



**OAKCREEK**  
— WISCONSIN —

## NOTICE OF APPEAL AND APPLICATION FOR REVIEW BEFORE THE BOARD OF ZONING APPEALS

**Please Note: The process for setting up the hearing will NOT begin until verification that all documents have been received along with the \$300.00 filing fee.**

**In order to grant a variance, the Board of Zoning Appeals must find that ALL criteria listed on the attached sheet are met by the proposed project.**

1. Name of appellant: \_\_\_\_\_  
Mailing address of appellant: \_\_\_\_\_  
Telephone: \_\_\_\_\_
  
2. Address of property: \_\_\_\_\_  
Present use of property: \_\_\_\_\_  
Proposed use of property: \_\_\_\_\_
  
3. Owner's name and address (including city/state/zip), if different than No. 1 above:  
\_\_\_\_\_
  
4. Has a previous appeal been made with respect to this property?  
Yes  No  If yes, state date: \_\_\_\_\_
  
5. Purpose and grounds of appeal or application. Check below the relief requested by this appeal or application:  
  
 **REQUEST FOR INTERPRETATION OF ZONING ORDINANCE AND REVERSAL OF ORDER, REQUIREMENT, DECISION OR DETERMINATION OF ADMINISTRATIVE OFFICIAL** - Attach a separate sheet listing reasons why you claim this order, requirement, decision or determination is erroneous.

**REQUEST FOR VARIANCE** - Write responses to the following below. Attach additional sheet(s) if needed.

a. Variance requested:

b. What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance request is not granted:

c. Why the variance requested is not contrary to the public interest and will not endanger public safety and welfare:

d. Why the variance requested will be in accord with the spirit of the zoning ordinance:

e. How the variance, if granted, will cause substantial justice to be done:

OTHER - \_\_\_\_\_ State relief requested  
and list the reasons why the appellant is entitled to such relief.

6. **EACH APPEAL OR APPLICATION MUST BE ACCOMPANIED BY A DRAWING**  
stating the nearest cross streets and address and showing the location and size of the  
property, existing improvements, all abutting properties and their improvements, and  
the requested change or addition.

*I hereby swear that all of the above statements and the statements contained in my papers or plans  
submitted herewith are true to the best of my knowledge and belief.*

\_\_\_\_\_  
Signature of Appellant

\_\_\_\_\_  
Date

I hereby concur with this submittal of the application for review.

\_\_\_\_\_  
Signature of Property Owner if Different  
From Appellant

\_\_\_\_\_  
Date

***For Internal Use Only***

Project #: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Filing Fee Check # or CC: \_\_\_\_\_

Date Notice Mailed: \_\_\_\_\_

Parcel #: \_\_\_\_\_

**CITY OF OAK CREEK  
BOARD OF ZONING APPEALS**

Pursuant to Section 17.0804(d) of the Oak Creek Municipal Code, the following criteria are used by the Board of Zoning Appeals to make their decisions.

**In order to grant a variance, the Board must find that ALL of the criteria below are met.** Please include **written responses** to each of the following in your application for appeal. Attach an additional sheet if necessary.

**Preservation of Intent:** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

**Exceptional Circumstances:** There must be unique circumstances or conditions applying to the lot or parcel or structure that do not apply generally to other properties of uses in the same zoning classification, and the granting of the variance should not be of so general or recurrent natures as to suggest that the zoning ordinance should be changed.

**Economic Hardship and Self-Imposed Harship not Grounds for Variance:** No Variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

**Preservation of Property Rights:** The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity.

**Absence of Detriment:** No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

## **Requirements for Appeals, Variances, and Boundary Disputes for Floodplains**

Any application for an appeal, variance request, or dispute regarding floodplain determinations and/or boundaries shall include the additional information for the specific situation as detailed below.

### **Appeals of Permit Denials**

1. Land Use Permit application data listed in Sec. 17.0801(b)(2).
2. Floodway/floodfringe determination data in Sec. 17.0309(e).
3. Hydraulic and hydrologic analyses calculating the effects of the proposal on the regional flood height to determine the effects of the proposal according to Sec. 17.0306(g) and 17.0801(b)(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
4. Any other supplemental data in support of the application.

**Variances** - Provide written responses to demonstrate that:

1. Literal enforcement of the ordinance will cause unnecessary hardship;
2. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises, and is not self-created;
3. The variance is not contrary to the public interest, and will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
4. The variance is consistent with the purpose of this ordinance as stated in Sec. 17.0306(c);
5. The variance shall not cause any increase in the regional flood elevation;
6. The variance granted is the minimum necessary, considering the flood hazard, to afford relief;
7. The variance will not grant, extend or increase any use prohibited in the zoning district;
8. The variance will not allow actions without the amendments to this ordinance or map(s) required in Sec. 17.0804(f)(8);
9. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure;
10. The variance will meet all of the applicable floodproofing standards in Sec. 17.0804(i)(4).

### **Boundary Disputes**

The Board will utilize flood elevations or profiles to locate boundaries that have been established by approximate or detailed floodplain studies. Applicants shall provide a detailed written request and any available technical evidence to support the claim as part of the application package.

If the determination is made that the boundary is incorrectly mapped, the applicant(s) must apply for a map amendment according to Sec. 17.0804(f)(8).