

VILLAGE OF CAMBRIDGE VARIANCE APPLICATION

PART 1: GENERAL INFORMATION AND ALTERNATIVES ANALYSIS.

To be completed jointly by the applicant and zoning staff.

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of appeals. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

Process

At the time of application you will be asked to:

1. **Complete an application** form and submit a \$_____ fee;
2. **Provide detailed plans** describing your lot and project (location, dimensions and materials);
3. **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three Step Test below); and
4. **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the zoning board may inspect the site.

Following these steps, the zoning agency will publish notice of your request for a variance in the Cambridge News noting the location and time of the required public hearing before the zoning board. Your neighbors and any affected state agency will also be notified. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent do not appear at the public hearing, the board must deny your request for a variance and your fee will be forfeited.

If Your Property Qualifies For A Variance

- Minimum variance.** The board may grant only the minimum variance that preserves a reasonable use of the parcel for its owner.
- Conditions on development.** It may impose limitations on project design, construction activities or operation of a facility as mitigating measures to assure that public interests and neighboring properties are protected.
- Appeals.** A variance decision may be appealed to circuit court by an aggrieved party within 30 days of filing the decision in the office of the board. Consider delaying construction until the appeal period has expired to minimize the risk that the court may overturn the board decision and void your variance.
- Expiration of permit.** If you do not substantially complete construction authorized by the variance within ___ months of the decision, the variance is void.
- Transfers of rights.** Because a property (rather than its owner) may qualify for a variance, a variance transfers with the property to subsequent owners.

VILLAGE OF CAMBRIDGE ZONING BOARD OF APPEALS APPLICATION

Petition # _____ Date filed _____

\$ _____ fee paid (payable to Village of Cambridge)

| | Owner/agent | Contractor |
|---------|-------------|------------|
| Name | | |
| Address | | |
| Phone | | |

Property Description

Legal description: _____ 1/4, _____ 1/4, S _____, T _____ N, R _____ E, Village of Cambridge

Address _____

Tax parcel number _____

Lot dimensions & area: _____ x _____ ft. = _____ sq. ft.

Zoning district _____

Current use & improvements:

Description of any prior petition for appeal, variance or conditional use:

Description and location of all nonconforming structures & uses on the property:

Ordinance standard from which variance is being sought (section number and text):

Describe the variance requested:

Describe the effects on the property if the variance is not granted:

2) NO HARM TO PUBLIC INTERESTS *(To be completed by zoning staff)*

A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures and lots*
- *Any other public interest issues*

Ordinance purpose:

Purpose(s) of standard from which variance is requested:

Analysis of impacts

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term and cumulatively.

1. Short term impacts (through the completion of construction):

Impacts:

Mitigation:

Extent to which mitigation reduces project impact:

2. Long term impacts (after construction is completed):

Impacts:

Mitigation:

Extent to which mitigation reduces project impact:

3. **Cumulative impacts** (what would happen if a similar variance request was granted for many properties):

Impacts:

Mitigation:

Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- Yes.** A variance cannot be granted.
- No.** Mitigation measures described above will be implemented to protect the public interest.

2) UNNECESSARY HARDSHIP *(To be completed by the applicant)*

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant 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 board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's 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. This standard reflects the new *Ziervogel* and *Waushara County* decisions.

Is unnecessary hardship present?

Yes. Describe:

No. A variance cannot be granted.

Attach construction plans detailing:

- Property lines
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Ordinary highwater mark
- Floodplain & wetland boundaries
- Dimensions, locations & setbacks 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
- Anticipated project start date

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

Signed: (applicant/agent/owner) _____

Date: _____

Remit to: Village of Cambridge
200 Spring Street, P. O. Box 99
Cambridge WI 53523

Phone: 608-423-3712
Fax: 608-423-3916
Email: Imoen@ci.cambridge.wi.us

Office Hours: Monday – Friday 7:30 a.m. – 4:30 p.m.