



## ZONING BOARD OF APPEALS INFORMATION

If you wish to apply for a variance, you must appear before the Zoning Board of Appeals. The Zoning Board of Appeals meets on the third (3<sup>rd</sup>) Thursday of the month at 7:00 p.m. if the Board has an appeal application to act upon.

Along with a completed application, the following must be submitted to the Village Clerk's Office at the Village Hall three (3) weeks and two (2) days preceding the meeting date:

1. Seven (7) copies of a letter explaining the specific variance(s) that you are requesting. The letter must explain: the variance requested, what special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted, why the variance being requested is not contradictory to the public interest and will not endanger public safety and welfare, and why the variance requested will be in accord with the spirit of the zoning ordinance.
2. Seven (7) copies of a site plan (survey) showing the location and size of the property, existing improvements, abutting properties and improvements and the requested change or addition. Photos are highly recommended.
3. A memorandum from the building inspector describing what part of your plans does not meet the Building Code.
4. The fee of \$150.00. This fee is non-refundable and is necessary for the processing of your application and the public hearing regardless of the outcome.

### PROCESS

Note: Full information on this process is published in the ordinances of the Village of Pewaukee, Section 40.131 (available at Village Hall) and further information is found in Wisconsin Statute Section 62.23(7)(e). It is your responsibility to be aware of all requirements stated therein.

After submission of a complete application as noted above, the Village will call a meeting of the Zoning Board of Appeals. You will be notified of the date and time of the meeting as soon as it has been scheduled.

The Lake Country Reporter, at the Village's request, will publish notice of the public hearing to be held before the Zoning Board of Appeals and notice of that hearing will also be sent to all property owners within 300 feet of the property for which the variance is requested.

***Variances are not granted routinely. The application for a variance must clearly show the Zoning Board of Appeals that the three Wisconsin State Statutory Standards that govern granting a variance will be met.***

1. Unnecessary Hardship: A situation where, in the absence of a variance, an owner can make no feasible use of the property. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

**The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not which affects all parcels similarly.**

Generally, hardships arise because of some unique property limitation of a parcel or because the property was created before the passage of the zoning ordinance and is not economically suitable for a permitted use, or will not accommodate a structure of reasonable design for a permitted use, if all area, yard and setback requirements are observed.

**Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.**

**Self-imposed hardship is not grounds for a variance.** Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public right-of-way, or deed restriction imposed by the owner's predecessor in title are generally considered to be self-imposed hardships.

**The hardship cannot be one that would have existed in the absence of a Zoning Ordinance.** Sometimes, a legitimate hardship results from the interaction of the provisions of the zoning ordinance with other actions or regulations adopted by public authorities.

2. Unique Property Limitations: Unique physical characteristics of the property, not the desires of or conditions personal to the applicant must prevent the applicant from developing in compliance with the zoning ordinance. These features may be a wetland, soil type, parcel shape, or steep slope that limits the reasonable use of the property.
3. Protection of the Public Interest: Granting of a variance must not harm the public interest. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm the public interest.

The Board may act upon your request immediately or may take up to thirty (30) days to notify you of their action. You will receive a written notice of the Board's decision.



**APPLICATION FOR ZONING BOARD OF APPEALS**

Address or Tax Key Number of Property Involved: \_\_\_\_\_

\_\_\_\_\_

Current Owner of Property: Name: \_\_\_\_\_

Applicant, if Different: Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Current Zoning of the Property: \_\_\_\_\_

What is the specific section of the Village Code that you are requesting variance(s) from?

\_\_\_\_\_

(Staff can assist you in answering this question)

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Signature, if Different From Owner: \_\_\_\_\_

Date: \_\_\_\_\_