

Case #:

# APPLICATION for APPEAL to the BOARD OF ADJUSTMENTS

Town of Dauphin Island Board of Adjustments  
1011 Bienville Boulevard  
Dauphin Island, Alabama, 36528  
(251) 861-5525

<http://townofdauphinisland.org>

Applicant Name:	Physical Address:	Mailing Address:
	Home / Business Phone:	Email:
		Cell Phone:

- A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.** If the applicant is not the owner, then a letter allowing the applicant to act as an "authorized agent" must be on file. All associated fees will be charged to the applicant unless otherwise arranged.
- The applicant is responsible for providing the Board of Adjustment with the names and addresses of all adjoining property owners, including those across a street or canal as shown in the public records of Mobile County. Failure to provide complete and up-to-date information could invalidate any determination granted under this application.
- The Town of Dauphin Island will submit on the applicant's behalf, a legal advertisement to The Mobile Press Register for this application.** All associated fees will be charged to the applicant unless otherwise arranged. These advertisements must be paid in advance of publication, or the case will not be heard.

Site Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Current Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Type of Action  Requested:  Variance Appeal of Ad  ministrative Decision  
Special Exception

Please list and describe all requested variances, appeals, and special exceptions and applicable ordinance section:  
Town ordinances may be found at: <http://townofdauphinisland.org/government/town-ordinances>

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

In addition to this request, is any other official action by the Town of Dauphin Island being requested regarding the subject property? If so, please specify:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*I, the applicant, have read and understand the Dauphin Island Zoning Ordinance #96, and / or that the ordinance section I am seeking action under has been fully explained to me, and certify that all of the above facts are true and correct to the best of my knowledge. I understand that any variance or reversal of administrative decision granted under this request shall apply to the subject property only, and is contingent upon any special conditions established by the Zoning Board of Adjustment. Any regulation, interpretation, or policy of the Town of Dauphin Island which is not addressed in this application shall remain in full force with regard to the subject property. I hereby agree to allow the Town of Dauphin Island to post a sign on the subject property notifying the general public of this request.*

Applicant's Signature:	Date:
Applicant's Name (Please print):	

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

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**Standards for variances.** No variance in the strict application of the provisions Ordinance 96 shall be granted by the Zoning Board of Adjustment unless it finds that the following requirements and standards are all satisfied. In general, the power to authorize a variance from the terms of Ordinance 96 Article 10 Section 2 (d) shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the zoning district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to public welfare. Please use the space provided below to address each of the standards outlined.

- A. The granting of the variance **shall be in harmony** with the general purpose and intent of the Ordinance and shall not be injurious to the neighborhood or otherwise detrimental to the well-being of the general public, and specifically to those members of the public that could be directly affected by the proposed variance. Can you establish that the variance, if granted, will be in harmony with the intent and purpose of the Ordinance? *Please provide full explanations for each of the sections below.*

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- B. The granting of the variance will **not permit** the establishment of **any use which is not permitted** in the district.

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- C. There must be proof of **unique circumstances**: Special circumstances or conditions must exist, fully described below, applicable to the land or buildings for which the variance is sought. These conditions must be unique to the subject property and do not apply generally to land or buildings in the district; further, conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building. The variance request is necessitated as a result of exceptional physical characteristics that are unique to the subject property and distinct from those of nearby properties and the district in general. The unique condition from which the hardship arises must not be the result of the actions of the property owner themselves and must not be merely financial in nature. Please explain fully.

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- D. There must be proof of **unnecessary hardship**. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question. Other variances granted under similar circumstances shall not be considered. *Each application is acted upon independently from any other application.* The hardship must not be due to the owner's or applicant's actions. The hardship must be caused by the property itself, for reasons such as exceptional size or shape, topography or other physical conditions of a parcel of land. It cannot be financial only; and must relate to the very property for which the variance is sought. Please explain fully.]

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E. That the granting of the variance is **necessary for the reasonable use** of the land or building and is the minimum variance that will accomplish this purpose. The variance, if granted, is for the purpose of modifying the application of the zoning ordinance as it applies to a specific property, and in doing so permit it to be reasonably used on the same basis as other property in the same zoning district. Please explain fully.

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F. That the proposed variance will **not impair an adequate supply of light and air to adjacent property**, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood. This standard also examines the potential of the variance to influence or change the image or perception of the locality, as defined by its built environment, landscaping, natural features and open space, types and style of housing, and other elements that contribute to its distinct identity. Can you establish that the variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property? Will the granting of the variance influence the ability of an adjacent property to be used in a manner appropriate to the zoning district to which it conforms? Please explain fully.

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G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this the Zoning Ordinance to other lands, structures, or buildings in the same district.

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***The Board may prescribe any safeguard that it deems necessary to substantially secure the objectives of the regulations or provisions to which the variance applies. Agreements, Drawings, Dates, or Specific Details upon which the variance is contingent, if granted, are to be noted below or attached.***

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## ADJOINING PROPERTY OWNERS

Town of Dauphin Island Board of Adjustments  
1011 Bienville Boulevard  
Dauphin Island, Alabama, 36528  
(251) 861-5525

<http://townofdauphinisland.org>

Note: The applicant must provide the names and addresses of the OWNERS of all properties adjoining the subject property, as listed in the records of the Mobile County Tax Assessor. These names and addresses must be listed below (attach additional sheets if necessary).

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

I certify that the adjoining property owners listed above accurately represents the most current information available according to the Mobile County Courthouse Tax Assessor's Office.

Applicant's Signature:

Applicant's Name (Please print):

Date:

Administrative use only

Case #:

Fees paid: Amount \_\_\_\_\_ Date \_\_\_\_\_

Certified Letters of Notification sent date: \_\_\_\_\_

Board of Adjustments meeting date: \_\_\_\_\_

Public Hearing scheduled date: \_\_\_\_\_

Special Provisions Prescribed:

\_\_\_\_\_