



## CITY OF MARSHALL AGENDA ITEM REPORT

|                                |   |
|--------------------------------|---|
| <b>Meeting Date:</b>           | Tuesday, August 25, 2020  |
| <b>Category:</b>               | NEW BUSINESS  |
| <b>Type:</b>                   | INFO/ACTION   |
| <b>Subject:</b>                | Request for a Variance Adjustment Permit by Ryan & Angela Strampe at 202 East Lyon Street   |
| <b>Background Information:</b> | <p>The existing lot is 66 feet deep and required rear yard is 25% of the lot depth or about 16.5 feet. The house is located about 14 feet from the rear property line; the original deck extended 8 feet from the house. The Ordinance allows decks to project 8 feet into required front and rear yards so both the house and the deck were projecting 2.5 feet more into required yards than permitted. The house was built in 1909 and the deck was added in 1991.</p> <p>To grant a variance, City Ordinance would require the presence of practical difficulties. The term "practical difficulties," as used in connection with the granting of 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 to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.</p> <p>Based on the above information and considering that there are no decks nearby that are close to the rear property lines, staff does not believe that there are practical difficulties in this case and therefore recommends that the variance be denied.</p> <p>Prior to a public hearing at the Planning Commission meeting, a neighbor asked about implications for his property and stated his indifference to the variance decision after hearing that it would not affect him.</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_ARTIADEN_DIVIGE_S86-29VA">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIADEN_DIVIGE_S86-29VA</a>. A property aerial photo is attached for reference.</p> <p>At the Planning Commission meeting on August 12, 2020, 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 Ryan &amp; Angela Strampe for a Variance Adjustment Permit to build a deck in the required rear yard. All voted in favor of the motion.</p> |
| <b>Fiscal Impact:</b>          | None known.   |
| <b>Alternative/Variations:</b> | Deny the request as recommended by staff.   |
| <b>Recommendations:</b>        | The Planning Commission recommends that the Council approve the request by Ryan & Angela Strampe for a Variance Adjustment Permit for building a deck within required rear yard   |