

RESOLUTION NO: 25-07

**CITY OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

**APPROVAL OF AN INTERIM USE PERMIT
LOTS 4 AND 5, BLOCK 1, HUNTER ESTATES**

WHEREAS, applicants Matt and Kathleen Finlayson are requesting an Interim Use Permit to allow a home occupation within a residential detached accessory structure.

WHEREAS, the property is legally described as Lots 4 and 5, Block 1, Hunter Estates, Baldwin, Sherburne County, Minnesota

WHEREAS, the property is guided for Rural Residential land uses Comprehensive Plan.

WHEREAS, the property is zoned R1, General Rural District.

WHEREAS, the applicant is proposing to conduct a home occupation within a detached accessory building upon the property; home occupations conducted from a residential detached accessory building are allowed within the R1 District subject to approval of an Interim Use Permit subject to Section 900-5-4.K of the Zoning Ordinance.

WHEREAS, the City Council must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section 900-5-2 of the Zoning Ordinance:

- A. The proposed action's consistency with the specific policies and provisions of the town comprehensive plan.

Finding: The Comprehensive Plan promotes establishment of land use patterns that will provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without adversely affecting scenery or open spaces. The Zoning Ordinance limits home occupations through performance standards intended to preserve rural character consistent with the Comprehensive Plan.

- B. The proposed use's compatibility with present and future land uses of the area.

Finding: The Zoning Ordinance allows home occupations located within an accessory building subject to the performance standards set forth by Section 900-5-4.K of the Zoning Ordinance to maintain compatibility with surrounding uses; if the proposed use complies with the requirements of the Zoning Ordinance, the expectation is that the use will be compatible.

- C. The proposed use's potential 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 use will not impact natural resources or historically significant areas.

- D. The proposed use's conformity with all performance standards contained within [the Zoning Ordinance] and other town ordinances.

Finding: The propose use will comply with all applicable City ordinances.

- E. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

Finding: The property is accessed via 128th Street (CR 45), which has with adequate capacity to accommodate traffic generated by the proposed use.

- F. The proposed use can be accommodated by existing public services and facilities and will not overburden the City's service capacity.

Finding: The proposed use will not overburden the City's existing service capacity.

WHEREAS, the Planning Commission considered the application at their meeting on 26 March 2025; those wishing to speak were heard by the Planning Commission.

WHEREAS, the planning report dated 2 April 2025 prepared by the City Planner, The Planning Company LLC, is incorporated herein.

NOWTHEREFORE BE IT RESOLVED BY THE BALDWIN CITY COUNCIL THAT Based on the foregoing information and applicable ordinances, the request is hereby **APPROVED**, subject to the following conditions:

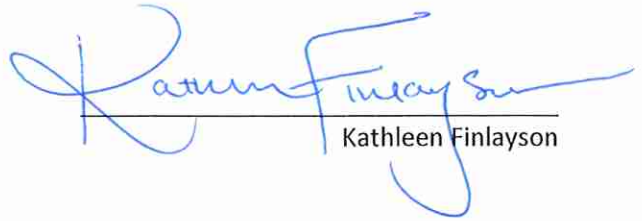
1. The Interim Use Permit shall terminate upon happening of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the interim use permit was issued.
 - b. Upon change in the Zoning Ordinance that renders the use nonconforming.
 - c. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
 - d. Upon a change in ownership, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to the Zoning Ordinance.
2. Lots 4 and 5, Block 1, Hunter Estates shall be combined by Administrative Subdivision in accordance with Chapter 5 of the Subdivision Ordinance.
3. Access to the subject property shall require a driveway permit issued by Sherburne County, subject to review and approval of the Sherburne County Public Works Director.
4. The business shall be located on the homesteaded property of the business owner.
5. There may be no more than two full time equivalent employees other than a member of the household residing on the premises.
6. There may be no sandblasting, chemical/paint spraying, or similar activity associated with the

business.

7. The business shall not occupy more than 2,400 square feet of detached accessory building space.
8. Occupancy of a detached accessory building by the business use shall comply with applicable commercial requirements of the Building Code, subject to review and approval of the Building Official.
9. All vehicles that are Class 5 or larger and all trailers and equipment of the business shall be stored upon a Class-5, asphalt, or concrete surface.
10. Business hours of operation shall be limited to 6:00AM to 7:00PM on Monday through Saturday; no work shall be allowed on Sunday.
11. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
12. Any solid or liquid waste shall be handled and disposed of according to any applicable county or state regulations.
13. The applicant and/or property owner shall permit the Zoning Administrator to inspect the property at any time.
14. The business use shall not occupy the property until a Certificate of Occupancy is issued for a residential dwelling as the principal use of the property.
15. The building plans shall be subject to review and approval of the Building Official in accordance with Section 900-17-4 of the Zoning Ordinance.
16. The design and installation of an on-site well and Subsurface Sewage Treatment system shall be subject to review and approval of the Building Official.
17. Any grading, drainage, and erosion control issues shall be subject to review and approval of the City Engineer.
18. The property owner shall plant evergreen trees, subject to approval of the Zoning Administrator a minimum of 30 feet on center at the following locations:
 - a. Along the property line with PID 01-00424-0110.
 - b. East of the detached accessory building between the north line of the detached accessory building and north line of the driveway access.

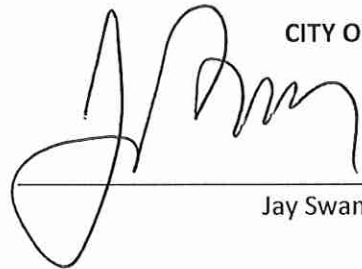
(remainder of page intentionally blank signatures follow)


Matt Finlayson


Kathleen Finlayson

ADOPTED by the Baldwin City Council this 7th day of April, 2025.

MOTION BY:
SECOND BY:
ALL IN FAVOR:
THOSE OPPOSED:


CITY OF BALDWIN
Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

**CITY OF BALDWIN
COUNTY OF SHERBURNE
STATE OF MINNESOTA**

STATE OF MINNESOTA)
) s.s.
COUNTY OF SHERBURNE)

I, Joan Heinen, being the Clerk for the City of Baldwin, Sherburne County, Minnesota, hereby certify that the attached document consisting of the "*Approval of an Interim Use Permit Lots 4 and 5, Block 1, Hunter Estates*" constitutes a complete, accurate and correct copy of the City of Baldwin's Resolution No. 25-07 adopted on April 7, 2025 and on file in the office of the City Clerk, City of Baldwin, Sherburne County, Minnesota.

WITNESS my hand as Clerk for the City of Baldwin this 15th day of April 2025.



Joan Heinen, Clerk

Joan Heinen, Clerk for the City of Baldwin, acknowledged the foregoing instrument before me this 15th day of April 2025, pursuant to the authority granted by its City Council.



Notary Public

DRAFTED BY:
Couri & Ruppe, P.L.L.P.
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(763) 497-1930

