

ORD. AMDT. 9, 08-09

**AMENDING CHAPTER 15 OF THE DANE COUNTY CODE OF ORDINANCES,
AUTHORIZING APPOINTMENT OF TWO ALTERNATE MEMBERS TO
THE BOARD OF ADJUSTMENT**

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 15.14 is amended to read as follows:

15.14 BOARD OF ADJUSTMENT. (1) The board of adjustment shall consist of five members and two alternate members who shall reside in Dane County outside of the incorporated areas, but not more than one member shall reside in the same town.

(2) The members shall serve staggered three-year terms which shall expire on June 30th or as soon thereafter as their successors are appointed and qualified. The alternate members shall serve staggered two-year terms which shall expire on June 30th or as soon thereafter as their successors are appointed and qualified. To stagger the terms of members, one member shall be appointed in one year and two members shall be appointed in each of the other two years of the three-year cycle. To stagger the terms of alternate members, one member shall be appointed each year of the two-year cycle.

(3) Annually, the county executive shall designate one of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

(4) The members and alternate members of the board of adjustment shall receive the same per diem and mileage paid to county board supervisors for attendance at standing committee meetings.

(5) The board of adjustment may call upon the zoning administrator to provide such staff assistance as may be required to carry out its functions.

(6) The board of adjustment shall exercise the following powers and responsibilities:

(a) To hear and decide appeals where it is alleged that there has been an error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of the zoning ordinance or section 59.97 of the Wisconsin Statutes;

(b) To hear and decide petitions for special exceptions to the terms of the zoning ordinance upon which the board is required to pass under the provisions of the zoning ordinance; and

(c) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and that the spirit of the ordinance shall be observed and substantial justice done.