BOARD OF ZONING ADJUSTMENTS
REQUEST FOR VARIANCE

Notice to Applicants

Any property owners may file an application for a variance from the requirements of the Zoning Ordinance of the City of Phenix City, Alabama where it is claimed that, by reason of exceptional narrowness, shallowness, or shape, or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such place of property existing at the time of the adoption of the Ordinance, the strict application and literal enforcement of the provisions of the Ordinance would result in peculiar, exceptional undue and unnecessary hardship upon such owner.

It is the intent of the Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of the Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

a. The granting of the variance will not permit the establishment of a use that is not permitted in the district in which the property is located
b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of the Ordinance would deprive the applicant of reasonable use of such land or buildings.
c. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions. It must result from the application of the Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered.
d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of the fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
e. The granting of the variance will not confer upon the applicant any special privilege that is denied by the Ordinance to other land, structures, or buildings in the same zoning districts.
f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by the Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objective of the regulations or provisions of the Ordinance to which the variance applies.

DATA ON APPLICANT and OWNER

NAME OF APPLICANT (S): _____

ADDRESS OF APPLICANT (S): _____

PROPERTY INTEREST OF APPLICANT (S): _____
(owner, contract, purchaser, etc.)

NAME OF THE OWNER (S): _____

APPLICANT TELEPHONE NUMBER: _____

A Variance is requested in conformity with the powers vested in the Board to permit the
_____ on the property described below, and in conformity with the plans
(insert use of construction prepared)
on permit application number _____ dated _____ .

DESCRIPTION, USE and ZONING OF PROPERTY

Location: _____

Lot Size: _____ ft. X _____ ft. = _____ sq. ft.

Present Use: _____
(vacant, residence, grocer, factory, etc.)
Zoning Category: _____

ACTIONS BY APPLICANT ON PROPERTY

Building Permit applied for and denied _____ Permit Number: _____
(Yes or No)
An appeal was/was not made with respect to these premises. Appeal Number: _____

Appeal Denied _____ Appeal Application Accompanies this request _____
(Yes or No)

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 Applicants*" on the front page.

1. What characteristics for your property prevent it from 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. Described the above checked items, give dimensions where appropriate.

_____

_____

3. How do the above conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance?

_____

_____

4. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interest in the land after the Zoning Ordinance or applicable part thereof became law? Yes _____ No _____
If "no" explain why the hardship should not be regarded as self-imposed (self-imposed hardships are <u>not</u> entitled to variations).

_____

_____

5. Are the conditions on your property the result of other man-made changes (such as the relocation of a road or highway)? Yes _____ No _____
6. Which of the following types of modifications will allow you a reasonable use of your land?

Change in set-back requirement	_____	Change in lot-coverage requirements	_____
Change in side-yard restriction	_____	Change in off-street parking requirement	_____
Change in area requirement	_____	Other (describe)	_____

7. State what is the Variance requested, giving distances 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 the grant of a variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Yes _____ No
Elaborate: _____

_____

_____

GRANT OF VARIANCE

This is to certify that a variance from the Zoning Ordinance district requirements was granted to

_____ Case Number: _____

(applicant)

in order to allow the use of land located at _____

(address of property)

as specified on the district requirement.

This vairance constitutes the minimum change necessary to overcome the inequality inherent in the property and does not confer any special privilege to this property not available to other properties in the same district.

The variance is granted as follows:

_____

_____

_____

_____

_____

_____

_____ _____

Chairman, Board of Adjustment Date

_____ _____

Secretary, Board of Adjustment Date

If denied, reason for denial: _____

_____

_____

_____ _____

Chairman Date Secretary Date

NAMES OF SURROUNDING PROPERTY OWNERS

Following are the names and address of adjacent property owners as said names appeared upon the plats in the County Tax Assessor's Office and their addresses as they appear in the directory of the municipality or on the tax records of the Municipality of the Court.

NAMES	ADDRESS

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

Applicant's Signature _____ Date _____

Owner's Signature _____ Date _____

APPLICATION FOR APPEAL
BOARD OF ZONING APPEALS

CASE NUMBER: _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

PHONE NUMBER: Home _____ Business _____

The undersigned request review of the decision by the Building Inspector of Application for Building Permit

Number _____, denie on _____. It is the applicant's contention that

the following error was made in the determination of the Building Inspector: _____

_____

_____

_____ _____
Appellant Date

FOR OFFICIAL USE ONLY

Date Filed: _____ Case Number: _____

Date of Notice to Parties of Interest: _____

Date Adjacent Property Owners Notified: _____

Date of Notice in Newspaper: _____ Name of Newspaper: _____

Date of Public Hearing: _____

Fee Paid: $ _____ Receipt No. _____ Date: _____

Decision of Board: Approved _____ Denied _____

If approved the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
5. _____