

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, MAY 18, 2023**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - A. March 23, 2023**
- 4. APPROVAL OF THE AGENDA**
- 5. VERIFICATION OF PROPER NOTIFICATION**
- 6. VERIFICATION OF NO CONFLICT OF INTEREST**
- 7. NOTICE OF RIGHT TO APPEAL**
- 8. OLD BUSINESS**
- 9. NEW BUSINESS**
 - A. V-23-7 – Lamar Advertising requests a variance from the billboard requirements in Section 804.01.c to install a new digital billboard without conforming to the current sign ordinance requirements for the property located at the intersection of U.S. Highway 82 and U.S. Highway 69 at 3107 Lurleen B. Wallace Blvd.**
 - B. V-23-8 – Tim Clements requests a variance from special development standards found in article 4 for the business located at 1786 Harper Road.**
 - C. V-23-9 – Lauren Smelley requests a variance from front and side setback requirements in Section 603, Table 6-2 located at 1510 Bellwood Lane.**
 - D. V-23-10 – Medger Brown requests a variance from the front setback requirements in Section 603, Table 6-2 located at 2700 Deerfield Lane.**
- 10. DISCUSSION**
- 11. CITIZEN COMMUNICATIONS**
- 12. ADJOURNMENT**

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, MARCH 23, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, March 23, 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, Mr. Chad Haynie, Mr. Kevin Shobe, Mr. Tyler Waler and Mr. Brian Chandler. Absent and failing to vote was Mrs. Tena Phifer. Also present were staff members Mrs. Julie Ramm, Mrs. Morgan Williams, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Shobe. to approve the minutes for January 19, 2023. **Seconded by Mr Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Haynie – Yes; and Mr. Walker – Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr Haynie. to approve the agenda for March 23, 2023. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Chandler -Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Mr. Walker – 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-23-2** – 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.

Josh Rogers, Thompson Engineering at 2900 8th Street, stated the this is a small lot that is adjacent to the railroad. They are wanting to develop a fellowship hall for the church on this lot. The lot that sits on the left side, they are wanting to develop a fellowship hall for the church. They are requesting a variance for the fellowship hall on the setback requirements. The existing church is already on the across setback, the fellowship hall set back request is to move from 25 feet to 15 feet.

Mr. Garner read from the petitioner's application that the hardship that is noted that the irregular shaped lot with the railroad along with the flood way on the property. The petitioner stated that the property does have a power easement that runs through it.

Mr. Haynie asked what the proposed square footage on the fellowship hall was. Mr Rogers did not know right of hand but did know that the building occupancy is 80.

Mr. Garner opened the floor for public comments.

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

Motion by Mr. Haynie I make a motion to grant Foster and Herring, LLC requested variance from the rear setback requirements of 25 feet to 10 feet, for the property located at 3514 14th Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; and Mr. Garner – Yes; **Motion Carried.**

- b. **V-23-6** – Foster and Herring, LLC is requesting a variance from the required parking requirements in Section 610 at 3514 14th Street.

Josh Rogers, Thompson Engineering at 2900 8th Street, stated that they are wanting to request the variance for parking from 71 parking space to 40 parking spaces. This is due to the flood way on the eastern part of the lot. They are going to have off street parking adjacent to the church along with the handicap parking. There is a power easement that runs through the proposed parking lot along with the poles and hinders the number of spaces. Currently the parking lot that they have is not striped and can fit around 20 parking spaces. Typically, as of now, they have no more than 10 cars in their parking lot.

Mr. Chandler asked about one of the poles falling into a space. Mr. Rogers stated that it does not it's by the sidewalk.

Mr. Haynie asked if events would be going on simultaneously at the fellowship hall and church. Mr. Rogers stated no.

Mr. Garner asked if the current lot was gravel. Mr. Rogers stated yes and the proposed would be a hard surface.

Mr. Garner opened the floor for public comments.

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

Motion by Mr. Haynie I make a motion to grant Foster and Herring, LLC requested variance from the minimum parking requirements from 71 spaces to 40 spaces for the property located at 3514 14th Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Chandler -Yes; Mr. Dale – Yes; Mr. Garner – Yes; **Motion Carried.**

- 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.

Michael Faulkner, 4512 Lakeshore Drive, stated he was building a shop on the property and would like to use painted metal instead of vinyl siding.

Mr. Garner asked the petitioner what his reason was on using painted metal verse an allowed material. Mr. Faulkner stated that he believes that the metal siding would hold its value better and would not warp or fade over time.

Mr. Haynie asked the petitioner what the building material of his home was. Mr. Faulkner stated it was brick and vinyl. Mr. Haynie asked if there was a reason to not use the same on the shop. Mr. Faulkner stated that he did not want to brick the structure.

Mr. Garner stated that the ordinance states that metal siding was allowed on a 200 square foot structure only. Mrs. Ramm clarified that was correct.

Mr. Haynie stated that the application stated there was a signed petition for this case. Mr. Faulkner stated he went around to his neighbors.

Mr. Chandler asked where the building will be placed on the property and if it will be visible from the street. Mr. Faulkner stated that it will be located behind the house, and it will be noticeable from certain angles.

Mr. Garner asked for address or locations of similar structures in the area. Mr. Faulkner mentioned 701 Sable Lane. Mr. Shobe asked what the hardship was, Mr. Faulkner responded that he didn't like vinyl and didn't feel that the ground was sufficient to support a brick foundation. Mr. Shobe asked if the metal siding would be cheaper, Mr. Faulkner responded that it would be.

Ms. Ramm showed a Google streetview image of 701 Sable Lane for the board to examine. Mr. Faulkner mentioned that 716 Sable Lane also had a similar structure. Ms. Ramm showed google maps image of the area. Mr. Chandler stated that the metal buildings visible to him appeared to be smaller in size and would be allowable. Mr. Faulkner mentioned another possible building in the area, staff was unable to find any images of the building in question.

Mr. Faulkner stated he has received a permit and has started the process. He has the pole set and roof but was waiting on the approval to complete the structure.

Mr. Haynie asked if the shop will be viewable from Hunter Creek Road. Mr. Faulkner stated yes you can catch a glimpse of it.

Mr. Garner opened the floor for public comments.

Dan Tiller, 4406 Lakeshore Drive, stated he does not have anything to say on this structure and supports the request.

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

Motion by Mr. Dale. I make a motion to grant Michael Faulkner a variance to allow metal siding for his accessory building located at 4512 Lakeshore Drive. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Dale - Yes; Mr. Shobe – No; Mr. Garner – No; Mr. Haynie – Yes; and Mr. Chandler -No; **Motion Failed.**

Mr. Garner brought the petitioner's attention to his right to appeal on the back of his agenda.

- 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.

Jason Coker, 302 Merchant Walk with Duncan Coker Associate stated that they are planning on tearing down the old sanctuary that houses the children's center. We are wanting to take the corner of the metal building that is already established and build it out. This would allow them to move the children's center while we are demolishing the old sanctuary. If we where to use a brick, hardy board, or vinyl siding on this build out it would be more of an eye sore to the public since the metal building is already established. They are not actual increasing the square footage of the metal siding. The metal building was built around the 80's and before the ordinance was in place.

Mr. Haynie asked if the variance would allow them to use a non-conforming building material for the new structure. Mr. Cunningham stated that it would not unless the board specifically included that in their motion. Mr. Coker said that they are perfectly fine with that. Mr. Garner stated that if they were to decide on using a metal siding on the rebuild of the sanctuary, it would have to come back to the Zoning Board of Adjustments. Ms. Ramm stated that this understanding is correct, and suggested that the board amend the motion from the one listed in their packet to be more specific. Mr. Coker stated that he was fine with this

Mr. Garner opened the floor for public comments.

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

Motion by Mr. Chandler I make a motion to grant Northport Church of God a variance to allow metal siding on their proposed building addition for the property located at 2427 20th Avenue. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale - Yes; Mr. Garner – Yes; Mr. Haynie – Yes; and Mr. Chandler -Yes; **Motion Carried.**

X. DISCUSSION

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
May 10, 2023***

AGENDA ITEM

Case Number: V-23-7

Request: A variance from required billboard standards

Location: 3107 Lurleen Wallace Blvd.

Applicant: Lamar Advertising

SUBJECT PARCEL

Zoning: C-6 Highway Commercial

Zoning of Adjacent Property: C-3 General Commercial & C-6 Highway Commercial

Proposed Action: Erect new digital billboards on an existing pole without conforming to sign ordinance requirements for billboards.

STAFF COMMENTS

Lamar Advertising is seeking a variance from the requirements for billboard signs. Those standards are in section 804.01.C and are included below :

C. Billboards. Off-premise signs with a maximum display area of 672 square feet. All Billboards erected after the adoption of this ordinance shall be of the digital style and have no more than seven (7) messages per minute. For each digital billboard erected at least four (4) non-conforming billboards must be removed within 6 months.

VIII-85

May 10, 2021

1. **Area and Dimensional Requirements.** The following area and dimensional regulations shall apply to all billboards:

Minimum Lot Area: Determined by setback requirements

Minimum Setbacks: Determined by district setback requirements. All billboards must meet the setback requirements of the zone in which they are to be located. No part of the sign, including the sign face, shall extend over a building setback

line. In no case shall any billboard sign be less than 10' from any property line measured from edge of sign face.

Movement: Except for the change of messages on a digital billboard there shall be no movement (i.e. video copy etc.) involved with the messages displayed.

Lighting: All lighting of Billboards shall be done in a manner that will not interfere with commuters' vision. The light intensity of Digital Billboards shall be adjusted for daylight and dark so as not to impair commuters' nighttime vision.

2. **Height and Location Restrictions.** In regard to the height and citing of all billboard signs, the following regulations shall be observed:

No billboard shall be located closer than 600 feet to any residence.

No billboard shall be located within a 2000 foot radius from another billboard

No billboard shall exceed 45 feet in height as measured from grade. (see standards above)

No billboards shall be located in the Downtown Historic District, or within a ½ mile radius of the declared center point of said district. (See Figure 19)

No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically to use as a billboard.

No billboard shall be located on or project over any public property, right-of-way, utility easement or drainage easement.

Exposed backs of signs, poles and other support structures must be painted black, dark green, or dark brown to blend with natural surroundings and present a more attractive appearance.

Billboards shall only be permitted in areas zoned C-6, M-1 or M-2, along the following Roadways:

Highway 43
Highway 69
McFarland Blvd.

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.

Additionally, the zoning ordinance includes the following requirements for variances from the sign ordinance:

Section 808. Variances and Waivers

It is the explicit intent that this section be enacted to accomplish the purposes as set forth in Section 800 and any variance granted by the Board of Zoning Adjustment (BZA) would be detrimental to these purposes. Accordingly, the BZA shall only grant a variance in the case of an extreme hardship. Acts of God and economic conditions shall not be considered hardships for purposes of this section.

In situations where a nonconforming freestanding sign is proposed to be reused within the allowable 60 days as spelled out above and prior to being removed as required by Section 807.02; the Planning Director is hereby granted the ability to allow an administrative waiver of up to five percent (5%) in area and five percent (5%) in height (5 sf. & 1' respectively) to such sign. This waiver does not apply to any sign type other than freestanding signs.

SUMMARY:

Lamar Advertising proposes to erect a new digital billboard screen on the northern side of an existing sign structure that currently contains 2 static billboards. This sign is nonconforming for the following reasons:

1. Billboards are required to be a minimum of 600 feet from the nearest residence. This sign appears to be approximately 295' from a residence.
2. Billboards are required to be a minimum of 2,000 feet from the nearest billboard. This sign appears to be approximately 570 feet from the nearest billboard, with numerous other billboards within 2,000 feet of it.
3. Billboards are required to be a minimum of 10 feet from a property line. As measured by the applicant, this billboard is 8 feet from the property line.

While the ordinance does allow non-conforming signs to be maintained and to change pictorial content, it does not permit a non-conforming sign to be structurally changed to another non-conforming sign nor structurally altered to prolong the life of the sign. Staff has consistently viewed the conversion of a static billboard to digital as a new sign installation, thus requiring full compliance with the zoning ordinance. Staff does not support the granting of this variance.

MOTION:

1. I make a motion to grant Lamar Advertising a variance from the billboard parking requirements for 1) required minimum distance to a residence, 2) required minimum distance between billboards, and 3) required minimum distance to a property line to erect a new digital billboard on the existing sign pole at 3107 Lurleen Wallace Blvd.



City of Northport Variance Application Packet

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

Date of Application: 4-12-23

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: 3107 Lurleen B. Wallace Blvd, Northport, AL 35476

Property Subdivision and Lot Number: Lot 1 RKMS Add to Northport Matthews Tier 3

Property Zoning District: C-6 Highway Commercial

Existing Buildings on Property: Retail Drug store

Proposed Construction on Property: Add digital face to one side of billboard

PETITIONER INFORMATION

Petitioner Name: Lamar Advertising

Petitioner Phone: 205-345-3471 Petitioner Email: nwhite@lamar.com; kdyoung@lamar.com

Petitioner Address (if different than property information above): 3850 Greensboro Ave, Tuscaloosa, AL 35405

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

OWNER INFORMATION

Owner Name and/or Company: Realty Income Properties 31 LLC/Walgreen Co/DLC Management Corp

Owner Mailing Address: 1720 Peachtree St. Suite 600, Atlanta, GA 30309

Owner Phone: 404-817-3772 Owner Email: tdang@dlcgmgt.com

☒ 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: 4/12/23



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:

Lamar Advertising request to add a digital face on the northern side of our existing billboard at the intersection of Hwy 82 and Hwy 69 at Walgreens. This request was denied by the planning department citing the language in the sign portion of the zoning ordinance and we do not agree with the interpretation of the language in the sign ordinance by the planning department. The planning department cited portions of the zoning ordinance that pertain to "erecting a digital billboard" and we are simply changing the display on an existing billboard.

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

This is an existing, nonconforming sign due to its proximity to other billboards and property lines. The ordinance states that "A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations; however, it shall not be: A. Structurally changed to another nonconforming sign, but its pictorial content may be changed. B. Structurally altered to prolong the life of the sign, except to meet safety requirements. C. Expanded or altered in any manner that increases the degree of nonconformity. We will not be making any structural alterations to the billboard, just changing the pictorial content to digital; we are not structurally altering the structure to prolong the life of the sign, nor are we expanding or altering the structure in a way that increases the nonconformity.

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

There would be no impact to neighboring properties because we are simply switching the display on a structure that is already in existence and has been for over 40 years.

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 portion of the sign ordinance cited by the planning department in their denial of our request addresses erection of digital billboards. It does not specify that conversion of the display on an existing billboard to a digital face requires removal of other structures or that the billboard be a conforming structure. Our request does meet the requirements of the portion of the ordinance that applies to an existing nonconforming sign, and we therefore ask the board to approve our request to change the display on our existing billboard.



City of Northport Designation of Agent Form

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

I, Walgreen CO. (acting owner), being owner of the property which is the subject of this application hereby authorize Lamar Advertising, to act as my representative with the City of Northport's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner Signature: Laurie Hodge Date: 3/31/23

Property Owner Mailing Address: Walgreen Co.
106 Wilmot Road, MS 1632, Deerfield, IL 60015
Phone Number: 847-315-4997

Authorized Agent Mailing Address: _____

Phone Number: _____

STATE OF ~~ALABAMA~~ ILLINOIS

COUNTY OF ~~TUSCALOOSA~~ Lake

I, Elizabeth A. Holden, a Notary Public in and for said County and State, hereby certify that Laurie Hodge, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

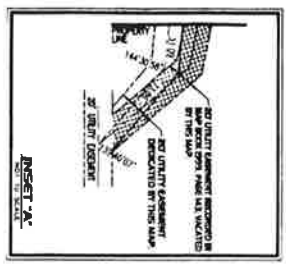
Given my hand and seal of office this 31 day of March, 2023

Elizabeth A. Holden
Notary Public

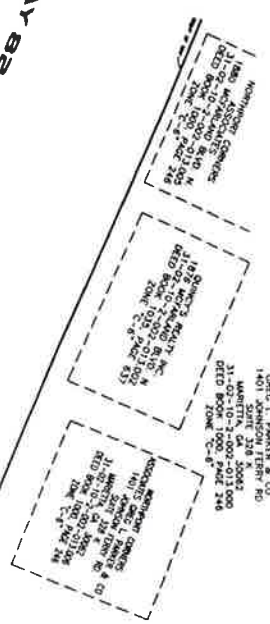
My Commission Expires: 10/23/2025



FOWLER OIL COMPANY, INC.
P.O. BOX 540
FAYETTE, AL 35555
31-02-10-2-004-006 000
DEED BOOK 1189, PAGE 718
ZONE "C-6"



U.S. HIGHWAY 82
230' ROW



ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

OFFICIAL
CLOSURE PRECISION
1 : 48,222

TUSCALOOSA COUNTY ENGINEERING DEPARTMENT
BY: Jeffrey Hagan

TUSCALOOSA COUNTY HEALTH DEPARTMENT
BY: Erin A. Allen

CITY OF NORTHPORT ENGINEERING DEPARTMENT
BY: Robert C. Bell

BY: [Signature] TUSCALOOSA COUNTY PLANNING DEPARTMENT

W&S
GONZALEZ WEBB STRENGTH, INC.
ENGINEERING & SURVEYING, INC.
SUITE 402 • 117 GEMINI CIRCLE
BITE 402 • 117 GEMINI CIRCLE
PHONE: (805) 942-4486
FAX: (805) 942-3033
© Copyright 1999

BT:

NORTHPORT PLANNING DEPARTMENT
BY: Eleni Day

[illegible]

This plot approved by the City of Northport Planning Department at
this the 27th day of _____, 2000.

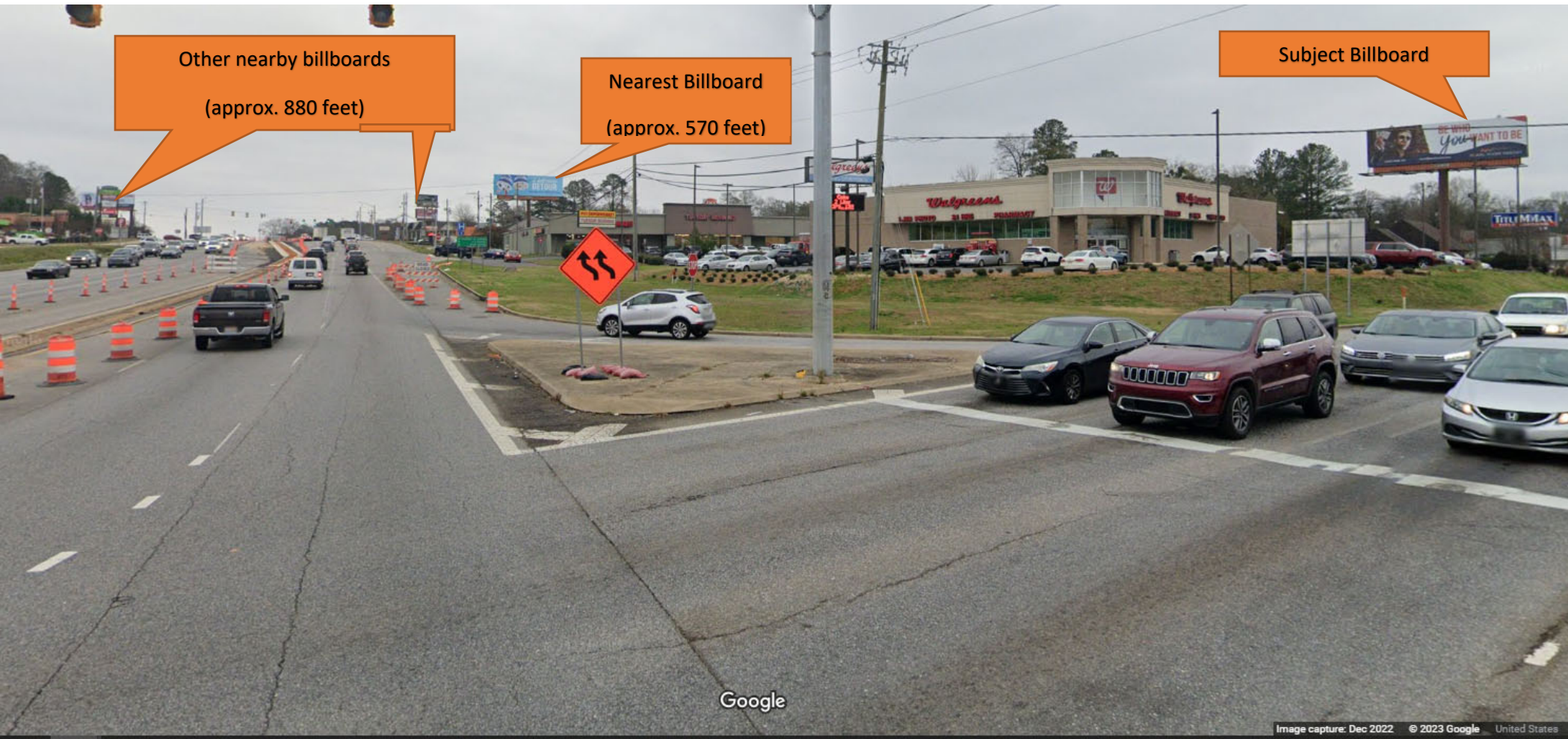
NORTHPORT PLANNING DEPARTMENT
BY: Elen Gray

Mary Pable
Mary Pable
by Certification Expires 7/26/02

Prepared by:

© Copyright 1999





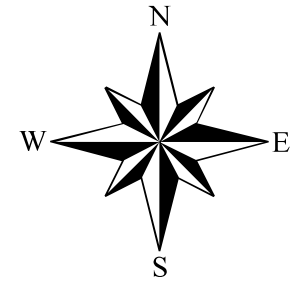
Subject Billboard

Other nearby billboards
(approx. 880 feet)

Nearest Billboard
(approx. 570 feet)

City of Northport Zoning Board of Adjustment

Variance Request

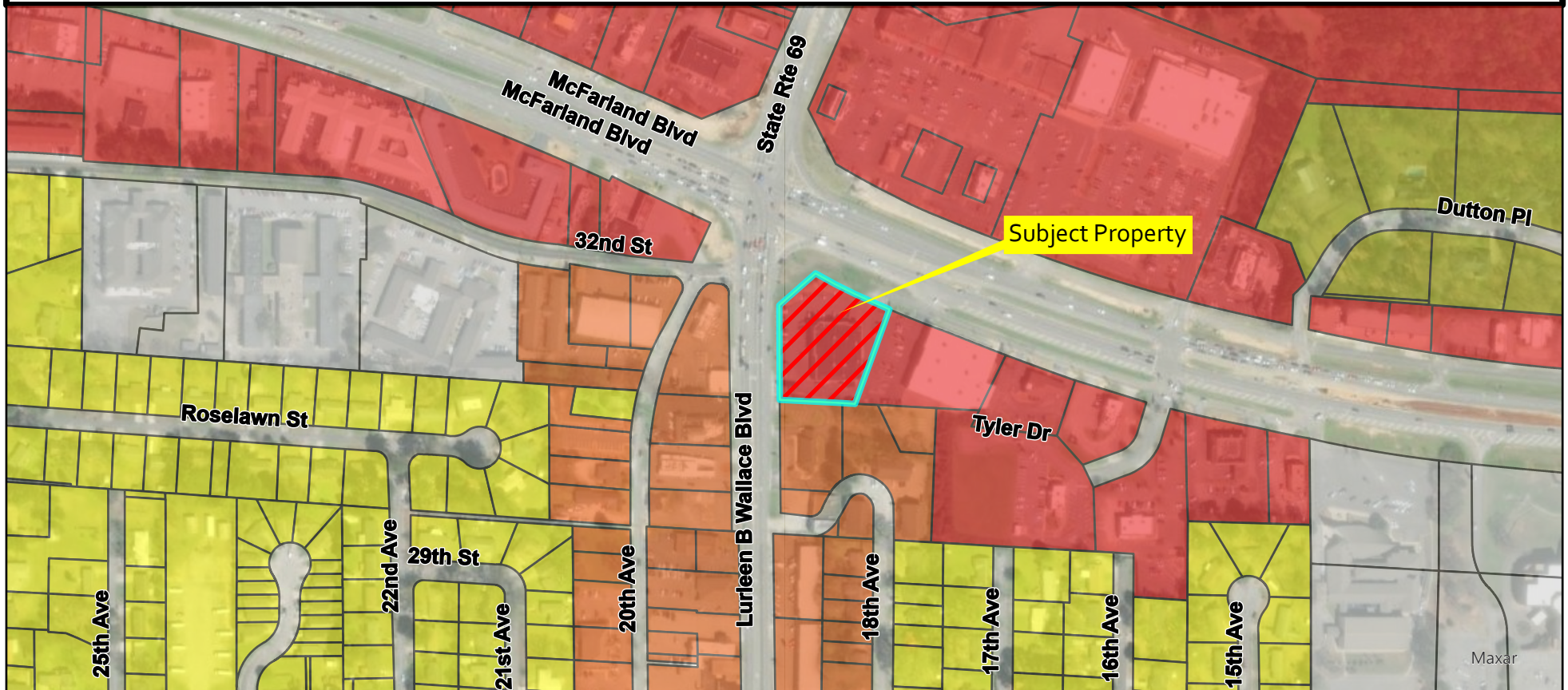


Zoning

-  Neighborhood Commercial
-  General Commercial
-  Commercial Highway
-  Office and Institutional
-  Residential Single-Family - SD
-  Residential Single-Family - 3
-  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.

0 375 750 1,500 Feet



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 10, 2023

AGENDA ITEM

Case Number: V-23-8

Request: A variance from special development standards

Location: 1786 Harper Road

Applicant: Tim Clements

SUBJECT PARCEL

Zoning: M-1 Light Industrial

Zoning of Adjacent Property: M-1 Light Industrial, C-6 Highway Commercial, and O&I Office & Institutional

Proposed Action: Perform minor repair work and sales of vehicles & heavy equipment from a gravel parking lot.

STAFF COMMENTS

Tim Clements is seeking a variance from the special development standards for Road Service and Commercial Support Uses. Those standards are in section 409.00.G and 409.00.M.6 and are included below :

G. Road Service Uses.

Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

6. Sales/rental/repair of heavy equipment:

a) All repair work shall be performed within a completely enclosed structure.

b) Equipment or vehicles under repair or not operational shall be screened from public view or stored indoors at all times.

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:

Tim Clements proposes to operate a business repairing and selling heavy equipment and work trucks at 1786 Harper Road. The special development standards in the zoning ordinance require that

1. All merchandise for sale or rental be stored on a paved surface, and
2. All equipment under repair be completely screened from public view or performed indoors.

Mr. Clements would like to perform minor repairs and maintenance on the existing gravel parking lot, as well as store and display inventory for sale stored on the existing gravel parking lot. The applicant has listed the following hardships:

1. Loading & unloading heavy equipment would destroy asphalt or concrete paving, and
2. Some large equipment would not fit in any of the buildings on site.

Staff does not oppose the granting of this variance, though the board may wish to consider requiring at least partial screening along the existing fence.

MOTION:

1. I make a motion to grant Tim Clements a variance to allow storage and repair of vehicles & heavy equipment on the existing gravel parking lot for the business located at 1786 Harper Road.



City of Northport

Variance Application Packet

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

Date of Application: _____

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: 1786 Harper Rd, Northport, AL 35476

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: 2

Proposed Construction on Property: 0

PETITIONER INFORMATION

Petitioner Name: Tim Clements / Sipsey Valley Truck and Tractor LLC

Petitioner Phone: 205-292-2600 Petitioner Email: Sipsevalleylandt01@gmail.com

Petitioner Address (if different than property information above): 10915 Turner Rd, Tuscaloosa AL 35406

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

OWNER INFORMATION

Owner Name and/or Company: Burkhalter Boats LLC

Owner Mailing Address: 920 21st Ave, Tuscaloosa, AL 35401

Owner Phone: 205-723-8994 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: [Signature] Date: 4/14/2023



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:

Sipsey Valley Truck and Tractor LLC would like a variance at the address listed to sell Equipment and Tractors from a gravel lot and from a front asphalt lot

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

Heavy Equipment will bust concrete and asphalt when ~~moving~~ moving equipment and tractors on and off of the lot, Warrior Tractor and others sell equipment and trailers from gravel lots in Northport

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

This variance should not impact the neighboring properties in any negative way

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:

We are currently leasing the property but are interested in purchasing at a future date.

Adjoining landowners:

- 1) Turner + Schoel/Northport Enterprises
mailing address: 14284 Paul Howell Rd, Northport, AL
- 2) University Place Props,
mailing address: 1786 Harper Rd, Northport, AL
- 3) Mouchette Props LLC
mailing address: 7000 Unity Rd, Tuscaloosa, AL 35401



City of Northport Designation of Agent Form

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

I, Wesley Burkhalter, being owner of the property which is the subject of this application
hereby authorize Tim Clements, to act as my representative with the City of Northport's
(Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed
on the attached application form.

Property Owner Signature: _____

Date: 04/14/2023

Property Owner Mailing Address: 1786 Harper Road

Northport, AL 35476

Phone Number: 205-799-2868

Authorized Agent Mailing Address: _____

Phone Number: _____

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I, Sharan Taylor, a Notary Public in and for said County and State, hereby certify
that Wesley Burkhalter, whose name is signed to the foregoing document, and who is known to
me or acknowledged before me on this day, that being informed of the contents of said document, did
execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this 14 day of April, 2023

Sharan K. Taylor
Notary Public

SHARAN K. TAYLOR
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 15, 2027

My Commission Expires: _____

https://www.alabamagis.com/mapserver19/fusion/templates/mapguide...OOSA_MAP.MapDefinition&extent=-9797861,3886982,-9684007,3992695 Page 1 of 3

← 1790 Harper Rd
Northport, Alabama
Google Street View
Aug 2022 See more dates

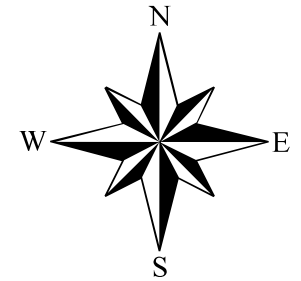


City of Northport Zoning Board of Adjustment

Zoning

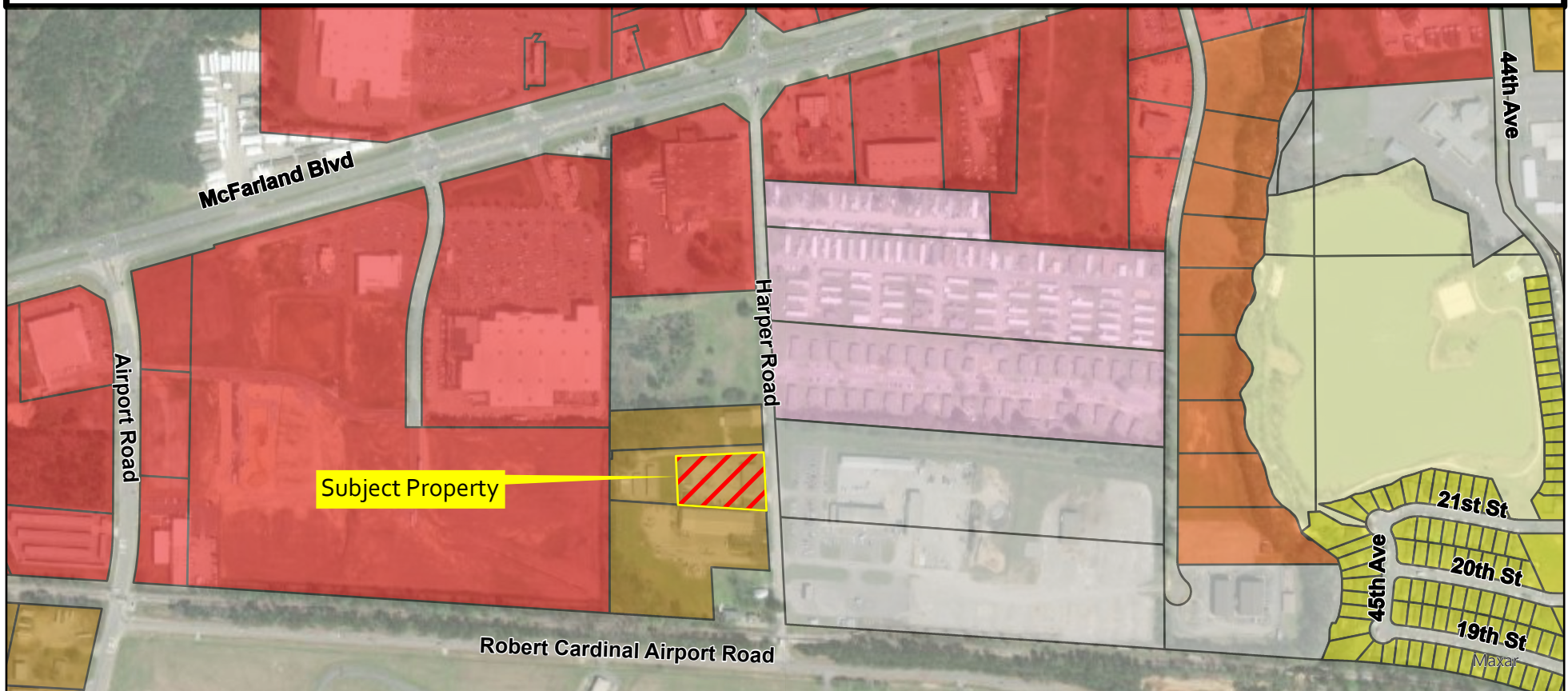
-  General Commercial
-  Commercial Highway
-  Light Industrial
-  Mobile Home Park
-  Office and Institutional
-  Residential Multi-Family
-  Residential Single-Family - 1
-  Residential Single-Family - 4
-  Subject Property

Variance Request



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.

0 500 1,000 2,000 Feet



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 10, 2023

AGENDA ITEM

Case Number: V-23-9

Request: A variance from setback standards

Location: 1510 Bellwood Lane

Applicant: Lauren Smelley

SUBJECT PARCEL

Zoning: RS-3 Residential Single Family

Zoning of Adjacent Property: RS-3 Residential Single Family

Proposed Action: To allow an existing building to encroach into front and side setbacks

STAFF COMMENTS

Lauren Smelley is seeking a variance from the front and side setback requirements for RS-3 zoning. Those standards are in table 6-2 and are included below:

Table 6-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Conventional Subdivisions.

Zone ¹	Min. Lot Area (Sq. Ft.)	Min. Lot Width ² (Ft.)	Setbacks (in feet)				ISR ³	Height (Ft.)	Off-Street Parking
			Front	Rear	Side Yard	Side yard on Street			
RS-1	15,000	95	40	50	14	25	0.30	35	2
RS-2	12,000	85	35	35	12	25	0.40	35	2
RS-3	9,000	75	30	35	10	20	0.45	35	2
RS-4 ⁴	6,000	60	20	20	7	15	0.50	35	2

¹This column indicates the regulations applicable to Residential (RS) Districts, which have different standards according to the minimum lot size of the particular district. The minimum lot size of a Residential (RS) District varies and is a function of the character of that district as of the date of enactment of this Ordinance.

Unless a Special District zoning is requested and a Master Plan submitted, lots must be sized and developed according to the zoning requested.

²In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement.
2. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot line.

³Maximum Impervious Surface Ratio.

⁴Developments containing lots of 9,000 square feet or less in size are required to have a minimum of 20% Open Space. See Section 512.01.

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:

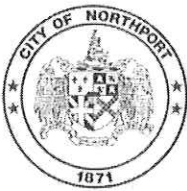
Lauren Smelley proposes to reconfigure the lot layout of her existing property at 1510 Bellwood Lane. The existing property is divided into 3 lots. The applicant would like to resurvey the property into 2 lots. She has taken the preliminary plat to the Planning & Zoning Commission, who approved it contingent upon the granting of a variance for setback encroachments of the existing structure. The applicant is asking that ZBA approve the following setback adjustments:

1. Front setback reduced from 30 feet to 19.5 feet.
2. Side setback reduced from 10 feet to 6 feet.

The applicant has cited as a hardship that all buildings are pre-existing. Staff does not oppose the granting of this variance.

MOTION:

1. I make a motion to grant Lauren Smelley a reduction in front setback requirements from 30 feet to 19.5 feet, and a side setback reduction from 10 feet to 6 feet, for the existing structure located at 1510 Bellwood Lane.



City of Northport

Variance Application Packet

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

Date of Application: 1/3/2022

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: 1510 Bellwood Lane Northport, AL 35476
Property Subdivision and Lot Number: Lots 3-5 Bellwood Resurvey of Lots 1-4
Property Zoning District: RS
Existing Buildings on Property: House and detached garage
Proposed Construction on Property: None

PETITIONER INFORMATION

Petitioner Name: Lauren Smelley
Petitioner Phone: 256-312-6627 Petitioner Email: _____
Petitioner Address (if different than property information above): _____

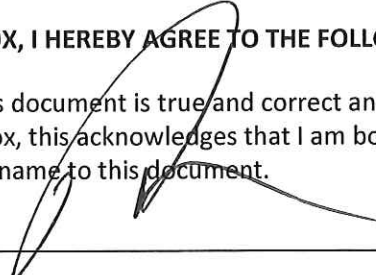
Petitioner is Owner of Property (if yes, skip owner information): ☒ Yes ☐ No

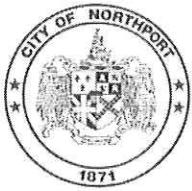
OWNER INFORMATION

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:  Date: 4-17-23



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:

Current structures would be encroaching on proposed side setback lines.

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

Subdividing 3 lots into 2 lots. Existing structures will encroach on side setbacks.

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

Would not affect neighboring properties.

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:



City of Northport Designation of Agent Form

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

I, Lauren Smalley Blackwood, being owner of the property which is the subject of this application hereby authorize Bobby Herndon, to act as my representative with the City of Northport's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner Signature: Lauren Smalley Blackwood Date: 4/10/2023

Property Owner Mailing Address: _____

Phone Number: _____

Authorized Agent Mailing Address: 2728 Lurleen B. Wallace Blvd. Northport, AL
35476

Phone Number: 205-333-0003

STATE OF ALABAMA

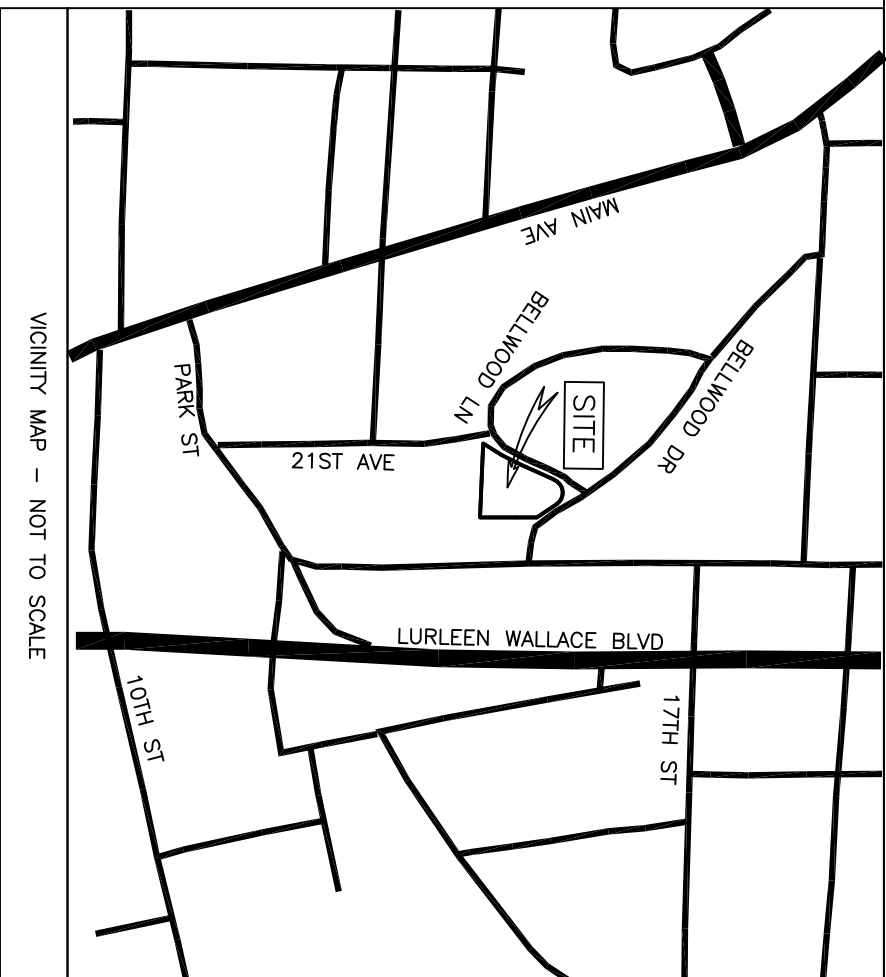
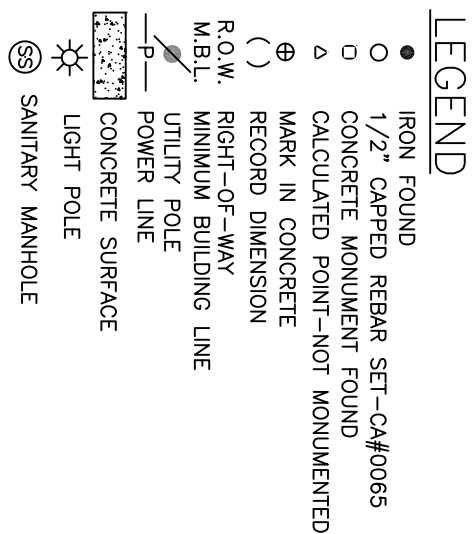
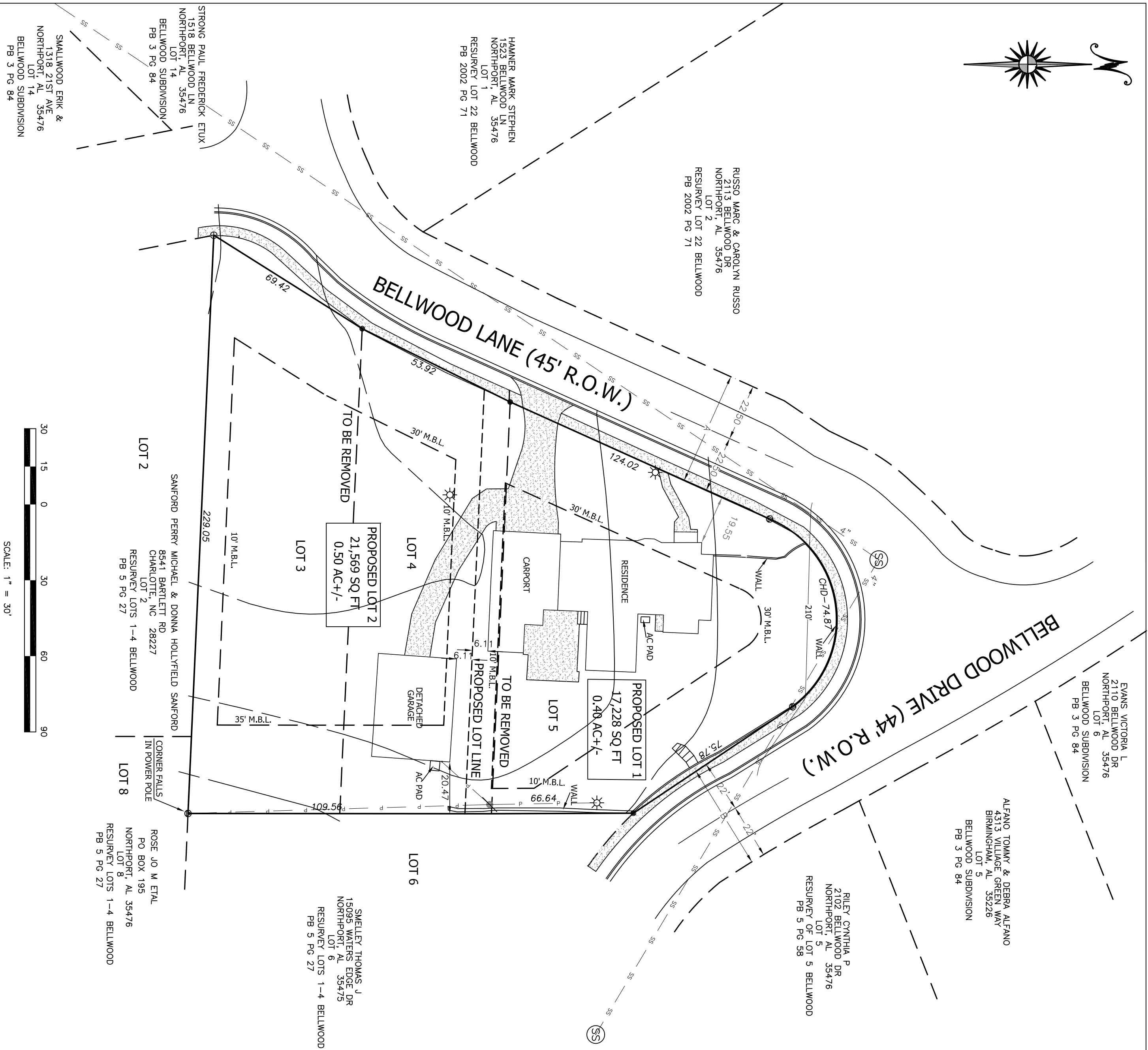
COUNTY OF TUSCALOOSA

I, Beverly Dyer, a Notary Public in and for said County and State, hereby certify that Lauren Smalley Blackwood whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

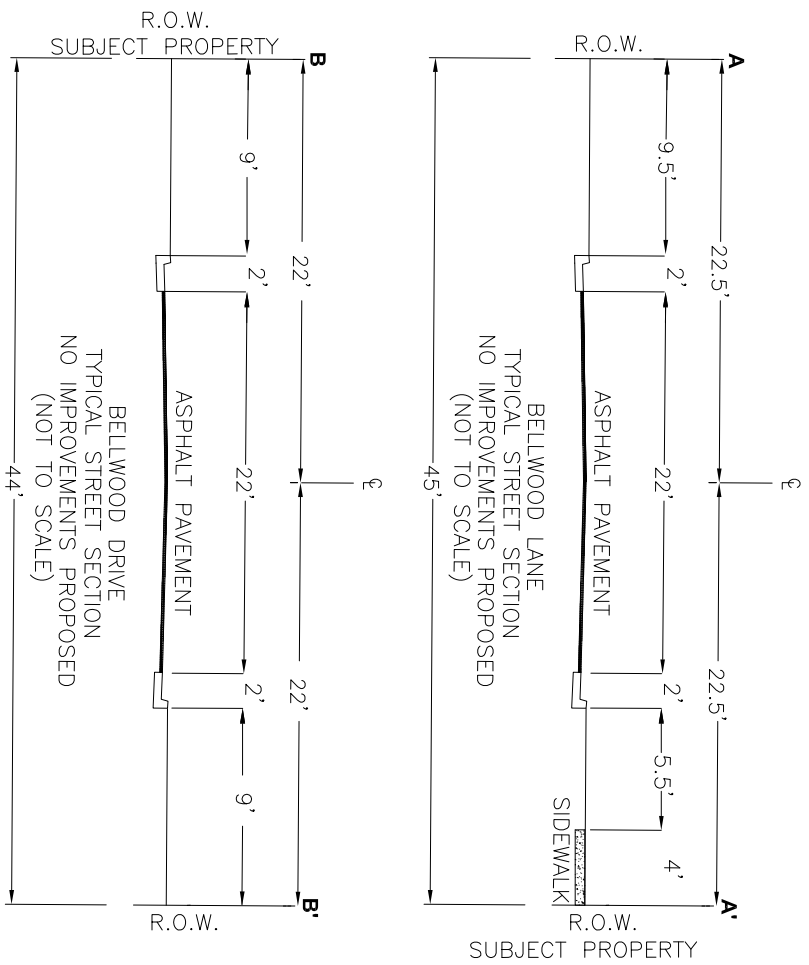
Given my hand and seal of office this 10th day of April, 2023

Beverly Dyer
Notary Public

My Commission Expires: 10-20-26



1. TOTAL ACREAGE OWNED: 0.9
2. ACREAGE TO BE DIVIDED: 0.9
3. THE 3 LOTS ARE UNDER 1 PARCEL NUMBER AND ADDRESS:
63 31 05 16 1 021 003.000/1510 BELLWOOD DR
4. OWNER: LAUREN E SMELLEY
5. PROPERTY IS ZONED RS-3
6. PROPERTY IS SERVED BY CITY OF NORTHPORT SEWER
7. PER FEMA FLOOD MAP 01125C0502F EFF:8/26/07 SUBJECT
PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA
8. CONTOURS TAKEN FROM COUNTY TOPO
9. SURVEYOR: DAVID R. HERNDON P.L.S. - ALABAMA LICENSE #14105
10. ASKING FOR WAIVER FOR ADDITIONAL STREET R.O.W.
11. CURRENT STRUCTURES WOULD BE ENROACHING ON SIDE SETBACK LINES.
APPLYING FOR VARIANCE WITH ZONING BOARD OF ADJUSTMENT
12. THE DRIVEWAY TO DETACHED GARAGE WILL BE REMOVED. GARAGE WILL BE ACCESSED
BY DIFFERENT ROUTE.
13. LOCATION OF SEWER BEHIND OFF OF CITY OF NORTHPORT UTILITY MAP.
14. NO VISIBLE STORM SEWER STRUCTURES



HERNDON, HICKS & ASSOCIATES, INC.

Professional Land Surveyors

2728 Lurleen Wallace Blvd. (P.O. Box 508) - Northport, AL 35476

Phone (205) 333-0003

mike@hasurveyors.com

RESURVEY OF LOTS 3, 4, & 5 OF THE RESURVEY OF LOTS 1-4 BELLWOOD SUBDIVISION

PLAT BOOK 5, PAGE 27

PART OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 21 SOUTH, RANGE 10 WEST

TUSCALOOSA COUNTY, ALABAMA

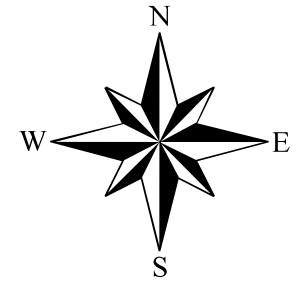
Source	Job No.
PLAT	2303-020
Field Work	4/24/2023
Survey Type	1"=30'
ACAD File	JRH
COGO File	DRH
	JT

City of Northport Zoning Board of Adjustment

Zoning

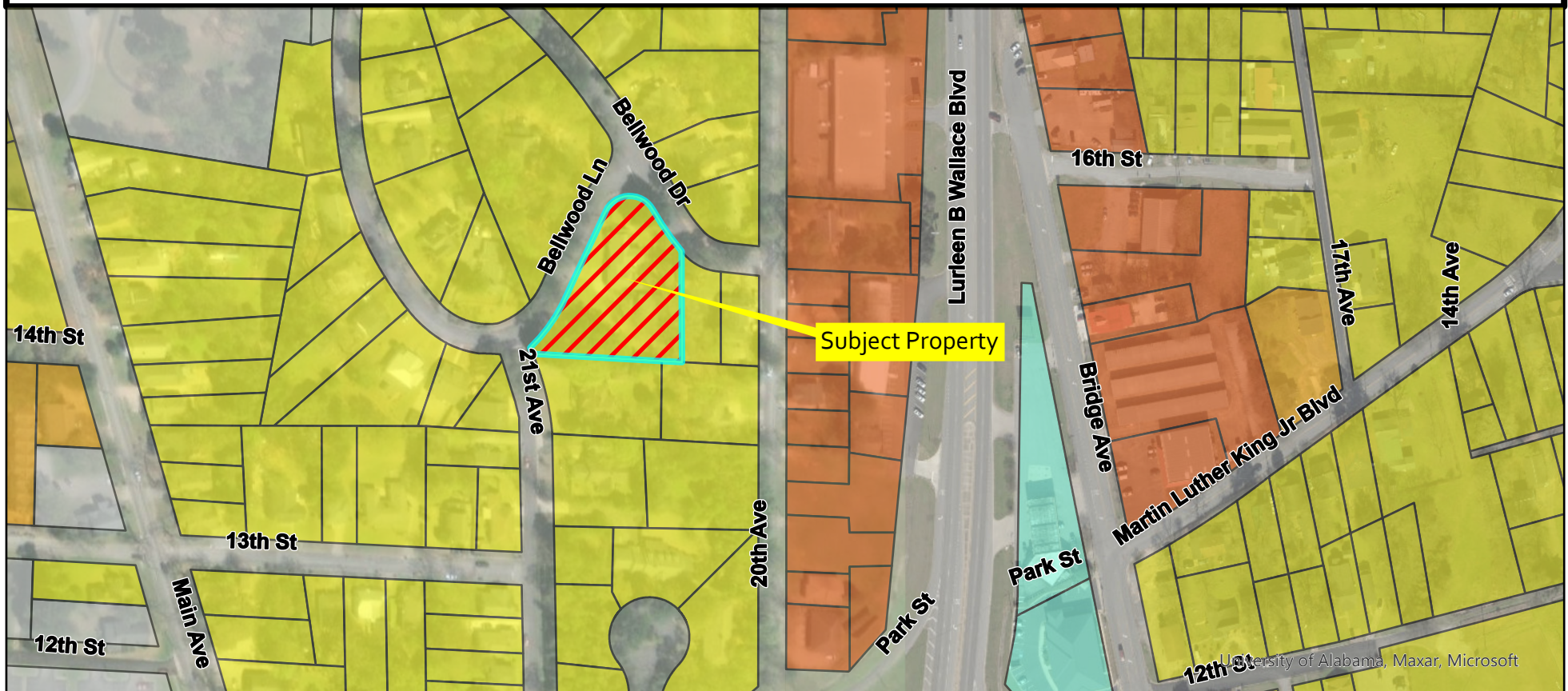
- Bridge Avenue North
- General Commercial
- Office and Institutional
- Residential Multi-Family
- Residential Single-Family - SD
- Residential Single-Family - 3
- Residential Single-Family - 4
- Subject Property

Variance Request



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.

0 250 500 1,000 Feet



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 10, 2023

AGENDA ITEM

Case Number: V-23-10

Request: A variance from setback standards

Location: 2700 Deerfield Lane

Applicant: Medger Brown

SUBJECT PARCEL

Zoning: RS-3 Residential Single Family

Zoning of Adjacent Property: RS-3 Residential Single Family

Proposed Action: To allow a new building addition to encroach into the front setback

STAFF COMMENTS

Medger Brown is seeking a variance from the front setback requirements for RS-3 zoning. Those standards are in table 6-2 and are included below:

Table 6-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Conventional Subdivisions.

Zone ¹	Min. Lot Area (Sq. Ft.)	Min. Lot Width ² (Ft.)	Setbacks (in feet)				ISR ³	Height (Ft.)	Off-Street Parking
			Front	Rear	Side Yard	Side yard on Street			
RS-1	15,000	95	40	50	14	25	0.30	35	2
RS-2	12,000	85	35	35	12	25	0.40	35	2
RS-3	9,000	75	30	35	10	20	0.45	35	2
RS-4 ⁴	6,000	60	20	20	7	15	0.50	35	2

¹This column indicates the regulations applicable to Residential (RS) Districts, which have different standards according to the minimum lot size of the particular district. The minimum lot size of a Residential (RS) District varies and is a function of the character of that district as of the date of enactment of this Ordinance.

Unless a Special District zoning is requested and a Master Plan submitted, lots must be sized and developed according to the zoning requested.

²In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement.
2. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot line.

³Maximum Impervious Surface Ratio.

⁴Developments containing lots of 9,000 square feet or less in size are required to have a minimum of 20% Open Space. See Section 512.01.

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:

Medger Brown proposes to build a two-car garage on the front of his existing house located at 2700 Deerfield Lane. RS-3 zoning requires a 30-foot front setback, and the existing building is approximately 36 feet from the front property line. Mr. Brown requests approval of a variance allowing him to build a 21'x21' garage that would encroach approximately 15 feet into the front setback.

The applicant has cited as a hardship that their house was built without a two garage, as was typical during the time period that the house was constructed.

MOTION:

1. I make a motion to grant Medger Brown a reduction in front setback requirements from 30 feet to 15 feet for his property located at 2700 Deerfield Lane.



City of Northport Variance Application Packet

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



1:08pm
RECEIVED

4/20/2023

Date of Application: _____

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: 2700-DEERFIELD Ln NORTHPORT Ala

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: _____

Proposed Construction on Property: BUILDING A TWO CAR GARAGE

PETITIONER INFORMATION

Petitioner Name: Medger Brown

Petitioner Phone: 205-200-8520 Petitioner Email: Unekiahenny205@aol.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: Medger E Brown Date: 4-20-2023



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:

BUILDING A TWO CAR GARAGE

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

SOME PEOPLE IN THE NEIGHBORHOOD DOES NOT HAVE A TWO CAR GARAGE THESE HOME WAS BUILT IN THE SEVENTY (70'S) NOW TWO CAR GARAGES OR NOW STANDER

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

IT WILL INCREASE PROPERTY VALUE FOR MY HOME AND WILL ALSO ADD VALUE TO NEAR BY NEIGHBOR'S IT CAN'T HURT PROPERTY VALUE IT CAN ONLY ADD.

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:

SOME HOMES ON THIS STREET IS A LOT CLOSER TO THE ROAD THEN MY HOME SOME OF THE HOMES DOWN THE STREET ARE A LOT CLOSER TO THE STREET THEN I AM AND WITH ME ADDING MY NEW ADDITION I WILL STILL BE BACK FROM THE ROAD COMPARING TO SOME OF THE HOMES ON MY STREET, I WILL HAVE PICTURES OF THE HOMES AT THE MEETING
IN THE NEIGHBORHOOD OTHER HOME OR CLOSER TO THE STREET THEN I AM



City of Northport

Designation of Agent Form

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

I, Medger Brown, being owner of the property which is the subject of this application hereby authorize _____, to act as my representative with the City of Northport's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner Signature: Medger E. Brown Date: 4/20/2023

Property Owner Mailing Address: 2700 - Deerfield Ln
Northport Ala 35473
Phone Number: 205-200-8520

Authorized Agent Mailing Address: _____

Phone Number: _____

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I, Yarshica Reese, a Notary Public in and for said County and State, hereby certify that Medger Brown, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this 20th day of April, 2023

Yarshica Reese
Notary Public

My Commission Expires: My Commission Expires
November 2, 2026

Real Property Assessment - TUSCALOOSA County			
LEIGH ANN FAIR, TAX ASSESSOR		714 Greensboro Avenue, Room 108 Tuscaloosa, AL 35401	
GRAY THELMA			
2611 DEERFIELD LN		Account: 45962	
NORTHPORT, AL 35473		Year: 2022	

Owner Name:	GRAY THELMA		
Parcel/PPIN/STR:	31-03-07-3-001-008.000 / 9329 / 7/215/10W	Deed Bk/Pg:	2012/8296 5/31/2012
Physical Addr:	2611 DEERFIELD LN	Calc/Deed Ac:	0/0 Tax Due: \$321.83
Imp Desc:	RES	Calc Type:	Cost Fees/Interest Due: \$0.00
Legal Description:	LOT 16 IN DEER FIELD SUBD		

Description	CLASS	OVR or BOE	Mun	EX	Appraised	Use	Assessed
LAND - Front_Foot / 95 FF	3		5	H1	\$6,500.00	\$0.00	\$660.00
SINGLE FAMILY	3		5	H1	\$89,100.00	\$0.00	\$8,920.00
Total:					\$95,600.00	\$0.00	\$9,580.00

REAL ASSESSED	BPP ASSESSED		TAXES DUE	EXEMPT ASSD	EXEMPT TAX	NET TAX DUE	FEEs	TIMBER TAX	TOTAL DUE
\$9,580.00	\$0.00	STATE	\$62.27	\$4,000.00	\$26.00	\$36.27	FIRE: \$0.00	ACRES: 0	\$321.83
PENALTY ASSESSED		COUNTY	\$100.59	\$2,000.00	\$21.00	\$79.59	ESC: \$0.00	TAX: \$0.00	
\$0.00		CITY	\$110.17	\$0.00	\$0.00	\$110.17	Nuisance: \$0.00		
		SCHOOL	\$95.80	\$0.00	\$0.00	\$95.80	StWater: \$0.00		

TAXPAYER'S COPY

Real Property Assessment - TUSCALOOSA County			
LEIGH ANN FAIR, TAX ASSESSOR		714 Greensboro Avenue, Room 108 Tuscaloosa, AL 35401	
JUAN MAGDALENA DIEGO			
3120 32ND ST NORTHPORT, AL 35476		Account:	2803
		Year:	2022

Owner Name:	JUAN MAGDALENA		
Parcel/PPIN/STR:	31-03-07-3-006-029.000 / 50919 / 7/21S/10W	Deed Bk/Pg:	2017/10899 5/10/2017
Physical Addr:	2608 DEERFIELD LN	Calc/Deed Ac:	0/0
Imp Desc:	RES, UTIL	Tax Due:	\$653.73
		Calc Type:	Cost
		Fees/Interest Due:	\$0.00
Legal Description:	LOT 73 IN DEER FIELD SUBD		

Description	CLASS	OVR or BOE	Mun	EX	Appraised	Use	Assessed
LAND - Front Foot / 78 FF	2		5		\$5,400.00	\$0.00	\$1,080.00
SINGLE FAMILY	2		5		\$77,800.00	\$0.00	\$15,560.00
UTILITY WOOD OR C.B. AVERAGE	2		5		\$1,700.00	\$0.00	\$340.00
Total:					\$84,900.00	\$0.00	\$16,980.00

REAL ASSESSED	BPP ASSESSED		TAXES DUE	EXEMPT ASSD	EXEMPT TAX	NET TAX DUE	FEEs	TIMBER TAX	TOTAL DUE
\$16,980.00	\$0.00	STATE	\$110.37	\$0.00	\$0.00	\$110.37	FIRE: \$0.00	ACRES: 0	\$653.73
PENALTY ASSESSED		COUNTY	\$178.29	\$0.00	\$0.00	\$178.29	ESC: \$0.00	TAX: \$0.00	
\$0.00		CITY	\$195.27	\$0.00	\$0.00	\$195.27	Nuisance: \$0.00		
		SCHOOL	\$169.80	\$0.00	\$0.00	\$169.80	StWater: \$0.00		

TAXPAYER'S COPY

Real Property Assessment - TUSCALOOSA County

LEIGH ANN FAIR, TAX ASSESSOR

714 Greensboro Avenue, Room 108
Tuscaloosa, AL 35401

CONREX ML SMA 2019-01 OPERATING CO LLC

997 MORRISON DR STE 402
CHARLESTON, SC 29403 - 9442

Account:	229
Year:	2022

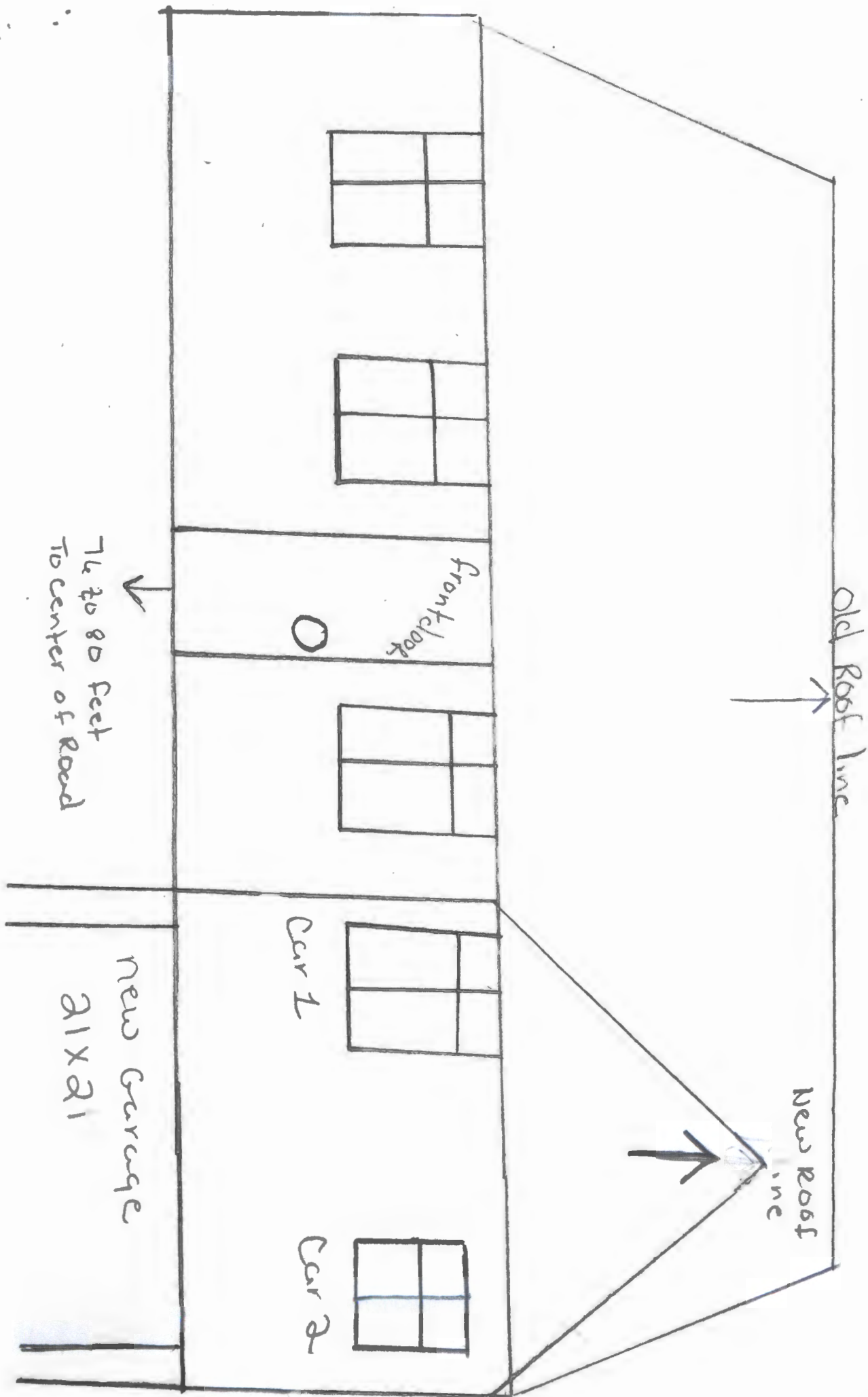
Owner Name:	CONREX ML SMA 2019-01 OPERATING			
Parcel/PPIN/STR:	31-03-07-3-006-031.000 / 80125 / 7/21S/10W		Deed Bk/Pg:	2020/3725 2/19/2020
Physical Addr:	2704 DEERFIELD LN		Calc/Deed Ac:	0/0
Imp Desc:	RES		Calc Type:	Cost
Legal Description:	LOT 71 IN DEER FIELD SUBD			
Tax Due:			Tax Due:	\$647.57
Fees/Interest Due:			Fees/Interest Due:	\$0.00

Description	CLASS	OVR or BOE	Mun	EX	Appraised	Use	Assessed
LAND - Front_Foot / 78 FF	2		5		\$5,400.00	\$0.00	\$1,080.00
SINGLE FAMILY	2		5		\$78,700.00	\$0.00	\$15,740.00
Total:					\$84,100.00	\$0.00	\$16,820.00

REAL ASSESSED	BPP ASSESSED		TAXES DUE	EXEMPT ASSD	EXEMPT TAX	NET TAX DUE	FEE	TIMBER TAX	TOTAL DUE
\$16,820.00	\$0.00	STATE	\$109.33	\$0.00	\$0.00	\$109.33	FIRE: \$0.00	ACRES: 0	\$647.57
PENALTY ASSESSED		COUNTY	\$176.61	\$0.00	\$0.00	\$176.61	ESC: \$0.00	TAX: \$0.00	
\$0.00		CITY	\$193.43	\$0.00	\$0.00	\$193.43	Nuisance: \$0.00		
		SCHOOL	\$168.20	\$0.00	\$0.00	\$168.20	StWater: \$0.00		

TAXPAYER'S COPY

2700-Deerfield in
Northport Ala
35473



2815 Deerfield Lane



2807 Deerfield Lane



2811 Deerfield Lane





2700 Deerfield Lane, Northport, AL



Northport, Alabama



Google Street View

Mar 2014

[See more dates](#)

© 2014 Google

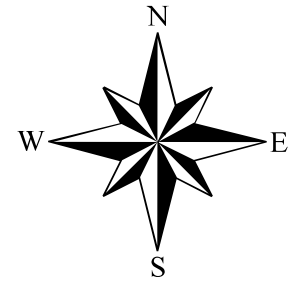


City of Northport Zoning Board of Adjustment

Zoning

- Commercial Highway
- Residential Multi-Family
- Residential Single-Family - 1
- Residential Single-Family - 3
- Residential Single-Family - 4
- Subject Property

Variance Request



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.

0 500 1,000 2,000 Feet

