

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, JANUARY 16, 2025**

The Northport Zoning Board of Adjustment was called to order at 6:01 p.m. on Thursday, January 16, 2025, 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. Kevin Shobe, Mrs. Tena Phifer, Mrs. Jennifer Taylor – White, and Mr. Brian Chandler. Absent and failing to vote was Mr. Chad Haynie. Also present were staff members Mrs. Julie Ramm, Mr. Shaun Patten, Ms. Meredith Mullins, and Mrs. Holly Phillips.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for November 21, 2024. **Seconded by Ms. Phifer.** Roll call vote was as follows: Mr. Shobe – Yes; Ms. Phifer – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mrs. Taylor – White – Yes and Mr. Chandler. **Motion Carried.**

Approval of Agenda

Motion by Mr. Shobe to approve the agenda for January 16, 2025. **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, Mrs. Taylor – White – Yes. **Motion Carried.**

Adjourn to Executive Session – Voice Vote – Yeas – all

The Board went into an Executive Session for approximately 10 minutes.

Motion by Mr. Shobe to reconvene. **Seconded by Mr. Chandler.** Voice Vote – Yeas – All

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

Supernumerary Members: Mrs. Ramm stated that the Chairman did need to decide which of the Supernumerary Members would participate in voting tonight. Chairman Garner stated that Mrs. Phifer would participate in voting tonight.

New Business

- A. **V-24-18 Kentuck RV Park** – Lynwood Springer is requesting a variance from the parking requirements found in section 610 for the property located at 121 30th Avenue.

Lynwood Springer, 15202 Stonehedge Cliffs Road, stated that “he has plans to build an RV park and is requesting a variance for the parking spaces to be stone instead of concrete, with a ribbon curb 8 inches wide and 12 inches deep”. Mr. Springer stated that the reason he is asking for a variance for this vs. the concrete is because the mobile homes and RV’s are getting larger and weigh more, when people let down their leveling jacks it will sometimes break off the concrete. Mr. Springer showed the landscape plan. He stated that if you look at the stone vs the concrete it will look more aesthetically pleasing.

Mr. Garner asked Mr. Patten if he was aware of any other RV Parks other than the ones he’s referenced and what their services look like around Tuscaloosa County. Mr. Patten pulled up the packet where he included some examples of Deerlick Creek State Park and Lake Lurleen State Park showing concrete RV parking spaces.

Mr. Shobe asked Mr. Springer what made the change, because when he first came to them, it was going to be a top notch RV Park. Mr. Springer stated that it still is going to be top notch, it will look nice when you come into the park, with the asphalt, concrete patios, and the neat laid out crushed stone but the main reason he changed is because of going back and reading some of these people that have spent money on the concrete. This is not going to save any money, it may cost more. He also stated that aesthetically this is going to look a lot better. Mr. Shobe asked if this would be more than concrete, Mr. Springer stated it will probably cost a little more because they have to put down the crushed stone plus the ribbon curb.

Chairman Garner opened the floor for a public hearing.

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

Before Mr. Garner opened the floor for the motion he stated that this may be the most controversial topic other than signage and he wanted to make that clear, all the more reason why this board needed to be as consistent as possible. Mr. Springer stated that Mr. Patten is the one that first told them they had to have concrete. Mr. Springer said he never saw anywhere that said the pad had to be concrete, the way he sees it is storage. They have concrete places for the guests. Mr. Chandler asked Mr. Patten if he had any thoughts, Mr. Patten referred him to the portion of the Zoning Ordinance that is included in the staff report of the packet, that comes from section 610, that all parking spaces including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement. Mr. Springer stated that he still classifies this as a storage place, not somewhere that someone will be parking there and moving everyday. Ms. Taylor-White asked if he would be willing to change the material to concrete. Mr. Springer stated that as far as future maintenance with the concrete being cracked you cannot go in and bond new concrete to old concrete. Mr. Chandler stated that you can require them to put their blocks down, Mr. Springer stated that they aren’t going to do it if no one is there to watch them and force them. Mr. Chandler asked if Mr. Springer charged a deposit. Mr. Springer stated that he did. Mr. Dale asked if Mr. Springer required employees to go with the trailer when they are parked, Mr. Springer stated that they normally would not. Mr. Chandler stated that if you take a deposit and you inspect the site after they leave if they damaged it, you could use that deposit towards it. Mr. Springer stated that the deposit is not going to cover fixing the concrete and everything he is doing is inside the privacy fence, its all contained. Mr. Springer stated that he thinks this will look a lot better than concrete, he wants this park to be one of the best in the state, he has lived in a lot of RV parks over four states and talked to a lot of the owners, he wants this to be a first class experience. Mr. Shobe asked Mr. Springer if he had a study done

and went with the concrete would he be over the ISR. Mr. Patten explained that Mr. Shobe was referring to the impervious surface ratio which is the maximum amount impervious surface allowable on the site. Mr. Springer stated he would need to ask his engineer about that.

Motion by Mr. Chandler to grant Lynwood Springer a variance to allow gravel parking as shown on the site plan for the property located at 121 30th Avenue. **Seconded by Mr. Shobe** Roll call was as follows: Mr. Chandler – No; Mr. Shobe – No; Mr. Dale – No; Mr. Garner – No; and Mrs. Phifer - No. **Motion Failed.**

B. V-24-19 – Donnie Simpson is requesting a variance from the sign regulations found in section 806.02 for the property located at 3800 38th Avenue.

Donnie Simpson, 3800 38th Avenue, stated that he started buying and selling antiques when he retired, it outgrew his house. He put a gas pump out by the trees, used to have an old Tuscaloosa Newspaper stand, sometimes people will stop by to buy or sell stuff and he just applied for a business license there. He is just trying to keep the past alive somehow. Mr. Simpson passed around a picture of the sign.

Mr. Chandler asked if this was the actual sign and if it was without the service station. Mr. Simpson stated he thinks it looks nice, and he is just trying to get a variance to do it now, but he would not do it right now because of the road work. He just wants to complete the picture.

Mr. Garner stated that he loved the sign and that he very much appreciates what Mr. Simpson is trying to do, but he also thinks it has its place and he doesn't think the place is on Highway 43. He also stated that what him and Mr. Simpson see as artistic others may perceive as something more of an eyesore, it may create confusion for people passing by thinking it is a gas station. Mr. Simpson stated that he understands and eventually its going to be a little antique shop. Mr. Garner expressed concern about approving a variance over a very controversial subject.

Mr. Shobe asked Mr. Patten if the car hood in the front was in compliance with the ordinance, Mr. Patten stated that he is not aware of any issue with the Zoning Ordinance but would refer to someone in Code Enforcement or Legal regarding code on vehicles.

Chairman Garner opened the floor for a public hearing.

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

Motion by Mrs. Phifer to grant Donnie Simpson a variance from the sign regulations to allow a freestanding sign as shown on the site sketch for the property located at 3800 38th Avenue. **Seconded by Mr. Shobe** Roll call was as follows: Mrs. Phifer – No; Mr. Shobe – No; Mr. Dale – No; Mr. Garner – No; and Mr. Chandler – No. **Motion Failed.**

C. V-24-20 – Rodney Booth is requesting a variance from the accessory structure regulations found in section 607 for the property located at 1 Booth Estates.

Rodney Booth, 1 Booth Estates, spoke at the podium. He stated that he put an accessory building in his backyard and had no idea he needed a permit, he worked in construction with his father. Mr. Garner

clarified that he had a construction background but did not know he needed to ask for a variance. Mr. Booth confirmed that he did not know he needed a variance for a portable building. Mr. Booth stated that they were formerly at Black Warrior Village (RSB Enterprises) for almost 5 years before someone moved in on the other end. They had tenants moving in that their landlord said was not going to be moving in, they were down to two parking spaces, they had spent a lot of money, they had to come to peace and say they couldn't keep doing this.

Mr. Garner asked Staff to make sure that we are seeking 3 variances in this one request, 1. Impervious Surface Ratio – where are we on this one? Mr. Patten stated that in this Zoning district which is RS-1 (Residential Single Family) the lots are allowed ISR of up to 0.3 which would mean 30% of the lot is covered with Impervious Surface, as proposed this one would be 0.34 which is a little over what is allowed. 2. Setbacks – Mr. Patten stated that Accessory Structures are required to be 5' off the side or rear lot line, this is more than 5' off the rear lot line but the side lot line is closer to the 5', the site sketch shown on the drawing with the application shows 4' but after talking to Mr. Booth he says it maybe closer to 4.6'. Mr. Garner asked what the maximum levels of Square Footage is. Mr. Patten stated that its up to 50% of the size of the principle building which on this property is 2,744 so combining all accessory structures that are there already that would put him at 51%. Mr. Garner stated that was a lot.

Mr. Booth stated that's a lot combined, but he is only 3" away from the side setback line and 1% over the combined square footage. Mr. Booth stated that he just needs the building. Mr. Garner stated that cases like these are very difficult because it is essentially taking action and then asking for forgiveness, and everybody sympathizes with him but the ordinances exist for a reason. Mr. Booth stated that he has neighbors across the street that have 5 buildings in their yard. Mr. Garner asked Mr. Patten what the story was on that. Mr. Patten stated that he cannot speak to every one of the buildings over there but he did go by and look at some of them in the area and it looks like majority of them pre-date the ordinance, there are some and they will be receiving a letter from the City about bringing the property into compliance.

Mrs. Taylor-White asked Mr. Booth if he had talked to any of his neighbors prior to coming here tonight to get their support. Mr. Booth stated that he had asked them for support and they were happy to support him.

Chairman Garner opened the floor for a public hearing.

Linda Crowder, 2 Booth Estates, stated that Mr. Booth came and discussed this with her prior to moving the building in before they knew they had to have a permit or anything, she was good with it. It is her personal opinion that if it is ok with her it should not be a problem.

Norris Booth, he knew he was bringing the building in, they have neighbors on the street that have carports or accessory buildings, he is right behind this building and he does not have a problem with it.

Pat Geddes, 2605 Mayfield Street, representing the customers of Rodney Booth, stated that there are a lot of them that depend on Rodney.

Mr. Garner stated that no one was downing the business.

Kathy Pearson, 19 Booth Estates, stated that she has no issues with this building being on the site.

Carl Anthony Fletcher, 12568 Lakeland Country Estates, worked for Rodney at the other location, he feels like the service he provides is invaluable to the community.

Mr. Garner asked Mr. Booth if he had explored other options for spaces in the community. Mr. Booth stated that he has, they looked at one here on 43 but after an \$80,000 investment at the other location and the stress that it has brought on them, this was the alternative, it was either this or they would have to file bankruptcy.

Chairman Garner closed the public hearing.

Mr. Chandler stated that he wanted on the record that if they do approve the variance the variance will stay with the property forever, so down the road, you no longer live there, someone could come in and tear down the home and build another larger home. Mr. Booth asked if the building could be removed if they did not want the building there. Mr. Chandler stated that they could remove the building.

Mr. Patten stated that the way the sample motion is worded it would tie the variance to the site sketch provided with this application so if someone were to redevelop this property unless they were going to redevelop it exactly as shown on that site sketch the variance wouldn't apply to them. The variance would be permanent and it does run with the land but it would not apply to future development on this site.

Mr. Booth stated that his aunt actually had the property resurveyed, her fence is actually sitting a foot over the property line, there is a manhole sitting at the back of all four lots, and that is where the fence goes over the property line, so that 5" he is in the clear there. Mr. Shobe stated that when Mr. Booth brought up his finances it really handicapped him, because if he wanted to give it to him he couldn't. Mr. Booth stated that Mr. Garner asked if he had explored other options. Mr. Shobe stated that they cannot give a variance due to a financial burden.

Mr. Patten stated that he is not really sure what he was saying about the fence. Mr. Chandler stated that the fence doesn't necessarily represent the property line. Mr. Patten asked Mr. Booth if the site sketch that was sent in with the application if that was measured to the fence and not the property line, Mr. Booth confirmed that was correct. Mr. Patten asked if he had a survey stating he was 5' off the property line. Mr. Booth confirmed that he does have a survey.

Mr. Garner asked staff if staff had a survey, Mrs. Ramm stated that we do not have a survey, if we had a survey and that survey showed it was 5' off the property line, then that would be one less variance that they would be asking for. Mr. Shobe stated that we could table it until next month, until he had the survey. Mr. Patten stated that the Zoning Board does have the ability to table the request and request additional documentation or consider moving on the other two variance requests and allow Mr. Booth to resolve this with the staff, if he has the survey. Mr. Garner clarified that the other two requests are ISR and Maximum Allowable Sq Footage.

Mr. Chandler asked staff how the motion is stated in the packet, if it includes all 3 variables. Mrs. Ramm let the Board know that they could change this motion. Mr. Patten stated that the board could state instead

of just a blanket variance from the accessory structure regulations, you could say from the accessory structure regulations for ISR and Maximum Size, leave out the setback because that may be resolved. Mrs. Ramm stated if the Board wanted to go that way and wanted to leave the setbacks out, if the board votes “no” on the setbacks or the board doesn’t address the setbacks and the survey does not show that he is in compliance with the ordinance, then Mr. Booth would have to start back over again, meaning: filing fees and adjoining property owner fees. The board may want to table the setbacks, so then it can come up at the next meeting if the survey does not show the footage necessary. Mr. Garner asked Mrs. Ramm if the board could table one specific piece of the case. Mrs. Ramm stated that was correct, because it is 3 separate requests. Mr. Chandler wanted to clarify that if the all-inclusive motion fails, then they can go with additional motions that break each item up. Mr. Patten stated that the Board could do it that way or the Board can start by voting on them individually or just the two.

Mr. Cunningham pointed out to Chairman Garner that there was a question about hardships, and there are a couple of things listed in the packet as well regarding hardships.

Motion by Mrs. Phifer to grant Rodney Booth a variance from the accessory structure regulations as shown on the site sketch for the property located at 1 Booth Estates. **Seconded by Mr. Dale** Roll call was as follows: Mrs. Phifer – No; Mr. Dale – Yes; Mr. Garner – No; Mr. Shobe -Yes; and Mr. Chandler – No. **Motion Fails.**

Mr. Chandler asked if the board could consider another motion. Mr. Patten stated that the board could consider another motion.

Motion by Mr. Garner to grant Rodney Booth a variance from the accessory structure regulations as it relates to the impervious surface ratio as shown on the site sketch for the property located at 1 Booth Estates. **Seconded by Mr. Shobe** Roll call was as follows: Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Mrs. Phifer -Yes; and Mr. Chandler – Yes. **Motion Carries.**

Motion by Mr. Garner to grant Rodney Booth a variance from the accessory structure regulations as it relates to maximum allowable square footage as shown on the site sketch for the property located at 1 Booth Estates. **Seconded by Mr. Shobe** Roll call was as follows: Mr. Garner – No; Mr. Shobe – Yes; Mr. Dale – Yes; Mrs. Phifer -Yes; and Mr. Chandler – No. **Motion Fails.**

Motion by Mr. Garner to grant Rodney Booth a variance from the accessory structure regulations as it relates to setbacks as shown on the site sketch for the property located at 1 Booth Estates. **Seconded by Mr. Shobe.** Roll call was as follows: Mr. Garner – No; Mr. Shobe – Yes; Mr. Dale – Yes; Mrs. Phifer - Yes; and Mr. Chandler – No. **Motion Fails.**

Mr. Garner made a motion to table the setbacks. Mrs. Ramm asked Mr. Cunningham if procedurally, can you make a motion to table an item after you failed the motion? Mr. Cunningham stated that he believes so because Mr. Garner is on the prevailing side of the motion.

Motion by Mr. Garner to table the variance request for Rodney Booth regarding the setback from the accessory structure regulations as shown on the site sketch for the property located at 1 Booth Estates.

Seconded by Mr. Shobe. Roll call was as follows: Mr. Garner – Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Mrs. Phifer -Yes; and Mr. Chandler – Yes. **Motion Carries.**

Mr. Garner told Mr. Booth that the Board tabling the setbacks to next months meeting, gives Mr. Booth time to bring in the updated survey. Mr. Booth asked staff and board, if we turn down having a building, what is the point of the setbacks. Mr. Patten stated that the motion for the maximum size failed and the variance for ISR was granted. The two remaining out there are setbacks and maximum size and we will have to rehear that. Mr. Booth stated he cannot cut the building down anymore in size. Mr. Chandler stated he thinks what this board has attempted to do is allow Mr. Booth to bring more information on the one variance request that was in question. Mr. Patten stated that in order for the building permit to be approved by the planning department it would need to be in compliance or a variance granted. Mr. Garner asked if at this point could the entire case be tabled. Mr. Cunningham stated that the prevailing side in this case would be a no vote, could make a motion to rehear or could make a different motion similar to what we did on the tabling of the setback, that is probably the easiest.

Motion by Mr. Garner to table the variance request for Rodney Booth from the accessory structure regulations as shown on the site sketch for the property located at 1 Booth Estates. **Seconded by Mr. Chandler.** Roll call was as follows: Mr. Garner – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mrs. Phifer -Yes; and Mr. Shobe – Yes. **Motion Carries.**

- A. **V-24-21** - Mark Tunnell requests a variance from the building material standards found in section 1002.13 for the property located at 5401 McFarland Boulevard.

Mark Tunnell, 13971 Knoll Point Drive, spoke at the podium. He stated that this location is Tuskalooza Lawn Care's new building and they used to be on Lurleen Wallace for 15 years. He stated that at the old building they had the lawn mowers stored under a covered pole barn, when they bought the new building, they decided they would put the old one in the back with no problem since it is on 4 acres. This is just to keep the lawn mowers from being damaged. They built a pole barn, 6x6 posts, steel trusses and a roof, they have about 50-60 mowers out there.

Mr. Garner asked staff if there was a picture in the slide show that show the building from McFarland Blvd. Mr. Patten stated that he did not have any pictures of it from McFarland Blvd but could show a picture from the Home Accents parking lot. Mr. Tunnell stated that they measured it and it's a little over 500 feet from the road to the pole barn. Mr. Garner stated that he would get the staff to help him but the purpose of the ordinance regarding the pole structure is the appearance or tied to the look of structure. Mr. Patten confirmed that it was tied to the architectural standards. Mr. Tunnell asked what he could do to make it look better, they had already talked about adding some greenery anyways because Mr. Tunnell does not like people being able to see what they have. Mr. Garner asked staff what it would take to get the structure in line with ordinance. Mr. Patten stated for the structure to meet the architectural standards, they would have to enclose it, there is a requirement to have 25% of the front elevation to be windows. Mr. Patten stated that in Commercial Districts accessory structures are still subject to the same architectural standards as principal structures. Mr. Tunnell stated that it would not serve a purpose for them to put a brick veneer over it. Mr. Patten stated that if the building were completed to the architectural standards, it would change parking requirements for the site because you are adding square footage, you will have to bring the entire

site into compliance. Mr. Garner wanted to clarify it would be a complete modification, requiring it to come into full compliance. Mr. Tunnell stated that with him being a fireman, that entails sprinkler systems, etc. on the existing 10,000 sf building. Mr. Chandler asked Mr. Tunnell if they used the green house for the storage. Mr. Tunnell stated the green house was connected to what they have at the new location and they used both sides. Mr. Chandler stated that he was assuming the greenhouse structure would not be up to code today. Mr. Patten stated this would have a legal nonconformity since the other building is an older building. Mr. Shobe asked if since he was willing to do the landscaping part then they could include that in the variance. Mr. Tunnell stated that he would be more willing to do that and make it look as nice as it could possibly look, because this is their building. Mr. Shobe stated if they added it to the variance they could add a time frame for when it needed to be completed. Mr. Patten stated that they could do that, but he recommended that if they wanted to add that as a condition they need to specify the height of the landscaping. Mr. Garner asked Mr. Tunnell if he would be opposed to the Board tabling this so that he could bring a landscape plan to the next meeting. Mr. Tunnell stated that he could show the board what they were wanting to do. Mrs. Ramm stated that just so everyone is on the same page, it may be best to have a landscape plan, not to get a landscape architect but to show the distance between them, the materials just so everyone knows. Mr. Chandler asked if the fence is on their property or the adjoining property, and who owns the fence. Mr. Tunnell did not know who owned the fence. Mr. Chandler asked Mr. Tunnell what Home Accents thinks about this. Mr. Tunnell stated that he had not heard from them, but he feels like they are glad to have someone there because they have been cleaning up behind the building. Mr. Chandler asked if the property goes all the back to the wood line. Mr. Tunnell stated that it did and it is fenced all the way around. Mr. Garner asked if this motion limits to this property owner or if it moves forward with the property. Mrs. Ramm stated that it still runs with the land. Mrs. Ramm stated that if they are going to submit a landscape plan, she would be specific about the type of plant, the distance between the plantings and where they are located, if they are thinking about any other portion of the property she would include that as well. Mrs. Phifer asked Mr. Tunnell if the trees he is proposing would be tall enough where you can see this from the road. Mr. Tunnell stated that was correct.

Mr. Garner asked Mr. Tunnell, if he hadn't bought this property and he was aware of this ordinance, would he have still bought the property? Mr. Tunnell stated that he needs a covered place to keep equipment. Mr. Garner asked if they told him that he had to bring the entire property up to code, would he still have bought the property? Mr. Tunnell stated that he likes the bushes idea. Mr. Garner stated that the problem is, it makes exceptions to the rules, and anytime we make exceptions to the rules it creates problems. Mr. Dale asked what would happen in the future when the trees start dying off. Mr. Patten stated that there is a requirement in the zoning ordinance that the landscaping has to be maintained. Mr. Garner stated that he is in favor of giving more time, because he personally needs some more time to think about it and that also gives Mr. Tunnell some more time to put together a landscape plan. Mr. Shobe asked what the time table would be to plant them. Mr. Tunnell stated that winter time is the time to plant so he would get them in as soon as approved.

Chairman Garner opened the floor for a public hearing.

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

Motion by Mr. Garner to table the variance request for Mark Tunnell from the building material standards found in section 1002.13 for the property located at 5401 McFarland Boulevard. **Seconded by Mr.**

Chandler Roll call was as follows: Mr. Garner – Yes; Mr. Chandler – Yes; Mr. Dale – Yes; Mrs. Phifer - Yes; and Mr. Shobe– No. **Motion Carried.**

DISCUSSION

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 6:07pm.


Mr. Jon Garner, Chairman



Julie Ramm, Secretary