

RESOLUTION NO: 2023-07

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE FOR
INSTALLATION OF A SSTS AT 28650 143rd STREET

WHEREAS, Brandon Johnson (the “owner”) has submitted application for variance to allow installation of a new Subsurface Sewage Treatment System (SSTS) on the property identified as Lot 16, Block 9 Elk Lake Estates; and

WHEREAS, the application for variance approval is to 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, width, and depth of the subject site that prevent installation of a SSTS drain field in compliance with setback requirements upon the lot.

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 requirements and SSTS requirements making the lot legally 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 continuing the existing 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 surrounding of the subject site are similar in dimension to the subject site and developed with single family dwellings 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: Construction of a SSTS drain field that encroaches the minimum distance necessary into required setbacks is a preferable alternative to the use of holding tanks to relieve the undue hardship for continued 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 setback encroachment 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 use of the property is permitted and the request is not to allow a use of the property prohibited by the Zoning Ordinance.

WHEREAS, the planning report dated 19 January 2023 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

WHEREAS, the Planning Commission conducted a public hearing at their regular meeting on 25 January 2023 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 6-0 vote that the Town Board approve the request.

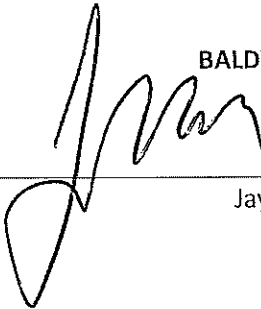
WHEREAS, the Town Board considered the application at their meeting on 6 February 2023.

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. Installation of the SSTS shall require issuance of a permit subject to review and approval of the Building Official.

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