



Department of Planning and Community and Economic Development
Building Inspection Division

Website: www.cityofmadison.com

215 Martin Luther King Jr Blvd, Suite 017
P.O. Box 2984
Madison, Wisconsin 53701-2984
TDD 608 266 4747
PH 608 266 4551

Dear Applicant:

In this packet you will find the variance application and standards by which the Zoning Board of Appeals will base their decision. You must complete the application fully, submit all materials requested with the application, and specifically address how the project meets all variance standards.

The Zoning Board of Appeals consists of seven citizen members, appointed by the Mayor and approved by the City Council, who give their time without compensation. Normally there are five members present at the hearing and it takes a majority of votes to approve a variance. The meetings are low key and only as formal as is necessary. Cases are generally heard in the order as they appear on the agenda. A member of City staff will explain the details of your case to the Board and present photographs, taken by a staff member during an outside inspection of your property. You will then be invited to present information explaining how your request meets the standards for the granting of a variance. All owners and occupants of neighboring properties within 200 feet will be notified of your project, and any interested party will be allowed an opportunity to speak on your variance request.

Before you submit your application, please contact Zoning at (608) 266-4556 to arrange a meeting with the Zoning Administrator to discuss your project and the variance process. A quality submittal and thoughtful presentation relative to the standards of approval for zoning variances increases the probability of a favorable decision by the Board.

IMPORTANT – The Zoning Board of Appeals reviews variance requests using standards adopted by the City Council and provided by law. A complete submittal should specifically address each standard and be prepared in consideration of these standards. Please be aware that any statements made in the application or at the meeting require evidentiary support in order to be considered fact. The variance standards may be found on the following pages of this packet.

Sincerely,

Matt Tucker
Zoning Administrator
266-4569

Jenny Kirchgatter
Assistant Zoning Administrator
266-4429

Jacob Moskowitz
Assistant Zoning Administrator
266-4560

Standards for Variance: The Zoning Board of Appeals shall not grant a variance unless the applicant shows and the Board finds that the following standards have been met:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.
3. For an area variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.
4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.
5. The proposed variance shall not create substantial detriment to adjacent property.
6. The proposed variance shall be compatible with the character of the immediate neighborhood.

– IMPORTANT –

Your presentation and submitted materials must address all of the above conditions, as the Zoning Board of Appeals must find that all of the standards are met for a variance to be approved. **Any statements made must be supported by competent evidence in order to be considered as fact.**



**CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

\$300 Filing Fee

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Address of Subject Property: _____

Name of Owner: _____

Address of Owner (if different than above): _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Name of Applicant (Owner's Representative): _____

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance: _____

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: _____

Hearing Date: _____

Receipt: _____

Published Date: _____

Filing Date: _____

Appeal Number: _____

Received By: _____

GQ: _____

Parcel Number: _____

Code Section(s): _____

Zoning District: _____

Alder District: _____

Standards for Variance

The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

3. For an area (setbacks, etc) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

5. The proposed variance shall not create substantial detriment to adjacent property.

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

Application Requirements

Please provide the following information: Incomplete applications could result in referral or denial by the Zoning Board of Appeals. (Maximum size for all drawings is 11" x 17".)

<input type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant has met to discuss the proposed project and submittal material with the Zoning Administrator.
<input type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input type="checkbox"/> North arrow
<input type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s).
<input type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans).
<input type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input type="checkbox"/>	Digital copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input type="checkbox"/>	CHECK HERE. I understand that in order to process my variance application, City Staff will need access to my property so that they can take photographs and conduct a pre-hearing inspection of the property. I therefore give City Staff my permission to enter my property for the purpose of conducting a pre-hearing inspection and taking photographs.
<input type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input type="checkbox"/>	CHECK HERE. I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature: _____ **Date:** _____

------(For Office Use Only)-----

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(is) (is not)** in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

The Zoning Board of Appeals: **Approved** **Denied** **Conditionally Approved**

Zoning Board of Appeals Chair: _____ **Date:** _____