



# Do I Qualify for a Variance?

**What is a variance?** A variance allows a property to be used in a manner forbidden by the zoning ordinance. There are two types of variances; **Area variances** provide an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback. **Use variances** permit a landowner to put a property to an otherwise prohibited use. Use variances are prohibited in shoreland zoning. In order to be granted a variance you must prove that you meet all three variance standards; 1) Unnecessary Hardship, 2) There are conditions unique to the property, 3) No harm to public interests. The Board of Appeals can only grant authorized variances listed in Town Ordinance 360-28(G).

Have you read  
Town Ordinance  
360-28 Variances?

No Yes

\*A failed 3-part test does not always mean a variance will be rejected. A passed 3-part test does not mean a variance will be approved. Everything is considered case by case by the Board of Appeals

Circumstances of an applicant, such as a growing family or desire for a larger garage are not legitimate factors in deciding variances. A personal inconvenience is not sufficient to meet the unnecessary hardship standard.

## Test 1: Unnecessary Hardship.

Does complying unreasonably prevent the owner from using the property for a permitted purpose. For example, if a lot is zoned residential, would complying with the ordinance prevent the lot from being used for a home. If a property owner is already living in a home on the lot, then they're not prevented from using the property for residential use.

OR

Would complying be unnecessarily burdensome in view of ordinance purposes

## Questions?

Contact the Zoning Administrator

[zoning@romewi.gov](mailto:zoning@romewi.gov) / 715-325-8019

It is important to understand what a variance is when applying for one. Please consider reading the ordinance before continuing.

No

You did not pass the 3-part test. A variance is unlikely to get approved. Consider other options instead of a variance.

Yes

## Test 2: Conditions Unique to the Property

Do you have conditions unique to the property? This includes steep slopes or wetlands that will prevent compliance with the ordinance. If an alternative location exists on the property that would not require a variance, this standard is not met. Not every small or steep property meets this standard.

Note: Slopes less than 10% incline are considered slight, Slopes 11-14% are considered moderate, and slopes 15%+ are considered steep for development.

No

You did not pass the 3-part test. There are other locations on your property that could be used for the project

Yes

## Test 3: No Harm to Public Interests

A variance granted may not harm public interests. "Public interests" are the purpose and intent of the ordinance that were adopted by the elected officials representing the community.

Roadway setbacks could potentially be considered harmful to public interests.

No

You did not pass the 3-part test. Reconsider the design and placement of your project.

Yes

You passed the 3-part test, you have a unique situation that could require a variance. You are in a position where applying for a variance would be a possibility for you. This does not guarantee that you will be granted a variance.