MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, August 4th, 2026 – 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday August 4th, 2026, at 3:00 PM.

Members Present:	Peter Offen, Chair Jackson Tate Reid Wood Gilly Pearson Amy Kelton
Members Absent:	Alan Mercaldo
Staff Present:	Brian Gulden, Board Attorney Katherine Poe, Planner Paul Ray, Planning Director Vith Gass, Board Clerk
Guests:	James Veal, Appellant, owner of 231 Pinnacle Rd.

I. WELCOME

Chair, Peter Offen, called the meeting to order at 3:04 PM and welcomed those presents.

II. INTRODUCTION OF BOARD MEMBERS

Board members and Staff introduced themselves.

III. CERTIFICATION OF QUORUM

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

IV. APPROVAL OF AGENDA

J. Tate moved to approve the agenda. P. Offen seconded the motion. The motion carried.

V. APPROVAL OF MINUTES

A. Draft Minutes 05_05_2026 Special Called Meeting
B. Draft Minutes 05_05_2026 Regular Meeting
C. Draft Minutes 06_02_2026 Regular Meeting

Chair P. Offen asked for any corrections or alterations to the three previous meeting minutes. Hearing none, a vote was called. Upon a motion duly made and seconded, the minutes were unanimously approved as written.

VI. APPROVAL OF ORDER

None

VII. UNFINISHED BUSINESS

A. Consideration of VAR-26-0003 - 128 Pisgah Hwy

Chair, P. Offen introduced the item for unfinished business regarding variance application VAR-25-003 for 128 Pisgah Highway.

Board Attorney B. Gulden reported that the applicant requested a continuance to the next regularly scheduled meeting because an appraisal remains incomplete. Gulden noted that the case had been previously postponed, allowing the applicant to gather additional information, which is still outstanding. Because no other parties have requested standing to oppose the continuance, the applicant's presence is not required to grant the request.

Upon a motion by P. Offen, seconded by G. Pearson, the Board voted unanimously to continue the hearing for variance VAR-25-003 to the September 1, 2026, meeting at 3:00 PM. Member J. Tate abstained from the vote.

VIII. NEW BUSINESS

A. APP-26-0001 – 221 Pinnacle Rd.

Chair P. Offen introduced new business regarding appeal case APP-26-0001 for 21 Pinnacle Road. It was noted that counsel for both parties have conferred and requested a continuance of the hearing pending a ruling on the matter in Superior Court.

Board Attorney B. Gulden provided a procedural update regarding previous related appeals. He noted that Member J. Tate is eligible to vote on this matter.

B. Gulden reminded the Board that during recent meetings, the Board denied prior appeals regarding road access and application completeness, thereby upholding the administrative decisions of Assistant Planning Director Aaron Bland. Within the 30-day statutory period, the appellant, J. Veal, appealed those decisions to the Superior Court, and a Writ of Certiorari has been issued.

B. Gulden advised that staff are compiling their official record and testimony transcripts for Superior Court review. He noted that the litigation names the City of Brevard, not the Board. The court will review the case strictly on briefs using the existing record. Due to the expected judicial timeline, counsel for both the appellant and the City agreed to a general continuance. He recommended the Board table consideration and hold the matter open indefinitely until a final judicial determination is reached or a party requests its return to the agenda.

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G. Pearson sought clarification on whether the new appeal (APP-26-0001) differed from the prior cases.

B. Gulden explained that while the new application involves distinct findings, it shares primary underlying reasons with the previous appeals. He advised that hearing the matter now would be judicially inefficient, noting that a Superior Court ruling will likely provide critical legal clarity. If the court later remands the matter, the Board can efficiently consolidate and hear all related appeals together. Therefore, tabling consideration and holding the matter open remains the most practical procedural approach.

B. Gulden noted that this procedural approach was mutually agreed upon by both parties, and consequently, legal counsel was advised that their attendance at tonight's meeting was not required.

Upon a motion by Chair P. Offen, seconded by J. Tate, the Board voted unanimously to hold appeal case APP-26-0001 open and table consideration until a final ruling is issued by the Superior Court, or until a request to resume consideration is made by one of the parties. The motion carried.

IX. REMARKS

None

X. ADJOURN

Chair P. Offen called for a motion to adjourn. R. Wood moved to adjourn, and P. Offen seconded the motion. The motion passed unanimously by voice vote, and Chair, P. Offen officially concluded the meeting at 3:13 PM.

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Peter Offen, Chair

Date Signed: _____

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Edievith Gass, Board Clerk

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