

REQUIREMENTS FOR VARIANCE TO FDL COUNTY

PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS) ORDINANCE

1. PLOT PLAN indicating location of well, existing and proposed on-site waste disposal system, existing and proposed buildings, and the setbacks from road and property lines. Plot plan shall be on paper not exceeding **11" x 17"** in size.
2. Include a detailed legal description of the property.
3. A Soil and Site Evaluation Report on soil borings completed by certified soil tester.
4. Check in the amount of \$500.00 to accompany appeals application.
5. Explanation of the unnecessary hardship. The applicant requesting a variance must demonstrate a hardship.
6. The Sanitation, Shoreland, and Floodplain Zoning Board of Adjustment has determined they can effectively hear (5) applicants (maximum) on any given date. The next scheduled public hearing date is _____ and will be considered filled when (5) applicants containing the above information and required fee have been accepted at Code Enforcement Office by. Last day for applications _____.

SANITARY VARIANCE APPLICATION

FOND DU LAC COUNTY

SANITATION, SHORELAND & FLOODPLAIN ZONING BOARD OF ADJUSTMENT

NAME OF APPLICANT _____ TELEPHONE _____ .

ADDRESS _____ .

LOCATION OF VARIANCE REQUEST _____ .
(address)

(legal description)

REQUEST: variance to section _____ of Fond du Lac
County Private Onsite Wastewater Treatment System
(POWTS) Ordinance for the following reasons (Explain
proposed use and hardship and your unusual
circumstances.)

SHORELAND ZONING _____ .

TOWNSHIP ZONING _____ .

FLOODPLAIN ZONING _____ .

I certify that the above information is correct to the best of my
knowledge:

signature of applicant) (date)

ZONING ADMINSTRATOR

A permit was denied for the above on _____, _____ because
the plans or lot do not comply with Section _____ of
Fond du Lac County Private Onsite Wastewater Treatment System
(POWTS) Ordinance.

CODE ENFORCEMENT OFFICE _____ .
(signature) (date)

TO BE COMPLETED BY APPLICANT

THREE STEP TEST: To qualify for a variance, the applicant must demonstrate that their property meets all three of the following requirements.

1. Unique property limitations

Unique physical limitations of the property (i.e. steep slopes, wetlands, slowly permeable soils) that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. If no, a variance cannot be granted.

2. No harm to public interests

- A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public.

Explain any impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce the project impact. If there is a potential harm to public interest, a variance cannot be granted.

3. Unnecessary hardship

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a sanitary system). Courts have also 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.

For a use variance, unnecessary hardship exists when compliance would prevent the owner from having no reasonable use of the property without the variance (leaving the property owner without any use that is permitted for the property). The Board of Adjustment must consider the purpose of the ordinance restriction, the ordinance restriction's effect on the property, and the effects of a variance on the neighborhood, the community and the public interests.

Explain unnecessary hardship. If the owner cannot demonstrate an unnecessary hardship, a variance **cannot** be granted.

Please use additional space if required.