



# Manitowoc County Planning and Zoning Department

## VARIANCE

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### VARIANCE

A variance is an exception to the standards contained in a zoning ordinance that is granted by the Board of Adjustment. When considering a variance request the Board of Adjustment is required to apply relevant legal standards to a specific fact situation and cannot grant a variance merely for the convenience of the property owner. Variances are an infrequent remedy and are only granted when an ordinance imposes a unique and substantial burden on the applicant.

### PERMIT PROCESS

You are required to do the following:

- 1) Submit a completed application form with a \$475 non-refundable fee. Fee is doubled if a variance application is applied for after a project has started.
- 2) Provide a detailed description of your project and a site diagram.
- 3) Contact your Town Board to inform them of your request. You may be asked to attend a Town Board meeting to discuss the application.
- 4) Allow the Board of Adjustment to conduct an on-site inspection of the property. You must clearly identify the proposed structure location on your property.
- 5) Attend a public hearing on your application. You must contact the Code Administrator if you cannot attend.
- 6) Obtain a zoning permit from the Planning and Zoning Department if your variance is granted.

### VARIANCE CRITERIA

An area variance may only be granted if you would suffer an unnecessary hardship without a variance. To qualify for a variance, you must prove your property meets the following three step test:

- 1) You must show that the application of the ordinance requirements will result in an unnecessary hardship described as follows:

An unnecessary hardship exists when strict compliance with the zoning code unreasonably prevents an owner from using the property for a permitted purpose or is unnecessarily burdensome. Whether something is unreasonable depends on the purpose of the zoning restriction and its effect on the property. It also depends on the effect of the variance on the neighborhood and the larger public interest

- 2) **You must show 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.) which are not generally shared by other properties. Previous variances do not provide a basis for granting a variance. You will be asked to demonstrate that alternate project design or locations on the parcel, which comply with the ordinance, are not feasible.
- 3) You must show that if granted, the variance will not result in harm to public interests. The Board of Adjustment must consider the public interest factors listed as objectives in the purpose statement of the ordinance.



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### **HEARING PROCESS**

After the Planning and Zoning Department receives your application materials, it will notify you in writing of the hearing date and time. It will also publish a hearing notice in the Herald-Times-Reporter and send a copy to adjacent property owners.

At the hearing, you may appear in person or be represented by an agent or an attorney to speak on your behalf. As the property owner you must provide verifiable facts upon which the Board of Adjustment can base its decision. Other people can also attend the hearing to testify for or against your request.

### **BOARD OF ADJUSTMENT ACTION**

- The Board of Adjustment will consider the evidence presented and make a decision.
- If the Board of Adjustment has sufficient information it will either approve, modify and approve, or deny your request. It may table your request until you provide more information if needed.
- The Board of Adjustment will issue a written decision and file a copy with the Manitowoc County Planning and Zoning Department.

### **JUDICIAL REVIEW**

If your variance request is denied, you may appeal the decision to Circuit Court as provided in Wisconsin Statute s. 59.694(10). Even if approved, a variance may be appealed to circuit court by an aggrieved party. All appeals must be filed according to State Statutes (within 30 days) after the decision is filed with the Manitowoc County Planning and Zoning Department. For this reason you may want to delay your project until the appeal period has expired.



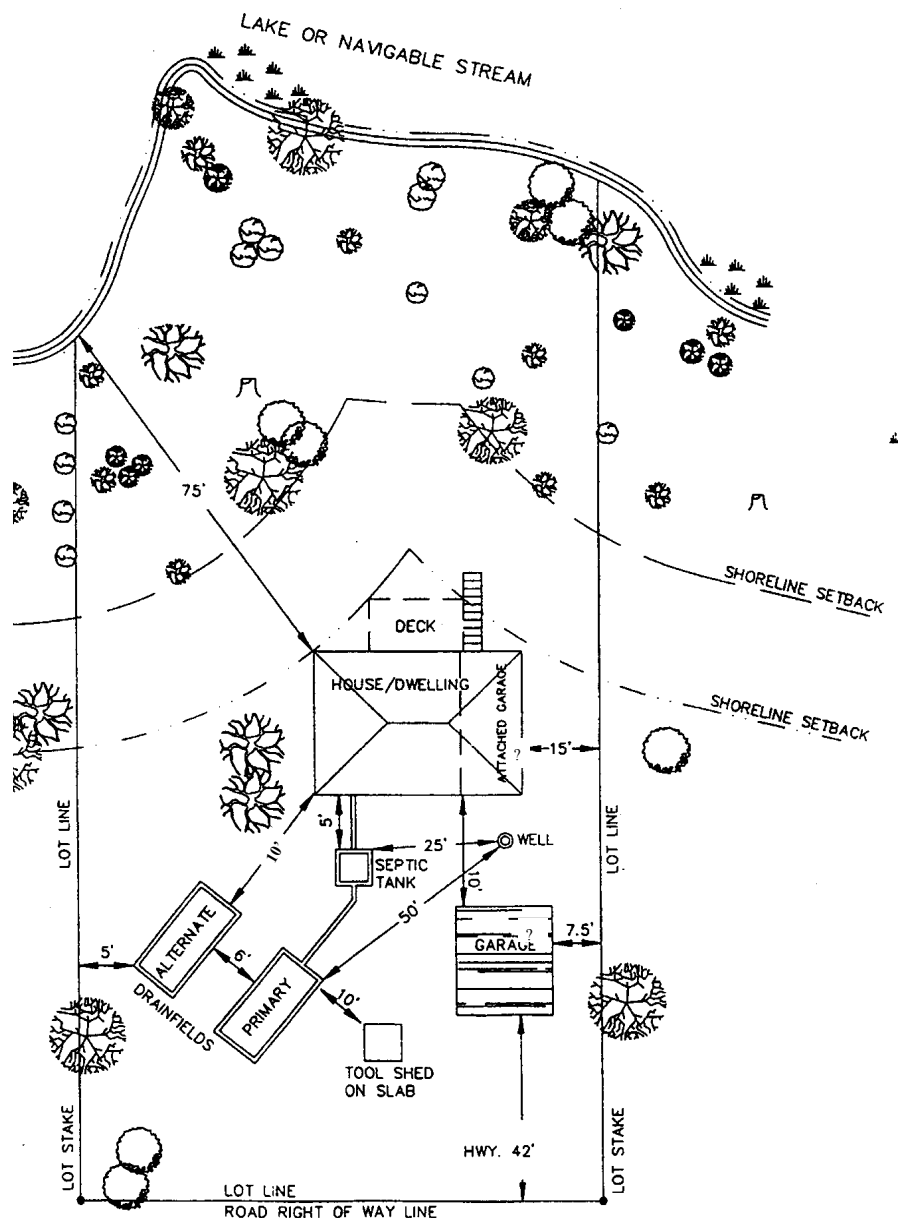
# Manitowoc County Planning and Zoning Department SITE DIAGRAM

## SITE DIAGRAM

The site plan is an important piece of information in your file. An accurate diagram showing the relationship of your buildings and/or proposed construction to the lot lines, shorelines, highways, structures on adjacent property and other physical features provides us with the essential information we need. 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 site plan.

Some general guidelines:

- Use a ruler. Freehand drawings are often of questionable accuracy.
- Scaled or well-proportioned drawings are preferred.
- If a survey is available, sometimes it works well to sketch your proposal directly on a copy of it.
- Accurately measure and illustrate all the critical measurements and do not estimate.
- The correct setback measurement is the shortest straight line between the building and the line being measured to.
- Supplemental drawings, such as cross-sections, may be helpful.
- Locations of well and septic should be provided for yours and adjacent properties.





# Manitowoc County Planning and Zoning Department VARIANCE APPLICATION

Petition # ZPA-                    - 20
Fee Received \$                            .00
Receipt #

Ordinance (s) affected: \_\_\_\_\_ Section (s): \_\_\_\_\_

### OWNER / APPLICANT

Owner Name (print) _____ Address (1) _____ Address (2) _____ City/State/Zip _____ Phone _____	Applicant/Agent Name (if different) _____ Address (1) _____ Address (2) _____ City/State/Zip _____ Phone _____
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### PROPERTY LEGAL DESCRIPTION

\_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, S \_\_\_\_\_ T \_\_\_\_\_ N R \_\_\_\_\_ E Town of \_\_\_\_\_  
 House or Fire # \_\_\_\_\_ Tax Number \_\_\_\_\_

### PROPERTY INFORMATION

Zoning District(s) \_\_\_\_\_ Proposed building dimensions \_\_\_\_\_ Ft. \_\_\_\_\_ Ft.  
 Proposed property dimensions \_\_\_\_\_ Ft. \_\_\_\_\_ Ft.  
 The variance is requested for: \_\_\_\_\_

### VARIANCE CRITERIA

(See Page 1 For Assistance)

What physical limitations of the property create an unnecessary hardship that prevents you from complying with the ordinance?

Explain how the ordinance creates an unnecessary burden on you or how it prevents you from using the property.

The variance will not harm or negatively affect the public interest because..

Return to:  
 Manitowoc County Planning and Zoning Department  
 4319 Expo Drive, PO Box 935  
 Manitowoc, WI 54221-0935  
 (920) 683-4185

I have been informed and have willingly agreed to pay for the required public hearing notice and allow the Manitowoc County Board of Adjustment and Manitowoc County Planning and Park Staff access to the property for the matter of gathering and assessing information pertaining to this appeal.

\_\_\_\_\_  
 Signature (applicant, owner, agent)

\_\_\_\_\_  
 Date