

MINUTES
BREVARD BOARD OF ADJUSTMENT
June 10, 2014

The Brevard Board of Adjustment met in regular session on Tuesday, June 10, 2014 at 7:00 PM in Council Chambers of City Hall.

Members Present:	Judy Mathews, Chair Dr. Allen Delzell, Vice Chair Carol Dillingham Mike Young Tad Fogel
Members Absent:	Josh Burdette Carl Brown
Staff Present:	Brad Burton, Asst. Planning Director Michael Egan, Board Attorney Janice H. Pinson, Board Secretary
Others:	Bruce and Belinda Roberts, Applicants

Welcome and Introduction of Board Members –

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

Chair Judy Mathews chose Alternate, Tad Fogel to serve as voting member on the Board for this meeting.

Approval of Agenda

Motion was made by A. Delzell to approve the Agenda, seconded by Mike Young, unanimously carried.

Approval of Minutes

Motion was made by Mike Young to approve Minutes of the April 8, 2014 meeting, seconded by Tad Fogel, unanimously carried.

New Business – Proposed Special Use Permit Application #14-203, Bruce Roberts, Applicant and Agent for BPO Elks Lodge, 100 Elks Club Road to establish a Professional Office within a General Residential (GR6) zoning district.

Judy Mathews, Chair, explained the quasi-judicial hearing process.

The Applicants, Bruce and Belinda Roberts, 470 Park Avenue, Brevard, NC 28712 and Staff, Brad Burton, 95 West Main Street, Brevard, NC 28712 were sworn by Board Secretary, Janice Pinson.

The Chair then polled the Board as to exparte communications. Mike Young stated that he did visit the site and had a conversation with Mr. Roberts prior to his knowledge that he would be before the Board. Mr. Roberts stated that he was not aware that Mike Young was on the Board. There was no objection to these communications by the Board or the Applicants.

J. Mathews then polled the parties in the case as to whether or not they had any objections to any of the Board Members, there were none.

A quorum of the Board was present.

Brad Burton, Assistant Planning Director presented his Staff Report which is attached hereto, labeled Exhibit “A” and incorporated herein by reference. The Staff Report’s Summation was as follows: The applicant’s proposed redevelopment of the former Elk’s Club facility as a Professional Office facility has merit and would appear to be a good re-use of the existing building. The Board should be clear as to the scope and breadth of the activities proposed therein, as well as the maximum number of tenants that will occupy the newly-created office spaces. To assure that all potential businesses that move into the facility indeed can meet the definition of “Professional Office” use; the Board should consider as a condition to the Permit the requirement that all new tenants secure a zoning permit and privilege license (if applicable) from the City of Brevard.

Chair, J. Mathews ask if the Board had any questions for Brad Burton. There were none. Applicants were allowed to ask questions. Mr. Roberts ask Brad Burton if his recommendation was that any applicants would need to get a license or a permit to occupy. B. Burton responded yes, a Privilege License and Zoning Permit and further explained that the use goes with the property under a Special Use Permit. Mr. Roberts ask if the Special Use Permit conveys with the property and B. Burton stated yes, if occupied as a professional services office before 6 months or 180 days passes.

Mr. Bruce Roberts testified that he lives at 470 Park Avenue and is a neighbor to the Elks Club property. He explained that he would like to move his financial business into the location and explained that his business was FCC insured and had been in operation since 1997 and that they finance young companies around the country, and that Brevard is the headquarters for the company. He stated that most all of their work is done on the phone and internet.

Mrs. Belinda Roberts testified that she had just recently graduated from acupuncture school and that she likes the idea of using the Elks Club property because of the floor plan. She intends to have 4 or 5 practitioners full and part time to perform health related services. She stated that she might possibly hold some seminars.

J. Mathews ask if there were any questions for Mr. and Mrs. Roberts.

Mike Young ask if the community room would be rented to the public.

Mr. Roberts stated the room would be for their own use.

Mike Egan, Board Attorney advised the Board that if the property use was in question that Staff would investigate and make a determination and that the Board was not required to make that determination.

J. Mathews ask if there were any further questions and there being none the hearing was closed.

A. Delzell made a Motion to approve subject to the condition that all tenants be required to apply for Zoning Site Plan Approval from the City of Brevard Planning Department. Motion was seconded by M. Young and unanimously approved.

Other Business

J. Mathews announced that former board member; Jean Haigis-Pedler had passed away.

Adjourn

There being no further business the meeting adjourned at 7:51 PM upon motion made and unanimously carried.

Judith A. Mathews, Chairman

Janice H. Pinson, Board Secretary