



## ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 11/14/2023  
Agenda Section: New Business

**TO:** Baxter Planning and Zoning Commission

**FROM:** Matthew Gindele, City Planner

**REQUEST:** **PUBLIC HEARING. Conditional Use Permit** to move a structure onto a vacant lot located on the west side of Lynwood Drive (City file 23-39)

**APPLICANT:** Brandon Dykhuizen  
R-1, Low Density Residential

**ZONING:**

### 1. Application Request

The applicant is requesting a conditional use permit to allow a house from outside Baxter to be moved onto a vacant lot in Baxter on Lynwood Drive.

### 2. Context

#### Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single Family Residential	R-1, Single Family Residential
West	Single Family Residential	R-1, Single Family Residential
South	Single Family Residential	R-1, Single Family Residential
East	Single Family Residential	R-1, Single Family Residential

#### Characteristics of the Site

The subject property has little to no topography and is approximately .69 acres in size. The property is currently undeveloped and is heavily wooded. There are no wetlands or floodplains on the lot and it is not within any shoreland district.

### 3. Analysis of Request

#### Conditional Use Permit

The applicant is proposing to move a house with an attached garage into Baxter on the subject property. The garage is currently attached to the house and the applicant states that the garage would need to be detached from the house for the move. The applicant would like to set the house on a basement foundation and leave the garage detached on its own foundation. The two ends where the garage and house were connected would be closed up and sided with siding to match the rest of the house. The applicant plans on putting in a sliding glass patio door in the house wall that was connected to the garage and a service door and window in the garage wall that was connected to the house. The current location of the overhead garage door would be walled off and re-

located to the north garage elevation in the proposed site plan. The existing structure is sided with aluminum LAP siding and has a faux stone wainscoting all the way around the structure. The plans indicate that the wainscoting would be continued around both structures after they are separated and placed on their separate foundations.

The Code talks about the need for both a conditional use permit and a moving permit in order to move a structure such as this into town. The Code provides application submittal requirements and performance criteria that must be met when reviewing a conditional use permit application to move a structure into Baxter.

#### *Application Submittal Requirements:*

- (i) A detailed description of the building proposed to be moved including dimensions, height to peak/number of stories, year built, type of siding, roofing, windows, number of units, etc.*
- (ii) The construction material of the building, number of rooms, condition of exterior and interior, and photographs showing the following: a) the structure to be moved from at least two (2) different angles, b) the lot on which the structure is to be located, c) adjacent lots and nearest existing structures.*
- (iii) A boundary survey with topographic data prepared by a registered land surveyor or engineer showing the proposed location of the building, proposed grading at one foot (1') contours, scaled drawing showing the front building elevation together with nearest adjacent structures, proposed first floor elevation and finished grade in relation to adjacent structures and grade.*
- (iv) The address of building's origin.*
- (v) The address of building's destination.*
- (vi) The highways, streets, alleys, and other rights of way over, along or across which the building is proposed to be moved.*
- (vii) The proposed moving date and hours. No movement is allowed on federal holidays or holiday weekends.*
- (viii) Proof of a building mover license/bond as issued by the state in conformity with Minnesota statutes section 221.81.*
- (ix) Utilities and government agencies must be notified for the disconnection of cable, telephone, sewer, water, and gas services before a permit will be issued.*
- (x) Building destination within city limits: The structure must be inspected and approved by a city building inspector, a site plan submitted, and building permit issued.*
- (xi) Building destination outside city limits: The foundation must be inspected and a demolition permit issued.*
- (xii) Proof of insurance must be required.*
- (xiii) Any additional information that the city finds necessary to make a fair determination of whether a permit should be issued.*

All of the above information has been provided by the applicant in applicant's narrative attached to the end of this report, except for the specific date, time, and route through Baxter that the structure will be moved. A conditional of approval of the CUP has been added to the draft resolution that the applicant receives a moving permit from the City prior to moving the structure and that the specific date, time and route through Baxter be identified and approved with the moving permit.

#### *Performance Criteria*

- (i) The building to be moved must comply in all respects with the building code and other applicable ordinances. If the existing building does not comply, the person proposing to move the building shall present to the city complete and detailed plans showing changes which will be made in order to attain compliance with said ordinances. In the event that such changes are required, a city moving permit shall not be issued until the owner has agreed in writing to complete the necessary changes within a period of six (6) months, the city has approved the plan, the building permit fee has been paid, the building permit has been issued and a security acceptable to the city equal to the cost of said proposed work as approved by the city has been provided to the city guaranteeing completion of said changes.*

The Baxter building official inspected the subject structure for building code compliance and is recommending that the windows be changed out and replaced with updated windows. A condition has been added the draft approving resolution requiring that a city moving permit shall not be issued until the owner has agreed in writing to complete the necessary changes within a period of six (6) months, the city has approved the plan, the building permit fee has been paid, the building permit has been issued and a security acceptable to the city equal to the cost of said proposed work as approved by the city has been provided to the city guaranteeing completion of said changes.

*(ii) The architecture of the building to be moved must be compatible in nature to the buildings in the immediate area. Architectural elements considered shall include, but are not limited to, siding, roofing, design/style and age.*

Staff finds that the architecture of the structure including the shape, size and design, siding materials, roofing materials and age are all compatible with the structures in the immediate vicinity of where the structure is proposed to be placed. Staff notes that after the garage is separated from the home the two ends that were connected will need to be sided. A condition of approval has been added to the draft resolution that the siding materials used shall match the rest of the house in color and materials. The color shall account for the fade in the existing siding on the structure. If a match cannot be found that can account for the faded color in the existing siding then the entire structure shall be resided or the siding shall all be painted so that it is a consistent color; this includes both the house and the garage.

*(iii) The building to be moved, after being so moved, must be worth at least seventy-five percent (75%) of the cost of a similar new building, as determined by the city.*

Staff finds that with the required improvements the structure is reasonably worth 75% of the cost of the same structure if it were new.

*(iv) Prior to issuance of the moving permit, the city shall remove the water meter. Also, prior to issuance of the moving permit, all sewer and water connections shall be plugged or disconnected at the main or as determined by the city and any known cesspools, septic tanks and cisterns shall be removed and filled with appropriate granular material.*

Staff finds that this requirement pertains to structures being moved off a lot in Baxter as opposed to structures being moved onto a lot. As such, this requirement does not pertain to this application.

### **CUP Standards**

Staff has also reviewed the request against the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

*The City finds that the use would not create an excessive burden on existing parks, schools, streets, and other public facilities because it is a single-family home going into a low density residential neighborhood which the City's parks, schools, streets, and other public facilities have been designed to support..*

- B. Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.

*The City finds that the use is a single-family residential home going into a low density residential neighborhood and is therefore compatible with the adjacent land use. Additionally, the City finds that, with the required updates to the structure, the use will not depreciate adjacent land values and will not deter development of vacant land.*

- C. Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.

*the City finds that, with the required updates to the structure, the use will have an appearance that blends in well with the area and will not have an adverse affect on adjacent properties.*

- D. Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.

*The City finds that the use is related to the overall needs of the City and the existing land use because housing is an integral part of the Baxter community and that the use provides additional housing in the community. The subject property is guided as low-density residential in the City's Future Land Use Map in which single-family homes are a permitted use.*

- E. Consistent With Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.

*The City finds that use is consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use because the use is low-density housing and the zoning district in which it is proposed to be located is low-density residential.*

- F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.

*The City finds that the use would not conflict with the comprehensive plan of the city because it is a single-family home going in a low-density residential zoning district that is guided as low density residential by the City's Comprehensive Plan.*

- G. Traffic: The use will not cause traffic hazard or congestion.

*The City finds that with the conditions in the resolution, the proposed use would not cause a traffic hazard or congestion.*

- H. Facilities: The use shall have adequate utilities, access roads, drainage, and necessary facilities.

*The City finds that the site has adequate utilities, access roads, drainage, and necessary facilities.*

#### **4. Recommendation**

Staff recommends approval of the Conditional Use Permit, subject to the findings and conditions in the draft resolution.

#### **Attachments**

1. Draft Resolution Approving the Conditional Use Permit
2. Site Location Map
3. Applicant Narrative
4. Project Details
5. Structure Photos

6. Proposed Site Plan
7. Structure Elevations
8. Home Drawings
9. Moving Route Map
10. Moving Contractor Information