

# State of Wisconsin



2011 Senate Bill 300

Date of enactment: **March 21, 2012**

Date of publication\*: **April 4, 2012**

## 2011 WISCONSIN ACT 135

AN ACT to amend 59.694 (7) (c) and 62.23 (7) (e) 7. of the statutes; relating to: the length of time for which a variance applies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 59.694 (7) (c) of the statutes is amended to read:

59.694 (7) (c) To authorize upon appeal in specific cases variances from the terms of the ordinance that 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 so that the spirit of the ordinance shall be observed and substantial justice done. A county board may enact an ordinance specifying an expiration date for a variance granted under this paragraph if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of adjustment does not specify an expiration date for the variance, a variance granted under this paragraph does not expire unless, at the time it is granted, the board of adjustment specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after the effective date of this paragraph .... [LRB inserts date], may not specify an expiration date for a variance that was granted before the effective date of this paragraph .... [LRB inserts date]. A variance granted under this paragraph runs with the land.

**SECTION 2.** 62.23 (7) (e) 7. of the statutes is amended to read:

62.23 (7) (e) 7. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; 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 practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance

\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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enacted after the effective date of this subdivision .... [LRB inserts date], may not specify an expiration date for a variance that was granted before the effective date of this subdivision .... [LRB inserts date]. A variance granted under this subdivision runs with the land. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a build-

ing or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

**SECTION 3. Initial applicability.**

(1) This act first applies, retroactively, to a variance that was granted before the effective date of this subsection.

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