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*Excerpted from the American Planning Association Michigan Chapter's **NEW Zoning Board of Appeals Toolkit**. To purchase a copy of the Toolkit, contact the Association at (734)913-2000.*

The Political Context of ZBA Decisions

The Zoning Board of Appeals (ZBA) occupies a very unique niche in local government. Specifically, Zoning Boards of Appeals are empowered to allow people to “break the law” by granting variances. This is a tremendous power that is not prevalent elsewhere within local government. Along with that power comes the *responsibility* and the *expectation* that the authority will be used wisely, sparingly, and appropriately within the context of the community’s planning and zoning framework. Decisions of the Zoning Board of Appeals must grant appropriate relief while maintaining the integrity of the community’s plans and policies.

Quite often, decisions made by the ZBA will provide the relief sought by the applicant. An equally important determination for the ZBA is to ensure that while providing that relief, other parties are not harmed. It is during this analysis that ZBAs often generate controversy and conflict. It is important that the impacts of a ZBA decision on adjacent property owners, roadways, and the community as a whole are considered and weighed against the specific relief sought by the applicant. When that balance is not achieved, conflict and political fallout may result.

The zoning ordinance provides the “rules” on how property can be used. These rules provide a level of security to property owners, renters, residents, and businesses. When the rules are consistently applied and enforced, all parties can know what to expect. When the ZBA is asked to change those rules as applied to a given site, this consistency is jeopardized. Therefore, it is vital that ZBA members understand that their role is a unique and influential role in the regulation of land uses. Their decisions can and will affect people and property, and as such, may generate political controversy. ZBA decisions can make or break a community’s planning and zoning efforts. It is imperative that decisions of the ZBA are consistent, are based on the

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zoning ordinance standards and criteria, and balance the interests of the applicant with the interests of adjoining property owners and the community at large.