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# BALDWIN TOWNSHIP

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

## **PLANNING COMMISSION MEETING**

**August 30, 2017**

### **Call to Order:**

On this 30th day of August 2017 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 Deborah Guy. Absent were Commissioners Scotty Harder and Kimberly Good. Also present is Baldwin Town Board Liaison Bryan Lawrence who arrived at 7:15 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 Guy 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 July 26, 2017:**

*A motion was made by Commissioner Guy to approve the Planning Commission meeting minutes of July 26 2017 which was seconded by Commissioner Harris; all in favor; motion carried.*

#### **Handout Planning Commission Meeting Minutes of June 28, 2017:**

The approved Planning Commission meeting minutes of June 28, 2017 were handed out and are to be filed in the commission books.

### **Land Use Requests:**

**Amendment to County Zoning Map to Rezone 4.62 Acres from General Rural to Shoreland Residential on PID 01-030-4405 / James and Phyllis Ludwig**

A petition was presented by James and Phyllis Ludwig requesting to rezone property from general rural district to shoreland residential district. The application submitted is for an Amendment to County Zoning Map to rezone 4.62 acres from general rural to shoreland residential. The property is located in Section 30 of Baldwin Township and is within the Shoreland District of Little Elk Lake. The request to rezone is with the intention of subdividing the parcel into two lots which would create a second building site. The Ludwig's are aware of all zoning requirements, and the request meets all of the minimum requirements.

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

- The proposed rezoning is consistent with the Comprehensive Plan.
- The current use of the property is a permitted use within the proposed zoning district.
- The permitted uses within the proposed zoning district will not be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity.
- Public services will not be impacted or be overburdened within the proposed rezoning.
- The proposed rezoning does not have the potential to adversely impact natural resources.
- The proposed rezoning does not have the potential to impact ecologically sensitive or historically significant areas.
- The property does not have sufficient size and physical characteristics to permit a reasonable use under the current zoning district hence the request to rezone the property from general rural district to shoreland residential district.
- There are no other factors that may be relevant to determining whether the proposed rezoning is appropriate.

*A motion was made by Commissioner Harris to approve recommending to the Baldwin Town Board to grant approval of rezoning 4.62 acres from General Rural to Shoreland Residential on PID 01-030-4405 as requested by James and Phyllis Ludwig which was seconded by Commissioner Guy; all in favor; motion carried.*

**Requesting a 101 Ft. Variance in Width of Lot / Donald and Sharon Fischer:**

A petition was presented by Donald and Sharon Fischer requesting a 101 ft. variance in width of a lot in order to construct a new residence on PID 01-402-0030. The lot is 49 ft. in width and the minimum required lot width is 150 ft. The intentions of the Fischer's' is to construct a new permanent residence under the same footprint that was a 3-season cabin although the new construction would also include a garage, basement and third level, patio and sidewalks. The septic system is new.

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

- Similar homes in the area meet the setbacks when they were constructed to be lake homes therefore the variance may be in harmony with the intent of the comprehensive plan but not with the wording of the zoning ordinance.

- Without the variance the property owner would be deprived of a reasonable use of the property. The property owner is not changing the footprint but improving the property to be a permanent residence.
- The practical difficulty is due to the circumstances unique to the property. Zoning of lake property was platted several years ago without foresight of the difficulties it may pose. The Fischer's are merely asking for more living space in the request to rebuild a residence.
- The circumstances of the difficulty were created by someone or something other than the landowner.
- Issuance of the variance will maintain the essential character of the locality.
- The practical difficulty does involve more than economic considerations.

*A motion was made by Commissioner Guy to approve recommending to the Baldwin Town Board to grant approval of 101 ft. variance in the width of the lot for PID 01-402-0030 which was seconded by Commissioner Harris; all in favor; motion carried.*

**Requesting a Variance from the 25 Percent Impervious Surface Requirement / Donald and Sharon Fischer:**

A petition was presented by Donald and Sharon Fischer requesting a variance from the 25 percent impervious surface requirement. The proposed impervious surface is calculated at 34.7 percent. Concerns regarding the proposed impervious surface generated discussion on ways to reduce the percentage with options such as a narrower driveway, narrower patio and/or eliminating sidewalks. It was suggested that when the Fischer's meet with the county that they be willing to have several options available since the county is stringent when it comes to water runoff.

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 zoning ordinance because since the proposed impervious surface is not within the 25 percent impervious surface requirement.
- Without the variance the property owner is deprived of a reasonable use of the property.
- The practical difficult is due to circumstances unique to the property because of the changes in the 25 percent impervious surface requirement.
- The circumstances causing the practical difficulty are created by someone or something other than the landowner.
- The issuance of the variance will maintain the essential character of the locality.
- 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 the variance from the 25 percent impervious surface requirement for the property owned by Donald and Sharon Fischer identified as 01-402-0030 which was seconded by Commissioner Marshall with the understanding that the Fischer's work with the county with options to reduce excessive runoff that would be acceptable. All in favor; motion carried.*

**Variance and Conditional Use Permit for Personal Structure on PID 01-407-0545 / James and Lynn Burns:**

See below.

**Variance Requesting an 85.7 ft. Variance in Width of Lot; Variance Requesting a 14 ft. Variance from the OHWL of Little Elk Lake; Variance Requesting a 2.7 ft. Variance from Side Property Line; Variance Requesting a 25.5 ft. Variance from the Right of Way of 141<sup>st</sup> NW / Howard Mostad;**

A petition was presented by Howard Mostad requesting:

- An 85.7 foot variance in lot width for a residence. The required lot width on a general development lake is 150 feet.
- A 14 ft. variance from the OHWL of Little Elk Lake. The required setback is 75 ft.;
- A 2.7 ft. variance from Side Property Line. Required setback is 10 ft. from the side property line;
- A 25.5 ft. variance from the Right of Way of 141<sup>st</sup> NW. The required setback is 67 ft. from right of way.

The Mostad home was lost in the tornado, and they would like to build on the existing foundation as well as add a garage and second story. Because of the damage done by the tornado, improvements to the home are causing the Mostad's to deal with the variances.

*A motion was made by Commissioner Harris to approve recommending to the Baldwin Town Board to grant the variances requested by Howard Mostad namely an 85.7 foot variance in lot width for a residence; a 14 ft. variance from the OHWL of Little Elk Lake; a 2.7 ft. variance from Side Property Line; and a 25.5 ft. variance from the Right of Way of 141<sup>st</sup> NW on property identified as 01-409-0345 which was seconded by Commissioner Marshall since the applicant is proposing to improve the property and is not changing the footprint. All in favor; motion carried.*

**Variance Requesting a 7 ft. Variance from Side Property Line for a Septic Holding Tank / Howard Mostad:**

A petition was presented by Howard Mostad requesting a 7 foot variance from the side property line for a septic holding tank. Commissioner Harris pointed out that according to the Sherburne County Ordinance Section 17.5; Subdivision 5 titled SSTS Standards 2(d) which states a holding tank may be allowed for the following applications:

1. *As a replacement for an existing failing SSTS if it is determined by a licensed designer and the Zoning Department that an SSTS permitted under this section cannot be feasibly installed;*
2. *As a sewage disposal system for an existing seasonal property;*
3. *As a receptacle for a flammable waste trap;*
4. *As a receptacle for other non-residential waste.*

*\*A holding tank will not be allowed for a new house, nor may an existing residence with a holding tank be expanded to include additional sleeping areas. \*

Due to the setback the property contains a holding tank but no drain field, and due to the proximity to the well, there was discussion regarding health concerns.

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

- The variance is not in harmony with the zoning ordinance but was determined to be in harmony with the intent of the comprehensive plan since the property would require a septic system.
- Without the variance the property owner would be deprived of a reasonable use of the property.
- The practical difficulty is due to circumstances unique to the property namely because the lot is narrow, and the distance of the well from the side property line. The property owner is encouraged to investigate all options available.
- The circumstances causing the practical difficulty were created by a force of nature namely a tornado.
- The issuance of the variance maintains the essential character of the locality because of the improvement of a new dwelling to the property.
- The practical difficulty involves more than economic consideration due to all of the above findings.

*A motion was made by Commissioner Marshall to approve recommending to the Baldwin Town Board to grant a 7 foot variance from the side property line for a septic holding tank provided the property owner is willing to leverage and engage in specific options with the county in the attempt to reduce the variance amount to 5 feet which was seconded by Commissioner Harris; all in favor; motion carried.*

**Variance Requesting a 60 ft. Variance from the right of way of 141<sup>st</sup> Street NW / Howard Mostad:**

A petition was presented by Howard Mostad requesting a 60 foot variance in setback from the right of way of 141<sup>st</sup> Street NW for a detached garage. The required setback from the right of way is 67 feet.

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 the comprehensive plan and the zoning ordinances.
- Without the variance the property owner would be deprived of reasonable use of the property.
- The practical difficulty is due to circumstances unique to the property namely the setback from the right of way.
- The circumstances causing the practical difficulty were created by someone or something other than the landowner.
- The issuance of the variance will maintain the essential character of the locality.
- The practical difficulty does involve more than economic considerations.

**Application for Plat Approval / North Country Acres / Dan Howard:**

An application was submitted by Dan Howard of Ideality Development Co. for approval of a preliminary plat called North Country Acres that would consist of 14 lots and 1 outlet. The intention of the applicate is to provide new construction consisting of larger lot sizes in a rural setting. The commissioner recommend not installing any township roads and to utilize the existing county roads. The commissioners also determined that the preliminary plat for North Country Acres meets the comprehensive plan goals for the township.

*A motion was made by Commissioner Marshall to recommend for approval to the Baldwin Township Board the Application for a Preliminary Plat called North Country Acres from Ideality Development Co. as per the drawing without the need of a township road which was seconded by Commissioner Guy. All in favor; motion carried.*

**Variance and Conditional Use Permit for Personal Structure on PID 01-407-0545 / James and Lynn Burns:**

An application was submitted by James and Lynn Burns requesting a variance and conditional use permit for a 30' x 40' personal storage structure on lot 13 and 14 Block 5 or Birch Acres. To complete the project a Conditional Use Permit for the personal storage structure and a 40 foot variance in setback to 284<sup>th</sup> Avenue must be obtained.

After consideration the commission comments were:

- Define personal storage
- Does the applicate own adjacent property
- How old is the septic and the status of the tanks and pipes
- Question concerning restrictions on secondary building without a residence
- Is property considered general rural or lake lot
- Why apply for a CUP
- What is the use of the lot
- Where is the applicants permanent residence
- Should the lots 13 and 14 be combined
- No recommendations given due to lack of information

*A motion was made by Commissioner Harris to deny recommending to the Baldwin Town Board to grant a variance and conditional use permit for a personal structure on PID 01-407-0545 by James and Lynn Burns until additional information is provided and upon answers to the above questions which was seconded by Commissioner Guy; all in favor; motion carried.*

**Communications:**

None

**Old Business:**

**Review / Update Comprehensive Plan / Demographics:**

Upon verification of the Sherburne County population statistics *a motion was made by Commissioner Marshall to accept the Demographic portion of the Comprehensive Plan based on the most current statistics available to the commission on population, housing and income which was seconded by Commissioner Harris. All in favor; motion carried.*

**New Business:**

**Information – Planning Commission Bylaws Revised:**

For informational value.

**Information – Amendment to the Sherburne County Subdivision Ordinance No. 003 / Ordinance No. 221:**

For informational value.

**Commissioner’s Corner:**

Baldwin Township has no shoreland district zoning.

**Adjourn:**

*A motion was made by Commissioner Marshall which was seconded by Commissioner Guy to adjourn at 9:48 p.m. with the next Planning Commission meeting to be held on September 27, 2017. Motion carried. Meeting adjourned.*



Respectfully submitted:  
Cheryl Goetz Dobson  
Deputy Clerk

  
Richard Marshall, Chairman

9-27-17  
Date

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