



RESOLUTION 2024-4-1

**CITY OF STACY
CHISAGO COUNTY, MINNESOTA**

**A RESOLUTION APPROVING AN INTERIM USE PERMIT AND
VARIANCE FOR A HOME OCCUPATION AT 32022 FLORAL AVENUE**

WHEREAS, Nicholas Stephan (“Applicant”) owns property at located at 32022 Floral Avenue in Stacy, zoned Rural Residential II; and,

WHEREAS, the existing Subject Parcel is a legally buildable lot of record; and

WHEREAS, the Applicant is requesting an Interim Use Permit to operate a home occupation on the property, to be called Pure Pressure Diesel Repair; and,

WHEREAS, the Applicant is requesting a variance to the 24-hour time limit on parking of commercial vehicles in the Rural Residential district; and,

WHEREAS, the Applicant has prepared plans for review and approval, and has submitted these plans to the City in accordance with code; and

WHEREAS, the property is legally described as Lot 2 Block 1, Parkdale Addition; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on March 19, 2024, and considered the Applicant's submission, the contents of the staff reports, public testimony, and other evidence available to the Commission; and made recommendations for consideration by Council; and

WHEREAS, the City Council subsequently considered on April 10, 2024, the recommendations of Staff and the Planning Commission, the Applicant's submissions, the contents of the staff report, public testimony, and other evidence available to the Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Stacy hereby approves an Interim Use Permit and variance for the Pure Pressure Diesel Repair home occupation as described in the Applicant’s submitted materials, with the following conditions and findings of fact:

Conditions of Approval for Interim Use Permit and Variance

- 1) All work on vehicles and equipment will be inside the completely enclosed garage building, with the door closed.
- 2) Hours of operation are limited to 8 am – 5 pm Monday through Friday, and 8 am – 3 pm Saturday.
- 3) Parking of vehicles associated with the diesel repair business will be limited to five vehicles in a space to be provided on the south side of the existing garage, paved with gravel or similar durable surface, not bare dirt or grass. No other materials or equipment for the business are to be stored outside.
- 4) Parking of vehicles over 9,000 pounds gross weight outside the garage is limited to no more than 30 days for each vehicle.
- 5) Noise, odors, and vibrations will be limited to no more than typical levels in a rural residential area.
- 6) The Interim Use Permit will remain in effect on the property as long as Mr. Stephan owns and operates the business and meets the conditions imposed by the city under the permit. At such time as he sells the property or stops operating the business, the Interim Use Permit will cease.

Findings of Fact for Approval of Interim Use Permit and Variance

- 1) Nicholas Stephan owns the property at 32022 Floral Avenue in Stacy.
- 2) The property is zoned Rural Residential II.
- 3) Section 4.04 of the Stacy Zoning Code allows some home occupations as a permitted use but others “which have the potential for generating a noticeable increase in traffic, require additional parking or the use of an accessory building” require an Interim Use Permit.
- 4) The home occupation proposed by the Applicant at 32022 Floral Avenue is a diesel repair shop which reasonably fits the above description since there would be some increase in traffic, the need for parking of vehicles, and the use of the garage for the business.
- 5) Section 4.12 of the Stacy Zoning Code limits the parking or storage of vehicles exceeding nine thousand (9,000) pounds gross weight outside an enclosed building to no more than 24 hours. Allowing the parking of vehicles awaiting repair for up to 30 days is a reasonable accommodation for an otherwise permitted home occupation interim use.
- 6) With the conditions imposed by the City with the approval of this permit, the use meets the criteria for Interim Use Permits in Section 4.04(D).
- 7) The request meets the conditions for approving a variance in Section 8.07(D).

Council Member Tim Sawatzky introduced the foregoing resolution and moved its adoption:

The motion for adoption of the foregoing resolution was duly seconded by Council Member Dennis Thieling and, upon vote being taken thereon, the following voted in favor thereof: Tim Sawatzky, Dennis Thieling, Jennie Hirsch (Carlson), Marie Lawrence, and Mark Utecht . The following voted against or abstained: None.

Whereupon the resolution was declared duly passed and adopted the 10th day of April, 2024.

PASSED AND ADOPTED by the City Council of the City of Stacy, Minnesota this 10th day of April, 2024.

Mark Utecht, Mayor

ATTEST: _____
Angela Comstock, Deputy City Clerk