

WHO HAS LEGAL STANDING?

Use this guide for a basic understanding of what ‘Legal Standing’ means when determining if a person can participate in a public hearing. This guide focuses on the review of Special Use Permits and Variance Applications.

Disclaimer: This document is not intended to provide legal advice. For help determining whether or not you have standing to participate in a specific public hearing, please speak to an attorney.

WHAT IS A PUBLIC HEARING?	WHAT IS LEGAL STANDING?
<p>A public hearing is a meeting where a Board is making a decision about an application. <u>The purpose is to determine whether or not the ordinance standards have been met.</u> The Board is not allowed to consider how the community feels about the project, or whether they have general concerns about it.</p>	<p>Standing is when a person or organization is found to have probable damages from a development. Damages must be unique to the property and not something suffered by the wider community. <i>Example: Traffic impacts everyone, therefore it can not be used as evidence for claiming legal standing.</i></p>
WHAT DO YOU DO WITH STANDING?	WHAT IS EVIDENCE?
<ul style="list-style-type: none"> • Submit evidence showing how you will be uniquely damaged by the development • Ask witnesses questions about the plan • Bring experts to speak about the evidence 	<p>The Board can only consider fact-based, verifiable evidence when making a decision. The Board cannot consider personal opinion or preferences, subjective observations, hearsay, assumptions about how things might be, and so on.</p>

DO I HAVE STANDING?

