

TOWN OF WEST POINT

www.townofwestpoint.us

VARIANCE REQUEST PROCEDURE

Applicants must submit the following information before they will be put on the agenda to have their appeal heard by the Town of West Point Plan Commission and/or Town Board. All variance requests are under legal standards established by the WI Supreme court. In order to justify the granting of a variance, the applicant must show that *an unnecessary hardship* exists, that there is a *unique property limitation*, and that the *variance would not be contrary to the public interest*.

The following points are all drawn from Wisconsin case law, and are the standards under which a variance action would be reviewed by the courts:

Unnecessary Hardship – What constitutes a hardship is to be determined from the facts and circumstances of each individual case. The following are court established principles:

1. Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. In most cases, if a property already is developed and has an established use, a hardship will not exist.
2. The hardship must be peculiar to the zoning parcel in question and different from other parcels, not one which affects all parcels similarly.
3. Loss of profit or financial hardship is not in and of itself grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
4. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.

Unique Property Limitation – Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of property.

Protection of the Public Interest – Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. In granting a variance, the Plan Commission and/or Town Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance. Also, any variance granted should include only the *minimum relief* necessary to allow reasonable use of property.

The following steps must be taken when applying:

1. Complete the application blank, which can be obtained from the Town Clerk or on the Town of West Point web site which is: www.townofwestpoint.us. Prepare a drawing of your site, **TO SCALE**, showing the existing structures, if any. A surveyor or engineer, if needed may prepare this drawing. Also include the following in the drawing:
 - a. The septic system (tank, drain field, etc.) and the well.
 - b. All roads or streets and water frontage, if applicable.
 - c. Property lines, proximity of adjoining property owner's structure(s), and land uses extending 500 feet from property.
 - d. Provide photograph(s) of affected area.
2. Notify the Town Clerk at least two weeks before the meeting that you plan to attend so your request can be placed on the agenda:
 - a. Plan Commission meets 1st & 3rd Thursday of each month at 7:00 p.m.
 - b. Town Board meets 2nd Thursday of each month at 7:00 p.m.
3. Pay the necessary fees to the Town Clerk

The following guidelines apply to the variance request process:

1. The property owner or representative must be at any meeting where his/her variance request is considered.
2. After variance request is presented to the Plan Commission, a public hearing must be held so that neighbors and other concerned citizens have an opportunity to voice their opinions.
3. If the variance request is recommended to the Town Board by the Plan commission and approved by the Town Board, the Columbia County Board of Review must also review and approve.
4. If a variance is granted, a building permit must be obtained from the Town Engineer before construct begins.

TOWN OF WEST POINT
REQUEST FOR VARIANCE CHANGE

A fee of \$150.00 must accompany this Application for Variance Change – make payable to the Town of West Point

APPLICATION COMPLETED BY: _____

PROPERTY OWNER(S) : _____

MAILING ADDRESS: _____

PHONE # (DAYS) : _____ EVENING: _____

ADDRESS OF AFFECTED PROPERTY: _____

DESCRIPTION OF PROPERTY

LOT #: _____ BLOCK #: _____ SUBDIVISION: _____

TAX PARCEL #: _____ ACREAGE: _____

HIGHWAY: STATE: _____ COUNTY: _____ TOWN: _____

EXISTING ZONING: _____

FLOOD PLAIN STATUS: _____

SEWAGE SYSTEM: _____

INTENDED STRUCTURE USE: _____

SIZE OF BUILDING: _____

EXPECTED LENGTH OF CONSTRUCTION PERIOD: _____

DISTANCE TO: _____ TYPE OF CONSTRUCTION:

_____ CENTER LINE OF ROAD

_____ NEW BUILDING

_____ BACK LOT LINE

_____ ADDITION

_____ SIDE LOT LINE

_____ ALTERATIONS

_____ SIDE LOT LINE

_____ MOVING

DESCRIBE THE VARIANCE(S) REQUESTED AND INDICATE HOW
"REASONABLE USE" IF THE PROPERTY WILL BE AFFECTED IF YOUR
REQUEST IS NOT APPROVED:

PLOT PLANS

THE PLOT PLAN IS THE MOST IMPORTANT PIECE OF INFORMATION IN YOUR FILE. AN ACCURATE DIAGRAM SHOWING THE RELATIONSHIP OF YOUR BUILDINGS AND PROPOSED CONSTRUCTION TO LOT LINES, SHORELINES, HIGHWAYS, STRUCTURES ON ADJACENT PROPERTY AND THE ESSENTIAL INFORMATION THEY NEED IN ORDER TO REACH A DECISION. IT IS NOT REQUIRED THAT YOU SUBMIT PROFESSIONAL QUALITY PLANS, BUT IF YOU CANNOT ACCURATELY AND CLEARLY ILLUSTRATE YOUR PROPOSAL, IT IS RECOMMENDED THAT YOU OBTAIN ASSISTANCE IN PREPARING YOUR PLOT PLAN. SOME GENERAL GUIDELINES TO CONSIDER IN PREPARING YOUR PLOT PLAN:

- 1) USE A RULER. FREEHAND DRAWINGS ARE OFTEN OF QUESTIONABLE ACCURACY, AND CAN EASILY DISTORT THE RELATIONSHIP BETWEEN VARIOUS PHYSICAL FEATURES ON THE PROPERTY.
- 2) SCALED DRAWINGS ARE REQUIRED. PLANS THAT DISTORT THE SIZE OR LOCATIONS OF STRUCTURES CAN MAKE IT DIFFICULT FOR THE BOARD TO GET A TRUE PICTURE OF YOUR PROPOSAL.
- 3) IF A SURVEY IS AVAILABLE PLEASE PROVIDE A COPY. SOMETIMES IT WORKS WELL TO DRAW (TO SCALE) YOUR PROPOSAL DIRECTLY ON A COPY OF THE SURVEY.
- 4) ACCURATELY MEASURE AND ILLUSTRATE ALL THE CRITICAL MEASUREMENTS ON THE PLOT PLAN. DO NOT ESTIMATE. EVEN IF THE PLAN IS DRAWN TO SCALE, IT IS STILL ADVISABLE TO HAVE THE IMPORTANT SETBACK MEASUREMENTS ILLUSTRATED.
- 5) THE CORRECT SETBACK MEASUREMENT IS THE SHORTEST STRAIGHT LINE BETWEEN THE BUILDING AND THE LINE BEING MEASURED TO.
- 6) SUPPLEMENTAL DRAWINGS MAY BE HELPFUL DEPENDING ON THE SITE CONDITIONS. FOR EXAMPLE, A CROSS SECTION OF A SITE MAY BE HELPFUL FOR ILLUSTRATIVE PURPOSES WHERE STEEP HILLS ARE INVOLVED AND CONTRIBUTE TO THE NEED FOR A VARIANCE.
- 7) SETBACK INFORMATION ON ADJACENT PROPERTIES, LOCATIONS OF THEIR WELLS AND SEPTIC SYSTEMS SHOULD BE PROVIDED, AS THEY CAN ALL HAVE A BEARING ON YOUR APPLICATION.
- 8) THE PETITIONER MUST MEET WITH THE PLAN COMMISSION AT LEAST ONCE PRIOR TO AUTHORIZING THE SCHEDULING OF PUBLIC HEARING.

9) THE TOWN BOARD RECOMMENDATION IS FORWARDED TO COLUMBIA COUNTY PLANNING & ZONING FOR FINAL APPROVAL.

NOTICE OF RESPONSIBILITY

The undersigned Property Owner(s) agree to the following:

1. To reimburse the Town for all reasonable engineering and attorney fees incurred by the Town on behalf of the Property Owner for the proposed purpose detailed above.
2. To pay the Town for all invoiced items within thirty (30) days of billing by the Town Treasurer. If not paid when due, a special charge to reimburse the Town may be added to the next property tax bill of the Property Owner.

OWNER'S SIGNATURE: _____ DATE: _____