

MINUTES
BREVARD BOARD OF ADJUSTMENT
August 11, 2015

The Brevard Board of Adjustment met in regular session on Tuesday, August 11, 2015 at 7:00 PM in Council Chambers of City Hall.

Members Present: Judith A. Mathews, Chair
Allen Delzell, Vice Chair
Carol Dillingham
Tad Fogel
Tom Tartt

**I. Welcome and
Introduction of Board
Members**

Members Absent: Mike Young
Josh Burdette

Chair, J. Mathews

Staff Present: Daniel Cobb, Interim Planning Director
Janice H. Pinson, Board Secretary
Mike Egan, Board Attorney

Others: Kristen Necessary, Applicant
James Necessary

called the meeting to order at 7:00 PM, Board introduced themselves. Chair, J. Mathews certified that a quorum of the Board was present.

II. Approval of Agenda

J. Mathews requested a Motion to approve the Agenda. T. Tartt moved to approve, seconded by Tad Fogel, unanimously approved.

III. Approval of Minutes

J. Mathews requested a motion to approve the Minutes of the July 14, 2015 meeting. Motion by A. Delzell to approve minutes as written, seconded by T. Tartt, unanimously carried.

IV. New Business:

A. Consideration of Application SUP #15-000004 for a Special Use Permit for Kristen Necessary to allow a professional services facility in a residential neighborhood. Ms. Necessary plans on personalized art instruction and print making within an accessory structure (designs to be submitted at a later date) located on her property located at 30 Stratford Avenue within the corporate limits of the City of Brevard, further identified by PIN 8585-47-5504-000.

Chair, J. Mathews explained the quasi-judicial hearing process and polled the Board as to exparte communications, there were none.

The following were sworn: Kristen Necessary, James Necessary, and Daniel Cobb. J.

Mathews stated that she did ride by the property but spoke to no one.

Daniel Cobb informed the Board that the meeting was properly advertised. He gave a brief history of the case stating that there was a Neighborhood Compatibility Meeting and there were 3 persons present in addition to himself and the applicants. There were no problems with the project, just questions. He presented his Staff Report to the Board which is attached hereto and labeled Exhibit "A".

Daniel Cobb accepted questions of the Board. There were questions about parking and alternative access of the property.

Daniel Cobb explained that the current traffic plan does not prohibit on street parking. Stating that there were no major concerns from the neighborhood.

J. Mathews asked K. Necessary if she had any objections to any of the Board Members; there were none.

Kristen Necessary thanked the Board for reviewing her application. She stated that D. Cobb had done a good job of explaining her project. She explained that she could provide plenty of parking and that her classes would be limited to 6 participants. That the impact on the neighborhood would be low. She further explained that she would be providing print shop training and providing artist residency programs.

There being no further questions, J. Mathews closed the hearing.

J. Mathews reminded the Board of the findings of fact to be considered when granting a special use permit as follows:

1. Has the applicant demonstrated that the use meets all requirements and specifications of the UDO?

2. Has the applicant demonstrated that the use is in harmony with the general intent of such ordinance and preserves its spirit?
3. Does the use meet all requirements and specifications of any adopted land use plans, and is the use in harmony with the general intent of such land use plans and preserve their spirit?
4. Has the applicant demonstrated that the proposed use or structure will be visually and functionally compatible to the surrounding area?
5. Will the proposed use be injurious to the public health, safety and welfare?
6. Will the proposed use be detrimental to the value of adjoining property and associated uses?

A. Delzell presented the suggested motion;

With regard to Case No. SUP-15-000004, the application of Mrs. Kristen Necessary for a special use permit to operate a professional services use in a residential zoning district at 30 Stratford Ave., 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 and subject to the following conditions:

1. That the design of the structure be residential in character and in keeping with the design of the existing home.
2. Site plan to be in full compliance with all site-related UDO requirements.

Motion seconded by T. Fogel and unanimously approved.

VI. Other Business –

Daniel Cobb informed the Board that a new employee would be starting next month and that he would eventually come before the Board with Special Use Permits and Variances.

He reminded the Board that there were webinars available for them to watch before December 31, 2015.

He asked Mike Egan, Board Attorney, if he had anything to discuss; he did not.

Adjourn

Motion to adjourn by T. Tartt, seconded by T. Fogel, unanimously carried and meeting adjourned at 7:31 PM.

Judith A. Mathews, Chair

Janice H. Pinson, Board Secretary