

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, JUNE 15, 2023**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - A. May 18, 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**
 - 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.**
- 9. NEW BUSINESS**
 - A. AA-23-1 - Lamar Advertising appeals the decision of the Zoning Officer regarding the property located at 3108 Lurleen B. Wallace Blvd.**
 - B. V-23-11 - James Outdoor, LLC is requesting a variance from the billboard standards found in Section 804.01.C for the property located at 13512 Highway 43 N.**
 - C. V-23-12 - Billy Hall is requesting a variance from the accessory structures found in Section 607.03.B for the property located at 1111 18th Avenue.**
 - D. V-23-13 - W & B Holdings, LLC is requesting a variance from the required parking requirements in Section 610 at 4412 Highway 69 North.**
 - E. V-23-14 – Mavis Southeast LLC requests a variance from the landscape requirements found in Article V, Section 508.01 and the special development standards found in Section 409.G.3A for the**

proposed business located west of Highway 69 N and north of Mitt
Lary Road.

10. DISCUSSION

11. CITIZEN COMMUNICATIONS

12. ADJOURNMENT

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, MAY 18, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, May 18, 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. Kevin Shobe, and Mr. Brian Chandler. Absent and failing to vote was Mr. Chad Haynie, Mrs. Tena Phifer and Mr. Tyler Walker. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

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

Approval of Agenda

Motion by Mr. Shobe. to approve the agenda for May 18, 2023. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; and Mr. Garner - 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-23-7** – 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.

Derrell Durrell, with Lamar Advertising, stated he has been in the billboard business for 31 years with Lamar. He stated that they are requesting to change the face of an existing billboard from static to digital at the 3107 Lurleen B. Wallace Blvd location. He stated that in the last 20 years they did not have to change the billboard to change the advertisement, which required them to take the face down off the billboard. With technology advancing we are now able to change out the billboard advertisements with vinyl. Mr. Durrell stated that they are now asking if they can change the face to digital. He stated that the city is not interpreting the sign ordinance correctly. He stated that Lamar is not changing the billboard,

they are simply changing the way the advertisements are placed and displayed. Mr. Young stated that the hardship for this petition is that the city is misinterpreting the sign ordinance.

Mr. Chandler asked about the other billboards in the area and if they are handled and owned by Lamar. Mr. Durrell stated yes.

Mr. Shobe asked that converting to digital, they would not have to do anything going forward. Mr. Durrell stated that was correct, that the digital sign will go on the frame plates that are already there.

Mr. Dale asked if this was a two-sided billboard and about the light on the billboard. Mr. Durrell stated yes, and they are only requesting one side of the billboard. Mr. Durrell stated that the light that is currently on the billboard is dimmed.

Mr. Shobe asked if they are continuously changing out of advertisements now and does that lead to more income. Mr. Durrell stated yes which means more income and taxes for the city.

Mr. Chandler asked if the back side of the billboard would remain static. Mr. Durrell stated yes.

Mr. Shobe asked the petitioner what the hardship was. Mr. Durrell stated, the staff has reviewed the conversion of a static billboard to digital as a new installation and that is not the case. He stated that they are installing a new face on the billboard not replacing the billboard nor structure or changing anything but the face. He also stated that there is nothing in the city ordinance that states he cannot do this and that if he made this a painted face and not digital, there would be no issue.

Mr. Garner asked Mrs. Ramm if there has been a case in the past like this. Mrs. Ramm stated no, they have not dealt with one that is the same, except for Mr. Kubiszyn whose is located down by Wal-Mart. Mr. Garner stated that they were just taking the face off and replacing it.

Mr. Shobe asked if the petitioner had a drawing or pictures of exactly what they were doing. Mr. Durrell stated that he could provide them later.

Mr. Durrell stated that they have been in business for over 125 years and have a good relationship with City. He stated that they have advertisements currently running for the city itself.

Mr. Shobe stated that what Mr. Durrell is stating regarding the work Lamar is doing with the work for or with the city, cannot be used for the deciding factor. Mr. Durrell stated that is not the hardship, the hardship is that the zoning ordinance does not state that this can be done, that the city's staff is interpreting it that way and they are denying the permit.

Mr. Garner asked if this were about the interpretation, what would need to be done. Mrs. Ramm stated that if there was a question about an interpretation then an administrative appeal could be filed and would be presented to this board. Mr. Durrell stated that this is what they are doing. Mrs. Ramm stated they applied for a variance which is different from an administrative appeal. Mr. Durrell stated they did as they were instructed to do by city staff.

Mr. Shobe asked if the main goal was to switch the face on the billboard. Mr. Durrell stated yes.

Mr. Garner stated that an administrative appeal would be presented to the Zoning Board for the interpretation of the ordinance. Mrs. Ramm stated that the board would be in charge with upholding the staff's interpretation or an attorney interpretation.

Mr. Durrell stated the definition of the zoning ordinance to the board on the changes of message on the billboard. He stated that they are not establishing a sign; the sign is there and it's not going anywhere. He also stated they are not building a billboard; they are changing how the billboards advertisements are read.

Mr. Garner stated personally he would like a little more time to review the case and receive legal advice on the interpretation. He stated that he does not want to deny the case until he has looked more into this case.

Mrs. Ramm asked if we would like to table this case. Mr. Garner stated yes, and he would like time to review the video and photos from Lamar. Mr. Dale agreed.

Mr. Shobe stated that the hardship cannot be financial. Mr. Durrell stated that was not the hardship it was that the ordinance is not being interpreted correctly.

Motion by Mr. Garner I make a motion to table V-23-7 case for Lamar Advertisement. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Dale – Yes; Mr. Shobe – No; Mr. Chandler - Yes; **Motion Carried.**

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.

Tim Clements, with Sipsey Truck and Tractor, stated they are currently renting in Buhl and are looking and wanting to move into the City Limits. He also stated the current location they are looking at is 1786 Harper Road, which houses a large shop they will use to work on equipment. He stated that they also go out and work on larger equipment at their location of job site, due to size and mobility.

Mr. Chandler asked about housing the equipment. Mr. Clements stated they have parking that is paved and there is a location that is gravel area that would be accessed by coming through the building for the sale of equipment.

Mr. Shobe asked if they were renting this location. Mr. Clements stated yes.

Mr. Chandler asked if there was a location they were going to use for the repair of vehicles. Mr. Clements stated there was and it would be in the back of the fenced property. Mr. Chandler asked if there was an access on this area of the lot. Mr. Clements stated no that Turner and Schoel's building is located on the other side of the fence.

Mr. Shobe asked if there would be a covering on the fence. Mr. Clements stated there was some covering on the fence now that they would leave but there would not be a covering on the fence area that would house equipment they would be trying to sale.

Mr. Clements stated that the current business does store equipment they use for striping the road at this location.

Mr. Shobe stated that the reasoning for the gravel is due for the weight of the equipment tearing this concrete or pavement up.

Mr. Shobe stated that the hardship would be financial due to the repairs to the pavement or concrete being out of the renter's pocket.

Mr. Clements stated that across the street is the City of Northport Public Works and leaving the gravel parking is the same reason the city has gravel there. Mr. Shobe stated that they were exempt.

Mr. Chandler stated his only issue is that the storage of the vehicles and not being able to determine that the equipment will be in the area the petitioner stated. Mr. Clements stated that 90 percent of the repairs his company makes is on site.

Mr. Shobe asked if the petitioner was willing to provided storage for the equipment that he is wanting to park in the gravel parking lot. Mr. Clements stated that the property is closed in on three sides.

Mr. Chandler asked if they will sale repaired equipment. Mr. Clements stated he would be selling some repaired equipment that his company invested a lot of money in and was never picked up or paid for.

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 Tim Clements a variance to allow storage and repair of vehicles and heavy equipment on the existing gravel parking lot for the business located at 1786 Harper Road. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; and Mr. Garner – Yes; **Motion Carried.**

- c. **V-23-9** – Lauren Smelley requests a variance from the front and side setback requirements in Section 603, Table 6-2 located at 1510 Bellwood Lane.

Bobby Herndon, 2728 Lurleen B Wallace Blvd, represented Lauren Smelley, stated that Ms. Smelley recently purchased 3 lots in the Bellwood subdivision. He stated there is an existing residence and a detached garage that is encroaching on building lines. Mr. Herndon stated they are wanting to convert this from 3 lots to 2 to be able to conform with the building setbacks. He stated that the lot that would contain the residence would not meet the setback requirements. He stated that the other two lots would.

Mr. Chandler asked if the variance goes with the property. He asked is that is true. Mrs. Ramm and Mr. Cunningham stated that you could grant the variance on the existing structure. This would allow the new future structures on this lot to have to concur with the then building and zoning ordinance.

Mrs. Ramm stated that the Planning Commission committee did approve the preliminary plat for two lots.

Mr. Chandler asked what structure we need to focus on with making our motions. Mrs. Ramm and Mr. Patten stated we would need only specify for the dwelling.

Mr. Garner opened the floor for public comments.

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

Motion by Mr. Dale. 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. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Dale – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; and Mr. Chandler – Yes. **Motion Carried.**

- 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.

Medger Brown, 2700 Deerfield Lane, stated they are wanting to add a two-car garage which would open the inside of the home and add another entrance for the home. He stated that there are closer homes on his street but with the attached garage they are requesting approval, would not be as close to the street.

Mr. Dale asked if there was a detached carport on the property now. Mr. Brown stated yes.

Mr. Shobe stated it would be a safer approach when coming home than going around to the front of the home. Mr. Brown agreed and stated that this would help with cars being in the yard as well.

Mr. Garner asked Engineering their comments. Mrs. Phillips stated that the right-of-way in front of this house is around 80 feet of right-of-way, even with this request you will still have around 40 feet of sight. She stated you could still have 2 cars in the driveway. She stated Engineering does not have any issues with the request.

Mr. Garner opened the floor for public comments.

Lynn Thomas, 2705 Deer Antler Lane, stated that we were making sure this was not encroaching on their land but now knows they are not.

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

Motion by Mr. Garner I make a motion to grant Medger Brown a reduction in front setback requirements from 30 feet to 15 feet but not to exceed 50 feet from center line of the road for his property located at 2700 Deerfield Lane. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Dale – 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
June 2, 2023

AGENDA ITEM

Case Number: AA-23-1

Request: Appealing the decision of the Zoning Officer

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: Override staff interpretation of the zoning ordinance

STAFF COMMENTS

Lamar Advertising is seeking an administrative appeal to override the decision of the zoning officer. The portion of the ordinances in question are found in article VIII and are included below:

ARTICLE VIII. SIGN REGULATIONS

Section 800. Purpose and Scope

The City of Northport recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Article to:

- A. Set standards and provide controls that permit reasonable use of signs and enhance the character of the City.
- B. Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes.
- C. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.
- D. Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City.
- E. Encourage sign design that builds on the traditional town image and visual environment the City of Northport seeks to promote.

This Article is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

See below from the sign ordinance definitions:

Erect: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to change a message on a reader board, or maintain the sign.

See below from the portion of the sign ordinance specifically concerning billboards:

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.

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May 10, 202

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

See below from the portion of the sign ordinance concerning nonconforming signs:

807.01. Nonconforming Signs.

A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Northport on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations. *(See Also: Section 803. M. "Prohibited Signs)*

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.

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May 10, 2021

- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Director.
- E. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- F. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

STAFF RECOMMENDATIONS:

The standards for administrative appeals as outlined in section 1106.01 of the Northport Zoning Ordinance are as follows:

Section 1106. Interpretations.

1106.01. Purpose. The provisions of this section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this Ordinance, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to

provide a simple procedure for overcoming rigidities and limitations of finite use lists.

1106.02. Authority. The Planning Director may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this Ordinance.

1106.03. Procedure.

A. Written Request for Non-Use Interpretation. Except as provided below, a request for interpretation of any provision of this Ordinance, the zoning map, or any rule or regulation adopted pursuant to this Ordinance shall be submitted in writing to the Planning Director. No fee shall be required in connection with any such request. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Director shall receive such further facts and information as are in his/her judgment necessary to a meaningful interpretation of the provision in question.

B. Application for Use Interpretation. Applications for a use interpretation shall be submitted to the Planning Director and shall, in all instances, contain at least the following information and documentation:

1. The applicant's names, address, and interest in the subject property.
2. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation.
4. The street address and legal description of the subject property.
5. The zoning classification and present use of the subject property.
6. A complete description of the proposed use.
7. The uses permitted by the present zoning classification, which are most similar to the proposed use.
8. Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
9. Such other and further information or documentation as the Planning Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

C. Planning Director. Within 30 days following the receipt of a completed request or application for interpretation, a written interpretation shall be mailed to the applicant. The specific precedent, reasons, and analysis on which such interpretation is based shall be stated. At the discretion of the Planning Director such requests for interpretation may be referred to the Planning Commission for review and interpretation. Failure to render an interpretation within the aforementioned time, or such longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Planning Director shall keep a copy of each such interpretation on file and shall make a copy of each such file interpretation available for public inspection during normal business hours.

D. Appeal. Appeals on interpretations rendered by the Planning Director, or other responsible staff, pursuant to this Section may be taken to the Board of Zoning Adjustment as provided in this Article.

1106.04. Conditions on Use Interpretations. The following conditions shall govern the Board of Zoning Adjustment on appeals from the Planning Director, in issuing use interpretations:

A. No use interpretation shall allow the establishment of any use that was previously considered and rejected by the Board of Zoning Adjustment on an application for amendment.

B. No use interpretation shall permit a use in any district in which such use is not listed either as permitted or conditional in Table 4-1.

C. No use interpretation shall permit any use in any district unless evidence shall be presented which demonstrates that it will comply with each use limitation established for the particular district.

D. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a more restrictive district.

E. If the proposed use is more similar to a conditional use than a permitted use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a conditional use permit.

F. Any use permitted pursuant to this Section shall fully comply with all requirements and standards imposed by this Ordinance.

1106.05. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City of Northport, or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, zoning certificates, conditional use permits, building permits, and certificates of occupancy.

1106.06. Limitations on Favorable Use Interpretations. No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall supersede subsequent amendment to this Ordinance.

SUMMARY:

Lamar Advertising has requested an administrative appeal to overturn the Zoning Officer's interpretation of the zoning ordinance. Lamar previously applied for a permit to remove the static billboard and erect a digital billboard in its place for the existing sign pole located at 3107 Lurleen Wallace Blvd. City staff informed the applicant that this permit could not be approved, since the existing sign pole does not meet the requirements in the ordinance. City staff have consistently treated the erecting of a digital sign as requiring full compliance with the ordinance, based on the language in the ordinance (see above) which states **"No sign shall be erected or installed unless it is in compliance with the regulations of this Article."**

The sign ordinance does permit a nonconforming sign to change its pictorial content. This typically involves swapping out the printed banner, but not the backboard structure that it attaches to (see an example at this link: <https://www.youtube.com/watch?v=SdnRU1pRuV4&t=1s>). Converting a static billboard to digital typically requires at a minimum:

- 1) removal of the printed banner,
- 2) Removal of the backboard structure, and
- 3) Raising and attaching a digital screen. Each screen can weight up to 10,000 pounds and requires a crane to erect them.

City staff view this as a significant structural change, far beyond the pictorial content change that would be allowed by the ordinance.

MOTION:

1. I make a motion to grant Lamar Advertising an administrative appeal to allow them 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@dlcmgmt.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.

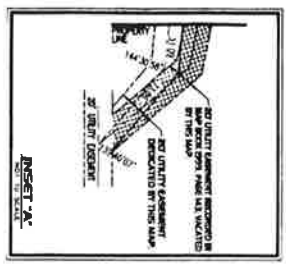
Given my hand and seal of office this 31 day of March, 2023

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 1199, PAGE 718
ZONE "C-6"



U.S. HIGHWAY 82
230' ROW



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

ONE HALF
CLOSED PRECISION
1 : 49,222

TUSCALOOSA COUNTY ENGINEERING DEPARTMENT
BY: Heidi Hays

BY: Erin A. White TUSCALOOSA COUNTY HEALTH DEPARTMENT

CITY OF NORTH-SOUTH DIXIE/ENGINEERING DEPARTMENT
BY: Robert C. Bell

TUSCALOOSA COUNTY PLANNING DEPARTMENT
BY: [Signature]

GW
GONZALEZ WEBB STRENGTH, INC.
ENGINEERING & SURVEYING
SUITE 407 - 117 GEMINI CIRCLE
BIRMINGHAM, ALABAMA 35205
PHONE: (205) 945-1053
FAX: (205) 945-1053

- FINAL PLAT

NORTHPORT PLANNING DEPARTMENT
BY: F. Don Day

Clamp under my hand and send this 7th day of June, 2000.

Notary Public in and for
County of said State, hereby certify that William C. Lloyd, whom
as Vice President of R.C.M. McDonald, LLC, is eligible to the for

Money Publisher, 5
 Cambridge, MA
 Cambridge, MA

signed to the foregoing certificate, and who is known to me and acknowledged before me on this day that, being informed of the contents of said certificate, he availed the same authentic and

**National Public
State of Florida
My Commission Expires
County of **FLORIDA****

such officer and with full authority therefore,
 Given under my hand and seal this 11th day of January, 2000.

and Stora, hereby certify that Jan P. Strength, whose name is Corporate Partner of Consider Weak Strength, Inc., Surveyor, is

261

Mr. C. Lloyd, Jr.

John J. Strength, Corporate Partner
Alabama Registration No. 21181

SURVEYOR:
CONZALEZ WALTER STRENGTH INC

studied in the northwest one-quarter of section 10, Township 35N, Range 10 West, City of Northport, Tuscaloosa County, Alabama, and that said plot is a true and correct plot of survey.

L. don P. Strength, a registered Professional Land Surveyor of the
TUSCALOOSA COUNTY

STATE OF ALABAMA

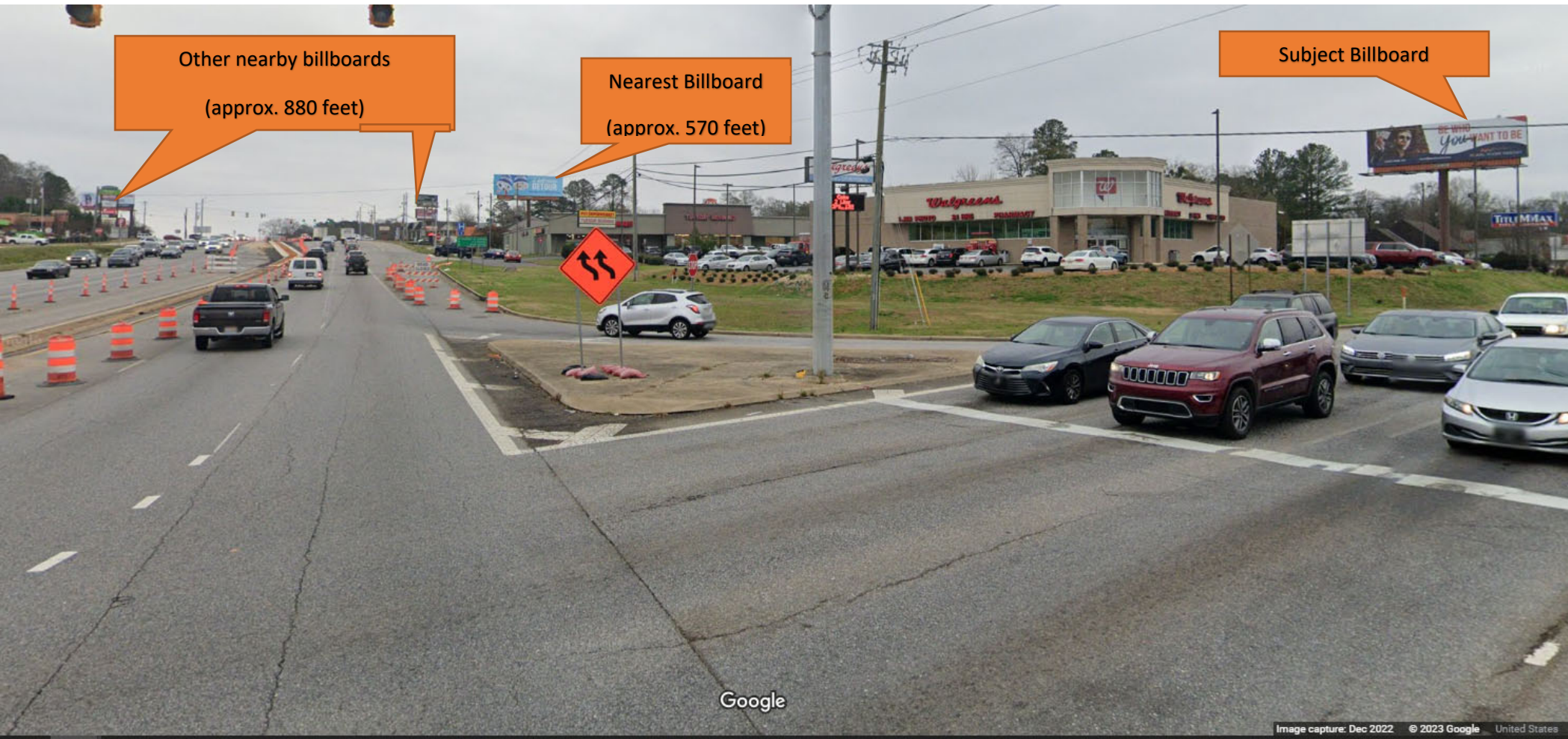
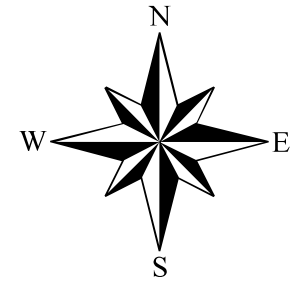


Image capture: Dec 2022 © 2023 Google United States

City of Northport Zoning Board of Adjustment

Variance Request

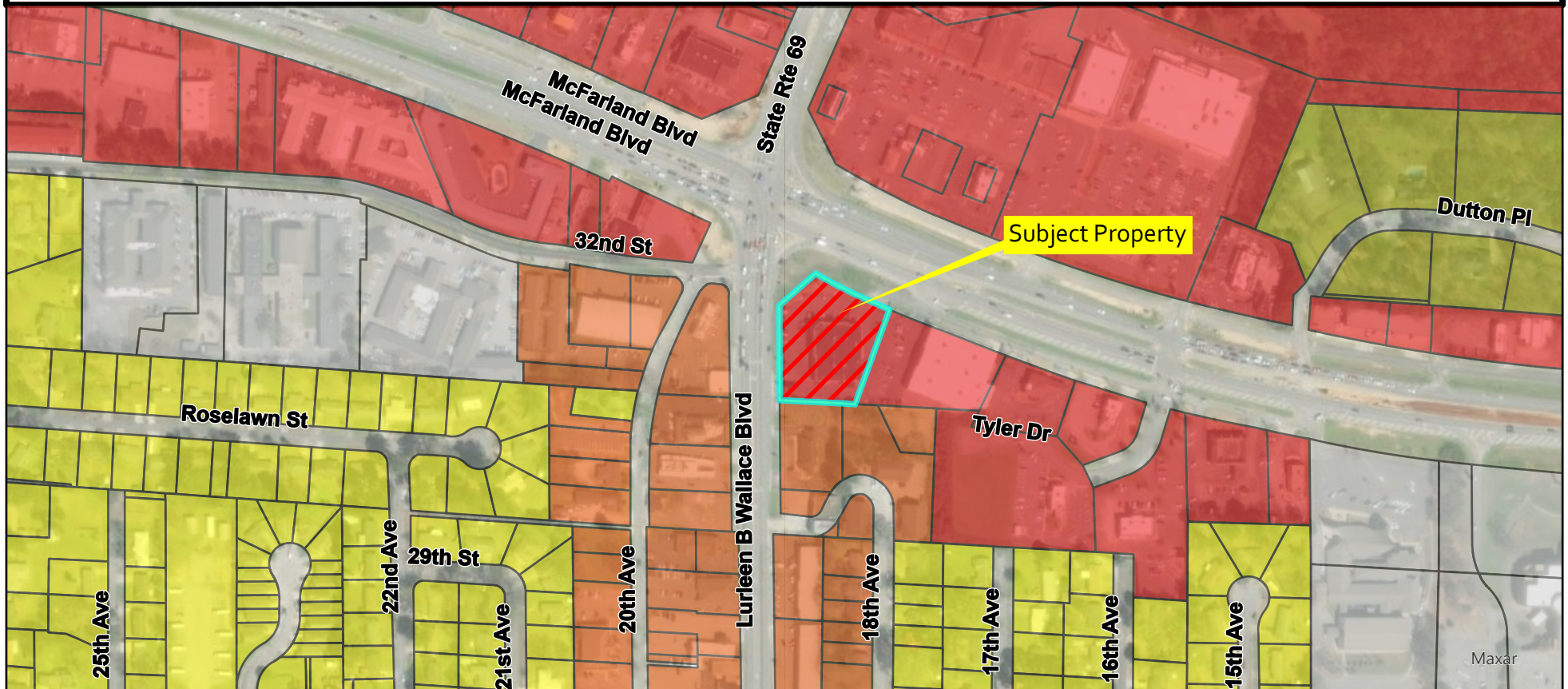


Zoning

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

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0 375 750 1,500 Feet



***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 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@dlcmgmt.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.

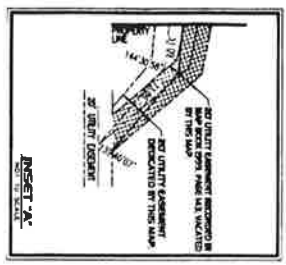
Given my hand and seal of office this 31 day of March, 2023

Elizabeth A. Holden
Notary Public

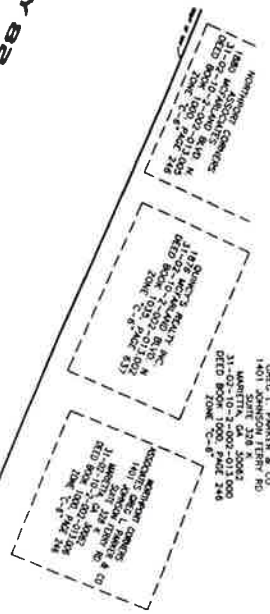
My Commission Expires: 10/23/2025



FOWLER OIL COMPANY, INC.
P.O. BOX 540
FAYETTE, AL 35555
31-02-10-2-004-006 000
DEED BOOK 1199, 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

GW
GONZALEZ WEBB STRENGTH, INC.
ENGINEERING & SURVEYING
SUITE 407 - 117 GEMINI CIRCLE
BIRMINGHAM, ALABAMA 35205
PHONE: (205) 945-1053
FAX: (205) 945-1053

- FINAL PLAT -

NORTHPORT PLANNING DEPARTMENT
BY: F. Don Day

Clamp under my hand and send this 7th day of June, 2000.

Notary Public in and for
County of said State, hereby certify that William C. Lloyd, whom
as Vice President of R.C.M. McDonald, LLC, is eligible to the for

Money Publisher, 5
 Cambridge, MA
 Cambridge, MA

signed to the foregoing certificate, and who is known to me and acknowledged before me on this day that, being informed of the contents of said certificate, he executed the same voluntarily as

**National Public
State of Florida**

**My Commission Expires
January of 1998**

such officer and with full authority therefore,
 Given under my hand and seal this 11th day of January, 2000.

and Stola, hereby certify that Jan P. Strength, whose name is Corporate Partner of Consider Weak Strength, Inc., Surveyor, is

261

Mr. C. Lloyd, Jr.

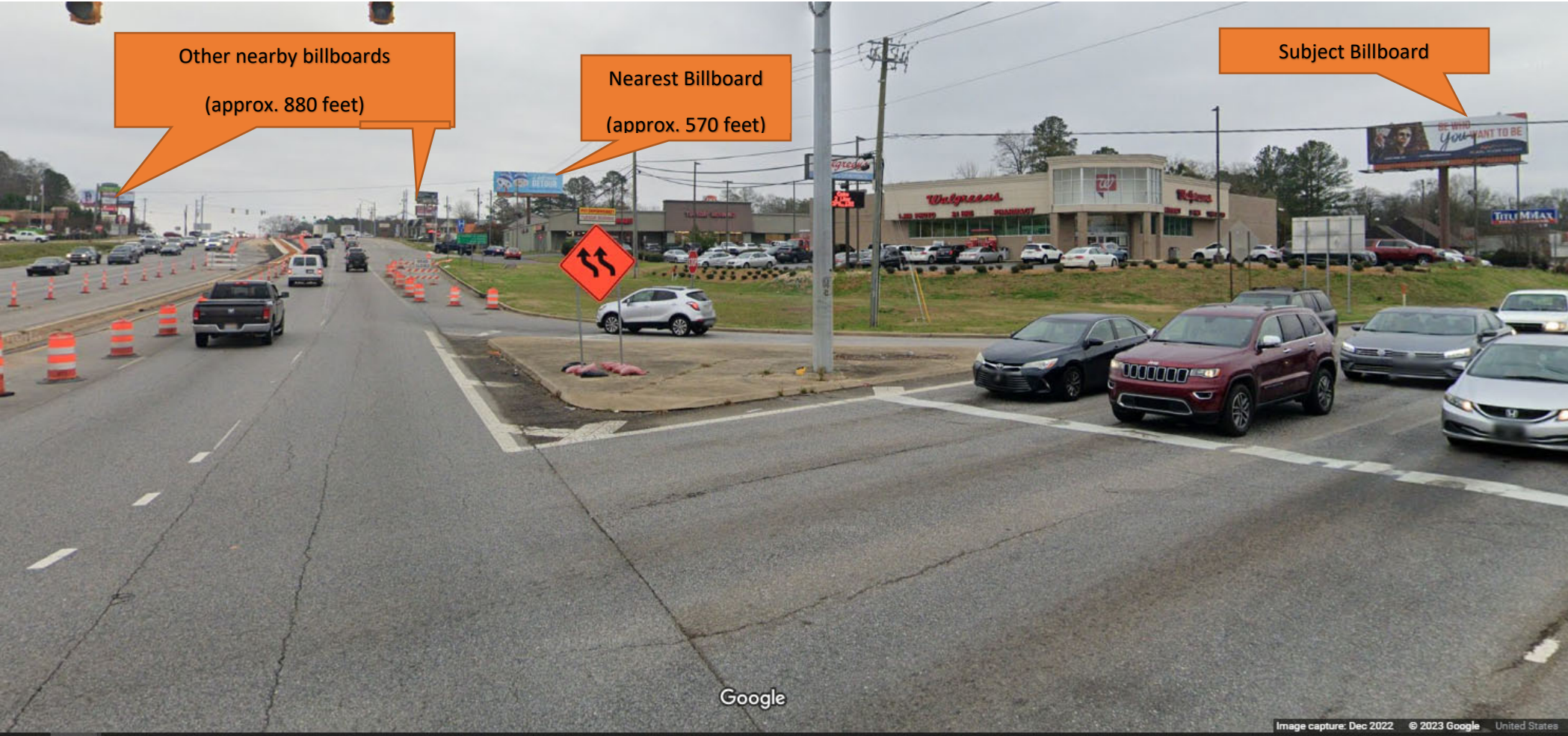
John J. Strength, Corporate Partner
Alabama Registration No. 21181

SURVEYOR:
GONZALEZ, WALTER STRENGTH INC

studied in the northwest one-quarter of section 10, Township 36S, Range 10 West, City of Northport, Tuscaloosa County, Alabama, and that said plot is a true and correct plot of survey

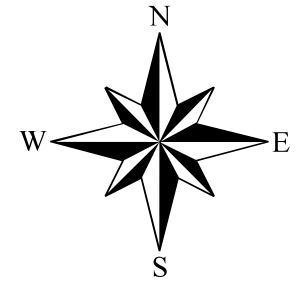
L. don P. Strength, a registered Professional Land Surveyor of the
TUSCALOOSA COUNTY

STATE OF ALABAMA



City of Northport Zoning Board of Adjustment

Variance Request



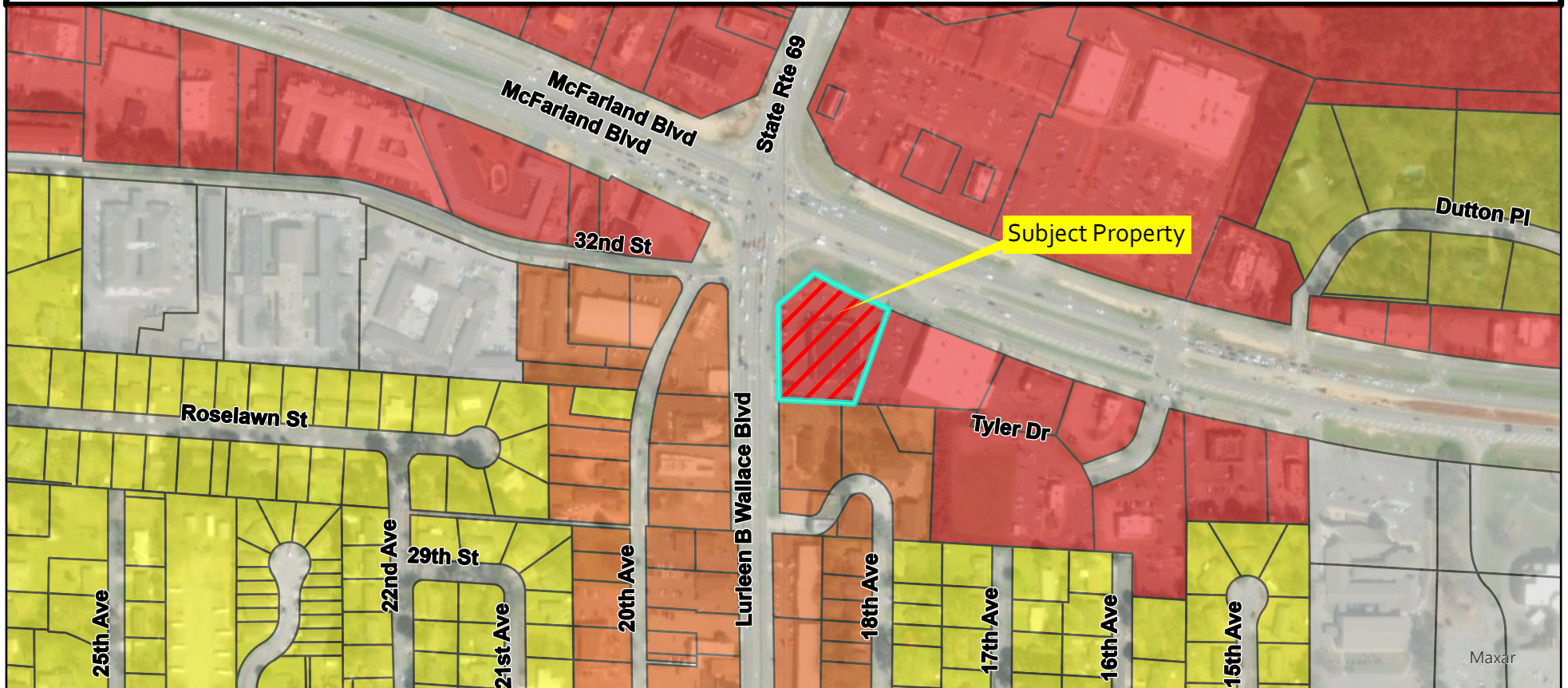
Zoning

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

0 375 750 1,500 Feet



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***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
June 2, 2023***

AGENDA ITEM

Case Number: V-23-11

Request: A variance from required billboard standards

Location: 13512 Highway 43 North

Applicant: James Outdoor

SUBJECT PARCEL

Zoning: C-3 General Commercial

Zoning of Adjacent Property: C-3 General Commercial & AG Agricultural

Proposed Action: Erect a new digital billboard without conforming to sign ordinance requirements for billboards.

STAFF COMMENTS

James Outdoor 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:

James Outdoor proposes to erect a new digital billboard next to McDonald's at 13512 Hwy 43 North. This sign would be 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 515' from a residence.
2. Billboards are required to be a minimum of 10 feet from a property line. The proposed billboard appears to be more or less directly on the property line.
3. Billboards are only permitted within C-6, M-1, and M-2 zoning. This property is currently zoned C-3.

The applicant has stated as a hardship that they were previously told that the property lies outside of the city limits, and that they have already secured the property lease and ALDOT permit for this project. While it is true that city staff initially confirmed to ALDOT that the property was located outside of city limits, this was due to a mapping error which has since been corrected.

The engineering department has the following primary concerns: There is an existing Ingress and Egress Easement Agreement in place for the drive between Jacks and McDonalds. We would like to make sure that the addition of the billboard does not interfere with the safe operation of vehicles within the ingress/egress easement. There is concern that the proposed billboard will interfere with sight distance for vehicles utilizing the easement. There is also concern that the pole is very close to the travel way.

Additionally, ZBA's bylaws do not allow the granting of a variance to establish a use not permitted within the zoning district. Billboards are not allowed in the zoning district for this property. See quote below from the Board's bylaws:

- 8.1 **Standards for Variances:** Before any permit for a variance is issued, the Board shall make written findings certifying compliance with the following specific rules:

1. That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the ordinance in said district.

It is the opinion of staff that granting this variance would violate the Board's by-laws. Staff does not support the granting of this variance.

MOTION:

1. I make a motion to grant James Outdoor a variance from the billboard requirements for 1) required minimum distance to a residence, 2) required minimum distance to a property line, and 3) required zoning district for a billboard, to erect a new billboard on the property located at 13512 Highway 43 North.



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.



City of Northport

Variance Application Packet

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

Date of Application: April 28, 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: 13512 Highway 43 N, Northport, AL 35475
Property Subdivision and Lot Number: Parcel No. 63 20 04 17 0 002 002.000
Property Zoning District: Commercial
Existing Buildings on Property: None
Proposed Construction on Property: Billboard

PETITIONER INFORMATION

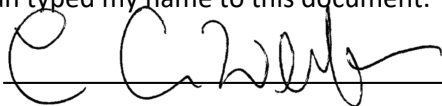
Petitioner Name: James Outdoor, LLC
Petitioner Phone: 256-509-9730 Petitioner Email: john@jamesoutdoor.com
Petitioner Address (if different than property information above):
1470 Northbank Parkway, #162 Tuscaloosa, AL 35406
Petitioner is Owner of Property (if yes, skip owner information): ☒ Yes ☐ No

OWNER INFORMATION

Owner Name and/or Company: Hendrix Family Investments, LLC
Owner Mailing Address: 13520 Highway 43N, Northport, AL 35475
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: April 28, 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:

James Outdoor, LLC ("James") requests a variance from any and all provisions of the City code that allegedly prohibit a billboard from being located on the parcel in question.

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

In 2022, James began to pursue the installation of a digital billboard on the parcel in question. As part of that pursuit, James applied to the Alabama DOT for a state permit. Alabama DOT contacted the City regarding the application and was told by the City that the parcel was not in the City Limits. Therefor DOT issued the permit. In reliance on the permit, James ordered the digital billboard, which is now ready to install. James's contractor requested an electrical permit from the City and was advised that after James and the contractor obtained city business licenses, they would issue the permit. After paying for these licenses, the City refused to issue the permit claiming that the City map was in error and the parcel is in the City limits and therefore cannot have a billboard. The City's misrepresentations have harmed James Outdoor and created this unique situation.

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

Granting this appeal/variance would not be contrary to the public interest and would have little impact on the neighboring properties. The parcel is zoned commercial and is located between two commercial parcels that have a McDonalds and a Jack's on Highway 43. The City has admitted that this location is appropriate for a billboard but for the fact that the City now claims the location is within the City limits.

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:

*James Outdoor has a 30 year Sign Location Lease with the property owner, Hendrix Family Investments, LLC to operate the billboard on its property. Hendrix Family Investments stands to make a substantial amount of money in land rent over the life of the lease.

*James Outdoor was issued Permit No. OA-5-2-557 by the Alabama Department of Transportation on December 12, 2022 for a billboard at this location.

*James Outdoor pursued a billboard at this location based on the City's representations to the State that the property was outside the City limits, which is still what the City maps show. Refusing to allow the billboard after James Outdoor expended substantial funds and time on this project would be inequitable.

SIGN LOCATION LEASE

1. This Lease agreement (the "Lease") is dated and entered into on this 5th day of July, 2022, between **HENDRIX FAMILY INVESTMENTS, LLC** (hereinafter called "LESSOR") and **JAMES OUTDOOR, LLC**, (hereinafter called "LESSEE"). LESSOR hereby leases and grants exclusively to LESSEE the following premises described as the placement by pin on the attached map and located at the coordinates **33.303943 and -87.601237**, in the County of Tuscaloosa, in the State of Alabama (the "Property") (which may be more particularly described on the attached Exhibit "A"), for the purpose of accessing (by vehicle or pedestrian), or erecting, constructing, installing, placing, operating, modifying, relocating, removing, and maintaining LESSEE'S sign(s) thereon including supporting structures, illumination facilities, electrical connections, service ladders and other appurtenances and ancillary equipment (the "Sign"). The Property shall include the area where the Sign is located, the surrounding area, and the airspace above the same. This Sign Location Lease is not valid and cannot be enforced without a written legal permit issued by the State of Alabama Department of Transportation and/or other government entities.

2.

rsary date of the Lease as indicated in paragraph 1 hereinabove. Each and every subsequent annual rental payment shall be made on or before each anniversary date of the Lease as indicated in paragraph 1 hereinabove. LESSEE shall have the right to make any necessary applications with, and obtain permits from, governmental bodies for the construction and maintenance of LESSEE'S signs(s) at the sole discretion of LESSEE. All such permits shall remain the property of LESSEE. LESSOR agrees to execute such other documents, including but not limited to, easements, permit applications, and memorandums, as may be necessary for LESSEE to construct, maintain, illuminate, and remove the Sign.

3. Each party agrees to indemnify and hold harmless the other from any and all claims or demands on account of bodily injury or physical property damage caused by or resulting from any negligent or willful acts or omissions of the indemnifying party or its agents, employees or contractors.
4. This agreement is a Lease, and all signs(s), structure(s), improvements and appurtenances thereto placed on the premises by or for the LESSEE, its agent or predecessor, shall remain the property of the LESSEE and LESSEE shall have the right to remove the same at any time during the term of the Lease and for a reasonable period after the expiration of the

Initials JH JDT
Lessor Lessee

Lease term. If LESSEE removes its structure(s), only all above and below grade portions of said structure(s) shall be removed.

5. The initial term of the Lease will be Thirty (30) years beginning on the Commencement Date.
6. In the event that all or any part of the Property is acquired or sought to be acquired by any entity having or delegated the power of eminent domain, LESSEE shall, at its election and its sole discretion, be entitled to: (i) contest the acquisition or defend against the taking of LESSEE'S Sign and interest in the Property; (ii) relocate the Sign to a mutually agreed upon portion of LESSOR'S Property not acquired or to be acquired (LESSOR's consent to relocation of the Sign shall not be unreasonably withheld); and/or (iii) be compensated from any award or consideration payable by the acquiring entity for all costs, damages and value loss incurred by LESSEE relating to the leasehold as improved with the Sign. LESSOR may not terminate this lease under any right or circumstance if the Property has been taken or is contemplated or threatened to be taken by eminent domain, or if the Property is conveyed to any entity or it's agent with eminent domain authority. In the event the condemning authorities do not negotiate separately with LESSOR and LESSEE for their respective interests, then LESSOR shall not enter in any agreement with or accept any condemnation amount (or compensation in lieu thereof) from the condemning authorities without Grantor and Grantee first agreeing in writing to the total amount of the condemnation or compensation amount and to the respective sharing of such sum between LESSOR and LESSEE. LESSOR agrees to provide copies of any notices, appraisals, or other communications related to any condemnation or threatened condemnation. No contemporary or subsequent modification of this Lease or the foregoing sentence shall be effective unless it specifically references this paragraph and the foregoing sentence.
7. LESSEE shall, at its option, have the right to terminate this Lease upon thirty (30) days' notice in writing to LESSOR, and LESSOR shall refund to LESSEE any rental payment paid in advance for the remainder of the un-expired term if (in LESSEE'S sole opinion) one of the following events occurs: (a) LESSEE is unable to secure or maintain any required permit or license from any appropriate governmental authority; (b) federal, state or local statute, ordinance regulation or other government action which precludes or materially limits use of the Property for outdoor advertising purposes; (c) LESSEE'S signs(s) on the Property become entirely or partially obstructed or destroyed; (d) the view of LESSEE's signs are obstructed or impaired in any way by any object or growth on the Property or on any neighboring premises; (e) the advertising value of the structure(s) is impaired or diminished; (f) there occurs a diversion of traffic from, or a change in, the direction of traffic past the Sign(s); (g) LESSEE is prevented from maintaining electrical power to the Property or illuminating its Sign(s); (h) LESSEE finds that, in LESSEE'S sole opinion, the continued maintenance/operation of the Sign(s), is impractical or uneconomical; or (i) maintenance will be hampered or made unsafe due to conditions caused by nearby properties, land uses, or utilities. Should this Lease be terminated due to

Initials JAD JDS
Lessor Lessee

clauses (d), (e), (f), (g), (h): LESSEE shall pay LESSOR a (1) one-time penalty fee valued at (1) annual rental payment amount.

8. This Lease shall not obligate the LESSEE in any way until it is accepted and executed by LESSEE's Chief Operations Officer or President. It is understood that this written Lease between parties constitutes the entire Lease and understanding between the parties and supersedes all prior representations, understandings, and agreements relating to this Lease. This Lease may not be modified except in writing and signed by LESSOR and an authorized signatory of LESSEE. The parties to this Lease expressly disclaim any reliance on all prior representations, understandings, and agreements relating to this Lease. The parties hereto have each carefully reviewed this Lease and have agreed to each term set forth herein. No ambiguity is presumed to be construed against either party.
9. This Lease shall be binding upon the heirs, executors, personal representatives, successors and assigns for the parties hereto. LESSOR warrants that LESSOR is the owner of the Property and has full authority to enter into this Lease. LESSOR agrees to notify LESSEE of any change of ownership of the Property or of LESSOR's mailing address within thirty (30) days of such change. LESSOR agrees to hold LESSEE harmless from any action resulting from failure to provide said notice. Subject to the provisions of Paragraph 16 of this Lease, LESSOR shall not assign its interest under this Lease or any part thereof except to a party who purchases the underlying fee title to the Property. LESSEE shall not assign its interest under this Lease or any part thereof except to a party who purchased title to the Sign.
10. All rents are to be paid pursuant to this Lease and all notices are to be forwarded to the undersigned LESSOR at the address noted below the LESSOR's signature. If there is any change in LESSOR'S AND/OR LESSEE'S address it is the sole responsibility of the LESSOR AND/OR LESSEE to inform LESSEE/LESSOR within fourteen (14) days of said change in order to avoid interruption of rental payments.
11. In the event that either party is in default under the terms of this Lease, the non-defaulting party shall deliver written notice via the United States Postal Service by certified or registered return receipt mail to the defaulting party, and said party may cure such failure within thirty (30) days of receipt of such notice provided that for any non-monetary default, if a cure cannot reasonably be effected in thirty (30) days, the defaulting party may continue such cure past thirty (30) days from notice if it commences such cure within fourteen (14) days from the notice and pursue such cure to completion.
12. Upon request of one of the parties to this Lease, LESSOR and LESSEE shall execute such other documents, including but not limited to, a short form memorandum of this Lease and/or subordination agreement for recording purposes. The party requesting recordation shall be responsible for payment of any fees or taxes applicable thereto.

Initials JAD JOS
Lessor Lessee

13. To the extent permitted by applicable law, LESSOR hereby waives any statutory right to a landlord's lien or any other lien on any property of LESSEE located on the Property.
14. LESSEE shall have the absolute unencumbered right to trim, cut or remove any trees or other vegetation or any other debris from the Property, which in any way impairs the operation, visibility, or maintenance of the Sign. LESSOR agrees not to place any future improvements, including but not limited to, on premise signage, building appurtenances, or structures, which would diminish the visibility corridor necessary to maintain the visibility of the Sign to adjacent thoroughfares.
15. This Lease shall continue in full forces and effect for its term and thereafter for subsequent successive like terms unless terminated at the end of such term upon prior written notice by either party served no less than ninety (90) days and no more than one hundred eight (180) days before the end of such term.
16. During any term of this Lease and for a period of ninety (90) days following any termination of this Lease, LESSOR grants LESSEE the right of first refusal to match any offer acceptable to LESSOR for the use or purchase of the Property or any portion of the Property. A written copy of any such third-party offer received by LESSOR shall be delivered to LESSEE by certified mail-return receipt requested. LESSEE shall then have twenty (20) business days from the date of receipt in which to a match such offer by giving notice of acceptance to LESSOR.
17. LESSOR shall have the right to enter into agreement and permit any outdoor advertising sign after the execution of this Lease on LESSOR's adjacent property (if any). However, James Outdoor, LLC retains the right to match and/or exceed any competing outdoor advertising's proposal to permit/erect outdoor advertising sign and, upon LESSOR approval, permit the additional outdoor advertising sign up to or within 1,000 ft distance from sign location outlined in this lease. James Outdoor, LLC must be notified within 30 days of LESSOR receiving competing outdoor advertising sign proposal.
18. LESSOR covenants and agrees that LESSEE will at all times have peaceable and quiet enjoyment of the rights granted to LESSEE under this Lease without any manner of hindrance from LESSOR or any person claiming the Property by, through or under LESSOR.
19. The venue for any litigation arising out of this Lease shall be in Tuscaloosa County, Alabama. If LESSEE either party brings any legal proceedings for the enforcement of this Lease, or concerning any breach or default of this Lease, and LESSEE said party is the prevailing party, then LESSEE said party shall be entitled to recover its reasonable attorneys' fees and other costs incurred in such proceeding from LESSOR the other party, in addition to any other relief to which LESSEE said party may be entitled.

Initials Jed JDS
Lessor Lessee

20. Special Provisions: NONE.

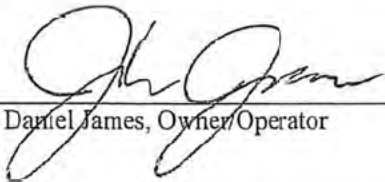
21. Digital Billboard Specs (projected, but not limited to)

- a. 10'x36' Center-Mount 10'V, 45 HAGL (DIGITAL)
- b. Back-to-back Digital Units (North Facing & South Facing)
- c. 36" to 30" Telescoping Base Column
- d. 20" Torsion
- e. Galvanized Plated Fasteners
- f. 25" Interior Walkways
- g. 3" Horizontal Apron
- h. Back-lit LED "James Outdoor" logo plate
- i. Engineered to 2015 IBC (115 mph)
- j. Prime & Painted with Sherwin Williams Finish

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

LESSEE:

JAMES OUTDOOR, LLC

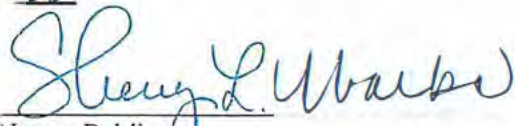

John Daniel James, Owner/Operator

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I Sherry L. Walker hereby certify that John Daniel James, in his capacity as Owner/Operator of James Outdoor, LLC, whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily on the day the same bears date. Given under my hand this 5th day of July, 2022.




Notary Public
My Commission Expires: 10/19/2025

Initials Jdn JDI
Lessor Lessee

LESSOR:

HENDRIX FAMILY INVESTMENTS, LLC.

Johnnie Driggers

Johnnie Driggers, Member

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I Sherry L. Walker hereby certify that Johnnie Driggers, in her capacity as Member of Hendrix Family Investments, LLC, whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, she executed the same voluntarily on the day the same bears date. Given under my hand this 5th day of July, 2022.



Sherry L. Walker

Notary Public

My Commission Expires: 10/19/2025

LESSOR: HENDRIX FAMILY INVESTMENTS, LLC
Address: 13520 Highway 43 N, Northport, AL 35475
Federal Tax ID No. 63-1215236

Initials JLD JDJ
Lessor Lessee

Exhibit "A"

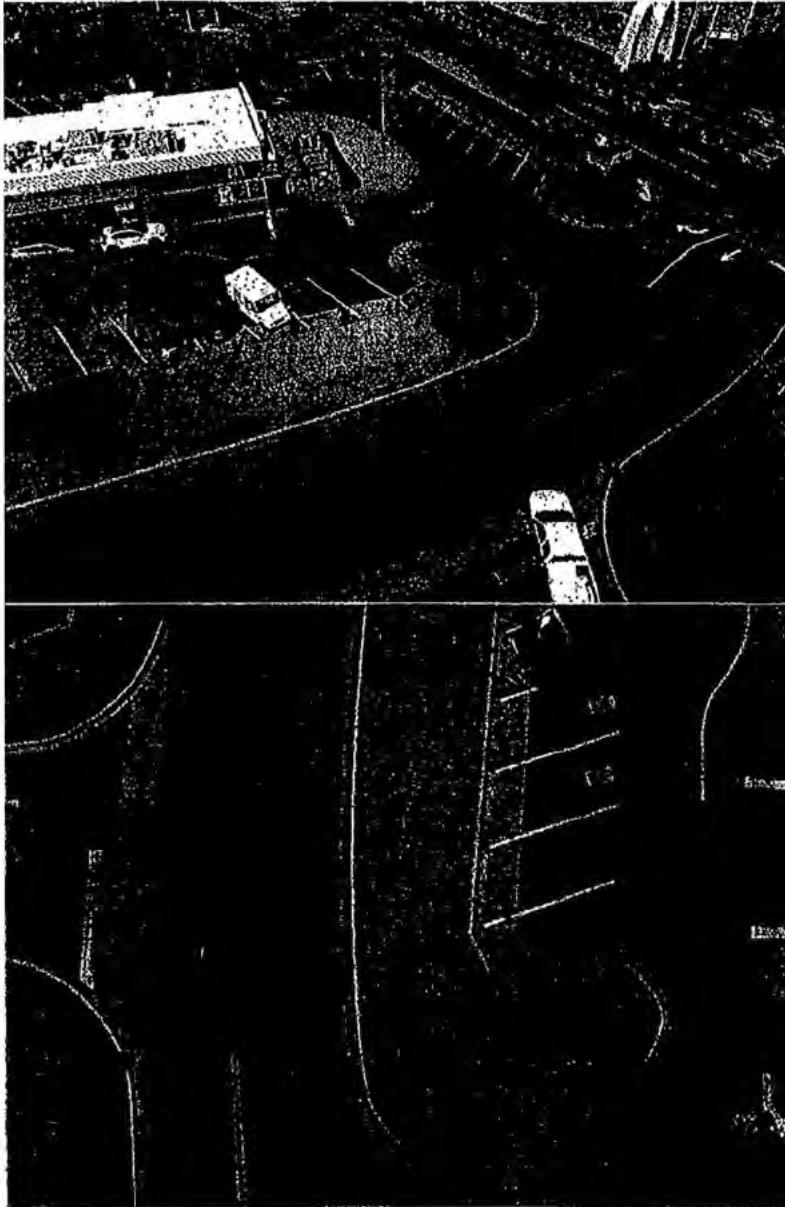
Description of the Property: Self-Serve Car Wash

Property Address: 13520 HWY 43 N, Northport, AL 35475

Parcel #63 20 04 17 0 002 002.000

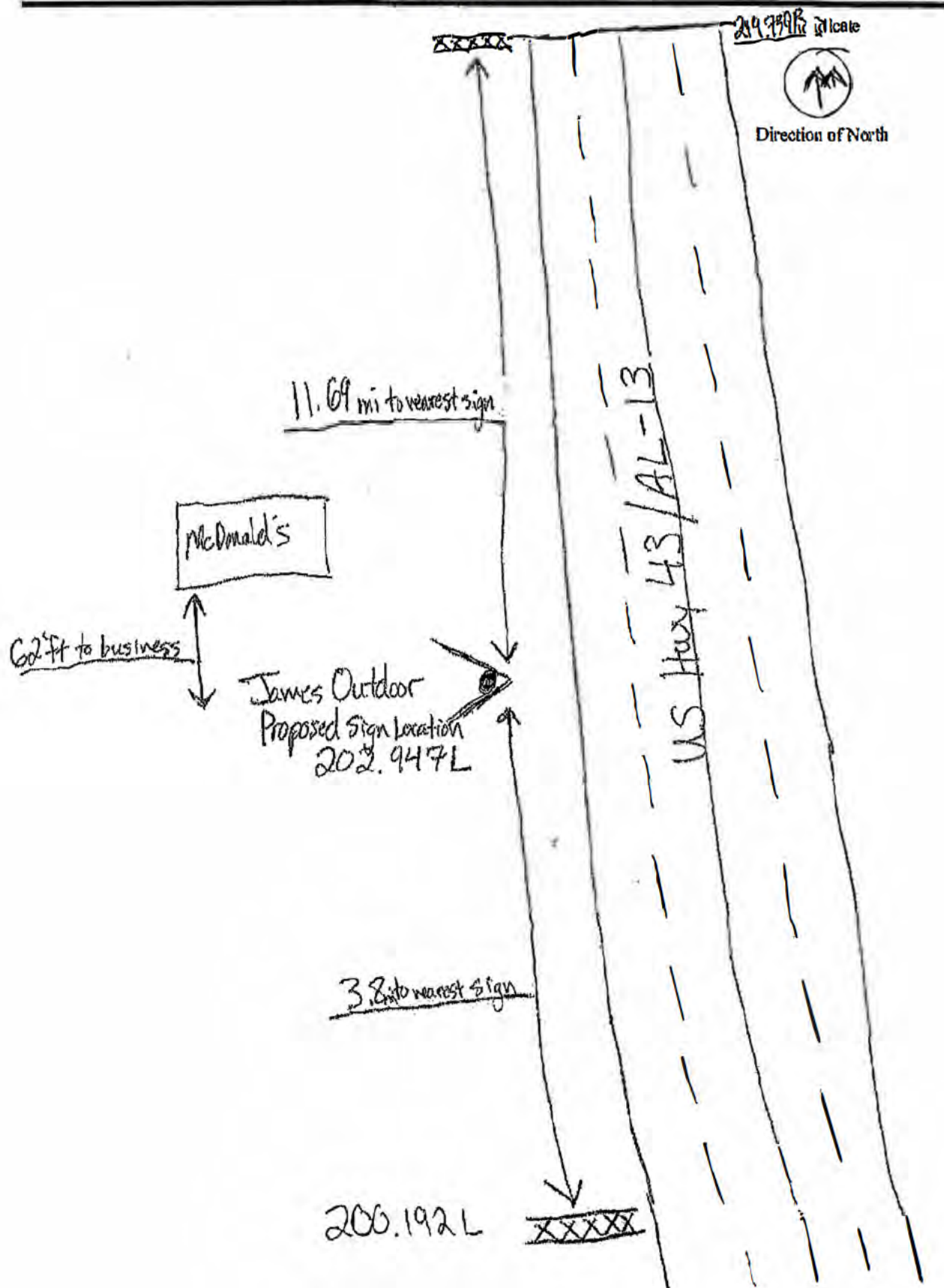
Tax County: 01 -- County North

Projected Billboard Placement: Outlined with Orange "V" in between Jack's Restaurant and McDonald's



Initials	<u>JMP</u>	<u>JDS</u>
	Lessor	Lessee

LOCATION SKETCH OF ADVERTISING SIGN





Kay Ivey
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

West Central Region, District 52
OFFICE OF THE DISTRICT ADMINISTRATOR
2715 East Skyland Boulevard
Tuscaloosa, Alabama 35405
Telephone: 205-554-3280



John R. Cooper
Transportation Director

December 15, 2022

James Outdoor, LLC
1470 Northbank Pkwy #162
Tuscaloosa, AL 35405

Attn: Mr. John James

Re: Permits # 5-2-557-OA
Tuscaloosa County

Dear Mr. James,

Enclosed is an approved permit, as per redlined corrections, to erect an Outdoor Advertising Sign (Form OA No.1) adjacent to AL-13 at milepost 202.947L. **Please notify our office in writing 48 hours prior to construction.** If you have any questions, contact Ms. Darby Campbell at (205) 554-3239.

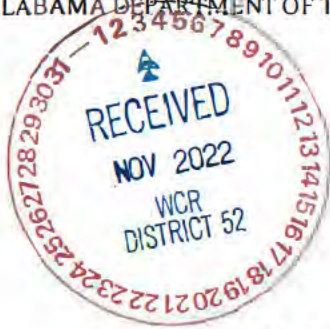
Respectfully,

Kevin Williamson, P.E.
District 52 Administrator

LKW/DC

Enclosures

cc: File w/ Attachment
Mr. Shane Trippany, P.E.



DO NOT WRITE IN THIS BOX

Permit No. OA - 5 - 2 - 557
Sign Identification No. 63 - 013 - 202.9471
County Tuscaloosa Date of Issue 12-12-2022

APPLICATION FOR PERMIT TO ERECT OUTDOOR ADVERTISING SIGN

The undersigned, pursuant to the provisions of Article 9, Division 3, 23-1-271 through 23-1-288 of the Code of Alabama, 1975, as amended by Act No. 383 of the Regular Session of the State of Alabama Legislature, 1978, an rules and regulations promulgated thereunder, hereby applies to erect an outdoor advertising sign which is to be located within six hundred sixty (660) feet of the nearest edge of the right-of-way of a highway on the Interstate or Federal Aid Primary Highway System and furnishes the following information to support this application.

1. Applicant's Company Name is James Outdoor, LLC Email john@jamesoutdoor.com
2. Applicant's Company Address is 1470 Northbank Pkwy #162 (Tel.) 256-509-9730
Tuscaloosa, AL 35406
3. Owner's Name is John James
4. Owner's Address is 13758 Highland Pointe Dr Northport, AL 35475
5. Property Owner's Name is Hendrix Family Investments, LLC Email johnnie.driggs@segnail.com
6. Property Owner's Address is 13520 Hwy 43N Northport, AL 35475 (Tel.) 205-534-0607
7. Permission to erect is by: Written Lease ☒ , Written Agreement _____ , Own Property _____ ,
Other _____
8. Interstate Route Number _____ , Primary Highway Route: U S. Number 43 , Alabama Number 13
9. Milepost Location Number 202.947L LAT. 33.3048017 LONG. -87.608767
(To nearest hundredth of a mile, and designate L for left and R for right. Even routes are west to east and odd routes are south to north).
10. Adjacent Property/Area is: (Check one, (a) Zoned or (b) Unzoned, from the below section)
(a) Zoned: Commercial ☒ , Industrial _____ , Zoning Authority City of Northport
(b) Unzoned: Commercial _____ , Industrial _____ , Distance to nearest premises limits of commercial or industrial activity is _____ feet. Kind of commercial or industrial activity is _____
11. Sign to be located inside _____ , OR outside ☒ zoning authority of incorporated city.
12. Size of sign: Height 10'6" , Length 36' , Square feet one direction 360 378
13. Sign to be: Single Faced _____ , Side by Side _____ , Back to Back _____ , V-Type ☒
14. Message to be Changeable ☒ , Permanent _____ . If permanent, designate subject of message:

~~8 ad circulation with dwell time of 7.5 seconds each for each ad~~
red-lined 12/12/2022 by SLS (see email from applicant) agreeing to 8 second static display time stipulated in Section 450-10-1-013(1) of Alabama's Admin. Code.

15. Distance to nearest sign described in 23-1-274 (3) of the Code of Alabama, 1975, is 4,122 feet.
16. Is sign lighted? Yes ☒ No ☐ Sign Type: Digital/LED ☒ Tri-Vision ☐ Static ☐
17. Sign will meet all requirements of 23-1-274 (1), (2) and (3) of the Code of Alabama, 1975, with regard to size spacings, lighting, and general requirements? Yes ☒ No ☐
18. Sign will not encroach on highway right-of-way.
19. Applicant must erect the sign described in this permit within twelve (12) months from the date of issue.
20. Access to a sign structure located adjacent to interstate or primary freeway where access is controlled or denied for erection, maintenance, changing the message or for any other reason, must be from other than State right-of-way.
21. There is enclosed a check or money order payable to the Alabama Department of Transportation for twenty five dollars (\$25.00) for the location covered by this permit. A fee of ten dollars (\$10.00) will be submitted for each succeeding year thereafter.

Failure by the applicant to conform to the provisions of this permit or any false statement or representation made by the applicant will be cause to revoke this permit and the permit fee forfeited, making the structure become illegal and shall be removed in accordance with 23-1-278 of the Code of Alabama, 1975.

Date 8-1-22

Signature of Applicant

Title Wine

Permit for erection of the above-described sign is hereby approved

FOR OFFICIAL USE ONLY

RECOMMENDED FOR APPROVAL:

DISTRICT: K. Williamson
Printed Name

11/17/22
Date

AREA: BENTI C. CANTRELL
Printed Name

11/29/22
Date

REGION:
Printed Name

Signature

Date

APPROVED:
ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS TRANSPORTATION
DIRECTOR

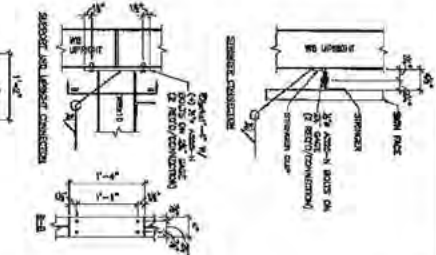
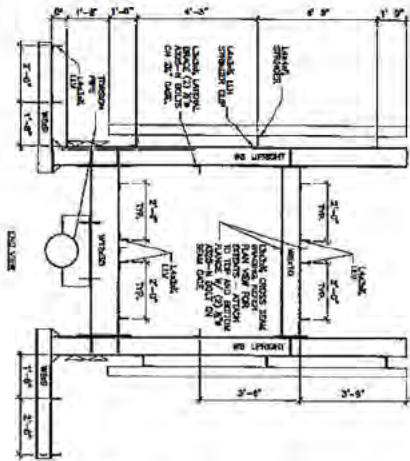
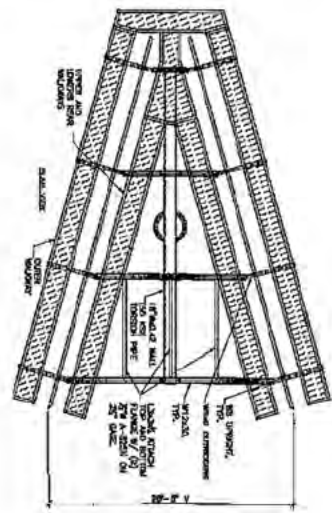
(PLEASE CHECK APPROPRIATE BOX)

- ☒ CENTRAL OFFICE
☐ REGION

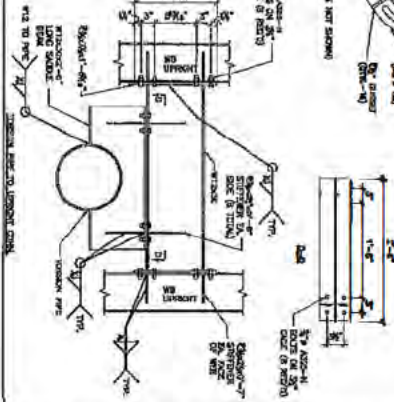
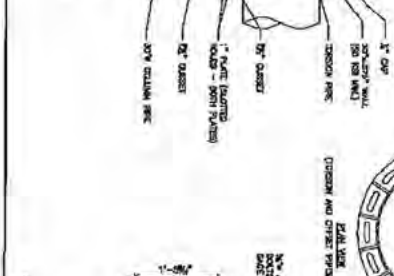
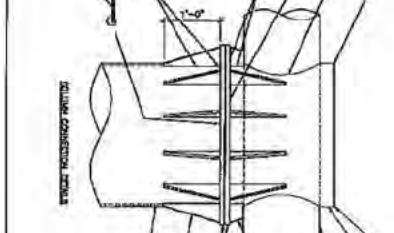
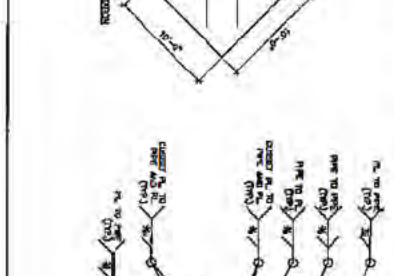
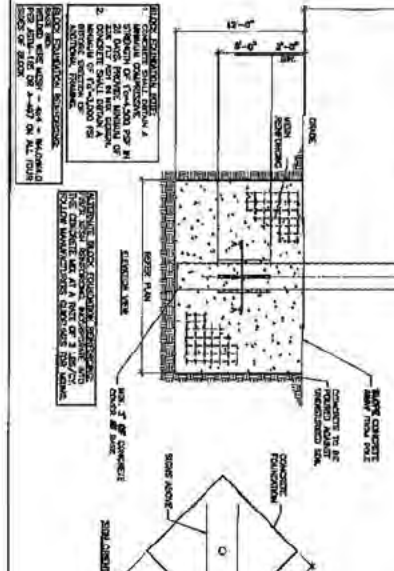
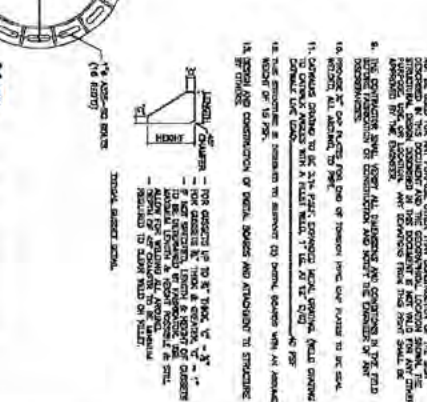
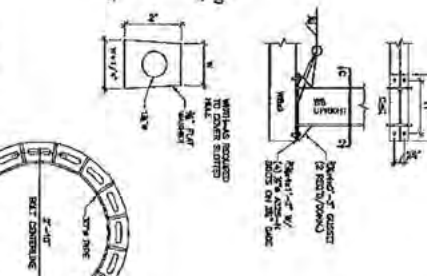
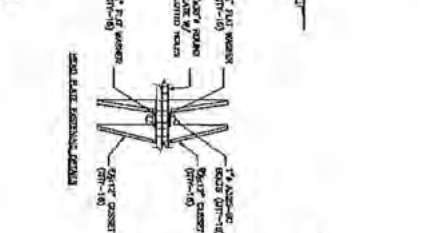
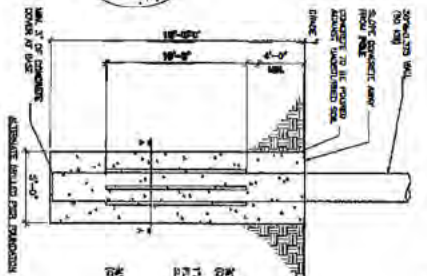
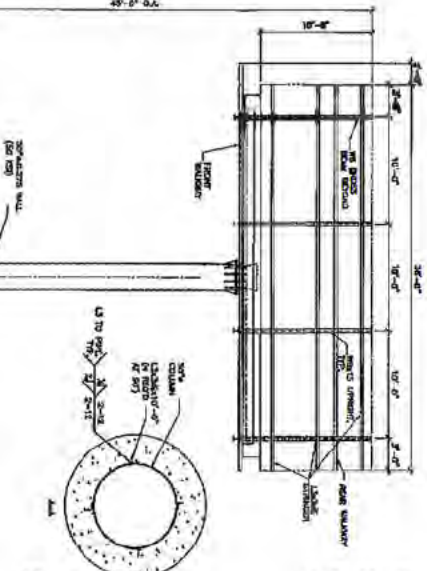
By: Eric J. Christie
Printed Name

Signature

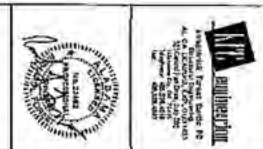
12-12-2022
Date



- GENERAL NOTES:**
1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION, INC. (AISC) 13TH EDITION, 2005, AND THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION, INC. (AISC) 13TH EDITION, 2005, AND THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION, INC. (AISC) 13TH EDITION, 2005.
 2. FOUNDATIONS ARE TO BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER. THE FOUNDATION SHALL BE DESIGNED TO SUPPORT THE STRUCTURE AND TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 3. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 4. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 5. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 6. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 7. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 8. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 9. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 10. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 11. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 12. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 13. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 14. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.
 15. THE STRUCTURE SHALL BE DESIGNED TO RESIST THE EFFECTS OF ALL APPLIED LOADS, INCLUDING WIND, SEISMIC, AND SOIL PRESSURES.



HORIZON STRUCTURES LLC
 10' 6"x36' - CENTERMOUNT
 20' V, 45' O.A.



DATE	12/31/2024
BY	ENGINEER
CHECKED BY	ENGINEER
SCALE	AS SHOWN
NOTES	SEE GENERAL NOTES
REVISIONS	
NO.	1
DATE	12/31/2024
BY	ENGINEER
CHECKED BY	ENGINEER
SCALE	AS SHOWN
NOTES	SEE GENERAL NOTES

5-2-557 - Zoning Map

Note: Sign will be placed in the unzoned area between McDonald's + Jack's



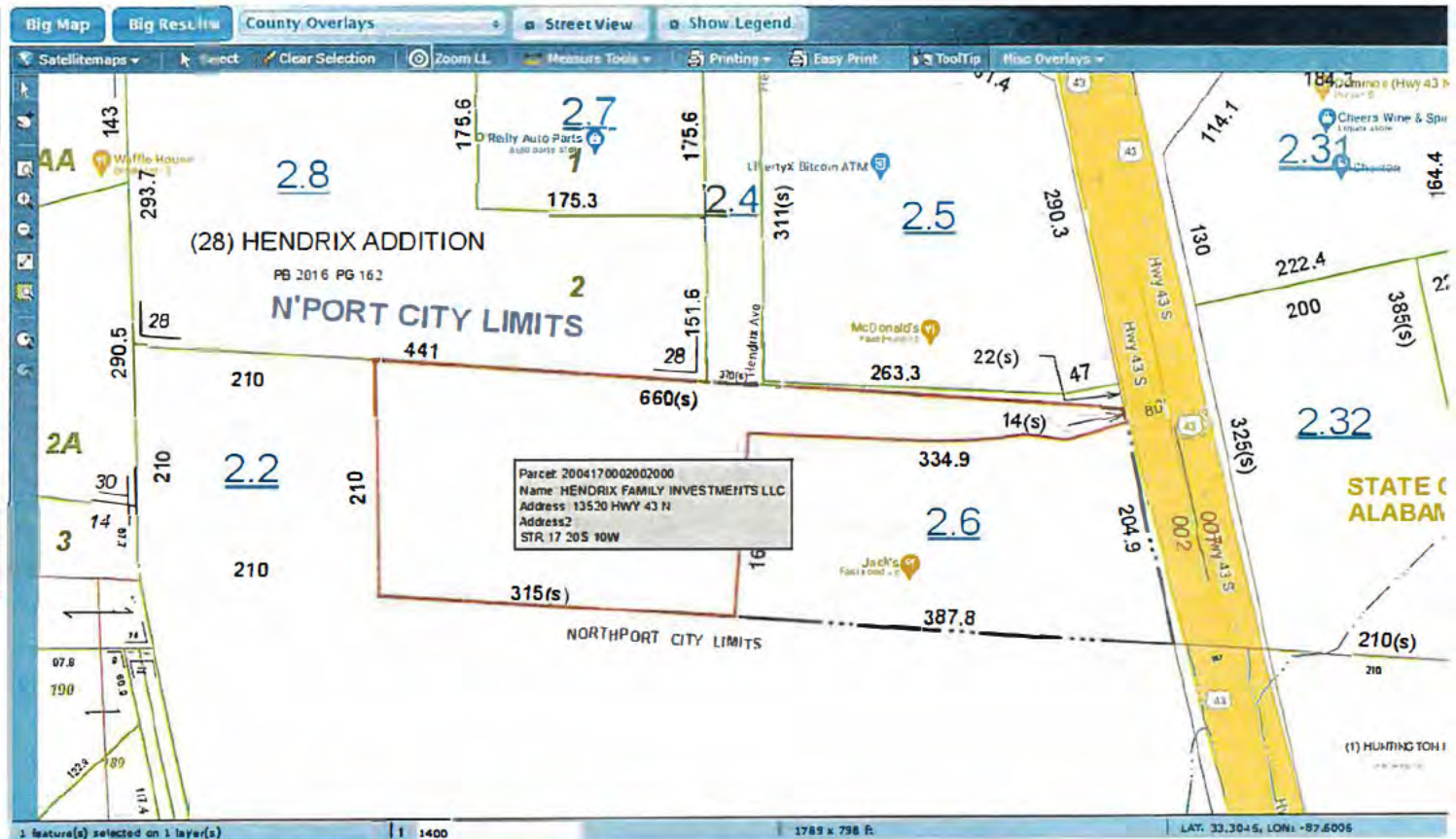
5-2-557

Tuscaloosa County Alabama
Public GIS
 Web19 - H3.5-Tusc - TuscaloosaAL - 09-12-2022
Parcel Details

Print Link PRC NewScreen Back Print

Account Pin STR	21558	17 20 S 10W
Parcel No.	63 20 04 17 0 002 002.000	
Prop Addr.	13512 HWY 43 N	
Tax Dist	01 County North	Exemption Not Exempt
Deeded Acres	0.00ac	Calct 1.83ac
Deed Bk Pg Date	529	00502 03-15-1963
Plat Info	Book	Page
Sub Info	Sub Block	Lot
Subdivision		
Neighborhood	HUNTINGTON PLACE	
Owner		
Name:	HENDRIX FAMILY INVESTMENTS LLC	
Address:	13520 HWY 43 N	
City, State, Zip:	NORTHPORT, AL 35475	
2021 Values		
Land Total:	\$18,300	
Building & Improvements Total:	\$2,000	
Total Appraised Value:	\$20,300	
Yrly Tax:		

1 Parcel



TuscaloosaAL - PARCEL SUMMARY - 1 Records

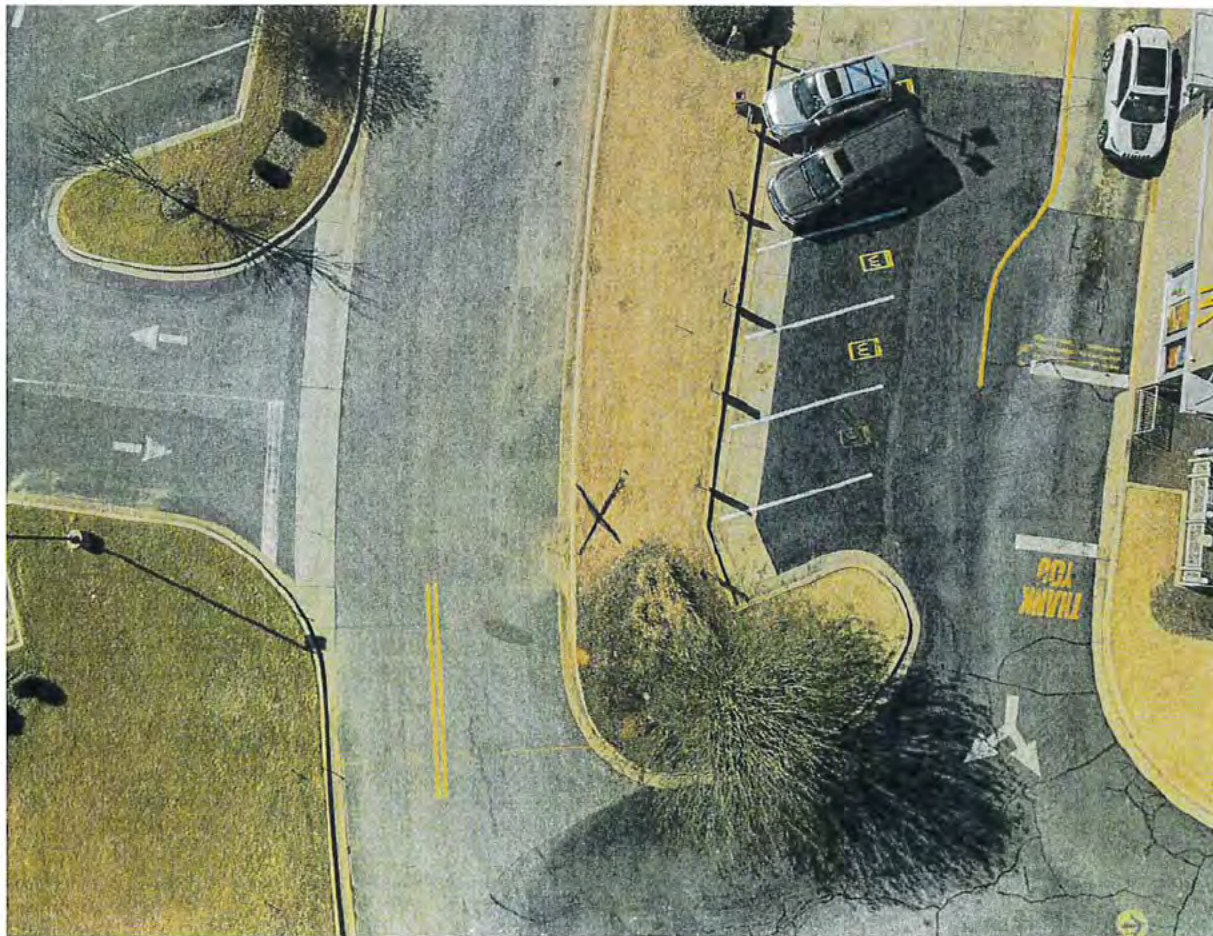
Sorted: Ascending

Print Back Map It Clear To Excel To Mailing Parcel To Bldg To Land

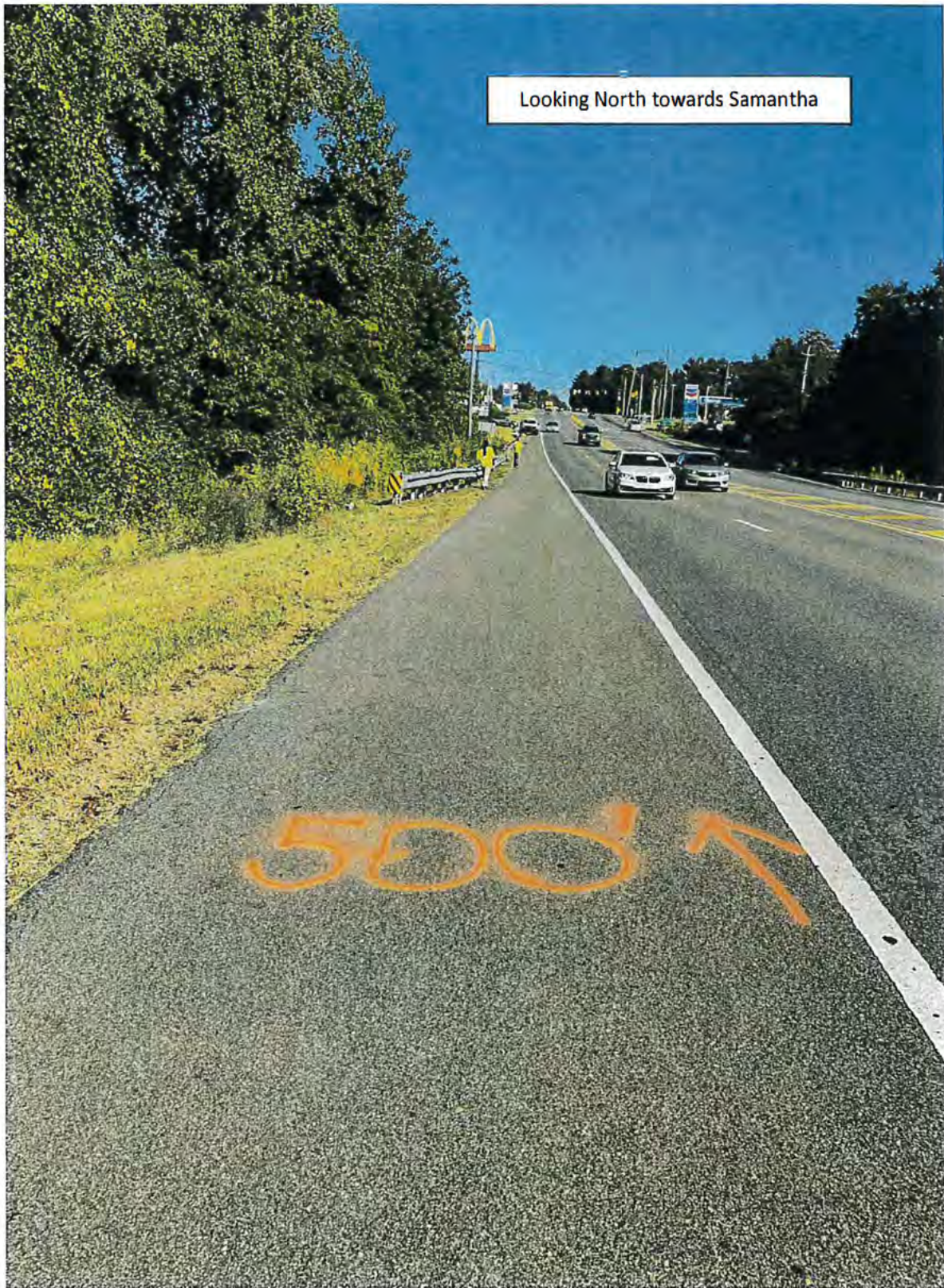
Row	Info Links	Account	PPin	Parcel Number	Owner's Name	Parcel Address	S.T.R	Tax District	Land Val	Imp Val	TMS Val	Acres	DBasis	QPage	QDate	Use	Exmt	YrlyTax	Subdivision
1	Q 1	21558		63 20 04 17 0 002 002.000	HENDRIX FAMILY INVESTMENTS LLC	13512 HWY 43 N	17-20S-10W	01 - County North	\$18,300										

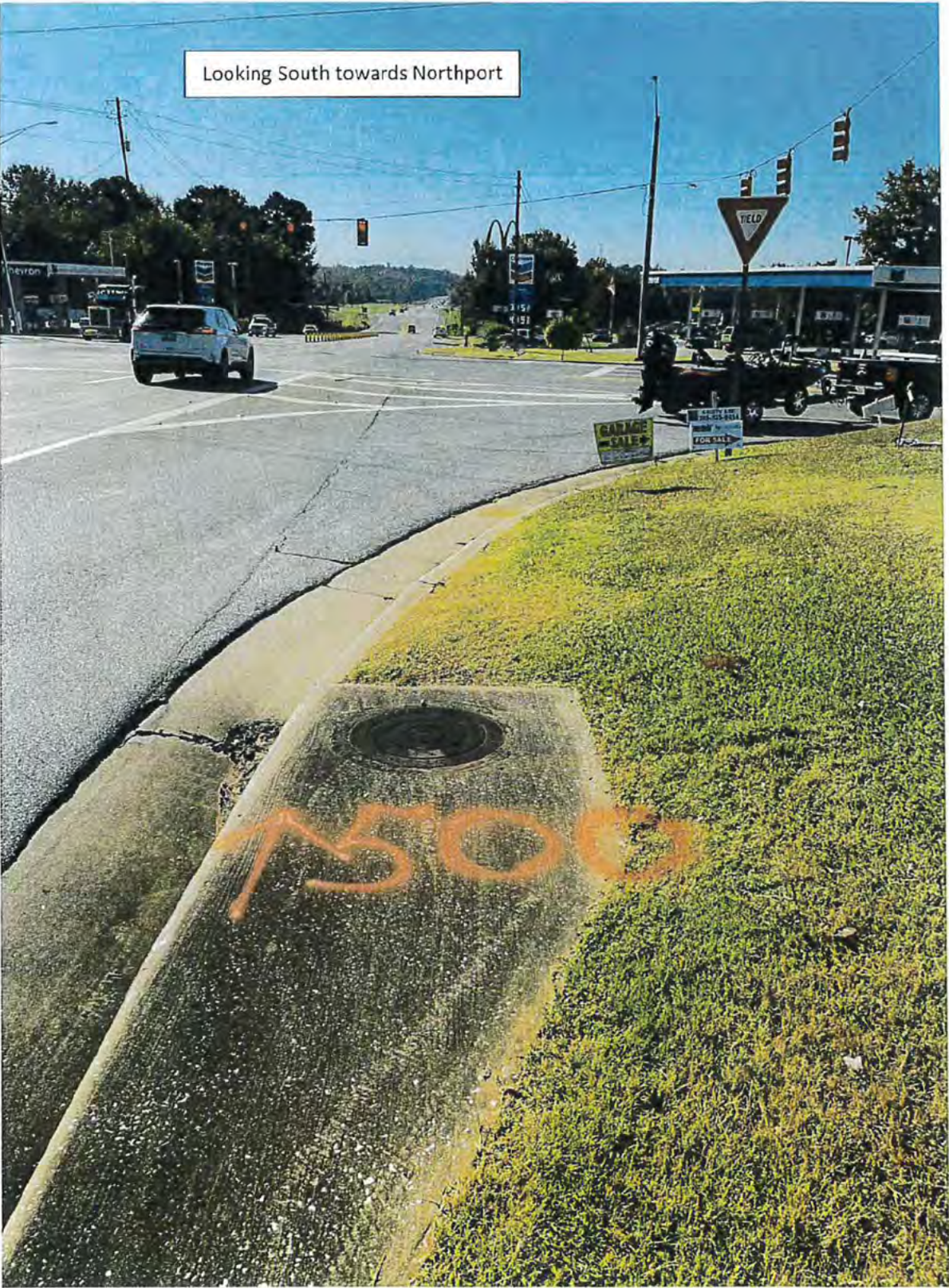
City of Northport has confirmed this property is NOT within their City Limits.











State of Alabama
Tuscaloosa County

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this 12th day of January, 2023

Kevin Douglas Hinkle, P.L.S.
Kevin Douglas Hinkle, P.L.S.
Alabama License No. 24024

ADDRESS:
13520 Hwy 43 N
Northport, AL 35475

PART OF THE SW 1/4
OF THE SE 1/4
SECTION 17, T 20 S, R 10 W
TUSCALOOSA COUNTY, AL

SURVEYOR'S NOTES:

1. No title search of the Public Records has been performed by this firm, and lands shown herein were not abstracted for easements and/or rights-of-way, recorded or unrecorded.
2. The parcel shown herein is subject to setbacks, easements, zoning, and restrictions that may be found in the Public Records of said County.
3. Underground portions of foundations, footings, or other structures, including drainage structures, sewers and other utilities, were not located unless otherwise noted.

Montgomery and Hinkle, inc.
Professional Land Surveyors
Kevin@mhissurvey.com



203 Hargrove Road East
Tuscaloosa, Alabama 35401
OFFICE: 205-248-7386
FAX: 205-248-7388

Drawn By
CVW
Scale
1" = 20'

Apix: By
KDH
Source of Information
529-502

Surveyed By
TH
Survey Type
BOUNDARY

Field Work
01/11/2022
Drawing No.
2301-P13-ec

Date
01/11/2022
Job No.
2301-P13

THIS IS NOT A BOUNDARY SURVEY

ALL IMPROVEMENTS NOT SHOWN

BASIS OF SURVEY - GRID NORTH - ALABAMA WEST ZONE

SCALE: 1"=20 FEET



State of Alabama
Tuscaloosa County

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this the 12th day of January, 2021

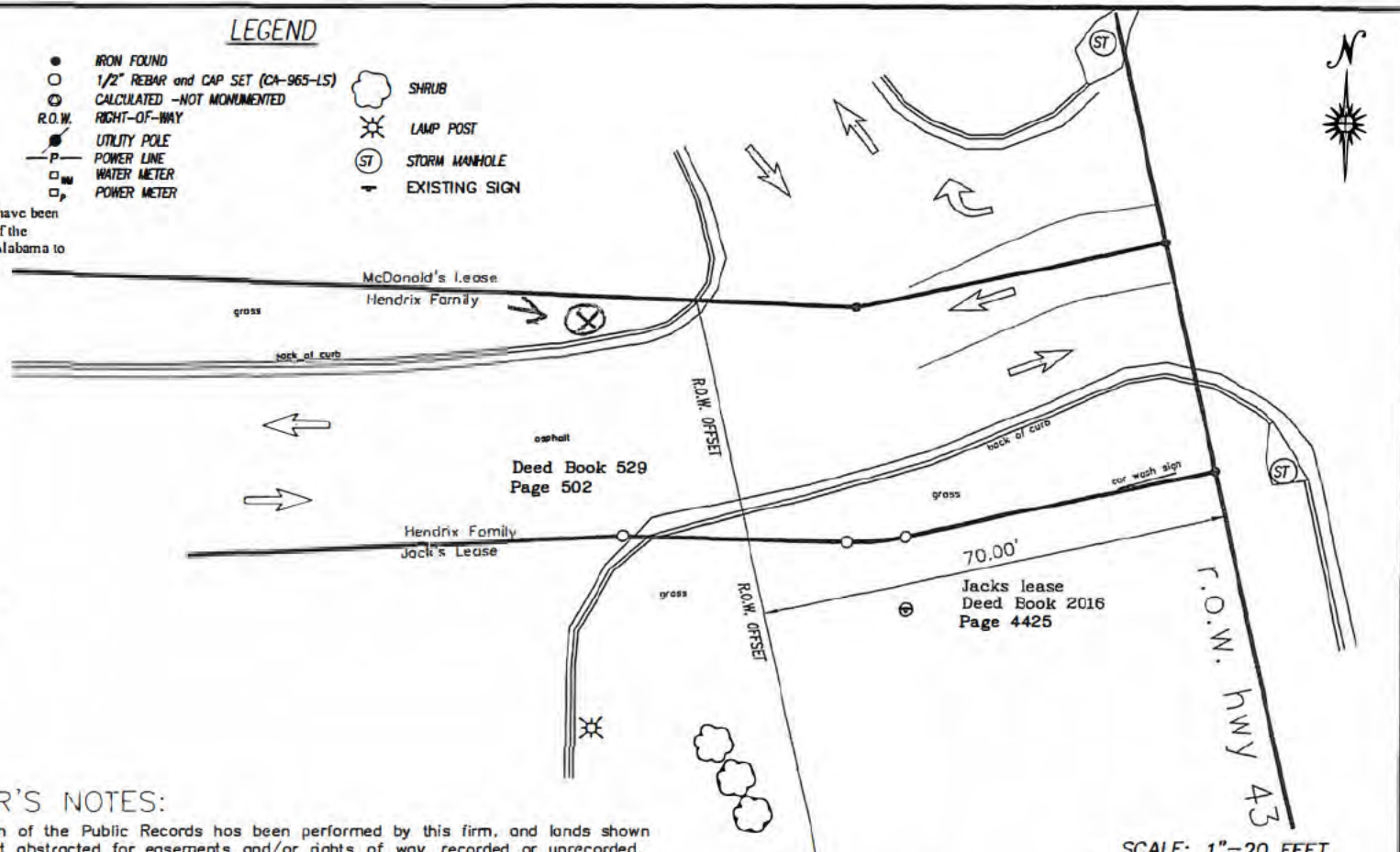
Kevin Douglas Hinkle, P.L.
Kevin Douglas Hinkle, P.L.
Alabama License No. 24024

ADDRESS:
13520 Hwy 43 N
Northport, AL 35475

PART OF THE SW 1/4
OF THE SE 1/4
SECTION 17, T 20 S, R 10 W
TUSCALOOSA COUNTY, AL

LEGEND

- IRON FOUND
- 1/2" REBAR and CAP SET (CA-965-LS)
- CALCULATED -NOT MONUMENTED
- R.O.W. RIGHT-OF-WAY
- UTILITY POLE
- P- POWER LINE
- WATER METER
- POWER METER
- ☼ SHRUB
- ☼ LAMP POST
- ⊙ STORM MANHOLE
- EXISTING SIGN



SURVEYOR'S NOTES:

1. No title search of the Public Records has been performed by this firm, and lands shown hereon were not abstracted for easements and/or rights of way, recorded or unrecorded.
2. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the Public Records of said County.
3. Underground portions of foundations, footings, or other structures, including drainage structures, sewers and other utilities, were not located unless otherwise noted.

THIS IS NOT A BOUNDARY SURVEY

ALL IMPROVEMENTS NOT SHOWN

BASIS OF SURVEY - GRID NORTH - ALABAMA WEST ZONE.

SCALE: 1"=20 FEET
0 10 20 40



Montgomery and Hinkle, inc.
Professional Land Surveyors
Kevin@mhissurvey.com



203 Hargrove Road East
Tuscaloosa, Alabama 35401
OFFICE: 205-248-7396
FAX: 205-248-7398

Drawn By
CVW
Scale
1" = 20'

Appd. By
KDH
Source of Information
529-502

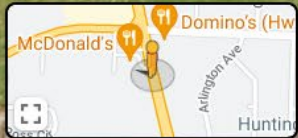
Surveyed By
TH
Survey Type
BOUNDARY

Field Work
01/11/2022
Drawing No.
2201 013- ec

Date
01/11/2022
Job No.
2201-013

← 13606 AL-13
Northport, Alabama
Google Street View
Aug 2022 See more dates

Approximate Proposed
location



Google

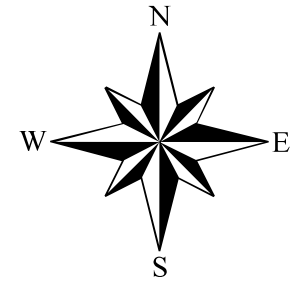
Image capture: Aug 2022

City of Northport Zoning Board of Adjustment

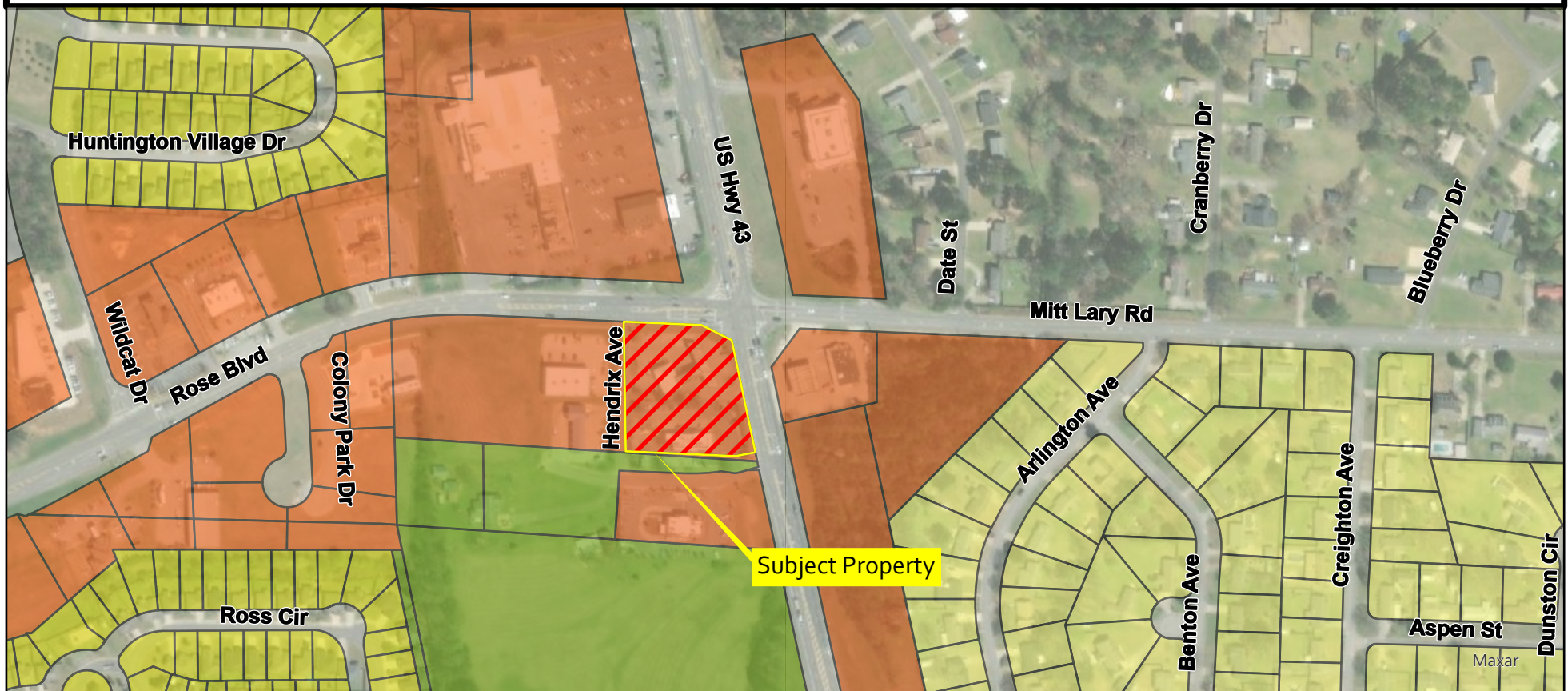
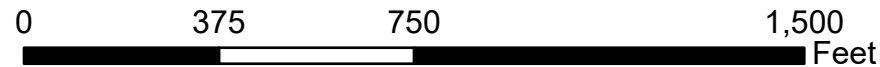
Zoning

-  Agriculture
-  Neighborhood Commercial
-  General Commercial
-  Office and Institutional
-  Residential Single-Family - 2
-  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.



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
June 2, 2023

AGENDA ITEM

Case Number: V-23-12

Request: A variance from accessory structure standards

Location: 1111 18th Avenue

Applicant: Billy Hall

SUBJECT PARCEL

Zoning: RS-4 Residential Single Family

Zoning of Adjacent Property: RS-4 Residential Single Family

Proposed Action: To allow an accessory structure on a lot without a residence or other primary structure

STAFF COMMENTS

Billy Hall is seeking a variance from the accessory structure regulations. Those standards are in Section 607.03.B and are included below:

Section 607. Accessory Uses and Structures.

607.01. Authorization. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use by the provision of this Section shall be determined by the Planning Director pursuant to his or her authority to interpret the provisions of this Ordinance.

607.02. Zoning certificate required. No accessory use or structure shall be established or constructed unless a zoning certificate evidencing the compliance of such use or structure with the provisions of this Section, and other applicable provision of this Ordinance and all other City regulations, shall have first been issued in accordance with Section 1004.

607.03. Use limitations. In addition to complying with all other regulations, no accessory use or structure shall be permitted unless it strictly complies with the following restrictions:

A. The principal use or structure, together with any accessory use or structure, shall not jointly exceed the FAR and ISR in any given use class.

VI-24

March 21, 2018

B. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the principal structure. This shall not apply to agriculture-related structures in the Agricultural (AG) District.

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:

Billy Hall seeks approval of a variance to allow an accessory structure on a lot by itself. The zoning ordinance currently requires that residential accessory structures be located on the same lot as the primary structure, and in the rear yard. Mr. Hall's property consists of 3 separate lots, and he wishes to have the accessory structure located on the southernmost lot.

Mr. Hall has stated as his hardship that he does not have enough room to place his accessory structure on the same lot as his house, and that even though his property is legally 3 separate lots, he considers it all to be one parcel.

MOTION:

1. I make a motion to grant Billy Hall a variance to allow an accessory structure on a lot without a primary structure for the property located at 1111 18th Avenue.

City of Northport Variance Application Packet

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

Date of Application: 5-12-2023



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: 1111- 18th Avenue, Northport, Alabama
Property Subdivision and Lot Number: lots 3 + 4
Property Zoning District: _____
Existing Buildings on Property: _____
Proposed Construction on Property: _____

PETITIONER INFORMATION

Petitioner Name: Billy Hall
Petitioner Phone: 205 242-2747 Petitioner Email: _____
Petitioner Address (if different than property information above): _____
1601- 12th Street, Northport, Alabama 35476
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: Billy Hall Date: 5/12/23



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: Parcel ID: 63-31-05-15-2-021.04.000

A variance request is herein made to allow the continued placement of my storage ~~shed~~ building (see attached) on lots 3 and 4 of the above referenced parcel.

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

My son, DeAndre Hall, and I (Billy Hall) are the owners of lots 3 and 4 which were purchased February 15, 2023. I am also the resident and caretaker of adjoining properties, lots 1 and 2, (1601-12th Street), see attached,

It is my plan to develop lots 3 and 4 into an extended backyard of lots 1 and which will enhance the property value and appearance.

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

Neighboring properties would clearly appreciate in value and appearance as can be seen in the accompanying photos.

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, DeAndre Hall being owner of the property which is the subject of this application
hereby authorize Billy Hall, 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: X DeAndre Hall Date: 5/12/2023

Property Owner Mailing Address: 1601 - 12th Street
Northport, Alabama 35476
Phone Number: 205 393-7042

Authorized Agent Mailing Address: _____

Phone Number: _____

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I, Takilia Mayfield, a Notary Public in and for said County and State, hereby certify
that DeAndre Hall, 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 12 day of May, 2023

Takilia Mayfield
Notary Public

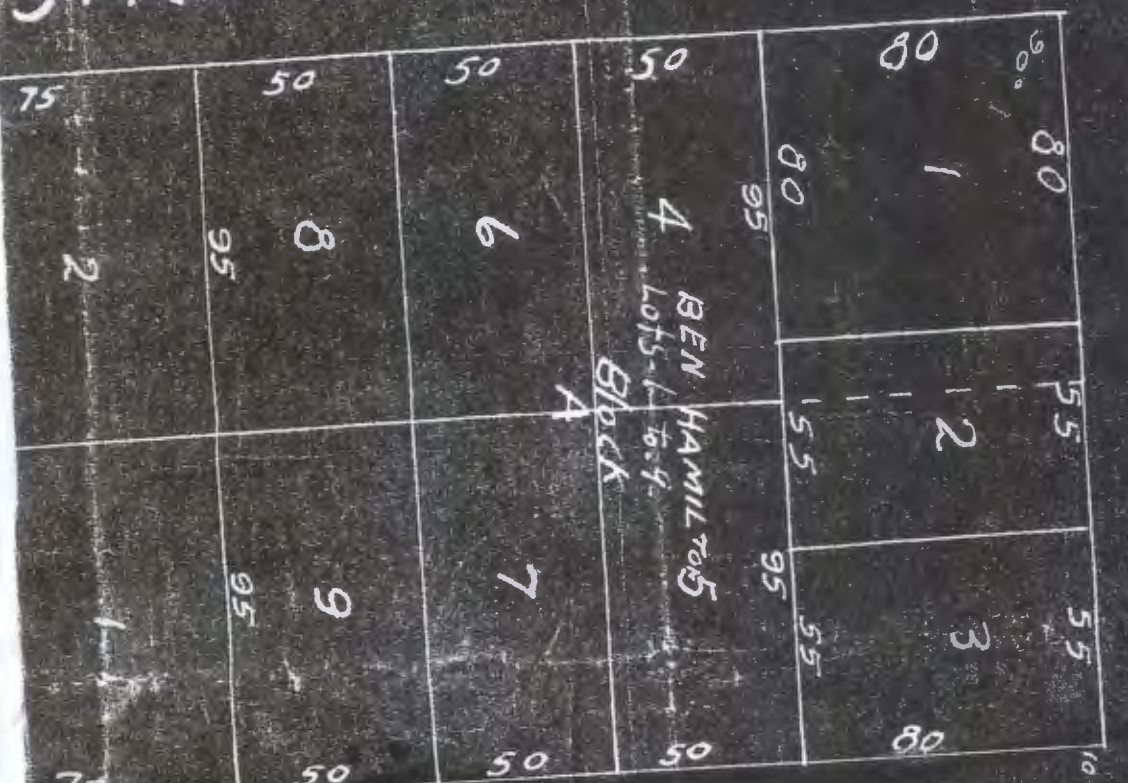
My Commission Expires: 06/24/2024

MAD

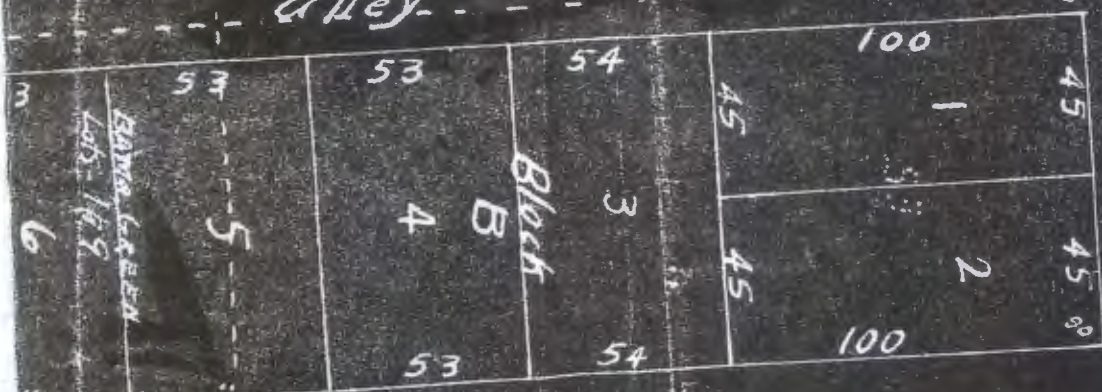
Showing a Resurvey
of Lots 51-52-53-48-49-50
of the Cook Survey for
H.A. Snow, Northport Ala.

SCHOOL STREET

STREET



Alley



SAVING LOT 108

BRIDGE S

761

75

190
BLOCK
C

JAMES HAMILTON
LOTS 1-2-3

161

161

75

10 10

100

53

53

45	45
8	9
45	45
100	80

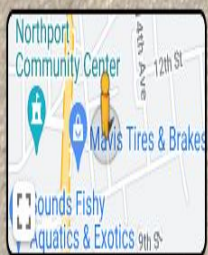
7

53

6

YAN YARD STREET







NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
June 2, 2023

AGENDA ITEM

Case Number: V-23-13

Request: A variance from paved parking standards

Location: 4412 Hwy 69 North

Applicant: Byron Bennett

SUBJECT PARCEL

Zoning: C-3 General Commercial

Zoning of Adjacent Property: C-3 General Commercial, RS-1 Residential Single Family

Proposed Action: To allow a gravel parking lot for a business

STAFF COMMENTS

Byron Bennett is seeking a variance from the paved parking standards. Those standards are in Section 607.03.B and are included below:

Section 610. Off-street Parking, General Requirements.

A. The requirements listed in this Section specify the minimum number of off-street parking spaces.

B. For all required off-street parking, the minimum size of each standard parking stall shall be nine (9) feet by twenty (20) feet, exclusive of aisle width, which shall be delineated by striping or other similar means. Parking other than perpendicular parking shall comply with the standards set out in the International Building Code.

C. Unless otherwise noted, all parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.

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:

Byron Bennett seeks approval of a variance to allow the gravel parking lot that has been constructed for his property located at 4412 HWY 69 North. The current ordinance requires all parking and maneuvering areas to be paved with a hard, permanent surface. Mr. Bennett added the gravel parking lot to accommodate employees at his real estate office approximately one year ago.

Mr. Bennett has mentioned the following potential hardships:

- Due to the topography of the lot, a paved parking area would generate stormwater runoff that could damage the adjoining properties.
- Generating more stormwater runoff from the site may have a negative impact on the creek behind his property.
- Installing a paved parking lot would require the office to shut down temporarily, resulting in a loss of revenue.

MOTION:

1. I make a motion to grant Byron Bennett a variance to allow a gravel parking lot for the property located at 4412 HWY 69 North.



PERMIT PROJECT
FILE #: 23-000736
4412 HWY 69 NORTHPORT AL 35473
VARIANCE FOR GRAVEL PARKING AREA



PERMIT #: V23-000010

Permit Type
Variance/Administrative Appeal

Subtype
Variance

Work Description:
Variance for gravel parking area

Applicant
W & B HOLDINGS LLC - BYRON BENNETT

Status
Payment Needed

Valuation
0.00



FEES & PAYMENTS

Plan Check Fees
0.00

Permit Fees
148.60

Total Amount
148.60

Amount Paid
0.00

Balance Due
148.60

☐ Non-Billable



PERMIT DATES

Application Date
05/16/2023

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Review the attached process packet (click to download)

Property Information

Property Zoning District

C-3



Existing Buildings on Property

House and Metal Building

Proposed Construction on Property

Keep existing gravel parking area

Number of Adjoining Properties

6

Are you the property owner?

Yes



Property Owner

W & B HOLDINGS LLC - BYRON BENNETT



Additional Parcel #s

Submittal Documents

Names and Addresses of all Adjoining Properties

4412 HWY 69 N NORTHPORT AL 35473 - VARIANCE REQUEST.pdf



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

scan - 2023-05-16T125310.099.pdf



Additional Submittal Documents



Request Information

Describe the nature of the request

We would like to elect to keep our existing gravel parking/maneuvering area.

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

Based on the topography of our lot, if we used a form of permanent pavement (i.e. Concrete, Asphalt, etc.), then the runoff from rain events would greatly damage our metal building. There is also a strong possibility that it would flood into our next door neighbor (Sobcon Concrete Inc.) and into the creek that is behind us, which would create an environmental issue that could cause further flooding back in Northwood Lake.

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

If granted, the existing gravel area would continue to allow water/rain run off to be properly absorbed through the ground and not on the surface.

If variance is not granted, there is a high probability that rain and water runoff will:

1) Damage our metal shop building and the contents of them (we currently rent this building to SobCon).

2) Run off into our neighbor SobCon's property and potentially cause damage.

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

We just got the gravel done over a year ago and no one said nothing until now. If we have to change it, then we would have to shut the office down for a few days, which would lead to a loss of revenue. Not to mention, we

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

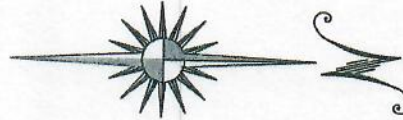
FEE	DI	QUANTITY	AMOUNT	TOTAL
Appeal Fee				75.00
Adjoining Properties Fee				48.60
Advertising Fee				25.00
Plan Check Fees				0.00
Permit Fees				148.60
Total Fees				148.60

PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
					Amount Paid	0.00	
					Balance Due	148.60	

A SURVEY OF PART OF THE NE1/4 OF THE SW1/4
OF SECTION 3, T21S, R10W
TUSCALOOSA COUNTY, ALABAMA



D.B. 2002
PG. 10822

P.O.B.
FALLS IN CREEK

WEST LINE NE1/4, SW1/4

149.41
(150.00)

79°07'
(79°00')

75.00
(75.00)

P.O.C.
NW CORNER
NE1/4 OF THE SW1/4
3-21-10

1.03 AC+/-

METAL
BUILDING

D.B. 1203
PG. 84

HIGHWAY 69 (80' R.O.W.)

STATE OF ALABAMA
TUSCALOOSA COUNTY

I, David R. Herndon, a Professional Land Surveyor for the firm of Herndon, Hicks and Associates, Inc., do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this the 22 day of April, 2021.

David R. Herndon, P.L.S.
Alabama License No. 14105

LEGEND

- IRON FOUND
- 1/2" REBAR and CAP SET
- CONCRETE MONUMENT FOUND
- △ CALCULATED POINT—NOT MONUMENTED
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- () DEED and/or PLAT CALL
- R.O.W. RIGHT-OF-WAY
- X— FENCE LINE
- M.B.L. MINIMUM BUILDING LINE
- P— UTILITY POLE W/O GUY WIRE
- P— POWER LINE
- WM WATER METER
- ▨ CONCRETE SURFACE



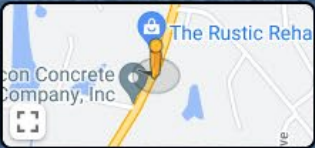
HERNDON, HICKS & ASSOCIATES, INC.
Professional Land Surveyors
2728 Lurleen Wallace Blvd. (P.O. Box 508) - Northport, AL 35476
Phone (205) 333-0003 - Fax (205) 333-0178
mike@hhasurveyors.com

Drawn By DRH	Field Work 4/20/21
Scale 1"=50'	Surveyed By JN
Date 4/22/21	Appd. By DRH
Survey Type TITLE	Source of Information D.B. 2018 PG. 2205
Job No. 2104-011	Drawing No. 2104-011

← 4412 AL-69
Northport, Alabama
Google Street View
Sep 2022 See more dates

Gravel parking

Concrete parking



Google

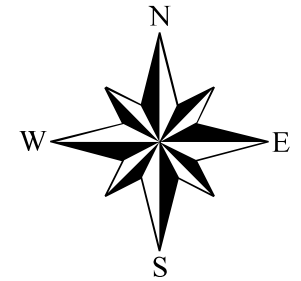
Image

City of Northport Zoning Board of Adjustment

Zoning

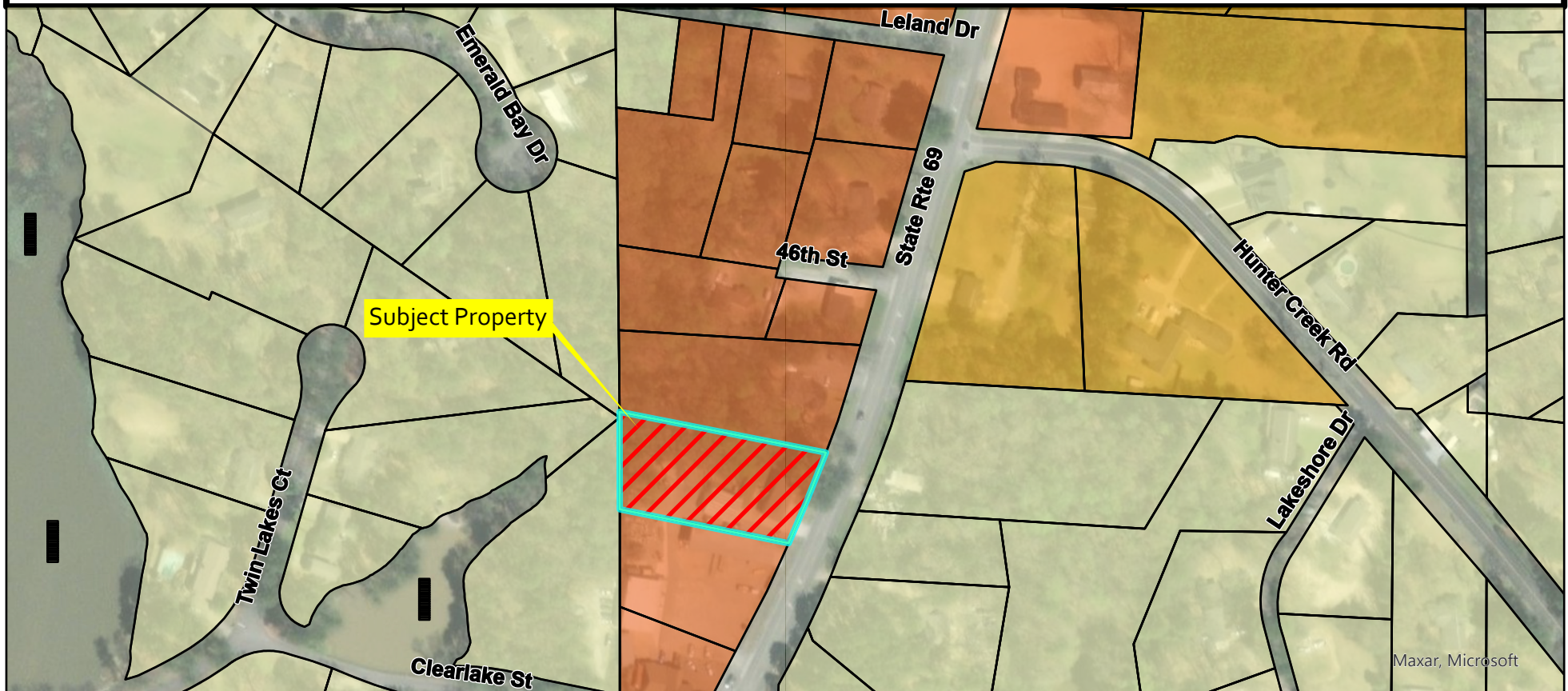
-  General Commercial
-  Residential Multi-Family
-  Residential Single-Family - 1
-  Parcels
-  Subject Property
-  Parcels selection

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.

0 200 400 800 Feet



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
June 2, 2023

AGENDA ITEM

Case Number: V-23-14

Request: A variance from landscaping standards

Location: Next to 1116 Mitt Lary Road

Applicant: Mavis Southeast, LLC

SUBJECT PARCEL

Zoning: C-3 General Commercial

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

Proposed Action: To reduce landscaping requirements around the proposed building

STAFF COMMENTS

Mavis Southeast is seeking a variance from the foundation planting standards. Those standards are found in section 508.04 and are included below:

508.04. Foundation Planting Standards.

Building foundations shall be required to have a landscaped bed with a minimum depth of seven (7) feet along the front of the primary structure. Beds shall contain both understory trees and shrubs and may also contain other greenery and seasonal color. There shall be a minimum of one (1) shrub for every four (4) feet of façade length with a minimum height at planting of twenty-three (23) inches. Understory trees shall be used as accents to shrubbery and may be placed in groups at corners and near building entrances. Landscaping shall be planted within a bed of mulch or ground cover other than turf grass, and be protected by some barrier, such as curbing or tire stops, from damage by vehicles and maintenance equipment. Plant material shall be well distributed throughout the bed, though not necessarily evenly space.

Summary: Shrubs = 1 per 4' of front façade and 23" in height at planting
 Understory = grouped at corners and entrances of building

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:

Mavis Southeast, LLC seeks approval of a variance reducing the landscaping required around their proposed auto service station located next to 1116 Mitt Lary Road. The current ordinance requires a 7-foot-deep landscaped bed along the front of all new buildings. The applicant requests that this requirement be adjusted to better suit their proposed use, which will involve employees, customers, and their vehicles moving around the bay doors on the front of the building.

The applicant has mentioned the following as a hardship:

- The proposed use (auto service station) requires people and vehicles to move around freely in front of the building, and any required landscaping could be in their way.

MOTION:

1. I make a motion to grant Mavis Southeast, LLC a variance to remove required foundation plantings for the proposed auto service station to be located next door to 1116 Mitt Lary 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:

5/18/22

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: Mitt Lary Road, Northport, Alabama 354
Property Subdivision and Lot Number: Bristol Park Retail - Lot 1
Property Zoning District: Commercial General
Existing Buildings on Property: None - Vacant Land
Proposed Construction on Property: Mavis Discount Tire Retail Store

PETITIONER INFORMATION

Petitioner Name: Mavis Southeast LLC
Petitioner Phone: 330.714.0895 Petitioner Email: tburton@mavis.com
Petitioner Address (if different than property information above): 358 Saw Mill River Road, Millwood Road, NY

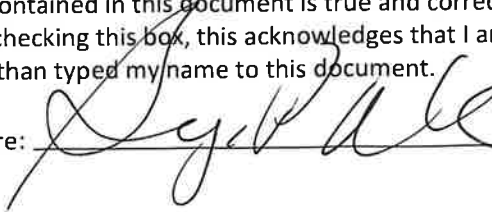
Petitioner is Owner of Property (if yes, skip owner information): ☐ Yes ☒ No

OWNER INFORMATION

Owner Name and/or Company: PSM Alabama Holdings, LLC
Owner Mailing Address: c/o Publix Supermarket, Inc. PO Box 32010 Lakeland Florida 33802
Owner Phone: 863.698.5090 Owner Email: pamela.kitterman@publix.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:  Date: 5/18/23



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:

1. Under the Code, the intended use meets the criteria of the Northport Code's definition of Gasoline/Service Station (even though Mavis won't sell gas). Gasoline Service Stations are permitted on Arterial Roads. Mavis needs a variance to place its building on a Collector Road.

2. The Code requires 7 feet of foundation planting along the front of the facade. In this case, the front facade will be bay doors and an area where the vehicles to be serviced need to move around, free and clear of any plantings. Moreover, the front facade of the building is along a service road, and not the main road.

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

Under Zoning Code 407.11 "Neighborhood Shopping Center, a gas service station is permitted. In this case, this is a commercial shopping center subdivision anchored by Publix. This commercial shopping center has its own internal service roads that provide access to BOTH Mitt Lary Road and Highway 69 for both Publix and the smaller businesses that are in the same building, as well as the businesses that operate on the outparcels.

In this case, the Mavis is not a stand-alone building but since it does not have any direct access to any public roads should be considered as part of the commercial shopping center which has access to and fronts the arterial road. Also, in this case, the arterial road

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

These appeals will not impact the neighboring properties. Rather they will help the neighboring properties by bringing and providing more customers of the other commercial spaces a location to have their cars serviced while shopping at Publix, going to the doctor, getting food and eating at Taco Bell. The neighboring Sprint Mart and Urgent Care do not have any plantings in their respective front facades.

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:

With respect to the arterial road vs. collector road matter, via the commercial service roads of the subdivision, which service all the businesses in the shopping center, Mavis and its customers have access to Mavis via the arterial State Highway 69 in much the same fashion as the Sprint Mart, which faces Mitt Lary, and Taco Bell. Additionally, at this intersection, Mitt Lary Road appears to be wider and have more capacity for vehicular traffic than arterial Highway 69.

WINTER MCFARLAND, LLC
3515 WATERMELON RD
NORTHPORT AL 35473

001017

87-921/642

DATE May 18, 2023

PAY TO THE
ORDER OF City of Northport

Seventy-five & 00/100

\$ 75.00

DOLLARS



MEMO Application Fee - Monthly

[Signature] MP

⑈001017⑈ ⑆064209216⑆ 1090241207⑈

UPON RECORDING RETURN TO:
Stewart Title Guaranty Company
5901 Peachtree Dunwoody Road, Suite B-540
Atlanta, Georgia 30328
Attn: Will Lovell, Esq.

THIS INSTRUMENT PREPARED BY:
John T. Dukes, Esq.
Helmsing, Leach, Herlong, Newman & Rouse, P.C.
150 Government Street, Suite 2000
Mobile, Alabama 36602

DEED Bk 2022 Pg 9815
(PG 9815 of 9819)
E-RECORDED: 4/21/2022 2:14:58 PM
Ward D. Robertson, III, PROBATE JUDGE
Tuscaloosa COUNTY, Alabama
Term/Cashier: PRO-RECORDING7/JMCATEER
Tran: 24103 Deed Tax \$585.00
Probate Judge Fee \$2.00
Source of Title \$1.00
Recording Fee - By Page Count \$15.00
Total: \$603.00

Tax Parcel #: 63-20-05-15-0-007-060.353 Source of Title: Deed Book 2020, Page 977

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED, made this 7th day of April, 2022 (the "Effective Date"), from **DEI PROPERTIES, LLC**, an Alabama limited liability company (herein called "Grantor"), to **PSM ALABAMA HOLDINGS, LLC**, an Alabama limited liability company (herein called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Tuscaloosa County, Alabama, described on Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

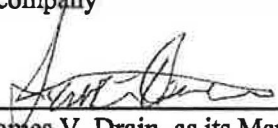
This Deed and the warranty of title contained herein are made expressly subject to the items set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Permitted Title Exceptions").

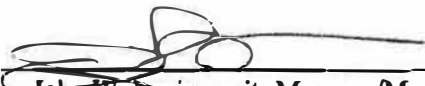
Grantor will warrant and forever defend the right and title to the above-described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the Permitted Title Exceptions.

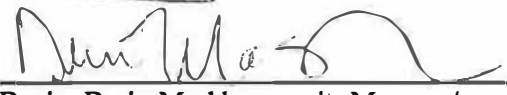
(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, the Grantor has caused this Limited Warranty Deed to be duly and properly executed on the date(s) set forth below, effective as of the Effective Date.

DEI PROPERTIES, LLC, an Alabama limited liability company

By: 
James V. Drain, as its Manager/Member

By: 
John W. Drain, as its Manager/Member

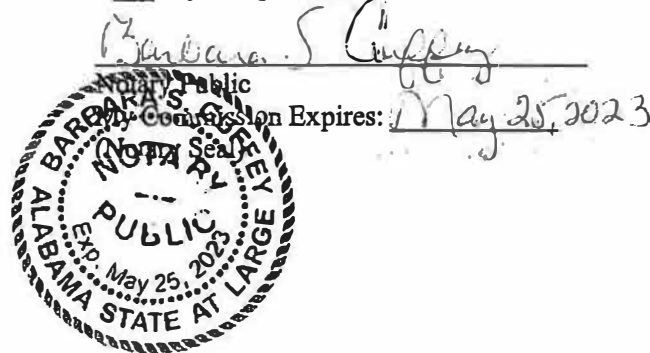
By: 
Denise Drain-Mashburn, as its Manager/Member

STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that James V. Drain, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance he, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022



STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that John W. Drain, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance he, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.

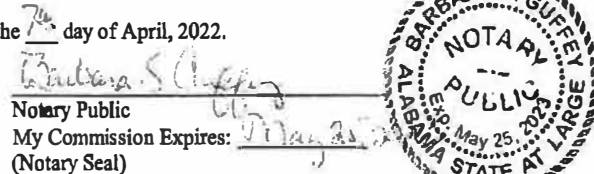


STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that Denise Drain-Mashburn, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance she, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.



Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: 825 S. Broad Street, Scottsboro, Alabama 35768
Grantee's Address: 3300 Publix Corporate Parkway, Lakeland, Florida 33811-3311
Property Address: Mitt Lary Road
Tax Parcel ID No: 63-20-05-15-0-007-060.353
PPin: 143257
Purchase Price: \$585,000.00

DEED Bk 2022 Pg 9818
(PG 9818 of 9819)
E-RECORDED: 4/21/2022 2:14:58 PM
Ward D. Robertson, III, PROBATE JUDGE
Tuscaloosa COUNTY, Alabama

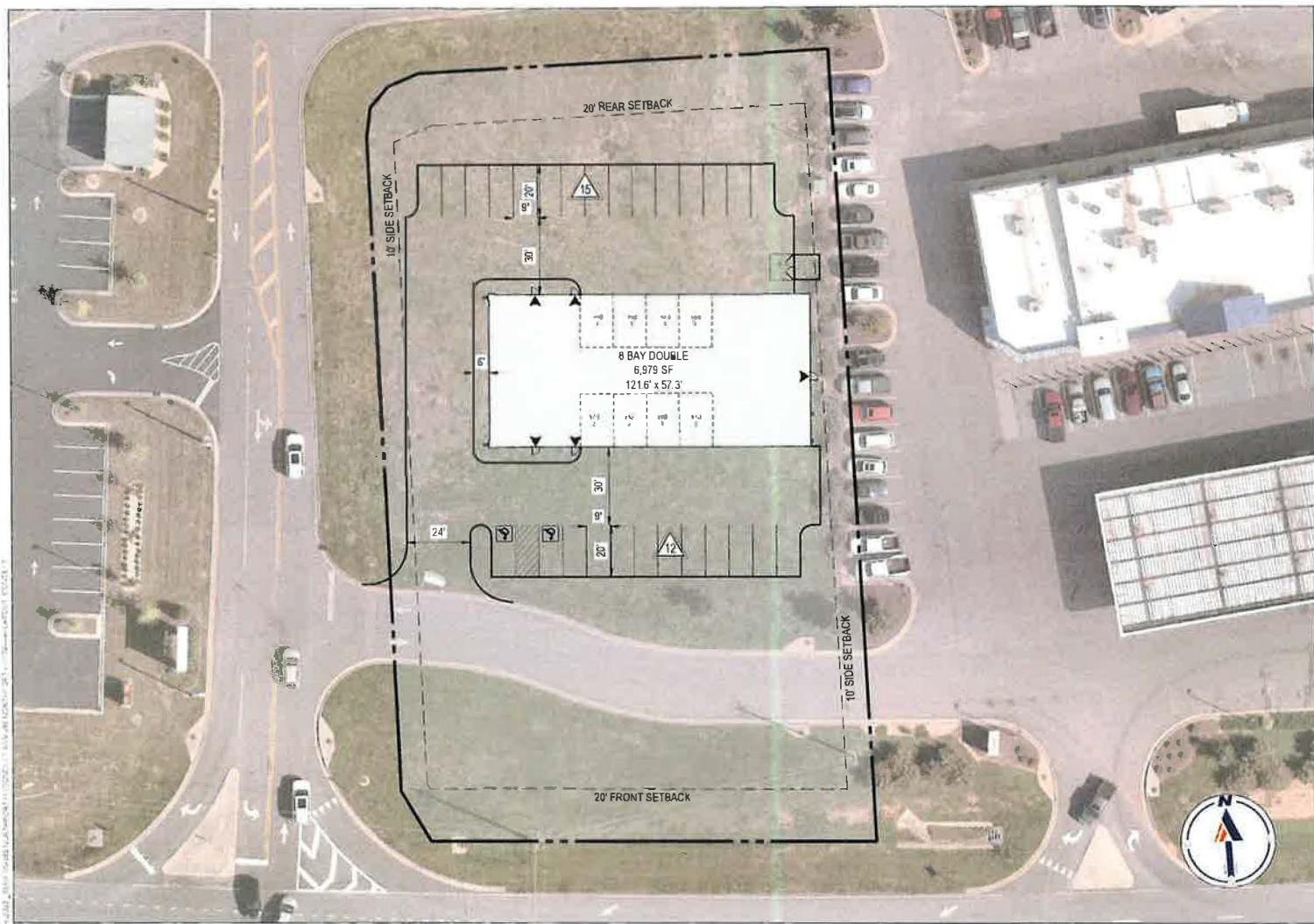
Exhibit A
to
Limited Warranty Deed

Legal Description

Lot 2, as per Final Plat of Bristol Park Retail Subdivision, accordingly to a plat thereof recorded in Plat Book 2019, Page 223, of the records in the Office of the Judge of Probate of Tuscaloosa County, Alabama.

Exhibit B
to
Limited Warranty Deed

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Zoning matters applicable to the Property.
3. 10 foot and 20 foot minimum setback lines as shown on plat recorded in Plat Book 2019, Pages 223 of the records in the Office of the Judge of Probate of Tuscaloosa County, Alabama (the "Probate Records").
4. Utility Easements as shown on plat recorded in Plat Book 2019, Pages 223 of the Probate Records.
5. Easement granted Alabama Power Company by instrument recorded in Deed Book 2018, Page 1612 of the Probate Records.
6. Easement for Ingress/Egress and Stormwater Drainage recorded in Deed Book 2018, Page 8265 and amended by First Amendment to Easement for Ingress/Egress and Stormwater Drainage recorded in Deed Book 2019, Page 1820 of the Probate Records.
7. Easement Agreement recorded in Deed Book 2018, Page 13615 and amended by First Amendment to Easement Agreement recorded in Deed Book 2019, Page 1831 of the Probate Records.
8. Lease by and between Bristol Park Retail, LLC to Publix Alabama, LLC dated October 15, 2018 as evidenced by Memorandum of Lease recorded in Deed Book 2018, Page 24493, as amended by First Amendment to Memorandum of Lease dated October 8, 2019 and recorded in Deed Book 2019, Page 24101 of the Probate Records.
9. Declaration of Restrictions, Covenants and Conditions and Grant of Easements recorded in Deed Book 2019, Page 24106 of the Probate Records.
10. Obligations from DEI Properties, LLC to Bristol Park Retail, LLC set forth in Deed dated January 9, 2020 recorded in Deed Book 2020, Page 977.



OVERALL DEVELOPMENT MAP
SCALE 1" = 500'
REFERENCE: NEARMAP

CONCEPT PLAN NOTES

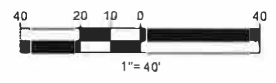
1. THIS CONCEPT PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE.
2. THE CONCEPT PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
3. THE CONCEPT PLAN IS NOT A GUARANTEE OF PERFORMANCE OR A WARRANTY OF ANY KIND.
4. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL ENGINEERING OR ARCHITECTURAL DESIGN.
5. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL LANDSCAPE ARCHITECTURAL DESIGN.
6. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL ENVIRONMENTAL DESIGN.
7. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL HISTORIC PRESERVATION DESIGN.
8. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL TRAFFIC ENGINEERING DESIGN.
9. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL UTILITY ENGINEERING DESIGN.
10. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL GEOTECHNICAL ENGINEERING DESIGN.
11. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL CIVIL ENGINEERING DESIGN.
12. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL ELECTRICAL ENGINEERING DESIGN.
13. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL MECHANICAL ENGINEERING DESIGN.
14. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL CHEMICAL ENGINEERING DESIGN.
15. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL INDUSTRIAL ENGINEERING DESIGN.
16. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL AERONAUTICAL ENGINEERING DESIGN.
17. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL AGRICULTURAL ENGINEERING DESIGN.
18. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL MARINE ENGINEERING DESIGN.
19. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL METALLURGICAL ENGINEERING DESIGN.
20. THE CONCEPT PLAN IS NOT A SUBSTITUTE FOR A PROFESSIONAL MINING ENGINEERING DESIGN.

BOHLER //
211 PERIMETER CENTER PKWY NE
SUITE 425
ATLANTA, GEORGIA 30346
Phone (678) 695-6800
GA@BohlerEng.com

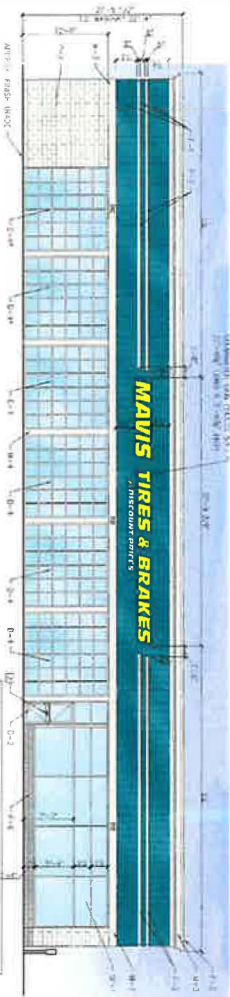
PROPOSED MAVIS TIRES & BRAKES



NORTHPORT, AL 35475 | PLAN REV.0

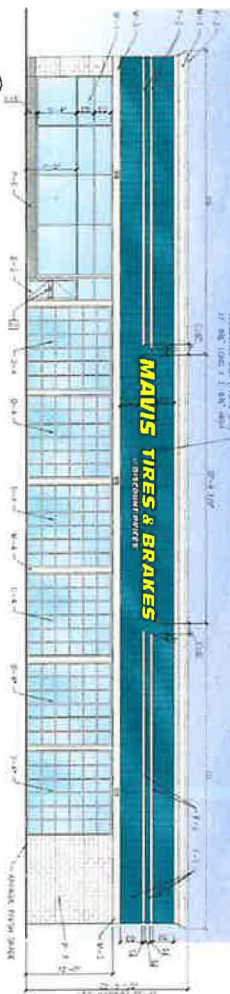


11/22/22 | KJ | CAA220239.00 | Rev 0



1 LEFT ELEVATION

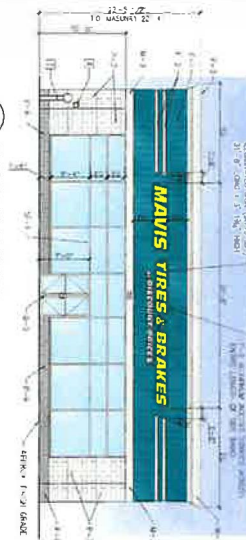
DESIGNER NOTE: AVOID SWAMP OR DOORS
TO VECT. REQUIREMENTS OF HIGH WIND LOCATIONS.
WAF. WARRANTIES. CH. DOOR TO BE MOVED 3/26
FROM CLOSET OF SWIMLAF.



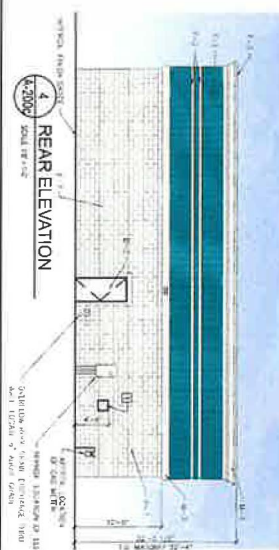
2
A-210c

RIGHT ELEVATION

SCALE 1/8" = 1'-0"



3
A-200c
FRONT ELEVATION
SCALE 1" = 4"



4
A-200c
REAR ELEVATION
SCALE 1/8" = 1'-0"

EXTERIOR MATERIALS SCHEDULE

EXTERIOR MATERIALS SCHEDULE				
ITEM	QUANTITY	UNIT	PRICE	TOTAL
1-1	100.00	SQ. YD.	1.50	150.00
1-2	100.00	SQ. YD.	1.50	150.00
1-3	100.00	SQ. YD.	1.50	150.00
1-4	100.00	SQ. YD.	1.50	150.00
1-5	100.00	SQ. YD.	1.50	150.00
1-6	100.00	SQ. YD.	1.50	150.00
1-7	100.00	SQ. YD.	1.50	150.00
1-8	100.00	SQ. YD.	1.50	150.00
1-9	100.00	SQ. YD.	1.50	150.00
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1-65	100.00	SQ. YD.	1.50	150.00
1-66	100.00	SQ. YD.	1.50	150.00

EXTERIOR ELEVATION METHODS

- ## ENTER OR ELECTRONIC METHODS
- FOR QUALIFIED ALUMNI AND FACULTY: WWW.BIOETHICS.ORG
BRIEF, CONCISE, AND TO THE POINT. 200-WORD LIMIT. NO ABSTRACTS.
NO MORE THAN ONE ARTICLE PER PERSON. NO MORE THAN FIVE ARTICLES
PER YEAR. ALL ARTICLES MUST BE SUBMITTED BY JANUARY 15, 2006.
NO LATE ARTICLES.
- FOR ALL OTHERS: WWW.BIOETHICS.ORG FOR SUBMISSION INFORMATION
AND DEADLINE DATES.
- FOR THE EDITORIAL BOARD: editors@bioethics.org OR BY MAIL TO:
THE EDITORIAL BOARD, 1101 14TH STREET, NW, WASHINGTON, DC 20005
OR BY FAX TO: 202-842-0690. ARTICLES SHOULD BE SUBMITTED IN
TRIPlicate. ALL ARTICLES MUST BE SUBMITTED BY JANUARY 15, 2006.
NO LATE ARTICLES.
- FOR THE EDITORIAL BOARD: editors@bioethics.org OR BY MAIL TO:
THE EDITORIAL BOARD, 1101 14TH STREET, NW, WASHINGTON, DC 20005
OR BY FAX TO: 202-842-0690. ARTICLES SHOULD BE SUBMITTED IN
TRIPlicate. ALL ARTICLES MUST BE SUBMITTED BY JANUARY 15, 2006.
NO LATE ARTICLES.

MAVIS DISCOUNT TIRE #XXX - CITY, STATE
STREET ADDRESS, CITY, STATE XXXXX

EXTERIOR ELEVATIONS - COLORED

A-200c

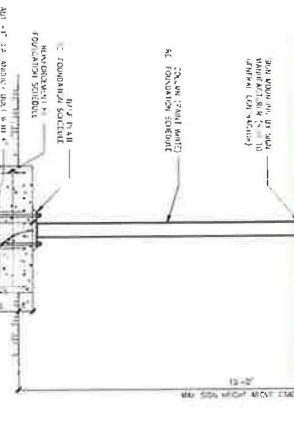
MAVIS TIRES & BRAKES DISCOUNT PRICES

MAVIS TIRES & BRAKES DISCOUNT PRICES

Design: 14.17.25
Mavis and Tires & Brakes to be supplied



1 TYPICAL MAVIS BUILDING SIGNS



2 SIDE VIEW SIGN COLORS



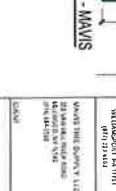
3 WALL SIGN SECTION - CONT. LETTERING



4 FREESTANDING SIGN ELEVATION - MAVIS



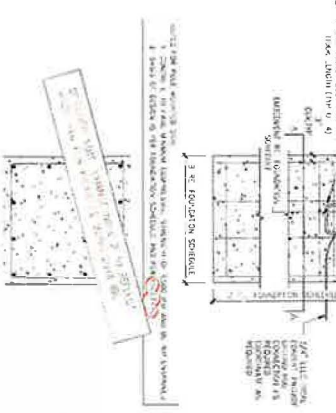
5 FREESTANDING SIGN ELEVATION - MAVIS



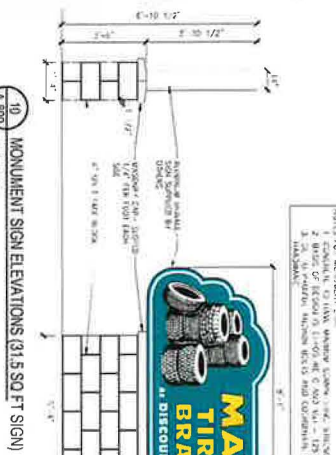
6 SIGN TABLES

Sign Type	Sign Size	Sign Color	Sign Material	Sign Finish	Sign Mounting	Sign Foundation	Sign Signage	Sign Signage	Sign Signage
1	10'0" x 10'0"	Yellow	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
2	10'0" x 10'0"	White	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
3	10'0" x 10'0"	Black	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
4	10'0" x 10'0"	Blue	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"

8 POLE MOUNTED SIGN ELEVATION



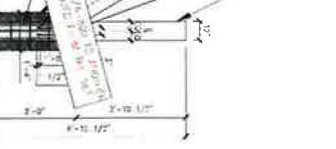
10 MONUMENT SIGN ELEVATIONS (31.5 SQ. FT. SIGN)



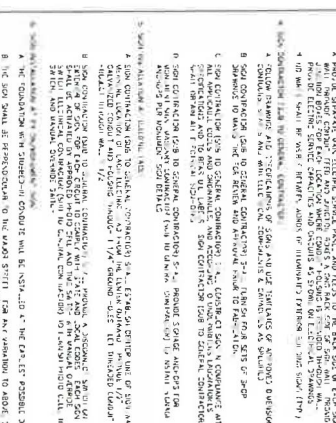
8 MONUMENT SIGN ELEVATIONS (48.5 SQ. FT. SIGN)



13 MONUMENT SIGN SECTION (31.5 SQ. FT. SIGN)



13 MONUMENT SIGN SECTION (48.5 SQ. FT. SIGN)



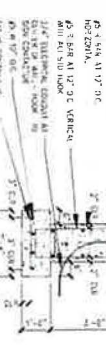
11 POLE MOUNTED SIGN BASE PLATE SCHEDULE

Sign Type	Sign Size	Sign Color	Sign Material	Sign Finish	Sign Mounting	Sign Foundation	Sign Signage	Sign Signage	Sign Signage
1	10'0" x 10'0"	Yellow	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
2	10'0" x 10'0"	White	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
3	10'0" x 10'0"	Black	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
4	10'0" x 10'0"	Blue	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"

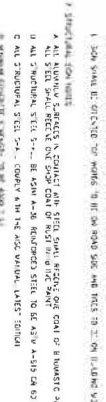
12 POLE MOUNTED SIGN FOUNDATION SCHEDULE

Sign Type	Sign Size	Sign Color	Sign Material	Sign Finish	Sign Mounting	Sign Foundation	Sign Signage	Sign Signage	Sign Signage
1	10'0" x 10'0"	Yellow	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
2	10'0" x 10'0"	White	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
3	10'0" x 10'0"	Black	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"
4	10'0" x 10'0"	Blue	Aluminum	Paint	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"	10'0" x 10'0"

13 MONUMENT SIGN SECTION (31.5 SQ. FT. SIGN)



13 MONUMENT SIGN SECTION (48.5 SQ. FT. SIGN)



MAVIS TIRES & BRAKES #XXX - CITY, STATE
STREET ADDRESS CITY, STATE XXXX
SIGNAGE INFORMATION & DETAILS

A-800

H:\2022\GAA220239.00\CADD\DRAWINGS\CONCEPTS\CONCEPT BIGAA220239.00 - CPTB----->LAYOUT: CONCEPT



OVERALL DEVELOPMENT MAP
SCALE: 1" = 500'
REFERENCE: NEARMAP

CONCEPT PLAN NOTES

(Rev. 1/2020)

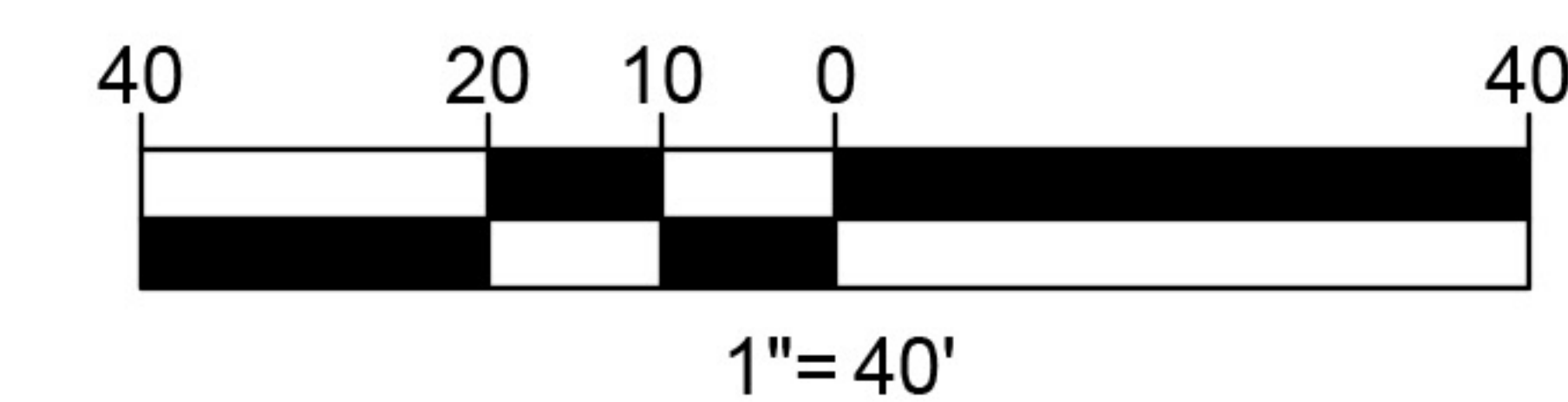
1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
2. THE CONCEPT DEPICTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND AFTER THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES, ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A ZONING OR CONSTRUCTION DOCUMENT.
4. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS PROVIDED TO THE ENGINEER, AT THE TIME OF THE ENGINEER'S PREPARATION OF THIS CONCEPT PLAN, BY THE OWNER AND OTHERS NOT UNDER ENGINEER'S CONTROL, AND IS SUBJECT TO CHANGE AFTER PERFORMANCE OF ADDITIONAL DUE DILIGENCE, FIELD SURVEY OR BOTH.
5. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT, AS THE OWNER HAS DESCRIBED IT.

BOHLER //
211 PERIMETER CENTER PKWY NE,
SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

PROPOSED MAVIS TIRES & BRAKES



NORTHPORT, AL 35475 | PLAN REV B-0



05/26/23 | DW | GAA220239.00 | Rev B-0

UPON RECORDING RETURN TO:
Stewart Title Guaranty Company
5901 Peachtree Dunwoody Road, Suite B-540
Atlanta, Georgia 30328
Attn: Will Lovell, Esq.

THIS INSTRUMENT PREPARED BY:
John T. Dukes, Esq.
Helmsing, Leach, Herlong, Newman & Rouse, P.C.
150 Government Street, Suite 2000
Mobile, Alabama 36602

DEED Bk 2022 Pg 9815
(PG 9815 of 9819)
E-RECORDED: 4/21/2022 2:14:58 PM
Ward D. Robertson, III, PROBATE JUDGE
Tuscaloosa COUNTY, Alabama
Term/Cashier: PRO-RECORDING7/JMCATEER
Tran: 24103 Deed Tax \$585.00
Probate Judge Fee \$2.00
Source of Title \$1.00
Recording Fee - By Page Count \$15.00
Total: \$603.00

Tax Parcel #: 63-20-05-15-0-007-060.353 Source of Title: Deed Book 2020, Page 977

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED, made this 7th day of April, 2022 (the "Effective Date"), from **DEI PROPERTIES, LLC**, an Alabama limited liability company (herein called "Grantor"), to **PSM ALABAMA HOLDINGS, LLC**, an Alabama limited liability company (herein called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Tuscaloosa County, Alabama, described on Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

This Deed and the warranty of title contained herein are made expressly subject to the items set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Permitted Title Exceptions").

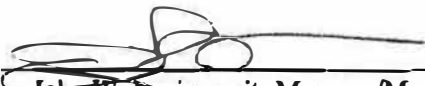
Grantor will warrant and forever defend the right and title to the above-described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the Permitted Title Exceptions.

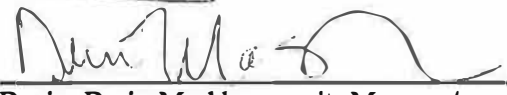
(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, the Grantor has caused this Limited Warranty Deed to be duly and properly executed on the date(s) set forth below, effective as of the Effective Date.

DEI PROPERTIES, LLC, an Alabama limited liability company

By: 
James V. Drain, as its Manager/Member

By: 
John W. Drain, as its Manager/Member

By: 
Denise Drain-Mashburn, as its Manager/Member

STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that James V. Drain, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance he, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022



STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that John W. Drain, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance he, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.



STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that Denise Drain-Mashburn, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance she, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.

Barbara S. Guffey
Notary Public
My Commission Expires: May 25, 2023
(Notary Seal)



Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: 825 S. Broad Street, Scottsboro, Alabama 35768
Grantee's Address: 3300 Publix Corporate Parkway, Lakeland, Florida 33811-3311
Property Address: Mitt Lary Road
Tax Parcel ID No: 63-20-05-15-0-007-060.353
PPin: 143257
Purchase Price: \$585,000.00

DEED Bk 2022 Pg 9818
(PG 9818 of 9819)
E-RECORDED: 4/21/2022 2:14:58 PM
Ward D. Robertson, III, PROBATE JUDGE
Tuscaloosa COUNTY, Alabama

Exhibit A
to
Limited Warranty Deed

Legal Description

Lot 2, as per Final Plat of Bristol Park Retail Subdivision, accordingly to a plat thereof recorded in Plat Book 2019, Page 223, of the records in the Office of the Judge of Probate of Tuscaloosa County, Alabama.

Exhibit B
to
Limited Warranty Deed

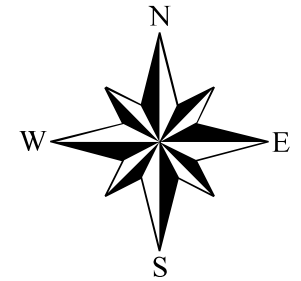
1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Zoning matters applicable to the Property.
3. 10 foot and 20 foot minimum setback lines as shown on plat recorded in Plat Book 2019, Pages 223 of the records in the Office of the Judge of Probate of Tuscaloosa County, Alabama (the "Probate Records").
4. Utility Easements as shown on plat recorded in Plat Book 2019, Pages 223 of the Probate Records.
5. Easement granted Alabama Power Company by instrument recorded in Deed Book 2018, Page 1612 of the Probate Records.
6. Easement for Ingress/Egress and Stormwater Drainage recorded in Deed Book 2018, Page 8265 and amended by First Amendment to Easement for Ingress/Egress and Stormwater Drainage recorded in Deed Book 2019, Page 1820 of the Probate Records.
7. Easement Agreement recorded in Deed Book 2018, Page 13615 and amended by First Amendment to Easement Agreement recorded in Deed Book 2019, Page 1831 of the Probate Records.
8. Lease by and between Bristol Park Retail, LLC to Publix Alabama, LLC dated October 15, 2018 as evidenced by Memorandum of Lease recorded in Deed Book 2018, Page 24493, as amended by First Amendment to Memorandum of Lease dated October 8, 2019 and recorded in Deed Book 2019, Page 24101 of the Probate Records.
9. Declaration of Restrictions, Covenants and Conditions and Grant of Easements recorded in Deed Book 2019, Page 24106 of the Probate Records.
10. Obligations from DEI Properties, LLC to Bristol Park Retail, LLC set forth in Deed dated January 9, 2020 recorded in Deed Book 2020, Page 977.

City of Northport Zoning Board of Adjustment

Zoning

-  General Commercial
-  Residential Single-Family - SD
-  Residential Single-Family - 4
-  Parcels
-  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.

0 387.5 775 1,550 Feet

