

AGENDA

City of Winona Board of Adjustment

DATE: Wednesday, January 15, 2020
TIME: 5:00 P.M.
PLACE: City Hall Council Chambers

1. CALL TO ORDER-APPROVAL: December 18, 2019 MINUTES

2. NEW BUSINESS

A. John Hardy

Parcel Address: 1473 Gilmore Valley Road

Nature of Request: Applicant requests modification from code which limits residential properties to one driveway approach.

City Code Section: 43.03.24 A)5)b)

Applicant wishes to install a second driveway approach leading to a new home addition.

B. Nicholas and Jeffery Menth

Parcel Address: 951 East Sanborn

Nature of Request: Applicant requests modification from code which requires 8,000 square feet in lot area along with a 25' front yard setback and 12' side yard setback for a new two-story duplex in a R-2 Residential District.

Code also requires 4 parking spaces for duplexes in R-2 zoning districts.

City Code Section: 42.02.23, 43.02.24 A), 43.03.22 A)

Applicant wishes to establish a new rental duplex on a corner lot with 7,500 square feet in lot area, an 11' front yard setback, a 2.5' side yard setback, and 3 parking spaces.

3. OTHER BUSINESS

4. ADJOURNMENT

PUBLICATION NOTICE: Friday, January 3, 2020

**CITY OF WINONA
BOARD OF ADJUSTMENT
NOTICE OF HEARING**

PLEASE TAKE NOTICE:

The following applications have been made for variations from the requirements of the Winona City Code, as listed below:

Notice is sent to the applicants and to the owners of the property affected by the application.

- a) John Hardy – City Code Section 43.03.24 A)5)b) which limits residential properties to one driveway approach. Applicant wishes to install a second driveway approach leading to a new home addition. Property is described as AG/NR & R-R zoning, Sect-31, Twp-107, Range-007, WINONA TWP ANNEX PAR IN SW ¼ NE ¼ COMM IN C OF RD 12' W & 173' SW OF NE COR SW 145', R 89 DEG 751', E 497', R 116 DEG 44', L 93 DEG 300' TO BEG & 3.14 AC IN NW ¼ NE ¼ OLD #19.070.0540 or at 1473 Gilmore Valley Road.
- b) Nicholas & Jeffrey Menth – City Code Section 43.02.23 which requires 8,000 square feet of lot area, and 43.02.24 A) which requires a 25 foot front yard setback and a 12 foot side yard setback for a new two-story duplex in and R-2 Medium Density Residence District. Also, 43.03.22 A) which requires 4 parking spaces for duplexes in a R-2 zoning districts. Applicant wishes to establish a new rental duplex on a corner lot with 7,500 square feet in lot area, an 11' front yard setback, a 2.5 foot side yard setback, and three parking spaces. Property is described as R-2 zoning, Sect-25, Twp-107, Range-007, HAMILTON ADDITION, Lot-006, Block-004, E C HAMILTON'S ADDITION, or at 951 East Sanborn.

A hearing on these petitions will be given in the Council Chambers, 3rd Floor, City Hall, Winona, Minnesota at **5:00 p.m. on January 15, 2020** at which time interested persons may appear either in person, in writing, or by agent, and present any reasons which they may have to the granting or denying of these petitions. Any questions regarding the petitioner's request can be directed to the Community Development Department; Inspections Division at 457-8231.

THEY ARE REQUESTED TO PREPARE THEIR CASE IN DETAIL AND PRESENT ALL EVIDENCE RELATING TO THIS PETITION AT THE TIME OF THE SCHEDULED HEARING.

Chris Sanchez, Chairman
Board of Adjustment

Gray boxes to be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date _____ Owner JOHN + AMANDA HARDY

Owner Address 1473 GILMORE VALLEY RD

Petitioner SAME as OWNER Phone No. 507-313-1368

Petitioner Address SAME as OWNER

As property owner or petitioner, I hereby make application to modify the City Code at the following address:

1473 Gilmore Valley Road

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

Purpose in seeking Board of Adjustment hearing: We would like a curb cut variance.

See handout for required submittal information and general appeal information.

43.03.24 A)5)b) which limits residential properties to one driveway approach. Applicant wishes to install a second driveway approach leading to a new home addition.

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

Received by: _____

(Applicant's Signature)

The Board meets on the first and third Wednesday of every month. Petition must be filed by noon on the Friday 19 days prior to the Wednesday meeting date. The petitioner is required to attend the meeting.

Petition #	<u>20-2-V</u>	Receipt #	<u>513149</u>	Filing Fee	<u>25⁰⁰</u>
Variance #	<u>12/19/19</u>	Invoice #	<u>1801</u>		
Date Received	<u>12/19/19</u>	Hearing Date	<u>1-15-20</u>	Zoning	<u>AG/NE + R-R</u>

CURB CUT VARIANCE

LOT LINE

NEW DRIVEWAY

20'0" ft

ADDITION w/ Garage

58'0" ft

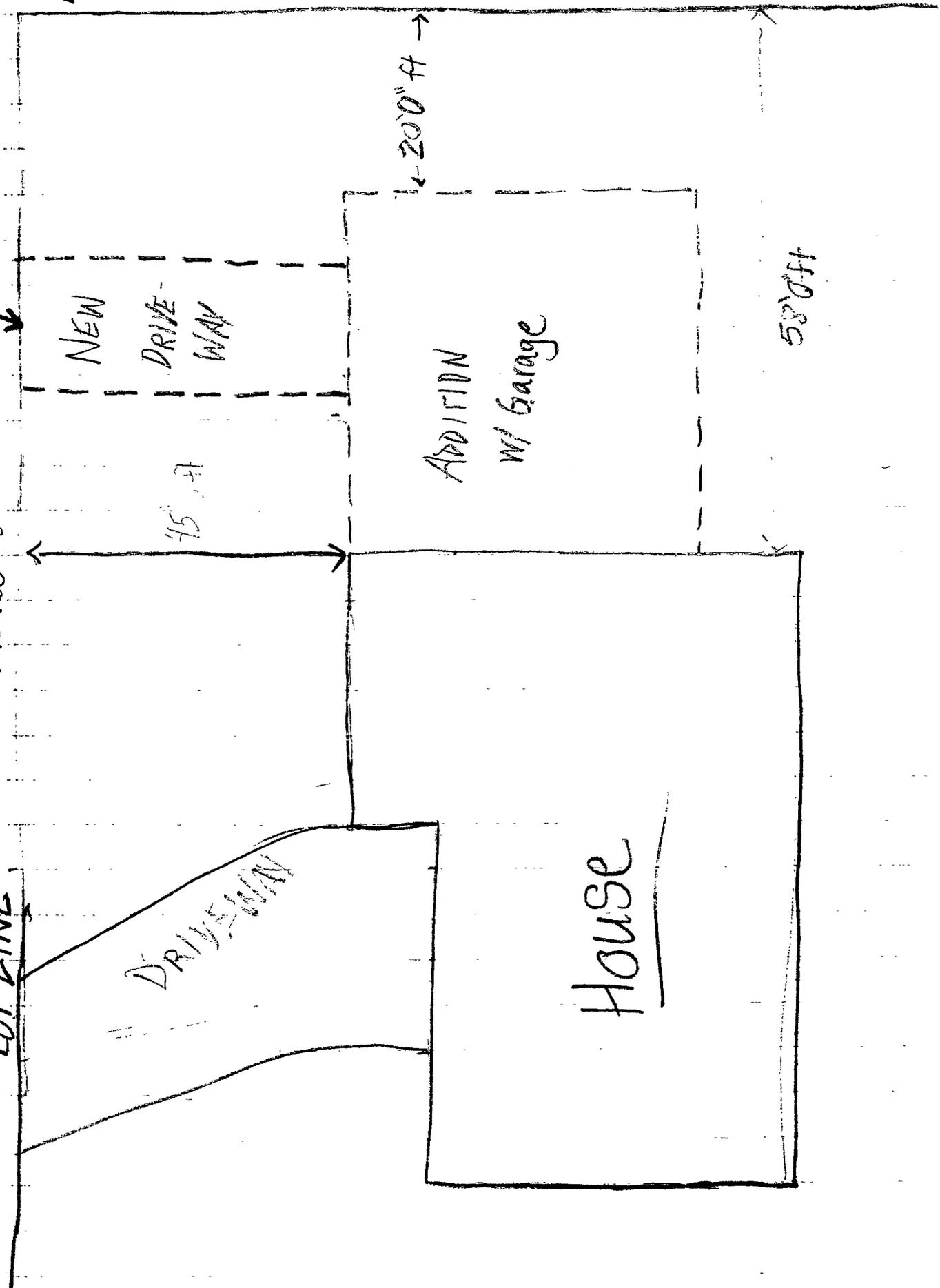
145.30 ft

75' ft

LOT LINE

DRIVEWAY

HOUSE



Gray boxes to be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date 12-18-19 Owner Nicholas + Jeffrey MENTH
Owner Address 8701 160th Ct. Ramsey MN 55503
Petitioner SAME Phone No. 763-233-8460
Petitioner Address SAME

As property owner or petitioner, I hereby make application to modify the City Code at the following address:

951 EAST 8th St. Winona MN 55987

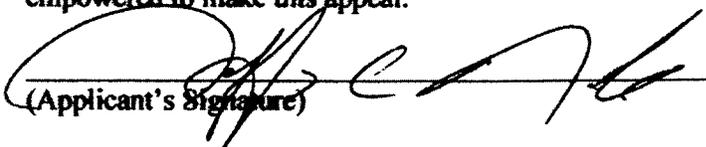
It is understood that only those points specifically mentioned are affected by action taken on this appeal.

Purpose in seeking Board of Adjustment hearing: To pursue a variance to: Classify the property above as a duplex; To receive a rent certificate as a duplex for the above property

See handout for required submittal information and general appeal information.

The specific ordinance modification desired is _____

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 Friday 19 days prior to the Wednesday meeting date. The petitioner is required to attend the meeting.

Petition #	<u>20-3-V</u>	Receipt #	<u>573524</u>	Filing Fee	<u>2500</u>
Variance#	<u>#18</u>	Invoice #	<u>1866</u>	Zoning	<u>R-2</u>
Date Received	<u>12/20/19</u>	Hearing Date	<u>1-15-20</u>		

Petitioner ; Jeff Menth
8701 160th Court NW
Ramsey Mn 55303
763-233-8460
Date: 12-19-20-19

Address of parcel; 951 East 8th street Winona Mn 55987

Legal Description: Sect-25 Twp-107 Range-007 HAMILTON ADDITION Lot-006 Block-004 E C HAMILTON'S ADDITION

Parcel ID	322006400
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My Goal:

- 1: I would like to receive a variance to classify the property listed above as a legal duplex
- 2: I would like to have the property rent certified as a duplex, with 3 renters in the dwelling unit on the 2nd floor, and 1 renter and (my Son Nicholas) one of the owners of the duplex in the dwelling unit on the 1st floor.

Why the variance is needed:

- 1: Frontage requirements for Duplexes is 65' the lot has 50' on the address side of the lot
- 2: Square foot requirements for duplexes is 8000 sq. feet. This lot is 7500 sq. feet
- 3: As it stands the property now has 3 parking spaces.
- 4: I need a side yard set-back variance on the East side of the property

The variance is consistent with the Comprehensive Plan.

Yes I believe it is.

The proposal puts the property to use in a reasonable manner.

Yes. The property will be used in the manner it was built for back in 1924

There are unique circumstances to the property not created by the property owner.

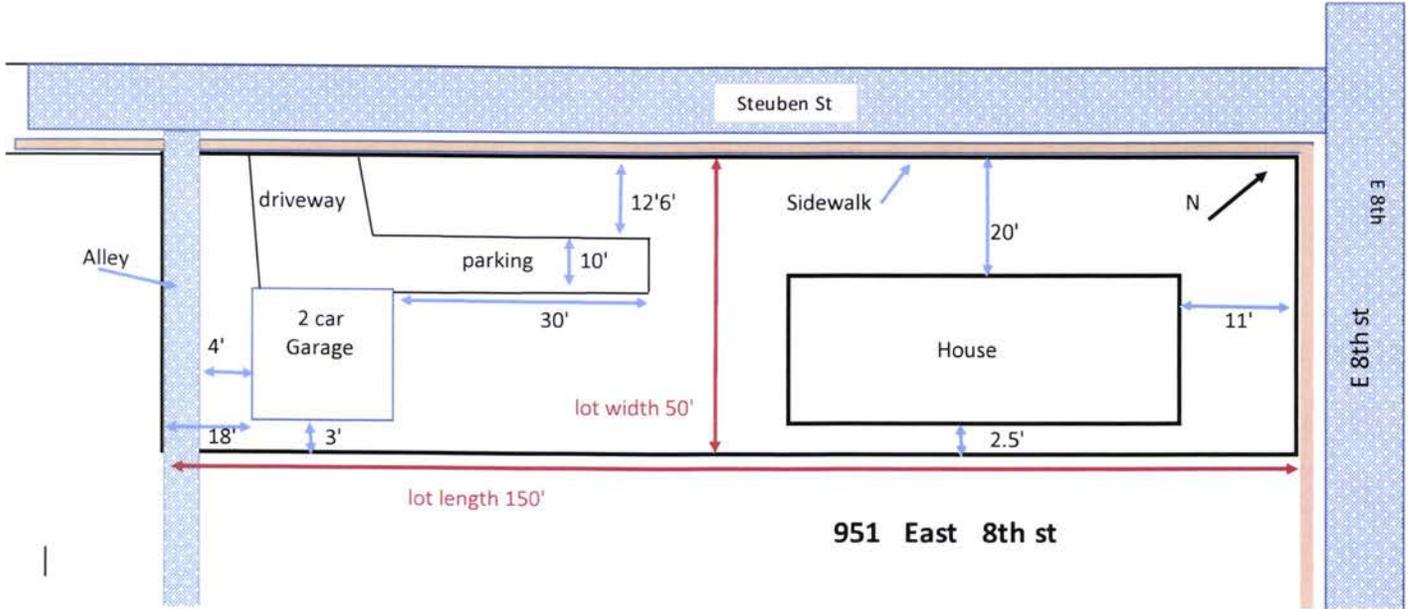
Yes. The size and dimensions of the lot were determined by city code and the builder in 1924

If the variance, if granted, it will not alter the character of the neighborhood.

Yes. I have no intention of changing the character of the neighborhood, the property is being used as a duplex now. The excellent condition of the neighborhood and surrounding properties was a determining factor in our choosing this property to purchase.

Thank you for considering my request.

Sincerely Jeff Menth



951 East 8th st

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Luke Sims

DATE: January 6, 2020

SUBJECT: BOA Application Considerations for 1/15/20 Meeting

Application: John Hardy – 1473 Gilmore Valley Road

Considerations related to Board of Adjustment Variance Criteria are provided below:

- 1) Is the variance in harmony with the purpose and intent of the ordinance?

The intent of the driveway approach requirement is to limit the points of entry to public rights of way to ensure safe movement of vehicles.

- 2) Is the variance consistent with the comprehensive plan?

The variance does not affect the land use as dictated in the Comprehensive Plan. The Comprehensive Plan's future Land Use map designates this property as Low-Density Residential, which promotes limited residential use and the accessory structures associated with that use.

- 3) Does the proposal put property to use in a reasonable manner?

The R-R zone allows for low density residential and the proposed variance does not impact the existing, conforming use. The R-R zone is designed to accommodate uses that maintain a more rural character.

4) Will the variance, if granted, retain the essential character of the locality?

The surrounding properties are also located in R-R zones and features driveway approaches that are occasionally spaced closer than the approximately 90 feet of distance between the applicant's proposed second driveway approach.

Applicant: Nicholas & Jeffrey Menth – 951 East Sanborn

Considerations related to Board of Adjustment Variance Criteria are provided below:

1) Is the variance in harmony with the purpose and intent of the ordinance?

The intent of the lot dimension and site dimension standards in 43.02.23 Table 43-3 and 43.02.24 Table 43-4 are to allow distance between neighboring properties and the structures sited upon them. The ordinances differentiate between residential uses based on the number of residential units in the structures, which sets dictates the lot dimension and site dimension standard.

The intent of the parking requirements found in 43.03.22 Table 43-17 is to allow for adequate off-street parking to promote circulation of vehicles while minimizing the impact on publicly available parking.

2) Is the variance consistent with the Comprehensive Plan?

The variance does not affect the land use as dictated in the Comprehensive Plan. The Comprehensive Plan's future Land Use map designates this property as Traditional Neighborhood, which promotes medium density residential housing (1-4 units) and the associated accessory structures that go along with that.

3) Does the proposal put property to use in a reasonable manner?

The R-2 zone allows for medium density dwellings, including two-family dwellings, located in the core of the City.

4) Will the variance, if granted, retain the essential character of the locality?

The surrounding properties are also located in R-2 zones and are occasionally closer than the side yard setbacks required in the R-2 zoning district. The surrounding area features properties with structures abutting property lines as well as a mix of residential rental densities and commercial uses on similarly-sized lots.

**BOARD OF ADJUSTMENT
Regular Meeting**

DATE: December 18, 2019

TIME: 5:00 p.m.

PLACE: City Council Chambers, City Hall

PRESENT: Buege, Breza, Conway, Kouba, Krofchalk, Murphy, Sanchez,

ABSENT: None

Chairman Sanchez called the meeting to order at 5:00 p.m.

The minutes from the Board's meeting of November 20, 2019 were approved. Dave Kouba made a motion to approve the minutes with a second by Tom Conway.

Petition No. 19-27-V, Jerry Papenfuss

Chairman Sanchez opened the public hearing and read the petition:

Jerry Papenfuss – 43.02.31 7)e) which states that mass grading and the creation of artificial building pads shall be avoided in Ridgeline Transition Overlay Districts, and 43.02.31 7)g) which states that all feasible efforts shall be made to retain native trees in Ridgeline Transition Overlay Districts. Applicant wishes to remove trees and prepare an approximate 2.5 acre area of land adjacent to E. Garvin Heights Road for construction of single-family homes. Property is described AG/NR zoning, Sect-34 Twp-107 Range-007 WINONA TWP ANNEX 11.92 AC OLD #19.070.1160 NE 1/4 NE 1/4 & 2 PARCELS IN SE 1/4 NE 1/4 EX: N 78 LKS OF E 13.62 CH & E 427' OF NE 1/4 NE 1/4 EX: WINONA CITY PROPOSED ST EX: 15.58 ACRES NE 1/4 NE 1/4 (WINONA COMMUNITY FOUNDATION), or at 276 E. Garvin Heights Rd.

Jerry Papenfuss, 276 Pleasant Hill Drive, Winona, addressed the Board. Mr. Papenfuss showed on the map the area that he wants to develop and also the adjacent area to be dedicated back to the City of Winona. The intent is to develop seven lots that have access from East Garvin Heights Road with the lots approximately 160' deep. It is being proposed that the zoning being ruled residential lots. The variance right now is to be able to clear the lots for future development all at one time instead of doing it a lot at a time. The lots being proposed would accommodate a \$300,000 home on each site.

Tim Breza asked if the trees that will be taken out would be replanted and Mr. Papenfuss replied, it would be up to the lot owner/owners, but there would be a fair amount of trees left on each parcel.

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Staff commented, the bluffland ordinance states that lots be within 200' from the top of the bluff and this was initiated for visibility concerns and any concerns about lots being too close to the top of the bluff.

Tom Conway commented that when he reviewed the lots there was not a lot of slope to them and they are not that far from being flat.

The intent of the ordinance was primarily not being able to see houses or structures on the bluff from the river and it appears that there is other natural cover and trees to obstruct the view.

Steven Kovala, 271 East Garvin Heights Road, addressed the Board. Mr. Kovala said one of his reasons for being against the variance was because he was concerned about access to the trail systems and right now there is currently non-dedicated access to the trail that people do use. His concern was the informal trail head access and lack of control for parking and other miscellaneous things. One of his other concerns was the impact of smaller houses and smaller lots and values of properties for himself as well as his neighbors.

There being no others who desired to speak, Chairman Sanchez closed the public hearing and opened it up for discussion.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Yes, lack of visibility from the river and from down below. The additional land, which is 4.1 acres that will be dedicated to the City of Winona, is closest to the river and the 2.9 acres remaining is an appropriate balance of bluffland protection and reasonable expectation to the property owner.

Is the variance consistent with the Comprehensive Plan? Yes, it is zoned for limited residential.

Does the proposal put the property to use in a reasonable manner? Yes, it is a residential area which is being proposed. The variance is clearing of trees and request to clear the trees from the proposed area is reasonable.

Are there unique circumstances to the property not created by the landowner? Yes, it is bordered by bluffland area.

Will the variance, if granted, retain the essential character of the locality? Yes, it is in a residential area with homes just across the street and adjacent to the property on East Garvin Heights Road.

Are there other considerations for the variance request besides economics? Yes.

Jim Murphy made a motion to approve the variance request with the condition that the land that is deeded to the City of Winona is at no cost and without any

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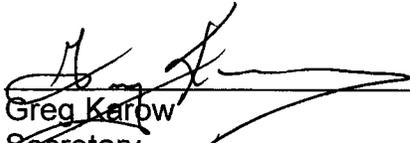
conditions attached to the land. Motion was seconded by Dave Kouba. All were in favor of approving the variance request with the condition.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Adjournment

Tim Breza made a motion to adjourn and it was seconded by Tom Conway. The vote of the Board was unanimous.

There being no further business to come before the Board, the meeting was adjourned at 5:40 p.m.


Greg Karbow
Secretary