

TOWN OF ST. JOSEPH
APPLICATION FOR VARIANCE

Property owner: _____ Agent (if not owner): _____

Mailing address: _____ Mailing address: _____

Daytime phone: (____) _____ Daytime phone: (____) _____

Legal Description: _____ 1/4, _____ 1/4, Sec. _____, T. _____ N., R. _____ W., Town of St. Joseph

Parcel Address / Location: _____

Computer #: 030-____ - ____ - ____ Parcel #: _____

Current Zoning: _____ Acres: _____

What the land is currently used for and for how long, including any existing variances or special exceptions: _____

Applicant is requesting the following specific variance: _____

A hearing will not be scheduled until after the application is deemed complete and the Plan Commission has met and given its recommendation to the Town Board. To be considered complete, the application must include, at a minimum, the items listed below. After a preliminary review additional information may be needed. Town of St. Joseph has a policy on the standard size of supporting documents presented for review, none of which should exceed 11x17. Please present 15 copies for the Commission and the Town Board. The application deadline is 14 days prior to the 4th Wednesday of the month. If a special meeting is requested, the applicant will be billed for the additional costs.

- A detailed written statement that specifically identifies what is being requested.
- Written arguments that justify the need for the variance and address the approval criteria listed on reverse. It is the applicant's responsibility to prove **that a "hardship" exists** and that a variance can be granted. **Please see reverse side.**
- The applicant shall stake all applicable property/project corners and label the stakes accordingly (ex.: *NE lot corner*).
- A complete site plan showing at a minimum the location of all existing structures, all proposed structures and the exact distances between. The location of septic system, well, underground utilities, driveway, property lines, navigable water ways, wetlands, floodplains, bluff-lines, slopes in excess of 20%, and any other unique limiting condition of the property.
- The name and mailing address of all owners of property that adjoins the parcel that is the subject of the request, including those on the opposite side of the road.
- Obtain a certified survey map (CSM) of your property and a copy of the half-section map that shows your property and adjoining properties
- \$300.00 application fee

I hereby petition Town of St. Joseph for a variance / special exception to Chapter _____ Section _____ of the Town of St. Joseph Code of Ordinances and certify by my signature that all information presented herein is true and correct to the best of my knowledge. I further agree to withdraw this application if substantive false or incorrect information has been included.

Signature: _____ Date _____ / _____ / _____

TOWN USE ONLY

Application fee: \$300.00 payable to the Town of St. Joseph

Application & Fee received: _____ / _____ / _____ By: _____

The Town Board has the authority to issue a variance only when the following variance criteria are satisfied. Those criteria are:

- An unnecessary hardship must be present meaning that a literal enforcement of the terms of the ordinance would deny the petitioner all reasonable use of the property.
- The hardship (which may not be self-created) must be due to physical limitations of the property rather than the circumstances of the petitioner.
- The hardship cannot be based upon the financial gain or loss of the applicant.
- The variance will not be contrary to the public interest as expressed by the objectives of the ordinance.
- The spirit of the ordinance shall be observed and substantial justice done.

The Wisconsin Supreme Court's opinion in State of Wisconsin v. Kenosha County Board of Adjustment, found that "One of the purposes of zoning law is that variances should be granted **sparingly.**"

If it is found that there is a hardship "whether compliance with the strict letter of the restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with the restriction unnecessarily burdensome" [Zervolgel v Washington County Board of Adjustment, 269 WIS.2d 549, 676 N.W.2d 401 (2004)] and that the other criteria are present, the board can grant a variance. In that case, the variance should only provide for the minimum relief needed to overcome the hardship.

A variance grants relief from a **numerical standard**, such as a setback, that allows development that is inconsistent with the dimensional standards contained in the ordinance. Variances cannot be issued to approve **uses** that are inconsistent with the ordinance. The Town Board is authorized by statute to grant variances to the strict terms of the Town of St. Joseph Code of Ordinances only when certain criteria exist. Those criteria are listed above. It is the applicant's responsibility to prove that those criteria exist at the site and that a variance can be granted. If you believe that your request meets the criteria necessary to grant a variance, please summarize your request, the facts that show those conditions have been satisfied, and arguments that support this conclusion.