

RESOLUTION NO: 26-21

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

**VARIANCE APPROVAL
01-00404-0175**

WHEREAS, Peter Coen has made application for variances to allow construction of single-family dwelling at 14203 285th Street.

WHEREAS, the property is legally described by Exhibit A; 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 Elk Lake; and

WHEREAS, the applicant is requesting variances from the provisions of the R1 District and S District to allow for redevelopment of the subject property; and

WHEREAS, the City Council must take into consideration the possible effects of the request with its 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 proposed use of the property as a single family dwelling 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 single family dwelling and use of the property will be consistent with the intent of the provisions of the Zoning Ordinance, Building Ordinance, and Right-of-Way 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 shoreland regulations and the existing non-conforming lot area, width, and depth makes compliance with applicable requirements not feasible to allow reasonable use.

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 a lot of record that make it not possible to comply with the applicable Zoning Ordinance, Building Ordinance, and Right-of-Way ordinance 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: Surrounding properties developed with single family dwellings are similar in dimension to the subject property 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 and building plans are the minimum necessary to provide for a reasonable use of the property.

- 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 site and building plans 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 variances 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 prohibited by the Zoning Ordinance.

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 24 June 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; a motion was made and seconded to recommend approval of the applications, but which failed on a 3-3 tie vote; and

WHEREAS, the planning report dated 19 June 2026 prepared by the City Planner, The Planning Company LLC, is incorporated herein.

NOW THEREFORE BE IT RESOLVED THAT based on the foregoing information and applicable ordinances, the Baldwin City Council hereby adopts findings of fact as stated herein and approves the application, 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 variances shall include:
 - a. Principal building setbacks:
 - (1) Front
 - (2) Side
 - (3) Ordinary High Water Level

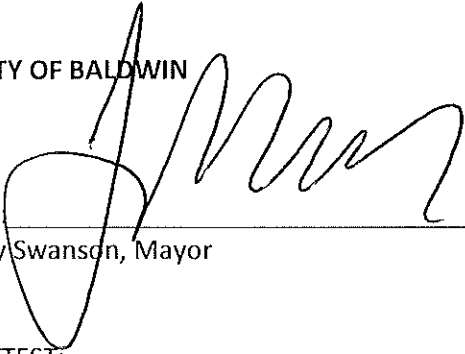
- b. Impervious surface greater than 25 percent of the lot area
 - c. Subsurface Sewage Treatment System:
 - (1) Holding Tank:
 - (a) Property line
 - (b) Structure within the same lot
 - (2) Drainfield setback from property line(s).
 - d. Access:
 - (1) Spacing
 - (2) Minimum width
- 3. Access to 285th Street shall be subject to review and approval of the City Engineer for compliance with the Right-of-Way Ordinance.
 - 4. All grading and drainage issues shall be subject to review and approval of the City Engineer.
 - 5. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.
 - a. Use of the system as a temporary holding tank shall require a maintenance plan and annual reporting.
 - b. An exterior level alarm shall be installed on the holding tank.
 - c. Use of the Subsurface Sewage Treatment Systems as a holding tank shall cease upon the ability to install a drainfield in compliance with Minnesota Department of Health setback requirements.

(remainder of page blank; signature follows)

ADOPTED by the Baldwin City Council this 1st day of July, 2026.

MOTION BY: **HOLM**
SECOND BY: **CASE**
ALL IN FAVOR: **All**
THOSE OPPOSED: **none**

CITY OF BALDWIN

BY: 
Jay Swanson, Mayor

ATTEST:

BY: 
Joan Heinen, City Clerk/Treasurer