



Planning and Zoning General Application

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

Property Address: _____

Parcel ID: _____

Current Zoning: _____

Acreage: _____

Proposed Land Use: _____

Applicant: _____

Property Interest of Applicant: _____

E-mail: _____

Applicant Phone #: _____

Mailing Address: _____

City State Zip

Property Owner: _____

E-mail: _____

Phone #: _____

Mailing Address: _____

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, _____ (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 _____ (Print Applicant) to act as representative in all matters concerning this application.

Signature of Property Owner Date

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: _____
Received By: _____

Time Received: _____
Case Number(s): _____



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.

Signature of Applicant

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.

Applicant Signature

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: _____

- 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: _____

- 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: _____

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

Applicable: _____

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

Applicable: _____

- 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: _____

- 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: _____

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.

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				
Secondary Front Setback				
Right Setback				
Left Setback				
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	
Total Spaces Required		Maximum Height Permitted	
Total Spaces Provided		Proposed Height	
Total Variance Requested		Total Variance Requested	



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

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