

RESOLUTION 2021- 04

APPROVING ORDINANCE AMENDMENTS WHICH CREATES REVISIONS TO THE LINCOLN COUNTY ZONING ORDINANCE RELATED TO ZONING BOARD OF ADJUSTMENT – ESTABLISHMENT.

WHEREAS, §59.69(5), Wisconsin Statutes, describes a procedure for preparing revisions to an existing county zoning ordinance, involving approval by both the County Board of Supervisors and a majority of Town Boards affected by the amendments; and

WHEREAS, Lincoln County has prepared revisions to the Lincoln County Zoning Ordinance related to Zoning Board of Adjustment - Establishment, specifically the revision of section 17.8.12(1) of the Lincoln County Code of Ordinances and is effective in the Town of Scott; and

WHEREAS, on November 11, 2021 the Lincoln County Land Services Committee will hold a public hearing to receive comments on the updated text from the Towns and the public following all procedures required under §59.69(5), Wisconsin Statutes.

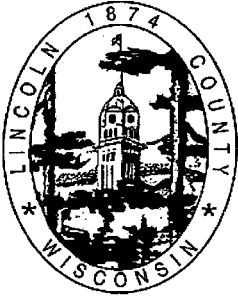
NOW, ~~THEREFORE~~ BE IT RESOLVED that the Town Board of the Town of Scott hereby approves/disapproves (choose one) the proposed ordinance text in keeping with the procedures established and with the effect described under §59.69(5), Wisconsin Statutes.

Resolution Adopted: October 12, 2021

M. J. Warr, Town Chair

ATTEST:

Brenda R. Beyer, Town Clerk



LINCOLN COUNTY
LAND SERVICES DEPARTMENT
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To: Towns in Lincoln County
Date: September 13, 2021
From: Mike Huth, Zoning Program Manager – Land Services Administrator
RE: Public Hearing for Zoning Ordinance - Chapter 17 (Zoning Board of Adjustment Members)

On September 9, 2021 the Lincoln County Land Services Committee (LSC) directed staff to draft ordinance language to reduce the Board of Adjustment (BOA) membership from 5 to 3 members and to hold a public hearing on November 11, 2021 regarding the proposed ordinance text (see next page).

The LSC may recommend approval of the amendment to the County Board at that meeting or at a later date depending on comments received from Towns and the public. A majority of Towns under County Zoning must approve of the amendment, or at least not disapprove it, in order for the ordinance amendment to take effect following approval by the County Board.

Attached is the proposed zoning ordinance text to be updated in Chapter 17.8.12 of the Lincoln County Zoning Ordinance. This section of ordinance outlines how the county establishes the BOA membership and follows §59.694(2), Wis. Stats. regarding the number of county BOA members.

The BOA hears and decides on requests for variations from the dimensional regulations of the zoning ordinance. The BOA determines if the variance request will not be contrary to the public interest; are owing to special factors, and if literal enforcement of the provisions of the zoning ordinance would result in a practical difficulty or and unnecessary hardship. The BOA authorizes variances once they determine that the spirit of the zoning chapter is observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes and applicable case law.

Please review the attached amendments, sign and return the attached sample resolution, or a similar document, if the Town Board approves of the ordinance amendment as drafted. If you disapprove of the amendment or are suggesting changes please provide those comments in writing or through resolution. Please return the resolution or comments by **NOVEMBER 11, 2021 9am** for consideration at a future Land Services public hearing.

Chapter 17 –ZONING BOARD OF ADJUSTMENT

- Plain text is existing text in our ordinance and no changes proposed.
 - ~~Lined-out text~~ is existing ordinance text that will be eliminated
 - Underlined text is new changes or mandated language.
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17.8.12 - ZONING BOARD OF ADJUSTMENT.

- (1) ESTABLISHMENT. A Zoning Board of Adjustment is hereby established. The Zoning Board of Adjustment shall consist of 3 ~~5~~ members and 2 alternate members appointed by the Chair of the County Board, subject to the approval of the County Board, according to procedures established under §59.694(2) (10), Wis. Stats. The two alternate members shall be appointed for staggered 3-year terms. The Chair of the County Board shall annually designate one of the alternate members as the first alternate and the other as the second alternate and such alternates shall have the authority as designated in §59.694(2)(am), Wis. Stats. The Board of Adjustment shall appoint a chair and other officers and shall adopt such rules as it deems necessary, following all applicable requirements under §59.694 (10), Wis. Stats.