

City of Pewaukee ~ ZBA
W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262)691-9107

VARIANCE REQUEST INFORMATION

A variance may be applied for when special conditions, unique to the property, will not allow the property owner to meet the dimensional standards of the Zoning Code. By filing an application for a variance, you are requesting that the City of Pewaukee Zoning Board of Appeals consider your request for a variance from one or more sections of the City of Pewaukee Zoning Code. Under Section 62.23(7) of the Wisconsin Statutes and Section 17.1000 of the City of Pewaukee Code of Ordinances,¹ the Zoning Board of Appeals has the authority in certain situations to grant variances, or exceptions, from the specific terms of the City's Zoning Code.

When filing an application for a variance, it is important to understand that variances are not intended to be granted frequently and that it is up to the applicant to clearly show the Board that the request should be granted. There are three main criteria that a variance applicant must demonstrate are present: unnecessary hardship, a unique property condition, and no harm to the public interest.

"Unnecessary hardship requires that the applicant demonstrate to the Zoning Board of Appeals that compliance with the strict letter of the zoning ordinance(s) pertaining to the property regarding area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a purpose that is permitted under the Zoning Code or would render conformity with those restrictions "unduly burdensome". In other words, it is not enough for an applicant to show that the particular zoning regulation prevents or burdens the planned activity. Instead, the applicant must demonstrate by competent evidence that the regulation *unreasonably* prevents or *unnecessarily* burdens the activity. Please note, however, that no variance may be granted solely on the basis of economic gain or loss. Self-imposed hardships cannot be considered by the Board of Appeals as grounds for the granting of a variance.

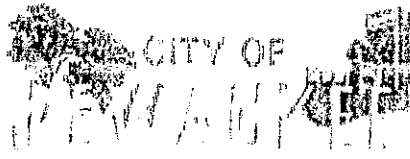
Applicants must also prove to the Board of Appeals that the alleged unnecessary hardship is connected to a unique (i.e. unusual) condition effecting the parcel in question such as, for example, soil conditions, steep slope, wetlands, etc.) that is not shared by nearby property. Finally, applicants must show that the requested variance will not be contrary to the public interest. In other words, an applicant must demonstrate that the requested variance is consistent with the public interest and that granting it would not subvert the purpose of the zoning ordinance to the extent that it should be denied.

As an applicant for a variance, you are required to submit a completed application together with the application fee to the Building Services Department within 20 days of any denial by the Building Inspector or Zoning Administrator. Submittals received less than 30 days before the date of the next upcoming Zoning Board meeting will be scheduled for hearing the following month. Meetings of the Zoning Board of Appeals typically fall on the first Wednesday of each month. By law, variances to the provisions of the Zoning Code may only be granted by the Board after a public hearing is held on the matter and finds that all of the following facts and conditions exist, and so indicates in the minutes of its proceedings. ~~You are responsible for presenting your own case to the Zoning Board of Appeals at your scheduled hearing.~~ The City's staff and the Board may not legally represent you or give you legal advice. You may, however, have legal counsel represent you during your hearing at your own expense should you choose to do so. The information set forth above is not intended, and should not be considered, to be a substitute for legal advice concerning your specific application.

Finally, In addition to the information set forth above, applicants should refer to the specific provisions concerning the Board of Appeals set forth in Sec. 17.1000 of the City Zoning Code, including the specific ordinance provisions concerning variances. Additional requirements also apply when considering variance requests in floodplain districts.

John Gibbs
City of Pewaukee ~ Building Services
Zoning Administrator

¹Section 17.1000, and the entire City Zoning Code, is available at www.ci.pewaukee.wi.us.



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Zoning Board of Appeals Application

Notice: The Zoning Board meets on the first Wednesday of every month at 6:30 pm in the lower level in Common Council Chambers at Pewaukee City Hall. **ATTENDANCE OF THE APPLICANT IS REQUIRED.** Failure to appear could result in the application being acted on without the applicant's input or result in the item being removed from the agenda, requiring the applicant to reapply and pay another filing fee.

The appeal or application must be filed with the Building Services Department 30 days prior to the next Zoning Board of Appeals meeting.

Applicant Information

Name: _____
Address: _____
City, ZIP: _____
Phone: _____

Property Information (Information pertaining to property in question)

Parcel Tax Key No.: _____
Address: _____
Zoning District: _____
Present Use of Property: _____

Please provide statements to the following:

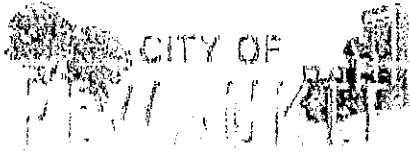
Please list the specific section of the Zoning Code from which the exception or variance is being requested:

Please state specifically the relief that is being requested: (e.g. a 4-foot variance from the side yard setback)

Please state why the relief is being requested: (e.g. explain hardship or reason for variance)

Please state "unique" (Exceptional, extraordinary, or unusual)-circumstances or conditions affecting the lot, parcel, structure, use or intended use that applicant believes result in a situation where strict compliance with the specific restrictions governing area, setbacks, frontage, height, bulk or density that would either:

- a. Unreasonably prevent the owner from using the property for a permitted purpose or
- b. Would render conforming with those restrictions "unduly burdensome"



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Zoning Board of Appeals Application Continued...

Please state why you believe that requested variance will not be contrary to the public interest and the purposes of the applicable code provisions:

Please include necessary documents for the appeal. (8 copies are required)

Plat Survey-Survey by a Wisconsin Registered Land Surveyor showing the following: a. Boundaries and dimensions of the property and all existing and proposed setbacks. b. Existing or proposed structures, easements, streets, public ways, off street parking, loading areas, driveways, street, side or rear yards. c. 100 year flood elevation or high water mark for abutting bodies of water and courses.

Plans- 8 copies of proposed construction plans (if applicable)

Other documents may be included if necessary.

No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as ground for the granting of a variance.

I hereby certify that the above statements contained in the application submitted here with are true and correct.

Applicant Signature

Date

****PLEASE NOTE THIS APPLICATION MUST BE ACCOMPANIED BY A \$400.00 FILING FEE****

For internal office use only		
Amount Paid: _____	Receipt # _____	Received by: _____