

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, APRIL 15, 2021**

The Northport Zoning Board of Adjustment was called to order at 6:10 p.m. on Thursday, April 15, 2021, in the Council Chambers of the Northport City Hall by Vice Chairman Jon Garner.

Upon roll call the following members were found to be present: Mr. Jon Garner, Mr. Aubrey Dale, Mr. Chad Haynie, Mrs. Tena Phifer, Mr. Kevin Shobe, Mr. Tyler Walker. Absent and failing to vote was Mr. Jason Ward. Also present were staff members Mrs. Julie Ramm, Mr. Ron Davis, Mr. Shaun Patton, and Mrs. Nannette McKinney

Approval of Minutes

Motion by Mr. Chad Haynie to approve the minutes for March 18, 2021. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Haynie -Yes; Mr. Shobe -Yes; Mr. Dale-Yes; Mrs. Phifer – Yes; Mr. Garner-Yes; Mr. Walker-Yes. **Motion carried.**

Approval of Agenda

Motion by Mr. Kevin Shobe to approve the agenda for April 15, 2021. **Seconded by Mr. Aubrey Dale.** Roll call vote was as follows: Mr. Shobe-Yes; Mr. Dale-Yes; Mr. Garner-Yes, Mrs. Phifer-Yes; Mr. Haynie-Yes; Mr. Walker-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 – Mr. Garner stated the Notice of Right to Appeal procedures were on the back of the agenda.

Old Business -None

New Business

V-21-05 Mitch Stripling – Request a variance from setback requirements located at 5210 Highway 69.

Rohan Vyas, 2005 Arbor Hill Parkway, Hoover, AL 35244 appeared before the Board stating he was the owner of the Crossroads Texaco located at 5210 Highway 69. Mr. Vyas stated he is proposing to construct an additional fueling pump.

Rick Meyers, 1730 Bristol Drive, appeared before the Board representing Mr. Vyas. Mr. Meyers stated they are proposing to construct a canopy addition and install an additional fueling station. Mr. Meyers also stated this would improve the image of the store. The addition fueling pump would increase revenue. Mr. Meyers stated Mr. Vyas has invested a lot into the property and will be following ADEM guidelines.

Jason Ward asked if one pump has 2 nozzles.

Rick Meyers stated there are 2 pumps with 4 nozzles.

Chad Haynie asked had he considered locating the additional pump on the side of the building for the setbacks.

Rick Meyers stated running a line around the building would cause an issue. The proposed canopy addition is 3.33 feet from the front property line (ROW) along Highway 69.

Kevin Shobe asked about the power lines.

Rick Meyers stated they had a commitment from Alabama Power to raise the powerlines.

Mrs. Ramm stated staff has requested documentation from the applicant verifying that Alabama Power will allow the canopy addition underneath their lines or that the lines will be relocated, and any existing easement will be vacated.

Jon Garner stated the responsibilities of the owner.

Motion by Mr. Jon Garner to approve requested variance setback requirements of 20 feet to 3.33 feet for the canopy and 16 feet for the pump location. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Garner-No; Mr. Shobe -No; Mr. Dale-No, Mr. Haynie-No; Mrs. Phifer-No. **Motion Failed.**

V-21-06 Jack Kubiszyn – Request variance from billboard requirements located at 6604 McFarland Boulevard.

Julie Ramm stated Mr. Kubiszyn petitioned the Board in January of 2020 with a similar request. However, the request was not approved. Mrs. Ramm stated the original request was to convert both sides of the existing billboard to a digital billboard. The new petition is requesting that only the east facing side of the billboard be converted to digital. Mrs. Ramm also stated the Zoning Board's by-laws provide for a rehearing only if the Board has unanimous vote that determines there has been a substantial change in the request.

Motion by Mr. Kevin Shobe to rehear case V-21-06 Jack Kubiszyn. **Seconded by Mr. Chad Haynie.** Roll call vote was as follows: Mr. Shobe-Yes; Mr. Haynie-Yes; Mr. Dale-Yes, Mr. Garner-Yes; Mr. Walker-Yes. **Motion carried.**

Jack Kubiszyn, Jr. Christian & Small, LLP 27 Winthrop Avenue, Birmingham appeared before the Board representing his father, Jack Kubiszyn. Mr. Kubiszyn stated he appreciates the commission rehearing his father request. Mr. Kubiszyn stated the billboard has dual sides, but he is requesting only the east facing side of the billboard be converted to digital. Mr. Kubiszyn also stated going west there is a Texaco Station that also has a dual side billboard with one side being digital.

Mr. Haynie asked if there was also an issue with the number of billboards that must be removed in order to convert a static billboard to a digital billboard.

Jon Garner stated he recalls from the last request the concerns were the distance from the residents. Mr. Garner stated now the concern is the distance between another sign. Mr. Garner stated from the notes no billboard shall be located within a 2000-foot radius from another billboard. Mr. Garner asked if Mr. Kubiszyn had any type of certification that the sign met the distance requirements.

Julie Ramm stated the mapping platforms that staff has used to measure the distance are Google Earth and Tuscaloosa County Tax Maps. They are measuring approximately 1600 feet from the nearest billboard.

Jack Kubiszyn asked if the other billboard was near the Walmart.

Julie Ramm stated yes.

Jack Kubiszyn stated they do have the 2000 feet that is required in addition to being behind a buffer of trees. Mr. Kubiszyn also stated the sign is already in existence. The fact is if it is not in conforming use, it should be grandfather in. This is not changing the distance. We are just asking to change the pictorial content.

Jon Garner asked does the proposed modification make it subject to the new code.

Julie Ramm stated yes. Mrs. Ramm also stated the face of the billboard would be changed to digital.

Jack Kubiszyn stated he was not disagreeing, Mr. Kubiszyn stated the structure itself is remaining. Mr. Kubiszyn also stated they are not changing the pictorial content of the board and it is in the same location.

Julie Ramm stated the change would be from a static billboard to a digital billboard. This change would require the entire sign to come in compliance with the zoning ordinance.

Mr. Haynie asked if there was also an issue with the number of billboards that must be removed to convert a static billboard to a digital billboard.

Jack Kubiszyn asked Mr. Haynie was stating if one sign goes up the other must come down.

Julie Ramm stated the Ordinance states if you have one digital billboard going up, you must remove 4 billboards. Mrs. Ramm stated she didn't think Mr. Kubiszyn owned 4 billboards. Mrs. Ramm also clarified that Mr. Haynie is stating the other face of the billboard would have to be removed.

Jack Kubiszyn stated if removing the other billboard was a contingency, then they would be willing to do what's required.

Chad Haynie stated the issue is if we grant a variance for this, larger billboard companies would follow.

Jack Kubiszyn stated each case should be treated different. Mr. Kubiszyn stated there are positive benefits of the digital billboard for the community and the City of Northport. Mr. Kubiszyn also stated the request be continued to the next hearing so that they can measure the distance between this billboard and the other billboards.

Motion by Mr. Chad Haynie to table V-21-06 Jack Kubiszyn to the next meeting. **Seconded by Mr. Aubrey Dale.** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Dale -Yes; Mr. Garner-Yes, Mr. Shobe-Yes; Mr. Walker-Yes. **Motion carried.**

V-21-07 Christopher Jones – Request variance from landscape buffer located at 1302 Main Avenue.

Christopher Jones, 5 Rolling Wood, Tuscaloosa, AL 35406 appeared before the Board accompanied by Al Cabaniss, Cabaniss Engineering, Inc, 2416 Trenton Drive, Tuscaloosa, AL 35406. Mr. Cabaniss stated Mr. Jones has operated his law office on 1302 Main Avenue for several years and with his practice growing he is proposing to construct an office addition. Mr. Cabaniss stated the proposed addition does not meet the City's 25-foot minimum building line requirements on 13th Street and along the west property line. Mr. Cabaniss also stated Mr. Jones' proposal would add approximately 2,066 square feet to the existing structure. The first floor is 1,266 sq. ft. and the second floor is 800 square feet. Mr. Cabaniss stated Mr. Jones is asking for a 15-foot front setback along 13th Street and an 18-foot rear setback along the west property line. Mr. Cabaniss also stated the landscape buffer created will equal or exceed the buffer of the adjoining properties.

Christopher Jones stated his law practice has grown and he is proposing to construct additional space. Mr. Jones stated he has been at the referenced location since 2008.

Chad Haynie asked if the parking lot would be re-designed.

Al Cabaniss stated the parking lot and entrance would be re-designed with a landscape buffer included to meet current standards. Mr. Cabaniss stated he would close the driveway entrance on 13th Street. Mr. Cabaniss also stated there will be a storm water detention drain added.

Julie Ramm asked Mr. Cabaniss will he be able to meet the requirements on the northern property line for the landscape buffer.

Mr. Cabaniss stated they are going to move about 50 feet back from Main Avenue. He stated they would also remove some of the parking spaces.

Julie Ramm asked if the parking spaces were in the landscape buffer. The proposed addition encroaches into the required landscape buffer to the rear of the structure. The proposed parking lot also encroaches into the buffer along the west and north property lines. The Zoning Ordinance requires a 20-foot buffer for commercial developments that are adjacent to residential uses. The intent of this buffer is to shield the adjacent residential areas from commercial developments.

Chad Haynie asked how many parking spaces there will be.

Mr. Cabaniss stated there will be 16 parking spaces.

Jon Garner asked about the landscaping requirements.

Julie Ramm stated the requirements consist of 4 canopy trees, 6 understory trees and 10 shrubs per 100 linear feet of property line. Mrs. Ramm also stated she did not think that number of plants in such a small area would survive.

Paulette Evans, 4618 Northwood Lake Drive East, Northport, AL 35473 appeared before the board accompanied by her daughter Nikki Evans. Mrs. Paulette Evan stated her daughter Nikki owns the property behind Mr. Jones property. Mrs. Evans also stated she purchased her property in 2012 and delighted Mr. Jones law practice has grown. Mrs. Paulette Evan stated her concerns are the traffic and

water flow. There is a fence on the northside that would be affected if there is too much water flowing and the traffic would affect the renters that live in the area.

Mr. Cabaniss stated the proposed drainage will be going toward 13th Street.

Jon Garner asked if the parking lot would be reshaped.

Mr. Cabaniss stated he will be removing all the parking lot.

Christopher Jones stated he is willing to work with staff on the entrance and to make sure drainage flows properly.

Jon Garner asked if the property been surveyed.

Christopher Jones stated yes.

Jon Garner asked for estimated number of vehicles that would occupy the parking lot.

Christopher Jones stated 3 attorneys, 6 support staff, 2 part-time students, and occasionally a group of clients.

Julie Ramm stated the proposal meets the parking requirements.

Motion by Mr. Chad Haynie to reduce the landscaping setback from 20 feet to 14.6 feet on the west side of the property and 20 feet to 5.5 feet on the northern property line. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Shobe -Yes; Mr. Garner-Yes, Mr. Dale-Yes; Mr. Walker-Yes. **Motion carried.**

V-21-08 Christopher Jones – Request variance from setback requirements at 1302 Main Avenue.

Christopher Jones, 5 Rolling Wood, Tuscaloosa appeared before the commission accompanied by Al Cabaniss, Cabaniss Engineering, LLC, 2416 Trenton Drive, Tuscaloosa. Mr. Cabaniss stated the proposed addition would have a setback reduction of 25 feet to 15 feet on 13th Street. Mr. Cabaniss also stated Mr. Jones' proposal would add approximately 2,066 square feet to the existing structure and would be approximately 15 feet from the ROW on 13th Street and approximately 18 feet from the west property line that is near the townhomes own by Nikki Evans.

Jon Garner asked about the exterior materials in comparison to existing structure.

Al Cabaniss stated all building materials would be matched closely to the existing structure.

Nikki Evans asked what type of trees would be planted and who would oversee seeing it done.

Julie Ramm stated the requirements consist of 4 canopy trees, 6 understory trees and 10 shrubs per 100 linear feet of property line. The intent of the ordinance is to protect the residential areas from the commercial developments.

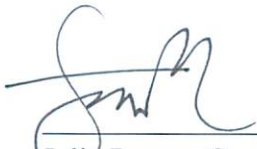
Motion by Mr. Chad Haynie to reduce the setback from 25 feet to 15 feet along 13th Street and 25 feet to 18 feet on the west property line. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Shobe -Yes; Mr. Garner-Yes, Mr. Dale-Yes; Mr. Walker-Yes. **Motion carried.**

IX. DISCUSSION

X. CITIZEN COMMUNICATION - None

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned.



Julie Ramm, Secretary



Mr. Jon Garner, Vice Chairman