

Marshall Planning Commission
Findings of Fact – Request for Variance Permit
516A East Main Street, City of Marshall, Lyon County, Minnesota

1. Mr. Buntjer is the owner of a parcel of land located at 516A East Main Street.
2. The subject property is legally described as found on Exhibit A.
3. Mr. Buntjer has applied to the City for a variance to install a 40 foot shipping container as a permanent storage building.
4. The proposal would vary from Ordinance in that it requests using a shipping container as a permanent storage which is explicitly prohibited by Ordinance 86-163(b)(10).
5. Minnesota Statute Section 462.357, subd. 6 provides:
 - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
 - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.
 - c. Economic considerations alone shall not constitute practical difficulties.
6. City Ordinance allows variances if “(t)he 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” according to Section 86-29 (e). The practical difficulties are further defined according to the State Statutes as presented in Item 5 above.
7. City Ordinance Section 86-163 (b) (10) states that “Trailers, semi-trailers, and storage containers (including, but not limited to, cargo and shipping container and PODS or any structures made of the above components) must not be used as accessory buildings in all classes of residential or business districts.” Additionally, Section 86-248 (f) states that “Storage containers, including, but not limited to, trailers, semi-trailers, cargo and shipping containers, PODS, and dumpsters, are not allowed as permanent storage structures in all classes of residential or business districts.” Storage and shipping containers do not meet building code and do not fit into typical city environment, which may lead to reduction in surrounding properties’ values.
8. Below is analysis of the Minnesota Statute Section 462.357, subd. 6 applicability:

- a. The requested variance is not in harmony with the purpose and intent of the ordinance because it will deviate from the purpose of uniformity and maintaining property values.
 - b. The requested variance is unrelated to the comprehensive plan.
 - c. The property owner does not propose to use the property in a reasonable manner because conventional storage building may be built to comply with the Ordinance.
 - d. There are not unique circumstances to the property not created by the landowner because its size and location is not remarkable.
 - e. The variance will not maintain the essential character of the locality because there are no other storage containers in the neighborhood.
9. Based on the above information, staff concluded that there are no practical difficulties in this case and recommended that the variance request be denied.
 10. A public hearing was conducted at the special January 20, 2021, Planning Commission meeting. Notice of that hearing was published and was mailed pursuant to provisions of Marshall Ordinance Sec. 86-47 and in compliance with Minnesota Statutes.
 11. Following a public hearing on the application, the Planning Commission has recommended approval of the variance based on the fact that there are already several such containers around town that are a lot more of an eye sore than this one, which is barely visible from the street.

At the conclusion of the public hearing, motion was made by Commission Member Lee, seconded by Commission Member Knieff to recommend approval of the variance permit to the City Council.