

RESOLUTION 2026-44

RESOLUTION ADOPTING A 23-FOOT REAR YARD VARIANCE LOCATED AT 901 7TH STREET SW PIPESTONE, MINNESOTA PID# 18.600.0550

WHEREAS, Wade A. Smith and Debra A. Smith (“Applicant”) submitted an application for a variance to the City of Pipestone (“City”) to construct an addition onto a structure on property located at 901 7th Street SW, which is owned by the Applicant and is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the public hearing and notice requirements of Minn. Stat. § 462.358, Subd. 3b have been fulfilled and satisfied by the City; and

WHEREAS, during the public hearing held by the City Board of Adjustments and Appeals on August 27, 2026, no public comments were received as to the Applicant’s request; and no additional conditions were added to the resolution; and

WHEREAS, the written materials, including all exhibits, and applications concerning the Property, and written correspondence from the owner, were considered and reviewed by City Council; and

WHEREAS, the City Board of Adjustments and Appeals and City Council have reviewed the requested variance and found satisfactory, subject to the requirements contained in this Resolution; and

WHEREAS, The Pipestone the Board of Adjustments and Appeals and City Council provided the following findings of fact;

WHEREAS, the Applicant must install a zero step/handicap accessible entry into their home, which is a reasonable use for all single-family homes. As the addition is required to be in the rear of the home based on front yard setbacks and the existing home location requires that the accessory garage becomes part of the principal building with greater rear yard setbacks.

WHEREAS, the existing, corner rectangle lot with the current home and detached garage would not allow for a zero-step accessible entry to their home with a bedroom without the proposed

modification. All other bedrooms are on the second floor and are not accessible. This home modification that cannot be moved based on available “buildable area” within the lot, which would have allowed a smaller setback for the detached garage creates the unique circumstances for the garage’s rear yard setback request.

WHEREAS, as 7th Street (Highway 30) requires a larger front yard setback, all the homes and commercial and institutional buildings along the block are setback further than is typical. This setback reducing the amount of buildable space for all properties, given the setback standards in these zoning districts. Also, nine of the sixteen homes within the block have detached garages. Many of those garages are located very near the rear and side yards. Also, a 25-foot clear vision visibility analysis has been completed showing that the additional will not limit the visibility of the alley or 9th Street. This addition will not alter the essential character of the locality.

WHEREAS, if the addition were to be extended and not connected to the home, only a 1-foot possible variance would be needed. Given that detached garages can be within 3 feet of a property line as directed by City Code, this addition though required to be connected for handicap accessibility, can continue to be generally in harmony with the purposes and intents of the Zoning Ordinance.

WHEREAS, per the Comprehensive Plan’s recommendations for Neighborhood 7, “A strong effort should be made to continue good home maintenance to keep the neighborhood strong and attractive.” Therefore, expansions and remodels that allow Applicants to stay in their homes for necessary items like handicap accessibility is consistent with Comprehensive Plan’s housing recommendation.

WHEREAS, the need for a handicap accessible addition to a home is a reasonable use for an expansion. Due to the location of the home and garage, this expansion triggers additional setback standards that require the variance. This variance request would only be 1-foot if the two buildings could remain separate. The variance request is the minimum needed to alleviate the practical difficulty based on the need for handicap accessibility, which is not driving by economic conditions but rather site limitations and R-2 rear yard setback standards.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, including the application, information presented at the public hearing and the findings and determinations contained herein, the City Council hereby approves and issues a variance subject to all of the following conditions, restrictions, and requirements:

1. Scope of Variance. This variance allows the applicant a variance of 23-feet from the rear building setback as depicted in Exhibit B to construct an addition onto an accessory structure located at 901 7th Street SW and in accordance with the plans and specifications submitted with the variance application, which are incorporated herein by reference. The accessory structures must be constructed and placed in accordance with the conditions imposed on this variance, the requirements of the City Code, and all other applicable regulations.
2. Inspection. The City’s Zoning Administrator shall be granted access upon reasonable notification for reasons of determining compliance will all conditions of this variance and the City Code.

3. Binding Effect. This variance and its conditions must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership of the Property.
4. Acceptance of Conditions. Utilization of the Property pursuant to the variance shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the
5. variance without qualification, reservation, or exception.
6. No Waiver. A failure by the City to take action with respect to any violation of any condition, covenant or term of this variance shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.

Passed and adopted by the City Council of the City of Pipestone this 8th day of September, 2026.

Dan Delaney, Mayor

Date

Megan DeWitte, City Clerk

Date

EXHIBIT A

Legal Description of the Property

Lots Forty-Six, Forty-Seven, and Forty-Eight (46, 47 and 48) in Block One (1), Johnson's Addition to the City of Pipestone, Pipestone County, Minnesota.

EXHIBIT B

Placement and Depiction of Structures

23 ft. Variance Requested – Proposed addition to structure will be 2 feet from the property line.

The Standard Requirement is a 25-foot rear yard setback in a Residential 2 (R-2) District.

