

# Village of Wind Point Board of Appeals Application



## Applicant Information

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Site Information

Address: \_\_\_\_\_

Lot area and dimensions: \_\_\_\_\_ sq. ft., \_\_\_\_\_ x \_\_\_\_\_ ft.

Zoning District: \_\_\_\_\_

Current Use: \_\_\_\_\_

## Reason for Appeals Hearing Request (check box)

- Appeal for an Error in an Order, Decision or Determination
- Special Exception
- Request for a Variance (please see second page for additional information on variances)
- Non-Conforming Use Change
- Zoning Interpretation

## Nature and disposition of any prior filing with the Board of Appeals:

\_\_\_\_\_

## Description of all nonconforming structures and uses on the property (attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_

## Please attach the information below required by Sec. 36-796 of the Wind Point Village Code

- Name and address of all abutting and opposite property owners of record.
- Plat of survey or other map drawn to scale showing all the information required under Sec. 36-911.
- Fee: \$300- checks made payable to the Village of Wind Point.

## Notice of Payment of Village Expenses:

The applicant may pay additional fees equal to expenses incurred by the Village for the consideration and review of the petition. This may include legal fees, engineering fees, fees of other consultants, and any other costs which the Village may reasonably incur to review the petition, as allowed under Sec. 39-920 of the Village Code.

## Applicant Signature:

I swear that the information provided in this application is true and correct to the best of my knowledge and belief, and herein requests permission to rezone the property under the provisions of the Village of Wind Point Zoning Ordinance. The applicant certifies they understand and do hereby acknowledge Sec. 36-920 of the Village Code.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Office Use Only

Date Filed: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Received By: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Board of Appeals Decision Approve: \_\_\_\_\_ Deny: \_\_\_\_\_ Date: \_\_\_\_\_

**Findings Required to Grant a Variance- Sec. 36-799**

No variance to the provisions of this chapter shall be granted by the board of appeals unless it determines that conditions of this section are met and so indicates in the minutes of its proceedings. In addition, the following provisions shall be met:

- (1) *Preservation of intent.* No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) *Exceptional circumstances.* There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.
- (3) *Economic hardship and self-imposed hardship not grounds for variance.*
  - a. No variance shall be granted solely on the basis of economic gain or loss.
  - b. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (4) *Preservation of property rights.* The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) *Absence of detriment.* No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.