

Variance Application Town of Eagle (Waukesha County), Wisconsin

Town of Eagle
820 E. Main Street
Eagle, WI 53119

Version: January 17, 2020

Overview: The approval of a variance by the Zoning Board of Appeals allows a property owner to deviate from the dimensional requirements established in the Town's zoning code. Variances are considered on a case-by-case basis and decisions of the Board are based on the evidence and testimony received as part of the application; during a site visit, if any; and through the public hearing process. The Board can only issue a variance if the evidence demonstrates that the requested variance clearly meets all of the decision criteria specified in the Town's zoning code.

If you submit an application, do not contact any member on the Zoning Board of Appeals until after the Board makes a final decision.

Governing regulations. The procedures and standards governing the review of this application are found in Article 6 of the Town's zoning code.

General instructions: Complete this application and submit one copy to the Town Clerk along with the application fee noted below. Alternatively, you can submit your application online at <https://townofeagle.zoninghub.com>.

Before you formally submit your application, you may meet with the Town Planner who can answer any questions you may have. The Town Planner can also review your application before it is formally submitted to determine if it is complete and provides enough information to describe the circumstances related to this application. If you have any questions, do not hesitate to contact the Town Planner at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com.

Application fee: \$300, plus charges for professional services consistent with the Town's chargeback policy; \$600 escrow deposit

Application submittal deadline: The Zoning Board of Appeals generally meets on the same date as the Plan Commission meets, which is generally the first Monday of the month. This application must be submitted and determined to be complete by the town planner, no later than 30 days prior to the date established for the Plan Commission meeting. Please contact the Town Planner to verify the deadline for a specific month.

1. **Applicant and agent information** Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	<u>Applicant</u>	<u>Agent</u>
Name	_____	_____
Street address	_____	_____
City, state, zip code	_____	_____
Daytime telephone	_____	_____
E-mail address	_____	_____

2. **Subject property information**

Physical address _____

Tax key number(s) EGLT- _____ EGLT - _____ EGLT - _____ EGLT - _____

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Town Clerk.

Is the subject property currently in violation of the Town's zoning code as determined by the Zoning Administrator?

- No
 Yes

If yes, please explain.

Comment: Pursuant to Section 500.106 of the Town's zoning code, the Town may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

- No
 Yes

If yes, please explain.

Comment: Pursuant to Section 500.107 of the Town's zoning code, the Town may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

3. Zoning information. The subject property is located in the following zoning district(s). (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> P-1 Public | <input type="checkbox"/> AP Agricultural land preservation | <input type="checkbox"/> B-2 Local business |
| <input type="checkbox"/> Q-1 Quarry | <input type="checkbox"/> RR Rural residential | <input type="checkbox"/> B-4 Mixed business |
| <input type="checkbox"/> C-1 Conservancy | <input type="checkbox"/> R-1 Residential | <input type="checkbox"/> M-1 Limited industrial |
| <input type="checkbox"/> UC Upland conservancy | <input type="checkbox"/> B-1 Neighborhood business | <input type="checkbox"/> M-2 General industrial |

4. Current use. Describe the current use of the subject property.

5. Proposed project. Describe what you would like to do (e.g., build a house, garage, fence) that cannot be done because of the section of the zoning code listed below.

6. Previous variance applications. Describe any variances applications that have been submitted for the property; include the year, a general description, and whether the application was approved or not.

Note: If a previous variance application has been denied, an application for the same variance may not be submitted unless circumstances relating to the application have changed. (See Section 500.362 of the zoning code.)

7. Variance request

Section Number of Zoning Code	Describe the requirement from that Section	Request
1.		
2.		
3.		

Note: It is very important that you request all of the variances that may be required. If you need any assistance in this regard, you should seek counsel from an attorney, surveyor, consultant, or other professional who is familiar with the zoning requirements in the Town. You may also contact the Town Planner or the Building Inspector.

8. Project alternatives. Please describe the alternatives, if any, that were considered in designing the project so the variance request would not be necessary in the first place and/or the request is minimized and how they were incorporated or why they were deemed to be unacceptable.

Description	Was the alternative used? If not, why was it rejected?
1.	
2.	
3.	

9. Unnecessary hardship. Describe how the section(s) of the zoning code listed above create(s) a practical difficulty or is unreasonably burdensome in terms of severely limiting or prohibiting the reasonable use of the subject property as generally allowed under the Town's zoning code. Attach additional pages as necessary.

10. Unique property limitations. Describe how the hardship is due to unique or special conditions or limitations affecting the subject property and/or structure that are not typical or generally shared by other properties in the Town. Attach additional pages as necessary.

11. Public interest. Describe why the variance, if granted, would not be contrary to the public interest by creating or having the potential for creating an adverse impact on the public, health, safety, or welfare of adjoining and surrounding residents, properties or the community. Attach additional pages as necessary.

12. Supplemental materials. Attach the following to this application form.

1. A project map with the information listed in Appendix A of the zoning code.
2. Proposed construction plans (if applicable)

13. Attachments. List any attachments included with your application.

14. Other information. You may provide any other information you feel is relevant to the review of your application.

15. Applicant certification

- I understand that I, or any of my agents, may not discuss this appeal application with any member of the Zoning Board of Appeals until after the Board renders a final written decision.
- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the Town's chargeback policy. The signed chargeback form is attached.
- I understand that submission of this application authorizes town officials, Plan Commission members, Town Board members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the Town Planner will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Applicant Signature(s):

Date:



TOWN OF EAGLE PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

PLEASE READ AND SIGN THE FOLLOWING NOTICE:

As set forth in Ordinance 07-04, as amended, the Town of Eagle has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, Town Building Inspector or any other of the Town’s professional staff results in a charge to the Town for that professional’s time and services, and such services is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. Also, pursuant to the Town of Eagle Ordinance, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved, and that any unpaid charges may be assigned by the Town as a special assessment or special charge to the subject property as allowed by state law.

I/we, the undersigned, have been advised that, pursuant to the Town of Eagle, if the Town Planner, Town Engineer, Town Attorney, Town Building Inspector or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town even if my/our request is not approved. In addition, I/we have been advised that pursuant to the Town of Eagle, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved.

You will receive your first bill once charges are incurred or your issue is closed. Bills will be sent as charges become available so you are kept up to date regarding your current charges.

PLEASE PRINT LEGIBLY

Name & Mailing Address of the Property Owner:

_____ Phone _____

Name & Address of Petitioner/Responsible Party for Billing (if different from above):

_____ Phone _____

Tax Key No. of the Property Involved in the Request: EGLT _____

Request for: _____

Name of Business: _____

Signature of Property Owner and/or Responsible Party:

Owner _____

Petitioner _____

Phone _____ Date _____

Phone _____ Date _____

E-Mail Address _____

E-Mail Address _____

Signature of Witness and Date

Signature of Town Official and Date

A copy of this completed form shall be provided to the Town Clerk for billing purposes.