

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, MAY 16, 2024**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. March 21, 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-24-8** - Lynwood Springer is requesting variances for a property located at 123 30th Avenue:

a. From the arterial street requirements found in Section 409.I.1.a.2

b. From the duration of stay found in Section 409.I.1.f.4

B. **V-24-9** - Hightown Properties, LLC is requesting a variance from the required side setbacks found in Table 4-3 for a commercial property located on 36th Street and east of 26th Avenue.

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, MARCH 21, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, March 21, 2024, in the Council Chambers of the Northport City Hall by Vice - Chair Kevin Shobe.

Upon roll call the following members were found to be present: Mr. Chad Haynie, Ms. Tina Phifer, Mr. Kevin Shobe, and Mr. Brian Chandler. Absent and failing to vote was Mr. Jon Garner, Mrs. Jennifer Taylor-White. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mrs. Holly Phillips and Ms. Meredith Mullins.

Approval of Minutes

Motion by Mr. Haynie to approve the minutes for February 15, 2024. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; and Ms. Phifer – Yes; Mr. Shobe – Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Chandler to approve the agenda for March 21, 2024. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Haynie – Yes; Ms. Phifer – Yes; and Mr. Shobe – 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-24-4** – Wayne Darien is requesting a variance from the requirements of Section 608.01 to allow more than one home occupation to be operated in the same dwelling unit for the residence located at 13738 Brandon James Avenue.

Lashonda and Wayne Darien, 13738 Brandon James Avenue, stated that she already runs a mental home therapy business from the residence, and she does not see patients face to face and they are asking for a variance to run another business from their residence.

Mr. Haynie asked if anyone would be visiting the home for either of the home based businesses. Mrs. Darien stated no.

Vice – Chairman Shobe opened the floor up for a public hearing.

With no one to appear before the board, Vice – Chairman Shobe closed the public hearing.

Motion by Mr. Haynie to grant Wayne Darien a variance to allow a second home occupation for the property located at 13738 Brand James Avenue. **Seconded by Mr. Chandler.** Roll call was as follows: Mr. Haynie – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Ms. Phifer – Yes; and Mr. Shobe – Yes. **Motion Carried.**

- b. **V-24-6** – Gene Ray Taylor is requesting a variance from the requirements of article IX to expand a nonconformity and from the unified development site requirements in Section 1002.11 for the property located at 6801 McFarland Boulevard.

Robert Martin with Duncan Coker Associates, 302 Merchants Walk, stated Mr. Gene Ray Taylor is planning an expansion to his parts warehouse at his facility for Warrior Tractor. Mr. Martin stated they are requesting several nonconformities that are on the property site. He stated that this property was started back nearly 50 years ago when the zoning ordinance was different. He stated that the landscaping is non-conforming, and they would require removal of mature trees and placement of new along McFarland Boulevard. Mr. Martin stated that the landscaping is very dense and does not meet the requirements as is. He stated that as far as parking goes, the ordinance would require 542 spaces for this facility based of building square footage and the outdoor storage areas on the property. He stated if we must bring the property up to the zoning ordinance standards now, it will cause him to be out of operation and is not practical in this situation on the civil side of things.

Evan Fitts with FITTS Architects, 817 Albon Avenue, stated that this addition will not add any more employees so there is no need for additional parking. He stated that the architectural standards in the code on the metal building and that item b.1.c is unbroken facades every 75 feet. He stated that this is a metal building and that the existing color of the building is a dark bronze color with white downspouts along. He stated that there are some typical metal buildings, and they are wanting to maintain the same on the 150 feet addition. Mr. Fitts stated that the next issue is no blank walls. Mr. Fitts stated that materials of metal panels can be in the C-6 zone with a masonry base that is a third of the height of the building, which requires them to have a 10-foot masonry base. Mr. Fitts stated that if we must meet these standards to conform, the addition will look different.

Mr. Martin stated that this is not just about the aesthetics, but the construction of this building will be handled while the business is in operation and does not make sense for them to replace sides of buildings while in operation.

Mr. Chandler stated that in the packet stated that the current parking situation is adequate for the current operation of the business and asked if they have any issues with parking now. Mr. Martin stated that's correct, there are 89 parking spaces and overflow parking in the back rear of the facility.

Vice – Chairman Shobe opened the floor up for a public hearing.

With no one to appear before the board, Vice – Chairman Shobe closed the public hearing.

Motion by Ms. Phifer to grant Gene Ray Tayler a variance to allow the expansion of a nonconformity for the property located at 6801 McFarland Boulevard. **Second by Mr. Dale.** Roll call was as follows: Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Haynie – Yes; Mr. Shobe – Yes; and Mr. Chandler – Yes. **Motion Carried.**

- c. **V-24-7(a)** – D P Holdings, LLC Series McFarland is requesting a variance from the minimum parking space size found in Section 610 for the property located at 6375 McFarland Boulevard.
V-24-7(b) – D P Holdings, LLC Series McFarland is requesting a variance from the setback requirements found in Table 43 for the property located at 6375 McFarland Boulevard.
V-24-7(c) – D P Holdings, LLC Series McFarland is requesting a variance from the building materials found in Section 509.03 for the property located at 6375 McFarland Boulevard.

Micah Hatley with DP Holdings, LLC represented Chick – Fil - A, 1203 Overlook Road, stated that parking space measurement they are requesting is 9 x 18 not 9 x 20. This is due to there being 3 public roads surrounding it and with the setbacks of 40 ft off the property squeezes the site a little bit. He stated that the topography of the area is an issue, along Airport and McFarland there are drainage swells in the right-of-way and a detention pond. He stated that this will allow more parking for the restaurant that will help with traffic. Mr. Hatley stated that there are 25ft and 30 ft drive aisle that are Chick-Fil-A standards. He stated that the building setback is for the order canopy that is detached from the building. He stated that there is not really a way to avoid the building setbacks with the canopy on the McFarland Boulevard side. Mr. Hatley stated that the canopy that is requested for the building is being requested that it be steel and not clad. He stated this would be for the pickup canopy and the order canopy. He stated that it is a Chick-Fil-A standards that matches the building with the other architectural elements and would match the other Chick-Fil-A on McFarland Boulevard.

Vice – Chairman Shobe opened the floor up for a public hearing.

With no one to appear before the board, Vice – Chairman Shobe closed the public hearing.

Motion by Mr. Haynie to grant D P Holdings, LLC Series McFarland a variance from the setbacks, building materials, and parking standards as shown on the site plan and application for the property located at 6375 McFarland Boulevard. **Seconded by Mr. Dale.** Roll call was as follows: Mr. Haynie – Yes; Mr. Dale – Yes; Ms. Phifer – Yes; Mr. Shobe – Yes; and Mr. Chandler – Yes. **Motion Carried.**

X. DISCUSSION

XI. ADJOURNMENT

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

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 16, 2024

AGENDA ITEM

Case Number: V-24-8

Request: Variances from recreational vehicle park standards

Location: 123 30th Avenue

Applicant: Lynwood Springer

SUBJECT PARCEL

Zoning: Recreational (REC)

Zoning of Adjacent Property: Recreational (REC), Historic Neighborhood (HN)

Proposed Action: To allow a recreational vehicle park that doesn't meet arterial street frontage requirements and exceeds the maximum allowable length of stay for customers.

STAFF COMMENTS

Lynwood Springer is seeking a variance from the recreational vehicle park standards for arterial street frontage and maximum duration of stay. Those standards are found in section 409.00.I and are included below:

I. Recreational Rental Dwellings.

1. Recreational vehicle park: All recreational vehicle parks shall be developed according to the following standards:

a) Minimum lot requirements.

1. Minimum size for development site: 100,000 square feet.
2. The development site shall have at least 50 feet of frontage on an arterial road, as shown in Appendix A.

b) Vehicle Site Requirements.

1. The minimum vehicle site area shall be 1,200 square feet, with a minimum width of 20 feet and a minimum depth of 40 feet. All RV sites shall be shown on the site plan for the park.
2. The minimum distance between recreational vehicles shall be 10 feet. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.
3. The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV shall be expressly prohibited.
4. The removal of wheels and/or the installation of skirting materials around the base of a RV shall be prohibited. A recreational vehicle shall not be permanently affixed to the ground or any structure.

c) Allowable Accessory Uses.

1. Clubhouse, bathhouse, camp store, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.

2. No more than one (1) dwelling unit of conventional construction, at least 600 s.f. in size, for the use of a resident manager.

d) Bufferyards. There shall be a bufferyard along all property lines where the park adjoins a road, vacant property, or a different land use. (See Article V)

e) Parks shall not exceed the following performance criteria:

Maximum gross density:	10 RV sites/acre
Maximum I.S.R. for entire park:	.25
Maximum I.S.R. for any RV site:	.60
Maximum building height (for conventional structures):	35 feet

For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated RV site unless the site plan specifies a lesser amount. An open space area shall be provided which meets the requirements of Section 415 and which is easily accessible from all vehicle sites. The minimum size of such open space area shall be 20 percent of the entire tract area or 20,000 square feet, whichever is greater.

f) Other Regulations:

1. Site Plan. Any applicant for the required permits to establish, construct, alter or extend a recreational vehicle park in Northport shall prepare and submit a detailed site plan in accordance with the requirements of Section 1002.
2. Access and Internal Streets. RV sites within the park shall be served by internal roads and shall not have direct access to public streets. Maintenance of private roads within the park shall be the responsibility of the developer and/or owner of the property.
3. Off-Street Parking and Maneuvering Space. The internal circulation system of a RV park shall be designed so that parking, loading or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the designated parking area. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.
4. Duration of Stay. Vehicle sites shall be rented by the day or week only. No RV shall remain in a park longer than 60 consecutive days.
5. Ground Cover. Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be grassed, paved, or covered with gravel to prevent soil erosion.

6. **Drainage Requirements.** Surface drainage plans for the entire tract shall be reviewed by the City Engineer, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of building permits.
7. **Ownership.** RV parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The City of Northport shall not be responsible for maintenance and/or repair of common facilities within any recreational vehicle park.
8. **No RV shall be permanently affixed to the ground or any structure, whether in an approved RV Park or otherwise located.**

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:

Lynwood Springer has submitted a variance request to allow the development of a recreational vehicle park on the property located at 123 30th Avenue. The requested variances include:

1. **Street frontage** – The zoning ordinance requires recreational vehicle parks to have a minimum of 50 feet of arterial street frontage. The property currently only has frontage on a local street.
2. **Duration of stay** – The zoning ordinance requires that RV sites be rented by the day or week only, not to exceed 60 consecutive days. The applicant has requested that he be allowed to rent sites for the duration of the University of Alabama home football season (August 24th to December 7th), which would total 105 days.

The applicant has stated that the reason for the first request is due to the location of the site. The proposed use is allowed in the current zoning for the property, but meeting the requirement for arterial street frontage is not possible at this location since the property is only served by a local street (30th Avenue).

The applicant has stated that the reason for the second request is to accommodate customers wanting to stay for the entire UA football season.

MOTION:

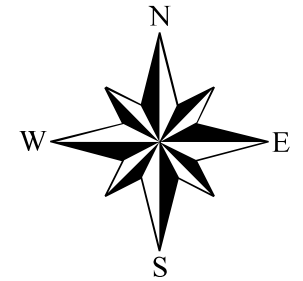
I make a motion to grant Lynwood Springer a variance from the recreational vehicle park standards of 1) the arterial street frontage requirements, and 2) the maximum duration of stay, to allow rentals for a maximum of 105 consecutive days between August 24th and December 7th for the property located at 123 30th Avenue.

Northport Zoning Board of Adjustment

Variance Request

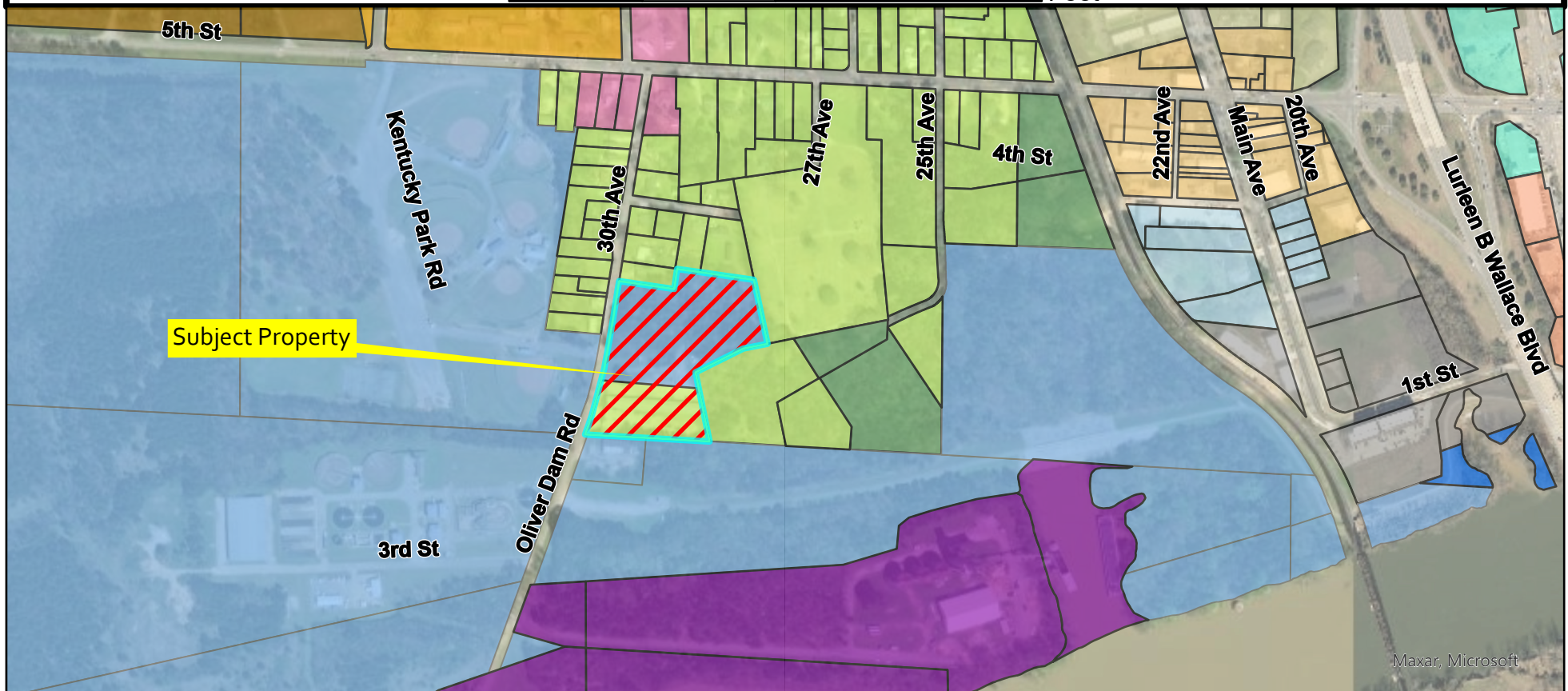
Zoning

- | | |
|--|--|
|  Bridge Avenue North |  Neighborhood Center |
|  Bridge Avenue South |  Recreational |
|  Conservation |  Residential Multi-Family |
|  Historic Downtown Core |  Residential/Commercial/Institutional |
|  Historic Neighborhood |  River's Edge |
|  Light Industrial |  South Main Riverfront |
|  Multi-Family Housing |  Working Riverfront |
| |  Parcels selection |



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.

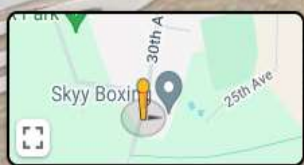
0 500 1,000 2,000 Feet



← 290 30th Ave
Northport, Alabama
Google Street View
Jul 2019 See more dates

Current site as
seen from 30th
Avenue looking
east

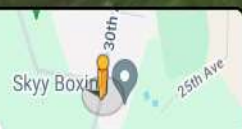
Existing office-
warehouse facility



Google

← 292 Oliver Dam Rd
Northport, Alabama
Google Street View
Jul 2019 See more dates

River Run Park
across 30th Avenue
looking west



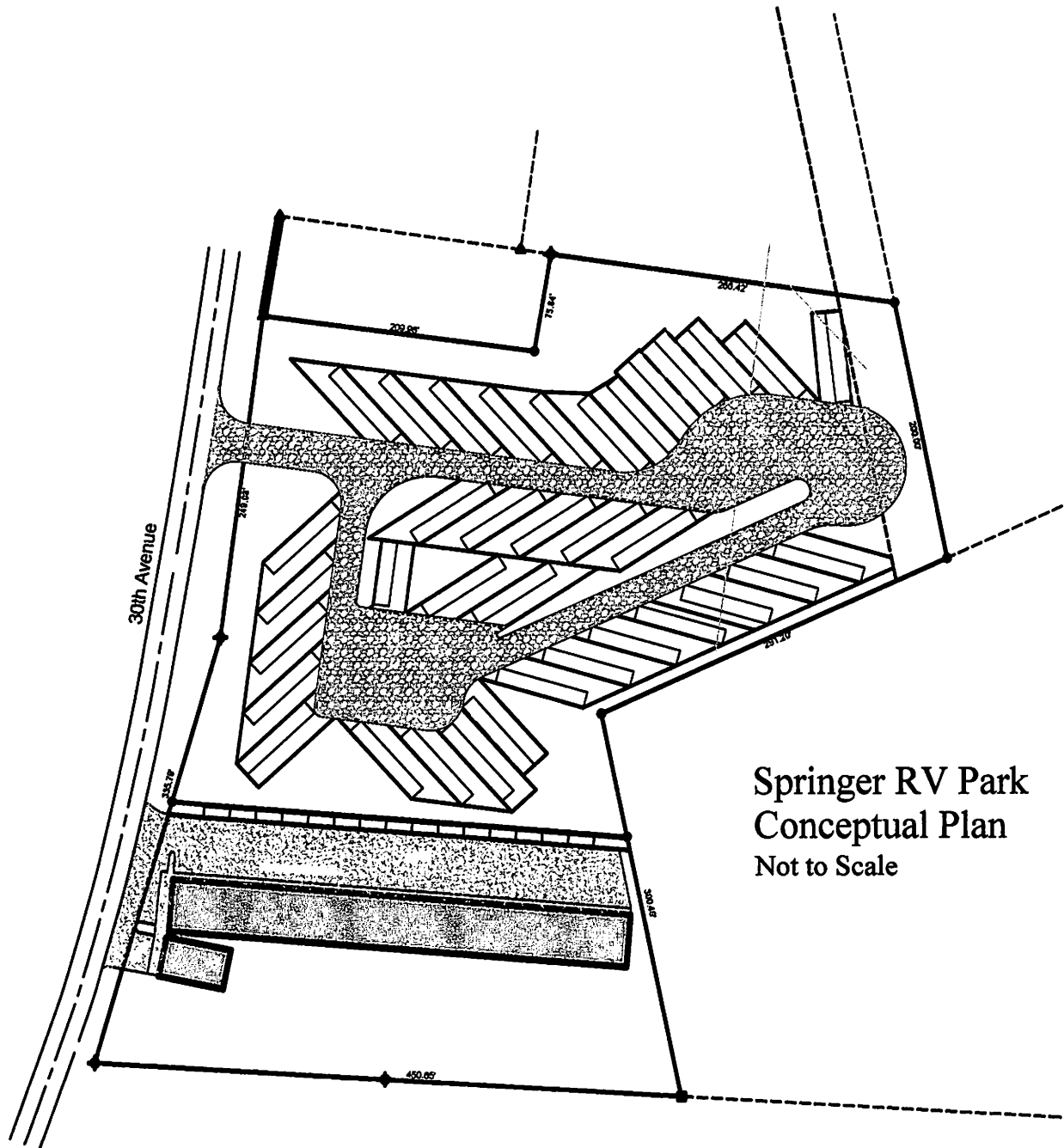
← 202 30th Ave
Northport, Alabama
Google Street View
Jul 2019 See more dates

Existing site of proposed
RV park as seen from 30th
Avenue looking south

Existing residential
lots across street



Google





City of Northport
Variance Application Packet



RECEIVED

04/04/2024
@11:39a

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

Date of Application: 4/2/24

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: 123 30TH AVE NORTHPORT, AL 35476
Property Subdivision and Lot Number: 63 31 05 16 4 015 027.000
Property Zoning District: Recreation
Existing Buildings on Property: Yes
Proposed Construction on Property: RV Park

PETITIONER INFORMATION

Petitioner Name: Lynwood Springer
Petitioner Phone: 205-361-1274 Petitioner Email: landscape58@aol.com
Petitioner Address (if different than property information above): 2100 MAIN AVE NORTHPORT, AL 35476

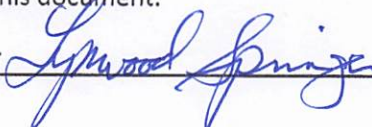
Petitioner is Owner of Property (if yes, skip owner information): ☒ Yes ☐ No

OWNER INFORMATION

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

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

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

Applicant Signature: Lynwood Springer  Date: 4/2/24



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:

A variance from Section 409.1.1.a.2 - 50 ft of frontage on an arterial street.

A variance from Section 409.1.1.f.4 - Duration of Stay - rented by the day or week not to exceed 60 days. The request is for an exception from August 24st to December 7th (105 days)to allow for football season rentals.

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

The property has frontage on 30th Avenue and does not have reasonable access to an arterial street. The size of the project would not generate the traffic that would require frontage on an arterial street.

There is demand for extended rentals for the football season and would generate activity onsite and downtown when activities at Northport Shore will be limited.

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

If arterial street frontage is granted there would not be a negative impact to neighboring properties.

An extended duration of stay during the football season would not have negative impacts to neighboring properties and would increase activity to downtown businesses.

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:

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 16, 2024

AGENDA ITEM

Case Number: V-24-9

Request: A variance from setback standards

Location: 36th Street east of 26th Avenue, directly west of 2430 36th Street

Applicant: Hightown Properties, LLC

SUBJECT PARCEL

Zoning: Highway Commercial (C-6)

Zoning of Adjacent Property: Highway Commercial (C-6)

Proposed Action: To reduce the setback requirement for a commercial lot.

STAFF COMMENTS

Hightown Properties, LLC is seeking a variance from the setback standards for a lot in the C-6 zoning district. Those standards are found in table 4-3 and are included below:

Table 4-3: Table of Dimensional Standards – Non Residential Uses.

Zoning District	Maximum Height Of Structure (feet)	Minimum Setbacks (in feet)			
		Front Yard	Rear Yard	One Side ¹	Total Side
AG ²	35 ³	50	50	50	100
O-I	50	25	25	10	20
C-2	40	20	20	10	20
C-3	40	20	20	10	20
C-6	50	40	25	10 ⁵	20 ⁵
M-1	60	4	4	4	4
M-2	60	4	4	4	4
REC	40	20	20	10	20

¹ Side Yard on Street shall be equal to Front Yard setback

² See Table 6-2 and Section 603.03 "Performance Residential Developments" for Residential Setbacks

³ Inhabited Structures Only

⁴ Equal to Height of Structure

⁵ May be reduced to zero (0) feet by Special Exception

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

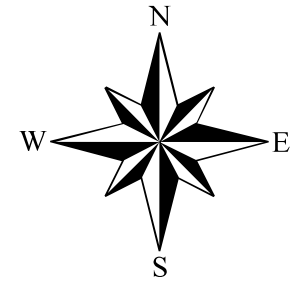
Hightown Properties, LLC is requesting a variance from the setback requirements for a C-6 lot. The zoning ordinance currently requires that corner lots maintain a front setback of 40 feet on both public right-of-way frontages. The property in question sits at the corner of 36th Street and an unnamed, unpaved public right-of-way (see streetview image included in packet).

For hardships, the applicant has noted that the public right-of-way on the east side of the property is not currently in use as a road. They have also pointed out that the lot is only 67 feet wide, and a strict enforcement of the setback standards would only leave approximately 17 feet of buildable area. The applicant has requested instead that the side yard on street requirement be adjusted to match the regular side setback of 10 feet, as shown on the included site plan.

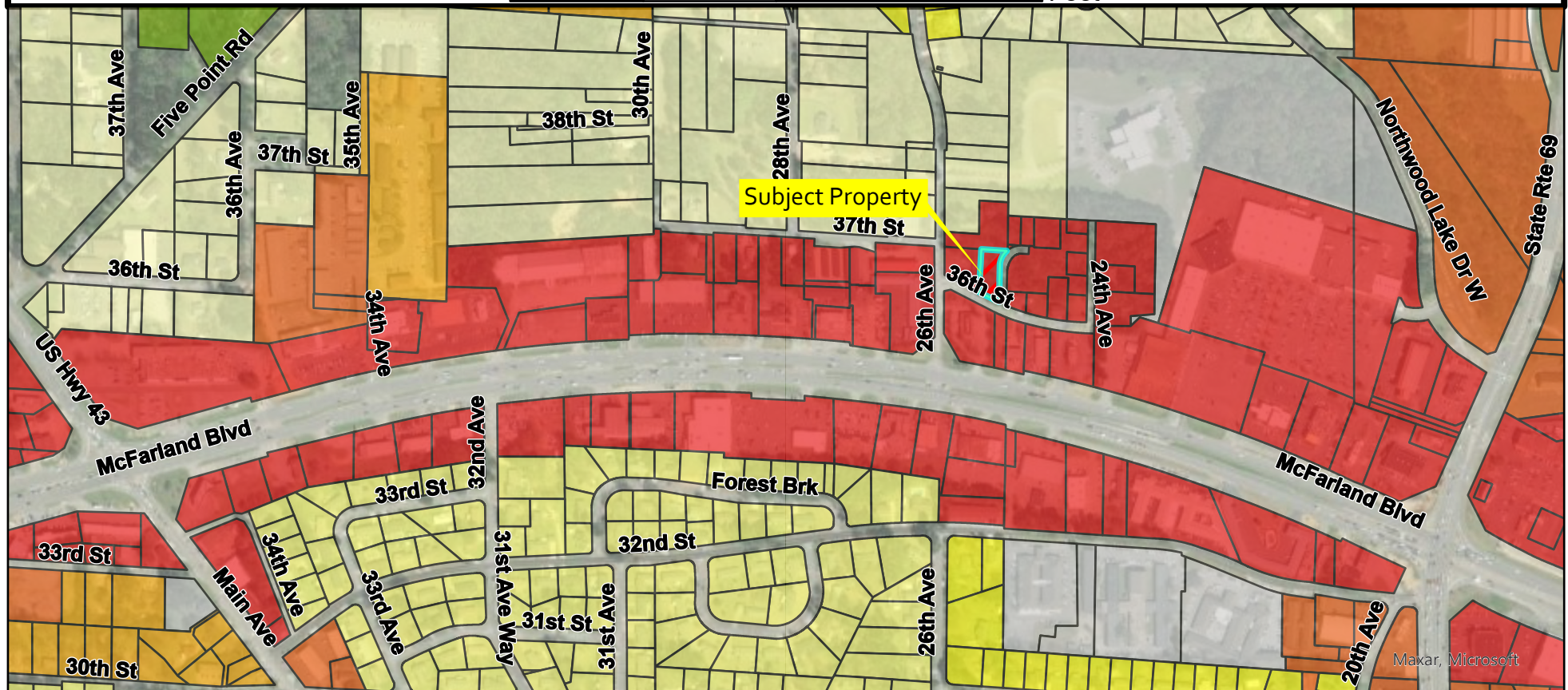
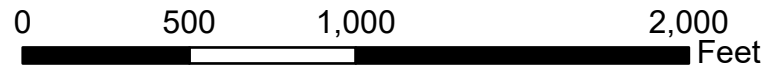
MOTION:

I make a motion to grant Hightown properties, LLC a variance to reduce the side yard on street setbacks from 40 feet to 10 feet for the property located directly west of 2430 36th Street.

Variance Request



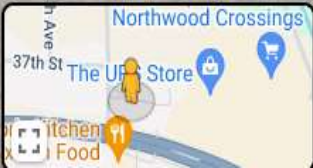
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← 2657 36th St
Northport, Alabama
Google Street View
Apr 2019 See more dates

Current lot as seen from
36th Street looking north

Current
undeveloped right-
of-way



← 2799 36th St
Northport, Alabama
Google Street View
Apr 2019 See more dates

Current lot as seen from
36th Street looking east.

Former Pizza Hut
location





April 18, 2024

Mr. Jon Garner, Chairman
City of Northport Zoning Board of Adjustment
Northport City Hall
3500 McFarland Boulevard
Northport, AL 35476

**Re: Variance Application Request for Hightown Properties, LLC
Sallie Shirley Subdivision, Lot 1, 36th Street, Northport, AL**

Dear Mr. Garner:

We are herewith submitting the attached Variance Application request for our client, Hightown Properties, LLC due to a hardship created by an undeveloped, unused, non-functional public road adjacent to the lot, which is zoned C-6. Based on our research, the plat for the subdivision was recorded in 1939 and most likely pre-dates the City of Northport Zoning Ordinance. More specifically, the lot is bounded to the south by 36th Street, to the east by property owned by Mr. Gary Wayne Junkin, to the north by a parcel also owned by Hightown Properties, LLC, and to the east by the unused, unnamed roadway (see the Tuscaloosa Tax map inset). The hardship is created by the requirements of Article IV, Table 4-3 which stipulates and requires a Side Yard setback on a street along the east side due to the presence of the unused, undeveloped roadway.

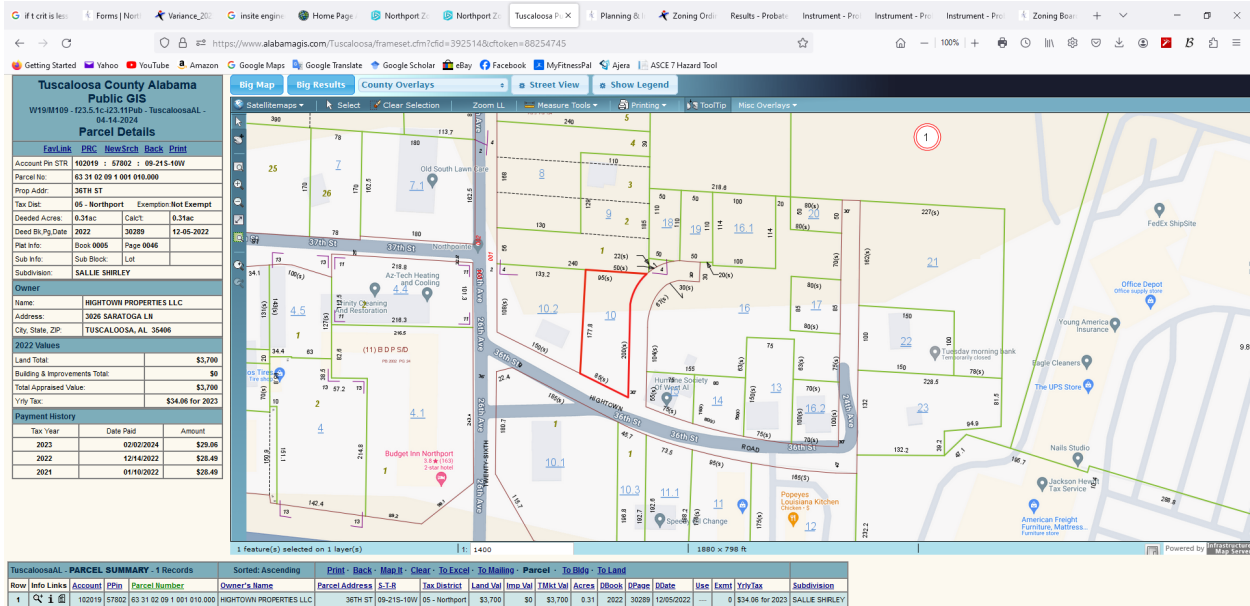


Figure 1: Tuscaloosa County GIS Map showing parcel location in Red. Note undeveloped, unused roadway to the east.

The lot in question is approximately 67 ft wide in the east-west direction. Applying the setback requirement would only allow for a buildable strip of 27 ft which makes the lot unusable. We do note the requirement of a 40 ft Front Yard setback along 36th Street which can be observed. We

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are herewith requesting variance relief from the Side Yard setback requirement and propose to have a 10 ft setback along the east property line.

We believe that granting this variance will not be injurious to the neighborhood, or otherwise detrimental to public welfare since the roadway does not appear to have been put in place since the subdivision was platted. Furthermore, we note that the City of Northport has a water main running down (north-south) and near the center of the roadway. Hence, it is acting more as a utility easement. Several large trees also exist along the path which, if removed, would probably damage the waterman. We also note that by allowing the variance, the property can be developed for its C-6 zoned use which would be harmonious with surrounding land use.

Granting this variance will not result in use of the lot for anything other than C-6, which is permitted in this district.

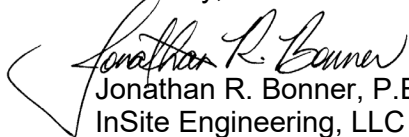
This nonconformity presents a unique circumstance. As noted above, the lot width is only 67 ft, and the application of the Side Yard requirement would not leave sufficient buildable area for any use. Furthermore, this condition does not allow for sufficient space for parking or access. The condition is peculiar to this particular lot and was created at the time the subdivision was platted in 1939 before the Side Yard setback was codified. This condition certainly deprives our client of reasonable use of the lot. We humbly submit that granting this variance is necessary for reasonable use of the lot in question, and that this is the minimum variance that will allow Hightown Properties, LLC reasonable use and enjoyment of the property.

Granting of this variance will not impair adequate supply of light or air to adjacent property, nor will it result in any congestion, increase the danger of fire, or further endanger public safety or substantially diminish or impair property values with the adjoining property. Rather, we believe that by allowing full utilization of the C-6 zoning on this lot, there will be a positive impact on adjoining property values.

Please note that by granting this variance, the Zoning Board of Adjustment will not be conferring to Hightown Properties, LLC any special privileges that is not allowed under the Zoning Ordinance, nor available to any other property suffering from the same or similar hardship due to the nonconformity in this district. Therefore, we humbly petition the City of Northport Zoning Board of Adjustment for the relief sought, as well as formally request to be on the agenda for the next Board meeting.

If you have any questions regarding this request, please do not hesitate to call me at (205) 752-4037 or on my cell at (205) 361-2441. I may also be reached by e-mail at jbonner@insiteengineering.org. With kindest regards, I am

Sincerely,


Jonathan R. Bonner, P.E., CFM
InSite Engineering, LLC

Cc: Shaun Patten, City of Northport
Paige Howard, Hightown Properties

