

APPLICATION FOR VARIANCE

Name of Applicant: _____

Address: _____

Telephone No. & Email: _____

Property Owner: _____

Telephone No. & Email: _____

Owner Signature: _____

Legal description of property (include separate sheet if necessary):

Proposed Use: _____

TERMS OF ORDINANCE:

VARIANCE REQUESTED:

SEE ATTACHED CHECKLIST FOR SUBMITTAL REQUIREMENTS.

VARIANCE FEE: \$400.00 PAYABLE UPON FILING APPLICATION.

Date filed

Signature of Applicant

_____ Cost Recovery # _____
Petitioner Name _____ Project Address _____

OFFICE USE ONLY _____ Description of Request _____

Agreement for Services

REIMBURSABLE BY THE PETITIONER / APPLICANT. The city may retain the services of the professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposals coming before the Plan commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any financing charges that may accrue. The City applies the charges for these services to the Petitioner. The City Administrator at any time may require an applicant to submit an advance deposit of **\$500 to \$5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** Surplus deposits shall be returned to the Applicant at the conclusion of the project.

_____, as applicant/petitioner for

Project: _____

Project Address: _____

Parcel No. _____

Name: _____

Address: _____

Cell Phone: (____) - _____ - _____ Phone: (____) - _____ - _____

Email: _____

Dated this _____ Day of _____, 20_____

Printed Name of Applicant / Petitioner

Signature of Applicant/Petitioner

Applicant/Petitioner agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof

Section 98-935 Fees:

(1) Fees for Procedures or Permits Requested by a Private Party: The fees for the procedures and permits established by this Chapter shall be established by resolution of the Common Council of the City of Lake Geneva

(2) Fees for Procedures Requested by the City of Lake Geneva: There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency, or official of the City of Lake Geneva.

(3) Payment of Fees: Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.

(4) Professional Consultant Review Services: The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission. The City may apply the charges for these services to the Petitioner. The City will require the Petitioner to sign a professional consultant review services form. The City Administrator at any time may require an applicant to submit an advance deposit **of \$500 to \$5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Petitioner. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property.

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
VARIANCE REVIEW AND APPROVAL (Requirements per Section 98-910)**

This form should be used by the Applicant as a guide to submitting a complete application for a variance and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

___ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

___ **Application fee of \$ ___ received by Zoning Administrator:** **Date:** _____ **by:** _____

___ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ *by:* _____

↓ *Draft Final Packet (1 Copy to Zoning Administrator)*

Date: _____ *by:* _____

↓

___ (a) **A map of the subject property:**

- ___ Showing all lands for which the variance is proposed;
- ___ Showing all other lands within 300 feet of the subject property;
- ___ Referencing a list of names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as determined by the City of Lake Geneva).
- ___ Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control;
- ___ Map and all its parts are clearly reproducible with a photocopier;
- ___ Map scale not less than one inch equals 800 feet;
- ___ All lot dimensions of the subject property provided;
- ___ Graphic scale and north arrow provided.

____ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;**

- _____ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
- _____ (d) A site plan of the subject property as proposed for development conforming to all requirements of Section 98-908(3). *(See "Site Plan Approval checklist")*
- _____ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 98-910(4)(c)1.-6. *(See below)*

III. JUSTIFICATION OF THE PROPOSED VARIANCE

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.

a. Describe the hardship or difficulty that is peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

NOTE:

- *Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
- *Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
- *Violations by, or variances granted to, neighboring properties shall not justify a variance;
- *The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

2. In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

5. Have the factors which present the reason for the proposed variance been created by the act of the Application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of the Zoning Ordinance (see Section 98-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of the Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.

6. Does the proposed variance involve the regulations of Section 98-203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

IV. FINAL APPLICATION PACKET INFORMATION

____ **Receipt of Final Application Packet by Zoning Administrator:** Date: _____ by: _____

____ **Receipt of 20 Copies of Final Applications by Zoning Administrator:** Date: _____ by: _____

____ **A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline.** Date: _____ by: _____

____ **Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:** Date: _____ by: _____

____ **Class 2 Legal Notice sent to official newspaper by City Clerk:** Date: _____ by: _____

____ **Class 2 Legal Notice published on _____ and _____** by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
SITE PLAN REVIEW AND APPROVAL (Requirements per Section 98-908)**

This form should be used by the Applicant as a guide to submitting a complete application for a site plan review and by the City to process said application. Part II should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

___ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

___ **Application fee of \$ ___ received by Zoning Administrator:** **Date:** _____ **by:** _____

___ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator) **Date:** _____ **by:** _____

↓ *Draft Final Packet (1 Copy to Zoning Administrator)* **Date:** _____ **by:** _____

↓

___ (a) **A written description of the intended use describing in reasonable detail the:**

- ___ Existing zoning district(s) (and proposed zoning district(s) if different);
- ___ Land use plan map designation(s);
- ___ Current land uses present on the subject property;
- ___ Proposed land uses for the subject property (per Section 98-206);
- ___ Projected number of residents, employees, and daily customers;
- ___ Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
- ___ Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;

- ___ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;
- ___ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII.";
- ___ Exterior building and fencing materials (Sections 98-718 and 98-720);
- ___ Possible future expansion and related implications for points above;
- ___ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

___ (b) **A Small Location Map** at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

___ (c) **A Property Site Plan drawing which includes:**

- ___ A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
 - ___ The date of the original plan and the latest date of revision to the plan;
 - ___ A north arrow and a graphic scale (not smaller than one inch equals 100 feet);
 - ___ A reduction of the drawing at 11" x 17";
 - ___ A legal description of the subject property;
 - ___ All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - ___ All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 - ___ All required building setback lines;
 - ___ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 - ___ The location and dimension (cross-section and entry throat) of all access points onto public streets;
 - ___ The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance;
 - ___ The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
 - ___ The location of all outdoor storage areas and the design of all screening devices;
 - ___ The location, type, height, size and lighting of all signage on the subject property to include a photometric plan;
 - ___ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;
 - ___ All engineering requirements for utilities, site designs, etc;
 - ___ The location and type of any permanently protected green space areas;
 - ___ The location of existing and proposed drainage facilities for storm water;
-

_____ In the legend, data for the subject property on:

- _____ Lot Area;
- _____ Floor Area;
- _____ Floor Area Ratio (b/a);
- _____ Impervious Surface Area;
- _____ Impervious Surface Ratio (d/a);
- _____ Building Height.

_____ (d) **A Detailed Landscaping Plan of the subject property:**

- _____ Scale same as main plan (> or equal to 1" equals 100')
- _____ Map reduction at 11" x 17"
- _____ Showing the location of all required bufferyard and landscaping areas
- _____ Showing existing and proposed Landscape Point fencing
- _____ Showing berm options for meeting said requirements
- _____ Demonstrating complete compliance with the requirements of Article VI
- _____ Providing individual plant locations and species, fencing types and heights, and berm heights;

_____ (e) **A Grading and Erosion Control Plan:**

- _____ Same scale as the main plan (> or equal to 1" equals 100')
- _____ Map reduction at 11" x 17"
- _____ Showing existing and proposed grades including retention walls and related devices, and erosion control measures.

_____ (f) **Elevation Drawings of proposed buildings or remodeling of existing buildings:**

- _____ Showing finished exterior treatment;
- _____ With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance;
- _____ Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

III. FINAL APPLICATION PACKET INFORMATION

_____ Receipt of 5 full scale copies in blue/line or black/line of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

_____ Receipt of 20 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

_____ A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline. Date: _____ by: _____
