

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, JULY 18, 2024**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. June 20, 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-24-11 - Insite Engineering is requesting variances for the property located at 2511 Lurleen B. Wallace Boulevard.**

(a) requesting a variance from the building orientation standards found in section 509.04.C

(b) requesting a variance from the trash receptacle standards found in section 506.02

(c) requesting a variance from curb cut spacing standards found in section 418.01

(d) requesting a variance from the frontage, perimeter, and foundation landscaping standards found in Article V

Applicant asked to continue until August.

B. **V-24-12** - Patrick and Jennifer Howell are requesting a variance from the maximum allowed ISR requirements found in Table 6-2 for a property located at 14043 Briar Meadow Lane.

C. **V-24-13** - Kathleen Ruffino-Dearden is requesting a variance from the maximum allowed ISR requirements found in Table 6-2 for a property located at 11769 Arbor Oaks 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.



TO VIEW OUR AGENDAS, AGENDA
PACKETS AND MINUTES

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what's going on in
Northport?

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@WWW.CITYOFNORTHPORT.ORG

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, JUNE 20, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, June 20, 2024, in the Council Chambers of the Northport City Hall by Chairman Jon Garner.

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

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for May 16, 2024. **Seconded by Mr. Haynie.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Haynie – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mrs. Taylor-White; and Mr. Chandler - Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Mr. Chandler to approve the agenda for June 20, 2024. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Haynie – Yes; and Mrs. Taylor-White - 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-24-10** – Kimberly Lavender is requesting a variance from the side setback requirements found in Table 4-3 for RS-1 (Single-Family Residential) for a residence located at 4 Booth Estates.

Kimberly Lavender, 4 Booth Estates, stated that she has lived at the residence for over 11 years now and is a schoolteacher with supplies she stores within her home. She stated that the home is an older home with limited storage and closet space is very slim and she wants to create closet space.

Mr. Garner asked if the petitioner had plans to make those additions to the home on either side of the home. Ms. Lavender stated yes. Mr. Garner clarified that the right side of the home is a bedroom, and the left side of the home is a carport and laundry area. Ms. Lavendar stated yes. Mr. Garner asked what the petitioner's plan was on materials used for the additions and would the addition be tied into the existing roof line. Ms. Lavender stated that the contractor she has been using stated that she could use vinyl or brick for the

addition. She stated that she would like to use brick from a chimney from the home that had been torn down or matching it if this could be done.

Mr. Shobe asked if the petitioner, if the bricks did not match would she be opposed to painting the home to match. Ms. Lavender stated no that was not a problem.

Mr. Chandler asked about the outside air conditioning unit and would it be moved. Ms. Lavender stated that her contractor stated that with the addition the unit would have to be moved to the back of the home.

Mr. Garner asked if the power was run from the carport side. Ms. Lavender stated yes.

Chairman Garner opened the floor up for a public hearing.

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

Motion by Mr. Haynie to grant Kimberly Lavender a variance to reduce the side yard setbacks on a RS-1 lot to allow the addition shown with a reduce setback to 9 feet on the east side of the property located at 4 Booth Estates with the condition that the materials match the current materials of the house. **Seconded by Mr. Chandler.** Roll call was as follows: Mr. Haynie – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Shobe – Yes; and Mrs. Taylor-White – 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
July 18, 2024

AGENDA ITEM

Case Number: V-24-11

Request: A variance from building orientation, trash receptacle, curb cut spacing, and landscaping standards

Location: 2511 Lurleen B Wallace Blvd.

Applicant: Express Oil Change

SUBJECT PARCEL

Zoning: General Commercial (C-3)

Zoning of Adjacent Property: General Commercial (C-3), Residential Multifamily (RM-2), and Residential Single Family (RS-3)

Proposed Action: To allow a building with service bays parallel to a special corridor, to allow a dumpster within a landscaped buffer, to allow a curb cut that doesn't meet minimum spacing requirements, and to reduce landscaping requirements.

STAFF COMMENTS

Express Oil Change is requesting a variance from building orientation, trash receptacle, curb cut spacing, and landscaping standards. Those standards are found in 509.04.C, 506.02.4, 418.01, 508.02, and 508.04 and are included below:

509.04. Bufferyards, Setbacks & Landscaping. On all developments, the owner or developer must provide the required setback and the required buffer or minimum buffers described below, whichever is greater

A. Thoroughfare Frontage Bufferyard. A 15-foot bufferyard shall be installed along the entirety of thoroughfares listed in Section 509.01. This bufferyard shall contain three (3) canopy trees, ten (10) understory trees, and 15 shrubs per 100 feet of corridor frontage.

B. General Right-of-Way Setback. All structures shall be at least 20 feet from the right-of-way line of those thoroughfares listed in Section 509.01.

C. Garages, Car Washes and Service Bays. All garages, car washes or other service bays shall be located at least 40 feet from the front property line and all garage/car wash/service bay openings shall be oriented at not less than right angles to the primary public street frontage, or adequate, vegetative screening as outlined in this ordinance or determined by the Director, shall be provided to limit view from the public street.

506.02. Trash Receptacles.

- (1) All commercial trash receptacles shall be placed on a pad approved by the City Engineer that allows for pick-up and maintenance as needed.
- (2) All commercial trash receptacles shall be enclosed with a fence or wall that is impervious to sight, at a minimum of six (6) feet tall, and is consistent with

V-48

May 10, 2021

the architectural materials of the primary structure.

- (3) All screens will be completely enclosed with a latching gate.
- (4) Trash receptacle sites shall not be located within landscaped areas that are required by this article.

The following table summarizes required distances between curb cuts and street corner property lines:

Development Type	Street Type (all districts except Downtown/Riverfront area)		
	Arterial	Collector	Local
Non-Residential	125'	100'	100'
Multiple Unit Development per §603.02(e)	125'	100'	100'
All Other Residential	125'	100'	25'

508.02. Perimeter Landscape Standards.

Perimeter landscaping must be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing in the public rights-of-way or on adjoining property shall not count toward the required perimeter landscaping area.

Perimeter landscaping areas adjacent to adjoining properties shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb, and shall contain the following plant material:

- One (1) canopy tree; three (3) understory trees; and four (4) shrubs per 100 linear feet of property, or fraction thereof.

508.04. Foundation Planting Standards.

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

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

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 1109.3 of the Northport Municipal Code are as follows:

1108.03. Standards for Variances. *The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.*

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

A. *The granting of the variance shall be in harmony with the general purpose and intent*

of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

B. *The granting of the variance will not permit the establishment of any use, which is not permitted in the district.*

C. *There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.*

D. *There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.*

E. *That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.*

F. *That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.*

G. *That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.*

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

SUMMARY

Express Oil Change is requesting variances from building orientation, trash receptacle, curb cut spacing, and landscaping standards to facilitate construction of an automotive service station at 2511 Lurleen B. Wallace Blvd. The specific variances being requested are:

1. **Building orientation** – The ordinance requires that service bays be located not less than 90 degrees from to their primary frontage road. The applicant is proposing to have a drive-through oil change facility that is essentially parallel to Lurleen B. Wallace Blvd.
2. **Trash Receptacle** – The ordinance requires that trash receptacles be located outside of any required landscape buffers. The applicant is proposing to locate their dumpsters in an area that is required to be a 10 foot landscape buffer.
3. **Curb Cut Spacing** – The ordinance requires that curb cuts on local streets be located a minimum of 100 feet from adjacent intersections. The curb cut as shown on the provided site plan would be approximately 40 feet from the nearest intersection.

4. **Landscaping** – The ordinance requires new developments to have a 7-foot-deep landscaped planter along the front of all buildings. The applicant is proposing to have no landscaped planters in front of the buildings. The ordinance also requires all parking areas to have a 10-foot landscape buffer separating them from property lines. The applicant is proposing to remove this buffer in the areas adjacent to the accessible parking and proposed dumpsters and to reduce the buffer to 5 feet or less in the southwest corner of the site.

For a hardship, the applicant has cited a limited amount of space, having 3 road frontages, and the unique traffic needs associated with the proposed use.

MOTION:

I make a motion to grant Express Oil Change a variance from building orientation, trash receptacle, curb cut spacing, and landscaping requirements as shown on the site plan for the property located at 2511 Lurleen B. Wallace Blvd.

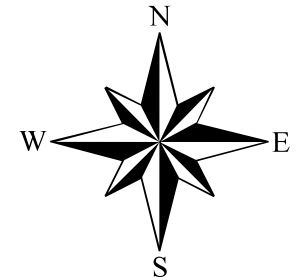
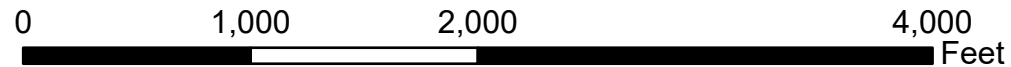
Northport Zoning Board of Adjustment

Variance Request

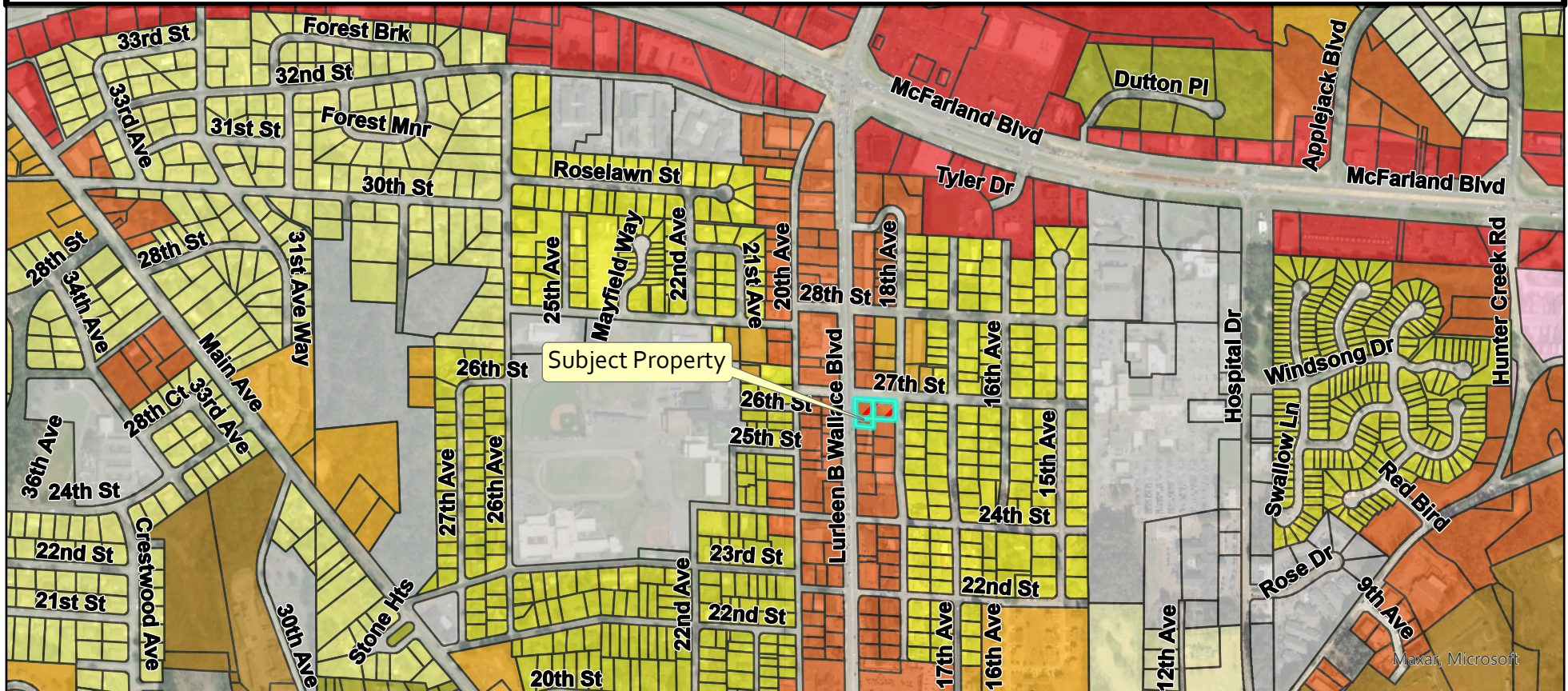
Zoning

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

- Residential Multi-Family
- Residential Single-Family - 1
- Residential Single-Family - 2
- Residential Single-Family - 3
- 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.



Current site as seen from
Lurleen B. Wallace Blvd.
looking east

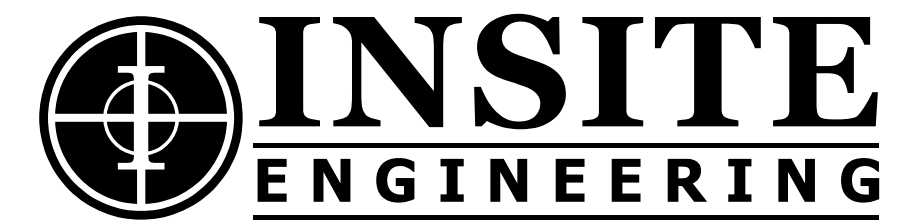
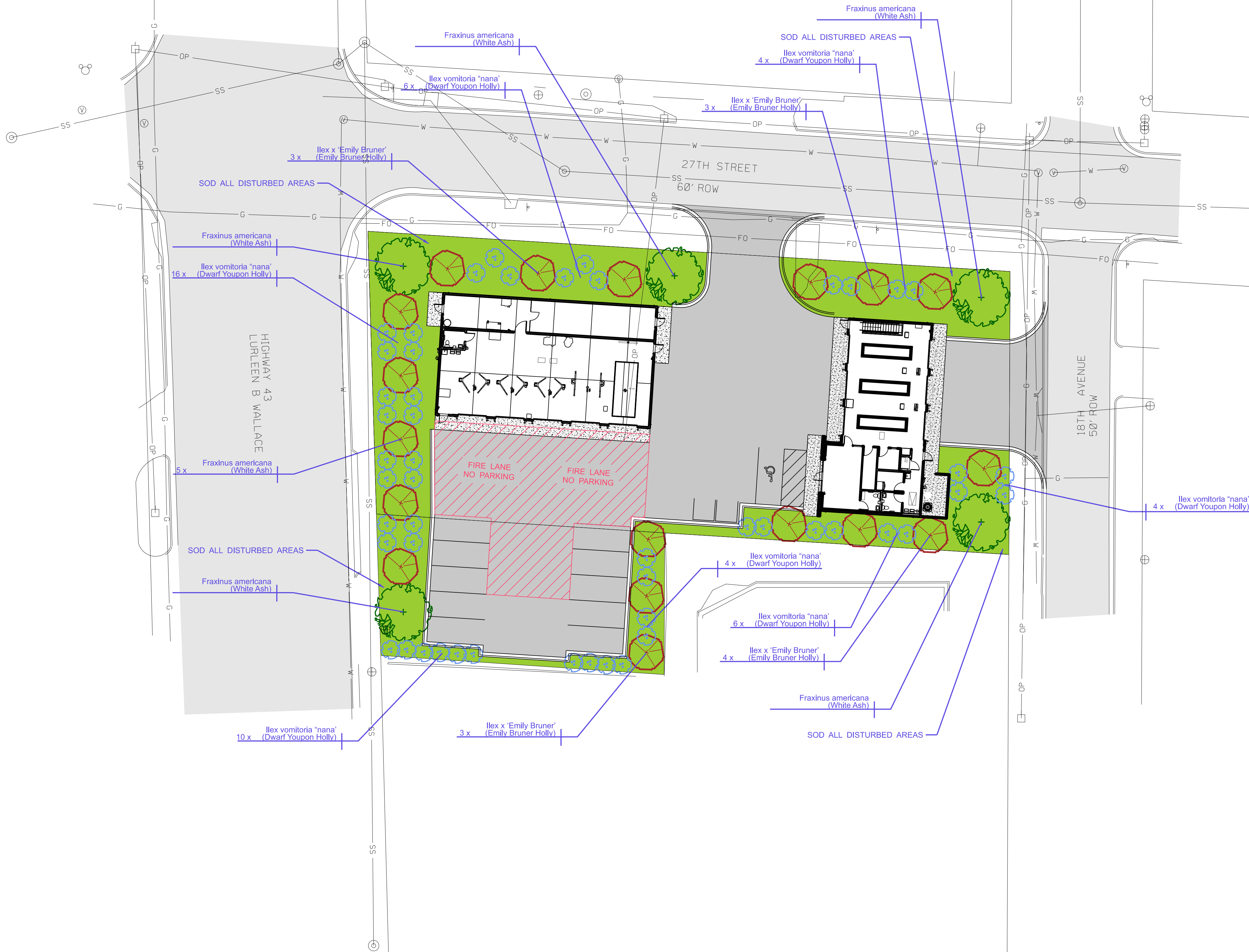
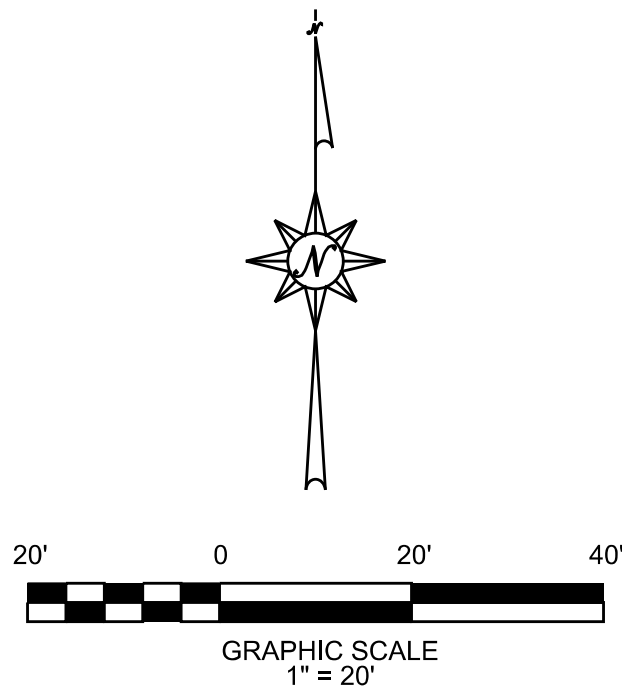
Google

Current site as seen from
27th Street looking south



Current site as seen from
18th Avenue looking west

Google

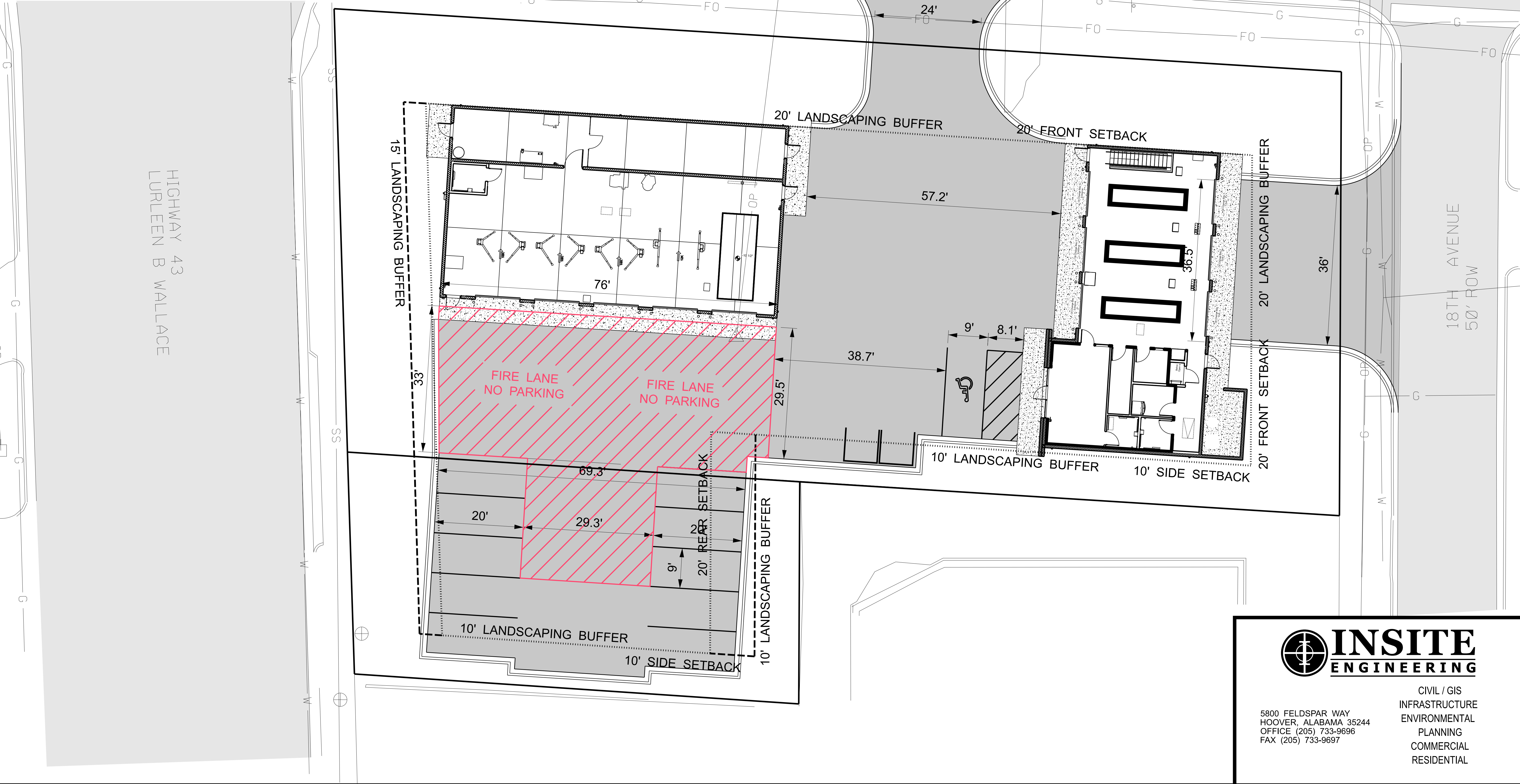


5800 FELDSPAR WAY
HOOVER, ALABAMA 35244
OFFICE (205) 733-9696
FAX (205) 733-9697

CIVIL / GIS
INFRASTRUCTURE
ENVIRONMENTAL
PLANNING
COMMERCIAL
RESIDENTIAL

EXPRESS OIL CHANGE

NORTHPORT ALABAMA
SCHEMATIC LAYOUT
Prepared by InSite Engineering, LLC



5800 FELDSPAR WAY
HOOVER, ALABAMA 35244
OFFICE (205) 733-9696
FAX (205) 733-9697

CIVIL / GIS
INFRASTRUCTURE
ENVIRONMENTAL
PLANNING
COMMERCIAL
RESIDENTIAL



City of Northport Designation of Agent Form

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

I, Inge Beeker, being owner of the property which is the subject of this application
hereby authorize Express Oil Change LLC, 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: *Inge Beeker*

Date: 6-11-24

Property Owner Mailing Address: PO Box 2267 Tuscaloosa, AL 35403

Phone Number: 205-534-5818

Authorized Agent Mailing Address: 1880 South Park Dr Birmingham, AL 35244

Phone Number: 205-337-2967

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I, Harrison Howell, a Notary Public in and for said County and State, hereby certify
that Inge Beeker, 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 11 day of June, 2024

H
Notary Public

My Commission Expires: 4/5/26

HARRISON HAMNER HOWELL
Notary Public
Alabama State at Large



PERMIT PROJECT
FILE #: 24-000883
2511 LURLEEN B WALLACE BLVD NORTHPORT AL
EXPRESS OIL CHANGE - NORTHPORT



PERMIT #: V24-000009

Permit Type
Variance/Administrative Appeal

Subtype
Variance

Work Description:
Express Oil Change - Northport

Applicant
InSite Engineering - John Jett

Status
Online Application Received

Valuation
0.00



FEES & PAYMENTS

Plan Check Fees
0.00

Permit Fees
100.00

Total Amount
100.00

Amount Paid
0.00

Balance Due
100.00

☐ Non-Billable



PERMIT DATES

Application Date
06/11/2024

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Review the attached process packet (click to download)

Property Information

Property Zoning District

C-3



Existing Buildings on Property

None

Proposed Construction on Property

Two Buildings (Oil Change Building and a Tire Service Building)

Number of Adjoining Properties

Are you the property owner?

No



Property Owner

BEEKER LAND & TIMBER COMPANY



Additional Parcel #s

3102103015001.000; 3102103015003.000



Submittal Documents

Notarized Designation to Authorize Agent Form (Click to Download)

[Designation of Agent Form.pdf](#)



Names and Addresses of all Adjoining Properties

[Express Oil-Adjoining Properties.docx](#)



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

[EXPRESS OIL CHANGE NORTHPORT layout 13 FIRE 2.pdf](#)



Additional Submittal Documents

[sht_C7_0_LS1.pdf](#)



Request Information

Describe the nature of the request

Variance Request: Building placed parallel to Hwy 43; Dumpster located in landscape buffer; access points less than 100' from ROW; no sidewalk along 18th avenue portion; parking/drive isle extending into landscape buffer. no able to place foundation planting along entrance due vehicular access (request to beef perimeter landscape).

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

While we are asking variances, we feel like the proposed layout meets or exceeds surrounding properties adherence to the required regulations.

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

Express Oil Change's new development to this area could help bring other new developments due to its success and national brand. Traditionally in our experience Express Oil has been welcomed in the towns in which they developed.

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

This lot has a development hardship due to 3 sides having road frontage on a 0.63-acre lot. An additional hardship is not being allowed to access the site from Hwy 43.

Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner

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

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

Signature

signature.png



OFFICIAL USE ONLY

Date of Planning Commission Meeting

 FEES



FEE	DE	QUANTITY	AMOUNT	TOTAL	
Appeal Fee				75.00	
Advertising Fee				25.00	
Plan Check Fees				0.00	
Permit Fees				100.00	
Total Fees				100.00	

PAYMENTS

DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
Amount Paid						0.00	
Balance Due						100.00	

NORTHPORT ZONING BOARD OF ADJUSTMENT

STAFF REPORT

July 18, 2024

AGENDA ITEM

Case Number: V-24-12

Request: A variance from ISR standards

Location: 14043 Briar Meadow Lane

Applicant: Patrick and Jennifer Howell

SUBJECT PARCEL

Zoning: Residential Single Family (RS-1)

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

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

STAFF COMMENTS

Patrick and Jennifer Howell are 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

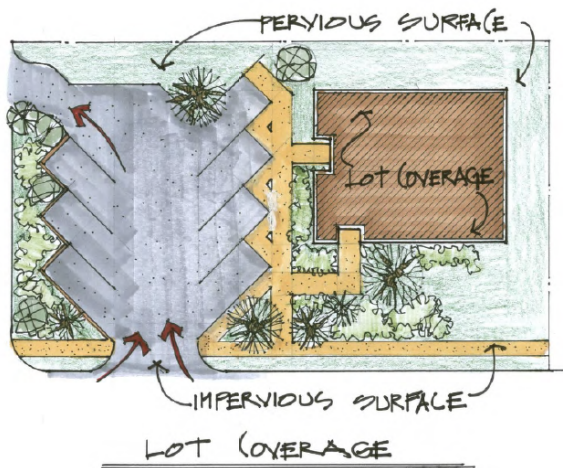


FIGURE 4

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:

Patrick and Jennifer Howell seek approval of a variance to allow them 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 a residential lot.

The current ordinance limits lots in this zoning district to a maximum impervious surface ratio of 0.30. Based on measurements from staff, the current lot has an ISR of approximately 0.36. The addition of the swimming pool as proposed would result in an ISR of approximately 0.46.

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.

As a hardship, the applicant has cited topography and drainage challenges with their property – see application included in the meeting packet.

MOTION:

I make a motion to grant Patrick and Jennifer Howell a variance from ISR requirements to allow construction of a swimming pool as shown on the site sketch for the property located at 14043 Briar Meadow Lane.

Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Zoning

■ Agriculture

■ General Commercial

■ Neighborhood Commercial

■ Office and Institutional

■ Residential Single-Family - 1

■ Residential Single-Family - 2

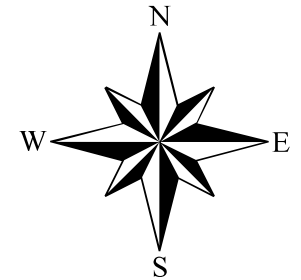
■ Residential Single-Family - 3

■ Residential Single-Family - 4

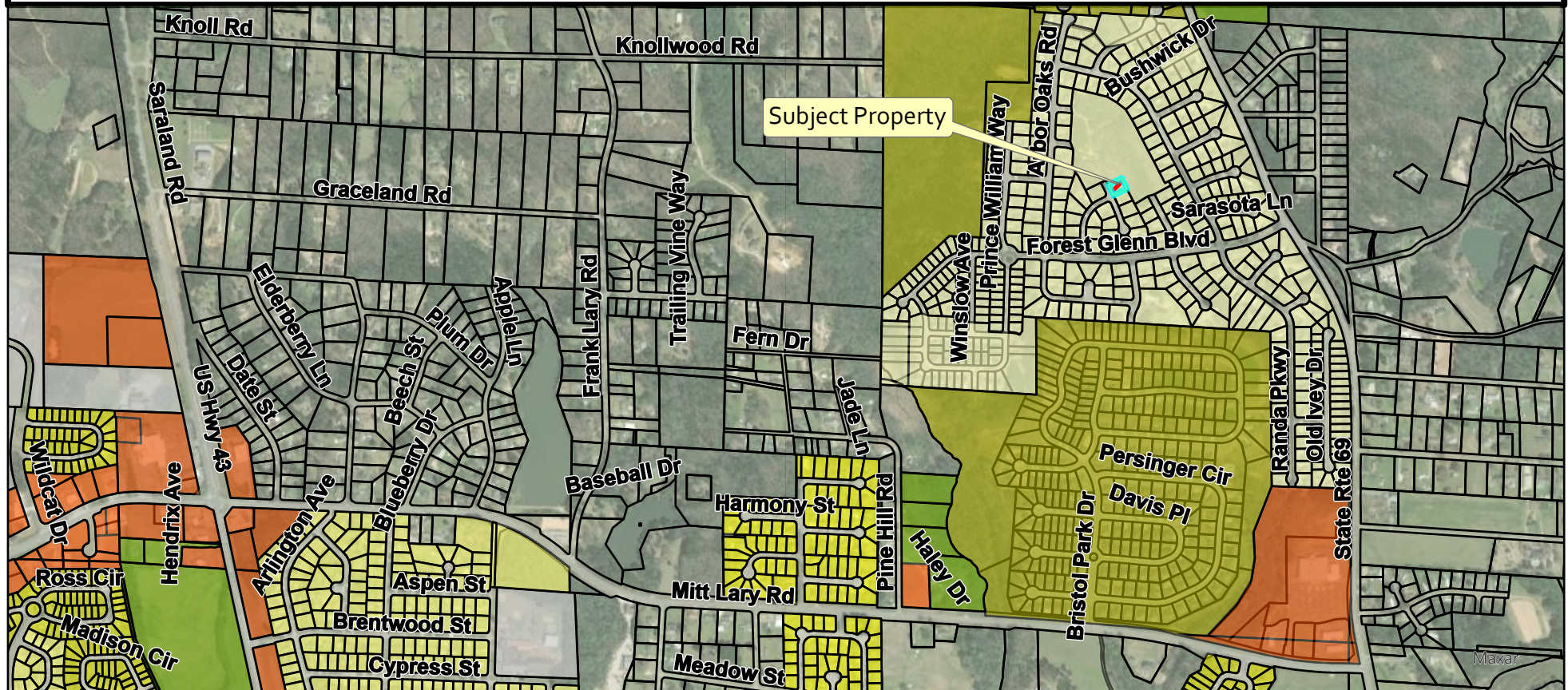
■ Residential Single-Family - SD

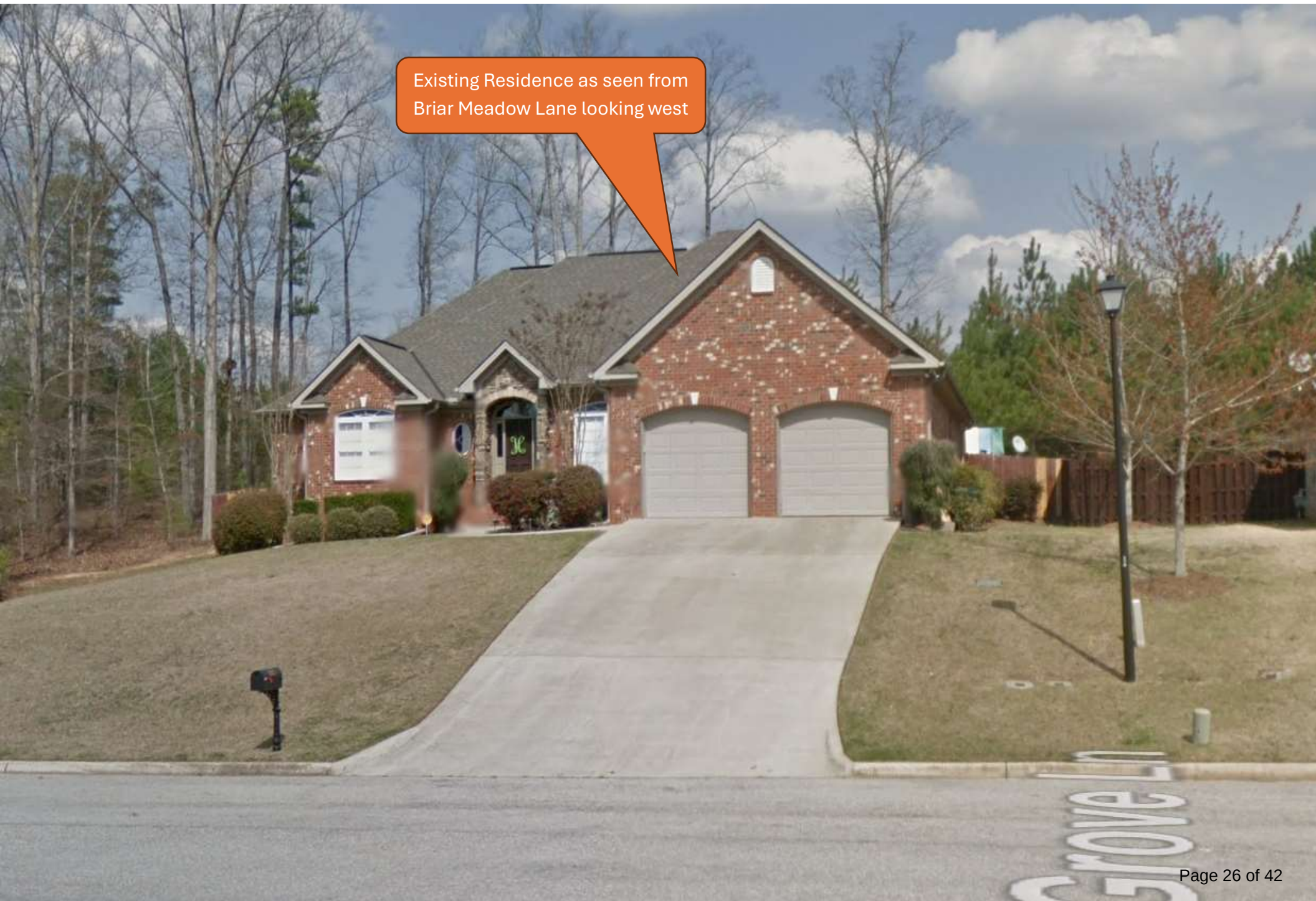
■ Subject Property

0 1,500 3,000 6,000 Feet



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.





Existing Residence as seen from
Briar Meadow Lane looking west



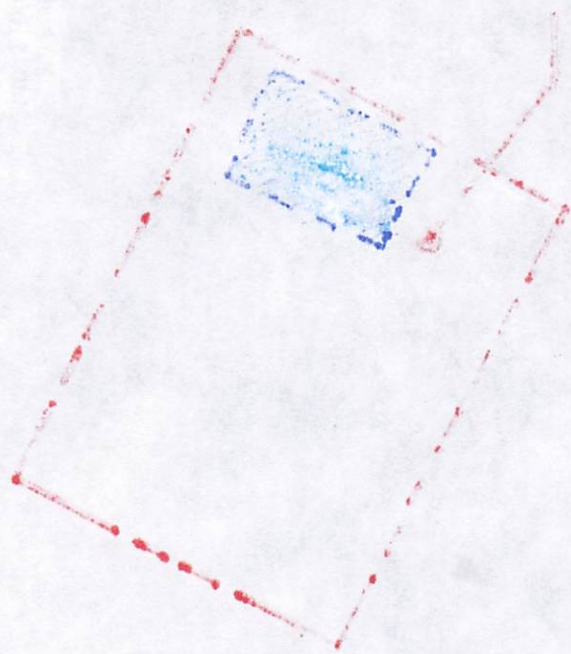
Patrick and Jennifer Howell
14043 Briar Meadow Ln
Northport AL 35475
Variance Request Location

Melissa and Adam Springer
14041 Briar Meadow Ln
Northport AL 35475
(12 acres surrounding Howell
Property)

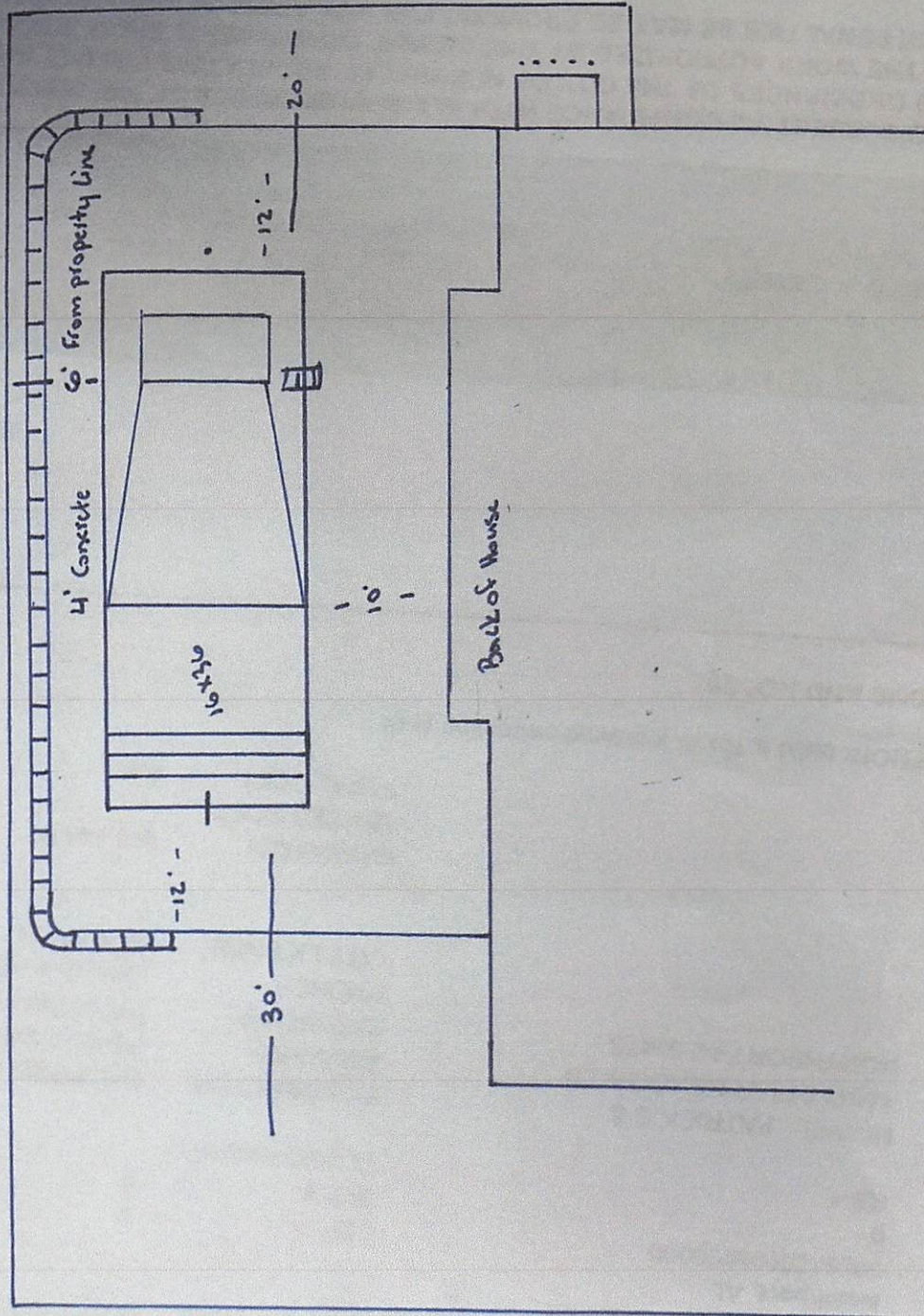
Toby and Heather Wilson
14044 Briar Meadow Ln
Northport AL 35475

Adam and Melissa Springer
14041 Briar Meadow Ln
Northport AL 35475

Michael Shaub
14036 Briar Meadow Ln
Northport AL 35475



Howell
14043 Brios Meaden Ln.
Northport, AL





City of Northport

Variance Application Packet

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

Date of Application: June 13, 2024

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: 14043 BRIAR MEADOW LANE NORTHPORT AL 35475
Property Subdivision and Lot Number: FOREST GLEN
Property Zoning District: _____
Existing Buildings on Property: HOUSE
Proposed Construction on Property: POOL (IN-GROUND)

PETITIONER INFORMATION

Petitioner Name: PATRICK & JENNIFER HOWELL
Petitioner Phone: 205.454.4529 / 205.454.0200 Petitioner Email: phowell@wardscottmorris.com
Petitioner Address (if different than property information above): Forgiveness9578@bellsouth.net

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

OWNER INFORMATION

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

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

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

Applicant Signature: [Signature] Date: 6/13/24



City of Northport

Variance Application Packet

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REQUEST INFORMATION

Describe the nature of the request:

WE HAVE CONSULTED WITH MR. POOL ABOUT INSTALLING AN IN-GROUND POOL IN OUR BACKYARD. MR. POOL SUBMITTED A DRAWING TO THE CITY FOR PERMIT AND WE HAVE BEEN ADVISED BY HOLLY PHILLIPS & MORGAN WILLIAMS TO SUBMIT A VARIANCE APPLICATION DUE TO THE ALLOWED ISR (IMPERVIOUS AREA) BEING CLOSE TO THE MAXIMUM ALLOWED.

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

OUR PROPERTY HAS A PRETTY STEEP SLOPE IN THE FRONT YARD & THE LEFT SIDE IS ALSO SLOPED. THE BACK YARD HAS A SWALE THAT RUNS THROUGH THE MIDDLE BECAUSE THE LAND DIRECTLY BEHIND WAS NOT PROPERLY CUT DOWN DURING DEVELOPMENT. INSTALLING A POOL & UPDATING THE LANDSCAPING W/ CONCRETE POOL SURROUNDS WILL IMPROVE THE PROPERTY FUNCTION AND INCREASE THE VALUE. WE WILL HAVE PERSISTENT LANDSCAPING & GRASS AT THE ENDS OF BACKYARD & AGAINST PART OF THE HOUSE. THE EXISTING BACK PATIO WILL BE REMOVED AND REPLACED WITH A SMALLER ONE.

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

THIS PROJECT SCOPE INCLUDES INSTALLING A RETAINING WALL THAT WILL PROPERLY HANDLE THE WATER RUNOFF FROM THE LAND DIRECTLY BEHIND US ONTO OUR PROPERTY. ALL IMPROVEMENTS WILL BE INSIDE OUR BACK YARD FENCE, SO THEY WILL NOT BE SEEN BY NEIGHBORING PROPERTIES. DUE TO THE SIZE OF OUR NEIGHBORHOOD, OUR PUBLIC POOL IS OFTEN OVERCROWDED. MULTIPLE HOMES IN FOREST GLEN HAVE INSTALLED THEIR OWN PRIVATE POOL AND WE WOULD LIKE THE SAME OPPORTUNITY FOR OUR FAMILY TO ENJOY.

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:

WE TRIED TO PURCHASE LAND FROM THE SPRINGERS WHICH WOULDVE INCREASED OUR LOT SIZE TO THE LEFT (NORTH) AND BEHIND US (EAST) & WOULDVE MADE AGT MORE ROOM FOR POOL & PERSISTENT AREAS. THE CITY WOULD NOT APPROVE IN FEBRUARY 2024 UNLESS A COL-DE-SAC WAS INSTALLED AT THE END OF BURKS PKWY. THIS WAS A BIG COST BURDEN FOR HOMEOWNERS ADAM & MELISSA SPRINGER & WAS ALSO PROVEN UNNECESSARY BY FIRST RESPONDERS. THE LAND PURCHASE AND RE-PLATTING FELL THROUGH BECAUSE OF THE CITY VOTE IN FEBRUARY 2024, AND HAS RESULTED IN THIS VARIANCE APPLICATION TO MOVE FORWARD WITH INSTALLING A POOL.



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.

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
July 18, 2024

AGENDA ITEM

Case Number: V-24-13

Request: A variance from ISR standards

Location: 11769 Arbor Oaks Road

Applicant: Kathleen Ruffino-Dearden

SUBJECT PARCEL

Zoning: Residential Single Family (RS-1)

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

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

STAFF COMMENTS

Kathleen Ruffino-Dearden 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

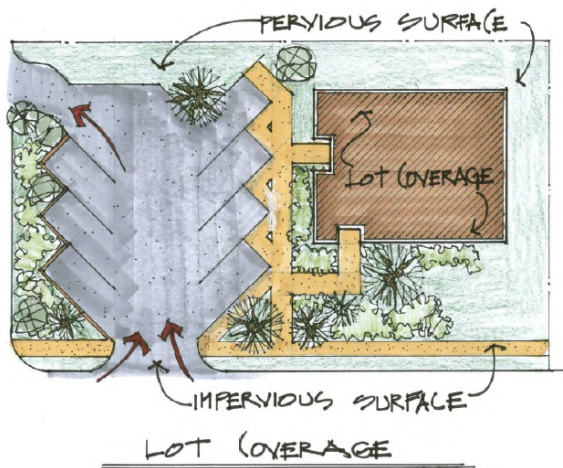


FIGURE 4

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:

Kathleen Ruffino-Dearden seeks approval of a variance to allow her 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 a residential lot.

The current ordinance limits lots in this zoning district to a maximum impervious surface ratio of 0.30. Based on measurements from staff, the current lot has an ISR of approximately 0.39. The addition of the swimming pool as proposed would result in an ISR of approximately 0.48.

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.

As a hardship, the applicant has cited health conditions that would benefit from a pool – see application included in the meeting packet.

MOTION:

I make a motion to grant Kathleen Ruffino-Dearden a variance from ISR requirements to allow construction of a swimming pool as shown on the site sketch for the property located at 11769 Arbor Oaks Road.

Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Zoning

■ Agriculture

■ General Commercial

■ Neighborhood Commercial

■ Office and Institutional

■ Residential Single-Family - 1

■ Residential Single-Family - 2

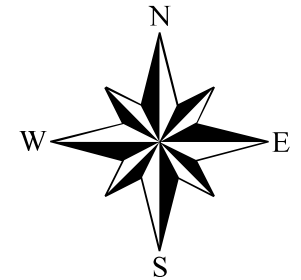
■ Residential Single-Family - 3

■ Residential Single-Family - 4

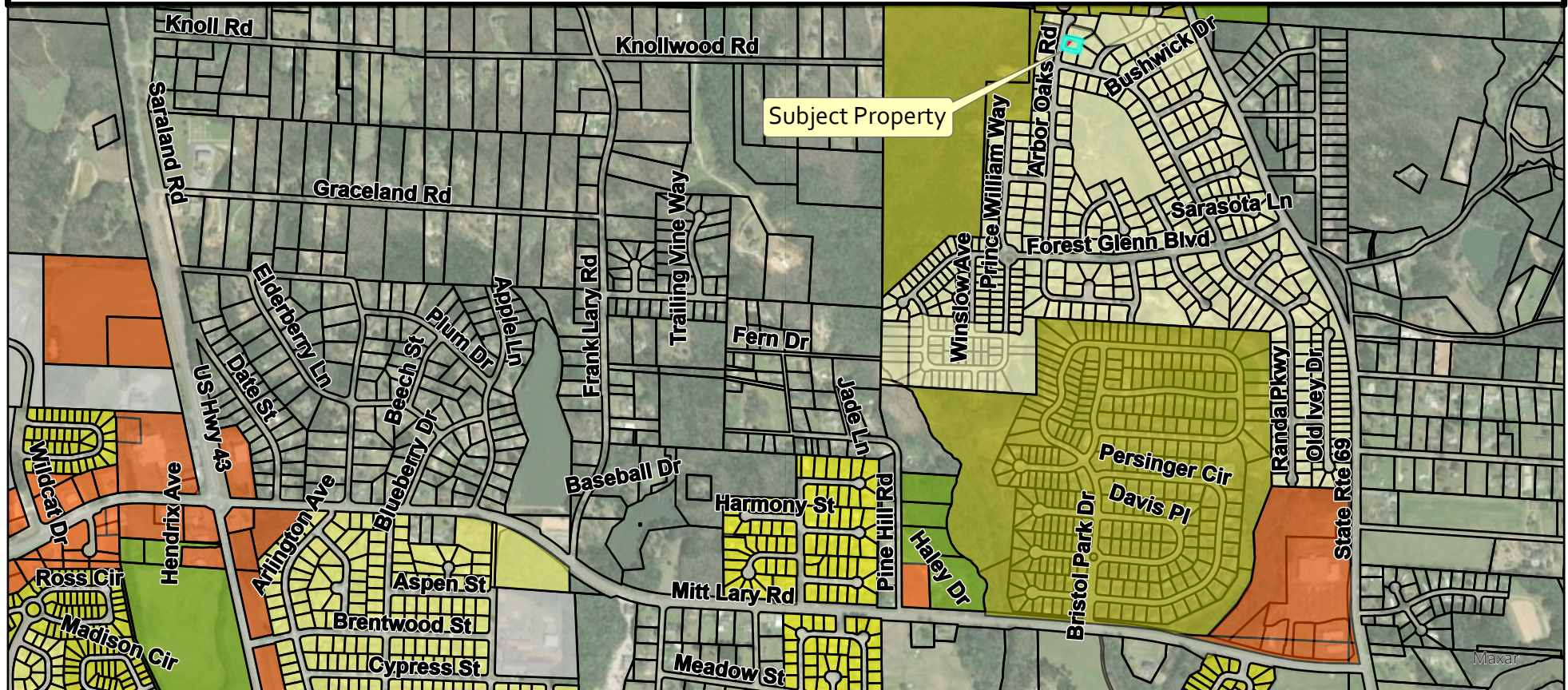
■ Residential Single-Family - SD

■ Subject Property

0 1,500 3,000 6,000 Feet



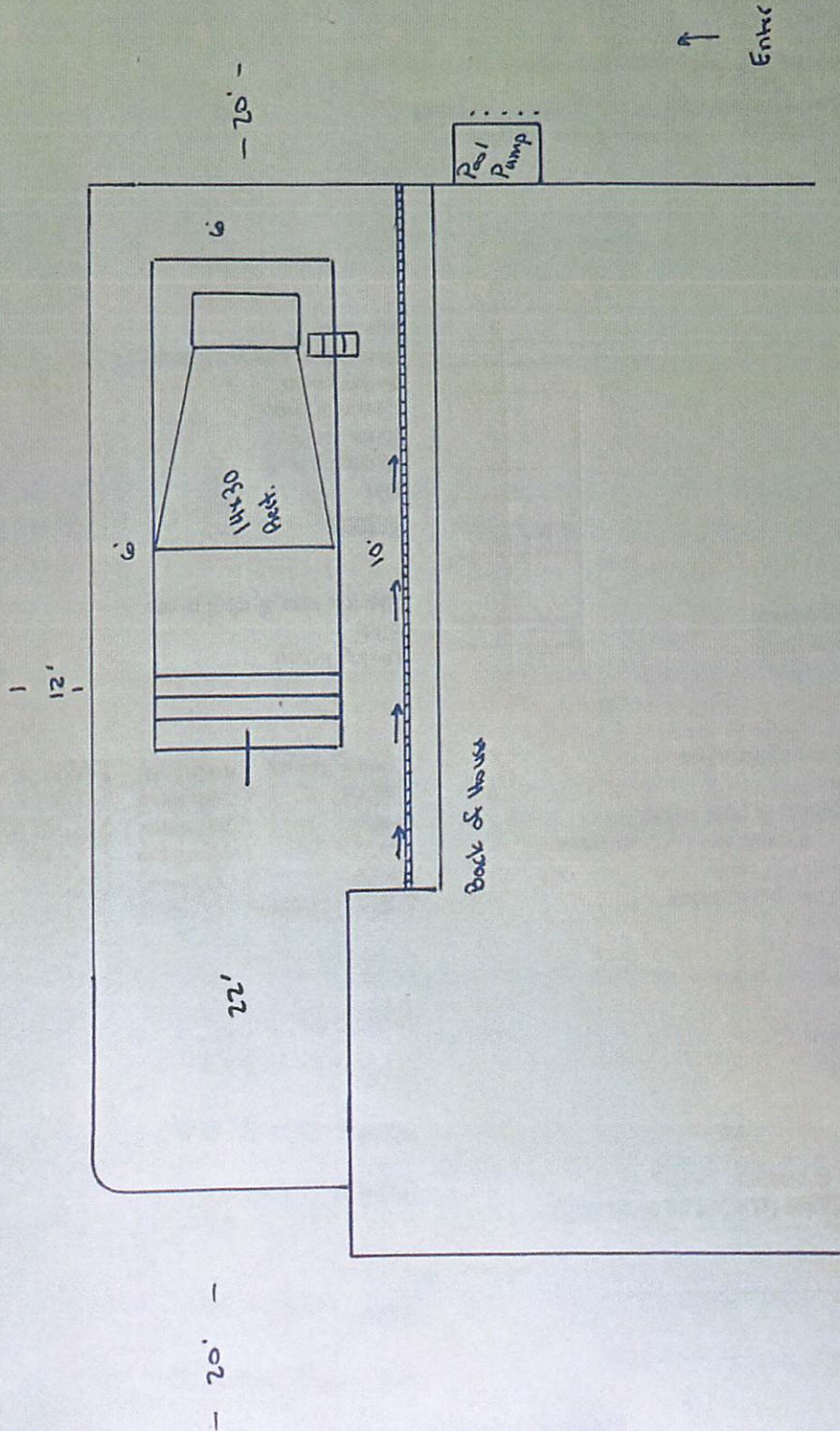
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Existing Residence as seen from
Arbor Oaks Road looking west



Dearden
11769 Arbor Oaks Rd.
Northport, AL





PERMIT PROJECT
FILE #: 24-000943
11769 ARBOR OAKS RD NORTHPORT AL 35475
ADDITION OF A POOL



PERMIT #: V24-000011
Permit Type
Variance/Administrative Appeal

Subtype
Variance

Work Description:
Addition of a pool

Applicant
KATHLEEN RUFFINO-DEARDEN

Status
Online Application Received

Valuation
0.00



FEES & PAYMENTS

Plan Check Fees
0.00

Permit Fees
100.00

Total Amount
100.00

Amount Paid
0.00

Balance Due
100.00

☐ Non-Billable



PERMIT DATES

Application Date
06/21/2024

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Review the attached process packet (click to download)

Property Information

Property Zoning District

RS-1



Existing Buildings on Property
single family home

Proposed Construction on Property
pool

Number of Adjoining Properties

Are you the property owner?

Yes



Property Owner

- KATHLEEN RUFFINO-DEARDEN



Additional Parcel #s

Submittal Documents

Names and Addresses of all Adjoining Properties

[11769 Arbor Oaks Rd.docx](#)



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

[11769 ARBOR OAKS RD DRAWING.pdf](#)



Additional Submittal Documents



Request Information

Describe the nature of the request

Request is made to put in a pool in our back yard. We had a pool company see our lot before we purchased the property (12/2023) and then again recently, to ensure that our property was appropriate for the pool we requested. We additionally had the property surveyed to ensure our property lines.

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

There are several neighbors here in Forest Glen with pools. We chose and bought the property as we believed that we would have no problem putting a pool in the backyard. We had no knowledge of the zoning regulation regarding the maximum ISR allowed. It appears our home, driveway, front walkway and back slab were present when the lot was developed and purchased by the previous owners and did not exceed the ISR at that time. If our property was rezoned to RS-1 with a different ISR, that would explain why we now exceed the allowed ISR.

We have excellent drainage down the back of our property and do not feel that the pool will effect that.

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

I do not believe any neighboring property would be impacted.

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

We moved to Alabama and carefully chose our property with our main goal in mind: put a pool in the backyard. We thought we had done and thought of everything when we chose the property to ensure installing a pool. If we had known before we bought this home that the zoning would prohibit a pool, we would not have bought the property. My husband and I are aging, have arthritis, have each had knee replacements, and my husband is due to schedule another knee replacement in the coming months. We know that owning a pool will allow us to exercise and maintain our health in a beneficial way.

Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner

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

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

Signature

signature.png



OFFICIAL USE ONLY

Date of Planning Commission Meeting

FEES					
FEE	▼	DE ▼	QUANTITY	AMOUNT	TOTAL
Appeal Fee					75.00
Advertising Fee					25.00

Plan Check Fees	0.00	
Permit Fees	100.00	
Total Fees	100.00	

 PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
Amount Paid						0.00	
Balance Due						100.00	