

# **Bond Case Briefs**

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## **ZONING & PLANNING - WISCONSIN**

### **Miller v. Zoning Board of Appeals of Village of Lyndon Station**

**Supreme Court of Wisconsin - June 6, 2023 - N.W.2d - 2023 WI 46 - 2023 WL 3829573**

Objecting property owner sought certiorari review of village zoning board of appeals' upholding of village board's decision to grant neighboring property owners' application to rezone residential property for commercial use.

After neighboring property owners intervened, the Circuit Court reversed. Neighboring property owners appealed. The Court of Appeals reversed. Objecting property owner sought statutory certiorari review.

The Supreme Court held that village board's vote to rezone property was a "legislative act," and thus board member's alleged partiality from being the mother of one of the neighboring property owners who applied for the rezoning did not violate the procedural due process rights of the objecting property owner.

Village board's vote to amend zoning ordinance and rezone applicants' property from residential use to commercial use was "legislative act" rather than "adjudicative act," and thus board member's alleged partiality from being mother of one applicant did not violate procedural due process rights of objecting neighboring property owner; although vote only occurred in response to rezoning application, board made prospective change by enacting, repealing, or amending existing generally applicable law, and when legislative actions were at issue in dispute about procedural due process, those affected by legislation were not entitled to any process beyond that provided by legislative process.