

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 19, 2024**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. August 15, 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-24-15** - Tracy Andrew Scarbrough is requesting a variance from the requirements of Section 608.01 to allow more than one home occupation to operate in the same dwelling unit for the residence located at 6008 Northwood Lake Drive East.

B. **V-24-16** - Acie Thomas is requesting a variance from the requirements of Section 608.01 to allow more than one home occupation to operate in the same dwelling unit for the residence located at 2800 15th 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, AUGUST 15, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, August 15, 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, Mrs. Phifer, Mr. Kevin Shobe, Mrs. Jennifer Taylor-White, and Brian Chandler. Absent and failing to vote was Mr. Chad Haynie. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

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

Approval of Agenda

Motion by Mr. Mr. Shobe to approve the agenda for August 15, 2024. **Seconded by Mr. Dale** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mrs. Phifer – Yes; Mrs. Taylor-White – Yes; and Mr. Chandler – 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

- 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

John Jett with Insite Engineering, 5800 Felspar Way presented the variance case along with Tyler Hendon with Express Oil Change, 1800 South Park Dr.

Mr. Hendon stated that the building orientation is for the building in the rear that will still have bays that will be facing the roadway. He stated originally that building would never be in the back of our locations but with the ordinance and the lot layout, this building will still face Highway 43. Mr. Hendon stated that with this second building being located behind the service building, we still feel like we still meet the intent of the variance.

Mr. Garner asked if vehicles would be entering the location from 27th Street, pull through and exit off 18th Avenue. Mr. Hendon stated that was correct. Mr. Garner asked how many oil change bays there would be and what would be the plan on stacking cars when pulling in. Mr. Hendon stated there are 3 bays and they do not think they will have more than one additional car waiting.

Mr. Jett stated that the dumpster location is within the landscape buffering due to this being a very tight lot for this development. Mr. Jett stated that we have pushed the dumpster a little in the landscape buffering to allow a little bit more access and circulation through the site.

Mr. Jett stated that during their preliminary meeting it was noticed in both locations for curb cut and no matter what goes on this property this would be required. He stated there was an existing curb cut off Highway 43 but in that preliminary meeting with City staff and ALDOT, we were informed that would no longer be an access. The access on Highway 43 will be closed off.

Mr. Garner asked if we were only looking at the back cut back on 18th Street. Mrs. Ramm stated that was correct. Engineering confirmed.

Mr. Chandler asked if this meets the parking space regulations. Mr. Patten stated that for this use they are required to have one space per 400 sq ft for office and indoor area and one per service bay. He stated we have not received the square footage numbers to verify but believe that this is something their engineers have worked on and have not given any indication that they will need a variance from this requirement. Mr. Jett stated that ordinance stated there was also a reduction they could do as well if 15-20% of the administrative reduction for parking. Mr. Patten stated that was for compact parking there is not an administrative reduction. Mrs. Ramm stated there may be another reduction available that would do with the trees located on site for tree credit for parking spaces. Mr. Hendon stated at this time they have 11 spaces. Mr. Chandler asked if the site plans are submitted and additional parking is needed, would they be required to come back to request this variance. Mr. Patten stated yes, the site plan and LDP requirements are a lot more involved in what is required for them to come for a variance. He stated there is a lengthy checklist that will be review.

Mr. Chandler asked if there would be any street parking available. Mrs. Ramm stated no, our parking requirements require for street parking, they would have to be off-street parking.

Mr. Dale asked how many customers are expected to be seen daily. Mr. Hendon stated average around 45. Mr. Dale stated that this was a concern for traffic on and off Highway 43.

Mr. Taylor-White asked if the parking they are providing is compatible with the other locations they have as far as the number of spaces. She stated the one that is located on 15th street looks to have less. Mr. Patten looked at the Rice Mine Location and stated that they have more parking available, with 8 spaces out front, a couple on the side, and about 8 spaces in the back.

Mr. Dale stated if you could require a right turn only coming out and exiting, this would route them to the red light making it easier to exit onto Highway 43. Mr. Jett stated that during the preliminary conversations and on Tuesday night's Planning Commission, it was stated that the long-range plan for ALDOT for Highway 43 would be that along 27th Street would likely be a right in, right out. Mr. Chandler stated turning left on Highway 43 would be tough.

Mr. Chandler asked if you have normal hours on Sundays due to there being a church nearby. Mr. Hendon stated they are closed on Sundays.

Mr. Chandler stated with the parking, you would have to squeeze into your landscaping. Mr. Jett stated there are a couple options on the additional parking if needed but we fill like this is an efficient site that provided the best circulation through the site.

Mr. Patten stated to clarify back on question of the maximum allowable parking believed to be that this regulation does not apply in this zone and is for the downtown area.

Mr. Garner stated that he thinks the community needs more oil change places. He stated that this appears to be a lot for a limited lot size. He asked if they have looked at other real estate options. Mr. Hendon stated that operationally, we want to be at this location. When we took this site to our team, stated they wanted to be there and making this work, even with putting the building in a rear. Mr. Garner stated that his concerned with the speed and traffic and should traffic back up and creating a safety issue.

Mr. Chandler stated that he had the same concern. He asked as far as visibility, are you going to have signage up on Highway 43. Mr. Higdon stated yes.

Mrs. Taylor-White asked the petitioner about the extra lot for additional parking spaces. Mr. Jett stated he does not believe that there has been any discussion of the additional parking lot. He stated that the new building and nice landscaping will hopefully bring a better look to the area.

Mr. Garner stated there are a lot of variances in this case. Mr. Jett stated that this is a revenue producer and an upgrade to what is there now. Mr. Chandler stated if we approve this variance, it follows the property and if Express Oil Change is not there, it stills stands. Mr. Hendon asked if there was a way to do a variance to tie it to Express Oil Change only. Mr. Patten stated that the way the motion reads, it would be tied to the site plan. Mrs. Ramm stated although if someone else was to come in an develop this with a similar design the variance would stand. Mr. Patten stated yes, that if someone came in with a similar design this variance would be permanent.

Mr. Jett asked if there was a time limit on the variance if the development is not constructed. Mr. Patten stated that condition can be put on the case. Mr. Cunningham stated that the time does get more difficult. He stated that you can put conditions on variance but with time limits it can be a little more challenging.

Mr. Shobe asked what the time limit is on starting the construction. Mr. Hendon stated that after its approval with council, they hope to be submitting plans within 5 weeks after and hopefully breaking ground by the end of the year.

Mr. Chandler asked about the motion for this case and asked if this would hold up, it states as shown, is this enough to tie the site plan. Mr. Patten stated that the way the example motion worded in the packet ties it to this site plan. Mr. Patten stated yes that if someone did come in with the same basic layout, the variance would stand.

Mr. Jett stated that Express Oil Change is in the process of buying the property and asked if the purchase was to fall through, would the original zoning revert. Mrs. Ramm stated that the property is already zoned correctly. Mr. Hendon clarified that this only calls for a conditional. Mrs. Ramm stated that is correct and that recommendation was made by Planning Commission on Tuesday night.

Motion by Mr. Chandler 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 Boulevard. **Seconded by Mr. Shobe**. Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – No; Mrs. Phifer – Yes; and Mrs. Taylor-White – Yes. **Motion Carried.**

New Business

X. DISCUSSION

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 6:27pm.

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
September 19, 2024

AGENDA ITEM

Case Number: V-24-15

Request: A variance from home occupation standards

Location: 6008 Northwood Lake Drive East

Applicant: Tracy Scarbrough

SUBJECT PARCEL

Zoning: Residential Single Family (RS-1)

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

Proposed Action: To allow more than one home occupation in the same residence.

STAFF COMMENTS

Tracy Scarbrough is seeking a variance from the home occupation standards. Those standards are in section 608 and are included below:

608.01. Home Occupations.

It is the purpose of this Section to provide residents of the City of Northport a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

VI-25

March 21, 2018

A. General Regulations. All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Director's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.

3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.

4. No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation.
5. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted.
6. No more than two (2) company or commercial vehicles shall be parked at the premises at any time – including but not limited to cars, vans, trucks, and utility trailers. Off-street parking shall be provided on the premises, as required by Section 611. No parking of commercial or residential vehicles shall be permitted on the street or in the required front yard.
7. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.
8. No merchandise shall be distributed to customers on the premises.
9. All advertising material indicating the business hours, address and/or physical location of the business shall also state “By Appointment Only” and/or “No On Site Service”.
10. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
11. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.

VI-26

March 21, 2018

12. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.
13. The on-site repair of vehicles shall be prohibited as a home occupation.

B. Application Procedures. Any applicant for a home occupation zoning certificate shall pay a fee as established in Section 1007, and submit an application form, together with any required attachments, to the Planning Director. The Planning Director shall have five (5) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

No more than one (1) home occupation shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 1109.3 of the Northport Zoning Ordinance 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:

Tracy Scarbrough is seeking a variance to allow 2 business licenses to be issued for the same residential property. The current ordinance specifies that only 1 home occupation can be approved for each residence. A home occupation has already been approved for one business at this address, a photography service. The applicant would like to open a second business, an accounting service. The applicant has stated that there will be no client or other in-person meetings at the residence.

As part of the comprehensive plan update, city staff are working with an outside consultant to recommend revisions to the zoning ordinance. One of the recommendations that was identified early in the process pertains to the home occupation regulations. The current draft of the proposed ordinance would remove the restriction on the number of business licenses that can be issued for home occupations that do not involve customers visiting the residence.

MOTION:

I make a motion to grant Tracy Scarbrough a variance to allow a second home occupation for the property located at 6008 Northwood Lake Drive East.

Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Zoning

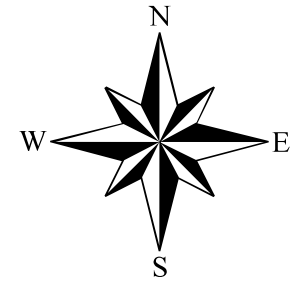
■ Agriculture

■ General Commercial

■ Residential Single-Family - 1

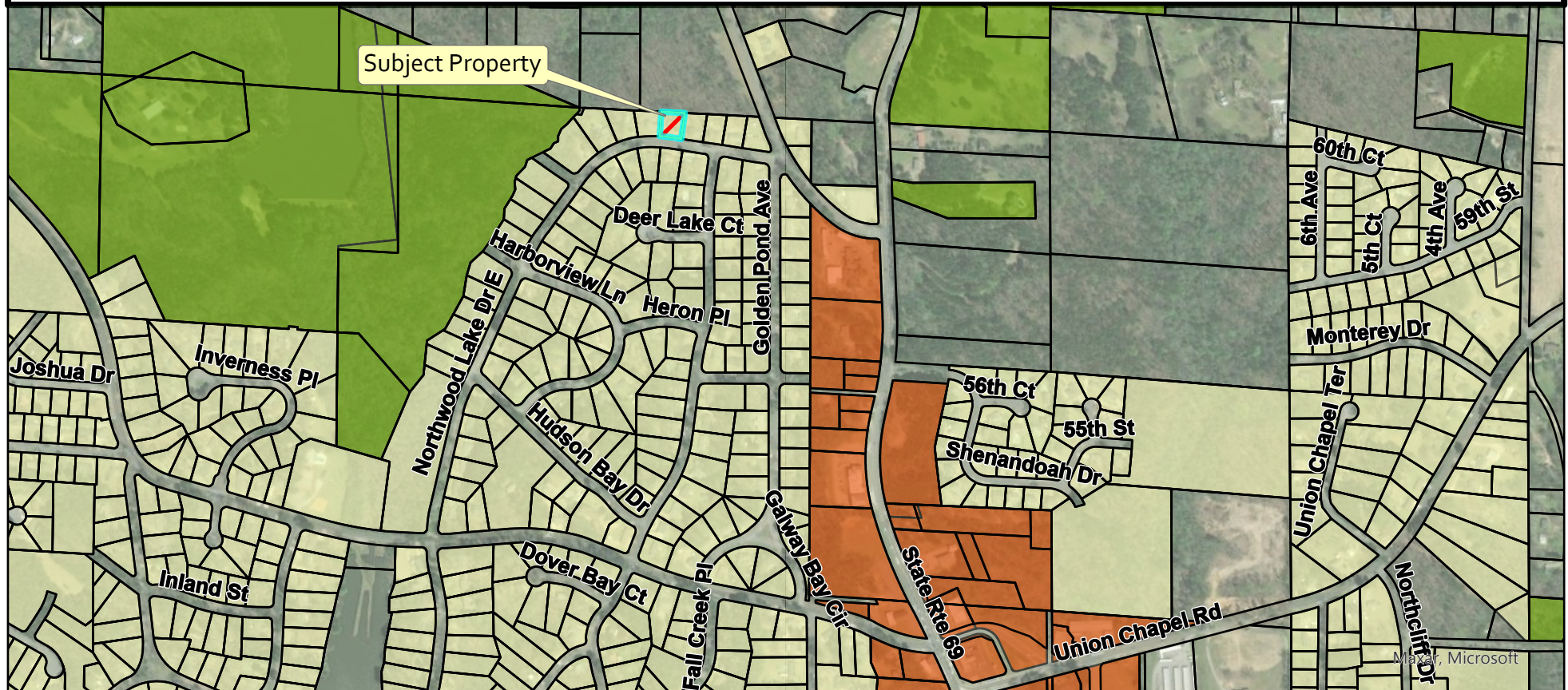
■ Residential Single-Family - SD

■ Subject Property



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0 1,000 2,000 4,000 Feet



Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Future Land Use

■ Conservation

■ Conservation Floodway

■ General Mixed-Use

■ Limited Mixed-Use

■ High Density Residential

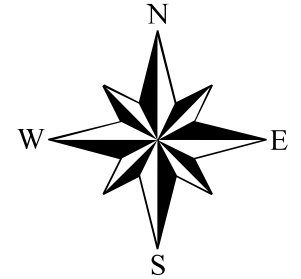
■ High to Medium Density Transition

■ Medium Density Residential

■ Medium to Low Density Transition

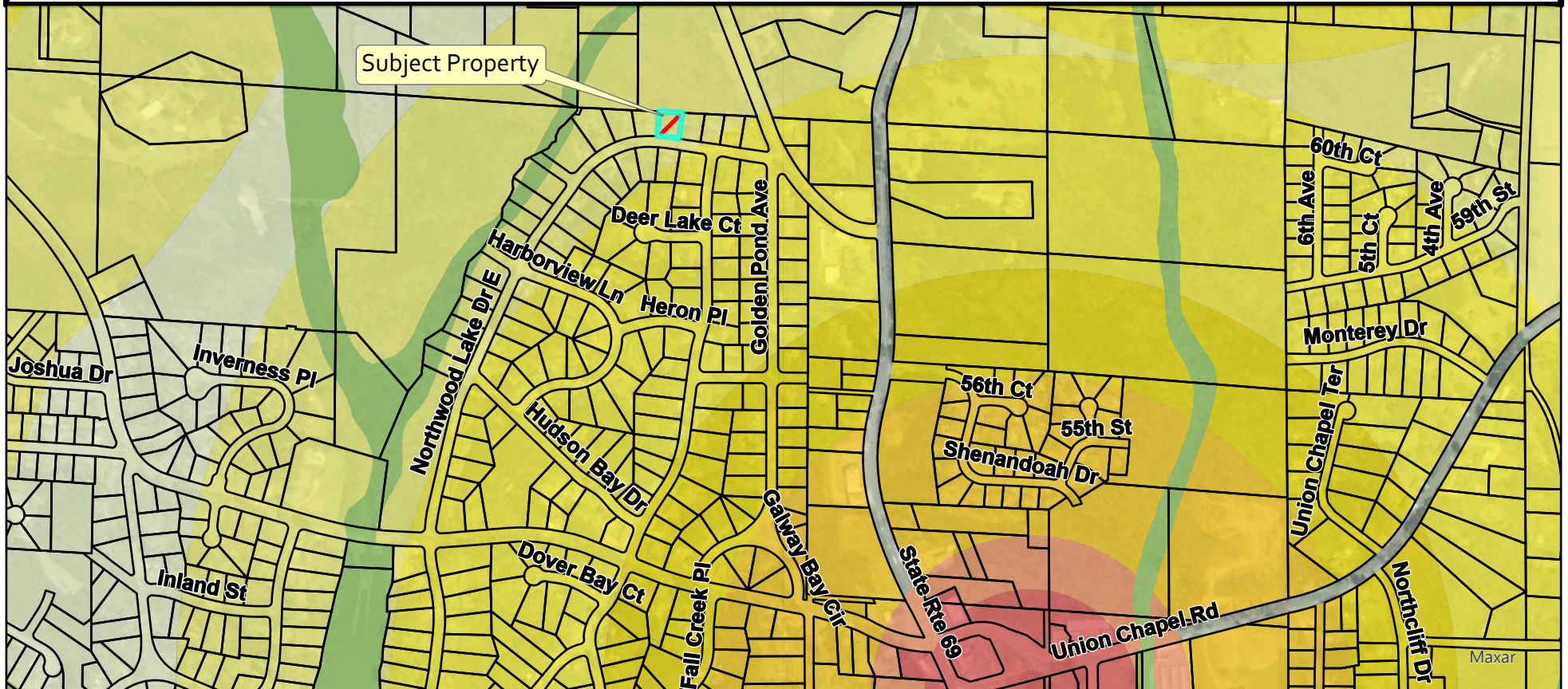
■ Low Density Residential

■ Subject Property



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0 1,000 2,000 4,000 Feet



Existing Residence
as seen from
Northwood Lake Dr. E
looking North



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
September 19, 2024

AGENDA ITEM

Case Number: V-24-16

Request: A variance from home occupation standards

Location: 2800 15th Avenue

Applicant: Acie Thomas

SUBJECT PARCEL

Zoning: Residential Single Family (RS-3)

Zoning of Adjacent Property: Residential Single Family (RS-3)

Proposed Action: To allow more than one home occupation in the same residence.

STAFF COMMENTS

Acie Thomas is seeking a variance from the home occupation standards. Those standards are in section 608 and are included below:

608.01. Home Occupations.

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March 21, 2018

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2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.

3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.

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VI-26

March 21, 2018

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Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

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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:

Acie Thomas is seeking a variance to allow 2 business licenses to be issued for the same residential property. The current ordinance specifies that only 1 home occupation can be approved for each residence. A home occupation has already been approved for one business at this address. The applicant would like to open a second business, a cleaning service. The applicant has stated that there will be no client or other in-person meetings at the residence.

As part of the comprehensive plan update, city staff are working with an outside consultant to recommend revisions to the zoning ordinance. One of the recommendations that was identified early in the process pertains to the home occupation regulations. The current draft of the proposed ordinance would remove the restriction on the number of business licenses that can be issued for home occupations that do not involve customers visiting the residence.

MOTION:

I make a motion to grant Acie Thomas a variance to allow a second home occupation for the property located at 2800 15th Avenue.

Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Zoning

■ Commercial Highway

■ General Commercial

■ Neighborhood Commercial

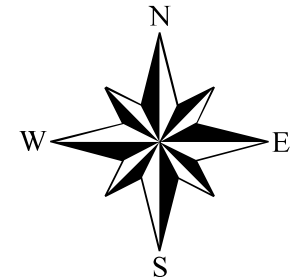
■ Office and Institutional

■ Residential Multi-Family

■ Residential Single-Family - 3

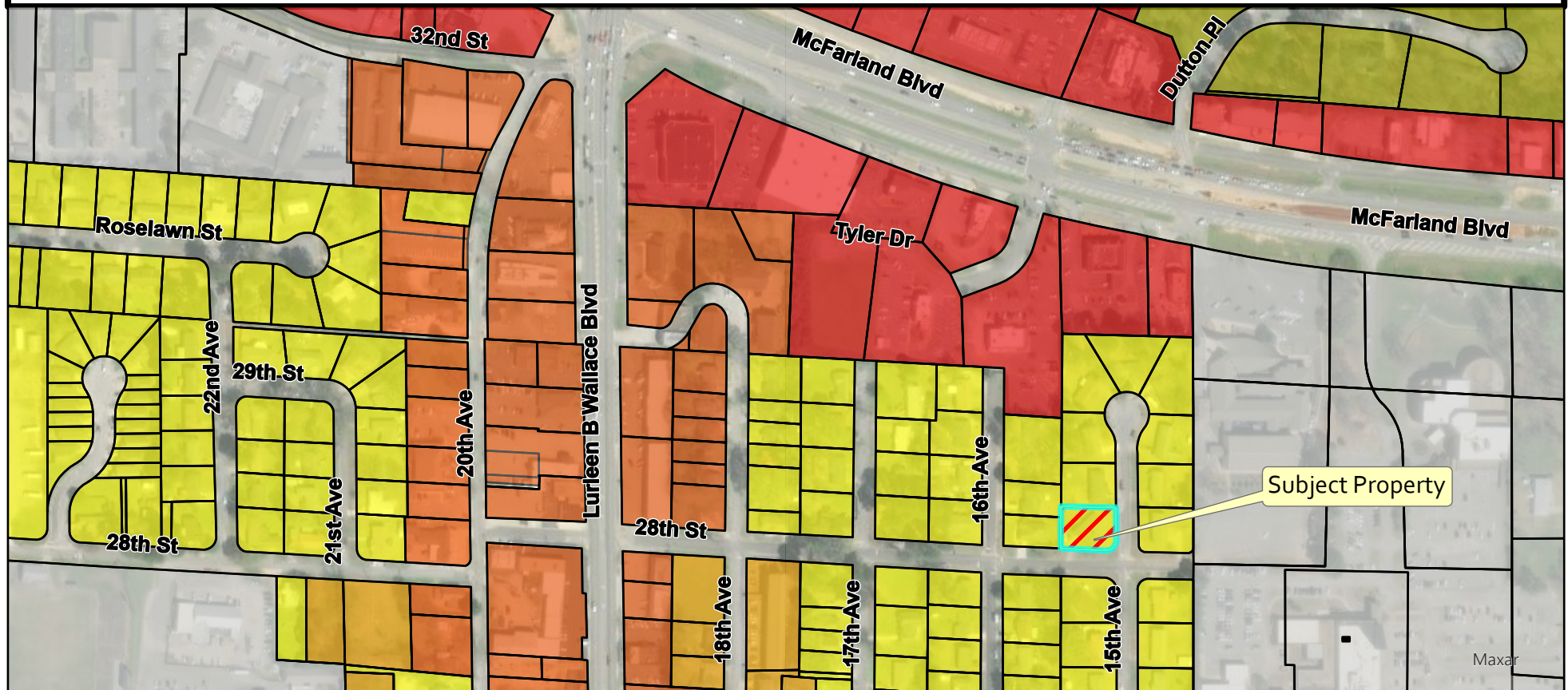
■ Residential Single-Family - SD

■ Subject Property



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0 400 800 1,600 Feet



Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Future Land Use

■ Commercial Mix

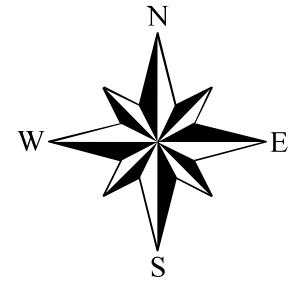
■ Limited Mixed-Use

■ Multifamily Residential

■ Medium Density Residential

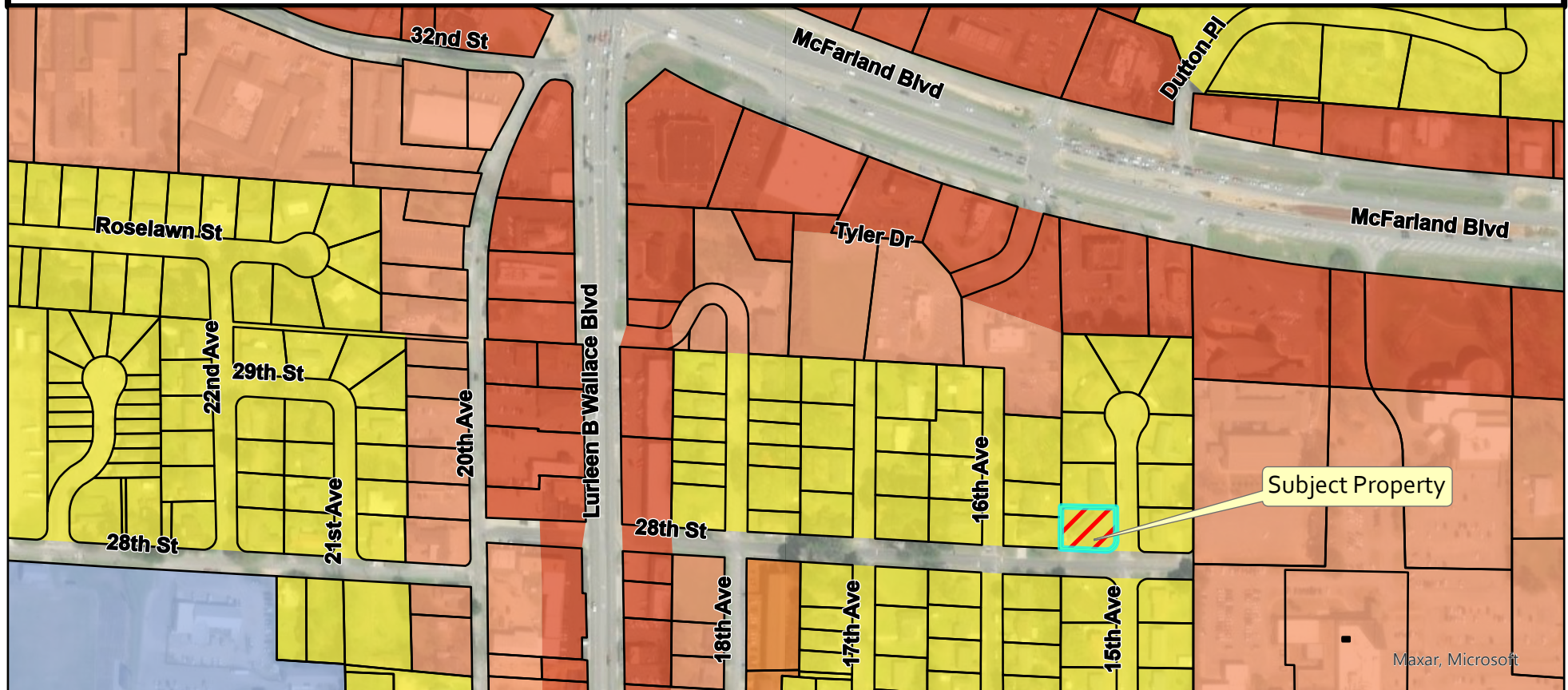
■ Institutional

■ Subject Property

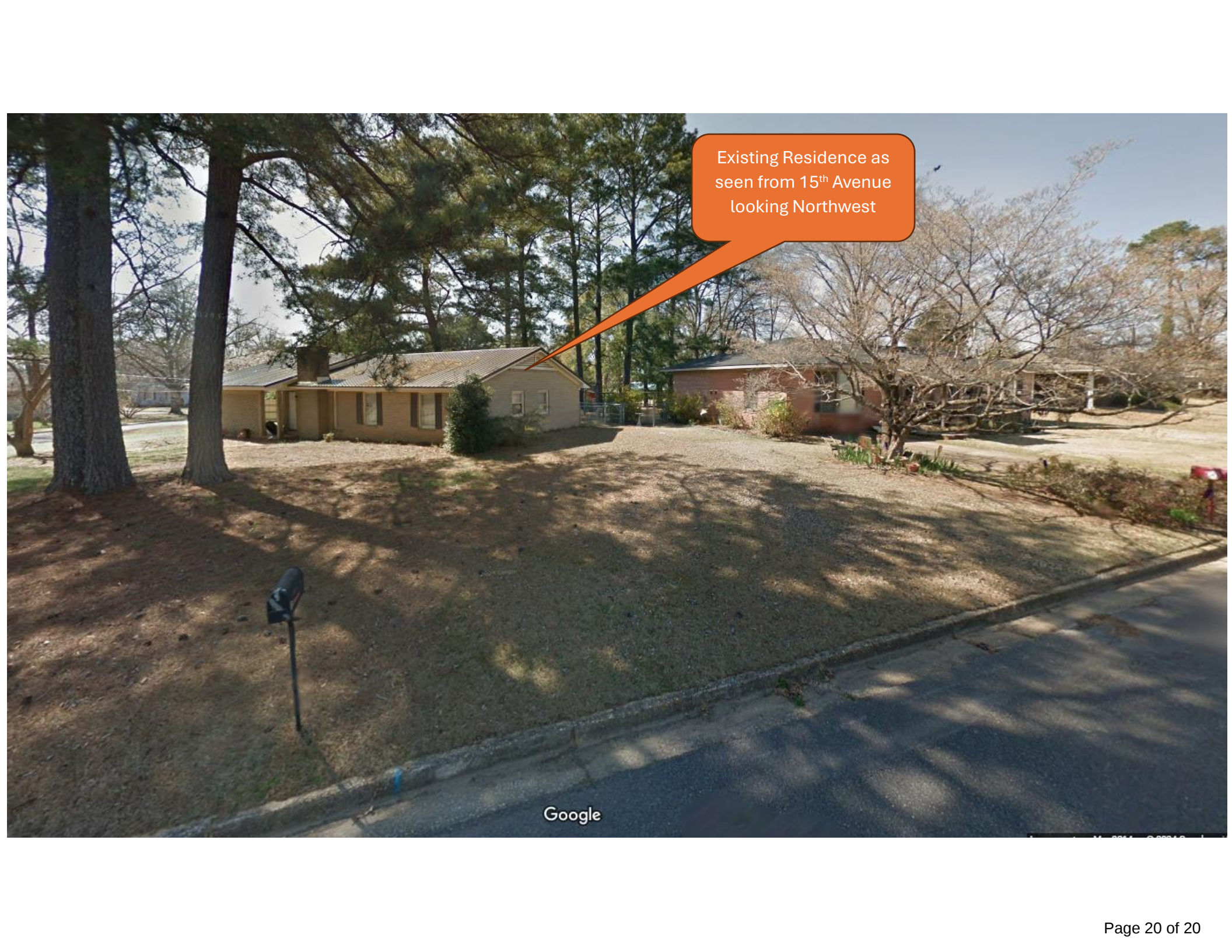


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0 400 800 1,600 Feet



Maxar, Microsoft



Existing Residence as
seen from 15th Avenue
looking Northwest

Google