

**CITY OF HAMBURG, MINNESOTA
RESOLUTION NUMBER 2017-06**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR GENE STIER,
270 RAILROAD STREET, FOR AN ACCESSORY STRUCTURE ON THE PROPERTY
EXCEEDING ONE THOUSAND (1,000) SQUARE FEET IN AREA**

WHEREAS, Gene Stier, 270 Railroad Street, has submitted an application to the City of Hamburg for a Conditional Use Permit (CUP) to construct a 30 feet by 40 feet accessory structure; and

WHEREAS, 270 Railroad Street is zoned R-1 Single Family Residential according to the City of Hamburg Official Zoning Map and guided for Low Density Residential according to the 2030 Land Use map of the City of Hamburg 2030 Comprehensive Plan; and

WHEREAS, Minnesota Statutes, Section 462.3595, establishes the authority of the City of Hamburg to establish standards, requirements and procedures to review and approve conditional uses; and

WHEREAS, the Hamburg Zoning Ordinance, Chapter 160A, Section E, Subdivision 4, Subpart C requires a conditional use permit to be issued by the City for “Accessory structures other than garages and typically associated with single family residential uses that require a building permit and exceeds one-thousand (1,000) sq. ft. of aggregate area of all accessory structures or an accessory structure that exceeds fifteen (15) feet in height”, and

WHEREAS, the Hamburg Zoning Ordinance, Chapter 160A, Section F, Subdivision 2 establishes the findings and standards for the review of all conditional uses; and Subdivision 4, Subpart A of the same section establishes the conditions to construct an accessory structure greater than one thousand (1,000) square feet in area; and

WHEREAS, the Hamburg Zoning Ordinance, Chapter 160A, Section C, Subdivision 6 establishes the procedures for conditional uses and these provisions are incorporated here by reference; and

WHEREAS, on September 26, 2017, the City Council, acting as the Planning Commission, of the City of Hamburg held a public hearing and considered the application for the CUP to construct an accessory structure greater than one thousand (1,000) square feet at 270 Railroad Street; and

WHEREAS, based upon the review of the Hamburg Zoning Ordinance and the comments received at the public hearing held on September 26, 2017, the Planning Commission finds that the proposed application and supporting information for the CUP to construct an accessory structure greater than one thousand (1,000) square feet at 270 Railroad Street meets the requirements of the Hamburg Zoning Ordinance, Chapter 160A, Section F, Subdivision 2, and Subdivision 4 Subpart A, in accordance with the following Findings:


1. All of the standards contained in this subdivision and the standards of this ordinance will be met,

2. The use is consistent with goals and policies of the Comprehensive Plan,
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements,
4. The use will not negatively impact the use and enjoyment of other properties and uses in the immediate vicinity,
5. The use will not impede planned development and improvement of the property, including the provision of municipal utilities, stormwater drainage, roadways and access; or the planned development of surrounding properties in accordance with the Comprehensive Plan and the standards of this ordinance, and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

THEREFORE, BE IT RESOLVED, the City Council hereby approves the CUP for Gene Stier to construct an accessory structure not exceeding twelve hundred (1,200) square feet at 270 Railroad Street, subject to the following conditions:

1. The side yard setback shall be a minimum of five (5) feet and the rear yard setback shall be a minimum of twenty (20) feet.
2. No additional curb cuts shall be permitted.
3. The structure shall not be used for commercial activities.
4. The exterior materials of the structure shall be consistent with the exterior materials of the principal structure on the property.
5. The conditional use permit must be recorded on the property, as required by law, by the applicant and evidence of its recording be submitted to the City of Hamburg.

I CERTIFY THAT the above resolution was adopted by the City Council of Hamburg, Carver County, Minnesota this 26th day of September, 2017.



Chris Lund, Mayor

ATTEST:



Jeremy Gruenhagen, City Clerk/Treasurer

