

TOWN OF METOMEN
VARIANCE APPLICATION

Official Use Only

Case No.	_____
Filing Date	_____
Hearing Date	_____
Notice Mailed Date	_____
Notice (s) Published Date	_____
Fee Paid \$	_____

Applicants Name _____

Address _____

Phone: _____

Variance Requested: _____

Legal description of Property:

_____ 1/4, _____ 1/4 of Section _____ T _____ N _____ R _____ E in the Town of Metomen

Fire Number _____ Tax parcel Number _____

Lot area and dimensions _____ sq. ft. _____ x _____ ft.

Zoning district _____

Current use and Improvements _____

Attach a plot or other maps of your site and detailed construction plans including:

Property lines Vegetation removal proposed Contour lines (2-ft. interval)

Ordinary high-water mark Floodplain & wetland boundaries

Dimensions & locations of existing & proposed structures

Utilities, roadways & easements Well & sanitary system

Location & extent of filling/grading Location & type of erosion control measures

Any other construction related to your request.

Standards:

The applicant has the burden of proof to show in writing that the three-variance tests must be met.

1. Unnecessary hardship (Wisconsin case law describes hardship as being present where, in the absence of a variance, no reasonable use can be made of the property.)

2. Unnecessary hardship because of a unique property limitation.
3. Public Interest

Additional Standards that must be met are as follows found in section 13.34 Town of Metomen Ordinance.

1. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
2. That literal enforcement or the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.

No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

I certify that the information I have provided in this application is true and accurate.

Signed _____
Agent/Applicant/Owner

Date _____

Decision of Zoning Board of Appeals

Findings of Fact:

1. The applicant name is_____
2. The applicant on _____day of _____, 20___ has filed with the Town Clerk an application for a _____variance.
3. The applicant is the record owner of the above-described property, which is the subject of the application.
4. The subject property described above is presently in use for _____ and has been so used continuously since _____ of 20__.
5. The property is zoned _____under the current Zoning Ordinance of the Town of Metomen which was enacted on April 16, 1980 and amended July 11, 1994 and again on _____day of _____. 20___.
6. The applicant proposes: (A brief project description/attached plans)
7. The applicant requests a_____ variance under Section _____of the ordinance.

Conclusion of Law:

The variance does/does not meet all three of the following tests:

- A. Unnecessary hardship is/is not present since strict application of the terms of the zoning ordinance would/not deny the applicant all reasonable use of the property because_____
- B. The hardship is/is not due to physical limitations of the property rather than the circumstances of the applicant because_____
- C. The variance will/will not be contrary to the public interest and will/will not observe the purpose of the ordinance and do justice because_____

Order and Determination:

On the basis of the above Findings of facts, conclusions of Law and the record herein, the Board determines and orders as follows.

Variance Use: The requested variance use is denied/granted/granted-in-part subject to the following conditions:

- 1.
- 2.
- 3.
- 4.

The Town Chairman is directed to issue a Variance incorporating these conditions and certifying by the applicants' signature that he/she understands and accepts the conditions.

Applicants Signature _____ Date_____

Expiration of variance:

Any privilege granted by this decision must be exercised within_____months of the date of this decision after obtaining the necessary building, zoning and other permits for the proposed construction. This period will be extended if this decision is stayed by the order of any court or operation of law.

Revocation:

The Board may revoke this order after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals:

This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and make no warranty as to reliance on this decision if construction is commenced prior to expiration of the 30-day period.

Signed _____
Zoning Board Chairperson

Date _____ Attest _____
Secretary

Signed _____

Signed _____

Signed _____

Signed _____