



City of Auburn

BOARD OF ZONING ADJUSTMENT APPLICATION

PLANNING DEPARTMENT

171 North Ross Street, Suite 100
Auburn, AL 36830
(334) 501-3040 ~ Fax: (334) 501-7293

Applicant Name: _____	Subdivision Name: _____
Mailing Address: _____	Gross Area: _____
_____	Phone Number: _____
Email Address: _____	Fax Number: _____

1. A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION. If the applicant is not the owner, then a letter allowing the applicant to act as an "authorized agent" must be on file. All associated fees will be charged to the applicant unless otherwise arranged.
2. The applicant is responsible for providing the Planning Department with the names and addresses of all adjoining property owners, including those across a street or railroad right-of-way, as shown in the public records of Lee County. Failure to provide complete and up-to-date information could invalidate any change in zoning granted under this application.
3. The Planning Department will submit on the applicant's behalf a legal advertisement to The Auburn Villager for this application. One will be submitted for notification of the Planning Commission hearing; two will be submitted for notification of the City Council meeting. All associated fees will be charged to the applicant unless otherwise arranged. These advertisements must be paid in advance of publication, or the case will not be heard.

Site Address: _____ Current Zoning District: _____

Current Use: _____

Proposed Use: _____

General Location: _____

Type of Action Required: Variance Appeal of Administrative Decision

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

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

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

- Rezoning Conditional Use approval
 Site plan approval Subdivision plat approval
 Other: _____

I, the applicant, certify that all of the above 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 to the subject property only, and is contingent upon any special conditions established by the Board of Zoning Adjustment. Any regulation, interpretation, or policy of the City of Auburn 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 Auburn to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: _____	Date: _____
Applicant's Name (Please print): _____	

Received By: _____ Date: _____

907.03 Standards for variances. No variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Adjustment unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to public welfare. Please use the space provided below to address the standards outlined.

- A. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare. [Public welfare is defined as the well-being of the general public, with specific attention to those members of the public that could be directly affected by the proposed variance. Can you establish that the variance will be in harmony with the intent and purpose of the Ordinance? Please explain fully.]

- B. The granting of the variance will not permit the establishment of any use which is not permitted in the district.

- C. There must be proof of unique circumstances: there must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building. [Does the property have a disadvantage which is not common to other properties in the area? The variance request must be a unique condition, oppressive, and not common to other property. The dilemma necessitating the request of a variance is the result of exceptional physical characteristics of the property that are unique to the subject property and distinct from those of nearby properties and the district in general. The unique condition from which the hardship arises must not be the result of the actions of the property owner themselves and must not be merely financial in nature. Please explain fully.]

- D. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered. [Can you establish that this disadvantage is not due to the owner's actions? The

hardship must be caused by the property itself, for reasons such as exceptional size or shape, topography or other physical conditions of a parcel of land. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only; and must relate to the very property for which the variance is sought. Please explain fully.]

- E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose. [The granting of the variance is in accordance with the zoning ordinance and that the variance is granted with the purpose of modifying the application of the zoning ordinance as it applies to a specific property, and in doing so permit it to be reasonably used on the same basis as other property in the same zoning district. Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully.]

- F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood. [This standard also examines the potential of the variance to influence or change the image or perception of the locality, as defined by its built environment, landscaping, natural features and open space, types and style of housing, and other elements that contribute to its distinct identity. Can you establish that the variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property? Will the granting of the variance influence the ability of an adjacent property to be used in a manner appropriate to the zoning district to which it conforms? Please explain fully.]

- G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

ADJOINING PROPERTY OWNERS

CITY OF AUBURN PLANNING DEPARTMENT

171 North Ross Street, Suite 100
Auburn, AL 36830
(334) 501-3040 ~ Fax: (334) 501-7293

Note: The applicant must provide the names and addresses of the OWNERS of all properties adjoining the subject property, as listed in the records of the Lee County Tax Assessor. These names and addresses must be listed below (attach additional sheets if necessary).

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

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Tax Parcel # _____
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Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

I certify that the adjoining property owners listed above accurately represents the most current information available according to the Lee County Courthouse Tax Assessor's Office.

<i>Applicant's Signature:</i>	<i>Date:</i>
<i>Applicant's Name (Please print):</i>	

