



COMMUNITY DEVELOPMENT DEPARTMENT

222 Lewis Street
River Falls, WI 54022

(715) 425-0900
FAX (715) 425-0915
www.rfcity.org

**AGENDA
BOARD OF APPEALS
September 4, 2013
6:30 p.m.
City Council Chambers**

CALL TO ORDER/ROLL CALL

NOMINATION AND SELECTION OF A BOARD CHAIRPERSON

APPROVAL OF AGENDA/MINUTES

NOTE: Minutes of August 7, 2013 Board of Appeals meeting

READING OF PUBLIC HEARING NOTICE – City Clerk

READING OF ANNOUNCEMENT OF PROCEEDINGS – City Clerk

BRIEF PRESENTATION BY CITY STAFF – Michael Centinario, Management Analyst

PUBLIC HEARING

1. Swearing in of all persons wishing to speak (prior to their speaking)
2. Chairperson close public hearing (with no one wishing to speak further)

DISCUSSION BY BOARD

MOTION

1. Chair to state for record what a yes vote means, what a no vote means.
2. Written vote by board members – name and yes/no on voting slip

CITY CLERK STATES RESULTS

ORDER AND DETERMINATION

ADJOURNMENT

Board of Appeals
Meeting Minutes
Wednesday, August 7, 2013
Council Chambers – City Hall
for
Chad Christiansen, 678 Dundee Avenue
276-1108-01-012

The meeting was called to order by Chairperson Tom Heimerl at 6:30 pm.

Roll call: Members present; Gary Horvath, Tom Heimerl, Andrew Brown, Morris Marsolek, Jeanette Leonard, and 1st alternate Eric Amundsen.

Others present: Tony Steiner, City Planner; Mike Centenario, Management Analyst, Chad Christiansen, Stephanie Christiansen, Duane Price, Jeremy Crayford.

Hecht read the Public Hearing Notice that was published in the July 25, 2013 River Falls Journal. This public hearing is being held at the request of Chad Christiansen for the purpose of obtaining a variance to the rear yard setback requirements in the Traditional Neighborhood Development Zone to accommodate an outdoor deck.

Hecht read the Zoning Board of Announcement of Proceedings.

Chairperson Heimerl opened the Public Hearing at 6:35 pm.

Chad Christiansen was sworn in. Mr. Christiansen stated that when he purchased the home in 2010 he was not aware that a variance was needed to allow him to build a deck. A fence surrounds his property. Neighbors do not object to the building of a deck. The house has a glass door in the back that goes nowhere. He would like to have the deck build as a second exit to the upper level of the home for safety reasons. He cannot build a deck on the side because when the house to the east was built it was too close to the drainage ditch and the ditch easement was moved 30' onto Mr. Christiansen's property.

Discussion was held regarding the size of the lot (90 x 105), usage of land behind this lot (City owned wet land), and if the walking path was behind his house. The path stops prior to this property. His deck would not have any adverse effects on his neighbors or the wet lands.

Steiner explained that the Traditional Neighborhood Development District (TND) was created to push homes to the front of lots closer to the sidewalks. Builders can place homes on lots with approved building permits. The hardship is created because the lot is so narrow and the set back is 30' instead of the normal set back of 25' in other neighborhoods.

Chad Christainsen
678 Dundee Avenue
August 7, 2013
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Christiansen explained that the stairs would wrap around and land on the concrete patio. The deck would be 12' and would encroach 7' into the rear setback.

With no one else wishing to speak the Public Hearing was closed at 6:43 pm.

Steiner explained that the TND does not say no decks can be built. The hardship is created because it is a short lot, the wet lands behind it, and the home was not built closer to the sidewalk in front. There have been others in the neighborhood that have requested variances for decks. Most of the homes have decks.

Motion by Amundsen, seconded by Marsolek to approve the variance request based on the hardship not created on his own doing but that of the builder. Along with the safety fact of not having a second exit to the upper level.

Amundsen wanted it also noted that a hardship is created because there is only one exit on the upper level. He asked Mr. Christiansen if he had a Plan B if a variance was not granted. Christiansen said that he would build steps to grade so that he could have an exit. Amundsen also wants Tony to go before Council to ask for consideration to seek adjustments to the setbacks within the ordinance. He added that with Mr. Christiansen having to put down several hundred dollars to appear before the BOA, and with the history of other property owners having to appear before the BOA and having their requests granted a setback change could take care of future requests.

Amundsen stated that a hardship is created because of the topographical conditions of the lot. Horvath stated that if land is platted and the builders create unbuildable lots, the BOA should not have to give variances for that reason. Brown stated that the builder is not always responsible for the hardship as he just purchases a lot, the home owner should be aware of setbacks and easements on the property he purchases. In general the traditional neighborhood ordinance needs work; it does not meet today's needs.

Heimerl stated the builder built a second door so the hardship is not that there is not a second exit from the upper level.

With Marsolek withdrawing his second, Amundsen withdrew his motion.

Motion by Amundsen, second by Marsolek to approve variance request based on the hardship created by the topography of the lot and the encroachment of the easement onto his property.

Heimerl stated that a yes vote means that the Board found that the variance is needed as there is a hardship.

Chad Christainsen
678 Dundee Avenue
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Votes were read by Hecht, all Board Members voting yes.

Heirmerl wondered if a new chairman should be voted on at this meeting. Amundsen stated he is experienced with conducting meetings and would be happy to serve as Chairman. Steiner reminded him that as an alternate he would not be able to serve as chair. Mr. Amundsen stated that with the Council's approval, the Mayor plans to appoint him as a regular member. Consensus of BOA is to wait until new members have been appointed by the Mayor.

MSC Horvath/Marsolek adjourn at 7:01pm

Respectfully submitted

Lu Ann Hecht, City Clerk



COMMUNITY DEVELOPMENT DEPARTMENT

222 Lewis Street
River Falls, WI 54022

Phone (715) 425-0900
FAX (715) 425-0915

BOARD OF APPEALS

August 26, 2013 for September 4, 2013 Meeting

STAFF REPORT

FILE: BOA, Steve and Mary Trebus, 215 Union Street

REQUEST: Board of Appeals Request from Steve and Mary Trebus

LOCATION: 215 Union Street

LEGAL: Lot 1 of CSM Vol. 7, Page 2080

PIN: 276-1006-60-000

APPLICANT Steve and Mary Trebus

OWNER: Steve and Mary Trebus (Trebus Investments, LLC)

PURPOSE: The public hearing is being held at the request of Steve and Mary Trebus for the purpose of obtaining a variance to the rear yard setback requirements in the R1 – Single Family Low Density zoning district to accommodate the construction of a screened porch.

BACKGROUND

Steve and Mary Trebus have applied for a variance to encroach into the required rear yard setback in the R1 – Single Family Low Density zoning district. The rear yard setback in the TND District is 30 feet. The applicant would like to construct a 14 foot by 18 foot screened porch onto the existing home, which would encroach, according to the site survey included in the application, 15.08 feet into the rear yard setback.

ANALYSIS

Attached you will find a letter and supporting materials from the applicant. The Board must determine that the statutory requirements governing granting a variance are met. At the conclusion of the hearing the Board should provide, in writing, its findings of fact and

conclusions regarding the variance request and the Board's application of the ordinance. Attached you will find applicable zoning code sections and a form regarding findings of fact, conclusions of law and order of determination. It is the responsibility of the Board to complete this form. Staff will see that the conclusions of the Board are entered into the record.

SURROUNDING LAND USE AND ZONING

- North of the property is open space and zoned C – Conservancy
- South of the property is Residential and zoned R1 – Single Family Low Density
- East of the property is Residential and zoned R1 – Single Family Low Density
- West of the property is Residential and zoned R3 – Multiple Family High Density

NEIGHBORHOOD/PUBLIC COMMENTS

On August 21, 2013, public hearing notices were mailed out to property owners within 300 feet of the proposed use. Staff will provide any comments made by the neighbors to the Board at the meeting. The applicant has included a letter and email from neighboring property owners who do not oppose the variance request.

INTERDEPARTMENTAL REVIEW

Staff finds that there are no issues to be reviewed by City staff in other departments.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Findings of Fact

1. The application is complete.
2. The property is zoned R1 – Single Family Low Density.
3. In order for the applicant to proceed with their plans to construct a screen porch a variance is necessary.
4. Per Section 17.104.030(E) of the Municipal Zoning Code, the Board of Appeals may grant a variance if it finds the variance request meets the following five standards:
 - a. That because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.
 - b. That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or buildings in the same zone classification.
 - c. That the purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land.
 - d. That granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner and the alleged difficulty or hardship is caused by this chapter and has not been created by any person having an interest in the parcel of land.

- e. That granting of such variance will not, under the circumstances of this particular case, materially affect adversely the health and safety of persons residing or working in a neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.

Conclusions of Law

The Board must apply the conditions set out in Section 17.104.030(E) of the Municipal Zoning Code and make a decision based on those criteria. In order to grant a variance a favorable vote of four of the five sitting members is necessary. The motion regarding action should be very specific with regards to the action being taken. Staff can assist the Board with drafting of the language once the decision has been made.

STAFF RECOMMENDATION

The Board of Appeals is a quasi-judicial body (i.e. functions in many respects like a court). Staff typically does not make a recommendation prior to the hearing that may prejudice a decision by the Board. Staff will be available at the public hearing to answer questions that may aid the Board in its decision.

BOARD OF APPEALS OPTIONS

1. Approve the variance as requested.
2. Approve the variance with conditions determined by the Board of Appeals.
3. Table the variance request for up to 14 days while the Board considers a decision.
4. Deny the variance based on the Findings of Fact.

EXHIBITS

1. Board of Appeals application
2. Letter from applicant, photos, correspondence from neighbors, site plan
3. Aerial photo parcel map
4. Additional color site photos
5. Municipal Ordinance Section 17.20.050 R1 – Height, area and setback requirements
6. Section 17.104.030 (Board of Appeals)
7. Board of Appeals Decision Form

PREPARED BY:

Michael Centinario, Management Analyst

City of River Falls – Land Development Application

Applicant's Name: **STEVE & MARY TREBUS** Telephone No.: **715-222-9600**

Address: **215 UNION ST. RIVER FALLS WI 54022**

Fee Owner: **STEVE & MARY TREBUS** Telephone No.:

Address:

Request For:

<input type="checkbox"/> Zoning District Change	<input type="checkbox"/> Special Exemption/Use
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> PUD General Plan Review
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> PUD Specific Implementation Plan
<input type="checkbox"/> Administrative appeal	<input type="checkbox"/> Other:

Area:

<input checked="" type="checkbox"/> City of River Falls (corporate limits)	<input type="checkbox"/> River Falls Township
<input type="checkbox"/> Clifton Township	<input type="checkbox"/> Kinnickinnic Township

Status of Applicant:

<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Buyer	<input type="checkbox"/> Other:
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Present Zoning: **R-1 SINGLE FAMILY** Zoning Requested:

Uses Proposed: **SCREEN PORCH** Acreage(s):

Location: **REAR OF HOME**

Legal Description (Attach legal if needed):

The undersigned applicant or representative thereof, certifies that he/she is familiar with the state and local code applicable to this request; the procedural requirements of the city; and all other applicable city ordinances.

Signed by Applicant: *[Signature]* Date: **8/16/13**

Signed by Fee owner: *[Signature]* Date: **8/16/13**

Application received by: Date:

Fees:

Variance	\$ 670⁰⁰	Site Plan Review	\$ _____
Zoning District Change	\$ _____	Special Use Permit	\$ _____
Administrative Appeal	\$ _____	Other:	\$ _____
PUD General Dev. Plan Review	\$ _____	Total	\$ 670
PUD Spec. Imple. Plan Review	\$ _____		

Application to be considered by the City Board of Appeals, at their September 4, 2013 meeting.

August 19, 2013

To: City of River Falls Planning Commission

Re: Steve and Mary Trebus

Application for Variance for Property Located at:

215 Union Street

River Falls, WI 54022

To Whom It May Concern;

We purchased the property located at the above address in May of 2012. From the time we purchased the property until June 2013 we used the home as an income-producing rental property.

We recently completely remodeled the home and moved in on August 1st. Due to water problems in the basement resulting from the grade of the rear yard and the hill behind the house, it was necessary to remove the rear deck to give the excavator access to the entire yard.

We would like to add a screened porch to the rear of the home where the deck was located; however, we discovered that due to the position

of the home and the small size of the lot, this proposed porch would encroach on setback requirements. Unbeknownst to us, the deck that came with the home when we purchased the property did encroach on these requirements.

At this time, we cannot build any kind of deck or porch off of our dining area because the home itself is already within the 25 foot setback requirement. When we purchased the property we did not have any knowledge of this situation.

The estimated cost to build this screened porch is \$8,000.

We sincerely appreciate your consideration,

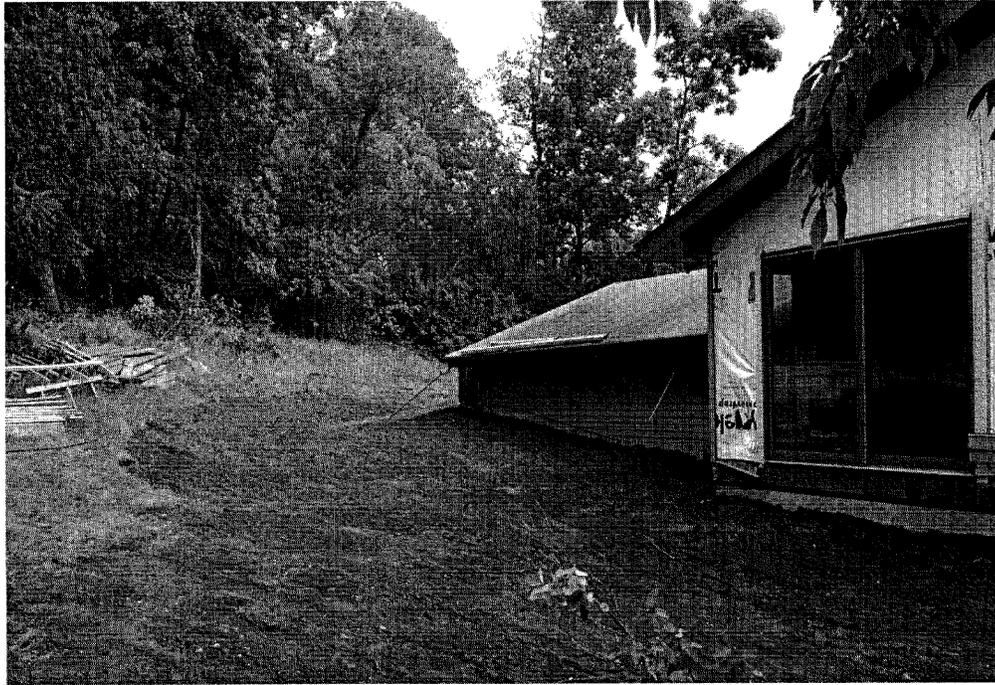

Steve and Mary Trebus

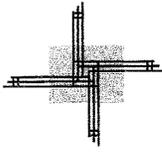
SIX CONDITIONS FOR VARIANCE APPROVAL:

1. Based on the physical characteristics of the lot, this very limited rear yard area is more conducive to a deck or screened porch versus a patio.
This condition is due to the dramatic hillside slope which creates extreme water runoff from the hill to the rear of the home.
2. The exceptional or unusual circumstances applying to this land include the location adjacent to a city-owned park space that has no realistic potential for development. Also, due to the home being set back off the road, the neighbor to the east would not be affected by the structure. The Lutheran Home which is on the west side is a commercial structure that would not be adversely affected by a screened porch. The existing trees will remain; we will also install trees and vegetation to buffer any views.
3. The screened porch is for our enjoyment only, not designed to improve value or income potential.
4. We feel the screened porch is necessary to preserve a substantial interest in the property so that we can utilize the rear yard. We have an existing patio door leading off our dining area that leads to the rear yard.
5. This hardship is not caused by us; we had no knowledge that the existing deck encroached on setback regulations. We assumed that we would be able to build a structure similar in size.
6. The screened porch would not adversely affect the health or safety of the neighborhood or be injurious to the public welfare or the property in the neighborhood. The structure would be

built to meet or exceed all required building codes. The only other building on the property is the home. The wooded area owned by the city would not be touched. The porch would not affect the drainage of the lot. There would be no sewer or water in the porch; only electrical plug in's and a light fixture.







ST. BRIDGET CHURCH

211 E DIVISION STREET PO BOX 86

RIVER FALLS, WISCONSIN 54022

PHONE: 715/425-1870 FAX: 715/425-1871

E-MAIL: saintb@stbparish.com WEB SITE: www.saintbridgets.org

August 19, 2013

Re: Steve and Mary Trebus application for variance for a porch

To the City of River Falls Planning Commission;

St. Bridget Catholic Church owns the following properties on Union Street:

214 Union Street

220 Union Street

227 Union Street.

Steve and Mary Trebus have asked about having a porch constructed onto their home at 215 Union Street, which requires a variance.

St. Bridget's has no objection to this request.

Sincerely,

Rev. Gerald P. Harris,

Pastor and vice president of St. Bridget's Catholic Congregation.

Steve Trebus

From: Selvy,Jim [jeselvy@tlha.org]
Sent: Monday, August 19, 2013 8:53 AM
To: Steve Trebus
Subject: Re: Steve Trebus in River Falls

Steve and staff of the city River Falls, The Lutheran Home and Wellhaven are pleased to have Steve as a neighbor. He has beautified his new home and we fully support his addition of a back screen porch. Thank you.

Sent from my HTC EVO 4G LTE exclusively from Sprint

----- Reply message -----

From: "Steve Trebus" <SteveTrebus@falconappraisal.com>
To: "Selvy,Jim" <jeselvy@tlha.org>
Subject: Steve Trebus in River Falls
Date: Mon, Aug 19, 2013 8:09 AM

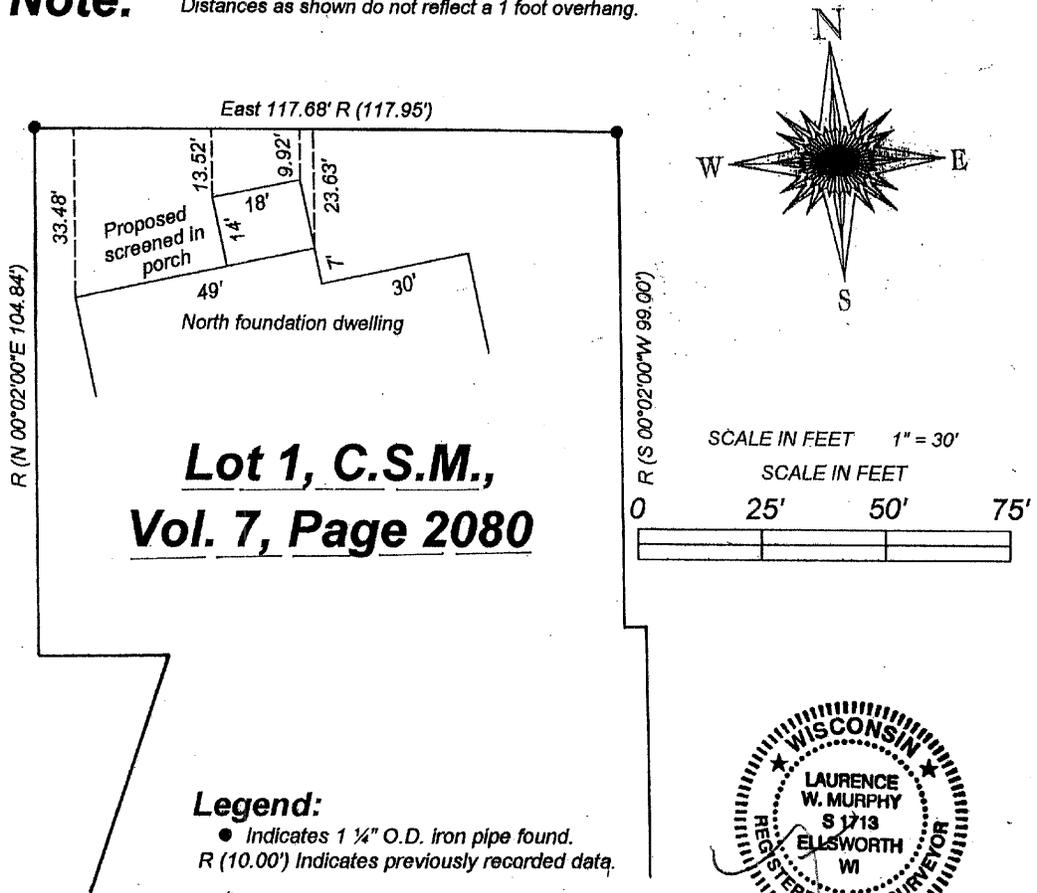
Hi Jim,
I own the home at the rear of the Lutheran Home in River Falls.
Could you please call me at your earliest convenience?
715-222-9600

Thank You,

Steve

Map of Survey for Steve Trebus Proposed Setback Variance

Note: Distances as shown do not reflect a 1 foot overhang.

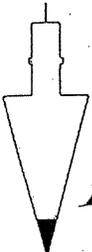
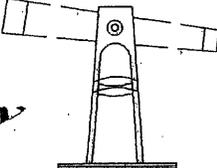


Description of Trebus parcel:

Lot 1 of that certified survey map in Vol. 7, Page 2080, of St. Croix County Certified Survey Maps, being located in the Southeast ¼ of the Southeast ¼ of Section 36, Township 28 North, Range 19 West, City of River Falls, St. Croix County, Wisconsin.

State of Wisconsin)
County of Pierce)

I, Laurence W. Murphy, Registered Land Surveyor, do hereby certify that the building location information as shown above is true and correct to the best of my knowledge and belief.

	MURPHY LAND SURVEYING ELLSWORTH, WISCONSIN		DATE 8-18-13
	Laurence W. Murphy 715-425-9032		FLD SURVEY 8-18-13
			SCALE 1" = 30'
		DRAWN L.W.M.	
			REVISED
			LOCATION River Falls
			JOB NO. 2013-050



The Lutheran Home

215 Union Street

Wellhaven Senior Apartments

UNION ST



Exhibit 3: 215 Union Street Parcel Map



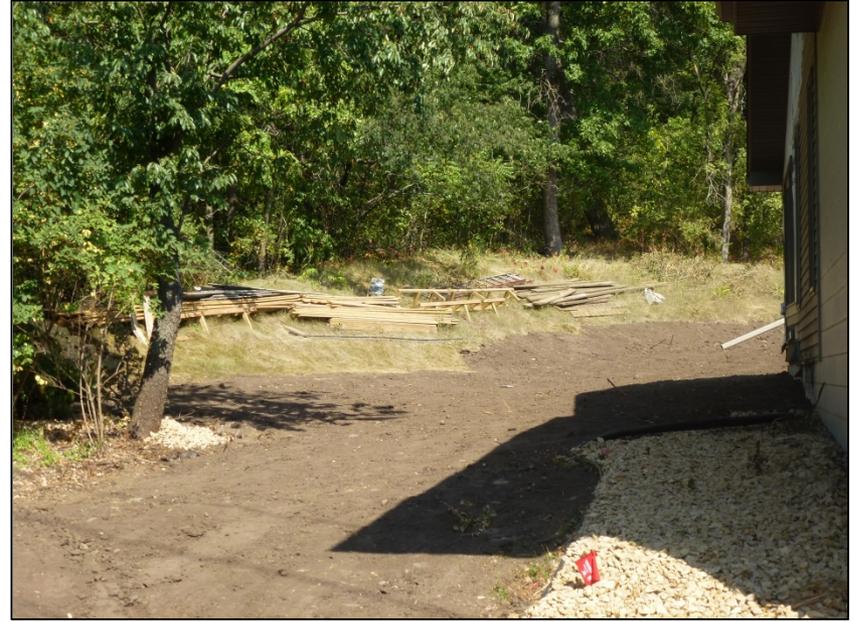
0 25 50 100 Feet

Exhibit 4: Additional Site Photos – 215 Union Street

Photos taken 8.27.13



Rear yard



Rear yard – close up view



Rear yard – facing north



Rear yard – facing west towards Wellhaven Senior Apartments

17.20.010 - Purpose.

The R-1 district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses.

(Prior code § 21.18(1))

17.20.050 - Height, area and setback requirements (single-family).

- A. Minimum lot area: seven thousand five hundred (7,500) square feet, except that lots of record with less than seven thousand five hundred (7,500) square feet or less than seventy-five (75) feet wide shall have a minimum of five thousand (5,000) square feet and fifty (50) feet.
- B. Maximum building height: thirty-five (35) feet.
- C. Minimum lot width: seventy-five (75) feet, except as referred to in subsection A of this section.
- D. Minimum front yard: twenty (20) feet.
-  E. Minimum rear yard: twenty-five (25) feet, except that accessory buildings shall not be closer than five feet to rear lot line.
- F. Minimum side yard (interior lot): five feet.
- G. Minimum side yard (corner lot): fifteen (15) feet.
- H. Average Structures Setbacks. Along streets designated as local streets on the city's official map, a new principal structure or addition to a principal structure (excluding garage or carport) may encroach upon the minimum front yard setback for its lot if there is a principal structure on a lot adjoining it or principal structures on both lots on either side of it having setbacks less than the minimum setback line. Averaging of setback shall be calculated as follows:
 - 1. If one principal structure on an adjoining lot is located within the minimum setback line, the setback for the new principal structure or addition to a principal structure shall be the average of the distance between the standard setback line and the location of the front of the adjoining principal structure.
 - 2. When principal structures are on lots on either side and within the minimum setback line, the setback for the new principal structure or addition to a principal structure shall be the average of the distance between front of both adjoining principal structures.

(Ord. 2008-26 §§ 1 (part), 2 (part); prior code § 21.18(5))

17.104.030 - Board of appeals.

- A. How Constituted. The board of appeals shall consist of five members appointed by the mayor, subject to confirmation by the council, for terms of three years pursuant to Section 62.23(7), Wis. Stats.
- B. The members shall serve with compensation as provided in [Section 2.08.060](#) and shall be removable by the mayor for cause upon written charges and after public hearing. The board of appeals shall make and file in the office of the city clerk its own rules of procedure consistent with the statutes. The minutes of proceedings and hearings before the board and all variances granted by it shall be filed promptly at the office of the city clerk and shall be open for public inspection during office hours. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. A concurring vote of a majority of the quorum is sufficient if the decision of the board is advisory or upholds the zoning administrator's decision. The grounds of every such determination shall be stated and recorded.
- C. Alternate Members. The mayor may appoint, for staggered three year terms, two alternate members to the board of appeals. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act with full power only when a member of the board refuses to act because of interest or is absent. The second alternate shall so act only when the first alternate so refuses or is absent, or when more than one member of the board so refuses or is absent.
- D. Powers and Duties. The board of appeals shall have the following duties, powers and responsibilities:
1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the zoning code.
 2. To hear requests for variances from the literal provisions of this title in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. The board of appeals may not permit as a variance any use that is not permitted under this title for property in the zone where the affected person's land is located. The board of appeals may impose conditions in the granting of variances to ensure compliance with the variance and to protect the adjacent properties.
- E. The board of appeals may grant a variance subject to the following conditions:
1. That because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were carried out;
 2. That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or building in the same zone classification;
 3. That the purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land;
 4. That granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner and the alleged difficulty or hardship is caused by this chapter and has not been created by any person having an interest in the parcel of land;
 5. That granting of such variance will not, under the circumstances of this particular case, materially affect adversely the health and safety of persons residing or working in a neighborhood of the property of the applicant and will not, under the circumstances of this

particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.

- F. The following procedures shall be applicable in making an appeal to the board of appeals:
1. Any person appealing to the board of appeals shall make written application providing such information as is necessary to the city clerk and make a payment of a fee. The fee will be set from time to time by resolution of the city council.
 2. The board of appeals shall hold a public hearing on the appeal. Notice of the hearing shall be published in the official newspaper at least ten (10) days before the hearing. Due notice shall also be sent to the parties in interest.
 3. The board of appeals after review of the application and within fourteen (14) days after the hearing shall make a decision on the appeals.
 4. In granting an appeal or a variance under the provisions of this section the board of appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the appeal or variance is granted as to the public health, safety, comfort, convenience and general welfare.

(Ord. 1999-7 (part); Ord. 1998-12; prior code §§ 1.50, 21.62)

CITY OF RIVER FALLS, WISCONSIN
DECISION OF BOARD OF APPEALS

Public Hearing: Steve and Mary Trebus – September 4, 2013

FINDINGS OF FACT

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

1. The applicant or appellant is: Steve and Mary Trebus (Trebus Investments, LLC)
215 Union Street
River Falls, WI 54022.

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

Property Address:	215 Union Street
PIN	276-1006-60-000
County	St. Croix

3. The property is presently in use as: a single-family home.

4. The applicant or appellant proposes (brief project description/attach plan):

The applicant proposes to add a screen porch to rear of the home.

5. The applicant or appellant requests:

The applicant proposes to add a screen porch to the rear of the home. To do this, the applicant must be granted a variance to the minimum 25 foot rear yard setback requirement in the R1 – Single Family Low Density zoning district.

6. The features of the proposed construction and property which relate to the grant or denial of the application or appeal are (refer to the standards or criteria in the ordinance):

The R1 – Single Family Low Density zoning district requires a minimum 25 foot rear yard setback. The applicant’s property is a “flag” shaped lot and the home is setback far from the street, which resulted in a very long driveway and a backyard with little depth. According to the applicant’s site survey, the home is currently 23.63 feet from the rear property line, which does not meet the R1 district’s 25 foot minimum rear yard setback.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

VARIANCE STANDARDS. The variance must meet all five of the following standards:

1. That because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were carried out.
2. That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or building in the same zone classification.
3. That the purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land.
4. That granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner and the alleged difficulty or hardship is caused by this chapter and has not been created by any person having an interest in the parcel of land.
5. That granting of such variance will not, under the circumstances of this particular case, materially affect adversely the health and safety of persons residing or working in a neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law, and the record in this matter, the Board orders:

VARIANCE. The requested variance is **denied/granted/granted, subject to the following condition(s):**

This decision may be appealed by filing an action in certiorari in the Circuit Court for St. Croix County within 30 days after the date of filing of the decision. The City of River Falls assumes

no liability for and makes no warranty s to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

**FOR THE CITY OF RIVER FALLS
BOARD OF APPEALS**

ATTEST:

City Clerk

Dated: _____

Filed: _____

cc: Applicant