



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 11/14/23**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 14, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Variance adjustment permit for a reduced side yard setback for an attached garage at 304 East Marshall Street
Background Information:	<p>This is a request from the property owner to construct a new addition that would include a garage located three feet from the side property line instead of the required five feet.</p> <p>Granting of a variance may be permitted only if the request meets the “practical difficulties” test, which requires that proposed use be reasonable, that the problem be caused by conditions that are unique to this property, and that granting the variance will not change the character of the area.</p> <p>Upon review, city staff believes that the argument could be made that this proposal generally meets first and third parts of the test: There are numerous structures in this block that do not meet minimum setbacks, which makes the request both reasonable and not changing the character of the area; however, there seems to be nothing unique in this property.</p> <p>At the Planning Commission meeting, the applicant made a presentation where he argued for uniqueness of the property: the house was built in the late 1930’s as the first house on the block, with the house centered on the lot with no consideration for a an adequate size attached garage.</p> <p>The variance regulations and procedures are found in Section 86-29. A property aerial photo is attached for reference.</p>
Fiscal Impact:	None
Alternative/ Variations:	Recommend denial to the City Council of the request by Denise Strosahl for a Variance Adjustment Permit for a reduced side yard setback.
Recommendations:	<p>Planning Commission recommends approval to the City Council of the request by Denise Strosahl for a Variance Adjustment Permit for a reduced side yard setback to three feet with the following conditions:</p> <ol style="list-style-type: none"> 1. The wall located three feet away from the property line is 1-hr fire rated and does not have windows. 2. There is no roof overhang at the wall located three feet away from the property line.