

ZONING VARIANCE

APPLICATION AND NOTICE OF REQUIREMENTS

A variance is a relaxation of a dimensional standard in land use regulations (e.g. setbacks, lot area, height, etc.). Variances are decided by a five-member Board of Appeals who are appointed by the Village President with the approval of the Village Board.

The Board of Appeals is known as a quasi-judicial body because it functions almost like a court. Its decisions must comply with specific criteria provided in state laws. Its job is not to compromise for a property owner's convenience but to apply appropriate legal standards to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

Process

At the time of application you will be asked to:

- 1) complete an application **form** and submit a \$475 fee;
- 2) provide detailed **plans** describing your lot and project (location, dimensions and materials);
- 3) provide a written statement showing that your project meets the legal criteria for a variance as outlined in the attached form.

Following these steps, the Zoning Office will publish notice of your request for a variance in the Village's official newspaper noting the location and time of the required public hearing. The burden will be on you as property owner to provide verifiable facts upon which the Board may base its decision. At the hearing, any party may appear in person or be represented by agent or attorney. If any of these requirements are not met or if you or your agent do not appear at the public hearing, the Board must deny your request for a variance and your fee will be forfeit.

If You Qualify for a Variance

- The Board may grant only the **minimum variance** that preserves a reasonable use of a parcel for its owner.
- It may impose **conditions** on project design, construction activities or operation of a facility to assure that public interests are protected.
- A variance **decision may be appealed to circuit court** by an aggrieved party within 30 days of filing of the decision in the office of the board. For this reason you may choose to delay construction on your project until after the appeal period has expired in order to minimize the risk that the court may overturn the Board decision and void your variance.

Please see Section 113-98 of the Village Zoning Code for additional information about variances.



APPLICATION FOR VARIANCE OR APPEAL OF JUDGMENT OR INTERPRETATION

Check One:

() Appeal of alleged grievance related to judgment or interpretation by an officer, department, board or bureau of the Village of Waunakee. (Must be filed within 30 days of judgment or interpretation.)

Please attach judgment or interpretation you are appealing.

() Appeal for variance to the Zoning Code, which is not contrary to the public interest and causes practical difficulty and/or unnecessary hardship to the appellate.

Applicant: _____ Telephone: _____

Address: _____
(Street) (City) (State) (Zip)

Status of Applicant:

() Owner () Agent () Buyer () Other _____

Project Name: _____

Proposed Use: _____

Location: _____

Legal Description: _____

(Attach Legal Description if necessary)

Land use of property to the north: _____

Land use of property to the south: _____

Land use of property to the west: _____

Land use of property to the east: _____

Property owners within 100 feet of subject property: _____

(Attach separate sheet if necessary)

Proposed structure is: _____

Variance Requested is: _____

There is unnecessary hardship because: _____

Property is unique because: _____

Public interest is not undermined because: _____

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed By: _____ Date: _____
(Property Owner)

Fee: \$475.00

OFFICE USE ONLY

Date Received: _____

Check No: _____

Receipt No: _____

Hearing Date: _____

Date Notices Sent: _____