



TOWN OF BUFFALO

ZONING VARIANCE

APPLICATION FORM AND NOTICE OF REQUIREMENTS

VARIANCE

A variance is a relaxation of the standards set in a zoning ordinance. Variance requests are decided by a 5-member Board of Appeals, which is appointed by the Town Board Chairman with approval by the Town Board. The Board of Appeals is known as a quasi-judicial body because it functions almost like a court. Its decisions must comply with specific criteria provided in Wisconsin State Statutes. The Board of Appeals must apply town ordinance provisions as they are written. Its job is not to compromise for a 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) Submit a completed application form and a \$400.00 non-refundable fee.
- 2) Provide detailed plans describing your project.
- 3) Provide written justifications showing that your project meets the legal criteria for a variance as outlined in the **“Three Step Test”**.
- 4) Contact the Town Clerk to request that you be placed on the next Town Board meeting agenda.
- 5) Stake out your project, which will allow the Zoning Administrator to prepare information regarding the property for review at the meetings and during public hearing.
- 6) Your public hearing will be before the Town Board of Appeals.
- 7) You or someone familiar with your application will be required to attend all meetings.

After receiving your application materials, the Town Clerk will publish notice of your request for a variance in the Marquette County Tribune noting the time and location of the public hearing. In addition, a public notice will be sent to neighboring property owners. The burden of proof 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 or attorney to speak on your variance request.

THREE STEP TEST To qualify for a variance, you must meet the following three requirements:

- 1) Strict application of an ordinance requirement will result in an **“UNNECESSARY HARDSHIP”** described as follows:

“Unnecessary Hardship. A situation where, in the absence of a variance, an owner can make no feasible use of his property, or strict conformity is unnecessarily

burdensome. The hardship or difficulty must be peculiar to the parcel in question and different from that of other parcels, not one that affects all parcels similarly. Loss of profit or financial hardship is not in and of itself grounds for a variance nor is a self-imposed hardship grounds for a variance.”

- 2) The hardship must be 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.
- 3) A variance may not be granted which results in **HARM TO PUBLIC INTERESTS**. In applying this test, the Board must consider the public interest factors listed as objectives in the purpose statement of the 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 a project to assure that public interests are protected.
- A variance decision may be appealed to circuit court by an aggrieved party within 30-days of the decision. For this reason you may choose to delay your project until the appeal period has expired.
- A variance transfers to subsequent property owners.

JUDICIAL REVIEW

- ✓ If your variance request is denied, you may appeal the decision to Circuit Court, as provided in Wisconsin State Statutes 62.23(7). The appeal must be filed within 30 days of the decision.

PLOT PLANS

The plot plan is an important piece of information in your file. An accurate diagram showing the relationship of your buildings and/or proposed construction to the lot lines, shorelines, highways, structures on adjacent property and other physical features provides us with the essential information we need. It is not required that you submit professional quality plans, but if you cannot accurately and clearly illustrate your proposal, it is recommended that you obtain assistance in preparing your plot plan.

Some general guidelines:

- Use a ruler. Freehand drawings are often of questionable accuracy.
- Scaled or well-proportioned drawings are preferred.
- If a survey is available, sometimes it works well to sketch your proposal directly on a copy of it.
- Accurately measure and illustrate all the critical measurements and do not estimate.

- The correct setback measurement is the shortest straight line between the building and the line being measured to.
- Supplemental drawings, such as cross sections, may be helpful.
- Locations of wells and septic systems should be provided for both yours and adjacent properties.

Town Clerk of Buffalo

Laurie Beahm 920-394-3962

PETITION FOR VARIANCE
TOWN OF BUFFALO BOARD OF APPEALS

Date filed: _____	<input type="checkbox"/> \$400.00 fee (non-refundable)
-------------------	--

Applicant:	_____
Address:	_____
Phone:	_____

Legal Description: ___ ¼, ___ ¼, Section___ , T___ N, R___ E

Tax Parcel Number: _____ **Fire No.** _____

Zoning District: _____ **Lot area:** _____

Current use and improvements: _____

Variance requested

Section of ordinance:	_____
Variance requested:	_____

Address each of the following criteria for granting a variance as described in the notice of requirements (attach additional pages if necessary):

- 1) Unnecessary hardship is present because...

- 2) Compliance with the terms of the ordinance is prevented by unique features of this property...

- 3) A variance will not be contrary to the public interest because...

Attach a plot plan and a description of your construction plans.

Signed: _____ **Date:** _____
 Applicant/Agent/Owner

Remit to: Zoning Administrator, PO Box 21, Montello, WI 53949

