MINUTES
BREVARD BOARD OF ADJUSTMENT
December 10, 2013

The Brevard Board of Adjustment met in regular session on Tuesday, December 10, 2013, at 7:00 PM in Council Chambers of City Hall.

Members Present:	Carl Brown, Chair Dr. Allen Delzell, Vice Chair Judy Mathews Carol Dillingham Josh Burdette Mike Young Tad Fogel
Staff Present:	Daniel Cobb, Planner Joshua S. Freeman, Planning Director Brad Burton, Asst. Planning Director Michael Egan, Board Attorney Janice H. Pinson, Board Secretary
Others:	Cody Macfie – Applicant Dru Bridges – Property Owner Dean McGaha, CPA – Applicant

<u>Welcome and Introduction of Board Members –</u>

Chair, Carl Brown called the meeting to order at 7:00 PM and Board and Staff Members introduced themselves.

<u>Approval of Minutes</u>

Motion was made by J. Mathews to approve Minutes of the November 12, 2013 meeting, seconded by A. Delzell, unanimously carried.

<u>Approval of Agenda</u>

D. Cobb, Staff requested that the Agenda be amended to add Special Use Permit #13-449 Challenge Foundation Properties, Tony Helton, Request for SUP to Allow K-8 Public Charter School under "Other Business."

Motion was made by A. Delzell to approve amended Agenda, seconded by M. Young, unanimously carried.

New Business – Special Use Permit Application #13-350 Macfie Holdings, LLC request to establish an Outdoor Storage Yard as a Primary Use within a Corridor Mixed Use (CMX zoning district.

The following parties were sworn in by Chair, Carl Brown: Cody Macfie, Applicant, Brad Burton, Staff and Daniel Cobb, Staff. The Chair polled the Board as to ex parte communications and there were none.

D. Cobb presented his Staff Report stating that the main concern being that the property is located in the special flood hazard area, thus subject to the City's flood damage prevention ordinance. A flood study was performed by Andrew Bick of Confluence Engineering (Asheville, NC), to determine the effects of placing bulk materials in the floodplain. Based on his report, there will be no rise in base flood elevation and no adverse impacts on adjacent properties. A copy of this study is included for review. There will be no material storage or development within the floodway.

D. Cobb, Staff recommended as a condition of the granting of a special use permit, the Board condition the permit upon the submission and approval of a storm water management plan. Staff Report is attached hereto, labeled "Exhibit A" and incorporated herein by reference.

D. Cobb showed slides for the Board to better familiarize them with the type of storage and buildings that would be placed on the property.

Cody Macfie, Applicant stated that they were purchasing the property with plans to make it a better facility than their current location stating that they currently rent the property at that location.

B. Burton asked if any building erected on the property would be a pole barn to allow for the flow of any flood waters. Applicant responded in the affirmative. The Applicant was asked if there would be a need for fuel storage on the property and it was stated that there could possibly be small above ground tank.

C. Brown, Chair asked if there were any further questions or discussions. There were none.

J. Mathews made the following motion: With regard to Case No. SUP-13-350, the application of Carolyn Macfie for a Special Use Permit to operate an outdoor storage yard to sell landscaping materials at 415 Rosman Highway, I move the Board to make the following findings of fact:

a) The use meets all requirements and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit;

Yes. A satisfactory flood study has been completed.

b) The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible with the surrounding area;

Yes. Visual site inspection confirms.

c) The proposed use or structure will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses.

Agreed.

Accordingly, I further move the Board to grant the requested special use permit in accordance with and only to the extent represented in the application and plans and subject to the following conditions:

Condition of approval: Submission and approval of a storm water management plan.

Motion by J. Mathews, second by M. Young, unanimously approved.

Other Business: Consideration of Special Use Permit #13-449, Challenge Foundation Properties, Agent Tony Helton, Request for SUP to Allow K-8 Public Charter School

D. Cobb stated that he received an email from the Agent for the Applicant, Tony Helton stating that they are withdrawing their application at this time.

Motion by C. Dillingham to dismiss, seconded by A. Delzell and unanimously carried.

B. Burton welcomed Tad Fogel to the Board.

Adjourn

There being no further business the meeting adjourned at 7:31 PM upon motion made by M. Young, seconded by C. Dillingham and unanimously carried.

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Carl Brown, Chairman

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Janice H. Pinson, Board Secretary