

ARTICLE 55. EXTENT AND MANNER OF CONSTRUCTING OR INSTALLING PHYSICAL IMPROVEMENTS

Section 1. Appeals: The subdivider of a proposed subdivision may appeal to the Governing Body decisions made in the enforcement or interpretation of these regulations by the Enforcement Officer, Building Inspector, Planning Commission or the appropriate engineer. Any such appeal shall provide a hearing de novo. 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 Planning Commission, 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 nonoccurrence, the decision of the appropriate governing body shall be final.

Section 5. Variances: Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape, or is subject to or is affected by such topographical location or conditions, or is to be devoted to such usage, that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the appropriate Governing Body, by letter, that said Governing Body authorize a variance or exception in the final plat so that substantial justice may be done and the public interest secured. In recommending such variance the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to property adjacent or in the vicinity of the subject subdivision plat.

Section 10. Waive: Any waiver of the required improvements shall be made only by the Governing Body on a showing that such improvements are technically not feasible.