



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-023

AN ORDINANCE AMENDING SECTION 94.16.11(7) OF THE ZONING ORDINANCE  
ENTITLED *CRITERIA FOR GRANT OF A VARIANCE*.

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stat. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's general zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, Village Staff has requested an amendment to require additional criteria be met for meeting the test to grant a variance; and

WHEREAS, the Plan Commission has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Village limits; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance on October 12, 2015, in compliance with Wis. Stat. § 62.23, and following such hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

WHEREAS, the Village Board finds the proposed amendment is reasonable, consistent with the Village Comprehensive Plan, and in the public interest;

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section 94.16.11(7) of the Village Of Weston Zoning Ordinance entitled (7) *Criteria for Grant of a Variance* is hereby amended to provide as follows:

**Section 94.16.11: Variance Procedures**

(7) **Criteria for Grant of a Variance.** The Zoning Board of Appeals shall determine that all of the following criteria have been met before granting a variance:

- (a) That compliance with the strict letter of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such

restrictions unnecessarily burdensome. It is not sufficient that a variance applicant show that the zoning regulation(s) prevents or burdens his or her planned activity. Such applicant must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the proposed activity.

- (b) That compliance with the strict letter of the zoning ordinance would create unnecessary hardship due to a unique property condition, meaning a special physical feature or limitation of the property that is not generally shared by nearby land or property within the same zoning district. If a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a variance may not be granted.
- (c) That the requested variance will not be contrary to the public interest, the intent and purpose of this Chapter, or the Village's Comprehensive Plan.
- (d) That the requested variance is for a provision of this Chapter authorized for potential variances under Section 94.16.11(2), and in no case shall allow a land use that is not listed as a permitted, conditionally permitted, or temporary land use in the associated zoning district.
- (e) **Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.**

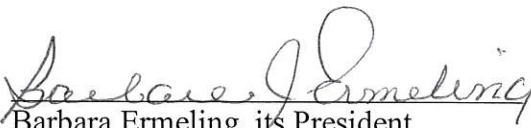
SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

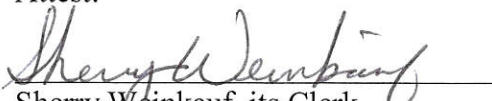
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 19<sup>th</sup> day of October, 2015

WESTON VILLAGE BOARD

By:   
Barbara Ermeling, its President

Attest:

  
Sherry Weinkauff, its Clerk

APPROVED: 10/19/15

PUBLISHED: 10/21/15

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted on October 19, 2015, Ordinance No. 15-023: An Ordinance Amending Section 94.16.11(7) Entitled *Criteria for Grant of a Variance*.

The full text of Ordinance No. 15-023 may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Published: 10/21/2015

STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON WI 544764333

VOUCHER APPROVAL

Account Number: 10-06-56910 -321-000  
Description: Ord no 15-023  
PC/ETZ zoning code amendment  
Approved by [Signature] 10/28/15  
initials Date  
\$5.28  
10-06-56925 - 321 - 000  
\$5.29

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425  
Order Number: 0000809218  
No. of Affidavits: 1  
Total Ad Cost: \$10.57  
Published Dates: 10/21/15

(Signed) Bradley Zither (Date) 10-23-15  
Legal Clerk



Signed and sworn before me

Alexandra Zakowski

My commission expires 3/3/19

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SHED - Oct 21, 2015 WNAJLP

WESTON VILLAGE OF  
Re: Ord 15-023

STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON WI 544764333

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Signed and sworn before me

Alexander J. Kowalski

My commission expires

3/3/19

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SHED: Oct 21, 2015 WNAXLP

WESTON VILLAGE OF

Re: Ord 15-023

**Village of Weston, Wisconsin**  
**AGENDA ITEM COVERSHEET**  
**Requested for Official Consideration and Review**

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: **ORDINANCE NO. 15-023 AN ORDINANCE AMENDING SECTION 94.16.11(7) OF THE ZONING ORDINANCE ENTITLED *CRITERIA FOR GRANT OF A VARIANCE*.**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, OCTOBER 19, 2015**

POLICY QUESTION: Should the Board of Trustees approve amendments to the zoning ordinance as proposed?

RECOMMENDATION TO: I make a motion to endorse approval or Ordinance No. 15-023.

LEGISLATIVE ACTION:

- |   |   |                                       |
|---|---|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve  | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy               | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> Expenditure          | <input type="checkbox"/> Procedure            | <input type="checkbox"/> Resolution   |

FISCAL IMPACT ANALYSIS:

- |  |     |
|--|-----|
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budget Line Item:     | N/A |
| <input type="checkbox"/> Budgeted Expenditure: | N/A |
| <input type="checkbox"/> Budgeted Revenue:     | N/A |

STATUTORY / RULEMAKING / POLICY REFERENCES:

- |   |            |
|---|------------|
| <input type="checkbox"/> WI Statue:                 | _____      |
| <input type="checkbox"/> WI Administrative Code:    | _____      |
| <input type="checkbox"/> Case Law / Legal:          | _____      |
| <input checked="" type="checkbox"/> Municipal Code: | Chapter 94 |
| <input type="checkbox"/> Municipal Rules:           | _____      |

PRIOR REVIEW: Public Hearing at 10/12/15 Plan Commission/Joint Town & Village Extraterritorial Zoning (ETZ) Meeting

BACKGROUND:

Staff is requesting an amendment to Sec. 94.16.11(7) of the zoning ordinance on the suggestion of the Village Administrator. In the previous community he had worked in there was a criteria similar to the amendment shown in (e) which states that loss of profit or pecuniary hardship shall, not in and of itself, be grounds to approve the variance. This amendment will take money and costs out of the discussion and look at the request based on unique property conditions.

No one spoke in opposition at the 10/12/15 Plan Commission/ETZ Public Hearing. The Plan Commission recommended approval of the Ordinance 5-1 and the ETZ approved 3-1.

- Supplemental Briefer for Agenda Items under Consideration?  
 Attachments?

VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS



**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Village of Weston Plan Commission and Joint Town & Village of Weston Extraterritorial Zoning Committee, on **Monday, October 12, 2015, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

Ordinance No. 15-021 An Ordinance Amending Section 94.4.10(d) Entitled *Garage, Yard, Estate, and In-Home Sale*; Section 94.13.02(8) Entitled *Signs Allowed Without Permit*; Section 94.13.03(1) Entitled *Sign Purposes*; Section 94.13.04(1) Entitled *Sign Prohibitions and Limitations*; Section 94.13.04(2) Entitled *Community Information Signs*; Section 94.13.05(4) Related to Temporary Sign Regulations for Residential and RR Zoning Districts; Section 94.13.07(5) Related to Temporary Sign Regulations for Non-Residential, Agricultural, PR and N Zoning Districts; Section 94.13.08 Entitled *Temporary Signs*; and Section 94.13.09(3) Related to Structural Requirements for Temporary Signs of the Zoning Ordinance.

Ordinance No. 15-022 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled *Rural, Open Space and Residential District Lot Dimensions and Intensity Standards*.

Ordinance No. 15-023 An Ordinance Amending Section 94.16.11(7) of the Zoning Ordinance Entitled *Criteria for Grant of a Variance*.

The hearing notice and zoning ordinance text amendment materials are available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [vparker@westonwi.gov](mailto:vparker@westonwi.gov), by noon on the day of the hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 24th day of September, 2015

Valerie Parker  
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, September 28, 2015 and Monday, October 5, 2015.

# DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON

WI 544764333

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425  
Order Number: 0000752116  
No. of Affidavits: 1  
Total Ad Cost: \$92.34  
Published Dates: 09/28/15, 10/05/15

(Signed)



(Date)

10-6-15

Legal Clerk

Signed and sworn before me



My commission expires

3/3/19



VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS  
NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town & Village of Weston Extraterritorial Zoning Committee, on Monday, October 12, 2015, at 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:  
Ordinance No. 15-021 An Ordinance Amending Section 94.4.10(d) Entitled Garage, Yard, Estate, and In-Hom Sale; Section 94.13.02(8) Entitled Sign Allowed Without Permit; Section 94.13.03(1) Entitled Sign Purposes; Section 94.13.04(1) Entitled Sign Prohibitions and Limitations; Section 94.13.04(2) Entitled Community Information Signs; Section 94.13.05(4) Related to Temporary Sign Regulations for Residential and RR Zoning Districts; Section 94.13.07(5) Related to Temporary Sign Regulations for Non-Residential, Agricultural, PR and N Zoning Districts; Section 94.13.08 Entitled Temporary Signs; and Section 94.13.09(3) Related to Structural Requirements for Temporary Signs of the Zoning Ordinance.  
Ordinance No. 15-022 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimensions and Intensity Standards.  
Ordinance No. 15-023 An Ordinance Amending Section 94.16.11(7) of the Zoning Ordinance Entitled Criteria for Grant of a Variance.  
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WNAX/P

WESTON VILLAGE OF  
Public Hearing Ordinances 15-021-15-023

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STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON

WI 544764333

### VOUCHER APPROVAL

Account Number:

10-06-56910 -321-000

Description: hearing notice PC - Village Code

ordinance amend Oct 2015

Approved by JFH 10/28/15  
Initials Date

\$46.17

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

### VOUCHER APPROVAL

Account Number:

10-06-56920 -321-000

Description: ETZ hearing notice

zoning code amend Oct 2015

Approved by JFH 10/28/15  
Initials Date

\$46.17

(Signed)

[Signature]

(Date)

10-6-15

Legal Clerk

Signed and sworn before me

Alexandra Zakowski

My commission expires

3/3/19



VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS  
NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town of Weston Extrajurisdictional Zoning Committee, on Monday, October 12, 2015, at 6:00 pm, at the West Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony regarding the following Ordinance No. 15-021: An Ordinance Amending Section 94.4.10(d), Entire Carport, Yard, Estate, and In-Homestead Section 94.13.02(8), Entire Sign Allowed Without Permit, Section 94.13.03(4), Entire Sign Purpose, Section 94.13.03(5), Entire Sign Prohibitions and Limitations, Section 94.13.04(2), Entire Community Involvement Sign, Section 94.13.05(4), Related to Temporary Signs Regulations for Residential Zoning Districts, Section 94.13.07(9), Related to Temporary Sign Regulations for Non-Residential, Agricultural, and M Zoning Districts, Section 94.13.08(1), Entire Temporary Signs, and Section 94.13.09(3), Related to Structural Requirements for Temporary Signs of the Zoning Ordinance.  
Ordinance No. 15-022: An Ordinance Amending Sections 5.01(1) of the Village Zoning Ordinance, Entire Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards.  
Ordinance No. 15-023: An Ordinance Amending Section 94.16.11(7) of the Zoning Ordinance, Entire Criteria for Granting a Variance.  
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WESTON VILLAGE OF

WESTON VILLAGE OF  
Public Hearing Ordinances 15-021-15-023

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