

--UNAPPROVED --

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
OCTOBER 14, 2020**

MEMBERS PRESENT: Don Edblom, Brady Carstens, Mike Fox, Bruce Knieff, Cathy Lee
MEMBERS ABSENT: Amanda Schroeder
OTHERS PRESENT: Glenn Bayerkohler, Jason Anderson, Ilya Gutman

1. The meeting was called to order by Chairman Edblom at 5:39 pm.
2. Edblom asked for the approval of the minutes of the September 9, 2020, regular meeting of the Marshall Planning Commission. FOX MADE A MOTION, SECOND BY KNIEFF, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
3. Gutman explained 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. 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 explains each item listed above in details. 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. Staff recommend denial to the City Council of the request by Charles R Aufenthie for a Variance Adjustment Permit to build a garage in front of the main building. Aufenthie further described his property and stated that if he were to move garage back 20 feet to be even with the house, it will interfere with his porch in the back. Unlike his neighbors, who don't look out and have a great view of the golf course, he wants to maintain a golf course view from his porch. He would also like to bring it up to the part of the driveway that they back out into coming out of the existing garage, so they would not have the extra expense of making another 20-ft. driveway. Aufenthie stated he understands the variance procedure and the rules, but he is just trying to do it for an expense reason and also a visual reason for down the road on sale of home. Gutman indicated reasoning for ordinance wording is to prevent unsightly construction. Aufenthie indicated there is still 170 feet to Country Club Drive and he would make it look nice. Gutman stated that he had given a general reason for ordinance existence, not for this particular property, but indicated this particular request does not technically meet the conditions of granting a variance according to the Ordinance and staff must follow the rules. Anderson referred to Sec. 86-163 of the ordinance and said the recommended denial of the variance request is due to garage not in conformance with this ordinance section, which is the subject of discussion. Aufenthie indicated

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he would be willing to go 10 feet in front of the house instead of 20 feet to make it not as unsightly to the ordinance or the variance rule and whatever the committee would decide; he is just trying to not block any further visual of the golf course. Fox indicated he drove by and is ok with layout and if homeowner wants to make his property more marketable, he would be in support of this proposal. Knieff indicated he would be in favor also. Lee drove by also and requested clarification for location of garage. Aufenthie said they want to use existing asphalt to save some money on driveway. Lee said that she also was in favor. Edblom questioned if Aufenthie moved back garage, how far back could it be moved and still not obstruct view from porch. Aufenthie said as you look out, you look onto the green of Hole #3, so as you move back you can visualize of what is being blocked but he is fine with a couple of feet, but wants to preserve gorgeous view down the road. Edblom inquired to Gutman if proposed garage sticks out 20 feet past house. Gutman confirmed and indicated the material consideration or the money should not be taken into account. Edblom asked Aufenthie to confirm he would be OK with moving proposed garage back 10 feet. Aufenthie indicated he may be ok with that and if he could have committee or City staff come over and take a look at it. Edblom inquired if garage would have similar look to existing structure. Aufenthie indicated yes. Aufenthie reiterated 10 feet would be acceptable. Edblom offered suggestions to move garage back some and still preserve view of porch. Edblom suggested they could approve with conditions, including limiting projection. Anderson indicated they may table and bring back to another meeting or move forward tonight with an approval of what Aufenthie is requesting or an approval of no more than 10 feet projection. Knieff questioned validity of discussing 10 foot difference and suggested approval as requested. Edblom indicated a variance will be required no matter what for construction and he was not opposed to Aufenthie trying to make property more aesthetic and if moving building back 5, 8 or 10 feet accomplishes Aufenthie goal, Commission should make it more in line with zoning ordinance. LEE MADE A MOTION, SECOND BY FOX, to close the public hearing ALL VOTED IN FAVOR OF THE MOTION. Carstens asked Gutman to confirm that neighbors had called in. Gutman indicated one neighbor had called and that they objected because of not wanting anything in the open space; they were not able to attend the meeting. Lee asked if garage would block the caller's view. Gutman indicated opinion of the neighbors is not ever a determining factor, and the Planning Commission should follow ordinance and not the opinion of neighbors, which is to maybe bring up some specific circumstance that we may not be aware of; he said Planning Commission shall follow ordinance as to how and when the ordinance allows granting the variance and what ordinance requires for construction and what ordinance requires in order for you to be able to grant a variance. FOX MADE A MOTION, 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. Edblom asked if they need a reason to approve or only if we deny. Anderson said there is no legal requirement but it is highly recommended to ensure operating in a repeatable fashion and set precedence, whichever you choose to put out there. Edblom asked to confirm the motion and provide a reason. Fox said aesthetic improvement and property value improvement that is not going to harm anyone. Knieff said with all the trees, the neighbors will not see the garage. Bayerkholer asked Ilya regarding LMC information and what it says about written statement supporting approval. Gutman indicated the finding of facts addresses each issue. Anderson said it is recommended to do so. Fox reiterated it is recommended and not required. Bayerkholder stated that if you are going to recommend something, shouldn't you have some justification, even if it not required; wouldn't it be a good idea to indicate to the Council why you thought it should be approved. Edblom said he wants to ensure Commission covers all the bases. Fox stated he believes this is a unique property and the owner wants to improve the property and the City should not get in the way. Edblom called for a vote on the motion. ALL VOTED IN FAVOR OF THE MOTION.

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4. Gutman advised this is a request by Vesta, LLC, Marshall, MN to rezone 512 Continental Street from A Agricultural District to R-1 One Family Resident District. This lot is adjacent to residential area and will be used for a single-family house. Staff recommend approval to the City Council of the request to rezone property at 512 Continental Street from A Agricultural District to R-1 One Family Resident District. Anderson added that this one lot is the plat of Carr Estates Fifth Addition, and the final plat was approved at the City Council meeting on October 13, 2020 LEE MADE A MOTION, SECOND BY CARSTENS to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. CARSTENS MADE A MOTION, SECOND BY LEE to recommend to City Council to rezone the property as recommend by staff. ALL VOTED IN FAVOR OF THE MOTION.
5. Other Business - Knieff relayed to the group that the Veteran's Memorial Park Inauguration will be held at 11am on Thursday, October 15, 2020 with a Fagen flyover at noon.
6. A MOTION WAS MADE BY Lee, SECOND BY Knieff to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Edblom declared the meeting adjourned.

Respectfully submitted,
Lona Rae Konold