

REQUIREMENTS FOR A VARIANCE

PLEASE READ ALL INFORMATION CONTAINED HEREIN THOROUGHLY BEFORE COMPLETING THE *TOWN OF COLFAX VARIANCE REQUEST* FORM ON THE FOLLOWING PAGE.

An Area Variance is authorization by the Colfax Town Board to vary one or more of the dimensional or physical requirements of the Subdivision Ordinance in connection with a proposed construction. Any proposed site plans, land divisions, or variance requests must be referred to the Town of Colfax Plan Commission for written report and recommendation prior to the Town Board making a decision to grant or deny any variances. **It is the responsibility of the property owner to provide proof to the Board and Plan Commission as to the need for the variance, and show that all three statutory requirements are met.** In the event that the property owner does not complete the attached application or provide proof that all three statutory requirements are met, the Plan Commission and the Town Board may not have sufficient evidence to rule in your favor and must deny your application. The applicant is not limited to the space on the form, and may attach additional pages.

ANY VARIANCE REQUEST CAN ONLY BE GRANTED IF ALL THREE STATUTORY REQUIREMENTS ARE MET:

1.) UNNECESSARY HARDSHIP:

- Compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- A hardship exists only if the property owner shows there is no reasonable use of the property without a variance.
- The property as a whole is considered, rather than a portion of the parcel.
- Decks and other accessory structures are not considered essential to the reasonable use of a property.
- The hardship cannot be self-imposed.
- Owner has the duty to investigate alternatives to the request.

2.) UNIQUE PROPERTY LIMITATIONS:

- Must be due to factors such as steep slopes, wetlands or other site conditions that prevent compliance with the Ordinance.
- Lack of objections from neighbors, nearby ordinance violation, do not provide grounds for granting a variance.
- Personal circumstances, conveniences or preferences do not justify a variance.

3.) NO HARM TO PUBLIC INTERESTS:

- The purpose and/or intent statements of the Ordinance, outlines public interest factors.
- Interests may include, but not limited to: promoting and maintaining public health, safety, and welfare, protecting water quality, protecting fish and wildlife, protecting scenic beauty, minimizing property damage and drainage issues.
- The variance will not harm the purpose or intent of the ordinance
- The effect of a variance on the community interests must be considered, not public patrons or clientele.
- Short-term, long-term and cumulative impacts of a variance must be considered.

THE TOWN MAY REQUIRE ADDITIONAL INFORMATION NOT IDENTIFIED IN THE REQUEST FORM TO ENSURE CONSISTENCY WITH ANY APPLICABLE ORDINANCE, STATUTE, OR OTHER PROVISION OF LAW. ANY VARIANCE GRANTED WILL ONLY PERTAIN TO THE SPECIFIC VARIANCE REQUESTED AND BE INVALID IF NOT ACTED UPON WITHIN 1 YEAR OF THE DATE GRANTED.

Town of Colfax Variance Request

Owner(s) Full Name _____

Applicant's Full Name _____

Applicant's Address _____

Address, parcel identification number, or legal description of land where variance is being requested if different from above

Phone: Home _____ Work _____ Cell _____

Email _____

What is the specific variance being requested?: _____

What is the unnecessary hardship imposed on the owner if the variance is not granted. (See Statutory Requirement # 1 for what constitutes an Unnecessary Hardship.)

Describe the unique property limitations that prevent compliance with the Ordinance. (See Statutory Requirement # 2 for the type of unique property limitations that are considered for granting a variance.)

How does this variance meet the purpose and intent of the Town of Colfax Subdivision/Land Division Ordinance?

Attach affidavits from neighbors indicating that this variance will not infringe on their rights or enjoyment of their land, will not affect the character of the neighborhood, or decrease their property value.

Long term letters of agreement are required from any neighbors affected by this variance (example: reduced sideyard setbacks requiring occasional use of the neighbors' land for large equipment access to the back property such as for septic maintenance, etc.)

Possible infringement on environmental protection (see Section 1 Statement of Purpose and Intent of Town of Colfax Subdivision/Land Division Ordinance) requires letters from the DNR or other appropriate regulatory authority indicating their agreement to the variance.

Note: Letters of agreement and affidavits will not assure granting of this variance

Submit 5 copies of the completed application form and site plan showing in detail the current structures on the property and the changes you want relevant to this variance request. Include any water, septic, drainage patterns, and utility features on the property, and the names and locations of such structures on neighboring properties.

All information must be complete and submitted to the Town Clerk by the first Wednesday of the month along with any filing fees in order to be included in that month's agenda for consideration.