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

Title:	VAR-26-0002 - 85 Trent Rd.
Speaker:	Katherine Poe
Prepared by:	Katherine Poe, Planner/Assistant Zoning Administrator
Approved by:	Paul Ray, Planning Director

Background

The applicant, Farrah Baynard, is the agent for property at 85 Trent Rd, which is located in the General Residential-4 (GR-4) zoning district and the Manufactured Home Overlay within the City's Extra Territorial Jurisdiction (ETJ). The parcel identification number is 8575-89-5653-000.

The applicant is requesting a variance from the Unified Development Ordinance's (UDO) Chapter 2.7.2 for principal structures setbacks. The request is for a fifteen (15) feet variance from the required twenty-five (25) feet setback for the rear yard, resulting in a ten (10) foot setback.

Notice of the hearing was advertised and posted on the property in accordance with North Carolina General Statute §160D-406.

Discussion

Since the property is in the ETJ, public sewer is not available, and any development will rely on a private septic tank.

The property's depth ranges from roughly 80 feet on the southern portion to roughly 100 feet on the northern portion.

Principal building setbacks in GR-4 are 15 feet from the right-of-way, 6 feet from the side property lines and 25 feet from the rear property line (City UDO Section 2.3).

The preexisting state-permitted septic field is located towards the front portion of the lot. The NC Health Code, which is administered by the Transylvania County Public Health Department, dictates the minimum distance required from a building to the well and septic systems. The applicant reports the relatively narrow depth combined with the preexisting subterranean infrastructure creates a technical layout issue that prevents the placement of a home with the 25 foot rear yard setback.



Standards for the Granting of Variances
In order to grant the variance *all* of the conditions below must be met:

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

Economic hardship or the fact that property may be utilized more profitably with a variance shall not constitute an unnecessary hardship. In its motion the Board should include Findings of Fact to support each of the items listed above.

Attachments:

1. Application Materials

Record Report for Variance #VAR-26-0002

Record Overview

Record Number: VAR-26-0002

Record Type: Variance

Record Status: In Progress

Record Submitted At: Thursday January 15, 2026

Record Address: 85 TRENT RD, Brevard NC 28712

Record Owner: Katherine Poe

Record Applicant: Farrah Baynard

Form Submission

Applicant:
Matthew Rigdon
matthewdrigdon@gmail.com, (828) 260-1544

Property Owner (if different):
Trent Joseph Richard ETAL Rick Trent
rick6647@gmail.com, (828) 553-0124

Property Address: 85 TRENT RD, Brevard NC 28712

Property owner information:

Trent Joseph Richard Etal

16 Augustine Ln

Crossville, TN 38558

Parcel Identification Number (PIN): 8575895653000

Zoning District: General Residential - 4 (GR4)

Overlay District: Manufacture Home Overlay District

Description of Variance Request:

Reduce the rear yard setback to 10 feet as the regulations say 25 feet. Would like to place a new home in the same place as the old.

Reasons for Variance Request:

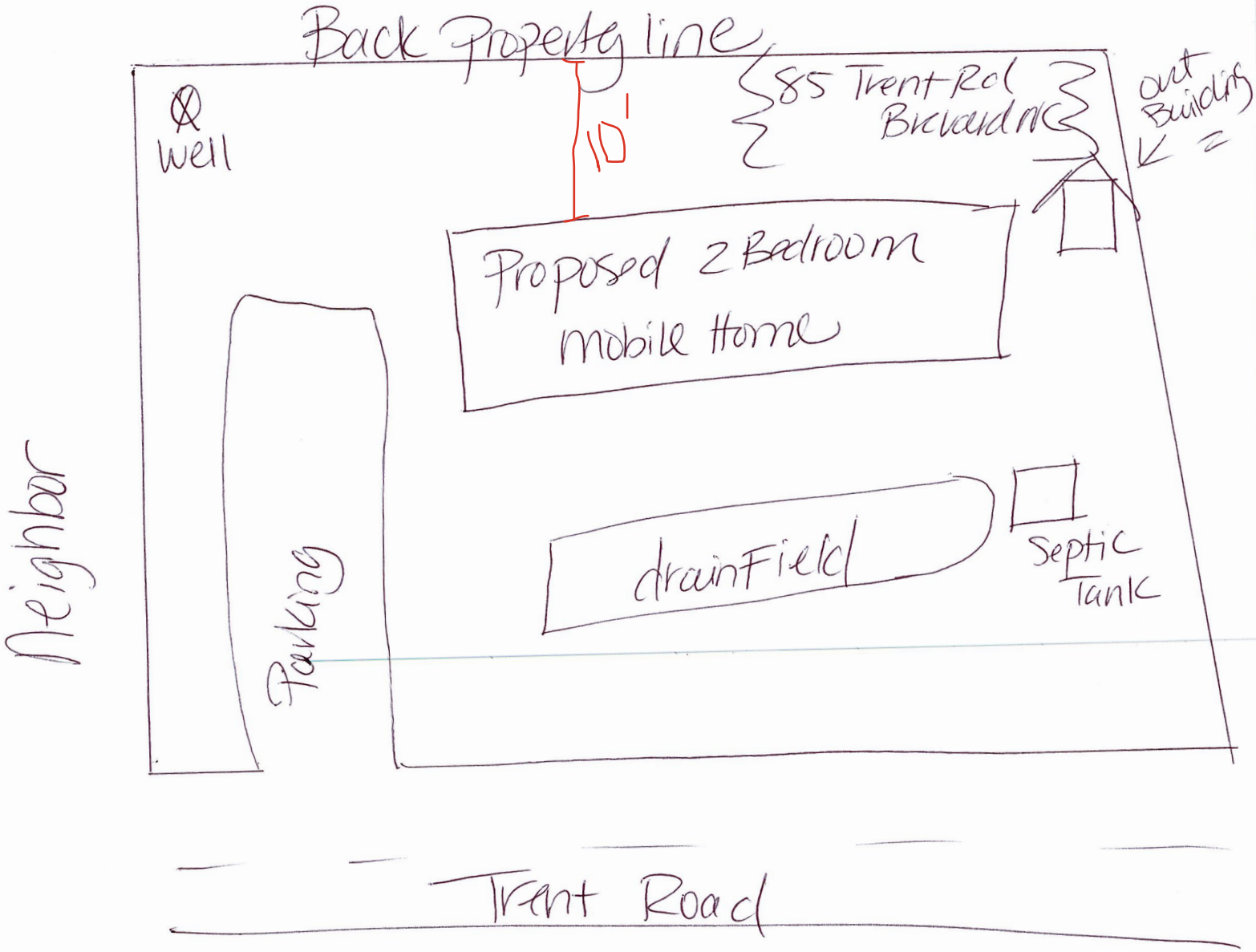
This lot is only .20 acres. Previously had a single wide trailer on it for years. That is the only place to go back with a new home of equal or smaller size as the septic system is in place already and you could not move the home forward due to being in the septic field. There are no other sites to place a home on this lot because of the well and septic placement for the home removed. Due to ETJ and new setbacks it is making it impossible to use this lot as it was originally intended. This

would have no use.

Signature: 

Signed in GovWell: Thursday January 15, 2026, 2:31pm

• 20 Acre lot Parcel# 8575-89-5653-000



* Need a variance From 25 Ft on Back line to 10 Ft so Home will be possible.

TRANSYLVANIA PUBLIC HEALTH

ENVIRONMENTAL HEALTH SECTION
106 EAST MORGAN STREET
SUITE 105
BREVARD, NC 28712
828.884.3139 FAX: 828.884.3259
transylvaniahealth.org

EXISTING SYSTEM INSPECTION REPORT

(For Building Inspection Department)

Date: Sept 27, 2018 PIN: 8575-89-5653-000 Receipt #: 911793 $75.00

Owner: Victoria Trent Agent/Contractor: Keith Trent

Phone: 828-883-2015 CONTACT → Phone: 828-553-0124

Mailing Address: 154 Trent Rd, Brevard

Date System Installed: Unknown Approx 1995 (septic record not located at the Health Dept.)

Name (s) of Original Permittee: Gerald King ?

Directions to property: 64 W to Ron Carolina Av. to L on Cashiers Valley to Ron Trent Rd to Mobile home on L

Property Address: 85 Trent Rd

Subdivision: NA Section/Phase: _____ Lot: _____

Inspection requested for:

- ☒ Mobile Home Setup
- ☐ Addition
- ☐ Business
- ☐ Remodeling
- ☐ Connection to Unused System
- ☐ Other

No. of bedrooms upon connection/completion: 3 2 FN 9.28.18 Current No. of Occupants: 0

Remarks: _____

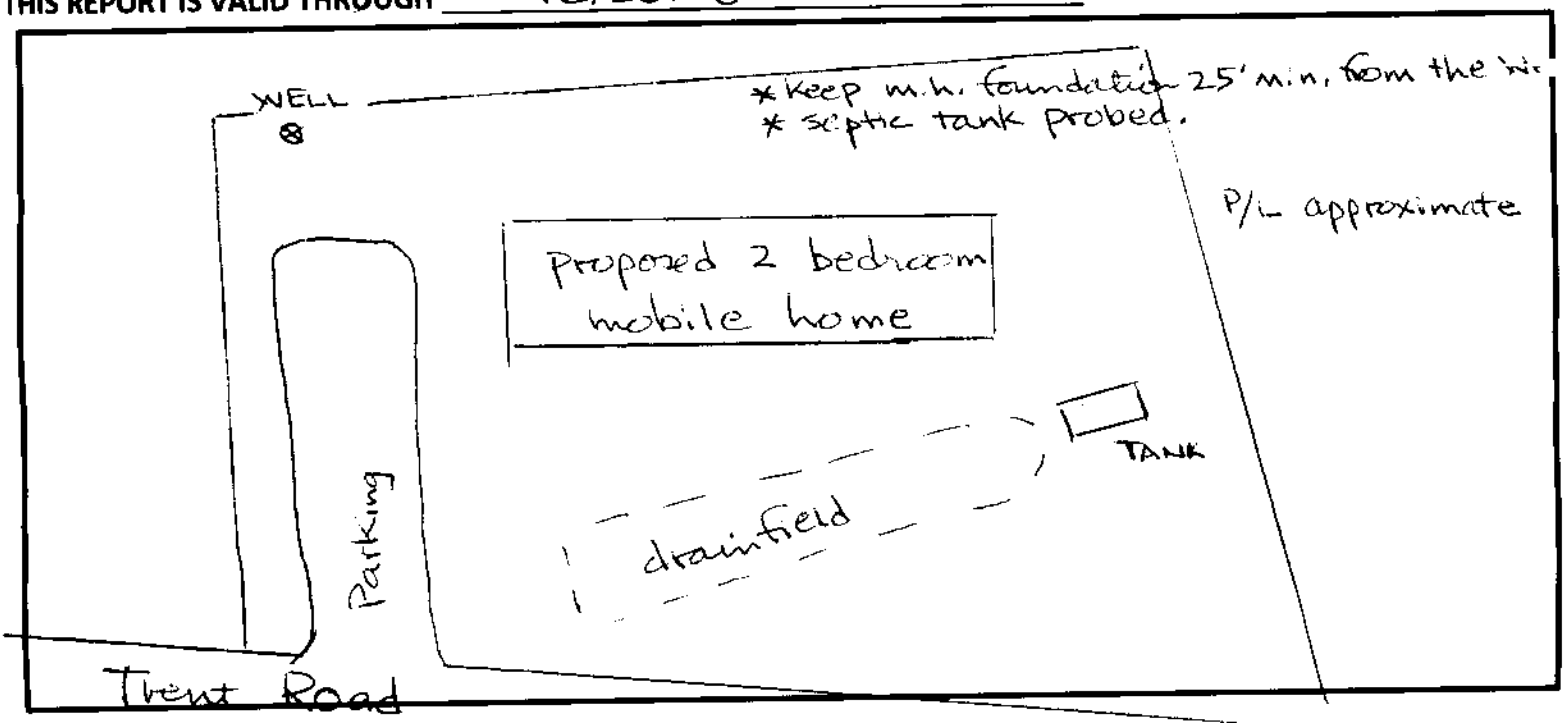
Owner/Agent Signature: Richard Trent for Victoria Trent Date: 9-27-18

I understand that Transylvania Public Health has the right of entry onto the property to perform requested services.

At the time of the inspection there was no visible evidence of a malfunction in the system. The system is approved for proposed connections/additions/renovations or other improvements.

Signed: Tina R Nipple, REHS Date: 9.28.18

THIS REPORT IS VALID THROUGH 12.28.18



85 Trent Road Brevard NC 28712

Variance Requested

1. Unnecessary Hardship

Finding: Strict application of the regulations would result in unnecessary hardship.

Response: "Strict adherence to the 25-foot rear setback requirement creates an unnecessary hardship by rendering the property's established building envelope unusable. The lot is a modest .20 acres with a long-standing history of residential use. Because the existing, permitted septic system is located in the front/center of the lot and the well is in a fixed location, the only viable area for a residence is the original footprint at the rear. Enforcing the new 25-foot setback would force the replacement dwelling into the septic repair area or directly over the lines, which is a violation of health department codes and physically impossible. The hardship here is the total loss of the primary residential function of the land, which has been established for decades."

2. Conditions Peculiar to the Property

Finding: The hardship results from conditions peculiar to the property (size, location, topography) and not personal circumstances.

Response: "The hardship is unique to this specific parcel due to its small size (.20 acres) and the fixed placement of essential subterranean infrastructure. Unlike larger or undeveloped lots in the area, this property is 'locked' by the historical placement of the well and septic system designed specifically for a single-wide trailer. These are physical, immovable characteristics of the land’s development. The conflict between the new setback requirements and the pre-existing, state-permitted septic field is a technical layout issue peculiar to this lot’s dimensions and not a result of the applicant's personal preferences or financial situation."

3. Not a Result of Applicant Actions

Finding: The hardship did not result from actions taken by the applicant or property owner.

Response: "The hardship is a direct result of a change in local zoning ordinances that occurred after the property was already developed. The owner did not create the small lot size, nor did they place the septic and well in a manner to intentionally circumvent current rules; these were installed according to the regulations in place at the time of original development. While a permit was obtained in 2018, its expiration coincided with a shift in setback enforcement. The necessity for a variance arises solely from the evolution of the zoning code impacting a 'non-conforming' lot of record, rather than any elective action or purposeful neglect by the owner."

4. Consistent with Spirit and Intent of the Regulations

Finding: The variance is consistent with the spirit of the law, ensures public safety, and achieves substantial justice.

Response: "Granting this variance achieves substantial justice by allowing the owner to maintain the long-standing residential use of the property. The spirit of the setback regulation is to ensure light, air, and separation between dwellings. Because the trailer will be replaced in the exact footprint where one sat for years, there is no new impact on the privacy or safety of neighbors. Furthermore, public safety is actually *protected* by granting this variance, as it allows the home to be placed at a safe distance from the septic system. Forcing the home forward into the septic field would create a significant public health hazard. Allowing a single-wide trailer on a lot designed specifically for one preserves the neighborhood's character and ensures the property does not become a vacant, unmaintained eyesore."

PROPERTY OWNER ACKNOWLEDGEMENTS

PROPERTY INFORMATION	
Property Address: 85 Trent Rd Brevard NC	Property PIN (Tax ID #): 8575-89-5653-000
APPLICANT/AGENT INFORMATION	
Name: Farrah Baynard	Company / Organization: Bluaxis Realty
Email: farrah@bluaxis.com	Phone: 828-553-6460
APPLICATION / PETITION INFORMATION	
Nature of Approval(s) Requested (e.g., rezoning, variance, residential development, sign, change of use, subdivision): Asking for a variance on the back property line setback from 25 ft to 10 ft to go back with mobile home in the same spot as there was once a home there as there is no other options for this .20 Acre lot.	

The persons listed below do affirm that they are the legal owners of the above-reference property and:

- hereby give authorization and permission for the applicant to submit the application(s) or petition(s);
- authorize the applicant to act as my agent in all matters, formal and information, and to receive all official correspondence as it relates to the application(s) or petition(s);
- consent to all condition and/or stipulations that may be imposed or adopted by the City of Brevard as part of this petition / application approval; and
- grant permission to the Zoning Administrator, and designees thereof, to enter upon the property represented herein for the purpose of administering the application(s) or petition(s).

OWNER'S NAME (PRINT)	OWNER'S SIGNATURE	DATE
Rick Trent	RICK TRENT	1/14/26
Lana Vollendorf	Lana Vollendorf L	01/14/2026
Rose Rice	Rose Rice	1/14/2026