

What is a variance?

A variance is a relaxation of a standard in a land use ordinance. The Board of Adjustment is a quasi-judicial body because it functions almost like a court. The BOA's job is not to compromise ordinance provisions for convenience, but to apply legal criteria provided in state laws, court decisions and the ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposed a unique and substantial burden.

The decision of the BOA does not require County Board action and can be appealed by an affected party within 30 days of the decision.



Iowa County Planning & Development

Iowa County Courthouse
222 N. Iowa Street
Dodgeville, WI 53533

Phone: 608-935-0333
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In Iowa County...

Variance





Application Steps

Pre-Application. Discuss your proposal with staff of the Planning & Development Office. Staff will provide guidance on what alternatives may exist that do not involve a variance. You may be asked to complete a Preliminary Development Form as found at www.iowacounty.org/departments/PlanningDevelopment

Application. The application for a variance can be found at www.iowacounty.org/departments/PlanningDevelopment/pd-forms-documents or by contacting the Office of Planning & Development.

It is the responsibility of the applicant to complete the application in its entirety. Staff of the Office may assist with technical parts, but cannot provide guidance on the justification for the request.

Legal Standards for Variances §59.694(7) WI Stats outlines the legal basis on which a variance is to be considered. It also differentiates two types of variances...an area variance and use variance.

An area variance is a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk or density restriction for a structure. A use variance is authorization for the use of land for a purpose that is otherwise not allowed by the zoning ordinance.

The applicant has the burden to meet the following standards in order for the variance to be granted:

1. Unnecessary hardship—means strict compliance with the ordinance would unreasonably prevent use of the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. For a use variance, it must be demonstrated that strict compliance with the ordinance would leave no reasonable use of the property.
2. Unique conditions of property—means it must be shown that a unique physical condition of the property prevents compliance.
3. Protection of public interest—means granting a variance cannot result in harm to the public.

A variance cannot be granted for the convenience only of an applicant or if the hardship has been created by the applicant.

Decision The BOA will hold a public hearing and put its decision in writing and provide the applicant a copy. An appeal of the decision can be made to the Circuit Court within 30 days by any aggrieved party. Unless conditioned otherwise, the granted variance remains with the property regardless of a change in ownership.

Permits The decision of the BOA does not negate the need for any applicable permits associated with the project.

Never hesitate to contact the staff at the Office of Planning & Development with any questions...608-935-0398 or scott.godfrey@iowacounty.org

