



Office of the Zoning Administrator

118 E. Main St.

Denmark, WI 54208

Ph. 920-309-0721

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APPLICATION for APPEAL or VARIANCE

Notice: This Application must be completed in full. The Village of Denmark cannot accept an incomplete Application Form or an Application Packet lacking all required information.

An Application for Appeal or Variance shall be filed with the Village Clerk within 30 days of the date of written notice of decision or order.

Contact Information:

Property Owner: Vercon LLC

Address: 674 Danish Way, Denmark, WI 54208

Phone: (920) 621-7401 **Email:** vercon@live.com

Applicant / Agent (if different from Property Owner): _____

Company & Title (as applicable): Same as Owner

Address: _____

Phone: _____ **Email:** _____

Property Description:

Address: NE Corner of Morning Star & C.T.H. "R" **Parcel ID:** VD-900

Current Zoning: R-4 **Lot Size:** 3.509 acres **Lot Width:** Approx 280'

(If additional parcels, please attach as separate sheet)

Current Use of Property: Undeveloped Lands

Appeal / Variance Requested:

The Owner, being aggrieved by the decision of the Plan Commission, Zoning Administrator, Building Inspector, or Other Officer of the Village was (check one):

___ Denied approval of a zoning change on: _____ (date)

___ Denied approval of a site plan permit on: _____ (date)

___ Denied approval of a sign permit on: _____ (date)

___ Denied approval of a pool or fence permit on: _____ (date)

___ Issued a notice of violation or compliance order on: _____ (date)

Makes this appeal for the following purpose (check one):

☒ To seek a variance from the requirements of Section(s) 315-175 A. Landscaping for R-4 of Chapter 315: Zoning of the Village of Denmark Code of Ordinances.

___ To determine whether the order, requirements, decision, or determination of the Plan Commission, Zoning Administrator, Building Inspector, or Other Officer of the Village is in error.

___ To obtain an interpretation of Section(s) _____ of Chapter 315: Zoning of the Village of Denmark Code of Ordinances.

___ To obtain an interpretation of the location of the boundaries of the _____ zoning district on Parcel _____ of the Village of Denmark.

Variance:

Granting of Variance:

As per Section 315-207.G of Chapter 17: Zoning, the Board of Appeals shall grant no variance unless it finds that all the following facts and conditions exist:

(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) *Special or Unique Condition. There shall be a special or unique condition applying to the lot or parcel that does not apply generally to other properties in the same district, and the granting of the variance shall not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.*

(3) *Economic Hardship and Self-Imposed Hardship Not Grounds for Variance.* The special or unique condition on the lot or parcel must cause an unnecessary hardship. However, no variance shall be granted solely on the basis of economic gain or loss and self-imposed hardships shall not be considered as grounds for the granting of a variance.

(4) *Public Interest:* No variance shall be granted that will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

Preservation of Intent:

The Applicant / Agent shall explain how the proposed use or structure is consistent with the purpose and intent of the zoning district in which the proposed development is located:

The proposed use of the property is a permitted use in an R-4 Zoning District and therefore it clearly meets the "purpose and intent" of the R-4 Zoning District. Please refer to the attached Site Plan that demonstrates the proposed project can be constructed in compliance with the density and setback requirements in the R-4 Zoning District.

Special or Unique Condition:

The Applicant / Agent shall describe the special or unique condition applying to the lot or parcel that does not apply generally to other properties in the same district:

The subject parcel of property is significantly limited in where it can place plantings given the fact that they can not be or should not be placed in the 50' ANR Easement (shown in "yellow"), the WPS Easement (shown in "pink"), the drainage easements (shown in "green") and the area of the detention pond (shown in "blue") on the attached proposed Grading Plan. These areas constitute an unique hardship in complying with the new Landscaping requirements.

Hardship:

The Applicant / Agent shall describe the hardship resulting from the decision to deny the proposed use or structure:

Given the fact that there are significant areas along the street frontage, side yards and rear yards where plantings can not or should not be placed strict compliance with the landscape requirements of Section 315 - 175 A. creates a significant hardship to the Applicant. As such, the Applicant herein requests that above frontages be red uced to reflect the areas that can not or should not be planted as detailed in Exhibit "A" attached and made part of this Application.

Public Interest:

The Applicant / Agent shall explain how the proposed use or structure is consistent with the purpose and spirit of the zoning ordinance and the public interest:

The proposed project is in the public's best interest because it provides an unique
housing option that is not currently available in the Village of Denmark with its
handicap access and affordability without the maintenace obligations of other single-family
homes in the Village of Denmark.

NOTE: Six paper copies and one digital copy (PDF or similar format) of the application packet is required

Signature and Certification:

I certify the information presented on this Application and the drawings, plans, and other materials included therein are, to the best of my knowledge, complete and in accordance with the Zoning Ordinance.

Owner Signature: Jesse Verheyen Date: 9/5/23

Application Fee:

The Application Fee for an Appeal or Variance is \$300.00. The Application shall not be accepted until the Application Fee has been paid.

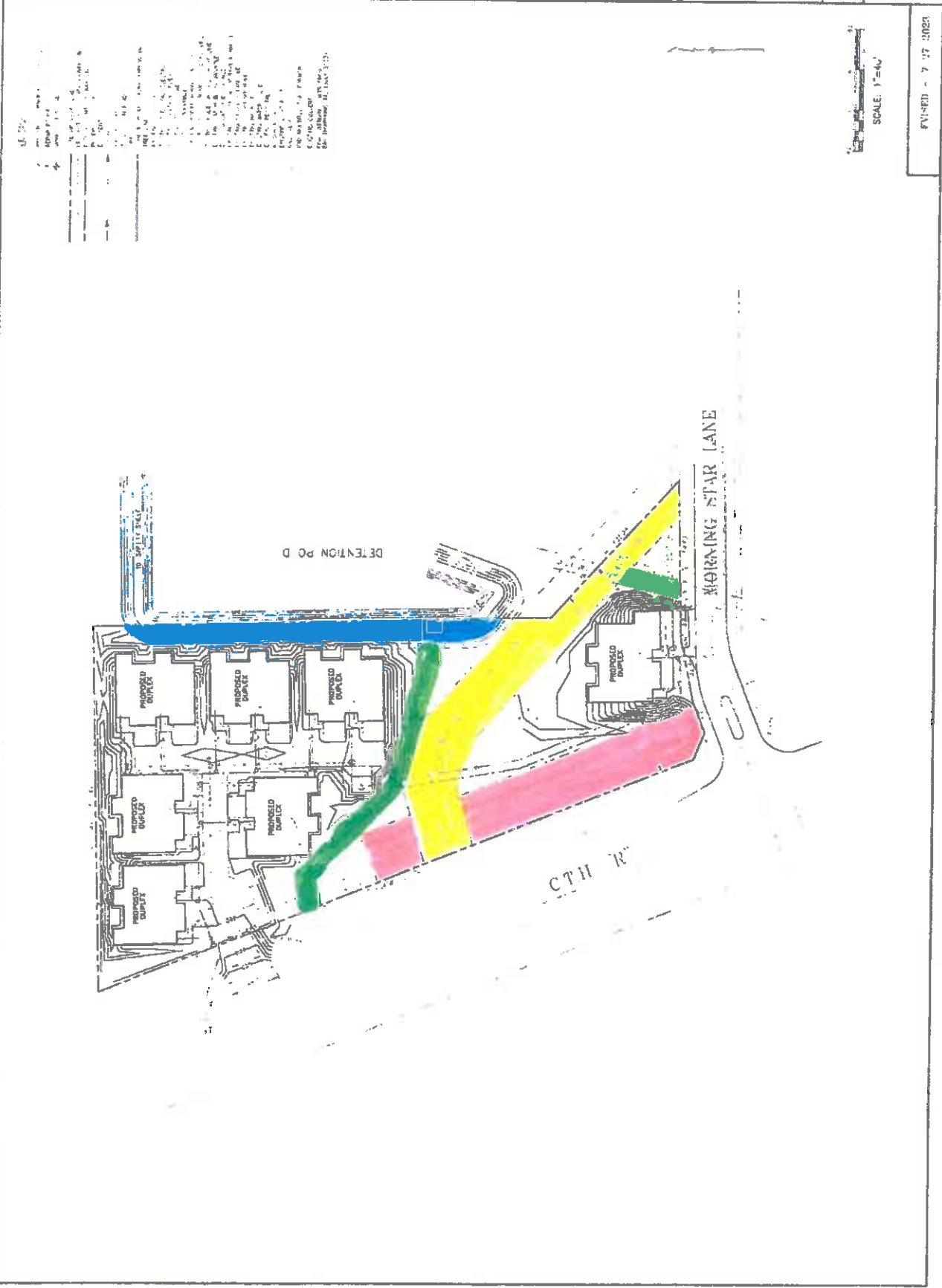


EXHIBIT “A”

Attached to and made part of the Application for a Variance to Section 315 – 175 of the Village of Denmark Zoning Code

**Prepared by: JMM Consulting, LLC
Prepared date: 8/31/23**

Purpose:

The purpose of this exhibit is to detail the reductions in the street frontages, side yard and rear yards that are hereby requested to reflect the areas where plantings cannot or should not be placed on the subject property.

Requested Reductions:

Street Frontages:

C.T. H. “R”’s street frontage of 620.34 feet be reduced by the 20.40 feet of the drainage easement (shown in “green”) and 320 feet +/- of the combination of the WPS Easement (shown in “pink”) and the ANR Easement (shown in “yellow”).

Morning Star’s street frontage of 280.44 feet be reduced by the 28.28 feet and 33.12 feet of the WPS Easement (shown in “pink”), the 18 feet +/- of the drainage easement (shown in “green”) and the 38 feet +/- of the ANR Easement (shown in “yellow”).

Side yards:

The Southeast side yard of 183.28 feet along Lot 103 be reduced by the 183.28 feet of the ANR Easement (shown in “yellow”).

The North side yard of 356.44 feet is not affected by any easements and, as such, no reduction is requested.

Rear Yard:

The East rear yard of 445.58 feet along the pond be reduced by 37 feet +/- of the ANR Easement (shown in “yellow”) and 370 feet +/- of the pond (shown in “blue”).