

TOWN OF BIG FLATS, Adams County

1104 County Road C, Arkdale, WI 54613-9728

608-564-7754



VARIANCE APPLICATION FEE: \$400.00

OVERVIEW:

A variance is a relaxation of the standards set in a zoning ordinance. Variance requests are decided by a 5-member Board of Adjustment, which is appointed by the Town of Big Flats Board. The Board of Adjustment is known as a quasi-judicial body because it functions almost like a court. Its decisions must comply with specific criteria provided in Wisconsin State Statutes. The Board of Adjustment must apply town ordinance provisions as they are written. Its job is not to compromise for a property owner's convenience but to apply appropriate legal standards to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

PROCESS:

At the time of application, you will be asked to:

- 1) Submit a completed application form and a \$400.00 non-refundable fee.
- 2) Provide detailed plans describing your project.
- 3) Provide written justifications showing that your project meets the legal criteria for a variance as outlined in the "Three Step Test".
- 4) Stake out your project, which will allow the Zoning Department to prepare a video of the property for viewing at the public hearing.
- 5) You will be required to attend the public hearing, if you cannot, please contact the Zoning Administrator.

After receiving your application materials, the Zoning Department will publish notice of your request for a variance in the Adams-Friendship Times-Reporter noting the time and location of the public hearing. In addition, a public notice will be sent to neighboring property owners. The burden of proof will be on you as property owner to provide verifiable facts upon which the Board may base its decision. At the hearing, any party may appear in person or be represented by agent or attorney to speak on your variance request.

THREE STEP TEST:

To qualify for a variance, you must meet the following three requirements:

- 1) Strict application of an ordinance requirement will result in an “**UNNECESSARY HARDSHIP**”

described as follows:

Unnecessary Hardship: A situation where, in the absence of a variance, an owner can make no feasible use of their property, or strict conformity is unnecessarily burdensome. The hardship or difficulty must be peculiar to the parcel in question and different from that of other parcels, not one that affects all parcels similarly. Loss of profit or financial hardship is not in and of itself grounds for a variance nor is a selfimposed hardship grounds for a variance.

- 2) The hardship must be 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) A variance may not be granted which results in **HARM TO PUBLIC INTERESTS**. In applying this test, the Board must consider the public interest factors listed as objectives in the purpose statement of the ordinance.

IF YOU QUALIFY FOR A VARIANCE:

- The Board may grant only the minimum variance, which preserves a reasonable use of a parcel for its owner.
- It may impose conditions on a project to ensure that public interests are protected.
- A variance decision may be appealed to circuit court by an aggrieved part within 30- days of filing the decision in the Adams County Planning and Zoning Office. For this reason, you may choose to delay your project until the appeal period has expired.
- A variance transfers to subsequent property owners.

JUDICIAL REVIEW:

If your variance request is denied, you may appeal the decision to Circuit Court, as provided in Wisconsin State Statutes 59.694 (10). The appeal must be filed within 30 days of the filing of the decision in the Town of Big Flats Clerk.

PLOT PLANS:

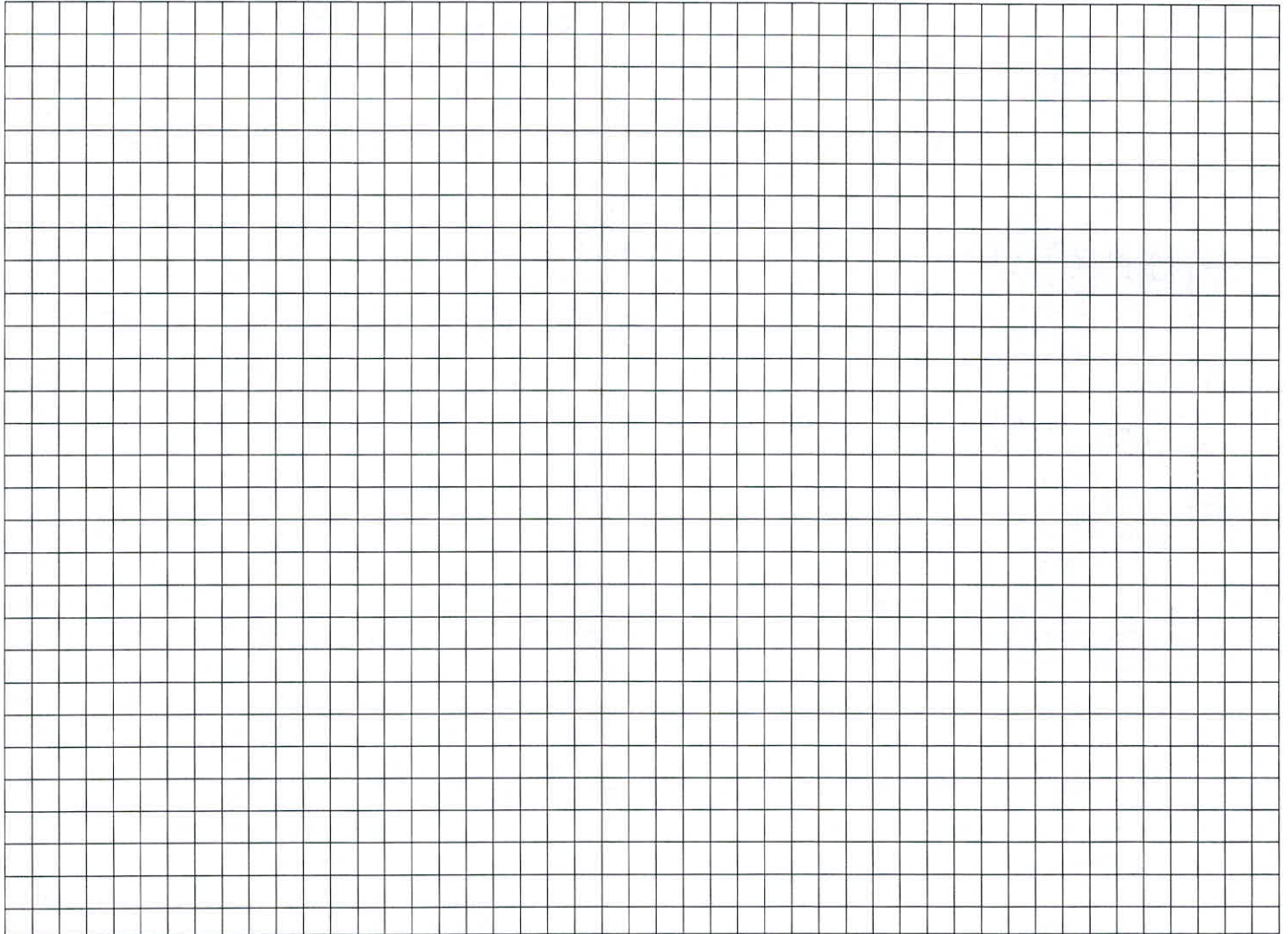
The plot plan is an important piece of information in your file. An accurate diagram showing the relationship of your buildings and/or proposed construction to the lot lines, shorelines, highways, structures on adjacent property and other physical features provides us with the essential information we 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 plot 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 wells and septic systems should be provided for both yours and adjacent properties.

Site Map / Plot Plan

PLEASE NOTE: All setbacks must be clearly and accurately shown or the map will be returned to you for clarification which will result in a delay of your project.

- Clearly show which direction is north with a North Arrow (N↑).
- Site map must be either drawn to scale **or** be dimensionally accurate.
- Show all roads that about the parcel.
- Clearly indicate whether measurements from a road are from the lot line or the road centerline.
- Show all water-bodies abutting and/or within the parcel with setbacks from the Ordinary High-Water Mark.



IMPORTANT NOTICE TO PERMIT APPLICANTS REGARDING WETLANDS

- AS OWNER AND / OR AGENT, YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER. (Wis STATS 59.691) [HTTP://DNR.WI.GOV/WETLANDS/MAPPING.HTML](http://DNR.WI.GOV/WETLANDS/MAPPING.HTML)

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VARIANCE APPLICATION

FEE: \$400.00

Office use:

File# _____ Date received. _____
Fee \$ _____ Total acres. _____
Comp. # _____ Parcel # _____

Applicant:

Name of Owner _____
Mailing Address _____
Phone. _____
Town of _____

Property Location:

_____ 1/4 _____ 1/4 Sec. _____ T _____ N R _____ E
Lot _____ Block _____ Addition, _____
Subdivision or CSM _____
Property Address. _____

Email Address: -----

Co-owner (if amicable):

Name of Co-owner _____
Mailing Address _____

Phone _____

Property Information:

Total area of the property is: _____ acres _____ sq. ft
Dimensions of the property: _____ feet x _____ feet

Current use: _____

Proposed use: _____

Variance Requested: Section _____ of the Big Flats _____ Ordinance

Specific request: -----

Three Step Test: Please answer the following questions

Unnecessary Hardship is present because: _____

Compliance with the Ordinance is prevented because: _____

A variance will not be contrary to the public interest because: _____

IMPORTANT: Attach plot plan or location sketch showing the location, boundaries, uses and sizes of the following applicable items: subject site, existing and proposed structures, all structure setbacks {current & proposed}, sanitary system, utilities, parking areas, property drainage, proposed excavation and / or filling, street rights-of-way, easements, driveways, trees 6 inches or greater in diameter at waist height, and all other pertinent features.

A Variance shall expire within two (2) years unless substantial work has commenced.

The undersigned hereby applies for the ordinance change requested above and states that the information on this application and the attached plot plan are accurate.

Signature _____
Date _____

Office notes: _____

