

FOND DU LAC COUNTY
SANITATION SHORELAND & FLOODPLAIN
ZONING BOARD OF ADJUSTMENT
AFTER-THE-FACT APPLICATION

Information required by the Board of Adjustment

1. The applicant requesting a variance must complete the Three Step Test 1. Unique property limitations. 2. No harm to public interest. 3. Unnecessary hardship or unnecessarily burdensome.
2. Property corner stakes must be clearly visible, if not, owner will be required to have a Registered Land Surveyor locate and/or reset corner stakes.
3. A detailed legal description of the property.
4. Name, address, and telephone number of the owner and designer of the development.
5. A site plan drawn to scale containing the following information (**paper not to exceed 11"x17"**):
 - a. All property lines and corner stakes.
 - b. Dimensions of existing and proposed buildings and their setbacks, from property lines, centerline of road and highwater mark of lake.
 - c. Note all easements and utilities.
 - d. All existing and proposed driveways, roads and streets, sidewalks, decks, patios & all other impervious surfaces.
 - e. Indicate percentage of the total lot area that is covered with impervious surfaces. Impervious surfaces include buildings, sidewalks, driveways, graveled areas, decks, patios, etc.
 - f. North Arrow.
 - g. Percent of slope in area.
 - h. Surface water drainage pattern indicating direction of flow of surface water. Surface water cannot be directed to a neighbor's property.
 - i. Date of drawing and by whom.
6. Building plans: side, front and rear elevations/cross section of structure (**paper not to exceed 11"x17"**).
7. A survey of the premises by a land surveyor, registered in the State of Wisconsin, drawn to scale, detailing all existing and proposed structures, private on-site wastewater treatment system (POWTS), drainage system, floodplain, and visible location of lot corner stakes for variances to "other substandard lots" Section 44-203(c) and/or side yard and rear yard setbacks Sections 44-201(b) & (c), 44-202(b), 44-203(a)(4) & (b) of Fond du Lac County's Shoreland Zoning Ordinance.
8. Properties Serviced by Existing POWTS -
Certification from a licensed plumber indicating the exact location of the POWTS and certifying size of system, estimate age, complies with or does not comply with current codes and is adequate for addition proposed. Exact location and certification is also required in instances when accessory buildings impact private waste disposal system setback requirements.

Properties Serviced by New POWTS -
A valid sanitary permit is required prior to the issuance of a Fond du Lac County land use permit.
9. Photo of area of construction would be desirable.
10. Check in the amount of \$1,000.00 to accompany appeals application made out to Fond du Lac County.
11. The 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 have the above information and required fee has been accepted at the Code Enforcement Office. The closing date for receiving applications is _____.
12. For additional information please contact the Code Enforcement Office at (920) 929-3139 or Fax (920) 929-7655.

FOND DU LAC COUNTY
SANITATION, SHORELAND & FLOODPLAIN ZONING BOARD OF ADJUSTMENT

Applicant Name _____ Telephone # _____.

Mailing Address _____.

Address of Variance Request _____.

Legal Description _____.

_____.

REQUEST variance/special exception to Section
Fond du Lac County Shoreland Zoning Ordinance (and/or)
to Section _____ of Fond du Lac County Floodplain
Zoning Ordinance for the following reasons (Attach a
separate sheet with explanation of hardship or unusual
circumstances that is due to physical limitations to
lot shape, surroundings, topography, and reasonable use
of property).

EXPLAIN REQUEST (size & type of building or addition, etc)

_____.

EFFECT OF GRANTING THIS REQUEST (reduce sideyard, lot
dimensions, water or road setbacks?)

_____.

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

(signature of applicant) (date)

ZONING ADMINISTRATOR

A permit was denied for the above on _____, 20
because the plans or lot do not comply with Section
of Shoreland Zoning Ordinance (and/or) with Section
of Floodplain Zoning Ordinance.

Zoning Administrator _____
(signature) (date)

LAND USE APPLICATION

TOWNSHIP _____

PERMIT NUMBER _____

NAME _____ TELEPHONE NO# _____
(owner)

ADDRESS _____
(Mailing Address)

LOCATION OF PROJECT TAX PARCEL NO# _____
_____ 1/4 _____ 1/4, Sec _____ T _____ N,R _____ E, CSM or Subdivision _____

Lot Width _____ Lot Depth _____ Fire# & Road Name _____

Zoning _____ Sewage Disposal _____ Floodplain _____

Township Zoning _____

PROJECT Size & Height

Single Family Dwelling _____

Additions/Alterations _____

Accessory Building _____

Filling, Grading, Lagooning, Dredging _____

(Explain Use)

You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetland identification web page at www.dnr.wi.gov/wetlands/delineation.html or contact a Department of Natural Resources service center.

_____ Date: _____

BY SIGNING THIS, I ACKNOWLEDGE THAT I HAVE RECEIVED THIS NOTICE.

I the undersigned have been informed by the Code Enforcement Office, this permit is valid only for the project herein stated and for a period of (1) year. The project including setbacks as herein specified may **not** be altered without obtaining prior approval from the Fond du Lac County Shoreland Zoning Board of Adjustment or Code Enforcement Office. I further agree I will complete the FEMA Post Construction Elevation Certificate when required.

OWNER(S) SHALL NOTIFY THE CODE ENFORCEMENT OFFICE WITHIN (10) DAYS AFTER COMPLETION OF THE PROJECT. Any development causing surface water run-off problems to adjacent properties are to be corrected by applicant. This may include establishing a new drainage pattern, and/or maintaining existing ditches or swales. This permit does not exempt the applicant from obtaining permits required by Village, Township, State or Federal Government.

_____ (owner's signature) (print name) _____ (date)

REMARKS: **THIS PERMIT EXPIRES** _____.

**INFORMATION REQUIRED
FOR AN AFTER-THE-FACT LAND USE PERMIT
APPLICATION**

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2. A detailed legal description of the property.
3. A site plan drawn to scale containing the following information (**paper not to exceed 11"x17" in size**):
 - a. All property lines and corner stakes.
 - b. Dimensions of existing and proposed buildings and their setback, from property lines, road and lake.
 - c. Note all easements and utilities.
 - d. All existing and proposed driveways, road and streets, sidewalks, decks, patios & all other impervious surfaces.
 - e. Indicate percentage of the total lot area that is covered with impervious surfaces. Impervious surfaces include buildings, sidewalks, driveways, graveled areas, decks, patios, etc.
 - f. North Arrow.
 - g. Surface water drainage pattern indicating direction of flow. Surface water cannot be directed to a neighbor's property.
 - h. Building plans: side, front and rear elevations/cross section of structure (**paper not to exceed 11"x17" in size**).

For additions to existing buildings serviced by a private on-site wastewater treatment system (POWTS), locate the septic tank and drainage disposal field. Indicate separating distances between proposed construction and the septic tank and drainage disposal field.

For new construction that is to be serviced by a newly constructed POWTS, a valid sanitary permit is required at the same time to the issuance of a Fond du Lac County land use permit.

Fee schedule attached. Make check payable to Fond du Lac County, to accompany land use application.

For additional information you may contact the Code Enforcement Office at (920) 929-3139 or Fax (920) 929-7655.

NO. _____

CONDITIONS UNDER WHICH A FOND DU LAC COUNTY LAND USE PERMIT FOR DEVELOPMENT IS ISSUED

This Development is located in an Environmentally Sensitive Zoned Jurisdiction, consequently, special precautions must be taken to insure compliance with local, state, and/or federal regulations.

You must allow free and unlimited access to your project site at any time to county personnel investigating the project construction, operation, or maintenance.

You must complete your project according to the plans you submitted. If you wish to make changes, you must submit new plans to the County Code Enforcement Office. New plans must be approved prior to commencing construction.

The lack of municipal storm sewers in the unincorporated limits of the county requires construction of storm water drainage swales to effectively convey stormwater runoff to a discharge point, either a roadside ditch or to a receiving body of water. Existing subsurface tile lines are not acceptable unless certified in accordance with section 44-7 of Fond du Lac County Shoreland Zoning Ordinance. The Code Enforcement Office may require a certified drainage plan.

Soil erosion must be controlled by using diversion berms, straw bale dikes or filter fabric fences. These devices must be properly installed and maintained until all soil is properly protected from erosion. Riprap, jute matting or other similar material must be used to stabilize newly exposed banks adjacent to waterways.

Placement of fill materials in wetlands or the floodway of any stream is prohibited.

Placement of fill materials within (5) feet of the shoreline of a navigable waterway is prohibited unless an approved stabilizing berm is constructed prior to fill placement to prevent erosion.

Fill materials, grading, landscaping or general development causing run off to adjacent properties is prohibited.

No fill can be placed if it will impair or impede roadside ditch drainage or otherwise obstruct drainage patterns.

My signature indicates I have read, understand and assume full responsibility for complying with conditions contained herein.

signature of owner or duly authorized agent) (print name)(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 such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) 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. These interests are listed as objectives in the purpose statement of the Fond du Lac County Shoreland Zoning Ordinance and include:

- Further the maintenance of safe and healthful conditions and prevent and control water pollution
- Protect spawning grounds, fish and aquatic life
- Control building sites, placement of structures and land uses
- Preserve shore cover and natural beauty

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 or unnecessarily burdensome

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 home). 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 an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Board of Adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the effects of a variance on the neighborhood, the community and the public interests. This standard reflects the *Ziervogel* and *Waushara County* decisions.

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

Please use additional space if required.