STATE OF NORTH CAROLINA

TRANSYLVANIA COUNTY

BEFORE THE CITY OF BREVARD
BOARD OF ADJUSTMENT
CASE NO. Variance 26-0005

IN RE: APPLICATION of
Bread of Life, Inc.,
for a VARIANCE

ORDER

This matter coming on for hearing before the **City of Brevard Board of Adjustment** ("Board) on the application of **Bread of Life, Inc.**, ("Applicant") requesting a variance from Section 5.7.8-A of the City of Brevard Unified Development Ordinance ("UDO") to allow for an increase in building width from 60' to 67'-10" on the real property identified as tax parcel number 8586-40-2694-000 with an address of 31 W. Morgan Street, Brevard, North Carolina ("Property"). The Property is in the Downtown Mixed Use (DMX) zoning jurisdiction of the City of Brevard.

A quasi-judicial hearing was held on September 1, 2026. The Applicant was represented by Attorney, Sam Wheeler. The following persons were sworn as witnesses and presented testimony in this matter: City of Brevard Planner, _____, and Paula Wesley, Executive Director of the Bread of Life, Inc., Melanie Spreen, Architect for May Collaborative, and Michael Goforth, Engineer for High Country Engineering, as witnesses for the Applicant.

Testimony in this case is accurately reflected in the minutes of the September 1, 2026, meeting 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 number 8586-40-2694-000 with an address of 31 W. Morgan Street, Brevard, North Carolina within the General Downtown Mixed Use (DMX) Zoning District.

3) The Applicant submitted an application for a variance to allow for an increase in the building width.

4) The Applicant offered testimony that unnecessary hardship would result from the strict application of the UDO in that:

   a) Without having an increase in the building width, the Applicant would lose seating, which would reduce the number of community members they can provide food for at one time.
   b) Designing a building with a reduction in width would limit other aspects of the building including the kitchen, pantry, market, and storage areas.

5) The Applicant testified that hardship results from conditions that are peculiar to the Property in that:

   a) The existing grading of the property would make it difficult to extend the rear of the building and develop the portion of the property further away from the road.
   b) The existing setback and buffer requirements limit other options for building expansion other than increasing the width.

6) The Applicant testified that the hardship did not result from actions taken by the Property owner in that:

   a) The development initiative and fundraising efforts had already begun before the change in UDO wherein the applicants had relied on the version of the UDO that did not limit the width of the building.
   b) The proposed building width is consistent with the nature and character of other buildings in the area.

7) Competent testimony was presented that the requested variance is consistent with the spirit, purpose and intent of the UDO, with the spirit of the UDO

preserved. Further, the requested variance will not be injurious to the public health, safety and welfare and achieve substantial justice in that:

a) The proposed building width allows the Applicant to construct a building large enough to safely accommodate its anticipated serving capacity.
b) The design of the building at its proposed width is consistent with the design of other buildings in the neighborhood and makes the building as accessible as possible for patrons of the Bread of Life.

Pursuant to the foregoing FINDINGS OF FACT and UDO Section 5.7.8-A , 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) That without the proposed variance unnecessary hardship would result from the strict application of the regulations.

3) The hardship results from conditions that are peculiar to the Property.

4) The hardship did not result from actions taken by the Applicant.

5) The requested variance is consistent with the spirit and intent of the regulations such that public safety is secured and substantial justice achieved.

6) All applicable standards within the UDO have been satisfied.

DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the application of **Bread of Life, Inc.,** requesting a variance from Section 5.7.8-A of the City of Brevard UDO to allow for the building width to be increased from 60’ to 67’-10” on the real property identified as tax parcel number 8586-40-2694-000 with an address of 31 W. Morgan Street, Brevard, North Carolina is hereby **GRANTED**.

ORDERED this _____ day of _____, 2026.

CITY OF BREVARD BOARD OF ADJUSTMENT

By: _____
Alan Mercaldo, Vice Chair

Attest:

_____
Edievith Gass, Clerk to the Board