

# AGENDA

## City of Winona Board of Adjustment

DATE: Wednesday, October 7, 2020  
TIME: 5:00 P.M.  
PLACE: Via Zoom

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1. CALL TO ORDER

2. Approval of Minutes: September 16, 2020

3. NEW BUSINESS

A. Applicant: Molly Randall  
Parcel Address: 828 West Sarnia

**Nature of Request:**

- 1) City Code Sections 43.01.25 D) allows nonconforming uses to be substituted for another "less objectionable" nonconforming use when authorized by the Board of Adjustments.

Applicant wishes to turn an existing nonconforming auto repair use in an R-1 residential district into a private tattoo studio.

**City Code Section:** 43.01.25 D)

3. OTHER BUSINESS

4. ADJOURNMENT

**Notice of Public Hearing  
By Electronic Means  
828 West Sarnia**

**Notice is hereby given that on Wednesday, October 7, 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.**

Molly Randall – City Code Section 43.01.25 D) which allows nonconforming uses to be substituted for another not more objectionable nonconforming use when authorized by the Board of Adjustment. Applicant wishes to turn an existing non-conforming auto-repair use in an R-1 residential zoning district into a private tattoo studio.

Property is described as Sect-27 Twp-107 Range-007 SUNNYSIDE ADDITION Lot-007 Block-002 ALL NLY OF HWY 61, or at 828 West Sarnia.

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](mailto:cespinosa@ci.winona.mn.us) by **4:00 p.m. on Monday, October 5, 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 25, 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.

September 15th, 2020

To whom it may concern:

I am requesting a substitution of use for the property at 828 W Sarnia St. I am in the process of purchasing the property and am planning to move my private tattoo studio to this location. Previously there was an auto repair shop operating out of the building, and the building will no longer be used for this purpose, which is why I am making this request.

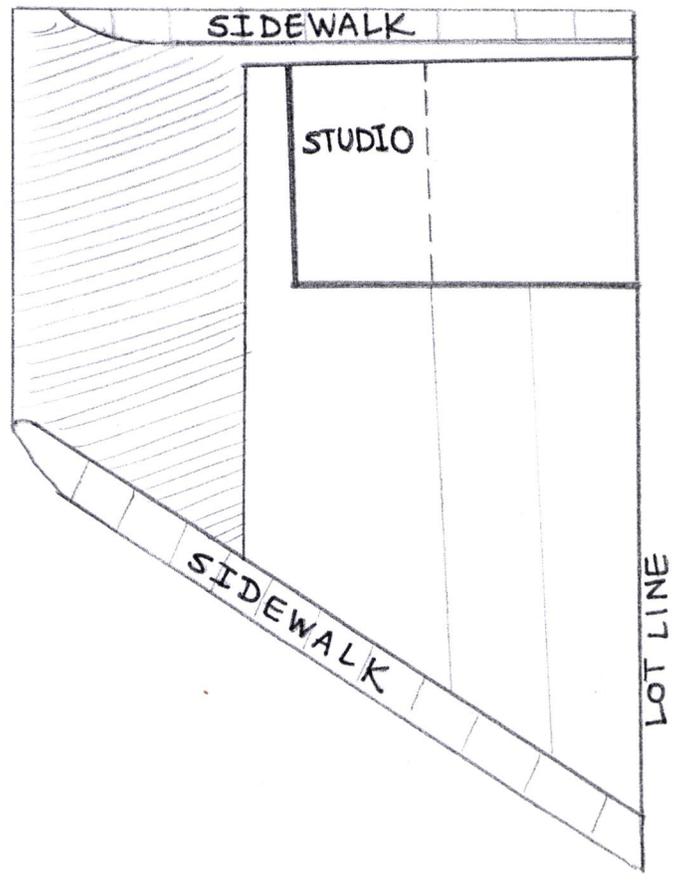
I will need to make some changes to the building to make it better suit my business. I plan to repair and restore this building, adding value to my neighborhood. My home is on Gilmore Ave just north of 828 W Sarnia St; personally, I would like to see a building I view out my front window every day become an aesthetically pleasing and productive part of my neighborhood.

My business, Black Moth Tattoo, which has been successfully operating on Mankato Ave since 2017 is open by appointment only. When the studio moves to Sarnia St I plan to continue to operate this way - no walk-ins are allowed. No cars will be parked for longer than 24 hours or overnight, and having such close proximity to my house will make maintenance and upkeep easy. I have spoken with my neighbors and they are excited to see the property fixed up and put to good use. Attached you will find letters from the adjoining property owners confirming they are comfortable with the proposed plan and use for the building.

Thank you for your time and consideration.

Warm regards,  
Molly Lyn Randall

828 W. Sarnia Street



September 13th, 2020

To Whom It May Concern;

This letter is to show my support of the substitution of use request for the building located at 828 W Sarnia St.

I have spoken with Molly about her plans for the property and do not have any objection to the building being used as a private tattoo studio. Her clients are by-appointment-only and she has indicated there will be no vehicles parked at the building overnight or longer than 24 hours.

Name: Nathan Engstrom and Alexa vanDonselaar

Address: 524 Wilsie St Winona, MN 55987

Signature: 

Additional comments:

Please see additional sheet

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September 13, 2020

To Whom It May Concern:

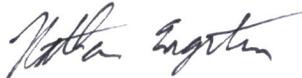
As neighbors who live directly across Gilmore Avenue from the subject property, we have a particularly strong interest in what happens to it. We strongly support Molly Lyn's substitution of use request and are confident she would take much needed steps to revitalize the property and would bring her already successful business to the neighborhood in a way that would be wholly positive. Furthermore, we believe her use of the property as a tattoo parlor would be much more desirable than the past automotive uses that were noisy and brought excessive traffic to the neighborhood at all hours.

Since we moved in in April 2018, the property has been an eyesore to the neighborhood and the community. When it was in use, it wasn't well cared for and the use it received was a nuisance. Since it's been vacant, the property has deteriorated further. We see the back of the property from our house and it is certainly not a pleasant sight. While we absolutely want to see the property purchased and put to use, we also worry that if it was put to the same use as before, having it occupied might actually be worse than having it sit vacant.

But with Molly's plan, we are confident the building would be in good hands. While other uses and other buyers would make us nervous, she makes us confident. We have no doubts or reservations about her plans and believe that her substitution of use request would be in the best interest of the neighborhood and the City of Winona as a whole. We strongly encourage you to approve her request without hesitation.

Regards,

Nathan Engstrom



Alexa vanDonselaar



September 13th, 2020

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Name: Terry Malewicki

Address: 512 Gilmore Ave

Signature: Terry Malewicki

Additional comments:

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Name: Matthew R Peterson

Address: 811 W. Mark St

Signature: 

Additional comments:

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September 13th, 2020

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Name: Cheryl Galewski  
Address: 803 W. Mark  
Signature: Cheryl Galewski

Additional comments:

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**BOARD OF ADJUSTMENT  
Regular Meeting**

**DATE:** September 16, 2020

**TIME:** 5:00 p.m.

**PLACE:** Zoom Online Meeting

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

**ABSENT:** None

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

The minutes from the Board's September 2, 2020 meeting were approved unanimously upon motion by Tom Conway and seconded by Dave Kouba. All were in favor of approving the minutes.

**Petition No. 20-26-V, Steve Zolondek**

Chairman Sanchez opened the public hearing and read the petition:

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.

Steve Zolondek, 722 East Wabasha, spoke on the variance. His said the intent is to build a storage building for Boomer's Plumbing and be used to store materials for his business and also for a couple of his business vehicles. Mr. Zolondek said he needs a fourteen foot overhead door to be able to get the equipment to fit into the building.

Travis Buege had a question about setbacks and property lines and the location of the lot where the building would go and Jon Krofchalk commented that there was an adjacent property that had a roof line that was possibly taller than what was being proposed.

With no further questions from the Board, Chairman Sanchez closed the meeting to the public and opened it up for additional discussion.

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, there are a number of adjacent buildings within the same lot and around the areas and it does not have a negative impact on the neighborhood.

## BOARD OF ADJUSTMENT MINUTES

September 16, 2020

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Is the variance consistent with the Comprehensive Plan? Yes, based on zoning and because it is a B-1 zone, it allows these types of structures.

Does the proposal put the property to use in a reasonable manner? Yes, it is the same type of use as to what is already on the lot.

Are there unique circumstances to the property not created by the landowner?  
No.

Will the variance, if granted, retain the essential character of the locality? Yes, there are many of the same structures and buildings in the neighborhood.

Tim Breza made a motion to approve the variance request as submitted; it was seconded by Tom Conway. All were in favor of approving the variance as request. 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.

### Other Business

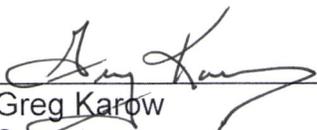
The second item of business was to vote on the proposed resolution drafted by direction of Staff from the September 2, 2020 meeting for resolution 20-24-V for Mitchell Walch and his variance request which was for a height variance and was denied.

The Board passed resolution 20-24-V upon motion by Jon Krofchalk and it was seconded by Tom Conway. All were in favor except for Dave Kouba who voted against. The motion passed to accept resolution 20-24-V as proposed.

### Adjournment

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

There being no further business to come before the Board, the meeting was adjourned at 5:20 p.m.

  
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Greg Karow  
Secretary