

## **500.3 General Variance Ordinance**

- I Purpose
- II Public Safety
- III Hardship
- IV Effective Date

### **SECTION I – PURPOSE**

When an application for a driveway, field road, or building site location, is found not to comply with Town Ordinances, the applicant may immediately apply for a variance pursuant to this provision. The Town Board shall hear requests for variances from the existing Town Ordinances, excluding the Town Comprehensive Plan, with respect to driveway, field road, or building site location, and may grant a variance upon a showing that: (1) the variance is permitted by state law, (2) the proposed variance will cause no added threat to the health or safety of those affected thereby, (3) unreasonable hardship will occur in the absence of the grant.

### **SECTION II – PUBLIC SAFETY**

No variance may be granted which results in a greater threat to public safety interests. In applying this test, the Town Board must consider impacts of the proposal and the cumulative impacts of similar projects on the interests of the entire community. These interests are listed as objectives in the purpose statement of an ordinance and may include general public health, safety and welfare as well as more specific issues such as environmental protection, clean drinking water and other concerns. [For example, where an existing driveway cannot physically be made to comply with current ordinances, or compliance is prohibitively expensive, a short extension on the end of the driveway that adds no safety concerns, but is needed to accommodate a new garage, would be a valid candidate for a variance.]

### **SECTION III – HARDSHIP**

Hardship must be due to unique physical limitations of the property and/or existing improvements on the property, i.e. compliance with ordinance requirements is prevented by limitations that are not generally shared by other properties but are unique to the applicant's property. The circumstances of an applicant and intended use of the property may be a factor in deciding variances. Alternatives available to satisfy safety concerns addressed by the ordinance may be considered and balanced against the costs of strict compliance in determining the reasonableness of the hardship. However, nearby ordinance violations, prior variances or lack of objections from neighbors, do not provide a basis for granting a variance.

### **SECTION IV – EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 19<sup>th</sup> day of December, 2011

Posted: December 21, 2011

Brenda Kahl, Clerk/Treasurer  
Chris Upper, Supervisor  
Jim Laubmeier, Supervisor

Anthony Varda, Chair  
Don Witmer-Kean, Supervisor  
Bill Carlson, Supervisor