

AGENDA

City of Winona Board of Adjustment

DATE: Wednesday, August 5, 2020
TIME: 5:00 P.M.
PLACE: Via Zoom

=====

1. CALL TO ORDER

Minutes from the July 1, 2020 meeting.

2. NEW BUSINESS

A. **Applicant:** G&R Rentals, LLC
Parcel Address: 652 East Third

Nature of Request:

- 1) City Code Sections 43.02.24 Table 43-4: Requires twelve foot (12') side yard setback and forty foot (40') rear yard setback.
 - Applicant is proposing converting an existing duplex into a triplex which will be roughly zero feet (0') from the easterly side lot line and roughly 28 feet (28') from the northern rear lot line.
- 2) City Code Section 43.02.23 Table 43-3: Requires 9,000 sq.ft. of lot area for a triplex in an R-2 Zoning District.
 - Applicant is proposing converting an existing duplex situated on a roughly 4,800 sq.ft. lot into a triplex.
- 3) City Code Section 43.03.22 Table 43.17: Requires two parking spaces per dwelling unit.
 - Applicant is requesting a variance to provide 3 parking spaces for the triplex instead of 6 parking spaces as dictated by code.

City Code Sections: 42.02.24 Table 43-4, 43.02.23 Table 43-3,
43.03.22 Table 43-17

B. **Applicant:** G&R Rentals, LLC
Parcel Address: 154 High Forest Street

Nature of Request:

- 1) City Code Section 43.02.24 Table 43-4: Requires a twelve (12') side yard setback and a forty-five (45') rear yard setback.
 - Applicant is proposing adding a 4th habitable unit to a property that currently houses three units. The fourth unit would be located in an existing garage to the rear of the property. The existing structures are roughly five feet (5') from the side lot line and three feet (3') from the rear lot line.
 -
- 2) City Code Section 43.03.22 Table 43-17: Requires two parking spaces per dwelling unit.
 - Applicant is requesting variance to provide 4 parking spaces for the 4 unit development instead of the 8 parking spaces as dictated by code.

City Code Sections: 43.02.24 Table 43-4, 43.03.22 Table 43-17

3. OTHER BUSINESS

4. ADJOURNMENT

**Notice of Public Hearing
By Electronic Means
652 East Third**

Notice is hereby given that on Wednesday, August 5, 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.

G & R Rentals, LLLC - City Code Section 43.02.24 Table 43-4 Site Dimension Standards: Which requires 12 foot (12') side yard setbacks and 40 foot (40') rear yard setbacks. Applicant is proposing converting an existing duplex into a triplex which will be roughly zero feet (0') from the easterly side lot line and roughly 28 feet (28') from the northern rear lot line.

43.02.23 Table 43-3 Lot Dimension Standards: Which requires 9,000 square feet of lot area for a triplex in the R-2 Zoning District. Applicant is proposing converting an existing duplex situated on a roughly 4,800 square foot lot into a triplex.

43.03.22 Table 43-17: Which requires two parking spaces per dwelling unit. The site as currently situated can provide three parking spaces. Applicant is proposing a triplex which requires six parking spaces.

Property is described as R-2 zoning, Sect-26, Twp-107, Range-007, HAMILTON ADDITION, Lot-007, BLANK BLKS 95', or at 652 East Third Street.

This informational meeting is being conducted electronically 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, August 3, 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 24, 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 7/16/20 Owner Christopher Sanchez

Owner Address _____

Petitioner G + R Rentals LLC Phone No. 608-863-0382

Petitioner Address N27166 Cty. Rd. J, Arcadia, WI 54612

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

652 East Third Street, 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: Add a studio apartment to the existing building shown on page three. In so doing, we will decrease the total number of inhabitants from 10 to eight.

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.

[Signature]
(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 # 20-22-V Receipt # 592112 Filing Fee 215⁰⁰
Variance# 133 Invoice # 2962
Date Received 7-17-20 Hearing Date 8-5-20 Zoning R-2

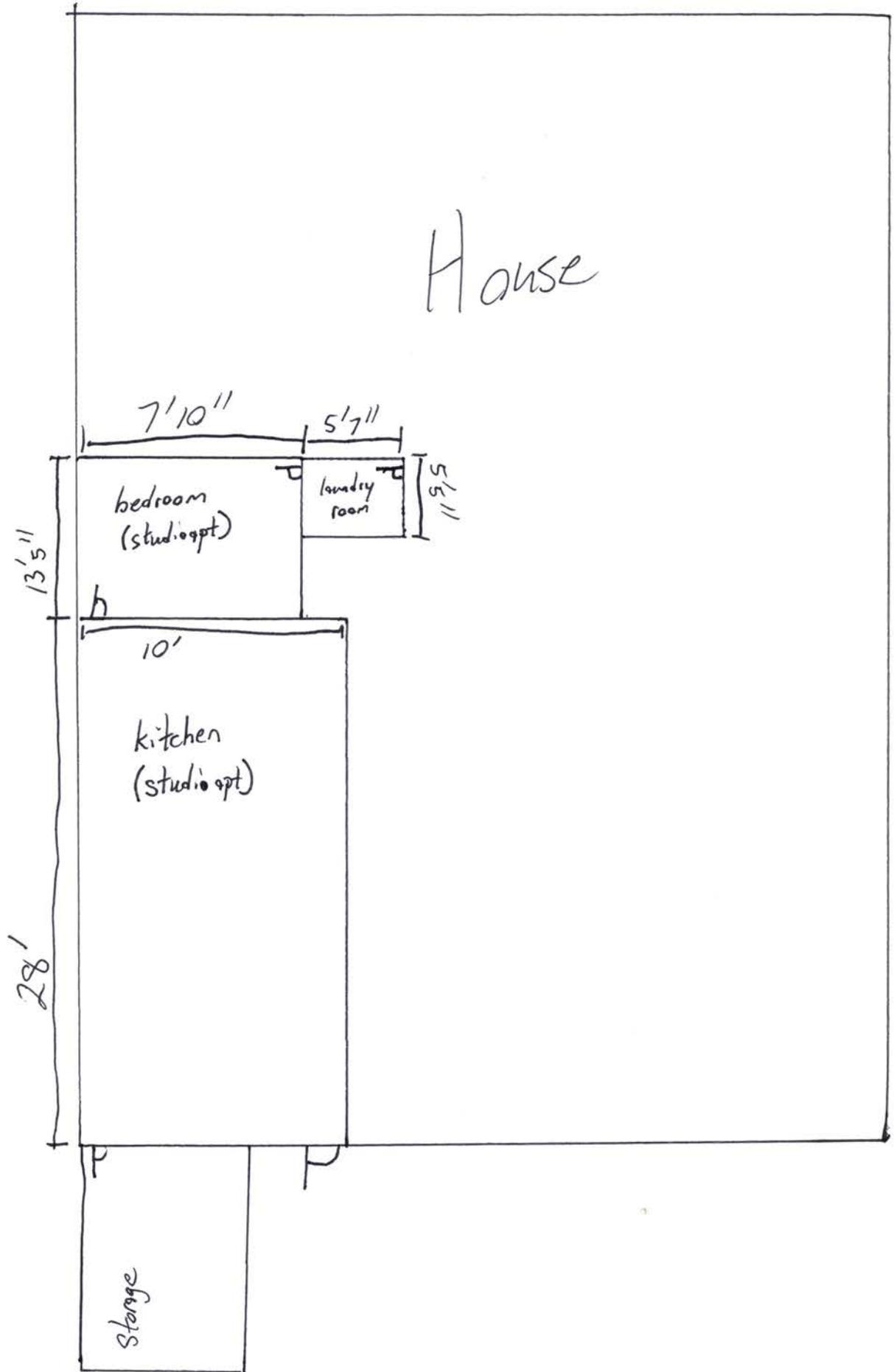
G + R Rentals LLC, represented by owning members Alonzo Gendin and Andrew Rohn, is in the process of purchasing this property from Christopher Sanchez. The closing on this property is set for July 27, which will be before meeting date for this adjustment.



G + R Rentals LLC

652 E 3rd

House





22000700

322005940

WINONA

322005950

322005960

322005970

322005930

E 3rd St

Zumbro St

**Notice of Public Hearing
By Electronic Means
154 High Forest**

Notice is hereby given that on Wednesday, August 5, 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.

G & R Rentals, LLLC - City Code Section 43.02.24 Table 43-4 Site Dimension Standards: Which requires 12 foot (12') side yard setbacks and 45 foot (45') rear yard setbacks. Applicant is proposing adding a fourth habitable unit to a property that currently houses three units. The fourth unit would be located in an existing garage to the rear of the property. As currently sited, the existing structures are roughly five feet (5') from the side lot lines and roughly three feet (3') from the rear lot line.

43.03.22 Table 43-17: Which requires two parking spaces per dwelling unit. The site as currently situated can provide four parking spaces. Applicant is proposing four units which requires eight parking spaces.

Property is described as MU-N zoning, Sect-25, Twp-107, Range-007, HAMILTON ADDITION, Lot-003, Block-037 & SOUTH 2' LOT 2, or at 154 High Forest 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
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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 24, 2020

Luke Sims
Assistant City Planner

Chris Sanchez
Board of Adjustment
Chairman

Greg Karow, Building Official
Board of Adjustment Secretary

Gray boxes to be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date 7/16/20 Owner Robert Fort

Owner Address _____

Petitioner G+R Rentals LLC Phone No. 608-863-0382

Petitioner Address N27166 Cty. Rd. J, Ascordia, WI 54602

As property owner or petitioner, I hereby make application to modify the City Code at the following address:
154 High Forest Street, Winona, MN 55987

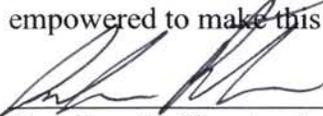
It is understood that only those points specifically mentioned are affected by action taken on this appeal.

Purpose in seeking Board of Adjustment hearing: Add a studio apartment to the garage building on the property. Apartment will have bathroom, living area, and electrical hook up.

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.

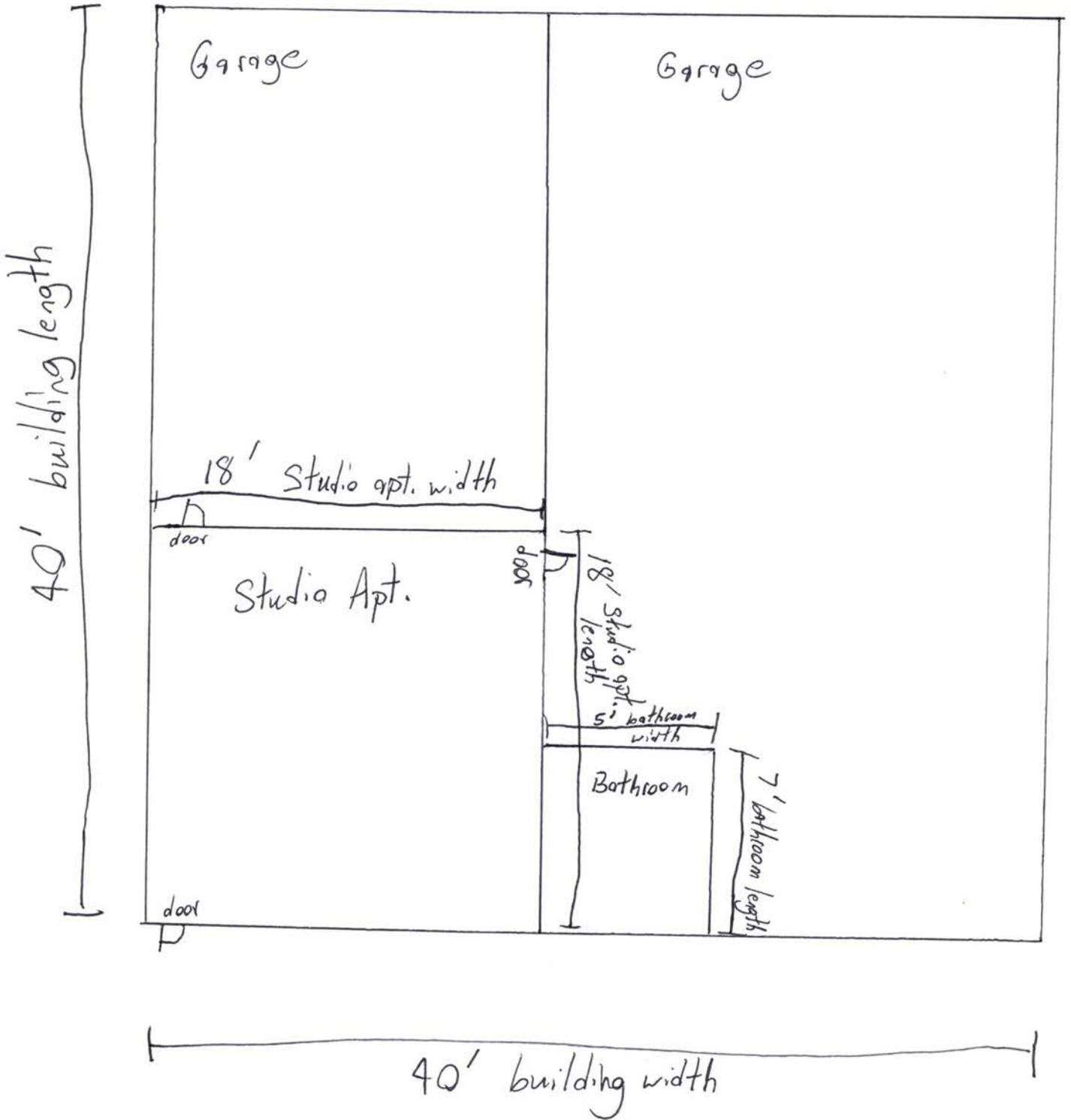
Petition # 20-23-V Receipt # 592106 Filing Fee 215⁰⁰
Variance# 134 Invoice # 2963
Date Received 7-1-20 Hearing Date 8-5-20 Zoning MU-U

G + R Rentals LLC, represented by owning members Alonzo Genevix and Andrew Rohn, is in the process of purchasing this property from Robert Fort. The closing on this property is set for July 27, which will be before the meeting date for the adjustment.



G + R Rentals LLC

154 High Forest



E 3rd St

322004510

322004520

322004490

WINONA

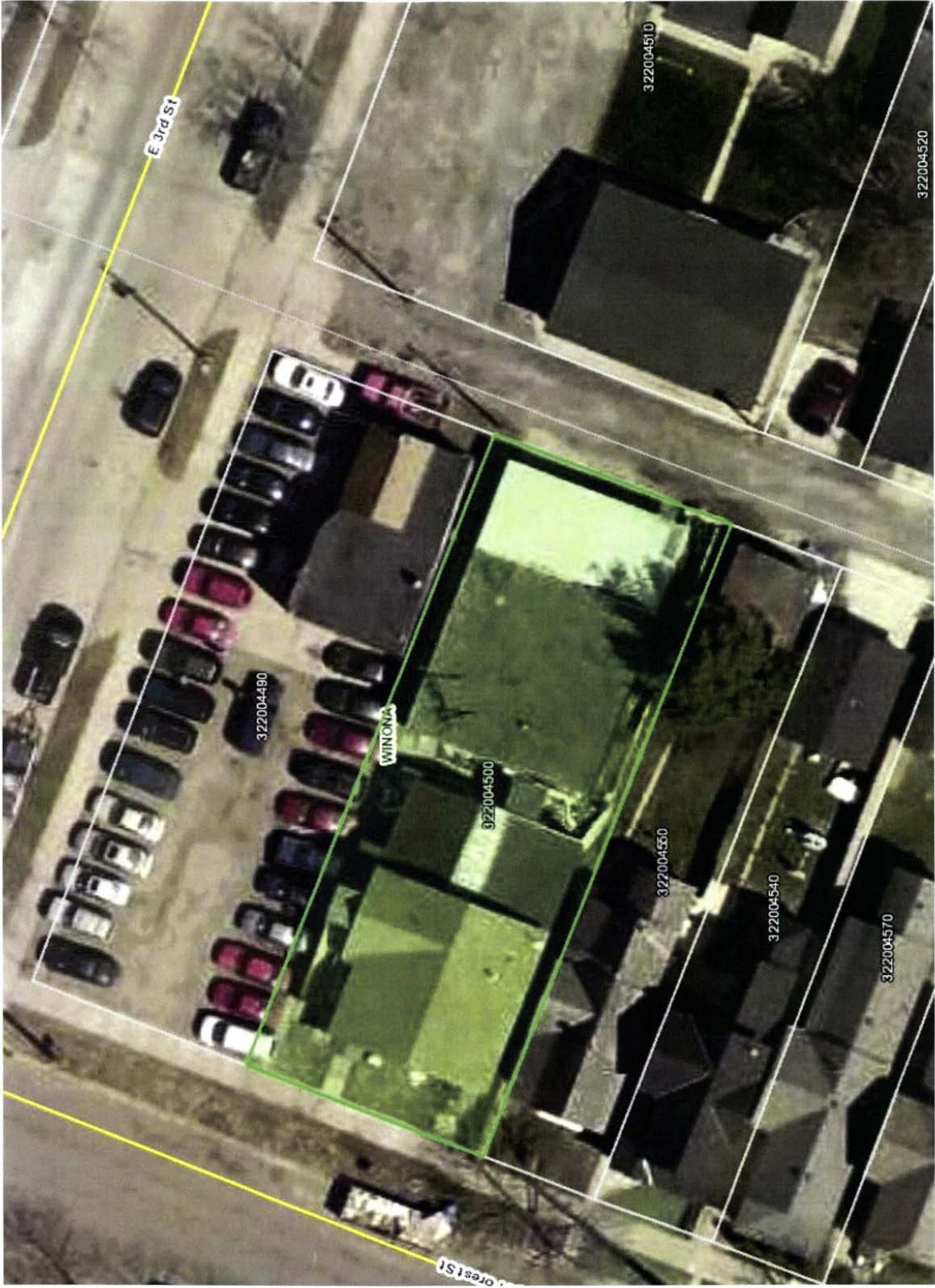
322004500

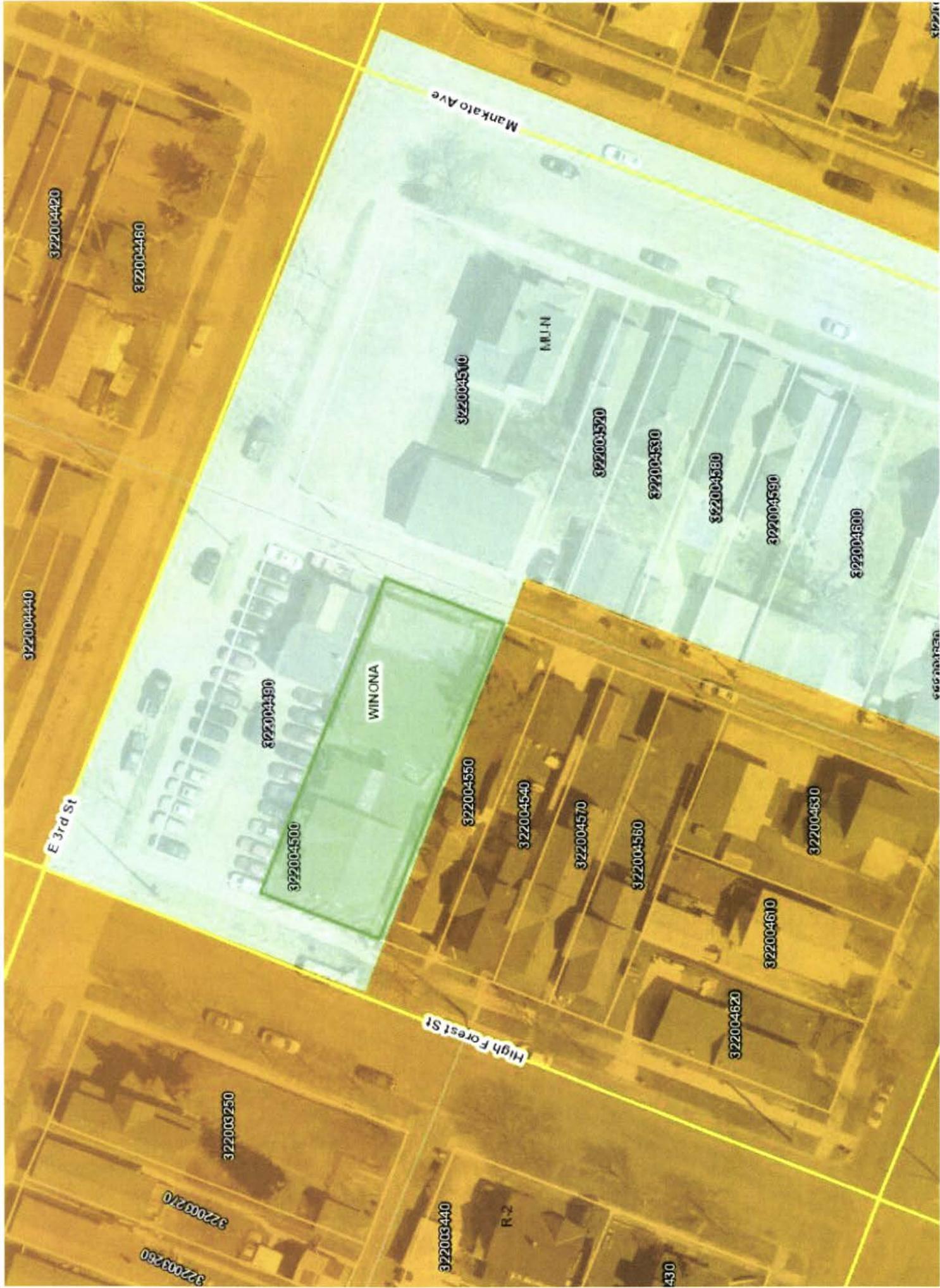
322004560

322004540

322004570

Forest St





322004420

322004460

322004440

E 3rd St

322004490

WINONA

322004500

322004510

MULN

322004520

322004530

322004580

322004590

322004600

322004550

322004540

322004570

322004560

322004630

322004610

322004620

High Forest St

322003250

322003270

322003280

322003440

R-2

430

312211

666000250

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Luke Sims

DATE: July 23, 2020

SUBJECT: BOA Application Considerations for 08/05/2020 Zoom Meeting

Applicant: G & R Rentals, LLC – 652 East Third 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 ordinances in question is to ensure that neighboring lots have adequate spacing between structures and their expected occupant load. The property in question is located in a Mixed Use-Neighborhood zoning district which adopts the requirements of adjoining residential districts to ensure this spacing. Additionally, the parking ordinance is designed to allow for additional off-street parking on a per-unit basis.

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.

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

Properties with up to four units are allowed in the R-2 zoning district, The property in question is already an existing multi-family property.

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

The surrounding area features a range of housing options from owner-occupied single family to multi-family. The properties surrounding the property are also occasionally closer to lot lines than dictated by the Unified Development Code.

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

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

Applicant: G & R Rentals, LLC – 154 High Forest 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 ordinances in question is to ensure that neighboring lots have adequate spacing between structures and their expected occupant load. The property in question is located in a Mixed Use-Neighborhood zoning district which adopts the requirements of adjoining residential districts to ensure this spacing. Additionally, the parking ordinance is designed to allow for additional off-street parking on a per-unit basis.

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.

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

The Mixed Use Neighborhood zoning district allows for a range of uses, including multi-family residential. The property is currently multi-family residential and property's proposed use will remain consistent with the existing use.

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

The surrounding area is a range of uses including multi-family and single family residential as well as multi-family and commercial projects. The 2017 re-zoning of the area encourages a range of uses and incremental change in that 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.

**BOARD OF ADJUSTMENT
Regular Meeting**

DATE: July 1, 2020

TIME: 5:00 p.m.

PLACE: Zoom Online Meeting

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

ABSENT: Murphy

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

Petition No. 20-13-V, Ashley Gorka

Chairman Sanchez opened the public hearing and read the petition:

Ashley Gorka – City Code Section 43.01.27 A) 2) a) which requires accessory structures on lots of record to be a minimum 3 feet from the side property line. Applicant wishes to construct a new 30' X 40' garage at a zero foot setback to the side property line.

Ashley Gorka, 416 E. 3rd Street, addressed the Board. Mr. Gorka stated that he is looking to construct a three stall garage with a workshop and locate it up to the easterly property line. Mr. Gorka stated that he is trying to preserve enough room on the side of the garage to park a boat and trailer.

The Board members questioned Ashley if he had explored constructing the garage deeper into the lot in order to meet the side yard setback requirements. Mr. Gorka said that he had not.

Next, Chairman Sanchez opened the public hearing.

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

Next, the Board went through the variance finding questions.

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

The Board determined that the variance is not in harmony with the ordinance given the garage could be redesigned to meet required setbacks. Also, locating

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the garage so close to the property line may negatively impact the adjacent property – which does not support the public welfare.

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variance is consistent with the Comprehensive Plan since the variance does not change the residential use of the lot.

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

The Board determined that the variance is not reasonable given there are other options to construct the desired garage besides a zero lot line setback.

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

The Board determined that there are not unique circumstances given 50' X 140' size of the property – which is a typical full lot in the core area of Winona.

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

The Board determined that the variance would retain the residential character of the neighborhood – especially given other nearby properties have garages close to property lines.

Are there other considerations for the variance request besides economics?

The Board did not find other considerations since the practical difficulties test was not satisfied.

Next, Dave Kouba made a motion to deny the variance and it was seconded by Conway. All were in favor of denying the variance.

Petitioner was informed that there was a 10-day period during which time an appeal could be filed for Council review.

Petition No. 20-18-V, Frances Goodin, Winona Arts Center

Chairman Sanchez opened the public hearing and read the petition:

Francis Goodin, Winona Arts Center - City Code Section 43.02.24 Table 43-4 which requires a front yard setback of 25 feet and a side yard setback of 12 feet for 1.5 story other permitted uses in the R-3 zoning district. Applicant wishes to construct an entry vestibule into a non-residential building at a 15 foot front yard setback and 7 foot side yard setback.

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Francis Goodin, Winona Arts Center addressed the Board. Ms. Gooden stated that the setback variances are being requested to facilitate construction of a new handicapped accessible entrance. Ms. Goodin noted that in design of the vestibule they worked to minimize its size.

Angie Marcolini – 222 E. Fifth stated that she was concerned the vestibule might impact sight lines for vehicles nearing the Franklin/Fifth Street intersection.

Paul Schollmeier – 480 W. Burns Valley Road noted that the Winona Arts Center is an asset to the community and this addition will only increase accessibility to the building which benefits the public.

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

Next, the Board went through the variance finding questions.

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

The Board determined that the variances are in harmony with the ordinance because they increase accessibility to the building which is in the public welfare.

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variances are consistent with the Comprehensive Plan since the use is not changing and the property's Traditional Neighborhood land use designation supports club type uses.

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

The Board determined that the variances are reasonable given they facilitate increased accessibility to the building.

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

The Board determined that there are unique circumstances given the property's small size.

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

The Board determined that the variances would have minimal impact on the character of the locality.

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Are there other considerations for the variance request besides economics?

The Board found that there are other considerations for the variances given the findings listed above.

Jon Krofchalk made a motion to approve the variances and it was seconded by Kouba. Upon vote, all were in favor.

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

Petition No. 20-20-V, Mitchell Walch

Chairman Sanchez opened the public hearing and read the petition:

Mitchell Walch – City Code Section 43.02.24 Table 43-4 which limits structures in the Mixed Use Downtown Fringe (MU-DF) zone to 40 feet, 43.03.62 A)1)b) which sets a maximum front yard setback of 20 feet in the MU-DF zone, and 43.03.22 B) which requires 1 parking space per dwelling unit in the MU-DF zone. Applicant wishes to construct a 64 unit apartment building with a height of 63 feet, a front yard setback of 40 feet, and the equivalent of 60 off street parking spaces.

Mitchell Walch, 20687 County Road 33, addressed the Board. Mr. Walch stated that he is looking to build a residential building and that he looked at going underground with the 1st floor parking, but there are issues with the water table. Mr. Walch also stated that he was relatively close to the regulations on the parking variance. Mr. Walch then said he was available for questions.

Jon Krofchalk asked if Mr. Walch had bought the property knowing the zoning restrictions. Mr. Walch stated that he did.

Next, Mr. Walch introduced his architect, Innes Henderson. Mr. Henderson stated that he and Mr. Walch had done a significant amount of due diligence in project design. Related to the height variance, Mr. Henderson stated that they had considered reducing the number of floors, designing a flat roof, and sinking the building partially into the ground. Mr. Henderson also noted that the project team is currently taking soil samples to ensure there are no subsurface issues.

Michael Onstad, 707 W. Broadway, stated that he was supportive of the project with the exception of the parking variance request.

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

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Next, the Board went through the variance finding questions.

Front Yard Setback

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

The Board determined that the variance is in harmony with the ordinance because it promotes public health and safety.

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variance is consistent with the Comprehensive Plan given the Downtown Fringe designation and proposed setback promotes public health and safety.

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

The Board determined that the variance is reasonable given that it increases sight lines for vehicles exiting the property.

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

The Board determined that there are unique circumstances given the property's shape and location along a curved roadway.

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

The Board determined that the variance would have minimal impact on the character of the locality.

Are there other considerations for the variance request besides economics?

The Board found that there are other considerations for the variance given the findings listed above.

Height

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

The Board determined that the variance is not in harmony with the purpose and intent of the ordinance because it facilitates construction of a building with a height similar to the core of downtown. This is not consistent with the subject property's location on the edge of downtown and Mixed Use Downtown Fringe zoning.

Is the variance consistent with the Comprehensive Plan?

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The Board determined that the variance is not consistent with the Comprehensive Plan because the area is designated for uses of a lower intensity than the downtown core. The variance would facilitate a use with at the same relatively intensity as the downtown core.

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

The Board determined that the variance is not reasonable given adjacent buildings are 20-30' in height.

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

The Board determined that there are not unique circumstances given the property is undeveloped.

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

The Board determined that the variance would not retain the character of the locality because it would allow a building that is significantly taller than buildings in the vicinity.

Are there other considerations for the variance request besides economics?

The Board did not find other considerations since the practical difficulties test was not satisfied.

Parking

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

The Board determined that the variance is not in harmony with the ordinance because it would facilitate less off street parking spaces than the number of units in the building. This is exacerbated by the number of two and three bedroom dwelling unit proposed. As such, a variance to parking requirements does not support the public welfare.

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variance is not consistent with the Comprehensive Plan since adequate off-street parking is appropriate for the Downtown Fringe designated subject property.

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

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Next, Jon Krofchalk motioned to cease discussion and for staff to develop resolutions pertaining to this item for the next meeting. The motion was seconded by Kouba and passed unanimously.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:52 p.m.



Carlos Espinosa
Secretary