



APPLICATION
ZONING BOARD OF ADJUSTMENT
CITY OF PRICEVILLE

Application/Docket # _____

☐ ADMINISTRATIVE APPEAL
(ZO §14.04)

☐ SPECIAL EXCEPTION
(ZO §14.05)

☐ VARIANCE
(ZO §14.06)

Applicant Info :

Applicant: _____ Date: _____

- NOTE: If the applicant is not the property owner, a certified authorized agent statement must be attached.
- NOTE: A copy of the current property deed must be attached.

Applicant's Address: _____ Phone: _____

Property Owner: _____ Phone: _____

Location Information

Current Zoning Classification: _____

Description of Location: _____

Attach/Provide the Following:

- ☐ \$100 non-refundable application fee, plus mail and legal notice costs
- ☐ A detailed report outlining the circumstances for the application request, along with reasons thereto that such request should be granted.
- ☐ Necessary materials, plans, and information as found in the applicable Zoning Ordinance section (see City Clerk for the appropriate number of copies), along with property adjoiner information from the current Morgan County Tax Assessor.

I certify that the information contained in and attached to this application is true and correct.

Applicant's Signature

Date

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, _____, a Notary Public in and for said county and state, hereby certify that the name(s) as shown above, whose name(s) is signed to the foregoing application, being known to me, acknowledged before me on this day that, being informed of the contents of said instruments, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this _____ day of _____, 20_____.

Notary Public
My Commission Expires _____

ADMINISTRATIVE APPEALS (ZO §14.04)

- §14.04.01 Appeals to the ZBA may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Building Official. Appeals must be filed within 30 working days of the date of the decision. Appeals must be filed in writing on forms made available by the City. The Building Official must transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.
- §14.04.02 The ZBA must fix a reasonable time for the hearing of the appeal and give public notice in the same manner as required for a zoning amendment hearing.
- §14.04.03 An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the ZBA after the notice has been filed, that by reason of facts cited in the certification a stay would cause imminent peril to life or property. In such case, proceedings may be stayed otherwise than by a restraining order, which may be granted by the ZBA or by a court of record on application, on notice to the Building Official and on due cause shown.

SPECIAL EXCEPTIONS (ZO §14.05)

- §14.05.01 Applications for Special Exceptions must be filed at least 20 working days before the scheduled hearing date before the ZBA. The application must be filed on a form made available by the City. The City must provide notice to all adjoining property owners.
- §14.05.02 The ZBA will review requests for compliance with this Ordinance and all other applicable regulations of the City. The ZBA must determine that satisfactory provisions have been made concerning the following, among other considerations:
1. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 2. The location and accessibility of off-street parking and loading areas.
 3. The location and accessibility of refuse and service areas and potentially adverse effects on surrounding properties.
 4. The screening and buffering of potentially adverse views and activities from surrounding properties.
 5. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
 6. The availability, location, and capacity of utilities.
 7. The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties.
 8. The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area.
- §14.05.03 The ZBA may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Any conditions apply to the land, structure and use and not to a particular person. Violations of conditions attached to any Special Exception are considered violations of this Ordinance.

VARIANCES (ZO §14.06)

An application for a variance from the requirements of this Ordinance may be filed by a property owner where it is claimed that, by reason of exceptional narrowness, shallowness, or shape, or by reason of exceptional topographic conditions, or other exceptional conditions of such piece of property existing on the effective date of this Ordinance, the strict application and literal enforcement of this Ordinance would result in exceptional and unnecessary hardship.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with this Ordinance.

- §14.06.01 Application. An application must be filed on forms made available by the City. A hearing before the ZBA will be granted within 30 days of receipt of a complete application with necessary supporting materials. All currently applicable public notice requirements and time limits must be met prior to holding the hearing. In the event that a set hearing is cancelled or postponed, for any reason, a new public notice period must be met.
- §14.06.02 Criteria. The applicant must show that the variance, if granted, will conform to all the criteria listed below:
1. The variance will not allow establishment of a use not permitted in the district.
 2. There are conditions peculiar to the land or buildings that do not apply generally to land or buildings in the vicinity, and the conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of the land or buildings.
 3. There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. Variances granted under similar conditions on other properties is not sufficient evidence to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
 4. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
 5. The variance will not grant any special privilege that is denied to other land or structures in the same zoning district.
 6. The variance as requested is the minimum variance that will enable the reasonable use of the property.
 7. The variance will be in harmony with the general purpose and regulations of the district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- §14.06.03 Conditions. The ZBA may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to a variance are considered violations of this Ordinance.