

Chippewa County Department of Planning & Zoning – 2014 Variance Application



A **VARIANCE** is a relaxation of a dimensional standard in a land use ordinance (e.g., setbacks, lot area, height, etc.). The Board of Adjustment (BOA), after a public hearing, decides whether a variance is to be granted or denied. It is a quasi-judicial body because it functions almost like a court. The BOA's main objective is not to compromise ordinance provisions, but to apply legal criteria provided in State Supreme Court Decisions, State Laws and the County Ordinances to a specific development request, which does not meet the minimum ordinance requirements. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden on a property.

Once a completed application is received, the Chippewa County Department of Planning & Zoning will prepare and publish in the Chippewa Herald a public hearing notice of your variance request. The public hearing notice will include the location and time of the required public hearing before the BOA. In addition, your neighbors and any affected state agency(s) will also be notified. At the hearing, any party may appear in person or may be represented by an agent or attorney to present information to the BOA in opposition or support of your request.

| SECTION I: Owner Information | | | SECTION II: Agent/Contractor Information | | |
|---------------------------------|--------|------|--|--------|------|
| Name: | | | Name: | | |
| Mailing Address: | | | Mailing Address: | | |
| City: | State: | Zip: | City: | State: | Zip: |
| Telephone: | | | Telephone: | | |
| Email Address: | | | Email Address: | | |
| SECTION III: Parcel Information | | | | | |
| Town of: | | | Property Address: | | |
| Parcel Number: | | | City: | State: | Zip: |
| Zoning District(s): | | | | | |

GENERAL DIRECTIONS:

- Complete** the attached Application form and the required six (6) parts:
 - Part 1: Board of Adjustment Schedule - 2014
 - Part 2: General Questions/Alternatives related to the request
 - Part 3: Three Step Test Criteria for Variance
 - Part 4: Construction and/or Plot Plans Required
 - Part 5: Applicant Acknowledgements
 - Part 6: Application Completeness Statement
- Submit** the application, all required information and a **\$650.00** public hearing fee by the deadline listed in Part 1 of the application to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
- Make arrangements** to attend or have a representative attend the public hearing, so that the request can be presented and questions answered.

| FOR DEPARTMENT OF PLANNING & ZONING STAFF USE: | | |
|--|----------------|----------------------|
| Receipt Number: | Appeal Number: | Public Hearing Date: |

Chippewa County Department of Planning & Zoning – 2014 Variance Application

Part 1: Board of Adjustment Schedule - 2014

All actions delegated to the BOA pursuant to county ordinances will be subject to the below filing deadlines. Applications will not be considered to be filed and will not be placed on the agenda unless they are properly completed and include ALL required supporting information or documents, including payment of fees. You are encouraged to consult with staff of the Department of Planning & Zoning prior to the filing of an application to insure that all pertinent issues are identified and to determine what information in addition to the application forms will be necessary in order for the department to accept and process your application. Please CIRCLE or HIGHLIGHT the meeting you intend on attending:

| <u>Application Deadline</u> | <u>BOA Public Hearing</u> |
|-----------------------------|---------------------------|
| December 19, 2013 | January 16, 2014 |
| January 23, 2014 | February 20, 2014 |
| February 20, 2014 | March 20, 2014 |
| March 20, 2014 | April 17, 2014 |
| April 17, 2014 | May 15, 2014 |
| May 22, 2014 | June 19, 2014 |
| June 19, 2014 | July 17, 2014 |
| July 24, 2014 | August 21, 2014 |
| August 21, 2014 | September 18, 2014 |
| September 18, 2014 | October 16, 2014 |
| October 23, 2014 | November 20, 2014 |
| November 20, 2014 | December 18, 2014 |

*Note: Applications and all supporting information are due at **12:00 Noon** on the designated date.*

Note: Board of Adjustment meetings start at 5:30 PM.

Part 2: General Questions/Alternatives related to the request (Use a separate 8.5” x 11” sheet to answer these questions):

- (A) Section references to all applicable ordinances, which the variance is being sought. Please identify the exact section(s) and number(s).
- (B) Describe the variance being requested (See Part 3 below).
- (C) Describe the effects on the property, if the variance is not granted.
- (D) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing each alternative separately that you considered in each category listed below.
 - (1) Alternatives you considered that comply with the existing standards. If you find such an alternative, you can move forward with this option with a regular permit. Provide the reasons why you rejected the compliant alternatives.
 - (2) Alternatives you considered that require a lesser variance and reasons you rejected them. Provide the reasons why you rejected the alternatives by a lesser variance.

PART 3: Three-Step Test Criteria for Variance

Please use a separate 8.5” x 11” sheet of paper to address the questions as presented below. To qualify for a variance, you must meet the three (3) following requirements:

Step One: Unnecessary Hardship

Strict application of an ordinance requirement such as a setback, the required road frontage, the height of a structure, the bulk or density required, will result in unnecessary hardship. Wisconsin case law explains that unnecessary hardship is present where, in the absence of a variance, compliance with the ordinance would prevent the owner from using the property for a permitted use or would render conformity with such restrictions unnecessarily burdensome. If a parcel as a whole, but not necessarily each portion of the parcel provides for a permitted use then the test is not met and a variance cannot be granted. An applicant may not claim hardship because of conditions which are self-imposed or created by a prior owner (for example, splitting a lot to create two substandard lots or starting construction without the proper permits and then claiming hardship). Courts have also determined that loss of profit or financial hardship does not, by themselves, justify a variance.

In your opinion, is unnecessary hardship present on this property?

- YES. Please describe the unnecessary hardship present on this property and why it is unnecessarily burdensome for you to comply with the regulations.
- NO. A variance cannot be granted.

Step Two: Hardship due to unique physical limitations of the property

The hardship is due to unique physical limitations of the property, i.e. compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

- YES. What are the unique physical limitations of your property? Please show the boundaries of these features on the site map(s) and describe the alternatives that you considered.
- NO. A variance cannot be granted.

Step Three: No harm to public interests

A variance may not be granted which results in harm to public interests. In applying this test, the BOA must consider impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of the ordinance and may include:

- Public health, safety and welfare
- Water quality
- Fish and Wildlife Habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for non-conforming uses, structures and lots
- Any other public interest issues

Does your request harm the public interest?

- YES. A variance cannot be granted.
- NO. Please explain why this request does not cause harm to the public interest.

Part 4: Construction and/or Plot Plans:

The plot and construction plans are the most important piece of information pertaining to your request. An accurate diagram showing the relationship of your existing buildings and the proposed activities that you are requesting the variance for is an essential piece of information that the BOA needs in order to reach a decision. In some cases it is not required that you submit professional quality plans, but if you cannot accurately and clearly illustrate your proposal, it is recommended that you obtain assistance in preparing your plot plan.

REQUIRED INFORMATION:

- A Map of Survey showing all of the following:
 - Dimensions, location(s) and setback(s) of existing and proposed structures and/or additions.
 - Location of roadways and easements on the property
 - Location of well(s) and sanitary system(s)
- An accurate building diagram
- Anticipated project start date

ADDITIONAL INFORMATION, if Applicable and requested by the Planning & Zoning Department and/or BOA:

- Vegetation removal proposed
- Location and extent of filling, grading and/or excavation
- Contour lines (1-2 ft. intervals)
- Location and type of storm water and erosion control measures
- Ordinary high water mark
- Any other construction related to your request
- Floodplain & wetland boundaries

Part 5: Applicant Acknowledgement/Signature

- I certify that the information I have provided in this application is true, accurate and complete.
- I understand that the BOA’s review of this application is a quasi-judicial proceeding.
- I or a representative will have an opportunity to present to the BOA information in favor of this request.
- I have the authority to allow the staff of the Department of Planning & Zoning and BOA Committee member’s access to the property to conduct necessary inspections related to my request.
- I understand that I cannot speak to any member of the BOA about this application, except at the public hearing.
- I understand that I cannot direct any written communication about this application to a member of the BOA unless I also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- I also understand that if I or my representative fails to appear in front of the BOA during the designated public hearing, as listed below, or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: _____ Date: _____
Owner/Agent

Part 6: Application Completeness Statement

The Chippewa County Department of Planning & Zoning recommends that the owner/agent for the requested variance submit the information at least **one week** prior to the deadline. Once an application is submitted, the staff will review it to determine if information is missing and/or not submitted by the application deadline. If it is determined that the application is not complete, I understand the application will be either returned to me or placed in “holding” until all requested information is submitted.

By missing the required deadline I understand that this might delay my hearing by one or more months.

Signed: _____ Date: _____
Owner/Agent