



CITY OF TROY

PLANNING & ZONING DEPARTMENT

P.O. Box 549 · 301 Charles W. Meeks Avenue · Troy, Alabama 36081
Phone: 334.670.6058 · Fax: 334.670.6078

Scheduled Hearing at 4:00 PM on _____, 20____.

TROY BOARD OF ADJUSTMENT APPLICATION

(PLEASE PRINT)

Applications are due no later than the last business day of the month preceding the regularly scheduled Board of Adjustment meeting at which the petition will be heard. The Board of Adjustment meets in the City Hall Council Chambers at 4PM on the third (3rd) Thursday of each month.

Type of Application (Check One): Variance Special Exception Appeal

Subject Property Information

Street Address: _____

Parcel Number(s): _____

Zoning District: _____ Present Use: _____

Applicant Information

Applicant Name: _____

Address: _____

Phone: _____ Email: _____

Applicant (check one): is the owner of the property is not the owner of the property (*agent authorization form must be attached*)

Owner Information

Owner Name: _____ Phone: _____

Address: _____

Case Information

Detailed description and reasons of the request: _____

Application Submittal Checklist

- Completed Application Copy of recorded deed, the sales contract, or lease Reproducible Plot Plan/Survey
- Filing Fee (\$75.00) Notarized Agent Authorization Form (*required if the applicant is not the owner of the property*)

Acknowledgement & Signature of Applicant

I certify that the information provided in this application and all required documentation submitted with this application, to the best of my knowledge, is true and correct. I understand that as the applicant, I must appear in my own behalf or be represented by authorized agent at the scheduled hearing to present my case to the Board and answer any questions. I further state that if this request is granted, I will proceed in accordance with plans submitted, information stated in my testimony at the meeting, and under the conditions as stated by the Board of Adjustment.

Applicant Signature: _____

Date _____

INSTRUCTIONS TO APPLICANTS APPEALLING TO THE TROY BOARD OF ADJUSTMENT

IMPORTANT: PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION

This will serve to briefly inform you as to what you must do to bring a petition before the Troy Zoning Board of Adjustment (BOA). Please refer to the Troy Zoning Ordinance for more specific information. Please see Section 8.5 of the Troy Zoning Ordinance concerning the powers and duties of the Board of Adjustment. There are three (3) types of BOA Applications; they are:

1. **Variance** - the permission to depart from the literal requirements of this Ordinance granted pursuant to Section 8.513. The Troy Zoning Ordinance Section 8.513 states, "Variances: To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done."
2. **Special Exception** – a species of administrative permission which allows a specific variation to the terms of the zoning ordinance which is permitted only by application and approval by the board of adjustment on such special exception as they are authorized to rule on by the terms of this ordinance. Special Exception use is a use specified as "permitted on appeal" that, owing to some special characteristics attendant to its operation or installation, is permitted in a district as a special exception subject to approval by the board of adjustment on such special exception as they are authorized to rule on by the terms of this ordinance, and then subject to such conditions as said Board may require to preserve and protect the character of the district. The Troy Zoning Ordinance Section 8.512 states, "Special Exceptions: To hear and decide special exceptions to the terms of this Ordinance upon which such board is required to pass under this Ordinance. Conditions and Safeguards: In granting Special Exceptions the Board may require conditions and safeguards as deemed appropriate to insure the intent of the Zoning Ordinance. Such conditions may relate to, but not limited to, provisions for: purpose, compatibility, suitability, serviceability, accessibility, and conformity."
3. **Appeal** - The Troy Zoning Ordinance Section 8.511 states, "Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance."

YOU, THE APPLICANT, ARE RESPONSIBLE FOR PRESENTING SUFFICIENT INFORMATION TO SUPPORT AND PROVE YOUR CASE. Familiarity with the particular provision of the Zoning Ordinance that affects your property is important, and any specific questions you may have relative to your particular case can be answered by obtaining a copy of the Zoning Ordinance at the at the Planning & Zoning Office, City Hall, 301 Charles W. Meeks Ave, Troy, AL 36081 or on the City web-site at www.troyal.gov. **Only the property owner or a duly authorized representative thereof will be permitted to make an application to the BOA.**

You must complete and submit the application. Each application must include all required elements when submitted. Return the completed application to the Planning Department no later than the last day of the month preceding the regularly scheduled Board of Adjustment meeting at which the petition will be heard. Incomplete applications will not be processed and will not be scheduled for a public hearing. The Board of Adjustment meets on the third (3rd) Thursday of each month. Specific Board meeting dates can be obtained from the Planning Department. The applicant must remit a \$75.00 application fee at time of application. This fee is to defray administrative costs associated with the application. Upon the receipt of the complete application "package" the applicant will be informed of the date and time of the Board meeting at which the request shall be presented.

Notice is published in the newspaper at least seven (7) days prior to the public hearing date. Sign(s) will be posted by the City on the property for which an application has been submitted no less than 10 days prior to the Board meeting at which the request will be heard. A notice will be mailed to the applicant and to the owners of land immediately adjoining the applicant's site by first class United States Postal Service.

THE APPLICANT MUST APPEAR BEFORE THE BOARD OF ADJUSTMENT OR BE REPRESENTED BY AUTHORIZED AGENT AT THE SCHEDULED HEARING TO PRESENT THE CASE AND ANSWER QUESTIONS FROM THE BOARD AND OTHER INTERESTED PARTIES. The petition WILL NOT BE CONSIDERED if the applicant or his authorized agent is not present at the meeting. A public hearing on the application will be held by the Board of Adjustment. During the public hearing the applicant is allowed to address the Board of Adjustment. In addition, those for or against the application will also be allowed to address the Board. Any written correspondence received in a timely manner will be presented to the Board.

At the conclusion of the public hearing a decision will be rendered. When the request is heard by the Board of Adjustment, they will do one of the following: 1) Deny the request; 2) Approve the request; 3) Approve the request with stipulations; or 4) Table the request pending the submittal of additional information. The concurring vote of four members of the board shall be necessary to approve a petition. You will be sent a notice of the decision.

Agent Authorization Form

Date: _____

To: **City of Troy**
Planning and Zoning Department
301 Charles W. Meeks Ave.
PO Box 549 Troy, Alabama 36081

Re: Agent Authorization for the following site location: _____

To whom it may concern:

You are hereby advised that the undersigned is the owner of the property located at the above location. Said owner hereby authorizes and empowers (*authorized representative*) _____
to act as agent to file application(s) for (*describe action requested*) _____

_____ for the above referenced property and in connection with such authorization to transact all business relating to such requested action, including authorization to file such applications, papers, documents, requests and other matters necessary for such requested action.

Property Owner Signature

Date

STATE OF _____

COUNTY OF _____

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that the foregoing affirmation was sworn and subscribed before me by _____, who is personally known to me or has produced a valid driver's license as identification, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____, 20____.

Notary Public Signature

Date Commission Expires

(Seal)

JASON A. REEVES
Mayor

CITY OF TROY

MARCUS PARAMORE
Council President, District 3

GREG MEEKS
Council Vice President, District 2



STEPHANIE BAKER
District 4 Councilwoman

ROBERT JONES
District 1 Councilman

WANDA MOULTRY
District 5 Councilwoman

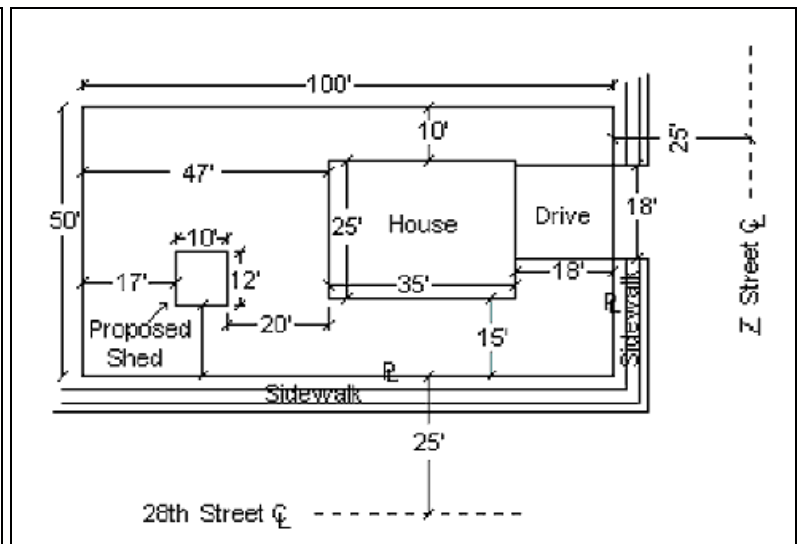
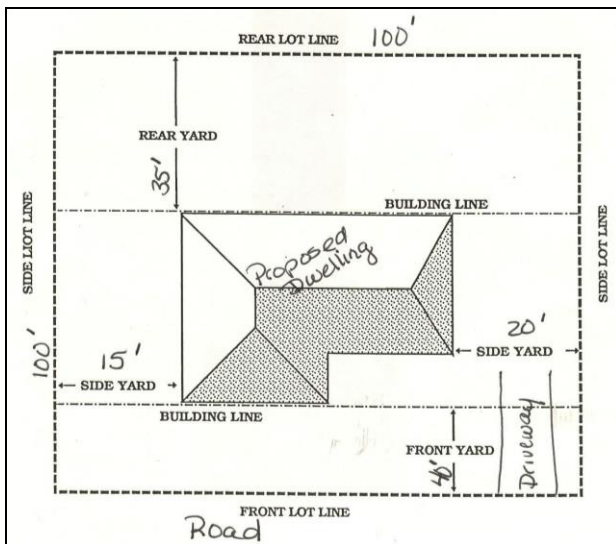
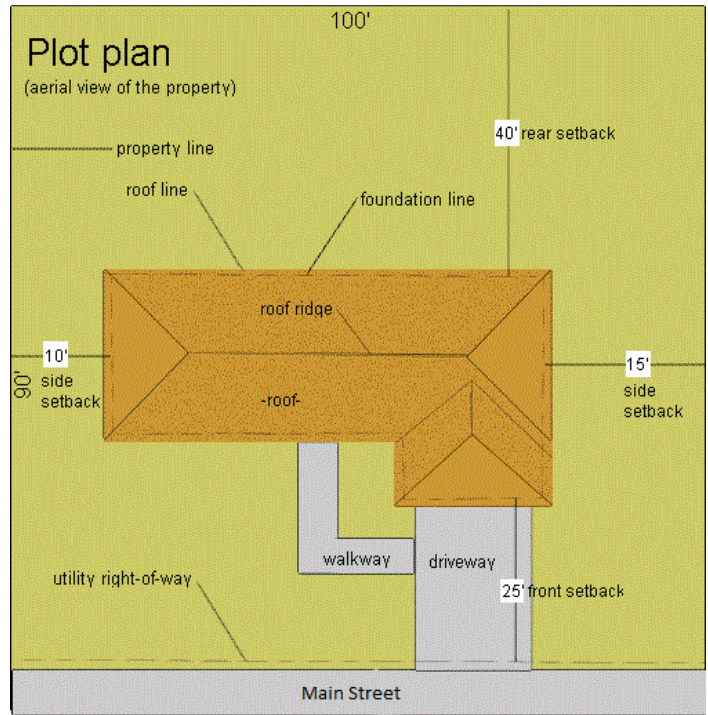
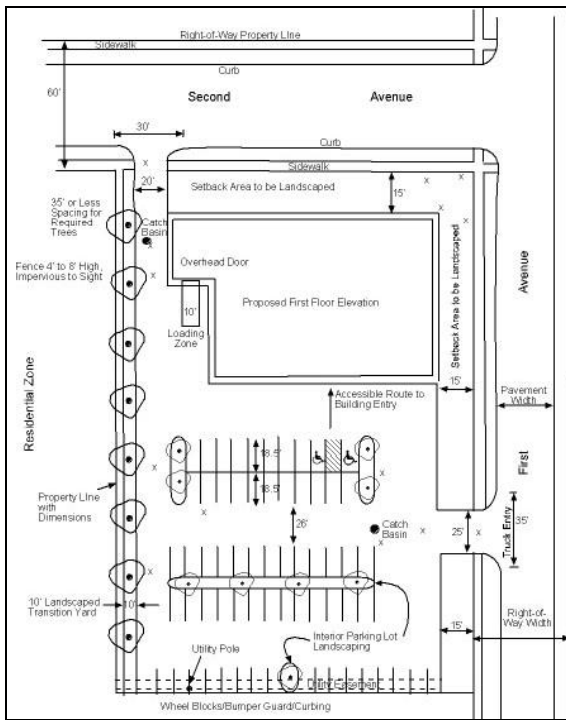
PLANNING AND ZONING

Reproducible Plot Plan or Survey – Board of Adjustment

One (1) copy of a Reproducible Plot Plan or Survey (drawn to scale) must be submitted with this application. The reproducible Plot Plan or Survey must be drawn to scale and show the following:

- outline and dimensions of the lot
- location of adjacent street(s)
- any existing structures (with location and dimensions)
- proposed structures (with location and dimensions)
- parking (current and proposed)
- setbacks from property lines (current and proposed)

Samples



MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR

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www.troyal.gov • planning@troyal.info