

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, June 8, 2021
1:30 p.m. in the City Operations Center

The Hendersonville Board of Adjustment held its regular monthly meeting on June 8, 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, Chris Freeman, Barbara McCoy, Roger Woolsey, Libby Collina, Charles Webb, Steve Smith, Candi Guffey Lew Holloway, Community Development Director, Matt Manley, Planning Manager, Angela Beeker, City Attorney, Tyler Henry, Code Enforcement Officer and Secretary to the Board Terri Swann.

Absent: Ernest Mowell, 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 May 11, 2021 meeting. A motion was made by Mr. Woolsey and seconded by Ms. Collina to approve the minutes as written. The motion passed unanimously.

Approval of the Decision for an application for authorization to alter a nonconforming use from WCCA (File No. NON-05-11-01), 911 Tebeau Drive. A motion was made by Mr. Freeman to accept the decision as written. Mr. Woolsey seconded the motion which passed unanimously.

Variance – Doyle & Kathleen Barnes – 1523 Druid Hills Avenue

Chair swore in all persons to give testimony. Those sworn in were Tyler Henry, Code Enforcement Officer and Kathleen Barnes.

Chair opened the public hearing.

Application for a variance from Doyle and Kathleen Barnes for the property located at 1523 Druid Hills Avenue.

Tyler Henry, Code Enforcement Officer with the City of Hendersonville stated his name and title for the record. He asked that the staff reports, and attachments be entered into evidence for this hearing.

Mr. Henry stated the following concerning the subject property:

- The subject property is identified as PIN 9569-42-9977.
- The property is zoned R-10, Medium Density Residential.

- The lot size is approximately 7,405 sq. ft. This is below the required minimum lot size of 10,000 sq. ft. for the R-10 zoning district.
- Based on Henderson County building records, the dwelling located on the property was built in 1930.
- Zoning regulations for the City that would have established setback requirements and minimum lot sizes went into effect on May 10, 1945.
- The dwelling currently is affixed to the property within the required 10-foot side setback for the R-10 zoning district.
- The applicant is proposing to build an addition to the dwelling unit that will add approximately 24' in length and 18' in width to the exterior walls in the back, right corner of the dwelling unit.

Mr. Henry stated the variance request is to reduce the side setback from 10 feet to 5 feet. Mr. Henry showed a site plan submitted by the applicant.

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

Ms. McCoy asked about this being approved for a certificate of appropriateness by the Historic Preservation Commission. Mr. Henry stated the applicants have applied for a COA but the variance must be approved first before it moves forward with the Historic Preservation Commission. Ms. McCoy stated she would like to hear from the HPC on this.

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

Kathleen Barnes, applicant stated her address is 1523 Druid Hills Avenue. She stated she has not spoken directly to the Historic Preservation Commission, but they have filed an application with them. Ms. Barnes stated the addition will now be 5 feet from the property line. The addition will not be seen from the street. They have restored several historic homes and they chose to live in the historic district.

Ms. McCoy asked if she plans to get the variance first and then the COA approval. Ms. Barnes stated yes. Mr. Henry stated if this variance application is approved then the COA application is slated to be heard next week.

Chair asked if there were any further questions for the applicant. There were no further questions.

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.

Ms. Collina stated the addition is in line with the original structure. She did not see any issues with it.

Mr. Webb made the following motion: With regard to the request by Mr. Doyle Barnes for a variance from Section 5-4-3 of 5' on the required 10' side setback to construct an addition in accordance with the plan submitted on 1523 Druid Hills Avenue with a PIN of 9569-42-9977, 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. Smith 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. Lowrance	Yes
Ms. McCoy	Yes
Ms. Guffey	Yes
Ms. Collina	Yes
Mr. Smith	Yes

The vote was unanimous. Motion approved.

Variance– Iris Diaz and Alan Dunn– 636 Midway Street

Chair sworn in Iris Diaz and Alan Dunn.

Mr. Henry asked that the staff report and application along with the owner signature addendum be submitted into the record.

Mr. Henry stated this application is for a variance from Section 5-3-3 of the Zoning Ordinance.

Mr. Henry stated the following concerning the subject property:

- The subject property is identified as PIN 9568-18-9214.
- The property is zoned R-15, Medium Density Residential.
- The lot size is approximately 16,553 sq. ft. This is well within the required minimum lot size of 15,000 sq. ft. for the R-15 zoning district.
- Based on the Henderson County building records, the dwelling located on this property was built in 1940.
- Zoning regulations for the City that would have established setback requirements went into effect on May 10, 1945.
- The dwelling currently is affixed to the property within the required 10' side setback for the R-15 zoning district.

- The applicant is proposing to build an addition to the dwelling unit that will add 9'11" in length and 8'5" in width to the exterior walls in the back, right corner of the dwelling unit.

Mr. Henry stated the variance request is to reduce the side setback required by Section 5-3-3 of the zoning ordinance for the R-15 district from 10 feet to 0 feet.

Mr. Henry showed the site plan submitted by the applicant.

Chair asked if the Board had any questions for staff. There were no questions.

Iris Diaz, 636 Midway Street stated she would be happy to answer any questions.

Ms. Collina asked about the site plan. Mr. Henry stated the site plan is what was submitted to staff. He explained the location of the addition and stated it will be in line with the existing dwelling.

Mr. Smith asked if the addition was for a bathroom. Ms. Diaz stated it is for a half bath and they are bumping out the washer/dryer area.

Ms. Collina asked if the existing house sits 0 feet as well and if the new wall will follow the same exterior wall as the current house. Mr. Henry stated yes.

Mr. Smith asked if the only addition to the property was to the rear. Ms. Diaz stated yes.

Chair asked if there were any further questions for the applicant. There were no further questions.

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. Smith made the following motion: With regard to the request by Ms. Iris Diaz for a variance from Section 5-3-3 of 10' on the required 10' side setback to construct an addition in accordance with the plan submitted for 636 Midway Street with a PIN of 9568-18-9214, 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. Ms. McCoy seconded the motion.

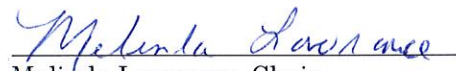
Chair called for the vote. The following vote was taken by a show of hands.

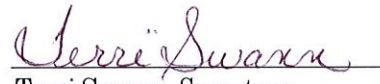
Mr. Woolsey	Yes
Mr. Freeman	Yes
Mr. Webb	Yes
Ms. Lowrance	Yes
Ms. McCoy	Yes
Ms. Guffey	Yes
Ms. Collina	Yes
Mr. Smith	Yes

The vote was unanimous. Motion approved.

Adoption of annual schedule of regular meetings. Mr. Woolsey made a motion to approve the annual schedule of meetings for the Board of Adjustment. Mr. Freeman seconded the motion which passed unanimously.

Meeting adjourned at 1:55 p.m.


Melinda Lowrance, Chair


Terri Swann, Secretary