

# ONEIDA COUNTY BOARD OF ADJUSTMENT

Planning & Zoning Department  
Post Office Box 400, Rhinelander, WI 54501-0400

## NOTICE TO POTENTIAL APPELLANTS

Please carefully read and accurately complete the appeal form, together with the required attachments! Failure to do so may lead to denial or delay in acting on your appeal. Please pay particular attention to the following items where errors frequently occur:

**Item 3.** Check one (or more) of the options. If b. is checked, you must enter the specific paragraph identification and chapter (usually Chapter 9). You must attach a separate sheet identifying the action of the administrative official along with your arguments as to why it should be overturned. If the appeal involves a specific property and/or structure, you must complete Items 4 through 9, and Item 10 if a variance is being requested.

**Item 4.** The name and address of the legal owner (as shown on the current property deed) must be entered here. This is not necessarily the same as shown on the latest property tax statement.

**Item 5.** Be sure to enter the full property address as well as accurate directions to the property from Rhinelander. The “Earliest Year Title to Property was Recorded for its Current Dimensions/Boundaries” is frequently required to determine the parcel’s grandfather status. It may be necessary to check the deed or current abstract for this information. Separate current equalized assessed value (CEAV) dollar figures are required for the land and for each improvement on it.

**Item 6.** You must list the names and addresses of *all property owners within 100 feet* of the premises and those of the *nearest neighboring property owners on all sides. That includes properties across roads, public or private.* Applicants frequently omit the property owners across the road. *If an adjacent property is less than 100 feet wide, the next neighbor over also must be listed.* Neighboring *properties across lakes or streams less than 100 feet wide must be listed, too.*

**Item 7.** Your appeal must be accompanied by a scale-drawing showing the information specified. The drawing for a permit application is usually insufficient. *The drawing must be to scale, and show all structures, plus wells and sanitary facilities.* Structures include boathouses, privies, garages, storage sheds, gazebos, decks, signs, etc. The names and locations of all roads must be shown. If there are lakes, streams, wetlands or floodplains in the area shown by the drawing, their bounds and identification must also be shown.

**Item 8.** If your appeal involves a structure within 75 feet of the ordinary high water mark (OHWM) of a lake or stream, even if across another property, this requirement applies. The information may be shown on the drawing for Item 7, or a separate drawing may be provided. The primary structures on the adjacent properties on either side and the distance of each from the OHWM must be shown. The primary structure on a residential lot is usually the home, or the garage, barn or boathouse if there is no home. If a neighbor did not allow access to accurately determine the distance, indicate the approximate distance and state on the drawing, in Item 11, or on a separate sheet, that the distance is approximate due to lack of access for measurement, and state the reason for the lack of access. It is important to indicate the distance from the OHWM to the closest extension of the structure. That extension may be a deck, patio, steps, or eave. The wall or foundation itself is seldom the closest extension of the structure. *This distance is often key to final disposition of your appeal.*

**Item 9.** If the property owner is not the appellant, you must show what action you took to advise the owner of your appeal, and his/her response.

**Item 10.** For the site visit by the Board of Adjustment members the day of the hearing, the proposed structure shall be marked with stakes, flags, ribbon, etc., as accurately as possible. Measurements will be taken by the Board members, and documented while on site.

**Signature.** The signer of the appeal form must be a person listed in either Item 1 or Item 2.



Guy Hansen, Chairman

*Omission of required information renders this appeal incomplete.  
A hearing on it may therefore be delayed, or the appeal dismissed.*

# APPEAL

TO

## ONEIDA COUNTY ZONING BOARD OF ADJUSTMENT

*(Section 17.05, Chapter 17, Oneida County Code of Ordinances)*

1. **Appellant:** Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_ E-mail address: \_\_\_\_\_

2. **Agent/Representative:** Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. **Relief requested:**

a. Request for area variance. *Sections 4 through 10 must be completed or complied with.*

b. Request for interpretation of Section \_\_\_\_\_, Chapter \_\_\_\_\_, Oneida County Code of Ordinances and reversal of order, requirement, decision, or determination of administrative official.

*Attach separate sheet(s) detailing reasons why you believe the action of the official is erroneous.*

c. Other: \_\_\_\_\_

*Attach separate sheet, specifying relief desired and reasons why you are entitled to such relief.*

**NOTE: If the appeal involves a specific property and/or structure, the information or statements specified in Sections 4 - 9 below MUST be supplied. If a variance is requested, Section 10 must be complied with.**

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4. **Property owner(s)** [Identified in current deed]: Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Mailing address: \_\_\_\_\_ E-mail address: \_\_\_\_\_

5. **Property information:** Fire#: \_\_\_\_\_ Road/Street name: \_\_\_\_\_

Directions to property from Rhineland: \_\_\_\_\_

Legal description: subdivision name & lot #: \_\_\_\_\_

Section \_\_\_\_\_ T \_\_\_\_\_ N R \_\_\_\_\_ E \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 OR Gov't Lot # \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ Town name: \_\_\_\_\_

Name of lake/stream/river: \_\_\_\_\_

Parcel width (ft) at ordinary high water mark (OHWM): \_\_\_\_\_ Parcel area (sq ft or acres): \_\_\_\_\_

Earliest year title to property was recorded for its current dimensions/boundaries: \_\_\_\_\_

Zoning district: \_\_\_\_\_ Current use:  Seasonal or  Year-round

Current equalized assessed value (CEAV): [List separate value for land and each structure/improvement]: \_\_\_\_\_

Land: \$ \_\_\_\_\_ Structure appealed: \$ \_\_\_\_\_ Other structure(s)/name: \_\_\_\_\_ \$ \_\_\_\_\_

Additional structure(s): \_\_\_\_\_

Present use of property: \_\_\_\_\_

Proposed use of property related to this appeal: \_\_\_\_\_

Plans for future structures or other changes: \_\_\_\_\_

6. **Adjacent owners to be notified:** *The names and mailing addresses of the owners of ALL contiguous properties, and all other properties within 100 feet of premises (even if across a road or stream), must be listed below or attached. If not provided, this appeal may be dismissed or its hearing delayed until required information is provided and adjacent owners notified of this appeal.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Scale Drawing of Property:** If this appeal involves a specific property or structure/improvement, a scale drawing shall be attached which shows the location and dimensions of the property; existing structure(s)/improvement(s), well(s), and sanitary system facilities; all abutting properties and owners thereof; as well as all contiguous public or private roads and names thereof. Floodplain areas on the property shall be outlined and identified as such. The structure(s)/improvement(s) involved in this appeal shall be clearly marked on the drawing and dimensions shown. Copies of pertinent architectural/contractors plans, contracts, and materials lists for the specific structure(s) or improvement(s), which is/are the subject of this appeal, shall be submitted. Any future changes to the property under consideration, such as subdivision or construction of additional buildings, shall be located and identified on the scale drawing. *NOTE: Drawing(s) submitted with a permit application may not be sufficient.*

**8. Averaging setback along lake, stream or river:** If the structure involved in this appeal is within 75 feet of the OHWM of a lake, stream or river, the drawing, required by Section 7 above, or a separate scale drawing, shall be attached showing the distance of the primary structure(s) involved in this appeal and the primary structure(s) (usually homes) within 200 feet on the adjacent shoreline properties on either side. Additionally, the setback of each such primary structure from the OHWM shall be shown. *If an adjacent property owner does not allow access to determine such distances, the appellant shall so state in Section 11 below, on the drawing or an attached sheet.*

**9. Property owner not appellant:** If the appellant is not the property owner, or agent or representative, attach a copy of the written notice given to the property owner of intention to file this appeal, and attach a copy of any written response received. As a minimum, attach a signed statement explaining why the signature or consent of the owner or legal agent thereof cannot reasonably be obtained. *See Section 17.05(7), Oneida County Code of Ordinances.*

**10. Justification for variance:** A variance in the shoreland area cannot be granted by the Board of Adjustment unless it determines that ALL THREE of the following conditions are met:

- a. **Hardship:** For a USE variance, no reasonable use of the property can be made without a variance. For an AREA variance, compliance with the zoning ordinance would unreasonably deny use of the property for a permitted purpose or conformity with the ordinance would be unnecessarily burdensome.
- b. **Physical property limitations:** The hardship is due to unique physical limitations of the property (dimensions, topography, geologic formation, soil, etc.), ***NOT due the circumstances of the appellant.***
- c. **Public interest:** A variance granted under this appeal will result in no harm to the public interest as expressed by the general and specific purposes of the zoning ordinance.

*A form or statement giving the appellant's justification for meeting each of the conditions shall be attached to this appeal. If not attached, the appeal may be dismissed or delayed until the required information is provided.*

**11. Additional comments or explanation:** *Attach additional sheet(s) if necessary.*

**I hereby swear that all the above and attached statements, and all other documents attached to this appeal form, are true and correct to the best of my knowledge and belief under penalties of perjury.**

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Appellant, Agent, or Representative

**NOTE: The fee prescribed by the Oneida County Board of Supervisors must be attached before this appeal can be accepted.**

Fee \$900.00

Receipt # \_\_\_\_\_

*For Office Use*

Date \_\_\_\_\_

Appeal # \_\_\_\_\_

