

AGENDA

City of Winona Board of Adjustment

DATE: Wednesday, September 16, 2020

TIME: 5:00 P.M.

PLACE: Via Zoom

1. **CALL TO ORDER**

Approval of September 2, 2020 minutes

2. **NEW BUSINESS**

A. **Applicant: Steve Zolondek**

Parcel Address: 901 East Sanborn

Nature of Request:

- Applicant requests modification from code which limits garages in a B-1 zoning district to 15 feet in height.
- Applicant wishes to construct a garage at 18 feet in height.

City Code Section: 43.02.24

3. **OTHER BUSINESS**

Consider and vote on the proposed resolution of denial for 51 Riverview Drive; Mitchell Walch, for his variance request at the September 2, 2020 meeting.

4. **ADJOURNMENT**

**Notice of Public Hearing
By Electronic Means
901 East Sanborn**

Notice is hereby given that on Wednesday, September 16, 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.

Steve Zolondek - City Code Section 43.02.24, which limits garages in a B-1 zoning districts to 15 feet in height. Applicant wishes to construct a garage at 18 feet in height.

Property is described as B-1 zoning, Sect-25, Twp-107, Range-007, HAMILTON ADDITION, Lot-005, Block-005 E C HAMILTON'S ADDITION, or at 901 East Sanborn 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, September 14, 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: September 4, 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.

Gray boxes to be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date 8-28-2020 Owner Boomer's Quality

Owner Address 901 EAST 8th ST.

Petitioner STEVE ZOLONDEK Phone No. (507) 312-0120

Petitioner Address 722 EAST 7th ST.

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

901 EAST 8th ST.

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

Purpose in seeking Board of Adjustment hearing: To get a Variance due to the Height of the roof peak needing to be 22 feet

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.

Steven J Zolondek
(Applicant's Signature)

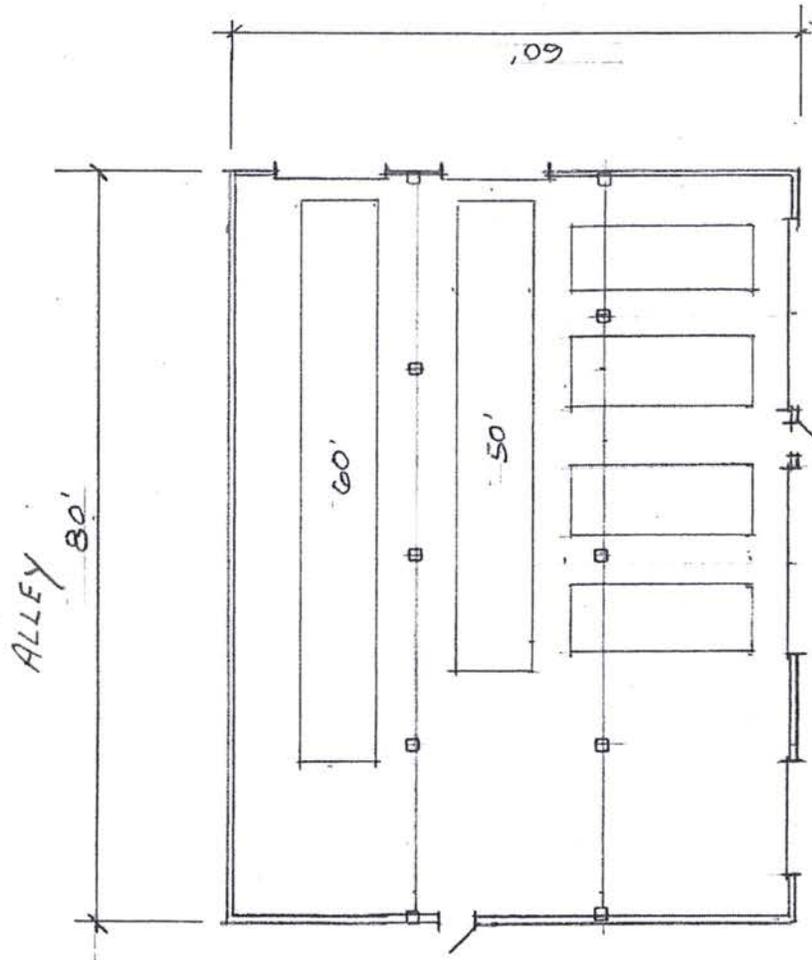
Received by: Carlos

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 # 20-26-V Receipt # 596109 Filing Fee 215⁰⁰
Variance# H1 Invoice # 3491
Date Received 8-31-20 Hearing Date 9-16-20 Zoning B-1

Pin# 32.200.6571

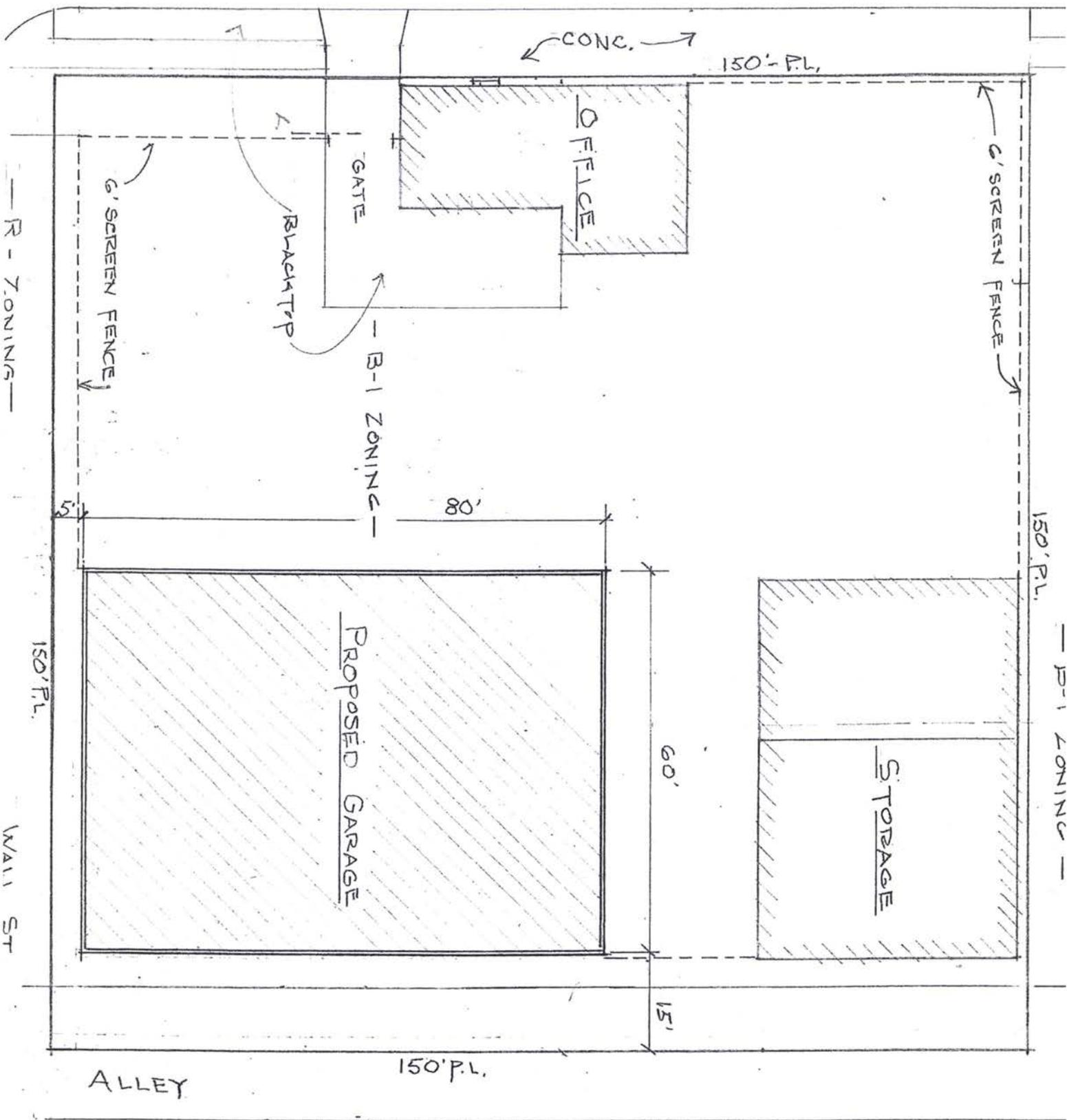
WALL ST



BOOMER'S PLUMBING
901 E SANBORN ST.
SITE PLAN: 1"=20'-0"

EAST 8TH ST.

- B-1 ZONING -

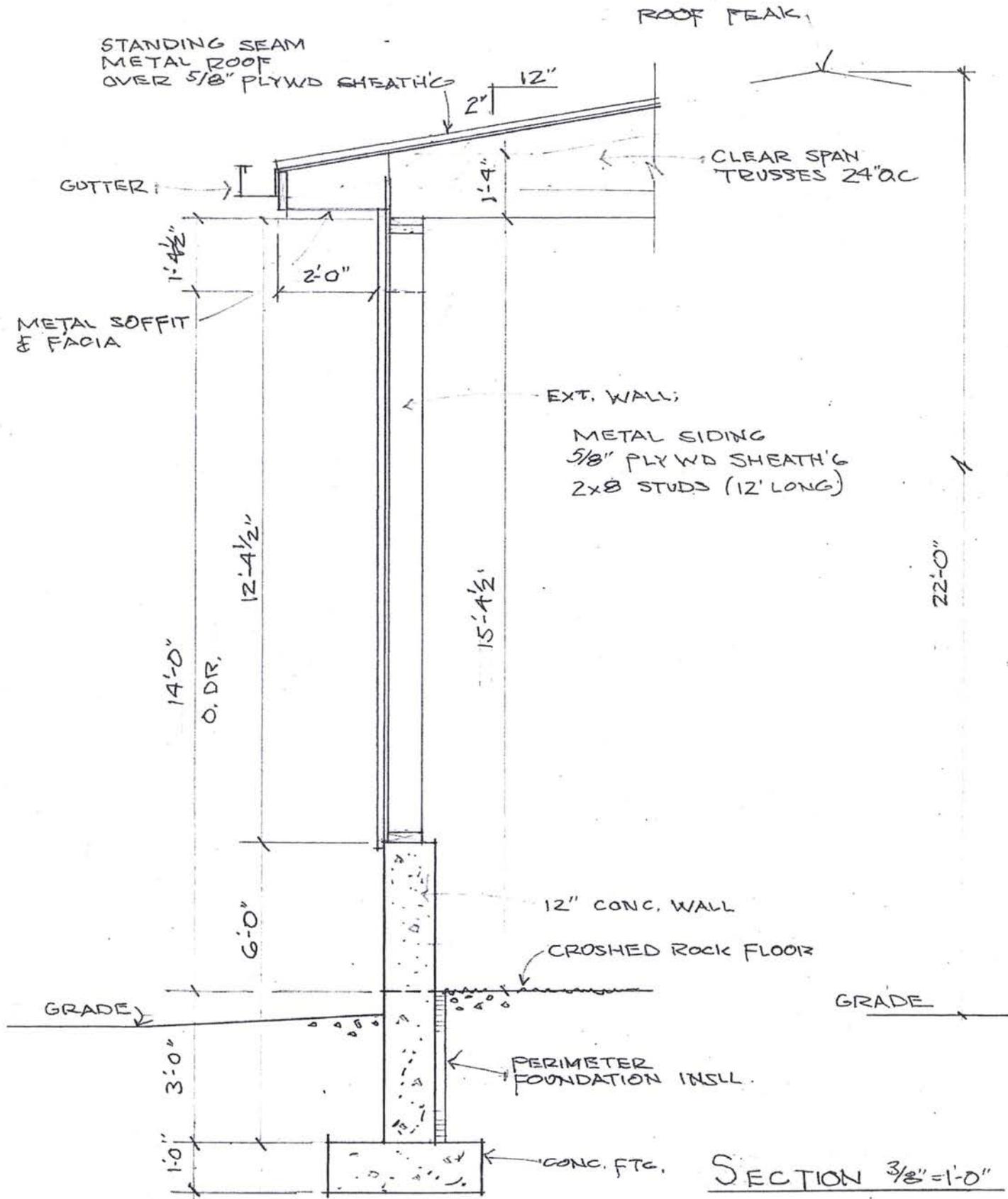


- R - ZONING -

- B-1 ZONING -

- B-1 ZONING -

- R - ZONING -



STANDING SEAM
METAL ROOF
OVER 5/8" PLYWD SHEATH'G

ROOF PEAK

CLEAR SPAN
TRUSSES 24"OC

GUTTER

METAL SOFFIT
& FACIA

EXT. WALL

METAL SIDING
5/8" PLYWD SHEATH'G
2x8 STUDS (12' LONG)

14'-0"
O. DR.

12'-4 1/2"

15'-4 1/2"

22'-0"

12" CONC. WALL

CROSHED ROCK FLOOR

GRADE

GRADE

PERIMETER
FOUNDATION INSL.

3'-0"

CONC. FTG.

SECTION 3/8" = 1'-0"

CITY OF WINONA, MINNESOTA
BOARD OF ADJUSTMENT RESOLUTION FOR PETITION 20-24

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WINONA,
MINNESOTA DENYING THE REQUEST FOR A VARIANCE TO CONSTRUCT A 53
FOOT TALL BUILDING

WHEREAS, the applicant, Mitchell Walch, seeks a variance to Winona City Code 43.02.24 Table 43-4 to construct a 53 foot tall building at 51 Riverview Drive, Winona, Minnesota, legally described on the attached Exhibit A, which property is zoned MU-DF; and

WHEREAS, the Board of Adjustment conducted a public hearing on September 2, 2020, and received public testimony regarding the requested variance; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Board of Adjustment subsequently reviewed the requested variance at its meeting on September 2, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF WINONA, MINNESOTA, that it adopts the following findings of fact related to the requested variance:

Standard #1 The variance request is consistent with the general purposes and intent of the zoning ordinance.

Finding #1 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 that is effectively one-story taller than permitted. This amount of added density is not an appropriate use of the land in this area.

Standard #2 The variance is consistent with the Comprehensive Plan.

Finding #2 The Board determined that the variance is not consistent with the Comprehensive Plan because the land use designation is Downtown Fringe and this has not been changed. Further, Downtown Fringe encourages medium density mixed-use buildings. The variance would facilitate construction of a building that has a relatively high density and is not mixed-use.

Standard #3 The variance puts the property to use in a reasonable manner.

Finding #3 The Board determined that the variance is not reasonable given adjacent buildings are 20-30' in height.

Standard #4 There are unique circumstances to the property not created by the property owner.

Finding #4 The Board determined that there are not unique circumstances given the property is undeveloped.

Standard #5 The variance will not alter the essential character of the locality.

Finding #5 The Board determined that the variance will alter the character of the locality because it would allow a building that is significantly taller than buildings in the vicinity.

Standard #6 There are other considerations for the variance besides economics.

Finding #6 The practical difficulties test listed above in standards 3-5 is not met. In accordance, there are not sufficient other considerations.

Passed by the Board of Adjustment of the City of Winona, Minnesota this ____ day of _____, 2020.

VOTE: __ KOUBA __ SANCHEZ __ CONWAY __ MURPHY __ BUEGE
__ KROFCHALK __ BREZA

ATTEST:

Secretary

Chairman

EXHIBIT A

Legal Description of 51 Riverview Drive

Lot 1, Block 1, Daniels First Subdivision, Winona County, Minnesota.

BOARD OF ADJUSTMENT
Regular Meeting

DATE: September 2, 2020

TIME: 5:00 p.m.

PLACE: Zoom Online Meeting

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

ABSENT: None

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

The minutes from the Board's August 5, 2020 meeting were approved unanimously upon motion by Dave Kouba and seconded by Tim Breza. All were in favor of approving the minutes.

Petition No. 20-25-V, Immanuel Methodist Church

Chairman Sanchez opened the public hearing and read the petition:

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.

Michael Bernatz, spoke in favor of the variance. Mr. Bernatz is the Attorney representing the Immanuel Methodist Church. Also representing the church by phone was Dennis Davis; Trustee President, Immanuel Methodist Church and Sandra Davis, Treasurer of the Immanuel Methodist Church.

It was mentioned that Immanuel Methodist Church owns three separate parcels with the church being on one lot, the variance request to split up the property on another lot, and a vacant lot.

The existing structure on the parcel that the church wants to split is the existing garage space and the church would like to be able to access the existing garage without going onto the church property.

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Mr. Bernatz mentioned that the use of the space would not be noticeable and right now it's being used as a rental with the garage and it would continue to be used as a rental. This variance request is to make it more accessible to the garage.

Tom Conway asked that if the property is split, will the church still have access to that as another exit off of the property and it was clarified by Mr. Bernatz, that would be the case and an easement would be drafted as part of the purchase agreement.

Chairman Sanchez closed the hearing and opened it up considerations.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Yes, no change in zoning and use of the property and it is still in compliance with the ordinance.

Is the variance consistent with the Comprehensive Plan? Yes it is, churches are very common in neighborhoods and zoning is allowing it.

Does the proposal put the property to use in a reasonable manner? Yes, the use of space. The space use is not changing, only ownership.

Are there unique circumstances to the property not created by the landowner? Yes, there is nothing that has created any circumstances and the use of the building was before the zoning ordinance was in place.

Will the variance, if granted, retain the essential character of the locality? Yes, Nothing changes only ownership of land.

Travis Buege asked if this was going to be used as a single family dwelling or retained as a rental and it was clarified that it would remain a rental.

Dave Kouba made a motion to approve the variance request as submitted; it was seconded by Tom Conway. All were in favor of approving except for one member who opposed. The motion passed.

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

Petition No. 20-24-V, Mitchell Walch

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

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

Mitchell Walch is requesting a variance to construct a residential apartment building at 53 feet and the ordinance sets a height at 40 feet. He also mentioned that he had been to a previous Board of Adjustment meeting requesting 60 feet and it was denied. He said he can get extra space at 53 feet for additional parking and green space.

Speaking for the variance was Greg Wohletz, 678 Mankato Avenue. Mr. Wohletz said there was a need for this type of housing within the city and studies that support this type of use.

Staff received several letters by email in support of the variance. Dave McCorquodale, Agent/Realtor for Coffee House Realty, wrote in favor for the variance request. Mr. McCorquodale also commented on the housing shortage in Winona and the need for more affordable housing units.

Brandon Hutkowski also stated the need for more housing and was in favor of the request.

Joe Czeiska was also in favor of the variance request and stated how it would be a great opportunity to have the apartment building overlooking the Mississippi River and an asset the building would be for Winona.

Michael Onstad of Black Squirrel Properties also sent a letter supporting the request. In Mr. Onstad's letter he said he owned neighboring property located at 330 West Second and he looked forward to having the housing units as his neighbor.

Dave Kouba said he supports the project and there is a need for housing.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Jon Krofchalk said the downtown area was just rezoned and it was a downtown fringe area; whereas, if there was going to be a change, it should be a change in zoning. Tom Conway reiterated that this was a downtown fringe area and it should be done in Planning and Zoning to be in harmony with the purpose and intent of the ordinance. He also mentioned that a decision was to be made based on a zoning requirement and the Board was outside their scope to be able to make a decision. Staff brought forward the language from the ordinance again that this is a downtown fringe and if there was a change, it would be a change to the ordinance and in fact they require a change to the entire Comprehensive Plan to change this to a downtown core area rather than a downtown fringe.

This process could take up to two years and because this is such a unique situation there could be special consideration due to the character of the nature of the building and what they are trying to accomplish. With that being said, Staff

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did reiterate the idea that because the change to ordinance would take considerable amount of time, they felt it was appropriate to bring this to the Board of Adjustment to try to make evaluation of this unique situation.

Staff also mentioned that reasoning behind different heights in buildings is to make a smooth transition from the downtown core area to the fringe area and to residential and gradually making restrictions for the height.

The Board voted on this finding question and Dave Kouba and Travis Buege voted yes, Jon Krofchalk, Tom Conway, Jim Murphy, Chris Sanchez and Tim Breza voted no. The variance is not in harmony with the purpose and intent of the ordinance because it facilitates construction of a building that is effectively one-story taller than permitted. This amount of added density is not an appropriate use of the land.

Is the variance consistent with the Comprehensive Plan? Dave Kouba and Tom Conway voted yes, Travis Buege, Jon Krofchalk, Tim Breza, Chris Sanchez and Jim Murphy voted no. The reason for the no vote was because the Comprehensive Plan has not changed and as such it is not consistent.

Does the proposal put the property to use in a reasonable manner? Dave Kouba and Chris Sanchez voted yes. Jon Krofchalk, Jim Murphy, Tim Breza, Travis Buege and Tom Conway all voting no. It is not reasonable given adjacent buildings are 20'-30' in height.

Are there unique circumstances to the property not created by the landowner? Dave Kouba voted yes. Jon Krofchalk, Jim Murphy, Tim Breza, Travis Buege, Chris Sanchez and Tom Conway all voted no because the property is undeveloped.

Will the variance, if granted, retain the essential character of the locality? Tom Conway, Jim Murphy, Jon Krofchalk, Travis Buege and Tim Breza all voting no. Chris Sanchez and Dave Kouba voted yes. Travis Buege mentioned that there were no other buildings that were that size and the buildings in the area were approximately twenty feet tall, so it is not consistent with the neighborhood.

Dave Kouba made a motion to approve the variance as requested. No one seconded the motion. The motion failed. There was a motion by Jon Krofchalk to direct Staff to draft a resolution for denial of the variance request for submittal to the next Board of Adjustment meeting for a final vote of the resolution and it was seconded by Tim Breza. All were in favor except for Dave Kouba. The motioned carried.

Adjournment

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

There being no further business to come before the Board, the meeting was adjourned at 5:55 p.m.

Greg Karow
Secretary

DRAFT