

RESOLUTION NO: 23-41

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE
FOR PID 01-409-0340

WHEREAS, property owner Shannon Smith has submitted application to request for variance to allow construction of a 441 square foot detached accessory building; and

WHEREAS, the property is legally described as Lot 20, Block 3, Elk Point, Baldwin Township; and

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

WHEREAS, the property is zoned R1, General Rural District and is within the Shoreland Overlay District.

WHEREAS, applicant is requesting a variance from:

- A. Section XX-18-2.F of the Zoning Ordinance to allow construction of a 441 square foot detached accessory building.
- B. Section XX-51-8.A of the Zoning Ordinance to allow encroachment into a required front yard setback.
- C. Section XX-51-8.B of the Zoning Ordinance to allow encroachment into a required side yard setback.
- D. Section XX-90-10.B.1 of the Zoning Ordinance to allow impervious surface greater than 25 percent of the lot area.

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 Baldwin Township Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. The subject site is a non-conforming rural residential lot within a platted subdivision abutting Elk Lake. The use of the property for a single family dwelling and detached a detached garage is 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 area, width, and depth of the lot

platted in 1956 that prevent construction of a detached garage incidental to the existing single family dwelling 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 practical difficulties as the basis for variance are related to the non-conforming area, width, and depth of the non-conforming lot platted in 1956 and are not the result of actions by the property owner.

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

Finding: The need for variance is not based solely 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 existing single family use and proposed detached accessory building will be compatible and similar to the existing development of other lots within the same plat surrounding the property.

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

Finding: The requested variance allowing construction of a detached garage 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: The variance will not cause impacts to natural resources, ecologically sensitive areas, or historically significant areas.

- 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 and Shoreland Overlay District.

WHEREAS, the planning reports dated 20 November 2023 and 30 November 2023 prepared by the Town Planner, The Planning Company LLC, are incorporated herein; and,

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 29 November 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 adopt findings of fact and recommend the Town Board approve the request; and,

WHEREAS, the Town Board considered the application and the recommendations of the Planning Commission at their meeting on 4 December 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:

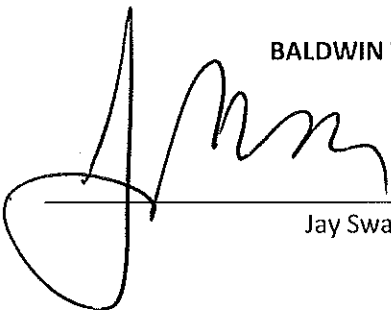
1. The proposed detached accessory building shall not be used for living quarters or for business purposes, except as may be allowed in accordance with the requirements of the Zoning Ordinance.
2. The proposed detached accessory building shall comply with the setback requirements of the R1 District except the minimum setback from the property line abutting 141st Street and the north property line shall be five feet as approved by variance, subject to review and approval of the Zoning Administrator.
3. Impervious surface within the lot shall not exceed 25 percent of the lot area except as required to construct a 441 square foot detached garage and driveway access.
4. Access from 141st Street to the proposed detached garage shall be paved with asphalt or concrete and shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance.
5. 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 4th day of December, 2023.

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

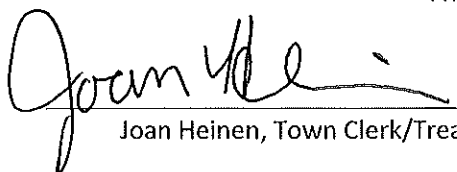
Jeff Holm Absent
Bryan Lawrence Absent
3-0 VOTE

BALDWIN TOWNSHIP



Jay Swanson, Chair

ATTEST:



Joan Heinen, Town Clerk/Treasurer