City of Brevard
828-885-5630

95 West Main Street
Brevard, NC 28712

Record Report for Variance #VAR-26-0003

Record Overview

Record Number: VAR-26-0003
Record Type: Variance
Record Status: In Progress
Record Submitted At: Thursday February 12, 2026
Record Address: 280 S BROAD ST, Brevard NC 28712
Record Owner: Katherine Poe
Record Applicant User: patti.cmseng@gmail.com
Record Applicant Company: CMS ENGINEERING PLLC

Form Submission

Applicant:
Philip Wheeler
phil@pswheeler.net, (978) 807-4403

Property Owner (if different):

Property Address: 280 S BROAD ST, Brevard NC 28712

Property owner information:
Fallon & Hawkstand LLC &
504 Fallon Grove Way
Raleigh, NC 27608

Parcel Identification Number (PIN): 8585-49-2890

Zoning District: Downtown Mixed Use (DMX)

Overlay District: Downtown Development Overlay District

Attorney Needed: Yes

Description of Variance Request:
UDO 9.3 Separation between driveway and intersection

Reasons for Variance Request:
Site currently has open access to the concrete lot along Oakdale for approximately 130' from the western curb and gutter of S. Broad Street where unencumbered perpendicular parking and entrance to the fenced yard now exists. The variance will allow us to reduce this access to a single driveway, significantly reducing potential traffic related incidents
. The proposed distance from the western r/w of S. Broad to the eastern curb of the driveway is 63'.

Signature:



Signed in GovWell: Thursday February 12, 2026, 3:30pm

Generated Documents

No documents generated

Docusign Envelope ID: C5331ACC-6A60-4140-B154-FECD0AF9ED14

I, MICHAEL L. PETIT, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 001 PG. 154-160 & D.B. 682 PG. 595-597); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION FOUND IN DEEDS REFERENCED ON THIS PLAT: THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ANY ADJUSTMENTS IS 1' IN 15,820'; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 2 DAY OF NOVEMBER, A.D. 2022.

NORTH CAROLINA PROFESSIONAL SEAL L-3576 LAND SURVEYOR MICHAEL L. PETIT

Michael L. Petit

PROFESSIONAL LAND SURVEYOR

L-3576

LICENSE NUMBER

The State Plane Coordinates (SPC) for this project were produced with Static GPS observations and post processed with Ashtech GNSS Solutions software (v 3.60)
The positional accuracy of the GPS data is 0.02'

PID : FB4286 Designation : BANK

Horizontal positions are referenced to NAD 83 (2001)
Vertical positions are referenced to NAVD 88 using (GEOID09)
Date of survey : 4 / 3 / 2016
Combined Factor : 0.99977490
Units : US Survey Feet

TRANSYLVANIA COUNTY : NORTH CAROLINA

THIS PLAT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE IN PLAT FILE AT SLIDE , THIS THE DAY OF , A.D. AT O'CLOCK M.

REGISTER OF DEEDS

SURVEY CLASSIFICATION :

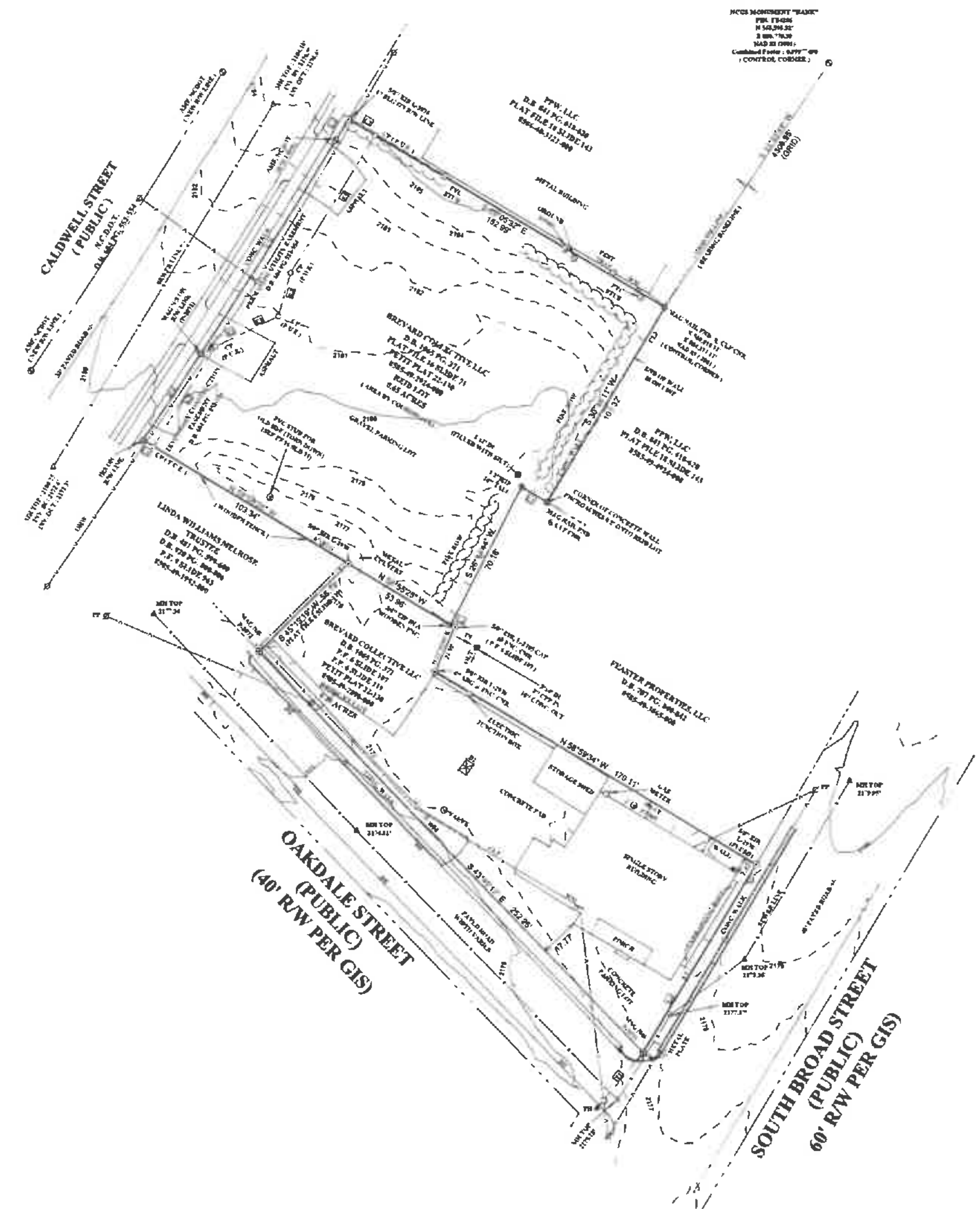
THIS SURVEY IS AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET [G.S. 47-30 (f) (11) (C.1)].

Michael L. Petit

PROFESSIONAL LAND SURVEYOR L-3576

NOT A CERTIFIED DOCUMENT AS TO THE ORIGINAL DOCUMENT BUT ONLY AS TO THE REVISIONS.

NCGS GRID NORTH NAD 83 (2001)



RESURVEY OF EXISTING PARCELS FOR :

PHELLCO, CORP

OWNER(S) OF RECORD : BREVARD COLLECTIVE, LLC
DEED REFERENCE : D.B. 1065 PG. 371
PLAT REFERENCE (REID LOT) : PLAT FILE 16 SLIDE 71
PLAT REFERENCE (BRIDGES LOT) : PLAT FILE 6 SLIDE 107
PLAT REFERENCE : PETIT LAND SURVEYING PLLC P-2072 (22-130)
TOWNSHIP : CITY OF BREVARD
TRANSYLVANIA COUNTY
NORTH CAROLINA
SURVEY DATE : 10 / 30 / 2022
SCALE : 1" = 30 FEET
TAX PIN : 8595-49- 2924 & 2890
REVISED : 4 / 7 / 2025
(LIDAR TOPOGRAPHY ADDED)
(SEWER MANHOLE TOP ELEVATIONS ADDED)
REVISED : 5 / 12 / 2025
(CALDWELL STREET SEWER MANHOLE INVERT ELEVATIONS ADDED)
(DI BOX SIZES ADDED)

TIE-LINE		
Id	Bearing	Distance
T1	N 39°07'43" E	32.69'

EASEMENTS		
Id	Bearing	Distance
E1	S 31°27'24" W	53.39'
E2	N 63°24'07" E	7.45'
E3	N 64°02'51" E	31.84'
E4	N 15°29'31" E	20.65'
E5	N 31°09'47" E	13.50'

LINE TABLE		
Id	Bearing	Distance
L1	N 31°00'39" E	11.13'
L2	S 58°05'32" E	14.03'
L3	N 59°04'34" W	13.52'
L4	N 67°17'28" W	2.21'
L5	N 58°08'26" W	5.57'
L6	N 30°51'29" E	100.00'

CURVE TABLE					
Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	0°50'11"	3230.00'	47.15'	47.15'	N 33°26'18" E
C2	2°02'27"	3230.00'	115.05'	115.04'	N 31°59'57" E

LEGEND

EIP EXISTING IRON PIPE (SIZE BASED ON O.D.)
EIR EXISTING IRON ROD (SIZE BASED ON O.D.)
IRS IRON ROD SET 5/8 REBAR WITH I.D. CAP STAMPED "PETIT P-2072"
IPS IRON PIPE SET
CMF CONCRETE MONUMENT FOUND
CMS CONCRETE MONUMENT SET
CP COMPUTED POINT
R/W RIGHT OF WAY
PSF PLANTED STONE FOUND
CMP CORRUGATED METAL PIPE
UP UTILITY POLE
SP SERVICE POLE
OHW OVERHEAD WIRE
W.M. WATER METER
CLF CHAIN LINK FENCE
P.I. POINT OF INTERSECTION
C.B. CATCH BASIN
D.I. DROP INLET
M.H. MANHOLE
AMF ALUMINUM MONUMENT FOUND
EIS EXISTING IRON STAKE
P.L. PROPERTY LINE
C.L. CENTERLINE
PMT TRANSFORMER
PED PHONE PEDESTAL
CPP CORRUGATED PLASTIC PIPE
PVMT PAVEMENT
CNR. CORNER
TYP. TYPICAL
POL POINT ON LINE
PC POINT OF CURVATURE
PT POINT OF TANGENT
RP RADIUS POINT
NF NAIL FOUND
NS NAIL SET
A.G. ABOVE GRADE
B.G. BELOW GRADE
P.F. PLAT FILE
SL. SLIDE
SB SETBACK LINE

LINE TYPES :
OHW
PLATTED LINE
R/W
STREAM
FENCE
CULVERT
SURVEYED LINE

SYMBOLS ON PLAT

MH	UTILITY POLE
PSF	LP TANK
CP	CMF
IRS	EIR
EIP	EIS
NAIL SET	CMS
WATER METER	AMF
FIRE HYDRANT	SPRING
TRANSFORMER	TREE
WELL	PEDESTAL

FLOOD CERTIFICATION

THIS PROPERTY IS LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP 3700859500J.

EFFECTIVE DATE : OCTOBER 2, 2009

VICINITY MAP NOT TO SCALE (FROM TRANSYLVANIA COUNTY GIS)



GRAPHIC SCALE

NOTES :

THE REID LOT IS ALL OF THE BREVARD COLLECTIVE LLC PROPERTY DESCRIBED IN BOOK 1065 AT PAGE 371 OF THE TRANSYLVANIA COUNTY REGISTRY.

THE BRIDGES LOT IS ALL OF THE BREVARD COLLECTIVE LLC PROPERTY DESCRIBED IN BOOK 1065 AT PAGE 371 OF THE TRANSYLVANIA COUNTY REGISTRY.

SUBJECT TO ALL RESTRICTIONS AND EASEMENTS FOR UTILITIES AND RIGHTS OF WAY APPEARING ON THE PROPERTY OR OF RECORD AND ANY MATTERS FOUND BY A TITLE EXAMINATION.

THE LOCATION OF ANY UNDERGROUND UTILITIES SHOWN IS APPROXIMATE BASED ON SURFACE FIELD EVIDENCE FOUND, THIS SURVEY MAKES NO CERTIFICATION AS TO THE COMPLETENESS OF THIS LOCATION.

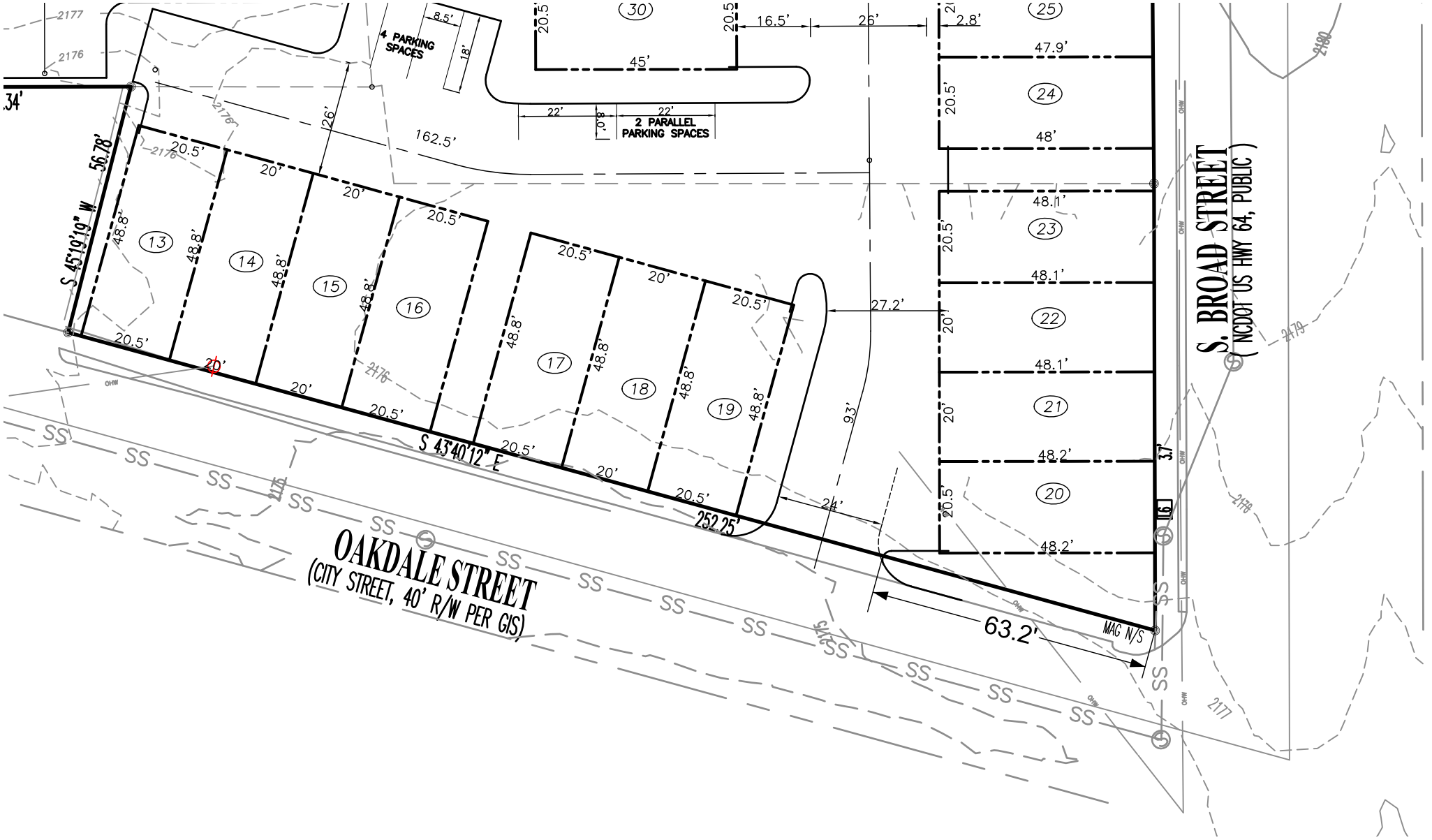
REFER TO THE SYMBOLS CHART FOR ANY UNLABELED POINT.

TIE - LINES TO ANY BUILDINGS SHOWN ARE TO THE STRUCTURE WALLS.

ALL DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL GROUND MEASURE UNLESS OTHERWISE NOTED.

PETIT LAND SURVEYING, PLLC P-2072
964 G.W. WHITMIRE ROAD
ROSMAN, NC 28772
828-553-3498
828-884-3749
Email: surveyor534@gmail.com

DWG. NO. 22-130 Lidar Topo


OAKDALE STREET
(CITY STREET, 40' R/W PER GIS)
S. BROAD STREET
(NCDOT US HWY 64, PUBLIC)
4 PARKING SPACES
2 PARALLEL PARKING SPACES
S 45°19'19" W 56.78'
S 43°40'12" E 252.25'
63.2'
MAG N/S
162.5'
27.2'
93'
24'
26'
45'
16.5'
2.8'
47.9'
48'
48.1'
48.2'
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Townes on Broad – Variance Request

The current properties (8585-49-2890 and 8585-49-3865) to be served by the proposed access drive are situated at the northwest corner of the intersection of Oakdale Street and S. Broad Street. The 280 S. Broad Street property (8585-49-2890) has 112 feet of onsite parking along the north side of Oakdale beginning at the intersection of S. Broad Street. In addition, there is a fenced parking lot on the 280 S. Broad Street property which is accessed via Oakdale Street. The property to the north (8585-49-3865) has a curb cut on S. Broad Street serving a gravel parking area. The intersection is regulated with a stop sign on Oakdale Street.



Site along Oakdale Street, from south.



Site from southern corner, Oakdale Street on left and S. Broad Street on right.

The removal of 112 feet of unrestricted parking spaces at the intersection will greatly improve public safety by increasing visibility for drivers, cyclists, and pedestrians. It is important to note that In North Carolina it is illegal to park within 25 feet of an intersection or stop sign, which is the current parking condition. Our proposal will eliminate all parking along Oakdale Street.

In addition, the proposed single access drive on Oakdale Street will eliminate the multiple curb cuts/driveways currently serving the properties. By combining multiple driveways into a single, well-designed access point, the following benefits are realized:

- **Access Hierarchy** – The proposed drive provides access to the properties on the lesser-classified road (e.g., side street/Oakdale Street) rather than the major arterial.
- **Increased Safety -** Reduces the number of potential collision points between through-traffic, turning vehicles and pedestrians.
- **Improved Traffic Flow -** Decreases "traffic friction" caused by frequent turning vehicles, increasing the capacity of the road.
- **Reduced Congestion -** Lessens the need for through-traffic to stop for vehicles entering or exiting multiple access driveways.
- **Better Sight Distance -** Proper, consolidated driveways are designed for better visibility compared to multiple, often poorly placed, smaller driveways.


S CALDWELL ST
15'
20'
Location of
proposed
driveway
OAKDALE ST
12'
S BROAD ST
S BROAD ST

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# VAR-26-0003

BREVARD BOARD OF ADJUSTMENT – VARIANCE

APPOINTMENT OF AGENT

I Philip J Wheeler, Phellco, Corp., Fallon & Hawkstand LLC, owner of property located at (street address) 280 S. Broad Street, 0 S. Broad Street, 253 S. Caldwell Street and identified by the Transylvania County Tax Identification Number (PIN#):

8585-49-2890, 8585-49-3865, 8585-49-2924, located in Transylvania County, North Carolina, do hereby appoint Allen Stahl & Kilbourne to represent me in filing an application for Variance before the Brevard Board of Adjustment.

I further authorize Allen Stahl & Kilbourne 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: 3/4/26
Mailing Address: 504 Fallon Grove Way, Raleigh NC 27608
Phone: 978-807-44034 Email: phil@pswheeler.net

Agent Name: Matthew J. Giangrosso, Robert C. Carpenter, and Derek J. Allen
Mailing Address: 20 Town Mountain Road, Suite 100, Asheville, NC 28801
Phone: 828-254-4778 Email: mgiangrosso@asklawnc.com
bcarpenter@asklawnc.com
dja@asklawnc.com