

--UNAPPROVED --

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
JANUARY 20, 2021**

MEMBERS PRESENT: Schroeder, Carstens, Lee and Knieff

MEMBERS ABSENT: Fox

OTHERS PRESENT: Glenn Bayerkohler, Jason Anderson and Ilya Gutman

1. The meeting was called to order by Vice Chair Carstens.
2. Vice Chair Carstens asked for nominations for Chairperson. Schroeder nominated Carstens for Chairperson, seconded by Lee. ALL VOTED IN FAVOR. Chairperson asked for nominations for Vice Chair. Schroeder nominated Lee for Vice Chair, seconded by Carstens. ALL VOTED IN FAVOR.
3. Chairperson asked for the approval of the minutes of the December 9, 2020, regular meeting of the Marshall Planning Commission. Schroeder MADE A MOTION, SECOND BY Lee, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
4. Gutman explained Monte Buntjer, the owner, desires to use a shipping container as a permanent storage next to his building at 516A East Main Street. The Ordinance prohibits using shipping containers as accessory buildings (Sec. 86-163 (10) or permanent storages (Sec. 86-248 (f)). To grant a variance, City Ordinance and State Statutes require the presence of practical difficulties. The term "practical difficulties," as used in connection with granting a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique (usually something related to physical characteristics of the property not allowing to comply with the Ordinance) to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. The State Statutes essentially forbid granting variances if those conditions are not met. The Findings of Fact, based on the League of Minnesota Cities template, is attached to this memo, and explains each item listed above in detail. Shipping containers do not meet building codes and do not fit into typical city environment, which may lead to reduction in surrounding properties' values. Based on the above information, staff does not believe that there are any practical difficulties in this case and therefore recommends that the variance be denied. It is the opinion of City Staff that allowing this variance will set a precedent for the entire City. City Staff recommend denial to the City Council of the request by Monte Buntjer for a Variance Adjustment Permit to allow a 40-foot storage container as permanent storage. Monte Buntjer, owner, said with his discussion with the City he realized that he would need a variance to have a shipping pod as permanent storage, so he was trying to do everything right. He said he had talked to the Deluxe Motel and they do not have a problem with him having a shipping pod. Buntjer also added that driving around town he had seen a lot of shipping containers and semi-trailers that are being used as permanent storage. So, he assumes those all have a variance and therefore his should also be granted. Gutman stated that he appreciates that Monte came to the City. However, at this time there are no variances for shipping containers to be used as permanent storage, but the City does not go around and look for them; it is enforced on complaint bases. Knieff asked if anyone will see it? Bunter said no. Lee explained that when she looked the way back of school at the gravel parking, one could possibly see the shipping pod and maybe you will be able to see it from the new

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school. Knieff MADE A MOTION, SECOND BY Schroeder to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Schroeder explained that to be honest she does not like the look of shipping pods. In Buntjer's case you won't see it, but she has seen some around that are eye sores. Knieff MADE A MOTION, SECOND BY Lee to recommend to City Council to approve the shipping pod as a permanent storage container since there are already several around town that are a lot more of an eye sore than this one. ALL VOTED IN FAVOR OF THE MOTION.

5. Gutman said in other business we are waiting for a proposal for the comp plan. We will form a proposal review committee and there will be 7 or 8 people on it and we are thinking one should be from the Planning Commission. We were thinking Schroeder may be a good fit as she has some planning background. Anderson suggested the Planning Commission can recommend someone, and we will bring it to the City Council. Lee nominates Schroeder seconded by Carstens. Schroeder accepts the nomination. ALL VOTED IN FAVOR.
6. A MOTION WAS MADE BY Schroeder, SECOND BY Lee to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Carstens declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary