

## ARTICLE I

### Variances; Penalties and Violations

#### **SEC. 14-1-90 VARIANCES AND EXCEPTIONS.**

- (a) Where, in the judgment of the Common Council, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Common Council 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 Plan Commission and Common Council in the analysis of the proposed project.
- (b) The Plan Commission shall not recommend nor shall the Common Council grant variances 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.
  - (4) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.
- (c) Any recommendations by the Plan Commission shall be transmitted to the Common Council. The Common Council, if it approves of the variance, shall do so by motion or resolution and instruct the City Clerk-Treasurer to notify the Plan Commission and 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 City in accordance with any City Comprehensive Plan or component thereof, this Chapter, or the City Zoning Code. A majority vote of the entire membership of the Common Council shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Common Council.
- (e) The Common Council 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 by the City.