

**AGENDA
NORTHPORT ZONING BOARD OF ADJUSTMENT
THURSDAY, AUGUST 21, 2025**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - A. July 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-25-10 Michael Wesson** - Michael Wesson is requesting a variance from the accessory structure regulations found in section 3.04 for the property located at the south dead end of Ashley Avenue.
- 10. DISCUSSION**
- 11. CITIZEN COMMUNICATIONS**
- 12. ADJOURNMENT**

NOTICE OF RIGHT TO APPEAL

Any party aggrieved by any final decision of the Zoning Board of Adjustment may appeal the final decision of the Board by filing an appeal in the Tuscaloosa County Circuit Court. The aggrieved party shall first file a written notice of appeal with the Board within 15 days after the final decision, specifying the decision from which the appeal is taken. The aggrieved party must also file an appeal with the Circuit Court within 45 days after the final decision of the Board and shall also serve the Board with the appeal at the office of the City Clerk. Alabama Code Section 11-52-81.



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

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, July 17, 2025, in the Council Chambers of the Northport City Hall by Vice-Chairman Kevin Shobe.

Upon roll call the following members were found to be present: Mr. Byron Bennett, Mr. Aubrey Dale, Mr. Chad Haynie, and Mr. Kevin Shobe. Absent and failing to vote was Mr. Jon Garner, Mrs. Tina Phifer and Mrs. Jennifer Taylor-White. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mrs. Kimberly King, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Haynie to approve the minutes for June 26, 2025. **Seconded by Mr. Bennett.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Bennett – Yes; Mr. Dale – Yes; and Mr. Shobe – Yes.

Motion Carried.

Approval of Agenda

Motion by Mr. Haynie to approve the agenda for July 17, 2025. **Seconded by Mr. Bennett.** Roll call vote was as follows: Mr. Haynie– Yes; Mr. Bennett– Yes; Mr. Dale – Yes; and Mr. Shobe – 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-25-3** – Dorothy Tucker is requesting a special exception to allow a manufactured home as in-fill dwelling for the property located at 10470 Jones Road.

Keisha Collins, 9410 Charlie Shirley Road, spoke at the podium. She stated that her daughter wanted to put a mobile home on the property.

Keamber Knight, 10151 Carthage Road, spoke at the podium. She stated that her grandmother is allowing her to put a mobile home on the property.

Vice-Chairman Shobe opened the floor for a public hearing.

With no one to appear before the board, Vice-Chairman Shobe closed the public hearing.

Motion by Mr. Bennett to grant Dorothy Tucker a special exception to allow a manufactured home as shown on the application for the property located at 10470 Jones Road, contingent upon annexation with RS-1 zoning being approved by City Council. **Seconded by Mr. Haynie.** Roll call was as follows: Mr. Bennett – Yes; Mr. Haynie – Yes; Mr. Dale – Yes; and Mr. Shobe – Yes. **Motion Carried.**

B. SP-25-4– Herndon, Hicks, and Associates is requesting a special exception to allow an access easement for a nonresidential lot for the property located at 5105 McFarland Boulevard.

Mike Hicks, 2728 Lurleen B Wallace Boulevard, spoke at the podium. He stated that his client is proposing a 4-lot commercial development, he is pretty sure he has a fast food business on lot 1 which is to the west, and lots 2 & 3 where they do technically have road frontage, they will not be allowed to use it so all four lots will use the one entrance, they will all have cross-parking access agreements.

Mr. Haynie asked if lots 2 & 3 were planned to be fast food as well. Mr. Hicks stated they would be something along those lines. Mr. Haynie asked if there was an idea of a development for lot 4. Mr. Hicks stated they did not have an idea yet. Mr. Bennett asked what lot 1 was going to be again. Mr. Hicks stated it would be fast food.

Vice-Chairman Shobe opened the floor for a public hearing.

With no one to appear before the board, Vice-Chairman Shobe closed the public hearing.

Motion by Mr. Haynie to grant Herndon, Hicks, and Associates a special exception to allow access by easement as shown on the application for the property located at 5105 McFarland Boulevard, contingent upon meeting all requirements of section 3.10.06 of the zoning ordinance prior to issuance of any development permits. **Seconded by Mr. Dale.** Roll call was as follows: Mr. Haynie – Yes; Mr. Dale – Yes; Mr. Bennett – Yes; and Mr. Shobe – Yes. **Motion Carried**

C. V-25-9– Montgomery and Hinkle is requesting a variance from the minimum lot standards found in section A-11 for the property located at 1211 Bridge Avenue.

Kevin Hinkle, 203 Hargrove East Road, spoke at the podium. He stated that he represents MKW Holdings, this property has a commercial building and residential building on it. He stated that the common split line where you can separate the two in between, allows the residential lot to have a slightly smaller square footage than is currently allowed by the zoning.

Vice-Chairman Shobe opened the floor for a public hearing.

With no one to appear before the board, Vice-Chairman Shobe closed the public hearing.

Motion by Mr. Bennett to grant Montgomery and Hinkle a variance from the minimum lot standards as shown on the application for the property located at 1211 Bridge Avenue. **Seconded by Mr. Haynie.** Roll call was as follows: Mr. Bennett – Yes; Mr. Haynie – Yes; Mr. Dale – Yes; and Mr. Shobe – Yes. **Motion Carried**

DISCUSSION
XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 6:11pm.

Mr. Jon Garner, Chairman

Julie Ramm, Secretary

NORTHPORT ZONING BOARD OF ADJUSTMENT
STAFF REPORT
August 21, 2025

AGENDA ITEM

Case Number: V-25-10

Request: A variance from accessory structure and setback standards

Location: The south dead end of Ashley Avenue

Applicant: Michael Wesson

SUBJECT PARCEL

Zoning: Residential Single-Family (RS-1)

Zoning of Adjacent Property: Residential Single-Family (RS-1, RS-3, and RS-4)

Proposed Action: To allow a new building that does not meet accessory structure and setback standards

STAFF COMMENTS

Michael Wesson is requesting a variance from the accessory structure standards. Those standards are found in Section 3.04 and are included below. This request would additionally require an adjustment to the setback standards found in Table 4-2, which is also included below.

§3.04 Structures

- 3.04.01 Only buildings conforming to the Building Code and manufactured homes conforming to the HUD Code may be used for permanent residential occupancy. Recreational vehicles, tiny homes on wheels and similar portable structures may be permitted only for temporary residential occupancy in recreational vehicle parks and campgrounds.
- 3.04.02 Permanent structures and accessory structures may not be located within public utility or drainage easements.
- 3.04.03 No structure may be moved from one development site to another unless such structure complies, at the new location, with all applicable provisions of this Ordinance.
- 3.04.04 Accessory Uses and Structures
 - A. Authorization
 - 1. Any question of whether a particular use is permitted as an accessory use is determined by the Director.

3-3

May 19, 2025

- 2. No accessory use or structure may be established or constructed unless a building permit, evidencing the compliance of such use or structure with all applicable provision of this Ordinance and all other City regulations, has first been issued in accordance with [§12.06 Building Permit, Certificate of Occupancy](#).
- 3. No accessory structure or use may be constructed or established on any lot prior to substantial completion of the principal structure. This does not apply to agriculture-related structures in the AG District.

B. Size, Lot Coverage and Placement

- 1. The principal use or structure, together with any accessory use or structure, may not jointly exceed applicable, ISR nor exterior storage limitations.
- 2. On residential lots, accessory structures may not exceed the height of the principal residential building nor 25 ft in height, whichever is less, except as provided for antennas in [§3.04.04.F](#). If taller than 15 ft, they must be set back one additional foot from side and rear lot lines for each two feet in height above 15 ft.

3. On residential lots, the total floor area of all accessory structures may not exceed 50% of the floor area of the principal structure. This includes open carports, gazebos and greenhouses, but not swimming pools. This does not apply to lots of three acres or larger in the AG District.
 4. Accessory structures may not be located within any required front yard or within a required buffer. However, freestanding gazebos, arbors, trellises and similar open structures other than antennae that are no larger than 50 sf in area are permitted in required front yards provided they are set back at least ten feet from the nearest front lot line.
 5. Except as provided for open structures in Paragraph 4 above, accessory structures serving residential uses must be set back at least ten feet behind the front building line.
 6. Accessory structures serving nonresidential uses must comply with the yard setbacks required of principal structures in the applicable district.
 7. Accessory structures may not be closer than ten feet to a principal structure nor five feet to any other accessory structure. If attached to another structure by means of fully enclosed habitable area, the two structures are considered one.
- C. Number of Structures in Rear Yard. Within the rear yard of residential lots, the maximum number of accessory structures, other than swimming pools, is permitted as follows:
- a. Established rear yard of 1,500 sf or less: one accessory structure
 - b. Established rear yard of 1,501-4,000 sf: two accessory structures
 - c. Established rear yard of 4,001-10,000 sf: three accessory structures
 - d. Established rear yard of more than 10,000 sf: four accessory structures.
- D. Design
1. Accessory structures must be constructed of materials compatible with those of the principal structure. At least one exterior material used in the design of the accessory structure must be the same type and similar color as that used on the principal structure. Trim material alone does not satisfy this requirement. Open accessory structures are only permitted for pavilions and similar uses.

Table 4-2 Area and Dimensional Requirements Residential Districts

Zone	Minimum Lot Area	Minimum Lot Width	Minimum Yard Setback				Maximum ISR	Maximum Building Height
			Front or Primary Front ¹	Secondary Front ¹	Rear	Side		
RS-1	15,000 sf	95 ft	40 ft	25 ft	50 ft	14 ft	0.40	35 ft
RS-2	12,000 sf	85 ft	35 ft	25 ft	35 ft	12 ft	0.40	35 ft
RS-3	9,000 sf	75 ft	30 ft	20 ft	35 ft	10 ft	0.45	35 ft
RM ^{2,3}	6,000 sf	60 ft	20 ft	15 ft	20 ft	7 ft	0.50	35 ft

- 1 The front or primary front setback applies on both frontages of dual-frontage corner lots. Secondary front setbacks apply to single-frontage corner lots only.
- 2 Common open space is required for developments containing lots of 9,000 sf or less in area subject to [§4.05](#) Open Space Requirements for High Density Residential Developments.
- 3 Applies only to detached single-family dwellings, lots in manufactured home subdivisions and any permitted nonresidential uses. For other permitted dwelling types, refer to the standards in [Article 7 Detailed Use Regulations](#).

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*

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:

Michael Wesson is requesting a variance to allow 50 x 50 metal accessory structure for the residential property located at the south dead end of Ashley Avenue. The proposed structure would be nonconforming for the following reasons:

- **No principal structure** – The zoning ordinance prohibits accessory structures on lots without substantial completion of a principal structure. The property does not have a principal structure on it, nor is one proposed.
- **Materials** - The zoning ordinance requires accessory structures to utilize materials architecturally compatible with principal structures. While there is no principal structure on this property, the surrounding principal structures are primarily clad with a mixture of brick and vinyl. The proposed structure would have metal siding.
- **Setbacks** – The zoning ordinance requires all properties in the RS-1 zone to have 40’ front, 50’ rear, and 14’ side setbacks. The proposed structure would be approximately 30’ from the rear lot line and 10’ from the side lot line. It is unknown how far the structure would be from the front lot line, but the site sketch included in the application appears to indicate that it would be encroaching into the required front setback.

The current site consists of an undeveloped lot zoned Residential Single-Family (RS-1). It is surrounded to the north by a single-family residence zoned Residential Single-Family (RS-3), to the east by undeveloped unincorporated land (no zoning), to the south by undeveloped unincorporated land (no zoning), and to the west by single-family residences zoned Residential Single-Family (RS-4).

As a hardship, the petitioner has cited the fact that his property is largely covered by flood zones and is unsuitable for residential construction.

The future land use plan contained within Northport Compass identifies this property as Low Density Residential.

MOTION:

I make a motion to grant Michael Wesson a variance from the accessory structure and setback standards to allow a 50x50 structure as shown on the application for the property located at the south dead end of Ashley Avenue.

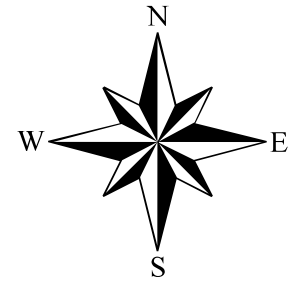
Northport Zoning Board of Adjustment

Variance Request

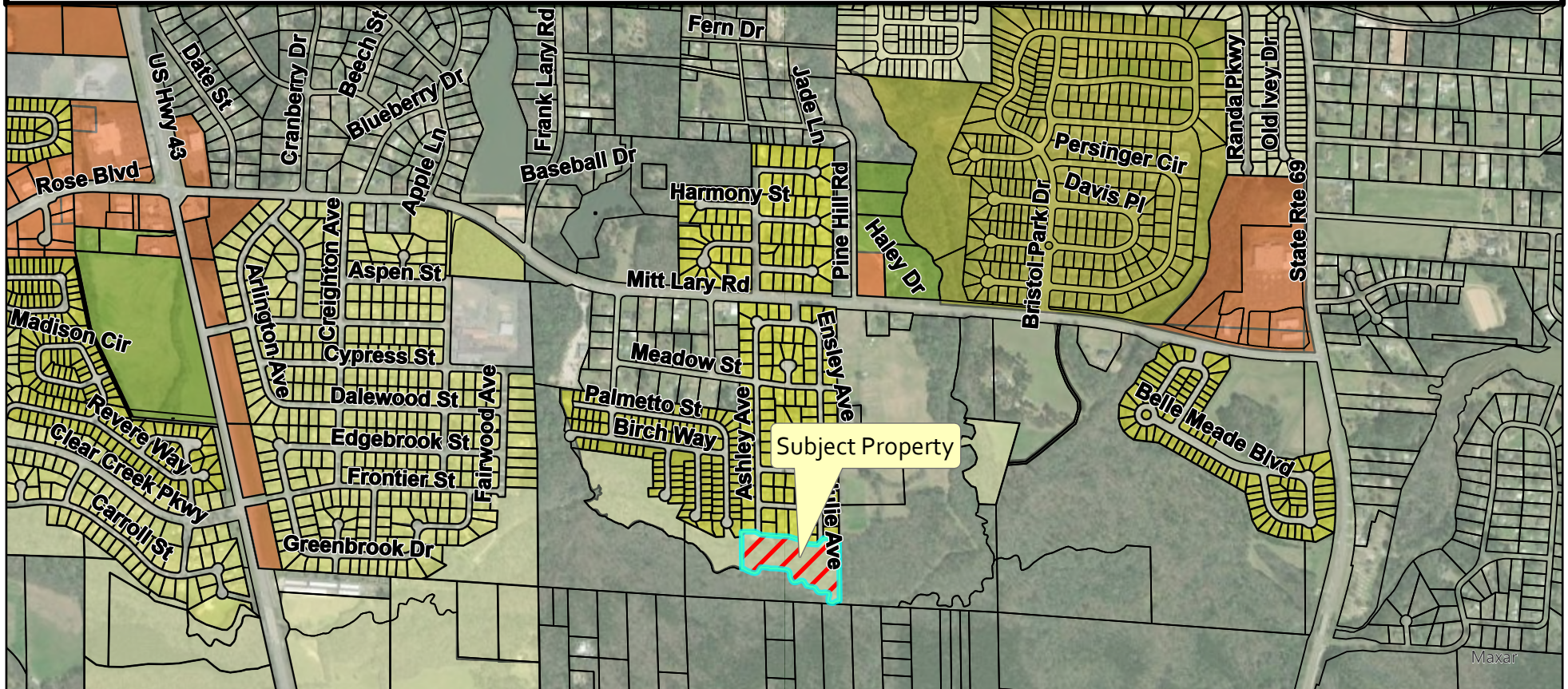
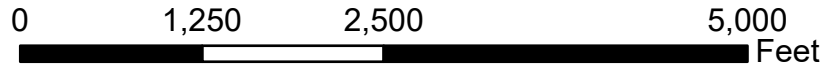
Zoning

- Agriculture
- Neighborhood Commercial
- General Commercial
- Office and Institutional
- Special District
- Residential Single-Family - 1

- Residential Single-Family - 2
- Residential Single-Family - 3
- Residential Single-Family - 4
- Parcels
- Parcels selection



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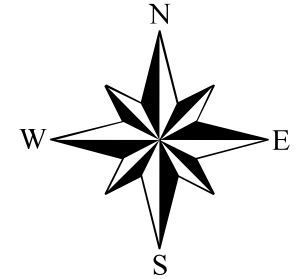
Northport Zoning Board of Adjustment

Variance Request

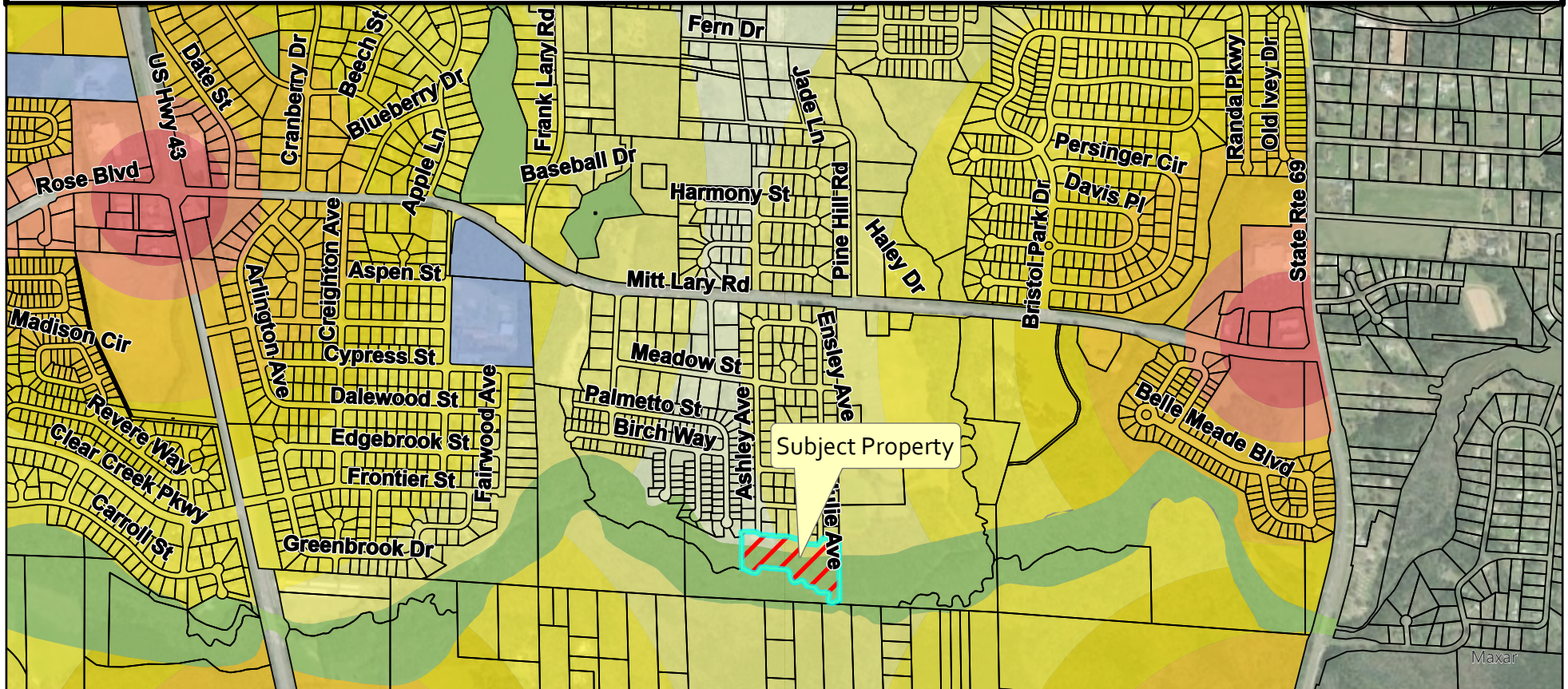
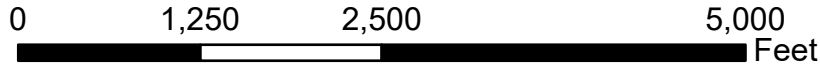
Future Land Use

- 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
- Parcels selection



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Subject property as
seen from Ashley
Avenue looking
southwest.





City of Northport Variance Application Packet

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

Date of Application: June 23rd, 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: Ashley Avenue Northport, AL 35475

Property Subdivision and Lot Number: Huntington/ Parcel Number: 76344 Parcel ID: 63-20-05-21-1-001

Property Zoning District: 4 RS-1 -004.001

Existing Buildings on Property: None

Proposed Construction on Property: Metal Garage

PETITIONER INFORMATION

Petitioner Name: Michael Wesson

Petitioner Phone: 205-441-0786 Petitioner Email: mrwesson08@gmail.com

Petitioner Address (if different than property information above): _____
12371 Lary Lake Rd. Northport, AL 35475

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: Michael Wesson Date: June 23rd, 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:

I am requesting a variance of set back and accessory structure regulations. To allow a metal building.

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

The property of which I am requesting a revision adjoins the property(home residence) owned by my mother and father in law(Joseph Howley and Janet Howley) at 11420 Ashley Avenue Northport, AL 35475. We would like to build a metal garage for storage of items such as boat(s), Sea Doo, etc. to prevent from keeping them out in the weather and/or another location. The property is in the very back of the neighborhood away from all other structures and/or homes. We are unable to build the structure within the current offset guidelines as the potential structure would then enter the portion of the property that is under zone "AE" floodplain and that portion of property is not buildable per FEMA. Therefore I am requesting permission to build closer within the offset line limits.

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

The request should not impact any other neighborhood residents or citizens in any way. With the property being at the very back of the neighborhood and adjoining a thick wood line of AE floodplain, I do not see any obstacles with the requested project.

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:

N/A



50' X 50'

Approximately 10 feet from Joe Howley's property line.

Approximately 30 feet from Chauna Goodman and Pro-Built

Development property line. Building structure is planned to be 50 feet long by 50 feet wide ending at the wood line.

MICHA
& AME
WESSO

CHAUNA M
GOODMAN

HOWLEY

DONNA J
114 DEASON



Approximately 10 feet from Joe
Howley's property line.
Approximately 30 feet from Chauna
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Development property line. Building
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wood line.

MICHAEL
& AMBER
WESSON

Carroll Creek

Carroll C