

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

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

The Hendersonville Board of Adjustment held its regular monthly meeting on November 9, 2021 at 1:30 p.m. in the Assembly Room in City Operations Center, 305 Williams Street, Hendersonville, North Carolina. Those present were: Melinda Lowrance, Chair, Ernest Mowell, Barbara McCoy, Chris Freeman, Libby Collina, Charles Webb, Kathy Watkins, Angela Beeker, City Attorney, Matthew Manley, Planning Manager, Tyler Henry, Code Enforcement Officer, Alexandra Hunt, Planner I and Secretary to the Board Terri Swann.

Absent: Roger Woolsey, Steve Smith

Chair called the meeting to order at 1:42 p.m.

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

Approval of the Minutes of the September 14, 2021 meeting. A motion was made by Ms. Watkins and seconded by Mr. Freeman to approve the minutes as written. The motion passed unanimously.

Approval of the Decisions for a variance application from Dennis Dunlap – 1600 Four Seasons Boulevard. A motion was made by Mr. Mowell to approve the Decision as written. Ms. McCoy seconded the motion which passed unanimously. A variance application from Tracie Fowler – 526 Fleming Street. A motion was made by Ms. Watkins to approve the Decision as written. Mr. Webb seconded the motion which passed unanimously.

Variance – Jeremy and Angela Sullivan – 1002 5th Avenue West

Chair swore in all persons to give testimony. Those sworn in were Tyler Henry, Code Enforcement Officer, Matthew Manley, Planning Manager and Angela Sullivan.

Chair opened the public hearing.

Tyler Henry, Code Enforcement Officer with the City of Hendersonville stated his name and title for the record. He asked that the staff report be entered into evidence for this hearing with one amendment in the proposed findings of fact that the deck is compliant with the North Carolina Building Code if there is a ramp.

Mr. Henry stated the Community Development Department has received an application from Jeremy and Angela Sullivan for a variance from Section 6-1-7: Corner Lots.

Mr. Henry stated the following concerning the subject property:

- The subject property is identified as PIN 9568-47-0819 and is currently zoned R-15, Medium Density Residential.

- The variance is to reduce the side setback from 20 feet to 10 feet. The purpose is to build a deck to connect two points of egress on a residential lot.
- The required minimum lot size in the R-15 District is 15,000 sq. ft. The lot size is 14,810 sq. ft. The estimate is based on a calculation of Henderson County Records showing the acreage of the property being 0.34 (the required minimum lot size would be equivalent to 0.34444 acres). It is possible that the lot meets the required minimum lot size.
- Based on Henderson County building records, the building located on the property was built in 1952.
- The applicant is proposing to build a deck that would expand 1' further into the side setback from the landing that currently exists and connect it to another point of egress on the back portion of the dwelling unit.
- Section 5-3-3 (R-15) of the Hendersonville Zoning Ordinance requires a side setback of 10 feet for principal structures.
- Section 6-1-7 of the Hendersonville Zoning Ordinance requires that the side setback for all residential corner lots to be increased by 10 feet.

Mr. Henry showed a site plan of the proposed addition. He stated the setback excludes the outermost three feet of any uncovered porches, steps, eaves, gutter and similar fixtures. This is quote from the Zoning Ordinance. Therefore staff believes that only a seven-foot variance on the side setback for a corner lot is needed.

Site photos were shown of the property. An image of the building was shown with the addition. It was not drawn to scale.

Section 10-9 Variances was part of the presentation.

Mr. Henry stated based on the staff review of the applicant's information there is a suggested motion for the application.

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

Angie Sullivan, 1002 5th Avenue West stated they bought the home two or three years ago and began restoring it. They do not have steps down to the back yard and their goal is to construct a deck that is in harmony with the neighborhood but also allows for them to have an entrance and exit in the rear of the home. She has a small child and from a safety aspect would like to have an exit into the backyard.

Chair asked if there were any questions for the applicant.

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. Mowell stated from a health and safety standpoint he believes they need a way out of the back of the house. The Board members all agreed.

Ms. Collina made the following motion: With regard to the standards set forth by Section 6-2-2 e) and the request by Jeremy & Angela Sullivan for a variance from Section 6-1-7 to - reduce the side setback requirement for a residential corner lot from 20' to 13', I move the Board to find that (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 a variance from Section 6-2-2 e) along with the requested variance from Section 6-1-7 in accordance with and only to the extent represented in the application. Ms. Collina stated approving the variance will provide safety and security for the applicant's children and provide another way to exit the home.

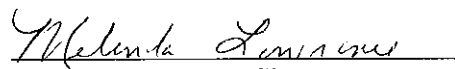
Discussion was made with the Board and staff regarding the reasons for the variance approval. Angela Beeker, City Attorney stated safety could be a reason if staff has no objection to it. Staff had no objection to making safety a reason.

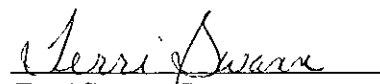
Chair called for the vote. The following vote was taken by a show of hands.

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

The vote was unanimous. Motion approved.

Meeting adjourned a 2:05 p.m.


Melinda Lowrance, Chair


Terri Swann, Secretary