

AGENDA

City of Winona Board of Adjustment

DATE: Wednesday, July 15, 2020

TIME: 5:00 P.M.

PLACE: Via Zoom

1. CALL TO ORDER

2. NEW BUSINESS

A. Applicant: Karen Coleman & Rafael Narvaez

Parcel Address: 402 East Wabasha

Nature of Request:

- Applicant requests modification from code which requires that corner lots whose rear lot line abuts the side lot line of another lot in an R District, no 6 foot (6') fence within 25 feet of the common lot line shall be closer to the side street lot line than the front yard setback required on the lot fronting the side street.
- Applicant is proposing a six foot (6') fence two feet from the side lot line which is within the ten foot (10') front setback of the lot to the rear (313 Wilson St).

City Code Section: 43.03.51

3. OTHER BUSINESS

Re-review variance request from Mitchell Walch for 51 Riverview Drive that was tabled at the July 1, 2020 meeting.

4. ADJOURNMENT

**Notice of Public Hearing
By Electronic Means
402 West Wabasha**

Notice is hereby given that on Wednesday, July 15, 2020 at 5:00 pm the Winona Board of Adjustment will hold a public hearing by electronic means concerning a variance request for the following application.

Karen Coleman & Rafael Narvaez – City Code Section 43.03.51(C) which requires that corner lots whose rear lot line abuts the side lot line of another lot in an R-District shall not have a six-foot (6') fence within 25 feet of the common lot line, shall be closer to the side street lot line than the front yard setback required on the lot fronting the side street. Applicant is proposing a six-foot (6') fence two feet from the side lot line which is within the 10-foot (10') front setback of the lot to the rear (313 Wilson Street).

Property is described as R-2 zoning, Sect-22, Twp-107, Range-007, ORIGINAL PLAT, Lot-010, Block-109, ORIGINAL PLAT E 10' LOT 9 ALL LOT 10, or at 402 East Wabasha (7th Street).

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: Carlos Espinosa - cespinosa@ci.winona.mn.us by 4:00 p.m. on Monday, July 13, 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: July 3, 2020

Carlos Espinosa, 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.

June 21, 2020

Community Development, City of Winona
City Hall, Room 210

Dear Members of the Board of Community Development:

We would like to build a 6 foot fence around the side of our backyard that fronts to one of the sidewalks surrounding our house to complete the fence that encircles the rest of our yard that fronts to the backyards of our two neighbors.

I am requesting the variance because the fence would only be about 3 feet from the sidewalk instead of the 10 feet currently required by the ordinance. We would place it behind a row of shrubs that are currently there. We are unable to put the fence much further back as we have a raised garden bed that is only a few feet from the shrubs (see attached photos and diagram).

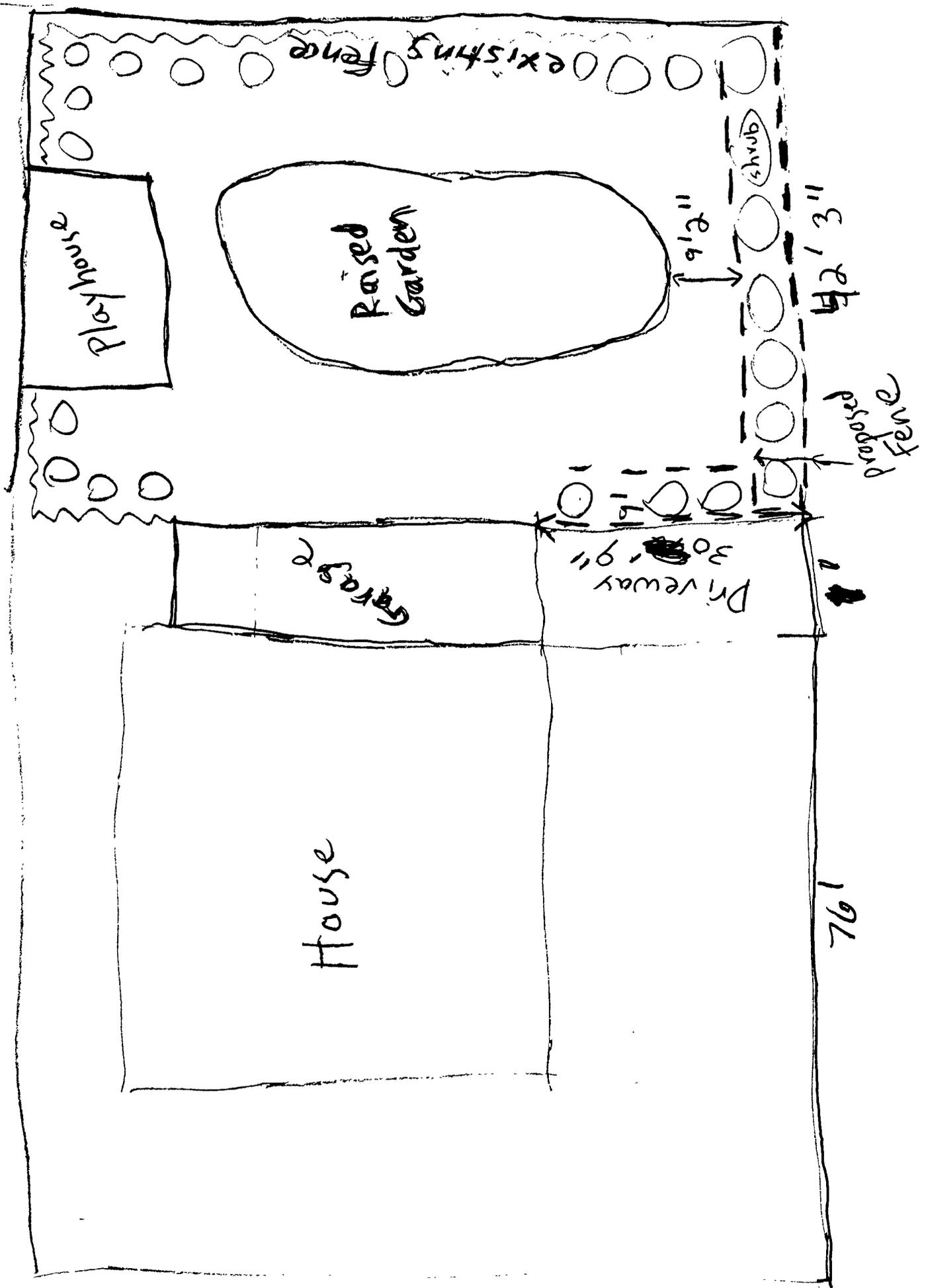
As our house stands on a corner lot, our backyard has borders with our two neighbors' backyards and the sidewalk and public street, and, as we have had issues with people entering our playhouse at night (we have found unfortunate evidence of amorous activity), we would like a space to gather as a family and have our two school-age children to play in privacy and security.

We believe that this request meets all the required criteria:

1. It is harmony with the intent of the zoning ordinance in that the health, safety, morals, and comfort of our family would be promoted, without interfering with that of our neighbors, passers-by, and community. It would protect the property values as the fencing will provide a private outdoor space (which otherwise does not exist) for the family and future families. It would secure the most appropriate use of land, in that we can provide some privacy for our family while keeping the neighborhood green and attractive (through the shrubs that can be seen from the sidewalk).
2. I don't have details about the Comprehensive Plan.
3. This proposal puts the property to use in a reasonable manner, as a desire for one outdoor place with privacy and security seems to us reasonable.
4. There are unique circumstances not created by use that requires this request: we are on a corner lot and every green space we have is exposed to the public street and sidewalks.
5. This variance will not alter the character of the neighborhood as it involves only approximately 72 feet of fencing, behind decorative shrubs, leaving approximately 166 feet of grass and plantings for the public on the sidewalks and streets to enjoy.
6. The main consideration for this request is not economic: the main considerations are the privacy and security of our family.

Sincerely,

Karen Coleman and Rafael Narvaez, Property Owners



11, 99

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Carlos Espinosa, Luke Sims

DATE: June 29, 2020

SUBJECT: BOA Application Considerations for 07/15/2020 Zoom Meeting

Applicant: Karen Coleman & Rafael Narvaez - 402 West Wabasha

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 ensure that neighboring lots have adequate visibility and do not have an undue impact from taller adjacent screening structures.

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 will not be affected by the variance. Fences are a regular occurrence in Winona's Traditional Neighborhood areas.

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

Fences to the rear of the property are a common use in residential districts. Fencing is typically associated with residential character in Traditional Neighborhood land use designations and residential zoning districts.

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

Fencing is common in the surrounding area and representative of the residential character of the locality. Tall privacy fencing is relatively uncommon and rarely used along corner side streets in the area.

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

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