

RESOLUTION NO: 24-10

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE
FOR PID 01-00412-0340

WHEREAS, Tyler Paulson has submitted an application for variance to allow enlargement of a single family dwelling at 27931 137th Street; and

WHEREAS, the property is identified as PID 01-412-0340; and

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

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

WHEREAS, the applicant is requesting a variance to allow enlargement of a legal non-conforming single family dwelling as required by Section XX-15-4.B.1 of the Zoning Ordinance; and

WHEREAS, 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 5-0 to recommended that the Town Board approve the request based on the aforementioned findings.

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 existing residential use of the legal non-conforming single family dwelling 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 existing house being non-conforming with respect to the setback required from the Ordinary High Water Level of a Natural Environment Lake. The enlargement does not further increase the non-conformity of the existing single family dwelling. Approval of the requested variance is consistent with the intent of the Zoning Ordinance to allow for a reasonable use of the property.

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

Finding: The existing house prior was constructed prior to adoption of the current setback requirement from the Ordinary High Water Level, which makes the single family dwelling non-conforming and not any action by the property owner.

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

Finding: The need for variance is due to the legal non-conforming status of the existing single family dwelling, 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: There are scattered residential dwellings on properties surrounding the subject site and 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 enlargement of the existing single family dwelling will not increase the degree of non-conformity.

- 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 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 report dated 22 March 2024 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 information and applicable ordinances, the application is **APPROVED** subject to the following conditions:

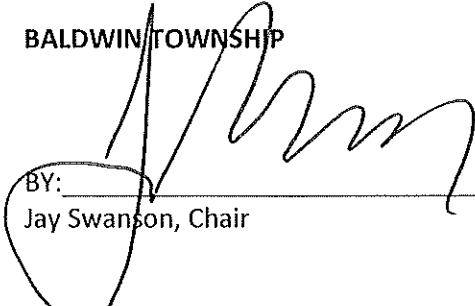
1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
2. PID 01-412-0340 shall be combined with PIDs 01-412-0350 and 01-412-0355 as required by Section XX-90-8.A.3 of the Zoning Ordinance, subject to approval of the Zoning Administrator.

3. All SSTS issues and permit applications shall be subject to review and approval of the Building Official.

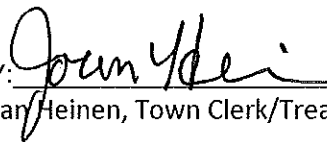
ADOPTED by the Town Board of Baldwin Township this 1st day of April, 2024.

MOTION BY: Lawrence
SECOND BY: Rush
ALL IN FAVOR: All
THOSE OPPOSED: Jeff Holm absent

BALDWIN TOWNSHIP

BY:  _____
Jay Swanson, Chair

ATTEST:

BY:  _____
Joan Heinen, Town Clerk/Treasurer