

Receipt Number
Assigned by staff



Appeal to the Winona County Board of Adjustment

Fee: \$550.00

Winona County Planning
and Environmental Services
202 West Third Street
Winona, MN 55987
Phone: 507.457.6520
Fax: 507.454.9378
www.co.winona.mn.us

General Information

Petitioner Name	Property Owner Name:		
Address			
City, State, Zip			
Telephone	Home	Work / Cell	
Mailing Address (if different)			

Property Information

Please provide a complete legal description of the property. The legal description can be found on your deed, abstract or through the Recorders office.

PIN #	Section	Township	Range
Property Size	Site width	Site depth	
	Square feet	Acres	
Existing Structures (include completion dates)			
Is the property Legal Description included with the application? YES <input type="checkbox"/> NO <input type="checkbox"/>			

Request Information

Intended use of structure	Residential <input type="checkbox"/>	Commercial <input type="checkbox"/>	Agricultural <input type="checkbox"/>	Industrial <input type="checkbox"/>		
Class of work	New <input type="checkbox"/>	Addition <input type="checkbox"/>	Alteration <input type="checkbox"/>	Repair <input type="checkbox"/>	Demolition <input type="checkbox"/>	Relocation <input type="checkbox"/>
Description of Request						
Structure dimensions	Length	Width		Height		
Setbacks (ft)	Side yard (near)	Side yard (far)	Rear yard	Road centerline	Shoreline	
Type of Variance:						
Ordinance Section:						

5.6.2 General Provisions and Standards for Evaluating a Variance

1. The Winona County Board of Adjustment shall not grant a variance from the regulations of this Ordinance unless it shall make findings of fact based upon the evidence presented and on the following standards as required by Minnesota State Statute 394.27 Subd. 7.
 1. The variance request is in harmony with the intent and purpose of the ordinance.
 2. The variance request is consistent with the comprehensive plan.
 3. The applicant has established that there are practical difficulties in complying with the official control and proposes to use the property in a reasonable manner.
 4. The variance request is due to special conditions or circumstances unique to the property not created by owners of the property since enactment of this Ordinance.
 5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.
 6. Economic considerations alone do not constitute practical difficulties.
 7. The variance cannot be alleviated by a reasonable method other than a variance and is the minimum variance which would alleviate the practical difficulty.
 8. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

2. When deciding on a petition regarding the Floodplain District the Board of Adjustment must also satisfy the following additional criteria of the Federal Emergency Management Agency:
 1. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 2. Variances shall only be issued by Winona County upon:
 1. A showing of good and sufficient cause, and
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 3. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.

4. Should the Board of Adjustments find that the conditions outlined heretofore apply to the proposed lot or parcel, the County may grant a variance from the strict application of this Ordinance so as to relieve such difficulties or hardships to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Ordinance.

5. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls.

6. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

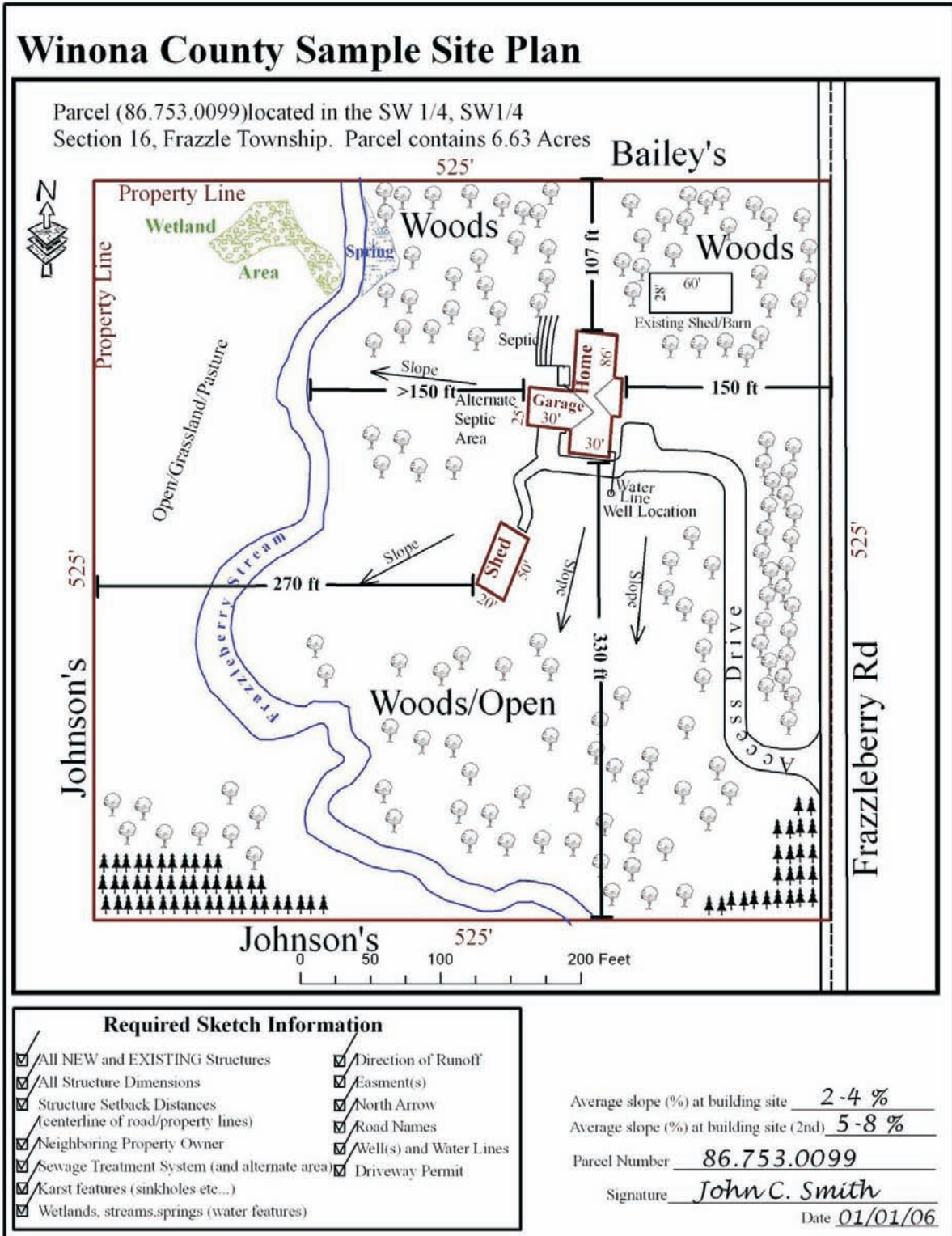
7. The Board of Adjustment shall arrive at a decision on such appeal or variance in accordance with Minnesota Statute Section 15.99 also known as the "Sixty (60)-day law." It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions.

ALL APPLICANTS MUST SIGN

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of Winona County to enter my property for the purpose of collecting information and shooting video to be used as part of the public hearing process.	
Owner Signature	Date
Agent / Representative Signature	Date
Note: At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of his/her application. All site plans, pictures, etc. become the property of the Department and will remain in the file.	

Required Information and Exhibits

1. Completed application, including the names and addresses of the petitioner or petitioners and their signature to the petition and a written response to section 5.6.2 (1-9) regarding the requested variance.
2. A legal description of the property for which the appeal is requested.
3. Completed Township Acknowledgment Form.
4. A site plan of the property. The site plan shall include, as pertinent but not limited to, the following information: the location of proposed structures, existing structures, geological features, floodplains, architectural plans, traffic generation, signs, drainage, water table, flood proofing, landscaping plans, lighting arrangements, placement of solid waste, hours of operation, utilities, topography, vegetation, soils information, adjacent land use, roads, property lines, waterways, sewage treatment areas, water supply systems, parking, road access, filling, dredging, grading, channel improvement, storage of materials, water supply, sanitary facilities, specifications for building construction and materials.
5. Any other relevant information and material requested by the Planning Director or the Board of Adjustment..



Site Plan for _____



Blank area for drawing the site plan.

Required Sketch Information

- All NEW and EXISTING Structures
- All Structure Dimensions
- Structure Setback Distances (centerline of road/property lines)
- Neighboring Property Owner
- Sewage Treatment System (and alternate area)
- Karst features (sinkholes etc...)
- Wetlands, streams, springs (water features)
- Direction of Runoff
- Easment(s)
- North Arrow
- Road Names
- Well(s) and Water Lines
- Driveway Permit

Average slope (%) at building site _____

Average slope (%) at building site (2nd) _____

Parcel Number _____

Signature _____

Date _____

The Town Board after receiving information from the petitioner or their authorized agent(s) describing their intentions to obtain zoning or planning approval for a land use proposal from Winona County has the ability provide comments and execute one of the three options listed below.

Should the Town Board have questions or need more information regarding the proposal either from the applicant or the Planning Department please contact the appropriate entity prior to completing the acknowledgment form below.

Township Response

Sign below this entry acknowledging the petitioner advised the Town Board of the proposal, and the Board has **no comments** regarding the request. The petitioner will return the signed form to the Planning Department with staff informing the Board of Adjustment or the Planning Commission the Township has provided no comments.

Township Official

Date

Sign below this entry acknowledging the petitioner advised the Town Board of the request, and the Board **supports** the proposal and will compose a written statement explaining its support to the Planning Department.

Township Official

Date

Sign below this entry acknowledging the petitioner advised the Town Board of the request, and the Board **does not** support the proposal and will compose a written statement explaining its concerns to the Planning Department.

Township Official

Date

Township Comments:	

Applicants Signature

The Township Acknowledgment Form is part of the process of obtaining zoning and planning approval in Winona County. It is understood and agreed by the petitioner that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on part of the application, such as might, or would cause the issuance of an approval in direct opposition to the Winona County Zoning Ordinance, shall constitute sufficient ground for the revocation of the approval at any time.

Petitioner

Date