

Marshall Planning Commission
Report to City Council – Request for a Variance Adjustment and Interim Use Permits
1507 East College Drive, City of Marshall, Lyon County, Minnesota

WHEREAS, the office of the City of Marshall Zoning Administrator received an application for a Variance Adjustment Permit and an Interim Use Permits dated October 8, 2024, for a storage unit (semi-trailer) on the property located at 1507 East College Drive;

WHEREAS, the applicant was the property owner Brennan Clark;

WHEREAS, a written request for a Variance Adjustment or Interim Use Permit 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 permit within 60 days of the time a request is submitted. If no action occurs on the request for a permit within 60 days, it is deemed approved pursuant to Minnesota Statute;

WHEREAS, City staff representatives from the Community Planning Department reviewed the application for the Variance and Interim Use Permits;

WHEREAS, Zoning Ordinance Section 86-248 (f) states that “in Business districts, the 30 days limit [on storage unit placement] may be extended for longer by an Interim Use Permit, provided such unit is painted to match the building with no signage, lettering, or advertising of any sort and is not placed in the front yard or required side or rear yards.”

WHEREAS, the storage unit (semi-trailer) in question is located in the front yard, as it is defined by the Zoning Ordinance, Section 86-1, between the building and McLaughlin Drive;

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;

WHEREAS, staff suggests the following in regards to Variance Permit considerations: the proposed use is reasonable; the problem is caused by the conditions unique to this property and not created by the landowner because it is a double frontage lot, with McLaughlin Drive in the rear serving mostly as a back service road for businesses facing East College Drive and Birch Street; and that granting the variance will not change the character of the area because this trailer has been there for a very long time and is not visible from East College Drive;

WHEREAS, Zoning Ordinance Sec. 86-49 outlines the following Standards for Hearing when an Interim Use Permit is considered:

- (1) Whether the proposed use is compatible with the existing neighborhood environment and use.
- (2) The adequacy of the access to roads and rights-of-way.
- (3) The additional traffic generated by facility.
- (4) The landscaping, fencing and/or screening plan.
- (5) The outside storage provisions.
- (6) The accessory buildings provisions.
- (7) The facility size.
- (8) The area of site.
- (9) The off-street parking facilities.
- (10) The density of the population and structures.
- (11) The duration of proposed Interim Use.
- (12) The natural features of the area.
- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- (15) Whether the proposed use will be injurious to the property or improvements in the area adjacent to such

proposed use and the community as a whole.

WHEREAS, staff offered the following information for relevant items in regards to the above Standards for Hearing:

- (1) The lot in question is located in a B-3 General business district and semis and trucks are delivering goods there on a regular basis.
- (2) Not applicable.
- (3) Not applicable.
- (4) The standard B-3 general business district landscaping requirements are applicable.
- (5) The standard B-3 general business district outside storage provisions are applicable, which generally prohibit any outside storage.
- (6) This is not considered an accessory building.
- (7) The semi-trailer is of standard size, or about 300 SF.
- (8) The lot area is adequate.
- (9) The standard B-3 parking requirements are applicable, and 8 parking spaces are required for a building of this size.
- (10) Not applicable.
- (11) It will expire when the property changes owner.
- (12) Not applicable.
- (13) Not applicable.
- (14) The standard B-3 general business district maintenance provisions are applicable.
- (15) This should not be injurious to the adjacent area because this trailer has been there for very long time and is not visible from College Drive.

WHEREAS, a public hearing was scheduled for November 13, 2024, to consider the request for Variance and Interim Use Permits and notice of that hearing was published and was mailed pursuant to provisions of Ordinance Sec. 86-47, Sec. 86-29, and further in compliance with Minnesota Statutes;

WHEREAS, the public hearing was held as scheduled and the Planning Commission considered the above information and presentation by staff with a recommendation for the Planning Commission to recommend approval to the Council;

WHEREAS, the Planning Commission has evaluated all applicable considerations and finds and determines that granting requested Variance and Interim Use Permits will not be injurious to the adjacent properties and that all standards for hearing are satisfied.

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Variance Adjustment Permit for a storage unit (semi-trailer) on the property in a B-3 General business district to be located in the front yard be approved as recommended by staff with a condition that all pertinent regulations and standards are conformed with. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes: _____ Nays: _____ Abstained: _____

Passed:

NOW THEREFORE, it is recommended by the Planning Commission to the Marshall City Council that the Interim Use Permit for a storage unit (semi-trailer) on the property in a B-3 General business district be approved as recommended by staff with the following conditions: the semi-trailer shall be painted to match the building and should not have any signage or writing; the semi-trailer shall have current registration tabs; and this interim use permit expires when the property owner is changed. The motion offered by _____ and seconded by _____, and declared carried on the following vote:

Ayes: _____ Nays: _____ Abstained: _____

Passed:

Marshall Planning Commission

By: Cathy Lee
Its: Chair