



**APPLICATION FOR SUBDIVISION ORDINANCE
CHAPTER 17, MODIFICATION OF REGULATIONS**

Community Development Department
 100 N. Appleton St. PH: 920-832-6468
 Appleton, WI 54911 FAX: 920-832-5994

Stamp date received

PROPERTY OWNER		APPLICANT (owner's agent)	
Name		Name	
Mailing Address		Mailing Address	
Phone		Phone	
E-mail		E-mail	

PROPERTY INFORMATION		
Property Tax # (31-0-0000-00)		
Site Address/Location		
Modification Request Submitted To: (check applicable box)		
<input type="checkbox"/> Common Council <input type="checkbox"/> Director of Public Works		
Current Zoning:	Proposed Zoning:	Proposed Average Lot Area:
Current Uses:	Proposed Uses:	Proposed Average Lot Dimensions:

THIS REQUEST IS FOR A MODIFICATION UNDER THE TERMS OF SECTION(S) OF THE SUBDIVISION ORDINANCE.

Date	Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY	
FILE # _____	Application Complete _____ / ____ / ____ Date Filed ____ / ____ / ____
Fee \$0	

APPLICATION FOR SUBDIVISION ORDINANCE CHAPTER 17, MODIFICATION OF REGULATIONS

Please provide the following information:

1. A scaled map of the existing subject property showing all lands for which the modification is proposed and all other lands within 200 feet of the boundaries of the subject property. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
2. Written justification for the requested modification(s) consisting of the reasons why the applicant/property owner believes the proposed modification(s) is or are appropriate.

In all circumstances, an applicant/property owner bears the burden of proving that extraordinary hardship or injustice will result from strict compliance with the Subdivision Ordinance regulations.

Please answer the following questions (on separate paper):

1. What physical features of the site (steep topography, environmental features, wetlands, restricted access, etc.) or its location (make use of an infill site, located adjacent to lakes or rivers) apply only to the property that create the hardship?
2. Would granting the proposed modification be the least deviation from this ordinance which will mitigate the hardship?
3. Would the modification be detrimental to the public interest, and is the modification in keeping with the general spirit and intent of the Subdivision Ordinance? (The public interest includes the interests of the public at large, not just that of nearby property owners.)

These interests are listed as objectives in the purpose statement of the Subdivision Ordinance:

- Describe how the modification promotes public health, safety, comfort, convenience, prosperity and general welfare.
- Describe how the modification conserves, protects and enhances the property and property values.
- Describe how the modification promotes the most appropriate use of land.
- Describe how the modification promotes orderly growth and development and furthers the orderly layout and use of land.
- Describe how the modification promotes adequate, safe, convenient means of traffic circulation for the public; to lessen congestion in the streets and highways.
- Describe how the modification provides for proper ingress and egress to the property; to provide for adequate light and air; to facilitate adequate but economical provisions for water, sewerage and other public improvements; and to safeguard the public against flood damage.

WHAT IS A SUBDIVISION ORDINANCE CHAPTER 17, MODIFICATION OF REGULATIONS?

1. A modification is a relaxation of a standard or standards in the Subdivision Ordinance. Modifications are decided by the Common Council, after review and recommendation by the Plan Commission, or
2. A modification is a relaxation of a standard or standards in the Subdivision Ordinance. Modifications are decided by the Director of Public Works.

WHERE DO I START?

Contact the Community Development Department to discuss interest in requesting a modification of Subdivision Ordinance regulations.

WHAT'S NEXT?

The completed application is submitted to the Community Development Department who files the completed application with the City Clerk or the Director of Public Works.

1. Modification request submitted to the Common Council: City departments make recommendations to the Plan Commission. The Plan Commission reviews the application materials submitted by the applicant/owner, staff comments and the findings of fact [Section 17-3(f)(1)-(3)] and makes its recommendations to the Common Council for final action.
2. Modification request submitted to the Director of Public Works: The Director of Public Works may waive certain requirements of the Subdivision Ordinance where it is unnecessary to fulfill the purposes and intent of this ordinance, and undo hardship would result from strict application thereof. The Director of Public Works reviews the application materials submitted by the applicant/owner and findings of fact [Section 17-3(f)(1)-(3)] and approves or denies the request. Final action is submitted to the Community Development Department and the applicant/owner.

WHAT IS THE FINAL ACTION?

1. Per Section 17-3 (f), *Modification of regulations*. When the Common Council or the Director of Public Works finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three (3) standards:
 - (a) The modification is due to physical features of the site or its location.
 - (b) The modification is the least deviation from this ordinance which will mitigate the hardship.
 - (c) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.