

RESOLUTION NO: 23-31

**TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

**APPROVAL OF A VARIANCE
FOR PID 01-421-0210**

WHEREAS, property owner Donovan John Fisher, Jr. has submitted an application for variance to allow construction of a detached accessory building; and,

WHEREAS, the property is located at 13325 290th Avenue (PID 01-421-0210) and legally described as Lot 1, Block 2, ROLLING OAK ESTATES.

WHEREAS, the property is guided for rural land uses Comprehensive Plan; and,

WHEREAS, the property is zoned R1, General Rural District and is also located within Shoreland Overlay District of a Natural Environment Lake

WHEREAS, the applicant requesting a variance from the minimum front yard setback required by Section XX-51-8 of the Zoning Ordinance and the minimum setback from the Ordinary High Water Level of a Natural Environment Lake required by Section XX-90-7.B.1 of the Zoning Ordinance; and

WHEREAS, The Planning Commission 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 proposed detached accessory building is a use consistent with the Comprehensive Plan.

B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The need for variance is due to the non-conforming depth of the subject site together with existing natural characteristics including tree cover, topography, and wetlands. Approval of the requested variance 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 practical difficulties for the location of a detached accessory building within the subject site are not caused by the property owner but by the depth of the lot between 290th Avenue and the Ordinary High Water Level and other natural characteristics of the lot.

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

Finding: The need for variance is not based on economic considerations.

- 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 construction of the proposed detached accessory building complies with the allowances for detached accessory buildings, which would apply consistently to other lots within the same plat and other properties within the R1 District.

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

Finding: The requested variance allowing the location of the proposed detached accessory building is the minimum action available to eliminate the practical difficulty.

- 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 variance will not cause 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.

Findings: Detached accessory buildings are a permitted accessory use allowed within the R1 District.

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 23 August 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 6-0 to adopt findings and recommend the Town Board approve the request.

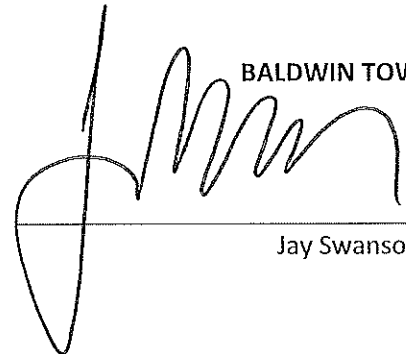
WHEREAS, the planning report dated 31 August 2023 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

NOW THEREFORE BE IT RESOLVED by the Town Board of Baldwin Township that based on the foregoing findings, information, and applicable ordinances, the application is **APPROVED**, subject to the following conditions:

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. The driveway accessing the detached accessory building shall be surfaced in compliance with Section XX-21-6.B.2.b of the Zoning Ordinance.
3. A Sherburne County WCA Land Use Permit shall be required prior to issuance of a building permit.
4. All SSTS issues shall be subject to review and approval of the Building Official.

MOTION BY: *Lawrence*
SECOND BY: *Rush*
ALL IN FAVOR: *Lawrence, Rush, Swanson, Holm*
THOSE OPPOSED:
Absent - Case

ADOPTED by the Town Board of Baldwin Township this 19th day of September, 2023.


BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer