



## Olmsted County Planning Department

June 13, 2022

### Oronoco Town Board

Prepared by: Olmsted County Planning Department Staff

Request: Oronoco Township Variance #OR2022-002VAR by Beth Hodgman on behalf of Larry Rucker. The request is a variance to allow a second non-farm parcel in a property zoned A-2, Agricultural Protection District.

Location: The property is located within the NE 1/2 of Section 32 T108N R14W with an address of 4402 85th St NW.

Zoning: A-2, Agricultural Protection District

### ACTION ITEMS

The applicant requests a variance to allow a second non-farm dwelling within the NE ¼ of the NW ¼ Section 32.

Planning Staff recommends the approval of the variance to split a non-farm dwelling within the NE ¼ of the NE ¼ with 1 condition.

### BACKGROUND INFORMATION

#### Background:

The applicant is the power of attorney for Mr. and Mrs. Rucker. Mr. and Mrs. Rucker are no longer able to live in their dwelling and would like to sell the property. They would like to be able to split the dwelling from the tilled agriculture. The property is currently 71 acres. The dwelling would be required to be sited on 35 acres because it is located in the NE ¼ of the NW ¼ of Section 32. It was built in 1989 as a farm dwelling. A farm dwelling is any dwelling on a property at least 35 acres in the A-2 Agricultural Protection District.

The NE ¼ of the NW ¼ currently contains a non-farm dwelling. The adjacent property was split in 1987 as a 3-acre non-farm parcel with a 57 acre residual parcel comprising of 2 adjacent tax parcels. Since the dwelling was built after April 16, 1983, it does not qualify to be split on less than 35 acres as a "farmstead dwelling." The intent of the "farmstead dwelling" provision was to allow dwellings on farm sized parcels to be split after the ordinance changed in 1983.

As the property exists today (71 acres); it could split into 2 farm sized parcels a 35 and 36 acre parcel. Because the applicant would like to preserve the agricultural land together, they would like to split the existing dwelling with the minimum amount necessary. Please refer to the "Qtr, Qtr Exhibit" to see how the ¼, ¼'s impact the property.

## Referral Comments:

No comments have been received to date.

**ANALYSIS AND FINDINGS****Staff Findings:**

- 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 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 consists of high quality agricultural land. The location of the existing dwelling is the best location for a dwelling on the 71 acre parcel. Allowing the dwelling to be split onto a smaller area of land would allow the tillable agricultural land to remain intact.**
  2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner; **The landowner originally built the dwelling where the agricultural land was the least impacted. They were not considering the future split of the property in 1989. They have now aged out of their dwelling and would like to keep the agricultural land intact so that it can continue to be farmed.**
  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 request is reasonable because the variance will not lead to an increase in density of the area and the agricultural land will be preserved for continual farming purposes.**
  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 variance will not negatively impact surrounding properties nor will it alter the essential character of the property. The purpose of the variance is to preserve the character of the property.**
  5. The variance is in harmony with the general purpose and intent of this ordinance; and **The variance is in harmony with the general purpose and intent of the ordinance. No additional non-farm dwellings will be allowed to be split from the property; therefore, the density of the section will not change and the integrity of the agricultural land will be maintained.**
  6. The terms of the variance are consistent with the Comprehensive Plan. **The request is to preserve the agricultural land. This is consistent with the goals and policies of the Resource Protection Land Use Designation.**

**Staff Recommendation**

Based on the above findings of fact Planning staff recommend approval of the variance to allow a second non-farm dwelling to be created in the NE ¼ of the NW ¼ with the following condition:

Condition:

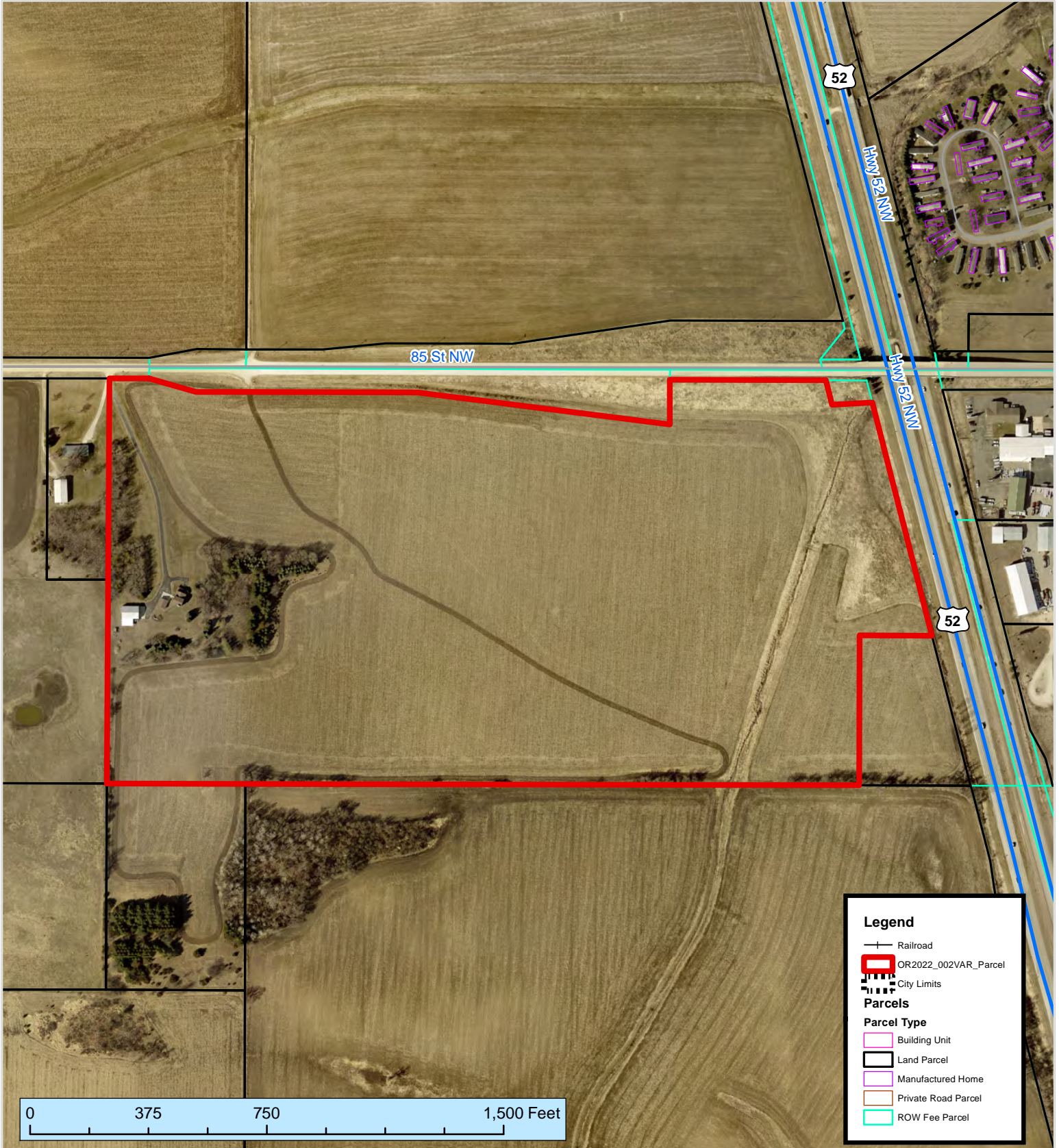
1. No buildable non-farm parcels will be allowed to be created from the residual parcel.

**ATTACHMENTS**

1. Applicant narrative
2. Notification Map
3. Aerial Photo
4. Zoning Map
5. Soil Map
6. Qtr, Qtr Exhibit

# Aerial Map of

Oronoco Variance #OR2022-002VAR by Beth Hodgman on behalf of Larry Rucker. The request is a variance to allow a second non-farm parcel in a property zoned A-2, Agricultural Protection District. The property is located within the NE 1/2 of Section 32 T108N R14W with an address of 4402 85th St NW.



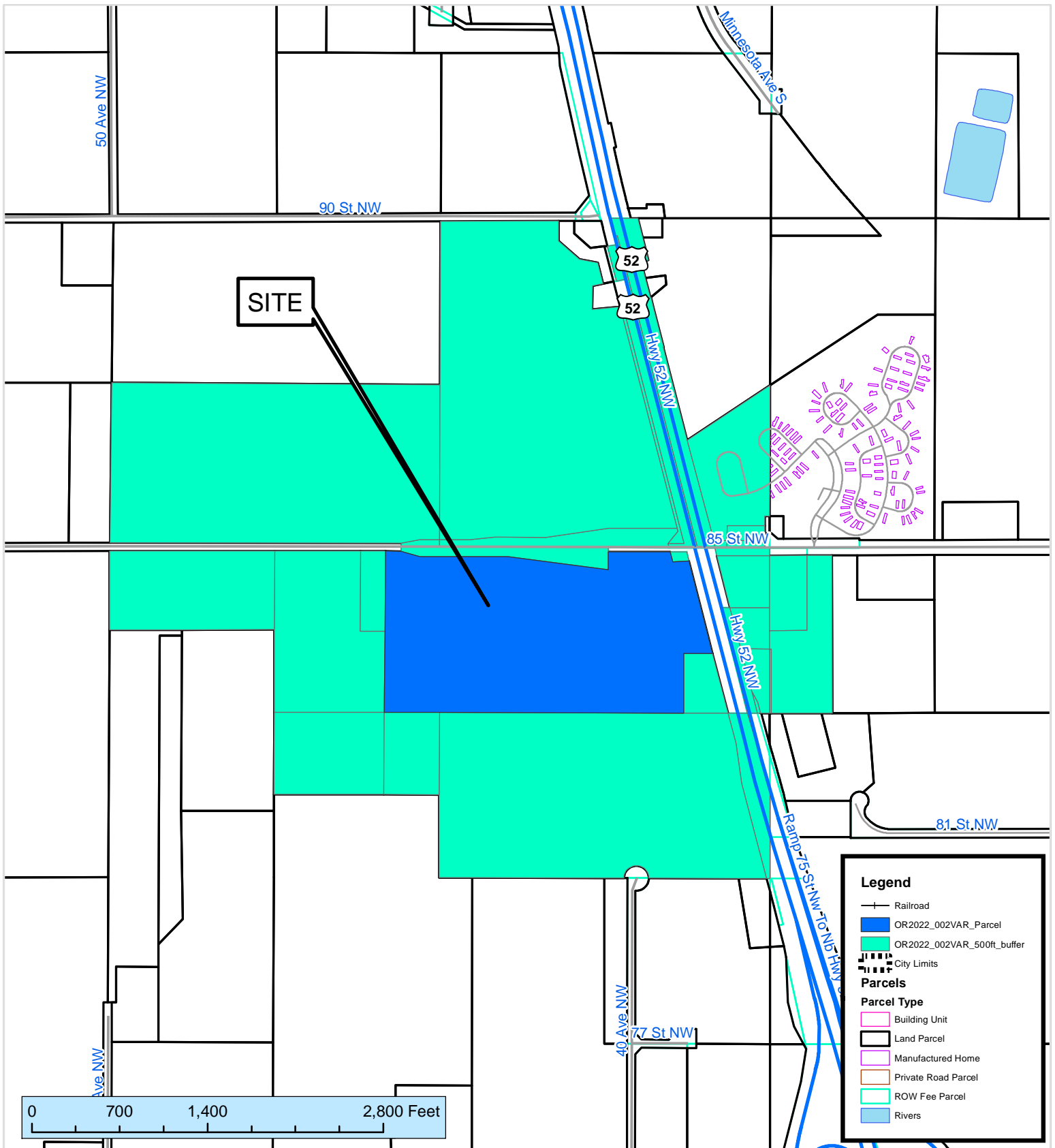
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Map Date: 05/18/2022



### 500 ft. Notification Area of

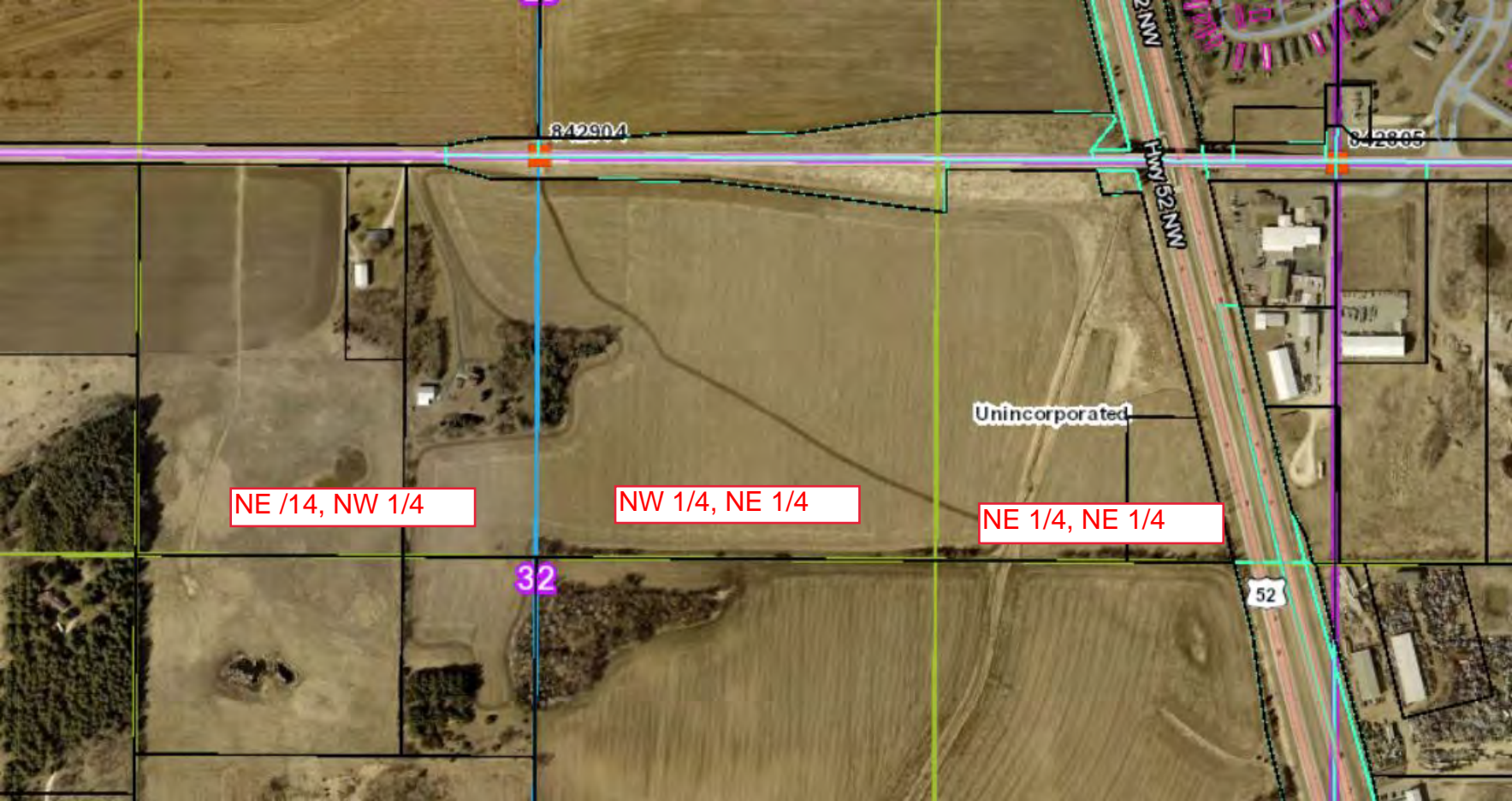
Oronoco Variance #OR2022-002VAR by Beth Hodgman on behalf of Larry Rucker. The request is a variance to allow a second non-farm parcel in a property zoned A-2, Agricultural Protection District. The property is located within the NE 1/2 of Section 32 T108N R14W with an address of 4402 85th St NW.



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Map Date: 05/18/2022





842904

842805

Hwy 52 NW

Unincorporated

NE /14, NW 1/4

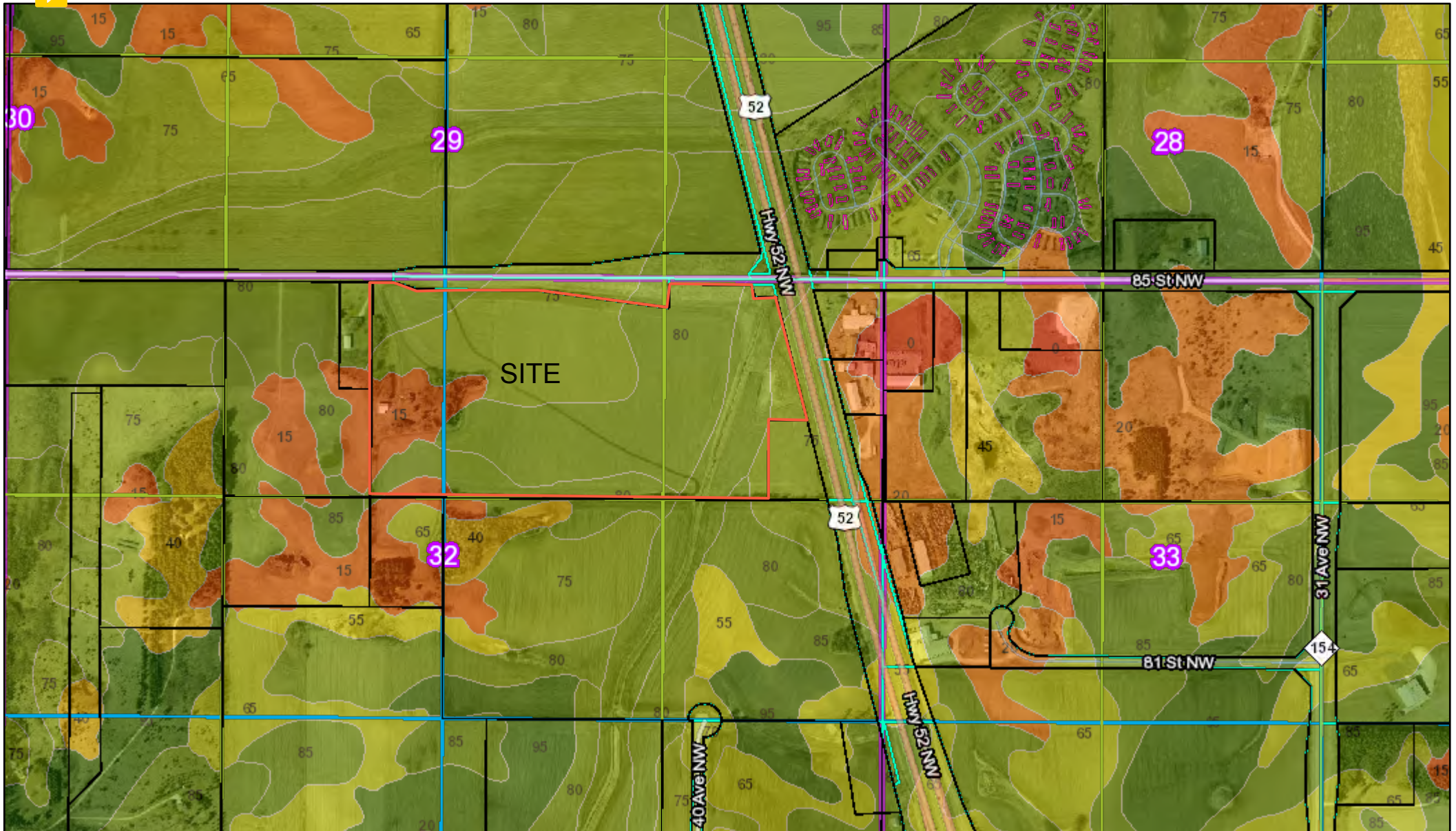
NW 1/4, NE 1/4

NE 1/4, NE 1/4

32

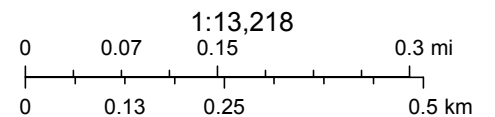
52

# Soils Map



6/6/2022, 4:04:42 PM

- Centerlines
- <all other values>
- City Street
- County Road
- County State Aid Highway
- Driveway With No Public Access
- Interstate



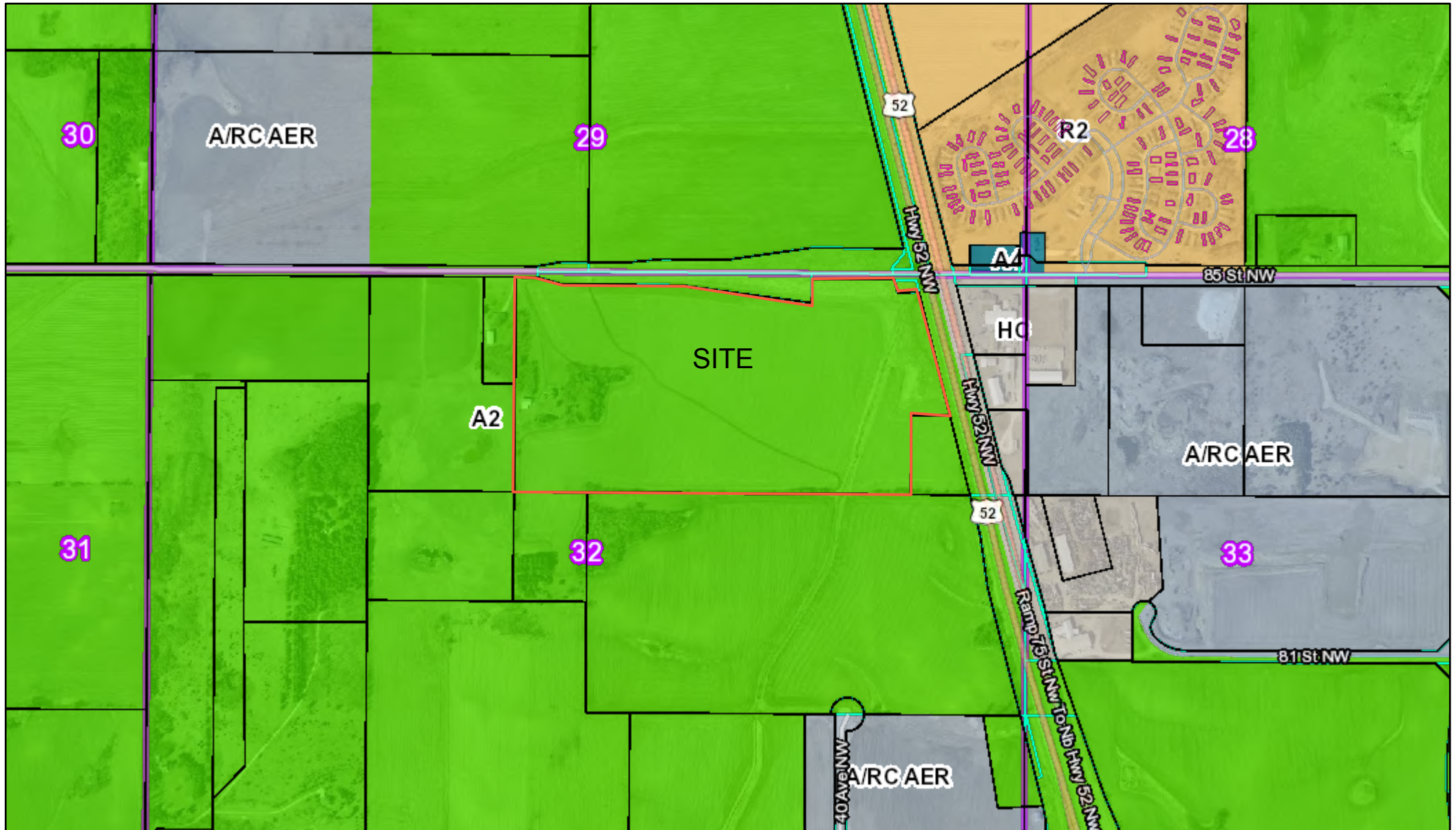
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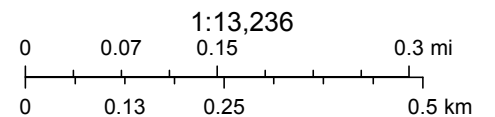
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# Zoning Map



6/7/2022, 8:42:05 AM

- Centerlines
- <all other values>
- City Street
- County Road
- County State Aid Highway
- Driveway With No Public Access
- Interstate



Olmsted County, MN GIS Division and Olmsted County, MN Property Records and Licensing., Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap

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