



## **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 Adjustment. The Board of Adjustment is a 3-member board, which is appointed by the County Board Chairman with approval by the County Board of Supervisors. The Board of Adjustment 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 Adjustment must apply county 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 \$300.00 non-refundable fee.
- 2) Provide detailed plans describing your project, including a plot plan.
- 3) Contact your Town Board to inform them of your request. The Township may ask you to attend a Town Board meeting to discuss the application. A list of Town Clerks is included with this application.
- 4) Stake out your project, which will allow the Zoning Department to prepare a video of the property for viewing at the public hearing.
- 5) You will be required to attend the public hearing, if you cannot please contact the Zoning Administrator.

After receiving your application materials, the Zoning Department 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 filing of the decision in the Marquette County Zoning Office. For this reason you may choose to delay your project until the appeal period has expired.
- A special exception transfers to subsequent property owners.

## **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 59.694 (10). The appeal must be filed within 30 days of the filing of the decision in the Marquette County Zoning Office.

### **Town Clerks**

**Buffalo:** Donna Seddon (608) 297-7939  
**Crystal Lake:** Sandra Vaughan (920) 293-4681  
**Douglas:** Cyndi Dieter (608) 393-4808  
**Harris:** Phyllis Ingram (608) 296-2892  
**Mecan:** Caroline Gemoll (920) 295-6724  
**Montello:** Eileen Napralla (608) 297-7469  
**Moundville:** Carol Lillge (608)587-2169  
**Neshkoro:** Cheryl Milbrandt (920) 293-4531  
**Newton:** Sandra Wright (920) 787-4561  
**Oxford:** Mary Walters (608) 586-4366  
**Packwaukee:** Janny Slama (608) 589-5626  
**Shields:** Patrick Tierney (608) 297-9253  
**Springfield:** Debra Kemnitz (608)296-3223  
**Westfield:** DaWayne Schatzka (608)296-2500

### **Town Meeting Date**

2<sup>nd</sup> Monday of the Month  
2<sup>nd</sup> Thursday of the Month  
2<sup>nd</sup> Wednesday of the Month  
3<sup>rd</sup> Monday of the Month  
2<sup>nd</sup> Tuesday of the Month  
2<sup>nd</sup> Tuesday of the Month  
4<sup>th</sup> Tuesday of the Month  
2<sup>nd</sup> Wednesday of the Month  
2<sup>nd</sup> Thursday of the Month  
2<sup>nd</sup> Wednesday of the Month  
2<sup>nd</sup> Tuesday of the Month  
1<sup>st</sup> Thursday of the Month  
2<sup>nd</sup> Wednesday of the Month  
3<sup>rd</sup> Monday of the Month



# EXAMPLE SITE PLAN

Detailed construction plans  
are also required

