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**SUBCHAPTER 3: BOARDS AND COMMISSIONS**

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**SUBCHAPTER 3: BOARDS AND COMMISSIONS****3.300 PLAN COMMISSION**

- (1) **CREATION:** Pursuant to '60.62 Wis. Stats., there is hereby created a Town Plan Commission.
- (2) **MEMBERS, APPOINTMENT AND TERM:** There shall be five (5) members of the Plan Commission, who shall be appointed and shall hold office pursuant to '60.62 (4) Wis. Stats., and all amendments thereto.
- (3) **COMPENSATION:** Compensation shall be set by resolution of the Board.
- (4) **POWERS AND DUTIES:** The Plan Commission shall exercise the powers and duties enumerated in the Wisconsin Statutes (e.g., '60.62(4), '61.35, and '62.23 Wis. Stats.), the Wisconsin Administrative Code, and this Code. The Plan Commission shall also act as the "Town Planning Agency" under Chapter 236 Wis. Stats. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Code, one of its most important functions is to make recommendations to the Town Board, which shall be in writing. The Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- (5) **DISCRETIONARY REFERRALS:** The Town Board, or other Town officer or body with final approval authority or referral authorization under this Code, may refer any of the following to the Plan Commission for report:
  - (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
  - (b) A proposed county zoning ordinance or amendment.
  - (c) A proposed county subdivision or other land division ordinance under '236.45, Wis. Stats., or amendment.
  - (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
  - (e) A proposed intergovernmental cooperation agreement, under '66.0301, Wis. Stats, or other statute, affecting land use, or a municipal revenue sharing agreement under '66.0305, Wis. Stats.
  - (f) A proposed plat or other land division under the county subdivision or other land division ordinance under '236.46, Wis. Stats.
  - (g) A proposed county plan, under '236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

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- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

**3.301 ZONING BOARD OF APPEALS**

- (1) **CREATION:** Pursuant to '62.23(7)(e) Wis. Stats., there is hereby created a Zoning Board of Appeals for the Town of Lyndon.
- (2) **MEMBERS, APPOINTMENT AND TERM:** The members of the Zoning Board of Appeals shall be appointed and shall hold office pursuant to '62.23(7)(e) Wis. Stats., and all amendments thereto.
- (3) **COMPENSATION:** Compensation shall be set by resolution of the Board.
- (4) **ORGANIZATION:** The Board of Appeals may adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board of Appeals may determine. The Chairman, or in his absence an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the Clerk's office, and shall be a public record.
- (5) **POWERS AND DUTIES:**
- (a) The Zoning Board of Appeals shall exercise the powers and duties enumerated in the Wisconsin Statutes and this Code, and all amendments thereto. The Board of Appeals shall have the following powers:
1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
  2. To hear and decide variances to the terms of this Code upon which the Board of Appeals is required to pass.
  3. To authorize, upon appeal in specific cases, such variance from the terms of this Code as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
  4. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (b) In exercising the above listed powers, the Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Code.
- (c) In addition to the foregoing powers, the Board of Appeals shall have the following specific powers:
1. To interpret the provisions of this Code in such a way as to carry out the

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- intent and purpose of the plan, as shown on the Zoning Map accompanying and made a part of this Code, where the street layout actually on the ground varies from the street layout on the aforesaid map.
2. To call on any other Town officers and departments for assistance in the performance of its duties and it shall be the duty of such other officers and departments to render such assistance as may be reasonably required.
- (d) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.
- (6) **PROCEDURES:** Except where another procedure is specifically provided in this Ordinance (e.g. variance procedure of 22.910), the following procedures shall apply.
- (a) **Appeals:** Except where Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officers. Such appeal shall be taken within the time established, and if no specific time is established, within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide to same within a reasonable time.
  - (b) **Notice of hearing:** The Board of Appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) five days prior to the hearing to the holders of title of all land within 300 feet of any part of the subject building or premises involved in the appeal.
  - (c) **Hearings:** Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the Board. At the hearing, the appellant or applicant may appear in person, and/or by agent or by attorney. Decisions of the Board following public hearing may be made either in public or closed session as the Board shall determine, in accordance with § 19.82 Wis. Stats.
  - (d) **Findings:** Findings of fact and reasons for all actions taken shall be reduced by the Board to writing in the minutes of the proceedings.
  - (e) **Decision:** The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
    1. Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
    2. Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
    3. Applicants receiving variances in floodlands shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums and

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risk to life or property may result from the granting of the variance. The Board shall keep a record of the notification in its files.

- (f) **Review by Court of Record:** Any persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.
- (g) **Fee:**
1. All applicants shall pay an application fee for an appeal, which fee shall be established by resolution of the Town Board.
  2. Appeal fees do not include, and are in addition to, zoning permit fees and other fees established by this Ordinance, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
  3. A fee shall not release the applicant from full compliance with Chapter 22 nor from prosecution for violation of Chapter 22.

**3.302 BOARD OF REVIEW**

- (1) **MEMBERS:** The Board of Review shall consist of the Supervisors and the Clerk (See, '70.46(1) Wis. Stats.) (*Note: Clerks who are not elected, but appointed, may not serve on the Board of Review under '70.46(1)(m).*)
- (2) **ALTERNATES:** Pursuant to §70.47(6m)(c) and §70.46(1) Wis. Stats, the Board may, by separate Resolution, appoint alternates to serve on the Board of Review in the event a standing Member of the Board is removed or unable to serve for any reason.
- (3) **TRAINING:** Pursuant to '70.46(4) Wis. Stats., the Clerk shall be the voting member who has attended the training required under '73.03(55), and shall be the Chief Executive Officer's designee.
- (4) **COMPENSATION:** Compensation of \$30.00 per diem shall be paid to members of the Board of Review
- (5) **POWERS AND DUTIES:** The Board of Review shall exercise the powers and duties enumerated in the Wisconsin Statutes and all amendments thereto. (*See generally, '70.47 Wis. Stats.*)

**3.303 TOWN PARK COMMISSION**

(*A Town Park Commission has not been established by Town Meeting under §60.66 Wis. Stats.*)