

Marshall Planning Commission
Report to City Council – Request for an Interim Use Permits
322 Brussels Court; 402 Berlin Circle; 318 Warsaw Circle; 320 Brussels Court,
City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for an Interim Use Permits dated April 14, 2025, for a reduced setback for a rain/pollinator garden in an R-1 Low density residence district on the properties located at 322 Brussels Court; 402 Berlin Circle; 318 Warsaw Circle; 320 Brussels Court;

WHEREAS, the applicants were the property owners Steven Anderson and Kassi Tietz;

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the Interim Use Permit;

WHEREAS, Zoning Ordinance Section 86-247 (a) (5) requires that all vegetable, flower, and pollinator gardens are located at least five feet from the property lines, and this distance is increased to 15 feet on lots with no principal use; out of four lots an IUP is asked for, two have houses and two are vacant.

WHEREAS, Zoning Ordinance Section 86-46 (b) allows issuing Interim Use Permits for “any use that is seasonal or temporary in nature.”

WHEREAS, Zoning Ordinance Sec. 86-49 outlines the following Standards for Hearing when an Interim Use Permit is considered:

- (1) Whether the proposed use is compatible with the existing neighborhood environment and use.
- (2) The adequacy of the access to roads and rights-of-way.
- (3) The additional traffic generated by facility.
- (4) The landscaping, fencing and/or screening plan.
- (5) The outside storage provisions.
- (6) The accessory buildings provisions.
- (7) The facility size.
- (8) The area of site.
- (9) The off-street parking facilities.
- (10) The density of the population and structures.
- (11) The duration of proposed Interim Use.
- (12) The natural features of the area.
- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- (15) Whether the proposed use will be injurious to the property or improvements in the area adjacent to such proposed use and the community as a whole.

WHEREAS, staff offered the following information for relevant items in regard to the above Standards for Hearing:

- (1) The lots in question are located in a residential area and gardens are common accessory use in such areas.
- (2) Not applicable.
- (3) Not applicable.
- (4) All gardens may serve as a part of landscaping.
- (5) Not applicable.
- (6) Not applicable.
- (7) Not applicable.
- (8) Not applicable.
- (9) Not applicable.
- (10) Not applicable.
- (11) It will expire when the property changes owner, thus limiting the approval to current owners.
- (12) The area where the garden is proposed is low and frequently floods, which this garden will take advantage of.
- (13) Not applicable.
- (14) The standard R-1 district maintenance provisions are applicable, and one of the conditions requires compliance with specific garden maintenance standards.
- (15) This should not be injurious to the adjacent area because this garden will be located where all adjacent property owners want it.

WHEREAS, a public hearing was scheduled for May 14, 2025, to consider the request for an Interim Use Permit and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47, and further in compliance with Minnesota Statutes;

WHEREAS, the public hearing was held as scheduled and the Planning Commission considered the above information and presentation by staff with a recommendation for the Planning Commission to recommend approval to the Council;

WHEREAS, the Planning Commission has evaluated all applicable considerations and finds and determines that granting requested Interim Use Permit will not be injurious to the adjacent properties and that all standards for hearing are satisfied.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Interim Use Permit for a reduced setback for a rain/pollinator garden in an R-1 Low density residence district be approved as recommended by staff with the following conditions: 1. The garden will not exceed overall width of 12 feet; 2. The garden will be maintained in accordance with the Zoning Ordinance; 3. A minimum five foot setback from the east and west property lines will be kept and 4. This interim use permit expires when the property owner is changed. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed:

Marshall Planning Commission

By: Cathy Lee

Its: Chair