

TOWN OF MERTON

W314 N7624 Highway 83, P.O. Box 128

North Lake, Wisconsin 53064-0128

Phone: (262) 966-2651 Fax: (262) 966-2801

Website: www.townofmerton.com Email: clerk@townofmerton.com



Town Fee: \$300.00
Joint Hearing Fee: \$200.00
Date Paid: _____

VARIANCES AND APPEALS FROM THE TOWN OF MERTON ZONING ORDINANCE

Zoning District(s) _____ Tax Key # _____ CSM # or Subdivision _____

Application is hereby made for a Variance and/or Appeal from the following section(s)

_____ Road Setback _____ Offset _____ Shore Setback _____ Floodplain Setback _____ Conservancy Setback

_____ Floor Area Ratio _____ Open Space _____ Work beyond 50% FMV _____ Access. Bldg. Floor Area Ratio

_____ Min. Floor Area _____ Bldg. Height _____ Other _____

Address of Subject Property _____

Section _____ Legal Description _____

Petitioner's Name _____ Mailing Address _____ City _____ State _____ Zip _____ () _____ Daytime Phone No.

Owner's Name (if different) _____ Mailing Address _____ City _____ State _____ Zip _____ () _____ Daytime Phone No.

List the project(s) and approximate date(s) of any previous variances or zoning permits on this property. If unknown, check with Town staff: _____

Describe in detail the proposed construction and use: _____

Describe all nonconforming structures and uses on this property: _____

Section 59.694 (7) (c) of the 2003-2004 Wisconsin State Statutes and Wisconsin case law (Ziervogel-McGinnity v. Washington county, Snyder v. Waukesha County) requires the petitioner to demonstrate that their request for a variance meets the following three tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary to allow a reasonable use of the property.
2. There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.

3. 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. Lack of local opposition does not mean a variance will not harm the public interest.

Please explain how your variance request meets the above three tests for a variance by answering the following three questions:

What variance is requested? _____

What **unnecessary hardship** is present that prohibits your compliance with the terms of the Land Use Code? _____

What unique features of this property prevent you from complying with the terms of the Land Use Code? _____

Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why? _____

How would the interest of the public or neighbors be affected by granting or denying this variance? _____

ITEMS WHICH MUST ACCOMPANY ALL VARIANCES AND/OR APPEALS:

1. Six (6) copies of a **scaled** and **accurate** site plan/map (a plat of survey is preferred) showing 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. The 100-year floodplain **and** the ordinary high water mark of any water body which the lot abuts.

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

2. A zoning permit, cost estimate/worksheet, building plans, grading plan and/or Environmental Health approval may also be required.
3. A project on a lake property may require a state permit from the DNR
4. The required filing fee, payable to the Town of Merton. Once the public notice has been published this fee is nonrefundable.
5. The names and mailing addresses of all property owners within 300 ft of the subject property boundaries.

Application must be complete upon submittal. Once the public notice has been sent, no changes to the request may be made.

If any charges or deviations from the original application are desired after the public notice has been sent, a new application will be required and additional fees will be required.

Submittal, and subsequent review, of this application may include a site inspection. Please advise the Town staff if dogs are not secured on the site and/or if dogs would be a problem during the inspection.

Please advise the Town staff of any scheduling conflicts at the time of submittal, and we will attempt to accommodate your schedule.

FEES INCURRED BY THE TOWN IN OBTAINING LEGAL, PLANNING, ENGINEERING & OTHER PROFESSIONAL AND TECHNICAL ADVICE IN CONNECTION WITH THE REVIEW OF THIS APPLICATION SHALL BE CHARGED TO THE APPLICANT.

The undersigned petitioner/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.

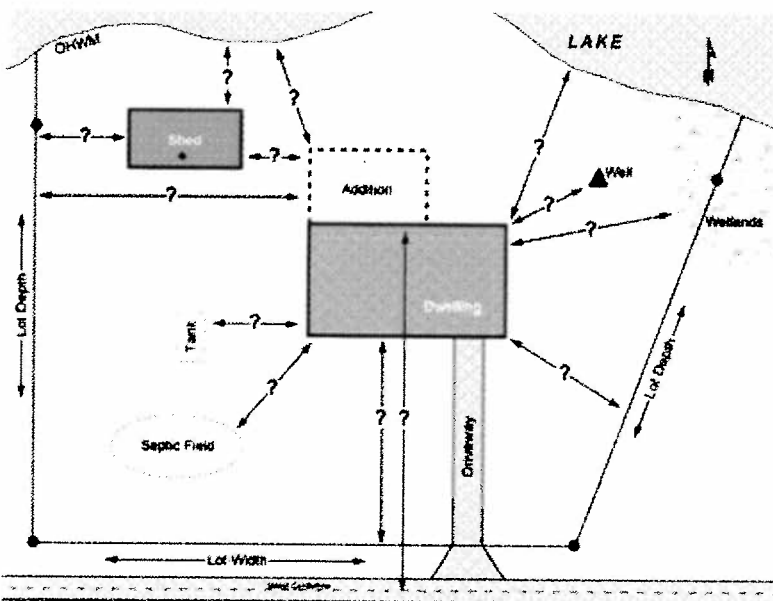
Signature of the Petitioner _____ Date _____

Staff member receiving the application _____ Date _____

NOTES:

SITE PLANS AND BUILDING PLANS

****All applications must be accompanied by a site plan. The figure below is an example of an acceptable site plan.****



SITE PLAN – THIS IS AN EXAMPLE ONLY

Site plans must be drawn to scale and/or all dimensions given, such as:

- Location and dimensions of the project
- Location and dimension of existing structures
- Dimensions of the property
- Location and names of abutting roads, lakes & streams
- North arrow
- Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)

Town of Merton
Professional Services Reimbursement Notice

The Town of Merton has determined that whenever the services of the Town Planner, Town Engineer, Town Attorney, Town Building Inspector and any other of the Town's professional staff results in a charge to the Town for that professional's time and service, the Town Clerk shall charge that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved.

I/we have been advised that if the Town Planner, Town Engineer, Town Attorney, Town Building Inspector or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or the request of the Town, I/we shall be responsible for the fees incurred by the Town even if my/our request is not approved.

Signature(s) of Property Owner(s): _____

Date: _____

Please Print

Property Owner Name: _____

Mailing Address: _____

Property Address: _____

Request for: _____

Phone: _____ Email: _____