TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902

Phone: (507) 529-0774

-- TCPA –

Ethan Kaske, Administrator
Janelle Finck, Administrator

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Date:	October 23, 2026
To:	Oronoco Township Board of Adjustment Applicant – R. Fleming Construction
Re:	OTVAR-26-05 Variance Request – Section 2 – Oronoco Township
Applicant:	R. Fleming Construction 1907 2nd St SW, Rochester, MN 55902
Owners:	Kolby & Robin Hoelzle 6377 Summit Point Rd NW, Rochester, MN 55901
Public Hearing:	Monday, November 9, 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 a building pad for a proposed residence to be within 50 feet of a steep slope and wooded area (Section 9.12 F of the River Corridor Overlay District).
Legal Description:	Lot 4, Block 1, Sunset Bay Ridge Subdivision
Location:	13040 Sunset Bay Rd NE
PIN#:	840223086155
Zoning:	R-1 Low Density Residential District
Reviewer List:	Olmsted County Planning Olmsted County Public Works Olmsted County GIS
Attachments:	1. Application 2. Site Plan 3. 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.

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

C. General District Regulations:

The proposed residence meets the following setback requirements.

3. Front Yard Regulations:

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:

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.

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 unless this requirement is waived or amended by the Township Board of Supervisors.

Section 9.12 DEVELOPMENT STANDARDS

F. Building Pads: "A buildable area or building pad must be identified for each lot showing a large enough area to allow for the intended building to be constructed and meet all zoning standard setbacks... No building pad can be located within 50 feet of steep slopes or wooded/woodland areas.

The proposed building pad is located within 50 feet of steep slopes and wooded areas.

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:

This request is for a building permit for a single-family residence/dwelling in an R-1 zoning district. The parcel was platted in 2021 as part of the Sunset Bay Ridge Subdivision. The proposed development complies with the underlying area and development requirements of the R-1 zoning designation. Based on the surrounding uses it appears that this lot was intended to be utilized in a similar manner and fashion as the neighboring properties – some of which are developed at much higher densities. Based on the terrain and topography of the area the buildable area is limited to the southerly portion of the property.

While the proposed use complies with the requirements of the R-1 district, it does not comply with the steep and wooded slope separations of the recently adopted River Corridor Overlay District (Article IX). In 2021, the developers of this subdivision could not have anticipated these new requirements and how this would severely limit the building potential of these lots. It is important to note that this specific parcel does not have river/lake frontage and that the proposed development is at the toe (bottom) of the adjoining steep slope and that the development would not adversely impact the integrity of the slope.

Based on existing topography and the new building pad restrictions staff does not believe that there is a viable building site remaining that would accommodate development similar to the surrounding uses.

Staff also notes that based on the proximity to the river, a Shoreland / Floodplain Development Permit will need to be approved by Olmsted County for the proposed development.

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 existing topography and configuration of the lot leaves minimal buildable area and precludes compliance with the requirement to provide 50' of separation between the building pad and the steep/wooded slope at the rear (uphill) side of the property. Staff finds this criterion to be met.

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

   The separation conditions are imposed by the ordinance and the inability to meet the new requirements is not created by the landowner. Staff finds this criterion to be 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 variance is necessary to allow reasonable use of the property for a single-family residence. Staff finds this criterion to be 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 variance and proposed residence with be in character with existing development in this area and will not be detrimental to the public welfare or injurious to other property. Staff finds this criterion to be met.

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

   The general purpose and intent of the underlying R-1 district is to allow for residential development. Staff finds this criterion to be met.

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

   This property is located within the Suburban Development district of Olmsted County's General Land Use Plan and the proposed use is consistent with the Comprehensive Plan.

Conclusion:

Staff finds that the requested Variance to allow a building pad for a single-family residence/dwelling within 50' of a steep/wooded slope is due to the topographic constraints of the site which are not compatible with Section IX requirements. The circumstances of the restricted building pad area are not created by the landowner. Strict compliance would deny the owner reasonable use of the property that is similar to the surrounding development. The proposed location of the single-family residence at the foot of the adjoining slope will not be detrimental or injurious to other properties or contribute to erosion of the steep/wooded slope and will be in character and harmony with the neighborhood and the underlying R-1 district.

Recommendation:

Staff finds that the 6 criteria for granting a Variance are met and recommends that the Board approves Variance request OTVAR-26-05 to allow the building pad to be within 50' of the steep/wooded slopes (Section 9.12 F).

In addition, staff is of the understanding that a text amendment is pending that would remove the requirement for a Conditional Use Permit (CUP) application for single-family residences within the River Corridor Overlay District (Article IX). If the Board chooses, they can also grant a variance to waive the CUP requirement (Section 9.08 B) in advance of the pending text amendment.

TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

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WEB: www.tcpamn.org

VARIANCE APPLICATION

TOWNSHIP: ORONOCO | DATE: 10-19-26

PROPERTY OWNER: R. FLEMING CONSTRUCTION | PHONE #:

PROPERTY ADDRESS: 13040 SUNSET BAY RD

CITY: ZUMBRO FALLS | STATE: MN | ZIP: 55991

PROPERTY PARCEL #: 84.02.23.086155

VARIANCE DESCRIPTION & REASON FOR VARIANCE REQUEST: NEW RULES RESTRICT BEING ABLE TO BUILD HOME ON LOT. ~~BAR~~ WE ARE LAST OPEN LOT ON STREET AND EVERY HOUSE BUILT BACK OR FARTHER THAN PROPOSED.

EXISTING USE OF PROPERTY:

VACANT LOT

HAS A VARIANCE BEEN SOUGHT FOR THIS PROPERTY BEFORE?:

____ - YES X - NO

IF SO WHEN?:

APPLICANT SIGNATURE: [signature]

FILING FEE:

SIGNATURE DATE:	APPLICATION COMPLETE DATE:	60-DAY DATE:
10/19/26	(TCPA)	(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.

ATTACHED SITE PLAN. BEFORE NEW REQUIREMENTS PASSED IN LATE JULY OF 2026, THE PROPOSED HOUSE WOULD HAVE MET ALL OLMSTED ZONING & HEALTH REQUIREMENTS. NOW NEW RULE OF 50' FROM TREES/SLOPE PREVENT LOT GREATLY LEAVING APPROX. 25' DEPTH OF BUILDABLE AREA. EVERY OTHER HOUSE ON STREET HAS BUILT BACK AS PROPOSED.

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.

2 MONTHS AGO WE WOULD HAVE HAD NO ISSUES GETTING PERMIT ON PROPOSED PLANS.

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.

WITHOUT VARIANCE THIS 2500 SQ FT LOT BECOMES ESSENTIALLY WORTHLESS AS HOUSE WOULD NOT REALLY WORK ON LOT

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.

HOUSE WOULD MATCH WHAT IS CURRENTLY BUILT AND EXISTING. CURRENT NEXT DOOR NEIGHBOR IS STILL UNDER CONSTRUCTION AND ALLOWED TO BUILD UNDER OLD REGULATIONS.

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

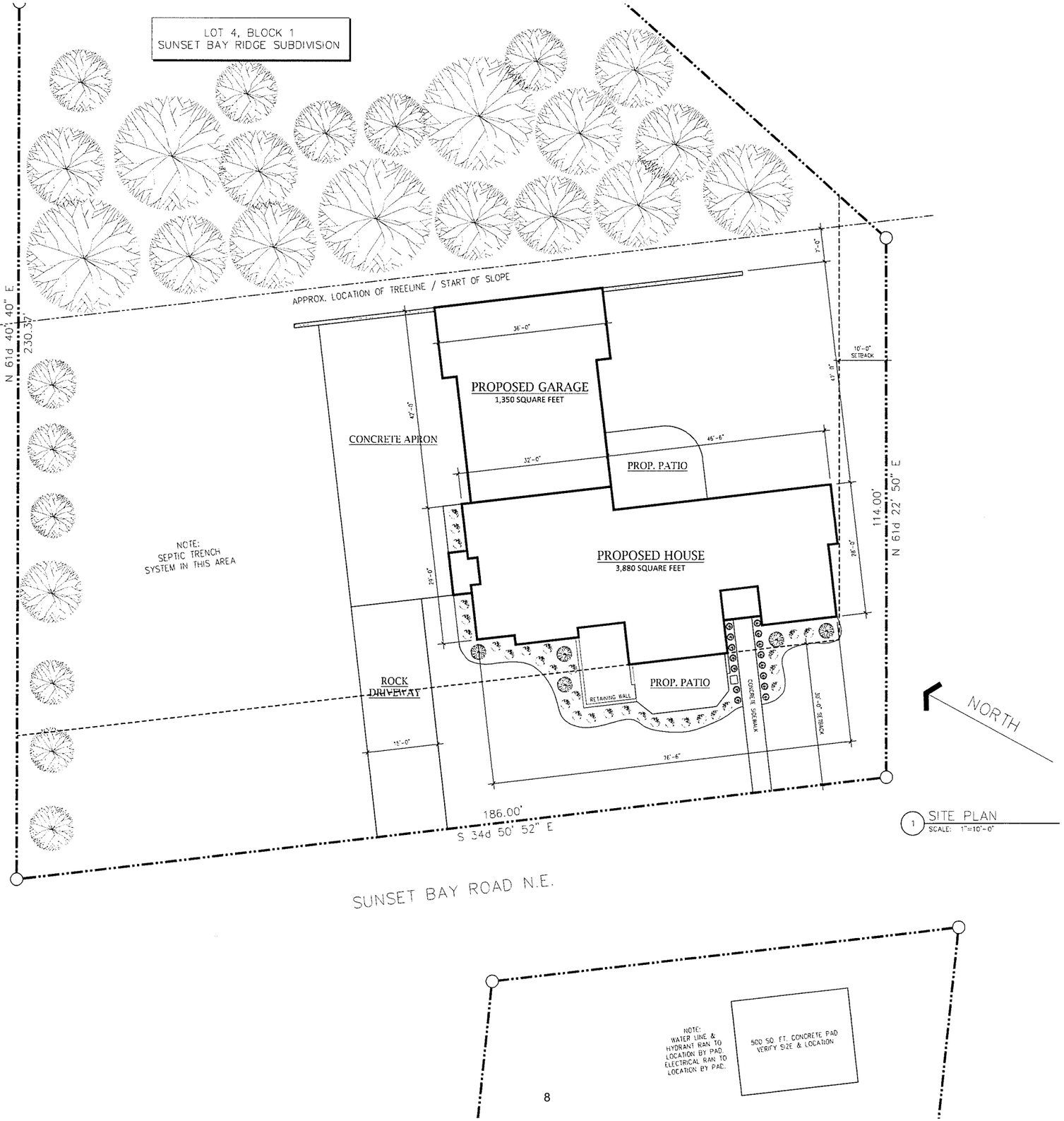
AS STATED ABOVE, THE VALUE OF LAND IS EXTREMLY DIMINISHED AS WHAT CAN BE BUILT ON LAND IS UNREASONABLE TO WHAT VALUE OF LAND IS.

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



1 SITE PLAN
SCALE: 1"=10'-0"

HALVERSON HOMES

RESIDENTIAL DESIGN & PLANNING
979 SOUTHWELL ENCLAVE
BYRON, MN 55920
PHONE: (507) 208-8371

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CONTRACTOR NOTICE

THE HOELZLE RESIDENCE

13040 SUNSET BAY ROAD N.E.
LOT 4, BLOCK 1 SUNSET BAY RIDGE SUBDIVISION
ZUMBRO FALLS MINNESOTA
R. FLEMING CONSTRUCTION

PROJECT:	26009
CHECKED BY:	JPH
DRAWN BY:	JPH

SITE PLAN

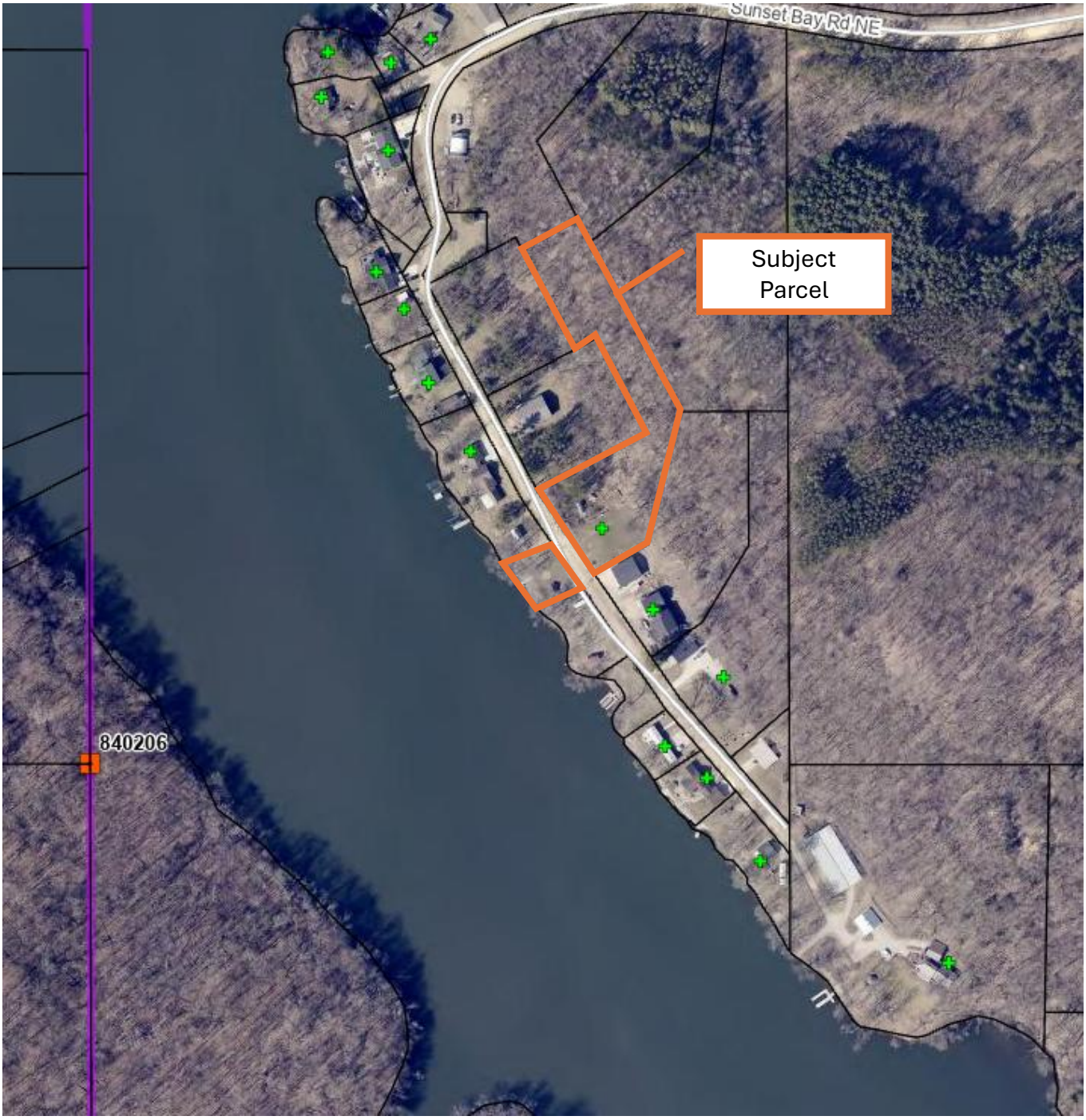
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TOWNSHIP MAP



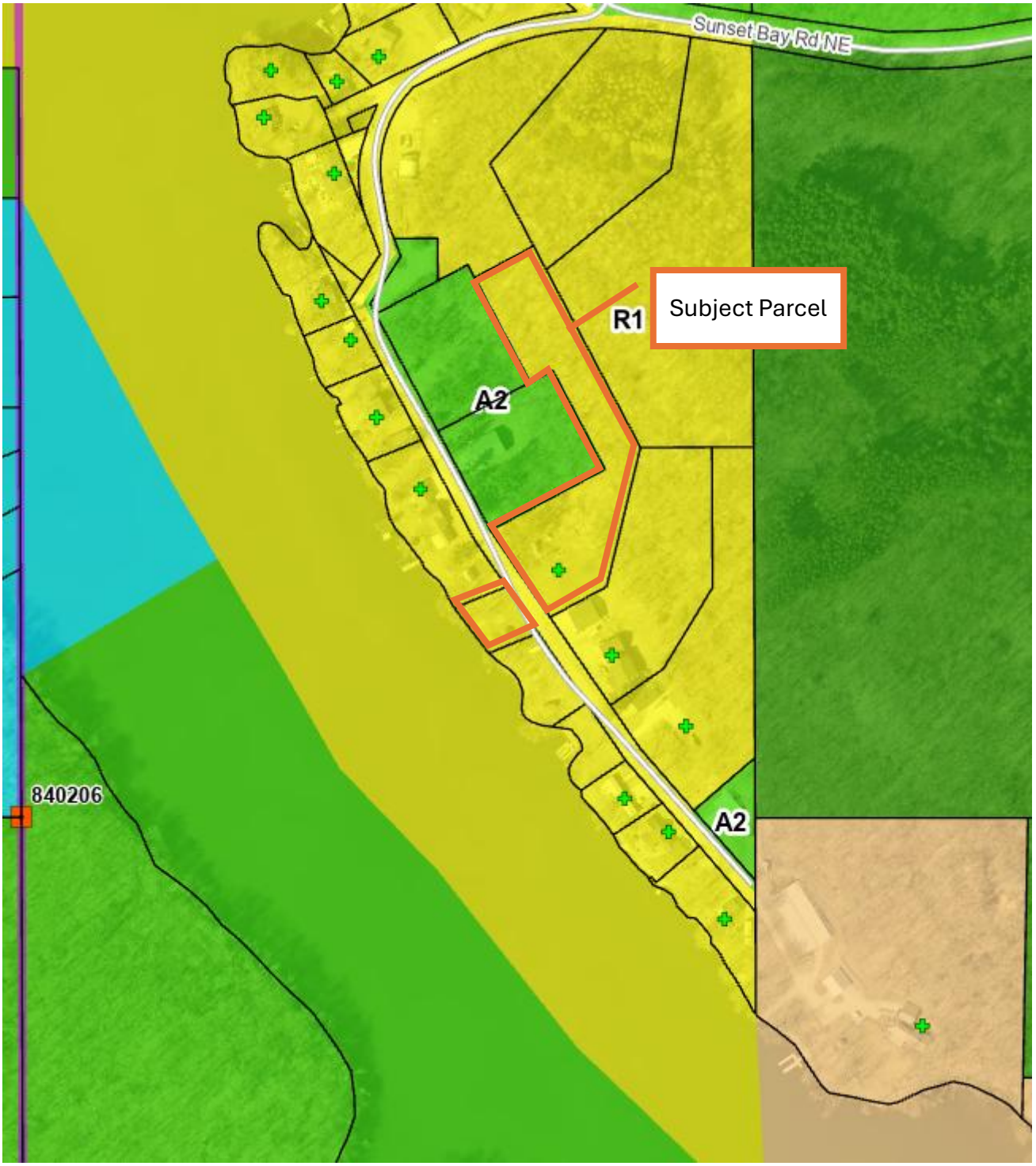
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AERIAL MAP



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ZONING MAP



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CONTOUR MAP



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