

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 21, 2023**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
- 4. APPROVAL OF THE AGENDA**
- 5. VERIFICATION OF PROPER NOTIFICATION**
- 6. VERIFICATION OF NO CONFLICT OF INTEREST**
- 7. NOTICE OF RIGHT TO APPEAL**
- 8. OLD BUSINESS**
- 9. NEW BUSINESS**
 - A. V-23-17 - New Beginning Family Worship, Inc. is requesting a variance from the parking requirements in Section 610 for the property located at 1950 Park West Drive.**
 - B. V-23-18 - Lina Majed Husseine is requesting a variance from the accessory structure standards in Section 607 and the curb cut standards in Section 418 for a property located at 824 McFarland Boulevard.**
 - C. V-23-19 - Jonathan Ray is requesting a variance from the development standards found in Section 1002.11 to allow a development site that is split by right of way and under separate ownership for the property located at 3821 McFarland Boulevard.**
- 10. DISCUSSION**
- 11. CITIZEN COMMUNICATIONS**
- 12. ADJOURNMENT**

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, JULY 20, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, July 20, 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. Jon Garner, Mr. Chad Haynie, Mr. Kevin Shobe, and Mr. Brian Chandler. Absent and failing to vote was Mrs. Tena Phifer, Mr. Aubrey Dale and Mr. Tyler Walker. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Ms. Meredith Mullins, Mrs. Morgan Williams, Mr. Chris Cunningham, and Mr. Brad Matthews.

Approval of Minutes

Motion by Mr. Shobe. to approve the minutes for June 15, 2023. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Garner – Yes; and Mr. Haynie – Yes.

Motion Carried.

Approval of Agenda

Mr. Garner stated that the board would hear New Business before Old Business.

Motion by Mr. Haynie. to approve the agenda for July 20, 2023. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; and Mr. Chandler - Yes.

Motion Carried.

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

Verification of No Conflict of Interest - None

Notice of Right to Appeal

New Business

- a. **V-23-15** – John & Brenda Nuckols requests a variance from the accessory structure standards found in Section 607 to allow a pole barn for the property located at 13070 Jace Lane.

Mrs. Brenda Nuckols has requested a pole barn to cover the equipment that is stored at their residence of 13070 Jace Lane, that currently sits out in the weather. She stated that there is a buffering of trees that would separate the pole barn from the road. Mrs. Nuckols also stated that their residence is located at the end of a cul-de-sac with no direct neighbors and their residence is located down a hill. Mrs. Nuckols stated that the pole barn will help organize their belongings and make things neater.

Mr. Garner asked the petitioner if an enclosed structure was an option. Mrs. Nuckols stated that they were not going to do an enclosed structure and only here for the pole barn. She stated that the pole barn will not be visible to other neighbors and that the lot next to them is not a buildable lot. Mrs. Nuckols stated they did not need an enclosed structure and no utilities would be ran to the pole barn.

Mr. Garner open the floor for a public hearing.

Larry Mathis, 13686 Valerie Dawn Way, asked the board to deny the case. He stated that Montgomery Farms has a covenant and that the Homeowners Association does not allow this type of structure in their neighborhood.

Mr. Garner asked if the Nuckols were a part of the Montgomery Farm subdivision and asked if there had been any complaints. Mr. Mathis stated that the Nuckols state they are not part of the neighborhood, but they access their property through the neighborhood and pay their dues to the neighborhood.

Mr. Shobe asked if they were part of the association. Mr. Mathis stated they believe they are not in the associations, and this is a legal matter.

Mrs. Nuckols stated we did not realize a permit would be needed but after speaking to Jeff Hogg, who lives in the neighborhood, they wanted to pull a permit. She stated that the structure would not depreciate the value of surrounding homes.

Mr. Garner stated the property value is a matter of opinion.

Mr. Shobe asked if the Nuckols paid dues. Mrs. Nuckols stated that we pay our dues on the corner lot of Montgomery Farms that they own. She stated that they bought this lot to keep from someone from building a home in front of their house. Mrs. Nuckols stated that the property that they live on is 7 acres and was pulled out of the Montgomery Farms subdivision.

Mr. Haynie asked what the Homeowner's Association issues were on the structure. Mr. Mathis stated that the Homeowners Association and covenants standpoint is that any additions should match the home and the pole barn does not. Mr. Haynie stated by the look of the pictures submitted to the board that the structure is in the front yard based off the layout and that the structure will not match the existing structure. Mrs. Nuckols stated if this was an enclosed structure would this be approved. Mr. Haynie stated in his opinion, yes.

With no one else to appear before the board, Mr. Garner closed the public hearing.

Motion by Mr. Garner I make a motion to grant John and Brenda Nuckols a variance to allow a pole barn no closer than 105 feet from the front property line for the property located at 13070 Jace Lane.

Seconded by Mr. Shobe. Roll call vote was as follows: Mr. Garner – No, Mr. Shobe – No; Mr. Haynie – No; and Mr. Chandler – No; **Motion Failed.**

- b. V-23-16** – Michael Tilford requests a variance from maximum allowed ISR found in Table 6-2 for the property located at 11731 Arbor Oaks Road.

Mr. Michael Tilford, 11731 Arbor Oaks Road requested the variance for maximum allowed ISR for an in ground pool to be placed at their residence located at 11731 Arbor Oaks Road. He stated that this has been approved by the Homeowners Association. Mr. Tilford stated that his builder stated to them that this would improve the drainage of his property. He stated the property behind them is not developed and water currently runs off and this would help with that. He stated that they have looked into pavers and the cost of them is too expensive.

Mr. Garner asked Mr. Matthews about the ISR issue. Mr. Matthews stated that there is no real way to detail by the site plan that was submitted. He stated that the allowable use is 30% based off the area and

allowing this variance, the use will be 36% ISR. He stated he is not aware of any huge impacts this would cause due to the area with this being one residence. He stated that if everyone was to request this type of variance in the area, then there would be an issue.

Mr. Garner asked if there was a neighborhood pool. Mrs. Ramm stated there was a neighborhood pool that was highly used by the neighborhood.

Mr. Garner opened the floor for a public hearing.

With no one to appear before the board, Mr. Garner closed the public hearing.

Motion by Mr. Haynie I make a motion to grant Michael Tilford a variance from maximum allowable ISR, to allow the installation of a 16x36 swimming pool for the property located at 11731 Arbor Oaks Road. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Chandler – Yes; Mr. Garner – Yes; and Mr. Shobe – Yes. **Motion Carried.**

Old Business -

- a. **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.

Adam Webb, 1900 The Exchange Southeast, Ste. 480 Atlanta, GA, stated that he was the attorney for James Outdoor, LLC and that everything his client did was by the book. He stated his client did his research, located a piece of property, got a lease, started the application process, and got a survey of the property. He stated when he turned in the state sign application, ALDOT confirmed with the city that the property in the application was not within the city limits, and the state issued their permit in December 2022. He stated his client then took out a loan and ordered the billboard structure. He stated that this process has cost his client approximately \$170,000 that the billboard structure is currently sitting in a storage yard not generating income while his client is still paying the loan. Mr. Webb stated that they believe this is a perfect illustration of the type of hardship for which the law allows a variance. He stated that Section 808 of the city's sign ordinance states that the Zoning Board should only grant a variance in the case of an extreme hardship. Mr. Webb stated that on July 10th they submitted to the Board and staff a cover letter that explained the basic issues. He stated that the first issue is defining economic condition as provided in the city's sign ordinance. He stated this refers to general economic conditions, not the financial loss of the petitioner. Mr. Webb stated that Alabama case law supports the idea that the type of financial loss faced by his client could be the basis for the Board granting a variance. Mr. Webb stated the second issue was with the ALDOT application. Mr. Webb turned the floor over to Mr. James, owner of James Outdoor, LLC.

Mr. John James, 13758 Highland Pointe Drive, Northport, AL stated that he had spoken with Ms. Darby with ALDOT and that she stated that she had met with city staff and that ALDOT had decided to not participate in the current Zoning Board hearing.

Mr. Webb stated that there is an ALDOT permit attached to the July 10th letter to Board. He stated that in the Board's packet, there is a map indicating that the sign area will be located between McDonalds and Jacks which includes the statement that the city has confirmed that the property in the application is not in the city limits. Mr. Webb stated that a third issue was that the Board requested simulated images, which the petitioner submitted. He stated they have submitted 3-D rendering images of how the billboard would look from several angles. Mr. Webb stated that they received an email from the city stating that the city hired a surveyor using taxpayer dollars to survey the area.

Mr. James stated that he reached out to the local surveying company, Montgomery & Hinkle, Inc., who had originally surveyed the area for James Outdoor, LLC, to review the original survey. He stated that Montgomery & Hinkle did a deep dive into the past surveys to ensure the original survey was accurate. He stated that they used a survey for 2016 and 2022 that were included in the packet.

Mr. Webb stated that the sign is going to be built on the Hendrix property only. He stated his client only has a lease for the Hendrix property. He stated that a previous survey done by David McKinney compared to the Montgomery & Hinkle survey that was provided to the board demonstrates no difference. Mr. Webb stated that his client will be glad to stipulate that this billboard will only be located on Hendrix property. He stated that when he saw that the staff report for this case included information from the new survey conducted by the city, he immediately responded to staff with a letter. He stated that the letter submitted states that Montgomery & Hinkle is a trusted local surveyor who has done accurate work in this case. He also stated that the board could put the stipulation on this case requiring that the billboard only be constructed on the Hendrix property. Mr. Webb stated that in the staff report, staff went outside the sign ordinance and brought in general zoning code standards that are very different. He stated that there was no basis to go outside the side ordinance to the general zoning code. He stated that the section of the zoning code that forbids a variance for a use that is not otherwise permitted in a zone should not apply to signs.

Mr. Garner open the floor for public comments.

Wendell Paul Howell, 12495 Oak Ridge Road, stated that the owner of James Outdoor, LLC is his son-in-law, and he has done everything by the book. He stated that he hopes that the board will approve this variance.

Braden Smith, 3765 68th Avenue, stated that he knows that the owner of James Outdoor, LLC is trustworthy and that he hopes that the board will approve this variance.

Audrey James, 13758 Highland Pointe Drive, stated that they have done everything the Board has asked them to do and she requested that the Board grant the variance.

With no other members of the public to appear before the board, Mr. Garner closed the floor.

The Board called on city staff to clarify the city's position. Chris Cunningham, City's Assistant Attorney, stated that nothing in the city's presentation was intended to reflect poorly on the petitioner's character. He stated he would like to use a PowerPoint to help everyone visualize the issues. He provided a citation to state law noting the powers of the board and that the spirit of the zoning ordinance should be preserved. Mr. Cunningham stated that any hardship to the petitioner was self-created and could not be the basis for a variance under Alabama law. He stated that the applicant had provided the wrong parcel information to all of the government agencies involved, including ALDOT, the City of Northport, and the Zoning Board, and that the actual proposed location of the billboard has always been shown on city maps as within the city limits. He stated that the lease itself was based on the wrong parcel ID. Mr. Cunningham stated that the parcel ID ending in "000" provided by the applicant was not the actual proposed location of the billboard. He stated that the actual proposed location is on the adjacent parcel with the parcel ID ending "004." Mr. Cunningham showed and discussed a copy of a recent survey of the property in question illustrating that the proposed billboard location falls within the boundary of a property annexation completed in 1999, not the parcel upon which the petitioner provided. He compared this to the survey used by petitioner in proposing the billboard location. Mr. Cunningham noted that it appeared the petitioner's proposed billboard location was based on the mistaken assumption that the

boundary of the lease to the neighboring McDonald's business was also the city limit boundary. Mr. Cunningham stated that this lease boundary has never been the city limit boundary. Mr. Cunningham further noted that the sign structure, as proposed, would also hang over this McDonald's lease, which the petitioner mistakenly believed was the city limit line. He stated all the steps taken by the petitioner were done before the permitting with the city and therefore this is a self-created hardship. Mr. Cunningham restated that under Alabama law, a self-created hardship cannot be the basis for a variance.

Mr. Garner asked if the parcel ID was submitted in the application in the city. Mr. Cunningham stated yes, it was submitted.

Mr. Haynie asked about the zoning of the property. Mr. Cunningham stated this is zoned for C-3. Mr. Patten stated that billboards are only allowed in C-6, M-1 and M-2 zoning.

Mr. Shobe asked if the Hendrix Family owned all the parcels. Mr. Cunningham stated yes, but they have split the parcels for different uses. Mr. Shobe asked if this was a separate parcel. Mr. Cunningham stated yes this is a different parcel.

Mr. Garner asked if there was a request to rezone this parcel since this billboard is not allowed in a C-3 zone. Mr. Cunningham stated no. Mr. Garner stated that the variance is based on the distance to a residence, distance to the property line and the C-3 zone. Mr. Cunningham stated that this is correct.

Mr. Shobe asked to confirm that the lease is not for the correct parcel. Mr. Cunningham stated that the parcel ID listed in the lease is not the correct location of the purposed billboard.

Mr. Haynie asked if it was 2000 feet from another billboard or if there are others in this area. Mrs. Ramm stated she did not know if this was in violation.

Mr. Garner asked if the parcel ending in "000" was in the application. Mr. Cunningham stated that it was in the application. Mr. Garner asked if the actual proposed billboard was supposed to be in the parcel ending in "004." Mr. Cunningham stated that was correct.

Mr. Garner asked if both the parcel ending in "000" and "004" are each within the city limits and zoned as C-3. Mrs. Ramm stated that the parcel ending in "000" is zoned AG and the parcel ending in "004" is zoned as C-3. Mr. Cunningham stated parcel ID ending in "004" has always been shown in the city maps as within the city limits, including in those maps submitted to ALDOT, the city, and this Board by the petitioner.

Motion by Mr. Haynie to take a 5-minute recess. **Seconded by Mr. Shobe.** Roll call was approved by voice vote. **Motion Carried.**

Motion by Mr. Garner to reconvene the meeting. **Seconded by Mr. Haynie.** Roll called was approved by voice vote. **Motion Carried.**

Mr. Haynie asked the petitioner's counsel if he disagreed that the proposed billboard location was actually on parcel "004" which has always been shown on all maps to be in the city limits and zoned as C-3. Mr. Webb stated that the city was provided with the coordinates of exact proposed location and that the city created the hardship by telling ALDOT that this location was not in the city limits.

Mr. Haynie asked if this alleged misstatement occurred during the application to the state or the city. Mr. Webb stated that it was part of the state application. Mr. Haynie asked if the petitioner had any record of the conversation that took place between the state and the city. Mr. Webb stated that he knows how the State of Alabama does it: a petitioner must stake the proposed location and there have been surveys stating where the billboard is going to go. Mr. Webb stated that this location is what the city confirmed to ALDOT.

Mr. Haynie asked the city staff about the conversation with ALDOT. Mr. Patten stated that ALDOT representative Ms. Campbell called him and asked if the parcel ending in “000” was in the city limits. Mr. Patten stated that he had told Ms. Campbell that the parcel ending in “000” did not appear to be in the city limits according to the map. Mr. Patten stated that the city was not provided with the latitude/longitude coordinates for the proposed location.

Mr. Webb stated that he would like the Board to look at the documents and stated that this had been tabled a month ago. He stated that the only thing that this Board should look at was whether or not a hardship has been demonstrated. Mr. Webb stated that the state application with the precise coordinates was submitted and approved through the state permitting process. He stated that to apply for a state permit you must stake the area of the sign location. Mr. Webb stated that the city acknowledged that the city maps were wrong at one time with regard to the parcel ending in “000.” He stated there was no parcel number located on the state permit, only coordinates. Mr. Webb stated the properties are all owned by the Hendrix Family, LLC. He stated that the Board should only look at the issue of hardship for James Outdoor, LLC.

Motion by Mr. Haynie 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) requiring zoning district for a billboard, to erect a new billboard on the property located at 13512 Highway 43 North. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – No; Mr. Shobe – No; Mr. Garner – No; and Mr. Chandler – No. **Motion Failed.**

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
September 14, 2023

AGENDA ITEM

Case Number: V-23-17

Request: A variance from parking lot standards

Location: 1950 Park West Drive

Applicant: New Beginning Family Worship, Inc.

SUBJECT PARCEL

Zoning: Office & Institutional, C-3 General Commercial

Zoning of Adjacent Property: RS-1 & RS-SD Residential Single Family, C-3 General Commercial, Mobile Home Park, Office & Institutional

Proposed Action: To allow the installation of a gravel parking lot and a reduction in required parking count.

STAFF COMMENTS

New Beginning Family Worship, Inc. is seeking a variance from the parking requirements. Those standards are in Section 610 and are included below:

B. Parking Requirements for Specified Uses.

- 1. Airport:** one (1) space for each four (4) aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus one (1) space for each four (4) seats in waiting areas and restaurants; plus one (1) space for each 250 square feet of office and other administrative or support uses.
 - 2. Amusement center:** one (1) space for each 100 square feet of gross floor area.
 - 3. Assembly, Places of:** one (1) space per four (4) seats of maximum capacity.
 - 4. Assisted living facilities:** one (1) space per dwelling unit.
 - 5. Athletic field:** 20 spaces for every diamond or athletic field, or one (1) space for every four (4) seats of design capacity, whichever is greater.
 - 6. Auction house:** one (1) space for each four (4) seats of design capacity, whether indoors or outdoors.
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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.
- D. If the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.
- E. Except as provided in Section 610.02, all required parking spaces shall be provided on the same development site for which they are required; location of required spaces on adjoining property or across a public right-of-way shall be prohibited.
- F. Truck loading spaces shall be an accessible rectangle having a width of twelve (12) feet and a length of forty (40) feet. Any overhead obstructions shall have a vertical clearance of fifteen (15) feet.
- G. All parking spaces shall be delineated by appropriate fixed curbing, painted lines (a

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March 21, 2018

minimum of four inches (4") wide), or other fixed markers.

H. Alternate forms of parking (i.e. compact spaces) other than that defined as "standard" above shall be considered by the staff on a case by case basis. Under no circumstances shall such parking comprise more than fifteen (15) percent of the overall required parking.

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:

New Beginning Family Worship, Inc. seeks approval of a variance allowing a new gravel parking lot to serve a proposed addition to their campus. The existing site has a paved parking lot along with a gravel overflow lot. Much of the existing gravel lot is in the location of the proposed building construction, and the additional square footage triggers both parking count requirements as well as bringing the site into compliance with the current ordinance. While the current zoning ordinance requires all parking and maneuvering areas to be paved, the applicant is requesting a variance to allow their existing gravel lot to continue and be expanded to serve the new facility.

The applicant has stated that the proposed parking area may interfere with future building construction, which is why they would prefer to use gravel for the parking surface. They have also stated that the site would never see all buildings in use simultaneously, which is the reason for requesting a reduction in required spaces. At full occupancy, the current ordinance would require 389 parking spaces. The applicant is requesting a variance to approve 244 spaces.

MOTION:

1. I make a motion to grant New Beginning Family Worship, Inc. a variance from the parking standards to allow 1) a gravel parking lot as shown on the site plan, and 2) a reduction in required parking from 389 spaces to 244 spaces for the property located at 1950 Park West Drive.

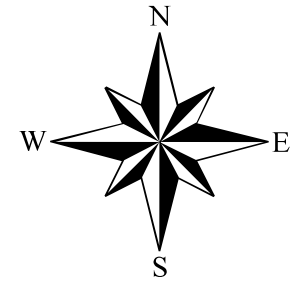
Northport Zoning Board of Adjustment

Variance Request

Zoning

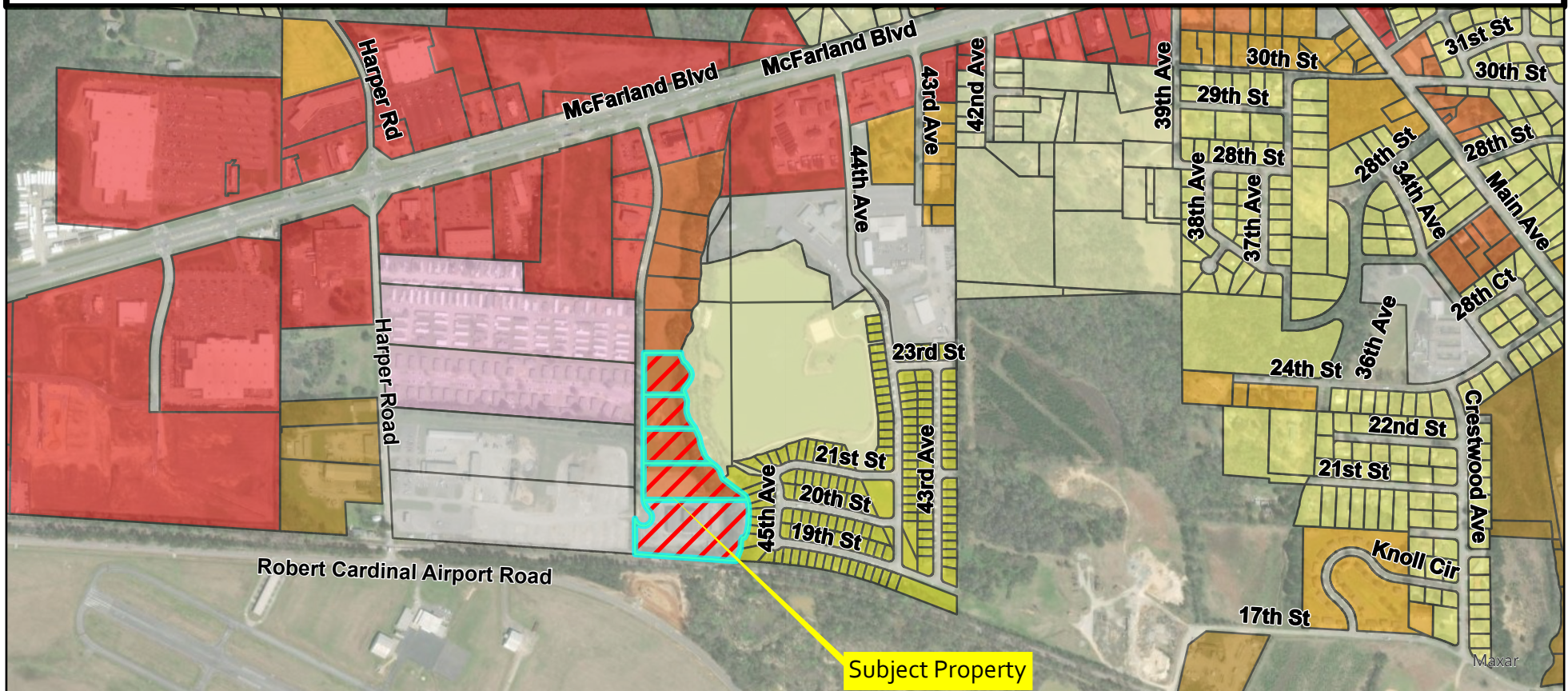
- Neighborhood Commercial
- General Commercial
- Commercial Highway
- Light Industrial
- Mobile Home Park

- Office and Institutional
- Residential Multi-Family
- Residential Single-Family - 1
- Residential Single-Family - 2
- Residential Single-Family - 4
- Parcels selection 1



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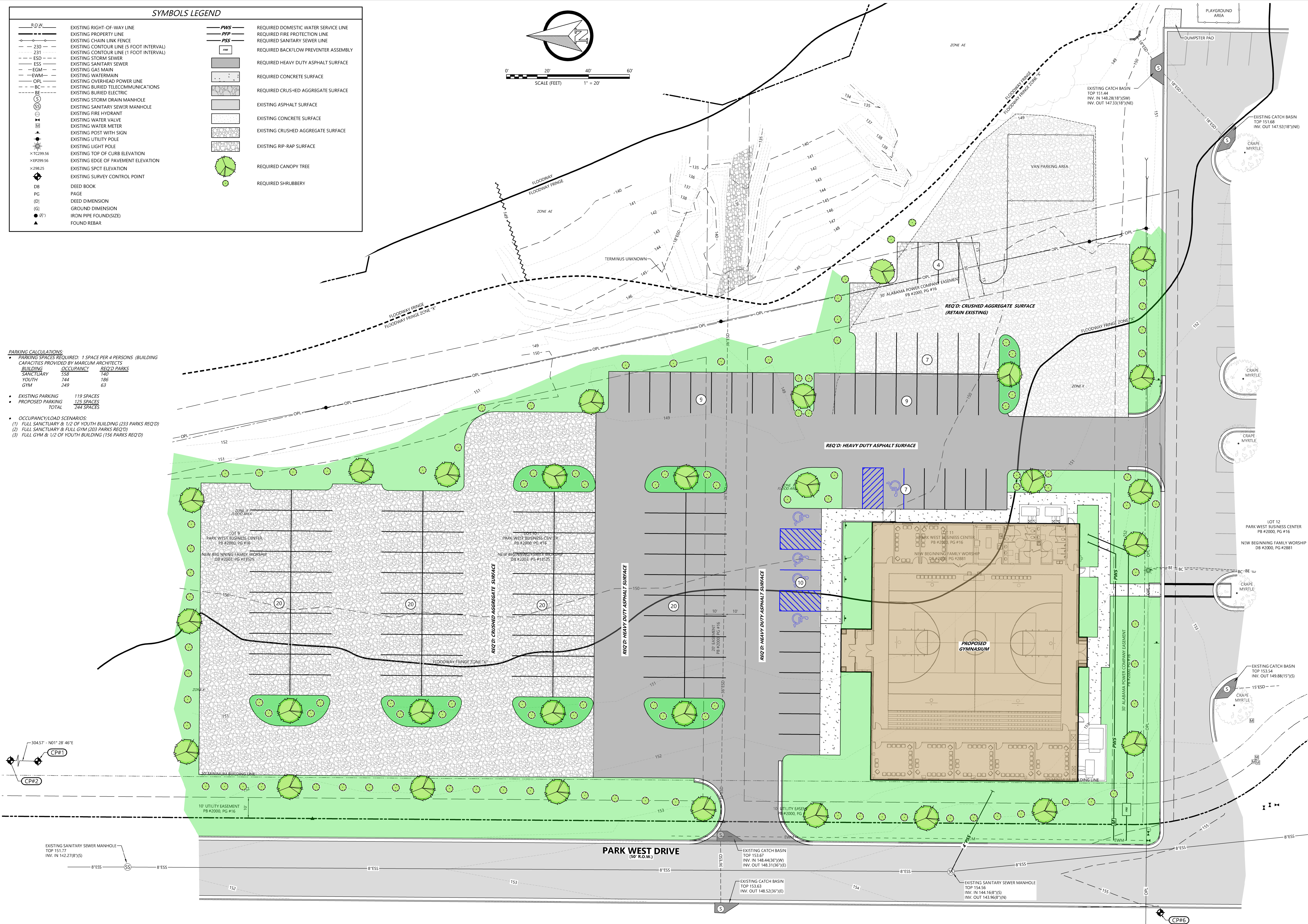




SYMBOLS LEGEND

	EXISTING RIGHT-OF-WAY LINE		REQUIRED DOMESTIC WATER SERVICE LINE
	EXISTING PROPERTY LINE		REQUIRED FIRE PROTECTION LINE
	EXISTING CHAIN LINK FENCE		REQUIRED SANITARY SEWER LINE
	EXISTING CONTOUR LINE (5 FOOT INTERVAL)		REQUIRED BACKFLOW PREVENTER ASSEMBLY
	EXISTING STORM SEWER		REQUIRED HEAVY DUTY ASPHALT SURFACE
	EXISTING GAS MAIN		REQUIRED CONCRETE SURFACE
	EXISTING WATERMAIN		REQUIRED CRUSHED AGGREGATE SURFACE
	EXISTING OVERHEAD POWER LINE		EXISTING ASPHALT SURFACE
	EXISTING BURIED TELECOMMUNICATIONS		EXISTING CONCRETE SURFACE
	EXISTING BURIED ELECTRIC		EXISTING CRUSHED AGGREGATE SURFACE
	EXISTING STORM DRAIN MANHOLE		EXISTING RIP-RAP SURFACE
	EXISTING SANITARY SEWER MANHOLE		REQUIRED CANOPY TREE
	EXISTING FIRE HYDRANT		REQUIRED SHRUBBERY
	EXISTING WATER VALVE		
	EXISTING WATER METER		
	EXISTING POST WITH SIGN		
	EXISTING UTILITY POLE		
	EXISTING LIGHT POLE		
	EXISTING TOP OF CURB ELEVATION		
	EXISTING EDGE OF PAVEMENT ELEVATION		
	EXISTING SPOT ELEVATION		
	EXISTING SURVEY CONTROL POINT		
	DEED BOOK		
	PAGE		
	DEED DIMENSION		
	GROUND DIMENSION		
	IRON PIPE FOUND(SIZE)		
	FOUND REBAR		

- PARKING CALCULATIONS:**
- PARKING SPACES REQUIRED: 1 SPACE PER 4 PERSONS (BUILDING CAPACITIES PROVIDED BY MARCUM ARCHITECTS)
- | BUILDING | OCCUPANCY | REQ'D PARKS |
|--------------|-------------|-------------|
| SANCTUARY | 558 | 140 |
| YOUTH | 744 | 186 |
| GYM | 249 | 63 |
| TOTAL | 1551 | 389 |
- EXISTING PARKING: 119 SPACES
• PROPOSED PARKING: 255 SPACES
• TOTAL: 374 SPACES
- OCCUPANCY/LOAD SCENARIOS:
(1) FULL SANCTUARY & 1/2 OF YOUTH BUILDING (233 PARKS REQ'D)
(2) FULL SANCTUARY & FULL GYM (203 PARKS REQ'D)
(3) FULL GYM & 1/2 OF YOUTH BUILDING (156 PARKS REQ'D)



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NEW BEGINNING FAMILY WORSHIP CENTER GYMNASIUM PROJECT

LOTS 9-11

PARK WEST BUSINESS CENTER
PLAT BOOK 2000, PAGE 16
NORTHPORT, ALABAMA

SITE PLAN

NO.	DATE	DESCRIPTION
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City of Northport Variance Application Packet

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

Date of Application: 7-26-23

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: 1950 Park West Drive Northport, AL 35476
Property Subdivision and Lot Number: Lots 8-12 Park West Drive Business Center
Property Zoning District: C3
Existing Buildings on Property: Sanctuary Building, Classroom Building, and Accessory Building
Proposed Construction on Property: Gymnasium Building and Parking Lot

PETITIONER INFORMATION

Petitioner Name: New Beginning Family Worship, Inc.
Petitioner Phone: 205-333-0695 Petitioner Email: newbeginningfwc1998@gmail.com
Petitioner Address (if different than property information above): _____

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

OWNER INFORMATION

Owner Name and/or Company: _____
Owner Mailing Address: _____
Owner Phone: _____ Owner Email: _____

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

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

Applicant Signature: [Signature] Date: 7-25-23



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:

The petitioner requests a variance to allow for a crushed aggregate parking surface for a portion of the proposed parking area. The proposed crushed aggregate parking area North of the proposed gymnasium building may be utilized in the future for an additional building on the church campus. For this reason, the petitioner desires to limit improvements to the area for now. Additionally, the Northernmost parking area will be utilized for supplemental / "overflow" parking when the primary parking lot exceeds capacity.

The petitioner also requests a variance for reduction in parking due to the fact that all buildings on campus will not be used simultaneously. See below for additional information.

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

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

This variance request, if granted, should have no impact on neighboring properties and would not be contrary to the public interest. Additionally, there have been no complaints from neighbors / the public concerning the existing crushed aggregate parking that has been present on the site for more than seventeen 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:

Parking spaces required: 1 space per 4 persons (Building capacities provided by Marcum Architects)
Sanctuary building (558 occupancy = 140 required parks), Youth building (744 occupancy = 186 required parks),
Gym building (249 occupancy = 63 required parks)
Existing parking = 119 spaces, Proposed parking = 125 spaces, Total parking = 244 spaces
Occupancy/load scenarios: 1. Full sanctuary & 1/2 of Youth building (233 parks required) 2. Full sanctuary and
full gym (203 parks required) 3. Full gym and half of youth building (156 parks required)



City of Northport Designation of Agent Form

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

I, New Beginning Family Worship, Inc., being owner of the property which is the subject of this application hereby authorize Duncan Coker Associates, P.C., to act as my representative with the City of Northport's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner Signature: _____

Date: 7/25/23

Property Owner Mailing Address: 1950 Park West Drive

Northport, AL 35476

Phone Number: 205-333-0695

Authorized Agent Mailing Address: 302 Merchants Walk, Suite 250

Tuscaloosa, AL 35406

Phone Number: 205-561-0808

STATE OF ALABAMA

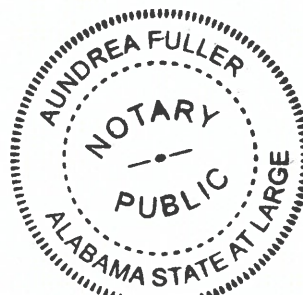
COUNTY OF TUSCALOOSA

I, Aundrea Fuller, a Notary Public in and for said County and State, hereby certify that Wally Helms, 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 25th day of July, 2023

Aundrea Fuller
Notary Public

My Commission Expires: July 26, 2025



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
September 14, 2023

AGENDA ITEM

Case Number: V-23-18

Request: A variance from accessory structure standards and curb cut spacing

Location: 824 McFarland Blvd

Applicant: Lina Majed Hussein

SUBJECT PARCEL

Zoning: C6 - Highway Commercial

Zoning of Adjacent Property: C6 – Highway Commercial, C-3 General Commercial

Proposed Action: To allow the installation of an accessory structure within a setback, and a curb cut that does not mean minimum spacing requirements.

STAFF COMMENTS

Lina Majed Hussein is seeking a variance from the accessory structure and curb cut standards. Those standards are in Sections 418.01 & 607 and are included below:

418.01. Curb Cuts.

Because frequent curb cuts and driveways providing access to numerous adjoining properties are a severe impediment to the proper functioning of major streets, on-site circulation and cross-

IV-38

May 10, 2021

access agreements between lots are required, to control the problem when land is subdivided. There shall be a minimum spacing of 300 feet for driveways and other curb cuts on arterial streets and 300 feet on collector streets. In areas where single-family detached homes abut collector streets, an average distance of 125 feet shall be allowed between curb cuts.

New single-family residential lots shall not be allowed direct access to collector and arterial roadways without approval of the City Engineer.

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.

C. No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.

D. In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.

E. No accessory structure shall be closer than ten (10) feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure by means of fully enclosed living area.

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:

Lina Majed Hussein seeks approval of a variance allowing a dumpster enclosure that would be located within a setback and accessed via a new driveway that does not meet minimum curb cut spacing requirements. As currently proposed on the attached site plan, the dumpster enclosure encroaches approximately 4 feet into the required 40' setback. The applicant proposes to access the dumpster through a curb cut that is approximately 51 feet from the nearest curb cut, while the current ordinance requires a minimum distance of 125 feet. These requests are shown in the "Option 1" site plan attached.

The applicant has mentioned that they would also be amenable to a variance that allows them to place the dumpster closer than the required minimum 10 feet from the building, if the Board is not willing to grant the curb cut variance. This scenario would still require a variance allowing the dumpster within 4.5 feet of the building. This request is shown in the "Option 2" site plan attached.

The applicant has stated as a hardship that if the dumpster can not be located within a front yard, then no dumpster can be placed on the site. Staff disagrees with this assertion and believes that a dumpster could fit on the site with a smaller building & parking lot.

The engineering department added the following comments: A larger number of curb cuts is not desirable since it increases the number of conflict points in the roadway. Additionally, this will require garbage trucks to back up into Applejack Boulevard.

MOTION:

1. I make a motion to grant Lina Majed Hussein a variance to allow 1) an accessory structure within a setback as shown on the site plan, and 2) a reduction in required curb cut spacing from 125 feet to the distance shown on the site plan for the property located at 824 McFarland Blvd.

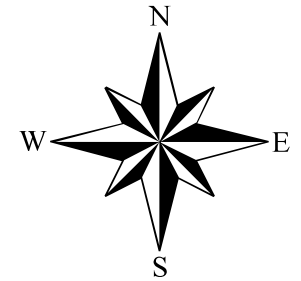
Northport Zoning Board of Adjustment

Variance Request

Zoning

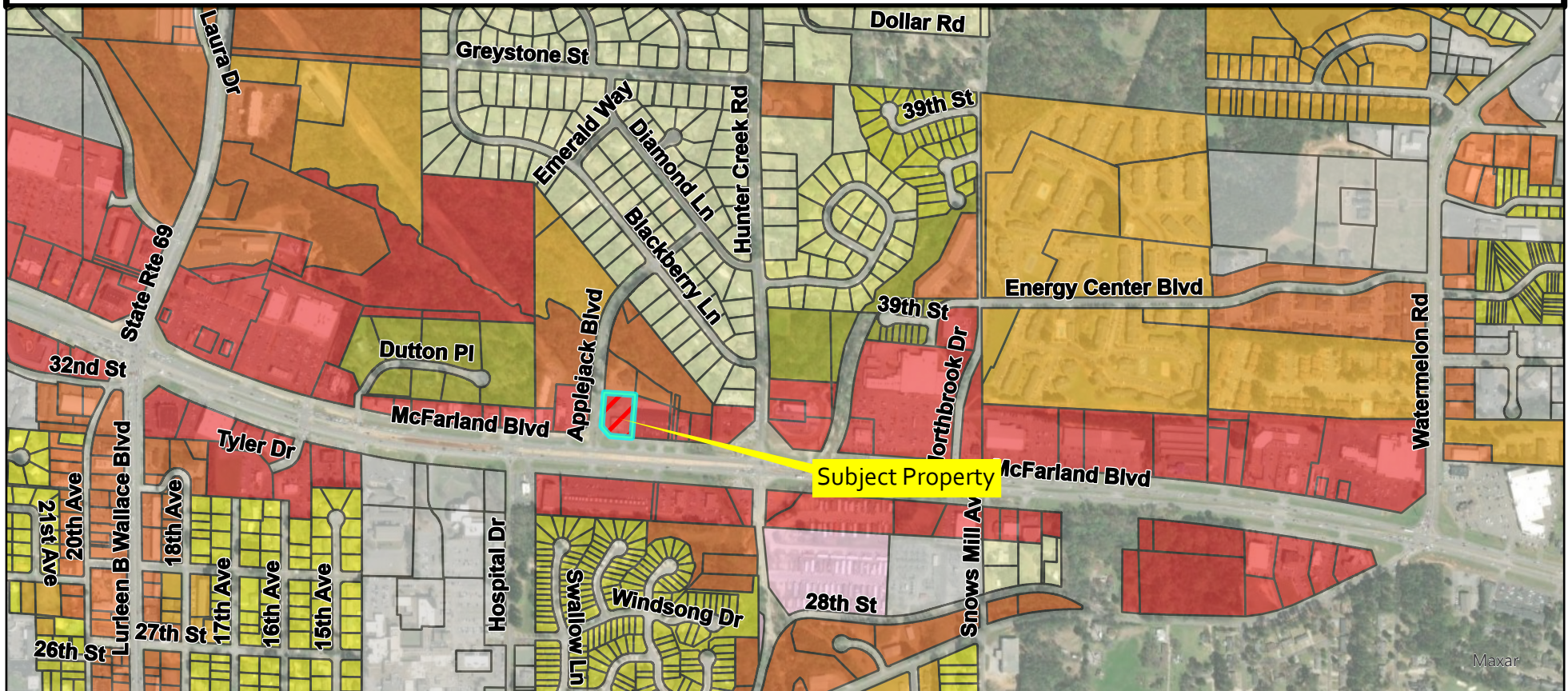
- Neighborhood Commercial
- General Commercial
- Commercial Highway
- Mobile Home Park
- Office and Institutional

- Residential Multi-Family
- Residential Single-Family - SD
- Residential Single-Family - 1
- Residential Single-Family - 2
- Residential Single-Family - 3
- Residential Single-Family - 4
- Subject Property



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

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City of Northport Variance Application Packet



8:33am
RECEIVED
8/23/2023

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

Date of Application:

8/23/2023

SUBMITTAL CHECKLIST

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|---|--|
| ☒ 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: 824 McFarland Blvd, Northport, AL
Property Subdivision and Lot Number: n/a
Property Zoning District: C-6
Existing Buildings on Property: None
Proposed Construction on Property: 9250 s.f. retail space

PETITIONER INFORMATION

Petitioner Name: Lina Majed Hisseine
Petitioner Phone: (Mark) 205 239 9843 Petitioner Email: Dtoulet@hotmail.com
Petitioner Address (if different than property information above): 320 turtle Bay Drive, Northport, AL 35473

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: Lina Hisseine Date: 08/22/2023



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:

Option 1 - request waiver from building setback to 6' from dumpster opening and waiver from curb cut distance

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

1. Curb cuts already exist (shown on demo plan)
2. If dumpster access cannot be in the front yard, then no dumpster can be placed on the site.
3. The curb cut requirement is for full access road, the dumpster access will only be used at night 1-2 times a week.

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

It would lower the impact from what exists because the current entrances are full access and the proposed accesses include a dumpster access which would only be used 1-2 times a week and at night.

The dumpster distance from the building would not affect the neighbors because it is hidden by landscaping.

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, Lina Majed Hisseini, being owner of the property which is the subject of this application
hereby authorize Ron W. Henderson, 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: Lina Hisseini Date: 8-21-23

Property Owner Mailing Address: 320 Turtle Bay Drive
Northport, AL 35473

Phone Number: (Mark) (205_ 239-9843

Authorized Agent Mailing Address: _____

Phone Number: _____

STATE OF ALABAMA

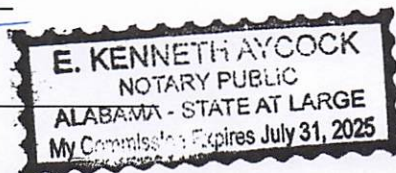
COUNTY OF TUSCALOOSA

I, E. Kenneth Aycock, a Notary Public in and for said County and State, hereby certify
that Lina Hisseini, 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 21st day of Aug, 2023

Notary Public

My Commission Expires: _____



***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
September 14, 2023***

AGENDA ITEM

Case Number: V-23-19

Request: A variance from site development standards

Location: 3821 McFarland Blvd

Applicant: Jonathan Ray

SUBJECT PARCEL

Zoning: C6 - Highway Commercial & C-3 General Commercial

Zoning of Adjacent Property: C6 – Highway Commercial, RM2 Residential Multi-family

Proposed Action: To allow a development site that is split by right-of-way and under separate ownership.

STAFF COMMENTS

Jonathan Ray is seeking a variance from the site development standards. Those standards are in Sections 1002.11 and are included below:

1002.11. Development Site To Be Unified.

A. Internal Division of Ownership. Except as provided in this section, the development site shall remain unified by title under one (1) owner, or by multiple owners holding a percentage interest in the site as a whole. Where a development site consists of two (2) or more existing lots under the same ownership, all such lots shall be combined in accordance with the Subdivision Regulations prior to final approval of the site plan.

Where spatial division of ownership within a development site is proposed, the owners of all component properties shall accept the following conditions in receiving site plan approval:

1. No individual property will be used or developed in any way that is not consistent with the approved site plan.
2. Development rights on each parcel are combined with those of the balance of the development site, and the City will consider no separate development proposals unless the development site can be divided in accordance with the provisions of this Ordinance.
3. No parcel of land within a development site shall be subdivided, sold or otherwise conveyed for the purpose of new development that is not authorized under the

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May 10, 2021

approved site plan.

All owners of property within the development site shall authorize one (1) person, designated as the applicant, to represent them collectively before the Planning Commission and other City officials in all matters related to the site plan and development site. In the event the designated applicant is not an owner of the subject property then a notarized "Authorization to Act as Applicant" must be completed and signed by the owner(s).

B. External Ownership. When the development site is part of a larger parcel of property, of which a portion is not intended to be included within the site plan, this unused area shall become a separate lot, meeting any relevant size and dimensional requirements of this Ordinance, to be approved in accordance with the Subdivision Regulations. This subdivision process shall be completed prior to final approval of the site plan.

C. Development Site To Be Complete. The development site shall be designed to provide all required amenities and facilities, including bufferyards, open space, and landscaping. No such required features shall be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis, except as provided for in Section 611.03 Shared Parking. The entire site shall have the zoning designation required to accommodate the principal use.

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:

Jonathan Ray seeks approval of a variance allowing a site that is split by right-of-way and under separate ownership. The current zoning ordinance requires that all development sites be unified in ownership and combined into one lot. The applicant proposes to operate their business partially on a newly platted lot and partially on an existing business site located across a public street.

The applicant has addressed many of staff's concerns during the conditional use process, which was approved by the Planning Commission and City Council. A condition was added at the request of the engineering department to add a safe access for street crossing, which will be required on the site plans prior to LDP issuance.

MOTION:

1. I make a motion to grant Jonathan Ray a variance to allow a site that is split by right-of-way and under separate ownership for the property located at 3821 McFarland Blvd.

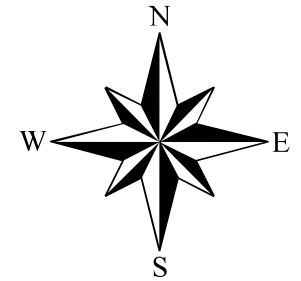
Northport Zoning Board of Adjustment

Variance Request

Zoning

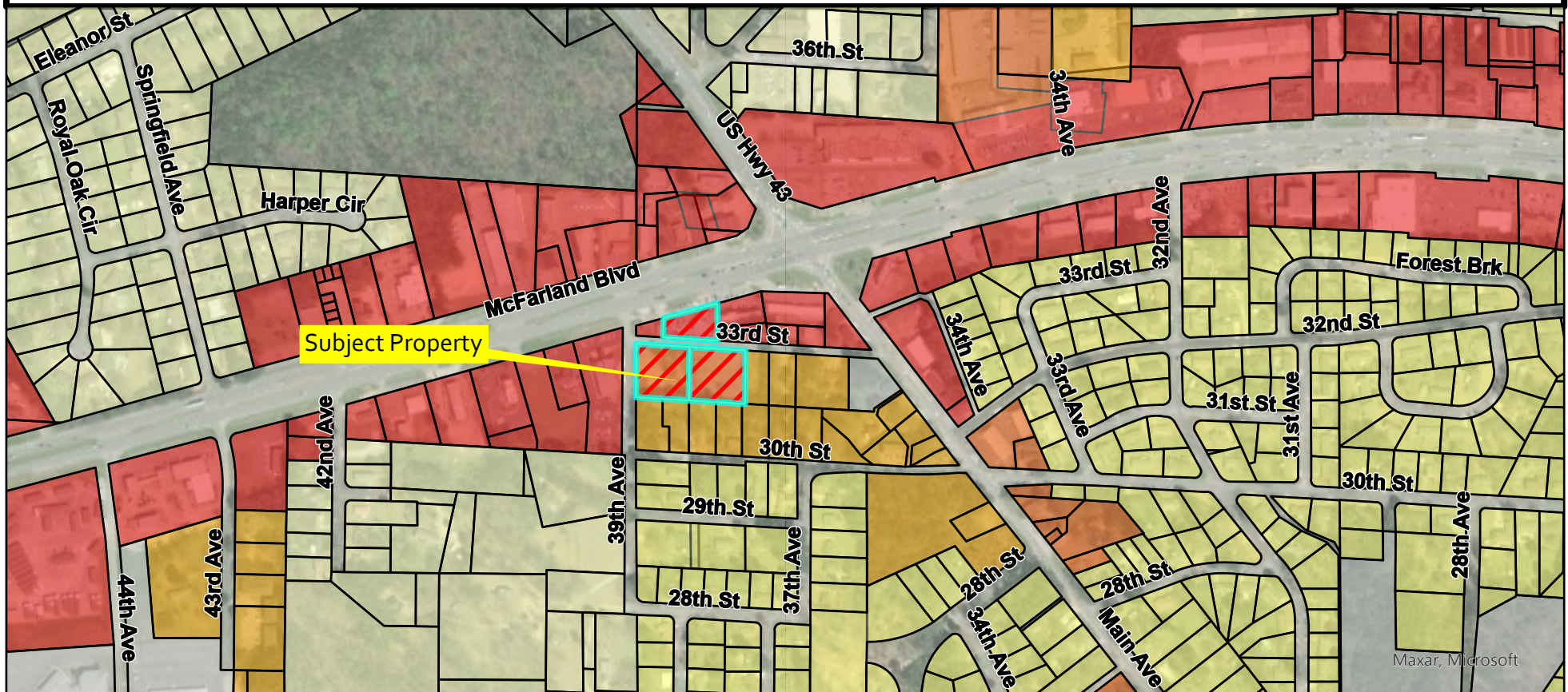
- Neighborhood Commercial
- General Commercial
- Commercial Highway
- Office and Institutional

- Residential Multi-Family
- Residential Single-Family - 1
- Residential Single-Family - 2
- Parcels
- Subject Property



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0 500 1,000 2,000 Feet



Maxar, Microsoft

Existing
business site

Proposed
addition across
33rd St.

Google



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.



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Date of Application: August 23, 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: 3821 McFarland Blvd Northport, AL 35476
Property Subdivision and Lot Number: Oliver Heights Subdivision, Lots 1-4 and part of lot 5
Property Zoning District: C-3
Existing Buildings on Property: None
Proposed Construction on Property: Parking Lot Improvements with future office and shop buildings

PETITIONER INFORMATION

Petitioner Name: Jonathan Ray
Petitioner Phone: 205-454-265 7 Petitioner Email: jonathanraylaw@gmail.com
Petitioner Address (if different than property information above): 2625 Saratoga Lane Tuscaloosa, AL 35406

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: [Signature] Date: 8-23-23



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REQUEST INFORMATION

Describe the nature of the request:

The petitioner requests a variance to allow for a "split site" with the proposed site improvements and future building(s) separated by right-of-way, and with separate ownership, from the existing business.

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

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

This variance request, if granted, should have no impact on the neighboring properties and would not be contrary to the public interest. Additionally, the site improvements along with improvements within street right-of-way will improve the cosmetic appeal of the parcel and the intersection of 39th Avenue and 33rd Street.

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

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

Property Owner Signature: _____

Date: 7.17.23

Property Owner Mailing Address: _____

Jonathan Ray

2625 Saratoga Lane Tuscaloosa, AL 35406

Phone Number: _____

205-454-2657

Authorized Agent Mailing Address: _____

302 Merchants Walk, Suite 250

Tuscaloosa, AL 35406

Phone Number: _____

205-561-0808

STATE OF ALABAMA

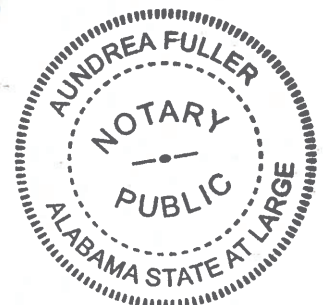
COUNTY OF TUSCALOOSA

I, Aundrea Fuller, a Notary Public in and for said County and State, hereby certify that Jonathan Ray, 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 17th day of July, 2023

Aundrea Fuller
Notary Public

My Commission Expires: July 26, 2025





GLEOS
AUTOMOTIVE
3821 MCFARLAND BOULEVARD
NORTHPORT, ALABAMA 35476

SHEET NO.
C200

