

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, SEPTEMBER 21, 2023**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, September 21, 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. Chad Haynie, Mr. Jon Garner, Mr. Kevin Shobe, and Mr. Tyler Walker. Absent and failing to vote was Mrs. Tena Phifer and Mr. Brian Chandler. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mr. Chris Cunningham, and Mr. Brad Matthews.

Approval of Minutes

Motion by Mr. Shobe. to approve the minutes for July 20, 2023. **Seconded by Mr. Haynie.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Haynie – Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Mr. Walker - Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Haynie. to approve the agenda for September 21, 2023. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – 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

Old Business

New Business

- a. **V-23-17** – New Beginning Family Worship, Inc. is requesting a variance from the parking requirements in Section 610 for the property located at 1950 Park West Drive.

Jimmy Duncan with Duncan Coker Associates, 302 Merchants Walk, represented New Beginning Family Worship with their new gymnasium that has triggered the request for a variance. He stated that they have requested to allow a portion of the parking lot to be done with crushed gravel and have requested parking reduction. Mr. Duncan stated that the portion of the parking lot they have proposed with crushed gravel and not paved is due because of future developments on their property. He stated on the parking reduction that all the buildings on their campus property will not be at capacity at the same time. He stated that they already have some parking spaces but will not need the full amount of parking for each facility that is required. Mr. Duncan went over scenarios of data on each facility and parking spaces that they have now.

Mr. Shobe asked what happens when you have an event that contains a full house. Mr. Duncan stated that the most likely scenario is a full sanctuary, down to be events that they have based off the parking. He stated John Marcum did the study that was presented and that he cannot think of a scenario of when all these buildings will be full.

Mr. Garner stated that the packet referenced a future construction. Mr. Duncan stated it would be another educational component since theirs has been successful potentially.

Mr. Haynie asked if there was any other hardship on putting asphalt in for the parking lot versus gravel other than putting a new building there. Mr. Duncan stated that would go into the potential of new construction and then having to remove it. He stated that we have a pretty elaborate detention system and drainage system for this project that is under the asphalt to keep everything away.

Mr. Garner asked if the city engineer had looked at this and what their thoughts were on the hard surface. Mrs. Phillips stated that they will take care of run off and there is an environmental benefit to using gravel versus a hard surface. She stated that as far as detention goes, they will have a lot more infiltration in that parking area than you would have in a standard detention pond.

Mr. Dale asked if the new building would be attached to an existing building. Mr. Duncan stated no.

Mr. Garner opened the floor for the public hearing.

With no one to appear, Mr. Garner closed the public hearing.

Motion by Mr. Haynie to grant New Beginning Family Worship, Inc a variance for a reduction in required parking from 389 spaces to 244 spaces for the property located at 1950 Park West Drive.

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

Motion by Mr. Haynie to grant New Beginning family Worship, Inc. a variance parking standard to allow a gravel parking lot as shown on the site plan for the property located at 1950 Park West Drive.

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

- b. V-23-18 – Lina Majed Husseine is requesting a variance from the accessory structure standards in Section 607 and the curb cut standards in Section 418 for a property located at 824 McFarland Boulevard.

Ron Henderson with Tuscaloosa Engineering, 6300 Twin Oaks Foley Road, represented Lina Majed Husseine stated that they have two options being one is the curb cut and the accessory structure distance from the building. Mr. Henderson stated that they have two frontages, that are Applejack and McFarland Boulevard which makes the setbacks, especially on McFarland Boulevard, a distance back and this limits the space for the building. He stated we have moved the building to the northeast setbacks and that allowing for dumpster location anywhere other than the two-option presented are limited. Mr. Henderson stated that there are two entrances to the site but the second entrance to the north is a full access entrance and he is proposing to limit it to dumpster only, being that there would only be one to two entrances to the dumpster pad per week. He stated you would normally think of curb cuts for full access, and they are only wanting to dumpster pick up and that is typically done at night. Mr. Henderson stated that they have proposed curb cut at the rear of the building and as close as they could get to the property line with the front facing south and not impact the property line. He stated in addition to that there is a 6' space from the curb cut to the building instead of that being 10' that would be a 4' reduction on the accessory from

the building. Mr. Henderson stated that the second option, which in his opinion was not as desirable, would be a dumpster pad being located behind the front of the building with a variance of 4'. He stated his concern is if you have two front setbacks then there is no side entrance if a dumpster is required. He stated if he had to ask for a variance, he wish it to be option one.

Mr. Garner asked if option two puts the dumpster right up on the building. Mr. Henderson stated option one puts the dumpster 6' from the building and option two puts it 4' to the building. Mr. Dale stated the second option would have it behind the building. Mr. Henderson said that option one puts it on the back side of the building but option two puts it coming in the front of the building through a parking space to get to the dumpster, in his opinion again less desirable.

Mr. Garner stated that the minimum requirement for a dumpster is to be 10' from the building. Mr. Henderson stated yes, and he has requested a variance in option one of a 4' reduction and in option two a variance of a 6' reduction. Mr. Garner stated that option one comes with a curb cut. Mr. Henderson said yes, again that is only going to be used most likely at night and will not interfere with the adjoining properties and not being able to see that with landscape facing with 20' landscape requirements on each side and a cover for the dumpster pad itself.

Mr. Shobe asked if there was an option to make the building smaller. Mr. Henderson asked how that would help. Mr. Shobe stated that is to take off the size of the building and you would have a dumpster and the 10' and would be good. Mr. Henderson asked for clarification on which option Mr. Shobe was referring to. Mr. Shobe stated that he was giving him another option, option three. Mrs. Ramm stated if you decreased the footprint of the building, you would have more available land.

Mr. Haynie asked how big the proposed building is. Mr. Henderson stated that it would be 9,850 square feet. Mr. Haynie asked if this will be 3 different retail spaces. Mr. Henderson stated that there will be 3 spaces in the building. Mr. Haynie asked if previously there was a restaurant that was set on this lot. Mr. Henderson stated that it was Los Tarasco and before that it was a fast-food restaurant and the proposed would have considerably less traffic than the previous building.

Mr. Henderson stated as far as option one, one of the thoughts was to take off a portion and square out a corner of the building which would make it less than 9250 square feet and making it an L shape with a 5-6' inset but that does not make sense to me. Mr. Shobe asked if you have more space available, you can rent it for more money. Mr. Henderson said sure and, but he is not renting this space the petitioner is going to occupy the space. Mr. Shobe stated then he will have more space for merchandise to sale. Mr. Henderson stated sure but does the difference in 15x4' make a difference in the amount of merchandise he would sale, probably not and that would be in option one.

Mr. Haynie asked the city if there was an ordinance that exempts the dumpster to be in the front of that building. Mrs. Ramm stated it would have to abide by the setbacks for that zoning and it cannot be in the setbacks nor a landscape buffer. Mr. Henderson stated that in the comments submitted with the construction plan, they state dumpsters cannot be in the front yard and I am trying to respond to that request.

Mr. Dale asked Mrs. Ramm if we had run off problem in this property. Mrs. Ramm stated in a previous case yes, an adjoining property owner was concerned with runoff and drainage structures on the property. Mr. Henderson stated that one of the things that has been done is to remove the property out of the flood zone so there is no issue with that anymore and it was done legally. Mrs. Ramm stated that Dr. Betz issue was not that it was flooding but that the drains were stopped up.

Mr. Henderson stated that the reason for where he has proposed the dumpster and not between the buildings is due to the building adjacent to the east is on the property line on them. He stated that the dumpster placed on right side has three problems: one is that you have 4' elevation change from the parking space to the ground, two is that access to the space is almost impossible and three is that there are limited ability to get a vehicle into that space to get to the dumpster.

Mr. Haynie asked where the dumpster was located previously with Los Tarascos. Mr. Henderson stated in the right back corner, but it does not meet the code. Mrs. Ramm stated that the site would have been developed before the current ordinance was in effect.

Mr. Shobe asked Mrs. Ramm if the size of the building was cut back and could it be placed properly. Mrs. Ramm stated if the size of the building was reduced, you could have that separation of the dumpster and the structure. Mr. Henderson stated that would reduce the building by about 60 square feet of a difference. Mrs. Ramm stated what I have referred to is option two, which puts the dumpster being services through the parking lot. She stated that if in option one, the curb cut, you have that proposed distance and there is another curb cut to the north that is the eye doctor's office. Mr. Henderson stated again this curb cut would only be used maybe twice a week and at night. He stated that either way on the options he has referred to the comment of dumpsters are not allowed in the front yard, and I take that as you cannot access it from the front. Mr. Haynie stated that he understood the issues with the front but asked how small the building would have to be for the dumpster to have to meet the ordinance. Mr. Henderson stated that it is around 60 square feet. Mr. Haynie asked without the curb cut. Mr. Henderson stated less than 60 square feet, his guess is 30 square feet. Mr. Garner asked if that would be option two. Mr. Henderson stated that was correct.

Mr. Patten stated that the motion in packet, if you were to consider option one, does not include the language to approve the accessory structure within 10' of the building. He stated that would have to be added in since that motion is for the setbacks encroachment and curb cut spacing.

Mr. Garner opened the floor for the public hearing.

With no one to appear, Mr. Garner closed the public hearing.

Motion by Mr. Haynie I make a motion to grant Lina Majed Husseine a variance to allow for option one 1) an accessory structure within a 10' feet of the building as shown in site plans within the setback as shown on the site plan, and 2) a reduction in required curb cut spacing from 125 feet to the distance shown on the site plan for the property located at 824 McFarland Boulevard. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – No; Mr. Shobe – No; Mr. Dale – No; Mr. Garner – No; and Mr. Walker – No. **Motion Failed.**

Motion by Mr. Haynie I make a motion to grant Lina Majed Husseine a variance to allow for option two an accessory structure within a setback as shown in option two site plans. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie – No; Mr. Shobe – No; Mr. Dale – Yes; Mr. Garner – No; and Mr. Walker – No. **Motion Failed.**

Mr. Henderson stated there was no place to put the dumpster. Mr. Haynie stated that if the building was smaller than 9000 square feet. Mr. Henderson stated that they were missing the point and if there are two fronts for this property, he has nowhere to put the dumpster.

- c. **V-23-19** – Jonathan Ray is requesting a variance from the development standards found in Section 1002.11 to allow a development site that is split by right of way and under separate ownership for the property located at 3821 McFarland Boulevard.

Jimmy Duncan with Duncan Coker Associates, represented Jonathan Ray, stated this project involves the construction of new office building that are right at 3500 square feet and a new shop building at 6000 square feet. He stated that this request is for a split site and to allow for two different owners and that there was not a hardship for this request. He stated that the dealership is leased from Mr. Ray and the split right-of-way was approved last week and we have come up with a crosswalk for access to the McFarland frontage and the back parcel. He stated that there are going to be some extensive street improvements on 33rd and will be appropriately signed.

Mr. Haynie clarified that this is to continue business at the current location and to be expanded. Mr. Duncan stated that was correct. Mr. Haynie stated that he understood that there will have to be worked to be done to provide the crosswalk and asked if there were plans for site improvements at this time. Mr. Duncan stated no not at this time other than the items that are required for the crosswalk. He stated that there will have to be steep due to the elevation off 33rd. Mr. Haynie asked if there has to be a ramp to get to the crosswalk. Mr. Duncan stated not necessarily but we will get creative with what we have to work with.

Mr. Shobe clarified that Mr. Duncan stated there was no hardship. Mr. Duncan stated that there is a road in between these two properties. Mr. Shobe asked about the other owner adjoining. Mr. Patten stated that tax maps have it listed at Tony Crawford. Mr. Shobe asked if the property owner would not sell the property to them. Mr. Ray, the petitioner, stated he had tried for three years to buy the property and since he would not sell the property, he purchased the property behind.

Mr. Haynie asked if the purpose of this is to continue to operate like you have been at the current location. Mr. Ray stated yes and that if for some reason Mr. Crawford decided to sell the property then they would move the business back to that location instead of behind.

Mr. Garner opened the floor for the public hearing.

With no one to appear, Mr. Garner closed the public hearing.

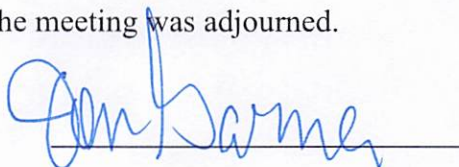
Motion by Mr. Haynie I make a motion to grant Jonathan Ray a variance to allow a site that is split by right-of-way and under separate ownership for the property located at 3821 McFarland Boulevard.

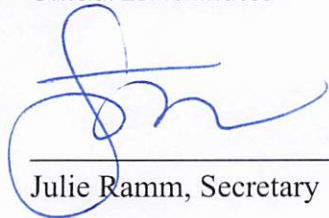
Seconded by Mr. Shobe. Roll call vote was as follows: Mr. Haynie – Yes; Mr. Shobe – No; Mr. Dale – Yes; Mr. Garner – Yes; and Mr. Walker – Yes. **Motion Carried.**

X. DISCUSSION

XI. ADJOURNMENT

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

A handwritten signature in blue ink, appearing to read "Sam Garner", is written over a horizontal line.



Julie Ramm, Secretary

Mr. Jon Garner, Chairman