

ACTIONS OF THE VILLAGE OF DEFOREST BOARD OF ZONING APPEALS

GENERAL INFORMATION: The Board of Appeals consists of five (5) citizen members and two (2) alternates appointed by the Village Board President and confirmed by that Board to hold office for staggered three year terms. Appointments are made annually during April. Whenever a vacancy occurs, a citizen member shall be appointed by the Village Board President and confirmed by the Board to fill the unexpired term.

The Board of Appeals has the following jurisdiction and authority:

- To hear and decide appeals from any order, requirement, decision, or determination made by the Building Inspector, the Zoning Administrator, or other village official acting in an administrative capacity on planning and zoning matters.
- To swear testimony and issue restraining orders.
- To hear and pass upon the application for variances from the terms provided in municipal ordinances.
- To assure proper administration of the Zoning Code (Chapter 15 of DeForest Municipal Code) and to avoid arbitrariness.

The Board generally makes their decision after public hearing, but may adjourn and table the issue to a later date. All decisions and findings on appeals or variances, after hearing, are final. However, if an objection is filed within 30 days of the hearing, the decision is subject to judicial review, as provided by law. A copy of the variance decision will be provided to you for your records.

Meetings of the Board of Appeals are held at the call of the Chairperson or if the secretary has scheduled a public hearing. All hearings conducted by the Board of Appeals are open to the public. Board minutes and rules of procedure are filed at the DeForest Municipal Building, 306 DeForest Street, DeForest, WI 53532.

The hearing application fee which includes, but is not limited to, the actual cost for administrative review of your proposed project, must be paid prior to the scheduled hearing date. A separate bill for Village consultant and/or transcription services may be sent for payment to the applicant following the submittal of the application. Contact the Village Planning and Zoning Administrator at 846-6751 for additional information about the Board of Zoning Appeals procedures.

BOARD OF ZONING APPEALS HEARING PROCESS: These procedures relate to applications for appeals, variances, and other publicly noticed issues to be heard before the Board of Zoning Appeals under the rules of Chapter 15, Zoning, of the DeForest Municipal Code.

APPLICANT RESPONSIBILITIES: The completed application packet must be provided for staff review *a minimum of 15 working days prior to the publication date* and include the following:

- Hearing application filled out completely and accurately.
- Letter of intent stating the reason for the request, a project description, and how the request meets the standards for granting a variance (see attached).
- Certified survey map, diagram, or site plan to provide a clear portrayal of the parcel(s) and the surrounding properties. Ten copies are required of any materials submitted to scale.
- Application fee as required by the Village's fee schedule.
- Other relevant documentation. Staff will advise applicant on a case-specific basis.

The applicant or his/her representative must appear at the scheduled hearing and be prepared to testify under oath, presenting information and answering questions from the Board.

STAFF RESPONSIBILITIES: Village staff will answer the applicant's questions on the application process and zoning code requirements and conduct a preliminary review to ensure the application is complete before publication. After review, staff will advise the applicant of additional information required. When complete, the applicant will be informed of the hearing date which is based on the Wisconsin statutory requirements.

Hearing notices are mailed to all residents and/or property owners within approximately 100 feet of subject property at least one week prior to the public hearing. Final case review and hearing preparation is completed approximately one week before hearing date. The meeting agenda and staff report are mailed to the applicant and Board members, typically the Thursday or Friday before the scheduled hearing. The final meeting agenda is posted at the DeForest Community Center, Public Safety Building, Library and Municipal Building. If in an extraterritorial zoning area, the associated Town may have its own process to recommend Board of Appeals action.

REVISED: January 14, 2014



**VILLAGE OF DEFOREST
BOARD OF ZONING APPEALS
APPLICATION FOR PUBLIC HEARING**

PETITION: I, _____ **HEREBY PETITION THE VILLAGE OF DEFOREST BOARD OF ZONING APPEALS TO HOLD A PUBLIC HEARING ON THE FOLLOWING REQUEST FOR:**

- ☐ A VARIANCE FROM THE DEFOREST ZONING ORDINANCE (CHAPTER 15)
☐ AN APPEAL OF THE ZONING ADMINISTRATOR'S DETERMINATION

APPLICANT (MAY OR MAY NOT BE PROPERTY OWNER—SEE BELOW):	PERSON'S NAME:
	FIRM'S NAME:
	MAILING ADDRESS:
	CITY/STATE/ZIP:
	DAYTIME TELEPHONE:
	EMAIL ADDRESS:
PROPERTY OWNER CONTACT INFORMATION IF DIFFERENT FROM APPLICANT (PLEASE INCLUDE OWNER'S SIGNATURE ON THIS FORM):	
LEGAL DESCRIPTION OF SUBJECT PROPERTY OR PARCEL NUMBER(S):	
SUBJECT PROPERTY STREET ADDRESS OR STREET BOUNDARIES OF SUBJECT PROPERTY (WHERE NOT YET ADDRESSED):	
PRESENT ZONING:	

IF THIS IS AN APPEAL OF AN ADMINISTRATIVE DECISION, WHAT DECISION OR ACTION ARE YOU APPEALING, AND WHY? ENTER "N/A" IF NOT APPLICABLE.	
IF THIS IS A VARIANCE REQUEST, WHAT SECTION(S) OF THE ZONING CODE ARE YOU SPECIFICALLY ASKING TO BE VARIED, BY HOW MUCH, AND WHY? ENTER "N/A" IF NOT APPLICABLE.	

IF REQUESTING A VARIANCE, PLEASE STATE HOW YOUR REQUEST MEETS THE FOLLOWING 3 STANDARDS, WHICH MUST ALL BE MET FOR THE BOARD OF APPEALS TO GRANT A VARIANCE: *(Please attach another document if you more space.)*

How would compliance with the strict letter of the zoning ordinance unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome?

It is not sufficient that a variance applicant show that the zoning regulation(s) prevents or burdens his or her planned activity. You must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the proposed activity.

How would compliance with the strict letter of the zoning ordinance create unnecessary hardship due to a unique property condition, meaning a special physical feature or limitation of the property that is not generally shared by nearby land or property within the same zoning district?

If a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a variance may not be granted. The purpose of the variance may not be based exclusively on financial concerns relating to the property.

How would the requested variance be consistent with the public interest, and the following (as applicable)?

- (a) Secure safety from fire, panic and other dangers;
- (b) Promote the public health, safety, comfort, and general welfare;
- (c) Conserve values of property throughout the village and neighboring areas, protect the character and stability of residential, business, and industrial areas, and promote the orderly and beneficial development of such areas;
- (d) Prevent overcrowding of land;
- (e) Avoid undue concentration of population;
- (f) Provide adequate light, air, privacy, and convenience of access to property;
- (g) Facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (h) Lessen or avoid congestion in public streets and highways;
- (i) Encourage the protection of groundwater resources;
- (j) Lessen or avoid hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (k) Regulate and restrict erection, construction, reconstruction, alteration, location and use of buildings, structures, and land for trade, industry, residence, and other uses, and to regulate and restrict the intensity of such uses;
- (l) Divide the village areas subject to this chapter into districts of such number, shape, area, and of such different classes, according to the use of land and buildings, and the intensity of such use, as best suited to carry out the purpose of this chapter; and
- (m) Prohibit uses, buildings, or structures incompatible with the character of the respective districts.

PROPERTIES WITHIN 100 FEET OF SUBJECT PROPERTY (TO BE USED TO ASSIST WITH PUBLIC HEARING NOTICES):		
NAME OF PROPERTY OWNER	COMPLETE ADDRESS OF PROPERTY	COMPLETE ADDRESS OF PROPERTY OWNER (IF DIFFERENT FROM SUBJECT PROPERTY)

APPLICANT'S STATEMENT: I have reviewed and understand the Village of DeForest zoning ordinance pertaining to my particular situation and the standards governing decisions for variances and appeals of Zoning Administrator determinations.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF PROPERTY OWNER (IF DIFFERENT)

DATE



**AGREEMENT RELATED TO REIMBURSEMENT
FOR DEVELOPMENT REVIEW SERVICES
VILLAGE OF DEFOREST, WISCONSIN**

The Village of DeForest may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of any proposal coming before the Planning & Zoning Commission, Zoning Board of Appeals, Extraterritorial Zoning Committees, and/or Village Board. The submittal of a development proposal application or petition by an applicant/petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may apply the charges for these services to the applicant/petitioner. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Applicant/Petitioner pays such fees. Review fees which are applied to an applicant/petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property. The applicant/petitioner shall be required to provide the Village with an executed copy of the following form as a prerequisite to the processing of the development review application:

_____, the Applicant/Petitioner for

(Name of Project) _____ ,

agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the Village, in the judgment of its staff, to obtain additional professional service(s) (e.g., engineering, surveying, planning, legal) to enable the Village to properly address, take appropriate action on, or determine the same, Applicant/Petitioner shall reimburse the Village for the costs thereof.

Dated this _____ day of _____, 201__

(Signature of Applicant/Petitioner)

(Printed Name of Applicant/Petitioner)