

VARIANCE GRANT - ORDINANCE

Pursuant to notice, evidenced by a proof of publication which is on file in the Office of the Winona County Planning Director, a meeting of the Winona County Board of Adjustment was held on the 16th day of June, 1994 to consider the application of Edwin and Alyce Schultz for a variance, said variance being a request to allow a variance from the application of the subdivision regulations

A description of the land which is the subject of this variance is attached to this variance request and made a part hereof.

After due consideration of all the evidence presented to the Board of Adjustment, the Board of Adjustment hereby finds the following facts:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions or circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that are denied by this Ordinance to owners of other lands, structures or buildings in the same district.
5. The variance requested is the minimum variance which would alleviate the hardship.
6. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.
7. Economic conditions or circumstances alone shall not be considered in the granting of a variance request.
8. No variance shall have the effect of allowing in any district uses prohibited in the district. permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State Law.

The reasons for the above findings are as follows:

1. Unique conditions of lot size;

2. Best use of the land.

3. _____

The Board of Adjustment therefore decides that _____

Edwin & Alyce Schultz is entitled to a variance and is hereby granted the variance above referred to subject to the following conditions:

1. _____

2. _____

3. _____

4. _____

Dated June 16, 1994

Winona County Board of Adjustment

By Edith Church
Chairperson

Todd Bram

I, ~~Arthur Persons~~, Planning Director for the County of Winona, with and in for County do hereby certify that I have compared the foregoing copy of the Variance Grant with the original record and true transcript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand, at Winona, Minnesota, in the County of Winona on the 16th day of June, 19 94.

Todd Bram
Winona County Planning Director

Legal Description:

North 217' of East 399' of South 490' NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 106 North, Range 10 West, Winona County, Minnesota.