

RESOLUTION NO: 24-30

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

**APPROVAL OF A VARIANCE
FOR PID 01-00409-0254**

WHEREAS, property owners David and Bonnie Kemp have submitted an application for variance to allow expansion of a single family dwelling at 14037 290th 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 Elk Lake.

WHEREAS, the applicant is requesting a variance to allow construction of a single family dwelling with impervious surface greater than 25 percent as required by Section XX-90-10.B.1 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: Expansion of the existing structure to allow for a continuation of a residential use of the subject property 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 variance is due to the non-conforming area of the property resulting in impervious surfaces greater than allowed within the Shoreland Overland District. If the subject property complied with the minimum lot area requirements of the Zoning Ordinance, impervious surface would be 10 percent or less of the area of the lot. Approval of the variance is consistent with the intent of the Zoning Ordinance to allow a reasonable use of the property as enjoyed by other properties with the same circumstances.

- 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 requirements, which makes the property non-conforming.

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

Finding: The need for variance is due to the legal non-conforming area of the property, 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: The properties to the east and west are similar in character to the subject property and are 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 site plan provides for reasonable use of the property in compliance with applicable setback requirements, or by not increasing existing non-conforming conditions, in consideration of the non-conforming area of the lot.

- 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 Commission conducted a public hearing at their meeting on 24 July 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 recommend that the Town Board approve the request based on the aforementioned findings.

WHEREAS, the planning report dated 2 August 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

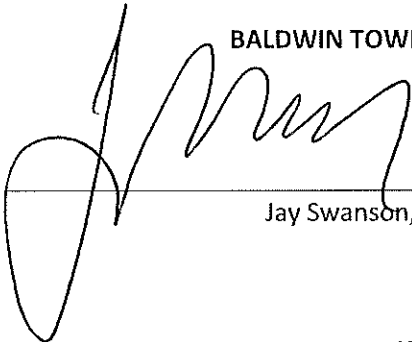
DECISION: Based on the foregoing information and applicable ordinances, the request is hereby **APPROVED**, subject to the following conditions:

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. 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 5th day of August, 2024.

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


BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer