MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, September 1st, 2026 – 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday September 1st, 2026, at 3:00 PM.

Members Present:	Alan Mercaldo Jackson Tate Reid Wood Gilly Pearson Amy Kelton
Members Absent:	Peter Offen, Chair
Staff Present:	Taylor Osborne, Counsel to the Board Brian Gulden, Board Attorney Stephanie Holland, Planner Paul Ray, Planning Director Vith Gass, Board Clerk
Guests:	Sam Wheeler, Attorney Representing Bread of Life Paula Wesley, Bread of Life Executive Director Melanie Spreen, Architectural Design for Bread of Life Michael Goforth, Civil Engineering for Bread of Life Kristie Nichols, Property Owner-Applicant

I. WELCOME

Vice-Chair, Alan Mecaldo, 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

A. Mercaldo had the Clerk certify that a quorum from the Board was present.

IV. APPROVAL OF AGENDA

J. Tate moved to approve the agenda. R. Wood seconded the motion. The motion carried.

V. APPROVAL OF MINUTES

A. Draft Minutes – August 4, 2026

A. Mercaldo called for corrections to the August meeting minutes. Hearing none, the board unanimously approved the minutes as written, following a motion by R. Wood and a second by A. Kelton.

VI. APPROVAL OF ORDER

None

VII. UNFINISHED BUSINESS

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

A. Mercaldo introduced unfinished business for Case No. VAR-25-0003 (128 Pisgah Highway) and noted the applicant's request for a continuance. Without opening the public hearing, the board approved a motion by Mercaldo, seconded by R. Wood, to grant the continuance to October 6, 2026, at 3:00 p.m.

VIII. NEW BUSINESS

A. VAR-26-0005 – Bread of Life

Vice-Chair A. Mercaldo introduced new business regarding appeal case VAR-26-0005 for 31 W. Morgan Street (Tax Parcel No. 8586-402694-000) and explained the quasi-judicial nature of the hearing. Standing was established exclusively for the City and the applicant as the recognized parties, with no additional members of the public seeking standing. Representatives from the City and the applicant then stated their names and addresses for the official record.

Sam Wheeler, representing Bread of Life, identified the upcoming witnesses for the case. The following individuals were duly sworn in to provide testimony: Paula Wesley (Director of Bread of Life), Melanie Spreen (Architectural Design), and Michael Goforth (Civil Engineer). Stephanie Holland, representing City of Brevard Staff, was also sworn in.

No ethical conflicts were found. A. Mercaldo opened the hearing.

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S. Holland presented her staff report, a portion of which follows:

Background

Bread of Life owns a 0.83-acre property at 31 W Morgan St in Brevard. The property is zoned Downtown Mixed Use (DMX) and is not within the Downtown Development Overlay District. The parcel identification number is 8586-40-2694-000.

The property is at the corner of W Morgan St and Duckworth Ave. The Unified Development Ordinance Chapter 5.7.8-A limits the overall building width of a Neighborhood Business to 60 feet. The City Code of Ordinances Schedule XIX, Section 66-87 lists Morgan St from Hamlin to S Caldwell St as 25 MPH. UDO 9.3 requires 60 feet between driveways and 120 between driveway and intersections on roads with a 25 MPH speed limit.

The applicant is requesting a variance of the UDO's Chapter 5.7.8-A for building width to be increased from 60' to 67'-10".

The applicant is requesting a variance of the UDO's Chapter 9.3.A for driveway separation from an intersection to be decreased from 120' to 64'.

A. Mercaldo questioned why a 60-foot height limitation was specifically selected for the neighborhood business building type when adjacent zoning allowances permit taller structures. S. Holland clarified that the limit was established to maintain architectural proportion and scale, explaining that the district serves as a visual transition between commercial and residential areas. Rather than being dictated by building safety codes, the 60-foot ceiling explicitly targets a two-to-one visual proportion designed to blend with the existing neighborhood fabric.

S. Wheeler presented Bread of Life's case for two variance requests: a 7-foot, 10-inch building width variance under Section 5.7.8 and a driveway-to-intersection distance setback variance under Section 9.3A. Wheeler argued that the building width adjustment is minor relative to the site's 236-foot road frontage and noted that the design was coordinated with the City for neighborhood compatibility. He further stated that because the property is bounded by Caldwell Street, Duckworth Avenue, and West Morgan Street, the unique physical constraints of the site make it mathematically impossible to meet the standard 120-foot driveway intersection thresholds. Following his opening remarks, Wheeler called Paula Wesley, Director of Bread of Life, to provide witness testimony.

P. Wesley introduced herself and provided an overview of Bread of Life's mission and services. She testified that Bread of Life serves about 300 meals a day and provides for about 4,000 people in Transylvania County. P. Wesley discusses her role as an executive director and the organization's growth over the past two years. She explains the challenges of the current facility and the need for a larger, more efficient space.

A. Mercaldo asked if a specific factor led to designing the building footprint at 67 feet 10 inches wide instead of the maximum allowed 60 feet. M. Spreen explained that operational

layouts began before the current width rules were adopted, noting the footprint was engineered from the inside out to ensure tight, maximum efficiency for essential kitchen, dining, and storage spaces. S. Holland clarified that the City's architectural regulations measure maximum building width from its outermost dimensions, meaning the rule restricts the entire structure and cannot be circumvented by narrowing only the front facade.

J. Tate questioned the size of the applicant's current operating space. P. Wesley clarified that their current building—a converted house and former medical clinic—is less than half the size of the proposed project and is highly restrictive.

A. Mercaldo inquired whether reducing the proposed structural width would limit service capacity or the volume of meals provided. P. Wesley clarified that a smaller footprint would directly hinder food preparation, storage, and service capabilities. She noted that the requested width is necessary to accommodate their main production kitchen and a demonstration kitchen, warning that a reduction would replicate the severe space constraints of their current facility.

S. Wheeler called Melanie Spreen to testify on behalf of the applicant. Following a brief summary of her qualifications and professional background as an architect, Wheeler tendered M. Spreen as an expert witness in commercial architecture, noting her local experience and familiarity with the spirit and intent of the UDO. A. Mercaldo noted that there were no objections from the Board, recognized Spreen as an expert, and directed her to proceed.

M. Spreen explains the design process and the challenges of working with the property constraints. She stated that the design aims to meet with the UDO requirements while providing a functional and efficient space for Bread of Life. Spreen also discussed the importance of the building’s portions and the need for a dual driveway for safety and efficiency.

S. Wheeler questioned M. Spreen regarding the site-specific characteristics causing architectural hardships. Spreen testified that the sub-acre, L-shaped property features a 10-foot topographical drop and is restricted by 10-foot residential buffer setbacks. To ensure universal accessibility and comply with City ordinances requiring commercial entrance heights to sit within six inches of the sidewalk, building placement options are severely limited. Spreen verified that alternate configurations would cause significant site complications, such as large retaining walls at the property lines.

Furthermore, Spreen confirmed that these topography and layout hardships are unique to this specific parcel, are not representative of the surrounding neighborhood, and were inherently unique to the land rather than self-created by the applicant. She noted that these spatial and architectural burdens became apparent during the initial design phase, prompting immediate collaboration with City Staff to find solutions.

A. Mercaldo questioned the application filing date and the overall design timeline. M. Spreen stated that the application was filed in June but missed the August agenda deadline. In

response to Mercaldo's question regarding when design work was concluded for the project, Spreen clarified that the design is currently only 60% to 70% complete. She noted that non-profit projects often move slowly to align with capital campaigns and shifting construction costs, adding that the team intends to finalize and seal construction documents only when funding is fully secure and a groundbreaking date is near.

G. Pearson inquired about the functionality and public access points of the side pantry and pickup window. M. Spreen clarified that the new layout brings the applicant's existing outdoor market completely indoors to improve operational efficiency and weather protection, with public access facilitated through a roll-up window. Spreen explained that the site layout is engineered to safely manage multiple distinct flows of people, including clients using the takeout window, individuals dining on-site, and patrons browsing the internal market before departing with additional provisions.

Hearing no further questions from the Board, S. Wheeler called Michael Goforth to testify. Following a summary of Goforth's professional background and project experience within Brevard and surrounding counties, Wheeler tendered him as an expert witness in civil engineering. A. Mercaldo noted no objections from the Board, granted the expert witness designation, and directed the applicant to proceed.

M. Goforth testified regarding site design, stormwater management, and vehicular circulation. He explained that the site layout is engineered to maximize operational efficiency and minimize impervious surfaces. To eliminate the safety hazard of vehicles backing out into public streets, Goforth designed a one-way, U-shaped circulation pattern. This configuration allows delivery trucks (including short box trucks and short-wheelbase tractor-trailers) to navigate around the building and exit in a forward motion. The layout also utilizes high-turnover angled parking, which allows drivers to pull in and back out safely within the lot. Goforth emphasized that this continuous traffic flow accommodates takeout window clients, prevents vehicles from stacking onto West Morgan Street, and protects public safety and traffic operations while balancing Unified Development Ordinance (UDO) requirements.

S. Wheeler questioned the witness regarding the physical site constraints from a civil engineering perspective. M. Goforth confirmed that the property's hardships, including its topography, size, shape, and location, are unique, individual conditions specific to this particular parcel rather than generic characteristics of the surrounding neighborhood. Goforth testified that the layout constraints, the intended use of the building, and the corresponding shape of the parking lot are entirely specific to this site.

J. Tate questioned whether the driveway setback issue could be resolved if the building width stayed within the 60-foot limit. M. Goforth responded that changing the building width would have no effect on the driveway constraint, as the property's limited 236-foot frontage mathematically prevents establishing a dual-driveway system that maintains the required 120-foot intersection safety barrier.

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G. Pearson questioned whether the recipients of the 300 daily meals primarily walk or drive to the facility. P. Wesley clarified that while the current client base is predominantly vehicular, the applicant anticipates serving a combination of both drivers and pedestrians in the future.

A. Mercaldo questioned whether emergency equipment accessibility and Fire Department mandates influenced the site's circulation design. M. Goforth clarified that the layout was not dictated by fire vehicle logistics, noting that the building will feature a sprinkler system and a dedicated on-site fire hydrant. He testified that the current layout entirely complies with all Fire Department standards based on the structure's close positioning and frontage relative to West Morgan Street.

J. Tate questioned whether severe traffic buildup or long lines at the existing site have negatively impacted service delivery or forced the organization to turn clients away. P. Wesley explained that the primary operational constraint is a lack of parking, which has been worsened by neighboring construction, frequently requiring staff members to act as traffic controllers. Responding to J. Tate's follow-up regarding whether the current setup is an ongoing struggle, Wesley confirmed that the logistics are highly difficult and stated that the new site layout was specifically engineered to eliminate these vehicle congestion issues while safely accommodating the continuous flow of food donations.

Hearing no additional questions, A. Mercaldo closed the evidentiary hearing and moved the item into Board deliberation. He reminded the Board that because the applicant submitted two distinct requests, the matter would require two separate motions and votes: one addressing the building width variance and another addressing the driveway intersection distance reduction.

The board members evaluated the design's merits by weighing the organization's space requirements against the site's unique physical constraints.

A. Mercaldo moved to grant variance request VAR-26-0005 for Bread of Life at 30 West Morgan Street, permitting a 7-foot-10-inch increase to the maximum building width. The motion incorporated findings of fact establishing that strict ordinance application causes an unnecessary operational hardship, that site-specific topography and residential buffer requirements limit design options, and that the hardship was not self-created due to project development pre-dating the architectural standard. The motion was formally introduced by R. Wood, seconded by G. Pearson, and unanimously approved by the Board.

The board discussed the remaining variance request for the driveway separation. They consider the challenges of meeting the UDO requirements and the impact on the public safety.

A. Mercaldo moved to grant the second variance under request VAR-26-0005 for Bread of Life at 30 West Morgan Street, approving a 56-foot reduction in the required driveway intersection separation distance. The motion incorporated civil engineering findings of fact establishing that strict ordinance compliance creates an unnecessary hardship by rendering

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a functional dual-driveway layout impossible due to the property's unique topography and road frontage. The Board affirmed that the hardship was inherent to the parcel's shape and location, not self-created, and that the proposed one-way circulation loop satisfies the spirit of the UDO by eliminating dangerous backing maneuvers and enhancing pedestrian safety. The variance was granted with no additional conditions, seconded by J. Tate, and unanimously approved by the Board.

B. SUP-26-0004 The Yard, Flea Market

A. Mercaldo opened the hearing for Case No. SUP-26-0004 regarding Kristie Nichols application for a special use permit to operate a flea market at 284 Railroad Avenue in Brevard (Neighborhood Mixed-Use district). Mercaldo explained the quasi-judicial nature of the proceedings, the requirement for specific findings of fact, and the necessity of standing to present evidence. Applicant K. Nichols was sworn in, the Board confirmed no ethical conflicts of interest existed, and the public hearing was officially opened for the City Staff presentation.

S. Holland presented her staff report, a portion of which follows:

Background

Kristie Nichols, of The Yard, submitted an application to the City on June 29, 2026, for a Special Use Permit (SUP) to operate a Flea Market at 284 Railroad Ave in Brevard. The property is zoned Neighborhood Mixed-Use and, in the City Limits. The proposed use requires a Special Use Permit from the Board of Adjustment per the Unified Development Ordinance (UDO) Chapter 2.2 Use Matrix.

Flea Market is defined in the UDO Chapter 19.3 as follows:

A periodic sales activity is held in an open area, semi-open facility, or temporary structure, where individual merchants offer goods, new and used, for sale to the general public. This definition shall not include private yard sales or garage sales that are conducted on a residentially developed lot by members of the household.

According to their application, "approval of this permit will allow the continued operation of community markets that have successfully operated at this location while complying with the current Unified Development Ordinance."

Community Feedback and Communications

S. Holland presented findings from the Planning Department's neighborhood compatibility meeting held on August 24, 2026. She reported that community feedback regarding the market was split, noting a general consensus that operations should end by 8:00 p.m. (with some favoring a 4:00 p.m. to 8:00 p.m. timeframe). However, residents were divided on

scheduling—debating a daily schedule versus limiting operations to a single weekday—and conflicted on market scale, with opinions split between allowing an unlimited vendor capacity or capping the size at 15 to 30 vendors.

Parking and Enforcement Concerns

S. Holland summarized parking concerns and public feedback, noting that past market events resulted in illegal shoulder parking on Railroad Avenue. In response, neighbors requested increased parking enforcement, suggested installing signage directing drivers to public depot parking, and specifically requested an on-site accessible parking space. Holland concluded by highlighting that overall community sentiment regarding the Special Use Permit was positive, with multiple residents expressing full support.

G. Pearson questioned whether a Special Use Permit must include strict date and time restrictions, or if scheduling could be left entirely to the property owner. S. Holland confirmed that scheduling conditions are not mandatory. In response to a follow-up inquiry from A. Kelton regarding permit expiration, Holland explained that a Special Use Permit attaches permanently to the parcel. Once approved under the zoning district's use matrix, it establishes an allowed use that remains with the property indefinitely, regardless of any future changes in ownership.

Seeing no further questions from the Board, A. Mercaldo called K. Nichols to provide testimony.

K. Nichols requested that her documentation be formally entered into the record, which was officially admitted into the evidentiary record by the Board without objection. Nichols then presented the property address and parcel size, confirming the absence of a zoning overlay. She detailed the site sketch plan and reviewed the various markets previously held at the location, including the winter market, farmers market, and kids' makers market. Additionally, Nichols addressed operational logistics, noting the requirement for fire marshal approval for tents exceeding 120 square feet, the addition of fire extinguishers, and the installation of ADA-compliant restrooms. She concluded by highlighting the community health and economic benefits of local farmers markets, emphasizing increased intake of fresh fruits and vegetables and improved community access to locally grown food.

Health, Safety, and Adjoining Property

K. Nichols addressed the parking concerns, noting that people parked along the Rail Road Avenue and that no parking signs were added to resolve this issue. She stated that the Brevard Depot parking love is 0.1 miles away and has 65 parking spaces. She also discussed the ADA accessibility, noting that farmer’s market is categorized as roadside vendors with no ADA requirement. The fire marshal has reviewed the tent layout, and the operating plan includes emergency access, ASA restrooms, and noise management.

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Community Benefits and Tract Record

K. Nichols highlighted the community health benefits of local farmers markets, noting they increase the intake of fresh fruits and vegetables and provide consistent community access to locally grown food. She added that the markets have no history of reported health or safety incidents to date.

A. Kelton and G. Pearson questioned the applicant regarding the planned operational schedule. K. Nichols clarified that while a five-day weekly operation is not intended due to the intense workload, definitive hours remain pending vendor availability surveys. Nichols explained that the permit is designed to stay flexible so they can host occasional non-profit fundraisers and support local on-site studio artists. She noted that because the existing property art studios are not ADA-compliant, the outdoor market layout provides a critical, lawful venue for artisans to sell goods directly to the public and bypass extensive regional market waitlists.

A. Kelton questioned whether previous markets operated on the same schedule and if future iterations (such as farmers, flea, and kids markets) would remain distinct entities under a single umbrella approval. K. Nichols explained that past schedules varied by market type and noted that future hours must remain flexible to adapt to vendor availability. Additionally, Kelton raised concerns that because the permit permanently attaches to the property, a future operator could launch a market as early as 8:00 AM without restrictions. In response, R. Wood clarified that the city has the authority to establish approved operating hours and specifically restrict times to control noise disruptions.

Hearing no further questions from the Board, A. Mercaldo closed the evidentiary hearing and moved the item into Board deliberation.

G. Pearson introduced a motion for Special Use Permit application SUP-26-004 by K. Nichols to operate a flea market at 284 Railroad Avenue within the Neighborhood Mixed-Use district of Brevard. Pearson moved for adoption of findings that the use complies with municipal ordinances, remains visually and functionally compatible with the surrounding area without new site improvements, and avoids adverse impacts on public health, safety, or property values. J. Tate subsequently proposed an operational time restriction limiting hours from 9:00 a.m. to 9:00 p.m.

A. Mercaldo noted that the motion had been amended to include the conditions restricting operational hours to between 9:00 a.m. and 9:00 p.m. The amended motion was seconded by R. Wood and passed unanimously.

IX. REMARKS

None

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X. NEXT MEETING

October 6th, 2026, at 3 PM.

XI. ADJOURN

A motion to adjourn was made by R. Wood and seconded by J. Tate. The motion passed unanimously by voice vote, and Vice-Chair A. Mercaldo officially adjourned the meeting at 5:25 PM.

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Alan Mercaldo, Vice Chair

Date Signed: _____

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Edievith Gass, Board Clerk

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