

**Town of Perdido Beach**

**ORDINANCE 2011-01  
ESTABLISHING A ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, a zoning ordinance cannot cover all possible situations which might arise under it; and

**WHEREAS**, some method is necessary to ease strict application of the zoning ordinance and still achieve the purpose of the land use plan on which the zoning ordinance is established; and

**WHEREAS**, Section 11-52-80, *Code of Alabama 1975*, provides for the creation of a Zoning Board of Adjustment.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the Town of Perdido Beach, Alabama, that a Zoning Board of Adjustment is hereby created with the following powers:

1. 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 a zoning ordinance; and
2. To hear and decide special exceptions to the terms of the zoning ordinance upon which such board is required to pass under such ordinance; and
3. To authorize upon appeal in specific cases such variance from the terms of the zoning 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.

In exercising the powers list above, such board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to the end shall have all the power of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

The Board of Adjustment shall consist of five (5) members plus two (2) supernumerary members, who serve on call of the chairman in the absence of regular members. The five (5) members' terms shall be staggered three-year terms except that in the first instance, one member shall be appointed for a term of (3) years, two (2) members for a term of two (2) years and two (2) members for a term of one year. Supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Appointed members may be removed for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Adopted this **24th** day of **February, 2011**.

ATTEST:

*Lynn Thompson*  
Lynn Thompson, Town Clerk

*Patsy W. Parker*  
Patsy W. Parker, Mayor

Town of Perdido Beach Certificate of Publication. This is to certify that Ordinance 2011-01, of The Town of Perdido Beach, Alabama, was published by posting on at least three (3) bulletin boards in the Town, from February 25, 2011 to March 3, 2011 at the following locations:

- (1.) Town Hall
- (2.) Perdido Beach VFD
- (3.) St. Andrew's By the Sea Church
- (4.) Perdido Beach Baptist Church

*Lynn Thompson*  
Lynn Thompson-Town Clerk

