

## **A Quick MTNA Guide for Zoning Issues**

### **What should I do to avoid a problem?**

- ◆ Be responsible. Know the law and how strictly it is enforced. Ignorance isn't an excuse! Zoning ordinances differ from city to city and township to township. There are ordinances that make allowances for certain home-based businesses, there are some that are ignored and there are some that stipulate that zoning officials can make unannounced visits. To find out about the zoning ordinance in your particular area, contact your city office and ask for the zoning department.
- ◆ Make friends with your neighbors. Inform them about your business. Assure them that you have written studio policies that ensure noise, parking and traffic issues are at the forefront of your mind and the minds of your students/parents.
- ◆ Give students and parents precise directions regarding parking and noise control.
- ◆ Get acquainted and associate with other home-based business owners. There is power in numbers and sometimes other professionals, not in the music business, can provide input and assistance with zoning issues. Join the local chamber of commerce to find out about other home-based businesses. Some professionals who might have home-based businesses would include graphic designers, copywriters, psychologists and daycare providers.

### **Why are complaints filed?**

- ◆ Personal vendetta (maybe a neighbor wasn't invited to a neighborhood party, maybe the dog got into the neighbor's garden and the like)
- ◆ Noise, including the sound of instruments and traffic sounds
- ◆ Safety for neighborhood children by introducing more traffic and more strangers
- ◆ Parking issues

### **What should I do if I am served with a complaint notice?**

- ◆ Meet, if possible, with the person(s) who filed the complaint. Try to resolve the issue on your own, even if you need an objective mediator (a supportive neighbor, friend or student's parent). Listen to the concerns and respond.
- ◆ Learn the law. Are variances granted? A variance is an "exception" to the zoning rule. If you apply for a variance, be as specific as you can about exactly what you need.
- ◆ If you are found in violation, you have the right to begin an appeal process. Appeal processes differ, although most are informal processes in front of the zoning board rather than formal "court" proceedings. At the appeal hearing, you are given the opportunity to plead your case.
- ◆ Solicit letters of support from non-disgruntled neighbors.
- ◆ Solicit letters of support from parents/students.

- ◆ Contact other home-based business owners in your area for support and guidance.
- ◆ Contact your Local Music Teachers Association for support and guidance.
- ◆ Request a “Letter of Support” from MTNA Headquarters.
- ◆ Know the benefits of a home-based business:
  - ✓ Provides neighborhood with “safe-house” (a place that neighborhood children would know someone was home and a safe place to go if needed) for other neighbors
  - ✓ Provides community with income (home-based business owners shop close to home)
  - ✓ Eliminates traffic and pollution (home-based business owners work at home)
  - ✓ Neighborhood isn’t deserted

**What kind of attorney would be best to hire?**

- ◆ One who is a “land-use” attorney.

**What is MTNA able to do?**

- ◆ Provide this *Quick Guide*
- ◆ Provide a letter of support from national headquarters

**What should I do if I have to close my home-based studio?**

- ◆ Have a back-up plan.
- ◆ Investigate other teaching options:
  - ✓ Church
  - ✓ School
  - ✓ Going to students’ homes
  - ✓ Operating in a co-op teaching scenario with other teachers

**What can I do to help others?**

- ◆ Become an advocate. Through your local and state music teachers groups and through your own personal contacts, urge your colleagues to become informed about their regulations, covenants and/or laws.
- ◆ Help other teachers who might find themselves in violation.
- ◆ Continue to educate neighbors
- ◆ Learn how laws and ordinances are changed in your local area and/or state.

**For more information, contact:**

Music Teachers National Association, (888) 512-5278 or [mtnanet@mtna.org](mailto:mtnanet@mtna.org)