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 – Donald & Darla McKenzie
Re:	OTVAR-26-06 Variance Request – Section 23 – Oronoco Township
Applicant & Owners:	Donald & Darla McKenzie 2715 Colleen Drive, Canyon Lake, TX 78133
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 located within 50 feet of a steep slope and wooded area. (Section 9.12 F of the River Corridor Overlay District).
Legal Description:	See attached
Location:	TBD Tennis Lane NW
PIN#:	842322086924
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 a steep slope and wooded area.

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 created several years ago and has remained vacant – with the exception of the shed that was approved by variance in 2022 (OR22-07).

The parcel is considered a "Lot of Record" and the proposed residential development meets the setback requirements of the underlying R-1 zoning district. The size of the lot limits the options and placement for the dwelling location. Per the attached site plan the development configuration places the septic system on the west side of the property to provide as much separation as possible from the river. The house would be placed mid-lot and can meet the 100' setback from the "primary" (rear/river) property line and would maintain the existing 30'+ vegetation (visibility buffer) along the east slopes. However, the placement of the building pad will be within 50' of the steep/wooded slope on the east side of the property (river-front). The steep and wooded slope separation requirements are per the recently adopted River Corridor Overlay District (Article IX).

The 2022 Variance which approved placement of the accessory structure (shed) prior to placement of the primary structure suggests that this lot has been anticipated as a developable residential parcel. The proposed residence size and placement appear to be similar to other development in this area.

Based on the lot size, the 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 without approval of the requested variance.

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 size and topography of the lot precludes compliance with the requirement to provide 50' of separation between the building pad and steep/wooded slopes and still meet the other development regulations. 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 requirements for this parcel 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, similar to the surrounding development. 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 Resource Protection district of Olmsted County's General Land Use Plan and the proposed single-family residential 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 size of the parcel and 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 will not be detrimental or injurious to other properties 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-26-06 to allow the building pad to be within 50' of a steep/wooded slope (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.

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VARIANCE APPLICATION

TOWNSHIP: ORONOCO | DATE: 10/26/2026

PROPERTY OWNER: DONALD/DARLA McKENZIE | PHONE #: 507 951 4400 DARLA 507 251 9033 DON

PROPERTY ADDRESS: XXXXX TENNIS LANE

CITY: ORONOCO | STATE: MN | ZIP: 55960

PROPERTY PARCEL #: 84232086924

VARIANCE DESCRIPTION & REASON FOR VARIANCE REQUEST:
TO CONSTRUCT A RESIDENTIAL HOME TO COMPLY WITH 10' SIDE SETBACKS, SEPTIC SETBACK AND WELL SPACING FROM SEPTIC SYSTEM. 50' SETBACK FROM BLUFFTOP PREVENTS CONSTRUCTION

EXISTING USE OF PROPERTY:
VACANT LOT WITH SHED BUILT FOR CONSTRUCTION BY PRIOR OWNER.

HAS A VARIANCE BEEN SOUGHT FOR THIS PROPERTY BEFORE?: X - YES ____ - NO | IF SO WHEN?: 2023

APPLICANT SIGNATURE: Donald C. McKenzie | FILING FEE: ____

SIGNATURE DATE:	APPLICATION COMPLETE DATE: (TCPA)	60-DAY DATE: (TCPA)
10/26/2026		

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.

THE HOME LAYOUT DISPLAYED SHOWS 10' SIDE SETBACKS, G-CUBED PROPOSED ABSORPTION BED, AND PROPOSED WELL. IN ORDER TO MEET MOST SETBACKS AND CLEARANCES, THE HOME NEEDED TO BE WITHIN THE BLUFF TOP SETBACK, UNSPECIFIED FOOTAGE NOT DETERMINED AS I AM NOT SURE WHAT POINT IS CONSIDED BLUFF TOP.

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.

THE TOP OF BLUFF AND SHED LOCATIONS LIMITS THE FOOTPRINT OF THE PROPOSED HOME.

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.

IN ORDER TO CONSTRUCT A THREE BEDROOM HOME WITH AN ATTACHED GARAGE AND STILL MEET ALL SETBACKS THAT ARE POSSIBLE WITH THE EXCEPTION OF TOP OF BLUFF SETBACK.

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 SHOULD NOT INTERFERE WITH ANY NEIGHBORS USAGE OF THEIR PROPERTIES. IF ANYTHING, A NEW HOME IN THIS LOCATION SHOULD IMPROVE PROPERTY VALUES.

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 SHOWN ON THE ATTACHED SKETCH, TO COMPLY WITH WITH MOST SETBACKS AND EXISTING CONSTRUCTION THERE IS LITTLE ROOM FOR MOVEMENT FOR THE BUILDING FOOTPRINT.

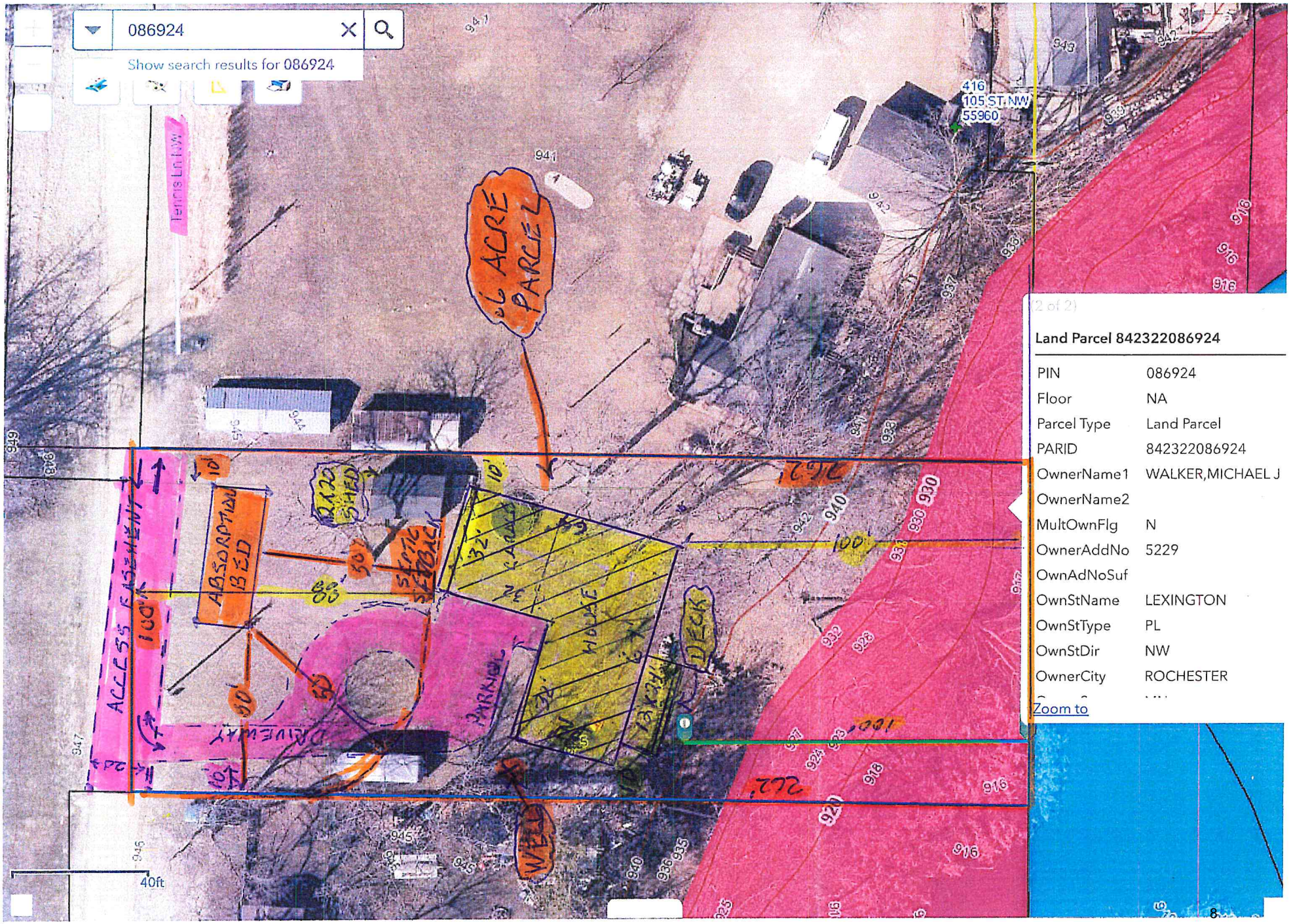
You must provide a site plan for your proposed variance showing the following:

- 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.

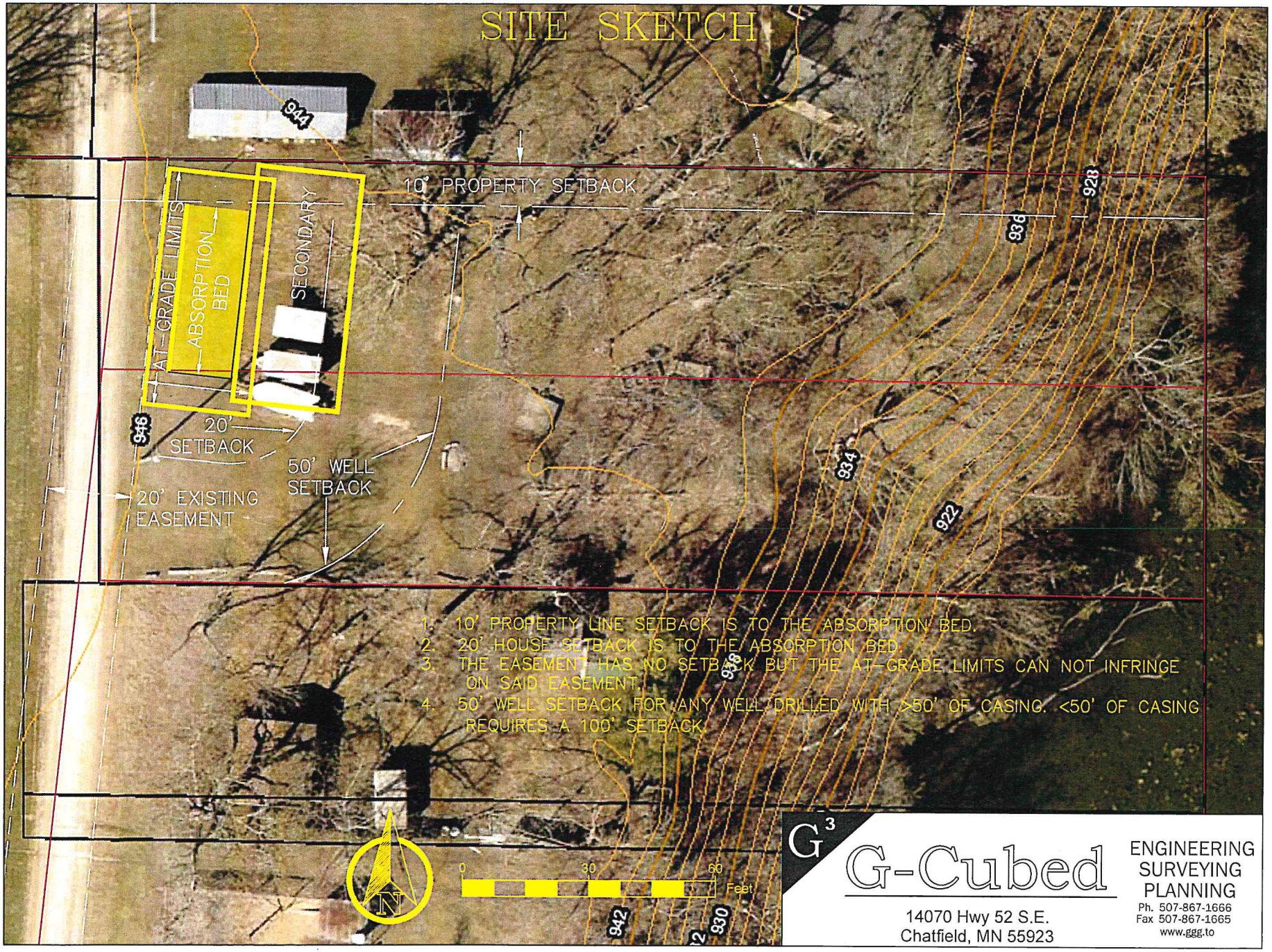
This Variance application *will be considered incomplete and no action will be taken* until the TCPA office is in receipt of; a.) this completed application form; b.) the site plan; c.) the filing fee.

COMPLETE BOTH SIDES OF THIS APPLICATION

(1)



DONALD / DARLA MCKENZIE



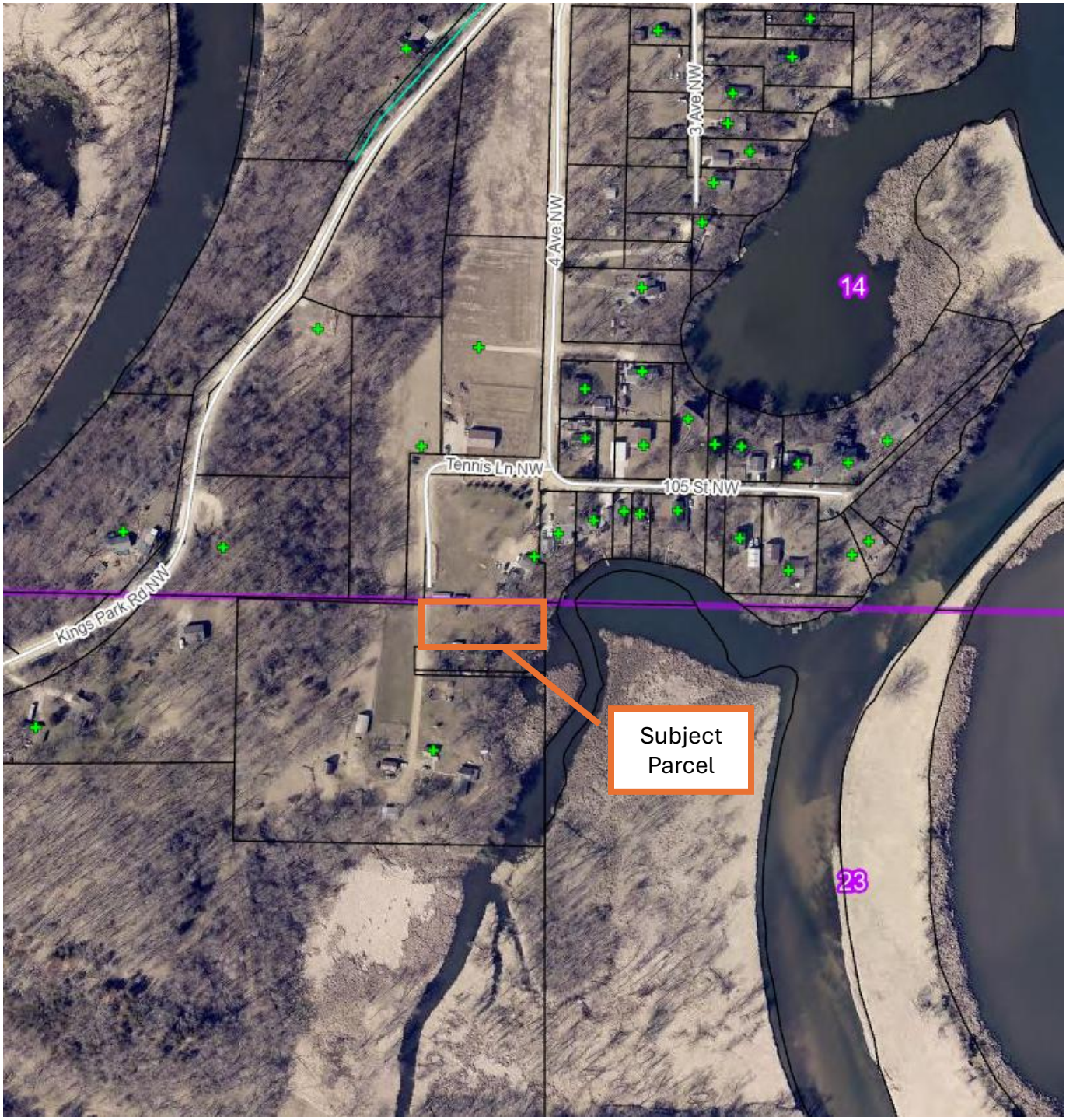
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TOWNSHIP MAP



TCPA
4111 11th Ave SW
Rochester MN 55902

AERIAL MAP - 1



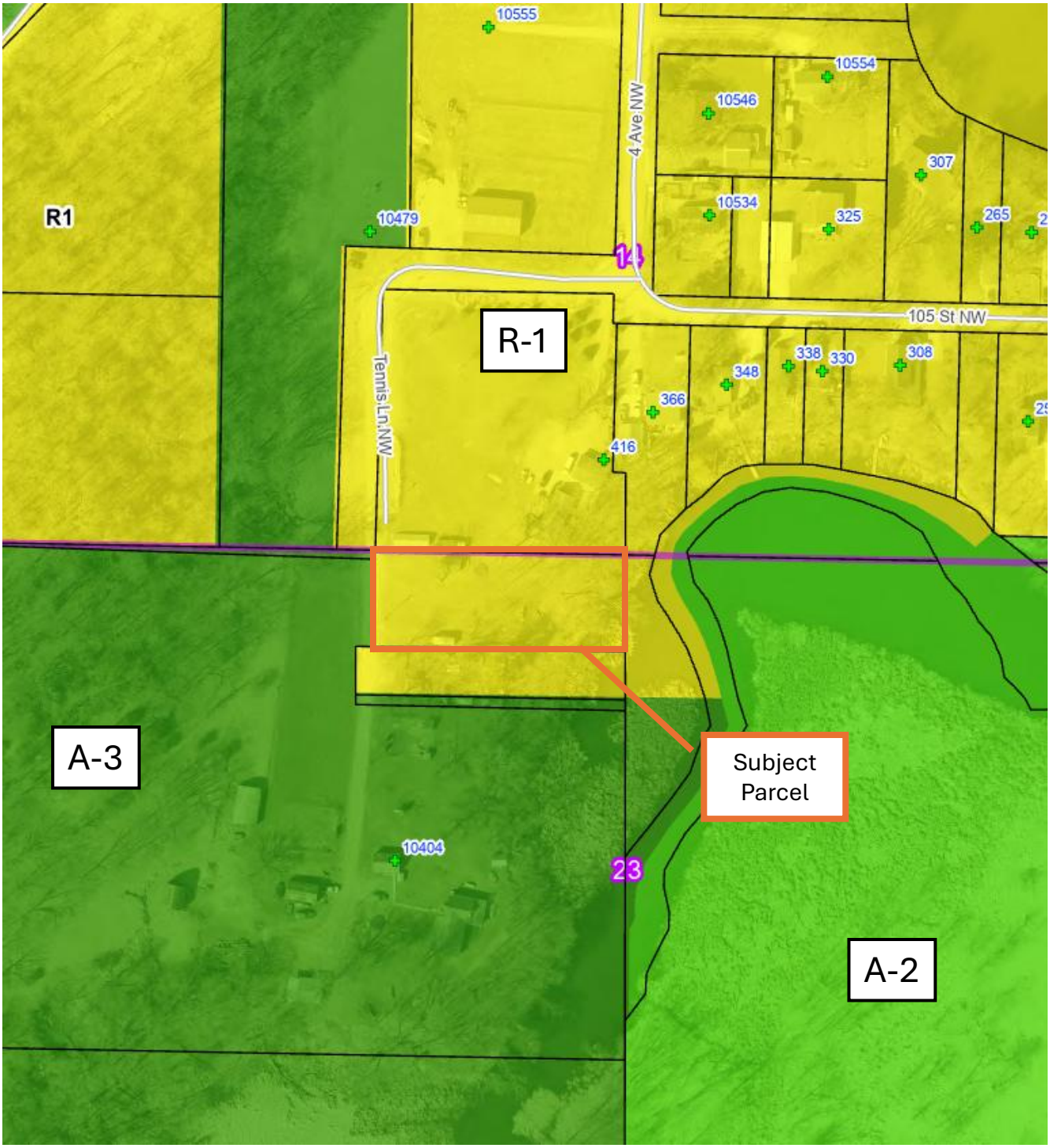
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AERIAL MAP - 2



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ZONING MAP



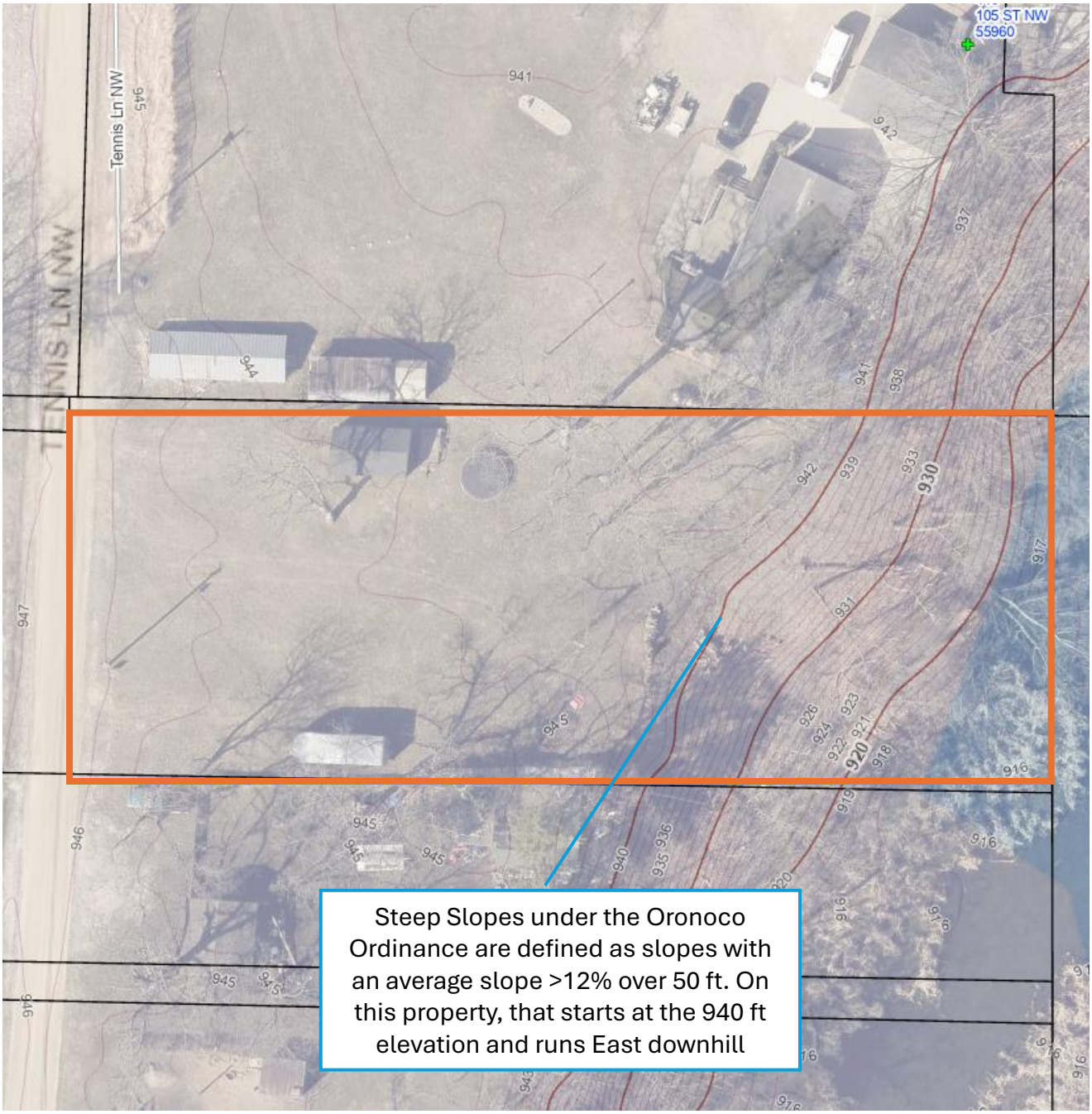
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VEG. BUFFER MAP



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CONTOUR MAP



Steep Slopes under the Oronoco Ordinance are defined as slopes with an average slope >12% over 50 ft. On this property, that starts at the 940 ft elevation and runs East downhill

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