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March 16, 2026

Peter Offen, Chairman
Brevard Board of Adjustment
c/o Brian Gulden, Attorney for Board
95 West Main Street
Brevard, NC 28712

RE: Robinson, Veal Appeal of Administrative Decision (ARP-25-0001)
regarding Permits ENC-25-006 and ENC-25-007

Dear Mr. Offen,

I am writing in response to the letter dated March 12, 2026 from J. Elliott Dugger requesting issuance of three (3) subpoenas for witnesses to appear at the continuation of the above noted appeal of the administrative decision by the Brevard Planning Department to deny the application for a driveway permit by Mr. Veal and Mrs. Robinson due to insufficient information contained in the application to determine whether the driveway shown in the application connects the parcel to a public street or the relationship of the proposed driveway with the correct location of the Bracken Trail.

Please accept this letter as a motion to deny issuance of a subpoena by the board as the grounds stated in Mr. Dugger's letter indicate the evidence to be proffered by the witnesses will not be "relevant, reasonable in nature and scope, and not oppressive" as required by N.C.G.S. Section 160D-406(g).

Clearly, the reasons given by Mr. Dugger are to elicit evidence regarding the establishment of the City Easement to the Bracken Preserve and the Bracken Preserve itself. None of the parties who are requested to be subpoenaed, and none of the evidence forecast to be elicited is related to the matter at issue which is whether the decision to deny the application due to insufficient information in the application was erroneous. Further, any subpoena of these individuals to inquire regarding their recollection of events occurring nearly twenty years ago would be oppressive and unreasonable to scope by definition.

In the event you determine to allow issuance of these subpoenas, please accept this letter as a motion to quash and a request for review by the Board of Adjustment as a whole.

Most sincerely,

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