

Marshall Planning Commission
Report to City Council – Request for a Variance Adjustment Permit
107 Church Street, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for a Variance Adjustment Permit dated March 4, 2026, for an enlarged garage with reduced side yard on property located at 107 Church Street, and

WHEREAS, the applicant for the Variance Adjustment Permit is the property owner Jeff Greenwood, and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A variance adjustment permit to build a 1,680 SF garage with a two-foot side yard, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the variance adjustment permit relates; and

WHEREAS, a written request for a Conditional Use Permit is subject to the Minnesota 60-day rule as codified in Minnesota Statutes §15.99. The 60-day rule requires approval or denial of a Conditional Use Permit within 60 days of the time Conditional Use Permit request is submitted; and

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the Variance Adjustment Permit; and

WHEREAS, Zoning Ordinance limits accessory buildings, including detached garages, to 1,000 SF and 25% of the rear yard area. Proposed garage addition will bring its area up to 1,680 SF, which will also constitute about 38% of the 4,400 SF rear yard. Additionally, required side yard is five feet; existing garage was built with a two-foot setback based on a variance granted in 1993 (File # 580). However, in staff opinion, that variance would not be applicable to an addition; therefore, this request also includes a two-foot setback for a garage addition; and

WHEREAS, Zoning Ordinance provides for considerations for granting a variance as follows: the 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. 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, and

WHEREAS, staff believe this proposal does not meet all three conditions for practical difficulties test; in particular, the last two conditions are not met for an area increase request for the following reasons:

- The lot is very ordinary and no different from other lots in the area with no unique features.
- There are no other large garages of this size in the neighborhood, even though many of them are located quite close to the property lines.

WHEREAS, the public hearing was scheduled for April 8, 2026, and was held as scheduled. Staff presented the above facts, and the Planning Commission discussed the variance request and heard from the applicant; and

WHEREAS, the Planning Commission has evaluated all applicable considerations and finds and determines that granting a requested Variance Adjustment Permit will not be compliant with the City Ordinance and State Statutes.

NOW THEREFORE, the Planning Commission, based on the above findings, has recommended to the City Council to deny a request for a variance adjustment permit for an enlarged garage with reduced side yard. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed:

Marshall Planning Commission

By: Larry Doom

Its: Chair