

## Board of Adjustment Variance Guidelines

**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:**

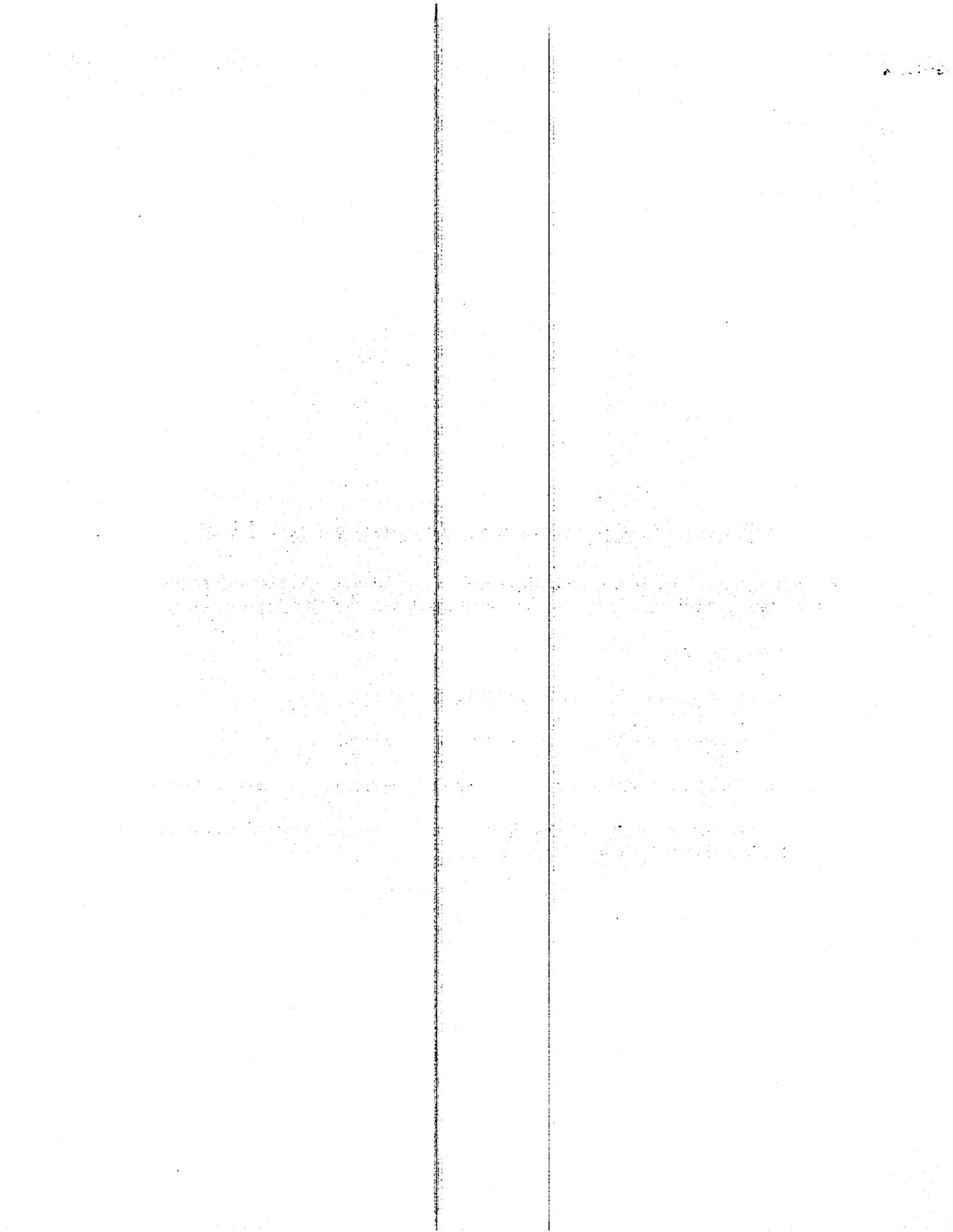
- a. The granting of the variance will not permit the establishment of a use that is not otherwise permitted in the district in which the property is located.
- b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building 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.



## **Board of Adjustment Variance Checklist**

**When the Engineering Department has received the following items, your request will be added to the agenda for the next available Board of Adjustment meeting.**

- \$25.00 Filing Fee
- Name and address of all adjacent property owners
- 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
- Completed application with description of the request to include a demonstration of the hardship and a detailed drawing





# APPLICATION FOR VARIANCE

City Of Enterprise  
Engineering Department  
P.O. Box 311000  
501 S. Main Street  
Enterprise, Alabama 36331-1000  
Phone (334) 348-2673  
Fax (334) 348-2672

**MEETING DATE:** \_\_\_\_\_ **APPLICATION DEADLINE:** \_\_\_\_\_

In accordance with Article XI, Section 5 of the Zoning Ordinance of Enterprise, Alabama, 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.

**APPLICANT NAME:** \_\_\_\_\_ **CONTACT PHONE:** \_\_\_\_\_  
(IF NOT Property Owner)

**ADDRESS:** \_\_\_\_\_  
Street City/State/ZIP

**PROPERTY OWNER:** \_\_\_\_\_ **CONTACT PHONE:** \_\_\_\_\_  
(If you are not the property owner, a letter of approval from property owner is required).

**ADDRESS:** \_\_\_\_\_  
Street City/State/ZIP

**PROPERTY LOCATION:** \_\_\_\_\_  
(If different from above or Subdivision Name, Lot Number, and Block)

**TYPE OF VARAINCE:**      Front Yard – Side Yard – Rear Yard – Street Side yard – Height – Parking Space  
(Circle all that apply)  
**OTHER (not listed above):** \_\_\_\_\_

**DEMONSTRATE THE 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:

---

---

---

The applicant certifies to the following:

- 1) That the applicant believes that these special conditions and circumstances do not result from the actions of the applicant.
- 2) That the applicant believes that granting the requested variance will not confer on the applicant any special
- 3) Privilege that is denied by the ordinance to other lands, structures, or buildings in the same district.
- 4) That the applicant believes that the granting of the variance will not circumvent the intent of the ordinance.
- 5) That the applicant believes that the granting of the variance will not prove adverse to the surrounding property.

---

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 the REVENUE COMMISSIONER'S OFFICE AT THE COFFEE COUNTY COURT HOUSE, 99 SOUTH EDWARDS STREET, ENTERPRISE, AL. If on a corner, include all three corners in addition to property on each side of your property.

Attach a drawing that shows the following (page 3):

- 1) Outline and dimensions of the lot on the property.
- 2) Location of adjacent street(s), including any side street.
- 3) Outline of the existing building(s), if any, and the distances to each property line (Note: The street curb is not the property line).
- 4) The outline of the proposed building or additions and the distance to each property line; and requested variance.

\*BY SIGNING THIS APPLICATION, THE APPLICANT swears or affirms that the representations made on this application or testimony subsequently 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 Name (Please print in blue ink)

---

Applicant Signature (In blue ink)

# APPLICATION FOR VARIANCE – PART 2



City Of Enterprise  
Engineering Department  
P.O. Box 311000  
501 S. Main Street  
Enterprise, Alabama 36331-1000  
Phone (334) 348-2673  
Fax (334) 348-2672

---

## PRINT THE FOLLOWING

APPLICANT NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

In the space below, show the following:

- 1) Outline and dimensions of the lot on the property .
- 2) Location of adjacent street(s), including and side street.
- 3) Outline existing building(s), if any, and the distances to the property line (Note: The street curb is not the property line).
- 4) The outline of the proposed building or additions and the distances to each property line, and requested variance.