



CITY OF GLENDALE
BOARD OF APPEALS
NOTICE OF APPEAL AND/OR APPLICATION FOR REVIEW
Application Fee: \$250

1. **Name of Appellant/Applicant:** _____

Address of Appellant/Applicant: _____

Phone Number: _____ (Home) _____ (Work)

2. **Address of Property:** _____

Tax Key Number: _____

Present Use of Property: _____

Proposed Use of Property: _____

Owner's Name and Address if Different than Above: _____

3. **Has a Previous Appeal or Application Been Made with Respect to This Property?**

Yes () / No (). If Yes, State the Nature of the Previous Appeal/Application: _____

Disposition of Previous Appeal/Application: _____

Date of Decision in Previous Case: _____

4. **Date of Decision or Order of Administrative Official from which Appeal is Taken:** _____

Date of Notice of Such Decision Received by Appellant: _____

5. **Purpose:** Grounds of Appeal or Application for a Variance. Check One of the areas below that best describes the Relief Requested by This Appeal or Application:

A. Request for interpretation of Zoning Code and reversal of order, requirement, decision or determination of administrative official. Attach separate sheet listing reasons why you claim this order, requirement, decision or determination is erroneous.

B. Request for a variance. **Attach a separate sheet explaining the following:**
1. Describe in detail the variance requested.
2. Describe what special conditions exist that will cause unnecessary hardship if the variance requested is not granted.

3. Explain why the variance requested is not contrary to the public interest and will not endanger public safety and welfare.
4. Explain why the variance requested will be in accord with the spirit of the Zoning Code.
5. Explain how the variance, if granted, will cause substantial justice to be done.

C. Other: _____
 State the relief you are requesting, and attach a separate sheet listing the reasons why you are entitled to such relief.

****PLEASE NOTE:** On March 19, 2004, the Wisconsin Supreme Court issued its decision in *State ex rel Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23. The significance of this case is that it repealed the *State v. Kenosha County Bd. Of Adjustment* case as to the legal standard Boards of Appeal or Adjustment are to apply when considering an area variance. As you know the *Kenosha County* case merged the distinct legal standards for unnecessary hardship in use and area variance cases, thereby establishing a “no reasonable use of the property” standard for unnecessary hardship in all variance cases. Under *Ziervogel*, the use variance standard for unnecessary hardship remains the same, however, the area variance standard reverts to that recognized in *Snyder v. Waukesha County Zoning Bd. Of Adjustment*, 74 Wis.2d 468, 247 N.W.2d 98 (1976).

Under the *Snyder* standard for determining unnecessary hardship in an area variance case, the Board must now determine:

“[W]hether compliance with area zoning restrictions ‘would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.’ *Snyder*, 74 Wis.2d at 475. Whether this standard is met . . . will depend upon the board of adjustment’s consideration of the purpose of the zoning restriction in question (including the important public purposes [of the ordinance in question] . . .), the effect of the restriction on the property, and the effect of a variance on the neighborhood and the larger public interest. In addition, the petitioners must demonstrate that the hardship is based upon conditions unique to the property and is not self-created.” *Ziervogel*, 2004 WI 23, ¶¶ 41-42.

6. **Submittal:** Each appeal or application must be accompanied by scaled drawings showing the location and size of property, existing improvements, all abutting properties and improvements thereon, and the requested change or addition. A \$250 filing fee must also accompany this application.

IMPORTANT NOTE: *The City of Glendale is not accepting paper document submittals. Board of Appeals Review Submittals are required to be submitted via email to Director of Community Development Todd Stuebe at T.Stuebe@GlendaleWI.gov with PDF documents attached or with a web link to the PDF documents. Fee remittals may be delivered to Glendale City Hall, deposited in the drop box in front of City Hall, or mailed to:*

*City of Glendale, WI
 5909 North Milwaukee River Parkway
 Glendale, WI 53209-3815
 Attn: Community Development Department*

I hereby swear that all of the above statements, and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief. I request that this matter be given consideration by the Board of Appeals at the earliest possible date, and that notice of the hearing be given to the undersigned and all other interested parties.

 Signature of Appellant/Applicant

 Dated:

For Office Use Only:

Date \$250 Filing Fee Paid _____

Receipt No.: _____

Date Application/Appeal Filed: _____

Case Number _____

Hearing Date: _____

Date Notice Mailed _____

Publication Dates: _____