

VILLAGE OF JOHNSON CREEK

125 Depot Street, P.O. Box 238 Johnson Creek, WI 53038 (920) 699-2296

VARIANCE APPLICATION

Variance Application required by Village Code – Chapter 250-129

INTRODUCTION

Variance applications require a public hearing.

Complete each section of the Variance application and Procedural Checklist.

Items that must accompany a Variance Application:

1. One hard copy and one electronic copy of completed application, procedural checklist, Agreement for Reimbursable Services, plat map delineating parcel location and additional maps or drawings necessary for variance, as applicable.
2. Application Fee \$500.00
3. Any additional information as required by the Plan Commission, Zoning Administrator, Village Engineer, Village Planner or Building Inspector.
4. The drawings must show the location and use of any abutting lands within 40 feet of the subject site.

After you have submitted the above information, the Village will:

1. Compile a list of names, addresses and parcel numbers of owners of all properties within 300 feet of the area to be proposed.
2. Notify the appropriate neighboring town clerk(s) if the subject property is within 1,000 feet of the Village limits.
3. Mail, at least 10 days before the public hearing, notices to property owners within 300 feet, municipal clerk, the petitioner and Plan Commission.
4. Publish notice of public hearing once each week for two (2) consecutive weeks, the last publication of which shall be at least one (1) week before the public hearing.
5. The Zoning Board of Appeals shall hold the public hearing and forward the findings to the Plan Commission within 60 days.

The following information and documentation must be submitted to the Village Administrator. Please type this information if possible.

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Address of property for variance	
Parcel number	
Name of petitioner (Must be property owner or lessee)	
Mailing address of petitioner	
Daytime phone number of petitioner	
Present zoning classification	
Ordinance number to be varied	
Fully describe your variance request.	
Fully describe the reason you feel the variance should be granted.	
Ordinance 250-910 states no variance shall be granted unless the Board of Appeals finds beyond a reasonable doubt that all the following facts and conditions exist. Please answer the following questions so the Zoning Board is assured the variance, if granted, meets these required findings.	
A) If granted, will it be consistent with the development in the same district? If not, explain.	

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B) Why is this an unusual situation that would not apply to other properties in the same district?	
C) What special conditions exist which would cause unnecessary hardship if the variance requested is not granted?	
D) If granted, will the preservation and condition be the same in the district area?	
E) If granted, will adjacent properties be in anyway affected that would cause damage or loss?	

Variances granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Signature of Petitioner

Date of Signature

Signature of Owner

Date of Signature

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Village of Johnson Creek Procedural Checklist for Variance Review and Approval (Requirements per Village Code - Chapter 250-129)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance *and* by the Village to process said application.

I. Application Submittal Packet Requirements for Applicants Use

Submit one hard copy and one electronic copy of application materials as certified by the Zoning Administrator,

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Date: _____ By: _____

☐ ☐ (a) A map of the subject property:

- ☐ Showing all lands for which the variance is proposed.
- ☐ Showing all other lands within 300 feet of the subject property.
- ☐ Referencing a list of names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Jefferson Counties (as determined by the Village of Johnson Creek)
- ☐ Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control.
- ☐ Map and all its parts are clearly reproducible with a photocopier.
- ☐ Map scale not less than one inch equals 800 feet.
- ☐ All lot dimensions of the subject property provided.
- ☐ Graphic scale and north arrow provided.

☐ ☐ (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property to the Village as a whole

☐ ☐ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property

☐ ☐ (d) A site plan of the subject property as proposed for development conforming to all requirements of Chapter 250-908(3). (See "Site Plan Approval checklist")

☐ ☐ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Chapter 250-910(4)(c)1.-6. (See part III below.)

II. Justification of the Proposed Variance for Village Use

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.
 - a. Describe the hardship or difficulty that is peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

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- NOTES:**
- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships
 - Violations by, or variances granted to, neighboring properties shall not justify a variance
 - The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

2. In what manner do the factors identified in 1., above; prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the Zoning Code, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

5. Have the factors which present the reason for the proposed variance been created by the act of the Application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of the Zoning Code (see Section 250-011.) The

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response to this question shall clearly indicate that such factors existed prior to the
effective date of the Ordinance and were not created by action of the Applicant, a previous
property owner, or their agent.

6. Does the proposed variance involve the regulations of Section 250-203 (Table of Land
Uses)? The response to this question shall clearly indicate that the requested variance
does not involve the provisions of this Section.

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Agreement for Reimbursable Services Petitioner/Applicant/Property Owner

In accordance with Village Code – Chapter 250-138 the Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in its review of a proposal coming before the Plan Commission. The Village reserves the right to apply the charges for these services as well as for staff time expended in the administration, investigation and processing of applications to the Petitioner.

The Petitioner is required to provide the Village with an executed copy of this agreement as a prerequisite to the processing of the development application. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Petitioner. The Property Owner acknowledges that review fees which are applied to a Petitioner, but which are not paid by such Petitioner, may be charged by the Village as an assessment against the subject property for current services provided the property.

Note: Consultant services (e.g. engineering, planning, surveying, legal, etc.) and Village administrative time are charged in addition to the normal costs payable by the Applicant/Petitioner/Property Owner (e.g. application filing fees, permit fees, publication expenses, recording fees, impact fees, etc.)

(Project Name/Nature of Application)

(Property Tax Key Numbers Involved in Project)

(Signature of Applicant/Petitioner)

(Date)

(Signature of Property Owner)

(Date)