



**WINONA COUNTY BOARD OF ADJUSTMENT MINUTES
FEBRUARY 16, 2023 – 1:00 PM**

1. Call to Order: Vice Chair Jordan Potter called the meeting to order at 1:01 p.m.

Board Members Present: Jordan Potter, Elizabeth Heublein, Kelsey Fitzgerald and Ed Walsh

Board Members Absent: Robert Redig

Others Present: Kay Qualley, Planning & Environmental Services Director; Eric Johnson, Zoning Administrator; Lew Overhaug, Planner; Olivia Luther, Planner; Stephanie Nuttall, Assistant Winona County Attorney and Anne Schwertel, Administrative Specialist

2. Pledge of Allegiance: The Pledge of Allegiance was recited.

3. Approval of Agenda: On motion of Ed Walsh and seconded by Kelsey Fitzgerald, the Board of Adjustment voted to approve the agenda. Vote: Yes – All (3).

4. Approval of the January 19, 2023, Minutes: On motion of Ed Walsh and seconded by Kelsey Fitzgerald, the Board of Adjustment voted to approve the minutes. Vote: Yes – All (3).

5. Petitions

Docket # BOA 02-16-23-01

To consider the petition of Clinton and Megan Kabele, who seek a Variance regarding the following:

- To allow a structure (wood shop) 90 ft. from the centerline of County Rd. 1 instead of the required 130 ft. in the Agriculture / Resource Conservation (A/RC) Zoning District pursuant to Chapter 10.4.7(2)(a), of the Winona County Zoning Ordinance.

Planner Lew Overhaug gave a PowerPoint presentation which included overview mapping exhibits of the parcel showing the proposed building locations in relation to the centerline setbacks, site plans with slopes and erosion control considerations, general site considerations, site photos and acknowledgement from Dresbach Township indicating “no comments” in regard to the request.

**Board of Adjustment member Elizabeth Heublein joined the meeting during the staff presentation.*

Ed Walsh asked questions regarding the proposed building site for the wood shop and dwelling as well as slope consideration on the parcel.

Vice Chair Jordan Potter asked if the petitioners wished to speak on behalf of their project.

49 Clint and Megan Kabele, of La Crescent, MN, spoke about their request for a variance. Clint Kabele
50 shared that he is the owner and sole employee of Westwood Carpentry LLC. The proposed intent for the
51 wood shop would be for operation of Westwood Carpentry, storage of materials and storage of an 18-foot
52 trailer. He needs a larger carpentry shop than what he currently has. The other partial use of the wood
53 shop would be in conjunction with their business, Vintage Rental LLC, for fabrication of rental items.
54 He's created several items already, such as tables, arbors, backdrops, etc. They have a storage place for
55 the Vintage Rental LLC business and will continue to utilize that space; those items will not be stored at
56 his wood shop nor would he meet with clients at this location. He does not intend to put up any signage
57 for either business at this location. They want to be sensitive to neighbors, so they intend to build to
58 blend in with the landscape and be consistent with other properties in the neighborhood. The wood shop
59 would be fully insulated to mitigate sound and he would comply with the MN Fire Code as well as any
60 insurance requirements. Any intermittent ventilation needed would be directed away from neighbors. The
61 requested size of the wood shop is the maximum needed so they may build smaller than the proposed
62 footprint.

63
64 Ed Walsh asked about the placement of the house and wood shop and the possibility of switching the
65 house to be closer to the road. Clint Kabele explained the slopes on the parcel and the fact that lesser
66 slopes are closer to the road, allowing for a larger area for a flat slab wood shop to be placed. Also, he
67 needs to be able to back up a large trailer to the wood shop. It worked better, to alleviate the need for
68 more excavation and land disturbance, for the wood shop to be located closer to the road.

69
70 On motion of Kelsey Fitzgerald and seconded by Ed Walsh, the Board of Adjustment voted to open the
71 public hearing. Vote: Yes – All.

72
73 Vice Chair Jordan Potter asked if anyone wished to speak for or against the petition.

74
75 Steve and Marilee Hedberg, of Winona County, spoke in opposition to the petition citing commercial
76 business operation concerns, questioned the possibility of livestock on the property, concerns of enough
77 vegetation between their neighboring properties and cautioned against building close to buried power
78 lines located on the parcel.

79
80 Clint and Megan Kabele, of La Crescent, MN, shared that they're aware of the power lines so the wood
81 shop will be distanced away from those. They also would like as much vegetation between their
82 properties as possible, they do not intend to remove that. They are not planning on outdoor storage, citing
83 security and protection from the elements concerns. The only livestock they currently own are 6
84 chickens.

85
86 Vice Chair Jordan Potter asked two more times if anyone wished to speak for or against the petition; no
87 response.

88
89 On motion of Elizabeth Heublein and seconded by Ed Walsh, the Board of Adjustment voted to close the
90 public hearing. Vote: Yes – All.

91
92 Planner Lew Overhaug shared that Planning & Environmental Services received the Dresbach Township
93 Acknowledgement form indicating "no comments" and have not received any additional comments from
94 them. The department received three neighbor comments, which were shared with the committee
95 members. The Winona County Highway Department reviewed the proposal and did not have any
96 concerns as presented.

97

98 Ed Walsh had questions regarding the order in which any approved structure is built on a property. Per
99 Lew Overhaug, the applicants may build the wood shop first as long as the house is permitted, which
100 would include a development certificate and a septic permit. Ed Walsh asked Lew Overhaug if there was
101 a specific provision in the zoning ordinance allowing for an accessory structure in existence when there
102 is no primary structure; Lew stated there is not. Development certificates are good for 5 years, with the
103 ability to extend 1 year. Planning & Environmental Services try to be flexible with applicants, and
104 conscious of homeowners being able to construct only a piece of their project at a time.
105

106 Vice Chair Jordan Potter stated he could see it being advantageous to have the accessory structure first
107 and to place the dwelling on a larger slope for a walkout. Planner Lew Overhaug explained the necessity
108 of an erosion control plan.
109

110 The Board of Adjustment discussed building the wood shop first and the practicality of having the
111 materials and tools on site for building the dwelling.
112

113 Elizabeth Heublein was curious about the reasoning for the pushback from neighbors as the applicants
114 plan to show respect to the neighborhood and have made an effort to be conscious of their concerns. The
115 Board of Adjustment discussed neighbor concerns and most have been addressed. Requiring the
116 applicants to buy more land does not seem to be an option.
117

118 On motion of Kelsey Fitzgerald and seconded by Elizabeth Heublein, the Board of Adjustment voted to
119 adopt the Findings of Fact and to approve the variance with the conditions as presented.
120

121 Vote: Yes – 3 (JP, EH, KF); No – 1 (EW). Motion passed.
122

123 Vice Chair Jordan Potter read aloud the Board of Adjustment Appeal to District Court.
124

125 **Findings of Fact:**
126

- 127 1. The variance request is in harmony with the intent and purpose of the ordinance.
128

129 *The proposed home and shed is on smaller steep wooded lot. Granting the petition will not impact*
130 *area farmland or remove cropland from production. The variance will allow the woodshop to be built*
131 *in a flatter area that is easier to develop and will be less likely to have environmental impacts such as*
132 *soil loss from erosion. A vegetative buffer will be retained which will help to retain the natural and*
133 *scenic beauty of the County. Minimal modification of vegetation cover and natural features is*
134 *planned.*

- 135 2. The variance request is consistent with the comprehensive plan.
136

137 *The variance will allow a structure to be built on land that does not impact agricultural areas and*
138 *reduces impacts to natural resources by allowing a small, wooded lot not used for agricultural*
139 *purposes to be developed for needed housing as well as a wood shop. The proposal will utilize a*
140 *flatter area of the parcel to be built upon instead of steeper slopes that are more environmentally-*
141 *sensitive. The steep slopes and modest parcel size would not be conducive to large-scale agricultural*
142 *production.*

- 143 3. The applicant has established that there are practical difficulties in complying with the official control
144 and proposes to use the property in a reasonable manner.

145 *The parcel was created after being separated from a parent parcel by County Rd. 1. The small*
146 *parcel is triangular-shaped and includes steep slopes of between 12% and 18%. These site factors*

144 *contribute to the proposed flatter location being the most appropriate spot for construction of the*
145 *woodshop that does not impact highway maintenance or safety. Many similar parcels in the area*
146 *have homes and accessory buildings.*

147 4. The variance request is due to special conditions or circumstances unique to the property not created
148 by owners of the property since enactment of the Ordinance.

149 *Special conditions unique to the property have been identified related to steep slopes and parcel*
150 *shape and size. The parcel was split from a larger (100-acre) piece of land which created a unique*
151 *parcel with a challenging lot configuration and slopes.*

152 5. The variance will not alter the essential character of the locality nor substantially impair property
153 values, or the public health, safety, or welfare in the vicinity.

154 *The surrounding locale consists of a mix of small agricultural fields, pastures, and woods*
155 *interspersed with scattered residential non-farm dwellings. The proposed dwelling and accessory*
156 *structure are sensitively located to retain tree canopy and screening properties of the existing*
157 *vegetation. The Winona County Highway Department has reviewed the access and did not indicate*
158 *any concerns. It appears that the character of the County 1 Scenic Byway will not be impaired by the*
159 *project because screening plantings will be maintained.*

160 6. Economic considerations alone do not constitute practical difficulties.

161 *Economic considerations have not been mentioned as a factor by the applicant or the analysis of*
162 *practical difficulties in this case. The petitioners have stated that the variance is requested due*
163 *primarily to site topography and parcel configuration.*

164 7. The variance cannot be alleviated by a reasonable method other than a variance and is the minimum
165 variance which would alleviate the practical difficulty.

166 *Staff have reviewed the property and determined a variance for the proposed location is the most*
167 *reasonable method of accommodating the structure. Alternatives would involve more extensive*
168 *cutting and filling of existing slopes and vegetation.*

169 8. The request is not a use variance and does not have the effect of allowing any use that is not allowed
170 in the zoning district, permit a lower degree of flood protection than the regulatory flood protection
171 elevation or permit standards lower than those required by State Law.

172 *The proposed use is permitted in the zoning district and is not in a floodplain. The request does not*
173 *lower the degree of flood protection established by the Regulatory Flood Protection Elevation or*
174 *lessen State Law standards.*

175 **With the following conditions:**

- 176
- 177 1. *The owner(s) of the property to which this variance is issued will abide by all representations and*
178 *commitments made during the permitting process as well as before the Board of Adjustment, in*
179 *accordance with all conditions to the variance.*
 - 180 2. *The petitioners obtain the required Development Certificate and comply with all relevant regulations*
181 *and standards of Winona County and the State of Minnesota, to include meeting the State Electrical*
182 *Code, and obtaining the required permits and inspections, if applicable.*
 - 183 3. *The petitioners apply for and receive a Conditional Use Permit.*

184 **6. Adjourn**

185 On motion of Kelsey Fitzgerald and seconded by Ed Walsh, the Board of Adjustment voted to adjourn at
186 2:14 p.m. Vote: Yes – All.

187

188

189 Respectfully submitted by,
190 Anne Schwertel
191 Administrative Specialist

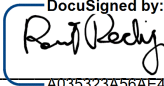
192

193

194

195

196

Signed by  March 18, 2023 | 4:15 AM PDT
Board of Adjustment Chair/Vice Chair Date