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

TRANSYLVANIA COUNTY | **CASE NO. Appeal 25-0001**

IN RE: APPEAL of JAMES VEAL and ROY ROBINSON | **ORDER**

This matter coming on for hearing before the **City of Brevard Board of Adjustment** ("Board") upon the appeal of **James Veal and Roy Robinson** ("Appellants") from the denial of permits ENC-25-006 and ENC-25-007 by Aaron Bland, Assistant Planning Director. Such denial was based on insufficient information submitted with two driveway applications for properties located at 231 Pinnacle Road (PIN 8576-83-5643-000) and 245 Pinnacle Road (PIN 8576-83-4791-000), Brevard, North Carolina (the "Subject Properties").

A quasi-judicial evidentiary hearing was held over three days on January 6, 2026, April 21, 2026, and May 5, 2026. The Appellants were present and represented by their attorney, Elliott Dugger. The following additional person was sworn as a witness and presented testimony in this matter: City of Brevard Assistant Planning Director, Aaron Bland, who was represented by City Attorney Charles "Mack" McKeller.

Testimony in this case is accurately reflected in the minutes of the aforementioned meetings and based upon the testimony presented, the documentary evidence and related material submitted along with the Appeal, the Board does hereby make the following:

FINDINGS OF FACT

1) Notice of the quasi-judicial hearing, pursuant to the Town's Unified Development Ordinance ("UDO") and state law was duly and timely given, the hearing was properly advertised, and the Subject Property was properly posted.

2) The hearing was held pursuant to Section 16.8D. of the UDO and N.C.G.S. §160D-405, on the appeal of James Veal and Roy Robinson and the matter is

properly before the Board, is within the Board's jurisdiction under the UDO and is ripe for consideration.

3) The Subject Properties are both vacant parcels located in the City's Extra Territorial Jurisdiction and are zoned General Residential–4 (GR-4). The Subject Properties are landlocked as neither property has frontage on a public street right of way.

4) The Subject Properties are located adjacent to an unopened 50-foot right of way that crosses several private properties between a trailhead parking lot and the trail system on City-owned Bracken Preserve.

5) On and about August 6, 2025, the Appellants applied for two driveway permits on the Subject Properties showing connection to the unopened 50-foot right of way.

6) Beginning around August 8, 2025 and continuing through September 11, 2025, Mr. Bland corresponded with the Appellants indicating additional information was needed to determine if the proposed driveways would satisfy the standards of the UDO for connection to existing roads or streets and how close the driveway connections would be to the existing trail system within the unopened 50-foot right of way.

7) The Appellants did not provide the information requested by Mr. Bland in order to determine if the driveway applications complied with the requirement of the UDO.

8) Ultimately, on September 19, 2025, Mr. Bland indicated to Appellants that with the information that was provided to him he was unable to fully review the driveway applications and would have to deny both applications.

9) Appellants timely appealed the determination of Aaron Bland to the Board of Adjustment on October 6, 2025.

10) The Appellant offered new and additional evidence related to the Court action in which the City acquired the unopened 50-foot right of way.

11) The Appellant offered additional testimony indicating the driveways that were the subject of the applications would only connect to the unopened 50-foot right of way and not to any existing or established public street or road.

Therefore, based upon the foregoing FINDINGS OF FACT and considering Chapter 13 of the Town's UDO, the Board hereby makes the following:

CONCLUSIONS OF LAW

1) The BOA has jurisdiction to hear and decide appeals of development decisions under Section 16.8.D of the UDO and the appeal of James Veal and Roy Robinson is with its jurisdiction to review pursuant to such Section.

2) The Appellants had standing to appeal the decision of the Assistant Planning Director and have the BOA render a decision.

3) The Assistant Planning Director was correct in determining that Appellants failed to provide all the necessary information needed to make a determination on the two driveway application that are the subject of this Appeal.

4) The Assistant Planning Director was correct in denying the two-driveway application submitted by James Veal and Roy Robisnon.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law it is decided by the Board of Adjustment for the City of Brevard that the decision of the Assistant Planning Director, Aaron Bland, denying the driveway applications for lack of necessary information be and is hereby **AFFIRMED**.

ORDERED this _____ day of _____, 2026.

CITY OF BREVARD BOARD OF ADJUSTMENT

By: _____
Alan Mercaldo, Vice Chair

Attest:

_____
Edievith Gass, Clerk to the Board