

ARTICLE VII

VARIANCES, APPEALS AND AMENDMENTS

A. VARIANCES

Variations to the general requirements, design standards and other improvements from the terms of these regulations may be granted or imposed by the Planning Commission. All requests for variations shall be submitted in writing to the Lakeland Planning Office at least twenty-five (25) days prior to the meeting date at which the variance is to be reviewed. The Planning Commission may grant variations under the following conditions:

1. The variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Due to the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result if the strict letter of these regulations were carried out.
4. The variance will not in any manner alter the provisions of the Land Use Plan, the Major Road Plan, or any Zoning Ordinance.

Where the Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

B. APPEALS

For matters falling within the scope of the regulating powers granted to the Planning Commission by Section 13-4-302 and 13-4-303, Tennessee Code Annotated, any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision, finding or interpretation of the Planning Commission may seek review by a court of record of such decision, finding or interpretation, in the manner provided by the laws of the State of Tennessee. Decisions, findings and interpretations of the Planning Commission with regard to the standards and extent of improvements required for subdivision approval shall in all cases be final administrative decisions. Other appeals shall be as follows:

1. Legislative Body

Matters submitted to the Planning Commission pertaining to the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, public place or public property may upon disapproval by the Planning Commission be overruled by the Board of Commissioners by a majority vote of its membership.

2. Board of Appeals

Matters pertaining to the interpretation of the Zoning Ordinance by the Lakeland Building Official may be appealed to the Board of Appeals in accordance with the provisions of the Zoning Ordinance.

C. AMENDMENT

The procedures, policies, design standards, requirements and restrictions set forth in these regulations may from time to time be amended, supplemented, changed, or rescinded by the Planning Commission. Before adoption of any amendment the Planning Commission in accordance with Section 13-4-303, Tennessee Code Annotated, shall hold a public hearing. At least 25 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Lakeland or Shelby County.