

TOWN OF SPRING VALLEY

ROCK COUNTY

RE-ZONING/CUP/ VARIANCE **REQUEST FORM INFORMATION**

IMPORTANT:

PLEASE READ ALL INFORMATION CONTAINED HEREIN THOROUGHLY BEFORE COMPLETING THE *TOWN OF SPRING VALLEY RE-ZONING/CUP/VARIANCE – REQUEST FORM*.

THE FEE TO SUBMIT A *TOWN OF SPRING VALLEY RE-ZONING/CUP/VARIANCE REQUEST FORM* CAN BE OBTAINED BY THE TOWN CLERK BASED ON THE CURRENT FEE SCHEDULE IN PLACE AT THE TIME OF REQUEST PAYABLE BY CASH OR CHECK, WITH CHECKS MADE OUT TO TOWN OF SPRING VALLEY.

PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, FOUR (4) COMPLETE AND ACCURATE COPIES OF THE REQUEST (INCLUDING BOTH FORM PAGES AND A MAP PREPARED TO SPECIFICATIONS AS CONTAINED IN THE REQUEST FORM) AND THE REQUEST FEE TO THE TOWN AT THE ADDRESS ON THE LETTERHEAD.

THE APPLICATION FORM CAN BE COMPLETED ONLINE AT:
WWW.CO.ROCK.WI.US/APPLICATIONS-PERMITS-AND-FEES

FAILURE TO COMPLY WITH ANY OF THE AFOREMENTIONED WILL DISQUALIFY A REQUEST FROM CONSIDERATION. 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.

IF YOU HAVE ANY QUESTIONS REGARDING THE TOWN'S RE-ZONING/CUP/VARIANCE REQUEST PROCESS, PLEASE CONTACT THE TOWN CLERK.

REQUEST FORM REQUIREMENTS, TERMS, AND CONCEPTS

THE FOLLOWING PROVIDES INFORMATION ON *TOWN RE-ZONING/CUP/VARIANCE – REQUEST FORM* REQUIREMENTS, TERMS, AND CONCEPTS. PLEASE CONSULT WITH THE TOWN CLERK FOR FURTHER CLARIFICATION OR INFORMATION.

THE NUMBERS BELOW CORRESPOND TO THOSE QUESTION NUMBERS FOUND IN THE REQUEST FORM.

- 1.** A **Re-zone** allows for a change in a lot's zoning district, thereby changing the permitted and conditional land uses on the lot.
A **Conditional Use Permit** allows for land uses on a lot subject to conditions stated in the permit and different than those normally permitted.
A **Variance** allows for flexibility in meeting the requirements for land uses normally permitted on a lot.
- 2.** All local government units (Towns, Counties Cities, and Villages) in the State of Wisconsin are required to prepare and adopt **Comprehensive Plans**, covering all aspects of planning and development in the local government unit. All land use activities in a local government unit must be consistent with the **Future Land Use Map** as contained in their Comprehensive Plan. Please consult with the Town clerk to ensure a proposed Re-Zoning, CUP, or Variance is consistent with the Town's Comprehensive Plan.
- 3.** **Re-Zoning/CUP/Variance area** is the area of a lot subject to the proposed zoning/land use change.
A **State-certified Farmland Preservation zoning district** is a zoning district certified by the State of Wisconsin for agricultural use. Landowners in this district may be eligible for a State farmland preservation tax credit and lands in this district are subject to development restrictions. Please consult with the Town clerk to verify if a proposed zoning/land use change area is in this district.
- 4.** Many Towns in Rock County have State-certified Farmland Preservation (A-1) zoning districts certified by the State of Wisconsin for agricultural use. Various land use activities in **Base Farm Tracts** within these and other zoning districts are subject to certain restrictions. Please consult with the Town clerk to ensure a proposed Re-Zoning/CUP/Variance meets all Town Base Farm Tract requirements.
- 5.** **Land division** is the act or process of dividing an existing lot into two (2) or more lots in unincorporated Rock County, generally for the purpose of sale/ownership transfer or building construction or location.

REQUEST FORM REQUIREMENTS, TERMS, AND CONCEPTS

6. The Rock County Floodplain Zoning district is a zoning district administered by Rock County and containing lands identified as floodplain by the Federal Emergency Management Agency (FEMA), as delineated per the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors. Lands in this district are subject to development restrictions.

The **Rock County Shoreland Overlay zoning district** is a zoning district administered by Rock County and containing lands within one thousand (1,000) feet of the ordinary high water mark of a navigable lake, flowage or pond, or within three hundred (300) feet of the ordinary high water mark of a navigable river, stream, or creek, as delineated per *Chapter 4 – Zoning, Code of Ordinances, Rock County*. Lands in this district are subject to development restrictions.

The **Rock County Airport Overlay zoning district** is a zoning district administered by Rock County and containing lands adjacent to and in close proximity to the Southern Wisconsin Regional Airport, as delineated per *Chapter 4 – Zoning, Code of Ordinances, Rock County*. Lands in this district are subject to development restrictions.

Please consult with the Rock County Planning, Economic & Community Development Agency (“Agency”) to determine whether a proposed zoning/land use change area is in any of these districts. The Agency can be reached at 608.757.5587, planning@co.rock.wi.us, or 51 S. Main St., Janesville, WI 53545.

Board of Adjustment Criteria

1. Unnecessary Hardship

Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome.

- (A) The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of the other parcels, not one that affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstance renders the parcel unsuitable for any use permitted under the existing ordinance – if all area, yard and setback requirements are observed – the parcel may qualify for a hardship.
- (B) Loss of profit or pecuniary (financial) hardship is not and of itself grounds for a variance.
- (C) Self-imposed hardship is not grounds for a variance. Reductions resulting from a sale of portions of a property that reduce the remainder below buildable size cuts off existing access to a public highway, deed restrictions imposed by the owner’s predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
- (D) The hardship cannot be one that would have existed in absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provision of the zoning ordinance with other actions or regulations adopted by public authorities.

2. Unique Property Limitation

Unique Property Limitations where unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.

3. Protection of the Public Interest

Protection of the Public Interest is where granting a variance must neither harm the public interest nor undermine the purpose of the ordinance. The Board actions should be consistent with the “Purpose” and “Intent” sections stated in this Ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of opposition does not in itself mean that a variance will not harm the public interest.

Additional Considerations:

- (A) In granting variances the Board may impose special conditions to ensure that the public welfare is not damaged. The conditions must relate reasonably to the purpose and intent established in this ordinance.
- (B) A variance should include only the minimum relief necessary to allow reasonable use of a property.
- (C) Violations by or variances granted to neighboring owners do not justify variance.
- (D) Variances are attached to the property as a permanent right. Once a variance has been granted, it is permanently attached to the property. A new owner of the property may make use of the variance that was granted to the previous owner if all the conditions that are attached to the variance are met.