



# PLANNING AND ZONING APPLICATION CHECK LIST

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## V A R I A N C E

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A variance is a zoning adjustment which permits minor changes of zoning district requirements where individual 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 strictly 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 Zoning 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 Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents 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:

- Proof that variance would increase the financial return from the land
- Personal hardship
- Self-imposed hardship

In the latter case, the recognition of conditions created after the enactment of the Zoning Ordinance would 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 purpose of the Zoning Ordinance.

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This checklist is designed to aid both the Applicant and the City in processing a Variance application. Information relative to Variance applications can be found in Article 17-6 of the Zoning Ordinance.

- One check for \$100.00 for single family and duplex variance or \$500.00 for all other variances and other applicable fees such as advertising cost as determined by the City
- One completed application with an original signature from the Applicant and the Owner
- One completed Variance application check list
- One copy of the recorded ownership interests including liens, encumbrances, and title certification in the form of current title policy, title opinion, or title report. Warranty deeds will no longer be accepted for proof of ownership.

- Stamped envelopes addressed to property owners within 300 feet of the subject site. All notifications are required to be obtained and certified by the Baldwin County Revenue Department.
- One current boundary survey of the property containing a complete legal description of the property
- Site Plan indicating the area affected by the requested variance showing what changes are being proposed
- Explain completely and clearly the variance requested and the reason a variance is needed.

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- What characteristic(s) of your property prevent it from being used for any of the uses permitted in your zone:
  - Too narrow
  - Too small
  - Too shallow
  - Elevation
  - Slope
  - Shape
  - Soil
  - Subsurface
  - Other \_\_\_\_\_

- Describe the item(s) checked, giving dimensions where applicable.
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- Explain how the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance.
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- Are the conditions on your property the result of any man-made changes?
  - Yes
  - No

- Which of the following type(s) of modifications will allow you a reasonable use of your land? Change in:
  - Setback requirement
  - Side yard restriction
  - Area requirement
  - Lot Coverage requirement
  - Off-street parking requirement
  - Other \_\_\_\_\_

- Describe the item(s) checked, giving dimensions where applicable.
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- Are the conditions of hardship true only of your property?
  - Yes
  - No
 If no, how many other properties are similarly affected? \_\_\_\_\_