

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: _____ Address: _____

City/zip: _____

Owner: _____ Address: _____

City/zip: _____

Contact Person/Name: _____

Phone Number: _____ Email: _____

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: _____
regarding:

(street address or legal description)

in order to: _____

APPLICANT MUST PROVIDE:

Application form

\$250 filing fee

1 copy each of the following documents

1. Copy of denial letter if any, or a description of the denial
2. Letter explaining hardship or practical difficulty in complying with the ordinance requirement(s)
3. Detailed dimension drawing of/and indicating area where appeal/variance is requested
4. Elevation drawings if appropriate (4 views)

FOR OFFICE USE ONLY

Receiving Officer: _____	Received Date: _____
Parcel #: _____	Hearing Date: _____
Zoning District: _____	Receipt #: _____
Alderman & District #: _____	Published: _____

c: Notice of scheduled hearing to DISTRICT ALDERPERSON, OWNER(S) OF RECORD as listed in the Office of the Assessor and all parcels in the City of Mequon as per state statute and City of Mequon Communication Policy.

Board of Appeals Overview – Appealing a Variance Decision

City of Mequon, Wisconsin

Introduction

The Board of Appeals (BOA) is a quasi-judicial body created and regulated by Wis. Stat §62.23(7)(e) and City of Mequon ordinances section 58-41. The purpose of the Board of Appeals is to afford any aggrieved person, officer, department, board or bureau of the City, affected by any decision of an administrative officer, the right to appeal the decision.

It is very important that your application provide information that is clear and accurate. In order for City staff and the members of the Board to understand the scope of your request, your application must have enough information to effectively communicate the nature of your appeal. At the hearing, the members of the BOA and representatives from various City departments will depend on the materials you have submitted in order to fairly evaluate your claim, and render an appropriate decision.

How the Process Works

Step 1: Applying for a variance

To qualify for a variance, an applicant has the burden of proof to demonstrate at a public hearing before the Board of Appeals the following:

1. Unnecessary hardship due to the unique physical limitations of the property and not the particular circumstances of the applicant. The unnecessary hardship must not be self-imposed by the applicant or prior owners of the property. Further, economic loss or financial hardship cannot serve as the basis for justifying a variance.
2. The variance will not create a substantial detriment to an adjacent or neighboring property, and will not be contrary to the public interest or public safety.

Step 2: Prepare your application and supporting plans and materials.

Part of the application submittal process requires that detailed information be provided regarding the nature of your appeal. This may include photos of the property, floor plans, and/or a plan of operation for a proposed use. Depending on what type of appeal you are making to the Board, different types of documents may be required. Please contact the City Clerk's Office if you have any questions about what materials are needed for your appeal. When you have prepared all of the necessary materials, return them to the City Clerk's Office, along with the \$250 application filing fee. Checks may be made payable to: The City of Mequon.

Step 3: City staff will process your application and forward it to Board of Appeals

The City Clerk's Office will review your application and it may be determined that more information is required before a recommendation can be made. If such a request for additional information is made, it is very important that you respond to it promptly. Any delay in responding to requests for additional information may result in further scheduling delays before your item can be considered before the BOA.

Once it is determined that you have submitted sufficient information to proceed to a hearing, you will be placed on the next available agenda. The BOA meets on the first Thursday of each month at 6:00 pm at City Hall, 11333 N. Cedarburg Road.

Step 4: A public hearing is held

At the public hearing, the Board will review submitted materials, staff reports, and any written letters or comments that the Board has received. The Board will take oral testimony from the applicant, City staff and any interested parties at the public hearing. As a general rule, all of the Board's hearings are open to the public and the public is invited to attend any session of the Board of Appeals.

In making its findings and determinations, the Board of Appeals may consider factors such as: characteristics of the property, including, but not limited to: relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks; existing and future use of the property; useful life of improvements at issue; disability of an occupant; aesthetics; degree of non-compliance with the requirements allowed by the variance; proximity to and character of any surrounding properties; zoning of the area in which property is located and neighboring areas; and the purpose and intent of the Zoning Code subsection imposing the requirements.

Step 5: The Board will render a verbal decision and will provide a written decision

After the hearing, a copy of the written decision will be mailed to you according to City of Mequon ordinance section 58-41(g). Any variance granted by the Board of Appeals may contain conditions that it deems necessary, including, but not limited to, conditions that:

1. Prescribe the duration of the variance to be:
 - a. Permanent, thereby remaining permanently with the property;
 - b. A specified length of time; or,
 - c. The time period during which the property is owned or occupied by a particular person.
2. Require the performance of additional actions to the mitigation or enhancement of impacts resulting from the variance.
3. Prescribe a limitation on the action effectively authorized by the variance.

If your appeal is denied by the Board, you have the right to appeal. Anyone aggrieved by a decision of the Board of Appeals has the right to appeal that decision to Circuit Court within 30 calendar days of the date of the written decision.

Note: If you have questions regarding whether going to the Board of Appeals is your best course of action, appeals to the Circuit Court, or the effect of a Board of Appeals decision, please contact legal professionals.