

A G E N D A
CITY OF BREVARD
BOARD OF ADJUSTMENT
City Council Chambers
95 West Main Street, Brevard
www.cityofbrevard.com
October 13, 2015

I. Welcome

II. Introduction of Board Members

A. Certify Quorum and Voting Members

III. Approval of Agenda

IV. Approval of Minutes: August 11, 2015

V. New Business:

A. Consideration of Application SUP #15-000007, William G. Lapsley, Agent for J. Hall Waddell, for a request for a time extension to the previously-issued Special Use Permits #11-007, #13-399 and #14-382 for the purposes of finalizing construction plans for the previously-approved project. The property is located on Rosman Highway (existing Triangle Stop location) within the City's corporate limits. PIN 8585-38-7206-000.

VI. Other Business

VII. Adjourn

Agenda posted and emailed to T. Times, September 23, 2015 jhpinson

MINUTES
BREVARD BOARD OF ADJUSTMENT
August 11, 2015

The Brevard Board of Adjustment met in regular session on Tuesday, August 11, 2015 at 7:00 PM in Council Chambers of City Hall.

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

Members Absent: Mike Young
Josh Burdette

Staff Present: Daniel Cobb, Interim Planning Director
Janice H. Pinson, Board Secretary
Mike Egan, Board Attorney

Others: Kristen Necessary, Applicant
James Necessary

I. Welcome and Introduction of Board Members

Chair, J. Mathews called the meeting to order at 7:00 PM, Board introduced themselves. 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. T. Tartt moved to approve, seconded by Tad Fogel, unanimously approved.

III. Approval of Minutes

J. Mathews requested a motion to approve the Minutes of the July 14, 2015 meeting. Motion by A. Delzell to approve minutes as written, seconded by T. Tartt, unanimously carried.

IV. New Business:

A. Consideration of Application SUP #15-000004 for a Special Use Permit for Kristen Necessary to allow a professional services facility in a residential neighborhood. Ms. Necessary plans on personalized art instruction and print making within an accessory structure (designs to be submitted at a later date) located on her property located at 30

Stratford Avenue within the corporate limits of the City of Brevard, further identified by PIN 8585-47-5504-000.

Chair, J. Mathews explained the quasi-judicial hearing process and polled the Board as to exparte communications, there were none.

The following were sworn: Kristen Necessary, James Necessary, and Daniel Cobb.

J. Mathews stated that she did ride by the property but spoke to no one.

Daniel Cobb informed the Board that the meeting was properly advertised. He gave a brief history of the case stating that there was a Neighborhood Compatibility Meeting and there were 3 persons present in addition to himself and the applicants. There were no problems with the project, just questions. He presented his Staff Report to the Board which is attached hereto and labeled Exhibit "A".

Daniel Cobb accepted questions of the Board. There were questions about parking and alternative access of the property.

Daniel Cobb explained that the current traffic plan does not prohibit on street parking. Stating that there were no major concerns from the neighborhood.

J. Mathews asked K. Necessary if she had any objections to any of the Board Members; there were none.

Kristen Necessary thanked the Board for reviewing her application. She stated that D. Cobb had done a good job of explaining her project. She explained that she could provide plenty of parking and that her classes would be limited to 6 participants. That the impact on the neighborhood would be low. She further explained that she would be providing print shop training and providing artist residency programs.

There being no further questions, J. Mathews closed the hearing.

J. Mathews reminded the Board of the findings of fact to be considered when granting a special use permit as follows:

1. Has the applicant demonstrated that the use meets all requirements and specifications of the UDO?
2. Has the applicant demonstrated that the use is in harmony with the general intent of such ordinance and preserves its spirit?
3. Does the use meet all requirements and specifications of any adopted land use plans, and is the use in harmony with the general intent of such land use plans and preserve their spirit?

4. Has the applicant demonstrated that the proposed use or structure will be visually and functionally compatible to the surrounding area?
5. Will the proposed use be injurious to the public health, safety and welfare?
6. Will the proposed use be detrimental to the value of adjoining property and associated uses?

A. Delzell presented the suggested motion;

With regard to Case No. SUP-15-000004, the application of Mrs. Kristen Necessary for a special use permit to operate a professional services use in a residential zoning district at 30 Stratford Ave., 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:

1. That the design of the structure be residential in character and in keeping with the design of the existing home.
2. Site plan to be in full compliance with all site-related UDO requirements.

Motion seconded by T. Fogel and unanimously approved.

VI. Other Business –

Daniel Cobb informed the Board that a new employee would be starting next month and that he would eventually come before the Board with Special Use Permits and Variances.

He reminded the Board that there were webinars available for them to watch before December 31, 2015.

He asked Mike Egan, Board Attorney, if he had anything to discuss; he did not.

Adjourn

Motion to adjourn by T. Tartt, seconded by T. Fogel, unanimously carried and meeting adjourned at 7:31 PM.

Judith A. Mathews, Chairman

Janice H. Pinson, Board Secretary

DRAFT



The City of
Brevard
North Carolina

BOARD OF ADJUSTMENT STAFF REPORT

October 13, 2015

TITLE: Special Use Permit Request #15-000007
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 Mr. William G. Lapsley on behalf of J. Hall Waddell for a time extension (per UDO Chapter 16, Section 16.11.F.2) for previously approved SUP's 11-007, 13-399, and 14-382 for the purpose of redeveloping the existing Triangle Stop Gas Station and convenience store located at 10 Rosman Highway.

Applicant: Mr. J. Hall Waddell
P.O. Box 629
Hendersonville, NC 28793
Agent: Mr. William G. Lapsley
214 King Street
Hendersonville, NC 28742
Meeting Date: October 13, 2015 – 7:00PM
Proposed Use: Gas Station
Project Site: 10 Rosman Highway
Brevard, NC 28712

BACKGROUND: On July 12, 2011 the Board of Adjustment approved a Special Use Permit (SUP-11-007) for Reaban Oil Company, owner Hall Waddell, to redevelop the existing Triangle Stop Gas Station and convenience store located on the Rosman Highway. The Board of Adjustment granted a 12-month extension to the permit in October of 2013 (SUP 13-399) and again in September of 2014 (SUP 14-382).

Per Mr. Lapsley's attached narrative Mr. Waddell indicates that he has been involved with another project near the Asheville Regional Airport and now that it is complete he will be able to move forward with his project in Brevard.

DISCUSSION: There are no proposed changes to the project at this time.

SUMMARY: Staff recommends approval of the requested 12 month extension.

**CITY OF BREVARD BOARD OF ADJUSTMENT
SUGGESTED MOTION: MR. HALL WADELL; SUP-15-000007**

With regard to Case No. SUP-15-000007, the application of Mr. Hall Waddell for an extension of special use permit 14-382 to redevelop the existing Triangle Stop Gas Station and convenience store located at 10 Rosman 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;

List FINDINGS OF FACT for this element per the testimony received

- 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

List FINDINGS OF FACT for this element per the testimony received

- 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.

List FINDINGS OF FACT for this element per the testimony received

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

[IF, AND ONLY IF, YOU WISH TO ADD CONDITIONS, THEN STATE THE FOLLOWING]

"and subject to the following conditions:

[THEN LIST CONDITIONS]"



City Of Brevard, North Carolina
BREVARD BOARD OF ADJUSTMENT

Application for Special Use Permit (SUP)

SUP File Number: # 11-007

Reuben Oil Company

Property Owner:

Name J. HALL WADDELL
Address P.O. Box 629
City/State/Zip Code HENDERSONVILLE, N.C. 28793
Telephone Number 828-682-0246 #6 Email Address hwaddell@trifinglestop.com

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

Name WILLIAM G. LAPSLEY
Address 214 NORTH KING STREET
City/State/Zip Code HENDERSONVILLE, N.C. 28742
Telephone Number 828-687-7177 Email Address wlapsley@wglr.com
Ext 307

Location of Property:

KOSMAN HIGHWAY

Property Identification Number (PIN): 8585-38-6144 + 7206
Zoning District(s): NMX Within City Limits? Yes No

Request SEP as permitted in City Zoning Ordinance, Section(s) _____

REQUESTING SPECIAL USE PERMIT TO ALLOW: _____

DEMOLITION OF EXISTING STORE, GASOLINE CANOPY & PUMPS
CONSTRUCT NEW STORE & GASOLINE CANOPY & PUMPS

Following must be included with Application:

1. _____ Site Plan
2. _____ Listing of names and mailing addresses of all property owners within five-hundred feet (500') from the boundaries of the property in question.
3. Application filing fee - \$200 Receipt # _____

J. Hall Waddell
Signature of Property Owner

William G. Lapsley
Signature of Agent (if different than property owner)

8-1-15
Date

9/1/2015
Date

SPECIAL USE PERMIT Request to be heard by BOA on: October 13, 2015



WGLA Engineering, PLLC

Consulting Civil Engineers and Land Planners

September 2, 2015

Mr. Daniel Cobb
Planning Department
City of Brevard
151 West Main Street
Brevard, North Carolina 28712

RE: SUP # 11-007
Reaben Oil Company
Triangle Stop Store
Rosman Highway

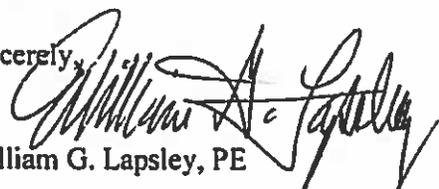
Dear Mr. Cobb:

As you know the above referenced project was approved by the City of Brevard in 2011. The permit approval was extended for 12 months in October 2012, 2013, & 2014. It is our understanding that the approval will expire within the next 30 days.

The Reaben Oil Company has completed the relocation of the sanitary sewer line on the site in anticipation of the construction of this facility. In addition the applicant is proceeding with limited site improvements including the import of a substantial amount of fill material in preparation for the building construction. This project has been delayed for the past few years due to their commitment to proceed with construction of another new store located adjacent to the Asheville Regional Airport. It is for these reasons that the applicant respectfully requests an extension of this permit for another 12 months – until October, 2016. It is anticipated that by next summer this new building will be under construction.

Enclosed please find an updated Special Use Permit application form and the appropriate filing fee. If you have any questions or need additional information please feel free to contact our office.

Sincerely,


William G. Lapsley, PE