

Bond Case Briefs

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ZONING & LAND USE - WISCONSIN

Golden Sands Dairy LLC v. Town of Saratoga

Supreme Court of Wisconsin - June 5, 2018 - N.W.2d - 2018 WL 2710392 - 2018 WI 61

Following mandamus action to compel town to issue building permit for farm structures landowner filed action for declaratory judgment that it had vested right to use land specifically identified in building permit application for agricultural purposes, despite zoning change which sought to prohibit such agricultural uses.

The Circuit Court entered judgment for landowner. Town appealed, and the Court of Appeals entered judgment for landowner. Town appealed, and the Court of Appeals reversed. Landowner petitioned for review, which was granted.

The Supreme Court of Wisconsin held that:

- As a matter of first impression, building permit rule applies to all land specifically identified in the building permit application, not merely to structures, and
- Application specifically identified property landowner sought to use for farm such that landowner had vested right to use property for farm.