

Role of the Zoning Board

Key Points

Act like judges

Follow open meetings law and avoid ex parte communication

Members must be unbiased: If biased or would appear biased, recuse from decision

Apply the current laws—statutes, case law, and ordinances—as written

The zoning board is only allowed to grant a variance if the applicant provides evidence that they meet all three tests:

1. Complying with ordinance standards will result in unnecessary hardship
2. The hardship is due to unique conditions of the property
3. The variance will not harm the public interest (ordinance purposes)

Zoning board members must explain their reasons why each variance standard is or is not met

Zoning board decisions can be appealed to the courts

If the zoning board follows state laws and their local zoning ordinance, their decisions will generally be upheld

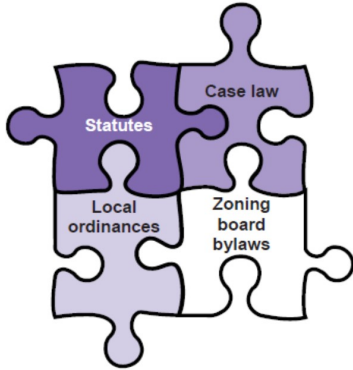
A solid legal record minimizes zoning board decisions being overturned or sent back for reconsideration

Zoning board decisions determine whether ordinance purposes are upheld

General zoning: health, safety, welfare, plus more

Shoreland zoning: protect fish and spawning grounds, prevent water pollution, reserve shoreline trees, and more

Floodplain zoning: protect life, health and property, and more



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