Preface

Your Revised Volume 8A of McQuillin the Law of Municipal Corporations continues the discussion of the latest legal case law and analysis as relates to analysis of the basis of zoning power. Topics covered in this volume include nonconforming uses, zoning planning boards and commissions, zoning actions as legislative functions or administrative functions, and judicial proceedings for relief from zoning actions.

This first part of this volume covers the subjects of nonconforming uses. Local zoning boards across the country are always making decisions related to all kinds of nonconforming uses. Much of the examination centers upon the elements, requisites, and proofs when arguing for and against nonconforming uses. While there is a policy to minimize nonconforming uses, they are allowed when unique hardship is shown, in its many forms, such as substantial expenditures made. What constitutes a vested right in continue a use that is nonconforming is debated.

This volume also contains an in-depth discussion of zoning and planning commissions in all their forms. Bias, as required to show grounds for disqualification of a zoning board member, can refer to preconceptions about facts, policy or law; a person, group or object; or a personal interest in the outcome of some determination. Exposure to rumors is not, in and of itself, cause to believe that members have been biased, as required for disqualification of a member. Mere exposure to evidence presented in non-adversary investigative procedures is insufficient by itself to impugn the fairness. In order for an appellant to have standing to appeal a zoning board decision, the appellant must demonstrate that they are an “aggrieved person”. Rebuttable presumptions of standing granted to abutters to challenge a decision of the zoning board of appeals does not displace the general rule that a plaintiff has the burden to prove aggrievement.
This and much more can be found in Revised Volume 8A. In addition, your newly revised McQuillen Volume 8A has been filled throughout with cross-references to the WestKey numbers, pertinent law review articles, ALR annotations and Am Jur References.

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