

RESOLUTION NO: 23-34

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

**APPROVAL OF A VARIANCE
FOR PID 01-428-0165**

WHEREAS, property owner Byran Ganzer has submitted application for variance to allow construction of a detached accessory building that encroaches into a required front yard setback.

WHEREAS, the property is located at 12933 282nd Avenue (PID 01-428-0165) and legally described as Lot 13, Block 1, Oak Grove Acres, Baldwin Township, Sherburne County, Minnesota.

WHEREAS, the property is guided for Rural Residential land uses Comprehensive Plan.

WHEREAS, the property is zoned R1, General Rural District.

WHEREAS, the applicant is requesting a variance to allow construction of a detached accessory building within a required front yard setback.

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: Use of the property for residential uses, including residential accessory structures is consistent with the Comprehensive Plan. The regulations of the Zoning Ordinance for development of the lot are to be applied consistently and uniformly unless a property owner demonstrates a hardship unique to the physical characteristics of the property that denies them a use commonly enjoyed by other properties warranting variance from Zoning Ordinance. The requested variance is consistent with the intent of the comprehensive plan.

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

Finding: The Zoning Ordinance establishes front yard setback requirements to define a buildable area within a lot preserving visual open space along public roads. The proposed setback distance maintains the standard established with a prior variance approved for a front yard setback encroachment to expand the principal building. The proposed setback maintains the intent of the Zoning Ordinance.

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

Finding: The property is encumbered by a Natural Environment Lake that limits the building area of the lot in consideration of required setbacks and these limitations are not created by the property owner.

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

Finding: The need for variance is not based on economic considerations but the constrained building area within the lot.

- 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: Approval of the variance will not alter the character of the area as the requested setback is consistent with the setback allowed by approval of a variance in 2021 for expansion of the principal building.

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

Finding: The requested variance is to a setback similar to a prior variance approved for the property in 2021 to expand the principal building and is the minimum action necessary.

- 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 requested variance will not impact natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: The requested 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: Detached accessory buildings are an allowed use within the R1 District.

WHEREAS, the planning reports dated 19 October 2023 and 31 October 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 25 October 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; the Planning Commission voted 7-0 to adopt findings of fact and recommend approval of the application.

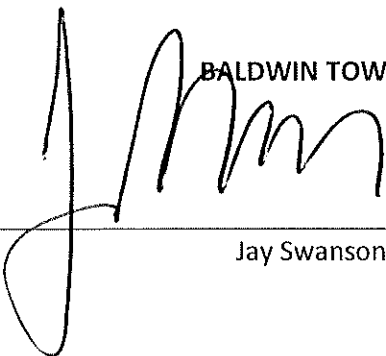
WHEREAS, the Town Board considered the application and the recommendations of the Planning Commission at their meeting on 6 November 2023.

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

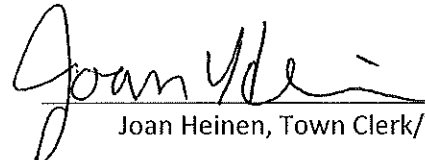
1. The proposed detached accessory building shall not be used for living quarters or for business purposes, except as may be allowed in accordance with the requirements of the Zoning Ordinance.
2. Use of temporary detached accessory buildings greater than 200 square feet in area shall be prohibited and any existing structures removed from the property.
3. The proposed detached accessory building shall comply with the setback requirements of the R1 District except as specifically approved by this variance, subject to review and approval of the Zoning Administrator.
4. There shall be no parking of vehicles or storage of equipment within the boulevard or ditch portion of the public right-of-way adjacent to the property.
5. The west access to the property shall be relocated and constructed to comply with the requirements of the Zoning Ordinance and Right-of-Way Ordinance and shall be paved with asphalt or concrete, subject to review and approval of the Town Engineer.
6. All wetland issues shall be subject to review and approval of Sherburne County.
7. Subsurface Sewage Treatment System certification shall be subject to review and approval of the Building Official.

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

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


BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer