

# Board of Zoning Appeals

September 19, 2018

7:00 PM

# Requirements for granting a variance

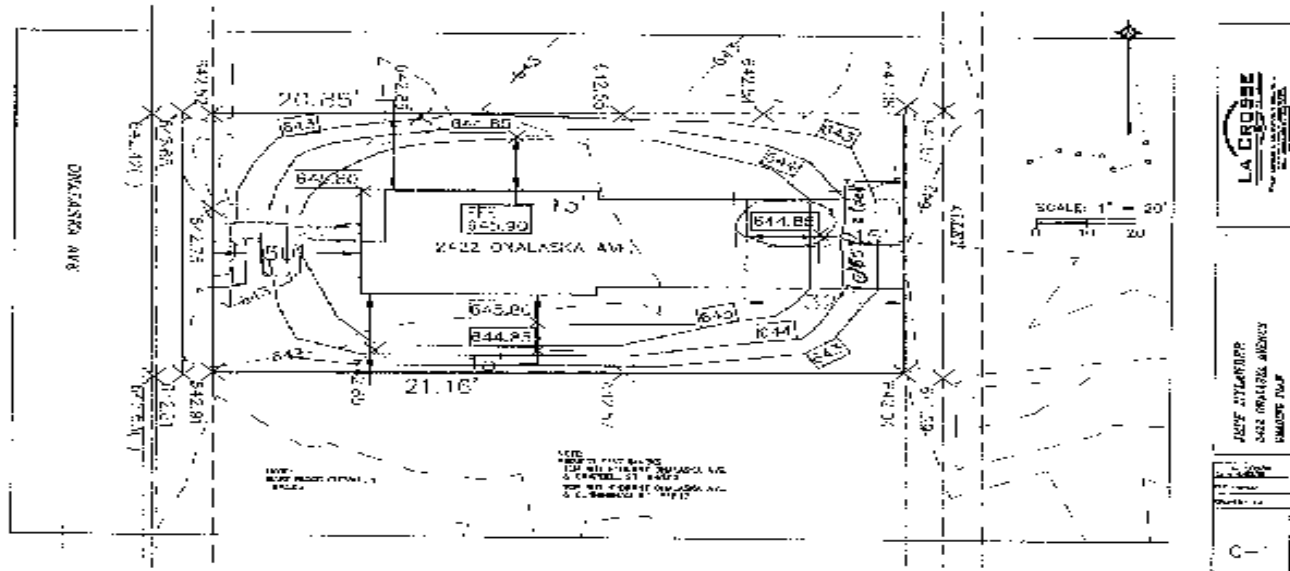
- Unnecessary Hardship
- Hardship Due to Unique Property Limitations
- No Harm to Public Interests
  - To qualify for a variance, an applicant must demonstrate that all three criteria are met.

# 2422 Onalaska Ave.

- The owner has a permit to construct a new single family dwelling. The plans submitted state that the 15' of fill requirement would be met.
- Municipal Code 115-281(3)(a)(1) states that the perimeter fill surrounding the structure shall be 1' or more above the regional flood elevation.
- Upon final inspection it was discovered that the handicap ramp to the west and the driveway to the east did not meet the above stated code section.
- For this project to proceed as planned a variance of 8' to the required 15' of perimeter fill will be required on the east and west sides.

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# 2422 Onalaska Ave.





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2422 Onalaska Ave.





# Requirements for granting a variance

- Unnecessary Hardship

- An unnecessary hardship is present where, in the absence of a variance, no reasonable use can be made of the property.
- No self-imposed hardship.
  - This was a self created hardship do to the fact that the plans were not followed.
- Financial hardship not a deciding factor
- Accessory structures not eligible.

# Requirements for granting a variance

- Hardship Due to Unique Property Limitations
  - Unnecessary hardship must be due to unique limitations of the property i.e., physical features of the property prevent compliance with the ordinance. (steep slopes, wetlands, etc.)

# Requirements for granting a variance

- No Harm to Public Interests
  - A variance may not be granted which results in harm to public interests.

# BOZA

- This power point is to be added as part of the minutes of this meeting.