



**Meeting Date:** 9/12/11  
**Agenda Item:** #6d

**Mission Statement**

Provide quality services in a modern, courteous and cost-efficient manner.

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**VILLAGE BOARD STAFF REPORT**

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**REPORT TO:** President Burt McIntyre and Village Board of Trustees

**REPORT FROM:** Dave Wiese, Executive Director of Community Development

**AGENDA ITEM:** Review and take action on Ordinance 2011-17, a proposed amendment to the Village Municipal Code regarding required training for Board of Appeals members.

**ACTION REQUESTED:** Approval of the proposed amendment by adopting Ordinance 2011-17

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**POLICY ISSUE**

Does the Village Board wish to amend the Municipal Code and require training for the Board of Appeals?

**BACKGROUND**

At the Aug. 22 Village Board meeting, Trustee Widiger requested that committee members be required to go through training in order to serve on the Board of Appeals. The University of Wisconsin Extension Office and the Department of Natural Resources periodically hold training sessions throughout the state at various locations. The Village of Howard has coordinated two training sessions with UW-Extension within the last 10 years. The UW-Extension office training has worked well in the past. Several legal firms also will do training on a private basis, but the cost is generally much higher.

**RECOMMENDED ACTION**

Staff recommends approval of Ordinance 2011-17

**POLICY ALTERNATIVE(S)**

The Village Board can take one of the following actions:

- Approve the proposed ordinance amendment.
- Disapprove the proposed ordinance amendment.
- Table the proposed ordinance amendment for action at a later date.
- Make changes to the proposed amendment.

**ATTACHMENTS**

- I Proposed Ordinance #2011-17
- II Village of Howard Municipal Code Section 2-140 Board of Appeals
- III Workshop Brochure

**ATTACHMENT I**

**ORDINANCE NO. 2011-17**

AN ORDINANCE CREATING SECTIONS 2-142 OF THE MUNICIPAL CODE PERTAINING TO REQUIRED TRAINING FOR BOARD OF APPEALS MEMBERS

**WHEREAS** the Village President appoints citizen members with staggered three-year terms and those appointments are subject to confirmation by the Village Board ;and

**WHEREAS** the Village Board of Appeals members shall have the powers and duties prescribed in Wis. Stats 62.23(7)e and Section 50-Article II Division II of the Village of Howard Zoning Code ;and

**WHEREAS** the Village of Howard Trustees desires to provide the Board of Appeals members with the necessary knowledge and education in order to perform their duties

**NOW THEREFORE** the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Municipal Code be created as follows:

Section 2-142 is hereby created to read as follows:

**Section 2-142 Training** All members within two years of their initial appointment are required to attend formal Board of Appeals training from a State of Wisconsin government agency.

Approved and adopted this 12th day of September, 2011.

\_\_\_\_\_  
Burt McIntyre, Village President

ATTEST:

\_\_\_\_\_  
Paul Evert, Administrator/Clerk

DATE OF PUBLICATION: 9/16/2011

## ATTACHMENT II

Howard, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS >> DIVISION 2. - VILLAGE BOARD OF APPEALS >>

### DIVISION 2. - VILLAGE BOARD OF APPEALS

Sec. 2-140. - Membership.

Sec. 2-141. - Powers and duties.

Secs. 2-142—2-165. - Reserved.

#### **Sec. 2-140.- Membership.**

The village board of appeals shall consist of five citizen members appointed by the village president for staggered three-year terms, subject to confirmation by the village board, and two alternate members appointed by the village president for three-year terms. The alternate members shall act, with full power, only when a member of the village board of appeals is absent or refuses to vote because of an interest in the matter to be heard.

*(Comp. Ords. 2000, § 1.03(1)(a))*

#### **Sec. 2-141.- Powers and duties.**

The village board of appeals shall have the powers and duties prescribed in Wis. Stats. § 62.23(7)(e). See also chapter 50, pertaining to zoning.

*(Comp. Ords. 2000, § 1.03(1)(b))*

#### **Secs. 2-142—2-165.- Reserved.**

## ATTACHMENT.III

Sponsored by



Vilas County Zoning and Planning Dept.  
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Phone: 715.479.3620



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### *About the Program*

This workshop is presented by the University of Wisconsin-Extension Center for Land Use Education. The workshop is designed for new and continuing zoning board of appeals and adjustment members. Planning and zoning committees, local government staff and other interested persons are also encouraged to attend.

The workshop is intended to provide information about the decisions made by the zoning board and the procedures and legal standards that apply.

### *About the Fee*

The workshop fee includes attendance, materials, and refreshments. Participants may also opt to purchase a bound copy of the *Zoning Board Handbook*, which is also available online at no cost.

### *Topics of Interest*

Please send suggestions for specific topics you would like to see covered at the workshop to [Lynn.Markham@uwsp.edu](mailto:Lynn.Markham@uwsp.edu)

## Zoning Workshop for Boards of Adjustment/Appeals

September 21, 2011, 9:30 am – 3:30 pm  
Cloverland Town Hall  
5860 Perch Lake Rd.  
Eagle River, WI



Sponsored by:

University of Wisconsin-Extension  
Center for Land Use Education  
Vilas County  
Wisconsin Department of Natural Resources

## Registration Form

### Zoning Board Workshop

September 21, 2011, Vilas County, WI

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Daytime telephone \_\_\_\_\_

Email \_\_\_\_\_

Local government affiliation (circle one)

town | village | city | county of:

Workshop Fee: Qty\_\_ \$20 each

Zoning Board Handbook: Qty\_\_ \$10 each

#### Method of Payment

\_\_\_\_ Check enclosed \$\_\_\_\_\_

Payable to Center for Land Use Education

\_\_\_\_ Bill local government unit at:

#### Register by September 16

Call: 715.346.3879

Fax: 715.346.4038

E-mail: [markham@uwsp.edu](mailto:markham@uwsp.edu)

Or mail registration form and payment to:

Center for Land Use Education - BOA

800 Reserve Street

Stevens Point, WI 54481

## Zoning Board of Adjustment/Appeals Workshop – Vilas County

### Agenda

9:00 am Doors open for registration

9:30 am Introduction & participants' topics of interest

9:40 am Roundtable discussion about site visits

- What are you allowed to talk about and with whom?
- Are neighbors and the public allowed at the site visit?
- What introduction is provided at the site by zoning staff and/or the landowner?
- What questions, if any, do you ask the landowner?
- How do you record what you see?

10:15 am Zoning board decisions – the basics

- Administrative appeals: What does the zoning ordinance say vs. what you wish it said?
- Conditional uses
- Variances: the 3-step test
- Do past zoning decisions set a precedent?

10:45 am Roundtable discussion about what happens

during the zoning board hearing and decision-making process

- How do you keep applicants and others who testify focused on the decision standards?
- Do you use forms to record or organize the evidence presented?
- How does zoning board deliberation actually happen?
- Do all zoning board members describe the reasons that they feel the legal standards are or are not met?
- Who fills out the zoning board decision form?
- When and where is the decision form officially "filed" to start the 30 day appeal period?

11:45 am Lunch

12:30 pm What happens after the zoning board makes their decision?

- Appeals & enforcement by Martha Milanowski, Vilas County Corporation Counsel

1:30 pm Mock BOA hearing (Audience participation required)

2:30 pm Attorney panel – "If I could give one word of advice to a zoning board it would be..."

#### PROGRAM NOTES:

The registration fee includes workshop materials and lunch. Optional purchase of the Zoning Board Handbook is available for \$10. The 200+ page handbook is available online at [www.uwsp.edu/cnr/landcenter/pubs-handbooks.html](http://www.uwsp.edu/cnr/landcenter/pubs-handbooks.html)