

PROCEDURE FOR SUBMITTING AN APPEAL TO THE ZONING BOARD OF ADJUSTMENT

(Appeal form to be attached)

All appeals to the Zoning Board of Adjustment are to be based upon a disapproval of an application for a license or building permit as a result of non-compliance with the Zoning Ordinance of the City of Athens, Alabama.

The following actions shall be accomplished before an Appeal under the Zoning Ordinance will be heard by the Board of Zoning Adjustment.

- A. Complete and have notarized an application to grant a variance or conditional use to the Zoning Ordinance of the City of Athens, Alabama.
- B. Provide written notification to all property owners within five hundred (500) feet of all property lines of “What, When and Where” and complete an affidavit on the form furnished. A list of the names and addresses of these property owners, which may be obtained from the Limestone County Tax Assessor’s office, must be attached.
- C. Except for Home Occupations that meet all requirements for same as specified in Section 11-2-26 of the Zoning Ordinance: Provide a plot plan, drawn to scale, to include, but not limited to the following:
 - 1. Plan of the plot on which variance is requested showing any and all buildings exactly as they exist.
 - 2. Show proposed construction and identify.
 - 3. The plan must show all adjoining property, buildings and property owners’ names. This plan shall also show the distance on all adjoining property of the front yard, rear yard and adjacent side yard of the main building and the distance of all other buildings nearer than the main building.
 - 4. Drawing must *not* be on cardboard.
- D. The appellant must be prepared to justify to the Board why the variance or conditional use should be granted. It shall be the duty of the appellant to show just proof to the Board unnecessary hardship imposed if the variance is not granted. The appellant must make a personal appearance at said Board meeting or have someone designated to represent him/her at the meeting if the appeal is to be acted upon.
- E. Legal standing for an appeal to the Board must be established: therefore, a copy of the recorded deed, a copy of the sales contract contingent on obtaining a variance (if required), and a Power of Attorney (if required) shall be provided.
- F. A twenty dollar (\$20.00) application fee, paid to the City of Athens in the City Clerk’s office, is due at the time of filing the application with the Engineering Services and Community Development Department.

The above actions must be accomplished and returned to the Engineering Services and Community Development Department not later than 4:00 P.M. on _____, _____, _____. The next scheduled meeting of the Board of Zoning Adjustment will be on _____, _____ in the City Council Chambers of the City of Athens Municipal Building, 200 Hobbs Street (Marion Street entrance) at 5:30 P.M.

City of Athens ES&CD representative

**Zoning Board of Adjustment
City of Athens, Alabama**

Date applied for: _____
Meeting Date: _____
Fee: \$20.00 Cash
 Check No. _____

APPLICATION

Gentlemen:

I hereby petition the City of Athens to grant a variance to the Zoning Ordinance of the City of Athens, Alabama, as hereinafter shown:

Item 1. Description of property:

Street address: _____

Lot _____, Block _____, Subdivision _____

(Other legal description required and attached)

Item 2. Zoning classification of Property: _____

Item 3. Hardship: _____

Item 4. Variances Requested:

Front Yard _____

Rear Yard _____

Side Yard () _____

Side Yard () _____

Parking _____

Maximum building area _____

Lot Area _____

Conditional Use _____

Other _____

Item 5. Supporting Data:

Existing use of land: _____

Proposed use of land: _____

*Affidavit of Notice to residents within 500 feet supplied by Petitioner: (see Affidavit on p. 2 of this application form.)

Item 6. Property Owner:

Name: _____

Address: _____

Phone Number: _____

Item 7. Petitioner:

Name: _____

Address: _____

Phone Number: _____

Relationship of petitioner to property owner: _____

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***Affidavit of Notice:**

I have informed the attached list of property owners within 500 feet of all property lines that a public hearing will be held in the City Council Chamber of the City of Athens Municipal Building, 200 Hobbs Street (Marion Street entrance) at 5:30 P.M. on _____, _____. They are invited to express their opinion on the variance conditional use.

They constitute all of the owners of real property lying within 500 feet of all property lines for which I am requesting such variance conditional use.

- **Appellant is: Owner of the property
 Has a sales contract to buy property with the stipulation that they receive a variance
 Has Power of Attorney.

***Application does does not include request for signage.

If signage request included: Number of signs: _____
Type of signs: _____
Location of signs: _____
Size of signs: _____

I certify that all of the above-stated information and all exhibits transmitted herewith are true. I also understand that I, or my representative, must be present at the hearing before the Board will consider my application.

_____	_____
Print Name	Applicants Signature
_____	_____
Telephone Number	Street

	City State Zip

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public



Approved: _____ Date: _____

Disapproved: _____ Date: _____

Reason for Disapproval: _____

Board Comments: _____

SAMPLE LETTER TO ADJACENT OWNERS:

Date:

To Whom it May Concern:

I, _____ [*petitioner*], am petitioning the City of Athens Zoning Board of Adjustment for a [*variance or conditional use*], according to the regulations of the Athens Zoning Ordinance. I am asking for [*explanation of request, i.e. variance or conditional use*].

The Athens Zoning Board of Adjustment will hold a Public Hearing in the City Council Chambers of Athens City Hall, facing Marion Street, on [*Month/Date/Year*], at 5:30 P.M. to hear this request. This letter is to notify you of my request for said [*variance or conditional use*], and to inform you of this meeting, should you have any comments or questions concerning my request.

Thank you,

[*Petitioner's signature*]

Address

City, State, Zip

Phone number