

CITY OF DAPHNE COMMUNITY DEVELOPMENT DEPARTMENT
SCHEDULE OF SUBMITTAL DEADLINES
(Regular Meeting held on the 1st Thursday of each month)

ARTICLE XXIV
THE SCHEDULE OF FEES

34-1 SCHEDULE OF FEES. The schedule of fees assessed by the City of Daphne with regard to the administration of the Land use and Development Ordinance for the Board of Zoning Adjustment:

BOARD OF ZONING ADJUSTMENT

DESCRIPTION	FEE
Administrative Review	\$150.00
Special Exception	\$150.00
Variance	\$150.00
Advertisement fee	\$ 4.75 per letter

AN APPLICATION SHALL BY SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT BY THE 1ST DAY OF THE MONTH FOR PRESENTATION AT THE MEETING HELD ON THE FIRST THURSDAY OF THE FOLLOWING MONTH, PER (ARTICLE XXI OF THE DAPHNE LAND USE & DEVELOPMENT ORDINANCE).

...SUPPLEMENTAL SUBMITTAL INFORMATION...

Applications to be considered by the City of Daphne Community Development Department shall be accompanied by the appropriate documents as outlined on the supplemental list(s) below:

1. Survey of the subject property
2. Application
3. Adjacent property owner's list
4. Check
5. Recorded warranty deed of the subject property
6. Letter of authorization (authorization of the agent/representative to act on the owner's behalf)

NOTICE OF APPEAL
FOR
VARIANCE

BOARD OF ZONING ADJUSTMENT

Mailing Address

Board of Zoning Adjustment
P.O. Box 400
Daphne, Alabama 36526
Phone: (251) 621-3184

Location

City of Daphne
Community Development Dept.
Planning/Zoning
1705 Main Street

General Information:

The applicant and the agent (if an agent is authorized) must be present at the hearing.

Filing Instructions:

The application must be completely filled out and accompanied by all documents to be utilized supporting the applicants position.

Applications shall be submitted between 8:00 a.m. and 12:00 noon to the Community Development Department by the 1st day of the month for presentation at the meeting held on the first Thursday of the following month.

A copy of the application must be filed with the Secretary of the Board of Zoning Adjustment, City of Daphne Community Development Department, 1705 Main Street, Daphne, Alabama 36526.

BOARD OF ZONING ADJUSTMENT REQUEST FOR VARIANCE

Notice to Applicants

A **Variance** is a zoning adjustment which permits minor changes of district requirements where individuals properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use Variances are specifically prohibited. "**Variance**" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

A **Variance** recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the City of Daphne's Land Use and Development Ordinance. Where some general hardship conditions extend to other properties, a **Variance** cannot be granted. The remedy for general hardship is a change of the map or the text of the City of Daphne's Land Use and Development Ordinance.

You must prove that the combination of the City of Daphne's Land Use and Development Ordinance and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions **CANNOT** be considered pertinent to the application for a Variance:

- (1) Proof that a Variance would increase the financial return from the land
- (2) Personal hardship
- (3) Self-imposed hardship

In the last case, the recognition of conditions created after the enactment of the City of Daphne's Land Use and Development Ordinance would not encourage and condone violation of the law.

No **Variance** may be granted which would adversely affect surrounding property or the general neighborhood. All **Variances** must be in harmony with the intent and purposes of the City of Daphne's Land Use and Development Ordinance.

DATA ON APPLICANT AND OWNER

Name of Applicant(s) _____

Address of Applicant (s) _____

(Street Address)

(City) (State) (Zip Code) (Phone Number)

Property Interest of Applicant(s) _____

(Owner, Contract Purchaser, Etc.)

Name of Owner(s) _____

A VARIANCE is requested in conformity with the powers vested in the Board to permit the

(Insert use or construction prepared)

on the property described below, and in conformity with the plans on permit applicant number _____.
Dated _____.

DESCRIPTION, USE AND ZONING OF PROPERTY

Location _____

(Street and number)

Lot Size _____ FT. x _____ FT. = _____ SQ. FT.

Present Use _____

(Vacant, Residence, Grocery, Factory, etc.)

Zoning Category _____

(Land Use Ordinance Section)

Building Permit applied for and denied _____ YES _____ NO

Permit Application # _____

An appeal was/was not made with respect to these premises, Appeal Application # _____

Appeal Denied _____

Appeal Application Accompanies This Request for Variation _____

REASONS FOR REQUEST FOR VARIANCE

Note: The following questions must be answered completely. If additional space is needed, attach extra pages to application. Before answering, read the Notice to Applicant on the front side.

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

Too narrow _____	Elevation _____	Soil _____
Too small _____	Slope _____	Subsurface _____
Too shallow _____	Shape _____	Other _____
	(specify)	

2. Describe the items checked, giving dimensions where appropriate.

3. How does the above site conditions prevent any reasonable use of your land under the terms of the City of Daphne's Land Use and Development Ordinance?

4. To the best of your knowledge, can you affirm that the hardship was not created by an action of anyone having property interest in the land after the enactment of the Land Use and Development Ordinance or an applicable part thereof? ____ Yes ____ No. If "no", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are NOT entitled to variations).

5. Are the conditions on your property the result of other man-made changes (such as the relocation of road or highway)? _____

If so, describe: _____

6. Which of the following types of modifications will allow you a reasonable use of your land?

Change in set-back requirements _____

Change in side-yard restriction _____

Change in area requirement _____

Change in lot coverage requirement _____

Change in off-street parking requirement _____

Other (describe) _____

7. State the requested Variance, giving distances and directions where appropriate.

8. Are the conditions of hardship for which you request a Variance true only of your property? _____. If not, how many other properties are similarly affected?

9. Will granting the variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Land Use and Development Ordinance? _____

Elaborate: _____

(I/we) hereby certify that all the above statements and the statements contained in any papers or plans submitted are true to the best of (my/our) knowledge and belief.

Signature of Applicant

Date

Signature of Applicant

Date

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT**

PERMISSION :

I hereby give permission for Daphne Planning Department Personnel to go on my property for the purpose of making photographs.

By: _____

Address: _____