

Celebrating 25 Years! 1998-2023

# The Cutting Edge



Volume 15, Issue 8

August 2024

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## PRESIDENT'S MESSAGE

By Matt Lefeber, Wrightway Home Improvements LLC

Hello MSHBA Members, Happy August!! I hope everyone is getting caught up, I know this time of year gets busy so I'll keep this short.

We will again be printing our Home Planning Guide printed this year. Get your ads in to Tena to make sure they make print. The

planning guide reaches 18,000 homes and businesses and it is a great opportunity to get you name out there.

Also don't forget our annual Jerry Arenz memorial Trap Shoot is coming up quick August 8<sup>th</sup>. It will be a great time to relax for a night have some food and

maybe win a few prizes.

Have a good month and hope to see you at the Trap Shoot.

Matt Lefeber

### CALENDAR OF EVENTS:

- August 7 Home Planning Guide Committee Mtg. 7:30 am at K & J Construction and Design LLC, Chilton
- August 8 Jerry Arenz Memorial Trap Shoot Winnebago East Shore Conservation Club

**MSHBA's office will be closed August 10-24**

**Early Bird Sponsor:**  
K & J Construction and Design LLC

**Station Sponsors:**  
Kraus Construction Inc.  
Drexel Building Supply  
Wrightway Home Improvements  
Christel & Heiberger Builders Inc.

**Top Gun Sponsor:**  
Birschbach Builders LLC

**Can't attend but would like to help... cash donations of any amount, gift certificates or prizes are needed for the raffles. Please consider a donation to this fun event!**

**Starting at 4 PM...  
50 Bird Shoot,  
Lewis Class, Top  
Gun Cash Shoot-off,  
Raffles, 8 oz ribeye  
steak sandwich  
plate & more.**

## JERRY ARENZ MEMORIAL TRAP SHOOT



**50 BIRDS | AUGUST 8  
WINNEBAGO EASTSHORE  
CONSERVATION CLUB**

# MSHBA Membership



**2024 MSHBA OFFICERS**

- President: Matt Lefeber**  
Wrightway Home Improvements  
920-923-0721
- President-Elect: Derek Fritsch**  
Green Hammer Construction LLC  
920-905-3513
- Treasurer: Julie Schmitz**  
K & J Construction and Design LLC  
920-849-8811
- Secretary: Open Position**
- Past-President: Kevin Schmitz**  
K & J Construction and Design LLC  
920-849-8811

**2024 DIRECTORS**

- Jerry Mallmann**  
Chilton Furniture  
920-849-9023
- Dave Amel**  
Premier Properties Realty, LLC  
920-980-4477
- Nick Zurn**  
Precision Floors & Decor  
920-400-1123
- Jennifer Schad**  
Kraus Construction Inc.  
920-905-2853
- WBA Directors**  
Dan Schneider
- NAHB Delegate**  
Kevin Schmitz
- NAHB Alternate Delegate**  
Open Position

## MEMBERSHIP... the Ultimate Building Resource

### THANK YOU FOR RENEWING YOUR MEMBERSHIP!

Pinnow Sheet Metal Inc. – 8 years  
Potter Building Supply—10 years

### Mid-Shores HBA offers a 3-Pay Dues Payment Program...

MSHBA offers an option to pay your dues in three consecutive monthly payments of \$150.00. Your membership will take into effect on your final payment. A 3-Pay Dues payment contract will be included with your renewal statement.

**100% of Members have renewed their Membership in 2024! AND MSHBA has the top retention rate in the state!**

## JERRY ARENZ MEMORIAL TRAP SHOOT

August 8 at the Winnebago Eastshore Conservation Club  
**50 Bird Shoot**

Shooting starts at 4 PM,  
sign-up by 7 PM

**Can't attend but would like to help... cash donations of any amount, gift certificates or prizes are needed for the raffles. Please consider a donation to this fun event!**

## WBA Member Benefits...

- Kwik Trip Rewards
- Contracts/Forms
- Member Hotline
- Insurance
- Rebate Form
- Continuing Education
- Coaching & Consulting



Even More Benefits are available at [www.wisbuild.org/member-benefits](http://www.wisbuild.org/member-benefits)

### WBA Member Events:

- NAHB Build-PAC Clay Shoot—Aug. 21
  - Member Meeting Day—October 10
  - Trends in Housing—November 14
- [www.wisbuild.org](http://www.wisbuild.org)

## MSHBA'S 2024 Home Planning Guide October 2024

Advertising Deadline:  
September 15

Advertise your Business in the Home Planning Guide!

Advertising Packet: Pages 5-7  
Premier Media Sponsor:



## Volunteer to Serve in a MSHBA Leadership Position Secretary Needed

MSHBA's Board is looking for a member to fill an open Officer term in 2024.

Open Position: **Secretary (1-year term)**



PO Box 125  
New Holstein, WI 53061  
[www.midshoreshomebuilders.com](http://www.midshoreshomebuilders.com)

**Executive Officer Tena Hartwig**  
2104 Mary Ave.  
New Holstein, WI 53061  
Phone (920) 539-9014  
[hartwigs1@charter.net](mailto:hartwigs1@charter.net)

**JERRY ARENZ MEMORIAL TRAP SHOOT 50 BIRD SHOOT**

**WHEN**  
August 8, 2024  
Shooting starts at 4 pm, sign-up by 7

**WHERE**  
Winnebago Eastshore Conservation Club  
19072 Hickory Hill Road, Stockbridge

**FEATURING**  
TOP 50M of the day wins \$100 each • TOP 100M CWB of the day wins \$100 each • Colored Clay per Round • Lunch 11:30am • Bar • Range Check Standby • Photo • Prizes • Picnic

**OPEN TO THE PUBLIC**

**COST**  
\$25.00 - Person  
\$75.00 - Family of 3  
\$100.00 - Family of 5  
Bring your own shells.  
We'll have a hot dinner setup.

**EARLY BIRD PRIZE REGISTRATION**  
Register now! Save a 20% by 8/1/24! Registration fee is \$10.00. Prizes for 2024 are \$100.00.

**CONTACT**  
Member your dues by calling 920-849-8811

**Mid-Shores Home Builders Association, Inc.**  
[www.msba.org](http://www.msba.org)

# JERRY ARENZ MEMORIAL TRAP SHOOT 50 BIRD SHOOT

## WHEN

**August 8, 2024**

**Shooting starts at 4 pm, sign-up by 7**

## WHERE

**Winnebago Eastshore  
Conservation Club**

**W4572 Hickory Hills Road, Stockbridge**



## FEATURING

**TOP GUN** of the day wins \$100 cash • **TOP JUNIOR GUN** of the day wins \$100 cash • **Colored Clay** per Round • **Lewis Class** • **8 oz Ribeye Steak Sandwich Plate** • **Raffles** • **Prizes**

## OPEN TO THE PUBLIC

## COST

**\$25.00—Person**  
**\$125.00—Team of 5**  
**\$100.00—Junior Team of 5**

**Bring your own shells!**  
**WECC has a very limited supply.**

## EARLY BIRD PAID REGISTRATION

**Register your team & pay by July 31 to be entered into a drawing for 250 shells!**

*Sponsored by  
K & J Construction and Design, LLC*



## CONTACT

**Register your Team by calling 920-539-9014**



**MIDSHORESHOMEBUILDERS.COM**



MID-SHORES HOME BUILDERS ASSOCIATION, INC.
2024 Jerry Arenz Memorial Trap Shoot
Registration & Sponsorship Opportunities

REGISTRATION INFORMATION...

Trap Shoot Packages...all packages include a 50 Bird Shoot – bring your own shells! WECC has a limited supply. Register your team by July 31 to be entered into a drawing for 250 shells!

- INDIVIDUAL PACKAGE - \$25 per person
TEAM OF 5 PACKAGE - \$125
JUNIOR TEAM OF 5 PACKAGE - \$100 (age 17 & under)
8 OZ RIBEYE STEAK SANDWHICH PLATE - \$13.00 per person

Additional Competitive Events:

- LEWIS CLASS - \$5 per person
COLORED CLAY – FREE

Competitive Event Descriptions...

Lewis Class: Shooters are divided into classes based on final scores. Cash prizes are awarded to the top shooters in each of these classes. Everyone has an equal chance to win.

Colored Clay: One colored clay will be randomly pulled per team. Winners will receive 5 bucket raffle tickets.

Company/Team Name: \_\_\_\_\_

Shooters Names: 1. \_\_\_\_\_ 2. \_\_\_\_\_
3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_

SPONSORSHIP INFORMATION...

- STATION SPONSOR \$100 MEMBERS, \$200 NON-MEMBERS
TOP GUN SPONSOR \$50 - \$100
JUNIOR TOP GUN SPONSOR \$50
JUNIOR TEAM SPONSOR \$125
EVENT SPONSOR \$25 - \$100
DONATING DOOR PRIZE/RAFFLE PRIZE

Sponsorships need to be purchased by August 5, to be listed on the official event signage at WECC. All Sponsors will be announced during the event.

PAYMENT INFORMATION...

Company Name: \_\_\_\_\_

- CHECK IS ENCLOSED FOR REGISTRATION AND SPONSORSHIPS

# MID-SHORES HOME BUILDERS ASSOCIATION INC



# 2024 HOME PLANNING GUIDE

## Book Advertising & Sponsorship Packet

## HOME is now more important than ever!

*Homeowners are seeking out flexible spaces that reflect their changing needs and modern lifestyle.*

It is our hope that the **2024 Home Planning Guide** will provide a direct and immediate benefit to area builders, sub-contractors, and suppliers as it provides the opportunity to showcase the latest homebuilding products and services our area can provide.



“Commitment to community, quality and professionalism is our motivation”



MID-SHORES HOME BUILDERS ASSOCIATION, INC.  
**2024 Home Planning Guide**  
**Book Advertising & Sponsorship Opportunities**

Mid-Shores Home Builders Association, Inc. (MSHBA) is pleased to announce that we will again publish a **Home Planning Guide** in October. Due to the low number of parade entries, MSHBA has decided not to host an in-person Parade of Homes this fall. The **Home Planning Guide** will replace the in-person parade this year, thereby giving homeowners a timely resource that can be viewed in their home or online.

**Why your business should advertise in the Home Planning Guide**

Home is now more important than ever. Homeowners have reevaluated what areas in their home they would like to modernize to fit their changing needs and are looking for the best option for their budget. The Guide will feature articles that educate homeowners on Home Buying, Maintenance, Remodeling, Sustainability and Trends preferred by different generations. It is our hope that the **2024 Home Planning Guide** will provide a direct and immediate benefit to area builders, sub-contractors, and suppliers as it provides the opportunity to showcase the latest homebuilding products and services our area can provide.

**Mid-Shores Home Builders Association Inc.** invites you to participate as an advertiser and/or sponsor of the **2024 Home Planning Guide**. Your support of this media event at any of the following levels will be greatly appreciated

**Home Planning Guide Advertising**

The Home Planning Guide will feature the same high-quality, full color look as in our past Parade of Homes book with a circulation of 18,000 within the area via newspaper (the Tempo and Sheboygan Sun). Additional copies will be available for pickup at member locations and the guide will be available for download on our website. The high-quality, full-color glossy 8 ½" x 11" books will include advertising opportunities which are not limited to MSHBA members. The Parade of Homes Committee has again selected Zander Press, Inc., of Brillion, to design and publish the book. **Please purchase your ad by September 15, 2024 by completing the enclosed advertising contract. All high resolution (300 dpi or better) camera ready ads and advertising copy or prepared layout with camera ready logo and/or artwork should be sent directly to Mid-Shores HBA.** Ads from previous MSHBA Parade of Homes publications are on hand and can be repeated without changes, if desired.

**Premier Media Sponsor: \$1000 MEMBERS, \$1500 NON-MEMBERS – limited to 3 – 2 remaining**

Premier Media sponsors will receive a full-page prime location ad in the Home Planning Guide (inside front cover, back cover, inside back cover), name and/or logo representation on the front cover of the guide, and name and/or logo representation on our website and Facebook page.

Thank you for your kind consideration of this opportunity. If you have any questions or would like additional information, please do not hesitate to contact our MSHBA office or a committee member.

Very Truly Yours,

Tena Hartwig  
 Executive Officer

**2024 Parade of Homes Committee**

**Chairperson**

**Julie Schmitz**  
*K & J Construction and Design LLC*  
 920-849-8811

**Committee Members**

**Jenny Pitzen**  
*Christel & Heiberger Builders, Inc.*  
 920-898-2820

**Dave Amel**  
*Premier Properties Realty LLC*  
 920-980-4477

**Bill Weber**  
*Pella Windows & Doors of WI*  
 920-435-3791

**Jennifer Schad**  
*Kraus Construction Inc.*  
 920-905-4853



MID-SHORES HOME BUILDERS ASSOCIATION, INC.
2024 Home Planning Guide
Ad Order Contract

Ad Order Contract | Deadline: September 15, 2024

Full Color Glossy Camera-Ready Ad Rates:

Table with 3 columns: Ad Type, MSHBA Members, Non-members. Rows include Premier Media Sponsor, Full Page, 1/2 Page, and 1/4 Page.



Design services are available for an additional cost of \$25 per ad

ADVERTISER INFORMATION

Form fields for Advertiser Information: Date, Company, Advertiser/Contact Person(s), Address, City, State, Zip, Phone, Email, Sponsor/Ad Size, Rate.

- Design Services \$25
Please invoice
Full payment is attached with this contract. Thank you.

Payment of all ads must be received by September 15, 2024 to be included in the 2024 Home Planning Guide.

Signature \_\_\_\_\_ Sold By \_\_\_\_\_

All contracts must be returned to MSHBA along with ad copy not later than September 15.

All high resolution (300 dpi or better) camera ready ads and advertising copy or prepared layout with camera ready logo (300 dpi or better) and/or artwork should be submitted electronically directly to Mid-Shores HBA. Camera ready ads should be sized to the above specifications.

E-mail Ads to: hartwigs1@charter.net | Please return contract and payment to:



**WISCONSIN  
BUILDERS  
ASSOCIATION**

**Advocacy Digest | June 26, 2024**  
**Brad Boycks, Executive Director**



The issues underlying the need for legislative change in highway setback requirements went back several decades and involved multiple versions of Wis. Admin. Code. Ch. TRANS 233 (TRANS 233), which addresses WisDOT's rights and obligations in approving land divisions along STHs. The original intent of highway setback regulation in the context of subdivision review under Wis. Stat. Ch. 236 was to promote public health, safety and general welfare by allowing WisDOT an opportunity to review subdivisions of property that abutted a STH. The limited review was consistent with the stated purpose of TRANS 233, which was to specify minimum standards necessary to meet safety requirements for entrance on and departure from the abutting state trunk highways

However, during a period of regulatory expansion, WisDOT oversaw a series of amendments to TRANS 233 in both 1999 and 2001 that significantly expanded WisDOT's power in regulating land divisions along STHs (Amendments). The expanded regulatory authority included WisDOT review and approval of all land divisions of property abutting an STH, including certified survey maps, and a mandatory review process that included a "conceptual review," a preliminary review and a final review by WisDOT. The review process imposed other significant regulatory requirements, such as noise standards, vision corner requirements, drainage requirements and specific fee requirements. While the Amendments included a tool for WisDOT to grant a "special exception" to the new regulations, property owners and developers were frustrated with the expanded regulatory oversight that did not appear to be supported by WisDOT's statutory authority. The frustration and regulatory overreach resulted in two cases that made significant impacts on highway setback regulation.

1. Wisconsin Builders Association v. Wisconsin Dept. of Transportation.

In 2004, the Wisconsin Builders Association (WBA) brought the first case challenging the application and authority of the

which are statutorily defined as "subdivisions," but does not grant WisDOT authority to regulate other types of land divisions. **By: Rebecca J. Roeker, Attorney, Attolles Law, s.c.**

**Pictures: Roeker, DOT**

**\*\*For purposes of brevity, the accompanying footnotes or legal citations are not included in this article\*\***

Imagine a scenario in which you are developing a parcel of land adjacent to a state trunk highway (STH). You are required to obtain subdivision plat approval from the Wisconsin Department of Transportation (WisDOT). You have plans to build a berm with landscaping as a buffer between the development and the STH. In addition to the berm and landscaping, the local municipality is also requiring that you accommodate extension of a bike trail in between the berm and the STH. You have local approval, so WisDOT approval should be just another box to check, right? Wrong. WisDOT tells you that you cannot have any improvements in a 100-foot setback area adjacent to the STH. This prohibits you from having the bike path, the berm, or flowers planted in this area. No exceptions. It does not matter what the local municipality is requiring in its approval of the development. In order for your development to move forward, you will have to convince the local municipality that no improvements may be located in the 100-foot setback area.

This was the nightmare scenario for owners and developers following a series of amendments to the Wisconsin Administrative Code that greatly expanded WisDOT's regulatory oversight, the resulting court cases, and then legislative gridlock that often produced absurd results. Property owners and developers were left stunned at the inability to improve significant portions of their land, and WisDOT was left frustrated by the lack of flexibility to grant an exception to the setback requirements when it made sense to do so. This was a lose-lose situation.

After many years of its members experiencing frustrating scenarios like the one above, WBA was happy to support the passage of 2023 Senate Bill 413, which became 2023 Wisconsin Act 157 (Act 157) on March 22, 2024. Act 157 is a "win" for property owners because it allows for greater use of one's land and additional clarity in the legal standards for WisDOT's administrative obligations of highway setbacks, and a "win" for WisDOT because it now has a tool to grant special exceptions in particular circumstances, and may therefore avoid absurd results. This article provides an overview of the events leading up to Act 157 to illustrate the legislative needs, and to understand the resulting legislative solution contained within Act 157.

A. Highway Setbacks and TRANS 233: The Original Regulatory Intent, and More Regulations.



Amendments in *Wisconsin Builders Association v. Wisconsin Dept. of Transportation*. The WBA sought a declaratory judgment on several points, including an argument that the Amendments expanded WisDOT's authority beyond the scope authorized by the Wisconsin Statutes. Specifically, the WBA asserted that WisDOT only had authority to regulate subdivisions, and not any other type of land division.

On the first issue of whether WisDOT had statutory authority to regulate all land divisions, the Wisconsin Builders Court found that WisDOT's statutory authority is limited to review of subdivisions that abut an STH. The Wisconsin Builders Court recognized this statutory reference as granting WisDOT explicit authority to regulate land divisions.

The Wisconsin Builders Court also rejected WisDOT's argument that it had implied statutory authority to regulate all land divisions pursuant to WisDOT's police power, and may do so via administrative rules such as TRANS 233. On the contrary, the Wisconsin Builders Court held that WisDOT must have explicit statutory authority to promulgate administrative rules, thereby avoiding excessive regulatory reach through the use of administrative rules and provisions set forth in the Wisconsin Administrative Code, such as TRANS 233. Both the Wisconsin Supreme Court and the Wisconsin Attorney General have recently reaffirmed the "explicit statutory authority" requirement for a state agency to promulgate an administrative rule.

2. *Madison Area Builders Association, et al. v. Wisconsin Department of Transportation*.

The second case to significantly impact WisDOT's authority under TRANS 233 is *Madison Area Builders Association, et al. v. Wisconsin Department of Transportation*. Ultimately, the Madison Builders Court held that the Amendments, in their entirety, were invalid and unenforceable. As a result, the significant regulatory restrictions set forth in the Amendments were not valid, and WisDOT only had authority to regulate via the pre-Amendment version of TRANS 233. While the Madison Builders decision eliminated WisDOT's expanded regulatory oversight set forth in

the Amendments, WisDOT also lost the ability to grant special exceptions to the highway setback requirements because that provision was also contained in an Amendment.

B. *Post-Wisconsin Builders and Madison Builders: Less Oversight, Less Flexibility, Same 100-foot Setback Restriction*.

After the court cases, WisDOT continued reviewing subdivision plats adjacent to STHs, continued to impose a 100-foot setback restrictions, and continued to enforce the rule of no improvements in the 100-foot setback area. Property owners' and developers' frustrations continued at the inability to improve a significant amount of land, and WisDOT's frustration continued at the lack of flexibility.

The WBA weighed the options for "fixing" the legal deficiencies resulting in property owners not being able to place any improvement or structure in the 100-foot setback area. The WBA also met with WisDOT officials multiple times to discuss a resolution to the "lose-lose" situation of lost property rights and WisDOT's loss of flexibility in administering highway setback regulations. After discussion with members, a statutory change was sought as the most direct and efficient option of securing property owners' ability to use the setback area within a context that would be agreeable to WisDOT and lawmakers.

The goals for the new legislation were clear: (1) establish statutory authority that would not be misapplied or abused by a confused application of TRANS 233 or result in overregulation of land divisions adjacent to an STH; (2) allow an owner the greatest use of property as possible without sacrificing public safety or public investment in existing infrastructure; (3) establish a clear, data-driven process to allow WisDOT to grant exceptions to the highway setback requirements in order to avoid absurd results.

C. *Act 157 and Wis. Stat. § 86.074: New Options for Use of Highway Setback Area*

A property owner's rights and regulations protecting the public's best interests do not have to be mutually exclusive. In fact, a fundamental premise of our government is the balance between private rights and public protection. The intent behind 2023

SB 413 was to find that balance between an owner's right to use land adjacent to an STH while maintaining public safety and preserving highway infrastructure that is paid for with public dollars. Act 157 achieves this balance of interests: allowing a property owner the greatest use of property even if it abuts a STH, while maintaining public safety and the investment in highway infrastructure.

While it is hard to argue against public safety and protecting taxpayer investments in infrastructure, the standard of "maintaining public safety" and "protecting resources" can be easily manipulated to result in a significant curtailment of property owners' rights. WBA focused on regulatory standards that were not prone to abuse or misinterpretation, and therefore could be easily manipulated to justify "public benefit." Fortunately, WisDOT is a data-driven agency and maintains detailed plans of highway improvement projects planned decades in advance. In achieving the balance of interests, Act 157 focuses on future use and facility improvements, objective standards to establish public safety and protection of public investment, and requires "substantial evidence" to justify restrictions and deny exceptions on highway setback areas.

Using the "nightmare example" referenced above, what if WisDOT had a major improvement project planned for the STH in the next five years? Should the property owner/developer be able to build a berm with landscaping and a bike path in the highway setback area knowing that the highway will soon be expanded, and then be compensated when WisDOT acquires the area for the expanded highway? No, not if the taxpayers will have to pay for it and the owner/developer knew the area would be part of a highway within five years when it built the improvements! In this situation, when WisDOT has planned projects, an owner/developer may proceed at its own risk in making improvements to the setback area. In order to prevent taxpayers from having to compensate the owner for the "taking" of the improvements, the owner/developer must sign a waiver of damages for any compensation for those improvements. There may be a plethora of reasons why an owner/

developer agrees to a waiver of damages, and now the owner/developer has that option to consider its business needs in deciding whether to build in the setback area. Prior to Act 157, the automatic answer was “no.”

D. Key Components of Act 157.

Act 157 includes several parts to achieve the balance between an owner’s right to use property and protection of public safety and public investment.

1. Setback Reduction. For any subdivision plat approved after March 23, 2024, WisDOT may not impose a highway setback area greater than 50 feet from the right-of-way line of the highway. This is a reduction from 100 feet pre-Act 157. WisDOT may also grant a smaller setback area if the reduction does not adversely affect the safety of the entrance or departure from the STH or public investment in the highway system.

2. Defines Items Prohibited in a Setback Area. The specific definitions of “structure” and improvement” clarify that non-movable items that adversely affect public safety or the preservation of public investment in highways are prohibited in the setback area unless a special exception is granted. The amended definition allows WisDOT to focus on the safety of keeping a setback area free of non-movable objects, yet allows WisDOT to use its future planning tools to determine whether a structure or improvement may be allowed in the setback area. Allowing WisDOT this flexibility will avoid absurd results.

3. Further Restrictions on Setback Restrictions. Even in the highway setback area, WisDOT may regulate only structures and improvements that “adversely affect the safety of entrance upon or departure from STHs or connecting highways or the preservation of public interest and investment in those highways.”

4. Creates Statutory Authority to Grant a “Special Exception.” Act 157 establishes statutory authority for WisDOT to grant a “special exception” to highway setback requirements, thus correcting the confusion created by various court cases and conflicting TRANS 233 provisions. By clearly establishing WisDOT’s statutory authority to grant a special exception, WisDOT now has a tool for flexibility in administration of setback regulations.

5. Establishes Legal Standards for the Special Exception Process. In the special exception review process, WisDOT may utilize its future plans, applicable data, and planning tools when considering a special exception request, as that information is the best data available to WisDOT and meets the “substantial evidence” requirement. WisDOT is also required to use a “substantial evidence” threshold when placing conditions on the special exception permit. The conditions must be “related to the purpose of the highway setback area, based on substantial evidence, reasonable, and, to the extent practicable, measurable.” In addition, the special exception process commences in the regions, and a denial may be appealed to WisDOT’s central office. As such, there will be statewide

application of the standards to ensure consistency in enforcing highway setback regulations, but property owners may start the process of obtaining a special exception permit with the “local” WisDOT regional office.

6. Special Exception Availability is Retroactive. The special exception process is not limited to subdivision plats approved after Act 157’s effective date of March 23, 2024. As such, the special exception process is available to owners for placement of a structure or improvement in a 100-foot setback area that was established prior to March 23, 2024. The special exception process may also be used by an owner wishing to place an improvement or structure in the 50-foot setback established under the new law.

E. Post-Act 157 and Next Steps.

As property owners, developers, municipal officials, and business leaders look to the future, Act 157 provides a slice of certainty in the planning process by defining WisDOT’s statutory authority, setting forth specific standards of regulation, and identifying the circumstances in which an owner may be granted relief from the burdens of owning property adjacent to an STH. While the “win-win” has finally been accomplished with the passage of Act 157, WBA will continue to monitor the implementation process that WisDOT must undertake to administer the new highway setback law. In addition, WBA will continue to educate its members regarding the new law so Act 157 and the new regulations may continue to be a “win-win.”

**SHIP SHIP HOORAY!**  
 NAHB members **save an average of \$625** on shipping.



**SAVE NOW**

**NAHB**  
 National Association of Home Builders

**VEHICLE SHOPPING?**  
 NAHB members **save between \$500-\$8,150** on vehicles & leases.



**SAVE NOW**

**NAHB**  
 National Association of Home Builders