

--UNAPPROVED --

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
AUGUST 12, 2020**

MEMBERS PRESENT: Edblom, Carstens, Fox, Schroeder, Knieff and Lee

MEMBERS ABSENT:

OTHERS PRESENT: Glenn Bayerkohler, Jason Anderson, Dennis Simpson and Ilya Gutman

1. The meeting was called to order by Chairman Edblom. He asked for the approval of the minutes of the July 8, 2020, regular meeting of the Marshall Planning Commission. LEE MADE A MOTION, SECOND BY FOX, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.

2. Gutman explained the property owner desires to add a new four-season porch to the corner of the house located at the intersection of West Redwood Street and North 4th Street. Currently, the existing front yards are 10 feet off North 4th Street and 12 feet off West Redwood Street, so the house is already projecting into required 25-foot front yards. The new addition is proposed to project even more leaving just 5 and 8 feet between the proposed addition and sidewalks. This location will also interfere with the visibility triangle defined by 25-foot legs along the property lines starting at the property corner. 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. Based on the above information and considering that there are no houses nearby that are close to the street corners, staff does not believe that there are practical difficulties and therefore recommends that the variance be denied. Therefore, staff recommend denial to the City Council of the request by Steven W Mohwinkel and Jacki D Knigge for a Variance Adjustment Permit for construction of a four-season porch within required front yard.

Steve Mohwinkel presented a new drawing and explained sight line along angle of proposed porch line towards street is about 35-40 from stop sign. There is a large area of grass between the sidewalk and street that helps with vision, so addition would not interfere with seeing cars and would not create a problem with vision. Right where visibility triangle ends by the road is a driveway to next house and plenty of room to see at the intersection and no obstacle there at all. Fox looked at site and watched from street from 730p-830p and don't believe line of sight is a problem. Edblom requested clarification of distance. Edblom felt traffic coming from Redwood is not the problem because of a stop sign at the end of block, but rather the vision going up and down 4th street. Anderson said purpose of triangle is for the stopped vehicle to be able to look down 4th Street and be able to see oncoming traffic and have it not to be a hazard to make a left turn. In this particular case, there is a large boulevard and the visibility triangle as identified by Ordinance is 25 feet in each direction from the property corner. As Gutman presented, it is technically located within the visibility triangle. However, it probably does not provide a specific obstruction. The referenced visibility triangle is an item that staff has already identified as a topic for review for more effective way to incorporate into ordinance, and it is a typical thing to see in a city ordinance with visibility triangle to be protected. Gutman added it depends on width of boulevard and size of street, so hard to make it fit for all. Edblom asked if any other questions for staff or applicant. Fox added reality is if turning right from stop sign it doesn't affect that at all. Edblom said the only issue is on 4th street going from north to south but if everybody is driving correctly, you shouldn't

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have to worry about that either way and the stop sign takes away vision problem there. Edblom again asked for any other comments for commission or applicant. Edblom called for a motion. SCHROEDER MADE A MOTION, SECOND BY LEE, to close the public hearing ALL VOTED IN FAVOR OF THE MOTION. Edblom explained timeline and recommendation goes to Council and Council has final decision. Fox indicated approval and property owner is making investment and makes property more attractive. FOX MADE A MOTION, SECOND BY KNIEFF to grant approval of the front yard variance. ALL VOTED IN FAVOR OF THE MOTION.

3. Gutman informed 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. 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. 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 and therefore recommends that the variance be denied. Therefore, staff recommend denial to the City Council of the request by Ryan and Angela Strampe for a Variance Adjustment Permit to build a deck in the required rear yard. Gutman indicated he received a call from the neighbor who said that if it does not affect construction on his property he does not care. Edblom said it looks like lot is rectangular so longer on street side and house is on far end of lot so deck is on back of house towards lot line, so if deck was on other side of house would there even be an issue. Gutman indicated no, as then it would be side yard rather than rear yard and there is plenty of room there. Fox asked what the options are, grant or remove the deck? Knieff said he doesn't feel it is an issue at all. Ryan Strampe said deck was constructed by contractor not aware of ordinance and owners were instructed by the contractor they could build on property line so they are trying to figure out what can be done. Edblom asked for any comments. Anderson indicated this is a difficult review due to all the facts presented, shape of lot, it would be difficult for home to meet requirements let alone an additional deck, and whether it affects locality, the adjacent house is also close to property line. Gutman indicated a neighbor asked if this deck would affect him in any way if he wants to build something next to the property line and Gutman indicated the same rules would apply. Knieff indicated since it is in alley it is not an issue, nice deck from both directions and well constructed. Edblom called for any other comments. KNIEFF MADE A MOTION, SECOND BY CARSTENS, to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Edblom asked what are wishes of commission. KNIEFF MADE A MOTION, SECOND BY LEE to grant the variance. Edblom called for further discussion. ALL VOTED IN FAVOR OF THE MOTION.
4. Other Business – none noted.
5. A MOTION WAS MADE BY SCHROEDER, SECOND BY CARSTENS to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Edblom declared the meeting adjourned.

Respectfully submitted,
Lona Rae Konold, Public Works Administrative Assistant