



Legislation Text

File #: 17-0243R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 110 22ND STREET SOUTH (STEVE AND HEATHER PITSCSKA).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Steve and Heather Pitschka an interim use permit to operate a two-bedroom vacation dwelling unit for up to five guests located at 110 22nd Street South and as described as:

WLY 34.8 FT OF LOT 61 AND ALL OF LOT 63 EX ELY 65.2 FT, LOWER DULUTH, LAKE AVE DIVISION; and ELY 12 FT OF LOT 62, LOWER DULUTH, MINNESOTA AVE DIVISION; and ELY 12 FT OF LOT 64, LOWER DULUTH, MINNESOTA AVE 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 17-023); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 14, 2017; and

(f) The city planning commission, at their regular meeting on March 14, 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:

- a) The Interim Use Permit shall not be effective until the applicant provides documentation that all required licenses and permits for operation have been granted; and
- b) The applicant provides evidence that the required notice has been sent to all property owners within 100' of the applicant's property, such notice to include the contact information for the

property's manager; and

- c) The applicant resolves the encroachment of the garage into the 22nd Street South street right of way; and
- d) The applicant amends the site plan to show the parking areas and driveways as being paved and said pavement improvements are made; and
- e) The applicant amends the site plan to add a 6-foot-tall screening fence along the east side of the rear deck and said screen is installed; and
- f) 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. and no trash may be burnt at the property in addition to any other disclosures required by the Unified Development Chapter, and
- g) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance.

STATEMENT OF PURPOSE: This resolution grants to Steve and Heather Pitschka an interim use permit for a two-bedroom vacation dwelling unit at 110 22nd Street South. 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, but the applicant will need to acquire the 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 March 14, 2017, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 5 yeas, 1 nays, and 0 abstentions, with 2 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: February 3, 2017

Action deadline: June 3, 2017