

**FOREST COUNTY**  
**Application for Variance**

**What is a variance?**

There are two types of variances.

1. An Area Variance provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.
2. A Use Variance permits a landowner to put a property to an otherwise prohibited use.

**What are the applicant's responsibilities?**

The burden is on the applicant or property owner to provide verifiable facts upon which the Board of Adjustment can make its decision. A scale drawing of the property must be included with the application. The location of property lines, septic systems, wells and the proposed construction must be clearly marked on the property. It is up to you to make your case! At the hearing, any party may appear in person or be represented by an agent or attorney. A scale drawing of the property is required.

**What are the standards for granting variances?**

Each variance request is taken individually by the Board of Adjustment. That means that previous decisions on similar or neighboring properties, or even decisions made in the same hearing, do not set a binding precedent that must be followed. Each situation is unique. In general, the Board considers the following tests in determining whether a variance should be granted or denied.

To authorize a variance, the Board must find three (3) things:

1. **Unnecessary Hardship**—The Wisconsin Supreme Court distinguishes between area and use variances when applying the unnecessary hardship test
  - 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.
  - b. Area Variance—unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the owner without any use that is permitted for the property) or would render conformity with such restrictions “unnecessarily burdensome.”
2. **Hardship Due to Unique Property Limitations**  
Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance with the ordinance. **The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances.**

### 3. No Harm to Public Interests

A variance may not be granted which results in harm to public interests.

## STEP BY STEP INSTRUCTIONS

### Submitting an Application

The application is set approximately 30 days before the hearing in order to accommodate statutory requirements for publishing and posting legal notices.

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

1. Complete an application form and submit a \$575.00 non-refundable fee.
2. Provide detailed plans, and a scaled drawing describing your lot and project ( location, dimensions, and materials) your drawing must accurately depict the following:
  - a. The location and size of the property including all lot line dimensions.
  - b. Indicate North
  - c. Show the location and names of all surrounding roads/highways
  - d. Show the location of all area water bodies
  - e. Indicate all existing buildings and mark with "EB"
  - f. Indicate all wells and sanitary systems and mark as such
  - g. Show the requested construction and include the following measurements:
    - i. Distance from the centerline of all roads
    - ii. Distance to all lot lines
    - iii. Distance to all water bodies
    - iv. Distance from sanitary system drainfield and tanks
    - v. Distance from well
3. Provide a written statement showing that your project meets the legal criteria for a variance as outlined above.

- Do not attempt to contact Board of Adjustment members before the hearing---if you do, they may have to abstain from voting on your request.
- Clearly mark all property boundaries, sanitary systems, wells and the location of the proposed construction on your property with flags, stakes, or tape.
- Making an accurate drawing is to your benefit---the Board members only look at the site briefly, and a good drawing can help you make your case in the hearing.
- Failure to submit the required information or stake out the property is sufficient grounds for dismissal or denial of the application
- If any requirements are not met or if you or your agent do not appear at the public hearing, the board must deny your request for a variance and your fee will be forfeited.

**PETITION FOR VARIANCE**

Receipt # \_\_\_\_\_

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

**Owner Information**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Daytime Telephone: \_\_\_\_\_

**Property Information**

Property Address: \_\_\_\_\_  
Legal Description of the property: \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec. \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ E  
Tax Parcel Id: \_\_\_\_\_ (18 digits)

Zoning District \_\_\_\_\_ Lot size \_\_\_\_\_

Current use and improvements: \_\_\_\_\_  
Proposed use and improvements: \_\_\_\_\_

Ordinance section relating to variance request: \_\_\_\_\_  
Relief is requested to allow: \_\_\_\_\_

Address each of the following criteria for granting a variance (attach additional pages as necessary):

Unnecessary hardship is present because...

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Compliance with the terms of the ordinance is prevented by these unique features of this property.....

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A variance will not be contrary to public interest because...

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_