

STATE OF ALABAMA

COUNTY OF ETOWAH

CITY OF RAINBOW CITY - BOARD OF ADJUSTMENTS – JULY 30, 2019

The Board of Adjustment of the City of Rainbow City, Alabama met in regular session at 4:00 P.M. in Council Chambers, and upon roll call the following members were present:

Willard Hart, Chairman
Rodney Prickett, City Council
Harvey Fail
Evelyn Muskett
Kim Parker
Rick McKee

Absent:

Also present:

Wiley McLain, Building Official - Joel Garmon, Planning Director

With a quorum being present, Mr. Willard Hart announced the start of the meeting.

Appeal No. 337:

David Birchfield was present and is asking for a variance to keep two pigs on the property of 501 Williams Avenue that he rents. The property is zoned R-1 residential and is a half-acre lot. Mr. Birchfield states they are miniature pigs and are his companion animals for his PTSD. Birchfield states that he has owned these two pigs on this property since February 2018 and animal control knew he had them. Mr. Birchfield said he never officially had permission from the City to keep the pigs.

Rodney Prickett refers to the Rainbow City Zoning Ordinance:

Sec. 108. Farm:

(a) The minimum lot area shall be 10 acres.

(b) Livestock, dairy animals, small animals, and poultry shall be housed not less than 200 feet from any adjacent lot not zoned AG.

Kaye Vice who has owned the property for 15 years, directly behind Mr. Birchfield at 119 Boyd Place states that from her house to Mr. Birchfield's fence is only 10 feet apart. Mrs. Vice says that these pigs only defecate in one area which is directly at the fence line. Mrs. Vice supplied the board of adjustment members with picture evidence of the feces piled up by the fence. Mrs. Vice States that it is a health concern because Mr. Birchfield never cleans up the feces and the feces has a very foul odor they can smell from their home and that when it rains the water washes the feces to hers and her

neighbor's property. Mrs. Vice claims that the pigs weigh close to one hundred pounds. Mr. Birchfield claims the pigs only weigh about forty pounds.

Wiley McLain states no pigs are allowed in R-1 residential no matter what breed of pig, per the Rainbow City Zoning Ordinance:

Sec. 385. Uses Defined.

-Livestock such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing and the keeping of pigs or poultry.

Rodney Prickett stated he would like to move the question. There was no one present in opposition to this request.

Willard Hart, Chairman asked for a roll call vote as follows

Willard Hart	- No
Kim Parker	- No
Harvey Fail	- No
Evelyn Muskett	- No
Rodney Prickett	- No
Rick McKee	- No

Motion Denied.

Wiley McLain stated he had ten business days to remove the pigs from the property.

Appeal No. 338:

Kristyna Moore with The Broadway Group is seeking a variance to lower the number of parking stalls for a future commercial development. According to the Rainbow City Zoning Ordinance, they must have 46 parking stalls. Mrs. Moore is asking to have 30 for her client. Mrs. Moore presents to the board members a paper presentation showing the site and the site layout with the reduced number of stalls. Mrs. Moore stated that her tenant has over sixteen thousand stores and knows what their store will require. They are planning to build a ninety one hundred (9,100) square foot store and have confirmed that 30 parking stalls is more than sufficient even during peak Christmas season. Mrs. Moore stated there is a cemetery at the corner of the southwest part of the property. The site layout that was presented at the beginning of the meeting shows that they have a good boundary of where the cemetery is and does not want to take any chances developing near it.

Willard Hart states there is no one present in opposition to this request.

Willard Hart ask if he has a motion to grant a variance to lower the amount of parking stalls.

Willard Hart - yes
Kim Parker - yes
Harvey Fail - yes
Evelyn Muskett - yes
Rodney Prickett - yes
Rick McKee -yes

Motion carried unanimously.

There being no further business to come before the Board at this time, Rodney Prickett made a motion to adjourn. Evelyn Muskett seconded the motion. Meeting adjourned at 4:30 p.m.

Respectfully submitted,

Rachel Pierce
Recording Secretary