

ZBA VARIANCE CHECKLIST



○ ZBA Application

- Completed application with fee paid (Fee is non-refundable) Please put the person who will be attending the meetings down as the applicant. This is the person staff will be communicating with.

Fees

- Single-Family Residential: \$150
- Multi-Family, Commercial, and Industrial: \$500
- Appeals: \$300
- Owner's Permission (we must have the owner's permission)
- If the owner has recently bought the property and tax records have not been updated staff will need a copy of the deed
- Type of Request: you are seeking a **Variance**, please check what type of variance you need.
- Include the description of Work or Request
- Include your hardship or difficulty
- The applicant and the owner must sign the application.

○ 6 Variance Standards

- Your case must be able to meet all 6 Variance Justification Standards to be granted. You must send your justification to staff.
1. **Physical Characteristics of the Property.** The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance.
 2. **Unique Characteristics.** The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant.
 3. **Hardship Not Self-Imposed.** The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property.
 4. **Financial Gain Not Only Basis.** Financial gain is not the sole basis for granting the variance.
 5. **No Injury to Neighboring Property.** The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.
 6. **No Harm to Public Welfare.** The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance.

Signs

- For Variance requests involving signs you must include:
 - The overall Square Footage of the proposed sign
 - The height of the sign
 - The width of the sign
 - The length and width of the building facade
 - Elevation drawings
 - A site plan showing where the sign is going with setbacks included
 - The number of proposed signs

Site Plan

- Site Plan (minimum 8.5 x 11)
- Please include the total square footage of the space seeking the Variance.
- If this building has multiple uses include all of the uses and square footage for those uses.
- Location, size, and height of all existing and/or proposed structures.
- Setback (yard setbacks) dimensions for all existing and/or proposed structures, including main buildings, accessory structures, and dumpster location.
- All parking spaces and maneuvering areas (number of required parking spaces is determined by the proposed use).
- Driveways and walkways.
- Height and location of all signage, fences, walls, and appurtenances.
- Any type of site beautification, including landscaping, for any new construction you must include a landscaping plan.
- Description of Proposed Use – should include all uses that will occur on the property (now and in the future), hours of operation, number of employees etc.
- Landscaping plan: must include: species, sizes, quantities, and specific locations for each plant.
- Safety Plan: Emergency evacuation routes for fire, where are your first aid kits and defibrators located, what security precautions do you have?

Survey

- A survey or as built survey of the property showing all lot lines.

Requests involving Parking Lots, Sidewalks, Driveways and City Right-of-Way

- All requests involving the addition, modification or redesign of any parking lots, sidewalks or driveways must be approved by the City of Birmingham's Traffic Engineering Department prior to submission for the ZBA. Plans not approved will not be accepted.
- Any requests that require a City of Birmingham Right-of-Way agreement must have their agreement before submission to the ZBA.

All Zoning Board of Adjustment cases are encouraged to present their case to the Neighborhood Association where the property is located. Staff will get you on the agenda to present your case to the neighborhood so the neighborhood can vote on whether or not they want to support it.

The applicant will attend the Zoning Board of Adjustment meeting on the day the request is scheduled to be heard by the Board. Please be prepared to clearly explain the request and justification to the Board. Staff will include submitted documentation to the Board in advance of the meeting, but please feel free to bring any additional documentation necessary to present the case.