

**APPLICATION FOR SPECIAL EXCEPTION
UNDER CITY ORDINANCE NO. O-02-82, DATED JANUARY 18, 1982, AS AMENDED**

Appellant

_____ Address _____

_____ Phone _____

If appellant is not the owner, please give name and address of owner:

_____ Owner _____ Address _____

I hereby request a special exception for the purpose of: _____

LOCATION: Street Address: _____ Zone: _____

Lot No. _____ Block No. _____ Addition _____

Located on the _____ side of _____ (St., Av., etc.)

_____ feet from _____ from the intersection of _____ St., Av., etc.)

with _____ (St., Av., etc.)

Is new construction proposed? Yes _____ No _____

Will site clearance/preparation be required in conjunction with use? Yes _____ No _____

(If yes, see requirements of Site Clearance/Erosion Control Permit).

If alterations within an existing building are required, describe briefly: _____

Please state the reasons you think the Board should permit this request: _____

I certify that the information contained in this application, and in supporting documents, is true to the best of my knowledge and belief.

Sworn to before me this the _____ day of _____, _____.

Notary Public

Appellant

INSTRUCTIONS AND FILING REQUIREMENTS

Applicants for a special exception variance must furnish a site plan showing the land area to be occupied by the building, with its boundaries and dimensions; all public and private easements and rights-of-way, both existing and proposed, within or bounding the designated area; the location, number of stories and gross floor area of proposed principal buildings and accessory buildings, curb cuts, driveways, off-street parking areas, off-street loading areas, and walks; the location and height of proposed walls, fences, and screen planting; the types of paving or other surfacing to be used in the various areas; and such additional information as may be necessary to describe completely the proposed building and use. Preliminary drawings of the proposed building shall be submitted.

EXCERPT FROM THE ZONING ORDINANCE OF THE CITY OF GADSDEN

SECTION IX. ADMINISTRATION AND ENFORCEMENT

2b. Special Exceptions; Conditions Governing Application. To 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 and circumstances, a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship. A variance shall not be granted by the Board of Adjustment unless it shall find that all of the following conditions exist:

That the applicant has demonstrated by written application:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable generally to other lands, structures, or buildings in the same district:

- (1) That the special conditions and circumstances do not result from the actions of the applicant;
- (2) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evident that amendment of the Zoning Ordinance does not offer a reasonable solution;
- (3) 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. Among such rights commonly enjoyed is right to a reasonable economic return, but such return shall be deemed reasonable if it is equivalent to the economic return which might generally be expected in the district and shall not be based on price paid for the property by the applicant, whether or not paid in reliance on zoning, since any hardship of this kind would be self-inflicted and generally applicable to other properties in the district for which similar prices have been or might be paid, rather than to the property of the applicant alone;

- (4) That the granting of the variance 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, other than to permit the applicant to use his property in a manner as nearly equivalent to uses generally permitted in the district as can be allowed with appropriate protection of general public interest, and considering the peculiar and unusual conditions and circumstances involved and the hardship created by such conditions and circumstances.
- (5) That the use proposed is permissible by right or with planning approval or by special exception. With respect to the uses of land or structures, this ordinance is declared to be a definition of the public interest and intent, and the spirit of the ordinance will not be observed by any variance permitting a use not permissible by right or with planning approval or by special exception.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming uses of lands, structures, or buildings in other districts shall be considered grounds for the issuance of variance.

- (6) That the reasons set forth in the application justify the granting of the variance or of a lesser variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building, subject to the limitations set forth herein;
- (7) That the variance will be in harmony with the general purpose and intent of this ordinance and will not alter or be injurious to the essential character of the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations 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 under this ordinance.

A \$100 legal advertisement fee must accompany the application. Checks should be made payable to the City of Gadsden.

All property owners who own property within a radius of 300 feet of the building site of the property involved will be notified by letter of your request for variance for the purpose of giving them the opportunity to appear at the public hearing to voice their opinion, either in favor of or in opposition to the proposal.

This request will be heard before the Planning Commission on _____
at _____ and by the Board of Adjustment on _____
at _____.

