

AGENDA

City of Winona Board of Adjustment

DATE: Wednesday, June 17, 2020
TIME: 5:00 P.M.
PLACE: The next meeting of the Board of Adjustment will be held electronically via Zoom in the Dakota Room, City Hall. Instructions for access to Zoom are attached to the meeting agenda.

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1. **CALL TO ORDER**

Approval of the June 3, 2020 minutes (Pending)

2. **NEW BUSINESS**

Applicant: Mark & Ann Merchlewitz
Parcel Address: 144 Whispering Lane

Nature of Request: Applicant requests modifications from code:

- Rear yard setback of 25 feet (25') during the plat approval process which was a variation from the 40 feet (40') originally required in the R-1.5 zoning district as determined by 43.02.24 Table 43-4: Site Dimension Standards.

City Code Section: 43.06.34

Applicant is proposing to add a deck on the rear of the structure which will be 10 feet by 12 feet (10'x12') and be between 13 feet (13') and 25 feet (25') from the property line.

3. **OTHER BUSINESS**

4. **ADJOURNMENT**

**Notice of Public Hearing
By Electronic Means
144 Whispering Lane**

Notice is hereby given that on Wednesday, June 17, 2020 at 5:00 pm in the Dakota Room, 207 Lafayette Street, Winona, MN, the Winona Board of Adjustment will hold a public hearing concerning a variance request for the following application.

Mark & Ann Merchlewitz - City Code Section 43.06.34 which allowed for a rear yard setback of 25 feet (25') during the plat approval process which was a variation from the 40 feet (40') originally required in the R-1.5 zoning district as determined by 43.02.24 Table 43-4: Site Dimension Standards. Applicant is proposing to add a deck on the rear of the structure which will be 10 feet by 12 feet (10'x12') and be between 13 feet (13') and 25 feet (25') from the property line. Property is described as R-1.5 zoning, Sect-29, Twp-107, Range-007, WHISPERING PINES 2ND SUBD, Lot-002, Block-002, or at 144 Whispering Lane.

This informational meeting is being conducted electrically following Minnesota State Statute 13D.021 pursuant to Resolution 2020-17 Declaring a Special Emergency, as adopted by the Winona City Council on Monday, March 16, 2020.

All interested parties are invited to provide input via Zoom at which time you will be given the opportunity to express comments on the project. This meeting is open to the public via web or phone.

- To join the Zoom Meeting via web, go to: <https://zoom.us/j/96880614307> and enter meeting ID: 968 8061 4307
- To join via phone, dial either phone number:
 - +1 312 626 6799 US (Priority)
 - +1 646 558 8656 US (Backup)When prompted, enter the following Meeting ID: 968 8061 4307

Written testimony will also be accepted prior to the public hearing. Written comments must be sent via email to: Luke Sims, lsims@ci.winona.mn.us **by 4:00 p.m. on Monday, June 15, 2020.** **Specific questions can be directed to the Community Development Office, 507.457.8250.** **Notice is sent to the applicants and to the owners of the properties affected by the application**

THIS NOTICE OF REGULAR MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS IS GIVEN PURSUANT TO MINN. STAT. § 13D.04.

Dated: June 5, 2020

Luke Sims
Assistant City Planner

Chris Sanchez
Board of Adjustment
Chairman

Greg Karow
Building Official
Board of Adjustment Secretary

Zoom Procedures for Board of Adjustment

All interested parties are invited to participate via electronic means. This meeting is open to the public via web or phone. This meeting begins at 5:00 pm; please log in prior to the start of the meeting. You may exit the meeting at any time.

Board of Adjustment Commissioners and Staff:

- To join the Zoom Meeting via web, go to: <https://zoom.us/j/96880614307> and enter Meeting ID: 968 8061 4307
- To join via phone, dial either phone number:
 - +1 312 626 6799 US (Priority)
 - +1 646 558 8656 US (Backup)

When prompted, enter the following Meeting ID#: **968 8061 4307**
Then enter your participant ID# if you have one; if not, enter #

For participants:

- Only use one audio source; audio from computer is preferred if available.
- Be aware of background noise from your location.
- If using phone, do not use the speaker function.
- If using a web cam, be aware of what is in your background.
- If you have headphones, please use them as that will limit background noise
- Please mute your audio until you wish to speak. Then unmute your audio, and ask the Chairman for permission to talk.
- If using web access, note the options for you to view the meeting (gallery shows all participants same size)

Other notes:

- Staff will “host” the meeting on a city computer and will manage when participants’ audio is muted / unmuted.
- The public hearing notices included the Zoom meeting information, and also indicated that written comments could be submitted to staff by a set date prior to the Board of Adjustment meeting. These written comments will be provided to the Commissioners either in advance or at the public hearing.

Gray boxes to be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date May 27, 2020 Owner Mark A & Ann E Merchlewitz
 Owner Address 144 Whispering Lane, Winona, MN 55987
 Petitioner Mark A & Ann E Merchlewitz Phone No. 507-429-2179
 Petitioner Address 144 Whispering Lane, Winona MN 55987

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

144 Whispering Lane Winona MN 55987
Lot 2 Block 2 Whispering Pines 2nd Subd' 32-564-0050

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

Purpose in seeking Board of Adjustment hearing: Seeking permission/variance to expand existing deck from 4' x 6' to 10' x 12'
Town home approved the deck project in advance

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.

Mark A Merchlewitz Ann E Merchlewitz
 (Applicant's Signature)

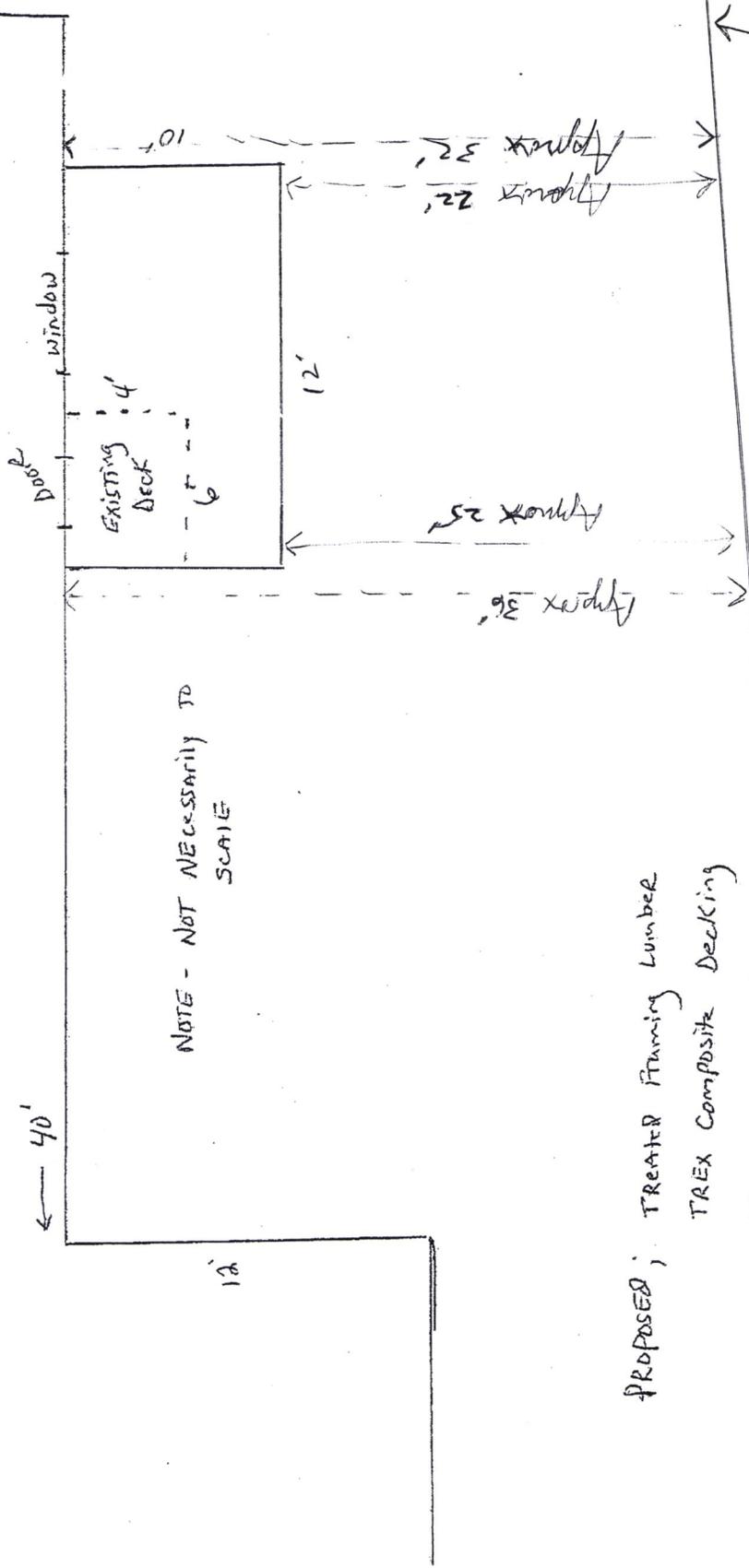
Received by: _____

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 # 20-17-V Receipt # 587205 Filing Fee 215⁰⁰
 Variance# 120 Invoice # 25241
 Date Received 5/28/20 Hearing Date 6-17-20 Zoning R-1.5

MARK + Ann Merchlewitz
144 Whispering Lane

Existing Rear of House



NOTE - NOT NECESSARILY TO SCALE

PROPOSED;
TREATED FRAMING LUMBER
TREX COMPOSITE DECKING
VINYL OR TREX RAILING SYSTEM

APPROX 6" ABOVE GROUND TO DECKING



325640100

325840150

325640140

325640130

Whispering Ln

325640080

325640060

325640050

325640040

WINONA

25.28

37.54

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Luke Sims

DATE: June 4, 2020

SUBJECT: BOA Application Considerations for 06/17/2020 Meeting

Applicant: Mark & Ann Merchlewitz

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 ordinances in question is to promote additional spacing between a property and its rear and abutting properties to the rear to promote yard space for individual properties and ensure that buildings are not sited solely in the rear of the property.

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 Mixed Residential, which will not be affected by the variance. Decks to the rear of property are commonly found in residential parts of the community.

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

Decks to the rear of the property are a common use in residential districts. There are some existing decks in the same subdivision that do encroach on the rear yard setback as approved in the plat approval process.

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

All properties directly adjoining the property in question are either townhome properties similar to this one or is property owned by the homeowners association for those properties. In this instance the applicant has indicated that he has communicated his request to add a deck to the rear of his property to the Association and they have agreed it will not impact the locality. Other townhomes in the same area have similarly encroached in the rear setback for purposes of adding a deck.

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

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