

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, MAY 15, 2025**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, May 15, 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. Chad Haynie, Mr. Kevin Shobe, and Ms. Tena Phifer. Absent and failing to vote was Mrs. Jennifer Taylor-White. Also present were staff members Mr. Shaun Patten, Ms. Meredith Mullins, Mrs. Holly Phillips and Mrs. Katelyn Lesley.

Approval of Minutes

Motion by Mr. Shobe to approve the minutes for April 17, 2025. **Seconded by Mr. Dale.** Roll call vote was as follows: Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; Mr. Haynie – Yes; and Mrs. Phifer – Yes. **Motion Carried.**

Approval of Agenda

Motion by Mr. Haynie to approve the agenda for May 15, 2025. **Seconded by Mr. Shobe.** Roll call vote was as follows: Mr. Haynie– Yes; Mr. Shobe – Yes; Mr. Dale – Yes; Mr. Garner – Yes; and Ms. Phifer – Yes. **Motion Carried.**

Approval of Proper Notification- Mrs. Ramm informed the Board that proper notification was given.

Verification of No Conflict of Interest – No conflicts of interest.

Notice of Right to Appeal

Old Business

New Business

- A. **V-25-3** – Tuskaloosa Lawn Equipment is requesting a variance from the building material standards found in section 3.04.04, 5.01.03, and 12.04.12.B for the property located at 5401 McFarland Boulevard.

Mark Tunnell, 13971 Knoll Pointe Drive, spoke at the podium. Mr. Tunnell stated that they have two storage containers behind the fence, they went ahead and put the wood fence up to hide them and make it look better. He stated that the main building is full and they keep trying to figure out ways to expand.

Mr. Garner stated that the fence really does look good. He asked Mr. Tunnell if they would consider continuing the fence down the property line to the corner of the Home Accents building as a condition of approving the variance request, the reason being thinking about the Home Accents building or whatever business is in that building, the patrons that go there and what they are seeing here at this building.

Mr. Tunnell stated that he knows he will probably want more buildings in the back, something like the one that they have done before. He asked Mr. Garner if he thought that might help. Mr. Garner stated assuming they meet the requirements of the code. Mr. Garner referred to staff for this question.

Mr. Patten stated that under our current ordinance it does not meet the requirements for materials so he would need to make another request for that.

Mr. Tunnell stated that if you put the fence all the way down the property line, there would be a hard time seeing anything in the back.

Mr. Garner stated that the end goal is to enhance the property and anything to enhance the appearance from the Home Accents lot would be appreciated too.

Mr. Dale asked Mr. Tunnell if he already had a pole barn in the back. Mr. Tunnell stated that they do have a pole barn in the back, the new one mentioned earlier would be farther back into the tree line. Mr. Garner stated to please ask before they build it. Mr. Tunnell stated that it would be later down the road, they have people coming in every day asking them to carry more products, which means he needs to find a place to keep it. Mr. Tunnell stated that the back being a shop, the front of the shop (first two bays) is for parts and storage, the back of the shop is for repairs.

Mr. Haynie stated that the fence would make it easier for the variance because if you expand your building you fall into material issue again with that. Mr. Garner stated that if he remembers correctly the location of the pole barn and the fact that it wasn't so visible from the boulevard may have played into the decision to grant that variance so anything that keeps it more sheltered from the main thoroughfare of Northport. Mr. Tunnell stated that he agrees, and he was going to do a fence anyways because it looks better. Mr. Shobe stated that the fence would help them to have more privacy. Mr. Tunnell stated that the trees are inside the fence line so with a wooden fence you probably wouldn't be able to see them, once the trees grow you shouldn't be able to see anything.

Mr. Garner asked Mr. Tunnell if he thought they would need more of these storage containers in the future and if this was a temporary fix. Mr. Tunnell stated that the plan is for these to be temporary, if he can get some other storage covering down the line then he can take the items out of the containers. Mr. Garner asked if the storage later on would be within the ordinance. Mr. Tunnell stated that they need covered areas not enclosed areas. He also stated that he can make them blend in with the building by painting them the gray color of the building, but then in the Home Accents parking lot you would still be able to see what they have. Mr. Shobe stated that's why he is thinking about the fence because it will take care of two issues: securing the property & keeping the storage containers out of sight.

Mrs. Ramm asked board members what if the proposed fence was not on the property line but on the tree line because then you still have the same effect as you do with the front. Mr. Tunnell confirmed they own the chain link fence.

Mr. Tunnell stated that painting the storage containers would give him time to let the trees grow in. He also stated that he could move the storage containers to the back of the property. Mr. Haynie asked Mr.

Tunnell how long he thought it would take for the trees to grow in. Mr. Tunnell stated that it would probably take a few years.

Chairman Garner opened the floor for a public hearing.

Jared Strickland, 8621 Meadowlake Village Drive, spoke at the podium. He stated that you could put something in between the trees.

Chairman Garner closed the public hearing.

Motion by Ms. Phifer to grant Tuskaloosa Lawn Equipment a variance from the building material standards to allow two shipping container accessory structures as shown on the application for the property located at 5401 McFarland Boulevard with the condition that the containers will be relocated to the back of the property within the set-back requirements until a new accessory structure is built. **Seconded by Mr. Garner.** Roll call was as follows: Ms. Phifer – Yes; Mr. Garner – Yes; Mr. Dale – Yes; Mr. Haynie – Yes; and Mr. Shobe – Yes. **Motion Carried.**

Mr. Tunnell asked the board if they were going to go ahead and build a fence, would that be ok? Ms. Ramm stated that the board would need to vote on that. Ms. Ramm stated that right now what the board voted on is for him to move the structures to the back until the other accessory structure is built. Mr. Garner asked if we could withdraw the motion. Ms. Ramm stated that she didn't think we could withdraw. Mr. Haynie asked if we could do a second motion. Mr. Patten stated he could not give a professional opinion and legal was not present at the meeting. Mr. Garner stated that he could always bring it back to the board.

B. V-25-4– KayKay's Flowers is requesting a variance from the home occupation regulations found in section 7.21 for the property located at 8621 Meadowlake Village Drive.

Amanda Strickland, 8621 Meadowlake Village Drive, spoke at the podium. She stated that when they applied for a business license, they were told since they grow flowers, and they aren't on the interior of the home that steps out of the rules. She stated she is just requesting that she can continue to garden like she has been doing but now use it in floral design.

Mr. Garner stated it was his understanding that they are requesting to grow plants with the purpose of onsite distribution. Mrs. Strickland stated it is a two-fold, she is requesting to be able to grow plants for her floral design for events and then opening up the discussion for clients to pick up. She stated that bulk of the business will be weddings and events but on the rare times that a couple of people would want to pick up at the house.

Mr. Haynie stated that he struggles with being in a neighborhood and driving traffic into a residential subdivision for that purpose.

Mr. Garner asked Mrs. Strickland what the two orange drawings were on the picture. Mrs. Strickland stated they have a stand a little bit bigger than a mailbox that they were wanting to put out, and the orange drawings show where they wanted the proposed stand to go which is already by an existing structure the neighborhood has. Mr. Garner asked Mrs. Strickland what the HOA said about the stand being right there.

Mrs. Strickland stated they sent it to Jody Harper and the board members of the HOA said that the stand was fine but Jody suggested they move the stand into their yard versus on the sidewalk.

Mr. Jared Strickland spoke at the podium. He stated that Jody did not say it would be a problem on the other side it was more of the fact that if they let them do it other neighbors are going to think they can sale items right there too. He stated that he is also thinking that if the variance is approved, he can talk to Jody and see if since they have a variance could they place the stand across the street.

Mr. Garner asked Mrs. Strickland if they had heard any comments from neighbors. Mrs. Strickland stated the neighbor on the left is fine with it as long as they do not invade on her parking space, but since they are foster parents, they have a lot of people in and out daily so they are used to having to make sure visitors park in front of their house and not hers. She stated that the neighbors on the right have not had any discussion.

Mr. Shobe asked Mrs. Strickland if business started getting bigger and bringing in more traffic, how would they handle that. Mrs. Strickland stated that she does not foresee maintaining this if she had a booming business, she would open up a shop.

Mr. Shobe asked Mrs. Phillips if the portable structure was in the Right of Way. Mrs. Phillips stated that it appears to be in the Right of Way because there is a 50' Right of Way in this subdivision. Mr. Shobe wanted to confirm that this could not be in the Right of Way. Mrs. Phillips confirmed that was correct.

Mrs. Strickland asked if the board was comfortable with them still growing the flowers. Mr. Garner stated as long as it was not for the purpose of selling. Mr. Shobe asked staff if she could grow her flowers just not sale them on site. Mr. Patten stated that if it is for personal use for a garden that's fine, if it is for a business they would have to get a variance. He also stated if the commission wanted to separate it into two separate votes – the outdoor display and onsite distribution that they could do so.

Mr. Garner told Mrs. Strickland that the variance will remain with the property even if they are gone, which would not stop the next homeowner from doing this as well, that's one of the things this board also has to consider.

Mr. Haynie asked for more clarification on the last sentence of 7.21.02, what does outdoor display mean? Mr. Patten stated that it is signage or product display. Mr. Haynie asked if there were no products that were visible from the street, would it take it out of this. Mr. Patten stated that if it was entirely within a fenced in backyard, he couldn't see that being an issue.

Mr. Shobe asked if it was just her and not the business would she have to come before the board. Mr. Patten stated that it's because it is a business product, there are not really any zoning regulations for residential gardens. He also stated that this came from talking with the applicant about what they wanted to do with their business.

Mr. Haynie asked if the variance was denied are they not allowed to have a business license. Mr. Patten stated that if this variance is denied we won't be able to sign off on the zoning portion of the business license and the license will not be issued. He also stated that if they were able to amend their application

to something that came into compliance with the ordinance we would be able to sign off on the business license. He also stated that if there was no onsite distribution of the product and everything was behind the fence he wouldn't see an issue signing off on the business license. Mr. Garner asked what other alternative do they have to the on-site distribution. Mrs. Strickland stated delivery/delivery fees.

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. Haynie to grant KayKay's flowers a variance from the home occupation regulations to allow a home occupation as shown on the application for the property located at 8621 Meadowlake Village Drive. **Seconded by Mr. Shobe.** Roll call was as follows: Mr. Haynie – No; Mr. Shobe – No; Mr. Dale – No; Ms. Phifer – No; and Mr. Garner – No. **Motion Failed.**

- C. **V-25-5** – The Wag Pet Services, LLC is requesting a variance from the fence regulations found in section 3.07 for the property located at 235 McFarland Boulevard.

Miranda Golden, 11990 Graceland Road, spoke at the podium. She stated that putting a fence in front of the property will enable them to provide a better area for the business. They will be opening up a pet boarding facility. She also stated that their lease does allow them to use the bottom portion of the neighboring property, the fenced in area, the plan is to tie the two fences together at an "L" shape.

Mr. Garner stated that the fence that is there now predates the previous ordinance, this ordinance existed in the most recent one. Mr. Patten stated that the ordinance that was in effect from 2012 to December of last year, prevented fences that were over 4' tall in front yards. Mrs. Golden confirmed that 4' is the max height.

Mrs. Golden stated that as an alternative, since they do have the bottom portion of that property in the lease, they need a way to get the dogs from the building to that fenced in property. She stated they were thinking about maybe putting a fence at the front from the front door to the other property, probably a 10' section. Mr. Garner asked if this was at the front of the building how the patrons would come and go from the building if the fence was there. Mrs. Golden stated there would be two double gates and confirmed that they would be leashing the pets. Mr. Garner asked what the real need for the fence would be. Mrs. Golden stated that if the front door opens and they don't want a dog to just slip out of the owner's hands when they are standing there, the fenced in area will help secure the front door.

Mrs. Golden stated that the fence in front of the property needs some work so a positive out of this will be that they are going to make it look better. Mr. Garner asked if they owned that property. Mrs. Golden stated they do not own that property but the people that own the property they are leasing own this one too and that is how they are able to lease the bottom half as well.

Mr. Garner asked if they make structural improvements to that fence will it have to have approval from the city. Mr. Patten stated no just maintenance and repairs, there is no permit for it.

Mrs. Golden stated that the variance request is for the front of the property, but they are planning to put a 6' fence at the back of the property. Mr. Patten stated that a black chain link fence would be fine in the back.

Mr. Garner stated that the ordinance exists for a reason and obviously they are wanting to make some repairs to the current fence, but we can all agree that's a good example of why we don't allow fences in front of buildings. He also stated that creating a variance even for a small section up close to the building is still a variance, you grant one variance then the neighbors down the street want to do the same thing.

Mr. Haynie asked for clarification if we did not approve the smaller fenced area, it is to connect to the current fenced area. Mrs. Golden stated that was correct, it would be a walkway. Mr. Haynie asked if altering the fence would mess with the fence being grandfathered in. Mr. Patten stated that adding a gate would not impact that. Mrs. Golden asked what would pull it out from being grandfathered in. Mr. Patten stated that tearing it down or changing the footprint would pull it out from being grandfathered.

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 Ms. Phifer to grant The Wag Pet Services a variance from the fence regulations to allow a fence as shown on the application for the property located at 235 McFarland Boulevard. **Seconded by Mr. Shobe.** Roll call was as follows: Ms. Phifer – No; Mr. Shobe – No; Mr. Dale – Yes; Mr. Haynie – No; and Mr. Garner – No. **Motion Failed.**

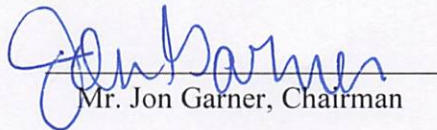
DISCUSSION

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 7:02pm.



Julie Ramm, Secretary


Mr. Jon Garner, Chairman