

MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, February 1, 2022 – 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday, February 1, 2022, at 3:00 PM.

The meeting was held remotely in accordance with NC General Statute 166A-19.24. Simultaneous live audio and video was made available to the public online at <https://www.facebook.com/brevardplanning/>.

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

Staff Present: Aaron Bland, Assistant Planning Director
Emily Brewer, Planner
Janice Pinson, Board Clerk
Brian Gulden, Board Attorney

Others: Tracy Harvey, Applicant

I. WELCOME

Chair K. Jones 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 Jones had the Clerk certify that a quorum of the Board was present.

IV. APPROVAL OF AGENDA

Motion to approve the agenda with the amendment to add the approval of the Stokely Order by J. Mathews, second by T. Fogel, roll call vote carried unanimously.

Motion to approve the agenda as amended by J. Mathews, second T. Tartt, roll call vote carried unanimously.

V. APPROVAL OF MINUTES

T. Fogel moved, seconded by T. Tartt that the January 4, 2022, Minutes be approved as presented. Roll call vote carried unanimously.

VI. APPROVAL OF ORDER

Motion by J. Mathews to approve Order of Revocation of David Stokely's special use permit as submitted by Board Attorney, second T. Fogel, and roll call vote carried unanimously.

VI. NEW BUSINESS

a. Consideration of Application for Special Use Permit #SUP-21-006 by Tracy Harvey, Agent for Sheldon Marne to allow a professional services office in the General Residential (GR) zoning district on property owned by Sheldon Marne, and located at 123 S. Johnson Street within the corporate limits of the City of Brevard, in a General Residential (GR) zoning district and further identified by PIN# 8585-59- 5975-000.

Mr. Jones polled the board as to exparte communications and conflicts of interests. There were none.

Mr. Jones asked the applicant, Tracy Harvey if she had any conflicts of interests with any of the Board seated, and asked for her consent for the hearing to be held virtually. She had no conflicts and she agreed to the virtual hearing.

Mr. Jones explained quasi-judicial procedures.

Aaron Bland and Tracy Harvey were sworn by the Board Clerk.

Aaron Bland presented his staff report, and stated that the matter was properly advertised, property posted, and letters were mailed to the neighboring property owners. He further explained that there had been no previous complaints from the operation of the property as a doctor's office, and that there was one phone call from a neighbor asking questions about the matter before the board.

Tracy Harvey was allowed to present to the Board. She stated that she would be using the property as a tax preparation and accounting office. That in the beginning she would be the only person in the office, but that she does plan to grow. That there are a total of 4 offices in the building that could be used. She said that her hours of operation would be that of a normal professional office, but that she might work late hours and weekends during tax season.

Aaron Bland asked if she would be receiving large truck deliveries daily.

Ms. Harvey explained that her business would be primarily electronic. She said there would be no large vehicle traffic. When asked she shared that her business name will be Pisgah Tax & Accounting. She explained that she has been working with the Planning Department on her sign approval, but understood that she had to have a special use permit approved first.

There were questions about future traffic and parking.

A. Bland explained that the property is preexisting nonconforming and a significant improvement would cause the nonconformities to have to come into compliance with the current ordinance.

After a brief discussion, the hearing was closed.

T. Fogel made the following motion:

With regard to Case No. SUP-21-006, the application of Tracy Harvey, seeking a Special Use Permit, to allow a professional office space for an accounting and CPA firm on property owned by Sheldon and Eileen Marne located at 123 S. Johnson Street within the territorial jurisdiction of the City of Brevard, in a General Residential (GR) zoning district and further identified by PIN # 8585-59-5975-000, I move the Board to **GRANT** the application based 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.

Second by T. Tartt, roll call vote carried unanimously.

VII. UNFINISHED BUSINESS – None

VIII. REMARKS

There was a discussion about holding future meetings virtually as needed.

IX. ADJOURN

T. Fogel moved, seconded by T. Tartt that the meeting adjourn. Motion carried. Meeting adjourned at 3:51 PM.



Janice H. Pinson, Board Clerk



Kevin Jones, Chair