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closed Huntsville clinic from re-opening on Sparkman Drive

Updated Mar 05, 2019; Posted Sep 05, 2014

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By [Steve Doyle](#)

[HUNTSVILLE, Alabama](#) – Anti-abortion activists are suing to try to prevent a closed downtown abortion clinic from re-opening on Sparkman Drive in northwest Huntsville.

The lawsuit, filed late Wednesday afternoon in Madison County Circuit Court, asks a judge to overturn an [Aug. 19 Huntsville Board of Zoning Adjustment vote](#) upholding the issuance of a business license to Alabama Women's Center for Reproductive Alternatives.

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Dalton Johnson (File photo)

Owner Dalton Johnson is [attempting to relocate the clinic to a building at 4831 Sparkman Drive](#) that has previously housed a Huntsville Hospital medical clinic and obstetrics-gynecology practice.

The suit contends the zoning board and Jim McGuffey, the city's manager of planning services, "erroneously determined" that Alabama Women's Center could move into a residential district based on a 16-year-old use variance.

In 1998, the zoning board granted Huntsville Hospital a variance to open an

outpatient medical clinic on the property now owned by Alabama Women's Center.

McGuffey ruled in May – and a majority of zoning board members later agreed – that the variance should also apply to an abortion clinic.

The lawsuit argues that the original variance was exclusively for the Huntsville Hospital-managed medical clinic, which closed in 2013.

"An abortion provider is in no way comparable to a hospital satellite site," said Dana Cody, president and executive director of the California-based Life Legal Defense Foundation, which helped bring the suit. "There is absolutely no correlation between pregnancy termination - which destroys preborn life - and a hospital clinic that promotes healing and wellness.

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"To draw such a comparison is ludicrous," said Cody.

Huntsville City Attorney Peter Joffrion said he cannot comment on pending litigation.

Nineteen people are listed as plaintiffs in the lawsuit, including anti-abortion activist James Henderson, Pastor Dan Doty of Central Assembly of God on Sparkman Drive and Dr. Robert Richards, a chiropractor whose office is near the proposed abortion clinic.

The suit also claims McGuffey neglected his duties by failing to take action against Johnson when contractors were [caught working on the Sparkman Drive building without the necessary city permits.](#)

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