

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, MAY 15, 2025**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. April 17, 2025

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-25-3 Tuskalooosa Lawn Equipment** - Tuskalooosa Lawn Equipment is requesting a variance from the building material standards found in section 3.04.04, 5.01.03, and 12.04.12.B for the property located at 5401 McFarland Boulevard.

B. **V-25-4 KayKay's Flowers** - KayKay's Flowers is requesting a variance from the home occupation regulations found in section 7.21 for the property located at 8621 Meadowlake Village Drive.

C. **V-25-5 The Wag Pet Services, LLC** -The Wag Pet Services, LLC is requesting a variance from the fence regulations found in section 3.07 for the property located at 235 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.



TO VIEW OUR AGENDAS, AGENDA
PACKETS AND MINUTES

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**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, APRIL 17, 2025**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, April 17, 2025, 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. Kevin Shobe, and Ms. Tena Phifer. Absent and failing to vote were Mr. Chad Haynie and Mrs. Jennifer Taylor-White. Also present were staff members Mr. Shaun Patten, Ms. Meredith Mullins, Mrs. Kimberly King, Mrs. Holly Phillips and Mrs. Katelyn Lesley.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for March 20, 2025. **Seconded by Mr. Dale**. Roll call vote was as follows: Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Mrs. Phifer – Yes.

Motion Carried.

Approval of Agenda

Motion by Mr. Shobe to approve the agenda for April 17, 2025. **Seconded by Mrs. Phifer**. Roll call vote was as follows: Mr. Shobe– Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes. **Motion Carried.**

Approval of Proper Notification- Mr. Patten informed the Board that proper notification was given.

Verification of No Conflict of Interest – No conflicts of interest.

Notice of Right to Appeal

Old Business

New Business

- A. **SP-25-2** – Mateo Baltazar is requesting a special exception to allow a manufactured home as in-fill dwelling for the property located at 6951 Baptist Campground Road.

Mateo Baltazar, 3822 Culver Road, spoke at the podium. Mr. Baltazar stated that he wants to put a mobile home on his property, and request water and electricity.

Mr. Patten stated that the board considers approval to place the mobile on the lot. Utility connections will need to be addressed by the utility office and Alabama Power.

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 Ms. Phifer to grant Mateo Baltazar a special exception to allow a manufactured home as shown on the application for the property located at 6951 Baptist Campground Road. **Seconded by Mr. Shobe.** Roll call was as follows: Ms. Phifer – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; and Mr. Garner – Yes. **Motion Carried.**

DISCUSSION
XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 6:04pm.

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 15, 2025

AGENDA ITEM

Case Number: V-25-3

Request: A variance from building material standards

Location: 5401 McFarland Blvd

Applicant: Tuskalooosa Lawn Equipment

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

Tuskaloosa Lawn Equipment is requesting a variance from the building material standards. Those standards are in sections 5.01.03, 6.04.04, and 12.04.12.B and are included below:

- 5.01.03 Material Standards. Metal siding is prohibited on all facades visible from any public street except under the following conditions:
1. Metal siding is allowed in M-1 or M-2 Districts under the following conditions:
 - a. 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) must be located on street facades; if a multi-story building, the first story must meet this material requirement
 - b. No exterior wall plane facing a public street may exceed 30 ft without articulation, such as but not limited to, recesses, projections, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches, or fenestration. Change in color alone is not sufficient to meet this requirement.
 - c. If the premises is adjacent to a residential district, the front or main façade may not have any metal siding. However, architectural metal panels are allowed.
 2. Architectural metal panels are allowed in C-2, C-3, or C-6 Districts under the following conditions:
 - a. A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material other than smooth finish concrete masonry units or concrete, must be located on all street facades; if a multi-story building, the first story must meet this material requirement
 - b. No exterior wall plane visible from a public street may exceed 30 ft without articulation, including recesses, projections, material changes, pilasters, columns/posts, roofline or cornice line changes, porches, or fenestration. Change in color alone is not sufficient to meet this requirement.

6.04.04 Building Materials. Facades of principal and accessory buildings visible to pedestrian and vehicular traffic are subject to the following materials standards:

1. Exterior materials must include wood, fiber cement siding, masonry, glass curtain wall, or a combination of these. Other cladding materials, subject to the standards herein, may be used but may not exceed 40% of the total area of the façade.

6-9

December 16, 2024

2. Only the following types of concrete block may be used above the building foundation: split-face, split-rib and scored.
3. Vinyl siding is prohibited; however, vinyl may be used for soffits, window frames, doors, downspouts and similar applications.
4. Metal siding is prohibited.
5. All structural supports (e.g., columns) for vehicular canopies must be clad in one or more of the same materials as the building facade.
6. The facades of principal buildings must include at least 25% fenestration, unless otherwise approved by Special Exception.

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. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 14.03.03 of the Northport Zoning Ordinance are as follows:

14.03.03 Standards for Variances

A. The Board will grant no variance unless it finds that the following standards are satisfied. 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 this Ordinance.

B. 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 must establish and substantiate in writing that the requested variance conforms to all standards listed below:

1. The granting of the variance will be in harmony with the general purpose of the regulations imposed in the applicable district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. *The granting of the variance will not permit the establishment of any use that is not permitted in the district.*
 3. *There must be proof of unique circumstances. There must exist special circumstances 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 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.*
 4. *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*
Board of Adjustment
14-3
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 may not be considered.
 5. *The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted by the Board is the minimum variance that will accomplish this purpose.*
 6. *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.*
 7. *The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.*
- C. The Board may prescribe any condition that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Violations of conditions lawfully attached to any variance approval are considered violations of this Ordinance and are subject to applicable fines and penalties.*

SUMMARY:

Tuskaloosa Lawn Equipment is requesting a variance to allow two metal shipping containers as accessory structures for their commercial property located at 5401 McFarland Boulevard. The zoning ordinance currently requires that all nonresidential buildings in special corridors have siding materials that consist of masonry, wood, fiber cement board, glass, or other similar materials. Metal siding is prohibited. The ordinance also requires some form of architectural accents, such as windows, doors, and gables. The proposed structures are solid metal shipping containers – see pictures included with Streetview images in the packet.

The applicant has taken steps to reduce the visibility of this portion of their property. A privacy fence has been installed along Highway 82 frontage, and a row of evergreen shrubs has been planted in front of the fence to provide additional visual buffering. If approved, the board may want to consider adding a condition that this privacy fence be extended to cover the western property line along the home accents parking lot.

The current site consists of a lawn equipment sales and service business zoned Highway Commercial (C-6). It is surrounded to the east by a vacant lot zoned Highway Commercial (C-6), to the south by a mobile

home park zoned Mobile Home Park (MHP), to the west by a retail business zoned Highway Commercial (C-6), and to the north across Highway 82 by fast food restaurants zoned Highway Commercial (C-6).

The petitioner has not yet cited a hardship.

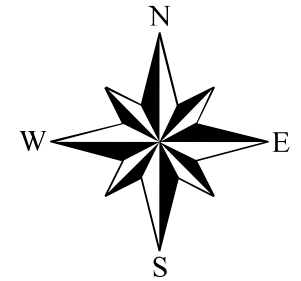
The future land use plan contained within Northport Compass identifies this property as “Commercial Mix”. The requested variance is not in conflict with the comprehensive plan.

MOTION:

I make a motion to grant Tuskaloosa Lawn Equipment a variance from the building material standards to allow two shipping container accessory structures as shown on the application for the property located at 5401 McFarland Blvd.

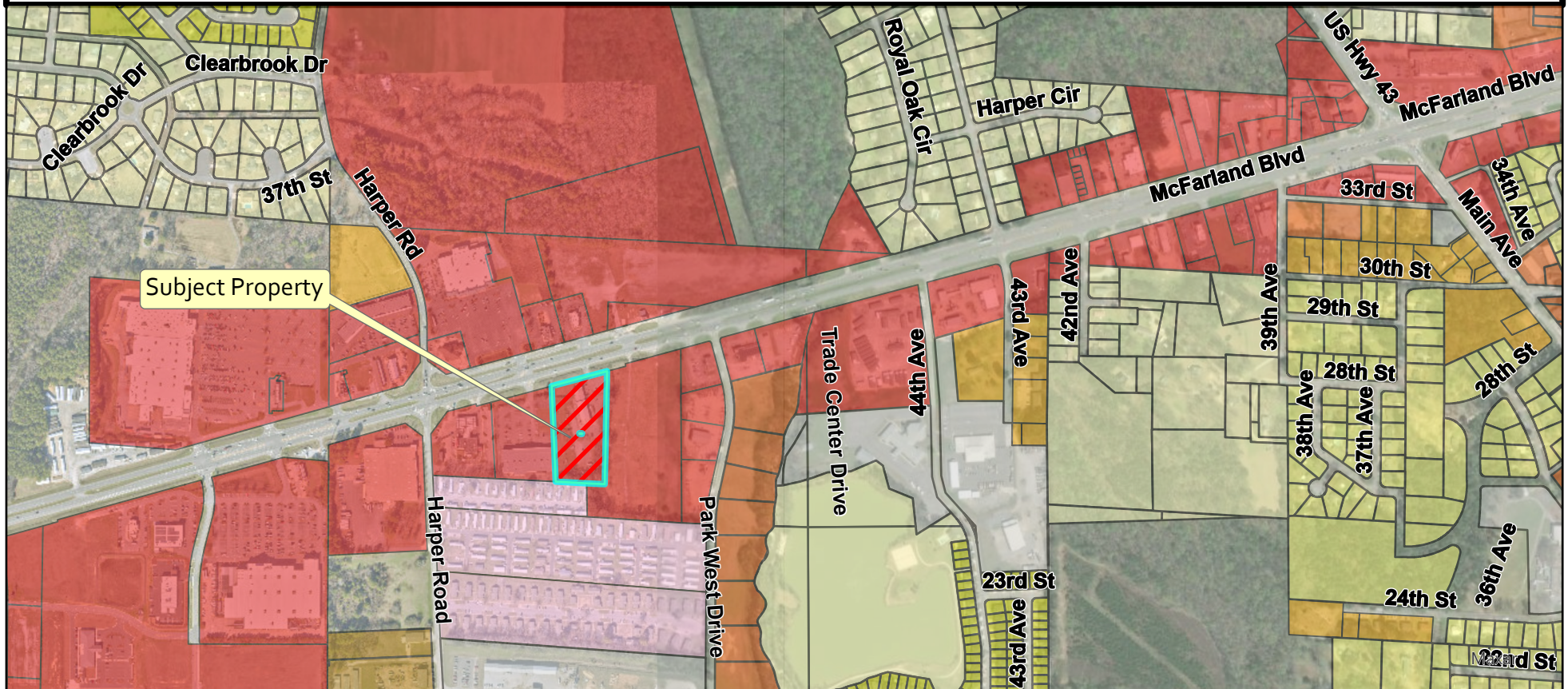
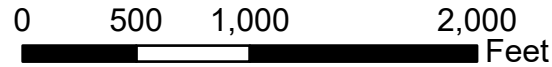
Northport Zoning Board of Adjustment

Variance Request



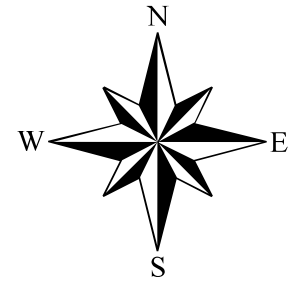
- | | |
|--------------------|-------------------------------|
| Zoning | Office and Institutional |
| General Commercial | Residential Multi-Family |
| Commercial Highway | Residential Single-Family - 1 |
| Light Industrial | Residential Single-Family - 2 |
| Mobile Home Park | Residential Single-Family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

While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.



Northport Zoning Board of Adjustment

Variance Request



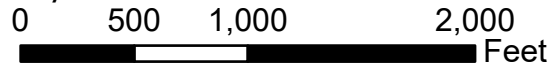
Parcels

□ Parcels

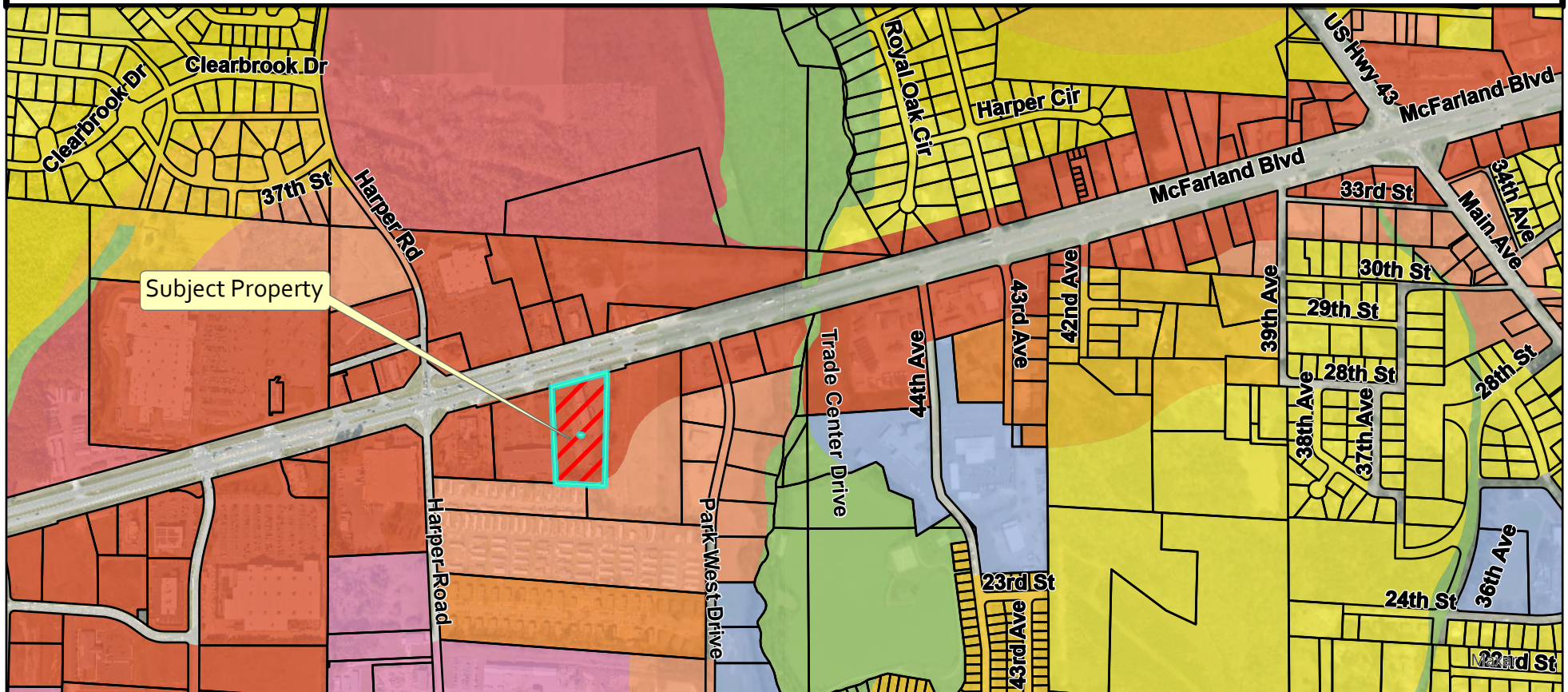
Future Land Use

- 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



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Subject property as seen from McFarland Blvd looking south.











City of Northport Variance Application Packet

V-15-00005

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

Date of Application: 04/17/2025

SUBMITTAL CHECKLIST

- Completed Application
- Designation of Agent Form (if applicant is not property owner)
- \$75 Appeal Fee (additional fees may apply)
- Names and Addresses of all Adjoining Properties
- Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions)

PROPERTY INFORMATION

Property Address: 5401 MCFARLAND BLVD NORTHPORT, AL. 35476

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: _____

Proposed Construction on Property: _____

PETITIONER INFORMATION

Petitioner Name: MARK TUNNELL

Petitioner Phone: 205-792-8448 Petitioner Email: TUSKLAWNEQUIP@YAHOO.COM

Petitioner Address (if different than property information above): _____

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

OWNER INFORMATION

Owner Name and/or Company: MARK TUNNELL

Owner Mailing Address: 13971 KNOLL POINTE DR. NORTHPORT, AL. 35475

Owner Phone: _____ Owner Email: _____

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

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

Applicant Signature:  Date: 04/17/2025



City of Northport Variance Application Packet

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

REQUEST INFORMATION

Describe the nature of the request:

ASKING FOR A VARIANCE TO BE ABLE TO KEEP OUR TWO 10X20 SHIPPING CONTAINERS WE USE FOR STORAGE.

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

WE PLAN TO PAINT THE CONTAINERS THE SAME COLOR AS OUR MAIN BUILDING AND INSTALL A 8' PRIVACY FENCE ON THE HWY 82 SW SIDE BETWEEN THE CHAINLINK FENCE AND THE PRIVACY TREES WE INSTALLED.

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

WITH THE EMNTIONED ACTIONS GIVEN WE BELIEVE THE SHIPPING CONTAINERS WILL BE WELL HIDDEN FROM PUBLIC EYES.

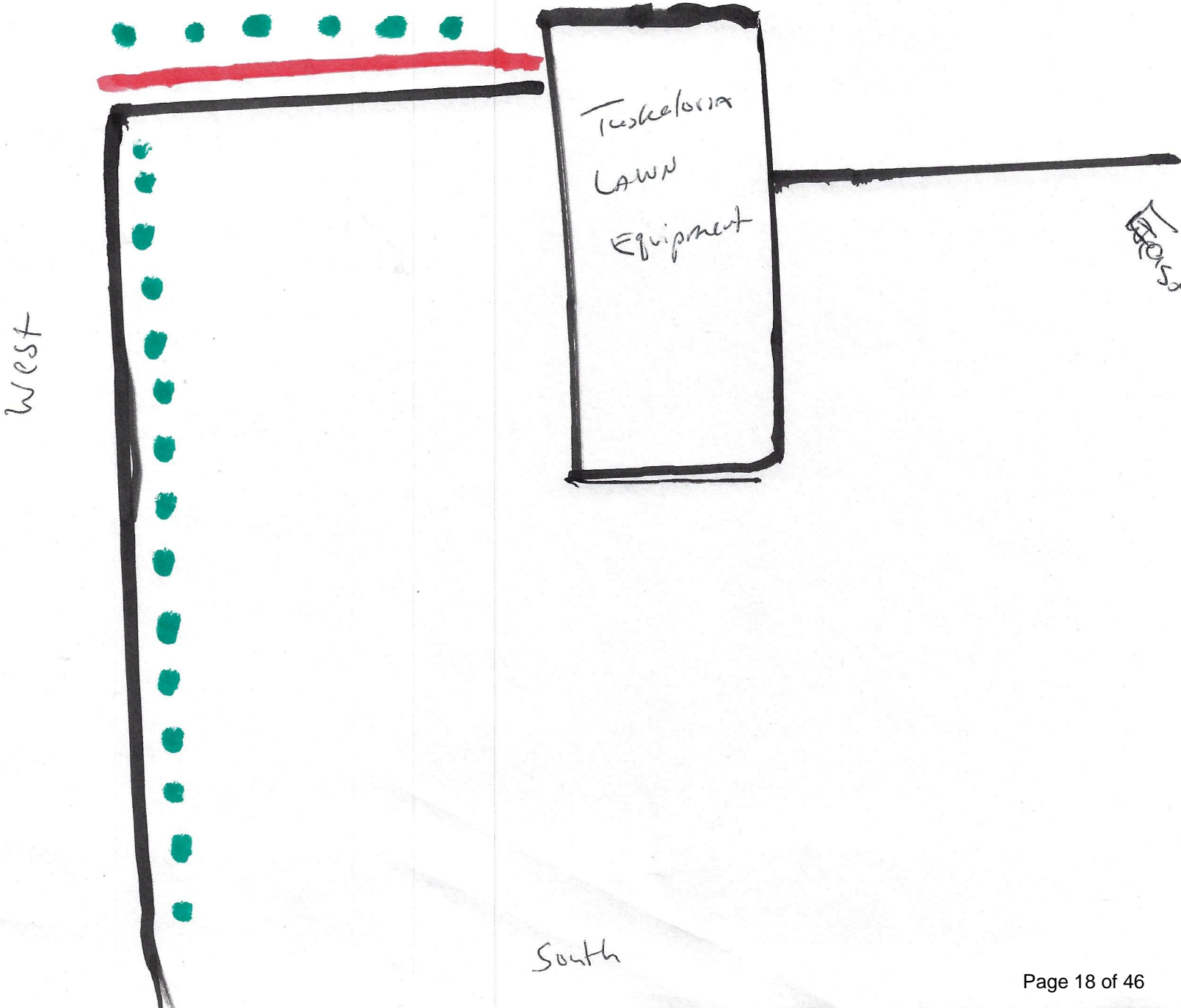
Any additional information you would like to add to help process your request, including evidence of petitioner's interest in the property if petitioner is not the property owner:

North

McFarland Blvd Hwy 82

RED - 8 ft. Privacy Fence

Green - 8 ft. Cryptomeria trees



NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 15, 2025

AGENDA ITEM

Case Number: V-25-4

Request: A variance from home occupation regulations

Location: 8621 Meadowlake Village Drive

Applicant: KayKay's Flowers

SUBJECT PARCEL

Zoning: Residential Single Family (RS-4)

Zoning of Adjacent Property: Residential Single-Family (RS-4) & Agricultural (AG)

Proposed Action: To allow a home occupation with outdoor display and on-premise distribution of merchandise

STAFF COMMENTS

KayKay's Flowers is requesting a variance from the home occupation standards. Those standards are in Section 7.21 and are included below:

§7.21 Home Occupations

- 7.21.01 Purpose. It is the purpose of this Section to provide residents with opportunities in the use of their residences in profitable activities while preserving the character of the City's residential areas. Therefore, these regulations are intended to ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.
- 7.21.02 General Regulations. All home occupations must meet the following criteria:
- A. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25% of the total floor area of the dwelling and accessory structures may be used for the home occupation, to a maximum of 500 sf.
 - B. The Director may require a floor plan of the residence, indicating the specific location and extent of the business activity.
 - C. The exterior appearance of the dwelling and premises may not be altered, nor the occupation within the dwelling conducted, in any manner that would cause the premises to differ from its residential character nor from the character of the neighborhood. Outdoor display associated with a home occupation is prohibited.
 - D. The home occupation must be operated in the existing dwelling, which may not be enlarged to accommodate the business activity.

- E. No new accessory structure may be built for the purpose of operating the home occupation.
- F. There may be no visible evidence that the dwelling is being used to operate a home occupation. The conduct of a home occupation does not afford additional signage for dwellings as permitted in accordance with [§10.08 Temporary Signs](#).
- G. No more than two company or commercial vehicles may be parked at the premises at any time, including but not limited to cars, vans, trucks, and utility trailers. Off-street parking must be provided on the premises, as required by [§8.01 Off-Street Parking Requirements](#). Parking of commercial vehicles is subject to the regulations of the City Code and may not be forward of the front building line.
- H. A maximum of one person not residing in the dwelling may engage in the operation of the home occupation.
- I. No merchandise may be distributed to customers on the premises, nor may any goods be exchanged for the purposes of alterations or repairs on the premises.
- J. The operation of a home occupation may 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.
- K. The on-site repair of vehicles is prohibited as a home occupation.

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 14.03.03 of the Northport Zoning Ordinance are as follows:

14.03.03 Standards for Variances

A. The Board will grant no variance unless it finds that the following standards are satisfied. 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 this Ordinance.

B. 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 must establish and substantiate in writing that the requested variance conforms to all standards listed below:

1. The granting of the variance will be in harmony with the general purpose of the regulations imposed in the applicable district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. The granting of the variance will not permit the establishment of any use that is not permitted in the district.

3. There must be proof of unique circumstances. There must exist special circumstances 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 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.

4. 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 Board of Adjustment

14-3

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 may not be considered.

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

6. 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.

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

C. The Board may prescribe any condition that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Violations of conditions lawfully attached to any variance approval are considered violations of this Ordinance and are subject to applicable fines and penalties.

SUMMARY:

KayKay's Flowers is requesting a variance to allow a home occupation with outdoor product display and on-site distribution of merchandise. The current zoning ordinance stipulates that home occupations must not alter the residential character of the property or differ from other residences in the area. It also prohibits the on-site distribution of merchandise. The applicant is proposing to add garden beds along the exterior walls of their residence to grow flowers and produce, which would be made available for sale on the premises (see pictures included in your packet).

If approved, the board may want to consider adding conditions to minimize adverse impacts to nearby residents, such as restrictions on hours of operations.

The current site consists of a single-family residence zoned Residential Single-Family (RS-4). It is surrounded by to the north, east, and south by single family residences zoned Residential Single-Family (RS-4), and to the west across Meadowlake Village Drive by a community lake.

The petitioner has not yet cited a hardship.

The future land use plan contained within Northport Compass identifies this property as Low Density Residential. The requested variance is not in conflict with the comprehensive plan.

MOTION:

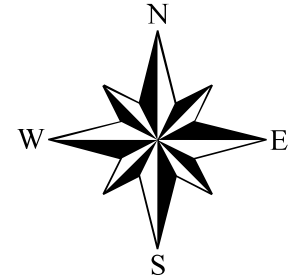
I make a motion to grant KayKay's Flowers a variance from the home occupation regulations to allow a home occupation as shown on the application for the property located at 8621 Meadowlake Drive.

Northport Zoning Board of Adjustment

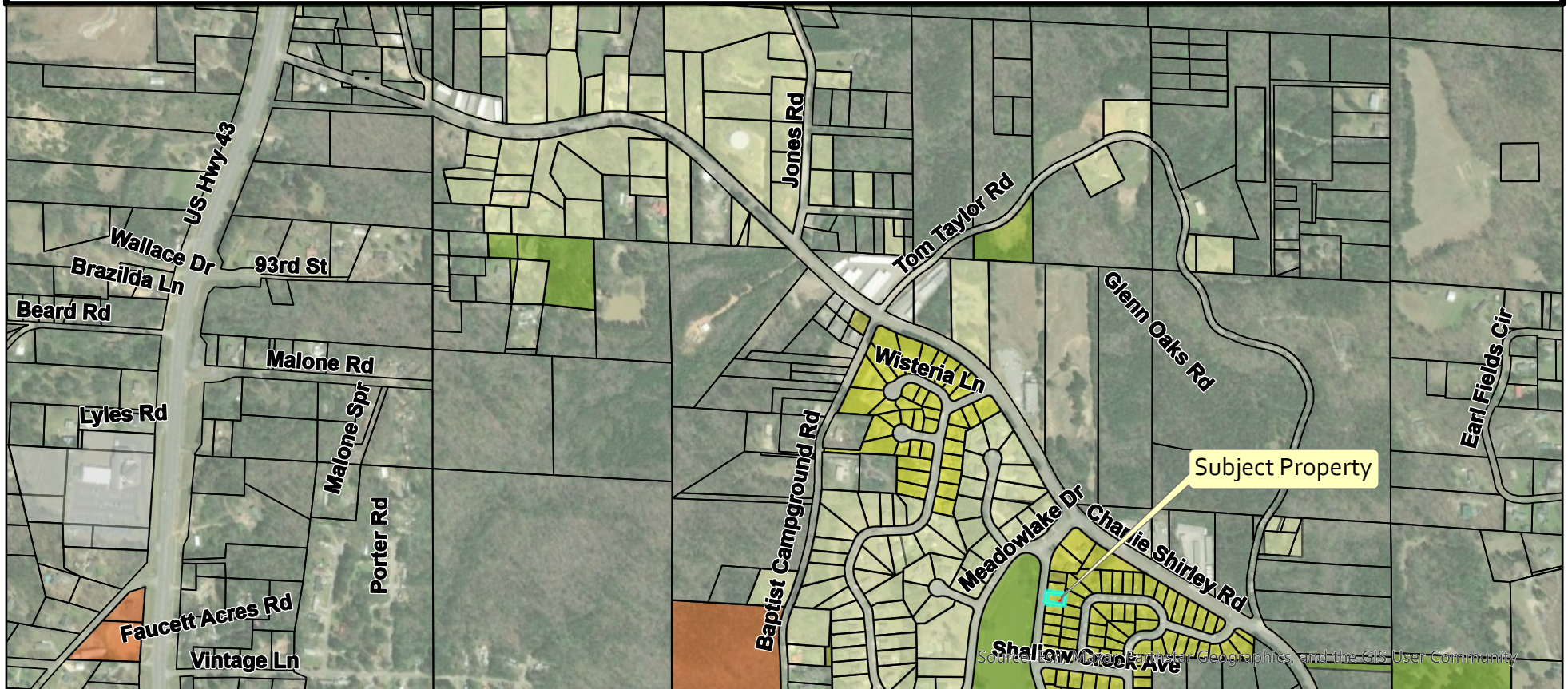
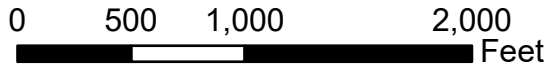
Variance Request

Zoning

- Agriculture
- General Commercial
- Office and Institutional
- Special District
- Residential Single-Family - 1
- Residential Single-Family - 3
- Residential Single-Family - 4
- Parcels
- Subject Property



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Source: Tom Drake, Earthstar Geographics, and the GIS User Community

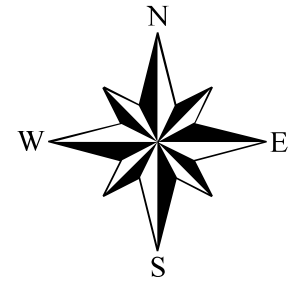
Northport Zoning Board of Adjustment

Variance Request

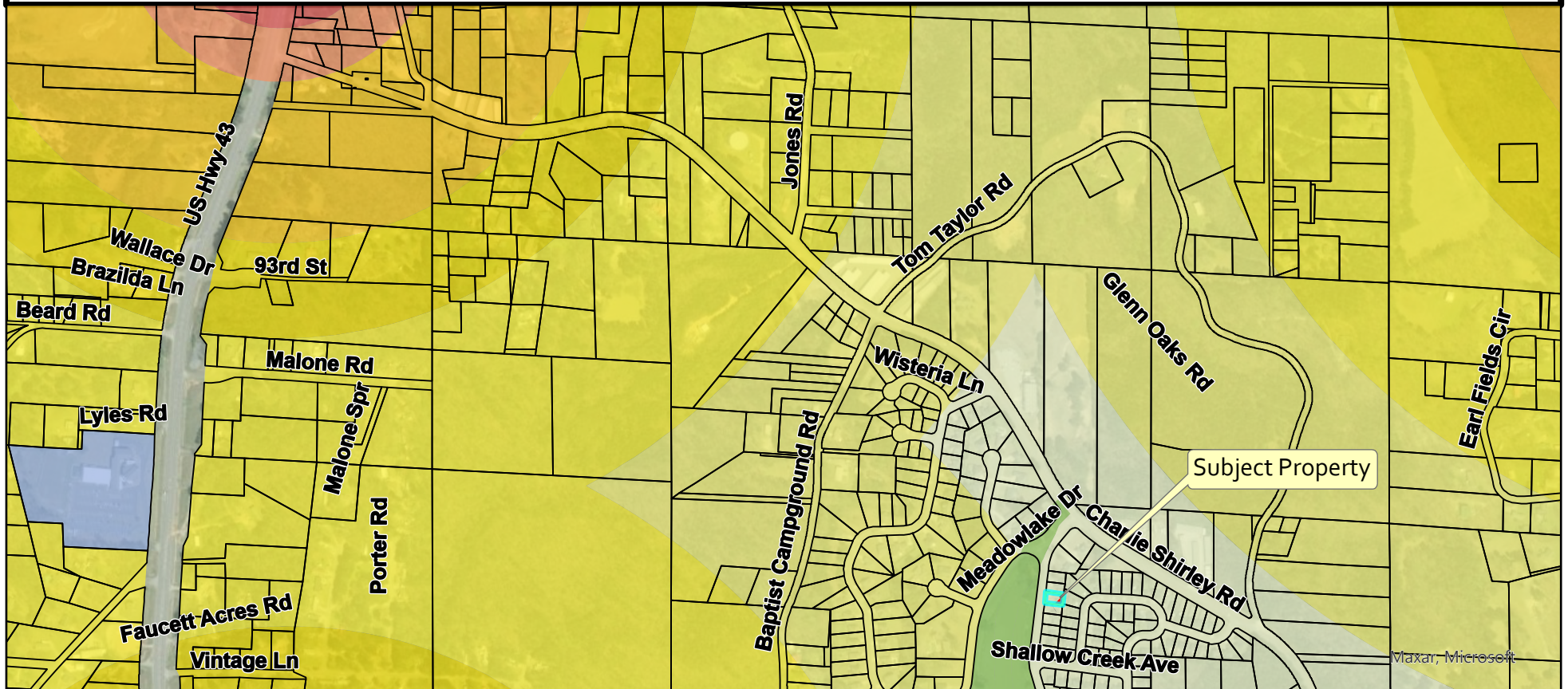
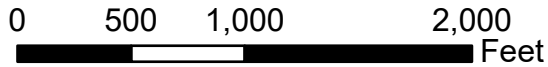
Future Land Use

- 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
- Institutional
- Parcels
- Subject Property



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Subject property as
seen from
Meadowlake Village
Drive looking east.





City of Northport Variance Application Packet

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

Date of Application: _____

SUBMITTAL CHECKLIST

- Completed Application
- Designation of Agent Form (if applicant is not property owner)
- \$75 Appeal Fee (additional fees may apply)
- Names and Addresses of all Adjoining Properties
- Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions)

PROPERTY INFORMATION

Property Address: _____

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: _____

Proposed Construction on Property: _____

PETITIONER INFORMATION

Petitioner Name: _____

Petitioner Phone: _____ Petitioner Email: _____

Petitioner Address (if different than property information above): _____

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

OWNER INFORMATION

Owner Name and/or Company: _____

Owner Mailing Address: _____

Owner Phone: _____ Owner Email: _____

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

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

Applicant Signature: _____ Date: _____



City of Northport Variance Application Packet

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

REQUEST INFORMATION

Describe the nature of the request:

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

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

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



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NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
May 15, 2025

AGENDA ITEM

Case Number: V-25-5

Request: A variance from fence regulations

Location: 235 McFarland Boulevard

Applicant: The Wag Pet Services

SUBJECT PARCEL

Zoning: Highway Commercial (C-6)

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

Proposed Action: To allow a fence that does not meet requirements for material or height

STAFF COMMENTS

The Wag Pet Services is requesting a variance from the fence regulations. Those standards are in Section 3.07.03 and are included below:

3.07.03 Height and Materials

- A. In nonresidential zones, no wall or fence may exceed ten feet in height.
- B. Chain link and similar wire fencing is prohibited in O-I, C-2, C-3, C-6 and REC Districts except that black, vinyl-coated chain link fencing may be used for recreational fields and to secure detention and retention basins.
- C. Chain link and similar wire fencing are prohibited in all Downtown Districts (see [§6.05 Downtown Districts](#)).
- D. Special Corridor Overlay District:
 - 1. Chain link and similar wire fencing material may not be used forward of the front building line.
 - 2. Fences in front yards may not exceed four ft in height.

STAFF RECOMMENDATIONS:

The standards for variances as outlined in section 14.03.03 of the Northport Zoning Ordinance are as follows:

14.03.03 Standards for Variances

A. The Board will grant no variance unless it finds that the following standards are satisfied. 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 this Ordinance.

B. 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

must establish and substantiate in writing that the requested variance conforms to all standards listed below:

1. The granting of the variance will be in harmony with the general purpose of the regulations imposed in the applicable district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. The granting of the variance will not permit the establishment of any use that is not permitted in the district.

3. There must be proof of unique circumstances. There must exist special circumstances 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 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.

4. 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 Board of Adjustment

14-3

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 may not be considered.

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

6. 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.

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

C. The Board may prescribe any condition that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Violations of conditions lawfully attached to any variance approval are considered violations of this Ordinance and are subject to applicable fines and penalties.

SUMMARY:

The Wag Pet Services, LLC is requesting a variance to allow a fence that does not meet requirements for material or height. The current zoning ordinance prohibits front yard fences that are chain link or over 4 feet in height within a Special Corridor. The applicant is proposing the installation of a 6-foot-tall, black vinyl-coated chain link fence in the front yard to create an enclosed outdoor play area for dogs associated with their pet grooming business.

The current site consists of a veterinary office zoned Highway Commercial (C-6). It is surrounded to the east by a daycare business zoned Highway Commercial (C-6), to the south by a pool service office zoned Residential Single-Family (RS-1), to the west by an automotive repair shop zoned Highway Commercial (C-6), and to the north across Highway 82 by a health club zoned Highway Commercial (C-6).

As a hardship, the petitioner has cited the need to have a safe and secure play area for their pet grooming service, which is a use that is allowed by right in this zoning district. See attached letter from the applicant that is included in your packet for further details.

The future land use plan contained within Northport Compass identifies this property as Commercial Mix . The requested variance is not in conflict with the comprehensive plan.






MOTION:

I make a motion to grant The Wag Pet Services a variance from the fence regulations to allow a fence as shown on the application for the property located at 235 McFarland Boulevard.

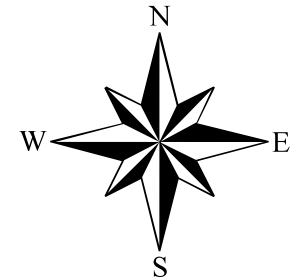
Northport Zoning Board of Adjustment

Variance Request

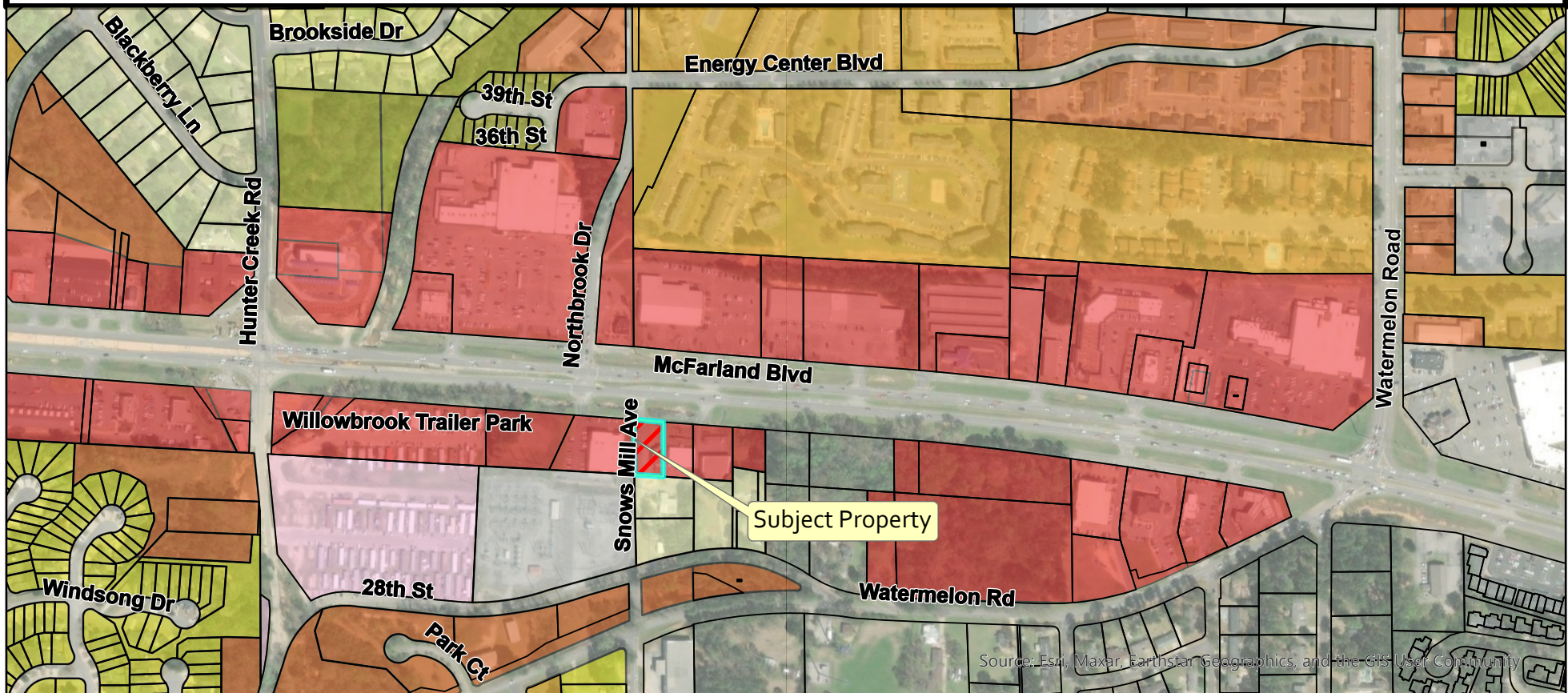
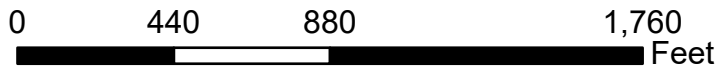
Zoning

-  General Commercial
-  Commercial Highway
-  Mobile Home Park
-  Office and Institutional
-  Residential Multi-Family

-  Special District
-  Residential Single-Family - 1
-  Residential Single-Family - 2
-  Residential Single-Family - 3
-  Residential Single-Family - 4
-  Parcels
-  Subject Property



While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

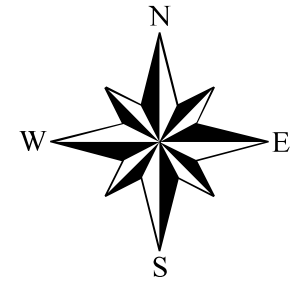
Northport Zoning Board of Adjustment

Variance Request

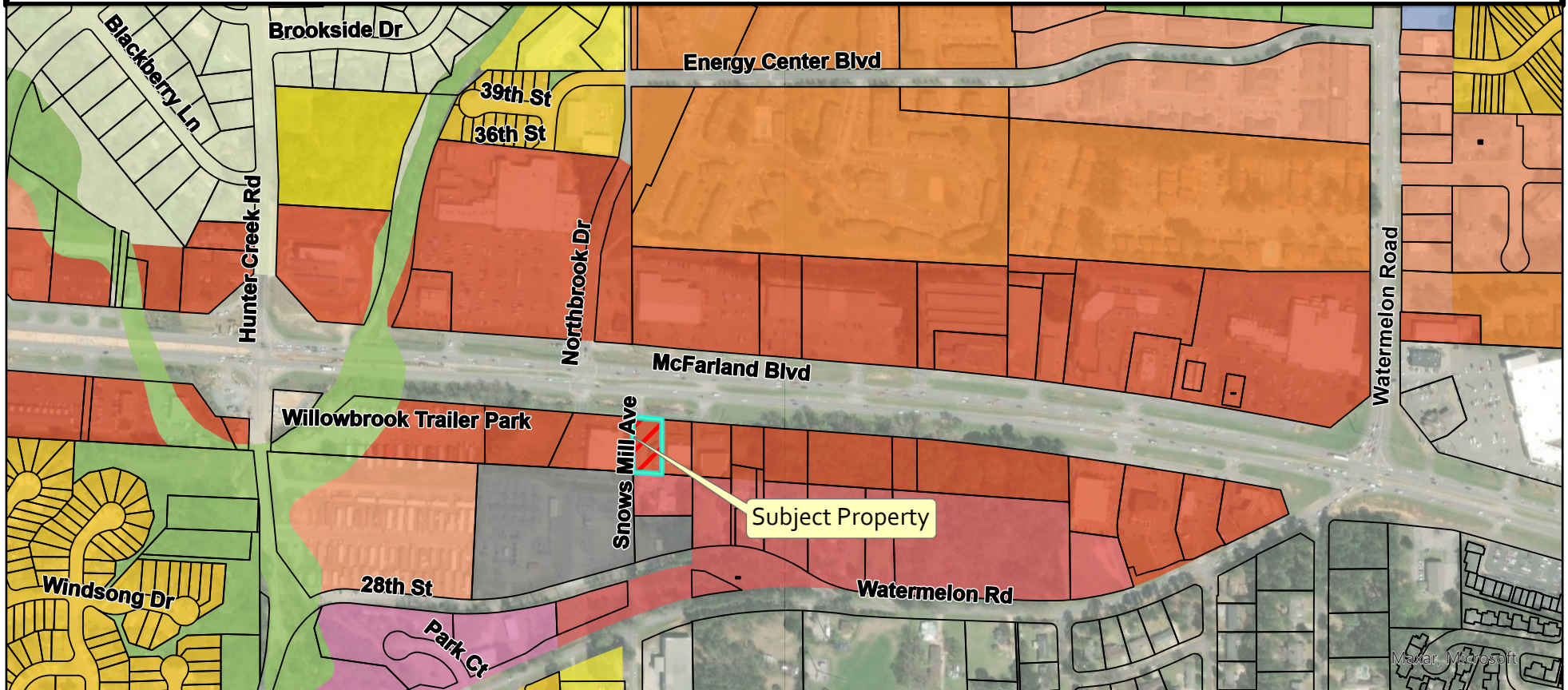
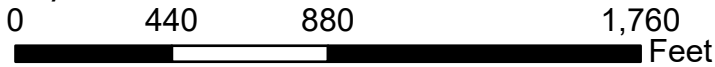
Future Land Use

- Conservation
- Conservation Floodway
- Commercial Mix
- General Mixed-Use
- Limited Mixed-Use
- Multifamily Residential
- High Density Residential

- High to Medium Density Transition
- Medium Density Residential
- Low Density Residential
- Office-Trades Mix
- Institutional
- Utilities
- Parcels
- Subject Property



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Subject property as seen from intersection of McFarland Blvd and Snows Mill Ave. looking southeast.



Google



City of Northport Variance Application Packet

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

Date of Application: 4/16/25

SUBMITTAL CHECKLIST

- Completed Application
- Designation of Agent Form (if applicant is not property owner)
- \$75 Appeal Fee (additional fees may apply)
- Names and Addresses of all Adjoining Properties
- Site Plan/Sketch (showing property lines, existing and proposed structures, and dimensions)

PROPERTY INFORMATION

Property Address: 235 McFarland Blvd. Northport, AL 35476

Property Subdivision and Lot Number: _____

Property Zoning District: _____

Existing Buildings on Property: former EmergiPet Building

Proposed Construction on Property: left black fence in front of building

PETITIONER INFORMATION

Petitioner Name: Miranda Golden

Petitioner Phone: 205-393-1069 Petitioner Email: thewaynorthport@outlook

Petitioner Address (if different than property information above): 11990 Grace Land Rd.
Northport, AL 35475

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

OWNER INFORMATION

Owner Name and/or Company: Lee Wendt, LLC

Owner Mailing Address: 231 McFarland Blvd, Northport, AL 35476

Owner Phone: 205 393 6439 Owner Email: christiewendt.dum@emergipet.com

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

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

Applicant Signature: Miranda Golden Date: 4/16/25



City of Northport Variance Application Packet

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

REQUEST INFORMATION

Describe the nature of the request:

Request to add left Black chain link fence in front of building. This fence will provide an extra layer of security for dogs; an added outdoor playspace. We plan on adding a black mesh privacy screen and tying into the next door property with fence already existing. Future plans include beautifying the existing fence at the neighboring property. The goal is to provide as much outdoor space as possible while maintaining a professional look and offering as much safety as possible to avoid escapes. There will be double gates at every opening.

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

Our business is built around offering dogs a safe and secure play space. The outdoor space is important to achieve the overall well being of the dogs. The property owner is supportive. There are no residential neighbors. The only neighbor that will see the fence is the same landlord for our building.

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

IF granted, the impact to neighboring properties is minimal. The next door property is owned by the same landlord as for our building, who is supportive.

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

In December we signed the lease and spoke to the zoning department. At that time it wasn't mentioned that there was a special zone for this property. We would appreciate this variance as it is a critical piece of what we want to offer to our customers. Outdoor time is important to the well being for our dogs.

Finally, we feel that if anything, our fence will improve the look of the property.

Miranda Golden
11990 Graceland Rd. Northport, AL 35475
thewagnorthport@outlook.com
205-393-1069

To: Northport Planning, Zoning, & Inspections Department

Subject: Variance Request for Installation of a 6ft Chain Link Fence

I am writing to formally request a variance to the ordinance that prohibits the installation of a fence in front of my property located at 235 McFarland Blvd Northport, AL 35476. As the owner of The Wag Pet Services LLC, a dog boarding & daycare facility, it is imperative that we provide a safe and secure outdoor space for the dogs in our care.

The proposed 6ft chain link fence is essential for several reasons:

1. **Safety and Security:** The fence will ensure that the dogs have a secure area to run and play, preventing them from escaping and potentially getting lost or injured. It will also protect them from external threats such as stray animals or unauthorized individuals. The fence will be enforced at the bottom with a rail, as well as protection along the top to ensure an escape is not possible. Each opening will be reinforced with a double gate for extra protection.
2. **Health and Well-being:** Regular outdoor exercise is crucial for the physical and mental health of dogs. A designated outdoor space allows them to engage in natural behaviors, which reduces stress and promotes overall well-being.
3. **Community Benefits:** A well-maintained and secure outdoor space will enhance the appearance of the property and contribute positively to the area. It will also demonstrate our commitment to responsible pet care and community safety. Our plan is to use a black privacy mesh as an additional level of protection for the dogs and to give an added level of professionalism to the property.
4. **Additional benefits:** As part of our lease, we have access to the lower portion of the fenced in property at 231 McFarland Blvd, Northport, AL 35476. Future plans include a renovation of this fenced in area, which is grandfathered into the current zoning ordinance.

We understand the importance of adhering to city ordinances and are willing to work with the city to ensure that the fence installation meets all necessary requirements and standards. We believe that granting this variance will not only benefit our business but also contribute to the safety and well-being of the dogs and the community.

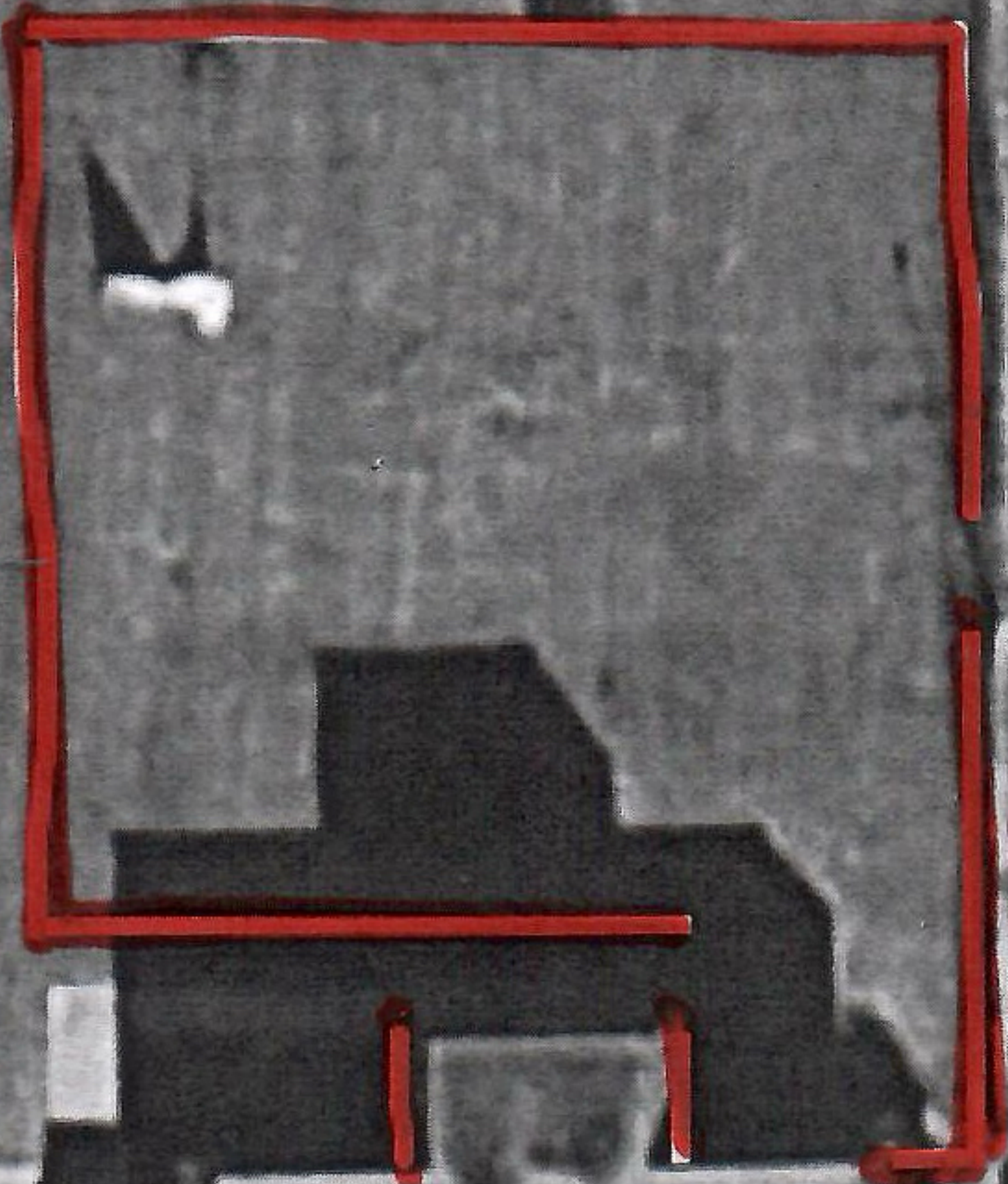
Thank you for considering our request. We look forward to your favorable response.

Sincerely,

Miranda Golden
The Wag Pet Services, LLC, Owner

Snows Mill Ave

Snows Mill Ave



525

Emergi Pet

The Wag Citizen Communications

Katelyn Lesley

From: Prestige Pools Inc. <prestigepools2010@gmail.com>
Sent: Monday, May 5, 2025 1:55 PM
To: Planning
Subject: Case V-25-5 Wag Fence Variance

To Whom it May Concern:

We received your variance notice today concerning the fence regulation at 235 McFarland Blvd for Wag Pet Services. We will be unable to attend the meeting on May 15th, but would like to comment about it. We have been at our current location since 1997 and enjoyed several businesses in front of us. The daycare, where Emergi-Pet is currently located, had a fence for years and we had no issue. I know that Wag is seeking to have the fence put up to provide services to pet owners and we love the idea. We have no issue with the fence being added. We look forward to having another great neighbor in our little hidden area, giving another set of eyes to watch each other's buildings. Thank you for your time.

Sincerely,

Jeffrey Todd
President
Prestige Pools, Inc.