Notice and Agenda
City of Hartford Zoning Board of Appeals

Date: May 13, 2019 Time: 4:30 p.m.

Common Council Chambers
Lower Level City Hall – 109 North Main Street

1. Call to Order

2. Roll Call (by noting those present)

3. Review of Minutes of July 23, 2018 Meeting

4. Variance Public Hearing: Variance from Minimum Side and Rear Yard Setback from 5 Feet to 1 Foot at 1570 Meadow Lane, Tax Key Number 36-3302-001-028

    a. Waiver of Sworn Testimony
    b. Reading of Applicant Request and Public Notice, or Waiver Thereof
        1. Questions by Board Members
    c. Presentation by City Planner
        1. Discussion by Board Members
    d. Appearances in Favor of the Request
        1. Discussion by Board Members
    e. Appearances in Opposition to the Request
        1. Discussion by Board Members
    f. Board Member Review of Facts Presented
    g. Decision by the Zoning Board of Appeals
    h. Approval of Findings of Fact

5. Adjournment

"Persons with disabilities requiring special accommodations for attendance at the meeting should contact City Clerk at least one (1) business day prior to the meeting."

"Members of the Common Council may attend the above meeting. Pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis.2d 553, 494 N W 2d 408 (1993), such attendance may be considered a meeting of the Common Council. This notice is given so that members of the Common Council may attend the meeting without violating the open meeting law."

Minutes

City of Hartford Zoning Board of Appeals

July 23, 2018

Call to Order – Chairperson Carl Hulbert called the meeting to order at 5:00 p.m. in the Common Council Chambers of Hartford City Hall, 109 N. Main Street.

Chairman Hulbert read the statement of procedure.

Roll Call – Chairman Hulbert requested the secretary (Justin Drew) read a roll call. In attendance were Chairperson Hulbert, members Kevin Volm, Peter Erdman and Micki Hoffman. Absent was member Nicole Flanagan. Chairman Hulbert requested that the secretary certify that all notification requirements had been met.

Casey's Convenience Store: Variance from Maximum Sign Area from 75 Square Feet to 126 Square Feet, 1300 West Sumner Street, 36-1901-004-003 & 004

Chairman Hulbert asked Mr. Drew to clarify that with only four members present, a unanimous decision was required to grant the variance. Mr. Drew affirmed. Chairman Hulbert noted that the reading of the appeal could be waived if there was no objection, since all in attendance had received copies of the appeal. Motion by Hoffman, second by Erdmann to waive the reading. Motion carried.

Chairman Hulbert noted that all testimony must be sworn, unless the board waives the sworn testimony requirement in this case. Hearing no objection, Chairman Hulbert asked for a motion to waive sworn testimony in this case. Motion by Hoffman, second by Volm to waive sworn testimony. Motion carried.

Chairman Hulbert noted that members had not made a formal site visit to the property but individual members may have done so on their own. Chairman Hulbert requested the administrator (Justin Drew) to present the staff report and recommendation. Mr. Drew discussed the application and reviewed the criteria required for a successful variance.

The subject property is zoned B-5 Highway Business District. Section 13.0605(c), for Signs Permitted in I-1, B-1, B-4, and B-5 Districts With A Permit, states: **Ground Signs shall not exceed thirty-five (35) feet in height; shall not be placed closer than five (5) feet to any property line; *shall not exceed seventy-five (75) square feet in area*; one such sign shall be permitted for each three hundred (300) feet of public street frontage to a maximum of three (3) such signs; there shall be a minimum of two hundred (200) feet between such signs.**

The application noted the need for a variance due to an inability to place all structures within the 40 – foot setback. Doing so would require the removal of the existing playground, the removal of numerous mature trees, and reduction in efficiency and safety of the drop-off driveway near the bathhouse structure. Mr. Drew explained the standards for reviewing an area variance.
Mr. Drew then reviewed the criteria required for approval of a variance:

A) Preservation of Intent – No variance shall have the effect of permitting a use in any district that is not a stated permitted use, or conditional use in that particular district:
The intent of the signage area limitation ordinance is to enhance aesthetics in the City, minimize the potential adverse effects of signage on neighboring properties and enhance traffic safety. A primary goal of the signage ordinance is to encourage the effective use of signs as a means of communication. In 2004, the Zoning Board of Appeals allowed a 90 square foot ground sign at 2714 East Sumner Street, in part because of traffic speed in that area. The location and proposed business at 1300 W. Sumner Street is very similar to its counterpart on the other side of town. Ground signs are a permitted use in the B-5 District. Mr. Drew indicated that this condition has been met.

B) Exceptional Circumstances – There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties in the same district and the granting of the variance would not be so general or recurrent in nature as to suggest that the zoning ordinance be changed:
The lot's location is along a lengthy, straight stretch of STH 60 but also at a cluster area of retail. Placement is important from both a long and short distance. A larger sign with greater distance visibility works for the long distance and makes more sense than multiple signs along the highway border of this property, which would have the effect of cluttering the area especially as some of the retail areas in front of the WalMart property are developed.
Mr. Drew indicated that this condition has been met.

C) Economic Hardship and Self-Imposed Hardship Not Grounds for Variances – No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for granting of a variance:
The applicant does not claim economic or self-imposed hardship in its request.
Mr. Drew indicated that this condition does not apply.

D) Preservation of Property Rights – The variance must be necessary for the preservation and enjoyment of property rights possessed by other properties in the same district and same vicinity:
Other commercial properties in the area have not requested similar signage as part of the development process. Township properties are not commercial and are under the Town's codes and rules.
Mr. Drew indicated that this condition has been met.

E) Absence of Detriment – No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest:
The larger sign is intended to take the place of multiple smaller signs and the applicant agrees not to place any further ground signs along W. Sumner Street, as was the case at 2714 East Sumner Street. Adjacent City properties are part of a commercial area and will not be affected by this sign.
Mr. Drew indicated that this condition has been met.

F) Additional Requirements in Flood Plain Districts:
Mr. Drew indicated that this condition does not apply.

Mr. Drew recommended approval of a variance request for 1300 W. Sumner Street for an increase in ground sign size from 75 square feet to 126 square feet. This recommendation is based on findings that:
The variance preserves the intent of the ordinance by more effectively using a single sign for communication.
The general and specific location of the property includes an exceptional circumstance that favors a larger sign over up to three smaller signs.
The proposed sign does not cause detriment to other properties.

Chairman Hulbert invited discussion by members. Chairman Hulbert asked how many signs were allowed. Mr. Drew noted that up to three signs were permitted.

Chairman Hulbert asked for appearances in favor of the granting of the variance. Lauren Downing, Arc Design, 5291 Zenith Parkway, Loves Park IL noted her availability to answer any questions the members had. Chairperson Hulbert asked if the owners were requested only one main sign. Ms. Downing affirmed that if a variance is granted, only one sign will be installed. Member Erdmann asked if the sign would be the same as other locations, and if there would be banners or scrolling. Ms. Downing that animated signs are not typically used by the company. Chairperson Hulbert inquired about the number of pumps. Ms. Downing noted that there would be 10 fueling positions.

Chairman Hulbert asked for appearances in opposition of the granting of the variance. There were no appearances.

Chairman Hulbert asked for further comments from Board members. There were no further comments.

Motion by Member Volm, second by Member Erdmann, approving the granting of the variance and findings of fact for a variance to allow one sign at a maximum of 126 square feet for Casey's Convenience Store, 1300 West Sumner Street. Mr. Drew called the roll, all members voted in favor.

Meeting adjourned by call of chair.

Respectfully Submitted,
Justin Drew, City Planner

CITY OF HARTFORD ZONING BOARD OF APPEALS

PROPOSED FINDING OF FACT

Applicant: Joseph Yustus **Date:** May 13, 2019

Subject Property:
Address: 1570 Meadow Lane Tax Key #: 36-3302-001-028
Zoning: Rs-2 Single Family Residential District Use of Property: Residential

Request: Variance from minimum side and rear yard setback from 5 feet to 1 foot.

Project Description: The owner of the property is requesting a variance from the minimum side and rear yard setback from 5 feet to 1 foot, in order to place a shed on the property without removing any more trees than necessary.

Need for the Variance: The subject property is zoned Rs-2 Single Family Residential District. Section 13.0305(b)(4)(d), Permitted Accessory Uses, Detached Garages, Sheds and Carports, states: Minimum side and rear yard setback is 5 feet.
In 2004, the Wisconsin Supreme Court changed the standard for reviewing variance requests. Previously, use variances and area variances were subjected to the same criteria for approval; that is, the applicant needed to demonstrate that no reasonable use of the property would remain if the variance were not granted. The Wisconsin Supreme Court decision changed the standard for area variances. Under the changed standard, in order to be granted an area variance the applicant needed to demonstrated that strict application of the code would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such regulations unnecessarily burdensome. The Wisconsin Supreme Court also held that, in evaluating whether to grant an area variance, the applicable board should focus on the purpose of the zoning law.
The review criteria used in the code to analyze variance requests are still applicable, but the standard for area variances have been reduced.

Review Criteria and Comment: Section 13.1308 of the Municipal Code states "*No variance to the provisions of this Ordinance shall be granted by the Zoning Board of Appeals unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings*":

<u>Preservation of Intent:</u> *No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use or conditional use in that particular district.*
<u>Comment:</u> The intent of the accessory use/structure limitation can be defined through the Intent portion of the zoning code, 13.0104: "Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage" and "Preserve and Protect the natural as well as man-made aesthetic characteristics of the City of Hartford". The Rs-2 zoning designation covers larger lots and this particular subdivision has an emphasis on tree preservation in landscaping. The subdivision covenants require 'No tree on the outside 15' of the perimeter of each lot shall be cut or moved without the prior written consent of the Developer'.

Staff finds that this condition has been met.

Exceptional Circumstances: *There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties in the same district and the granting of the variance would not be so general or recurrent in nature as to suggest that the zoning ordinance be changed.*
Comment: The lot, although large, is wedge-shaped and the house was located farther back from the property line in order to preserve existing trees. This limits the space available in the back of the lot for an accessory structure. The owner has requested placement of the shed at the upper corner of the wedge, on the southern lot line closest to lot 25, which is currently vacant. The shed will not be placed along the lot line to the north. The owner will be working with the developer for approval of the location due to the trees in the back of the lot. The shed cannot be placed in the street yard of the property.

Staff finds that this condition has been met.

Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: *No variance shall be granted on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for granting of a variance.*
Comment: The applicant does not claim economic or self-imposed hardship in his request.

Staff finds that this condition does not apply.

Preservation of Property Rights: *The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*
Comment: The owner is requesting the variance in an attempt to accommodate his own needs while respecting the tree requirement for the subdivision and addressing his neighbors' concerns. The shed is a permitted accessory use in the Rs-2 District. Placement of the shed is restricted due to the accommodations that were made for tree preservation.

Staff finds that this condition has been met.

Absence of Detriment: *No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest:*
Comment: Placing a shed within one foot of the lot line in the far corner of an Rs-2 lot surrounded by Rs-2 lots will not create detriment due to the multitude of trees in the area serving as visual cover, and the larger size of the lot itself and adjoining lots. The adjoining lot is vacant and although an irregular shape, does not have the same sharp wedge as 1570 Meadow. Therefore, more options for house placement and accessory structure placement exist on the adjoining lot.

Staff finds that this condition has been met.

Additional Requirements in Flood Plain Districts:
Comment: This condition does not apply.

Recommendation: Staff recommends APPROVAL of a variance request for 1570 Meadow Lane for an decrease in side and rear setbacks from five feet to one foot. This recommendation is based on findings that:
The variance preserves the intent of the ordinance by regulating lot coverage based on structure location and protecting the natural characteristics of the subdivision and ultimately the City of Hartford.
The shape of the lot and natural landscaping requirements of the subdivision limits the space available for an accessory structure.
The proposed location does not create detriment due to tree coverage and lot size.

Prepared By: _____ 5/3/19
Justin Drew
Director of Community Development
Date

Routing: Zoning Board of Appeals May 13, 2019

36-3302-001-028

14

Plat of Survey

Survey For: WOLTER BROS. BUILDERS

YUSTUS/3257

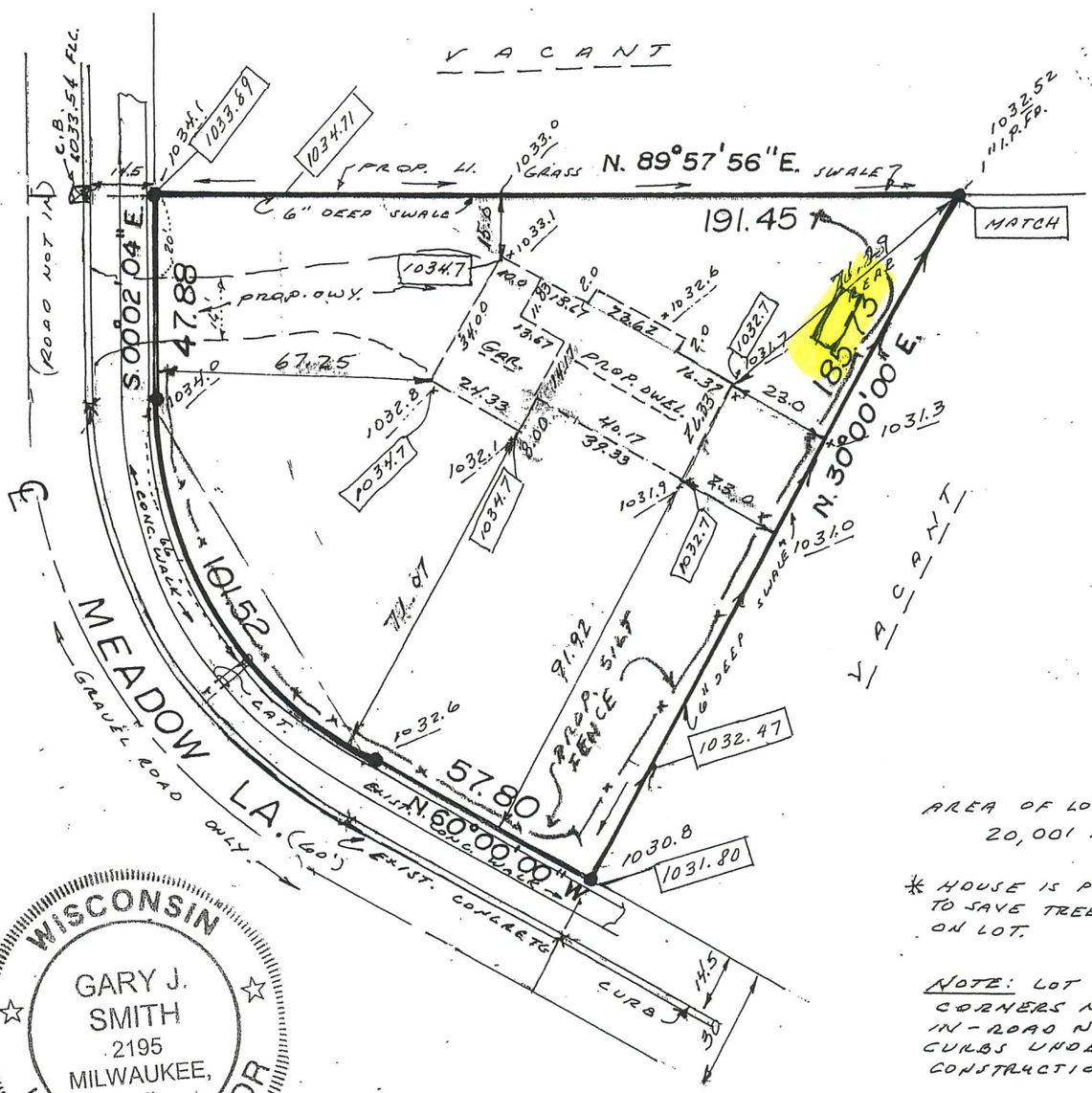
Location: 1570 Meadow Lane

Description: LOT 24 RED OAK COUNTRY ESTATES, being a part of the N.E. 1/4, S.E. 1/4, S.W. 1/4 and N.W. 1/4 of the N.W. 1/4 of Section 33, Town 10 North, Range 18 East, City of Hartford, Washington County, Wisconsin.

[00.0] - DENOTES PROPOSED FINISHED GRADES PER GRADING PLAN

00.0 - DENOTES EXISTING GRADES

*- PROPOSED TOP OF BLOCK ELEV. = 1035.4 (NONE PROPOSED ON GRADING PLAN)



AREA OF LOT = 20,001 SQ.FT.

* HOUSE IS POSITIONED TO SAVE TREES ON LOT.

NOTE: LOT CORNERS NOT IN - ROAD NOT IN CURBS UNDER CONSTRUCTION

CURVE DATA

RAD. = 97.00
CHD. = 96.95
Δ = 59°57'56"
BRG. = N. 30°01'02"W.

WISCONSIN
GARY J. SMITH
2195
MILWAUKEE, WI
LAND SURVEYOR

INTERLINE SURVEY SERVICES, INC.
10521 W. FOREST HOME AVE. STE. 201
HALES CORNERS, WI 53130
PHONE 425-2060

SURVEY CERTIFICATE

Scale: 1" = 40'

State of Wisconsin)
Milwaukee County) ss

We, Interline Survey Services, Inc., certify that we have surveyed the above described property and the above map is a true representation thereof, and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the Property, and also those who purchase, mortgage, or guarantee the title thereto, within one (1) year from date hereof.

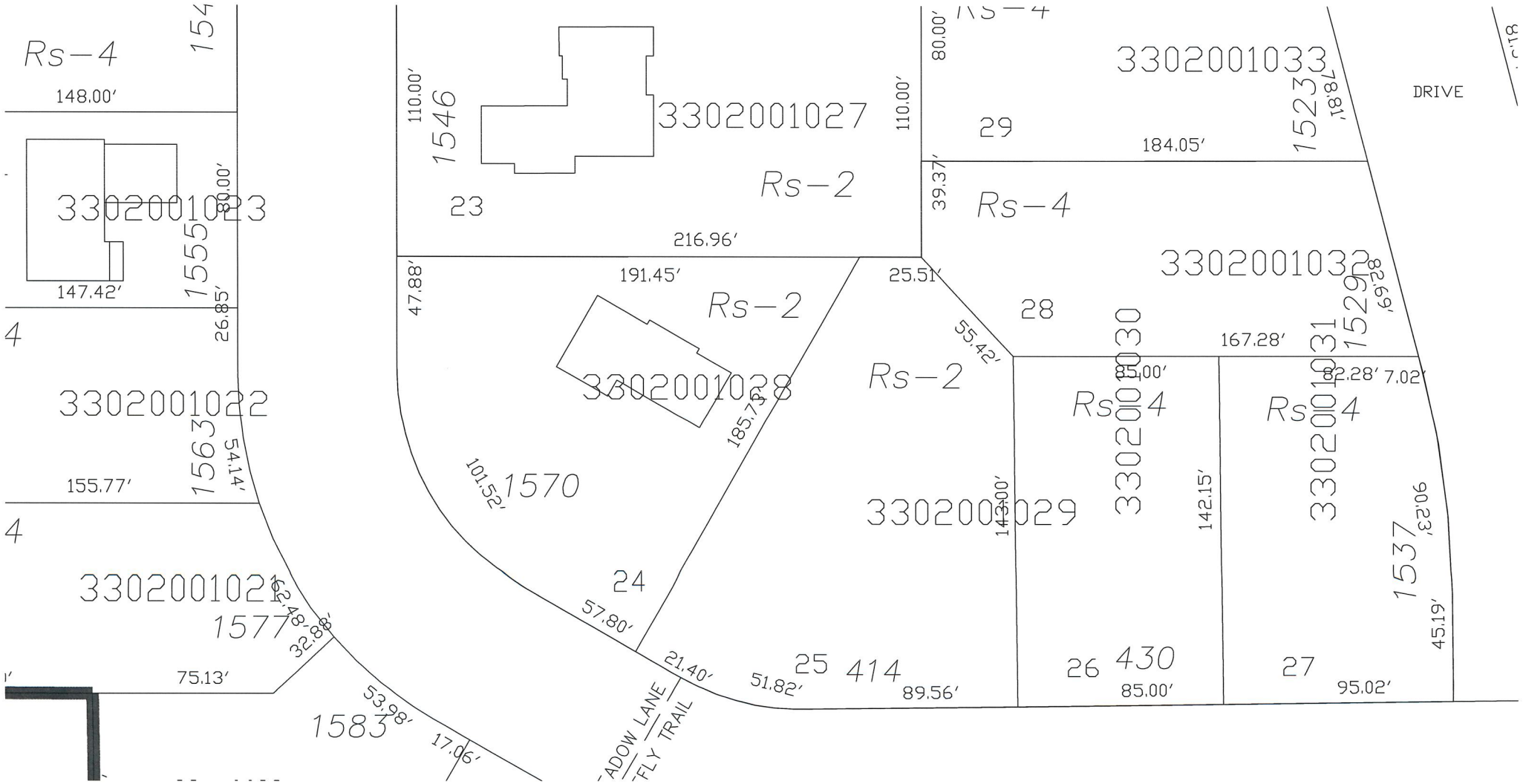
REV. 8/25/05
REV. 9-2-05

Gary J. Smith

Wisconsin Registered Land Surveyor

Date: 8/19/05
Job No.: 30615

N135207



Rs-4
148.00'
3302001023
1555
147.42'
26.85'
3302001022
1563
54.14'
155.77'
3302001021
1577
62.48'
32.88'
75.13'
1583
53.98'
17.06'
1546
110.00'
3302001027
Rs-2
23
216.96'
47.88'
191.45'
Rs-2
3302001028
185.73'
101.52'
1570
24
57.80'
21.40'
25
414
51.82'
89.56'
ADOW LANE
FLY TRAIL
80.00'
110.00'
3302001033
1523
78.81'
DRIVE
29
184.05'
39.37'
Rs-4
3302001032
1529
82.69'
28
25.51'
55.42'
167.28'
Rs-2
85.00'
82.28'
7.02'
Rs-4
3302001030
3302001031
Rs-4
3302001029
143.00'
142.15'
1537
90.23'
45.19'
26
430
85.00'
27
95.02'

-88.3747366,146m/data=!3m1!1e3

C. No tree on the outside fifteen (15) feet of the perimeter of each lot shall be cut or moved without the prior written consent of the Developer.

D. Outside wood burners utilized for heating are prohibited.

X. DIVISION OF LOTS

A. The Developer may re-subdivide lots to create a larger number of lots.

B. No other lots (other than lots owned by the Developer) shall be re-subdivided to create a larger number of lots.

C. Lots may be combined to create a smaller number of lots within the Subdivision, with the prior written consent of the Developer.

XI. SIGNS

A. One sign of not more than five (5) square feet and made of a material of substantial quality shall be allowed for advertising the property for sale. The sign post holding the sign must be made of a natural wooden material, must be painted, and must be of the "hangman's post" design. The sign must be in good taste and general appearance at sole discretion of the Developer.

B. One sign of not more than nine (9) square feet and made of a material of substantial quality may be used by a builder to advertise the property during the construction and sales period. The sign post holding the sign must be made of a natural wooden material, must be painted, and must be of the "hangman's post" design. The sign must be in good taste and general appearance.

C. The Developer shall have the right to erect larger signs and of different material when advertising the Subdivision or lots.

XII. ACCESSORY BUILDINGS

All accessory buildings must be approved in writing by the Developer or the Homeowners Association. One accessory building is allowed per lot, with the maximum size of the accessory building to be solely at the discretion of the Developer or the Homeowners Association. The building shall be constructed of a 2 x 4 construction, or equal, shingled roof with the same shingles as the home, with a minimum 9/12 roof pitch, with harmonious siding material as the home, with the same color scheme to match that of the home. The height of the accessory building may not exceed the height of the residence.

XIII. FENCES AND WALLS

Basic site features such as fences (which shall be of decorative style; in no event will chain link fences, privacy fences or fences which enclose an entire yard be allowed), decks (which shall only be constructed of wood or certain artificial wood products if

Daily News:
April 26, 2019
May 3, 2019
18 notices sent

NOTICE OF PUBLIC HEARING
CITY OF HARTFORD
ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that a PUBLIC HEARING will be held at 4:30 p.m. or thereafter on Monday, May 13, 2019 in the Common Council Chambers at the lower level of City Hall, 109 N. Main Street, by the City of Hartford Zoning Board of Appeals for the purpose set forth to wit:

An application for a variance has been filed by Joseph Yustus for a setback decrease at 1570 Meadow Lane, tax key numbers 36-3302-001-028. The property is zoned Rs-2 Single Family Residential District.

The applicant is requesting a variance to decrease the minimum side and rear yard setback on the southeast property line from 5 feet to 1 foot.

Section 13.1304 of the Municipal Code states that the Zoning Board of Appeals shall have power to hear and decide a request for variance after giving proper notice as specified in Section 13.1400 of the Municipal Code.

A map of the parcel, as well as a copy of the application, can be viewed in the Planning and Zoning Office by Appointment, 109 N. Main Street, Monday – Friday between the hours of 7:30 a.m. and 4:30 p.m.

The purpose of said hearing is to hear those persons who wish to express their opinion for or against the granting of this variance.

Dated this 26th day of April, 2019.

Lori Hetzel
City Clerk
City of Hartford

3302-001-021
James Fleming Carpentry Inc.
W317 N8390 STH 83
Hartland, WI 53029

3302-001-022
Megan Fleming
W317 N8390 STH 83
Hartland, WI 53029

3302-001-023
Lawrence & Bonnie Hagen
1555 Meadow Lane
Hartford, WI 53027

3302-001-026
Patrick and Trisha Torti
1532 Meadow Lane
Hartford, WI 53027

3302-001-027
Marshall & Elaine Finck Trusts
1546 Meadow Lane
Hartford, WI 53027

3302-001-028
Joseph Yustus
1570 Meadow Lane
Hartford, WI 53027

3302-001-029
Patrick and Teresa Redmond
1973 Greenwood Valley Drive
River Falls, WI 54022

3302-001-030
Harold Roethle
227 Weil Drive
Slinger, WI 53086

3302-001-031
David Kern
2738 Hall Road
Hartford, WI 53027

3302-001-032
Moore Designs Inc.
W193 N10975 Kleinmann Drive
Germantown, WI 53022

3302-001-033
Light Hearted Investments LLC
111 E. Wisconsin Avenue Suite 1800
Milwaukee WI 53202

3302-001-034
James Allen Builders Inc.
N91 W29191 Bobtail Court
Hartland, WI 53029

3302-001-084
Knotek Living Trust
1545 Meadow Lane
Hartford, WI 53027

3302-001-089
David Bohovsky
739 Morgan Drive
Hartford, WI 53027

3302-001-090
Lepien Farmland LLC
2466 Lough Lane
Hartford, WI 53027

3302-001-091
100 Acre Wood/Lepein Farmland LLC
2466 Lough Lane
Hartford, WI 53027

T6-082200B
John & Loreena Rufener
2796 STH 83 S
Hartford, WI 53027

T6-082300Z
Lepien Farmland LLC
P.O. Box 270142
Hartford, WI 53027

DECISION OF CITY OF HARTFORD
ZONING BOARD OF APPEALS

Tax Key #: 36-3302-001-028 Filing Date: 3/26/19

Hearing Date: 5/13/19 Notice Dates: 4/26 and 5/3/19

ZONING VARIANCE
FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board finds the following facts:

1. The applicant is: Joe Yustus

   1570 Meadow Lane

   Hartford, WI 53027

2. The applicant is the Owner of the following described property which is the subject of the application or appeal:

   1570 Meadow Lane

3. The property is currently zoned Rs-2 Single Family Residential District and is a permitted use in the zoning district ; or a legal non-conforming use in the zoning district in which it lies.

4. The existing structure X does; or ____ does not conform to current zoning standards.

5. The applicant proposes (brief description / attach plans):
   Side and rear setback reduction to 1'

6. The applicant requests a variance to the following section of the City of Hartford Zoning Ordinance (attached): 13.0305(b)(4)(d)

7. What specific departure from the ordinance is being proposed (refer to the standards of the ordinance):
   Side and rear setback reduction from 5' to 1' – for shed placement along southern lot line closest to lot 25.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board draws the following conclusions:

A. Are the restrictions placed on the property unnecessarily burdensome, preventing the owner from using the property for a permitted purpose?
Yes ___ or, No _____. If yes, why is it unnecessarily burdensome? N/A

B. Do physical limitations of the property prevent compliance with the ordinance standards?
Yes X or, No _____. Why? Small area for shed placement due to shape of lot and tree preservation requirements of subdivision.

C. Could the applicant's request have potential negative impacts to surrounding lands, their uses or the environment? Yes _____ or, No X. If yes, then how may the impacts be minimized or mitigated?

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the Board orders the requested variance is granted subject to the following conditions:

Side and rear yard setbacks at 1'

The Zoning Administrator is directed to issue a zoning permit unencumbered by a nonconforming structure status.

This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

This decision may be appealed by filing an action in certiorari in the Washington County Circuit Court within 30 days after the date of filing of this decision. The City of Hartford assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30 day period.

ZONING BOARD OF APPEALS

Signed _____ Attest _____

Chairperson Secretary

Dated: _____

Filed: _____

73-8272

VARIANCE REQUEST CITY OF HARTFORD
APPLICATION FOR VARIANCE
ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

Account #: 100.604.444100.44410 (#76)

Public Hearing Fee: $300.00
PLEASE NOTE: Fee does not cover publication costs, which are billed back to the applicant.

Total Fee Received: Date Filed:

(Please Print in Black Ink or Type)

Address of Subject Property: 1570 Meadow Lane, Hartford WI 53027

Tax Key Number: 3302-001-028 Zoning District: Rs-2

Existing Use:

Applicant Name: Joseph A Yustus

Address: 1570 Meadow Lane, Hartford WI 53027

City, State, Zip: Hartford, WI 53027

Phone: 281-979-5218 Fax: Email: jyustus@gmail.com

Owner Name: Same As Above

Address:

City, State, Zip:

Phone: Fax: Email:

Project Manager Name: Same As Above

Address:

City, State, Zip:

Phone: Fax: Email:

VARIANCE REQUEST:

Relevant Ordinance Requirements Requiring Variation: 13.0305 b) 4) d.

Minimum side and rear yard setback is 5feet

Variance Requested:

Minimum side and rear yard setback to 1foot on NE property line (N. 89°57'56"E.) or other

Reason for Request: Declaration of Covenants.... Red Oak.. (Doc#1092871) Placement of Shed in front yard not acceptable IX. (Landscaping + Lighting) Section C - I would need to remove trees which isn't acceptable

SUPPORTING INFORMATION:

Please submit the following supporting information with this application. Attach additional sheets if more space is needed.

A. No variance to the provisions of the zoning ordinance shall be granted by the Zoning Board of Appeals unless it finds that ALL of the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. Preservation of Intent: Is the requested variance to allow only a permitted accessory, or approved conditional use in the subject property's zoning district?

2. Exceptional Circumstances: What exceptional, extraordinary or unusual circumstances or conditions exist on the subject property that do not apply generally to other properties or uses in the same zoning district and prevent the reasonable use of the subject property?

Do to the shape of the Lot (Wedge like) and the homes location to protect the mature trees, the side offsets would leave one to place the Accesory building In the middle of backyard significantly effecting resale value.

3. Hardship: No variance shall be granted solely on the basis of economic gain or loss, nor of self-imposed hardship. Explain the nature of the hardship created by current conditions.

The placement of the home as accepted by the Red Oak Covenants limit the acceptable location for the said Variance request

4. Preservation of Property Rights: Is the variance necessary for the preservation and enjoyment of the same substantial property rights possessed by other properties in the same zoning district?

This wouldnt

5. Absence of Detriment: Will the requested variance create substantial detriment to or materially impair adjacent property? Will the requested variance be contrary to the purpose and spirit of this ordinance or the public interest?

No, the proposed location will not create substantial detriment to or materially impair adjacent property

6. Additional Flood Plain Requirements: Is any part of the subject property in a Flood Plain or in an F-1 or F-2 Flood Plain District? If so, Staff will inform you of additional requirements that must be met.

None

B. Scale Drawing(s) or Diagram(s) of the subject property including lot lines, existing structures, proposed structures, and any other features that help illustrate the request. Include relevant dimensions of lot, structures and setbacks. Drawing sheets should be at least 8 ½ by 11 and no larger than 11 x 17.

C. Other Information which the applicant or City Staff deem necessary for the review of the variance application.

Prior to the public hearing, the City is required by law to post notice of the request in a local newspaper, and to notify all owners of property within 200 feet of the subject property of the date, time and location of the Public Hearing at which the request will be heard.

Signature of Applicant: _____ Date: 3/26/19

Signature of Owner (if different): _____ Date: _____

Note: If owner is other than applicant and is unable to sign, please attach Power of Attorney or other written authorization.