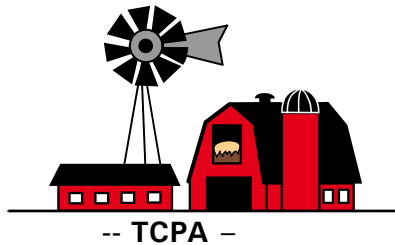


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902

Phone: (507) 529-0774



Ethan Kaske, Administrator
Janelle Finck, Administrator

ethan@tcpamn.org
janelle@tcpamn.org

Date: August 24, 2026

To: Oronoco Township Board of Adjustment
Applicant – Nicholas and Desirae Pegram

Re: OTVAR-26-03
Variance Request – Section 2 – Oronoco Township

Owner/Applicant: Nicholas & Desirae Pegram
13036 Sunset Bay Rd NE, Zumbro Falls, MN 55991

Public Hearing: Monday, September 14, 2026 after 5:30 pm
at the Oronoco Township Hall
115 2nd Street NW, Oronoco, MN 55960

Request: An application for a Variance to allow an existing single-family dwelling to remain at a front yard setback of twenty-one point three (21.3) feet where thirty (30) feet is required, and at an interior side yard setback of six point seven (6.7) feet where eight (8) feet is required, in an R-1 Low Density Residential District

Legal Description: Lot 5, Block 1, SUNSET BAY RIDGE SUBDIVISION

PIN#: 840223086876

Zoning: R-1 Low Density Residential District

Reviewer List: Olmsted County Planning
Olmsted County Public Works
Olmsted County GIS

Attachments:

1. Application
2. Applicant's approved site plan
3. Applicant's Survey
4. Property Exhibits

Background:

The applicant has an active building permit #25010587, which they pulled as the contractor in 2025 for the construction of a single-family dwelling on the property at 13036 Sunset Bay Rd, Zumbro Falls, MN 55991. The permit includes an approved site plan that meets the criteria in the Oronoco Township Zoning Ordinance. A neighbor property dispute raised concerns that the house does not meet the front or side yard setbacks shown on the submitted site plan. Through conversation with the applicant, it was determined that they measured their 30' setback from the edge of the road and not from their front property pins, as is required by the ordinance under Section 2.02 (the setback is measured from the nearest property line or highway easement line). Staff understands that the house is complete and the only remaining inspection is the final inspection, which has been placed on hold until the zoning violations are resolved. The applicant provided a certificate of survey to confirm the location and verify the non-compliant setbacks.

Oronoco Township Ordinance:**Section 6.02 R-1 Low Density Residential District:**

The purpose of this district is to provide a limited amount of low density residential development in those areas described as "Suburban Subdivision Area" within the Comprehensive Plan that have suitable soils for long-term private sewage systems and those areas classified Low Density Residential within the Urban Service Area served by Public or other centralized sewage collection and treatment system.

3. Front Yard Regulations:

- a) A minimum front yard depth of not less than forty-five (45) feet shall be provided on all lots adjoining federal, state, and county roads.
- b) A minimum front yard depth of not less than thirty (30) feet shall be provided on lots adjoining local roads and streets.

4. Side Yard Regulations:

- a) A minimum side street yard width of not less than forty-five (45) feet shall be provided on all lots adjoining federal, state, and county roads.
- b) A minimum side street yard width of not less than thirty (30) feet shall be provided on all lots adjoining local roads and streets.
- c) A minimum interior side yard width of not less than eight (8) feet shall be provided.

Section 4.08 VARIANCES:

The Oronoco Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. The Oronoco 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. The Oronoco Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

- 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;
2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner;
 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;
 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;
 5. The variance is in harmony with the general purpose and intent of this ordinance; and
 6. The terms of the variance are consistent with the comprehensive plan.

Analysis:

Analysis of the 6 criteria for granting a variance is as follows:

(Staff comments are in italics)

- 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 rear part of the property has steep slopes at times over 30% grade. The applicant stated in the application that their licensed soil tester could identify only one area capable of supporting a septic system, which is in the rear of the house.

During construction, the applicant revised the plan to remove a portion of the rear of the house to meet all setback requirements. It appears the applicant was trying to make a good-faith attempt to meet setbacks.

This criterion is met.

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

Staff acknowledges that the construction of the house in its current location reflects an error in measurement. The setbacks were measured from the edge of the road of Sunset Bay Road NE rather than from the platted right-of-way line. It appears the mistake was unintentional and was not made to obtain additional buildable area. Staff will defer to the Board of Adjustment to determine if this criterion is met.

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;

Looking back at the historical aerial imagery, there was a dwelling on that property in 2024 that met all the setback requirements. The house that was built is bigger, but it did fit on the approved site plan within the buildable area. A single-family dwelling is a permitted use in the R-1 Low Density Residential District and is the reasonable and expected use of a platted residential lot in this subdivision. The applicants seek no expansion of use, no additional density, and no use not contemplated by the district.

The dwelling is complete. Compliance would require removal of the covered porch and approximately one foot of the southeasterly wall of the dwelling, which is a load-bearing wall of the finished residence. Relocation of the dwelling at this point is not available as an alternative.

This criterion is met.

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;

Development in the Sunset Bay Ridge Subdivision consists of single-family dwellings on similarly configured lots, and the dwelling is consistent with that pattern in scale, use, and siting. Granting the variance would not alter the essential character of the locality. This criterion is met.

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

The purpose of the R-1 District is to accommodate single-family residential development. The use of a single-family home is permitted. The variance is dimensional only and does not allow the property to be used in any other manner than what is permitted by ordinance or within the surrounding area. This criterion is met.

6. The terms of the variance are consistent with the comprehensive plan.

The Olmsted County Land Use plan describes the land as “ Suburban Development Areas consist of very low-density residential areas, relying for the indefinite future on private well and septic systems.” This is consistent with the comprehensive plan. This criterion is met.

Conclusion:

The builder is responsible for following the approved site plan, knowing the local ordinances, and meeting the required setbacks of the Oronoco Township Zoning Ordinance. The variance request is for a front yard setback of twenty-one point three (21.3) feet and an interior side yard setback of six point seven (6.7) feet to allow for a completed dwelling to exist within the required yard setbacks of the Oronoco Zoning Ordinance as a result of the builder’s error in measurement.

Recommendation:

Staff recommends approval of the variance request of a one point three (1.3) foot variance to the side yard setback and an eight point seven (8.7) foot variance to the front yard setback. The dwelling is complete, and compliance would require removal of load-bearing walls. However, the Oronoco Board of Adjustment should take into consideration all staff findings, public comment, and reviewers' comments when making a determination.

TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

TCPA
4111 11th Avenue SW
Room 10
Rochester, MN 55902

VARIANCE APPLICATION

PH: 507-529-0774
FX: 507-281-6821
EM: mail@tcpamn.org
WEB: www.tcpamn.org

TOWNSHIP: Oronoco

DATE: 8-13-26

PROPERTY OWNER: Nicholas + Desirae Pegram PHONE #: 501-951-5001

PROPERTY ADDRESS: 13036 sunset bay Rd NE

CITY: Zumbro Falls STATE: MN ZIP: 55991

PROPERTY PARCEL #: _____

VARIANCE DESCRIPTION & REASON FOR VARIANCE REQUEST:

Encroachment variance into right of way setback + side property line. The front encroachment occurred because we mistakenly measured from the edge of roadway. Unknown displacement of our preliminary string line prior to pour of foundation.

EXISTING USE OF PROPERTY:

Residential - existing detached garage used for storage during home construction.

HAS A VARIANCE BEEN SOUGHT FOR THIS PROPERTY BEFORE?:

____ - YES X - NO

IF SO WHEN?: _____

APPLICANT SIGNATURE: Desirae K Pegram

FILING FEE: _____

SIGNATURE DATE:

8-13-26

APPLICATION COMPLETE DATE:

_____(TCPA)

60-DAY DATE:

_____(TCPA)

VARIANCE QUESTIONS: (Answer all of the following questions. Use a separate sheet if necessary.)

A variance may be granted only when the you can establish that there are practical difficulties in complying with the zoning ordinance. Economic considerations do not constitute practical difficulties. For the Board of Adjustment to grant your variance you must provide evidence that all of the following facts and conditions exist;

- 1) Explain and illustrate that there are extraordinary conditions or circumstances, like an irregular or especially narrow or shallow lot, or exceptional topographical or physical conditions, which are peculiar to your property and that do not exist on other lots or land in your same neighborhood or zoning district. Provide an aerial map/drawing to illustrate.

COMPLETE BOTH SIDES OF THIS APPLICATION

VARIANCE QUESTIONS: - continued

- 2) Explain and provide reasoning that the above extraordinary conditions or circumstances are unique to your property and that the circumstances or conditions were not created by you.

- 3) Explain why the variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that your property can be used in a reasonable manner not permitted by the ordinance.

- 4) Explain how the variance will not be detrimental to the general public welfare or negatively affect your neighbors property value or their enjoyment of their property and that the variance will not alter the character of your neighborhood or area.

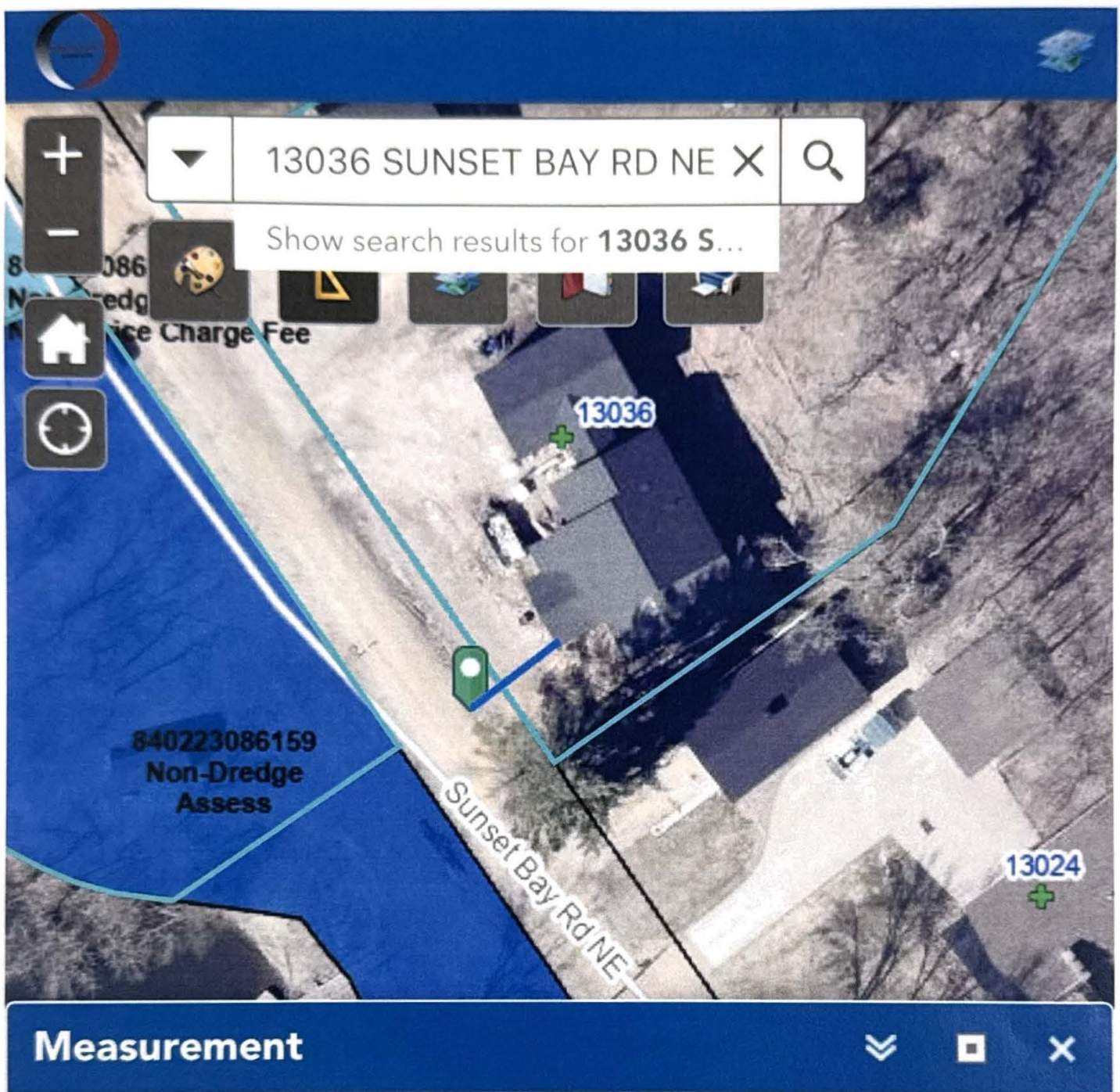
- 5) Explain why there is no alternative to your request. And if there are alternatives explain why those alternatives are not worthy of consideration.

You must provide a site plan for your proposed variance showing the following:

- Entrance and exit driveway(s).
- All structures on your property showing distances from lot lines, septic and well and other structures.
- If this a setback variance—show where the proposed structure will be located.

This Variance application will be considered incomplete and no action will be taken until the TCPA office is in receipt of; a.) this completed application form; b.) the site plan; c.) the filing fee.

COMPLETE BOTH SIDES OF THIS APPLICATION



Measurement Result

30.9 Feet (US)

7
Clear



1. Explain and illustrate that there are extraordinary conditions or circumstances, like an irregular or especially narrow or shallow lot, or exceptional topographical or physical conditions, which are peculiar to your property and that do not exist on other lots or land in your same neighborhood or zoning district. Provide an aerial map/drawing to illustrate.

During site preparation two years ago right after we purchased the lot, we encountered an extensive underground field of buried debris that looked to be old barns and sheds deep beneath the surface. At the same time, our licensed soil tester identified only one specific zone on the property with the proper soil profiles capable of supporting a functional septic system.

This unexpected combination of subsurface obstructions and rigid soil requirements severely restricted our usable building options. It created a highly constrained, narrow footprint on the remainder of the lot. To handle these challenges safely, we custom designed the home specifically to fit into the small, remaining usable space available to us. (See attached map/drawing)."

2. Explain and provide reasoning that the above extraordinary conditions or circumstances are unique to your property and that the circumstances or conditions were not created by you.

These underground conditions belong strictly to our parcel and were entirely pre-existing. The historical debris field was buried by a prior owner before we purchased the property, and the natural soil profiles are a fixed feature of the land itself.

We had no knowledge of these subsurface issues until we physically started digging for our utilities two years ago. We did the responsible thing and excavated as much of the old debris as possible to make the ground stable, but we ultimately had to adapt our project to the fixed layout constraints that we inherited with the lot.

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

The variance is necessary to resolve an honest, good-faith measurement mistake made during the initial site layout. Because our building careers were spent working under neighboring county rules that use different roadside baselines, the contractor, excavator, and foundation teams mistakenly measured our setbacks from the visible edge of the physical street pavement rather than the official right-of-way line.

We honestly believed we were measuring everything correctly until we were notified of the

discrepancy by county staff just recently . Because we were working within a highly compressed space to fit the home's custom design into the remaining buildable footprint, this baseline misunderstanding resulted in the finished structure sitting closer to the lines than the ordinance allows. As shown on the attached survey, the home maintains a highly safe clearance of over 30 feet from the actual physical road edge.

4. Explain how the variance will not be detrimental to the general public welfare or negatively affect your neighbors property value or their enjoyment of their property and that the variance will not alter the character of your neighborhood or area.

The home has a completely safe and positive impact on the area. It is a high quality, beautifully constructed residence that enhances the neighborhood. The front section causing the encroachment includes a 14-foot open overhang porch, which is entirely transparent and maintains open visibility. Because the structure stands safely back over 30 feet from the physical road edge, all traffic sightlines, municipal rights-of-way, and public accesses remain wide open. Additionally, across the street, multiple existing homes are positioned very close to the roadway, meaning our home's placement blends seamlessly with the established layout of the street. The house has stood through a full year of weather, and the hill's grading handles heavy rain perfectly. Runoff catches on a flat area and drains safely to the road ditch without ever impacting our neighbor's property line or causing erosion.

5. Explain why there is no alternative to your request. And if there are alternatives explain why those alternatives are not worthy of consideration.

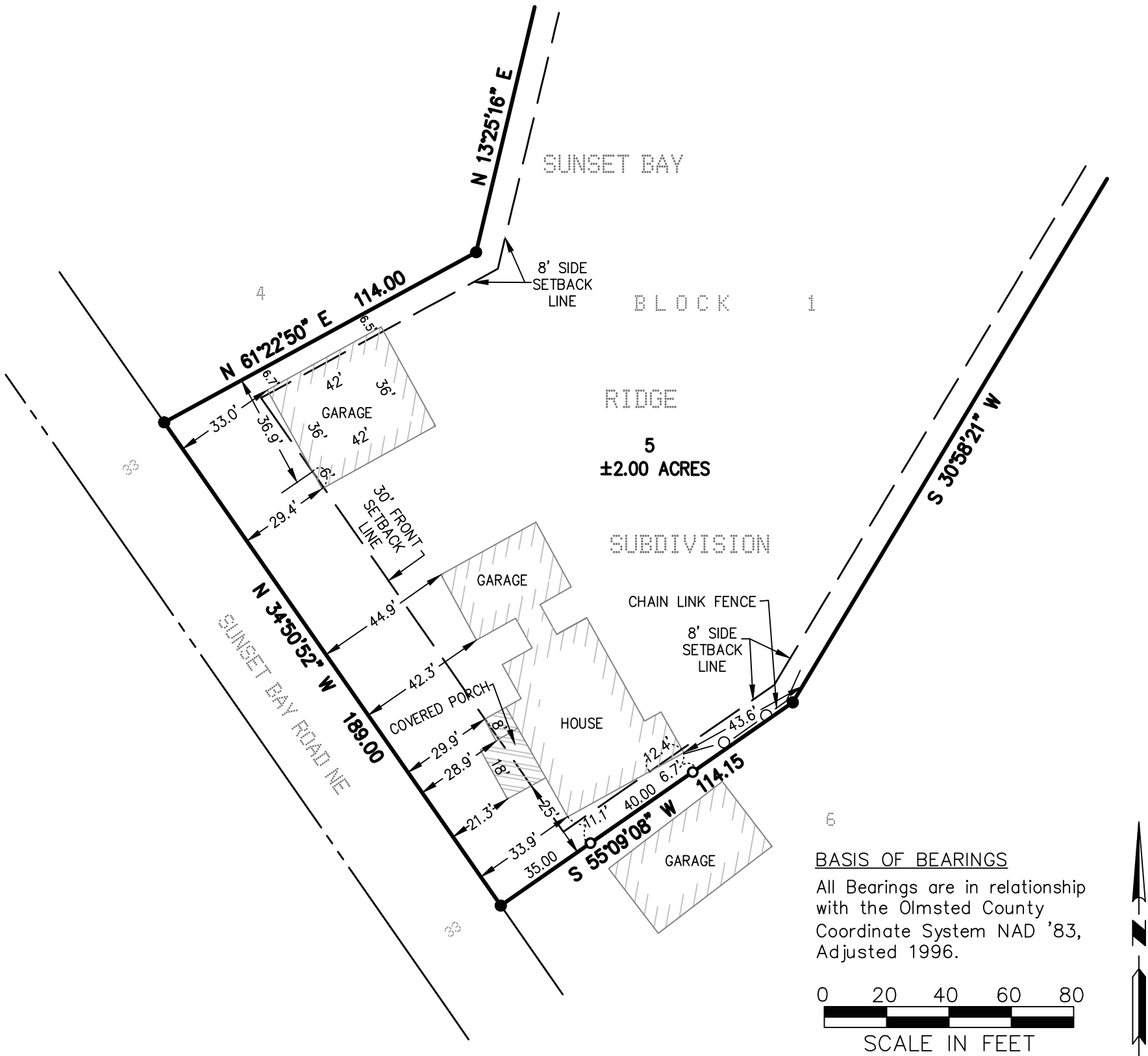
Because the residence is already fully completed, there are no viable or reasonable alternatives available. Shifting the structure backward is physically impossible because it would push the foundation into the established septic utility area.

The only alternative to this request would be partial structural demolition to cut off a portion of the finished home. Forcing the demolition of a high-quality, safe structure would cause catastrophic financial ruin. Because moving the house changes nothing about the hill's natural topography or how the stormwater drains to the public street ditch, enforcing partial demolition serves no practical public purpose. We feel that granting these dimensional variances is the only reasonable, safe solution.

SKETCH OF SETBACKS
LOT 5, BLOCK 1
SUNSET BAY RIDGE SUBDIVISION
OLMSTED COUNTY, MINNESOTA

DESCRIPTION

Lot 5, Block 1, SUNSET BAY RIDGE SUBDIVISION, Olmsted County, Minnesota.



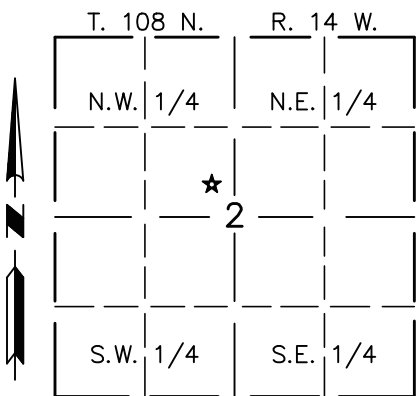
R-1 LOW DENSITY RESIDENTIAL DISTRICT SETBACKS

FRONT YARD REGULATION:
30 FEET ON LOTS ADJOINING LOCAL ROADS AND STREETS

SIDE YARD REGULATION:
MINIMUM INTERIOR SIDE YARD 8 FEET

EXISTING SETBACK LINES

PROPERTY LOCATION MAP



No Scale

WSE MASSEY
ENGINEERING & LAND SURVEYING LTD.
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 _____

LIC. NO.: 59823

Reinhold W. Zieman

THIS SURVEY AND DRAWING
WAS PREPARED FOR THE
EXCLUSIVE USE OF:
NICK & DESIRAE PEGRAM
ZUMBROTA, MN

MONUMENTS
● FOUND (5/8" PIPE UNLESS NOTED OTHERWISE)
○ SET (5/8" PIPE UNLESS NOTED OTHERWISE)

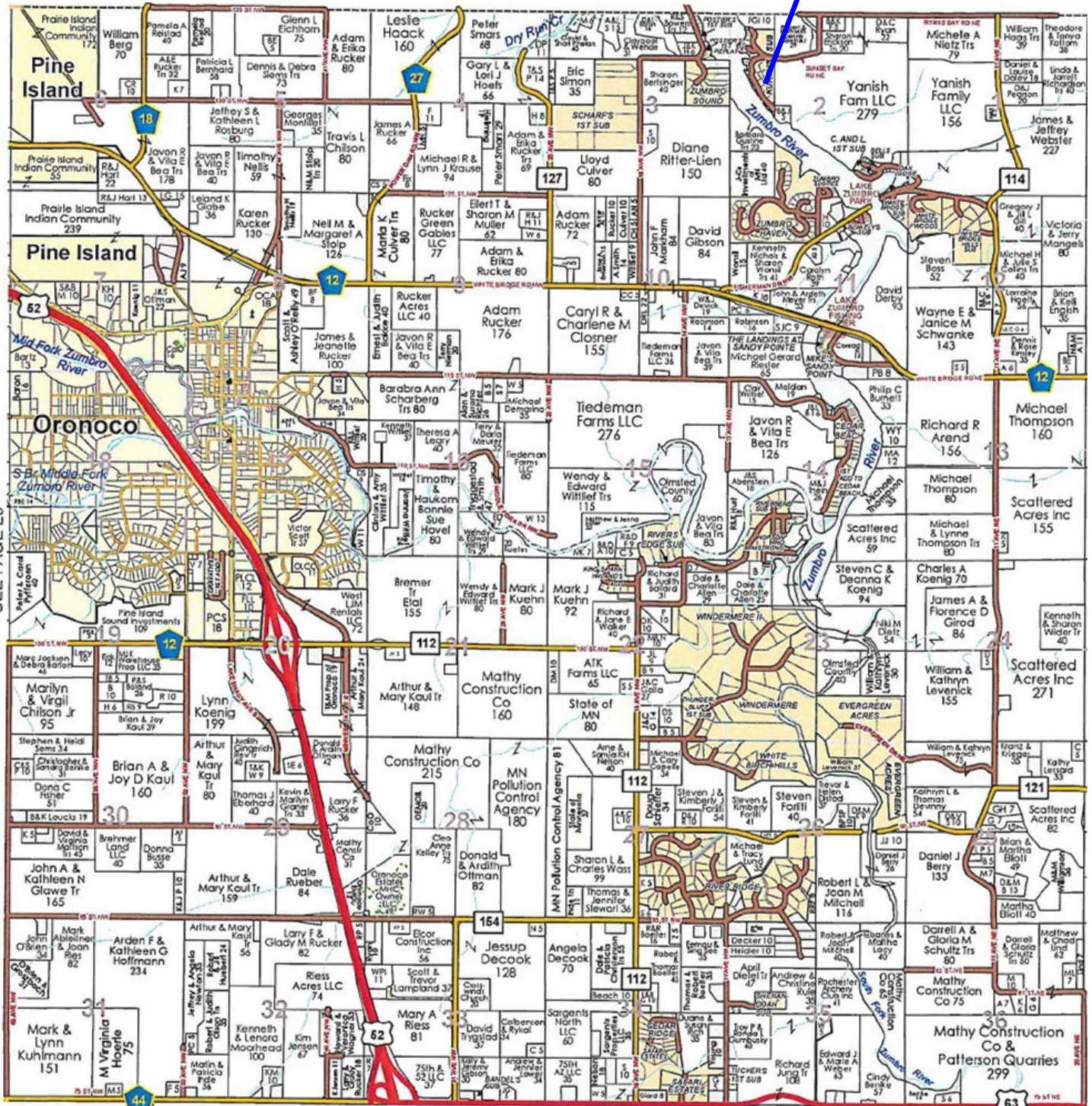
DATE: 8/14/2026

DWG NO. 5488SE01 JOB NO. 5488

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

PLAT MAP

Subject Parcel



Legal Description:

Parcel ID : 840223086876

SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT 5 BLK 1 & OUTLOT B LESS THE SELY
122.25FT OL B ALSO LESS THE E74FT LOT 5 BLK 1

TCPA
4111 11th Avenue SW
Rochester, MN 55902
www.tcpamn.org
507-529-0774

AERIAL MAP



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Parcel ID : 840223086876

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ELEVATION MAP



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