

RESOLUTION NO: 22-32

TOWN OF BALDWIN
COUNTY OF SHERBURN, MINNESOTA

APPROVAL OF A VARIANCE FOR
LOTS 8-10, BLOCK 6, BIRCH ACRES

WHEREAS, Rasmussen Construction, Inc. (the “developer”) has submitted application for setback variances to allow construction of single family dwelling on the property 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-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 reduction in setback is necessary to allow construction of a single family dwelling upon the existing lots platted in 1955 for development of rural residential land uses 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 development of a single family dwelling upon the property is consistent with existing development of individual or combined lots within the Birch Acres plat.

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

Finding: The imposition of current setback requirements on property platted in 1955 leaves the lot with an inability to locate a single family dwelling upon the property in compliance with these setback requirements.

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

Finding: The need for variance based on 90 foot depth of the property in relationship to current setback requirements precluding construction of a single family dwelling upon the lot in compliance with setback requirements.

- 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 within the Birch Acres plat are of dimensions been developed with single family dwellings upon individual and combined lots. A such, approval of the variance will not alter the character of the area in which the property is located.

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

Finding: The proposed reduction of the front setback requirement applicable to the property is the minimum action necessary to accommodate construction of a single family dwelling.

- 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 variance will not impact sensitive 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 related to the proposed use of the property as single family dwellings are a permitted use.

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:

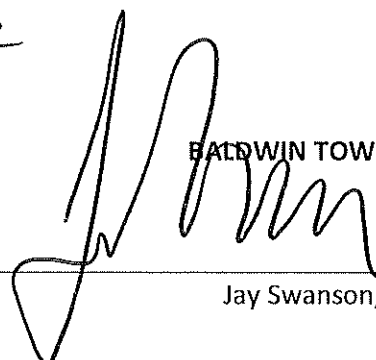
1. The existing lots of record shall be combined as a single lot in accordance with Chapter 5 of the Subdivision Ordinance.

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 3rd day of October, 2022.

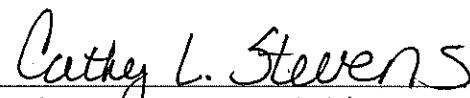
MOTION BY: Rush
SECONDED BY: Case
IN FAVOR: Swanson, Rush, Lawrence, Case
OPPOSED: None

BALDWIN TOWNSHIP



Jay Swanson, Chair

ATTEST:


Cathy L. Stevens, Town Clerk/Treasurer