

CITY OF EAGLE RIVER *Wisconsin*

APPLICATION FOR ZONING BOARD OF APPEALS Review for Variance

A **\$125 fee** is due upon application to cover actual publication and mailing costs in accordance with Section 106-87 (a), (b), (c) of the Municipal Code.

Each appeal or application must be accompanied by a drawing showing the location and size of the property, existing improvements, all abutting properties and improvements thereon, and the requested change or addition. A written explanation of the proposal is also required with submittal.

Property owners within 300 feet of property requesting variance will be notified.

Case # _____

Hearing Date _____

Notice published _____ &

DATE:	
NAME OF APPLICANT OR APPELLANT	PHONE #
ADDRESS (STREET, CITY, STATE, ZIP)	
ADDRESS OF PROPERTY FOR REQUESTED VARIANCE	
PRESENT USE OF PROPERTY	PROPOSED USE OF PROPERTY
ZONING CLASSIFICATION	
OWNERS NAME AND ADDRESS IF OTHER THAN SHOWN ABOVE	

PURPOSE AND GROUNDS OF APPEAL OR APPLICATION. Check below the description of request by this appeal or application:

- Request for interpretation of zoning ordinance and reversal of order, requirement, decision, or determination of administrative official. Attach separate sheet giving reasons why you claim this order, requirement, decision or determination is erroneous.
- Request for variance. Attached separate sheet explaining:
 - Variance requested
 - What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted.
- Other: _____ . State request and attach separate sheet giving reasons why appellant is entitled to such relief.

Continued on page 2

Variance Application
Page 2

Has a previous appeal or application been made with respect to this property?

Yes

No

If yes, state nature of previous appeal or application _____

Disposition of previous appeal _____

Date of decision in previous case _____

I HEREBY SWEAR THAT ALL THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ANY PAPERS OR PLANS SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of the Applicant

Date signed

Office Use Only

CHECK # _____ **CASH** _____ **AMOUNT \$** _____ **DATE RECEIVED:** _____

RECEIVED BY: _____ **RECEIPT #** _____

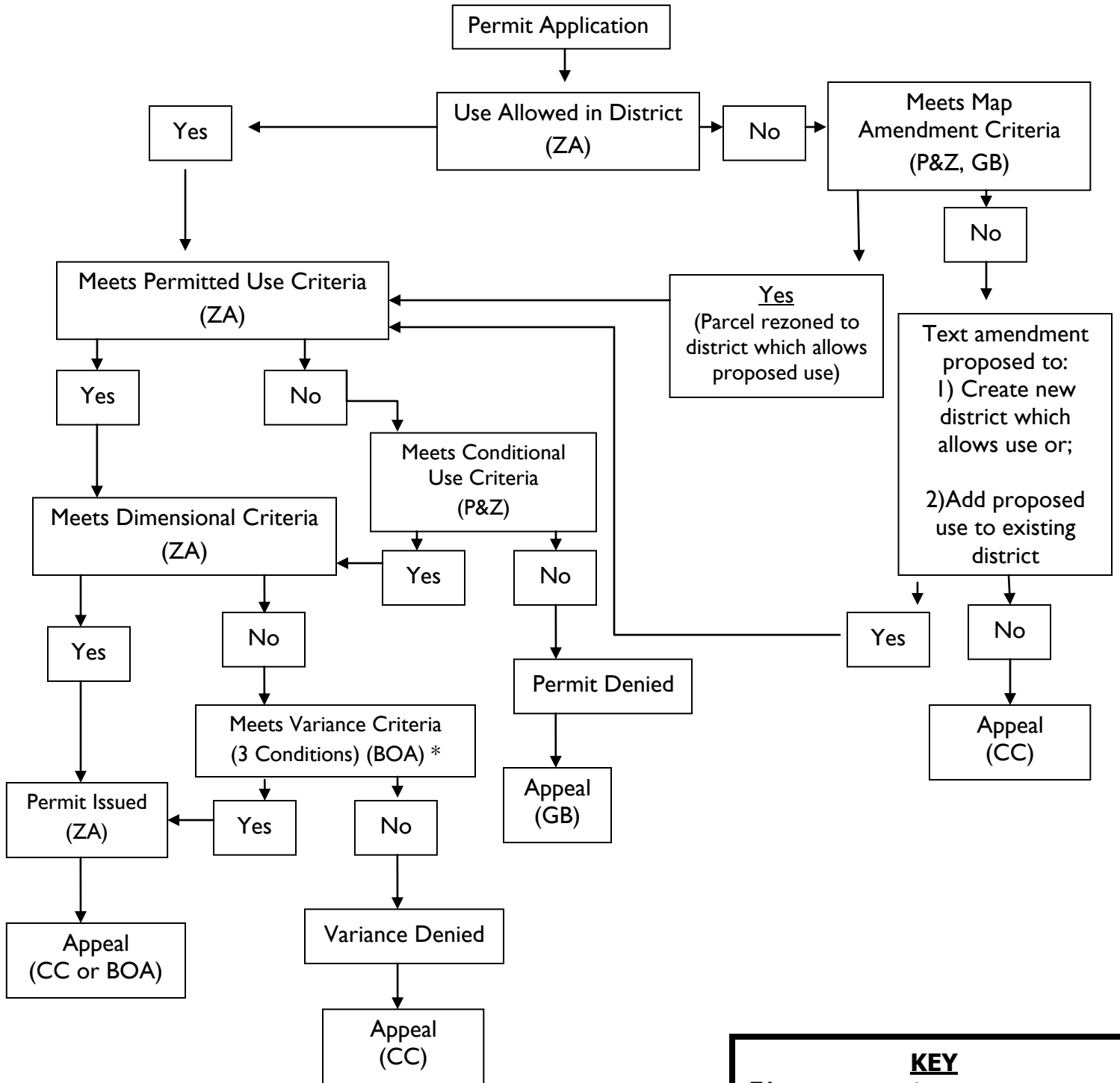
ZONING BOARD OF APPEALS

Matters to be heard are applications for variance from terms of the City of Eagle River Zoning Ordinance. A variance may be granted if all of the following conditions are met:

1. Unnecessary hardship is present in that a literal enforcement of the terms of the terms of the Zoning Ordinance would deny the applicant all reasonable use of the property.
 - a) That unnecessary hardship will result from strict application of an ordinance requirement. Wisconsin case law describes hardship as being present where, in the absence of a variance, no reasonable use can be made of the property [see *Snyder v. Waukesha County Zoning Board*, 74 Wis. 2d 468 (1976)]. The reasonable use test relates to the whole property and there is no presumption that every part of a parcel must provide some economic use for its owner. An applicant may not claim hardship because of conditions which are self-imposed (for example, splitting a lot to create two substandard lots and then claiming hardship). Courts have also found that loss of profit or financial hardship do not, by themselves, justify a variance. An applicant for a variance has a duty to investigate alternative project designs and other uses of a property which would comply with the ordinance and avoid the need for a variance.
2. The hardship is due to physical limitations of the property rather than circumstances created by the applicant.
 - a) That unique physical limitations of the property cause the hardship. This test requires that compliance with ordinance standards is prevented by limitations of the property (steep slopes, wetlands, etc.). The circumstances of an applicant (growing family, desire for more vehicle storage, etc.) should not be a factor in deciding variances. Nearby ordinance violations and prior variances do not justify granting a variance.

If minor property limitations which prevent ordinance compliance are common to a number of properties, the problem may be addressed by amendment of the ordinance. For example, an ordinance might be revised to allow a 70-foot shore setback for all lots in subdivision "X" which were created before adoption of the ordinance and where required roadway setbacks make compliance with the shore setback impossible. This may be a reasonable approach provided all other ordinance requirements could be met.
3. The variance will not be contrary to the public interest, as expressed by the purpose and intent of the Zoning Ordinance.
 - a) That no harm to public interests will result from granting the variance. In applying this test, the board must consider the public interest factors listed as objectives in the purpose statement of the ordinance.

ZONING PERMIT DECISION PROCESS



KEY	
ZA	Zoning Administrator
P&Z	Planning & Zoning Committee
BOA	Board of Adjustment
GB	Governing Body
CC	Circuit Court
*	Requires Class 2 Notice