

MINUTES
BREVARD BOARD OF ADJUSTMENT – REGULAR MEETING
Tuesday, June 5, 2018– 3:00 PM – Council Chambers

The Brevard Board of Adjustment met in regular session on Tuesday, June 5, 2018 at 3:00 PM in Council Chambers of City Hall.

Members Present: Tom Tartt, Vice Chair
 Paul Welch
 Kevin Jones
 Tad Fogel
 Allen Delzell

Members Absent: Judith A. Mathews, Chair
 Coty Ferguson

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

Others: Brevard College:
 David Joyce, President
 Juan Mascaro, V. President of Strategy & Operations
 Burt Urley, Director of Facilities

I. Welcome and Introduction of Board Members

Vice Chair Tom Tartt called the meeting to order at 3:00 PM and the board members introduced themselves. He explained the procedures for a quasi-judicial hearing.

II. Certification of Quorum

Tom Tartt certified that a quorum of the Board was present.

III. Approval of Agenda

T. Tartt requested a motion to approve the agenda. P. Welch moved to approve, seconded by K. Jones, unanimously carried.

IV. Approval of Minutes

T. Tartt requested a motion to approve the Minutes of the October 3, 2017 (Revised) and December 5, 2017 meetings. Motion by P. Welch to accept the minutes as presented, seconded by K. Jones unanimously carried.

V. New Business

a. Consideration of Application of Brevard College, VAR-18-001 for a variance from UDO Chapter 12.9.G.3 in the amount of 34.4 sq. ft. for a business identification side wall sign.

T. Tartt opened the hearing and polled the Board as to conflicts of interest and ex parte communications.

T. Fogel shared that he is on the Board of Visitors for Brevard College, but that he felt he could provide a fair and impartial decision on the matter.

B. Gulden asked if Brevard College had any issues with T. Fogel or any other board members hearing the case. D. Joyce responded that they did not.

The following were sworn: Daniel Cobb, Planning Director, David Joyce, Juan Mascaro and Burt Urley.

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".

J. Mascaro explained that the side of the building facing the road has tall trees that would block the view of the sign. He provided a photo of the situation for the board's viewing. He stated to cut the trees would be in violation of City code. He further explained that the College needs a sign for people coming into town, because the main ground sign is not visible until you crest the hill, therefore people miss the entrance.

There being no further questions or discussion, T. Tartt, Vice Chair, closed the hearing.

K. Jones stated that he was prepared to make a motion.

K. Jones made the following motion:

With regard to variance request 18-001, the application of Brevard College, for a 34.4 square foot variance of the maximum size of an identification sign, as set forth in the UDO, Chapter 12.9.G.3, for property within the Institutional Campus (IC) Zoning District and located at 1 Brevard College Drive, Brevard, 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;

the size of the building and distance from the road would make the UDO required sign size too small to see from the road;

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

the size of the building, distance from the road, trees that block the view of the front of the building, large campus.

c) the hardship did not result from actions taken by the applicant or the property owner; and
the campus is large, the distance the building is from the road;

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 spirit, purpose and intent of the regulations is being met; the requested sign would be visible proportionately to the distance it is from the road.

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.

P. Welch noted the most compelling fact to be that no size sign on the west wall would be visible.

T. Fogel seconded, and the motion granting the variance unanimously carried.

VII. Unfinished Business –

a. Election of Officers – K. Jones nominated J. Mathews as Chair, seconded by A. Delzell, unanimously carried.
P. Welch nominated T. Tartt, Vice Chair, seconded by K. Jones, unanimously carried.

The Brevard Board of Adjustment 2018 Meeting Schedule calendar was presented and approved by the board.

VIII. Remarks –

D. Cobb requested input from the board as to the format and delivery of staff reports to them. It was unanimously agreed that the board is satisfied with the current format.

B. Gulden explained that new laws that affect the board have been enacted and that he would like to put together training to clarify these laws, and also, introduce the board to his partner, Susan Taylor Rash, who will fill in for him when he is not available to serve the board. He would like to do this when the board has a light agenda.

X. Adjourn

There being no further business, A. Delzell moved to adjourn, seconded by K. Jones, unanimously carried. The meeting adjourned at 3:30 PM.

Tom Tartt, Vice Chair

Janice H. Pinson, Board Secretary