



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 23, 2019
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Request for Variance Adjustment Permit for Brian and Kim Swalboski at 702 East Southview Drive
<b>Background Information:</b>	<p>This is a request by Brian and Kim Swalboski of Marshall for a Variance Adjustment Permit to provide 11 parking spaces for the daycare facility in lieu of required 15 spaces.</p> <p>The owners are building an addition to their existing daycare facility, which will require full compliance with parking regulations of the Zoning Ordinance since the addition is larger than 50% of the existing building. Parking requirements for daycare facilities are based on the number of employees and kids (1 per employee and 1 per 10 kids). Based on the numbers provided by the owner, 15 off street parking spaces are required. It appears that 11 parking spaces may be accommodated in front of the building with some minor adjustments (no parking may be located within 10 feet of the front property line). Even when the State requirements for outside playground area are taken into consideration, it seems that it would be possible to fit the remaining four spaces in the back yard, accessible from Southview Court.</p> <p>The Zoning Ordinance, consistent with the State Statutes, states that a variance applicant “shall prove that the literal enforcement of the provisions of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and the granting of the variances will be in keeping with the spirit and intent of this chapter.” It explains that the “term “practical difficulties,” as used in connection with the granting of 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 to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.” It further clarifies that “Economic considerations alone shall not constitute practical difficulties if reasonable use for the property exists under the terms of this chapter.”</p> <p>Considering that the site can accommodate all required parking spaces, staff concluded that there are no practical difficulties in this case.</p> <p>Findings of Fact and a copy of Section 86-230 Required Number of Spaces is attached. The variance regulations and procedures are found in Section 86-29 <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIADEN_DIVIGE_S86-29VA">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIADEN_DIVIGE_S86-29VA</a>. A property aerial photo is also attached for reference.</p> <p>At the Planning Commission meeting on July 10, 2019, a motion was made by Fox, second by Knieff to recommend approval to the City Council of the request by Brian and Kim Swalboski for reduction of the parking from required 15 spaces to 11 spaces. All voted in favor of the motion.</p>
<b>Fiscal Impact:</b>	None known.
<b>Alternative/Variations:</b>	Staff recommends to the City Council to deny the requested variance as not meeting criteria for approval.
<b>Recommendations:</b>	that the Council approve the request by Brian and Kim Swalboski for a Variance Adjustment Permit for reduction of the parking from required 15 spaces to 11 spaces.