

# TOWN OF MARSHFIELD VARIANCE APPLICATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Cell : \_\_\_\_\_

E- Mail: \_\_\_\_\_

Tax Parcel No. \_\_\_\_\_ Fire No. \_\_\_\_\_

Legal description of property (on tax statement) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Lot Area & dimensions \_\_\_\_\_

Current Zoning District \_\_\_\_\_

Current Use & Improvements \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nature and disposition of any prior petition for appeal, variance or special use

\_\_\_\_\_

\_\_\_\_\_

Description of all nonconforming structures & uses on this property \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Variance Requested

a. Terms of Ordinance (Section No) \_\_\_\_\_

b. Variance Requested \_\_\_\_\_

\_\_\_\_\_

**Names & Addresses of All Adjoining Property Owners within 500 ft**

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**THREE STEP TEST:** To qualify for a variance, the applicant must demonstrate that their property meets all three of the following requirements. Attach additional pages if necessary:

**1) Unnecessary hardship – Self created or 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). 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.

**Explain unnecessary hardship. If the owner cannot demonstrate an unnecessary hardship, a variance cannot be granted.**

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**2) Unique property limitations.**

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with 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.

**Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. If no, a variance cannot be granted.**

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**3) No harm to public interests**

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

- > Public health, safety and welfare
- > Minimization of property damages
- > Water quality
- > Provision of efficient public facilities and utilities
- > Fish and wildlife habitat
- > Any other public interest issues
- > Natural scenic beauty
- > Achievement of eventual compliance for nonconforming uses, structures and lots

Explain any impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce the project impact. If there is a potential harm to public interest, a variance cannot be granted.

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Attach a map or sketch of the property involved. Include property lines, existing & proposed driveways and roads, dimensions & locations of existing & proposed buildings, and location of sanitary septic system.

Grant the Board of Appeals, in the performance of their duties, permission to enter upon land, make examinations and surveys and place and maintain necessary monuments and marks thereon.

A hearing will be scheduled after the application is received. Additional information may be requested by the Board of Appeals. The decision of the Board of Appeals is final.

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Application fee is \$580.00 (\$300 + \$280 documentation fees) plus additional legal fees if needed\*\*. Make checks payable to Town of Marshfield. Submit fee and original application plus ten (10) copies to:**

**Town of Marshfield Clerk  
P O Box 94  
Mt. Calvary, WI 53057-0094**

**\*\*The Town Board, the Zoning Board of Appeals and the Plan Commission reserve the right to retain professional assistance for advice on rezonings, variances, special use permits or other permits authorized by this ordinance. In addition to the payment of the filing fees, the applicant shall reimburse the Town for its reasonable professional fees.**

VA092023

Office Use: Date Rec'd \_\_\_\_\_ Amt Pd \_\_\_\_\_

Accepted by: \_\_\_\_\_