

AGENDA

City of Winona Board of Adjustment

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

1. CALL TO ORDER-APPROVAL JANUARY 15, 2020 MINUTES

2. NEW BUSINESS

A. Lucas Malay

Parcel Address: 22401 Garvin Heights Road

Nature of Request: Applicant requests modification from code which requires a hydrogeological study and Phase 1 Archaeological Survey for land disturbance in a Ridgeline Transition Overlay District.

City Code Section: 43.02.32 8)a)vii & 43.02.32 8)a)vi

Applicant wishes to construct a new single family home within the Ridgeline Transition Overlay District without a hydrogeological study or Archaeological Survey.

B. Johnson & Scofield, Inc./Owner: Joseph Bronk

Parcel Address: 1927 Gilmore Avenue

Nature of Request: Application requests modification from code which requires a minimum lot size of 8,000 square feet, a minimum frontage of 65 feet, and a side yard setback of 10 feet for a single family two story home in an R-1 zoning district.

City Code Section: 43.02.23 Table 43-3
43.02.24 Table 43-4

Applicant proposed to split an existing lot into two and thus create a new lot with an existing home on it. The new lot is proposed to be 5,690 square feet with 53 feet of frontage and a side yard setback of 8.5 feet.

- C. **Marie Schueler**
Parcel Address: 254 Orrin Street

Nature of Request: Applicant requests modification from code which requires a front yard setback of 25 feet, a side-yard setback of 8 feet, and a rear yard setback of 30 feet for two-family dwellings which are two stories in height.

City Code Section: 43.02.24 Table 43-4

Applicant proposes to utilize the existing two-story structure as a duplex. The existing structure has a 20 foot front yard setback, a side yard setback of three feet on the west side, and a rear yard setback of five feet. B-3 zoning district.

- D. **Tom Hoseck**
Parcel Address: 161 East Lake Blvd

Nature of Request: Applicant requests modification from code which requires two family dwellings in R-1 district to be located on a corner lot with access to an arterial or collector street.

City Code Section: 43.03.72 F

Applicant wishes to establish a duplex on a non-corner lot that does not have access to an arterial or collector street.

- E. **Stephanie McDaniel/Owner: Vision 2020 Education Foundation**
Parcel Address: 1165 West Broadway

Nature of Request: Applicant requests modification from code which limits structures in R-2 zoning districts to a maximum height of 35 feet and requires schools to have a minimum 40 foot setback from property lines.

City Code Section: 43.02.24 Table 43-4
43.03.73 E

Applicant wishes to construct an addition onto an existing school at a height of 46.5 feet and a minimum 14 feet to the nearest property line.

3. **OTHER BUSINESS**

4. **ADJOURNMENT**

PUBLICATION NOTICE: Friday, January 24, 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) Lucas Malay – City Code Section 43.02.32 8)a)vii which requires a hydrogeological study completed by a qualified professional and 43.02.32 8)a)vi which requires a Phase 1 Archaeological Survey for land disturbance in a Ridgeline Transition Overlay District. Applicant proposes to construct a new single family home within the Ridgeline Transition Overlay District without a hydrogeological study or Archaeological Survey. Property is described as R-R zoning, Sect-05 Twp-106 Range-007 WILSON ANNEXED TO WINONA 45.61 AC S 1/2 SE 1/4 NW 1/4; S 1/2 S 1/2 NE 1/4 LYING W'LY CSAH 44; PART N 1/2 SE 1/4 & PART NE 1/4 SW 1/4 COM NE CORNER N 1/2 SE 1/4, S 1 DEG E ALONG E LINE N 1/2 SE 1/4 156', N 87 DEG W 1265.41' TO PT OF BEG: N 87 DEG W 2725.32' TO W LINE NE 1/4 SW 1/4, N 1 DEG W 4.8' TO NW CORNER NE 1/4 SW 1/4, S 89 DEG E ALONG N LINE NE 1/4 SW 1/4 & N LINE N 1/2 SE 1/4 2736.88', S 7 DEG W 108.82' TO PT OF BEG EX: PART N 1/2 SE 1/4 & PART S 1/2 S 1/2 NE 1/4 COM NE CORNER N 1/2 SE 1/4, S 1 DEG E ALONG E LINE N 1/2 SE 1/4 156' N 87 DEG W 1265.41' TO PT OF BEG: N 87 DEG W 486', N 7 DEG E 200', S 87 DEG E 486', S 7 DEG W 200' TO PT OF BEG, or at 22401 Garvin Heights Road.
- b) Johnson & Scofield, Inc. - City Code Section 43.02.23 Table 43-3 and 43.02.24 Table 43-4 which requires a minimum lot size of 8,000 square feet, a minimum frontage of 65 feet, and a side yard setback of 10 feet for a single family two story home in an R-1 zoning district. Applicant proposes to split an existing lot into two and thus create a new lot with an existing home on it. The new lot is proposed to be 5,690 square feet with 53 feet of frontage and a side yard setback of 8.5'. Property is described as R-1 zoning, Sect-29, Twp-107, Range-007, LIMITS E 53' OF W 304' OF N 275' OF NW ¼ NE ¼ or at 1927 Gilmore Avenue.
- c) Marie Schueler – City Code Section 43.02.24 Table 43-4 which requires a front yard setback of 25 feet (25'), a side-yard setback of eight feet (8'), and a rear yard setback of 30 feet (30') for two-family dwellings which are two stories in height. Applicant is proposing to utilize the existing two story

structure as a duplex, which is currently sited with only a 20 foot (20') front yard setback, a side-yard setback of three feet (3') on the westerly side, and a rear yard setback of five feet (5'). Property is described as B-3 zoning Sect-21, Twp-107, Range -007, BRONK'S ADDITION, Lot-001, Block-001, AUD'S PLAT #2, or at 254 Orrin Street.

- d) Tom Hoseck – City Code Section 43.03.72 F) which requires two family dwellings in R-1 districts to be located on a corner lot with access to an arterial or collector street. Applicant wishes to establish a duplex on a non-corner lot that does not have access to an arterial or collector street. Property is described as R-1 zoning, Sect-27 Twp-107 Range-007 LIMITS PART GOV'T LOT 1 SEC 27 & PART NE 1/4 NE 1/4 SEC 34 T107 R7 COM ON N LINE SEC 34 AT PT 125.40' W OF NE CORNER SEC 34, S 0 DEG E 51.48', N 90 DEG W 666.89' TO PT OF BEG, N 0 DEG W 51.48', N 23 DEG E 184.15', N 77 DEG W 8', N 13 DEG E 40', N 65 DEG E 22.39', N 23 DEG E 74.28', S 78 DEG E 100', S 22 DEG W 289.57', S 0 DEG E 51.48', N 90 DEG W 110' TO PT OF BEG, or at 161 East Lake Blvd.
- e) Stephanie McDaniel - City Code Section. 43.02.24 Table 43-4 and 43.03.73 E) which limit structures in R-2 zoning districts to a maximum height of 35 feet and require schools to have a minimum 40 foot setback from property lines. Applicant wishes to construct an addition onto an existing school at a height of 46.5 feet and a minimum 14 feet to the nearest property line. Property is described as R-2 zoning, Sect-21, Twp-107, Range-007, CUMMINGS VILA/GOULDS ADD, Block-004, (ROGER BACON HALL), or at 1165 West Broadway.

A hearing on these petitions will be given in the Council Chambers, 3rd Floor, City Hall, Winona, Minnesota at **5:00 p.m. on February 5, 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

1/14/2020

Lucas Malay
25997 Blackberry Rd
Winona, MN 55987

VARIANCE REQUEST

Property Address: 22401 Garvin Heights Rd
Winona, MN 55987

I am looking to build a new single family dwelling on my property in an area that allows me some setback buffer from the main road. I have located an area that will allow my building to fit in harmony with the natural landscape. The proposed area has a very minimal slope of 5% or less (no where near 18%), however, has been mapped into the Bluffland Protection Ordinance Area. I am looking for this area to be deemed suitable to build and not fall under the Bluffland Protection Rules.

Thanks for reviewing my request-

 1/14/2020

City Hwy 44



- Top of Bluff (11.5% / 50')
 - Top of Bluff (1.5% / 100')
 - 202' Footcandle Transition
- Slope**
- <VALUE>
- 0 - 18% Slope
 - 18% Slope
 - 2' TOLERANCE

Proposed House location



This map was prepared from a survey of section, 36th 5, and 44th. The information is for informational purposes only and does not constitute a warranty of accuracy. The user assumes all responsibility for any use of this information and any consequences of the use of this information. No liability is assumed for any use of this information.



JOHNSON & SCOFIELD INC. SURVEYING AND ENGINEERING

1203 Main Street • Red Wing, MN 55066 • Telephone: (651)388-1558 • Fax: (651)388-1559
626 Jefferson Ave • Wabasha, MN 55981 • Telephone: (651)565-3244 • Fax: (651)565-4394
1112 Highway 55, Suite 201 • Hastings, MN 55033 • Telephone: (651)438-0000 • Fax: (651)438-9005
4240 West 5th Street • Winona, MN 55987 • Telephone: (507) 454-4134 • Fax: (507) 454-2544
1418 1st Avenue NE, Suite 204 • Rochester, MN 55906 • Telephone: (507) 288-8855

David A. Johnson
Minnesota and Wisconsin
Licensed Land Surveyor

Alan K. Scofield
Minnesota Licensed
Land Surveyor

Marcus S. Johnson
Minnesota and Wisconsin
Licensed Land Surveyor
Wabasha County Surveyor

Mitchell A. Scofield
Minnesota Licensed
Land Surveyor

Brian K. Wodele
Minnesota and Wisconsin
Licensed Land Surveyor
Winona County Surveyor

Steven P. Voigt
Minnesota & Wisconsin
Professional Engineer

Tony A. Blumentritt
Minnesota and Wisconsin
Licensed Land Surveyor

7 January 2020

City of Winona Board of Adjustment
207 Lafayette Street
Winona, MN 55987

RE: Variance to allow line adjustment. 1927 Gilmore Avenue PID323205790

The purpose of this letter is to provide supporting information for the variance application to allow a lot line adjustment that will result in a parcel in an R-1 zone having less than 8,000 square feet excluding road right of way, less than 65 feet of frontage, and a building setback of less than 10 feet, which are the minimums for that zone. Mr. Bronk would like to combine the land behind the garage on the subject parcel with the adjoining land he owns to the south.

Please refer to the attached exhibit. Mr. Bronk currently owns the property at 1927 Gilmore Avenue PID323205790. Mr. Bronk wishes to make a lot line adjustment in the rear of the property so that the south 117.58 feet can be joined with property he owns southerly and adjoining. The resulting proposed parcel with the home will contain 5,690 square feet excluding road right of way. In addition, the property width and frontage along Gilmore Avenue is 53.00 feet which is existing, legal, and non-conforming. Lastly, the existing property line to the east is 8.5 feet from the house wall which is existing, legal, and non-conforming.

This variance will promote the health, safety, morals, comfort and general welfare of the area in that the existing use and nature of the property will be continued as a residential home site. The south 117.58 feet of the current parcel will be combined with an adjoining tax parcel as to not create a substandard parcel of land. No new parcels will be created by this action. The land behind the garage more naturally fits with the adjoining property to the south, and is not useful to the property that the residence will remain on.

The variance will not create a detriment to property or property values in that the current use will remain.

The use of the land is appropriate being that it is zoned R-1. Similarly, the adjoining property to the east at 1925 Gilmore Avenue has 57.5 feet of frontage. The square footage of this property excluding road right of way is 5,746 square feet (similar to our proposed 5,690 sq. ft.), and the depth of this property is 150 feet (less than our proposed 157.42 feet). As you continue east along Gilmore Avenue, there are several properties that contain frontages along the public road that are less than 65 feet.

Public improvements are in place and will be unchanged.

The variance is consistent with the Comprehensive Plan, as the current and intended use is consistent with the R-1 zone.

The property use is reasonable as it will be the continued existing use, a residential home that is consistent with the current zoning and neighboring properties.

Unique circumstances are as follows. The lot width and depth existed prior to the Mr. Bronk's purchase of the property. The lot is much deeper than the majority of the other properties in this area along Gilmore Avenue. In addition, Gilmore Avenue used to be US Highway 14 which is where the 50 foot right of way width from road center originated. The majority of the properties to the east have only a 33 foot right of way which is a more common width for a City street. The 50 foot right of way is a relic from the former State Highway, and is largely unnecessary to maintain the current street.

The character of the neighborhood will not be altered as the proposed variance will not alter the existing use. As stated above, the adjoining property to the east at 1925 Gilmore Avenue has 57.5 feet of frontage. The square footage of this property excluding road right of way is 5,746 square feet (similar to our proposed 5,690 sq. ft.), and the depth of this property is 150 feet (less than our proposed 157.42 feet). As you continue east along Gilmore Avenue, there are several properties that contain frontages along the public road that are less than 65 feet.

Mr. Bronk is asking the Board to grant a variance to allow a lot line adjustment that will result in a parcel in an R-1 zone having less than 8,000 square feet excluding road right of way, and less than 65 feet of frontage, which are the minimums for that zone.

Thank you,

A handwritten signature in cursive script, appearing to read "Brian Wodele".

Brian Wodele, Professional Land Surveyor

Highway Right of Way
released to the City of Winona per
Parcel 3, Doc. No. 262030

PID323205790 1927 Gilmore Ave.
Joseph R. Bronk and
Gloria M. Bronk
Doc. No. 608055

50

16.50

53.00

53.00

57.5

33

Southerly right of way
line of Gilmore Avenue

Joseph R. Bronk and Gloria M. Bronk Doc. No. 341821



Joseph M. Gleason
No. 41014
2320580
Gilmore Ave.

EXCEPTION TO DOC. NO. 314541

Joseph R. Bronk and Gloria Bronk
Doc. No. 324014
Exception to Doc. No. 410148

Joseph R. Bronk and
Gloria Bronk
Doc. No. 314541

Ingress-Egress easement
Doc. No. 341821

PARCEL 2 to be combined with
land to the west, south, & east

Joseph R. Bronk and
Gloria M. Bronk

Highway Right of Way
released to the City of Winona per
Parcel 3, Doc. No. 262030

PID323205790 1927 Gilmore Ave.
Joseph R. Bronk and
Gloria M. Bronk
Doc. No. 608055

50

16.50

53.00

57.5

33

33

50.02

50.02

Joseph R. Bronk and Gloria M. Bronk Doc. No. 341821

Southerly right of way
line of Gilmore Avenue

107.40

157.42

53.00

PARCEL 1
5690 Sq. Feet
(hatched area)

House

Wall

8.5

Garage

Wall

5.05

49.2

5.10

157.42

99.97

Timothy M. Gleason
Doc.No. 410148
PID323205800
1925 Gilmore Ave.

275

150

EXCEPTION TO DOC. NO. 314541

16.5

117.58

PARCEL 2

117.58

53.00

Joseph R. Bronk and Gloria Bronk
Doc. No. 324014
Exception to Doc. No. 410148

125

Joseph R. Bronk and
Gloria Bronk
Doc. No. 314541

Ingress-Egress easement
Doc. No. 341821

PARCEL 2 to be combined with
land to the west, south, & east

Joseph R. Bronk and
Gloria M. Bronk

Gray box can be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date 1-10-2020 Owner MARIE SCHUELER

Owner Address 104 MAID ST APT 611

Petitioner SAME Phone No. 507-432-2759

Petitioner Address SAME 507-313-3140

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

254 ORPIN 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: address the setback to become a full duplex.

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.

Marie Schueler
(Applicant's Signature)

Received by: [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 # 20-6-V Receipt # 5152 Filing Fee 00
Variance # 137 Invoice # 1926
Date Received 1-15-20 Hearing Date 2-6-20 Zoning B-1



COMMUNITY DEVELOPMENT

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX 507-457-8212

2/2/20

January 9, 2020,

Marie Shueler
254 Orrin Street
Winona, MN 55987

Dear Ms. Schueler,

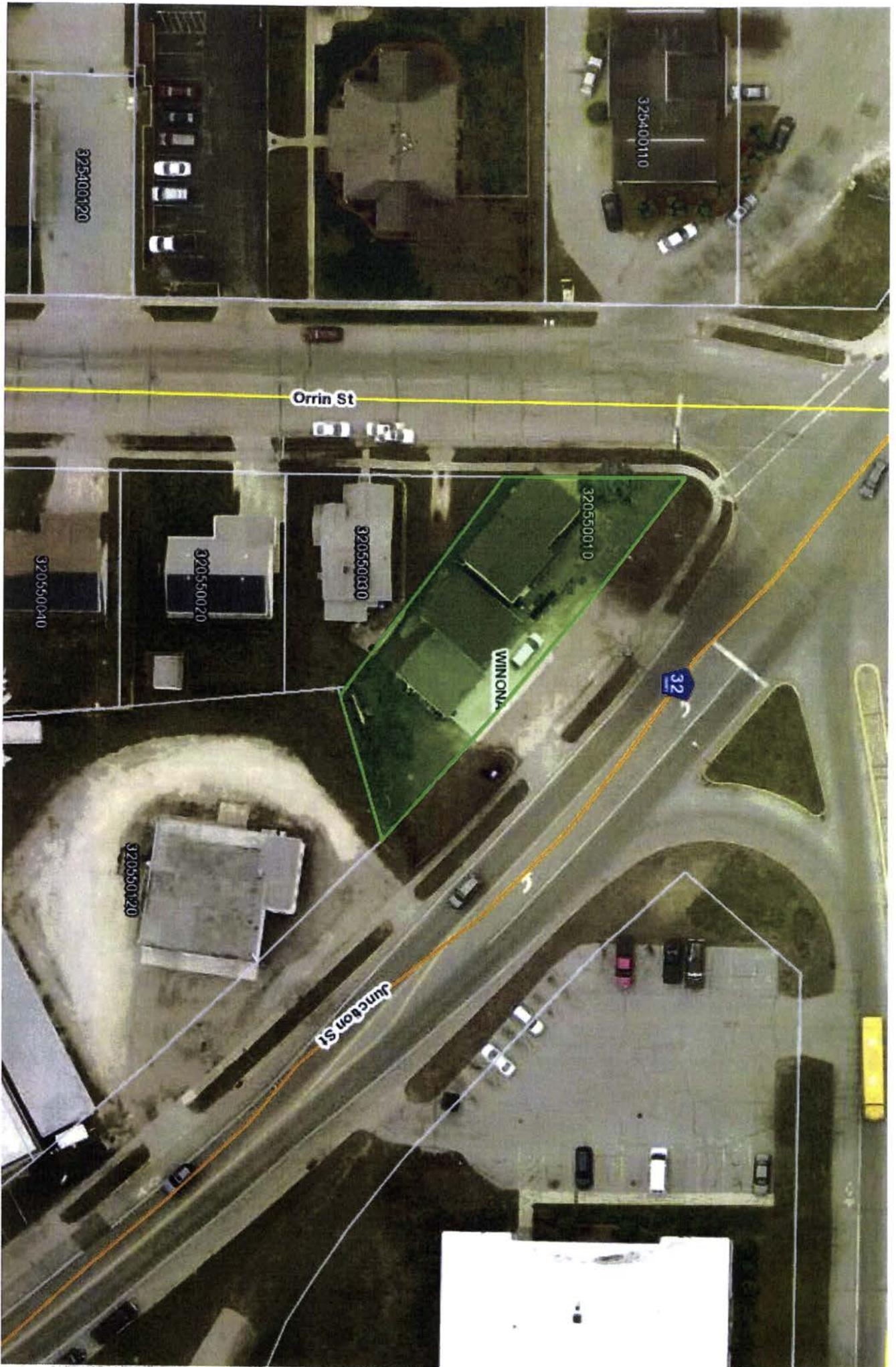
Attached to this letter is the Variance application form for your property at 254 Orrin Street. The application is due to the City of Winona Community Development Department by noon on January 17, 2020 in order to be heard by the Board of Adjustment on February 5, 2020. The purpose in seeking the Board of Adjustment hearing will be to address setbacks for a duplex.

Please let me know if you need anything else from me in preparation for this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke N. Sims", written over a white background.

Luke N. Sims
Assistant City Planner
507.457.8250



1/16/2020

To the Winona Board of Adjustments

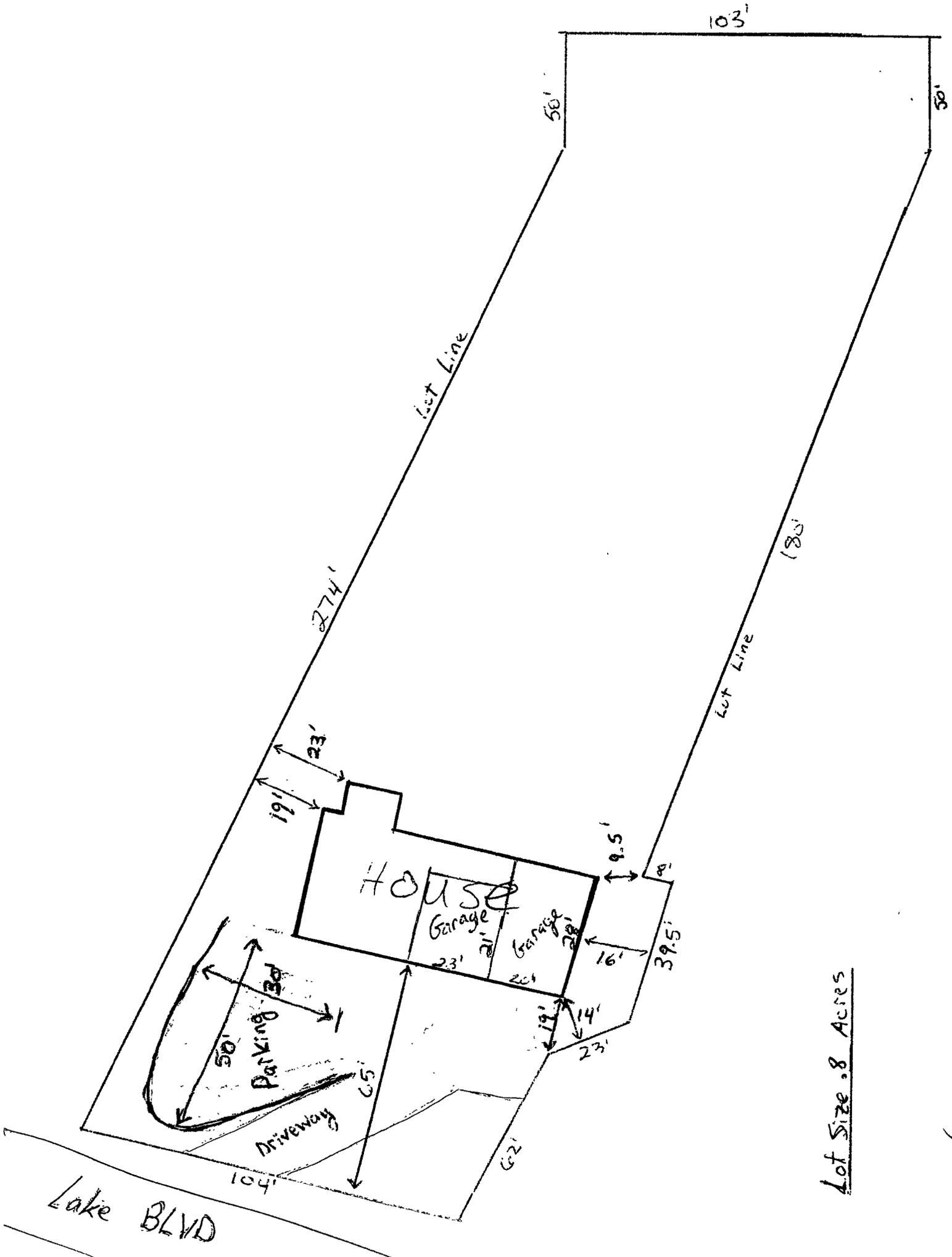
I am requesting a variance for an exception to the zoning rule in the Unified Development Code (chapter 43.03.72 section F page 100) that states that a two to four family property in a R-1 zoning area must be on a corner lot with access to an arterial or collector street.

The property is located on approximately .8 acres and has 4 parking spaces with space to create more parking if needed.

Thank you for considering my application.

A handwritten signature in black ink that reads "Tom Hoseck". The signature is written in a cursive style with a large, sweeping initial "T".

Tom Hoseck





Overview



Legend

Roads

- Other
- Interstate
- US/State Highway
- City Streets
- County Road
- Township Road
- Private Drive
- Municipalities
- Winona Boundary
- Parcel

Parcel ID	323204490	Alternate ID	n/a	Owner Address	HOSECK,TOM
Sec/Twp/Rng	27-107-007	Class	201 - RESIDENTIAL		278 MANKATO AVE
Property Address	161 LAKE BLVD E	Acreage	n/a		WINONA, MN 55987
	WINONA				

District WINONA CITY

Brief Tax Description Sect-27 Twp-107 Range-007 LIMITS PART GOV'T LOT 1 SEC 27 & PART NE 1/4 NE 1/4 SEC 34 T107 R7 COM ON N LINE SEC 34 AT PT 125.40' W OF NE CORNER SEC 34, S 0 DEG E 51.48', N 90 DEG W 666.89' TO PT OF BEG, N 0 DEG W 51.48', N 23 DEG E 184.15', N 77 DEG W 8', N 13 DEG E 40', N 65 DEG E 22.39', N 23 DEG E 74.28', S 78 DEG E 100', S 22 DEG W 289.57', S 0 DEG E 51.48', N 90 DEG W 110' TO PT OF BEG

(Note: Not to be used on legal documents)

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

Date created: 1/17/2020
 Last Data Uploaded: 1/17/2020 5:15:26 AM

Developed by Schneider GEOSPATIAL

1165 W 6th



380 St. Peter Street, Ste. 600
Saint Paul, MN 55102

651.222.3701
bwbr.com



December 24, 2019

Carlos Espinosa
Community Development Office
City of Winona, MN 55987
P.O. Box 378

Re: Vision 2020 Building – Variance Application Letter
BWBR Commission No. 3.2019144.00

City of Winona - Community Development,

Please find enclosed the summary for the proposed addition at 1165 W Broadway St Winona, MN 55987.

Description of Property: Block 4, CUMMINGS VILA AND GOULD'S ADDITION, Winona County, Minnesota.

Project Description:

Location:

The Vision 2020 Education Foundation currently utilize several spaces comprising of (3) buildings on the intersection of W Wabasha Street and Vila Street. A Residential Hall for boarding for students is currently in Loretto Hall (2 blocks West of the intersection of W Wabasha St and Vila St).

The proposed project intends to create quality 21st century learning environments and re-envision a supportive residential experience for boarding students. The project includes removing a portion of the Existing Roger Bacon building (1165 W Broadway St) and constructing a new Residence Hall in place of the demolished portion. The remainder of the existing Roger Bacon building will be internally remodeled and provide classroom spaces and a cafeteria for students.

Project Size:

The proposed Residence Hall is a 36-unit addition, 4 stories in height. The structure contains student dwelling units, restrooms, lounges and resident mentor dwelling/office space. The gross square footage of the proposed addition is 26,920sf.

Variance Requests:

As discussed in previous meetings with BWBR and the Community Development Office at the Winona City Hall (2019-08-13 & 2019-11-04), we are applying for the following three variance requests.

Item 1: Applicable Code: 43.02.24 *Site Dimension Standards*

- B) *Required setbacks apply to principal structures, access drives, and parking. Required setbacks shall not apply to landscaping, stormwater facilities or required fencing or buffering.*
 - *Medium Density Residence (R-2) - Other permitted/ conditional uses, 2 & 2-1/2 stories*
 - *Height Maximum Principle Structure – 35ft.*

Request 1:

The maximum height for a principle structure is 35 feet. We are requesting a variance on the maximum height of the principle structure. The proposed height of the Residence Hall is 46.5 feet, to align with the height of the existing Roger Bacon Building, which is 50 feet. (See attachments for Building Elevations). The addition maintains a similar scale, texture and material of the existing Roger Bacon building and surrounding structures of the former St. Teresa's campus to reinforce the nature of the site.

Item 2: Applicable Code: *43.03.73 Use Specific Standards for Public and Institutional Principal Uses*

- *E) School.*
 - *1) In any R or AG/NR district, building shall not be located less than 40 feet from any lot line. This shall not apply to college or university buildings.*

Request 2:

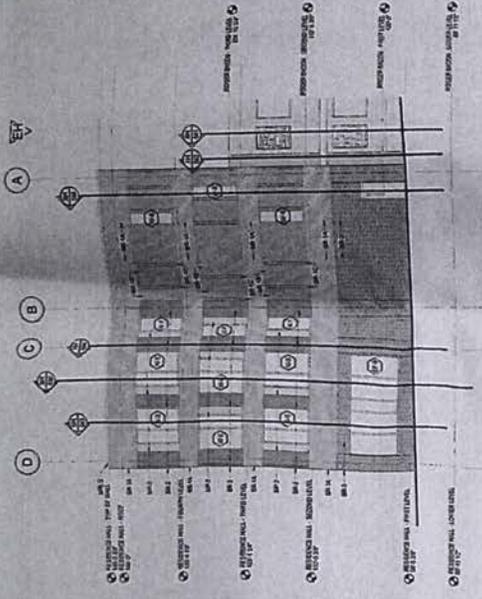
The required setback is 40 feet from any lot line. We are requesting a variance on the setback. Our proposed location is in the same location as the portion of the Roger Bacon building that is being demolished and to align with the existing structure on the adjacent block 3. The existing Roger Bacon building (previously a University) is encroaching on the required setback; see the attached site plan. Additionally, the existing structures (previously a University) on adjacent block 3 are also encroaching on the setback. The goal of this proposed design is to connect with the existing structure and create protected residential type outdoor spaces for students and faculty. The addition location maintains an open green space on the southeast corner of the lot, which is preferred for safer student drop off with accessible paths and amenities.

Thank you for your consideration.

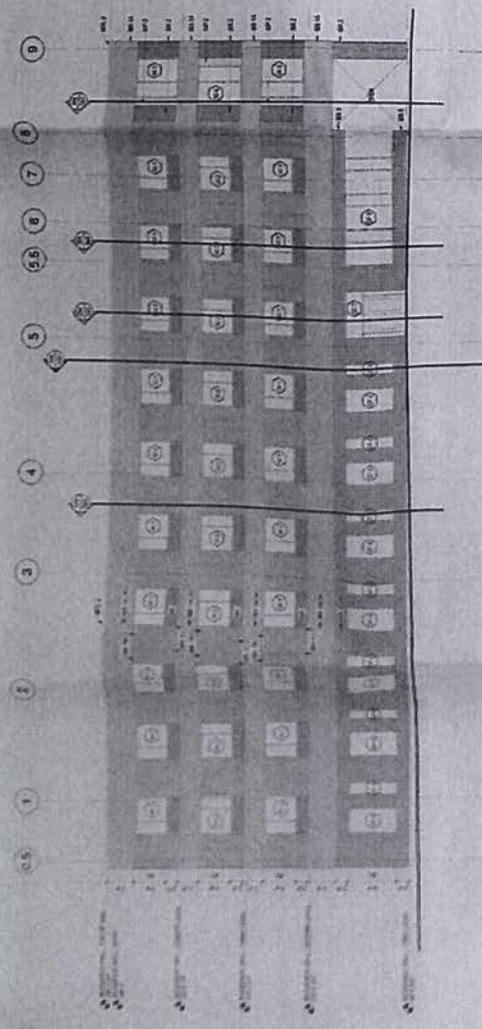
Mike Gray, AIA
Project Architect
For professional licensure, visit bwbr.com/licenses-registrations

Attachment: Site Plan Submittal Package

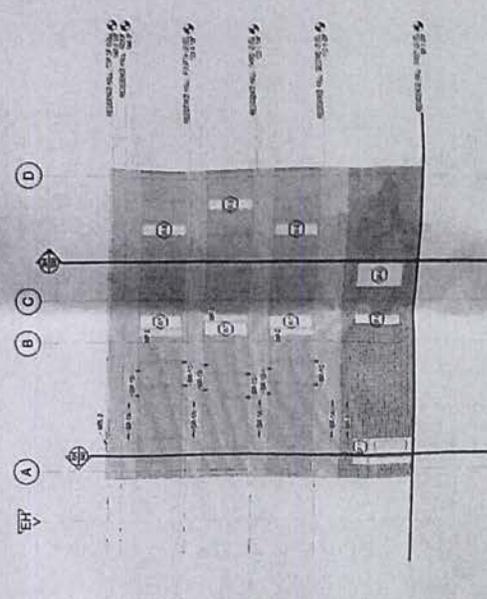
NOT FOR CONSTRUCTION



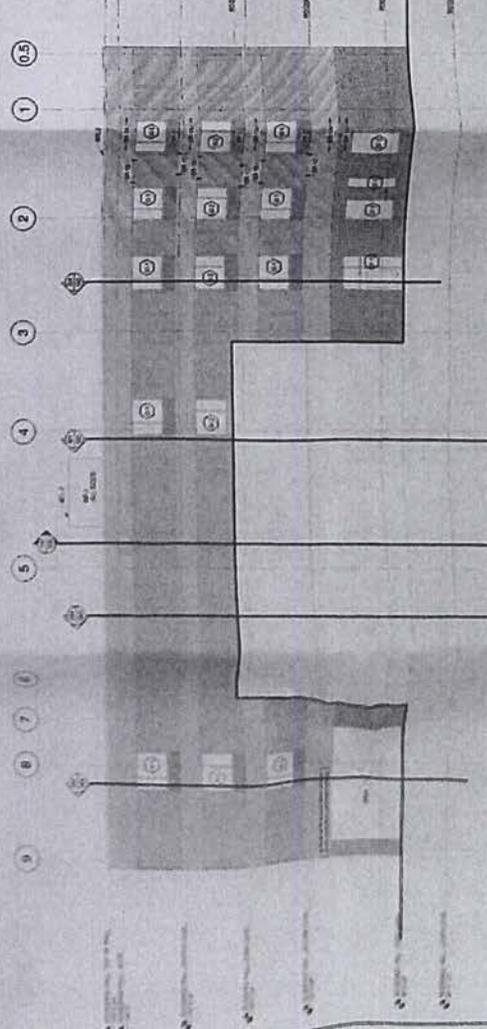
SECTION ELEVATION - WEST SIDE



SECTION ELEVATION - WEST SIDE



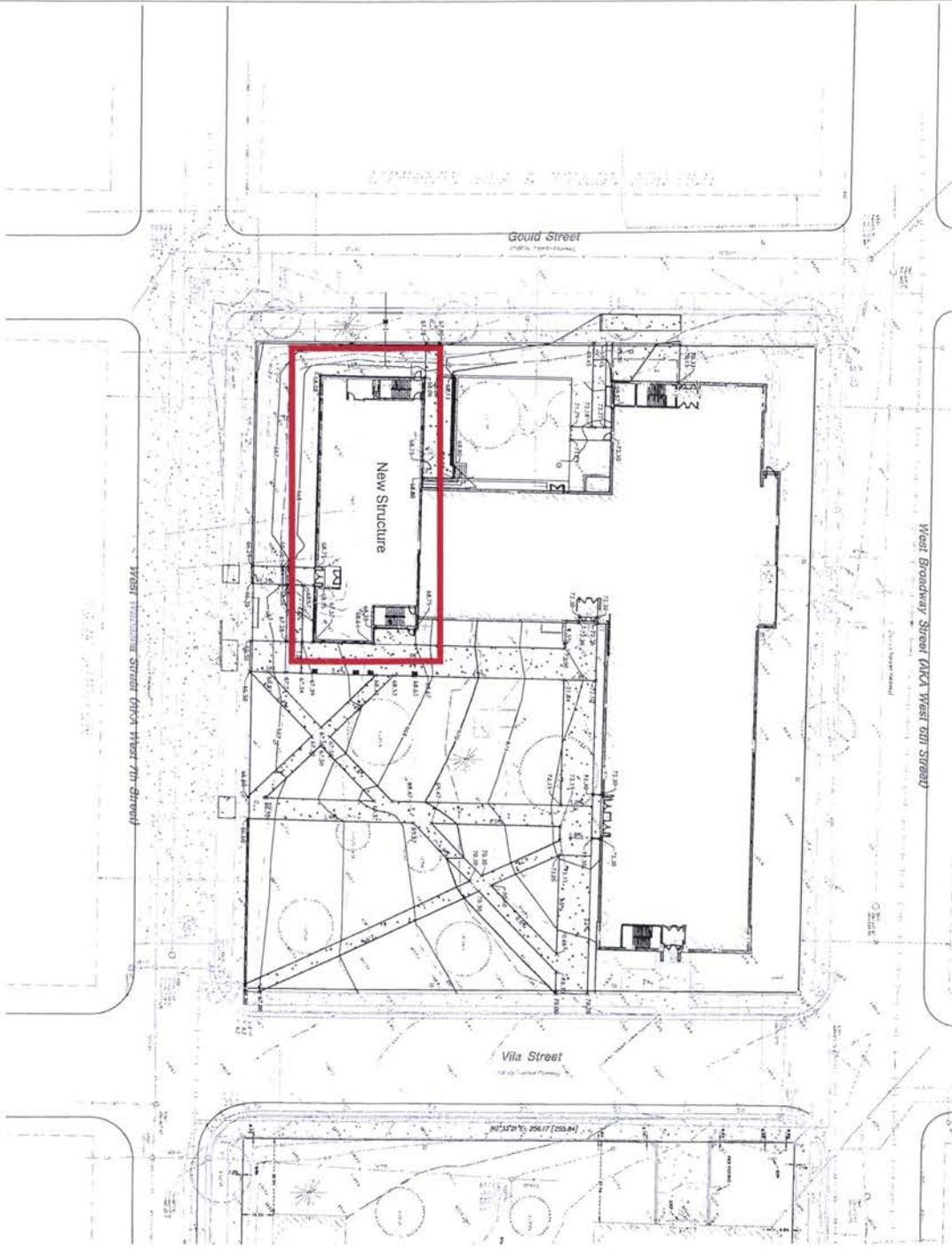
SECTION ELEVATION - WEST SIDE



SECTION ELEVATION - WEST SIDE

KEYNOTES - EXTERIOR ELEVATION

1/4" GRAPHIC SCALE



THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION.

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1-800-4-A-ONECALL
1-800-426-6222
WWW.ONECALL.ORG

PROJECT BENCHMARK
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION.

GRADING & DRAINAGE NOTES
 ALL GRADING SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION.

GRADING & EROSION CONTROL SPECIFICATIONS
 1. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY EXCAVATION OR GRADING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL UTILITIES AND RECORDING THEM PRIOR TO CONSTRUCTION.

PROJECT BENCHMARK
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GRADING & DRAINAGE PLAN
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DATE: 12.07.18
PROJECT: 18-001

PROJECT NO.: 18-001
PROJECT NAME: VISION 2020 BUILDING

PROJECT LOCATION: 3815 N. POWER STREET, MESA, AZ 85205

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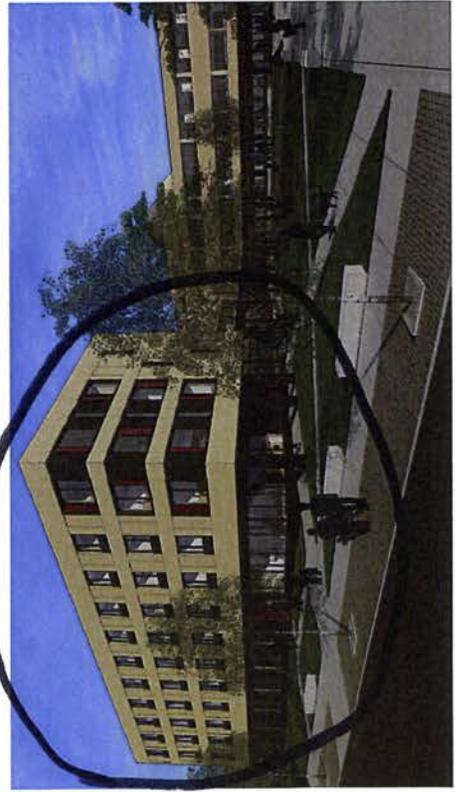
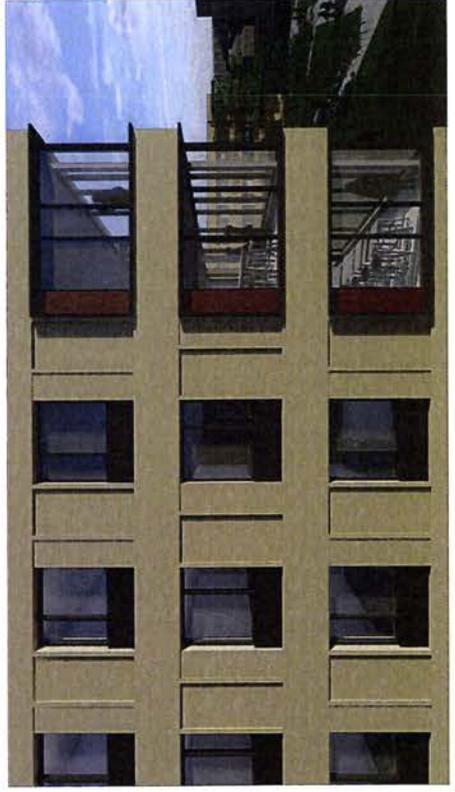
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PROJECT NO.: 18-001
PROJECT NAME: VISION 2020 BUILDING

EXTERIOR RENDERINGS

R-100

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MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment
FROM: Carlos Espinosa and Luke Sims
DATE: January 28, 2020
SUBJECT: BOA Application Considerations for 2/5/20 Meeting

Applicant: Lucas Malay – 22401 Garvin Heights 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 property is zoned R-R Rural Residential. Construction of a single family home is in accordance with this zoning district.

In part, the Bluffland Ordinance is intended to minimize the ecological impacts of land disturbance while recognizing legitimate expectations of property owners, and to identify and protect archaeological resources. The requirement for a Hydrogeological study and Archaeological survey is intended to support these purposes.

2) Is the variance consistent with the Comprehensive Plan?

The Comprehensive Plan designates this parcel for low density residential use – which is proposed by the applicant.

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

It is a reasonable expectation to develop this property for a residential use. When annexed in 2005, this property was envisioned as the location for a low density residential subdivision.

It could be argued that the requirement for the Hydrogeological study and Archaeological survey is more appropriate for subdivision proposals than for construction of a single family home, but the Bluffland ordinance makes no such distinctions or exceptions.

4) Are there unique circumstances to the property not created by the landowner?

The petitioner is seeking a variance to construct a home in the Ridgeline Transition Overlay District without completing a Hydrogeological study or Archaeological survey. However, there is an approximate 3 acre portion of land on the property adjacent to County Road 44 where a house could be built with no such variance.

Also, the Bluffland ordinance went into effect in 2009. The subject property was purchased by the petitioner in 2015.

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

The variance, if granted, would facilitate construction of a home on the subject property of similar character to the surroundings.

6) Are there other considerations for the variance request besides economics?

If the findings of questions 3-5 are affirmative this criterion is satisfied.

Applicant: Johnson and Scofield – 1927 Gilmore Avenue

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 property is zoned R-1 Low Density Residence District. The variance facilitates continued residential use of the property which is in harmony with the ordinance.

2) Is the variance consistent with the Comprehensive Plan?

The Comprehensive Plan designates this parcel for residential use – which is proposed to continue.

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

Due to development patterns along Gilmore Avenue which preceded the 1960 adoption of the zoning code, many of the nearby properties do not meet the required frontage requirements of the R-1 zoning district. However, most nearby lots meet the 8,000 square foot lot size requirement due to their depth.

4) Are there unique circumstances to the property not created by the landowner?

The subject property's west property line is adjacent to a driveway for another property in the rear. This limits the width of the subject property.

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

The variance, if granted, will facilitate a narrow lot which is similar to other nearby properties. However, the overall lot will be smaller than nearby properties.

6) Are there other considerations for the variance request besides economics?

If the findings of questions 3-5 are affirmative this criterion is satisfied.

Application: Marie Schueler, 254 Orrin Street

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 site dimension standards in 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 dictates the lot dimension and site dimension standard.

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 Neighborhood Commercial, which primarily promotes commercial interspersed with residential but also allows for a mix of housing types.

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

The B-3, General Business zone allows for medium density housing following the standards of the R-3 Multi-Family Residence district. The property formerly operated as an owner-occupied duplex until August, 2019 when the rental license lapsed.

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

The surrounding properties are located in a mix of B-3 and R-3 zones which include buildings adhering to a mix of variable setbacks. The surrounding area features properties with structures abutting property lines as well as a mix of residential rental densities and commercial uses on lots of variable size and shape.

Applicant: Tom Hoseck – 161 East Lake Boulevard

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 property is zoned R-1 Low Density Residence District. The variance facilitates continued residential use of the property which is in harmony with the ordinance.

The requirement for duplexes in R-1 districts to be on corner lots and on higher traffic streets was intended to permit duplexes on the edges of R-1 zoned residential areas. The variance as proposed would create a duplex in the middle of an R-1 residential area.

2) Is the variance consistent with the Comprehensive Plan?

The Comprehensive Plan designates this parcel for residential use – which is proposed by the applicant.

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

The subject property is adjacent to a single-family home on the east. On the west is a property with two single family dwelling units – neither of which is a certified rental unit according to City records.

4) Are there unique circumstances to the property not created by the landowner?

The petitioner applied for a similar variance to turn the subject property into a duplex in 2013. The variance was denied at that time. The Unified Development code allows re-application after one year. Circumstances may have changed between 2013 and the present.

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

The character of the locality is single family homes. The variance as proposed would create a duplex in the middle of this area.

The subject property is adjacent to a single-family home on the east. On the west is a property with two single family dwelling units – neither of which is a certified rental unit according to City records.

However, the subject property does have a long driveway and is set back from the road approximately 70 feet. In addition, it is buffered from the single family home to the east by significant vegetation. As a result, conversion of the existing structure into a duplex would not be readily visible from the street or the property to the east.

6) Are there other considerations for the variance request besides economics?

If the findings of questions 3-5 are affirmative this criterion is satisfied.

Applicant: Stephanie McDaniel – 1165 West Broadway

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 property is zoned R-1 Low Density Residence District which permits educational (school) uses. The variance facilitates continued educational use of the property which is in harmony with the ordinance.

2) Is the variance consistent with the Comprehensive Plan?

The Comprehensive Plan designates this parcel for Semi-Public/Institutional/Education use – which is proposed by the applicant.

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

The proposal demolishes part of an existing two-story building and replaces it with a four-story building which is similar in height to surrounding institutional and educational buildings. Although setbacks to lot lines are reduced, they are roughly in-line with adjacent buildings on the educational campus.

4) Are there unique circumstances to the property not created by the landowner?

The project is located on an educational campus surrounded by residential homes in the core area of Winona. Expansion of the campus is limited by the traditional 300' X 300' size block that the building sits on. This is a relatively small space for a High School educational use.

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

The variance allows facilitates construction of an educational building which is similar to its surroundings.

6) Are there other considerations for the variance request besides economics?

If the findings of questions 3-5 are affirmative this criterion is satisfied.

**BOARD OF ADJUSTMENT
Regular Meeting**

DATE: January 15, 2020

TIME: 5:00 p.m.

PLACE: City Council Chambers, City Hall

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

ABSENT:

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

Conway moved to approve the minutes from December 18, 2019. Commissioner Krofchalk seconded the motion. All members present voted aye.

Petition No. 20-2-V, John Hardy, 1473 Gilmore Valley Road

Chairman Sanchez opened the public hearing and read the petition:

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.

John Hardy, petitioner from 1473 Gilmore Valley Road, came forward and presented the desire for a second curb cut to accommodate an addition to the west of his house and have adequate vehicle access. He stated that his existing driveway and garage do not easily accommodate a vehicle and that an addition to the west is the most feasible opportunity.

Conway asked if there were any plans for the project. Hardy provided preliminary plans showing where the future addition and driveway would be located.

Krofchalk asked if other plans were considered. Hardy reiterated that the current layout cannot accommodate vehicles adequately and that an addition to the east using the current driveway would be infeasible due to setbacks and adjacency to the property line.

Murphy asked to confirm if the old driveway would remain or if everything would be shifted to the new curb cut and driveway. Hardy responded that the old driveway would remain.

General discussion regarding placement of driveways in yards ensued.

Sanchez opened the public hearing. No members of the public coming forward to speak, the public hearing was closed.

Conway asked the applicant if he was certain of the exact size of the driveway. Hardy responded that he was not certain.

No further discussion forthcoming, the Board considered the findings.

Kouba moved to approve the application as presented. Conway seconded the motion. All members present voted aye.

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

Petition No. 20-3-V, Nicholas & Jeffrey Menth, 951 East 8th Street

Chairman Sanchez opened the public hearing and read the petition:

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 an 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.

Nicholas Menth and Jeff Menth, applicants, presented their case for the conversion of an existing single family home which is set up as a duplex to meet lot dimension and site dimension standards for a duplex.

Sanchez asked to confirm that it is already set up as a duplex. Jeff Menth mentioned that there are two bathrooms and two kitchens with two bedrooms up and two bedrooms down.

Breza asked Nicholas Menth what year he was in school and whether he would stay in the area. Nicholas Menth responded that he was a junior and that he would be staying in the area.

BOARD OF ADJUSTMENT MINUTES

January 15, 2020

PAGE 3

Kouba raised a concern that the parking could be addressed adequately on the site and that the variance request for the parking is not necessary. Conway noted that a spot could be provided next to the garage.

Sanchez mentioned that the setbacks are less of an issue in his mind as the existing setbacks rules don't reflect the size of lots in town.

Krofchalk asked the applicants how the house was laid out currently. Nicholas Menth responded that there are two existing bedrooms upstairs with a living room that was originally designed like a bedroom with a closet and then two bedrooms downstairs.

General discussion about the number of bedrooms, required number of parking spaces, and owner-occupancy provisions ensued.

No further comments forthcoming, the Board considered the findings.

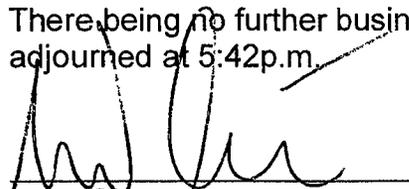
Krofchalk moved to approve the variance with the provision that the duplex be owner-occupied and to not approve the variance request for a reduction in required parking. Buege seconded the motion. All members present voted aye.

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

Adjournment

Kouba made a motion to adjourn with a second by Krofchalk. The vote of the Board was unanimous.

There being no further business to come before the Board, the meeting was adjourned at 5:42p.m.



Luke Sims

Acting Secretary