

PETITION FOR GRANT OF VARIANCE

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of adjustment. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

1. OWNER NAME AND MAILING ADDRESS

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

2. BUILDING SITE LOCATION

Fire # _____ Road _____
Town of _____

Parcel No. _____ - _____ - _____

3. BUILDER NAME AND MAILING ADDRESS

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

4. SURVEYOR/ENGINEER CONTACT INFORMATION

(If applicable)

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

5. BUILDING PLANS AND SITE PLAN

TO SCALE BUILDING PLAN AND SITE PLAN REQUIRED. IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO 11" X 17".

6. PETITION

7. VARIANCE CRITERIA

(See attached forms and examples for numbers 5-7)

8. FEE \$500.00

Make check payable to the **Door County Treasurer.**

Receipt # _____ Fee _____ Date _____

9. AUTHORIZATION FOR INSPECTION

I hereby authorize the Zoning Administrator(s) to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this petition.

10. SIGNATURE OF APPLICANT OR AGENT

Date _____

(FOR OFFICE USE ONLY)

Shoreland Zoning Yes / No

Zoning District _____

Inspections:

Date Inspector Remarks

Permit Issued: (by) _____ *(date)* _____ *(for)* _____

(w/ conditions) _____

Permit Denied (by) _____ *(date)* _____ *for the following reasons:* _____

PETITION

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PETITION: (I) (We)

Full name(s): _____

Propose to:

The existing use of structure or land in question is:

AUTHORIZATION FOR INSPECTION:

I hereby authorize the Zoning Administrator to enter upon the premises for which this petition is made at any reasonable time for all purposes of inspection related to this petition.

CERTIFICATION:

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF PETITIONER/AGENT: _____

DATE: _____

EXAMPLE

BUILDING PLANS

OWNER: _____

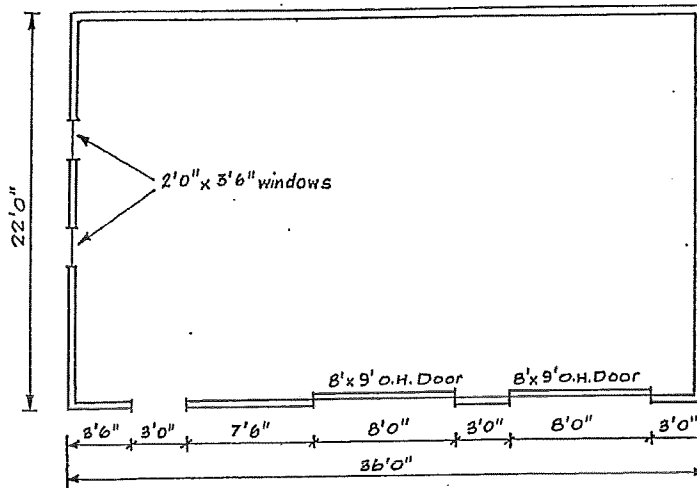
Date: _____

Below or on separate sheet(s) attach scale drawings showing the following:

- All floor plans.
- At least two elevation views.

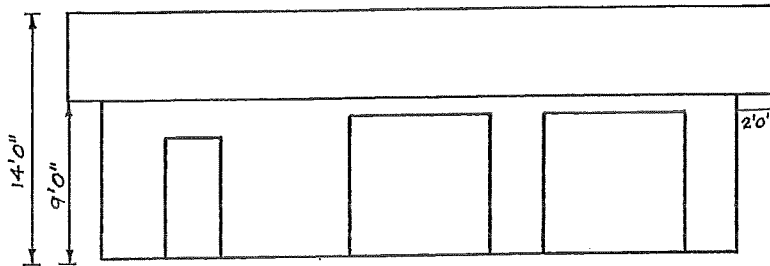
FLOOR PLAN

Scale: $\frac{1}{8}'' = 1'0''$



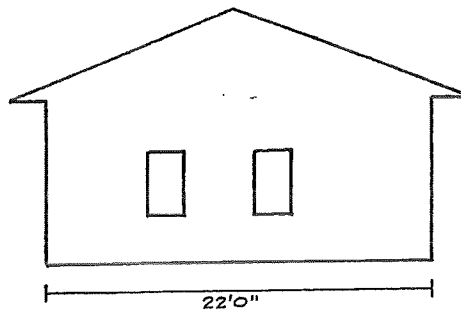
FRONT ELEVATION VIEW

Scale: $\frac{1}{8}'' = 1'0''$



END ELEVATION VIEW

Scale: $\frac{1}{8}'' = 1'0''$



EXAMPLE

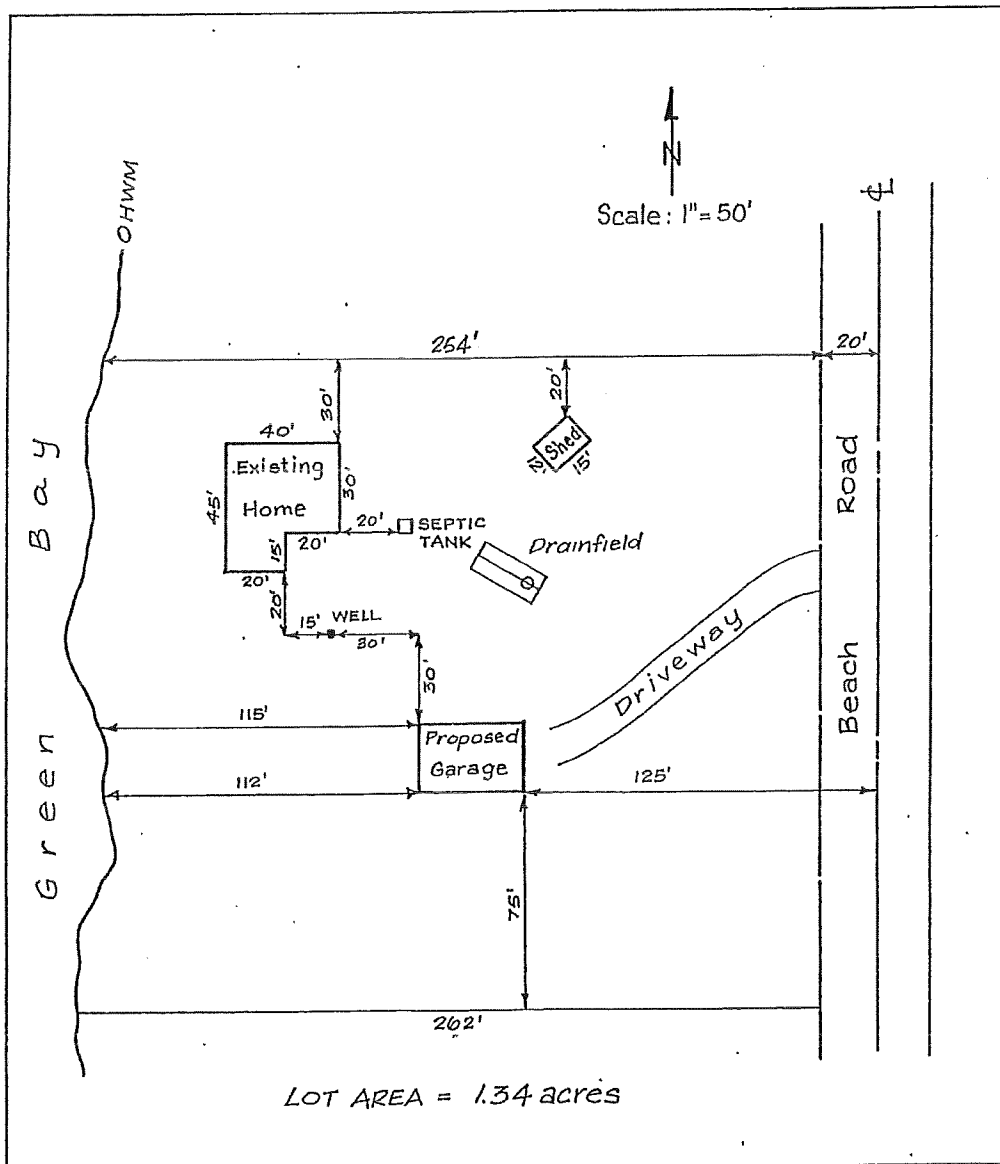
SITE PLAN

OWNER: _____

Date: _____

Below or on a separate sheet attach a scale drawing showing each of the following as applicable:

- Boundaries, dimensions, and area of the site.
- Location of public roads and right-of-ways.
- Location of private roads.
- Location of easements.
- Location of navigable waters.
- Location and dimensions of all existing structures.
- Location of existing or proposed well and waste water disposal system.
- Location and dimension of all proposed structures and additions.
- Location of rockholes.
- Location of proposed and existing road access points, parking and loading areas, and driveways.
- Distances from proposed project to:
 - Abutting public roads and right-of-ways.
 - Private roads.
 - Property lines.
 - Well
 - Waste water disposal system.
 - Ordinary high water mark (OHWM) of navigable waters.
- Indicate North arrow.



PLEASE STAKE LOCATION OF PROPOSED STRUCTURE

Door County Land Use Services Department

VARIANCE

VARIANCE

A variance is an exception to the standards contained in a zoning ordinance that is granted by the Board of Adjustment. When considering a variance request, the Board of Adjustment is required to apply relevant legal standards to a specific fact situation and cannot grant a variance merely for the convenience of the property owner. Variances are an infrequent remedy and are only granted when an ordinance imposes a unique and substantial burden on the applicant.

PERMIT PROCESS

You are required to do the following:

1. Submit a completed application form with a \$500.00 non-refundable fee.
2. Provide a detailed description of your project, including building plans and a site plan.
3. Attend a public hearing on your application. If unable to attend, you must contact the Door County Land Use Services Department (920-746-2323) and let us know who will represent you in your absence.
4. Obtain a zoning permit from the Door County Land Use Services Department if the variance is granted.

VARIANCE CRITERIA

An area variance may only be granted if you would suffer unnecessary hardship without a variance. To qualify for a variance, you must prove your property meets the following three step test:

- a.) You must show the hardship is due to unique physical limitations of the property; i.e. compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) which are not generally shared by other properties. Previous variances do not provide a basis for granting a variance. You will be asked to demonstrate that alternate project design or locations on the parcel, which comply with the ordinance, are not feasible.
- b.) You must show that the application of the ordinance requirements will result in an unnecessary hardship described as follows:

An unnecessary hardship exists when strict compliance with the zoning code unreasonably prevents an owner from using the property for a permitted purpose or is unnecessarily burdensome. Whether something is unreasonable depends on the purpose of the zoning restriction and its effect on the property. It also depends on the effect of the variance on the neighborhood and the larger public interest.

- c.) You must show that if granted, the variance will not result in harm to the public interests. The Board of Adjustment must consider the public interest factors listed as objectives in the purpose of the ordinance requirement.

Door County Land Use Services Department

VARIANCE

HEARING PROCESS

After the Door County Land Use Services Department receives your application materials and deems the application complete, it will notify you in writing of the hearing date and time. It will also notify the Town, the Door County Advocate and send a copy of the notice to neighboring property owners. Due to these scheduling requirements, it may take up to two months to schedule the public hearing.

At the hearing, you may appear in person or be represented by an agent or attorney to speak on your behalf. As the property owner you must provide verifiable facts upon which the Board of Adjustment can base its decision. Other people can also attend the hearing to testify for or against your request.

BOARD OF ADJUSTMENT ACTION

- The Board of Adjustment will consider the evidence presented and make a decision.
- If the Board of Adjustment has sufficient information, it will approve, modify and approve, or deny your request. The board may table your request if more information is needed.
- The Board of Adjustment will issue a written decision and file a copy with the Door County Land Use Services Department. The decision document is signed at the next Board of Adjustment hearing.

JUDICIAL REVIEW

If your variance request is denied, you may appeal the decision to Circuit Court as provided in Wisconsin Statute s. 59.694(10). Even if approved, a variance may be appealed to circuit court by an aggrieved party. All appeals must be filed within 30 days after the decision is filed with the Land Use Services Department. For this reason, you may want to delay construction of your project until the appeal period has expired.