

Board of Appeals

The Board of Appeals for the Village of Stockbridge is established by Village Ordinance 24.502. The Board is designated and appointed "impartial decision maker" to hear and decide appeals where it is alleged there is error made by an administrative official. These errors can include any order, requirement, decision or determination. Special exceptions are also heard and decided upon by the Board of Appeals in addition to any and all other applicable duties.

General Qualifications:

Members of the Board of Appeals must have the ability to discern actual bona fide hardships or difficulties created by strict application of the zoning ordinance and apply suitable remedies, while maintaining the integrity of the community's zoning map and protecting the public welfare and safety.

Unless permitted by statute or another provision of this Code of Ordinances, persons must be residents of the Village of Stockbridge to be considered for appointment or selection to serve on any board, commission or committee of the Village. An appointed member of any board, commission or committee who removes their residence from the Village shall no longer be eligible to serve and the position vacant until filled by appointment for the remainder of the term.

VILLAGE OF STOCKBRIDGE – CODE OF ORDINANCES CHAPTER 24

24.502 BOARD OF APPEALS

A. Establishment and Composition

As specified in Chapter 62.23(7)(e) of the Wisconsin Statutes, the Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for three (3) years, except that of those first appointed, one member shall serve one (1) year, two members for two (2) years and two members for three (3) years. The members 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. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

B. Rules for Government and Procedure

The Board of Appeals shall adopt rules for its government and procedure. The meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

C. Minutes and Records

The Board of Appeals 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 of Appeals and shall be a public record.

D. Appeals

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Stockbridge affected by any decision of the Code Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, 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 of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties of interest, and shall decide the same within a reasonable time.

E. Powers of the Board of Appeals

Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district. The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Code Administrator.
2. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall

be observed, public safety and welfare secured and substantial justice done. In every case where the Board of Appeals has granted a variance from these regulations, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" has been created.

3. To hear and decide upon appeals for interpretation of provisions of this ordinance.
4. To determine the precise location of zoning districts boundary lines where there is appeal upon such a decision by the Village Code Administrator.

F. Application for Variance and Notice of Hearing

An application for a variance shall be filed in writing with the Village Code Administrator. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.

G. Standards for Variance

The Board of Appeals shall not vary the regulations of this Ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience of the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable generally, to other property within the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property valued within the neighborhood.