

HUNTSVILLE BOARD OF ZONING ADJUSTMENT  
HUNTSVILLE, ALABAMA

APPEAL UNDER THE ZONING ORDINANCE  
(Instructions on Back)

The undersigned hereby appeals the decision of the Zoning Administrator of Huntsville, Alabama, wherein a  building permit / sign permit  use and occupancy permit is denied at \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

The above referenced property is located in a(n) \_\_\_\_\_ Zoning District.

(Other legal description required and attached)

In accordance with plans, application and all data heretofore filed with the Zoning Administrator all of which are hereto attached and made part of this appeal.

The application for a  building permit / sign permit  use and occupancy permit is denied due to the fact that \_\_\_\_\_

and a  variance  special exception is requested in this requirement as applied to the above referenced property.

I attest that the attached list of property owners will be notified of the Board of Zoning Adjustment meeting held in the Council Chambers of the Administration Building at 308 Fountain Circle on \_\_\_\_\_ at 6:00pm where they shall be invited to express their opinion of said  variance  special exception request.

Appellant must:  be owner of subject property / have lease agreement for 2 years or more  
 have sales contract to purchase the property contingent upon variance  
 have power of attorney

Application  does  does not include a request for signage.

If signage is requested, include:

Number of signs \_\_\_\_\_

Type of signs \_\_\_\_\_

Location of signs \_\_\_\_\_

I hereby depose and say that all of the above statements contained in the exhibits transmitted herewith are true.

Print Name \_\_\_\_\_

Signature of Appellant \_\_\_\_\_

Telephone Number \_\_\_\_\_

\_\_\_\_\_

Application Fee:  Cash  
 Check # \_\_\_\_\_

Street Address, City, State, Zip \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_

HUNTSVILLE BOARD OF ZONING ADJUSTMENT  
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INSTRUCTION GUIDE

The following actions shall be accomplished before an "Appeal Under the Zoning Ordinance" will be heard by the Huntsville Board of Zoning Adjustment:

- A. An application for a license, building permit or sign permit must be completed and denied by a zoning official. Please redact any and all personal information from your denied license as the Board of Zoning Adjustment cases are open to public view.
- B. Complete and have notarized an application of "Appeal Under the Zoning Ordinance" form.
- C. Obtain the list of all property owners within 500 feet of the subject property and the plot plan from the Madison County Tax Assessor's Office in the Madison County Courthouse. Written notification letters must be sent to all property owners listed informing them of your variance request and the date, time and place of the Board of Zoning Adjustment meeting. \*\* It is not mandatory that property owners attend the meeting; however, they must be informed of your request and invited to attend the public meeting should they have questions or concerns. Written notification letters must be reviewed by a zoning official prior to being mailed. Attach 1 copy of the written notification letter in your variance package submittal along with the list of property owners and the plot plan. After receiving approval from a zoning official, letters to property owners should be mailed immediately, but no later than 7 days prior to the Board of Zoning Adjustment Meeting.
- D. If the "Appeal Under the Zoning Ordinance" is regarding a denied building permit application, 2 site plans, drawn to scale by a reputable surveyor or architect, are required. House plans are requested for new construction residential properties and additions.
- E. A hardship letter addressed to the Board of Zoning Adjustment explaining the physical hardship that exists on the property. A physical hardship is a detailed explanation of why the property cannot conform to the Zoning Ordinance and should be considered for a variance. Zoning Administration cannot assist the appellant with his/her hardship letter. A hardship cannot be based on economic reasons. \*\*\*
- F. If the appellant is the owner of the subject property, you must provide a copy of the recorded deed. If the appellant has a lease agreement for 2 years or more, the lessee has legal standing to request a variance as owner of the subject property. In this case, a copy of the lease agreement and a copy of the recorded deed must be submitted. Please redact any and all personal information from the lease agreement as Board of Zoning Adjustment cases are open to public view. If the appellant has a purchase agreement with the owner of the subject property, you must provide a copy of the purchase agreement and a copy of the recorded deed. Also, the purchase agreement must not expire prior to the Board of Zoning Adjustment Meeting and must be contingent upon receiving approval by the Board of Zoning Adjustment. Please redact any and all personal information from the purchase agreement as Board of Zoning Adjustment cases are open to public view.
- G. Power of attorney. (When applicable) If the appellant has power of attorney to represent the owner / lessee / purchaser of the property, the appellant must also submit a copy of the recorded deed / lease agreement / purchase agreement.
- H. A copy of the applicable page from the Official Zoning Map of the City of Huntsville. The Zoning Map of your property is found in the City of Huntsville Planning Department (2<sup>nd</sup> Floor) of the Administration Building.
- I. Photos of subject property pertaining to your variance request.
- J. A \$25.00 Application Fee made payable to the City of Huntsville.

\*\* The Board of Zoning Adjustment Meeting is held in the Council Chambers of the Administration Building at 308 Fountain Circle, Huntsville, Alabama 35801.

\*\*\* Requests for a SPECIAL EXCEPTION do not require a hardship letter. Refer to Article 92.5.3 of the City of Huntsville Zoning Ordinance for Permitted Uses as Special Exceptions.