



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 3/10/26**

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| Presenter: | Ilya Gutman |
| Meeting Date: | Tuesday, March 10, 2026 |
| Category: | NEW BUSINESS |
| Type: | ACTION |
| Subject: | Consider the request for a Variance Adjustment Permit for a reduced rear yard at 1301 Canoga Circle |
| Background Information: | <p>This is a request from the property owner to build multiple twin townhome buildings as close to the pond as possible. The lot in question has an irregular rear property line that follows the pond edge. It is being subdivided into five lots, with a duplex to be built on each of them. Even though the lot depth varies along the pond, it is not deep, and, if the access drives along the edge opposite to the pond and all required setbacks are taken into consideration, the buildable area is restricted. In addition, the owner wants to take full advantage of the water feature, which means shifting buildings closer to it.</p> <p>Zoning Ordinance requires a rear yard of twenty five percent of the property depth in an R 3 district. Considering the existing lot depth and its irregular shape, 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.</p> <p>By State Statutes and City Ordinance, granting of a variance may be permitted only if the request meets the “practical difficulties” test, which requires that proposed use is reasonable, that the problem is caused by conditions that are unique to this property, and that granting the variance will not change the character of the area.</p> <p>Upon review, city staff believe that the argument could be made that this proposal generally meets all three parts of the test: building duplexes is reasonable, the lot is unique due to the pond in the back, and building closer to that water line will not change the character of the area. In theory, the rear property lot line could be moved into the pond to allow for deeper lot and creating setback line at the water edge, but this option is opposed by staff.</p> <p>The variance regulations and procedures are found in Section 86-29. A property aerial photo is attached for reference.</p> <p>The Planning Commission conducted a public hearing on April 9, 2025, and unanimously recommended approval.</p> <p>The council approval has been delayed due to plat development problems.</p> <p>Land description is based on the attached Wilke-Miller-Buesing Sixth Addition plat, which just has been approved and will be recorded shortly.</p> |
| Fiscal Impact: | None |
| Alternative/ Variations: | None |
| Recommendations: | Planning Commission and staff recommend approving the request to grant a Variance Adjustment Permit for reducing rear yard to 10 feet for buildings and extending a deck to the rear property line |