



## CITY OF SARALAND BOARD OF ZONING ADJUSTMENT REQUEST FOR VARIANCE

### Notice to Applicants

A **variance** is a zoning adjustment which permits minor changes of district requirements where individual's properties are both harshly and uniquely burdened by the strict application of the law. The power to vary 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 and does not include the substitution of uses assigned to other districts.

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. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the City of Saraland's 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 City of Saraland's Land Use and Development Ordinance.

You must prove that the combination of the City of Saraland's Land Use and Development Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions **CANNOT** be considered pertinent to the application for a Variance:

- (1) Proof that a variance would increase the financial return from the land
- (2) Personal hardship
- (3) Self-imposed hardship

In the last case, the recognition of conditions created after the enactment of the City of Saraland's Land Use and Development Ordinance would not encourage and condone violation of the law.

**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 City of Saraland's Land Use and Development Ordinance.**

**The applicant or the agent (if an agent is authorized) must be present at the hearing.**

**Note:** There is a \$150 base fee, plus a \$9 cost per letter sent to adjacent property owners for the purpose of advertising the public hearing. Adjacent property owners include the subject property, properties touching corners, and properties across the street.

**DATA ON APPLICANT AND/OR OWNER**

Name of Applicant(s): \_\_\_\_\_

Address of Applicant(s) \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City) (State) (Zip Code)

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Property Interest of Applicant(s): \_\_\_\_\_  
(Owner, Contract Purchaser, Etc.)

Name of Owner(s): \_\_\_\_\_

**A VARIANCE** is requested in conformity with the powers vested in the Board to permit the

\_\_\_\_\_  
(Proposed use or construction)

On the property described below, and in conformity with the plans on permit applicant number \_\_\_\_\_  
Dated \_\_\_\_\_.

**DESCRIPTION, USE AND ZONING OF PROPERTY**

Location \_\_\_\_\_  
(Street and Number)

Lot Size \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ sq. ft.

Present Use \_\_\_\_\_  
(Vacant, Residence, Grocery, Factory, etc.)

Zoning Category \_\_\_\_\_

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**(Land Use Ordinance Section)**

Building Permit applied for and denied  YES  NO

Permit Application #: \_\_\_\_\_

An appeal was/was not made with respect to these premises, Appeal Application #: \_\_\_\_\_

Appeal Denied: \_\_\_\_\_

Appeal Application Accompanies This Request for Variation: \_\_\_\_\_

**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 Applicant on the front side.

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone? (Check all that apply)

- Too Narrow       Elevation       Soil
- Too small       Slope       Subsurface
- Too shallow       Shape (specify)       Other

2. Describe the items checked, giving dimensions where appropriate.

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3. How do the above site conditions prevent any reasonable use of your land under the terms of the City of Saraland's Land use and Development Ordinance?

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4. To the best of your knowledge, can you affirm that the hardship was not created by an action of anyone having property interest in the land after the enactment of the Land Use and Development Ordinance or an applicable part thereof? (Check One)

- Yes       No

If "no", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are **NOT** entitled to variations).

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5. Are the conditions on your property the result of other man-made changes (such as the relocation of a road or highway)? (Check One)

- Yes       No

If so, please describe: \_\_\_\_\_

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6. Which of the following types of modifications will allow you a reasonable use of your land?

- Change in setback requirements
- Change in side-yard restrictions
- Change in area requirement
- Change in lot coverage requirement
- Change in off-street parking requirement
- Other (describe): \_\_\_\_\_  
\_\_\_\_\_

7. State the requested variance, giving distances and directions where appropriate.

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

Are the conditions of hardship for which you request a variance true only of your property? (Check One)

- Yes       No

If not, how many other properties are similarly affected? \_\_\_\_\_

Will granting the variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Land Use and Development Ordinance? (Check One)

- Yes       No

Elaborate: \_\_\_\_\_  
\_\_\_\_\_

(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.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**Note:** The applicant or the agent (if an agent is authorized) must be present at the hearing.