



VILLAGE OF JACKSON

W194 N16660 Eagle Drive, Jackson, WI 53037

www.villageofjacksonwi.gov

P: 262-677-9696

VARIANCE APPLICATION

General Information

Property Owner Name(s): _____

Mailing Address: _____

Cell Phone: _____ E-mail: _____

Agent/Applicant Name: _____

Mailing Address: _____

Cell Phone: _____ E-mail: _____

Site Information

Site Address: _____

Parcel ID (Tax Key): _____

Property Description: ____ ¼ ____ ¼ ____ Section ____, T ____ N, R ____ W,

Zoning Classification: R-1 R-2 R-3 R-4 R-5 R-6 R-8 R-9

B-1 B-2 M-1 M-2 I-1 PUD Floodplain *(check only if applicable)*

Current Use: _____

Adjacent Uses: _____

Adjacent Zoning: _____

Ordinance Section(s) for which variance is being requested: _____

Proposal: _____

Variance(s) requested (applicable zoning standards you are unable to meet):

Variance Standards

1. **Applicable Standards for Granting Variance.** To qualify for a variance, an applicant must demonstrate that their property meets the following requirements. (Please attach additional pages if necessary.)

- a. **Unnecessary Hardship.** A property owner bears the burden of proving “unnecessary hardship” by demonstrating that strict compliance with the zoning standard would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion.

Explain the unnecessary hardship you would face if a variance were not granted:

- b. **Unique Property Conditions.** The hardship must be based on conditions unique to the property rather than considerations personal to the property owner. *State ex rel. Ziervogel v. Washington Cty. Bd. of Adjustment*, 2004 WI 23, ¶ 20, 269 Wis. 2d 549, 561, 676 N.W.2d 401, 407.

Please identify the unique conditions of your property and explain why they necessitate a variance:

- c. **Public Interest.** A variance cannot be contrary to the public interest. *State ex rel. Ziervogel v. Washington Cty. Bd. of Adjustment*, 2004 WI 23, ¶ 20, 269 Wis. 2d 549, 562, 676 N.W.2d 401, 407. In applying this test, the impacts of the proposal and the cumulative impacts of other similar projects on the interests of the neighbors, the entire community, and the general public must be examined. These interests are listed as objectives in the purpose statement of the applicable ordinance.

Explain the impact of the requested variance on the public:

2. **Applicable Zoning Standards.** Pursuant to Sec. 48-65 of the Village’s Zoning Ordinance, the following apply to variance requests:
- a. Preservation of intent. No variance shall be granted that is inconsistent 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.
 - b. Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to lots or parcels, structures, uses, or intended uses that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.
 - c. Economic hardship and self-imposed hardship 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.
 - d. 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 district and same vicinity.
 - e. Absence of detriment. No variance shall be granted that will create substantial detriment to the adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
 - f. Additional considerations and requirements in flood districts. No variance shall be granted if:
 - i. Filling and development contrary to the purpose and intent of the FW Cedar Creek Floodway District would result.
 - ii. A change in the boundaries of the FW Cedar Creek Floodway District, the FC Floodplain-Conservancy District would result.
 - iii. A lower degree of flood protection than a point two feet above the 100-year recurrence interval flood for the particular area would result.
 - iv. Any action contrary to the provisions of Wis. Admin. Code ch. 116 would result.
 - v. Damage to the rights or property values of other persons in the area would result.

Does your variance request meet the criteria above (Check one)? Yes _____ No _____ If no, please explain:

Certification

General: *I/We certify by my/our signature(s) that all information presented herein is true and correct to the best of my/our knowledge. I/We give permission for the staff of the Village of Jackson to enter my/our property for the purpose of collecting information to be used as part of the public hearing process.*

Fee: *I/We understand that the variance fee is a non-refundable, regardless of whether the variance is approved or denied. I/We understand that the fee for this application is only for the variance request and if other permits or approvals are required for the project that those may require separate application(s) and/or fee(s).*

Reimbursement: *I/We agree to reimburse the Village of Jackson by providing payment to the Village Clerk within 30 days of receiving an invoice, for all expenses incurred by the Village of Jackson in the review of this request for a variance. These expenses include, but are not limited to, planning and engineering review, legal review and document preparation, recording, publication, per diems, and other expenses.*

Incomplete or False Applications. *I/We understand that partial or incomplete applications will be returned to the applicant resulting in the application being removed from the hearing agenda and the submittal deadlines will restart. I/We further agree to withdraw this application if substantive false or incorrect information has been included.*

Signatures:

Applicant/Agent: _____ Date: _____

Co-Applicant/Agent: _____ Date: _____

Property Owner: _____ Date: _____

Co-Property Owner: _____ Date: _____

Submit completed application and supporting documents to:

Village of Jackson Zoning Department
W194 N16660 Eagle Drive
Jackson, WI 53035-0637

For Office Use Only

Amount: \$ _____

Date Received: _____

Payment Type: CH / CASH / CC

Check/Rcpt. #: _____

Received By: _____