

**TOWN OF PLEASANT SPRINGS
PLAN COMMISSION**

**INFORMATION AND REQUIREMENTS
VARIANCE and/or SPECIAL EXCEPTION PERMIT REQUEST**

IMPORTANT – PLEASE READ THE INSTRUCTIONS CAREFULLY

1. All requests start with the applicant contacting the town office and obtaining an application packet. The office is located at 2354 County Road N, Stoughton, WI, 53589. Office hours are: Monday and Tuesday from 10:00 a.m. to 4:00 p.m. and Thursday from 10:00 am to 6:00 p.m. Dec 15 through January, and Monday, Tuesday and Thursday 10 am to 4 pm February through Dec 15. Telephone: (608) 873-3063.
2. You will be given the name and telephone number of a Plan Commissioner who will serve as your contact person. **You must contact this Commissioner before completing your application and turning it in to the office. Always call your contact person if you need further information or have any questions regarding the application, forms and/or process.**
3. **The current property owner(s) are required to attend all Plan Commission and Town Board meetings, unless an agent is named in writing to appear in their place. Even if an agent is named, the property owner(s) must attend the first Plan Commission and Town Board meetings in order for the Town Board to hear the request. If the owner(s) cannot appear for good and sufficient reason, your contact person will provide information about postponing the appearance or notarizing the application.**
4. The Plan Commission meets at 6:30 p.m., the second Wednesday of the month at the Town Hall, 2354 County Rd N, Stoughton, unless otherwise noticed. There is a nine-item limit to the agenda. To reserve a space on the next available agenda, a correctly completed application and related materials, fee paid in full, and the correct number of copies required. The agenda will be noticed in the order requests are received.
5. **No additional information will be accepted to be distributed to Plan Commission members after the cutoff date.**
6. Plan Commission recommendations are then referred to the agenda for the Town Board meeting scheduled on the third Tuesday of each month at Town Hall, at 6:00 p.m. The Town Board **will only take action on the request submitted at the Plan Commission.** The request **CANNOT** be changed between the Plan Commission and Town Board meeting. If the applicant wishes to change their request they must withdraw their request and make a new request to the Plan Commission for consideration.

The following instructions **must** be followed in completing the application and preparing material to include with the application for your request:

- Complete the attached application in ink. Do not leave any blank areas. If an area is not applicable, write N/A on that line. Only the property owner(s) may initiate and sign this application.
- Your application must include the Dane County Board of Adjustment Appeal application. This information is obtained from Dane County Planning & Development at 210 Martin Luther King, Jr. Boulevard, Room 116, Madison, WI 53703. Telephone: 608-266-4251.
- Submit a site plan with your application. You may submit a current recorded CSM with additional notations as described on page B of this packet or use page B to create your plan.

If directed by your contact person, provide an aerial photo. The subject property must be highlighted on the photo. A photo for this purpose can be obtained from the town office staff, or by using Access Dane at <http://accessdane.co.dane.wi.us/>.

7. The completed application form, site plan, and all required attachments must be returned to the Clerk with the application fee by the deadline date in order for the request to be considered for inclusion on the next available agenda. **The staff cannot accept or hold incomplete applications and cannot accept fee payment unless all materials are complete.** A list of Town due dates is available from office staff.

NOTE – APPLICATION MUST INCLUDE ALL CORRECT PARCEL NUMBERS INVOLVED WITH THE PROJECT

8. **No additional information will be accepted to be distributed to Plan Commission members after the cutoff date.**
9. **Only the request made and submitted by the deadline will be reviewed.** If an applicant wishes to change the request submitted, they will need to withdraw their request and submit a new request. The new request is subject to all applicable deadlines.
10. **You must provide an original and twelve (12) good-quality copies of all materials required with this application.** Be sure to keep copies of all materials for yourself.
11. **If you are instructed to develop or are required to provide additional materials at any time during this process,** you must provide an original, good-quality copy of all materials required with this application. Be sure to keep copies of all materials for yourself.
12. Application fees: **\$200.00 for applications based on residential use; \$250.00 for all other requests, including communication towers.** All fees are non-refundable. Exact cash or a check made payable to the “Town of Pleasant Springs” is required. No application will be placed on an agenda until all fees are paid.
13. When a request appears on the Plan Commission or Town Board agenda, and no one appears at the meeting to represent the request, no action will be taken on the request.

THE VARIANCE PROCESS

1. OBTAIN A NOTIFICATION OF INTENT LETTER FROM THE CLERK

- The Clerk will note the details of your variance and send a letter to Dane County verifying the Town is aware you are applying for a variance.
- You will then be able to make application to Dane County for a variance.
- Applicant should complete application to Dane County for a variance

2. TURN IN A COMPLETED APPLICATION TO THE OFFICE

- Once your packet is completed with all of the requirements and fees, you will be placed on the next available Plan Commission meeting.

3. REVIEW OF APPLICATION WITH THE PLAN COMMISSION AND TOWN BOARD

- Your application will be reviewed by the Plan Commission. The application will be reviewed for consistency with the Comprehensive plan and all applicable Dane County Ordinances and State Statutes, as well as the three steps test for a variance. The Plan Commission is advisory to the Town Board.
- The Plan Commission will then make a recommendation for approval/disapproval to the Town Board.
- The Town Board will review your application at the next Town Board meeting, which is generally held the third Tuesday of the month. A motion on your petition may be made and voted on by Town Board for approval, approval with conditions, denial, or be denied and held in abeyance for further information. The Town Board's action may differ from the Plan Commission's.
- The Clerk will notify Dane County of the Town Board action taken on your variance petition in writing.

4. DANE COUNTY PUBLIC HEARING

5. DANE COUNTY BOARD OF APPEALS

TOWN OF PLEASANT SPRINGS

Plan Commission Application

Variance /Special Exception Permit Request

*Complete application in ink. Do not leave any blank areas. If an area is not applicable, write N/A on that line. Only the property owners may initiate and sign this application.

| | |
|--|--|
| Contact Person: (Assigned by Office) | Telephone no. of Contact Person: E-Mail – |
| Section A: General Information | |
| Land Owners Name(s): | Date of Application: |
| Full address: (including City, State, Zip) | Email Address: |
| Phone Number: | |

*Please note only property owners are allowed to make application to the Town for a rezone/CUP or CSM. An agent may be elected to speak on behalf of the

I, _____, authorize and agree to _____
(Owner's Name) (Agent's Name)
acting on my behalf for this application pertaining to land I own in the Town of Pleasant Springs.

| | |
|-------------------------|--|
| Signature of Land Owner | Date |
| Agent's Name: | Full address: (including City, State, Zip) |

| Section B: Property Description and Information | | | | |
|--|-----------------------------------|--------------------|--------------------------------|-----------------|
| All Parcel Numbers involved: 046/0611- | | Parcel Address(s): | | |
| Total Acres in Parcel: | Total Acres affected by Variance: | Present Zoning: | Number of Variances Requested: | |
| Current Use: | | Proposal: | | |
| Section | Description | Required | Proposed or Actual | Variance Needed |
| | | | | |
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| | | | | |

Is there a residential dwelling or any other building on this parcel now? - Yes - No

If yes, list all buildings: _____

Does the variance affect the residential dwelling? - Yes - No

Does the variance(s) affect outbuildings? - Yes - No

List exact buildings: _____

Have you previously submitted an application for a variance on this parcel? - Yes - No

Was previous variance granted? - Yes - No (If yes, please attach detailed descriptions of requests)

Has the property been previously rezoned? - Yes - No If yes, how many times? _____

Are there any deed restrictions on this property? - Yes - No (If yes, please attach documentation)

Section C: Requirements

- Fee must be submitted at time application is received. \$200 for residential uses, \$250 for all other requests including communication towers. All fees are non-refundable. Exact cash or a check made payable to the "Town of Pleasant Springs" is required. No application will be placed on an agenda until all fees are paid.

- Submit an aerial photograph of the subject property. A photo for this purpose can be obtained by using Access Dane at (office staff can provide additional instructions on obtaining the map):
<http://accessdane.co.dane.wi.us>

- **You must provide an original and twelve (12) good-quality copies of all materials required with this application.** Be sure to keep copies of all materials for yourself

Section D: DANE COUNTY BOARD OF ADJUSTMENT FILING

Have you filed a Dane County Board of Adjustments application? - Yes - No
If yes, please list appeal number and attach a copy of the application: _____

SECTION E- Landowner's Statement

All the information on this form is accurate. My signature on this application constitutes authorization for members of the Plan Commission and Town board to make site visits on the subject property (for all applicable property owners).

Signature of Land Owner

Date

Signature of Land Owner

Date

Signature of Land Owner

Date

Do not use the section below unless directed to do so by your Plan Commission contact person

STATE OF WISCONSIN

Dane County

_____, being first duly sworn on oath says that (s)he is the person who made and signed the foregoing application for a Variance, that all the statements made by the applicant are true and he appoints _____ as agent to act on his behalf.

X _____

Applicant sign here

Subscribed and sworn to before me this

day of _____, 20 _____

Notary Public, _____ County, Wisconsin

My Commission Expires _____

SECTION F: VARIANCE STANDARDS (EACH QUESTION MUST BE COMPLETED)

Answer each of the following four questions in your own words. Attach additional sheets as necessary. Be sure to include enough detail to support your appeal.

1. Describe alternatives to your proposal such as other locations, designs and construction techniques.

Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

2. Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

*An applicant may not claim unnecessary hardship because of conditions which are SELF-IMPOSED or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. **THE PROPERTY OWNER BEARS THE BURDEN OF PROVING UNNECESSARY HARSHSHIP.***

3. Do unique physical characteristics of your property prevent compliance with the ordinance? If Yes, please explain. **The required Site Plan and/or Survey submitted with your application must show these features.** *Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance?*

4. What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated? **The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features.**

These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for non-conforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public issues.