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**ZONING VARIANCE  
MODEL APPEAL OR APPLICATION**

TO THE ZONING BOARD OF APPEALS FOR ZONING VARIANCE

Per Wisconsin State Statutes, to qualify for a variance, the Zoning Board of Appeals must determine if your request meets all three criteria of the three-step test:

- 1) **UNIQUE PROPERTY LIMITATIONS:** The variance request is due to unique physical limitations of the property, i.e. compliance with the Ordinance(s) is prevented by limitations of the property (steep slopes, drainage or waterways, wetlands, soil types, densely wooded areas, utility and other easements, unusual configuration/dimensions of lot, etc.) which are not generally shared by other properties. Personal circumstances of an applicant (growing family, personal storage issues; etc.) are not a factor in deciding variances. Nearby ordinance violations and prior variances do not provide a basis for granting a variance. Minor property limitations, which prevent ordinance compliance and are common to a number of properties, may be addressed by amendment of the Ordinance(s).
  
- 2) **UNNECESSARY HARDSHIP:** Strict application of an ordinance requirement (dimensional standard) would unreasonably prevent the owner from using the property for a permitted purpose. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner. You will be asked to demonstrate that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

The Zoning Board of Appeals will evaluate the hardship in light of the purpose of the zoning restriction at issue. An applicant may not claim hardship because of conditions, which are self-imposed (for example: splitting a lot to create two substandard lots and then claiming hardship). Courts have also determined that loss of profit or financial hardship do not, by themselves, justify a variance. The property owner bears the burden of proving unnecessary hardship.

- 3) **NO HARM TO PUBLIC INTERESTS:** A variance will not create substantial detriment to adjacent property, the entire community and the general public. The variance would not undermine the purpose, intent and spirit of the Zoning Ordinance(s) or the public interest.

Instructions

Appeals and applications shall be filed with the Zoning Administrator. The Zoning Administrator shall refuse appeals or applications that are not complete or are not legible.

Appeals

I hereby acknowledge of written notification of the Zoning Administrator’s permit refusal or notice of violation and do, therefore, appeal to the Board of Zoning Appeals for one of the following (check one):

- \_\_\_\_\_ 1. Review, reversal or modification of the Zoning Administrator’s permit refusal, correction order or interpretation.
- \_\_\_\_\_ 2. A variance to Section \_\_\_\_\_ of the Zoning Ordinance.

Application

I hereby apply for one of the following (please check one):

- \_\_\_\_\_ 1. An interpretation of the regulations of the Zoning Ordinance or the boundaries of the Zoning Map.
- \_\_\_\_\_ 2. Permission to substitute a more restrictive non-conforming use for an existing one.
- \_\_\_\_\_ 3. A determination that an unspecified or unclassified use is permitted in a district.

Names and Addresses

Applicant or Appellant: \_\_\_\_\_

Owner of the site: \_\_\_\_\_

Architect: \_\_\_\_\_

Professional Engineer: \_\_\_\_\_

Contractor: \_\_\_\_\_

Description of the Subject Site

Address of premises affected: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Lot size: \_\_\_\_\_

Metes and bounds description (please attach: \_\_\_\_\_

Zoning district classification: \_\_\_\_\_

Description of existing operation or use: \_\_\_\_\_

Description of the proposed operation or use: \_\_\_\_\_

\_\_\_\_\_

Number of employees: \_\_\_\_\_

Type of structure: \_\_\_\_\_

Terms of ordinance: \_\_\_\_\_

Variance requested: \_\_\_\_\_

Reason for petition: \_\_\_\_\_

Attachments

The following required items shall be attached for all appeals and applications:

Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plate of survey shall show the location, elevation and use of any abutting lands their structures within forty (40) feet of subject site.

Additional Information as may be required by the Plan Commission, City Engineer, Zoning, Building or Health Inspectors.

Payment of Fee in the amount of \$ **500.00**.

An appeal of the Zoning Administrator’s permit refusal, correction order or interpretation shall be accompanied by a statement as to why the Zoning Administrator’s decision is in error. An appeal for a variance shall be accompanied by a statement of facts listing the appellant’s special conditions that would cause a literal enforcement of the Zoning Ordinance to result in practical difficulty or unnecessary hardship. An application for a determination of unclassified uses shall be accompanied by a complete description of the process, operation of use and comparisons with similar uses.

Date: \_\_\_\_\_

Owner/Owner’s Agent: \_

\_\_\_\_\_  
Print

\_\_\_\_\_  
Signature