City of Fort Atkinson
101 N. Main Street
Fort Atkinson, WI 53538

City of Fort Atkinson Procedural Checklist for Variances
Requirements per Section 15.10.51

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance and by the City to process the application.

Name, company, and client (if applicable): _____

_____

_____

Phone number: _____ Email: _____

Property address for proposed variance: _____

_____

Brief description of proposed variance: _____

_____

I Application Packet Requirements

The Applicant shall submit an electronic or paper copies, as may be required by the City, of the application.

☐ A map of the subject property depicting:

- ☐ All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
- ☐ Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
- ☐ All lot dimensions of the subject property.
- ☐ A graphic scale and a north arrow.

☐ A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 15.10.42 of the Fort Atkinson Zoning Ordinance.

☐ Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.

II Criteria Used to Evaluate the Variance Request

The Zoning Administrator shall review the application and prepare a written report including the following:

1. Evaluation of whether the request is in harmony with the Comprehensive Plan or other relevant plans.
2. Evaluation of the request based upon the criteria used by the Zoning Board of Appeals in their review.

The Zoning Board of Appeals shall make its findings within 60 days of filing a complete application per the following based on Wis. Stats. 62.23(7)(e)7:

1. The variance will not be contrary to the public interest.
2. Substantial justice will be done by granting the variance.
3. The variance is needed so that the spirit of the ordinance is observed.

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4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.
5. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
6. Additional standards:
    a. Parcel-as-a-whole. The entire parcel, not just a portion of the parcel, must be considered when applying the unnecessary hardship test.
    b. Self-imposed hardship. An applicant may not claim hardship because of conditions which are self-imposed.
    c. Circumstances of applicant. Circumstances of an applicant such as growing family or desire for a larger garage are not a factor is deciding variances.
    d. Financial hardship. Economic loss or financial hardship do not justify a variance.
    e. Nearby violations. Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
    f. Objections from neighbors. A lack of objections from neighbors does not provide a basis for granting a variance.

III Process Checklist for City Use

- ❑ Staff-Applicant meeting (if applicable) Date: _____
- ❑ Receipt of final application packet by Zoning Administrator Date: _____
- ❑ Application fee of $200 received by City Clerk Date: _____
- ❑ Reimbursement of professional consultant costs agreement executed. Date: _____
- ❑ Class 1 legal notice sent to official newspaper by City Clerk Date: _____
- ❑ Class 1 legal notice published on _____ Date: _____
- ❑ Notification of neighboring property owners within 100 feet of the petition Date: _____
- ❑ Notification of clerks of municipalities within 1,000 feet of the petition Date: _____
- ❑ Notification of airports within 1 mile of the petition Date: _____
- ❑ Zoning Board of Appeals Public Hearing, review, and action Date: _____