

RESOLUTION NO: 22-33

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE FOR
28641 143rd STREET

WHEREAS, Teresa Barnes (the “owner”) has submitted application for setback variances to allow construction of an attached deck onto an existing single family dwelling and construction of a detached garage 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 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 [the Zoning Ordinance].

Finding: The need for variance is due to the non-conforming area and depth of the subject site and approval is consistent with the intent of the Zoning Ordinance to allow for a reasonable use of the property as enjoyed by other properties with the same circumstances.

- 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 making the lot and existing single family dwelling non-conforming.

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

Finding: The need for variance is due to the legal non-conforming area, width, and depth of the property that make it not possible to comply with the setback requirements while enjoying a reasonable use of the property, which is not an 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 and detached structures closer to the waterbody than proposed on the subject site such that 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 deck is setback consistent with the setback from the OHWL of a prior structure attached to the existing single family dwelling. The location of the proposed detached garage will be the minimum setback required from the front lot line while maximizing the setback from the OHWL to the extent possible based on the depth of the lot. The requested variance is the minimum necessary to relieve the undue hardship for reasonable use of the property.

- 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 deck and detached garage will not cause 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 existing single family dwelling and accessory uses of the property are permitted uses and the request is not to allow a use of the property prohibited by the Zoning Ordinance.

WHEREAS, the Planning Report dated 23 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 2-1 vote that the Town Board approve the request.

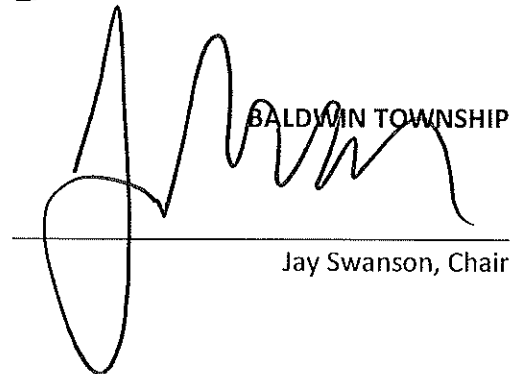
WHEREAS, the Town Board considered the application at their meeting on 3 October 2022.

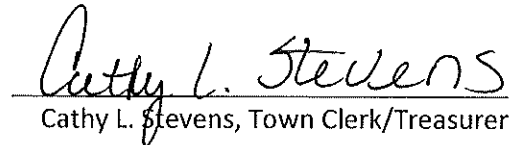
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BALDWIN TOWNSHIP, MINNESOTA THAT the variance is hereby approved, subject to the following stipulations:

1. The property shall submit a Certificate of Survey for the proposed lot with application for a building permit identifying the area of the lot above the Ordinary High Water Level and illustrating proposed setbacks and the area of impervious surfaces.
2. The proposed detached garage shall be setback 20 feet from the lot line abutting 143rd Street.
3. Impervious surfaces within the lot shall be limited to 25 percent of the lot area as defined by the Zoning Ordinance.
4. The property owner shall have applied for and received approval of building permits for both the proposed deck and detached garage no later than 31 December 2025 or the variance approval shall be void in accordance with Section XX-6-7 of the Zoning Ordinance.

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