

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, March 9, 2021
1:30 p.m. in the City Operations Center

The Hendersonville Board of Adjustment held its regular monthly meeting on March 9, 2021 at 1:30 p.m. in the Council Chambers in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Melinda Lowrance, Chair, Chris Freeman, Ernest Mowell, Roger Woolsey, Libby Collina, Charles Webb, Barbara McCoy, Vice-Chair, Matt Manley, Planning Manager, Angela Beeker, City Attorney, Tyler Henry, Code Enforcement Officer and Secretary to the Board Terri Swann.

Absent: Steve Smith, Candi Guffey, Kathy Watkins

Chair called the meeting to order at 1:30 p.m.

Approval of the Agenda: A motion was made by Ms. McCoy and seconded by Mr. Freeman to approve the agenda. The motion passed unanimously.

Approval of the Minutes of the December 8, 2020 meeting. A motion was made by Mr. Woolsey and seconded by Ms. McCoy to approve the minutes as written. The motion passed unanimously.

Chair swore in all persons to give testimony. Those sworn in were Matt Manley, Planning Manager and Tim Cagle, applicant.

Variance – Tim Cagle – 305 Blythe Street.

Chair opened the public hearing.

Application for a variance on the rear setback for the property located at 305 Blythe Street to rebuild the home that was damaged by a tree.

Matt Manley, Planning Manager gave a presentation to the Board. He stated the property is currently zoned R-15, Medium Density Residential. The required rear setback for the R-15 zoning district is 15 feet. The applicant is proposing the rear setback to be 6.8'. The home was damaged beyond repair by a large pine tree that fell in the Fall of 2020. The demolished structure was built in the 1930's and the adjacent home was built in the 1920's. Due to the unusual size and shape of the lot and the railroad that is adjacent, the rear setback cannot be met.

Mr. Manley presented the measurements of the lot to the Board. The lot is 3,920 sq. ft. The minimum lot size for R-15 zoning district is 15,000 sq. ft. A variance on the minimum lot size is not required. Section 6-2-3 of the Zoning Ordinance allows existing lots of record created prior to city zoning, to be developed with single family homes as long as the setbacks can be met, or a variance is granted by the Board of Adjustment.

The proposed site plan shows that the front setback of 30' cannot be met. The site plan shows the home with a 13' setback on the front. A variance on the front setback is not

required. Section 8-1 of the Zoning Ordinance allows for an exemption to the minimum required front yard. The average front setbacks for homes within 100' of the property fronting on Blythe Street is 13'. The proposed front setback for 305 Blythe Street is 13', therefore a variance is not required.

Chair asked if there were any questions for staff. There were no questions for staff.

Tim Cagle, applicant stated he would answer any questions that Mr. Manley did not cover.

Mr. Woolsey asked about a garage. Mr. Cagle stated there would be a graveled lot area that would be paved. There is off-street parking.

Mr. Cagle submitted a plat from the 1920's.

Ms. Collina asked if he would be using the exact footprint. Mr. Cagle stated yes. She asked if the foundation would be used. Mr. Cagle stated no, the tree drove the footings into the ground.

Chair asked if anyone else would like to speak in favor of the project. No one spoke. Chair asked if anyone would like to speak in opposition. No one spoke.

Chair closed the public hearing for Board discussion.

Mr. Webb made the following motion: With regard to the request by Tim Cagle for a variance from Section 5-3-3 to construct a new residence in the same footprint as the previous residence and thus receiving a reduced rear setback as depicted in the site plan, I move the Board to find (a) strict enforcement of the regulations would result in practical difficulties or unnecessary hardship to the applicant, (b) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Accordingly, I further move the Board to grant the requested variance in accordance with and only to the extent represented in the application. Mr. Mowell seconded the motion.

Chair called for the vote. The following vote was taken by a show of hands.

Mr. Woolsey	Yes
Mr. Freeman	Yes
Mr. Webb	Yes
Ms. McCoy	Yes
Ms. Lowrance	Yes
Mr. Mowell	Yes
Ms. Collina	Yes

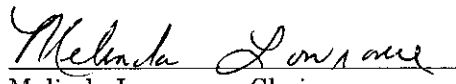
The vote was unanimous. Motion approved.

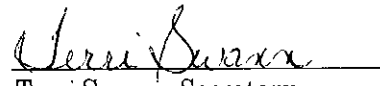
Approval of the Decision for a variance from Brian Pahle (File No. V-12-8-01), 318 N. Whitted Street. A motion was made by Mr. Woolsey to accept the decision as written. Mr. Freeman seconded the motion which passed unanimously.

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Adoption of Monthly Meeting Dates – Ratify location. A motion was made by Mr. Freeman to accept the ratification of the meeting location. The motion was seconded by Ms. Collina and passed unanimously.

Meeting adjourned a 1:48 p.m.


Melinda Lowrance, Chair


Terri Swann, Secretary