

# Jackson County Variance Application

Fee \$750.00

## VARIANCE

A variance is a relaxation of the standards set in an ordinance. Variance requests are decided by a 5-member Board of Adjustment (BOA) which is appointed by the County Board Chair. The Board of Adjustment is known as a quasi-judicial body because it functions almost like a court. Its decisions must comply with specific criteria provided in Wisconsin State Statutes. The Board of Adjustment must apply with county ordinance provisions as they are written. Its job is not to compromise for a property owner's convenience but to apply appropriate legal standards to a specific situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

## PROCESS

1. Submit a completed application form and a \$750.00 non-refundable fee.
2. Provide detailed plans describing your project.
3. Provide written justifications showing that your project meets the legal criteria for a variance as outlined in the "Three Required Criteria".

After receiving your application materials, the Zoning Department will publish notice of your request for a variance in the *Banner Journal* noting the time and location of the public hearing. In addition, a public notice will be sent to neighboring property owners. The burden of proof will be on you as property owner to provide verifiable facts upon which the Board may base its decision. At the hearing, the applicant must appear in person or be represented by an agent to speak on your variance request.

### **THE FOLLOWING THREE REQUIRED CRITERIA MUST BE MET:**

#### **1). Unnecessary Hardship:**

- The absence of a variance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions as to be unnecessarily burdensome.
- Reasonable use relates to whole property.
- Owner has a duty to investigate options for use of property.
- No self-imposed hardship (commenced beforehand).
- Personal preference/convenience or financial hardship is **NOT** a hardship that justifies granting of a variance.
- A variance runs with property, not owners.

#### **2). Physical Property Limitations:**

- The hardship is due to physical limitations of the property, not circumstances of the applicants.
- Violations & nearby variances **Do Not** justify a variance.
- Physical limitations of the property itself refer to dimensions and topographic features, such

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as slope, wetland, etc.

- Location of existing structures on the property is **NOT** a physical limitation of the property.

### 3). Not Contrary to Public Interest:

- Purpose statement of ordinance outlines public interest factors.
- The effect of a variance on general public must be determined.
- Will result in no harm to the public, including the environment.

## JUDICIAL REVIEW

If your variance request is denied, you may appeal the decision to Circuit Court, as provided in Wisconsin State Statutes 59.694 (10). The appeal must be filed within 30 days of the filing of the decision in the Jackson County Zoning Office.

I request a variance from Section \_\_\_\_\_ of the Jackson County Chapter \_\_\_\_\_ Ordinance.

Describe your NEED for a variance and why the request meets the THREE Required Criteria below:

### Need for a Variance:

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### 1). Unnecessary Hardship:

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### 2). Physical Property Limitations:

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### 3). Not Contrary to Public Interest:

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