



AGENDA
BREVARD BOARD OF ADJUSTMENT– REGULAR MEETING
Tuesday, January 12, 2016 – 7:00 PM
Council Chambers

- I. Welcome**
- II. Introduction of Board Members**
 - a. Certify Quorum and Voting Members
- III. Approval of Agenda**
- IV. Approval of Minutes**
 - a. October 13, 2015
- V. New Business:**
 - a. Request of Pisgah Forest Outdoors, LLC for a variance in the ground sign size requirements from 32 square feet surface area per side to allow 48 square feet surface area per side. The property is located at 74 Pisgah Highway within the corporate limits of the City of Brevard, further identified by PIN # 8597-45-3585-000.
- VI. Old Business: None**
- VII. Other Business: Meeting Schedule**
- VIII. Adjourn**

MINUTES
BREVARD BOARD OF ADJUSTMENT – REGULAR MEETING
Tuesday, October 13, 2015 – 7:00 PM – Council Chambers

The Brevard Board of Adjustment met in regular session on Tuesday, October 13, 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
 Josh Burdette

Members Absent: Mike Young
 Tom Tartt

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

Others: William Lapsley, Agent for Reaben Oil, Hall Waddell, Applicant

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 and that alternate board members, Tad Fogel and Josh Burdette would participate in the discussion and have voting rights for this hearing.

II. Approval of Agenda

J. Mathews requested a Motion to approve the Agenda. Tad Fogel moved to approve, seconded by A. Delzell, unanimously carried.

III. Approval of Minutes

J. Mathews requested a motion to approve the Minutes of the August 11, 2015 meeting. Motion by C. Dillingham to approve minutes as written, seconded by A. Delzell, unanimously carried.

IV. 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.

Chair, J. Mathews explained the quasi-judicial hearing process and polled the Board as to ex parte communications, there were none. She polled the Board and W. Lapsley, as to conflicts of interest and there were none.

The following were sworn: William Lapsley and Daniel Cobb.

Daniel Cobb informed the Board that the meeting was properly advertised. He gave a brief history of the case stating that W. Lapsley was present to request an extension for a period of twelve (12) months to complete the project. D. Cobb's Staff Report is attached hereto and labeled Exhibit "A".

W. Lapsley stated to the Board that he appreciated the opportunity to present his application to them. He explained that he is the Agent for Hall Waddell the present owner. He further stated that Mr. Waddell had the opportunity to construct a Triangle Stop near the Asheville Airport and due to timing and financial considerations the project had to take precedence over the Rosman Highway project. He has continued to improve the Rosman Highway property by purchasing an additional 2.5 acres adjacent to the property; relocating the sanitary sewer line and has obtained FEMA approval to fill the property. Mr. Lapsley said that Mr. Waddell has continued to improve and prepare the project in a good faith gesture to let the City of Brevard know that he plans to move forward with the project. He further stated that Mr. Waddell plans to start construction in the spring of 2016.

T. Fogel asked if an extension was all that was being requested.

W. Lapsley stated that this was correct.

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

J. Mathews read the suggested motion for the Board's consideration: Pursuant to Section 16.11.F.2 of the Unified Development Ordinance, to extend the term of Special Use Permit Number(s) 11-007, 13-399 and 14-382 to an including October 13, 2016.

A. Delzell moved to approve the motion, seconded by T. Fogel, unanimously carried.

VI. Other Business

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

Adjourn

Motion to adjourn by A. Delzell, seconded by T. Fogel, unanimously carried and meeting adjourned at 7:15 PM.

Judith A. Mathews, Chairman

Janice H. Pinson, Board Secretary

DRAFT



The City of *Brevard* North Carolina

BOARD OF ADJUSTMENT STAFF REPORT

January 12, 2016

TITLE: Variance Request #15-000001
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 Lane Lastinger, agent for Pisgah Forest Outdoors, LLC, for an additional 16 square feet of sign area. Ground signs in downtown mixed-use zoning districts are allowed 32 square feet of sign area, this request is for a 48 square foot sign.

Applicant: Pisgah Forest Outdoors, LLC
340 Maple St.
Brevard, NC 28712
Agent: Mr. Lane Lastinger
180A Cross Creek Farm Rd.
Fletcher, NC 28732
Meeting Date: January 12, 2016 – 7:00PM
Variance: 16 square feet
Project Site: 74 Pisgah Highway
Pisgah Forest, NC 28768

BACKGROUND: Pisgah Forest Outdoors LLC is currently constructing a mixed-use building on Highway 276 which will include a tavern, bike shop, and performance training facility. This facility sits on property directly fronting on the highway. Due to the fact that there are multiple tenants on the same piece of property the ground sign must include area for each business.

Also under construction is the Pilot Cove Campground (located behind Walmart), which received approval of a Special Use Permit (SUP 15-119) from the Board of Adjustment on May 12, 2015. Pilot Cove does not have frontage on any public roads, but is sharing an access drive with Pisgah Forest Outdoors. Establishments without street frontage are permitted one off-site directional sign indicating their location, such a sign is limited to eight square feet.

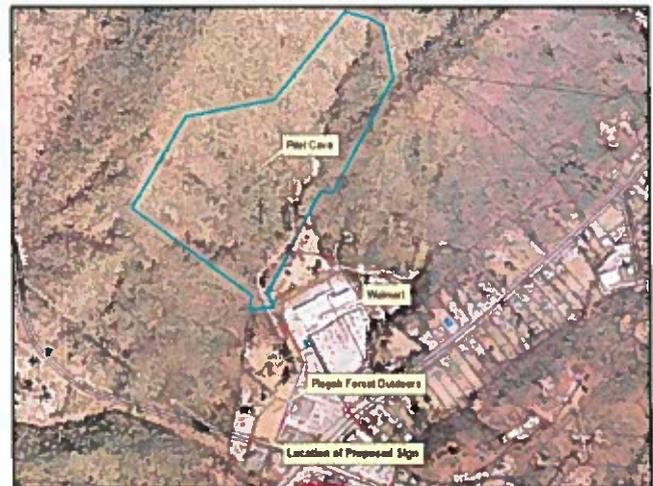


Figure 1

Figure 1 above shows the location of the campground in relation to Walmart, Pisgah Forest Outdoors, and the proposed sign location.

Figures 2 and 3 below represent existing conditions along Highway 276, several signs are visible in each image.



Figure 2



Figure 3

Figure 4, to the right represents the proposed location of the 48 square foot sign.

DISCUSSION: The purpose of sign regulation is to prevent dangerous conditions from occurring due to their size, location, construction, or manner of display or to mislead the public by causing confusion, or obstruct the vision necessary for traffic safety. The intent is also to support and complement land use objectives set forth in the zoning ordinance for the City of Brevard. Along this particular stretch of highway there are a number of signs already in place noting steep grades, U.S. Forest Service destinations, and other existing businesses. The intent of this variance request is to allow the one ground sign allowed for Pisgah Forest Outdoors to be large enough to include all the businesses located on its property as well as the Pilot Cove Campground, negating the need for two new signs.



Figure 4

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: Allowing a larger sign to be installed on the Pisgah Forest Outdoor property eliminates the need for an additional separate sign for Pilot Cove. With this arrangement Staff feels the variance is in keeping with the spirit and intent of the City's sign ordinance.



The City of
Brevard
North Carolina

DATE: December 1, 2015
TO: City of Brevard Zoning Board of Adjustment
FROM: Janice H. Pinson, Board Secretary
REGARDING: Meeting Schedule Survey

Greetings Board members,

On several occasions the Board has brought up the possibility of meeting earlier in the day and possibly changing the day of the week too. This was again brought up at our last meeting. As such, I would like to take this opportunity to revisit your meeting schedule, and make sure that the time and date of your regular meetings are suitable and convenient to you, to the greatest extent possible.

Please take a few moments to complete the following survey. We will use the results to propose, for your consideration, any necessary adjustments to your regular meeting schedule.

CONTACT INFORMATION:

1) Please provide your most updated contact information:

NAME	
MAIL ADDRESS <i>ADDRESS 1</i>	
<i>ADDRESS 2</i>	
<i>CITY, STATE, ZIP CODE</i>	
BEST EMAIL ADDRESS	
BEST TELEPHONE NUMBER	

2) Considering your routine schedule, please indicate which day(s) of the week you are available to hold regularly scheduled monthly meetings:

WEEK DAY	YES	NO
MONDAY	4	1
TUESDAY	5	
WEDNESDAY	5	
THURSDAY	3	2

3) Considering your routine schedule, please indicate the earliest time of the day that you are consistently available to begin your regularly scheduled monthly meeting:

START TIME	YES	NO
9:00 AM	2	3
10:00 AM	5	
11:00 AM	5	
12:00 AM	5	
1:00 PM	5	
2:00 PM	5	
3:00 PM	5	
4:00 PM	4	1
5:00 PM	4	1
6:00 PM	4	1
7:00 PM	5	

4) Your board is occasionally asked to meet more than once per month. Please indicate your availability to meet more than once per month.

PLEASE CHECK THE BOX THAT BEST REPRESENTS YOUR AVAILABILITY	SCENARIO
5	I am available to meet more than once per month on a regular basis.
	I am available to meet more than once per month, but only on rare and special occasions.
	I am unavailable to meet more than once per month.

5) It is difficult to predict the number of business items that will appear upon your agenda, or to strictly control the amount of time that will be devoted to each item during your meeting. Considering these limitations, as well as factors such as the current meeting time, your own energy levels, and similar, please indicate the maximum number of hours that you are comfortable devoting to each meeting:

DURATION	PLEASE CHECK YOUR PREFERENCE
TWO HOURS	1
THREE HOURS	3
FOUR HOURS	1

6) In your home, do you have access to internet service and computer hardware that is capable of downloading and viewing Adobe Acrobat PDF documents?

ACCESS STATUS	CHECK YOUR RESPONSE
YES	4
NO	1

Please indicate your willingness to receive your agenda packets in a digital format (Adobe Acrobat PDF):

PLEASE CHECK THE BOX THAT BEST REPRESENTS YOUR PREFERENCE	YOUR PREFERENCE
1	I prefer to receive my agenda packets in an <u>entirely</u> digital format (Adobe Acrobat PDF).
2	I prefer to receive my agenda packets in a digital format, but I request that large-format documents such as construction drawings be provided in paper format.
2	I prefer to receive my agenda packets <u>entirely</u> in a paper format.

6) Any additional comments, suggestions or questions? Please list here:

Thank you for completing this survey, please return to me at janice.pinson@cityofbrevard.com or 95 West Main Street, Brevard, NC 28712.

Respectfully,

Janice H. Pinson