

VARIANCE CHECKLIST

PLANNING AND ZONING DEPARTMENT

This checklist is designed to aid both the Applicant and the City in the processing of a Variance application and is required to be submitted with the application. Information relative to variances can be found in Article 17 of the Zoning Ordinance.

All plans and application requirements shall be submitted via the Gulf Shores Online Licensing and Permitting Portal - <https://www.gulfshoresal.gov/747/PZ-PermitsApplications> .

A variance is a zoning adjustment to the area and dimensional requirements imposed on property(s). Variances may be granted to overcome unnecessary hardships related to the physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions. **Use variances are prohibited.**

1. **MINIMUM SUBMITTAL REQUIREMENTS**

The items below are required to be submitted for an application to be accepted by the Planning Department. Incomplete application submittals will be returned to the applicant.

- 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.
- Completed General Application with an original signature from the Applicant and the Owner.
- One copy of a current title policy, title opinion, or title report (no older than 45 days from date of submission).
- Certified envelopes addressed to property owners within 750 feet of the subject site. The list of names and addresses 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 and all improvements on the property.
- A Site Plan indicating the area(s) affected by the requested variance.
- A written narrative explaining completely and clearly the variance requested and the reason a variance is needed and how the variance request meets **all** of the following conditions:
 - That the granting of the Variance will not be contrary to the public interest;
 - That the literal enforcement of the Ordinance will result in unnecessary hardship by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to

convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions;

- That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, Buildings, or Structures in the same zoning district;
- That the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
- That the Variance granted is the minimum Variance that will make possible the reasonable use of the land, Building or Structure;
- That granting the Variance shall not permit a use in a zoning district which prohibits that use; and,
- That the granting of the Variance will be in harmony with the general intent and purpose of this Ordinance, and that such Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The burden of proving to the Board of Zoning Adjustment that the forgoing conditions have been met is upon the applicant.

If the applicant has any questions or concerns regarding this checklist, please contact Mell Davis, Administrative Assistant, 251.968.1164, mdavis@gulfshoresal.gov .