



Legislation Details (With Text)

File #: 000900 **Version:** 0

Type: Resolution **Status:** Placed On File

File created: 10/10/2000 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 11/5/2003

Effective date:

Title: Resolution authorizing and directing the Intergovernmental Relations Division Department of Administration to lobby for introduction and passage of state legislation that would enable a city to designate, by ordinance, that the decisions of its board of zoning appeals be advisory only, with final decision-making authority vested in the common council.

Sponsors: ALD. CAMERON

Indexes: BOARD OF ZONING APPEALS, STATE LEGISLATION

Attachments:

Date	Ver.	Action By	Action	Result	Tally
10/10/2000	0	COMMON COUNCIL	ASSIGNED TO		
10/28/2003	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
11/5/2003	0	COMMON COUNCIL	PLACED ON FILE	Pass	16:0

000900
ORIGINAL

ALD. CAMERON-ROLLINS

Resolution authorizing and directing the Intergovernmental Relations Division - Department of Administration to lobby for introduction and passage of state legislation that would enable a city to designate, by ordinance, that the decisions of its board of zoning appeals be advisory only, with final decision-making authority vested in the common council.

This resolution authorizes and directs the Intergovernmental Relations Division - Department of Administration to lobby for introduction and passage of amendments to s. 62.23(7)(e), Wis. Stats., that would enable a city to designate, by ordinance, that the decisions of its board of zoning appeals be advisory only, with final decision-making authority on zoning appeals vested in the common council.

Whereas, Section 295-59-1 of the Milwaukee Code of Ordinances authorizes the Board of Zoning Appeals to interpret the Zoning Code, to approve, conditionally approve or deny variances and special uses, and to hear and decide appeals of rulings of City administrative officers; and

Whereas, The decisions of the Board of Zoning Appeals are binding, not advisory, and may be appealed by an aggrieved party only to a court of law; and

Whereas, The provisions of s. 295-59-1 are based on authority granted to a board of zoning appeals in s. 62.23(7)(e), Wis. Stats., specifically the powers to hear and decide appeals of orders, requirements, decisions and determinations of

administrative officials, to hear and decide special exceptions, and to authorize variances from the terms of the zoning ordinance; and

Whereas, Section 62.23(7)(e), Wis. Stats., further provides that any person or persons aggrieved by a board of zoning appeals decision may commence an action in court seeking the remedy available by certiorari; and

Whereas, The Common Council finds that the citizens of Milwaukee would be better served by a zoning appeals procedure in which the Board of Zoning Appeals makes advisory recommendations to the Common Council and the Common Council renders final decisions on the appeals; and

Whereas, The City of Milwaukee cannot make changes to its zoning appeals procedure unless s. 62.23(7)(e), Wis. Stats., is amended to provide that a city may, by ordinance, make the decisions of its board of zoning appeals advisory and give the common council final decision-making authority on an appeal; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division - Department of Administration is authorized and directed to lobby state legislators for introduction and passage of state legislation amending s. 62.23(7)(e), Wis. Stats., such that a city may, by ordinance, designate the decisions of its board of zoning appeals as advisory only, with final decision-making authority vested in the common council.

00479-1
JDO
10/6/00