

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, May 20, 2021**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, May 20, 2021, in the Council Chambers of the Northport City Hall by Chairman Jason Ward.

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

Approval of Agenda

Motion by Mr. Aubrey Dale to approve the agenda for May 20, 2021. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Dale-Yes; Mr. Shobe-Yes; Mrs. Phifer-Yes; Mr. Ward-Yes. **Motion carried.**

Approval of Proper Notification- Mrs. Ramm informed the Board that proper notification was given.

Verification of No Conflict of Interest – Mr. Shobe stated he had a conflict with item V-21-09 MackHinton Group Home.

Mrs. Ramm stated there was not a quorum to hear Item V-21-09 MackHinton Group Homes. It would be heard on June 17th, 2021 at 6:00 p.m. Mrs. Ramm also stated this announcement would serve as public notice.

Notice of Right to Appeal – Mr. Ward stated the Notice of Right to Appeal procedures were on the back of the agenda.

Old Business

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

Jack Kubiszyn, Jr. – Christian & Small LLP, 505 20th St N. Ste. 1800, Birmingham, Al appeared before the Board representing his father. Mr. Kubiszyn stated at the last meeting there was question about the distance of the billboard from another billboard and stated another billboard was approximately 1600 square feet. Mr. Kubiszyn stated that length allows a variance to be granted. Mr. Kubiszyn also stated he is proposing to convert the east face of an existing static billboard to a digital billboard. Mr. Kubiszyn states the existing billboard is considered a non-conforming use because it does not conform to the existing regulations in the Northport Zoning Ordinance. Mr. Kubiszyn states this is not a non-conforming site. It is the same billboard, the same size and width, same location. Mr. Kubiszyn stated a constructional change is whether a structural change has taken place and a non-conforming use is extended to the life of the existing non-conforming building prolonged and not whether it is a decrease or increase in the number of square feet utilized.

Jason Ward stated the board must stay within the Zoning Ordinance.

Jack Kubiszyn, Jr. state the sign is grandfathered in and the only restriction is the distance. Mr. Kubiszyn stated there is a buffer zone of trees between the signs.

Kevin Shobe stated the Board can only decide about the distance.

Jack Kubiszyn stated the Board is designed to hear each case.

Jason Ward asked what the actual distance is.

Julie Ramm stated staff used Goggle Earth and Tax Maps. Mrs. Ramm also stated both maps showed a distance off approximately 1600 feet.

Jack Kubiszyn, 2036 University Boulevard, Tuscaloosa, appeared before the Board stating he talked to Chief Burton and Ron Abernathy and they were receptive to the billboard. Mr. Kubiszyn stated the billboard would be used for positive community messages.

Motion by Mr. Jason Ward to approve V-21-06 Jack Kubiszyn variance from billboard requirement located at 6604 McFarland Boulevard. **Seconded by Mr. Aubrey Dale.** Roll call vote was as follows: Mr. Ward -Yes; Mr. Dale -Yes; Mr. Shobe-Yes; Mrs. Phifer – Yes: **Motion carried.**

New Business

V 21-10 Red Sand, LLC – Requests a variance from off-street parking requirements located at 5100 Union Station.

Al McGiffert, McGiffert and Associates, LLC, 2814 Stillman Boulevard, Tuscaloosa, AL appeared before the Board representing Red Sands, LLC. Mr. McGiffert stated he is requesting a variance from off-street parking, located at 5100 Union Station, Lot #1. Mr. McGiffert stated the existing zoning is zoned C 3, General Commercial. Mr. McGiffert also stated the existing building on the site will undergo interior modifications to change from an office warehouse use to a commercial and entertainment use for a dance studio. Mr. McGiffert stated the required parking for this use is one space per 275 sf for a total of 4 spaces. The proposed site plan will increase the on-site parking from ten spaces to 26 spaces. Mr. McGiffert also stated the parents will be dropping off the students and all recitals with spectators will be held off-site. Mr. McGiffert states their hardship is the desire to minimize the impervious surface on site which will improve water quality leaving the site. Mr. McGiffert states to reduce the number of required parking space from 45 to 26 has been discussed with neighbors and no negative comments were made.

Jason Ward asked how many handicap parking were needed and is it ok with parking in the right way.

Julie Ramm stated the accessibility question could be addressed on the site plan for handicap parking. Mrs. Ramm also stated she spoke to the Engineering staff and they stated no concerns with parking in the right-of-way because it is a cul-de-sac street with no through traffic.

Tim Harrison, Red Sand, LLC, appeared before the Board stating the building was built 2 years ago. One reason for the variance request is the building was built against a hill that left less space for the required parking.

Motion by Mr. Jason Ward to approve requested variance to reduce the number of parking spaces from 42 to 26 located at 5100 Union Station. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Ward -Yes; Mr. Shobe -Yes; Mr. Dale-Yes; Mrs. Phifer-Yes; **Motion carried.**

V 21-11 J. Collier Foster Masonic Lodge – Requests a Variance from setback requirements located at 4107 McFarland Boulevard.

Greg Durr, 460 Crawley Road, Fayette, AL appeared before the Board representing J. Collier Foster Masonic Lodge. Mr. Durr stated he is requesting a variance from the rear setback requirements. The Northwest corner of the existing outdoor gathering area is 20 feet from the property line the setback requirements for this zone is 25 feet.

Jason Ward asked if a building exists on the property.

Greg Durr stated there is an existing pavilion.

Julie Ramm stated Mr. Durr is proposing to construct an addition to the existing outdoor pavilion. The footprint of the pavilion will encroach into the setback. The proposed addition will be constructed on the northeast side of the existing structure.

Motion by Mr. Jason Ward to approve requested variance from the rear setback requirements from 25 to 20 feet located at 4107 McFarland Boulevard. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Ward -Yes; Mr. Shobe -Yes; Mr. Dale-Yes; Mrs. Phifer-Yes; **Motion carried.**

V 21-12 David Morrow – Requests a variance from setback requirements located at 150 McFarland Boulevard.

Bobby Herndon, Herndon, Hicks and Associates, 2728 Lurleen Wallace Boulevard, Northport appeared before the Board representing David Morrow. Mr. Herndon stated David Morrow is proposing to subdivide the property located at 150 McFarland Boulevard into two lots. The proposed property line follows an existing lease line that has been in place for several years. Mr. Herndon stated the petitioner has a current contract to sell lot 1 of the proposed subdivision. Mr. Herndon also stated the proposed setback for the western property line is 6 feet and the proposed setback on the southern property line is 4.9 feet. Mr. Herndon stated no new structures are proposed.

Jason Ward asked if the variance request was proposed for the western property line at the entrance and southern property line.

Julie Ramm stated the yes.

Bobby Herndon stated the slope between the existing parking lot and the mini storage are too steep to be built upon.

Aubrey Dale asked what type of wood frame building is located there.

Bobby Herndon stated it is an office for the mini-storage.

Motion by Mr. Jason Ward to approve the requested variance setbacks as shown on the Preliminary Plat located at 150 McFarland Boulevard. **Seconded by Mr. Aubrey Dale.** Roll call vote was as follows: Mr. Ward -Yes; Mr. Dale -Yes; Mr. Shobe-Yes; Mrs. Phifer-Yes; **Motion carried.**

V-21-13 Bobbie Bonner – Requests variance from off-street parking requirements located at 2920 9th Street.

Bobbie Bonner, Bonner Media, 2920 9th Street, Northport appeared before the Board stating he is proposing to open a video production ministry. Mr. Bonner stated he is trying to make improvements and needs a variance for parking.

Jason Ward asked what type of traffic flow the business will have.

Bobbie Bonner stated there will be less than 10 people per day.

Aubrey Dale asked the cost for the paving of the parking lot.

Bobbie Bonner stated approximately 12,000 and 20,000 thousand.

Aubrey Dale asked how many paved spaces would be required.

Julie Ramm stated it would be based on square footage.

Aubrey Dale asked if Mr. Bonner owned the building.

Bobbie Bonner stated he is leasing the property and has talked to owner about the paving. Mr. Bonner also stated he did not want to pave the lot because he did not own the property.

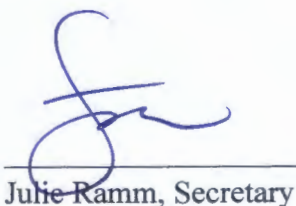
Motion by Mr. Jason Ward to approve the requested variance from paved off-street parking requirements located at 2920 9th Street. **Seconded by Mrs. Tena Phifer.** Roll call vote was as follows: Mr. Ward -Yes; Mrs. Phifer -Yes; Mr. Dale-Yes; Mr. Shobe-Yes; **Motion carried.**

IX. DISCUSSION

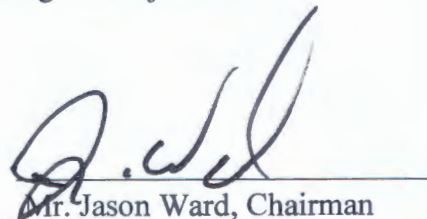
X. CITIZEN COMMUNICATION

XI. ADJOURNMENT

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



Julie Ramm, Secretary



Mr. Jason Ward, Chairman