

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, SEPTEMBER 15, 2022**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, September 15, 2022, 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, Mr. Kevin Shobe, and Mr. Brian Chandler. Absent and failing to vote was Ms. Tena Phifer and Mr. Tyler Waler. Also present were staff members Mrs. Holly Phillips, Mr. Chris Cunningham, Mr. Shaun Patten, and Ms. Meredith Mullins.

Approval of Minutes

The minutes for July 21, 2022, were approved by voice vote by the following: Mr. Shobe – Yes; Mr. Dale - Yes; Mr. Haynie – Yes; Mr. Garner - Yes; and Mr. Chandler - Yes; **Motion carried.**

Approval of Agenda

The agenda for September 15, 2022, was approved by voice vote by the following: Mr. Shobe -Yes; Mr. Dale - Yes; Mr. Garner - Yes; Mr. Haynie – Yes; Mr. Walker – Yes; and Mr. Chandler - Yes. **Motion carried.**

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

Verification of No Conflict of Interest - None

Notice of Right to Appeal – No conflict of Interest.

Old Business - None

New Business

V-22-14 Jason and Wendy Simmons – Jason and Wendy Simmons are requesting a variance from the requirements on privacy fence height of 4 feet in a front yard in Section 613 at their residence located at 11735 Ashley Avenue. The petitioner was not present.

Mr. Jason Simmons and Wendy Simmons, located at 11735 Ashley Avenue, stated that they have an extension that is on the side of their property that exceeds the maximum height, standing at 6 ft for a wooden privacy fence. The petitioners are asking for variance on the height of the fence. We have already adjusted length and the distance from the edge to the sidewalk that was recommended to us by the City. Mr. Simmons stated that they believe our neighbors have complained that they can not see traffic out of their driveway. The neighbors park right on our property line and sometime over. They stated we have kids that play sports and wanted to be sure no damage to their property was made and we were trying to be proactive with our property. We hired a contractor, Jordan Langley Fence, who we later found out did not pull a fence permit. We applied for a permit after the complaint was made. We have spoken with the contractor, and he stated to bring it back to code would require extra cost.

Mr. Garner stated that from pictures that a panel was missing. Mrs. Simmons stated that they removed that panel per city request.

Holly Phillips stated that for sight distance that the removal of panel would solve this issue.

Jason Simmons stated that the contractor stated since we do not have an HOA for our neighborhood and we would not have to pull a permit

Mr. Garner stated they could lower the fence to the right height and take out the panels to meet requirements or they could remove additional panels to correct the issue.

Jason Simmons stated that they thought that doing as the City recommended would fix the issue. To take down or replace would be a financial hardship on their case.

Mr. Shobe asked regarding the financial hardship, with the contractor not doing what was needed, you could go through a legal process. Mr. Shobe asked if they would compromise.

Jason Simmons stated a legal route would require them would add to the hardship. He stated that they are willing to do what is needed.

Wendy Simmons stated that if they need to remove an additional panel, they would be willing to do that.

Mr. Garner opened the floor for public comments.

With no one to appear, Mr. Garner closed the floor for comments.

Motion by Mr. Chad Haynie requesting a variance from the requirements on privacy fence height of 4 feet in a front yard in Section 613 at their residence located at 11735 Ashley Avenue subject to the requirements to the city engineer.

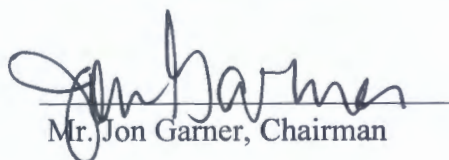
Mr. Garner added to remove two additional panels along with the poles and the fence cannot be extended beyond that to meet the code.

Seconded by Mr. Aubrey Dale. Roll call vote was as follows: Mr. Haynie- Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Chandler - Yes; and Mr. Shobe - No; **Motion carried.**

X. DISCUSSION

XI. ADJOURNMENT

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



Mr. Jon Garner, Chairman



Julie Ramm, Secretary