

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
JULY 12, 2023**

MEMBERS PRESENT: Pieper, Doom, Lee, Deutz, Stoneberg, Muchlinski, Adboola

MEMBERS ABSENT:

OTHERS PRESENT: Jason Anderson, Amanda Schroeder

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the June 14, 2023 regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Anderson explained this is the request of Bradin Wyffels to construct a new detached garage in the rear corner of their property with a 5-FT rear setback and a 2-FT side yard setback. There is an existing detached in this location today. The property owner desires to demolish the existing 22'x22' structure and replace it with a larger structure, likely 24' wide by 36' deep. Granting of a variance may be permitted only if the request meets the "practical difficulties" test, which requires that proposed use is reasonable, that the problem is caused by conditions that are unique to this property, and that granting the variance will not change the character of the area. Upon review, the staff believes that the argument could be made that this proposal generally meets the practical difficulties test for a rear yard variance. As for the side yard request, staff questions the reasonableness of placing a larger structure so close to the lot line. The existing building is smaller than the proposed building, and the proposed detached garage will be quite close to the neighboring structure. It would appear that the property owner could construct the new detached garage in a manner that meets the required 5-FT side yard setback.

Anderson presented the item. Existing structure infringes on the required rear yard of 12' and sits at approximately 5' and infringes on the required side yard of 5' and sits at approximately 2'. Mr. Wyffels wants to construct a larger garage. Anderson displayed a drawing showing a 24' x 36' proposal. Wyffels is requesting to maintain the existing infringement on the rear yard at 5' and maintain same infringement on side yard with 5' in the back and angle to 2' infringement on side yard. Upon review, City staff looks to ensure that it meets the practical difficulties test. Essentially meaning property must be used in a reasonable manner not otherwise permitted by the Ordinance, the plight of the landowner is due to circumstances unique to the property that are not created by the landowner, the decision will not affect the character of the locality. Staff recommendation is to allow the property to maintain the infringement on the rear yard at 5' and to require a 5' side yard setback. It is City staff belief that the lot is unique in that the rear yard operates as a side yard due to the orientation of the lots in the neighborhood and will not affect the character to be infringing on the yard because there are plenty of structures in the area infringing on the setbacks. Staff feels it is a reasonable request to maintain only a 5' rear yard setback. Mr. Wyffels is asking to infringe on the side yard. City staff is recommending to maintain the side yard of 5'. It is City staff's belief that there is not a unique circumstance that requires an infringement on the side yard.

Bradin Wyffels 710 S Bend Avenue – Indicated requesting variance mainly for the side yard to decrease setback in order to make the garage more accessible to pull into for both stalls and being that the house is about 13' away from the property line. In order to follow the City setback of 5' and plus an additional 2' bumpout of garage and door, it would make it pretty difficult to pull into garage as well as second stall following that setback. Muchlinski asked if Wyffels was ok with other setback conditions. Wyffels indicated he was acceptable to rear yard of 5' feet but not the side yard due to unique layout of

the lot. Deutz asked if Wyffels spoke to neighbors. Wyffels said he had talked to neighbor to south and north and they do not have a problem. He has been unable to contact the neighbor to the back of the house. Pieper indicated not really changing much and making the new structure 12 ft longer. Wyffels addressed the concern of getting closer to neighbors house but proposed new garage would still be 10' from neighbor's house. Wyffels would be demolishing structure completely and new concrete as well and removal of old tar driveway. Muchlinski indicated that changes would be complementary to the area. Lee asked if there is further discussion.

MUCHLINSKI MADE A MOTION, SECOND BY PIEPER to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. PIEPER MADE A MOTION, SECOND BY DOOM, to recommend to the City Council the approval of variance adjustment permit for reduced setbacks for accessory building at 710 South Bend Avenue and directing City staff to prepare the Findings of Facts document that outlines the basis for the decision. Anderson asked for clarification of the motion whether for 5' rear and 2' side yard or 5' rear and 5' side yard . Lee indicated the motion is for 5' rear and 2' side yard. ALL VOTED IN FAVOR OF THE MOTION.

3. Since there was no old business, STONEBERG MADE A MOTION, SECOND BY ADBOOLA to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Lee declared the meeting adjourned.

Respectfully submitted,
Lona Rae Konold, Recording Secretary