MINUTES
BREVARD BOARD OF ADJUSTMENT – REGULAR MEETING
Tuesday, August 2, 2016– 3:00 PM – Council Chambers

The Brevard Board of Adjustment met in regular session on Tuesday, August 2, 2016 at 3:00 PM in Council Chambers of City Hall.

Members Present:	Judith A. Mathews, Chair Tad Fogel Tom Tartt, Vice Chair Paul Welch Kevin Jones Coty Ferguson
Members Absent:	Mike Young
Staff Present:	Daniel Cobb, Planning Director Janice H. Pinson, Board Secretary Paul Ray, Senior Code Enforcement Officer Brian Gulden, Board Attorney
Others:	Imran Iqbal, Applicant Farhan Iqbal, Agent for Applicant James Mudrey, Property Owner Scott Thomason, Henderson Oil Co.

I. Welcome and Introduction of Board Members

Chair, J. Mathews called the meeting to order at 3:00 PM. Chair, J. Mathews certified that a quorum of the Board was present and that the minutes would reflect that the hearing was properly advertised.

Chair, J. Mathews acknowledged that Carol Dillingham had resigned from the board. She further stated that the alternate members, Paul Welch and Kevin Jones, would be the voting members.

II. Approval of Agenda

J. Mathews requested a motion to approve the agenda. P. Welch moved to approve, seconded by T. Fogel, unanimously carried.

III. Approval of Minutes

J. Mathews requested a motion to approve the Minutes of the April 5, 2016 meeting. Motion by K. Jones to approve minutes as written, seconded by T. Tartt, unanimously carried.

IV. New Business:

a. Consideration of Application for Special Use Permit #SUP16-000001 by Imran Iqbal for request for a gas station and convenience store on property located at 20 Hendersonville Highway within the corporate limits of the City of Brevard, further identified by PIN # 8597-45-8002-000.

The following were sworn: Daniel Cobb, City of Brevard Planning Director, Imran Iqbal, Applicant, Farhan Iqbal, Agent for Applicant, James Mudrey, Property Owner, Scott Thomason, Henderson Oil Co.

Chair, Judy Mathews polled the board as to exparte communications, there were none. She further asked Imran Iqbal if he felt like there were any conflicts with any of the board members. He stated, "no".

Daniel Cobb presented his staff report, which is attached hereto and labeled, Exhibit "A". Staff recommended a condition of approval be that the applicant modify the street frontage and access points to the site within 12 months of approval by reducing the width of the driveways to a maximum of 24 feet and possibly adding infrastructure (curbing) to prohibit left turns from the site.

T. Fogel questioned parcel boundaries according to the Transylvania County GIS and asked if the Pisgah Forest Small Area Plan is approved with a roundabout how this property would be affected.

D. Cobb stated that through information obtained from surveyors that the parcel boundaries on the GIS maps are not always accurate. He further stated that no plans have been approved for the Pisgah Forest Small Area Plan, therefore he could not offer an opinion on how the property would be affected.

P. Welch asked if there were regulations in place that affect the underground storage tanks.

D. Cobb stated that there are no zoning regulations for underground storage tanks.

P. Welch asked how long the prior gas station had ceased to operate.

Scott Thomason, Henderson Oil Co., answered 2 years.

Daniel Cobb explained his reasons for requesting the ingress and egress changes to the site.

There was further discussion by the Board regarding traffic safety concerns.

J. Mathews asked if there were any further questions for Daniel Cobb. There were none.

J. Mathews went over the requirements to be met to grant a special use permit.

Farhan Iqbal, Agent for the Applicant, Imran Iqbal, stated that the property has been used as a gas station for a long time and that if the business had not closed that it would still be a gas station operating from this location today. He explained that their hopes are to obtain their customers by way of Highways 280 and 64 and not directly from the forest. He further stated that they want to hire local people to work at their business to create jobs for the area. He further explained the work they were doing on the site to improve the appearance. He explained their plans to put directional traffic arrows in the parking lot and also painted entry and exit arrows at the entrances located on Highways 280 and 64. Farhan Iqbal explained that the underground storage tanks are inspected and must be approved by the State before they can use them and that the tests have already been completed, adding that they will be installing new pumps. That their plans for the sight are that it be clean, nice, well lit and easily accessible. He explained to the Board that he has been in business for 25 years and that his hopes are that this business will not only be good for the community but also for his brother, Imran.

Daniel Cobb explained that the special use permit was for the use only and that separate development permits would be required for the site.

James Mudrey, owner of the property explained that he has owned the property since 1993. He is impressed with Farhan and Imran Iqbal and gave them a hardy endorsement.

J. Mathews closed the hearing.

T. Fogel made the motion as follows: **CITY OF BREVARD BOARD OF ADJUSTMENT**

With regard to Case No. SUP 16-000001, the application of Imran Iqbal for a Special Use Permit to operate a gas station in an existing structure at 20 Hendersonville Highway, 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: That the applicant modify the street frontage and access points to this site within 12 months of approval. This will involve reducing the width of the driveways to a maximum of 24', and possibly adding infrastructure (curbing) to prohibit left turns from the site.

Seconded by P. Welch and unanimously carried.

VI. Old Business

None.

VII. Other Business

Kevin Jones stated that he would like to point out how well behaved the applicant's children had been during the proceeding and to congratulate the parents for a job well done.

VIII. Adjourn

Motion to adjourn by P. Welch, seconded by T. Tartt, unanimously carried and meeting adjourned at 3:47 PM.

Judith A. Mathews, Chairman

Janice H. Pinson, Board Secretary