

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: 04/05/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Robert Welch (608) 266-0751

By/Representing: Amy

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters: gibsom

Subject: Nat. Res. - wet/shore/flood

Extra Copies: MES

Submit via email: YES

Requester's email: Sen.Welch@legis.state.wi.us ✓

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Review of zoning variances for certain land parcels

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**Instructions:**

Same as LRBb2963/1

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 04/05/2002	gilfokm 04/05/2002	rschluet 04/05/2002	_____	lrb_docadmin 04/05/2002	lrb_docadmin 04/05/2002	

FE Sent For:

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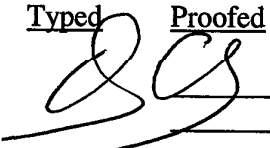

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FE Sent For:

<END>

LRB 01b2963.

*wants save as*

*OK to draft this for Welch per Carmen in George's office*

The Board of Adjustments for every County within the State of Wisconsin shall have final, binding and discretionary authority to consider and approve applications for, and to issue, variances to persons seeking approval to perform reasonable improvements, including reasonable expansions, on existing residential structures within their jurisdictional limits, including residential structures on which previous improvements or expansions, including those in excess of 50% of the equalized assessed value of the property, have been made, where:

(i) the structures are located upon a parcel of property that comprises a combination of two or more previously separate and discrete parcels of land;

(ii) the structures are located upon a parcel of land situated adjacent to a state highway or road on one boundary and the ordinary high water mark of a navigable body of water on another boundary, such that the respective highway setback and shoreland setback (as well as any sidelot setback requirements imposed upon the property) cause the structures located upon the property to fail to strictly conform to the terms of the applicable county zoning code; and

(iii) the decision of the Board of Adjustments of the County in question is rendered between the dates of November 1, 2001 and December 31, 2001.

In such a circumstance, the reasonableness of the requested improvements or expansions shall be determined in the sole and absolute discretion of the Board of Adjustment, with its grant of a variance with respect thereto being deemed definitive evidence of the reasonableness thereof, and, upon the Board of Adjustment's finding that the denial of a variance for construction of the additional improvements, including expansions, to a such a structure located upon such a property would be unduly burdensome to the property owner, or would result in unnecessary hardship being imposed upon the property owner, the issuance of such a variance shall not be subject to appeal by the Wisconsin Department of Natural Resources pursuant to the Wisconsin Statutes, the provisions of the Wisconsin Administrative Code or applicable County ordinances.

Now

RMR

RNK 63015/1

LRB/2468A

MGG:kmg:rs



2001 - 2002 LEGISLATURE  
January 2002 Special Session

SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 48, line 10: after that line insert:
- 3 **"SECTION 150m.** 59.6925 of the statutes is created to read:
- 4 **59.6925 Review of zoning decisions. (1) DEFINITIONS.** In this section:
- 5 (a) "Department" means the department of natural resources.
- 6 (b) "Shoreland zoning standard" has the meaning given in s. 59.692 (1) (c).
- 7 (c) "Special area variance" means a variance for the improvement or expansion
- 8 of a residential structure that is in existence on the effective date of this paragraph
- 9 .... [revisor inserts date], that relates to those provisions of a zoning ordinance which
- 10 govern area, setbacks, frontage, height, bulk, or density.
- 11 **(2) REVIEW, SUIT PROHIBITED.** The department may not review the granting of
- 12 a special area variance by a county board of adjustment under s. 59.694 (7) (c) for

1 compliance with shoreland zoning standards or with any county zoning ordinance,  
2 and the state may not initiate or proceed with a civil action or intervene in a civil  
3 action to challenge the granting of a special area variance, if the special area variance  
4 was granted after October 31, 2001, and before January 1, 2002, and the residential  
5 structure to which the special area variance applies is all of the following:

6 (a) Located on a parcel of land that is comprised of 2 or more previously separate  
7 and discrete parcels of land.

8 (b) Located on a parcel of land that has one boundary that is adjacent to a  
9 highway and another boundary that is adjacent to the ordinary high-water mark of  
10 a navigable body of water.”

11 (END)

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Friday, April 05, 2002 12:22 PM  
**To:** Sen.Welch  
**Subject:** LRB b3015/1 (attached)



01b3015/1

*Mike Barman*

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