

Topical Index



A

administrative appeal 2, 8, 11, 12, 21, 26, 27, 51, 52, 79, 81, 85, 104, 109, 111, 113, 124, 126, 129, 136, 138, 142, 164, 165
administrative rule 114, 141, 151
aggrieved 81, 82, 85, 92, 93, 103, 114, 117
alternate 15, 17, 18, 45, 62, 84, 88, 132
appeal 8, 11, 15, 21, 27, 31, 33, 40, 44, 51, 53, 62, 63, 67, 79, 80, 81, 82, 84, 85, 92, 100, 104, 109, 113, 114, 115, 116, 118, 120, 121, 124, 126, 131, 165
application 2, 51, 52, 53, 56, 57, 62, 68, 104, 124, 126, 127, 131, 138, 182
application form 24, 96
area 15, 29, 34, 54, 60, 83, 96, 97, 98, 101, 102, 103, 104, 110, 111, 112, 132, 144, 146, 147
area variance 97, 101, 103, 104, 110. *See also* use variance; variance
attorney ii, 29, 41, 113, 157
Attorney General 29, 157
audit 2, 136, 137
authority 5, 11, 12, 13, 23, 25, 27, 33, 41, 43, 62, 63, 79, 88, 91, 92, 95, 119, 137, 159

B

board. *See* county board; town board; village board
board of adjustment 1, 8, 11, 15, 95
board of appeals 1, 8, 11, 15, 95
boundary interpretation 85
burden of proof 66, 79, 96, 130
bylaw 23, 30, 45, 46, 47, 48, 49, 64, 67

C

case 1, 2, 3, 10, 11, 12, 18, 19, 23, 24, 27, 31, 34, 37, 38, 41, 44, 45, 48, 49, 51, 57, 62, 63, 64, 66, 68, 71, 83, 87, 89, 92, 93, 95, 96, 98, 100, 102, 103, 114, 115, 116, 120, 128, 130, 131, 132, 133, 139, 142, 157, 158, 159, 160, 161, 162, 164
case law 2, 3, 10, 23, 24, 38, 44, 45, 57, 66, 87, 95, 96, 100, 128, 131, 133, 139, 159, 164
case law index 205
certiorari 115, 119, 121
circuit court 2, 13, 63, 66, 73, 79, 85, 91, 93, 103, 113, 114, 115, 116, 117, 118, 120, 122
city council 138
class 1 notice 31
class 2 notice 31, 49

Index

closed session 25, 26, 27, 28, 29, 33, 35, 47, 49, 71, 132
comprehensive plan 9, 21, 22, 135
condition 11, 45, 57, 59, 60, 62, 63, 66, 68, 79, 87, 89, 90, 91, 100, 101, 110, 129, 131, 136, 142, 144, 146, 148, 154
conditional use 2, 7, 11, 12, 13, 25, 27, 31, 33, 34, 39, 40, 41, 51, 52, 59, 60, 63, 75, 79, 80, 87, 88, 89, 90, 91, 92, 93, 95, 104, 110, 111, 116, 119, 124, 125, 126, 129, 136, 138, 142, 163, 164
contested case 44, 64, 71
contractor 127, 146
counsel 1, 27, 34, 39, 44, 49, 84, 132, 139
county board 15, 43, 138
court 2, 3, 12, 13, 24, 32, 35, 39, 62, 63, 64, 66, 68, 73, 79, 81, 84, 85, 88, 91, 93, 100, 103, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 128, 159, 160, 161

D

DATCP 34
decision 2, 8, 10, 11, 12, 13, 16, 17, 24, 25, 26, 28, 29, 31, 34, 35, 37, 38, 39, 40, 45, 50, 51, 53, 56, 60, 62, 63, 65, 66, 67, 68, 72, 73, 75, 76, 77, 79, 80, 81, 82, 85, 88, 91, 92, 93, 98, 100, 103, 104, 109, 113, 114, 115, 116, 117, 119, 120, 121, 122, 124, 127, 130, 131, 132, 133, 136, 161, 164
decision form 62, 67, 68
de novo 92, 116, 117
design standard 7, 12, 13, 89, 110
developer 17, 18, 67, 82, 90, 124, 127
dimension 11, 12, 22, 87, 95, 97, 101, 104, 112, 130
disabled 2, 25, 110
discretion 75, 103, 111, 118
division 9, 13, 103
DNR 13, 30, 34, 81, 82, 114, 149, 150, 151, 158, 162
due process 17, 37, 38, 40, 41, 48

E

economic 1, 6, 38, 100, 152, 154
education 16, 18, 22, 44, 124, 125, 127, 132, 133,

137, 139
enforcement 6, 22, 35, 89, 90, 124, 129, 131, 136, 182
essential nexus 90, 101
ethics 2, 23, 27, 41, 49, 65, 133
evidence 28, 33, 38, 45, 63, 64, 65, 66, 68, 73, 75, 79, 85, 92, 116, 117, 118, 119, 122, 124, 127, 151, 164
expansion 102, 148
ex parte communication 17, 40, 44, 62, 65

F

filing 43, 63, 81, 85, 93, 103, 114, 116, 122, 131
financial hardship 100
flexibility 11, 12, 75, 89, 103
floodplain 2, 9, 13, 30, 34, 54, 97, 114, 141, 151, 152, 153, 158, 162
form 2, 9, 21, 24, 37, 45, 53, 62, 67, 68, 96, 98, 130, 131, 139, 155, 160, 162, 165

G

general zoning 5, 6, 8, 12, 13, 21, 104
governing body 8, 9, 12, 13, 15, 17, 18, 19, 24, 25, 26, 28, 43, 51, 76, 81, 82, 84, 88, 91, 93, 111, 124, 125, 130, 132, 136, 138, 139, 163, 164

H

hearing 18, 27, 28, 30, 31, 32, 33, 34, 38, 39, 40, 48, 49, 50, 52, 53, 56, 62, 63, 65, 68, 71, 73, 79, 81, 88, 91, 103, 115, 117, 118, 119, 126, 130, 137, 138, 182

I

impartial 16, 38, 39, 65
incorporated 15, 30
index of case law. *See case law index*

J

judicial appeal 79, 109
jurisdiction 25, 62, 83, 84, 92, 111, 115, 119

L

land division 9, 13, 103
land use ii, 1, 5, 6, 7, 9, 12, 16, 17, 38, 57, 59, 82, 87, 91, 100, 104, 125, 127, 128, 129, 132,

142, 158
 lawsuit 115
 liability 35
 limitation 7, 59, 66, 90, 91, 96, 97, 102, 112, 182

M

media 29, 33, 34, 35, 127, 128
 meeting 2, 18, 19, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 27, 34, 35, 39, 40, 44, 47, 60, 61, 62, 63, 65, 68, 69, 71, 73, 119, 126, 127, 130, 132, 133, 138, 157
 minutes 35, 39, 62, 64, 68, 69, 124, 138
 misconduct 41
 mitigation 12, 59, 101

N

negative quorum 26, 47. *See also* quorum; walking quorum
 notice 19, 25, 28, 29, 30, 31, 32, 33, 34, 35, 38, 44, 45, 47, 49, 52, 53, 56, 60, 62, 63, 67, 71, 73, 81, 82, 88, 91, 103, 119, 124, 126, 130, 131, 132, 138, 157
 numbers test 25, 26, 49

O

objection 100
 open meetings law 2, 19, 23, 25, 26, 28, 29, 30, 34, 35, 47, 60, 65, 71, 73, 130, 132
 operating rules 2, 23, 48, 49

P

performance standard 148
 permitted use 7, 124, 136
 plan committee/commission 8, 9, 76, 82, 91, 92, 111, 125, 130, 136, 139, 164
 police power 5
 posting 28, 30, 31, 33, 49, 82, 126
 private interest 103
 procedure 1, 2, 5, 6, 8, 18, 22, 23, 24, 27, 30, 33, 34, 35, 44, 47, 48, 62, 71, 76, 92, 117, 119, 122, 126, 129, 138, 139
 property 1, 5, 8, 9, 33, 34, 53, 54, 56, 59, 60, 63, 66, 69, 81, 85, 91, 95, 96, 97, 98, 100, 102, 103, 104, 112, 114, 131, 132, 142, 143, 146,

147, 152, 153, 154, 182
 property right 5, 91, 103
 public ii, 1, 5, 6, 10, 12, 13, 17, 18, 19, 23, 25, 26, 27, 28, 29, 30, 31, 33, 35, 39, 40, 41, 44, 45, 49, 52, 53, 54, 60, 61, 62, 63, 68, 69, 71, 73, 76, 84, 88, 90, 96, 97, 98, 103, 112, 114, 115, 117, 119, 122, 124, 126, 128, 133, 137, 138, 142, 149, 159, 161, 182
 public interest 35, 90, 96, 97, 98, 112, 142, 182
 public notice 19, 28, 29, 31, 44, 53, 60, 62, 73, 88, 103, 119, 124, 138
 public records law 19, 23, 133
 purpose test 25, 26, 49, 60

Q

quorum 26, 44, 45, 47, 49, 62, 67. *See also* negative quorum; walking quorum

R

rationale 35, 45, 52, 67, 72, 85, 90, 116, 124, 125, 126, 130, 138
 reasonable accommodation 110, 112
 reasonable use 96, 101, 102, 103, 112
 reconsider 68, 114
 reconvene 28, 29, 33
 record 19, 28, 38, 40, 50, 59, 62, 63, 64, 65, 66, 67, 68, 72, 79, 85, 92, 113, 115, 116, 117, 118, 119, 127, 130, 164
 recuse 39, 48
 rehear 68, 72
 remand 91, 92, 113, 116, 117, 118, 121, 122
 removal 18, 44, 148, 149
 residents 38, 98, 114, 124, 126, 138, 142
 rough proportionality 90, 101

S

self-imposed hardship 100
 setback 95, 101, 104, 149, 181, 182, 184, 193
 shoreland ii, 2, 6, 8, 9, 12, 13, 21, 30, 34, 54, 141, 97, 114, 150, 147, 141, 142, 144, 146, 147, 148, 149, 150, 153, 158, 159, 162
 shoreland-wetland 9, 13
 site inspection 60, 62, 63, 71
 solid waste 13

Index

special exception 11, 12, 21, 31, 33, 34, 87, 109
staff report 57, 60, 62, 85
standing 114, 115, 132, 152
statute 3, 5, 8, 10, 12, 13, 15, 17, 23, 26, 27, 30, 32,
41, 43, 44, 45, 48, 49, 52, 56, 57, 73, 81, 82,
84, 92, 93, 95, 98, 104, 113, 114, 123, 127,
128, 131, 133, 141, 159, 160, 164
stay 81, 116
stormwater 9, 54, 56, 89
subdivision 9, 12, 59, 98, 103
surplus language 83, 111

T

taking 41, 60, 91, 124, 128, 138
testimony 19, 26, 28, 29, 33, 39, 40, 45, 63, 64, 65,
84, 88, 111, 121, 132
town board 15, 18, 39, 43, 93, 138

U

unique property limitation 66, 102
unnecessary hardship 96, 97, 182
use variance 7, 95, 96, 98, 101, 103, 104, 110, 112
UW-Extension ii, 59, 124, 126, 128, 150, 158

V

variance 2, 7, 8, 11, 12, 13, 21, 25, 27, 31, 33, 34,
40, 51, 52, 53, 59, 60, 63, 66, 67, 71, 75,
89, 95, 96, 97, 98, 100, 101, 102, 103, 104,
109, 110, 111, 112, 119, 124, 126, 129, 131,
138, 142, 148, 149, 164, 165, 181, 182. *See also* area variance; use variance
vest 25
village board 125, 138
voting 17, 18, 19, 25, 27, 28, 35, 38, 39, 40, 45, 62,
65, 67, 71

W

walking quorum 26, 47. *See also* negative quorum;
quorum
witness 62, 64
writ 115

Z

zoning administrator 7, 8, 10, 19, 28, 56, 62, 69, 75,
79, 112, 115, 124
zoning staff 19, 24, 34, 51, 52, 56, 57, 60, 73, 97,
124, 125, 126, 128, 130, 133, 137, 138, 139

Case Law Index



A

Arndorfer v. Sauk County Bd. of Adjustment 96, 97, 98, 100

B

Bd. of Regents v. Dane County Bd. of Adjustment 116
Bettendorf v. St. Croix County Bd. of Adjustment 114
Bi-Metallic Inv. Co. v. State Bd. of Equalization 37

C

Clark v. Waupaca County Bd. of Adjustment 116, 118

D

Dolan v. City of Tigard 90

F

Fabyan v. Waukesha County Bd. of Adjustment 95
Forest County v. Goode 69

G

Gloudeman v. City of St. Francis 32
Goldberg v. Milwaukee Bd. of Zoning Appeals 68, 102

J

Just v. Marinette County 114

K

Kaiser v. City of Mauston 84
Kammes v. State, Mining Inv. & Local Impact Fund Bd. 114
Keen v. Dane County Bd. of Supervisors 39
Klinger v. Oneida County 118
Kraemer & Sons v. Sauk County Bd. of Adjustment 87, 89

L

Lamar Central Outdoor, Inc. v. Bd. of Zoning Appeals of Milwaukee 67, 69
League of Women Voters v. Outagamie County 92
Londoner v. Denver 38

M

Magnolia Township v. Town of Magnolia 88
Marris v. Cedarburg 38, 39, 116
Mendonca v. DNR 114
Mills v. Vilas County Bd. of Adjustment 115
Miswald v. Waukesha County Bd. of Adjustment 56, 115

Index

N

- Nielsen v. Waukesha County Bd. of Supervisors 116
- Nollan v. California Coastal Commission 90
- Nova Services v. Village of Saukville 132

O

- Old Tuckaway Assocs. Ltd. Partnership v. City of Greenfield 38
- Osterhues v. Bd. of Adjustment for Washburn County 79, 92

R

- Rainbow Springs Golf Co. v. Town of Mukwonago 91
- Roberts v. Manitowoc County Bd. of Adjustment 40

S

- Schalow v. Waupaca County 116
- Snyder v. Waukesha County Zoning Bd. of Adjustment 97, 100, 104
- State ex rel. Brookside Poultry Farms, Inc. v. Jefferson County Bd. of Adjustment 81, 82, 114
- State ex rel. DNR v. Walworth County Bd. of Adjustment 82, 114
- State ex rel. Markdale Corp. v. Bd. of Appeals of Milwaukee 95, 100
- State ex rel. Skelly Oil Co. v. City of Delafield 87, 164
- State ex rel. Spinner v. Kenosha County Bd. of Adjustment 97
- State ex rel. Ziervogel v. Washington County Bd. of Adjustment 95, 97, 98, 104, 116, 118, 127
- State v. Kenosha County Bd. of Adjustment 96, 97, 98, 101, 104
- State v. Ozaukee County Bd. of Adjustment 100
- State v. Tronca 41
- State v. Waushara County Bd. of Adjustment 95, 98, 104, 116, 118, 127
- State v. Winnebago County 98, 100
- Step Now Citizens Group v. Town of Utica Planning & Zoning Comm. 9

T

- Tateoka v. City of Waukesha Bd. of Zoning Appeals 68
- Thalhofer v. Patri 101
- Town of Hudson v. Hudson Town Bd. of Adjustment 93

V

- Von Elm v. Bd. of Appeals of Hempstead 100

W

- Weber v. Town of Saukville 52, 88, 116