

RESOLUTION NO. 26-_____

**RESOLUTION APPROVING
A VARIANCE ADJUSTMENT PERMIT
FOR 112 SOUTH 6th STREET
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for a Variance Adjustment Permit dated June 17, 2026, for a reduced rear yard on the property located at:

LOCATION: 112 South 6th Street.

LEGAL DESCRIPTION: Lot 1, Block 2, Heartland-Courthouse Addition to the City of Marshall, Lyon County, Minnesota

WHEREAS, the applicant for the Variance Adjustment Permit is the property owner Turkey Valley Farms LLC, and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A variance adjustment permit to reduce a side yard for steel structure from required 10 feet to five feet, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the Variance Adjustment Permit relates; and

WHEREAS, a written request for a variance is subject to the Minnesota 60-day rule as codified in Minnesota Statutes §15.99. The 60-day rule requires an approval or denial of a variance within 60 days of the time request is submitted; and

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the Variance Adjustment Permit; and

WHEREAS, Zoning Ordinance requires a side yard in an I-2 general industrial district to be ten feet, and

WHEREAS, Zoning Ordinance provides for considerations for granting a variance as follows: the 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. 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, and

WHEREAS, staff believe this proposal meets all three conditions for practical difficulties test for the following reasons:

- Building structural support for mechanical equipment needed for production is reasonable.
- The lot is located along the existing railroad; as a result, the lot in question does not have any adjacent occupiable lots.
- There are already several buildings close to the property line.

WHEREAS, the public hearing was scheduled for July 8, 2026, and was held as scheduled. Staff presented the above facts, and the Planning Commission discussed the variance request and heard from the applicant; and

WHEREAS, the Planning Commission has evaluated all applicable considerations and finds and determines

that granting a requested Variance Adjustment Permit will not be injurious to the adjacent properties and that all conditions for granting a variance are satisfied.

WHEREAS, the Planning Commission has unanimously recommended to the City Council approving the Variance Adjustment Permit, and

WHEREAS, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

WHEREAS, Staff reiterated their findings to the Council at the July 14, 2026, Council meeting,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Marshall that the City Council accepts and adopts the findings of the Planning Commission.

FURTHER, BE IT RESOLVED, that the City Council accepts and adopts the following findings:

Because of the nature of the proposed use, the variance request meets the practical difficulties test:

- a. 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 and not created by the landowner.
- c. The variance, if granted, will not alter the essential character of the locality.

FURTHER, BE IT RESOLVED, that the City Council of the City of Marshall hereby approves the request for a Variance Adjustment Permit to reduce a side yard for a new structure from required ten feet to five feet with all of the standard Ordinance conditions as follows:

- (1) Pursuant to Marshall Code Article 86-II, Division 86-II-1, Section 86-29, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of a Variance Adjustment Permit approval or from when circumstance sufficiently change to justify a review.
- (2) The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
- (3) The owner shall obtain all relevant and required permits prior to beginning any work and shall meet all applicable codes.
- (4) The City reserves the right to revoke the variance if the applicant, or if the ownership of the property has changed, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.

Mayor

ATTEST:

City Clerk