

ZONING BOARD OF APPEALS WORKSHOP - NOVEMBER 8, 2017 @ 7:30 PM

All members present. Alt., Nate Brown, excused for absence.

Attorney Jim Scales presented a handout of Functions & Responsibilities of the Zoning Board of Appeals, dated November, 2017. With the New Year 2018 coming up, a new election will be held for the Chairman, Vice-Chairman and Secretary.

A vote of three members is required for a dimensional variance, appeal, interpretation, or other action. A vote of four members is required to approve a use variance.

Members should vote unless there is a definite Conflict of Interest. It is your duty to vote.

Discussion is to be held only at the meeting. Be aware of the Open Meetings Act.

Extraordinary is what the ZBA does. This is the last resort. Most are granted, or try to get a different plan where they do not need a variance, or a lesser of a variance. Sometimes you do have to turn them down.

Burden of proof is on the applicant. Just not liking the ordinance, is not a reason for a variance. Public comments can be a consideration, but mostly up to the five standards of review. Review if it physically impossible to comply with the Zoning Ord. or cost a lot of extra money, or have to cut down some really nice trees as unnecessary and practical. Hear public comments. Treat the variance the same as if they came in before for the request if the work is already done. If they purchased the property, that is not creating the hardship. But if they divided up the property, that might be a created hardship. Most are non-conforming lots that were created before there was zoning. You have to allow a reasonable use of the property and knowing that they will have limitations.

Make sure what you are approving, what it is for and exactly where it will be. Approve them based on the drawings. Drainage eves take out. Very helpful to have details & design done. Where side yards are very tight, a foundation survey could be done prior to issuing a building permit, which could be a condition. A staking survey could be required, but not required for all.

Interested parties could appeal to the Circuit Court. Should have Findings of Fact for each file as part of motion & explain why each decision was made. Court systems is a battle of the records.

Respectfully submitted,
Colleen Brown,
Recording Secretary & Zoning Administrator