



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, October 27, 2020
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Request for a Variance Adjustment Permit by Charles R Aufenthie at 1000 Country Club Drive
<b>Background Information:</b>	<p>The owner desires to build a detached garage next to his house with its front wall located about 20 feet in front of the house front wall. However, the Ordinance prohibits any accessory structures being built closer to the street than the house, except gazebos on larger lots. This provision's goal, in staff's opinion, is to provide uniformity and avoid often unsightly accessory buildings, which may be storage sheds with cheap finishes, being the focus of a property, which may reduce surrounding properties' values.</p> <p>To grant a variance, City Ordinance and State Statutes require the presence of practical difficulties. The term "practical difficulties," as used in connection with granting 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 (usually something related to physical characteristics of the property not allowing to comply with the Ordinance) to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. The Findings of Fact, based on the League of Minnesota Cities template, is attached to this memo and explains each item listed above in details.</p> <p>The existing lot is large, like all adjacent lots, and the garage can be shifted back 20 feet to meet the Ordinance requirements. No other house in the area has a detached garage or other accessory building located in front of the house, so the area's character will be altered by the garage construction. Based on the above information, staff does not believe that there are any practical difficulties in this case and therefore recommends that 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_ARTIIADEN_DIVIGE_S86-29VA">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIVIGE_S86-29VA</a>. A property aerial photo is attached for reference.</p> <p>At the Planning Commission meeting on October 14, 2020, a public hearing was held and a motion was made by Fox, second by Knieff to recommend approval to the City Council of the request by Charles R Aufenthie for a Variance Adjustment Permit for building a detached garage next to his house with its front wall located about 20 feet in front of the house front wall. All voted in favor of the motion.</p> <p>During Planning Commission discussion, members brought up existence of a deep front yard, absence of a negative effect on the neighbors, and their desire to let people control their properties without city's interference to increase property values as justification for approval.</p>
<b>Fiscal Impact:</b>	None known.
<b>Alternative/ Variations:</b>	Deny the request, as recommended by staff, based on Ordinance and Statutory requirements for variance approval.
<b>Recommendations:</b>	The Planning Commission recommends that the Council approve the request by Charles R Aufenthie for a Variance Adjustment Permit for building a detached garage next to his house with its front wall located about 20 feet in front of the house front wall.