

AGENDA

City of Winona Board of Adjustment

DATE: Wednesday, January 7, 2026
TIME: 5:00 P.M.
PLACE: 3rd Floor, City Council Chambers

1. CALL TO ORDER
2. APPROVAL OF MINUTES
December 3, 2025
3. NEW BUSINESS

A. **Applicant: Pete Schwab**
Parcel Address: 457 Gould Street

City Code Sections: 43.02.24 Table 43-4 , which limits buildings to a height of 35' in R-2 zoning districts.

Nature of Request: Applicant wishes to construct a maximum 43'3" tall fieldhouse structure on the site of the former Lourdes Hall building. For reference, the former Lourdes Hall Building reached a maximum of 80' in height.

B. **Applicant: Crystal Hegge**
Parcel Address: 174 East Fifth

City Code Sections: 43.02.23 Table 43-3 which requires 9,000 square feet of lot area and 70 feet of frontage for a triplex;

43.02.24 Table 43-4 which requires a 12-foot (12') side yard setback.

43.03.22 (A) Table 43-17 which requires two parking spaces per residential unit; Applicant has received a variance for the above elements dated April 5, 2017 (17-5-V) with the condition that the property be owner-occupied and supply five (5) off-street parking spaces. The property has 8,400 square feet of lot area and 60 feet (60') of frontage. The existing building has an eight foot (8')

westerly side yard setback. Currently there are five (5) off-street parking spaces.

Nature of Request: Applicant is seeking approval with the removal of the owner-occupancy condition from that approval.

4. OTHER BUSINESS

5. ADJOURNMENT

PUBLICATION NOTICE: **Wednesday, December 24, 2025**

**CITY OF WINONA
BOARD OF ADJUSTMENT
NOTICE OF HEARING**

PLEASE TAKE NOTICE:

The following applications have been made for variations from the requirements of the Winona City Code, as listed below:

- a) Pete Schwab – City Code Section 43.02.24 Table 43-4 which limits buildings to a height of 35' in R-2 zoning districts. Applicant wishes to construct a maximum 43'3" tall fieldhouse structure on the site of the former Lourdes Hall building. For reference, the former Lourdes Hall Building reached a maximum of 80' in height. Property is described as R-2 zoning, SECT-21 TWP-107 RANGE-007 PARK ADDITION BLKS 1 & 2 & VAC ALLEYS & VAC KING ST EX LOTS 1 & 2 BLK 1 (LOURDES HALL), located at 457 Gould Street.

- b) Crystal Hegge – City Code Sections: 43.02.23 Table 43-3 which requires 9,000 square feet of lot area and 70 feet of frontage for a triplex; and 43.02.24 Table 43-4 which requires a 12-foot (12') side yard setback; and 43.03.22 (A) Table 43-17 which requires two parking spaces per residential unit; Applicant has received a variance for the above elements dated April 5, 2017 (17-5-V) with the condition that the property be owner-occupied and supply five (5) off-street parking spaces. The property has 8,400 square feet of lot area and 60 feet (60') of frontage. The existing building has an eight foot (8') westerly side yard setback. The existing parking supplied is five (5) off-street parking spaces. Applicant is seeking approval with the removal of the owner-occupancy condition from that approval. Property is described as R-3 zoning, Sect-23, Twp-107, Range-007, ORIGINAL PLAT, Lot-009, Block-025, ORIGINAL PLAT located at 174 East Fifth Street.

Notice is sent to the applicants and to the owners of the property affected by the application.

A hearing on these petitions will be given in the Council Chambers, 3rd Floor, City Hall, Winona, Minnesota at **5:00 p.m. on Wednesday, January 7, 2026**, at which time interested persons may appear either in person, in writing, or by agent, and present any reasons which they may have to the granting or denying of these petitions. Comments will be accepted prior to the public hearing in person or by dropping off at City Hall, 2nd Floor, Community Development, or

mailing to 207 Lafayette Street, by Noon Friday January 2, 2026. Any questions regarding the petitioner's request can be directed to the Community Development Department; Inspections Division at (507) 457-8231.

APPLICANTS ARE REQUESTED TO PREPARE THEIR CASE IN DETAIL AND PRESENT ALL EVIDENCE RELATING TO THIS PETITION AT THE TIME OF THE SCHEDULED HEARING.

Chris Sanchez, Chairman
Board of Adjustment

11/25/25
211 11th Ave NW
Rochester, MN 55901



SCHWAB
Construction Services



City of Winona
Planning & Zoning Department
207 Lafayette Street
Winona, MN 55987

RE: Variance Request – Height Variance for Cotter Schools Fieldhouse

To the Planning and Zoning Department and Board of Adjustments:

I am submitting this letter for a height variance request for the proposed new fieldhouse on the former Lourdes Hall site at Cotter Schools campus. The project includes a 50,826 sqft indoor track, a 49,355 sqft turf field, and a 14,100 sqft lobby and support area. The building will reach a maximum height of 43'-3", which exceeds the district's standard height limit but remains significantly below the 80' maximum height of the former Lourdes Hall and is consistent with nearby campus structures, including the Cotter Elementary School at 49'6".

The additional height is required to safely accommodate the intended athletic uses such as batting cages, basketball hoops, volleyball, and multiple ball sports each of which requires proper ceiling clearances to meet safety requirements and functional athletic standards. There will be no spectator seats apart of this facility.

While the request of the variance for the Cotter Schools Field House is related to building height, we also wanted to share some parking information for the project and the campus. In effort to alleviate that concern, a figure showing stall counts on Cotter Schools facilities and some adjacent on street parking is provided. In summary:

- 156 stalls are provided on the "main campus", boxed in blue
- 34 stalls are provided with the field house project, boxed in red
- 84 stalls are provided at the Cotter Schools Indoor Tennis Courts, boxed in cyan (light blue)
- 87 stalls are anticipated on the three public streets adjacent to the proposed field house. We anticipate a net increase of on-street stalls as a result of modifications with the project.

The Cotter Schools facilities provide a total of 274 stalls. Coupled with the noted on-street stalls, there are a total of 361 stalls in the vicinity.

The facility will serve both the Cotter Schools campus and the broader Winona community.

Thank you for your consideration of this request. Please contact me if any additional information or clarification is needed.

CRW
architecture
+ design group

211 11th ave nw
rochester, mn 55901
p. 507.206.4621
f. 507.206.4621
www.crwarchitecture.com

SCHWAB
Construction Services

RDg...
PLANNING + DESIGN
MBJ BOLTON & MENK
Real People. Real Solutions.

DUNHAM

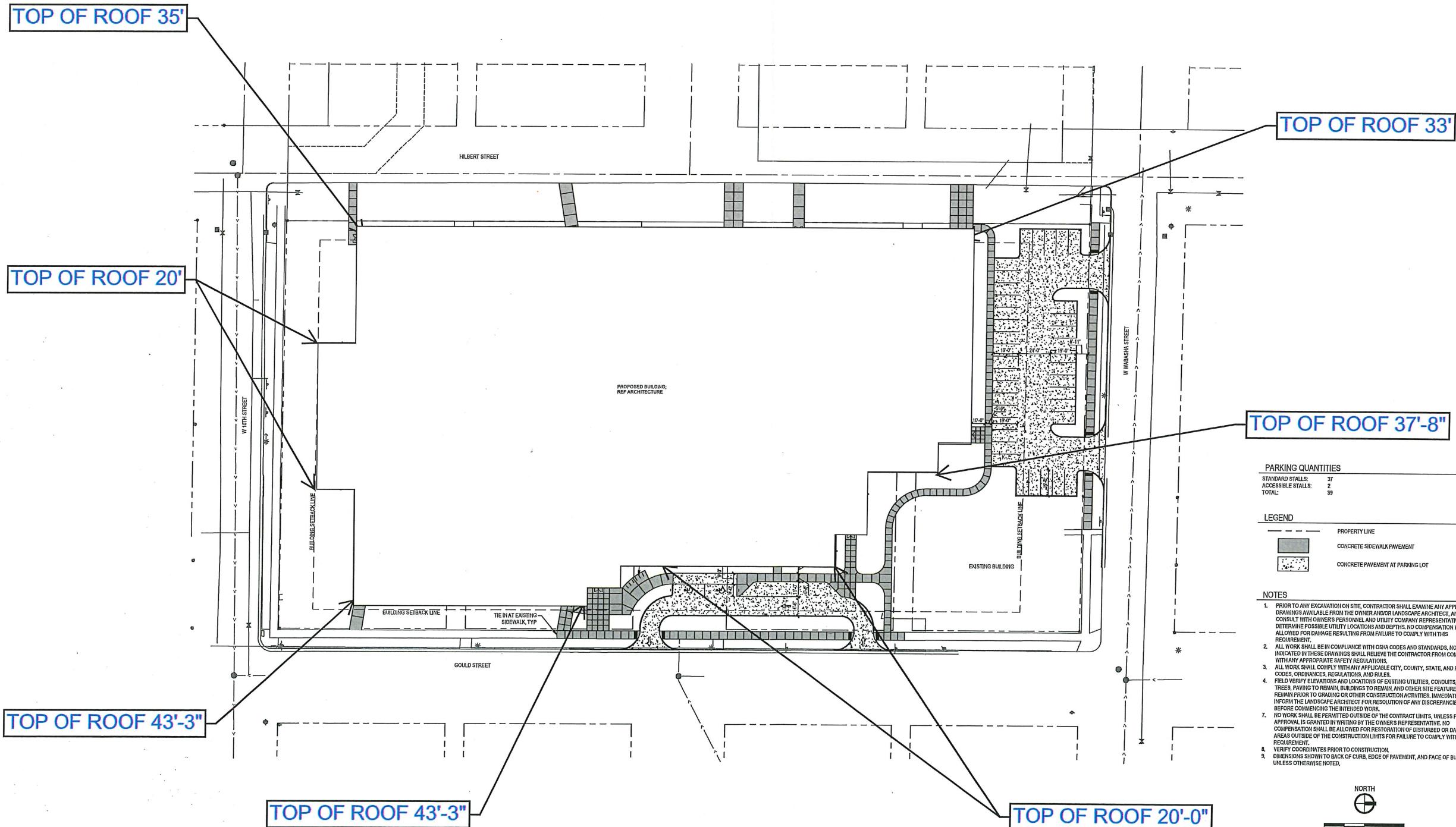
NOT
FOR
CONSTRUCTION

11/11/25

NUMBER DATE

COTTER SCHOOLS FIELDHOUSE

WINONA, MINNESOTA



A C D
B E

BUILDING AREA KEYPLAN

PROJECT NUMBER 25-040

DATE 11/11/25

DRAWN BY Author

CHECKED BY Checker

ISSUE/REVISION HISTORY

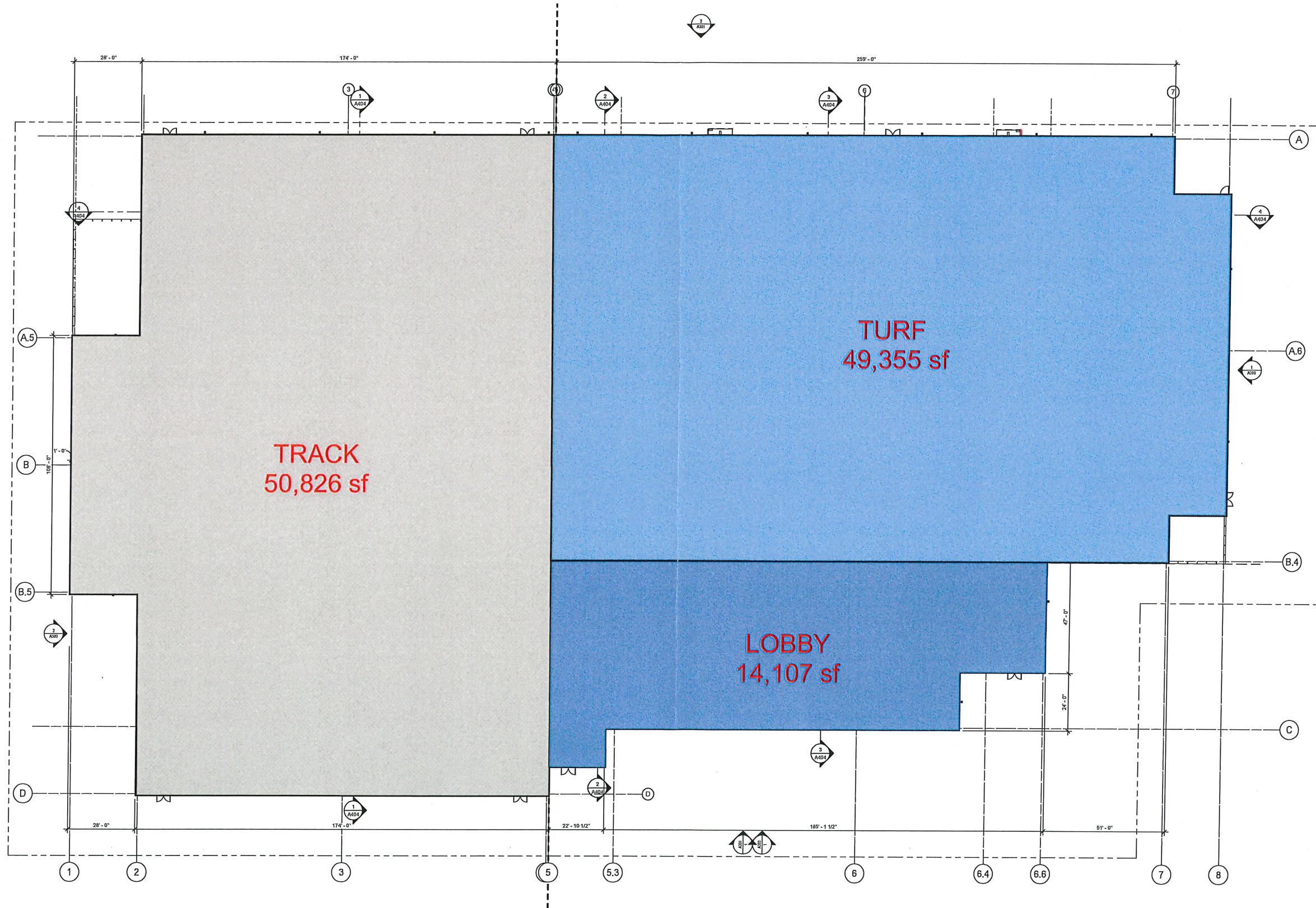
NO.	REVISIONS	DATE
1	BD BUDGET	11/11/25
1A	ISSUED FOR	DATE
1B	ISSUED FOR	DATE
1C	ISSUED FOR	DATE

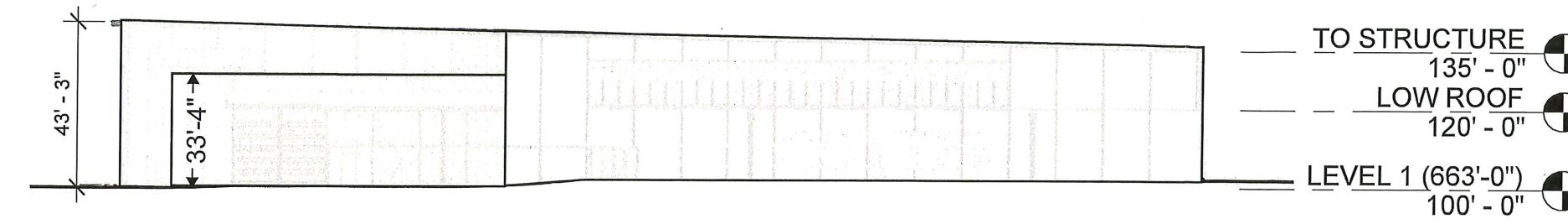
SITE LAYOUT PLAN

SHEET NUMBER

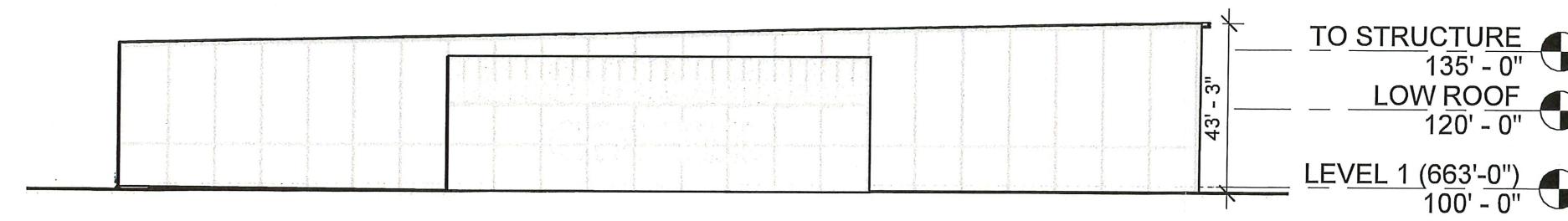
L02.01

OF SHEETS

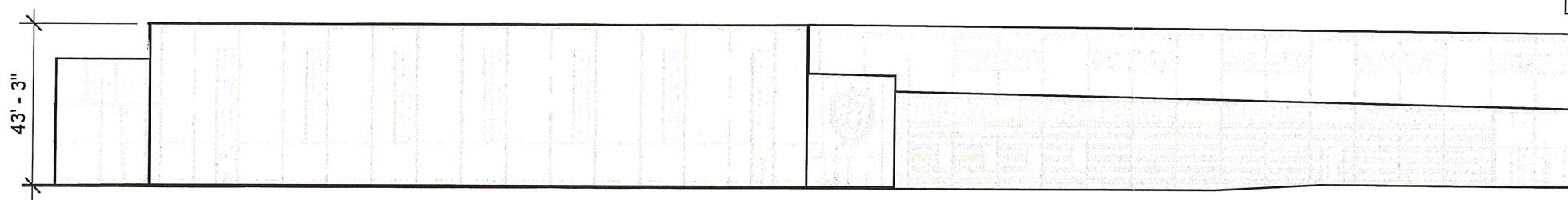




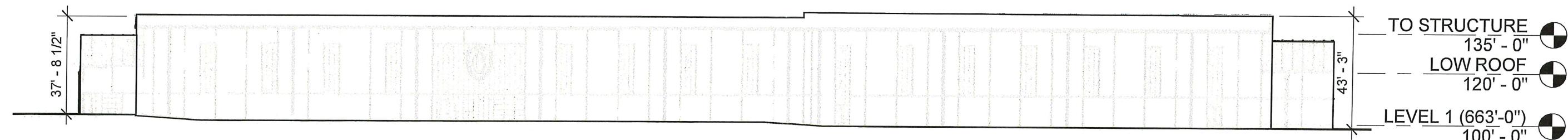
① NORTH ELEVATION - PRESENTATION
1" = 40'-0"



② SOUTH ELEVATION - PRESENTATION
1" = 40'-0"

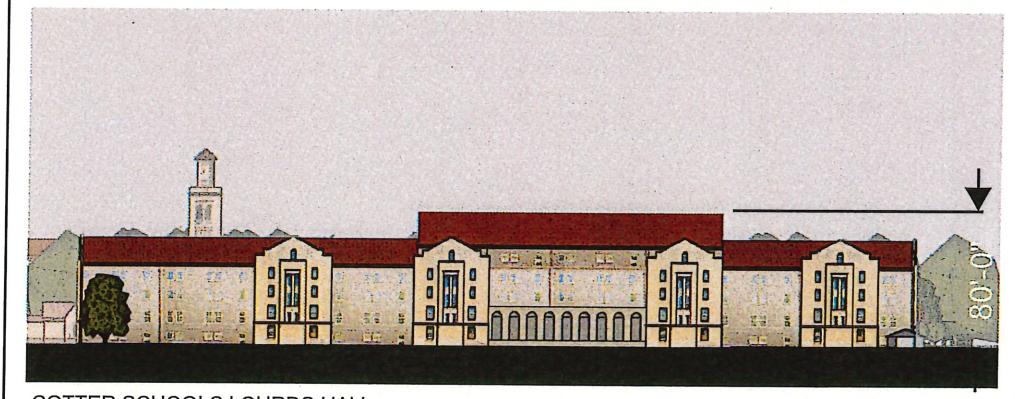


③ EAST ELEVATION - PRESENTATION
1" = 40'-0"



④ WEST ELEVATION - PRESENTATION
1" = 40'-0"

EXISTING COTTER SCHOOLS BUILDINGS (not to scale)



COTTER SCHOOLS FIELDHOUSE

WINONA, MINNESOTA

SCHEMATIC BUILDING ELEVATIONS

A1.00

11/25/25

Cotter Schools Field House

Winona, Minnesota

Vicinity Parking

November 2025



MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Carlos Espinosa

DATE: December 22, 2025

SUBJECT: BOA Application Considerations for 1/7/26 Meeting

Applicant: Pete Schwab – 457 Gould Street

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?

This variance will facilitate construction of a fieldhouse structure in the former location of Lourdes Hall. The fieldhouse is related to Cotter Schools. The property is zoned R-2 which permits schools and their associated uses. In accordance, a height variance to facilitate construction of the proposed fieldhouse is in harmony with the purpose and intent of the zoning ordinance.

2) Is the variance consistent with the Comprehensive Plan?

The 2045 Comprehensive Plan designates the subject property as Semi-Public/Institutional. Thus, construction of the proposed fieldhouse is consistent with the Comprehensive Plan.

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

The Lourdes Hall structure reached a maximum height of 80'; the field house is proposed to be a maximum of 43'3" in height. Many other institutional buildings in the vicinity are taller than the R-2 zoning district's maximum 35' height – including the Cotter elementary school at 49'6" in height. As such, the request for 43'3" is reasonable given heights of nearby institutional structures.

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

The proposed fieldhouse is adjacent to other tall and large institutional buildings and the Cotter school's "campus" which is a unique situation in the R-2 zoning district.

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

The proposed fieldhouse is adjacent to other tall and large institutional buildings and the Cotter schools "campus." As such, construction of a large-scale fieldhouse is consistent with the character of the area.

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

There are other considerations for the variance besides economics, but it is questionable whether this application satisfied the practical difficulties test in numbers 3-5 above.

Variance Amendment Request – Removal of Owner-Occupied Condition

Property: 174 East 5th St. Winona, MN 55987

Zone: R3, 30% exempt

Petitioner: Crystal Hegge

Date: December 17, 2025

To the Winona Board of Adjustments:

I am requesting an amendment to the 2017 variance for the triplex at 174 East 5th Street to remove the owner-occupied condition, as required in the variance approval granted April 5th, 2017. Due to a significant change in circumstance, my divorce, I am taking over the management of the property. I am unable to reside at the property. To manage the property responsibly and maintain affordability, the owner-occupied requirement must be removed.

Winona's Comprehensive Plan emphasizes a community desire for diverse housing choices and identifies the need for "missing middle" housing. These are two- to four-unit homes and low-rise apartments that provide attainable housing without altering neighborhood character. As noted in the plan:

"Similar to many other cities throughout the United States, Winona's post-1950/1960 housing development under a conventional zoning ordinance has produced mainly single-family homes and apartment buildings. Largely absent is non-student oriented two to four (2-4) unit homes and low-rise apartment buildings or townhomes. This type of development is commonly referred to as 'missing middle' housing."

This triplex is exactly the type of "missing middle" housing the City seeks to preserve and expand. Removing the owner-occupied condition will allow the property to serve as affordable downtown housing for three households, consistent with Winona's goals of increasing housing choices while maintaining community character.

The property has been managed as a well-maintained triplex with long-term tenants since 2012 under the joint ownership of my former spouse and myself. To date, there have been no complaints from the City or any other parties regarding this property. I remain committed to managing the building with professionalism and in full compliance with all rental licensing requirements. As a downtown Winona employee residing 17 miles from the premises, I am readily able to provide routine maintenance and maintain consistent communication with tenants.

A family with a child has lived in one of the apartments since 2020. Both adults in the household work within 3 blocks of the home. A middle-aged gentleman has lived in another apartment since 2021. The third unit should support another household, preserving affordability and stability in the downtown area. Selling the property would likely reduce affordability and would not advance the City's stated goals of affordable housing options near downtown services, employment, and transit.

Removing the owner-occupied condition aligns with Winona's goals for diverse, attainable housing and supports stable, long-term residency for local families and single individuals. This amendment is consistent with both the Comprehensive Plan and the neighborhood's character.

Sincerely,
Crystal Hegge

Midtown Foods

5th

174 E 5th

Valley
View
Towers

4th

CITY OF WINONA
PROTECTIVE INSPECTION DIVISION
CERTIFIES THAT A
RENTAL HOUSING LICENSE

HAS BEEN ISSUED TO THE DWELLING HEREIN, WHICH MEETS THE REQUIREMENTS
ESTABLISHED FOR THE SAFE AND SANITARY MAINTENANCE OF DWELLINGS BY
CHAPTER 33-A OF THE WINONA CITY HOUSING CODE; RENTAL PROPERTY CODE.

DWELLING LOCATION

174 East Fifth Street

PARCEL NUMBER

#32-000-2350

LOCATION	Efficiency			MAXIMUM APPROVED OCCUPANCY							
	1st Fl	1st - Bsmt	2nd Fl								
DWELLING UNIT	Owner	*5	*6								
ROOMING UNIT											

License is subject to maintenance requirements and approved unit occupancy limitation.

Per Variance #17-5-V, Must be owner occupied with 5 parking spaces. *Zoning Limitations - 3 Unrelated.

License Issued: 10/3/2025

License Expires: 9/21/2030

Wesley Romine
Housing Inspector

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

Yes. Removing the owner-occupied condition does not change the property's use, density, or appearance. The triplex will remain a well-maintained residential building with long-term tenants, consistent with the ordinance's intent to promote stable housing and community integrity.

2) Is the variance consistent with the Comprehensive Plan?

Yes. Winona's Comprehensive Plan emphasizes increasing housing choices and promoting "missing middle" housing that provide attainable housing without altering neighborhood character. This triplex directly supports that goal. Removing the owner-occupied condition preserves three affordable downtown units in a walkable location.

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

Yes. The property is already functioning as a triplex with long-term tenants. Removing the owner-occupied requirement allows continued reasonable residential use without forcing a sale or vacancy. The property remains productive, compliant, and beneficial to the community.

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

Yes. The unique circumstances arise from the property's existing physical configuration in a multi-family residence district which predates my management. It currently reflects the "missing middle" housing pattern encouraged in the Comprehensive Plan. The building was constructed and approved as a multi-unit structure, and its internal layout, unit arrangement, and zoning context make it inherently suited for continued multi-family residential use.

The 2017 owner-occupied condition tied to a prior variance creates a regulatory circumstance unique to this property. That condition is administrative rather than physical, but it affects only this specific parcel as a requirement on this block. The owner-occupied requirement imposes a constraint inconsistent with both the property's built characteristics and its role as stable, attainable "missing middle" housing, as emphasized in the Comprehensive Plan.

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

Yes. The property has operated as a triplex for years without adverse impact. Amending the variance does not alter building scale, design, or use. Tenants are long-term residents who contribute positively to the neighborhood. The essential characteristics of walkable, mixed residential housing remain intact.

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

Yes. This request supports public policy goals for housing diversity and affordability. It preserves three attainable housing units downtown, prevents displacement of existing tenants, and aligns with the City's commitment to "missing middle" housing. It also promotes social stability and community vitality beyond economic factors.

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Luke Sims

DATE: January 7, 2026

SUBJECT: BOA Application Considerations for 01/07/2026 Meeting

Applicant: Crystal Hegge

The Proposal:

Applicant is proposing the continued use of the property as a triplex, with the an adjustment to the conditions for approval to remove the owner-occupancy requirement..

43.02.23 Table 43-3 which requires 9,000 square feet of lot area and 70 feet of frontage for a triplex; and

43.02.24 Table 43-4 which requires a 12 foot (12') side yard setback; and

43.03.22 (A) Table 43-17 which requires two parking spaces per residential unit;

Applicant has received a variance for the above elements dated April 5, 2017 (#17-5-V) with the condition that the property be owner-occupied and supply five (5) off-street parking spaces. The property has 8,400 square feet of lot area and 60 feet (60') of frontage. The existing building has an eight foot (8') westerly side yard setback. The existing parking supplied is five (5) off-street parking spaces. Applicant is seeking approval with the removal of the owner-occupancy condition from that approval.



Aerial view showing the subject property (outlined in green) and surrounding area.

The property in question has been a multi-family property in variance configurations since at least 1985 ranging from six units to its current configuration as a triplex.

CITY OF WINONA PROTECTIVE INSPECTION DIVISION CERTIFIES THAT A Housing Certificate							
<small>HAS BEEN ISSUED TO THE DWELLING DESCRIBED HEREIN, WHICH MEETS THE REQUIREMENTS ESTABLISHED FOR THE SAFE AND SANITARY MAINTENANCE OF DWELLINGS BY CHAPTER 33-A OF THE WINONA CITY HOUSING CODE; RENTAL PROPERTY CODE.</small>							
<small>DWELLING LOCATION <u>174 E. 5th</u></small>							
<small>MAXIMUM APPROVED OCCUPANCY</small>							
LOCATION DWELLING UNIT ROOMING UNIT	1st	2nd	2nd	2nd	2nd	2nd	
	4	SW	NW	NE	ENE	SE	
	1	1	1	1	1	1	
<small><i>Certificate is subject to maintenance requirements and approved unit occupancy limitation, including owners family (if applicable).</i></small>							
<small>Certificate Issued <u>10-10-85</u></small>							
<small>Certificates Expires: <u>10-10-90</u></small>							
							

1985 Rental License for 174 East 5th Street showing multi-family nature of property with non-owner occupancy

CITY OF WINONA
PROTECTIVE INSPECTION DIVISION
 CERTIFIES THAT A
RENTAL HOUSING LICENSE

OFFICE COPY

HAS BEEN ISSUED TO THE DWELLING HEREIN, WHICH MEETS THE REQUIREMENTS
 ESTABLISHED FOR THE SAFE AND SANITARY MAINTENANCE OF DWELLINGS BY
 CHAPTER 33-A OF THE WINONA CITY HOUSING CODE; RENTAL PROPERTY CODE.

DWELLING LOCATION 174 East Fifth Street PARCEL NUMBER #32-000-2350

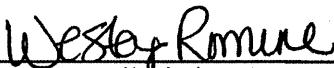
LOCATION	Efficiency									
	1st Fl	1st - Bsmt	2nd Fl							
DWELLING UNIT	Owner	*5	*6							
ROOMING UNIT										

License is subject to maintenance requirements and approved unit occupancy limitation.

Per Variance #17-5-V, Must be owner occupied with 5 parking spaces. *Zoning Limitations - 3 Unrelated.

License Issued: 10/3/2025

License Expires: 9/21/2030


 Wesley Romine
 Housing Inspector

2025 Rental License for 174 East 5th Street showing existing multi-family configuration with owner-occupancy

VARIANCE CRITERIA GUIDANCE

The underlined questions below represent the required statutory criteria, pursuant to Minn. Stat. § 462.357, subd. 6, and Winona City Code, Section 43.06.27, subsection E)1) a)-f), which must be considered and answered affirmatively in order for the BOA or the City Council, as applicable, to grant a variance application. For purposes of establishing a record, a majority of the members of the applicable governing body must agree upon the answers given to each question below.

The following guidance is intended to assist each governing body, as applicable, in developing its written findings on each of the below underlined statutory and City Code based criteria contained in Winona City Code, Section 43.06.27, subsection E)1) a)-f):

Considerations related to Board of Adjustment Variance Criteria are provided below:

GENERAL CRITERIA:

- a) Is the variance in harmony with the purposes and intent of the ordinance?

Some of the more common purposes and intent of zoning ordinances, which may be considered in evaluating this criterion include, but are not limited to, the following:

- i. To promote the public health, safety, morals, comfort and general welfare;
- ii. To conserve and protect property and property values;
- iii. To secure the most appropriate use of land; or
- iv. To facilitate adequate and economical provisions for public improvements.

Staff's Analysis

The lot area minimums and side yard setbacks were developed under the guidance of the 1959 Master Plan for Winona which recommended larger setbacks than typical of Winona City lots and larger lot area minimums to promote lower density residential development. Explicitly the plan calls for the variance procedure as the appropriate process for remedying existing lots not meeting the standards set forth in that document.

*"Finally, it is recognized by the Regulations that there may be exceptional situations where the strict application of the general standards or requirements may cause practical difficulty or undue hardship. In such cases, the City Planning Commission [Board of Adjustment] would be **expected to vary the rules** to relieve such hardship or difficult, provided the review may be granted without substantial detriment to the public good or without impairing the desirable general development to the neighborhood and community."*

1959 Master Plan Volume I & II page 133, emphasis added

The City's existing standards, as adopted from the 1959 Master Plan are no longer in harmony with the public healthy, safety, morals, comfort, and general welfare of the community as expressed in the recently-adopted 2045 Comprehensive Plan. The standards as expressed in the former document and later adopted as ordinances by the City were never reflective of the existing built pattern of Winona and not intended to be so and the variance procedure was the appropriate process to address those standards for applicability.

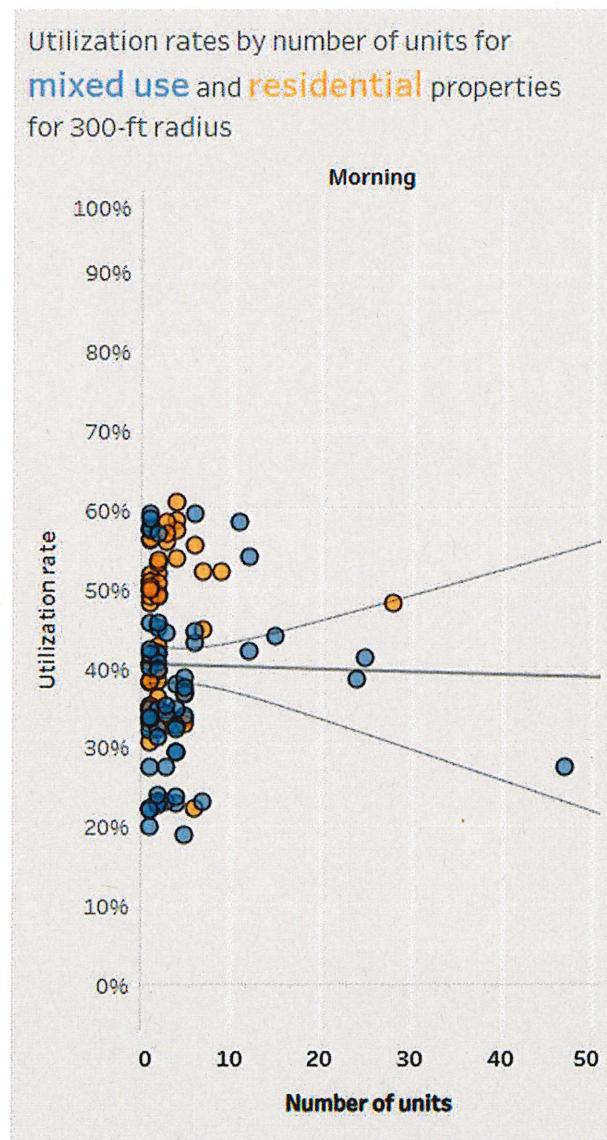
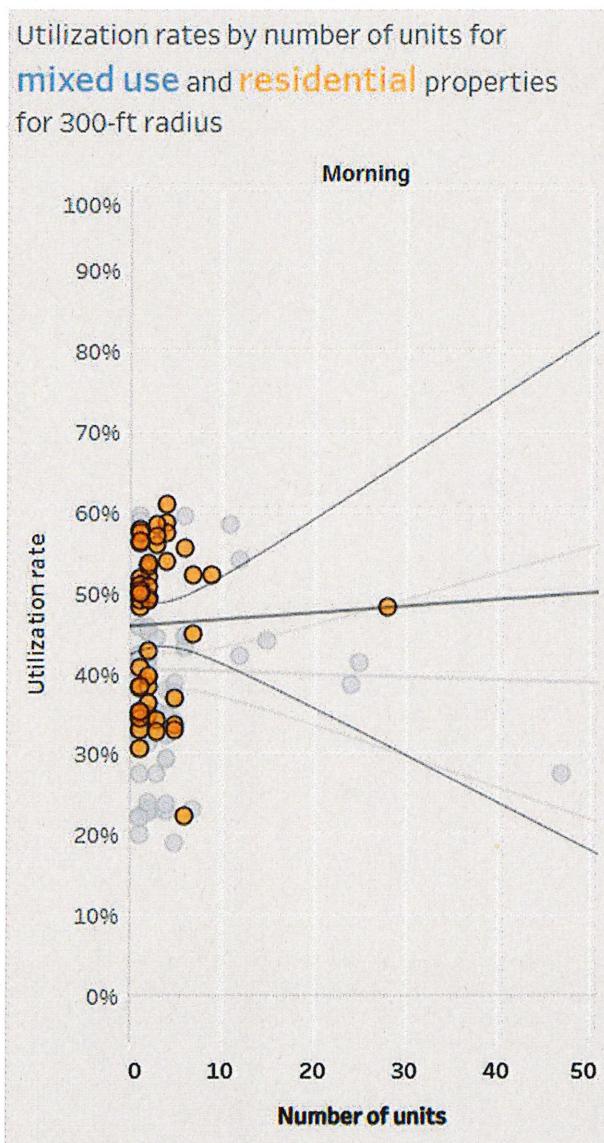
Below is an example from the 1919 Sanborn Fire Insurance Map showing the varied historical development pattern of this specific block and surrounding area, including multi-family development on single platted lots as consistent with the original development of this property and its ongoing use. (subject property outlined in red)



Parking utilization rates and applicability of parking minimums in this specific area of Winona have been studied dozens of times since 2018 and indicate that there is no statistically significant impact of parking minimums on the utilization of publicly available parking supply.

Below is an analysis of the applicability of parking minimums on the utilization of publicly available parking based on properties, including this property, in the surrounding parking study analysis. The P-value for morning parking in the 300' radius is .854 which indicates that parking minimums do not have a statistically significant impact on the utilization of the publicly available parking supply. Strictly residential properties retain a high P-value of .807 which also indicates that parking minimums do not have a statistically significant impact on the utilization of the publicly available parking supply.

Morning counts are used as a proxy for residential utilization as cars are counted there they "spent the night" and prior to departure for the work day time period.



Removing the owner-occupancy requirement as requested by the applicant will not detrimentally affect the public health, safety, morals, comfort and general welfare; will not detrimentally affect property values as it retains its existing multi-family configuration; will help secure the continued appropriate use of land for this R-3 zoned property and would facilitate further flexible use of the property; and would not affect the adequate and economical provisions of public improvements.

b) Is the variance consistent with the Comprehensive Plan?

- i. What is the future land use category for the subject property?
- ii. Does the request align with this category and other provisions of the Comprehensive plan?

Staff's Analysis

The Future Land Use Map designates this area as Urban Neighborhood. The intent of the Urban Neighborhood Land Use designation is to allow for a mix of housing options, including smaller scale apartment buildings such as the three-unit building under consideration.

In this instance the property in question is supported by the Comprehensive Plan's Future Land Use Map.

Allowing smaller-scale housing densities in the Urban Neighborhood and "Missing Middle" densities, like this three-unit building, are explicitly supported in the Comprehensive Plan. Specifically, three-unit buildings like this are called upon to allow up to three homes (which this property provides) per typical City lot. As this property retains its three-home configuration through this variance, the property would continue to align with the City's adopted Comprehensive Plan's goals.



Urban Neighborhood (UN)

Future Land Use Character/Design	Residential areas with a mix of higher densities and building heights. May include areas currently characterized by low to middle density residential. Buffers and/or gradual transitions in scale between new higher density housing and existing low to middle density housing
Desired Mix of Uses	Mix of housing options including middle density housing types: <ul style="list-style-type: none"> » Townhomes/rowhomes » Larger and smaller scale apartment buildings, including student housing » Live-work buildings Neighborhood parks, schools, public and semi-public institutions, smaller scale commercial, and home businesses are allowed uses
Appropriate Locations	Areas adjacent to and/or well-connected to parks, schools, open space, shopping, downtown, services, and transit

Objective: 5.3 Allow a diversity of housing types

Implementation Strategies:

		Phasing	Lead and Coordinating Agencies
5.3.1	Allow flexibility on typical city lots for up to three homes per lot.	S	
5.3.2	Allow flexibility on all city lots for up to two homes per lot.	S	
5.3.3	Encourage owner-occupied single-family conversions to duplexes or triplexes.	O	Planning Commission
5.3.4	Allow a variety of housing types in new residential subdivisions.	O	Community Development Department
5.3.5	Relax lot size and building/yard dimension standards where adjacent to different zoning districts.	S	

Land Use & Development Goal 5, Objective 5.2, Strategy 5.3.1

The removal of the owner-occupancy requirement from the previous variance will not have an affect on the property's consistency and compliance with the Comprehensive Plan.

PRACTICAL DIFFICULTIES CRITERIA:

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

- i. Would the request put the property to use in a reasonable way but cannot do so under the present zoning rules contained in the ordinance?
- ii. This criterion does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of this factor is whether the request to place a building there is reasonable. For example, is it reasonable to put a building in the proposed location?

Staff's Analysis

The existing three-unit configuration will not be affected by the proposed variance and removal of the owner-occupancy requirement. The property already exists in this configuration and will retain its reasonable use at this location.

The core land use (three residential homes in one building) is not affected by the owner-occupancy requirement currently imposed through the previous variance.

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

- i. Are there unique physical characteristics of or conditions present on the subject property not caused by the landowner?
- ii. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner (i.e. size of the lot, shape of the lot, layout of the building, topography, trees, wetlands, etc.). For example, when considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees?

Staff's Analysis

The property's non-compliance with the existing standards as adopted based on the mid-20th Century considerations of the 1959 Master Plan was specifically intended to be remedied through the variance procedure, including the ongoing implementation of uses on the historically platted lots of Winona which were considered small(er) lots than desired.

Based on that historic context, the ongoing multi-family use of the property and surrounding area dating back to at least 1985 and 1917, respectively, the property retains its important use as a "missing middle" density housing option in the core of the City of Winona.

The variances previously approved and requested with the lifting of the owner-occupancy requirements will further enhance the ongoing physical characteristics of the property as one of the remaining originally-platted lots in the area.

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

- i. If granted, will the use of the land or the structure be of appropriate scale, in a suitable location, or otherwise be consistent with the surrounding area?
- ii. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Staff's Analysis

If granted, the variance will further enhance the flexibility of the property in fulfilling its role as a smaller-scale "missing middle" housing option in the core of Winona. The land use and structure itself and its siting on the property as both appropriate and in scale with the surrounding area, which includes a mixture of multi-family options and siting characteristics consistent with the traditional development pattern of Winona.

The traditional development pattern of Winona is intended to be re-legalized based on the adopted goals of the 2045 Comprehensive Plan while the existing standards as proposed in 1959 are intended to be remedied by the variance procedure.

There will be no changes to how the property interacts with the surrounding area, should the owner-occupancy requirement be lifted.

ECONOMIC CONSIDERATIONS:

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

- i. State law provides that economic considerations alone do not create practical difficulties. Rather, practical difficulties exist only when all of the above Practical Difficulties Criteria c), d), and e) are met.
- ii. If there are not affirmative answers to all of the criteria / questions a) through e) above, then in that event, the application must be denied for failure to meet the required criteria.

Staff's Analysis

If the findings of questions c-e are affirmative this criterion is satisfied. The applicant has stated that there are ownership changes that necessitate the proposed lifting of the owner-occupancy requirement.

BOARD OF ADJUSTMENT
Regular Meeting

DATE: **December 3, 2025**

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

PLACE: **City Council Chambers, City Hall**

PRESENT: **Breza, Buege, Hahn, Krofchalk, Murphy, Sanchez, Slavey**

ABSENT: **None**

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

Jon Krofchalk made a motion to approve the minutes from November 5, 2025. The motion was seconded by Tim Breza. All were in favor of approving the minutes.

Chairman Sanchez opened the public hearing and read the petition:

Petition No. 25-28-V, Ashley & Angela Gorka

Ashley & Angela Gorka – City Code Section 43.03.72 L(3) which limits the number of guests in a short-term rental to 1 guest per 1,500 square feet of lot area. Applicant wishes to establish a short-term rental for 4 guests on a 3,185 square foot lot. An Interim Use Permit (IUP) has already been approved for the overall short-term rental use, but a variance is needed to rent to more than 2 people. Property is described at R-3 zoning, Sect-23, Twp-107, Range-007, Lairds Addition, Lot-011, Block-008, WLY 22.75', or located at 420 East Third Street.

Ashley Gorka, 416 East Third, addressed the Board. Mr. Gorka said he and his wife live adjacent to the house next door at 420 East Third Street and they share the lot. Mr. Gorka said they are looking to increase the number of occupants. Mr. Gorka said they did get the approval to have an Airbnb from the Planning Commission. Mr. Gorka said they are just asking to increase the number of occupants, and there is plenty of room already within the house.

Jon Krofchalk commented about their only being one bedroom and having a murphy bed in another room, how did that work with four adults. Mr. Gorka said it would be a queen-size bed and they were only going to have their short-term rental with two adults and two children.

Chairman Sanchez asked about the rules and it being a short-term rental if there were rules when it came to being related or non-related. Chad Sommer, Building

BOARD OF ADJUSTMENT MINUTES

December 3, 2025

PAGE 2

Official, said that if the children are under a certain age then they are not counted as an occupant, otherwise, it wasn't different from a regular rental with the related and unrelated.

Ed Hahn asked Mr. Gorka if he was only planning on renting to families with children and Mr. Gorka said yes.

There being no further questions from Board members, Chairman Sanchez asked if there was anyone from the public that wanted to speak. There being no one who wanted to speak, Chairman Sanchez closed the public hearing and opened it up for discussion.

The Board then went through the variance finding questions.

The Proposal:

Applicant is proposing a short-term rental with a maximum occupancy of four people. The applicant received an Interim Use Permit (IUP) from the Planning Commission on November 10, 2025, which included approval for up to four persons subject to a variance. This would be consistent with the maximum occupancy of the property based on inspection of the interior living space.

43.03.72 (L)(3) limits the number of guests in a short-term rental to one (1) guest per 1,500 square feet of lot area. The applicant wishes to establish a short-term rental for four (4) guests on a 3,185 square foot lot. The current maximum pursuant to the code is two (2) guests.



Aerial zoning map showing 420 East Third Street highlighted in green

BOARD OF ADJUSTMENT MINUTES

December 3, 2025

PAGE 3

VARIANCE CRITERIA GUIDANCE

The underlined questions below represent the required statutory criteria, pursuant to Minn. Stat. § 462.357, subd. 6, and Winona City Code, Section 43.06.27, subsection E(1) a)-f), which must be considered and answered affirmatively in order for the BOA or the City Council, as applicable, to grant a variance application. For purposes of establishing a record, a majority of the members of the applicable governing body must agree upon the answers given to each question below.

The following guidance is intended to assist each governing body, as applicable, in developing its written findings on each of the below underlined statutory and City Code based criteria contained in Winona City Code, Section 43.06.27, subsection E(1) a)-f):

GENERAL CRITERIA:

a) **Is the variance in harmony with the purposes and intent of the ordinance?**

Some of the more common purposes and intent of zoning ordinances, which may be considered in evaluating this criterion include, but are not limited to, the following:

- i. To promote the public health, safety, morals, comfort and general welfare;
- ii. To conserve and protect property and property values;
- iii. To secure the most appropriate use of land; or
- iv. To facilitate adequate and economical provisions for public improvements.

Staff's Analysis

The intent of the ordinance at 43.03.72 (L)(3) is to ensure that the maximum number of guests does not have an undue impact or overwhelm a given property's size and ability to accommodate guests adequately. The standard of one (1) guest per 1,500 square feet tends to make it difficult for smaller properties, like this 22.75'x140' lot, to have even moderate numbers of short-term guests even if the actual residential structure can accommodate them.

The Planning Commission in its review did not have concerns related to the public safety, health, morals, comfort and general welfare in allowing the changes capacity to move forward. The Planning Commission has also not received any complaints that would negatively impact the property and property values of the surrounding area for any short-term rental use in the City since enactment of its Interim Use Permit process which is reviews for every residentially zoned short-term rental. Short-term rentals remain an appropriate

BOARD OF ADJUSTMENT MINUTES

December 3, 2025

PAGE 4

use of the land and the property has already received IUP approval from the Planning Commission reflecting this.

The Board members agreed on the lot size, and it was zoned properly.

b) Is the variance consistent with the Comprehensive Plan?

- i. What is the future land use category for the subject property?
- ii. Does the request align with this category and other provisions of the Comprehensive plan?

Residential/Neighborhood Land Uses



Traditional Neighborhood (TN)

Future Land Use Character/Design	<p>Residential areas characterized by a grid street pattern. Typical lots have a narrower dimension oriented to the street frontage. Homes are typically located relatively close to the street with detached garages located behind, many accessed by alleys. Neighborhoods generally provide residents with walkable access to parks, schools, public and semi-public institutions, and neighborhood-scale businesses</p> <p>1-4 unit homes are typically the most common but a broader mix of middle density housing types is allowed. The greatest mix of housing types is encouraged near neighborhood amenities (parks, schools, institutions, neighborhood-scale commercial)</p> <p>Limited design standards may be appropriate for some housing types and non-residential uses to promote compatibility</p>
Desired Mix of Uses	<p>Mix of housing options including middle density housing:</p> <ul style="list-style-type: none">» Single-unit detached homes» Courtyard cottages» Duplexes and twinhomes» Triplexes and quads» Townhomes/rowhomes» Smaller scale apartment buildings <p>Neighborhood parks, schools, public and semi-public institutions, small-scale commercial and home businesses are allowed uses</p>
Appropriate Locations	<p>Generally all residential neighborhoods north of Hwy 61. Also appropriate for neighborhoods south of Hwy 61 with less environmental constraints and that can be designed with a grid street pattern</p>

Staff's Analysis

The Comprehensive Plan designates this area as Traditional Neighborhood which allows for a mix of housing options, which can include "medium density" options.

Additionally, small-scale commercial and home businesses are allowed in the Traditional Neighborhood.

The allowance of a slight increase in the calculated maximum occupancy for a short-term rental will not be inconsistent with the Comprehensive Plan's goals in this area, nor will it impact the Comprehensive Plan.

The Board members agreed it will be put to good use.

BOARD OF ADJUSTMENT MINUTES

December 3, 2025

PAGE 5

PRACTICAL DIFFICULTIES CRITERIA:

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

- i. Would the request put the property to use in a reasonable way but cannot do so under the present zoning rules contained in the ordinance?
- ii. This criterion does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of this factor is whether the request to place a building there is reasonable. For example, is it reasonable to put a building in the proposed location?

Staff's Analysis

The increased maximum occupancy is consistent with the inspected maximum occupancy of the residential structure itself.

The Planning Commission has reviewed the overall IUP application and found it to adequately meet the code as required, including subject to a variance approval for this occupancy increase.

The Board members agreed no change to the property.

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

- i. Are there unique physical characteristics of or conditions present on the subject property not caused by the landowner?
- ii. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner (i.e. size of the lot, shape of the lot, layout of the building, topography, trees, wetlands, etc.). For example, when considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees?

Staff's Analysis

The property is a typical small lot in Winona and is smaller than approximately 88% of other platted lots in the community. The small lot makes the calculation requirements for an IUP difficult to meet despite the ability to adequately provide safe housing as inspected by the Inspections Division.

BOARD OF ADJUSTMENT MINUTES

December 3, 2025

PAGE 6

The board members agreed with the lot size.

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

- i. If granted, will the use of the land or the structure be of appropriate scale, in a suitable location, or otherwise be consistent with the surrounding area?
- ii. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Staff's Analysis

The use of the land will continue as residential property.

The overall scale of the property will remain the same.

The IUP has already been approved for this location as a suitable use in the existing structure.

The Board members agreed no change to the lot.

ECONOMIC CONSIDERATIONS:

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

- i. State law provides that economic considerations alone do not create practical difficulties. Rather, practical difficulties exist only when all of the above Practical Difficulties Criteria c), d), and e) are met.
- ii. If there are no affirmative answers to all of the criteria / questions a) through e) above, then in that event, the application must be denied for failure to meet the required criteria.

Staff's Analysis

The preceding elements discussed in this staff report indicate that the General Considerations are met by the proposed variance application. Staff's analysis also indicates that the smaller lot in question may be considered a practical difficulty when compared against the general calculation of maximum occupancy for short-term rentals.

Jon Krofchalk made a motion to approve the variance request and approve Staff findings. The motion was seconded by Travis Buege. The request was unanimously approved.

BOARD OF ADJUSTMENT MINUTES

December 3, 2025

PAGE 7

The Petitioner was informed there was a ten (10) day appeal period at which time no action could be taken on the petition.

ADJOURNMENT

There being no further business to come before the Board, Tim Breza made a motion to adjourn, and it was seconded by Aaron Slavey. The meeting was adjourned at 5:10 p.m.



Chad Sommer
Secretary