ZONING VARIANCE APPLICATION FORM
FOR TREMPEALEAU COUNTY

VARIANCE: A variance is a relaxation of a dimensional standard in land use regulations (e.g., setbacks, lot area, height, etc.). Variances are decided by the 5-member Board of Adjustment which is appointed by the County Board Chair with approval of the County Board of Supervisors. The Board of Adjustment 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. The Board of Adjustment must apply county ordinance provisions as they are written. Its job is not to compromise for 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 $485 fee; with a permit fee when applicable;
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 below (Three Step Test);
4. Provide a copy of the recorded deed to the property subject to the variance request; all other features of your property related to your request so that the Board may inspect the site.
5. Stake out lot lines, proposed building footprint and request so that the Board may inspect the site.
6. Submit a list of neighboring property owners with their mailing addresses; and
7. Submit a letter from the Town Board.

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 forfeited. Following these steps, the Zoning Office will publish notice of your request for a variance in a local newspaper(s) 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.

THREE STEP TEST: To qualify for a variance, you must meet all three conditions:

1. **Hardship**: For a USE variance, no reasonable use of the property can be made without a variance. For an AREA (e.g., setback, height, frontage, etc.) variance, strict compliance with the zoning ordinance would unreasonably deny use of the property for a permitted purpose or conformity with the ordinance would be unnecessarily burdensome.

2. **Physical Property Limitations**: The hardship is due to unique physical limitations of the property (e.g., dimensions, topography, geologic formation, soil, etc.) ***NOT due to circumstances of the applicant and NOT due to a self-created condition.***

3. **Public Interest**: A variance granted will result in no harm to the public interest as expressed by the general and specific purposes of the zoning ordinance.

IF YOU QUALIFY FOR A VARIANCE:
The Board may grant only the minimum variance which 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 interest is 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. A variance transfers to

subsequent future property owners because a property, rather than its owner, qualifies for a variance (i.e., unique property limitations test),

JUDICIAL REVIEW: The following are the general review standards which courts have used to decide appeals of Board of Adjustment decisions. You might consider these points to determine whether any decision you have an interest in is likely to be reversed on appeal. Did the Board decide a matter which it is empowered by statute or ordinance to act on (subject matter jurisdiction)? Did the Board follow proper procedures (e.g. notice, hearing, reviewable record, open meeting law, etc.)? Did the Board apply proper standards in making the decision (e.g. three step test for a variance)? Was there a rational basis for the decision (could a reasonable person have reached this conclusion)? Is there evidence in the record (facts) to support the decision?



TREMPEALEAU COUNTY BOARD OF ADJUSTMENT
PETITION FOR VARIANCE

*Property Owner/Lessee:_____	Operator/Contractor: _____
Address: _____	Address: _____
City, State: _____	City, State: _____
Telephone: _____	Telephone: _____
Email: _____	Email: _____

*Attach the above-information for <u>all</u> additional owners and lessees who have an interest in the proposed variance of the property. In addition, if the applicant is not the owner of the property, attach a copy of the written notice given to the property owner of the intention to file this petition, and attach a copy of the written response received.

Zoning District: _____

Location: Tax Parcel_____, ____ ¼ ____¼, Section_____, T_____N, R____W, Acres_____

Address of Property for which variance is applied (if different from above):_____
_____

Property's Deed Information: Document No._____Volume_____Page No._____

Property Lot Area & Dimensions:_____total sq. ft.; _____ft. X_____ft.

Present use: _____
_____

Proposed use: _____
_____

**Attach Site Plan (Required).

Section of the Ordinance from which a variance is requested:_____

Variance requested (Please check appropriate box):

☐ ***Area Variance***: grants permission to relax dimensional standards (e.g., setback, height, frontage, etc.) as established in the zoning ordinance.

☐ ***Use Variance***: grants permission for a land use which is not permitted by the zoning ordinance.

Address each of the following criteria for granting of a variance as described in the Three Part Test above. (Attach additional pages as necessary):

1.) Unnecessary hardship

_____
_____
_____
_____
_____

2.) Unique property Limitations

_____
_____
_____
_____
_____

3.) Public Interest Protected

_____
_____
_____
_____
_____

Applicant Signature:_____ Date:_____

Remit to: Trempealeau County Dept. of Land Management (DLM) P.O. Box 67, Whitehall, WI 54773

For Office Use Only

Date filed_____ $485 fee paid_____ Check No._____ Cash____
(**Payable to Tremp. Co. D.LM)**
Credit Card_____

Public Hearing No._____ Receipt No._____ Confirmation #_____

Variance granted / denied by Board of Adjustment on _____.