

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2022-063**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND VARIANCE ALLOWING
AN ACCESSORY STRUCTURE TO DEVIATE FROM THE SIZE REQUIREMENTS OF THE
CITY CODE AND A VARIANCE TO ALLOW A 27-FOOT SETBACK FOR PROPERTY
LOCATED AT 12006 SCENIC RIVER DRIVE (City File 22-25)**

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

Lots 5 & 6, Block 1, Mississippi Bluffs, Crow Wing County, Minnesota

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on July 12, 2022, and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 2022 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 1,410 square foot detached garage and for cumulative accessory structure area to exceed 1,800 square feet. The conditional use permit approves 2,640 square feet of total accessory structure area to include a 1,230 square foot attached garage, and a 1,410 square foot detached garage in accordance with the application and plans received by the City on June 3, 2022, 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 27-foot setback from the northeast side lot line when the ordinance requires a minimum of 50 feet.

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

1. Building permits are required prior to beginning construction.
2. Appropriate best management practices for erosion control shall be maintained on site during construction to protect river and adjacent properties from erosion runoff.
3. 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.

4. The low floor elevation shall have at least three feet of vertical separation from periodically saturated soil and from the ordinary high-water mark of the Mississippi River.
5. The accessory structure shall not be used as an accessory dwelling unit.
6. The overhead doors shall be limited to 9 feet tall in compliance with the City Code.
7. 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 July 2022.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal