MINUTES
BREVARD BOARD OF ADJUSTMENT
February 12, 2013
CONTINUATION OF JANUARY 8, 2013 MEETING

The Brevard Board of Adjustment met in regular session on Tuesday, February 12, 2013, at 7:00 PM in Council Chambers of City Hall.

Members Present:	Carl Brown, Chairperson Allen Delzell Mike Young Jean Haigis-Pedler Judy Mathews
Staff Present:	Brad L. Burton, Assistant Planning Director Daniel Cobb, Planner Janice H. Pinson, Board Secretary Michael Egan, Board Attorney
Others:	Peter Newsome, PharmAgra

Chairperson Brown called the meeting to order at 7:00 PM. There was a quorum present. The Board members were introduced.

Approval of Minutes

Chairperson Brown requested a motion to approve the minutes of the January 8, 2013 meeting. D. Cobb, Planner requested that a correction be made to the minutes. Motion by J. Pedler to approve, seconded by M. Young, and passed unanimously to approve the Minutes with corrections.

Approval of Agenda

Chairperson Brown requested a Motion to approve the Agenda, motion made by J. Pedler, seconded by J. Mathews, passed unanimously by a vote of the Board.

Old Business

Roger Frisbee, Agent for PharmAgra Labs – Variance request (new additions to existing structure). VAR-12-402 – requesting variance from front set back requirement at property located at 158 McLean Road.

Chairperson C. Brown stated that the Board needed to determine if under the Unified Development Ordinance they were even permitted to hear the request for variance.
M. Egan, Board Attorney, presented his Memorandum to the Board based on his research of the

UDO Section 16.11.D and Section 14.3.C. The Memorandum is attached hereto, labeled Exhibit "A" and incorporated herein by reference.

M. Egan further stated that it was his opinion that the Board could grant a variance in this case subject to the Applicant being able to meet every requirement as stated in the UDO Section 16.11.D.

C. Brown stated that all witnesses were sworn in at the previous meeting and that this is a continuance of that meeting and that the oath still applies.

Daniel Cobb stated that he had additional information to present to Board. He was directed by the Board at the previous meeting to try to make contact with the church (the neighboring property owner) to see if they had any issues with the expansion. He stated that Mr. Frisbee, Applicant had contacted Jack Gunter from the church. Mr. Gunter is a Deacon of the church, Chairperson of the Building and Grounds Committee and also a member of their Visioning Committee. He spoke with the church on January 10, 2013 at their business meeting and the church has no objection to the expansion. He also stated that the variance request was for a 39 foot reduction in a 40 foot front setback requirement. He further said this is a fairly big reduction of a setback requirement in a residentially zoned district.

C. Brown asked if the church stated their plans for the property in the future and asked if they wanted to use the property in the future would this variance prohibit them from doing so and D. Cobb responded that it would not prohibit their future use.

Peter Newsome, PharmAgra, stated that the expansion would allow them to add two rooms to allow them to start manufacturing on their present site. This would create jobs and more revenue with the hopes of future expansion on their 3.5 acre site.

Brad Burton, Assistant Planning Director questioned Mr. Newsome as to whether or not any plans had been submitted to an Architect or Engineer. Mr. Newsome responded they had not because they were waiting on approval of the variance. B. Burton further stated that he recalled Mr. Frisbee's testimony to state that they already had plans in place. Mr. Newsome explained that they had drawn their own plans but had not proceeded to an Architect.

The Board reviewed each of the 6 determinations of Section 16.11.D of the Unified Development Ordinance.

A. Delzell read the suggested Motion which is attached hereto, labeled Exhibit "B" and incorporated herein by reference.

Motion to grant variance by A. Delzell, seconded by J. Pedler and the Board voted and unanimously denied the variance.

J. Mathews made a motion to adopt the Memorandum to the Board prepared by Board Attorney, Mike Egan, dated February 11, 2013, regarding the PharmAgra Labs, seconded by M. Young, and unanimously passed.

Other Business

M. Egan, Board Attorney had a procedural discussion with the Board.

Brad Burton, Assistant Planning Director was involved in the discussion as it pertains to Planning Department procedures when applicants come for variances.

Adjourn

There being no further business the meeting adjourned at 7:50 PM upon motion made by A. Delzell, seconded by J. Pedler and unanimously carried.

Carl Brown, Chairperson

Janice H. Pinson, Board Secretary