PUBLIC HEARING GUIDE

Public hearings are held jointly by the Planning & Zoning Committee (considers zone change and conditional use permits) and the Board of Adjustments (considers variances and administrative appeals) in room 265 of the Waushara County Courthouse on a monthly basis. Attached you will find a schedule of public hearing and associated deadline dates for the upcoming year.

**Information you need to submit for a complete public hearing application...**

**ALL PUBLIC HEARING APPLICATIONS MUST INCLUDE:**
- Fee in the amount of
- Signed “Public Hearing Reminder Dates”
- Signed Application
  (to be completed in zoning office when all info received)
- Owner affidavit OR copy of accepted offer to purchase
  (required if applicant is not the landowner-attached)
- Evaluation of existing septic system / soils for new system
- Site Plan (sample attached)
- Narrative outlining details of application

**VARIANCES MUST INCLUDE:**
- Completed variance request standards (attached)
- Elevation drawing of all sides of proposed construction
- If application is to a side/rear/front/road setback, Certified Survey Map or Plat of Survey that shows all improvements
  UNLESS property is in a platted/platted subdivision,
  AND existing irons identifying property lines are found.

**ZONE CHANGES MUST INCLUDE:**
- Preliminary soils showing conditions “mound or better”
- Proposal in compliance with townships land use plan

**TRAVEL TRAILERS MUST INCLUDE:**
- Copy of title and registration of unit
- Color photographs of all sides of unit

**Contacts you should make regarding your public hearing application...**

Our office is obligated to notify regulatory agencies that might have an interest in the application. It is always in your best interest to contact any or all of these individuals to convey the particulars of your request and learn if any conflict exists. You would then have time to modify your plans, if you choose, to alleviate any concerns expressed. Listed below are suggested contacts:

- **Chairman, Town of**
  - (name) (phone)
- **Lake Association**
  - (contact name) (phone)
- **Fred Dahle, Commercial Bldg Inspector** 608-548-1240
  (if application involves a commercial business and for verification
  if your project will be subject to commercial bldg codes)
- **Mary Robl, County Health Agent** (920) 787-6536
  (if application involves a campground, rooming/boarding facility,
  or event where food will be served)
- **Landowners within 300’ of the boundaries of the
  Property subject to application**

- **Dale Rzabek, DNR Shoreland Zoning Specialist**
  Phone: 920-303-5440, Dale.Rzabek@wisconsin.gov
  (if your application is within the shoreland area)
- **Sheriff’s Department**
  920-787-3321 (if your application involves a dog kennel
  or is animal related)
- **Brian Freimark, County Highway Commissioner**
  920-787-3327 (if your application involves a reduced
  setback on a county road, or driveway placement)
- **Kelly Nicolaus, Wisc. Dept. of Transportation**
  715-421-8051 (if your application involves a reduced
  setback on a state highway, or driveway spacing)

**What happens next....**

Prior to the public hearing, the Committee or Board will be supplied with all information from your file, and they will visit the site. It is not required that you be present on the day of the field visit, however, all proposed construction should be clearly flagged prior to this date. The night of the public hearing, the Chairman will read your application and you will be asked to explain your project. Any additional information you have gathered since completing your application can be submitted at this time, and the Committee or Board will ask any questions they have. Anyone present in favor of your application will be given opportunity to speak, as well as anyone opposed. Any correspondence received will be read. You will then have a chance for a rebuttal. After all applications are heard, the Committee or Board will adjourn to conduct a business meeting at which time the application will be voted on. You are welcome to listen in on the voting, however, the public hearing portion of the evening is finished, and no further testimony can be given at the business meeting.
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<tr>
<th>PUBLIC HEARING DATE</th>
<th>HEARING CUTOFF DATE</th>
<th>BOARD OF ADJUSTMENTS ONSITE DATES 8:45 A.M.</th>
<th>PLANNING &amp; ZONING ONSITE DATES 8:45 A.M.</th>
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<tr>
<td>7:00 P.M. Room 265</td>
<td>Last Day to Accept Hearing Applications</td>
<td>8:45 A.M.</td>
<td>Room 263</td>
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AUTHORIZATION TO MAKE APPLICATION

The purpose of this document is to verify to the Waushara County Land Conservation & Zoning Department that I have the authority to make application for a:

(  ) Land Use Permit
(  ) Conditional Use Permit
(  ) Variance Application
(  ) Zone Change Application

on the property described as (provide brief legal description, tax parcel number, or current owner's name and uniform property address):

________________________________________________________________________

I further verify that I (check one)

(  ) I am authorized by the landowner to make application on their behalf.
(  ) I am the authorized agent of the landowner
(  ) I have an accepted offer to purchase on said property, and have the owner's permission to make such application
(  ) I lease said property, and have the owner's permission to make such application

_________________________________________  ____________________________
(Signature)  (Date)

_________________________________________
(Print or Type Name)

_________________________________________  ____________________________
(Witness Signature or Identification Number and Type)  (Date)

CC: Landowner
SAMPLE SITE PLAN

A site plan is required for all public hearing applications and should include when applicable:

* Topography of site including slopes, drainage courses, navigable waters & wetlands.
* Existing trees & other vegetative cover.
* Ordinary high water mark (OHWM) of navigable waters.
* Lot line locations.
* All existing & proposed structures to side and/or rear lot lines, roads, & navigable waters.
* Private sewage systems.
* Landscaping including tree planting or removal, walls or fences.
* Driveway & parking areas.
* Signs, if application involves a home occupation or business.
* Road frontage & width of existing right-of-ways.
IF YOU ARE APPLYING FOR A VARIANCE

More and more, when the Board of adjustments is considering approval of a variance, they are looking for ways to lessen the impacts of the proposed construction on the subject property. This many times includes conditions placed on variance approvals such as removal of existing nonconforming structures such as sheds, boathouses, retaining walls, or patios near the shoreline that do not meet required setbacks. Revegetation is a common tool used, and requires plantings within 35’ of the ordinary high water mark of navigable waters, outside of your permitted viewing corridor. We have found a lack of understanding of what proper revegetation entails, and following is a basic guideline on the steps involved in this type of project.

Shoreland properties are more desirable and valuable than ever before. Their popularity, as an escape from urbanization, has resulted in many lakeshore and stream banks growing more houses than trees. Impacts of land disturbing activities involved in development of these properties, such as vegetation removal and soil excavation are continually affecting the water quality and the biological communities within and around these waters.

We want to impede run-off, screen landward uses, enhance wildlife habitat, filter nutrients, and restore natural beauty along the shoreline and these plans incorporate native trees, shrubs and ground cover which are uniquely adapted to the soil moisture, light, and temperature of your lot.

Landscaping and re-vegetation plans can minimize the impact of the development by placing less emphasis on lawns and incorporating native trees, shrubs and ground cover which are uniquely adapted to the soil, moisture, light, and temperature of your lot.

By following a recommended plan designed specifically for your property, you can improve it and contribute to the environmental quality.

Re-vegetation planning steps:

1. Initial site assessment
   a. Identification of any native species present and their location, density, and vigor
   b. Identification of any invasive species or noxious weeds present and their location, density, and vigor
   c. Assessment of the density and vigor of any turf grasses present

2. Re-vegetation Plan
   a. Natural Recovery
      1. Existing native vegetation present with adequate seed/or root sources
      2. Establish a “no-mow” and no disturbance area
   b. Accelerated Recovery-Planted Buffer Method
      1. Removing undesirable vegetation and site preparation
      2. Calculate native planting densities including trees/shrubs/plant plugs/seeding
      3. Buffer distance 35ft. measured from the Ordinary High Water Mark (OHWM)
      4. Follow guidelines in (Wisconsin Biology Technical Note 1: Shoreland Habitat) found at http://www.wi.nrcs.usda.gov
The individual plan should include:

- Site diagram or map
- Preparation schedule
- Planting dates and schedule
- Care and handling of plant materials
- Watering plan
- Maintenance plan including management of invasive species
- Plant and seed calculation worksheet

Native plant community lists will be used to select plant species specific to the county and region.

Exposed soil will need stabilization. Where necessary filter fabric fences will be placed to capture sediment below exposed slopes.

Viewing corridors that are oriented somewhat obliquely to the shore, or curved corridors are preferable to those that are perpendicular to the shoreline. This reduces visual impact of human activities in the shoreland area.

Over the long-term, keep the following guidelines for re-vegetation plans in mind:

- Do not fertilize
- Do not mow
- Do not rake
- Do not “clean up” fallen limbs or trees
- Allow native vegetation to re-grow
- Plants lost due to desiccation, deer browsing or for any other reason must be replaced
- The use of fertilizers and pesticides is prohibited
- At growing season's end, allow all dead vegetation to remain in place. (It becomes a valuable seed source for next year's growth, provides food and cover for wildlife, and will help to cover the soil and slow spring runoff)
- Try to concentrate compatible human activities in one part of the property leaving some undisturbed areas for wildlife
- Work with the natural topography and limitation of the site

The Waushara County Land Conservation Department can provide the service of writing a revegetation plan for a minimum $300.00 fee. Or, you can have your plan prepared by an outside source, and it will be subject to a $200.00 renewal fee by the Land Conservation Department. Any questions, feel free to contact the Land Conservation Department at (920) 787-0443, Monday thru Friday, 8:00 a.m. – 4:30 p.m.

Our staff and the surrounding communities appreciate your efforts to protect and improve the quality of our environment!
VARIANCE REQUEST STANDARDS

A variance is a request for a relaxation of a dimensional standard of a zoning code. In order to be granted a variance, a landowner has to demonstrate that their property meets each of the following standards. On the reverse side of this sheet, there is a general explanation of these three standards. Take time to read and review this information, and then summarize why your property meets these requirements. Failure to provide these three standards will result in denial of the request. If you have additional questions regarding the standards, please feel free to ask question or consult an attorney. The Zoning Office Staff is available to assist you and provide some limited information, but is not able to provide legal advice.

1. UNNECESSARY HARDSHIP

2. UNIQUE PROPERTY LIMITATIONS:

3. PROTECTION OF THE PUBLIC INTEREST:
What is a variance? Zoning ordinances were never meant to address the individual characteristics of specific parcels of land, rather are designed to apply broadly as they separate commercial from residential properties, protect water quality and habitat with specified lot size, setback and frontage requirements, and generally impose restrictions calculated to bring order to the community. Wisconsin’s zoning enabling laws authorize the County Board of Adjustment to relax the terms of an ordinance and offer relief when justified by a property’s unique conditions or character, and specifically when certain criteria established by statute and case law have been met. This flexibility can offer relief to a sometimes rigid zoning code. However, when considering a variance request, the Board of Adjustments can only grant relief when three specific standards exist, as outlined below:

UNNECESSARY HARDSHIP... is a situation where compliance with the strict letter of the restrictions governing the area, setback, frontage, height, bulk or density would unreasonably prevent the applicant from using the property for a permitted purpose or necessity to conform to such restrictions would be unnecessarily burdensome. The hardship must be peculiar to the parcel, such as a narrow or step lot or other physical limitations. Convenience, loss of profit, financial or self-created hardships are not grounds for granting a variance. An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, because of conditions which are self-imposed or created by a prior owner (for example, excavating a point on a vacant lot and then arguing that there is no suitable location for a home).

Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

UNIQUE PROPERTY LIMITATIONS... Unique physical limitations of the property such as steep slopes or presence of wetlands that are not generally shared by other properties in the area must prevent compliance with the requirements of the code. Unique limitations of the lot must exist, and not the desires or limitations of the applicant to develop the lot. The circumstances of the applicant such as a growing family or perceived need for a larger garage, as an example, are not factors in deciding variances.

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. Once it has been shown that the property owner would be burdened unnecessarily by conforming with the current restrictions when attempting to utilize the property for a permitted use, the zoning standards will only be relaxed to the extent necessary to provide reasonable use without harming the public interest. The Board must take into consideration all of the following: the purpose of the zoning restriction in the first place, the restrictions effect on the property in question, the short and long term effects a variance will have on the neighborhood, the broader community, and on the publics interests, and the cumulative effects it may have if other similar variances are approved in the future (i.e. will the granting of a variance in this situation set a precedent).