AGENDA

City of Winona
Board of Adjustment

DATE: Wednesday, January 21, 2026
TIME: 5:00 P.M.
PLACE: 3rd Floor, City Council Chambers

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1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**
   January 7, 2026

3. **NEW BUSINESS**

   A. **Applicant: Andy Loos**
   Parcel Address: 177 Mankato Avenue

   City Code Section: 43.02.24 Table 43-4 which requires a 25' front yard, a 12' side yard, and a 40' rear yard for a two-story triplex in a Mixed-Use Neighborhood (MU-N) zoning district adjacent to a R-2 zoning district.

   Nature of Request: Applicant wishes to convert a long vacant building from a single-family structure to a triplex certified for a maximum of 6 people. Building has an 11' front yard, a 3' side yard, and a 20' rear yard setback.

4. **OTHER BUSINESS**

5. **ADJOURNMENT**

PUBLICATION NOTICE: Wednesday, January 7, 2026

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) Andy Loos - City Code Section 43.02.24 Table 43-4 which requires a 25' front yard, a 12' side yard, and a 40' rear yard for a two-story triplex in a Mixed-Use Neighborhood (MU-N) zoning district adjacent to a R-2 zoning district. Applicant wishes to convert a long vacant building from a single-family structure to a triplex certified for a maximum of 6 people. Building has an 11' front yard, a 3' side yard, and a 20' rear yard setback. Property is described as MU-N zoning, SECT-25 TWP-107 RANGE-007 HAMILTON ADDITION LOT-012 BLOCK-037 EX: WLY 57.74' BLOCK-037 EX: WLY 57.74' or located at 177 Mankato Avenue.

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 21, 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 16, 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

Dear Variance Board Members,
My name is Andy Loos, and I am looking to convert 177 Mankato St. from a single family to a Tripex. Below are the key reasons:

- Zoning: The area is a mixed-use neighborhood (MU-N) zoning district. This is a location where we would want to see more housing units. It is on a busier street on a corner lot. It would be a great location for a multi-unit housing building.

- Comp. Plan: Land use (Neighborhood Mixed Use) supports medium density housing. Legal description: **Lot** Twelve **(12),** in **Block Thirty-**seven **(37), of Hamilton's** Addition **to** the **(now) City of Winona, except the Westerly 57.74** feet of **said Lot Twelve (12), according to the recorded and accepted** plat **thereof** on **file and** of **record** in **the office** of **the Register** of **Deeds in and for** said **County of Winona, State** of Minnesota.

- Reasonable: I'm looking to certify this house for 6 unrelated tenants. While certified for 6 tenants, the actual occupancy is likely to be lower. With it being a corner lot, there is good parking availability. I am planning to do 2 - 2 bedroom apartments and a 1 bedroom apartment.

- Unique building: The interior of the building is already set up for a triplex with no add-on additions needed.

- Character: WIth the building being on the corner, it is unlikely to negatively impact the parking situation. The use of this vacant building will contribute to the character of the area.

Thank you!
Andy Loos


0.14 Ac
0.07 Ac
0.15 Ac
0.07 Ac
177
Mankato
WINONA
MU-N
0.08 Ac
Future
Parking
Area
Mankato Ave
E 4th St

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Carlos Espinosa

DATE: January 21, 2026

SUBJECT: **BOA Application Considerations for 1/21/26 Meeting**

Applicant: Andy Loos – 177 Mankato Avenue

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

1) **Are the variances in harmony with the purpose and intent of the ordinance?**

   The variances will facilitate renovation of a long vacant structure into a triplex certified for a maximum of 6 people. The property is located in a Mixed-Use Neighborhood (MU-N) zoning district which was created to facilitate reasonable increases in density like this proposal. Additionally, the property is a corner lot on an arterial street (Mankato) and has been vacant for 15+ years. There is also space for off-street and on-street parking. As such, the variances support property values, secure an appropriate use of the land, and promote public health, safety, and welfare by facilitating the construction of three new housing units.

2) **Are the variances consistent with the Comprehensive Plan?**

   The Comprehensive Plan designates this area for mixed use and low-rise multi-unit housing development. The proposed development is thus in-line with guidance from the Comprehensive Plan.

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

The proposal appears to be reasonable given a maximum certification of 6 people, location of the property on the corner of a busy street, and ample room for parking.

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

The property has been vacant for 15+ years. Additionally, the internal layout of the home is conducive for a triplex with no exterior additions needed.

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

The maximum 6 person occupancy will help retain the character of the locality. Also, creation of three new housing units will contribute to the character of the area given this property has been vacant for a long time.

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

If the findings of questions 3-5 are affirmative this criterion is satisfied.

BOARD OF ADJUSTMENT
Regular Meeting

DATE: **January 7, 2026**

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

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

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

ABSENT: **Hahn**

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

Tim Breza made a motion to approve the minutes from December 3, 2025. The motion was seconded by Jon Krofchalk. All were in favor of approving the minutes.

Chairman Sanchez opened the public hearing and read the petition:

Petition No. 26-1-V, Pete Schwab

> 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.

Jason Woodhouse, 211 11th Ave NW, Rochester, MN, Architect at CRW Architecture spoke on behalf of Schwab Construction who is the applicant. Mr. Woodhouse said they are working on a field house/indoor athletic field with Cotter Schools located at the former Lourdes Hall site, 457 Gould Street, which will be around 114,000 square feet. Mr. Woodhouse said the height-variance request is for clearance within the building to accommodate the athletic use. Mr. Woodhouse said there will be an area for a turf field which will be about 50,000 square feet and an indoor track/volleyball/basketball court which will also be about 50,000 square feet. Mr. Woodhouse said the additional height is required to safely accommodate the intended athletic uses. Mr. Woodhouse said the new building will be lower in height than the Lourdes Hall building was.

Mr. Woodhouse said the facility would serve both Cotter Schools campus and the broader Winona community.

Jon Krofchalk asked Mr. Woodhouse how long they had their plans and Mr. Woodhouse said they had just started on the plans and are currently working on the design.

Tim Breza asked Mr. Woodhouse about the comment he made that the facility would serve the campus and the broader community and as a broader community do you have to be an active participant or would it be designed for spectators and Mr. Woodhouse said the facility would be opened to the public as a walking track, but you would have to be an active participant to use the other facilities. Mr. Breza stated, since there would be no room for spectators and since it wasn't designed for spectators, as a broader community how would they use it as an active participant and Mr. Woodhouse said it could be used by the broader community as a training facility or for practice. Mr. Woodhouse said there will be a multi-purpose space on the east that maybe could be rented out.

There being no further questions from the Board, 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 went through the variance finding questions as considered by Staff.

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.

   The Board agreed yes, it is in harmony with purpose and intent. Jon Krofcahlk said it was school property and owned by the school and it was going to be used for a practice facility, so he felt it was a reasonable request. Jim Murphy agreed.

   The board agreed to it being a reasonable use.

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.

The board agreed it was consistent with the Comprehensive Plan. Jim Murphy said the Comprehensive Plan shows it being designated for semipublic or institutional and it was going to being used for that.

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.

The Board agreed to it being used in a reasonable manner. Aaron slavey said existing buildings are taller than this one will be.

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.

The Board agreed to no change; it's a school campus.

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.

The Board agreed that other buildings are similar. Jon Krofchalk commented it was a school campus and it's consistent with 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.

Jon Krofchalk made a motion to approve the petition and the Staff findings, and it was seconded by Travis Buege. The request was unanimously approved by all Board members.

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

Petition No. 26-2-V, Crystal Hegge

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.

Crystal Hegge, 408 Bennett Ave, Minneiska, MN addressed the Board. Ms. Hegge said she would like to have the owner-occupied status removed from the rental license at 174 East Fifth St. Ms. Hegge said she and her husband purchased the house in 2012, and they rented out the house and also lived there. Ms. Hegge said because of her divorce, she bought a different house, and she was no longer able to maintain the one at 174 East Fifth as an owner-occupied rental.

Jon Krofchalk asked Ms. Hegge why she didn't sell the property, and Ms. Hegge said she would rather not. Ms. Hegge said part of the divorce is that she keeps the property. Ms. Hegge said the home is the only property on the block that has a requirement that it be owner occupied.

Chairman Sanchez asked what it was before it was a triplex and Ms. Hegge said it was an owner-occupied home with boarding rooms. Chairman Sanchez asked if there were apartments in it when it was purchased and Ms. Hegge said no there were not any apartments, just boarding rooms.

Aaron Slavey asked Ms. Hegge about her commenting it being the only property that was required to be owner occupied and he wanted to know if it was on that block and Ms. Hegge said yes. Ms. Hegge said half of the block was Valley View Towers and it's a high-density area which was exempt from the 30% rule. Ms. Hegge said her property was right behind Valley View Towers and she felt having one property on the block with an owner-occupied requirement, it wasn't favorable and it didn't meet the standards for a high-density zoning area that the Comprehensive Plan was trying to achieve.

Jon Krofchalk asked how that was. Mr. Krofchalk stated that if it was owner occupied you would have the same density if it's rented as a triplex and Ms. Hegge said right now the one apartment with the owner-occupied status would not be used.

Chaiman Sanchez asked Ms. Hegge if the other houses on the block were rentals and Ms. Hegge said the house close to Midtown by the alley was not and the house with the skinnier lot was not as well.

Jon Krofchalk and Aaron Slavey asked Carlos Espinosa, Senior Planner, City of Winona, what the difference was with a home being an owner-occupied duplex or triplex or just as a duplex or triplex alone. Mr. Espinosa said a lot of times when you own a home, you want to live in it and rent it out, so you make it a stipulation as an owner-occupied rental. Mr. Krofchalk commented that it was a way to have shared expenses and Mr. Espinosa said that was correct.

Carlos Espinosa answered the question that was brought up by Chairman Sanchez as to how many rentals were on the block and there were two non-certified rentals on the block.

Aaron Slavey asked if owner occupied is still required with some duplexes and triplexes and Carlos Espinosa said it was not a requirement but if someone decided that they wanted to add on a unit, then owner occupied could be added as a restriction.

Jon Krofchalk asked if someone could come back later and change the owner-occupied restriction and Carlos Espinosa said they could. Mr. Espinosa said it had to do with concerns from neighbors and the neighborhood about an additional unit being added and he felt the neighborhood it's in and the surrounding area all came into play with the restriction and in this case the surrounding area and neighborhood had to do with this request, and each one was a different situation.

Travis Buege asked about the garage if it was used by tenants or for storage and he wanted to know if the tenants would be able to use it or if it was only for the owner-occupied unit and if that was removed could it be used by other tenants. Ms. Hegge said it could be used. Ms. Hegge said there were five parking spaces, and they could be utilized by everyone. Mr. Buege wanted to be clear and asked if the tenants could use the garage and Ms. Hegge said they could use it.

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.

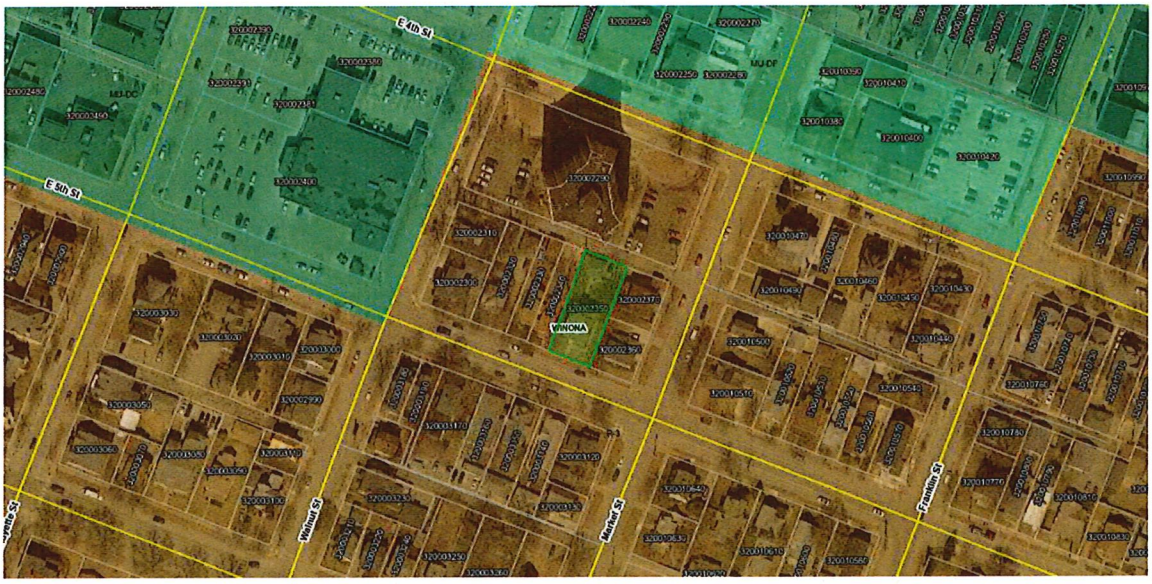
The Board went through the variance finding questions as considered by Staff.

The Proposal:

Applicant is proposing the continued use of the property as a triplex, with 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

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.

DWELLING LOCATION 174 E. 5th

MAXIMUM APPROVED OCCUPANCY

LOCATION	1st	2nd	2nd	2nd	2nd	2nd					
DWELLING UNIT	4	SW	NW	NE	ENE	SE					
ROOMING UNIT		1	1	1	1	1					

Certificate is subject to maintenance requirements and approved unit occupancy limitation, including owners family (if applicable).

Certificate Issued 10-10-85

Certificates Expires: 10-10-90

Housing Inspector

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

CITY OF WINONA

OFFICE COPY

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 NUMBE **#32-000-2350**

	Efficiency											
LOCATION	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**

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) <u>Is the variance in harmony with the purposes and intent of the ordinance?</u>

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 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

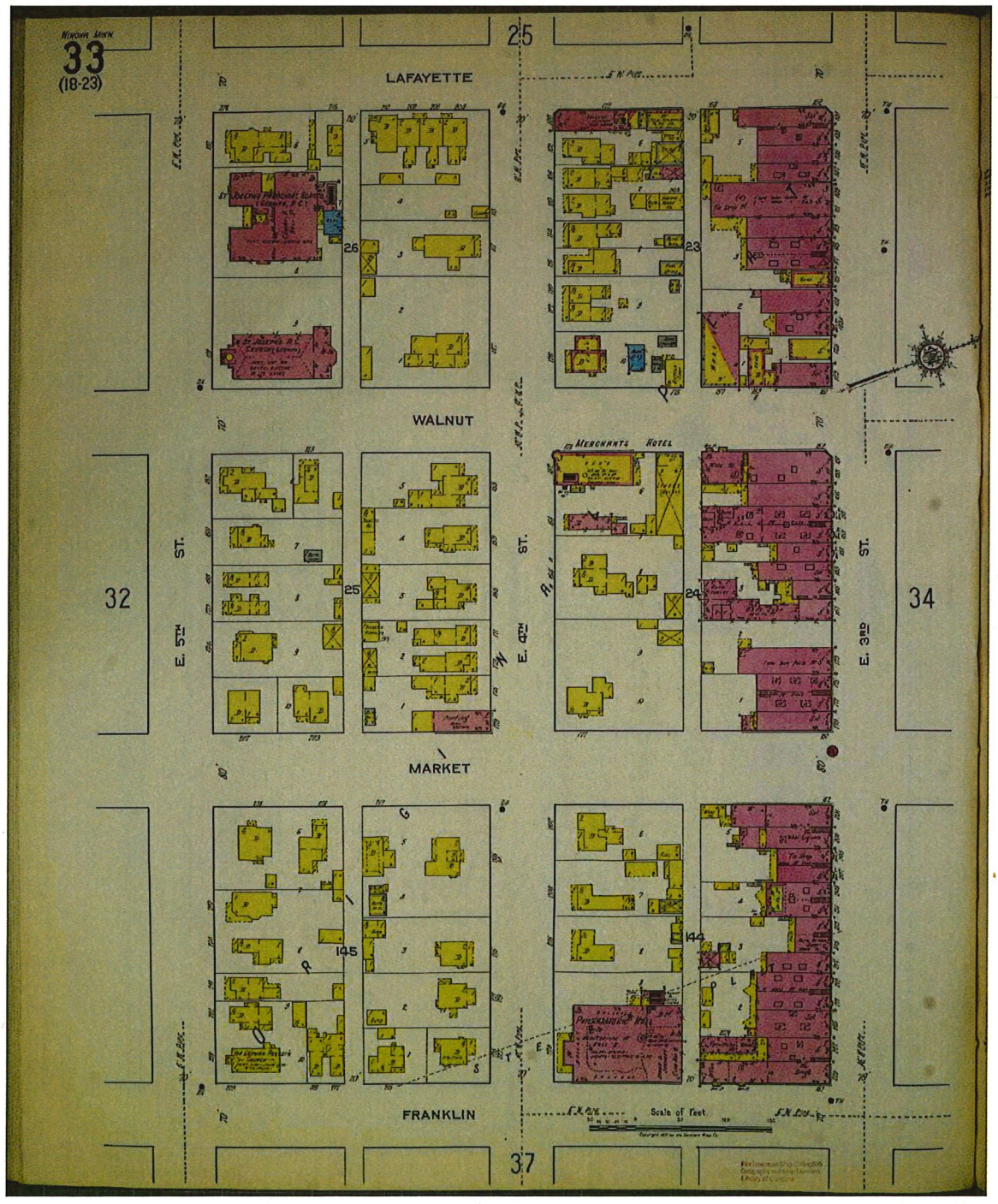
The lot area minimums and side yard setbacks were developed under the guidance of the 1959 Master Plan for Winona which recommended larger setbacks than typical of Winona City lots and larger lot area minimums to promote lower density residential development. Explicitly the plan calls for the variance 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 health, safety, morals, comfort, and general welfare of the community as expressed in the recently-adopted 2045

Comprehensive Plan. The standards 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.

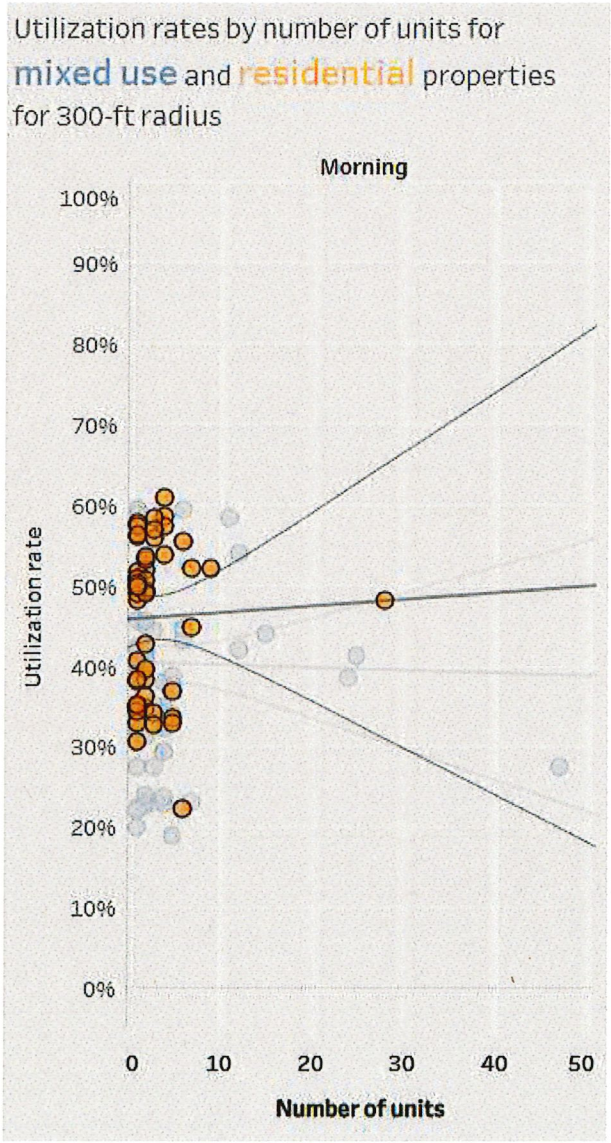
Below is an example from the 1919 Sanborn Fire Insurance Map showing the varied historical development pattern of this specific block and surrounding area, including multi-family development on single platted lots as consistent with the original development of this property and its ongoing use. (subject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

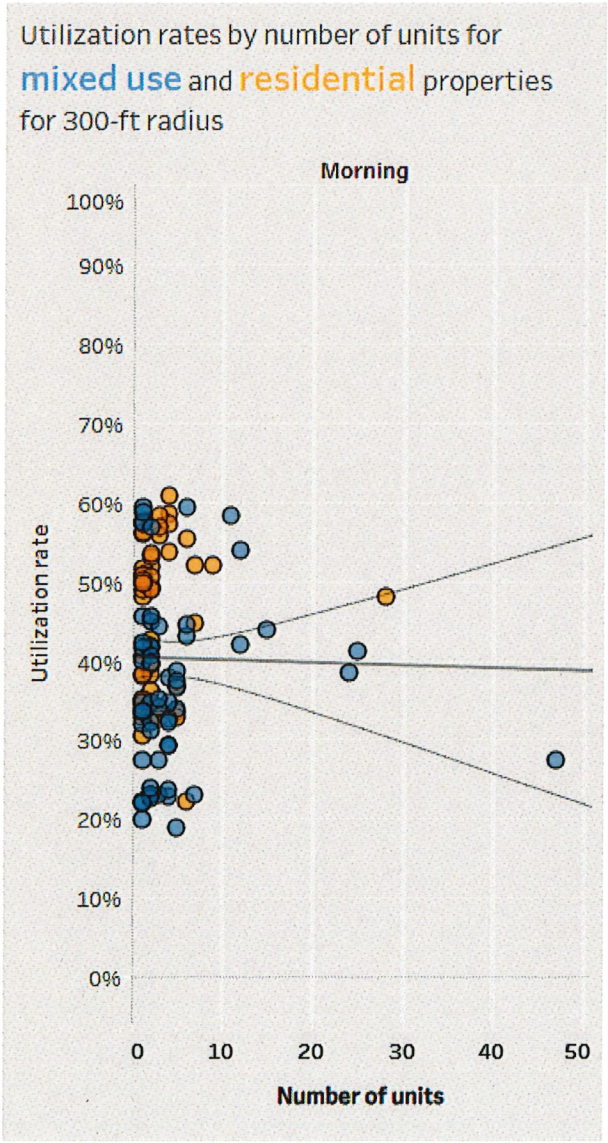


Parking utilization rates and applicability of parking minimums in this specific area of Winona have been studied dozens of times since 2018 and indicate that there is no statistically significant impact of parking minimums on the utilization of publicly available parking supply.

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 workday 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.

The Board agreed it was R-3 zoning.

b) <u>Is the variance consistent with the Comprehensive Plan?</u>

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.

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: » 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

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 as 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 will continue to align with the City's adopted Comprehensive Plan's goals.

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	**Planning Commission** Community Development Department
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	
5.3.4	Allow a variety of housing types in new residential subdivisions.	O	
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 influence the property's consistency and compliance with the Comprehensive Plan.

The Board agreed it was in an R-3 zoning.

PRACTICAL DIFFICULTIES CRITERIA:

c) <u>Does the proposal put property to use in a reasonable manner?</u>

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.

The Board agreed it was a functioning triplex.

d) <u>Are there unique circumstances to the property not created by the landowner?</u>

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 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.

The Board agreed on the lot size.

e) <u>Will the variance, if granted, retain the essential character of the locality?</u>

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 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 on 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.

The Board agreed there was no change to the property.

ECONOMIC CONSIDERATIONS:

f) <u>Are there other considerations for the variance request besides economics?</u>

i. State law provides that economic considerations alone do not create practical difficulties. Rather, practical difficulties exist only when all the above Practical Difficulties Criteria c), d), and e) are met.
ii. If there are no affirmative answers to all 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.

Jon Krofchalk stated he was not in favor of the property losing the owner-occupied status.

Jim Murphy said he was in favor of the request and commented there is such a need for housing and here you have one unit available and ready to be used.

Aaron Slavey made a motion to approve the petition and the Staff findings, and it was seconded by Jim Murphy. Tim Breza, Jim Murphy, Travis Buege and Aaron Slavey approved the request. Jon Krofchalk denied the request. The request was approved.

The Petitioner was informed that 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 5:45 p.m.

Chad Sommer
Secretary