

MINUTES
BREVARD BOARD OF ADJUSTMENT
August 14, 2012

The Brevard Board of Adjustment met in regular session on Tuesday, August 14, 2012 at 7:00 PM in Council Chambers of City Hall.

Members Present: Rick Lasater, Chair
Frank Pearsall
Allen Delzell
Jeanne Haigis-Pedler, Alternate Member – County
Carl Brown
Chris Gandolfo, Alternate Member - City

Absent Member(s): Mike Young

Staff Present: Brad Burton, Assistant Planning Director
Janice H. Pinson, Board Secretary
Michael Egan, Board Attorney

Others Present: Joshua Sexton, Applicant
Tim Brenton, Property Owner

Chairman Lasater called the meeting to order at 7:04 PM; a quorum was present. Board members, Attorney Egan and City staff were introduced.

Approval of minutes - F. Pearsall moved, seconded by J. Pedler, the minutes from the meeting held July 10, 2012 be approved as written. Motion carried unanimously.

Chairman Lasater explained to all present the board is a quasi-judicial board and the necessary procedure one must follow if they desire to be heard by the board, specifically, all testimony given during the meeting shall be sworn testimony. All appeals of the board's decision shall be made to the Superior Court within thirty days from the date of the board's Notice of Decision.

Chairman Lasater asked the Board Secretary if a quorum was present and if the meeting had been properly advertised. The response to both questions was yes.

Josh Sexton, Agent – Request for granting of a Special Use Permit # 12-216 to locate a Religious Institution in General Residential (GR-4) zoning district.

Chairman Lasater asked board members to disclose if they have (1) Made an on-site visit to the property; (2) Have had conversation with the applicant or others regarding the request; and, (3) If they have a fixed opinion, bias or conflict of interest with respect to the request.

Board members, F. Pearsall and A. Delzell disclosed they have made an on-site visit. All board members present affirmed that they have not had any communication with applicant or others, and that they do not have a bias, fixed opinion or conflict of interest.

C. Gandolfo disclosed that he has a friendship with the property owner, Tim Brenton but that he has no interest or conflict of interest in the matter before the board.

The following were sworn in: B. Burton, Josh Sexton, Tim Brenton.

B. Burton presented and entered into the record his Staff Report dated July 27, 2012, consisting of 7 pages. (A copy of the Staff Report is filed in the case file.) He affirmed due notice requirements have been met. Legal notice of the Special Use Permit hearing and Agenda were placed, property was posted, and letters to neighboring property owners advising of the hearing were mailed.

He stated that Neighborhood Compatibility Meeting was held and that Josh Sexton and Joey Sexton were the only people in attendance and that no contact from anyone in connection with this project had been made with Staff.

Board or Applicant questions for Mr. Burton: None.

Josh Sexton, Applicant for Relevant Truth Church explained that the current services being held are Tuesday worship service at 7:00 PM; Wednesday children's service for elementary age children 6:30 PM; Sunday service at 6:00 PM. His goal is to start a youth center for children to attend after school from 3:15 PM to 7:00 or 8:00 PM in the evening and on Saturdays. He would provide games, activities for the youth. Also, members of the church might have some aerobic classes and he would like to have concerts for the youth every 2 to 3 months. He would eventually hope to have lock-ins with approximate attendance of 150-180 people and possibly a band (band would cease to play at 10:00 PM).

Questions for Mr. Sexton: Would special event permits be required for concerts. Staff: no. Would you have to be a church member to attend? Answer: no. Would alcohol be served: no. Have you already been having such meetings? Where? Member's homes and Everett Farm.

Maximum Occupancy requirements were discussed and B. Burton explained that this was approval for the permit to be applied for and that all permitting requirements had to be met and that the Fire Marshall would inspect and give Mr. Sexton the proper information about maximum occupancy and fire code requirements.

Chair Lasater asked if there were any more questions. There were none.

B. Burton asked Mr. Brenton – When you were operating the skate park and you had concerts in your opinion will the music for the church be as loud? Mr. Brenton responded that he felt it

would not be as loud that the church had already removed a portion of the speakers that he used while operating the skate park.

Chair Lasater noted that all inspections would be triggered by this approval.

Chair Lasater stated that the voting members would consist of C. Brown, A. Delzell, F. Pearsall, C. Gandolfo and himself.

A. Delzell presented the following Motion:

With regard to Case No. SUP 12-216, the application of Josh Sexton for a special use permit to locate a religious institution into an existing structure at 920 Old Hendersonville 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;
- 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; and
- 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.

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.

C. Gandolfo seconded. Board passed unanimously.

M. Egan, presented the Board with a member training exercise to help the Board think through the process. He stated that he has several more scenarios to present to them. F. Pearsall made a motion that we have additional meeting for training. After discussion, he withdrew the Motion.

The Board discussed changing the number of applications that they would hear during one meeting to two (2). F. Pearsall made the Motion that no more than two (2) applications be heard per meeting. C. Brown seconded. Board passed unanimously.

Motion to adjourn was made by R. Lasater, seconded by C. Brown, unanimously passed and the meeting was adjourned at 7:48 PM.

Rick Lasater, Chair

Janice H. Pinson, Board Secretary