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The City of Brevard North Carolina

City of Brevard Planning Department
95 West Main Street
Brevard, North Carolina 28712
Phone (828) 885-5630
Fax (828) 885-5625
cityofbrevard.com

VAR File #_____

APPLICATION FOR A VARINACE (VAR)
BREVARD BOARD OF ADJUSTMENT

PURPOSE OF VARIANCE – A variance is the official allowance of a variation from the dimensional requirements of the City of Brevard Unified Development Ordinance or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature and must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which is substandard in area or width.

BOARD OF ADJUSTMENT - The Board of Adjustment or BOA, is the official City Board that considers request for variances. The BOA receives sworn testimony at its meetings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a variance to attend the BOA meeting and present sworn testimony in support of the request. Authority to grant a variance is found in 16.8.E of the City of Brevard's Unified Development Ordinance pursuant to North Carolina General Statute's 160D-705. The Unified Development Ordinance requires that the Brevard Board of Adjustment, when granting a variance must find that all four (4) of the following standards found in UDO Chapter 16.8.E.2. exist. In the spaces provided below, indicate the standards that you intend to show and the arguments that you intend to convince the Brevard Board of Adjustment that it can properly reach the four (4) required conclusions:

REASONS FOR VARIANCE REQUEST - Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

See Exhibit A

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The BOARD OF ADJUSTMENT is required to make the following four (4) findings before granting a Variance. Write a thorough response to each of these items.

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

ATTACH SITE PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property 15 Burrell Ave, Brevard, NC 28712

Tax Parcel Number of subject property Parcel PIN: 8586-53-2891-000

ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES

APPLICANT INFORMATION

Name: 1700 LLC

Address: 2601 South Bayshore Drive, Suite 1700 Miami, Florida 33133

Phone: 1-804-240-1911 Email: americle@voltaglobal.com

OWNER INFORMATION

Name: Yole Properties LLC

Docusign Envelope ID: A72F707B-18C6-49E2-A5CE-C02A2BB24BD8

Address: 133 McLean Rd

Brevard, NC 28712

Phone: 885-8444 Email: Watkins@keirmfg.com

ATTACH AGENT FORM IF THE APPLICANT IS NOT OWNER

DATE: 3/7/2025

APPLICANT'S SIGNATURE DocuSigned by: Andrew Meride 0639F1B8B880430...

Please refer to the City of Brevard Planning Department Board of Adjustment Category III Application Timeline for Variances.

VARIANCE REQUEST TO BE HEARD BY BOA ON: April 1st 2025.

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BREVARD BOARD OF ADJUSTMENT – VARIANCE

APPOINTMENT OF AGENT

I Yole Properties LLC, owner of property located at

(street address) 15 Burrell Ave, Brevard, NC 28712 and

identified by the Transylvania County Tax Identification Number (PIN#):

8586-53-2891-000, located in Transylvania County, North Carolina, do

hereby appoint 1700 LLC to represent me in

filing an application for Variance before the Brevard Board of Adjustment.

I further authorize 1700 LLC, Andrew Mericle to act as my agent in

all matters, formal and informal, and to receive all official correspondence as it relates to

the VARIANCE request and hearing.

Property Owner Signature: _____ Date: 3-6-25
Mailing Address: 133 McLean Road Brevard,NC 28712
Phone: 828-885-8444 Email: watkins@keivmfg.com

Agent Name: Andrew Mericle
Mailing Address: 2601 South Bayshore Drive, Suite 1700 Miami, Florida 33133
Phone: 1-804-240-1911 Email: americle@voltaglobal.com

Exhibit A

Reasons for Variance Request

The Applicant is seeking to purchase and improve the subject property for conversion into a self-storage facility. During due diligence, inspections revealed that the existing CMU bearing wall located along the rear of the building **(the "North-Facing Wall")** is structurally compromised and requires reconstruction to prevent further degradation and potential collapse. Due diligence also revealed that the North-Facing Wall currently encroaches into the **25-foot side setback** by approximately 11-feet. The required setbacks in the **General Industrial (GI) zoning district** are defined in **UDO Chapter 2.7.2 (Setbacks for Principal Structures).**

To maintain the existing building footprint while addressing structural safety concerns, the Applicant requests a variance to **reduce the required 25-foot side setback to 14 feet**, which would allow the Applicant to safely reconstruct the North-Facing Wall in its current location. Granting this variance will not introduce a new nonconformity, because the North-Facing Wall as-built today currently encroaches into the required setback. If the variance is not granted, the practical use of the property would be severely limited because the existing building footprint would need to be reduced and the existing building structure would need to be re-engineered.

1. **Unnecessary hardship would result from the strict application of the regulations.** The strict application of UDO Chapter 2.7.2 would impose an unnecessary hardship by requiring the Applicant to relocate the North-Facing Wall further into the building footprint, reducing usable square footage and creating major structural complications. The North-Facing Wall was identified in an engineering inspection as structurally deficient and requires reconstruction to maintain safety. However, relocating the wall to comply with the 25-foot setback requirement would significantly impact the structural integrity of the building, result in disproportionate financial burdens, and negatively affect the viability of the proposed self-storage facility.

   The requested variance would allow the reconstruction of the wall in its existing position, reducing the required setback from 25 feet to 14 feet, thereby maintaining the functional use of the structure while ensuring safety and stability.

2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** The hardship arises from the existing placement of the building and its structural design, which are unique to this property. Unlike a vacant parcel where new construction could be planned to meet setback requirements, this property contains a pre-existing, legally nonconforming structure that was built before the adoption of the current zoning ordinance. The North-Facing Wall encroachment predates the zoning setback requirements, meaning the issue is not common to all properties in the area. Additionally, the unexpected structural failure of the wall is a condition unique to this site, rather than a general concern affecting surrounding properties.

3. **The hardship did not result from actions taken by the Applicant or the property owner.** The Applicant did not create the hardship. The North-Facing Wall was constructed prior to the adoption of the current zoning ordinance and was only identified as structurally compromised during recent inspections. The need for reconstruction is based on safety concerns rather than any voluntary modifications, expansions, or intentional acts by the Applicant. Furthermore, the Applicant did not knowingly construct an encroachment or take actions that necessitated this variance request. The variance is solely requested to facilitate the reconstruction of the wall in its current location due to structural necessity.

4. **The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice is achieved.** The intent of UDO Chapter 2.7.2 (Setbacks for Principal Structures) is to regulate building placement to prevent overcrowding, maintain uniform development patterns, and ensure adequate access between structures.

   Granting this variance would not increase the existing encroachment or create new nonconformities. Instead, it simply allows for the safe reconstruction of an already existing structure that has become compromised due to age and structural deficiencies. Denying the variance would not serve any public benefit but would instead create an unnecessary hardship for the Applicant, requiring costly and impractical structural alterations. By permitting the variance, the Applicant can restore the structural integrity of the building while maintaining the overall zoning objectives.

N/F
BREVARD HOUSING AUTHORITY
TM# 8586-54-2119-000
DB 241 PG 412

TOP=2162.2'
IE=2154.4'

16.5' ALLEY SHOWN ON PF 6 SLIDE 213

CURB & GUTTER (TYP)

S82°53'08"E
185.17'(M)

S84°11'00"E
319.16'(R)

S84°11'00"E
30.26'(R)

TBM
TBM MAG
N=563,995.6742'
E=885,260.8635'
ELEV.=2,184.15'
(NAD83/NAVD88)

CMP
18"
(B)
TERMINUS
UNKNOWN

CATCH BASIN
TOP=2179.9'
IE=

RCP
15"
(A)

CATCH BASIN
THROAT=2179.5'
TOP=2166.0'
IE=

PEACE DR
PRIVATE

IPO 1" OT

CHERRY/CHERRY
12"/12"/12"/12"

12" PINE

25' PINE

16" PINE

15" PINE

23" PINE

17" PINE

15" PINE

18"/19" PINE

23" PINE

31" PINE

OLD AXLE IN PINE ROOT

Existing
North
Facing Wall

25' SIDE ZONING SETBACK

240.1'

14" PINE

PINE PINE

TURN AROUND
AREA

OFFICE
ENTRANCE

40.1'

39.9'

N/F
AEGIS DEVELOPMENT LLC
TM# 8586-43-7799-000
DB 142 PG 451

ELEVATOR

ADA
SPACE

N07°08'41"E
266.28'(M)

N05°49'00"E
266.47'(R)

1 STORY
BRICK/BLOCK
41,611 SQ.FT. ±

200.0'

10' REAR ZONING SETBACK

AREA
106,526 SQ.FT.
2.446 ACRES

EXTERIOR STORAGE

ZONE X SHADED

PEDESTRIAN
RAMP INTO
BUILDING

LOADING DOCK

ELEVATOR

EL=166.65

BUILDING HEIGHT 23.7 ±

79.9

200.2'

LOADING SPACES

LOADING DOCKS

82.3

15' FRONT ZONING SETBACK

TBM
TBM MAG
N=563,698.7108'
E=885,406.4389'
ELEV.=2,160.57'
(NAD83/NAVD88)

DROP INLET
GRATE=2169.6'
IE=

ZONE X
ZONE X SHADED

18" CPP

IE=2161.6

IPO 1" OT 16"/23"/12" MAPLE

12"/13"/17"/28" MAPLE

12"/38" MAPLE

13"/13"/18" MAPLE

16"/18" MAPLE

28" MAPLE

12"/12"/20"/18" MAPLE

IPO 1/2" OT

ADJOINER'S FENCE

N71°31'00"W
217.67'(M)

N72°50'00"W
217.71'(R)

GRAVEL

N82°08'28"W
154.94'(M)

N83°26'00"W
124.75'(R)

N83°26'00"W
30.00'(R)

N/F
STEVEN E STOUT TRUSTEE
TM# 8586-53-2526-000
DB 998 PG 522

TBM
TBM MAG
N=563,577.5462'
E=885,441.4645'
ELEV.=2,158.95'

POB

IPO 1" OT BENT

9"/16"/13" MAPLE

13" MAPLE

25" MAPLE

S03°40'07"W
311.77'(M)

S02°22'00"W
311.90'(R)

BURRELL AVENUE
PUBLIC

ZONE AE
ZONE X SHADED

ZONE X
ZONE X SHADED
ZONE AE

25ft side
zoning
setback

SSMH
TOP=2160.2'
IE=

SSMH
TOP=2157.8'
IE=

SSMH
TOP=2157.8'
IE=

DROP INLET
GRATE=2157.7'
IE=

DROP INLET
GRATE=2156.5'
IE=

DROP INLET
GRATE=2157.2'
IE=

CMP 15"

VCP 10"

VCP 8"

MON