



APPLICATION: VARIANCE FORM

This application is required if you are seeking a variance from the Municipal Zoning Code. Please note that a hardship must be demonstrated for variance requests to be considered. Information on variances can be found in [Section 17.50\(3\)\(b\) of the Municipal Code.](#)

Petitioner Information:

Name:

Mailing Address:

Phone Number:

Email:

Property Owner Information (If Not Petitioner):

Name:

Mailing Address:

Phone Number:

Email:

Property Information:

Site Address/Location:

Lot Dimensions and Area:

Current Zoning:

Please explain your proposed plans and the specific ordinance(s) you are requesting a variance from:

Describe why you feel there is "unnecessary hardship". How does complying with the petitioned ordinance standard unreasonably prevent you from using the property for a permitted use, or renders conformity with such restrictions unnecessarily burdensome:

Describe any special circumstances that apply to your lot or structure that do not apply to adjacent properties:

Describe how the stated hardship is not self-created:

Describe how you feel the granting of this variance would not harm public interests, considering the general purpose of the ordinance and the specific provision being petitioned:

Additional Requirements: A site plan must be submitted with this application, showing the entire affected parcel, all structures, lot lines, and streets with distances to each. The site plan may be hand drawn. Additional information may also be requested as may be appropriate per the proposal being made.

Variance Fee Schedule: \$100.00

Please Note: The City of Kaukauna will **never** request payment for an application in the form of a wire transfer. All payments are to be made by check to the City of Kaukauna (address below) and are due when the application is submitted, prior to review.

Signature of Petitioner:

Signature of Owner (If Not Petitioner):

Date Submitted to the City of Kaukauna:

Please submit by email to planning@kaukauna.gov or by mail to:
City of Kaukauna
Attn: Planning and Community Development Department
144 W Second Street
Kaukauna, WI 54130

FOR DEPARTMENT USE ONLY:

Date Application Received:

Payment Received:

Payment Receipt #:

Board of Zoning Appeals Approval:

Signature of Planning & Community Dev. Staff:



Legal Standards for Variance

As a potential applicant for a variance, you should be aware of the legal standards the Board of Appeals will use to evaluate your request. State law makes clear that variances are not to be granted routinely, as doing so would undermine the purpose of the zoning ordinance. It is the applicant's burden to show that all required standards are met.

To justify the granting of a variance, you must show: (1) an unnecessary hardship exists; (2) the unnecessary hardship is caused by a unique property limitation; and (3) a variance would not be contrary to the public interest. The following principles, drawn from Wisconsin case law, guide the Board of Appeals in applying these standards:

- 1. Unnecessary Hardship:** What constitutes an unnecessary hardship depends on the specific facts of each case. The Board must consider the following:
 - a. An unnecessary hardship exists when, without the variance, the owner can make no feasible use of the property, or strict compliance with the ordinance is unnecessarily burdensome.
 - b. The hardship must be unique to the property in question and different from conditions affecting other parcels in the same zoning district.
 - c. Loss of profit or increased development costs alone are not grounds for a variance.
 - d. Self-imposed hardships—conditions created by the owner—are **not** grounds for a variance.
- 2. Unique Property Limitation:** The hardship must arise from physical characteristics of the property itself, not from the personal circumstances of the applicant. Examples include steep slopes, wetlands, or irregular parcel shapes that make compliance with the ordinance impractical.
- 3. Protection of the Public Interest:** Granting the variance must not harm the public interest or undermine the purpose of the zoning ordinance. The Board of Appeals may impose reasonable conditions to ensure the public welfare is protected. Any variance granted should provide only the minimum relief necessary to allow a reasonable use of the property.