

CITY OF DELAFIELD
OFFICE OF THE CITY CLERK
500 GENESEE STREET
DELAFIELD, WI 53018

HOW TO APPEAL TO THE ZONING BOARD OF APPEALS

- Fill out an application form available from the City Clerk and attach supporting documents. (Survey of property showing location of structures, rendering of buildings, renderings of signs, etc.)
- File your appeal within 30 days after the date of written notice of order or decision from which the appeal/application is taken.
- Submit an application fee of \$_____. This fee is used to pay costs of notice publication, mailings and other administrative costs.
- Allow a minimum of three weeks for your hearing date to be set. The Board of Zoning Appeals has set bi-monthly meetings. If your application falls within the required time frame for notice, your appeal will be heard at the next meeting. If not, your application will be held over to the next meeting. This is due to State Law requiring two publications of the public hearing in the official paper. The last date for publication cannot be less than 7 days prior to the hearing. The official paper is published on Wednesday.
- You will receive from the Board Secretary a notice of public hearing, indicating the date, time and place of your hearing.
- Appear, at the hearing to explain the application and to answer any questions. You may appear personally or by an agent, and/or with an attorney.
- You will receive an official notice of decision of your appeal by "certified mail" within five (5) days following the meeting. The notice will show the date of filing in the Board's office should you wish to appeal the decision to Waukesha County Circuit Court.
- If your appeal is denied, you may commence action in circuit court within 30 days of date of filing or file a revised permit application in accordance with the building and/or zoning requirements with the Zoning Administrator or Building Inspector.

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BOARD OF ZONING APPEALS
NOTICE OF APPEAL OR APPLICATION

Case No.: _____

Filing Date: _____

Fee Paid: \$ _____

Hearing Date: _____

Notice Mailed: _____

Notices Published: _____

To: Board of Zoning Appeals
City of Delafield, Wisconsin

NOTICE IS HEREBY GIVEN that the undersigned hereby (appeals for relief from a decision of an administrative official) (applies for the following described right or privilege) :

1. Appellant's or Applicant's Name: _____

Address: _____

Phone No.: _____

2. Appellant's or applicants' interest in property:

() Owner; () Tenant; () Mortgagee; () Agent.

3. Property Owner's Name: _____

Address: _____

Phone No.: _____

4. Address of property: _____

Lot _____, Block _____, Tax Parcel No. _____ Zoning District: _____

5. Present use of the property: _____

6. Proposed use of the property: _____

7. Previous Appeal or Application (if any)? Yes () No ()

If YES, list date of hearing: _____ and Decision of previous hearing: _____

8. Identify the **PURPOSE** for this appeal or application. Please circle appropriate item below and provide the requested information. Attach a separate sheet, if necessary.

(a) Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.

1. Date of decision or order: _____
2. Description of decision or order: _____

3. Decision or order is erroneous because: _____

(b) Request for Variance of Zoning/Building Code.

1. Describe the requested variance and dimension of variance: _____

2. If the requested variance involves lifetime structural repairs or alterations which exceed 50% of the current market value of any structure as determined at the time the structure became a non-conforming structure. Please provide the following information:
 - a. The current market value as reflected on the most recent real estate tax bill as being the estimated fair market value of the structure
\$ _____
 - b. The estimated cost of structural repairs or alterations to the non-conforming structure. These costs should include labor and materials.
\$ _____
3. Explain how the Variance, IF granted, is consistent with the spirit, purpose and intent of the Code: _____

4. Describe the exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot/parcel, use, structure, or intended use that **DO NOT** apply generally to other properties or uses in the SAME district: _____

5. Describe what special conditions exist which cause practical difficulty or unnecessary hardship, IF variance is NOT granted: _____

6. Explain why the variance **IS NECESSARY** for the preservation and enjoyment of substantial property rights possessed by other properties in the SAME district: _____

7. Explain how this variance, IF granted, **WILL NOT** create substantial detriment to adjacent property, **WILL NOT** be contrary to the public interest and **WILL NOT** endanger public safety and interest: _____

8. Provide photos of subject property and buildings as well as adjacent properties within 100' of the subject tax key property.

9. Provide letters of support, if any, from adjoining property owners.

(c) Request for interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.

1. List applicable section(s) of the Zoning Code: _____
2. Describe proposed use/activity/construction: _____

3. Explain reasons supporting requested action: _____

4. Has request been referred to Plan Commission? Yes () No ()
 If YES, give recommendation of Plan Commission: _____

(d) Permission for Temporary Use Permit.

- 1. Describe use requested: _____
- 2. Proposed commencement date: _____
- 3. Proposed termination date: _____

(e) A determination that an unspecified or unclassified use is permitted in a Zoning District.

- 1. Describe use requested: _____

- 2. Attach copy of recommendation of City Plan Commission.

(f) Permission to substitute a MORE restrictive non-conforming use for an existing non-conforming use.

- 1. Attach copy of recommendation of City Plan Commission.
- 2. Attach copy of certification of Zoning Administrator to legality of present non-conforming use.
- 3. Date of commencement of present use: _____
- 4. Value of improvement on date use became non-conforming (attach documentation supporting value): \$ _____
- 5. Present value of all existing improvements, additions and alterations since date use became non-conforming (attach documentation): \$ _____

REQUIRED DOCUMENTATION

Each appeal or application must be accompanied by:

- A. Current plat or survey of the lot/parcel, with complete details of the site, dimensioned, elevation data, easements, existing and proposed physical features, yards and setbacks, etc.
- B. Total lifetime structural repairs or alterations may not exceed 50% of the current market value of any structure as determined at the time the structure became a non-conforming structure. Submit one or more estimates or contracts from qualified contractors identifying the cost of material and labor to be provided in order to accomplish the proposed structural repairs or alterations.
- C. Attachments as outlined above.
- D. Filing fee(s)

- E. Copy of decision or order which is the basis of this appeal/application.
- F. Name and Address of counsel IF appellant/applicant elects to be represented by counsel.
- F. Any additional fee of \$_____ to cover the administrative costs if a contested case is requested.

I hereby certify that the above application and/or appeal and all attachments hereto are true, correct and complete to the best of my knowledge and belief.

Dated: _____, 20__ _____