

# **Homewood Board of Zoning Adjustments**

## **Meeting Agenda**

**Thursday, October 7, 2021, 6:00 P.M.**

**City Council Chamber**

**2850 19<sup>TH</sup> Street South, 2<sup>ND</sup> Floor**

**Homewood, Alabama 35209**

**Persons who are unable to attend the meeting may view the proceedings on-line by clicking the link in Option 1, or by following the instructions in Option 2 or Option 3:**

**Option 1:** Click on the following link:

<https://us02web.zoom.us/j/86294312839?pwd=ZEx4ZzZMvVTFDYW1lYTVqciBvVE94dz09>

**Option 2:** Zoom App - Meeting ID#: 862 9431 2839 | Passcode: 598451

**Option 3:** By phone: 312-626-6799

**Please note that public comments will not be heard by persons viewing through Zoom.** Persons who wish to comment may only do so in person, by attending the meeting, or by submitting their comment(s) through the City of Homewood website, through the following link: [www.cityofhomewood.com/boards-committees](http://www.cityofhomewood.com/boards-committees) Comments should be submitted no later than 24-hours prior to the meeting and will be provided to board members for their consideration. Please include the address or case number in your comment.

---

### **Board Members**

**Chair, Beverly LeBoeuf, Ward 2**

**Vice-Chair, Matthew Foley, Ward 5**

**Joy Smith, Ward 1**

**Ty Cole, Ward 3**

**Meghan Hand, Ward 4**

### **Supernumeraries**

**Stuart Roberts**

**John Geer**

### **Order of Business**

- I. Call to Order**
- II. Roll Call**
- III. Minutes Approval – September 2, 2021**

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.

IV. Communications/Reports from Chair & Vice Chair

V. Old Business

1. **Case # SV-21-08-02, 3006 Cook Street, Parcel ID No.: 28 00 07 3 032 003.000, Applicant: Blackwater Development Company, LLC / Property Owners: TDG Cook Street LLC (Continued to October 7, 2021 meeting at the request of the Applicant)**
  - a. *A request for a variance to Article IV, District Uses, Sec. H, R-7 Attached Dwelling Unit District, (3) Other regulations; a. District Development Criteria, Article V, Table 1, Quantitative Development Criteria, to reduce the setback along the front (east) property line from 24-feet to 3-feet, for a total reduction of 24-feet, to allow for the construction of six (6) attached dwelling units.*
  - b. *A request for a variance to Article IV, District Uses, Sec. H, R-7 Attached Dwelling Unit District, (3) Other regulations; a. District Development Criteria, Article V, Table 1, Quantitative Development Criteria, to reduce the setback along the rear (west) property line from 40-feet to 3-feet, for a total reduction of 40-feet, to allow for the construction of six (6) attached dwelling units.*
2. **Updates to Rules of Procedure and By-Laws**

VI. New Business

1. Consideration of the approval of an extension of the permitting timeline for approved variances beyond the twelve month period currently allowed.

VII. Adjournment

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.

**COMPLETE AND SUBMIT  
PRIOR TO THE DEADLINE DATE**

**City of Homewood  
Board of Zoning Adjustments  
Request for Variance**



**VARIANCE**



**APPEAL**

**ADDRESS OF PROPERTY:** Lots 5, 6 and 7 in MB 3, pg 84 - 3006 Cook Street

**BZA CASE # (assigned by city staff):** SV 21-08-02

**APPLICANT INFORMATION**

**Name of Applicant (s):** Blackwater Development Company, LLC

**Address of Applicant(s):** 1700 Montgomery Highway - Suite 186

Birmingham

City

AL

State

35216

Zip

REDACTED

**Telephone Number(s) of Applicant(s):** \_\_\_\_\_

**Email** REDACTED

**Property Interest of Applicant(s):** Contract Purchaser

(i.e., owner, contract purchaser, agent, architect, contractor, developer, etc)

**OWNER INFORMATION – If different from Applicant**

**Name of Owner(s):** TDG Cook Street, LLC

**Address of Owner(s) (ONLY if address is different from property address) otherwise put same:**

2914 Linden Avenue, Birmingham, AL 35209

City

State

Zip

**Email** REDACTED

**Telephone Number(s) of Owner(s):** \_\_\_\_\_

**DESCRIPTION, USE AND ZONING OF PROPERTY** (Parcel ID & present zoning can be filled out at time of application submittal)

28-00-07-3-032-003.000

**PARCEL IDENTIFICATION NUMBER:** Lots 5, 6 and 7 as recorded in MB 3, Pg 84

**PRESENT USE:** ☒ vacant ☐ residence

☒ commercial (describe): vacant house formerly used as office space

☐ other (describe):

**PRESENT ZONING (per current City map):** C-2 (NEIGHBORHOOD SHOPPING DISTRICT)

**COMPLETE AND SUBMIT  
PRIOR TO THE DEADLINE DATE**

**City of Homewood  
Board of Zoning Adjustments  
Request for Variance**

**PLEASE STATE HARDSHIP** – for guidance, see “What is a Variance” on page 1 of instructions page:

Subject to the approval of a pending rezoning request from C-2 to R-7, request is made herein for a front setback variance from 24' to 3' along Cook Street (30 foot public ROW).

Request is also made for a rear setback variance from 40' to a 3' along a currently unimproved alley (10 foot public ROW).

Applicant desires to orient the proposed townhome units north toward Oxmoor Road toward an existing multifamily property currently under renovation. The front view would be across Cook Street ~~is~~ toward the rear of a C-2 property that is the back of buildings and dumpster trash, creating an unacceptable living condition view. In addition, the R-5 property to the south has the rear of buildings facing the Property and has a trash can area for the multifamily units that would be an unacceptable side view, and so the orientation of the townhome units to the north would face rear to rear between the properties.

**PURPOSE OF VARIANCE**

A variance is requested on the property described below in conformity with the powers vested in the Board to permit:

- ☐ the construction of an addition to a residence,
- ☐ the construction of residence,
- ☐ the construction of an addition to a commercial structure,
- ☐ the construction of a commercial structure,
- ☒ other (describe): the construction of residential structure(s)

**COMPLETE AND SUBMIT  
PRIOR TO THE DEADLINE DATE**

**City of Homewood  
Board of Zoning Adjustments  
Request for Variance**

**INDICATE THE FOLLOWING**

*The following information can be completed when applying but applicant must bring a survey to verify:*

No closer than 15' when adjacent to res.	*Required by Zoning Regulations For R-7 Zone	Setback dimensions As they NOW exist	Setback dimensions AFTER construction	FINAL Setback Variance Requested
Front Bldg. Setback Street:	24'			24' to 3'
Front Bldg. Setback Street: (secondary - corner lot)	n/a	n/a	n/a	n/a
Right Bldg. Setback	0' <sup>12' from district boundary</sup>			n/a
Left Bldg. Setback	0' <sup>12' from district boundary</sup>			n/a
Rear Bldg. Setback	40'			40' to 3'
Accessory Structure Setback: side/rear	n/a	n/a	n/a	n/a
	As Required	Existing NOW	Proposed	Variance Required
Lot Area	min. 3100 SF	15,702 SF	15,702	n/a
Lot Width		120'	120'	n/a
Parking			per code	n/a
Height of Structure	35' max		35' max	n/a
Lot Coverage				n/a

\*For required setback information, please refer to the [Zoning Ordinance Book](#), which is available on the City of Homewood website. If you need to find out how your property is zoned, please contact the zoning department by calling 332-6828 or 332-6864 or by clicking on the following link to email: [Zoning Information](#)

*The undersigned hereby grants permission for a sign, advertising the BZA hearing date, time and place to be posted on my property. I (we) attach \$100.00 application fee and promise to pay any additional costs billed separately for extra items related to this variance request.*

*I (we) certify that all of the above statements and the statements contained in any paper of plans submitted herewith are true to the best of my (our) knowledge and belief.*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**COMPLETE AND SUBMIT  
PRIOR TO THE DEADLINE DATE**

**City of Homewood  
Board of Zoning Adjustments  
Request for Variance**

**INDICATE THE FOLLOWING**

*The following information can be completed when applying but applicant must bring a survey to verify:*

No closer than 15' when adjacent to res.	*Required by Zoning Regulations For R-7 Zone	Setback dimensions As they NOW exist	Setback dimensions AFTER construction	FINAL Setback Variance Requested
Front Bldg. Setback Street:	24'			24' to 0'
Front Bldg. Setback Street: (secondary - corner lot)	n/a	n/a	n/a	n/a
Right Bldg. Setback	0' <small>12' from district boundary</small>			n/a
Left Bldg. Setback	0' <small>12' from district boundary</small>			n/a
Rear Bldg. Setback	40'			40' to 0'
Accessory Structure Setback: side/rear	n/a	n/a	n/a	n/a
	As Required	Existing NOW	Proposed	Variance Required
Lot Area	min. 3100 SF	15,702 SF	15,702	n/a
Lot Width	24'	120'	120'	n/a
Parking			per code	n/a
Height of Structure	35' max		35' max	n/a
Lot Coverage				n/a

\*For required setback information, please refer to the [Zoning Ordinance Book](#), which is available on the City of Homewood website. If you need to find out how your property is zoned, please contact the zoning department by calling 332-6628 or 332-6854 or by clicking on the following link to email: [Zoning Information](#).

*The undersigned hereby grants permission for a sign, advertising the BZA hearing date, time and place to be posted on my property. I (we) attach \$100.00 application fee and promise to pay any additional costs billed separately for extra items related to this variance request.*

*I (we) certify that all of the above statements and the statements contained in any paper of plans submitted herewith are true to the best of my (our) knowledge and belief.*

REDACTED

Signature of Applicant

6-29-21  
Date

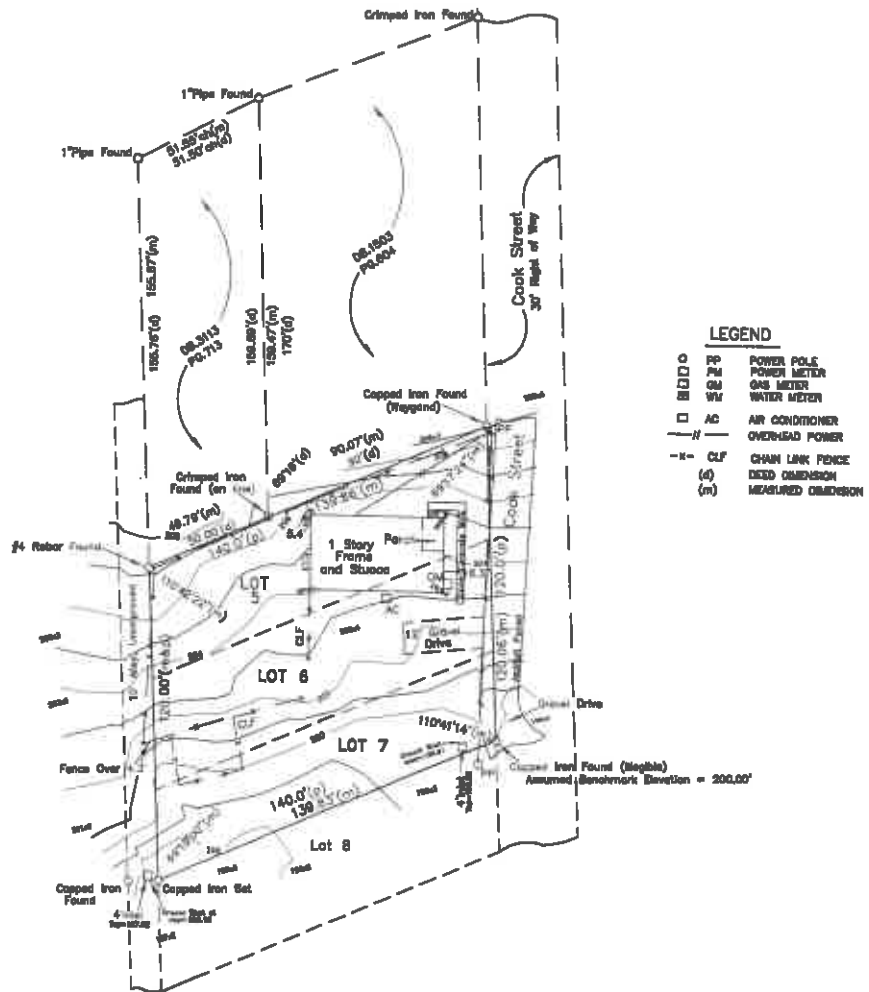
REDACTED

Signature of Owner

6-29-21  
Date

Signature of Owner

Date



#### NOTES:

1. Dates of Field Work: June 10, 2021;
2. All evidence of utilities visible on the surface have been shown hereon; underground utilities may exist and should be verified prior to any construction;
3. All evidence of easements and/or rights of way visible on the surface have been shown other easements, rights of way, or matters affecting this may exist;
4. Elevations and contours shown are based on an assumed benchmark elevation, shown on survey drawing; contour interval is one foot;

#### CERTIFICATE

I hereby state that all parts of this survey and drawing have been completed in accordance with the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information, and belief.

June 17, 2021

Date

Rowland JACKSON, Ala. PLS No. 18389



#### BOUNDARY, ASBUILT AND TOPOGRAPHIC SURVEY

3006 Cook Street, Homewood, Alabama  
In A Portion of the Southwest Quarter of  
Section 7, Township 16 South, Range 2 West,  
Jefferson County, Alabama

Scale: 1 inch = 40 Feet June 2021

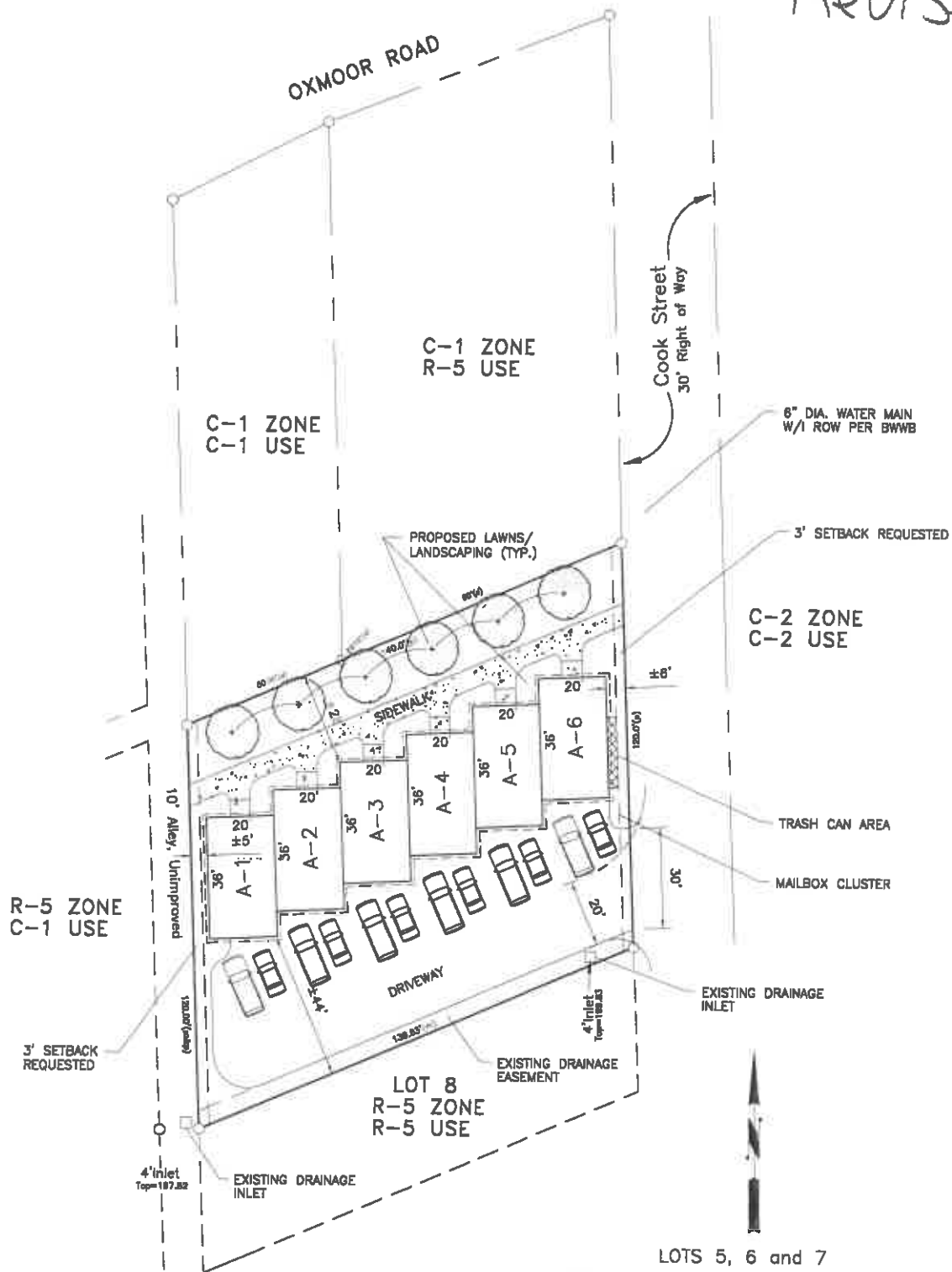
JACKSON, BUTLER & ADAMS, INC.  
SURVEYING-GEOLOGY  
3430 INDEPENDENCE DRIVE, SUITE 30  
BIRMINGHAM, ALABAMA 35209  
(205) 870-3360

File: S-1356/14-A Drawing 2

[illegible]



Revised



LOTS 5, 6 and 7  
3006 Cook Street, Homewood, Alabama  
In A Portion of the Southwest Quarter of  
Section 7, Township 16 South, Range 2 West,  
Jefferson County, Alabama

EXISTING ZONING: C-2  
PROPOSED ZONING: R-7

Scale: 1 Inch = 30 Feet

GROSS LAND AREA = ±15,702 SF  
IMPERVIOUS AREA = ±10,997 SF  
IMPERVIOUS % = 70%  
GREEN AREA % = 30%







**CITY OF HOMEWOOD  
ENGINEERING & ZONING DEPARTMENT**

2850 - 19th Street South - 4<sup>th</sup> Floor  
Homewood, Alabama 35209  
Phone 205-332-6800 | Fax 205-332-6955

Patrick McClusky, Mayor

Cale Smith, PE, Director

October 1, 2021

TDG Cook Street, LLC  
500 Office Park Drive, Suite 420  
Birmingham, AL 35223

**Dear Owner/Applicant AND Adjacent Property Owners:**

The owner has petitioned the Homewood Board of Zoning Adjustments for a modification to the Homewood Zoning Ordinance for an Addition on the property located at:

- 1) **Case # SV-21-08-02, 3006 Cook Street, Parcel ID No.: 28 00 07 3 032 003.000, Applicant: Blackwater Development Company, LLC / Property Owners: TDG Cook Street LLC**
  - a. *A request for a variance to Article IV, District Uses, Sec. H, R-7 Attached Dwelling Unit District, (3) Other regulations; a. District Development Criteria, Article V, Table 1, Quantitative Development Criteria, to reduce the setback along the front (east) property line from 24-feet to 3-feet, for a total reduction of 21-feet, to allow for the construction of six (6) attached dwelling units.*
  - b. *A request for a variance to Article IV, District Uses, Sec. H, R-7 Attached Dwelling Unit District, (3) Other regulations; a. District Development Criteria, Article V, Table 1, Quantitative Development Criteria, to reduce the setback rear (west) property line from 40-feet to 3-feet, for a total reduction of 37-feet, to allow for the construction of six (6) attached dwelling units.*

The Board of Zoning and Adjustments will consider this petition during a meeting to be held at 6:00 p.m. on Thursday, October 7, 2021 in the Council Chambers (2<sup>nd</sup> Floor) at Homewood City Hall, 2850 19<sup>th</sup> Street South. If you prefer not to attend the in-person meeting at City Hall, you may join on-line utilizing the attached Zoom instructions **(SEE INSTRUCTIONS ON THE REVERSE SIDE OF THIS NOTICE)**

This letter will serve as notice to the parties in interest and to all adjacent property owners. Any protest to the above referenced petition will be heard at this time. The applicant and/or owner must participate in the on-line meeting to present their case.

Sincerely,



Vicki Smith, AICP  
Zoning Supervisor  
BZA Case File#: SV 21-08-02

You may contact our office for further information or questions at (205) 332-6800 OR visit between 7:30 a.m. and 4:30 p.m. Mon-Fri to review any files or drawings pertaining to this application

**Instructions:** Although the proceedings of the meeting may be viewed on-line, please note that anyone wishing to participate in a discussion of the scheduled cases must attend the meeting in Homewood City Hall in person. If you choose to view the meeting via Zoom, please follow the instructions below:

1<sup>st</sup> Option: Join on-line through your computer or app with this link:

<https://us02web.zoom.us/j/86294312839?pwd=ZEx4ZzMvVTFDYW1iYW1iYTUgcjBvVE94dz09>

2<sup>nd</sup> Option: Join through the app if you already have the Zoom app downloaded:

Meeting #: 862 9431 2839

Passcode: 598451

3<sup>rd</sup> Option: Dial in by phone: 312-626-6799

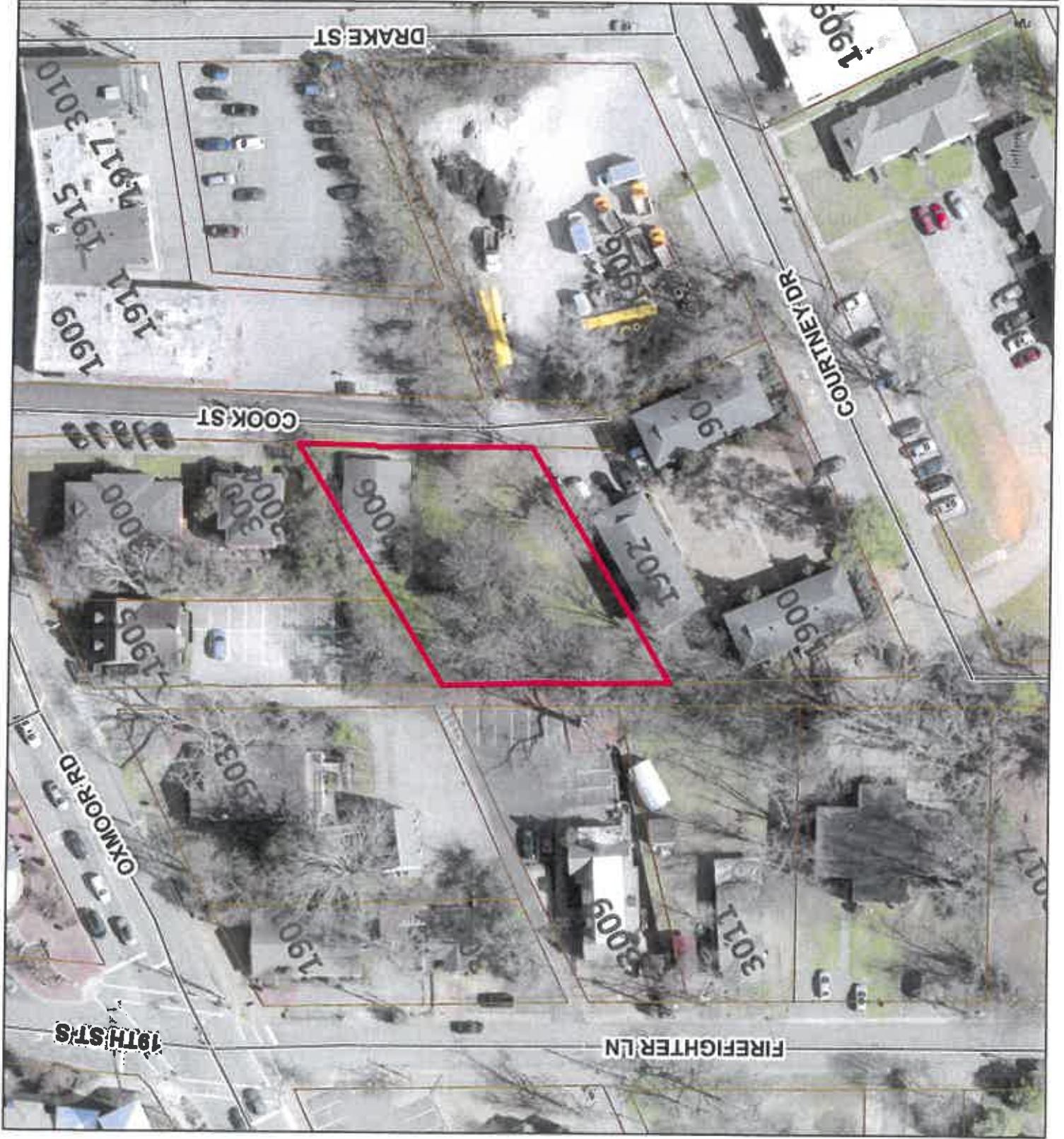
**Comments, in support or opposition to cases on the agenda, may be submitted through the City of Homewood website @[www.cityofhomewood.com/boards-committees](http://www.cityofhomewood.com/boards-committees). Comments should be submitted no later than 24-hours prior to the meeting and will be provided to the board's members for their consideration. Please reference the case number or address in your comments.**

128.5	80'	80'
31	30	29



## Aerial Photo

**Subject Property**

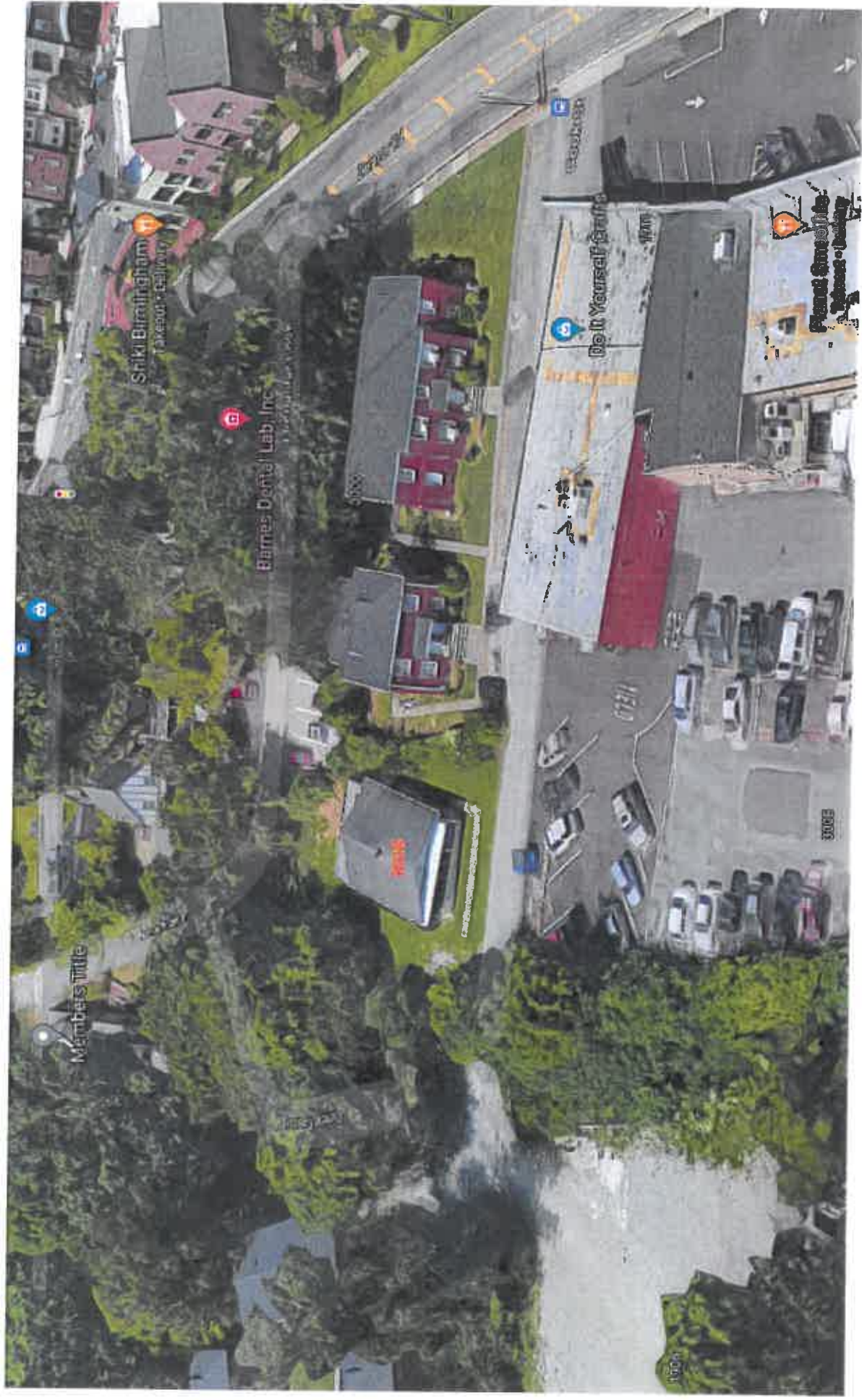


THE INFORMATION ON THIS DRAWING WAS  
COMPILED FROM SEVERAL SOURCES AND  
SHOULD ONLY BE USED FOR GENERAL  
INFORMATION AND ORIENTATION. THIS  
DRAWING IS THE PROPERTY OF THE CITY OF  
HONOLULU AND ITS USE BY ANYONE FOR  
ANY PURPOSE OTHER THAN THAT  
SPECIFICALLY AUTHORIZED BY THE CITY OF  
HONOLULU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

ZONING IS SUBJECT TO CHANGE. PLEASE  
CALL ZONING OFFICE TO CONFIRM ZONING.  
332-6626



## 3006 Cook St. – Bird's Eye View Looking West





# City of Homewood PC Case Map

3006 Cook St

RZ 21-08-01

Current Zoning

Subject Property

Parcel

Zoning

R-5

C-1

C-2

I-2

MXD

N

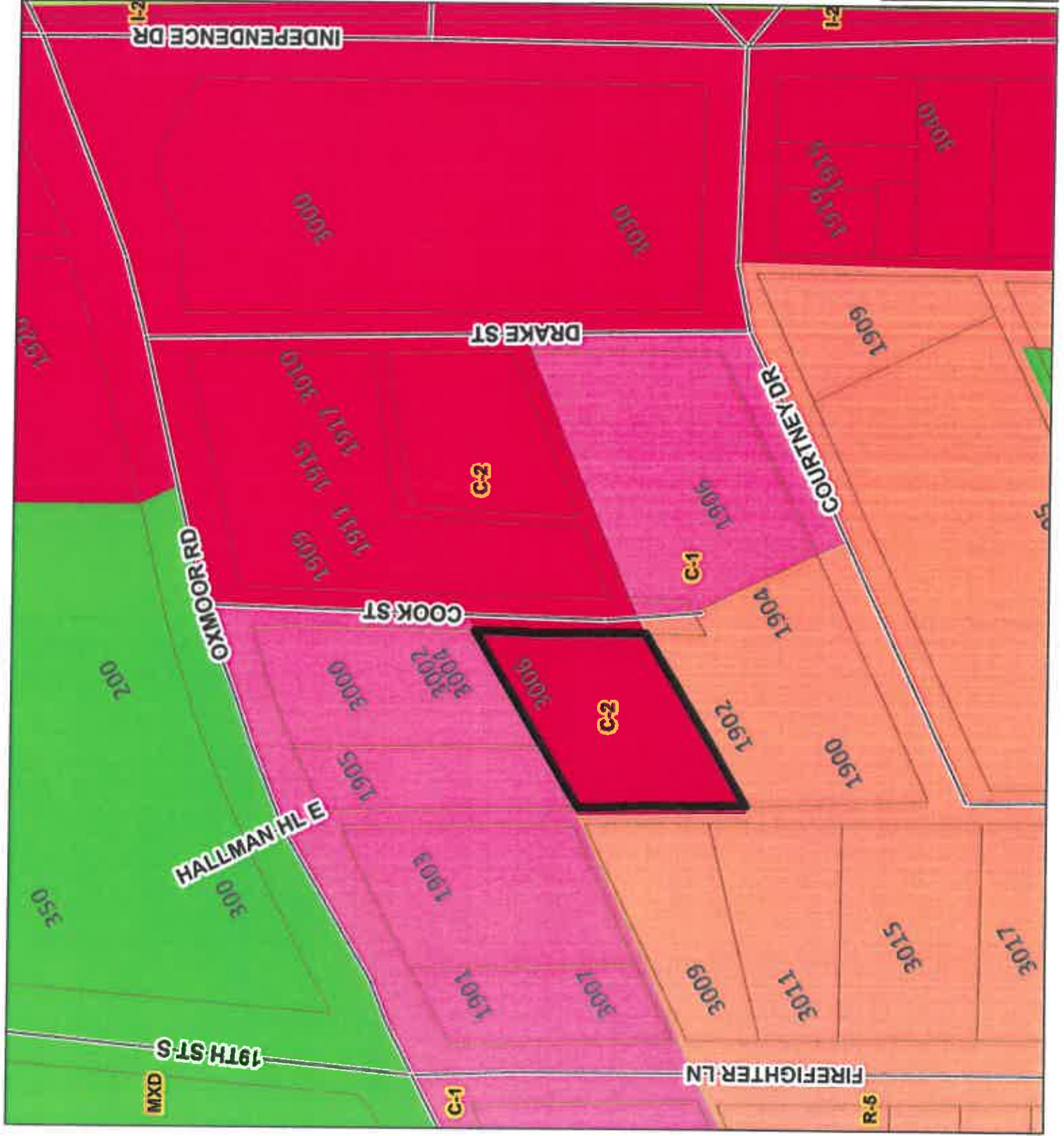
150

75

Feet

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

ZONING IS SUBJECT TO CHANGE. PLEASE  
CALL ZONING OFFICE TO CONFIRM ZONING.  
332-6028








# City of Homewood PC Case Map

3006 Cook St

RZ 21-08-01

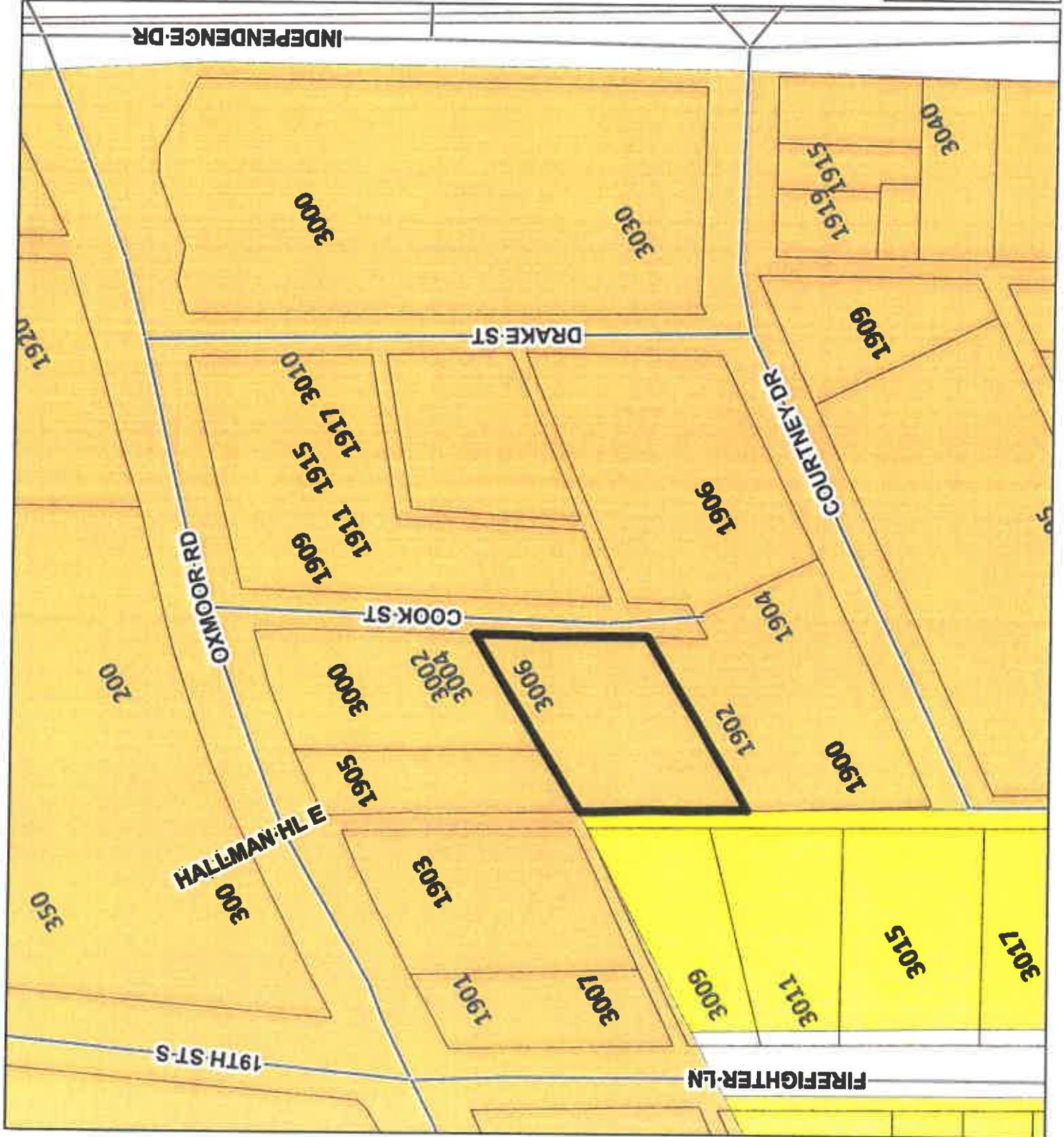
Master Plan  
Land use

-  Subject Property
-  Parcel
-  Future Land Use
-  Mixed Use
-  Residential



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

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





# City of Homewood PC Case Map

3006 Cook St

RZ 21-08-01

Notification Area

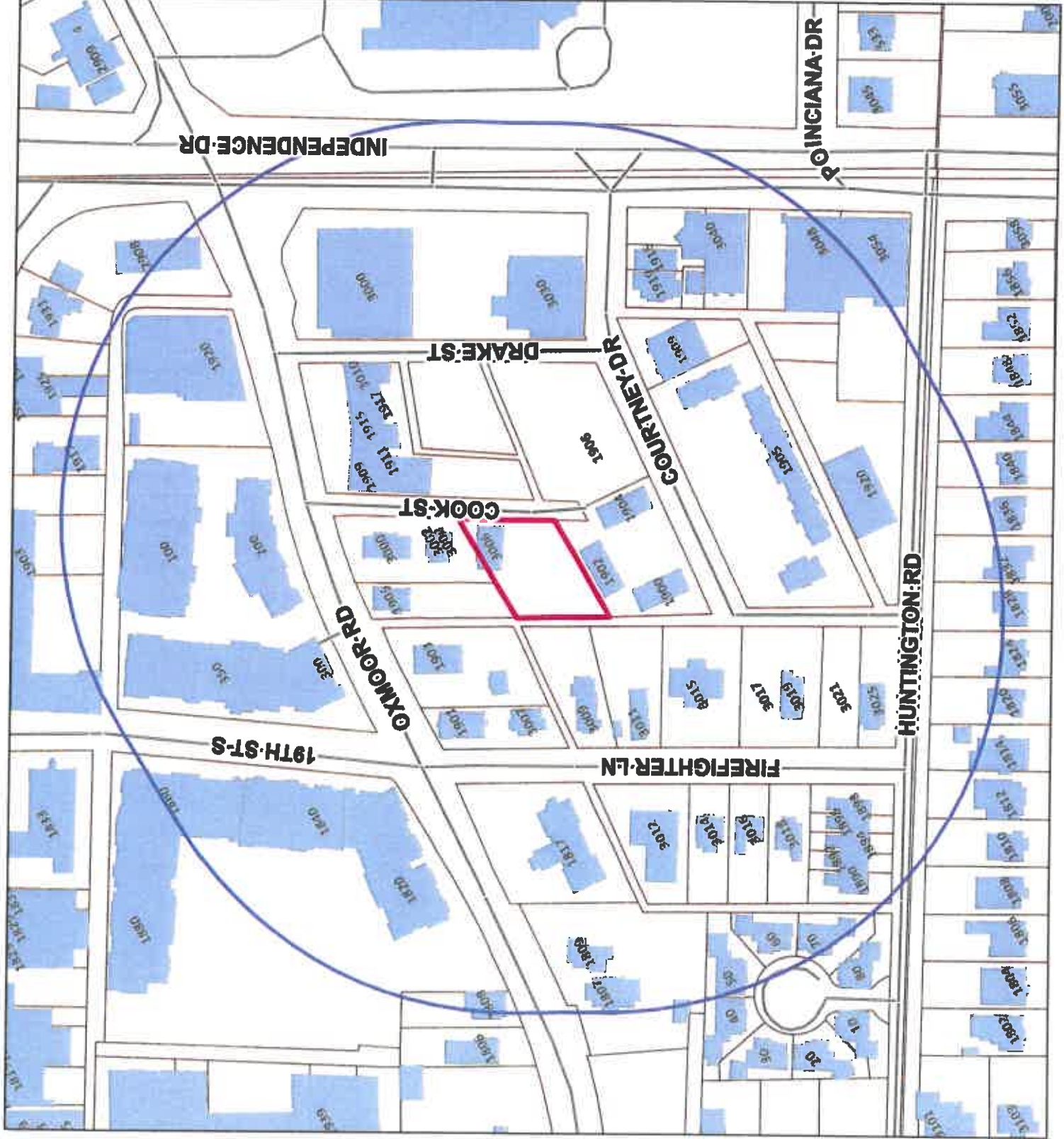
- Subject Property
- Building Footprint
- 500 Ft Buffer
- Parcel



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

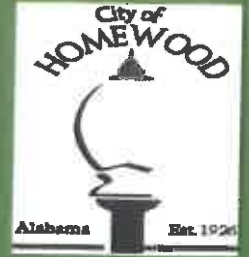
ZONING IS SUBJECT TO CHANGE. PLEASE  
CALL ZONING OFFICE TO CONFIRM ZONING.

332-6828



# Planning Commission

## Staff Report



**Case Number:** RZ 21-08-01

**Application Type:** Rezone

**Parcel ID Number:** 28-00-07-3-032-003.000

**Current Zoning:** C-2 (Neighborhood Shopping)

**Proposed Zoning:** R-7 (Attached Dwelling Unit)

**Name:** Blackwater Development Company, LLC.

**Acreage:** 0.34 acres (14,700 ft<sup>2</sup> +/-)

**Location:** 3006 Cook Street

**Public Hearing:** October 5, 2021

**Ward:** 5

## Introduction

The applicant seeks to rezone from Neighborhood Shopping District (C-2) to Residential Attached Dwelling Unit District (R-7) for a six unit townhouse development.

The property is currently zoned C-2, however, to the best of our knowledge, this location has never been used commercially. There is currently an empty 1920's single-family residential structure in poor condition onsite. While it may possibly have a reasonable economic use as currently zoned, the parcel does not have good vehicular or pedestrian access for commercial use. In addition, Cook Street has only a 25-foot right-of-way and current road conditions would not support commercial use.

The adjacent property to the north is zoned C-1, nevertheless, one of the two parcels is in residential multi-family use. The parcel to the south is zoned R-5 and is in residential multi-family use. The property to the east is also zoned C-2, is in commercial use and has frontage on Cook Street, Oxmoor Road, and Drake Street. The property to the west is zoned R-5, however, the property is not in attached dwelling unit use.

The subject parcel is approximately 0.34 acres and the proposed zoning is for a 6-unit townhouse structure. The Zoning Ordinance requires a 10-foot buffer between R-7 and the commercial zonings to the north. A buffer strip as defined in the Code is "A vegetated strip of ground that is located within the property boundary and that meets all of the following criteria:

- (1) At its narrowest point, it has a level, horizontally measured width of ten (10) feet minimum; and
- (2) Its entire ground surface must remain unobstructed by manmade structures (except for approved fences and walls), pavement or any other impervious surface improvement; and
- (3) It must be so populated with plant materials that, within one (1) full calendar year after the date of installation of the plant material, the plant population provides a persistent, evergreen barrier that has a uniform distribution of foliage that is sufficiently dense so as to be impervious to transverse view from every vantage point located 0-to-6 feet in height along



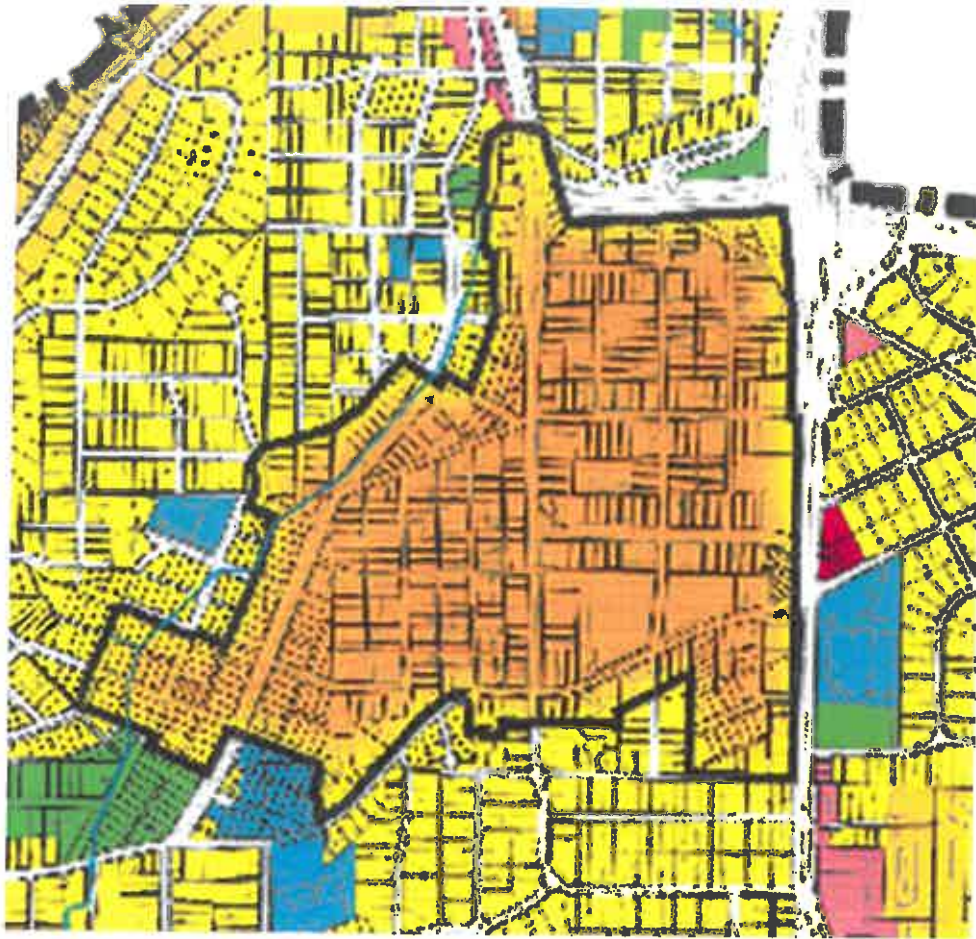
the longitudinal edges of the strip; and the plant population must be cultured and maintained so that, within three (3) full calendar years after the original date of installation of the plant material, the plant population is sufficiently dense so as to be impervious to transverse view from every point located 0-to-8 feet in height along the longitudinal edges of the strip. All vantage points shall be determined by vertical (plumb) measure taken from the relative point on the ground surface along said longitudinal edges; and

- (4) Its entire ground surface must be covered by an overstory of vegetation; and
- (5) Its entire ground surface must be covered by a layer of organic mulch, having a minimum thickness of four (4) vertical inches and being comprised of clean pine straw, shredded tree bark or other organic material approved by the city planner; and
- (6) It must be adequately maintained so as to affect the continuing and satisfactory performance of its requisite functions as a buffer strip."

## Summary

The rezoning of the subject parcel will permit a use that is suitable in view of the use and development of adjacent and nearby property. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. To develop the property as currently zoned would be a burden to the existing street. This zoning proposal conforms to the City's Master Plan and Heart of Homewood Plan.





**Planned Mixed Use**



## **Homewood Master Plan**

**Adopted October 2007**

This is a development type in which various primary uses—for example, Office, Civic, Institutional, Retail and Residential—may be combined (horizontally and/or vertically) in the same building or within separate buildings on the same site or adjacent sites. This mix of uses may be suitable as part of a redevelopment strategy, especially in or adjacent to major activity centers as outlined in the previous chapter. Downtown is the city's most successful historical example of this land use type. The intention is that the particular mix of uses be mutually compatible and suitable to adjacent uses.

Downtown should continue this pattern and be a model for selected, small-scale specialty centers. The successful examples nationwide have carefully mixed together various appropriate land uses to reduce the need for motor vehicle trips and build more walkable areas of the city. This land use type tends to: increase the types of spaces available for both living and working; encourage a mix of compatible uses and promote the upgrading of existing developed areas with buildings designed to provide a high quality pedestrian-oriented street environment.





 Mixed-Use Low

## Heart of Homewood Plan

Adopted October 2018

This land-use category allows for the development of compact and walkable residential and commercial areas, composed primarily of horizontal mixed-use development. Vertical mixed-use development is also allowed and may include small markets, convenience-based retail and service stores, restaurants and cafes with existing or potential residential uses on upper floors.