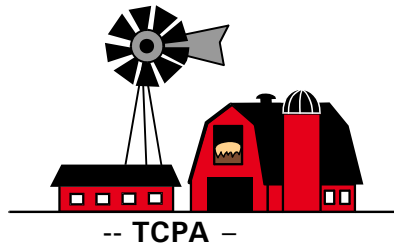


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

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: September 23, 2026

To: Oronoco Township Board of Adjustment
Applicant – Jason Schilling

Re: OTVAR-26-04
Variance Request – Section 2 – Oronoco Township

Applicant/Owner: Jason Schilling
2613 Monroe Drive NW, Rochester, MN 55901

Public Hearing: Monday, October 12, 2026 after 5:30 pm
at the Oronoco Township Hall
115 2nd Street NW, Oronoco, MN 55960

Request: An application for a variance to:

1. Allow an accessory structure prior to the construction of the primary structure
2. Allow an accessory building with a maximum cumulative gross floor area of 2,400 sf (40' x 60') in lieu of 1,500 sf
3. To allow an accessory building of 18.5 feet in height in lieu of 15 feet.
4. To allow development of the proposed accessory structure within the River Corridor Overlay District

Legal Description: Lot 1, Block 1, Sunset Bay Ridge Subdivision

Location: 200' east of the intersection of Sunset Bay Rd NE and Sunset Bay Lane NE and on the south side of the road.

PIN#: 840223086152

Zoning: R-1 Low Density Residential District

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

Attachments: 1. Application
2. Property Exhibits

Oronoco Township Ordinance:

(Staff comments are in italics).

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.

A. Permitted Uses:

1. One single-family detached dwelling per lot.
2. Home occupation as regulated in Section 10.02.
3. A state licensed group home or foster home serving six or fewer mentally retarded or physically handicapped persons.
4. **Accessory structures** and uses customarily incidental to any of the above permitted uses when located on the same property.

The proposed accessory structure is a Permitted Use in the R-1 Zoning District.

5. The raising of a maximum of ten (10) chickens as regulated in Section 10.52, as long as it is an accessory use to a single-family detached dwelling.

C. General District Regulations:

The proposed accessory structure meets the following setback requirements.

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.

5. Rear Yard Regulations:

- a) A minimum rear yard depth of not less than twenty-five (25 feet shall be provided.

Section 10.22 ACCESSORY BUILDINGS:

A. Accessory Building Regulations Applicable to all Zoning Districts:

1. No accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

The proposed structure does not meet this requirement.

2. Except as provided in Section 10.22 (B), accessory buildings shall be located only within the buildable area of a lot.

B. Accessory Building Regulations Applicable to the RSD, R-1, and R-2, ARC –Residential Area Districts and Non-Farm Parcels in the A-4 District:

1. In the R-1, ARC – Residential Area, and RSD Districts, accessory buildings may be located in the buildable area or within the rear yard. In the case of an accessory building located in the rear yard, such building may be located not less than five (5) feet from an interior side lot line and not less than eight (8) feet from a rear lot line. The maximum cumulative gross floor area (measured on the largest floor and including interior parking spaces) for accessory structures shall be according to the following schedule:

For lots with a lot area of less than one (1) acres -- One thousand (1,000) square feet.

For lots with a lot area of at least one (1) acre but less than two (2) acres -- twelve hundred (1,200) square feet.

For lots with a lot area of two (2) acres or greater -- fifteen hundred (1,500) square feet.

The proposed 2,400 sf structure exceeds the 1,500 sf limit for this district and lot size.

2. In the R-2, accessory buildings may be located may be located in the buildable area or within the rear yard. In the case of an accessory building located in the rear yard, such building may be located not less than two (2) feet from an interior lot line or rear lot line.
3. Accessory buildings, when located in a rear yard, shall not occupy more than twenty-five (25%) percent of the buildable area and/or rear yard.
4. No accessory building shall be located closer to a right-of-way than allowed in the front yard or side street yard regulations of the district wherein located.
5. In the R-1 District, R-2 District, and ARC – Residential Area, and any residential property in an RSD District, no accessory structure shall exceed a building height of 15 feet.

The proposed 18.5' high accessory structure exceeds the building height limit of 15'.

ARTICLE IX – RIVER CORRIDOR OVERLAY DISTRICT

Section 9.01 PURPOSE AND INTENT

The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Oronoco Township.

Section 9.02 APPLICABILITY

.....

This Article IX applies to all subdivisions, site development plan approvals, individual building permits, or grading projects....

Section 9.08 ADMINISTRATION

- B. Permits: Underlying zoning uses and standards of underlying zoning districts apply except where standards of this ordinance are more restrictive. A conditional use permit shall be required for the construction of buildings or building additions, including construction of decks, the installation and/or alteration of sewage treatment systems, and any grading activities as defined in Section 9.02...

A Conditional Use Permit will be required for the construction of the proposed accessory structure.

Section 9.10 BUILDING SETBACK

Building setbacks to follow Olmsted County's Shoreland Ordinance standards. However, in no case shall the primary building setback be less than 100 feet for all parcels within the River Corridor Overlay Zone.

The proposed accessory structure must meet the 100' "primary building setback".

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.

Background:

The subject property is Lot 1, Block 1 of Sunset Bay Ridge Subdivision (which was platted in July of 2021). The parcel is approximately 3.75 acres in size. The owners are proposing to build a 40 x 60 pole barn/shed on the north end of the property – prior to construction of a primary structure. The proposed accessory building location is within the buildable area of the R-1 zoning district and meets the setback requirements. However, the ordinance does not permit the placement of accessory structures on the property before the primary structure (residence/dwelling) is built. In addition, the proposed accessory building exceeds the square footage and building height that is permitted by ordinance. The parcel is also located within the River Corridor Overlay District and will be subject to those requirements including the requirement for a Conditional Use Permit.

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;

There is roughly 80 vertical feet of relief across the 700' depth of the property but the topography does not impact the choice or decision to build prior to the primary structure, or to build in excess of the area and height requirements. This criterion is not met.

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

The request to build the accessory structure prior to the primary structure and to exceed the area and height limitations is a request created by the applicant and not the result of extraordinary conditions or circumstances. This criterion is not 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;

The applicant could build the primary structure prior to the accessory structure and could comply with the area and height requirements. There is no practical difficulty in complying with the ordinance and this criterion is not 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;

The proposed accessory structure is 900 square feet (60%) larger and 3.5 feet higher than permitted by ordinance. The Township should consider public input in determining whether or not the variances would be "materially detrimental or materially injurious". Staff believes that the oversized accessory structure would not be in character with existing development and we do not consider this criterion to be met.

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

The variance is not in harmony with the general purpose and intent of this ordinance. Section 10.22 of the ordinance regulates the use of accessory structures to provide harmonious and consistent development standards. The requested Variances do not meet those standards and this criterion is not met.

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

This property is located adjacent to but outside of Olmsted County's Resource Protection District and is not impacted by the comprehensive plan.

Conclusion:

The variance to allow construction of an accessory structure prior to the construction of a primary structure and to allow the accessory structure to exceed the size and height restrictions of the ordinance is not the result of extraordinary circumstances or topography; the request is created by the applicant and is not the result of unique circumstances; the property can be reasonably used without the requested variances; and the variances would not be in harmony with the general purpose of the ordinance and would be out of character of the area development.

Recommendation:

Staff finds that none of the required criteria for a variance are met by this request and recommends denial of the variance application.

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 (RI) DATE: 08/17/2026

PROPERTY OWNER: Jason Schilling PHONE #: 7157129110

PROPERTY ADDRESS: PARID 840223086152

CITY: Zumbro Falls STATE: MN ZIP: 55991

PROPERTY PARCEL #: PARID 840223086152 x gk.jeschilling@gmail.com

VARIANCE DESCRIPTION & REASON FOR VARIANCE REQUEST:

I am requesting a variance to build a shed 40x60x16 with a 3/12 pitch on the north end of my lot (in accordance with existing setback regulations) for a personal workshop and to be able to store collector cars, motorcycle(s), UTV, watercraft and an RV, AND TO ALLOW AN ACCESSORY STRUCTURE PRIOR TO CONSTRUCTION

EXISTING USE OF PROPERTY: OF THE PRIMARY STRUCTURE

Currently undeveloped, I purchased in April 2026.

HAS A VARIANCE BEEN SOUGHT FOR THIS PROPERTY BEFORE?:

☐ - YES ☒ - NO

IF SO WHEN?: _____

APPLICANT SIGNATURE: Jason Schilling FILING FEE: _____

SIGNATURE DATE: 8/17/2026

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.

Exceptional topographical conditions: There are only two buildable areas on the lot: the northern most and southern most sections. We would like to build the shed/workshop in the northern-most area and house on the southern-most areas in accordance with existing setback regulations.

COMPLETE BOTH SIDES OF THIS APPLICATION

PD \$582 CASH 8/18/26

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.

I have a natural steep slope that is unique to my particular lot in the Sunset Bay Rd subdivision.

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.

I am attempting to maintain the natural landscape as much as possible and to not disturb the existing beautiful contours of the lot. I would also be applying for a permit for rooftop solar and the additional height will allow me to maximize exposure without unnecessary removal of additional trees.

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.

I am also attempting to retain as many trees as possible. There are no buildings on either side of my lot, nor across the road to the north. I will also be building 5-10 feet below the grade of the road to minimize impact. I believe variances have been granted in my area for other such structures and can provide examples if needed.

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

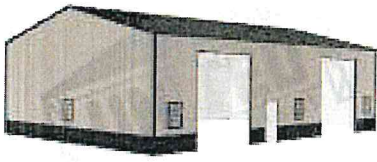
I would like to avoid the additional expense and cluttered look of multiple accessory structures. The additional height is required to fit the RV.

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

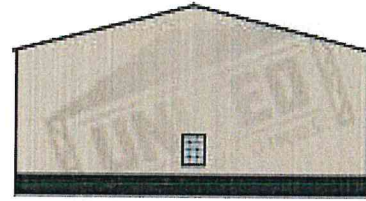
- Entrance and exit driveway(s).
- All structures on your property showing distances from lot lines, septic and well and other structures.
- If this a setback variance—show where the proposed structure will be located.

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



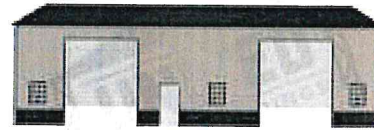
Perspective View



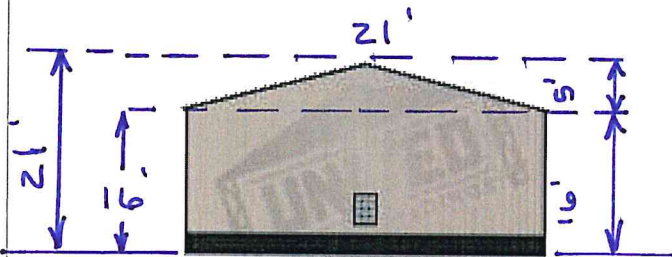
Front



Left Side

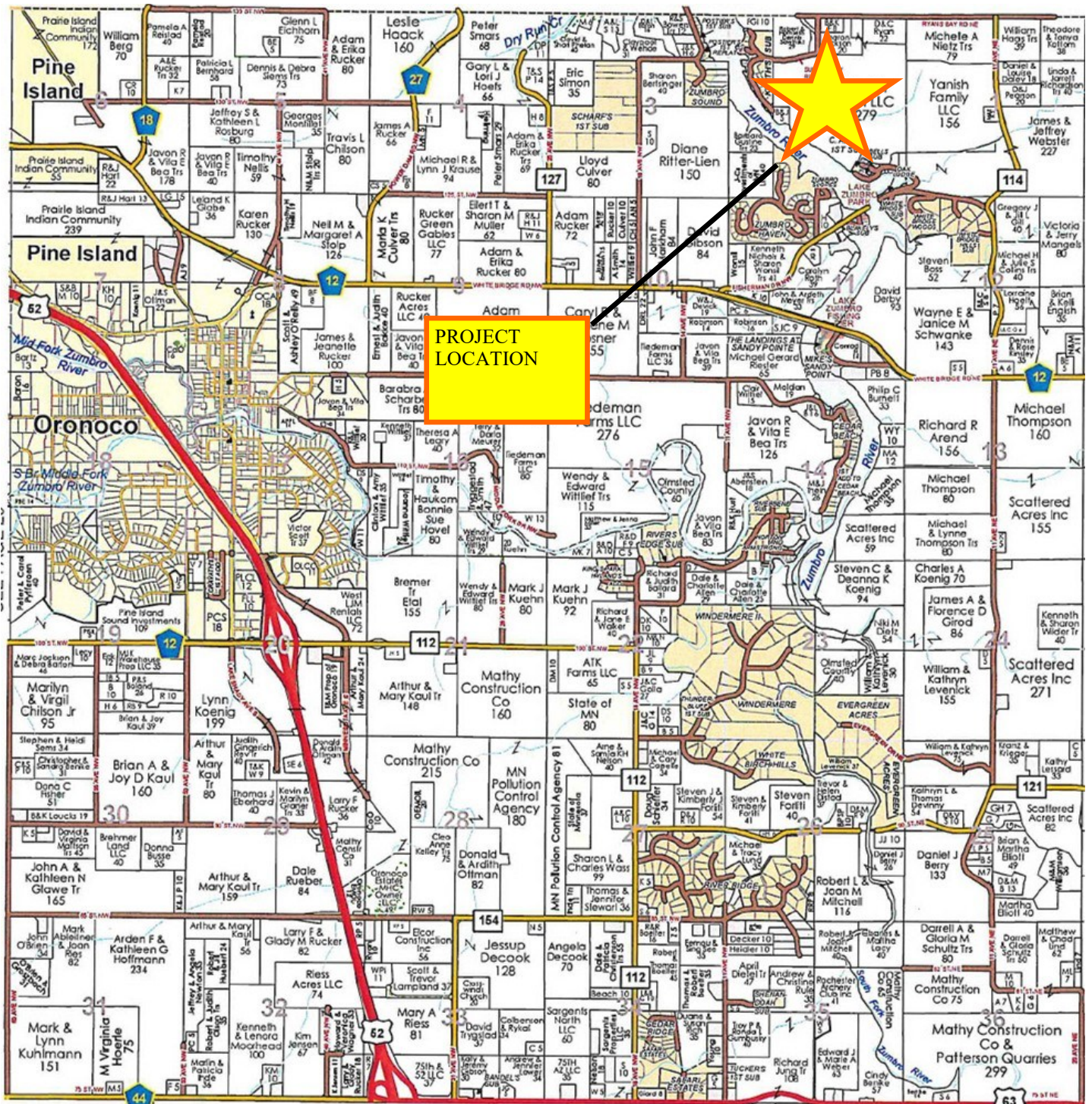


Right Side



Back

PLAT MAP



LEGAL DESCRIPTION
SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT-001 BLOCK-001

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

AERIAL MAP (1)



LEGAL DESCRIPTION
SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT-001 BLOCK-001

TCPA
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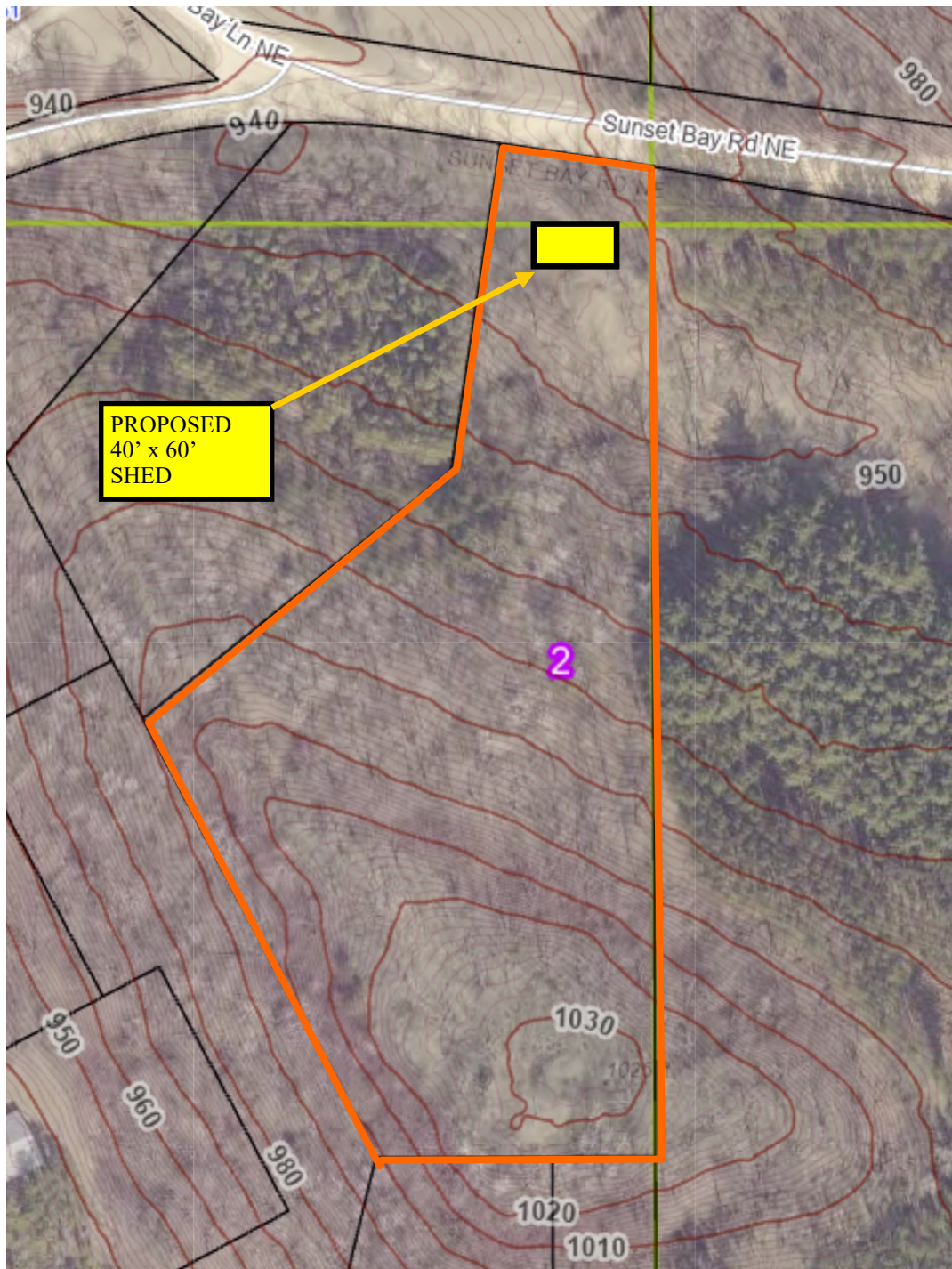
AERIAL MAP (2)



LEGAL DESCRIPTION
SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT-001 BLOCK-001

TCPA
4111 11th Avenue SW
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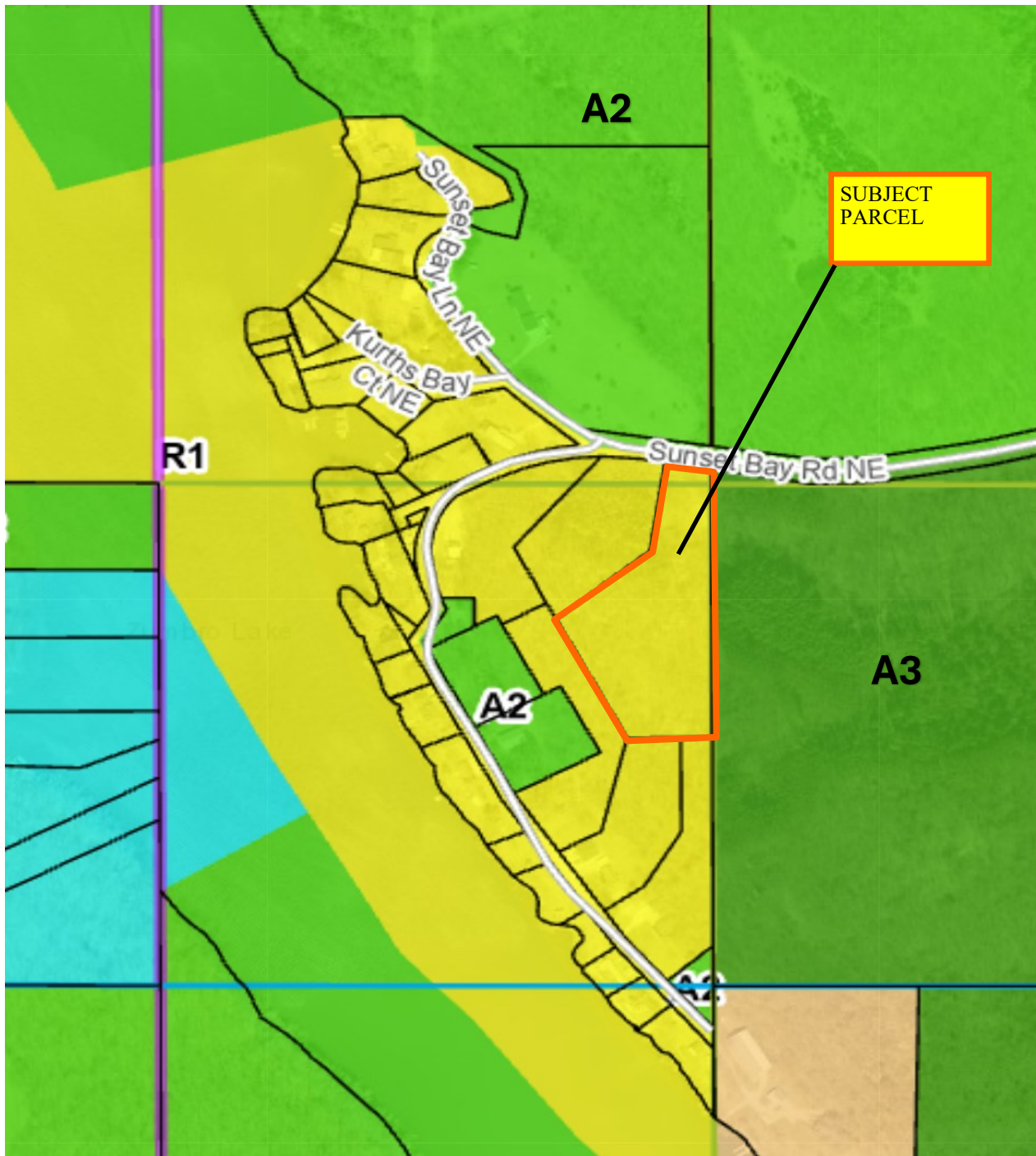
CONTOUR MAP



LEGAL DESCRIPTION
SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT-001 BLOCK-001

TCPA
4111 11th Avenue SW
Rochester, MN 55902
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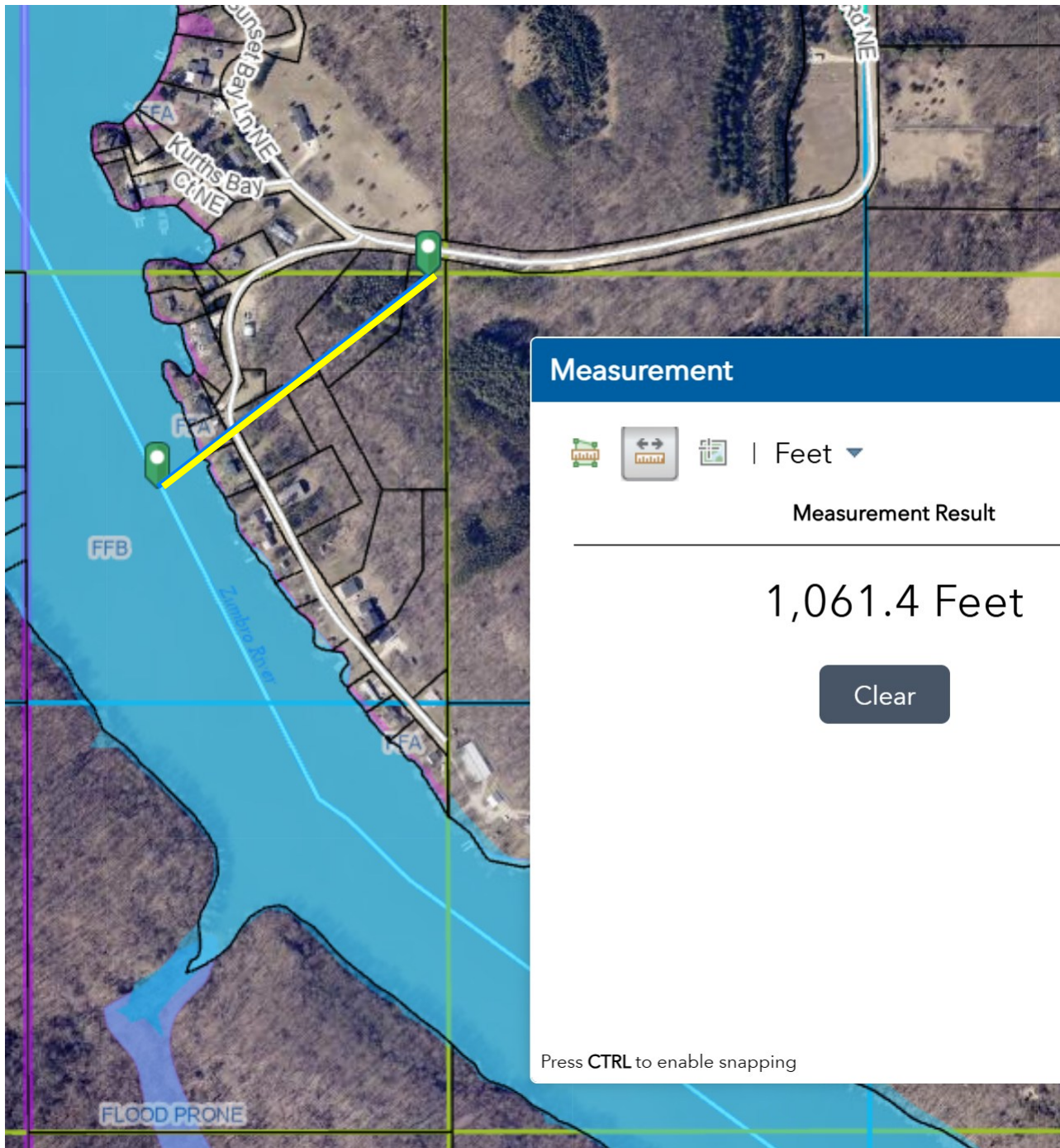
ZONING MAP



LEGAL DESCRIPTION
SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT-001 BLOCK-001

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

LAKE / RIVER MAP



LEGAL DESCRIPTION
SECT-02 TWP-108 RANGE-014
SUNSET BAY RIDGE SUBD
LOT-001 BLOCK-001

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