



Columbia County Variance Application

Planning & Zoning Department
Pursuant to Columbia County Ordinance 16-150-040

Phone: (608) 742-9660
Fax: (608) 742-9817
www.co.columbia.wi.us

112 E. Edgewater St.
Portage, WI 53901

-----Shaded Area For County Use Only -----

Parcel #: _____ File ID #: _____

An appeal to Section(s) _____

DESCRIPTION: _____

Zoning Official: _____

\$500.00 Variance

Make checks payable to "Columbia County Treasurer". We do not issue refunds. Credit Cards accepted.

1. Current Use of Property:

- Vacant Single Family Residence Active Farm Business/Industrial/Commercial

Please describe: _____

Have any prior variances been granted or denied for this property? Yes No

Are there any nonconforming structures on this property? Yes No

If yes, please describe: _____

2. Proposal Information:

Explain proposed plans and why you are requesting a Variance: *(Submit attachments where necessary):*

Will denial of the Variance prevent you from using this property for a permitted use or render conformity with the Code unnecessarily burdensome? Why? Yes No

Describe the exceptional or extraordinary circumstances or conditions that apply to your lot or structure that do not apply to the surrounding lots or structures:

Describe how the Variance would not have adverse effects on surrounding properties:

Please note: Along with this application, a site plan must be submitted. All applications must be filed by the established deadline. An application will not be considered filed if it is incomplete, illegible or the fee is not paid.

I certify that the above information is true, accurate and complete.

Property Owner Signature: _____ **Date:** _____

Print Name: _____



Columbia County General Information

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The owner hereby authorizes access to the property described herein, by authorized representatives of the Planning & Zoning Department, for the purpose of gathering or verifying information relating to the application, and for verifying compliance with any approval or permit that may be granted. The applicant further agrees that the site is staked and an inspection of such proposed structure may be made by the Columbia County Planning & Zoning Department between the hours of 8:00 am and 4:30 pm, Monday through Friday.

Pursuant to §59.691(3) Stats, the applicant must sign below to indicate acknowledgement of the following, "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 Dept. of Natural Resources web page at: <http://dnr.wi.gov/wetlands/programs.html> or contact a Dept. of Natural Resources service center.

The undersigned hereby applies for a permit to do work herein described. The undersigned agrees that all work will be done in accordance with the Columbia County Zoning, Floodplain and Shoreland-Wetland Protection Ordinances, and with all laws of the State of Wisconsin, applicable to said premises.

1. Contact Information

Property Owner Information

Property Owner Name: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____

E-Mail Address: _____

Applicant/Contractor Information (if different than Property Owner)

Applicant Name: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____

E-Mail Address: _____

2. Property Description (parcel information can be obtained at www.co.columbia.wi.us)

Site Address: _____

Town of _____

Section _____ Town _____ N Range _____ E

Subdivision _____ CSM _____ Lot _____

Parcel # _____ Acreage _____

Mail Permit(s) to: Owner Applicant/Contractor or Pick Up Permit(s): Owner Applicant/Contractor

Property Owner Signature _____ Date _____

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Existing Zoning: _____ Permit(s): _____ STAMP

Wetland Status: _____

Flood Plain Status: _____ Permit #(s): _____

Septic Permit #: _____ Evaluation? Yes No _____

Driveway Permit #: _____ Town Permit: _____ Amount Paid: _____

NOTES:

Department Signature _____ Date: _____

Please note that in order for the Board of Adjustments to make the proper determination, it is critical that the information you submit be complete, accurate and easily understood. Please keep in mind the following:

1. Your site & building plans are the most important documents in your file. Follow the directions provided to make them as accurate and complete as possible.
2. You are encouraged to submit other documents or supporting information that tend to show how your application meets the legal criteria (below) for a Variance. The Planning & Zoning Department may request additional information where needed. Documented information is preferred over verbal testimony.
3. Building locations and lot lines, if applicable, must be staked or otherwise clearly marked at the site for the Committee inspection of the property.
4. **You must be present at the public hearing or be represented by someone** capable of responding to questions from the Board about site conditions or construction plans.
5. Your failure to appear at the public hearing or to provide adequate information may result in the application being tabled.

Legal Standards for Variances

As a potential applicant for a Variance, you need to be aware of the legal standards under which Variance applications are to be evaluated by the Board of Adjustment. Wisconsin courts have stated that Variance are not to be granted routinely. To do so would defeat the purpose of having a Zoning Ordinance. The courts have also stated that it is the burden of the applicant to show that their application meets the required standards.

The Planning & Zoning Department Staff have been 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 that an *unnecessary hardship* exists, that there is a *unique property limitation*, and that *the Variance would not be contrary to public interest*.

The following points are all drawn from Wisconsin case law, and are the standards under which a Variance action would be reviewed by the courts:

1. **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:
 - Unnecessary hardship is a situation where, 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. The fact that developing in compliance with ordinance requirements may cost considerably more, does not constitute a hardship.
 - 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 a former owner, the hardship is self-imposed.
2. **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.
3. **Protection of the 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 property.

Several recent Wisconsin cases (neither of which originated in Columbia County) clearly illustrate some of the above principles. They are described in brief here only because they have similarities to many of the Variance requests that a county might typically receive, and to illustrate the extent to which the courts intended Variances to the exception, not the rule:

- In one case, a property owner sought to add a deck to a lake home. The house met the 75 foot setback requirement; the proposed deck should have resulted in a setback of 64 feet from the ordinary high water mark. The house had been on the property for 60 years, and there was a slope extending from the house to the water's edge. The Board of Adjustment approved the Variance, finding that, among other things, the request was "modest", that there were many other properties close to the lake than the applicant, and due to the slope, the deck would provide greater safety. The Wisconsin Supreme Court overturned the decision, finding that because reasonable use had been made of the property for 60 years without the deck, no hardship could be said to exist.
- In another, a property owner was granted a Variance to build a house that was larger than the available building envelope on the property. The Wisconsin Supreme Court overturned the Variance, stating that the owner had failed to demonstrate that no other house plan could be accommodated on the property within the setback limitations.

It is essential for you to understand these legal standards and that it is your obligation to demonstrate that your application meets these standards. A Variance is not to be granted as a convenience to the property owner. If an evaluation of your application by the Planning & Zoning staff finds that the legal standards are not met, the staff report may include a recommendation for denial of the Variance. While the Board of Adjustment is not bound by the information and recommendations in the staff report, it still has an obligation to follow the standards listed here in reaching its decisions.

It is strongly recommended that you provide your plans to the Planning & Zoning Department well in advance of filing an application for a Variance to allow for a 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 & Zoning Department for application materials.

Acknowledgment

I have read and understand the above information relating to the legal standards applicable to my Variance application.

Applicant Signature: _____ Date: _____

Print Name: _____

It is required that this sheet be signed, dated, and attached to a Variance application before the application will be deemed complete and place on the agenda for a public hearing. Please note that these standards are applicable only to Variances, not to Conditional Uses or Appeals.

Site Plan Guidelines

An accurate diagram showing the relationship of your buildings and proposed construction to lot lines, shorelines, highways, structures on adjacent properties and the essential information the Board of Adjustment needs to reach a decision, is required. It is not required that you submit professional quality plans. However, if you cannot accurately and clearly illustrate your proposal, it is recommended that you obtain assistance in preparing your site plan.

- Please use a ruler while creating your site plan, as freehand drawings are often of questionable accuracy and can distort the relationship between variance physical features on the property.
- Do not use estimations; accurately measure and illustrate all the critical measurements on your site plan.
- It may be helpful to sketch your proposal directly onto a copy of a survey, if one is available.
- The correct setback measurement is the shortest straight line between the building and the line being measured to.
- Supplemental drawings may be helpful depending on site conditions. (Example: cross section)
- Setback information on adjacent properties, including wells and septic systems, should be provided.

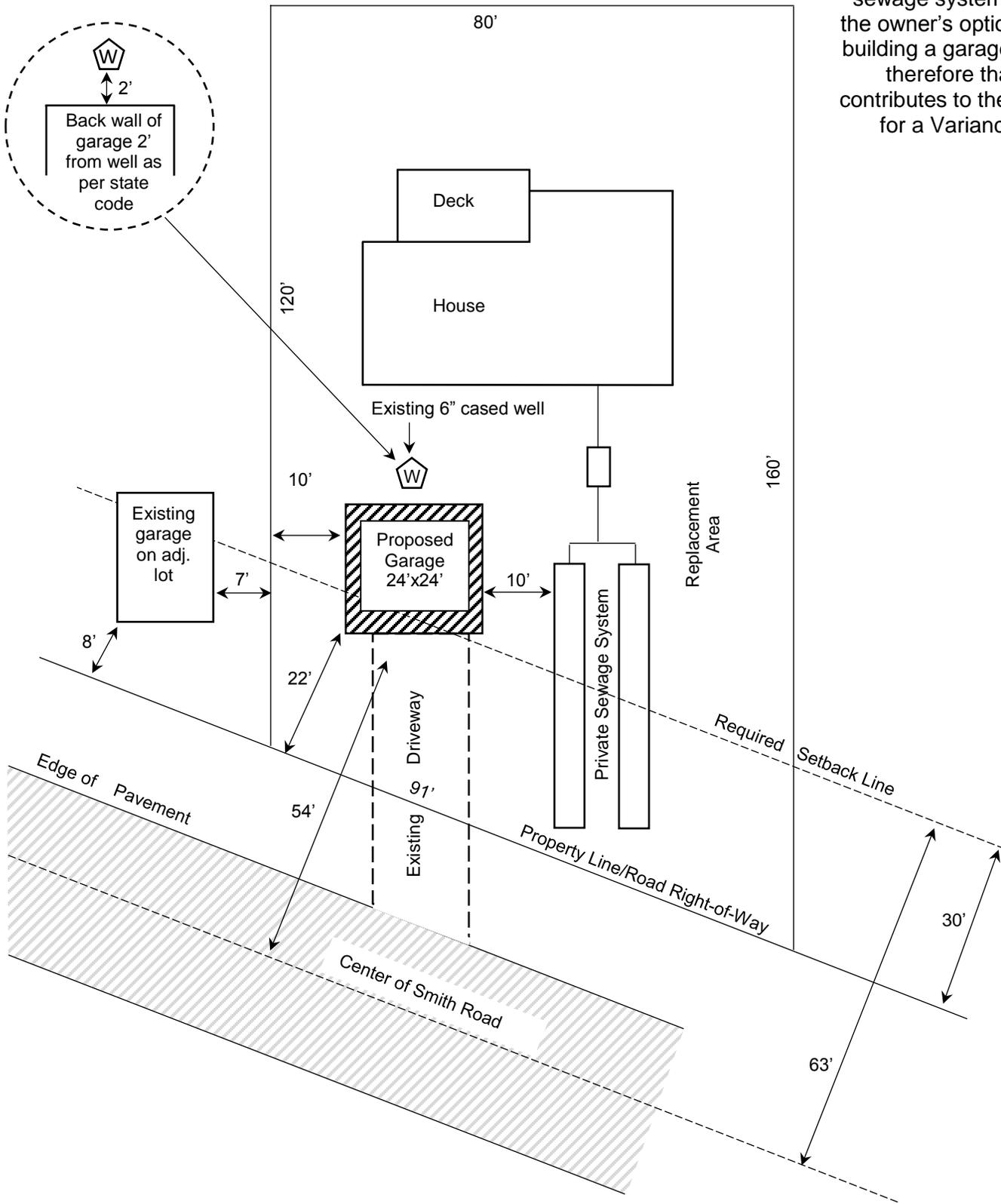
The checklist below provides information on the requirements needed for permit submittal, including all requirements of the site plan. Please use this checklist when drafting your plan. Some examples of site plans for variance kinds of Variance requests have been included. They are not intended as examples of proposals that are entitled to approval, but they clearly and accurately illustrate the nature of the request. Some plans will be simple, others more complicated. Clarity and accuracy is the intended result. Please have plans ready for submittal at the time when turning in an application, or as early as possible prior the hearing, so that our staff can review them and address deficiencies early enough for you to correct them.

REQUIREMENTS FOR APPLICATION SUBMITTAL			
Owner's Checklist	ITEMS NEEDED	Staff Checklist	Info Needed
	Completed General Information Application sheet		
	Completed Variance application		
	Review fee (per Section 9-1-12)		
	Other approvals and permits (if applicable)		
	REQUIREMENTS FOR OVERHEAD SITE PLAN		
	Drawn to scale		
	Date of preparation		
	Land owner's name		
	North arrow		
	Lot lines and dimensions		
	Adjacent public roads and right-of-ways		
	Any required visual clearance triangles (Section 16-140-030(A))		
	Existing and proposed structures and their dimensions		
	Location of all drives and entrances		
	Distances between structures and lot lines		
	Distances between structures and other structures		
	Distances between structures and the centerlines of abutting roads and highways		
	Distances between structures and the road right-of-way		
	Distances between structures and the ordinary high water marks		
	Distances between structures and nearby wetlands		
	Location of existing/proposed sewage disposal system (include both tank and drain field locations) with distances to proposed structure		
	Location of existing/proposed well with distances to proposed structure		
	Setback information of adjacent properties (include wells and septic systems)		
	Landscaping plan (if required)		
	Grading and drainage plan (if required)		

*Refer to Zoning Matrix for setback requirements

Example 1: Proposal for Variance to Highway Setbacks

In this example, both the well and the private sewage system limit the owner's options for building a garage, and therefore that contributes to the need for a Variance.



Example 2: Proposal for Variance to Slope Limitations and Wetlands

The steep slope in this example makes it impractical to build right on the slope in order to meet the required setback. The wetland area makes it impossible to build at the base of the hill or beyond. Because no lot lines are shown, it is presumed that this is a larger parcel, and it must also be shown that no other area on the parcel is suitable for construction.

