



This brochure cannot completely explain all the applicable land use regulations that apply to variances, or other zoning requirements. If you have questions about these or other programs administered through our office, please feel free to contact us at:

Waushara County
Land Conservation & Zoning Office
PO Box 1109
Wautoma, WI 54982
Phone (920) 787-0453

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VARIANCE REQUESTS



A guide to the Waushara
County Landowner

Waushara County
Land Conservation & Zoning Office
PO Box 1109
Wautoma, WI 54982-1109
Phone (920) 787-0453
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WHAT IS A VARIANCE?

Because an ordinance cannot anticipate every land use situation that will arise within the county, there needs to be a way to give the ordinance some flexibility.

A variance is permission granted by the Waushara County Board of Adjustments for relaxation of a ***dimensional*** standard required in the Zoning Ordinance, such as a request to construct a building closer than the required setback to a side or rear lot line. A property may be eligible for such a variance.

A variance ***cannot be requested for a use not permitted within the zoning district.*** This would require a zone change to a different zoning district.

A variance ***is not a convenience to a property owner***, nor should a variance be granted for reasons common to other properties.

It is the responsibility of the person applying for a variance to prove to the Board of Adjustments that a variance is necessary.

HOW DOES THE VARIANCE PROCEDURE WORK?

An application form must be completed by the Zoning Office. This is best done in person at the Zoning Office. Calling ahead for an appointment will ensure your request gets processed in a timely manner.

An application fee must be filed, along with a detailed site plan showing all pertinent existing and proposed items. If application will involve the installation of a new septic system, or evaluation of an existing system, all pertinent information must be received prior to the hearing. Written explanations of the variance are also helpful.

A copy of the application is sent to the Township, property owners within 300', and, depending on the location of the property, in some cases the DNR or other affected government office. We encourage all applicants to contact these parties, in advance, to explain their proposal to them in person.

We also are required by law to publish a notice twice in the Waushara Argus before a public hearing can be held. This process means that there is at least a 30 day waiting period between when your application is filed and a hearing will be held. ***It is important that you attend the hearing, because it will be your responsibility to prove why a variance is needed. Failure to appear may result in a denial.***

WHAT ARE THE STANDARDS THAT ARE FOLLOWED IN DECIDING VARIANCE?

The applicant for a variance must clearly show the board that three statutory standards that govern granting a variance be met. They are:

1. Unnecessary Hardship -

Unnecessary hardship is a situation where compliance with the strict letter of the restrictions governing the area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The hardship must be peculiar to that parcel, such as a narrow or steep lot or other physical limitations. In addition, the relief requested must be consistent with the public interest. Convenience, loss of profit, financial or self created hardships are not grounds for granting a variance.

2. Unique Property Limitations -

Unique physical limitations of the parcel, not the desires of the applicant, must prevent the development of the lot.

3. Protection of the Public Interest -

Granting of a variance must neither harm the public interest or undermine the purposes of the ordinance. The public interest includes the interest of the public at large, not just neighboring property owners.
