

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MES:hmh:pg

December 17, 2001

Representative Staskunas:

Please review the changes I've made in ss. 59.694 (7m) (d) and 62.23 (7) (ef) 4., and the minor changes I've made in ss. 59.694 (7m) (a) and (b) (intro.) and 62.23 (7) (ef) 1. and 2. (intro.).

In addition, I deleted ss. 59.694 (7m) (b) 4. and 62.23 (7) (ef) 2. d. because they are unnecessary. If a zoning ordinance contains regulations that govern the granting of variances, there is no reason for the statutes to require that a variance authorized under s. 59.694 (7m) or 62.23 (7) (ef) complies with such regulations; a variance that does not comply with the ordinance would not be validly authorized.

Conversely, if the substitute amendment retains ss. 59.694 (7m) (b) 4. and 62.23 (7) (ef) 2. d., there is nothing to stop a county or municipality from amending its zoning ordinance or regulations so that it may authorize a variance that would otherwise not "comply" with its (unamended) ordinance or regulations.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us