



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 34
[2005 Assembly Bill 24]

**Quorum Requirements for Zoning
Board of Appeals or Adjustment**

Under current law, a city, village, or town that zones has a board of appeals and a county that zones has a board of adjustment. These zoning boards are judicial-type bodies that hear and decide appeals of zoning administrative decisions and authorize variances to zoning ordinances. In addition, if granted the authority to do so by the governing body, the zoning board may hear and decide special exceptions to the zoning ordinance.

The membership of zoning boards varies, consisting of either three, four, or five members. In a county with 500,000 or more population, the board of adjustment has three members. In a county with less than 500,000 population, the board of adjustment has three members, but this number may be increased by the county to either four or five members. The board of appeals of a city, village, or town has five members. In addition, each city, village, town, or county is authorized, but not required, to appoint two alternate members. The alternate members must act when a member refuses to vote due to a conflict or is absent.

Act 34 provides that the quorum requirement for a board of appeals or adjustment is a majority of the members of the zoning board. The prior law did not include a quorum requirement.

Act 34 provides that the zoning board may take action by a majority of the members present, if a quorum is present. The prior law required a city, village, or town board of appeals to take action by a vote of four out of five members, while a county board of adjustment could take action by a majority of all members.

Act 34 requires each city, village, town, or county that has a board of appeals or adjustment to appoint two alternate members to the board. Under prior law, the appointment of alternates was authorized, but not required.

Effective Date: The Act first applies to meetings or hearings held by a board of adjustment or board of appeals on the effective date of the legislation.

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August 23, 2005

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.