CITY OF MARSHALL
AGENDA ITEM REPORT

Meeting Date:	Tuesday, July 26, 2022
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Request for a Variance Adjustment Permit by Mynor Noe Garcia and Dora Leticia Ramirez at 905 West Main Street
Background Information:	This is a request by the Owners, Mynor Noe Garcia and Dora Leticia Ramirez, to build a house at 905 West Main Street. The fire destroyed original house at that location about two years ago, but the foundation walls are still there, and the current owner wants to build a house on the existing foundation.

This area is zoned B-3 General Business District and single-family residences are not a permitted use. Therefore, all houses along West Main Street are non-conforming uses. Ordinance allows to rebuild non-conforming uses within 180 days of their destruction so this variance will be extending that term to two years. Additionally, the setback for existing foundation is 25 feet rather than required 35 feet off Main Street, which is a thoroughfare.

Approval of a variance request requires a presentation of practical difficulties which means by Ordinance definition, that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the predicament of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

In this case, the owner wants to build a house on the existing foundation, which is reasonable, the foundation wall location is existing, and surrounding structures are all single-family houses with 25 feet setbacks, which, taken together, may constitute practical difficulties as defined in the Ordinance and be a basis for granting a variance.

The variance regulations and procedures are found in Section 86-29 https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIV1GE_S86-29VA. A property aerial photo is attached for reference.

At the Planning Commission meeting on July 13, 2022, a public hearing was held, and Doom MADE A MOTION, SECOND BY Schroeder to recommend to City Council to approve the request by Mynor Noe Garcia and Dora Leticia Ramirez for a Variance Adjustment Permit to rebuild a nonconforming structure with reduced front yard. ALL VOTED IN FAVOR OF THE MOTION. |
Fiscal Impact:	None known.
Alternative/ Variations:	None recommended.
Recommendations:	The Planning Commission recommends that the Council approve the request by Mynor Noe Garcia and Dora Leticia Ramirez for a Variance Adjustment Permit to rebuild a nonconforming structure with reduced front yard.