



CITY OF MARSHFIELD

VARIANCE REQUEST APPLICATION

207 W. 6TH ST., MARSHFIELD, WI 54449

p: 715-486-2016 | planning@ci.marshfield.wi.us

Variance Request Application

Office Use Only

Date Received:	Fee Receipt #:	Parcel #:
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Site Information

Property Address:	Present Land Use:
Legal Description:	

Applicant Information

Name:	Phone:	Email:
Address:		
Applicant is:	Owner	Authorized representative/other (describe):
Owner information (if different than Applicant)		
Name:	Phone:	Email:
Address:		

Narrative of Request (attach additional pages, if needed)

Included with this application (check all that apply):				
Site Plan	Building Plans	Survey/CSM	Photos	Other

Fees

Application Fee: \$250.00

Statement of Hardship (please read)

A variance can only be approved if the request meets the criteria listed in Section 18-165(6)(a) of the Zoning Code, which includes a hardship. A hardship can be described as specific issues with the property that prevents compliance with zoning regulations. A hardship is created by a physical condition of the property such as a steep slope, irregular lot lines, or the unusual placement of an existing structure. The desire for an exception to zoning regulations as a matter of personal preference or convenience is not considered a hardship. The applicant has the burden of proof to show that all variance criteria are met.

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Variance Criteria

Address the variance criteria described in the Zoning Ordinance by answering the following questions listed below. Attach additional pages, if needed.

Is this a 'use' variance or an 'area' variance?

Use variance (putting property to an otherwise prohibited use)

Area variance (requesting relief from a physical dimensional restriction, such as a setback)

1) Are there unnecessary hardships present that are not self-created?

For a use variance, unnecessary hardships exist only if there is no reasonable use of the property without a variance

For an area variance, hardship exists if compliance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome

2) Are there unique property limitations that limit the ability to observe the spirit of the ordinance?

Unique limitations could include steep slopes, irregular parcel shape, or wetlands. A growing family or desire for a larger garage are not unique. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance.

3) Will granting the variance be contrary to or harm the public interest?

Public interest may include public health, safety, and welfare; water quality; wildlife habitats; natural scenic beauty; minimization of property damages; provision of efficient public facilities and utilities; and achievement of eventual compliance for nonconforming uses, structures and lots.

Please Note: The Zoning Board of Appeals' review of this application is a quasi-judicial proceeding. You will have an opportunity to present information to the Board in favor of your application at a public hearing. It is not appropriate to contact individual Board members in advance regarding a pending decision. Please file any written communication about your application with the Zoning Administrator and direct additional copies to Board members and other persons who have registered an interest in your application.

Attendance: Attendance is not required, but it is strongly advised that applicants, and/or their representatives, attend.

Appeal of Zoning Board decisions: A decision of the Board may be appealed to Wood or Marathon County Circuit Court within 30 days after the decision. Applicants commencing construction prior to expiration of the 30-day appeal period assume any risk of having the Board decision overturned.

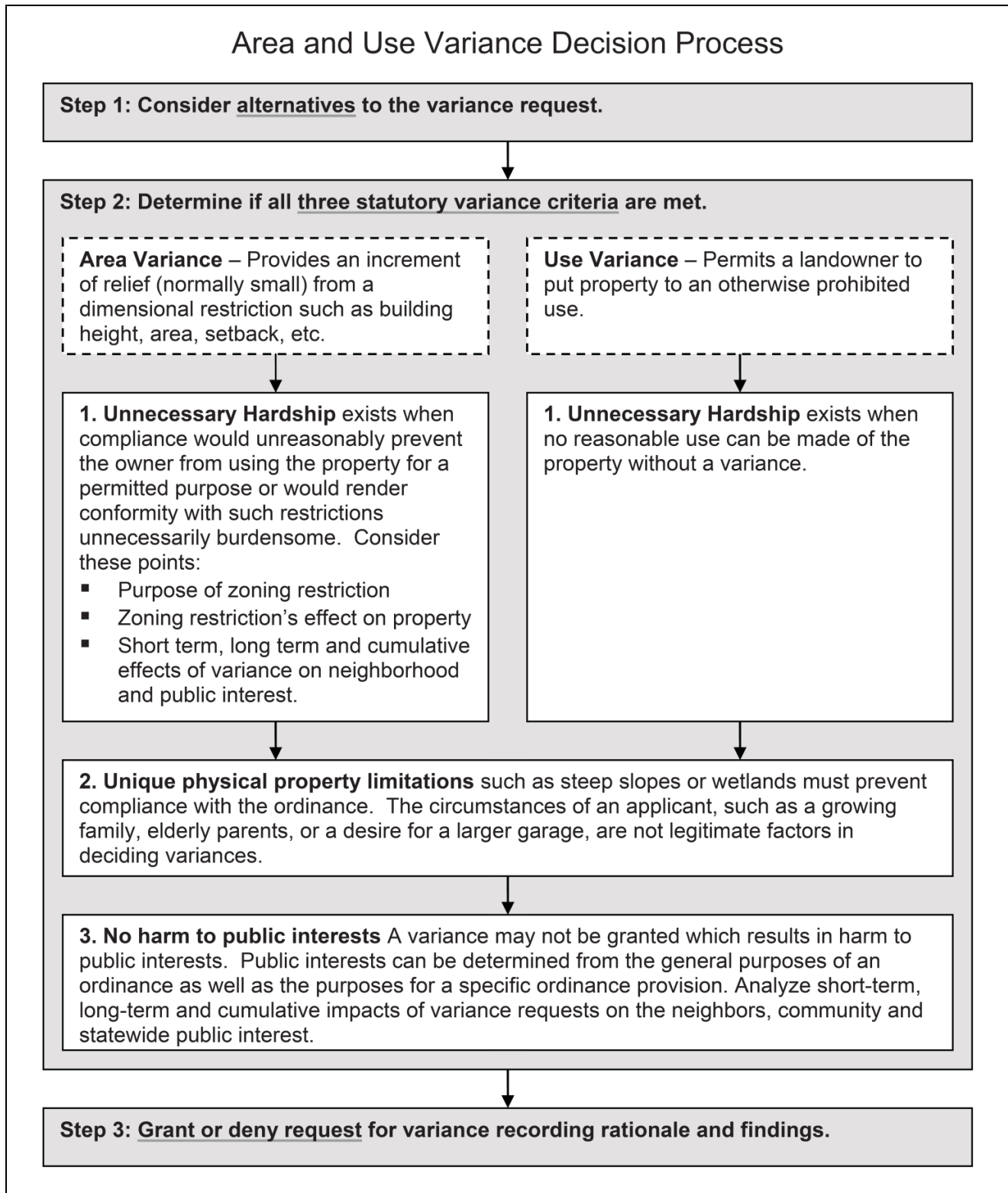
Authorization: The undersigned hereby certifies that this application has been made with the consent of the property owner(s) and that all information submitted with this application is complete and accurate to the best of knowledge. This application also authorizes City Staff, representatives of the City, and members of the Zoning Board of Appeals to visit and photograph the property in order to process the application.

Applicant Signature:

Date:

VARIANCE APPLICATION APPENDIX A

The following appendix includes associated excerpts from the *Zoning Board Handbook for Wisconsin Zoning Boards of Adjustment and Appeals 2nd Edition 2006* by Lynn Markham and Rebecca Roberts of the Center for Land Use Education. The full document can be viewed through the Center for Land Use Education website: <http://www.uwsp.edu/cnr-ap/clue/Pages/default.aspx>



Additional Standards for Granting a Variance

Few areas of land use law are as extensively litigated as the standards necessary to qualify for a variance. The rich case law concerning variances provides these additional guiding principles that a zoning board should rely on in their decision-making. Published court decisions provide guidance for board members and are cited in the endnotes. Websites for accessing case law are provided in Appendix B.

- **Parcel-as-a-whole.** The entire parcel, not just a portion of the parcel, must be considered when applying the unnecessary hardship test.
- **Self-imposed hardship.** An applicant may not claim hardship because of conditions which are self-imposed. Examples include excavating a pond on a vacant lot and then arguing that there is no suitable location for a home; claiming hardship for a substandard lot after selling off portions that would have allowed building in compliance; and claiming hardship after starting construction without required permits or during a pending appeal.
- **Circumstances of applicant.** Circumstances of an applicant such as a growing family or desire for a larger garage are not a factor in deciding variances.
- **Financial hardship.** Economic loss or financial hardships do not justify a variance. The test is not whether a variance would maximize economic value of a property.
- **Nearby violations.** Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
- **Objections from neighbors.** A lack of objections from neighbors does not provide a basis for granting a variance.