



# BOARD OF ADJUSTMENT APPLICATION

PLANNING DEPARTMENT  
4101 Orange Beach Blvd. ~ P.O. Box 2432  
Orange Beach, AL 36561  
(251) 981-2610 ~ Fax: (251) 981-3725  
[www.orangebeachplanning.com](http://www.orangebeachplanning.com)

Case #: \_\_\_\_\_

Fees Paid: \_\_\_\_\_

Check No. \_\_\_\_\_

## APPLICANT

Applicant Name: _____	Contact Person: _____
Mailing Address: _____	Phone Number: _____
_____	Fax Number: _____
Email Address: _____	

## PROPERTY OWNER

Owner Name: _____	Contact Person: _____
Mailing Address: _____	Phone Number: _____
_____	Fax Number: _____
Email Address: _____	

- 1. PRE-APPLICATION CONFERENCE:** A Pre-Application Conference with a representative from the Planning Department is required before submitting an application. It is the responsibility of the applicant to schedule the Pre-Application Conference by contacting the Planning Department at 251-981-2610.
- 2. APPLICATION FORM:** A completed Application Form is required. The application shall be signed by the owner(s) of record of the subject property or properties on which the variance is being requested. **Non-Property Owners:** If the applicant is not the owner of record, then a letter from the owner(s) of record allowing the applicant to act as an "authorized agent" must be submitted. All associated fees will be charged to the applicant unless otherwise arranged. The application must have the original signature of the owner(s) and applicant. Copies, facsimile and emails will not be accepted unless accompanying a signed original.
- 3. DEED & LEGAL DESCRIPTION:** To verify ownership, a copy of the recorded deed(s) for the subject property or properties, including exhibit and attachments, is required. The deed and all attachments must be legible.
- 4. JUSTIFICATION LETTER:** A detailed letter that explains the request, the intended use of the property, and how the circumstances unique to the property makes adherence to the Zoning Ordinance an undue hardship.
- 5. CERTIFIED PARCEL MAP & LIST:** The applicant is responsible for providing the Planning Department with the names and addresses of all adjoining property owners, including property owners located across a street right-of-way, as shown on the public records of Baldwin County. The map and list can be obtained from the Baldwin County Revenue Department and must be certified by the Revenue Official. **NO OTHER LIST WILL BE ACCEPTED.**
- 6. FEES:** The Board of Adjustment application fee is \$100.00. The Planning Department will submit on the applicant's behalf certified notices to the adjoining property owners. All associated fees with the certified notices will be charged to the applicant unless otherwise arranged. Fees must be paid prior to the meeting, or the case will not be considered by the Board of Adjustment.
- 7. SITE PLAN: (10 copies) Drawn to scale and legible:** the entire subject parcel(s), all proposed and existing structures, utility easements and locations, signage, and adjacent streets. Site Plans must include: property lines/size (S.F.), setback lines, building footprint/size (S.F.), parking spaces, landscaped areas, dimension/scale, north area, adjacent land uses. **ALL PLANS SUBMITTED MUST BE NO SMALLER THAN 8.5" x 11" AND NO LARGER THAN 24" x 36".**
- 8. BUILDING ELEVATION (IF APPLICABLE): (10 copies) Drawn to scale and legible:** all sides of existing/proposed building(s) or building addition(s). Photographs may be submitted for existing buildings.
- 9. FLOOR PLAN (IF APPLICABLE): (10 copies) Drawn to scale and legible:** all rooms and/or spaces contained within existing/proposed building(s).

Site Address: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_

Tax Parcel #(s): \_\_\_\_\_

PIN #(s): \_\_\_\_\_

Current Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Type of Action Requested:  Variance  
 Appeal of Administrative Decision

Please list and describe all required variances and/or appeals:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

In addition to this request, will the subject property and/or proposed development require any other action by the City of Orange Beach?

Rezoning                       Conditional Use Approval                       Other: \_\_\_\_\_  
 Site Plan Approval                       Subdivision Plat Approval

**Section 11.06 – Variances:** A variance is a deviation from the literal provisions of the Zoning Ordinance which is granted by the Board of Adjustment when strict conformity to the Zoning Ordinance would cause an unnecessary hardship owing to circumstances unique to the property on which the variance is granted. To authorize any variance from the terms of the Zoning Ordinance, the Board of Adjustment must and shall find that the following conditions have been met. **The burden of proving to the Board of Adjustment that the following conditions have been met is upon the applicant. Please answer the following provisions of Section 11.06. Attach additional pages as needed.**

A. The granting of the variance will not be contrary to the public interest. *(Zoning Ordinance, Section 11.06, A.)*  
\_\_\_\_\_  
\_\_\_\_\_

B. That the literal enforcement of the Ordinance will result in unnecessary hardship by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial consideration or caprice, and the hardship must not result from the applicant or property owner’s action. *(Zoning Ordinance, Section 11.06, B.)*  
\_\_\_\_\_  
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C. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district. *(Zoning Ordinance, Section 11.06, C.)*

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D. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance. *(Zoning Ordinance, Section 11.06, D.)*

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E. The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure. *(Zoning Ordinance, Section 11.06, E.)*

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F. The granting to the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *(Zoning Ordinance, Section 11.06, F.)*

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In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance. No nonconforming use of neighboring lands, structures, or buildings in other zoning districts shall be considered ground for the authorization of a variance.

**ARTICLE 11.05 – APPEALS:** Persons aggrieved by an officer, department or board of the City of Orange Beach affected by any decision of the administrative officer in the enforcement of the Zoning Ordinance may appeal to the Board of Adjustment. **The aggrieved party must file a written appeal to the Board of Adjustment and file ten (10) copies of supporting facts and data with the Planning Department within 30 days after the rendering of the order, requirement, decision or determination.** This does not, however, restrict the filing of a request for a variance by any persons at any time as provided elsewhere in the Ordinance.

I, the applicant, certify that all of the submitted facts are true and correct to the best of my knowledge. I understand that any variance or reversal of administrative decision granted under this request shall apply exclusively to the subject property and is contingent upon any special conditions established by the Board of Adjustment. Any regulations, interpretation, or policy of the City of Orange Beach which is not addressed in this application shall remain in full force with regard to the subject property. I hereby agree to allow the City of Orange Beach to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 2010 MEETING SCHEDULE

<b>Submittal Deadline</b> <i>5:00 p.m.</i>	<b>Meeting Dates</b> <i>5:00 p.m.; 4099 Orange Beach Blvd.</i>
December 29, 2009	January 18, 2010 (holiday)
January 26	February 15
February 23	March 15
March 30	April 19
April 27	May 17
June 1	June 21
June 29	July 19
July 27	August 16
August 31	September 20
September 28	October 18
October 26	November 15
November 30	December 20
December 28	January 17, 2011