

# Town of Loxley

P. O. Box 9  
Loxley, Alabama 36551  
Phone: (251) 964-5162 \* Fax: (251) 964-5371

## Board of Adjustments Request for Variance

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### NOTICE TO APPLICANTS

A variance is a zoning adjustment which permits minor changes of 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 specifically prohibited. "Variance" means the modification of the requirements of a zoning district and does not include substitution of uses assigned to other district.

1. 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 of general hardship is a change of the map or the text of the Zoning Ordinance.
2. 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: (1) Proof that a variance would increase the financial return of the land, (2) Personal hardship, or (3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance.
3. No variance may be granted which would adversely affect surrounding property of the general neighborhood. All variances must be in harmony with the intent and purposes of the Zoning Ordinance

- Name of applicant(s): \_\_\_\_\_

- Address(es): \_\_\_\_\_

- Phone#(s): \_\_\_\_\_

- Property interest of applicant(s): \_\_\_\_\_  
(Owner, Contractor, Purchaser, Etc.)

- Name of property owner(s): \_\_\_\_\_

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

\_\_\_\_\_ on the property described below.  
(insert use or construction)

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## DESCRIPTION, USE AND ZONING OF PROPERTY

Location: \_\_\_\_\_

Lot size: \_\_\_\_\_ (dimensions)

Present use: \_\_\_\_\_

Current zoning classification: \_\_\_\_\_

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## ACTIONS BY APPLICANT ON PROPERTY

Building permit applied for and denied:  Yes  No

A previous appeal was made with respect to these premises:  Yes  No

Decision:  Approved  Disapproved

If disapproved, state reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## REASONS FOR REQUEST FOR VARIANCE

**NOTE:** The following questions must be answered completely. If additional space is required, attach extra pages to application. Before answering, read the notice to applicants on the front side.

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone:

- |                                      |                                    |                                     |
|--------------------------------------|------------------------------------|-------------------------------------|
| <input type="checkbox"/> Too narrow  | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil       |
| <input type="checkbox"/> Too small   | <input type="checkbox"/> Slope     | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Too shallow | <input type="checkbox"/> Shape     | <input type="checkbox"/> Other      |

2. Describe the items checked, giving dimensions where applicable: *(Please attach separate sheet to application.)*

3. How do the above site 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 hardships 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 street or highway?  Yes  No

If yes, describe: \_\_\_\_\_

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

- |   |  |
|---|--|
| <input type="checkbox"/> Change in set-back requirements  | <input type="checkbox"/> Change in lot-coverage requirements       |
| <input type="checkbox"/> Change in side-yard requirements | <input type="checkbox"/> Change in off-street parking requirements |
| <input type="checkbox"/> Change in area requirements      | <input type="checkbox"/> Other ( <i>describe</i> )                 |

7. State what is the Variance requested; giving distances where appropriate:

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8. Are the conditions of hardship for which you request a Variance true only of your property?

Yes  No

If no, 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

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Please attach a separate sheet listing all of the surrounding property owners and their addresses as they appear upon the plats in the County Tax Assessor's Office in the Baldwin County Courthouse in Bay Minette, Alabama.

The fee for submitting this request is \$100.00. This covers the application process and the Board of Adjustments meeting. There is also a mailing fee for all certified letters sent out on behalf of this variance. That postal fee will be considered the current cost the United States Postal Service charges for the disposition of certified mail. At the present time that mailing cost is \$5.21 per certified letter. That cost is subject to change without notice.

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted are true to the best of my (our) knowledge and belief. I (we) further certify that I (we) are aware tht in granting a variance, the Board of Adjustments is authorized to require appropriate conditions and safeguards. Failure to comply with these conditions will result in the voiding of the variance issued.

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Applicant

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Date

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Applicant

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Date