

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, JANUARY 18, 2024**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, January 18, 2024, 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. Aubery Dale, Mr. Jon Garner, Ms. Tina Phifer, Mr. Kevin Shobe, Mr. Tyler Walker and Mr. Brian Chandler. Absent and failing to vote was Mr. Chad Haynie. Also, present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Mrs. Morgan Williams, Ms. Meredith Mullins, Mr. Chris Cunningham, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for December 21, 2023. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; and Mr. Walker - Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Shobe to approve the agenda for January 18, 2024. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Ms. Phifer – Yes; Mr. Walker – Yes; and 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 - None

Notice of Right to Appeal

Old Business

New Business

a. **V-24-1** – Jamileh Beik Mohammadi and Saman Salari request a variance from the residential development standards found in Section 603.03 for the property located at 4001 Ashburton Lane.

Jamileh Beik Mohammadi and Saman Salari, 4001 Ashburton Lane, stated that they are requesting a variance to convert their unattached garage into a separate dwelling for guests. Mr. Mohammadi stated that they have no friends or family that are located here, and they are growing a family. He stated that the backyard is large and if they need to separate their property, this can be done. He stated that they have plenty of space to park.

Mr. Garner asked regarding the picture provided if the house used to have an existing garage attached and is this still a garage space. Mr. Mohammadi stated that this is part of the house that contains a sunroom

and a small office. Mr. Garner asked if this was originally a garage. Mr. Mohammadi stated he did not know.

Mr. Garner asked how many bedrooms the residence has. Mr. Mohammadi stated that the wing has one room that is small, and they use for an office and there are 4 bedrooms if you count this office space, but there are 3 usable bedrooms.

Mr. Garner stated to the petitioner that the issue with this variance is if at some point in the future the residence sales this variance will stay with the property. He stated that allowing this variance leads to concerns about what the future owners of this property will do with this second dwelling space.

Mr. Mohammadi stated that they are not planning on leaving this property due to his spouse having a 10-year contract with her employer.

Mr. Dale asked if the petitioners had any intention of renting the addition out. Mr. Mohammadi stated no, they need help from their family. Mr. Dale asked if the unattached garage would have to have utilities added. Mr. Salari stated yes.

Mr. Shobe asked the petitioners again if the residence was 3 bedrooms and if it was just the two of them living here. Mr. Salari stated yes, but they use the smallest room as an office. Mrs. Mohammadi stated that they are also using one of the three bedrooms as another office as well. Mr. Shobe asked if the petitioners could use the unattached garage for the office and leave the room for guests. Mr. Salari stated that this would still require the space to be renovated since it only has electricity.

Chairman Garner opened the floor up for a public hearing.

Tony Gray, 3911 Ashburton Lane, stated as far as what the petitioners are requesting, they have no issues with this. He stated the previous owners that lived here had plenty of parking space for their family. He stated that the issues with the air conditioning and putting a window unit in for the addition, there is no window for a unit to be put in. He stated that there is some plumbing in this garage.

Mr. Garner asked Mr. Gray if they were to sell the property and if a new owner used this for an investment property, would you have a problem with that. Mr. Gray stated no, not unless they had to get the law involved.

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

Motion by Mr. Phifer to make a motion to grant Jamileh Beik Mohammadi and Saman Salari a variance to allow a second dwelling unit on a single lot for the property located at 4001 Ashburton Lane. **Seconded by Mr. Shobe.** Roll call was as follows: Ms. Phifer – No; Mr. Shobe – No; Mr. Dale – Yes; Mr. Garner – No; and Mr. Chandler – No. **Motion Failed.**

a. V-24-2 – Jaclyn Ensor requests a variance from the trash receptacle standards found in Section 506.02 for the property located at 1622 Lurleen B. Wallace Boulevard.

Jaclyn Ensor, 1622 Lurleen B. Wallace Boulevard, and Katie Kirk, the assistant, stated that they have 14 available parking spaces for their employees, not including the parking space occupied with the dumpster now. Ms. Kirk stated there are 5 parking spaces available on the side of the building, one being a handicap space available for the parent parking and drop off. She stated that there are at least 16 employees working at the same time. Ms. Kirk stated that they started out with the dumpster being on the ramp, but the company could not access it to empty. They stated that they moved it to parking spot 8 along with going down in size and choosing a black dumpster. She stated we were trying to comply with the ordinance and moved the dumpster to parking spot 1 and received a quote on enclosure. Ms. Kirk stated that the enclosure would then take up at least 2 more parking spots due to access to empty. She stated that would put them with only 12 available spots. Mrs. Ensor stated due to the trash load they must have a dumpster.

Mr. Garner asked what size dumpster they currently have. Mrs. Ensor stated it is the smallest size that the company provides.

Mr. Garner asked how many garbage bins the city allows. Mrs. Phillips stated that she spoke with the Public Works Director and stated that they are allowed two garbage bins at this location. Mrs. Ensor stated that if the city still collected twice a week, they could make that work but they only collect once a week. Ms. Kirk stated that they do collect their trash at night when the parking lot is empty.

Mr. Garner asked the city staff if the variance is granted does it matter where the dumpster is in the front. Mrs. Ramm stated it would still be in the front but for visual purposes from Lurleen B. Wallace, they would prefer it to be back.

Mr. Shobe asked what the hardship for this petition is. Ms. Kirk stated that they would have nowhere for their employees to park. Mr. Garner clarified that the front parking places are for the employees. Ms. Kirk stated that is correct.

Mr. Shobe asked how many employees and children do you have. Ms. Kirk stated that they have 27 employees in total and between 80-90 children.

Mr. Chandler asked if there was a reason you could not reserve the parking spaces on the side for the dumpster. Mrs. Ensor stated that those are reserved for the parents and drop off. Ms. Kirk stated that they use the side door as the entrance.

Mr. Garner clarified that the dumpster as of now is in the front parking lot. Mrs. Ensor stated yes. Mr. Garner asked if moving it to parking spaces 1 & 2 with the stairs, is this going to be an issue for access. Mrs. Ensor stated that the stairs do not go out as far as it looks and believes it will be ok.

Mr. Garner stated that speaking for himself, that there are some challenges with the lot. He stated he is more inclined to consider allowing the dumpster to be located at the front but prefers it to be enclosed. He stated that would be his only stipulation. Mrs. Ensor stated that they would lose two – three parking spaces based on a discussion they had with someone to construct the enclosure. She stated this is our concern.

Mr. Garner stated that he was confused as to if they have the smallest dumpster as to why it will take up to 3 spaces. Ms. Kirk stated it's for them to be able to pull in and access the dumpster.

Mr. Garner asked how long they had been at the location, and did they consider what they were going to do about a dumpster then. Mrs. Ensor stated that they have been there since June, and we did not have an issue until they could not get into the location to collect.

Mr. Dale asked if the parking lot was at the edge of the property line. Mrs. Ensor stated yes.

Mr. Shobe asked if they could slide the dumpster all the way back in space 8 and only the front would be used for the gate. Mrs. Ensor stated that it was as far back as it could be and that they are already close to the property line. Mr. Shobe stated that they could build the gate right up to the curb.

Mr. Garner asked the city staff if the variance is approved then it will follow this property and the dumpster will be allowed in future to be without an enclosure. Mrs. Ramm stated that is correct. Mr. Garner stated that is a concern for him.

Mr. Chandler asked if the grass area in the at the front of the property is theirs. Mrs. Ensor stated yes. Mr. Chandler stated that if you build the enclosure on the grass then you would not lose any additional parking.

Mr. Garner asked the city staff if there would be an issue with doing as Mr. Chandler suggested. Mrs. Ramm stated that it does have to be on a hard surface. Mr. Chandler stated that if they collect at night and if you still had to pour a concrete slab for it to sit on you would not lose any parking.

Mrs. Ensor asked if they would need to file for a difference variance. Mrs. Ramm stated that they would need to apply for a setback variance with it being a separate parcel.

Mrs. Ensor asked if they would need to apply for a different variance to allow them to have a dumpster with an enclosure located in the front of the building. Mr. Garner stated no he would make a motion to cover this, but it would be up to the board if it passed.

Ms. Kirk asked if we must have the enclosure in the front can we park in the back along the fence. Mrs. Ramm stated that it would need to be a hard surface. Mrs. Phillips stated that where the fence is located that would cause a sight issue and would not be allowed.

Chairman Garner opened the floor up for public hearing.

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

Motion by Ms. Phifer to grant Jaclyn Ensor a variance to allow a dumpster without an enclosure as shown on the site sketch for the property located at 1622 Lurleen B. Wallace Boulevard. **Seconded by Mr. Shobe.** Roll call vote was as follows: Ms. Phifer- No; Mr. Shober – No; Mr. Dale – No; Mr. Garner – No; and Mr. Chandler - No. **Motion Failed.**

Motion by Mr. Garner to grant Jaclyn Ensor a variance to allow a dumpster with an enclosure as shown on the site sketch for the property located at 1622 Lurleen B. Wallace Boulevard. **Seconded by Mr. Chandler.** Roll call vote was as follows: Mr. Garner – Yes; Mr. Chandler – Yes; Ms. Phifer – Yes; Mr. Shobe – No; Mr. Chandler - Yes. **Motion Carried.**

X. DISCUSSION

Election of Chair/Vice Chairman

Election Chairman

Motion by Mr. Chandler to nominate Mr. Jon Garner for Chairman of the Zoning Board of Adjustments for the 2024 year. **Seconded by Ms. Phifer.** Roll Call as follows: Mr. Chandler – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Walker – Yes; and Mr. Chandler – Yes. **Motion Carried.**

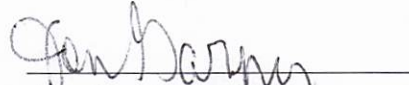
Election Vice-Chair

Motion by Mr. Chandler to nominate Mr. Kevin Shobe for Vice-Chairman of the Zoning Board of Adjustments for the 2024 year. **Seconded by Ms. Phifer.** Roll Call as follows: Mr. Chandler – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Walker – Yes; and 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