



This Area For Office Use Only
Date Received:
Type: Comprehensive    Shoreland    Floodplain
Date of Hearing:

## PETITION FOR VARIANCE

PROPERTY INFORMATION	
Owner Name:	Property Address:
Mailing Address:	Parcel ID Number: _____ - _____ - _____
City, State, Zip Code:	Town of:
Phone:	Parcel Size:
Email:	Zoning District:
Legal Description:	
_____ 1/4 _____ 1/4 Section _____, T _____ N, R _____ E	
Current Use & Improvements:	

PROJECT INFORMATION
Project Description:
Ordinance Code Section(s) <i>(Completed by Department)</i>
Ordinance Code Description <i>(Completed by Department)</i>

REQUIRED SUPPLEMENTAL INFORMATION
Site Plan                      Floor Plan / Building Profile                      Variance Addendum
I, the undersigned, hereby apply for a Variance from the terms of the ordinance and certify that all the information on the application and attached is true and correct to the best of my knowledge. I acknowledge responsibility for providing accurate setback measurements and to know where affected property lines are. I affirm that all work performed will be done in accordance with all applicable laws and regulations. I understand that construction CANNOT begin without a valid county permit and that if building does occur before that time, I am subject to fines and/or removal of the non-permitted structure(s). I hereby authorize members of the Marquette County Planning & Zoning Department to enter the affected property, provided at a reasonable time and an attempt is made to inform the occupant, for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

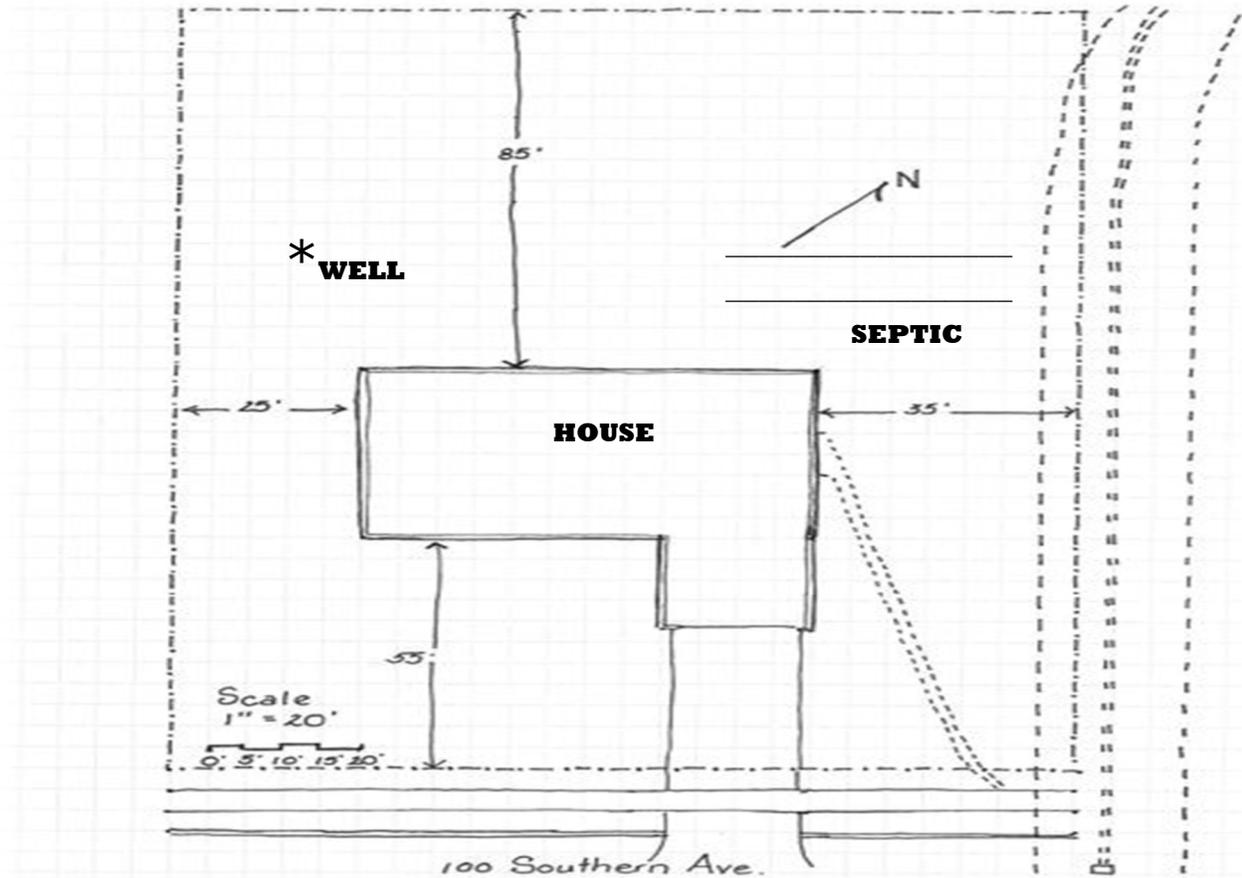
Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

FEE - \$300.00 (non-refundable)
Completed petitions can be mailed, along with a check or money order, to:  <b>Marquette County Zoning, 77 W Park St. Room 104, Montello WI 53949-9366</b>  <b>OR</b> Submitted via email to: <a href="mailto:permits@marquettecountywi.gov">permits@marquettecountywi.gov</a>

Cash, Check, or Credit Card Accepted
When paying with a credit card, you must include a receipt/ confirmation number of payment with your completed application or forward the payment receipt via email to: <a href="mailto:permits@marquettecountywi.gov">permits@marquettecountywi.gov</a>

**Sample Plot Plan Drawing – For Reference Purposes Only**



**Minimum Setback Requirements by Zoning District**

	Zoning District	Setback from Centerline of			Property Line Setback
		Town Road	County Road	State Road	
Unzoned in Shoreland	REC-RES	63'	75'	110'	10'
Prime Agriculture	AG-1	63'	75'	110'	50'
General Agriculture	AG-2	63'	75'	110'	35'
Agriculture Residential	AG-3(2)	63'	75'	110'	20'
Agriculture Residential	AG-3(4)	63'	75'	110'	20'
Agriculture Residential	AG-3(5)	63'	75'	110"	20"
Agriculture and Open Space	AO	63'	75'	110'	35'
Residential	R-1	63'	75'	110'	10'
Multi-Family Residential	R-2	63'	75'	110'	10'
Recreation	REC	63'	75'	110'	10'
Commercial District - Industrial	CM-I	63'	75'	110'	10'
Commercial District - Business	CM-B	63'	75'	110'	10'
Conservation Protection	CP	63'	75'	110'	25'
General Purpose	GP	63'	75'	110'	10'
Resource Protection	RP	63'	75'	110'	10'
Rural Center District	RC	63'	75'	110'	10'

## VARIANCE ADDENDUM

A separate attachment may be utilized to answer these questions.

*To be considered complete, a site plan and construction plans must accompany this petition.*

### UNNECESSARY HARDSHIP

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no room for the home and requesting setback variances). Courts have also determined that economic or financial hardships do not justify granting a variance. When determining whether an unnecessary hardship exists, the property as a whole is considered, rather than just a portion of the parcel (if an applicant prefers to build by the water but can't due to the water setback, but can build on the rear of the lot without a variance, the water setback shall be denied). The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted on the property), or, would render conformity with such restrictions unnecessarily burdensome. The Board of Adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short term, long term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

**The unnecessary hardship is, and, is present because:**

### UNIQUE PROPERTY LIMITATION

Unique physical limitations of the property such as steep slopes or wetlands that prevent an applicant from complying with the provisions of the ordinance can be considered for a grant of variance. (However, be advised that even if unique physical limitations exist, the variance still may not be granted.) Valid unique property limitations that are not generally shared by other properties can be considered but must prevent compliance with ordinance requirements.

The circumstances of the applicant (growing family, need for a larger garage, wanting a better view, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

**Unique features of this property which prevent compliance with the terms of the ordinance include:**

### NO HARM TO PUBLIC INTERESTS

A variance may not be granted which results in harm to public interests. In applying this test, the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbor, the entire community and the general public. These interests are listed as objectives in the purpose statement of the ordinance and include, but are not limited to:

- \* Protect public, safety and welfare
- \* Preserve wetlands
- \* Prevent water pollution
- \* Protect fish and wildlife habitat
- \* Promote a safe and efficient transportation system
- \* Protect property values
- \* Conserve soil, water and forest resources
- \* Encourage the protection of groundwater & surface water
- \* Preserve natural scenic beauty & rural character

**A variance will not be contrary to the public interest because:**

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Application #: