



CITY OF FARMINGTON

Board of Zoning Appeals

Structure. The Board of Zoning Appeals (BZA) is an appointed 5-member body regulated by State statute and City ordinance.

Powers. The basic function of the BZA is to handle any appeals dealing with any City decision, ruling, or orders that deal with the City Zoning Ordinance. The Board of Zoning Appeals has a broad range of powers, as outlined in *Section 18.04 Powers*:

- A. **Appeals.** The BZA hears and rules on any contested order, requirement, decision or determination made by the building official or any administrative official or body involving the City of Farmington Zoning Ordinance.
- B. **Map Interpretations.** The BZA will hear and rule on any alleged uncertainty, contradiction, or conflict as to the intended exact physical location of a Zoning District Boundary according to a pre-determined set of standards (see *Section 18.04.B.*).
- C. **Text Interpretations.** The BZA has the power to interpret the regulations established in the City of Farmington Zoning Ordinance.
- D. **Non-Conforming Situations.** The BZA has the power to rule upon proposed changes to non-conforming uses according to *ARTICLE 17 NON-CONFORMING USES, LOTS, BUILDINGS, STRUCTURES AND SITES*.
- E. **Height Modifications.** The BZA has the power to decide upon modification of structure height according to proposed design, setbacks, and potential impact on the character of the project area.
- F. **Variance.** The BZA has the power to authorize a variance from the strict application of the current Zoning District Designation guidelines for the current Zoning Use, or a variance in the use if a hardship can be proven in each case.

Board Process. The Board of Zoning Appeals is classified as a quasi-judicial body and is required by law to follow previously accepted procedures and fairly evaluate the relevant facts in each specific appeals case. When reviewing a zoning variance, the BZA must legally demonstrate either a practical difficulty (for property variances), or a hardship (for use variances) in order to approve the variance request.

Meetings. The City of Farmington Board of Zoning Appeals meets on the first Wednesday of each month at 7:00 p.m. Applications must be submitted at least 23 days prior to the regularly scheduled Board of Zoning Appeals meeting in accordance with the following schedule: Note that if site plans or other associated documents are part of the application, 10 copies must be provided.

Application Submittal Date	Zoning Board of Appeals Meeting Date
December 14, 2009	January 6, 2010
January 11, 2010	February 3, 2010
February 8, 2010	March 3, 2010
March 15, 2010	April 7, 2010
April 12, 2010	May 5, 2010
May 10, 2010	June 2, 2010
June 14, 2010	July 7, 2010
July 12, 2010	August 4, 2010
August 9, 2010	September 1, 2010
September 13, 2010	October 6, 2010
October 11, 2010	November 3, 2010
November 8, 2010	December 1, 2010

Meeting Process. At a BZA meeting, each case will be called by the Chair and introduced by the petitioner, at which time the Board members can question the petitioner and the City of Farmington staff in an attempt to determine the appropriate ruling. At the time of the meeting, the BZA has already had the opportunity to review all of the petitioner's plans, photos, and other documentation turned in with the BZA application. During this section of the meeting, any members of the public who wish to offer a concise comment on the case will be called on by the Chair and are to address the Board, not the petitioner.

Once all of the materials and testimony described above have been collected and heard, the BZA then considers the matter and makes a ruling. Decisions of the BZA are final unless the circumstances change meaning the next avenue to pursue would be an appeal through the court system.