

RESOLUTION NO: 22-31

TOWN OF BALDWIN  
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A CONDITIONAL USE PERMIT FOR  
LOTS 8-10, BLOCK 6, BIRCH ACRES

**WHEREAS**, Rasmussen Construction, Inc. (the “developer”) has submitted application for a conditional use permit in accordance with Section XX-15-3.B to allow construction of single family dwelling on the legal non-conforming lot of record identified as Lots 11-13, Block 7 Elk Lake Estates; and

**WHEREAS**, the application for variance approval is be processed in accordance with Section XX-4-5 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-4-2 of the Zoning Ordinance:

- A. The proposed action's consistency with the specific policies and provisions of the town comprehensive plan.

*Finding: The subject site is guided for development of rural residential uses. Construction of a single family dwelling upon the property subject to the criteria and performance standards of the Zoning Ordinance for non-conforming lots is consistent with the Comprehensive Plan.*

- B. The proposed use's compatibility with present and future land uses of the area.

*Finding. The property is a legal non-conforming lot Birch Acre subdivision platted in 1955 that has developed with single family dwellings, upon single or combined lots, which the proposed single family dwelling will be compatible with.*

- C. The proposed use’s potential 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: Construction of a single family dwelling upon the legal non-conforming platted lot will not cause a negative impact to natural resources, ecologically sensitive areas, or historically significant areas.*

- D. The proposed use's conformity with all performance standards contained within the Zoning Ordinance and other Town ordinances.

*Finding: The proposed single family dwelling will comply with all requirements of the Zoning Ordinance and other Town Ordinances, unless a variance is approved for specific exceptions.*

- E. Traffic generation of the proposed use in relation to capabilities of roads serving the property.

*Finding: The property is a legal lot of record accessed by existing improved town roads that have adequate capacity to accommodate construction of a single family dwelling upon the property.*

- F. The proposed use can be accommodated by existing public services and facilities and will not overburden the town's service capacity.

*Finding: The property is a legal lot of record that can be served by existing facilities and services of the Town.*

**WHEREAS**, the Planning Report dated 22 September 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 28 September 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 3-0 vote that the Town Board approve the request.

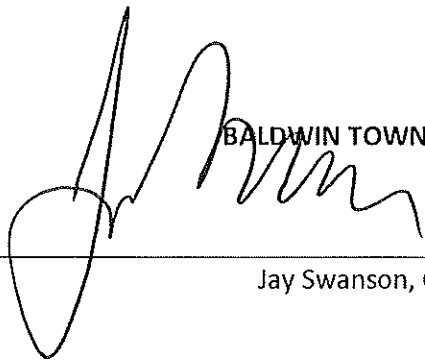
**WHEREAS**, the Town Board considered the application at their meeting on 3 October 2022.

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

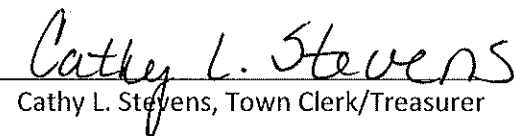
1. The existing lots of record shall be combined as a single lot in accordance with Chapter 5 of the Subdivision Ordinance.
2. The developer shall submit a Certificate of Survey for the proposed lot with application for a building permit illustrating proposed setbacks and impervious surface.
3. Impervious surfaces within the lot shall be limited to 25 percent of the lot area.
4. The proposed single family dwelling shall provide a minimum 25 foot setback to the rear lot line.

**ADOPTED** by the Town Board of Supervisors of Baldwin Township this 3<sup>rd</sup> day of October, 2022.

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

  
BALDWIN TOWNSHIP  
\_\_\_\_\_  
Jay Swanson, Chair

ATTEST:

  
\_\_\_\_\_  
Cathy L. Stevens, Town Clerk/Treasurer