

RESOLUTION NO: 22-34

TOWN OF BALDWIN  
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE FOR  
28441 131<sup>ST</sup> STREET

**WHEREAS**, Chase Springman (the “owner”) has submitted application for a setback variance for installation of a Subsurface Sewage Treatment System (SSTS) on the property identified as Lot 1, Block 1 Lakeplace Second Addition; 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 lot that was platted 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 50 foot setback is consistent with the location of other principal buildings on lots within the Lakeplace subdivision abutting 285<sup>th</sup> Avenue (CR 87).*

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

*Finding: The dedication of the highway easement is a government action necessary for the future right-of-way needs for CR 87.*

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

*Finding: The need for variance based on the reduced width of the lot upon dedication of the highway easement that causes an undue hardship for construction of a single family dwelling in compliance with the required setback from 285<sup>th</sup> Avenue (CR 9).*

- 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 Lakeplace subdivision are of similar area and width and have principal buildings constructed setback less than 67 feet of 285<sup>th</sup> Avenue (CR 87) and 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 single family dwelling is 67 feet from the right-of-way and 50 feet from the highway easement for 285<sup>th</sup> Avenue, which is the minimum action necessary to remedy the effect of the highway easement dedication.*

- 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 2-1 vote that the Town Board approve the request.

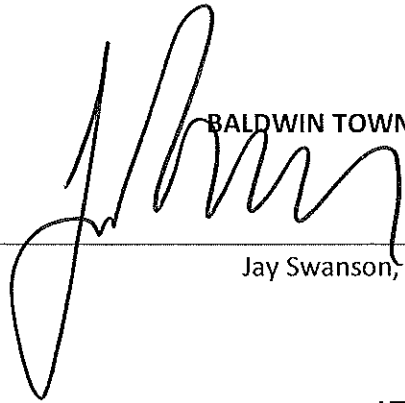
**WHEREAS**, the Town Board considered the application at their meeting on 3 October 2022.

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

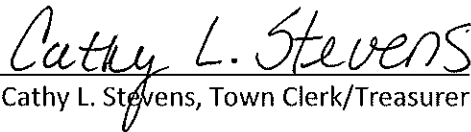
1. The lot shall be developed in accordance with the Certificate of Survey and Building Permit application on file with Baldwin Township.

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

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

  
BALDWIN TOWNSHIP  
Jay Swanson, Chair

ATTEST:

  
Cathy L. Stevens, Town Clerk/Treasurer