

**Board of Adjustment
Application Worksheet**



LA CROSSE COUNTY

OFFICE USE ONLY

Appeal No. _____

Fee _____

Meeting Date _____

Application Date _____

Applicant's Name/Acting
on Behalf of _____

Address _____ Phone _____

Email Address _____

Parcel Number _____ Zoning District _____ Township _____

Reason for Appeal _____

Notes: _____

Mailing List (OFFICE USE ONLY)

☐ Applicant _____

☐ Property owner _____

☐ Owners within 150 feet _____

☐ Board Members _____

☐ Town Board _____

☐ County Board Supervisor _____

☐ County Board Chair _____

☐ County Administrator _____

☐ County Surveyor _____

☐ Land Conservation _____

☐ Highway Department _____

Others: _____

☐ Dept. Natural Resources

☐ Corps of Engineers

☐ Dept. of Transportation

(entered by staff)

(Applicant's name)

(Describe denied request)

(legal description or address)

day

month

year

property owner if other than applicant

PUBLIC HEARING REQUIREMENTS

APPLYING FOR A VARIANCE

Appeals to the Board of Adjustment are considered monthly at a public hearing. In order to be considered at the next meeting, complete applications must be received in the Zoning, Planning and Land Information Office no later than **12:00 NOON on the working Friday four weeks before the next Planning Resources and Development Committee Meeting.**

Meeting Date at 6:00 PM
Administrative Center

ALL applications must include:

1. Application forms, signed and dated, which are available at the Zoning, Planning and Land Information Office.
2. A legal description of the property.
3. A Filing Fee is required to complete the application, based on project costs.
4. A site sketch drawn to scale, indicating the location of all existing structures and the proposed construction in relation to side, rear and front lot lines. A survey may be required if inadequate.

Incomplete applications will not be placed on the meeting agenda.

Applicants shall answer the following questions:

- *What hardship is created by the application of the Zoning Ordinance to this property? Is there a reasonable use of the property available without a variance? In other words, is there an alternative plan that would comply with the ordinance?*
- *Is there a unique physical characteristic of the property which prevents development in compliance with the Zoning Ordinance?*
- *Would granting of the variance harm the public interest in any way? For example, would public safety be compromised? What aesthetic impact would the project have? Would the proposal interfere with protected shorelands? What other impacts would the project have on the public interest?*

A Class II notice is published in the local newspaper. A notice of the date and time of the hearing and a site plan will be mailed to all property owners within 150 feet of your property. **Notice of the hearing is sent to the Town Board. It is important that you discuss your proposal with town representatives, prior to the public hearing, as the Town Board acts in an advisory capacity to the Board of Adjustment.**

Depending on the location of your property, notice of the hearing will be sent to the County Highway Commissioner and the Land Conservation Department, the Wisconsin Department of Natural Resources and the Department of Transportation and the La Crosse Municipal Airport for technical input.

The property owner or his representative shall be present at the public hearing to present his request to the Board and answer any questions it may have. Should an appearance not be made, or should insufficient information be presented, the appeal will not be considered and will be placed on the agenda for the next meeting. The applicant will be required to pay the additional expense that is incurred because of the postponement of the hearing.

I have read and understand my responsibilities regarding my appeal to the Board of Adjustment.

Signed

Date

Variance Standards

State law sets three standards for granting a zoning variance. Applicants must provide evidence to the local board that their situation meets the standards. All three standards must be met in order for a variance to be granted.

- Unnecessary hardship
- Unique property feature
- Not contrary to public interest

1. Unnecessary Hardship

Application of the zoning ordinance to the site must cause unnecessary hardship.

When does unnecessary hardship occur?

- **Unnecessarily Burdensome**

Unnecessary hardship is present when “compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions **unnecessarily burdensome**.” (State v. Waushara County board of Adjustment, 2004 WI 56 (2004), State ex rel. Ziervogel v. Washington County Board of Adjustment, 2004 WI 23 (2004))

- **No Self-Imposed Hardships**

The State Supreme Court also ruled that a hardship may not be self imposed or created by a prior owner. An example of a self-imposed hardship would be someone who builds at a setback and later requests a variance for an addition within the setback area. Such a variance should be denied because the applicant created the hardship by building at the setback and restricting future building or expansion options.

- **Loss of Profit is Not Hardship**

Loss of profit is not in itself an unnecessary hardship, nor is additional expense incurred to comply with zoning ordinances. For instance, limiting the number of units which can be built on a parcel may reduce potential profits but is not an unnecessary hardship.

- **Due to Regulations**

The hardship cannot be one that would have existed in the absence of the zoning ordinance. Some properties may not be buildable because of the physical nature of the property. For instance, if an entire parcel consists of land with a steep slope, or is entirely covered with wetlands, the property would not be suitable for development whether or not there was an ordinance regulating such development. In such extreme cases, the only reasonable use may be for open space uses.

2. Unique Property Limitations

Unique physical characteristics of the property must prevent the applicant from developing in compliance with the zoning ordinance.

- **Physical Features**

Wetlands, soil type, bedrock and steep slopes are some characteristics which may limit use of a property.

- **Property Limitations – Not Applicant’s Circumstances**

The property must qualify for the variance, not the situation of the applicant.

- **Violations/Previous Variances not Grounds for Variance**

Existing violations on other properties, or improper variances previously granted, are not grounds for a variance. Applications must be evaluated individually based on the variance standards.

- **Amend Zoning Ordinance**

Variances should not be granted for property features affecting many parcels in the same way. The proper remedy in such a situation is to amend the zoning ordinance.

3. Public Interest Protected

Granting of a variance must not harm the public interest.

- **Look to Ordinance Objectives**

Board members should look to the objectives statement in their local ordinance to determine what constitutes public interest. Local ordinance objectives generally mirror objectives set forth in state statutes. For example, shoreland zoning protects the public interest in water quality, fish and wildlife resources, shore cover and natural beauty.

- **Not Just Lack of Opposition**

The fact that there is no objection to a variance from neighbors or area residents does not necessarily mean a variance would not harm the public interest. A local zoning board must consider the public at large and not just nearby property owners.

- **Minimum Relief**

Landowners who do qualify for a variance are to be granted only the minimum relief necessary for them to have reasonable use of their property. Boards also have the authority to impose conditions on a variance to protect the public interest. Examples of conditions for variances to shoreland standards include such as erosion control measures or vegetative screening.

Applicants must prove their situation meets all three of these standards. However, municipalities can assist landowners and expedite the process by providing application forms that help landowners determine if they will qualify for a variance. Similarly, zoning officials and zoning board members can ask applicants questions to help determine if the standards are met or if there is an alternative that would not require a variance.

Standards for the Granting of an Appeal

Using the explanation of variance standards included in the application packet, please answer the following questions. Your answers will be provided to the Board of Adjustment prior to the public hearing. These questions shall be provided at the time your appeal is made and are required for your appeal to be considered complete.

1. Unnecessary Hardship: Unnecessary hardship is present when compliance with the strict letter of dimensional requirements unreasonably prevents a property owner from using the property for a permitted purpose, or would render conforming to such requirement “unnecessarily burdensome”. Explain how you find your appeal meets this test (use additional sheets if necessary):

[illegible]

2. Unique physical characteristics of your property must be present, characteristics that prevent a proposed development from complying with the ordinance being appealed. Explain how you find that your property meets this standard:

[illegible]

3. Explain why the granting of this variance will not be contrary to, or harm, the interest of the public:

[illegible]

Appeal Number:

Hearing Date:

Applicant: _____
(Signature)

Address: _____
