



CALUMET COUNTY PETITION FOR: (Check one)

GRANT OF VARIANCE **APPEAL**

PART A: Property Information

Tax Location I.D. _____

Town of: _____

Owners name: _____

Mailing address: _____

Subject property road address, if different: _____

Existing use of property or structure: _____

E-Mail address: _____

Phone: _____

Check here if hearing notice and decision is to be mailed to owner (vs. contractor)

Contractor name: _____

Address: _____

Phone: _____

Check here if hearing notice and decision is to be mailed to contractor (vs. owner)

PART B: Variance Petition

(I) (We) petition for a variance from Section(s) _____ of the Calumet County _____ Code which require(s) _____

(I) (We) propose to (i.e build a home ten feet closer to the road than allowed) _____

(I) (We) realize a variance from the terms of the Calumet County Code can only be granted if the variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the code will result in unnecessary hardship, and so that the spirit and intent of the code shall be observed and substantial justice done. (I) (We) realize an appeal can only be granted if it is determined there has been some error in the determination or decision of the person or body from which the appeal is taken.

PART C: Attachments

The following items are required attachments.

Check the items you have attached to this form.

Failure to attach the required items will result in this petition form being considered incomplete.

Site plan. A site plan, drawn to scale, showing all lot lines, roads, water, wells, sanitary, buildings, decks, and distance between all. If a survey is available, submit the survey at the original scale, with the required items added to the survey.

Building plans. Plans drawn to scale, including all floor plans with rooms labeled, elevation views, decks, porches, and other necessary information. The hearing will be based on plans submitted with this form. If plans change, a separate new hearing may be required.

Statements. If a variance, explain how the narrowness, shallowness, topography, structure, use or other characteristics make it extremely difficult, if not impossible, to comply with the code. A statement that the conditions mentioned are unique to the subject property and are not generally existing on other sites in the same zoning district. A statement that the unnecessary hardship was not caused by the petitioner or any person having interest in the property. (See addendum.) If an appeal, list what decision is being appealed and what you believe to be in error with that decision.

Fee. A non-refundable fee in the amount of: \$ _____ (check payable to Calumet County)

PART D: Authorization/Certification

(I) (We) the owner of the property for which this petition/appeal is being taken, hereby authorize staff and members of the Calumet County Zoning Board of Adjustment to enter upon the premises for all purposes of inspection related to this petition/appeal. I hereby certify the information on this form and attachments is correct to the best of my knowledge and belief.

Signature(s): _____

Date: _____

PLEASE KEEP A COPY OF THIS PETITION FOR YOUR RECORDS! Return this completed form along with all required attachments to: Calumet County Planning Department, 206 Court St., Chilton, WI 53014
Office use only: Fee Rcvd. _____ Rcpt. No. _____

Public hearing date: _____
 Petition/Appeal granted **Petition/Appeal denied**

ADDENDUM

PETITION FOR GRANT OF VARIANCE, APPEAL, OR SPECIAL EXCEPTION REQUIRED STATEMENTS

The following is designed to help the petitioner in developing their statements for variance, appeal or special exception, as required by Part C of the petition form.

1. Unique Property Limitations

Unique physical limitations of the property such as steep slopes or wetlands that prevent an applicant from complying with the provisions of the ordinance can be considered for a grant of variance. (However, be advised that even if unique physical limitations exist, the variance still may not be granted.) Valid unique property limitations that are not generally shared by other properties can be considered but must prevent compliance with ordinance requirements.

The circumstances of the applicant (growing family, need for a larger garage, wanting a better view, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Unique features of this property which prevent compliance with the terms of the ordinance include:

2. Unnecessary Hardships

An applicant may not claim unnecessary hardship because of conditions which are self imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no room for the home and requesting setback variances). Courts have also determined that economic or financial hardships do not justify granting a variance. When determining whether an unnecessary hardship exists, the property as a whole is considered, rather than just a portion of the parcel (if an applicant prefers to build by the water but can't due to the water setback, but can build on the rear of the lot without a variance, the water setback shall be denied). The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted on the property), or, would render conformity with such restrictions unnecessarily burdensome. The Board of Adjustment must

consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short term, long term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

The unnecessary hardship is, and, is present because:

3. No Harm to Public Interests

A variance may not be granted which results in harm to public interests. In applying this test, the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbor, the entire community and the general public. These interests are listed as objectives in the purpose statement of the ordinance and include, but are not limited to:

- Protect public, safety and welfare
- Protect property values
- Permit the careful planning and efficient maintenance of highway systems
- Encourage the protection of groundwater resources
- Preserve wetlands
- Conserve soil, water and forest resources
- Prevent water pollution
- Protect fish and wildlife habitat
- Preserve natural scenic beauty

A variance will not be contrary to the public interests because:
