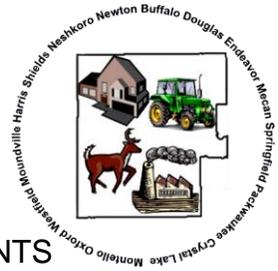


## ZONING VARIANCE

### APPLICATION FORM AND NOTICE OF REQUIREMENTS



### VARIANCE

A variance is a relaxation of the standards set in a zoning ordinance. Variance requests are decided by a 3-member Board of Adjustment, 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. Its job is not to compromise for a property owner's convenience but to apply appropriate legal standards to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

### 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.
- 3) Provide written justifications showing that your project meets the legal criteria for a variance as outlined in the **"Three Step Test"**.
- 4) 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.
- 5) Stake out your project, which will allow the Zoning Department to prepare a video of the property for viewing at the public hearing.
- 6) 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 variance 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.

**THREE STEP TEST** To qualify for a variance, you must meet the following three requirements:

- 1) Strict application of an ordinance requirement will result in an “**UNNECESSARY HARDSHIP**” described as follows:

“**Unnecessary Hardship.** A situation where, in the absence of a variance, an owner can make no feasible use of his property, or strict conformity is unnecessarily burdensome. The hardship or difficulty must be peculiar to the parcel in question and different from that of other parcels, not one that affects all parcels similarly. Loss of profit or financial hardship is not in and of itself grounds for a variance nor is a self-imposed hardship grounds for a variance.”

- 2) The hardship must be due to **UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY**; i.e. compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) which are not generally shared by other properties. Previous variances do not provide a basis for granting a variance. You will be asked to demonstrate that alternate project design or locations on the parcel, which comply with the ordinance, are not feasible.
- 3) A variance may not be granted which results in **HARM TO PUBLIC INTERESTS**. In applying this test, the Board must consider the public interest factors listed as objectives in the purpose statement of the ordinance.

### **IF YOU QUALIFY FOR A VARIANCE**

- The Board may grant only the minimum variance, which preserves a reasonable use of a parcel for its owner.
- It may impose conditions on a project to assure that public interests are protected.
- A variance decision may be appealed to circuit court by an aggrieved part 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 variance transfers to subsequent property owners.

### **JUDICIAL REVIEW**

- ✓ If your variance 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.

## PLOT PLANS

The plot plan is an important piece of information in your file. An accurate diagram showing the relationship of your buildings and/or proposed construction to the lot lines, shorelines, highways, structures on adjacent property and other physical features provides us with the essential information we need. It is not required that you submit professional quality plans, but if you cannot accurately and clearly illustrate your proposal, it is recommended that you obtain assistance in preparing your plot plan.

Some general guidelines:

- Use a ruler. Freehand drawings are often of questionable accuracy.
- Scaled or well-proportioned drawings are preferred.
- If a survey is available, sometimes it works well to sketch your proposal directly on a copy of it.
- Accurately measure and illustrate all the critical measurements and do not estimate.
- The correct setback measurement is the shortest straight line between the building and the line being measured to.
- Supplemental drawings, such as cross-sections, may be helpful.
- Locations of wells and septic systems should be provided for both yours and adjacent properties.

## 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

