



Board of Adjustment (BOA) Process: Petition for Variance:



The Purpose of a Variance

The applicant applying for a variance should acknowledge that Chapter 17 of the Zoning Ordinance does not allow the development for which approval is sought.

A variance is a form of relief from specific standards (setbacks, minimum lot area, lot coverage, etc.) of a section of Marathon County’s Chapter 17 and 22 Zoning Ordinances. Standards of which unreasonably blocks or hinders the owner’s ability to reasonably utilize their property. Yet, a variance is only applicable when the use of the property/building in question is permitted in the zoning district.

Please Note: Variances run with the property, which in turn is passed down through PERPETUITY.

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 CPZ Department and determine eligibility.

The applicant must meet/identify all three of the following criteria in order to qualify.

1. Applicant bears the burden of proving an **unnecessary hardship**.

***Unnecessary Hardship:** Applicant must prove that compliance with Marathon County’s zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome

2. The hardship is due to a **unique physical limitation** of the property.

3. The variance would not cause **harm to public interests**.

• See the **Evidence Required** section on **Page 5** for specifics.

Step 2: Complete application and all required materials.

To be deemed complete, a variance application must contain the following information, where applicable:

- a. A completed variance application form including property owner(s) signature.
- b. A site plan and information as set forth in section [17.802.02](#).
- c. The name, address, phone number and signature of the person authorized by the owner(s) to be the representative.
- d. A statement indicating the exact nature of the variance being requested and why the variance is necessary.
- e. A statement demonstrating the variance requested is needed due to an unnecessary hardship, unique property limitations, and that there will be no harm to public interests.
- f. Any additional information required by the Zoning Administrator and/or the Board of Adjustment to make the determination requested herein.

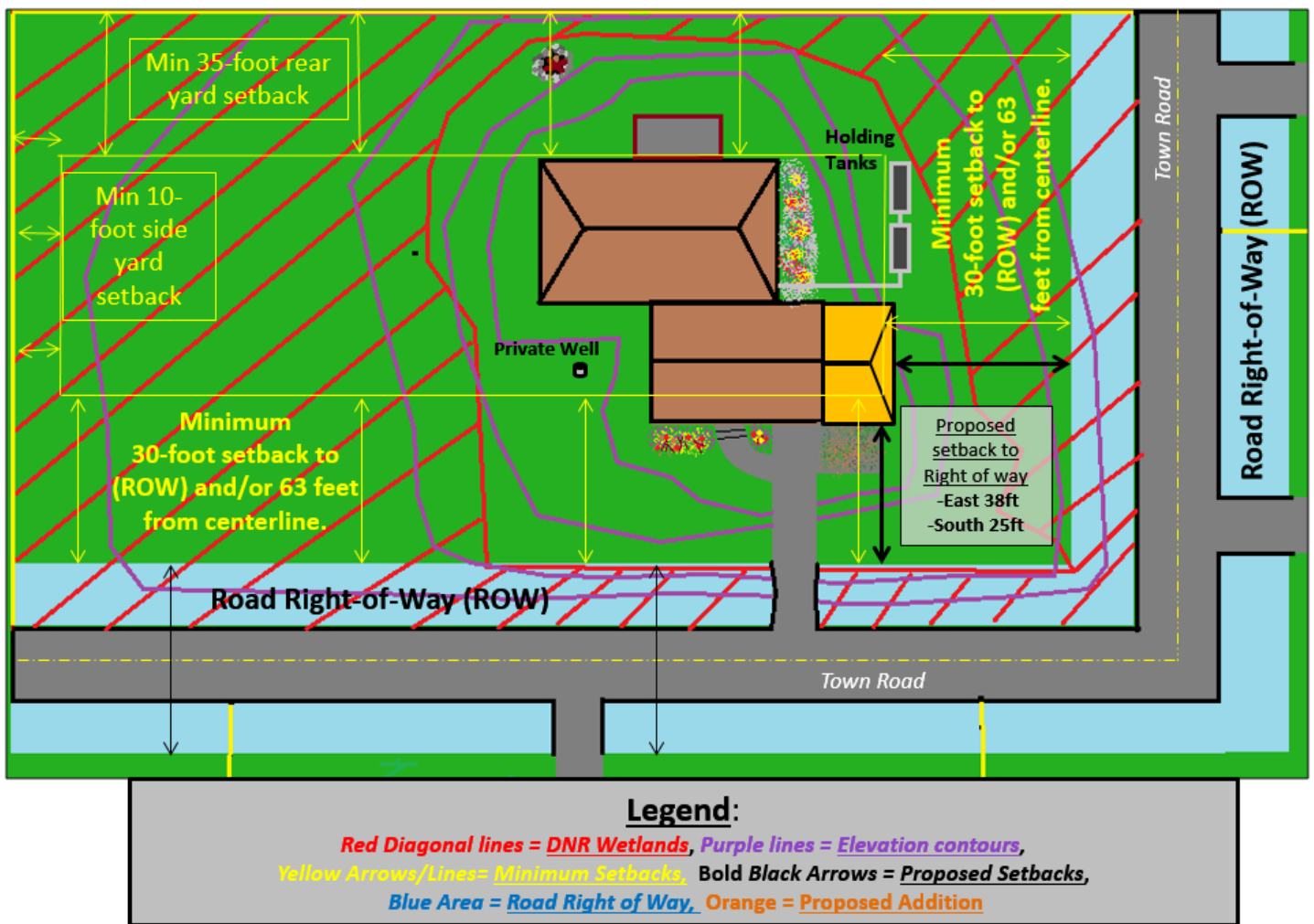
Step 3: Please contact and schedule an appointment with CPZ staff to review all required paperwork prior to the application deadline.

Refer to the dates below to see which meeting and application deadline works best.

Completed Application Deadline*	BOA Public Hearing Date	BOA Public Hearing Location & Time
1/3/24	2/22/24	<p><u>Location</u></p> <p>Marathon County Courthouse Assembly Room 500 Forest St Wausau, WI 54403</p> <p><u>Time</u></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	

Example Site Plan:

Showing an example of what is expected for a site plan as part of the variance application. In most situations CPZ staff will require a survey (CSM) to be conducted to ensure proposed setbacks are accurate and mapped out properly.



A Shoreland Alteration Permit may be required if a variance 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. Applicant contacts the Conservation, Planning, and Zoning department to meet and review the specific situation to determine applicability and possible alternatives to a variance.
2. Applicant identifies the *three necessary conditions/standards* that are fundamental to a variance application. (seen on Pages 1 and/or 4)

3. Once an applicant has provided all the necessary information and has become eligible for a variance, the applicant should completely fill out the variance application as well as complete a detailed site plan showing the site and its unique features.
4. CPZ Staff will work with the applicant to ensure all information is provided prior to the application deadline, for the subsequent Town Board meeting and County Board of Adjustment (BOA) meeting.
5. Once the application and all other required materials are handed in prior to the application deadline, adjacent property owners, and town committee/board members will be notified about the variance submission and public hearing date(s).
6. The town which the variance is being proposed will have their Planning Commission and/or Town Board meeting to give a recommendation to the County Board of Adjustment.
7. During the BOA meeting the BOA board members will review all relevant information, hear the testimony from the applicant, as well as anyone who is in support or opposition of the variance.
8. Once the board has reviewed all of the materials and has enough information to make a decision based on the criteria, the board will make a decision whether or not to grant or deny the application for a variance. The BOA also has the ability to place additional conditions on a variance approval.
9. There is an opportunity to appeal to the Board of Adjustments decision by going through the appeal process. (see the following page for more information)

Standards for Variances

Variances and appeals shall be granted only in accordance with and based on the findings set forth in *Section 17.804.05*. The burden of proof for variances and appeals shall be upon the applicant. The extent to which the following factors, standards, and criteria apply to a specific case shall be determined by the Board of Adjustment.

Variance considerations

1. No variance may be granted unless there is an unnecessary hardship present in that a literal enforcement of the terms of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or render conformity with such restrictions unnecessarily burdensome.
2. No variance may be granted unless there is a hardship due to the unique physical limitations of the property such as steep slopes or wetlands rather than the circumstances of the applicant.
3. No variance may be granted that is contrary to the public interest as expressed by the objectives of the ordinance

Evidence Required:

The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board of Adjustment. *A variance may be granted when the following are met:*

1. Shall be consistent with the spirit, intent and purpose of this chapter.
2. Shall not be granted because of conditions that are common to a group of adjacent lots or premises.
3. Shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons or property values in the area.
4. Shall not be granted for actions which require an amendment to this chapter or the maps.
5. Shall not have the effect of granting or increasing a use of property which is prohibited in a particular zoning district.
6. Shall not be granted solely on the basis of economic gain or loss;
7. Shall not be granted for a self-created hardship;
8. Shall not damage the rights or property values of other persons in the area;
9. Shall not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure;
10. Shall demonstrate whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or
11. Shall not permit standards not in compliance with those required by the Wisconsin Statutes, Wisconsin Administrative Code or the State Department of Natural Resources.

Variance Conditions:

1. Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with standards of Chapter 17 of the Zoning Ordinance.
2. Conditions may include, but are not limited to, specifications in *Section 17.803.02*.

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

Variations may be appealed within 30 days of any potential outcome.

Please Note:

** Variances run with the land and are passed down through perpetuity.*

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Section 17.804.07: VARIANCE APPROVAL PERIOD

If construction has not commenced within 12 months after the Board of Adjustment grants a variance to permit the erection or alteration of a building, then the variance shall become null and void. The period of approval may be automatically extended by 12 months if the variance was sought in conjunction with a site plan for which approval has been extended by the Zoning Administrator and/or Board of Adjustment.

**CONSERVATION, PLANNING AND
ZONING DEPARTMENT**

210 River Drive, Wausau WI 54403

715-261-6000

Online Resources Found by visiting:

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

