

VARIANCE PETITION

Village of Hales Corners, WI

Date: _____

BA _____ - _____

Subject Parcel Location Address _____

City _____ Zip _____

Parcel No. _____

Zoning _____

THE UNDERSIGNED, does hereby respectfully petition the Village of Hales Corners Board of Zoning Appeals to appeal the following zoning regulation or decision of the Zoning Administrator, as it applies to the above subject property [to be completed by staff].

Petitioner requests _____

Request was denied as Section(s) _____ of the Village of Hales Corners Zoning Ordinance _____.

In accordance with Section 445-17.5 of the Zoning Ordinance, the reasons for the petition are: [to be completed by petitioner] (additional sheets may be necessary)

The following are attached in accordance with the requirements of Section 445-17.2(c) of the Ordinance:

- Full Plat of Survey drawn to scale showing all of the information required under this Ordinance for a Zoning Permit (not to exceed 8½ x 14" format)
- Names, Addresses and Parcel numbers of all property owners abutting and opposite the subject property
- Additional Information as required by the Zoning Administrator
- Fee of \$ _____ (Section _____)

PROPERTY OWNER

AGENT*

Signature _____

Signature _____

Name _____

Name _____

Address _____

Address _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Phone _____

Phone _____

***If Applicant is other than property owners, both signatures are required.**

For Office Use Only: Submit by _____ Public Hearing _____ Action _____

VARIANCE/BOARD OF APPEALS PROCESS

A variance may be requested under Chapter 445 of the Village of Hales Corners Zoning Code. The Board of Appeals (BOA) is a quasi-judicial body that hears and acts upon variance requests. It is a citizen board appointed by the Village Board of Trustees.

FEES:	Commercial Zoning Variance	\$400.00
	Residential Zoning Variance	\$295.00
	Sign Code Variance	\$295.00

SUBMITTALS: A completed application form, fee, and support documentation shall be submitted at least 20 days prior to the regularly scheduled BOA meeting. Meetings are held on the second Monday of every month (unless otherwise noticed.)

Support documentation (7 copies) should be submitted in a reproducible 8½ x 11 or 8½ x 14 format. Documents must be sufficient to clearly detail the request and provide reasons as to why compliance with the existing code requirements cannot be met.

Support documentation shall include:

- Survey or site plan showing exact and dimensioned project location
- Photographs of existing situation
- Proposed building plans or sign rendering
- Other information as required by the Zoning Administrator

RATIONALE: Under State law and local ordinance, the BOA may only grant variances if the following can be demonstrated:

- Exceptional Circumstances. There is something unusual or exception about the lot or the use of the lot (which does not apply to similar lots or uses) which causes the applicant to request the variance.
- Absence of Detriment. The variance requested will not have any negative affects on the neighboring properties.
- Hardship not Created by Owner. The current or prospective property owner has not created a need for this variance. The hardship or difficulty must be peculiar to the subject parcel in question and different from that of similar parcels. Generally, hardships arise because of some unique property limitation of a parcel that will not accommodate a structure of reasonable design or size for a permitted use, if all area, yard, and setback requirements are observed.

PROCESS: Upon receipt of a complete submittal, the petition will be scheduled for a public hearing before the BOA. A hearing noticed is published in the official newspaper (Southwest NOW), and notices are sent to the petitioner and all adjacent property owners to the subject site.

At the hearing, the applicant will be given the opportunity to present their request and the BOA may allow interested parties to make statements in support of or against the request. The BOA will then deliberate and render a decision. The BOA may approve, approve with conditions, or deny the variance petition. The Zoning Administrator will notify the petitioner in writing of the BOA determination. If denied, the petitioner has 30 days to file an appeal in circuit court.