

CITY OF CHIPPEWA FALLS ZONING BOARD OF APPEALS

INSTRUCTION AND INFORMATION SHEET

This instruction and information sheet is designed to help you understand the appeal process and to help you submit a complete application for review by the Zoning Board of Appeals. If you have any questions after reading these instructions you may contact the Inspection/Zoning Department for assistance.

POWERS OF THE ZONING BOARD OF APPEALS

- **Errors.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the City Zoning Code.
- **Variances.** To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured.

FINDINGS

- No variance to the provisions of the City Zoning Code Chapter 17 shall be granted by the Board unless it finds beyond a reasonable doubt that the following facts and conditions exist and so indicates in the minutes its proceedings

Burden of Proof. The burden is upon the applicant to prove the need for a variance.

Exceptional Physical Conditions. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, such as a shallow or steep parcel of land, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Unique Circumstances. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the zoning classification.

Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for receiving a variance.

Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Absence of Detriment. The proposed variance shall not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effect.

Neighboring Violations. Violations by neighboring owners do not justify granting a variance.

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 uses or conditional use in that particular district.

REQUIRED INFORMATION

All required information listed below must be returned to the City of Chippewa Falls Inspection/Zoning Department, 30 West Central Street, Chippewa Falls WI 54729.

- A completed application. Applications must be typed or clearly printed. Incomplete applications will NOT be accepted.

- An 8 ½" x 11" site plan drawn to scale which must include the following information:
 1. The actual shape, location and dimensions of the lot with property boundaries clearly indicated.
 2. North arrow.
 3. The shape, size and location of all buildings and structures existing on the property and the proposed building or structure. Include distances to all property lines.
 4. The location of driveways, easements, abutting streets or alleys.
- Elevation views that accurately depict the proposed building or structure and height.

Incomplete plans could delay the process or cause a variance to be denied.

- \$225.00 fee payable to the City of Chippewa Falls.

HEARINGS

- Hearings are held on the second Tuesday of each month at 5:00 p.m. in the City Hall Council Chambers. The application, required materials and fee must be submitted by 5:00 p.m. on the Thursday that is 26 days before the meeting date. You or your authorized agent must be present for the Board to take action on your request.
- The notice of public hearing including your request is published two times in the local newspaper approximately 10 and 17 days before the scheduled meeting.
- Approximately 10 days before the meeting, notices of the hearing will be mailed to you and every property owner within 150 feet of the subject property, of the date, time and location of the hearing and your request.
- A concurring vote of 4 members is necessary to grant a variance.

PERMITS

- Building permits or other required permits are not automatically issued. If a variance is granted, you must apply for and obtain the proper permits.

ZONING BOARD OF APPEALS APPLICATION

(Type or Print)

PAGE 1

GENERAL INFORMATION

Applicant: _____
Address: _____
City: _____ State _____ Zip _____
Home phone # _____ Other phone # _____

PROPERTY OWNER

Name: _____
Address: _____
City: _____ State _____ Zip _____
Home phone # _____ Other phone # _____

LOCATION OF PROPERTY FOR WHICH VARIANCE IS REQUESTED

Legal Description of property: _____ Parcel number _____
Address: _____ Zoning District _____
Current Use of property: (Single family) (Two family) (Multi-family) (Commercial) (Industrial) (Vacant) (Other _____)
Circle appropriate use(s)

REQUEST INFORMATION

Applicants request: _____

Ordinance requirement _____ Ordinance Section # _____

AFFIDAVIT BY APPLICANT

The undersigned, being duly sworn, acknowledges that the information provided herein is accurate and true to the best of his/her knowledge and belief and hereby grants permission for members of the City of Chippewa Falls Zoning Board of Appeals and Administrative staff to conduct a site inspection of the subject property for the purposes of gathering information related to this application.

Subscribed and sworn before me this

_____ day of _____ 20____

Notary Public, Chippewa County, Wisconsin

My Commission Expires _____

Applicants Signature (Needs notarization)

No variance to the provisions of the City Zoning Code Chapter 17 shall be granted by the Board unless it finds beyond a reasonable doubt that the following facts and conditions exist and so indicates in the minutes its proceedings. (*Responses to the following may be submitted on a separate sheet.*)

- Burden of Proof. The burden is upon the applicant to prove the need for a variance.
- Neighboring Violations. Violations by neighboring owners do not justify granting a variance.
- Exceptional Physical Conditions. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, such as a shallow or steep parcel of land, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. (***i.e., Why is your property unique when compared to others in the neighborhood?***)

- Unique Circumstances. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the zoning classification. (***i.e., What circumstances exist that are unique to your property when compared to others in the neighborhood?***)

- Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for receiving a variance. (***i.e., Do you have reasons, other than financial gain or loss, for asking for the variance? If so, explain.***)

- Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity. (***i.e., What property rights do your neighbors enjoy that you can't because of the nature of your property?***)

- Absence of Detriment. The proposed variance shall not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effect. (***i.e., Will granting the variance to you negatively affect your neighbors or the public in general?***)

- 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 uses or conditional use in that particular district. (***i.e., How do you intend to preserve the intent of the Ordinance?***)
