

## **IV. CHAPTER NO. 4**

### **APPEALS PROCEDURES**

Town of Auburn  
Chippewa County, Wisconsin

#### **SECTION I - TITLE/PURPOSE**

The title of this ordinance is the Town of Auburn Appeals Procedures Ordinance. The purpose of this ordinance is to provide for full hearing and review of town decisions for which other review provisions are not provided or detailed.

#### **SECTION II - APPEALS**

A. Any party aggrieved by any decision of the Town Board, any municipal official, or the Plan Commission (where applicable), shall seek review under the provisions hereof before initiating any action in any state or federal court.

B. All appeals shall be in a writing, delivered to the Town Clerk within sixty (60) days of the date the adverse decision was made, and shall state with specificity the decision appealed from and the reasons why said decisions should be altered.

C. Appeals shall be heard by sworn testimony by the Town Board within sixty (60) days of receipt by the Town Clerk, and a written decision thereof shall be issued within thirty (30) days after the hearing is completed or the appeal shall be deemed to be denied.

D. No variance to the provisions of the Town's ordinances shall be granted unless the Town Board finds by the preponderance of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

1. Preservations of Intent: No variance shall be granted that is not consistent with the purpose and intent of the applicable ordinance.

2. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, parcel, structure, or situation that do not apply generally to other properties or parties in the Town and the granting of the variance would not be of so general or recurrent nature as to suggest that the ordinance would be changed.

3. Economic Hardship and Self-Imposed Hardship Not Ground for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
4. Preservations of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties or other parties in the Town.
5. Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of the applicable ordinance or of the public interest.
6. Error: An error in a finding of fact or of application of law was made such that the decision made was incorrect.

### **SECTION III - FEES**

Payment of a fee of fifty (\$50.00) dollars shall be required for the appeal process to be implemented.

### **SECTION IV - SEVERANCE**

In the event any provision of this ordinance shall be declared to be invalid by a court of competent jurisdiction, the invalid provision shall be severed from the remainder of the ordinance, and such remainder shall remain in full force and effect.

Should any mobile home or manufactured home or mobile home park be found to be in violation hereof and the owner of the parcel refuses or neglects to correct the same within thirty (30) days of notice being sent to the record owner, then, in that event, the Town may enter on the premises without further notice and correct any violations found. The costs of said corrections shall be chargeable against the owner and may be assessed against and collected from the affected real estate as a special assessment or special tax. This remedy is in addition to all other available under this ordinance or otherwise provided for by law.

#### **SECTION IX - SEVERABILITY**

Each of the provisions of the ordinance is severable and, if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.