



**VILLAGE OF ELM GROVE  
BOARD OF APPEALS  
APPLICATION FORM**

The Elm Grove Board of Appeals, created under § 62.23(7)(e), Wis. Stats., for villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. The Board of Appeals shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the Secretary of the Board of Appeals.

The Elm Grove Board of Appeals shall:

1. Appeals: Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter;
2. Boundary disputes: Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map; and
3. Variances: Hear and decide, upon appeal, variances from the standards of this chapter.

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer or department of the municipality affected, by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board of Appeals all records regarding the matter appealed.

The following items must be submitted to Village Hall prior to an appeal to the Board of Appeals being considered:

**1. Board of Appeals Application**

- Names and address of the appellant or applicant and all abutting and opposite property owners of record
- Plat of Survey prepared by a land surveyor registered in the State of Wisconsin, or other map drawn to scale and approved by the Zoning Administrator which shows all of the information required under §335-84 of this chapter for a building permit
- Any additional information required by the Zoning Administrator, Board of Appeals, or Village Plan Commission (See Findings Required to Grant a Variance)

**2. \$400.00 Submission Fee**

**VILLAGE OF ELM GROVE  
APPEAL/APPLICATION TO BOARD OF APPEALS**

**APPLICANT INFORMATION**

Applicant Name: \_\_\_\_\_

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

Applicant Phone Number: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

**SUBJECT PROPERTY INFORMATION**

Subject Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_ ¼, \_\_\_\_\_ ¼, S \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, Village of Elm Grove, Waukesha County

Lot Area and Dimensions: \_\_\_\_\_ sq. ft., \_\_\_\_\_ ft. X \_\_\_\_\_ ft.

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

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

**PROPERTY HISTORY**

Name and disposition of any prior petition for appeal, variance, or conditional use (if any):

\_\_\_\_\_

Description of all nonconforming structures and uses on the property (if any):

\_\_\_\_\_

**TYPE OF APPEAL** (Check the type of administrative decision that is being appealed)

- Zoning District Boundary Dispute
- Ordinance Interpretation
- Board, Committee, or Commission Decision
- Administrative Decision, Measurement, or Order
- Variance Request (see "Findings Required to Grant a Variance")

Please provide the following information as required by Article IX Board of Appeals:

- o Names and address of the appellant or applicant and all abutting and opposite property owners of record
- o Plat of Survey prepared by a land surveyor registered in the State of Wisconsin, or other map drawn to scale and approved by the Zoning Administrator which shows all of the information required under §335-84 of this chapter for a building permit
- o Any additional information required by the Zoning Administrator, Board of Appeals, or Village Plan Commission
- o \$400.00 variance/appeal fee as required by the Village Fee Schedule

**I certify that the information I have provided in this application is true and accurate.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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**FOR INTERNAL OFFICE USE ONLY:**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ YES \_\_\_\_\_ NO

## **Findings Required to Grant a Variance**

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 the Zoning Chapter should be changed.
3. **Economic hardship and self-imposed hardship are not grounds for a variance.** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
4. **Preservation of Property Rights.** Such variance is 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.** Such variance shall not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

## Waiver for Special Contract Fees

In accordance with Elm Grove Code of Ordinance §30-3, any special professional services required to process your application or finalize your project will be billed to you in accordance with all applicable provisions of §30-3 and will be subject to all appeal rights as stated in §30-3. These services include, but are not limited, work of the Village Attorney and Village Engineer.

I have read, understand, and do hereby acknowledge the provisions of Elm Grove Code of Ordinance §30-3.

Project \_\_\_\_\_

Owner \_\_\_\_\_

Owner Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Property Address and (current mailing address):

\_\_\_\_\_

## Chapter 30. FINANCIAL PROCEDURES

### § 30-3. Charge for Village professionals' contract fees.

**[Added 12-17-2002]**

#### A. Charges authorized.

- (1) Whenever the offices of the Village Attorney, Village Engineer or any other of the Village's contract professional staff are contacted for current services regarding a specific person's property, development or other special matter in the Village of Elm Grove by the Village President, Village Board member, Village Board Committee member, or Village Commission member or any representative, agent or designee of the same, or a property owner or any person or entity or a respective representative, if said contact results in a charge to the Village of Elm Grove for that professional's time and services and said service is not a service provided to the Village of Elm Grove as a whole, then the Village Manager shall be authorized to charge said person or entity for the current service provided and/or pursuant to the provision of § 66.0627, Wis. Stats., to impose a special charge for that current service to the benefited property owner for the fees incurred by the Village.
- (2) This section shall be enforced on the basis of the policy as established by the Village upon a recommendation of the Village Board Finance and Licensing Committee, by resolution enacted by the Village Board and revised from time to time that shall include schedules for cash deposits and other means of securing payment to the Village.

B. The Village Manager is authorized to invoice each person or entity for special charges, allowing a period of time, not more than 30 days, to pay for provided current services. The invoice shall include an itemized statement of the professional service fees provided.

C. The Village Clerk shall give each property owner, invoiced for current services, notice that a hearing may be requested before the Village Board Finance and Licensing Committee regarding the charges against the property. If a hearing is timely requested in writing within 20 calendar days of the mailing of the invoice for current services, the matter shall be heard in accordance with the provisions of this § 30-3 on the issue of the cost of professional fees incurred to benefit a specific land owner.

D. If any amount remains unpaid after the 30 days allowed for payment where no hearing has been timely requested, the Village Clerk shall automatically charge that delinquent amount, plus any applicable penalty and/or interest, against the current or next tax roll as a delinquent tax against the property pursuant to § 66.0627, Wis. Stats. In the event the invoice rendered to a property owner or the time allowing for payment precludes placement on the current year's tax roll, any such delinquent charge shall be extended to the following year's tax roll.

E. Upon receipt of a timely request for a hearing on the invoice for special charges, the Village Board Finance and Licensing Committee shall hold a hearing regarding same at its next regular meeting or, at its discretion, at a special meeting. Such hearing shall be preceded by posted public notice and written notice to the property owner.

F. When a timely hearing has been requested, no current charges for special services shall be placed on the tax roll until a hearing has been held and a decision has been rendered and reduced to writing. A copy shall be sent via first class mail, postage prepaid, to the property owner. Only that part of the charges for special services approved by the Village Board Finance and Licensing Committee may be placed on the tax roll after the property owner has been given 30 days to pay from the date of the Village Board Finance and Licensing Committee decision.

G. The Village, in addition or instead of the above, may follow any other legal means to collect the amounts due