

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
Thursday, June 18, 2020**

The Northport Board of Zoning Adjustment was called to order at 6:06 p.m. on Thursday, June 18, 2020 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. Jon Garner, Mr. Jason Ward, Mrs. Susan Rue and Mr. Tony O'Rourke. Absent and failing to vote was Mrs. Tamara Madison and Mr. LaParry Howell. Also present were staff members Mrs. Julie Ramm, Mr. Ron Davis, Max Snyder and Mrs. Nannette McKinney

Approval of Minutes

Motion by Mrs. Susan Rue to approve the minutes for February 20, 2020. **Seconded by Tony O'Rourke.** Roll call vote was as follows: Mrs. Rue -Yes; Mr. O'Rourke – Yes; Mr. Garner-Yes; Mr. Ward-Yes; **Motion carried.**

Approval of Agenda

Motion by Mrs. Susan Rue to approve the Agenda for June 18, 2020. **Seconded by O'Rourke.** Roll call vote was as follows: Mrs. Rue-Yes; Mr. O'Rourke -Yes; Mr. Garner – Yes; 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 - None

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

Old Business - None

New Business

V-20-02 Cynthia and Mark Huff – Request variance from Section 607.03 to build an accessory structure located at 13140 Shamblin Road.

Julie Ramm staff report states Cynthia and Mark Huff are requesting a variance from Section 607.03 of the Zoning Ordinance to build an accessory structure in front of the front plane of the primary structure. The code sections 607.03 (G) pertaining to accessory structures states: Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line or front plane of the structure, whichever is greater. Accessory structures on lots of three (3) acres or more in the Agricultural (AG) District shall be setback a minimum of 100 feet from the front property line. Mrs. Ramm also stated the staff recommendations for the standards for variance as outlined in Section 1108.03 (c) of the Northport Municipal Code: The code states there must be proof of unique

circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

Mrs. Ramm states the petitioner requests a variance in order to build an accessory structure at approximately 91 feet from Shamblin Road. Their house is already constructed and sit approximately 143 feet from the road. The City's ordinance states that accessory structures must be located at least 10 feet behind the front plane of the primary structure. The petitioner states that the garage will be used for storage of their boat, RV and cars. The petitioner also stated the reasoning for locating the structure closer to the road than their house is because of the topography of their lot and potential flooding. The front setback for primary structures in this zone is 25 feet.

Cynthia and Mark Huff, 13140 Shamblin Road, Northport, 35473 stated they would like to request the construction of a recreational building for a RV, boat etc. Mrs. Huff stated there were several accidents on Shamblin Road and wanted their house built farther back off road so their son could play safely. Mrs. Huff stated in doing so this left no space in the back yard because the land has a horizontal shape.

Mark Huff stated the lower section of the property near the golf course is a flood zone. Mr. Huff also stated to build 10 feet back would be imposing on the golf course.

Susan Rue asked how far away the recreational building is going to be from the main house.

Mark Huff stated the building will be constructed 128 feet away from the main house.

Jason Ward asked the use of the structure and would it include utilities.

Mark Huff stated the building will be used to store his boat, RV, and cars etc. there would be no utilities installed.

Tony O'Rourke asked are there any houses located nearby.

Mark Huff stated there is only one house.

Ray Harkey, 13147 Shamblin Road, Northport 35473 stated his concerns why a building permit was issued before there was a variance request. Mr. Harkey stated he is in favor of the accessory structure.

Julie Ramm stated when the Huffs submitted the plot plans an engineer drawing was not required, a hand drawing is submitted for an accessory structure. Mrs. Ramm also stated the measurement on the drawing stated the accessory structure would be 91 feet from the street and the house is 143 feet away for the street. Mr. Ramm stated by looking at those measurements it appears that the building would be behind the plane of the house, so that's why the permit was issued.

Jay Logan, District 2 Councilman City of Northport, appeared in support of Cynthia and Mark Huff.

Motion by Mrs. Susan Rue to approve the variance from Section 607.03 to build an accessory structure located at 13140 Shamblin Road. **Seconded by Jon Garner.** Roll call vote was as follows: Mrs. Rue-Yes; Mr. Garner -Yes; Mr. O'Rourke – Yes; Mr. Ward -Yes. **Motion carried.**

V-20-03 Kris Risner – Request a variance from the setback requirements located at 12522 Rock Point Way.

Julie Ramm staff report states Kris Riser is requesting a variance from the front minimum building lines. The setbacks for this lot were record as 35 feet on the final plat of Grand Pointe Phase 1. The petitioner recently purchased the home in Grand Pointe Subdivision. During the purchase process, the new owner discovered the home had originally been built over the setback lines. The survey indicated that the house was 2.26 feet over the front setback on the front right side of the house and .82 feet on the front left corner. The front setback for primary structures in this subdivision is 35 feet. The petitioner does no plan any new construction but would like to clear up the setback issue so that there are no future problems if the decide to sell the house later.

Brandon Davis, 12525 Rock Point Way, stated he presided at the house for 15 years and to sell the house a survey was done. The survey showed the house was one or two feet

Kris Risner, 12525 Rock Point Way, stated he is currently the owner of the house. Mr. Risner stated the survey showed the house on the front right side of the structure is 2.26 feet and the front left corner is .82 feet across the minimum building line.

Motion by Mrs. Susan Rue to approve the variance from the setback requirements located at 12522 Rock Pointe Way. **Seconded by Tony O'Rourke.** Roll call vote was as follows: Mrs. Rue-Yes; Mr. O'Rourke – Yes; Mr. Garner – Yes; Mr. Ward -Yes. **Motion carried.**

V-20-05 Paul Anders – Request variance from setback requirement located at 1709 29th Avenue.

Julie Ramm staff report states Paul Anders request for a variance from the front minimum building lines. The table that establishes the building lines in Code Section 605.03 (D) is outlined Residential-Special District (RS-SD): 1) There shall be a front yard for all detached single-family dwellings of not less than twenty-five (25) feet. The front yard setback for all other structures shall be as determined by the Planning Commission. 2) Unless indicated elsewhere, all buildings shall have a setback of not less than twenty-five (25) feet.

Paul Anders, 1709 29th Avenue, Northport, 35476 stated his house was built in 1940 or 1950 and is a two bedroom. Mr. Anders stated he would like to enclose the porch to make another room.

Susan Rue asked if this was Mr. Anders main residence.

Mr. Anders stated yes. Mr. Anders also stated he had a survey done to enclose the porch.

Mr. O'Rourke asked Mr. Anders would he build the room himself.

Mr. Anders stated yes he has built several homes in Northport.

Mr. Ward asked would the enclosure be living space with heating and cooling.

Mr. Anders stated yes.

Mrs. Rue asked would he build another porch.

Mr. Anders stated no.

Jason Ward stated the house is grandfathered in accordance to code of the city. Mr. Ward also stated if we do expand the footprint it would alter the code.

Mr. Anders stated he understand.

Motion by Mr. Jon Garner to approve the variance from the setback requirements with stipulation that the footprint of the house not be enlarged located at 1709 29th Avenue. **Seconded by Jason Ward.** Roll call vote was as follows: Mr. Garner-Yes; Mr. Ward- Yes; Mr. O'Rourke – Yes; Mrs. Rue -Yes. **Motion carried.**

V-20-06 Trick Construction – Request variance from the setback requirements located at 2760 Huntington Street.

Julie Ramm staff report states Trick Construction, representing Mr. Jimmy Bosch, is requesting a variance from the front minimum lines. The setbacks for this subdivision were recorded as 35 feet on the final plat for Huntington Meadows, Section 1. The petitioner is proposing to add an additional 8 feet onto an existing carport and enclose the entire area (existing carport and addition) for an enclosed garage. The 35-foot front setbacks for this subdivision were established when the final plat was recorded. With the parcel being located on a knuckle cul-de-sac, this encroachment does not appear to create any sight distance issues.

Scott Russell, Trick Construction & Remodel, 1305 Twin Oaks Road East, Northport, representing Jimmy and Susie Bosch. Mr. Russell stated the Bosch's currently have a carport on the left side of the home that and want to build a gable to come out 8 feet to enclose to make a garage. Mr. Russell stated he talk to homeowners on both sides and they didn't have any problems with the construction.

Motion by Mr. Jon Garner to approve the variance from the setback requirements located at 2760 Huntington Street. **Seconded by Mrs. Susan Rue.** Roll call vote was as follows: Mr. Garner-Yes; Mrs. Rue – Yes; Mr. O'Rourke – Yes; Mr. Ward -Yes. **Motion carried.**

V-20-07 Brilliant Coal Company – Request variance from Section 418 for Curb Cuts along Robert Cardinal Airport Road.

Julie Ramm staff report states the petitioner is proposing to add one additional drive that will be the access point for lots 2 and 3 of the proposed Airport Road Subdivision. The preliminary plat for this

subdivision has been approved by the Planning Commission. The proposed curb cut will be 287 feet from the existing northern driveway and 254 feet from the existing southern driveway. This section of Robert Cardinal Airport Road is straight and flat. There is no driveway access on the opposite side of the road. Section 418.01. Curb Cuts states: There shall be a minimum spacing of 300 feet for driveways and other curb cuts on arterial streets and 300 feet on collector streets.

Brad Bull, Brilliant Coal Company, LLC, 803 Main Avenue, Northport 35476, states on the north end of Lot 1, there is an existing drive for Lot 1 access. Mr. Bull stated Lots 2 and 3 are combined with a common drive access. Mr. Bull also stated while trying to adhere to the regulations of the subdivision design for the City of Northport of keeping minimum of 75 feet width of frontage on public this places the drive access for Lots 2 & 3 at a location of 287 feet from the Northern drive and 254 feet from the Southern drive with Robert Cardinal Airport Road being a Flat and Straight roadway at this location with No drive access onto this roadway from the opposite side. The sight distance is optimal for safety factors.

Julie Ramm stated there was no representative from Engineering present, but she sent Holly Phillips a text and she stated Engineering did not have any objections.

Susan Rue asked is this going to be residential.

Brad Bull stated the 3 lots that this variance will affect will be commercial.

Motion by Mr. Jon Garner to approve the variance from Section 418 for Curb Cuts along Robert Cardinal Airport Road. **Seconded by Jason Ward.** Roll call vote was as follows: Mr. Garner-Yes; Mr. Ward- Yes; Mr. O'Rourke – Yes; Mrs. Rue -Yes. **Motion carried.**

X. DISCUSSION


Mr. O'Rourke suggested the board have a pre-meeting to get better acquainted with the subjects on the agenda.

Julie Ramm stated we can hold a pre-meeting; we do have to advertise to public when we are having one.

X. CITIZEN COMMUNICATION - None

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 7:04 p.m.


Mr. Jason Ward, Chairman


Julie Ramm, Secretary