

ZONING BOARD HANDBOOK

**For Wisconsin Zoning Boards of Adjustment and Appeals
2nd Edition**

2006

Lynn Markham and Rebecca Roberts

Cover photos:

Top: Potential land use conflict between gravel pit and adjacent housing. *Photo © Regents of the University of Minnesota. Used with the permission of Metropolitan Design Center.*

Center: Waterfront home in Oneida County lacking shoreland buffer. *Photo courtesy of Robert Korth, UW-Extension Lakes Partnership.*

Bottom: Potential land use conflict between industrial and residential land uses. *Photo © Regents of the University of Minnesota. Used with the permission of Metropolitan Design Center.*

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Introduction



At different points in their lives, people sometimes want more rules and at other times they want fewer rules. They want more rules when the rules apply to what their neighbors can do. And they want fewer rules when the rules apply to what they can do on their own property.
-- A long-time politician from northeast Wisconsin

Many communities use zoning to help them protect the aspects of life that they cherish—from strong communities and scenic vistas to safe drinking water and high quality lakes and streams. Zoning ordinances implement local land use plans that affect many economic and quality of life issues in communities throughout Wisconsin. It takes many groups of people working together to implement zoning effectively and to keep it up-to-date. In this endeavor, zoning boards are essential to the fair and effective administration of these laws as they act like judges to interpret ordinances and uphold the legal standards that were developed to help the community achieve its goals.

This handbook is intended to assist zoning board members with their responsibilities and to aid local government officials and the public in understanding the role of the zoning board and the procedures and standards with which their decisions must comply.

Zoning boards are known by a number of names: boards of adjustment for counties; boards of appeals for cities, villages and towns; or sometimes just the BOA. We will generally refer to them as *zoning boards* in this handbook. We use *plan commission/committee* in a generic fashion to refer to all of the following planning bodies: plan commissions for cities, villages and towns with village powers; planning committees for towns without village powers; and planning agencies (commonly referred to as planning and/or zoning committees) for counties.

Zoning board members should consult their municipal attorney or corporation counsel for advice. In some cases the Wisconsin Department of Justice or a state agency with local program oversight responsibilities may be able to provide information.

Inside the Handbook

The Zoning Board Handbook is organized into the following sections:

- **Section I: Zoning Board Basics** – introduction to zoning and the duties and organization of the zoning board.
- **Section II: Laws that Apply to the Zoning Board** – open meetings law, ethics and operating procedures.
- **Section III: Zoning Board Decision Process** – applications, meetings and decision-making.
- **Section IV: Decisions of the Zoning Board** – legal standards for administrative appeals, conditional uses and variances, plus accommodations for the disabled.
- **Section V: Appeal of Zoning Board Decisions** – procedures and standards used by the circuit court when reviewing zoning board decisions.
- **Section VI: Improving Zoning Board Decisions** – who the zoning board works with, self-audits and improving the zoning ordinance.
- **Section VII: Shoreland and Floodplain Zoning** – purposes, legal standards and management strategies for shoreland and floodplain areas.
- **Appendix** – resources, forms and examples.

At the end of each section there is a list of *key words* and *questions* you should have mastered after reading the section. Use these resources as a checklist to assess your knowledge of zoning boards.

The footnotes provide references to relevant court decisions and other references. In addition, Appendix B provides websites to access the full text of the decisions and summaries of zoning-related court decisions written by the Wisconsin Department of Natural Resources.

Handbook Updates

The Zoning Board Handbook is an evolving document. Please help us keep the handbook up-to-date by letting us know about:

- Errors or omissions
- Unclear language
- Additional topics or questions you would like addressed
- Local examples or case law to illustrate concepts in the handbook

Additional Resources

The following resources are available to supplement the Zoning Board Handbook:

- **Workshops:** The Center for Land Use Education offers zoning board workshops upon request serving multi-county areas of Wisconsin.
- **Videos:** DVD recordings of past zoning board workshops are available from the Center for Land Use Education.
- **Website and Electronic Mailing List:** Updates on recent court decisions and other topics relevant to the zoning board are available on the Center for Land Use Education website: www.uwsp.edu/cnr/landcenter/workshopsdocs.html. You may also sign up by email to receive information about upcoming workshops, revisions to important statutes and case law, and updates to the handbook. Visit our Newsletter web page (www.uwsp.edu/cnr/landcenter/newsletters.html) to subscribe to our electronic mailing list.

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