



Olmsted County Planning Department

June 13, 2022 Update

Oronoco Town Board

Prepared by: Olmsted County Planning Department Staff

Request: Oronoco Township Variance #OR2022-001VAR by Jeffrey Tenner. The request is to vary the front yard setback by 24 feet to allow a detached garage to be six feet from the property and to vary the setback distance from the septic system by 10 feet.

Location: The property is located in the NW 1/4 of the NE 1/4 of Section 11 in Oronoco Township. The property is located in Blakely’s Subdivision south of County Rd 118 (Fisherman’s Dr) on Blakely Ct NW.

Zoning: R-1 Low Density Residential

ACTION ITEMS

<p>The applicant requests a variance to allow a detached garage in the front yard 6’ from the property line and 10 feet from the drainfield.</p>	<p>Planning staff recommend approval for the following variances with 1 condition:</p> <ol style="list-style-type: none"> 1. Variance to allow a detached accessory building 6’ from a side yard instead of the required 8’ setback (variance for 2’). 2. Variance to allow a detached accessory building 10’ from the on-site sewage treatment system drain field instead of the required 20’ setback. (variance of 10’) 3. Variance to allow a detached accessory building 6’ from the road right of way instead of the required 30’ (variance of 24’) 4. Variance to allow up to 26.05% impervious surface on the lot instead of the allowed 25% impervious surface (variance of 1.05%).
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BACKGROUND INFORMATION

Background:

A public hearing was held for the request on May 2, 2022. The request was continued to allow staff and the applicant to address mitigation for the impervious surface variance. Below are the conclusions we arrived at:

Mr. Tenner has submitted a narrative to address the outstanding concerns. Mr. Tenner prefers option 1 within the narrative which would give him the width where the car entry is located, rather than the depth of the garage overall. His plan shows the rain garden on the property that offsets the impervious surface area on the lot. Mr. Tenner also indicated that the new driveway will be constructed with impervious pavers to offset the additional impervious surface area on the lot.

Oronoco Township Zoning Ordinance Standards-Updated June 13, 2022

Section 9.10 Subdivision D requires mitigation for all properties requesting variances or conditional use permits within the shoreland overlay district. To no fault of the applicant, this mitigation section has not been addressed. The Oronoco Ordinance is not updated online.

D. MITIGATION

1. In evaluating all variances, conditional uses, zoning and building permit applications in the shoreland district, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment; **The property has a rain garden off the back of the house toward the lake which was constructed by a landscaper to collect runoff from the patio and 720 square feet of the dwelling's roof surface.**
 - b. Reducing impervious surfaces; **The request is limiting the additional impervious surface area by installing permeable pavers over the new garage apron instead of cement.**
 - c. Increasing setbacks from the ordinary high-water level; **The detached garage would meet the Ordinary High-Water Level setback.**
 - d. Restoration of wetlands; **There are no wetlands on the property to restore.**
 - e. Limiting vegetation removal and/or riparian vegetation restoration; **There is no significant vegetation removal required for the request.**
 - f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and **The request would not be visible**

from the lake. The detached accessory building will not interfere with the integrity of the drain field. There would be an additional driveway which would be increasing the impervious surface area for the lot.

- g. Other conditions the zoning authority deems necessary.

Section 9.15 Subdivision D Subdivision 2 Subsection a states; "Impervious surface coverage of lots must not exceed 25 percent of the lot area."

Table 1-Corrected and updated June 13, 2022

Lot Size	Allowed Imp. Surf.	Existing Imp. Surf. Sq. Ft	Existing Imp. Surf. %	Proposed Imp. Surf. Sq. Ft	Proposed Imp Surf. %
25805	6451.25	6122.3	23.7	6724.1	26.05%

The proposed detached accessory building and driveway require four variances in order to be allowed as proposed.

1. Variance to allow a detached accessory building 6' from a side yard instead of the required 8' setback (variance for 2').
2. Variance to allow a detached accessory building 10' from the on-site sewage treatment system drain field instead of the required 20' setback (variance of 10').
3. Variance to allow a detached accessory building 6' from the road right of way instead of the required 30' setback (variance of 24').
4. Variance to allow up to 26.05% impervious surface on the lot instead of the allowed 25% impervious surface (variance of 1.05%).

Referral Comments:

The Inspection Division that permits wells and septic systems indicated the variance is reasonable, given there is no other location for the garage and the garage wouldn't have a basement that would be damaged by the proximity to the drain field. The foundation for the garage should not negatively impact the function of the drain field.

ANALYSIS AND FINDINGS

Staff Findings:

- B. 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 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 property is similar in size to other properties in the neighborhood. This neighborhood consists of lots that are small for the R-1 Zoning District. The plat dates back to 1962, which did not have 2-acre minimum lot sizes. Other properties in the neighborhood have an accessory building closer to the road and the dwelling further back on the property to maximize the view to the lake. Variances were granted in the late 70's to allow the homes to be sited without meeting the minimum setback to the ordinary high-water mark. The proposed garage requires four variances to be built because it isn't meeting several standards. The other properties in the neighborhood meet or nearly meet the impervious surface area requirement. The proposed addition to the property would be consistent with the neighborhood and the impervious surface area is offset by the raingarden.**
2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **The landowner is mitigating the impact of the impervious surface area to the best of his abilities. The location of the drainfield is in the middle of the yard in front of the dwelling which makes it difficult to site the garage in any alternative location that meets all setbacks. The proposed variances are the minimum necessary to build the structure on the property. If the variances weren't approved the building could not be built.**
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; **The requests are reasonable because other properties in the neighborhood have detached accessory buildings. The requested garage is within the character of other properties in the vicinity.**
4. 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 variances will not be materially detrimental to the public welfare. The applicant is mitigating the impervious surface area variance to the best of their ability. The requests are consistent with the essential character of the locality.**
5. The variance is in harmony with the general purpose and intent of this ordinance; and **The variances are in harmony with the general purpose and intent of the ordinance. The intent of the ordinance is to ensure residential areas remain residential in nature and that shoreland areas preserve the natural features of the shoreland area. The garage will not impose any hardships to these characteristics and is consistent with other properties in the immediate vicinity of the request.**

6. The terms of the variance are consistent with the Comprehensive Plan. **The comprehensive plan supports development within existing neighborhoods and proposals that are consistent with the character of an area.**

C. **Variations in Shoreland District:** When deciding a variance to the Shoreland District regulations, the following additional factors shall be considered:

1. No variance to the standards of the shoreland district or river corridor district shall have the effect of allowing in any district uses prohibited in that district. **The proposed variances do not allow a use prohibited by the district.**
2. No variance in the shoreland district shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area. **The proposed variances will not lower the flood protection for the property.**
3. No variance in the shoreland district shall permit standards lower than those required by State law. **The variance includes a variance to impervious surface area, but is mitigated by the rain garden designed to handle the runoff of more impervious surface area than the amount added by the garage area.**
4. In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks. **The request would be consistent adjacent (to the west) property setbacks to the road.**
5. In areas of unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property. **The request is not due to a significant elevation difference between the property and the lake. The reason the property is desirable is due to its proximity to the lake.**
6. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system. **The on-site sewage treatment system is compliant according to the Inspection Division of the Olmsted County Planning Department. A new system was installed in 2020 when the addition was built.**
7. Shall incorporate mitigation considerations per Section 9.10 Subdivision D of this Ordinance. **The request has incorporated the mitigation considerations of Section 9.10 Subdivision D of this ordinance.**

Staff Recommendation

Based on the above findings of fact Planning staff recommend approval of all four variances with one condition:

1. Variance to allow a detached accessory building 6' from a side yard instead of the required 8' setback (variance for 2').

2. Variance to allow a detached accessory building 10' from the on-site sewage treatment system drain field instead of the required 20' setback (variance for 10').
3. Variance to allow a detached accessory building 6' from the road right of way instead of the required 30' setback (variance of 24').
4. Variance to allow up to 26.05% impervious surface area on the lot instead of the allowed 25% impervious surface area (variance of 1.05%).

Condition:

1. The impervious pavers and rain garden must be maintained according to manufacturers' specifications to ensure they function according to specifications.

ATTACHMENTS

1. Applicant narrative

Impervious Surface Mitigation

- Currently, an area on the lake side of the home off the back patio is collecting rain water from the patio and approximately 720 square feet of roof. This area was constructed by a landscaper and includes 6" of lime stone and 4" of sand consistent with a rain garden.
- If a driveway is added, it will be built using a pervious or permeable surface.
- Having the garage entry and doors face Blakely Ct NW is undesirable due to winter snow clearing difficulties. Therefore, the plan has changed to have the drive to the garage take off from the existing driveway.



