

Findings and Factors in the Review of Variances

Date: _____

Case No. _____

Property Owner: _____

Property Address: _____

Section 15-10.0206C(1) of the City of Franklin Unified Development Ordinance specifically lists Findings and Factors to be reviewed by the Board of Zoning and Building Appeals to grant or deny a Variance or an Appeal. The Findings and Factors are:

1. The granting of the Variance is not contrary to the public interest.

2. A literal enforcement of the Ordinance provisions would result in practical difficulties or unnecessary hardship due to special conditions.

3. The spirit of the Ordinance is preserved if the Variance is granted.

4. The granting of the Variance retains the protection of public safety and welfare.

In reviewing the application and evidence relating to a variance the Board of Zoning and Building Appeals shall consider the findings statements set forth in Section 15-10.0211 of the Unified Development Ordinance. No variance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings. The Findings are: (see Page 2)

1. Variances shall be 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 special use in that particular district.

2. There shall 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 Unified Development Ordinance or Chapter 92 “Building Code” of the City of Franklin Municipal Code should be changed.

3. Variance shall not be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.

4. 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. Variances shall not be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

6. Additional Requirements in Floodland Districts. Variance shall not be granted where: 1) Filling and development contrary to the purpose and intent of the FW Floodway District and the FC Floodplain Conservancy District would result; 2) A change in the boundaries of the FW Floodway District, FC Floodplain Conservancy District, or the FFO Floodplain Fringe Overlay District would result; 3) A lower degree of flood protection than a point two (2) feet above the one hundred (100) year recurrence interval flood for the particular area would result; 4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code as amended would result.
