MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, June 3rd – 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday June 3rd, 2025, at 3:00 PM.

Members Present:	Peter Offen, Chair Tad Fogel, Vice Chair Reid Wood Jackson Tate Alan Mercaldo
Staff Present:	Katherine Buzby, Planner Madalin Baker, Board Clerk Brian Gulden, Board Attorney
Guests:	Emily Lowery, Director of The Haven, Applicant Davis Whitfield-Cargile, Attorney representing The Haven Melanie Spreen, of May Collaborative, Applicant Charles Taylor, property owner at Wolf Pen Cove Rd. Tracy Harvey, property owner at 123 S. Johnson St. and member/manager of 123 S. Johnson St. LLC Robert "Bob" Hornik, Attorney representing 123 S. Johnson St. LLC

I. WELCOME

Chair, Peter Offen, called the meeting to order at 3:00 PM and welcomed those present.

II. INTRODUCTION OF BOARD MEMBERS

Board members and Staff introduced themselves.

III. CERTIFICATION OF QUORUM

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

IV. APPROVAL OF AGENDA

P. Offen asked if Board members had any proposed changes to the agenda.

B. Gulden, Board Attorney, mentioned the attorney for The Haven, had expressed interest in getting a continuance. B. Gulden recommended the Board consider moving item B in new business to item A, out of respect for the time of the applicants.

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Motion to move SUP-25-002 to be heard first under new business made by A. Mercaldo, seconded by R. Wood, passed unanimously.

V. APPROVAL OF MINUTES

P. Offen, Chair, noted May draft minutes were not included in the agenda packet for the Board's review, and so approval of minutes would be skipped. The May minutes will be voted on at the next meeting.

VI. APPROVAL OF ORDERS

P. Offen noted order approval was completed prior to meeting via email.

VII. NEW BUSINESS

P. Offen looked to B. Gulden for procedural clarity entering the New Business portion of the agenda.

B. Gulden advised P. Offen that, should Mr. Whitfield-Cargile request a continuance, it should happen before the board opens the case for SUP-25-002.

B. Hornik stood and introduced himself. He requested clarity on the status of SUP-25-002. P. Offen shared the case had not yet been continued, but rather the board was still confirming with D. Whitfield-Cargile what exactly the applicant was requesting of the Board and where it fits into the proceedings.

A. Consideration of SUP-25-002 – 107 S. Johnson St.

D. Whitfield-Cargile stood and introduced himself. He moved to continue the hearing to the August meeting date, citing the need for additional time to work with staff on the nature of the application.

B. Hornik noted he and his client came prepared for the case to be heard today.

B. Gulden introduced himself to B. Hornik. B. Gulden stated he was not aware that B. Hornik would be at the meeting. He shared D. Whitfield-Cargile, who was recently retained by the applicant, had reached out the B. Gulden prior to the meeting sharing his intentions to motion to continue the matter. B. Gulden noted the Board had not received any indication of parties with standing.

B. Gulden instructed that the Board could do one of two things: hear evidence on standing for B. Hornik's client and then take up the motion to continue the case, or continue the motion and push everything out, standing and the evidentiary presentation.

The Board considered their course of action. D. Whitfield-Cargile cited he was unaware that T. Harvey had retained an attorney and noted the continuance would allow the applicant time to review the nature of the SUP application with City staff.

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D. Whitfield-Cargile asserted it seemed premature to establish T. Harvey's standing on the case.

B. Hornik expressed intention to oppose the applicant's request for a continuance, in the event his client was granted standing. He noted the desire to respect his client's time and money.

P. Offen expressed concern that if the nature of the application is going to change, it could change the nature of everything—the standing, the proposed harm, etc. He expressed hesitation to grant a party standing before the decision was made by the applicant on the nature of the application.

B. Hornik stated that if the applicant were to withdraw their application, there would be nothing for the Board to hear, which would not warrant a continuance request by the applicant but a request to withdraw their application and potentially re-apply if the nature of the applicant's requests would be significantly different. He cited having already spent many hours preparing for the case and driving to the meeting, calling it unusual and unfair to him and his client for the applicant, on the day of the hearing, to request a continuance.

D. Whitfield-Cargile noted the party arguing against continuing the hearing had not been determined to have standing in the case. D. Whitfield-Cargile noted that in his experience, the applicant's request is not unusual. D. Whitfield-Cargile expressed frustration with the suggestion that the applicant should withdraw their application.

P. Offen looked to his fellow Board members for their guidance and opinions. A. Mercaldo noted that their task as Board members is to review the applications brought before them, and that if the nature of the application could become different, it doesn't make sense for the board to have any procedure or hearing at all until the nature of the application is clarified. T. Fogel and R. Wood expressed their agreement. P. Offen shared given the nature of the potential changes to the application, he was inclined to grant the continuance.

A. Mercaldo made a motion to continue the hearing for SUP-25-002 to the August meeting, to allow the applicant time to meet with staff and revise. J. Tate seconded. The motion passed unanimously.

P. Offen offered his apologies to B. Hornik for having to make the trip.

B. Consideration of SUP-25-001 – Wolf Pen Cove Road

P. Offen explained quasi-judicial procedures and standing.

The following were sworn: Melanie Spreen, Aaron Bland

P. Offen polled the board as to previous communications with the applicant and conflicts of interest and found there were none.

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The Applicant was asked if they had any conflicts with any member of the board and there were none.

P. Offen opened the hearing.

A.Bland, Assistant Planning Director, gave his staff report, a portion of which follows:

Background: Melanie Spreen, as agent for Charles Taylor, has submitted an application to the City on for a Special Use Permit (SUP) to operate a Campground and Special Event Venue on a parcel located off of Wolf Pen Cove Road.The Campground/Recreational Vehicle Park use is defined by the City's Unified Development Ordinance (UDO) as "Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services may include washrooms and food services. The property shall be used for recreational purposes and retain an open air or natural character. This definition shall not include manufactured homes, manufactured home parks, or the storage of recreational equipment or vehicles." The Special Event Venue is defined as "A multipurpose venue facility designed largely for hosting special events such as graduations, weddings, gatherings, trade shows, corporate function or meetings, and other similar functions. The facility may have a catering kitchen, indoor and outdoor seating, a stage or event area, and meeting/conference facilities."

Following his staff report, A. Bland turned to the board for questions. He clarified that the hearing had been advertised in accordance with General Statue 160D-406(b).

A. Mercaldo questioned the extent of the Board's jurisdiction, as the ETJ boundary runs through the parcel. B. Gulden said the board's decision would only impact the portion of the lot in the ETJ, not the entire parcel. This is unique and uncommon.

B. Gulden noted that the City code regarding open burning would apply, and A. Bland agreed.

The applicant gave her presentation, as attached in her application narrative. Following her presentation, P. Offen looked to the Board for questions.

A. Bland clarified that the prohibition on open burning only applies in the city limits.

M. Spreen and C. Taylor provided further details regarding the intentions of the space, that they hope the pavilion will be used for small gatherings like family reunions or company retreats. They emphasized a desire to keep the noise level low, and cited that the pavilion intentionally does not feature a catering kitchen, which would work to deter some bigger gatherings that might rely on a catering kitchen to operate.

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T. Fogel asked how far away the closest residential area was to the pavilion, which M. Spreen noted was 375 feet as the crow flies. She noted the topography about the surrounding hills also would work to mitigate noise created by pavilion gatherings.

Ryan Olson was sworn, and noted that he is a conservationist. He cited his support for the project and described it as more of a conservation effort than a development one. He expressed hope that the project will provide a model for surrounding areas to create conservation-based recreation.

J. Tate asked if there are any existing easements or other characteristics on the land that would prohibit future development, and R. Olson answered no.

R. Olson noted Transylvania County is far behind Buncombe County as far as creative lodging designs go, and that there is big local demand for this kind of recreational lodging development. He noted personal collaboration with neighbors in the area as well, who look favorably upon the project.

J. Tate asked how they plan to deter trespassing. M. Spreen and R. Olson cited signage around the perimeter of the property, as well as a gated camping area. T. Fogel asked if the units were available to be rented individually, which R. Olson answered yes.

A. Bland provided one more update on the "open burning" fire code, noting that it applies to "special event venues," but that it is unclear if that applies to special event venues that are outside of the City limits.

Cynthia McCall, guest and neighboring property owner, requested to ask a question. P. Offen and B. Gulden shared that the Board does not hear questions from parties without standing, but that the applicants could entertain her question. C. McCall questioned the state of the main access road to a portion of the property, citing it is in disrepair and that the proposed development would bring more traffic to that road. C. Taylor acknowledged that the road does pose a challenge, noting that it is a NCDOT maintained road. A. Bland noted the planning department can help put them in touch with the correct NCDOT representatives to request maintenance on the road.

P. Offen closed the hearing.

A. Mercaldo made the following motion:

With regard to Case No. SUP-25-001, the application of Monte Vista, Inc., through its agent Melanie Spreen, seeking a Special Use Permit to allow a Campground and Special Event Venue in the General Residential (GR) zoning district on property located off Wolf Pen Cove Road, I move the Board to make the following findings of fact:

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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; that the applicants plan to maintain the natural landscape of the area, in line with the CLUP;

b) The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible with the surrounding area; not posing a visual obstruction to surrounding properties;

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; the lot is secluded, and will feature gated, monitored access for overnight guests.

Accordingly, I further move the Board to GRANT the requested special use permit to allow a Campground and Special Event Venue on property located on Wolf Pen Cove Road, within the Extraterritorial Jurisdiction of the City of Brevard in accordance with and only to the extent represented in the application and plans, subject to the following condition: that they obtain any appropriate permits from the Fire Chief regarding burning regulations, and comply with any guidelines or restrictions thereby imposed.

T. Fogel seconded, and the motion passed unanimously.

The applicants requested the Order be approved via email.

VIII. UNFINISHED BUSINESS

None.

IX. REMARKS

A. Bland notified the Board of the newly adopted Code of Ethics passed at the last Council meeting.

X. ADJOURN

R. Wood moved to adjourn the meeting, seconded by T. Fogel. The motion carried unanimously. The meeting was adjourned at 4:04 PM.

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Peter Offen, Chair

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Madalin Baker, Board Clerk

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