

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
 PLANNING AND ZONING DIVISION
 515 W. Moreland Blvd. Room AC230
 Waukesha, Wisconsin 53188
 (262) 548-7790**

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

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

Office Use Only: Fee Pd.: _____ ATF: Y ___ N ___ Receipt No.: _____ BOA File No.: _____

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

Zoning District(s) _____

Application is hereby made for a Variance (V), Special Exception (SE) and/or Appeal (A) 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 _____ 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.
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Applicant (if different from above)	Mailing Address	City	State	Zip	() _____ Daytime Phone No.
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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:

Complete this Section for **AREA VARIANCE** requests only.

An **Area Variance** is a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure. The request must be justified by the applicant using **ALL** of the following criteria in accordance with *Section 59.694, Wis. Stats.*, and the Waukesha County Shoreland & Floodland Protection Ordinance/Zoning Code. The applicant is responsible for justifying each variance type requested (i.e. offset and shore setback). **Attach additional sheets if necessary.**

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.

- 2. 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.

Complete this Section for **USE VARIANCE** requests only.

An **Use Variance** is the authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. The request must be justified by the applicant using **ALL** of the following criteria in accordance with *Section 59.694, Wis. Stats.*, and the Waukesha County Shoreland & Floodland Protection Ordinance/Zoning Code. **Attach additional sheets if necessary.**

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a Variance. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

2. **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.

Complete this Section for **SPECIAL EXCEPTION** requests only.

A **Special Exception** is a minor adjustment to the requirements of the Ordinance, where specifically authorized, and is justified by special conditions of the property. A request must be justified by the applicant using the following criteria. **Attach additional sheets if necessary.**

1. **The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area.** Lack of local opposition does not mean a special exception will not harm the public interest. When reviewing a special exception request from the minimum floor area provisions, the proposed building shall not be of such character or quality as to depreciate the property values of the surrounding area.

ITEMS THAT MUST ACCOMPANY ALL VARIANCES AND SPECIAL EXCEPTIONS:

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 worksheet, 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.

ITEMS THAT MUST ACCOMPANY ALL APPEALS REGARDING ADMINISTRATIVE DECISIONS AND/OR CONSERVANCY BOUNDARIES:

1. Documentation that the appeal has been made within twenty (20) days from the date of the decision of the zoning administrator or designee.
2. Written explanation specifying the grounds of the appeal. Specific references to the staff's decision (including a copy of any written decision), applicable sections of the ordinance, and any relevant statutes and/or case law shall be included.
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.

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: