

**MINUTES OF A BOARD OF ZONING ADJUSTMENTS MEETING HELD ON THE 5<sup>TH</sup> DAY OF FEBRUARY, 2008, AT 4 P.M.**

The Board of Zoning Adjustments met in regular session on February 5, 2008, at 4 o'clock P.M. in the Municipal Courtroom at the Eufaula Police Department Complex, 545 East Barbour Street. Upon call of the roll the following members were present: Frank Barefield, Chairman, Louise Howard, Willie Walton and new member Reverend Richard Hunter. Absent: Ann Blondheim.

Also present: Tim Milner, City Planner, Bill Klein, Building Inspector, Art Fairman, Building Inspector and Patrick Johnston, Eufaula Tribune.

Chairman Barefield introduced new member Reverend Richard Hunter.

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

Mr. Walton moved to approve the minutes of January 9, 2008. Mrs. Howard seconded the motion. After a voice vote Chairman Barefield stated the motion had carried.

Chairman Barefield stated that he must recused himself from voting on the first two applications, (1) Stephen Sherman for home occupation at his home at 427 Pebble Beach Drive, and Michael Murphy for home occupation at his home at 423 Pebble Beach Drive, due to conflict of interest. Chairman Barefield asked that the applications be carried over to the next regular meeting.

Reverend Hunter moved to carry over to the next meeting the applications of Stephen Sherman and Michael Murphy. Mrs. Howard seconded the motion. The following vote was recorded: Yeas: Mr. Walton, Reverend Hunter, Mrs. Howard, and Chairman Barefield. Nays: none. Chairman Barefield announced the motion had carried.

Reverend Billy Bryan addressed the board to request an Area (height) Variance for a proposed church on Highway 30. Reverend Bryan stated the height would be 52' and the city's zoning ordinance allows 35'. Reverend Bryan stated the building had been ordered and volunteers are going to build the church. Mike Murphy, stated he had pre-submitted drawings to the city and that is when they were told the height of the church exceeded the zoning ordinance requirements. Mr. Murphy stated that he did not realize the height of the church was an issue.

Chairman Barefield stated the board couldn't grant a variance if the hardship is self-imposed.

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. There was no response from the audience. Chairman Barefield read the Staff Review, which recommended denial, and asked that it be made a part of the minutes.

After a discussion Chairman Barefield stated he felt the church would not look like a church but more like a warehouse, if the roof height was 35' and felt it would impose a hardship on the property owner. Chairman Barefield also stated the zoning ordinance does not stipulate height of churches.

After discussion Reverend Hunter moved to grant the variance for the 52' height for the New Beginnings Assembly of God Church located on Highway 30. The motion was seconded by Mr. Walton. The following roll call vote was recorded: Yeas: Mr. Walton, Reverend Hunter, Mrs. Howard, and Chairman Barefield. Nays: none. Chairman

Barefield announced the motion had carried and informed the applicant of the 15-day waiting period allowed for the appeal process.

The next application was by Julia Randolph requesting a Use Variance to place a doublewide mobile home on Lot 3, Frank Street. She stated she plans to purchase a 2008 manufactured home and will meet all zoning ordinance requirements.

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. There was no response from the audience.

Chairman Barefield informed Ms. Randolph that if granted the mobile home would have to be on a masonry foundation, a porch added, tongue and wheels removed. Ms. Randolph stated she understood the requirements.

Chairman Barefield read the Staff Review which recommended approval and asked that it be made a part of the minutes.

Mrs. Howard moved to grant the variance to allow the doublewide mobile home on Frank Drive, subject to the applicant meeting all requirements set out in the zoning ordinance.

Reverend Hunter seconded the motion. The following roll call vote was recorded: Yeas: Mr. Walton, reverend Hunter, Mrs. Howard, and Chairman Barefield. Nays: none.

Chairman Barefield announced the motion had carried and advised the applicant of the 15-day waiting period allowed for the appeal process.

The last application was by Jay Morrison requesting an Area Variance to construct a storage building on the West Side of his property located at 179 Cypress Cove. Mr. Faircloth, contractor, addressed the board and stated that due to the slope of the rear property there was no way to place the storage building in the rear of the house. He further stated the storage building would be constructed to match the house. He stated the storage building would be 30' from the property line and 76' from the road and would be architecturally compatible with the neighborhood.

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. There was no response from the audience.

Chairman Barefield read the Staff Review which recommended approval and asked that it be made a part of the minutes.

Reverend Hunter moved to approve the request by Jay Morrison for an Area Variance to construct a storage building on the West Side of his property located at 179 Cypress Cove. Mr. Walton seconded the motion. The following roll call vote was recorded:

Yeas: Mr. Walton, Reverend Hunter, Mrs. Howard, and Chairman Barefield. Nays: none. Chairman Barefield announced the motion had carried and informed the applicant of the 15-day waiting period allowed for the appeal process.

Chairman Barefield asked the secretary to draft a letter to Mayor Jaxon asking for clarification in the zoning ordinance pertaining to height of churches in residential areas.

Tim Milner, City Planner, passed out information about the Alabama Planning Institute Courses being offered in Dothan.

Chairman Barefield asked Bill Klein, Building Inspector, to report to the board at the next meeting the situation with the tires at the business located on 431 South.

Mrs. Howard asked Mr. Klein, Building Inspector, the status of the truck shop behind the ADC Bargain Barn on 431 South. Mr. Klein stated he had written a letter but has not received a response.

There being no further business to come before the Board, the same was on motion duly made and seconded, adjourned this 5<sup>th</sup> day of February, 2008.

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Frank Barefield  
Chairman

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Gloria Cole  
Secretary

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