

RESOLUTION NO: 23-25

TOWN OF BALDWIN COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE FOR PID 01-409-0224 (DELAGE)

WHEREAS, Alan J and Dawn M Delage have applied for variances from the required setback from the Ordinary High Water Level of Elk Lake; impervious surface greater than 25 percent within a Shoreland Overlay District; use of a septic holding tank; and the required setback for a septic holding tank.

WHEREAS, the property is PID 01-409-0224 described as: THE WLY 5FT OF LOT 22 & LOT 23, ELK POINT

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 year-round residential use of the legal non-conforming lot of record 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. Approval of the requested variances 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, which make the property 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 setback, impervious surface, and Subsurface Sewage Treatment System 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 east and west of the property are similar in area and dimension to the property and are developed with single family dwellings with

setbacks to Elk Lake similar to that proposed such that approval of the variances will not alter the character of the area.

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

Finding: The proposed site plan provides for reasonable use of the property in consideration of the non-conforming area, width, and depth of the lot of record with the requested variances being the minimum necessary to relieve the undue hardship*

- 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: Approval of the requested variances 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 [the Zoning 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: A 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 reports dated 23 June 2023 and 13 July 2023 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 28 June 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 voted 7-0 to recommend the Town Board approve the application.

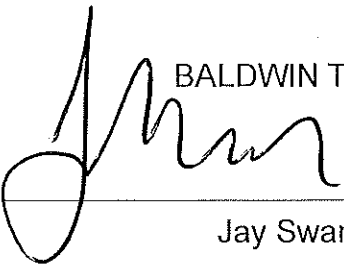
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BALDWIN TOWNSHIP, MINNESOTA THAT the variance is hereby approved, subject to the following stipulations:

1. The property shall be developed in accordance with the site and building plans submitted to the town subject to the stipulations, limitations, and conditions as approved by the Town Board in accordance with Section XX-9-5 of the Zoning Ordinance.

2. Application for a SSTS permit shall include a management plan; all SSTS issues shall be subject to review and approval of the Building Official.

MOTION BY: *Rush*
SECOND BY: *Lawrence*
ALL IN FAVOR: *All*
THOSE OPPOSED: *None*

ADOPTED by the Town Board of Baldwin Township this 17th day of July, 2023.

BALDWIN TOWNSHIP


Jay Swanson, Chair

ATTEST:



Joan Heinen, Town Clerk/Treasurer