



# Petition for Variance

To be used to request a variance from the Zoning Ordinance.

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2828 Allouez Ave., Bellevue, WI 54311 | p. (920) 468-5225

Application Number: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

## TYPE OF REQUEST

☐ Commercial (\$200 fee)

☐ Residential (\$100 fee)

Address of Affected Property: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Date: \_\_\_\_\_

## APPLICANT INFORMATION

Applicant Name: \_\_\_\_\_

Address/City/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## OWNER INFORMATION

Owner Name: \_\_\_\_\_

Address/City/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## VARIANCE INFORMATION

1. A variance is being requested from ordinance section(s): \_\_\_\_\_

\_\_\_\_\_

2. The purpose of this request is: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Compliance with the ordinance will produce hardship because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Describe the unique physical limitations to the property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Additional information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUBMITTED**

**OWNER**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**APPLICANT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

OFFICE USE		
Amount Paid: _____	Date Paid: _____	Receipt #: _____





## Variance Application Guidelines

**APPLICABILITY:** A variance is a relaxation of a dimensional standard in a zoning ordinance (e.g., setbacks, lot area, height, etc.). Variances are decided by the Village of Bellevue Zoning Board of Appeals that must follow rules of due process and functions almost like a court. The board's duty is not to compromise ordinance requirements for a property owner's convenience, but to apply legal standards for granting of a variance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden on use of property. You will be asked to provide written materials and testimony at the public hearing in support of your petition for a variance.

**APPLICATION:** Applicants are encouraged to meet with staff prior to submitting a variance application. The following information shall be submitted in order to process a variance request:

- ☐ Completed application;
- ☐ Detailed plans describing the lot and project (location, dimensions, materials, site characteristics, etc.);
- ☐ Statement describing how the variance request meets the three-step test listed below;
- ☐ Application fee: \$200 Commercial/ \$100 Residential

**REVIEW PROCESS:** After a complete application is submitted, the Community Development Department will publish notice of your request in an official newspaper noting the location and time of the required public hearing before the Zoning Board of Appeals. Your neighbors and any affected state agency will also be notified. The burden will be on you as the 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. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

**APPEAL RIGHTS:** An aggrieved person may appeal a Zoning Board of Appeal's decision to circuit court within 30 days after the Board of Appeal's decision.

**EXPIRATION:** A variance approved by the Board of Appeals shall expire twelve (12) months after the date of approval if work has not started, or if the variance has not been acted upon.

**RESUBMITTAL:** No request which has been denied shall be considered again without material alteration or revision within twelve (12) months of the Board of Appeals' decision.

**THREE-STEP TEST:** To qualify for a variance, your property must meet the following requirements:

1. **Unnecessary Hardship.**

Strict application of an ordinance requirement (dimensional standard) must result in 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. In some more extreme cases open space uses may be the only reasonable use of a property while in others a scaled down home and some relaxation of a setback requirement may provide a reasonable use. The zoning board will balance public interests in preserving the objectives of the ordinance and private interests in a property in determining which uses are reasonable. If a parcel as a whole (but not necessarily each portion of the parcel) provides some reasonable use for its owner, then this test is not met and a variance cannot be granted. An applicant may not claim 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 not suitable location for a home). Courts have determined that loss of profit or financial hardship does not by themselves justify a variance. Decks and similar minor accessory structures are not essential to the reasonable use of property and are not eligible for variances.

2. **Hardship Due to Unique Physical Limitations of the Property.**

Hardship must be due to unique physical limitations of the property, i.e. compliance with ordinance requirements is prevented by limitations (steep slopes, wetlands, irregular shaped lots, etc.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.



3. **No Harm to Public Interests.**

A variance may not be granted which results in harm to public interests. In applying this test, the board must consider impacts of your proposal and the cumulative impacts of similar projects on the interests of the entire community. These interests are listed as objectives in the purpose statement of an ordinance and may include general public health, safety and welfare as well as more specific issues such as environmental protection, clean drinking water and other concerns.

**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.
- Expiration of permit. A variance approved by the Board of Appeals shall expire twelve (12) months after the approval date if work has not been started, or if the variance has not been acted upon.
- Transfer of rights. Because a property (rather than its owner) may qualify for a variance, a variance transfers with the property to subsequent owners.

**If you have additional questions or comments, do not hesitate to contact:**

Village of Bellevue – Zoning Administrator  
2828 Allouez Ave.  
Green Bay, WI 54311  
**(920) 468-5225**

