



VILLAGE OF MENOMONEE FALLS
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Menomonee Falls, WI 53051
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VARIANCES: WHAT YOU NEED TO KNOW

If your application for a building permit is denied by the Community Development Department, you have the option to apply for a variance. Requesting a variance requires appearing before the Zoning board of Appeals and explaining why you should not be expected to comply with the Village Zoning Code. You will be required to prove practical difficulty or unnecessary hardship. The \$400 fee to appear before the Board is nonrefundable.

The Zoning Board of Appeals (the Board) is a group of seven citizens appointed to listen to members of the public who want to appeal the rules of the municipal Zoning Code. The Board will receive a packet of information about your petition in addition to listening to you and other community members' comments at a public meeting. Also, the Board may request assistance from the Village officers, departments, commissions, and Boards in the making its decision.

Prior to the meeting, and usually about one month in advance of the meeting, you will have to submit the following to Village Staff:

1. An application to appear before the Zoning Board of Appeals
2. A new survey of the property showing the specific request
3. Pictures and drawings that depict your request and show where on the property you are seeking a variance.
4. The fee for your appearance before the Board.
5. A written justification narrative stating the reasons why you believe you should be granted the variance.

DO NOT MAIL/EMAIL ITEMS DIRECTLY TO OR OTHERWISE CONTACT MEMEBERS OF THE BOARD.

Save any additional material and information you have for the Board until the meeting. Alternatively, you may mail, email or personally bring items to Village Staff at village Hall prior to the meeting. Staff will enter your additional information and material into the public record and forward it to the Board.

After you apply for the variance and before the meeting occurs, notice of your request will be published in two editions of a Menomonee Falls community newspaper preceding the meeting and neighboring property owners within 300 feet of your property will receive notice of your appeal in the mail.

Here is what you can expect at the meeting when the Board hears your appeal.

- After the Chair opens the meeting and reads the rules, Staff will read your request. Then you will have a chance to present your information to the Board. You may present additional pictures, drawings, maps, diagrams, plans, neighbor signatures or any other information that you believe may help you in your presentation. If needed, the Boad may ask you questions about your appeal. Community members, neighbors and other interested individuals may speak for or against your appeal and may be asked questions by the Board. Additionally, the Boad may seek information and guidance form Staff.

- When you present your information, be prepared to help the Board answer the following questions. In order to vote in favor of a variance, a Board member must answer yes to all three of the questions:
 1. Will a literal enforcement of the zoning regulations result in practical difficulty or unnecessary hardship? Note: You may not claim hardship because of conditions that are self-imposed. Economic loss or financial hardship does not justify a variance. Only the minimum variance that would alleviate the difficulty or hardship may be granted.
 2. Is the difficulty or hardship due to unique property limitations? Note: The difficulty or hardship shall be based on conditions unique to the property rather than considerations personal to the property owner.
 3. Would the variance be in harmony with the public interest? Note: The spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- The Chair then announces that the public comment segment of the hearing is over. At this point, the public can no longer speak.
- Finally, the Board will discuss, review and vote upon your appeal.

Approval: The Board may impose conditions on the approval of your variance. If your request for a variance is approved at the hearing, Staff may begin processing your building permit application the following business day and you will be contacted when your building permit is ready. An approved variance will expire six months after the date it was granted unless a permit is pulled for the project within that time period. Sect. 122-75 (g)(4) – Variance.

Denial: If your request for a variance is denied, you may appeal the decision to Wisconsin Circuit Court.