

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.

