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 9.3.A of the City of Brevard Unified Development Ordinance ("UDO") to allow for a reduction in the driveway separation from an intersection to be decreased from 120' to 64' 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 the one-way driveway, delivery trucks would need to back into the parking area to turn around, which would impede the flow of traffic.
   b) Not having a one-way drive would be a safety risk to those visiting Bread of Life on foot and walking from the parking lot.
   c) Reconstructing the driveway differently without a variance would create more impervious surfaces.

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

   a) Based on the amount of road frontage existing on the property, the size of the lot does not allow compliance with the 60-foot requirement between driveways, the 120-foot requirement between driveways and intersections, and still allow the Applicant to construct a one-way driveway with two driveway curb cuts on W. Morgan Street.
   b) The existing grading of the property limits other functional alternatives for the placement of the driveways.

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

   a) Based on the Applicant’s desired use of the property, there is no other available alternative for the layout of the driveway which would provide large delivery trucks with a one-way driveway.

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 variance would allow trucks to have a one-way driveway so that they can avoid the need to back up, which would help traffic flow and protect the safety of the patrons of the Bread of Life walking through the parking lot.

Pursuant to the foregoing FINDINGS OF FACT and UDO Section 9.3.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 9.3.A of the City of Brevard UDO to allow for the driveway separation from an intersection to be reduced from 120’ to 64’ for 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