



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 300**

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

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 59.694 (7) (c) of the statutes is amended to read:
4 59.694 (7) (c) To authorize upon appeal in specific cases variances from the
5 terms of the ordinance that will not be contrary to the public interest, where, owing
6 to special conditions, a literal enforcement of the provisions of the ordinance will
7 result in unnecessary hardship, and so that the spirit of the ordinance shall be
8 observed and substantial justice done. A county board may enact an ordinance
9 specifying an expiration date for a variance granted under this paragraph if that date

1 relates to a specific date by which the action authorized by the variance must be
2 commenced or completed. If no such ordinance is in effect at the time a variance is
3 granted, or if the board of adjustment does not specify an expiration date for the
4 variance, a variance granted under this paragraph does not expire unless, at the time
5 it is granted, the board of adjustment specifies in the variance a specific date by
6 which the action authorized by the variance must be commenced or completed. An
7 ordinance enacted after the effective date of this paragraph [LRB inserts date].
8 may not specify an expiration date for a variance that was granted before the
9 effective date of this paragraph [LRB inserts date]. A variance granted under this
10 paragraph runs with the land.

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

12 62.23 (7) (e) 7. The board of appeals shall have the following powers: To hear
13 and decide appeals where it is alleged there is error in any order, requirement,
14 decision or determination made by an administrative official in the enforcement of
15 this section or of any ordinance adopted pursuant thereto; to hear and decide special
16 exception to the terms of the ordinance upon which such board is required to pass
17 under such ordinance; to authorize upon appeal in specific cases such variance from
18 the terms of the ordinance as will not be contrary to the public interest, where, owing
19 to special conditions, a literal enforcement of the provisions of the ordinance will
20 result in practical difficulty or unnecessary hardship, so that the spirit of the
21 ordinance shall be observed, public safety and welfare secured, and substantial
22 justice done. The council of a city may enact an ordinance specifying an expiration
23 date for a variance granted under this subdivision if that date relates to a specific
24 date by which the action authorized by the variance must be commenced or
25 completed. If no such ordinance is in effect at the time a variance is granted, or if

1 the board of appeals does not specify an expiration date for the variance, a variance
2 granted under this subdivision does not expire unless, at the time it is granted, the
3 board of appeals specifies in the variance a specific date by which the action
4 authorized by the variance must be commenced or completed. An ordinance enacted
5 after the effective date of this subdivision [LRB inserts date], may not specify an
6 expiration date for a variance that was granted before the effective date of this
7 subdivision [LRB inserts date]. A variance granted under this subdivision runs
8 with the land. The board may permit in appropriate cases, and subject to appropriate
9 conditions and safeguards in harmony with the general purpose and intent of the
10 ordinance, a building or premises to be erected or used for such public utility
11 purposes in any location which is reasonably necessary for the public convenience
12 and welfare.

13 **SECTION 3. Initial applicability.**

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

16 (END)