

Gray boxes to be filled in by staff only.

# CITY OF WINONA

## APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date 11-5-12 Owner CD Corp.  
Owner Address 978 Riverview Dr.

Petitioner Dan Nisbit  
Petitioner Address 57 Lorraine Ct. Winona, MN 55989

As property owner or petitioner, I hereby make application to modify the City Code at the following address:  
890 Riverview Dr. Winona, MN 55989

Also described as:

PIN #: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

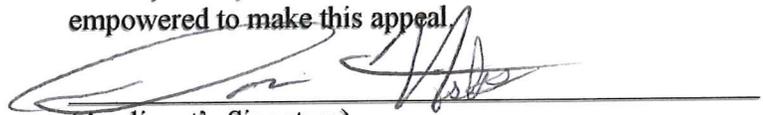
It is understood that only those points specifically mentioned are affected by action taken on this appeal.

Purpose in seeking Board of Adjustment hearing (1) decrease moisture level from 4% minimum to 1.5%. (2) Increase barges from 24 per month to 48 per month

See handout for required submittal information and general appeal information.

The specific ordinance modification desired is  
Section 43.63 (b) (40) Which requires sand transportation facilities to obtain a Conditional Use Permit.  
Applicant wishes to amend existing CUP to lower the required sand moisture content to 1.5% and increase the number of barges to 48 per month.

I hereby certify that I am the owner of the above described property or am otherwise legally empowered to make this appeal

  
(Applicant's Signature)

Received by: \_\_\_\_\_

The Board meets on the first and third Wednesday of every month. Petition must be filed by noon on the Monday 16 days prior to the Wednesday meeting date. The petitioner is required to attend the meeting.

Petition # 12-28-CUP Receipt # 305625 Filing Fee \$180.00  
Date Received 11/5/12 Hearing Date 12/5/12 Zoning M-2

## EXHIBIT A

### Legal Description

890 Riverview Road. Property is described as Sect-21, Twp-107, Range-007, LIMITS Lot-006 9.18 AC PART GOVT LOT 6 SEC 21 & PART GOVT LOT 3 SEC 22 COM AT W 1/4 CORNER OF SEC 22, N 0 DEG E ALONG W LINE OF SEC 22 939.66 TO CENTER LINE OF U.S. ARMY CORPS OF ENGINEERS FLOOD CONTROL DIKE, N 88 DEG E ALONG SAID CENTER LINE 485.36, N 639.87 TO SLY LINE OF CROOKED SLOUGH CHANNEL EASEMENT AS DESCRIBED IN PERPETUAL ROW EAS DATED 6/22/1956 RECORDED AS BK 19 OF MISC PG 267 & PT OF BEG, S 639.87 MORE OR LESS TO FLOOD CONTROL DIKE CENTER LINE, S 88 DEG W ALONG FLOOD CONTROL DIKE CENTER LINE 704.84, N 2 DEG W 533.66 MORE OR LESS TO SLY LINE OF CROOKED SLOUGH CHANNEL EASEMENT, NELY ALONG SLY LINE OF CROOKED SLOUGH CHANNEL EASEMENT 740.78 MORE OR LESS TO PT OF BEG EX: PART LYING SLY OF A LINE DISTANT 35 NLY OF AS MEASURED AT RIGHT ANGLES TO & PARALLEL WITH THE FOLLOWING DESCRIBED LINE: COM AT W 1/4 CORNER OF SEC 22, N 0 DEG E ALONG W LINE OF SEC 22 934.95 N 88 DEG E 485.41 TO PT OF BEG OF LINE TO BE HEREIN DESCRIBED, S 88 DEG W 485.41 TO W LINE OF SEC 22, S 88 DEG W 219.22 & HEREIN DESCRIBED LINE THERE TERMINATING; THE NLY LINE OF SAID EXCEPTION IS TO BE PROLONGED OR SHORTENED ELY TO TERMINATE ON THE ELY LINE OF SAID HEREINABOVE DESCRIBED PROPERTY & IS TO BE PROLONGED OR SHORTENED WLY TO TERMINATE ON WLY LINE OF HEREINABOVE DESCRIBED PROPERTY.