

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, AUGUST 19, 2021**

The Northport Zoning Board of Adjustment was called to order at 6:00 p.m. on Thursday, August 19, 2021 in the Council Chambers of the Northport City Hall by Chairman Jason Ward.

Upon roll call the following members were found to be present: Mr. Aubrey Dale, Mr. Chad Haynie, Mr. Kevin Shobe, Mrs. Phifer and Mr. Jason Ward. Absent and failing to vote was Mr. Jon Garner, and Mr. Tyler Walker. Also present were staff members Mrs. Julie Ramm, Mrs. Holly Phillips, Mr. Ron Davis, Mr. Shaun Patton.

Approval of Minutes

Motion by Mr. Kevin Shobe to approve the minutes for May 20, 2021. **Seconded by Mr. Aubrey Dale.** Roll call vote was as follows: Mr. Shobe-Yes; Mr. Dale-Yes; Mr. Haynie-Yes; Mrs. Phifer-Yes; and Mr. Ward-Yes. **Motion carried.**

Approval of Agenda

Motion by Mr. Chad Haynie to approve the agenda for August 19, 2021. **Seconded by Mr. Kevin Shobe.** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Shobe-Yes; Mr. Dale-Yes; Mrs. Phifer-Yes; and Mr. Ward-Yes. **Motion carried.**

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

Verification of No Conflict of Interest

Notice of Right to Appeal – Mr. Ward stated the Notice of Right to Appeal procedures were on the back of the agenda.

Old Business

New Business

V-21-16 Jack Kubiszyn – Requests variance from 804.01.C regarding placement of billboards located at 6604 & 6608 McFarland Boulevard.

Jack Kubiszyn, Jr. Christian & Small, LLP, 27 Winthrop Avenue, Birmingham appeared before the Board representing his father Jack Kubiszyn. Mr. Kubiszyn stated he is requesting a variance to allow the erection of a digital billboard without removing four no-conforming billboards.

Jason Ward asked if four signs need to be removed.

Julie Ramm stated yes.

Chad Haynie stated in the April 15th meeting it was discussed the removal of the billboard. Mr. Haynie also stated Mr. Kubiszyn agreed he would be willing to do what is required to get the digital billboard approved, including removing the non-conforming billboard.

Mr. Kubiszyn stated he did not remember an agreement.

Kevin Shobe stated Mr. Kubiszyn, stated whatever he needs to do he would do it.

Mr. Kubiszyn stated he would like to continue with the request and get clarification.

Kevin Shobe stated each digital billboard erected at least four (4) non-conforming billboards must be removed within 6 months.

Jack Kubiszyn, 2306 University Boulevard, Tuscaloosa appeared before the Board stating the billboard displays positive messages.

Jason Ward stated a decision cannot be made on the content of the message on the billboard.

Mr. Kubiszyn, Jr stated one-side of the billboard will be covered and not used for paid advertisement.

Ron Davis stated by law you can leave the sign as is or if a digital billboard is erected, at least four non-conforming billboards must be removed. Mr. Davis also stated a decision cannot be made based on content.

Julie Ramm stated what Mr. Kubiszyn is proposing with the covenant is very difficult for the City to enforce.

Chad Haynie stated by granting this variance request the Board would be setting a precedent for future requests.

Motion by Mr. Jason Ward to approve variance from 804.01.C regarding placement of billboards located at 6604 & 6608 McFarland Boulevard. **Seconded by Mr. Chad Haynie** Roll call vote was as follows: Mr. Ward-No; Mr. Haynie-No; Mr. Dale-No; Mrs. Phifer-No; and Mr. Shobe-No. **Motion Failed.**

V-21-17 Chick-Fil-A – Requests variance from minimum parking requirements located at 1620 McFarland Boulevard.

Mason Silavent, CPH, Inc., 1031-C West 23rd Street, Panama City, FL appeared before the Board representing Chick-Fil-a. Mr. Silavent stated Chick-fil-a is proposing a 456 square-foot addition can be added to the existing building. The building addition will allow the kitchen staff to operate more efficiently in getting orders out to the drive-through and lobby. Mr. Silavent stated the existing number of parking spaces onsite will not change. Mr. Silavent also stated in 2019 a variance for the drive-thru was approved, this request is only for the building addition.

Jason Ward asked for clarification for the dining area.

Mason Silavent stated the addition will not increase the dining area nor will it effect the existing drive through.

Shelia Brothers, Peddle Creek, Northport, appeared before the Board stating her son lives in Dutton Place. Mrs. Brothers stated Chick-fil-a needs to relocate because of traffic congestion to enter Walmart and Chick-fil-a.

Chad Haynie stated the access road was controlled by ALDOT.

Julie Ramm stated that is correct.

Jerry Brothers, 1411 Dutton Place, appeared before the Board stating they enjoy Chick-fil-a, but he agrees with his mother on the congestion of traffic.

Chad Haynie stated The City cannot force them to move.

Mason Silavent stated Chick-fil-a is bound for that location. Mr. Silavent stated if the building addition is granted, it will allow for the kitchen area to be able to operate more efficiently. It would also allow customers to receive their orders at a faster rate and help with car stacking that could affect the entrance that is shared by Walmart and Chick-fil-a.

Chad Haynie asked if Chick-fil-a had similar projects.

Mason Silavent stated yes.

Motion by Mr. Chad Haynie to approve variance from the number of required parking spaces of restaurants to 33 spaces. **Seconded by Mr. Kevin Shobe** Roll call vote was as follows: Mr. Haynie-Yes; Mr. Shobe-Yes; Mr. Dale-Yes; Mrs. Phifer-Yes; and Mr. Ward-Yes. **Motion Carries.**

V-21-18 PBS Real Estate LLC – Requests variance from minimum setback requirements located at the northwest corner of Lurleen Wallace Boulevard and 27th Street.

Chase Lucas, TTL, 2890 Rice Mine Road NE, Tuscaloosa appeared before the Board proposing a variance from the setback requirements in a C-3 zoning. Mr. Lucas stated the property has 3 front building setbacks currently. Mr. Lucas stated if 20th Avenue ROW is dedicated then the 20th Avenue property line and building setback will shift with it and the proposed development will not fit on the property. Mr. Lucas also stated it would be difficult for future development on the lot because the buildable area will shrink even more with the dedication.

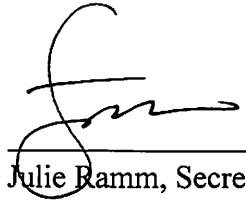
Motion by Mr. Chad Haynie to reduce the front setback from 20th Avenue to 10 feet. **Seconded by Mrs. Tena Phifer** Roll call vote was as follows: Mr. Haynie-Yes; Mrs. Phifer-Yes; Mr. Dale-Yes; Mr. Shobe-Yes; and Mr. Ward-Yes. **Motion Carries.**

IX. DISCUSSION

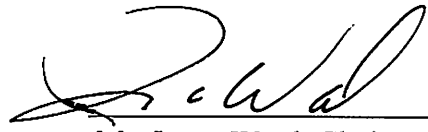
X. CITIZEN COMMUNICATION

XI. ADJOURNMENT

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



Julie Ramm, Secretary



Mr. Jason Ward, Chairman