

**WINONA COUNTY BOARD OF ADJUSTMENT MINUTES
APRIL 21, 2022 – 1:00 PM**

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8 **1. Call to Order:** Chair Robert Redig called the meeting to order at 1:00 p.m.

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10 **Board Members Present:** Robert Redig, Jordan Potter and Edward Walsh

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12 **Absent:** Elizabeth Heublein and Kelsey Fitzgerald

13
14 **Others Present:** Kay Qualley, Planning & Environmental Services Director; Stephanie Nuttall,
15 Assistant Winona County Attorney; Eric Johnson, Zoning Administrator; Megen Kabele, Planner; Olivia
16 Stroinski, Planner and Anne Schwertel, Administrative Assistant

17
18 **2. Pledge of Allegiance:** The Pledge of Allegiance was recited.

19
20 **3. Approval of Agenda:** On motion of Jordan Potter and seconded Edward Walsh, the Board of
21 Adjustment voted to approve the agenda. Vote: Yes – All.

22
23 **4. Approval of the February 17, 2022 Minutes:** On motion of Jordan Potter and seconded by Robert
24 Redig, the Board of Adjustment voted to approve the minutes. Vote: Yes – All.

25
26 **5. Petitions**

27
28 **Docket # BOA 04-21-22-01**

29 To consider the petition of Rudy and Alma Miller in regard to the following:

- 30
- Consideration of a variance to allow a home with a setback of 84 ft. from the centerline of
31 County Road 35, instead of the required 100 feet pursuant to Chapter 10.4.7(2) of the
32 Winona County Zoning Ordinance.
- 33

34 Chair Robert Redig read the petition request aloud.

35
36 Planner, Megen Kabele, gave a PowerPoint presentation which included overview mapping exhibits of
37 the parcel and proposed building site. The photos and exhibits illustrated many of the limitations for
38 building, including the well, septic and barn locations on the site. The Township Acknowledgement form
39 indicated “no comments” from Saratoga Township.

40
41 On motion of Jordan Potter and seconded by Edward Walsh, the Board of Adjustment voted to open the
42 public hearing. Vote: Yes – All.

43
44 Chair Robert Redig asked three times if any members of the public wished to speak for or against the
45 petition; no response.

46
47 On motion of Edward Walsh and seconded by Jordan Potter, the Board of Adjustment voted to close the

48 public hearing. Vote: Yes – All.

49
50 Chair Robert Redig asked if there was any discussion amongst the Board of Adjustment member or if
51 there were any questions about the approval criteria. The Board of Adjustment members discussed
52 project details and all agreed the proposal was reasonable.

53
54 On motion of Jordan Potter and seconded by Edward Walsh, the Board of Adjustment voted to adopt the
55 Findings of Fact as presented and to approve the variance with the conditions as presented.

56 Vote: Yes – All.

57
58 **Findings of Fact:**

59 1. The variance request is in harmony with the intent and purpose of the ordinance.

60 *The request is in harmony with the intent and purpose of the ordinance because the new home will*
61 *provide a larger living space for a growing farm family, so they are able to more effectively reside on*
62 *their farm close to their greenhouses, livestock, and tillable land. The ability to build onsite would*
63 *strengthen this farming family and their farming operations, which is in harmony with the intent and*
64 *purpose of the Agricultural/Resource Conservation Zoning District per the statement of purpose in*
65 *WCZO 10.4.1, "The purpose of the Agricultural / Resource Conservation District is to protect the*
66 *working agricultural landscape of Winona County as a means to ensure the continued viability of this*
67 *resource".*

68
69 2. The variance request is consistent with the comprehensive plan.

70 *The applicants' proposal constitutes replacement of a farmhouse and expansion of the homesite*
71 *footprint to provide a larger living area for a growing farm family. The 2014 Winona County*
72 *Comprehensive Plan states that, "...local decisions should support maintaining and sustaining the*
73 *vitality of family farms...". This proposal appears to be consistent with the comprehensive plan.*

74
75 3. The applicant has established that there are practical difficulties in complying with the official control
76 and proposes to use the property in a reasonable manner.

77 *Practical difficulties related to this request arise from the limitations presented by existing*
78 *infrastructure and buildings. The location and layout of the house, accessory structures and well*
79 *locations do not provide any other suitable locations where a new home can be sited, thereby*
80 *establishing practical difficulties. Appropriate-sized housing for their family is a reasonable use of*
81 *the property.*

82
83 4. The variance request is due to special conditions or circumstances unique to the property not created
84 by owners of the property since enactment of the Ordinance.

85 *Site limitations created by the placement of the well, barns, driveway, and septic system existed prior*
86 *the applicants' ownership. Placement of most historic structures existed prior to issuance of the*
87 *ordinance and were not created by the owners.*

88
89 5. The variance will not alter the essential character of the locality nor substantially impair property
90 values, or the public health, safety, or welfare in the vicinity.

91 Construction of a new home would likely be beneficial to property values in the vicinity. The
92 project will likely have a positive impact on the locality, with no foreseen negative impacts to
93 health, safety, and public welfare.

- 94
95 6. Economic considerations alone do not constitute practical difficulties.

96 *Economic considerations have not been the primary focus of the applicant or the analysis of*
97 *practical difficulties in this case.*

- 98
99 7. The variance cannot be alleviated by a reasonable method other than a variance and is the minimum
100 variance which would alleviate the practical difficulty.

101 *The applicant has reviewed the site and determined a variance is the most reasonable method of*
102 *accommodating a larger home because of pre-existing structures. No other area on the property has*
103 *been identified which can accommodate this need. A 16 foot variance (aka, an 84 feet set back*
104 *instead of 100 feet from the road) would alleviate the practical difficulty. Alternatives would require*
105 *much more drastic site changes that would not be reasonable compared to solution that is proposed.*

- 106
107 8. The request is not a use variance and does not have the effect of allowing any use that is not allowed
108 in the zoning district, permit a lower degree of flood protection than the regulatory flood protection
109 elevation or permit standards lower than those required by State Law.

110 *The proposed use is permitted in the zoning district in which it is located and is not in a floodplain.*
111 *The request does not lower the degree of flood protection established by the Regulatory Flood*
112 *Protection Elevation or lessen State Law standards.*

113
114 **With the following conditions:**

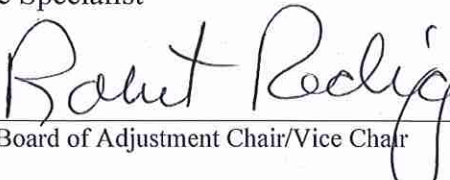
- 115 1. *The owner(s) of the property to which this variance is issued will abide by all representations and*
116 *commitments made during the permitting process as well as before the Board of Adjustment, in*
117 *accordance with all conditions to the variance.*
118 2. *The petitioners shall obtain the required Development Certificate and comply with all relevant*
119 *regulations and standards of Winona County and the State of Minnesota, to include meeting the State*
120 *Electrical Code, and obtaining the required permits and allowing all inspections needed by State and*
121 *County staff.*

122
123 **6. Adjourn**

124 On motion of Jordan Potter and seconded by Edward Walsh, the Board of Adjustment voted to adjourn at
125 1:14p.m. Vote: Yes – All.

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127
128 Respectfully submitted by,
129 Anne Schwertel
130 Administrative Specialist

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132
133 Signed by


Board of Adjustment Chair/Vice Chair

19 MAY 22
Date