MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, February 3rd, 2026– 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday February 6th, 2026, at 3:00 PM.

Members Present:	Peter Offen, Chair Reid Wood Jackson Tate Alan Mercaldo Gilley Pearson
Staff Present:	Katherine Poe, Planner Madalin Baker, Board Clerk Aaron Bland, Assistant Planning Director Paul Ray, Planning Director Brian Gulden, Board Attorney
Guests:	Andrew Riddle, owner at 277 N. Broad St. James Lee III, attorney representing Andrew Riddle

I. WELCOME

Board Chair Peter Offen called the meeting to order at 3:03 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 made a motion to strike draft minutes from the agenda, to move "Unfinished Business" before "New Business," and to move item B under new business up to item A. A. Mercaldo seconded the motion, and it passed unanimously.

V. UNFINISHED BUSINESS

A. <u>APP-25-0001: Administrative Appeal Regarding Permits ENC-25-006 and ENC-25-007</u>
B. Gulden took a moment to advise the board.

P. Offen made a motion to table APP-25-0001 and APP-26-0001 to the April meeting, to be held April 7th, 2026 at 3:00 PM. R. Wood seconded, and the motion passed unanimously.

VII. NEW BUSINESS

A. Consideration of APP-26-0001 – 221 Pinnacle Rd.
See motion made under unfinished business.

B. Consideration of VAR-25-0002 – 277 N Broad St.

P. Offen, Chair, explained quasi-judicial procedures and standing.

The following were sworn: Andrew Riddle and Katherine Poe. No ethical conflicts were found. P. Offen opened the hearing.

K. Poe presented her staff report, a portion of which follows:

The applicant, Sign Systems, is the sign contractor for the owners at 277 N. Broad St, which is in the Downtown Mixed Use (DMX) zoning district and the Downtown Development Overlay District. The parcel identification number is 8586-52-8251-000. The owner, Andrew Riddle, has appointed James W Lee III to represent him at the hearing. The applicant is requesting a Ground Sign at the corner of N Caldwell St and Methodist Drive. The Unified Development Ordinance, Chapter 12.9.3.C, permits one ground sign of 32 square feet max in DMX, but only one A-Frame type sign in the Downtown Development Overlay District. Notice of the hearing was advertised and posted on the property in accordance with North Carolina General Statute §160D-406.

Discussion: The property has an existing building, constructed around 1964, that has recently been remodeled from a shopping center into a medical office. The location of the building sits between N. Broad St. and N. Caldwell St. with an entrance and parking primarily on the N. Broad St. side and circulation on all sides. The building has undergone a substantial renovation and has reconfigured what was previously a back side service area into a second frontage on N. Caldwell St. The owner wants to mark both street frontages and entrances with ground signs.

N. Broad Street Sign – Permitted: One ground sign has been permitted for the entrance near the corner of N. Broad St. and Methodist Dr. The previous shopping center had a large ground sign near the mid-block entrance on N. Broad St. that was recently demolished by the redevelopment. NC GS 160D-912.1 permits the non-conforming, lawfully erected ground sign to be replaced if not expanded in size, so the owner is allowed to replace the existing ground sign. The permitted sign is 60" high and 71" wide, or 29.5 square feet. No internal or external lighting is proposed.

N. Caldwell Street Sign - Variance Request: As stated previously, the N. Caldwell St. side of the existing building was a service area for the tenants of the shopping center, with no need for signage for patrons. The newly remodeled building has an entrance and building frontage on N. Caldwell St. and the ground sign on N. Broad St. is not visible from N. Caldwell St. The two ground signs would be about 285' apart. The proposed sign is 60" high and 71" wide, or 29.5 square feet. No internal or external lighting is proposed.
Investigation**:** Staff took photos of the previous ground sign during the remodel construction. There are photos of the previous sign on Google as far back as 2008. There is no evidence that there has ever been more than one Ground Sign on the property.

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Following her staff report, K. Poe looked to the Board for questions. A. Mercaldo asked if there is any verbiage in the UDO specifically regarding signage for a parcel running along two major roads. K. Poe said there is none, and that the verbiage is clear on designating "one per parcel." P. Offen asked if there are alternate locations for the proposed signs, and K. Poe shared they already have installed various wall signs and projection signs, but the applicants site wanting something streetside that is visible to drivers as they approach the parking lot. The Board had no further questions for the City.

James "Trey" Lee III, attorney for the applicant, presented their case. J. Lee cited that historically, the building only featured one public entrance facing Broad street, but that now, the building features two public entrances, one facing Broad street and one facing Caldwell. J. Lee called A. Riddle, applicant, to provide additional details to the Board. A. Riddle shared the Caldwell entrance of the building features a pharmacy, and they want wayfinding for pharmacy patrons to be as easy and simple as possible, citing the goal to provide an excellent experience for patients. He noted that the original sign on the property, previously Princess Plaza and then College Plaza, was 162 square feet—A. Riddle went on to explain their request is for significantly less square footage of signage.

The Board questioned the Applicant. P. Offen asked what hardship would be faced by the applicant if the variance was not granted. A. Riddle shared it would not be him who would suffer, as the property owner, but the people of Brevard who would suffer, as the variance would maximize patient accessibility to the site. He emphasized the desire to make both entrances to the property look as presentable and accessible as possible, in the interest of public safety and welfare. J. Lee added that with the high levels of traffic on both Broad street and Caldwell street, that the civil engineer for the project recommended the two-ground-sign plan would be the safest approach as well. A. Mercaldo asked if the driveway access onto Caldwell was preexisting, and A. Riddle said yes, the Princess Plaza used it as a small access road to house dumpsters. J. Tate asked if the entire building is to serve as a pharmacy, and A. Riddle said no, the building also features 48 exam rooms, a 300-capacity event space, a 50 capacity conference room, and many other community resources. P. Offen asked again if the applicant had considered alternative signage placements before applying for a variance, and A. Riddle noted that they are seeking just two ground signs for over 2000 sq. ft. of healthcare space, and called their request "pretty minimal," again noting the two-sign model was recommended by other professionals.

P. Offen saw there were no further questions and closed the hearing. The Board discussed. R. Wood said the additional requested sign is doing more than just advertising, providing new site-specific information for a property on a very busy street, and could be in the best interest of public safety. G. Pearson noted that area is not an easy spot to turn around and could pose a safety hazard. A. Mercaldo agreed, but said he is not sure that the applicant meets the criteria for facing a "hardship." Board Attorney B. Gulden shared a case study from another North Carolina municipality where an appeals court supported hardship faced by all users of a particular facility as viable, not just hardship faced by the property owner. P. Offen thanked B. Gulden for his research and preparation, saying he was also struggling to satisfy the hardship requirement, but

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acknowledging that hardship would indeed be suffered by the public users of the medical facility without additional streetside signage.

A.Mercaldo made the following motion: With regard to variance request 25-0002, the application of 277 N. Broad Street Partners LLC, through its agent James Lee III, seeking a variance from Chapter 12.9.3.C of the UDO for property located 277 N. Broad Street Partners, LLC, Brevard, North Carolina, within the Downtown Mixed-Use Zoning District, I move the Board to make the following findings of fact:

a) that unnecessary hardship would result from the strict application of the regulations, making the facility inaccessible to the public and causing increased traffic if a variance is not granted;
b) the hardship results from conditions that are peculiar to the property such as location size or topography, as the property faces two main roads and features two driveway entrances;
c) the hardship did not result from actions taken by the applicant or the property owner, as the site featured two pre-existing driveways;
d) the requested variance is consistent with the spirit purpose and intent of the regulations such that Public Safety is secured and substantial Justice achieved, allowing drivers adequate notice to safely turn into the driveway, and not posing any additional hazard to visibility.

Accordingly, I further move the board to **grant** the requested variance to allow for the installation of an additional ground sign on the subject property in accordance with and only to the extent and within the area represented in the application and plans and subject to the following conditions: That the newly erected ground sign shall have a notation that such entrance is for the pharmacy and pharmacy entrance.

J. Tate seconded the motion, passed unanimously. The applicants requested the Order be approved via email.

IX. REMARKS

The Board considered rescheduling the March 3rd meeting, as A. Mercaldo noted he would be absent at the March 3rd meeting due to his commitments as a poll worker. Following discussion, the Board decided to leave the March 3rd meeting as originally scheduled.

X. ADJOURN

R. Wood moved to adjourn the meeting, seconded by A. Mercaldo. The motion carried unanimously. The meeting was adjourned at 3:57 PM.

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Peter Offen, Chair

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Madalin Baker, Board Clerk

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