



**APPLICATION for APPEAL or VARIANCE**

**Notice:** This Application must be completed in full. The Village of Denmark cannot accept an incomplete Application Form or an Application Packet lacking all required information.

*An Application for Appeal or Variance shall be filed with the Village Clerk within 30 days of the date of written notice of decision or order.*

**Contact Information:**

Property Owner: \_\_\_\_\_

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

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

Applicant / Agent (if different from Property Owner): \_\_\_\_\_

Company & Title (as applicable): \_\_\_\_\_

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

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

**Property Description:**

Address: \_\_\_\_\_ Parcel ID: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Lot Size: \_\_\_\_\_ Lot Width: \_\_\_\_\_

(If additional parcels, please attach as separate sheet)

Current Use of Property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Appeal / Variance Requested:**

The Owner, being aggrieved by the decision of the Plan Commission, Zoning Administrator, Building Inspector, or Other Officer of the Village was (check one):

- Denied approval of a zoning change on: \_\_\_\_\_ (date)
- Denied approval of a site plan permit on: \_\_\_\_\_ (date)
- Denied approval of a sign permit on: \_\_\_\_\_ (date)
- Denied approval of a pool or fence permit on: \_\_\_\_\_ (date)
- Issued a notice of violation or compliance order on: \_\_\_\_\_ (date)

Makes this appeal for the following purpose (check one):

- To seek a variance from the requirements of Section(s) \_\_\_\_\_ of Chapter 315: Zoning of the Village of Denmark Code of Ordinances.
- To determine whether the order, requirements, decision, or determination of the Plan Commission, Zoning Administrator, Building Inspector, or Other Officer of the Village is in error.
- To obtain an interpretation of Section(s) \_\_\_\_\_ of Chapter 315: Zoning of the Village of Denmark Code of Ordinances.
- To obtain an interpretation of the location of the boundaries of the \_\_\_\_\_ zoning district on Parcel \_\_\_\_\_ of the Village of Denmark.

**Variance:**

Granting of Variance:

As per Section 315-207.G of Chapter 17: Zoning, the Board of Appeals shall grant no variance unless it finds that all the following facts and conditions exist:

- (1) *Preservation of Intent.* No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) *Special or Unique Condition.* There shall be a special or unique condition applying to the lot or parcel that does not apply generally to other properties in the same district, and the granting of the variance shall not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

(3) *Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. The special or unique condition on the lot or parcel must cause an unnecessary hardship. However, no variance shall be granted solely on the basis of economic gain or loss and self-imposed hardships shall not be considered as grounds for the granting of a variance.*

(4) *Public Interest: No variance shall be granted that will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.*

Preservation of Intent:

The Applicant / Agent shall explain how the proposed use or structure is consistent with the purpose and intent of the zoning district in which the proposed development is located:

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Special or Unique Condition:

The Applicant / Agent shall describe the special or unique condition applying to the lot or parcel that does not apply generally to other properties in the same district:

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Hardship:

The Applicant / Agent shall describe the hardship resulting from the decision to deny the proposed use or structure:

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Public Interest:

The Applicant / Agent shall explain how the proposed use or structure is consistent with the purpose and spirit of the zoning ordinance and the public interest:

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NOTE: Six paper copies and one digital copy (PDF or similar format) of the application packet is required

**Signature and Certification:**

*I certify the information presented on this Application and the drawings, plans, and other materials included therein are, to the best of my knowledge, complete and in accordance with the Zoning Ordinance.*

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Application Fee:**

The Application Fee for an Appeal or Variance is \$300.00. The Application shall not be accepted until the Application Fee has been paid.