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

TRANSYLVANIA COUNTY | **CASE NO. Variance #26-0001**

IN RE: APPLICATION of CONNIE MIELDS-PERRY for a VARIANCE | **ORDER**

This matter coming on for hearing before the **City of Brevard Board of Adjustment** ("Board) on the application of **Connie Mields-Perry** ("Applicant") requesting a variance from Chapter 2.8.D of the City of Brevard Unified Development Ordinance ("UDO") to allow for a chain link fence to be installed and remain in the front yard of property located at 775 Camptown Rd., 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 initially held on March 3, 2026, and continued over to May 5, 2026, when the request was determined by the Board. The Applicant represented herself. The following persons were sworn as witnesses and presented testimony in this matter: City of Brevard Planner, Katherine Poe, the Applicant, Connie Mields-Perry, Proal Perry and Kyle Halloran, PLA.

Testimony in this case is accurately reflected in the minutes of the March 3 and May 5, 2026, meetings 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 8597-90-2186-000 in Transylvania County, North Carolina within the GR-8 Zoning District of the City of Brevard and a property address of 775 Camptown Rd., Brevard, North Carolina.

3) The Applicant applied for a variance from Chapter 2.8.D of the UDO to allow a chain link fence to be installed and remain in the front yard of the Property ("Application").

4) The Applicant, through its witnesses, offered competent, material and substantial evidence that unnecessary hardship would result from the strict application of the UDO.

5) The Applicant, through its witnesses, 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 Section 16.8.E of the UDO, 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 Application satisfies all the necessary requirements of the UDO for granting a variance.

3) Variance 26-0001 should be denied.

DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the application of **Connie Mields-Perry** requesting a variance from Chapter 2.8.D of the City of Brevard Unified Development Ordinance to allow for a chain link fence to be installed and remain in the front yard of property with an address of 775 Camptown Rd., Brevard, North Carolina and identified as tax parcel numbers 8597-90-2186-000 in Brevard, North Carolina is hereby **DENIED**.

ORDERED this _____ day of _____, 2026

CITY OF BREVARD BOARD OF ADJUSTMENT

By: _____
Alan Mercaldo, Vice Chair

Attest:

_____
Edievith Gass, Clerk to the Board