

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, MARCH 23, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, March 23, 2023, in the Council Chambers of the Northport City Hall by Chair 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, Mr. Tyler Waler and Mr. Brian Chandler. Absent and failing to vote was Mrs. Tena Phifer. Also present were staff members Mrs. Julie Ramm, Mrs. Morgan Williams, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Shobe. to approve the minutes for January 19, 2023. **Seconded by Mr Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Haynie – Yes; and Mr. Walker – Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr Haynie. to approve the agenda for March 23, 2023. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Chandler -Yes; Mr. Dale – Yes; Mr. Garner – Yes; and 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 – No conflict of Interest.

Old Business - None

New Business

- a. **V-23-2** – Foster and Herring, LLC is requesting a variance from the setback requirements in Section Table 4-3 for O-I (Office and Institutional) at 3514 14th Street.

Josh Rogers, Thompson Engineering at 2900 8th Street, stated the this is a small lot that is adjacent to the railroad. They are wanting to develop a fellowship hall for the church on this lot. The lot that sits on the left side, they are wanting to develop a fellowship hall for the church. They are requesting a variance for the fellowship hall on the setback requirements. The existing church is already on the across setback, the fellowship hall set back request is to move from 25 feet to 15 feet.

Mr. Garner read from the petitioner's application that the hardship that is noted that the irregular shaped lot with the railroad along with the flood way on the property. The petitioner stated that the property does have a power easement that runs through it.

Mr. Haynie asked what the proposed square footage on the fellowship hall was. Mr Rogers did not know right of hand but did know that the building occupancy is 80.

Mr. Garner opened the floor for public comments.

With no public comments to be heard, Mr. Garner closed the floor.

Motion by Mr. Haynie I make a motion to grant Foster and Herring, LLC requested variance from the rear setback requirements of 25 feet to 10 feet, for the property located at 3514 14th Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; and Mr. Garner – Yes; **Motion Carried.**

- b. **V-23-6** – Foster and Herring, LLC is requesting a variance from the required parking requirements in Section 610 at 3514 14th Street.

Josh Rogers, Thompson Engineering at 2900 8th Street, stated that they are wanting to request the variance for parking from 71 parking space to 40 parking spaces. This is due to the flood way on the eastern part of the lot. They are going to have off street parking adjacent to the church along with the handicap parking. There is a power easement that runs through the proposed parking lot along with the poles and hinders the number of spaces. Currently the parking lot that they have is not striped and can fit around 20 parking spaces. Typically, as of now, they have no more than 10 cars in their parking lot.

Mr. Chandler asked about one of the poles falling into a space. Mr. Rogers stated that it does not it's by the sidewalk.

Mr. Haynie asked if events would be going on simultaneously at the fellowship hall and church. Mr. Rogers stated no.

Mr. Garner asked if the current lot was gravel. Mr. Rogers stated yes and the proposed would be a hard surface.

Mr. Garner opened the floor for public comments.

With no public comments to be heard, Mr. Garner closed the floor.

Motion by Mr. Haynie I make a motion to grant Foster and Herring, LLC requested variance from the minimum parking requirements from 71 spaces to 40 spaces for the property located at 3514 14th Street. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – Yes; Mr. Chandler -Yes; Mr. Dale – Yes; Mr. Garner – Yes; **Motion Carried.**

- c. **V-23-4** – Michael Faulkner is requesting a variance from the building materials and design review requirements in Section 1002.13(B4) to allow the use of painted metal siding on a building located at 4512 Lakeshore Drive.

Michael Faulkner, 4512 Lakeshore Drive, stated he was building a shop on the property and would like to use painted metal instead of vinyl siding.

Mr. Garner asked the petitioner what his reason was on using painted metal verse an allowed material. Mr. Faulkner stated that he believes that the metal siding would hold its value better and would not warp or fade over time.

Mr. Haynie asked the petitioner what the building material of his home was. Mr. Faulkner stated it was brick and vinyl. Mr. Haynie asked if there was a reason to not use the same on the shop. Mr. Faulkner stated that he did not want to brick the structure.

Mr. Garner stated that the ordinance states that metal siding was allowed on a 200 square foot structure only. Mrs. Ramm clarified that was correct.

Mr. Haynie stated that the application stated there was a signed petition for this case. Mr. Faulkner stated he went around to his neighbors.

Mr. Chandler asked where the building will be placed on the property and if it will be visible from the street. Mr. Faulkner stated that it will be located behind the house, and it will be noticeable from certain angles.

Mr. Garner asked for address or locations of similar structures in the area. Mr. Faulkner mentioned 701 Sable Lane. Mr. Shobe asked what the hardship was, Mr. Faulkner responded that he didn't like vinyl and didn't feel that the ground was sufficient to support a brick foundation. Mr. Shobe asked if the metal siding would be cheaper, Mr. Faulkner responded that it would be.

Ms. Ramm showed a Google streetview image of 701 Sable Lane for the board to examine. Mr. Faulkner mentioned that 716 Sable Lane also had a similar structure. Ms. Ramm showed google maps image of the area. Mr. Chandler stated that the metal buildings visible to him appeared to be smaller in size and would be allowable. Mr. Faulkner mentioned another possible building in the area, staff was unable to find any images of the building in question.

Mr. Faulkner stated he has received a permit and has started the process. He has the pole set and roof but was waiting on the approval to complete the structure.

Mr. Haynie asked if the shop will be viewable from Hunter Creek Road. Mr. Faulkner stated yes you can catch a glimpse of it.

Mr. Garner opened the floor for public comments.

Dan Tiller, 4406 Lakeshore Drive, stated he does not have anything to say on this structure and supports the request.

With no public comments to be heard, Mr. Garner closed the floor.

Motion by Mr. Dale. I make a motion to grant Michael Faulkner a variance to allow metal siding for his accessory building located at 4512 Lakeshore Drive. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Dale - Yes; Mr. Shobe – No; Mr. Garner – No; Mr. Haynie – Yes; and Mr. Chandler -No; **Motion Failed.**

Mr. Garner brought the petitioner's attention to his right to appeal on the back of his agenda.

- d. **V-23-5** – Northport Church of God is requesting a variance from the building materials and design review requirements in Section 1002.13(B4) to allow the use of painted metal siding on a building addition located at 2427 20th Avenue.

Jason Coker, 302 Merchant Walk with Duncan Coker Associate stated that they are planning on tearing down the old sanctuary that houses the children's center. We are wanting to take the corner of the metal building that is already established and build it out. This would allow them to move the children's center while we are demolishing the old sanctuary. If we where to use a brick, hardy board, or vinyl siding on this build out it would be more of an eye sore to the public since the metal building is already established. They are not actual increasing the square footage of the metal siding. The metal building was built around the 80's and before the ordinance was in place.

Mr. Haynie asked if the variance would allow them to use a non-conforming building material for the new structure. Mr. Cunningham stated that it would not unless the board specifically included that in their motion. Mr. Coker said that they are perfectly fine with that. Mr. Garner stated that if they were to decide on using a metal siding on the rebuild of the sanctuary, it would have to come back to the Zoning Board of Adjustments. Ms. Ramm stated that this understanding is correct, and suggested that the board amend the motion from the one listed in their packet to be more specific. Mr. Coker stated that he was fine with this

Mr. Garner opened the floor for public comments.

With no public comments to be heard, Mr. Garner closed the floor.

Motion by Mr. Chandler I make a motion to grant Northport Church of God a variance to allow metal siding on their proposed building addition for the property located at 2427 20th Avenue. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale - Yes; Mr. Garner – Yes; Mr. Haynie – Yes; and Mr. Chandler -Yes; **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