

ORDINANCE
Resolution No. 15-10

Amendments to the Polk County Board of Adjustment Procedures Ordinance

WHEREAS, on October 16th, 2007 the Polk County Board of Supervisors amended the Polk County Board of Adjustment Procedures Ordinance by Resolution 85-07; and,

WHEREAS, the Land Information Committee held a public hearing on February 17th, 2010 to amend the Polk County Board of Adjustment Procedures Ordinance; and,

THEREFORE, the Polk County Board of Supervisors does ordain that the Polk County Board of Adjustment Procedures Ordinance is amended as follows, along with subsequent renumeration & revised/effective dates (strike-outs are omissions and italics are additions):

1.3: *At least one member shall be a riparian landowner.*

1.5, 5.11, 7.3, 10.0: Zoning *Land Information* Committee

~~3.3: Order of Business -- Delete entire section~~

4.12(e): Shall not have the effect of allowing a use or structure which is prohibited in that zone district by the ordinance unless it determines that no feasible legal use can be made of the property without such variance, provided no use variance may be granted in a flood plain or wetland/shoreland district.

4.14 To hear and decide requests for special exceptions from the terms of any land use ordinance that contains such provision.

4.2 Scope or Orders, *or conduct a de novo hearing.*

5.5: criteria to justify *necessary* for the Board of granting the variance.

5.81:~~(6)~~ ***all property owners within 300 feet of the property affected by the request.***

5.82+83,7.5: variance *or special exception*

6.3 1: Reading of the reason for denial by the secretary or administrative official

7.7: ~~The Board need give no informal request for advice or on moot questions.~~

7.9: Copies of decisions on variances and appeals

7.10: Board of Appeals *Adjustment*

8.4: A decision of the Board may be reconsidered by motion to reconsider made at the same meeting which may be immediately disposed of without further notice. *only if a member of the prevailing vote request that the decision be reconsidered. Such a request must be made at the same meeting or at the next scheduled board meeting.*

~~8.6 Procedures for Reconsideration -- Delete entire section~~

13.0 Definitions

~~3) Appellate body: A body authorized to review the judgments made by other people or bodies. The Board of Adjustment hears appeals of the decisions of the zoning administrator. The Circuit Court hears appeals of the Board's decisions.~~

~~6) Executive (closed) session: A session closed to the public based on a majority vote of the members for the purpose of deliberating quasi-judicial matters or conferring with legal counsel.~~

~~9) Moot question: A hypothetical question. A question which does not rest upon existing facts or rights; a question as to which in reality there is no actual controversy existing.~~

(7) Special Exception: A use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment.

(10) Unnecessary hardship: A unique and extreme inability to conform to the provisions of a zoning ordinance due to physical factors, which are not solely related to economic loss or gain. An applicant must prove unnecessary hardship. For area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application.

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Funding amount: N/A Funding source: N/A Date Finance Committee Advised: N/A

Effective date: Upon Passage and Publication as provided by law.

Approved as to form: *[Signature]*

Date Submitted to County Board: 3-16-10 County Board action: adopted

Respectfully Submitted by the Land Information Committee:

Craig Morick
[Signature]
[Signature]
[Signature]
[Signature]

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Carole T. Wondra, Clerk for Polk County, do hereby certify that the
attached is a true and correct copy of ^{Ordinance}~~Resolution~~ No. 15-10 that was adopted
by the Polk County Board of Supervisors on March 16, 2010.

Carole T. Wondra 3-24-10
Carole T. Wondra Date
Polk County Clerk