

**CITY OF STURGEON BAY
 VARIANCE APPLICATION
 ZONING BOARD OF APPEALS**

Date Received:	_____
Fee Paid	\$ _____
Received By:	_____

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name		
Company		
Street Address		
City/State/Zip		
Daytime Telephone No.		
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: _____
Location if not assigned a common address: _____

TAX PARCEL NUMBER: _____

CURRENT ZONING CLASSIFICATION: _____

CURRENT USE AND IMPROVEMENTS:

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: _____

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
North: _____
South: _____
East: _____
West: _____

VARIANCE STANDARDS

Please address how the proposed variance meets each of the three required standards for authorizing variances. (Attach additional sheets, if necessary)

1. Unnecessary hardship: _____

2. Unique physical property limitation: _____

3. Protection of public interest: _____

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? _____ IF YES, EXPLAIN: _____

Attach an 8-1/2" X 11" detailed site plan (if site plan is larger than 8-1/2" x 11", also include 15 large sized copies), full legal description (preferably on disk), 8-1/2 x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

Property Owner (Print Name)

Signature

Date

Applicant/Agent (Print Name)

Signature

Date

I, _____, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

Date of review meeting

Applicant Signature

Staff Signature

Attachments:

Procedure & Check List

Agreement For Reimbursement of Expenses

STAFF USE ONLY

Application conditions of approval or denial:

Date

Community Development Director

**CITY OF STURGEON BAY
AGREEMENT FOR REIMBURSEMENT OF EXPENSES**

WHEREAS the City of Sturgeon Bay has created Section 3.035 of the Municipal Code authorizing the City Clerk/Treasurer to charge for reimbursement of legal, consulting and incidental expenses incurred on behalf of and/or for the benefit of third parties for services rendered by the City of Sturgeon Bay;

AND WHEREAS the undersigned has requested services and/or authorizations of the City of Sturgeon Bay which will result in the necessity to incur legal, consulting or incidental expenses on behalf of the undersigned or in consideration of the request submitted by the undersigned;

NOW, THEREFORE, IT IS AGREED that the undersigned will reimburse the City of Sturgeon Bay by providing payment to the City Clerk/Treasurer within fourteen (14) days of receiving an invoice, for all legal, consulting and incidental expenses incurred by the City of Sturgeon Bay for the benefit of the undersigned or for the consideration of the request submitted by the undersigned. These expenses are likely to include the following: Planning and engineering review, legal review and document preparation, recording, publication, and miscellaneous expenses.

This Agreement must be signed prior to the initiation of any action by the City of Sturgeon Bay.

Dated: _____

Dated: _____

PROCEDURE & CHECK LIST FOR ZONING BOARD OF APPEALS

This check list is being provided in summary form and shall in no way be construed as defining the complete appeal process.

DATE: *NOTE: After completion of step and notation of dates, copy of this check list shall be forwarded to next staff member in process.*

- _____ 1. Application filed with Community Development Department and reviewed by staff. Application shall contain a detailed site plan (including an 8-1/2" x 11" copy) full legal description, location map, Agreement For Reimbursement of Expenses, and construction plans for the proposed project. Site or plot plan shall include dimensions of property, structures, building elevations, proposed site improvements, signature of person who drew plan, etc.
- _____ 2. After review by staff, application forwarded to Community Development Secretary for placement on appropriate Zoning Board of Appeals Agenda.
- _____ 3. Community Development Secretary forwards copy of Agreement For Reimbursement of Expenses and name and address of responsible party to City Treasurer.
- _____ 4. Community Development Department obtains list of names and addresses of property owners within 300 feet of subject property.
- _____ 5. Community Development Secretary schedules public hearing to be held before Zoning Board of Appeals, drafts public hearing notice, and publishes Class 2 notice (2 insertions a week apart with the last one week prior to public hearing). Copy of public hearing notice placed on City Hall bulletin boards. Publication Dates: _____ and _____. Public Hearing Date: _____.
- _____ 6. Community Development Secretary forwards public hearing notice along with list of property owners within 300 feet to applicant. Community Development Secretary sends out notices by regular mail to property owners at least 10 days prior to hearing (by: _____).
- _____ 7. Copy of application is forwarded to City Clerk for placement on public access television one week prior to public hearing.
- _____ 8. Community Development Dept. coordinates placement of signage with applicant. Signs shall be obtained from Building Inspection Department, require \$50 deposit per sign, and shall be placed on subject property at least 10 days prior to public hearing (by: _____).
- _____ 9. Zoning Board of Appeals meeting:
 - a. Presentation of request by applicant.
 - b. Public hearing.
 - c. Review and approval or denial by Zoning Board of Appeals.
- _____ 10. Notice sent to applicant stating facts and findings, and whether request has been granted or denied.

- WHAT IS A VARIANCE? -

Presented by the Door County Planning Department
for petitioner reference

A variance is an authorization for the construction or maintenance of a building or structure which is prohibited by a zoning ordinance. It is a right granted by a Board of Adjustment pursuant to power vested by statute or ordinance and is a form of administrative relief from the literal enforcement and strict application of zoning regulations.

VARIANCE STANDARDS

State law sets three standards for granting a zoning variance. The burden is upon the applicant to provide evidence to the Board of Adjustment that their situation meets the standards. All three standards must be met in order for a variance to be granted.

- Unnecessary hardship
- Unique property feature
- Not contrary to public interest

1. Unnecessary Hardship

Application of the zoning ordinance to the site must cause unnecessary hardship. When does unnecessary hardship occur?

- Denied All Reasonable Use of Property

The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies all reasonable use of a property. Board of Adjustment members must judge what is a reasonable use for a particular parcel. They must consider whether the parcel as a whole provides reasonable use to the owner, not just whether a portion of the property can be used as the applicant wants. Generally, a variance is not warranted if the physical character of the property would allow a landowner to develop or build in compliance with a zoning ordinance.

For example, all reasonable use of a parcel is not denied if the board rejects a variance for a deck to be placed on a site within the shoreland setback. A home without a lakeside deck still offers reasonable use of property.

- No Self-Imposed Hardship

The Wisconsin Supreme Court also ruled that a hardship may not be self imposed. An example of a self-imposed hardship would be someone who builds at a setback and later requests a variance for an addition within the setback area. Such a variance should be denied because the applicant created the hardship by building at the setback and restricting future building or expansion options.

- Loss Of Profit - Not hardship

Loss of profit is not in itself an unnecessary hardship, nor is additional expense incurred to comply with zoning ordinances. For instance, limiting the number of units which can be built on a parcel may reduce potential profits, but is not an unnecessary hardship.

- Due to Regulations

The hardship cannot be one that would have existed in the absence of the zoning ordinance. Some properties may not be buildable because of the physical nature of the property. For instance, if an entire parcel consists of land with a steep slope or is entirely wetlands, the property would not be suitable for development whether or not there was an ordinance regulating such development. In such extreme cases, the only reasonable use may be for open space uses.