

RESOLUTION NO: 2023-04

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A
VARIANCE FOR THE KLEIN ADDITION

WHEREAS, Stephen Klein (the “applicant”) has submitted application for variance to allow subdivision of Outlot A, Whispering Pines having area and dimensions less than the minimum required by the Zoning Ordinance; and

WHEREAS, the application for variance approval is 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 variance 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 and improvement of the existing residential use upon Lot 3, Block 1 Whispering Pines through construction of a personal storage structure upon the proposed 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 based upon the natural features of the subject site that define an area of 0.34 acres that if subdivided allows for reasonable use with construction of a personal storage structure related to the principal use of Lot 3, Block 1 Whispering Oaks.

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

Finding: The Whispering Oaks plat was approved in 1958 and the area to be subdivided is defined by natural conditions not effected by the actions of the applicant.

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

Finding: The need for variance is based on the naturally defined developable areas 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 property is part of the Whispering Oaks plat approved in 1958 and the proposed subdivision is characteristic of the area.

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

Finding: The requested variance is the minimum necessary to relieve the undue hardship for reasonable use of the property for a personal storage structure related to the principal use of Lot 3, Block 1 Whispering Oaks.

- 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 subdivision 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 personal storage structure to be constructed upon the proposed lot is allowed as a conditional use so that the request is not to allow a use of the property prohibited by the Zoning Ordinance.

WHEREAS, the Planning Reports dated 17 November 2023 and 20 January 2023 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 23 November 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 that the Town Board approve the request.

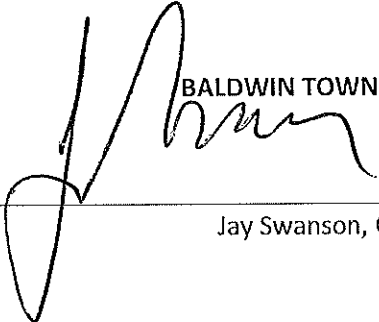
WHEREAS, the Town Board considered the application at their meeting on 6 February 2023.

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. A deed restriction shall be recorded with the proposed lot and Lot 3, Block 1 Whispering Oaks, requiring that two properties remain joined under common ownership, subject to review and approval of the Town Attorney.
2. Impervious surface coverage within a lot shall be limited to 25 percent of the lot area in accordance with Section XX-90-10.B.1 of the Zoning Ordinance.

ADOPTED by the Town Board of Supervisors of Baldwin Township this 6th day of February, 2023.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:


BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer