

RESOLUTION 2025-21

RESOLUTION GRANTING A VARIANCE TO CONSTRUCT ACCESSORY STRUCTURES THAT EXCEED THE ALLOWED MAXIMUM HEIGHT ON PROPERTY LOCATED AT 113 8TH AVENUE NE IN THE CITY OF PIPESTONE

WHEREAS, Chandler Feed Company (“Applicant”) submitted an application for a variance to the City of Pipestone (“City”) to construct accessory structures on property located at 113 8th Avenue NE, which is owned by the Applicant and is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the Applicant’s request for a variance seeks to construct/replace accessory structures, including a scale house, receiving bins, a dump building, grain bins, a tower drier and a leg and tower, all of which will be associated with and in support of a business on the Property and which would exceed the maximum accessory structure height for the Property; and

WHEREAS, the proposed placement and a depiction of the accessory structures are set forth in Exhibit B attached hereto; and

WHEREAS, the Applicant also submitted plans and specifications (“Plans”) with regard to the construction of the accessory structures, which are incorporated herein by reference; and

WHEREAS, on February 19, 2025, upon proper and sufficient published notice, notice to affected properties and notice to properties in the area of the Property, the City of Pipestone Board of Appeals and Adjustments held a public hearing regarding the requested variance, considered the information presented, and voted to forward the application to the City Council with a recommendation that the variance be approved; and

WHEREAS, the City Council considered the requested variance at its meeting on March 3, 2025 and finds as follows:

- a. The Property is currently zoned B-3 Highway Business District and is located in the City’s Flood Fringe Overlay District;

- b. The proposed grain bin on the Property is located approximately 5,583 feet northwest of Runway End 18 at the Pipestone Municipal Airport (“Airport”) and is subject to the airport regulations set forth in Section 153.39 of the City Code;
- c. Section 153.13(D)(11) of the City Code provides that the maximum height of accessory buildings in the B-3 Highway Business District is 15 feet;
- d. In accordance with the City Code, notice was provided to the Minnesota Department of Natural Resources (“DNR”) because the Property is located in the Flood Fringe Overlay District;
- e. The DNR confirmed that the proposed use was permitted on the Property, but the proposed structures are required to comply with the nonresidential structure provisions of the City Code;
- f. Section 153.21(F)(2)(b) of the City Code requires the proposed structures be elevated to or above the regulatory flood protection elevation (“RFPE”), either on fill or elevated using alternative methods, or floodproofed;
- g. The Federal Aviation Administration (“FAA”) conducted an aeronautical study of the structures proposed to be constructed on the Property and issued a “Determination of No Hazard to Air Navigation” dated December 26, 2024, a copy of which is attached hereto as Exhibit C;
- h. The FAA found that the proposed structures did not exceed obstruction standards and would not be a hazard to air navigation if certain conditions were met, which have been incorporated into the Plans;
- i. In accordance with Section 153.27 of the City Code and Minnesota Statutes, section 462.357, subd. 6, the Board of Appeals and Adjustments found and determined as follow:
 - (1) The Property cannot yield a reasonable use if permitted to be used only under conditions allowed by the regulations governing the district in which the Property is located. The 15-foot height limitation is restrictive for this particular use in the application zoning districts;
 - (2) The plight of the Applicant and the Owner is due to unique circumstances not normally applicable to land holdings within the same district. The Applicant is replacing and updating structures that were damaged by fire and will be similar in size and height to the structures that previously existed on the site;
 - (3) The proposal is in harmony with the general purpose and intent of the City Code. The structures are replacing existing structures on the Property;

- (4) The proposal is consistent with the City's Comprehensive Plan and will be compatible with present and future land uses of the area. There will be no change to the existing use on the Property, and the structures will not exceed the height of structures currently on the Property;
 - (5) The variance, if granted, will not alter the essential character of the locality. The use of the Property will not be significantly changed to affect the character of the locality;
 - (6) The Applicant and the Owner intend to use the property in a reasonable manner not otherwise permitted in the City Code; and
 - (7) There are unique circumstances to the Property not created by the Applicant or the Owner that creates a practical difficulty;
- j. The City Council considered the relevant factors set forth in Section 153.21(K)(2)(c), and in accordance with Section 153.21(K)(2)(b), the City Council finds and determines as follows:
- (1) There will be no increase in flood levels during the base flood discharge;
 - (2) The Applicant has demonstrated good and sufficient cause for the variance, the failure to grant the variance would result in exceptional hardship to the Applicant and granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - (3) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (4) The variance is consistent with the general purpose of the City Code's floodplain standards and the intent of applicable provisions in state and federal law; and
 - (5) The variance will not permit a lesser degree of flood protection than the RFPE; and
- k. The City Council finds and determines that the criteria for approval of a variance set forth in Section 153.27 of the City Code and Minnesota Statutes, section 462.357, subd. 6 have been met by the proposal.

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 to

construct and replace accessory structures on the Property, subject to all of the following conditions, restrictions, and requirements:

1. Scope of Variance. This variance allows the Applicant to construct and replace the accessory structures on the Property as depicted in Exhibit B 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. Floodplain and Legal Compliance. This variance is subject to the requirements of the City Code, as well as state and federal floodplain regulations, and Applicant is required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances, including, but not limited to, the requirement that the accessory structures be elevated to or above the RFPE, either on fill or elevated using alternative methods, or floodproofed in accordance with Section 153.21(F)(2)(b) of the City Code.
3. FAA and Airport Legal Compliance. This variance is subject to the requirements of the City Code, as well as FAA regulations and the conditions set forth in the FAA's "Determination of No Hazard to Air Navigation" attached hereto as Exhibit C. Applicant is required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances, including, but not limited to, the requirements set forth in Section 153.39 of the City Code.
4. Commencement of Work. If construction in accordance with the plans and specifications submitted with the variance application is not substantially started within two years from the date of the issuance of the variance, the variance shall become void without any further action necessary by the City Council. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete.
5. As-Built. At the completion of construction, the Applicant shall provide as-built drawings of the accessory structures.
6. Setbacks. The accessory structures shall comply with all additional setback requirements for the B-3 Highway Business District.
7. Inspection. The City's Zoning Administrator shall be granted access upon reasonable notification for reasons of determining compliance with all conditions of this variance and the City Code.
8. 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.

9. 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 variance without qualification, reservation, or exception.
10. 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 17th day of March, 2025.

Dan Delaney
Mayor

ATTEST:

Deb Nelson
City Administrator

EXHIBIT A

Legal Description of the Property

Lots 1 and 2 of Block 2 of Crawford's Addition to the City of Pipestone, Pipestone County, Minnesota,

TOGETHER WITH

All of Block 2 of Blom Addition to the City of Pipestone, and the Southwest Fractional Quarter and the Southwest Quarter of the Southeast Quarter of Section 7, Township 106 North, Range 45 West, Pipestone County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 7;

thence on an assumed bearing of North 89 degrees 22 minutes 55 seconds East, along the north line of Government Lot 3 of said Section 7, a distance of 775.09 feet;

thence South 0 degrees 37 minutes 02 seconds East, a distance of 125.62 feet to the Southeast corner of Lot 1, Block 2 of Crawford's Addition to the City of Pipestone, according to the recorded plat thereof, said southeast corner being the point of beginning of the tract to be described;

thence southeasterly, along the northeasterly right of way line of the former Chicago, Rock Island and Pacific Railroad, along a non-tangential curve, concave to the southwest, having a radius of 1960.08 feet, a central angle of 0 degrees 56 minutes 55 seconds, a chord bearing of South 34 degrees 29 minutes 45 seconds East, a chord distance of 32.45 feet, an arc distance of 32.45 feet to an iron monument located on the northeasterly right of way line of the former Chicago, Milwaukee and St. Paul Railroad;

thence southeasterly, along said northeasterly right of way line, along a non-tangential curve, concave to the southwest, having a radius of 5779.81 feet, a central angle of 8 degrees 53 minutes 27 seconds, a chord bearing of South 59 degrees 19 minutes 10 seconds East, a chord distance of 895.97 feet, an arc distance of 896.87 feet to an iron monument;

thence South 54 degrees 52 minutes 08 seconds East, along said northeasterly right of way line, a distance of 3484.43 feet to the south line of said section;

thence South 89 degrees 26 minutes 41 seconds West, along said south line, a distance of 171.43 feet to the southwesterly right of way line of said former railroad;

thence North 54 degrees 52 minutes 08 seconds West, along said southwesterly right of way line, a distance of 2340.58 feet to an iron monument;

thence South 79 degrees 42 minutes 09 seconds West a distance of 900.60 feet to the northeast corner of a tract as recorded in Document No. 221118;

thence South 62 degrees 55 minutes 36 seconds West, along the north line of said tract, a distance of 100.01 feet to the northwest corner of said tract;

thence North 26 degrees 10 minutes 17 seconds West, along the southwesterly right of way line of the former Chicago, Rock Island and Pacific Railroad, a distance of 1168.79 feet to an iron monument;

thence northwesterly, along said southwesterly right of way line, along a tangential curve concave to the southwest, having a radius of 1860.08 feet, a central angle of 2 degrees 06 minutes 57 seconds, a chord bearing of North 27 degrees 17 minutes 24 seconds West, a chord distance of 68.68 feet, an arc distance of 68.69 feet to an iron monument;

thence South 89 degrees 53 minutes 43 seconds West a distance of 54.68 feet to the northeast corner of Block 2 of said Blom Addition;

thence South 0 degrees 00 minutes 43 seconds West, along the east line of said Block 2, a distance of 125 .00 feet to the southeast corner of said Block 2;

thence South 89 degrees 54 minutes 59 seconds West, along the south line of said Block 2, a distance of 300.00 feet to the southwest corner of said Block 2;

thence North 0 degrees 05 minutes 35 seconds West, along the west line of said Block 2, a distance of 125.00 feet to the northwest corner of said Block 2;

thence South 89 degrees 21 minutes 11 seconds West a distance of 2.11 feet to the southeast corner of Lot 2 of Block one of said Crawford's Addition;

thence North 0 degrees 15 minutes 27 seconds West, along the east line of said Lot 2 and the east line of Lot 6 of Block 2 of said Crawford's Addition, a distance of 241.98 feet to the Northeast corner of said Lot 6 of Block 2 of Crawford's Addition;

thence North 89 degrees 22 minutes 55 seconds East, along the south line of said Lot 1 of Block 2 of Crawford's Addition, a distance of 46.24 feet to a bending point on said south line;

thence Southeasterly, along said south line, along a non-tangential curve, concave to the southwest, having a radius of 5679.65 feet, a central angle of 0 degrees 04 minutes 19 seconds, a chord bearing of South 66 degrees 33 minutes 35 seconds East, a chord distance of 7.12 feet, an arc distance of 7.12 feet to a bending point on said south line;

thence North 89 degrees 44 minutes 33 seconds East, along said south line, a distance of 274.50 feet to the point of beginning.

Said above described tract together with Lots 1 and 2 of Block 2 of said Crawford's Addition contains 34.38 acres, subject to easements now of record in said county and state.

EXCEPTING THEREFROM

That part of Government Lot 3 of Section 7, Township 106 North, Range 45 West, Pipestone County, Minnesota, described as follows:

Commencing at the South Quarter corner of said Section 7;

thence on an assumed bearing of South 89 degrees 29 minutes 41 seconds West, along the south line of said section, a distance of 1202.97 feet to the northeasterly right of way line of the former Chicago, Rock Island and Pacific Railroad;

thence North 26 degrees 10 minutes 17 seconds West, along said northeasterly right of way line, a distance of 1285.51 feet to the northeast corner of a tract as recorded in Document No. 221118;

thence continuing North 26 degrees 10 minutes 17 seconds West, along said northeasterly right of way line, a distance of 856.57 feet to the northwest corner of a tract as recorded in Document No. 221116, said northwest corner being the point of beginning of the tract to be described;

thence continuing North 26 degrees 10 minutes 17 seconds West, along said northeasterly right of way line, a distance of 310.75 feet to an iron monument;

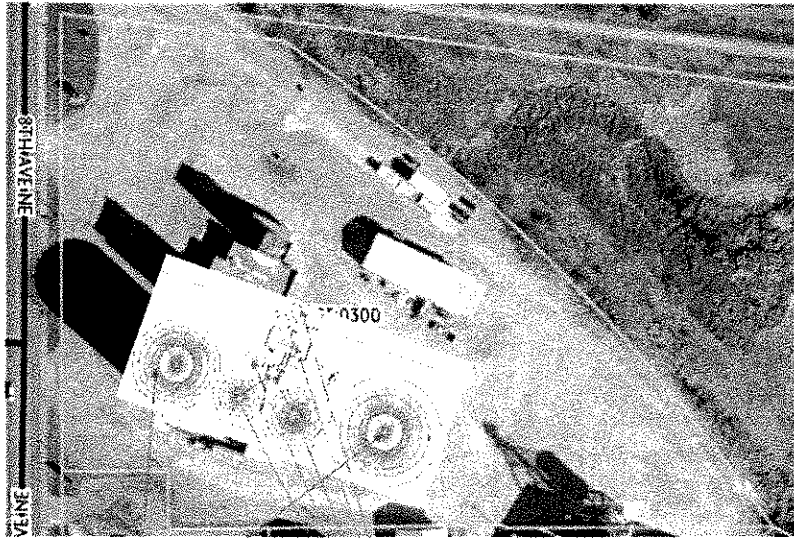
thence Northwesterly, along said northeasterly right of way line, along a tangential curve, concave to the southwest, having a radius of 1960.08 feet, a central angle of 2 degrees 14 minutes 08 seconds, a chord bearing of North 27 degrees 20 minutes 59 seconds West, a chord distance of 76.47 feet, an arc distance of 76.48 feet to an iron monument located at its intersection with the southwesterly right of way line of the former Chicago, Milwaukee and St. Paul Railroad;

thence Southeasterly, along said southwesterly right of way line, along a non-tangential curve, concave to the southwest, having a radius of 5679.81 feet, a central angle of 6 degrees 43 minutes 42 seconds, a chord bearing of South 58 degrees 46 minutes 40 seconds East, a chord distance of 666.59 feet, an arc distance of 666.98 feet to the easterly extension of the centerline of 2nd Street Southeast;

thence South 89 degrees 48 minutes 54 seconds West, along said easterly extension, a distance of 397.85 feet to the point of beginning, containing 1.68 acres, subject to easements now of record in said county and state.

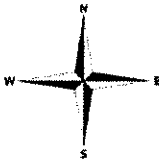
EXHIBIT B
Placement and Depiction of Structures

Redevelopment Proposal by Chandler Feed



Existing Bins will remain in place

Newly Proposed Bins and Infrastructure



Currently



Proposed

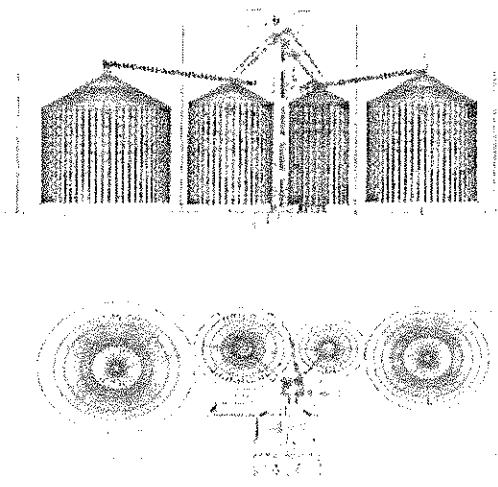


EXHIBIT C
FAA Determination of No Hazard to Air Navigation

(attached hereto)

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-AGL-15766-OE

Issued Date: 12/26/2024

Derek Krosschell
Chandler Feed Company
741 Valley Road
Chandler, MN 56122

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Grain Elevator Grain Legs and Support Tower
Location:	Pipestone, MN
Latitude:	44-00-04.94N NAD 83
Longitude:	96-18-23.54W
Heights:	1720 feet site elevation (SE) 162 feet above ground level (AGL) 1882 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M Change 1, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Any height exceeding 162 feet above ground level (1882 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 06/26/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-4848, or Brian.Oliver@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-AGL-15766-OE.

Signature Control No: 639153800-642739601
Brian Oliver
Specialist

(DNE)

Attachment(s)
Additional Information
Map(s)

Additional information for ASN 2024-AGL-15766-OE

A full list of acronyms and abbreviations is available at the FAA's public website at https://oeaaa.faa.gov/oeaaa/downloads/external/content/FAA_Acronyms.pdf

Part 77 - Title 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Our study has disclosed that the proposed grain bin and associated legs located approximately 5,583 feet northwest of Runway End 18 at Pipestone Municipal Airport (PQN), Pipestone, MN.

At the proposed height, the structure will penetrate protected airport surfaces:

1. 77.17 (a)(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

At 1890 AMSL, 4D, PIPESTONE MUNI (PQN) PIPESTONE, MN. RNAV (GPS) RWY 18, AMDT 1C, increase LNAV/VNAV DA from 2034 to 2090, NEH 1882 AMSL, with a certified 1A survey, 2034 to 2040, NEH 1884 AMSL. Exceeds by 6 feet.

LNAV MDA from 2180 to 2200, NEH 1882 AMSL. Exceeds by 8 feet.

With a certified 2C survey, No IFR Effect.

Increase CAT A Circling MDA from 2200 to 2240, NEH 1882 AMSL. Exceeds by 8 feet.

With a certified 2C survey, No IFR Effect.

/// RNAV (GPS) RWY 36, AMDT 2, increase CAT A Circling MDA from 2200 to 2240, NEH 1882 AMSL. Exceeds by 8 feet.

With a certified 2C survey, No IFR Effect.

*Part 77 obstruction standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study. This study is conducted in order to determine if the proposal would have a significant adverse effect on aeronautical operations and airspace. While part 77 obstruction standards may trigger formal aeronautical study, including public circularization, these obstruction standards do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds certain obstruction standards of part 77 is in itself not sufficient grounds for issuance of a determination of hazard to air navigation.

Verified Map for ASN 2024-AGL-15766-OE

