

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2024-090**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT ALLOWING AN ACCESSORY
STRUCTURE TO DEVIATE FROM THE SIZE REQUIREMENTS OF THE CITY CODE AND A
VARIANCE TO ALLOW A 21-FOOT SETBACK FOR PROPERTY LOCATED AT 12700
PERSIMMON DRIVE (City File 24-37)**

WHEREAS, Damond Clanton (“the applicant”) has requested approval of a conditional use permit and variance for property legally described as follows:

LOT 3, BLOCK 2, JASPER HEIGHTS, CROW WING COUNTY, MINNESOTA.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on November 12, 2024, and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their November 19, 2024 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request for a conditional use permit and variance, subject to the following findings and conditions:

1. The conditional use permit allows for accessory structure to exceed the area requirements of the City Code. Specifically, it allows for the construction of a 780 square foot detached garage and for cumulative accessory structure area to exceed 1,800 square feet. The conditional use permit approves a cumulative total of 1,820 square feet of total accessory structure area to include an existing 1,040 square foot attached garage and a 780 square foot detached garage, in accordance with the application and plans received by the City on September 23, 2024, revised garage plans received by the City on October 9, 2024 and revised site plan received by the City on November 6, 2024, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.
2. The variance allows for a 21-foot setback from the west side lot line when the ordinance requires a minimum of 50 feet in accordance with the application and plans received by the City on September 23, 2024, revised garage plans received by the City on October 9, 2024 and revised site plan received by the City on November 6, 2024, except as may be amended by this resolution, based on the finding that all applicable variance standards have been met.

FURTHER BE IT RESOLVED, that the following conditions of approval shall be met:

1. Building permits shall be required prior to beginning construction.

2. The exterior materials and color of the proposed detached accessory structure shall match the principal structure. This includes both the siding materials and the roofing materials.
3. Permanent ground coverage shall be established around the accessory structure after construction in compliance with section 10-4-8D of the Zoning Ordinance. Specifically, all areas of soil that become exposed during construction that are not otherwise covered with approved surfacing, landscaping, etc. shall be established with vegetative ground cover grown into a minimum of 70% cover over those areas.
4. The overhead doors shall be limited to 9 feet tall in compliance with the City Code.
5. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use.

Whereupon, said Resolution is hereby declared adopted on this 19th day of November 2024.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal