

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, FEBRUARY 15, 2024**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. January 18, 2024

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-24-3** - Devin Kerstetter is requesting a variance from the accessory structure standards found in Section 607.03 to allow metal siding on a building located at 504 Union Chapel Road.

10. DISCUSSION

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, JANUARY 18, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, January 18, 2024, 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. Aubery Dale, Mr. Jon Garner, Ms. Tina Phifer, Mr. Kevin Shobe, Mr. Tyler Walker and Mr. Brian Chandler. Absent and failing to vote was Mr. Chad Haynie. Also, present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mrs. Morgan Williams, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for December 21, 2023. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; and Mr. Walker - Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Shobe to approve the agenda for January 18, 2024. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; Mr. 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-24-1** – Jamileh Beik Mohammadi and Saman Salari request a variance from the residential development standards found in Section 603.03 for the property located at 4001 Ashburton Lane.

Jamileh Beik Mohammadi and Saman Salari, 4001 Ashburton Lane, stated that they are requesting a variance to convert their unattached garage into a separate dwelling for guests. Mr. Mohammadi stated that they have no friends or family that are located here, and they are growing a family. He stated that the backyard is large and if they need to separate their property, this can be done. He stated that they have plenty of space to park.

Mr. Garner asked regarding the picture provided if the house used to have an existing garage attached and is this still a garage space. Mr. Mohammadi stated that this is part of the house that contains a sunroom

and a small office. Mr. Garner asked if this was originally a garage. Mr. Mohammadi stated he did not know.

Mr. Garner asked how many bedrooms the residence has. Mr. Mohammadi stated that the wing has one room that is small, and they use for an office and there are 4 bedrooms if you count this office space, but there are 3 usable bedrooms.

Mr. Garner stated to the petitioner that the issue with this variance is if at some point in the future the residence sales this variance will stay with the property. He stated that allowing this variance leads to concerns about what the future owners of this property will do with this second dwelling space.

Mr. Mohammadi stated that they are not planning on leaving this property due to his spouse having a 10-year contract with her employer.

Mr. Dale asked if the petitioners had any intention of renting the addition out. Mr. Mohammadi stated no, they need help from their family. Mr. Dale asked if the unattached garage would have to have utilities added. Mr. Salari stated yes.

Mr. Shobe asked the petitioners again if the residence was 3 bedrooms and if it was just the two of them living here. Mr. Salari stated yes, but they use the smallest room as an office. Mrs. Mohammadi stated that they are also using one of the three bedrooms as another office as well. Mr. Shobe asked if the petitioners could use the unattached garage for the office and leave the room for guests. Mr. Salari stated that this would still require the space to be renovated since it only has electricity.

Chairman Garner opened the floor up for a public hearing.

Tony Gray, 3911 Ashburton Lane, stated as far as what the petitioners are requesting, they have no issues with this. He stated the previous owners that lived here had plenty of parking space for their family. He stated that the issues with the air conditioning and putting a window unit in for the addition, there is no window for a unit to be put in. He stated that there is some plumbing in this garage.

Mr. Garner asked Mr. Gray if they were to sell the property and if a new owner used this for an investment property, would you have a problem with that. Mr. Gray stated no, not unless they had to get the law involved.

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

Motion by Mr. Phifer to make a motion to grant Jamileh Beik Mohammadi and Saman Salari a variance to allow a second dwelling unit on a single lot for the property located at 4001 Ashburton Lane. **Seconded by Mr. Shobe.** Roll call was as follows: Ms. Phifer – No; Mr. Shobe – No; Mr. Dale – Yes; Mr. Garner – No; and Mr. Chandler – No. **Motion Failed.**

a. V-24-2 – Jaclyn Ensor requests a variance from the trash receptacle standards found in Section 506.02 for the property located at 1622 Lurleen B. Wallace Boulevard.

Jaclyn Ensor, 1622 Lurleen B. Wallace Boulevard, and Katie Kirk, the assistant, stated that they have 14 available parking spaces for their employees, not including the parking space occupied with the dumpster now. Ms. Kirk stated there are 5 parking spaces available on the side of the building, one being a handicap space available for the parent parking and drop off. She stated that there are at least 16 employees working at the same time. Ms. Kirk stated that they started out with the dumpster being on the ramp, but the company could not access it to empty. They stated that they moved it to parking spot 8 along with going down in size and choosing a black dumpster. She stated we were trying to comply with the ordinance and moved the dumpster to parking spot 1 and received a quote on enclosure. Ms. Kirk stated that the enclosure would then take up at least 2 more parking spots due to access to empty. She stated that would put them with only 12 available spots. Mrs. Ensor stated due to the trash load they must have a dumpster.

Mr. Garner asked what size dumpster they currently have. Mrs. Ensor stated it is the smallest size that the company provides.

Mr. Garner asked how many garbage bins the city allows. Mrs. Phillips stated that she spoke with the Public Works Director and stated that they are allowed two garbage bins at this location. Mrs. Ensor stated that if the city still collected twice a week, they could make that work but they only collect once a week. Ms. Kirk stated that they do collect their trash at night when the parking lot is empty.

Mr. Garner asked the city staff if the variance is granted does it matter where the dumpster is in the front. Mrs. Ramm stated it would still be in the front but for visual purposes from Lurleen B. Wallace, they would prefer it to be back.

Mr. Shobe asked what the hardship for this petition is. Ms. Kirk stated that they would have nowhere for their employees to park. Mr. Garner clarified that the front parking places are for the employees. Ms. Kirk stated that is correct.

Mr. Shobe asked how many employees and children do you have. Ms. Kirk stated that they have 27 employees in total and between 80-90 children.

Mr. Chandler asked if there was a reason you could not reserve the parking spaces on the side for the dumpster. Mrs. Ensor stated that those are reserved for the parents and drop off. Ms. Kirk stated that they use the side door as the entrance.

Mr. Garner clarified that the dumpster as of now is in the front parking lot. Mrs. Ensor stated yes. Mr. Garner asked if moving it to parking spaces 1 & 2 with the stairs, is this going to be an issue for access. Mrs. Ensor stated that the stairs do not go out as far as it looks and believes it will be ok.

Mr. Garner stated that speaking for himself, that there are some challenges with the lot. He stated he is more inclined to consider allowing the dumpster to be located at the front but prefers it to be enclosed. He stated that would be his only stipulation. Mrs. Ensor stated that they would lose two – three parking spaces based on a discussion they had with someone to construct the enclosure. She stated this is our concern.

Mr. Garner stated that he was confused as to if they have the smallest dumpster as to why it will take up to 3 spaces. Ms. Kirk stated it's for them to be able to pull in and access the dumpster.

Mr. Garner asked how long they had been at the location, and did they consider what they were going to do about a dumpster then. Mrs. Ensor stated that they have been there since June, and we did not have an issue until they could not get into the location to collect.

Mr. Dale asked if the parking lot was at the edge of the property line. Mrs. Ensor stated yes.

Mr. Shobe asked if they could slide the dumpster all the way back in space 8 and only the front would be used for the gate. Mrs. Ensor stated that it was as far back as it could be and that they are already close to the property line. Mr. Shobe stated that they could build the gate right up to the curb.

Mr. Garner asked the city staff if the variance is approved then it will follow this property and the dumpster will be allowed in future to be without an enclosure. Mrs. Ramm stated that is correct. Mr. Garner stated that is a concern for him.

Mr. Chandler asked if the grass area in the at the front of the property is theirs. Mrs. Ensor stated yes. Mr. Chandler stated that if you build the enclosure on the grass then you would not lose any additional parking.

Mr. Garner asked the city staff if there would be an issue with doing as Mr. Chandler suggested. Mrs. Ramm stated that it does have to be on a hard surface. Mr. Chandler stated that if they collect at night and if you still had to pour a concrete slab for it to sit on you would not lose any parking.

Mrs. Ensor asked if they would need to file for a difference variance. Mrs. Ramm stated that they would need to apply for a setback variance with it being a separate parcel.

Mrs. Ensor asked if they would need to apply for a different variance to allow them to have a dumpster with an enclosure located in the front of the building. Mr. Garner stated no he would make a motion to cover this, but it would be up to the board if it passed.

Ms. Kirk asked if we must have the enclosure in the front can we park in the back along the fence. Mrs. Ramm stated that it would need to be a hard surface. Mrs. Phillips stated that where the fence is located that would cause a sight issue and would not be allowed.

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 Ms. Phifer to grant Jaclyn Ensor a variance to allow a dumpster without an enclosure as shown on the site sketch for the property located at 1622 Lurleen B. Wallace Boulevard. **Seconded by Mr. Shobe.** Roll call vote was as follows: Ms. Phifer- No; Mr. Shober – No; Mr. Dale – No; Mr. Garner – No; and Mr. Chandler - No. **Motion Failed.**

Motion by Mr. Garner to grant Jaclyn Ensor a variance to allow a dumpster with an enclosure as shown on the site sketch for the property located at 1622 Lurleen B. Wallace Boulevard. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Chandler – Yes; Ms. Phifer – Yes; Mr. Shobe – No; Mr. Chandler - Yes. **Motion Carried.**

X. DISCUSSION

Election of Chair/Vice Chairman

Election Chairman

Motion by Mr. Chandler to nominate Mr. Jon Garner for Chairman of the Zoning Board of Adjustments for the 2024 year. **Seconded by Ms. Phifer.** Roll Call as follows: Mr. Chandler – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Walker – Yes; and Mr. Chandler – Yes. **Motion Carried.**

Election Vice-Chair

Motion by Mr. Chandler to nominate Mr. Kevin Shobe for Vice-Chairman of the Zoning Board of Adjustments for the 2024 year. **Seconded by Ms. Phifer.** Roll Call as follows: Mr. Chandler – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Walker – Yes; and Mr. Chandler – Yes. **Motion Carried.**

XI. ADJOURNMENT

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

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
February 15, 2024***

AGENDA ITEM

Case Number: V-24-3

Request: A variance from accessory structure standards

Location: 504 Union Chapel Road

Applicant: Devin Kerstetter

SUBJECT PARCEL

Zoning: Residential Single Family (RS-1)

Zoning of Adjacent Property: Residential Single Family (RS-1)

Proposed Action: To allow an accessory structure that is not architecturally compatible with the principal structure and exceeds the allowable square footage.

STAFF COMMENTS

Devin Kerstetter is seeking a variance from the accessory structure standards. Those standards are in section 607 and are included below:

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.

F. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

G. Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line or front plane of the structure, whichever is greater. Accessory structures on lots of three (3) acres or more in the Agricultural (AG) District shall be setback a minimum of 100 feet from the front property line.

H. No accessory structure shall be placed within a required bufferyard or located closer than five (5) feet to a property line where no bufferyard is required.

I. On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.

J. On any one (1) residential lot, the total floor area of all accessory structures shall be limited to 50 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but not swimming pools. Lots of three (3) acres or larger in the Agricultural (AG) district shall be exempt from this limitation.

K. Accessory structures shall be constructed of materials compatible with those of the principle structure; with the exception that one (1) metal or prefabricated residential accessory structure not exceeding 200 sq. ft. in size may be allowed in the rear yard.

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:

Devin Kerstetter is seeking a variance to allow the construction of an 800 square foot (20x40) metal accessory structure in a side yard for his property located at 504 Union Chapel Road. The current ordinance requires that all new accessory structures be constructed of materials that are architecturally compatible with the principal structure, with the exception of a single prefabricated metal building under **200 square feet** being allowed in a **rear yard**. The ordinance also sets a maximum square footage for all accessory structures, including open carports, at 50% of the principal structure. Based on county tax data, the existing house is approximately 1,400 square feet. Based on GIS measurements, the existing carport is approximately 400 square feet. This would leave roughly 300 square feet of allowable area for additional structures. The applicant is requesting an adjustment to exceed this amount by 500 square feet.

The Planning and Zoning Commission is currently revising the comprehensive plan for the city. While it has not yet been formally adopted, the current iteration does not mention any proposed changes to the current accessory structure regulations.

Based on permit records and aerial photos, staff is not aware of any other instances of similarly-sized metal accessory structures in the immediate vicinity, with the exception of two that appear to pre-date the current ordinance.

The applicant has stated that they would paint the new building and add landscaping to better match the principal structure, which is a painted brick house.

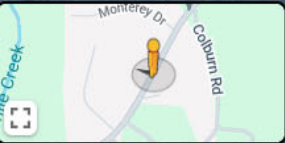
MOTION:

I make a motion to grant Devin Kerstetter a variance to allow a 20'x40' metal accessory structure for the property located at 504 Union Chapel Road.

← 504 Co Rd 62
Northport, Alabama
Google Street View
Nov 2023 See more dates

Approximate
location of
proposed structure

Existing
House



Google

Image capture: Nov 2023 © 2024



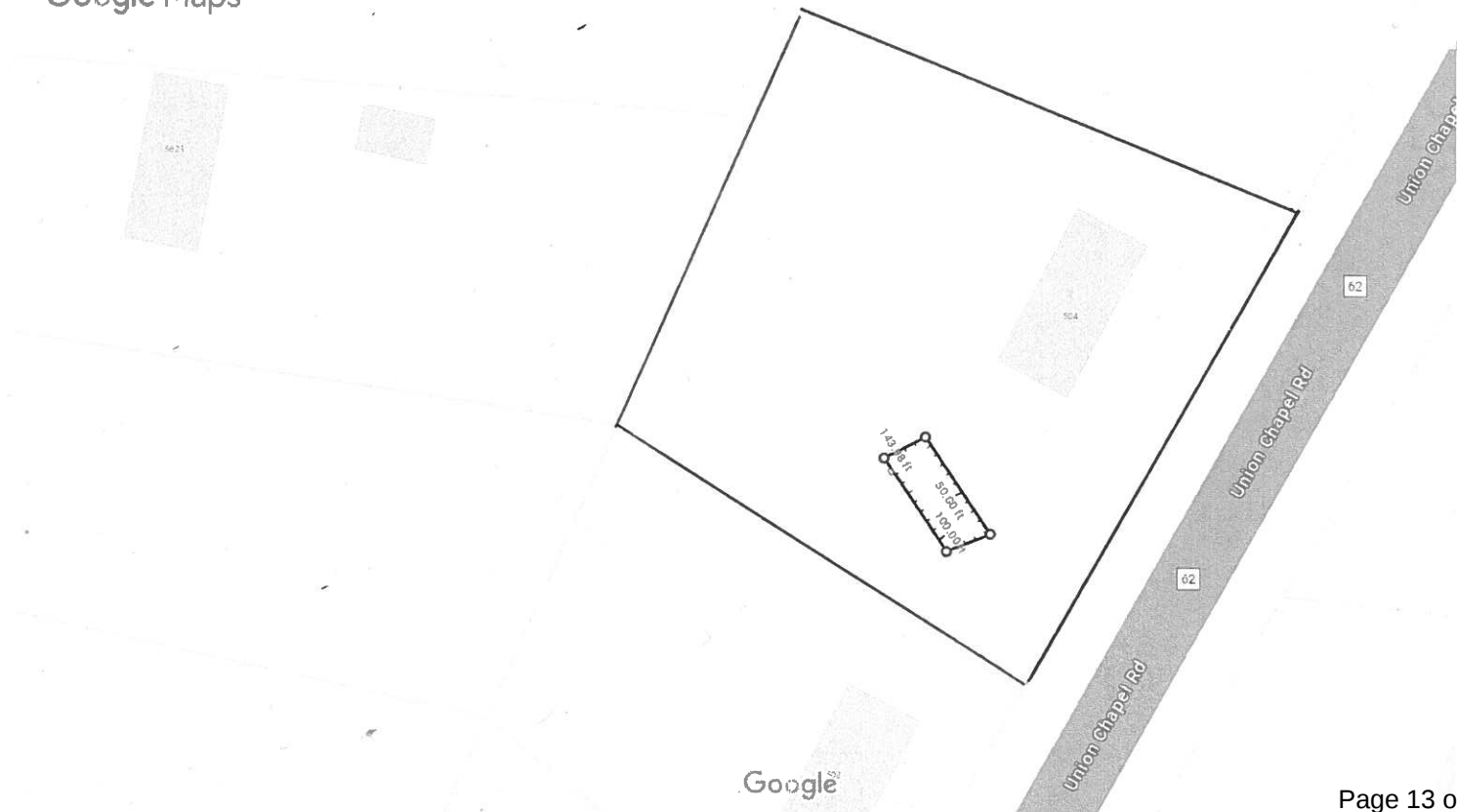
Google Maps



Imagery ©2024 Airbus, Map data ©2024 Google 20 ft

Measure distance
Total area: 1,049.83 ft² (97.53 m²)
Total distance: 143.98 ft (43.88 m)

Google Maps





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: _____

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

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

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:



City of Northport

Designation of Agent Form

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

I, _____, 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: _____

Property Owner Mailing Address:

Phone Number:

Authorized Agent Mailing Address:

Phone Number:

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Northport Zoning Board of Adjustment

Variance Request

Zoning

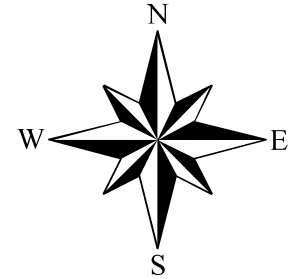
 Agriculture

 General Commercial

 Residential Single-Family - 1

 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

