

## **RESOLUTION 2025-24**

### **RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE PLACEMENT OF AN ACCESSORY STRUCTURE AT 711 3<sup>RD</sup> AVENUE SW IN THE CITY OF PIPESTONE**

**WHEREAS**, Randy L. Allen and Twyla M. Allen (collectively, the “Owner”) submitted an application for a conditional use permit (“CUP”) to place an accessory structure on property located in the City of Pipestone (“City”) at 711 3<sup>rd</sup> Avenue SW in the plat of Hillside Addition (PID 18.540.0380), which is owned by the Owners, subject to a life estate and future ownership of Tammy Rabb and Shari Schumann, and is legally described on the attached Exhibit A (“Property”); and

**WHEREAS**, the Owner’s request for a CUP seeks to move a prefabricated, 12-foot x 24-foot accessory structure, with a 12-inch gravel base, onto the Property and that upon approval of the CUP, the Owner would remove an existing 8-foot shed on the Property (“Project”); and

**WHEREAS**, on March 12, 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 Planning Commission held a public hearing regarding the requested CUP, considered the information presented, and voted to forward the application to the City Council with a recommendation that the CUP be approved, on the condition that the installation of the structure follow all manufacturing requirements and building code regulations; and

**WHEREAS**, the City Council considered the requested CUP at its meeting on April 7, 2025 and finds as follows:

- a. The Property is currently zoned R-1, Single-Family Residential;
- b. The Property includes an existing storage shed and detached garage, and the Owner proposes to move a prefabricated, 12-foot x 24-foot accessory structure, with a 12-inch gravel base, onto the Property and that upon approval of the CUP, the Owner would remove an existing storage shed on the Property;

- c. Under Section 153.23(K) of the City Code, “In addition to a garage, not more than one accessory building or structure may be permitted on any single parcel, except by conditional use permit.”;
- d. The Owner’s application included plans for, and depiction of, the proposed prefabricated accessory structure and its placement on the Property, a copy of which is attached hereto as Exhibit B;
- e. The proposed location of the accessory structure is on the southeast portion of the Property, as depicted in Exhibit B;
- f. In accordance with Sections 153.26(B) of the City Code, the Planning Commission found and determined as follows:
  - (1) The proposed use is not in conflict with the City’s Comprehensive Plan as the accessory structure will not change the character of the neighborhood;
  - (2) The proposed use is not in conflict with the district plan for the area as the accessory structure fits in with the are and is under the square footage required by the City Code;
  - (3) The proposed use is not in conflict with the stated intent of the zoning district in which it is to be located as the accessory structure will clean up the Property and fits in with the neighborhood;
  - (4) The proposed use will not unreasonably harm the public health, safety, and welfare and will not create a nuisance or unreasonable congestion injurious to nearby properties as the Project meets all setback requirements;
  - (5) The proposed use does not interfere with the creation of a beneficial environment within its own property boundaries and on adjoining properties as the Project meets the applicable setback requirements;
  - (6) The proposed use will not interfere with the provision of a reasonable economic benefit to the community as the Project meets the applicable setback requirements;
  - (7) The provisions for interrelationship between the proposed development and contiguous and noncontiguous adjacent properties will not adversely affect pedestrian and vehicular movement and will not adversely affect the buffering of service facilities and parking areas; and
- k. The City Council additionally finds and determines that the criteria for approval of a conditional use permit set forth in Sections 153.26(B) of the City Code 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 conditional use permit to place the accessory structure on the Property subject to all of the following conditions, restrictions, and requirements:

1. Scope of Use. This CUP allows the Owner move a prefabricated, 12-foot x 24-foot accessory structure, upon a 12-inch gravel base, onto the Property in accordance with the plans submitted with the Owner's application and approved by the City. The accessory structure must be placed in accordance with the conditions imposed on this CUP, the requirements of the City Code, and all other applicable regulations, including manufacturing requirements and applicable building codes.
2. Setbacks. The garage shall comply with setback requirements for the R-1 Single-Family Residential zoning district.
3. Removal of Exhibit Accessory Structure. Prior to the placement of the prefabricated accessory structure on the Property, the Owner shall remove the existing 8-foot storage shed on the Property.
4. As-Built. At the completion of construction, the Owner shall provide an as-built drawings of the garage.
5. Permits. The Owner shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances and shall obtain any additional permits or permissions that may be required for the Project. Construction may not begin unless all required permits are obtained and copies provided to the City.
6. Inspection. The City's Zoning Administrator shall be granted access upon reasonable notification for reasons of determining compliance with all conditions of this CUP and the City Code.
7. Amended Permit. Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this permit, shall not be permitted unless an amended CUP is obtained from the City.
8. Revocation. The violation of any term or condition of this CUP, including but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the revocation of this CUP. The Applicant shall be given written notice of any violation, a hearing before the City Council, and reasonable time (not less than 30 days) to cure the violation before a revocation of this CUP may occur.
9. Binding Effect. This CUP and its conditions are binding on the parties, their successors and assigns, and shall run with the Property until the CUP is terminated or revoked as provided herein.

10. Legal Compliance. This CUP is subject to the requirements of the City Code and the Owners are 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.
11. Acceptance of Conditions. Utilization of the Property for the use allowed by this CUP shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the CUP without qualification, reservation, or exception.
12. No Waiver. A failure by the City to take action with respect to any violation of any condition, covenant or term of this CUP 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 7<sup>th</sup> day of April, 2025.

---

Dan Delaney  
Mayor

ATTEST:

---

Deb Nelson  
City Administrator

**EXHIBIT A**  
Legal Description of the Property

Lot Thirteen (13), Block Two (2), Hillside Addition to the City of Pipestone, County of Pipestone, State of Minnesota; RESERVING, HOWEVER, A LIFE ESTATE TO GRANTORS AND THE SURVIVOR OF THEM.

## EXHIBIT B

### Plan and Depiction of Accessory Structure

