

# AGENDA

## City of Winona Board of Adjustment

DATE: Wednesday, September 2, 2020  
TIME: 5:00 P.M.  
PLACE: Via Zoom

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1. CALL TO ORDER

2. Approval of Minutes: August 5, 2020

3. New Business

A. **Applicant: Immanuel Methodist Church**

Parcel Address: 455 South Baker

**Nature of Request:**

- Applicant requests modification from code which sets a minimum lot size of 16,000 square feet for a church in an R-2 Medium Density Residence district.
- Applicant wishes to split approximately 1,600 square feet off an existing 6,292 square foot lot with a church on it. The 1,600 square feet is proposed to be sold to an adjacent property for access to an existing garage.

**City Code Section:** 43.02.23

B. **Applicant: Mitchell Walch**

Parcel Address: 51 Riverview Drive

**Nature of Request:**

- 1) City Code Sections 43.02.24 Table 43-4 limits structures in the Mixed Use Downtown Fringe (Mu-DF) zone to 40 feet.

Applicant wishes to construct a residential building with a height of 53 feet.

**City Code Section:** 42.02.24 Table 43-4

3. OTHER BUSINESS

4. ADJOURNMENT

## 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.

**Notice of Public Hearing  
By Electronic Means  
455 South Baker**

**Notice is hereby given that on Wednesday, September 2, 2020 at 5:00 pm the Winona Board of Adjustment will hold a public hearing concerning a variance request for the following application.**

Immanuel Methodist Church – City Code Section 43.02.23 which sets a minimum lot size of 16,000 square feet for a church in an R-2 Medium Density Residence district. Applicant wishes to split approximately 1,600 square feet off an existing 6,292 square foot lot with a church on it. The 1,600 square feet is proposed to be sold to an adjacent property for access to an existing garage. The remaining parcel housing the church will be approximately 4,692 square feet. Property is described as R-2 zoning, Sect-21, Twp-107, Range-007, LIMITS FRAC LOT 2 BLK 4 WILSIES ADD LOT 50, or at 455 South Baker.

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.

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- To join via phone, dial either phone number:
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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](mailto:cespinosa@ci.winona.mn.us) by **4:00 p.m. on Monday, August 31, 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: August 21, 2020

Carlos Espinosa  
City Planner

Chris Sanchez  
Board of Adjustment  
Chairman

Greg Karow  
Building Official  
Board of Adjustment Secretary

Immanuel United Methodist Church seeks a variance from the lot size requirements set forth in city Core Section 43.02.23. Immanuel owns the parcels located at 455, 457 and 463 S. Baker Street. The church building located at 455 and adjacent to it to the south (457) is a parcel having dwelling that was formerly the church parsonage. Adjacent to the dwelling on the south (463) is a lot that is currently vacant. See following diagrams.

Immanuel intends to sell the parcels located at 457 and 463 S. Baker Street, being the dwelling and vacant lots. It will retain most of the parcel upon which the church building is located. Immanuel requests a variance to allow it to sell a portion of the church lot with the other two lots.

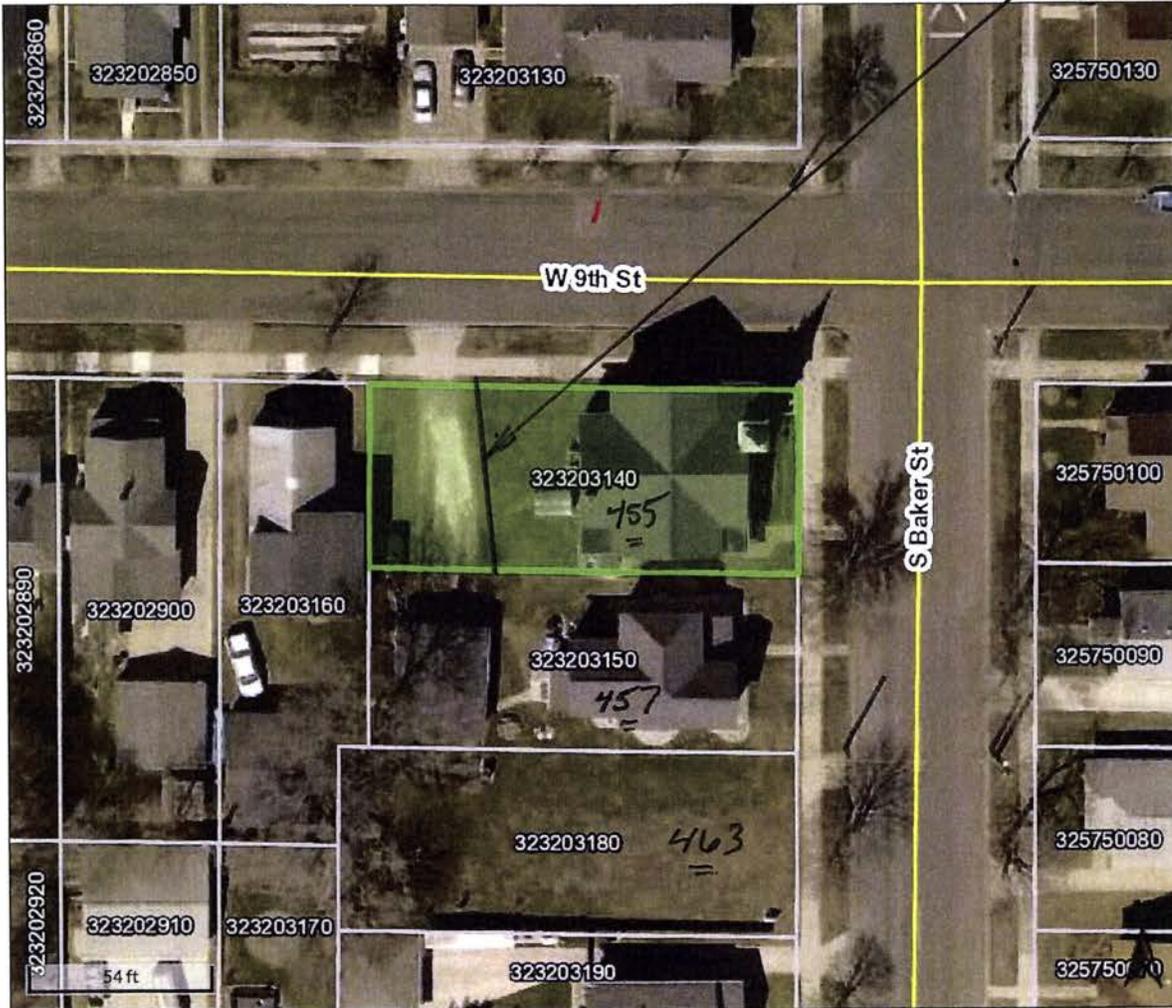
Access to the garage for the dwelling, 457 S. Baker, is over a driveway located on the westerly portion of 455 S. Baker, the church parcel. Immanuel wants to sell a parcel on the westerly side of the lot. The parcel to be sold would have an approximate east-west dimension of 28.5 feet on the north (King Street side) and an east-west dimension of approximately 33 feet on the south. The parcel would extend north and south 52 feet. The location of the boundary line would fall be between two points, the northerly point being the seam between the curb / gutter cut for the driveway and the curb / gutter on King Street and the southerly point being 6 inches easterly of the most northeasterly corner of the garage located on the dwelling parcel.

Pursuant to the deed of record, see attachment, the lot upon which the church building is located has an east-west dimension of 121 feet and a north-south dimension of 52 feet and an area of 6,292 square feet. The parcel proposed to be sold would be approximately 1,600 square feet. The remaining parcel would have an area of approximately 4,692 square feet.

The church is in an R2 - medium density - district. The code requires a minimum lot size of 16,000 square feet for a church. As evidenced by the deed, the parcel of record was acquired by a predecessor of Immanuel in 1896. A church has been located on the parcel for more than 100 years.

The sale of the subject parcel from the church lot would not result in any change in the manner the subject property is being used. The proposed transfer would not adversely impact the subject and adjacent properties, now or in the future. Immanuel has determined that it is in the best interest of the congregation to sell the dwelling and vacant lots. The congregation intends to continue conducting religious services and related activities in the church building.

\* LOCATION OF PROPOSED BOUNDARY LINE  
Overview



**Legend**

**Roads**

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

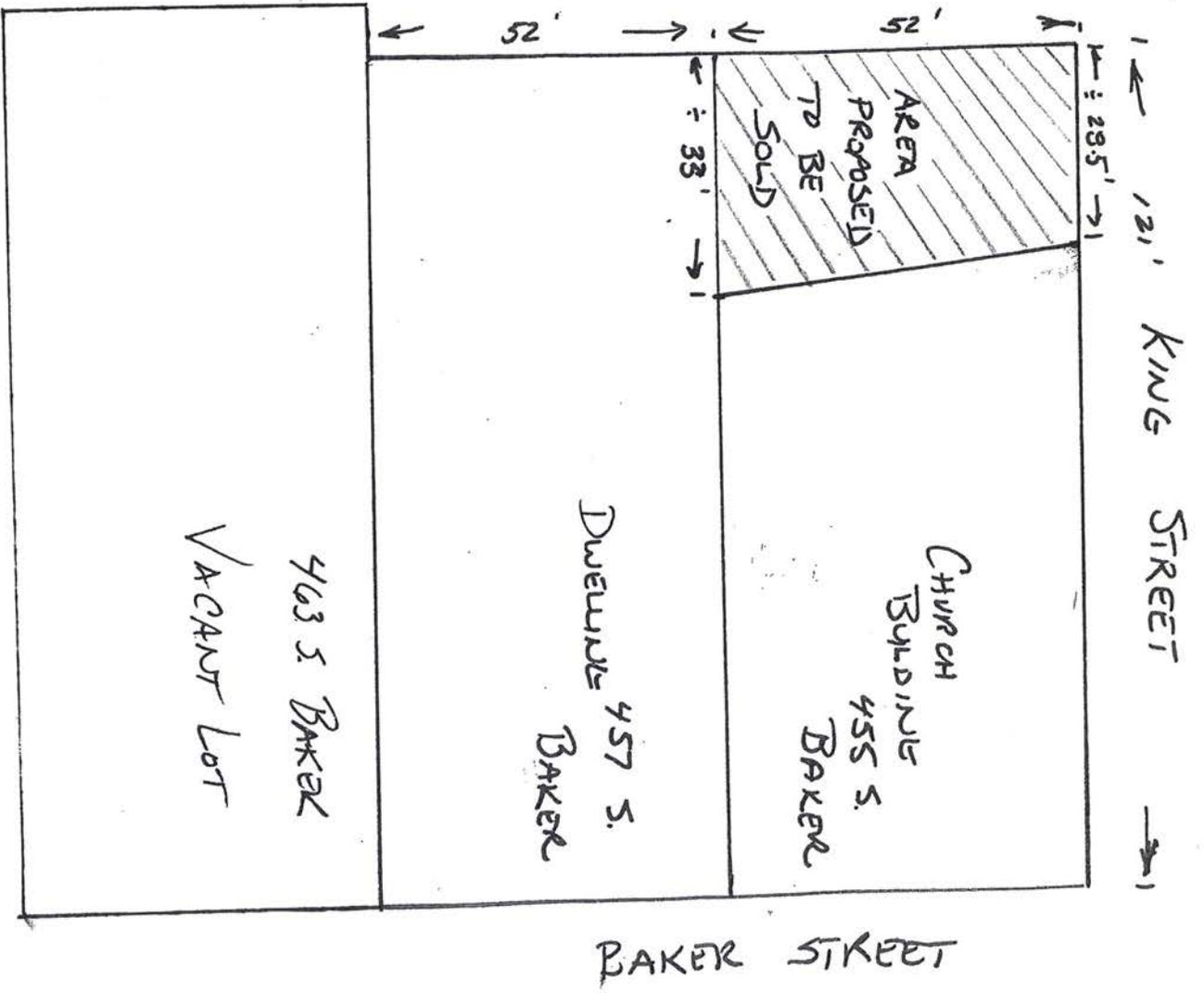
Parcel ID	323203140	Alternate ID	n/a	Owner Address	IMMANUEL UNITED METH CHURCH
Sec/Twp/Rng	21-107-007	Class	915 - CHURCH		455 BAKER ST S
Property Address	455 BAKER ST S	Acreage	n/a		WINONA, MN 55987
	WINONA				

District WINONA CITY  
 Brief Tax Description Sect-21 Twp-107 Range-007 LIMITS FRAC LOT 2 BLK 4 WILSIES ADD LOT 50 (CHURCH & PARSONAGE)  
 (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: 8/12/2020  
 Last Data Uploaded: 8/12/2020 3:06:04 AM

Developed by  Schneider GEOSPATIAL



**Notice of Public Hearing  
By Electronic Means  
51 Riverview Drive**

**Notice is hereby given that on Wednesday, September 2, 2020 at 5:00 pm the Winona Board of Adjustment will hold a public hearing concerning a variance request for the following application.**

Mitchell Walch – City Code Section 43.02.24 which sets a maximum height of 40 feet for structures in the Mixed Use Downtown Fringe zoning district. Applicant wishes to construct a residential building at 53 feet tall.

Property is described as Mu-DF zoning, Sect-22 Twp-107 Range-007 DANIELS FIRST SUBDIVISION Lot-001 Block-001 or at 51 Riverview Drive.

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.

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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](mailto:cespinosa@ci.winona.mn.us) by **4:00 p.m. on Monday, August 31, 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.**

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Dated: August 21, 2020

Carlos Espinosa  
City Planner

Chris Sanchez  
Board of Adjustment  
Chairman

Greg Karow  
Building Official  
Board of Adjustment Secretary

Whitewater Properties, LLC

20687 County Road 33 Altura, MN 55910

8/14, 2020

For the Attention of Build

Building Height Background: Based Design Standards as applicable to MU-DF zones limit building height of structures to 40 feet, request should be made for a variance to increase the primary structure building height to 53 feet (\*\*\*) This would be less if flat roof)

Justification: It is clear that the combined limits of story height and building height create a hardship condition. This is acknowledged in the City's 2020 Downtown Strategic Plan (page 51) which recommends reconsideration of height restrictions for MU-DC and MU-DF zones. Although this site is located just outside of the study area boundary for the Plan (page 6), the commentary is still pertinent.

If granted, this variance should not create a hardship condition for adjacent properties.

If granted this creates more parking over the minimum requirements (\*rough plan does not show any bike lockers which there are many spaces for them. This would count for additional spaces on top of what we have lined out and works well with the new bike path)

This creates a smaller building footprint, increasing more outdoor area (\*green space)

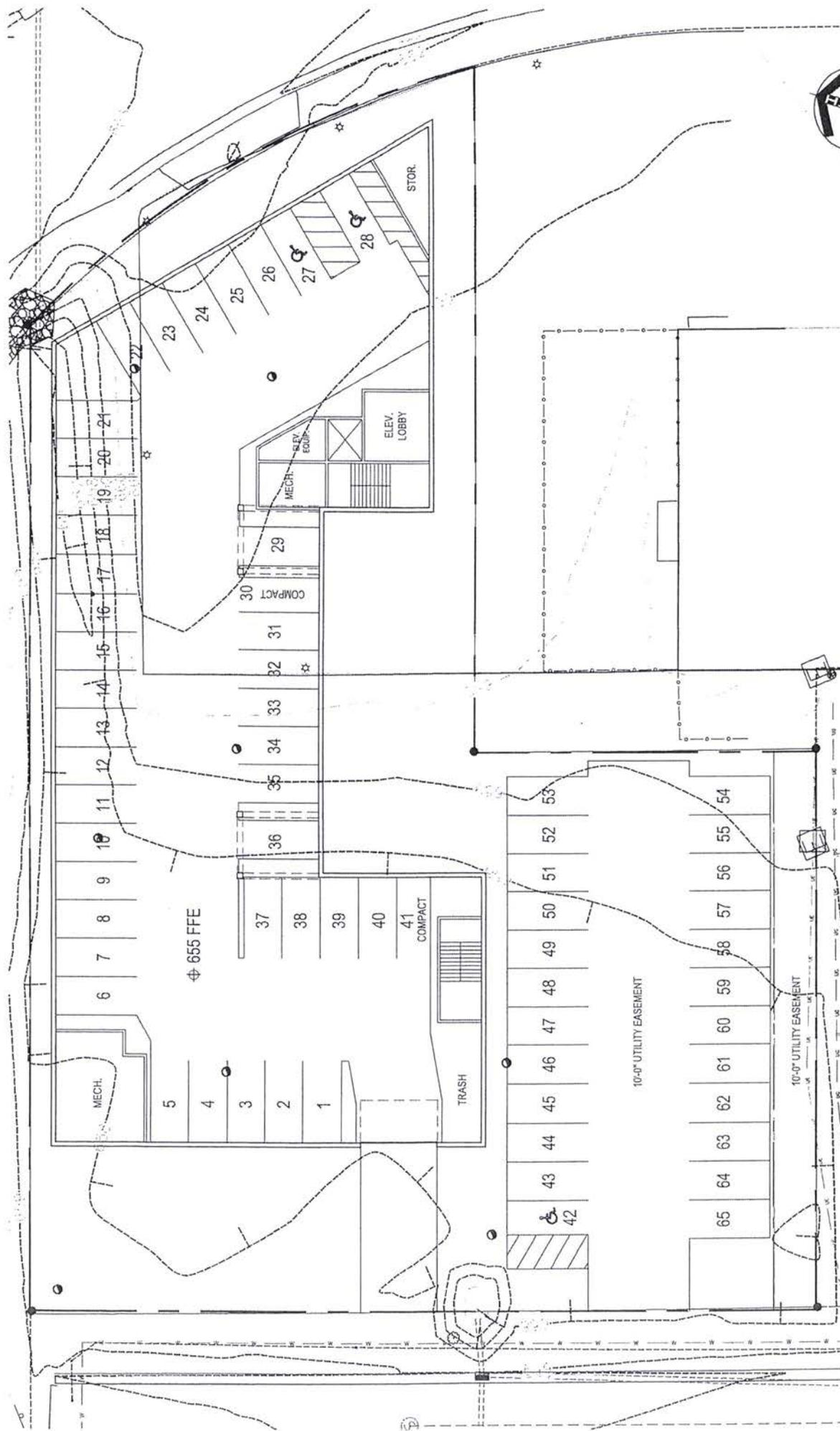
This lot can sustain the same amount of units without the height variance but for the reasons stated above; this is much more feasible for how the property should be placed out with respect to the city's sights and for the tenants to have a better atmosphere.

fully utilize downtown zones for their economic productivity with respect to tax revenue (2020 Downtown Strategic Plan, page 52).

Mix of uses. Encourage a wide range and integrated mix of industrial, retail, restaurant, park, entertainment and residential uses along the riverfront. 3. Housing and related uses that capitalize on the riverfront's amenities while providing for public access. (2007 riverfront revitalization plan pg 18)



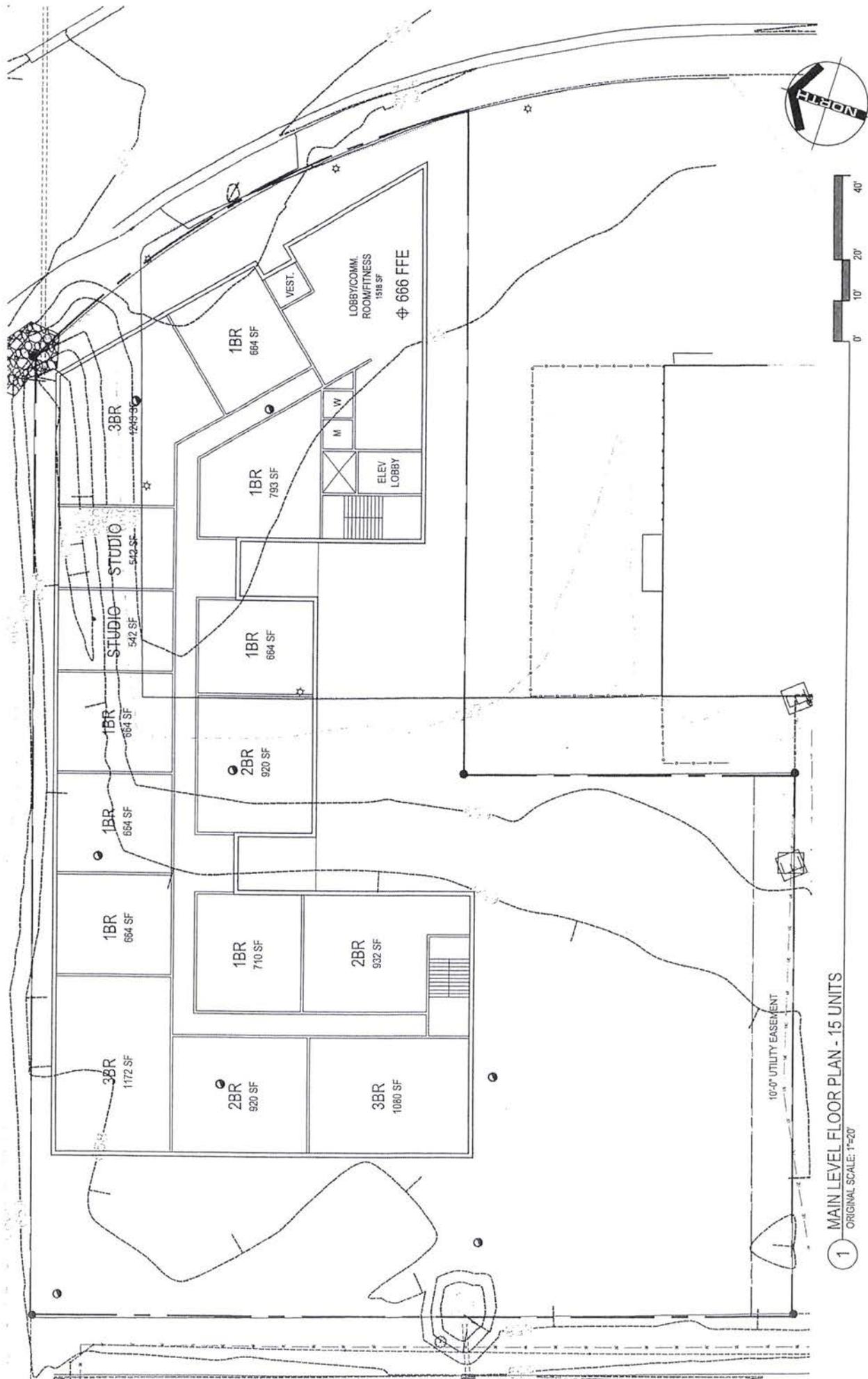
1 PARKING LEVEL FLOOR PLAN - 41 SPACES UNDER BUILDING; 24 AT GRADE  
 ORIGINAL SCALE: 1"=20'



1 PARKING LEVEL FLOOR PLAN - 41 SPACES UNDER BUILDING; 24 AT GRADE  
 ORIGINAL SCALE: 1"=20'



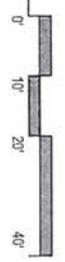
1 MAIN LEVEL FLOOR PLAN - 15 UNITS  
ORIGINAL SCALE: 1"=20'



1 MAIN LEVEL FLOOR PLAN - 15 UNITS  
ORIGINAL SCALE: 1"=20'



1 UPPER LEVELS FLOOR PLAN - 16 UNITS  
ORIGINAL SCALE: 1"=20'



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.  
Forward to the IT Coordinator if you suspect email is of malicious behavior.

Dear Members of the Board of Adjustments,

I am sending you this e-mail/letter in support of Mitch Walch's proposed 60 unit housing project. I understand he is seeking a variance to the 40 ft height limit in the area to go to 53 feet. I believe this variance has merits as follows:

- 1) The building will make use of underutilized land for needed housing purposes.
- 2) It will allow for greater housing choices in/near to downtown Winona.
- 3) The project would be in line with the Downtown Strategic Comp Plan.
- 4) While providing market rate housing, the proposed rents will be more in line with the restricted rents implemented by Minnesota Housing, allowing for more affordable housing options for working class individuals and couples.

Other things to keep in mind is that our 2018 Housing Study had us in need of 330 units by 2026, of which we only have about 200 since that time. Of note, that study did not take into effect the influx of housing needs that will be presented by the new Fastenal Building that will be completed in the next 12 months. This could help allay some of the additional housing needs that will be generated by that project.

The alternative (which would be to keep the height at the 40 ft limit with the same number of units) would end up causing the building to be built over a larger square footage footprint, using up much needed parking space and also decreasing available green space.

Again, this variance is in line with our Downtown Strategic Comp Plan, will provide affordable housing alternatives not currently widely available in Downtown Winona, and make use of underutilized land and allow for an increased tax base to the City of Winona, all while allowing for increased housing and green space.

I would voice my support in favor of this proposal.

Best Regards,  
Jim Vrchota  
Chair of the Mayors Housing Task Force

**Jim Vrchota**  
**1406 Highland Drive**  
**Winona, MN 55987**  
C 763-377-2658

NOTICE-CONFIDENTIAL INFORMATION - The information in this communication is proprietary and strictly confidential. It is intended solely for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution, copying or other use of the information contained in this communication is strictly prohibited. If you have

# MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

**TO:** Board of Adjustment

**FROM:** Carlos Espinosa

**DATE:** August 21, 2020

**SUBJECT: BOA Application Considerations for 9/2/20 Meeting**

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**Applicant:** Mitch Walch – 51 Riverview Drive.

**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 Mixed-Use Downtown Fringe. This district was created during development of the 2017 Unified Development Code update. The purpose statement for this zoning district is the following:

MU-DF – The purpose of the MU-DF Mixed Use Downtown Fringe District is to provide an area for a mixture of uses that supports the downtown core area, including commercial, public, institutional, and residential, but accommodates light industrial uses as well. This district's physical character is intended to be similar to that of the MU-DC district but also serves as a transition to adjacent residential neighborhoods with lower development densities and building heights than the downtown core.

The proposed 53' building height is significantly lower than the maximum permitted height in the downtown core (75'). In addition, the property is surrounded by commercial uses (versus low-rise residential properties). Given these characteristics, it would appear the variance is in harmony with the purpose and intent of the code.

**2) Is the variance consistent with the Comprehensive Plan?**

The Comprehensive Plan designates this parcel as Downtown Fringe:

<b>DF - Downtown Fringe</b>	
Area supporting the central downtown core, with a similar mix of uses but a lower intensity. Includes 'arts district,' medium density residential, mixed neighborhood retail and offices, employment centers, public spaces, and satellite parking facilities.	<ul style="list-style-type: none"><li>• Medium densities; mixed-use buildings are encouraged</li><li>• Pedestrian-oriented design</li><li>• Redevelopment opportunities</li><li>• Appropriate transitions to adjacent neighborhoods</li></ul>

As noted, the Downtown Fringe classification of the property is meant to facilitate a similar mix of uses as downtown (east of the bridge), but at a lower intensity (e.g. mass/scale and density). At a 53' height, the variance would facilitate a use similar to the core of downtown with a lower relative intensity – which is in accordance with the Comprehensive Plan.

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

There are many other examples of tall buildings in Winona surrounded by structures of a significantly lower height (i.e. Watkins, Valley View Tower, Sheehan Hall). In addition, buildings are often taller adjacent to a body of water to maximize views. In accordance, a building more than 40 feet in height may be reasonable at this location.

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

The property is located immediately adjacent to the riverfront, which as noted above, is a location where taller buildings are often located.

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

If granted, the variance will facilitate a building which is taller than the immediate area. Adjacent buildings are 20-30 feet in height. However, the area will likely transition with new development next to the bridge and the Fastenal office building. An example of this is the mixed use building at the

southeast corner of Second and Huff which replaced a single story restaurant with an approximate 40' tall commercial/residential structure.

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

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

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**Applicant:** Immanuel Methodist Church – 455 S. Baker

**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-2 Medium Density Residence District. Although the church is proposed to be on a smaller lot, the variance facilitates the sale of the adjacent residential property by providing access to off street parking in a garage – this secures appropriate use of the land and conserves and protects property values.

**2) Is the variance consistent with the Comprehensive Plan?**

The Comprehensive Plan designates this parcel for traditional neighborhood uses including churches – which is proposed to continue, albeit on a smaller lot.

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

It is reasonable to sell a residential home with access to off-street parking. The church already exists on a lot that is smaller than requirements. It is proposed to be reduced in size by 1,600 square feet, but with no changes to overall use.

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

The church has been in existence for over 100 years – which predates the zoning code.

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

Although the land was previously owned by the church, it was not used by church attendees, rather as the church parsonage. As such, sale of the land will not remove off-street parking previously used during church services. Thus, it is not expected that sale of the land will not alter the character of the area.

**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:** August 5, 2020  
**TIME:** 5:00 p.m.  
**PLACE:** Zoom Online Meeting  
**PRESENT:** Breza, Murphy, Conway, Kouba, Krofchalk, Sanchez  
**ABSENT:** Buege  
**STAFF:** Carlos Espinosa, City Planner

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

The minutes from the Board's July 1<sup>st</sup> meeting were approved unanimously upon motion by Conway and second by Breza.

**Petition No. 20-22-V G & R Rentals, LLC**

Chairman Sanchez opened the public hearing and read the petition:

G & R Rentals, LLC - 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.

Also, 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.

Also, 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.

Chairman Sanchez stated that he would be abstaining from the discussion since he had recently sold the subject property to the applicants.

The applicants from G & R Rentals, LLC addressed the Board. They noted that the existing structure is set up for three units even through it is only certified for

## BOARD OF ADJUSTMENT MINUTES

August 5, 2020

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two. The proposal would be to add another unit in the lower level. Although the property is currently certified for 10 unrelated people, they are only seeking the property to be certified for 8. All of the changes would be made within the existing structure.

Next, Chairman Sanchez opened the public hearing.

Staff (Mr. Espinosa) noted that he had received a comment from the property owner at 656 E. 3<sup>rd</sup> Street stating that he was concerned about parking for the proposed triplex.

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

Breza and Kouba stated that increasing the number of units would likely result in increased on-street parking in an area that is already relatively congested – especially given the location on Third Street.

Krofchalk noted that the occupancy is proposed to be reduced from 10 to 8.

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 small size of the lot.

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variance is consistent with the Comprehensive Plan since subject property is designated Traditional Neighborhood which generally supports up to four housing units on a single property.

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

The Board determined that the variance is reasonable given the current setup of the house with three kitchens and the number of certified people is proposed to be decreased from 10 to 8.

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

The Board determined that there are unique circumstances given the current setup of the house with three kitchens.

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.

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August 5, 2020

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### Are there other considerations for the variance request besides economics?

The Board discussed how the request was related to economics, but the practical difficulties test is satisfied so this criterion is met.

Next, Murphy noted that the request could not be approved because the Board had not determined that the proposal is in harmony with the purpose and intent of the ordinance. Mr. Murphy noted that perhaps the applicants could provide covered bicycle parking in order to meet ordinance requirements. Mr. Murphy asked the applicants if there was room to do this.

The applicants noted that there is an existing shed in back yard that could be utilized for covered bicycle parking.

Mr. Espinosa noted that the property currently has 3 parking spaces and 6 are required for the triplex. As a result, 6 covered bicycle parking spaces would need to be provided to satisfy off-street parking requirements.

Mr. Espinosa also noted that the reduction of occupants from 10 to 8 and the requirement to meet off-street parking standards through covered bicycle parking could be conditions for approval of the request.

Next, the Board reconsidered criterion number one – harmony with purpose and intent of the ordinance. With the proposed conditions noted by Mr. Espinosa, the Board found the request to be in harmony with the ordinance because sufficient parking would be provided and the total number of people on the property would be reduced – substantially benefitting the public welfare while preserving and protecting property value.

Next, Conway made a motion to approve the variances with conditions to reduce the total number of occupants from 10 to 8 and meet City ordinances for off-street parking which may be a combination of vehicular and covered bicycle parking. The motion was seconded by Breza. The motion passed 4-1 with Kouba voting against and Chairman Sanchez abstaining.

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

### Petition No. 20-23-V G & R Rentals, LLC

Chairman Sanchez opened the public hearing and read the petition:

G & R Rentals, LLC - 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

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August 5, 2020

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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.

Also, 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.

The applicants from G & R Rentals LLC addressed the Board. They stated that an un-licensed studio apartment currently exists in the garage and they are seeking the variances in order to get it certified for rental.

Board members questioned if the studio would be brought up to code. The applicants confirmed that it would be brought up to all applicable building codes.

Next, there was general discussion on current certification of the property. The applicants noted that there are currently 3 certified units for a total 13 people unrelated. They intend on remodeling one of the units to make it a three bedroom. The other two units are one bedrooms - one unit is potentially suitable for two people; the other for one. If the variance is approved, they would like the ability to rent the studio to up to two people. Based on this, the applicants were agreeable to reducing the total certified number of occupants from 13 to 8.

Next, there was discussion on parking. Mr. Espinosa noted that there is currently room for 4 side by side parking spaces within the existing lean-to. The applicants noted that additional covered bicycle parking could be located within the existing 40' X 40' garage.

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 in consideration of reducing the total number of occupants from 13 to 8 and meeting off-street parking requirements through a combination of vehicular and covered bicycle parking.

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

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August 5, 2020

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The Board determined that the variances are in harmony with the ordinance given they support investment in the property and will help bring a currently uncertified unit into compliance with code.

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variances are consistent with the Comprehensive Plan given the Traditional Neighborhood land use designation which generally supports up to four units on a single property.

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

The Board determined that the variances are reasonable given the property's mixed use zoning does not include lot area minimums.

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

The Board determined that there are unique circumstances given the studio apartment already exists, but is unlicensed.

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.

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.

Murphy made a motion to approve the variances with the conditions to reduce the total number of occupants from 13 to 8 and meet off-street parking requirements through a combination of vehicular and covered bicycle parking. The motion was seconded by Breza. 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.

### Other Business

Following a staff summary, the Board considered three resolutions related to 20-20-V from Mitch Walch.

The Board passed Resolution 20-20 (1) 6-0 upon motion by Krofchalk and second by Conway.

The Board passed Resolution 20-20 (2) 5-1 (Kouba dissenting) upon motion by Murphy and second by Breza.

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August 5, 2020

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Next, Chairman Sanchez allowed Mitch Walch to speak. Mr. Walch stated that he is working on re-designing the building and would only be seeking a variance for the height. Mr. Walch mentioned changing the footprint of the building and the parking layout so that the setback and parking variance would no longer be needed. Mr. Walch thus asked the Board to reconsider the height variance.

Mr. Espinosa stated that a building and parking layout change would likely constitute a substantive change which requires a new application. Mr. Espinosa thus recommended proceeding with the resolutions in front of the Board. If Mr. Walch would like to reapply for a height variance related to a new building design – he could do that through a separate application.

Chairman Sanchez noted that if there are substantive changes to the project, the Board would likely have to hold another public hearing as well.

Kouba then made a motion to approve all of the variances related to 20-20-V from Mitch Walch. The motion failed for lack of a second.

Next, the Board passed Resolution 20-20 (3) 5-1 (Kouba dissenting) upon motion by Conway and second by Krofchalk.

### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 6:02 p.m.

  
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Carlos Espinosa  
Secretary