

## Town of Bloomer – Variance Application

AN AREA (SPATIAL) VARIANCE is a relaxation of a dimensional standard(s) in a land use ordinance (e.g., setbacks, lot area, height, etc.). The Board of Appeals (BOA), after a public hearing, decides whether a variance is to be granted or denied. It is a quasi-judicial body because it functions almost like a court. The BOA’s main objective is not to compromise ordinance provisions, but to apply legal criteria provided in State Supreme Court Decisions, State Laws and the Village Ordinances to a specific development request, which does not meet the minimum ordinance requirements. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden on a property. Once a completed application is received, the Town of Bloomer Zoning Administrator will prepare and publish in the Bloomer Advance and post in three (3) public places a public hearing notice of your variance request. The public hearing notice will include the location and time of the required public hearing before the BOA. In addition, your neighbors and any affected state agency(s) will also be notified. At the hearing, any party may appear in person or may be represented by an agent or attorney to present information to the BOA in opposition or support of your request.

SECTION I: Owner Information			SECTION II: Agent/Contractor Information		
Name:			Name:		
Mailing Address:			Mailing Address:		
City:	State:	Zip:	City:	State:	Zip:
Telephone:			Telephone:		
Email Address:			Email Address:		
SECTION III: Parcel Information					
Zoning District(s):			Property Address:		
Parcel Number(s)			City:	State:	Zip:

A USE VARIANCE is a relaxation of the use standard in a land use ordinance. If you are filing a variance application seeking a use variance consult the Zoning Administrator about the information needed to be submitted.

**GENERAL DIRECTIONS:**

1. **Complete** the attached Application form and the required five (5) parts:
  - Part 1: General Questions/Alternatives related to the request
  - Part 2: Three Step Test Criteria for Variance
  - Part 3: Construction and/or Plot Plans Required
  - Part 4: Applicant Acknowledgements
  - Part 5: Application Completeness Statement
2. **Submit** the application, all required information and a **\$300.00** public hearing fee to Roger McFarlane, Town of Bloomer Zoning Administrator, 20862 125th Street, Bloomer, Wisconsin 54724 at which time a hearing date will be scheduled within one (1) month.
3. **Make arrangements** to attend or have a representative attend the public hearing, so that the request can be presented and questions answered.

FOR ZONING ADMINISTRATOR USE:		
Receipt Number:	Appeal Number:	Public Hearing Date:

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### Part 1: General Questions/Alternatives related to the request (Use a separate 8.5” x 11” sheet to answer these questions):

- (A) Section references to all applicable ordinances, from which the variance is being sought. Please identify the exact section(s) and number(s).
- (B) Describe the variance being requested (See Part 3 below).
- (C) Describe the effects on the property, if the variance is not granted.
- (D) Describe alternatives, if possible, to your proposal such as other locations, designs and construction techniques. Attach a site map showing each alternative separately that you considered in each category listed below.
  - (1) Alternatives you considered that comply with the existing standards. If you find such an alternative, you can move forward with this option with a regular permit. Provide the reasons why you rejected the compliant alternatives.
  - (2) Alternatives you considered that require a lesser variance and reasons you rejected them. Provide the reasons why you rejected the alternatives by a lesser variance.

### PART 2: Three-Step Test Criteria for Variance

Please use a separate 8.5” x 11” sheet of paper to address the questions as presented below. To qualify for a variance, you must meet the three (3) following requirements:

#### Step One: Unnecessary Hardship

Strict application of an ordinance requirement such as a setback, the required road frontage, the height of a structure, the bulk or density required, will result in unnecessary hardship. Wisconsin case law explains that unnecessary hardship is present where, in the absence of a variance, compliance with the ordinance would prevent the owner from using the property for a permitted use or would render conformity with such restrictions unnecessarily burdensome. If a parcel as a whole, but not necessarily each portion of the parcel provides for a permitted use then the test is not met and a variance cannot be granted. An applicant may not claim hardship because of conditions which are self-imposed or created by a prior owner (for example, splitting a lot to create two substandard lots or starting construction without the proper permits and then claiming hardship). Courts have also determined that loss of profit or financial hardship does not, by themselves, justify a variance.

In your opinion, is unnecessary hardship present on this property?

YES. Please describe the unnecessary hardship present on this property and why it is unnecessarily burdensome for you to comply with the regulations.

NO. A variance cannot be granted.

#### Step Two: Hardship due to unique physical limitations of the property

The hardship is 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.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

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YES. What are the unique physical limitations of your property? Please show the boundaries of these features on the site map(s) and describe the alternatives that you considered.

NO. A variance cannot be granted.

### Step Three: No harm to public interests

A variance may not be granted which results in harm to public interests. In applying this test, the BOA must consider impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire

community and the general public. These interests are listed as objectives in the purpose statement of the ordinance and may include:

- Public health, safety and welfare
- Water quality
- Fish and Wildlife Habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for non-conforming uses, structures and lots
- Any other public interest issues

Does your request harm the public interest?

YES. A variance cannot be granted.

NO. Please explain why this request does not cause harm to the public interest.

### Part 3: Construction and/or Plot Plans:

The plot and construction plans are the most important piece of information pertaining to your request. An accurate diagram showing the relationship of your existing buildings and the proposed activities that you are requesting the variance for is an essential piece of information that the BOA needs in order to reach a decision. In some cases 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.

#### REQUIRED INFORMATION:

A Map of Survey or where allowed by the zoning administrator, a sketch showing all of the following:

Dimensions, location(s) and setback(s) of existing and proposed structures and/or additions.

Location of roadways and easements on the property

Location of well(s) and sanitary system(s)

An accurate building diagram

Anticipated project start date

#### ADDITIONAL INFORMATION, if Applicable and requested by the Zoning Administrator and/or BOA:

Vegetation removal proposed

Contour lines (1-2 ft. intervals)

Ordinary high water mark

Floodplain & wetland boundaries

Location and extent of filling, grading and/or excavation

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Location and type of storm water and erosion control measures

Any other construction related to your request

### Part 4: Applicant Acknowledgement/Signature

- I certify that the information I have provided in this application is true, accurate and complete.
- I understand that the BOA’s review of this application is a quasi-judicial proceeding.
- I or a representative will have an opportunity to present to the BOA information in favor of this request.
- I have the authority to allow the Zoning Administrator and BOA Committee member’s access to the property to conduct necessary inspections related to my request. I further indicate my consent by execution of this application to the Zoning Administrator and BOA members having access to the property in preparation for the public hearing.
- I understand that I cannot speak to any member of the BOA about this application, except at the public hearing.
- I understand that I cannot direct any written or oral communication about this application to a member of the BOA in advance of the hearing. Any information that I wish to be considered by the BOA shall be provided to the Zoning Administrator for transmittal to the BOA and to each person who has registered an interest in this application.
- I also understand that if I or my representative fails to appear in front of the BOA during the designated public hearing, as listed below, or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Owner/Agent

### Part 5: Application Completeness Statement

Once an application is submitted, the Zoning Administrator will review it to determine if information is missing and/or not submitted. If it is determined that the application is not complete, I understand the application will be either returned to me or placed in “holding” until all requested information is submitted.

By not completely the application and/or not submitting all of the requested information I understand that this might delay my hearing by one or more months.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Owner/Agent