

RESOLUTION NO: 22-29

TOWN OF BALDWIN
COUNTY OF SHERBURN, MINNESOTA

APPROVAL OF A VARIANCE FOR
28519 127TH STREET

WHEREAS, Michelle Grant (the “owner”) has submitted application for a setback variance for installation of a Subsurface Sewage Treatment System (SSTS) on the property identified as 01- 028-3317; and

WHEREAS, the application for variance approval is being processed in accordance with Section XX-6-4 of the Zoning Ordinance; and

WHEREAS, the Town Board must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

A. That the variance would be consistent with the comprehensive plan.

Finding: The continuation of the existing residential use upon the legal non-conforming lot is consistent with the Comprehensive plan.

B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed SSTS is to located to provide the greatest separation between the SSTS and Cantlin Lake in compliance with other applicable setback requirements.

C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was established as a lot of record prior to adoption of the current lot and setback requirements applicable to the installation of an SSTS.

D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is to the legal non-conforming area, width, and depth of the property that make it not possible to comply with the setback requirement for an SSTS from Cantlin Lake and not economic consideration.

E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties to the north and south of the subject site are similar in dimension to the subject site and developed with single family dwellings utilizing SSTS for sewage treatment. Approval of the variance will not alter the character of the area in which the subject site is located.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of the SSTS is setback the greatest distance possible from the OHWL of Cantlin Lake while complying with other applicable setback requirements.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the SSTS is setback the greatest distance possible from the OHWL to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not a use variance.

WHEREAS, the Planning Report dated 17 August 2022 prepared by the Town Planner, The Planning Company, LLC, is incorporated herein by reference; and

WHEREAS, the Planning Commission conducted a public hearing at their regular meeting on 24 August 2022 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission recommended by a 7-0 vote that the Town Board approve the request.

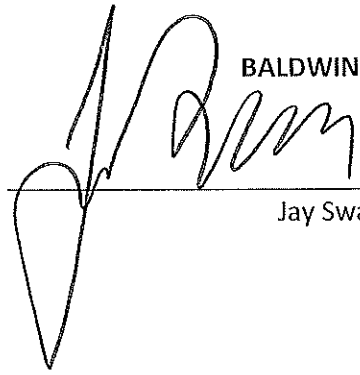
WHEREAS, the Town Board considered the application at their meeting on 19 September 2022.

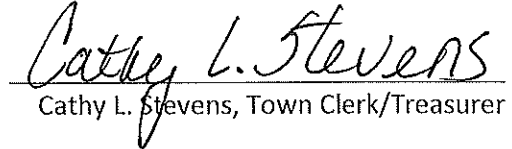
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BALDWIN TOWNSHIP, MINNESOTA THAT the variance is hereby approved, subject to the following stipulations:

1. The proposed STSS shall be setback a minimum of 10 feet from the 127th Street right-of-way line.
2. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.

ADOPTED by the Town Board of Supervisors of Baldwin Township this 19th day of September, 2022.

MOTION BY: Lawrence
SECONDED BY: Hudson
IN FAVOR: Rush, Swanson, Lawrence, Case, Hudson
OPPOSED: None.


BALDWIN TOWNSHIP
Jay Swanson, Chair

ATTEST:

Cathy L. Stevens, Town Clerk/Treasurer