

CHAPTER 76
BOARD OF ADJUSTMENTS

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76.01 ESTABLISHMENT OF BOARD. Pursuant to the provisions of Wis. Stat. § 59.70(1), "Building and Sanitary Codes;" Wis. Stat. § 59.70(5), "Private Sewage System Ordinance;" Wis. Stat. § 59.694, "County Zoning, Adjustment Board;" and Chapter 78 of this Code, there is hereby established the Sheboygan County Building, Zoning, and Sanitation Board of Adjustments hereafter referred to as the "BOARD OF ADJUSTMENTS."

76.02 POWERS OF THE BOARD. Except as specifically provided, no action of the Board of Adjustments shall have the effect of nullifying the intent or negating any of the provisions of the County Ordinance "REGULATING HEIGHT OF STRUCTURES AND TREES AND THE USE OF PROPERTY IN THE VICINITY OF THE SHEBOYGAN COUNTY MEMORIAL AIRPORT" (Chapter 63), the County "SANITARY ORDINANCE" (Chapter 70), and the County "SHORELAND-FLOODPLAIN ORDINANCE (Chapter 72). The Board of Adjustments shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the County Planning Department or the Airport Department.

(b) To hear and decide special exceptions (also known as conditional uses) to the terms of Chapters 63, 70, and 72 of this Code upon which the Board of Adjustments is required to pass.

(c) To authorize upon appeal in specific cases such variance from the terms of Chapters 63, 70, and 72 of this Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of said Chapters will result in unnecessary hardship and so that the spirit of said Chapters shall be observed, public safety and welfare secured, and substantial justice done.

(d) To allow alternate reclamation requirements to operators of nonmetallic mining sites pursuant to Section 78.18 of this Code.

76.03 MEMBERSHIP. The Board of Adjustments shall consist of five (5) members appointed by the Chairperson of the County Board, subject to confirmation by the County Board, with the initial terms of office to be staggered in such a way that not more than two (2) successors will be appointed in any one (1) year following any term expiration. The members of the Board of Adjustments shall all reside within those areas of the County which are under the jurisdiction of Chapters 63, 70, and 72, but no two (2) members shall be from the same town.

76.04 OFFICE AND COMPENSATION. The County Board shall provide the Board of Adjustments with office space and shall pay the expenses incurred in the performance of its duties. The County Board may provide additional compensation if it so desires and may also provide salaried assistants.

76.05 MEETINGS. The County Resources Committee shall adopt rules for the governance and procedure of the Board of Adjustments in addition to those established in this Section. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Adjustments may determine. The Chairperson, or in the Chairperson's absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

76.06 HEARINGS. The Board of Adjustments shall fix a reasonable time and place to conduct its hearings and shall give a Class II notice thereof pursuant to Wis. Stat. § 985.

76.07 BASIS FOR ACTION TAKEN. In every case where a variance from the regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an "unnecessary hardship" exists, and the records of the Board shall clearly show in what particular and specific respects an "unnecessary hardship" is created.

76.08 FEES. All persons, upon filing an application for Board of Adjustments review, shall pay a fee of Five Hundred Dollars (\$500.00) to the Board.