

TOWN OF LAND O' LAKES
ORDINANCE CREATING BOARD OF ADJUSTMENT

97-12-1

Introduction: This Article describes the Board of Adjustment. This five (5) member Board has powers directly granted to it by the State Statutes section 63.23(7)(e). The statutory duties of the Board are to hear and decide appeals from decisions of the Administrator or Deputies and to consider variances from the strict requirements of the Ordinances where a unique hardship exists and where a waiver of the strict rule of the Ordinance can be granted without destroying the purpose and intent of the Ordinance.

1. Creation of the Board of Adjustment: A Board of Adjustment is hereby created as authorized by the applicable Wisconsin Statute, section 62.23(7)(e). The Board of Adjustment shall consist of five (5) members who shall be appointed by the Town Board for terms of three years. The Board of Adjustment shall choose its own chairman.

2. Jurisdiction and Authority: The Board of Adjustment 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 an administrative official of the Town of Land O' Lakes in the enforcement of any Ordinance adopted by the Town of Land O' Lakes.
- B. To authorize upon appeal in specific cases such variances from the terms of the Town Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the exception to the terms of the Ordinance is in harmony with its general purpose and intent and in accordance with general and specific rules contained therein.

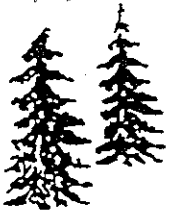
3. Meetings and Rules: Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. The

Chairman, or in the Chairman's absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of said Board shall be open to the public. The Board's secretary shall keep a written record of the outcome of the vote of each member on each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Board of Adjustment shall adopt further rules as necessary to carry into effect the regulations of the Town Board which are not in conflict with the Wisconsin Statutes.

4. **Procedures for Hearing Appeals:** The Board of Adjustment shall establish procedures and rules for hearing appeals and variance requests and shall provide necessary forms for said requests.

5. **Notice of Hearing:** The Board of Adjustment shall fix a reasonable time for hearing variance requests. Notice of time, place and purpose of such hearing shall be given by publication as a Class 2 Notice as provided in the Wisconsin Statutes. Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant, Town Zoning Administrator and Town Clerk.

6. **Findings of the Board:** The Board of Adjustment, upon its findings, shall render a decision on the variance request or appeal within a reasonable time. A Board decision requires a majority vote. All decisions and findings of the Board of Adjustment on variance requests or appeals shall in all instances be final administrative determinations and shall thereafter be only subject to review by a court of law.



TOWN OF LAND O' LAKES

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LAND O' LAKES, WISCONSIN 54540

RICHARD PETERSON, CHAIRMAN
HENRY MITCHELL, SUPERVISOR
JOHN RASMUSSEN, SUPERVISOR
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TOWN OF LAND O' LAKES VILAS COUNTY, WISCONSIN RESOLUTION 98-1

WHEREAS the Town of Land O' Lakes, Vilas County, Wisconsin, duly assembled at this Public Hearing and Special Town Board Meeting dated January 6, 1998 for the purpose of consideration and action on amending the present Zoning Ordinance Regulating Construction, Subdivision and Land Use in the Town of Land O' Lakes by adopting Ordinance #97-12-1 to Create a Board of Adjustment pursuant to sec 62.23(7)(e) of the Wis Statutes.

WHEREAS the Board of Adjustment must consist of five members appointed by the Town Board. The Terms of the members shall be three years except that of those first appointed, one shall serve for one year, two for two years and two for three years.

WHEREAS the five member Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions and variances to the terms of the existing ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

BE IT RESOLVED by the Town Board of Supervisors for the Town of Land O' Lakes, Vilas County, Wisconsin that the present Zoning Ordinance Regulating Construction, Subdivision and Land Use passed and adopted April 11, 1990 be amended by adopting Ordinance #97-12-1 Creating a Board of Adjustment pursuant to Sec. 62.23(7)(e).

Motion to Adopt: Henry Mitchell

Second: John Rasmussen

Signed: Richard Peterson

Attest:

Dated this 6 day of Jan, 1998

Lynn Bybee

