AGENDA
BREVARD BOARD OF ADJUSTMENT - REGULAR MEETING
Tuesday, September 1, 2026 - 3:00 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

a. Draft Minutes - August 4, 2026

VI. Approval of Orders

VII. Unfinished Business

a. VAR-25-0003 - 128 Pisgah Hwy.

VIII. New Business

a. VAR-26-0005 Bread of Life
b. SUP-26-0004 The Yard - Flea Market

IX. Remarks

X. Next Meeting - October 6, 2026 at 3 PM

XI. Adjourn

_____
Agenda Posted, Website (08/25/2026)
V. Gass, Clerk to the Board

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packet" tab. Agenda packet materials are posted on Friday afternoon prior to the meeting.

MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, August 4th, 2026 – 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday August 4th, 2026, at 3:00 PM.

Members Present:	Peter Offen, Chair Jackson Tate Reid Wood Gilly Pearson Amy Kelton
Members Absent:	Alan Mercaldo
Staff Present:	Brian Gulden, Board Attorney Katherine Poe, Planner Paul Ray, Planning Director Vith Gass, Board Clerk
Guests:	James Veal, Appellant, owner of 231 Pinnacle Rd.

I. WELCOME

Chair, Peter Offen, called the meeting to order at 3:04 PM and welcomed those presents.

II. INTRODUCTION OF BOARD MEMBERS

Board members and Staff introduced themselves.

III. CERTIFICATION OF QUORUM

P. Offen had the Clerk certify that a quorum from the Board was present.

IV. APPROVAL OF AGENDA

J. Tate moved to approve the agenda. P. Offen seconded the motion. The motion carried.

V. APPROVAL OF MINUTES

A. Draft Minutes 05_05_2026 Special Called Meeting
B. Draft Minutes 05_05_2026 Regular Meeting
C. Draft Minutes 06_02_2026 Regular Meeting

Chair P. Offen asked for any corrections or alterations to the three previous meeting minutes. Hearing none, a vote was called. Upon a motion duly made and seconded, the minutes were unanimously approved as written.

VI. APPROVAL OF ORDER

None

VII. UNFINISHED BUSINESS

A. Consideration of VAR-26-0003 - 128 Pisgah Hwy

Chair, P. Offen introduced the item for unfinished business regarding variance application VAR-25-003 for 128 Pisgah Highway.

Board Attorney B. Gulden reported that the applicant requested a continuance to the next regularly scheduled meeting because an appraisal remains incomplete. Gulden noted that the case had been previously postponed, allowing the applicant to gather additional information, which is still outstanding. Because no other parties have requested standing to oppose the continuance, the applicant's presence is not required to grant the request.

Upon a motion by P. Offen, seconded by G. Pearson, the Board voted unanimously to continue the hearing for variance VAR-25-003 to the September 1, 2026, meeting at 3:00 PM. Member J. Tate abstained from the vote.

VIII. NEW BUSINESS

A. APP-26-0001 – 221 Pinnacle Rd.

Chair P. Offen introduced new business regarding appeal case APP-26-0001 for 21 Pinnacle Road. It was noted that counsel for both parties have conferred and requested a continuance of the hearing pending a ruling on the matter in Superior Court.

Board Attorney B. Gulden provided a procedural update regarding previous related appeals. He noted that Member J. Tate is eligible to vote on this matter.

B. Gulden reminded the Board that during recent meetings, the Board denied prior appeals regarding road access and application completeness, thereby upholding the administrative decisions of Assistant Planning Director Aaron Bland. Within the 30-day statutory period, the appellant, J. Veal, appealed those decisions to the Superior Court, and a Writ of Certiorari has been issued.

B. Gulden advised that staff are compiling their official record and testimony transcripts for Superior Court review. He noted that the litigation names the City of Brevard, not the Board. The court will review the case strictly on briefs using the existing record. Due to the expected judicial timeline, counsel for both the appellant and the City agreed to a general continuance. He recommended the Board table consideration and hold the matter open indefinitely until a final judicial determination is reached or a party requests its return to the agenda.

DRAFT

G. Pearson sought clarification on whether the new appeal (APP-26-0001) differed from the prior cases.

B. Gulden explained that while the new application involves distinct findings, it shares primary underlying reasons with the previous appeals. He advised that hearing the matter now would be judicially inefficient, noting that a Superior Court ruling will likely provide critical legal clarity. If the court later remands the matter, the Board can efficiently consolidate and hear all related appeals together. Therefore, tabling consideration and holding the matter open remains the most practical procedural approach.

B. Gulden noted that this procedural approach was mutually agreed upon by both parties, and consequently, legal counsel was advised that their attendance at tonight's meeting was not required.

Upon a motion by Chair P. Offen, seconded by J. Tate, the Board voted unanimously to hold appeal case APP-26-0001 open and table consideration until a final ruling is issued by the Superior Court, or until a request to resume consideration is made by one of the parties. The motion carried.

IX. REMARKS

None

X. ADJOURN

Chair P. Offen called for a motion to adjourn. R. Wood moved to adjourn, and P. Offen seconded the motion. The motion passed unanimously by voice vote, and Chair, P. Offen officially concluded the meeting at 3:13 PM.

DRAFT

_____
Peter Offen, Chair

Date Signed: _____

_____
Edievith Gass, Board Clerk

ROBERTS
& STEVENS
ATTORNEYS AT LAW

WILLIAM CLARKE
VINCENT D. CHILDRESS, JR.
DAVID L. ENGLISH
KENNETH R. HUNT
DENNIS L. MARTIN, JR.
ANN-PATTON HORNTHAL
PHILLIP T. JACKSON
JAMES W. K. WILDE
MARY ROBINSON HERVIG
JOHN D. NOOR
KATHRYN MAULTSBY MADISON
L. ASHLEY SAVILLE-AMTOWER
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BRYANT G. CROSS
BENJAMIN H. VAN STEINBURGH
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KELLY E. MCLAUGHLIN
TYLER R. GILLIS
MARTHA M. SCHULL

LANDON ROBERTS, FOUNDER (1921-2007)
JOHN S. STEVENS, FOUNDER (1933-2019)

July 28, 2026

Via Email: stephanie.holland@cityofbrevard.com & paul.ray@cityofbrevard.com
City of Brevard Planning Department
ATTN: Stephanie Holland and Paul Ray
95 West Main Street
Brevard, NC 28712

RE: VAR File #VAR-25-0003
Dolly's Dairy Bar located at 128 Pisgah Hwy, Pisgah Forest

Dear Board:

Pursuant to your request, we are respectfully requesting that the variance hearing currently scheduled on August 4th be continued to September 1st as we are still waiting on the appraisal to be completed. This appraisal is necessary for the hearing.

I look forward to hearing from you.

Sincerely,

ROBERTS & STEVENS, P.A.

John D. Noor

JDN/djp

The Staff Report below was presented at the June Board of Adjustment hearing. The hearing was continued until August. The applicant has requested to continue the hearing to a later date to have more time to gather evidence.

Background

Dolly's Dairy Bar, a tenant at 128 Pisgah Hwy in Pisgah Forest, is zoned Downtown Mixed Use (DMX) and is within the City's Extra Territorial Jurisdiction (ETJ). The parcel identification number is 8597-45-1544-002.

Dolly's sustained damage from Hurricane Helene and construction repairs were estimated at $60,000 per the permit application. The County tax office has appraised the building's value (primary structure) at $43,430.

Per the Unified Development Ordinance (UDO), the primary structure is considered a pre-existing nonconformity and based on the cost of repairs to be invested in the building, it will be considered a Substantial Damage/Improvement.

Per UDO 14.3.E.(5): "Significant damage and/or significant improvement to any non-conforming structure that is located within a lot containing any other non-conforming condition shall, to the maximum extent possible, require the satisfaction of the all other requirements of this ordinance and the elimination of all non-conforming conditions. Examples include, but are not limited to, the provision of sufficient parking, landscaping and buffering, and public improvements (i.e., sidewalks and other), and full compliance with all applicable signage, flood hazard reduction, surface water protection, and stormwater management provisions."

The parking lot is currently not paved with permanent non-erodible surface treatment, which is a requirement of Chapter 10.7.D.1.

The owner of the property and the City executed an Infrastructure Improvement Agreement, as they stated NCDOT work will be happening with the R-5799 roundabout and wanted to wait until it's completion to do their parking lot improvements.

The applicant is requesting a variance of the Unified Development Ordinance's (UDO) Chapter 10.7.D.1 for non-conforming parking lot to be brought into compliance.

Notice of the hearing was advertised and posted on the property in accordance with North Carolina General Statute §160D-406.

Discussion

The City did approve the repairs requested based on the fact that we have the Infrastructure Improvement Agreement on file. The owners did add ADA parking as part of these repairs.

Investigation

Upon inspection, the existing parking lot is a gravel lot but does have some holes/low spots.


DOLLY'S
DAIRY BAR



Standards for the Granting of Variances
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.

Economic hardship or the fact that property may be utilized more profitably with a variance shall not constitute an unnecessary hardship. In its motion the Board should include Findings of Fact to support each of the items listed above.

INFRASTRUCTURE IMPROVEMENT AGREEMENT
"Performance and Payment Bond or Equivalent"
March 2, 2025

1. AGREEMENT

Pursuant to Section 16.12 of the City of Brevard Unified Development Ordinance and G.S. 160D-702(a) and 160D-804, this Infrastructure Improvement Agreement (the "Agreement") is made by and between the City of Brevard (the "City") and Chill-Lee Corporation dba Dolly's Dairy Bar (the "Developer"). The purpose of this Agreement is to establish the performance guarantee for the deferred completion of or variance from required site improvements, to include complying with Chapter 10.7 Off-street parking area design and construction standards.

2. PERFORMANCE GUARANTEE

The Developer agrees to provide a performance guarantee to ensure the completion of the required parking lot construction as depicted on the approved site plan and permit application number: Z-25-043. The performance guarantee has been provided in one of the following forms:

Check one that applies:

A surety bond issued by a company authorized to do business in North Carolina.

A letter of credit issued by a financial institution licensed to do business in North Carolina.

An alternative form of guarantee that provides equivalent security to a surety bond or letter of credit and is valid in North Carolina.

The base cost of the guarantee shall be the full (100%) estimated cost of construction of the required improvements being deferred, as certified by a licensed design professional (architect or engineer).

3. PERFORMANCE GUARANTEE PROVISIONS

No person other than the City of Brevard, the Developer, or the entity issuing or providing the performance guarantee shall have any rights under or to the performance guarantee or its proceeds.

The performance guarantee shall be released or returned in writing by the City of Brevard upon the satisfactory completion of the specified work, as acknowledged by the City of Brevard, or by the granting of a variance by the Board of Adjustment, eliminating or reducing the requirement for complying with Chapter 10.7 of the UDO off-street parking area design and construction standards.

In the event of default, as defined in Chapter 19 of the Unified Development Ordinance, the Developer shall pay all or any portion of the bond, cash account, or funds represented by a letter of credit to the City of Brevard up to the amount specified in this Agreement. The surety or bank issuing the letter of credit shall comply with the City's demand for payment. The City, at its discretion, may use the funds to complete the specified work and shall return any unspent funds to the Developer upon completion of the work.

4. SPECIFIED WORK

The Developer agrees obtain a variance from Chapter 10.7 of the UDO or complete the following specified work within the time provided:

Construction of an off-street hard surface parking area approximately 6,000 sq ft in area as illustrated on the site plan provided by the developer and attached to permit number Z-25-043 which shall comply with Chapter 10.7 of the City of Brevard UDO. For the purpose of this agreement, the parking area shall be defined as any public or private open area or facility used for parking automobiles and other vehicles serving primary use or uses and the vehicular use area from the proposed private sidewalk at the front of the building to the future curb cuts provided by NCDOT as part of their highway improvement project, R-5799.

The City shall hold a performance guarantee in the amount of $18,500.00for the work described as estimated by a qualified engineer or architect licensed to practice in the State of North Carolina. The City shall have the right to draw on the guaranteed funds and enter the adjoining property, if necessary, to construct the parking lot in compliance with Chapter 10.7 of the UDO if the Developer does not obtain a variance from Chapter 10.7 of the UDO or complete the work by March 28, 2027. The City Manager may extend this deadline in their discretion by one year or less. Any extension

5. BINDING EFFECT

The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the parties and their respective legal representatives, heirs, legatees, successors, assigns, and any other transferee. If the terms of this Agreement are correctly understood, please sign and date below.

6. SIGNATURES

Developer

By: _____
Name: Jean P. Lee
Title: President
Date: 03/13/2025

CITY OF BREVARD

By: Wilson B. Hooper
Name: Wilson B. Hooper
Title: City Manager
Date: 3/14/25

7. NOTARIZATION

STATE OF NORTH CAROLINA
COUNTY OF Buncombe.

I, Zackary Thompson, a Notary Public, do hereby certify that JEAN P. LEE personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 13 day of March, 2025.

Signature of Notary Public: Zackary Thompson
Printed Name of Notary Public: Zackary Thompson
My Commission Expires: 12/03/2029

ZACKARY THOMPSON
NOTARY PUBLIC
BUNCOMBE COUNTY NC
MY COMMISSION EXP:12/03/2029

STATE OF NORTH CAROLINA
COUNTY OF Transylvania.

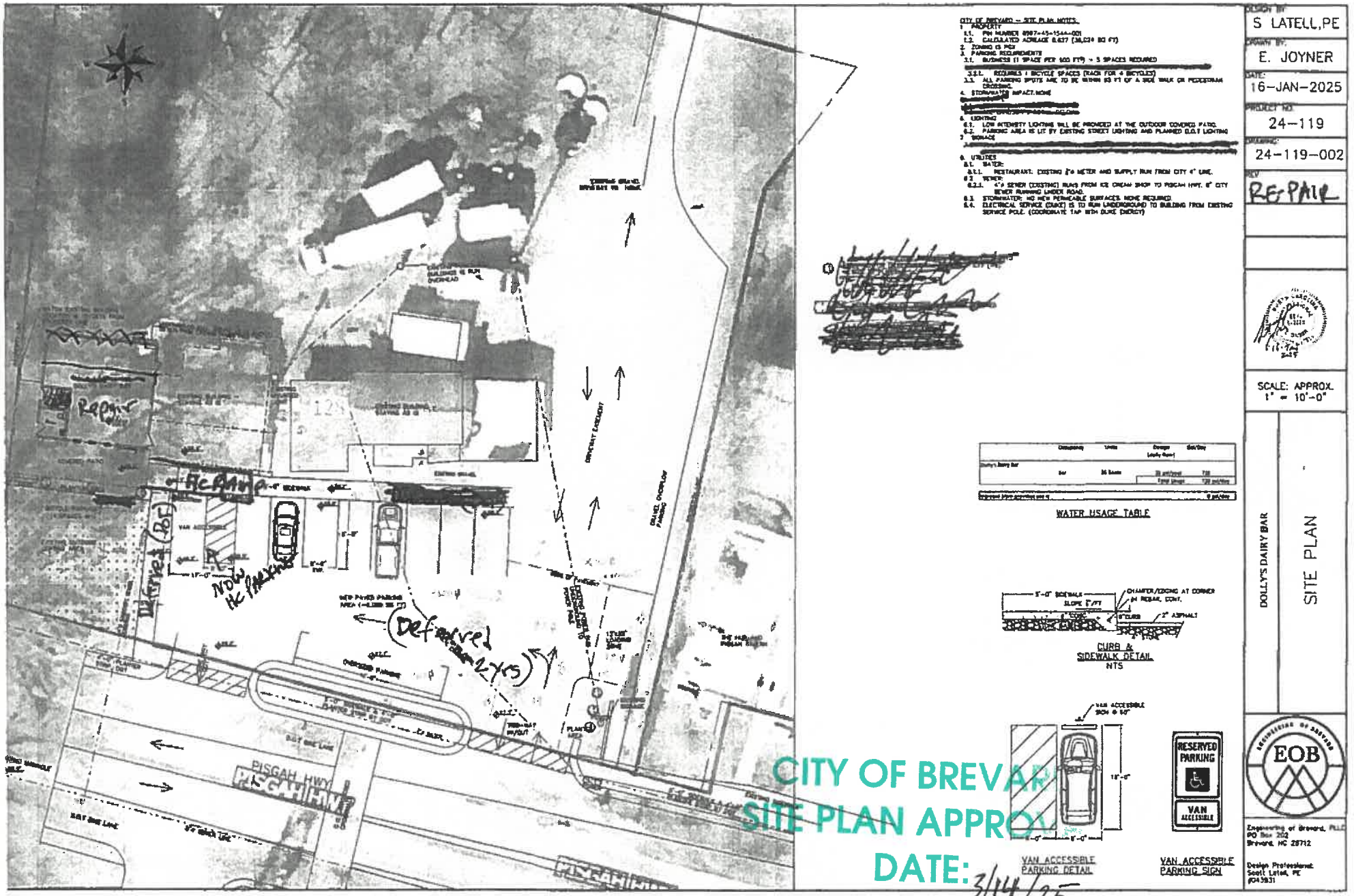
I, Denise Hodsdon, a Notary Public of said State and County, do hereby certify that WILSON B. HOOPER personally appeared before me this day and acknowledged that he is the City Manager for the City of Brevard, a North Carolina municipal corporation, and that by authority duly given and as the act of this corporation, the foregoing instrument was signed in its name by him as its City Manager.

WITNESS my hand and Notarial Seal, this the 14th day of March, 2025.

Signature of Notary Public: Denise Hodsdon
Printed Name of Notary Public: Denise Hodsdon
My Commission Expires: 10/6/2029

DENISE HODSDON
NOTARY
PUBLIC
BUNCOMBE COUNTY, NC

DOLLY'S DAIRY BAR - (CHILL-LEE CORP)



CITY OF BREVARD
SITE PLAN APPROVAL
DATE: 3/14/25

Z-25-043
8597-45-1544-001

Background

Bread of Life owns a 0.83 acre property at 31 W Morgan St in Brevard. The property is zoned Downtown Mixed Use (DMX) and is not within the Downtown Development Overlay District. The parcel identification number is 8586-40-2694-000.

The property is at the corner of W Morgan St and Duckworth Ave. The Unified Development Ordinance Chapter 5.7.8-A limits the overall building width of a Neighborhood Business to 60 feet. The City Code of Ordinances Schedule XIX, Section 66-87 lists Morgan St from Hamlin to S Caldwell St as 25 MPH. UDO 9.3 requires 60 feet between driveways and 120 between driveway and intersections on roads with a 25 MPH speed limit.

The applicant is requesting a variance of the UDO's Chapter 5.7.8-A for building width to be increased from 60' to 67'-10".

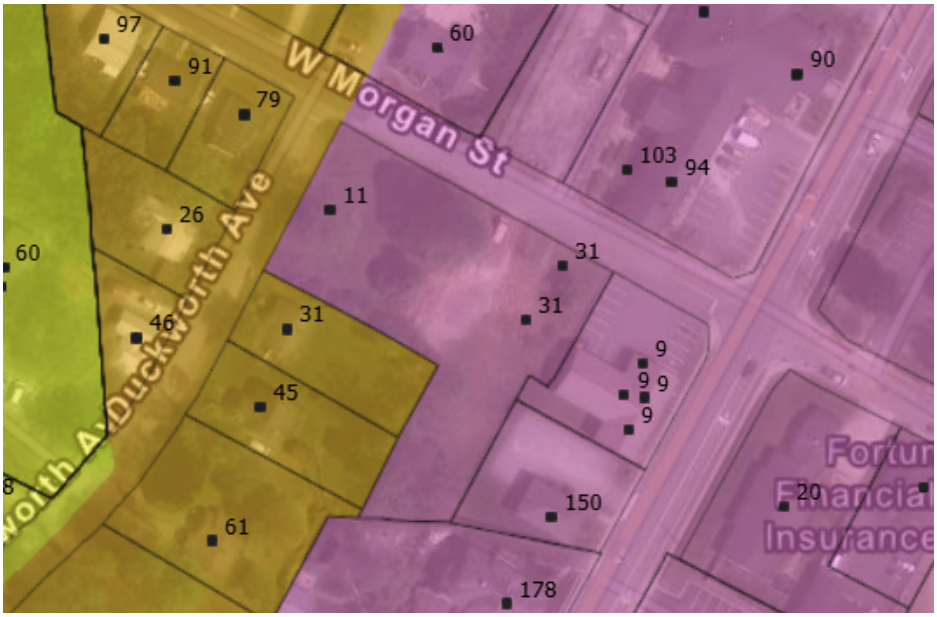
The applicant is requesting a variance of the UDO's Chapter 9.3.A for driveway separation from an intersection to be decreased from 120' to 64'.

Notice of the hearing was advertised and posted on the property in accordance with North Carolina General Statute §160D-406.

Discussion

Bread of Life currently operates out of a building located at 238 S Caldwell St in Brevard. They are planning to expand their operation to the new property at 31 W Morgan St with the development of a new two-story building with a one-way driveway around the building and parking to one side. The proposed vehicular circulation results in two driveway curb cuts on W Morgan St.

Investigation



The property is zoned DMX and is adjacent to Residential Mixed Use (RMX) and in the nearby vicinity of General Residential (GR). The property is at the corner of W Morgan St and Duckworth Ave.





Context photos looking down Morgan St from Caldwell and the neighboring business.





Context photos of a single-family home across Morgan St and of Bread of Life property.





Context photos of the single-family home across Duckworth and looking down Duckworth.





Context photos of the parking and business directly across Morgan St from the property.

Building Width:

5.5.2. Permitted building types by zoning district.

A. For properties located outside of Architectural Character Areas, the permitted building typologies vary by zoning district in accordance with the following table:

TABLE 5.5.2-A: PERMITTED BUILDING TYPES BY ZONING DISTRICT								
BUILDING TYPE	SECTION (a)	ZONING DISTRICT*						
		GR	RMX	NMX	DMX	CMX	IC	GI
Civic**	5.7.1	YES	YES	YES	YES	YES	YES	YES
Institutional	5.7.2	YES	YES	—	—	YES	YES	YES
Warehouse	5.7.3	—	—	—	—	YES	YES	YES
Main Street Building	5.7.4	—	—	—	YES	YES	YES	YES
Flex Building	5.7.5	—	—	—	—	YES	YES	YES
Liner Building	5.7.6	—	—	YES	YES	YES	YES	YES
Live/Work Building	5.7.7	—	YES	YES	YES	YES	YES	YES
Neighborhood Business	5.7.8	—	—	YES	YES	YES	YES	YES
Large-Scale Commercial	5.7.9	—	—	—	—	YES	—	—
Roadside Business	5.7.10	—	—	YES	—	YES	—	YES
Stacked Flats	5.7.11	—	—	—	YES	YES	—	—
Multiplex	5.7.12	—	YES	YES	YES	YES	YES	—
Small Multiplex	5.7.13	—	YES	YES	YES	YES	YES	—
Accessory Building	5.7.14	YES	YES	YES	YES	YES	YES	YES

(a) This column refers to the section of this ordinance that contains the building type definition and standards.
**The Pisgah Gateway Mixed-Use (PGX) Zoning District is intended to coincide with the boundaries of the Pisgah Gateway Character Area. Permitted Building Types for PGX are listed in Section 5.4.3.*
*** For all government uses, see Section 5.7.1.*

There are nine building types allowed in DMX. All but Civic and Liner buildings have a maximum width allowed which varies from 50'-150'. Stacked Flats, Multiplex, Small Multiplex are all multifamily housing. Live/Work is residential with limited commercial. Liner Building is a shallow structure around a big box retail, or convention center. Main Street building is medium to large scale that vertically integrates multiple land uses within one building. Civic buildings are important landmarks. Neighborhood Business buildings are small scale businesses.

TABLE 5.7.8-A: NEIGHBORHOOD BUSINESS BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Width	60 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

The above table defines the specifications of a Neighborhood Business building type.

Driveway:

66-87. Speed limits.

A. It shall be unlawful for any person to operate a vehicle on a street or highway within the city at a speed greater than is reasonable and prudent under the conditions then existing.

B. Unless otherwise provided in this section, it shall be unlawful to operate any vehicle in excess of the following speeds:

1. Twenty miles per hour in any business district.
2. Thirty-five miles per hour in any residential district.

C. Notwithstanding subsection 66-87.B, it shall be unlawful to operate any vehicle in excess of the following speeds:

1. Twenty miles per hour on the streets or portions of streets described in SCHEDULE XVIII-B, which is made a part of this article.
2. Twenty-five miles per hour on the streets or portions of streets described in SCHEDULE XIX, which is made a part of this article.
3. Thirty miles per hour on the streets or portions of streets described in SCHEDULE XX, which is made a part of this article.
4. Thirty-five miles per hour on the streets or portions of streets described in SCHEDULE XXI, which is made a part of this article.
5. Forty, forty-five, fifty or fifty-five miles per hour on the streets or portions of streets described in SCHEDULE XXII-A, SCHEDULE XXII-B, and SCHEDULE XXII-C respectively, which is made a part of this article.
6. Fifteen miles per hour on the streets or portion of streets described in SCHEDULE XXVIII, which is made a part of this article.

SCHEDULE XIX. TWENTY-FIVE (25) MPH SPEED LIMIT (Section 66-87)

M

East Main Street from Greenville Highway and Wilson Drive to Batson Road.

East Main Street from Johnson Street to Franklin Street.

Maple Street from Gallimore to South Gaston Street.

McLean Road.

McMinn Avenue.

Miner Street.

Monroe Street.

Montview Circle.

Morgan Street from Hamlin Avenue to South Caldwell Street.

Morningside Drive.

A. New driveways, on public streets with curbing, shall be limited in accordance with the following standards:

TABLE 9.3A: DRIVEWAY SEPARATION DISTANCES		
Posted Speed Limit (mph)	**Minimum Distance Between Driveways**	**Minimum Distance Between Driveways and Intersections***
15	20 feet	40 feet
20	40 feet	80 feet
25 to 35	60 feet	120 feet
40	120 feet	240 feet
45	140 feet	280 feet
50	160 feet	320 feet
55	180 feet	360 feet
Note: Access separation between driveways shall be measured from inside edge of curb cuts. Access separation between a driveways and intersecting streets shall be measured from the nearest inside edge of the driveway curb cut to the intersecting right-of-way lines.		

3. Parking lots with a one-way drive aisle that are required to have at least two driveways in accordance with Section 10.8 may be exempt from the "minimum distance between driveways" standards. The exemption may be granted by the administrator for local and private roads and by NCDOT for state roads.
4. The board of adjustment may modify these requirements only after the following are satisfactorily provided by an applicant:
   a. A transportation assessment performed by an certified professional licensed in the State of North Carolina containing sufficient detail to demonstrate that the modification request does not adversely impact public safety or traffic operation; and
   b. Evidence that the modification request represents the minimum necessary to address existing site constraints or to improve site circulation stemming from urban infill and/or redevelopment.

Morgan St is 25 MPH and therefore requires 120 feet from a driveway to the nearest intersection.

Board of Adjustment may modify separation distances in accordance with 9.3.D.4 as copied above.

Standards for the Granting of Variances
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.

Economic hardship or the fact that property may be utilized more profitably with a variance shall not constitute an unnecessary hardship. In its motion the Board should include Findings of Fact to support each of the items listed above.

MAY COLLABORATIVE
ARCHITECTURE | PLANNING

Application For A Variance (VAR) Brevard Board Of Adjustment
31 W. Morgan Street, Brevard

June 18, 2026

Reasons for Variance Request:

The proposed project includes construction of a new facility for The Bread of Life Inc. at 31 West Morgan Street. The property is zoned Downtown Mixed Use and fronts West Morgan Street. Properties to the south and west (across Duckworth Avenue) are zoned Residential Mixed Use.

The mission of The Bread of Life is to provide food and access to resources to all those in need in Transylvania County. No questions asked. Operating hours are Monday-Friday from 9 am – 2 pm with hot meals served from 12 -2 pm. The total area of the proposed building is 7,581 square feet. Primary spaces include dining area, commercial kitchen, large pantry, dry storage, and small lobby with public access to administrative offices on upper floor.

Typical service access by larger vehicles includes garbage pickup twice weekly and food delivery by Manna twice weekly. Both typically occur during morning hours. Additional donations by local organizations and individuals are received 8:30-11:30 am daily. Generally, there is non-simultaneous use of service delivery and guest services. The Bread of Life is supported by staff and volunteers. Guests arrive by car and on foot, typically between 11:30 am and 2 pm. To limit conflicts between vehicles and pedestrians, the circulation is designed utilizing a one-way drive aisle from Morgan Street through the parking area, with service access at the rear of the building, and exit back to Morgan Street.

The Bread of Life Inc. is requesting approval of variance from the following sections of the UDO:

- Section 5.7.8 Neighborhood Business Building Type Specifications: Maximum *Building width of 60 feet* ***(increase to building width of 67'-10")***
- Section 9.3A: Driveway Separation Distances: *New driveways, on public streets with curbing, shall be limited in accordance with the following standards: Posted speed limit 25 to 35 mph: 120 feet Minimum Distance Between Driveways and Intersections* ***(reduce to proposed 64-foot wide distance of exit driveway from intersection of Morgan and Duckworth)***

We believe the variance request should be granted because the proposed design is in keeping with the spirit of the Unified Development Ordinance (UDO) and marginally varies from the dimensional requirements. The Bread of Life purchased the property and began development of the project in 2023, three years prior to the establishment of the current architectural standards. Vehicular access and circulation are designed to maximize serviceability and minimize conflicts and delivery vehicles on residential streets.

Strict adherence to the UDO would be a significant hardship for The Bread of Life considering the challenges associated with a project of this scale for a local non-profit organization.

The following sections provide supporting documentation.

A. Text from Unified Development Ordinance (UDO)

Relevant sections of the UDO have been included below for reference specific to architectural standards for new construction and site development.

CHAPTER 5 – Architectural Standards

5.7. Building types

5.7.8. Neighborhood business.

A. A Neighborhood Business complements walkable neighborhoods by facilitating a small increment of mixed use through a pedestrian-friendly ground floor retail or service use accessed from a sidewalk shopfront. Residential units, storage or small offices may be located on upper floors.

1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

FIGURE 5.7.8-A: NEIGHBORHOOD BUSINESS ILLUSTRATION

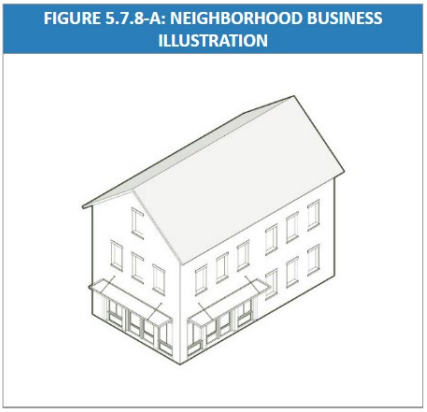


TABLE 5.7.8-A: NEIGHBORHOOD BUSINESS BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Width	60 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

Chapter 9. Circulation and Connectivity

9.3 Access Management

A. New driveways, on public streets with curbing, shall be limited in accordance with the following standards:

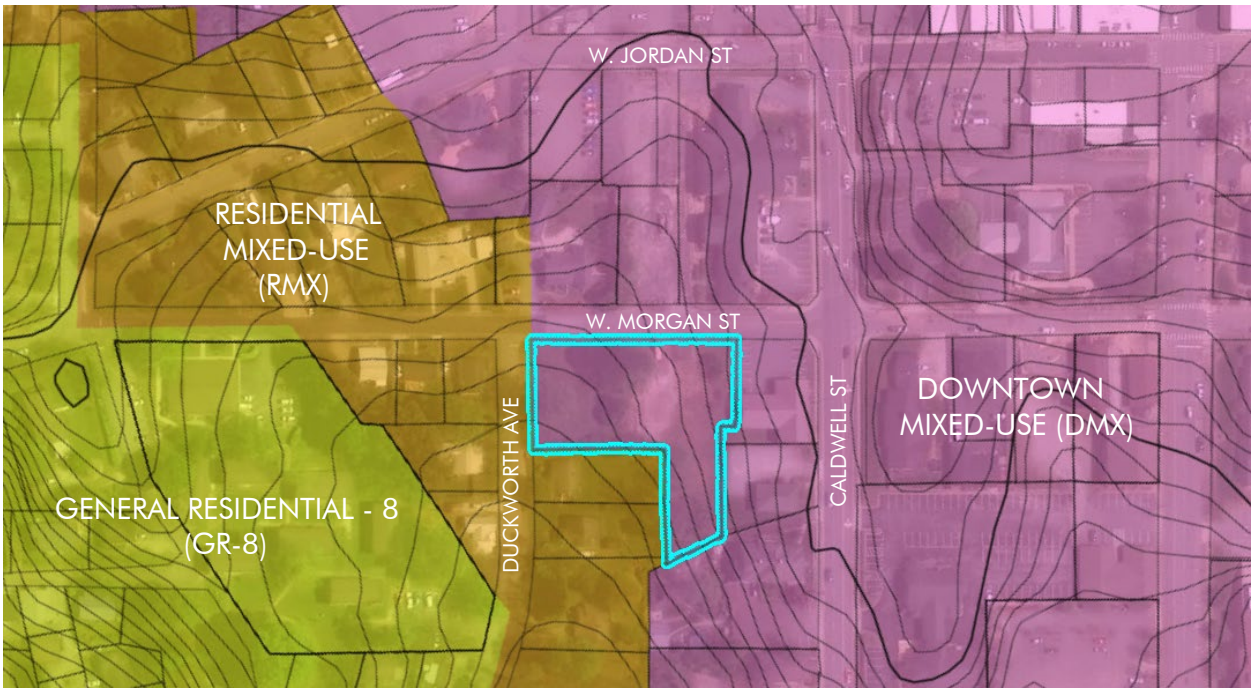
TABLE 9.3A: DRIVEWAY SEPARATION DISTANCES		
Posted Speed Limit (mph)	**Minimum Distance Between Driveways**	**Minimum Distance Between Driveways and Intersections***
15	20 feet	40 feet
20	40 feet	80 feet
25 to 35	60 feet	120 feet
40	120 feet	240 feet
45	140 feet	280 feet
50	160 feet	320 feet
55	180 feet	360 feet
Note: Access separation between driveways shall be measured from inside edge of curb cuts. Access separation between a driveways and intersecting streets shall be measured from the nearest inside edge of the driveway curb cut to the intersecting right-of-way lines.		

B. Building / Property Information

PIN 8586-40-2694-000

Calculated Acreage 0.84 Acres

Land Value $315,000



City of Brevard Zoning map

C. Reasons for Variance Request, continued

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.

The property was purchased and design of the project was underway two years prior to the adoption of the new Architectural Standards in the City of Brevard's Unified Development Ordinance (UDO). Overall massing, size of program spaces, and operational efficiencies based on adjacencies were established. The Bread of Life initiated the capital campaign while design has progressed. After the adoption of the new architectural standards, the architectural and engineering design team has integrated the required standards as much as technically feasible.

The project is designed to comply with the UDO. The building will be a two-story structure, built up to the property line, fronting Morgan Street, with parking oriented to the side and rear of the building. Stylistically, the exterior features and finishes will comply with the Brevard Contemporary style as outlined in the UDO. The allowable building type in the standards which the proposed building most closely aligns with is a *Neighborhood business*. However, the

maximum width of the building exceeds the maximum of 60 feet by 7'-10". Other allowable building types are not feasible due to constraints of the site and standards which specify maximum building widths and depths. Significant redesign and/or compromise of the program and interior functions would result in unnecessary hardship for the Bread of Life.

Circulation

A one-way circular drive with entry and exit is proposed to accommodate service/delivery access and parking for guests and staff. The entry drive is located more than 120 feet from the intersection of West Morgan Street and Caldwell Street, complying with the UDO required distance. Due to the overall width of the parcel (236 feet), the exit driveway does not comply, and is 64 feet from the intersection of Duckworth Avenue. The one-way circular drive eliminates the potential danger of larger service vehicles backing out into the road, and large delivery vehicles parking along Morgan Street, blocking traffic, because of inadequate access and maneuverability, if limited to a single two-way driveway. The one-way drive directs service vehicles to utilize West Morgan Street between Caldwell and Duckworth, minimizing larger vehicles on adjacent residential streets.

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*.

The "L"-shaped 0.84-acre parcel is 236 feet wide and 125 feet deep except for the southeasterly portion of the property which extends back an additional depth of 128 feet for a width of 65 feet. The topography slopes across the site with high point from the northeast corner of Morgan Street at 2,196 feet to 2,186 feet at the southwest corner on Duckworth Avenue, for a total change in grade of 10 feet. Due to the conditions of the site, overall size of specific program areas, and vehicular access drive required, requiring strict adherence to dimensional requirements for *neighborhood business* or other allowable building types, proves to be a hardship.

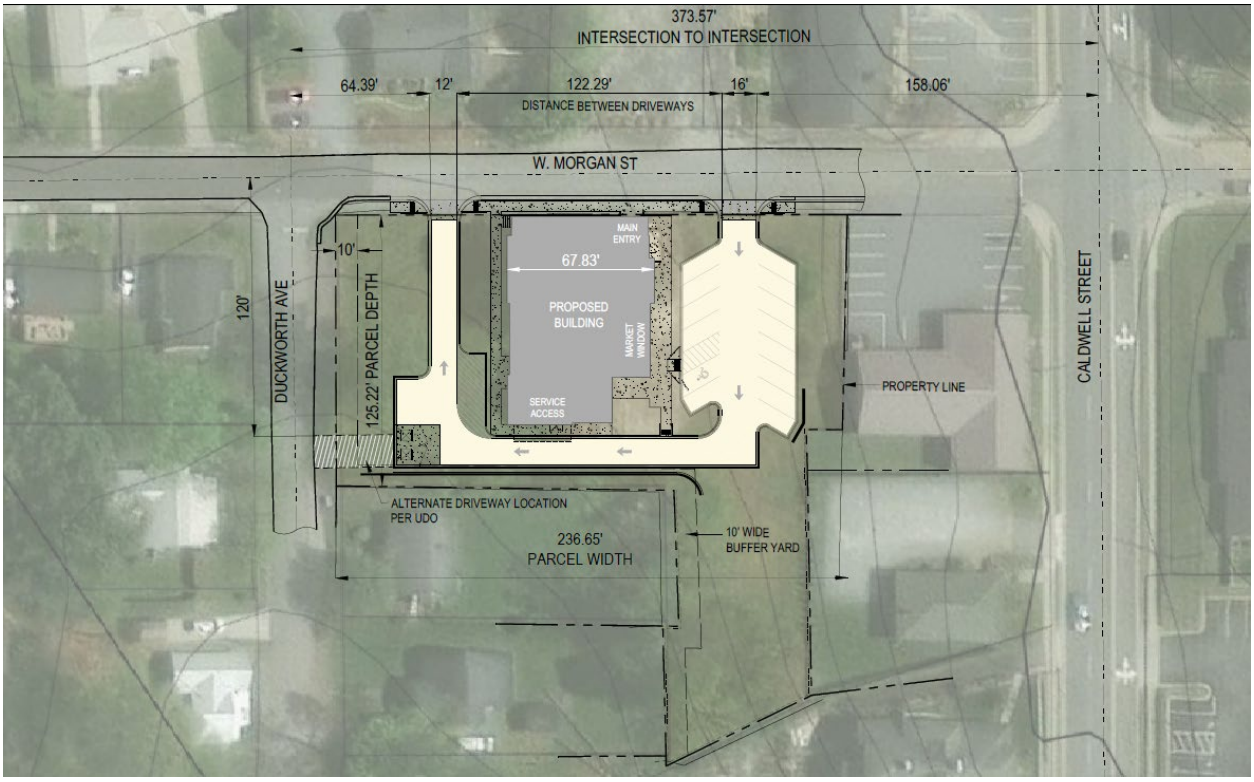
Circulation

Multiple options for the service driveway were considered during design. Due to the depth of the site, locating the exit drive on Duckworth Avenue is not technically feasible within the required minimum distances from the intersection without impeding the required 10-foot buffer yard. Locating the exit on Duckworth would introduce additional traffic on a narrow residential street without sidewalks and curbs. Turning on to Duckworth and immediately turning right on Morgan Street would also be difficult for larger vehicles to maneuver.

Further, the peculiars of the property, including the size of the property and its location, nearly spanning the distance between two intersections within close proximity to each other, creates a situation making it impossible to adhere to the Section 9.3. Section 9.3 allows for two driveways, if there is 60 feet between the driveways and the driveways are 120 feet from intersections. The design allows for a distance in excess of 120 from the intersection of Caldwell Street and West Morgan Street. The design also includes two driveways separated by more than 60 feet. However, the size and location of the property make it impossible to adhere to Section 9.3, while allowing 120 feet from the second drive to the intersection of Duckworth Avenue and West Morgan Street.

Even if the designed building's width was 60 feet, there is still inadequate spacing to accommodate 120 feet to the intersection of Duckworth Avenue and West Morgan Street. As discussed above, the two-driveway plan is intended to limit congestion and dangers on public roadways that would be created by a single driveway.

These peculiars are unique to this property and are not conditions common to the neighborhood. This is one of two properties that suffers from this hardship, given its frontage on West Morgan Street and positioning between both Caldwell Street and Duckworth Avenue. The other property, adjacent to this property, has a driveway and parking lot that does not adhere to the 120-foot requirement.



Site Plan - See attached full-size diagram

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.

This property was purchased in 2023, and preliminary design for the facility and site began prior to the adoption of the updated Architectural Standards by the City of Brevard's UDO in April of 2025. The Owner did not purchase the property with any knowledge that these circumstances specific to the building design would exist and should not be considered 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.

The proposed use of the facility for Shelter and Business is compliant with the zoning ordinance. The design of the building is intended to compliment the architectural character of the neighborhood with a more residential, less institutional aesthetic, to welcome guests in need. The building is two-story, facing the primary street (Morgan Street) with shop front, awning/canopy, and porch. Large windows and doors on the front of the building create a more welcoming façade, highlighting the dining room which serves the core mission of Bread of Life. Supporting offices and meeting spaces for the Bread of Life are located on the upper floor. The commercial kitchen and pantry are situated behind the dining and office areas, visible from the secondary street, Duckworth Avenue.

The corner of the property along Duckworth will be landscaped to meet the required landscape buffer yard requirement between DMX and Residential Mixed-Use zones. This area may also be developed as community garden. Parking is oriented on the side of the building closest to primary access and Caldwell Street, and the sidewalk will be improved in front of the building, improving the walkability of the neighborhood.

The building and overall site design create an appropriate transition from DMX to Residential Mixed use, complementing the character of existing buildings in the immediate area, and concentrating parking and vehicular access away from the residential properties on Duckworth Avenue and West Morgan Street. The slight increase in overall width of the building (7'-10") from the allowable maximum width for the Neighborhood Business building type will be imperceptible in the context of the overall site development and surrounding areas. See attached context images.

The proposed design is consistent with the spirit, purpose, and intent of the regulations with development of *a Neighborhood Business* (building type), complementing a walkable neighborhood by facilitating a small increment of mixed use through a pedestrian-friendly ground floor service use accessed from a sidewalk shopfront with offices located on upper floor, however slightly larger in size.

Circulation

The spirit, purpose and intent of Section 9.3 envisions two driveways, separated by 60 feet and 120 feet from intersections. The proposed plan includes two driveways, separated by 60 feet and more than 120 feet from the intersection of Caldwell Street and West Morgan Street. So, the design meets the spirit, purpose and intent of Section 9.3. Substantial justice is achieved by granting the variance with respect to the distance from the second driveway to intersection of Duckworth Avenue and West Morgan Street. As discussed herein, the two-driveway plan is intended to limit congestion and dangers on public roadways that would be created by a single driveway. The proposed circulation and one-way drive is designed to comply with the required separation distances to the maximum extent feasible, maximizing visibility and minimizing vehicular traffic on secondary roads. The frequency and number of vehicles accessing the property does not constitute a significant increase to traffic patterns in the area, and the

separation distance of driveways does not pose a significant threat to safety within the context of the immediate site, adjacent properties, and existing driveways.

Justice and public welfare is also served by granting the variance when considering storm water and retention systems. The plan adheres to the maximum amount of impervious materials for the driveways and parking lot without taxing the storm water system or requiring substantial water retention, or subsurface retention, that is unsightly and disruptive to the site.

Approval of the Variance for additional building width and reduced separation distance of driveways will not be injurious to the neighborhood, neighboring property owners, or general welfare.

Lastly, when considering the mission of The Bread of Life, the general welfare is served by the proposed building being completed, as designed. As stated above, the applicant has gone through an exhaustive, expensive and time-consuming design process, which occurred prior to certain changes requiring this variance application. Its capital campaign was geared toward this plan. If the variance is not approved, The Bread of Life could be put in a position of a redesign that it may not be able to afford. The general welfare benefits from this plan far more than it benefits from no plan at all.

D. Proposed Building Rendering



E. Photos – Context



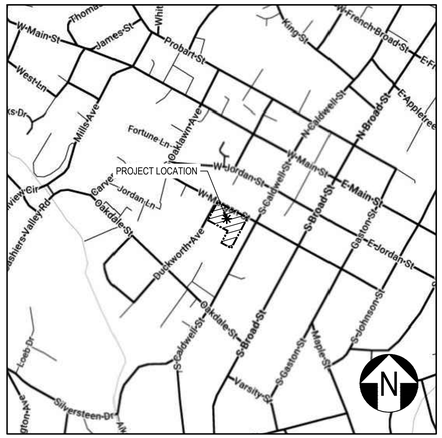
1. View from Caldwell Street looking southwest toward site



2. View from corner of West Morgan Street and Duckworth Avenue looking east



3. View from corner of West Morgan Street and Duckworth Avenue looking south down Duckworth Avenue



LOCATION MAP
NOT TO SCALE

CONSTRUCTION PLANS
FOR THE
THE BREAD OF LIFE

31 W. MORGAN STREET,
BREVARD, NC 28712
CITY OF BREVARD
TRANSYLVANIA COUNTY,
NORTH CAROLINA

PREPARED FOR:
THE BREAD OF LIFE, INC.
238 SOUTH CALDWELL STREET
BREVARD, NC 28712
T: 828-877-3577
CONTACT: BREADOFLIFETC@GMAIL.COM

SHEET INDEX

SHEET NO.	DESCRIPTION
-	COVER SHEET
C-1	EXISTING CONDITIONS & DEMOLITION PLAN
C-2	SITE & UTILITY PLAN
C-3	GRADING & STORMWATER PLAN
C-4	EROSION CONTROL PLAN
C-5	DETAILS

REVISIONS

REVISION & ISSUE NO.	SHEET NO.	DESCRIPTION	DATE
A - ISSUE 1	ALL	SUBMIT TO CLIENT FOR REVIEW	05/06/2026
A - ISSUE 2	ALL	SUBMIT TO CLIENT FOR REVIEW	05/27/2026

CONSTRUCTION NOTES:

1. The drawings and specifications are intended to cover a complete project, ready to use, and all items necessary for a complete and workable job shall be furnished and installed. Any discrepancy shall be immediately reported to the owner or his representative.
2. All work shall comply with all applicable local, state, and federal codes. The contractor, at his expense shall obtain all necessary licenses and permits, unless already obtained by the owner.
3. The contractor shall coordinate location and installation of all underground utilities and appurtenances to minimize disturbing curbing, paving and all other utilities.
4. The existing utilities shown are for the contractor's convenience only. There may be other utilities not shown on these drawings. The utilities shown are based on the best available information and surface evidence where available. The engineer assumes no responsibility for the location of the utilities shown. It shall be the contractor's responsibility to verify the locations of all utilities within the limits of work. All damage made to existing utilities by the contractor shall be the sole responsibility of the contractor.
5. Deviations from these plans and specifications without prior consent of the engineer and the municipality may be cause for the work to be unacceptable.
6. All materials shall be new unless used or salvaged materials are authorized by the owner.
7. The contractor shall furnish and maintain all necessary barricades around the work and shall provide protection against water damage and soil erosion.
8. All work shall be performed in a finished and workmanlike manner to the entire satisfaction of the owner, and in accordance with the best-recognized trade practices.
9. The contractor shall provide sheeting and shoring for all trench construction in accordance with OSHA guidelines.
10. All pipe lengths shown are to the centerline of the structures unless specifically noted.
11. Pipes (storm and sanitary sewer) shall be laid on smooth, continuous grades with no visible bends at the joints.
12. Bedding requirements specified herein are to be considered as minimum required for relatively dry stable earth conditions. Additional bedding shall be required for rock trenches to provide such additional bedding as required to properly construct work.
13. All storm drainage inlet structures shall have metal ring and cover for access.
14. All angles shown are 90 degrees unless shown otherwise.
15. All grades shown are finished grades. Contractor shall verify dimensions, grades, and existing elevations prior to construction.
16. Concrete curbs shall be constructed in accordance with the details shown on plans. Materials, equipment, methods of construction and workmanship shall conform to state D.O.T. standard specifications.
17. All concrete shall have 3000-PSI compressive strength after 28 days, with a maximum slump of four (4) inches, unless specified otherwise.
18. All exposed concrete shall have a fine hair broomed finish.
19. Parking and driveway base course and asphaltic concrete surface and prime materials, equipment, methods for construction and workmanship shall conform to state D.O.T. standard specifications.
20. Contractor to field verify all storm, sanitary, water and other utilities locations and inverts prior to installation of any utilities. Notify engineer prior to proceeding with any work if discrepancies found.
21. Contractor shall notify the proper local authorities 24 hours prior to any road being closed for construction, including but not limited to local newspaper, radio station, fire department, county sheriff's department, ambulance service, and county emergency agency. All traffic control shall conform to the requirements of NCDOT.
22. All fence damaged during construction shall be replaced with like materials in a workmanlike manner and in accordance with standard fence construction practices at the contractor's expense.
23. Contractor shall be responsible for any damage to existing roads during construction and shall repair road per requirements of NCDOT. No open cuts of existing roads shall be allowed except were indicated on the drawings or where specific permission is granted by NCDOT.

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SOIL EROSION AND SEDIMENT CONTROL NOTES:

1. Provisions to prevent erosion of the soil from the site shall conform to the requirements of the "North Carolina Sedimentation Pollution Control Act of 1973" as shown herein and stipulated in the "Erosion and Sediment Control Planning and Design Manual". Installation shall be in a manner so as to minimize erosion of the disturbed areas and prevent sediment from leaving the site.
2. The contractor shall incorporate all temporary and permanent erosion control measures into the project at the earliest practicable time during construction. The erosion control measures detailed hereon shall be continued until permanent drainage structures have been installed and until grass on planted shoulders and slopes is sufficiently established to be an effective erosion deterrent. The sediment removed from the control structures shall be evenly distributed outside construction limits. Disposed sediment shall be permanently grassed.
3. Temporary and permanent vegetative cover shall be installed in accordance with the requirements of Chapter 6, Section 10 - Temporary Seeding, and Section 11 - Permanent Seeding of the "Planning and Design Manual" as described in note no. 1 above.
4. The contractor shall not restrict the use of silt fences or any other means of erosion control to the locations shown on these plans. Moreover, the contractor should constantly be aware of minimizing soil erosion and use erosion control means accordingly. The contractor shall promptly repair, improve or add erosion control measures as required by the local reviewing agency.
5. Divert all runoff to the erosion control devices shown on the drawings.
6. Provide daily maintenance of erosion control devices to maintain their function at all times.
7. Any disturbed area left exposed for a period greater than fourteen (14) days shall be stabilized with mulch or temporary seeding.
8. All silt fences must be installed immediately following clearing. No grading shall be performed until silt fence installation is complete.
9. Additional sediment control measures may be required based on actual field conditions as per local governing authorities.
10. All erosion control measures shall be checked and maintained daily.
11. Maximum cut and fill slopes shall be two (2) foot horizontal to one (1) foot vertical, unless otherwise noted.
12. Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.
13. The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to, or concurrent with, land-disturbing activities.

PROJECT NOTES:

OWNER:
The Bread of Life
238 South Caldwell Street
Brevard, NC 28712
Phone: 828-877-3577
Email: breadoflifetc@gmail.com
Contact: XXXXXXXXX

ARCHITECT:
May Collaborative
170 South Broad Street, Ste. 2B
Brevard, NC 28712
Phone: 828-896-3104
Email: melanie@designwithmay.com
Contact: Melanie Spreen

ENGINEER:
High Country Engineering, PC (C-3347)
81 Central Avenue
Asheville, North Carolina 28801
Phone: 828-230-4511
Email: mgoforth@hcepc.net
Contact: Michael R. Goforth, PE

1. Property located in the The City of Brevard in Transylvania County, North Carolina. Property address is 31 W. Morgan Street, Brevard, NC 28712 .
2. PIN Number(s): 8586-40-2694.
3. Zoning: Zoning District (DMX) by The City of Brevard.
4. Deed Book: 1086 and Page 795. Plat Book: PF26 and Page 18.
5. Proposed use is for a new food pantry.
6. Project Coordinates: 35.233° N, 82.737° W
7. The receiving water course for this project is Norton Creek (Tucker Creek), Stream Index 6-28-2, is a Class C;Tr water as classified by NCDEQ.
8. Total tract contains ± 0.837 acres.
   Disturbed area= ± 0.90 acres.
   Existing impervious area= ± 0.18 acres (21.5%)
   Proposed impervious area = ± 0.41 acres (49.0%)
9. Topographical information obtained from survey by E. Roger Raxter, PLS #2938, of E. Roger Raxter and dated October 16, 2023.
10. Contour interval is 1 foot.
11. This property is shown on F.I.R.M. panel number 3700858600J, dated October 2, 2009 and is located within a special flood hazard zone "X".
12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown heron. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
13. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
14. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.

HIGH COUNTRY ENGINEERING

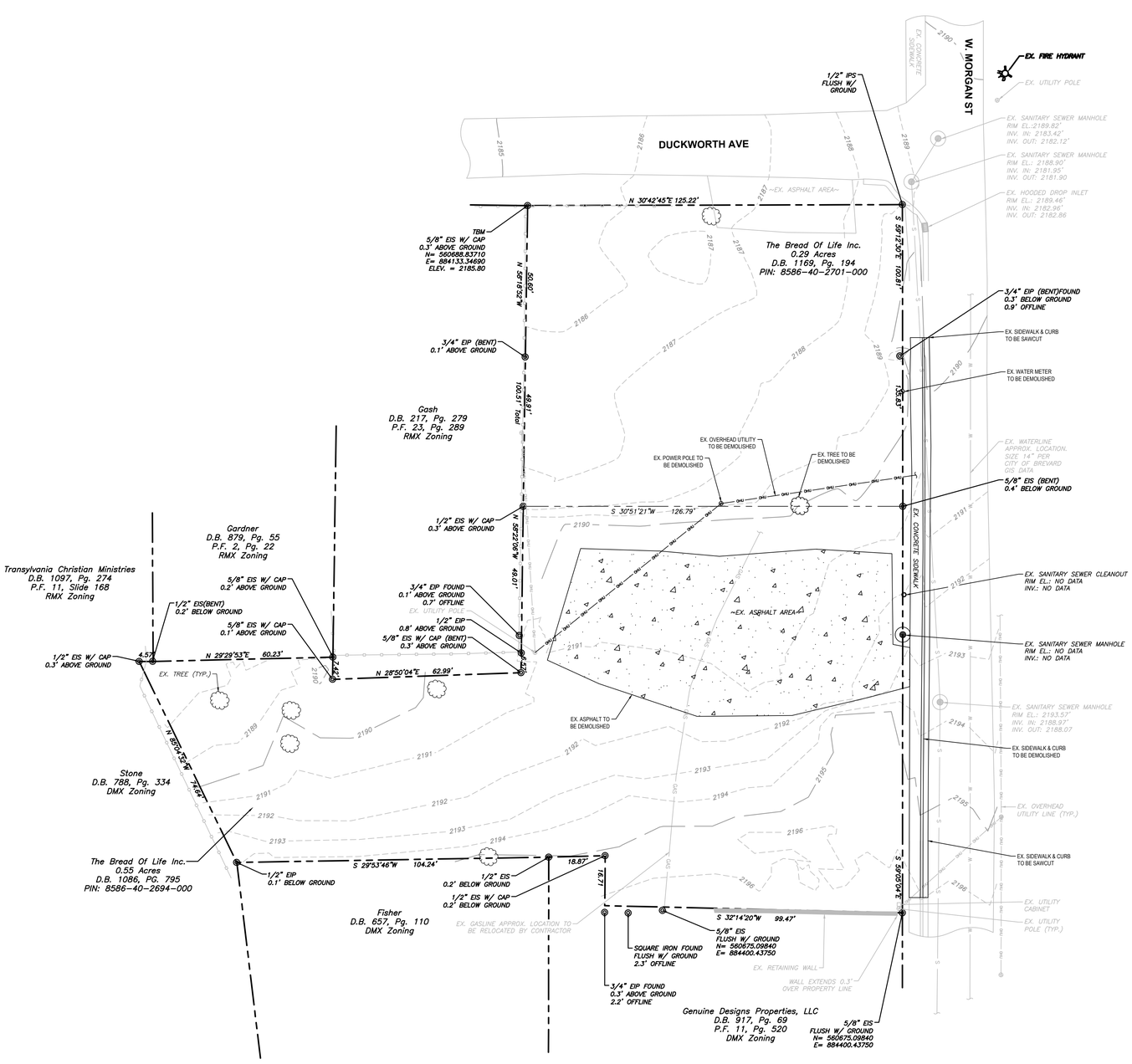
HIGH COUNTRY ENGINEERING, P.C.
81 CENTRAL AVENUE
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
FIRM NO.: C-3347

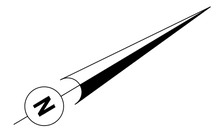
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 36862 MICHAEL R. GOFORTH

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSTRUCTION PLANS
FOR THE
THE BREAD OF LIFE
31 W. Morgan Street, Brevard, NC 28712
CITY OF BREVARD
TRANSYLVANIA COUNTY, NORTH CAROLINA

ISSUE No. A-2: May 27, 2026





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NOT TO SCALE

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May Collaborative
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GENERAL DEMOLITION NOTES:

1. THE CONTRACTOR IS RESPONSIBLE FOR THE RELOCATION, DEMOLITION, REMOVAL, AND DISPOSAL IN A LOCATION APPROVED BY ALL GOVERNING AUTHORITIES, OF ALL STRUCTURES, PADS, WALLS, FOUNDATIONS, BUILDINGS, DRAINAGE, UTILITIES, ETC., SHOWN AND NOT SHOWN, WITHIN CONSTRUCTION LIMITS AND WHERE NEEDED, TO ALLOW FOR NEW CONSTRUCTION AS SHOWN. ALL FACILITIES TO BE REMOVED SHALL BE UNDERCUT TO SUITABLE MATERIAL AND BROUGHT TO GRADE WITH SUITABLE COMPACTED FILL MATERIAL.
2. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL DEBRIS FROM THE SITE AND DISPOSING OF THE DEBRIS IN A LAWFUL MANNER. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION AND DISPOSAL.
3. PRIOR TO DEMOLITION OCCURRING, ALL EROSION CONTROL DEVICES ARE TO BE INSTALLED.
4. ALL EXISTING SEWERS, PIPING AND UTILITIES SHOWN ARE NOT TO BE INTERPRETED AS THE EXACT LOCATION, OR AS THE ONLY OBSTACLES THAT MAY OCCUR ON SITE. VERIFY EXISTING CONDITIONS AND PROCEED WITH CAUTION AROUND ANY ANTICIPATED FEATURES.
5. IF CHANGED CONDITIONS ARE ENCOUNTERED, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PROMPTLY OF (1) PREEXISTING SUBSURFACE CONDITIONS DIFFERING FROM THOSE INDICATED IN THE PLANS, OR (2) PREEXISTING UNKNOWN SUBSURFACE CONDITIONS.
6. VERIFY THAT ALL UTILITY SERVICES TO BE DEMOLISHED AND/OR ABANDONED HAVE BEEN DISCONNECTED.

20' 10' 0 20' 40' 60'

GRAPHIC SCALE
SCALE 1" = 20'

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CONSTRUCTION PLANS FOR:

THE BREAD OF LIFE

for
THE BREAD OF LIFE
City of Brevard
Transylvania County, North Carolina

#	DATE	REVISION DESCRIPTION
A	5/06/2026	Issue 1 - Submittal to Client for Review
A	5/27/2026	Issue 2 - Submittal to Client for Review

HIGH COUNTRY ENGINEERING

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81 CENTRAL AVENUE
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
NC FIRM NO.: C-3347

NORTH CAROLINA
PROFESSIONAL ENGINEER
036621
MICHAEL R. GOFORTH

PRELIMINARY
NOT FOR
CONSTRUCTION

THE BREAD OF LIFE

SHEET TITLE:
EXISTING CONDITIONS & DEMOLITION PLAN

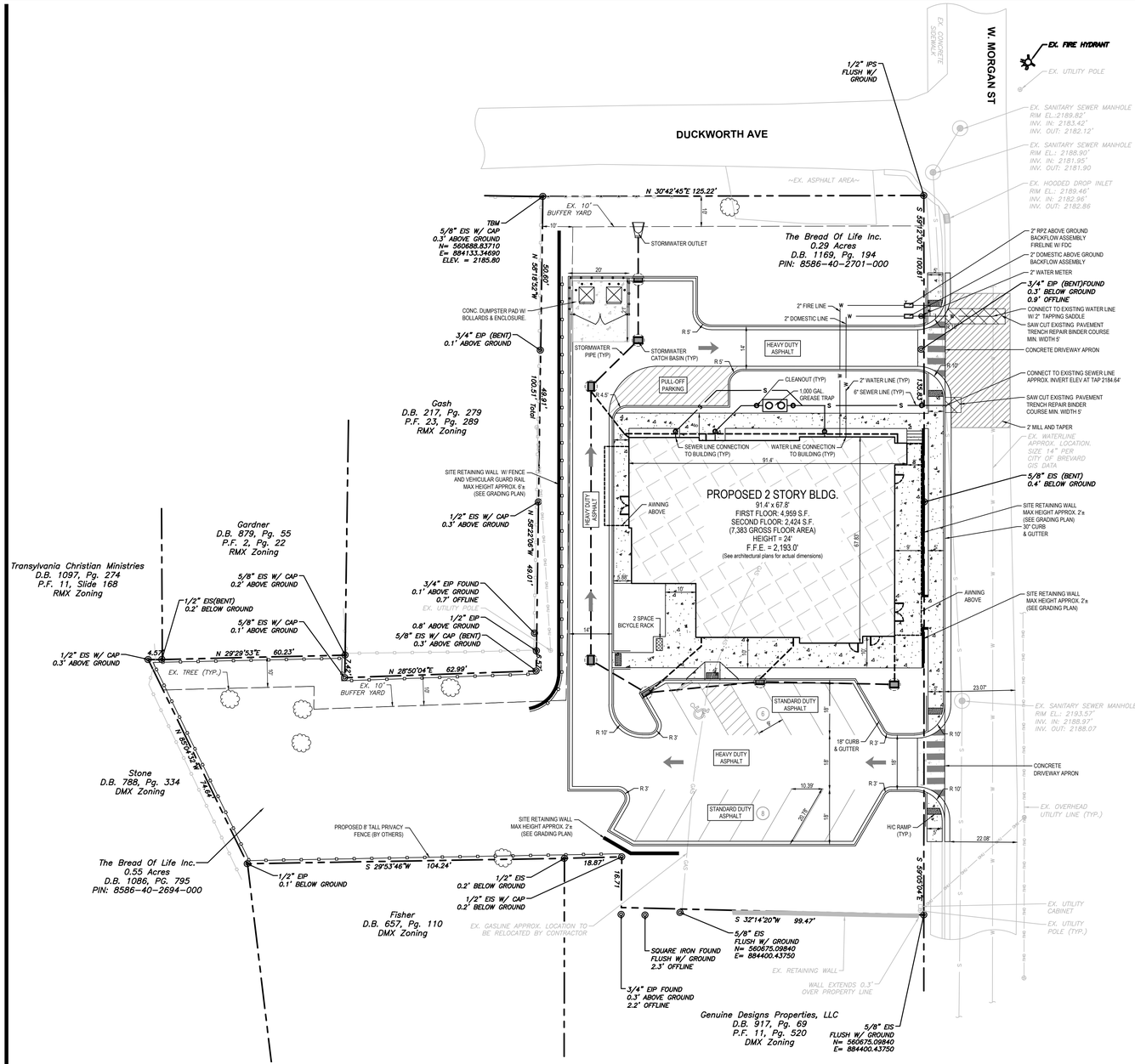
PROJECT NO.
MCD001

SHEET NO.
C-1

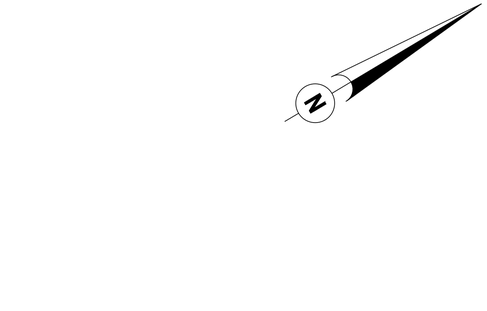
DATE:
5/27/2026

of 5

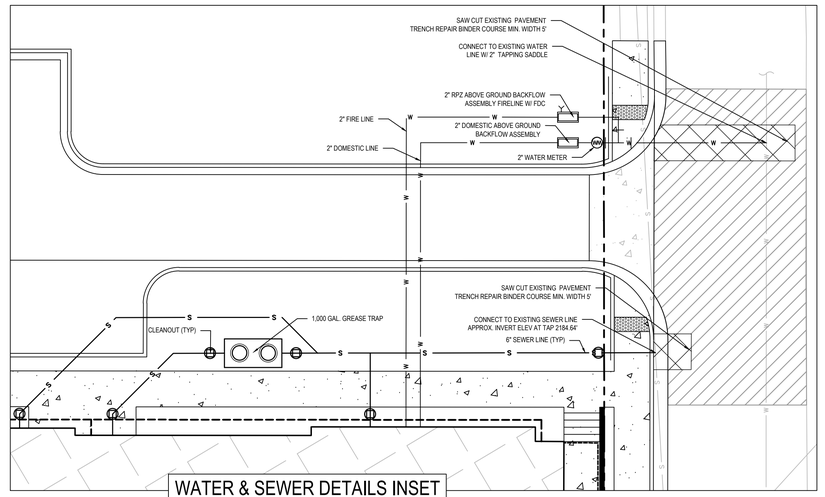
ISSUE No. A-2



GRAPHIC SCALE
SCALE 1" = 20'



LOCATION MAP
NOT TO SCALE



WATER & SEWER DETAILS INSET
SCALE: 1"=10'

PROJECT NOTES:

OWNER:
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238 South Caldwell Street
Brevard, NC 28712
Phone: 828-877-3577
Email: breadoflifenc@gmail.com
Contact: XXXXXXXXX

ARCHITECT:
May Collaborative
170 South Broad Street, Ste. 2B
Brevard, NC 28712
Phone: 828-866-3104
Email: melanie@designwithmay.com
Contact: Melanie Spreen

ENGINEER:
High Country Engineering, PC (C-3347)
81 Central Avenue
Asheville, North Carolina 28801
Phone: 828-230-4511
Email: mgoforth@hcepc.net
Contact: Michael R. Goforth, PE

1. Property located in the The City of Brevard in Transylvania County, North Carolina. Property address is 31 W. Morgan Street, Brevard, NC 28712 .
2. PIN Number(s): 8586-40-2694.
3. Zoning: Zoning District (DMX) by The City of Brevard.
4. Deed Book: 1086 and Page 795. Plat Book: PF26 and Page 18.
5. Proposed use is for a new food pantry.
6. Project Coordinates: 35.233° N, 82.737° W
7. The receiving water course for this project is Norton Creek (Tucker Creek), Stream Index 6-28-2, is a Class C;Tr water as classified by NCDEQ.
8. Total tract contains ± 0.837 acres.
   Disturbed area= ± 0.90 acres.
   Existing impervious area= ± 0.18 acres (21.5%)
   Proposed impervious area = ± 0.41 acres (49.0%)
9. Topographical information obtained from survey by E. Roger Raxter, PLS #2938, of E. Roger Raxter and dated October 16, 2023.
10. Contour interval is 1 foot.
11. This property is shown on F.I.R.M. panel number 3700858600J, dated October 2, 2009 and is located within a special flood hazard zone "X".
12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown heron. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
13. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
14. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.

GENERAL WATERLINE CONSTRUCTION NOTES:

1. Water construction on this site is authorized by permits issued by the North Carolina Department of Environmental Quality (NCDEQ), and the OWNER. The work is subject to inspections at all times by representatives of NCDEQ, the OWNER, and the Engineer. The permits require certification of completion by the Engineer of the water systems prior to issuance of final operation approval by NCDEQ.
2. The Contractor shall verify the exact location and elevation for all utilities, drainage and other underground facilities both existing and proposed, and shall notify the Engineer of any discrepancies or conflicts, prior to construction.
3. Ferrous piping for both water and sewer shall be installed within 10 ft. Of a crossing if:
   3.1. A sewer line crosses over a water line, or
   3.2. The vertical clearance between water and sewer lines is less than 18 inches.
4. A horizontal separation of ten (10) feet shall be maintained between sewer and water line unless laid in separate trenches with the bottom of the water line at least 18 inches above the top of the sewer line, and ferrous material used for both water and sewer.
5. A vertical separation of twelve (12) inches shall be maintained between storm drain and water lines.
6. The Contractor shall coordinate exact locations of vaults, meters. Backflow prevention devices, and service lines with the detailed architectural, plumbing, landscaping plans, and civil site plans.
7. All water lines shall have three (3) feet minimum cover and shall be constructed of a ferrous material, unless otherwise specified.
8. The Contractor shall protect existing utilities during construction. Repairs shall be made in accordance with applicable standards of appropriate agencies at the Contractor's expense.
9. The Contractor shall notify N.C. One-call center & appropriate utility agencies prior to performing any work.
10. All water meters must be placed in front of the dwelling which they serve. Outside driveways and located in relatively flat areas, not steep banks or slopes, at a maximum of five (5) feet off of the back of curb or edge of pavement. In areas where grading may present a conflict with this requirement, all water meters must be installed within the road right-of-way line, upon approval by the Engineer. In cases where multiple meters are installed to serve connected single family housing units, all meters must be tagged with brass plates inside the meter box labeled with the unit number or address corresponding to that meter.
12. A three (3) foot minimum separation between the back of curb/edge of pavement and the water lines is required unless otherwise specified.
13. All water meter fittings, valves, and other appurtenances shall be lead free materials.
14. The Contractor shall provide erosion control measures to control runoff from the construction site. The Contractor shall be responsible for any fines that may be levied due to offsite sedimentation created during construction.
15. The Contractor shall be responsible for any damage to existing roads during construction and shall repair roads in accordance with the requirements of the UTILITY SYSTEM OWNER and/or the NCDOT (as applicable for jurisdiction). Open-cut on roadways shall be allowed except where indicated on the drawings or where specific permission must be granted by the UTILITY SYSTEM OWNER. Sand or similar material approved by the UTILITY SYSTEM OWNER shall be placed as a protective barrier between track equipment and the road and cleaned up properly after construction.

GENERAL SEWERLINE CONSTRUCTION NOTES:

1. Sewer construction on this site is authorized by permits issued by the North Carolina Department of Environmental Quality (NCDEQ), and the OWNER. The work is subject to inspections at all times by representatives of NCDEQ, the OWNER, and the Engineer. The permits require certification of completion by the Engineer of the sewer systems prior to issuance of final operation approval by NCDEQ.
2. Contractor shall verify the exact location and elevation for all utilities, drainage and other underground facilities, both existing and proposed, and shall notify the engineer of any discrepancies or conflicts prior to construction.
3. Install ferrous piping for both water and sewer within 10 ft. Of a crossing if:
   3.1. The sewer line crosses over water, or
   3.2. The vertical clearance between water and sewer is less than 18 inches. Maintain 10 feet horizontal separation between sewer mains and laterals, and water mains unless laid in separate trenches with the bottom of the water line at least 18 inches above the top of sewer, or use ferrous material for both water and sewer.
4. Maintain 12 inches vertical separation between storm drain and sanitary sewer, or install ferrous material on the sanitary sewer within 10 feet each side of crossing.
5. Coordinate exact locations of service lines with the detailed architectural, plumbing, and landscaping plans.
6. Contractor shall protect existing utilities during construction. Repairs shall be made in accordance with applicable standards of appropriate agencies at the contractors expense.
7. Contractor shall notify appropriate utility agency prior to performing any work
8. Manhole steps are to align over invert out.
9. Contractor shall install plug in upstream opening of pipe during construction whenever there is inactivity.
10. All construction is to be performed by a North Carolina licensed utility contractor.

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CONSTRUCTION PLANS FOR:

THE BREAD OF LIFE

for
THE BREAD OF LIFE
City of Brevard
Transylvania County, North Carolina

No.	DATE	REVISION DESCRIPTION
A.	5/06/2026	Issue 1 - Submittal to Client for Review
A.	5/27/2026	Issue 2 - Submittal to Client for Review

HIGH COUNTRY ENGINEERING

HIGH COUNTRY ENGINEERING, P.C.
81 CENTRAL AVENUE
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
NC FIRM NO.: C-3347

NORTH CAROLINA
SEAL
036622
MICHAEL R. GOFORTH
PRELIMINARY
NOT FOR
CONSTRUCTION

THE BREAD OF LIFE

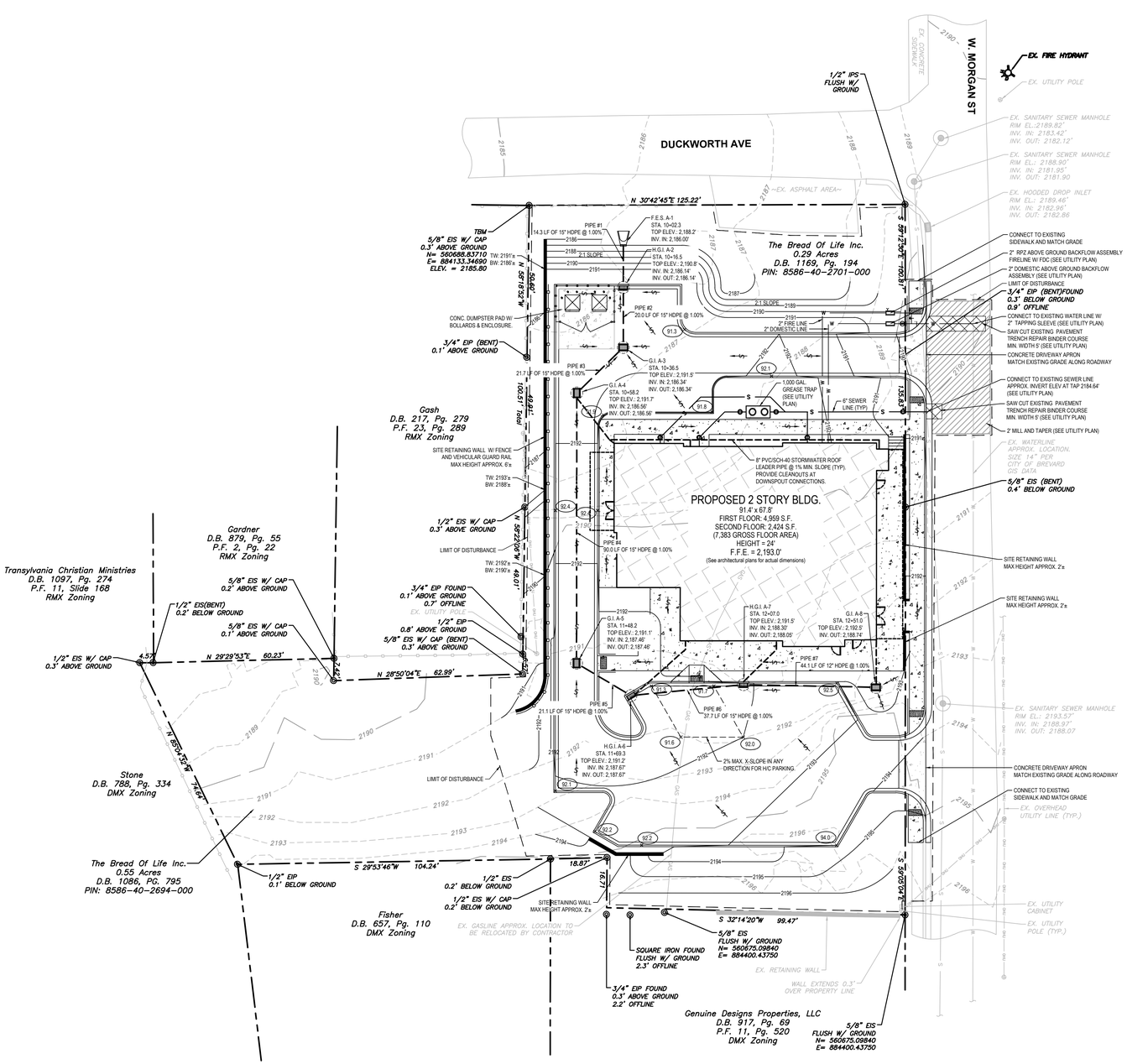
SHEET TITLE:
SITE &
UTILITY PLAN

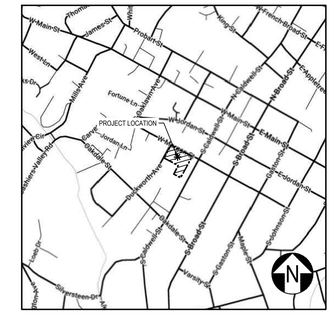
PROJECT NO.
MCD001

SHEET NO.
C-2
of 5

DATE:
5/27/2026

ISSUE No. A-2





LOCATION MAP
NOT TO SCALE

EARTHWORK SPECIFICATIONS:

1.Clearing and Grubbing

Clearing and grubbing shall consist of clearing the surface of the ground of the designated areas of all trees, logs, snags, brush, undergrowth, heavy growth of grass, weeds, fence structures, debris and rubbish of any nature, natural obstructions such as objectionable soil material unsatisfactory for foundations. It shall also consist of grubbing of stumps, roots foundations and disposal of all such material. All holes remaining after the grubbing operation in embankment areas and in excavation areas less than two (2) feet in depth, shall have sides broken down and leveled if necessary to flatten out slopes, refilled with acceptable material that is properly compacted in layers by tampers, rollers or construction equipment.

Burning on site is not permitted without written approval of the local governing authorities having jurisdiction.

2.Existing trees and area outside of grading limits line

Trees and vegetation to be saved shall be protected from damage by a fence barricade prior to, or during, clearing operations. Trees to be saved shall be designated by the owner. No trees are to be removed from the area outside the limits of grading or from specifically designated areas within the construction areas. If, in the opinion of the engineer, a contractor damages a tree not to be removed, the contractor will be fined a predetermined amount for each damaged tree. The contractor shall also be responsible for all costs associated in removing the damaged trees from the site.

3.Fill

All vegetation such as roots, brush, heavy growth of grass, topsoil, all decayed vegetable matter, rubbish, and other unsuitable material within the area upon which fill is to be placed shall be stripped or be otherwise removed before the fill operation is started. In no case shall unsuitable material remain in or under the fill area. Sloped ground surface steeper than one vertical to four horizontal, on which fill is to be placed, shall be placed, stepped or benched in such a manner that the fill to be placed shall be 95 percent of the maximum laboratory dry density according to standard proctor (AASHTO T99, ASTM D-698). Moisture content shall be within 3 percent of the optimum moisture content. Proof-roll the areas to be filled or on which structures are to be placed. A loaded dump truck or other rubber tired equipment shall be used proof-rolling. Overlapping passes of a vehicle should be made across the site in one direction and then perpendicular to the original direction of rolling.

Any yielding, pumping or soft areas should be cut out and replaced with fill compacted as described herein.

The proposed fill should be limited to soils classified in accordance with ASTM D-2487 as GM, GC, SW, SM, SC, ML and CL. Soil classified as PT, OH, OL, CH and MH are not satisfactory as compacted fill.

Fills and embankments shall be constructed at the locations and to the lines and grades indicated on construction plans. The slope shall not exceed two feet horizontal to one foot vertical. The completed fill shall correspond to the shape of the typical sections indicated on the construction plans. Material removed from the excavation shall be used in forming the fill. Fill material shall be reasonably free from roots, other organic material, trash and stones having maximum dimensions greater than 6 inches (4 inches in trenches for utilities). No frozen material will be permitted in the fill. Stones having a maximum dimension of 4 inches will not be permitted in the upper six inches of fill or embankment or utility trench. The material shall be placed in successive horizontal layers not more than 8 inches thick, unless otherwise noted, in loose depth for the width of the cross-section and shall be compacted to at least 95 percent of the maximum laboratory dry density according to standard proctor (ASTM D-698, AASHTO T-99). Moisture shall be within 3 percent of the optimum moisture content. The top 12 inches of the paving, parking and/or roadway sub-grade shall be compacted to 95 percent of the maximum dry density (standard proctor). Each lift shall be rolled with a vibratory roller, a sheepsfoot roller, or a loaded rubber tired dump truck, scraper or loader. If the soil is to dry, a water truck with spreader bar or spray hose shall be used to bring the soil to the proper moisture range. The water shall be thoroughly and properly mixed with the soil prior to compaction.

Storm drain pipes shall be placed on a firm bottom and hand tamped to shore up the pipe. A cushion of soil shall be tamped above the crown of the pipe in accordance with the pipe manufacturer's recommendations so that the heavier compaction equipment can then be used to bring the soil to a density as described above for fill areas.

IF SOILS INVESTIGATION REPORT IS PROVIDED, THEN FOLLOW THE RECOMMENDATIONS OF THE REPORT IF THEY EXCEED THE RECOMMENDATIONS OF THESE SPECIFICATIONS.

4.Topsoil

Unless otherwise specified, areas designated for grading operations that contain a blanket of topsoil shall be stripped and placed in convenient stockpiles for later use as a topsoil blanket on the new graded areas specified herein, or as designated. Topsoil shall be stripped from all areas designated to receive fill. The stripping of material for topsoil shall be carefully determined and only the quantity required shall be stockpiled. Material stockpiled shall be stored in a satisfactory manner to afford proper drainage. When grading operations permit, instead of stockpiling, the topsoil shall be hauled and spread directly on the areas designated to receive topsoil.

5.Rock excavation

If rock is encountered, clear away earth to expose material. Notify owner and receive written instructions prior to excavation. Remove rock to a depth of 6 inches below and 6 inches on each side of pipes in trenches. A measurement of the extent of rock to be removed shall be made. Rock excavation shall be paid for in accordance with agreement with the owner.

20' 10' 0 20' 40' 60'

GRAPHIC SCALE
SCALE 1" = 20'

PROJECT NOTES:

OWNER:
The Bread of Life
238 South Caldwell Street
Brevard, NC 28712
Phone: 828-877-3577
Email: breadoflifetc@gmail.com
Contact: XXXXXXXXX

ARCHITECT:
May Collaborative
170 South Broad Street, Ste. 2B
Brevard, NC 28712
Phone: 828-866-3104
Email: melanie@designwithmay.com
Contact: Melanie Spreen

ENGINEER:
High Country Engineering, PC (C-3347)
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Asheville, North Carolina 28801
Phone: 828.230.4511
Email: mgoforth@hcepc.net
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CONSTRUCTION PLANS FOR:

THE BREAD OF LIFE

for
THE BREAD OF LIFE
City of Brevard
Transylvania County, North Carolina

#	DATE	REVISION DESCRIPTION
A	5/6/2026	Issue 1 - Submittal to Client for Review
A	5/27/2026	Issue 2 - Submittal to Client for Review

HIGH COUNTRY ENGINEERING

HIGH COUNTRY ENGINEERING, P.C.
81 CENTRAL AVENUE
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
NC FIRM NO.: C-3347

NORTH CAROLINA
PROFESSIONAL ENGINEER
36852
MICHAEL R. GOFORTH

PRELIMINARY
NOT FOR
CONSTRUCTION

THE BREAD OF LIFE

SHEET TITLE:
GRADING &
STORMWATER PLAN

PROJECT NO.
MCD001

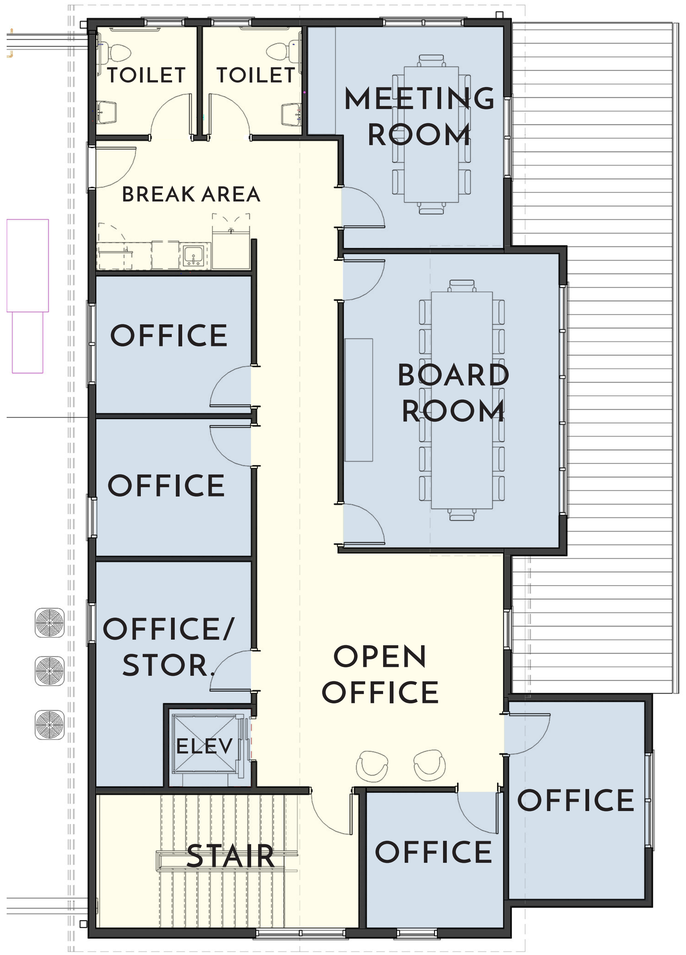
SHEET NO.
C-3

DATE:
5/27/2026

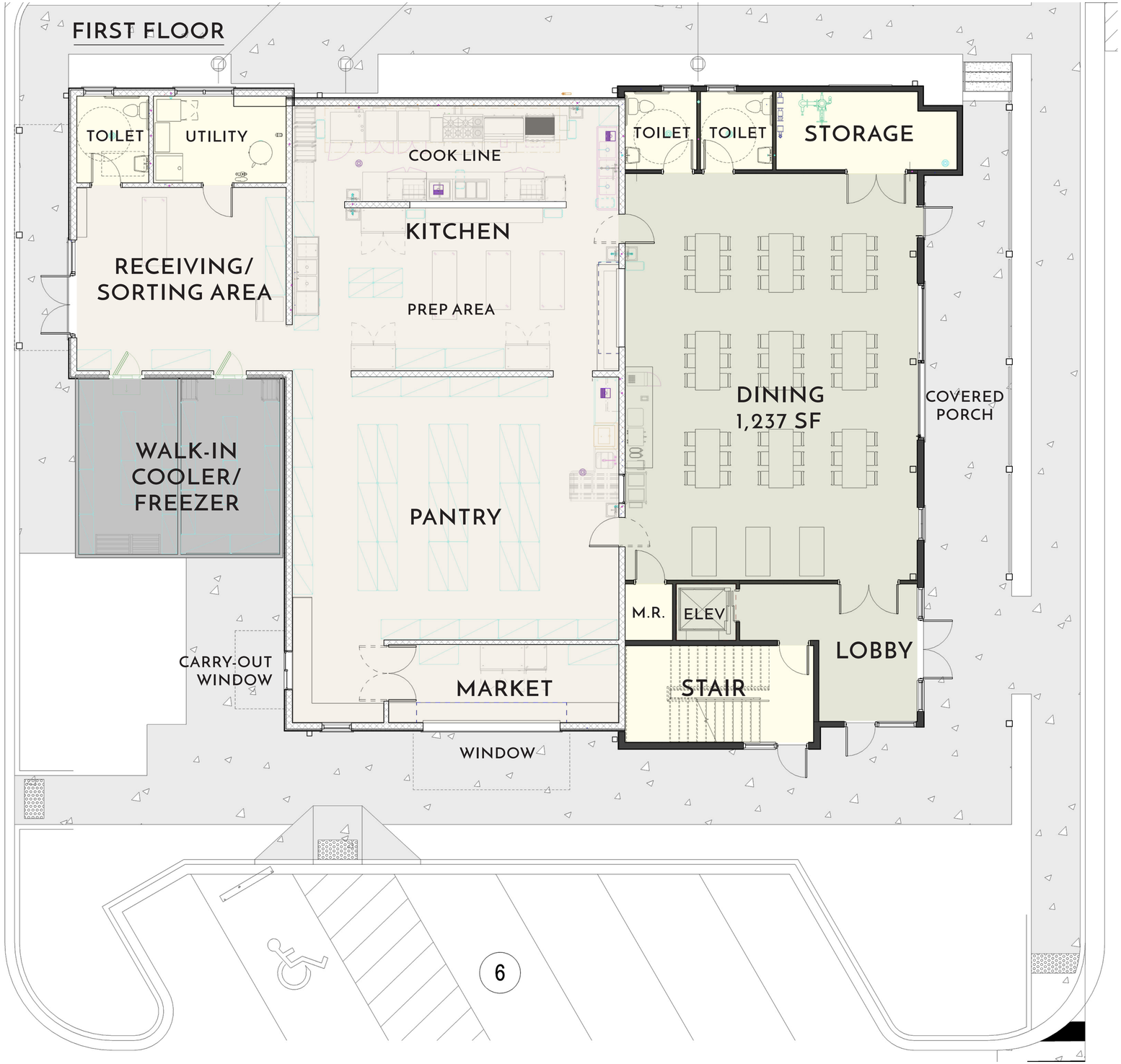
of 5

ISSUE No. A-2

SECOND FLOOR



FIRST FLOOR



First Floor:	5,342 sf
Second Floor:	2,239 sf
Total Area:	7,581 sf

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ARCHITECTURE | PLANNING

BREAD OF LIFE
TRANSYLVANIA COUNTY

N

6.5.2026

FLOOR PLANS

GENERAL NOTES

A. REFER TO DRAWING A003 FOR WINDOW TYPES AND DETAILS.

B. VERTICAL SIDING TO BE 6" WIDE COMPOSITE SHIPLAP SIDING, COLOR SELECTED BY ARCHITECT.
ALTERNATE: FIBER CEMENT SHIPLAP SIDING AND TRIM.

C. PRE-ENGINEERED CANOPIES: BASIS OF DESIGN: MAPES ALL EXTRUDED LUMIDECK OR SIMILAR.

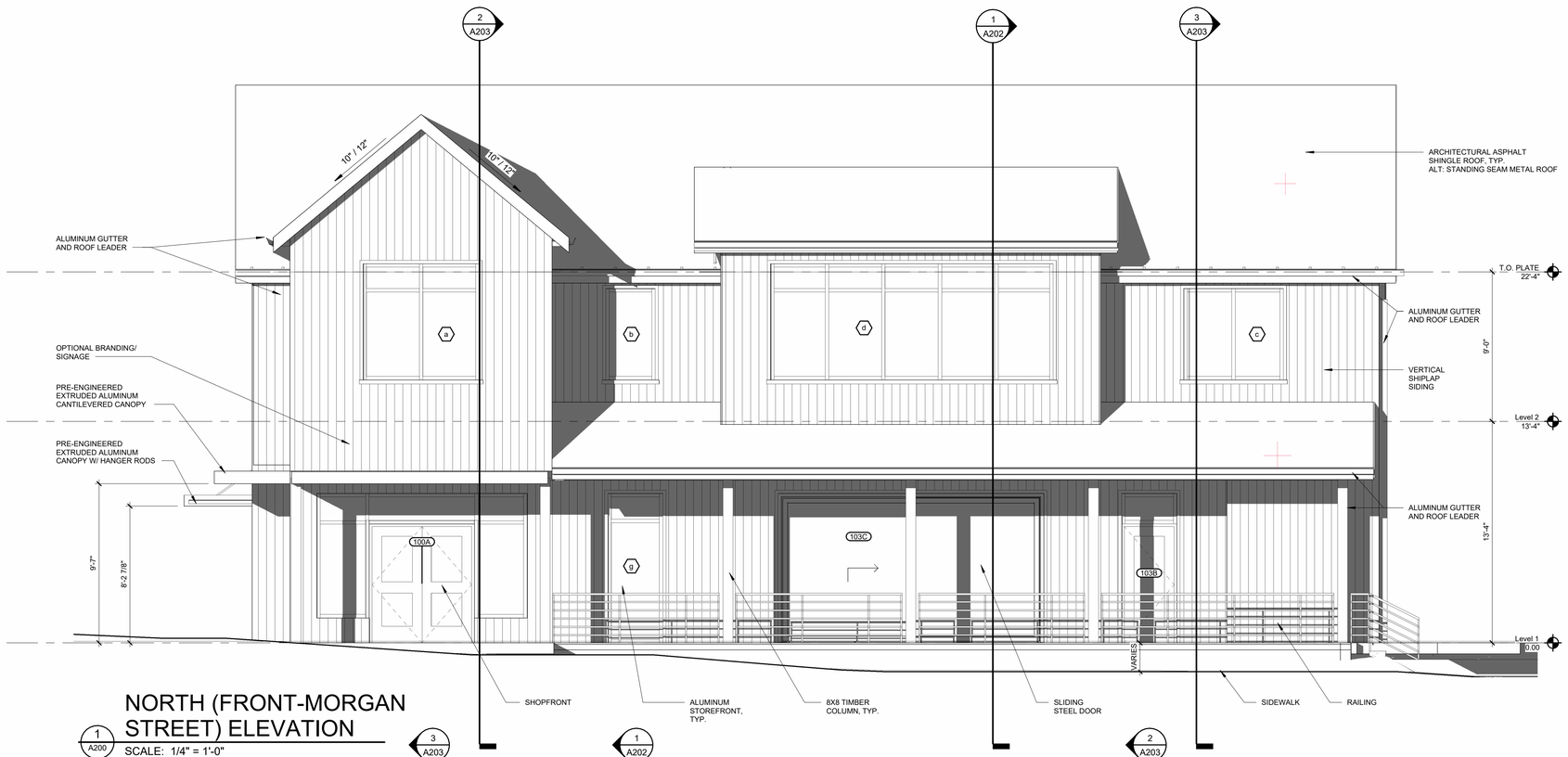
D. BASIS OF DESIGN FOR WINDOWS: ALUMINUM STOREFRONT, PERMACOAT POWDER COATING FINISH, COLOR SELECTED BY ARCHITECT.
ALTERNATE DESIGN: 1) OKNOPLAST UPVC TILT-TURN OR 2) ALUMINUM CLAD CASEMENT AND FIXED WINDOWS.

LEGEND

VERTICAL SIDING - 6" SHIPLAP

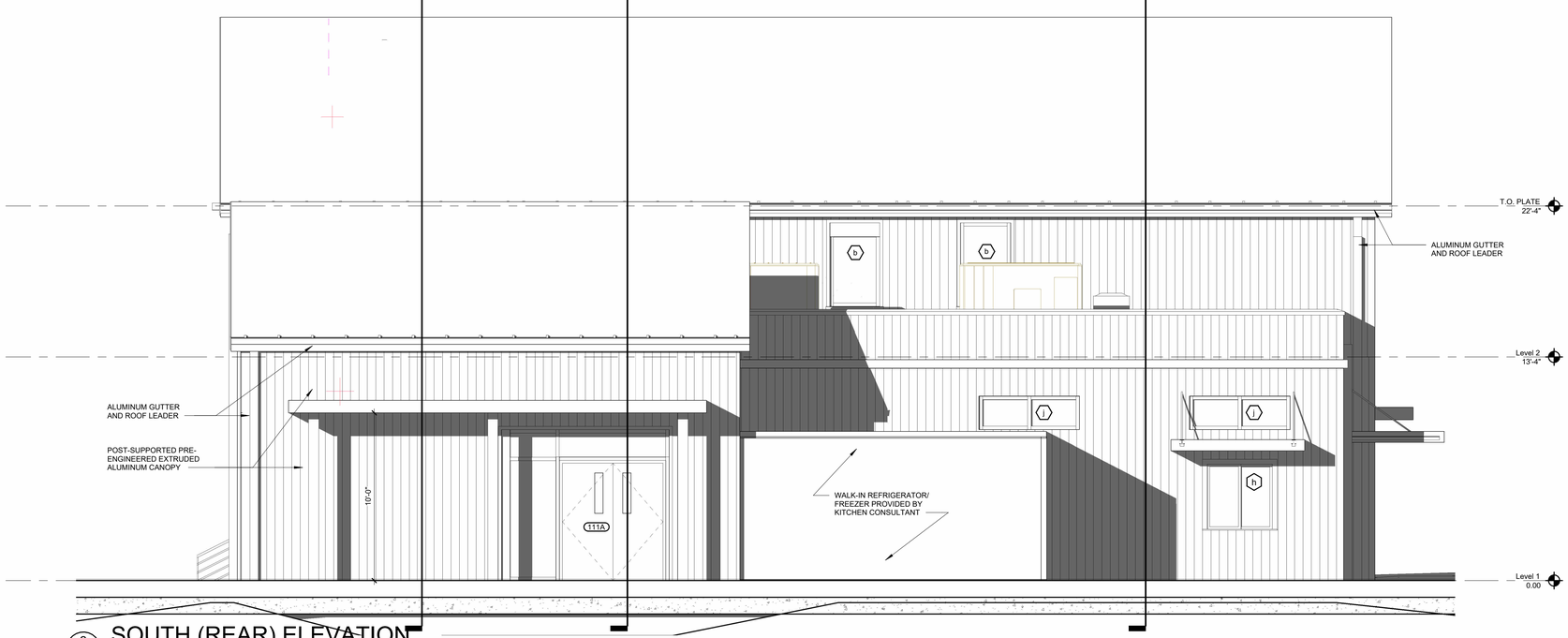
11 WINDOW AND/OR DOOR FRAME TYPE, SEE DRAWING A003

VCJ = VERTICAL CONTROL (MOVEMENT) JOINT
HCJ = HORIZONTAL CONTROL (MOVEMENT) JOINT.



NORTH (FRONT-MORGAN STREET) ELEVATION

1 / A200 SCALE: 1/4" = 1'-0"



SOUTH (REAR) ELEVATION

2 / A200 SCALE: 1/4" = 1'-0"

MAY COLLABORATIVE
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Brevard, North Carolina 28712-3738
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BREAD OF LIFE
TRANSYLVANIA COUNTY

BREAD OF LIFE

31 West Morgan Street
Brevard, NC
28712

Bread of Life

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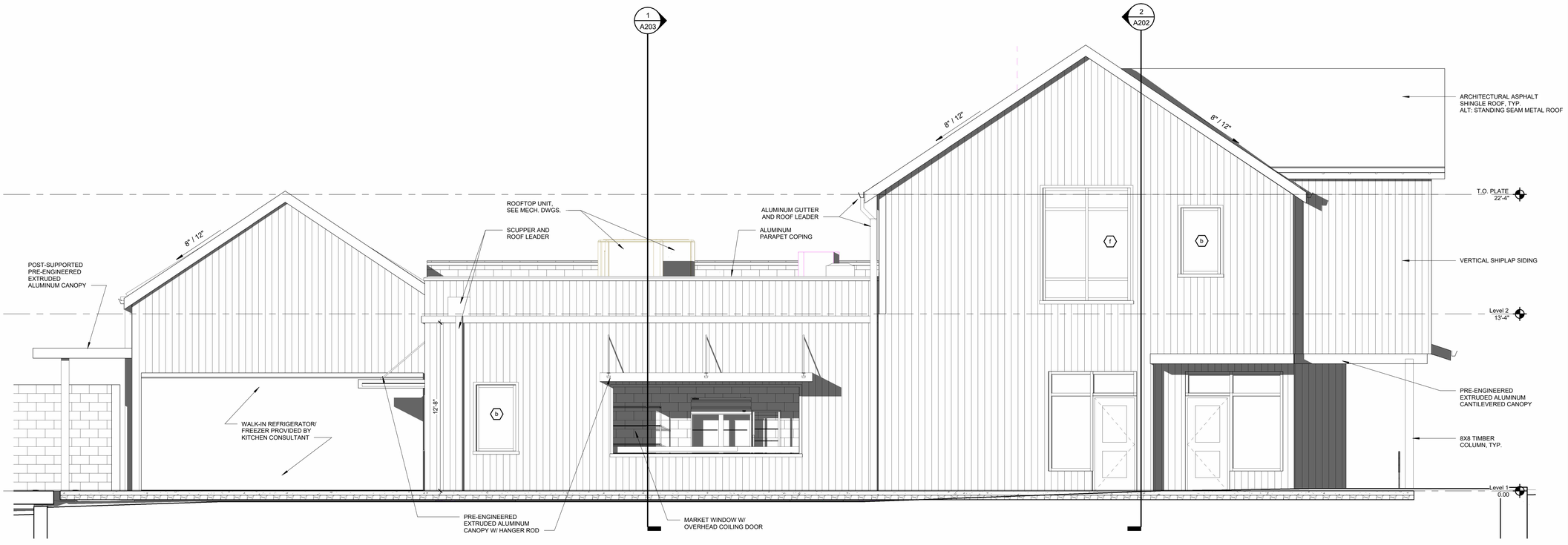
Issue	Date	Description
A	5.29.2026	DESIGN DEVELOPMENT SET

BUILDING ELEVATIONS

Project No: 2025-006

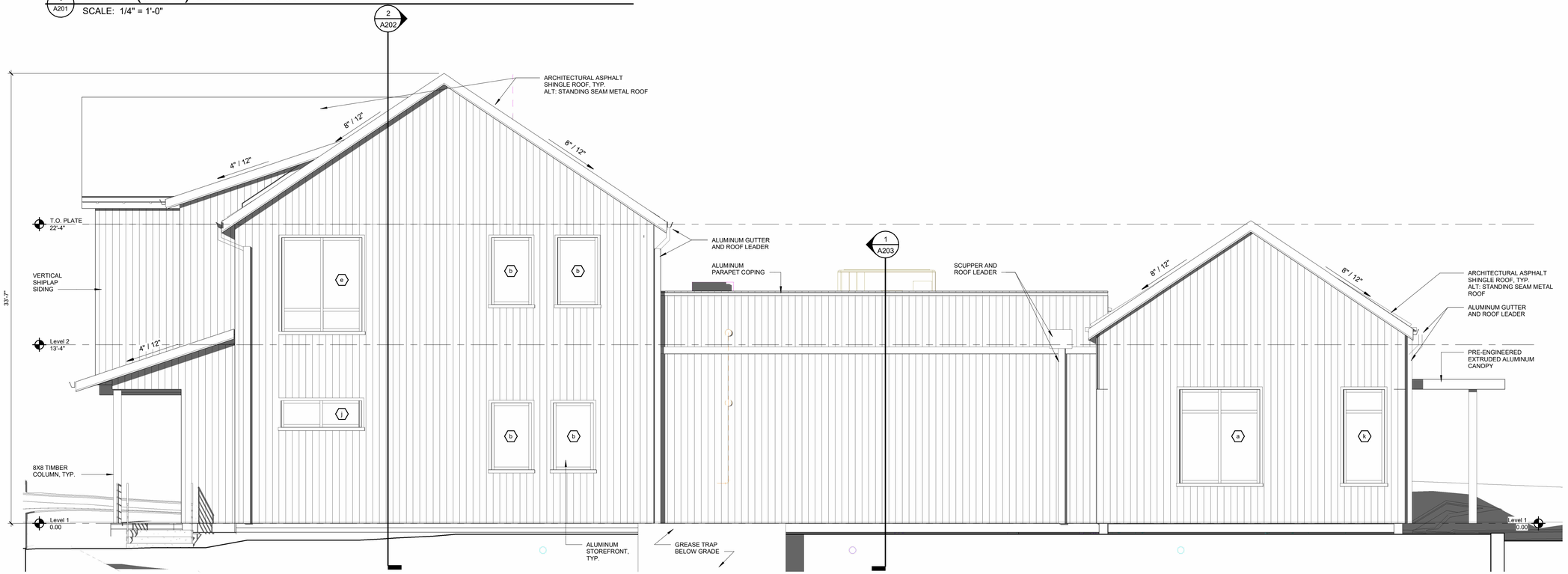
A200

6/1/2026 2:31:00 PM Autodesk Docs://Bread of Life/BOL-central model SD.rvt



1 A201 EAST (SIDE) ELEVATION

SCALE: 1/4" = 1'-0"



2 A201 WEST ELEVATION (DUCKWORTH AVE.)

SCALE: 1/4" = 1'-0"

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TRANSYLVANIA COUNTY

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31 West Morgan Street
Brevard, NC
28712

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Issue	Date	Description
A	5.29.2026	DESIGN DEVELOPMENT SET

BUILDING ELEVATIONS

Project No: 2025-006

A201

6/1/2026 2:31:25 PM Autodesk Docs://Bread of Life/BOL-central model SD.rvt



W. MORGAN STREET - SITE PANORAMA



ACROSS W. MORGAN STREET - PANORAMA LOOKING NORTH



CALDWELL STREET - NORTH OF MORGAN



CALDWELL STREET - SOUTH OF MORGAN

SITE CONTEXT IMAGES

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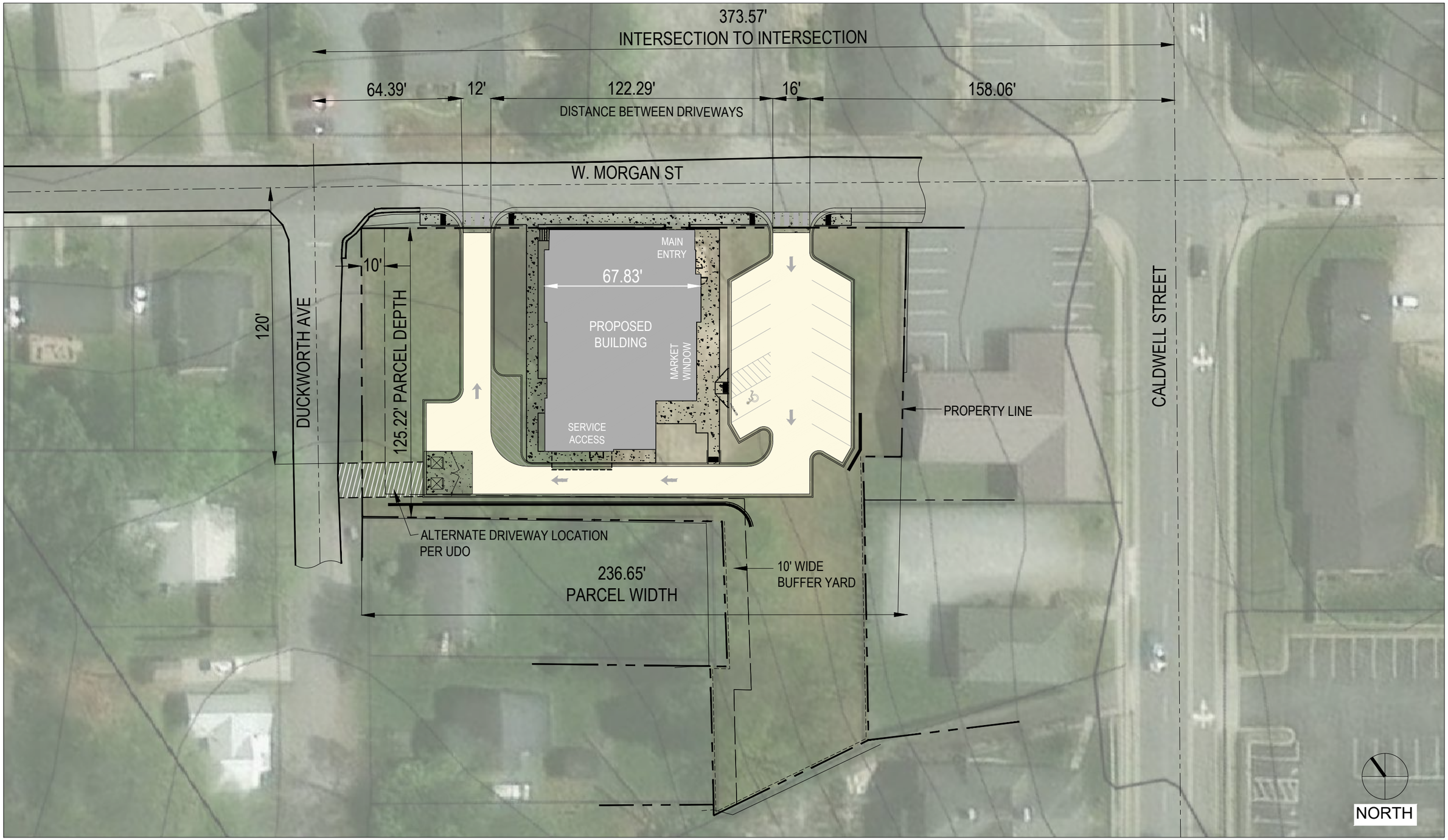
SCALE: NTS

06.16.2026



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MAY COLLABORATIVE
ARCHITECTURE | PLANNING

SCALE: 1" = 40'-0"

06.16.2026

SITE PLAN

The City of Brevard North Carolina

City of Brevard Planning Department
95 West Main Street
Brevard, North Carolina 28712
Phone (828) 885-5630
Fax (828) 885-5625
cityofbrevard.com

VAR File# _____

BREVARD BOARD OF ADJUSTMENT – VARIANCE

APPOINTMENT OF AGENT

I Paula Wesley, Executive Director of the Bread of Life Inc., owner of property located at (street address) 31 West Morgan Street and identified by the Transylvania County Tax Identification Number (PIN#):

8586-40-2694-000, located in Transylvania County, North Carolina, do hereby appoint Melanie Spreen, May Collaborative to represent me in filing an application for Variance before the Brevard Board of Adjustment.

I further authorize Melanie Spreen, May Collaborative to act as my agent in all matters, formal and informal, and to receive all official correspondence as it relates to the VARIANCE request and hearing.

Property Owner Signature: Paula Wesley Date: 6/15/2024
Mailing Address: 238 S Caldwell St, Brevard, NC 28712
Phone: (828) 877-3577 Email: [redacted]

Agent Name: Melanie Spreen, May Collaborative
Mailing Address: 170 South Broad Street, 2B, Brevard, NC 28712
Phone: 828-866-3104 Email: [redacted]

Legal Counsel: Sam Wheeler, Whitfield-Cargile Law, PLLC
Mailing Address: Post Office Box 1101, 23 S. Broad St, Suite 204, Brevard, NC 28712
Phone: 828-884-4529 Email: [redacted]

STAFF REPORT

Board of Adjustment, Tuesday, September 1, 2026

Title:	SUP-26-0004 The Yard - Flea Market
Speaker:	Stephanie Holland
Prepared by:	Stephanie Holland, Planner
Approved by:	Paul Ray, Planning Director

Background

Kristie Nichols, of The Yard, submitted an application to the City on June 29, 2026, for a Special Use Permit (SUP) to operate a Flea Market at 284 Railroad Ave in Brevard. The property is zoned Neighborhood Mixed-Use and, in the City Limits. The proposed use requires a Special Use Permit from the Board of Adjustment per the Unified Development Ordinance (UDO) Chapter 2.2 Use Matrix.

Flea Market is defined in the UDO Chapter 19.3 as follows:

A periodic sales activity held in an open area, semi-open facility, or temporary structure, where individual merchants offer goods, new and used, for sale to the general public. This definition shall not include private yard sales or garage sales that are conducted on a residentially developed lot by members of the household.

According to their application, "approval of this permit will allow the continued operation of community markets that have successfully operated at this location while complying with the current Unified Development Ordinance."

Discussion

City Planning organized a Neighborhood Compatibility Meeting held on August 24, 2026, at 5:30 at The Depot. Planning Staff introduced themselves, passed out flyers regarding the Special Use Permit process, and answered questions about the process.

The applicant did not attend and therefore did not present her plans for the Special Use Permit and was not available to answer questions.

Planning Staff prepared handouts with some potential conditions that the Board may want to include with any Special Use Permit granted. We discussed frequency, hours, size, and

amplified sound as potential conditions. The handouts are attached.
Frequency: The group was evenly split. Some prefer one weekday per week, and others feel that any day or every day is compatible with the area. A few noted that Tuesday is a busy day in the area for another business and they prefer to separate the days of heavy use in the area. It was also noted that it was nice to have a market on a different day than the Tailgate Market, that is on Saturday mornings. A few specifically said they like Thursday afternoon, as offered previously under Temporary Use Permit.
Hours: About a third feel that any time of day is compatible. Most agreed that any markets should end at 8:00 pm. Some felt that a 4 hour window is compatible and about half feel that 4:00pm – 8:00pm is ideal.
Size: Once again, the group was split. About half agree that unlimited number of vendors is appropriate, and the other half feel that 15 – 30 vendors are appropriate.
Amplified Sound: All indicated that amplified sound, either speech or music is compatible. Most agree that 10:00 pm, consistent with the UDO is the time to end amplification. One said 9:00 pm and one said 8:00 pm. One neighbor indicated that quiet hours should be until 4:00 pm on weekdays.
Parking: While parking was not introduced by Planning Staff as a potential condition, this was a subject of much discussion. Meeting attendees noted that during the previous markets many people parked illegally on the shoulder on Railroad Ave. Other concerns are people parking too close to intersections, mostly at night or in front of mailboxes, causing delays in mail delivery. There was a general desire for more enforcement of parking ordinances. Staff discussed the new Police Chief and Deputy Chief and that traffic enforcement is a priority.
A few attendees suggested that The Yard be required to provide signage to the public parking at The Depot. One requested an accessible parking space for the market.
General: The over arching response to the Special Use Permit for a market was positive. A few noting that they fully support and love what the owners have done with the space.

The Special Use Permit (SUP) does not have any additional standards or requirements in the UDO under Chapter 3.7.4.

The 2030 Comprehensive Land Use Plan (CLUP) has a future land use as "*Activity Center-Major: represent unique destinations across the City. They are meant to be the focus of targeted urban design initiatives with a focus on infill, adaptive reuse, and creative solutions to address opportunities and challenges in each unique place. An Activity Center may cater to visitors with retail and evening entertainment, or it may be an employment district that is most active during business hours. They are worth of small-area planning, with an emphasis on placemaking and careful consideration of the public realm. Typical Uses: Commercial; office; single and multi family and attached residential; light industrial; and public gathering space.*

A Notice of Hearing was mailed to adjacent property owners, the property was posted, and

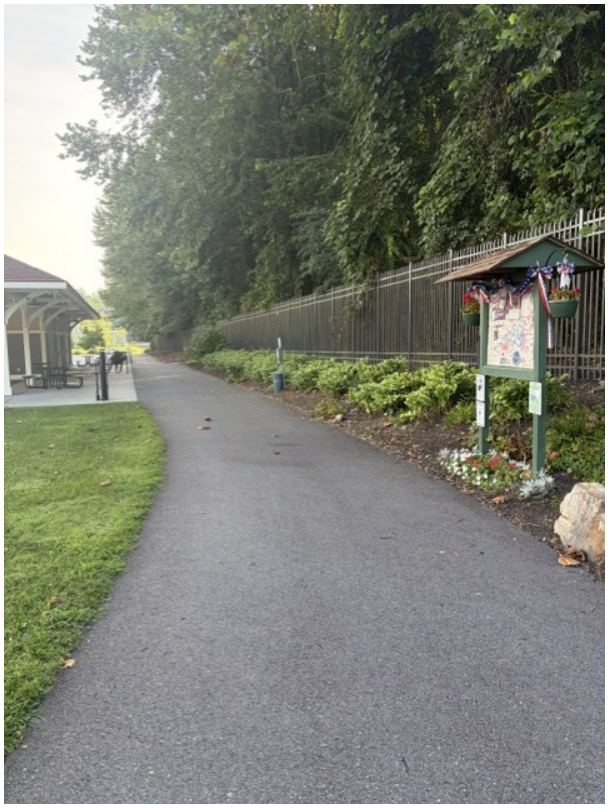
the meeting was advertised as the General Statue 160D-406(b).

Investigation

The property is consistent with group development, including multiple buildings of retail and residential, outdoor space, a food truck, and existing gravel parking area. The immediate surrounding area is primarily industrial and retail with residential close by.



Zoning districts in the area include NMX, RMX, GI, GR and DMX.





Context photos of the area, including the multi-use path and an existing warehouse building that has been renovated into a storage facility.



Context photo of the single-family homes that are right around the corner on Whitmire St.

Special Use Permits

Special uses are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as Special Uses in a zoning district, including but not limited to hours of operation, height, bulk, mass, intensity of use, etc. shall be authorized by the BOA.

The evaluation and approval of the Special Use Permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to 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; and

b. The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to 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.

In approving an application for a Special Use Permit, the BOA may attach fair and reasonable conditions which support the required Findings of Fact; however, the Board may not require the landowner to waive a vested right. The burden of proof of producing evidence to support these Findings and to overcome any challenges that approval of the plan would be contrary to one or more of these Findings rests entirely with the applicant.

Attachments:

1. SUP - Application
2. SUP Site Plan with Tents
3. Example, Site Plan from Trailside Market 2025
4. The Yard neighbors input
5. Farmers Market Permit
6. Fire Marshall Tent Info March 2025

Special Use Permit

Proposed Flea Market

Property Address: 284 Railroad Avenue, Brevard, NC

The applicant requests a Special Use Permit to allow a flea market at 284 Railroad Avenue, Brevard, North Carolina. Approval of this permit will allow the continued operation of community markets that have successfully operated at this location while complying with the current Unified Development Ordinance.

The property is an existing commercial site adjacent to the Ecusta Trail and within walking distance of downtown Brevard. Its location, established commercial character, and accessibility by vehicle, bicycle, and on foot make it well-suited for community market activities.

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1. The proposed use meets all requirements and specifications of the Unified Development Ordinance and adopted land use plans and is in harmony with the general purpose and intent of the ordinance.

The applicant requests a Special Use Permit to allow a flea market at 284 Railroad Avenue. Approval of this permit will allow the continued operation of community markets that have already demonstrated success at this location, while ensuring compliance with the current Unified Development Ordinance.

Following amendments to the Unified Development Ordinance affecting farmers' markets at the end of 2025, the applicant met with the Planning Department, the City Manager, and the Mayor to discuss how these community markets could continue to operate at this location. During those discussions, City representatives identified the flea market designation as an appropriate option for the property under the current Unified Development Ordinance. After those discussions, the applicant elected to pursue a Special Use Permit for a flea market, and this application is submitted accordingly.

The property has a proven track record of successfully hosting temporary community markets. The property hosted the weekly Trailside Market from April through October 2025, annual Kids Makers Markets in both 2025 and 2026, and Winter Markets in both 2024 and 2025. These events have provided opportunities for local farmers, artists, craftspeople, makers, food

vendors, vintage vendors, and other small businesses while creating a welcoming community gathering place.

Approval of this Special Use Permit will allow these established community market activities to continue under the flea market designation established in the Unified Development Ordinance, while preserving the purpose, intent, and spirit of the ordinance.

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2. The proposed use will, if developed according to the approved plan, be visually and functionally compatible with the surrounding area.

The proposed flea market is compatible with the existing commercial and mixed-use character of the Lumberyard District. The property is adjacent to Underground Salvage and is surrounded by a mix of commercial, retail, recreational, and community-oriented uses, including direct access to the Ecusta Trail.

The property has become an established community gathering place through the successful operation of the Trailside Market, Kids Makers Markets, and Winter Markets. These events have demonstrated that community market activities are visually and functionally compatible with surrounding businesses and neighboring properties.

The proposed flea market represents a continuation of these established community market activities and will utilize the existing site improvements without substantially changing the property's appearance or function.

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3. The proposed use 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.

The property has successfully hosted community markets without significant public health or safety concerns. During the early operation of the Trailside Market, concerns were raised regarding patrons parking along Railroad Avenue. These concerns were reviewed by the City's Safety Committee and subsequently discussed by the City Council. Following those discussions, No Parking signs were installed along the affected section of Railroad Avenue, and patrons no longer parked there.

The property is located approximately 0.1 miles from the Brevard Depot public parking lot, an existing public parking resource within a short walking distance of the market. This nearby

public parking provides additional parking capacity for market patrons while encouraging pedestrian activity between the Depot, downtown, the Ecusta Trail, and 284 Railroad Avenue.

In addition to vehicle parking, the property is directly adjacent to the Ecusta Trail, allowing many visitors to safely access the market by bicycle or on foot. The availability of multiple transportation options supports the site's suitability for this use and helps reduce reliance on automobile parking during market events.

The Trailside Market and Winter Market were both reviewed with Transylvania County to ensure compliance with ADA accessibility requirements. Market layouts were also reviewed and approved by the Fire Marshal to ensure adequate access for emergency vehicles throughout the site.

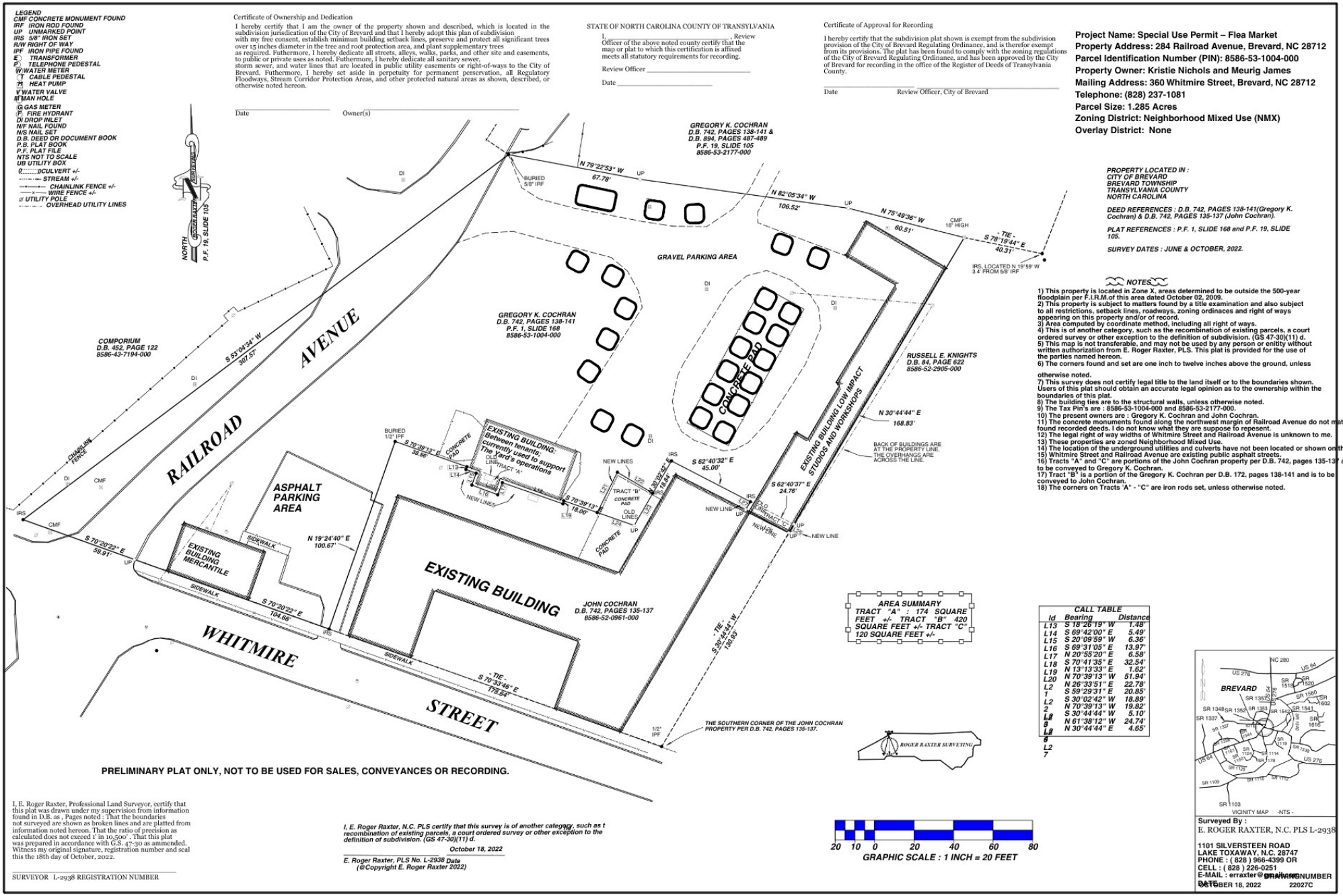
The applicant will continue to coordinate with the Fire Marshal, Building Official, and other applicable agencies for future market events. Any temporary tents or structures that require permits under applicable building or fire codes, including any tent or temporary structure greater than 120 square feet, must obtain all required approvals prior to installation. Site plans for temporary structures will be submitted to the Fire Marshal for review and approval, as required, to ensure adequate emergency vehicle access and compliance with fire lane requirements, occupancy limitations, fire-resistance ratings, and all applicable provisions of the North Carolina Building Code and Fire Code.

The flea market will continue to be professionally managed with designated vendor spaces, regular maintenance, waste collection, and oversight by the property owner to ensure continued compliance with applicable City ordinances and permit conditions.

The successful operation of the Trailside Market, Kids Makers Markets, and Winter Markets demonstrates that the proposed flea market can continue to operate in a manner that protects the public health, safety, and welfare while supporting local businesses, entrepreneurs, and community activity. Rather than detracting from surrounding properties, the market is expected to continue contributing positively to the vitality of the Lumberyard District and the surrounding commercial area.

Conclusion

The proposed flea market is a continuation of successful community market activities that have already demonstrated compatibility with the surrounding area. The property is uniquely suited for this use because of its established commercial setting, direct access to the Ecusta Trail, bicycle and pedestrian accessibility, and history of successfully hosting community markets. The applicant respectfully requests that the Brevard Board of Adjustment approve the requested Special Use Permit for a flea market at 284 Railroad Avenue.



vendor tents


Trailside Market
AT THE YARD
Parking at the Railroad Depot
Market Manager
Drop Off Area
Railroad Ave
Kids Play Area
Vendors Tents
Mural Art
Brewcycle & 99'
Street Parking Available
Whitmire Street

Your Name and Address Catherine Moore / 109 Whitmire St

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week		
Saturdays / Sundays Only		
Monday - Friday Only	✓	
HOURS		
Start 9:00 am		
Start 10:00 am		
Start 11:00 am		
End 8:00 pm	4PM - 8PM	
End 9:00 pm		
End 10:00 pm		
4 hours per event		
SIZE		
15 max vendors	15 seems OK	
30 max vendors		
Unlimited vendors		

We fully support this market in this perfect space for the neighborhood

SOUND		
Amplified Music or Speech	OK	
Any Quiet Hours?	After 8PM	
No Amplification		
OTHER ENHANCMENTS OR IMPROVEMENTS		

Your Name and Address Kathleen Hannigan 162 W. French Broad Street

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week	✓	
Saturdays / Sundays Only	✓	
Monday - Friday Only	✓	
HOURS		
Start 9:00 am	✓	
Start 10:00 am	✓	
Start 11:00 am	✓	
End 8:00 pm	✓	
End 9:00 pm	✓	
End 10:00 pm	✓	
4 hours per event		
SIZE		
15 max vendors		
30 max vendors		
Unlimited vendors	✓	

SOUND		
Amplified Music or Speech	✓	
Any Quiet Hours?	10 pm	
No Amplification		
OTHER ENHANCMENTS OR IMPROVEMENTS		

The Neighborhood Loves what the Owners have done w/ this space and the Market.

I fully support the market!!

Your Name and Address _____

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	***COMPATIBLE***	***INCOMPATIBLE***
FREQUENCY		
Once a Week	✓	
Twice a Week		
Saturdays / Sundays Only		
Monday - Friday Only		
HOURS		
Start 9:00 am	✓	
Start 10:00 am		
Start 11:00 am		
End 8:00 pm		
End 9:00 pm		
End 10:00 pm	✓	
4 hours per event		
SIZE		
15 max vendors		
30 max vendors		
Unlimited vendors	✓	

SOUND		
Amplified Music or Speech		
Any Quiet Hours?		
No Amplification		
OTHER ENHANCMENTS OR IMPROVEMENTS		

Your Name and Address Melissa Vaughan 145 Whitmire St

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week		
Saturdays / Sundays Only		
Monday - Friday Only		
HOURS		
Start 9:00 am		✓
Start 10:00 am	✓	
Start 11:00 am	✓	
End 8:00 pm	✓	
End 9:00 pm	✓	
End 10:00 pm	✓	
4 hours per event	✓	
SIZE		
15 max vendors	✓	
30 max vendors		
Unlimited vendors		

*liked it on a different day than Brevard Farmers Market

Mail doesn't get delivered on Whitmire if parked near boxes

SOUND		
Amplified Music or Speech	Ok	
Any Quiet Hours?	after 10pm	
No Amplification		
OTHER ENHANCMENTS OR IMPROVEMENTS		

Your Name and Address John Cochran 174 Whitmire St. Brevard NC

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week		
Twice a Week		
Saturdays / Sundays Only	X	[illegible]
Monday - Friday Only	X	
HOURS		
Start 9:00 am		
Start 10:00 am		
Start 11:00 am		
End 8:00 pm		
End 9:00 pm		
End 10:00 pm		
4 hours per event	X	later afternoons
Sat / Sun	anytimes for events	
SIZE		
15 max vendors	X	
30 max vendors		
Unlimited vendors		

SOUND		
Amplified Music or Speech	Yes	
Any Quiet Hours?	10pm - per Noise ordinance	
No Amplification	—	

OTHER ENHANCMENTS OR IMPROVEMENTS		
Better Signage to public parking lots Show No parking areas + enforce		

Your Name and Address Spencer Terry - 162 W French Broad

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week	✓	
Saturdays / Sundays Only	✓	
Monday - Friday Only	✓	
HOURS		
Start 9:00 am	✓	
Start 10:00 am	✓	
Start 11:00 am	✓	
End 8:00 pm	✓	
End 9:00 pm	✓	
End 10:00 pm	✓	
4 hours per event	✓	
SIZE		
15 max vendors	✓	
30 max vendors	✓	
Unlimited vendors	✓	

SOUND		
Amplified Music or Speech	✓	
Any Quiet Hours?	10pm - 8am	
No Amplification		

OTHER ENHANCMENTS OR IMPROVEMENTS		
An area with direct road	access for accessible	drop-off

Your Name and Address Mac Peterson — 162 W French Broad

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week	✓	
Saturdays / Sundays Only	✓	
Monday - Friday Only	✓	
HOURS		
Start 9:00 am	✓	
Start 10:00 am	✓	
Start 11:00 am	✓	
End 8:00 pm	✓	
End 9:00 pm	✓	
End 10:00 pm	✓	
4 hours per event	✓	
	4-7pm thursday was great!	
SIZE		
15 max vendors		
30 max vendors		
Unlimited vendors	✓	

SOUND		
Amplified Music or Speech	✓	
Any Quiet Hours?	10pm – 8am	
No Amplification		

OTHER ENHANCMENTS OR IMPROVEMENTS
People park illegally during high volume events (usually at 185 King St. — so at night), mostly along French Broad & Railroad, especially by parking too close to intersections. People already roll through stop signs in the whitewire – Railroad intersection constantly, and these issues compound to make a pretty unsafe environment for drivers and pedestrians. The entire neighborhood could benefit from updated parking signs and road repainting.

Your Name and Address Margaret Kimble - 162 W French Broad

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week	✓	
Saturdays / Sundays Only	✓	
Monday - Friday Only	✓	
HOURS		
Start 9:00 am	✓	
Start 10:00 am	✓	
Start 11:00 am	✓	
End 8:00 pm	✓	
End 9:00 pm	✓	
End 10:00 pm	✓	
4 hours per event	✓	
SIZE		
15 max vendors	✓	
30 max vendors	✓	
Unlimited vendors		

SOUND		
Amplified Music or Speech	✓	
Any Quiet Hours?		
No Amplification		
OTHER ENHANCMENTS OR IMPROVEMENTS		

Your Name and Address Kim Elliott 127 Creekside Dr.

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week		
Saturdays / Sundays Only		
Monday - Friday Only	✓	
HOURS		
Start 9:00 am		
Start 10:00 am		
Start 11:00 am		
End 8:00 pm 4:00 pm 8:00 pm	✓	
End 9:00 pm		
End 10:00 pm		
4 hours per event	✓	
SIZE		
15 max vendors - 20 vendors	✓	
30 max vendors		
Unlimited vendors		

SOUND		
Amplified Music or Speech	✓	
Any Quiet Hours?	9pm on!	
No Amplification		
OTHER ENHANCMENTS OR IMPROVEMENTS		

Your Name and Address MATT MALONE - 20 COMMERCE ST.

POTENTIAL CONDITIONS		
ACTIVITY / CONDITION	**COMPATIBLE**	**INCOMPATIBLE**
FREQUENCY		
Once a Week	✓	
Twice a Week		X
Saturdays / Sundays Only	✓ 9&4P	
Monday - Friday Only	✓ 4-8P	
HOURS		
Start 9:00 am	SAT - SUN	
Start 10:00 am	SAT - SUN	
Start 11:00 am	SAT - SUN	
End 8:00 pm	WEEKDAY	
End 9:00 pm		X
End 10:00 pm		X
4 hours per event	✓	
SIZE		
15 max vendors		
30 max vendors		
Unlimited vendors	✓	

SOUND		
Amplified Music or Speech	PER CODE	
Any Quiet Hours?	M-F BEFORE 4P	
No Amplification	PER CODE	

OTHER ENHANCMENTS OR IMPROVEMENTS		
PARKING	REQUIRE SIGNAGE	
COMPETING EVENTS	LIMIT OVERLAP	
TEMPORARY PARKING	DEFINE EVENT PARKING AREAS SUCH A RAILROAD/PROBART ALONG GREENWAY	

The City of Brevard North Carolina

PERMIT

TUP-25-006	**Temporary Use Permit**
PROJECT NAME: Farmers Market	
SCOPE OF WORK: 90 Farmers Market June 19 - Sep 19	**DATE APPROVED:** 06/23/2025
SITE ADDRESS: 284 RAILROAD AVE	**DATE EXPIRES:** 09/19/2025

PARCEL: 8586-53-1004-000

APPLICANT: NICHOLS, KRISTIE
380 RAILROAD AVE
BREVARD, NC 28712

OWNER:

PROJECT COST:

Fixtures	Quantity	Per Unit	Value
		Total:	**$0.00**

FEES:	Paid	Due
Temporary Use Permit	$200.00	$0.00
Total:	**$200.00**	**$0.00**

REQUIRED INSPECTIONS

Inspection		Approved By	Date Approved
FINAL SITE INSPECTION	☐ Pass ☐ Fail (See Comments)		

CONDITIONS

1. NC Building Code requires that you contact Transylvania County Fire Marshal for an inspection prior to beginning operations. Contact the Fire Marshal's Office at 828-884-3108, Ext. 3 to schedule an inspection. Contact Deputy Fire Marshal, Gary Brown gary.brown@transylvaniacounty.org or Fire Marshal, Scott Justus, scott.justus@transylvaniacounty.org

The City of Brevard North Carolina

Temporary Use Permit | TUP-25-006

COMMENTS

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.

Reviewed By: Stephanie Holland

Stephanie Holland

Review Date:

Contractor or Authorized Agent: _____

Not valid until signed

Received Date: _____

FIRE MARSHAL'S OFFICE
TRANSYLVANIA COUNTY

Scott R. Justus, Fire Marshal – IAAI - CFI / NC - CFI / Level III Fire Code Official
James "Gary" Brown, Deputy Fire Marshal / Level III Fire Code Official
James "Mike" Galloway, Assistant Fire Marshal

TENTS AND MEMBRANE STRUCTURES

Definitions

Membrane Structures – An air-inflated, air-supported, cable or frame-covered structure, not otherwise defined as a tent. This also includes Bounce Houses, and Slides.

Tent - A structure, enclosure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any matter except by air or the contents that it protects.

What Tents & Air Supported Structures Require Approval

Tents having an area excess of **800sf** square feet, and Membrane structures and bounce houses having an area excess of **400sf** square feet shall not be operated or maintained for any purpose without first obtaining approval and or inspection. (**SEE EXCEPTIONS**)

Exceptions – No inspection or approval required.

1. Tents used exclusively for recreational camping.
2. Tents open on all sides without sidewalls, drops or other physical obstructions on 75 percent or more of the perimeter that comply with **all the following.**
   - 2.1 Individual tents having a maximum size of 1,800 sq./ft. and
   - 2.2 The aggregate area of multiple tents placed side by side without a fire break clearance of 12', not exceeding 1800 sq./ft. total, and
   - 2.3 A minimum clearance of 12' to all other structures or other tents.
3. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

Tent & Bounce House and Air Supported Membrane Structures Anchorage - Tents and membrane structures shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent collapsing. All tents and Membrane Structures shall be securely anchored at each corner to by the manufacturer's specifications. When the specifications are not available weights or stakes equivalent to 250 pounds per corner or anchor point shall be provided.

Wind Gust – Tents and Air Supported Structures shall be evacuated and taken down when wind gusts exceed manufacturers specifications, or **20 MPH, whichever comes first**.

Open Flames – Open flames or recreation fires shall not be conducted within 25' of structures, tents, membrane structures or combustible materials. They shall be constantly attended to until the fire is extinguished.

Fire Protection – All tents and membrane structures shall provide the minimum ABC - dry chemical fire extinguisher classification is 2A-10BC. All LP gas cylinders used for cooking operations, heating, or any other purpose, shall be securely anchored to prevent being knocked over.

155 Public Safety Way | Brevard, NC 28712 | Telephone 828-884-3108 Ext 3 ♦ Fax 828-862-8925
Email: scott.justus@transylvainiacounty.org / gary.brown@transylvaniacounty.org / james.galloway@transylvaniacounty.org

FIRE MARSHAL'S OFFICE
TRANSYLVANIA COUNTY

Scott R. Justus, Fire Marshal – IAAI - CFI / NC - CFI / Level III Fire Code Official
James "Gary" Brown, Deputy Fire Marshal / Level III Fire Code Official
James "Mike" Galloway, Assistant Fire Marshal

Certification of Flame Propagation Treatment - An affixed label or affidavit shall be provided to the fire code official confirming the flame propagation treatment or flame resistance requirements of all tents and air supported structures. **All cooking tents must be a rated commercial cooking tent.**

Cooking Tents - Cooking operations shall provide the minimum ABC - dry chemical fire extinguisher classification is 2A-10BC, and if deep fryer cooking is performed it shall also have a Class K fire extinguisher.

Fire Hydrants or Building Fire Department Connections – Shall not be blocked or obscured.

Assembly Use – Any tent or membrane structure where the public or persons gather for any purpose shall provide the fire code official a floor plan of the space for life safety review approval and any additional code requirements.

Access – A 20' wide fire apparatus access road shall be provided to all tents and membrane structures unless otherwise approved by the fire code official.

Location – Tents or membrane structures shall not be located within 20 feet of lot lines, buildings or other tents and membrane structures unless approved by the Fire Code Official.

Generators – Generators shall be separated from tents or air-supported structures by a minimum of 20' Fire extinguishers are required when any fuel generator is in operation of that tent, or membrane structure.

Extension Cords – Only UL Listed grounded extension cords rated shall be used.

The Tent / Air Supported Membrane Structure - Company Agent, and the Event Agent, have both read this document and agree to uphold the requirements as stated. Furthermore, both agents are responsible for the safety and operations of its use and will immediately mitigate any unsafe conditions that arise.

Inspection / Approval Checklist. Check or initial the box below that each one has been met prior to being occupied.

Proper Anchorage per Manufacture or 250lbs equivalent.	Proper Fire Extinguishers available. ABC / Class K	Generator is greater than 20ft away.	Proper extension cords are used.	Fire resistant propagation label affixed.	Proper location, access and clearances are met.	There are NO Open Flames within 25 ft. Unless Cooking Tent Rated

Company Name The Yard Brevard *Phone* 828-237-1081

Company Agent Kristie Nichols *Date* 3/12/2025

Event Agent Kristie Nichols *Date* 3/12/2025

155 Public Safety Way | Brevard, NC 28712 | Telephone 828-884-3108 Ext 3 ♦ Fax 828-862-8925
Email: scott.justus@transylvainiacounty.org / gary.brown@transylvaniacounty.org /
james.galloway@transylvaniacounty.org