



APPLICATION FOR A VARIANCE FROM THE ZONING BOARD OF APPEALS

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning Board of Appeals (BOA). The Board of Appeals is a quasi-judicial body because it functions almost like a court. **The BOA's job is not to compromise ordinance provisions for a property owner's convenience, but rather** to apply legal criteria provided in state laws, court decisions, and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

Process

At the time of application, you will be asked to:

1. Complete an application packet and submit the \$350.00 application fee;
2. Provide detailed plans describing your lot and project (location, dimensions, and materials);
3. Provide a written statement of verifiable facts showing that your project meets the legal criteria for a variance (Three Step Test in Part II of application);
4. Stake out lot corners or lines, the proposed building footprint, and all other features of your property related to your request so that the BOA members may inspect the site;
5. Provide proof of ownership of the property in question; and
6. Provide an Agent Authorization form, if applicable.

Following these steps, the Village Clerk will publish notice of your request for a variance in the newspaper noting the location and time of the required Public Hearing before the Board of Appeals. Your neighbors and any affected County or State agency will also be notified. The burden will be on you as property owner to provide information upon which the Board of Appeals may base its decision. At the Hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the Board of Appeals to make a ruling in your favor. The Board must make its decision based only on the evidence submitted to it at the time of the Hearing. Unless you or your agent is present, the Board may not have sufficient evidence to rule in your favor and must then deny your application.

Part I: General information and alternatives analysis
To be completed jointly by the applicant and Lisbon staff

Petition # _____ Date filed _____ \$350 fee paid _____ (payable to Village of Lisbon)

	Name	Address	Phone
Owner/Agent:			
Contractor:			

Property Address: _____

Tax Key No: LSBT _____ - _____ - _____

Legal Description: _____ 1/4, _____ 1/4, S _____, T _____ N, R _____ E

Lot area & dimensions: _____ Sq.Ft., _____ft x _____ft

Zoning District: _____

Does Shoreland, Floodland, or Wetland Zoning apply to this property? Y / N

Current Use & improvements:

Description of any prior petition for appeal, variance, or conditional use:

Description and location of all nonconforming structures & uses on the property:

Ordinance standard from which variance is being sought (*Section # and text*):

Describe the variance requested:

Type of variance requested:

_____ Use Variance – permits a landowner to put a property to an otherwise prohibited use.

_____ Area Variance – provides an increment of relief (normally small) from a physical dimension restriction such as building height or setback.

Describe the effects on the property if the variance is not granted:

Alternatives

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- A. Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reason(s) you rejected them.
- B. Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reason(s) you rejected them.

Part II: Three-Step Test

To qualify for a variance, the applicant must demonstrate that their property meets the following three requirements.

1. Unique Property Limitations *(to be completed by the applicant)*

Unique physical limitations of the property, such as steep slopes or wetlands, that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

_____ No. A variance cannot be granted.

_____ Yes. Where are they on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.

2. No Harm to Public Interests *(to be completed by Lisbon staff)*

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

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issues*

Ordinance purpose:

Purpose(s) of standard from which variance is requested:

Analysis of impacts

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short term impacts: (through the completion of construction)

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Long term impacts: (after construction is completed)

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Cumulative impacts: (What would happen if a similar variance request was granted for many properties?)

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

_____ Yes. A variance cannot be granted.

_____ No. Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship (to be completed by the applicant)

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 that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. 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 for the property) or would render conformity with such restrictions unnecessarily burdensome. The Board of Appeals 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, on the community, and on the public interests. This standard reflects the new *Ziervogel* and *Waushara County* court decisions.
- For a use variance, unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance.

Note: While Wisconsin Statutes do not specifically prohibit use variances, there are a number of practical reasons why they are not advisable:

- Unnecessary hardship must be established in order to qualify for a variance. This means that without the variance, no reasonable use can be made of the property.
- Many applications for use variances are in fact administrative appeals. Often, the Board is asked to determine whether a proposed use is included within the meaning of a particular permitted or conditional use, or whether it is sufficiently distinct as to exclude it from the ordinance language. Such decision is not a use variance, but an appeal of the staff's interpretation of ordinance text.
- Zoning amendments are a more comprehensive approach than use variances. Elected officials consider the larger land area to avoid piecemeal decisions that may lead to conflict between adjacent incompatible uses or undermine Land Use Plan and Ordinance objectives. Villages have meaningful input (veto power) for zoning amendments to general zoning ordinances.
 - Zoning map amendments can change zoning district boundaries so as to allow uses provided in other zoning districts
 - Zoning text amendments can add (or delete) permitted or conditional uses allowed in each zoning district.

Is unnecessary hardship present?

_____ No. A variance cannot be granted.

_____ Yes. Describe.

Part III: Construction Plans

To be completed and submitted by the applicant.

Attach construction plans detailing:

- o Property lines
- o Vegetation removal proposed
- o Contour lines (2-ft. intervals)
- o Ordinary high-water mark
- o Floodplain & wetland boundaries
- o Dimensions, location & setbacks of existing and proposed structures
- o Well & sanitary/septic system
- o Location & extent of filling/grading
- o Location & type of erosion control measures
- o Any other construction related to your request
- o Anticipated project start date

Part IV: Certification

To be completed by the applicant.

I/We hereby certify that the information I have provided in this application is true and accurate.

Applicant Signature: _____ Date: _____

Applicant Signature: _____ Date: _____

Please return entire application packet, a check for \$350.00 payable to Village of Lisbon, and all required documentation to:

Lisbon Village Clerk
W234 N8676 Woodside Road
Lisbon, WI 53089

Please remember to include:

- Site Inspection Authorization form
- Professional Service Fee Reimbursement form
- Agent Appointment & Authorization form
- Site Map(s)



VILLAGE OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

AUTHORIZATION OF SITE INSPECTION

The Village of Lisbon requests permission from the Property Owner(s), or their Appointed Agent authorized to act on Owner's behalf, to enter the subject property, between the hours of 9:00a.m. to 5:00p.m. or upon 24-hour notice, for a Site Inspection prior to any scheduled Board, Committee, or Commission meeting where this property may be discussed. The Site Inspection will allow the Board, Committee, or Commission members to make more informed decisions with respect to the submitted application.

PROPERTY INFORMATION:

_____ LSBT _____
Address/Legal Description *Tax Key Number*

PROJECT DESCRIPTION: _____

I/we, the undersigned Property Owner(s) or Appointed Agent, have been advised that my/our signature(s) grant(s) permission to members of the Village of Lisbon staff, Boards, Committees, or Commissions to conduct Site Inspections of the above-named subject property. Failure to authorize requested Site Inspection will not be held against the Property Owner(s) or Appointed Agent in any decision to be rendered on their submitted application; however, this Site Inspection may allow Lisbon Board, Committee, or Commission members to make more well-informed decisions.

PROPERTY OWNER:

Name _____ Company/Title _____

Mailing Address _____

Phone _____ Email _____

Owner Signature _____ Date _____

Owner Signature _____ Date _____

AUTHORIZED AGENT:

Name _____ Company/Title _____

Mailing Address _____

Phone _____ Email _____

Agent Signature _____ Date _____

***NOTE: If you will be authorizing an Agent to represent you before the Village of Lisbon in any capacity, a signed Agent Authorization Form must be submitted with your application. Please contact the Village Clerk to obtain the necessary form.*



VILLAGE OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

AGREEMENT TO REIMBURSE LISBON FOR PROFESSIONAL STAFF SERVICE FEES

Pursuant to the Village of Lisbon Municipal Code, the Village Board has made a determination that whenever the services of the Village’s Planner, Engineer, Attorney, or any other of the Village’s professional staff results in a charge to the Village for that professional’s time and services, and such service is not a service supplied to the Village as a whole, the Village Treasurer shall invoice the Property Owner for those fees incurred by the Village. Fees are charged on an hourly basis, or portion thereof, at a rate that is in effect at the time the professional service is performed. Also be advised that pursuant to the Village of Lisbon Municipal Code, certain other fees, costs, and charges are the responsibility of the Property Owner or Responsible Party **even if the request is not approved**. Imposition of any fees, costs, or charges, however, is subject to the Property Owner’s appeal rights as described in the Village of Lisbon Municipal Code.

PROPERTY INFORMATION:

_____ LSBT _____
Address/Legal Description *Tax Key Number*

PROJECT DESCRIPTION: _____

I/we, the undersigned, have been advised that, pursuant to the Village of Lisbon Code, service fees incurred by the Village as a result of my/our project or activities, whether at my/our request or at the request of the Village, I/we shall be responsible for reimbursing the Village for those charges. Further, I/we have been advised that certain other fees, costs, and charges are my/our responsibility **even if my/our request is not approved**. In addition, I/we understand that failure to pay any balance owed to Lisbon for such services or costs may result in the total outstanding balance being added to the annual tax bill for the subject property. By signing this document, I/we are not waiving any appeal rights that are described in the Village of Lisbon Municipal Code.

Village Attorney	John P. Macy	\$210.00/hr
Village Engineer	Mitch Leisses	Up to \$148.00/hr
Village Planner	Orrin Sumwalt	Up to \$193.00/hr

PROPERTY OWNER:

Name _____ Company/Title _____

Mailing Address _____

Phone _____ Email _____

Owner Signature _____ Date _____

PARTY TO BE INVOICED FOR REIMBURSEMENT OF FEES: *(if different)*

Name _____ Company/Title _____

Mailing Address _____

Phone _____ Email _____

Agent Signature _____ Date _____



VILLAGE OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

AGENT APPOINTMENT & AUTHORIZATION

If an agent is representing the property owner, the property owner must provide prior written authorization for the agent to represent the property owner when contacting the Village of Lisbon or its contracted staff.

PROPERTY INFORMATION:

_____ LSBT _____
Address/Legal Description *Tax Key Number*

PROJECT DESCRIPTION: _____

PROPERTY OWNER:

Name _____ Company/Title _____

Mailing Address _____

Phone _____ Email _____

AUTHORIZED AGENT:

Name _____ Company/Title _____

Mailing Address _____

Phone _____ Email _____

Property Owner(s) agree(s) that any approval issued on representations made in this submittal, and any subsequently issued permits or permissions, may be revoked without notice if there is a breach of representation or conditions of approval. Owner(s) and Agent, by their signatures below, understand and accept responsibility for completion of all required on-site and off-site improvements as shown and approved on final plans (including landscaping) prior to acceptance by Village of Lisbon.

Additionally, we understand and accept:

- The Village of Lisbon may divulge any information it may have on file concerning this property.
- Agent named above has authority and permission to accept legal documents concerning this property on behalf of Owner(s).
- Owner(s) and Agent agree to provide all information and documents that will assist in the discussion and resolution of any concerns related to this Property and Project.
- Signing this document does not relieve Owner(s) of personal responsibility for timely reporting any changes to Property or Project.
- If signed by a corporate officer, partner, or fiduciary on behalf of the Owner(s), I further certify that I have the power and authority to execute this Agent Authorization form.

Owner Signature _____ Date _____

Owner Signature _____ Date _____

Agent Signature _____ Date _____