

**MINUTES
BREVARD BOARD OF ADJUSTMENT
October 11, 2011**

The Brevard Board of Adjustment met in regular session on Tuesday, October 11, 2011, at 7:00 PM in Council Chambers of City Hall.

Members Present: Rick Lasater, Chairman
Frank Pearsall
Alan Delzell
Carl Brown
Parker Platt
Mike Young

Members Absent: Fred McCrary

Staff Present: Brad Burton, Assistant Planning Director
Michael Egan, Board Attorney
Joshua Freeman, Planning Director
Daniel Cobb, Acting Board Secretary

Others Present: Hall Wadell, Reaban Oil Company
William Lapsley, Applicant's Agent

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.

Approval of Minutes – A motion was made by Frank Pearsall to approve the July 12, 2011 meeting minutes, second by Parker Platt. Motion carried unanimously.

Reaban Oil Company — Architectural Exception

Chairman Lasater asked the Board, since the original hearing on July 12, 2011, if anyone had any ex parte communication regarding the matter before them this evening. No one had.

Chairman Lasater swore in William Lapsley and Brad Burton for testimony.

Mr. Burton went over the request before the Board, an architectural exception to allow gas station canopy's in the front yard. The Unified Development Ordinance allows for architectural

exceptions to be granted by the Board of Adjustment.

Mr. Burton asked if there were any questions for him, there were none.

Chairman Lasater asked Mr. Lapsley if he had anything further to add to his testimony or evidence for this project.

Mr. Lapsley stated that nothing has changed in the scope of the project since the original hearing.

Chairman Lasater asked the Board if there were any questions for Mr. Lapsley.

Mr. Young asked Mr. Lapsley to confirm whether the large chestnut tree on the property is the reason for applying for the architectural exception.

Mr. Lapsley replied by saying that the large tree certainly had a great deal to do with it.

Mr. Young then asked if there had been consideration given to the location of the tanks themselves, as digging too close to the tree could harm it.

Mr. Lapsley replied by stating that they think they are far enough away from the root system, but they would make sure. Mr. Lapsley offered to bring a consulting arborist to the site if the Board so desires.

Chairman Lasater asked the Board if there were any further questions.

Mr. Young is concerned about the underground tanks and their proximity to the Chinese chestnut tree.

Chairman Lasater brought up the issue of the cut and fill proposed within the floodway.

Chairman Lasater called for a motion and a vote.

Mr. Pearsall motioned the Board grant the requested architectural exception pursuant to section 16.14 of the Unified Development Ordinance on the basis that because of a specific recognized architectural style the provisions enumerated chapter 5 of the Unified Development Ordinance preclude the appropriate detailing and the building design is worthy of architectural merit and deserves recognition. The motion was seconded by Carl Brown. Motion carried unanimously.

Other Business – Mr. Brown made a motion to cancel the regularly scheduled meeting in November, second by Mr. Delzell. Motion carried unanimously.

Chairman Lasater recognized Park Platt for his service; Mr. Platt is resigning from the Board.

Mr. Freeman asked Mr. Young if he would be willing to become a full-time voting member, Mr. Young stated that he would be happy to do so.

Mr. Delzell moved that the meeting be adjourned, second by F. Pearsall. The motion carried unanimously.

The meeting adjourned at 7:15 PM.

Rick Lasater, Chairman

Daniel Cobb, Acting Board Secretary