

# CITY OF TONKA BAY ITEM NO. 7A

## MEMORANDUM

TO: DRC

FROM: James G. Penberthy

DATE: February 17, 2014

RE: 40 Interlachen Lane Variance Issues

### Principal Structure Location

Could the home have been moved toward the rear yard to accommodate a larger front yard for the swimming pool? Yes, the current home has a 61.5' rear yard.

However, if this had been done, the lakeside sight lines of the home would be diminished inasmuch as it is now located parallel to and to the rear of the existing adjacent structures. It is approximately 40' behind the average building setback line shown on the survey.

Also, moving the home toward the rear would have required the removal of the 30" Linden tree in the rear yard and would have resulted in less functional usable space in the rear yard.

### Swimming Pool Location

A swimming pool for this property is a reasonable use. The practical difficulty encountered in locating the swimming pool in the rear yard, aside from the setback issues, is that a swimming pool would not reasonably function a few feet from the public street with the traffic, dust, debris and lack of privacy attendant. A swimming pool in this location may not be as functional and conveniently used in conjunction with the front yard uses of this lakefront property.

Aesthetically, the pool may not be compatible with the proposed rear yard uses and may be a distraction when viewed from the street. Conversely, those factors would not be present if the swimming pool were located in the front yard as proposed. The location, function and aesthetic appearance of the swimming pool are important factors addressing the uniqueness of this property as it presents the practical difficulties the Applicants encounter in their proposal to construct a swimming pool as a reasonable use for this property.

With respect to the swimming pool per se, the length of the outside perimeter of the pool dimension is approximately 35'-36' and the width is approximately 18'-19'

The fence on the "non-patio" sides of the perimeter of the pool drawing does not appear to be at least 4' from the edge of the pool per Section 1011.05. Subd. 1. e. 1. Depending upon the location of the fence, if the pool were placed in the rear yard with the length parallel to the right-of-way, the fence would be on the driveway edge leading from the required (see paragraph h. below) two car garage on one side and may encroach on the lot line on the other.

There may or may not be grading required in the rear yard, necessitating drainage review.

There may also be a rear yard setback violation.

See Section 1011.04 ACCESSORY BUILDINGS, STRUCTURES, USES AND EQUIPMENT.

Subd. 1. General Provisions.\*

b. Accessory buildings may encroach into the required rear yard setbacks within the rear yard of a lot, ....

h. Every detached single family dwelling unit erected after the effective date of this Ordinance shall be so located on the lot so that at least a two (2) car garage, either attached or detached, can be located on said lot.

But see:

1. Accessory buildings, uses or equipment such as air conditioning cooling structures or condensers, satellite dishes and fish houses shall be located only within the principal structure setback requirements and shall be screened from view in accordance with Section 1011.05 of this Ordinance. \*Revised 8/24/99

The Linden tree in the rear yard may be disturbed.

#### Verification Needed

1. The location of the swimming pool fence;
2. The patio portion of the swimming pool area is at grade level;
3. The Applicants do not intend to and will not expand the plan construction, including but not limited to storage structures, play stations, slides.

#### Conditions

1. Move the pool back from the apparent encroachment of the northwest corner on the average setback line of 64' +/-.
2. Require no construction above grade including but not limited to the construction of storage structures, play stations and slides which would obstruct the view from the adjacent structures.

Tonka Bay City Council Agenda Item  
Executive Summary

*Title of Item:* **VARIANCE REQUESTS:** Application from Jeffrey and Sandra Thoele requesting a variance to allow a swimming pool in the front yard (lakeside) at 40 Interlachen Lane – R-1A zoning – PID: 21-117-23-13-0004

*Meeting Date:* **2-25-14**

*60 Day Review deadline:* **60 day period ends 3-17-2014**

*Staff/Guest Reporting:* Kelsey Johnson, AICP – City Planner  
Justin Messner, PE – City Engineer

*Summary:* In 2013, a new home was constructed on the Property located at 40 Interlachen Lane. As part of the building permit review a pool was shown on the plans, however it was not known at the time of permit review that the pool was going to be constructed along with the home. The property are proposing a swimming pool in the front yard (lakeside) of the property. The Zoning Ordinance states that for riparian lots, the front yard is that side adjacent to the lake. Section 1011.04, Subd. 1.a. Accessory Buildings, Structures, Uses and Equipment General Provisions states that “except as may be specifically provided, no accessory use, building, structure or equipment shall be allowed within a required front yard”. The requested variance is as follows:

1. A **variance** to allow for the installation of a swimming pool in the front yard (lakeside) of the property.

Staff believes that the applicant has met the Statutory and City Criteria for approving the requested variance. Staff has provided a template approval motion on page 5 as well as findings of fact for approval for the requested variance.

City of Tonka Bay Planning Department  
**Variance Report**

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*To:* **City Council**

*From:* Kelsey Johnson, AICP – City Planner  
Justin Messner, PE – City Engineer

*Meeting Date:* **February 25, 2014**

*Applicant:* Jeffrey and Sandra Thoele

*Owner:* Jeffrey and Sandra Thoele

*Location:* **40 Interlachen Lane**

*Zoning:* **R-1A**

***Introductory Information***

***Proposed Project:*** The property owners are proposing to install an in-ground swimming pool between their home and the lake. The proposed project also includes a patio and fence around the pool.

***Variance Request(s):*** The proposed action will require the following variance:

1. A **variance** to allow for the installation of a swimming pool in the front yard (lakeside) of the property.

***Findings***

***Site Data:*** Lot Size – 17,957 square feet  
Existing Use – Single Family Home  
Existing Zoning – R-1A  
Property Identification Number (PID): 21-117-23-13-0004

***Comp Plan Guidance:***

- The comprehensive plan guides this lot for single family use. The corresponding zoning assigned to this property (R-1A) allows for single family homes.

***Accessory Buildings:***

- No accessory building or use, except as specifically provided by the Zoning Ordinance, may be located in a front yard.
- For riparian lots, the front yard is defined as that side adjacent to the lake.
- The applicants have proposed to locate the pool in the front yard. A variance will be required.

***Hardcover:***

- The maximum hardcover permitted on this lot without any review is 25 percent; hardcover between 25 percent and 35 percent can be allowed subject to approval by the City Engineer and City Administrator.
- The applicants are proposing hardcover in the amount of 4,457 square feet, which is 24.82 percent of the lot.

**Fencing:**

- The Applicants have indicated that they will be constructing a fence around the perimeter of the pool and patio apron area. The location of the pool and subsequent pool fence is not adjacent to the shoreline, a channel or stream, nor is it located along a common property line. The location requires that the applicant need only follow pool fencing requirements as described in Section 1011.05 Subd. 1. (e).

**Application Review:**

**Applicable Code Definitions:**

**Accessory Building or Use.** A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

**Lot, Frontage.** The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way. For lots abutting on two streets, the front shall be the boundary with the shortest length. For lakeshore lots, the boundary abutting the lakeshore shall be considered the front.

**Variance.** A variance is a relaxation of the terms of the Zoning Ordinance where such deviation will not be contrary to the public interest and where, owing to conditions unique to the individual property under consideration and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**Applicable Codes:**

**1011.04 Accessory Buildings, Structures, Uses and Equipment. Subdivision 1.a.** Except as may be specifically provided, no accessory use, building, structure or equipment shall be allowed within a required front yard. Placement of accessory buildings, structures, and equipment in the Shoreland District shall be regulated as found in Section 1070 of this Code.

**1011.05 Fencing/Screening. Subd 1. (d) 3.** Fences or walls on or adjacent to the shoreline of any navigable lake, channel or stream shall not exceed three (3) feet in height. Fences or walls on or along that portion of a lot line from navigable lake, channel or stream to the rear side of the average building construction line shall not exceed three (3) feet in height.

**1011.05 Fencing/Screening. Subd 1. (e) 1.** All outdoor swimming pools existing and hereafter constructed shall be completely enclosed by a security fence or wall at least four (4) feet from the edge of a pool. The bottom of the fence or wall shall be no higher than four (4) inches above the surface of the ground. Fence openings or point of entry to the pool area shall be equipped with self-closing and self-latching lockable gates.

By state statute, there are three definitive criteria that all variances must address: consistency with the ordinance, consistency with the comprehensive plan, and the establishment of "practical difficulties." Presuming a request meets the statutory criteria, city code also requires that the proposal will NOT impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street, increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the neighborhood.

*Variance Criteria  
Review:*

The requested variance is as follows:

1. A **variance** to allow for the installation of a swimming pool in the front yard (lakeside) of the property.

Staff's analysis of the requested variance under the review criteria is as follows:

**A. Statutory Criteria**

1. *The request is in harmony with the general purposes and intent of this ordinance.*

It is staff's interpretation that the requirement that no accessory structure or use be located in the front yard is intended to maintain a reasonably consistent appearance and high visual standard of all property from the public street. In the case of riparian lots, the lakeside of the property is considered the front yard. It is also staff's interpretation that this is intended to maintain a consistent appearance and high visual standard of properties from the lake, as well as to preserve views of the lake from adjacent property.

A swimming pool is a reasonable use for a single family home. As written, the Code would result in the street side of the property being considered the rear yard; however, staff does not find this to be a desirable or logical location for a pool due to the existing site conditions that are unique to the property as outlined within this report. Furthermore, a swimming pool in the rear yard would not reasonably function in the close proximity from the public street with traffic, dust, debris and lack of privacy. A swimming pool in this location may not be as functional and conveniently used in conjunction with the front yard uses of this lakefront property. Aesthetically, the pool may not be compatible with the proposed rear yard uses and may be a distraction when viewed from the street. Conversely, those factors would not be present if the swimming pool were located in the front yard as constructed. The location, function and aesthetic appearance of the swimming pool are important factors addressing the uniqueness of this property as it presents the practical difficulties the Applicants encounter in their proposal to have a swimming pool as a reasonable use for this property. **Criteria met**

2. *The variance is consistent with the comprehensive plan.*

The Comprehensive Plan calls for this area of the City to be used for single family dwellings, and for the development to occur in an orderly fashion in a manner best for the community. A swimming pool is a reasonable accessory use to a single family home and the lakeside of the property presents the most viable location for the pool as outlined in criteria 1 above. **Criteria met.**

3. *The property in question meets the "practical difficulties" test:*

- a.) *The property owner proposes to use the property in a reasonable manner.*

The property owners are proposing to install an in-ground swimming

pool and patio for greater enjoyment of the lakeside of their property. The uses conform to the allowed uses in the R-1A district. While the zoning ordinance states that the lakeside shall be considered the front yard for riparian lots, and that no accessory uses shall be located in front yards, the lakeside presents the most reasonable location for the pool. Staff finds the request reasonable.

Furthermore, as stated previously, a swimming pool in the rear yard would not reasonably function in the close proximity from the public street with traffic, dust, debris and lack of privacy. A swimming pool in this location may not be as functional and conveniently used in conjunction with the front yard uses of this lakefront property. Aesthetically, the pool may not be compatible with the proposed rear yard uses and may be a distraction when viewed from the street. Conversely, those factors would not be present if the swimming pool were located in the front yard as constructed. The location, function and aesthetic appearance of the swimming pool are important factors addressing the uniqueness of this property as it presents the practical difficulties the Applicants encounter in their proposal to have a swimming pool as a reasonable use for this property. **Criteria met.**

*b.) There are unique circumstances to the property not created by the landowner.*

A request to locate a swimming pool in the front yard (lakeside) of any lakeshore property in the City would require a variance. Additional grading and stormwater management of the site would need to occur if the pool were to be located in the rear yard (street side). The length of the outside perimeter of the pool dimension is approximately 35'-36' and the width is approximately 18'-19'. The fence on the "non-patio" sides of the perimeter of the pool drawing does not appear to be at least 4' from the edge of the pool per Section 1011.05 Subd. 1.e.1. Depending on the location of the fence, if the pool were placed in the rear yard (street side) with the length parallel to the right-of-way, the fence would be on the driveway edge leading from the required two car garage on one side and may encroach on the lot line on the other. In addition, a Linden tree in the rear yard may be disturbed if the pool were to be located in the rear yard. **Criteria met.**

*c.) The variance will maintain the essential character of the locality.*

The essential character of the locality will not be negatively impacted as a result of approval of this variance. The swimming pool should not reasonably detract from views of the lake from adjacent property. The lakeside of the property presents a much more reasonable location for a swimming pool than the streets side of the property. **Criteria met.**

**B. City Tests:**

*1.) Will the variance impair an adequate supply of light and air to adjacent property?*

No. The proposed swimming pool should not impair an adequate supply of light and air from reaching adjacent property. A fence will be required

to be installed surrounding the pool a minimum of four feet from all pool sides and of a height no less than four feet and no greater than six feet. However, the property owners could install a fence for their rear yard without a swimming pool. **Criteria met.**

2.) *Will the variance unreasonably increase the congestion in the public street?*

No. The current use of the property is for a single-family home, which will not change as a result of granting the variance. **Criteria met.**

3.) *Will the variance increase the danger of fire or endanger the public safety?*

No. The installation of a swimming pool is not anticipated to increase the risk of fire or endanger the public safety. **Criteria met.**

4.) *Will the variance unreasonably diminish or impair established property values within the neighborhood?*

The proposed addition of a swimming pool to the lakeside of the property should not have any impact on the values of neighboring properties. However, allowing a swimming pool on the street side of the property may have adverse effects on neighboring property values.

Second, the intent of the zoning ordinance is:

*To protect the public, such provisions are intended to provide for adequate light and air, safety from fire and other danger; prevent undue concentration of population; provide ample parking facilities; regulate the location and operation of businesses, industries, dwelling and buildings for other specified purposes; preserve property values by providing for orderly and compatible development of the various land uses; encourage energy conservation and the use of renewable energy resources; provide for administration of this Ordinance and all amendments hereto.*

Staff does not foresee any way in which the above requested variances will be in direct conflict with the above intent. **Criteria met.**

**Engineering Reports:**

As noted previously, calculations for this property indicate that 24.82 percent of the property will be impervious hardcover. This does not exceed the 25 percent allowable impervious maximum and thus does not require additional approvals.

**Conclusion**

**Council Options:**

The City Council has the following options:

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST (based on the applicant's submittals and findings of fact).
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING THE REQUEST (based on the applicant's submittals and findings of fact).
- C) TABLE THE ITEMS and request additional information.

The 60-day review period for this application expires on 03-17-14. An extension letter may be sent to the applicant and the home owners. A final decision MUST be made prior to 05-16-14.

**Recommendation:** Staff recommends approval of the requested variance based on the findings detailed in the report and as outlined in the template approval motion below.

**Template Denial Motion:** "I move that we direct staff to prepare a resolution of denial for the requested variance based on the following findings of fact:"  
*(Not Recommended)*

- (Provide findings to support conclusion)

**Template Approval Motion:** "I move that we direct staff to prepare a resolution of approval for the requested variance to allow a swimming pool in the front yard (lakeside) of the property based on the findings of fact listed in the report. Furthermore, the approval shall include the conditions listed within the staff report as may have been amended here tonight".  
*(Recommended)*

- a. The proposed use as a single-family home will not change and is consistent with the comprehensive plan.
- b. Granting the requested variance will not impair an adequate supply of light and air to adjacent parcels.
- c. Granting the variance will not increase congestion in the public street. The use of the property as a single family home will stay the same and not increase congestion.
- d. Granting the variance will not increase the danger of fire or endanger the public safety.
- e. Granting the variance will not diminish or impair established property values in the neighborhood. However, locating the swimming pool on the street side of the property may have adverse effects on neighboring property values.
- f. Granting the variance will not alter the essential character of the locality. The swimming pool should not reasonably detract from views of the lake from adjacent property. The lakeside of the property presents a much more reasonable location for a swimming pool than the street side of the property in terms of the existing topography and drainage patterns
- g. The request for a swimming pool is reasonable given the principal use of the property as a single-family home.
- h. The variance request is in harmony with the general intent of the ordinance and will not lead to an overcrowding of homes.

**Recommended Conditions:**

1. The applicant shall obtain all necessary permits and approvals from the City of Tonka Bay and other applicable entities with jurisdiction prior to any construction. This includes, but shall not be limited to permits from the Minnehaha Creek Watershed District (MCWD) and the Lake Minnetonka Conservation District (LMCD).

2. The approval of the building permit for the swimming pool is contingent upon the Applicant obtaining a fence permit that meets city code and the swimming pool regulations.
3. The pool location shall be moved from the apparent encroachment of the northwest corner on the average setback line of 64-feet (+/-).
4. The MCWD shall review and approve the final grading plans approved by the City Engineer prior to any work being authorized. Proof of MCWD approval (if needed) shall be provided to the city prior to a building permit being authorized.
5. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
6. Building structures (i.e. pool equipment storage structures) shall not occur within any existing easements on the property.
7. No construction above grade including but not limited to the construction of storage structures, play stations and slides which would obstruct the view from adjacent structures is allowed.
8. The variances shall expire one year from the date of the resolution. City Council approval will be required for any subsequent extension.

**CITY OF TONKA BAY  
VARIANCE APPLICATION**  
Phone: (952) 474-7994 Fax: (952) 474-6538  
www.cityoftonkabay.net

RECEIVED

**Application fee: \$150.00**

JAN 16 2014

The application fee is used to cover publication costs, County recording fees, postage and other supplies.

**Escrow fee: \$1,150.00**

The escrow fee is charged to cover staff expenses, engineering, planning and attorney expenses (as billed) which may be incurred because of your application. All staff time is billed at the regular employee rate plus 30% for overhead costs, which includes benefits, buildings, lights, heat, etc.

Any remaining funds, after expenses, are returned to the applicant. Expenses incurred over \$1100 will be billed to the applicant.

APPLICATION DATE 1/16/14

NAME OF PROPERTY OWNER(S) JEFFREY + SANDRA THOLE

MAILING ADDRESS 40 INTERLACHEN LANE TONKA BAY MN 55331  
Street Address City State Zip

PHONE 612-791-7987  
SITE ADDRESS (or legal description) 15 and 30ft of Lot 16 Interlachen  
PID NUMBER 21-117-23-13-0004

NAME OF APPLICANT(S) (if different from above) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
Street Address City State Zip

PHONE \_\_\_\_\_

**Initial where indicated that you have read and understand the requirement(s):**

- SM A. All property owners must sign as co-applicants.
- SM B. The property corners and proposed construction must be flagged/staked at the time of the application and maintained until the council makes a determination.
- SM C. Survey Requirements:
  1. Initial Survey  
Every application for building permit (excluding interior remodels, re-

roofs, re-siding and general maintenance) shall be accompanied by a certified survey at a scale and in quantities deemed necessary by the City of Tonka Bay unless waived in accordance with the City's survey exemption policy (attached). Because the survey will be used to determine an application's conformance with City Code, it shall be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit shall only authorize those land alterations identified on the associated survey. Surveys shall include all information as deemed necessary by the City to provide for the enforcement of city code. See below for more details in the "Submit with Application" section, Item 1.

2. **Foundation Survey**

Applications for new structures shall require that an as-built foundation survey be submitted by a time specified by the City (general prior to completing a foundation inspection) unless waived in accordance with the City's survey exemption policy. The as-built foundation survey shall certify both the final setbacks of the structure being built, and the elevations at which the new structure exists. Failure to provide the foundation survey is in direct violation of this ordinance and expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans.

3. **As-Built Survey**

Applications for new structures shall require that an as-built survey be submitted upon completion of work unless waived in accordance with the City's survey exemption policy. The as-built survey shall certify the final topography of the site, verify the drainage patterns existing upon completion of work, and the distance from average ground level to the highest roof peak. Any additional information needed by the city to ensure compliance with code can also be required. The city reserves the right to withhold the certificate of occupancy for dwelling units until final grading addresses all problems that may be detrimental to adjacent properties.

D. The applicant or representative thereof shall appear before the City Council to answer questions concerning the proposed conditional use permit. See attached public hearing information sheet.

**Submit with Application:**

1. Ten (10) to scale copies and ten (10) reduced (8-1/2" x 11" or 11" x 17") copies of a certified survey of the property. The survey shall include all information necessary to enforce applicable zoning regulations. Such information may include but is not limited to:
  - Location and Floor Area of existing and proposed structures
  - Lot Lines
  - Parcel size in acres and square feet
  - Building setbacks (closest point of building to each property line)
  - Low floor elevations of existing and proposed structures
  - Water features (lakeshore, wetlands, etc.)

- Existing and proposed topography – including ground elevations at corners of existing and proposed structures.
  - General location of vegetation
  - Location of structures on adjacent lots
  - Easements
  - Existing and proposed impervious surface calculations.
  - Location of public and private sewer lines or wells.
2. Hardcover calculation – current and proposed
  3. Floor area ratio – current and proposed
  4. Landscape plan and grading and drainage plan (current and proposed)
  5. Payment

**Additional Information**

- A. The request for variances shall be placed on the agenda of the first City Council meeting occurring at least thirty (30) days from the date of official submission unless waived by the Zoning Administrator. Upon receipt of a completed application, the Zoning Administrator shall set a public hearing for a regular meeting of the City Council. The City Council shall conduct the hearing.
- B. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all property owners within three hundred fifty (350) feet of the boundary of the property in question.
- C. For properties within the Shoreland, Floodway or Flood Fringe Overlay District, the City will submit to the Commissioner of Natural Resources a copy of the application for proposed variances so that the Commissioner will receive at least ten (10) days notice of the hearing.
- D. The applicant or representative thereof shall appear before the City Council to answer questions concerning the proposed variance.
- E. A variance of the Ordinance shall be by four-fifths (4/5) vote of the entire City Council.
- F. If approved, the variance shall become null and void twelve (12) months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the permit.
- G. Prior to approving an application for a variance, the City shall verify ownership, and that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the permit application relates.
- H. By state statute, there are three definitive criteria that all variances must address. The three criteria are as follows:
  1. Is the variance request reasonable? The hardship requirement does not mean that a property owner must show the land cannot be put to any reasonable use without the variance. Rather, the property owners must show that they would like to use their property in a reasonable manner that is prohibited by the ordinance.
  2. Does the application present unique circumstances?
  3. If approved, would the variance alter the essential character of the locality?

1004.02

**GENERAL PROVISIONS AND STANDARDS**

Subd. 3.

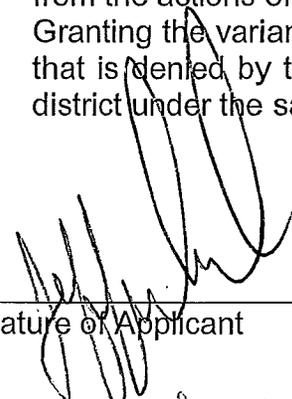
Review Criteria. In considering all requests for a variance and in taking

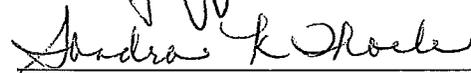
subsequent action, the City Council shall make a finding of fact that the proposed action will not:

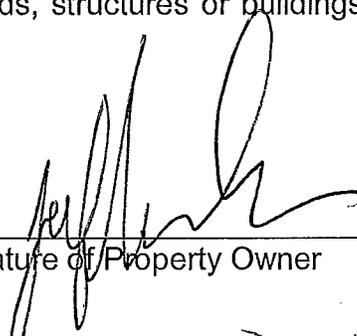
- a. Impair an adequate supply of light and air to adjacent property.
- b. Unreasonably increase the congestion in the public street.
- c. Increase the danger of fire or endanger the public safety.
- d. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Ordinance.
- e. Violate the intent and purpose of the Comprehensive Plan.
- f. Violate any of the terms or conditions of Subd. 4., below.

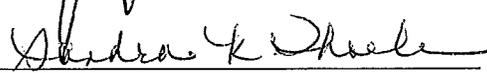
Subd. 4. Conditions. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

- a. Undue hardship will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - 1. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
  - 2. Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Chapter.
- b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use.
- c. The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Signature of Property Owner

  
 \_\_\_\_\_  
 Signature of Property Owner

This Section Completed by Staff			
FEE	FOR	DATE PAID	STAFF INITIALS
\$150.00	Application Fee	10/23/13	CFJ
\$1,150.00	Escrow Fee*	n/a	CFJ