Dane County Planning & Development
Zoning Division

June 18, 2025

TO: Dane County Board of Adjustment
FROM: Hans Hilbert, Assistant Zoning Administrator
RE: Draft revisions to Rules and Procedures

Board Members:

Attached is a draft revision to the current Rules and Procedures of the Board of Adjustment. This document can be used as a starting point for our discussion item at the June 26 meeting. The areas that have text changes in this draft include:

Use of Alternates (Section 2.h):

The current rule imply that alternates would only be used to satisfy a quorum. Our current practice has been that alternates are used to obtain a deciding body of 5 members when possible.

Board Duties and Powers - References (Section 3.a):

The references to other ordinances have been updated to remove appeals of CUPs and better reflect the actual names of ordinances.

Fees (Section 4.g):

Updated to reflect the acceptance of credit card payments by the department.

Appeal of the grant of denial of a conditional use permit (Section 5.f):

Has been removed as the BOA is no long responsible for hearing such appeals.

Decisions and Dispositions of Cases (Section 6.e):

The current rule is ambiguous in whether actions require the affirmative vote of the majority of the board, or the majority of the board present at the meeting. This clarifies that it is the later.

In addition to these changes, comments have been included in the document where further discussion on potential changes could be made. These include:

General Provisions (Section 1.b):

The County Board governs certain procedures for County meetings under DCCO Chapter 7, a reference to these ordinances could be included here.

Meetings and Agendas (Section 2.f):

Historically administrative appeals were always held at a special meeting of the Board. In more recent practices, we have utilized regularly scheduled meetings for this purpose. The Board should discuss if they would like to set a more regular schedule, or continue with special meetings.

Timeliness (Section 4.a):

The current rules state that applications that fail to meet a deadline will be dismissed on a jurisdictional basis. Opinion from Corporation Counsel is that staff should not dismiss applications on behalf of the Board, and that late applications should be placed before the board for final disposition. Additional language in the rules could clarify the procedure that will be used.

The Board should also consider if they want to make any changes to the order of business, or actions leading up to hearings for variances and contested cases, as the rules should reflect those requirements.

Following our discussion, a revised draft incorporating comments and other changes will be prepared and sent to Corporation Counsel for review, then presented to the Board at a future meeting for possible adoption.