

**RESOLUTION REGARDING APPLICATION FOR GRANT OF VARIANCE**

**Applicant's Name and Date**

Based on the evidence presented at the public hearing, the findings from the testimony, and observations on site, the following findings of fact and conclusions were brought forth and discussed:

**APPROVAL** - A motion to **APPROVE** was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

An unnecessary **hardship is present** and the current code requirements would be **unnecessarily burdensome** and **prevent** the applicant from using the property for a permitted use because:

- no other alternatives exist
- impacts are being minimized by mitigation
- minimal relaxation of code is being granted
- a permitted use is not possible on this property without a variance approval
- the circumstances are beyond the control of the applicant and are unique to the property not the applicant
- the lot predates zoning regulations
- the construction matches the lot and available area

Other: \_\_\_\_\_

The **hardship is due to unique physical features or limitations of the property** and not the circumstances of the applicant as follows:

- no buildable area                       narrow lot width
- shallow lot depth                       steep slopes
- overlapping setbacks                       no other room for septic
- very small lot size                       erosion exists

Other: \_\_\_\_\_

The **variance will not harm the public interest or neighboring land uses**, and damage the intent of the zoning code because:

- visibility is good                       traffic is light
- septic will be upgraded                       traffic is slowed here
- turnaround proposed                       bad situation better
- good vegetation exists or is proposed
- proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed
- literal enforcement of the zoning code would be unnecessarily burdensome
- the testimony in opposition has been considered but no valid reasons could be found to deny

Other: \_\_\_\_\_

The requested variance is hereby **approved** with the following conditions:

- The development must be in substantial compliance with the site plan.
- The first floor elevation and filling and grading shall be done in accordance with the site plan and additional information provided at the public hearing.
- The non-conforming \_\_\_\_\_ must be removed within \_\_\_\_\_ days.
- All other required setbacks must be complied with.
- All permits must be obtained, including land use, building, and sanitary, or proper connection to municipal sewer.
- All code requirements must be complied with (height, filling and grading, vegetation removal, driveways, etc.)
- It is the responsibility of the builder and landowner to protect the neighboring lots / lake / road during construction.
- An LCD approved re-vegetation plan must be in place and viable within one year, and an affidavit must be signed to maintain this required vegetative buffer.
- Erosion control and stormwater management plan must be in place prior to construction starting.
- A plat of survey or Certified Survey map is required prior to the start of construction.
- The wetland boundary shall be delineated and shown on a certified survey map, prior to construction.
- Any future construction cannot occur without first obtaining a variance.
- The Board agrees with the concerns of DNR but on-site observations and conditions of approval should mitigate those.
- The driveway shall meet all code specifications and shall provide suitable turnaround to prevent backing onto the road.
- A uniform property address will need to be assigned, once the permanent driveway location is established.
- The applicant will allow agents of Waushara County access to the property to ensure compliance with the terms of this decision, Waushara County codes, and state and federal Laws.

Other: \_\_\_\_\_

**DENIAL** - A motion to **DENY** was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.  
Unnecessary **hardship is not present** and the code requirements are not unnecessarily burdensome and **will not prevent the owner from using the property for a permitted use** because:

- land owner has reasonable use already
- cumulative impacts can be foreseen
- self imposed hardship cannot be grounds for an approval
- the Board concurs with the concerns expressed by \_\_\_\_\_
- other alternatives exist such as building in another location or building a smaller structure
- loss of profit or inconvenience is not a hardship

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The **hardship is not due to unique physical features or limitations of the property** and appear to be unique to the applicant as follows:

- many other similar lots in area       hardship is unique to the property owner
- no unique lot features
- self imposed hardship                       no hardship noted
- loss of profit is not a hardship       convenience only

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The **variance will harm the public interest or neighboring land uses**, and damage the intent of the zoning code because:

- setting a precedent                       safety is compromised
- bad situation will be made worse
- increase in water runoff and erosion is anticipated
- harm to water quality is anticipated
- proposal is a convenience
- an approval would undermine the code and harm the neighboring properties and public interest at large
- landowner should pursue other locations or building plans

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The requested variance is hereby **denied** with the following conditions:

- The \_\_\_\_\_ must be removed within \_\_\_\_\_ days.
- The applicant will allow agents of Waushara County access to the property to ensure compliance with the terms of this decision, Waushara County Codes, and State and Federal laws.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TABLE** - A motion to **TABLE** was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.  
 The requested variance is **tabled** to the ( ) business meeting or ( ) public hearing scheduled for \_\_\_\_\_, 2007.  
 This will allow the applicant to complete the following:

- ( ) The applicant is instructed to contact the \_\_\_\_\_ to attempt a resolution.
- ( ) A plat of survey or Certified Survey Map must be made of the property to accurately locate lot lines, buildings, and ROW's.
- ( ) A better site plan with elevations drawings is necessary.
- ( ) An erosion control and stormwater management plan is required, and must be approved by LCD to address those issues.

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Based upon the aforementioned findings, the following vote was taken to **approve deny table** (circle one) and a notice of this decision shall be filed with the Zoning Office, describing the action taken by the Board of Adjustment in this matter.

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABS</b>
Fred Gellerup	( )	( )	( )
James Warwick	( )	( )	( )
Roger R. Wagner	( )	( )	( )
Walter Petersen	( )	( )	( )
George Wilson	( )	( )	( )
ALTERNATES: John Benz	( )	( )	( )
Gerald Kraus	( )	( )	( )

BOAmindecision