



CITY OF HENDERSONVILLE BOARD OF ADJUSTMENT

City Hall - Council Chambers | 160 6th Avenue East | Hendersonville NC 28792
Tuesday, September 09, 2025 – 1:30 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**

A. Minutes of August 12, 2025

4. **NEW BUSINESS**

A. 1926 Haywood Road – Variance (25-66-VAR) – Sam Hayes / *Planner II*

5. **OLD BUSINESS**

A. Findings of Fact - 709 Florida Avenue (25-66-VAR)

6. **OTHER BUSINESS**

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, August 12, 2025
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on August 12, 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, Vice-Chair, Laura Flores, Kyle Gilgis, Steve Collins, Libby Collina, Brett Werner, Sam Hayes, Planner II, Daniel Heyman, Staff Attorney.

Absent: Rhona Reagen

Chair called the meeting to order at 1:33 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. Collina and passed unanimously.

Approval of the Minutes of the June 10, 2025 meeting. A motion was made by Ms. Flores to approve the minutes as written. The motion was seconded by Ms. Gilgis and passed unanimously.

Variance – 709 Florida Avenue – (25-52-VAR). Chair stated today we have one public hearing to consider. A variance from Andrew Griffin for the property located at 709 Florida Avenue. 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. Andrew Griffin, Joe Smolski 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 Andrew Griffin for the property located at 709 Florida Avenue.

Mr. Hayes gave the project background:

The applicant for this property is Andrew Griffin and he is also the property owner. The PIN is 9568-58-3783. The zoning for this area is MIC, Medical, Institutional and Cultural. The request is for the construction an addition to the west of the house. A variance from section 5-3-3 Dimensional Requirements for Side Yard (15' setback total for lot; minimum of 5' setback on any side).

The subject property is located at 709 Florida Avenue. Based on Henderson County records, the subject parcel lot size is approximately 3,484 sq. ft. or 0.8 acres. There is a 1,872 square foot building on the property already.

Site photos were shown and are included in the staff report.

Exhibit B (the site plan) was shown and is included in the staff report and presentation. Mr. Hayes discussed the site plan.

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.

Ms. Gilgis asked what the intended use would be. Is it a living space or a garage? Can they ask those questions? Mr. Hayes stated he would say it is not relevant to the granting of the variance but the applicant is here.

There were no further questions for staff.

Chair asked the applicant to address the Board.

Andrew Griffin, 709 Florida Avenue stated the request is so that he can build a garage. There would be a finished space upstairs. He thinks the application speaks for itself. He asking to go from 5 feet to 4.8 feet on that one small corner. That corner neighbors a commercial driveway for some apartments. The landscaping there would all stay the same. He can answer any questions the Board has.

Chair asked if there were any questions for the applicant.

There were no questions for the applicant.

Chair asked if there was anyone that would like to speak in favor of the application.

Joe Smolski a neighbor stated he does not think this will interfere with anything. They had a setback of 4 feet allowed across the street. Some lots on Florida Avenue are big and some are very small.

Chair asked if there was anyone that would like to speak against the application. No one spoke.

Lyndsey Massagee stated she has assisted Mr. Griffin in different aspects of this application. She personally grew up in this neighborhood on Fourth Avenue. She cannot say that she has personal knowledge of the history of this tract as this home was built in the 20's or the 30's but she did personally take the title back to the point and time when this home was built or at least noted a public record. Her examination of the title shows the lot lines have remained the same over 100 years while the rest of the neighborhood has changed drastically. Her review of the title and surrounding circumstances and knowing what is going on in the neighborhood would support the earlier testimony and those statements in the application that a hardship would result with strict application of the zoning requirements that were not in existence back when.

Chair closed the public hearing for Board discussion.

Ms. Flores made the following motion: **With regard to the request by Andrew Griffin for a variance from Section 5-10-3 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 5' to 4.3' on the east side of the subject property and to reduce the total side setback requirement from 15' to 11.1' for the construction of an addition to the existing structure on the subject property. 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. Ms. Collina seconded the motion.

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

Ms. Collina	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Flores	Yes
Ms. Gilgis	Yes

The vote was unanimous to approve.

Approval of Decision – 713 N. Lakeside Drive (25-35-VAR) – Mr. Webb made a motion to approve the Decision for 25-35-VAR. Mr. Barwick seconded the motion which passed unanimously.

Meeting adjourned at 1:55 p.m.

Reid Barwick, Chair

Terri Swann, Secretary



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** September 9th, 2025

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

TITLE OF ITEM: 1926 Haywood Road – Variance (25-66-VAR) – Sam Hayes / *Planner II*

SUGGESTED MOTION(S):

<p>1. <u>For Recommending Approval:</u></p> <p>With regard to the request by Diane Newman and Patrick Tighe for a variance from <i>Section 5-3-3</i> to:</p> <p>1. <i>Reduce the side setback requirement of 8' to 0'.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none"> 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. <p>For the following reasons: [<i>list factual basis for Approval here.</i>]</p> <p style="text-align: center;">[DISCUSS & VOTE]</p>	<p>1. <u>For Recommending Denial:</u></p> <p>With regard to the request by Diane Newman and Patrick Tighe for a variance from <i>Section 5-3-3</i> to:</p> <p>2. <i>Reduce the side setback requirement of 8' to 0'.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none"> 1) An unnecessary hardship would not result from the strict application of the ordinance. 2) The hardship does not result from the conditions that are peculiar to the property, such as location, size, or topography. 3) The hardship did result from actions taken by the applicant or the property owner. 4) The requested variance is not consistent with the spirit, purpose, and intent of the regulation, such that public safety is not secured and substantial justice is not achieved. <p>For the following reasons: [<i>list factual basis for Denial below.</i>]</p> <p style="text-align: center;">[DISCUSS & VOTE]</p>
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SUMMARY:

The Community Development Department has received an application from Diane Newman and Patrick Tighe for a variance from Section 5-3-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2-2 Definition of Terms to reduce the required 8’ side setback to 0’. The subject property is currently zoned R-15 Medium-Density Residential. The specific variance requested is for the following:

Variance Request: The Applicant is requesting a variance from the requirement that corner lot side yards shall be a minimum of 8’ wide in accordance with Section 5-3-3 of the Zoning Ordinance. The applicant is seeking to build an addition onto an existing nonconforming structure. (Exhibit B)

The subject property is .41 acres or 17,859 square feet lot R-15 Medium-Density Residential. There is currently a 1,227 square feet building on the property currently. The side setback requirements for R-15 is 8’. Other requirements for this district are a 70’ minimum lot width, a front setback of 15’, and a rear setback of 15’.

PROJECT/PETITIONER NUMBER:	25-66-VAR
PETITIONER NAME:	Diane Newman and Patrick Tighe (Owner/Applicant)
EXHIBITS:	<ul style="list-style-type: none"> A. Staff Report B. Application C. Warranty Deed D. Site Photos

AMENDED MEMORANDUM

TO: Board of Adjustment Members

FROM: Community Development Department

DATE: September 9th, 2025

RE: Variance Application –1926 Haywood Road

SUMMARY: The Community Development Department has received an application from Andrew Griffin for a variance from Section 5-3-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2 Definition of Terms to reduce the required 8’ side setback to 0’. The subject property is currently R-15 Medium-Density Residential. The specific variance requested is for the following:

VARIANCE REQUEST: The Applicant is requesting a variance from the requirement that corner lot side yards shall be a minimum of 8’ wide in accordance with Section 5-3-3 of the Zoning Ordinance. The applicant is seeking to build an addition onto an existing nonconforming structure. (Exhibit B)

The subject property is .41 acres or 17,859 square feet lot R-15 Medium-Density Residential. There is currently a 1,227 square feet building on the property currently. The side setback requirements for R-15 is 8’. Other requirements for this district are a 70’ minimum lot width, a front setback of 15’, and a rear setback of 15’.

PROPOSED FINDINGS OF FACT:

- Based on Henderson County records the subject property possesses a PIN of 9569-14-8474 and is zoned as R-15 Medium-Density Residential.
- Based on Henderson County records, the lot size is approximately .41 acres or 17,859 square feet.
- Based on Henderson County records, the subject property has one structure built on it that is 1,227 square feet.
- Based on the City of Hendersonville records, Haywood Road is a NCDOT maintained road and the right of way to the east of the property is not currently maintained by the City.
- Based on Henderson County records a North Carolina Quit Claim Deed was acquired by Diane Newman and Patrick Tighe on May 20th, 2021.
- Section 5-3-3 of the zoning ordinance requires the principal structure setbacks for R-15 be:
 - Front: 15’
 - Side: 8’

- Rear: 15'
- *Section 12-2-2* defines the building setback as an open, unobstructed area that is required by this zoning ordinance to be provided from the furthestmost projection of a structure to the property line of the lot on which the building is located.
- Based on the Variance Application (*Exhibit A*), the Applicant is proposing to construct an addition on the home measuring 7' by 12'.

CODE REFERENCES.

5-10-3 Dimensional Requirements:

Minimum Lot Area in Square Feet: 15,000

Minimum Lot Width at Building Line in Feet: 70

Minimum Yard Requirements in Feet:

Front: 15

Side: 8

Rear in Feet: 15

Maximum Height in Feet: 35

Section 12-2 Definition of Terms

Setback: An open, unobstructed area that is required by this zoning ordinance to be provided from the furthestmost projection of a structure to the property line of the lot on which the building is located.

Section 10-9 Variance.

A Variance is a means whereby the City may grant relief from the effect of the Zoning Ordinance in cases of hardship. A Variance constitutes permission to depart from the literal requirements of the ordinance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance is not a self-created hardship.
- 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.

The Board of Adjustment shall not have authority to grant a Variance when to do so would:

- 1) result in the extension of a nonconformity regulated pursuant to Section 6-2, above, or
- 2) permit a use of land, building or structure which is not permitted within the applicable zoning district classification. Per NCGS 160D-705 (d), appropriate conditions may be imposed on any Variance, provided that the conditions are reasonably related to the Variance.

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDESEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
MELINDA LOWRANCE
JEFFERY L. MILLER



OFFICERS:
JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

Item A.

25-66-VAR package

WORKSPACE INFORMATION

Application number 25-66-VAR	Category Variance	Workspace state Submitted
Workspace created 08/21/2025, 3:59:18 PM EDT	Application submitted 09/02/2025, 7:35:25 AM EDT	
Assignee	Package generation date 09/02/2025, 4:26:50 PM EDT	

LOCATION INFORMATION

Address 1926 HAYWOOD RD, Hendersonville, NC	Property information 4464,
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PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
NEWMAN, DIANE P.;TIGHE, PATRICK M.	1926 HAYWOOD RD HENDERSONVILLE NC 28791 dianepaige@aol.com	Applicant, Property owner
NEWMAN, DIANE P.;TIGHE, PATRICK M.	1926 HAYWOOD RD HENDERSONVILLE NC 28791 dianepaige@aol.com	Applicant, Property owner



Project Description			
Project Description Construct an addition in the setbacks.			
Parcel Identification Number (PIN): 9569148474	Total Project Area (acres) 0.41	Total Lots/Units 1	Proposed building square footage: 840.0 sq.ft.
Gen H Future Land Use Designation: Multi-Generational Living	Current Zoning District R-15	Proposed Meeting Date Option 1 08/20/2025	
Proposed Meeting Date Option 2 08/20/2025	Proposed Meeting Time Option 1 12:00 PM	Proposed Meeting Time Option 2 1:00 PM	



Project Description
Please describe the nonconformity: The home encroaches into the setback.
Please describe the requested modifications: The applicant is requesting to extend the encroachment into the setback all the way to the property line.
Total Project Area (acres) 0.41

Variance Burden of Proof

Item A.

When unnecessary hardships would result from carrying out the strict application of a zoning ordinance, the Board of Adjustment shall vary any of the provisions upon a showing of the factors listed below. The Board does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board shall grant a variance only upon showing of all of the factors below as provided in Section 10-9 of the City of Hendersonville Zoning Ordinance.

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 variance as provided in Section 10-9 of the City of Hendersonville Zoning Ordinance.

<p>1. Unnecessary hardship would result from the strict application of the ordinance. In order to determine whether an unnecessary hardship exists, the Applicant must demonstrate the following factors:</p>	<p>a. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate, that in the absence of the variance, no reasonable use can be made of the property.</p> <p>We are attempting to create an ADA compliant living space with as little disturbance as possible to an existing public right of way. As it stands, the City's current setback line passes through the existing structure, built many, many years prior to our acquisition. The structure in question supports an existing roofline from the main living area, and furthermore, there simply is not enough room on the property to achieve this goal as is. The house already encroaches on side setbacks and has a sewer line from another property running along the opposite side.</p>	<p>b. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability</p> <p>This renovation endeavors to create an ADA living space in a home in which none currently exists. Our original home was built over a hundred years ago and is bounded by a low rock wall on one side, and a hillside with no vehicular access on the other. The front door is accessed with the original stone steps which have posed significant difficulty to some who have no disabilities. Some decades ago, an addition was completed, also lacking accessibility. Initially, there was an internal stairway from the garage, but it was removed to increase floor space and in order to repair a failing block wall. Now there is only one entry, and it too poses a hardship to those with mobility issues. Once inside, the door barely swings past the kitchen sink cabinet, making mobility hazardous, and impossible with the use of a device. Furthermore, without widening the 13' living area, the 60" T turning space as defined by the ADA is not possible. Our 90SF addition would alleviate that issue.</p>	<p>c. Indicate how the hardship did not result from action taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.</p> <p>When we purchased this property in 2016, we were unaware of the failing block wall. A property inspection did not point that out. Though this failure has now been addressed, that portion of the house has gone largely unused for years. We are now considering how this can be remediated for our own personal use, or by another member of our family as we discover we are all aging! We have spent many hours throughout our years of ownership to determine the best solution to this problem. Having analyzed the limitations imposed by the site of the building on a sloped topography and bounded by the original house structure, a sewer line and a (semi) public right of way, seeking a variance seems to be our only avenue.</p>
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Item A.

2. Indicate how 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.

Item A.

As we consider the enlargement of the corner of our building where it approaches what has been determined a "public right of way," we do not believe any member of the public will be adversely affected. In fact, it's possible no members of the general public will ever see the addition or be aware of the necessity of a variance to build. The primary reason is that it sits at the back of our property, away from Haywood Rd/Hwy 191 and is mainly out of view. Furthermore, this right of way connects four other property owners from Haywood Rd. to Honeysuckle Dr. These owners are 1) Ourselves, 2) Our immediate neighbor, who lives out of state and is aware of our intentions, 3) An absentee owner who lives in another part of town and maintains a rental house, occupied by a nondriving tenant who accesses her home by way of Honeysuckle 4) The homeowners on Honeysuckle whose driveway enters from Honeysuckle, and touches the right of way for about 20' on one side. 5) The owner of a 50' undeveloped lot that mostly fronts on Honeysuckle. Each of these individuals may travel to a publicly maintained road in either direction from their property. We have engaged in conversations with all of these property owners and none has expressed a concern. In the event that the City of Hendersonville should choose to upgrade this ROW to city street standards, the established 16' width will still be available. We do not seek to restrict anyone's use of the right of way or access to their own property. There is a significant portion of ground between our proposed corner and the actual roadbed as it is traveled, a dead zone nearly 10' by our measurements. Moving outward from the proposed corner enlarges this zone.



Applicant (Developer) Company Information	
Authorized Representative Name:	Company Name (if applicable, check corresponding box below)
Company Type:	If other:
<input type="checkbox"/> Corporation:	<input type="checkbox"/> Limited Liability Company:
<input type="checkbox"/> Partnership:	<input type="checkbox"/> Trust:
<input type="checkbox"/> Other:	
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)	



Zoning-Property Owner Company Information

Item A.

Property Owner Company Information (if different from Applicant)

Authorized Representative Name:

Diane Newman and Patrick Tighe

Company Name (if applicable, check corresponding box below)

Company Type:

If other:

☐

Corporation:

☐

Limited Liability
Company:

☐

Trust:

☐

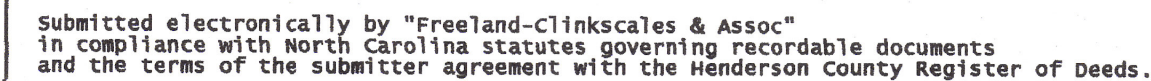
Partnership:

☐

Other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

SLIDE 15686



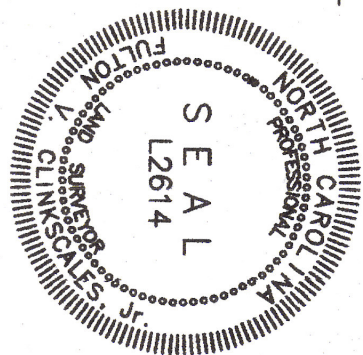
I, Fulton V. Clinchades, Jr., certify that this plot was drawn under my supervision from an actual survey performed under my supervision (deed descriptions recorded in Book 3714, page 280, etc.), that the boundaries not surveyed are clearly indicated as drawn from information found in Book *** page ***; that the ratio of precision as calculated is 1:10,000; that the Global Positioning System (GPS) and the following information was used to perform the GNSS survey:

Class of survey: A
Positional accuracy: 0.05'
Type of GPS field procedure: RTK
Dates of survey: May 20, 2024
Datum/Epoch: NAD83(2011)
Published/Fixed-control use: VRS
Geoid model: 2018
Combined grid factor(s): 0.99877558
Units: US Survey Feet

That this plot was prepared in accordance

G.S. 47-50(f)(1)(c) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Fulton V. Clinkscales, Jr.
L-2614



State of North Carolina
Henderson County
Nita Stepp

Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Occupied by: Mr. Sharp

Complaint No. _____

Review Officer _____

Date 6/18/2024

Minor Subdivision
Diane P. Newman &
Patrick M. Tighe
(Owners)
1926 & 1928 Haywood Road
Hendersonville Township
Henderson County
State of North Carolina

**FREELAND - CLINKSCALES
& ASSOCIATES, INC.** of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 687-6539
info@fcaofnc.com

REF. FAL BOOK	374/20
REF. DEED BOOK	
TAX MAP	9598-14-7461
PARTY CHIEF	TEC
DRAWN	TEC
DATE	May 20, 2002
DRAWN BY	HALE



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

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

**APPLICATION FOR A VARIANCE
Section 10-9 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, 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. Pre-application meeting with the Planning staff.
- ☐ 2. Completed Variance Application
- ☐ 3. Completed Zoning Permit Application
- ☐ 4. Site Plan of property showing any existing structures, natural features (e.g. streams, ponds, etc.), **as well as** the proposed building or additions indicating distance from such to the centerline of street, side & rear lot lines, and elevations, as applicable, and placement of septic system & drainage field with distances from structures, if applicable.
- ☐ 5. One copy of the septic permit (if applicable)
- ☐ 6. Application Fee of \$75.00
- ☐ 7. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, Building Safety Department permits, and other requirements that might have a bearing on the application.

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N

A. Quasi-Judicial 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 variances from the dimensional requirements of the Zoning Ordinance in accordance with Section 10-9. 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: 1926 HAYWOOD RD. REPAIRS / UPGRADE

PIN(s): 9569-14-8474

Address(es) / Location of Property: 1926 HAYWOOD RD
HENDERSONVILLE, NC 28791

Type of Development: ☒ Residential ☐ Commercial ☐ Other

Current Zoning: R-15

Total Acreage: .42 Ac

C. To the Zoning Board of Adjustment

I, DIANE NEWMAN, PATRICK TIGHE, hereby petition the Board of Adjustment for a variance(s) from the literal provisions of the Zoning Ordinance of the City of Hendersonville because I am prohibited from using the parcel of land described in the form "Zoning Permit Applicant" in a manner shown by the Site Plan.

I request a Variance from the following provision(s) of the ordinance (cite section numbers):

Sec. 5-3-3 Dimensional Requirements

E. Applicant Contact Information

PATRICK TIGHE
 * Printed Applicant Name

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.)

Patrick Tighe
 Applicant Signature

Applicant Title (if applicable)

1926 HAYWOOD RD
 Address of Applicant

HENDERSONVILLE, N.C. 28791
 City, State, and Zip Code

864 909 6046
 Telephone

LYNNWOODCABINS@GMAIL.COM
 Email

F. Owner Contact Information (if different from Applicant)

DIANE NEWMAN, PATRICK TIGHE
 * ^ Printed Owner Name

* ^ 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.)

Diane Newman
 Owner Signature

Patrick Tighe

Owner Title (if applicable)

1926 HAYWOOD RD. HENDERSONVILLE, NC 28791
 Address of Property Owner

City, State, and Zip Code

803-920-9428

864 909-6046

Telephone

dianepaige@aol.com

Email

LYNNWOODCABINS@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.

Certification

In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the City of Hendersonville Zoning Code. Violations of the provisions of the variance granted, including any conditions or safeguards, which are part of the granting of the variance, shall be deemed in violation of the City of Hendersonville Zoning Ordinance.

I, PATRICK TIGHE, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Date

8/21/2025

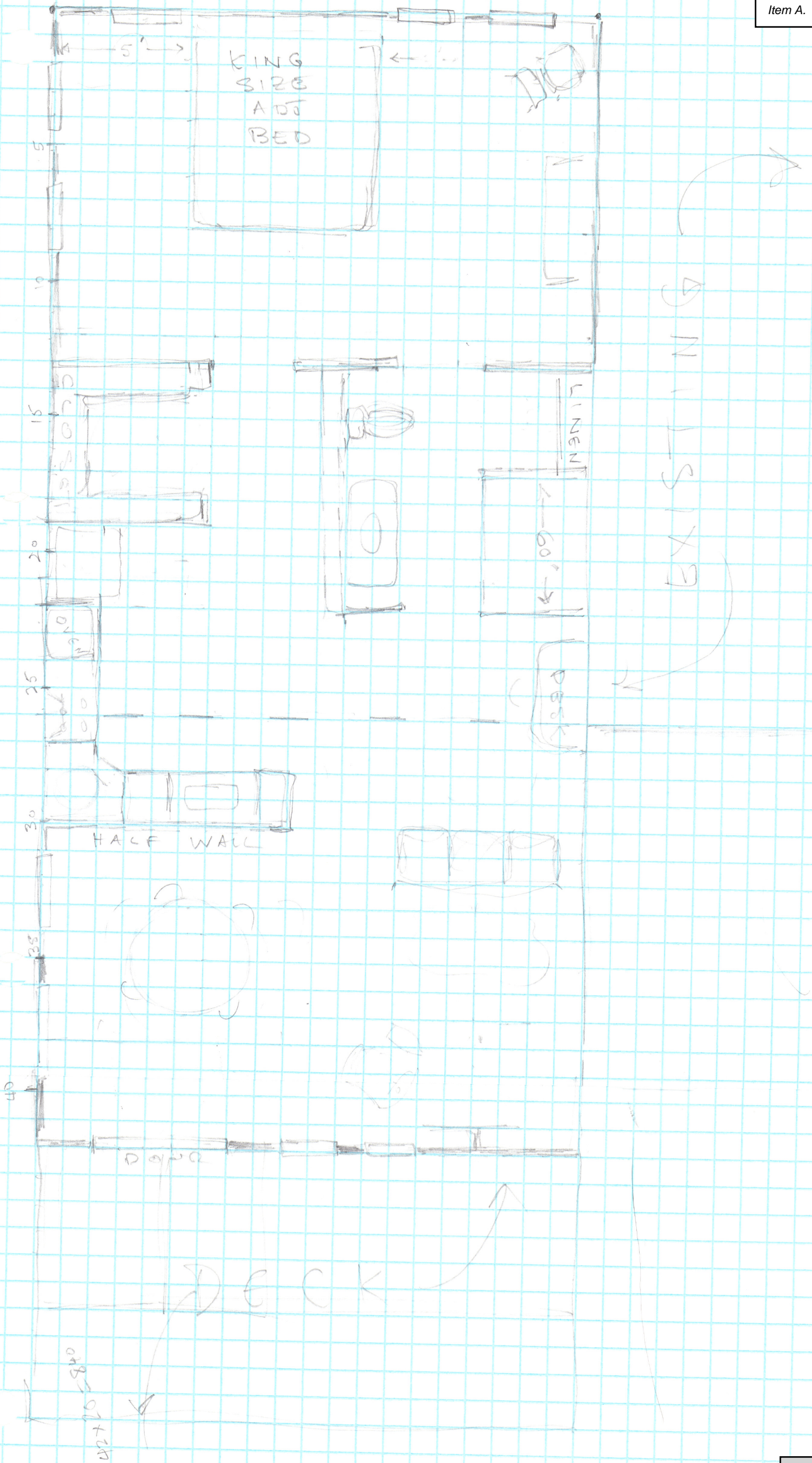
Applicant Signature

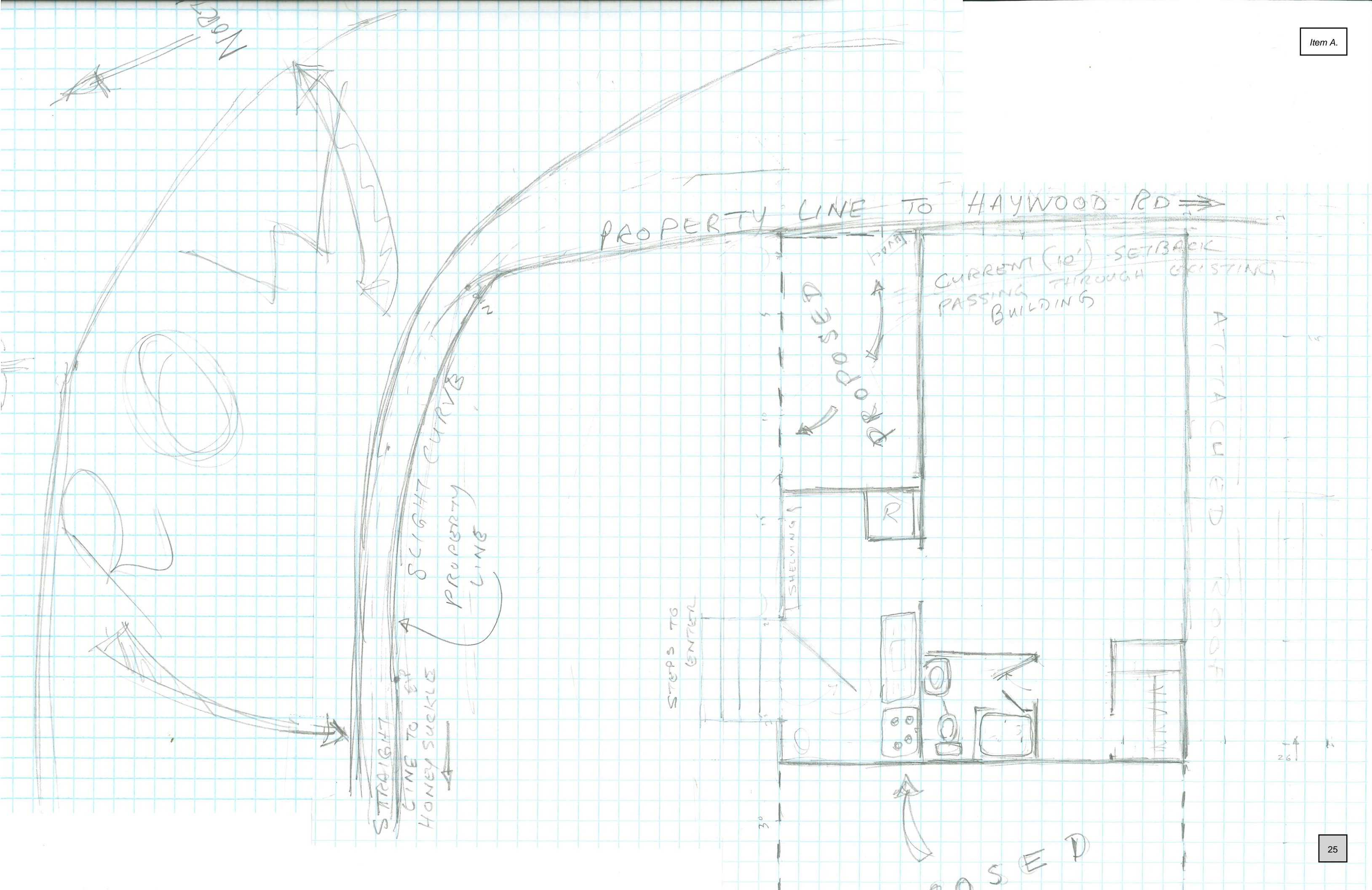
Patrick Tighe

Applicant Title

Applicant Name (Please Print)

PATRICK TIGHE







ZONING COMPLIANCE PERMIT
City of Hendersonville
Community Development Department
CITY HALL
160 6TH AVE E
HENDERSONVILLE NC 28792

TO BE COMPLETED BY STAFF

Item A.

PERMIT # _____

Application Date: _____

Issuance Date: _____

FEE

\$ **50.00**

CASH

CHECK # _____

Made payable to City of Hendersonville

Project Address: <u>1926 HAYWOOD RD, HENDERSONVILLE, NC 28791</u>		Unit/Lot #:
Parcel Identification # (PIN):		<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential
Name of Property Owner: <u>DIANE NEWMAN</u> <u>PATRICK TIGHE</u>		<input checked="" type="checkbox"/> owner occupied <input type="checkbox"/> rental
Name of Business (if applicable):		Zoning District: <u>R-15</u>
Proposed Use: <u>RES.</u>	Prior Use: <u>RES.</u>	HPC REQUIRED:

CHECK ALL THAT APPLY:

RESIDENTIAL <input type="checkbox"/> New Single Family Home <input type="checkbox"/> Duplex <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Deck/Porch <input checked="" type="checkbox"/> Remodel <input checked="" type="checkbox"/> Repairs <input type="checkbox"/> Solar PV <input type="checkbox"/> Retaining Wall <input type="checkbox"/> Home Occupation <input type="checkbox"/> Setting New Mfg Home <input type="checkbox"/> Other:	COMMERCIAL <input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Upfit (first occupancy) <input type="checkbox"/> Repair/Replace <input type="checkbox"/> Occupancy <input type="checkbox"/> Change of Use <input type="checkbox"/> Food Truck <input type="checkbox"/> Other: <input type="checkbox"/> Commercial Alterations – Cost \$ _____	DEMOLITION <input type="checkbox"/> Interior <input type="checkbox"/> Entire Building <input type="checkbox"/> Structural <input type="checkbox"/> Non-Structural Demolition Permit Fee Is \$100	GRADING / GROUND DISTURBANCE ONLY Total square footage of area to be disturbed: <u>± 300 SF</u> (draw area on site sketch) <input type="checkbox"/> If over 1 acre of disturbance – Henderson County Soil & Erosion Control	SETBACKS Primary Structure/ADU Front: <u>15</u> Side: <u>12</u> Rear: <u>15</u> ACCESSORY STRUCTURE Front: _____ Side: _____ Rear: _____
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COMPLETE DESCRIPTION OF WORK TO BE PERFORMED:

COST OF CONSTRUCTION: \$ ≈ 50,000
SQUARE FOOTAGE: < 400

SITE SKETCH REQUIRED FOR CHANGE IN FOOTPRINT OF EXISTING STRUCTURE(S) OR ADDITION OF A STRUCTURE

- ☒ Dimensions of the property lines and orientation to streets, roads and driveways. (Include a north arrow.)
- ☒ Location of the proposed structure, including: decks, walkways, garages, pools or other structures. (Indicate the dimensions for all structures or show the dimensions of the maximum area you anticipate the structure will cover.)
- ☒ Location of all driveways. (Indicate driveway to be used for primary access for addressing purposes.)

CITY OF HENDERSONVILLE ZONING PERMIT – Page 2

PERMIT #			
PROJECT ADDRESS			
PROPERTY OWNER INFORMATION – REQUIRED – Property Owner signature required on all applications			
Property Owner Name(s): <i>DIANE NEWMAN, PATRICK TIGHE</i>	Email Address: <i>dianepaige@aol.com</i>	Phone Number: <i>803-920-9428</i>	
Mailing Address: <i>1926 HAYWOOD RD</i>	City: <i>HENDERSONVILLE</i>	State: <i>NC</i>	Zip: <i>28791</i>
Signature (Affidavit required for Authorized Agents) <i>Diane Newman Patrick Tighe</i>		Date: <i>8/21/25</i>	
APPLICANT INFORMATION – REQUIRED – The undersigned certifies that all information in this application is correct			
Name:	Email Address:	Phone Number:	
Company Name (if applicable)			
Mailing Address:	City:	State:	Zip:
Signature <i>Diane Newman</i>		Date:	

STAFF COMMENTS ONLY:**REMARKS - MUST MEET ALL REQUIREMENTS OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE**All required conditions must be met PRIOR to issuance of Certificate of Occupancy

- ☐ or N/A Sidewalks or Fee In Lieu of \$ _____ - Linear Feet _____ Property Side _____ Opposite Side: _____
- ☐ Include a site sketch with details of sidewalk location
- ☐ or N/A Flood Plain Development Permit
- ☐ or N/A Stream buffer
- ☐ or N/A Change of Use – NC DOT Driveway Access
- ☐ or N/A Driveway Permit – Public Works - Encroachment Agreement - date issued: _____

THIS ZONING PERMIT IS HEREBY APPROVED <input type="checkbox"/>	
ZONING OFFICIAL:	APPROVAL DATE:
ZONING OFFICIAL SIGNATURE	
THIS ZONING PERMIT IS HEREBY REJECTED <input type="checkbox"/>	
REASON FOR REJECTION:	

This is NOT a building permit. Building permits must be obtained from Henderson County<https://www.hendersoncountync.gov/permitcenter/page/permit-process> please contact Permit and Inspections staff at (828) 697-4830**For general permit information and questions email:**Planning@hvlnc.gov

Driveway and Sidewalk Standards can be found online at:

<https://www.hendersonvillenc.gov/engineering/standard-specifications-and-details>

BK 3714 PG 280 - 281 (2)

DOC# 953715

This Document eRecorded:

05/20/2021

10:51:21 AM

Fee: \$26.00

Henderson County, North Carolina

William Lee King, Register of Deeds

Instrument Prepared By: Staton Law, P.A., 112 North Washington Street, Hendersonville, NC 28739

Mail After Recording To: Whitney Staton, Staton Law, P.A., 112 North Washington Street, Hendersonville, NC 28739

Excise Tax \$0.00

QUITCLAIM DEED

State of North Carolina
County of Henderson

THIS DEED, made this 14th day of May, 2021, by and between Lynwood Cabins, LLC, Grantor(s), and Diane P. Newman and Patrick M. Tighe, Grantee(s), of 1926 Haywood Rd, Hendersonville, NC 28791;

WITNESSETH:

That said Grantor(s), for and in consideration of the sum of 0.00 (\$0.00) Dollar(s) to their in hand paid, the receipt of which is hereby acknowledged, have remised and by these presents do remise, release, and forever quitclaim unto the Grantee(s) and their heirs and assigns all right, title, claim, and interest of the said Grantor(s) in and to a certain tract or parcel of land lying and being in the County of Henderson, and State of North Carolina, in _____ Township, and more particularly described as follows:

BEGINNING at a point, said point being the northeastern corner of the property of James Arthur Ballard as described in a certain deed recorded in Deed Book 624, at page 253 of the Record of Deed of the Henderson County Registry, said point lying South 51 deg. 49 min. 35 sec. East 295.87 feet from an iron pin, the northernmost corner of Lot 10 of Lynwood Subdivision as shown on a plat thereof recorded in Plat cabinet B, at slide 158 of the Record of Plats of the Henderson County Registry, and running thence from said beginning point, South 56 deg. 43 min. 00 sec. East 150 feet to a point, thence with the area of a circle to the right having a radius of 19.6 feet an arc distance of 20.95 feet (chord bearing south 26 deg. 05 min. 30 sec. East 19.97) to a point, thence South 56 deg. 43 min. 00 sec. West 163.10 feet to a point, thence with the curve of a circle to the right, having a radius of 5 feet an arc distance of 10.36 feet (chord bearing South 63 deg. 54 min. 30 sec. West 8.61 feet) to a point within the right-of-way of Haywood Road, Highway 191, thence north 56 deg. 47 min. 34 sec. West 242.61 feet to a point, thence North 33 deg. 46 min. 01 sec. East 160.9 feet, crossing an iron pin at 9.44 feet, said point being the point and place of BEGINNING. This property is comprised of .76 acres, more or less, and is that same property shown and described on a certain survey entitled "Plat of Proposed Property of Kenneth Pearce and Julia Clapsaddle", performed by Steven Lloyd Waggoner, R.L.S. 2874, dated January 10, 1994, bearing Job No. 94-001.

This property is comprised of all of Lots 1, 2, 3, and 4 of Lynwood Subdivision as shown on a plat thereof recorded in Plat Cabinet B, at Slide 158 of the Record of Plats of the Henderson County Registry.

This property is conveyed subject to the restrictive covenants, if any, of Lynwood Subdivision and further subject to the right of way Haywood Road, Highway 191, and a gravel access road following the eastern and northern boundaries, to their full length widths.

AND BEING all of the property described in the Deed Book 1061 at the page 379, Henderson County Registry.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to the Grantee(s) and their heirs and assigns, free and discharged of all right, title, claim, or interest of the Grantor(s) or anyone claiming by, through, or under them. IN TESTIMONY WHEREOF, said Grantor(s) have hereunto set their hands and seals the day and year first above written.

Diane P. Newman member manager (seal)
Diane P. Newman, Member Manager
Patrick M. Tighe Member Manager (seal)
Patrick M. Tighe, Member Manager
Patrick M. Tighe VT (seal)
____ (seal)

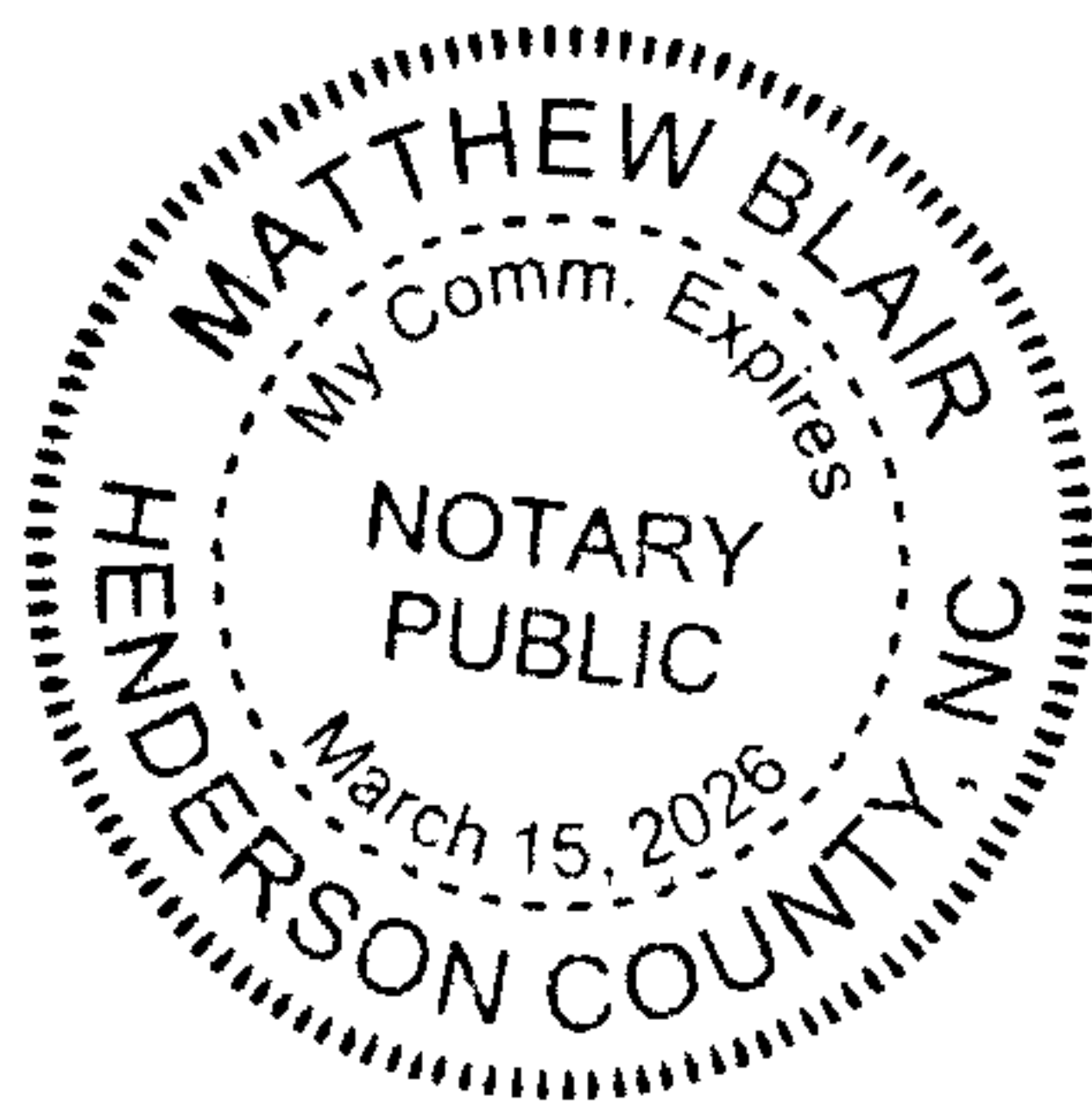
State of North Carolina
County of Henderson

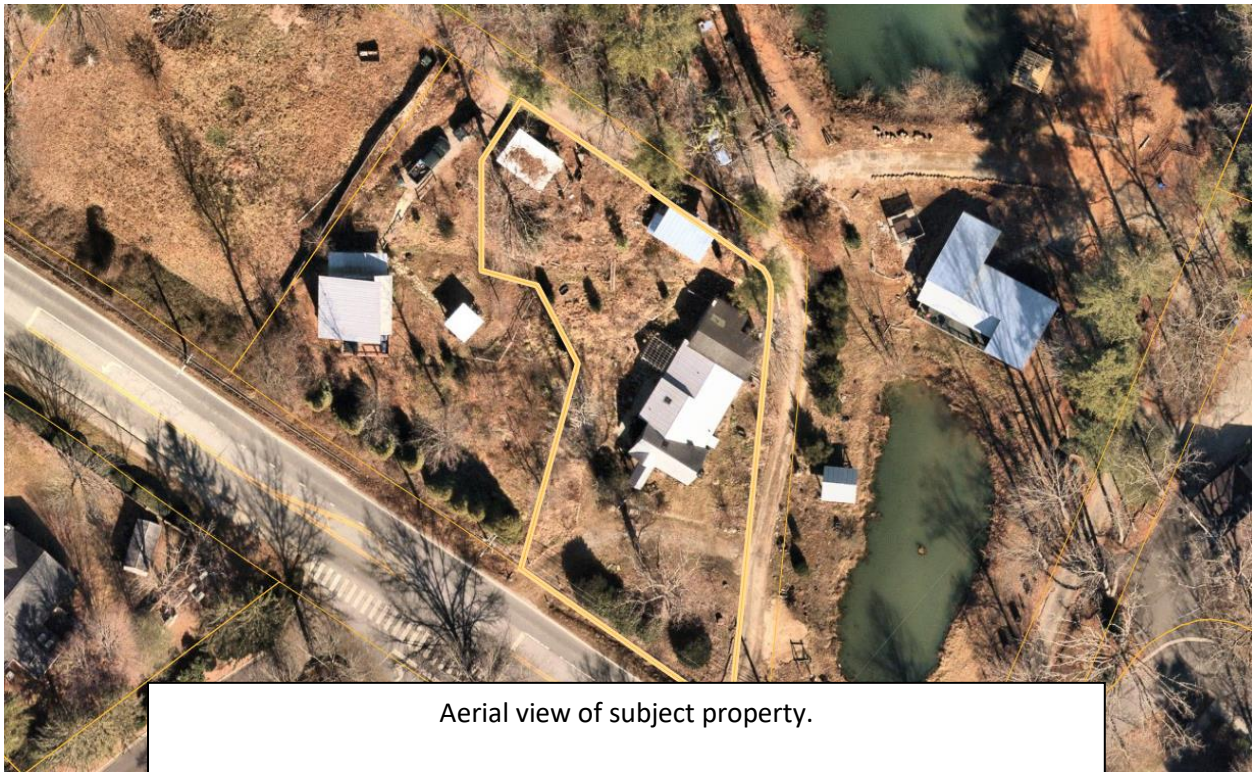
I, *Matthew Blair* a Notary Public, do hereby certify that Diane P. Newman and Patrick M. Tighe, Member Managers of Lynnwood Cabins, LLC a North Carolina Limited Liability Company personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this May 14, 2021.

My commission expires: *3/15/26*

Matthew Blair
Notary Public





Aerial view of subject property.



View of rear of structure where proposed addition is to be placed. The gravel road is partially within the public right of way.



View of rear of structure where proposed addition is to be established.



View towards gravel drive located partially within right of way.



Photo provided by applicant to show interior view of bathroom.