

## SPECIAL EXCEPTION FAQs

### FEES

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Excerpt from Article 34-1, Schedule of Fees: **Special Exception Application nonrefundable \$335.00 plus U.S. Postal Service Certified Mailing Fee.** Make checks or money orders payable to the City of Daphne. Please verify adjacent property owners list with the Baldwin County Tax Assessors Office prior to submittal. Note: any property separated by a public or private right of way is considered to be adjacent and must be notified.

### SUBMISSIONS

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Pursuant to Article XXI, Board of Zoning Adjustment, of the Land Use & Development Ordinance, all applications shall be submitted to the Department of Community Development no later than 4:00 p.m. in accordance with the BOARD OF ZONING ADJUSTMENT MEETING SCHEDULE & APPLICATION DEADLINES CALENDAR.

#### Mailing Address

**Board of Zoning Adjustment**  
P.O. Box 400  
Daphne, Alabama 36526  
Phone: 251.621.3184

#### Location

**City of Daphne**  
**Community Development Department**  
1705 Main Street  
Daphne, AL 36526

Adrienne D. Jones, Director/Zoning Administrator  
*Attn: Pat Johnson, Recording Secretary*

### SUPPLEMENTAL INFORMATION

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Applications to be considered by the Board of Zoning Adjustment shall be accompanied by the following items:

- Check for prescribed fees
- Recorded warranty deed of the subject property
- Survey of subject property (11 x 17 and 8 ½ x 11)
- Plot plan or site plan (11 x 17 and 8 ½ x 11)
- Letter of authorization (*authorization of the agent/representative to act on the owner's behalf*)
- Information and acknowledgement page
- List of adjacent property owners as verified by the tax assessor's office
- If applicable, acknowledgement of review by the home or property owners association or architectural review board. The applicant must secure the approval of the appropriate persons or entities, whose duty it is to regulate restrictive covenants on this property. Such approval must be attached to the application.

### MANDATORY REPRESENTATION

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

### FILING INSTRUCTIONS

Applications must be complete and accompanied by all documents to be utilized supporting the petitioner's position. Failure to submit the appropriate documents may result in rejection of the application or a thirty (30) day postponement.

**ACKNOWLEDGEMENT PAGE**

NO APPLICATION CAN BE SUBMITTED NOR WILL IT BE ACCEPTED BY THE CITY OF DAPHNE THAT REQUESTS PERMISSION FOR ANY USE THAT IS <u>PROHIBITED</u> BY THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE.
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A **Special Exception**, sometimes referred to as a "special use," is a refining mechanism available to the Board of Zoning Adjustment.

The Land Use and Development Ordinance provides for the division of the City into zoning districts where there are specific uses which may be permitted if there are compatible with the character of the neighborhood. In addition to these permitted uses, there are other uses which may be necessary or desirable to allow in the zoning district, but because of their actual or potential impact on neighboring uses need to be carefully regulated with respect to their location. Such uses, because of their peculiar needs or the nature of the service offered, may be established in a zoning district in which they may not be reasonably allowed as a permitted use, but are generally specified in the District Requirements under "**Use Permitted by Special Exception**".

Under the provisions of Section 11-52-80, Title 11, Code of Alabama, the Board of Zoning Adjustment is empowered "in appropriate cases and subject to appropriate conditions and safeguards, to make a **Special Exception** to the terms of the Ordinance in harmony with its general purposes and interest and in accordance with general or specific rules therein contained.

Initial: \_\_\_\_\_

No **Special Exception** may be granted which may adversely affect the surrounding properties or the character of the neighborhood. A **Special Exception** must be in harmony with the intent and purpose of the Land Use and Development Ordinance.

Initial: \_\_\_\_\_

**Acknowledgement:** I, the undersigned, am the petitioner for this application. I have read and understand the information stated above or I have sought clarification from the Department of Community Development in this regard.

**Printed Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

Office use only	Date Submitted:	Decision:
<b>Application Number:</b>	Date Presented:	

**APPLICATION**

THE FOLLOWING IS AN APPLICATION FOR A SPECIAL EXCEPTION TO THE DAPHNE LAND USE & DEVELOPMENT ORDINANCE PROVISIONS. PLEASE COMPLETE THE APPLICATION, THE ACKNOWLEDGEMENT PAGE, AND THE ADJACENT PROPERTY OWNERS LIST. NOTE N/A WHERE APPROPRIATE.

**SECTION A**

**OWNER(S):** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DAYTIME PHONE NUMBER:** \_\_\_\_\_

**AUTHORIZED AGENT/PETITIONER:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PROPERTY INTEREST OF APPLICANT(S)** \_\_\_\_\_  
*(OWNER, CONTRACT PURCHASER, ETC.)*

**DAYTIME PHONE NUMBER:** \_\_\_\_\_

**A SPECIAL EXCEPTION IS REQUESTED IN CONFORMITY WITH THE POWERS VESTED IN THE BOARD OF ZONING ADJUSTMENT TO PERMIT THE FOLLOWING: (GIVE THOROUGH DESCRIPTION)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SITE LOCATION:** \_\_\_\_\_  
(STREET AND NUMBER)

**PROPERTY IDENTIFICATION NUMBER:** \_\_\_\_\_ **PPIN#** \_\_\_\_\_

**SUBDIVISION NAME:** \_\_\_\_\_ **LOT NUMBER:** \_\_\_\_\_

**LOT DIMENSIONS:** (\_\_\_\_X\_\_\_\_ FEET)    **LOT AREA:** (\_\_\_\_) SQUARE FEET (\_\_\_\_ACRES).

**CURRENT USE:** \_\_\_\_\_  
(EXAMPLE: VACANT, RESIDENCE, GROCERY, FACTORY, ETC.)

**ZONING DISTRICT:** \_\_\_\_\_ **OVERLAY DISTRICT:** \_\_\_\_\_

DESCRIBE ANY EXISTING VARIANCES OR SPECIAL EXCEPTIONS GRANTED FOR THE SUBJECT  
PROPERTY (PROVIDE APPLICATION DATE AND COPY OF APPROVAL/DENIAL LETTER). \_\_\_\_\_

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**RESTRICTIVE COVENANTS:**

- A COPY OF THE RESTRICTIVE COVENANTS APPLICABLE TO THIS PROPERTY ARE ATTACHED TO THIS APPLICATION? YES/NO
- DOES RESTRICTIVE COVENANT REQUIRE PROPERTY OWNERS ASSOCIATION OR ARCHITECTURAL REVIEW BOARD APPROVAL FOR THIS USE? YES/NO
- HAS SUCH APPROVAL BEEN GRANTED? YES/NO. A VERIFICATION LETTER IS ATTACHED TO THIS APPLICATION? YES/NO

**SITE PLAN:** A SITE PLAN (OR SKETCH DRAWING) SHALL BE ATTACHED TO THIS APPLICATION SHOWING THE LOCATION OF THE PROPERTY; ALL PROPERTY LINES; SETBACKS; LOCATION OF ALL BUILDING (EXISTING OR PROPOSED), AND AREAS TO BE USED FOR PARKING.

**SECTION B**

**PROPOSED USE INFORMATION:**

IN ORDER FOR THE BOARD OF ZONING ADJUSTMENT TO DETERMINE WHETHER THE PROPOSED USE WILL BE IN HARMONY WITH THE LAND USE AND DEVELOPMENT ORDINANCE AND NOT DETRIMENTAL TO ADJOINING LAND USES, IT IS NECESSARY TO DETERMINE THE PRECISE NATURE AND EVALUATE THE POTENTIAL IMPACT OF THE PROPOSED USE. THE FOLLOWING QUESTIONS SHOULD BE ANSWERED AS EXPLICITLY AND PRECISELY AS POSSIBLE. IF A PARTICULAR QUESTION IS NOT APPLICABLE, PLEASE MARK "N/A", AND EXPLAIN WHY IN THE SPACE PROVIDED.

**THE PROPOSED USE IS AS FOLLOWS:**

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- IS THE PROPOSED USE EXPLICITLY IDENTIFIED AS A "USE PERMITTED BY SPECIAL EXCEPTION" IN THE LAND USE AND DEVELOPMENT ORDINANCE, ARTICLE 13, DISTRICT REQUIREMENTS? YES/NO. IF NO, WHY DO YOU BELIEVE THIS USE SHOULD BE CONSIDERED A "USE PERMITTED BY SPECIAL EXCEPTION?"

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**PROPOSED HOURS OF OPERATION:** \_\_\_\_\_ A.M. TO \_\_\_\_\_ P.M.

<b>PROPOSED DAYS OF OPERATION</b>						
<b>SUNDAY</b>	<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>	<b>SATURDAY</b>

**WILL THE USE INVOLVE THE EMPLOYMENT OF INDIVIDUALS? YES/NO.**

- IF YES, THE MINIMUM NUMBER OF EMPLOYEES \_\_\_\_\_ MAXIMUM NUMBER OF EMPLOYEES \_\_\_\_\_

**HAVE PROVISIONS BEEN CONSIDERED FOR OFF-STREET PARKING? YES/NO.**

- NUMBER OF OFF-STREET PARKING PLACES: \_\_\_\_\_ SPACES
- SPACE DEDICATED FOR PARKING \_\_\_\_\_ SQUARE FEET
- CONDITION OF PAVEMENT: PAVED/UNPAVED/COMBINATION
- IF NO, NUMBER OF SQUARE FEET AVAILABLE FOR PARKING: \_\_\_\_\_

**OPERATIONS:**

DESCRIBE ALL OF THE PROCESSES OR OPERATIONS TO BE UNDERTAKEN WITH THIS USE. ANY PROCESSES INVOLVING THE UTILIZATION OF EQUIPMENT OR OPERATIONS WHICH WOULD GENERATE EXCESSIVE NOISE, ODORS, AIR POLLUTION, OR TRAFFIC MUST BE IDENTIFIED. PROPOSALS TO LESSEN THE IMPACT OF ANY DETRIMENTAL CHARACTERISTICS SHOULD BE IDENTIFIED.

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**SECTION C**

(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. I/FURTHER CERTIFY THAT (I/WE) AM AWARE THAT IN GRANTING A SPECIAL EXCEPTION, THE BOARD OF ZONING ADJUSTMENT IS AUTHORIZED TO REQUIRE APPROPRIATE CONDITIONS AND SAFEGUARDS. FAILURE TO COMPLY WITH THESE CONDITIONS WILL RESULT IN THE VOIDING OF THE SPECIAL EXCEPTION. ADDITIONAL REVIEW MAY BE REQUIRED BY THE DAPHNE PLANNING COMMISSION FOR SITE PLAN APPROVAL. ANY VARIANCE FROM THE LAND USE & DEVELOPMENT ORDINANCE MUST BE APPROVED BY THE BOARD OF ZONING ADJUSTMENT IN A SEPARATE APPLICATION.

**OWNER PRINTED NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**APPLICANT PRINTED NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

(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.

\_\_\_\_\_  
*PRINTED NAME AND SIGNATURE OF APPLICANT* *DATE*

\_\_\_\_\_  
*PRINTED NAME SIGNATURE OF AGENT* *DATE*

