STATE OF NORTH CAROLINA

TRANSYLVANIA COUNTY

BEFORE THE CITY OF BREVARD BOARD OF ADJUSTMENT
CASE NO. SUP-26-0004

IN RE: APPLICATION of Kristie Nichols for a SPECIAL USE PERMIT

ORDER

This matter coming on for hearing before the **City of Brevard Board of Adjustment** ("Board) on the application of **Kristie Nichols on behalf of the property owner, AerAbode Brevard LLC** ("Applicant") seeking a Special Use Permit to allow for the operation of a Flea Market, permitted as a Flea Market under the City's Unified Development Ordinance, at 284 Railroad Ave, Brevard, North Carolina, within the zoning jurisdiction of the City of Brevard (sometimes hereafter called the "subject property"). The subject property is in the Neighborhood Mixed-Use (NMX) zoning district and further identified by PIN 8586-53-1004-000.

A quasi-judicial hearing was held on September 1, 2026. The Applicant represented herself, and the following persons were sworn as witnesses and presented testimony in this matter: City of Brevard Planning Staff, Stephanie Holland and Kristie Nichols.

Testimony in this case is accurately reflected in the minutes of the meeting from September 1, 2026, and based upon the testimony presented, the documentary evidence and related material submitted along with the Application, the Board finds that the SUP should be granted, and in support thereof, does hereby make the following:

FINDINGS OF FACT

1) Notice of the quasi-judicial public hearing, pursuant to the City of Brevard 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) Kristie Nichols submitted an application on June 29, 2026, for a Special Use Permit ("SUP") to allow a Flea Market on property located at 284 Railroad Ave, Brevard, North Carolina ("Application"). The subject property is owned by AerAbode Brevard, LLC, is identified by PIN 8586-53-1004-000 and is located in the Neighborhood Mixed-Use (NMX) zoning district.

3) Flea Markets require a SUP, per Chapter 2.2 of the UDO, to be properly permitted in the NMX zoning district. There are no additional standards set out in Section 3.7.4 of the UDO that need to be satisfied.

4) The subject property is currently being used for community markets previously permitted under a Temporary Use Permit.

5) The property is located adjacent to the Ecusta Trail and within walking distance of downtown Brevard. Its location, established commercial character, and accessibility are compatible with the surrounding uses of property and are in harmony with those uses.

6) At the hearing, the Applicant was given the opportunity to offer testimony and supporting documentation as well as to question City staff and other witnesses.

7) Competent testimony was given to show that the Applicant meets the following criteria of Section 16.8.C.3. of the UDO, specifically, that:

   a) The proposed use meets all requirements and specifications of the UDO and any adopted land use plans and will be in harmony with the general purpose and intent of the UDO and preserves its spirit.

   b) The proposed use will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area.

   c) The proposed use will not be injurious to the public health, safety and welfare and will not be detrimental to the value of adjoining property and associated uses.

8) All conditions set forth in the UDO are satisfied or will be satisfied by the Applicant and the use is allowed in the NMX zoning district with a SUP.

9) The use is in character with the surrounding properties, will not be detrimental to the values of the surrounding property and will not compromise the character of the neighborhood.

10) No adverse effect on the health and safety of those residing or utilizing the adjoining property will occur if the SUP is granted.

Pursuant to the foregoing FINDINGS OF FACT AND UDO, Chapter 16.8, the Board makes the following:

CONCLUSIONS OF LAW

1) The Applicant presented material, substantial and competent testimony and evidence to establish that:

   a) The proposed use of the subject property for a Flea Market, permitted as a Flea Market, meets all requirements and specifications of the UDO and any adopted land use plans and is in basic harmony with its general purpose and intent and preserves its spirit;

   b) The proposed use of the subject property for a Flea Market, permitted as a Flea Market, if developed according to the plan submitted and approved, is visually and functionally compatible with the surrounding area; and

   c) The proposed use of the subject property for a Flea Market, permitted as a Flea Market, will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses.

2) The Board has jurisdiction to hear and decide this Application for a Special Use Permit under the UDO.

3) All applicable standards within the UDO have been or will be satisfied if the subject property is developed according to the Application and site plan submitted.

4) That Special Use Permit 26-0004 should be granted.

DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the application of **Kristie Nicholas** for a Special Use Permit, SUP-26-0004, to allow a Flea Market on property located at 284 Railroad Ave, Brevard, North Carolina, within the NMX zoning district of the City of Brevard, is hereby **GRANTED** with the following condition:

The Flea Market may be operated between the hours of 9:00 am to 9:00 pm on any given day.

ORDERED this _____ day of _____ 2026.

CITY OF BREVARD BOARD OF ADJUSTMENT

By: _____
Alan Mercaldo, Vice Chair

Attest:

_____
Edievith Gass, Clerk to the Board

Condition approved by:

_____
Signature on behalf of AerAbode Brevard LLC

_____
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