

Calumet County

Zoning Variance / Appeal Application



206 Court Street
 Chilton, WI 53014
 Phone: (920) 849-1442
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www.calumetcounty.org

THIS AREA FOR OFFICE USE ONLY	
Application Number:	
Fee: \$	Receipt Number:
Date Received:	
Type: <input type="checkbox"/> Zoning <input type="checkbox"/> Shoreland	<input type="checkbox"/> Floodplain <input type="checkbox"/> POWTS

PROPERTY INFORMATION

Owner Name:	Location ID #:
Mailing Address:	Town of:
City, State Zip Code:	Physical Address:
Phone:	1/4 1/4 S T N R E
Email:	Parcel(s) Size (acre): Zoning District:

Contractor / Agent Information

Contractor / Agent Name:	Company:
Mailing Address:	Phone:
City, State Zip Code:	Email:

Project Information Variance Appeal

Variance Requested from (Code Section):
Description of Variance Requested:
Project Description:

Required Supplemental Information

<input type="checkbox"/> Site Plan	<input type="checkbox"/> Floor Plan / Building Profile
<input type="checkbox"/> Variance Addendum	

Applicant Accountability Agreement
 I, the undersigned, hereby apply for a Variance from the terms of the ordinance and certify that all the information on the application and attached is true and correct to the best of my knowledge. I acknowledge responsibility for providing accurate setback measurements and to know where affected property lines are. I affirm that all work performed will be done in accordance with all applicable laws and regulations. I understand that construction CANNOT begin without a valid county permit and that if building does occur before that time, I am subject to fines and/or removal of the non-permitted structure(s). I hereby authorize members of the Calumet County Planning, Zoning and Land Information Department to enter the affected property, provided at a reasonable time and an attempt is made to inform the occupant, for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Owner or Agent Signature: _____	Date: _____
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Staff Notes: This Area For Office Use Only

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Variance Addendum:

Unique Property Limitation

Unique physical limitations of the property such as steep slopes or wetlands that prevent an applicant from complying with the provisions of the ordinance can be considered for a grant of variance. (However, be advised that even if unique physical limitations exist, the variance still may not be granted.) Valid unique property limitations that are not generally shared by other properties can be considered but must prevent compliance with ordinance requirements.

The circumstances of the applicant (growing family, need for a larger garage, wanting a better view, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Unique features of this property which prevent compliance with the terms of the ordinance include:

Unnecessary Hardship

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no room for the home and requesting setback variances). Courts have also determined that economic or financial hardships do not justify granting a variance. When determining whether an unnecessary hardship exists, the property as a whole is considered, rather than just a portion of the parcel (if an applicant prefers to build by the water but can't due to the water setback, but can build on the rear of the lot without a variance, the water setback shall be denied). The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted on the property), or, would render conformity with such restrictions unnecessarily burdensome. The Board of Adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short term, long term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

The unnecessary hardship is, and, is present because:

No Harm to Public Interests

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

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| • Protect public, safety and welfare | • Protect property values |
| • Preserve wetlands | • Conserve soil, water and forest resources |
| • Prevent water pollution | • Encourage the protection of groundwater & surface water |
| • Protect fish and wildlife habitat | • Preserve natural scenic beauty & rural character |
| • Promote a safe and efficient transportation system | |

A variance will not be contrary to the public interests because: