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# BALDWIN TOWNSHIP

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30239 128<sup>th</sup> Street, Princeton MN 55371

## **PLANNING COMMISSION MEETING**

May 30, 2018

### **Call to Order:**

On this 30th day of May 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, and Sherry Newman. Baldwin Town Board Liaison Bryan Lawrence was also present. The sign-in sheet is attached. The Claim Forms were filled out and returned.

### **Approve/Disapprove Agenda:**

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

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 April 25, 2018:**

*A motion was made by Commissioner Newman to approve the Planning Commission meeting minutes of April 25, 2018 which was seconded by Commissioner Harris; all in favor; motion carried.*

#### **Handout Planning Commission Meeting Notes of May 23, 2018:**

The Planning Commission meeting notes of May 23, 2018 were handed out and are to be filed in the commission books.

### **Land Use Requests:**

#### **Variance / Requesting a Variance to Section 17. Subdivision 8.4 / David Hipsag:**

David Hipsag is requesting a variance to Section 17, Subdivision 8.4 which states "The total area of detached accessory structures shall not exceed 3000 sq. ft. per lot within the

agricultural and general rural districts on platted lots of any size, and not platted lots less than 5-acres in size. The applicant is requesting a detached accessory structure that is 3,240 sq. ft. The property consists of 7 acres and is located at 11410 – 293<sup>rd</sup> Avenue NW; PID 01-462-0125 in the Schultz Addition.

Hipsag provided in writing the practical difficulty of why he is requesting a building larger than 3,000 sq. ft. for his property as well as confirmed that the building would be used for personal storage and purposes only.

After carefully reviewing Sherburne County Ordinance 17, Subdivision 8.4 which states that “*Detached accessory buildings are limited to the following sizes:.... 5 acres or more .... No size limit. Must not conflict with other zoning regulations*”. The commissioners agreed that the ordinance, as written, does not address whether the property is platted or unplatted.

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

- The variance is in harmony with the intent of both the comprehensive plan and the zoning ordinance based on the criteria in the ordinance.
- Without the variance the applicant is not deprived of reasonable use of his property.
- The practical difficulty is not due to circumstances unique to the property. It was determined that it makes more sense to add 250 sq. ft. to a 3,000 sq. ft. building rather than constructing additional buildings which would be permissible under the ordinance.
- The circumstances causing the practical difficulty are not created by someone or something other than the applicant.
- The issuance of the variance does maintain the essential character of the locality since that are similar size buildings in the area.
- The practical difficulty does involve more than economic considerations since other reasons were discussed particularly demographic explanations.

*A motion was made by Commissioner Harris to approve recommending to the Baldwin Town Board to grant approval of a variance to Section 17, Subdivision 8.4 which states “The total area of detached accessory structures shall not exceed 3,000 sq. ft. per lot within the agricultural and general rural districts on platted lots of any size, and non-platted lots less than 5-acres in size” at property located at 11410 – 293<sup>rd</sup> Avenue NW; PID 01-462-0125 in the Schultz Addition in consideration that the reading of the sighted ordinance does not show why the petition should not be granted which was seconded by Commissioner Newman; all in favor; motion carried.*

**Variance / Requesting a Variance to the Shoreland Ordinance Section 14, Subdivision 5:5B1 which states ‘Impervious Surface Coverage of Lots Must Not Exceed 25 percent of the Lot Area’ and Requesting a 65’ Variance from the Right of Way of Lake Lane for an Addition to Existing Garage / Rudy Wicklander:**

After recalculating the square footage of the property located at 14043 – 290<sup>th</sup> Avenue NW; PID 01-409-0260 at Elk Point the requested variance to the shoreland ordinance regarding impervious surface does not exceed 25 percent and has been satisfied.

Wicklender is requesting a 65' variance from the right-of-way of Lake Lane for an addition to an existing garage. The required setback from the right-of-way is 67'. Wicklender is looking to add a second level to the existing garage for storage at the location of 14043 – 290<sup>th</sup> Avenue NW; PID 01-409-0260 at Elk Point.

The Commissioners viewed a plat map dated 1998 and question why the map provided showing property lines does not match the 1998 map. Was some of the property sold, given away or split? Questions regarding access to the property would be altered depending upon the position of the property lines to PID 01-409-0260.

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

- The variance is not in harmony with the intent of the comprehensive plan and the zoning ordinance since the building had been deemed out of compliance since the ordinance came into existence.
- Without the variance the applicant is deprived of a reasonable use of the property because without the variance the applicant is still out of compliance.
- The practical difficulty is due to circumstances unique to the property since the house was in existence before the ordinance.
- The circumstances causing the practical difficulty is created by someone or something other than the applicant namely the ordinance.
- The issuance of the variance does maintain the essential character of the locality since the applicant has been a resident and owner of the property since 1984.
- The practical difficulty does involve more than economic considerations.

*A motion was made by Commissioner Harris to approve recommending to the Baldwin Town Board to grant approval of a Variance to the Shoreland Ordinance Section 14, Subdivision 5:5B1 which states 'Impervious Surface Coverage of Lots Must Not Exceed 25 percent of the Lot Area' and Requesting a 65' Variance from the Right of Way of Lake Lane for an Addition to Existing Garage for the property located at 14043 – 290<sup>th</sup> Avenue NW; PID 01-409-0260 at Elk Point which was seconded by Commissioner Newman; all in favor; motion carried.*

*An amendment to the above motion which states "A motion was made by Commissioner Harris to approve recommending to the Baldwin Town Board to grant approval of a Variance to the Shoreland Ordinance Section 14, Subdivision 5:5B1 which states 'Impervious Surface Coverage of Lots Must Not Exceed 25 percent of the Lot Area' and Requesting a 65' Variance from the Right of Way of Lake Lane for an Addition to Existing Garage for the property located at 14043 – 290<sup>th</sup> Avenue NW; PID 01-409-0260 at Elk Point which was seconded by Commissioner Newman; all in favor; motion carried." was made by Commissioner Newman which states that recommended approval of the petitioners request is based upon the assurance that the property is*

*surveyed and the survey is registered prior to a building permit being issued which was seconded by Commissioner Marshall; all in favor; motion carried.*

**Communications:** None.

**Old Business:**

**Discuss / Update 'Land Uses' of Comprehensive Plan:**

*A motion was made by Commissioner Marshall to approve table the update to the Land Uses of the Comprehensive Plan to the next meeting which is seconded by Commissioner Harris; all in favor; motion carried.*

**Update / Christ Our Light Church / Andy Schreder:**

Schreder is not present. It was suggested that he be invited to the next meeting in order to dispel the rumors regarding the excessive objectives over the uses of the future Christ Our Light Church construction.

**Approve / Disapprove Continuing to Review Monthly Building Permits:**

*A motion was made by Commissioner Marshall to discontinue having the building permit binder for review at the monthly meetings which was seconded by Commissioner Newman; all in favor; motion carried.*

**New Business:**

**Approve / Disapprove Resignation of Kimberly Good:**

*A motion was made by Commissioner Newman to accept the resignation of Kimberly Good with regrets which was seconded by Commissioner Harris; all in favor; motion carried.*

**Commissioner's Corner:**

An affirmative answer was given by Liaison Lawrence when Commissioner Harris asked if it were possible if requests for rezoning property could come under the scope of Baldwin Township Land Use requests.

**Adjourn:**

*A motion was made by Commissioner Harris which was seconded by Commissioner Newman to adjourn at 9:20 p.m. with the next Planning Commission meeting to be held on June 27, 2018. Motion carried. Meeting adjourned.*



Respectfully submitted:  
Cheryl Goetz Dobson  
Deputy Clerk

  
Richard Marshall, Chairman

6-27-18  
Date

Amendments: \_\_\_\_\_