

SLIDE 1 – Appeals and Exceptions (Cover Page)

SLIDE 2

Zoning Administration

The zoning board conducts hearings of specific cases and renders official decisions regarding the land use based on evidence presented.

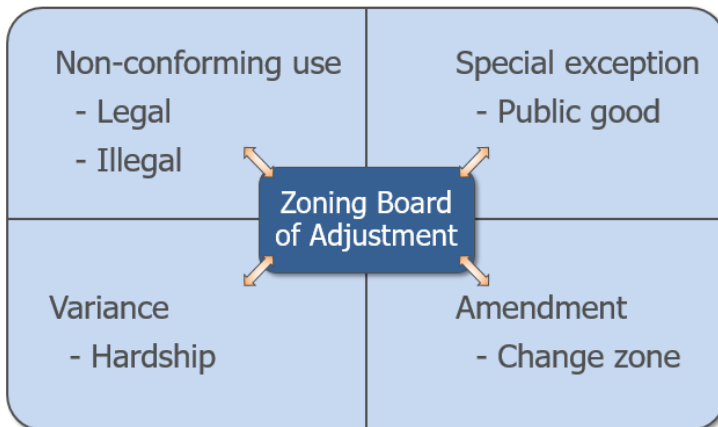
A zoning board generally deals with such issues and appeals as:

- nonconforming use
- variance
- special exception or conditional use permit
- zoning amendment

If the board rejects an appeal, the party may appeal the ruling further in a court of law.

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Zoning Appeals



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Nonconforming Use

A nonconforming use is one *that clearly differs from current zoning*. Usually, nonconforming uses result when a zoning change leaves existing properties in violation of the new ordinance.

This type of nonconforming use is a legal nonconforming use. A board usually treats this kind of situation by allowing it to continue either:

- indefinitely
- until the structures are torn down
- only while the same use continues, or
- until the property is sold

For instance, a motel is situated in a residential area that no longer allows commercial activity. The zoning board rules that the motel may continue to operate until it is sold, destroyed or used for any other commercial purpose.

An illegal nonconforming use is one that conflicts with ordinances that were in place before the use commenced. For instance, if the motel in the previous example is sold, and the new owner continues to operate the property as a motel, the motel is now an illegal, nonconforming use.

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Variance

A zoning variance allows a use that differs from the applicable ordinance for a variety of *justifiable* reasons, including that:

- compliance will cause unreasonable hardship
- the use will not change the essential character of the area
- the use does not conflict with the general intent of the ordinance

For example, an owner mistakenly violates a setback requirement by two feet. His house is already constructed, and complying with the full setback now would be extremely expensive, if not impossible.

The zoning board grants a variance on the grounds that compliance would cause an unreasonable hardship.

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Special Exception

A special exception grant authorizes a use that is not consistent with the zoning ordinance in a literal sense, yet is clearly *beneficial or essential to the public welfare* and does not materially impair other uses in the zone.

A possible example is an old house in a residential zone adjacent to a retail zone. The zoning board might grant a special exception to a local group that proposes to renovate the house and convert it to a local museum, which is a retail use, since the community stands to benefit from the museum.

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Amendment

A current or potential property owner may petition the zoning board for an outright change in the zoning of a particular property.

For example, a property zoned for agricultural use has been idle for years. A major employer desires to develop the property for a local distribution facility, which would create numerous jobs, and petitions for an amendment. *(Facility fades in 2 seconds after this bullet)*

The board changes the zoning from agricultural to light industrial to permit the development. Since a change in zoning can have significant economic and social impact, an appeal for an amendment is a difficult process that often involves public hearings.

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Planned Unit Development (PUD)

Planned unit development zoning restricts use to development of whole tracts that are designed to use space efficiently and maximize open space.

A PUD zone may be for residential, commercial, or industrial uses, or combinations thereof.

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Environmental Controls

In recent years, federal and state legislatures have enacted laws to conserve and protect the environment against the hazards of growth and development, particularly in terms of air, water, and soil quality.

Regional, county, and local planners must integrate environmental laws into their respective land use plans and regulations. Private property owners are responsible for complying with these laws.

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Environmental Impact Statement

National Environmental Policy Act (1969). This act created the Environmental Protection Agency (EPA) and the Council for Environmental Quality, giving them a mandate to establish environmental standards for land use planning.

The act also required environmental impact surveys on large development projects.