

RESOLUTION NO: 2026-14

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

**VARIANCE APPROVAL
PID 01-00416-0020**

WHEREAS, Matthew Haugen submitted an application for variance to allow expansion of a single family dwelling at 28749 Elk Lake Road; and

WHEREAS, the property identified:

Lot 2, Smith's Shore View Addition, Sherburne County, Minnesota

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 Elk Lake; and

WHEREAS, the applicant is requesting a variance to allow construction an addition to a single family dwelling within the 10 foot setback of the side lot line required by Section 900-51-8.A of the Zoning Ordinance; and

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 22 April 2026 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

WHEREAS, the Planning Commission voted 3-3 on a motion to recommend approval; the motion to approve failed and the Planning Commission makes no recommendation; and,

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 900-6-3 of the Zoning Ordinance:

A. That the variance would be consistent with the comprehensive plan.

Finding: The addition to the existing single family dwelling upon the legal non-conforming lot of record 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 side yard setback preserves necessary separation from adjacent properties.

- 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 width requirements applicable to the lot that make compliance with side yard setback 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 width of the lot of record 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 addition in is the minimum necessary to provide a one-stall garage with living space above minimizing the extent of the requested variance into the required side yard setback.

- 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 addition will not impact 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 1 May 2026 prepared by the City Planner, The Planning Company LLC, is incorporated herein.

NOW THEREFORE THE BALDWIN CITY COUNCIL RESOLVES 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 City as provided for by Section 900-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.

2. The driveway and access to Elk Lake Road shall be surfaced with asphalt or concrete and is subject to review and approval of the City Engineer for compliance with the Right-of-Way Ordinance.

3. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

(remainder of page blank signatures follow)

ADOPTED by the Baldwin City Council this 6st day of May, 2026.

MOTION BY: Walker
SECOND BY: Case
ALL IN FAVOR: Walker, Case
THOSE OPPOSED: Rush

Jeff Holm Absent

CITY OF BALDWIN

BY: Tom Rush
~~Jay Swanson, Mayor~~

Tom Rush
Acting Mayor
ATTEST:

BY: Joan Heinen
Joan Heinen, City Clerk/Treasurer