



TOWN OF BUFFALO

SPECIAL EXCEPTION PERMIT

APPLICATION FORM AND NOTICE OF REQUIREMENTS

SPECIAL EXCEPTION

A Special Exception is a use that is permitted in a zoning district provided certain conditions, as stated in the ordinance, are met and a permit is granted by the Board of Appeals. The Board of Appeals is a 5-member board, which is appointed by the Town Board Chairman with approval by the Town Board. The Board of Appeals is known as a quasi-judicial body because it functions almost like a court. Its decisions must comply with specific criteria provided in Wisconsin State Statutes. The Board of Appeals must apply town ordinance provisions as they are written.

PROCESS

At the time of application you will be asked to:

- 1) Submit a completed application form and a \$400.00 non-refundable fee.
- 2) Provide detailed plans describing your project, including a plot plan.
- 3) Contact the Town Clerk to request that you be placed on the next Town Board meeting agenda.
- 4) Stake out your project, which will allow the Zoning Administrator to prepare information regarding the property for review at the meetings and during public hearing.
- 5) Your public hearing will be before the Town Board of Appeals.
- 6) You or someone familiar with your application will be required to attend all meetings.

After receiving your application materials, the Town Clerk will publish notice of your request for a special exception in the Marquette County Tribune noting the time and location of the public hearing. In addition, a public notice will be sent to neighboring property owners. The burden of proof will be on you as property owner to provide verifiable facts upon which the Board may base its decision. At the hearing, any party may appear in person or be represented by agent or attorney to speak on your variance request.

IF YOU QUALIFY FOR A SPECIAL EXCEPTION

- The Board may impose conditions on a project to assure that public interests are protected.
- A special exception decision may be appealed to circuit court by an aggrieved party within 30 days of the decision by the Board of Appeals. For this reason you may choose to delay your project until the appeal period has expired.
- A special exception transfers to subsequent property owners unless determined otherwise by the Board of Appeals.

SPECIAL EXCEPTION CRITERIA

In passing upon a special exception permit, the Board shall evaluate the effect of the proposed use upon:

- ❖ The maintenance of safe and healthful conditions.
- ❖ The prevention and control of water pollution including sedimentation.
- ❖ Existing topographic and drainage features and vegetative cover on the site.
- ❖ The location of the site with respect to floodplains, rivers, streams, and lakes.
- ❖ The erosion potential of the site.
- ❖ The location of the site with respect to existing or future access roads.
- ❖ The need of the proposed use and location.
- ❖ The compatibility with uses on adjacent properties.
- ❖ Location factors under which:
 - Domestic uses shall generally be preferred.
 - Consideration of the majority use in the area (i.e.: seasonal or full-time, residential or commercial).
- ❖ Valuation factors.
 - Year of construction or manufacture.
 - Appraised value or estimated cost of construction. In the case of a mobile home, the appraised value will only be required for structures older than four years. In addition, for those mobile homes older than four years, the owner shall provide the Board with photographs.

JUDICIAL REVIEW

If your special exception request is denied, you may appeal the decision to Circuit Court as provided in Wisconsin State Statutes 62.23(7). The appeal must be filed within 30-days of the filing of the decision in the office of the Town Clerk.

Town Clerk of Buffalo

Laurie Beahm 920-394-3962

PETITION FOR SPECIAL EXCEPTION
TOWN OF BUFFALO BOARD OF APPEALS

Date filed:	<input type="checkbox"/> \$400.00 fee (non-refundable)
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Applicant:	
Address:	
Phone:	

Legal Description: ___ ¼, ___ ¼, **Section**___ , T___ N, R___ E

Tax Parcel Number: _____ **Fire No.** _____

Zoning District: _____ **Lot area:** _____

Current use and improvements: _____

Special Exception requested

Section of ordinance:	
Special Exception requested:	

Attach a plot plan and a description of your construction plans.

Signed: _____ **Date:** _____
 Applicant/Agent/Owner

Remit to: Zoning Administrator, PO Box 21, Montello, WI 53949

EXAMPLE SITE PLAN

Detailed construction plans
are also required

