

**BOARD OF ZONING APPEALS
OF THE CITY OF LA CROSSE, WISCONSIN
PROCEDURAL RULES**

**ARTICLE I
Officers and Duties**

1. The Board shall consist of five (5) members, who are appointed for three-year staggered terms. Two (2) additional members shall be appointed as alternates for three-year staggered terms.
2. At the organizational meeting of the Board to be held annually in April, the Board shall elect one of its members as Vice-Chair.
3. The Chair who shall be designated by the Mayor, shall preside at all meetings and hearings of the Board, but in the event of his/her absence or disability, the Vice-Chair shall preside.
4. The Chair shall decide all points of procedure, unless overruled by a majority of the Board then in session.
5. The Chair shall supervise the work of the Secretary.
6. The Secretary, subject to the direction of the Board or Chair, shall conduct all correspondence of the Board, send out all required notices, attend all meetings and hearings of the Board, keep the calendars and minutes of the proceedings, and keep all records and files deemed necessary by the Board.
7. The appellant shall provide the Secretary with such information and data as may be required to advise the Board fully with reference to the appeal or application. Any failure or refusal of the appellant reasonably so to do shall be ground for the dismissal of the appeal or application.
8. The records of appeals shall be kept in such a manner as to be accessible to the public at all reasonable hours. The Secretary shall maintain an index of all cases coming before the Board.

**ARTICLE II
Meetings and Hearings**

1. Regular meetings and hearings of the Board shall be held on the third Wednesday of each month at 7:00 P.M. at City Hall, and shall be open to the public. Appeals are to be in the hands of the City Clerk no later than fourteen (14) days prior to the meeting.
2. Special meetings may be called by the Chair, or at the request of two members, provided that notice of the same shall be mailed to each member of the Board at least twenty-four (24) hours prior thereto, except as provided for in Article VII. Special meetings are generally discouraged and should be reserved for cases of unusual hardship or emergency. (Approved 6/20/18)
3. A quorum at meetings and hearings of the Board shall consist of four members. (Chart. Ord. #26)
4. In the absence of any personal appearance on behalf of appellant, the Board shall dispose of the matter on the record.
5. Property owners affected by the application may appear either in person, by agent or by attorney, and may express their written approval of or objection to the granting of the application by filing a letter in the office of the City Clerk, or in lieu thereof may, upon oath, testify thereto.
6. The procedure at hearing shall be as follows, to wit:
 - a. City's case.
 - i. Evidence of a representative from Fire Prevention & Building Safety.
 - ii. Evidence of City offices or department.
 - b. Appellant's case.
 - i. Evidence of Appellant.
 - ii. Evidence of property owners in favor of appeal or application.
 - c. Adverse property owner's case.
 - d. Arguments, if deemed necessary.

All witnesses shall testify on oath and when represented by counsel, and shall do so in response to oral interrogations.

Opposing parties shall have the right to cross-examine adverse witnesses and parties.

Public hearings before the Board may be limited to ten (10) minutes for the proponents, ten (10) minutes for the opponents and a three (3) minute rebuttal for each side. The Board reserves the right to extend these time limits as it determines.

Any presentation to the Board is limited to written materials, diagrams and photographs. No electronic devices for presentations will be allowed. This restriction does not apply to the presentation by the representative from Fire Prevention & Building Safety. (Approved 12/19/07)

7. The concurring vote of four (4) members of the Board shall be necessary to correct any error, grant a variance, make an interpretation, and permit an unclassified or substitute use. (Chart. Ord. #26)
8. No request for rehearing will be entertained unless new evidence is submitted, which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing by the property owner, or owner's agent, and shall recite the reasons for the request. If such request is granted, the case shall be put on the calendar for a rehearing, and shall be subject to the same requirements (as to notices and payment of fee) as the original hearing.
9. After an appeal has been heard and denied by the Board, no other appeal for the same property may be made for a period of one (1) year from the date of filing of the decision, unless the appeal is substantially different from the appeal which was denied. The determination as to whether the appeal is substantially different is in the discretion of the City's Chief Building Inspector. The one (1) year waiting period does not apply to appeals for variances which have lapsed due to a failure to commence or complete work as required. (Approved 11/19/08)
10. Appellants, witnesses, city staff and all members of the public shall conduct themselves with civility and respect for the Board and each other. They shall not engage in any conduct that may be characterized as uncivil, abrasive, abusive, hostile, disruptive, or obstructive. Failure to do so may result in the Board barring the individual(s) from participating in Board proceedings and/or requiring the individual(s) to leave the proceedings. (Approved 3/18/09)

ARTICLE III Proceedings upon Appeal

1. Every appeal shall be taken by filing with the City Clerk a notice of appeal upon a form provided by the Secretary. The notice shall set forth in reasonable detail all information necessary for a complete determination, including the following general guidelines:
 - a. Address of the subject property;
 - b. Abutting street names and alleys, if any;
 - c. Scale of not less than 1"=50';
 - d. Size of the subject property;
 - e. Improvements and exterior measurements on the subject property;
 - f. Distances between improvements on the subject property;
 - g. Distance between the nearest part of the improvements to the exterior lot lines of the subject property;
 - h. Change(s) and/or addition(s) requested;
 - i. Abutting properties and land within 20 feet, showing all improvements on the side facing the subject property and include the distance to the exterior lot line adjoining the subject property;
 - j. Legible numbers and/or figures;
 - k. Indication of the direction "North";
 - l. Easements, streets, driveways, off-street parking areas.

If additional information is deemed necessary by the Chair or Secretary of the Board, it shall be supplied by the appellant upon request and prior to the hearing thereon. In the absence of the appellant providing such additional information or the aforementioned general guidelines, the Board may refuse to hear the appeal.

2. Any communication purporting to be an appeal or application for variation or modification shall be regarded as a mere notice of intent to seek relief until it is made in the required form.
3. Upon receipt of such communication the writer shall be supplied with the proper forms for appeal, and if such form and required information shall not be filed within twenty (20) days the case may be dismissed.
4. Every appeal shall be filed within six (6) months from the date of a refusal to issue a permit or from the date of any order, ruling, decision or determination from which an appeal to this Board may be taken.
5. The Secretary shall cause a Class 1 notice of the time and place of the hearing upon such appeal or application, to be printed in the form prescribed by the Board, in the official newspaper at least five days prior to the time of the hearing. An affidavit of publication of such notice shall be filed with the Secretary of the Board.
6. The Secretary shall serve notice by mail upon the owners of property in the City of La Crosse within one hundred (100) feet of the property affected by such appeal or application at least five (5) days prior to the time set for hearing.
7. Each appeal or application shall be made by the owner, or owner's agent, of the property affected and shall deal with a specific case.

ARTICLE IV Calendar

1. Each appeal or application filed in the proper form and with the required information shall be serial numbered and shall be put upon the calendar of the Board by the Secretary and set for hearing.
2. Cases will be assigned for hearing in the order in which they appear on the calendar, except that an appeal or application may be advanced for hearing by order of the Board upon good cause being shown.
3. When all appeals or applications cannot be disposed of on the day set, the Board may adjourn from day to day or to any future day, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such continuance shall be given in accordance with Wisconsin's Open Meetings Law.

ARTICLE V Final Disposition of Appeals or Applications

1. The final disposition of any appeal or application shall be by order affirming, modifying or reversing the order or decision of the Building Inspector/Zoning Administrator, and such order shall set forth specifically, the grounds upon which the Board's determination is based. In the case of an application for modification or variation, the order shall grant or deny the request and shall set forth the reason therefore, or shall make such other and further order as may be deemed necessary to dispose of the request.
2. The vote of each member of the Board upon each order shall be recorded. The original order shall be filed with the Board, and a copy thereof shall be filed with Fire Prevention & Building

- Safety and mailed to the appellant. A copy of any decision granting a variance from flood plain regulations within any flood plain area shall be mailed to the Department of Natural Resources.
3. Every order shall be signed by the Chair or Vice Chair and attested to by the Secretary as evidence of the action of the Board.
 4. The appellant may withdraw his/her appeal or application at any time prior to determination thereof with the consent of the Board.

ARTICLE VI
Time Limitations

1. All approvals shall remain valid so long as the approved conditions are maintained.
2. Where an application for a permit or variance is granted or an appeal from a decision of the Building Inspector/Zoning Administrator is determined in favor of the appellant, work contemplated by the appeal shall begin within one hundred eighty (180) days of the date of the determination, and the building or alteration shall be completed within the required time-frame established by municipal code. Upon failure to comply with these requirements or with any conditions attached to such permit or variance, such approval shall become void, unless extended, upon due application to the Board.

ARTICLE VII
Amendment to Rule

Amendments to these rules may be made by the Board at any regular or special meeting, provided notice in writing thereof has been given to each member five (5) days prior thereto. Suspension of any rules of procedure may be ordered at any meeting by a vote of not less than four members of the Board.