



## Legislation Details (With Text)

**File #:** 17-0609R **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 420 WEST 9TH STREET (BEN GASNER).

**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 420 WEST 9<sup>TH</sup> STREET (BEN GASNER).

**CITY PROPOSAL:**

RESOLVED, that:

(a) The city council hereby grants Ben Gasner an interim use permit to operate a one-bedroom vacation dwelling unit for up to three guests located at 420 West 9<sup>th</sup> Street and as described as:

LOT: 0076, BLOCK: 111, 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 17-099); the commission gave due notice of public hearing and considered the application during a public hearing occurring on August 8, 2017; and

(f) The city planning commission, at their regular meeting on August 8, 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 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.

- 2) 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.
- 3) Trash burning on the property is prohibited.
- 4) Prior to issuance of the permit, the applicant shall apply to St. Louis County to merge the existing four parcels into one.

**STATEMENT OF PURPOSE:** This resolution grants to Ben Gasner an interim use permit for a one-bedroom vacation dwelling unit at 420 West 9<sup>th</sup> Street. 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 August 8, 2017, 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, with 0 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: June 28, 2017

Action deadline: August 8, 2017