

# **Bond Case Briefs**

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## **ZONING & PLANNING - WISCONSIN**

### **Village of Slinger v. Polk Properties, LLC**

**Supreme Court of Wisconsin - April 1, 2021 - N.W.2d - 2021 WL 1216687 - 2021 WI 29**

Village brought action for an injunction ordering landowner to stop agricultural use of property and later amended its complaint to state claim for lost tax revenue and claim for daily forfeitures for zoning law violations.

The Circuit Court enjoined agricultural use, entered summary-judgment order requiring landowner to pay forfeitures for zoning violations and damages for village's lost property tax revenue, and, on village's motion to have landowner held in contempt, awarded attorney fees to village. Landowner appealed. The Court of Appeals affirmed. Landowner petitioned for review.

The Supreme Court held that landowner did not cease the legal, nonconforming use of property for agriculture, despite building homes on property.

Landowner did not cease the legal, nonconforming use of property for agriculture, and thus landowner did not "abandon" legal, nonconforming use of land for agriculture, despite landowner's actions of seeking and obtaining rezoning of land from agricultural to residential use, entering into development agreement restricting property to residential use, recording declaration explicitly stating that landowner intended to develop subdivision for residences, building couple of homes on property, and installing residential infrastructure; changes on property did not alter or expand legal, nonconforming use of farming and instead initiated development of property into residential conforming use.