

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, MAY 18, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, May 18, 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. Kevin Shobe, and Mr. Brian Chandler. Absent and failing to vote was Mr. Chad Haynie, Mrs. Tena Phifer and Mr. Tyler Walker. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Chandler. to approve the minutes for March 23, 2023. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; and Mr. Garner - Yes.

Motion Carried.

Approval of Agenda

Motion by Mr. Shobe. to approve the agenda for May 18, 2023. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; and Mr. Garner - 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-23-7** – Lamar Advertising requests a variance from the billboard requirements in Section 804.01.c to install a new digital billboard without conforming to the current sign ordinance requirements for the property located at the intersection of U.S. Highway 82 and U.S. Highway 69 at 3107 Lurleen B. Wallace Blvd.

Derrell Durrell, with Lamar Advertising, stated he has been in the billboard business for 31 years with Lamar. He stated that they are requesting to change the face of an existing billboard from static to digital at the 3107 Lurleen B. Wallace Blvd location. He stated that in the last 20 years they did not have to change the billboard to change the advertisement, which required them to take the face down off the billboard. With technology advancing we are now able to change out the billboard advertisements with vinyl. Mr. Durrell stated that they are now asking if they can change the face to digital. He stated that the city is not interpreting the sign ordinance correctly. He stated that Lamar is not changing the billboard,

they are simply changing the way the advertisements are placed and displayed. Mr. Young stated that the hardship for this petition is the city is misinterpreting the sign ordinance.

Mr. Chandler asked about the other billboards in the area and if they are handled and owned by Lamar. Mr. Durrell stated yes.

Mr. Shobe asked that converting to digital, they would not have to do anything going forward. Mr. Durrell stated that was correct, that the digital sign will go on the frame plates that are already there.

Mr. Dale asked if this was a two-sided billboard and about the light on the billboard. Mr. Durrell stated yes, and they are only requesting one side of the billboard. Mr. Durrell stated that the light that is currently on the billboard is dimmed.

Mr. Shobe asked if they are continuously changing out of advertisements now and does that lead to more income. Mr. Durrell stated yes which means more income and taxes for the city.

Mr. Chandler asked if the back side of the billboard would remain static. Mr. Durrell stated yes.

Mr. Shobe asked the petitioner what the hardship was. Mr. Durrell stated, the staff has reviewed the conversion of a static billboard to digital as a new installation and that is not the case. He stated that they are installing a new face on the billboard not replacing the billboard nor structure or changing anything but the face. He also stated that there is nothing in the city ordinance that states he cannot do this and that if he made this a painted face and not digital, there would be no issue.

Mr. Garner asked Mrs. Ramm if there has been a case in the past like this. Mrs. Ramm stated no, they have not dealt with one that is the same, except for Mr. Kubiszyn whose is located down by Wal-Mart. Mr. Garner stated that they were just taking the face off and replacing it.

Mr. Shobe asked if the petitioner had a drawing or pictures of exactly what they were doing. Mr. Durrell stated that he could provide them later.

Mr. Durrell stated that they have been in business for over 125 years and have a good relationship with City. He stated that they have advertisements currently running for the city itself.

Mr. Shobe stated that what Mr. Durrell is stating regarding the work Lamar is doing with the work for or with the city, cannot be used for the deciding factor. Mr. Durrell stated that is not the hardship, the hardship is that the zoning ordinance does not state that this can be done, that the city's staff is interpreting it that way and they are denying the permit.

Mr. Garner asked if this were about the interpretation, what would need to be done. Mrs. Ramm stated that if there was a question about an interpretation then an administrative appeal could be filed and would be presented to this board. Mr. Durrell stated that this is what they are doing. Mrs. Ramm stated they applied for a variance which is different from an administrative appeal. Mr. Durrell stated they did as they were instructed to do by city staff.

Mr. Shobe asked if the main goal was to switch the face on the billboard. Mr. Durrell stated yes.

Mr. Garner stated that an administrative appeal would be presented to the Zoning Board for the interpretation of the ordinance. Mrs. Ramm stated that the board would be in charge with upholding the staff's interpretation or an attorney interpretation.

Mr. Durrell stated the definition of the zoning ordinance to the board on the changes of message on the billboard. He stated that they are not establishing a sign; the sign is there and it's not going anywhere. He also stated they are not building a billboard; they are changing how the billboards advertisements are read.

Mr. Garner stated personally he would like a little more time to review the case and receive legal advice on the interpretation. He stated that he does not want to deny the case until he has looked more into this case.

Mrs. Ramm asked if we would like to table this case. Mr. Garner stated yes, and he would like time to review the video and photos from Lamar. Mr. Dale agreed.

Mr. Shobe stated that the hardship cannot be financial. Mr. Durrell stated that was not the hardship it was that the ordinance is not being interpreted correctly.

Motion by Mr. Garner I make a motion to table V-23-7 case for Lamar Advertisement. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Dale – Yes; Mr. Shobe – No; Mr. Chandler – Yes; **Motion Carried.**

- b. **V-23-8** – Tim Clements requests a variance from special development standards found in Article 4 for the business located at 1786 Harper Road.

Tim Clements, with Sipsey Truck and Tractor, stated they are currently renting in Buhl and are looking and wanting to move into the City Limits. He also stated the current location they are looking at is 1786 Harper Road, which houses a large shop they will use to work on equipment. He stated that they also go out and work on larger equipment at their location of job site, due to size and mobility.

Mr. Chandler asked about housing the equipment. Mr. Clements stated they have parking that is paved and there is a location that is gravel area that would be accessed by coming through the building for the sale of equipment.

Mr. Shobe asked if they were renting this location. Mr. Clements stated yes.

Mr. Chandler asked if there was a location they were going to use for the repair of vehicles. Mr. Clements stated there was and it would be in the back of the fenced property. Mr. Chandler asked if there was an access on this area of the lot. Mr. Clements stated no that Turner and Schoel's building is located on the other side of the fence.

Mr. Shobe asked if there would be a covering on the fence. Mr. Clements stated there was some covering on the fence now that they would leave but there would not be a covering on the fence area that would house equipment they would be trying to sale.

Mr. Clements stated that the current business does store equipment they use for striping the road at this location.

Mr. Shobe stated that the reasoning for the gravel is due for the weight of the equipment tearing this concrete or pavement up.

Mr. Shobe stated that the hardship would be financial due to the repairs to the pavement or concrete being out of the renter's pocket.

Mr. Clements stated that across the street is the City of Northport Public Works and leaving the gravel parking is the same reason the city has gravel there. Mr. Shobe stated that they were exempt. Mr. Chandler stated his only issue is that the storage of the vehicles and not being able to determine that the equipment will be in the area the petitioner stated. Mr. Clements stated that 90 percent of the repairs his company makes is on site.

Mr. Shobe asked if the petitioner was willing to provided storage for the equipment that he is wanting to park in the gravel parking lot. Mr. Clements stated that the property is closed in on three sides.

Mr. Chandler asked if they will sale repaired equipment. Mr. Clements stated he would be selling some repaired equipment that his company invested a lot of money in and was never picked up or paid for.

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 Tim Clements a variance to allow storage and repair of vehicles and heavy equipment on the existing gravel parking lot for the business located at 1786 Harper Road. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Chandler – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; and Mr. Garner – Yes; **Motion Carried.**

- c. **V-23-9** – Lauren Smelley requests a variance from the front and side setback requirements in Section 603, Table 6-2 located at 1510 Bellwood Lane.

Bobby Herndon, 2728 Lurleen B Wallace Blvd, represented Lauren Smelley, stated that Ms. Smelley recently purchased 3 lots in the Bellwood subdivision. He stated there is an existing residence and a detached garage that is encroaching on building lines. Mr. Herndon stated they are wanting to convert this from 3 lots to 2 to be able to conform with the building setbacks. He stated that the lot that would contain the residence would not meet the setback requirements. He stated that the other two lots would.

Mr. Chandler asked if the variance goes with the property. He asked is that is true. Mrs. Ramm and Mr. Cunningham stated that you could grant the variance on the existing structure. This would allow the new future structures on this lot to have to concur with the then building and zoning ordinance.

Mrs. Ramm stated that the Planning Commission committee did approve the preliminary plat for two lots.

Mr. Chandler asked what structure we need to focus on with making our motions. Mrs. Ramm and Mr. Patten stated we would need only specify for the dwelling.

Mr. Garner opened the floor for public comments.

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

Motion by Mr. Dale. I make a motion to grant Lauren Smelley a reduction in front setback requirements from 30 feet to 19.5 feet, and a side setback reduction from 10 feet to 6 feet, for the existing structure located at 1510 Bellwood Lane. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Dale – Yes; Mr. Shobe – Yes; Mr. Garner – Yes; and Mr. Chandler – Yes. **Motion Carried.**

- d. **V-23-10** – Medger Brown requests a variance from the front setback requirements in Section 603, Table 6-2 located at 2700 Deerfield Lane.

Medger Brown, 2700 Deerfield Lane, stated they are wanting to add a two-car garage which would open the inside of the home and add another entrance for the home. He stated that there are closer homes on his street but with the attached garage they are requesting approval, would not be as close to the street.

Mr. Dale asked if there was a detached carport on the property now. Mr. Brown stated yes.

Mr. Shobe stated it would be a safer approach when coming home than going around to the front of the home. Mr. Brown agreed and stated that this would help with cars being in the yard as well.

Mr. Garner asked Engineering their comments. Mrs. Phillips stated that the right-of-way in front of this house is around 80 feet of right-of-way, even with this request you will still have around 40 feet of sight. She stated you could still have 2 cars in the driveway. She stated Engineering does not have any issues with the request.

Mr. Garner opened the floor for public comments.

Lynn Thomas, 2705 Deer Antler Lane, stated that we were making sure this was not encroaching on their land but now knows they are not.

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

Motion by Mr. Garner I make a motion to grant Medger Brown a reduction in front setback requirements from 30 feet to 15 feet but not to exceed 50 feet from center line of the road for his property located at 2700 Deerfield Lane. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; and Mr. Chandler – Yes. **Motion Carried.**

X. DISCUSSION

XI. ADJOURNMENT

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



Julie Ramm, Secretary

Mr. Jon Garner, Chairman