



# TOWN OF RIB MOUNTAIN

Marathon County, Wisconsin

3700 North Mountain Road  
Wausau, Wisconsin 54401  
(715) 842-0983  
Fax(715) 848-0186

## Variances and the Zoning Board of Appeals

**WHY:** Zoning laws assure you and your neighbors that any new development or changes to adjacent properties will not adversely affect your enjoyment in, and use of, your property. Any changes to the existing zoning requirements need a careful review of all factors to protect you and your neighbors.

**WHEN:** Your proposed project cannot meet the zoning code requirements, such as a need to reduce a required yard size, setback, etc. Also, any person "aggrieved" by the decision of any officer, department, or board, may appeal. Authorized variances include:

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination of the Zoning Administrator.
2. To hear and decide special exceptions to the terms of the Zoning Code upon which the Zoning Board of Appeals is required to review.
3. To authorize variances in accordance with section 17.230.
4. To permit a building or premise to be erected or used for public utility purposes, where it is reasonably necessary for the public convenience and welfare.

**HOW:** To obtain a variance, you must establish that it would be a hardship or practical difficulty to meet the zoning code requirements, due to the physical surroundings, shape, or topography of the property. Submit your request for a variance to the Zoning Administrator, with the following:

1. A present and proposed site plan drawn to scale, showing:
  - a.) The lot size of the subject property;
  - b.) The locations of all present and proposed buildings, additions, decks, etc., located on the property; and
  - c.) The dimensions / distances to all property lines, from all buildings / structures.
2. The present and the proposed building elevations / floor plans.
3. The required, non-refundable application fee.

A public hearing will then be scheduled before the Zoning Board of Appeals, which meets the fourth Tuesday of the month, at 7:00 P.M. To meet the deadline for a specific month, applications must be submitted no later than the first of the month. Notice of the hearing is sent to the applicant and owners of property within 300 feet of the proposed variance. The hearing notice is also published twice in the Wausau Daily Herald newspaper.

The applicant must attend the hearing to present their case and give testimony. In addition, other individuals in support of the applicant's request, as well as those persons in opposition to the request, or persons seeking additional information, are allowed to testify.

Based upon the standards set forth in the Zoning Code and State Statutes, the Zoning Board of Appeals makes the final decision to grant or deny a variance. The Board of Appeals may impose conditions and restrictions to protect the interests of both parties.

If the Zoning Board of Appeals approves your variance request, you can then apply for your building permit and any other required permits. A variance, once approved, is valid for twelve months; therefore necessary permits must be obtained and the project started or the use commenced within such period, or the project must go through the variance process again.

If the Zoning Board of Appeals denies your variance request, you may appeal that decision to the Marathon County Circuit Court. A denied variance may not be re-applied for within twelve months of the denial.

If you have any questions regarding the zoning variance process, contact the Zoning Administrator.

**TOWN OF RIB MOUNTAIN  
ZONING BOARD OF APPEALS APPLICATION / ACCEPTANCE FORM**

PARCEL # : \_\_\_\_\_ DOCKET # : \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_ RECEIPT # : \_\_\_\_\_  
\*\*\*\*\*

OWNER: \_\_\_\_\_ PHONE #: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

RMMC 17.230(2) - only a property owner may request a variance.  
\*\*\*\*\*

I hereby request a hearing in front of the Zoning Board of Appeals, for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

Property Owner Signature(s) \_\_\_\_\_ Date: \_\_\_\_\_  
.....

**VARIANCE STANDARDS:**

State law sets three standards for granting a zoning variance. Applicants must provide evidence to the Zoning Board that their situation meets **all three of the required standards** in order for a variance to be granted.

1. **Unnecessary Hardship:** Application of the zoning ordinance to a site must cause unnecessary hardship in order for a variance to be granted. The legal standard of unnecessary hardship requires that the property owner demonstrate, that without the variance, they have **NO** reasonable use of the property.

Are you denied all reasonable use of the property?	Yes: _____	No: _____
Is your hardship self imposed?	No: _____	Yes: _____
Is your loss or hardship profit driven?	No: _____	Yes: _____
Would a hardship exist in the absence of the code?	No: _____	Yes: _____
Did the parcel pre-exist the code requirement?	Yes: _____	No: _____

The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Describe your specific hardship:  
\_\_\_\_\_  
\_\_\_\_\_

Such a hardship or difficulty shall have arisen because of the unusual shape of the original parcel, unusual topography, or elevation. Describe your specific hardship:  
\_\_\_\_\_  
\_\_\_\_\_

Prove why the parcel is not economically suitable for a permitted use, or will not accommodate a structure of reasonable design for a permitted use, if all area, yard, green space, setback, etc., requirements are observed:  
\_\_\_\_\_  
\_\_\_\_\_

2. Unique Property Limitations: Proof of unnecessary hardship includes the burden of proving "uniqueness". Describe the unique physical characteristics of the subject property that prevent you from developing in compliance with the zoning ordinance:

\_\_\_\_\_  
\_\_\_\_\_

3. Public Interest: Describe why the grant of a variance is in the public's interest and why this is the minimum relief necessary for you to have reasonable use of your property:

\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_ Attach a scale map of the subject property showing lot size, all buildings, additions, decks, etc., on the land for which the variance is proposed.

\_\_\_\_ Attach a map showing the general location of the subject property within the Town.

\_\_\_\_ Attach a written description of the proposed variance, describing which of the authorized variances is being requested.

\_\_\_\_ Attach the applicable fee.

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STAFF REVIEW:

REGARDING: \_\_\_\_\_

SUBMITTED ON: \_\_\_\_\_ REVIEWED ON: \_\_\_\_\_

THE RIB MOUNTAIN ZONING CODE ALLOWS FOR A 10 DAY PERIOD OF REVIEW BY THE ZONING ADMINISTRATOR. YOUR APPLICATION HAS BEEN REVIEWED AND IS DEEMED:

\_\_\_\_ INCOMPLETE - SEE HIGHLIGHTED ITEMS AND RESUBMIT; \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ ACCEPTED AS COMPLETE AND SCHEDULED FOR: \_\_\_\_\_

\_\_\_\_ SIGNED CONSULTING SERVICES AGREEMENT FORM ATTACHED?

FEES PAID: \$ \_\_\_\_\_ FEES DUE: \$ \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DANIEL M. DZIADOSZ, ZONING ADMINISTRATOR

**AGREEMENT FOR PAYMENT OF CONSULTING SERVICES**  
**RELATING TO ZONING APPLICATION**

WHEREAS, the Town of Rib Mountain has hired a consultant to assist in the review of any application for zoning permits or approvals under the Town Zoning Ordinances; and

WHEREAS, the Town Ordinances provide that the Applicant shall pay the costs for the services provided to the Town of Rib Mountain by the consultant in the review and analysis of the application being requested and payment for the services performed by the consultant are considered a normal part of the fee for the permit requested by the Applicant from the Town of Rib Mountain.

THEREFORE, in consideration of the request for permit to be reviewed and considered by the Plan Commission and/or Town Board of the Town of Rib Mountain, the undersigned, as Applicant, hereby agrees as follows:

- A. To pay the costs for the consulting services rendered to the Town of Rib Mountain for review and recommendations regarding the action under the Town Zoning Ordinance being requested by the Applicant.
- B. A bill for such services will be sent to the Applicant at the time of completion of the consulting services and shall be due and payable to the Town within 15 days of receipt.
- C. Failure of the Applicant to make payment for the services provided to the Town due to the Application shall result in the Town commencing legal action for collection of monies due and owing to the Town for services, being a part of the Application process followed by the Town for review and approval of the zoning action requested.

**TOWN OF RIB MOUNTAIN**

I have read the foregoing and understand that I shall be responsible for a payment to the Town of Rib Mountain for consulting services directly resulting from the review and analysis of the Zoning Application submitted to the Town of Rib Mountain.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date