

ZONING

98 Attachment 13

Procedural Checklist for Variance Review and Approval

CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
VARIANCE REVIEW AND APPROVAL (Requirements per Section 98-910)

This form should be used by the Applicant as a guide to submitting a complete application for a variance and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

- Pre-submittal staff meeting scheduled:
Date of Meeting: Time of Meeting: Date: by:
Follow-up pre-submittal staff meetings scheduled for:
Date of Meeting: Time of Meeting: Date: by:
Date of Meeting: Time of Meeting: Date: by:
Application form filed with Zoning Administrator: Date: by:
Application fee of \$ received by Zoning Administrator: Date: by:
Reimbursement of professional consultant costs agreement executed: Date: by:

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 8 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 1 initial draft application packet and 1 digital copy for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (1 Copy and 1 Digital Copy to Zoning Administrator) Date: by:
Draft Final Packet (8 Copies and 1 Digital Copy to Zoning Administrator) Date: by:

- (a) A map of the subject property:
Showing all lands for which the variance is proposed;
Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control;
Map and all its parts are clearly reproducible with a photocopier;
Map scale not less than one inch equals 800 feet;
All lot dimensions of the subject property provided;
Graphic scale and north arrow provided.
(b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
(c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
(d) A site plan of the subject property as proposed for development conforming to all requirements of Section 98-908(3). (See "Site Plan Approval checklist")

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- _____ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 98-910(4)(c)1-6. (See below)

III.JUSTIFICATION OF THE PROPOSED VARIANCE

- 1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.
 - a. Describe the hardship or difficulty that is peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

NOTE: *Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 *Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
 *Violations by, or variances granted to, neighboring properties shall not justify a variance;
 *The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

- 2. In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

- 3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

- 4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the

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Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

- 5. Have the factors which present the reason for the proposed variance been created by the act of the Applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of the Zoning Ordinance (see Section 98-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of the Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.

- 6. Does the proposed variance involve the regulations of Section 98-203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

IV.FINAL APPLICATION PACKET INFORMATION

___ Receipt of 1 Final Application Packet by Zoning Administrator: Date: _____ by: _____

___ Receipt of 8 Copies of Final Applications by Zoning Administrator: Date: _____ by: _____

___ A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline. Date: _____ by: _____

___ Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____

___ Class 2 Legal Notice sent to official newspaper by City Clerk: Date: _____ by: _____

___ Class 2 Legal Notice published on _____ and _____ by: _____