



City of Enterprise

Department of Engineering Services & Public Works

501 S Main Street

Enterprise, Alabama 36330

Phone (334) 348-2671

Fax (334) 348-2672

BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE

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Submission Checklist:

- \$25.00 Filing Fee
 - Name and address of all adjacent property owners
 - Completed application
 - Description of the request
 - Detailed drawing if applicable
 - Proof of home ownership if the applicant owns the home
- OR
- Notarized letter from the property owner allowing applicant to act on his/her behalf



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ARTICLE XI OF THE CITY OF ENTERPRISE ZONING ORDINANCE

Section 5. Variances

Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

An application for a variance shall be filed with the Building Official or Secretary of the Board at least thirty (30) days before the scheduled hearing date before the Board. At least five (5) days prior to the scheduled hearing of the Board, the Building Official shall give written notice of the application to all adjacent property owners.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

a. The granting of the variance will not permit the establishment of a use that is not otherwise permitted in the district in which the property is located.

b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.

c. There must be proof of unnecessary hardship. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered. It is not sufficient proof of hardship to show that greater value or profit

would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.

d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

e. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.

f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.

g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.



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2022 Board of Adjustment Calendar

<u>Application Deadline</u>	<u>Meeting Date</u>
December 13	January 12
January 10	February 9
February 9	March 9
March 14	April 13
April 11	May 11
May 9	June 8
June 13	July 13
July 11	August 10
August 8	September 7
September 12	October 12
October 11	November 9
November 14	December 14

Applications are due by 4:30 pm on the deadline's date noted. All meetings are held the second Wednesday of every month at 4:30 pm in the City Council Chambers at City Hall unless conflicted by holiday. No meeting will be held if no requests are obtained.



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BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE

APPLICANT NAME: _____ PHONE: _____

PROPERTY ADDRESS: _____
Street City/State/ZIP

MAILING ADDRESS: _____
(if different from above) Street City/State/ZIP

NAME AND ADDRESS OF PROPERTY OWNER IF OTHER THAN APPLICANT:
(If you are not the property owner, a notarized letter of approval from property owner is required.)

Name Street City/State/ZIP

TYPE OF VARIANCE: (circle) Front Yard Side Yard Rear Yard Street Side Yard Height Parking Space

OTHER: _____

Please initial next to each of the following acknowledging compliance with these statements:

_____ These special conditions and circumstances do not result from the actions of the applicant.

_____ The requested variance will not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures, or buildings in the same district.

_____ Granting of the variance will not circumvent the intent of the Zoning Ordinance.

_____ Granting of the variance will not prove averse to the surrounding property.

DEMONSTRATE HARDSHIP ACCORDING TO THE FOLLOWING CRITERIA:

1. Special conditions and circumstance exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Describe how the land, structure, or building is different from those in the zoning district:

2. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance. Describe how your property would be affected if the variance were not granted:

Attach all the names and mailing addresses for all adjacent property owners on each side, behind, and in front of your property, *including vacant or rental property*, according to the official tax records of Coffee County. This listing can be obtained from <https://www.alabamagis.com/Coffee/>. If on a corner, include all three corners in addition to properties on each side of your property.

Attach a site plan in accordance with Section 4 of the City of Enterprise Zoning Ordinance.

BY SIGNING THIS APPLICATION, Applicant swears and affirms that the representations made on this application and given to this Board are true and correct to the best of their knowledge and that they agree to abide by the conditions stipulated in the approval granted by this Board in their favor and/or the invalidation by the City of Enterprise, Board of Adjustment of any Privilege License received as a result of that favorable judgement.

Applicant Signature: _____ Date: _____