

SEC. 17.6.90 VARIATIONS AND EXCEPTIONS.

(a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Village Board in the analysis of the proposed project.

(b) The Village Board shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation 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;

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;

(3) 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.

(c) The Village Board, if it approves of the variance, shall do so by motion or resolution and instruct the Village Clerk to notify the subdivider.

(d) Such relief shall be granted without detriment to the public good without impairing the intent and purpose of this Chapter or the desirable general development of the Village in accordance with any Village Comprehensive Plan or component thereof, this Chapter, or applicable zoning ordinances. A majority vote of the entire membership of the Village Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.

(e) The Village Board may waive the placing of monuments, required under Sec. 236. 15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.