

Town of Polk
Washington County, Wisconsin
APPLICATION for APPEAL OR VARIANCE

An Application for Appeal or Variance must be filed with the Zoning Board of Appeals within 30 days of the decision notification.

Name of Property Owner: _____

Address: _____

Phone: _____ Email: _____

Name of Applicant (if different from Property Owner): _____

Address: _____

Phone: _____ Email: _____

Appeal / Variance Requested:

The Applicant, being aggrieved by the decision of the Town Board, Plan Commission, Building Inspector, Zoning Administrator, or Other Officer of the Town was (check one):

___ Denied approval of a requested zoning change on: _____ (date)

___ Denied approval of a requested site plan on: _____ (date)

___ Issued an order or notice of violation on: _____ (date)

___ Denied the issuance of a building permit on: _____ (date)

___ Other (please describe): _____

_____ (date)

Makes this appeal for the following purpose (check one):

___ To seek a variance from the requirements of Section(s) _____ of Chapter 17: Zoning Ordinance of the Town of Polk Code of Ordinances (hereafter, the zoning ordinance).

___ To determine whether the order, requirements, decision, or determination of the Plan Commission, Zoning Administrator, Building Inspector, or Other Office of the Town is in error.

___ To obtain an interpretation of Section(s) _____ of the zoning ordinance.

___ To obtain an interpretation of the location of the boundaries of the _____ zoning district in Section _____ of the Town of Polk.

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Property Description:

Address: (if different than Property Owner) _____

Tax Key #(s) _____ Current Zoning: _____

The Applicant requests that the appeal be granted for the following reasons:

As per Chapter 10.07 of the zoning ordinance, No variance to the provisions of this Chapter shall be granted by the Board unless it finds by the preponderance of evidence presented that **all the following facts and conditions exist** [emphasis added] and so indicates such in the minutes of its proceedings.

- (1) Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

Please explain how the proposed variance complies with the Preservation of Intent provision of Chapter 10.07:

- (2) Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

Please explain how the proposed variance complies with the Exceptional Circumstances provision of Chapter 10.07:

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- (3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Please explain how the proposed variance complies with the Economic Hardship and Self-Imposed Hardship Not Grounds for Variance provision of Chapter 10.07:

- (4) Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Please explain how the proposed variance complies with the Preservation of Property Rights provision of Chapter 10.07:

- (5) Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of Title X or the public interest.

Please explain how the proposed variance complies with the Absence of Detriment provision of Chapter 10.07:

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Application Checklist:

(This Application shall be completed in full. The Town of Polk shall not accept any Application for Zoning Change until all of the information below, as required under Section 10.05 of the Zoning Ordinance, is submitted as attachment to this Application. Please confirm inclusion of the required information by checking each item below).

- ___ Plot Plan drawn to scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 100 feet of the area proposed to be rezoned.

- ___ Owners' Names and Addresses of all parties of interest as defined in Section 13.02 of this Title.

- ___ Additional Information required by the Town Plan Commission or Town Board in order to give appropriate consideration to the petition.

- ___ Please provide 10 copies of materials. An additional digital copy is appreciated.

- ___ Fee Receipt from the Town Treasurer in the amount set forth in Section 12.01 of this Title.

Application Fee:
(\$500.00)

Check Number: _____

Signatures:

Owner or Applicant: _____ Date: _____

Zoning Administrator: _____ Date: _____

Professional Services Fee:

When the services of outside legal, planning, engineering, or other technical advice results in a charge to the Town for professional time and services, the Town Clerk shall charge such fees incurred by the Town to the property owner even if the request is not approved.

I understand and agree that I shall be responsible for any professional services fees incurred by the Town even if my request is not approved.

Owner Signature: _____ Date: _____