



CITY OF HENDERSONVILLE BOARD OF ADJUSTMENT

City Hall - Council Chambers | 160 6th Avenue East | Hendersonville NC 28792
Tuesday, October 14, 2025 – 1:30 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

A. Minutes of September 9, 2025

4. **OLD BUSINESS**

5. **NEW BUSINESS**

A. 322 Killarney Street – Special Use permit (25-73-SUP) – Sam Hayes | *Planner II*

6. **OTHER BUSINESS**

A. Approval of Annual Meeting Dates for 2026

B. Approval of Decision - 1926 Haywood Road - 25-66-VAR

7. **ADJOURNMENT**

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, September 9, 2025
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on September 9, 2025, at 1:30 p.m. in the Council Chambers in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Charles Webb, Reid Barwick, Chair, Rhona Reagan, Kyle Gilgis, Brett Werner, Sam Hayes, Planner II, Daniel Heyman, Assistant City Attorney.

Absent: Laura Flores, Libby Collina, Steve Collins

Chair called the meeting to order at 1:30 p.m. Chair stated a quorum has been established and it takes four out of five votes in favor to approve a variance.

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

Approval of the Minutes of the August 12, 2025 meeting. A motion was made by Ms. Gilgis to approve the minutes as written. The motion was seconded by Ms. Reagan and passed unanimously.

Variance – 1926 Haywood Road – (25-66-VAR). Chair stated today we have one public hearing to consider. A variance from Diane Newman for the property located at 1926 Haywood Road. Any persons desiring to testify in these hearings must first be sworn in. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on here. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, that you come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on these applications should disclose it now.

Chair swore in all persons to give testimony. Diane Newman, Patrick Tighe, Dawn Castle, Judy Riedl, Jeff Riedl, Jeff Martin and Sam Hayes were sworn in.

Chair opened the public hearing.

Sam Hayes, Planner II stated his name and title for the record. He formally entered the staff report and presentation into the record. He stated the City is in receipt of an application from property owner Diane Newman for the property located at 1926 Haywood Road.

Mr. Hayes gave the project background:

The applicant for this property is Diane Newman and she is also the property owner. The PIN is 9569-14-8474. The zoning for is R-15, Medium Density Residential. The applicant would like to construct an addition on the northeastern portion of their current structure and they are requesting a variance from Section 5-3-3, the dimensional requirements for the side yard.

The subject property is 0.41 acres and the current residence located on the property is approximately 1,227 square feet. A photo was shown with the property highlighted in yellow.

A Henderson County GIS map was shown with the property highlighted in blue. There is a right-of-way that runs along the right-hand side of the property and then around the rear of the property. It is a 16-foot right-of-way that goes through there. It is not maintained by anyone except the property owners that live along the right-of-way. It is not maintained by the city.

Site photos were shown and are included in the staff report. Mr. Hayes pointed out where the proposed addition would go.

Exhibit B (the site plan) was shown and is included in the staff report and presentation. Mr. Hayes discussed the site plan. Mr. Hayes explained the variance request to the Board. He stated the setbacks have been updated. It was a 10-foot side setback and it is now an 8-foot side setback. The structure is currently nonconforming. They need a variance because they are trying to extend that nonconformity.

Mr. Hayes discussed Section 10-9 of the zoning ordinance concerning variances to the Board. This is included in the staff report and presentation.

Mr. Hayes stated he will answer any questions the Board may have.

Chair asked if this building was in place before the variance was set on the 10-foot setback. Mr. Hayes stated are you asking if the building was in place before that. Chair stated yes, basically is the building grandfathered in because of the circumstances? Mr. Hayes stated the structure itself is allowed to be a nonconforming structure. It is legally nonconforming. The footprint itself is fine. It is the extension into the setback that would require a variance or does require a variance.

Ms. Gilgis asked the petitioner to tell the Board how old the house is.

Mr. Werner asked if the addition would interfere with the right-of-way. Mr. Hayes stated it is not a publicly maintained right-of-way. Ms. Reagen stated so the answer is no, she actually went out to see the property and the proposed addition is not anywhere near the gravel road. Mr. Hayes stated it does not encroach into that right-of-way. It goes to the property line and ends.

There were no further questions for staff.

Chair asked the applicant to address the Board.

Diane Newman, 1926 Haywood Road stated she is with her husband Patrick. She stated the number they were given when they purchased the house was that it was constructed in 1910. They owned it for a couple of years putting everything they had to make it livable, to do the not-sexy repairs, the foundation, the tilting in walls and things like that. She stated when they first bought the house they went to the courthouse hoping that there was a recorded survey or plat of some sort and this is what they got. This plat is dated 1925, so that makes the subdivision layout a full 100 years old. Sometime after the cabin was built somebody else laid out something called the Lynwood subdivision. She wanted to name the cabin so she took that name. Also the street right here is called Lynwood Circle, and literally if you bring up a map or anything like that, this is a broken circle and this is now called Honeysuckle Drive and so there has been a lot of changes over time anyway. She pointed out where the right-of-way comes up and bumps into the current Honeysuckle Drive that literally has five property owners that touch that portion of the right-of-way. There is a vacant lot and a rental home above them and then they are the across the road owners. Her and her husband Patrick are the only ones who have maintained the road since they moved there.

Ms. Newman showed a survey that was recorded by Freeland Clinkscales and it is recorded at the courthouse so it is accurate. Ms. Newman explained the addition and pointed it out on the site plan.

Ms. Newman stated they have spoken to all of their neighbors and no one has objected to them impacting the gravel with a little addition right there. One of the property owners lives in Arizona, one is sitting up there and one she has spoken to many times about this. They are not trying to restrict anyone's access, they are not trying to shrink the road. The road will still be sixteen feet wide. She stated everyone that uses the right-of-way to get to their property has two ways to get to their property. You can go to the asphalt by going uphill to Honeysuckle, or you can go out Haywood Road. They would just like to get some utility out of this old part of their house that right now is sort of expensive storage. Mr. Tighe stated it is also nine feet from the corner of the gravel. Ms. Newman stated you still have nine feet before you get to the road bed.

Ms. Gilgis asked how many square feet would this new addition be. Ms. Newman stated 7' x 12' which is 84 square feet. The width of the building right there is thirteen feet inside. It is really hard to use.

Chair asked if there were any questions for the applicant.

Chair asked so they are adding a rectangular cube onto the building and this space is going to be used for what? Ms. Newman stated what they want to do with this part of the house is make it a livable area that is accessible. She has come to find out how difficult it is in Hendersonville to get a location that has accessibility for people with mobility issues. They want to reconfigure that whole thing so that anybody that needs to could be in there and have the room to move around and navigate.

Discussion was made on the walls and the space and the existing roof. Ms. Newman discussed the rear wall and the work that had been done. There is a garage below but you will come in on one level and everything will be on one level including the bathroom.

Ms. Newman pointed out and discussed the sewer lines.

Chair asked about this being an Airbnb. Ms. Newman stated that is not their intention. Chair stated he just wanted to know what the long term intent would be. Ms. Newman stated they have had Airbnb revenue in the front. They have not used this portion for anything. Chair asked if she resides there. Ms. Newman stated she lives next door but she has lived here too. They own them both.

There were no questions for the applicant.

Daniel Heyman, Assistant City Attorney stated he represents staff and does not represent the Board but he wanted to offer a comment from the staff's position that just in light of the discussion of whether or not this would be used as an Airbnb, the city cannot regulate use in terms of a variance. No matter what it is used for, as long as it is permitted under the zoning, the city would not be able to regulate the use and that the city does not have any current regulations for short-term rentals versus long-term rentals. He just wanted to make that distinction and keep the evidence that is presented relevant.

Ms. Gilgis stated we take this at face value, not what it might be, what it could be, what's going to happen in the future. We evaluate and vote on this variance and nothing outside the parameters of this variance request, correct? Mr. Heyman stated yes, that is staff's position and he says that in terms just to constantly get it on the record that he cannot give you legal advice but he can tell you staff's position.

Chair stated this is just a variance discussion but they appreciate what they are trying to do and their explanation for doing, which helps the Board make a decision, but it is a variance and strictly a variance decision.

Chair asked if there was anyone that would like to speak against the application.

Dawn Castle stated she lives on the other side, so she doesn't live on the side that they want to build the addition on. Her concern is strictly in concerns for overabundance to the easement. There's a right-of-way that runs from her house. In the beginning when they started to build their little village they did not have any access to their property. Hence, since then, they have constructed a road that comes off of Haywood that connects their three properties. Although there's still a lot of traffic, vehicle traffic and construction traffic coming down the road that she solely maintains. It had been a road for her house and for the gentleman that unfortunately has passed away a few years ago. She stated she has been maintaining it, paving it, filling in holes while they were building their other two properties. There was construction vehicles going up that ruined the road, that crushed her drainage that put a lot of wear and tear. There is still a lot of BRBO and Airbnb traffic that's coming from all three residences down the road. We have put up 10 mph signs and recently spent about \$400 getting speed bumps to try to slow the traffic down. Her concern is that even though this property that they want to do the variance on has really, they have no right to come down that road at all because it's existing on Haywood Road. Her concern based on past behaviors that there will be construction vehicles going up and making a turn and going down and putting excess burden on an easement causing more property damage for her and increased traffic. She had pictures of everything.

Ms. Gilgis asked Ms. Castle to show the Board where she lives in relation to this property. She pointed it out for the Board.

Ms. Castle stated when she purchased her property there was Tract 1, Tract 2 and Tract 3. She bought Tract 1 and Tract 2 and didn't want Tract 3, which was the two lakes in the field, which they bought and put two houses on. When they were developing their property, they did not have full access from 1926 Haywood Road. Subsequently now they have a road, which she has pictures of that, that connects all three of their properties and their farm. They are still using her road and she just doesn't want more construction vehicles going up and down this small road which is impossible to maintain by herself.

Chair asked if there was anyone that would like to speak.

Judy Riedl, 212 Allen Paul Drive stated she lives up in this area and that was the last construction by Diane and Patrick and many promises were made about the construction and what it would do and consequently we are now dealing with wild animals running through our yard. We are dealing with sheep and sheep and chickens that get out, which they have done a nice job of trying to keep them contained but they are animals so they will still move out of there. We also support Dawn in that road would make an impact because we know from experience that when they were building that house, they used a truck that went up the road and they broke our sewer line. They (being part of the Homeowner's Association for Gann Village) paid for half of that sewer line to be repaired. She can appreciate that what they are asking for is a small piece of property to add on to something that is already existing. However, she knows this probably won't be the last time they're going to build and she is concerned also about the number of people that will encroach upon this property. She was also concerned about the wildlife they can have because it is now not in the city limits.

Jeff Riedl, 212 Allen Paul Drive stated he was also concerned about the sheep and wildlife and the bird flu and this being detrimental to their health.

Ms. Riedl stated she is concerned about the promises that have not been kept and she stated they do use the three properties as Airbnb's. She stated she knows there are no regulations for Airbnb's but they do rent the properties, there are people staying there and they don't live in one of them, they live

in a camper which is by her property. She supports Dawn in the fact that the road will be used for more than it was intended for.

Jeff Martin stated he owns the property where the fields are in yellow. He stated to get back to what they are here for which is the variance, it in no way inhibits the traffic pattern of this gravel. So it doesn't inhibit it because there's already a cross-tie wall there that the house will not proceed beyond. All this stuff they are talking about, animals this, that, maybe they shouldn't live in Mills River. We are a cattle community. The property on the other side of the pond, he has traveled up that road and there's not one pothole that's been patched on that road. There is a serious water issue that comes from Mr. Jenkin's house up above but nothing on this road. The variance that they are asking for, they have talked to us about it. We know about it and he thinks it is going to enhance the property. The property the way it is now, is old and they plan on redoing the property, re-roofing it, re-siding it so it will enhance the look. To him, what they are actually here for today is the variance on this road, not the goats and sheep and chickens and all that other stuff. It will enhance our drive to our property which for us, is a plus. The road is 16 feet wide and he has never had any issues with any of their people coming out of the cabin and trying to get by. The house above them, they don't own it, those are the people that are in Arizona. He does not have an issue with it and they actually have a vested interest because we are on the road.

Chair closed the public hearing for Board discussion.

The Board discussed hearing a lot of information that did not relate to the variance. Discussion was made on being good neighbors.

Chair made the following motion: **With regard to the request by Diane Newman and Patrick Tighe for a variance from Section 5-3-3 Dimensional Requirements in accordance with the definition of "building, setback line" in Section 12-2-2 Definition of Terms to: 1. Reduce the side setback requirement from 8' to 0'. I move the Board to find that: 1) An unnecessary hardship would result from the strict application of the ordinance. 2) The hardship results from the conditions that are peculiar to the property, such as location, size, or topography. 3) The hardship did not result from actions taken by the applicant or the property owner. 4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.** For the following reasons: the reasons in the context that it is strictly a variance without any peripheral considerations in the application. *Ms. Gilgis seconded the motion.*

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

Ms. Reagen	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Werner	No
Ms. Gilgis	Yes

The vote was four in favor and one opposed. Motion passed.

Approval of Decision – 709 Florida Avenue (25-52-VAR) – Mr. Webb made a motion to approve the Decision for 25-52-VAR. Ms. Reagen seconded the motion which passed unanimously.

Meeting adjourned at 2:11 p.m.

Reid Barwick, Chair

Terri Swann, Secretary

DRAFT



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** October 14th, 2025

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: 322 Killarney Street – Special Use permit (25-73-SUP) – Sam Hayes | Planner II

SUGGESTED MOTION(S):

<u>1. For Recommending Approval:</u> With regard to the Special Use Permit request by Catherine Nason: 1. <i>The Special Use Permit is requested for bed and breakfast use under Section 5-5-2 of the Zoning Ordinance.</i> I move the Board to find that: 1) The proposed use <u>complies</u> with the standards for such use contained in article XVI of the Zoning Ordinance. 2) The proposed use <u>will not</u> adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use. 3) The proposed use <u>will not</u> be detrimental or injurious to property or public improvements in the neighborhood of such proposed use. For the following reasons: 1. The applicant has provided sufficient evidence that the landscaping buffer will adhere to the landscaping requirements in Section XV of the zoning ordinance. 2. The applicants proposal states that a resident manager shall live on the premises. 3. The site provides sufficient parking for the number of residents staying at the Bed and Breakfast. With the condition(s):	<u>1. For Recommending Denial:</u> With regard to the Special Use Permit request by George Workman and Jessica Bayer: 4. <i>The Special Use Permit is requested for restaurant use under Section 5-5-2 of the Zoning Ordinance.</i> I move the Board to find that: 1) The proposed use <u>does not</u> comply with the standards for such use contained in article XVI of the Zoning Ordinance. 2) The proposed use <u>will</u> adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use. 3) The proposed use <u>will</u> be detrimental or injurious to property or public improvements in the neighborhood of such proposed use. For the following reasons: 1. The applicant does not provide sufficient evidence that the landscaping buffer will adhere to the landscaping requirements in Section XV of the zoning ordinance. 2. The applicant's proposal for a resident manager is not sufficient per Section 16-4-5 of the zoning ordinance. 3. The applicant does not provide enough parking spaces on the site to accommodate the number of residents staying at the Bed and Breakfast.
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1. A complete landscaping plan shall be submitted to staff to be reviewed to ensure compliance with Section 15-6. Bufferyards. of the zoning ordinance. [DISCUSS & VOTE]	[DISCUSS & VOTE]
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SUMMARY:

The Community Development Department has received an application from Catherine Nason for a Special Use Permit for a Bed and Breakfast under Section 5-2-2. The subject property is currently zoned R-6 High Density Residential. The specific Special Use Permit has the following details:

The proposed Bed and Breakfast is required to have eight parking spaces available for guests and the supervisor. The applicant is providing these eight spaces on the property. The applicant is proposing to have six guest suites. The applicant is required to provide a 10 foot type B buffer per the City's landscaping ordinance.

The applicant addressed health, noise, traffic management, and community engagement in their application.

PROJECT/PETITIONER NUMBER:	25-73-SUP
PETITIONER NAME:	Catherine Nason
EXHIBITS:	A. Application B. Staff Report C. Site Photos D. Warranty Deed



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

160 6th Ave. E., Hendersonville, NC 28792
Phone (828) 697-3010 | Fax (828) 698-6185
www.hendersonvillenc.gov

**Special Use Permit Application
Section 10-8 of the City Zoning Ordinance**

The following information is **required** to be submitted prior to review by the Administrative Officer for placement on the Board of Adjustment agenda. Staff will not review applications until each item has been submitted and determined complete. Once the Administrative Officer is in receipt of a complete application and seven copies of a complete site plan, the Administrative Officer will schedule the application for an Evidentiary Hearing before the Board of Adjustment (*Section 10-8-3*).

The Board of Adjustment meets the second Tuesday of each month at 1:30PM at the Operations Center located at 305 Williams Street. Completed applications must be submitted to the Administrative Officer no later than the second Friday of each month, to be included on the following month's agenda.

The Board of Adjustment shall conduct an Evidentiary Hearing (quasi-judicial hearing) on the application. Per NCGS 160D-406(d), the applicant, the local government, and any person who would have standing under NCGS 160D-1402(c), shall have the right to participate as a party at the Evidentiary Hearing. Other witnesses may present, competent, material, and substantial evidence that is not repetitive as allowed by the board (*Section 10-8-3*).

The City Zoning Ordinance can be found on the City of Hendersonville Community Development website: www.hendersonvillenc.gov/community-development

By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Completed Application Form
- ☒ 2. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☒ 3. Completed Preliminary Site Plan as described in Section 10-8-2 of the City Zoning Ordinance
- ☒ 4. Application Fee

NOTE: Staff has the discretion to require additional items for preliminary site plans.

Office Use:

Date Received: 9/24/25

By:

Cheri Swann

Fee Received? Y/N

\$200.00
CK# 1027

A. Quasi-Judicial Decisions Process

The Board of Adjustment is given the authority under Section 10-3 of the Zoning Ordinance of the City of Hendersonville to hear and decide requests for Special Use Permits from the dimensional requirements of the Zoning Ordinance in accordance with Section 10-8. The Board conducts quasi-judicial hearings and may consider sworn testimony and evidence presented during the hearing. Applicants are advised to bring data or experts in the relevant field to provide fact-based evidence to support any information they want considered. The Board may not consider personal opinions, subjective observations, or personal preferences.

NOTE: The City Planning staff may not provide legal advice to applicants. Applicants are encouraged to consult the appropriate sections of the North Carolina General Statutes, City of Hendersonville Zoning Ordinance, and the Rules of Procedure for the Board of Adjustment, or to consult with an attorney, if more information is needed.

B. Property Information

Name of Project: Historic Killarney Inn

PIN(s): 9569-71-1600

Address(es) / Location of Property: 322 Killarney St
Hendersonville NC

Type of Development: ☒ Residential ☐ Commercial ☐ Other

Current Zoning: R-6 / HHH

Total Acreage: 1.13

List of Requested Special Uses:

Reverted back to Inn Status

[APPLICATION CONTINUED ON NEXT PAGE]

C. Special Use Findings of Fact

Section 10-8-4 states that after the Evidentiary Hearing, and on consideration of the record, the Board of Adjustment shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more reasonable and appropriate conditions. The Board of Adjustment shall not approve an application for a Special Use Permit, with or without conditions, unless it makes each of the following findings of fact:

- a) The proposed use complies with the standards for such use contained in Article XVI
- b) The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use; and
- c) The proposed use will be detrimental or injurious to property or public improvements in the neighborhood of such proposed use.

Instructions: *In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the Board that it can properly grant the Special Use Permit as provided in Section 10-8-4 of the City of Hendersonville Zoning Ordinance. (If additional space is required, please provide the information on a separate sheet of paper).*

A. Indicate how proposed use complies with the standards for such use contained in Article XVI
(Please see Article XVI Supplementary Standards if applicable)

B. Indicate how the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use.

C. Indicate how the proposed use will be detrimental or injurious to property or public improvements in the neighborhood of such proposed use.

see attached

[APPLICATION CONTINUED ON NEXT PAGE]

D. Applicant Contact Information and Signature

Cathy Nason owner of
Printed Applicant Name

Berkeley's Edge LLC
Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Adjustment except through sworn testimony at the public hearing. (Applicable if box is checked.)

Cathy Nason
Applicant Signature

Historic Killarney Inn
Applicant Title (if applicable)

28450 County Road 313
Address of Applicant

Buena Vista CO 81211
City, State, and Zip Code

530 917 1584
Telephone

cathy.nason4@gmail.com
Email

[SIGNATURE CONTINUED ON NEXT PAGE]

E. Property Owner Contact Information and Signature (If different from Applicant)

Cathy Nason ^{owner} for Berkeley's Edge, LLC
 *Printed Owner Name

Berkeley's Edge LLC
 *Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the Applicant named above my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Adjustment except through sworn testimony at the public hearing. (Applicable if box is checked.)

Cathy Nason
 *Property Owner Signature

owner
 Property Owner Title (if applicable)

28450 County Rd 313
 City, State, and Zip Code

Buena Vista Co 81211
 Telephone

530 913 1584
 Email
Cathy nason 4@gmail.com

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Thank you Sam,

I can come in at 10:45 am to morrow to
of sign & pay \$200.

Name of Project : Historic Killarney Inn

Pin ? _____
Address 322 Killarney St. NC
Hendersonville

Dev Commercial

Zoning _____ ?

Acreage _____ ?

Requesting Special Use:
going back to Inn Status
(~~was~~ was an Inn Prior)

Applicant

Cathy Nason / Berkeleys edge
Properties, LLC

Applicant tilte

Owner : Cathy Nason

28450 County Rd 313

Buena Vista CO 81211

530 913 1584

cathynason4@gmail.com

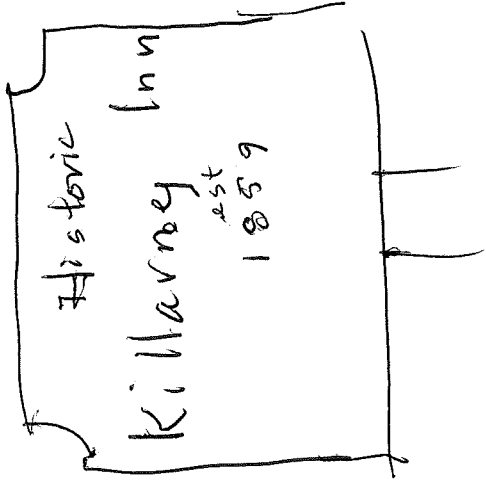
3 of 4

Response to Special Permit Question A

- In Compliance w/ Art XVI Supplementary Standards
1. Primary access is located off of Killarney St
 2. No ext. storage. Trash cans remain from previous residential owners
 3. There will be 6 ^{guest} suites per regulations
 4. Spencer Sherman will be hired as the living

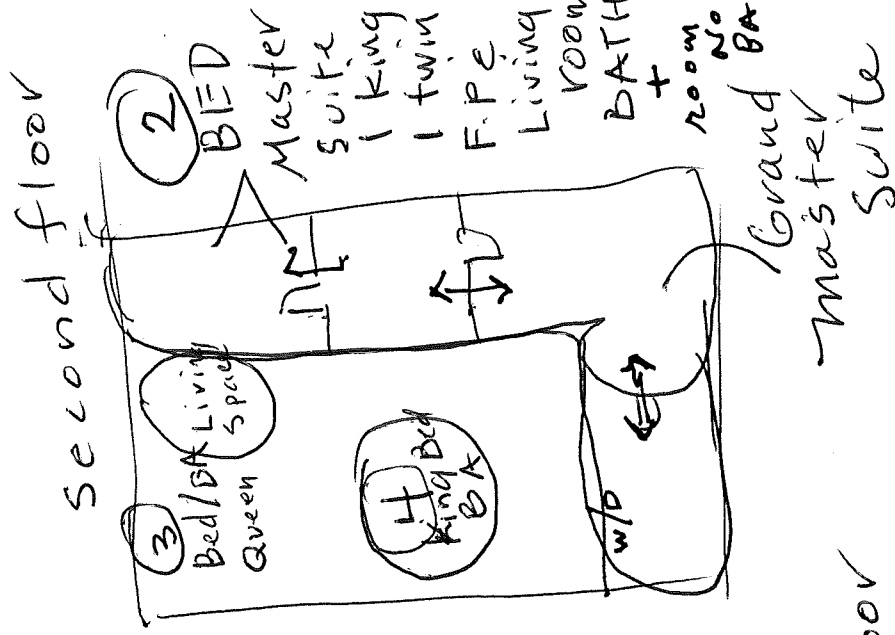
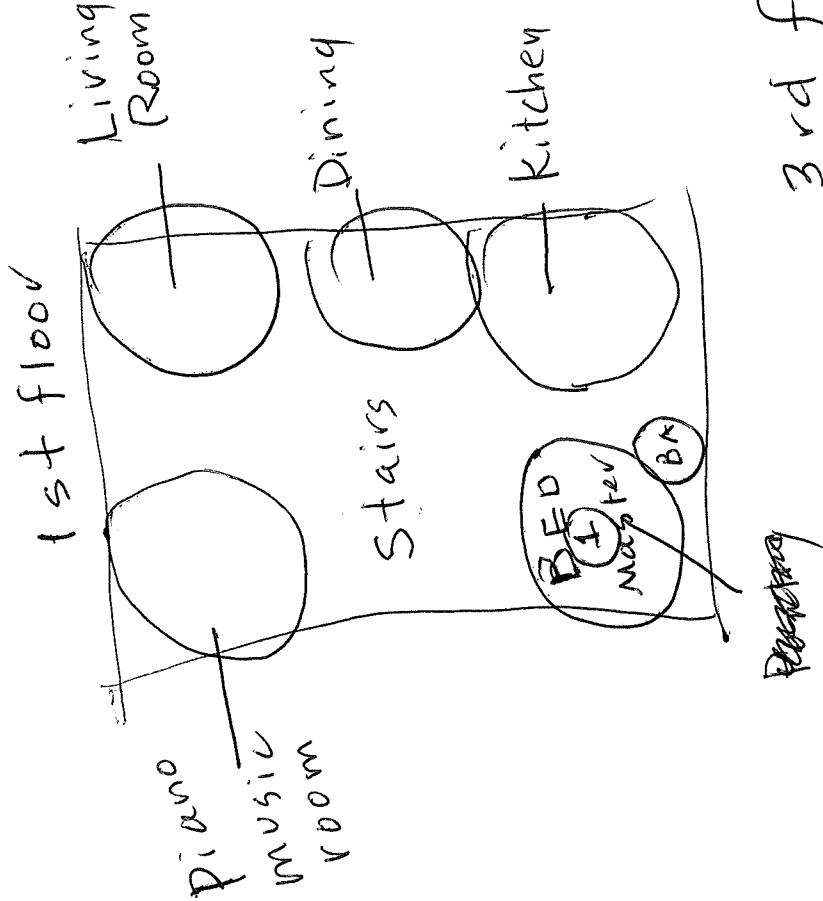
- a) single family dwelling 1859
- b) 6 guest suites see floor plan
- c) Spencer Sherman shall live on the premises
- d) Existing sign is less than 4x4
- e) Facility shall meet all building five codes
- f) there is an exist buffer strip along adjoining residential property neighbors
- g) No cooking facilities in lodging units
- h) there is plenty of parking on the property and Killarney St is a quiet alley like street w/ one other home. ~~for~~ street parking is ample.

of

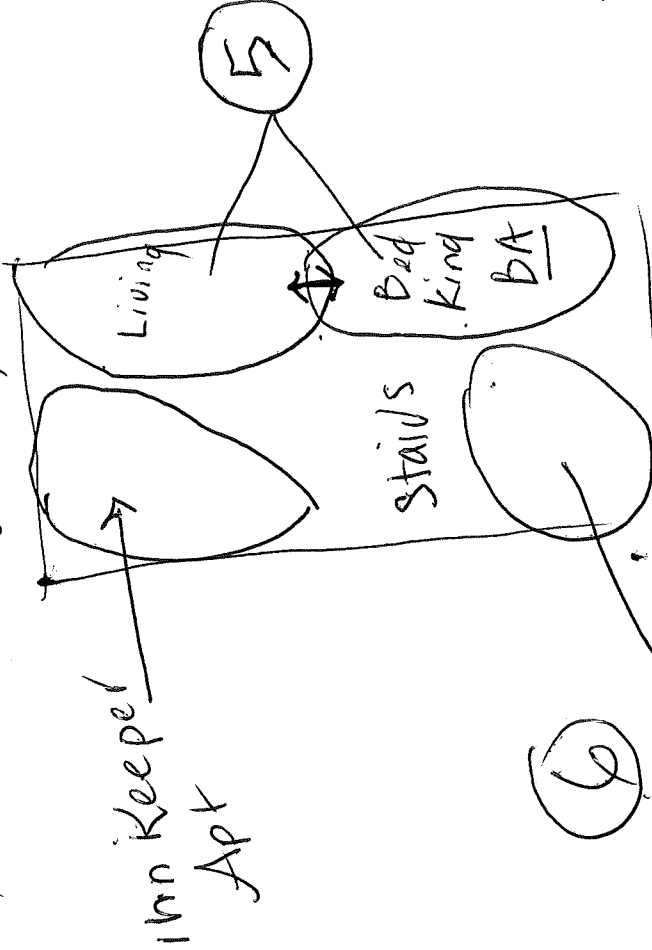


exist.
 ↳ signagl
 see Photo
 emailed

Floor Plan



3rd floor



6
 Suites

Item A.

2 twin
 Bed No BA



MEMORANDUM

TO: Board of Adjustment Members

FROM: Community Development Department

DATE: October 14th, 2025

RE: Special Use Application – City of Hendersonville – 322 Killarney Street.

SUMMARY: The Community Development Department has received an application from Catherine Nason for a Special Use Permit to operate a Bed and Breakfast. The subject property is currently zoned R-6 High Density Residential. A Bed and Breakfast is considered a special use per section 5-2-2 of the zoning ordinance, and therefore, requires a hearing before the Board of Adjustment to determine if all the applicable standards are met.

SPECIAL USE REQUEST: The Special Use Permit is requested for Bed and Breakfast use under Section 5-2-2 of the Zoning Ordinance.

PROPOSED FINDINGS OF FACT:

- Based on Henderson County records, the subject property possesses a PIN of 9569-71-1600 and is zoned R-6 High Density Residential.
- Based on Henderson County records, the lot size is approximately 1.13 acres.
- Based on Henderson County records, a North Carolina General Warranty Deed between Hunter and Suzanne Hale (Grantor) to Berkeley's Edge Properties, LLC.
- Section 5-2-2 of the zoning ordinance requires a Special Use Permit for Bed and Breakfast in the R-6 Zoning District.

CODE REFERENCE:

5-2-2. Special uses.

The following uses shall be permitted in the R-6 High Density Residential Zoning District Classification only upon issuance of a special use permit pursuant to article X and shall be subject to special use requirements contained in section 16-4, below:

Bed and breakfast facilities

Public utility facilities

Residential care facilities

Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area

Sec. 16-4. Standards.

As stated herein, the following standards apply to the indicated use when such use is either a conditional zoning district, special use or a permitted use subject to supplementary standards. These standards are in addition to other applicable development standards contained in this ordinance.

16-4-5 - Bed and breakfast facilities.

- a) The facility shall be located in a structure originally constructed as a single-family dwelling or as an inn.
- b) The facility shall be limited in the number of guest rooms it contains. Bed and breakfast facilities in residential districts shall contain no more than six guest rooms. Bed and breakfast facilities in other zoning districts shall contain no more than eight guest rooms.
 - Limited to six in R-6 High Density Residential district.
- c) The owner of the bed and breakfast or a resident manager shall live on the premises.
- d) There shall be no exterior advertising except a sign not to exceed four square feet in area in a residential district. Bed and breakfasts in other districts shall conform with the sign requirements for the district in which they are located.
- e) The facility shall meet all building and fire codes, as well as all applicable requirements, including any regulations adopted under authority of the G.S.
- f) There shall be a buffer strip meeting the specifications of article XV of the zoning ordinance along any property adjoining a residential use or district.
 - A 10-foot Type B Buffer is Required Per Article XV of the zoning ordinance.
- g) No cooking facilities shall be allowed in the lodging units.
- h) Off-street parking meeting the requirements of section 6-5, above, shall be provided. Parking area(s) in or adjacent to residential use districts shall be screened by vegetation, fencing or walls so that vehicles are not visible from the street or from adjacent properties. The applicant shall submit a site plan which shall indicate where the parking is to be located and the manner in which it is to be screened.
 - 2 per the dwelling unit and 1 per each lodging unit (8 required)

Sec. 10-8. Special use permits.

A special use permit from the board of adjustment is required for all special uses.

10-8-1 Application.

When a special use permit is required by the terms of this ordinance, application for such permit, along with a fee established by resolution of city council, shall accompany the application for a building permit.

10-8-2 Preliminary site plan.

The application for a special use permit shall be accompanied by seven copies of a preliminary site plan showing the following:

- a) The proposed title of the project and the name of the engineer, architect, designer, landscape architect, planner and/or licensed surveyor, developer and owner of record;
- b) The north arrow point, scale at not greater than one inch equals 40 feet, and such information as the names of adjacent roads, streams, railroads, subdivisions or other landmarks sufficient to clearly identify the location of the property;
- c) Location of site by an insert vicinity map at a scale no less than one inch equals 2,000 feet;
- d) Existing project zoning and zoning of adjacent property, to include properties abutting either side of a public right-of-way;
- e) City limits line;
- f) Names of adjacent property owners;
- g) Boundary survey of site and the location of all existing easements, buildings, rights-of-way or other encroachments;
- h) Existing topography and proposed finished contours at not more than five feet intervals, with project bench mark clearly identified. Location of the 100-year floodplain, if applicable. Other significant natural features affecting the site including but not limited to marshes, major rock outcrops and lakes or streams;
- i) All proposed streets with proposed names, pavement widths and rights-of-ways. All alleys, drive-ways, curb cuts for public streets and handicap ramps, loading areas, and provisions for off-street parking spaces and sidewalks; calculations indicating the number of parking spaces required and the number provided. All streets shall be clearly identified as public or private; a typical cross-section of the public or private street shall be included;
- j) Preliminary utility layout including location and size of existing and proposed water, sanitary and storm sewer lines; proposed location of electrical transmission lines, gas pipelines, street lights, fire hydrants and the location of garbage disposal facilities or a note indicating arrangements for these facilities;
- k) Location and size of all entrances and exits to the site showing sight distances and their relationship to all street and driveway intersections within 25 feet for driveways and 200 feet for street intersections;

- l) A landscape plan showing wood line before site preparation with species and average diameter of trees indicated and areas to be screened, fenced, walled and/or landscaped; also location of buffer strips, if required;
- m) Proposed location and intended use of all buildings with their dimensions, the number of floors, total floor area and maximum height above lowest ground point of each building;
- n) Notations to include the total project area, the amount and percentage of the site to be covered by buildings, open space, streets and parking;
- o) General location, size, height, orientation, and appearance of proposed signs.

As a matter of discretion, the administrative officer may require additional items for preliminary site plans, which would be necessitated by conditions such as topography, location and anticipated traffic volumes on or near the site. The requirements may include but not be limited to traffic, noise, visual or fiscal impact studies, architect's models, renderings and other studies or data. In addition, if the administrative officer determines that one or more of the above submittal requirements is not applicable to the proposed project, it may be waived.

Upon receipt of an application and site plan, the administrative officer shall review same to determine if all required information has been provided or if additional information is needed. If the site plan is insufficient, the administrative officer shall notify the applicant in writing of such deficiencies. An application for a special use permit will not be scheduled for evidentiary hearing until such time as the board of adjustment is in receipt of a complete application and site plan, that is, an application and site plan containing all the information required under this ordinance.

10-8-3 Evidentiary hearings on applications for special use permits.

Once the administrative officer is in receipt of a complete application and seven copies of a complete site plan, the administrative officer will schedule the application for an evidentiary hearing before the board of adjustment.

The administrative officer shall mail or deliver written notice of the public hearing to the person or entity whose application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The board of adjustment shall conduct an evidentiary hearing (quasi-judicial hearing) on the application. Per G.S. 160D-406(d), the applicant, the local government, and any person who would have standing under G.S. 160D-1402(c), shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

10-8-4 Board of adjustment action on applications for special use permits.

After the evidentiary hearing, and on consideration of the record, the board of adjustment shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more reasonable and appropriate conditions. The board of adjustment shall not approve an application for a special use permit, with or without conditions, unless it makes each of the following findings of fact:

- a) The proposed use complies with the standards for such use contained in article XVI;
- b) The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use; and
- c) The proposed use will not be detrimental or injurious to property or public improvements in the neighborhood of such proposed use.

Sec. 15-6. Bufferyards.

Certain land uses may create an adverse impact when developed adjacent to other less intensive land uses. A bufferyard is a permanent unit of land together with plantings and structure(s), if any, which is designed to ameliorate such adverse impacts. Bufferyards, as required in this section, shall be depicted on any site plans reviewed under this ordinance and shall be depicted and described on drawings submitted for the purpose of zoning compliance review. Unless deferred pursuant to a letter of compliance issued under section 15-8, below, buffers shall be emplaced and approved prior to issuance of any certificate of occupancy for the development.

- a) **Location of buffers.** Buffers shall be located on lot or parcel boundary lines. Buffers shall not be located on any portion of an existing public or private street or right-of-way, whether opened or unopened.
- b) **Determination of buffer requirements.** To determine a buffer required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:
 - 1) Identify the proposed land use;
 - 2) Identify the use or, if vacant, the zoning district classification, of land adjacent to the proposed use;
 - 3) Determine the buffer required on each boundary (or segment thereof) of the subject parcel by referring to the following Table of Buffer Requirements. This specifies the buffer required between proposed land uses and existing adjacent land uses or zoning districts.

TABLE OF BUFFER REQUIREMENTS

Proposed Land Use	Existing Land Use/Zoning District ¹					
	Residential ²	Residential, Multi-family ³	Mobile Home Park ⁴	Institutional & Cultural ⁵	Commercial ⁶	Industrial ⁷
Residential	X	X	X	X	X	X
Residential, multi-family	8-foot A	X	X	X	X	X
Mobile home park	10-foot B	10-foot B	X	8-foot A	10-foot B	X
Institutional & cultural	10-foot B	10-foot B	8-foot A	X	X	X

Commercial	10-foot B	10-foot B	10-foot B	8-foot A	X	X
Industrial	25-foot C	25-foot C	25-foot C	15-foot B	15-foot B	X

Notes for Table of Buffer Requirements:

- 1 Buffering is required if adjacent parcel of land is used or zoned for the category noted regardless whether adjacent parcel is located in the city, the city's extraterritorial jurisdiction (ETJ), or the planning jurisdiction of another governmental entity. Existing adjacent land use takes precedence over zoning district. Buffer requirement for the district will be used if adjacent land is vacant.
- 2 Includes the following use districts: R-40, R-20, R-15, R-10, R-6, RCT, PRD.
- 3 Includes only those sites developed as multi-family.
- 4 Includes the PMH district or an existing mobile/manufactured home park.
- 5 This category includes religious, recreational, child care and educational uses and the following use districts: MIC and PID.
- 6 Includes the following use districts: C-1, C-2, C-3, C-4, PCD, CMU, GHMU, HMU, UV, UR and CHMU.
- 7 Includes the following use districts: I-1, PMD.
- c) **Buffer specifications.**
 - 1) The following schedule sets forth the specifications of each of the buffers included in the Table of Buffer Requirements. Unless noted differently, the column entitled planting requirements refers to number of individual plants required per 100 linear feet of the buffer. The column entitled size requirements refers to the minimum size of individual plants at the time of planting. Unless otherwise noted, dimensions refer to height.

Type of Buffer	Planting Requirements per 100 Linear Feet	Size Requirements
A	3 broadleaf canopy trees 20 evergreen shrubs (4-foot centers) 25 flowering shrubs	5—6 feet 18—24 inches 12—18 inches
B	4 broadleaf canopy tree 25 evergreen shrubs (4-foot centers) 33 flowering shrubs	1½—1¾ inch caliper 18—24 inches 18—24 inches
C	4 broadleaf canopy tree 10 understory trees 33 flowering shrubs Berm Fence or wall on top of berm	1¾—2 inch caliper 5—6 feet 18—24 inches 6 feet 8 feet
X	No buffer required	Not applicable

- 2) For type A and B buffers, the developer may, at their option, substitute a masonry wall for the evergreen shrubs. A wooden fence may be incorporated into a buffer but shall not be allowed to substitute for evergreen shrubs.

- d) **Use of buffer.** If approved by the planning department, a buffer may be used for passive recreation; however, no plant material may be removed and such use shall not be a nuisance.
- e) **Buffers part of required yards.** Where front, side and rear yards are required by this ordinance, buffers may be established within such required yards.
- f) **Buffer requirements when a street separates incompatible uses.** If a street with right-of-way of less than 30 feet lies between two land uses which would require a bufferyard between them, a buffer shall be required along the affected side or rear property lines of the developing use. No bufferyard is required along the front property line.
- g) **Bufferyards in the Central Business District.** In order to preserve and promote existing development patterns within the Central Business District, the bufferyard requirements of article XV shall not apply within the Central Business District.

(Ord. No. O-24-08, § 3, 4-4-24)

Photo 1: View of subject property. The home dates to 1854. The property owner wishes to operate the home as a Bed and Breakfast.



Map 1: Aerial view of subject property highlighted in orange. The subject property is bordered by residential properties the northern side. There is a street (Killarney Street) that runs along the southern portion of the property.

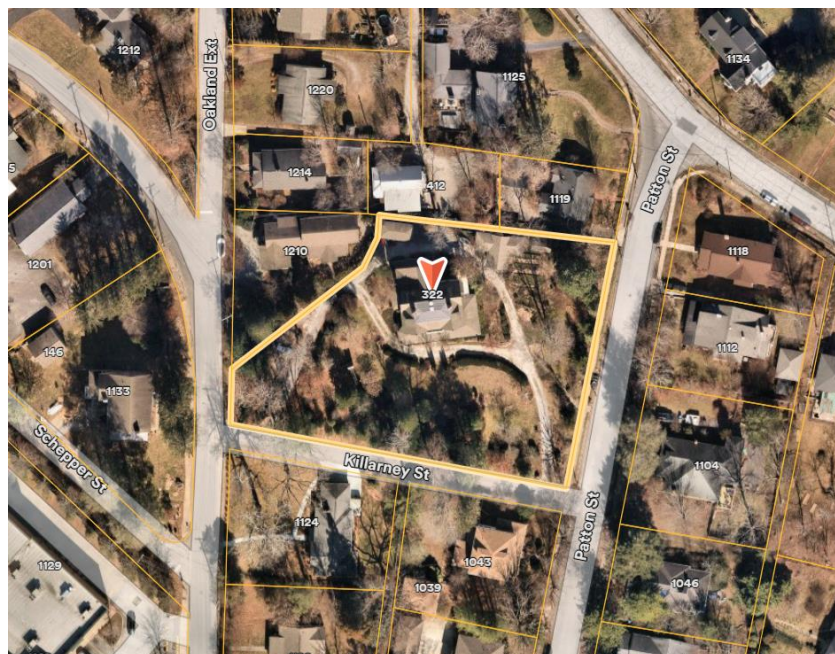


Photo 2: View of subject property from Patton Street. The home can be seen just over the tree line in the center of the photo.



Photo

3: Northeastern corner of the subject property. An existing carport and two sheds are located on the property. Very little vegetation is located along this section of the property.



Photo 4: Rear of property. An existing fence and some large trees are located along the property line.



Photo 5: Northwestern corner of property. Some existing plantings are located along this section of the property, however, an adjacent residence can be seen in close proximity to the current property.



BK 4340 PG 433 - 435 (3)

This Document eRecorded:

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09/19/2025 01:46:51 PM

Fee: \$26.00

Henderson County, North Carolina

William Lee King, Register of Deeds

Tax: \$3,430.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax:	\$3,430.00
Parcel ID:	10006609
Mail/Box to:	Lancaster Law Firm, PLLC, 189 E Chestnut St, Asheville, NC 28801
Prepared by:	Whitney Staton, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. Deed Preparation Only - No Title Search Performed
Brief description for the index:	

THIS GENERAL WARRANTY DEED ("Deed") is made on the 18th day of September, 20 25, by and between:

GRANTOR	GRANTEE
Hunter D. Hale and wife, Suzanne K. Hale	Berkeley's Edge Properties, LLC, a California Limited Liability Company 28450 County Road 313 Buena Vista, CO 81211

Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Hendersonville, Hendersonville Township, Henderson County, North Carolina and more particularly described as follows (the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 3630 Page 369.

All or a portion of the Property ☐ includes or ☒ does not include the primary residence of a Grantor.

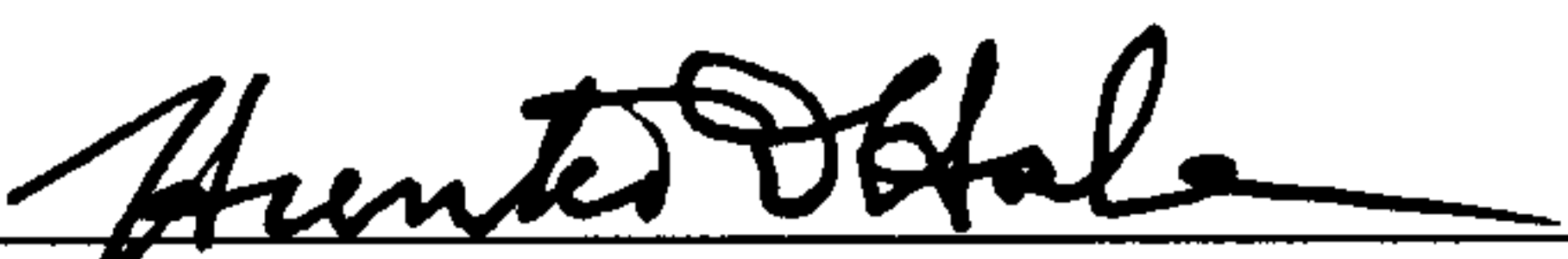
A map showing the Property is recorded in Book 2021 Page 12985.

Submitted electronically by "LANCASTER LAW FIRM, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to 2025 ad valorem property taxes.
Subject to restrictions, right of ways and easements of record.

IN WITNESS WHEREOF, the Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.


Name: Hunter D. Hale


Name: Suzanne K. Hale

Name:

Name:

Entity Name

By:

Name:

Title:

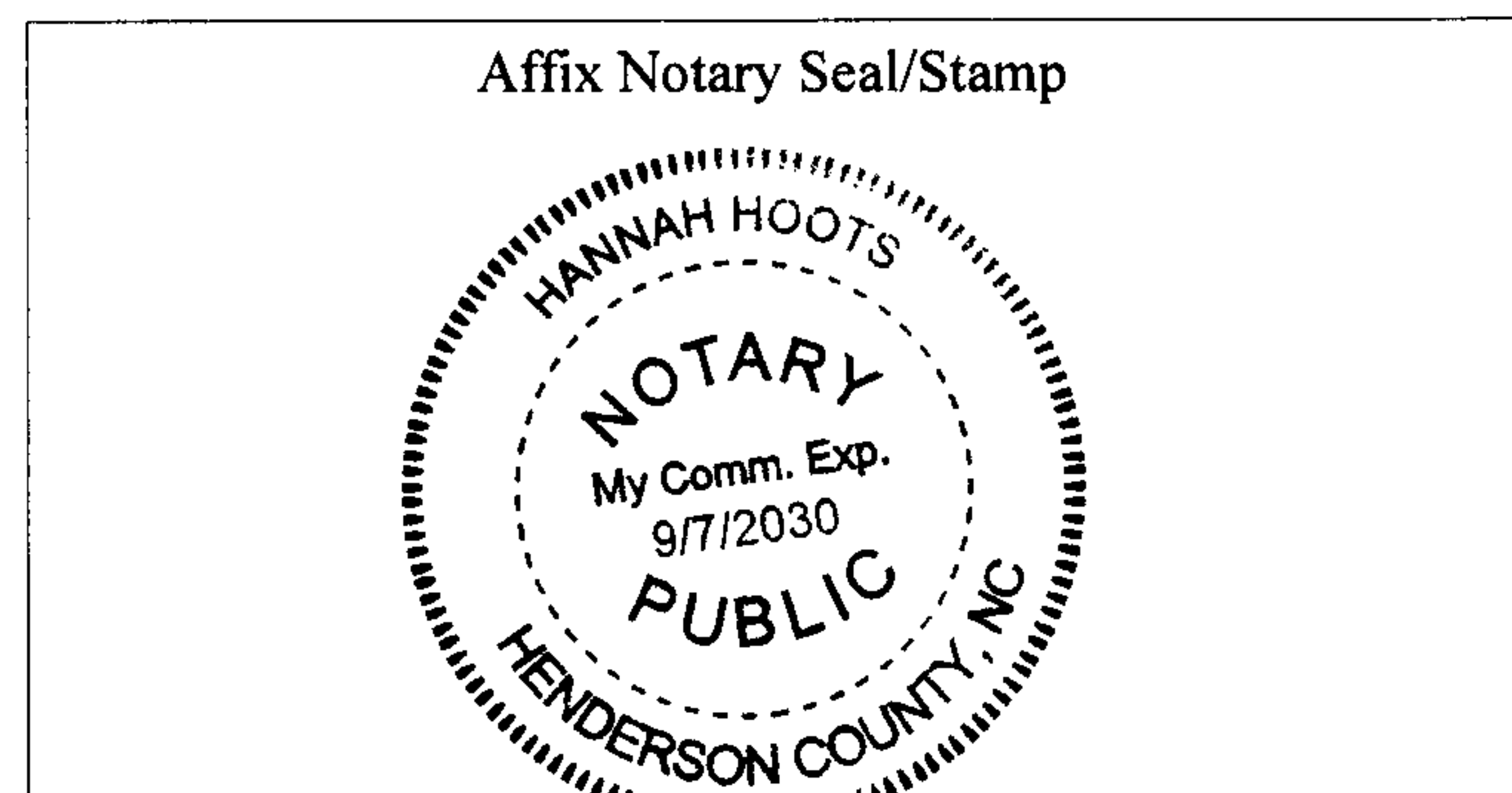
By:

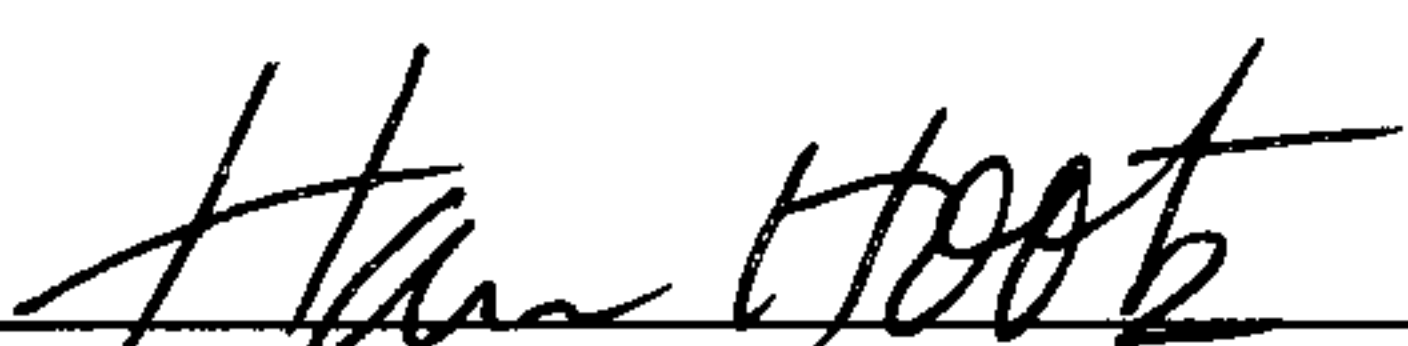
Name:

Title:

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Hannah Hoots, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 18th day of September, 20 25 each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any):
Hunter D. Hale and Suzanne K. Hale




Notary Public (Official Signature)

My commission expires: September 7, 2025 2030 HH

EXHIBIT "A"

BEING all of Tract A-R, consisting of 1.13 acres +/-, as shown on that Plat of Survey recorded in Book 2021 at Page 12985 , Henderson County Registry, which is titled "Tracts A-R & B-R Recombination for Hunter D. & Suzanne K. Hale", prepared by David C. Huntley & Associates, Inc. on November 11, 2020 as Dwg. No. H-6295BR.

CONTAINING 1.13 +/- acres

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Henderson County Registry.

BEING the majority of that property conveyed to Hunter D. Hale and Suzanne K. Hale by that deed recorded on June 28, 2010 in Book 1433 at Page 437, Henderson County Registry.

BEING ALL of that property as described in Book 3630 at Page 369, Henderson County Registry.

NOTICE

City of Hendersonville Board of Adjustment

160 Sixth Avenue E. Hendersonville, NC 28792

NOTICE OF BOARD OF ADJUSTMENT REGULAR MEETINGS

Regular Meetings of the City of Hendersonville Board of Adjustment are held on the **second Tuesday** of each month beginning at **1:30 p.m.** **3rd Floor Meeting Room inside City Hall located at 160 Sixth Avenue East, Hendersonville NC** unless otherwise noticed. The following regular meetings have been scheduled for 2026:

January 13, 2026
February 10, 2026
March 10, 2026
April 14, 2026
May 12, 2026
June 9, 2026

July 14, 2026
August 11, 2026
September 8, 2026
October 13, 2026
November 10, 2026
December 8, 2026

Chair

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Approved

<https://www.hendersonvillenc.gov>

