STATE OF NORTH CAROLINA | **BEFORE THE CITY OF BREVARD BOARD OF ADJUSTMENT**

TRANSYLVANIA COUNTY | **CASE NO. Variance #26-0002**

IN RE: APPLICATION of Joseph R. Trent; Rose Byrd; and Lana Vollendorf for a VARIANCE | **ORDER**

This matter coming on for hearing before the **City of Brevard Board of Adjustment** ("Board) on the application of **Joseph R. Trent, Rose Byrd and Lana Vollendorf** ("Applicants") requesting a variance from Chapter 2.7.2 of the City of Brevard Unified Development Ordinance ("UDO") to allow for a fifteen-foot (15') reduction of the rear-yard setback for property located at 85 Trent Road, Brevard, North Carolina ("Property") within the General Residential 4 (GR-4) Zoning District within the zoning jurisdiction of the City of Brevard.

A quasi-judicial hearing was held on March 13, 2026. The Applicants represented themselves. The following persons were sworn as witnesses and presented testimony in this matter: City of Brevard Planner, Katherine Poe, Joseph Trent and Farrah Baynard.

Testimony in this case is accurately reflected in the minutes of the March 13, 2026, meeting and based upon the testimony presented, the documentary evidence and related material submitted along with the Application, the Board does hereby make the following:

FINDINGS OF FACT

1) Notice of the quasi-judicial public hearing, pursuant to the UDO and state law, was duly and timely given. The Property was properly posted, and the hearing was properly advertised.

2) The Property is identified as tax parcel number 8575-89-5653-000 in Brevard, North Carolina within the GR-4 Zoning District and a property address of 85 Trent Road, Brevard, North Carolina.

3) The Applicant applied for a Fifteen-foot (15') variance from Chapter 2.7.2 of the UDO to allow a reduction in the rear-yard setback from Twenty-five feet (25') to Ten feet (10') on the Property.

4) The witnesses offered competent, material and substantial evidence that unnecessary hardship would result from the strict application of the UDO in that there are very limited uses to be made of the Property without a variance.

5) The witnesses offered competent, material and substantial evidence that hardship results from conditions that are peculiar to the Property in that such Property is small in size, and has an existing well, septic tank and drain field on the Property that prevent placement of a home in any other location.

6) The witnesses offered competent, material and substantial evidence that the hardship did not result from actions taken by he, as the Property owner, in that the Property was created prior to the current, applicable regulations and has, historically, had a mobile home located in the proposed location.

7) Competent, material and substantial evidence was presented that the requested variance is consistent with the spirit, purpose and intent of the UDO in that the Applicants will be able to more fully utilize the small area on the Property for the placement of a mobile home which is allowed as part of the current UDO regulations while still allowing separation between adjoining structures.

8) Competent, material or substantial evidence was presented to show that the variance, if granted, would not be injurious to public health, safety and welfare and that it would achieve substantial justice.

Pursuant to the foregoing FINDINGS OF FACT and UDO Chapter 16.8.E, the Board makes the following:

CONCLUSIONS OF LAW

1) The Board has jurisdiction to hear and decide this Application for a Variance under the UDO.

2) That without the proposed variance unnecessary hardship would result from the strict application of the regulations.

3) The hardship results from conditions that are peculiar to the Property.

4) The hardship did not result from actions taken by the Applicants.

5) The requested variance is consistent with the spirit and intent of the regulations such that public safety is secured and substantial justice achieved.

6) All applicable standards within the UDO have been satisfied.

DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the application of **Joseph R. Trent, Rose Byrd and Lana Vollendorf** requesting a variance from Chapter 2.7.2 of the City of Brevard Unified Development Ordinance to allow for a Fifteen-foot (15') reduction in the rear-yard setback from Twenty-five feet (25') to Ten feet (10') for property with an address of 85 Trent Road, Brevard, North Carolina and identified as tax parcel numbers 8575-89-5653-000 for Transylvania County, Brevard, North Carolina is hereby **GRANTED** to the extent shown on the plans submitted by the Applicants and considered by the Board.

ORDERED this _____ day of _____, 2026.

CITY OF BREVARD BOARD OF ADJUSTMENT

By: _____
Peter Offer, Chair

Attest:

_____
Edievith Gass, Clerk to the Board