

**Homewood Board of Zoning Adjustments**  
**Agenda**  
**Thursday, February 5, 2026, 6:00 P.M.**  
**City Council Chamber**  
**2850 19<sup>th</sup> Street South, 2<sup>nd</sup> Floor**  
**Homewood, Alabama 35209**

*\*NOTE: Prior to the scheduled public hearing, a brief work session will be held for Board members beginning at 5:30 p.m. in the City Council's Committee Workroom located on the 2<sup>nd</sup> floor behind the Council Chambers. Members of the public are welcome to attend and observe the work session; however, questions and/or comments from the public will only be considered during the scheduled public hearing.*

While the scheduled hearing is available for live-stream viewing here: <https://www.cityofhomewood.com/live-stream>, persons who wish to comment during the meeting may only do so in person. Comments in support or opposition, may be submitted via email to the Department of Engineering & Zoning by clicking the following link: [www.cityofhomewood.com/engineering-zoning](http://www.cityofhomewood.com/engineering-zoning) or to the Secretary to the Board of Zoning Adjustments at [fred.goodwin@homewoodal.org](mailto:fred.goodwin@homewoodal.org). Comments may also be hand-delivered to the Department of Engineering & Zoning, located on the 4<sup>th</sup> floor of Homewood City Hall. Please include the address or case number and submit them no later than 24 hours prior to the meeting.

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**Board Members**

Chair, Michael Pirkle, Ward 3    Vice-Chair, Mario Neavez, Ward 2

Callan Childs, Ward 1    Megan Hand, Ward 4

William Johnson, Ward 5

**Supernumeraries**

John Geer

Keith Young

**Order of Business**

**I.    *Call to Order***

**II.   *Roll Call***

**III. *Minutes Approval– January 8, 2026***

**IV.   *Communications/Reports from Chair & Vice Chair***

**V.    *Old Business***

**VI.   *New Business***

**1) *BZA-25-0014, 216 Acton Avenue, Parcel ID No. 2900144015030001, Applicant: Robert Martin / Property Owners: Ashley and Kyle Shroyer***

*a) A request for a variance to Article IV. District Uses, Sec. A. Neighborhood Preservation District, (3) Development regulations, (d) setbacks, (iii) rear to reduce the required setback along the rear property line from 20-feet to 13.5-ft for a total reduction of 6.5-ft.*

*b) A request for a variance to Article IV. District Uses, Sec. A. Neighborhood Preservation District, (3) Development Regulations (g) to increase the permitted maximum lot coverage of the primary structure from 37 percent to 40.8 percent for a total increase of 3.8 percent.*

*c) A request for a variance to Article IV. District Uses, Sec. A. Neighborhood Preservation District, (3) Development Regulations (h) to increase the*

The Agenda of the Board of Zoning Adjustments is subject to change prior to the scheduled meeting. The Board Chair reserves the right to vary the order of the meeting, if warranted. Questions regarding the agenda and meeting may be directed to the Department of Engineering and Zoning at (205) 332-6854.

*permitted maximum impervious surface coverage from 45 percent to 48 percent, for a total increase of 3 percent.*

**2) BZA-26-0017, 320 La Prado Circle, Parcel ID No. 2800074009009000, Applicant: John Fagan / Property Owner: Millard Williamson**

*a) A request for a variance to Article IV. District Uses, Sec. A Neighborhood Preservation District, (3) Development regulations, (d) setbacks, (ii) side, to reduce the required setback along the right property line from 10-ft to 6-ft, 7-inches, for a total reduction of 3-ft, 5-inches.*

*b) A request for a variance to Article IV. District Uses, Sec. A. Neighborhood Preservation District, (3) Development Regulations (h) to increase the permitted maximum impervious surface coverage from 45 percent to 53 percent for a total increase of 8 percent.*

**3) Board Administration: Review and approve revisions to the Board of Zoning Adjustments Bylaws and Rules of Procedure.**

**VII. Communications from Staff**

**VIII. Adjournment**



# Planning and Zoning General Application

(Page 1 of 2 – see page 2 for submittal requirements)

Property Address: 216 ACTON AVENUE, HOMEWOOD, AL 35209

Parcel ID: 030001 Current Zoning: NPD

Acreage: .16 Proposed Land Use: RESIDENTIAL-ADDITION

Applicant: ROBERT MARTIN Property Interest of Applicant: CLIENT

E-mail: [REDACTED] Applicant Phone #: [REDACTED]

Mailing Address: [REDACTED]

City State Zip

Property Owner: KYLE and ASHLEY SHROYER

E-mail: [REDACTED] Phone #: [REDACTED]

Mailing Address: 216 ACTON AVENUE HOMEWOOD AL 35209

City State Zip

**Request (check all applicable items):**

- Variance Request
- Rezoning
- Development Plan
- Other BZA Request: \_\_\_\_\_
- Zoning Text Amendment
- Final
- Resurvey
- Amended

**Signatures of Property Owner and Applicant:**

I, Kyle Shroyer (Print Property Owner) am the property owner of the subject property and have read and understood all statements including the filing requirements. I hereby affirm that this application may be denied, modified, or approved with modifications and/or contingencies and that such modifications and/or contingencies must be complied with prior to issuance of building permits.

I authorize ROBERT MARTIN (Print Applicant) to act as representative in all matters concerning this application.

Kyle Shroyer 12/22/25  
 Signature of Property Owner Date

Robert Martin 12/22/25  
 Signature of Applicant Date

**For office use only:**

- Completed Application form with signatures
- Project Narrative
- 2 Hard Copies of Site Plan, Site Photographs, Survey, Mylar, etc.
- Digital Copies of Site Plans, Site Photographs, Survey, Mylar etc.
- Application Fee
- Other Required Documents: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_  
 Proposed Zoning District: \_\_\_\_\_  
 Special Flood Hazard Area (Y/N): \_\_\_\_\_

Date Received in Office: \_\_\_\_\_ Time Received: \_\_\_\_\_  
 Received By: \_\_\_\_\_ Case Number(s): \_\_\_\_\_



### Variance Request Charts

Please complete only the charts relevant to the proposed variance request project. The information in these charts should reflect the information on the proposed site plans.

PRIMARY STRUCTURE SETBACKS				
	Existing Setback Dimensions	Setback Dimensions Required by Zoning Regulations	Proposed Setback Dimensions	Total Variance Requested
Front Setback	24.5'	—	N/A	
Secondary Front Setback	—	—	N/A	
Right Setback	7.0'	5.0'	5.0'	
Left Setback	11.0'	9.0'	9.0'	
Rear Setback	39'-3 1/4" TO BACK OF SCREENED PORCH	20.0'	13.5'	6.5' (IN TO REAR SETBACK)

ACCESSORY STRUCTURE SETBACKS				
Please provide the following information regarding the proposed accessory structure:				
Proposed Height: _____ Proposed Size (in sq ft): _____				
	Existing Setback Dimensions	Setback Dimensions Required by Zoning Regulations	Proposed Setback Dimensions	Total Variance Requested
Right Setback				
Left Setback				
Rear Setback				
Other:				

FENCES AND WALLS (NOT RETAINING)		
Proposed Height:	Proposed Setback:	Location of Fence:
Description of Fence (dimensions, materials, etc.): _____		
_____		

PARKING		STRUCTURE HEIGHT	
Required Parking Ratio		Existing Height	25.5'
Total Spaces Required		Maximum Height Permitted	29.0'
Total Spaces Provided		Proposed Height	18'-10" (GARAGE ADDITION)
Total Variance Requested		Total Variance Requested	N/A



**Hardship Criteria Evaluation Form**

Prior to granting a variance, the Board of Zoning Adjustment must *examine* and *validate* that the following criteria apply to the request. Please examine the following criteria and initial to indicate their applicability to the variance request. (The following criteria can be found in Article XI. Administration and Review Procedures, Section B. Variances, (3) Conditions)

- a) There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to other lands or structures in the same district.

Applicable: \_\_\_\_\_

- b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the district in which the property is located.

Applicable: KS/RM

- c) All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other owners of property in the district in which the property is located.

Applicable: \_\_\_\_\_

- d) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

Applicable: KS/RM

- e) The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship)

Applicable: KS/RM

- f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

Applicable: KS/RM

- g) That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

Applicable: KS/RM

- h) That the variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Applicable: KS/RM

By signing below, I acknowledge that I have reviewed and evaluated the criteria, and the application and documents submitted for the requested variance will provide evidence of their applicability to the proposed request.

Robert Martin  
 Signature of Applicant

12/22/2025  
 Date



**City of Homewood Board of Zoning Adjustments Applications**

***General Information for Applicant***

The Homewood Board of Adjustment was established pursuant to section 11-52-80, Code of Alabama 1975 and shall have all powers and duties delegated to boards of adjustment by said code, which generally are:

- 1) *Appeal a decision of the administrative official:* 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.
- 2) *Special Exception to allow a Home Occupation or other use requiring BZA approval:* To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.
- 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 this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

The following pages include necessary information and requirements for applications to the Board of Zoning Adjustments. Please review closely and provide initials and/or signatures to indicate your understanding of the information.

***The Purpose of a Variance***

A variance is an allowance, which permits minor deviation from the zoning ordinance district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use Variances are specifically prohibited. "Variance" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

- 1) A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. The applicant must prove that special circumstances or unusual conditions affect the subject property. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Ordinance.
- 2) The applicant must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent them from making any reasonable use of the land as permitted by the present zoning district. Since zoning regulates land and not people, the following conditions **cannot** be considered pertinent to the application for a variance:
  - a. Proof that a variance would increase the financial return from the land
  - b. personal hardship
  - c. self-imposed hardship

In the case of a self-imposed hardship, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

- 3) No variance may be granted which would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purposes of the Zoning Ordinance.

Robert Martin  
**Applicant Signature**

12/22/25  
**Date**



# Planning and Zoning General Application

(Page 2 of 2)

**All General Applications shall include the following at the time of submittal:**

- One copy of the completed application form, with the original signature of the property owner or his/her authorized agent.
- Application fee
- Project narrative including the following as appropriate: proposed use, detailed project description, reason for request, conditions that the applicant will be willing to proffer
- Current Property Boundary Survey
- Hard copy and pdf copy of all site plans and building elevations. *(Plans and associated documents that are too large to email can be provided on a flash drive.)*
- Restrictive Covenants *(if applicable)*
- Photographs of the site and all existing buildings and structures.
- Proof of Ownership *(if property has been purchased within the last 12 months)*
- Any variances previously granted by the Board of Zoning Adjustments

***The following additional items will be required based on the nature of the application request and must also be submitted at the time of initial application submittal:***

**Variance Application Requirements**

- Completed Variance Request Chart
- Hardship Statement signed by Property Owner and Applicant
- Hardship Criteria Evaluation Form *(initialed and signed)*

**Final and Amended Development Plan Requirements**

- 2 full sized copies, 2 11X17 copies, and a digital copy of the proposed development plan
- Complete legal description
- Other additional information as listed in Article VII. Required Development Plan

**Resurvey Application Requirements**

- 2 full sized copies of the resurvey drawing
- 1 full size mylar copy of the resurvey drawing
- Digital copy of the resurvey drawing
- Complete legal description

**Rezoning Application Requirements**

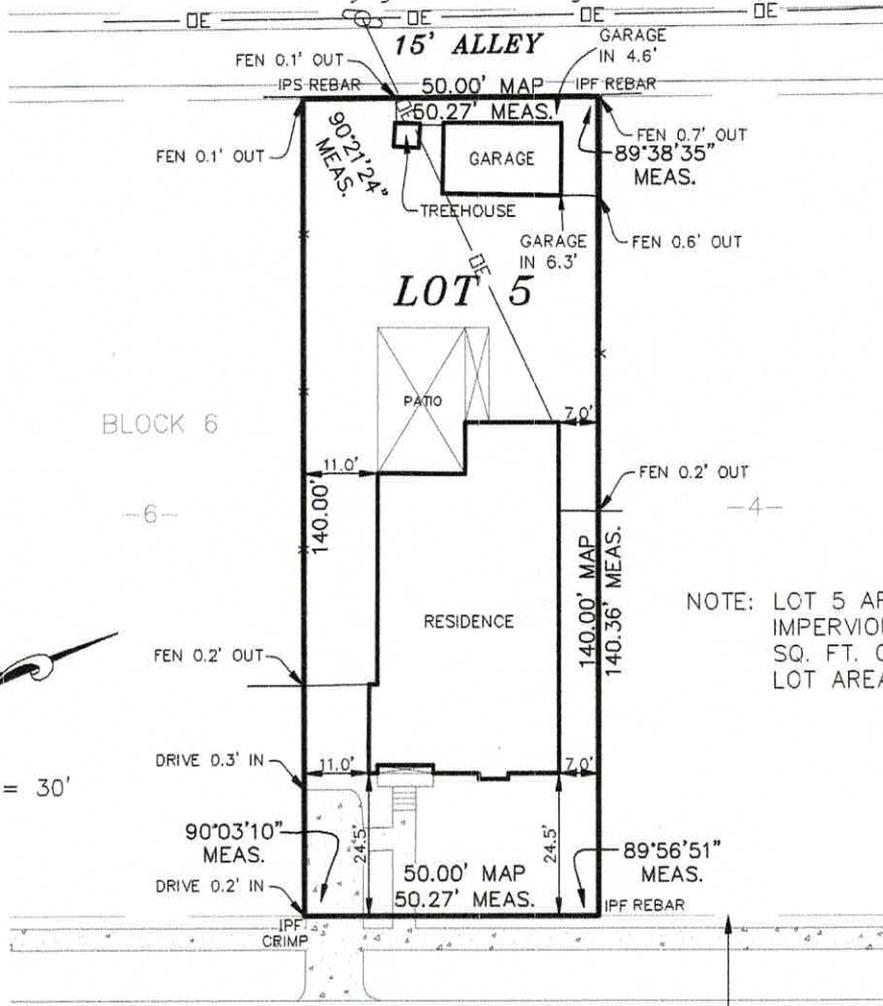
- Complete legal description
- Current Zoning District \_\_\_\_\_
- Proposed Zoning District \_\_\_\_\_
- Conditions that the applicant will be willing to proffer. *(If applicable, please include in the detailed project narrative)*

*By signing below, I acknowledge that all required documents are included in the application package. Additionally, I understand that all applications must be complete by the final application deadline in order to be processed by staff and considered by the Board of Zoning Adjustments or Planning Commission.*

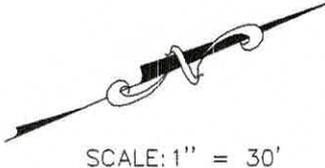
Robert Martin  
Signature of Applicant

12/22/25  
Date

REYNOLDS SURVEYING CO., INC.  
 Surveying - Land Planning



NOTE: LOT 5 AREA=7047 SQ. FT.  
 IMPERVIOUS AREA=2740  
 SQ. FT. OR 39% OF  
 LOT AREA.



- LEGEND**
- UTILITY POLE
  - GUY WIRE
  - RETAINING WALL
  - CONCRETE
  - FENCE
  - OVERHEAD ELECTRICAL
  - IRON PIN FOUND
  - IRON PIN SET

ACTON AVENUE

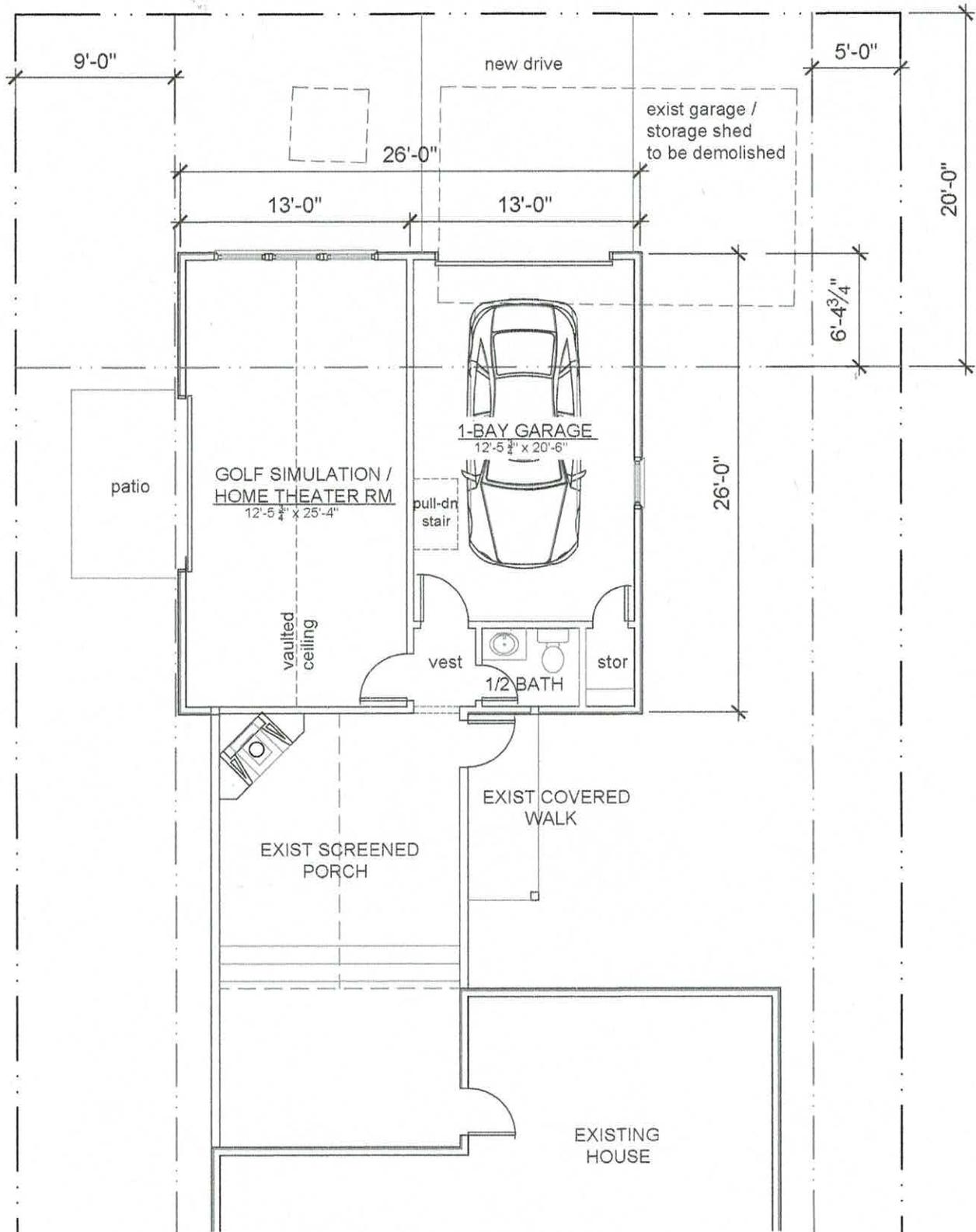


STATE OF ALABAMA  
 JEFFERSON COUNTY

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 5, Block 6, of EDGEMONT, as recorded in Map Book 16, Page 21 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 14TH day of OCTOBER, 2025.

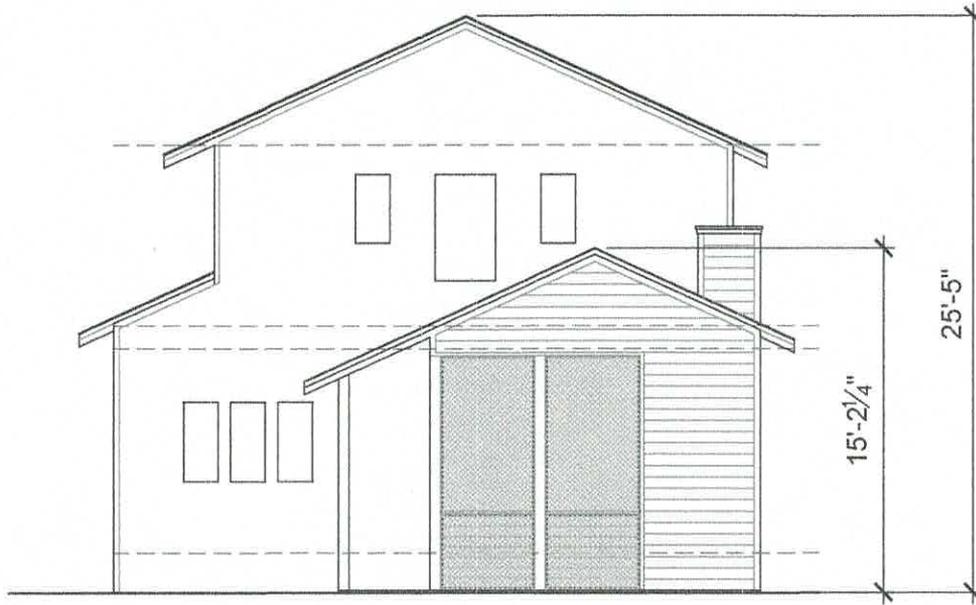
NOTE: This survey is not transferable to any additional institutions or subsequent owners.  
 Owner: SHROYER  
 Address: 216 ACTON AVENUE

*Robert Reynolds*  
 Reg. No. 25657 B154/25



**REVISED PARTIAL SITE PLAN**

1/8" = 1'-0"



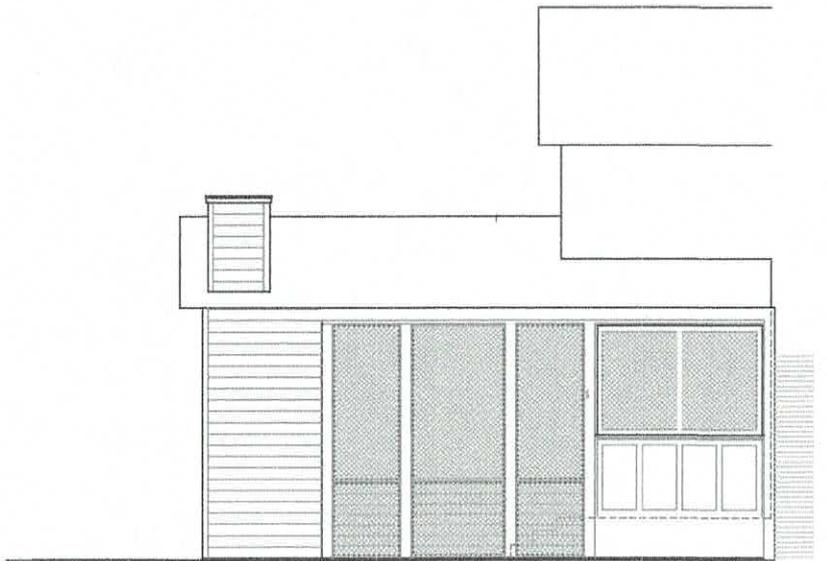
EXISTING BACK ELEVATION

1/8" = 1'-0"



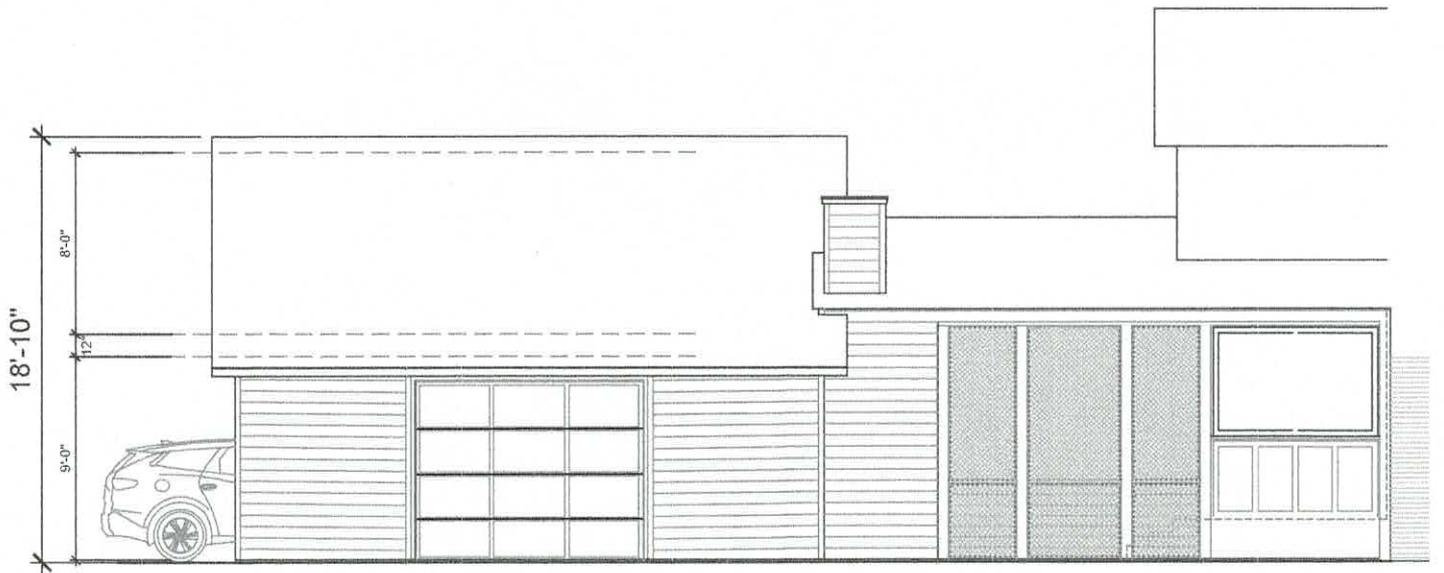
REVISED BACK ELEVATION

1/8" = 1'-0"



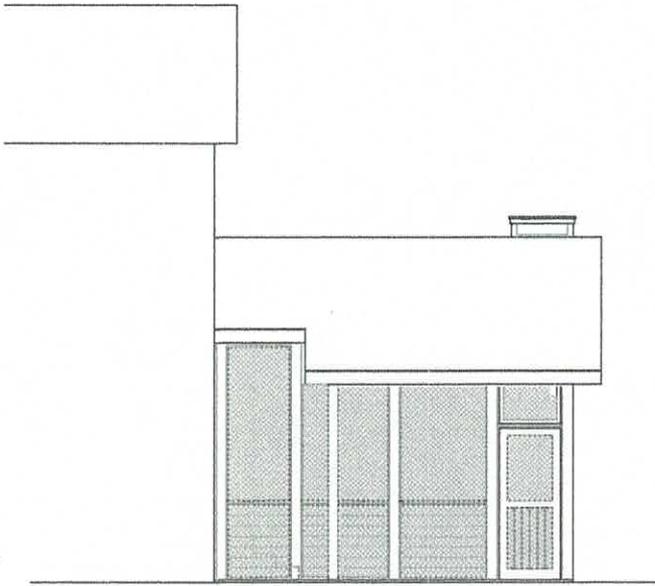
EXISTING PARTIAL RIGHT SIDE ELEVATION

1/8" = 1'-0"



REVISED PARTIAL RIGHT SIDE ELEVATION

1/8" = 1'-0"



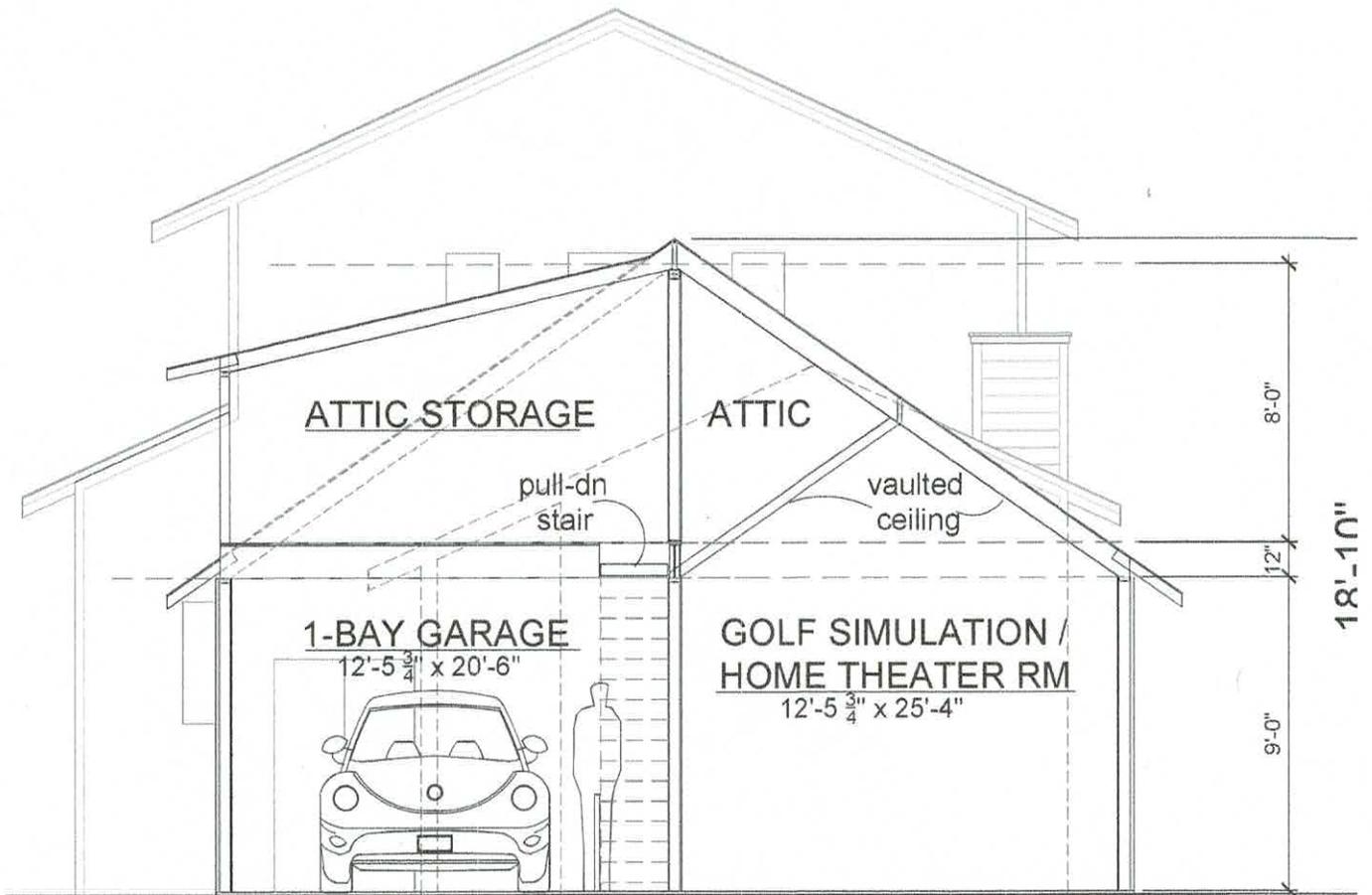
EXISTING PARTIAL LEFT SIDE ELEVATION

1/8" = 1'-0"



REVISED PARTIAL LEFT SIDE ELEVATION

1/8" = 1'-0"



**NEW GARAGE SECTION**

1/4" = 1'-0"









(BACK EXIST. STORAGE RM and TREEHOUSE TO BE REMOVED)

# **Project Narrative and Hardship Statement**

**216 Acton Avenue – Kyle Shroyer Res**

**12/22/2025**

The proposed addition to this house will consist of a 26'x26' attached garage to the back of the existing screened porch and accessed from the back alley. Inside the garage, one bay will be devoted to parking, and the other bay will be used for a golf simulation and home entertainment space. The garage will also include a half bath, plus yard equipment storage. A pull-down stair in the parking bay ceiling will enable the homeowners to access attic storage. To construct this garage, an existing storage shed in the rear of the property will be torn down because it is no longer feasible to repair / use. Presently, a large magnolia tree is located near the storage shed, and it will remain.

The homeowner's present hardships requiring the need for this garage are as follows:

- \* no covered parking; presently, a driveway and parking pad provide the only space for the homeowners to park their cars. As their children reach driving age, the need for additional parking will become even more crucial as well.
- \* there's very little storage in the house as it is currently configured. Items such as bikes, skateboards, and other sports equipment are kept in the foyer, making passage to the rest of the house difficult.
- \* the homeowners have looked into renovating the existing backyard storage shed, but the cost to do so exceeds the shed's value. Plus, it would not provide any covered parking if reused.
- \* other neighbors sharing the alleyway have garages for parking and storage purposes, while these homeowners must park in front or by curbside.

*Kyle Shroyer*

*Robert Martin*

## Revised Impervious Calculations

216 Acton Avenue – Kyle Shroyer Res

12/22/2025

Existing property area:	7,047 sq. ft.
Exist total impervious area:	2,740 sq. ft. = 39% <b>(45% total allowed)</b>
Exist total lot coverage of primary residence: (back screened porch and covered walk included)	2,197 sq. ft. = 31% <b>(37% allowed)</b>
Exist garage area (to be demolished):	12.3'x20' = 246 sq. ft.
Resulting exist total impervious:	2,740 sq. ft. <u>- 246 sq. ft.</u> 2,494 sq. ft. = 35%
<b>New 26'x26' attached garage:</b> (13'x 24.5' garage bay)	<b>676 sq. ft.</b>
Revised lot coverage of primary structure: Primary residence:	2,197 sq. ft.
New attached garage:	<u>676 sq. ft.</u>
	2,873 sq. ft. = 40.8%
<b>-- Variance needed for 3.8% over 37% --</b>	
Revised total impervious:	2,494 sq ft
New attached garage:	+ 676 sq ft
New driveway (12'x16'):	+ 161 sq. ft.
New side patio area:	<u>+ 64 sq. ft.</u>
	3,395 sq. ft. / 7,047 = 48%

**--Variance needed for 3% over 45%; plus, the new garage  
encroaches into the 20' rear setback by 6.5 ft --**

**CITY OF HOMEWOOD  
DEPARTMENT OF ENGINEERING & ZONING**

2850 19th Street South - 4<sup>th</sup> Floor  
Homewood, Alabama 35209  
Phone 205-332-6800

**Cale Smith, PE, City Manager**

**Wyatt Pugh, Director**

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January 21, 2026

*Subject Property: 216 Acton Avenue*

Dear Property Owner:

This letter shall serve as a public hearing notice to the parties in interest and to all adjacent property owners. The Homewood Board of Zoning Adjustments has been petitioned to modify the zoning regulations, as they apply to the above referenced property. Please see below for hearing details:

**Hearing Date & Time:** February 5, 2026, at 6:00 PM

**Hearing Location:** Homewood City Hall Council Chambers, 2850 19<sup>th</sup> Street South

**Applicant:** Robert Martin / **Property Owner:** Ashley and Kyle Shroyer

**Nature of Request:** Rear setback; Primary Structure Lot Coverage; Impervious Coverage

The applicant or their agent must attend the public hearing to present the request to the Board. Public comments in support or opposition to the petition shall also be heard by the Board at this time. Interested individuals can submit questions or comments to the Department of Engineering and Zoning by contacting Emily Harris-Miller at [emily.harrismiller@homewoodal.org](mailto:emily.harrismiller@homewoodal.org), or (205) 332-6800. Information regarding live stream viewing, electronic submittal of comments, and publication of case documents are provided on the reverse side of this notice.

Best,



Emily Harris-Miller  
*Senior Planning Technician*

cc: Applicant  
Property owner  
Adjacent property owners

**Information and Instructions:** The public hearing will be preceded by a brief work session between Board Members and city staff beginning at 5:30 p.m. in the City Council's Committee Workroom located on the 2<sup>nd</sup> floor behind the Council Chambers.

If you wish to view the live stream for this meeting, the "Live Stream" link is available on the home page the city's website at [www.cityofhomewood.com](http://www.cityofhomewood.com). **Although Board of Zoning Adjustments meetings may be viewed through the live streaming service, individuals wishing to participate in the public hearing, by speaking in support or opposition to a particular case, must attend the meeting in person.**

Comments in support or opposition may also be submitted via email to the Board Secretary at [fred.goodwin@homewoodal.org](mailto:fred.goodwin@homewoodal.org) or [emily.harrismiller@homewoodal.org](mailto:emily.harrismiller@homewoodal.org). Comments should be submitted no later than 24-hours prior to the meeting and will be provided to Board Members for their consideration. Please reference the case number or the address of the subject property in your comments.

A copy of the meeting agenda packet, which includes the file for this case, will be available for viewing and downloading the Friday before the scheduled public hearing. You may access the agenda packet on the home page of the city's website at [www.cityofhomewood.com](http://www.cityofhomewood.com) by clicking on the "Upcoming Meetings/BZA" tab.

For further information or to review any files or drawings pertaining to this application you may contact our office at (205) 332-6800 or visit between 7:30 a.m. and 4:30 p.m. Monday-Friday.

# City of Homewood BZA Case Map

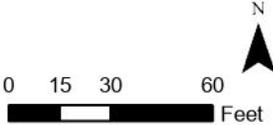
216 Acton Ave

BZA 25-0014

Aerial Photo Map



-  Subject Property
-  Roadway
-  Parcels



THE INFORMATION ON THIS DRAWING WAS COMPILED FROM SEVERAL SOURCES AND SHOULD ONLY BE USED FOR GEREAL INFORMATION AND ORIENTATION. THIS DRAWING IS THE PROPERTY OF THE CITY OF HOMEWOOD AND ITS USE BY ANYONE FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY AUTHORIZED BY THE CITY OF HOMEWOOD IS PROHIBITED.

ZONING IS SUBJECT TO CHANGE. PLEASE CALL ZONING OFFICE TO CONFIRM ZONING. 332-6828



## Planning and Zoning General Application

(Page 1 of 2 – see page 2 for submittal requirements)

Property Address: 320 LA PRADO CIR HOMEWOOD 35209

Parcel ID: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Acreage: 9369.1 Proposed Land Use: \_\_\_\_\_

Applicant: JOHN BRANDON FAGAN Property Interest of Applicant: \_\_\_\_\_

E-mail: \_\_\_\_\_ Applicant Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City State Zip

Property Owner: Millard Williamson

E-mail: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: 320 La Prado Cir Homewood 35209

City State Zip

### Request (check all applicable items):

- Variance Request
- Rezoning
- Development Plan
- Other BZA Request: \_\_\_\_\_
- Zoning Text Amendment
- Final
- Resurvey
- Amended

### Signatures of Property Owner and Applicant:

I, Millard Williamson (Print Property Owner) am the property owner of the subject property and have read and understood all statements including the filing requirements. I hereby affirm that this application may be denied, modified, or approved with modifications and/or contingencies and that such modifications and/or contingencies must be complied with prior to issuance of building permits.

I authorize JOHN B FAGAN (Print Applicant) to act as representative in all matters concerning this application.

Millard Williamson 12/18/25  
 Signature of Property Owner Date

[Signature] 1/3/25  
 Signature of Applicant Date

### For office use only:

- Completed Application form with signatures
  - Project Narrative
  - 2 Hard Copies of Site Plan, Site Photographs, Survey, Mylar, etc.
  - Digital Copies of Site Plans, Site Photographs, Survey, Mylar etc.
  - Application Fee
  - Other Required Documents: \_\_\_\_\_
- Current Zoning District: \_\_\_\_\_  
 Proposed Zoning District: \_\_\_\_\_  
 Special Flood Hazard Area (Y/N): \_\_\_\_\_
- Date Received in Office: \_\_\_\_\_ Time Received: \_\_\_\_\_  
 Received By: \_\_\_\_\_ Case Number(s): \_\_\_\_\_



## Planning and Zoning General Application

(Page 2 of 2)

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- Hard copy and pdf copy of all site plans and building elevations. (*Plans and associated documents that are too large to email can be provided on a flash drive.*)
- Restrictive Covenants (*if applicable*)
- Photographs of the site and all existing buildings and structures.
- Proof of Ownership (if property has been purchased within the last 12 months)
- Any variances previously granted by the Board of Zoning Adjustments

***The following additional items will be required based on the nature of the application request and must also be submitted at the time of initial application submittal:***

### **Variance Application Requirements**

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### **Final and Amended Development Plan Requirements**

- 2 full sized copies, 2 11X17 copies, and a digital copy of the proposed development plan
- Complete legal description
- Other additional information as listed in Article VII. Required Development Plan

### **Resurvey Application Requirements**

- 2 full sized copies of the resurvey drawing
- 1 full size mylar copy of the resurvey drawing
- Digital copy of the resurvey drawing
- Complete legal description

### **Rezoning Application Requirements**

- Complete legal description
- Current Zoning District \_\_\_\_\_
- Proposed Zoning District \_\_\_\_\_
- Conditions that the applicant will be willing to proffer. (If applicable, please include in the detailed project narrative)

*By signing below, I acknowledge that all required documents are included in the application package. Additionally, I understand that all applications must be complete by the final application deadline in order to be processed by staff and considered by the Board of Zoning Adjustments or Planning Commission.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



### Variance Request Charts

Please complete only the charts relevant to the proposed variance request project. The information in these charts should reflect the information on the proposed site plans.

PRIMARY STRUCTURE SETBACKS				
	Existing Setback Dimensions	Setback Dimensions Required by Zoning Regulations	Proposed Setback Dimensions	Total Variance Requested
Front Setback	40' 9"	25'	40' 9"	
Secondary Front Setback				
Right Setback	6' 7"	10'	6' 7"	3' 5"
Left Setback	5'	10'	5'	
Rear Setback	57'	20'	57'	

ACCESSORY STRUCTURE SETBACKS				
<b>Please provide the following information regarding the proposed accessory structure:</b>				
<b>Proposed Height:</b> _____		<b>Proposed Size (in sq ft):</b> _____		
	Existing Setback Dimensions	Setback Dimensions Required by Zoning Regulations	Proposed Setback Dimensions	Total Variance Requested
Right Setback				
Left Setback				
Rear Setback				
Other:				

FENCES AND WALLS (NOT RETAINING)		
Proposed Height:	Proposed Setback:	Location of Fence:
Description of Fence (dimensions, materials, etc.): _____		
_____		

PARKING		STRUCTURE HEIGHT	
Required Parking Ratio		Existing Height	
Total Spaces Required		Maximum Height Permitted	
Total Spaces Provided		Proposed Height	
Total Variance Requested		Total Variance Requested	



<b>SIGNS</b>				
<b>Please provide the following information regarding the proposed sign(s):</b>				
Sign Type: _____ Sign District: _____				
	<b>Existing</b>	<b>Permitted by Zoning Regulations</b>	<b>Proposed</b>	<b>Variance Requested</b>
Number of Signs				
Max Area				
Max Height				
Max Copy Height				
Setback				

<b>TREE PROTECTION AND LANDSCAPING</b>				
	<b>Existing</b>	<b>Required by Zoning Regulations</b>	<b>Proposed</b>	<b>Variance Requested</b>
<b>Perimeter Vehicular Access Landscaping</b>				
Width				
Number of Trees or Shrubs				
<b>Interior Landscape Islands</b>				
<b>Foundation Landscaping</b>				
Linear Feet				
Area				
Number of Shrubs				
<b>Other</b>				



**City of Homewood Board of Zoning Adjustments Applications**

***General Information for Applicant***

The Homewood Board of Adjustment was established pursuant to section 11-52-80, Code of Alabama 1975 and shall have all powers and duties delegated to boards of adjustment by said code, which generally are:

- 1) *Appeal a decision of the administrative official:* 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.
- 2) *Special Exception to allow a Home Occupation or other use requiring BZA approval:* To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.
- 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 this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

The following pages include necessary information and requirements for applications to the Board of Zoning Adjustments. Please review closely and provide initials and/or signatures to indicate your understanding of the information.

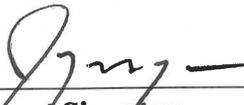
***The Purpose of a Variance***

A variance is an allowance, which permits minor deviation from the zoning ordinance district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use Variances are specifically prohibited. "Variance" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

- 1) A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. The applicant must prove that special circumstances or unusual conditions affect the subject property. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Ordinance.
- 2) The applicant must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent them from making any reasonable use of the land as permitted by the present zoning district. Since zoning regulates land and not people, the following conditions **cannot** be considered pertinent to the application for a variance:
  - a. Proof that a variance would increase the financial return from the land
  - b. personal hardship
  - c. self-imposed hardship

In the case of a self-imposed hardship, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

- 3) No variance may be granted which would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purposes of the Zoning Ordinance.

  
\_\_\_\_\_  
**Applicant Signature**

1/3/25  
\_\_\_\_\_  
**Date**



**Hardship Criteria Evaluation Form**

Prior to granting a variance, the Board of Zoning Adjustment must *examine* and *validate* that the following criteria apply to the request. Please examine the following criteria and initial to indicate their applicability to the variance request. (*The following criteria can be found in Article XI. Administration and Review Procedures, Section B. Variances, (3) Conditions*)

- a) There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to other lands or structures in the same district.

Applicable:  97

- b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the district in which the property is located.

Applicable:  97

- c) All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other owners of property in the district in which the property is located.

Applicable:  97

- d) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

Applicable:  97

- e) The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship)

Applicable:  97

- f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

Applicable:  97

- g) That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

Applicable:  97

- h) That the variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Applicable:  97

*By signing below, I acknowledge that I have reviewed and evaluated the criteria, and the application and documents submitted for the requested variance will provide evidence of their applicability to the proposed request.*

97-47-   
Signature of Applicant

1/31/25   
Date

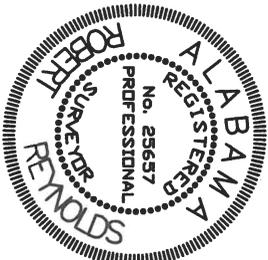
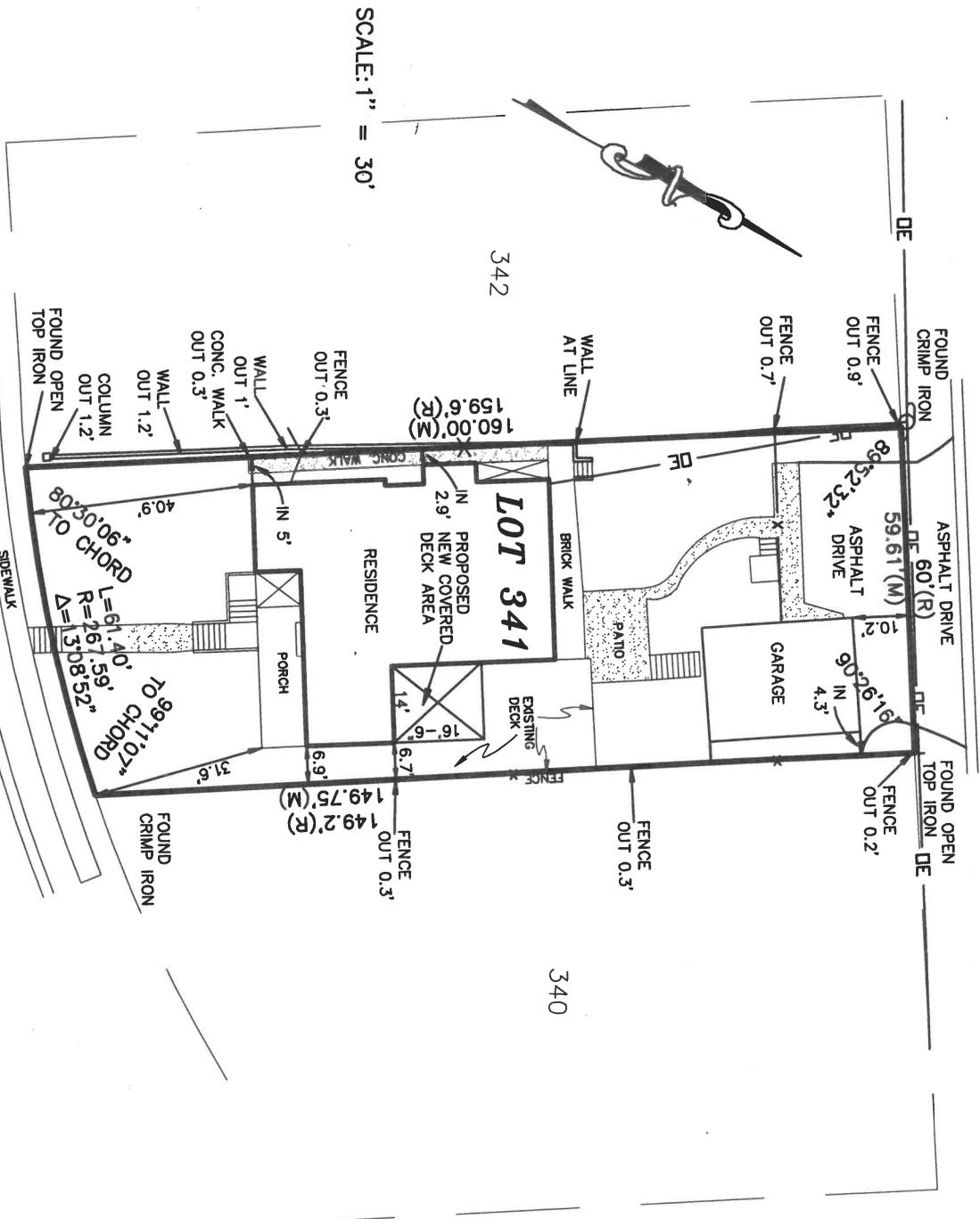
Proposed covered section of deck inline with existing structure as shown in survey. Owners request shaded space to enjoy the outdoors. Their access to the backyard is located on this side of house as shown in elevation drawing.

Proposed covered section of deck inline with existing structure as shown in survey. Owners request shaded space to enjoy the outdoors. Their access to the backyard is located on this side of house as shown in elevation drawing.





HOLLYWOOD BLVD.  
 80' R.O.W.



STATE OF ALABAMA  
 JEFFERSON COUNTY

"PROPERTY & DECK PLOT PLAN SURVEY"

NOTE: LOT AREA=9369.1 SQ.FT.  
 EXISTING IMPERVIOUS AREA=4757.6 SQ.FT. OR 50% OF LOT AREA.  
 POST CONSTRUCTION IMPERVIOUS AREA =4988.6 SQ.FT. OR 53% OF LOT AREA.

0' 30' 60' 90'

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 341, Block \_\_\_\_\_, of HOLLYWOOD THIRD SECTOR, as recorded in Map

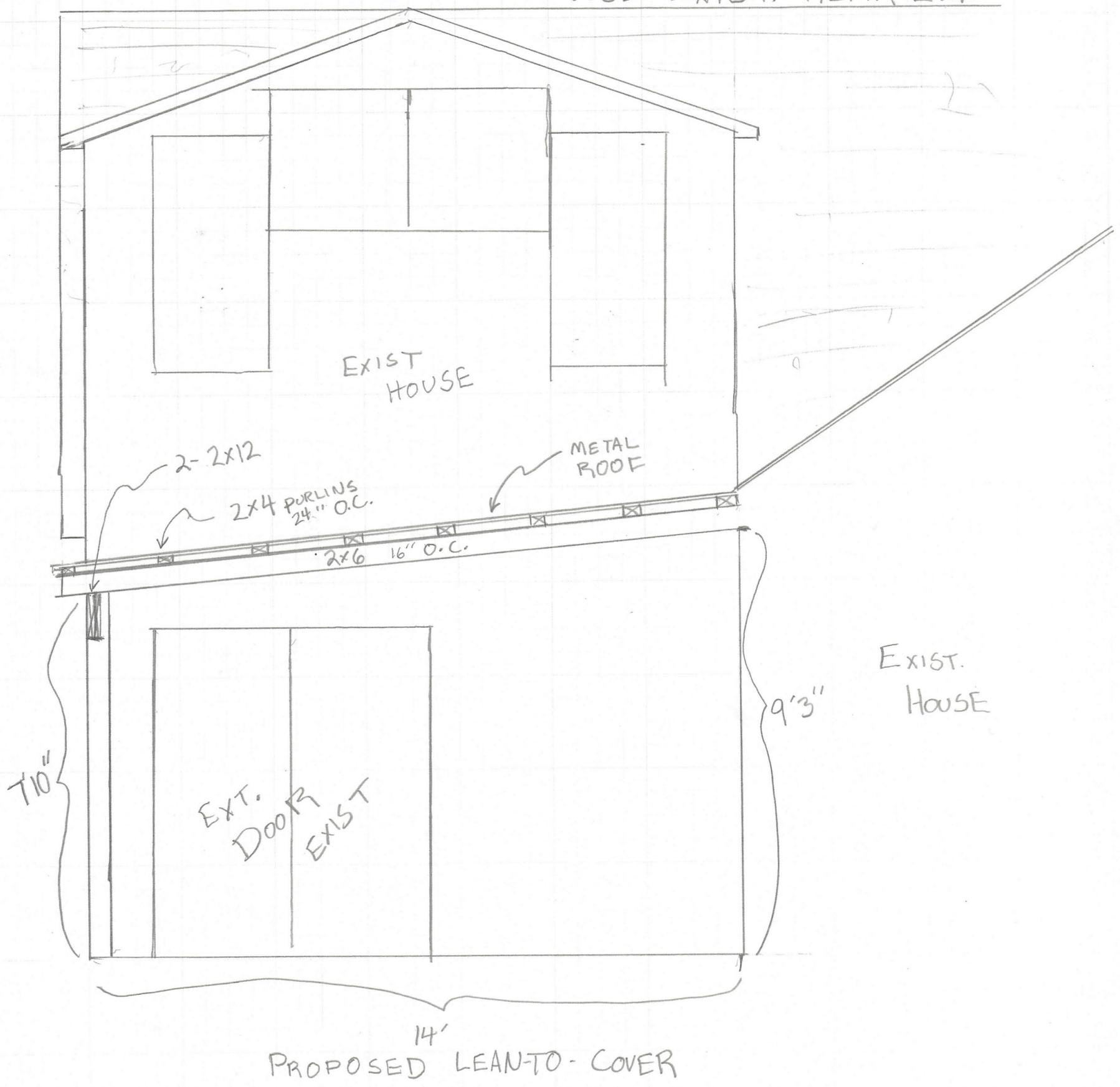
Book 17, Page 26 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the \_\_\_\_\_ 1st day of \_\_\_\_\_ 2025

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Williamson  
 Address: 320 La Prado Circle

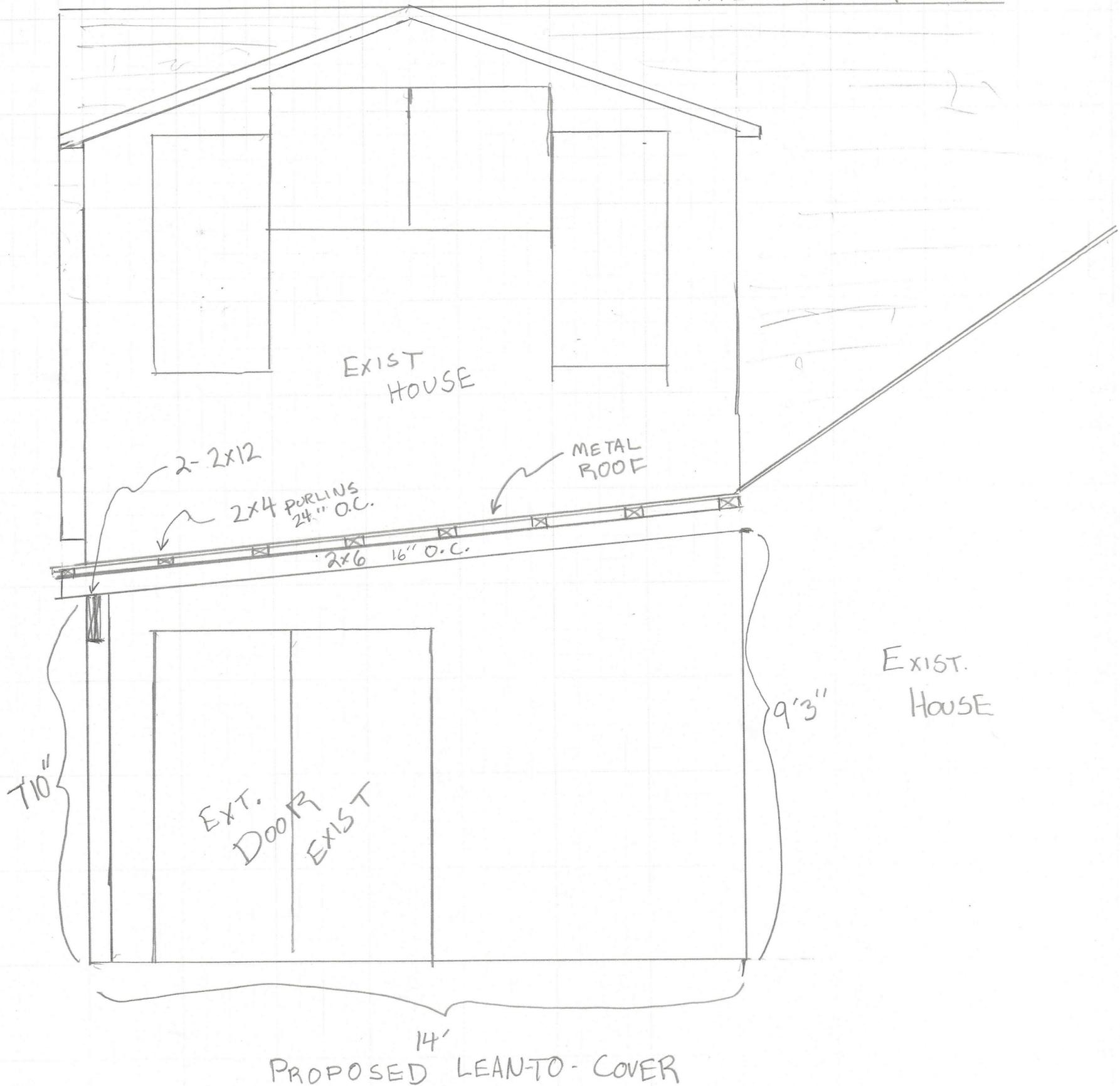
*Robert Reynolds*  
 Reg. No. 25657 B154/61-62

HOUSE EXIST. REAR ELY.



1/2" = 1' SCALE

HOUSE EXIST. REAR ELY.



**CITY OF HOMEWOOD  
DEPARTMENT OF ENGINEERING & ZONING**

2850 19th Street South - 4<sup>th</sup> Floor  
Homewood, Alabama 35209  
Phone 205-332-6800

**Cale Smith, PE, City Manager**

**Wyatt Pugh, Director**

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January 21, 2026

*Subject Property: 320 La Prado Circle*

Dear Property Owner:

This letter shall serve as a public hearing notice to the parties in interest and to all adjacent property owners. The Homewood Board of Zoning Adjustments has been petitioned to modify the zoning regulations, as they apply to the above referenced property. Please see below for hearing details:

**Hearing Date & Time:** February 5, 2026, at 6:00 PM

**Hearing Location:** Homewood City Hall Council Chambers, 2850 19<sup>th</sup> Street South

**Applicant:** John Fagan **Property Owner:** Millard Williamson

**Nature of Request:** Side Setback; Impervious Coverage

The applicant or their agent must attend the public hearing to present the request to the Board. Public comments in support or opposition to the petition shall also be heard by the Board at this time. Interested individuals can submit questions or comments to the Department of Engineering and Zoning by contacting Emily Harris-Miller at [emily.harrismiller@homewoodal.org](mailto:emily.harrismiller@homewoodal.org), or (205) 332-6800. Information regarding live stream viewing, electronic submittal of comments, and publication of case documents are provided on the reverse side of this notice.

Best,



Emily Harris-Miller  
*Senior Planning Technician*

cc: Applicant  
Property owner  
Adjacent property owners

**Information and Instructions:** The public hearing will be preceded by a brief work session between Board Members and city staff beginning at 5:30 p.m. in the City Council's Committee Workroom located on the 2<sup>nd</sup> floor behind the Council Chambers.

If you wish to view the live stream for this meeting, the "Live Stream" link is available on the home page the city's website at [www.cityofhomewood.com](http://www.cityofhomewood.com). **Although Board of Zoning Adjustments meetings may be viewed through the live streaming service, individuals wishing to participate in the public hearing, by speaking in support or opposition to a particular case, must attend the meeting in person.**

Comments in support or opposition may also be submitted via email to the Board Secretary at [fred.goodwin@homewoodal.org](mailto:fred.goodwin@homewoodal.org) or [emily.harrismiller@homewoodal.org](mailto:emily.harrismiller@homewoodal.org). Comments should be submitted no later than 24-hours prior to the meeting and will be provided to Board Members for their consideration. Please reference the case number or the address of the subject property in your comments.

A copy of the meeting agenda packet, which includes the file for this case, will be available for viewing and downloading the Friday before the scheduled public hearing. You may access the agenda packet on the home page of the city's website at [www.cityofhomewood.com](http://www.cityofhomewood.com) by clicking on the "Upcoming Meetings/BZA" tab.

For further information or to review any files or drawings pertaining to this application you may contact our office at (205) 332-6800 or visit between 7:30 a.m. and 4:30 p.m. Monday-Friday.

# City of Homewood BZA Case Map

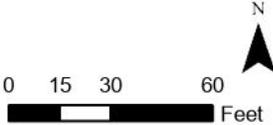
320 La Prado Cir

BZA 26-0017

Aerial Photo Map



-  Subject Property
-  Roadway
-  Parcels



THE INFORMATION ON THIS DRAWING WAS COMPILED FROM SEVERAL SOURCES AND SHOULD ONLY BE USED FOR GEREAL INFORMATION AND ORIENTATION. THIS DRAWING IS THE PROPERTY OF THE CITY OF HOMEWOOD AND ITS USE BY ANYONE FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY AUTHORIZED BY THE CITY OF HOMEWOOD IS PROHIBITED.

ZONING IS SUBJECT TO CHANGE. PLEASE CALL ZONING OFFICE TO CONFIRM ZONING. 332-6828

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**City of Homewood  
Board of Zoning Adjustment  
Rules of Procedure & By-Laws**

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Revised and Distributed by:  
City of Homewood  
Department of Engineering & Zoning  
2850 19<sup>th</sup> Street South, 4<sup>th</sup> Floor  
Homewood, Alabama 35209

Revised: 03-09-1978  
Amended: 01-05-1989  
Retyped: 05-25-1995  
Revised: 03-03-2011  
Revised: 04-02-2015  
Revised: 10-07-2021  
Revised: 02-03-2022

Revised (Draft): 01/26/2026

**Preamble:**

Pursuant to Alabama Code Sec.~~tion~~ 11-52-80, as amended, there has been established a Board of Zoning Adjustment, hereafter referred to as "the Board", establishing procedures for the conduction of meetings and rules for the transaction of business by said Board.

**Section 1: Rules of Procedure**

The Homewood Board of Zoning Adjustment ~~\_(the "Board")~~ shall adopt Rules of Procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the Code of Alabama Sec. 11-52-80. Such Rules of Procedure shall be in written form available to persons appearing before the board and to the public.

**Section 2: Membership**

The Board shall consist of seven (7) members, as follows:

A. ~~Five-Four (45)~~ regular members, who shall be appointed by the City Council member representing the Ward in which that member resides, as approved by the City Council.

A.B. ~~One (1) at-large member who shall be appointed and approved by the City Council and can reside in any Ward.~~

B.C. ~~Two (2) supernumeraries who shall be appointed by the City Council and can reside in any Ward.~~

C.D. ~~If a position for a regular member is vacated due to term expiration, resignation, or any other reason, a supernumerary who resides in the same Ward as the position vacated, may request that the City Council consider his/her application in order to fill the vacated position. If a qualifying supernumerary chooses not to apply, or the City Council does not wish to consider his/her application, the normal selection process for regular ~~members, members~~~~ shall be followed.

**Section 3: Qualifications**

All members of the Board shall serve as such without compensation, and the members shall hold no more than one (1) additional municipal office. All Board members shall be bona fide residents and qualified electors of the City of Homewood.

**Section 4: Terms**

The term of each ~~appointed-regular- and at-large~~ member shall be three (3) years. ~~A member- and~~ may serve two (2) or more terms but must re-apply for a second or subsequent term by way of resume submitted to the City Clerk's office for ~~presentation to consideration by~~ the City Council ~~for consideration~~. Supernumerary members shall be appointed to serve for three-year terms and shall be eligible for reappointment in the same manner as regular members.

Any Board member can be removed by the City Council for inefficiency, neglect of duty or malfeasance in office.

Attendance at all scheduled meetings of the Board shall be deemed mandatory. Failure to attend six (6) meetings in any one (1) calendar year may result in removal.

**Section 5: Meetings**

The Board shall hold regular meetings on the 1<sup>st</sup> Thursday of each month at 6:00 P.M., in the Council Chamber of City Hall, or at some other agreed upon and advertised location and/or by electronic communication, such as *Zoom*, should Council Chambers be unavailable or other conditions exist making the Council Chambers ill-advised. The first meeting held of each calendar year in January shall constitute the annual organizational meeting of the Board.

Special meetings~~ss~~ may be called by the Chairperson; ~~or shall be held~~ at such other times as the Board may ~~determined~~determine, or upon a written request of two (2) members ~~of the Board~~.

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The Chairperson shall notify Board members, including supernumeraries, at least forty-eight (48) hours prior to any special meeting.

It shall be within the authority of the Chairperson to dispense with the regular meeting when there are no appeals or applications pending, and no other important business matters to be considered. The Chairperson shall notify Board members and supernumeraries of said cancellation at least forty-eight (48) hours prior to the regular meeting date.

Regular meetings may also be canceled or continued by the Mayor or City Council due to inclement weather or other conditions which make it hazardous for the meeting to be held. In such ~~event~~an event the Board shall continue the regular meeting to the Thursday of the following week, or as soon as practicable.

**Section 6: Quorum**

There shall be no transaction conducted by the Board unless there shall be at least four (4) members, or supernumeraries, present. This shall not apply to committees of the Board.

**Section 7: Officers**

The Board, at their annual organizational meeting, shall elect a Chairperson and a Vice-Chairperson. These officers will serve for the ensuing year.

The Secretary of the Board as designated by the Board shall keep, or cause to be kept, all minutes, proceedings and records, shall receive and conduct all correspondence on behalf of the Board, and shall give and publish all notices required. Requisitions against appropriate items shall be signed by the Secretary of the Board, or in his/her absence by the Chairperson.

**Section 8: Supernumerary Members (Amended 03-09-78)**

Supernumerary members of the Board will attend all regular and specially called meetings and sit with the Board in all hearings before the Board. They will have full rights to raise questions relative to the cases being heard. However, voting rights of supernumerary members will occur only when called upon to fill in for an absent Board member. The Chairperson will call on the supernumeraries to serve on an alternating case basis when both are present.

**Section 9: Duties of the Chairperson**

The Chairperson shall preside over all meetings of the Board. In the absence of the Chairperson, the Vice-Chairperson shall preside over the meeting. The presiding officer shall preserve order and decorum; state every question before the Board; announce the decision of the Board on all subjects and decide all questions of order. However, any member of the Board may appeal any ruling of the presiding officer, in which event, a majority vote of the Board shall govern and conclusively determine the ruling from which an appeal has been taken. The presiding officer may vote on all questions.

**Section 10: Order of Business**

All meetings of the Board shall be open to the public, in accordance with the Alabama Open Meetings Act. The business of the Board shall be taken up for consideration and disposition, in the following order, unless order be suspended by unanimous decision of the Board.

1. Roll Call
2. Approval of the Minutes of the Previous Meeting
3. Communications from the Chairperson, or Vice-Chairperson
4. Reports from Committees
5. Unfinished Business
6. New Business
7. Presentations or other communications to the Board
8. Adjournment

**Section 11: Motions**

- A. No motion shall be debated or put to a vote unless seconded; the movant shall be entitled to speak first on the motion.
- B. Motions shall be reduced to writing by the movant, when required to do so by the presiding officer or by any member of the board.
- C. When a question is under debate, the following motions shall be in order and shall have precedence over each other in the order stated:

1. To adjourn to a day certain
2. To adjourn
3. To take a recess
4. To lay on the table
5. To consider the previous question
6. To refer to a committee
7. To amend

**Section 12: Rules of Debate**

- A. The presiding officer may move, second and debate from the chair, and shall not be deprived of any of the rights and privileges of a member by reason of his acting as the presiding officer.
- B. A member, once recognized, shall not be interrupted when speaking except on a point of order. If a point of order is raised while a member is speaking, said member shall cease speaking until the question of order is determined. If the point of order is determined in favor of the member, the member shall be permitted to continue. If the point of order is determined not in favor of the member, the member shall not continue speaking on that subject.
- C. On any rule of order not specifically covered in the rules of the Board, the final decision thereof shall be governed by Robert's Rules of Order, Revised.

**Section 13: Fees**

The Board has the authority and power to set its own application fees. The application fees for variances, special exceptions, and appeals shall accompany each application before the application is considered for a hearing.

These fees shall be reviewed as needed by the Board on motion of any member of the Board, seconded by another member, and will be used only to defray costs of processing applications, not as a profit revenue source.

**Section 14: Committees**

The presiding officer shall appoint such special committees as the Board deems necessary in order to expedite and further the purposes for which the Board was established and created. All special committees shall be composed of at least three (3) members, (including supernumeraries) of the Board. In cases where additional expertise is required, upon a motion, duly seconded, and approved by majority vote, the City Attorney, City Engineer, Chief Building Official, Fire Marshal or any others deemed necessary may be included as consultants to the committee, but they have no vote.

**Section 15: Oaths**

The presiding officer may administer oaths and compel attendance of witnesses.

**Section 16: Hearings**

A. All hearings shall be open to the public. All owners of properties adjacent to, or adjoining, or of any parcel of property involved in an application for a variance or exception or appeal, shall be notified by United States First Class Mail, not less than ~~five-fifteen~~ (15) days prior to the hearing. This notice shall be in the standard form designated by the Board and shall include the time and place of the hearing, the locations of the building or lot, and the general nature of the question involved.

A sign advertising the hearing date, time and place is to be posted on the property within ten (10) days prior to the meeting.

**B. Conduct of Hearings**

1. Appearances: Any person may appear in person, or by agent or attorney, at the hearing.
2. Order of Business
  - a. Statement of Case by presiding Officer.
  - b. Ascertainment that all procedural requirements have been met or complied with by the applicant.

- c. The Zoning Official, or his/her designated representative, to present facts of the case being heard.
- d. Hearing of evidence and examination of witnesses.

### 3. Hearing and Decisions

The first hearing shall be a complete fact-finding public hearing, all interested parties must present their case in full at that time. If there are any diagrams, documents or legal briefs to be presented, eight (8) copies must be provided to the five (5) regular Board members, the two (2) supernumerary Board members and one for the case file.

*(As Amended 01-05-89)* The agenda, along with information pertinent to each scheduled public hearing case and other business matters, shall be delivered to each member of the Board no less than seven (7) days prior to the meeting, allowing sufficient opportunity for the member to visit sites and review case files.

All public hearing cases shall be acted upon by the Board at the first scheduled public hearing, unless the Board finds that continuance of the hearing would require additional information or study on some aspects of the case.

### 4. Rehearing

Where a substantial change in facts, evidence or conditions has been determined to exist in a case previously heard, the Board may accept a request for a rehearing on the initial proposal.

An application for the decision to rehear a case based on such conditions shall be made upon a motion unanimously approved by the vote of all members present; said rehearing to be scheduled in accordance with the Board's established procedures. Any matter not previously reheard by the Board may be heard again on a motion adopted by unanimous vote of all members. Any matter previously reheard by the Board may not be heard again for a period of not less than twelve (12) months.

**Section 17: *Ground for Hearings before the Board***

The Board can act on the following questions:

1. Interpretation of an ordinance
2. Special exception to the ordinance, specifically mentioned in the ordinance, or of a nature similar to those in the ordinance.
3. Variances
4. Interpret the boundaries of the Flood Hazard District, on an appeal from the decision of the Zoning Official.

**Section 18: *Persons who may appeal or make application***

Appeals to the Board may be taken by any person aggrieved by a decision of the Zoning Official, or by an officer, department, board or bureau of the City of Homewood affected by the decision of the Zoning Official. Applications for appeal may be made by any person in interest.

**Section 19: *Manner of filing appeals or making application***

An appeal of a decision of the Zoning Official must be made within thirty (30) days after the date of decision of the Zoning Official. An application for a variance or a special exception may be made at any time.

**Section 20: Application submittal for placement on agenda**

Applications may be placed on the agenda for the Board's consideration up until the application submittal deadline, but no less than ~~fifteen-thirty~~ (1530) days before the next regularly scheduled meeting. Any application submitted after ~~that~~ the application submittal deadline shall be placed on the next regularly scheduled monthly meeting one month hence.

**Section 21: Filing of appeal or application**

Notices of appeal and applications for special exceptions or variances, or requests for interpretation of ordinances or Flood Hazard District Boundaries, shall be made on forms furnished for that purpose and shall be signed by the appellant or applicant. Applications to affect private property shall be signed by the property owner. Any application deemed to be incomplete by the Zoning Official shall be placed on the next regularly scheduled monthly meeting one month hence.

**Section 22: Determinations**

The Board shall make a decision on any appeal, or application for a special exception, variance, interpretation of ordinance, or interpretation of boundaries of Flood Hazard District within thirty (30) days after any hearing, or continuation thereof. In passing upon an appeal, the Board may reverse, or affirm, wholly or in part, or modify the order, requirement, decision, or determination appeal from the applicant. The decision shall be in writing and shall set forth the findings of fact and rationale of the Board.

In granting special exceptions or variances, the Board may attach appropriate conditions and safeguards necessary for the compliance with existing ordinance. Violations of such conditions and safeguards shall be deemed violations and punishable under Article 13 or Ordinance No. 1320, dated May 23, 1977. Any conditions or safeguards imposed by the Board must be stated on the permit issued by the Building ~~Inspector~~ Official. Such permit shall remain valid only as long as the conditions and safeguards are adhered to by the applicant, or any successor in interest.

The Board of Zoning Adjustment shall under no circumstances grant a Variance to allow a use not permissible under the applicable terms of this Ordinance or other general ordinance of the City of Homewood with respect to the use district concerned, nor shall the Board of Zoning Adjustment hear or decide upon any matters that could be determined by regular zoning procedures before the Planning Commission or any other board of the City of Homewood; nor grant any Variance by reason of the existence of non-conforming uses in the district concerned or in adjoining districts.

**Section 23: Time Limit on Obtaining Permit**

~~Unless otherwise specified by the Board, a special exception or variance authorized by the Board shall expire if the applicant fails to obtain a building permit pursuant thereto within six (6) months from the date of approval by the Board; provided, however, that the applicant may make a written request to the Board by letter to the Secretary of the Board for one (1) extension of six (6) months, which extension will be automatically granted by the Board without hearing or further action, unless a variance is requested or has been granted on property adjacent to or adjoining the applicant's property during the time after the expiration of the first six (6) month period but before a written request for an extension is made by the applicant. In such case, the applicant must resubmit the request for variance to the Board.~~

~~If the variance obtained is for a new subdivision, the 6-month time limitation will not apply. Rather the time for which the permit must be pulled shall be such time as requested by the applicant, but in no event shall such time be for more than three (3) years.~~

~~Variance granted by the Board of Zoning Adjustment shall lapse and be of no effect if, after the expiration of one (1) year from the date of such action by the Board of Zoning Adjustment, no construction pursuant to such Variance has taken place, provided that the Board of Zoning Adjustment may, for good cause shown, specify a longer period of time in conjunction with its action to grant the Variance.~~

The applicant shall be made aware of the time limitations set forth in this section during the variance hearing after approval is given by the Board from either the Chairperson or Vice Chairperson.

**Section 24. Restraining Orders**

An appeal to the Board stays all proceedings in the furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board.

**Section 25: General Rules**

*A. Amendment or Revocation*

These rules of the Board may be amended, altered, repealed or revoked at any regular meeting by the affirmative vote of not less than four (4) members of the Board. Prior notice of intention to amend, alter, repeal or revoke the rules must be given by the Chairperson to all members prior to the meeting at which same is to be considered. These rules shall be filed in the office of the Board and shall be public record.

*B. Voting*

On any motion to approve or deny any appeal or application for special exceptions, variances, interpretation of ordinances or Flood Hazard District Boundaries, the concurring vote of four (4) members shall be necessary for the motion to carry.

No member, or supernumerary, shall sit in hearing or vote in passing upon any case in which he/she shall be personally interested financially or otherwise. A member, or supernumerary, who was not present at the hearing of the case shall not vote on such case, and an absent member shall not record his/her vote in any case.

*C. Disqualification of Members*

If any member of the Board shall find that his/her private or personal interests are involved in the matter coming before the Board, he/she shall disqualify himself from all participation in that case; or he/she may be disqualified by the votes of four (4) members of the Board, not including the member about whom the question of disqualification has been raised. No member of the Board shall appear before the Board of Zoning Adjustment, Planning Commission or City Council serving as agent or attorney for any person or applicant.

*D. Records and Decision Public*

Every decision and all minutes, proceeding, and others of the Board shall be filed by the Secretary for the Board and shall be public records.

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