

**MINUTES OF A BOARD OF ZONING ADJUSTMENTS MEETING HELD ON THE 7TH DAY OF
OCTOBER, 2008, AT 4 P.M.**

The Board of Zoning Adjustments met on October 7, 2008, at 4 o'clock P.M. Upon call of the roll the following members were present:

Chairman Frank Barefield, Louise Howard, Ann Blondheim, Reverend Richard Hunter, and Willie James Walton. Absent: None.

Also present: Mayor Jay Jaxon, Tim Milner, City Planner, Jimmy Calton, City Attorney, and Bill Klein, Building Inspector.

Chairman Barefield stated a quorum was present and called the meeting to order.

Mrs. Howard moved to approve the minutes of September 2, 2008. Mr. Walton seconded the motion. After a voice vote Chairman Barefield announced the motion had carried.

The first application was by Tonya Register requesting a Special Use Permit to operate a specialty printing manufacturing company at 36 Lunsford Street. Mrs. Register handed out brochures explaining her business venture.

Mrs. Register stated she would have no customers coming to her business, no additional traffic and no sign. She stated most of her business would be computer generated, UPS would deliver occasionally but will keep no inventory. She further stated there will no disturbing noise coming from her business.

Vice Chairman Barefield noted that all legal requirements of notification of adjoining property owners had been met and a sign placed on the site. He then called for audience input. Mr. McMurphy, 970 Old Abbeville Road, addressed the Board and stated he and his wife objected to the business. Mrs. McMurphy stated they do not want their property to be in a commercial area. Chairman Barefield stated that Mrs. Register's request is not a rezoning request and the variance, if granted, would be only for Mrs. Register only at 36 Lunsford Street.

Vice Chairman Barefield read aloud the Staff Review and asked that it be made a part of the minutes. He noted the Staff Review recommended approval of the application.

Mr. McMurphy asked about the camper trailer parked behind the house on Lunsford Street.

Mrs. Register stated that the camper is stored there during the winter and moved to the beach during the summer months.

After discussion, Mr. Walton moved to approve the Special Use Variance for Tonya Register at 36 Lunsford Street for a period of one-year, subject to Mrs. Register meeting all requirements set out in the Staff Review and if there are any problems to the neighbors the applicant will have to return to the Board. Mr. Walton also stated the Board would review the application October, 2009. Mrs. Blondheim seconded the motion. The following roll call vote was recorded: yeas: Mr. Walton, Reverend Hunter, Mrs. Blondheim and Mrs. Howard. Nays: none. Chairman Barefield abstained stating he owned property in the area. Motion carried.

The applicant was advised of the 15-day waiting period to allow for the appeal process.

Next was an application by John Greer, III requesting a Special Exception for Home Occupation to operate a gunsmith business from his home at 924 Old Abbeville Road. Mr. Greer stated this is a part-time venture for him and most of the work would be done in his living room or in his garage. He stated he uses a machine in repairing guns but that it makes no more noise than a sewing machine. Mr. Greer stated that he is properly licensed with the appropriate state and federal agencies. He stated he would probably have no more than 3 customers per week and will receive deliveries two or three times a month. Mr. Greer stated that any firing of the weapons would be done in Georgia where he owns property. He stated that any chemicals used would be anything he can buy at Walmart (such as Simple Green) nothing toxic or dangerous. It was noted that he would be allowed to load bullets.

Chairman Barefield stated that all legal requirements of notification of adjoining property owners had been met and a sign placed on the site. He then called for audience input. There was no response from the audience. Chairman Barefield read aloud the Staff Review and asked that it be made a part of the minutes. He noted the Staff Review recommended approval of the request.

Reverend Hunter moved to approve the Special Exception for Home Occupation for gunsmith business to Mr. John Greer, III at 924 Old Abbeville Road, subject to the applicant meeting all criteria set out in the Staff Review and also subject to the requirement set out in the Noise Ordinance, and should there be any complaints from the neighbors the applicant will have to return to the Board for reconsideration of the variance. Mr. Walton seconded the motion. The following roll call vote was recorded: Yeas: Mr. Walton, Reverend Hunter, Mrs. Blondheim, Mrs. Howard, and Chairman Frank Barefield. Nays: none. Chairman Barefield noted the motion had carried and advised the applicant of the 15-day waiting period allowed for the appeal process.

The next item on the agenda was to address the revocation of a variance granted to Eugene Parks at his tire store located on South Eufaula Avenue. Chairman Barefield informed Mr. Parks that the Board is prepared to revoke his variance due to the fact that tires are being left outside the business after normal working hours. He pointed out that the Board had instructed him that no tires could be left out overnight.

Mr. Parks stated that he had disposed of over 2,900 tires last month. Some tires were brought to him, others he picked up from businesses and also tires thrown out by the roads and in ditches. He stated that his efforts help keep the city clean and keeps down insects breeding in the tires. Mr. Parks also stated that he is checked monthly by ADEM and has passed their inspections and also has OSHA inspections. He further stated that he is the only person within three hundred miles licensed by the state to process tires. He stated that various merchants that he obtains old tires from will bring out a load of tires after they close their stores and that is why Board members see tires outside his store after normal working hours.

Mayor Jaxon addressed the Board and presented pictures that Mr. Parks had taken of various locations in Eufaula where old tires are in ditches and stacked around commercial buildings. He further stated that discarded tires are an environmental problem and Mr. Parks is helping the city by picking the tires up. Mayor Jaxon expressed his desire that a solution could be worked out to the benefit of City and Mr. Parks.

Jimmy Calton, City Attorney, suggested Mr. Parks paint and raise the fence and install security cameras with a warning that anyone leaving tires overnight will be prosecuted. Chairman Barefield stated he saw no need for the fence to be raised.

Mr. Parks stated he would paint the fence and install cameras with a warning sign so that no tires will be left by local business after normal working hours.

After a lengthy discussion it was the consensus of the Board to work with Mr. Parks, subject to Mr. Parks painting the fence, putting up security cameras with a warning about anyone leaving tires after the business has closed for the night and/or weekends.

Chairman Barefield asked that Bill Klein, Building Inspector, is to verify that all the requirements have been met and report to the Board at the next regular meeting. Mr. Klein asked if tires could be left out front of the business during normal working hours. The Board stated that tires could be left out front during normal working hours but not overnight.

There being no further business to come before the Board, the same was on motion duly made and seconded, adjourned this 7th day of October, 2008.

Frank Barefield, Chairman

Gloria C. Bailey, Secretary

