

**Town of Metomen  
Zoning Board of Appeals  
Variance Appeal (setback)  
Thursday, June 18, 2020, 7pm  
Metomen Town Hall  
Requested by Allen Ebert**

**Must be tape recorded**

- I. Call meeting to order
- II. Adopt rules of the Meeting: Meeting will be conducted under Robert's Rules of Order. Opponents to, and supporter of an applicant must sign-in as such, prior to the meeting being called to order. Each person will be given up to 5 minutes to address the Board.
- III. Secretary reads legal notice
- IV. Swear in by Secretary:  
Town of Metomen WITNESS OATH, Fond du Lac County, Wisconsin  
906.03(3), Wis. Statutes  
"Please raise your right hand and answer truthfully the following oath:  
Do you solemnly, sincerely, and truly declare and affirm that the  
testimony you shall give in this hearing brought before the Zoning Board  
of Appeals of the Town of Metomen, Fond du Lac County, Wisconsin, by  
(the town clerk) shall be the truth, the whole truth and nothing but  
the truth; and this you do under the pain of perjury?"
  - A. Presentation by Applicant
  - B. Cross-examination of Applicant
- V. Swear in others in support of application
  - A. Testimony of others in support of application
  - B. Cross-examination of supporters

VI. Swear in opponents of application

A. Testimony of opponents

B. Cross-examination of opponents

VII. Rebuttal by applicant

VIII. Discussion by members of Board of Appeals.

To authorize upon appeal in specific cases, a variance from the standards of ordinance as will not be contrary to the public interest. Variation for uses shall not be granted by the Board. A variance for the purpose of this ordinance shall not be granted unless:

(a) A written application for a variance is submitted demonstrating:

(1) That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.

(2) That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.

(3) That the special conditions and circumstances do not result from the actions of the applicant.

(4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in this district.

(5) No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

(b) The application is in proper form and a fee as specified in Section 14.2 has been paid. The Board shall hold a public hearing on such matter in accordance with the provisions of

Section 12.4 (1)(b). Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board if it grants the application for variance. A decision by the Board shall be accompanied by a Finding of Fact, Conclusions of Law, and order of Determination.

- IX. Motion and second to grant (along with special conditions as: listed below, plus any additional conditions) or deny application. Then a roll call vote with each member describing his/her reason for their vote.
  - 1.
  - 2.
- X. Section III-X must be repeated for each application. Each Farm Family Business permit must be accompanied by a Finding of Fact, Conclusion of Law, and Order of Determination.
- XI. The Department of Agriculture, Trade and Consumer Protection shall be sent copies of the minutes and Finding of Fact, Conclusion of Law, and Order of Determination for each application
- XII. Motion to Adjourn: \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_pm