



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
Phone 608 266 4551
TDD 608 266 4747

Dear Applicant:

Zoning laws govern how you can develop your property. Variances are exceptions to those laws. The Zoning Board of Appeals (ZBA) hears variance requests at its monthly meetings. Before you submit your variance application, please contact the Zoning Administrator at (608) 266-4569. You must have a pre-application meeting at least one week before the application deadline. At the meeting, we will discuss your project and the variance process.

In this packet, you will find the variance application and the six standards which the ZBA uses to approve or deny a variance request. To apply for a variance, you must:

1. Complete the application.
2. Submit all required materials.
3. Specifically outline how the project meets all six variance standards.

You can improve your odds of approval with a quality submission.

The ZBA consists of seven volunteer members. The Mayor appoints members, and the City Council approves them. At ZBA hearings, there are typically five members present. It takes a majority of votes to approve a variance. During the hearing, City staff will explain the details of your case to the Board. We will also show photographs taken by staff at an outside inspection of your property. The Board will then invite you to present information. You will explain how your request meets the six standards for the approval of a variance. We will send notice of your application to owners and occupants of properties within 200 feet. Any interested party will be able to speak on your variance request.

IMPORTANT –

The ZBA reviews requests using the six standards adopted by the City Council and outlined by law. You can find the variance standards on the following page of this packet. We require evidence for facts you provide in the application and in ZBA hearings.

Sincerely,

Katie Bannon, AICP
Zoning Administrator
(608) 266-4569

Jenny Kirchgatter
Assistant Zoning Administrator
(608) 266-4429

Jacob Moskowitz
Assistant Zoning Administrator
(608) 266-4560

Standards for Variances:

The Zoning Board of Appeals shall not grant a variance unless you show, and the Board finds, that your request meets all the following standards:

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.



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

\$300 Filing Fee

Type or print legibly 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.

OFFICE USE ONLY

Amount Paid: _____
Receipt: _____
Filing Date: _____
Received By: _____
Parcel Number: _____
Zoning District: _____
Alder District: _____

Hearing Date: _____
Published Date: _____
Appeal Number: _____
GQ: _____
Code Section(s): _____

Standards for Variance

The ZBA will only grant a variance if it finds that your proposal meets the following standards. Please explain how your variance request meets these standards.

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

The Zoning Board of Appeals may refer or deny applicants with incomplete applications. Note, the maximum printed size for drawings is 11" x 17." Please provide the following information:

<input type="checkbox"/>	Pre-application meeting with staff. Before you submit this application, meet with the Zoning Administrator. Together, you will discuss your proposed project and submission material. Contact Zoning at least one week prior to the application submission deadline to schedule the meeting. Your application will not be accepted unless a pre-application meeting has been held.		
<input type="checkbox"/>	Site plan , drawn to scale. We recommend a registered survey, but it is not required. On the plan, show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines. <input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines. <input type="checkbox"/> Approximate location of structures on properties next 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 directions showing existing and proposed. Show the existing structure and proposed addition(s).		
<input type="checkbox"/>	Interior floor plan of existing and proposed structure , if required. Most additions and expansions will require floor plans.		
<input type="checkbox"/>	Front yard variance requests. Show the front yard setback of all other properties on the same block face.		
<input type="checkbox"/>	Lakefront setback variance requests. Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.		
<input type="checkbox"/>	Variance requests involving slope, grade, or trees. Show: <ul style="list-style-type: none"> <input type="checkbox"/> Approximate location and amount of slope. <input type="checkbox"/> Direction of drainage. <input type="checkbox"/> Location, species and size of trees. 		
<input type="checkbox"/>	Email digital copies of all plans and drawings to: zoning@cityofmadison.com.		
<input type="checkbox"/>	CHECK HERE. I understand that as part of my variance request, City of Madison staff will need access to my property. Staff will take photographs and do a pre-hearing inspection of the property. I give City Staff permission to enter my property, inspect the property, and take photographs.		
<input type="checkbox"/>	CHECK HERE. I acknowledge that any statements implied as fact require evidence.		
<input type="checkbox"/>	CHECK HERE. City of Madison staff has given me a copy of the standards that the Zoning Board of Appeals will use to review variance applications.		
<table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 70%;">Property Owner's Signature: _____</td> <td style="border: none; width: 30%;">Date: _____</td> </tr> </table>		Property Owner's Signature: _____	Date: _____
Property Owner's Signature: _____	Date: _____		

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

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(does) (does not)** meet all 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:** _____