**Zoning Board Announcement of Proceedings**

*This script is meant to be read at the beginning of zoning board of adjustment/appeals meetings so that members of the public who are not familiar with zoning boards learn 1) what a zoning board is 2) what Wisconsin laws require that zoning boards base their decisions on and 3) what to expect during a zoning board hearing.*

The zoning board of adjustment/appeals functions like a court, and must follow state laws and local zoning ordinances. The zoning board cannot change or ignore any part of the zoning ordinance or state laws, but must apply the laws as written.

The zoning board may only grant a variance, special exception or administrative appeal if the applicant provides evidence showing that they meet all of the legal standards for that decision. The legal standards the zoning board will use to decide on each application have been provided to the applicant and will be described at this meeting by the zoning board or staff. [Consider adding the highlighted sentences to your variance application form too.]

Each hearing will be opened by reading the application or appeal. The zoning department report will be read, including evidence from the on-site inspection. The applicant will be sworn in and then present the reasons and evidence to support why they think they meet the legal standards for the variance or special exception. The board may ask questions of the zoning staff and applicant. Witnesses will be sworn in and allowed to give testimony related to why the legal standards are or are not met. Once the board has all of the necessary facts, the chair will close the hearing and the board will deliberate and decide in front of the public whether the applicant has met the legal standards. The board will then proceed to the next hearing.

Written decisions based on the evidence at the hearing and whether the zoning board finds that the applicant has met all legal standards. The evidence and deliberation of the board will be filed in the zoning office and mailed to the parties involved as soon as possible. Minutes of the board meetings and decisions are available in the zoning office.

A decision of the board may be appealed by commencing an action in the \_\_\_\_\_\_\_ County circuit court within 30 days after the decision is filed in the zoning office. An applicant that starts construction before the 30 day appeal period assumes the risk of having the board's decision overturned.

Optional: Meetings of the board are open to the public so they can see and hear the testimony, discussion and decisions. The zoning board may only go into closed session for those reasons listed in Wisconsin Statutes 19.85. A taped recording is being made of the meeting. If the board's decision is appealed to court, this tape recording will be provided to the court.

**Zoning Board Hearing Checklist**

1. **Prior to a meeting/hearing** [board secretary or designated staff]

A. Arrange for alternates (due to anticipated absence or conflict of interest).

B. Send the agenda, any applications, and any staff reports to board members.

C. Comply with all open meeting law/public notice requirements.

D. Arrange for a tape recording (meeting minutes) or a court reporter.

1. **Preliminary matters at meeting**

A. Distribute and collect the appearance slips (see appendix).

B. Call the meeting to order. [chair]

C. Take roll and confirm that a quorum is present. [secretary]

D. Confirm compliance with the open meeting law and public notice requirements. [members]

E. Read the agenda and amend it as necessary (reorder hearings). [chair & members]

F. Inform the public in attendance of role of zoning board and hearing procedures (see reverse side of this handout). [chair]

1. **Public hearings**

A. Open the first public hearing. [chair]

B. Read the application or appeal. [secretary]

C. Report on any site inspection. [secretary]

D. Request a statement by the applicant. [chair with questions by board members]

E. Read the staff report. [zoning department with questions by board members]

F. Report on related correspondence. [secretary]

G. Disclose any ex parte communication. [board]

H. Request statements of witnesses (pro/con/information). [chair with questions by board]

I. Request a response by the applicant (or after each witness). [chair with questions by board]

J. Request a response by the zoning department. [chair with questions by board members]

K. Ask any final questions. [board members]

L. Close the record & the hearing. [chair]

1. **Deliberation and decision** Many zoning boards conduct all hearings before deliberating on decisions.

A. Findings of fact (based on ordinance jurisdiction and standards)

* + - Determine whether the application contains the information necessary to make a decision.
    - Determine whether the board has the authority to make a decision.
    - Record pertinent facts from the record/hearing on the decision form.

B. Conclusions of law

* + - Specify applicable legal standards.
    - Determine which facts relate to the legal standards.
    - Determine whether the legal standards are met (agree on any permit conditions).

C. Order and Determination

* + - Decide/vote on the case.
    - Direct the zoning administrator to take any necessary action.

1. **Repeat steps 3 and 4 for other hearings.**
2. **Other agenda items**
3. **Adjourn meeting**