

A COMPLETE APPLICATION

Variance requests must be submitted in complete form to the Town of Campbell office. A complete application consists of:

- 1) All of the application forms completely filled out, signed and dated.
- 2) A non-refundable filing fee.
- 3) Site sketch. (see requirements)

SITE SKETCH REQUIREMENTS

A site sketch of the requested property MUST be included with the application packet. The sketch must be drawn to scale and must include the following:

- Location of all existing structures with dimensions as they relate to property lines, centerline of street(s), or property corners.
- Location of all proposed structures and/or additions with dimensions as they relate to property lines, centerline of street(s), or property corners.

NOTE: If a submitted site sketch is determined to be inadequate, you may be required to provide a survey of the property at your expense.

WHAT IS THE BOARD OF ADJUSTMENT?

- The Board of Adjustment is a 3 member board, appointed by the Town Board.
- The Board of Adjustment will physically review the properties prior to the public hearing date.
- Board of Adjustment meetings are held once a month.

VARIANCES

WHAT IS A VARIANCE?

The Town of Campbell Zoning Ordinance requires certain minimum setbacks and requirements for construction projects. These setbacks can vary depending on the parcel of land being built upon. If a construction project cannot meet the requirements set forth in the Zoning Ordinance, the application is denied. An appeal of that denial can be made through a procedure requesting a variance.

THE APPEAL PROCESS

Once a Zoning/Occupancy Permit has been denied for a construction process, you can request a variance by obtaining the necessary applications forms from the Town of Campbell Office. Once an application for an appeal is received, you will be placed on the agenda for the next Planning & Zoning Commission Meeting. The Commission will make a recommendation to the Board of Adjustment.

VARIANCE DECISION

The Wisconsin Supreme Court has set forth guidelines for members of The Board of Adjustment for variance decisions. The standards are also provided on state statute and local ordinances.

Unnecessary hardship is present when “compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.” State v. Waushara County Board of Adjustment, 2004 WI 56 (2004), State ex rel. Ziervogel v. Washington County Board of Adjustment, 2004 WI 23 (2004).

THE THREE STEP TEST

1.) Unnecessary Hardship - Unique Property

Limitations: Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties may 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. Property limitations that prevent ordinance compliance and are common to a number of

properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.

No. A variance cannot be granted.

2.) Unnecessary Hardship- Self-created:

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). In 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.

3.) Public Interest Protected:

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 an ordinance and may include:

- Public health, safety and welfare
- Minimization of property damages
- Water quality
- Provision of efficient public facilities and utilities
- Fish and wildlife habitat
- Any other public interest issues
- Natural scenic beauty
- Achievement of eventual compliance for nonconforming uses, structures and lots

SHORELAND ZONING

All shoreland zoning is handled at the La Crosse County Zoning, Planning, and Land Information Office. Any shoreland variance requests will first be heard by the Town Planning and Zoning Commission, which makes a recommendation to the Town Board. The Town Board then makes a recommendation to La Crosse County Board of Adjustment which has final say in the matter. Please see the pamphlet entitled “Construction in a Shoreland District” for more information regarding shoreland zoning.



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