



2990 S. Pine Tree Rd.
Hobart, WI 54155
tele: 920-869-3809
fax: 920-869-2048

Todd Gerbers
Director of Planning and Code Compliance
e-mail: todd@hobart-wi.org

**GUIDELINES USED BY THE BOARD OF APPEALS
TO DETERMINE WHETHER A VARIANCE SHOULD BE GRANTED**

Although the statutes contain a number of qualifying phrases, the main statutory test of whether a variance may be properly granted is whether an “unnecessary hardship exists”. The leading Wisconsin case on variances is SNYDER v WAUKESHA COUNTY (1976), 74 Wis. (2nd) 468, 247 NW (2nd) 468. In this case, the court set forth the following guidelines for granting variances:

- 1) An unnecessary hardship means that the property cannot yield a reasonable return when used for the permitted purposes or where no feasible use can be made of the land without a variance.
- 2) The changes in the character of the neighborhood that would be caused by the variance are important.
- 3) The hardship must be unique to the property in question and may not apply equally to similar lots.
- 4) The hardship must be unique to the lot, not personal to the owner of the lot.
- 5) A variance cannot be granted in the case of a self-created hardship.

IN ADDITION, the courts have made it clear that a variance CANNOT be granted in the following situations:

- 1) Where there is a self-created hardship, that is, where the application is due to a problem created by the owner/applicant.
- 2) Where there is a personal hardship, and the variance would continue to affect the character of the neighborhood after title to the property has passed.
- 3) Where there is an economic hardship, a purely financial hardship, for example, restriction of the property to a less profitable use.

IMPORTANT INFORMATION FOR APPLICANTS

The Village of Hobart Board of Appeals meets on “as needed basis” on the last Monday of each month at 5:30 P.M. at the Village Office. Due to statutory public notification requirements, the application deadline is approximately 20 days prior to a meeting. Please confirm the deadline with staff.

The following must be submitted in order for your application to be accepted:

- Complete the attached application form. Both the owner and applicant must sign the application form.
- Answer all questions on the application form.
- A site plan drawn to scale showing all structures, lot lines, streets and distances from the structures to the lot lines and street.
- Any other supporting documentation you feel is necessary or as may be required by staff.

It is recommended for the applicants and/or a representative for the applicant to attend the meeting to answer questions of the Board and present their variance request. If the applicant and/or representative fail to appear, the Board may choose to act on the item, or to postpone action until the next meeting. If for any reason the owner/applicant withdraws the application, it must be done so in writing. If the owner/applicant wishes to reapply they must file a new application form, site plan, supporting documentation, and filing fee. Filing fees are non-refundable.

If you have any questions about the variance application form, or the process of obtaining a variance, please contact the Director of Planning and Code Compliance at 920-869-3809.

YOUR APPLICATION IS DUE BY: _____

YOUR VARIANCE HEARING DATE: _____ **AT 5:30 P.M.**



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ZONING BOARD OF APPEALS VARIANCE APPLICATION

Please Type or Print in BLACK INK

Please submit a complete **reproducible site plan (maximum size 11" x 17")**. (A complete site plan includes, but is not limited to, all structures, property lines and streets with distances to each.) The fee is payable to the Village of Hobart and due at the time the application is submitted. APPLICATION FEE IS NON-REFUNDABLE.

Address of Parcel Affected: _____

Petitioner: _____

Phone: _____

Petitioner's Address: _____

Email: _____

Signature Required: _____

Date: _____

Owner (if not petitioner): _____

Phone: _____

Owner's Address: _____

Email: _____

Signature Required: _____

Date: _____

To be granted a variance, each applicant must be able to prove that an unnecessary hardship would be created if the variance is not granted. The burden of proving an unnecessary hardship rests upon the applicant. The attached sheet provides information on what constitutes a hardship. (Attach additional sheets, if necessary, to provide the information requested. Additional information may be requested as needed.)

- 1. Explain your proposed plans and why you are requesting a variance:**

2. Describe how the variance would not have an adverse effect on surrounding properties:

3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

4. Describe the hardship that would result if your variance were not granted: