



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, April 22, 2025 - 5:30 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

- a. Draft Minutes - March 25th, 2025

VI. Public Comments

VII. New Business

- a. Consideration of REZ-25-002: Inn at Brevard Conditional Zoning District

VIII. Unfinished Business

IX. Remarks

X. Adjourn

Agenda Posted, Website April 15th, 2025
M. Baker, Clerk to the Board

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packet" tab. Agenda packet materials are posted on Friday afternoon prior to the meeting.

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
MARCH 25th, 2025
COUNCIL CHAMBERS CITY HALL**

Brevard Planning Board met for a regular meeting Tuesday, March 25th, 2025, at 5:30 PM, in Council Chambers at City Hall.

Members Present: Reid Wood, Vice Chair
Molly Jenkins
Peter Chaveas
Alan Mercaldo
Karen Darity

Members Absent: Greg Hunter
James Carli

Staff Present: Aaron Bland, Assistant Planning Director
Stephanie Holland, Planner
Madalin Baker, Board Clerk

I. Welcome

At 5:32 PM, Reid Wood, Vice Chair, called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

R. Wood, Vice Chair, confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

R. Wood, Vice Chair, made a motion to move public comments to above New Business. Motion to approve the agenda with that change by A. Mercaldo, second P. Chaveas, unanimously carried.

V. Approval of Minutes

Motion to approve February 25th, 2025 minutes by M. Jenkins second by P. Chaveas, unanimously carried.

VI. Public Comments – None

VII. New Business

a. Consideration of Annexation ANN-25-001: Valenti

Aaron Bland, Assistant Planning Director, presented his staff report, a portion of which follows:

Background On February 24, 2025, an application was submitted by John Valenti requesting a voluntary non-contiguous annexation for four of his properties. The properties are located between Reservoir Road and Hampton Road within the City's Extra-Territorial Jurisdiction, identified by PINs 8586-24-2193-000, 8586-24-3036-000, 8586-24-3061-000, and 8586-24-3984-000. The parcels are currently zoned General Residential-4 (GR-4), but the applicant has also submitted a request to rezone these parcels to General Residential-8 (GR-8). See Attachment 1 for the application materials.

Discussion The subject properties are located within the City's Extra-Territorial Jurisdiction (ETJ) in close proximity to the corporate limits. The properties currently contain three single-family structures and two garages. Upon annexation, the single-family structures are assumed to be connected to City utilities. The cost of connecting to the City's system will be borne by the property owner.

After giving his report, the Board discussed briefly. M. Jenkins moved to recommend the approval of the Annexation, P. Chaveas seconded, passed unanimously.

b. Consideration of Rezoning REZ-25-001: Valenti

Aaron Bland, Assistant Planning Director, gave his staff report, a portion of which follows:

Background On February 24, 2025, an application was submitted by John Valenti requesting a map amendment (rezoning) for four of his properties. The properties are located between Reservoir Road and Hampton Road outside the City's corporate limits (note the applicant has also applied for a non-contiguous annexation), identified by PINs 8586-24-2193-000, 8586-24-3036-000, 8586-24-3061-000, and 8586-24-3984-000. The parcels are currently zoned General Residential-4 (GR-4). The request is to rezone these parcels to General Residential-8 (GR-8). The properties abut GR-4 on all sides but are in close proximity to GR-8 within the corporate limits. See Attachment B for the application materials and the map of the current zoning.

Discussion The General Residential zoning district is described by the Unified Development Ordinance as follows:

General Residential (GR-4 and GR-8). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Comprehensive Land Use Plan.

The requested rezoning only changes maximum dwelling unit density and the maximum ground floor area for principal structures. All other standards, including setbacks, maximum height, and allowable uses, are not affected by this rezoning. Typically, properties located within the corporate limits of the City of Brevard are zoned GR-8 instead of GR-4.

Policy Analysis The *Building Brevard 2030 Comprehensive Land Use Plan* designates the properties as "Traditional Neighborhood." The Traditional Neighborhood character area is designed to maintain the character of established neighborhoods while allowing some flexibility in housing types. According to the Future Land Use Character Area Table, GR-8 is an applicable zoning district for Traditional Neighborhood but GR-4 is not. With this in mind, the proposed rezoning is consistent in regard to the City's long-range plans. **Action** Staff recommends approval of the rezoning as requested. Planning Board's role is to make a recommendation to City Council. The Board's options are as follow:

1. Recommend approval as requested;
2. Recommend approval with a change in the area as described by the Board (if the change in area is an expansion of the area requested, the Board shall hold a second meeting discussing the expanded area); or
3. Recommend denial.

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review (Attachment 3).

After A. Bland concluded his report, K. Darity sought clarification on how the rezoning would change the density, which A. Bland explained, saying it would allow for an increased number of dwelling units on the property. Because of the parcel's proximity to the City's corporate limits, A. Bland noted the layout of the neighborhood would not be impacted by this density change.

M. Jenkins moved to recommend the rezoning to City Council with reference to the reasonableness statement. P. Chaevas seconded, passed unanimously.

c. Consideration of Text Amendment TXT-25-004: Changes to Abandoned Use and Retail Definitions

A. Bland gave his staff report, a portion of which follows:

Background This is a staff-initiated text amendment intended to clarify the Unified Development Ordinance (UDO) to help property owners, business owners, and city staff understand the intent and interpretation of the City's zoning regulations. This amendment focuses on several key definitions that pertain to: 1) the abandonment of a land use, and 2) retail land uses.

Discussion

Abandonment This is a critical definition that is currently not included in the definitions chapter of the UDO. The importance of defining the word "abandoned" is due to its use as a trigger for compliance with nonconforming land uses. Section 14.2 of the UDO is the section that discusses nonconforming land uses, stating: "If a nonconforming use is abandoned for 180 consecutive calendar days or more, the use shall not be allowed to be re-established. All new uses subsequently established shall be conforming." Simply put, if a land use that is grandfathered due to being in operation before the use was disallowed ceases for 180 days, it loses its grandfathered status. It is common for zoning ordinances to provide that a nonconforming use status is lost if that use is inactive for a specified period, often six months or a year, after which whatever use is resumed must comply with the zoning ordinance in effect at the time. The courts have upheld this limit on nonconformities, noting there is a legitimate governmental interest in eventually phasing out nonconformities. Because the continuance of a nonconforming land use hinges on whether it was "abandoned for 180 consecutive calendar days," the definition of what it means to "abandon" a use is important. Staff believes such a definition needs to be added to the UDO to help ensure consistent interpretation of the UDO by the City and expectations by citizens and landowners. The recommended definition was created after reviewing other cities' ordinances and guidance from the UNC School of Government (see attachments).

Retail Land Uses Currently, the UDO groups most retail land uses into one "catchall" use and definition. This definition is open to including temporary outdoor-based retail uses that are markedly different from typical brick-and-mortar retail uses. In fielding questions about potential retail uses, the need to add a definition for outdoor or "pop-up" retail uses became clear. To this end, the "Flea Market" land use has been added to the use matrix. The Board should consider what zoning districts this new use would be appropriate.

Policy Analysis

How an ordinance deals with nonconformities poses an important policy choice for local governments. The ordinance has to balance several legitimate interests. One interest is that of the landowner or business owner who did something legal at the time but now is a nonconformity due to no action of their own. The interest of the neighbors expecting the protections offered by the ordinance's current restrictions. The community as a whole in having everyone abide by the same rules. A zoning ordinance should give careful thought to how to balance these interests; the benefits to the neighbors and community from uniform compliance with current regulations have to be considered in conjunction with the burden on the owner of the nonconformity. While these specific amendments are not contemplated by the Comprehensive Land Use Plan, it is always a best practice to ensure that the zoning regulations are as clear and unambiguous as possible. This is another in a long line of staff-initiated text amendments aimed at doing just that.

Following the staff report, the board discussed the definitions. P. Chaveas suggested including the word "restoring" to the last clause of the recommended Abandonment definition, which the board seemed amenable to. A. Mercaldo mentioned a desire to remove the word "unintentionally" from the first clause of the recommended Abandonment definition. The board agreed with that change. The board did not have any edits to staff's Retail Land Uses changes.

M. Jenkins moved to accept the definitions with "Abandoned" edited as indicated above and "Flea Market" accepted as recommended by staff. A. Mercaldo seconded, passed unanimously.

VIII. Remarks – None

IX. Adjournment

There being no further business, M. Jenkins made a motion to adjourn seconded by A. Mercaldo, the motion carried unanimously, and the meeting adjourned at 6:06 PM.

Reid Wood, Vice Chair

Madalin Baker, Board Clerk

RECEIVED
2/24/2025
dh

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



**PETITION REQUESTING A NON-CONTIGUOUS
ANNEXATION**

G.S. 160A-58.1 (As Amended)

Date: _____

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is non-contiguous to the City of Brevard and the boundaries of such territory are as follows:

Transylvania County Property Identification Number(s): 8586-24-2193;
8586-24-3036; 8586-24-3041; 8586-23-3984

Street Address: 1054 117 Reservoir Rd; 82 & 84 Hampton Road

**(ATTACH A METES AND BOUNDS PROPERTY
DESCRIPTION AS "ATTACHMENT A")**

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s) Do you declare **vested rights**? Yes ___ No ✓
(Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

- a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 342 0204 Email jademvalenti@gmail.com
Signature [Signature]
- b. Name _____
Address _____
Telephone _____ Email _____
Signature _____
- c. Name _____
Address _____
Telephone _____ Email _____
Signature _____

Property Ownership by Corporation or LLC: (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

- a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 342 0204 Email jademvalenti@gmail.com
By: [Signature] Managing Member
Type or Print Name and Title (President / Managing Member)
Signature [Signature]

MTS Properties, LLC

b. Name John Valenti
Address 84 Hampton Rd
Brevard NC 28712
Telephone 828 342 0204 Email jadamvalenti@gmail.com
By: John A. Valenti Managing Member
Type or Print Name and Title (President / Managing Member)
Signature [Signature]

c. Name _____
Address _____
Telephone _____ Email _____
By: _____
Type or Print Name and Title (President / Managing Member)
Signature _____

AGENT:

Name: _____
Address: _____
Telephone: _____ Email _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of \$500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712

CITY ANNEXATION LEGAL DESCRIPTION
FOR PIN#'S 8586-24-2193; 8586-24-3036; 8586-24-3061 AND 8586-23-3984

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a 1/2" rebar;

thence N 28°27'17" W a distance of 49.43' to a 3/4" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1 ½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to a axle;

thence N 67°29'48" E a distance of 157.61' to a 1 ½" leaning iron pipe;

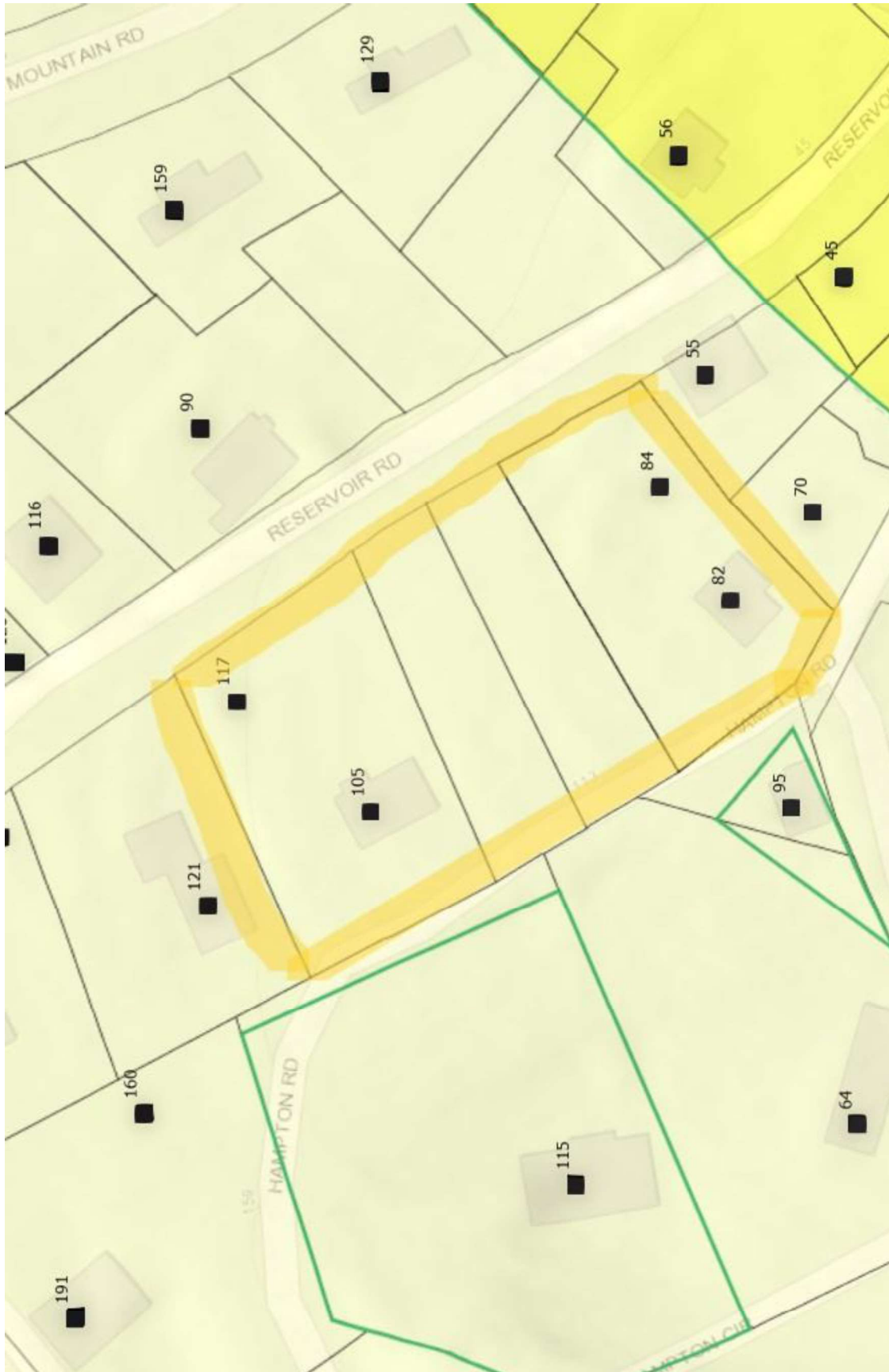
thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap;

which is the place and point of beginning.



2024001279

TRANSYLVANIA COUNTY NC FEE \$26.00

STATE OF NC REAL ESTATE EXT

\$20.00

PRESENTED & RECORDED

03/22/2024 01:16:34 PM

BETH C LANDRETH

REGISTER OF DEEDS

BY: DELIA MCCALL

DEPUTY REGISTER OF DEEDS

BK: DOC 1109

PG: 111 - 113

*Please do not place anything in the 3" margin above - for recording information only)***NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax \$ 20.00

Parcel Identifier No.: 8586-24-2193-000

Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)

Brief description for the Index:

THIS DEED made this 22 day of March 2024, by and between:**GRANTOR**

Alan Kyle Young, individually and as
 Executor of the Estate of Wesley Hughes
 Young aka Wesley H. Young and wife,
 Teresa Young and Marilyn Elaine Cook
 aka Marilyn Young Cook, single and
 Wanda Faye Ackroyd aka Wanda Young
 Robinson, single

GRANTEE

MTS Properties, LLC, A North Carolina
 limited liability company

84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

submitted electronically by "Van Winkle Law Firm"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry.

All or a portion of the property herein conveyed ____ includes or ____ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Kyle Young (Seal)
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

Teresa Young (Seal)
Teresa Young

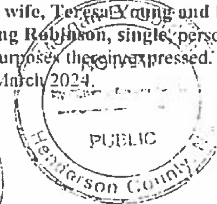
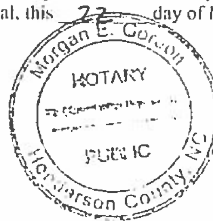
Marilyn Young Cook (Seal)
Marilyn Elaine Cook aka Marilyn Young Cook

Wanda Young Robinson (Seal)
Wanda Faye Ackroyd aka Wanda Young Robinson

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, MORGAN E. GORDON, a Notary Public of the County and State aforesaid, certify that Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook aka Marilyn Young Cook, single and Wanda Faye Ackroyd aka Wanda Young Robinson, single, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 22 day of March 2024.

Morgan E. Gordon
Notary Public
My Commission Expires: 10-19-2024



SEAL / STAMP

EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley Hughes Young and wife, Mary Joyce Young by deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron stake standing on the east side of Hampton Road, the same being Clarence Holden's corner, and runs with Clarence Holden's line, North 66 deg. 30 min. East 176 feet to an iron stake at the Reservoir Road; thence with said Reservoir Road, South 30 deg. 30 min. East 42½ feet to an iron stake; thence South 63 deg. 30 min. West 182 feet to a stake at the Hampton Road; thence with the Hampton Road, North 23 deg. West 50 feet to the BEGINNING.

As surveyed and platted by T. N. Davis, RLS, on May 24, 1947.

BEING all of that same real property as deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

2024001294

TRANSYLVANIA COUNTY NC FEE \$26.00

STATE OF NC REAL ESTATE EXT

\$300.00

PRESENTED & RECORDED

03/25/2024 10:49:06 AM

BETH C LANDRETH

REGISTER OF DEEDS

BY: KARIN SMITH

ASSISTANT

BK: DOC 1109**PG: 160 - 162***Please do not place anything in the 3" margin above - for recording information only***NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax \$ 300.00

Parcel Identifier No.: 8586-24-2193-000

Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)

Brief description for the Index:

THIS DEED made this 22 day of March 2024, by and between:**GRANTOR**

Alan Kyle Young, individually and as
 Executor of the Estate of Wesley Hughes
 Young aka Wesley H. Young and wife,
 Teresa Young and Marilyn Elaine Cook
 nka Marilyn Young Cook, single and
 Wanda Faye Ackroyd nka Wanda Young
 Robinson, single

GRANTEE

MTS Properties, LLC, a North Carolina
 limited liability company

84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

submitted electronically by "Van Winkle Law Firm"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in **Deed Book 185 Page 505, Transylvania County Registry.**

All or a portion of the property herein conveyed includes or does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Kyle Young {Seal}
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

Teresa Young {Seal}
Teresa Young

Marilyn Young Cook {Seal}
Marilyn Elaine Cook aka Marilyn Young Cook

Wanda Young Robinson {Seal}
Wanda Faye Ackroyd aka Wanda Young Robinson

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, MORGAN E. GORDON, a Notary Public of the County and State aforesaid, certify that Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook aka Marilyn Young Cook, single and Wanda Faye Ackroyd aka Wanda Young Robinson, single, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 12 day of March 2024.

SEAL / STAMP

Morgan E. Gordon
Notary Public
My Commission Expires: 10-19-2024

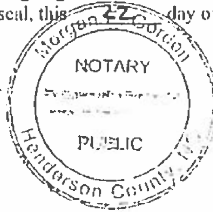


EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley H. Young and wife, Mary Joyce Young by deed recorded July 17, 1970 in Deed Book 185 Page 505, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron pin in the Eastern margin of Hampton Road, formerly known as Subdivision Drive and runs thence with the Eastern margin of said road North 25 degrees 40 minutes West 98.30 feet to an iron pin; thence North 64 degrees East (passing an iron pin at 151.74 feet) 158.63 feet to a stake in the Western margin of Reservoir Road; thence with the Western margin of said road South 35 degrees 29 minutes East 100 feet to a stake; thence leaving said road South 64 degrees West 176 feet to the point of BEGINNING as surveyed and platted by P.D. Baxter, RLS, July 8, 1970.

It is intended to convey by this Deed all of the property included in the conveyance from Hilliard Pressley and wife, Mariska Pressley to Clarence Holden and wife, Marv Holden dated November 13th, 1940 and recorded in Deed Book 90, Page 284 of the Deed records of Transylvania County.

BEING all of that same real property as recorded in Book 185 Page 505, Transylvania County Registry.

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

**2013005335**

TRANSYLVANIA CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED

09-25-2013 02:56:52 PM

CINDY M OWNBEY

REGISTER OF DEEDS

BY KARIN SMITH

DEPUTY REGISTER OF DEEDS

BK: DOC 671**PG: 244-246****NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$0.00

Parcel Identifier No. 8586-23-3984-000 & 8586-24-3061-000 Verified by _____ County on the 25 day of Sept, 2013
By: [Signature]Mail/Box to: H. Paul Averette, Attorney, P.C., P. O. Box 348, Brevard, NC 28712This instrument was prepared by: H. Paul Averette, Attorney at Law (NO TITLE SEARCH PERFORMED)Brief description for the Index: 2 Tracts – Brevard TownshipTHIS DEED made this 24th day of September, 2013, by and between

GRANTOR

GRANTEE

**ALAN VALENTI and wife,
MARY VALENTI****JOHN VALENTI****37 Huntcliff Drive
Taylors, SC 29887****84 Hampton Road
Brevard, NC 28712**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:**Being all of that property as described in Exhibit "A" attached hereto and incorporated herein by reference.****All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of the Grantor.**

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association – 1981 - Chicago Title Insurance Company

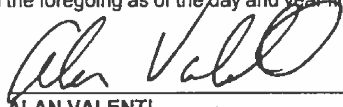
The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, page _____.

A map showing the above described property is recorded in Plat Book _____, page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.


ALAN VALENTI (SEAL)

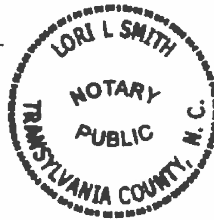

MARY VALENTI (SEAL)

State of North Carolina - County of Transylvania

I certify the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: ALAN VALENTI and MARY VALENTI.

Date: September 24, 2013

My Commission Expires:
09/10/2016




Lori L. Smith, Notary Public

EXHIBIT "A"

All of our undivided one-half (1/2) interest in and to the following described parcels:

TRACT I:

Being all of that property as described in a deed from Carolyn J. Gillespie and husband, Alvin B. Gillespie to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 547 of the Transylvania County Registry.

TRACT II:

Being all of that property as described in a deed from Carolyn J. Gillespie, acting Individually and as Administrator of the Estates of Vessie Stamey and Clara Louise Stamey and husband, Alvin B. Gillespie; Dawn D. Sentelle and husband, Kerry Sentelle; and Forrest Duane Stamey, (a divorced and unremarried man) to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 550 of the Transylvania County Registry.

TOGETHER WITH and subject to all rights of way, easements and restrictions appurtenant to the Grantors.

CITY OF BREVARD
CASH RECEIPT
DUPLICATE

Receipt No: 700074
Date: 2/24/2025
Time: 1:58:12PM

Received From:
JOHN VALENTI

Received: 500.00

For
ZONING ADMIN 500.00
105 RESERVOIR RD-S

Credit 500.00

V 0517

RECEIVED BY WINDOW

Page 22 of 43



The City of Brevard North Carolina

REQUEST FOR ZONING MAP AMENDMENT (REZONING)

Applicant Information:

Name: John A. Valent
 Address: 84 Hampton Rd Brevard, NC 28712
 Phone: 828 342-0204

Property Owner Information (if different than applicant):

Name: _____
 Address: _____
 Phone: _____

Location of Property: 105 + 117 Reservoir Rd., 82, 84 Hampton Rd

Property Identification Number (PIN): 8586-24-2193; 8586-24-3036
8586-24-3061; 8586-24-3984

Present Zoning District: GR4

Request District to be Changed to: GR8 (attach additional explanation if necessary)

Existing Use of Adjacent Properties:

North RESIDENTIAL
 West RESIDENTIAL

South RESIDENTIAL
 East RESIDENTIAL

[Signature]
 Signature of Applicant

6/26/24
 Date

* * * * *

Planning Department must receive the following prior to placement on BPB agenda:

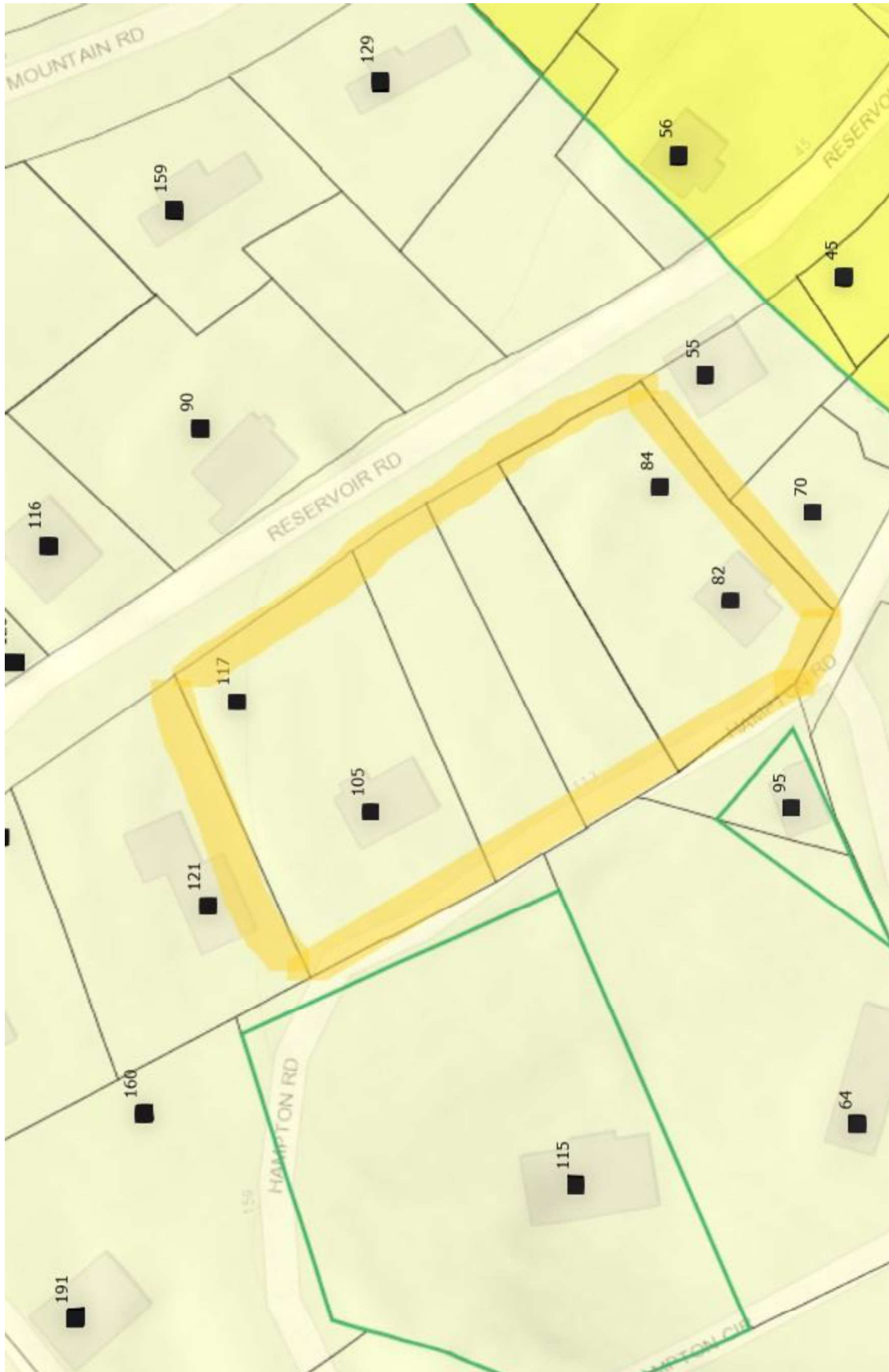
☒ Completed Application Form
☒ Survey of Property
☒ Application Fee (\$500.00) - Date Paid 2/24/25 Receipt # 700073

Heard by Planning Board on: _____

Planning Board's Recommendation: Approval Denial

Heard by City Council on: _____

City Council Action: Approval - Ord. Number _____ Effective Date _____
Denial



**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-25-001**

NCGS 160D-604 and NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is reasonable and consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **reasonable and consistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

The *Building Brevard 2030 Comprehensive Land Use Plan* designates the properties as "Traditional Neighborhood." The Traditional Neighborhood character area is designed to maintain the character of established neighborhoods while allowing some flexibility in housing types. According to the Future Land Use Character Area Table, GR-8 is an applicable zoning district for Traditional Neighborhood but GR-4 is not. With this in mind, the proposed rezoning is consistent in regard to the City's long-range plans.

STAFF REPORT

Planning Board, Tuesday, April 22, 2025

Title: Consideration of REZ-25-002: Inn at Brevard Conditional Zoning District

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

The Planning Department has received an application for a rezoning district for the Inn at Brevard property, located at 315 East Main Street, PIN 8586-60-6150-000. The property is currently zoned Residential Mixed Use (RMX) and the request is for a Conditional Zoning District (CZD) with a base of RMX.

Discussion

The Inn at Brevard has several elements of its operation that are pre-existing, nonconforming to the current requirements of the City of Brevard Unified Development Ordinance (UDO). The most impactful of these is that overnight accommodations are not allowed in the RMX zoning district; bed and Breakfast is an allowed land use, but the Inn's operations do not fit that definition. There are other nonconforming site elements as well such as the unpaved parking lot, landscaping elements, and the parking on the Franklin Street frontage of the property. Staff will discuss these nonconformities in detail at the meeting.

Because of these nonconformities, the unique and historic nature of the use/property (the main inn building is a designated local historical landmark), and the applicant's desire to add some additional uses such as a pottery studio, a conditional zoning district is an appropriate tool to ensure zoning compliance for continued use of the site as an inn done so in a way that ensures compatibility and harmony with surrounding properties.

This request was sent to the City's Technical Review Committee. At the time of writing this staff report, about half the members had responded. The Fire Department and Water Treatment Plant had no comments. The Wastewater Treatment Plant did suggest two requirements: that the grease trap in the commercial kitchen be evaluated to ensure it is the proper size, and that the pottery studio install a clay sink trap.

Policy Analysis

Staff believes that allowing the continued operation of the Inn at Brevard as a boutique inn, in a way that is compatible and not detrimental to surrounding properties, supports the following aspects of the *Building Brevard Comprehensive Land Use Plan*:

- Goal 7: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.

- LUH- 18: Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- LUH-20: Encourage the creation of well-designed complete and cohesive neighborhoods.

This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district.

Action

The Planning Board shall make one of the following recommendations to City Council with regard to a petition for a conditional zoning district:

- Grant the creation of the district as request;
- Grant the creation of the district with a reduction of the area requested;
- Grant the creation of the district with recommended conditions;
- Continued BPB consideration of the application in order to receive further information; or
- Deny the application.

Two key areas the Board should consider are: the allowed land uses and the parking on Franklin Street. The attached recommended table of allowed uses began with the existing RMX allowed uses as a starting point, and added several "by-right" land uses as requested by the Applicant, while eliminating some allowed but unneeded land uses as a trade-off. The Franklin Street parking area is a potential safety concern and Staff welcomes the Board's thoughts on if and how that parking should be allowed to remain.

Attachments:

1. Application
2. Narrative
3. Site Plan
4. Survey
5. Proposed CZD Conditions
6. Proposed CZD Use Matrix
7. Consistency and Reasonableness Statement



The City of
Brevard
North Carolina

REQUEST FOR ZONING MAP AMENDMENT (REZONING)

Applicant Information:

Name: Joy Shind
Address: 4020 Kings Camp Pass, Arrington, TN 37104
Phone: 615-585-0303

Property Owner Information (if different than applicant):

Name: The Revocable Trust of Howard Sanford Yager (Howard Sanford Yager)
Address: 4100 Paces Walk SE Apt 1305, Atlanta, GA 30339
Phone: 404-293-1165

Location of Property:

315 East Main Street, Brevard, NC 28712
(The Inn at Brevard)

Property Identification Number (PIN): 8586-60-6150-000

Present Zoning District: RMU

Request District to be Changed to: CZD (Conditional Zoning District)
(attach additional explanation if necessary)

Existing Use of Adjacent Properties:

North SFR
West SFR/Religious

South SFR
East SFR

 Joy Shind

02/10/25

Signature of Applicant

Date


dotloop verified
02/11/25 11:44 AM EST
IHOM-CXJR-UJCP-T11W

Signature of Property Owner (if different)

Date

* * * * *

Planning Department must receive the following prior to placement on BPB agenda:

____ Completed Application Form
____ Survey of Property
____ Application Fee Date Paid _____, Receipt # _____

Heard by Planning Board on: _____

Planning Board's Recommendation: ____ Approval ____ Denial

Heard by City Council on: _____

City Council Action: ____ Approval – Ord. Number _____ Effective Date _____
____ Denial

Preliminary Plan for Conditional Zoning District

City of Brevard, NC

Applicant Information

Property Name: The Sylvan Inn

Address: 315 East Main Street, Brevard NC 28712

Applicant: Brian and Joy Shind

Contact Information: 615 585 0303, Jshind7@Gmail.com

Requested Land Uses

Inn

The property currently operates as an inn with 16 bedrooms— 10 in the Annex building and 6 in the Main Inn. The proposed modifications include:

- Conversion of 2 of the 10 bedrooms in the Annex into owner's quarters.
- Retention of 4 bedrooms in the Annex for staff accommodations.
- Use of the remaining 4 bedrooms in the Annex and 6 bedrooms in the Main Inn for overnight lodging.
- Retention of the option for long-term rentals for staff housing as needed.
- Continued operation of complimentary breakfast service for overnight guests, maintaining the inn's current zoning that permits food service for guests.

Request: Continued zoning for overnight guests, longterm staff lodging, and breakfast service.

Specialty Restaurant/Bar

The property includes six dining rooms, an indoor sun patio, a bar, and a fully equipped commercial kitchen. The proposed small scale restaurant concept includes:

- Three dining rooms dedicated to food service.
- Two dining rooms converted into a lounge and music area featuring a baby grand piano for upscale jazz and live entertainment.
- A specialty restaurant offering:
 - **Daytime menu:** High tea and brunch items.

- **Evening menu:** A fine dining experience with dinner options designed for special occasions.
- Retention of the current alcohol service licensing for food service.
- Restaurant operating hours: **8:00 AM – 9:00 PM, six days a week.**

Request: Zoning approval for food service open to the public.

Note: The viability of the inn depends on both out-of-town guests and local patrons. The seasonal nature of tourism limits the property's economic potential, making the restaurant a necessary part of a diversified business model.

Events

The downstairs layout is well-suited for small events, including:

- Baby showers, wedding showers, and corporate gatherings.
- Small weddings and private parties.
- The ability to close off dining rooms to accommodate private events.

Request: Zoning approval for hosting events within the existing footprint of the building.

Pottery Studio & Gallery

Joy Shind, a professional potter from Nashville, TN, seeks to establish a pottery studio and gallery on-site.

- The basement of the Annex building will be converted into a small pottery studio.
- The inn will display and sell handmade pottery.

Request: Continuation of the property's gallery designation to allow for the creation and sale of art.

Music Lessons

Brian Shind, a professional musician and educator from Nashville, TN, plans to offer private music lessons.

- A small rear-entrance space will be converted into a music lesson studio.
- Lessons will include bass, guitar, and beginner piano instruction.

Request: Zoning approval for a small, single-student-at-a-time music lesson studio.

Proposed Property Improvements

Parking & Accessibility

- Repair and restore 10 parking spaces in front of the Annex building.
- Reconfigure and pave the **20 parking spaces** on the right side of the building, ensuring accessibility for large utility vehicles (e.g., garbage collection).
- Final parking layout to be confirmed in collaboration with city planning and site engineers.

Structural & Historic Restoration

- **Front Porch & Balcony:** Restoration of the front porch, balcony, and columns in compliance with local and national historical preservation requirements.
- **Foundation & Structural Work:** Addressing grading, foundation, plumbing, electrical, and roof repairs to stabilize the property.

Landscaping & Aesthetic Enhancements

- Removal of overgrown trees and shrubs.
- Installation of a professionally designed landscape plan to enhance curb appeal.

Commitment to Brevard

The proposed revitalization of this historic inn aligns with the City of Brevard's commitment to preserving its cultural heritage while fostering economic growth. This project represents a significant investment in the community, bringing back a beloved landmark as a vibrant gathering place for locals and visitors alike.

We respectfully request approval of a Conditional Zoning District to ensure the success of this restoration project while maintaining historical integrity and economic viability. We look forward to working with the city to make this vision a reality.

Submitted by:

Brian and Joy Shind

02/16/2025

NOTES:

PARKING-A HAS 10 PARK SPACES ALONG FRANKLIN STREET AT 10' WIDTH.

PARKING-B HAS 14 PARKING SPACES STALOWARD

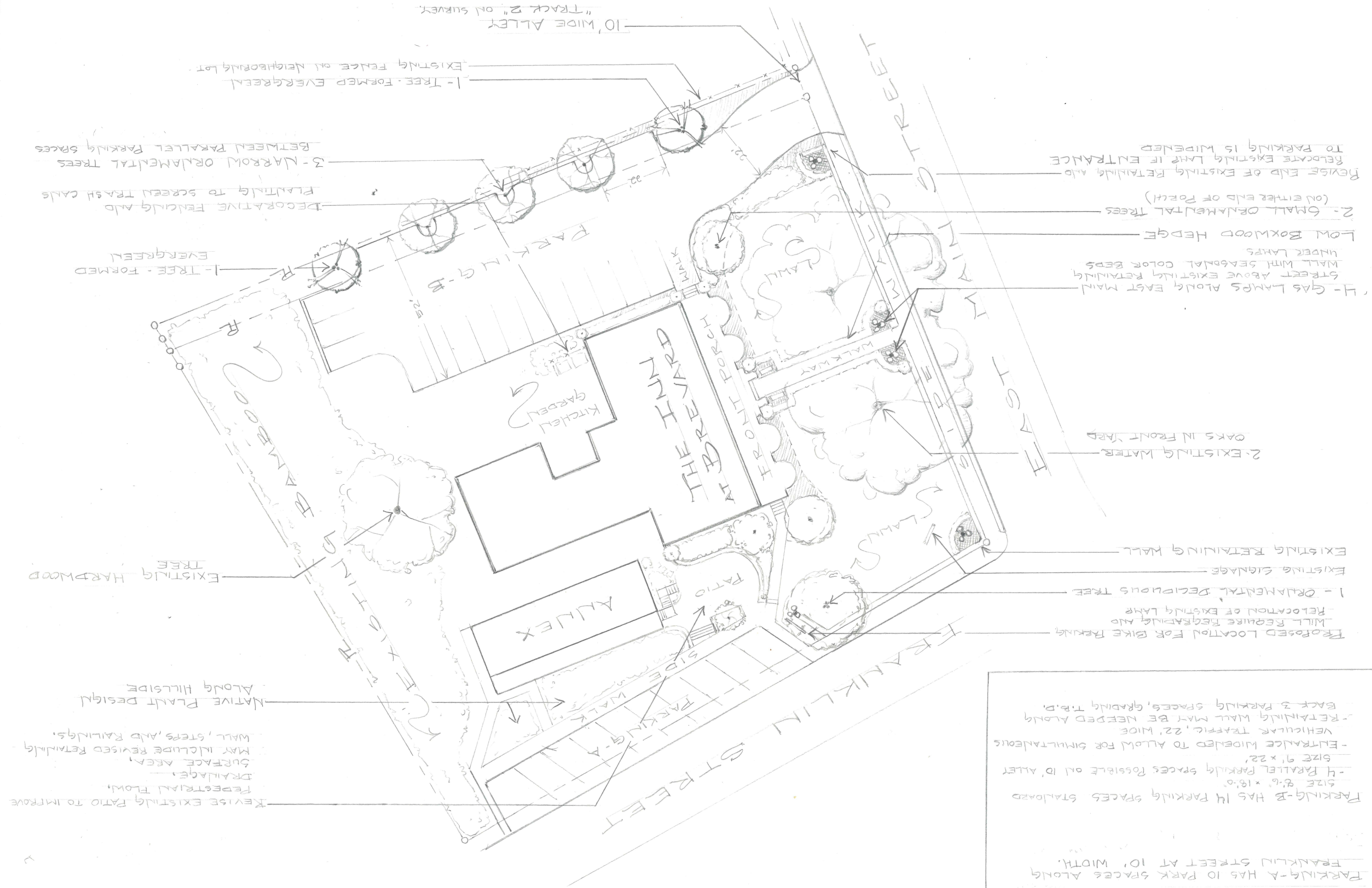
SIZE 8'-6" x 18'-0"

- 4 PARALLEL PARKING SPACES POSSIBLE ON 10' ALLEY

SIZE 9' x 22'

- ENTRANCE WIDENED TO ALLOW FOR SIMULTANEOUS VEHICULAR TRAFFIC, 22' WIDE

- RETAINING WALL MAY BE NEEDED ALONG BACK 3 PARKING SPACES, GRADING T.B.D.



- 1 - ORNAMENTAL DECIDUOUS TREE - WILL REQUIRE REPAIRING AND RELOCATION OF EXISTING LAMP
- EXISTING SIGNAGE
- EXISTING RETAINING WALL
- 2 - EXISTING WATER - OAKS IN FRONT YARD
- 4 - GAS LAMPS ALONG EAST MAIN STREET ABOVE EXISTING RETAINING WALL WITH SEASONAL COLOR BEDS UNDER LAMPS
- 2 - SMALL ORNAMENTAL TREES (ON EITHER END OF PORCH)
- REVISE END OF EXISTING RETAINING AND RELOCATE EXISTING LAMP IF ENTRANCE TO PARKING IS WIDENED

- 1 - TREE - FORMED EVERGREEN
- EXISTING FENCE ON NEIGHBORING LOT
- 10' WIDE ALLEY
- 3 - NARROW ORNAMENTAL TREES BETWEEN PARALLEL PARKING SPACES
- DECORATIVE FENCING AND PLANTING TO SCREEN TRASH CANS
- 1 - TREE - FORMED EVERGREEN

- REVISE EXISTING PATIO TO IMPROVE PEDESTRIAN FLOW
- DRAINAGE
- SURFACE AREA, MAY INCLUDE REVISED RETAINING WALL, STEPS, AND RAILINGS
- NATIVE PLANT DESIGN
- Along Hillside

CONCEPTUAL LANDSCAPE PLAN

FOR

BRYAN AND JOY SHIND

315 E. MAIN ST. BREVARD N.C. 28712

DESIGNED BY: CRYSTAL BOKS

404-510-3931

SCALE: 1" = 30'-0"

LEGEND

	EXISTING PROPERTY MONUMENT (AS NOTED)
	PROPERTY MONUMENT SET (TYP. 5/8" REBAR W/CAP OR AS NOTED)
	POINT NOT SET (PNS)
	POWER POLE
	UTILITY PEDESTAL
	WATER METER
	SEWER MANHOLE
	SEWER CLEANOUT
	RIGHT OF WAY
	IRON PIN SET
	OPEN-TOP-PIPE
	REBAR AND CAP
	CONCRETE MONUMENT FOUND
	PLANTED STONE FOUND
	REBAR
	SUBJECT PROPERTY LINE
	ADJOINER PROPERTY LINE (LINE NOT SURVEYED)
	TIE LINE
	BUILDING SET BACK
	EXISTING R/W
	OVERHEAD ELECTRIC
	OVERHEAD TELEPHONE
	FENCE LINE
	DEED BOOK & PAGE
	PLAT BOOK & PAGE

I DAVID L. BURRELL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOK 435, PAGE 211); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GNSS SURVEY:

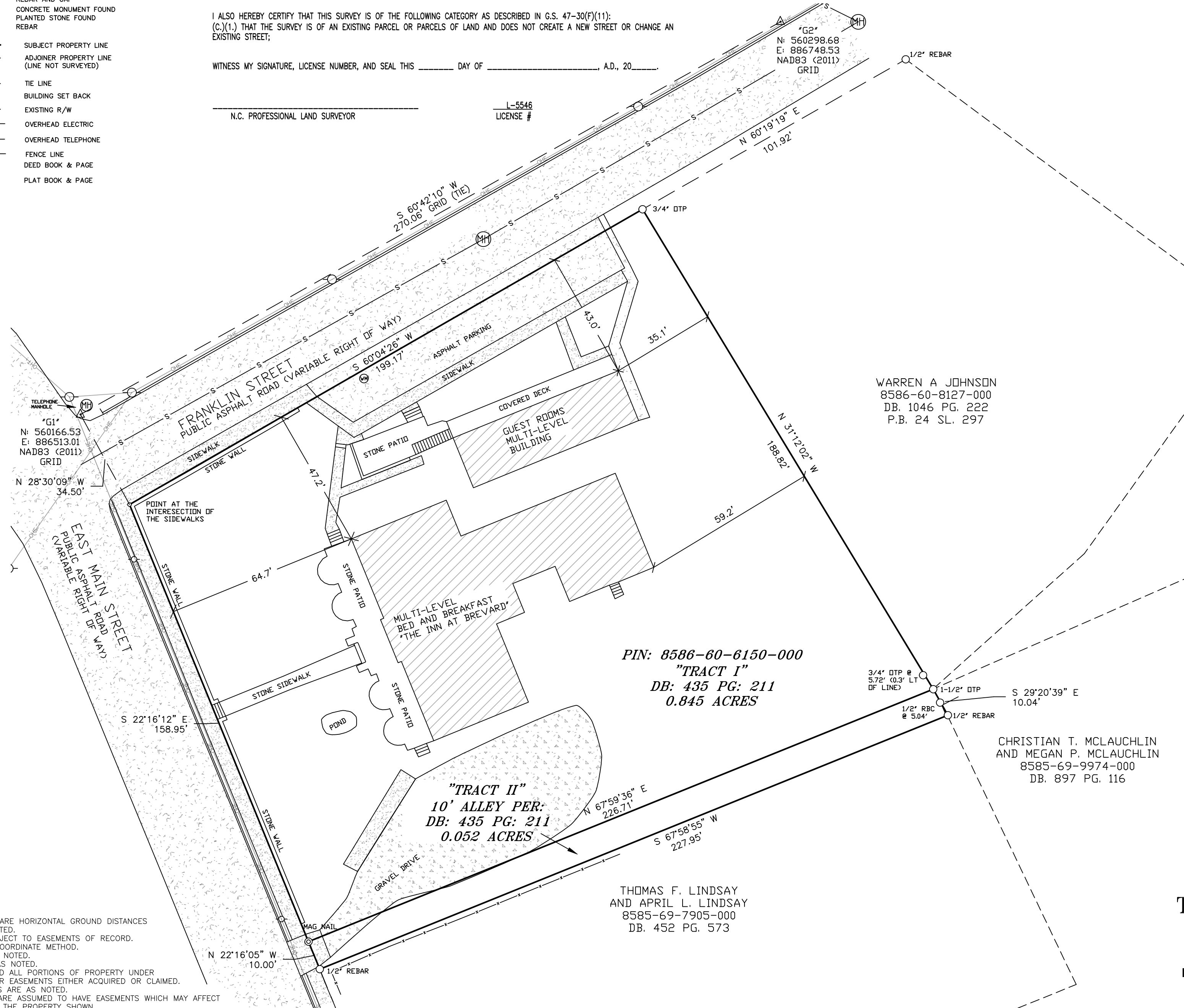
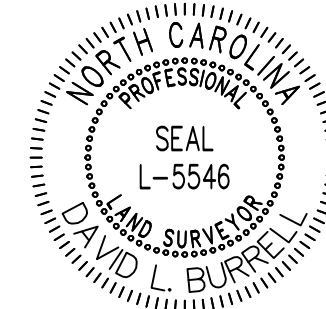
CLASS OF SURVEY: A
POSITIONAL ACCURACY: .02'
TYPE OF GPS FIELD PROCEDURE: NETWORK RTK
DATES OF SURVEY: 2-22-2025
DATUM/EPOCH: NAD83 (2011)
PUBLISHED FIXED CONTROL USE: NCVRS
HOLDING POINT: G1
GEOID MODEL: GEOID 18
COMBINED GRID FACTOR: 0.999712
UNITS: US SURVEY FEET

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(F)(11):
(C)(1.) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;

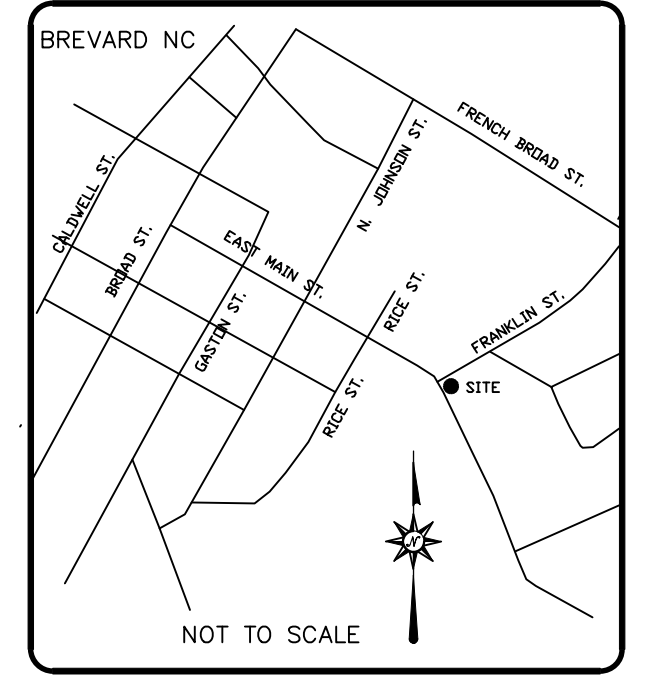
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS _____ DAY OF _____, A.D., 20____

N.C. PROFESSIONAL LAND SURVEYOR

L-5546
LICENSE #



- NOTES:
1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 2. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
 3. AREA DETERMINED BY COORDINATE METHOD.
 4. OWNER OF RECORD: AS NOTED.
 5. RECORD REFERENCES: AS NOTED.
 6. AREAS INCLUDE ANY AND ALL PORTIONS OF PROPERTY UNDER RIGHTS OF WAY AND OR EASEMENTS EITHER ACQUIRED OR CLAIMED.
 7. ALL PROPERTY CORNERS ARE AS NOTED.
 8. ALL EXISTING UTILITIES ARE ASSUMED TO HAVE EASEMENTS WHICH MAY AFFECT PORTIONS OR ALL OF THE PROPERTY SHOWN.
 9. ANY UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED.
 10. ANY NAMES LISTED ARE FOR INDEXING PURPOSES ONLY, NOT A CERTIFICATION OF TITLE.
 11. THIS LOT IS LOCATED IN FLOOD ZONE X (MINIMAL FLOOD RISK) PER F.I.R.M. OF THIS AREA.
 12. THIS PROPERTY IS ZONED RESIDENTIAL MIXED USE PER CITY OF BREVARD ZONING MAP. SEE ZONING ORDINANCE FOR MORE INFORMATION.



BURRELL & COMPANY
LAND SURVEYING AND MAPPING, PLLC

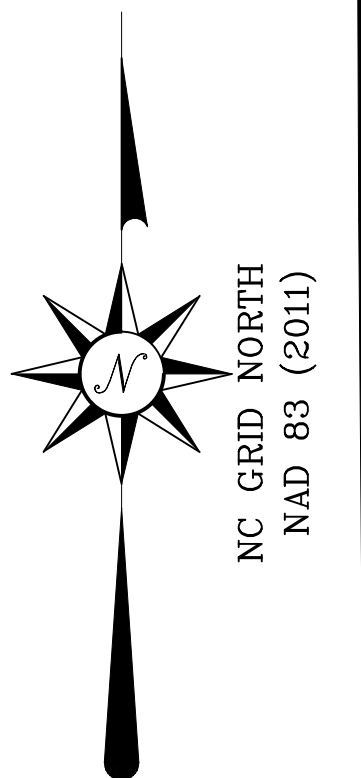
P-3032 (NC)

828-577-6568

133 COBB ST, EASLEY SC 29640

BURRELLSURVEYING@GMAIL.COM

DRAWING NO. 25-035



SCALE: 1 INCH = 30 FEET

PLAT OF A BOUNDARY SURVEY FOR:
THE DIANE A. BEAR
LIVING TRUST
CURRENT OWNER OF RECORD:
HOWARD S. YAGER
BEING THE PROPERTY DESCRIBED IN:
DEED BOOK 435 PAGE 211
PIN # 8586-60-6150-000
CITY OF BREVARD
315 E MAIN ST, BREVARD NC 28712
TRANSYLVANIA COUNTY, NORTH CAROLINA
FEBRUARY 23, 2025

The Inn at Brevard

Staff Proposed Conditions

Conditional Zoning District with RMX base district

Requests Per Application Materials

- Land Use
 - Overnight Accommodations – P
 - *Includes small events*
 - Restaurants and Other eating and drinking establishments – P
 - Special Event Venue – P
 - Accessory Retail – P
 - *Other uses requested are allowed in the RMX base zoning district (bed and breakfast and low-impact studio space)*
 - Staff Suggested Land Uses to be Removed:
 - Housing services for the elderly
 - Shelter
 - Landscaping and contractor services
 - Schools – vocational/technical
 - Public safety station
- Parking
 - Requested keeping 30 spaces (UDO allowed max is 24 or 1.5/room or suite)
 - Requested to keep the parking that backs into the street on Franklin
- Wastewater (per Aaron Winans)
 - Properly-sized grease trap per volume of commercial kitchen usage
 - Install clay sink trap in pottery studio

Nonconformities to be Addressed

- Parking that backs into the street on Franklin Street
- Driveway width needs to be expanded to 24' (currently about 15')
- Parking
 - Paved
 - Dimensional requirements
- Landscaping
 - Street trees
 - Parking lot landscaping + 20- buffer along adjacent GR property
- Lighting
- Signage

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
Residential										
Household Living	3.5.1	Dwelling—Single-Family	P	P	—	—	—	—	P	—
		Dwelling—Duplex	P	P	P	P	—	—	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	3.5.2	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	— P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	3.5.3	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	— P	P	—	P	P	P	—
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	— P	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	— P	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	— SUP	SUP	—	—	—	—	P

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
Retail	3.7.4	Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
		All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
Civic/Institutional	3.8.1	Gas Station	—	—	SUP	PS	SUP	PS	—	PS
		Gunsmiths and Weapon Sales	—	—	SUP	SUP	PS	PS	—	PS
		All educational uses except as listed below	SUP	P	P	P	P	P	P	—
		Colleges/Universities	—	—	SUP	SUP	P	P	P	—
		Schools—Vocational/Technical	—	— SUP	P	P	P	P	P	P
Government	3.8.2	All government uses, except as listed below	—	P	P	P	P	P	P	P
		Correctional Facilities	—	—	SUP	—	SUP	P	P	P
		Public Safety Station	SUP	— SUP	P	P	P	P	P	P
Medical	3.8.3	All medical offices and facilities except as listed below	—	P	P	P	P	P	P	—
		Hospital	—	—	—	—	—	P	P	—

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
Places of Worship	3.8.4	All religious institutions or places of worship	SUP	P	P	—	P	P	P	—
		Cemeteries	PS	PS	PS	—	PS	PS	PS	—
Entertainment/Recreation										
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Cultural or Community Facility	SUP	P	P	P	P	P	P	—
		Indoor Amusements	—	—	SUP	P	P	P	SUP	P
		Indoor Firing Range	—	—	—	SUP	—	SUP	SUP	SUP
		Live Performance Theater	—	SUP	SUP	P	P	P	P	—
		Movie Theater	—	—	—	P	P	P	—	—
		Special Event Venue	SUP	SUP P	PS	PS	PS	PS	PS	—
		Studios, Galleries and Workshops - High Impact	—	—	SUP	SUP	SUP	P	P	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP
		Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
Agriculture										
Agriculture	3.10.1	All agricultural uses	PS	—	—	—	—	PS	PS	PS
Manufacturing/Wholesale/Storage										
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	—	—	P	—	SUP	—	P
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	—	P
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	3.12.3	Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	P	P	P	P	P	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
Non-Residential Accessory	3.13.2	All non-residential accessory uses, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
		Accessory Retail	—	— P	PS	PS	PS	PS	PS	PS
		Drive-Thrus	—	—	SUP	SUP	—	PS	—	—
		Mobile Food Vendor Site	—	SUP	PS	PS	PS	PS	PS	PS
		Recycling - Small Collection	—	—	—	—	—	SUP	SUP	P
		Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS
		Taproom / Tasting Room	—	—	SUP	P	P	P	—	P
Temporary										
Events and Structures	3.14.1	All temporary events and structures, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Carnivals or Circus	—	—	—	—	—	PS	PS	PS

TABLE 2.2A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX CZD	NMX	PGX	DMX	CMX	IC	GI
		Farmers Market	—	—	PS	PS	PS	PS	PS	—
Vendors	3.14.2	All temporary vendors, except as listed below	—	—	PS	PS	PS	PS	—	—
		Vending Pushcarts	—	—	—	—	PS	—	—	—
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.										

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-25-001**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

- **Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **LUH- 18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- **LUH-20:** Encourage the creation of well-designed complete and cohesive neighborhoods

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district.
- The size of the proposed rezoning diminishes any spot zoning concerns.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by creating a more context-sensitive conditional zoning district.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.