

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, NOVEMBER 18, 2021**

The Northport Zoning Board of Adjustment was called to order at 6:15 p.m. on Thursday, November 18, 2021 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. Chad Haynie, Mrs. Tena Phifer, Mr. Kevin Shobe, and Mr. Brian Chandler. Absent and failing to vote was Mr. Tyler Walker. Also present were staff members Mrs. Julie Ramm, Mrs. Holly Phillips, Mr. Ron Davis, Mr. Shaun Patten, and Nannette McKinney

Approval of Minutes – The October 21, 2021 minutes were tabled for the next meeting.

Approval of Agenda

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

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

Verification of No Conflict of Interest

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-21-22 MackHinton Homes, LLC – Requests variance to allow more than 3 unrelated persons occupying a dwelling unit located at 3811 33rd Street.

Tom Sims, Longleaf Engineering, 432 65th Street, Suite A, Tuscaloosa, appeared before the Board accompanied by Shawn Blackburn, representing MackHinton Homes. Mr. Sims stated Shawn Blackburn of MackHinton Homes, LLC has addressed a need for homeless children in the State of Alabama and is proposing to construct a group home at 3811 33^d Street. The zoning ordinance allows for group homes in a C-3 zone. However, the number of unrelated persons living in a group home are limited to no more than three unrelated persons. Mr. Sims stated Mr. Blackburn has a plan for 10 bedrooms to provide for 20 children. There will also be living accommodations for staff/administrative personnel, as well as kitchen and dining facilities. Mr. Sims also stated the facility will be overseen by the State. Mr. Sims stated Mr. Blackburn is targeting children that are 9 through 11 years old.

Chad Haynie asked the minimum number that would make the project feasible to operate.

Mr. Sims stated the target is more than 3 unrelated persons.

Mr. Haynie asked if there were examples of homes in the state.

Mr. Jon Garner asked Mr. Blackburn about his background and experience.

Shawn Blackburn, 809 8th Avenue, stated he is currently employed with the City of Northport, in the IT Department. Mr. Blackburn stated he has six children and has a passion for coaching and taking care of children. Mr. Blackburn also stated his son has worked in a group home in Northport and will be a part of the MackHinton Home staff. Mr. Blackburn stated the potential employees for the group home will be highly qualified and approved by the State.

Mr. Garner asked the role of Mr. Blackburn.

Mr. Blackburn stated he would be the owner and responsible for making payroll.

Mr. Garner asked are the credentials of the staff approve by the State before being hired.

Mr. Blackburn stated all credentials are approved by the State before being hired.

Mr. Haynie asked the projection of the margin for the children.

Mr. Blackburn stated the building is a new structure.

Mr. Brian Chandler asked the reason the last variance didn't pass.

Shawn Blackburn stated he did not have the proper zoning.

Ms. Julie Ramm stated MackHinton Homes had proposed to construct a group home in a single-family residential neighborhood back in June. Group homes are allowed in residential zones by Conditional Use. The Petitioner withdrew the request at the Planning and Zoning Commission meeting. Ms. Ramm also stated the size of the facility was well above the average square footage of the direct adjoining homes (1540 square feet).

Mr. Blackburn stated the Commission and staff of Northport are welcome to come by the facility. Mr. Blackburn also stated the area is already zoned for a group home and he is proposing to build a very nice home estimated to be 5,050 square feet. The structure will house 20 kids. Mr. Blackburn also stated he will follow all the guidelines provided by the state of Alabama.

Ron Davis stated from the legal standpoint his observation is there is nothing in the area like this. There are limitations on sex, age, and disabilities for group homes. Mr. Davis advised the Board to get more information.

Kevin Shobe stated he would like more information.

Mr. Blackburn stated the application from the State of Alabama would be for ages 9-11 year-old boys and would identify what type of clientele he would carry. Mr. Blackburn stated the boys in the group home will not have been adjudicated. Mr. Blackburn also stated the zoning ordinance allows for a group home which is commercial, however the number of unrelated persons living in a group home are limited to no more than three unrelated persons.

Chad Haynie stated he would like information on how the variance request would affect the future of the property if Mr. Blackburn decides to sell the land. How would this effect the new owner? Mr. Haynie also stated he appreciates Mr. Blackburn's service to the community.

Mr. Blackburn stated the variance states 3 or more unrelated persons. Mr. Blackburn stated what he is asking for is to allow 3 or more unrelated persons to occupying a dwelling.

Chad Haynie asked Mrs. Ramm if a specific number had to be named.

Mrs. Ramm stated yes.

Chad Haynie asked if the number was lower than 20, does that mean the project fails.

Mrs. Ramm stated the zoning ordinance restricts the number of unrelated persons living in a group home to 3.

Jon Garner stated he would like more information and would like to table the item until the next meeting.

Mr. Blackburn asked Ron Davis, City Attorney, if the request has to be table.

Ron Davis stated by laws of State that the Board can table the item by unanimous vote, for up to 30 days.

Motion by Mr. Jon Garner to table the requested variance to allow more than 3 unrelated persons occupying a dwelling unit located at 3811 33rd Street until the next meeting. **Seconded by Mr. Chad Haynie.** Roll call vote was as follows: Mr. Garner-Yes; Mr. Haynie-Yes; Mr. Dale-Yes; Mr. Chandler-Yes; Mr. Shobe-No. **Motion failed.**

Motion by Mr. Jon Garner to approve the requested variance to allow more than 3 unrelated persons occupying a dwelling unit with a limit of 20 unrelated persons located at 3811 33rd Street. **Seconded by Mr. Chad Haynie.** Roll call vote was as follows: Mr. Garner- No; Mr. Haynie-No; Mr. Dale-No; Mr. Chandler-No; Mr. Shobe-Yes. **Motion failed.**

V-21-23 Lot 1 Ken Hicks Property -- Requests a variance to allow drive access from primary street located at Bridge Avenue and Rice Mine Road.

Luke Pate, Duncan Coker Associates, P.C. 302 Merchant Walk, Suite 250, Tuscaloosa, appeared before the Commission on behalf of Tiger Management, LLC. Mr. Pate stated Tiger Management, LLC is proposing to construct a new convenience store located at 1655 5th Street. Mr. Pate also stated the proposed development will be for Lot 1A. Mr. Pate stated currently there are two existing drives along the corner of Bridge Avenue and Rice Mine Road and 5th Street. The proposal to reduce the access points to one 24-foot driveway that will align with the drive access across 5th Street. Mr. Pate also stated the new access point will be jointly shared with Lot 1B.

Brian Chandler asked if Lot A and Lot B currently have the same owners.

Luke Pate stated yes.

Brian Chandler asked if traveling on Rice Mine Road where would you exit.

Luke Pate stated the exit is on Lot 1B. Mr. Pate also stated there will be a shared access agreement for the parcels.

Holly Phillips, Staff Engineer, stated staff does not have any issues with granting the request.

Julie Ramm stated staff does not have issues with granting this request due to the reduction in access points with the stipulation that the access point is in alignment with the driveway to the north and with the understanding that the access will serve both Lots 1A and 1B.

Kevin Shobe stated concerns of traffic near the school.

Luke Pate stated the shared access would be an improvement of what is currently there.

Julie Ramm stated the shared access would be an improvement.

Motion by Mr. Chad Haynie to approve the requested variance to allow drive access from primary street located at 1655 Bridge Avenue. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Shobe-Yes; Mr. Dale-Yes; Mr. Garner-Yes; Mr. Chandler-Yes. **Motion carried.**

V-21-24 J. Todd Palmer – Requests a variance from maximum sign square footage allowed for a residential multi-family development located at 1901 First Street.

Milton Chancellor, 2706 Mayfield Street, Northport appeared before the Commission accompanied by J. Todd Palmer. Mr. Chancellor stated First and Main Apartments are located on 1901 1st Street. Mr. Chancellor stated Todd Palmer is requesting a variance regarding the allowed sign size for a residential multi-family development. Mr. Chancellor stated the wall sign will face Highway 69. The current size is limited to a maximum square footage of 32 square feet. Mr. Chancellor also stated the requested sign will have 36-inch-high letters which will be 100 square feet. Mr. Palmer also requested for a monument sign that would be seen from Main Street. Mr. Chancellor stated the design itself is a retro look and will have a neon outline at night and a brushed silver finish in the day.

Jon Garner asked what color neon.

Milton Chancellor stated it could be green, red, or white.

Kevin Shobe asked how bright the lights would be.

Todd Palmer, 1901 First Street, appeared before the Commission stating its not designed to attract, but to make a statement for the whole area.

Julie Ramm stated the maximum allowable square footage for these types of developments are included in Section 804.06. Multi-Family Residential Signs. Permits are required for all signs located on multifamily residential properties. The following requirements apply to multi-family residential sites: A). Wall Sign-32 square feet. B). Freestanding Sign-32 square feet. C.) Allow one sign of either type at each entrance from a public street. The zoning ordinance allows the development to have one wall or freestanding sign per entrance to the development at a maximum of 32 square feet per sign. The proposed wall sign is approximately 83 square feet. Mrs. Ramm stated the applicant is requesting square footage that is more than 2.5 times the allowable square footage.

Jon Garner stated anything outside of the ordinance is setting a precedent for others.

Chad Haynie asked for more information.

Brian Chandler asked for examples of other signs that have been installed. Mr. Chandler also stated he thinks there is a character that the city wants to maintain in that core area and would like to stay within that character.

Todd Palmer stated he would get more information.

Chad Haynie asked if the freestanding sign requires a variance.

Julie Ramm stated the Petitioner did not submit a drawing for the freestanding sign. However, the application stated the sign would be 64 square feet, twice allowable square footage, which would require a variance.

Chad Haynie and Jon Garner requested a rendering of a sign that would meet the ordinance.

Todd Palmer stated he would present a 32 square foot rendering and examples of materials of similar signs.

Motion by Mr. Jon Garner to table requested variance from maximum sign square footage allowed for a residential multi-family development located at 1901 First Street for the December 16th meeting.

Seconded by Mr. Kevin Shobe. Roll call vote was as follows: Mr. Garner-Yes; Mr. Shobe-Yes; Mr. Dale-Yes; Mr. Haynie-Yes; Mr. Chandler-Yes. **Motion Carried.**

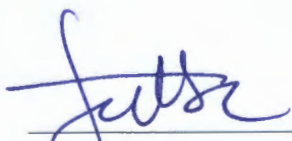
X. DISCUSSION

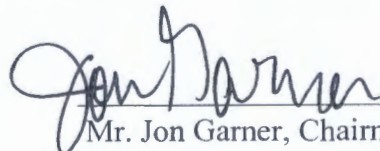
Julie Ramm stated the regular Zoning Board of Adjustment meeting is scheduled for December 16, 2021 at 6:00 p.m. and at that time City Hall has a Christmas Open House. Mrs. Ramm suggested the meeting be rescheduled for December 16, at noon.

Motion by Mr. Chad Haynie to move the December 16, Zoning Board of Adjustment meeting to December 16, 2021 at noon. **Seconded by Kevin Shobe.** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Shobe-Yes; Mr. Dale-Yes; Mrs. Phifer-Yes; Mr. Garner-Yes; Mr. Chandler-Yes. **Motion Carried.**

XI. ADJOURNMENT

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



Julie Ramm, Secretary

Mr. Jon Garner, Chairman

