

TOWN OF BELGIUM
171 Main Street
P.O. Box 156
Belgium, WI 53004
Tel: 262-285-3326

Email: clerk@townofbelgiumwi.gov
Website: <https://www.townofbelgiumwi.gov>

ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE, SPECIAL EXCEPTION, OR APPEAL TO
THE TOWN OF BELGIUM ZONING BOARD OF APPEALS

Office Use Only: Fee Pd: Yes No Receipt No: _____

Application Received: Date: _____ By: _____

BOA File No.: _____

Zoning Code §§ _____

Zoning District(s) _____

Application is hereby made for (Check ONE):

Variance Special Exception

Appeal From Decision of Zoning Administrator: Date of Decision: _____

List ALL Applicable Ordinance SECTION NUMBER(s): _____

Describe the Variance or Special Exception You are Requesting or Why You Are Appealing a Decision by the Zoning Administrator. NOTE: For variance and special exception requests you must state **both** the dimension limit (in feet) in the ordinance that you are requesting relief from and the new limit that you are requesting (e.g., "I am requesting a ___ ft. side yard setback on the ___ side of the property instead of the ___ feet required in Section _____.") (attach additional page(s) if necessary):

Information Concerning Owner, Applicant and Subject Property

Address of Subject Property: _____

Tax Key No(s). _____

Current Zoning Classification(s): _____

Legal Description _____

Owner(s) Name(s): _____

Owner Mailing Address (if Different than Subject Property Address):

Owner's Daytime Phone No. (_____) _____

Applicant (if different from above):

Name: _____

Applicant's Mailing Address:

Applicant's Daytime Phone No. (_____) _____

Applicant's Interest in the Subject Property: _____

Email address (if you would like a copy of the staff report forwarded to you prior to the meeting): _____

Complete this Section for AREA VARIANCE requests only.

An **Area Variance** is a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure. The request must be justified by the applicant demonstrating that **ALL** of the following criteria in accordance with Wis. Stat. Section 62.23(7)(e), and the Town of Belgium Zoning Code. The applicant is responsible for justifying each variance type requested (e.g., setback, building height, etc.). **Attach additional sheets if necessary.**

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by the owner demonstrating that strict compliance with the zoning ordinance(s) involved would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the

unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. If granted, a variance is intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.

- 2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area.** *Note: A lack of local opposition does not mean a variance will not harm the public interest.*

Complete this Section for SPECIAL EXCEPTION requests only.

A **Special Exception** is a minor adjustment to the requirements of the Ordinance, where specifically authorized, and is justified by special conditions of the property. A request must be justified by the applicant using the following criteria. **Attach additional sheets if necessary.**

- 1. The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area.** Lack of local opposition does not mean a special exception will not harm the public interest.

ITEMS THAT MUST ACCOMPANY ALL VARIANCE AND SPECIAL EXCEPTION REQUESTS:

1. One electronic copy of an **accurate** site plan/map (a plat of survey is preferred) **drawn to scale** showing ALL of the following:
 - A. The boundaries and dimensions of the subject property.
 - B. The location and dimensions of **all** existing **and** proposed structures **and** buildings on the property.
 - C. The location and dimensions of **all** buildings **and** structures on adjacent properties.
 - D. The location and centerline of **all** abutting streets.
 - E. Where applicable, the required and requested variance/special exception(s) to any dimensional requirement(s).
 - F. The 100-year floodplain, wetland boundary, **and** the ordinary high-water mark of any water body that the subject property abuts.
 - G. Photograph(s) that accurately depict the area of the subject property for which the variance/special exception(s) is being requested.
 - H. The name and address of all property owners within 500 feet of the subject property, and all property owners immediately adjacent to the subject property such as across waterways and rights-of-way of utilities, railways, streets, highways, and freeways.

NOTE: Maps, plans and surveys shall **not** be reduced, enlarged, or faxed as these functions alter the scale. The scale of the map shall **not** be altered.

2. A zoning permit, impervious surface calculations, nonconforming use and structure value data, building plans, grading plan and/or Environmental Health approval may also be required.
3. The required filing fee, payable to the “Town of Belgium”.

PLEASE NOTE:

- Once the public notice has been sent, the fee is nonrefundable.

- Application must be **complete** upon submittal. Once the public notice has been given, **no changes to the request may be made**. If any changes or deviations from the original application are desired after the public notice has been given, a new application and fee will be required.
- Variances from multiple ordinance provisions may be requested using a single application form, but only one proposal may be made per application. Each alternative proposal will be considered a separate request and require a separate application packet and fee.
- The submittal and subsequent review of this application may include a site inspection. Please advise if dogs are not secured on the site and/or if dogs would be a problem during the inspection.
- By signing this form, the owner or his/her authorized agent is giving their consent for the Town of Belgium and its officers, agents, and employees to inspect the subject property as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.
- Please advise the staff of any scheduling conflicts at the time of submittal, and we will attempt to accommodate your schedule.
- Board of Appeals meetings may not be held every month. The Board has 90 days to hear a request.

ITEMS THAT MUST ACCOMPANY ALL APPEALS OF AN ADMINISTRATIVE DECISION:

1. Documentation that the appeal has been made within thirty (30) days from the date of the decision of the zoning administrator or designee.
2. Written explanation specifying the grounds of the appeal. Specific references to the staff's decision (including a copy of any written decision), applicable sections of the ordinance, and any relevant statutes and/or case law shall be included.
3. The required filing fee, payable to the "Town of Belgium." Once the public notice has been given, this fee is nonrefundable.

The undersigned owner hereby certifies that all of the above statements, information and attachments contained herein (site plan/survey, building plans, exhibits, etc.) are true and accurate to the best of his or her knowledge and belief.

Signature of the Owner

Signature of the Applicant