

**TOWN OF SPRINGFIELD ORDINANCE #2022-04
ZONING ORDINANCE AMENDMENT #9
RELATED TO SECTION 1.098, VARIANCES**

Whereas, sec. 1.098 of the Town Zoning Ordinance contains the standards upon which variance may be granted in appropriate cases;

Whereas, the Wisconsin Legislature has authorized the grant of “use variances” to permit the use of property where the literal application of the zoning ordinance would work a hardship on the property owner;

Whereas, recent circumstances involved the actual or threatened imposition of extraterritorial zoning on towns have made use variance a possible means to permit owners to make reasonable use of their property;

Whereas, the towns which share a zoning ordinance have reviewed the concept and recommend adoption of the following ordinance amendment to sec. 1.098;

NOW, THEREFORE, the Town Board of the Town of Springfield does hereby ordain as follows:

Article One. Section 1.098 Variances is amended add Section 1.098(8)(g) as shown below:

(8) General Review Criteria and Standards. No variance may be approved unless the board of zoning appeals finds that all of the following conditions exist:

- (a) Exceptional circumstances exist pertaining to the subject lot;
- (b) That the requested variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity;
- (c) That the variance will not create special detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or to the public interests;
- (d) That the difficulty or hardship was not created by the property owner.
- (e) Negligence of a contractor in locating a setback, sideyard or building location shall not be considered a practical difficulty or a hardship.
- (f) Personal characteristics, needs or desires of the lot owner shall not constitute a practical difficulty or hardship, except that a variance may be granted to permit installation of ramps, modification of driveways or garages or other physical alterations to a structure necessary to accommodate a disability.

(g) Where the action of an incorporated village or city has imposed a freeze on zoning, a use variance may be granted to permit the property owner to make reasonable and economic use of the property. Where the action of an incorporated village or city has imposed a freeze on uses, a use and/or area variance may be granted to permit the property owner to alter the extent of an existing use to make reasonable and economic use of the property. The adoption of an extraterritorial zoning ordinance by a city or village shall be deemed to be an exceptional circumstance which is not attributable to the property owner.

The amendment shall take effect upon its publication on the Town’s website.

Dated October 13, 2022.

TOWN BOARD OF THE TOWN OF SPRINGFIELD