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.)

Please see attached

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 128 Pisgah Hwy., Pisgah Forest NC 28768

Tax Parcel Number of subject property 8597-45-1544-001

ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES

APPLICANT INFORMATION

Name: Robert Lee

Address: 8 Cleftridge Ct

Asheville, NC 28803

Phone: [redacted]

OWNER INFORMATION

Name: Jerry Brown (BIG INC.)

Address: P.O. Box 1359

Pisgah Forest, NC 28768

Phone: [redacted]

ATTACH AGENT FORM IF THE APPLICANT IS NOT OWNER

DATE: 12/5/2025

APPLICANT'S SIGNATURE

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: February 3, 2026.

We are requesting a variance from the requirement to pave the parking lot at Dolly's Dairy Bar, located at 128 Pisgah Highway, Pisgah Forest, NC 28768.

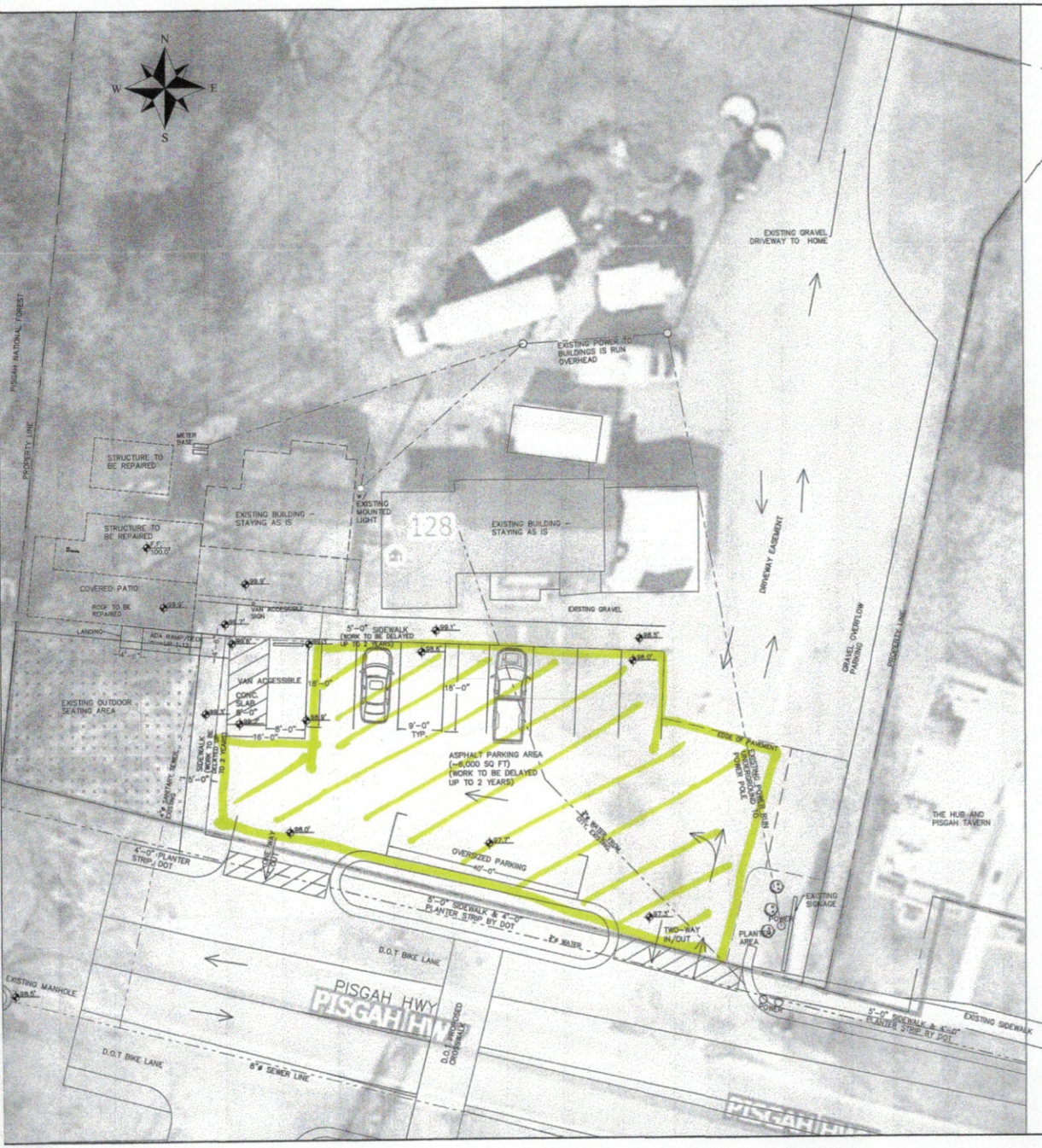
The existing parking area is well-maintained and does not present safety, accessibility or drainage concerns. The lot is used primarily for short-term parking and has served the needs of the business, its customers and employees for approximately 40 years.

The requirement to pave the parking lot came only after we applied for a permit to rebuild our business after Hurricane Helene. Had it not been for the hurricane damages, we would not have been subject to this requirement. It is also worth noting that we are tenants and not owners of the property. To comply with the requirement would pose a significant financial burden. Based on estimates we have obtained, the cost for this project would be upwards of $20,000.

During the hurricane repairs, we did make adjustments to comply with ADA parking requirements. We continue our commitment to maintaining the existing lot in good condition.

We respectfully request a variance be granted so that we may continue operating our business without undue hardship.

Thank you for your time and consideration.



CITY OF BREVARD – SITE PLAN NOTES:

1. PROPERTY
   - 1.1. PIN NUMBER 8597-45-1544-001
   - 1.2. CALCULATED ACREAGE 0.827 (36,024 SQ FT)
2. ZONING IS DMX (PLAN IS TO REZONE TO PGX IN COMING MONTHS)
3. PARKING REQUIREMENTS
   - 3.1. BUSINESS (1 SPACE PER 500 FT²) – 5 SPACES REQUIRED
   - 3.2. BICYCLE PARKING @ 1 PER 20 AUTO SPACES OR 4 PER MINIMUM REQUIRED
     - 3.2.1. REQUIRES 1 BICYCLE SPACES (RACK FOR 4 BICYCLES)
   - 3.3. ALL PARKING SPOTS ARE TO BE WITHIN 65 FT OF A SIDE WALK OR PEDESTRIAN CROSSING.
4. STORMWATER IMPACT: NONE
5. LANDSCAPE
   - 5.1. SIDEWALK AT STREET AND CURB BY D.O.T
   - 5.2. SEE LANDSCAPE DETAIL BELOW.
6. LIGHTING
   - 6.1. LOW INTENSITY LIGHTING WILL BE PROVIDED AT THE OUTDOOR COVERED PATIO.
   - 6.2. PARKING AREA IS LIT BY EXISTING STREET LIGHTING (DUKE POWER POLE)
7. SIGNAGE
   - 7.1. EXISTING – NO CHANGES.
8. UTILITIES
   - 8.1. WATER:
     - 8.1.1. RESTAURANT: EXISTING 3/4" METER AND SUPPLY RUN FROM CITY 4" LINE.
   - 8.2. SEWER:
     - 8.2.1. 4" SEWER (EXISTING) RUNS FROM ICE CREAM SHOP TO PISGAH HWY. 8" CITY SEWER RUNNING UNDER ROAD.
   - 8.3. STORMWATER: NO NEW PERMEABLE SURFACES. NONE REQUIRED.
9. DELAYED WORK/IMPROVEMENT
   - 9.1. DUE TO WORK UNDERWAY BY NC D.O.T. AT FRONT OF PROPERTY (CURB AND SIDEWALK, ETC.) CITY OF BREVARD IS ALLOWING IDENTIFIED IMPROVEMENTS TO BE DELAYED UP TO TWO YEARS.
   - 9.2. THE FOLLOWING WORK IS INCLUDED AND WILL BE BONDED FOR PERFORMANCE.
     - –ASPHALT PARKING (~6000FT²): $19,300
     - –SIDEWALKS – FROM STREET AND AT PARKING: $10,000
     - –LANDSCAPE AT STREET FRONTAGE: $3,600
     - TOTAL: $32,900

SHRUB – 3 GALLON – PRUNUS LAUROCERASUS OTTO LUYKEN OR CRYPTOMERIA JAPONICA) – QTY (~5)
SIZE AT PLANTING: 18" TALL x 12"–15" WIDE
MATURE SIZE: 30" TALL

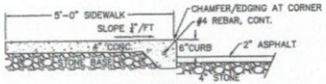
REFRESHED MULCH: REFRESH EXISTING MULCHED SITTING AREA

LANDSCAPING DETAIL

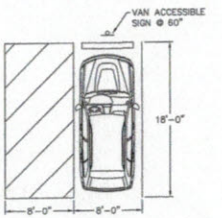
NOTE: DESIGN TO BE FINALIZED NEAR END OF PROJECT. TREE/SHRUB TYPES TO COMPLY W/ UDO.

	Occupancy	Units	Design (daily flow)	Gal/Day
Dolly's Dairy Bar	Bar	36 Seats	20 gal/seat	720
			Total Usage	720 gal/day
Increase from previous use is				0 gal/day

WATER USAGE TABLE



CURB & SIDEWALK DETAIL
NTS



VAN ACCESSIBLE PARKING DETAIL



VAN ACCESSIBLE PARKING SIGN

DESIGN BY: S LATELL, PE
DRAWN BY: E. JOYNER
DATE: 16-JAN-2025
PROJECT NO. 24-119
DRAWING: 24-119-002
REV. 12-FEB-2025 REPAIR EXISTING STRUCTURE

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 043931 SCOTT LATELL 12-FEB-2025

SCALE: APPROX. 1" = 10'-0"

DOLLY'S DAIRY BAR

SITE PLAN

ENGINEERING OF BREVARD EOB

Engineering of Brevard, PLLC
PO Box 202
Brevard, NC 28712

Design Professional:
Scott Latell, PE
#043931