

5.14 VARIANCES

- (1) Where, in the judgment of the Town Board, on recommendation of the Planning Commission, it would be inappropriate to apply literally the provisions of this Ordinance because exception or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Applications for any such variance shall be made in writing by the subdivider/land divider at the time when the Preliminary Plat or Certified Survey is filed for consideration, stating fully at the facts relied upon by the subdivider/land divider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed project.
- (2) The Planning Commission shall not recommend nor shall the Town Board grant a variance to the regulations of this Ordinance unless it shall make findings based upon the evidence to it in each specific case that:
 - (a) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- (3) The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Administrator to notify the land divider/subdivider.
- (4) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the

Town in accordance with any Town Comprehensive Plan or component thereof, this Ordinance, the Zoning Code or Outagamie County ordinances. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes of the Board.

- (5)** The Town Board may waive the placing of monuments, required under WI Stats. Section 236.15 (b), (c) or (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.