

MINUTES
BREVARD BOARD OF ADJUSTMENT
Tuesday, November 5, 2019 – 3:00 PM – Council Chambers

The Brevard Board of Adjustment met for a regular meeting on Tuesday, November 5, 2019, at 3:00 PM in Council Chambers of City Hall.

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

Absent: Kevin Jones

Staff Present: Bryan Brightbill, Planner
Janice H. Pinson, Board Clerk
Brian Gulden, Board Attorney

Others Gary Castevens, Applicant

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 and staff introduced themselves.

III. CERTIFICATION OF QUORUM

Chair J. Mathews certified a quorum of the Board was present.

IV. APPROVAL OF AGENDA

P. Welch moved, seconded T. Tartt, to approve the agenda as presented. Motion carried unanimously.

V. APPROVAL OF MINUTES

T. Fogel moved, seconded by P. Welch, that the October 8, 2019, meeting minutes be approved as presented. Motion carried unanimously.

VI. NEW BUSINESS

a. Consideration of Application for Special Use Permit #SUP-19-002 by Gary Castevens to allow a metal products fabrication, machine or welding shop in the Neighborhood Mixed Use (NMX) zoning district on property located at 21 Cashiers Valley Road within the corporate limits of the City of Brevard, and further identified by PIN# 8586-20-8598-000.

Judy Mathews, Chair explained the rules of procedure for quasi-judicial hearings.

Bryan Brightbill, Planner and Gary Castevens, Applicant were sworn by the Clerk to the Board.

Chair Mathews polled the board as to conflicts of interest and ex parte communications. There were none.

Chair Mathews asked Mr. Castevens, Applicant if he had any conflicts of interest with any of the board members. He responded that he did not.

Bryan Brightbill presented his staff report. He explained that the use is a preexisting nonconforming use for the Neighborhood Mixed Use (NMX) zoning district, but that the use would continue to be allowed unless Mr. Castevens ceased operations for a period of time.

He further explained that Mr. Castevens is in the process of retiring and marketing the property for sale. That it is his desire to solidify the use so that any potential buyer would be allowed to continue the current operational use.

Mr. Castevens, Applicant testified that he has been operating in this location for 30 years as a machine shop. That he plans to sell the property and business, and that he does not want the lapse in usage to prohibit the same type of business to operate in this location.

After a brief discussion by the board, A. Delzell made the following motion:

With regard to Case No. SUP-19-002, the application of Gary Castevens, seeking a Special Use Permit to allow for the operation of a Metal Products Fabrication, Machine or Welding Shop on property located at 21 Cashiers Valley Road, in the Neighborhood Mixed-Use (NMX) zoning district within the corporate limits of the City of Brevard, I move the Board to make the following findings of fact:

a) The use does meet all requirements and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and does 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 with no conditions.

Seconded by P. Welch and unanimously carried.

VII. UNFINISHED BUSINESS

Cancellation of the December 3, 2019 meeting due to their being no applications on file to be heard.

Motion to cancel meeting by P. Welch, seconded by T. Tartt, unanimously carried.

VIII. REMARKS – None.

IX. ADJOURN

P. Welch moved, seconded by T. Fogel that the meeting be adjourned. Motion carried. Meeting adjourned at 3:18 PM.

Janice H. Pinson, Board Clerk

Judith A. Mathews, Chair