



## Legislation Details (With Text)

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<b>On agenda:</b>	9/9/2019	<b>Final action:</b>	9/9/2019
<b>Title:</b>	RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1535 SOUTH LAKE AVENUE (STEVE AND HEATHER PITSCHKA).		
<b>Sponsors:</b>			
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<b>Attachments:</b>	1. Attachment 1		

Date	Ver.	Action By	Action	Result
9/9/2019	1	City Council	adopted	

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1535 SOUTH LAKE AVENUE (STEVE AND HEATHER PITSCHKA).

### CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Steve and Heather Pitschka an interim use permit to operate a four-bedroom vacation dwelling unit for up to 9 guests located at 1535 South Lake Avenue and as described as:

Lot 62, Upper Duluth, Lake Avenue Division, 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 19-094); the commission gave due notice of public hearing and considered the application during a public hearing occurring on August 13, 2019; and

(f) The city planning commission, at their regular meeting on August 13, 2019, 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.

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 document and provide evidence of compliance, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50

The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m. and the location of the nearest legal access to the Lake Superior Beach in addition to other disclosures required by the Unified Development Chapter.

STATEMENT OF PURPOSE: This resolution grants to Steve and Heather Pitschka an interim use permit for a four-bedroom vacation dwelling unit at 1535 South Lake Avenue. 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 has had an inspection by the State Health Department for the property, in addition to a Lodging License. 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 13, 2019, 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, with 1 commissioner absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: July 8, 2019

Action deadline: November 5, 2019