



# VARIANCES

## CITY OF MIDDLETON CHECKLIST

### REQUIREMENTS PER [SECTION 10.10.51](#)

#### APPLICATION PACKET REQUIREMENTS

The City **strongly prefers** to receive the application electronically via e-mail to [planning@cityofmiddleton.us](mailto:planning@cityofmiddleton.us), although a paper copy will also be accepted.

- Completed and signed Variance application (form at the end of this checklist).
- A map of the subject property depicting:
  - All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
  - Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
  - All lot dimensions of the subject property.
  - A graphic scale and a north arrow.
- A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 10.10.43 of the [Middleton Zoning Ordinance](#). Also, see the Site Plan Checklist for all components of a required site plan.
- Written description of the proposed variance, including the following:
  - Nature of the request
  - Review of alternative options and statement of hardship if variance is not granted
  - Communication with neighbors
  - Evidence that the application is consistent with the Comprehensive Plan and poses no danger to public safety or public interest

#### CRITERIA USED TO EVALUATE THE VARIANCE REQUEST

The Zoning Administrator shall review the application and prepare a written report including the following:

1. Evaluation of whether the request is in harmony with the Comprehensive Plan or other relevant plans.
2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review see Subsection (7) below and [Wis. Stats. § 62.23\(7\)\(e\)7](#).

The Zoning Board of Appeals shall make its findings within 60 days of filing a complete application per the following based on Wis. Stats. 62.23(7)(e)7:

1. The variance will not be contrary to the public interest.
2. Substantial justice will be done by granting the variance.
3. The variance is needed so that the spirit of the ordinance is observed.
4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.
  - a. A Use Variance exists only if the property owner shows that they would have no reasonable use of the property without a variance.
  - b. An Area Variance exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions “unnecessarily burdensome.”

5. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
6. Additional standards:
  - a. Parcel-as-a-whole. The entire parcel, not just a portion of the parcel, must be considered when applying the unnecessary hardship test.
  - b. Self-imposed hardship. An applicant may not claim hardship because of conditions which are self-imposed.
  - c. Circumstances of applicant. Circumstances of an applicant such as growing family or desire for a larger garage are not a factor in deciding variances.
  - d. Financial hardship. Economic loss or financial hardship do not justify a variance.
  - e. Nearby violations. Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
  - f. Objections from neighbors. A lack of objections from neighbors does not provide a basis for granting a variance.

<b>FEES:</b>	In accordance with the fee schedule in <a href="#">Sec. 3.12 Appendix A</a>	
Zoning Variance and Appeals Application		\$500



# ZONING VARIANCE/APPEALS APPLICATION

Submit electronically to [planning@cityofmiddleton.us](mailto:planning@cityofmiddleton.us).

Appellant will receive notice of the time and date for the hearing. Appellant must appear at the time and date set for the hearing to explain the need for the appeal. Allow 4-5 weeks for notices to be mailed and a hearing date to be set.

PERMIT # _____
PERMIT FEE: \$ _____
ZBA APPROVAL DATE: _____

<b>ADDRESS OF PROPERTY:</b>		
APPLICANT NAME (PROJECT REP, CONTRACTOR, ETC.)	OWNER NAME	
BUSINESS NAME (IF APPLICABLE)	CO-OWNER NAME (IF APPLICABLE)	
ADDRESS	ADDRESS	
CITY, STATE, ZIP	CITY, STATE, ZIP	
PHONE	PHONE	
E-MAIL	E-MAIL	
<b>HAS A PREVIOUS APPLICATION BEEN MADE WITH RESPECT TO THIS PROPERTY?</b>	<b>YES</b>	<b>No</b>
<b>IF YES, STATE THE NATURE OF THE PREVIOUS APPLICATION:</b>		
<b>DISPOSITION OF PREVIOUS CASE:</b>	<b>DATE OF DECISION IN PREVIOUS CASE:</b>	
<b>DESCRIPTION OF PROJECT:</b>		

I, the undersigned, do hereby certify that the above information is correct and agree that in the performance of this work I will be bound by and submit to all statutes of the State of Wisconsin, conform to all applicable codes and ordinances of the City of Middleton, and abide by all other applicable rules and regulations.

**SIGNATURE OF APPLICANT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_