

**SHEBOYGAN COUNTY ORDINANCE NO. 10 (2023/24)**

Re: **Amending Chapter 76 Board of Adjustments**

**WHEREAS**, the Sheboygan County Board of Adjustments has recently updated their policies and procedures; and

**WHEREAS**, Sheboygan County Planning and Conservation staff have reviewed and provided suggested changes to the Planning, Resources, Agriculture and Extension Committee in regard to Chapters 70-Sanitary Regulations, 71-Subdivision Ordinance, 72-Shoreland Ordinance and 76-Board of Adjustments of the Sheboygan county Code; and

**WHEREAS**, the Planning, Resources, Agriculture and Extension Committee finds it in the best interest of the County and its landowners to amend Chapter 76 to clarify certain aspects of the variance request process before the Board of Adjustments.

**NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Chapter 76**. Chapter 76 of the Sheboygan County Code of Ordinances is hereby amended as follows (only those Sections or portions of Sections affected appear – deletions indicated by strikeouts; additions by shading):

76.02 (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.~~ **as further defined in Wis. Stat. §59.694.**

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.~~ **in its action shall include findings of fact that show the applicant has met the criteria outlined in Section 76.02(c).**

**76.08** EFFECT OF DENIAL VARIANCE. When the Board of Adjustments denies a variance request, no person shall be entitled to resubmit an application for the same variance within twelve (12) months from the date of final Board of Adjustments action, except on grounds of new evidence or proof of change in factors found valid by the Board of Adjustments.

~~76.08~~**09.** 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.

Section 2. **Effective Date**. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 7th day of November, 2023.

**PLANNING, RESOURCES, AGRICULTURE,  
AND EXTENSION COMMITTEE\***

*Keith Abler*

Keith Abler, Chairperson

*Rebecca Clarke*

Rebecca Clarke, Vice-Chairperson

*John Nelson*

John Nelson, Secretary

*Paul A. Gruber*

Paul A. Gruber

*Henry Nelson*

Henry Nelson

Opposed to Introduction:

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Enacted 12/19/2023