

**BOARD OF ADJUSTMENT  
Regular Meeting**

**DATE:** December 2, 2020

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

**PLACE:** Zoom Online Meeting

**PRESENT:** Breza, Buege, Conway, Kouba, Krofchalk, Murphy

**STAFF:** Chad Sommer, Carlos Espinosa

**ABSENT:** Sanchez

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

The minutes from the Board's November 4, 2020 meeting were approved unanimously upon motion by Dave Kouba and seconded by Tom Conway. All were in favor of approving the minutes.

Acting Chairman Murphy opened the public hearing and read the petition:

**Petition No. 20-29-V & 20-30-V, Mitchell Walch**

Mitchell Walch – City Code Section 43.02.24 which requires a 35 foot front yard setback in the R-S (Residential-Suburban) zoning district. Applicant wishes to construct a home at a 25 foot front yard setback.

Property is described as R-S zoning, Sect-34, Twp-107, Range-007, HIGHLANDS, Lot-017, Block-001, or at 58 Wildridge Drive.

Property is described as R-S zoning, Sect-34, Twp-107, Range-007, HIGHLANDS, Lot-016, Block-001, or at 62 Wildridge Drive.

Mitchell Walch, 20687 County Rd 33, Winona, MN, addressed the Board. Mr. Walch stated that these lots had been empty for some time. He also said they drop off pretty quick in the back. He mentioned that these lots would make some nice lots to build on but it would cost a lot of money to fill in where the drop offs are. The lots are steep and the amount of fill to improve these lots is extremely expensive. He said it would cost anywhere from \$70,000 to \$80,000 just to fill in one lot. He said that these lots could provide some new quality homes that are needed.

Dave Kouba asked why he wanted the 25 foot setback. He said he went to look at the lots and commented on how steep the drop offs where in back. He wanted to know if the expense of the fill was the only reason for the request. He also

asked Mr. Walch if he had talked to any of the neighbors and asked them how they felt. Mr. Walch said he hadn't been able to reach out to anyone.

Patrick Mullen, 59 Wildridge Drive, Winona, MN, addressed the Board. Mr. Mullen said he lives across from the lots and commented that Mr. Walch had not made an effort in trying to contact him or any of the other neighbors. He said he is around all the time, so it would have been nice to talk to Mr. Walch. He also said he felt that Mr. Walch knew about the 35 foot setback and that he got these lots below market rates and he was now trying to get an easement to avoid having to pay to fill in the lots.

Dave Gilmer, 68 Wildridge Drive, Winona, MN, addressed the Board. Mr. Gilmer said when his house was built, fill was brought in and the builder stuck to the 35 foot setback. He said he bought the house constructed but he did have to absorb the cost when purchasing the home.

Travis Buege asked Mr. Walch if he had done any site work and Mr. Walch said he had. Based on what he found, he would have to dig footings ten feet or more for the back basement. Mr. Walch also stated that he had made the houses as wide as possible so he could meet the covenant for the square footage of the house for that neighborhood.

All the neighbors had a very strong response to opposing this variance based on all their homes being built on a 35 foot setback and all of them having to absorb the cost of fill, so they felt that there was no reason why Mr. Walch couldn't build with a 35 foot setback. They also felt that Mr. Walch got below market rate on those lots and there is no reason except for economics as to why he would want this variance request.

There being no others who desired to speak, acting Chairman Murphy closed the meeting to the public and opened it up for discussion.

Tom Conway felt this was all about economics and to save money to build on these lots. He said the setbacks were known before the lots were purchased and this was about the expense of fill.

The Board brought forth letters that were against the variance request.

Mark McGrory, 263 East Garvin Heights Road, Winona, MN, sent a letter objecting to granting the variance. He felt the 25 foot setback will create lack of uniformity and consistency with the other houses in the development. He wrote that if the variance were granted, other homes would stand out (curb appeal) for the wrong reasons and may affect the sales of other homes. He also felt that Mr. Walch did not have a hardship.

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David Gilmer, 68 Wildridge Drive, Winona, MN, sent a letter as well and joined the meeting opposing the variance request. The letter was signed by many of the neighbors as well, opposing this request. They all felt that the only reason for the request was to avoid the extreme expense of fill.

Dave Kouba felt that the setback should be kept at 35 feet. When looking at all the homes, everyone was at the 35 feet and having 2 homes at 25 feet would not be a good idea. He felt that Mr. Walch should build the homes at 35 feet.

Tim Breza also felt that this request was based on economics and he didn't agree with granting the variance. He mentioned that additional expense cannot be a factor in granting a variance.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Tom Conway and Dave Kouba both agreed it was not in harmony if the 25 foot setback was granted. Everyone agreed. Dave Kouba did say he would agree only if he built on a 35 foot setback

Is the variance consistent with the comprehensive plan? Yes, the property is for low density use. Everyone agreed.

Does the proposal put the property to use in a reasonable manner? Dave Kouba, Tom Conway, Tim Breza, voted no. Jon Krofchalk, Travis Buege voted yes.

Are there unique circumstances to the property not created by the landowner? Dave Kouba voted yes because of the slope. Travis Buege voted yes. Tom Conway, Tim Breza, Jon Krofchalk, voted no.

Will the variance, if granted, retain the essential character of the locality? No, based on being too close with the 25 foot setback. Dave Kouba no, not at 25 feet. Tom Conway, Travis Beuge, Jon Krofchalk, Tim Breza, voted no.

Are there considerations for the variance request besides economics? All the Board members felt it was all based on economics. They all voted no.

It was brought about the Chairman voting and Acting Chairman Murphy said he was in accordance with everyone else on each issue. He mentioned that a motion should be made.

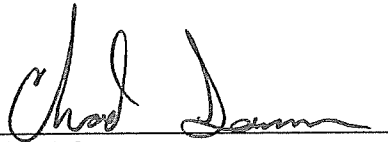
Tom Conway made a motion to deny the variance request as submitted; it was seconded by Dave Kouba. All were in favor of denying the variance as requested.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

**Adjournment**

Dave Kouba made a motion to adjourn with a second by Travis Buege. The vote of the Board was unanimous.

There being no further business to come before the Board, the meeting was adjourned at 5:25 p.m.

A handwritten signature in black ink, appearing to read "Chad Sommer", written over a horizontal line.

Chad Sommer  
Interim Secretary