

# What is a Variance?

A Variance is defined as permission to depart from the literal requirements of the zoning code, which may be granted by the Board of Adjustments in accordance with the procedures and standards of Section 16-150-040.

The zoning ordinance outlines all regulations associated with the use and development of properties in Columbia County. If a proposed use and/or development of a property meets all zoning ordinance standards, the county is obligated to approve that use and/or development.

If, however, a proposed development of a property, whether new construction or additions to existing structures, does not meet one or more of the zoning ordinance standards, a property owner may apply for a Variance.

The Planning and Zoning Department staff are directed to submit to the Board of Adjustment evaluation of all Variance requests under the legal standards established by the courts. In order to justify the granting of a Variance, the applicant **must** show the following:

- \* That an unnecessary hardship exists;
- \* That there is a unique property limitation; and
- \* That the Variance would not be contrary to public interest.

It is strongly recommended that you provide your plans to the Planning & Zoning Department well in advance of filing an application to allow for preliminary review and determination as to whether the legal standards are met. If, after reviewing this information you believe that you can meet these standards and wish to pursue an application for a Variance, contact the Planning and Zoning Department for application materials.

## Columbia County Planning & Zoning

112 E. Edgewater Street  
Portage, WI 53901  
(608) 742-9660  
Office Hours:  
Monday—Friday 8:00 a.m. to 4:30 p.m.  
[planning.zoning@co.columbia.wi.us](mailto:planning.zoning@co.columbia.wi.us)  
[www.co.columbia.wi.us/columbiacounty/planningzoning](http://www.co.columbia.wi.us/columbiacounty/planningzoning)

*This handout summarizes requirements for Variance applications but it is not all inclusive. Please contact Department Staff with specific questions regarding your project.*



Columbia County, Wisconsin

112 E. Edgewater Street \* Portage, WI

# Steps Involved

## Contact Planning & Zoning

The first step in applying for a Variance is to contact the Planning & Zoning office to discuss your options. Staff will review the subject property(ies), with your proposal and determine if the legal standards are met. If, after reviewing this information and discussing options with the staff, you believe that you can meet these standards and wish to pursue an application for a Variance, an application and fee of \$500 shall be submitted to the Planning & Zoning office.

## Submit an Application to P&Z

The Variance application must include the items listed below or will not be accepted for presentation to the Board of Adjustments. All applications must contain:

- \* Original signatures of the property owner.
- \* Completed application with general info page
- \* All documents or supporting information that tend to show how your application meets the legal criteria for a variance.
- \* Scaled drawing of site, including all building locations and lot lines. If applicable, proposed buildings and lots shall be staked or clearly marked at the site for the Committee's inspection of the property.

### Board of Adjustment Meeting Dates

<u>MEETING</u>	<u>DEADLINE</u>
January 8, 2020	December 13, 2019
February 12, 2020	January 17, 2020
March 11, 2020	February 14, 2020
April 8, 2020	March 13, 2020
May 13, 2020	April 17, 2020
June 10, 2020	May 15, 2020
July 8, 2020	June 12, 2020
August 12, 2020	July 17, 2020
September 9, 2020	August 14, 2020
October 14, 2020	September 18, 2020
November 11, 2020	October 16, 2020
December 9, 2020	November 13, 2020

All filing deadlines are **noon** on date above and are strictly enforced

## Town Review

Within 10 days of the intake of the application, a "60 Day Review" letter is drafted by staff and sent to the town along with the Variance application. The property owner is then responsible for contacting the Town to be placed on their agenda for the Variance. Once the Town has reviewed the Variance, they forward the Town Minutes/ Recommendations to our office. However, if the 60 days has expired, the Variance can be placed on our next available Public Hearing to be considered by our Board of Adjustments. Town's that do not require the 60 day letter are: Caledonia, Lewiston, Newport and Springvale.

## Public Notice

After the deadline, Planning & Zoning staff will prepare a notice of a public hearing to advertise and send to the town, petitioner and all property owners within 300 feet of the property that is requesting the Variance. The department will also analyze the request and prepare a Staff Report with recommendations for the Board of Adjustment. This will be sent to the petitioner as well as the town chair and clerk, along with an agenda, the week prior to the Public Hearing

## Board of Adjustments Public Hearing

The Board of Adjustments meet the second Wednesday of the month for variance requests and administrative appeals. Site visits are typically held the same day, just prior to the Public Hearing portion of the meeting. Petitioners and agents are given the opportunity to share additional information or clarifications. Although there is no debate on the floor, all questions from interested parties shall be directed to the Chair. The Town Board will also be given a chance to make their statements. Board members will then be asked for a motion in favor or against the petition.

## Legal Standards for Variances

**Unnecessary Hardship:** What constitutes a hardship is to be determined from the facts and circumstances of each individual case. The board must consider the following court-established principles:

- \* In the absence of a Variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. In most cases, if a property is already developed and has an established use, a hardship will not exist.
- \* The hardship must be peculiar to the zoned parcel in question, and different from other parcels, not one which affects all parcels similarly.
- \* Loss of profit or financial hardship is not in and of itself grounds for a Variance.
- \* Self-imposed hardship is not grounds for a Variance.

**Unique Property Limitations:** Unique physical characteristics of the property, not the desires of, or conditions personal to the application, 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.

**Protection of Public Interest:** Granting of a Variance must neither harm the public interest, nor undermine the purposes of the ordinance. In granting a Variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must 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.

It is essential for you to understand these legal standards and that it is your obligation to demonstrate that your application meets these standards.