

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, JANUARY 16, 2025**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. November 21, 2024

4. APPROVAL OF THE AGENDA

5. VERIFICATION OF PROPER NOTIFICATION

6. VERIFICATION OF NO CONFLICT OF INTEREST

7. NOTICE OF RIGHT TO APPEAL

8. OLD BUSINESS

9. NEW BUSINESS

- A. **V-24-18 Kentuck RV Park** - Lynwood Springer is requesting a variance from the parking requirements found in section 610 for the property located at 121 30th Avenue.
- B. **V-24-19 Donnie Simpson** - Donnie Simpson is requesting a variance from the sign regulations found in section 806.02 for the property located at 3800 38th Avenue.
- C. **V-24-20 Rodney Booth** - Rodney Booth is requesting a variance from the accessory structure regulations found in section 607 for the property located at 1 Booth Estates.
- D. **V-24-21 Mark Tunnell** - Mark Tunnell requests a variance from the building material standards found in section 1002.13 for the property located at 5401 McFarland Boulevard.

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, NOVEMBER 21, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, November 21, 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. Kevin Shobe, Mrs. Tena Phifer, Mrs. Jennifer Taylor – White, and Mr. Brian Chandler. Absent and failing to vote were Mr. Aubrey Dale and Mr. Chad Haynie. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Ms. Meredith Mullins, Mrs. Holly Phillips, and Mrs. Katelyn Lesley.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for September 19, 2024. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Garner – Yes; Mrs. Phifer – Yes, and Mrs. Taylor – White – Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Chandler to approve the agenda for November 21, 2024. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; Mrs. Phifer – 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-24-15** – Northport Baptist Church is requesting variance to expand a nonconformity for the property located at 1004 Main Avenue.

Clay Randolph, Thompson Engineering, 2900 8th Street, stated that the church has grown a lot over the last few years, which means people are parking where they do not necessarily want people to park, so the alleviate that they are wanting to expand the western most parking lot and add another parking lot to a parcel Northport Baptist Church purchased next to it. Mr. Randolph stated that it would be comparable to the parking lot that is next to it, they would get about 28 spaces out of it; however, they would lose about 5 spaces from ingress/egress and would net about 23 spaces. Mr. Randolph stated that he did some calculations based on the 3 largest gathering places they have (the fellowship hall, the student center, and the worship center), they would need about 357 parking spaces, they currently have 335 parking spaces,

but with the additional 23 spaces proposed that would get them to the 357, they are needing. Mr. Randolph stated that the church next door requested they put a fence up to keep people from trying to cross over from either side.

Mr. Chandler asked Mr. Randolph if the chain-link fence is already down. Mr. Randolph stated that the chain-link fence had been removed.

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 Mrs. Phifer to grant Northport Baptist Church a variance to allow the expansion of a nonconformity for the property located at 1004 Main Avenue. **Seconded by Mr. Shobe** Roll call was as follows: Mrs. Phifer – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; Mrs. Taylor – White - 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
January 16, 2025

AGENDA ITEM

Case Number: V-24-18

Request: A variance from parking requirements

Location: 121 30th Avenue

Applicant: Lynwood Springer

SUBJECT PARCEL

Zoning: Recreational (REC)

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

Proposed Action: To allow gravel parking spaces for recreational vehicles

STAFF COMMENTS

Lynwood Springer is seeking a variance from the parking standards. Those standards are in section 610 and are included below:

C. Unless otherwise noted, all parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.

STAFF RECOMMENDATIONS:

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

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

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

A. *The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

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

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

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

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

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

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

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

SUMMARY:

Lynwood Springer is seeking a variance from the parking requirements to allow gravel parking spaces for his proposed RV park. The current ordinance requires that all parking and maneuvering areas be paved with a permanent hard surface. The applicant is proposing instead to use gravel.

For hardships, the applicant has stated that a crushed stone surface will hold up better to the jacks and outriggers found on recreational vehicles, and that such surfaces are commonly found in campgrounds. It is worth pointing out that many of the RV campgrounds in Tuscaloosa County do have paved parking spaces – see included pictures.

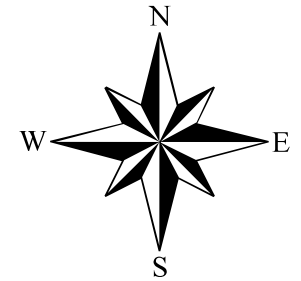
The proposed use does not conflict with the comprehensive plan.

MOTION:

I make a motion to grant Lynwood Springer a variance to allow gravel parking as shown on the site plan for the property located at 121 30th Avenue.

Northport Zoning Board of Adjustment

Variance Request



Parcels

□ Parcels

Zoning

■ Agriculture

■ Conservation

■ Historic Downtown Core

■ Historic Neighborhood

■ Light Industrial

■ Multi-Family Housing

■ Neighborhood Center

■ Residential/Commercial/Institutional

■ Recreational

■ Residential Multi-Family

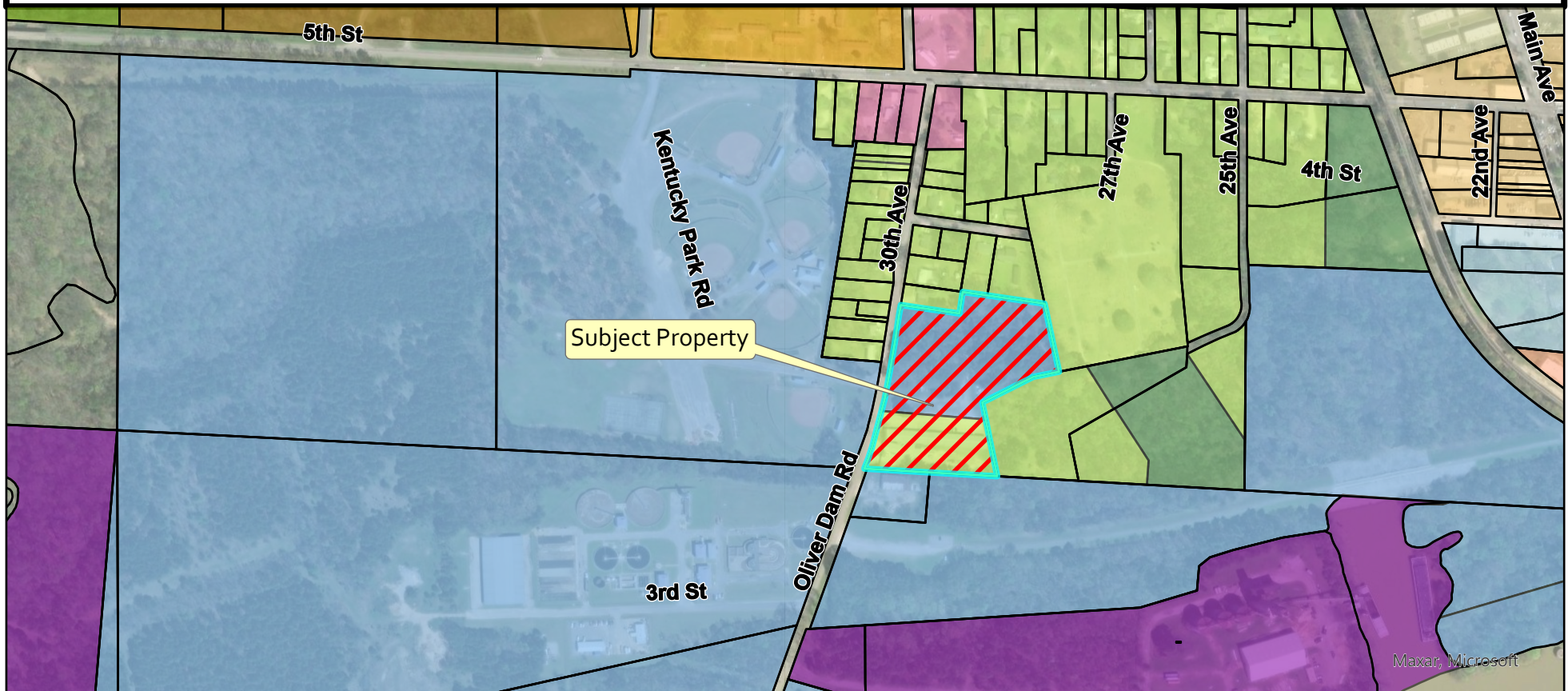
■ Urban Mixed-Use

■ Working Riverfront

■ Subject Property

0 375 750 1,500 Feet

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Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Future Land Use

■ Conservation

■ Conservation Floodway

■ Conservation Development

■ General Mixed-Use

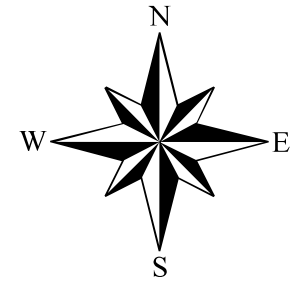
■ Limited Mixed-Use

■ Multifamily Residential

■ Medium Density Residential

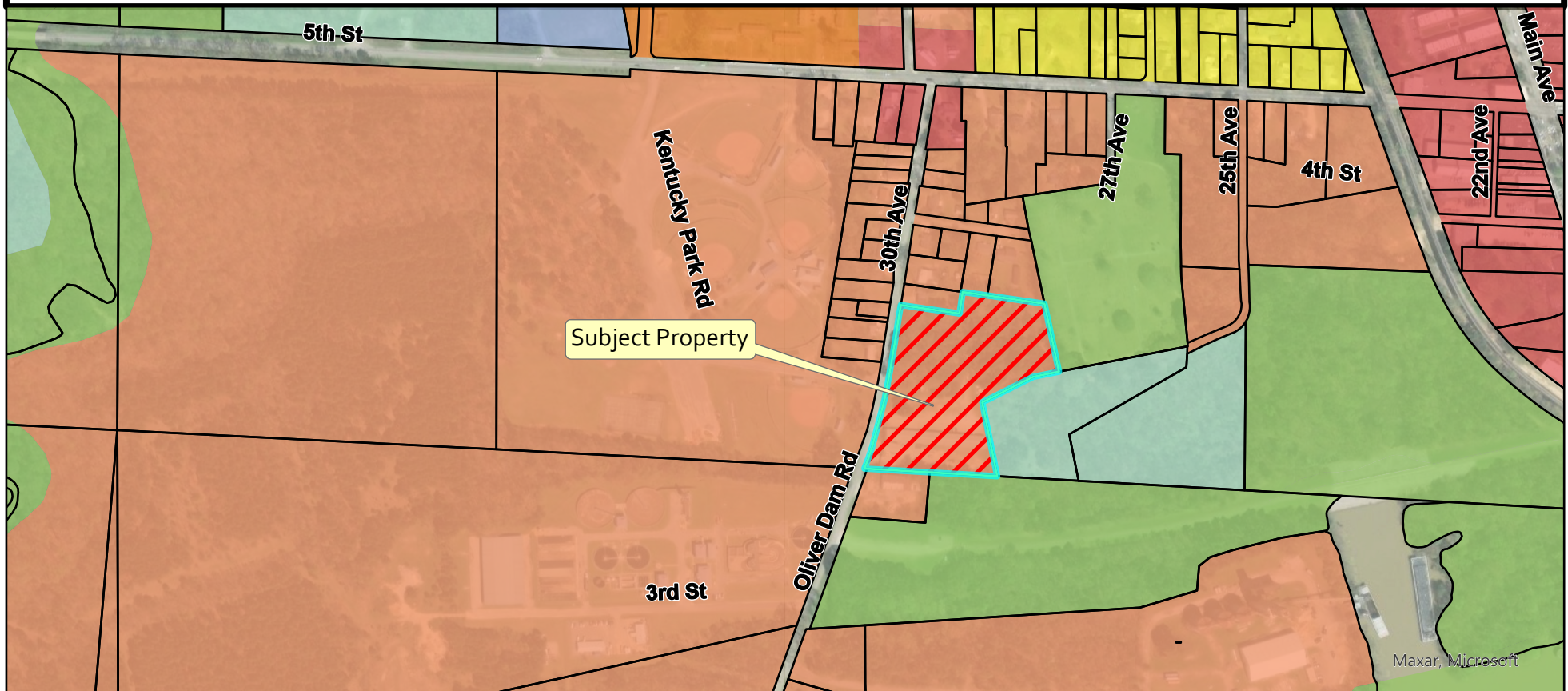
■ Institutional

■ Subject Property



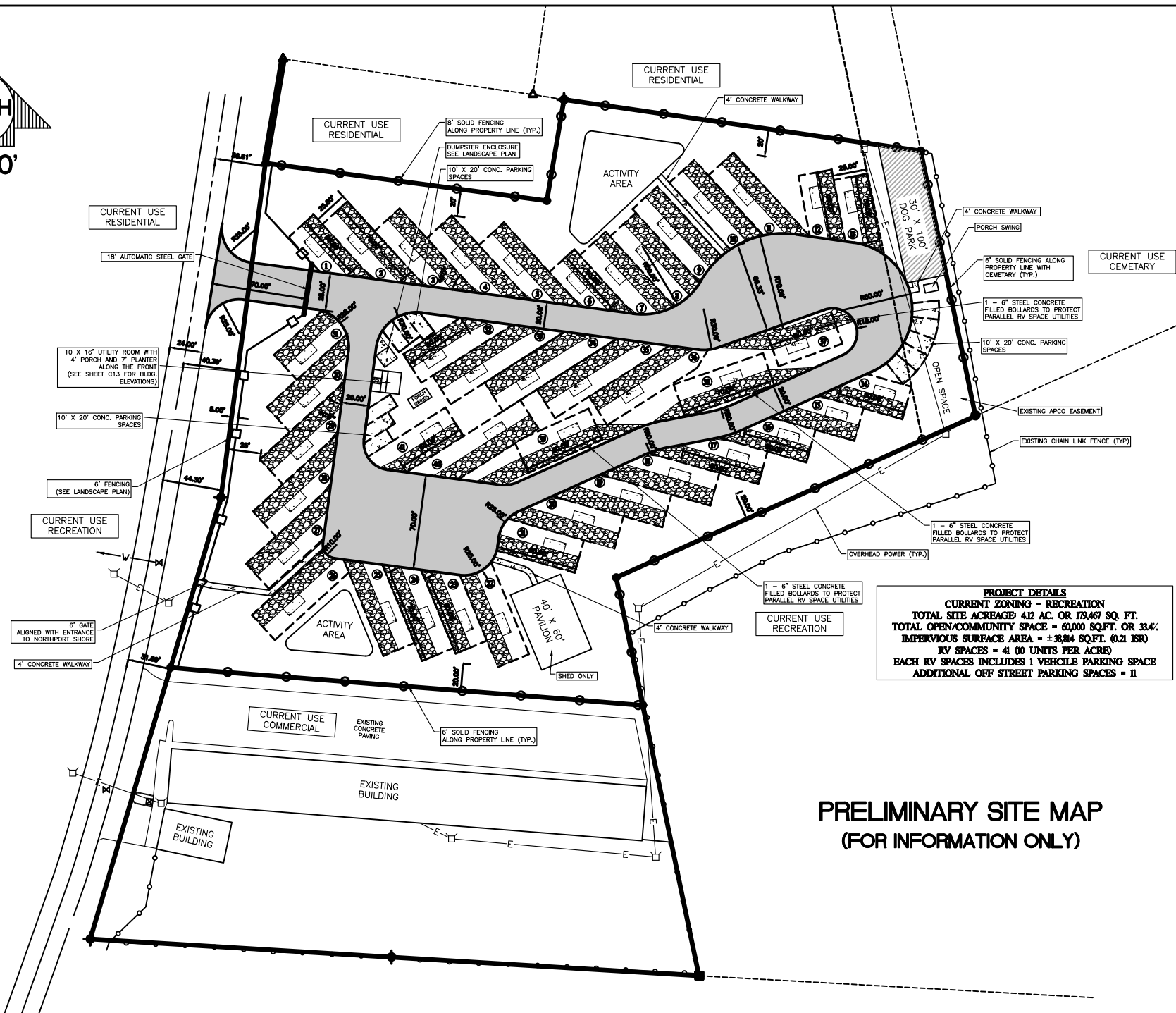
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0 375 750 1,500 Feet



Subject property as seen
from corner of 30th Avenue
and
Kentuck Park Rd





PROJECT DETAILS
CURRENT ZONING - RECREATION
 TOTAL SITE ACREAGE: 4.12 AC. OR 179,467 SQ. FT.
 TOTAL OPEN/COMMUNITY SPACE = 60,000 SQFT. OR 33%
 IMPERVIOUS SURFACE AREA = + 3,814 SQFT. (0.21 ISR)
 RV SPACES = 41 (10 UNITS PER ACRE)
 EACH RV SPACES INCLUDES 1 VEHICLE PARKING SPACE
 ADDITIONAL OFF STREET PARKING SPACES = 11

Deerlick Creek State Park



Deerlick Creek State Park



Deerlick Creek State Park



Lake Lurleen State Park



Lake Lurleen State Park



Lake Lurleen State Park



***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
January 16, 2025***

AGENDA ITEM

Case Number: V-24-19

Request: A variance from sign regulations

Location: 3800 38th Avenue

Applicant: Donnie Simpson

SUBJECT PARCEL

Zoning: Residential Single-Family (RS-1)

Zoning of Adjacent Property: Residential Single-Family (RS-1), Highway Commercial (C-6)

Proposed Action: To allow a freestanding sign in a residential zoning district

STAFF COMMENTS

Donnie Simpson is seeking a variance from the sign regulations. Those standards are in section 806.02 and are included below:

806.02 Freestanding Signs.

- A. All support systems and structural components for freestanding signs shall consist of, or be covered entirely in masonry, stone, wood, or other decorative surface treatment such that metallic structural elements, including poles, are not visible. For the purpose of this section, paint of any kind, including textured or rubberized paint shall not qualify as a cladding material.
- B. All monument style signs must have a base with a minimum height of one foot (1'), covered as described above.
- C. **Freestanding Signs in Nonresidential Zoning Districts**
The following freestanding signs shall be permitted in all nonresidential zoning districts:
 - 1. Freestanding signs may be pole signs or monument signs.
 - 2. The following provisions shall apply to freestanding signs on lots with buildings that contain three or fewer building units or that contain less than 10,000 square feet in gross building area:
 - a. The maximum sign area for any individual freestanding sign shall be 100 square feet.
 - b. There shall be a maximum of one freestanding sign permitted on any lot.
 - c. For corner lots or double frontage lots, one additional freestanding sign shall be permitted on the second frontage. However, the aggregate maximum sign area of all freestanding signs on a corner lot or double frontage lot shall be 160 square feet. Such signs shall be a minimum distance of fifty (50) linear feet apart and located outside of any applicable site distance triangle.
 - d. The maximum height of a freestanding sign shall be 10 feet for monument signs and 20 feet for pole signs.
 - e. Freestanding signs shall be set back a minimum of 10 feet from any side lot line, as measured from the edge of the sign face.
 - f. Where reader boards are to be used, such reader boards shall be integrated into the structure of the freestanding sign and count toward the maximum allowable sign area. Such reader boards shall be subject to the provisions of Section 806.02(D).

3. The following provisions shall apply to freestanding signs on lots with buildings that contain four or more building units and that contain more than 10,000 square feet in gross building area:
 - a. The maximum sign area for any individual freestanding sign shall be as established in Table 1.

Table 1: Maximum Freestanding Sign Area and Height			
Gross Building Area (sq. ft.)	Maximum Sign Area for Any one Freestanding Sign	Maximum Aggregate Sign Area for Two Signs on Corner or Double Frontage Lots	Maximum Sign Height (Feet)
10,000 – 20,000	100 sq. ft.	150 sq. ft.	25
20,000 – 65,000	150 sq. ft.	200 sq. ft.	25
65,000 – over	250 sq. ft.	350 sq. ft.	35

- b. There shall be a maximum of one freestanding sign permitted on any lot.
 - c. For corner lots or double frontage lots, one additional freestanding sign shall be permitted on the second frontage. However, the aggregate maximum sign area of all freestanding signs on a corner lot or double frontage lot shall be as established in Table 1. Such signs shall be a minimum distance of fifty (50) linear feet apart and located outside of any applicable sight distance triangle.
 - d. The maximum height of a freestanding sign shall be as established in Table 1
 - e. Freestanding signs shall be set back a minimum of 10 feet from any side lot line, as measured from the edge of the sign face.
 - f. Where reader boards are to be used, such reader boards shall be integrated into the structure of the freestanding sign and count toward the maximum allowable sign area. Such reader boards shall be subject to the provisions of Section 803 General Provisions.
4. Freestanding signs in the Core City Zoning Districts shall match the architectural features of downtown historic businesses as defined in the design standards for the Historic Downtown Core District of this Zoning Ordinance (Article VII, Section 703.03).

D. Reader Boards.

1. A reader board is a permanent sign displaying changeable copy in the form of either removable letters or electronic (LED or Digital) format.
2. A reader board may be a building sign or an integral part of a freestanding sign and will be counted toward the overall allowable sign area for either.
3. In no case shall a reader board exceed 32 square feet in sign area and no more than one such sign shall be permitted per site.

4. An electronic Reader Board shall comply with the following additional requirements:
 - a. No more than seven (7) messages per minute may be displayed on the sign.
 - b. Except for the changing of the message there shall be no movement (i.e., video, flashing backgrounds, etc.) involved with the message display.
 - c. All lighting shall be done in a manner that will not interfere with commuters' vision. The light intensity shall be programmed for daylight and dark so as not to impact commuters' nighttime vision.

806.03 Building (Wall) Signs.

- A. Building signs on any single development site in nonresidential zoning districts shall not exceed a total of two (2) square feet per linear foot of the main or entry façade of a building or, where there are multiple building units, for each individual building unit that has an exterior entrance. The exception to that rule shall be in the Downtown Historic District where the total amount of building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade or, where there are multiple building units, for each individual building unit that has an exterior entrance.
- B. Each individual building or building unit with an exterior entrance shall be allowed a minimum of 32 square feet of building sign area, except the Downtown Historic District, where there shall be a minimum of 24 square feet of sign area. No individual building or building unit shall be allowed more than 500 square feet of building sign area, and no single sign shall exceed 300 square feet.
- C. Building signs may include wall signs or projecting signs.
- D. Wall signs may be mounted to the wall or to a raceway.
- E. Projecting signs shall not project into the public right-of-way, except in the Downtown Historic District. Signs in the Downtown Historic District may project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance.
- F. Signs in the Downtown Historic District may project into an alley no more than six (6) feet. Projections greater than one (1) foot and up to six (6) feet shall be reviewed and approved by the City Engineer to ensure the sign does not cause sight distance issues. Signs projecting over public alleyways shall provide a minimum of sixteen (16) feet of vertical clearance.
- G. When determining the allowable exterior sign area for buildings or building units where it cannot be determined which facade is the main or entry facade, the longest single exterior elevation of the building or building unit shall be used.

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:

Donnie Simpson is requesting a variance from the sign regulations to allow a freestanding sign in a residential zoning district. The current ordinance only allows freestanding signs in nonresidential zoning districts. The applicant is proposing a 42-inch diameter porcelain sign that would be at least 30' from right-of-way – see included picture and site sketch.

The petitioner has not listed any hardship.

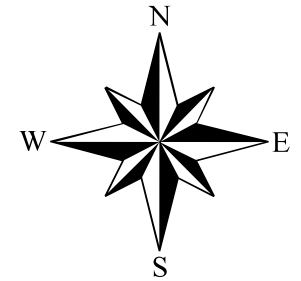
The future land use plan found within Northport Compass identifies this property as “High Density Residential”. The requested variance would be more in line with a commercial development.

MOTION:

I make a motion to grant Donnie Simpson a variance from the sign regulations to allow a freestanding sign as shown on the site sketch for the property located at 3800 38th Avenue.

Northport Zoning Board of Adjustment

Variance Request



Parcels

□ Parcels

Zoning

■ Agriculture

■ General Commercial

■ Commercial Highway

■ Office and Institutional

■ Residential Multi-Family

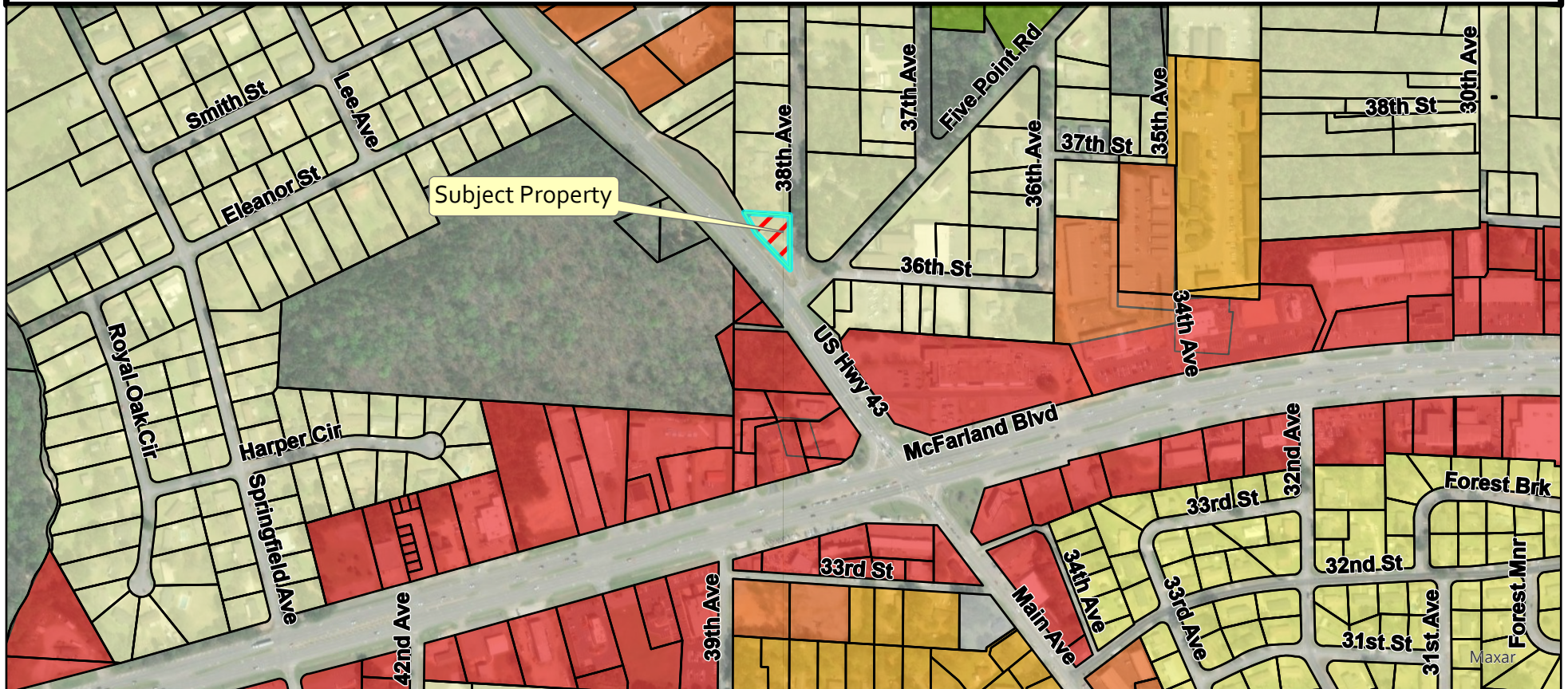
■ Residential Single-Family - 1

■ Residential Single-Family - 2

■ Subject Property

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0 375 750 1,500 Feet



Northport Zoning Board of Adjustment

Variance Request

Parcels

□ Parcels

Future Land Use

■ Conservation Floodway

■ Commercial Mix

■ General Mixed-Use

■ Limited Mixed-Use

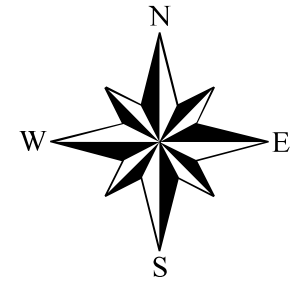
■ High Density Residential

■ High to Medium Density Transition

■ Medium Density Residential

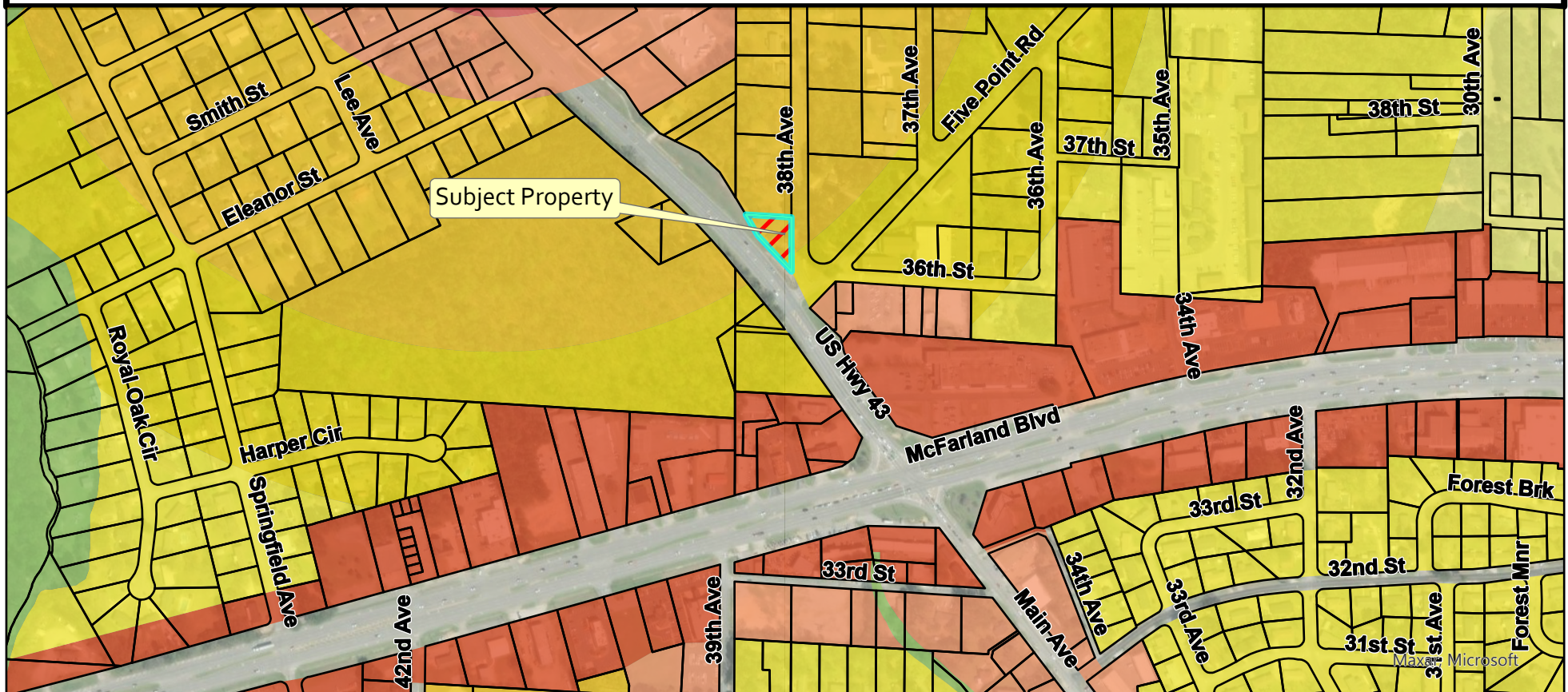
■ Medium to Low Density Transition

■ Subject Property



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0 375 750 1,500 Feet

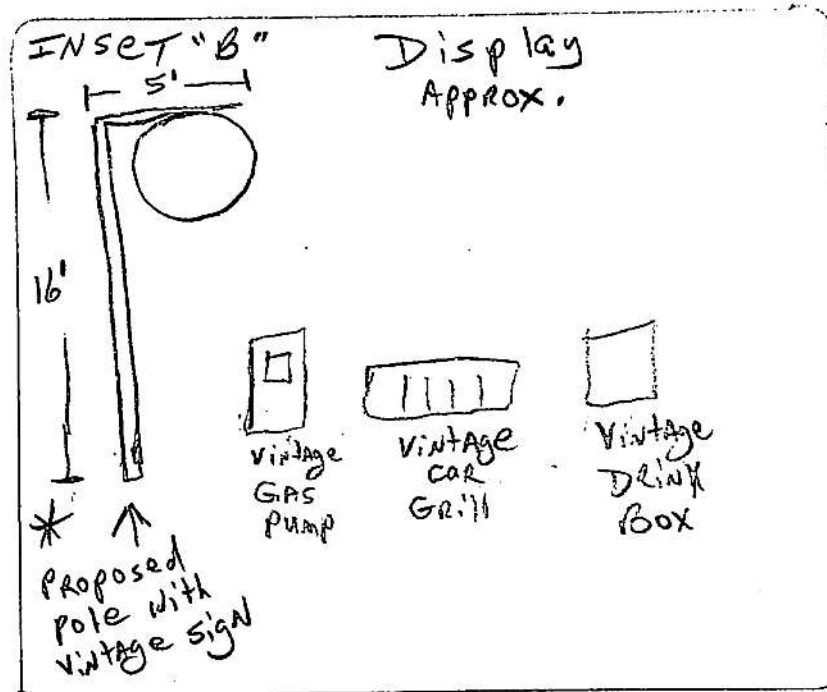
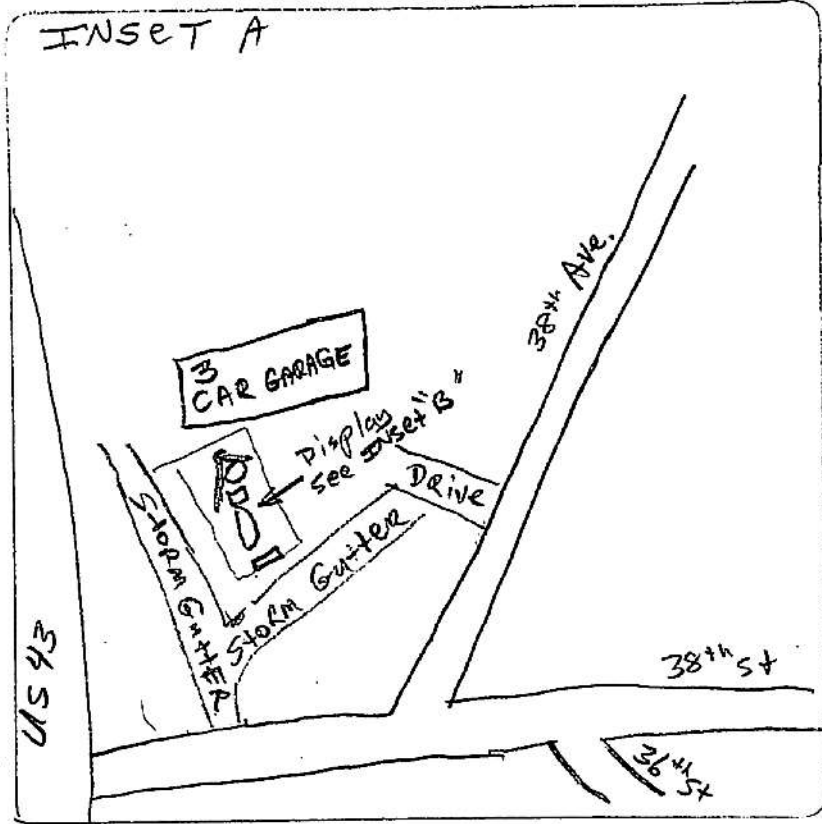




Subject property as
seen from Highway
43 N looking East.

Simpson Property

Pole - Metal Approx.
 10" square At
 Base with a
 taper toward top.
 Arm extending from
 top approx. 5 feet.
 Vintage sign is
 Double sided metal
 Antique sign. Sign
 will have minimal
 illumination of no
 more than 200 watts
 directed at sign only
 pole will be minimum
 of 30 feet from
 face of curb of US 43



* DRAWING NOT TO SCALE



***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
January 16, 2025***

AGENDA ITEM

Case Number: V-24-20

Request: A variance from accessory structure standards

Location: 1 Booth Estates

Applicant: Rodney Booth

SUBJECT PARCEL

Zoning: Residential Single-Family (RS-1)

Zoning of Adjacent Property: Residential Single-Family (RS-1 and RS-4)

Proposed Action: To allow an accessory structure that doesn't meet requirements for impervious surface ratio (ISR), setbacks, or maximum allowable square footage.

STAFF COMMENTS

Rodney Booth is requesting a variance from the accessory structure standards. Those standards are in section 607 and are included below:

conditions regarding layout, circulation, and other physical improvements.

3) Where the planned residential development provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.

4) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.

Section 606. Mixed-Use Developments.

Developments, other than those within a Special District (SD) which include more than one use on the same site, and in which the uses fall into two or more different use categories, shall be treated as mixed-use developments; and are required to meet the standards of this Section in addition to any other regulations imposed by this Ordinance.

All uses proposed within a mixed-use development must be permitted under Table 4-1 in the district in which the development is to be located, or be approved as part of a Special District zoning and Master Development Plan. Uses shown in Table 4-1 as conditional must be approved under the provisions of Section 1003.

For review purposes, a separate development site for each land use category shall be delineated within a mixed-use development wherever possible. For shopping centers and any other case in which the different land uses occupy a single structure, the most restrictive requirements relating to any of the individual uses will be applied to the entire site.

Section 607. Accessory Uses and Structures.

607.01. Authorization. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use by the provision of this Section shall be determined by the Planning Director pursuant to his or her authority to interpret the provisions of this Ordinance.

607.02. Zoning certificate required. No accessory use or structure shall be established or constructed unless a zoning certificate evidencing the compliance of such use or structure with the provisions of this Section, and other applicable provision of this Ordinance and all other City regulations, shall have first been issued in accordance with Section 1004.

607.03. Use limitations. In addition to complying with all other regulations, no accessory use or structure shall be permitted unless it strictly complies with the following restrictions:

A. The principal use or structure, together with any accessory use or structure, shall not jointly exceed the FAR and ISR in any given use class.

B. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the principal structure. This shall not apply to agriculture-related structures in the Agricultural (AG) District.

C. No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.

D. In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.

E. No accessory structure shall be closer than ten (10) feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure by means of fully enclosed living area.

F. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

G. Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line or front plane of the structure, whichever is greater. Accessory structures on lots of three (3) acres or more in the Agricultural (AG) District shall be setback a minimum of 100 feet from the front property line.

H. No accessory structure shall be placed within a required bufferyard or located closer than five (5) feet to a property line where no bufferyard is required.

I. On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.

J. On any one (1) residential lot, the total floor area of all accessory structures shall be limited to 50 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but not swimming pools. Lots of three (3) acres or larger in the Agricultural (AG) district shall be exempt from this limitation.

K. Accessory structures shall be constructed of materials compatible with those of the principle structure; with the exception that one (1) metal or prefabricated residential accessory structure not exceeding 200 sq. ft. in size may be allowed in the rear yard.

608. Detailed Accessory Use Regulations

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

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.

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:

Rodney Booth is requesting a variance to allow an accessory structure that does not meet the regulations found in the zoning ordinance. The nonconformities are listed below:

- **ISR** – The zoning ordinance allows a maximum impervious surface ratio of 0.3 in this zoning district. The structure as proposed would result in an impervious surface ratio of 0.34 for the property.
- **Setbacks** – The zoning ordinance requires that all accessory structures be at least 5 feet from any property line. The structure as proposed is 4 feet from the property line.
- **Maximum Size**- The zoning ordinance requires that all accessory structures be no more than 50% of the square footage of the principal structure. The principal structure on this property is 2,744 square feet. The structure as proposed, when combined with existing accessory structures on the property, would total 1,402 square feet (51% of the principal structure).

For a hardship, the applicant has stated that this is the smallest building that can be used to support their home-based business. They have also sited property limitations due to parking and vehicle storage (see email included with packet).

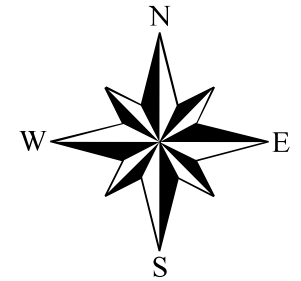
The requested variance is not in conflict with the comprehensive plan.

MOTION:

I make a motion to grant Rodney Booth a variance from the accessory structure regulations as shown on the site sketch for the property located at 1 Booth Estates.

Northport Zoning Board of Adjustment

Variance Request



Parcels

□ Parcels

Zoning

■ Commercial Highway

■ Heavy Industrial

■ Residential Multi-Family

■ Special District

■ Residential Single-Family - 1

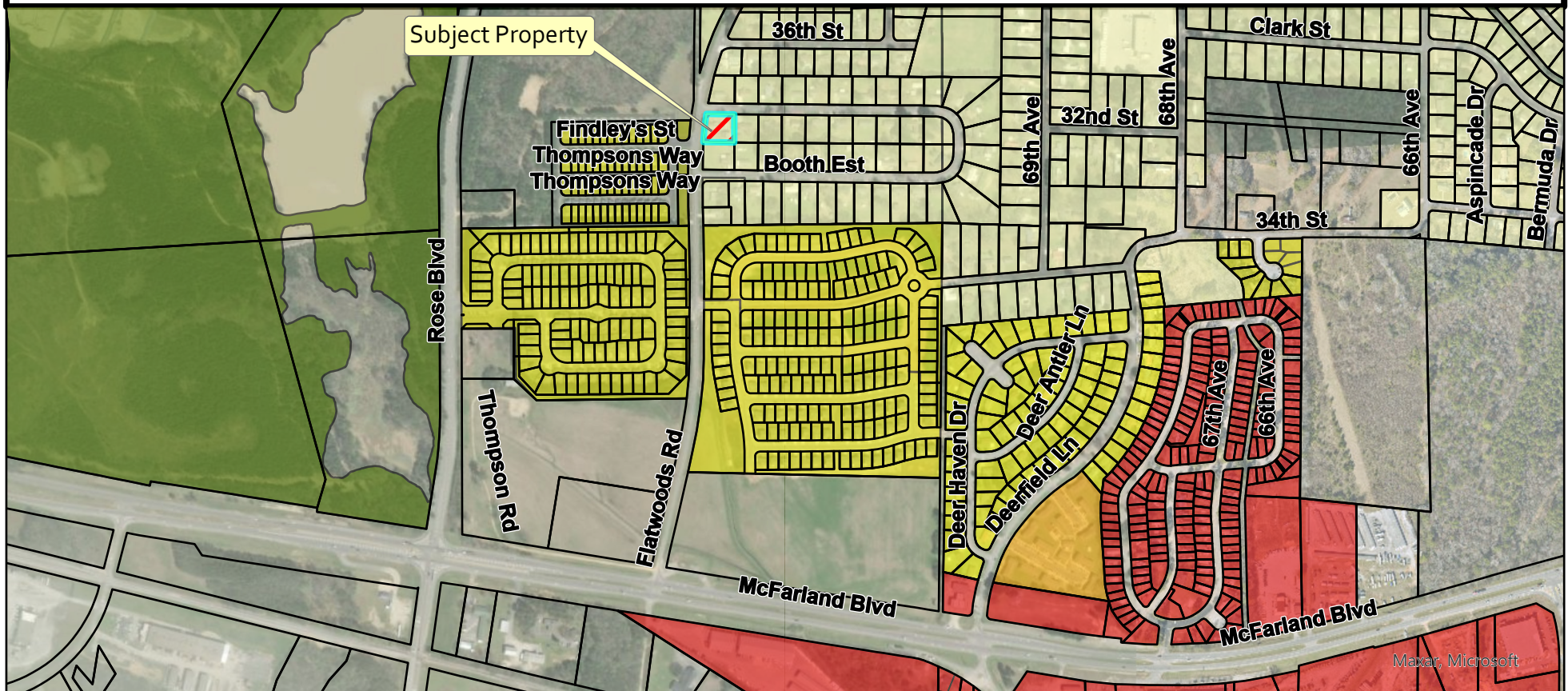
■ Residential Single-Family - 3

■ Residential Single-Family - 4

■ Subject Property

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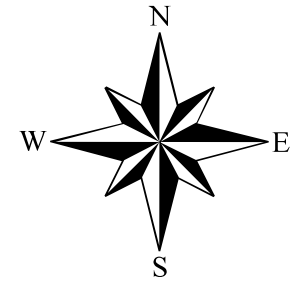
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Maxar, Microsoft

Northport Zoning Board of Adjustment

Variance Request



Parcels

□ Parcels

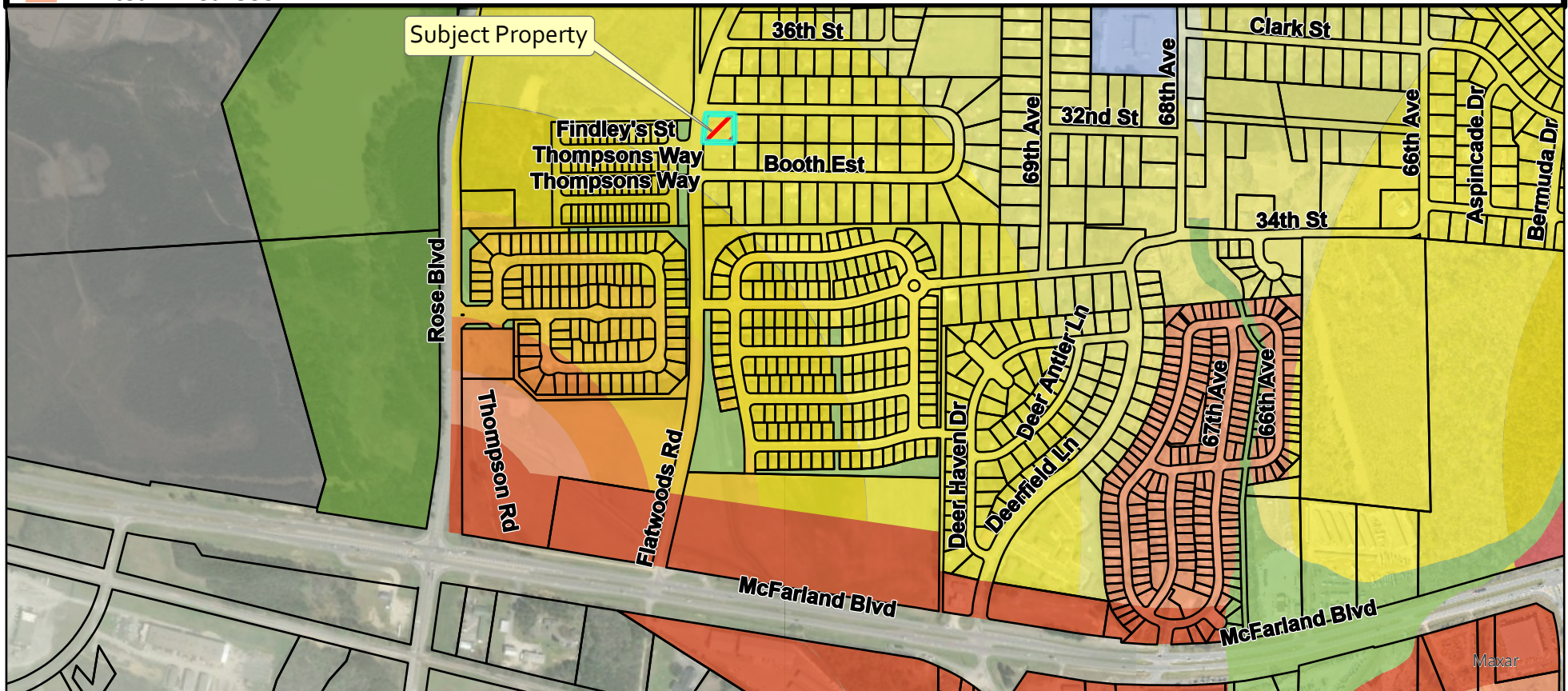
Future Land Use

- Agriculture Rural Residential
- Conservation
- Conservation Floodway
- Commercial Mix
- General Mixed-Use
- Limited Mixed-Use

- Multifamily Residential
- High Density Residential
- High to Medium Density Transition
- Medium Density Residential
- Medium to Low Density Transition
- Low Density Residential
- Institutional
- Utilities
- Subject Property

0 500 1,000 2,000 Feet

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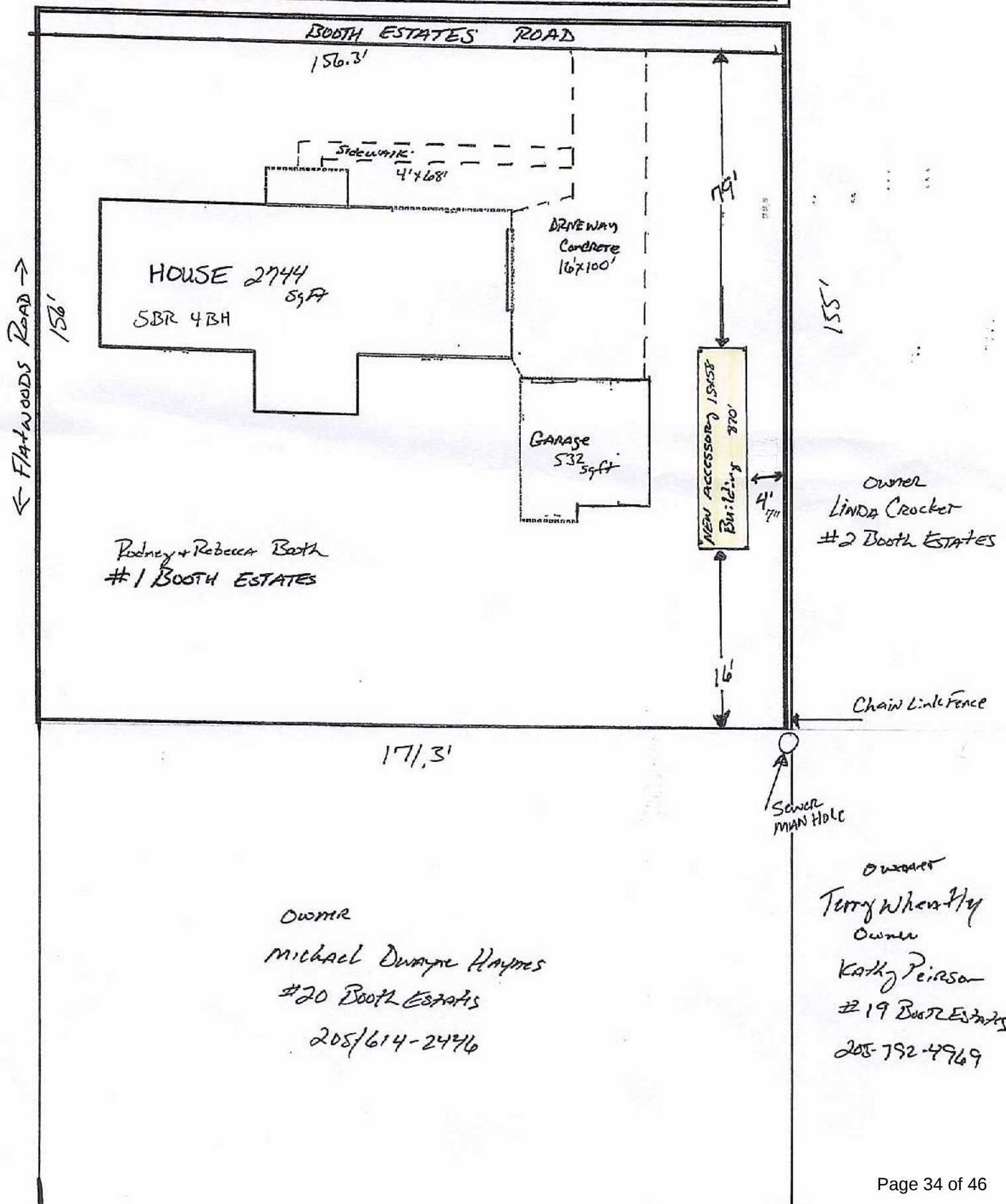
Subject property as
seen from Booth Estates
looking Southeast.

Google

SKETCH ADDENDUM

1965

Borrower/Client _____
Property Address 1 Booth Est
City Northport County Tuscaloosa State AL Zip Code 35473
Lender _____



From: [Rebecca Booth](#)
To: [Shaun Patten](#)
Subject: Variance request added to form.
Date: Thursday, January 9, 2025 3:41:39 PM

Shaun,

I appreciate your assistance with this matter.

Please add this to the conditions pertaining to our property and added Accessory Storage Building.

The area between our existing Garage and Storage Building is where we park our RV and utility trailer. This area has been used for this since 2002. We cannot park our RV or utility trailer behind our home because we wouldn't have a way to get them out. The only area would be to move those to the front side yard which we do not wish to do. Our storage building is a brand new building, wooden structure, fully insulated, to code and up to fire codes. This building reflects the beauty of our home and neighbors. This is not a building that is thrown together and is an eyesore. This structure is consistent with accessory building built in our neighborhood with an attractive appearance, gable roof, wood siding.

Our Accessory Building doesn't hinder any water drainage that it is not on a slab. Rain water is not impeded in anyway. This building is on blocks.

Due to the road construction by ALDOT that wasn't disclosed to us by our former Landlord prior to signing our lease and the opening of a thrift store next door to us we had no choice but to return to our home to save our business and investment. We had to move from a 3500sqft building, this accessory build that we have purchased and is on our property is the smallest in square footage we could afford for storage. We've had to leave our mini storage units because the cost has skyrocketed from \$80.00 per month to \$203.00 a month. We currently still have (1) unit full of store fixtures that we are in the process of liquidating.

We continue to support our community music programs from Schools, Churches and Special Events. We service our local and West Alabama High School Bands drum lines.

This Accessory Building was an expensive purchase. We invested \$80k in the original build out of our former location and had to make the difficult decision to relocate. With parking space only available for 2-vehicles and the thrift store next door parking trailers for weeks end in front of or store and their clientele dropping of thrift items in front of our store it got to be a serious problem. We received no help from our landlord. After serious consideration and Prayer we decided to purchase this storage building and return home to continue our business and pay our debts to avoid a financial crisis or bankruptcy.

I appreciate the City or Northport Zoning Board for there assistance in approving our Accessory Storage Building so we may continue to serve Northport, West Alabama and our online store customers worldwide.

Shaun,
Thank You and the City of Northport

Rodney and Rebecca Booth
rsbpercussion@gmail.com
205/765-2711



***NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
January 16, 2025***

AGENDA ITEM

Case Number: V-24-21

Request: A variance from building material standards

Location: 5401 McFarland Blvd

Applicant: Mark Tunnell and Russell Latner

SUBJECT PARCEL

Zoning: Highway Commercial (C-6)

Zoning of Adjacent Property: Highway Commercial (C-6) and Mobile Home Park (MHP)

Proposed Action: To allow an accessory structure that doesn't meet building material standards

STAFF COMMENTS

Mark Tunnell and Russel Latner are requesting a variance from the building material standards. Those standards are in section 1002.13 and are included below:

Works Director and/or City Engineer;

- e. When topography and/or terrain does not allow the installation of ADA compliant sidewalks as determined by a licensed civil engineer and agreed upon by the City Engineer;
 - f. When other circumstances make sidewalk installation unreasonable or inappropriate, as determined by the Planning Director and/or City Engineer.
- 2. Such fee-in-lieu arrangement shall be based on the total cost of sidewalk installation, as determined by the City Engineer.
 - 3. The developer shall have the choice of either installing the sidewalks or paying to the City the fee-in-lieu of such sidewalk installation, prior to any certificate of occupancy being issued for structures in any phase abutting the right-of-way within which the sidewalks are required.

B. Architectural standards. The standards of this section are intended to promote the health, safety and welfare of citizens by setting limited guidelines for construction with an emphasis on aesthetics. The guidelines may be supplemented or superseded by the planning commission and/or city council by specific design guidelines applicable to specific uses or portions of the city as set out herein.

1. *Height and massing.*

- a. Shall conform to the height requirements of each district.
- b. Multifamily, commercial and office structures shall be designed to be compatible and consistent with the architectural style and character of single family residential structures in the immediate vicinity. The exterior of multifamily structures may be designed to appear as a single building, such as a large single family detached dwelling.
- c. Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be 50 feet in residential districts, and 75 feet in commercial and office districts. Facade offsets shall be sufficient to create a strong shadow line.
- d. Buildings on corner lots shall be considered more significant structures, due to the fact that they have at least two front facades visibly exposed to the street. It is strongly encouraged that such buildings be designed with additional height and architectural embellishments, such as corner towers, relating to their location.
- e. Buildings should be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible.

2. *Roofs.*

- a. The pitch and style of roofs should be consistent with that of surrounding structures. Generally roofs should project enough beyond the facade to cast a shadow

X-

and shall be of a color which would be consistent and compatible with the natural environment.

b. Architectural embellishments which add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are strongly encouraged.

c. Mechanical equipment should be concealed from public streets within the volume of the roof or enclosed within penthouse structures or screening that will substantially eliminate visibility of the equipment from public streets.

3. *Facades.*

a. Front facades should be architecturally emphasized through fenestration, entrance treatments and details. Architectural elements such as doorways, dormers, gables, and porches should be used to effectively articulate facades and reduce the scale of larger structures. Diverse architectural treatments should be integrated to avoid a cluttered appearance.

b. The architectural treatment of the front facade should be continued, in its major features, around all sides of a building that are visible from a public street. It is recommended that all sides of a building should be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations, visible from a public street is discouraged.

c. Fenestration should be architecturally compatible with the style, materials, color and details of the building. Windows should be vertically proportioned wherever possible. To the greatest extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.

d. Blank, windowless walls are discouraged. If necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels.

e. Each principal commercial building should have a highly visible customer entrance. All entrances to a building should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other similar elements. Any such element utilized should be architecturally compatible with the style, materials, colors and details of the building as a whole, including the doors.

4. *Materials.* Materials such as brick, stone and wood are preferred. Developers are encouraged to vary materials from building to building while limiting the number of different materials on any individual structure. In all instances the use of loud, garish colors on exterior façade materials shall be prohibited. Metal siding shall be prohibited on all sides of a building which are visible from any public street except under the following conditions:

Metal siding shall be allowed in industrial zones only (M-1 or M-2) for buildings under

X-

the following conditions:

- A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or smooth concrete) shall be located on the sides facing a public street; if a multi-story building, the first story must meet this material requirement
- No exterior wall plane facing a public street may exceed thirty feet without an interruption or articulation. Examples include: wall offsets, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches.
- If an industrial zone is located adjacent to a residential zone, the front or main façade shall not have any metal siding (architectural metal panels are allowed).

Architectural metal panels shall be allowed in commercial zones (C-2, C-3, or C-6) under the following conditions:

- A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or concrete) shall be located on all sides visible from a public street; if a multi-story building, the first story must meet this material requirement
- No exterior wall plane visible from a public street may exceed thirty feet without an interruption or articulation. Examples include: wall offsets, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches, fenestrations.

5. *Parking areas.* See Parking Section 611

6. *Landscaping standards.* See Landscape Bufferyard Article V

7. *Signage.* See Sign Article VIII

Section 1003. Conditional Uses.

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The review considers the proposal in terms of:

- existing zoning and land use in the vicinity of the use;
- planned and proposed public and private developments that may be adversely affected by the proposed use;
- whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance, and; any other development policies and/or regulations of the City of Northport; and
- whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

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:

Mark Tunnell and Russel Latner are requesting a variance to allow an open pole barn structure for their business located at 5401 McFarland Boulevard. The ordinance currently does not allow for open-sided structures in non-residential zones. The proposed building would be 40' x 60' and would be located in the rear portion of the property (see included site sketch).

The petitioner has not cited a hardship.

The requested variance is not in conflict with the comprehensive plan.

MOTION:

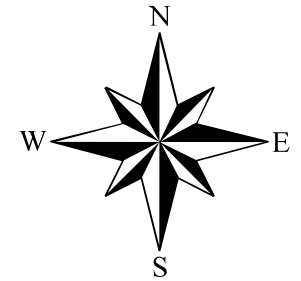
I make a motion to grant Mark Tunnell and Russel Later a variance from the building material standards to allow a pole barn as shown on the site sketch for the property located at 5401 McFarland Blvd.

Northport Zoning Board of Adjustment

Variance Request

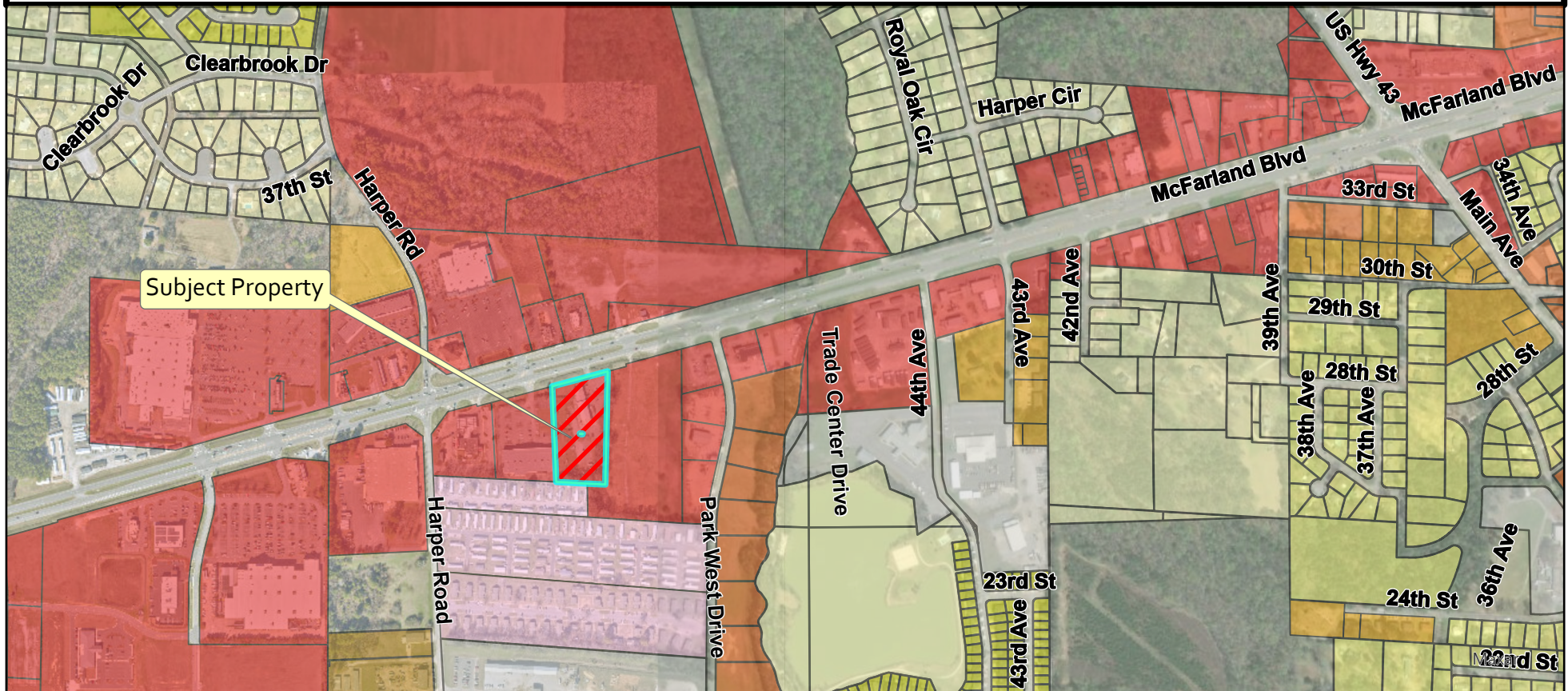
Zoning

- | | |
|--|---|
|  General Commercial |  Office and Institutional |
|  Commercial Highway |  Residential Multi-Family |
|  Light Industrial |  Residential Single-Family - 1 |
|  Mobile Home Park |  Residential Single-Family - 2 |
| |  Residential Single-Family - 4 |
| |  Subject Property |



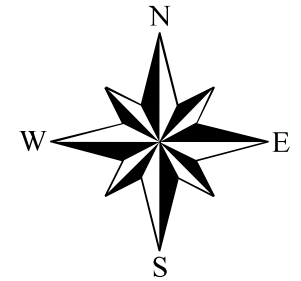
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0 500 1,000 2,000 Feet



Northport Zoning Board of Adjustment

Variance Request



Parcels

□ Parcels

Future Land Use

■ Conservation

■ Conservation Floodway

■ Commercial Mix

■ General Mixed-Use

■ Limited Mixed-Use

■ Multifamily Residential

■ High Density Residential

■ High to Medium Density Transition

■ Medium Density Residential

■ Office-Trades Mix

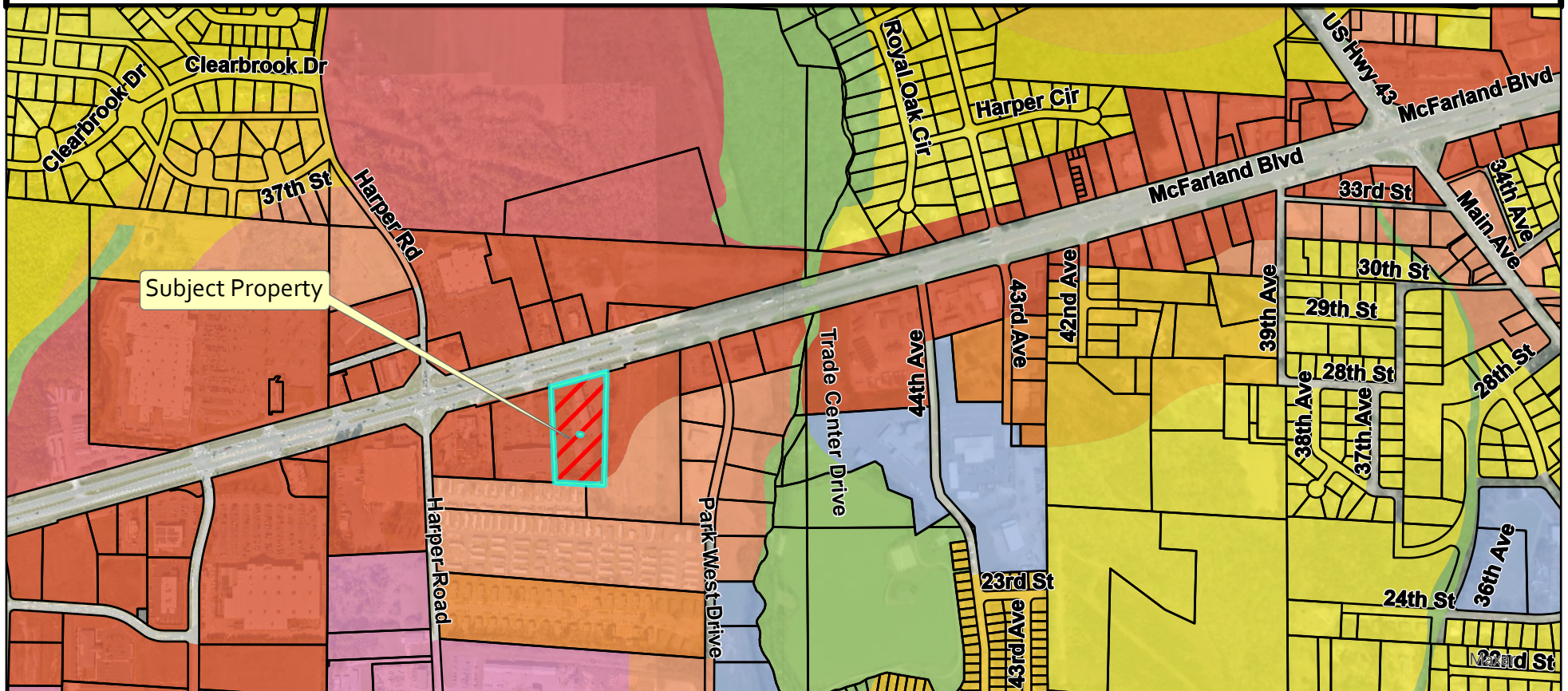
■ Institutional

■ Utilities

■ Subject Property

0 500 1,000 2,000 Feet

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Subject property as
seen from McFarland
Blvd looking South

