

**OFFICIAL MINUTES
NORTHPORT BOARD OF ZONING ADJUSTMENT
THURSDAY, OCTOBER 15, 2020**

The Northport Board of Zoning Adjustment was called to order at 6:06 p.m. on Thursday, October 15, 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. LaParry Howell, Mr. Earnest O'Rourke, and Mr. Jason Ward. Absent and failing to vote was Mrs. Tamaria Madison, and Mrs. Susan Rue. Also present were staff members Mrs. Julie Ramm, Mr. Ron Davis, and Mrs. Nannette McKinney

Approval of Minutes

Motion by Mr. Jon Garner to approve the minutes for September 17, 2020. **Seconded by Mr. Ernest O'Rourke.** Roll call vote was as follows: Mr. Garner -Yes; Mr. O'Rourke – Yes; Mr. Howell-Yes; and Mr. Ward- Yes. **Motion carried.**

Approval of Agenda

Motion by Mr. Jon Garner to approve the October 15, 2020 agenda. **Seconded by Mr. LaParry Howell.** Roll call vote was as follows: Mr. Garner-Yes; Mr. Howell-Yes; Mr. O'Rourke-Yes; and Mr. Ward. **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-20-13 Jason Strickland – Requests a Variance from setback requirements located at 3910 Silver Maple Drive.

Jason Strickland, 4901 Oak Way, appeared before the board requesting a five-foot variance from setback requirement. Mr. Strickland stated the lot is not very deep and has a steep slope. Mr. Strickland also stated he would like to put in a retaining wall. Mr. Strickland stated he had contacted Joe Duckworth of the Homeowner Association and the house plans were approved.

Jon Garner asked the location of his property.

Jason Strickland stated 4901 Oak Way. Mr. Strickland also stated the new construction and landscaped lawn would complement the existing neighborhood. The house would be similar in size and all brick materials would conform to the existing neighborhood.

Jason Ward asked were the adjacent lots wooded.

Jason Strickland stated the lot to the right is a vacant lot and the corner lot on Silver Maple Drive and Oak Way has new construction facing Oak Way.

LaParry Howell asked the proposed square footage.

Jason Strickland stated 4150 square feet.

Alvin Miller, 4706 Tulip Tree, stated he lives in the cul-de-sac that directly faces this lot. Mr. Miller stated Mr. Strickland knew the setbacks when he purchased the property. He also feels granting the variance would set a precedent. Mr. Miller stated he is asking that the variance from setback not be allowed.

Allison Miller, 4706 Tulip Tree, also stated she was not in agreement with the approval of the variance request.

Leesha Shotts, 3907 Silver Maple Drive, stated she has witnessed trees and limbs being cut and not being removed for over two months on Mr. Strickland's lot. Mrs. Shotts stated there has been several complaints about his lot being unkept. Mrs. Shotts also stated she was not in agreement with the approval of the variance request.

Jason Strickland stated he normally has the lot cut within a couple of days when asked by Joe Duckworth.

Julie Ramm stated three emails from adjoining property owners were received stating their concerns. One of the letters was in favor of the variance and two of the letters were opposed.

LaParry Howell asked how the adjoining property owners were notified.

Julie Ramm stated the adjoining property owners were notified by certified mail.

Jason Ward stated to his knowledge there has not been any request for a variance approved in this area.

Julie Ramm stated there has not been a variance request in the area to her knowledge.

Jason Strickland apologized for the unkept lot and requested if neighbors see anything that needs to be done to bring it to his attention.

Jon Garner asked without the variance there will be a retaining wall.

Jason Strickland stated yes.

Motion by Jon Garner to grant the variance from setback requirement of 35 feet to 30 feet located at 3910 Maple Drive. **Second by Jason Ward** Roll call vote was as follows: Mr. Garner -Yes; Mr. Ward - Yes; Mr. Howell-Yes; and Mr. O'Rourke -Yes; **Motion Carries.**

V-20-14 Melissa A. Pugh – Request Variance from setback requirements located at 4058 Dalewood Street.

Jason Ward asked if anyone was present to represent Ms. Pugh.

Jacqueline Glover, 4055 Cypress Street, stated she is a neighbor and would like to know the nature of Ms. Pugh's request.

Jason Ward stated the petitioner requests a variance from the front setbacks in order to construct a carport addition on the front of her home.

Motion by Jon Garner to table the variance request from setback requirements located at 4058 Dalewood Street, for November 19, 2020. This motion will also serve as public notice. **Second by Jason Ward** Roll call vote was as follows: Mr. Garner -Yes; Mr. Ward -Yes; Mr. Howell-Yes; Mr. O'Rourke - Yes; **Motion Carries.**

V-20-15 Tonya Hayes – Requests variance to allow a duplex (Multi-family) structure in a RS-4 (Single-family Residential) zone located at 2109 19th Street.

Tonya Hayes, 9702 Wildflower Circle, Tuscaloosa, AL 35405, appeared before the board stating the duplex has been in her family for over 30 years and she would like to keep it. Ms. Hayes stated the zoning was changed to a single-family residential zone, but she does not know why. Ms. Hayes also stated she would like to remodel the duplex.

Jon Garner stated if there was a plan for remodeling.

Tonya Hayes stated they would put on a new roof, paint, fix walls, and do some updates on the inside.

Jon Garner asked what the time frame for the repairs and updates.

Tonya Hayes stated approximately 60 days. Ms. Hayes stated they were trying to keep the house from being condemn.

Julie Ramm stated the City Council granted an extension in the condemnation for 60 days from the date of this meeting.

Jon Garner asked what must be done.

Julie Ramm stated Ms. Hayes needs a building permit. Ms. Hayes cannot get a building permit because this is a Multi-family structure in a Single-family residential zone. According to the records of the City of Northport Water Department, the structure has been vacant for seven years. Mrs. Ramm also stated the structure has gone through the condemnation process. The process includes giving the owners a 45-day notification of the City Council meeting. Mrs. Ramm stated at the October 15, 2020, City Council meeting the Council voted to condemn the structure and to give a 60-day extension in the demolition which started on the date of the Zoning Board. Mrs. Ramm stated if the process of remodeling has not started within 60-days, the city could start the process to demolish the structure.

Jon Garner asked how much needs to be completed.

Julie Ramm stated the petitioner must keep progressive movement on the remodeling construction.

Tonya Hayes stated she has saved money to proceed with remodeling.

Jon Garner asked if the remodeling could be done in the 6-month time frame.

Tonya Hayes stated yes.

Jon Garner stated what are the plans after the remodeling.

Tonya Hayes stated she plans to rent the duplex.

Jason Ward asked if a duplex is a non-conforming.

Julie Ramm stated since the structure has been vacant for seven years it has lost its non-conforming status. Mrs. Ramm also stated there are currently no other known duplexes on this street. If the variance is denied, the owners would either need to make modifications to convert the structure into a single-family residence, demolish the structure, or have the city demolish the structure and place a lien on the property.

Motion by Jon Garner I move to grant the requested variance to allow a Multi-family duplex structure to remain Multi-family located at 2109 19th Street. **Second by Jason Ward** Roll call vote was as follows: Mr. Garner -No; Mr. Ward -No; Mr. Howell-Yes; Mr. O'Rourke -Yes; **Motion Fails.**

V-20-16 Carissa & Joseph J. Scott – Request variance to allow indoor recreation in a M-1 (Light Industrial) zone located at 1790 Harper Road.

Carissa Scott, 27593 Kim Drive, Harvest, AL 35749, appeared before the board stating she is opening a bouldering /climbing gym. Ms. Scott stated this gym will be a training facility that will allow for training in bouldering, which is a form of rock climbing. The building is located on Harper Road. Ms.

Scott stated the building is currently zoned as Light-Industrial and a variance is needed to allow indoor recreation.

Jason Ward stated he would like to know more details about the business.

Carissa Scott stated bouldering is a form of rock climbing. Ms. Scott stated it not like high walls that you would climb with harness around you. Bouldering is on a smaller scale which does not exceed over 15 feet in height but is designed for training with hand holds and foot placement techniques specific for bouldering. Ms. Scott stated the business will be a training facility.

Jason Ward asked if the property would be leased.

Carissa Scott stated yes it will be leased.

Joseph J. Scott, son and business partner of Carissa Scott, appeared before the board stating he is passionate about climbing. Mr. Scott stated bouldering training is very technical training in moves off the ground.

LaParry Howell asked how it would be marketed.

Joseph J. Scott stated he would advertise to schools in the area and social media.

Carissa Scott stated they would also like to partner with local business.

Jon Gardner asked if the structure meets landscaping or parking requirement.

Julie Ramm stated the structure is an existing warehouse facility and it would not have to meet any landscaping requirements. Mrs. Ramm also stated the structure will have to meet code for paved parking.

Motion by Jon Garner to grant the request variance to allow indoor recreation in a M-1 (Light Industrial Zone). **Second by Ernest O'Rourke** Roll call vote was as follows: Mr. Garner -Yes; Mr. O'Rourke -Yes; Mr. Howell-Yes; Mr. Ward-Yes; **Motion Carries.**

IX. DISCUSSION

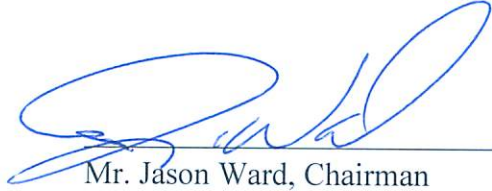
X. CITIZEN COMMUNICATION - None

XI. ADJOURNMENT

All members voted yes by a voice vote and the meeting was adjourned at 7:30 p.m.



Julie Ramm, Secretary



Mr. Jason Ward, Chairman