

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

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. July 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

- 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.

9. NEW BUSINESS

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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**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, JULY 18, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:08 p.m. on Thursday, July 18, 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. Jon Garner, Mr. Chad Haynie, Mr. Kevin Shobe, and Mrs. Jennifer Taylor-White. Absent and failing to vote was Mr. Aubrey Dale, Ms. Tena Phifer, and Mr. Brian Chandler. Also present were staff members Mr. Shaun Patten, Ms. Meredith Mullins, Mr. Chris Cunningham, Mrs. Holly Phillips and Mrs. Morgan Williams.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for June 20, 2024. **Seconded by Mr. Haynie** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Haynie – Yes; Mr. Garner – Yes; and Mrs. Taylor-White - Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Mr. Haynie to approve the agenda for July 18, 2024. **Seconded by Mr. Shobe** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; and Mrs. Taylor-White - Yes. **Motion Carried.**

Approval of Proper Notification- Mr. Patten 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-24-11** – 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.**

No Vote Taken.

- 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.

Patrick Howell, 14043 Briar Meadow Lane, stated that their family would like to install an inground pool in their backyard to enjoy and increase their property value. He stated that their neighborhood consists of over 374 lots with a new phase of over 70 lots starting with one neighborhood pool for all to share. Mr. Howell stated a list of homes in the neighborhood that have installed inground pools that are the same size or smaller than our lots based off a satellite view online are 13748 Randa Parkway, 13747 Winslow Avenue, 13944 Prince William Way, and 13937 Prince William Way. He stated these pools were put in in 2015-2021. He stated that the homeowners' association has approved via email for their construction of the pool. The property should not have any drainage issues that come out to others.

Mrs. Taylor-White stated that she lived and this neighborhood and clarified that the homeowner's association was ok with installing the pool. She asked if there were others in the neighborhood with pools. Mr. Howell stated yes.

Jennifer Howell, 14043 Briar Meadow Lane, stated that their family would use this inground pool to be able to enjoy themselves with their family. She stated that they have recently had some legal issues at their neighborhood pool, and they believe having their own pool at their residence will provide a safe environment for their children. She stated that they have contacted the homeowner's association and they have given the ok for the installation.

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 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. **Seconded by Mr. Shobe** Roll call was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; and Mrs. Taylor-White – Yes. **Motion Carried.**

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.

Kathleen Ruffino-Dearden, 11769 Arbor Oaks Road, stated that they would like to have a pool in the backyard. She stated that her husband and her moved here to be close to their family. Ms. Ruffino-Dearden stated that they met with a pool company before purchasing the property to make sure they could install a pool in the backyard. They had the property surveyed, got the HOA approval, consulted with an engineer on a retainer wall, installed door chimes then to be denied for their building permit. She stated that there are other neighbors that have inground pools. Mrs. Ruffino-Dearden stated that the reason for the denied permit was due to the ISR. She stated that they spoke with the neighbors who received their notices and received signatures for their approval. She stated that the drainage issue will be controlled by a concrete drain and with the retaining walls but as of right now their property does not have any issues with drainage. Mrs. Ruffino-Dearden stated that they are retired and having the pool will provide them with a place for physical therapy and to enjoy.

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 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. **Seconded by Mr. Shobe.** Roll call was as follows: Mr. Haynie- Yes; Mr. Shobe – Yes; Mr. Garner – 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 at 6:22pm.

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
August 15, 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.

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

Northport Zoning Board of Adjustment

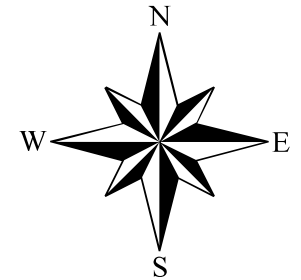
Variance Request

Zoning

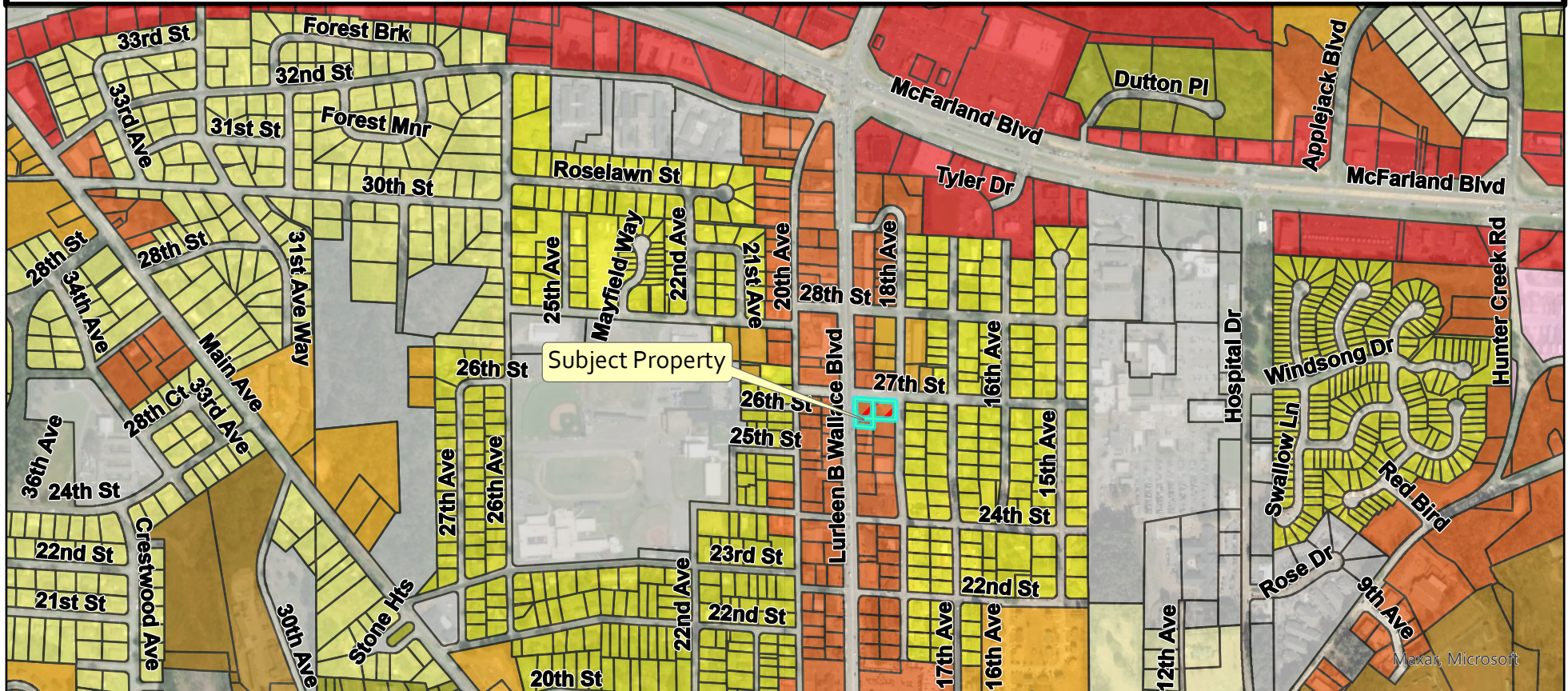
- Commercial Highway
- General Commercial
- Light Industrial
- Mobile Home Park
- Neighborhood Commercial
- Office and Institutional

- 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

0 1,000 2,000 4,000 Feet

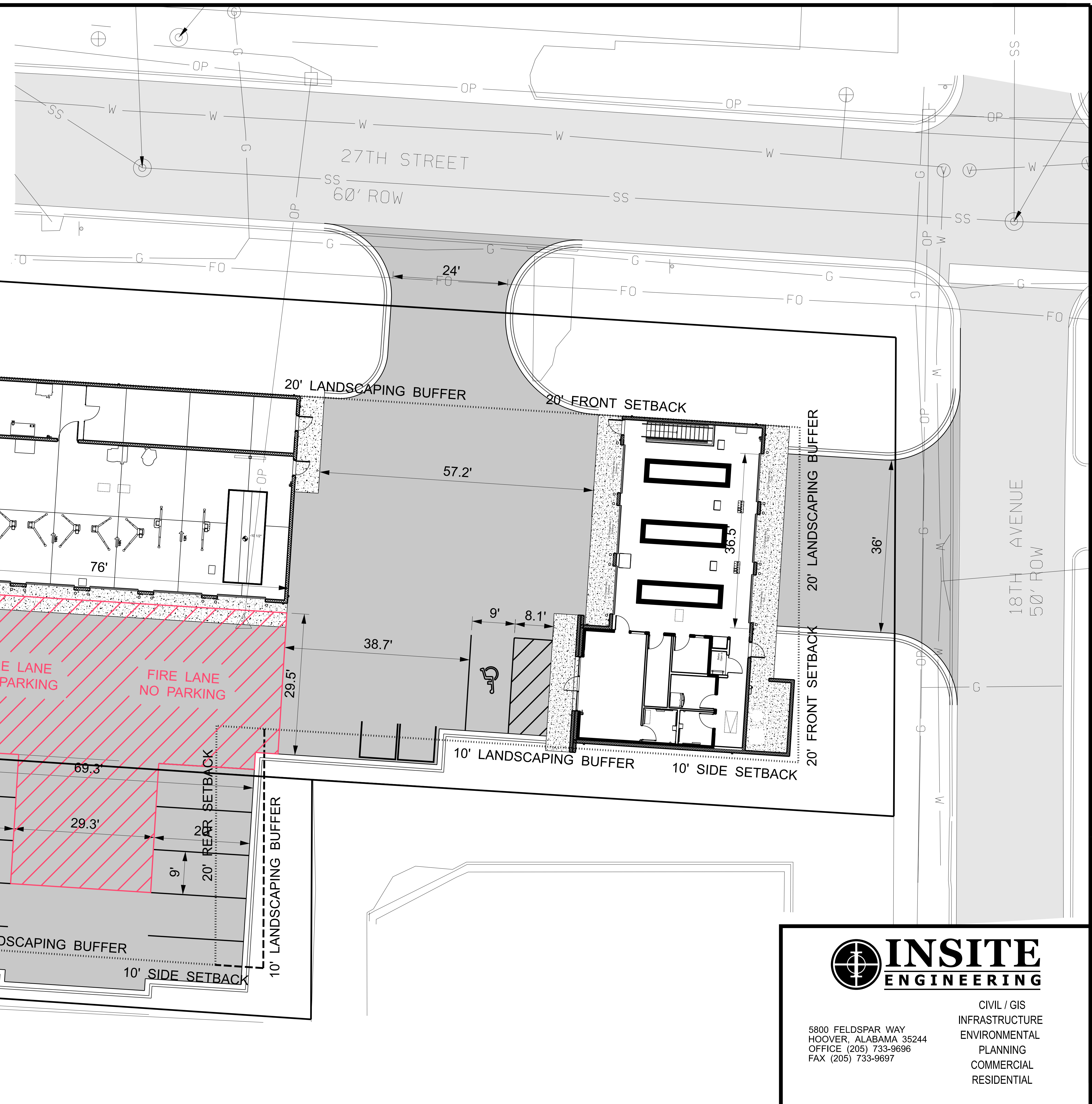


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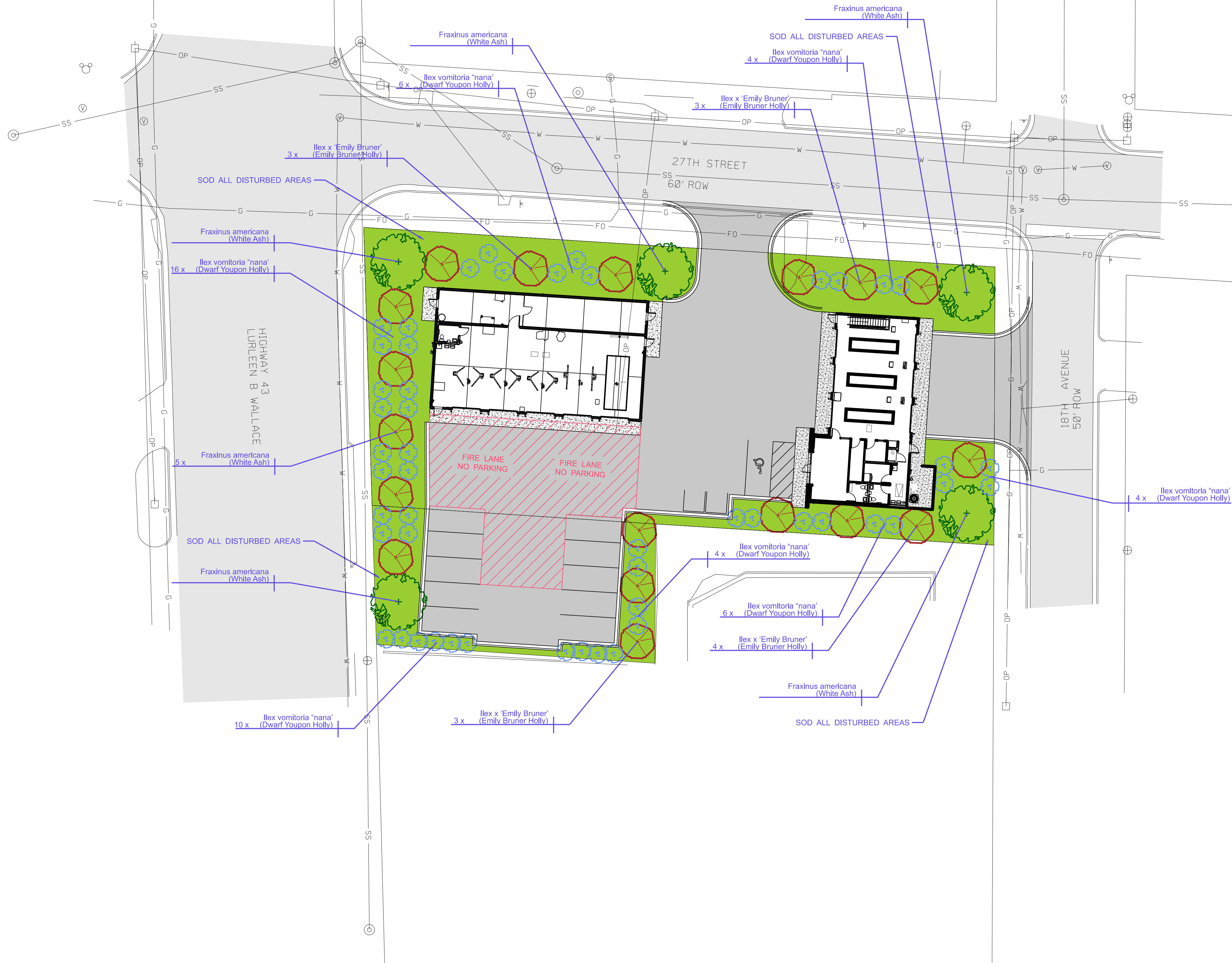
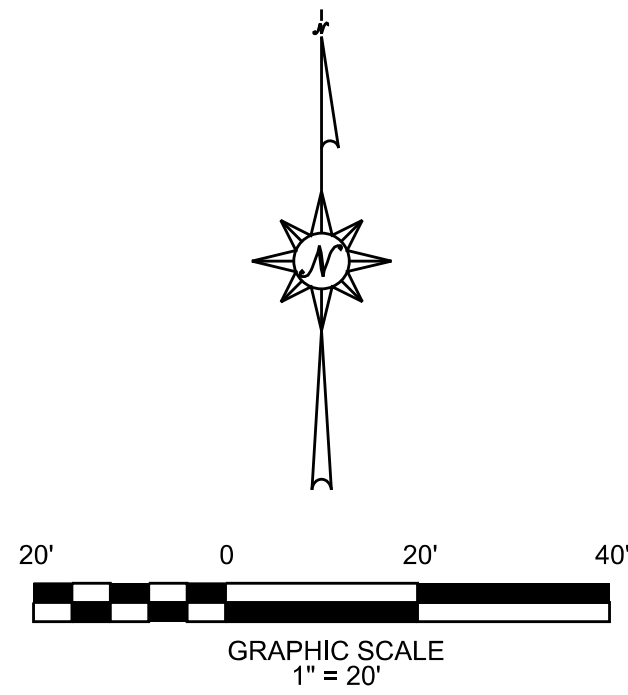
NORTHPORT ALABAMA
SCHEMATIC LAYOUT
Prepared by InSite Engineering, LLC

Prepared by InSite Engineering, LLC



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

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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

H³
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	