

MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, February 5, 2019 – 1:00 PM – Council Chambers

The Brevard Board of Adjustment met for a regular meeting on Tuesday, February 5, 2019, at 1:00 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: Daniel Cobb, Planning Director
Brian Gulden, Board Attorney
Janice H. Pinson, Board Clerk

Others Josh Vandegrift, Brevard Racquet Club
Davis Whitfield-Cargile, Attorney for Brevard Racquet Club
James and Lois Bollini, Neighbor
Douglas Campen, Attorney for James and Lois Bollini
Court Reporter – Huesby’s- Elaine Grove (Brevard Racquet Club)
Marc Kaufman – Owner, Blue Smoke BBQ

I. WELCOME

Chair J. Mathews called the meeting to order at 1:00 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

T. Fogel made a motion, seconded by A. Delzell to approve the agenda as presented, carried unanimously.

V. APPROVAL OF MINUTES

K. Jones moved, seconded by T. Tartt that the January 22, 2019, meeting minutes be approved as presented. Motion carried unanimously.

VI. UNFISHISHED BUSINESS

a. Rehearing of Brevard Racquet Club request to amend Special Exception Permit #00-22 (SUP-18-004).

Court reporter transcript is attached and labeled Exhibit “A”.

The following witnesses testified during the hearing:

Witnesses for Applicant –

Bruce Stewart, Neighbor

David Hartsock, Assistant Tennis Professional at Brevard Health and Racquet Club

Witnesses for Opponent –

Lisa Patty Abbey, Realtor (Expert Witness)

James F. Perkins, former neighbor of Bollinis

Robert Field, Neighbor

Dee Dee Perkins, former neighbor of Bollinis

List of Exhibits submitted into evidence during this hearing is attached hereto and labeled Exhibit “B”.

Motion to continue the meeting to February 6, 2019 at 2:30 PM by A. Delzell, seconded by T. Fogel, carried unanimously.

VII. NEW BUSINESS

a. Consideration of Application for Special Use Permit #SUP-18-005 by Marc Kaufman to allow a drive through restaurant in the Downtown Mixed Use (DMX) zoning district on property owned by the DeMott Enterprises, LLC, and located at 585 S. Caldwell Street within the corporate limits of the City of Brevard, in a Downtown Mixed Use (DMX) zoning district and further identified by PIN# 8585-38-9450-000.

Marc Kaufman, Applicant and Daniel Cobb, Planning Director were sworn by the Board Clerk.

Daniel Cobb, Planning Director stated that the matter was properly advertised, property posted and neighbors notified.

Daniel Cobb presented his staff report.

M. Kaufman explained that there are two drive thru windows on the property, and that he would like to use the one off of S. Caldwell Street to begin operations. He stated that he might want to use the second window as a stacking window at a later date.

He further explained that it would be a drive thru restaurant, but that he might add picnic tables and bike racks on the exterior for those who might want to eat on the premises.

When asked about the drive thru he explained that you would enter and exit on the S. Caldwell Street side of the property.

K. Jones made the following motion:

With regard to Case No. SUP-18-005, the application of Demotte Enterprises, LLC, seeking a Special Use Permit to allow for the operation of a drive-thru restaurant on property located at 585 S. Caldwell Street, in the Downtown Mixed Use (DMX) 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 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.

Motion seconded by T. Fogel and carried unanimously.

b. Election of Officers

K. Jones nominated J. Mathews, Chair and T. Tartt, Vice Chair, seconded by A. Delzell and carried unanimously.

VIII. REMARKS – None

IX. ADJOURN

K. Jones moved, seconded T. Tartt, the meeting be adjourned. Motion carried. Meeting adjourned at 6:15PM.

Janice H. Pinson Board Clerk

Judith A. Mathews, Chair