



## Legislation Details (With Text)

**File #:** 17-0607R **Name:**  
**Type:** Resolution **Status:** Passed  
**File created:** 8/17/2017 **In control:** Planning and Economic Development  
**On agenda:** 8/28/2017 **Final action:** 8/28/2017  
**Title:** RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5802 LONDON ROAD (KIRK AND MARIANNE BERNADINO).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1

Date	Ver.	Action By	Action	Result
8/28/2017	1	City Council	adopted	

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5802 LONDON ROAD (KIRK AND MARIANNE BERNADINO).

### CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Kirk and Marianne Bernadino an interim use permit to operate a two-bedroom vacation dwelling unit for up to five guests located at 5802 London 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 17-093); 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) 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,
- 2) 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.
- 3) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 4) Trash burning on the property is prohibited.

**STATEMENT OF PURPOSE:** This resolution grants to Kirk and Marianne Bernadino an interim use permit for a two-bedroom vacation dwelling unit at 5802 London 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