

**RESOLUTION NO: 23-42**

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

**APPROVAL OF A VARIANCE  
FOR PID 01-028-3205**

**WHEREAS**, property owners Kimberly L. Erickson and Brian D. Erickson have submitted an application for variance to allow redevelopment of a single family dwelling.

**WHEREAS**, the property is located at 28649 127<sup>th</sup> Street and is identified as PID 01-028-3205; and

**WHEREAS**, the property is guided for rural residential land uses by the 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. The 50 foot setback required from the 127<sup>th</sup> Street right-of-way required by Section XX-51-8.A of the Zoning Ordinance;
- B. The 150 foot setback of the OWHL required by Section XX-90-3.B.1 and 2.b 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 redevelopment of the existing residential use with a new single family dwelling 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 this ordinance.

Finding: The proposed single family dwelling is to located to provide the greatest balance between the setback from 127<sup>th</sup> Street and Cantlin Lake consistent with 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 was established as a lot of record prior to adoption of the current lot and setback requirements applicable to the lot that make redevelopment of a single family dwelling in compliance with these requirements not feasible.

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

Finding: The need for variance is only due to the legal non-conforming area, width, and depth of the property that make it not possible to comply with the applicable setback requirements.

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 north and south of the subject site are similar in dimension to the subject site and developed with single family dwellings such that approval of the variance 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 location of the single family dwelling provides the maximum greatest off-setting setbacks from OHWL of Cantlin Lake and 127<sup>th</sup> Street minimizing and the need for variance from the respective setbacks.

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 proposed location of the single family dwelling is setback the greatest distance possible from the OHWL to prevent 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 requested variance is not for a use not allowed by the Zoning Ordinance.

**WHEREAS**, the planning reports dated 20 November 2023 and 1 December 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:

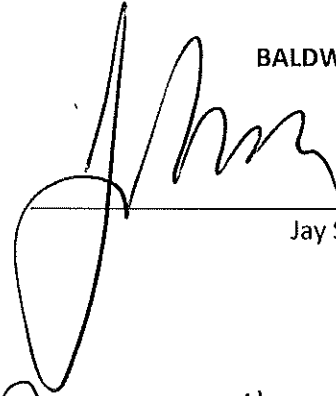
1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
2. Access from 127<sup>th</sup> Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance.
3. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

ADOPTED by the Town Board of Supervisors of Baldwin Township this 4<sup>th</sup> day of December, 2023.

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

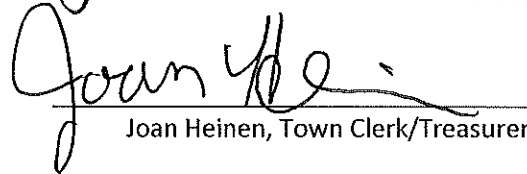
*Jeff Helm Absent*  
*Bryan Lawrence Absent*  
*3-0 vote*

BALDWIN TOWNSHIP



Jay Swanson, Chair

ATTEST:



Joan Heinen, Town Clerk/Treasurer