

# Board of Zoning Adjustments

## 2023 Application Submittal & Meeting Calendar

Application fee is due at the time of application submittal.

Submittal deadline and/or meeting date subject to change when conflicting with a city holiday.

<sup>1</sup> Application Review Deadline 1 <sup>st</sup> Tuesday @ 12:00 p.m.	<sup>2</sup> Final Application Deadline 2 <sup>nd</sup> Thursday @ 12:00 p.m.	BZA Meeting 1 <sup>st</sup> Thursday @ 6:00 p.m.
November 29*	December 8	January 5
January 3	January 12	February 2
January 31*	February 9	March 2
February 28*	March 9	April 6
April 4	April 13	May 4
May 2	May 11	June 1
May 30*	June 8	July 6
July 5 (Wednesday)**	July 13	August 3
August 1	August 10	September 7
September 5	September 14	October 5
October 3	October 12	November 2
October 31*	November 9	December 7

\* Adjusted to allow time for staff to review prior to Final Application Deadline.

\*\* Adjusted for city holiday

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<sup>1</sup> Notice of acceptance or review comments will be communicated to the applicant and/or agent following the review submittal deadline. All review comments must be satisfied prior to the final submittal deadline for a request to be included on the agenda for the corresponding meeting.

<sup>2</sup> Applications submitted on the Final Application Deadline date must be complete for a request to be included on the agenda for the corresponding meeting.

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

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

**VARIANCE**

**APPEAL**

**ADDRESS OF PROPERTY:** \_\_\_\_\_

**BZA CASE # (assigned by city staff):** \_\_\_\_\_

**APPLICANT INFORMATION**

Name of Applicant (s): \_\_\_\_\_

Address of Applicant(s): \_\_\_\_\_

\_\_\_\_\_ City State Zip

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

Email: \_\_\_\_\_

Property Interest of Applicant(s): \_\_\_\_\_  
(i.e., owner, contract purchaser, agent, architect, contractor, developer, etc)

**OWNER INFORMATION – *If different from Applicant***

Name of Owner(s): \_\_\_\_\_

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

\_\_\_\_\_ City State Zip

Email: \_\_\_\_\_

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)

PARCEL IDENTIFICATION NUMBER: \_\_\_\_\_

PRESENT USE: \_\_\_\_\_ vacant \_\_\_\_\_ residence

\_\_\_\_\_ commercial (describe): \_\_\_\_\_

\_\_\_\_\_ other (describe): \_\_\_\_\_

PRESENT ZONING ([City Zoning Map](#)): \_\_\_\_\_

**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 provide a survey to verify:*

	*Required by Zoning Regulations	Setback dimensions as they <b>NOW</b> exist	Setback dimensions <b>AFTER</b> construction	FINAL Setback Variance Requested
Front Bldg. Setback:				
Front Bldg. Setback: (secondary - corner lot)				
Right Bldg. Setback				
Left Bldg. Setback				
Rear Bldg. Setback				
Accessory Structure Height / Setbacks	/	/	/	/
	As Required	Existing NOW	Proposed	Variance Required
Parking				
Height of Structure				

\*Required setback information is available in the [Zoning Ordinance](#) 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 332-6854 or by clicking on the following link to email: [Zoning Information](#).

**INDICATE THE FOLLOWING**

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

**Proposed Location of Fence** *(check all that apply):*

Front Yard    
  Side Yard (left)    
  Side Yard (right)    
  Rear Yard

**Description of Proposed Fence** *(please include dimensions, materials, etc. of the proposed fence):*

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To ensure your application packet is complete, and to indicate that the necessary documents have been included, please initial the line below each document type.

**A. Required Documents**

1. **Application:** The application must be completed and signed by the applicant and property owner and submitted by noon of the Final Application Deadline. The application must include a written description of the changes proposed and the specific hardship suffered, for which a variance is being requested. ***Incomplete applications will not be included on an agenda.***

**Included:** \_\_\_\_\_

2. **Filing fee of \$100.00:** Check should be made payable to City of Homewood. BEZ Staff will notify adjacent property owners, in writing, of the variance request. Letters will be sent by U. S. Mail and addressed per Jefferson County Tax Assessor's record. Any costs associated with mailing public notice letters will be billed separately and must be paid prior to the scheduled meeting.

**Included:** \_\_\_\_\_

3. **Survey:** A copy of a scaled Survey, prepared within 24-months of the date of application submittal, or one that represents the property exactly as it exists at the time of application. The survey shall be scaled and include the locations, setbacks and dimensions of all buildings, locations and dimensions of all easements and rights-of-way, locations, materials and dimensions of all sidewalks, driveways, swimming pool, decks, etc. The survey shall be prepared by a licensed Alabama registered surveyor.

**Included:** \_\_\_\_\_

4. **Survey/Plot Plan:** A copy of the survey/plot plan that represents the existing conditions prescribed in #3 as well as the locations, dimensions and setbacks of all proposed changes to the site and buildings.

**Included:** \_\_\_\_\_

5. **Previous Variance:** Provide date and nature of previous variance request(s) and state the outcome of the variance request.

**Included:** \_\_\_\_\_

6. **Site Photographs:** Photographs of the site, from the front, sides and rear, shall be included with the application. Photographs of the front of the property should be taken from a vantage point to include the fronts of the buildings/houses on adjacent properties. Photos may be emailed to BEZ staff.

**Included:** \_\_\_\_\_

7. **Building Elevations:** An illustration, with accurate measurements and height, of exterior elevations for all proposed new construction or additions to existing structures, shall be made a part of the application, to accurately depict the relationship of any proposed new construction or additions to existing structures.

**Included:** \_\_\_\_\_

8. **Restrictive Covenants:** Provide a copy of the recorded restrictive covenants for the subdivision, when applicable.

**Included:** \_\_\_\_\_

9. **Proof of Ownership:** Proof of ownership if property has been purchased within the last 12 months.

**Included:** \_\_\_\_\_

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

\_\_\_\_\_  
**Date**

## Notice to 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 this 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.

## What is 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. You must prove that special circumstances or unusual conditions affect your land. 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) You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a variance: (1) Proof that a variance would increase the financial return from the land, (2) Personal hardship or (3) Self-imposed hardship. In the last case, 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.



## Procedures

It shall be the responsibility of the applicant to provide necessary information, both verbal and graphic in nature to present the case (refer to Items required on the following page).

- 1) Applications must be received by the submittal deadline in order to be placed on the agenda for the upcoming meeting. Applications received after the submittal deadline will be placed on the agenda for the following month's meeting.
- 2) Requests for a Special Exception to operate a home occupation, sometimes required in order to obtaining a business license, are processed by the Zoning Department, which is located on the 4<sup>th</sup> floor of City Hall. Requests for home occupation Special Exceptions can be submitted at any time prior to the meeting date, unless there are unusual circumstances which may require going before the Board.
- 3) Board of Zoning Adjustment meetings typically occur on the first Thursday of each month at 6:00p.m., City Hall, 2850 19th Street South, 2<sup>nd</sup> Floor, City Council Chambers. Holidays could move a meeting to the second week of the month – please refer to the BZA submittal calendar, which is available on the online.
- 4) The applicant, owner or authorized representative must be present at the meeting.
- 5) It will take a 4-1 or 5-0 vote, in favor of an application, (4-0 if only 4 members are present) for approval of a variance. If only 4 members are present at a meeting, the applicant will be given the choice to be heard, or to continue the application until the next month's meeting, when five members may be in attendance. ***APPROVAL is only valid for 6 months unless an extension is requested by notifying the BZA Secretary.***

## Required Items and Information

- 1) An application fee of \$100.00 is due at the time an application is submitted to the City. Any additional costs incurred by the City to process the application will be billed to the applicant. Additional costs may include: Certified Mail postage for letters that the City is required to send to adjacent property owners, notifying them of the public hearing; a Notice of Public Hearing sign that the City must post on the subject property, prior to the meeting, and which the property owner removes following the meeting date. Make checks payable to City of Homewood.
- 2) City staff will notify adjacent property owners based on the information of record on file with the Jefferson County Tax Assessor's Office. If the applicant knows of any changes to ownership within the last year, please include the information with the application.
- 3) A copy of a scaled Survey, prepared within 24-months of the date of application submittal, or one that represents the property exactly as it exists at the time of application. The survey shall be prepared by a registered surveyor and shall include: locations and dimensions of all existing buildings and structures; distances, in feet, from each structure to the two closest property lines. The survey must include the locations and dimensions of all existing and proposed driveways, sidewalks, and any other impervious areas.
- 4) A plot plan showing the locations, dimensions and distances from property lines of all *proposed structures*. The survey may be used to prepare a plot plan. The plot plan must include the

locations and dimensions of all existing and proposed driveways, sidewalks, and any other impervious areas.

- 5) Additionally, scaled drawings of all proposed construction and/or structures to be constructed as a part of the variance request, which shall include, but not be limited to, exterior elevations for all structures made a part of the variance request, which accurately depict the relationship of any proposed new construction to existing structures, as well as structures on adjacent properties.
- 6) Provide a copy of any recorded Restrictive Covenants for the subdivision when applicable.
- 7) Proof of ownership if property has been recently purchased.
- 8) The original completed application, along with applicable required documents and information listed above, must be submitted to the Department of Engineering and Zoning located on the 4<sup>th</sup> Floor of Homewood City Hall, 2850 19th Street South, Homewood, Alabama 35209. (Refer to the Application Submittal and Meeting Calendar.)

You can drop-off your application at any time during regular office hours of 7:00a.m. - 4:30p.m. A member of Engineering and Zoning staff will try to review your application when you hand it in. However, if that is not possible, you will be contacted a staff member to:

- 1) Confirm your application is complete,
- 2) Request required information that was omitted from the application,
- 3) Request additional information that may be needed in order for staff to properly review and process the application.

If you need assistance filling-out your application, or if you are unsure whether your application is complete, please contact Emily Harris-Miller to set-up an appointment. You may reach Emily by phone at 205-332-6829 or by e-mail @ [emily.harrismiller@homewoodal.org](mailto:emily.harrismiller@homewoodal.org).