

BOARD OF ADJUSTMENT
Regular Meeting

DATE: July 15, 2020

TIME: 5:00 p.m.

PLACE: Zoom Online Meeting

PRESENT: Krofchalk, Murphy, Conway, Kouba, Breza

ABSENT: Sanchez, Buege

Acting Chairman Kouba called the meeting to order at 5:35 p.m.

No minutes were approved at this time.

Petition No. 20-21-V, Karen Coleman & Rafael Narvaez

Acting Chairman Kouba opened the public hearing and read the petition:

Karen Coleman & Rafael Narvaez – City Code Section 43.03.51(C) which requires that corner lots whose rear lot line abuts the side lot line of another lot in an R-District shall not have a six-foot (6') fence within 25 feet of the common lot line, shall be closer to the side street lot line than the front yard setback required on the lot fronting the side street. Applicant is proposing a six-foot (6') fence two feet from the side lot line which is within the 10-foot (10') front setback of the lot to the rear (313 Wilson Street). Property is described as R-2 zoning, Sect-22, Twp-107, Range-007, ORIGINAL PLAT, Lot-010, Block-109, ORIGINAL PLAT E 10' LOT 9 ALL LOT 10, or at 402 West Wabasha (7th Street).

Ms. Coleman & Mr. Narvaez, 402 West Wabasha, Winona, MN addressed the Board. The reason they are asking for the variance is to put up a six foot fence along the side of their house only two feet from the front of the house instead of the six feet required for a setback.

Jon Krofchalk asked why they wanted the fence so close and Ms. Coleman said that there have been some incidences of people trespassing into their yard and using their playhouse for inappropriate behavior. The fence would provide some security for those individuals wishing to access their property.

Mr. Narvaez stated the concern about the playhouse and mentioned that trespassing had been going on for a number of years.

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Tom Conway asked about the height of the fence and did it have to be six feet or could there be an option to put it at 4½ or five feet.

Mr. Narvaez stated that there is an existing six foot high fence and he wishes to continue with six feet for continuity of both fences.

Tom Conway had mentioned the requirement for a fence as it gets closer to a sidewalk and that it needs to become lower for visibility and site from adjacent corners and street traffic.

Dave Kouba mentioned that the placement of the fence would not pose a great concern for a six foot high fence between the two yards.

Tom Conway reiterated his concern about someone backing out of the adjacent driveway and with the taller fence making it harder to see.

Jim Murphy also had concerns about being able to see and have clear visibility coming out of the driveway.

Jon Krochalk asked about the exact location of the fence and the bushes along the border of the property and the fence location if it would be on the yard side or the street side of the bushes.

Mr. Narvaez said the fence would be on the yard side of the bushes. He explained that there would be about two feet from the sidewalk to the edge of the bushes and the other side of bushes would be the fence.

Staff commented that in reviewing the property from the GIS Mapping it appeared that the bushes were approximately three feet wide and maybe the set back of a foot or two, which boils down to the setback from the sidewalk to the fence to about four feet.

Jon Krochalk mentioned from his observations on the site that the bushes were in fact wider and his estimation the setback would be about six feet from the edge of the sidewalk.

Jim Murphy stated that he was sympathetic to the issues of people accessing the playhouse but also there is a definite concern for public safety.

Acting Chairman Kouba closed the hearing and opened it up considerations.

Tom Conway requested that if the variance were passed that there was an exact measurement from the sidewalk to the fence and what would the Board allow for that measurement to be.

Jon Krochalk thought a measurement of seven feet from the sidewalk would be adequate and still maintain a path to get around the backyard.

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Ms. Coleman & Mr. Narvaez physically measured some areas in the yard and a six foot setback would compromise access to areas in the yard. 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, it is ensuring adequate site lines and visibility based on the proposed compromise that the Board will have when a motion is made.

Is the variance consistent with the Comprehensive Plan? Yes, fences are the part of the landscape around town.

Does the proposal put the property to use in a reasonable manner? Yes, it is a fence.

Are there unique circumstances to the property not created by the landowner? Yes, it is a problem with the lot configuration.

Will the variance, if granted, retain the essential character of the locality? Yes, the addition of a fence would not be detrimental to the character of the locality.

Tom Conway made a motion to approve the variance under certain conditions. The motion was to make a four foot setback and utilizing a clipped corner on the fence with it being three feet off the driveway and the height of the fence would be at five feet. John Krofchalk amended the motion by defining that the clipped corner should be at a forty-five degree angle and that the fence could be six feet tall. Tom Conway made the amended motion and it was seconded by Jon Krofchalk.

Acting Chairman Kouba asked for a vote and all the members present agreed to the motion as it was amended and no one was opposed. Motion carried as amended.

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

The Board discussed the variance request for Mitchell Walch that was tabled at the July 1, 2020 meeting. Jon Krofchalk made a motion to table the request for two weeks to be able to examine the resolutions that were drafted by Staff to make sure that they were consistent with what the Board was intending.

Tom Conway seconded the motion. The motion was approved by the Board to postpone the request for two weeks and will be brought back to the August 5, 2020 meeting.

Adjournment

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

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There being no further business to come before the Board, the meeting was adjourned at 6:55 p.m.


Greg Kardw
Secretary