



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, May 25, 2021
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Request for a Variance Adjustment Permit by Todd and Barbara Raske at 400 West Southview Drive
<b>Background Information:</b>	<p>The existing lot is 66 feet deep and required rear yard is 25% of the lot depth or about 16.5 feet. The house is located about 14 feet from the front property line; the original deck extended 8 feet from the house. The Ordinance allows decks to project 8 feet into required front and rear yards so both the house and the deck were projecting 2.5 feet more into required yards than permitted. The house was built in 1909 and the deck was originally added in 1991. It was redone in 2011.</p> <p>To grant a variance, City Ordinance would require the presence of practical difficulties. 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.</p> <p>Based on the above information and considering that there are no decks nearby that are close to the front property lines, staff does not believe that there are practical difficulties in this case and therefore recommends that the variance be denied.</p> <p>Prior to a public hearing at the Planning Commission meeting, a neighbor sent a letter requesting the variance be denied.</p> <p>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 attached for reference.</p> <p>At the Planning Commission meeting on May 12, 2021, a public hearing was held and Muchlinski MADE A MOTION, SECOND BY Knieff to recommend to City Council to grant the variance as requested. Motion failed with 3 - 3 with Knieff, Carstens and Muchlinski in favor and Lee, Fox, and Schroeder against. Fox proposed to make the deck 2-feet shorter, in essence, building same size deck but allowing the stairs to project towards the front sidewalk. Muchlinski MADE A MOTION, SECOND BY Fox to recommend to City Council that new deck is 2 feet shorter than asked but the stair goes to the street. ALL VOTED IN FAVOR OF THE MOTION.</p>
<b>Fiscal Impact:</b>	None known
<b>Alternative/Variations:</b>	Deny the request as recommended by staff
<b>Recommendations:</b>	The Planning Commission recommends that the Council approve the request by Todd and Barbara Raske for a Variance Adjustment Permit for building a 4-foot deck within required front yard with the stairs going towards the street