



BOARD OF ADJUSTMENT APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING

P.O. Box 2432
 Orange Beach, AL 36561
 T: (251) 981-2610 ~ F: (251) 981-3725

TYPE OF APPLICATION:

- Variance
- Appeal of Administrative Decision

CASE NUMBER: _____

FEES PAID: _____

CHECK NUMBER: _____

APPLICANT INFORMATION

NAME	CONTACT PERSON:	
ADDRESS	TELEPHONE:	FAX:
	EMAIL:	

OWNER INFORMATION

NAME	CONTACT PERSON:	
ADDRESS	TELEPHONE:	FAX:
	EMAIL:	

Site Address: _____ Current Zoning District: _____

Current Use: _____ Proposed Use: _____

Subdivision: _____

Tax Parcel Number(s): _____ Property PPIN(s): _____

Type of Action Required: Variance Appeal of Administrative Decision

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

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

Please Continue to the Next Page

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

- Rezoning
- Conditional Use Approval
- Site Plan Approval
- Subdivision Plat Approval
- Other: _____

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. Before approving a variance request, the Board of Adjustment must and shall find that the following conditions have been met.

The applicant must prove that the requested variance is in harmony with the general purpose and intent of the Zoning Ordinance and in the zoning district in which it is located and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Please use the space provided below to address the evaluation standards.

A. The granting of the variance will not be contrary to the public interest.

B. 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 considerations or caprice, and the hardship must not result from the applicant or property owner's action.

C. Granting 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.

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.

Please Continue to the Next Page

- E. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- F. The granting of 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.

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 in which the variance is granted, shall be deemed a violation of the Zoning Ordinance. Nonconforming use of neighboring lands, structures, or buildings in other zoning districts shall not be considered grounds for the authorization of a variance.

Section 11.05 – Appeals: Individuals aggrieved 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 copies of supporting facts and data with the Planning Department within 30 days of the rendering of the order, requirement, decision or determination. This does not, however, restrict the filing of a request for a variance by any individuals at any time as provided elsewhere in the Zoning Ordinance.

WHO MAY APPLY FOR A VARIANCE?

A variance is an entitlement that runs with the property. The property owner or a party designated as the owner's agent may apply for a variance. The agent must attach a letter from the owner authorizing the agent to represent him or her.

HOW DOES THE PROCESS WORK?

Please review the instructions in this application and ask our office if you have any questions.

Before making a formal submittal, the applicant needs to schedule a Pre-Application Conference with a representative from our office. At this meeting, our office will go over the nature of the variance or appeal request and the items required for application submittal.

The Board of Adjustment meets on the second Monday of each month at 5:00 p.m. The application submittal date is typically 20 days prior to the meeting date. Upon formal submittal, our office will review the application and prepare a report of our findings to the Board. Each application is required to have a public hearing, and all property owners abutting the subject property will receive certified notification of the hearing. A sign will also be placed on the subject property notifying the general public of the variance request.

The granting of a variance requires the concurring vote of four of the five members. Upon the Board issuing a formal decision either granting or denying the variance in whole or in part, our office will issue a variance decision letter to the applicant.

All actions on variances and appeals are final unless the applicant or aggrieved party files a motion for judicial relief to the Circuit Court within the time period specified in the Code of Alabama 11-52-81, as amended.

INSTRUCTIONS

The attached application entails providing necessary contact information, property information, project description, and information for Variance Findings. Variance Findings refer to the six criteria listed in Section 11.06 of the Zoning Ordinance. Though not required, it is strongly encouraged that applicants try to answer the criteria. This will help staff and the Board of Adjustment to better evaluate the application. The criteria seek to determine whether there is a hardship and whether there is an adverse impact on the surrounding area. The fact that it would be easier, or nicer, or less expensive, to do a project the way the property owner wants instead of complying with the Zoning Ordinance does not constitute a hardship.

Please provide the following materials with this application:

- **Pre-Application Conference:** This meeting is required before making a formal application submittal. The purposes of the meeting are to discuss the nature of the variance request and determine what items will be needed for application submittal. It is the responsibility of the applicant to schedule this meeting by contacting our office at (251) 981-2610.
- **Application:** A completed Application is required. Information on the application includes contact information, property information, project description, and Variance Findings. The application shall be signed by the owner(s) of record of the subject property or properties on which the variance is being requested.
- **Authorization Letter:** If the applicant in this case is the authorized agent of the property owner(s), rather than the owner(s), a letter signed by the owner(s) and creating or acknowledging that agent must be included in the application submittal.
- **Deed & Legal Description:** To verify ownership, a copy of the recorded deed for the subject property, including exhibits and attachments, is required. The deed and all attachments must be legible.
- **Justification Letter or Statement:** A detailed letter or narrative 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. Please keep in mind the burden of proof is on the applicant to demonstrate the undue hardship.

Please Continue to the Next Page

- **Certified Parcel Map and List:** The applicant must provide a map and list with the names and addresses of all adjoining property owners, including property owners located across the street right-of-way, as shown on the latest 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.**
- **Fees:** The application fee is \$100.00. Our office 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 application will not be considered by the Board of Adjustment.
- **Drawings:** The application must be accompanied by plans sufficient for proper determination of the application. In all cases, a **Site or Plot Plan** is required. The plan must be legible, drawn to scale, and must show property lines, setback lines, lot size (S.F.), existing and proposed structures, open spaces, landscaped areas, driveways, parking areas, easements, signage, and adjacent streets and land uses. All plans submitted must be no smaller than 8.5" x 11" and no larger than 24" x 36". Ten copies are required.

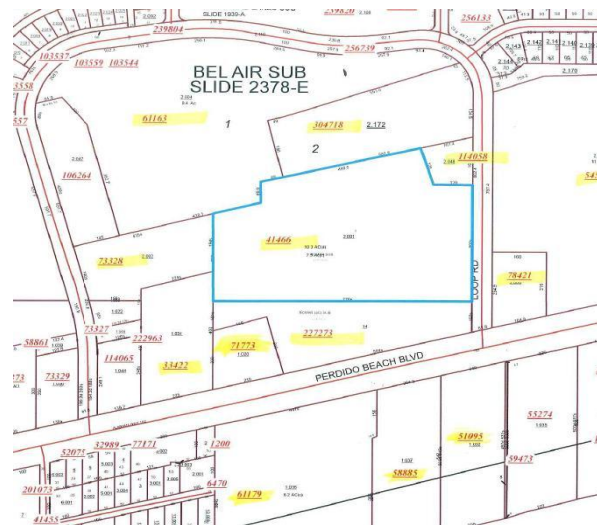
In most cases, **Building Elevations** must be provided drawn to scale and legible showing all sides of the existing or proposed building or building addition. Where the size or use of floor areas is the subject of the application, **Floor Plans** will also be required. If these plans are submitted, ten copies are required.
- **Photographs:** The applicant may submit photographs as part of the submittal to show the nature of the property.

All plans and other exhibits submitted with this application will be retained as part of the permanent public record in this case.

Please see Certified Parcel Map and List Instructions on the Next Page

CERTIFIED PARCEL MAP AND LIST INSTRUCTIONS

The parcel map must show the subject property and all adjoining properties, including parcels located across the street right-of-way. This map can be obtained from the Baldwin County Revenue Department. The applicant may delineate or highlight the subject lots by hand so long as the map and delineations or highlights are legible.



**Parcel Map Example
(Blue lot is the subject parcel)**

A certified list of adjoining property owners is required for the submittal. This list can be obtained from the Baldwin County Revenue Department. The list must include the names and mailing address of the adjoining property as it appears on the latest tax records of Baldwin County. The County Revenue Official must certify the list. A list that is not certified will not be accepted.

Contact Information for the Baldwin County Revenue Commissioner's Office

Bay Minette Main Office

1705 U.S. Highway 31 South
Bay Minette, AL 36507
251-972-6819

Foley Satellite Courthouse

201 E. Section St.
Foley, AL 36535
251-943-5061

Fairhope Satellite Courthouse

1100 Fairhope Ave.
Fairhope, AL 36532
251-928-3002

Robertsdale Central Annex

22251 Palmer St.
Robertsdale, AL 36537
251-943-5061

Please see Application Submittal Checklist and Signature Boxes on the Next Page

APPLICATION SUBMITTAL CHECKLIST

Application submittals to the Planning Department must be accompanied by this checklist and all required materials.

APPLICATION MATERIALS	CHECKLIST
Pre-Application Conference	●
Application, with all blanks completed	<input type="checkbox"/>
Letter of Authorization signed by owner	<input type="checkbox"/>
Copy of Property Deed	<input type="checkbox"/>
Justification Letter or Statement	<input type="checkbox"/>
Certified Parcel Map and List	<input type="checkbox"/>
Check payable to the City of Orange Beach	<input type="checkbox"/>
Site Plan, ten copies required	<input type="checkbox"/>
Building Elevations, if applicable	<input type="checkbox"/>
Floor Plans, if applicable	<input type="checkbox"/>
Application signed by owner and applicant (see below)	<input type="checkbox"/>

Required Material: Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required when the property owner is also the applicant).

● Required before making a formal application submittal.

No application will be accepted unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials serve to open an application file for the proposed project. After the application file is established, it will be assigned and reviewed to determine whether it is complete or whether additional information is required for our office to forward to the Board of Adjustment for consideration.

SIGNATURES

The application must be signed by the owner and applicant before making formal submittal.

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:
Applicant's Name (Please print):	

Owner's Signature:	Date:
Owner's Name (Please print):	