

RESOLUTION 2025-47

RESOLUTION GRANTING A VARIANCE TO CONSTRUCT AN ACCESSORY STRUCTURE THAT EXCEEDS THE APPLICABLE HEIGHT LIMITATION AT 413 2<sup>ND</sup> STREET NE IN THE CITY OF PIPESTONE

**WHEREAS**, the City of Pipestone (“Applicant”) submitted an application for a variance to the City of Pipestone (“City”) to construct a cold storage accessory structure on property located at 413 2<sup>nd</sup> Street NE (PID 18.112.4400), 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 a cold storage accessory structure on the Property, which will be utilized by the City Public Works Department, that exceeds the height limitation for accessory structures on the Property; and

**WHEREAS**, the proposed cold storage accessory structure, with dimensions, is depicted as set forth in Exhibit B attached hereto; and

**WHEREAS**, on July 15, 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 August 4, 2025 and finds as follows:

- a. The Property is currently zoned B-3 Highway Business District;
- b. Section 153.13(D)(11) of the City Code limits the height of accessory structures in the B-3 Highway Business District to 15 feet;
- c. The City, and its Public Works Departments, seeks to construct a cold storage accessory structure on the Property with a height of approximately 27 feet.

- d. 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 City's Public Works Department would be unable to store large equipment in an accessory structure limited to a height of 15 feet;
  - (2) The plight of the Applicant is due to unique circumstances not normally applicable to land holdings within the same district. The Property is located in a business zoning district, and the City's reasonable use requires a commercial size accessory structure to accommodate large equipment;
  - (3) The proposal is in harmony with the general purpose and intent of the City Code. The proposed accessory structure is similar in height to other structures in the area;
  - (4) The proposal is consistent with the City's Comprehensive Plan and will be compatible with present and future land uses of the area. The proposed accessory structure is located in a business district with similar uses and structures in the area and is consistent with the City's Comprehensive Plan;
  - (5) The variance, if granted, will not alter the essential character of the locality. The proposed accessory structure will be used in a similar fashion to other structures in the area, and it is similar in height to other structures in the area;
  - (6) The Applicant intends to use the property in a reasonable manner not permitted in the City Code; and
  - (7) There are unique circumstances to the Property not created by the Applicant that creates a practical difficulty.
- d. The City Council additionally 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 an accessory structure on the Property, which exceeds the height limitation for accessory structures in the B-3 Highway Business District, subject to all of the following conditions, restrictions, and requirements:

1. Scope of Variance. This variance allows the Applicant to construct an accessory structure on the Property as depicted in Exhibit B and in accordance with the plans and specifications submitted with the variance application, which is incorporated herein by reference. The accessory structure 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. 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. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete.
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. Legal Compliance. This variance is subject to the requirements of the City Code and the 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.
5. 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.
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 4<sup>th</sup> day of August 2025.

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Dan Delaney  
Mayor

ATTEST:

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Stephanie LaBrune  
Assistant City Administrator/City Clerk

## **EXHIBIT A**

### Legal Description of the Property

Commencing at a point four hundred seventy six and one half (476 ½) feet east of the southeast corner of Block fourteen (14) of the Original Plat of Pipestone City, Minnesota, according to the plat thereof now on file in the office of the Register of Deeds of said Pipestone County and State of Minnesota; thence easterly on the south line of Centennial Street to the west line of the right of way of the Great Northern Railway right of way as now located; thence in a northeasterly direction along the west line of the right of way of the Chicago, Milwaukee, and St. Paul Railway as now located; thence westerly along the south line of said right of way to a point directly north of the point of beginning; thence south to the north line of Centennial Street to point of beginning.

**EXHIBIT B**  
Cold Storage Structure Depiction and Dimensions

