

MINUTES
BREVARD PLANNING BOARD
AUGUST 18, 2015

Brevard Planning Board met for a regular meeting on Tuesday, August 18, 2015, at 7:00 PM in Council Chambers of City Hall.

Members Present: Demi Loftis, Vice Chair
Katie Thompson
Jimmy Perkins
Frank Porter
Chris Strassner

Members Absent: Kimsey Jackson, Chair
Seyl Park

Staff Present: Daniel Cobb, Interim Planning Director
Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Vice Chair, Demi Loftis, called the meeting to order and the Board members introduced themselves. There was a moment of silent meditation.

II. Approval of Minutes –

Approval of Minutes of the May 19, 2015 and August 3, 2015 meetings, F. Porter moved for approval as written, seconded by J. Perkins and unanimously approved.

III. New Business – Application #TA15-000002 of Doug Harris, Harris Architects, for Proposed Text Amendment to Unified Development Ordinance Chapter 5.17 Encroachments.

D. Cobb presented his staff report explaining how the Planning Staff currently measures for setbacks, which is attached hereto, labeled Exhibit “A” and incorporated herein by reference.

He explained that the text amendment application was a request to allow for encroachments into the setbacks.

D. Cobb further gave the following data: Since the UDO’s adoption in April of 2006, there have been 802 permits issued for new construction, additions, and alterations (all of which were subject to setback standards). During that timeframe there were 13 applications for variances. While balconies, bay windows, and chimneys may be required for a particular architectural design they don’t necessarily provide a functional benefit to the home as roof overhang or gutter system would.

In conclusion, D. Cobb recommended that the Board approve the text amendment as stated in "Attachment 3" of his staff report.

Doug Harris thanked the Board for taking the time to hear his application. He stated that maintaining the UDO is a constant; figuring out what is working and what is not. He explained that the request comes out of working here in Brevard and work that he has done in other cities and states. Further explaining that until you apply an ordinance you do not really understand how it works and that in his opinion that this is a situation where the ordinance could use tweaking.

Mr. Harris gave the Board examples of situations, including sketching out some examples on paper for the board.

D. Cobb stated that a law was passed this year that does not allow staff to regulate overhangs. He stated that distances from property lines and rights of ways can be regulated.

There was detailed discussion by the Board and it was determined that the Board needed to see the language and any changes in order to prepare a motion so that nothing was lost in translation.

F. Porter made a motion to approve Mr. Harris' text amendment with revisions and addition of Staff recommended language as stated below:

Chapter 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.17 Encroachments

Certain architectural features are permitted to encroach across parcel lines, into setback areas, and into rights-of-way. The following standards shall be established for encroachments:

A. Awnings:

Awnings on structures within commercial and mixed-use zoning districts may encroach upon the front setback area and rights-of-way provided that the following conditions are met:

1. Awnings shall be supported by means of a frame attached directly to the structure receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way.
2. Storefront awnings projecting the width of the sidewalk pedestrian zone must be attached to the building at 14' above the grade of the sidewalk. Awnings may only project two-thirds the width of the sidewalk pedestrian zone if attached lower than 14' above the grade of the sidewalk.

3. Awnings shall not project into the furniture / landscape zone of any sidewalk, nor over a street or adjacent on-street parking, and, in no event, shall they project further than 7 feet from the face of the building.
4. The lowest point of any awning shall be at least nine feet above the grade of the sidewalk.
5. All awnings in other zoning districts shall be considered a part of the structure for purposes of measuring and complying with area and setback regulations.

B. Handicapped Ramps:

The Administrator may approve the installation of handicapped landings, ramps, and similar structures as additions to existing structures, even though such additions do not meet the minimum setback requirements of this Ordinance, provided such additions meet the following criteria:

1. They are intended for the sole purpose of providing handicapped access to an existing structure.
2. They fully conform to North Carolina Building Code and are designed to minimize setback deviations to the maximum extent possible.
3. Prior to the issuance of any permit the Administrator shall inspect the site of the proposed addition and may impose such conditions as are necessary to minimize any conflicts that may arise from the construction thereof, including the encroachment of such additions upon setback lines.
4. No such addition shall encroach into a public or private right-of-way or easement, regulatory floodway, or surface water protection area.

C. Roof overhangs & gutters:

1. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet (2').

D. Uncovered porches, stoops, and stairs;

1. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front or rear yard setbacks up to one-third (1/3) of the required setback dimension up to a height of four feet (4') above the elevation of the floor being served. The area of each porch, not including landings between runs of stairs, shall be no greater than fifty square feet (50sf).

E. Balconies and bay windows:

1. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet (3') into the required setback dimension. Balconies or bay windows may not exceed ten feet (10') in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed thirty three percent (33%) of the total width of each elevation.

F. Chimneys:

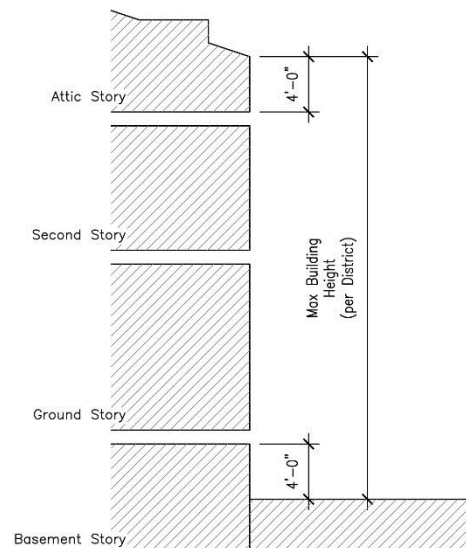
1. Chimneys may encroach into front, rear, or side setbacks by up to two feet (2'). Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
- G. 1. No such eve, bay window, balcony, stairs, stoop, porch, or chimney shall encroach into a public or private right-of-way or easement, regulatory floodplain, or surface water protection area.

Computation of Building Height:

- H. Building height" is measured as the vertical distance above a reference elevation measured to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. The height of a terraced or stepped building is the maximum height of any segment of the building. The height limitations of this Code shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns.
- I. The reference elevation shall be selected using the greater of either of the following:
1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade; or,
 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in paragraph 1, above is more than 10 feet above the lowest grade.
- J. Story:
- The habitable level of a building, which level shall not exceed 14 feet in height from finished floor to finished floor. Basements that emerge less than 4 feet from grade or attics not exceeding 4 feet at the knee-wall shall not constitute a story.

K. Items Not Included in Calculation:

The height limitations of Chapter 2, Section 2.3(E) of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the



effect that such building or structure will not interfere with any airport zones or flight patterns.

Motion seconded by K. Thompson, unanimously approved.

D. Cobb stated that the recommended language would be presented to Council for their approval.

IV. Old Business – Daniel Cobb reminded the Board of the School of Government webinars that have been purchased and are available for viewing before December 31, 2015. The Board requested that he resend the link to the website via email.

V. Other Business - D. Cobb announced that Council had reappointed Demi Loftis to serve another term and have appointed a new member Keenan Smith to the Board.

K. Thompson requested that as a courtesy to the Board that they be notified of staff changes.

VI. Adjourn-

There being no further business, J. Perkins made a motion to adjourn, seconded by F. Porter, the Board unanimously voted to adjourn at 8:48 PM.

Demetria B. Loftis, Vice Chair

Janice H. Pinson, Board Secretary