



## Olmsted County Planning Department

May 3, 2021

### Oronoco Town Board/Board of Adjustment

Prepared by: Olmsted County Planning Department Staff

Request: Oronoco Township Variance Request OR2021-001VAR by Jake Kostel. The request is for a proposed addition to the existing dwelling to encroach the 30 ft front yard setback.

Location: The property is located in the northwest ¼ of the northwest ¼ of Section 2 in Oronoco Township.

Zoning: R-1 Low Density Residential

### ACTION ITEMS

The applicant requests approval for the variance to allow an addition to encroach the required front yard setback.

Based on the findings of fact planning staff recommend denial of the variance to build an addition that encroaches into the required front yard setback.

### BACKGROUND INFORMATION

#### **Background:**

The property is zoned R-1 Low Density Residential District. The property is in shoreland district of the Zumbro River. The applicant would like to build an addition onto the dwelling (front porch) that would encroach into the 30 ft front yard setback. The applicant volunteered to have a survey conducted to ensure they were, in fact, encroaching into the 30 ft front yard setback as the porch would encroach by approximately 1.2 ft (the covered stairway encroaches by 1.2 ft and the NE corner of the porch encroaches by 0.7 ft). The applicant is requesting a variance to encroach the front yard setback by 2.5 ft.

#### **Referral Comments:**

No referral comments of note were submitted.

The applicant requests the following:

The applicant is requesting a variance to allow an addition on a dwelling to encroach the 30 ft front yard setback.

## **ANALYSIS AND FINDINGS**

### **Staff Findings:**

According to Section 4.08 Subdivision in the Oronoco Township Zoning Ordinance, a variance from a provision of this zoning ordinance may be granted by the Board of Adjustment in those cases where the zoning ordinance is found to impose unnecessary hardship to a property owner. The Board of Adjustment may not permit as a variance any use that is not permitted for the property in the district where the affected person's land is located.

A. Criteria for Granting a Variance: A variance may be granted only when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Economic considerations do not constitute practical difficulties. The Oronoco Board of Adjustment must find evidence that all of the following facts and conditions exist:

1. There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district;

**The existing house was built prior to shoreland regulations. Though the lot could be determined to be irregularly narrow and shallow, there is still room for the dwelling to be expanded/remodeled. Though the proposed remodel encroaches into the 30 ft front yard setback, there exist alternatives to prevent this from occurring. For instance, the applicant could forego a covered stairway and choose an uncovered stairway. Additionally, the applicant could pull back the NE corner of the porch by 0.7 ft.**

2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner;

**The extraordinary conditions or circumstance are not created by the landowner. The dwelling was built prior to the shoreland regulations were enacted. Yet, despite these conditions, there exist options for the property owner to remodel/expand without encroaching into the front yard setback. For instance, the applicant could forego a covered stairway and choose an uncovered stairway. Additionally, the applicant could pull back the NE corner of the porch by 0.7 ft.**

3. The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance;

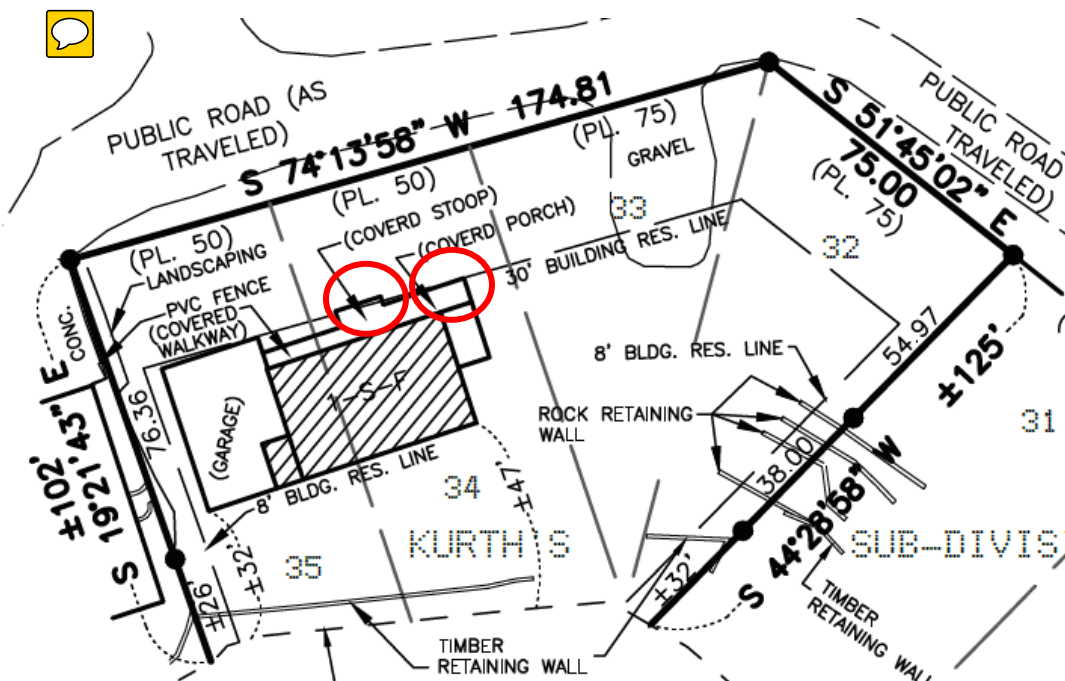
**There exist no practical difficulties in complying with the zoning ordinance.**

- The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, and will not alter the essential character of the locality;

**The granting of this variance request would not be of substantial detriment to adjacent properties and does not appear to be detrimental to the public welfare.**

- The variance is in harmony with the general purpose and intent of this ordinance; and

**The request is not in harmony with the general purpose and intent of the ordinance as it is written and interpreted as it contradicts the language used to delineate the appropriate setbacks for all properties within the R-1 Low Density Residential District.**



**Exhibit A:** Two portions of the porch that encroach into the 30 ft front yard setback.

**Staff Recommendation**

Staff findings support denial for the variance to build an addition which encroaches into the 30 ft front yard setback.

**ATTACHMENTS**

- Site Location Map
- Notification Map
- Applicant Submittals





# Aerial Map of

Oronoco Township Variance #OR2021-001VAR by Chris Kurth Construction Inc., on behalf of Jake Kostel. The request is for a variance to the front yard setback to allow for a front porch to encroach the required 30 ft. setback. The property is located in the NW 1/2 of the NW 1/2 of Section 2, Oronoco Township at 12 Kurth's Bay Ct NE.



This map prepared by the GIS Division, Olmsted County Planning Department. Olmsted County is not responsible for omissions or errors contained herein. If discrepancies are found within this map, please notify the GIS Division, Olmsted County Planning Department, 2122 Campus Drive SE Rochester MN 55904 (507) 328-7100.

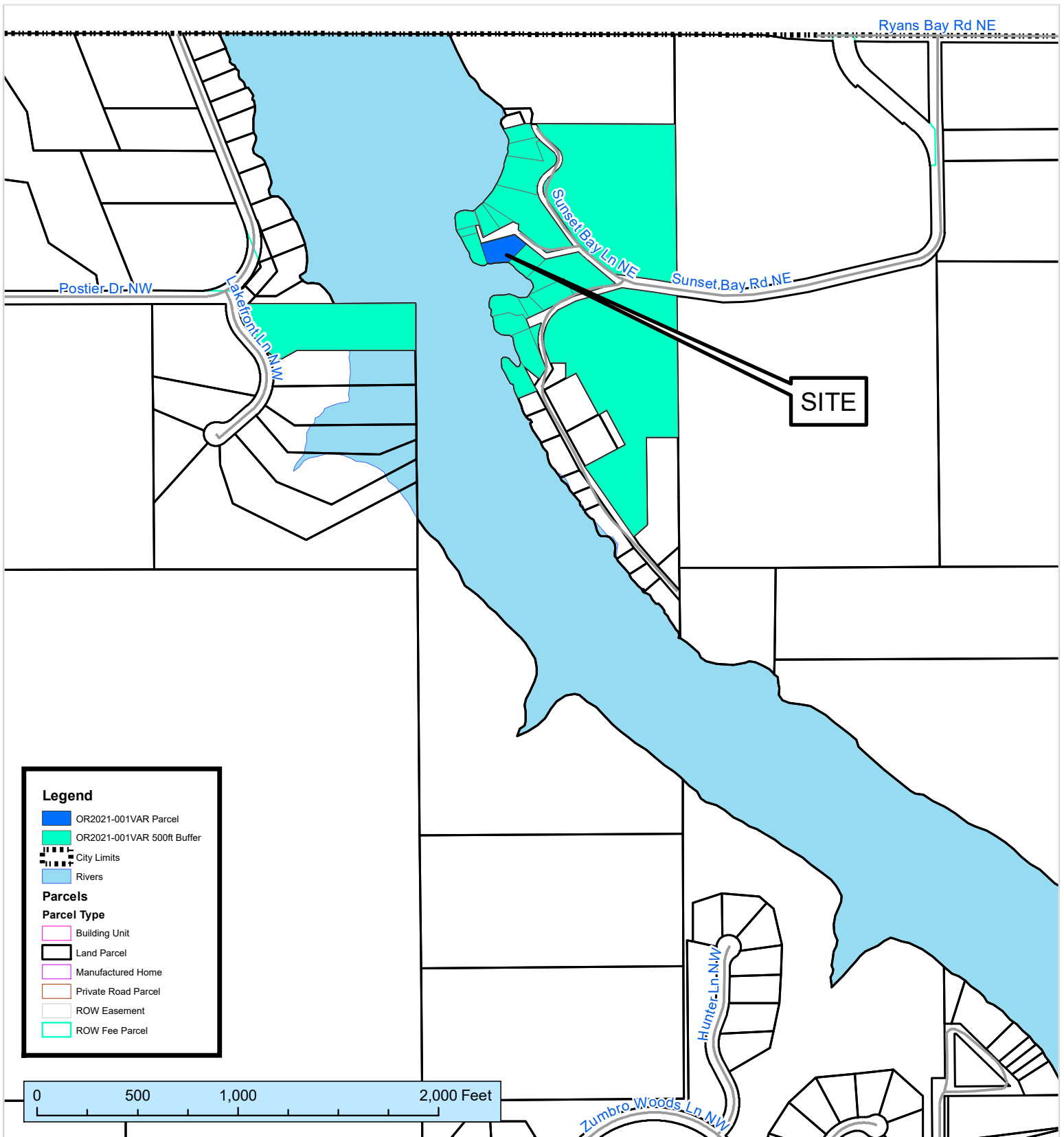
Map Date: 04/20/2021





## 500 ft. Notification Area of

Oronoco Township Variance #OR2021-001VAR by Chris Kurth Construction Inc., on behalf of Jake Kostel. The request is for a variance to the front yard setback to allow for a front porch to encroach the required 30 ft. setback. The property is located in the NW 1/2 of the NW 1/2 of Section 2, Oronoco Township at 12 Kurth's Bay Ct NE.



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Map Date: 04/20/2021

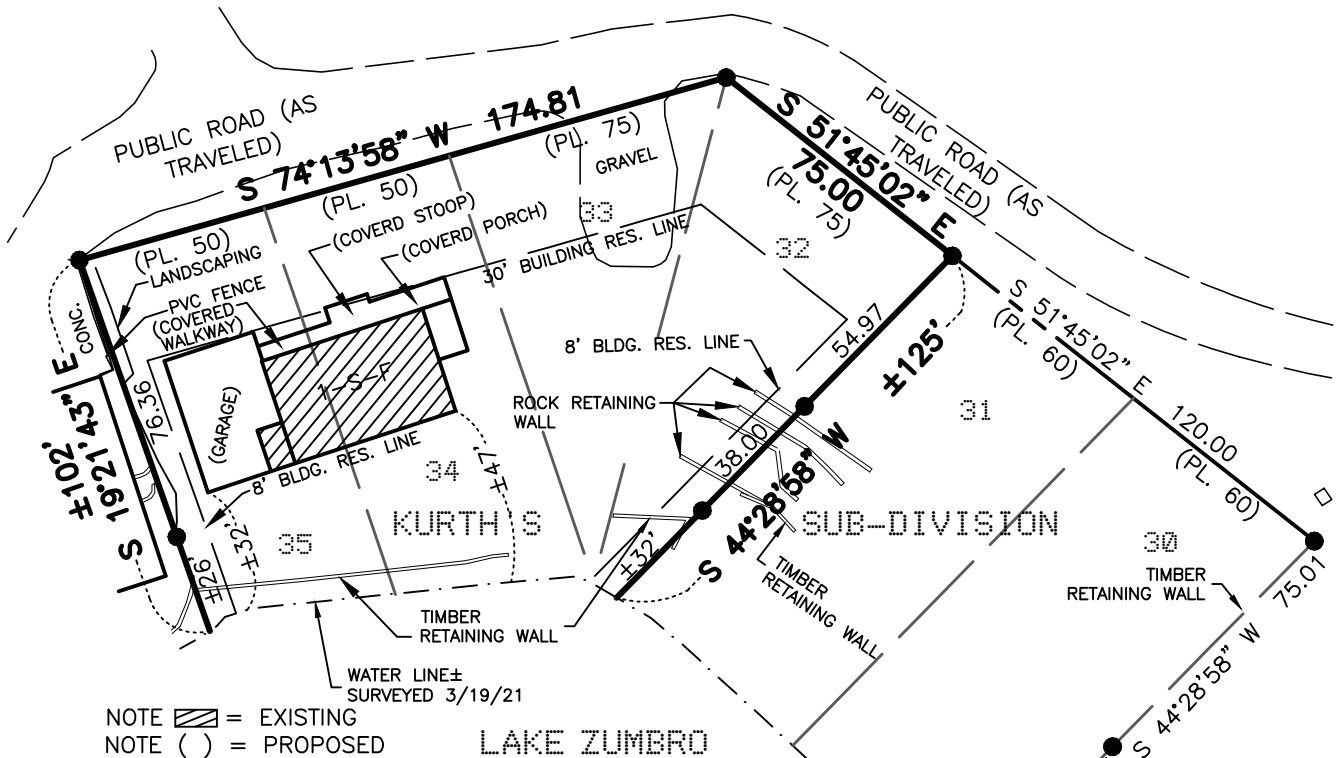


# CERTIFICATE OF SURVEY

## LOTS 32, 33, 34 & 35

### KURTH'S SUB-DIVISION

### OLMSTED COUNTY, MINNESOTA



NOTE = EXISTING  
 NOTE ( ) = PROPOSED

DISTANCE OF PROPOSED STRUCTURES FROM BLDG. RES. LINES

NW COR GARAGE 1.3' SOUTH OF 30' BLDG. RES. LINE  
 NW COR GARAGE 4.2' EAST OF 8' BLDG. RES. LINE  
 NE COR GARAGE 0.2' SOUTH OF 30' BLDG. RES. LINE  
 SW COR GARAGE 1.2' EAST OF 8' BLDG. RES. LINE

NW COR COVERED WALK 4.2' SOUTH OF 30' BLDG. RES. LINE  
 NE COR COVERED WALK 3.4' SOUTH OF 30' BLDG. RES. LINE

NW COR COVERED STOOP 0.7' NORTH OF 30' BLDG. RES. LINE  
 NE COR COVERED STOOP 1.2' NORTH OF 30' BLDG. RES. LINE

NW COR COVERED PORCH 0.9' SOUTH OF 30' BLDG. RES. LINE  
 NE COR COVERED PORCH 0.1' NORTH OF 30' BLDG. RES. LINE

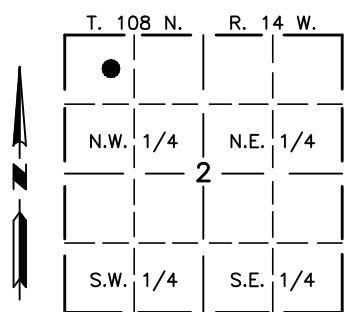
BASIS OF BEARINGS

All Bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996.

DESCRIPTION

Lots 32, 33, 34 and 35, Kurth's Sub-Division, according to the plat thereof on file at the County Recorder's Office, Olmsted County, Minnesota.

PROPERTY LOCATION MAP



## WSE + MASSEY

**ENGINEERING & LAND SURVEYING**

P.O. BOX 100, KASSON, MN 55944  
 PH. NO. 507-634-4505, EMAIL SURVEY@WSE.ENGINEERING

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date 3/22/2021

LIC. NO.: 41814

Richard J. Massey

THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF:

JACOB KOSTEL  
 ORONOCO, MN

MONUMENTS

- FOUND (5/8" PIPE UNLESS NOTED OTHERWISE)
- SET (5/8" PIPE UNLESS NOTED OTHERWISE)

DATE: 3/19/2021 REV. 3/22/2021

DWG NO. 3514SC02 JOB NO. 3514

DRAWN BY: G.D.Z. SHEET 1 OF 1

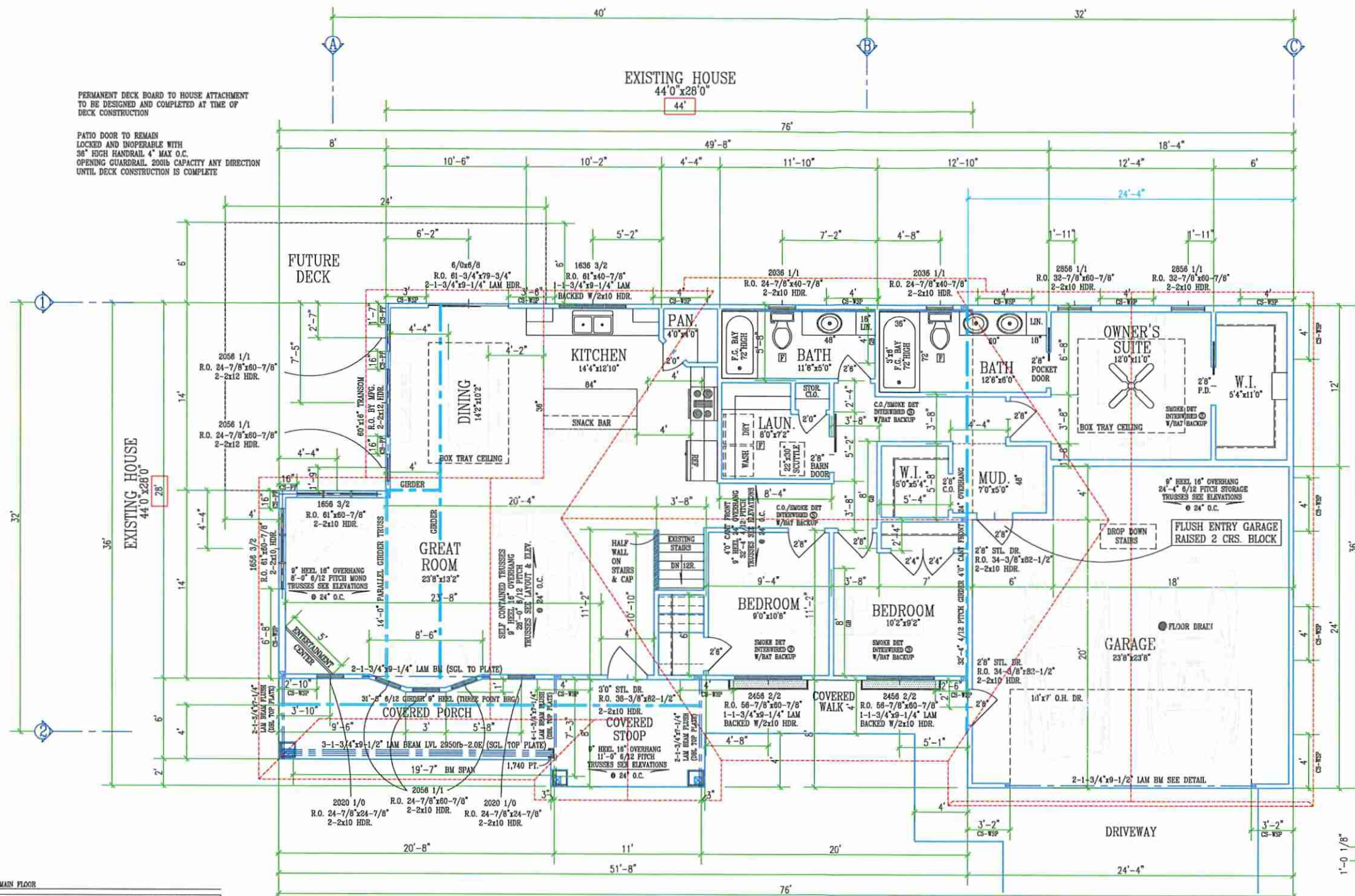






PERMANENT DECK BOARD TO HOUSE ATTACHMENT TO BE DESIGNED AND COMPLETED AT TIME OF DECK CONSTRUCTION

PATIO DOOR TO REMAIN LOCKED AND INOPERABLE WITH 36" HIGH HANDRAIL 4" MAX O.C. OPENING GUARDRAIL, 200LB CAPACITY ANY DIRECTION UNTIL DECK CONSTRUCTION IS COMPLETE



MAIN FLOOR PLAN  
SCALE 1/4"=1'-0"

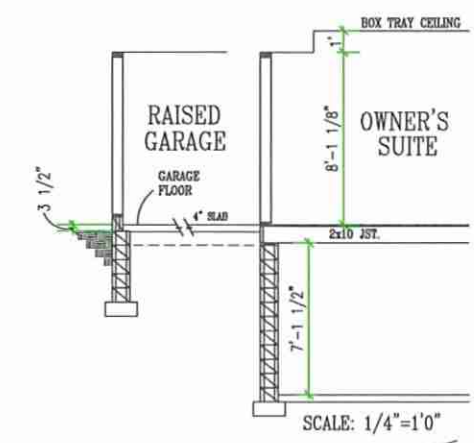
1,661.75 SQ. FT.

DESCRIPTION: MAIN FLOOR

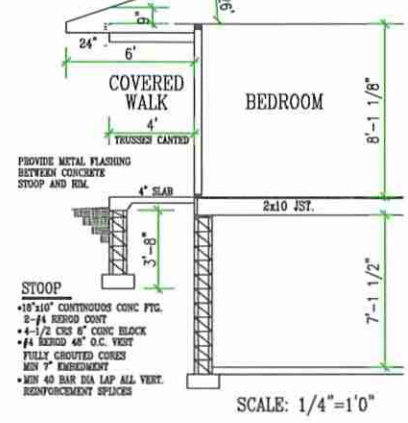
BRACED WALL LINE	BRACING METHOD TABLE (BR/SL/L)	BRACED WALL SPACING (FEET)	EXPOSURE FACTOR	DRIFT TO DATE TOTAL	WIND SPEED TOTAL	WIND SPEED BRACED WALL LINE	PROPOSED BRACING LENGTH (FEET)	PROPOSED BRACING AREA (SQ. FT.)	
(A)	CS-WSP	39 FT.	5.5	1.0	1.0	0.90	1.3	0.0'	22'-0"
(B)	CB	18 FT.	2.5	1.0	1.0	0.90	1.3	3.5'	21'-8"
(C)	CS-WSP	22 FT.	3.0	1.0	1.0	0.90	1.3	0.0'	0'-0"

DESCRIPTION: MAIN FLOOR

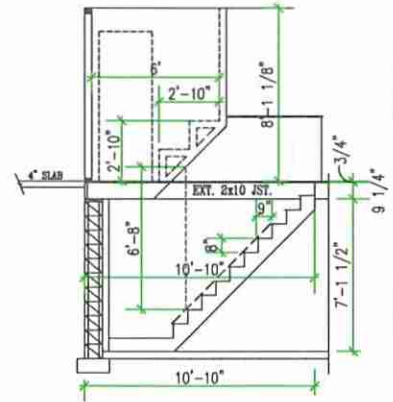
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(1)	CS-WSP	18 FT.	2.5	1.0	1.0	0.90	1.0	3.17'	6'-0"
(2)	CS-WSP	28 FT.	4.4	1.0	1.0	0.90	1.0	0.06'	12'-0"



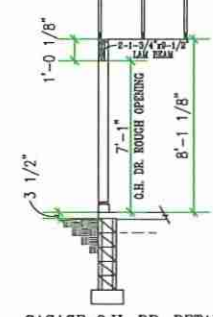
SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



EXISTING STAIRS CLOSET DETAIL  
SCALE: 1/4"=1'-0"



GARAGE O.H. DR. DETAIL  
SCALE: 1/4"=1'-0"

PROGRESSIVE PLAN  
DESIGN LLP  
RESIDENTIAL ARCHITECTURE  
114 County Rd 3 NW, Broomfield, CO 80020  
progressiveplanllp@gmail.com (970) 775-8777

These drawings have been prepared using information provided by the customer/contractor. It is the responsibility of the customer/contractor to verify the accuracy of the information provided. The architect is not responsible for any errors or omissions in these drawings. The architect is not responsible for any construction methods or materials used in the construction of the project. The architect is not responsible for any construction methods or materials used in the construction of the project. The architect is not responsible for any construction methods or materials used in the construction of the project.

STOOP  
• 10" x 10" CONTINUOUS CONC. PTC.  
• 2-4 REBAR CONC.  
• 1/2 CRS 6" CONC. BLOCK  
• 14 REBAR 48" O.C. VERT.  
• FULLY GROUTED CORNS  
• MIN 7" ENLIGHTENMENT  
• MIN 40 BAR DIA LAP ALL VERT.  
• REINFORCEMENT SPLICES

CONTRACTOR: ?  
OWNER: JAKE & MCKINZE KOSTEL

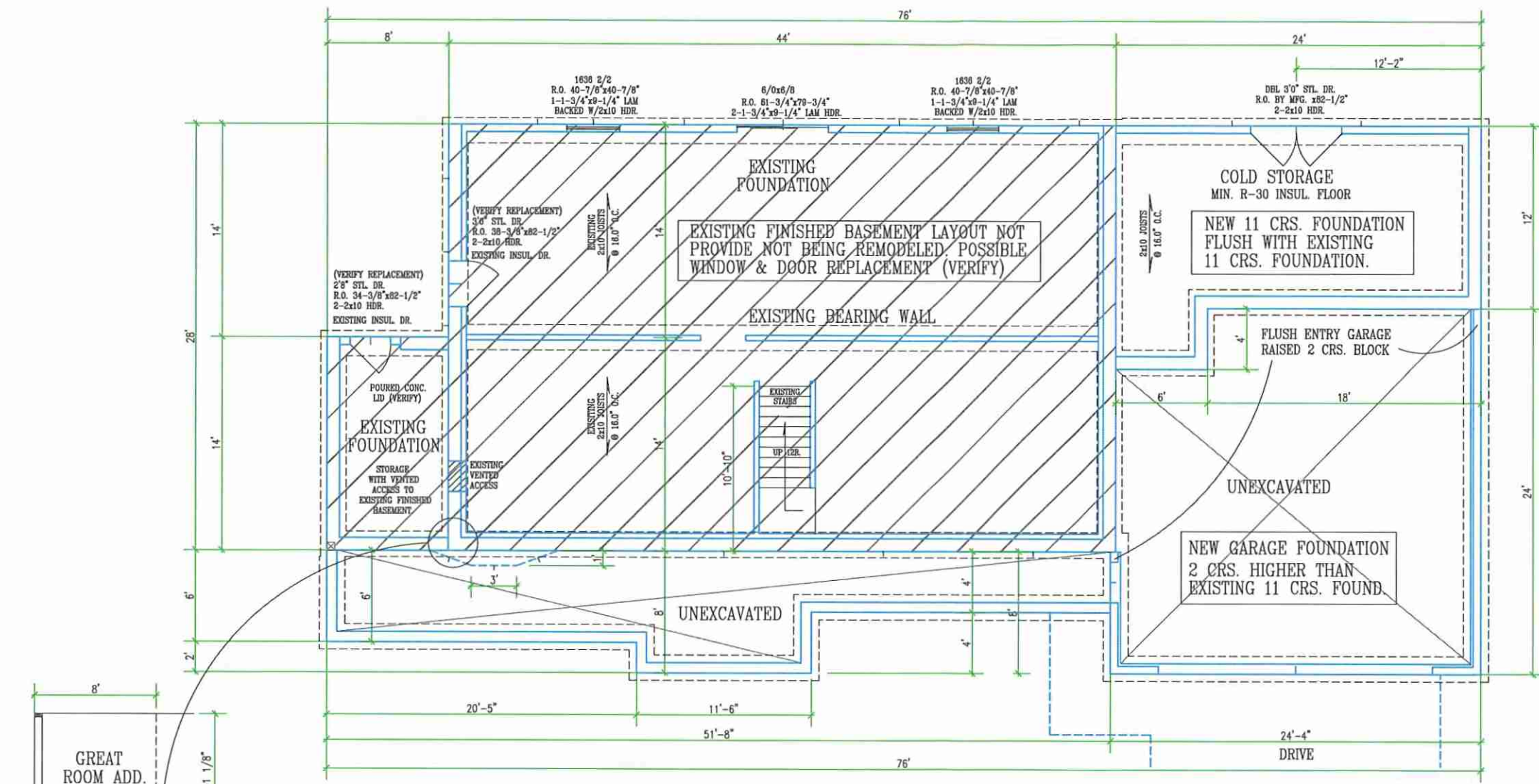
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MAR 24 2021

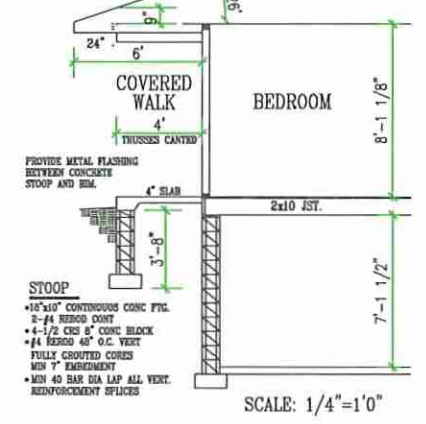
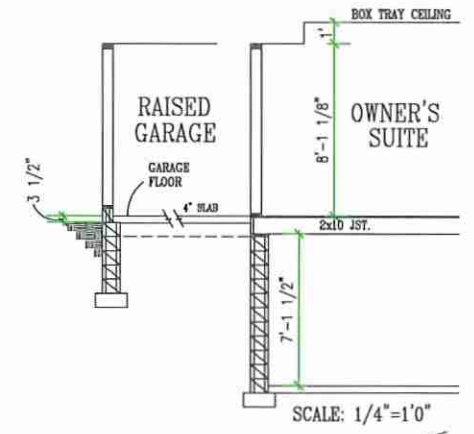
OLMSTED COUNTY  
PLANNING DEPARTMENT

DATE	B.B.
07-06-20	NOTED
2012050	NOTED
2012050	NOTED

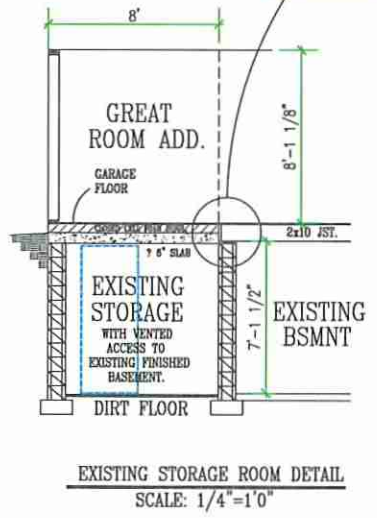
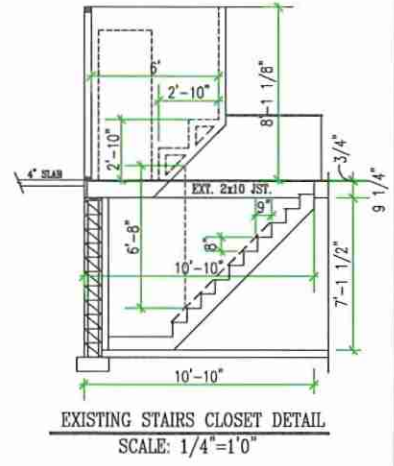




FOUNDATION PLAN  
SCALE 1/4"=1'-0"



- STOOP
- 16"x10" CONTINUOUS CONC. FTL.
  - 2-#4 REBAR DOVT
  - 4-1/2" CRS 8" CONC. BLOCK
  - #4 REBAR 48" O.C. VERT.
  - FULLY CROTTED CORNER
  - MIN 7" ENGAGEMENT
  - MIN 48 BAR DIA LAP ALL VERT. REINFORCEMENT SPICES



PROGRESSIVE PLAN  
DESIGN LLP

RESIDENTIAL ARCHITECTURE  
214 County Rd 3 SW Brimley MI 49806  
progressiveplanllp@gmail.com (601) 776-8877

There is no warranty, express or implied, for the information provided by this plan. The contractor is responsible for verifying all dimensions and conditions of the site and existing structures. The contractor is responsible for obtaining all necessary permits and for the safety of the construction. The contractor is responsible for the accuracy of the information provided by the owner. The contractor is responsible for the safety of the construction. The contractor is responsible for the accuracy of the information provided by the owner.

Author: [Signature] Date: \_\_\_\_\_  
Customer/Contractor Signature: \_\_\_\_\_

RECEIVED

MAR 24 2021

OLMSTED COUNTY  
PLANNING DEPARTMENT

CONTRACTOR: ?

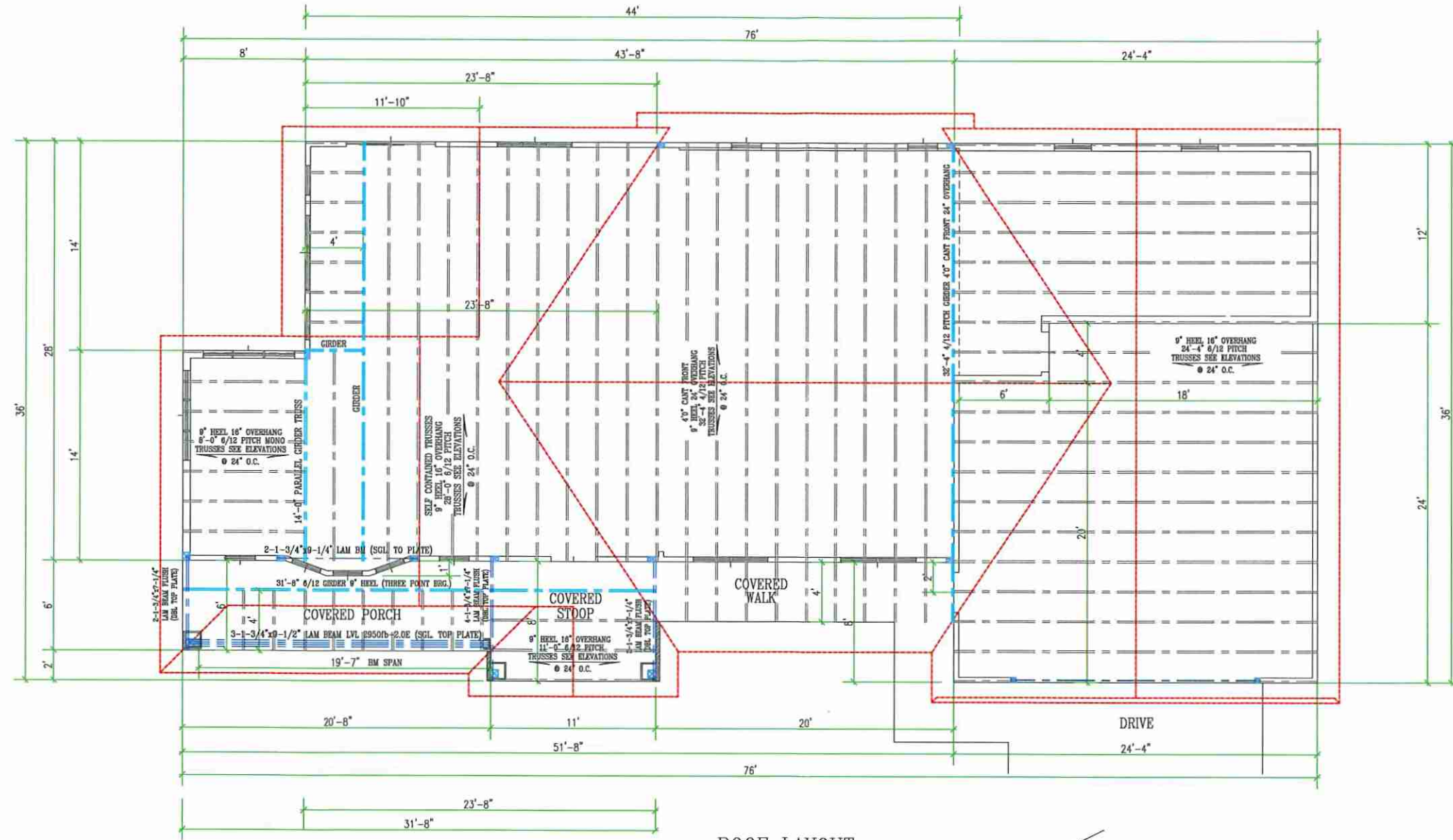
OWNER: JAKE & MCKINZE KOSTEL

DATE: 07-06-20

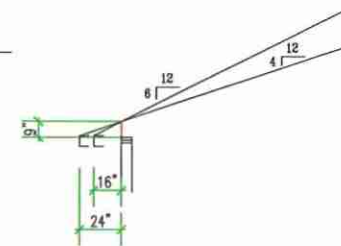
NOTED

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NOTED



ROOF LAYOUT  
SCALE 1/4"=1'-0"



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MAR 24 2021

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