

MINUTES

BREVARD BOARD OF ADJUSTMENT – REGULAR MEETING Tuesday, November 6, 2018 – 3:00 PM – Council Chambers

The Brevard Board of Adjustment met in regular session on Tuesday, November 6, 2018, at 3:00 PM in Council Chambers of City Hall.

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

Members Absent: Paul Welch

Staff Present: Aaron Bland, Planner
Brian Gulden, Board Attorney
Janice H. Pinson, Board Clerk

Others: Norris Barger, Director of Business Services, Transylvania County School Board
Toby Hutchins, Brevard High School Band Association

I. WELCOME – Chair J. Mathews called the meeting to order at 3:00 PM and welcomed those present.

II. INTRODUCTION OF BOARD MEMBERS - Board members, Board Attorney and Staff, introduced themselves.

III. CERTIFICATION OF QUORUM – Chair J. Mathews certified a quorum of the Board was present.

IV. APPROVAL OF AGENDA

K. Jones moved, seconded by T. Fogel, that the agenda be approved as presented, unanimously carried.

V. APPROVAL OF MINUTES

K. Jones moved, seconded by T. Tartt, that the October 2, 2018, meeting minutes be approved as presented. Motion carried unanimously.

VI. NEW BUSINESS

a. Request of Transylvania County Board of Education for a variance of 40' from the required 40' setback for Institutional Campus (IC) zoning district. The property is located on Jordan Road within the corporate limits of the City of Brevard, further identified by PIN # 8585-54-7844-000.

Sworn In - The following people were sworn in: Norris Barger, Transylvania County Board of Education, Director of Business Services; Aaron Bland, City of Brevard Planning Department and Toby Hutchins, Brevard High School Band Association.

Chair, J. Mathews explained the protocol for the quasi-judicial hearing.

J. Mathews polled the board as to exparte communications and conflicts of interests. There were none.

J. Mathews asked Mr. Barger, if he had any objections to the paneled board. He had none.

A. Bland, Planner presented the staff report and stated that the board needed to include in their motion evidence of any findings of fact. Staff report is attached and labeled, Exhibit "A".

It was confirmed that the meeting was properly advertised, property posted and adjoining property owners notified.

Norris Barger thanked the Planning Department for their help with the application submission. He testified that currently the band equipment is stored in a building that is quite a distance from the practice field. That students have to unload equipment and carry it to the practice field and this takes away from their practice and instruction time. That the building will be placed in the practice field area. He stated that the building will be a tremendous asset to the band, and that the band association raised all of the funds to purchase the building.

He explained that the Board of Education owns the property to the east and south and that he was hopeful that the board would agree that the variance would not cause any undue problems and approve it. He explained that one corner of the building would lie on the property line to the east and another corner would be approximately 14 ft. from the property line. He stated that if they did not own the adjoining property that they would not be before the board making the request.

T. Hutchins testified that the unnecessary hardship is that the band equipment is not anywhere close to the practice field. Practice time is after school and therefore students are contending with after school traffic, including bus traffic, presenting safety concerns for the students.

N. Barger stated that the building will be putty colored with a blue roof to match the existing surrounding structures and will be well lit.

N. Barger explained that the adjoining property is used by the Agricultural Program to graze cattle and that it lies within the 100 and 500 year floodplain. He stated that there has never been any talk of selling the property because it is used to support this program.

T. Tartt asked if they had ever considered combining both properties.

N. Barger testified that it was considered but they chose to apply for the variance instead. Adding that because the adjoining property lies in the floodplain it was uncertain how it would affect the insurance rating and that they actually took the path they felt would be faster.

Motion –

K. Jones made the following motion:

Considering variance request 18–002, the application of Transylvania County Board of Education for a 40 foot variance to the external boundary setback requirement as set forth in the UDO, Chapter 2.3.C, for property located in the Institutional Campus (IC) Zoning District on Jordan Road, 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;

That the band equipment storage is not logistically situated which takes away from practice and instruction time.

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

The students are contending with after school traffic including bus traffic to move from the current band equipment storage location to the practice field.

- 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.

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.

Second by A. Delzell, unanimously carried.

VIII. REMARKS – None

IX. ADJOURN

K. Jones moved, seconded by A. Delzell, the meeting be adjourned. Motion carried. Meeting adjourned at 3:33 PM.

Janice H. Pinson Board Clerk

Judith A. Mathews, Chair