

# Zoning Regulations: Amendment to BOA Process

24-0002M

# BOARD OF ADJUSTMENT

- **Appeals of Administrative Decisions**
- **Reinstate a Legal Nonconforming Use**
- **Subpoena Witnesses**
- **Appeals Based on Errors**
- **Amortization of Nonconforming Land Uses**

- **Special Exceptions**
  - Related to public utility, public service, railroad buildings or structures
  - Related to use/height/area regulations when a boundary line divides a lot in a single ownership
  - Related to reconstruction of a legal nonconforming use, under certain conditions
  - Related to certain hardships for fences
- **Variances**
  - Related to dimensional standards that create an unnecessary hardship

# Proposed Amendment

Modify the authority of the BOA to consider variances requests beyond just dimensional requirements of the Code.

A Variance may be approved by the Board of Adjustment to provide relief from the strict application of the zoning provisions of this Code where literal enforcement of the ~~dimensional~~ requirements of this Code will result in unnecessary hardship and where the Variance is necessary to develop a parcel of land that cannot otherwise be developed due to unique conditions on the property.

# Proposed Amendment

Modify the authority of the BOA to consider variances requests beyond just dimensional requirements of the Code.

**a. Applicability**

The Variance procedure may be used to:

- I. Permit a Variance to ~~setback~~ requirements of any district where there are unusual and practical difficulties or unnecessary hardships due to an irregular shape of the lot or topographical or other conditions; and
- II. Authorize Variances from the strict application of this Code that are in harmony with its general purpose and intent, provided such Variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty, while at the same time, the surrounding properties will be properly protected.

