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**SECTION 12**  
**WAIVER REQUESTS**

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## SUBSECTION 12

### WAIVER REQUESTS

#### 1-1 Waiver Requests

- a. When Required - Waiver requests shall be recommended only in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the Applicant. Such waivers shall not be granted if it would be detrimental to the public good or impair the intent and purpose of these regulations. Unnecessary hardships will not be defined by or through monetary impacts.
- b. Application Procedure
  - (1) Application Letter - The conditions of any variance shall be explained in the application letter. The application letter shall explain: (1) which regulation is in question; (2) the conditions which promoted the request; (3) detailed reasons which support the request.
  - (2) Application Fee - A fee shall not be required for a variance request.
  - (3) Application Deadline - An application letter shall be submitted to the District along with the Development Plan/Preliminary Plat.
- c. Distribution - The District shall refer the waiver requests to agencies or departments under whose jurisdiction the applicable regulations fall for comment. If recommendations are not received within ten days, the request shall be deemed to meet with the department or agencies approval.
- d. Action by the District Manager - The District Manager shall present all information at the regular scheduled District Board meeting. The District Manager shall review the information and make a recommendation to be forwarded to the Town Board.
- e. Action by the District Board - The Town Board shall review the information, the recommendation of the District Manager and either approve or disapprove the request at a public hearing.
- f. Recording - All waiver requests to regulations affecting the layout of a subdivision shall appear on the recorded plat.

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