

Chapter 14.52
Board of Appeals

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14.52.010 Established.

Under the provisions of Section 62.23(7)(e), Wisconsin Statutes, there is established a board of appeals. (Ord. dated 12/10/82 § 13.5 (Part))

14.52.020 Organization.

The board of appeals shall consist of five members appointed by the village president and subject to confirmation of the village board for terms of three years, except that of those first appointed one shall serve for one year, two for two years and two for three years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the village president for cause upon written charges and after public hearing. The village president shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The village president may appoint, for a term of three years, an alternate member of such board, in addition to the five members above provided for, who shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The above provisions, with regard to removal and the filling of vacancies shall apply to such alternate. (Ord. dated 12/10/82 § 13.51)

14.52.030 Meetings.

The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board

shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. (Ord. dated 12/10/82 § 13.52)

14.52.040 Powers.

The board of appeals shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this title.

1. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the actions appealed from were taken.

2. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

3. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by

agent or by attorney;

B. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

C. To interpret the provisions of this title where the street layout on the ground differs from the official zoning map;

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

1. A written application for a variance is submitted demonstrating:

a. 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,

b. That literal enforcement of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title,

c. That the special conditions and circumstances do not result from the actions of the applicant,

d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

No nonconforming 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.

2. The application is in proper form and a fee, as specified in Section 13.4, has been paid. The board shall hold a public hearing on such matter in accordance with the provisions of Section 14.56.070C through F. 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.

3. Notice is given to and comment received from the Wisconsin Department of Natural Resources for variances requested in the F floodplain district. Such actions shall be in

accordance with RD 16.03, Wisconsin Administrative Code. In any case, no variance shall be granted unless such variance shall permit a higher degree of flood protection than exists at the time of application for such variance;

E. Grant a Special Use. An application for one of the special uses of land specified in Section 14.40.030 shall be made by filing a written application or petition to the board.

1. Such application shall:

a. State the name, address of applicant and the owner,

b. State the location of property for which the special use is sought,

c. State the specific special use desired,

d. State the facts sufficient to demonstrate that the conditions prescribed in Section 14.40.020 exist and support such statements with any plans and/or data as are required by the board.

2. If the application for special use is in proper form, and a fee, as determined by Section 13.4 has been paid, the board shall hold a public hearing on such matter in accordance with the provisions of Section 14.56.070C through F. Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the zoning board if it grants the application for special use.

3. Applications for special uses in the F floodplain district shall be submitted to the Wisconsin Department of Natural Resources in accordance with RD 16.03, Wisconsin Administrative Code.

4. Nothing herein contained shall be construed to give or grant to the board of appeals the power or authority to alter or change the zoning ordinance or the district map; such power and authority being reserved to the village board. (Ord. dated 12/10/82 § 13.53)

14.52.050 Exercise of powers.

A. In exercising the above-mentioned powers, such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed

from, and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

B. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in this title. The grounds of every such determination shall be stated. (Ord. dated 12/10/82 § 13.54)