**Board of Zoning Adjustment – Roles and Responsibilities**

Shortly after the new Zoning Ordinance is adopted by the City Council and takes effect, the City must also establish a Board of Zoning Adjustment that will consist of five members in accordance with Alabama Code of Law Section 11-52-80, which states “The board of adjustment shall consist of five members, each to be appointed for a term of three years, except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year, and thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed.”

The main responsibility of the Board of Zoning Adjustment is to hear and decide upon requests for variances and special exceptions (such as temporary uses) as well as appeals to the decision of the Building Official / Zoning Administrator or other City official relating to such a zoning issue. The Board of Zoning Adjustment shall adopt rules of order and select a chairperson and will meet as necessary. Meetings to be held by the Board of Zoning Adjustment will arise from applications for special exceptions and variances.

Variances - Applicants can request a variance from certain development standards such as setbacks, building height, and lot size in the Zoning Ordinance. If a variance is necessary, the applicant must submit information to support the application, whether it is a subdivision, site plan review, plot plan, or building permit.

Special Exceptions - Zoning categories generally include uses permitted by right and uses permitted by special exception. A special exception is a land use that is permitted subject to specific conditions in the ordinance. This makes it possible to allow uses where they are reasonable, but deny them where the specific conditions cannot be met.

The Board of Zoning Adjustment is given limited but important power to "bend" the Zoning Ordinance only when absolutely necessary. Such an instance occurs when literal enforcement of the Zoning Ordinance causes a unique hardship on the use of a property. The Board does not have the power to rezone property or to allow the development of non-permitted land uses. An example may be a parcel with an odd shape or unique topography where setbacks and other standards pose a unique hardship.

More detailed information on the powers and responsibilities of the Board of Zoning Adjustment will be included in the Zoning Ordinance.