

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, NOVEMBER 21, 2024**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - A. September 19, 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-24-17 - Northport Baptist Church is requesting a variance to expand a nonconformity for the property located at 1004 Main Avenue.
- 10. DISCUSSION**
 - A. December 19, 2024 meeting
- 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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**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, SEPTEMBER 19, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, September 19, 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, and Brian Chandler. Absent and failing to vote were Mrs. Jennifer Taylor – White and Mrs. Tena Phifer. 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 August 15, 2024. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Haynie – Yes, and Mr. Chandler – Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Haynie to approve the agenda for September 19, 2024. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Dale – Yes; Mr. Garner – 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

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.

Tracey Andrew Scarbrough, 6008 Northwood Lake Drive East, stated that both him and his wife are requesting to have two home based businesses at their primary residence. He stated that his wife currently has a home-based photography business and uses the residence for editing and phone calls. He stated that she travels for her photoshoots. Mr. Scarbrough stated that he has an accountant job but recently has been inquired about handling taxes. He stated that he wanted to start his own side business, Scarbrough Accounting Agency, LLC and run the business through their home. Mr. Scarbrough stated that the have a

home office located in the basement of their home that will be utilized for a work area. Mr. Scarbrough stated that at this time he does not have enough revenue coming in to find a separate space at this time.

Chairman Garner opened the floor for a public hearing.

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

Motion by Mr. Haynie to grant Tracy Andrew Scarbrough a variance to allow a second home occupation for the property located at 6008 Northwood Lake Drive East. **Seconded by Mr. Shobe.** Roll call was as follows: Mr. Haynie - Yes; Mr. Shobe - Yes; Mr. Dale – Yes; Mr. Garner - Yes; and Mr. Chandler -Yes. **Motion Carried.**

- 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.

Acie Thomas, 2800 15th Avenue, stated that he would like to request a second business for services of window cleaning, pressure washing, painting. Mr. Thomas stated that he and his wife have a current business for coaching. He stated that this business is a passion that he has and would like to help clean up the Northport area.

Chairman Garner opened the floor for a public hearing.

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

Motion by Mr. Haynie to grant Acie Thomas a variance to allow a second home occupation for the property located at 2800 15th Avenue. **Seconded by Mr. Dale.** Roll call was as follows: Mr. Haynie – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Shobe – Yes; and Mr. Chandler – Yes. **Motion Carried.**

DISCUSSION

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 6:07pm.

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
November 21, 2024***

AGENDA ITEM

Case Number: V-24-17

Request: A variance from nonconformity and site development standards

Location: 1004 Main Avenue

Applicant: Northport Baptist Church

SUBJECT PARCEL

Zoning: Office-Institutional (O-I) and Residential Single-Family (RS-3)

Zoning of Adjacent Property: Residential Single-Family (RS-3), Office-Institutional (O-I), Light Industrial (M-1), and Residential/Commercial/Institutional (RCI)

Proposed Action: To allow a nonconformity to be expanded

STAFF COMMENTS

Northport Baptist Church is seeking a variance from the nonconformity standards. Those standards are in section 902 and are included below:

Section 902. Authority to Continue.

902.01. Except as otherwise provided in this Article, any nonconforming lot, use, or structure lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

902.02. No nonconformity shall be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as noted in this Section. Normal maintenance and incidental repair of nonconformity shall be permitted, provided that this does not violate any other section of the Article.

A. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures.

B. An extension, for the exclusive purpose of providing required off-street parking or loading spaces, involving no structural alteration or enlargement of such structure, shall not be deemed an expansion of nonconformity, subject to the restrictions of this Article.

C. Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, and/or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the Tuscaloosa County Tax Assessor.

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:

Northport Baptist Church is seeking a variance to allow an expansion of the current church located at 1004 Main Avenue. The proposed expansion consists of a new parking area on a residential lot adjacent to the existing church campus. The current site is listed as a legal nonconformity for the following reasons:

- **Landscaping** – New developments at this location are required to install a 10' frontage landscaping buffer and 10' perimeter buffers. The applicant has stated that they are unable to meet the full requirements of the ordinance due to the need for more parking.
- **Use** – This use was allowed within this zoning district (O-I) when established but is now proposed to expand into a residential zone that would normally require Conditional Use approval.
- **Parking** – The parking configuration does not meet current standards. The current ordinance requires that all parking be provided on the same lot as the building it serves. The City is proposing an amendment to this requirement that would allow future developments to utilize remote parking by Special Exception. This amendment was recommended by the Planning and

Zoning Commission at the November 2024 meeting and will go to City Council for a final vote in December.

- **Unified Development Site** – The current ordinance requires all development sites to be consolidated into one lot before any permits can be issued. The property in question consists of 3 separate lots. The applicant has requested that this requirement be waived due to time constraints and the need to begin work before winter.

The current ordinance generally allows legal nonconformities to continue operation but requires that any expansion or alterations be done in a way that doesn't increase non-conformity. Considering the proportionally small scope of work included with this addition, the applicant would prefer to pursue a variance from this requirement.

For hardships, the applicant has cited a considerable amount of growth, as well as the need to meet strict schedules.

MOTION:

I make a motion to grant Northport Baptist Church a variance to allow the expansion of a nonconformity for the property located at 1004 Main Avenue.

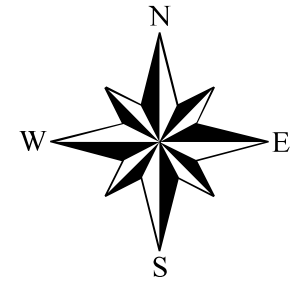
Northport Zoning Board of Adjustment

Variance Request

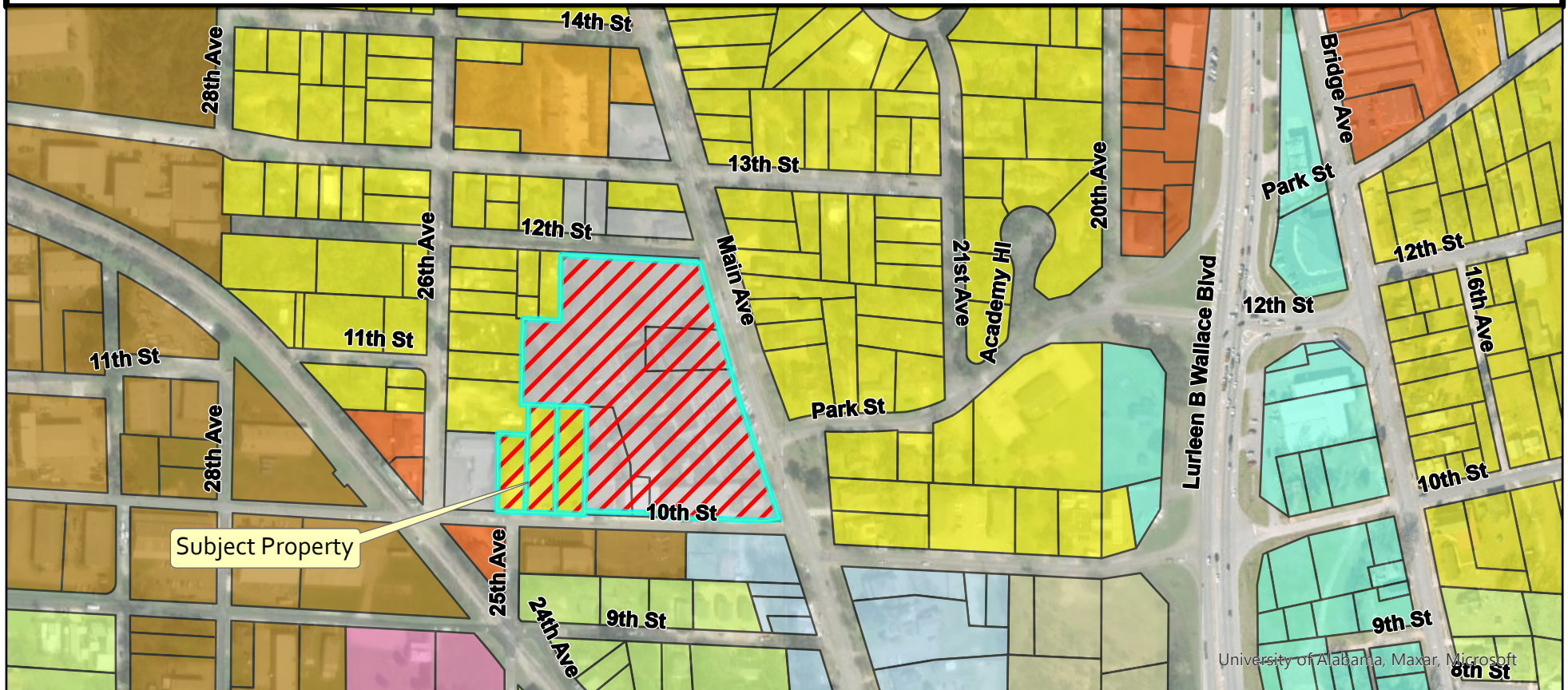
Zoning

- | | |
|---|--|
|  Bridge Avenue North |  Neighborhood Commercial |
|  General Commercial |  Office and Institutional |
|  Historic Neighborhood |  Residential Multi-Family |
|  Light Industrial |  Residential Single-Family - 3 |
|  Multi-Family Housing |  Residential Single-Family - 4 |
|  Neighborhood Center |  Residential/Commercial/Institutional |
| |  Subject Property |

0 250 500 1,000 Feet

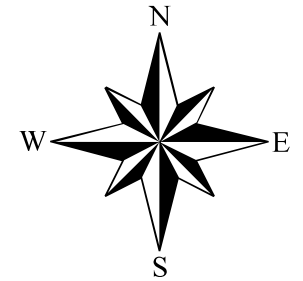


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Northport Zoning Board of Adjustment

Variance Request



Parcels

□ Parcels

Future Land Use

■ Conservation

■ Commercial Mix

■ General Mixed-Use

■ Limited Mixed-Use

■ High Density Residential

■ Medium Density Residential

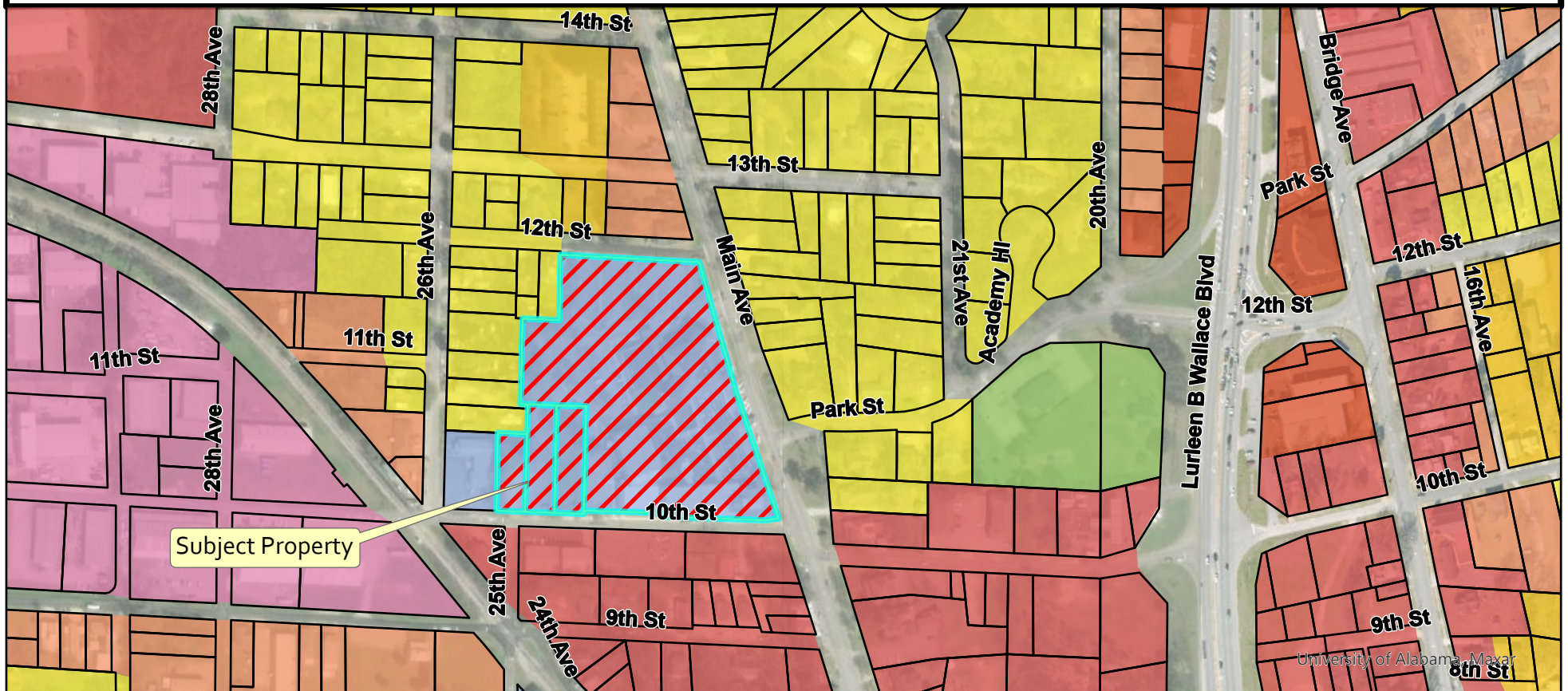
■ Office-Trades Mix

■ Institutional

▨ Subject Property

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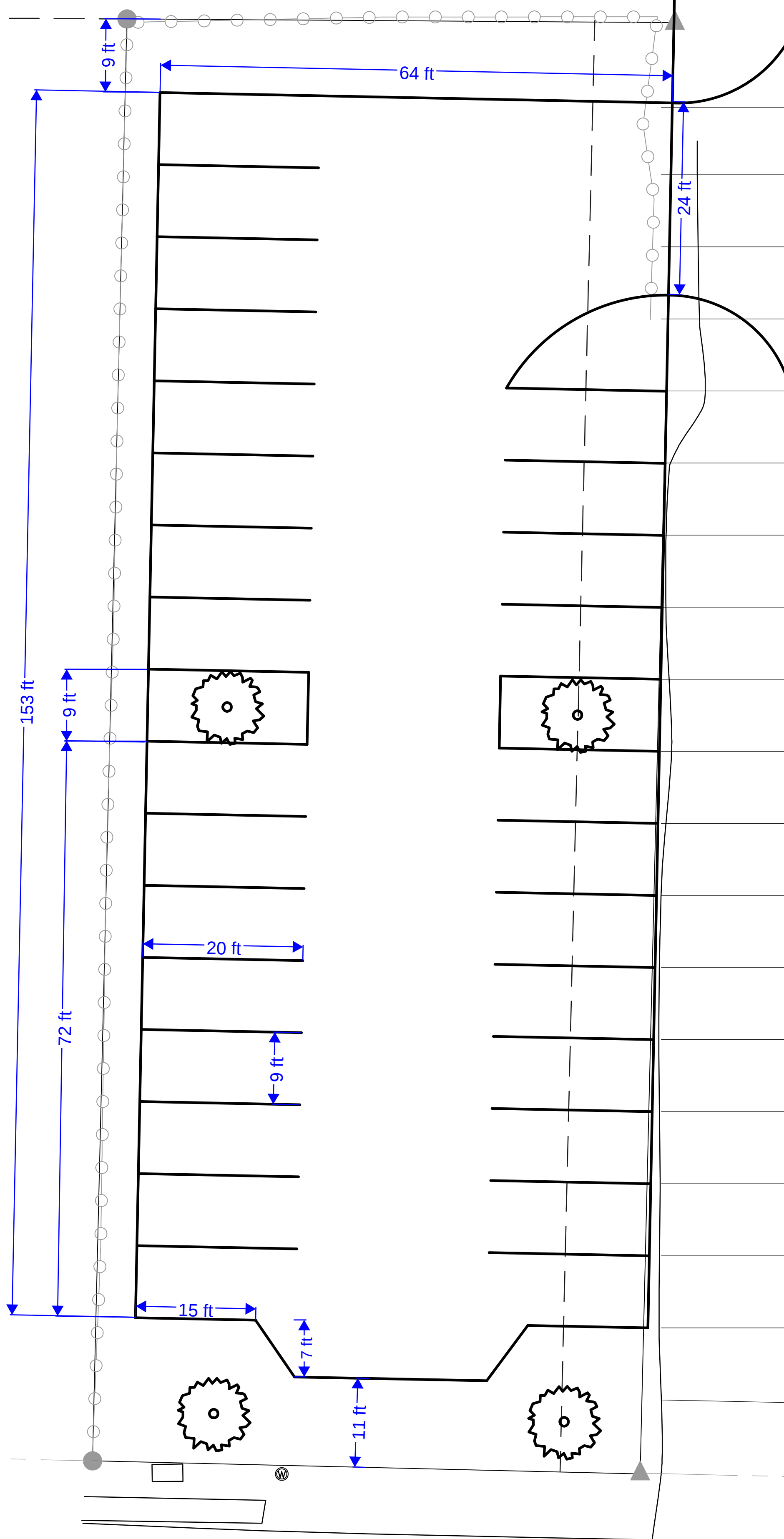
0 250 500 1,000 Feet





Current site as seen from
the corner of 25th Ave &
10th Street looking North

Google



PROJECT NO.: 24-1122-0024 PROJECT STATUS: PRELIMINARY DATE: OCTOBER 30, 2024 SHEET NO. 1	BY			REVISION DESCRIPTION	DATE	NO.
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LAYOUT

