

## RESOLUTION 2025-34

### RESOLUTION GRANTING A VARIANCE TO CONSTRUCT AN ACCESSORY STRUCTURE WITHIN A SETBACK AND THAT EXCEEDS THE ALLOWED HEIGHT AT 600 4<sup>TH</sup> STREET NW IN THE CITY OF PIPESTONE

**WHEREAS**, the Pipestone County Highway Department, on behalf of Pipestone County (“Applicant”) submitted an application for a variance to the City of Pipestone (“City”) to construct an accessory structure within an applicable setback and that exceeds the applicable height limitation for accessory structures on property located at 600 4<sup>th</sup> Street NW (PID 18.112.1000), which is owned by Pipestone County (“Owner”) and is legally described on the attached Exhibit A (“Property”); and

**WHEREAS**, the Applicant and Owner’s request for a variance to construct a 70 foot x 144 foot accessory structure 15.13 feet from an adjacent residential zoning district boundary, which is within the 75 foot setback. The structure will be used to store equipment and low levels of hazardous materials. The structure will also have a bathroom and include a wash bay for equipment and a sign shop operation; and

**WHEREAS**, the Applicant and Owner’s application also seeks a variance to construct an accessory structure with a height of 28 feet, which exceeds the height limitation for accessory structures on the Property; and

**WHEREAS**, the proposed placement of the accessory structure is set forth in Exhibit B attached hereto; and

**WHEREAS**, on May 13, 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 June 2, 2025 and finds as follows:

- a. The Property is currently zoned I-1 Light Industrial District;

- b. Section 153.15 (D)(10) of the City Code requires a setback from a residential (R) district of 75 feet;
- c. The Applicant and Owner propose to construct a 70 foot x 144 foot accessory structure on the Property located 15.13 feet from an adjacent residential zoning district boundary;
- d. Section 153.15 (D)(12) of the City Code limits the height of accessory structures to 25 feet;
- e. The Applicant and Owner propose to construct an accessory structure on the Property with a height of 28 feet;
- f. 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 location of the accessory structure on the Property would align with an existing structure and is the most reasonable location for the structure;
  - (2) The plight of the Owner is due to unique circumstances not normally applicable to land holdings within the same district. The Applicant is a department of a governmental entity with a significant amount of equipment necessary to carry out its functions, and the accessory structure is necessary;
  - (3) The proposal is in harmony with the general purpose and intent of the City Code. The Property is located in a mixed use 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 Property is located in a mixed use area;
  - (5) The variance, if granted, will not alter the essential character of the locality. The accessory structure will align with the existing structure on, and use of, the Property, with the addition of drain tile for drainage purposes;
  - (6) The Owner intends to use the property in a reasonable manner not permitted in the City Code. The use of the accessory structure will align with the existing structure on the Property; and
  - (7) There are unique circumstances to the Property not created by the Owner 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 within the applicable setback and to a height that exceeds the applicable height limitation, subject to all of the following conditions, restrictions, and requirements:

1. Scope of Variance. This variance allows the Owner to install an accessory structure on the Property as depicted in Exhibit B, subject to and amended by additional conditions in this variance, 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. Location of Accessory Structure. The south elevation of the accessory structure to be constructed on the Property shall align with the south elevation of the existing structure on the Property.
4. Drainage Facilities. The Owner shall install drain tile that connects with the storm sewer on 8<sup>th</sup> Avenue NW.
5. 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.
6. Legal Compliance. This variance is subject to the requirements of the City Code and the Owner 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.
7. 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.
8. 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 2<sup>nd</sup> day of June 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

All of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad right of way located in Section 12, Township 106 North, Range 46 West of the 5<sup>th</sup> P.M. Pipestone County, Minnesota lying West of the West line and Northerly extension thereof of 5<sup>th</sup> Ave. NW in the City of Pipestone, Pipestone County, Minnesota and running Westerly to the West line of said Section 12.

Retaining in Grantor City a perpetual easement for utility purposes over the South 30 feet of the North 40 feet of the property.

**EXHIBIT B**  
Accessory Structure



Proposed 70' X 144'  
Accessory Structure  
Outlined in orange.

