



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Request for a Variance Adjustment Permit by Levi Bond / Iron Horse Development at 1213 East College Drive
Background Information:	<p>This is a request from the owner to approve building a new store building with five feet side yard instead of required 10 feet side yard and provide 29 parking space instead of required 33 spaces.</p> <p>The new building is proposed to be built five feet away from the east property line. The owner wants to maximize the width of the driveway located on the west side of the lot and leading to the required parking in the back. The Owner also wants to reduce parking in order to free space for required landscaping; they state that parking as suggested (4 spaces fewer than required) will be adequate based on past experience and estimates of store foot traffic.</p> <p>Granting of a variance may be permitted only if the request meets the “practical difficulties” test, which requires that proposed use is reasonable (it is); the problem is caused by the conditions unique to this property (the property is relatively small, but that can be resolved by slightly reducing the building size or shifting it and there is enough room for required parking and landscaping); and that granting the variance will not change the character of the area (no adjacent building has a five foot side yard, even though the “character” of the area will most likely not be affected). It is staff’s opinion that at least one out of three conditions is not met.</p> <p>The variance regulations and procedures are found in Section 86-29 https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIADEN_DIVIGE_S86-29VA. A property aerial photo is attached for reference.</p> <p>At the Planning Commission meeting on November 9, 2022, a public hearing was held and Doom MADE A MOTION, SECOND BY Muchlinski to recommend to City Council to approve the request by Levi Bond / Iron Horse Development for a Variance Adjustment Permit to have a reduced side yard and reduced parking. ALL VOTED IN FAVOR OF THE MOTION.</p> <p>During the Planning Commission meeting, Owner presented some evidence for this application satisfying all three components of the “practical difficulty” test. Meeting minutes include his arguments.</p>
Fiscal Impact:	None known.
Alternative/ Variations:	<ol style="list-style-type: none"> 1. Deny request as recommended by staff. 2. Deny request for reduced side yard and approve request for parking reduction.
Recommendations:	The Planning Commission recommends that the Council approve the request by Levi Bond / Iron Horse Development for a Variance Adjustment Permit to have a reduced side yard and reduced parking.