BOARD OF APPEALS ADMINISTRATIVE APPEAL INFORMATION & APPLICATION

CITY OF STOUGHTON

The Stoughton zoning ordinance provides standards for the use and improvement of parcels of property within the City. The Zoning Board of Appeals has authority, in limited circumstances, to reverse decisions of the Zoning Administrator. An administrative appeal is a legal process to resolve disputes regarding ordinance interpretation and where the reasonableness of a zoning department order is challenged. When certain ordinance language is unclear or contested, it must be interpreted in order to implement local land use policies. The Board is politically responsible to the local governing body for accurate interpretation of the zoning ordinance.

The Zoning Board of Appeals is governed by the State zoning enabling law, contained in §62.23, Wis. Stats. The five regular members and two alternates of the Board are citizens appointed by the Mayor, approved by the Council, who give their time without compensation. Normally there are five voting members present and it takes a majority of a quorum or three affirmative votes to approve an administrative appeal when five members are present. City zoning code requires four Board members be present for a quorum.

In deciding on an appeal, the Board acts as a quasi-judicial body because it functions similar to a court. It is the Board's duty to preserve the integrity of the ordinance without modification as far as possible while ensuring substantial justice for the property owner.

The Board shall not vary the regulations of the ordinance, unless it makes findings based upon the evidence presented in each specific case that all of the following conditions are present:

1. Any aggrieved person affected by an administrative decision of a zoning officer may appeal the decision to the zoning board. Appeals shall be initiated within 30 days after the administrator's decision. The filing of an appeal puts a hold on the administrator's decision.

2. Ordinance interpretation is a two step process requiring the zoning board to determine first whether the ordinance language is ambiguous and, if it is, determine its intent. The purpose and history of the language should be considered in determining its intent. Any aggrieved person shall document how they interpret the ordinance.

3. If interpretation of an ordinance proves difficult, a clarifying ordinance amendment should be considered. If a satisfactory interpretation is reached, staff and other officials should record the interpretation and apply it consistently in future related matters or amend the ordinance to reflect the interpretation.

Once an application for an appeal is made, a planning staff member will make the necessary arrangements for the hearing. Board meetings are low key and only as formal as is necessary. Cases are generally heard in the order as they appear on the agenda. The applicant and/or representative must appear at the hearing to explain the appeal and for questioning about the case. The burden of establishing the factual basis and legal right to an appeal is upon you.

At the hearing, planning staff will answer questions and present a staff review and interpretation which may include drawings, maps, and photographs regarding the application.

The board will make its decision only on the facts presented at the time of the hearing.

APPLICATION FOR BOARD OF APPEALS HEARING
CITY OF STOUGHTON

THIS REQUEST IS FOR AN APPEAL OF THE ZONING ADMINISTRATOR'S DETERMINATION.

APPLICANT NAME: _____
ADDRESS: _____
TELEPHONE #: _____
DATE OF APPLICATION: _____

PROPERTY OWNER NAME: _____
ADDRESS: _____
TELEPHONE #: _____

1. PLEASE STATE THE REASON FOR THE APPEAL LISTING THE SPECIFIC ORDINANCE INVOLVED INCLUDING YOUR INTERPRETATION OF THE ORDINANCE YOU ARE REQUESTING RELIEF FROM:

   SPECIFIC ORDINANCE: _____

   _____

   REASON FOR APPEAL INCLUDING YOUR INTERPRETATION OF THE ORDINANCE:

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***IF APPLICABLE INCLUDE A MAP OF SUBJECT PROPERTY SHOWING ALL BUILDINGS, LOT LINES AND DIMENSIONS PERTAINING TO APPEAL.**

I HAVE REVIEWED AND UNDERSTAND THE CITY OF STOUGHTON ZONING ORDINANCE PERTAINING TO THE STANDARDS GOVERNING DECISIONS ON APPEALS. I FURTHER UNDERSTAND THAT A NON-REFUNDABLE FEE WILL BE ASSESSED FOR THIS HEARING AND A PAYMENT IS REQUIRED AT THE TIME OF APPLICATION. I ALSO UNDERSTAND THAT BOARD OF APPEALS MEMBERS AND/OR CITY STAFF MAY ENTER AND INSPECT THE PROPERTY IN QUESTION.

SIGNATURE _____ DATE_____