

## **SECTION 32. VARIANCES**

32.010 Purpose. To provide a means by which, any individual or entity aggrieved by the enforcement of this ordinance, may appeal that enforcement to a quasi-judicial body, in an effort to seek relief from the requirements of this ordinance.

32.020 Variances. The Board of Adjustment may grant upon appeal a variance from the standards of this ordinance where the applicant convincingly demonstrates that:

- A. Literal enforcement of the provisions of this ordinance will result in unnecessary hardship on the applicant,
- B. The hardship is due to special conditions unique to the property,
- C. That the hardship is not self imposed,
- D. Such variance is not contrary to the public interest.

32.040 Notice, Hearing and Decision. Before passing on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a class 2 notice under ch. 985, Wis. Stats. The board shall state in writing the reason for granting or refusing a variance.

32.050 Board Of Adjustment. The chairman of the county board shall appoint a Board of Adjustment consisting of three (3) members under s. 59.99, Wis Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by s. 59.99(3), Wis. Stats.

A. Powers and Duties:

1. The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.99, Wis.Stats.
  2. It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.
  3. It may grant a variance from the dimensional standards of this ordinance.
  4. In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of the restriction, the board may impose any reasonable permit conditions to effect the purpose of this ordinance.
- B. Appeals: Appeals to the Board of Adjustment may be made by any person or entity aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a petition of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the board all papers constituting the record concerning the matter appealed.

32.060 Hearing Appeals and Application for Variance.

- A. The Board of Adjustment shall fix a reasonable time for a hearing on the appeal. The board shall give public notice thereof by publishing a class 2 notice under ch. 985, Wis. Stats., specifying the date, time and place of hearing and the matters to come before the board. Notice shall be mailed to the parties in interest.
- B. A decision regarding the appeal or application shall be made as soon as practical.
- C. The final disposition of an appeal to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- D. At a public hearing, any party may appear in person or by agent or by attorney.
- F. Fees. The fee for filing for a variance shall be three hundred dollars (\$300.00).