

## **Article F: Administration and Enforcement**

### **Sec. 13-1-100 Invalidations.**

Invalidation by a court of any part of this Chapter shall not invalidate the rest of this Chapter.

### **Sec. 13-1-101 County Board Administration.**

Administration of this Chapter shall be under the direction of the County Board.

### **Sec. 13-1-102 Board of Adjustment.**

- (a) **Composition.** The County Administrator is hereby authorized to appoint a Board of Adjustment consisting of five (5) members and two (2) alternates, with such appointments requiring the approval of the County Board. Term of appointments, annual designation of first and second alternates, and all other matters under this Section, shall be according to the provisions of Sec. 59.18(2)(c), Wis. Stats. The members of the Board, including the alternates, shall live within Bayfield County and outside the limits of an incorporated city or village, but no two (2) members shall be from the same town.
- (b) **Expenses.** The actual and necessary expenses of the members in the performance of their duties shall be paid as other expenses against the County.
- (c) **Appeals to the Board.**
  - (1) Any person aggrieved by a decision of the Planning and Zoning Director and/or Planning and Zoning Committee, may request and shall be granted a public hearing before the Board of Adjustment.
  - (2) The appeal notice shall be filed with the Planning and Zoning Director within thirty (30) days after written notice of the order or decision appealed from was sent by first class mail to the aggrieved party, or, if such notice was not sent to the aggrieved party, within thirty (30) days after the party first knew of, had reason to know of, or should have known of, the order or decision.
  - (3) The appeal notice shall specify the grounds for the appeal.
  - (4) The Zoning Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- (d) **Public Hearing.** The Board of Adjustment shall give public notice of any hearing by publication of a Class 2 notice in the official newspaper of the County, not less than seven (7) days prior to the date of the hearing, as well as mailed notice to the parties in interest. The local town board shall also be notified and the notice posted in three (3) public places in town. A copy of the notice of any Board of

Adjustment public hearing on matters within the shoreland or floodplain areas shall be sent to the appropriate area office of the Department of Natural Resources at least ten (10) days prior to the hearing and a copy of all decisions shall be provided to the Department within ten (10) days of the decision.

(e) **Board Powers.** The Board of Adjustment shall have the following powers and duties:

(1) Where it is alleged that there is error in any order, requirements, decision or determination made by the Zoning Administrator and/or Zoning Committee, the Board of Adjustment shall hear appeals and render decisions therefrom.

(2) Where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, the Board of Adjustment shall have the power, to authorize on appeal in specific cases variances from the terms of this Chapter that will not be contrary to the public interest and so that the spirit of this Chapter shall be observed and substantial justice done. Variances shall comply with the following requirements:

- a. The hardship which serves as a basis for the granting of a variance shall be peculiar to the particular parcel of land in question.
- b. The hardship which serves as a basis for the granting of a variance shall not be self-created nor be based solely on economic consideration.
- c. The variance granted will be in harmony with the intent of the Zoning Ordinance.
- d. The granting of the variance shall not be detrimental to the public welfare or injurious to other property in the area.
- e. The basis of review shall include those items listed in Section 13-1-41 and, in granting a variance, the Board may attach those conditions listed in Section 13-1-41(d).

(3) Whenever a variance is granted, the Bayfield County Zoning Department, shall record the decision granting it, setting forth the terms and conditions of the variance and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The recording fee shall be paid by the applicant. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property.

(4) The Board may grant special exemptions for the reduction of minimum side and rear yard setbacks (other than shoreline and public road setbacks) and minimum private road setbacks as provided in Section 13-1-22(j). The provisions of Section 13-1-41 shall govern such special exceptions in the same manner as they govern conditional uses, except that the granting authority shall be the Board of Adjustment rather than the Zoning Committee.

(Ord. No. 2000-003, § 8, 6-7-2001)

### **Sec. 13-1-103 Violations.**

- (a) **Violation Procedures.** A violation of any provision of this Chapter which is not corrected on the order of the Zoning Administrator shall be referred to the Zoning Committee for further consideration.
- (b) **Penalty.** Any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter shall forfeit a sum of not less than \$10.00 nor more than \$500.00, together with the full costs of such prosecution, plus the costs of any compliance required to rectify the violation. Each day's failure to comply shall constitute a separate violation.
- (c) **No Permit Penalty.** Any person, and/or his/her authorized agent or contractor, proceeding with any action that requires a land use permit under this Chapter without first securing such a permit, shall be subject to twice the fees for such a permit provided that the Zoning Committee, in its sole discretion, may waive doubling of fees for such permit if it determines such action to be warranted under the circumstances of the case in question.
- (d) **Additional Penalty.** In addition to the above, any person and/or his/her authorized agent or contractor, proceeding with any action that falls under the jurisdiction of this Chapter may be subject to the terms of Section 1-1-6.

### **Sec. 13-1-104 Amendments.**

- (a) The County Board may make amendments to this Chapter in the manner prescribed by Sec. 59.69, Wis. Stats.
- (b) Any petition for amendment submitted by other than a governmental body shall be accompanied by that fee specified in Section 13-1-21(e).
- (c) A copy of all appeals, requests for variances and conditional uses, proposed amendments and notices of public hearings and resultant decisions in matters within shoreland or floodplain areas shall be sent to the Wisconsin Department of Natural Resources.

### **Sec. 13-1-105 Rezoning.**

The rezoning of a parcel of land, i.e. changing the zoning district boundaries on the county zoning map to include the parcel in a different zoning district than that in which it is currently located, constitutes an amendment of this ordinance, and accordingly, the procedure for amending county zoning ordinances set forth in Section 59.69(5)(e) of the Wisconsin Statutes must be followed in making and considering any rezoning request. The provisions of Section 104 of this Chapter also apply to such requests.