



COUNTY OF MARINETTE

APPLICATION FEE \$750.00

VARIANCE APPLICATION

Owner: _____

Mailing Address: _____

Phone Number(s): _____

To the Marinette County Board of Adjustment:

Please take notice that the undersigned was refused a Zoning Permit by the Marinette County Land Information Department for lands described below for the reason that the application failed to comply with the Marinette County General Zoning, Shoreland/Wetland and/or Floodplain Zoning Ordinances. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: _____ Property Address: _____

Legal Description: _____ 1/4 _____ 1/4 Sec. _____ T _____ N R _____ E, Town of _____

Subdivision: _____ Lot(s): _____ Block: _____

Current Use: _____

Proposal: _____

| REQUIRED BY ORDINANCE | <u>VARIANCE REQUESTED</u> |
|---------------------------------|---------------------------|
| Section: _____ - _____ _____ | _____ _____ |
| Section: _____ - _____ _____ | _____ _____ |
| Section: _____ - _____ _____ | _____ _____ |

An area variance is authorization by the Marinette County Board of Adjustments to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction.

The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the Board of Adjustment to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

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 for the property) or would render conformity with such restrictions unnecessarily burdensome.

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 that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

(3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

(4) What would be the effect on this property, the community or neighborhood and the public interest if the variance was granted? How can these impacts be mitigated.

These interests are listed as objectives in the purpose statement of an ordinance and may include: drainage, visual impact, and fire safety and building code requirements.

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Land Information Department staff and Board of Adjustment members to view the premises, in relation to the appeal request made herein, during reasonable daylight hours.

Owners Signature: _____

Agent: _____ Signature: _____

Agents Address: _____

Phone Number(s): _____

STAFF INFORMATION:

Filing Date: _____ Notices Mailed: _____

Published: _____

Hearing Date/Action by B.O.A.: _____

Approved by: _____ Date: _____

Director, Land Information Department