

**RESOLUTION NO: 24-25**

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

**APPROVAL OF A VARIANCE  
FOR PID 01-00405-0140**

**WHEREAS**, property owners Robert and Molly DuBois have submitted an application for variance to allow construction of a single family dwelling at 28517 100<sup>th</sup> Street.

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

**WHEREAS**, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Sandy Lake.

**WHEREAS**, the applicant is requesting a variance to allow construction of a single family dwelling:

- A. Within the 50 foot setback required from the 100<sup>th</sup> Street right-of-way required by Section XX-51-8.A of the Zoning Ordinance;
- B. Impervious surface greater than 25 percent as required by Section XX-90-10.B.1 of the Zoning Ordinance;
- C. Construction on a non-conforming lot of record as required by Section XX-90-8 of the Zoning Ordinance

**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 100<sup>th</sup> Street and Ordinary High Water Level of Sandy 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 practical.

- 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 off-setting setbacks from OHWL of Sandy Lake and 100<sup>th</sup> Street and side lots lines minimizing the extent of the requested variance within the available building envelope an impervious surfaces.

- 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 Commission conducted a public hearing at their meeting on 22 May 2024 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 to recommended that the Town Board approve the request based on the aforementioned findings.

**WHEREAS**, the planning report dated 13 June 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

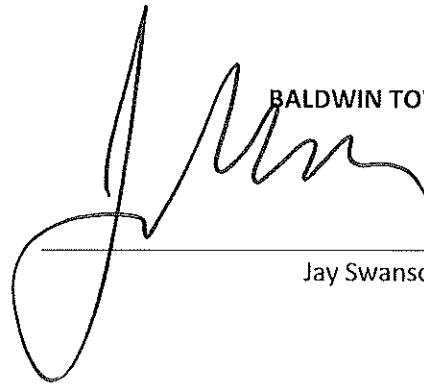
**DECISION:** Based on the foregoing information and applicable ordinances, the request is hereby **APPROVED**, subject to the following conditions:

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. The site and building plans shall comply with the side yard setback requirements established by the Zoning Ordinance for the R1 District.
3. Access to 100<sup>th</sup> Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance, except as may be approved by the Town Board regarding driveway width.
4. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

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ADOPTED by the Board of Supervisors of Baldwin Township this 17<sup>th</sup> day of June, 2024.

MOTION BY: Rush  
SECOND BY: Walker  
ALL IN FAVOR: Rush, Walker, Swanson, Case  
THOSE OPPOSED: None  
Jeff Holm Absent

BALDWIN TOWNSHIP  
  
Jay Swanson, Chair

ATTEST:  
  
Joan Heinen, Town Clerk/Treasurer