

Marshall Planning Commission
Report to City Council – Request for a Variance Adjustment Permit
1301 Canoga Park Circle, 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 21, 2025, for a reduced rear yard related to property located at 1301 Canoga Park Circle, and

WHEREAS, the applicant for the Variance Adjustment Permit is the property owner Greg Taylor, and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A variance adjustment permit to reduce a rear yard for buildings from required 25 percent of the lot depth to 10 feet and allow extending a deck to the rear property line, 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, City staff representatives from the Community Planning Department reviewed the application for the Variance Adjustment Permit; and

WHEREAS, the owner proposes to rezone the property to an R-3 low to medium density zoning district in order to build several duplexes and wants to push buildings back as much as possible in order to be able to attach decks extending to the water line along the existing pond, and

WHEREAS, Zoning Ordinance requires a rear yard of twenty five percent of the property depth in an R-3 district. Considering that the lot depth varies from 114 feet to 147 feet due to the irregular rear property line that follows the pond edge, and that, according to preliminary plat, there will be a 20 feet wide access drive along northwestern line of the lot, the required rear yard depth will vary from 23.5 feet to 32 feet. Ordinance allows decks to project 8 feet into the required rear yard, so effective required rear yard for decks would vary from 15.5 feet to 24 feet, 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 meets all three conditions for practical difficulties test for the following reasons:

- Building twin townhomes with decks is reasonable.
- The lot is located along the existing pond, which is placed there for area drainage and, therefore, will have to stay there; as a result, the lot in question does not have any adjacent occupiable lots on the back.
- Pushing buildings and decks closer to the pond should not affect the character of the area which is defined by a pond.

WHEREAS, the public hearing was scheduled for April 9, 2025, 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 injurious to the adjacent properties and that all conditions for granting a variance are satisfied.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Variance Adjustment Permit for a reduced rear yard of 10 feet for a building and extending a deck to the rear property line be approved as recommended by staff. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes:

Nays:

Abstained:

Passed:

Marshall Planning Commission

By: Cathy Lee

Its: Chair

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this recommendation as outlined above.

Property Owner / Applicant

Date