

**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

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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. 3<sup>rd</sup> 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 1<sup>st</sup> 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.



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Carlos Espinosa  
Secretary