

## **Town of St. Germain Zoning Board of Appeals Purpose & Procedures**

**Purpose:** In accordance with sections 1.606, 1.607 and 1.608, Chapter 1 – Zoning, St. Germain Code of Ordinances, certain decisions of the St. Germain Zoning Committee and of the St. Germain Zoning Administrator may be taken to the Board of Appeals for further consideration.

**1.606(G) pertaining to decisions of the Zoning Committee in response to Conditional Use Permit applications:** *An appeal from the decision of the Zoning Committee may be taken to the Board of Appeals by the applicant for the conditional use permit or by an aggrieved party. Such appeal must specify the grounds thereof in respect to the finding of the Zoning Committee and must be filed with the Board of Appeals within 30 days of the final action of the Zoning Committee. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. The action of the Zoning Committee shall be affirmed unless the Board of Appeals reverses or modifies the action of the Zoning Committee.*

**1.607(A) pertaining to decisions of the Zoning Administrator and/or Zoning Committee pertaining to issues other than Conditional Use Permit applications:** *Appeals to the Town Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by a decision of the office of the Zoning Administrator or of the Zoning Committee. Such an appeal shall be taken within 30 days as provided by the rules of the Board of Appeals by filing with the Town Clerk a notice of appeal specifying the grounds thereof. Upon filing of an appeal, the Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.*

**1.608(A) pertaining to specific variances from the Zoning Ordinance:** *A variance is an exemption from the application of a setback, dimensional or density standard required by this chapter or a use which varies from that otherwise permitted under this chapter. In the case of a request for a deviation which is 5% or less of a required setback, dimensional or density standard under the following paragraphs, this section shall not apply and the procedures under §1.606 shall be used:*

- (1) Dimensional and minimum dwelling area standards contained in §1.202 of this chapter.*
- (2) Side and rear setback and lot densities contained in §1.30 through §1.31 of this chapter and waterfront lot densities incorporated by reference from the Vilas County Shoreland Zoning Ordinance.*
- (3) Dimensional and density requirements for campgrounds contained in §1.403(2) of this chapter.*

*An application for a variance may be filed by a property owner or owner's agent with the Board of Appeals on forms provided by the Town, together with a nonrefundable fee for the administration of this chapter.*

### **Procedures:**

- 1) All requests for consideration by the appeals board must be:
  - a) Submitted on a form titled Town of St. Germain, Petition for Zoning Board of Appeals available on the Zoning page of the Town website at: <http://www.townofstgermain.org/zoning.html>.
  - b) Submitted to the Town Clerk, P.O. Box 7, St. Germain, WI 54558.
  - c) Accompanied by payment in full and by all supporting documents, as instructed on the application form.
  
- 2) The Clerk shall, upon receipt of an appeals application:

- a) Notify the chairpersons of the Zoning Committee and Zoning Board of Appeals of the application and, with input from the Zoning Board of Appeals chairperson and in accordance with the Zoning Ordinance, establish a suitable date for a public hearing, publish and post public notices of the hearing and notify in writing all property owners within a prescribed distance of the appeal request and public hearing.
  - b) Process the payment submitted by the applicant.
  - c) Forward copies of the application, hearing notice and all supporting documents to:
    - i) The chairperson of the Board of Appeals.
    - ii) The chairperson of the Zoning Committee.
  - d) Attend the public hearing and make an audio recording and a reasonably detailed and accurate written recording of the proceedings. A copy of the written recording shall be forwarded to the Zoning Committee chairperson.
- 3) The Zoning Committee chairperson shall, upon receipt of an appeals application:
- a) Forward to the chairperson of the Board of Appeals all documentation applicable to the appeal request such as but not limited to:
    - i) The Zoning Permit application and supporting documentation as processed by the Zoning Administrator.
    - ii) The Conditional Use Permit application, supporting documentation and decision of the Zoning Committee.
  - b) Assume filing responsibility for paper and electronic folders, in accordance with the Town's record keeping practices, for retention of all existing and future documentation pertaining to the appeal.
- 4) The Board of Appeals chairperson shall, upon being notified by the Clerk of an appeals application:
- a) Notify all regular and alternate members of the Appeals Board of the appeal application and date of the hearing.
  - b) Provide all board members who will be considering the appeal with copies of the appeal application and all related documentation.
  - c) Conduct the hearing to include, but not limited to the following actions:
    - i) Verification that the hearing was properly noticed.
    - ii) Hearing of all public comments.
    - iii) Reading into the record all written comments received (excluding any written comments also read aloud).
    - iv) Deliberation of the board until a decision is reached supported by the majority of the deliberants.
  - d) Provide a written decision by the appeals board to the appeals applicant within five business days of the decision being reached.
  - e) Provide to the Zoning Committee chairperson a copy of the appeal board decision, a copy of all written public comments, and copies of all additional documentation received during the appeals process.