

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

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. November 16, 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-23-26** - Grant Huddleston requests a variance from the maximum allowed ISR found in Table 6-2 for a residential pool for the property located at 4802 Lake Forest Avenue.

9. NEW BUSINESS

A. **V-23-27** - Wiley Smith requests a variance from the maximum allowed ISR found in Table 6-2 for a residential pool for the property located at 4801 Lavender Drive.

10. DISCUSSION

A. Election of Chair and Vice-Chair

11. CITIZEN COMMUNICATIONS

12. ADJOURNMENT

NOTICE OF RIGHT TO APPEAL

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



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PACKETS AND MINUTES

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**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, NOVEMBER 16, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, November 16, 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, Mrs. Tina Phifer, Mr. Kevin Shobe and Mr. Brian Chandler. Absent and failing to vote were Mr. Aubrey Dale and Mr. Tyler Walker. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mrs. Morgan Williams, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mr. Brad Matthews.

Approval of Minutes

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

Approval of Agenda

Motion by Mr. Shobe to approve the agenda for November 16, 2023. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Haynie; Mrs. Walker – 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

Old Business

New Business

- a. **V-23-22** – Investar Bank is requesting a variance from the sign requirements found in Article VIII for a business located at 120 McFarland Boulevard.

Tom Winters with Knight Signs Inc, 5959 Knight Avenue, presented photos to the Board of the proposed sign design for the petitioner’s variance request. He stated that the former sign was 30 feet, and the client is not able to utilize this sign due to age and with their new design there would have to be a lot of work done. Mr. Winters stated that they have requested to raise the sign 5 feet from the sign ordinance requirements and that will allow for visibility. He stated that there is a lot of signage down Highway 82, and they are battling for visibility with billboards and other that is much higher signage.

Mr. Garner asked Mr. Winters if the previous sign there 30 feet. Mr. Winters stated yes.

Mr. Chandler asked if there were any vantage points from the other direction and will this block other signs from that opposite direction. Mr. Winters stated no, I do not have a photo of the other direction but it does not block others due to other signage being much taller.

Mr. Shobe asked Mr. Winters what the purpose of increasing the sign was and do they believe this will bring more revenue. Mr. Winters stated that this is the first retail bank for Investar Bank, and they do believe that the visibility will be good for the business.

Chairman Garner opened the floor up for public hearing.

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

Motion by Mr. Chandler to grant Investar Bank a variance to allow a sign up to 25 feet tall for the site located at 120 McFarland Boulevard. **Seconded by Mr. Haynie.** Roll call vote was as follows: Mr. Chandler – Yes; Haynie - Yes; Mr. Garner – Yes; Ms. Phifer – No; and Mr. Shobe – No. **Motion Failed.**

b. V-23-23 – Todd Palmer is requesting a variance from the internal landscape requirements found in Section 703.01.a.7 for a proposed business located at 1901 1st Street.

Andy McCartney with TTL, LLC, stated that they are proposing a hotel for this position on an extremely unique piece of property located along the river. He stated that they are requesting a variance for internal landscaping for this development. He stated that where they do not meet the landscaping requirements are the stretches of parking where there are more than 10 parking spaces. He stated that as the landscaping they are averaging a landscaping island every 7 parking spaces that does not meet the ordinance. However, they are exceeding the landscaping requirements overall throughout the property. Mr. McCartney stated that there will be landscaping on the south and east side of the building along with a landscaping strip through the middle which is more than what is needed to meet the landscaping code.

Mr. Haynie asked if they are requesting this variance to meet the parking requirements. Mr. McCartney stated that this is an extremely unique and difficult site, it is encumbered by an easement with the levee. He stated they must work around that and the condos that are already there. He stated they are trying to add parking and landscaping where they can. Mr. Todd Palmer stated there is also a large green space area. Mr. McCartney stated on the south side is the green space area.

Mr. Garner asked about gating of the property and where is the access to the hotel. Mr. McCartney stated the gate will stay up on the west end of the property for the condos that are in front of the proposed hotel. Mr. McCartney stated that First and Main will continue to access through the left side of the building. He stated there is public parking on 1st Street, parking for First and Main and the hotel. He stated the hotel access will be to the east of First and Main.

Mr. Garner asked if the hotel could be accessed through the left side. Mr. Palmer stated that the property will be separated by a fence, and they will move the gate opening to the fencing area that will be separating the hotel and condos. He stated that this would allow access for emergency entrance for the fire department.

Mr. Garner asked about the street parking on 1st Street and with people walking to the hotel. Mr. McCartney stated that the drive into the hotel is a 26-foot fire access drive and this will have a pedestrian

path down 1st Street and the drive to the hotel. Mr. Garner stated he has concerns about the public parking and the distance of walking to the hotel. Mr. Palmer stated that they will offer valet parking.

Mr. Haynie asked if due to the railroad easement there could not be a pedestrian path on the east side of the property. Mr. McCartney stated that getting an easement would take a lot of time from the railroad. Mr. Palmer stated if the hotel has full parking the valet will be available to park for the guests.

Mr. Garner asked about the gate issue again and moving it to allow access to the hotel on the west side of First and Main. Mr. Palmer stated that we must keep the two properties separated and to do this they have their own entrance. He stated we are only moving the gate to the fence that divides the properties to have emergency access. This gate will open automatically for emergency vehicles when the alarm goes off.

Mr. Haynie asked if there were any engineering concerns. Mrs. Phillips stated no.

Chairman Garner opened the floor up for public hearing.

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

Motion by Mr. Haynie to grant Todd Palmer a variance to allow an adjustment in the landscaping requirements as shown on the site plan for the property located at 1901 1st Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; Mr. Haynie – Yes; Ms. Phifer – Yes; Mr. Shobe – Yes; and Mr. Chandler – Yes. **Motion Carried.**

c. **V-23-24** – Todd Palmer is requesting a variance from the maximum building height found in Section 703.02.b.1 for a proposed business located at 1901 1st Street.

Mr. McCartney with TTL, LLC stated that they are requesting a variance from the maximum building height to allow for the middle section of the building to be 68.5 feet and the side of the proposed hotel at 66 feet. He stated that with the easements and the hotel requirements for rooms they could not widen the hotel, they have to go up in height.

Mr. Garner asked if there was a visual. Mr. Palmer stated this is a newer prototype and it's considered a Stay Brand. He stated that typically their design is a rectangular shape, and they are allowing us to change this a little to accommodate. He stated they have not built one of these hotels yet, this will be the first one. Mr. Palmer stated that the rooms are equipped with a full refrigerator, double sink, microwave, and convection oven. He stated the lobby is 11 feet tall. He stated that they have a floor plan, and the room sizes are identical.

Mr. McCartney stated that the 60-foot requirement and a lot of the areas on Main Avenue are required to be pushed up to the front with the height requirement. However, this location will sit back from the main road 250 feet from the road and it's a different view.

Mr. Haynie asked what the style of the hotel will be and will it look like First and Main. Mr. Palmer stated that it will look like a typical hotel style close to Home 2, located across the river in Tuscaloosa.

Mr. Chandler asked if V-23-24 and V-23-25 depend on each other and can you really do one without the other. Mr. McCartney said the project is dependent on if both variances are approved or not.

Mr. Haynie asked why not go 14 feet. Mr. Palmer stated that there is 10 feet on the first-floor rooms with 11 feet for the lobby area. He stated going up you are going to have 9 feet. Mr. Garner asked Mrs. Ramm what the intent behind 14 feet is in the ordinance. She stated that for a store front right on Main Avenue with commercial on the first floor to give you the visual. Mr. Garner asked if there was any retail space available. Mr. Palmer stated no.

Chairman Garner opened the floor up for public hearing.

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

Motion by Mr. Haynie to grant Todd Palmer a variance to allow an adjustment from the maximum building height from 60 feet to 68.5 feet for a business located at 1901 1st Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; Mr. Chandler – Yes. **Motion Carried.**

d. **V-23-25** – Todd Palmer is requesting a variance from the commercial ground floor height found in Section 703.02.b.2 for a proposed business located at 1901 1st Street.

Mr. McCartney stated they will not add anything since he discussed with V-23-24.

Chairman Garner opened the floor up for public hearing.

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

Motion by Mr. Haynie to grant Todd Palmer a variance to allow a reduction minimum first floor building height from 14 feet to 10'8" for a business located at 1901 1st Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; and Mr. Chandler – Yes. **Motion Carried.**

e. **V-23-26** – Grant Huddleston is requesting a variance from the maximum allowed ISR requirements found in Table 6-2 for a property located at 4802 Lake Forest Avenue.

Mrs. Ramm stated that the petitioner did reach out to staff and state they could not be here tonight. She stated that they can hear the case from staff without a petitioner or they have the option to table the case till the next meeting.

Mrs. Ramm stated that this meeting will serve as public notice.

Motion by Mr. Haynie to table the case for the December 21, 2023, meeting. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; Mr. Chandler – Yes. **Motion Carried.**

X. DISCUSSION

Mrs. Ramm stated that the next meeting will be December 21, 2023, and we now have at least one case for this meeting and need to know if there will be enough members to conduct this meeting. She stated

that if the meeting location is changed, they will be notified. The board members did not have any issues with the meeting being held on December 21, 2023.

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
December 13, 2023

AGENDA ITEM

Case Number: V-23-26

Request: A variance from ISR standards

Location: 4802 Lake Forest Avenue

Applicant: Grant Huddleston

SUBJECT PARCEL

Zoning: Residential Single Family

Zoning of Adjacent Property: Residential Single Family

Proposed Action: To adjust the impervious surface standards to allow construction of a swimming pool.

STAFF COMMENTS

Grant Huddleston is seeking a variance from the ISR standards. Those standards are in Table 6-2 and are included below:

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

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

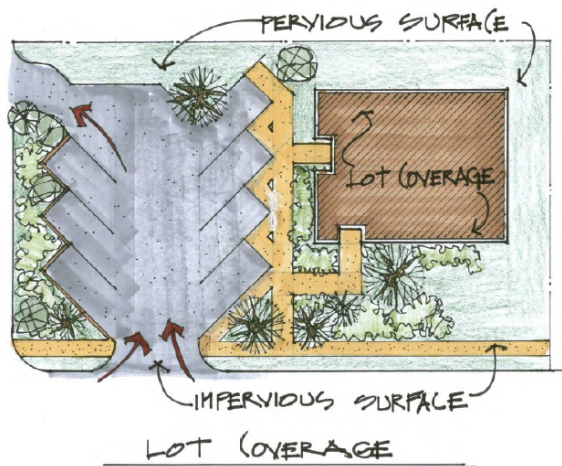


FIGURE 4

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:

Grant Huddleston seeks approval of a variance to allow him to exceed the maximum Impervious Surface Ratio (ISR). This ratio is a measurement of all impervious surfaces on a development site divided by the site area (see “figure 4” above). The reason for this request is to accommodate the construction of a new swimming pool on his residential lot.

The current ordinance limits lots in this zoning district to a maximum impervious surface ratio of 0.30. Based on estimates from staff, the current lot is approximately 14,371 square feet. Of this area, approximately 5,700 square feet is already covered with impervious surfaces. This results in an existing ISR of 0.40, which is well over the allowable amount specified in the ordinance. The addition of a swimming pool would further increase the amount of impervious surfaces on this lot, though staff was not given a measurement for the exact amount of impervious surface to be added.

Based on aerial photos, 8 of the homes in this neighborhood appear to have a swimming pool in their backyard. It is not known how close these homes are to their allowable ISR limit, but many of them appear to pre-date the current ordinance and ISR requirements.

MOTION:

I make a motion to grant Grant Huddleston a variance from ISR requirements to allow construction of a 12' x 24' swimming pool for the property located at 4802 Lake Forest Avenue.

Northport Zoning Board of Adjustment

Variance Request

Zoning

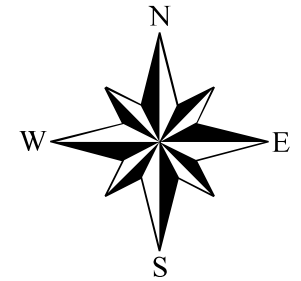
 Agriculture

 General Commercial

 Residential Multi-Family

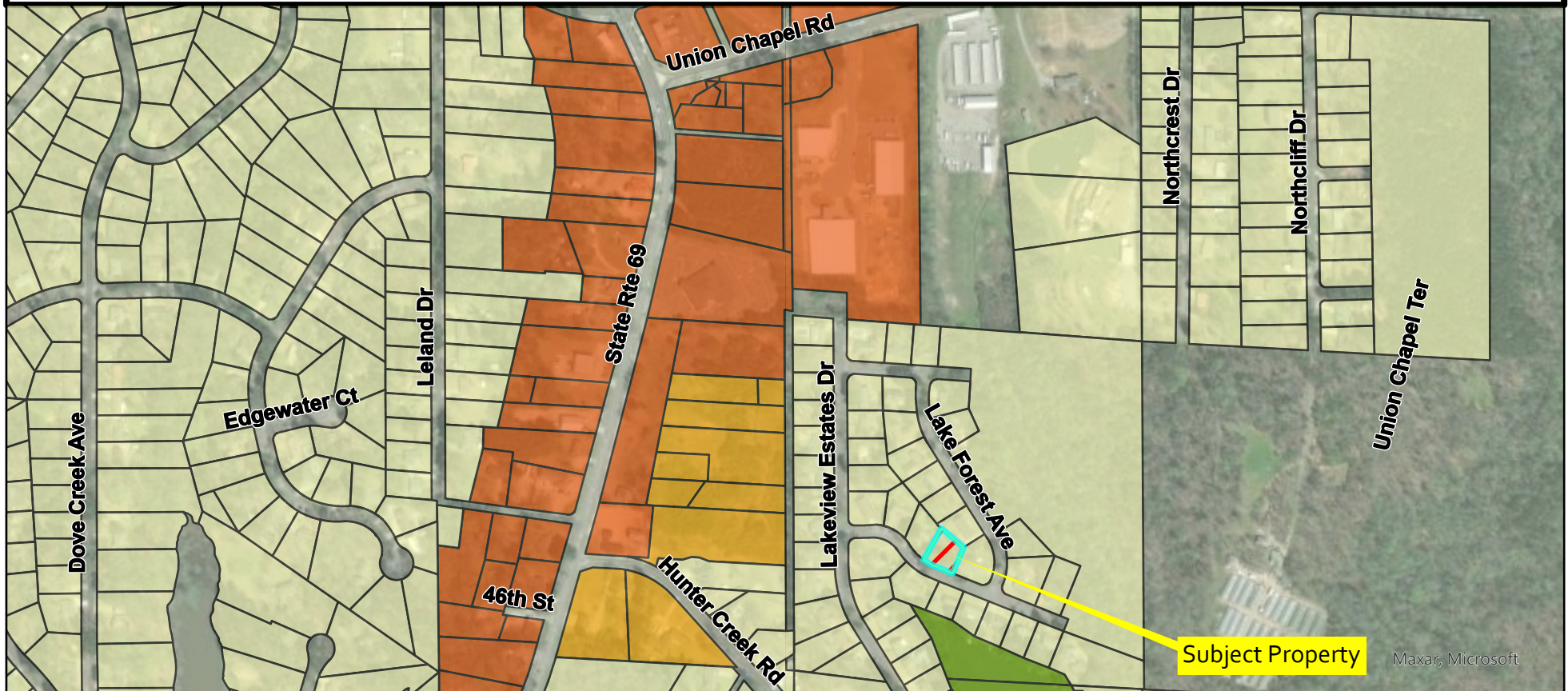
 Residential Single-Family - 1

 Subject Property



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

0 500 1,000 2,000 Feet



Maxar, Microsoft



4802 Lake Forest Ave

Northport, Alabama



Google Street View

Jul 2022

[See more dates](#)



Google

Image captured



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: 9/29/2023

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: 4802 Lake Forest Ave
Property Subdivision and Lot Number: 3102031002006.000
Property Zoning District: _____
Existing Buildings on Property: House, exterior shop
Proposed Construction on Property: Pool

PETITIONER INFORMATION

Petitioner Name: Grant Huddleston
Petitioner Phone: 205-310-4682 Petitioner Email: Granthuddleston@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: Grant Huddleston Date: 9/29/2023



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:

Variance to approve the installation of a pool. Owner owns both lots below

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

Ownership of both lots

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 not impact neighboring properties at all.

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:

ood morning,

I have reviewed the building permit for the swimming pool at 4802 Lake Forest Ave. The lot is zoned RS-1 which has an ISR restriction of 0.3. The total lot area is around 14,371 ft² so the allowable impervious area would be 4311 ft². Based on rough google earth measurements it looks like the lot currently has around 5700 ft² of impervious area (well over the allowed amount). That being said, while the pool itself will not be considered as impervious area, the concrete deck around the pool will be. Since you are already over the allowable impervious limit, this permit (since it will include additional impervious area) cannot be approved without a variance from the Zoning Board. If you have any questions about the variance application process, you may contact Shaun Patton in the planning department. Please let me know if you have any other questions.

Thank you,

Holly E. Phillips, P.E.
Engineering Department
City of Northport
205-339-7000
hphillips@cityofnorthport.org

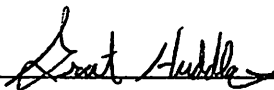
4802 Lake Forest Ave.



City of Northport Designation of Agent Form

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

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

Property Owner Signature: 

Date: 9/29/2023

Property Owner Mailing Address: 4802 Lake Forest Ave

Northport, AL 35473

Phone Number: 205-310-4682

Authorized Agent Mailing Address: _____

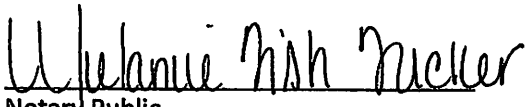
Phone Number: _____

STATE OF ALABAMA

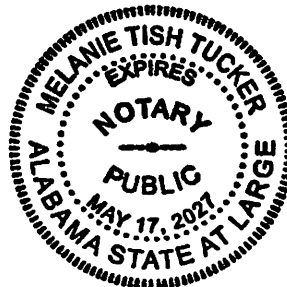
COUNTY OF TUSCALOOSA

I, Melanie Tish Tucker, a Notary Public in and for said County and State, hereby certify that Grant Huddleston, 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.

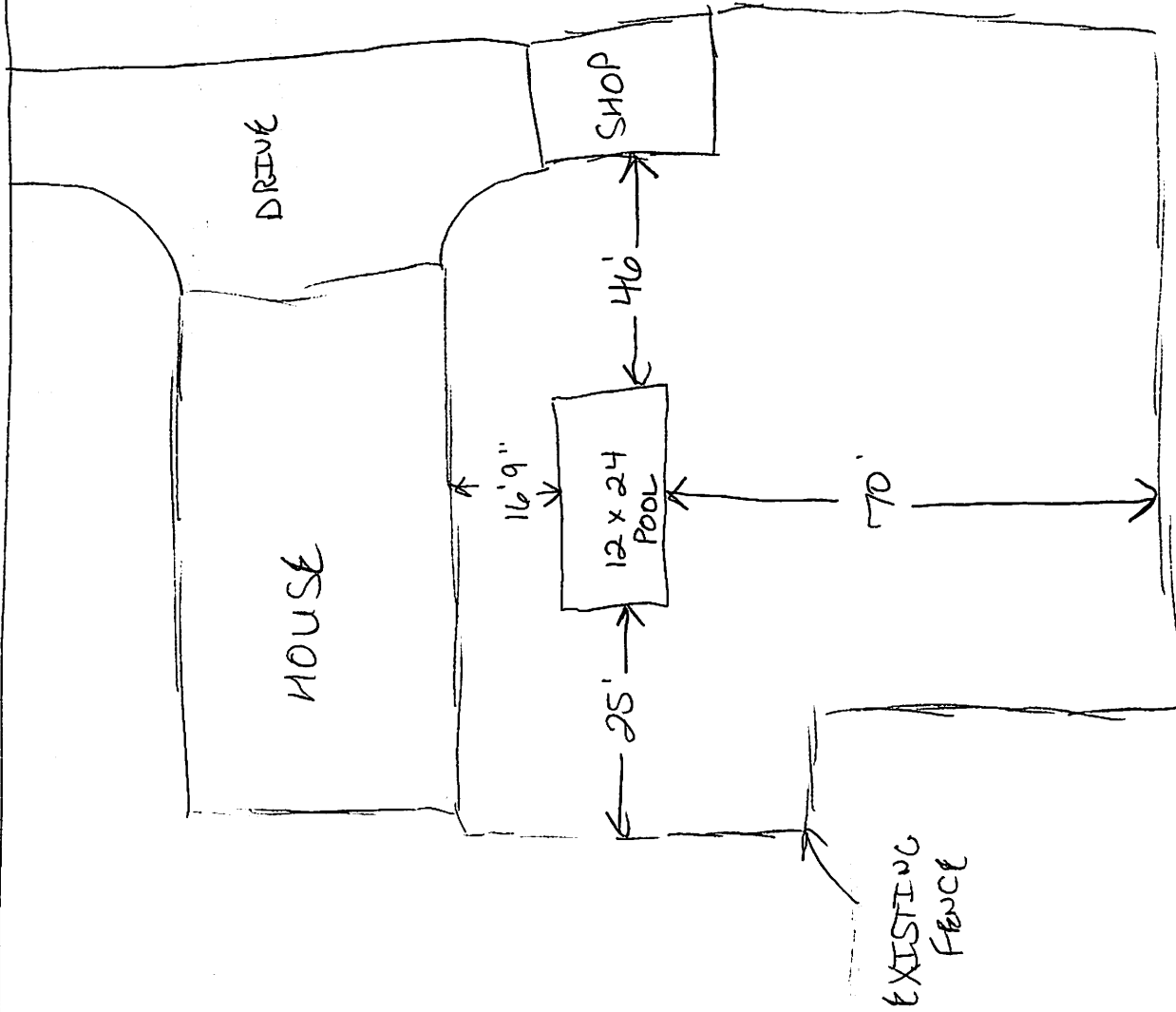
Given my hand and seal of office this 29 day of September, 2023


Notary Public

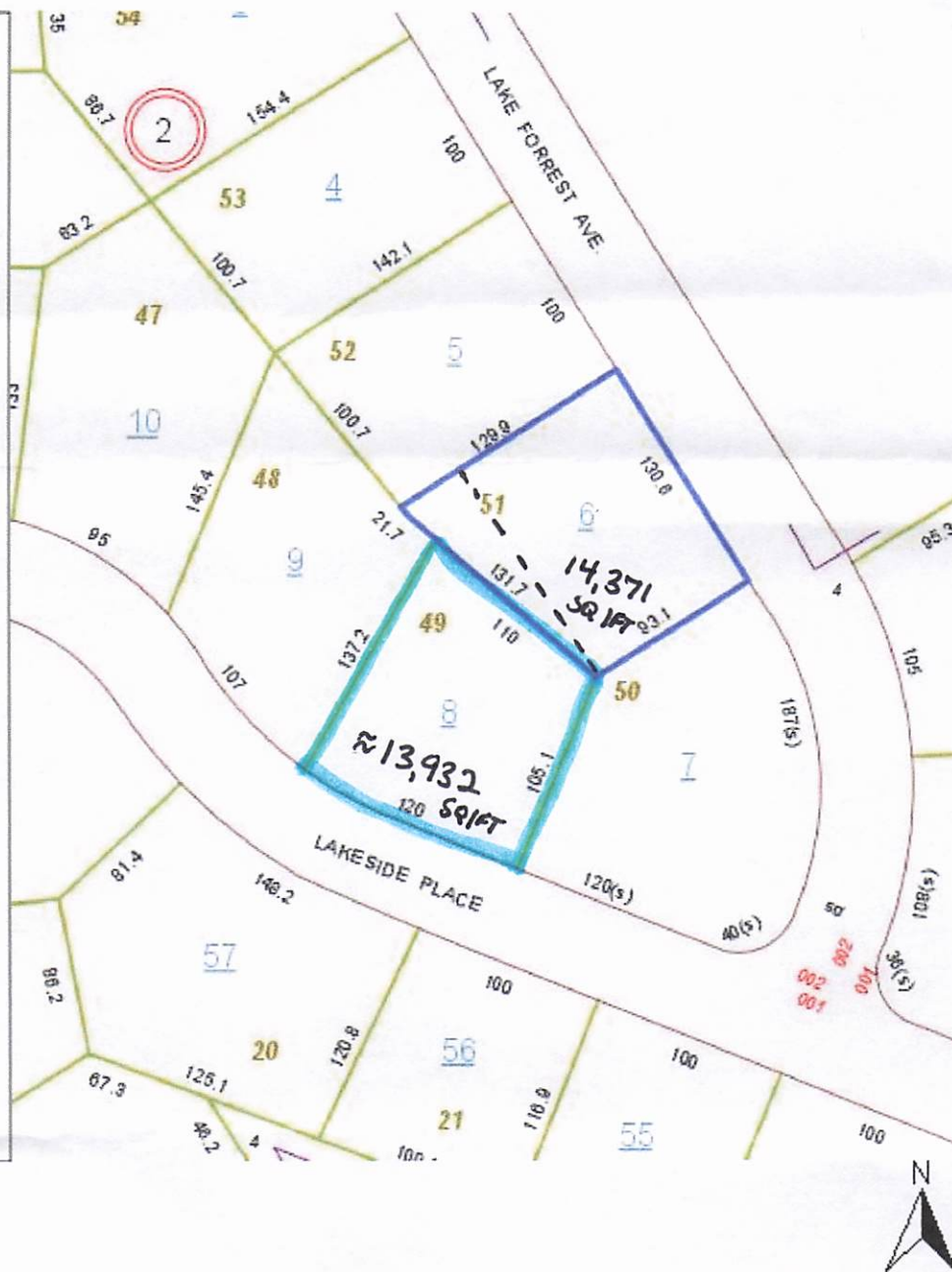
My Commission Expires: 5-17-2027



LAKE FOREST AVE



LABEL: ConflictText
 LeaderLines
 MapBlock
 MapBlockLimit
 LandHooks
 Road Text
 Parcels
 CityLimits
 SubLimitTick
 Conflict
 Road_Dims
 CityLimitText
 MiscText
 Parcel Text
 Parcel Number
 Dimensions
 LotText
 SubName
 SubPlat
 SubBlock
 SubLimit
 Water
 Acreage
 Water
 WaterLines
 PLS
 QSections
 Sections



PARCEL ID

HOUSE LOT	63	31	02	03	1	002	006.000
VACANT LOT	63	31	02	03	1	002	008.000

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
December 13, 2023

AGENDA ITEM

Case Number: V-23-27

Request: A variance from ISR standards

Location: 4801 Lavender Drive

Applicant: Wiley Smith

SUBJECT PARCEL

Zoning: Residential Single Family

Zoning of Adjacent Property: Residential Single Family

Proposed Action: To adjust the impervious surface standards to allow construction of a swimming pool.

STAFF COMMENTS

Wiley Smith is seeking a variance from the ISR standards. Those standards are in Table 6-2 and are included below:

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

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

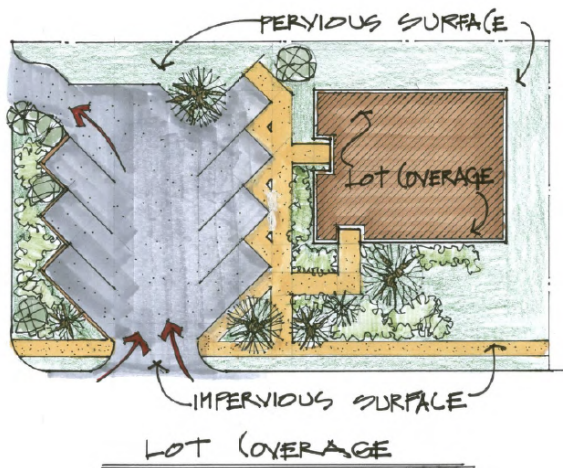


FIGURE 4

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:

Wiley Smith seeks approval of a variance to allow him to exceed the maximum Impervious Surface Ratio (ISR). This ratio is a measurement of all impervious surfaces on a development site divided by the site area (see “figure 4” above). The reason for this request is to accommodate the construction of a new swimming pool on his residential lot.

The current ordinance limits lots in this zoning district to a maximum impervious surface ratio of 0.30. Based on estimates from staff, the current lot is approximately 21,710 square feet. Of this area, approximately 6,700 square feet is already covered with impervious surfaces. This results in an existing ISR of 0.31, which is slightly over the allowable amount specified in the ordinance. The proposed addition of a swimming pool would further increase the amount of impervious surfaces on this lot to approximately 0.36.

Based on aerial photos, the other homes in this neighborhood do not appear to have a swimming pool in their backyard.

MOTION:

I make a motion to grant Wiley Smith a variance from ISR requirements to allow construction of a 16' x 32' swimming pool for the property located at 4801 Lavender Drive.

Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Zoning

■ Agriculture

■ General Commercial

■ Heavy Industrial

■ Recreational

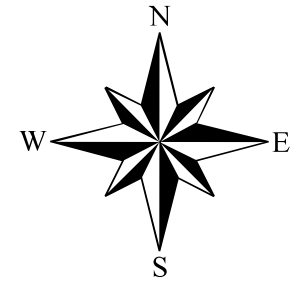
■ Residential Single-Family - 1

■ Residential Single-Family - 2

■ Residential Single-Family - 4

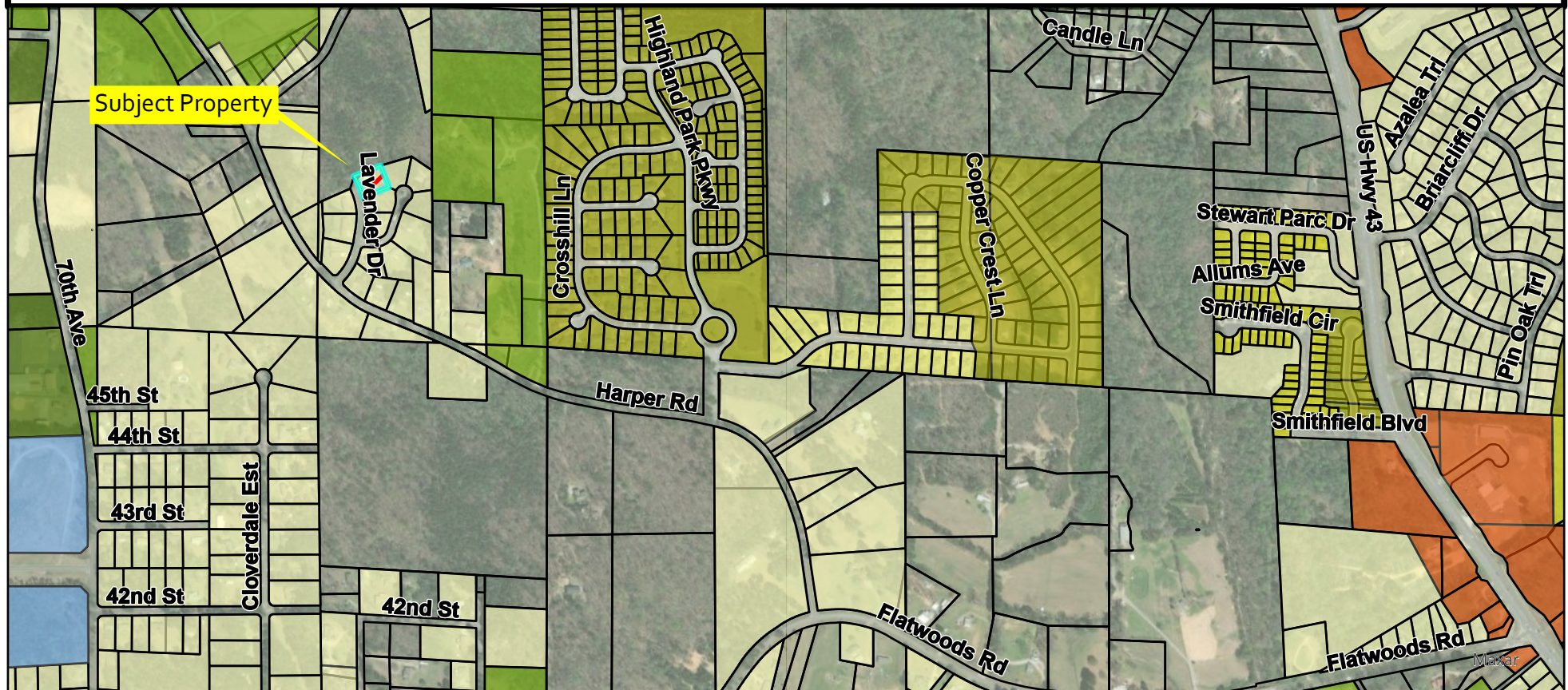
■ Residential Single-Family - SD

▨ Subject Property



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

0 500 1,000 2,000
Feet







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

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Date of Application: _____

SUBMITTAL CHECKLIST

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

PROPERTY INFORMATION

Property Address: _____

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: _____

Proposed Construction on Property: _____

PETITIONER INFORMATION

Petitioner Name: _____

Petitioner Phone: _____ Petitioner Email: _____

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

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

OWNER INFORMATION

Owner Name and/or Company: _____

Owner Mailing Address: _____

Owner Phone: _____ Owner Email: _____

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

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

Applicant Signature: _____ Date: _____



City of Northport

Variance Application Packet

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REQUEST INFORMATION

Describe the nature of the request:

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:

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:

