

VILLAGE OF HORTONVILLE
APPLICATION FOR VARIANCE

\$300 Fee Paid _____

Number _____

Date Filed _____

Name of Applicant or Agent _____

Address of Applicant or Agent _____

Phone Number of Applicant or Agent _____

Name of Property Owner _____

Address of Property Owner _____

Phone Number of Property Owner _____

Parcel ID# and Legal Description of Property: _____

Lot Size _____ Present Use _____ Present Zoning _____

Proposed Use _____

TERMS OF ORDINANCE

VARIANCE REQUESTED

Specify Reason for Petition (i.e. insufficient lot area, setback or other) _____

Variance Criteria. The Board of Appeals shall review variance requests against the standards provided under Wisconsin Statutes and Wisconsin Supreme Court case law. Therefore, to qualify for a variance, an applicant has the burden of proof to demonstrate that all three of the following criteria a, b, and c are met: (Based on Wisconsin Statutes 62.23 (7) (e) and case law. Published in Guide to Community Planning in Wisconsin by Brian W. Ohm).

- a. Unnecessary Hardship. What constitutes a hardship is determined from the facts and circumstances of each individual case. The Board of Appeals must consider the following court-established principles:
 - 1. Unnecessary hardship is a situation where, without a variance, strict conformity is unnecessarily burdensome (in the case of an area/dimensional variance*) or an owner is unable to use the property for a purpose permitted by the ordinance (in the case of a use variance).
 - 2. The hardship must be peculiar to the parcel in question and different from other parcels in the general area/neighborhood. It is not a hardship if other parcels are affected similarly.
 - 3. Loss of profit or financial hardship is not grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
 - 4. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or former owner, the hardship is self-imposed.
 - 5. The Board of Appeals is to consider the underlying purpose of the ordinance standards in considering whether a hardship is present.

Describe how the subject property presents an unnecessary hardship:

- b. Unique Property Limitation. 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. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.

Describe how the subject property possess a unique property limitation:

- c. Protection of the Public Interest. Granting of a variance must neither harm the public interest nor undermine the purposes or any provision of the zoning ordinance. In granting a variance, the Board of Appeals may attach special conditions to ensure that the public interest will not be damaged. Such conditions shall relate reasonably to the purpose and intent of the ordinance. Also, any variance granted should include only the minimum relief necessary to allow reasonable use of the property.

Describe how the requested variance preserves the stated purpose of the zoning ordinance:

ATTACH THE FOLLOWING:

Plot Plan showing the area involved, its location, dimensions, location and type of present improvements, and location of adjacent structures within 300 feet of the area.

SCHEDULE A CONFERENCE WITH THE VILLAGE ADMINISTRATOR BEFORE FILING THE APPLICATION

Signature of Applicant or Agent

Date