



VARIANCE REQUEST FAQs

FEES

Excerpt from Article 34-1, Schedule of Fees: **Variance Request nonrefundable \$335.00 plus cost of U.S.P.S. Certified Mail per adjacent property owner plus associated ad cost.** 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. **Contact Pat Johnson to verify associated fees.**

SUBMISSIONS

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
Fax: 251.621.3185

Location

City of Daphne
Community Development Department
1705 Main Street
Daphne, AL 36526
Adrienne D. Jones, Director

Attn: Pat Johnson, Recording Secretary

SUPPLEMENTAL INFORMATION

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

- Application
- Fee
- Recorded warranty deed of the subject property
- Survey of subject property (11 x 17 and 8 ½ x 11)
- Scaled map which clearly depicts the requested variance (11 x 17 and 8 ½ x 11)
- Letter of authorization (authorization for the agent/representative to act on the owner's behalf)
- Information and acknowledgement page
- Adjacent property owners list

MANDATORY REPRESENTATION

The applicant and the agent (if an agent is authorized) 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 and/or a thirty (30) day postponement.

INFORMATION & ACKNOWLEDGEMENT

NO APPLICATION CAN BE SUBMITTED NOR WILL BE ACCEPTED BY THE CITY OF DAPHNE THAT REQUESTS PERMISSION FOR ANY USE THAT IS PROHIBITED BY THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE.

A **variance** is a modification which permits minor changes of applicable zoning district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law prescribed by the Daphne Land Use and Development Ordinance. The power to vary or grant a variance 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. This does not include the substitution of uses assigned to other districts.

Initial _____

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. The applicant must prove that a site is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Daphne 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 Daphne Land Use and Development Ordinance.

Initial _____

The applicant must prove that the combination of the Daphne Land Use and Development Ordinance and the uncommon conditions of his/her property prevents him/her from making any reasonable use of the site as permitted by the current zoning district. Since zoning regulates land and not people, the following conditions **CANNOT** be considered pertinent to the application for a variance:

- proof that a variance would increase the financial return from the land
- personal hardship
- self-imposed hardship

In the last case, the recognition of conditions created after the enactment of the Daphne Land Use and Development Ordinance does not encourage or condone violation of the law.

Initial _____

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 Daphne 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.

<i>Owner's Printed Name</i>	<i>Signature</i>	<i>Date:</i>
<i>Agent's Printed Name</i>	<i>Signature</i>	<i>Date:</i>



APPLICATION FOR VARIANCE

Department of Community Development
 1705 Main Street or P.O. Box 400
 Daphne, AL 36526
 (251) 621-3184 ~ Fax: (251) 621-3185

Office use only	Date Submitted:	Decision:
Application Number:	Date Presented:	

The following is an application for a variance to the Daphne Land Use & Development Ordinance provisions. Please complete the application, the acknowledgement page, and the adjacent property owner's list.

Owner's Name(s):

Mailing Address:	Daytime Phone and Fax Numbers:
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Authorized Agent/Applicant:

Mailing Address:	Daytime Phone & Fax Number:
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Property Interest of Agent/Applicant(s): *(Owner, Contract Purchaser, Etc.)*

PURPOSE *Use this space to describe the purpose of this application. There is space to provide justification for the request on pages 2 & 3. Items 10-14 of this application must support the purpose stated and justification presented herein.*

LOCATION INFORMATION *Use this space to describe the property.*

Address or general vicinity:

Lot Dimensions: [x] feet	Lot Area () sq. ft. or () acres
Zoning District:	Overlay District:
Existing Variances or Special Exceptions: Describe any <u>existing variances or special exceptions</u> granted for the subject property (provide application date and copy of approval/denial letter).	Current Use: (Ex., vacant, residence, grocery, factory, etc.)
Appeal/Application#	Permitting: Has a building permit been requested for the site? <i>(Circle) Yes/No</i> If No, skip next 2 items.
BZA Determination	Date of building permit issuance:
	Permit Number:

JUSTIFICATION FOR REQUEST

Complete items 1-9 to provide justification for the request. Mark N/A if not applicable.

1. This is a substandard lot of record and this subdivision pre-dates the September 1987 adoption of the Land Use & Development Ordinance. (Circle) Yes/No. If no, skip to #2 below. If yes, complete the following: Name of Subdivision _____ was recorded in Baldwin County Probate Office as Instrument # _____ Lot # _____ (Please attach a copy of the record plat).
2. This is a grandfathered use which was annexed into the corporate limits as a nonconforming use? (Circle) Yes/No. If yes, when was the property annexed into the City of Daphne? _____
3. Check each specific site condition applicable to the subject property.
- | | | | | | |
|--------------------------|---|--------------------------|-------------|--------------------------|-----------------|
| <input type="checkbox"/> | Too narrow | <input type="checkbox"/> | Topography | <input type="checkbox"/> | Soil Conditions |
| <input type="checkbox"/> | Too shallow | <input type="checkbox"/> | Shape | <input type="checkbox"/> | Subsurface |
| <input type="checkbox"/> | Wetlands | <input type="checkbox"/> | Flood plain | <input type="checkbox"/> | Other |
| <input type="checkbox"/> | Significant portion of property condemned or sold for public use. | | | | |
4. Give a specific description of above-noted site conditions (from #3 above). Attach separate page if necessary.

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5. How do conditions (from #4) create an unnecessary hardship that prevents the reasonable use of this property under the terms provided in the Daphne Land Use and Development Ordinance? Provide on a separate sheet any dimensions and drawings to fully demonstrate and validate the impact of each identified site condition on the use of this property.
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6. Do any of these particular conditions apply to other land/property in the immediate vicinity? (Circle) Yes/No. If yes, how many other properties are similarly affected? Check the applicable box.

0-None 1 to 4 5 to 10 More than 10

7. Was this hardship created by a direct or indirect action of or permitted by or with the consent of anyone having property interest(s) in the land? (Circle) Yes/No.

If yes, list responsible party and explain why the above-mentioned hardship should not be regarded as self-imposed.

8. Describe all alteration(s) to the land or land usage and dates of these alteration(s) which occurred after 1987. Mark n/a if not applicable.

Subdivided/Replatted Developed for Certain Use New Addition

Other, Please Describe:

9. Identify condition(s) that resulted from any other man-made change or modification to the subject property. Mark n/a if not applicable.

Road Relocation Utility Easement Location Other Recorded Easements

Other, Please Describe:

10. Check all items that would allow a reasonable use of this site. Mark n/a if not applicable. Fill in the appropriate blank(s) to specify the variance herein requested.

	Change in Minimum or Maximum	Requested (Ft)	In Lieu of Minimum Standard (Ft)
	Min. Front Setback Requirement		
	Min. Rear Setback Requirement		
	Min. Side Yard Setback Requirement		
	Min. Corner Yard Setback Requirement		
	Min. Area Requirement		
	Min. Off-Street Parking Requirement		
	Max. Lot Coverage Requirement		
	Other		

11. State the requested variance, giving distance(s) and direction(s) where appropriate (this must be demonstrated on an attached plot plan or site layout).

12. Would approval of the request be in harmony with the existing development(s) in the area and planned development(s) in the area? (*Circle*) Yes/No. Please elaborate:

13. Would approval of the request be consistent with the intent and purpose(s) stated in the Land Use and Development Ordinance? (*Circle*) Yes/No. Please elaborate:

ADDITIONAL INFORMATION

Use this space to provide other information that is relevant to this request.

(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>Printed Name and Signature of Applicant</i>	<i>Date</i>
<i>Printed Name and Signature of Applicant</i>	<i>Date</i>
<i>Printed Name and Signature of Authorized Agent</i>	<i>Date</i>

