

Board of Adjustment (BOA) Process: Conditional Use Permits (CUP's):

Purpose of Conditional Uses:

- Conditional use permits are issued for those land uses that are not permitted by right and are identified within Marathon County's Chapter 17 Zoning Code of Ordinances (Table 3)
- Conditional Use permits may also be issued/approved to exceed the dimensional limitations of a structure in a particular zoning district.

**Conditional Use Permits are linked between the land owner and the land, and conditions may apply based on the discretion of the Board of Adjustment.*

These review procedures, standards and criteria are intended to accomplish the following:

1. Ensure full compliance with the standards contained in Chapter 17 zoning ordinance and other applicable local ordinances, as well as state and federal laws.

2. Achieve efficient use of the land.

3. Prevent adverse impacts on adjoining or nearby properties and communities.

4. Protect and strategically improve the county's natural resources.

5. Facilitate development in accordance with the County's land use objectives per the Comprehensive Plan.



APPLICATION PROCESS:

Step 1: Contact the CPZ Department and determine applicability

- Review Marathon County schedule of regulations which identifies the conditional and permitted uses in any given zoning district. Any conditional use requires a conditional use permit.

Step 2: Complete application and all required materials.

- A. Fill out application and include a detailed site map with proposed and existing structures and features on parcel. All paperwork can be found by visiting: <http://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/ApplicationsPermitsandForms.aspx>
- B. Refer to the attached application and site map on the following pages; if studies/evaluations are required all information and materials shall be reviewed.

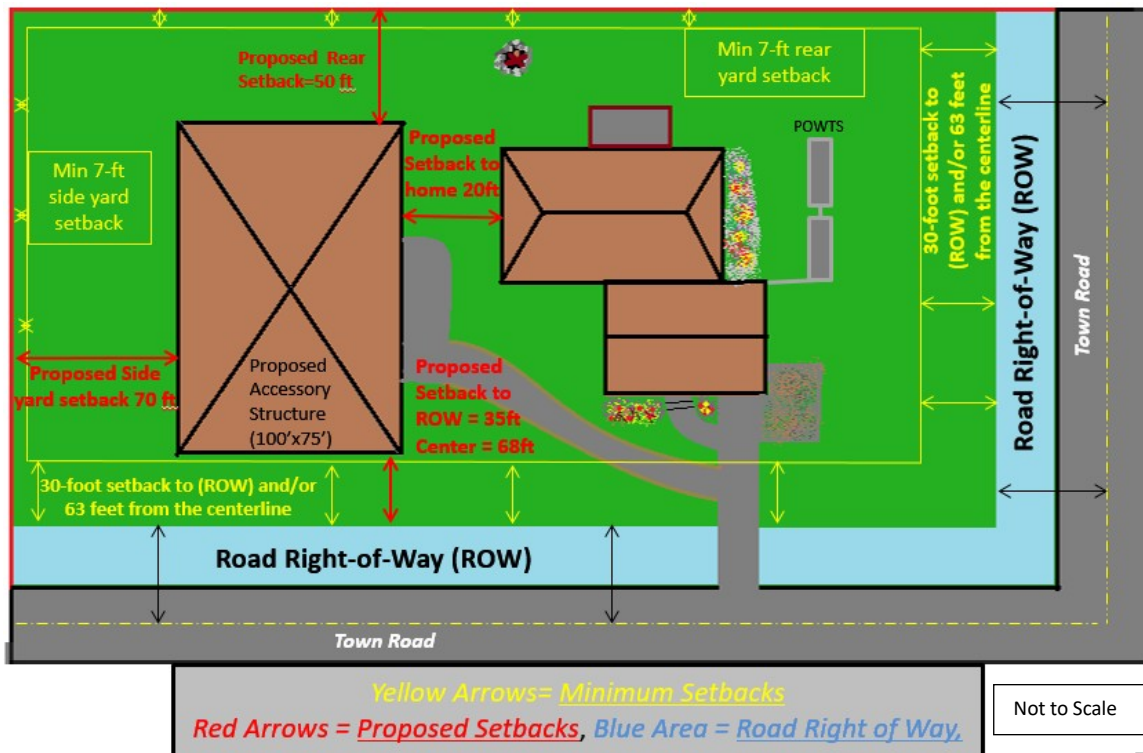
Step 3: Contact and schedule an appointment with CPZ staff to review ALL REQUIRED paperwork PRIOR to the deadline. See Page 2

Refer to this table when identifying which meeting and application deadline works best (2021)

Completed Application Deadline*	BOA Public Hearing Date	BOA Public Hearing Location & Time
1/3/24	2/22/24	<p>Location</p> <p>Marathon County Courthouse Assembly Room 500 Forest St Wausau, WI 54403</p> <p>Time</p> <p>9:00 a.m.</p> <p><i>* Unless specifically noted and published otherwise: The above location and time remain consistent across all hearing dates.</i></p>
2/7/24	03/28/24	
3/6/24	04/25/24	
4/3/24	05/23/24	
5/8/24	06/27/24	
6/5/24	07/25/24	
8/7/24	09/26/24	
9/25/24	11/14/24	

Site Plan Example:

Below is an example of a basic site plan as part of the Conditional Use Permit (CUP) application. A survey (CSM) may be required to ensure the placement and total size of the propose structure is compliant and accurate.



A Shoreland Alteration Permit may be required if a CUP is granted on a Shoreland property. A more detailed site plan including setbacks from Ordinary High Water Mark (OHWM), mitigation options, and impervious surface calculations may be required.

Review Process:

1. Marathon County Zoning Staff will begin by working with the applicant to ensure all of the required materials are provide and the application has enough detail. This may require the applicant to hold off on an official application submission until all the details/concerns are addressed and requirements are met.
2. Once the initial plan has been reviewed and changed, if necessary, the applicant can then submit a revised version of the application, site plan, and other supplemental materials.
3. Once the application is accepted and deemed complete, the application will be added to the agenda for the next BOA meeting.
4. During the review period prior to the BOA meeting, notifications will be sent out to adjacent property owners, as well as the appropriate town committees and boards for input and recommendations. CPZ Staff strongly recommend attending your town board meeting in order to answer any questions they may have.
5. The **Board of Adjustment** shall review the proposed development in the form of a public hearing as presented in the submitted application and supplemental information, while considering the specifications in accordance with the standards established in this Zoning Ordinance. CPZ Staff strongly recommend attending this hearing in order to answer any questions the Board of Adjustment may have.

Potential Outcome(s) of the Hearing:

1. **Approval:** Upon determination by the Board of Adjustment that the final plan for conditional use is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, approval shall be granted.
2. **Approval with Conditions:** The Board of Adjustment may impose reasonable conditions with the approval of a conditional use proposal, to the extent authorized by law. Conditions imposed can be seen in Marathon County's Ordinance, **Chapter 17: Section 17.803.02.**
3. **Denial:** Upon determination by the Board of Adjustment that a conditional use proposal does not comply with the spirit or intent or standards and regulations set forth in this ordinance, or would constitute a nuisance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the county.
4. **Revisions.** If the BOA determines that revisions are necessary to bring the conditional use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. (Following the submission of revised application materials, the conditional use proposal shall be placed on the agenda of the next available scheduled meeting of the Board of Adjustment for further review and possible action.)

Please Note: Any Decision may be appealed within 30 days of any Board of Adjustment outcome.

Board of Adjustment Basis of Determination:

Source: Section 17.803.03

- A. **Conformance with Requirements.** The applicant shall be required to establish by clear and convincing evidence that the applicable standards of this Chapter, the specific standards pertinent to each conditional use, including site plan review criteria set forth for applicable site development standards for specific uses set forth elsewhere in this Chapter (refer to Chapter [17.204](#), Development Standards for Specific Uses) have been met.
- B. **General Standards.** The Board of Adjustment shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:
1. **Compatibility with Adjacent Uses.** The proposed conditional use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. Approval of a conditional use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 2. **Comprehensive Plan.** The proposed conditional use will be harmonious with and in accordance with the general objectives or with any specific objective of the town and county comprehensive plan.
 3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
 5. **Public Services.** The proposed conditional use will be served adequately by essential public facilities and services including but not necessarily limited to utilities, highways, streets, police and fire protection, drainage structures, refuse disposal, and school(s); unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
 6. **Impact of Traffic.** The location of the proposed conditional use shall, within the zoning district, minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provision of pedestrian traffic (if applicable).
 7. **Enhancement of Surrounding Environment.** The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
 - a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this Ordinance may be required as a condition of approval of a conditional use.
 - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

8. Impact on Public Health, Safety, and Welfare. The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, and environmental impact.
9. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
10. Substantial Evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions.

Once a decision has been made by the Board of Adjustment the appropriate permits can be written and sent out to the land owner, or completed after the public hearing. Contact CPZ Zoning staff for more detailed instructions and procedures to complete the permitting process.

***CONSERVATION, PLANNING AND
ZONING DEPARTMENT***

210 River Drive, Wausau WI 54403

715-261-6000

Online Resources Found by visiting:

<https://www.co.marathon.wi.us/Departments/ConservationPlanningZoning.aspx>

