



**Village of Menomonee Falls**  
 Department of Community Development  
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 Menomonee Falls, WI 53051-3140  
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[www.menomonee-falls.org](http://www.menomonee-falls.org)

**Village of Menomonee Fall Zoning Board of Appeals  
 VARIANCE APPLICATION**

A variance is a relaxation of a standard in a zoning ordinance. Whether to grant a variance is decided by the Zoning Board of Appeals (ZBA). The ZBA functions almost like a court by applying legal criteria provided by law to specific fact situations. Variances are not for a property owner's convenience, but may be a remedy if a zoning ordinance imposes a unique and substantial burden

Application Date \_\_\_\_\_ Email Address \_\_\_\_\_

Property Owner \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

Applicant \_\_\_\_\_ Applicant Address \_\_\_\_\_

**Variance Request**

Zoning District: \_\_\_\_\_.

The Applicant requests a variance to allow: \_\_\_\_\_  
 \_\_\_\_\_.

The standard from which the variance is being sought can be found in:

Ordinance § 122- \_\_\_\_\_ dealing with \_\_\_\_\_  
 \_\_\_\_\_.

Describe the effects on the property if the variance is not granted: \_\_\_\_\_  
 \_\_\_\_\_.

Identify any alternatives to the requested variance: \_\_\_\_\_  
 \_\_\_\_\_.

I certify that all of the information I have provided on this application and in any accompanying document is true, complete, and correct to the best of my knowledge and belief.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**CONTINUED ON BACK**

### **Three-Part Test**

To qualify for a variance, the Applicant must demonstrate that their property meets the following three requirements. Please submit **a written narrative or an email** of verifiable facts showing that your project meets the three-part legal test for a variance described below.

1. Unique Property Limitations

Physical limitations such as steep slopes or wetlands not shared by other properties must prevent compliance with the standards identified above. Circumstances of the applicant or lack of objections cannot provide the basis for granting a variance. Please identify the location of the unique physical characteristics on your property that prevent compliance.

2. No Harm to Public Interests

A variance may not be granted which results in harm to public interests. Please describe how the requested variance does not harm the following public interests: public health, safety and welfare; water quality; fish and wildlife habitat; natural scenic beauty; minimization of property damages; provision of efficient facilities and utilities; achievement of eventual compliance; etc.

3. Unnecessary Hardship

The property owner must show that a hardship prevents using the property for permitted purpose. An unnecessary hardship occurs when special conditions, which were not created by you or a previous owner, have made strict conformity to the zoning regulations unnecessarily burdensome or unreasonable in light of purpose of the zoning ordinance using the property for a permitted purpose.

### **Public Hearing**

After you complete these steps, the Department of Community Development will publish notice of your request for a variance in the newspaper noting the location and time of the required public hearing before the ZBA. Property owners within 300 feet of your property will also be mailed a copy of this notice..

The burden will be on you, as the property owner, to provide information upon which the ZBA may base its decision. At the hearing any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the ZBA to make a ruling in your favor. The ZBA may only make its decision based on the evidence submitted to it at the time of the hearing. If you or your agent is not present, the ZBA may not have sufficient evidence to rule in your favor and may deny your application.

|                             |  |                           |  |
|-----------------------------|--|---------------------------|--|
| <b>FOR OFFICE USE ONLY:</b> |  | Date submitted for Review |  |
| Zoning District             |  | Receipt #                 |  |
| Tax Key Number              |  | Building Permit #         |  |