MINUTES
BREVARD BOARD OF ADJUSTMENT
April 14, 2015

The Brevard Board of Adjustment met in regular session on Tuesday, April 14, 2015 at 7:00 PM in Council Chambers of City Hall.

Members Present:	Judith A. Mathews, Chair Carol Dillingham Tad Fogel Tom Tartt Josh Burdette
Members Absent:	Dr. Allen Delzell, Vice Chair Mike Young
Staff Present:	Daniel Cobb, Asst. Planning Director Janice H. Pinson, Board Secretary Mike Egan, Board Attorney
Others:	Jim Platania, Area Manager, Carolina Pizza Hut

I. Welcome and Introduction of Board Members

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

II. Approval of Agenda

J. Mathews requested that the agenda be amended to include, under Other Business: Election of Officers and Administrative Item. She requested a motion to approve the agenda as amended, motion to approve by C. Dillingham, seconded by T. Tartt, unanimously carried.

III. Approval of Minutes

J. Mathews requested a motion to approve the Minutes of the October 14, 2014 meeting. T. Fogel requested that the voting members be identified. J. Mathews identified the voting members as, Josh Burdette, Tad Fogel, Judith A. Mathews, Tom Tartt and Carol Dillingham. Motion was made to approve by T. Fogel, seconded by C. Dillingham, and was unanimously approved.

T. Tartt requested the opportunity to ask a question in reference to the motion approving the extension of a special use permit at the October 14, 2014 meeting. He stated that he was curious as to why he had seen no visible signs of work on the Rosman Highway project because the motion that was approved stated that work would begin within 2 weeks. T. Tartt stated that he had not seen any work to date.

J. Burdette requested of M. Egan, Board Attorney that he be allowed to ask staff, Daniel Cobb, a clarification question on the matter. J. Burdette asked Daniel Cobb if there was anything about that project that tied into the City's acquisition of the adjacent parcel. D. Cobb stated there are project specific sewer line plans for moving a line, but that it has nothing to do with the acquisition.

Further discussion took place, J. Burdette pointing out that there are design and engineering work that sometimes takes as long as, or longer than the construction. T. Tartt voiced further concern that six (6) months have passed since the extension and that no work appears to be underway and that the Board should note for future request for extensions of this permit.

IV. New Business

Consideration of Application for Special Use Permit #15-058 by Carolina Pizza Company for request for a drive-thru restaurant on property located at 62 Pisgah Highway within the corporate limits of the City of Brevard, further identified by PIN 8597-45-6400-000.

J. Mathews, Chair, explained the quasi-judicial hearing process. She stated that any parties that would be testifying must be sworn. Daniel Cobb, Assistant Planning Director, City of Brevard Planning Department and Jim Platania, Area Manager, Carolina Pizza Hut was sworn by J. Pinson, Board Secretary.

J. Mathews polled the board as to exparte communications, there were none. She further polled the board as to conflicts of interest, there were none. Staff and the Applicant were polled as to whether or not they had any partiality to the Board serving for this hearing. There was none.

D. Cobb gave a brief background of the request of the applicant, an existing Pizza Hut restaurant for a special use permit to operate a drive thru window. The applicants have applied for a development permit to make revisions to the façade of the building to modernize their look and are proposing no real changes to the site. The property is currently zone Downtown Mixed Use (DMX) which only allows for a drive thru window with the approval of a special use permit. The property when built in 1997 was zoned C4, highway commercial, a drive thru was allowed by right at that time. D. Cobb said, we received plans in February but due to scheduling conflicts were unable to get this in front of the board until now.

D. Cobb further presented the "Discussion" section of his staff report which is attached hereto, labeled "Exhibit A" and incorporated herein by reference.

T. Tartt asks if the drive thru window met current stacking requirements and D. Cobb answered that it does not. J. Burdette noted that it is not a typical drive thru but more of a pickup and delivery window.

D. Cobb explained the threshold of improvement requirements to the Board. If improvements exceed 25% of the appraised or assessed building value the applicant is usually required to make items such as landscaping, parking lots and signage comply with the current Unified Development Ordinance (UDO); if improvements exceed 50%, which is considered substantial improvements, such items as sidewalks, storm water, are required to be addressed.

T. Fogel asked the applicant if when the current Pizza Hut was built if there was an agreement with the City as to the materials to be used for the roof, varying from the standard use of red. The applicant stated that the wood cedar shingles need to be replaced because they are hard to maintain and will be replaced with a black shingle.

J. Burdette ask the applicant if there would be any changes to the number of seats and the applicant stated the number of seats would actually be reduced, that much of the glass would be removed and that the restaurant was going to be brighter and more family oriented. There were further questions about signage. D. Cobb responded that the signage would be addressed under a separate permit.

J. Mathews ask if the Board had any further questions of staff or applicant and if the applicant or staff had anything further to present. All replied no. The hearing was closed for the board deliberation. There were no deliberations.

J. Mathews requested a motion in the matter. J. Burdette presented the motion in the affirmative and placed no additional conditions on the permit. C. Dillingham seconded and unanimously approved.

V. Old Business

T. Fogel requested further discussion on the earlier matter of Hall Waddell's extension of special use permit. M. Egan informed the board that the special use permit was in effect for one (1) year. J. Mathews ask if there was anything in the ordinance that limits the number of times that a special use permit can be extended. T. Tartt responded that the question was asked at the last meeting and there is no limit. The board requested that staff confirm the status of construction and report back to the board at next month's meeting.

VI. Other Business

A. Election of Officers

C. Dillingham made a motion to elect J. Mathews as Chair and A. Delzell as Vice Chair, motion carried unanimously.

D. Cobb explained to the board that at least once a year, staff likes to check in with the board about the current meeting schedule to make sure that it meets their needs. A survey was supplied to the board for completion as to their meeting preferences and the board's preference as to how they receive their agenda packets.

Janice Pinson, Board Secretary, provided the board with information about a workshop opportunity in May.

Daniel Cobb explained to the board that he has accepted the position of Assistant Planning Director and will take over the Board of Adjustment until further notice.

Adjourn

There being no further business the meeting adjourned at 7:41 PM upon motion made by C. Dillingham, seconded by T. Tartt and unanimously carried.

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Judith A. Mathews, Chairman

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Janice H. Pinson, Board Secretary