

RESOLUTION NO: 26-22

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

**VARIANCE APPROVAL
01-00025-4405**

WHEREAS, Andy Dvoracek and Jen Flynn have submitted application for variance to allow addition to an existing single-family dwelling at 28506 97th Street; and

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 Sandy Lake; and

WHEREAS, the applicant is requesting a variance to allow construction of an addition to an existing single-family dwelling within the 50-foot setback from the front lot line required by Section 900-51-8.A of the Zoning Ordinance; 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 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 20-foot front yard setback preserves necessary separation from the public right-of-way.

- 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 depth requirements, and the existing non-conforming lot depth makes compliance with combination of setback requirements from the Ordinary High Water Level and front lot line not practical.

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

Finding: The need for variance is due to the legal non-conforming depth of a 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 property 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 is the minimum necessary to provide an attached garage that both minimizes the extent of the requested variance into the required front yard setback and results in removal of another existing non-conforming structure having a greater encroachment within a required front yard.

- 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 use a 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 and the Planning Commission voted 6-0 to recommend that the City Council approve the request based on the aforementioned findings; and

WHEREAS, the planning report dated 26 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. A Certificate of Survey shall be submitted based on Option 1:
 - a. The Certificate of Survey shall illustrate all proposed improvements and removals, proposed setbacks, and existing and proposed impervious surfaces.
 - b. The Certificate of Survey shall include the existing legal description of the two lots comprising the subject property and a proposed legal description to combine the two lots as one in accordance with Chapter 5 of the Subdivision Ordinance.
2. The subject property 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.
3. The driveway and access to 97th Street 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.
4. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

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

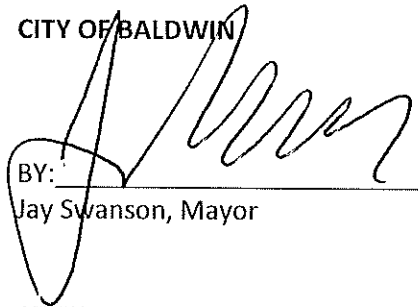
MOTION BY: **RUSH**

SECOND BY: **WALKER**

ALL IN FAVOR: **ALL**

THOSE OPPOSED: **NONE**

CITY OF BALDWIN

BY: 

Jay Swanson, Mayor

ATTEST:

BY: 

Joan Heinen, City Clerk/Treasurer