

**MINUTES  
BREVARD BOARD OF ADJUSTMENT  
May 10, 2011**

The Brevard Board of Adjustment met in regular session on Tuesday, May 10, 2011, at 7:00 PM in Council Chambers of City Hall.

Members Present: Rick Lasater, Chairman  
Frank Pearsall  
Fred McCrary  
Alan Delzell  
Carl Brown  
Parker Platt

Members Absent: None

Staff Present: Brad Burton, Assistant Planning Director  
Michael Egan, Board Attorney  
Joshua Freeman, Planning Director  
Callie Nef, Board Secretary

Others Present: David M. Gebb, Applicant  
Jackie Latek, of Families Together

Chairman Lasater called the meeting to order; a quorum was present. Board members and City Staff were introduced.

Chairman Lasater explained to all present that the Board is a quasi-judicial body and explained the necessary procedure one must follow if one desires to be heard by the Board, and stated that 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.

**Special Use Permit- David M. Gebb, MD-**

Chairman Lasater asked that Board members disclose any visits to the property that is the subject of the Special Use Permit application. All members of the Board disclosed that they had visited the site. All Board members affirmed that they have no conflict of interest, bias, or fixed opinion as to the outcome of the Special Use Permit request, but Carl Brown did state he once worked in the proposed building. All Board members affirmed that there had been no ex parte conversations with the Applicant or other individuals relevant to the Special Use Permit application.

Brad Burton, Jackie Latek, and David Gebb were sworn in. B. Burton then entered into the record Staff's Report dated May, 2011. A copy of the Staff Report is filed in the case file. Mr. Burton made specific reference to the appointment of agent form wherein the property owner,

David M. Gebb, designates Jackie Latek as agents of the property for the purposes of the Special Use Permit request. A copy of the submittal application was submitted as Exhibit A, separate from Staff report. B. Burton also submitted a letter from the Public Services Director, David Lutz, regarding City water and sewer hookup must be required by the applicant. Michael Egan, Board attorney, entered the letter into record as Exhibit B.

B. Burton states the applicant, Dr. David Gebb, proposes to lease an existing structure located on his property at 1910-A Asheville Highway. The potential lessee is an organization called Families Together, who is classified as a Professional Services- type operation. The structure is located in GR-6 zoning district, which Professional Services type operations require a Special Use Permit. B. Burton went on to state some of the requirements of Special Use Permits

B. Burton explained that Staff conducted a neighborhood compatibility meeting on April 28<sup>th</sup>, 2011, which was attended by six citizens who live or own property within close proximity to the proposed school. None of the citizens offered any comment, pro or con, as to the application

B. Burton certified that all property owners within 200 feet of the subject property properly were noticed at the public hearing in accordance with state law and City code, and at the same property owners were invited to attend the neighborhood compatibility meeting.

B. Burton stated that the City of Brevard Technical Review Committee met on Wednesday, May 4<sup>th</sup>, 2011 in the administrative conference room to consider this Special Use Permit request, and summarized the comments and recommendations of that committee:

- Recommended installation of a Know Box Firefighter's Rapid Entry System.
- If deemed applicable by City of Brevard Public Services, recommended the applicant shall connect to sewer water and sewer and discontinue the use of the private well and septic system (reference City of Brevard Code of Ordinances Chapter 70, Article II, Section 70-32)
- If any new lighting is proposed for the parking area or building, it shall be UDO-compliant and approved by the administrator in advance.
- Except in exigent circumstances, the facility shall not be in operation past 10:00 pm.

B. Burton summarized Staff's review of the Special Use Permit request in the context of parameters for the consideration of the Special Use Permits as set forth in section 16.10.B of a Unified Development Ordinance, referencing comments within the Staff Report beginning on page 6:

- Location and Site Character: the proposed use is allowable within the GR-6 zoning district upon issuance of a Special Use Permit. The property contains one main structure and one accessory building. All drives and parking areas are paved, and striped.
- Design/ Configuration: The structure is somewhere between 23 and 25 years old and has two addresses: 1910-A Asheville Highway (upstairs) and 1910-B Asheville Highway (downstairs). Families Together is proposing to occupy the upstairs space.
- Future Land Use/ City of Brevard Land Use Plan: The project does not seem to be affected by any future land use plan or developments.
- The anticipated professional service proposes no threat to the adjacent property values,

traffic, or noise.

B. Burton summarized Staff's comments and recommendations:

- The City of Brevard Technical Review Committee unanimously voted to recommend approval of the application, subject to the conditions that are previously outlined. Staff feels these conditions are fair and reasonable and are of interest to the scope of the project.
- The project in proposal is a Family oriented

B. Burton stated that the Applicant appears to have committed to addressing these concerns to the satisfaction of Staff.

Chairman Lasater then asked if the applicant or agent owner would like to speak. David Gebb introduced himself as the applicant and property owner of the proposed location.

Chairman Lasater asked, Jackie Lateck clarified that the age range of people Families Together will be helping and managing are 3 to 18 years old.

She also clarified for the Board that there will be no medications on site. F. Pearsall then suggested a sign to be on building stating that shall be No narcotics on the property. The Board recommended that the sign be required.

Chairman Lasater closed the public hearing and called for deliberation.

Chairman Lasater stated that it appears that the Applicant is making an effort to achieve a positive outcome with regard to every concern of the Technical Review Committee, and to comply with the Unified Development Ordinance.

M. Egan offered a prepared motion for the Board's consideration. Chairman Lasater reminded the Board that it is the Board's practice to formulate a motion in the positive to approve the request.

Hearing no further discussion, Chairman Lasater called for a motion.

R. Lasater offered the following motion:

*In the matter of Special Use Permit Application SUP-11-087, based upon the sworn testimony and evidence presented before the City of Brevard Board of Adjustment at a hearing on May 10, 2011, I move the Board of Adjustment to find the following:*

- 1. that the proposed use, a Professional Service, 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;*
- 2. that the proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area; and*

3. *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.*

*Based upon these Findings of Fact, I move the Board to grant Special Use Permit SUP-11-087 with the following conditions (strike all that do not apply, or add any additional):*

- 1) The applicant shall install a Knox Box Firefighter's Rapid Entry System upon the subject structure at a location to be determined by the City of Brevard Fire Department (required).*
- 2) The applicant shall, if deemed appropriate by the City of Brevard Public Services Department, connect the existing structure to public water and sewer.*
- 3) If any new lighting is proposed for the parking area or building, it shall be UDO-compliant and approved by the administrator in advance.*
- 4) Except in exigent circumstances, the facility shall not be in operation past 10:00 pm.*

Carl Brown called for, and Fred Pearsall offered, a second to the motion. The motion carried unanimously.

Other Business:

A. Delzell moved that the meeting be adjourned, which was seconded by F. Pearsall. The motion carried unanimously.

The meeting adjourned at 9:10 PM.

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Rick Lasater, Chairman

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Callie Nef, Board Secretary