

AGENDA
Northport Board of Zoning Adjustment
Thursday, March 16, 2023
6:00 p.m.

- I. CALL TO ORDER – Chairman**
- II. ROLL CALL – Secretary**
- III. APPROVAL OF MINUTES – January 19, 2022**
- IV. APPROVAL OF AGENDA**
- V. VERIFICATION OF PROPER NOTIFICATION – Secretary**
- VI. VERIFICATION OF NO CONFLICT OF INTEREST**
- VII. NOTICE OF RIGHT TO APPEAL – Information on back of agenda**
- VIII. OLD BUSINESS**
- IX. NEW BUSINESS**
 - a. **V-23-2** – Foster and Herring, LLC is requesting a variance from the setback requirements in Section Table 4-3 for O-I (Office and Institutional) at 3514 14th Street.
 - b. **V-23-6** – Foster and Herring, LLC is requesting a reduction in the number of required parking spaces for the property located at 3514 14th Street.
 - c. **V-23-4** – Michael Faulkner is requesting a variance from the building materials and design review requirements in Section 1002.13(B4) to allow the use of painted metal siding on a building located at 4512 Lakeshore Drive.
 - d. **V-23-5** – Northport Church of God is requesting a variance from the building materials and design review requirements in Section 1002.13(B4) to allow the use of painted metal siding on a building addition located at 2427 20th Avenue.
- X. DISCUSSION**
- XI. CITIZEN COMMUNICATIONS**
- XII. ADJOURNMENT**

NOTICE OF RIGHT TO APPEAL

In accordance with section 11-52-81 of the *Code of Alabama*, any party aggrieved by a decision of this Board tonight may within 15 days from tonight appeal to the Tuscaloosa County Circuit Court by filing with this board a written notice of appeal specifying the decision from which the appeal is taken. This right to appeal is available to the person or entity petitioning this Board tonight and all other parties that may be aggrieved by a decision of this Board.

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, JANUARY 19, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, January 19, 2023, in the Council Chambers of the Northport City Hall by Chair Jon Garner.

Upon roll call the following members were found to be present: Mr. Aubrey Dale, Mr. Jon Garner, Ms. Tena Phifer, Mr. Kevin Shobe and Mr. Brian Chandler. Absent and failing to vote was Mr. Chad Haynie and Mr. Tyler Waler. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mrs. Morgan Williams, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Kevin Shobe to approve the minutes for November 17, 2022. **Seconded by Ms. Tina Phifer.** Roll call vote was as follows: Mr. Shobe – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Mr. Chandler - Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Mr. Aubrey Dale to approve the agenda for January 19, 2023. **Seconded by Mr. Jon Garner.** Roll call vote was as follows: Mr. Dale – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; Mr. Shobe – Yes; and Mr. Chandler - Yes. **Motion Carried.**

Approval of Proper Notification- Mrs. Ramm informed the Board that proper notification was given.

Verification of No Conflict of Interest - None

Notice of Right to Appeal – No conflict of Interest.

Old Business - None

New Business

- a. **V-23-1 – James and Jennifer Ray are requesting a variance from the accessory structure standards in Section 607 to allow a swimming pool within 10 feet of a primary residence located at 11682 Arbor Oaks Road.**

James Ray, 11682 Arbor Oaks Road, gave the commission a picture of the back yard. The petitioner stated that the property was surrounded by easements. He stated that they paid to have a survey done for their property to locate the drains and easements, but prior to this, they added a covered patio to their residence. The petitioner stated they are restricted on the use of their property with the easements for a residential pool. They are requesting to move the pool closer to their patio. They stated they understand the concrete issues for the City and the need to access the easement and drain located in their back yard.

Mr. Garner asked the petitioner if their intent was not to put concrete on the backside of their property.

Mr. Ray stated he would work out an agreement with the City on paper that if the concrete needed to be removed, they, as the owner, would remove it and pay to replace the concrete or do a pavior system.

Mr. Garner opened the floor for public comments.

With no public comments to be heard, Mr. Garner closed the floor.

Motion by Mr. Brian Chandler I make a motion to grant James and Jennifer Ray requested variance from the accessory structure standards to allow a swimming pool no closer than 3 feet and 4 inches of the residence located at 11682 Arbor Oaks Road. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Ms. Phifer – Yes. **Motion Carried.**

b. V-23-3 – William Wells is requesting a variance from the residential development standards in Section 603.03 to allow two dwelling units on one lot located at 2812 Main Avenue.

Christy Bobo, 230 10th Street, spoke on progress and preserving the history of the City of Northport. She asked the commission to grant the variance for the Oliver Heights Grocery Store to continue to share the History of 1940's Northport in its location leading into our Downtown Northport area.

William Wells, 2812 Main Avenue, spoke regarding the dwelling along with a slide show presentation. The petitioner stated that he and his wife restored Oliver Heights Grocery Store using original materials. They rent this dwelling out as an AirBnB property. The property is a studio type rental and many of their renters chose the rental for the history and location.

Mr. Chandler asked the petitioner if they advertise this for short-term rentals. Mr. Wells stated they will rent through Airbnb, which is a short-term rental.

Mr. Garner opened the floor for public comments.

With no public comments to be heard, Mr. Garner closed the floor.

Motion by Mr. Jon Garner I move to grant requested variance from the residential development standards to all two dwelling units on one lot for the residence located at 2812 Main Avenue. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Ms. Phifer – Yes; and Mr. Chandler - Yes. **Motion Carried.**

X. DISCUSSION

a. Election of Chair and Vice Chair

Chair:

Motion by Mr. Kevin Shobe to nominate Jon Garner for Chair of the Zoning Board of Adjustment Board for 2023 year. **Second by Mr. Brian Chandler.** Roll call vote was as follows: Mr. Shobe -Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Ms. Phifer – Yes. **Motion Carried.**

Vice Chair

Motion by Mr. Jon Garner to nominate Kevin Shove for Vice Chair of the Zoning Board of Adjustment Board for 2023 year. **Second by Ms. Tina Phifer.** Roll call vote was as follows: Mr. Garner – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Shobe – Yes; and Mr. Chandler – Yes. **Motion Carried.**

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned.

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
March 10, 2023

AGENDA ITEM

Case Number: V-23-2

Request: A variance from setback requirements

Location: 3514 14th Street

Applicant: Foster and Herring, LLC

SUBJECT PARCEL

Zoning: Office & Institutional

Zoning of Adjacent Property: RS-4 Single Family Residential & M1 Light Industrial

Proposed Action: Reduce setbacks to accommodate building addition

STAFF COMMENTS

Foster and Herring, LLC is seeking a variance from the lot setback requirements. Those standards are in table 4-3 and are included below :

Table 4-3: Table of Dimensional Standards – Non Residential Uses.

Zoning District	Maximum Height Of Structure (feet)	Minimum Setbacks (in feet)			
		Front Yard	Rear Yard	One Side ¹	Total Side
AG ²	35 ³	50	50	50	100
O-1	50	25	25	10	20
C-2	40	20	20	10	20
C-3	40	20	20	10	20
C-6	50	40	25	10 ⁵	20 ⁵
M-1	60	4	4	4	4
M-2	60	4	4	4	4

¹ Side Yard on Street shall be equal to Front Yard setback

² See Table 6-2 and Section 603.03 "Performance Residential Developments" for Residential Setbacks

³ Inhabited Structures Only

⁴ Equal to Height of Structure

⁵ May be reduced to zero (0) feet by Special Exception

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 1109.3 of the Northport Municipal Code are as follows:

1108.03. Standards for Variances. *The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the*

terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

A. *The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

B. *The granting of the variance will not permit the establishment of any use, which is not permitted in the district.*

C. *There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.*

D. *There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.*

E. *That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.*

F. *That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.*

G. *That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.*

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

SUMMARY:

Foster and Herring, LLC proposes to build a new fellowship hall for the church located at 3514 14th Street. The current zoning ordinance requires a minimum rear setback of **25 feet**. The petitioner has requested a reduction to **10 feet**. The petitioner has cited as a hardship that the lot is irregularly shaped and is restricted by surrounding railroads, power easements, and flood zones. Staff does not oppose the granting of this variance.

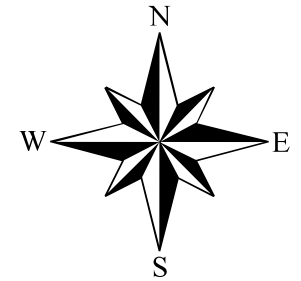
MOTION:

1. I make a motion to grant Foster & Herring, LLC a variance from the rear setback requirements from 25 feet to 10 feet for the property located at 3514 14th Street.

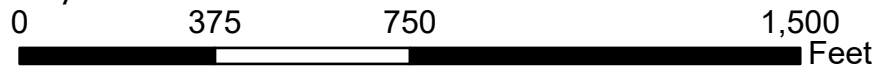
City of Northport Zoning Board of Adjustment

Zoning

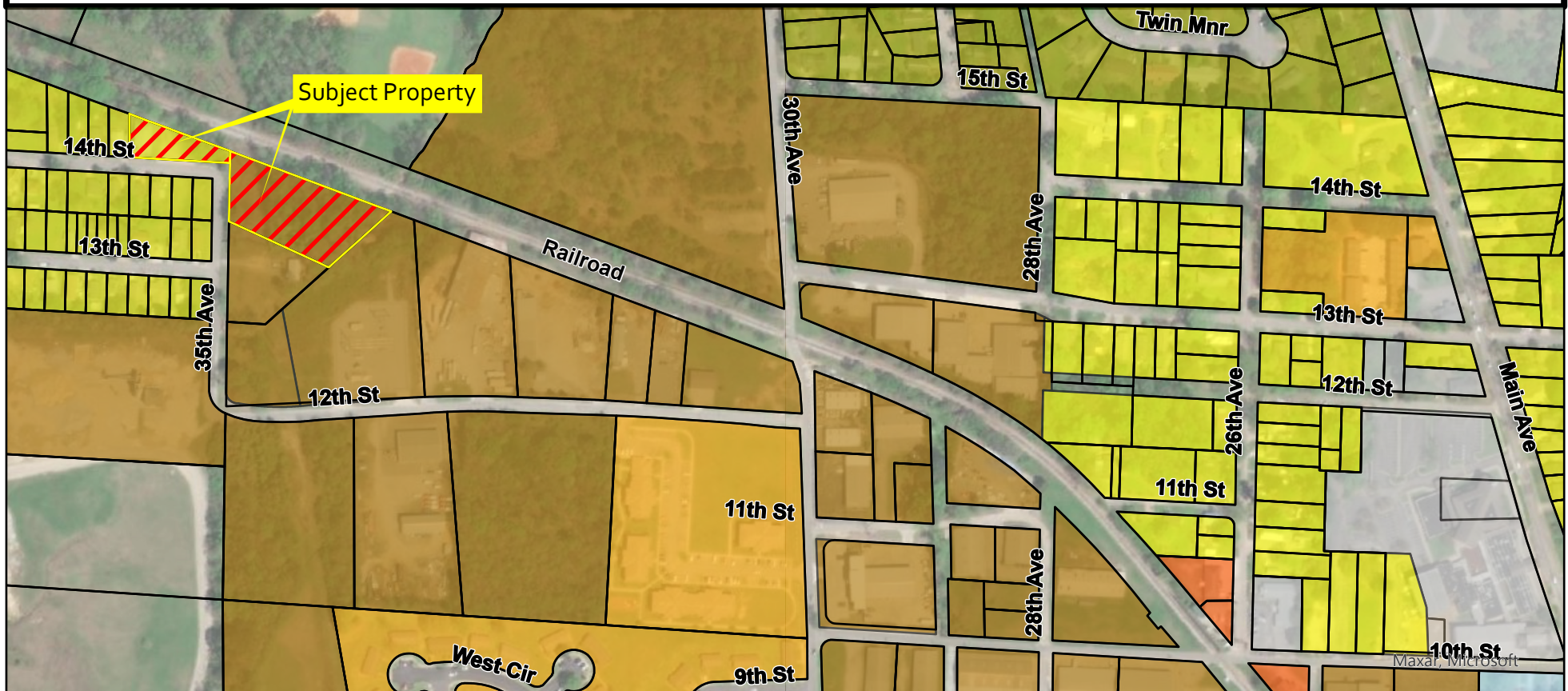
Variance Request

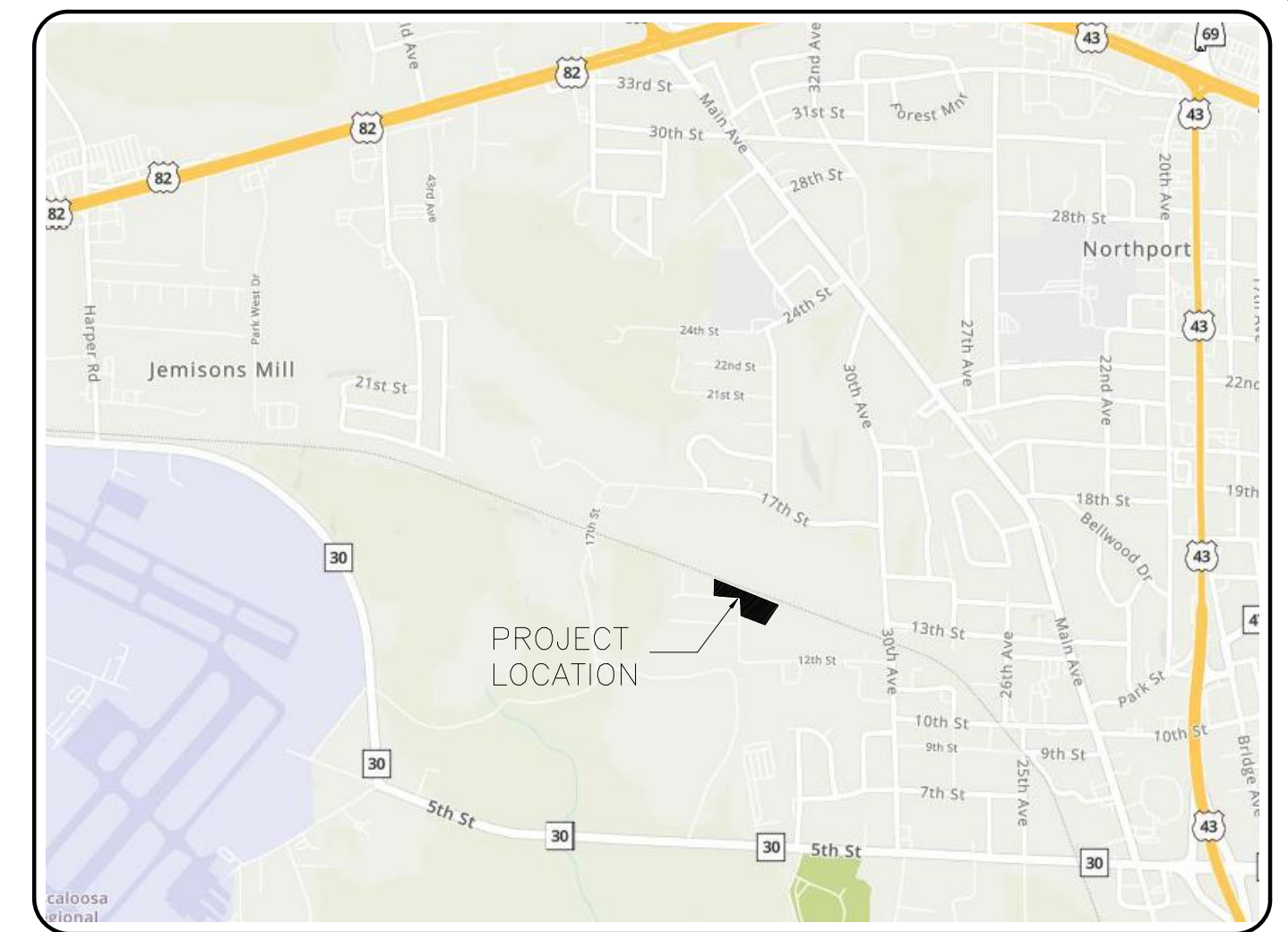
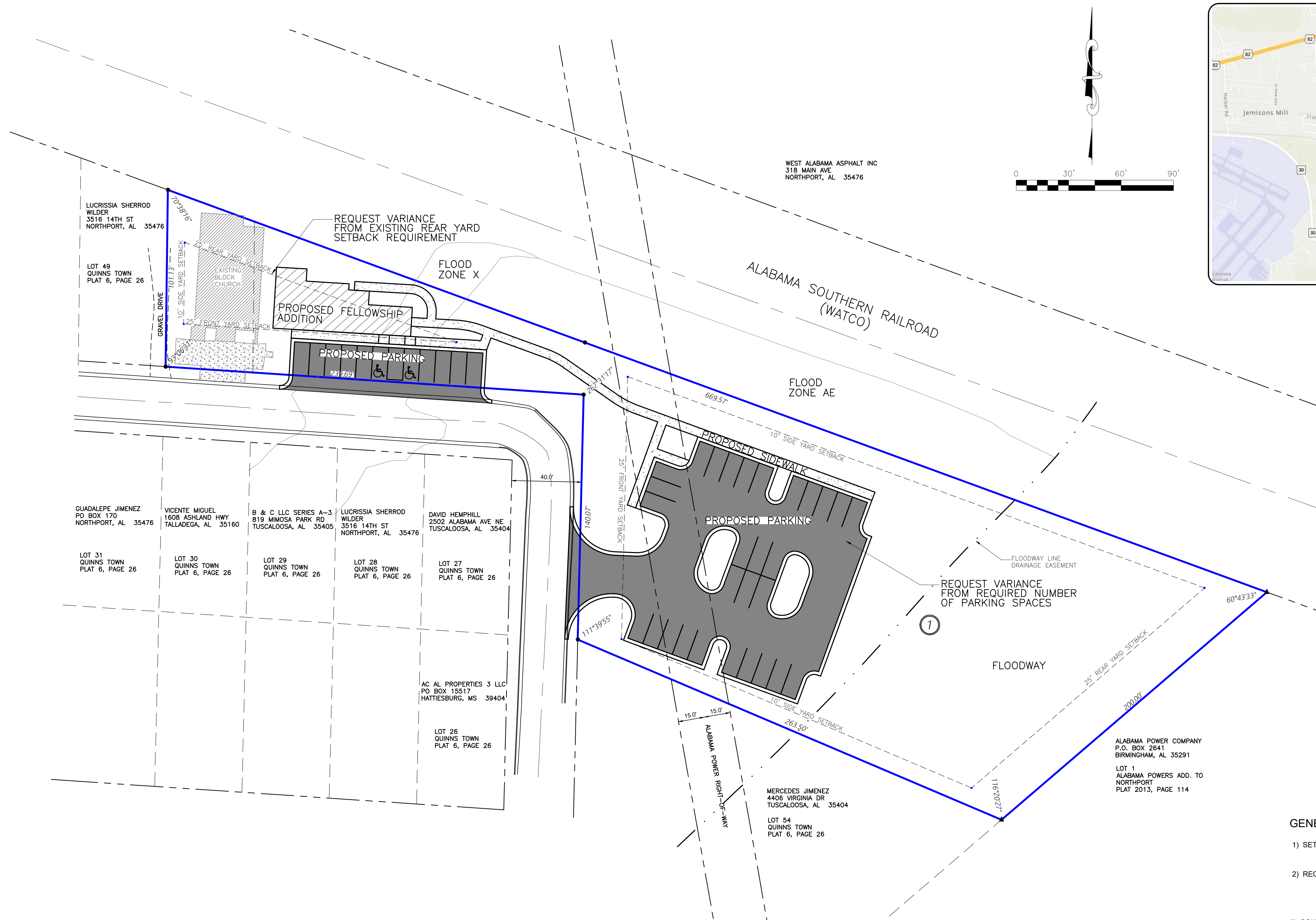


-  Neighborhood Commercial
-  Light Industrial
-  Office and Institutional
-  Residential/Commercial/Institutional
-  Residential Multi-Family
-  Residential Single-Family - SD
-  Residential Single-Family - 3
-  Residential Single-Family - 4
-  Subject Property



While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.





LEGEND

NOT ALL SYMBOLS ARE USED ON THIS MAP

- | | |
|--------|---------------------------------|
| ● | PROPERTY CORNER FOUND |
| ▲ | REBAR AND CAP SET |
| ■ | CALCULATED POINT (NOT FOUND) |
| — | EXISTING POWER POLE |
| ⌵ | EXISTING GUY WIRE |
| ⊗ | EXISTING LIGHT POLE |
| ⊙ | EXISTING TELEPHONE PEDESTAL |
| ⊕ | EXISTING FIRE HYDRANT |
| ⊖ | EXISTING WATER METER |
| ⊗ | EXISTING VALVE |
| — | EXISTING OVERHEAD ELECTRIC LINE |
| P.O.C. | POINT OF COMMENCEMENT |
| P.O.B. | POINT OF BEGINNING |
| ROW | RIGHT-OF-WAY |

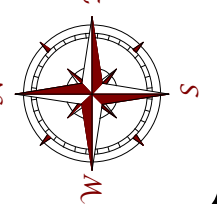
GENERAL NOTES:

- 1) SETBACKS: FRONT 25 FEET
REAR 25 FEET
SIDE 10 FEET
- 2) REQUESTED VARIANCE:
A: REAR SETBACK - EXISTING NON-CONFORMING CHURCH BUILDING
B: REAR SETBACK - PROPOSED NEW FELLOWSHIP HALL
C: NUMBER OF REQUIRED PARKING SPACES FOR NEW FELLOWSHIP HALL
- 3) SOURCE OF TITLE: DEED 2010 PAGE 021
- 4) PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE .
MAP 0112SC0502F EFFECTIVE DATE: 09-28-2007.

FIELD BOOK:	
CAD FILE:	<i>Drawing for Variance.dwg</i>
DRAWN BY:	KENNY DATE: 11-08-2022
CHECKED BY:	BRIAN JOB NO.: 2022-071

PRELIMINARY PLAT AOH CHURCH OF GOD SUBDIVISION

FOSTER & HERRING, LLC
Surveying - Engineering - Mapping
4720 University Blvd. E., Suite D
Tuscaloosa, AL 35404
205-345-5057



P-1

DRAWING NO.



PERMIT PROJECT
FILE #: 22-002172
3514 14TH ST NORTHPORT AL
COMBINE LOTS 50-53 OF THE QUINNS TOWN SUBDIVISION INTO ONE LOT



PERMIT #: V22-000017

Permit Type

Variance/Administrative Appeal

Subtype

Variance



Work Description:

Combine Lots 50-53 of the Quinns Town Subdivision into One Lot

Applicant

Foster & Herring, LLC - Kenny Herring



Status

Under Review



Valuation

0.00



FEES & PAYMENTS

Plan Check Fees

0.00

Permit Fees

197.72

Total Amount

197.72

Amount Paid

197.72

Balance Due

0.00



Non-Billable



PERMIT DATES

Application Date

12/19/2022

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Review the attached process packet (click to download)

Property Information

Property Zoning District

OI



Existing Buildings on Property

One Church Building

Proposed Construction on Property

Church Addition and Parking

Number of Adjoining Properties

12

Are you the property owner?

No



Property Owner

A O H CHURCH OF GOD



Additional Parcel #s

3105162002047.001

Submittal Documents

Notarized Designation to Authorize Agent Form (Click to Download)

[2022-11-14 Designation of Agent Form.pdf](#)



Names and Addresses of all Adjoining Properties

[OWNERS.xlsx](#)



Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions)

[Drawing for Variance.pdf](#)



Additional Submittal Documents



Request Information

Describe the nature of the request

We are respectfully requesting a variance from the minimum building setbacks and the minimum number of parking spaces.

Describe the special conditions pertaining to your property (or to your case) which sets your case apart from others in the same zoning district

Due to the size and irregular shape of the lot, it will be impossible to build the new fellowship hall without the variance for the rear setback line. Due to the location of the floodway and the inability to construct within the floodway, we are unable to get the number of required parking spaces.

Describe how your appeal (if granted) would impact neighboring properties or how it would or would not be contrary to the public interest

The existing structure and proposed fellowship hall back up to an existing railroad right-of-way and would not adversely affect the adjoining properties.

Describe the nature of any unnecessary hardship placed upon you by a literal enforcement of the zoning ordinance

We will not be able to proceed with the project if we are denied the requested variances.

Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner

☒ BY CHECKING THIS BOX, I HEREBY AGREE TO THE FOLLOWING TERMS AND CONDITIONS

The information contained in this document is true and correct and may be relied upon by the City of Northport. By typing my name and by checking this box, this acknowledges that I am bound by this document just as if I had signed the document rather than typed my name to this document.

Signature

signature.png



OFFICIAL USE ONLY

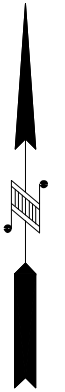
Date of Planning Commission Meeting

FEES						
FEE	▼	DESC ▼	QUANTITY	AMOUNT	TOTAL	
Appeal Fee					75.00	
Adjoining Properties Fee					93.84	
Advertising Fee					25.00	
Convenience Fee			1.0	3.8800	3.88	
Plan Check Fees					0.00	
Permit Fees					197.72	
Total Fees					197.72	

 PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
12/20/2022	Cred	AR0A8CB00	V22-C	26274	Foster & P	197.72	
Amount Paid						197.72	
Balance Due						0.00	

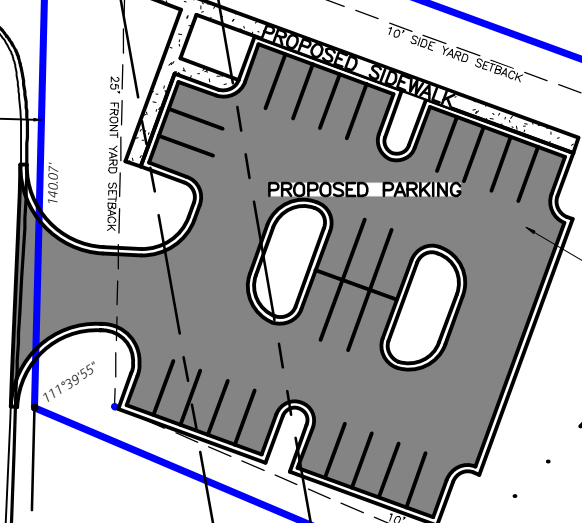
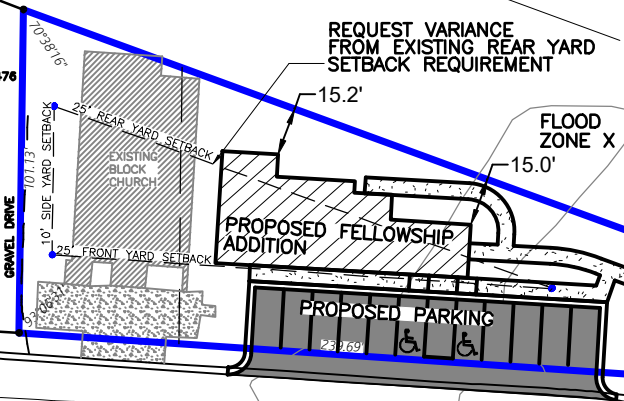


WEST ALABAMA ASPHALT INC
318 MAIN AVE
NORTHPORT, AL 35476

ALABAMA SOUTHERN RAILROAD
(WATCO)

FLOOD
ZONE AE

REQUEST VARIANCE
FROM EXISTING REAR YARD
SETBACK REQUIREMENT



REQUEST VARIANCE
FROM REQUIRED NUMBER
OF PARKING SPACES

FLOODWAY

ALABAMA POWER COMPANY
P.O. BOX 2841
BIRMINGHAM, AL 35291

LOT 1
ALABAMA POWERS ADD. TO
NORTHPORT
PLAT 2013, PAGE 114

MERCEDES JIMENEZ
4408 VIRGINIA DR
TUSCALOOSA, AL 35404

LOT 54
QUINNS TOWN
PLAT 6, PAGE 26

ALABAMA POWER RIGHT-OF-WAY

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
March 10, 2023

AGENDA ITEM

Case Number: V-23-6

Request: A variance from required minimum number of parking spaces

Location: 3514 14th Street

Applicant: Foster and Herring, LLC

SUBJECT PARCEL

Zoning: Office & Institutional

Zoning of Adjacent Property: RS-4 Single Family Residential & M1 Light Industrial

Proposed Action: Reduce setbacks to accommodate building addition

STAFF COMMENTS

Foster and Herring, LLC is seeking a variance from the minimum number of required parking spaces. Those standards are in section 610 and are included below :

3. Assembly, Places of: one (1) space per four (4) seats of maximum capacity.

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 1109.3 of the Northport Municipal Code are as follows:

1108.03. Standards for Variances. *The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.*

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

A. *The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

B. *The granting of the variance will not permit the establishment of any use, which is not permitted in the district.*

C. *There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which*

the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

***D.** There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.*

***E.** That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.*

***F.** That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.*

***G.** That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.*

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

SUMMARY:

Foster and Herring, LLC proposes to build a new fellowship hall for the church located at 3514 14th Street. The current ordinance requires 1 space per 4 seats of maximum capacity, which would add up to **71 spaces** as proposed. The petitioner has requested a reduction to **40 spaces**. The petitioner has cited as a hardship that the lot is irregularly shaped and is restricted by surrounding railroads, power easements, and flood zones.

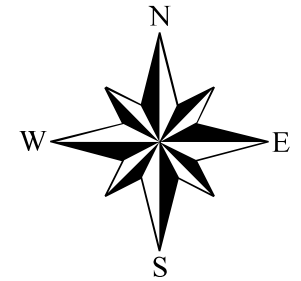
MOTION:

1. I make a motion to grant Foster & Herring, LLC a variance from the minimum parking requirements from 71 spaces to 40 spaces for the property located at 3514 14th Street.

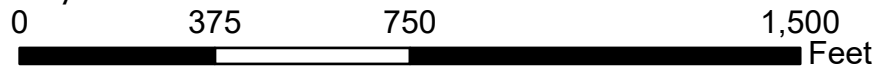
City of Northport Zoning Board of Adjustment

Zoning

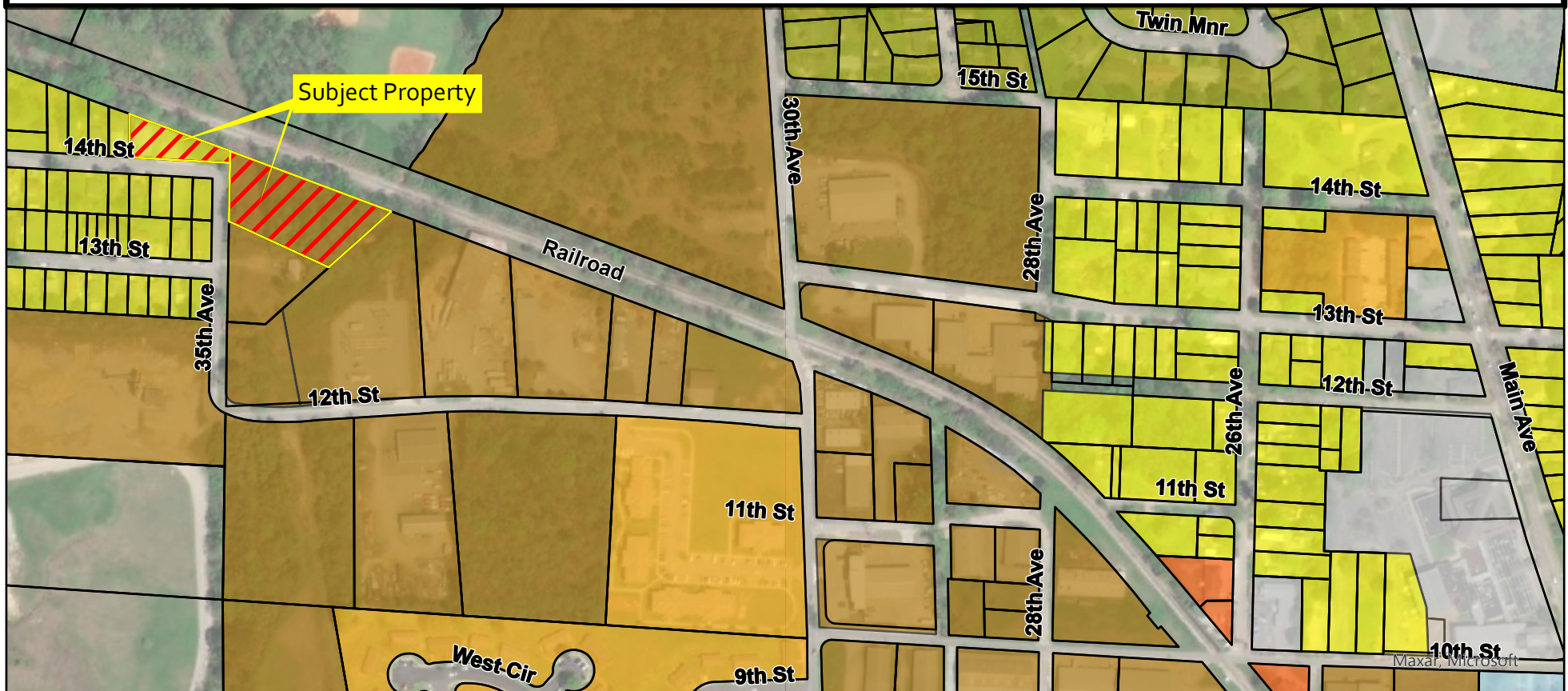
Variance Request

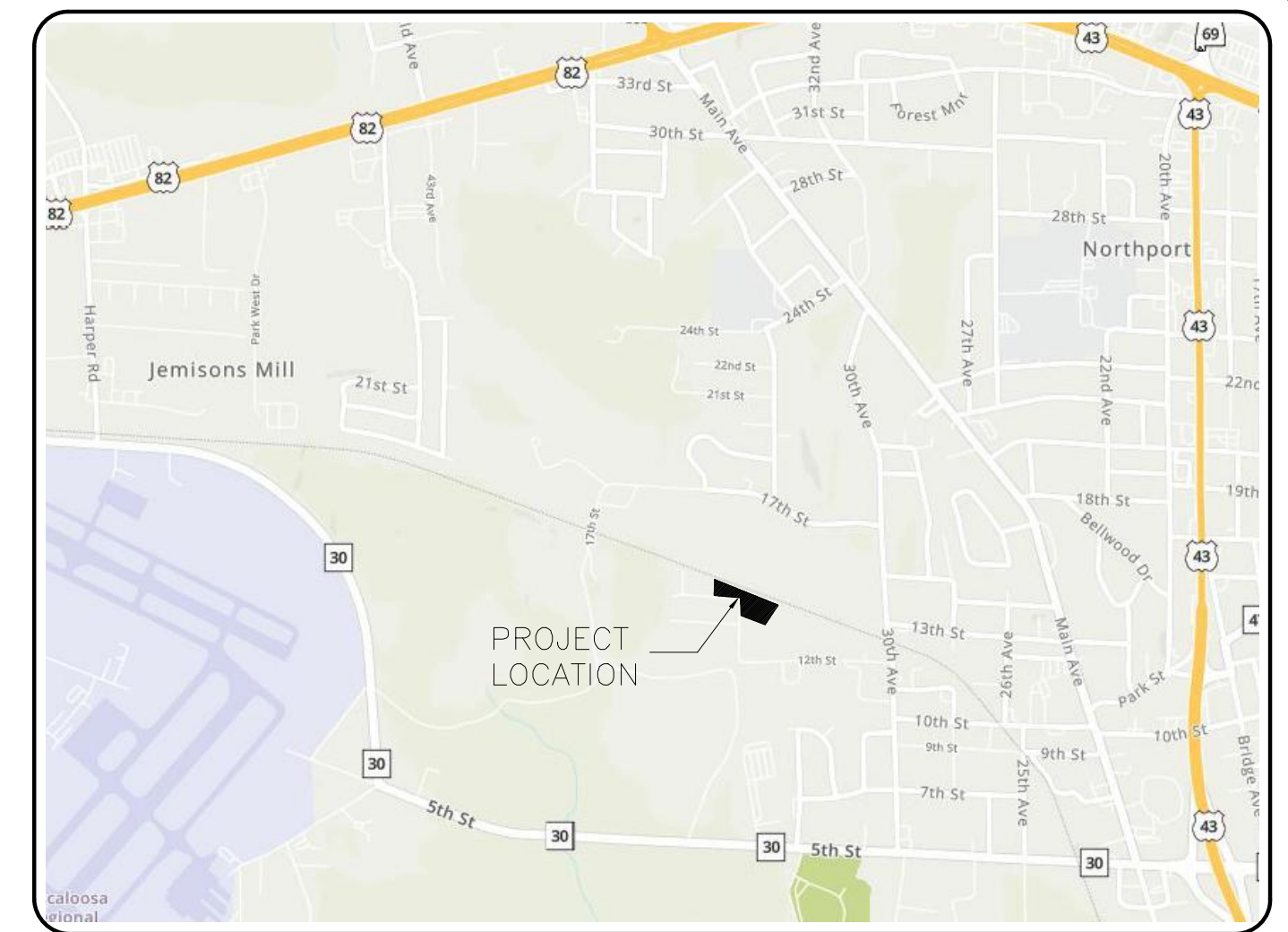
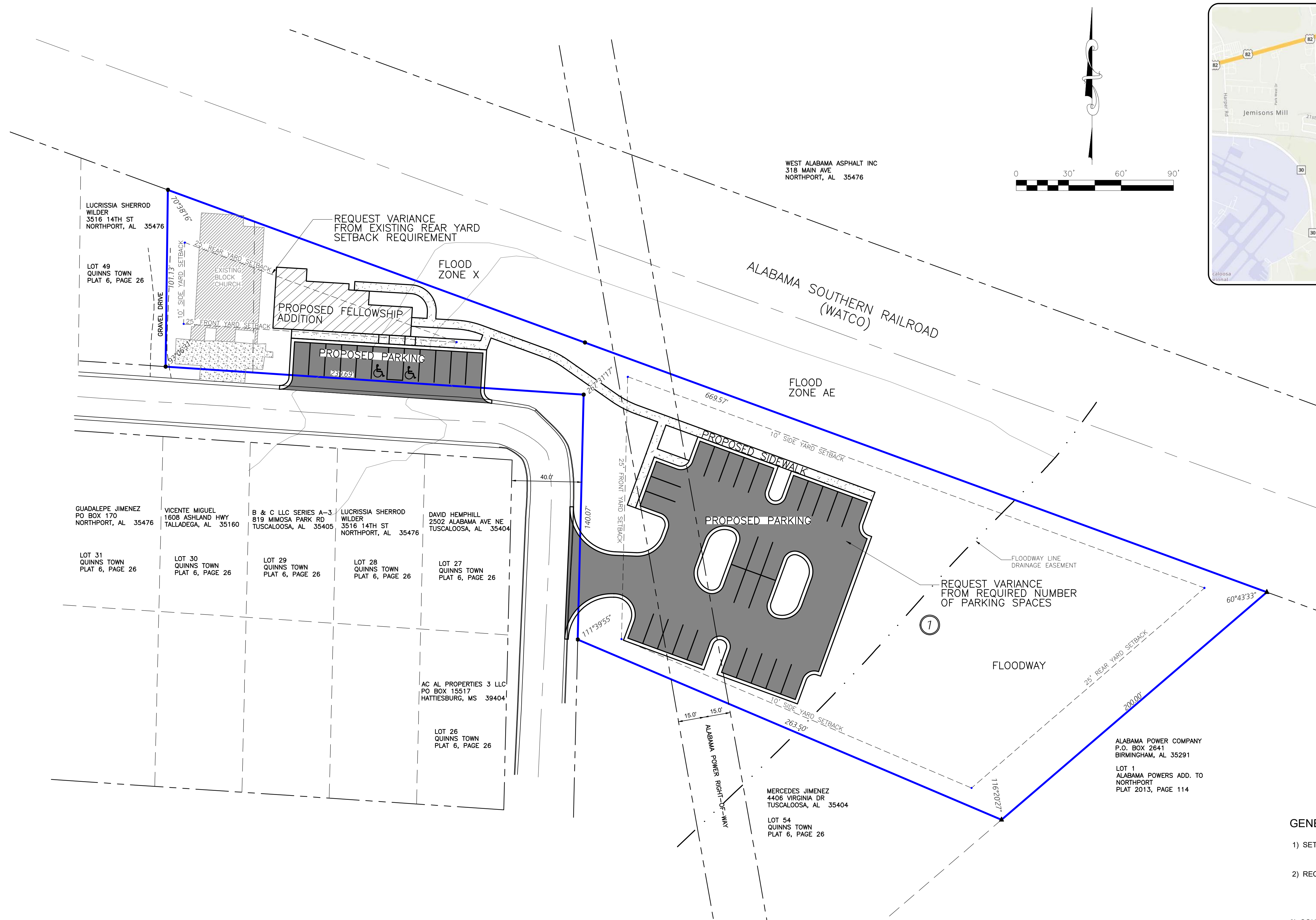


-  Neighborhood Commercial
-  Light Industrial
-  Office and Institutional
-  Residential/Commercial/Institutional
-  Residential Multi-Family
-  Residential Single-Family - SD
-  Residential Single-Family - 3
-  Residential Single-Family - 4
-  Subject Property



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LEGEND

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| ● | PROPERTY CORNER FOUND |
| ▲ | REBAR AND CAP SET |
| ■ | CALCULATED POINT (NOT FOUND) |
| — | EXISTING POWER POLE |
| ⌵ | EXISTING GUY WIRE |
| ⊗ | EXISTING LIGHT POLE |
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| ⊕ | EXISTING FIRE HYDRANT |
| ⊖ | EXISTING WATER METER |
| ⊗ | EXISTING VALVE |
| — | EXISTING OVERHEAD ELECTRIC LINE |
| P.O.C. | POINT OF COMMENCEMENT |
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| ROW | RIGHT-OF-WAY |

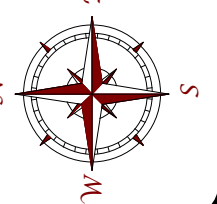
GENERAL NOTES:

- 1) SETBACKS: FRONT 25 FEET
REAR 25 FEET
SIDE 10 FEET
- 2) REQUESTED VARIANCE:
A: REAR SETBACK - EXISTING NON-CONFORMING CHURCH BUILDING
B: REAR SETBACK - PROPOSED NEW FELLOWSHIP HALL
C: NUMBER OF REQUIRED PARKING SPACES FOR NEW FELLOWSHIP HALL
- 3) SOURCE OF TITLE: DEED 2010 PAGE 021
- 4) PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE .
MAP 0112SC0502F EFFECTIVE DATE: 09-28-2007.

FIELD BOOK:	
CAD FILE:	<i>Drawing for Variance.dwg</i>
DRAWN BY:	KENNY DATE: 11-08-2022
CHECKED BY:	BRIAN JOB NO.: 2022-071

PRELIMINARY PLAT AOH CHURCH OF GOD SUBDIVISION

FOSTER & HERRING, LLC
Surveying - Engineering - Mapping
4720 University Blvd. E., Suite D
Tuscaloosa, AL 35404
205-345-5057



P-1

DRAWING NO.



PERMIT PROJECT
FILE #: 22-002172
3514 14TH ST NORTHPORT AL
COMBINE LOTS 50-53 OF THE QUINNS TOWN SUBDIVISION INTO ONE LOT



PERMIT #: V22-000017

Permit Type

Variance/Administrative Appeal

Subtype

Variance



Work Description:

Combine Lots 50-53 of the Quinns Town Subdivision into One Lot

Applicant

Foster & Herring, LLC - Kenny Herring



Status

Under Review



Valuation

0.00



FEES & PAYMENTS

Plan Check Fees

0.00

Permit Fees

197.72

Total Amount

197.72

Amount Paid

197.72

Balance Due

0.00



Non-Billable



PERMIT DATES

Application Date

12/19/2022

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Review the attached process packet (click to download)

Property Information

Property Zoning District

OI



Existing Buildings on Property

One Church Building

Proposed Construction on Property

Church Addition and Parking

Number of Adjoining Properties

12

Are you the property owner?

No



Property Owner

A O H CHURCH OF GOD



Additional Parcel #s

3105162002047.001

Submittal Documents

Notarized Designation to Authorize Agent Form (Click to Download)

[2022-11-14 Designation of Agent Form.pdf](#)



Names and Addresses of all Adjoining Properties

[OWNERS.xlsx](#)



Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions)

[Drawing for Variance.pdf](#)



Additional Submittal Documents



Request Information

Describe the nature of the request

We are respectfully requesting a variance from the minimum building setbacks and the minimum number of parking spaces.

Describe the special conditions pertaining to your property (or to your case) which sets your case apart from others in the same zoning district

Due to the size and irregular shape of the lot, it will be impossible to build the new fellowship hall without the variance for the rear setback line. Due to the location of the floodway and the inability to construct within the floodway, we are unable to get the number of required parking spaces.

Describe how your appeal (if granted) would impact neighboring properties or how it would or would not be contrary to the public interest

The existing structure and proposed fellowship hall back up to an existing railroad right-of-way and would not adversely affect the adjoining properties.

Describe the nature of any unnecessary hardship placed upon you by a literal enforcement of the zoning ordinance

We will not be able to proceed with the project if we are denied the requested variances.

Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner

☒ BY CHECKING THIS BOX, I HEREBY AGREE TO THE FOLLOWING TERMS AND CONDITIONS

The information contained in this document is true and correct and may be relied upon by the City of Northport. By typing my name and by checking this box, this acknowledges that I am bound by this document just as if I had signed the document rather than typed my name to this document.

Signature

signature.png



OFFICIAL USE ONLY

Date of Planning Commission Meeting

FEES						
FEE	▼	DESC ▼	QUANTITY	AMOUNT	TOTAL	
Appeal Fee					75.00	
Adjoining Properties Fee					93.84	
Advertising Fee					25.00	
Convenience Fee			1.0	3.8800	3.88	
Plan Check Fees					0.00	
Permit Fees					197.72	
Total Fees					197.72	

 PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
12/20/2022	Cred	AR0A8CB00	V22-C	26274	Foster & P	197.72	
Amount Paid						197.72	
Balance Due						0.00	

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
March 10, 2023

AGENDA ITEM

Case Number: V-23-4

Request: A variance from building material standards

Location: 4512 Lakeshore Drive

Applicant: Michael Faulkner

SUBJECT PARCEL

Zoning: RS-1 Single Family Residential

Zoning of Adjacent Property: RS-1 Single Family Residential & RM-2 Residential Multi Family

Proposed Action: Variance from building material standards

STAFF COMMENTS

Michael Faulkner is seeking a variance from the building material standards. Those standards are in section 1002.13.B and are included below :

4. *Materials.* Materials such as brick, stone and wood are preferred. Developers are encouraged to vary materials from building to building while limiting the number of different materials on any individual structure. In all instances the use of loud, garish colors on exterior façade materials shall be prohibited. Metal siding shall be prohibited on all sides of a building which are visible from any public street except under the following conditions:

Metal siding shall be allowed in industrial zones only (M-1 or M-2) for buildings under the following conditions:

- A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or smooth concrete) shall be located on the sides facing a public street; if a multi-story building, the first story must meet this material requirement
- No exterior wall plane facing a public street may exceed thirty feet without an interruption or articulation. Examples include: wall offsets, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches.
- If an industrial zone is located adjacent to a residential zone, the front or main façade shall not have any metal siding (architectural metal panels are allowed).

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 1109.3 of the Northport Municipal Code are as follows:

1108.03. Standards for Variances. *The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following*

requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

A. *The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

B. *The granting of the variance will not permit the establishment of any use, which is not permitted in the district.*

C. *There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.*

D. *There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.*

E. *That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.*

F. *That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.*

G. *That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.*

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

SUMMARY:

Michael Faulkner proposes to build an accessory structure on his property located at 4512 Lakeshore Drive. The current ordinance requires accessory structures over 200 square feet to follow standard architectural guidelines. The proposed structure would be 900 square feet. The petitioner has requested that he be allowed to use metal siding, which is not allowed by current building materials standards. The petitioner has cited as a hardship that their property is in a more rural setting than others in the same zoning district, and that metal siding would not be out of character for the neighborhood. Staff does not support the granting of this variance.

MOTION:

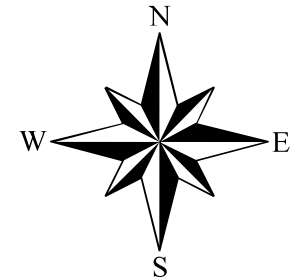
1. I make a motion to grant Michael Faulkner a variance to allow metal siding on his accessory structure for the property located at 4512 Lakeshore Drive.

Zoning

-  Agriculture
-  General Commercial
-  Office and Institutional
-  Residential Multi-Family
-  Residential Single-Family - SD
-  Residential Single-Family - 1
-  Residential Single-Family - 2
-  Subject Parcel

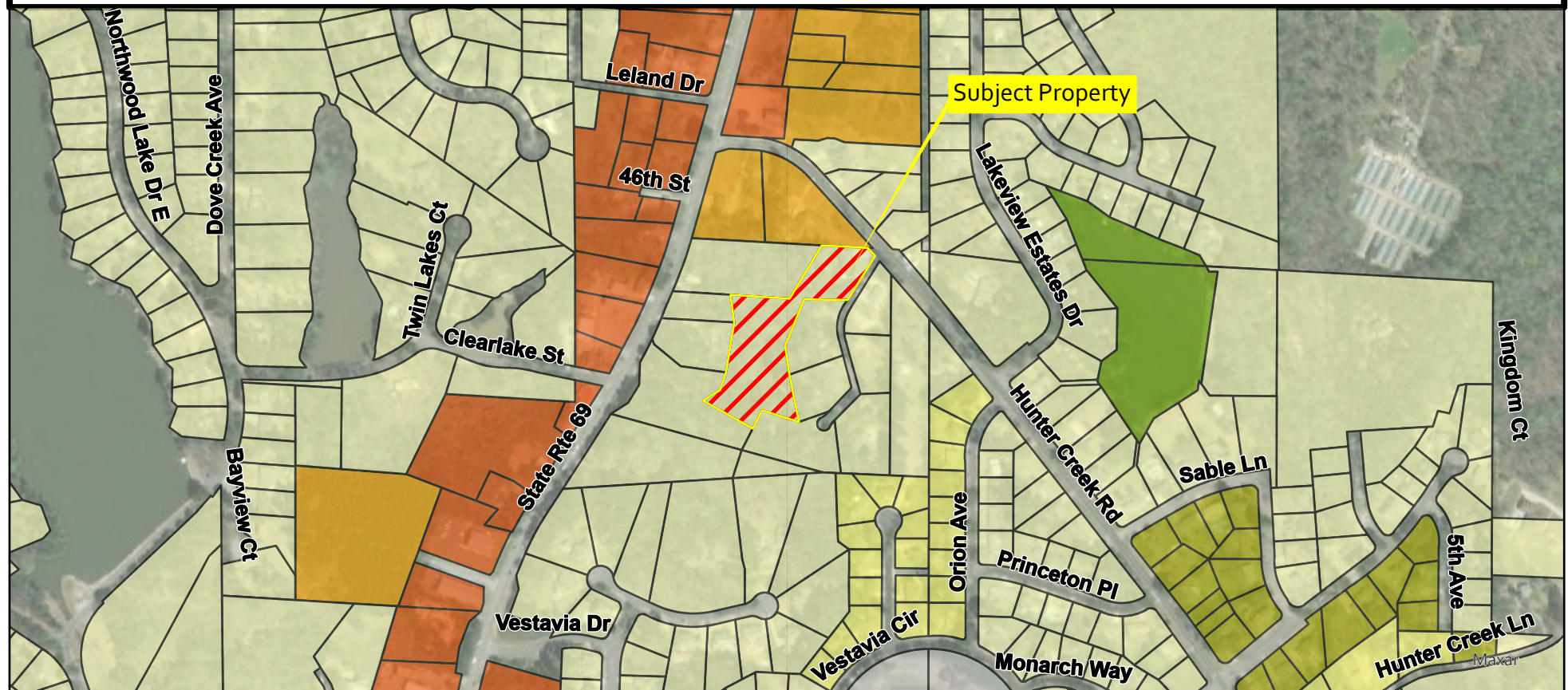
City of Northport Zoning Board of Adjustment

Variance Request



0 500 1,000 2,000
Feet

While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.







City of Northport Variance Application Packet

All applications, plans, and supporting documents may be submitted by email to
planning@cityofnorthport.org.



10:50am
RECEIVED
2/7/2023

Date of Application: feb 6 2023

SUBMITTAL CHECKLIST

- | | |
|---|--|
| ☒ Completed Application | ☒ Designation of Agent Form (if applicant is not property owner) |
| ☐ \$75 Appeal Fee (additional fees may apply) | ☒ Names and Addresses of all Adjoining Properties |
| ☒ Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions) | |

PROPERTY INFORMATION

Property Address: 4512 Lakeshore dr Northport AL 35473

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: house

Proposed Construction on Property: Pole barn/shop

PETITIONER INFORMATION

Petitioner Name: Michael Justin Faulkner

Petitioner Phone: 205-454-4443 Petitioner Email: justinfaulkner.dcs@gmail.com

Petitioner Address (if different than property information above): _____

Petitioner is Owner of Property (if yes, skip owner information): ☒ Yes ☐ No

OWNER INFORMATION

Owner Name and/or Company: _____

Owner Mailing Address: _____

Owner Phone: _____ Owner Email: _____

☒ BY CHECKING THIS BOX, I HEREBY AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

The information contained in this document is true and correct and may be relied upon by the City of Northport. By typing my name and by checking this box, this acknowledges that I am bound by this document just as if I had signed the document rather than typed my name to this document.

Applicant Signature: Justin Faulkner Date: Feb 6 2023



City of Northport Variance Application Packet

All applications, plans, and supporting documents may be submitted by email to
planning@cityofnorthport.org.

REQUEST INFORMATION

Describe the nature of the request:

I would like to be allowed to use a painted metal for siding on building.

Describe the special conditions pertaining to your property (or to your case) which sets your case apart from others in the same zoning district:

The position of my shop unlike most is in a more rural setting than a lot of the homes that are zoned the same as my property. The location of my shop will be set back off all road ways.

Describe how your appeal (if granted) would impact neighboring properties or how it would or would not be contrary to the public interest:

I don't see any impact on neighboring properties. I have spoke with most of neighbors and they have no complaints with the use of metal versus a vinyl siding. I do not believe that it would have any baring on the public.

Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner:

The location of new building is set on property so that it would not cause any safety hazards due to blocking line of site or any eye sore. The use of a metal siding is more durable than vinyl siding and would not fade or become wavy as vinyl does. I have driven around the surrounding streets and have noticed that there are many structures on properties constructed with metal siding so I do not feel that this material is a uncommon building material for the area. I have spoke with and asked all of the neighboring property owners on my street if they would have any issues with using this material and they do not. I have a signed petition that I will include.



City of Northport

Variance Application Packet

All applications, plans, and supporting documents may be submitted by email to planning@cityofnorthport.org.

PROCESS

1. You have requested a variance, special exception or interpretation of the Zoning Ordinance. The Zoning Board of Adjustment has the full authority to rule on cases such as this after a public hearing.
2. The Zoning Board of Adjustment meets in City Hall, located at 3500 McFarland Boulevard, in the Council Chamber at 6:00 p.m. on the third Thursday of each month.
3. You or your agent must be present at the meeting to explain your request and answer questions.
4. No later than the closing of business hours four weeks prior to the meeting, the following must be submitted to the Planning and Inspections Department:
 - An Administrative Appeal Application completely filled out and signed (page 2 and 3 of this packet);
 - The names and mailing addresses of all adjoining property owners as obtained from the Tax Assessor on the first floor of the County Courthouse. Adjoining owners include owners on all sides of the property in question and also the property across streets, creeks, power line right-of-ways, etc.;
 - A filing fee of \$75.00, plus certified mailing fees per adjoining property owner and advertising fees;
 - A small drawing (8x11) of the lot in question with dimensions; existing and proposed new construction with dimensions; distance to the property lines of all structures; any other concerns which may be applicable to your case, such as existing and proposed parking spaces, heights of structures, access roads, etc. The drawing are not required to be professionally prepared, but must be legible and accurate.
5. A decision of the Zoning Board of Adjustment is final. The Circuit Court will hear any appeals to the decision of the Zoning Board of Adjustments. Appeals to the Circuit Court must be applied for within 15 days after a final decision of the Zoning Board of Adjustment has been made.

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
March 10, 2023

AGENDA ITEM

Case Number: V-23-5

Request: A variance from building material standards

Location: 2427 20th Avenue

Applicant: Northport Church of God

SUBJECT PARCEL

Zoning: C-3 General Commercial

Zoning of Adjacent Property: C-3 General Commercial, C-2 Neighborhood Commercial, RS-4 & RS-3 Residential Single Family

Proposed Action: Variance from building material standards

STAFF COMMENTS

Northport Church of God is seeking a variance from the building material standards. Those standards are in section 1002.13.B and are included below :

4. *Materials.* Materials such as brick, stone and wood are preferred. Developers are encouraged to vary materials from building to building while limiting the number of different materials on any individual structure. In all instances the use of loud, garish colors on exterior façade materials shall be prohibited. Metal siding shall be prohibited on all sides of a building which are visible from any public street except under the following conditions:

Metal siding shall be allowed in industrial zones only (M-1 or M-2) for buildings under the following conditions:

- A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or smooth concrete) shall be located on the sides facing a public street; if a multi-story building, the first story must meet this material requirement
- No exterior wall plane facing a public street may exceed thirty feet without an interruption or articulation. Examples include: wall offsets, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches.
- If an industrial zone is located adjacent to a residential zone, the front or main façade shall not have any metal siding (architectural metal panels are allowed).

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 1109.3 of the Northport Municipal Code are as follows:

1108.03. Standards for Variances. *The Board of Zoning Adjustment shall grant no variance in*

the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

A. *The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

B. *The granting of the variance will not permit the establishment of any use, which is not permitted in the district.*

C. *There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.*

D. *There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.*

E. *That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.*

F. *That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.*

G. *That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.*

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

SUMMARY:

Northport Church of God proposes to build an addition to their property located at 2427 20th Avenue. The existing building has metal siding, and the petitioner would like to have the addition match the materials already present. The current ordinance does not allow metal siding in this zoning district. The petitioner has cited as a hardship that they would not be increasing the total area of metal siding on the building.

MOTION:

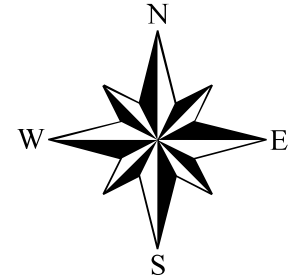
1. I make a motion to grant Northport Church of God a variance to allow metal siding on their building addition for the property located at 2427 20th Avenue.

Zoning

City of Northport Zoning Board of Adjustment

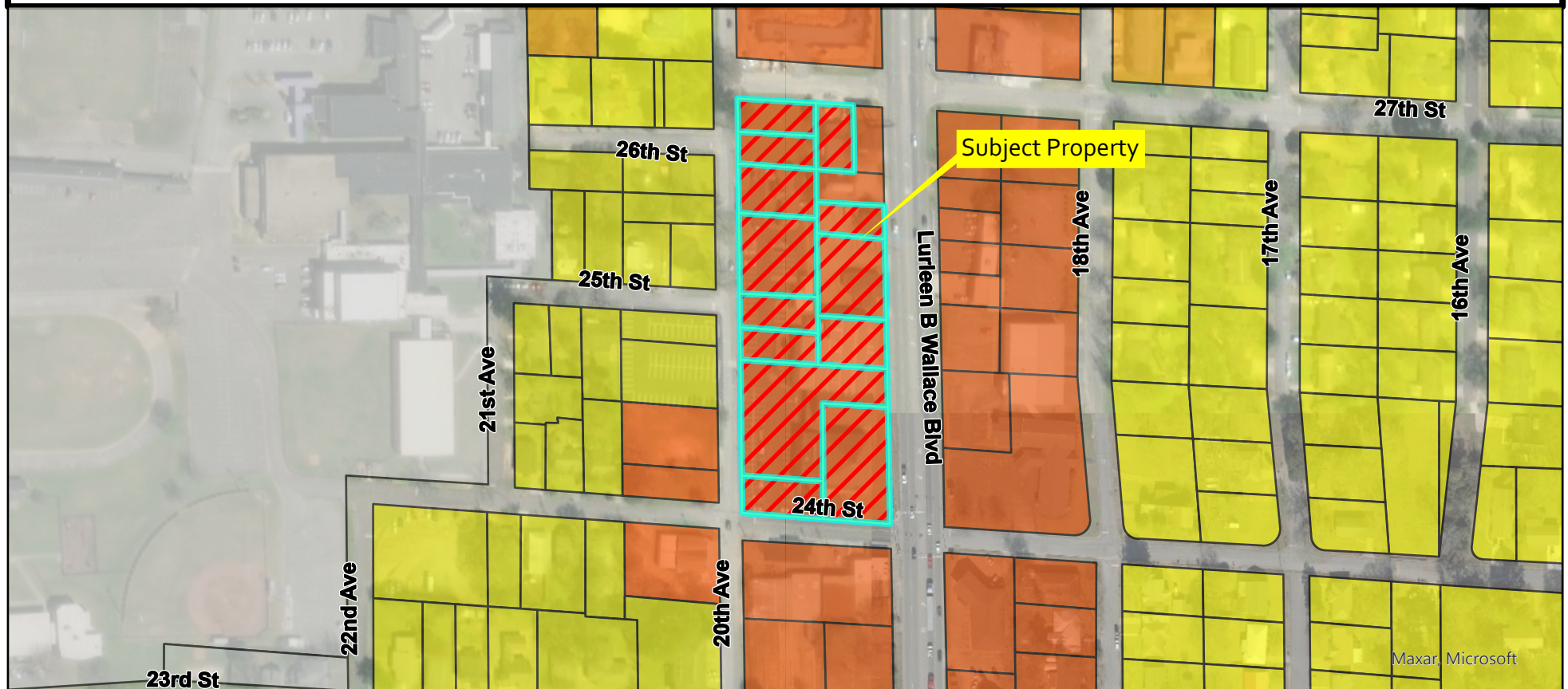
- Neighborhood Commercial
- General Commercial
- Office and Institutional
- Residential Multi-Family
- Residential Single-Family - 3
- Residential Single-Family - 4
- Subject Property**

Variance Request



0 237.5 475 950 Feet

While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.



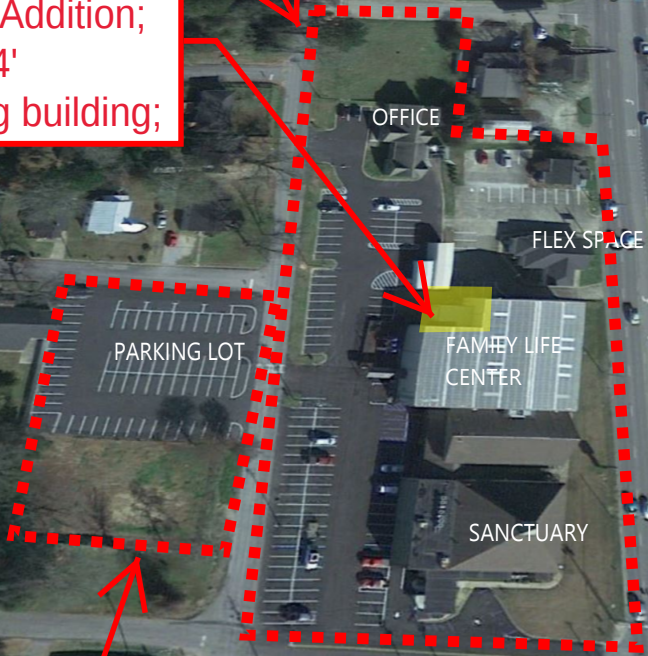
Proposed +/- 30' x 40' Addition

Northport Church
of God Property

Existing to be removed

Proposed +/- 30' x 40' Addition;
Removal of +/- 16' x 24'
attached to the existing building;

Northport Church
of God Property





City of Northport Variance Application Packet

All applications, plans, and supporting documents may be submitted by email to
planning@cityofnorthport.org.

Date of Application:

2/14/2023

SUBMITTAL CHECKLIST

- | | |
|---|--|
| ☒ Completed Application | ☒ Designation of Agent Form (if applicant is not property owner) |
| ☒ \$75 Appeal Fee (additional fees may apply) | ☒ Names and Addresses of all Adjoining Properties |
| ☒ Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions) | |

PROPERTY INFORMATION

Property Address: 2427 20th Avenue, Northport, AL 35476
Property Subdivision and Lot Number: Kennedy's Addition (PB 2, Pg 36) Lot Number 2, Block 1
Property Zoning District: C3
Existing Buildings on Property: Portion of One (Family Life Center)
Proposed Construction on Property: +/- 1000 SF Addition to Family Life Center

PETITIONER INFORMATION

Petitioner Name: Northport Church of God
Petitioner Phone: 205-339-5115 Petitioner Email: ncogman@comcast.net
Petitioner Address (if different than property information above): 2412 Lurleen B. Wallace Blvd, Northport, AL 35476

Petitioner is Owner of Property (if yes, skip owner information): ☒ Yes ☐ No

OWNER INFORMATION

Owner Name and/or Company: N/A
Owner Mailing Address: N/A
Owner Phone: N/A Owner Email: N/A

☒ BY CHECKING THIS BOX, I HEREBY AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

The information contained in this document is true and correct and may be relied upon by the City of Northport. By typing my name and by checking this box, this acknowledges that I am bound by this document just as if I had signed the document rather than typed my name to this document.

Applicant Signature: [Signature]

Date: 2-13-2023



City of Northport Variance Application Packet

All applications, plans, and supporting documents may be submitted by email to
planning@cityofnorthport.org.

REQUEST INFORMATION

Describe the nature of the request:

Use of metal siding on building addition.

Describe the special conditions pertaining to your property (or to your case) which sets your case apart from others in the same zoning district:

No addition of total area of metal panels to be used. The current building has an inside corner. This addition will simply create an outside corner. So the overall area of the metal siding will not increase.

Describe how your appeal (if granted) would impact neighboring properties or how it would or would not be contrary to the public interest:

No increase in the total area of metal siding will be used. Therefore the neighboring properties will not see any additional siding as compared to what is currently in place. Use of a different siding material would draw more attention to the addition.

Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner:

Future desire of the Church when funds are available will be painting of the entire building or other type improvements to the exterior appearance.