

# BOARD OF ADJUSTMENT MEETING OVERVIEW



## WHAT DOES THE BOARD DO?

Reviews **Variance** and **Special Use Permits**, and hears appeals to development regulations during a public hearing.



## WHO ARE THE MEMBERS?

Private citizens who are directly appointed by the Board of Commissioners. Members receive no compensation for their service.



## HOW ARE DECISIONS MADE?

Hearings are **quasi-judicial**. They are similar to court decisions in the following ways:

- The Board must decide how the current law applies to a particular situation or application
- They may obtain evidence and review ordinance standards to make legal determinations
- They must follow established rules to protect the constitutional due process rights of the parties

Variance and SUP applications require different types of review (*see comparison below*):

### VARIANCE REQUEST

#### WHAT IS IT?

*The ordinance allows property owners to be granted a variance from zoning rules if those rules create an “unnecessary hardship” based on site conditions.*

- Applicants must demonstrate that an **unnecessary hardship** would result from the strict application of the ordinance, and
- that **the hardship results from conditions peculiar to the property**, such as location, size, or topography.
- Hardships from personal circumstance, or from conditions common to the neighborhood, cannot be used as the basis for a variance.

### SPECIAL USE PERMIT

#### WHAT IS IT?

*An application for a use that is allowed by the ordinance, with Board review of special requirements to ensure compliance with standards and intent.*

The Board evaluates how the application:

- meets development standards like setbacks, roads, parking, stormwater, etc, and
- demonstrates that the development will not affect the health or safety of persons in the area, or surrounding properties due to noise, vibration, odor, or glare; and will not be detrimental to the public welfare or injurious to property or public improvements.

## WHAT EVIDENCE CAN BE CONSIDERED?

The Board may consider **sworn testimony and evidence presented during the hearing**.

*Examples of evidence includes photos, studies, and other items which demonstrate how the development does or does not meet an ordinance standard, or that it will impact an issue of health or safety.*

Citizens are advised to **bring data or experts** in the relevant field to provide fact-based evidence to support any information that they want considered.

The Board **may not consider** personal opinion, subjective observations, or personal preferences.