



# WAIVER TO LAND DIVISION DESIGN STANDARDS

File #: \_\_\_\_\_  
**Office Use Only**  
Revised 2/2021

## APPLICANT INFORMATION

Property Owner: \_\_\_\_\_ Contractor/Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Daytime Phone: (\_\_\_\_) \_\_\_\_\_ Daytime Phone: (\_\_\_\_) \_\_\_\_\_

Cell: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

## SITE INFORMATION

Site Address: \_\_\_\_\_

Property Location: \_\_\_\_ 1/4, \_\_\_\_ 1/4, Sec. \_\_\_\_, T. \_\_\_\_ N., R. \_\_\_\_ W., Town of \_\_\_\_\_

Computer #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Parcel #: \_\_\_\_\_ . \_\_\_\_\_ . \_\_\_\_\_ . \_\_\_\_\_

## LAND USE INFORMATION

Zoning District (Check one):  AG-1  AG-2  R-1  R-2  R-3  C-1  C-2  C-3  I-1  I-2

Overlay District (Check all that apply):  SHORELAND  RIVERWAY  FLOODPLAIN  ADULT ENTERTAINMENT

State the nature of your request: \_\_\_\_\_

\_\_\_\_\_ Land Division Ordinance Reference \_\_\_\_\_

More than one request with this application? (See the supplemental fee amount below and attach the appropriate addendums)

**FEES** (please reference **current** fee schedule)

Application Fee: \_\_\_\_\_ \$ \_\_\_\_\_  
Supplemental Fees: X \_\_\_\_\_ (# of additional requests) \$ \_\_\_\_\_  
**Total Fees:** \$ \_\_\_\_\_

**Applications are due on the 1<sup>st</sup> Monday of each month.**

*I attest that the information contained in this application is true and correct to the best of my knowledge.*

**Property Owner Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Contractor/Agent Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**OFFICE USE ONLY**

Application Accepted: \_\_\_/\_\_\_/\_\_\_ By: \_\_\_\_\_

Fee Received: \_\_\_/\_\_\_/\_\_\_ \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_

**CRITERIA**

Pursuant to Wisconsin statutes and the St. Croix County Land Division Ordinance, Section 13.10, the St. Croix County Community Development Committee has the authority to issue a waiver only when the following criteria are met:

- A waiver shall not violate the general intent and purposes of this ordinance or be detrimental to the health, safety, general welfare or aesthetics of the neighborhood.
- The condition for which a waiver from a design standard is sought must be unique to the property.
- A waiver may not be based on mere inconvenience or financial hardship to the subdivider or a self-created hardship of the subdivider.
- A waiver is necessary for the preservation and enjoyment of substantial property rights possessed by the subdivider.
- A waiver shall provide only the minimum relief necessary to alleviate the hardship.

It is the applicant's responsibility to prove that these criteria are met. Please answer the following questions and provide any additional information that you feel addresses these criteria in support of your request (*attach additional paper if necessary*):

- 1) Describe the details of your request.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
- 2) Explain how literal enforcement of the Ordinance would unreasonably prevent you from using your property for your proposed use and why the standards in the Ordinance should not apply to your property.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
- 3) Describe the unique characteristics of your property with respect to lot size, shape, topography, and other physical limitations that make literal enforcement of the Ordinance impractical. Were any of these limitations created by you or by past property owners?

4) What other options have you considered and why were they not chosen?

5) Explain how granting this waiver is consistent with protecting the public interest; in particular, explain how it will impact sensitive public resources and/or adjacent properties.

6) How is granting this waiver consistent with the spirit and intent of the Ordinance; in particular, how will it meet the purpose of the zoning district(s) in which your property is located? *(Please refer to the purpose statement for your zoning district in the St. Croix County Land Division Ordinance.)*

## GENERAL WAIVER APPLICATION PROCEDURE

### APPLICATION:

The deadline for application submittals is the **1<sup>st</sup> Monday** of the month. A public hearing will be scheduled with the St. Croix County Community Development Committee. Applications will not be accepted until the applicant has:

- Met with the Zoning Administrator to review the application;
- **Original, plus 5 copies** of the completed application, submitted to the Zoning Administrator;
- Resolved any land use violations and paid any outstanding fees owed to the Community Development Dept;
- Signed the application form (*signatures of property owners and agents acting on their behalf are required*); and
- Submitted the application fee (*nonrefundable*) payable to the St. Croix County.

**REVIEW:**

The Zoning Administrator will review the application for completeness and assign a file number to the application. The Zoning Administrator may require additional information and will notify the applicant of this within 10 days. Upon receiving a completed application and supporting documents, the Zoning Administrator will:

- Schedule a public hearing with the St. Croix County Community Development Committee and notify the applicant by mail of the date and time of the public hearing;
  - Notify adjoining property owners of the applicant’s request;
  - Publish a public hearing notice in the local paper;
  - Send copies of the applications to the appropriate town and reviewing agencies for comment.
- Applicants are encouraged to contact their town and attend their town meeting to discuss their application;***
- Schedule a site visit to the applicant’s property, at which time the applicant shall flag all applicable property/project corners and label the flags accordingly; and
  - Prepare a staff report on the application. The staff report will be emailed or mailed to the applicant and will be available for public review during the week prior to the public hearing.

**ACTION:**

The St. Croix County Community Development Committee can grant a waiver if it finds that the waiver criteria have been met. At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice, and may present testimony, evidence and arguments in support of his/her application. The fact that an application for a waiver has been filed does not automatically mean that a waiver is granted.

Upon the Committee making a decision on the waiver request, the Zoning Administrator shall notify the applicant of the decision in writing. All site plans, pictures, and other supporting documents become the property of the St. Croix County Community Development Department and will remain in the file.

**CHECKLIST FOR COMPLETE APPLICATION**

- Original plus 5 copies*** of the completed and signed application form with fee.
- Addendum for additional requests *(if required)*.
- Recorded Warranty Deed *(may be obtained at the Register of Deed’s office)*.
- A complete site plan prepared by a registered surveyor showing:
  - Project location in the town;
  - Lot/parcel dimensions with property lines and all applicable setbacks;
  - Minimum of 10-foot contours as determined appropriate by the Zoning Administrator;
  - Location of all existing and proposed structures and their square footage and distance from setbacks;
  - Location of existing and proposed POWTS, wells, driveways, parking areas, access, signs, and other features; and
  - Location of navigable waterways with accurate OHWM, delineated wetlands, floodplains, blufflines, slopes in excess of 12%, wooded areas, and any other unique limiting conditions of the property.
- Other information: \_\_\_\_\_

**NOTE: All maps, plans, and engineering data must be no larger than 11x17. No covers, binders or envelopes. Staple or paperclip your application once in the upper left-hand corner.**