



# Georgia Planning Officials Newsletter

July 2006

## Citizen Boards are Partners in the Planning Process

Zoning is the cornerstone of land development controls in many of Georgia's communities. A zoning ordinance is based on the premise that land is divided into districts which describe the permissible uses within each district. The zoning ordinance also sets forth the standards that apply to development within each district.

However, land itself is not uniform. Individual parcels may have unique physical characteristics that make it difficult, or even impossible, to develop the parcel in full compliance with all of the standards required in the zoning ordinance. The physical characteristics may result in the inability of the owner to make reasonable use of the parcel without relief from the standards. This relief is called a variance.

In some communities the Zoning Board of Appeals (ZBA) is the group appointed to provide the discretion and flexibility to approve a departure from the standards to avoid the hardship. The ZBA is just one group in a partnership in the planning process. In your community, the ZBA may be called a Board of Adjustment or other similar name or the consideration of variances may be assigned to the Planning Commission or Planning Board. Nevertheless, this board is appointed to hear applications for variances from the provisions of the zoning ordinance. Proposed development must be considered for its consistency with the community's comprehensive or master plan as well as compliance with the zoning ordinance and other development regulations. This development process partnership includes the elected body, the planning commission (if two citizen boards are established), the ZBA, the local government staff, and citizens. How does the ZBA fit into this partnership and how should the ZBA relate to its partners? In this newsletter, we will look at the relationship with the elected body. Future newsletters will discuss relationships with other partners.

### *The Elected Body*

Every local government has a "legislature", the group elected by the citizens of the community to, among other things, set policy and adopt ordinances for the growth and development process. This is the body that, in most cases, adopts a zoning ordinance, subdivision regulations, and other land development regulations to implement the local government comprehensive plan. The elected body also appoints the ZBA and adopts the ordinances that establish standards and procedures for variances, special or conditional uses, and appeals that are heard by the ZBA.

There is an important feedback loop from the ZBA to the elected body. With regard to variances, it often happens that the same type of variance – say a request to reduce the required rear yard setback – is heard numerous times by the ZBA. Often the ZBA is inclined to approve the request, even if the strict test of hardship is not met. Granting the same type of variance is a clear indication that the elected body should consider an amendment to the standards in the zoning ordinance that are repeatedly varied.

However, the ZBA and the elected body should communicate on other topics on a regular basis. For example, unpopular decisions of the ZBA will come – often forcefully – to the attention of the elected body. It is a good idea for the ZBA and the elected body to periodically discuss hot topics (or potentially hot topics) as well as the routine work of the ZBA.

One way to strengthen this partnership is to hold an annual retreat or workshop where the elected body and the ZBA can discuss expectations and ensure that both groups have a shared understanding of responsibilities. This gathering provides an opportunity for the ZBA to make recommendations about potential changes to the zoning ordinance based on the cases that come before the ZBA throughout the year. It is also a time that the elected body can share its expectations about growth and development and the way that ZBA responsibilities fit into the overall picture. If your community does not hold regular events where these discussions can take place, consider adding an annual event to your calendar. It will strengthen the partnership and improve the management of growth in your community.

## GPA Announcements:

### Planning Official Track at Annual Fall Conference

This year for the first time, GPA will include a special track for planning and elected officials at the annual fall conference, October 11-13 at Sea Palms on St. Simons Island.

The one day track will feature sessions tailored specifically to the job of planning officials. Planning and elected officials will be offered the opportunity to attend the one day track at a discounted rate.

Please contact [kbrownlow@atlantaregional.com](mailto:kbrownlow@atlantaregional.com) or call 404-463-3212 for more information or to pre-register for the conference at a discounted rate.

### Update to the Georgia Planning Officials Newsletter

We are pleased to announce that the Georgia Planning Officials Newsletter will now be issued **once a month**, rather than the previous subscription of bimonthly editions.

We hope that this allows us to bring you more information on such subjects as: Best Practices, Professional Development and Training Opportunities, Resources, as well as excerpts from national publications such as *Planning Magazine* and *Planning Commissioners Journal*. As always we welcome anything you would like to contribute to your peer Planning Officials.

**We want to hear from you! Please send us your thoughts, experiences and advice on being a Planning Official. E-mail or fax your submissions to Robbie Hayes at [rhayes@atlantaregional.com](mailto:rhayes@atlantaregional.com) or 404.463.3105**