



VARIANCE

LAND DEVELOPMENT APPLICATION FORM

Applications will not be processed unless all required information for the specific application type is submitted and applicable fees are paid. No partial applications will be accepted and final acceptance will be determined by the Zoning Administrator after the initial submission.

Applicant
Initials:

Letter of Intent (1 copy)
Predevelopment Agreement signed (1 copy)
Application checklist complete and signed (1 copy)

OFFICE USE:
Staff Initials:

Applicant information:

Name: _____ Address: _____
Phone Number: _____ Fax Number: _____ E-mail Address: _____

Property owner information:

Name: _____ Address: _____
Phone Number: _____ Fax Number: _____ E-mail Address: _____

Primary contact information:

Name: _____ Address: _____
Phone Number: _____ Fax Number: _____ E-mail Address: _____

Property Information:

Legal Description: _____
(i.e. lot # of subdivision or certified survey map; metes and bounds ("unplatted"))
Parcel Number: _____ Address/Location: _____
Existing Zoning District: _____ Existing Land Use: _____

Brief Description of Project: _____

Property Owner Authorization (required): _____
(Signature or signed letter of authorization)

Applicant Signature (if different from owner): _____

OFFICE USE:
Received in Planning Dept. office by: _____ Date: _____
Fee Paid: _____ Check #: _____ Project Number: _____

Attach a separate sheet if more room is needed to supply complete information.



DETAILED INSTRUCTION SHEET FOR FILLING OUT LAND DEVELOPMENT APPLICATION

Prior to Submittal:

It is strongly recommended that applicants set up an appointment with the staff of the Planning Division to discuss your proposal in detail and review the approval process.

Filing Timeline:

The Board of Zoning Appeals shall hold a public hearing within 45 days after the receipt of a complete petition for a Variance as determined by the Zoning Administrator. No partial or incomplete applications will be accepted. **Applications shall be submitted electronically or using a portable storage device.** (*[E-mail to planning@cityofsunprairie.com](mailto:planning@cityofsunprairie.com)*).

Payment of Fees:

Full payment must be received for an application to be complete. Payment may be mailed or delivered to City Hall, 300 E. Main Street; by calling the Planning Division at (608) 825-1107; or online through the city's website www.cityofsunprairie.com. Online payments shall be submitted by as "Miscellaneous Bills" and by selecting "Planning Documents." **All credit or debit card payments will be charged a 2.35% convenience fee.**

Upon Filing Your Application:

Planning staff will review the application submittal for completeness and circulate plans to appropriate City departments for review. A public hearing or public meeting date before the Board of Zoning Appeals will be scheduled by City staff after a **complete** application is received. You will be informed of the time and place of the public hearing or public meeting and provided with a copy of the City staff comments and recommendations in advance of the meeting. For public hearing items, staff will also notify property owners within 300 feet of the boundaries of the property.

While your attendance at a public hearing or meeting is not mandatory, it is in your best interest to attend the meeting to explain your proposal and answer questions. If you, or a representative attending on your behalf, are not present to answer questions regarding the development proposal, the application may be denied or referred to another date due to a lack of available information. You should also remain at the public hearing or public meeting until after the Board of Zoning Appeals votes on your proposal.

Required Application Submittal Materials (to be attached to the application form):

- 1. Legal Description of Property.** Submittal of a proper legal description of the project is REQUIRED for all applications. A proper legal description is a lot and block number of a recorded certified survey map or plat, or a metes and bounds description prepared by a surveyor, engineer, title company, etc. A "plat of survey" or "site plan" is NOT a proper legal description. Any application without a proper, complete and appropriate legal description will NOT be processed.
- 2. Letter of Intent.** The applicant shall provide the City with a **Letter of Intent** describing in detail the application. The letter of intent should include the following information, as applicable:
 - Purpose for the request
 - Construction schedules (i.e. project start, proposed occupancy date)
 - Names of people involved (i.e. applicant, property owner, contractor, architect, landscaper, business manager)

- Detailed description of the types of business or businesses proposed
- Hours of operation for the business or activity
- Area of the site in square feet or acres
- Number of dwelling units
- Number of employees (total and on largest shift)
- Number of lots to be created (if involves a land division)
- Explain any wetlands, woodlands, floodplain, steep slopes and other environmental features on the property
- Identify access to the property
- If located in the Extraterritorial Jurisdiction (ETJ) area of the City, explain other processes that have or need to be taken with other regulating governmental entities.
- Any additional information that the applicant wishes to submit in support of or to justify the requested action.

3. **Predevelopment Agreement Form. (MUST BE SIGNED FOR ALL PROJECT TYPES BY THE APPLICANT)** This agreement between the developer and the city ensures that the developer agrees to pay for all review, processing, approving and/or administration costs incurred by the city including without limitation because of enumeration, costs of publications and special meetings, legal, engineering, planning and design service costs incurred by the city in connection with this review, processing, approving and/or administration of the application. Additionally this agreement ensures that the city agrees to review the application of the developer in accordance with the law and desires to have such review made without unreasonable expense to the city taxpayers. When completing the form, the blanks for the dollar amounts on page 2 should be left blank.

4. **Application Checklist. (MUST BE COMPLETED AND INITIALED BY THE APPLICANT)** An application checklist for the specific application type must be completed by the applicant as part of the application process. Each checklist was created to identify all of the items that must be submitted for each project type. Each item in the checklist must be initialed by the applicant, indicating that the required item has been included in the application submission. Planning staff will also use this checklist to determine if the application is complete and therefore ready to be placed on the Board of Zoning Appeals agenda. More detailed instructions for each project type are included on the respective project checklist.

**PREDEVELOPMENT AGREEMENT FOR COSTS SUSTAINED
BY THE CITY OF SUN PRAIRIE, DANE COUNTY WISCONSIN, IN REVIEWING, CONSIDERING
AND/OR ADMINISTERING
LAND DEVELOPMENT RELATED ACTIVITIES**

THIS AGREEMENT is entered into between the City of Sun Prairie, Wisconsin, a Wisconsin Municipal Corporation, hereinafter called the **(CITY)**, and _____ **(DEVELOPER)** of the following described lands within the City of Sun Prairie or its three mile extraterritorial jurisdiction:

WHEREAS, the person(s) above-named wish to engage in the following land development related activities

within the **CITY** and/or its three mile extraterritorial jurisdiction and to obtain **CITY** approval of this land development related activity; which may include but is not limited to land divisions, zoning map amendments, conditional use permits, variances, annexations, site plan reviews, landscape plan reviews, planned unit developments, comprehensive plan amendments, official map amendments, and urban service area amendments, in accordance with applicable federal and state laws and **CITY** ordinances; and,

WHEREAS, the **CITY** agrees to review the land development related activity, as defined above, of the **DEVELOPER** in accordance with law and desires to have such review made without unreasonable expense to the **CITY** taxpayers:

NOW, THEREFORE, the parties agree as follows:

PART A. PAYMENT FOR REVIEW SERVICES

The **DEVELOPER** agrees to pay all review, processing, approving and/or administration costs incurred by the **CITY** including without limitation because of enumeration, costs of publications and special meetings, legal, engineering, planning and design service costs incurred by the **CITY** in connection with this review, processing, approving and/or administration.

The **DEVELOPER** understands the legal, engineering, and planning or design consultants retained by the **CITY** are acting exclusively on behalf of the **CITY** and not the **DEVELOPER**.

PART B. GUARANTEE OF PAYMENT

If the **CITY**, in its sole discretion, determines that the costs the **CITY** may incur in connection with the land development related activity are significant, then the **CITY** shall require the **DEVELOPER** to guarantee reimbursement of the **CITY** for costs described in **PART A** by depositing with the **CITY** Clerk/Treasurer a (cash deposit) (cashier's check) (irrevocable letter of credit) in the name of the **CITY** in the principal sum of \$ _____, which includes the sum of \$ _____ to cover the cost of unanticipated contingencies.

If guarantee is made by cash deposit, the **CITY** agrees to deposit the guarantee payment in an interest bearing account and to make payments from such account for the above described services.

If at any time moneys in the account, including earned interest, or the principal amount of the irrevocable letter of credit are insufficient to pay expenses incurred by the **CITY** for review, processing, approving and/or administration costs, **DEVELOPER** agrees to deposit required additional amounts within fifteen (15) days of

written demand by the CITY Clerk/Treasurer, the CITY shall not be required to take any further action on such activity until the amount in arrears plus interest at the rate of 18% per annum are paid in full.

PART C. TERMINATION OF GUARANTEE

Sixty (60) days after completion of review, processing, approving or administering, evidenced by resolution or ordinance of the CITY Council/Board approving, conditionally approving or rejecting the land development related activity, the CITY agrees to refund the DEVELOPER any moneys remaining in the deposit account, including any interest earned thereon; or if guarantee is made in the form of an irrevocable letter of credit, to give a written release, sufficient to terminate the guarantees of such letter less, in either case, any amounts owing for administrative costs described in PART A.

PART D. EFFECT OF APPROVAL

Subject to the applicable regulations of any governmental entity with jurisdiction and/or the ordinances, rules and regulations of the CITY, the approval of the land development related activity shall entitle the DEVELOPER to final approval of land development related activity only if all conditions of approval have been met, and only if all required guarantee deposits, and all amounts payable under this Agreement have been paid.

PART E. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of any other section, subsection, sentence, clause, phrase, or portion thereof.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the _____ day of _____, 20_____

CITY OF SUN PRAIRIE

City Administrator

City Clerk/Treasurer

Attested By:

DEVELOPER/OWNER

{NAME OF DEVELOPER/OWNER} _____

By: _____

Its: _____

Attested By:

APPLICATION CHECKLIST VARIANCE

All applications for **Variations**, regardless of the party of their initiation, shall be filed with the Planning Division. This form shall serve as a checklist for variance applications. **The use of this checklist by the applicant to ensure a complete application submittal for this application is required.** One completed and signed original copy of this checklist shall be submitted to the Planning Division with all application submittals.

This form is also used by staff to verify that all required materials related to this application have been received and are complete. The use of this checklist by the City or applicant does not constitute a waiver of any additional requirement contained in the City’s Municipal Code. Refer to the Sun Prairie Municipal Code for a complete listing of the requirements (<http://library.municode.com/index.aspx?clientId=13968>).

NOTE: Items will not be placed on a Board of Zoning Appeals agenda until a complete application including all of the following is submitted by the deadline date and time.

Review Initials	Submittal Requirements
	One (1) copy of a completed application form.
	One (1) copy of a signed Predevelopment Agreement form
	One (1) copy of a legal description of the subject property <i>(In Microsoft Word Format)</i>
	One (1) copy of all plans and submittal materials. <i>(In PDF Format)</i>
	<p>One (1) copy of a Letter of Intent, describing the type of specific requirements of the variance proposed for the subject property and fully explaining the request, justifying approval of the proposed variance. (The petitioner is advised to use the requirements of Section 17.44.090 of the zoning code listed below to develop said written justification.)</p> <p>a. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:</p> <ul style="list-style-type: none"> i. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed; ii. Loss of profit or pecuniary hardship shall not, in and of itself be grounds for a variance; iii. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of such property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner’s predecessor in title are considered to be such self-imposed hardships; iv. Violations by, or variances granted to, neighboring properties shall not justify a variance; v. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. <p>b. In what manner do the factors identified in subsection (D)(2)(a) of this section prohibit the</p>

	<p>development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.</p> <p>c. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.</p> <p>d. Would the granting of the proposed variance as depicted on the required site plan (see subsection (C)(4) of this section) result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this title, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.</p> <p>e. Have the factors which present the reason for the proposed variance been created by the act of the petitioner or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this title (see Section 17.04.080)? The response to this question shall clearly indicate that such factors existed prior to the effective date of this title and were not created by action of the petitioner, a previous property owner, or their agent.</p> <p>f. Does the proposed variance involve the regulations of Section 17.16.030 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this section.</p>
	Payment of Fees (<i>see fee schedule</i>)
	One (1) copy (8 ½” x 11” or 11” x 17”) of a map of the generalized location of the subject property in relation to the City as a whole. The small location map shall show the subject property and illustrate its relationship to the nearest street intersection. (A photocopy of a city street name map with the subject property clearly indicated shall suffice to meet this requirement.).
	A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 17.44.070 C.
A MAIN SITE PLAN DRAWING SHALL BE SUBMITTED AND SHALL INCLUDE THE FOLLOWING:	
	A title block which indicates the name and address of the current property owner.
	The date of the original plan and the latest date of revision to the plan.
	A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet.
	All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
	All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
	All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
	All required building setback lines.

	The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas (<i>see Zoning Ordinance Section 17.36.040 for Off-street Parking and Traffic Circulation Standards</i>).
	The location of all outdoor storage areas.
	The location and type of any permanently protected green space areas.
	Detailed Site Analysis Map if permanently protected green space areas are present . (<i>see Zoning Ordinance Section 17.28.120 for Detailed site analysis</i>).
	In the legend, data for the subject property: <ul style="list-style-type: none"> a. Lot Area; b. Floor Area; c. Floor Area Ratio (b/a); d. Paved Area (includes parking lots, sidewalks, and all other paved areas) e. Impervious Surface Area; (includes building footprint area plus all paved areas) f. Impervious Surface Ratio (e/a); and g. Building Height
THE MAIN SITE PLAN SHALL ALSO BE ACCOMPANIED BY THE FOLLOWING PLANS AT THE SAME SCALE AS THE MAIN SITE PLAN:	
	A Stormwater Management Plan showing the location of existing and proposed drainage facilities (<i>for questions regarding the requirements for the Stormwater Management Plan call the City of Sun Prairie Engineering Department at 837-3050</i>). A separate application process may be necessary.
	An Erosion Control Plan (<i>for questions regarding the requirements for the Erosion Control Plan call the City of Sun Prairie Engineering Department at 837-3050</i>). A separate application process may be necessary.
	A Utility Plan showing the location of all existing and proposed utilities (i.e. water mains, sanitary sewer lines, storm sewers, fire hydrants, electrical, cable, gas)
	A Signage Plan showing the location, type, and size of all existing and proposed signage on the subject property (<i>see Zoning Ordinance Chapter 17.40 for Signage Regulations</i>).
	A Lighting Plan showing the location, type and orientation of all existing and proposed exterior lighting on the subject property including photometrics (<i>see Zoning Ordinance Section 17.36.070 for Exterior Lighting Standards</i>).
	A Landscaping Plan of the subject property showing the location of all required bufferyard and landscaping areas, and existing and proposed Plant Unit options for meeting said requirements (<i>see Zoning Ordinance Chapter 17.32 for the Landscaping and Bufferyard Regulations</i>).
	Floor Plan Layout and Building Elevations

Findings and determination. If the Board of Zoning Appeals approves the requested variance, the Department of Planning and Economic Development will prepare a report of the Board's findings and determinations. Such report shall include a formal findings of facts developed and approved by the zoning board of appeals concerning the requirements of Section 17.44.090(D)(2)(a) through (f) of the zoning code.

Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of such order of denial, except on grounds of new evidence or proof of change of factors found valid by the board of zoning appeals.

Limited Effect of a Variance. Where the board of zoning appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

Applicant Signature: _____ **Date:** _____