

# *CITY of BELOIT*

## **Planning & Building Services Division**

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### **Criteria for Granting Variances to the Zoning Ordinance**

The City of Beloit *Board of Appeals* is authorized to grant deviations from the regulations outlined in the Zoning Ordinance, Chapter 19 of the Code of General Ordinances. The Board consists of seven residents of the City of Beloit who have applied and been appointed by the City Council.

A *Use Variance* is a deviation from the regulations of the Zoning Ordinance regarding **how a property may be used**, with the goal of promoting uniformity of land use within neighborhoods or districts. Section 2.9.2 of the City of Beloit Zoning Ordinance outlines the standards for granting a Use Variance.

In order to grant a Use Variance, the Board of Appeals must determine that **all of the following criteria are satisfied:**

- a. Granting of the variance will not be contrary to the public interest; and
- b. Due to special conditions, a literal enforcement of the zoning ordinance will result in practical difficulty or unnecessary hardship; and
- c. The variance is needed so that the spirit of the zoning ordinance will be observed, while public safety and welfare are secured; and
- d. Substantial justice will be done by granting the variance; and
- e. The property owner would have **no reasonable use of the property without a variance.**

An *Area Variance* is a deviation from the regulations of the Zoning Ordinance regarding **lot area, density, height, frontage, setbacks, and other dimensional attributes**, with the goal of promoting uniformity of development, lot size, and building size and configuration.

In order to grant an Area Variance, the Board of Appeals must determine that **all of the following criteria are satisfied:**

- a. Compliance with the strict letter of the zoning ordinance regulating area, setbacks, frontage, height, bulk, or density would create a hardship by either:
  1. unreasonably preventing the owner from using the property for a permitted purpose; or
  2. rendering conformity with such regulations unnecessarily burdensome; and
- b. The hardship is unique to the property; and
- c. The hardship is not self-created; and
- d. The variance will not undermine the purpose of the ordinance or the public interest; and
- e. The variance will not permit a use of land that substantially changes the character of the neighborhood.

#### **More Facts about Variances:**

- A variance remains with the property, regardless of the property owner, forever.
- Lack of objections from neighbors and/or nearby zoning violations do not justify a variance.
- Personal inconveniences and/or the applicant's circumstances do not create hardships.
- A hardship cannot be created by the applicant or property owner.
- Economic loss or financial difficulty does not constitute a hardship nor justify a variance.