

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

PLANNING AND ZONING DIVISION

515 W. Moreland Blvd. Room AC230

Waukesha, Wisconsin 53188

(262) 548-7790

Fee Pd.: \$ _____

ATF Y/N: _____

Receipt No.: _____

Email pod@waukeshacounty.gov Website www.waukeshacounty.gov/planningandzoning

VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS FROM THE WAUKESHA COUNTY BOARD OF ADJUSTMENT

Office Use Only (form created 11/9/2016):

BOA File No.: _____

Shoreland/Floodland Protection Ordinance _____ County Zoning Code _____ Airport Height Ordinance _____

Zoning District(s) _____

Application is hereby made for a Variance, Special Exception and/or Appeal from the following section(s):

_____ Road Setback _____ Offset _____ Shore Setback _____ Floodplain Setback _____ C-1 (EFD) _____ Wetland Setback

_____ Bldg. Footprint _____ Accessory Bldg. Footprint _____ Min. Floor Area _____ Bldg. Height _____ Impervious Surface

_____ Work beyond 50% Value _____ Work beyond 50% Structural Members _____ Other (list) _____

_____ Nonconforming Structure Improvements (specify) _____

Town _____ Address of Subject Property _____

Tax Key No(s). _____ Section _____ Legal Description _____

Owner Mailing Address City State Zip () Daytime Phone No.

Applicant (if different from above) Mailing Address City State Zip () Daytime Phone No.

Email address and/or fax number if you would like a copy of the staff report forwarded to you prior to the meeting: _____

Describe the proposed construction/request and use in detail: _____

Section 59.694 (7)(c) of the 2003-2004 Wisconsin State Statutes and Wisconsin case law (Ziervogel-McGinnity v. Washington County, Snyder v. Waukesha County) requires the petitioner to demonstrate that their request for a variance meets the following three tests (Please explain how your variance request meets ALL three tests for a variance (attach additional sheets if necessary):

1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary to allow a reasonable use of the property.

2. There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.

3. **The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.**

ITEMS THAT MUST ACCOMPANY ALL VARIANCES, SPECIAL EXCEPTIONS, AND/OR APPEALS:

1. Two (2) copies of an **accurate** site plan/map (a plat of survey is preferred) **drawn to scale** showing the following:
 - A. The boundaries and dimensions of the subject property.
 - B. The location and dimensions of **all** existing **and** proposed structures **and** buildings on the property.
 - C. The location and dimensions of **all** buildings **and** structures on adjacent properties.
 - D. The location and centerline of **all** abutting streets.
 - E. The 100-year floodplain, wetland boundary, **and** the ordinary high water mark of any water body which the lot abuts.

NOTE: Maps, plans and surveys shall **not** be reduced, enlarged, or faxed as these functions alter the scale. The scale of the map shall **not** be altered.
 2. A zoning permit, wetland notice form, impervious surface worksheet, nonconforming use and structure value and structural members worksheets, building plans, grading plan and/or Environmental Health approval may also be required.
 3. The required filing fee, payable to the Waukesha County Department of Parks and Land Use. Once the public notice has been sent, this fee is nonrefundable.
- Application must be **complete** upon submittal. Once the public notice has been sent, **no changes to the request may be made**. If any changes or deviations from the original application are desired after the public notice has been sent, a new application will be required.
 - Variances from multiple ordinance provisions may be requested as part of a single application, but only one proposal may be made per application. Each alternative proposal will be considered a separate request and require a separate application packet and fee.
 - Submittal and subsequent review of this application may include a site inspection. Please advise the staff if dogs are not secured on the site and/or if dogs would be a problem during the inspection. By signing this form, the owner or his/her authorized agent is giving their consent for the Dept. of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.
 - Please advise the staff of any scheduling conflicts at the time of submittal, and we will attempt to accommodate your schedule.
 - Board of Adjustment meetings may not be held every month. The Board has 90 days to hear a request.

The undersigned owner hereby certifies that all of the above statements, information and attachments contained herein (site plan/survey, building plans, exhibits, etc.) are true and accurate to the best of his or her knowledge and belief.

Signature of the Owner

Date

Signature of the Applicant

Date

Staff member receiving the application

Date

NOTES:

