



Board of Adjustment

**MINUTES**

May 26, 2022

7:00 P.M.

City Council Chambers

**1. CALL TO ORDER**

Chair Mary Renfro called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

**2. ROLL CALL AND INTRODUCTIONS**

City Attorney Richardson introduced and swore in the newly appointed Board Members John Cary and Corina Savela.

Present were Chair Mary Renfro, Vice Chair Adam Gaffney, Board Members - Claudia Sprague, Corina Savela, John Cary, and William Johnson.

Absent was Board Member Hugh Nicolay.

Moved by Board Member Sprague, seconded by Vice Chair Gaffney to excuse the absence. Motion passed, 6-0.

Staff present: City Attorney Morris Richardson, Planners Denise Curry and Cynthia Snay.

**3. MINUTES**

Board of Adjustment Meeting Minutes of December 16, 2021

Moved by Board Member Johnson, seconded by Vice Chair Gaffney to approve the minutes as written. Motion passed 6-0.

#### 4. PUBLIC HEARING(S) –

##### **Broader MRI – Conditional Use Permit Approval Request (CUP-2022-01)**

The applicant, Broader MRI of Brevard County is requesting approval for conditional use as required in Chapter 98, Zoning, Article III. Districts, Division 21. Community Redevelopment Area Districts (C-NH and C-W) – C-NH Commercial New Haven District Sec. 98-831 to allow for a proposed clinic, specifically a MRI facility located in Oakwood Square Business Center at 1930 Dairy Road.

*Applicant: Melissa Mesa agent Broader MRI of Brevard County.*  
*Location: 1930 Dairy Road on the west side of Dairy Road, north of U.S. 192*

Attorney Richardson advised the board on quasi-judicial procedures and asked for any disclosures. There were no disclosures.

Planner Snay presented the staff report. She presented the background information regarding the applicant, location, zoning, future land use and the proposed use of a 3,360 square foot space for a MRI Clinic inside the center building of the Oakwood Square Business Center at 1930 Dairy Road. She stated that the clinic is now operating a mobile MRI at the site. She explained this conditional use permit is for the use of an indoor MRI facility/clinic to operate in one of the units in the center so the Board of Adjustment reviews for compatibility and suitability of the use with the surrounding uses.

She talked about the definition of “clinic” and how it includes diagnostic and imaging centers which is what Broader MRI of Brevard County does. She explained the ten criteria used to determine compatibility and suitability for the conditional use and how the criteria has been met since the building/site has existing driveways to a public road, dumpster, parking, signs and lighting and existing trees on site. She expounded on other factors of consideration of “not being injurious to the neighborhood” and as long as operations were inside the building they would not impact their neighbors, however if the mobile unit continued to operate it would impact their neighbors. She stated the applicant could address the operation of the mobile unit and its duration of continuance since the use is not allowed in the C-NH zoning district. She presented analysis on the harmony and general purpose of the city’s code and recommended the following motion:

Staff recommends the following motion for the indoor MRI clinic:

Approve the conditional use based on the analysis in the staff report with the following conditions:

1. Cease operation of the current mobile MRI unit at this location.
2. Mobile MRI units are prohibited at this plaza and cannot be located or operated within the parking lot of the entire site.
3. Place exterior equipment associated with the operation of the MRI device in front of the building and use noise modulating devices to minimize nuisances to surrounding neighbors.

Chair Renfro opened the public hearing.

Board Members Johnson and Cary asked questions of the applicant regarding whether contrast is used in the MRI process, if a generator is used for the MRI machine, the use of the mobile unit and why is the use a conditional use.

The applicant's representative, Angel Soto addressed the questions and explained there is no contrast used, and no generator is used since all the equipment is hooked up to power. He talked about the mobile unit having no noise except from the air conditioner operation to keep the MRI machine cool in order to function properly.

Mr. Soto stated the mobile unit is only being used on a temporary basis until the inside of the building is made ready and is operational. He anticipates the building will be ready in two to three weeks and then the mobile unit will be removed.

Planner Curry explained the use of the site for a MRI facility falls under the definition of "clinic" since imaging and diagnostic services are being provided and clinics are outlined as a conditional use in the C-NH (Commercial New Haven) zoning district code.

Discussion Included:

- Noise normally generated from the operation of the MRI inside the building and whether there are any sound barriers to block noise. The applicant advised there is no measurable noise from the operation of the MRI machine.
- City Attorney Richardson advised the board that the operation of the mobile MRI is a code enforcement issue and not under the purview of this board, and;
- Since the staff recommendation includes conditions of approval regarding the use of the mobile unit, the board can disregard mobile unit conditions regarding approval.
- Since there is no proposed site plan, as the building already exists there is no need to approve a site plan for this conditional use.

Chair Renfro closed the public hearing.

Moved by Board Member Johnson, seconded by Vice Chair Gaffney to approve the conditional use. Motion passed, 6-0.

## **5. REPORTS**

1. Planner – Denise Curry

No items have been submitted for a Board of Adjustment meeting for July.

2. Board Members

No reports.

## **6. PUBLIC COMMENTS**

No public comments.

**7. ADJOURN**

There being no further business, the meeting was adjourned at 7:32 p.m.