 2021; and

WHEREAS, following said hearing, the city planning commission, at its regular meeting on July 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:

(a) The city council hereby grants Sarah & Seth Maxim an interim use permit to operate a studio vacation dwelling unit for up to 2 guests located in the F-2 Low-Rise Neighborhood Mix Form District at 5330 East Superior Street described as:

REARRANGEMENT BLOCK 119 LONDON ADDITION DULUTH

NLY 60 FT OF LOT 11 EX BEGINNING AT NE CORNER RUNNING THENCE WLY 9 5/10 FT THENCE SELY 14 FT THENCE NLY ALONG THE ELY LINE OF SAID LOT 7 5/10 FT TO PLACE OF BEGINNING INCLUDING PART OF 54TH AVE VAC AND NLY 60 FT OF LOT 12

(b) 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

(c) 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

FURTHER RESOLVED, that an interim use permit for the subject property, is approved 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; and

b) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.

**STATEMENT OF PURPOSE:** This resolution grants to Sarah & Seth Maxim an interim use permit for a studio vacation dwelling unit at 5330 East Superior Street. 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 F-2 Low-Rise Neighborhood Mix form district. Consistent with UDC provisions, there is not a restriction on the total number of vacation dwelling units on property located in form-based zoning districts.

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

On July 13, 2020, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the interim use permit with conditions.

Request filed: June 7, 2021

Action deadline: October 5, 2021