**STATE OF NORTH CAROLINA** | **BEFORE THE CITY OF BREVARD BOARD OF ADJUSTMENT**

**TRANSYLVANIA COUNTY** | **CASE NO. Variance #25-001**

**IN RE: APPLICATION of LINDA CURRAN for a VARIANCE** | **ORDER**

This matter coming on for hearing before the **City of Brevard Board of Adjustment** ("Board) on the application of **Linda Curran** ("Applicant") requesting a variance from Chapter 2.7.2 of the City of Brevard Unified Development Ordinance ("UDO") to reduce the front yard setback from Fifteen (15) feet to Zero (0) feet for property with an address of 188 Ashworth Avenue, Brevard, North Carolina ("Property"). The Property is in the General Residential 8 (GR-8) Zoning District within the zoning jurisdiction of the City of Brevard.

A quasi-judicial hearing was held on April 1, 2025. The Applicant represented herself. The following persons were sworn as witnesses and presented testimony in this matter: City of Brevard Planner, Katherine Buzby, and Linda Curran.

Testimony in this case is accurately reflected in the minutes of the April 1, 2025 meeting and based upon the testimony presented, the documentary evidence and related material submitted along with the Application, the Board does hereby make the following:

## FINDINGS OF FACT

1) Notice of the quasi-judicial public hearing, pursuant to the UDO and state law, was duly and timely given. The Property was properly posted and the hearing was properly advertised.

2) The Property is identified as tax parcel numbers 8585-46-5877-000 in Brevard, North Carolina within the GR-8 Zoning District and a property address of 188 Ashworth Avenue, Brevard, North Carolina.

3) The Applicant applied for a variance from Chapter 2.7.2 of the UDO to allow a reduction in the front yard setback from Fifteen (15) feet to Zero (0) feet on the Property.

4) The witness failed to offer competent, material and substantial evidence that unnecessary hardship would result from the strict application of the UDO.

5) The witness failed to offer competent, material and substantial evidence that hardship results from conditions that are peculiar to the Property and that the hardship did not result from actions taken by her, as the Property owner.

6) No competent, material and substantial evidence was presented that the requested variance is consistent with the spirit, purpose and intent of the UDO and that the variance, if granted, would not be injurious to the public health, safety and welfare nor that it would achieve substantial justice.

7) No competent, material or substantial testimony was presented to show that the use of the subject properties satisfies all the requirements of the UDO for the granting of a variance.

Pursuant to the foregoing FINDINGS OF FACT and UDO Chapter 16.8.E, the Board makes the following:

## CONCLUSIONS OF LAW

1) The Board has jurisdiction to hear and decide this Application for a Variance under the UDO.

2) The Applicant did not present competent, material or substantial testimony to show that the requested variances on the subject property satisfy all the necessary requirements of the UDO for granting a variance.

3) Variance 25-001 should be denied.

## DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the application of **Linda Curran** requesting a variance from Chapter 2.7.2 of the City of Brevard Unified Development Ordinance to reduce the front yard setback from Fifteen (15) feet to Zero (0) feet for property with an address of 188 Ashworth Avenue, Brevard, North Carolina and identified as tax parcel numbers 8585-46-5877-000 in Brevard, North Carolina is hereby **DENIED**.

ORDERED this _____ day of _____, 2025

CITY OF BREVARD BOARD OF ADJUSTMENT

By: _____
Peter Offer, Chair

Attest:

_____
Madalin Baker, Clerk to the Board