

INSTRUCTIONS TO THE APPELLANT

Following is a list of instructions to assist you in correctly filing your appeal from the decision of the Building Inspector or Building Board. The application fee is **\$350.00** and must be paid upon application for the variance/special exception.

The Brown Deer Board of Appeals meets each month on the Thursday after the fourth Monday that an appeal is filed. The filing deadline is 12:00 noon ten days prior to the scheduled meeting.

The appellant **must appear** at the meeting scheduled. Such appearance must be by the appellant personally, or by his officer, agent or attorney. In the event such appearance is not made, the appeal will be dismissed for lack of prosecution.

To qualify for a variance, the following requirements must be met:

1. Strict application of the ordinance or requirement will result in unnecessary hardship.
2. The hardship is due to unique physical limitations of the property. You will be asked to demonstrate that alternative project designs or locations on the parcel which comply with ordinance requirements are not feasible.
3. A variance may not be granted which results in **harm to public interests**.

The appellant **must** comply with each of the following details in order for the Board of Appeals to hear your case and make a decision.

1. Fill out the attached application providing all of the information requested. Three complete sets of the application must be submitted.
2. Make a typewritten statement requesting the **exact** variance/special exception you need for approval. The Board may grant only the minimum variance which preserves a reasonable use of a parcel for its owner. The party applying for the variance/special exception has the burden of proving the fact that he/she is entitled to relief from the ordinance.
3. The Building Inspection office will furnish the names and addresses of the property owners within 200 feet (residential) or 500 feet (commercial) of your property. Please note that this is simply a listing and signatures are not required.
4. File (3) copies of an **up-to-date** survey of the property with the complete dimensions of the proposed structure and setbacks along with (3) sets of complete building plans.
5. Have your signature notarized on the pages calling for such notarial seal.
6. Submit the application, surveys, plans, and any other supporting documents along with the fee to the Building Inspection Division.

A request for variance is, in effect, asking permission to violate an ordinance or laws that others are required to obey. This Board has the authority to grant a variance/special exception in cases of practical difficulty or unnecessary hardship.

In order for the Board to act fairly and impartially, the appellant must present all facts and details supporting their position.

NOTICE OF APPEAL
BOARD OF APPEALS
VILLAGE OF BROWN DEER
4800 W. Green Brook Drive
Brown Deer, WI 53223

Case No. _____

Date Filed: _____

Date Notified: _____

Date of Hearing: _____

NOTICE – This appeal must be typewritten and filed in **TRIPLICATE** within 20 days from the date of the decision on the Building Inspector or other Administrative Officer appealed from.

Appeal from the decision of the Building Inspector/or _____

Appellant: _____ Address: _____

Owner: _____ Address: _____

Lessee: _____ Address: _____

To the Board of Appeals:

I hereby appeal from the order/decision of the Building Inspector, or _____

dated _____ and hereby request a variance/special exception from the Zoning Code for the relief which is sought.

1. **PREMISES AFFECTED** is known as _____
(Street Address)

Legal Description: Lot _____ Block _____ Subdivision _____

2. **ZONING DISTRICT OF SITE:** _____

3. **SETBACKS:** Front: _____ feet from lot line
Rear: _____ feet from lot line
Side: North _____ & South _____ or
East _____ & West _____

4. Has any appeal or petition for special exception been filed hitherto on these premises? If so, when and what disposition was made of same? Explain:

Date of variance/special exception: _____

**AFFIDAVIT OF APPELLANT AS TO
PROPERTY AFFECTED**

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

I (We) _____ being first duly sworn on oath, deposes and says
(applicant's name)

that he is Owner/Lessee of the property located at _____, having
(address of affected property)

the following legal description:

Lot: _____ Block: _____ Subdivision: _____

That pursuant to the Rules for Procedure of the Board of Appeals, the following is a **COMPLETE** list of the names and addresses of the last free owners of record of all lands within 200 feet (residential) or 500 feet (commercial) of any part of the proposed structure or premises involved in the appeal which the appellant is making to the Board of Appeals of the Village of Brown Deer:

Signature of appellant/owner/lessee

Subscribed and sworn to before me
this _____ day of _____, _____

Notary Public, Milwaukee County

My Commission Expires