



CITY OF SPRINGVILLE

Building & Zoning Department

P.O. Box 948
151 Industrial Drive
Springville, AL 35146
205-467-2312



SPECIAL EXCEPTION / VARIANCE REQUEST

Type of Request: Special Exception Variance

APPLICANT INFORMATION:		
Name:	Phone #:	
Address:	Email:	
Parcel ID # or PPIN:	Current Zoning:	Current Land Use:
Nature of request with reference to applicable zoning provisions: <i>(attach additional sheet if necessary)</i>		
APPLICANT ACKNOWLEDGEMENT:		
I have read, understand, and agree to the attached Special Exception and Variance Regulations. If I have any questions regarding the regulations, I will contact the Building & Zoning Department for clarification prior to the scheduled Board of Adjustments Hearing Date. I understand that I (the owner) must personally attend the hearing or may choose to be represented by his agent or attorney.		
Applicant's Signature:		Date:
(FOR OFFICE USE ONLY)		
Documents Submitted: Application Application Fee (\$75.00) Site Plan/Vicinity Map Other:		Date Received:
		Receipt #:
BZA Public Hearing Date:	Public Posting & Notices Mailed <i>(5 days)</i> :	Board of Zoning Adjustments Decision: Approved Denied
Notes (Conditions, Expiration Date, etc.):		

If you have any questions, please contact the Building & Zoning Department
at 205-467-2312 or email us at zoning@cityofspringville.com

ARTICLE IV – ESTABLISHMENT OF DISTRICTS
SECTION 12
BOARD OF ZONING ADJUSTMENT

IV-12.7. Special Exceptions. The Board of Zoning Adjustment may hear and decide special exceptions as specifically authorized by this Ordinance, to determine whether special exceptions should be granted, and to grant special exceptions, to impose such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested, along with an application fee.
2. A public hearing has been held, notice of which has been provided by first class mail to the owner of the lot for which special exception is sought (or his agent) and to the owners of all adjoining property, at least five days prior to the public hearing. The owner must personally attend the hearing or may choose to be represented by his agent or attorney.
3. The Board of Adjustment has made a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
4. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable as prescribed in this Ordinance. The Board of Adjustment may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the special exception.

IV-12.8. Variances. The Board of Zoning Adjustment may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

12.8.1. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance plus an application fee is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting 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.
5. That relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance; and
6. That the variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by special exception in this district involved.

12.8.2. A hearing on the variance application will be held after proper notice is provided. Notice of public hearing shall be given by first class mail to the owner of the lot for which the variance is sought or to his agent, and to the owners of all adjoining property, at least five days prior to the public hearing.

The owner must personally attend the hearing or may choose to be represented by his agent or attorney.

12.8.3. The Board of Adjustment may only grant a variance after making a specific finding that the requirements of this Section regarding a written application have been met by the applicant for a variance and the application fee paid, that the reasons set forth in the application justify the granting of the variance, that the variance is the minimum variance that will make possible the reasonable use of the land, building or structures, and that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

12.8.4. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable as prescribed in this Ordinance.

12.8.5. Variances should be permitted only under peculiar and exceptional circumstances; keeping in mind hardship alone is not sufficient. Demonstration of unnecessary hardship is required and financial loss of a kind which might be common to all of the lot owners in similar situations is not grounds for a variance. Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by any special exception permitted in the district except as provided for in Article IV, Section 6 Interpretation of Uses, and in Article IV, Section 7 Unclassified Uses.

IV-12.9. Board Action on Applications. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Building Official or Administrative Official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such Building Official/Administrative Official or to decide in favor of the applicant on any special exception or Variance.