

LEGAL UPDATE

New Quorum and Alternate Requirements for Zoning Boards

By Rebecca Roberts

Quorum – a majority of the total zoning board.

Alternate – a member of the zoning board required to act in the place of a regular zoning board member if a member is absent or has a conflict of interest.

In August 2005, Wisconsin Act 34 changed the voting and membership requirements for zoning boards of adjustment and appeals. When a *quorum* is present, a zoning board of adjustment or appeals may now take action by a majority vote of the members present. This means that if only three members of a five-member zoning board are present, two concurring votes are sufficient to decide an issue, such as granting a variance. The prior law required a city, village or town board of appeals to take action by a vote of four out of five members, while a county board of adjustment could take action by a majority of all members.

In an attempt to ensure that a full complement of zoning board members is present when making a decision, the law also requires communities to appoint two *alternate* members to the zoning board. The designated “first alternate” is required to act with full powers of the zoning board when a regular member cannot vote due to conflict of interest or absence. The “second alternate” is required to act when the first alternate or multiple members of the zoning board are unable to vote. These changes aim to ensure that landowners and developers are provided with timely and unbiased decisions.

Reviewed by Jim Schneider of the Local Government Center and Lynn Markham of the Center for Land Use Education.