

**RESOLUTION NO. 24-001**

**MARSHALL PLANNING COMMISSION  
REPORT TO CITY COUNCIL – REQUEST FOR VARIANCE ADJUSTMENT PERMIT**

**1309 EAST COLLEGE DRIVE  
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 June 05, 2024, for building an addition within required side yard at property located at 1309 East College Drive,

**WHEREAS**, the applicant for the variance adjustment permit was the property owner Mike Dalager,

**WHEREAS**, City staff representatives from the Community Planning Department reviewed the application for the variance adjustment permit;

**WHEREAS**, Zoning Ordinance requires ten feet side yard for main structures in B-3 General business district, 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 presented the Planning Commission with information that the applicant desires to build an addition that will project into required side yard, and

**WHEREAS**, staff believe this proposal meets one of the three conditions for practical difficulties test because building an addition is reasonable. However, it does not meet the uniqueness condition because there does not appear to be anything preventing the intended use of the property and building a smaller addition. Additionally, there are no other buildings around that are too close to their side property lines so building this addition may change the character of the area, and

**WHEREAS**, a public hearing was held on June 12, 2024, to consider the request for a variance adjustment permit and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-29 and further in compliance with Minnesota Statutes;

**WHEREAS**, the Planning Commission discussed the variance request and heard from the applicant.

**NOW THEREFORE**, it is recommended by the Planning Commission to the Marshall City Council that the Variance Adjustment Permit for building an addition within required side yard be denied 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

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By: Cathy Lee

Its: Chair