

APPEALS AND INTERPRETATIONS

Introductory remarks:

This hearing is similar to, but not the same as, a variance hearing. Like a variance hearing, you are the finders of fact.

Your duty is to review the record, hear testimony, consider documents and, in the end, hear arguments from the parties and/or their attorneys. You are to make one of the following decisions: **Affirm** (in whole or part) the permit;
 Reverse (in whole or part) the permit; or
 Modify the permit.

You have all the powers of the zoning official who made the decision to issue the permit.

Each decision requires a 3/5ths vote NOT a 4/5ths vote like a variance. A simple majority carries the day.

As in a variance, it is very important that your decision be complete, with a full account of the reasons (the facts) on which your decision is based.

(interpretation info on back)

Your consideration of the appeal might necessarily mean that you need to interpret what certain language means in the ordinance. If so, I give you this guidance:

1. Examine the ordinance text itself. If clear and unambiguous, apply the text as written.

2. If the ordinance provides definitions, consider the definition thoroughly.
3. If the ordinance provides other interpretive guidance, use it.
4. Contrast other provisions to provide meaning to the term or section at issue.
5. Apply a logical meaning to words.
6. Use the dictionary, if necessary.
7. Determine and give effect to the intent of the Board of Commissioners.