

# Town of Brothertown

W3880 St. Charles Rd.  
 Chilton, WI 53014  
 Phone: 920-849-9274

# VARIANCE & ADMINISTRATIVE APPEAL APPLICATION

<b>Applicant Information</b>			
Applicant Name (Indiv., Org. or Entity)		Authorized Representative	Title
Mailing Address		City	State      Postal Code
E-mail Address		Telephone (include area code)	Fax (include area code)
Landowner information (if different than Applicant)			
Name (Organization or Entity)		Contact Person	Title
Mailing Address		City	State      Postal Code
E-mail Address		Telephone (include area code)	Fax (include area code)
<b>Project or Site Location</b>			
Site Name (Project):		Location ID(S):	
Site Address   Location:		Plat	Lot No.:
Quarter: <input type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE		Section:	Township:                  N      Range:                  E
Legal Description:			
Current Zoning:		Proposed Zoning:	
Current Uses:		Proposed Uses:	
Lot Dimensions:      Front:                  Side:                  Rear.		Lot Area:                  acres or      square feet	
<b>Variance or Administrative Appeal Petition (see reverse side also)</b>			
List which code section(s) requesting variance from or decision appealing:	Describe the Reason(s) for the Request (attach separate document if needed):		
Fees: \$600.00 (Payable to Town of Brothertown)			
<b>Certification &amp; Permission</b>			
<b>Certification:</b> I hereby certify that I am the landowner of the property which is the subject of this Application. I certify that the information contained in this form and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the ordinances and/or permit may result in notices, fines forfeitures, stop work orders, permit revocation, and cease & desist orders.			
<b>Permission:</b> As landowner of the property, I hereby give the permit authority permission to enter and inspect the property to evaluate this application, to determine compliance with the ordinances, and to perform corrective actions after issuing proper notice to the landowner.			
Applicant Signature			Date Signed
Landowner Signature (required)			Date Signed

**LEAVE BLANK - FOR MUNICIPAL USE ONLY**

Application Withdrawal Signature(required)	Date Signed:	Reason:
Date Complete Application Received:	Fee Received:	Receipt No:
	Date Paid:	Taken By:

**Required Information**

The following items are required attachments. An application will not be considered complete until all attachments are filed. (Please attach additional sheets if more room is needed.)

Site Plan. A detailed drawing, drawn to scale, indicating lot lines, roads, driveways, buildings/structures, setbacks, and any other pertinent information shall be submitted.

Project Plans. A detailed drawing, drawn to scale, indicating all floor plans, elevations, and any other pertinent information shall be submitted.

Photos (Optional). Photographs of the site, building or project may be submitted as part of the application.

Written Statements. Statements responding to the following criteria shall be submitted.

1. Unique Property Limitations. Unique physical limitations of the property (i.e. steep slopes, wetlands, etc.) that prevent compliance with ordinance requirements can be considered for a grant of a variance. The circumstances of an applicant (i.e. growing family, need for a larger garage, etc) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by an ordinance amendment request.

Unique features of this property which prevents compliance with the terms of the ordinance include:


2. No Harm to Public Interests. A variance may not be granted which results in ham to public interests. In applying this test, the Zoning Board of Appeals must consider the impact of the proposal and the cumulative impacts of similar projects on the interest of the neighbors, the entire community and the general public. These interests are listed in the Purpose and Intent section of the ordinance.

A variance will not be contrary to the public interests because:


3. Unnecessary Hardship. An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (i.e. excavating a pond on a lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board of Adjustment must consider the purpose and intent of the zoning restriction, the zoning restrictions effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

The unnecessary hardship is, and is present because:

Basis for Approval: Variances shall only be granted when the Zoning Board finds:

1. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this ordinance
2. The variance will not permit the establishment of a use which is not permitted or permissible in the district.
3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
4. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
5. The hardship is not shared generally by other land or buildings in the area.
6. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.

**Please send all application materials and fees to:**  
**Town of Brothertown**  
**c/o Zoning Board of Appeals**  
**Brenda Ludwig, Secretary**  
**W4155 Wagner Road**  
**Chilton, WI 53014**

# ADDENDUM TO APPLICATION TO THE ZONING BOARD OF APPEALS

I, the undersigned, having filed an appeal with the Zoning Board of Appeal's of the Town of Brothertown, Calumet County, Wisconsin, do hereby state that the following are the names and last known addresses of the owners of record of all the land within five hundred (500) feet of my part of the proposed building on premises which is described in the appeal which I have filed.

<b><u>Name:</u></b>	<b><u>Address:</u></b>

I do hereby certify that the above is true and correct to the best of my knowledge.

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

\_\_\_\_\_  
Date