

**RESOLUTION NO. 25-048**

**RESOLUTION APPROVING  
AN INTERIM USE PERMIT  
WITHIN THE CITY OF MARSHALL, MINNESOTA**

**WHEREAS**, the office of the City of Marshall Zoning Administrator received an application for an Interim Use Permits dated April 14, 2025, to have a reduced setback for a garden in an R-1 Low Density Residence district at four adjacent lots located at:

**LOCATION:** 322 Brussels Court; 402 Berlin Circle; 318 Warsaw Circle; 320 Brussels Court

**LEGAL DESCRIPTION:** PARKWAY II ADDITION, Block 1, Lot 9; PARKWAY II ADDITION, Block 1, Lot 10; PARKWAY II ADDITION, Block 1, Lot 7; PARKWAY II ADDITION, Block 1, Lot 8

**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 regards 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.

**WHEREAS**, the Planning Commission has unanimously recommended to the City Council approving of Interim Use Permit.

**WHEREAS**, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

**WHEREAS**, Staff reiterated its findings to the Council at the May 27, 2025, Council meeting,

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Marshall that the City Council accepts and adopts the findings of the Planning Commission.

**FURTHER, BE IT RESOLVED,** that the City Council accepts and adopts the following findings:

- (1) Because of the nature of the proposed use and its location, the requested interim use:
  - a. Will not unreasonably diminish or impair established property values within the neighborhood or in any way violate the Ordinance provisions.
  - b. Will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**FURTHER, BE IT RESOLVED,** that the City Council of the City of Marshall hereby approves the requested Interim Use Permit to have a reduced setback for a garden in an R 1 Low Density Residence district at four adjacent lots, subject to on-going compliance with all of the following conditions:

- (1) Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least one year from the date of an Interim Use Permit approval or from when circumstance sufficiently changes to justify a review.
- (2) The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
- (3) The garden will not exceed overall width of 12 feet.
- (4) The garden will be maintained in accordance with the Zoning Ordinance.
- (5) A minimum five-foot setback from the east and west property lines will be kept.
- (6) For each individual lot, this Interim use permit expires when the property is sold or changes ownership in any way.

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Mayor

**ATTEST:**

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City Clerk