

## Chapter 275. Zoning

### Article II. Review and Decision making Bodies

#### § 275-16. Board of Appeals.

- A. Establishment. There is hereby established a Board of Appeals for the City of New Berlin for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.
- B. Membership. The Board of Appeals shall consist of five members appointed by the Mayor and approved by the Common Council. The Mayor shall make nominations at least one month prior to their appointment.
- (1) Terms. Terms shall be for staggered three-year periods, except that, of those first appointed, one shall serve for one year, two for two years, and two for three years.
  - (2) Alternate members. The Mayor shall appoint two alternative members in addition to the five regular members, for staggered three-year terms. The Mayor shall annually designate one of the alternates as the first alternate member and the other as the second alternate member. The first alternate member shall act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting or acting.
  - (3) Director attendance at meetings. The Director, or designee, shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
  - (4) Official oaths. Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.
  - (5) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- C. Organization. The Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this chapter and applicable Wisconsin statutes.
- (1) Meetings shall be held at the call of the Chairman and shall be open to the public.
  - (2) Minutes of the proceedings and a record of all actions shall be kept by the Board, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
  - (3) The concurring vote of four members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a temporary, unclassified, or substituted use.
- D. Powers and duties. The Board of Appeals shall have the following powers and duties:
- (1) Variances. To hear and authorize appeals for variances to the dimensional requirements of this chapter where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. (See § 275-30B.)
  - (2) Appeals. Hear and decide appeals of orders, requirements, decisions, and determinations made by the Building Inspector or Plan Commission. (See § 275-31.)
  - (3) Assistance. The Board may request assistance from other City officers, departments, commissions, and boards.
  - (4) Oaths. The Chairman may administer oaths and compel the attendance of witnesses.