

8140 EMINENT DOMAIN: LEGAL NONCONFORMING USE, LOT OR STRUCTURE (DEFINITIONS)

You have heard testimony during the trial using the term

[legal nonconforming use]

[legal nonconforming lot]

[legal nonconforming structure]

to describe a characteristic of

[the property]

[the remaining property]

The entire property and the remaining property]

A legal nonconforming [use] [lot] [structure] is a [use] [lot] [structure] which was legally permitted on (date of taking) because it was legal when it was created, but which would not be permitted under the zoning regulations in effect on (date of taking) if it were to be first proposed on (date of taking).

COMMENT

This instruction and comment were approved in 2006.

Wis. Stat. § 32.09(6)(d).

Loeb v. Board of Regents, 29 Wis. 2d 159, 138 N.W.2d 227 (1965).