

Board of Adjustment Overview



WHAT DOES THE BOARD DO?

Reviews variance requests to development regulations and hears appeals to Planning Staff interpretations.

WHO ARE THE MEMBERS?

Private citizens who are directly appointed by the Mayor of Arnold. Board members are volunteers.

HOW ARE DECISIONS MADE?

Public hearings held by the Board are quasi-judicial. They are similar to court in the following ways:

- The Board must decide how current codes apply 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 all parties

Variations are the most common type of request that is reviewed by the Board of Adjustment.

WHAT IS A VARIANCE REQUEST?

The Code of Ordinances allows property owners to be granted a variance from zoning regulations if those regulations create a “particular hardship” based on site conditions. Variations, once approved, are granted in perpetuity. It is important that the Board of Adjustment not grant a variance lightly, and make findings where all of the following criteria are satisfied.

Applicants must demonstrate that:

- a. The variance would not be detrimental to public safety/health/welfare or injurious to other property in the neighborhood; and
- b. Physical or geographical conditions of the site are unique and not applicable to other property; and
- c. A particular hardship, distinguished from mere inconvenience, would result if the code regulations are carried out; and
- d. An inability to rectify the hardship by a method other than a variance; and
- e. The variance requested is the minimum necessary; and
- f. The hardship was not created by a person having interest in the property at any time; and
- g. The variance does not substantially impair the intent, purpose, and integrity of Arnold’s Comprehensive Plan.

Hardships from personal circumstance, financial matters, or conditions common to the neighborhood or City as a whole cannot be used as the basis for a variance.

WHAT EVIDENCE IS REVIEWED?

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

Examples include photos, studies, and other items which demonstrate how the development does or does not meet 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** evidence gathered outside of the hearing, personal opinion, subjective observations, or personal preferences.

