

ARTICLE XI

APPEALS AND VARIANCES

SECTION 1. APPEALS: The sub-divider of a proposed subdivision may appeal to the Governing Body decisions made in the enforcement or interpretation of these regulations by the Zoning Administrator, Planning Commission, or the City Engineer. In the event the Governing Body sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the Governing Body overrules the decision, the Governing Body shall state its decisions and the reasons therefore in writing and submit the decision and plat to the Planning Commission, seeking concurrence. In case of non-concurrence, the decision of the Governing Body shall be final.

SECTION 2. VARIANCES: Whenever the Planning Commission shall recommend that full conformance to the provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Governing Body may authorize variances of these regulations. In authorizing such variances or exceptions, the Governing Body shall find all of the following:

1. That strict application of these regulations will create an undue hardship upon the sub-divider.
2. That the proposed variance is in harmony with the intended purpose of these regulations.
3. That the proposed variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 3. WAIVERS: Any waiver of the required improvements shall be made by the Governing Body only on a showing that such improvements are technically not feasible. Provided, however, that any request for a waiver shall first be submitted to and a recommendation made by the Planning Commission.