

Notice and Agenda
City of Hartford Zoning Board of Appeals

Date: August 12, 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 May 13, 2019 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

May 13, 2019

Call to Order – Member Peter Erdman called the meeting to order at 4:30 p.m. in the Common Council Chambers of Hartford City Hall, 109 N. Main Street.

Roll Call – Member Erdman requested the secretary (Justin Drew) read a roll call. In attendance were members Nicole Flanagan, Kevin Volm, Peter Erdman and Micki Hoffmann. Absent was Chairman Carl Hulbert.

Member Erdman asked for a vote on the minutes from July 23, 2018. Motion by Volm, second by Flanagan to approved minutes. Motion carried.

Mr. Drew noted that the Board would need to hold a vote to waive sworn testimony. Motion by Hoffmann, second by Volm to waive sworn testimony. Motion carried.

1570 Meadow Lane: 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

Mr. Drew noted that the Board would need to hold a vote to waive sworn testimony. Motion by Hoffmann, second by Volm to waive sworn testimony. Motion carried.

Mr. Drew read the public notice and proceeded to review the request. 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.

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 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’.

Mr. Drew indicated that the 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, 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.

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:

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.

Mr. Drew also noted the added requirement of a 10' separation requirement between the house and the shed. 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:

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.

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 1570 Meadow Lane for a 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.

Member Erdman invited discussion by members. Member Hoffmann asked about the size of the shed. Mr. Drew responded that the shed would be 10' x 12'. Member Erdman asked about the number of trees that would be required to be removed to accommodate a 5' setback. Mr. Drew replied that he did not know, but that the owner of the property would be able to respond to the question during the public comment time. Member Volm noted that any tree removal would require approval of the developer.

Member Erdman asked for appearances in favor of the granting of the variance. Joseph Yustus, owner of the property, appeared and the building would require removal of a small group of trees, which he would need to get approval for, from the developer. He noted that he was trying to preserve two large trees by requesting this variance. Elaine Finck, 1546 Meadow Lane, spoke in favor of the building at its proposed location.

Member Erdman asked for appearances in opposition of the granting of the variance. There were no appearances in opposition.

Member Erdman asked for further comments from Board members. Member Flanagan asked if the granting of this variance will make it harder for the developer to sell the lot. Mr. Drew stated that he had spoken to the owner of the lot, whose concern involved the size and use of the structure – he did not want a garage on the site. The owner finds the proposed size and use acceptable. Member Hoffmann noted that there have been past issues in the City with owners of adjacent lots denying access to their land for a neighbor to take care of a shed. Mr. Drew stated that the City has approved a garage in an older part of the City with a similar setback. Member Erdman noted that the reason for zoning is to protect spaces, and future owners should be considered. Member Erdman indicated that he would like to see the shed set farther back.

Motion by Volm, second by Flanagan, to approve a variance request for 1570 Meadow Lane for a decrease in side and rear setbacks from five feet to one foot. Members Volm, Flanagan and Hoffmann voted aye, Member Erdman voted nay. Motion failed (one member absent required a unanimous approval).

Motion by Flanagan, second by Volm to adjourn meeting. Motion carried. Meeting adjourned at 5:08 p.m.

Respectfully Submitted,
Justin Drew, City Planner

CITY OF HARTFORD ZONING BOARD OF APPEALS
PROPOSED FINDING OF FACT

Applicant: Joseph Yustus

Date: August 12, 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 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.

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 demonstrate 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"*:

Preservation of Intent: *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.*

Comment: 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:



Justin Drew
Director of Community Development

7/31/19

Date

Routing: Zoning Board of Appeals August 12, 2019

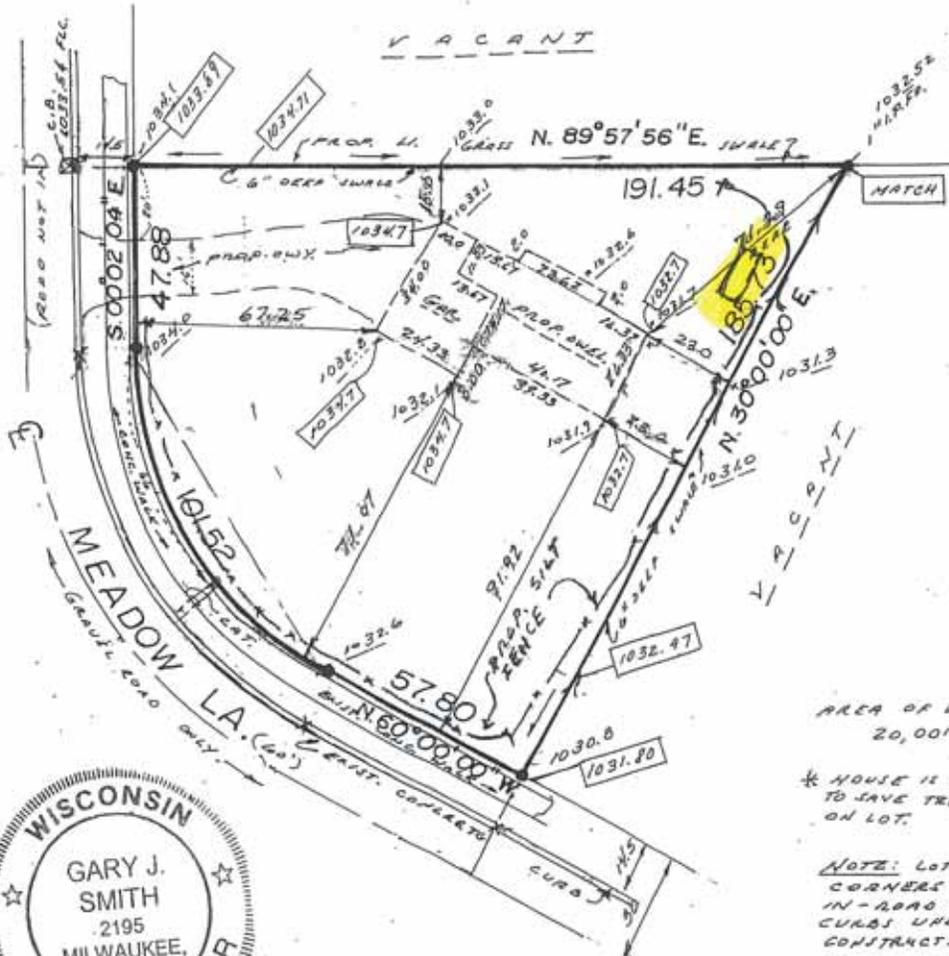
Plat of Survey

Survey For: WOLTER BROS. BUILDERS
Location: 1570 Meadow Lane

YUSTUS/3257

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.

- 100.0 = DENOTES PROPOSED FINISHED GRADES PER GRADING PLAN
- 00.0 = DENOTES EXISTING GRADES
- * PROPOSED TOP OF BLOCK ELEV. = 1035.4 (NONE APPROVED ON GRADING PLAN)



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

SURVEY CERTIFICATE

State of Wisconsin) ss
Milwaukee County

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.

Gary J. Smith

Wisconsin Registered Land Surveyor

AREA OF LOT = 20,001 SQ. FT.

* HOUSE IS POSITIONED TO SAVE TREES ON LOT.

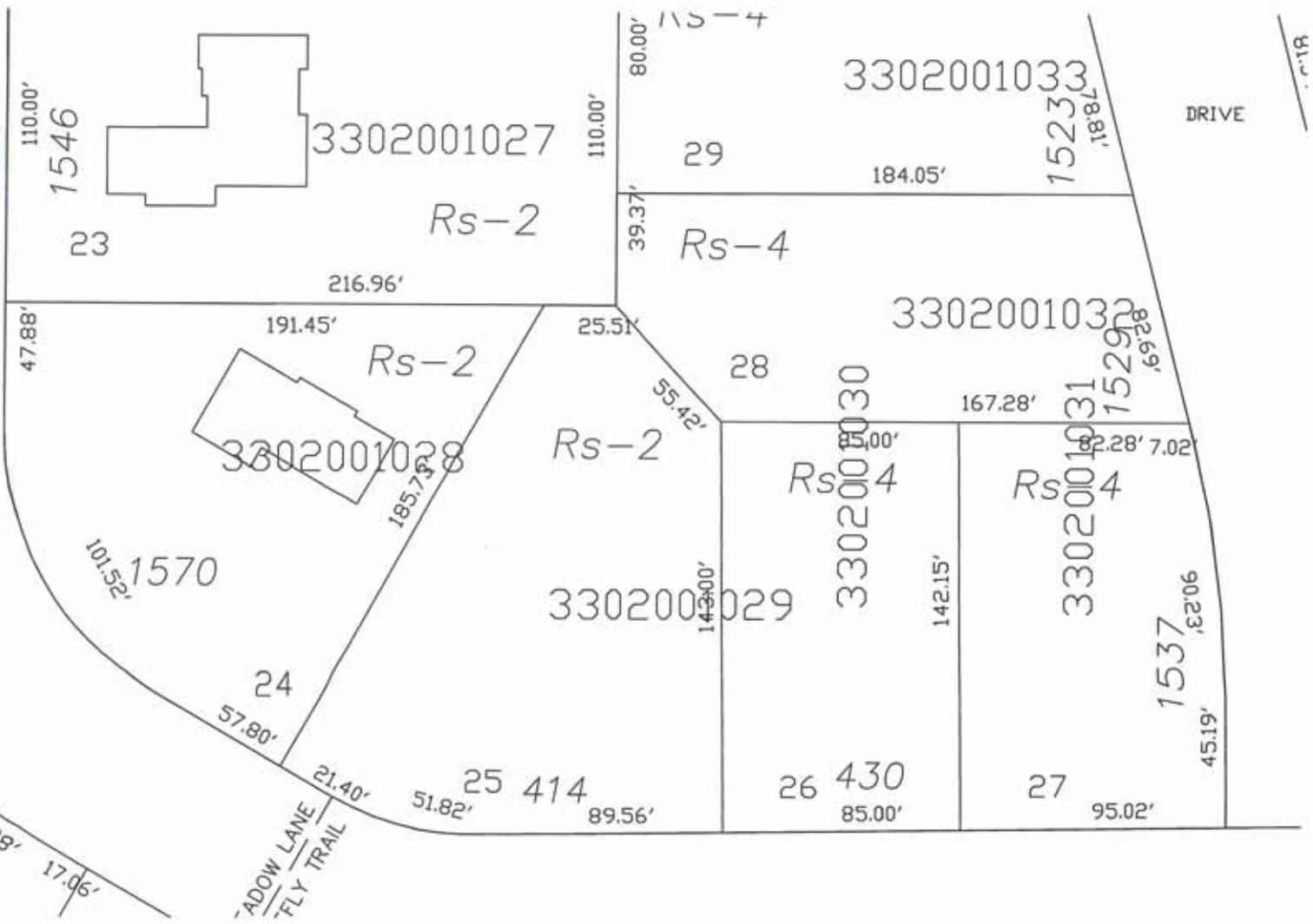
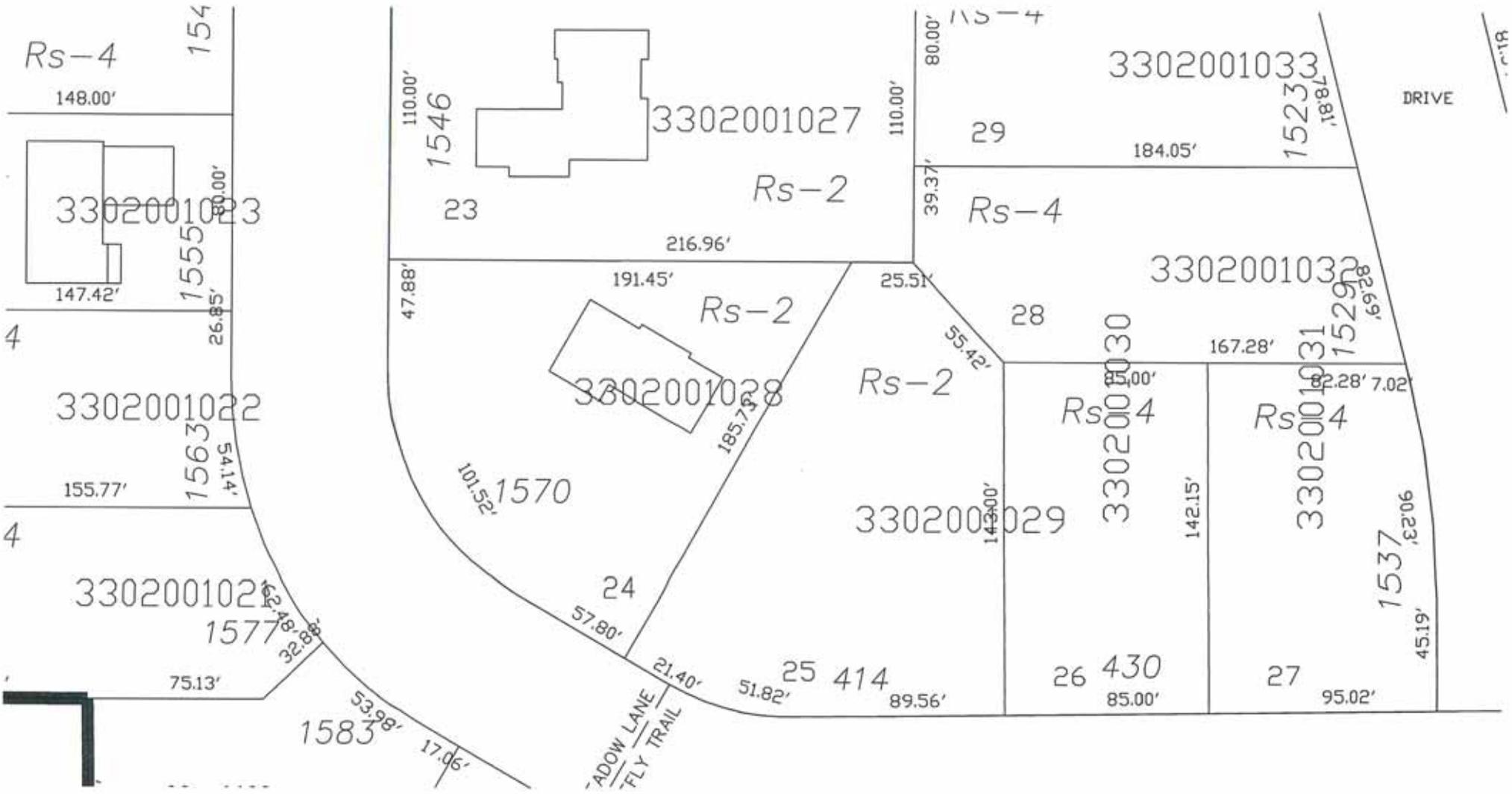
NOTE: LOT CORNERS NOT IN-ROAD NOT IN CURBS UNDER CONSTRUCTION

CURVE DATA
 RAD. = 97.00
 CHD. = 96.95
 Δ = 59°57'56"
 ORG. = N. 30°01'02"

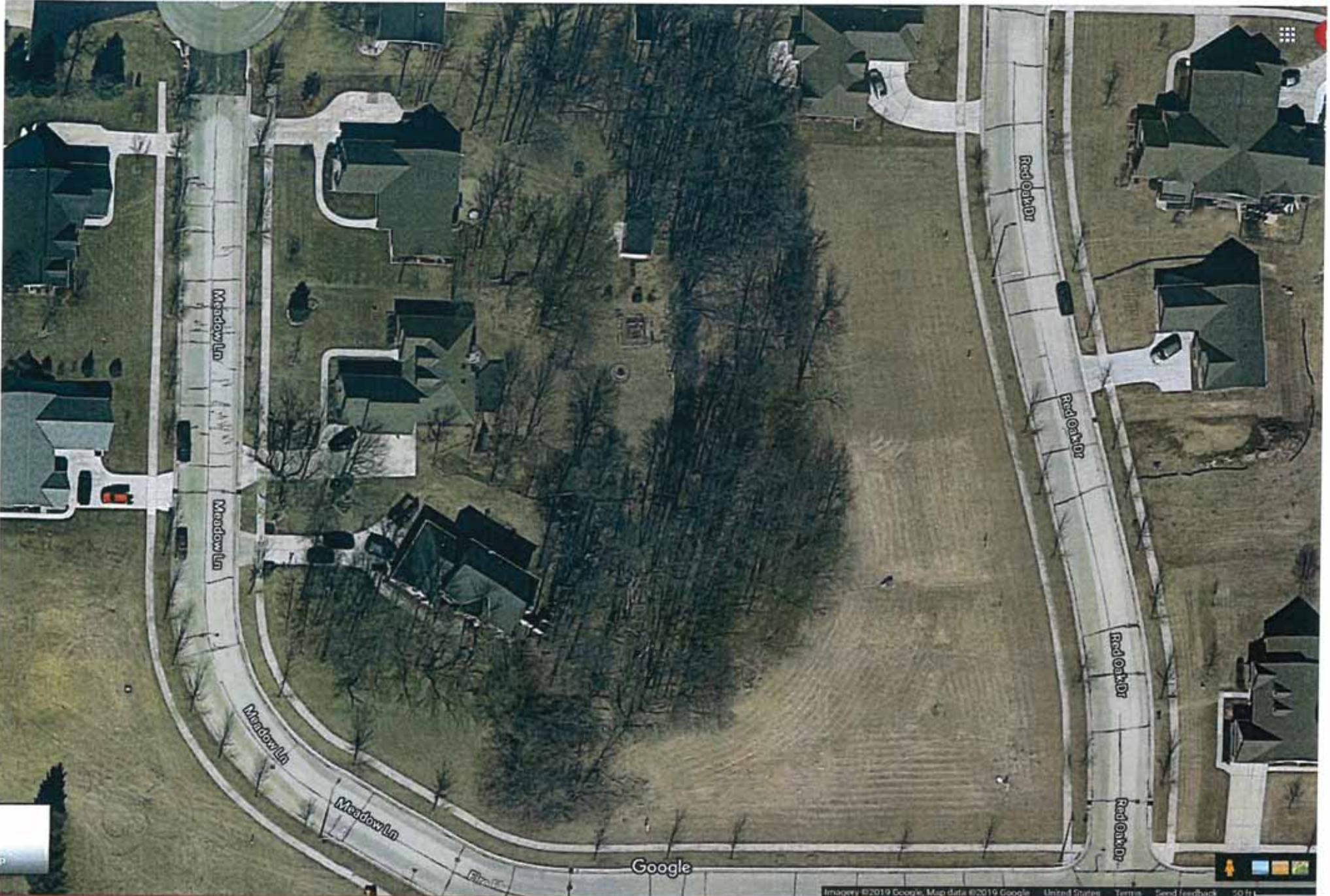
Scale: 1" = 40'

REV. 8/25/05
REV. 7-2-05

Date: 8/19/05
Job No: 30615



3747356.146m/data=l3m11e3







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:
July 26, 2019
August 2, 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, August 12, 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 Revocable 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

Amber Lenhardt
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 LLC/Lepien Farmland LLC
2466 Lough Lane
Hartford, WI 53027

T6-082200B

John and Lorena Rufener
2796 STH 83 South
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: 8/12/19

Notice Dates: 7/26/19 and 8/2/19

**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 X or, No _____. If yes, then how may the impacts be minimized or mitigated?
Removal of trees (approval of developer required).

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 denied.

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 _____
Member

Attest _____
Secretary

Dated: _____

Filed: _____

13-8272

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

FOR OFFICE USE ONLY

Account #: 100.604.444 100.44410 (#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: B.0305 b) 4) d.

Minimum side and rear yard setback is 5 feet

Variance Requested: _____

Minimum side and rear yard setback to 1 foot
on NE property line (N. 89° 57' 56" E.) on 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 is not 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 Accessory building
in the middle of back yard 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

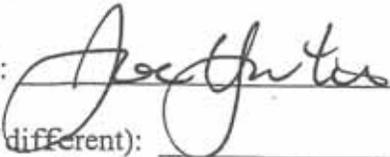
6. Additional Flood Plain Requirements: Is any part of the subject property in a Flood Plain or in an F-1 or F-2 Flood Plain District? If so, Staff will inform you of additional requirements that must be met.

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.