

**ARTICLE 9 | 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 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. All requests for variances will be submitted in writing to the Fayetteville City Hall 10 days prior to the meeting date at which the variance is to be reviewed. The Planning Commission may grant variances provided the following conditions are complied with.

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. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance will not in any manner alter the provisions of the Land Development Plan, the major road plan, or any zoning ordinance.

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 will in all cases be final administrative decisions. Other appeals will 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, place or property may upon disapproval by the Planning Commission be overruled by the Mayor and Board of Alderman by a majority vote of its membership.
2. Board of Zoning Appeals Matters pertaining to the building official's interpretation of the zoning ordinances may be appealed to the Board of Zoning 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 be amended, supplemented, changed, or rescinded by the Planning Commission. Before adoption of an amendment a public hearing thereon will be held by the Planning Commission in accordance with Section 13-4-303, Tennessee Code Annotated. The time and place of the public hearing will be published in a newspaper of general circulation in the City of Fayetteville at least 15 days prior to the meeting at which it is to be held.