

Administrative Appeal Procedure

Application:

- **Administrative Appeal Application and Fee Deadline:** 4:00 p.m. the first Monday of every month.
- City Hall lobby public services hours are Monday through Thursday 8:00 a.m. to 4:00 p.m. The lobby is closed outside of the public service hours; however, departments may be reached by telephone during their regular business hours.
- At the time of application for variance, you will be asked to:
 - **Complete this administrative appeal application** form and timely submit it with a non-refundable fee of \$400.00 as required in La Crosse Municipal Code §115-60. Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.

Submit original application and fee to:

Board of Zoning Appeals
City Clerk's Office
400 La Crosse St., Lobby Workstation #5
La Crosse, Wisconsin 54601

Review:

Upon receiving a completed application and any supporting documents, the City Clerk will:

- schedule a meeting/public hearing of the Board of Zoning Appeals (3rd Monday of the month).
- provide notice of the administrative appeal to the applicant, the City of La Crosse's official newspaper, any affected state agency, and property owners within 100 feet of the property where the appeal is sought; such notice will include the location and time of the required public hearing before the Board of Zoning Appeals.
- supply the administrative appeal application and all other documents that are submitted with said application to the Board of Zoning Appeals members prior to the public hearing.

Action:

At the public hearing, the Board has all the powers of the decision-maker whose decision was appealed; the Board may reverse, confirm, or modify the original decision that was appealed. If aggrieved by the Board's decision, the decision may be appealed to the Circuit Courts of La Crosse County. However, pursuant to Chapter 62.23 (7)(e)(10) of the Wisconsin Statutes, the appeal must be filed with said courts within thirty (30) days from the date of the filing of the Board's decision.

Important Notes: The burden falls on the applicant to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If you do not meet your burden or if you or your agent do not appear at the public hearing, the Board **must** deny your appeal and your fee will be forfeited.

City of La Crosse Board of Zoning Appeals Administrative Appeal Application

(To be completed by the applicant)

	Name	Address	Phone #	Email
Applicant				
Property owner, if different				
Contractor, if applicable				

Property Information:

Tax Parcel Number: _____ Address: _____

Legal Description: _____, City of La Crosse

Lot Dimensions and Area: _____ x _____ feet. = _____ sq. ft. Zoning District: _____

The Board of Zoning Appeals reviews and decides cases where there is an alleged error in a zoning decision. An administrative appeal is a legal process provided to resolve disputes regarding decisions made by administrative officials related to zoning. The Board is a quasi-judicial body (meaning it functions like a court) and is not a policy making body and therefore does not have discretionary authority. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific factual situation.

The Board may reverse an administrative determination if the applicant provides evidence showing that the administrator did not meet **all** the legal standards for that decision. **The burden of proof falls on the applicant, not the Board of Zoning Appeals or the Zoning Administrator.** The legal standards the Board will use to decide on each administrative appeal are shown below.

REVIEW STANDARDS

1. **Is the Ordinance Ambiguous?:** Is the ordinance clear? If so, then use the clear meaning, If ambiguous, proceed to step two.
2. **Determine Intent:** What is the legislative intent or primary purpose of the ordinance?
3. **Plain Meaning:** What is the plain meaning of the words of the ordinance?
4. **Harmonizing:** Give words the meanings that would harmonize their meaning with the legislative intent or primary purpose of the ordinance. Unreasonable interpretation must be avoided.
5. **Conflicting Provisions:** When two provisions conflict, they should be interpreted to give effect to the legislative intent or primary purpose.
6. **No Surplus Language:** Every word and provision should have a meaning and effect. Meaningless words or provisions should be avoided.

By signing below, I certify that the information I have provided in this application is true and accurate. I understand that if I do not provide sufficient evidence to prove the administrator's decision is incorrect, the Board of Zoning Appeals must uphold the original decision of the administrator.

Signed: (Applicant or Agent): _____ Date: _____

Signed: (Owner, if different from applicant): _____ Date: _____

(To be completed by City Clerk Staff)

Administrative

Appeal #: _____ Date Filed: _____ Filing Fee: _____ Date Paid: _____

City of La Crosse Board of Zoning Appeals Administrative Appeal Application

Part A: General Information (use additional pages if necessary)

Please provide the necessary background information needed for the property appeal is sought.

- 1) Current use and improvements of the property:

- 2) Proposed use of the property and improvements sought:

- 3) Description and date of any prior petition for variance, appeal, or special exception:

- 4) Description and location of all nonconforming structures and uses on the property:

Part B: Reason for the Appeal (use additional pages if necessary)

Check the box for the type of administrative decision appealed.

Zoning district boundary dispute.

Describe location and districts involved:

Describe petitioner's boundary location criteria:

Describe petitioner's boundary determination:

Ordinance interpretation.

Municipal Code Section Number(s):

Describe petitioner's interpretation and rationale:

Administrative decision/measurement/order in dispute.

Describe the decision, measurement, or order: