

MINUTES
BREVARD BOARD OF ADJUSTMENT – REGULAR MEETING
Tuesday, August 1, 2017– 3:00 PM – Council Chambers

The Brevard Board of Adjustment met in regular session on Tuesday, August 1, 2017 at 3:00 PM in Council Chambers of City Hall.

Members Present: Judith A. Mathews, Chair
 Tom Tartt, Vice Chair
 Kevin Jones
 Tad Fogel

Members Absent: Paul Welch
 Allen Delzell
 Coty Ferguson

Staff Present: Daniel Cobb, Planning Director
 Janice H. Pinson, Board Secretary
 Brian Gulden, Board Attorney

Other; John Hornsby, Fast Signs, Agent for Applicant, The Challenge Foundation
 Properties of Oregon, Inc.

I. Welcome and Introduction of Board Members

Chair, J. Mathews called the meeting to order at 3:07 PM. The 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. K. Jones moved to approve, seconded by T. Tartt, unanimously carried.

III. Approval of Minutes

J. Mathews requested a motion to approve the Minutes of the June 6, 2017 meeting. Motion by K. Jones to accept the minutes as presented, seconded by T. Tartt, unanimously carried.

IV. New Business

a. Consideration of application (V17-000003) request of The Challenge Foundation Properties of Oregon, Inc. for a 16 square foot variance, per side, of the maximum size of a ground sign in accordance with Chapter 12.9.B.1.iii. The property is zoned Institutional Campus (IC) and is located at 1110 Hendersonville Highway within the corporate limits of the City of Brevard, further identified by PIN 9507-02-3957-000.

Brian Gulden, Board Attorney, explained to the Applicant that all board members present would have to vote in favor of granting the variance, and that he could postpone the hearing until the next meeting to allow for more members to be in attendance.

Mr. Hornsby requested a recess to have the opportunity to consult with the Applicant, The Challenge Foundation, before moving forward.

K. Jones moved that the Board recess the meeting for ten (10) minutes, seconded by T. Fogel and unanimously carried.

After consulting with his client, Mr. Hornsby stated that he wished to move forward with the hearing.

J. Mathews opened the hearing and polled the Board as to conflicts of interest and ex parte communications, and there were none.

The following were sworn: Daniel Cobb, Planning Director, and John Hornsby, Applicant.

D. Cobb stated that the hearing was properly advertised, property posted and neighbors were notified. He presented his staff report and gave a history of the case. Staff Report is attached and labeled, Exhibit "A".

The Board had no questions for Daniel Cobb.

John Hornsby thanked the Board for taking the time to hear his application. He stated that the school is a satellite location, that the properties surrounding it along the corridor are zoned Corridor Mixed Use (CMX) and are allowed a ground sign totaling 85 square feet. In comparison the school is asking for a modest sign of 40 square feet. He further explained that along Hendersonville Highway, speeds are higher than in the traditional general residential school locations. He showed the board examples of larger signs along the corridor. He stated that it was a hardship for the school to only be allowed a 24 square foot sign and that it sent a message to the public that retail stores are more important than education.

Mr. Hornsby stated that he felt the variance would be consistent with the spirit and intent of the ordinance.

D. Cobb stated that he needed to clarify a few points to the Board. He explained that the school went through a voluntary annexation to obtain City services and that the Board cannot approve or disapprove the content of the proposed sign.

B. Gulden, Board Attorney, stated that Joe Johnson, not John Hornby was the appointed agent on the application.

Mr. Hornsby explained that Mr. Johnson was tasked with moving the paperwork forward for the project and that he is a project manager under Mr. Hornsby.

K. Jones moved to accept Mr. Hornsby's appearance before the board, seconded by T. Tartt, unanimously approved.

J. Mathews closed the hearing.

K. Jones moved that the application (V17-000003) request of The Challenge Foundation Properties of Oregon, Inc. for a 16 square foot variance, per side, of the maximum size of a ground sign in accordance with Chapter 12.9.B.1.iii., be granted based on the following:

- a) that unnecessary hardship would result from the strict application of the regulations; because not only would an inadequate sized sign prove to be hardship for the public trying to find the location but the school would have difficulty branding itself.
- b) the hardship results from conditions that are peculiar to the property such as location, size or topography; the property is located in a corridor with a 50 mph speed limit.
- c) the hardship did not result from actions taken by the applicant or the property owner; and
- d) the requested variance is consistent with the spirit purpose and intent of the regulations such that Public Safety is secured and substantial justice achieved.

The motion was seconded by T. Fogel and unanimously approved.

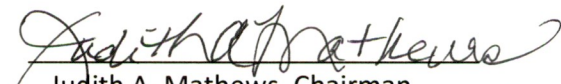
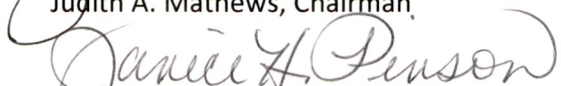
VI. Unfinished Business – None.

VII. Remarks

B. Gulden, Board Attorney, stated that the Board should consider amending their By-Laws to include their procedure of waiting 15 minutes for Applicants who are not in attendance when their meeting is called to order. Staff will prepare the amendment for consideration at the Board's next meeting.

VIII. Adjourn

Motion to adjourn by K. Jones, seconded by T. Tartt, unanimously carried and meeting adjourned at 3:53 PM.


Judith A. Mathews, Chairman

Janice H. Pinson, Board Secretary



The City of *Brevard* North Carolina

BOARD OF ADJUSTMENT STAFF REPORT

August 1, 2017

TITLE: Variance Request 17-000003
SPEAKER: Daniel P. Cobb, AICP, CFM, CZO – Planning Director
PREPARED BY: Daniel P. Cobb, AICP, CFM, CZO – Planning Director

Executive summary: The Board will hear a request by Joe Johnson, agent for The Challenge Foundation Properties of Oregon, Inc., for a variance of 16 square feet.

Applicant: The Challenge Foundation Properties of Oregon, Inc.
 817 E. Todd Dr.
 Tempe, AZ 85283
Agent: Joe Johnson
Meeting Date: August 1, 2017 – 3:00PM
Variance: 16 square feet
Project Site: 1110 Hendersonville Highway

Background: On June 5, 2017 the City received an application for a variance for a new ground sign for Brevard Academy. The school recently relocated from Brevard Music Center to 1110 Hendersonville Highway, near the intersection of Highway 64 and Glade Creek Road. Current sign regulations allow for 24 square feet, the applicant is requesting an additional 16 square feet for a ground sign 40 square feet in size.

Discussion: Brevard Academy is located on the south side of Highway 64 (See Figure 1), near the intersection of Glade Creek Road. Prior to annexation into the City limits this property was zoned under Transylvania County's Pisgah Forest Zoning District. In order to receive city services the property was annexed and designated as an institutional campus zoning district. This district allows for a maximum ground sign area of 24 square feet per side of sign.

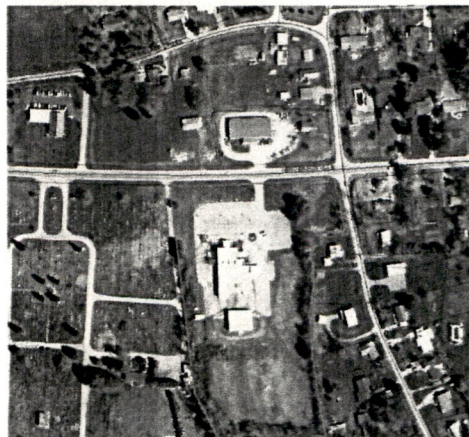


Figure 1

The institutional campus zoning district is generally reserved for campus environments such as Brevard High School, Brevard Elementary School, and other similar properties. Most of these properties

are located in more residential neighborhoods where large signs would be out of place and likely unnecessary. Brevard Academy is located on a major thoroughfare with significantly higher speeds than other neighborhood streets. The posted speed limit on Highway 64 is 50mph. The posted speed limit in front of Brevard High School and Brevard Elementary is 35mph (except for school hours which is 25mph).

The largest signs allowable under the City's current development standards is 85 square feet. This applies to properties located in Corridor Mixed-Use zoning district, or those within the Highway 64 Sign Overlay District (which this property is not part of).

In order to grant the variance *all* of the conditions below must be met:

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

Summary: The applicant is requesting a 16 square foot variance to allow a 40 square foot sign in an institutional campus zoning district.

Attachments:

- A. Application
- B. Appointment of Agent
- C. Site Plan
- D. Suggested Motion

City Of Brevard, North Carolina
BREVARD BOARD OF ADJUSTMENT

Application for Variance

Variance Case/File Number: # V17-000003

Property Owner:

Name The Challenge Foundation Properties of Oregon Inc.

Address 817 E. Todd Dr

City/State/Zip Code Tempe, AZ

Telephone Number 480-820-2479 Email Address Tduncan@brevardacademy.school
Brevard Academy 1110 Hendersonville Hwy Pisgah Forest, NC 28768

Applicant and/or Agent (if different than property owner):

Name Face Signs (Joe)

Address 1202 Patton Ave.

City/State/Zip Code Ashville, NC 28806

Telephone Number 865-806-3082 Email Address 241@FaceSigns.com
410-908-7162 Joe. Johnson@FaceSigns.com

Location of Property:

Property Identification Number (PIN): 9507-02-3957-000

Zoning District(s): I-C Within City Limits? Yes ☐ No ☒

Request VARIANCE from City Zoning Ordinance, Section(s) _____

Zoning Ordinance Requires: Sign face shall not exceed 24 square
feet per side

REQUESTING VARIANCE TO ALLOW: 40 SF per sign face per
side

UDO Chap 12.9.B.1.iii

Applicant Agent
site plan
sign info.

CITY OF BREVARD

STATEMENT OF FEES

CUSTOMER INFORMATION

Customer name: The Challenge Foundation Telephone: _____
 Contractor name: Fast Signs Telephone: _____
 Development Permit Number: V17-000003
 Location (911 Property Address): 1110 Hendersonville Highway
 Billing address: _____
 Tax ID or Fed. #: _____

FEES

Category	Fee	Account Code	By
Business License		10-1260-0300	
Utility Account Deposit		30-2360-0200	
Water Tap Fee		30-3730-0100	
Sewer Tap Fee		30-3730-0200	
Water Impact Fee ¹		35-3730-0100	
Sewer Impact Fee ¹		35-3730-0200	
Zoning Permit	<u>200.⁰⁰</u>	10-3350-0200	<u>[Signature]</u>
Stormwater Fee-In-Lieu		35-1010-0480	
Parking Fee-In-Lieu		10-3350-0600	
Sidewalk Fee-In-Lieu		35-1010-0460	
Sign Permit Fee		10-3350-0200	
Miscellaneous Bonds		10-2010-1000	
Other (Describe)			
Total Fee ²	<u>200.⁰⁰</u>	Receipt Number: <u>383855</u>	Date: <u>6/5/17</u>

*Note to Planning Staff: Knox Box fees should be collected separately and forwarded to the vendor.

Please bring this form with you to the Water Dept to pay fees and we will be happy to give you a receipt for necessary permits.

Day meter to be set (if applicable): _____



ATTACHMENT A

The City of
Brevard
North Carolina

Receipt

Date	Project Information
Project Number	June 05, 2017
Project Name	V17-000003
	Brevard Academy wall sign

Quantity	Type	Reference	Receipt	Received From	Account Code	Amount
1	Credit		532	Fast Signs	10-3350-0200	200.00

Permit Amount: \$ 200.00

Balance Due:\$ 0.00

**City of Brevard
Board of Adjustment**

Variance Request

APPOINTMENT OF AGENT

I, C. Philip Byers, CFP, owner of property
located at (street address) 1110 Hendersonville Hwy, Pisgah Forest
and identified by the Transylvania County Tax Assessor's Office as PIN: _____

_____, located in Transylvania County, North Carolina, do hereby
appoint Joe Johnson to represent me in filing an
application for VARIANCE before the Brevard Board of Adjustment.

I further authorize Joe Johnson to act as my
agent in all matters, formal and informal, and to receive all official correspondence as it relates to
the VARIANCE request and hearing.

C. Philip Byers
Property Owner Signature

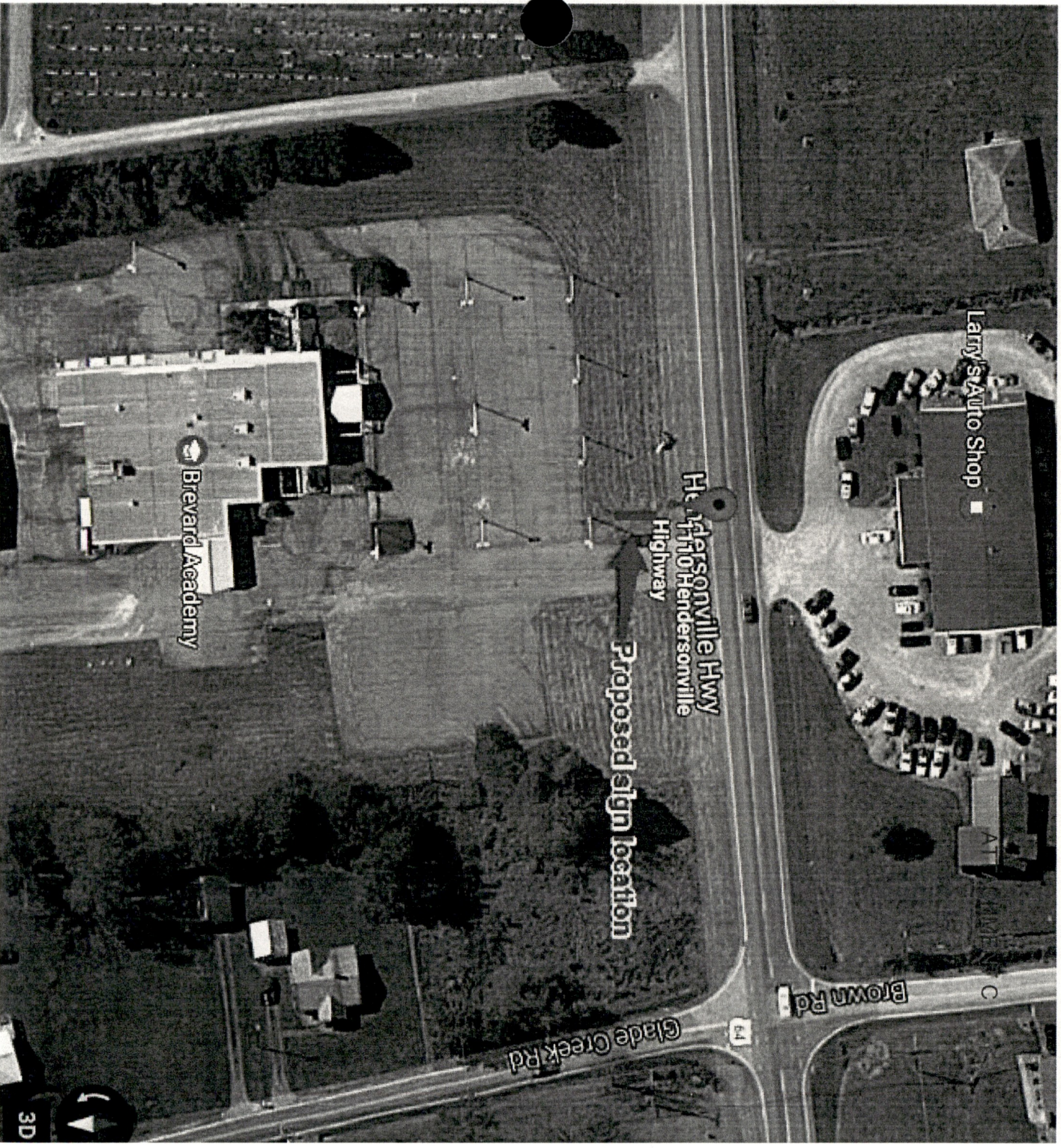
152 East Main, Forest City, NC 28043
Property Owner Mailing Address and Telephone Number

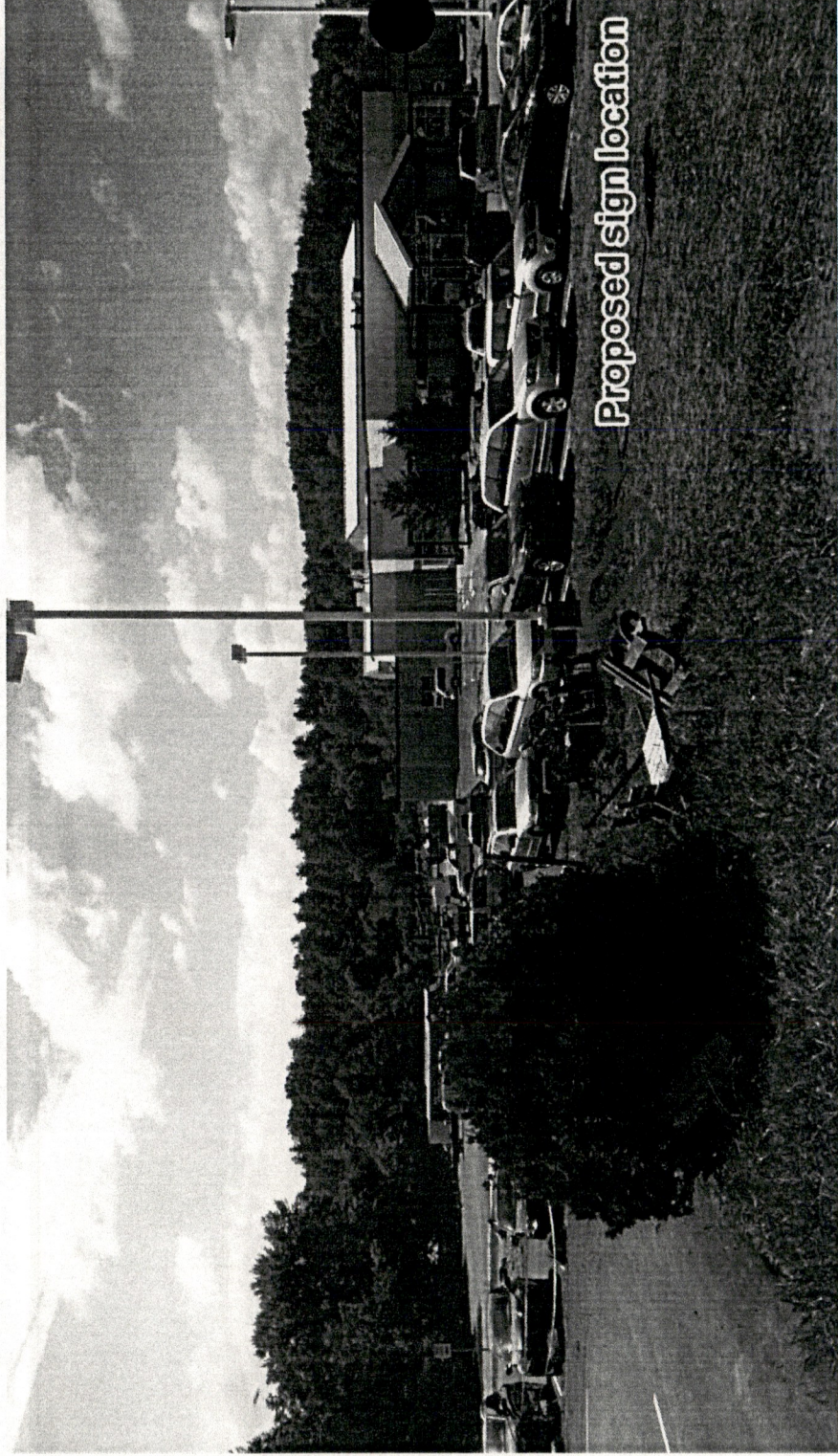
07/12/17
Date of Signature

Agent's Information: Name _____
Address _____
Telephone & Fax _____
Email _____

BOA Case Number: _____ Hearing Date: _____

C. Philip Byers
President, Challenge Foundation Properties





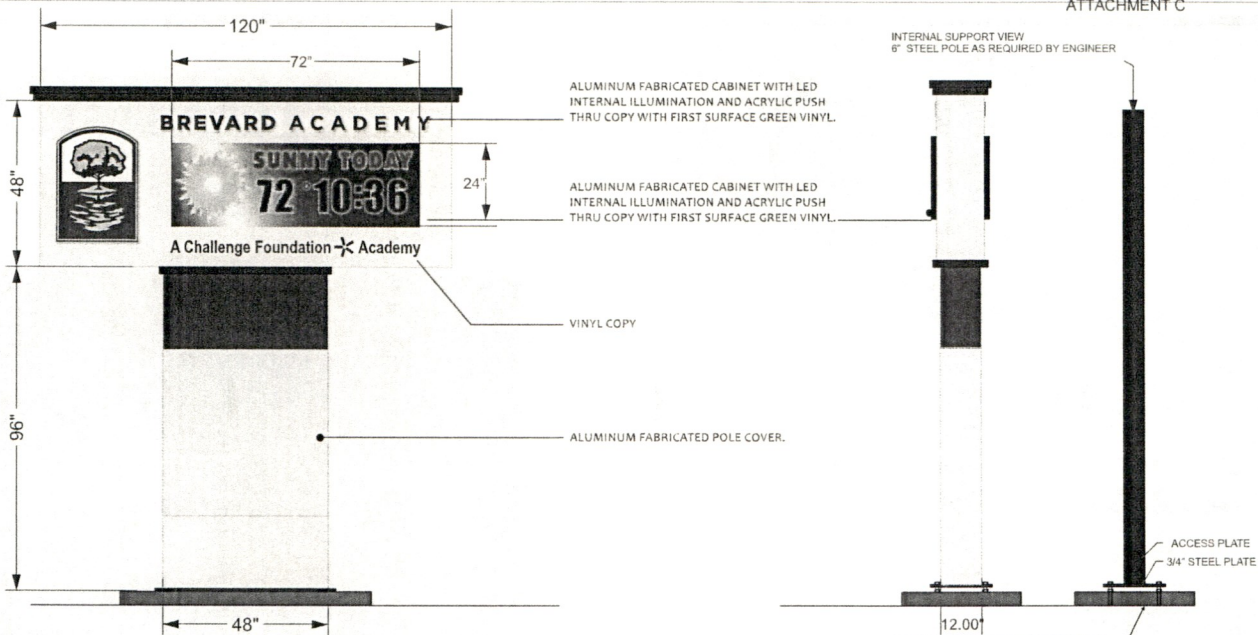
DESCRIPTION:

A DOUBLE SIDED ALUMINUM FABRICATED LED INTERNALLY ILLUMINATED MONUMENT SIGN WITH PUSH THRU ACRYLIC COPY AND A EMC.

PREPARED FOR:
BREVARD ACADEMY

APPROVED BY:

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G Front View: Double Sided Monument Sign with an EMC
Scale:

H Side View: Double Sided Monument Sign with an EMC
Scale:

DATE: 4/19/17	CONCEPT BY: JAH	CONSULTANT JOHN HORNSBY	CONCEPT ID: BREVARD ACADEMY CONCEPTUAL 0906MYQ JAH04172017	SCALE None	PAGE	REVISION 9
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ILLUMINATED DIVISION®
1202 Patton Ave. - Asheville, NC 28806
p 828.251.2211 f 828.251.0005

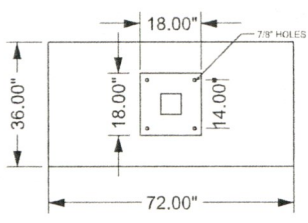
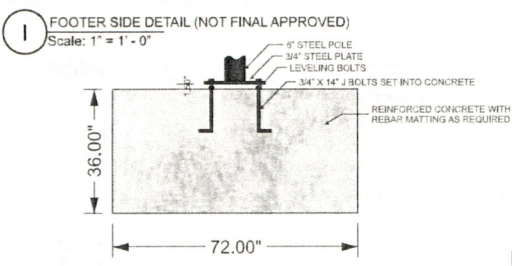


DESCRIPTION:
BASE PLATE AND
CONDUIT.

PREPARED FOR:
BREVARD ACADEMY

APPROVED BY:

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CITY OF BREVARD ZONING BOARD OF ADJUSTMENT

SUGGESTED MOTION: The Challenge Foundation Properties of Oregon Inc.: VARIANCE REQUEST #17-000003

Considering variance request 17-000003, the application of Joe Johnson, Agent for The Challenge Foundation Properties of Oregon Inc., for a 16 square foot variance from UDO, Chapter 12.9.B.I.iii, for property located in the Institutional Campus Zoning District and located at 1110 Highway 64, Pisgah Forest, North Carolina, I move the Board make the following findings of fact:

- a) that unnecessary hardship would result from the strict application of the regulations;

(LIST FINDINGS OF FACTS FOR THIS ELEMENT PER THE TESTIMONY)

- b) the hardship results from conditions that are peculiar to the property such as location size or topography;

(LIST FINDINGS OF FACTS FOR THIS ELEMENT PER THE TESTIMONY)

- c) the hardship did not result from actions taken by the applicant or the property owner; and

(LIST FINDINGS OF FACTS FOR THIS ELEMENT PER THE TESTIMONY)

- d) the requested variance is consistent with the spirit purpose and intent of the regulations such that Public Safety is secured and substantial Justice achieved.

(LIST FINDINGS OF FACTS FOR THIS ELEMENT PER THE TESTIMONY)

Accordingly, I further move the board to Grant the requested variance in accordance with and only to the extent represented in the application and plans

(IF, AND ONLY IF, YOU WISH TO ADD CONDITIONS, THEN STATE THE FOLLOWING)

and subject to the following conditions: (LIST THE CONDITIONS)