

**CITY OF MARSHALL**  
**AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, February 9, 2021
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Consider the request of Monte Buntjer for a Variance Adjustment Permit at 516A Main Street East.
<b>Background Information:</b>	<p>The owner desires to use a shipping container as a permanent storage next to his building at the address listed above. The Ordinance prohibits using shipping containers as accessory buildings (Sec. 86-163 (10)) or permanent storages (Sec. 86-248 (f)).</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 State Statutes essentially forbid granting variances if those conditions are not met. The Findings of Fact, based on the League of Minnesota Cities template, is attached to this memo, and explains each item listed above in detail.</p> <p>Shipping containers do not meet building codes and do not fit into typical city environment, which may lead to reduction in surrounding properties' values. 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. It is the opinion of City Staff that allowing this variance will set a precedent for the entire city.</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_DIV1GE_S86-29VA">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIV1GE_S86-29VA</a>. A property aerial photo is attached for reference.</p> <p>At the Planning Commission meeting on January 20, 2021, a public hearing was held and a motion was made by Knieff, second by Lee to recommend approval to the City Council of the request by Monte Buntjer for a Variance Adjustment Permit for a shipping pod as permanent storage at 516A East Main Street. All voted in favor of the motion.</p> <p>At the City Council meeting on January 26, 2021, the council tabled the item to allow the applicant to review his options.</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>Recommendation:</b>	<p>Recommendation No. 1 Remove the item from the table.</p> <p>Recommendation No. 2 that the Council approve the request by Monte Buntjer for a Variance Adjustment Permit for a shipping pod as permanent storage at 516A East Main Street, as recommended by the Planning Commission.</p>