

**BOARD OF ZONING ADJUSTMENTS**  
**City of Homewood, AL**

**REQUEST FOR VARIANCE**

**NOTICE TO APPLICANTS**

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**

1. 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.
2. Applications are placed on the agenda in the order they are received unless otherwise directed by the Chairman. Applications received after the deadline will be placed on the next month agenda.
3. The Board of Zoning Adjustment meeting typically occurs on the first Thursday of each month at 6:00 P.M., Homewood City Hall, 2850 19th Street South, 2<sup>nd</sup> Floor, City Council Chamber.
4. The applicant, owner or authorized representative must be present at the meeting.

<p><b>FOR APPLICANT USE ONLY</b> Do not copy or turn in with your application</p>
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5. It will take a 4-1 or 5-0 yes (4-0 if only 4 members are present) vote to pass an application for variance. If only 4 members are present, the applicant has the choice for their case to be heard or continued until next months meeting. **(APPROVAL is only valid for 6 months)**

## ITEMS REQUIRED

1. FILING FEE: **\$100.00 including cost of certified mail to adjacent property owners** and any additional costs (billed separately) for extra items needed to process the request. Make checks payable to **City of Homewood**. Adjacent Property owners will be notified of the variance request by certified mail from the Engineering, Planning and Zoning Office per Jefferson County Tax Assessor's record on owners of the property. If the applicant knows of any changes to ownership in the last year, please submit that information so the correct owner can be notified.
2. A copy of the most recent SURVEY that represents your site as it exists at the time of the application. The survey shall be prepared by a licensed Alabama registered surveyor including all required setbacks; locations of all buildings (existing and proposed) on the site; areas to be used for parking and driveways.
3. An illustration with accurate measurements, including the location, size, length and all dimensions of the requested variance shall be provided with the application for variance. Residents in NPD Zoning must illustrate variances by indicating locations of adjacent residents and structures. All measurements are to be accurate and to scale. Additionally, scale drawings of all proposed construction and/or structures to be constructed as a part of the variance requests, if any, which are to include, but not be limited to exterior elevations for all construction or structures made a part of the variance request shall be provided as a part of the Variance Application to accurately depict the relationship of any proposed new construction to existing structures.
4. Provide a copy of the recorded Restrictive Covenants for the subdivision when applicable.
5. Proof of ownership if property has been recently purchased.
6. The completed application request (pages 3 and 4), along with 7 copies of the survey which includes all of the above information, must be submitted to the Zoning Administrator at Engineering, Planning & Zoning, 2850 19th Street South, 4th Floor, Homewood, AL 35209 by the end of the business day on the fifteen (15) of each month (If the 15th falls on a weekend or Holiday, this will occur on the next business day).

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**RETURN PAGES 3 and 4 ONLY TO THE ENGINEERING, PLANNING & ZONING DEPT. BY APPLICATION DEADLINE DATE**

**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, etc)

**OWNER INFORMATION – If different from applicant**

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

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

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

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

**DESCRIPTION, USE AND ZONING OF PROPERTY**

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

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

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

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

PRESENT ZONING (per current City map): \_\_\_\_\_

**PLEASE STATE HARDSHIP:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RETURN PAGES 3 & 4 ONLY TO THE ENGINEERING, PLANNING & ZONING DEPARTMENT BY APPLICATION DEADLINE

**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): \_\_\_\_\_

**INDICATE THE FOLLOWING**

Filled out at time of applying and applicant must bring survey to answer the following:

	Required by Zoning Regulations*	Setback dimensions As they <b>NOW</b> exist	Setback dimensions <b>AFTER</b> construction	FINAL Setback Variance Requested
Front Building Setback				
Right Building Setback				
Left Building Setback				
Rear Building Setback				
Accessory Structure Setback				
Lot Area				
Lot Width				
Parking				
Height of Structure				

\* For NPD Zoning front and rear are determined by a line drawn between the adjacent dwellings on the same side of the street unless it is a corner lot (for all zonings See Zoning Ordinance on the website [www.homewoodal.org](http://www.homewoodal.org) then click EPZ then click on the Zoning Ordinance Book.)

The undersigned hereby grants permission for a sign advertising BZA hearing of this appeal, including 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

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

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

**FOR OFFICIAL USE ONLY (INITIAL EACH)**

DATE RECEIVED: \_\_\_\_\_ \$100.00 FEE PAID: \_\_\_\_\_

NAMES OF ADJACENT PROPERTY OWNERS ATTACHED: \_\_\_\_\_

DATE NOTICES MAILED: \_\_\_\_\_ EXTRA FEES PAID: \_\_\_\_\_

DATE SIGNS POSTED: \_\_\_\_\_

**CHECK LIST**

\_\_\_\_\_ Locations of adjacent residents and structures

\_\_\_\_\_ All measurements are accurate and to scale (including the location, size, length and all dimensions of the requested variance)

\_\_\_\_\_ Scale drawings of all proposed construction and/or structures to be constructed as a part of the variance requests which are to include but not be limited to exterior elevations for all construction for structures made a part of the variance request shall be provided as a part of the variance application to accurately depict the relationship of any proposed new construction to existing structures.

**CASE RESULTS**

**CARRIED OVER** DATE: \_\_\_\_\_

**APPROVED**

**DENIED**

**WITHDRAWN**

DATE: \_\_\_\_\_