

RESOLUTION NO: 24-35

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

**APPROVAL OF A VARIANCE
FOR PID 01-00405-0090**

WHEREAS, Kevin and Elizabeth Reem have submitted an application for variance to expansion of an existing detached garage at 28543 100th Street.

WHEREAS, the property identified as PID 01-00405-0090; 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 Sandy Lake; and

WHEREAS, the applicant is requesting a variance to a 440 square foot allow expansion of an existing detached accessory building that exceeds the size allowed for any individual detached accessory building and that encroaches into a required rear yard setback and onto public right-of-way; and

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 28 August 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 6-0 to recommended that the Town Board approve the request.

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 expansion of the existing detached garage accessory to a residential use 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 expansion of the existing detached garage is 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 and the existing detached garage constructed prior to acquisition of the property by the current 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 area, width, and depth of the property that make it not possible to comply with the applicable setback requirements as well as the location of the existing detached garage.

- 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 expansion of the existing detached garage is the minimum action necessary to expand the existing detached garage.

- 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 report dated 5 September 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, Town Board hereby **APPROVES** the application, subject to the following conditions:

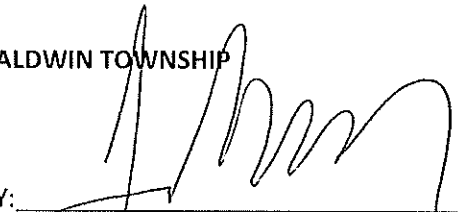
1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.

2. The property owner shall enter into an encroachment agreement as drafted by the City Attorney and subject to approval of the Town Board.
3. Access to 100th Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance.
4. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

(Remainder of this page intentionally blank signatures to follow)

ADOPTED by the Town Board of Baldwin Township this 9th day of September, 2024.

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

BALDWIN TOWNSHIP

BY: _____
Jay Swanson, Chair

ATTEST:

BY: _____
Joan Heinen, Town Clerk/Treasurer