



Legislation Text

File #: 17-0303R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1115 SOUTH LAKE AVENUE (STEVE PITSCSKA).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Steve Pitschka an interim use permit to operate a two-bedroom vacation dwelling unit for up to five guests located at 1115 South Lake Avenue, and as described as:

LOTS 152 AND 154 UPPER DULUTH LAKE AVENUE; 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 17-045); the commission gave due notice of public hearing and considered the application during a public hearing occurring on April 11, 2017; and

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

- 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 must disclose to all guests, in writing, directions to the nearest legal beach access point; and
- d) 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

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 Pitschka an interim use permit for a two-bedroom vacation dwelling unit at 1115 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 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 April 11, 2017, 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 0 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: March 8, 2017

Action deadline: July 4, 2017