

TOWN OF WEST BEND
WASHINGTON COUNTY, WISCONSIN

APPLICATION FOR BOARD OF APPEAL HEARING

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIPCODE _____

PHONE NUMBER _____ (home) _____ (work)

The undersigned owners of the following described real estate:

PROPERTY ADDRESS _____

LEGAL DESCRIPTION: Tax Key T13-_____ Parcel _____ Sec. _____

were refused a permit by the building inspector of the construction/variance for:

SETBACKS:	Required	Requested	Variance for
Street yard	_____	_____	_____
Rear yard	_____	_____	_____
__ side yard	_____	_____	_____
__ side yard	_____	_____	_____
Shore yard	_____	_____	_____
Height	_____	_____	_____
Open space	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

and hereby request the Board of Appeals to hear the appeal for:

- (1) a variance from the requirements of the Zoning Ordinance Section(s) _____
- (2) An interpretation of the Zoning Ordinance.
- (3) _____

on said real estate and do hereby appeal from said ruling and decision for the following reasons:

A. _____

B. _____

C. _____

D. _____

E. _____

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- A. **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.
- B. **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 or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- C. **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.
- D. **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.
- E. **Absence of Detriment**: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

