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clinic; Christian Coalition leader James Henderson vows to sue

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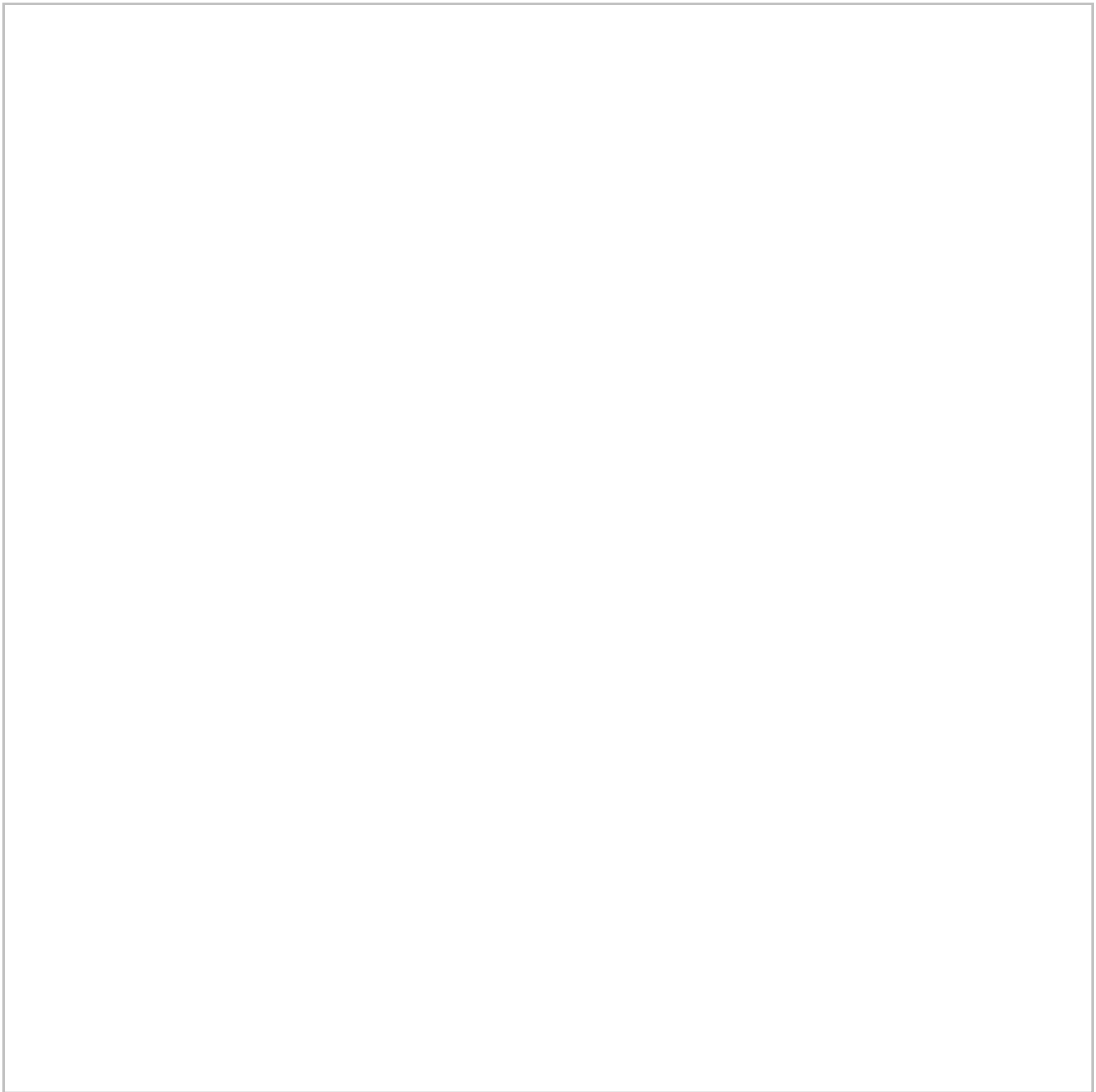
By [Steve Doyle](#)

[HUNTSVILLE, Alabama](#) – A divided Huntsville Board of Zoning Adjustment on Tuesday night upheld a city supervisor's decision to approve a building permit for an abortion clinic.

In a narrow 3-2 vote, board members agreed with a recent ruling by Manager of Planning Services Jim McGuffey that a 16-year-old variance for a medical clinic on Sparkman Drive should carry over to the proposed Alabama Women's Center for Reproductive Services.

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It's a decision likely to land the city in court.



James Henderson (Steve Doyle | sdoyle@al.com)

Anti-abortion activist James Henderson, executive director of the Christian Coalition of Alabama, said after the meeting that he intends to file a civil lawsuit against the city in the coming days for violating its own bylaws.

Henderson said all city actions related to the proposed abortion clinic should have ground to a halt when he notified McGuffey in late June of his intent to appeal the issuance of the building permit. Instead, he said, the city sent inspectors to 4831 Sparkman Drive and gave clinic owner Dalton Johnson a

preliminary certificate of occupancy.

"When we appealed the permit, (city rules) said everything would stop. It didn't," said Henderson.

Tuesday night's zoning board meeting drew a standing-room-only crowd to Huntsville City Hall. The audience included a robed monk from Saint Bernard Abbey in Cullman, the state director of the American Civil Liberties Union and dozens of passionate people on both sides of the abortion debate.

The nearly two-hour discussion pivoted around a 1998 vote by the zoning board to grant a use variance for a Huntsville Hospital-managed outpatient medical clinic in a residential area. The clinic closed in 2013; the building is now a private obstetrics-gynecology practice.

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Johnson recently bought the building as the future home of Alabama Women's Center.

McGuffey said he approved a construction permit because Alabama Women's Center would use the building as a medical clinic, just as Huntsville Hospital did.

Henderson argued zoning board members who approved the use variance in 1998 intended it for Huntsville Hospital only. The original property owner who

applied for the variance is disgusted that the building might now become an abortion clinic, he said.

"I think you have to consider the intent of the individual who said this was going to be an outreach to the community, a real positive thing," said Henderson. "There was no discussion (by the zoning board in 1998) of an abortion clinic. It's clearly stated here in the minutes that it's approved 'for this use only.'"

Attorney Patrick Hill, representing Alabama Women's Center owner Johnson, said that stretch of Sparkman Drive has trended commercial over the past decade and now includes several other medical offices, including dentists and a chiropractor.

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Hill also argued the zoning board should dismiss the appeal because it was signed by a California attorney not licensed to practice law in Alabama. The California-based Life Legal Defense Foundation has been assisting Henderson.

Susan Watson, executive director of the ACLU of Alabama, told board members they would be setting a dangerous precedent by siding with Henderson.

"If this board grants the appeal," said Watson, "any resident of Huntsville

could petition to overturn any variance he or she disagrees with.

"We may not all agree on this divisive issue, but hopefully we can agree that legal businesses shouldn't be shut down by the government just because some people disagree with them."

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