

FORM 7: REQUEST FOR A VARIANCE APPLICATION

Request for Board of Building and Zoning Appeals Review and Public Hearing

Fee - \$350.00

The undersigned petition is to consider a request, as stated herein, for the specified parcel(s) of land and will be reviewed by the Board of Building and Zoning Appeals of the Village of Mukwonago.

Variance applications require a public hearing. To ensure the public hearing will be properly advertised, the application must be submitted **at least 30 days prior to the meeting** in which the Board of Building and Zoning Appeals will hold the public hearing (Thursday after the fourth Tuesday of every month).

(Please Print or Type Information Requested)

Date Submitted	Tax Key (s)
Location of Project	

- Page 2** – Variances: What you need to know
- Page 3** – Variance standards
- Page 4** – Petition for variance
- Page 5** – Application for variance
- Page 6** – Application certification
- Page 5 on Form 1** – Agreement for Reimbursable Services

SUBMITTAL REQUIREMENTS:

Materials listed on pages 3 and 4 must be provided to the Village of Mukwonago in accordance with Village Municipal Code Chapter 100-808 and other pertinent sections of Village ordinances, WI Stats. 62.23, and as necessary to permit review that is consistent with proper planning practice. The Village will strive to accommodate reasonable requests for informal preliminary staff review, however the Village shall not place any items on the agenda for Board of Building and Zoning Appeals consideration until such time as the application is complete in accordance with all requirements specified on this and other attached application forms.

Applicant/Agent

Name			
Company			
Address	City	State	Zip
Daytime Phone	Fax		
E-Mail			

Property Owner (if different than applicant/agent)

(Note: If not the legal owner of the property, please state name, position, and title in relation to the lot of interest. An Offer to Purchase, with written acknowledgement of the current owner is required with this application.)

Name			
Company			
Address	City	State	Zip
Daytime Phone	Fax		
E-Mail			

VARIANCES: WHAT YOU NEED TO KNOW

If your application for a building permit is denied by the Inspection Department, you have the option to apply for a variance. Requesting a variance requires appearing before the Board of Building and Zoning Appeals and explaining why you should not be expected to comply with Village zoning regulations. You will be required to prove practical difficulty or unnecessary hardship. The fee to appear before the board is nonrefundable.

The Board of Building and Zoning Appeals (the board) is a group of five citizens appointed to listen to members of the public who want to appeal the rules of the Municipal Zoning Code (Chapter 100). The Board will receive a packet of information about your appeal in addition to listening to you and your neighbors' comments at a public meeting. Also, the Board may request assistance from other Village officers, departments, commissions, and boards in making its decision.

Prior to the meeting, and at least 25 days in advance of the meeting, you must submit the following to Village staff:

1. An application for a building permit.
2. A survey of the property.
3. Pictures and drawings that depict your request and show where on the property you are seeking a variance.
4. The fee for your appearance before the board.
5. A signed statement of application for a variance. (This can be done in the Inspection Department.)

DO NOT MAIL ANY ADDITIONAL MATERIAL OR INFORMATION DIRECTLY TO OR CALL MEMBERS OF THE BOARD.

Save the additional material and information you have for the Board until the meeting, or you may mail it to staff prior to the meeting. Staff will enter your additional information and material into the public record and forward it to the Board.

After you apply for the variance and before the meeting occurs, notice of your request will be published in two editions of the Mukwonago Chief, and neighboring property owners within 300 feet of your property will receive notice of your appeal.

- Also during this time, board members may choose to drive by or visit your property to gather information that may influence their decision regarding your requested variance.

VARIANCE STANDARDS

Variances are not granted routinely. The application for a variance must clearly show the Board of Building and Zoning Appeals that the three Wisconsin State Statutory Standards that govern granting a variance will be met.

1. **Unnecessary Hardship:** A situation where, in the absence of a variance, an owner can make no feasible use of the property. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not which affects all parcel similarly. Generally, hardships arise because of some unique property limitation of a parcel or because the property was created before the passage of the zoning ordinance and is not economically suitable for a permitted use, or will not accommodate a structure of reasonable design for a permitted use, if all area, yard and setback requirements are observed.

Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.

Self-imposed hardship is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public right-of-way, or deed restriction imposed by the owner's predecessor in title are generally considered to be self-imposed hardships.

The hardship cannot be one that would have existed in the absence of a Zoning Ordinance. Sometimes, a legitimate hardship results from the interaction of the provisions of the zoning ordinance with other actions or regulations adopted by public authorities.

2. **Unique Property Limitations:** Unique physical characteristics of the property, not the desires of or conditions personal to the applicant must prevent the applicant from developing in compliance with the zoning ordinance. These features may be a wetland, soil type, parcel shape, or steep slope that limits the reasonable use of the property.
3. **Protection of the Public Interest:** Granting of a variance must not harm the public interest. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm the public interest.

TO THE ZONING BOARD OF APPEALS

The petition of _____ respectfully shows:

1. This petition is made pursuant to the ordinance of the Village of Mukwonago and pertaining to the functions, duties, and powers of the Board of Building and Zoning Appeals.

2. The petitioner is appealing for:

3. Petitioner requests a variation as follows:

4. Petitioner has attached hereto a survey of the premises. Yes _____ No _____

5. The present zoning classification of the described real estate is _____

6. The names of the owners of said property are as follows:

7. Petitioner further respectfully represents that to permit the variance aforesaid would not be contrary to the public interest, or in any way be detrimental to the neighborhood or the neighbors; that to refuse to permit such a variance would cause to the petitioner practical difficulty or unnecessary hardship; and that the use of the premises for the purposes herein prayed would do substantial justice, would be in keeping with the spirit of the Village of Mukwonago and the immediate neighborhood.

ITEMS REQUIRED TO BE SUBMITTED *(If not applicable, mark N/A)*

- Survey of the property
- Map/picture of the property
- Plan of operation/proposal
- Overview of the adjoining lots (including list of parcel identification numbers for all properties within 300 feet of the subject property)
- Drainage plan
- Floor plan (1/4" Scale)
- Elevations (front and sides)

APPLICATION FOR VARIANCE

Applicant: Please fill out ALL of the questions.

A. Describe what you are building, the proposed dimensions, and what are the proposed setbacks:

B. Describe the exceptional or extraordinary circumstances or conditions that apply to your property that do not apply to surrounding properties:

C. Describe the hardship (s) that would result if the Variance is not granted:

D. Describe how the variance would not have adverse affects on surrounding lands:

Applicant hereby certifies that:

1. All of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.
2. Affirms that no Village of Mukwonago elected or appointed official or employee has a proprietary interest in the above referenced property for which this applications being filed (except as stated below under "Exceptions").
3. None of the above referenced individuals has been promised or given any contract for consultation, planning or construction in relation to this project (except as stated below under "Exceptions").
4. Applicant has read and understands all information in this packet.

Applicant further understands the policies of the Village regarding variances. Conditions of the resolution regarding all approvals are strictly followed. Certificates of Occupancy are not given until all conditions of approval have been met

By the execution of this application, applicant hereby authorizes the Village of Mukwonago or its agents to enter upon the property during the hours of 7:00 am to 7:00 pm daily for the purpose of inspection. Applicant grants this authorization to enter even if this land has been posted against trespassing pursuant to Section 943.13 WI Stats.

Signature of Applicant
Signature of Property Owner(s)

FOR OFFICE USE ONLY	
RECEIVED: <i>(Staff: Check each individual box as information is confirmed. If not applicable, mark N/A.)</i>	
<input type="checkbox"/> Petition (Page 4) <input type="checkbox"/> Application (Page 5) <input type="checkbox"/> Survey of the property <input type="checkbox"/> Map/picture of the property <input type="checkbox"/> Plan of operation/proposal <input type="checkbox"/> Overview of the adjoining lots and list of parcel identification numbers for all properties within 300 feet of the subject property <input type="checkbox"/> Drainage plan <input type="checkbox"/> Floor plan <input type="checkbox"/> Elevations	
Date Filed	Public Hearing Date
Previous Appeals	