

BALDWIN TOWNSHIP

30239 128th Street, Princeton MN 55371

PLANNING COMMISSION MEETING

January 24, 2018

Call to Order:

On this 24th day of January 2018 the Regular Monthly Meeting of the Baldwin Planning Commission was called to order by Chairman Richard Marshall at 7:00 p.m.

Pledge of Allegiance:

The Pledge of Allegiance was recited.

Roll Call:

Commissioners present were Richard Marshall, Richard Harris, Scotty Harder, and Kimberly Good. Commissioner Deborah Guy is absent. Baldwin Town Board Liaison Bryan Lawrence arrived at 7:09 p.m. The sign-in sheet is attached. The Claim Forms were filled out and returned.

Approve/Disapprove Agenda:

A motion was made by Commissioner Good to approve the regular meeting agenda as presented which was seconded by Commissioner Harder; all in favor; motion carried.

Election of Officers / Organizational Meeting:

Deputy Clerk Cheryl Goetz Dobson called for nominations for chair of the Baldwin Township Planning Commission.

A motion was made by Commissioner Good to nominate Richard Marshall as chair of the Baldwin Township Planning Commission which was seconded by Commissioner Harris. All in favor. Motion carried.

Commissioner Marshall accepts the nomination.

By acclamation Commissioner Marshall is chairman of the Baldwin Planning Commission for the ensuing year.

Commissioner Marshall formally takes over chairmanship of the Baldwin Planning Commission.

Chairman Marshall calls for nominations for vice-chairman of the Baldwin Planning Commission.

A motion was made by Commissioner Good to nominate Commissioner Harris as vice-chairman of the Baldwin Planning Commission which was seconded by Commissioner Harder.

Commissioner Harris accepts the nomination.

By acclamation Commissioner Harris is vice-chairman of the Baldwin Planning Commission for the ensuing year.

Chairman Richard Marshall welcomed the guests present reminding them that the Baldwin Township Planning Commission serves at the pleasure of the Baldwin Township Town Board. The Planning Commission is an advisory board that makes recommendations to the Town Board. It was stressed that the final decisions are made by the Baldwin Township Board of Supervisors.

Secretary's Report:

Planning Commission Meeting Minutes of December 27, 2017:

A motion was made by Commissioner Harder to approve the Planning Commission meeting minutes of December 27, 2017 which was seconded by Commissioner Harris; all in favor; motion carried.

Handout Planning Commission Meeting Minutes of November 29, 2017:

The approved Planning Commission meeting minutes of November 29, 2017 were handed out and are to be filed in the commission books.

Land Use Requests:

Request an IUP for an Auto Repair and Body Shop / Ray's Auto Body, Inc. / Donald J. Willing:

An existing IUP expires with a change of ownership; therefore Donald and Mary Willing have requested an IUP for an auto repair and body shop located at 31320 – 125th Street NW, Princeton, MN 55371 in the Georgetown First Addition, PID 01-425-0260. The business will be known as Ray's Auto Body Shop which will offer restoration of vehicles, glass replacement, vehicle accessories and U-Haul rentals, trucks and trailers. The business will no longer operate in the selling of used cars or trailers. It appears that the applicant has met all the conditions set forth by Sherburne County Planning and Zoning.

A motion was made by Commissioner Good to approve recommending to the Baldwin Town Board to approve a request for an IUP for an auto repair and body shop located at 31320 – 125th Street in the Georgetown First Addition, PID 01-425-0260 which was seconded by Commissioner Harder; all in favor; motion carried.

Residential Simple Plat / Ludwig Estates Simple Plat / James and Phyllis Ludwig:

A request for a simple plat for property located in Section 30 of Baldwin Township; property address of 28610 Elk Lake Road E., Zimmerman, MN 55398; PID 01-030-4405. The applicants are proposing to create two (2) lots from a 4.6 acre parcel.

A motion was made by Commissioner Harder to approve recommending to the Baldwin Town Board to approve the requested residential simple plat located at 28610 Elk Lake Road E.; PID 01-030-4405 with the contingent that (a) Existing septic system location be shown for Lot 1 and an alternative septic system site for that lot; (b) A primary and alternative septic system location is shown for Lot 2; and (3) A CAD compatible digital copy of the plat showing lot lines, easements, house pads, and septic locations is submitted to Sherburne County which was seconded by Commissioner Good; all in favor; motion carried.

Variance Shoreland Setback / Matthew Burton and Dylan Howard:

Doug and Beth Heinemann and Howard Root as well as Dylan Howard were present to request a 24' variance to the ordinary high water level of Little Elk Lake for construction of a pool with an auto cover located in Section 31 of Baldwin Township addressed as 28428 Elk Lake Road E., Zimmerman, MN 55398; PID 01-031-1100.

After a lengthy discussion on whether the in-ground pool was considered a structure as Commissioner Harris believes after reciting Section 5; Subdivision 2 from the Sherburne County Planning and Zoning Ordinances and the need to obtain substantiation that there was a misunderstanding with Sherburne County on the need for a variance, the Baldwin Township commissioners decided to rely solely on the Findings of Fact.

Reviewing the Findings of Fact in supporting (or denying) a variance the Baldwin Planning Commission determined:

- That the variance request is in harmony with the intent of the comprehensive plan and the zoning ordinance since the pool is an acceptable amenity to the property and that there are other pools in the vicinity.
- Without the variance the property owner would be deprived of a reasonable use of the property since there was a misunderstanding at the county level.
- The practical difficulty is not due to circumstances unique to the property.
- The circumstances causing the practical difficulty were created by someone or something other than the landowner since somewhere in the process there appeared to be an oversight.
- Issuance of the variance will maintain the essential character of the locality since there are neighboring properties that have structures similar and closer to the lake.
- The practical difficulty does involve more than economic consideration.

A motion was made by Commissioner Good to approve recommending to the Baldwin Town Board to approve the requested 24' variance to the original high water level of Little Elk Lake for construction of a pool with an auto cover based on the Findings of Facts which was seconded by Commissioner Harder; all in favor; motion carried.

Communications:

Liaison Lawrence stressed that we as a commission are to remain focused on the validity of the variances that come before the commission, and rely on the Findings of Fact to determine decisions.

Old Business:

Discuss / Update Baldwin Township Commission By-Laws:

A motion was made by Commissioner Harder to approve the Planning Commission By-Laws as is presented which was seconded by Commissioner Good; all in favor; motion carried.

New Business:

Information / Town Board Approval Richard Marshall / Planning Commission
For informational value.

Commissioner's Corner:

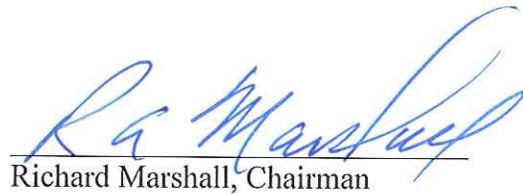
None.

Adjourn:

A motion was made by Commissioner Good which was seconded by Commissioner Harder to adjourn at 8:25 p.m. with the next Planning Commission meeting to be held on February 28, 2018. Motion carried. Meeting adjourned.



Respectfully submitted:
Cheryl Goetz Dobson
Deputy Clerk


Richard Marshall, Chairman

2-28-18
Date

Amendments: _____