Appeal of Board Decisions

A Zoning Board's Decision may be appealed to Wood or Marathon County Circuit Court within 30 days after the decision. Applicants commencing construction prior to end of this appeal period assume any risk of having the Board decision overturned.

Validity of Permits

After Board approval, you must obtain the necessary building permits or zoning department approvals prior to starting construction.

Construction must be substantially completed within 12 months of the date of the Board's decision. Building permits may be revoked for violation of any conditions imposed by the Board.

Application Fees, Meetings & Submittal Deadlines

At this time of this publication, the fee to submit a Variance Request Application is **$200.** The ZBA meets the 2nd Tuesday of every month on an "as needed" basis. Submittal deadlines are approximately three weeks prior to the meeting date (contact Planning Staff for deadlines)

This brochure is intended to provide a summary of the variance process for the City of Marshfield. It is in no way a substitute for or complete description of city, county, state, or federal rules, regulations, or policies. As always, please consult with City of Marshfield

City of Marshfield

Planning and Economic Development
630 South Central Avenue
P.O. Box 727
Marshfield, WI 54449-0727

Phone: 715-486-2075
Fax: 715-384-7631
Email:bonnie.curtiss@ci.marshfield.wi.us

City of Marshfield

Quick Facts

ZONING VARIANCES

MARSHFIELD
The City in the Center

http://ci.marshfield.wi.us

Variance Process

What is a Variance?

A variance is a relaxation of a standard in a zoning ordinance.

Variances, if granted, can provide an increment of relief (normally small) from a dimensional restriction, such as setback or building height, and are meant to be an infrequent remedy where an ordinance imposes a unique or substantial burden.

Applicants are encouraged to investigate all alternatives before requesting a variance.

Who decides Variances?

Variances are decided by the **Zoning Board of Appeals (ZBA)**. The Board is a quasi-judicial body because it functions almost like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply the legal criteria provided in state laws, court decisions and local ordinance to the specific facts of a situation.

Variance Criteria & Findings

To qualify for a variance, the applicant must demonstrate that their request meets the 3 criteria defined in state statues and outlined below:

- **Unnecessary Hardship**

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such restrictions "unnecessarily burdensome." Courts have determined that self-imposed conditions & financial hardships do not justify variances.

- **Unique Property Limitations**

A hardship must be due to unique physical limitations of a property (i.e. steep slopes, wetlands, shape, etc.) rather than the circumstances of the applicant.

- **No Harm to Public Interests**

A variance may not be granted which results in harm to public interests. Public interests can be determined from the general purposes of a zoning ordinance as well as the purposes for the specific zoning requirement. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

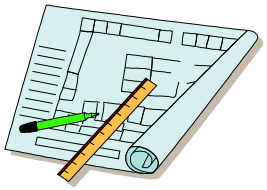
Findings

Marshfield Zoning Ordinance requires the Board take into account specific findings associated with the property and the variance request. Details of these findings are in **Section 18-35** of the Municipal Code, which can be viewed on the City's web page.

Steps in the Variance Process

Prior to Application. Applicants are highly encouraged to meet with Planning Staff to discuss the proposed development and review alternatives, prior to application.

Application Submittal. Complete a Variance Request Application and submit to the Planning Dept. along with fee and other required attachments.



A detailed site plan and thorough response to the 6 findings are important prerequisites when applying for a variance

Every application requires a detailed site plan & a written narrative explaining how the project meets the legal criteria for a variance. (See **Variance Criteria**)

Public Notice & Meeting. A notice of the variance request and hearing date/location is published in the newspaper prior to the meeting. Neighbors will also be notified. Any party may speak for or against the request. An applicant is expected to appear to present the facts of their case & be available for questions. If you do not appear at the public hearing, the Board may postpone or deny the request.