



AGENDA
BREVARD BOARD OF ADJUSTMENT - SPECIAL CALLED MEETING
Tuesday, May 5, 2026 - 2:00 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

VI. Approval of Orders

VII. Unfinished Business

- a. APP-25-0001 Veal
- b. APP-26-0001 - 221 Pinnacle Rd. Other Veal Appeal

VIII. New Business

IX. Remarks

X. Adjourn

Agenda Posted, Website (04/28/2026)
V. Gass, 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.

STAFF REPORT

Board of Adjustment, Tuesday, May 5, 2026

Title: APP-25-0001 Veal

Speaker: Mack McKeller, City Attorney
Paul Ray, Planning Director
Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

This is a continuation of appeal #APP-25-0001 which was first heard by the Board at the January 6th meeting. The item was on the agenda for the February 3, 2026 meeting but was tabled. The Board took up the case at the April 17th meeting but had to continue. The staff report from the February 3rd meeting packet is attached.

Attachments:

1. Staff Report from Feb 3 2026 Agenda Packet

STAFF REPORT

Board of Adjustment, Tuesday, February 3, 2026

- Title:** APP-25-0001: Administrative appeal of the Planning Department Decision Regarding Permits ENC-25-006 and ENC-25-007
- Speaker:** Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
- Prepared by:** Paul Ray, Planning Director, Aaron Bland, Asst Planning Director
- Approved by:** Paul Ray, Planning Director

Background

Two driveway applications for neighboring parcels located in the vicinity of the end of Pinnacle Road, near but beyond the parking lot and trailhead for the City-owned Bracken Preserve trails, were submitted on August 6, 2025. One for 231 Pinnacle Road (PIN 8576-83-5643-000) was submitted by owner James Veal, and one for 245 Pinnacle Road (PIN 8579-83-4791-000) by owner Roy Robinson. These were assigned to Assistant Planning Director Aaron Bland for review.

The two subject parcels are "landlocked" in that they have no frontage on a public street right-of-way. The Transylvania County tax map shows that the Pinnacle Drive ROW continues beyond the Bracken parking lot to the front of these parcels, however this is a mapping error. The exact extent of NCDOT maintenance and ownership of Pinnacle Drive is unclear. Different surveys show state maintenance ending in different places, but none show it extending as far as the subject parcels, and it is not improved beyond the parking lot. The official NCDOT State Maintained Network Map does not include Pinnacle Road at all, meaning that it is not maintained by NCDOT. This listing shows SR-1350 (the number attached to Pinnacle Road on surveys) as only being the 0.2-mile-long paved Music Camp Road, from Probart Street to Bishops Knoll. The entire unpaved Pinnacle Road is listed as "non-system" on official NCDOT maps.

The City's Bracken Mountain Trail leaves the parking lot and ascends to Bracken Preserve through a 50-foot wide right-of-way that crosses several private properties between the parking lot and the City-owned Bracken Preserve parcel. This ROW was obtained by the City in 2008 and the public hiking/biking trail was opened to the public in July 2012. Properties in the area were once served by a small private road called Mackey Ridge Road, which was located in the vicinity of the current trail, but it is no longer in existence and never had a public right-of-way. This area is outside the City's corporate limits in the extraterritorial jurisdiction and all subject parcels are zoned General Residential - 4 (GR4).

Administrative Decision

Below is a summary of the email correspondence between Mr. Bland and Mr. Veal regarding the review of the applications. The full email chain, including referenced

attachments, is included in this packet.

The applications were submitted on August 6, 2025. On August 8th, Mr. Bland emailed Mr. Veal and Mr. Robinson that he had some confusion reading the submitted site plans and that additional information was needed. Namely, the location of the City's Bracken Mountain Trail and the ROW that the trail lies within, in an effort to determine if the proposed driveways would be within the trail ROW and how close they would come to the trail.

On August 28th, Mr. Veal responded by providing copies of portions of the legal documents from the establishment of the trail ROW, but did not include the requested information regarding the ROW and the trail's location as they relate to the location of the proposed driveways.

On August 29th, Mr. Bland responded, again asking for information about the location of the trail and trail ROW in relation to the proposed driveways. Mr. Bland cited the concern of potential conflicts with the driveway and the trail/trail users. To illustrate his concerns, Mr. Bland included an attachment with his own markup on the original site plans illustrating how much of the proposed driveways were seemingly shown within the City's trail ROW. Additionally, Mr. Bland pointed out that each driveway was shown to be constructed beyond the property lines.

On September 11th, Mr. Veal responded with additional site plans, however, they did not include the requested information of the location of the Bracken Mountain Trail. Mr. Veal indicated that the driveways would connect to Mackey Ridge Road as if it was still in existence. Mr. Veal's email also suggested that there could be "shared access" from the Bracken parking lot to the new driveways, presumably indicating that trail users on bike and foot would share the same travel corridor as vehicles using the driveways. However, nothing was shown on the site plans between the "mouth" of the driveways and the end of the public street of Pinnacle Road to show how this shared access portion would be improved to allow for a vehicle to traverse it. Nor was any evidence of an access easement across the properties required to reach the subject properties from Pinnacle Road.

On September 19th, Mr. Bland responded that given the materials provided, he was unable to fully review the applications and had no option but to deny them. He cited a lack of information about how the proposed driveways would interact with and possibly impact the Bracken Mountain Trail and the safety of users on it, as well as a lack of information about how vehicles would get to the driveways from the end of Pinnacle Road.

On October 6th, Mr. Veal and Mr. Robison both filed an appeal of their denials with the City Clerk (submissions are attached).

Discussion

The Unified Development Ordinance has some standards for driveways, however these are predicated on the notion that the driveway is connecting to a public street within a public

right-of-way, neither of which is the case for these permits. For example, Section 13.8.B states (emphasis added) “No driveway or curb cut shall be less than 12 feet nor greater than 24 feet in width at the point of intersection with the margin of the right-of-way of any street located in the city...”

Many provisions of the ordinance assume frontage on a public street, which these subject parcels do not have, a condition known as “landlocked parcels.” Section 14.6 of the UDO discusses nonconforming lots such as the subject parcels. Subsection D states that “the administrator may permit the establishment of a private right-of-way or access easement in order to facilitate access to pre-existing land-locked parcels.” The City’s trail ROW does not convey private use to access these parcels, but rather public use to access Bracken Preserve. No evidence of other access easements for such private use to access the subject parcels was provided.

The overarching goal and purpose of the City’s UDO and regulations in general, as well as the enabling state legislation that allows for zoning authority, is to promote public health, safety, and general welfare (UDO Section 1.2). Therefore, ensuring the safety of Bracken Preserve trail users, as well as any potential users of the driveways, was a primary concern when reviewing these applications. Mr. Bland’s request for the location of the existing trail within the ROW was in order to ascertain if the vehicular traffic using the driveways would cross over or otherwise conflict with trail users. Without the location of the trails shown on the site plan, this was not able to be evaluated. Section 17.2.C of the UDO states that “The administrator shall have the authority to deny and return any submitted land development permit application and associated development plans upon a determination that such submitted items are insufficient...” Mr. Bland determined that the submitted plans were insufficient because they did not show 1) the location of the trail to determine potential user conflicts, 2) how cars could legally access the driveways from Pinnacle Road where it ends at the Bracken parking lot, and 3) how cars could physically traverse the terrain from the parking lot to the subject parcels.

Further, UDO Section 16.5.C.1 states that applications must contain “all information and materials required by this ordinance for submittal of the applicable type of application, and in sufficient detail, format, and readability for city staff to evaluate the application for compliance with applicable review standards.” It is the Planning Department’s position that these applications did not contain such “sufficient detail” for review of both potential safety conflicts with trail users and legal/physical access from where Pinnacle Road ends in the parking lot.

There is a gap between where Pinnacle Road stops being a public street and the proposed driveways. How large this gap is varies by source, but there is undoubtedly a gap. The applicant seemed to indicate that it was acceptable to connect to the trail ROW, as if it was a public street ROW, due to the language of the legal documents establishing the City's trail ROW. These are written to allow for "all vehicular and pedestrian travel across the property" in order to "serve [Bracken Preserve], providing ingress, egress and regress thereto."

The inclusion of vehicular travel gives the City the *right and ability* to allow such use of the ROW, but not the *obligation* to install a road capable of providing such use. The City cannot establish a City street outside the corporate limits. Thus, to date, the City has chosen to only allow travel through the ROW to Bracken Preserve by foot and bike. The decision to exercise the right to allow vehicles is a policy decision that cannot be made by Planning Staff. Again, no evidence of additional access easements for the purpose of traversing the private properties between the end of Pinnacle Road and the subject parcels was provided. Therefore, Staff assumes there is no such guaranteed access to these parcels from Pinnacle Road.

Board Decision

North Carolina General Statutes 160D-406(j) states "When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision." The decision must be based on competent, material, and substantial evidence in the record.

Attachments:

1. Application - Veal
2. Application - Robinson
3. Email Chain Between Mr. Veal and Mr. Bland
4. Attachment to Mr. Blands Aug 29 email
5. Attachment to Mr Veals Sept 11 email
6. Easement Plat File 11 Slide 922
7. Easement Plat File 11 Slide 923
8. Appeal - Veal, James 231 Pinnacle Rd.
9. Appeal - Robinson, Roy 245 Pinnacle Rd.
10. Vicinity Map



APPLICATION FOR DEMOLITION, GRADING OR LAND DISTURBANCE

Contact Information (To be completed by Applicant)

Applicant/Agent/Contractor Name: →	Property Owner: JAMES VEAL
Mailing Address: →	Mailing Address: 627 Bayshore Dr
City: State: Zip: →	City: Pensacola FL State: FL Zip: 32507
Phone: →	Phone: 850-450-3295
Email: →	Email: jve@jvealarchitect.com

Property/Project Information

Contractor Hauling Debris: T.B.D.	Property PIN (Tax id #): 8576-83-5643-000
Mailing Address:	Property Location/Address: 231 Pinnacle Rd
City/State	Date applicant desires to being project: 10-31-2025
Phone:	Disposal location:
Email:	Note: As a part of the final inspection you may be required to produce evidence of location of disposal of demolition waste.

Project Type/Description: Residential

- Note: Site/Project plans are required to be submitted as a part of this application. Demolition/Grading and Other Land Disturbance Permit Holder is Responsible to:
- Demolition: \$500 reimbursable bond per structure. Lots with multiple structures requiring Bonds exceeding \$500 shall be based upon a qualified professional's estimate of cleanup clean cost + 25%
 - Grading & Other Land Disturbance: \$500 reimbursable bond per lot up to one acre. Lots larger than one acre requiring Bonds exceeding \$500 shall be based upon a qualified professional's estimate of cleanup clean cost + 25%
 - Contact City Utility Department to insure water/sewer utility services have been disconnected from structure(s).
 - Contact ALL Utility Companies (electric, gas, telephone, cable, etc) to insure services are disconnected from structure.
 - Cleanup debris from demolition.
 - Sow grass seed on property following cleanup of all debris.

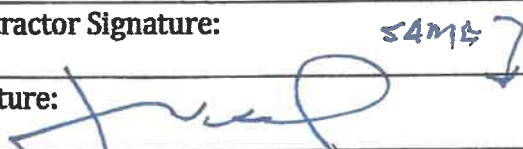

Demolition: Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements. The Administrator

may require a demolition, in association with any development activity for which such bond is relevant.

Grading & Other Land Disturbance: Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements. The Administrator may require a grading or land disturbance bond in association with any development activity for which such bond is relevant.

I affirm and certify that I understand and will comply with all regulations and requirements of the City of Brevard. I further certify that the above statements and the statements and showings made in any paper or plans submitted herewith are true to the best of my knowledge and belief. Further, I understand that the application, attachments and fees become a part of the Official Records of the City of Brevard Planning Department, are not returnable and are subject to NC Public Records Law. I also recognize that if one or more deficiencies exist in this application, I will be notified of the deficient items, and the department shall take no further action on the application until the required information is submitted. I understand that misrepresentation of information contained within this application may be cause to void any development approvals associated with this application. I grant permission to the Zoning Administrator, and designees thereof, to enter upon the property represented herein for the purposes of administering this application.

If the Applicant is other than the property owner, proof of owner's consent is required. Owner's signature proves consent. The applicant will be the liaison with the City and will be the party to receive official notice. Notice communicated to the applicant will be deemed communicated to the owner. By signing this application, the applicant is consenting to the designation for these purposes.

Applicant/Agent/Contractor Signature:		Date:	
Property Owner Signature:		Date:	8/1/25



186 PINNACLE RD

185 PINNACLE RD UNIT A

185 PINNACLE RD UNIT B

187 PINNACLE RD UNIT B

187 PINNACLE RD UNIT A

159 PINNACLE RD

125 PINNACLE RD

PINNACLE RD

063°30'00"E 48.0'
'RUNNING WITH SAID ROAD'

EXIST ROADBED N88°00'00"E 12

N83°30'47"W 1

MACKE

U 150.83'

N83°00'00"W 4.00'

L5 = 20

NO OTHER WORK

25.56'
315.00'

N83°30'47"E 203.88'

3" CRUSHED ROCK
- ACCESS DRIVE
GRADE as REQUIRED

S39°54'00"W 57.60'

PARCEL 2
LEGAL FROM 1947 DEED
DB 111 FG 61
8576-83-5643

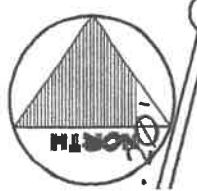
N32°30'00"E
S32°30'00"W

301.00'

S24°43'38"W

PARCEL 2 DRIVEWAY

1/8" = 1' - 0"



TRANSYLVANIA COUNTY
EMERGENCY SERVICES
155 PUBLIC SAFETY WAY
BREVARD, NC 28712
828-884-3108



TRANSYLVANIA
COUNTY
NORTH CAROLINA

May 2, 2024

Parcel 2

Dear Property Owner,

Transylvania County Emergency Services Addressing Division has assigned an address to property that you own. The address is listed below for your convenience. If it is a change of address, please follow through as soon as you can notifying others of the new address.

Each location is mapped using global positioning system (GPS) technology, eliminating confusion for emergency service providers and delivery services. Benefits of the addressing system include:

- *Reduced emergency response times for firemen, law enforcement, and ambulance services.*
- *Integration of cell phones into the 911 GPS system, enabling emergency care providers to locate callers even when they are not at an assigned address (e.g. in the forest).*
- *Improved package delivery services.*
- *Greater ease of compliance when applying for a home loan, building permit, or utilities connection.*

You should put your new address number on your house and on your mailbox at your earliest convenience. This will not only help your mail carrier but will also assist the emergency services in locating you if you need help.

Your Old Address:

PREVIOUSLY UNASSIGNED

PIN#8576-83-5643-000

(If your old address is listed incorrectly, please contact the Transylvania County Communications Office at the number below.)

Your New Address:

231 PINNACLE RD
BREVARD, NC 28712

ASSIGNED 05/02/.2024

Property owners should notify their renters of the new address change.

Thank you for your cooperation. If you have any questions or concerns, we are happy to help you in any way possible. For assistance contact the Transylvania County Emergency Services business office at (828) 884-3108.

Assigned By: _____

KRS

jv@jvealarchitect.com

CITY OF BREVARD
RIGHT OF WAY ACQUISITION TO BRACKEN CREEK
From a plat recorded in File 11, Slide 922

Exhibit A
Page of



NOTE: THIS DRAWING IS NOT TO SCALE
THIS DRAWING IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. GS 847-30 (1)



APPLICATION FOR DEMOLITION, GRADING OR LAND DISTURBANCE

Contact Information (To be completed by Applicant)

Applicant/Agent/Contractor Name: <i>Roy Ray Robinson</i>	Property Owner: <i>Roy R Robinson</i>
Mailing Address: <i>8232 19th Ave. Vero Bch. Fl. 32960</i>	Mailing Address: <i>8232 19th Ave</i>
City: <i>Brevard</i> State: <i>NC.</i> Zip: <i>28712</i>	City: <i>vero Bch.</i> State: <i>Fl.</i> Zip: <i>32960</i>
Phone: <i>229-264-3575</i>	Phone: <i>229-264-3575</i>
Email: <i>royrobinson0669@gmail.com</i>	Email: <i>royrobinson0669@gmail.com</i>

Property/Project Information

Contractor Hauling Debris: <i>To be determined</i>	Property PIN (Tax id #):
Mailing Address:	Property Location/Address <i>245 Pinnacle Rd.</i>
City/State	Date applicant desires to being project:
Phone:	Disposal location:
Email:	Note: As a part of the final inspection you may be required to produce evidence of location of disposal of demolition waste.

Project Type/Description:

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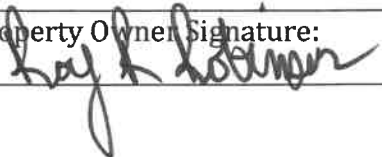
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Property Owner Signature: 	Date: 10/31/2005



185 PINNACLE RD UNIT A
187 PINNACLE RD UNIT B
187 PINNACLE RD UNIT A

186 PINNACLE RD

159 PINNACLE RD

PINNACLE RD

125 PIN

ROW

EXIST
ROADBED

S63°30'00"E 48.0'
"RUNNING WITH SAID ROAD"

3" CRUSHED ROCK
ACCESS DRIVE
GRADE as REQUIRED

Mackey Ridge Rd

S43°54'22"E
75.94'

N83°21'28"W

150.83'

23' 10"

NO OTHER
WORK

(R.O.W)

PARCEL 1

LEGAL FROM 2003 DEED
DB 140 PG 378
8576-83-4791

S83°

251.56'
315.00'

N32°30'00"E
S32°30'00"W

PARCEL 1 aka TRACT 1

LEGAL FROM 2003 DEED
DB 140 PG 378
8576-83-4791

PARCEL 1 - DRIVEWAY

1/16" = 1' 0"



TRANSYLVANIA COUNTY
EMERGENCY SERVICES
155 PUBLIC SAFETY WAY
BREVARD, NC 28712
828-884-3108



May 2, 2024

Parcel 1 (one)

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Your Old Address:

PREVIOUSLY UNASSIGNED

PIN#8576-83-4791-000

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245 PINNACLE RD
BREVARD, NC 28712

ASSIGNED 05/02/.2024

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Assigned By: _____

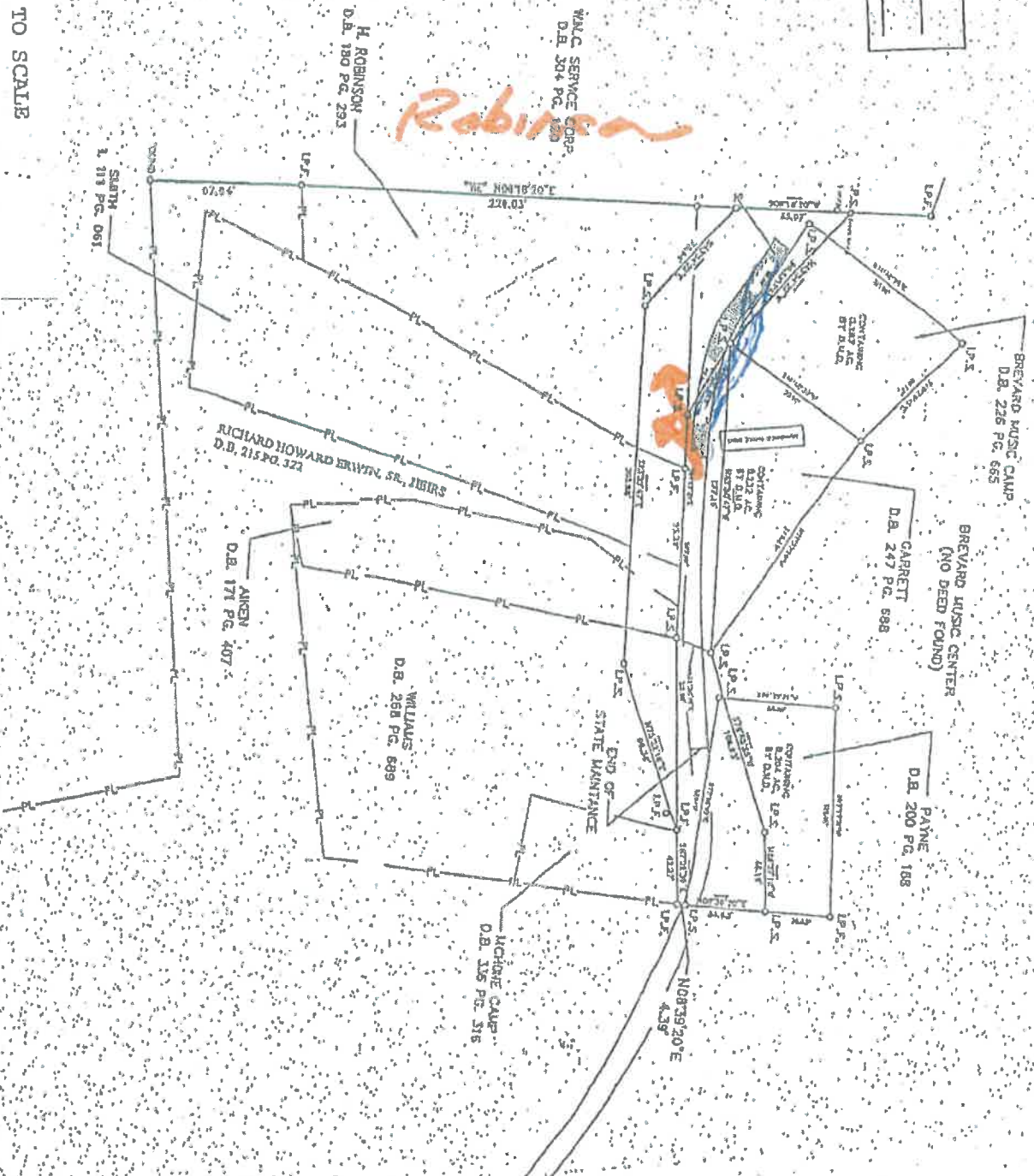
KRS

Exhibit A
 Page of

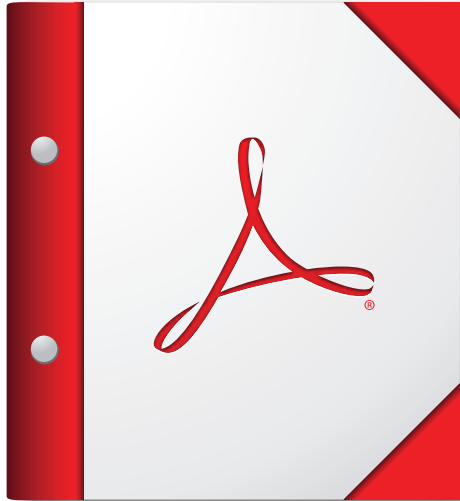
CITY OF BREVARD
 RIGHT OF WAY ACQUISITION TO BRACKEN CREEK
 From a plat recorded in File 11, Slide 922



Robinson

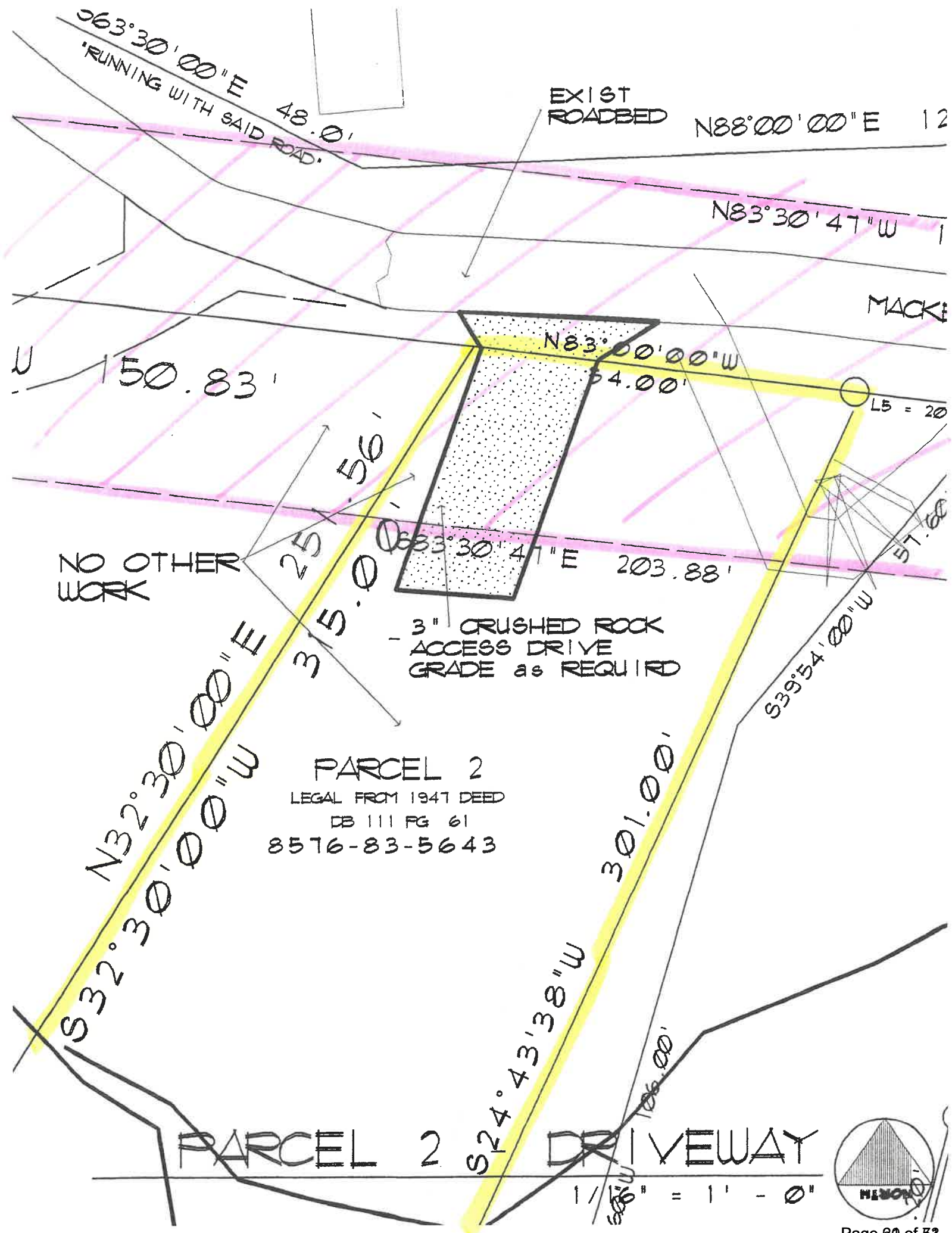


NOTE: THIS DRAWING IS NOT TO SCALE
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063°30'00"E
 'RUNNING WITH SAID ROAD.
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EXIST ROADBED N88°00'00"E 12

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MACK

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PARCEL 2
 LEGAL FROM 1947 DEED
 DB 111 PG 61
 8576-83-5643

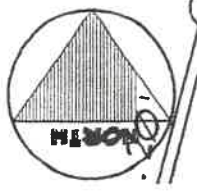
N32°30'00"E
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S24°43'38"W
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PARCEL 2 DRIVEWAY

1/32" = 1' - 0"



ROW

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ROADBED

S63°30'00"E 48.0'
"RUNNING WITH SAID ROAD"

3" CRUSHED ROCK
ACCESS DRIVE
GRADE as REQUIRED

Mackey Ridge Rd

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22.22'

N83°21'28"W

(R.O.W)

NO OTHER
WORK

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LEGAL FROM 2003 DEED
DB 140 PG 378
8576-83-4791

251.56'
315.00'

383

N32°30'00"E
S32°30'00"W

PARCEL 1 aka TRACT 1
LEGAL FROM 2003 DEED
DB 140 PG 378
8576-83-4791

PARCEL 1 - DRIVEWAY

1/16" = 1' 0"



File 11 Side 922

File 11 Side 922



VICINITY MAP

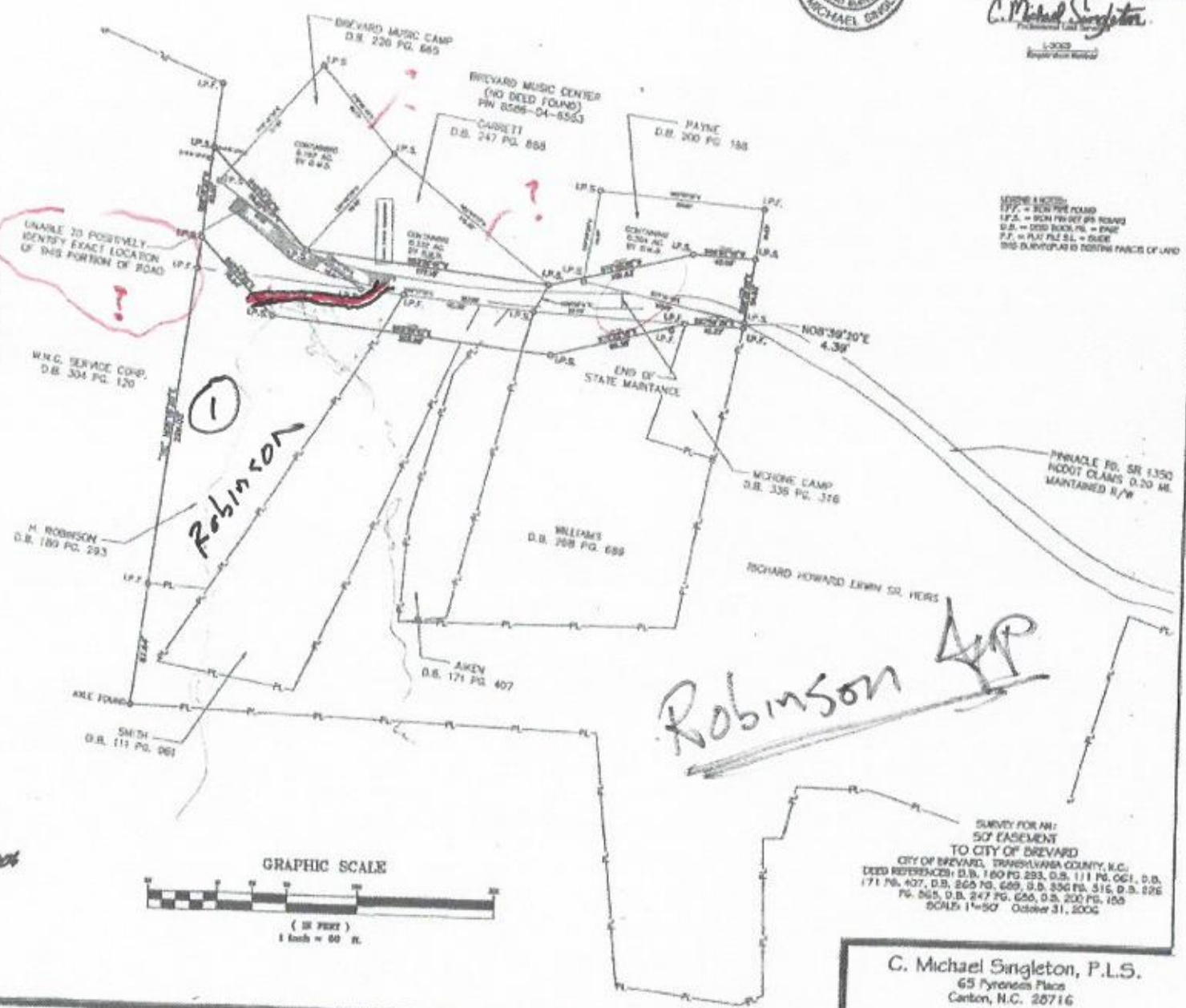


State of North Carolina Transylvania County

I, C. Michael Singleton, certify that the plat was drawn under my supervision and as such survey made under my direction and supervision please acceptances recorded in D.B. 454 PG. 2015; that the presence of the survey, before adjustment, show not exceed one (1) part in 5,000 as indicated by stadia and departures; that the foundation not surveyed are shown as location best; and that the plat was prepared in accordance with G.S. 47-20 as amended. Witness my original signature, registration number, and seal this 31st day of October A.D. 2006.

C. Michael Singleton
Professional Land Surveyor

L-3068
Registration Number



UNABLE TO POSITIVELY IDENTIFY EXACT LOCATION OF THIS PORTION OF ROAD

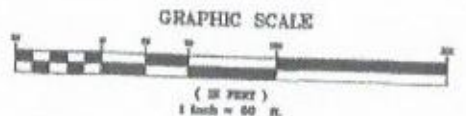
LEGEND & NOTES:
 I.P.S. = 3/4\"/>

2006009060
 TRANSLYVANIA CO., N.C. P.L.S. BY
 C. MICHAEL SINGLETON
 10-31-2006 10:58:14 AM
 CITY OF BREVARD
 507' EASEMENT
 SEE PLAT & NOTES
 PREPARED BY ME
 PF 11
 PG:922-922

REFERENCE MAP:
 1.) PLAT ENTITLED MAP OF BOUNDARY OF PROPERTY OF CITY OF BREVARD, LOCATED ON BRANCHING CREEK AND BRANCHY CREEK, BY MICHAEL LUDWIG, P.L.S., DATED SEPTEMBER 14, 1964, DRAWING NUMBER: 10-21-21-003.

John Freeman, REVIEW CERTIFICATION THE CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL REQUIREMENTS AND IS ACCURATE FOR RECORDING. PLAT PROVIDED NO SUBSTANCES OR OBSTRUCTIONS OF LAND.

REVIEW CERTIFICATE *John Freeman* DATE *October 31, 2006*



STATE OF NORTH CAROLINA, COUNTY OF TRANSLYVANIA FILED FOR REGISTRATION ON THE 30th DAY OF OCTOBER A.D. 2006 AND RECORDED IN BOOK OF DEEDS TRANSLYVANIA COUNTY BY _____ CLERK

SURVEY FOR AN:
 507' EASEMENT
 TO CITY OF BREVARD
 CITY OF BREVARD, TRANSLYVANIA COUNTY, N.C.
 DEED REFERENCES: D.B. 180 PG. 293, D.B. 111 PG. 061, D.B. 171 PG. 407, D.B. 265 PG. 688, D.B. 336 PG. 376, D.B. 326 PG. 065, D.B. 247 PG. 656, D.B. 200 PG. 100
 SCALE: 1"=50' October 31, 2006

C. Michael Singleton, P.L.S.
 65 Pylonon Place
 Canton, N.C. 28716

(228) 646-1180
 C. SINGLETON - R.O.W.

File 11 Side 922

File 11 Side 922



VICINITY MAP



State of North Carolina, Transylvania County

I, C. Michael Singleton, certify that this plat was drawn under my supervision from an actual survey made under my direction and appropriate labels described recorded in (1) N.C. 450 P.C. 2005; that the purpose of the survey, before adjustment, shall not exceed one (1) acre & 0.0001 as calculated by latitude and departures; that the boundaries not surveyed are shown as broken lines and that this plat was prepared in accordance with G.S. 47-50 as amended, passed by original signature, registration or acknowledgment on or before October 31, 2006.

C. Michael Singleton
Professional Land Surveyor
L-3069
Registration Number



LEGEND & NOTES:
 D.F. = DEED FILE FOUND
 L.P.S. = LOCAL PROPERTY RECORD
 D.B. = DEED BOOK PAGE = PAGE
 P.F. = PLAT FILE NO. = PLAT
 THIS SURVEY IS IN PARTIAL COMPLIANCE WITH THE SURVEYING ACTS OF 1907 AND 1942

2006009060

TRANSMITTED TO THE STATE ARCHIVES
 10-31-2006 10:58:11 AM

STATE OF NORTH CAROLINA
 DEPARTMENT OF REVENUE

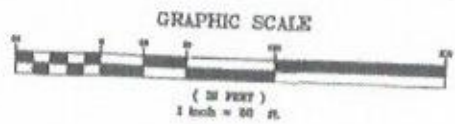
PF 11
 PG:922-922

REFERENCE HERE:
 1.) PLAT ENTITLED 'MAP OF SURVEY OF PROPERTY OF CITY OF BREVARD LOCATED ON BRANCHES CREEK AND BRANCH CREEK', BY WILLIAM LEONARD, NO 1655, DATED DECEMBER 14, 1961, DRAWING NUMBER PG-91-01-200.

JOHN FREEMAN, REVIEW OFFICER FOR THE CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING. PLAT PROVIDES NO SUBDIVISION OR DISSECTION OF LAND.

REVIEW OFFICER: *John Freeman* DATE: *October 31, 2006*

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA
 FILED FOR REGISTRATION ON THE DAY OF _____ 2006
 AT _____ AND RECORDS TO BE FILED
 IN THE OFFICE OF THE REGISTER OF DEEDS, TRANSYLVANIA COUNTY BY _____



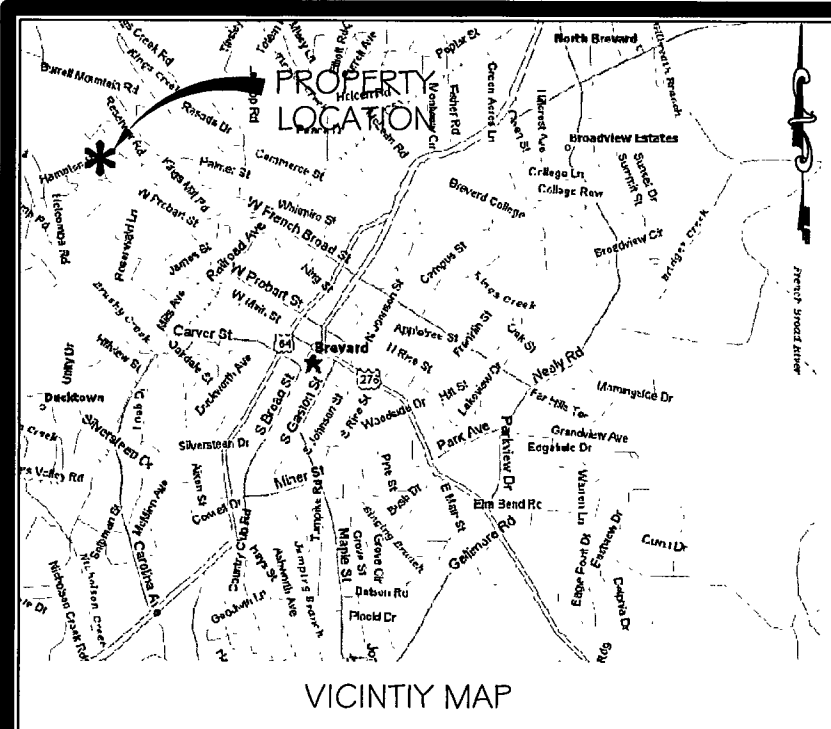
SURVEY FOR AN
 EASEMENT
 TO CITY OF BREVARD
 CITY OF BREVARD, TRANSYLVANIA COUNTY, N.C.
 DEED REFERENCES: D.B. 160 PG. 253, D.B. 111 PG. 061, D.B. 171 PG. 407, D.B. 269 PG. 688, D.B. 336 PG. 516, D.B. 226 PG. 565, D.B. 247 PG. 888, D.B. 200 PG. 188
 SCALE 1"=50' October 31, 2006

C. Michael Singleton, P.L.S.
 65 Pynodes Place
 Canton, N.C. 28716

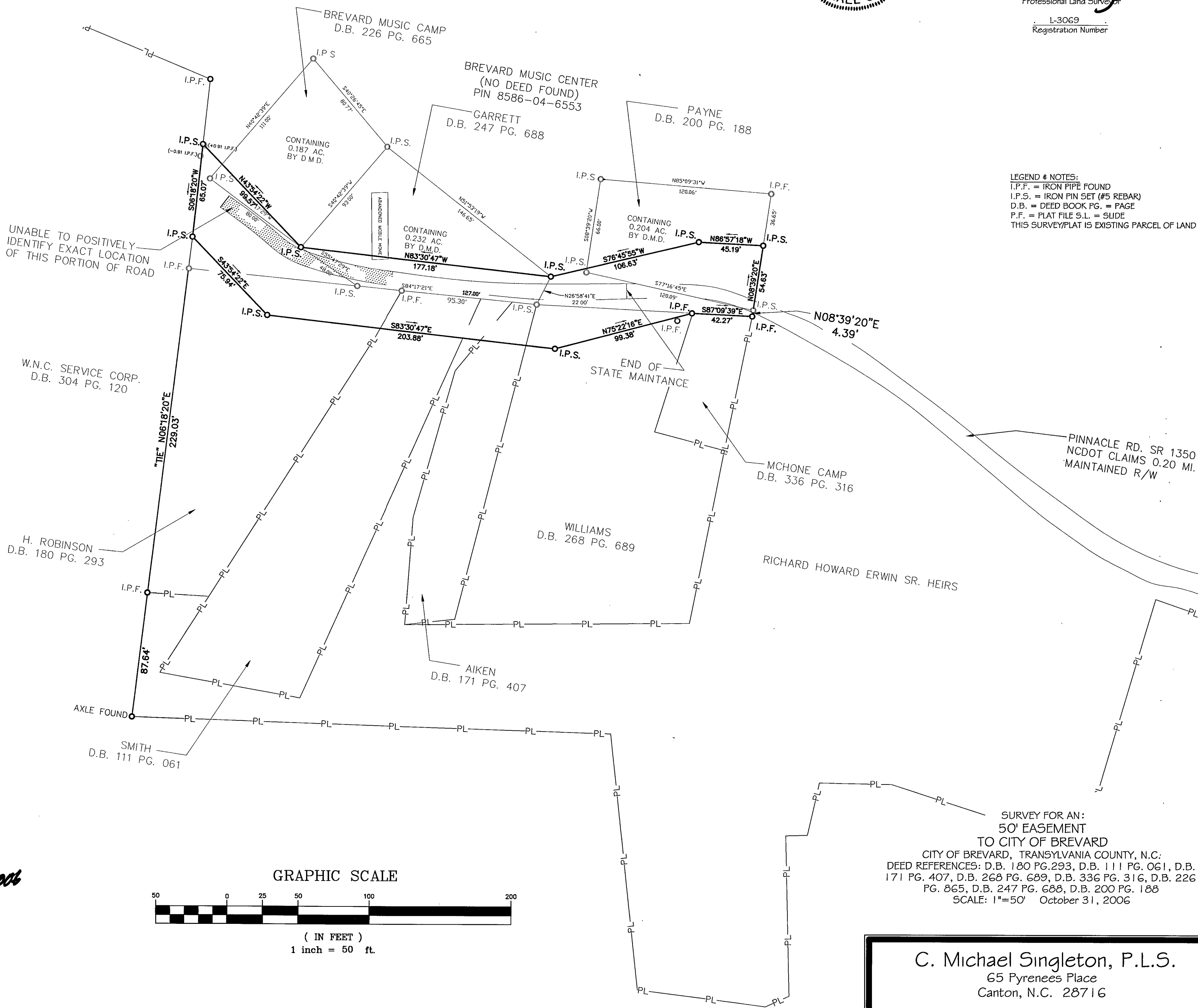
(828) 646-1180

← SINGLETON - R.O.N.

File 11 Slide 922



REFERENCE WILLIAM LEONARD SURVEY DRAWING NUMBER RO-G1-81-200 REFERENCED HEREIN



UNABLE TO POSITIVELY IDENTIFY EXACT LOCATION OF THIS PORTION OF ROAD

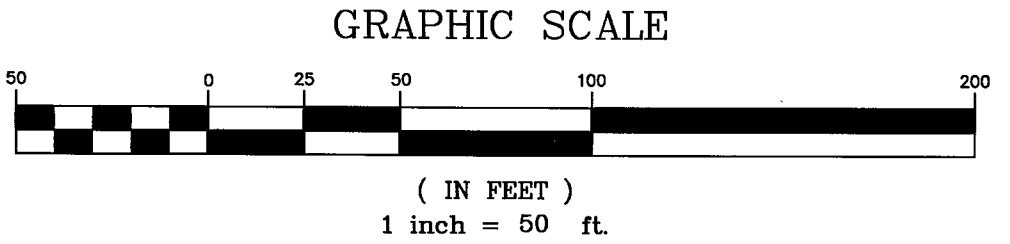
END OF STATE MAINTANCE

2006009060
 TRANSLYVANIA CO, NC FEE \$21.00
 PREPARED & RECORDED
 10-31-2006 03:53:34 PM
 BY: TERESA D MORTON
 DEPUTY REGISTER OF DEEDS
 PF 11
 PG:922-922

REFERENCE NOTE:
 1.) PLAT ENTITLED "MAP OF SURVEY OF PROPERTY OF CITY OF BREVARD LOCATED ON BRACKENS CREEK AND BRUSHY CREEK", BY WILLIAM LEONARD, RLS L693, DATED SEPTEMBER 14, 1981, DRAWING NUMBER RO-G1-81-200.

Joshua Freeman, REVIEW OFFICER FOR THE CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING. PLAT PROVIDES NO SUBDIVISION OR DEDICATION OF LAND.

REVIEW OFFICER: *Joshua Freeman* DATE: *October 31, 2006*



SURVEY FOR AN:
 50' EASEMENT
 TO CITY OF BREVARD
 CITY OF BREVARD, TRANSLYVANIA COUNTY, N.C.
 DEED REFERENCES: D.B. 180 PG.293, D.B. 111 PG. 061, D.B. 171 PG. 407, D.B. 268 PG. 689, D.B. 336 PG. 316, D.B. 226 PG. 665, D.B. 247 PG. 688, D.B. 200 PG. 188
 SCALE: 1"=50' October 31, 2006

C. Michael Singleton, P.L.S.
 65 Pyrenees Place
 Canton, N.C. 28716
 (828) 648-1198



State of North Carolina Transylvania County
 I, C. Michael Singleton, certify that this plat was drawn under my supervision from an actual survey made under my direction and supervision (deed description recorded in D.B. 438 PG. 598); that the precision of the survey, before adjustment, does not exceed one (1) part in 8,000 as calculated by latitudes and departures; that the boundaries not surveyed are shown as broken lines; and that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this 31st day of October A.D. 2006.

C. Michael Singleton
 Professional Land Surveyor
 L-3069
 Registration Number

LEGEND & NOTES:
 I.P.F. = IRON PIPE FOUND
 I.P.S. = IRON PIN SET (#5 REBAR)
 D.B. = DEED BOOK PG. = PAGE
 P.F. = PLAT FILE S.L. = SLIDE
 THIS SURVEY/PLAT IS EXISTING PARCEL OF LAND

STATE OF NORTH CAROLINA, COUNTY OF TRANSLYVANIA
 FILED FOR REGISTRATION ON THE _____ DAY OF _____, 2006
 AT _____ AND RECORDED IN SLIDE _____
 REGISTER OF DEEDS TRANSLYVANIA COUNTY BY _____, DEPUTY

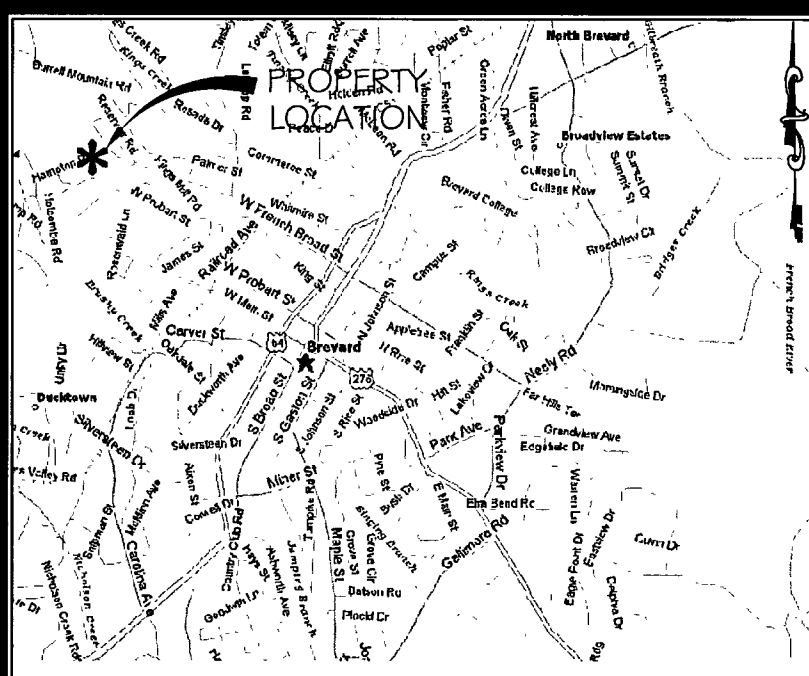
I. C. Michael Singleton, certify that this plat was drawn under my supervision from an actual survey made under my direction and supervision (deed description recorded in D.B. 438 PG. 598); that the precision of the survey, before adjustment, does not exceed one (1) part in 8,000 as calculated by latitudes and departures; that the boundaries not surveyed are shown as broken lines; and that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this 31st day of October A.D. 2006.



C. Michael Singleton
Professional Land Surveyor
L-3069
Registration Number

LEGEND & NOTES:
I.P.F. = IRON PIPE FOUND
I.P.S. = IRON PIN SET (#5 REBAR)
D.B. = DEED BOOK PG. = PAGE
P.F. = PLAT FILE S.L. = SLIDE

File 11 Slide 923



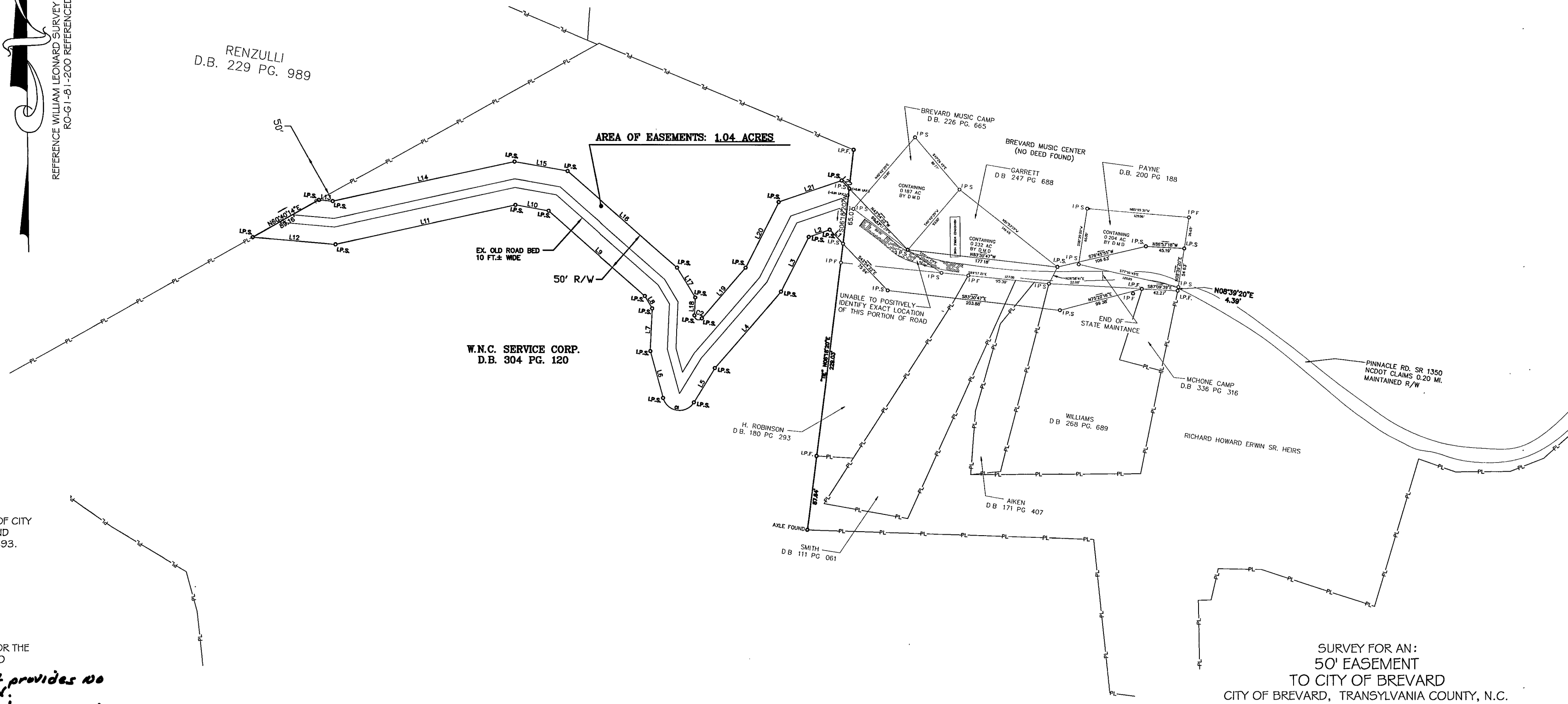
VICINITY MAP

LINE TABLE		
LINE	LENGTH	BEARING
L1	22.61	N43°54'22"W
L2	26.10	S71°07'34"W
L3	71.98	S26°55'13"W
L4	118.84	S40°51'09"W
L5	47.16	S31°24'11"W
L6	57.12	N15°23'23"E
L7	50.18	N02°23'30"E
L8	16.94	N31°02'58"W
L9	151.48	N48°57'08"W
L10	39.73	N80°03'36"W
L11	217.04	S77°32'05"W
L12	97.91	N85°13'07"W
L13	16.51	S85°13'07"E
L14	219.36	N77°32'05"E
L15	63.55	S80°03'36"E
L16	172.08	S48°57'08"E
L17	40.97	S31°33'38"E
L18	21.02	S02°23'30"W
L19	78.62	N40°51'09"E
L20	86.17	N26°55'13"E
L21	78.24	N71°07'34"E
L22	12.81	S43°54'22"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD DIRECTON	CHORD LENGTH
C1	46.50	20.00	N81°59'36"W	36.71
C2	12.35	5.00	S68°22'40"E	9.44

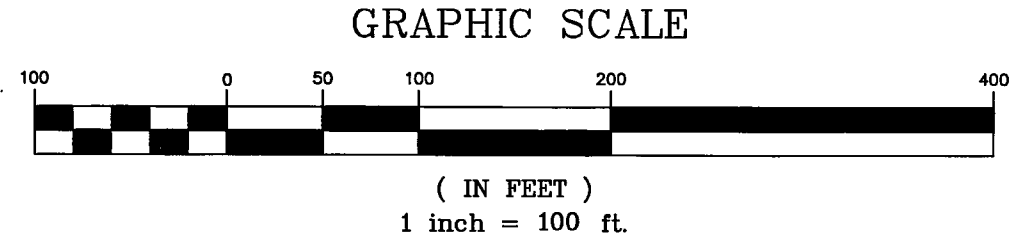
2006009061
 TRANSLYVANIA CO, NC FEE \$21.00
 PRESENTED & RECORDED:
 10-31-2006 03:53:35 PM
 CINDY M OWNBREY
 REGISTER OF DEEDS
 BY: TERESA D MORTON
 DEPUTY REGISTER OF DEEDS
 PF 11
 PG:923-923

REFERENCE WILLIAM LEONARD SURVEY DRAWING NUMBER RO-G1-81-200 REFERENCED HEREIN



REFERENCE NOTE:
 1.) PLAT ENTITLED "MAP OF SURVEY OF PROPERTY OF CITY OF BREVARD LOCATED ON BRACKENS CREEK AND BRUSHY CREEK", BY WILLIAM LEONARD, RLS L693, DATED SEPTEMBER 14, 1981.
 DRAWING NUMBER RO-G1-81-200.

Joshua Freeman, REVIEW OFFICER FOR THE CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING. *Plat provides no subdivision or dedication of land.*
 REVIEW OFFICER: *Joshua Freeman* DATE: *October 31, 2006*



SURVEY FOR AN:
 50' EASEMENT
 TO CITY OF BREVARD
 CITY OF BREVARD, TRANSLYVANIA COUNTY, N.C.
 DEED REFERENCES: D.B. 180 PG. 293, D.B. 111 PG. 061, D.B. 171 PG. 407, D.B. 268 PG. 689, D.B. 336 PG. 316, D.B. 226 PG. 865, D.B. 247 PG. 688, D.B. 200 PG. 188
 SCALE: 1"=100' October 31, 2006

STATE OF NORTH CAROLINA, COUNTY OF TRANSLYVANIA
 FILED FOR REGISTRATION ON THE _____ DAY OF _____, 2006
 AT _____ AND RECORDED IN SLIDE _____
 REGISTER OF DEEDS TRANSLYVANIA COUNTY BY _____, DEPUTY

C. Michael Singleton, P.L.S.
 65 Pyrenees Place
 Canton, N.C. 28716
 (828) 648-1198

10-06-25

Denise Hodsdon, City Clerk
City of Brevard, NC

RE: Appeal to Denial of Driveway Permit Application (231 Pinnacle Road)

Denise

I submitted for a driveway located @ 231 Pinnacle Road on August 8th, 2025

After responding to request for additional information, etc. I received an email from Aaron Bland, Assistant Planning Director on September 19, 2025... stating "I must deny them (the application) so they do not sit open in our permitting system". I have attached the email.

I am submitting this letter to begin the process of appealing that decision

Respectfully,

James Veal



95 West Main Street
Brevard, NC 28712
Phone: 828-885-5630
aaron.bland@cityofbrevard.com

E-mail correspondence to and from this address may be subject to North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official.

From: James Veal <jv@jvealarchitect.com>
Sent: Monday, September 29, 2025 10:49 AM
To: Aaron Bland <Aaron.Bland@cityofbrevard.com>
Subject: RE: Driveway Permits

9/30/25

Denise
I would like to
appeal

Aaron
Thanks
I would like to preserve the option of appealing your decision
Could you please forward to me, what are the step-by-step procedure required to pursue an appeal.
Thanks

Thank you

J. Veal, Architect
627 Bayshore Drive
Pensacola, FL 32507
850.450.3295 jvealarchitect.com

From: Aaron Bland <Aaron.Bland@cityofbrevard.com>
Sent: Friday, September 19, 2025 3:55 PM
To: James Veal <jv@jvealarchitect.com>; Roy Robinson <royrobinson0669@gmail.com>
Cc: Paul Ray <paul.ray@cityofbrevard.com>; Wilson Hooper <Wilson.Hooper@cityofbrevard.com>; Mack McKeller <mack.mckeller@cityofbrevard.com>
Subject: RE: Driveway Permits

Mr. Veal and Mr. Robinson,

Given the materials you have provided I am unable to fully review these applications. Without site plans that show not only the easement but the location of the trail within it, how the proposed driveways will interact with and possibly impact the City's Bracken Mountain Trail cannot be determined. The site plans also do not show where or how vehicles would get to the proposed driveways from where Pinnacle Road ends at the Bracken parking lot. You are correct about driveways typically extending into ROWs to connect to a road, however in this case there is no road to connect to.

Since I cannot approve the permits, I must deny them so they do not sit open in our permitting system.

Best,

Aaron N. Bland, AICP, CZO
Assistant Planning Director
City of Brevard
95 West Main Street
Brevard, NC 28712
Phone: 828-885-5630
aaron.bland@cityofbrevard.com

(2) 15

CITY OF BREVARD
CASH RECEIPT
DUPLICATE

Receipt No: 724927
Date: 10/6/2025
Time: 1:31:06PM

Received From:
JAMES VEAL

Received: 100.00

For
ZONING ADMIN 100.00
ZONING APPEAL

Credit 100.00

AMEX 1005
RECEIVED BY WINDOW

10-06-25

Denise Hodsdon, City Clerk
City of Brevard, NC

RE: Appeal to Denial of Driveway Permit Application (245 Pinnacle Road)

Denise

I am Roy Robinson; I have owned & paid taxes on Parcel 1 since 2003. This land has been in my family since 1892 and passed down. Jake & Sarah Mackey were my great great grandparents.

I submitted for a driveway located @ 245 Pinnacle Road on August 8th, 2025

After responding to request for additional information, etc. I received an email from Aaron Bland, Assistant Planning Director on September 19, 2025... stating "I must deny them (the application) so they do not sit open in our permitting system". I have attached the email.

I am submitting this letter to begin the process of appealing that decision'

Sincerely, 

95 West Main Street
Brevard, NC 28712
Phone: 828-885-5630
aaron.bland@cityofbrevard.com

E-mail correspondence to and from this address may be subject to North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official.

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Sent: Monday, September 29, 2025 10:49 AM
To: Aaron Bland <Aaron.Bland@cityofbrevard.com>
Subject: RE: Driveway Permits

9/30/25

Denise
I would like to
appeal

Thank you

Aaron
Thanks

I would like to preserve the option of appealing your decision
Could you please forward to me, what are the step-by-step procedure required to pursue an appeal.
Thanks

J.Veal, Architect
627 Bayshore Drive
Pensacola, FL 32507
850.450.3295 jvealarchitect.com

From: Aaron Bland <Aaron.Bland@cityofbrevard.com>
Sent: Friday, September 19, 2025 3:55 PM
To: James Veal <jv@jvealarchitect.com>; Roy Robinson <royrobinson0669@gmail.com>
Cc: Paul Ray <paul.ray@cityofbrevard.com>; Wilson Hooper <Wilson.Hooper@cityofbrevard.com>; Mack McKeller <mack.mckeller@cityofbrevard.com>
Subject: RE: Driveway Permits

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Since I cannot approve the permits, I must deny them so they do not sit open in our permitting system.

Best,

Aaron N. Bland, AICP, CZO
Assistant Planning Director
City of Brevard
95 West Main Street
Brevard, NC 28712
Phone: 828-885-5630
aaron.bland@cityofbrevard.com

② ↑ 5

CITY OF BREVARD
CASH RECEIPT
DUPLICATE

Receipt No: 724928
Date: 10/6/2025
Time: 1:34:07PM

Received From:
JAMES VEAL

Received: 100.00

For
ZONING ADMIN 100.00
ZONING APPEAL

Credit 100.00
AMEX 1005
RECEIVED BY WINDOW

APP-25-0001 Vicinity Map



Map prepared by the City of Brevard Planning Department 11/25/2025

STAFF REPORT

Board of Adjustment, Tuesday, May 5, 2026

Title: APP-26-0001 - 221 Pinnacle Rd. Other Veal Appeal

Speaker: Mack McKeller, City Attorney
Paul Ray, Planning Director
Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

This is a continuation of appeal #APP-26-0001 which first appeared on the agenda for the February 3, 2026 meeting but was tabled until the April meeting. It was tabled in April as well. The staff report from the February 3rd meeting packet is attached.

Attachments:

1. Staff Report from Feb 3 2026 Agenda Packet

STAFF REPORT
Board of Adjustment, Tuesday, February 3, 2026

Title: Consideration of APP-26-0001 - 221 Pinnacle Rd.

Speaker: Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director

Prepared by: Paul Ray, Planning Director, Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

A driveway application for a parcel located in the vicinity of the end of Pinnacle Road, near but beyond the parking lot and trailhead for the City-owned Bracken Preserve trails, for 221 Pinnacle Road (PIN 8576-83-6675-000) was submitted on October 22, 2025 by owner James Veal. This application was assigned to Assistant Planning Director Aaron Bland for review.

Note that this is a separate parcel, application, and appeal than the previously discussed APP-25-0001 for 231 and 245 Pinnacle Road, though it shares the same site constraints and characteristics.

The subject parcel is "landlocked" in that it does not have any frontage on a public street right-of-way. The Transylvania County tax map shows that the Pinnacle Drive ROW continues beyond the Bracken parking lot to the front of the parcel, however this is a mapping error. The exact extent of NCDOT maintenance and ownership of Pinnacle Drive is unclear. Different surveys show state maintenance ending in different places, but none show it extending as far as the tax map indicates, and it is not improved in any way beyond the parking lot. The official NCDOT State Maintained Network Map does not include Pinnacle Road at all, meaning that it is not claimed or maintained by NCDOT; the entire unpaved Pinnacle Road is listed as "non-system" on official NCDOT maps.

The City's Bracken Mountain Trail leaves the parking lot and ascends to Bracken Preserve through a 50-foot wide right-of-way that crosses several private properties between the parking lot and the City-owned Bracken Preserve parcel. This ROW was obtained by the City in 2008 and the public hiking/biking trail was opened to the public in July 2012. Properties in the area were once served by a small private access drive called Mackey Ridge Road, which was located in the vicinity of the current trail, but it is no longer in existence and never had a public right-of-way. The former roadbed has not been used in decades and has become overgrown with natural vegetation and is criss-crossed by the Bracken Mountain Trail and related incidental improvements such as fencing, rock armoring, picnic tables, and signage.

The parcel is located outside the City's corporate limits in the extraterritorial jurisdiction and is zoned General Residential - 4 (GR4).

Administrative Decision

This application, ENC-25-0001, was submitted on October 22, 2025. On October 30, 2025, Mr. Bland emailed a denial to Mr. Veal citing the same lack of information that had caused the previous denials at 231 and 245 Pinnacle Road (dated September 19, 2025, prior to this application). Mr. Bland responded that given the materials provided, he was unable to fully review the applications and had no option but to deny them. He cited a lack of information about how the proposed driveway would interact with and possibly impact the Bracken Mountain Trail and the safety of users on it, as well as a lack of information about how vehicles would get to the driveway from the end of Pinnacle Road given the physical characteristics of the land including obstacles such as signs, fences, and boulders.

Mr. Veal notified the City Clerk of his intention to appeal the decision of Mr. Bland on November 28, 2025, and paid the fee to complete his appeal application on December 18, 2025.

Discussion

The Unified Development Ordinance has some standards for driveways, however these are predicated on the notion that the driveway is connecting to a public street within a public right-of-way, which is not the case with the subject parcel. Many provisions of the UDO assume frontage on a public street, which the subject parcel does not have, a condition known as a "landlocked parcel." Section 14.6 of the UDO discusses nonconforming lots such as the subject parcel. Subsection D states that "the administrator may permit the establishment of a private right-of-way or access easement in order to facilitate access to pre-existing land-locked parcels." The applicant has not provided any evidence of such an access easement, existing or proposed, to the subject parcel.

In meetings preceding the driveway applications, the applicant has suggested that the City's trail ROW should suffice in the same manner as a public street right-of-way. This belief is based on the legal documents establishing the City's trail ROW, which are written to allow for "all vehicular and pedestrian travel across the property" in order to "serve [Bracken Preserve], providing ingress, egress and regress thereto." However, the trail right-of-way does not convey use for access to private parcels, but rather public use to access the city-owned Bracken Preserve parcel from the city-owned parking lot parcel. The inclusion of vehicular travel in these documents gives the City the *right and ability* to allow such use of the ROW, but not the *obligation* to install a road capable of providing such use. In fact, the City cannot establish a City street outside the corporate limits. Thus, to date, the City has chosen to only allow travel through the ROW to Bracken Preserve by foot and bike. Further, the decision to exercise the right to allow vehicles is a policy decision that cannot be made by Planning Staff.

Again, no evidence of any formal or recorded access agreement or easement which provides private access to the subject parcel was provided by the applicant, calling into question how a vehicle would legally access the proposed driveway.

The overarching goal and purpose of the City’s UDO and regulations in general, as well as the enabling state legislation that allows for zoning authority, is to promote public health, safety, and general welfare (UDO Section 1.2). Therefore, ensuring the safety of Bracken Preserve trail users, as well as any potential users of the driveways, was a primary concern when reviewing this application. Mr. Bland’s request for the location of the existing trail within the ROW was in order to ascertain if the vehicular traffic using the driveway would cross over or otherwise conflict with trail users. Without the location of the trails shown on the site plan, this was not able to be evaluated. Section 17.2.C of the UDO states that “The administrator shall have the authority to deny and return any submitted land development permit application and associated development plans upon a determination that such submitted items are insufficient...” Mr. Bland determined that the submitted plans were insufficient because they did not show 1) the location of the trail to determine potential user conflicts, 2) how cars could legally access the driveways from Pinnacle Road where it ends at the Bracken parking lot, and 3) how cars could physically traverse the terrain from the parking lot to the subject parcels.

Further, UDO Section 16.5.C.1 states that applications must contain “all information and materials required by this ordinance for submittal of the applicable type of application, and in sufficient detail, format, and readability for city staff to evaluate the application for compliance with applicable review standards.” It is the Planning Department’s position that the application did not contain such “sufficient detail” for review of both potential safety conflicts with trail users and legal/physical access.

Board Decision

North Carolina General Statutes 160D-406(j) states "When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision." The decision must be based on competent, material, and substantial evidence in the record.

Attachments:

- 1. ENC-25-0001 Application Materials
- 2. ENC-25-0001 Denial Email
- 3. Appeal Email to City Clerk
- 4. Appeal Receipt



Record Report for Driveway or Other Encroachment on City Rights-of-Way #ENC-25-0001

Record Overview

Record Number:	ENC-25-0001
Record Type:	Driveway or Other Encroachment on City Rights-of-Way
Record Status:	Denied
Record Submitted At:	Wednesday October 22, 2025
Record Address:	221 Pinnacle Rd. Brevard, NC 28712
Record Owner:	Aaron Bland
Record Applicant:	jv@jvealarchitect.com

Form Submission

Applicant:

James Veal

jv@jvealarchitect.com, (850) 450-3295

Property Owner (if different):

Property Address:	221 Pinnacle Rd. Brevard, NC 28712
Parcel Identification Number (PIN):	8576-83-6675-000
Zoning District:	General Residential - 4 (GR4)
Overlay District:	None
Business Name:	James Veal
Permit Type:	Driveway
If other, please specify:	-
Width of Driveway (if applicable) (ft):	12
Distance from Nearest Intersection (ft):	-
Distance from Nearest Driveway (ft):	-


Signature:

Signed in GovWell: Wednesday October 22, 2025, 1:16pm

I Acknowledge:

Yes

Signature:



Signed in GovWell: Wednesday October 22, 2025, 1:16pm



APPLICATION FOR DEMOLITION, GRADING OR LAND DISTURBANCE

Contact Information (To be completed by Applicant)

Applicant/Agent/Contractor Name: →	Property Owner: JAMES VEAL
Mailing Address: →	Mailing Address: 627 Bayshore Dr
City: State: Zip: →	City: State: Zip: Pensacola FL 32507
Phone: →	Phone: 850-450-7295
Email: →	Email: jvealvealarchitect.com

Property/Project Information

Contractor Hauling Debris: T.B.D.	Property PIN (Tax id #): 8576-83-6675-000
Mailing Address:	Property Location/Address 221 Pinnacle Rd
City/State	Date applicant desires to being project: 12-31-2025
Phone:	Disposal location:
Email:	Note: As a part of the final inspection you may be required to produce evidence of location of disposal of demolition waste.

Project Type/Description: Residential

Note: Site/Project plans are required to be submitted as a part of this application. Demolition/Grading and Other Land Disturbance Permit Holder is Responsible to:

- Demolition: \$500 reimbursable bond per structure. Lots with multiple structures requiring Bonds exceeding \$500 shall be based upon a qualified professional's estimate of cleanup clean cost + 25%
- Grading & Other Land Disturbance: \$500 reimbursable bond per lot up to one acre. Lots larger than one acre requiring Bonds exceeding \$500 shall be based upon a qualified professional's estimate of cleanup clean cost + 25%
- Contact City Utility Department to insure water/sewer utility services have been disconnected from structure(s).
- Contact ALL Utility Companies (electric, gas, telephone, cable, etc) to insure services are disconnected from structure.
- Cleanup debris from demolition.
- Sow grass seed on property following cleanup of all debris.

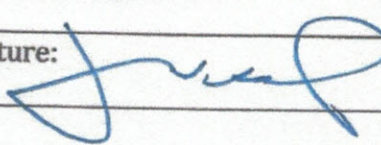
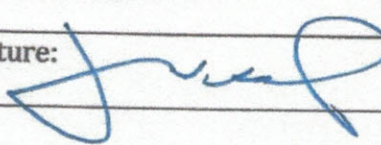
Demolition: Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements. The Administrator

may require a demolition, in association with any development activity for which such bond is relevant.

Grading & Other Land Disturbance: Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements. The Administrator may require a grading or land disturbance bond in association with any development activity for which such bond is relevant.

I affirm and certify that I understand and will comply with all regulations and requirements of the City of Brevard. I further certify that the above statements and the statements and showings made in any paper or plans submitted herewith are true to the best of my knowledge and belief. Further, I understand that the application, attachments and fees become a part of the Official Records of the City of Brevard Planning Department, are not returnable and are subject to NC Public Records Law. I also recognize that if one or more deficiencies exist in this application, I will be notified of the deficient items, and the department shall take no further action on the application until the required information is submitted. I understand that misrepresentation of information contained within this application may be cause to void any development approvals associated with this application. I grant permission to the Zoning Administrator, and designees thereof, to enter upon the property represented herein for the purposes of administering this application.

If the Applicant is other than the property owner, proof of owner's consent is required. Owner's signature proves consent. The applicant will be the liaison with the City and will be the party to receive official notice. Notice communicated to the applicant will be deemed communicated to the owner. By signing this application, the applicant is consenting to the designation for these purposes.

Applicant/Agent/Contractor Signature:		Date:
Property Owner Signature:		Date: 10/21/25

Handwritten note: SAME with an arrow pointing from the top signature to the bottom signature.

TRANSYLVANIA COUNTY
EMERGENCY SERVICES
155 PUBLIC SAFETY WAY
BREVARD, NC 28712
828-884-3108



May 2, 2024

Parcel 3

Dear Property Owner,

Transylvania County Emergency Services Addressing Division has assigned an address to property that you own. The address is listed below for your convenience. If it is a change of address, please follow through as soon as you can notifying others of the new address.

Each location is mapped using global positioning system (GPS) technology, eliminating confusion for emergency service providers and delivery services. Benefits of the addressing system include:

- *Reduced emergency response times for firemen, law enforcement, and ambulance services.*
- *Integration of cell phones into the 911 GPS system, enabling emergency care providers to locate callers even when they are not at an assigned address (e.g. in the forest).*
- *Improved package delivery services.*
- *Greater ease of compliance when applying for a home loan, building permit, or utilities connection.*

You should put your new address number on your house and on your mailbox at your earliest convenience. This will not only help your mail carrier but will also assist the emergency services in locating you if you need help.

Your Old Address:

PREVIOUSLY UNASSIGNED

PIN#8576-83-6675-000

(If your old address is listed incorrectly, please contact the Transylvania County Communications Office at the number below.)

Your New Address:

221 PINNACLE RD
BREVARD, NC 28712

ASSIGNED 05/02/.2024

Property owners should notify their renters of the new address change.

Thank you for your cooperation. If you have any questions or concerns, we are happy to help you in any way possible. For assistance contact the Transylvania County Emergency Services business office at (828) 884-3108.

Assigned By: _____

KRS

4

Transylvania County Tax Map

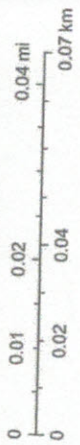


10/21/2025, 1:05:00 PM

Roads

— Roads

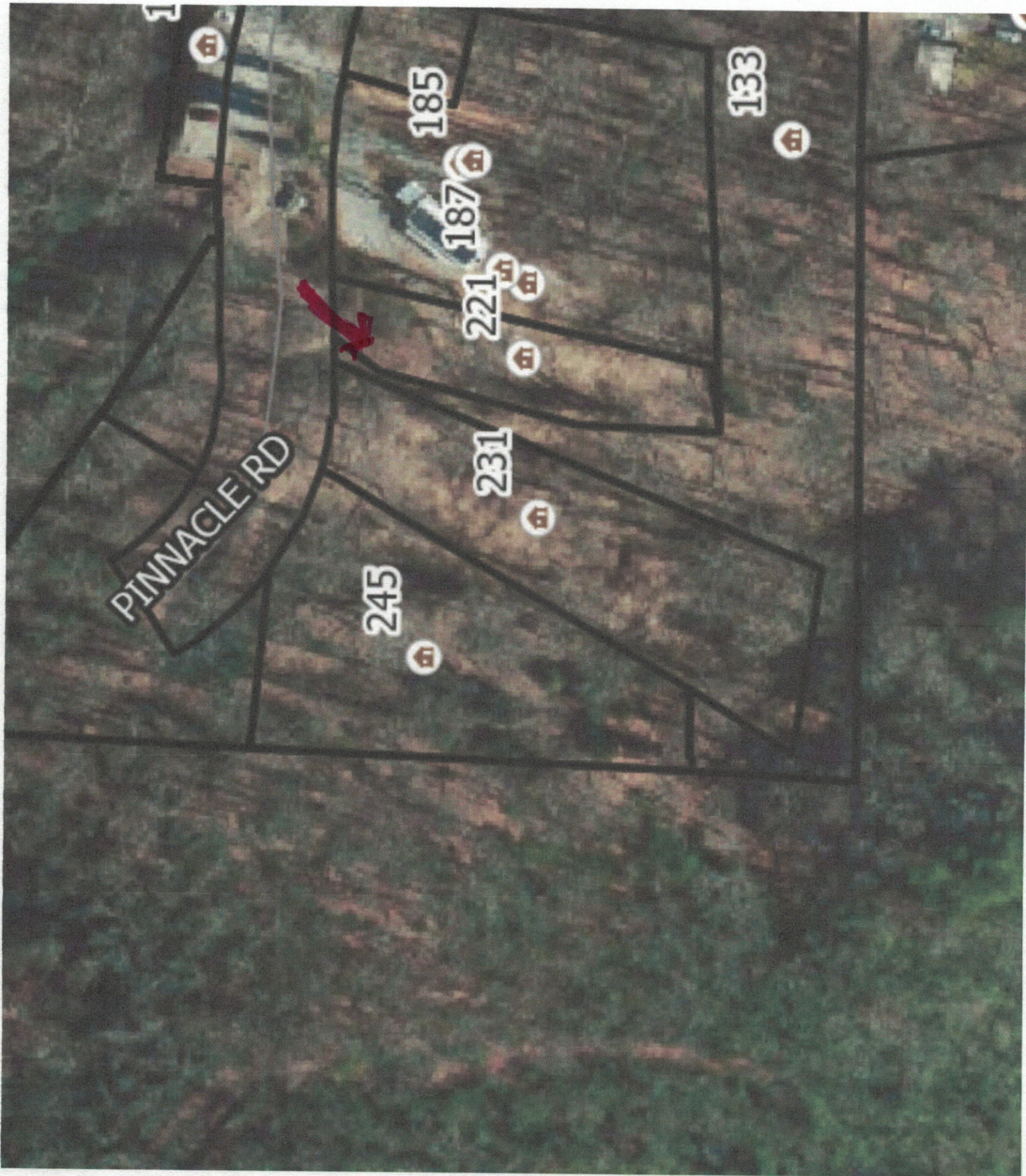
1:1,128



NC CGIA, Maxar, Microsoft

33

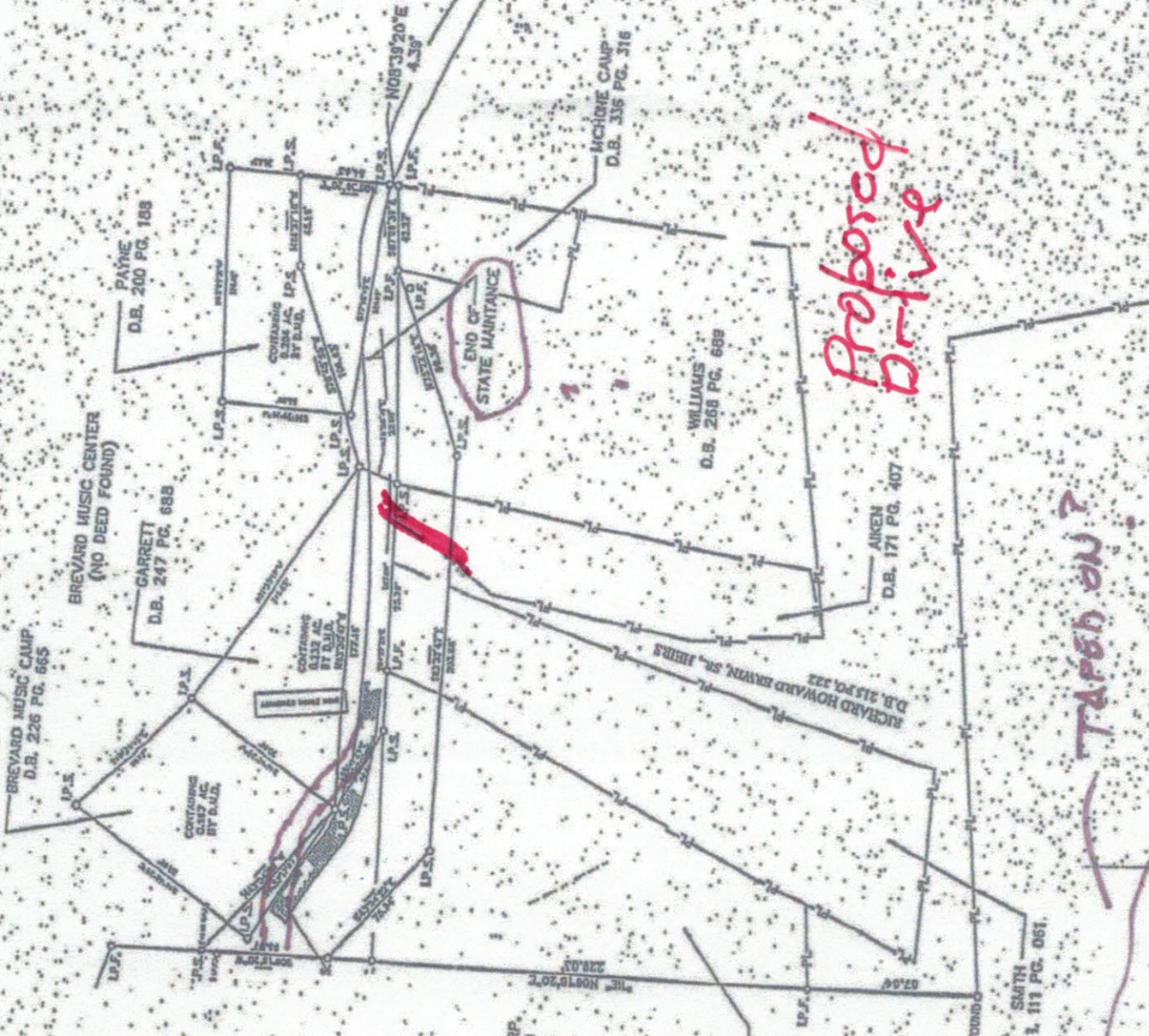
Transylvania County Emergency Services
The data contained on this map is the property of Transylvania County.



REFERENCE WILLIAM LEONARD SURVEY DRAWING NUMBER
FD-61-81-300 REFERENCED HEREIN

CITY OF BREWARD
RIGHT OF WAY ACQUISITION TO BRACKEN CREEK
From a plat recorded in File 11, Slide 922

152



Proposed Driveway

TAPED ON?

NOTE: THIS DRAWING IS NOT TO SCALE

THIS DRAWING IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. GS 547-30 (n)

50' RIGHT OF WAY

R-54	36700732	444
R-57	13271038	7812
R-58	12871038	6817
R-59	1732765	7824
R-60	5413425	1241
R-61	5313425	8237
R-62	5311130	17716
R-63	530522	16643
R-64	5543781	4318

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 14th DAY OF MARCH, 2012, A.D.

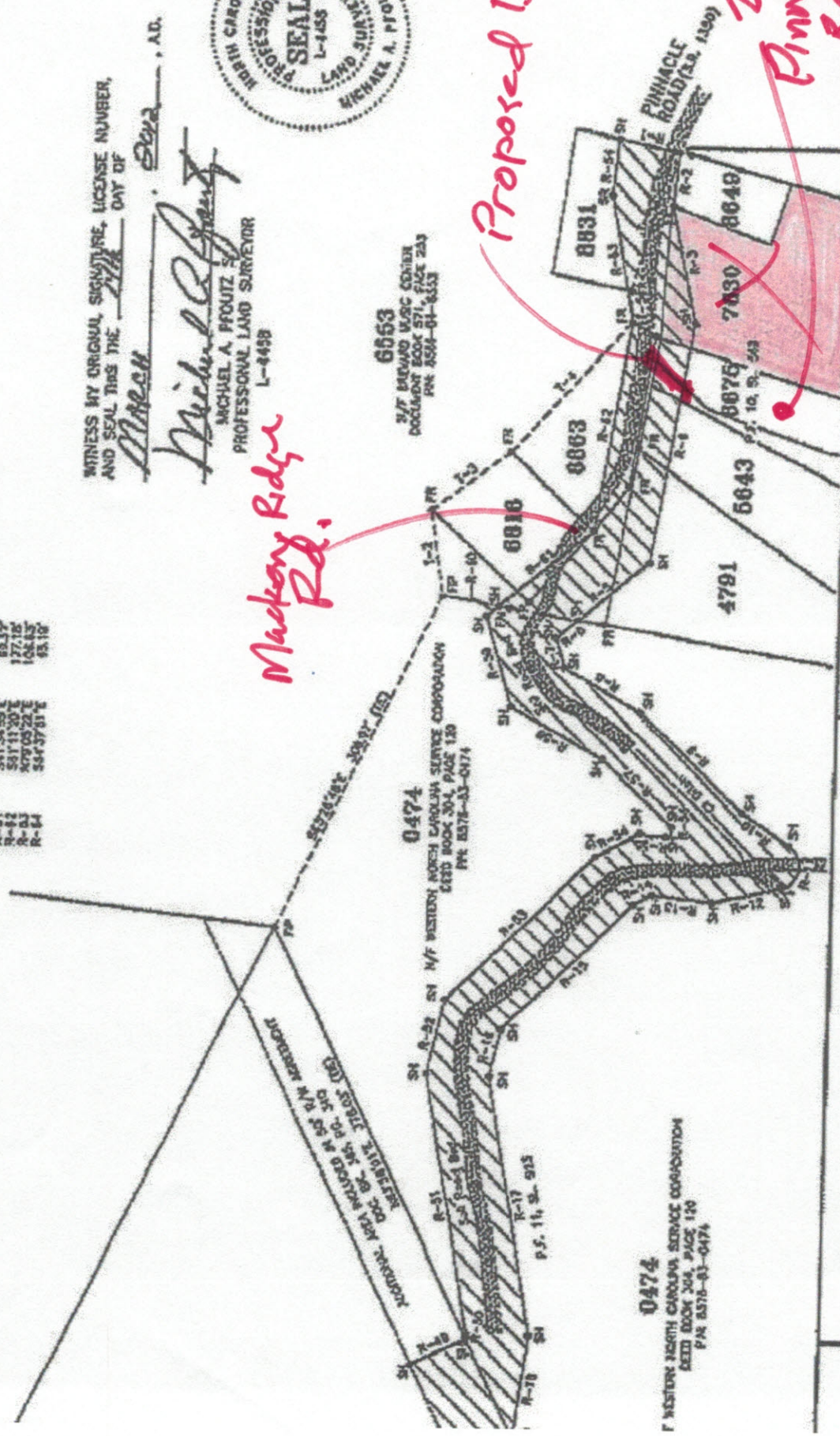
Michael A. Pfoutz
 MICHAEL A. PFOUTZ
 PROFESSIONAL LAND SURVEYOR
 L-4498



Muckony Rd.

Proposed Drive

221 Pinnacle Rd



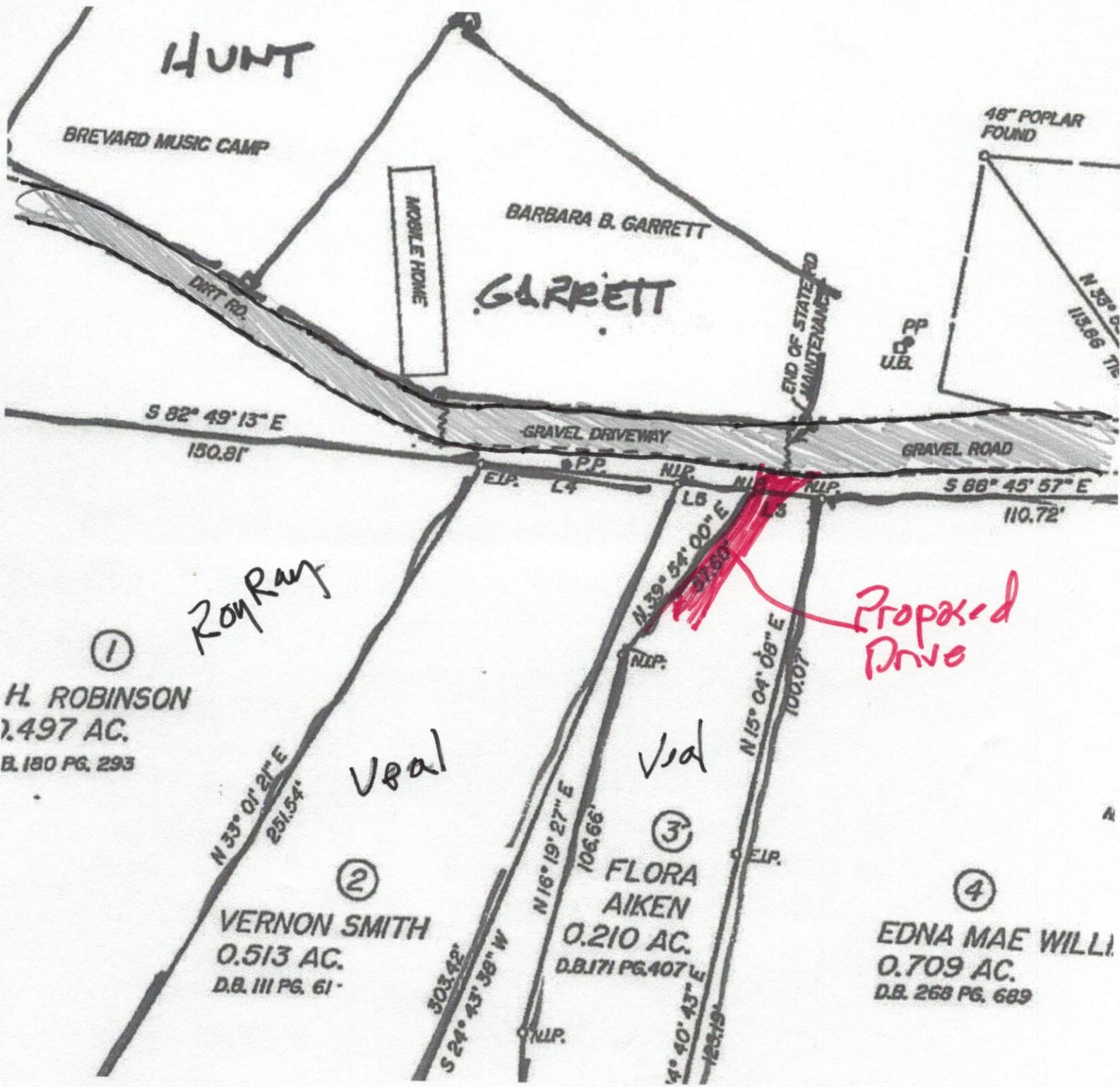
BOUNDARY SURVEY AND PLAT OF
 BRACKEN MOUNTAIN WATERSHED
 AND 50' RIGHT OF WAY
 PREPARED FOR
 CITY OF BREVARD

DATE
 MARCH 14, 2012

FIELD RECORDS
 DATA COLLECTOR

DRAWING
 CMS11014-2
 COORD. FILE
 CMS11014.GRD
 PROJECT NUMBER
 CMS11014

ENLARGEMENT NOT TO SCALE





Invoice #152 for Planning & Zoning Applications #ENC-25-0001

Due date: October 27, 2025
Applicant: jv@jvealarchitect.com
Application Number: #ENC-25-0001
Application Type: Driveway or Other Encroachment on City Rights-of-Way
Address: 221 Pinnacle Rd. Brevard, NC 28712
Requested: October 22, 2025, 1:16pm



Fee	Description	Explanation	Total	General Ledger #
	Driveway or Other Encroachment on City Right-of-Ways	\$50.00 * 1	\$50.00	10-3350-0200

Total: \$50.00

To pay the invoice, click [here](#) or scan the QR code above to visit <https://app.govwell.com/brevard/pay/ENC-25-0001>.



Receipt for Planning & Zoning Applications #ENC-25-0001

Invoice Number: #152
Applicant: jv@jvealarchitect.com
Application Number: #ENC-25-0001
Application Type: Driveway or Other Encroachment on City Rights-of-Way
Address: 221 Pinnacle Rd. Brevard, NC 28712
Requested: October 22, 2025, 1:16pm
Paid: October 22, 2025, 1:17pm

Fee	Description	Explanation	Total	General Ledger #
	Driveway or Other Encroachment on City Right-of-Ways	\$50.00 * 1	\$50.00	10-3350-0200

Processing Fee: \$1.75
Total Paid: \$51.75
Payment Method: Credit Card

Thank you for your payment.

From: [Aaron Bland](#)
To: [James Veal](#)
Cc: [Paul Ray](#); [Mack McKeller](#)
Subject: Permit ENC-25-0001
Date: Thursday, October 30, 2025 4:47:00 PM

Mr. Veal,

As with your previous application, we are unable to fully review this application because the site plans provided do not show the location of the hiking/biking trail as it relates to the proposed driveway. Beyond this, it appears that, if constructed, the driveway would not be accessible from the end of the public Pinnacle Road/Bracken parking area. There are many impediments between the end of Pinnacle Road and the proposed driveway, including the hiking/biking only Bracken Mountain trail, its rock armoring and boulders, fences, a handicapped parking space, and trees, rendering such a driveway impractical, if not impossible, to permit. Even if the terrain allowed a passenger vehicle to reach the driveway, it is not within this department's purview to permit the driveway encroachment across parkland and allow such use to occur within the hiking trail in order to ensure user safety. For these reasons, the application has been denied in our system. You may receive emails from GovWell regarding this status change as well.

Have you considered using the existing driveway on your neighboring lot to access this parcel?

Best,

Aaron N. Bland, AICP, CZO
Assistant Planning Director
City of Brevard
95 West Main Street
Brevard, NC 28712
Phone: 828-885-5630
aaron.bland@cityofbrevard.com

E-mail correspondence to and from this address may be subject to North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official.

From: [James Veal](#)
To: [Denise Hodsdon](#)
Cc: [Aaron Bland](#); [ELLIOTT DUGGER](#)
Subject: Appeal to email denying driveway permit application
Date: Friday, November 28, 2025 12:45:14 PM
Attachments: [Appeal for Parcel 3 back-up pkg \(25-10-28\).pdf](#)

11-28-25

Denise Hodsdon, City Clerk
City of Brevard, NC

RE: Appeal to Denial of Driveway Permit Application (221 Pinnacle Road)

Denise

I submitted for a driveway located @ 221 Pinnacle Road on October 21, 2025

After responding to request for additional information, etc. I received an email from Aaron Bland, Assistant Planning Director on October 30th, 2025... which is attached. I have also attached a copy of the application.

I am submitting this letter to begin the process of appealing that decision.

Please call me for a credit card or I have also sent a check in the mail.

Respectfully,

James Veal

J.Veal, Architect
627 Bayshore Drive
Pensacola, FL 32507
850.450.3295 jvealarchitect.com

From: Valerie Tilson <valerie.tilson@cityofbrevard.com>
Sent: Thursday, December 18, 2025 4:52 PM
To: Denise Hodsdon <denise.hodsdon@cityofbrevard.com>
Subject: James Veal

CASH COLLECTIONS RECEIPTS BY RECEIPT NUMBER
 Dates: 12/18/2025 to 12/18/2025
 Receipt Numbers: 733158 to 733158
 Deposit Numbers: All

City Of Brevard
 FY 2025-2026
 Multiple Users Selected

Date	Rec No	Customer	Amount Owed (\$)	User ID	Mod
12/18/2025	733158	JAMES VEAL	100.00	WINDOW	MS
		ZONING ZONING ADMIN	10-3350-0200		
		ZONING APPEAL - VT			
Subtotal for 733158 Credit:			\$100.00	AMEX 1005	

FYI – Thank you!



Valerie S. Tilson
 Accts Receivable/Customer Service Rep
 Finance Department

City of Brevard
 95 W. Main Street
 Brevard, NC 28712
 828-885-5607 Direct
 828-885-5600 Main ext 1
 828-883-883-2853 fax
valerie.tilson@cityofbrevard.com
www.cityofbrevard.com

MISSION STATEMENT
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