



CITY OF HENDERSONVILLE BOARD OF ADJUSTMENT

City Hall - Old Council Chambers | 160 Sixth Ave East | Hendersonville NC 28792
Tuesday, December 10, 2024 – 1:30 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - A. Minutes of November 12, 2024
4. **OLD BUSINESS**
 - A. Approval of Decision - B24-040-VAR
 - B. Approval of Decision - B24-073-SUP
5. **NEW BUSINESS**
 - A. 2420 Rolfe Street – Variance (B24-081-VAR) – Sam Hayes / *Planner II*
6. **OTHER BUSINESS**
 - A. Approval of the Annual Meeting Dates for 2025
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, November 12, 2024
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on November 12, 2024, at 1:30 p.m. in the Council Chambers in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Ernest Mowell, Chair, Charles Webb, Reid Barwick, Vice-Chair, Libby Collina, Laura Flores, Mark Russell, Kathy Watkins, Sam Hayes, Planner II, Tyler Morrow, Current Planning Manager, Daniel Heyman, Staff Attorney.

Absent: Steve Saalfield, Chauncey Whiting

Chair called the meeting to order at 1:40 p.m.

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

Approval of the Minutes of the July 9, 2024 meeting. A motion was made by Mr. Webb to approve the minutes as written. The motion was seconded by Ms. Collina and passed unanimously.

Approval of Decision B23-081-VAR. A motion was made by Ms. Watkins to approve the decision as written. The motion was seconded by Ms. Collina and passed unanimously.

Approval of Decision B24-038-VAR. A motion was made by Ms. Collina to approve the decision as written. The motion was seconded by Mr. Barwick and passed unanimously.

Variance – 709 Florida Avenue – (B24-040-VAR). Chair stated today we have two public hearings to consider. A variance from Andrew Griffin for the property located at 709 Florida Avenue and a Special Use Permit from George Workman and Jessica Bayer to operate a restaurant/coffee shop at 629 5th Avenue West. 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, Jessica Bayer, Tyler Morrow and Sam Hayes were sworn in.

Chair opened the public hearing.

Sam Hayes, Planner 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 a variance application for 709 Florida Avenue, PIN #9568-58-3783. The application is to construct an addition with a footprint of 336 square feet on the side of his house. The subject property is zoned MIC – Medical Institutional and Cultural.

The request is for a variance from the minimum yard requirements for the side yard to reduce the 20' setback total for the lot to 11.1' and reduce the minimum 5' setback on the east side of the lot to 4.3'.

Mr. Hayes gave the project background:

The subject property is located at 709 Florida Avenue. Based on Henderson County records, the subject parcel lot size is approximately 3,484 square feet or .08 acres. Based on Henderson County records, the structure on the property is approximately 1,872 square feet.

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

The proposed site plan was shown and is included in the staff report.

Mr. Hayes gave a recap and stated this property is zoned MIC – Medical Institutional and Cultural. The applicant is seeking to construct an addition with a footprint of 336 square feet. The applicant is seeking a variance from section 5-10-3: minimum yard requirements for the side yard which includes reducing the total 20' requirement for the lot to 11.1' and reducing the required 5' minimum on the east side of the property to 4.3'.

Mr. Hayes stated he wanted to give the Board a summary of Section 10-9 of the ordinance which goes over how a variance constitutes the permission to depart from the literal requirements of the ordinance. When unnecessary hardship 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. 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. 3. The hardship did not result from actions taken by the application 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.

The Board of Adjustment cannot grant a variance when to do so would: 1. Result in the extension of a nonconformity regulated pursuant to Section 6-2 or 2. Permit a use of land, building or structure which is not permitted within the applicable zoning district classification.

Staff suggested motions were presented to the Board.

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

Chair asked to look at the photo again. The drive was pointed out. Chair asked about the porch on the diagram and if it was enclosed or covered. Mr. Hayes stated it was not covered or enclosed.

Discussion was made on the MIC zoning district. Mr. Hayes stated residential is allowed in this district. He stated it does not necessarily fall into the Medical, Institutional or Cultural classification, that is overarching in that district but the residential is allowed.

Clarification was made on the setbacks and where the addition was going. Mr. Hayes stated the 20 feet requirement comes in with a total on either side. Right now it looks like there is 6.8 feet on the righthand side and 4.3 feet on the left and that does not meet the full 20 feet that is needed. They allow the five foot minimum so you could put it to one side if you have 15 feet on the other side.

Ms. Collina stated it does not look like it has five feet on the rear. Mr. Hayes stated we know that this property may be difficult and may be nonconforming but it is grandfathered.

A Board member asked about the trees. Mr. Hayes stated he believes the trees are part of the development of the new apartments that are being constructed. The applicant can speak to that.

There were no further questions for staff.

Chair asked the applicant to address the Board.

Andrew Griffin, 709 Florida Avenue stated UGG means underground gas because there is a gas line going beside his house. The meter will not be influenced by this construction. The trees are on the Hawkins Pointe property and they will remain. They do not have anything to do with his project.

Ms. Collina stated she sees where he is asking for the variance for the two-story addition with a garage on the ground level and an upstairs apartment, that is the front. Are you also asking for the variance on the rear where it says porch. Mr. Griffin stated no, that is a preexisting deck. It is just a deck and it is not covered. It is already there. Chair stated to clarify on that question in the photo it is actually behind the fence and they cannot see the porch. Mr. Griffin stated correct.

Mr. Barwick asked if there were any kind of elevations to show what it would look like. Mr. Griffin stated he had the floor plan. He stated he has not spent money on that because he wanted to get the variance first. His intent would be to mirror the house.

Ms. Collina asked if it would be connected. Mr. Griffin stated yes.

Chair asked if there was parking on the street. Mr. Griffin stated yes. The garage would be going in the space where he currently parks his vehicles.

Ms. Collina asked when he puts the garage in how many vehicles will he be able to park on the property. Mr. Griffin stated he will have room to park one car in the garage with other things and he will have room for a SUV in the front. It will be in the driveway and not obstructing the sidewalk.

There were no further questions for the applicant.

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

Chair closed the public hearing for Board discussion.

Ms. Watkins stated they are only talking about 1.87 feet that it is off, right? Chair stated for the side but it eats up the whole from the 20 foot requirement. Ms. Collina stated they are talking about a variance of 8.9 feet. The shape of the property verses how the house is lined up. The Board discussed having a road on one side and a parking lot on the other side. Chair stated there is a little bit of a natural barrier there already. Chair asked if it was a unique situation and stated it seems unique, it is not like all the houses are in a row with the same issue because it sounds like it is an isolated house between two commercial uses, with the apartment which is residential but kind of commercial and then a doctor's office on the other side. Ms. Collina stated it was a pretty commercial area. Chair asked the Board if they see any issues with the questions. Chair didn't see any. Ms. Flores stated if the construction was more narrow it would defeat the purpose of having a garage. Ms. Watkins stated it would be a hardship to reduce the size of the garage. Ms. Collina stated a single car garage is 12' x 20'. Sizes of garages were discussed.

Ms. Watkins 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 reduce the total side setback requirement from 20' 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 for the following reasons: Ms. Watkins stated she does not like to grant variances but she feels like this is not a huge deal especially with what is on the size of the property at this current time. Ms. Flores seconded the motion.

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

Mr. Mowell	Yes
Mr. Webb	Yes
Mr. Barwick	No
Ms. Flores	Yes
Ms. Collina	Yes
Ms. Watkins	Yes
Mr. Russell	Yes

The vote was six in favor and one opposed. Motion denied.

Special Use Permit – 629 5th Avenue West (B24-073-SUP). Mr. Hayes stated he will be presenting on the Special Use Permit application for 629 5th Avenue W, PIN # 9568-58-7321. The applicants are George Workman and Jessica Bayer, owners of G&J Coffee House. The current zoning for this property is MIC – Medical, Institutional and Cultural. The request is for a Special Use Permit for a restaurant. The applicant is requesting this for a coffee house and the city considers a coffee house use the same as a restaurant. In MIC the use of a restaurant does require a Special Use Permit.

Mr. Hayes gave the project background:

The subject property is located at 629 5th Avenue W. The parcel lot size is .3 acres. The coffee shop will be located in the left ground floor storefront.

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

Section 5-10-2 of the zoning code outlines which uses in MIC are considered special uses and therefore require a special use permit for the Board of Adjustment. Restaurant is one of those uses.

There are additional standards that must be followed for restaurants as a special use in MIC. Mr. Hayes went through each of these requirements and address the applicants response. Pursuant with section 16-4-26 of the zoning code, restaurants must: a) Be located and have primary access from a major or minor thoroughfare. The applicant states that the property is located on a major thoroughfare and staff has also confirmed this. b) Ensure storage areas including dumpsters are on the rear of the building, compliant with setback requirements, and made unnoticeable to adjacent residential and public right of ways. The applicant will have no exterior storage, and the dumpster will remain in the rear of the property and will be properly screened in accordance with our ordinance. c) Be limited to no more than 40 seats. The applicant confirmed that seating will not exceed 40 seats. d) Limit hours of operation

between 7:00 am and 11:00 pm. The applicant confirmed that the hours of operation fit into this time frame.

In addition to these requirements, the applicant has addressed the other requirements for special use permit. The second requirements is: the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use. The applicant has stated they will comply with health regulations, will limit noise, will properly manage waste and sanitation, and will engage the community.

The final requirement for special use permit is: The proposed use will not be detrimental or injurious to property or public improvements in the neighborhood of such proposed use. The applicant responded to this requirement by making the case that the coffee shop will serve as a complimentary use for the area and will increase property values. They also plan to make investments in infrastructure, will minimize their environmental impacts, and will take measures to mitigate any additional impacts on the community.

Chair asked if there were any questions for staff.

There were no questions for staff.

Chair asked if the applicant would like to come forward and speak.

Jessica Bayer, 451 Hill Branch Road stated they had partnered together to live out a dream and they have 50 years combined restaurant experience but they wanted to do their own thing. She felt like this would be a nice service to the area. They are refreshing the space and hope the community can get something out of it. They are renting a store front.

Ms. Bayer stated the people they rent from own the whole building. There are apartments above the stores. They do plan to buffer noise form the shop.

Ms. Collina asked if the owner of the building knows what they plan to do. Ms. Bayer stated yes and the space was a restaurant two tenants ago. It was a sandwich shop at one point.

There were no further questions for the applicant.

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

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

Chair closed the public hearing for Board discussion.

Chair clarified that this is not for a variance but a special use permit.

Discussion was made on this application would be a majority approval and Chair discussed how many current members were on this Board. Mr. Hayes stated there are nine members. Chair stated five would be the simple majority.

Ms. Collina was concerned about the tenants and the smell.

Parking was also discussed.

Ms. Collina made the following motion: ***With regard to the Special Use Permit request by George Workman and Jessica Bayer: 1. Special Use Permit is requested for restaurant use under Section 5-10-2 of the Zoning Ordinance. I move the Board to find that: 1. The proposed use complies with the standards for such use contained in Article XVI of the Zoning Ordinance. 2. The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use. 3. The proposed use will not be detrimental or injurious to property or public improvements in the neighborhood of such proposed use, for the following reasons: the proposed use of a coffee shop won't injure anyone and should not affect the tenants or any other use of the building.*** Mr. Webb seconded the motion.

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

Mr. Mowell	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Flores	Yes
Ms. Collina	Yes
Ms. Watkins	Yes
Mr. Russell	Yes

The vote was unanimous. Motion approved.

Meeting adjourned at 2:27 p.m.

Ernest Mowell, Chair

Terri Swann, Secretary



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** December 10, 2024
AGENDA SECTION: New Business **DEPARTMENT:** Community Development
TITLE OF ITEM: 2420 Rolfe Street – Variance (B24-081-VAR) – Sam Hayes / *Planner II*

SUGGESTED MOTION(S):

<p>1. <u>For Recommending Approval:</u></p> <p>With regard to the request by David Kronen and Ricki Reed-Kronen for a variance from <i>Section 5-3-3. - Dimensional requirements</i> to:</p> <p>1. <i>Reduce the front setback from 30' to 7.5' on the front portion of the property to accommodate an addition.</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 David Kronen and Ricki Reed-Kronen for a variance from <i>Section 5-3-3. - Dimensional requirements</i> to:</p> <p>1. <i>Reduce the front setback from 30' to 7.5' on the front portion of the property to accommodate an addition.</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 David Kronen and Ricki Reed-Kronen 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 30’ setback to 7.5’ on the front of the property in order to construct a 526 square foot addition. The subject property is currently zoned R-15 Medium-Density Residential.

PROJECT/PETITIONER NUMBER:	B24-081-VAR
PETITIONER NAME:	David Kronen and Ricki Reed-Kronen (Owner/Applicant)
EXHIBITS:	<ul style="list-style-type: none"> A. Application and Site Plan B. Staff Report C. Warranty Deed D. Site Photos



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, 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: 11/7/24

By: Sam Hayes

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: _____

PIN(s): 9569390335

Address(es) / Location of Property: 2420 Rolfe Street Hendersonville
NC 28791

Type of Development: Residential Commercial Other

Current Zoning: R15

Total Acreage: .36 acres

C. To the Zoning Board of Adjustment

I, David Kronen & Ricki Reed Kronen, 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):

D. Variance Burden of Proof

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. (If additional space is required, please provide the information on a separate sheet of paper).*

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:

- 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.

We have two children, a boy and a girl, who are currently having to share a room because there are not enough bedrooms. We are looking to renovate so that we can give each of the children their own space and privacy. We currently have one bathroom in the home that four people are sharing. We would like to add an additional bathroom to the structure so that we all have adequate space.

- 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.

This is my family home that I grew up in and I would like to be able to raise my children here. Currently the house is outside the setback limits and we are looking to hold onto the family property while renovating it so that it works for our current family.

- c. Indicate how the hardship did not result from actions 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.

The home was inherited from my deceased mother. The current size is too small for our family.

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.

I grew up in this home and neighborhood and have many fond memories of living here. I am fortunate to be able to remain in that home, and now raise my family here. The current home size does not work for our family of four, and we are looking to remodel. Our intention is to remodel in a way that maintains consistent harmony with the existing neighborhood while preserving the charm of the home and restoring its beauty.

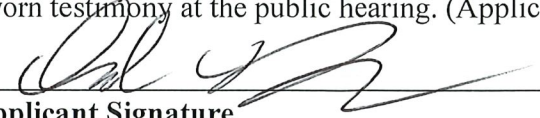

E. Applicant Contact Information

David Kronen & Ricki Reed-Kronen
* 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.)

 
Applicant Signature

Applicant Title (if applicable)

2420 Rolfe Street Hendersonville NE 28791
Address of Applicant

Hendersonville NE 28791
City, State, and Zip Code

609-617-2484
Telephone

dkronen@gmail.com
Email

F. Owner Contact Information (if different from Applicant)

* ^ 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.)

Owner Signature

Owner Title (if applicable)

Address of Property Owner

City, State, and Zip Code

Telephone

Email

* 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, David Kronen; Ricki Reed-Kronen hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

10/30/2024
Date

Ricki Reed-Kronen
Applicant Signature

Applicant Title

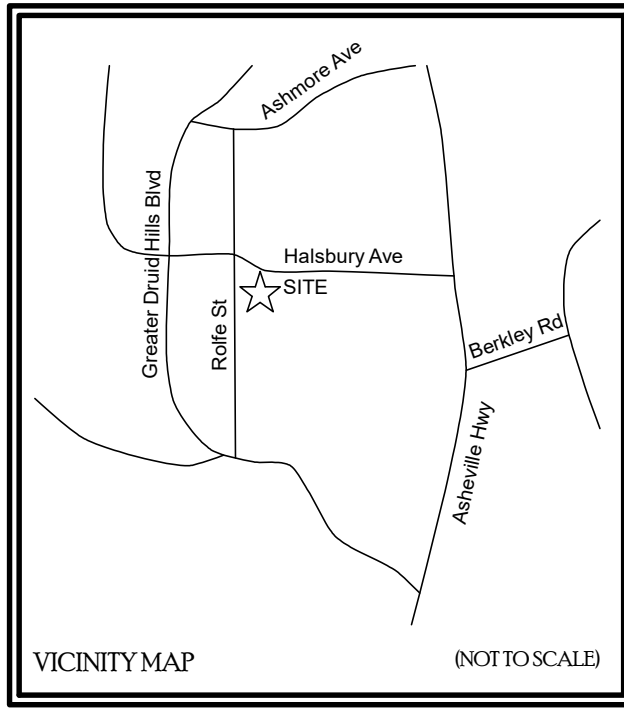
Ricki Reed-Kronen
Applicant Name (Please Print)

BOUNDARY SURVEY FOR RICKI & DAVID KRONEN

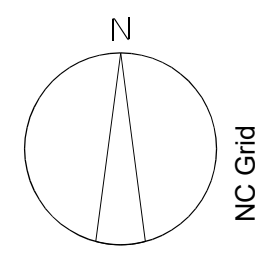
(OWNERS)
2420 ROLFE STREET

STATE OF NORTH CAROLINA
HENDERSON COUNTY
HENDERSONVILLE TOWNSHIP

REFERENCES
DEED BOOK 4073 PAGE 703
PLAT BOOK B PAGE 66
PIN 9569-39-0335



- LEGEND**
- NIP ● NEW IRON PIN 1/2" REBAR
 - PT ○ UNMARKED POINT
 - RBF ● REBAR FOUND
 - OTF ● OPEN TOP FOUND
 - CMF ● CONCRETE MONUMENT FOUND
 - CTF ● CRIMP TOP FOUND
 - MNF ● MAG NAIL FOUND
 - MNS ● MAG NAIL SET
 - PIN ● PARCEL ID NUMBER
 - PP ● POWER POLE
 - R/W — RIGHT-OF-WAY
 - N/F — NOW OR FORMERLY
 - DB — DEED BOOK
 - PB — PLAT BOOK
 - W — WATER METER
 - X — FENCE LINE
 - BOUNDARY LINE
 - - - ADJOINER LINE
 - - - SETBACK LINE
 - - - R/W LINE
 - - - OHU — OVERHEAD UTILITIES



NOTES

NEW IRON PINS SHOWN HEREIN WERE SET PER DEED DESCRIPTIONS AND MONUMENTS FOUND. ERDMAN LAND SURVEYING RECOMMENDS A BOUNDARY LINE AGREEMENT BE MADE AS OCCUPATION LINES DO NOT NECESSARILY MATCH WITH DEED LINES.

SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.

NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.

ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY.

NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

AREA BY COORDINATE COMPUTATION.

PROPERTY LINES SHOWN AS DASHED WERE NOT FIELD SURVEYED. THEY WERE PLOTTED FROM RECORD DOCUMENTS.

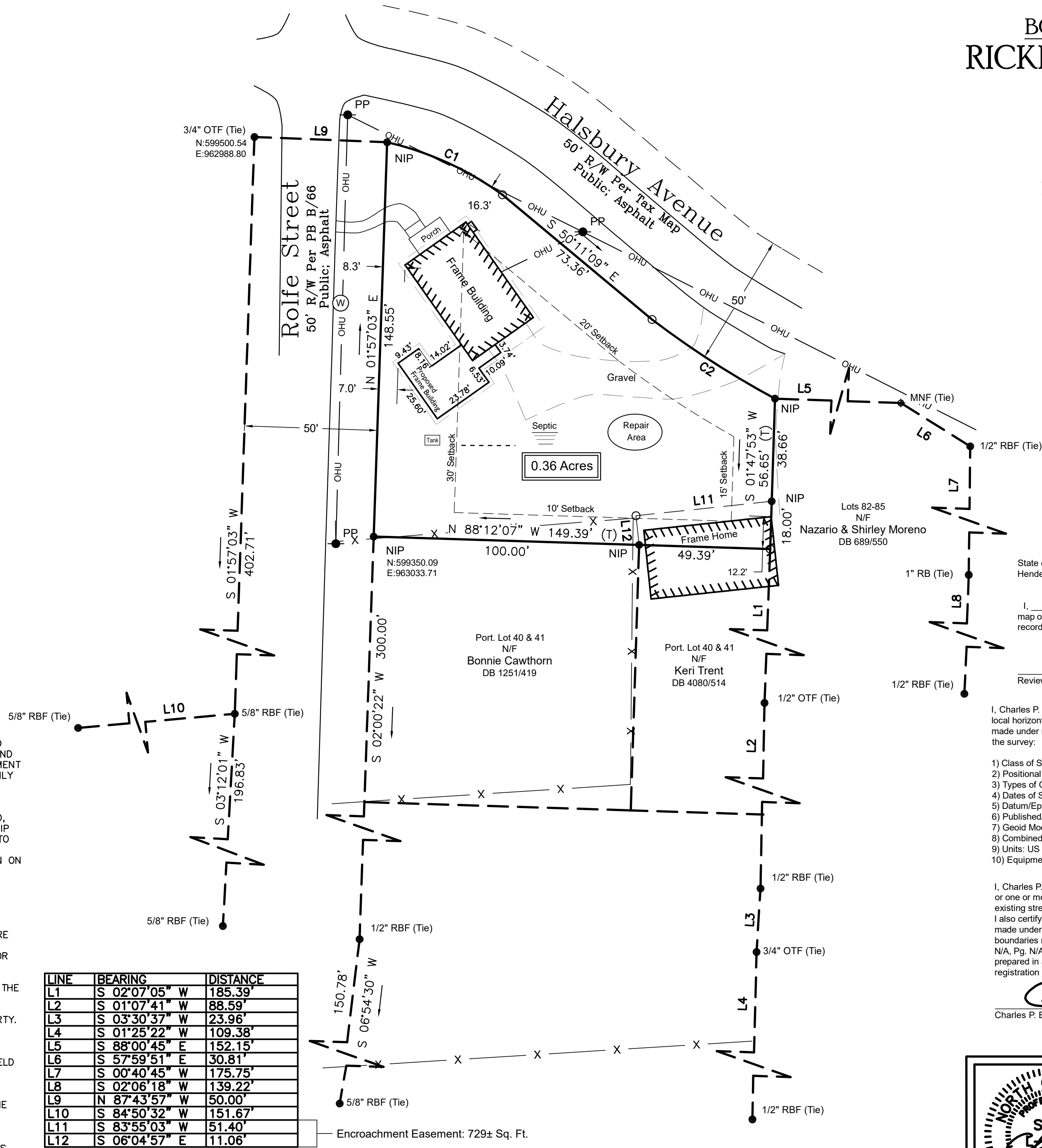
SUBJECT PROPERTY CURRENTLY ZONED R-15 BY THE CITY OF HENDERSONVILLE.
SETBACKS: FRONT-30' SIDE-10' REAR-15'

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

THERE IS A POSSIBLE 12.2' HOUSE ENCROACHMENT, SHOWN HEREIN.

LINE	BEARING	DISTANCE
L1	S 02°07'05" W	185.39'
L2	S 01°07'41" W	88.59'
L3	S 03°30'37" W	23.96'
L4	S 01°25'22" W	109.38'
L5	S 88°00'45" E	152.15'
L6	S 57°59'51" E	30.81'
L7	S 00°40'45" W	175.75'
L8	S 02°06'18" W	139.22'
L9	N 87°43'57" W	50.00'
L10	S 84°50'32" W	151.67'
L11	S 83°55'03" W	51.40'
L12	S 06°04'57" E	11.06'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	48.04'	118.10'	23°18'21"	S 65°31'44" E	47.71'
C2	55.09'	350.27'	9°00'42"	S 57°13'15" E	55.04'



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

Review Officer _____ Date _____

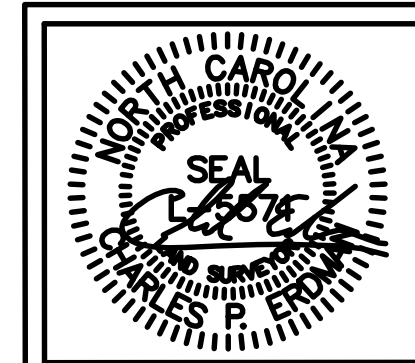
I, Charles P. Erdman, certify that this plat was drawn under my supervision and that local horizontal and vertical grid control was established from an actual GPS survey made under my supervision, and that the following information was used to perform the survey:

- 1) Class of Survey: Class A
- 2) Positional Accuracy: Horizontal: 0.05'
- 3) Types of GPS field procedure: VRS
- 4) Dates of Survey: 09/06/2024, 09/13/2024, & 09/25/2024
- 5) Datum/Epoch: NAD '83 (2011)
- 6) Published/Fixed Control Use: NCGS RTN Network
- 7) Geoid Model: GEOID 18
- 8) Combined Grid Factor(s): 0.9997784248
- 9) Units: US Feet
- 10) Equipment: Topcon HiPer HR

I, Charles P. Erdman, certify that this survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. G.S.47-30(f)(11)c.1

I also certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Bk. 4073, Pg. 703); that the boundaries not surveyed are clearly indicated as drawn from information found in Bk. N/A, Pg. N/A; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S.47-30 as amended. Witness my original signature, registration number, and seal this 25th day of September, 2024.

Charles P. Erdman
Charles P. Erdman PLS L-5571



PO Box 333
Flat Rock, NC, 28731
Phone: (828) 216.3815

C. P. ERDMAN PLS L-5571	
FIRM LICENSE # P-2807	
SURVEY	CPE
DRAWN	CPE
DATE	09/10/2024
JOB #	24-095

Revision 10/28/2024: Draft Proposed House Addition
Revision 11/19/2024: Draft Encroachment Easement

AMENDED MEMORANDUM

TO: Board of Adjustment Members
FROM: Community Development Department
DATE: December 10, 2024
RE: Variance Application –2420 Rolfe Street

SUMMARY: The Community Development Department has received an application from David Kronen and Ricki Reed-Kronen 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 30’ setback to 7.5’ on the front of the property in order to construct a 526 square foot addition. 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 for the front yard setback of 30’ in Section 5-3-3 of the Zoning Ordinance. The applicant is seeking to build a two-story addition (main level and basement with a footprint of 526 feet). (*Exhibit A*)

The subject property is a corner lot that is .37 acres or 16,117 square feet and is zoned R-15 Medium-Density Residential. There is a 1,232-square-foot building on the property currently that is positioned at an angle towards the corner. The front setback requirement is 30’ according to Section 5-3-3. – Dimensional requirements. The current home on the property sits within both the front and side setback on the property, though it will not be required to come into conformance with our setback standards at this time. Other requirements for this district are an 85’ minimum lot width, a side setback of 10’ (increased by 10 feet on corner lots), and a rear setback of 15’. The applicant has successfully achieved these requirements.

The applicant has expressed limitations of the property due to its unique shape, existing building location, location of the septic system, and location of the driveway.

PROPOSED FINDINGS OF FACT:

- Based on Henderson County records the subject property possesses a PIN of 9569-39-0335 and is zoned as R-15 Medium-Density Residential.
- Based on Henderson County records, the lot size is approximately 0.37 acres or 16,117 square feet.
- Based on Henderson County records, the subject property has one structure built on it that is 1,232 square feet.

- Based on Henderson County records a North Carolina General Warranty Deed between Rachel B Reed (Grantors) and Ricki Reed-Kronen and husband David Kronen (Grantees) was recorded on August 8, 2023.
- *Section 5-3-3* of the zoning ordinance requires the principal structure setbacks for MIC be:
 - Front: 30'
 - Side: 10' with an additional 10' for corner lots
 - Rear: 20'
- *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.
- Based on the site plan submitted by the Applicant, the addition will be located on the southwestern corner of the existing building and will require a reduced setback of 7.5'.

CODE REFERENCES.

5-3-3 Dimensional Requirements:

Minimum Lot Area in Square Feet: 15,000

Minimum Lot Width at Building Line in Feet: 85

Minimum Yard Requirements in Feet:

Front: 30

Side: 10 with an additional 10 for corner lots

Rear in Feet: 20

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.

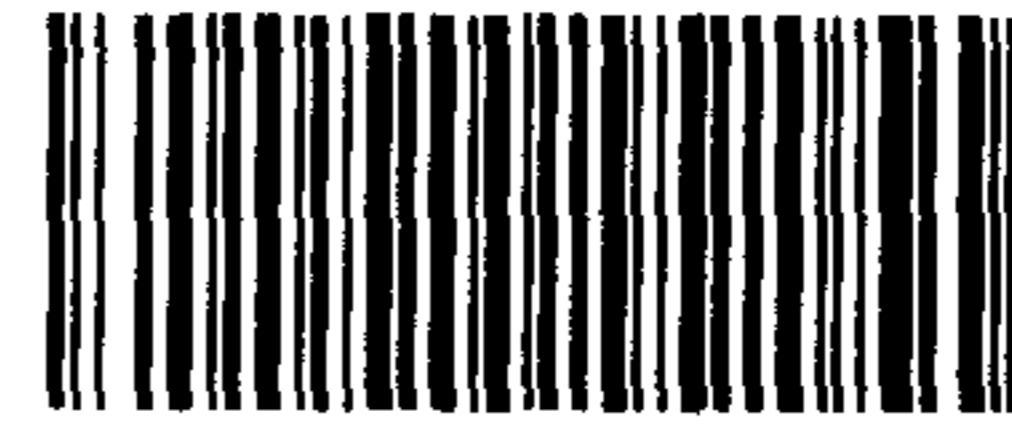
Section 10-9 Variance.

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.



This document presented and filed:
08/08/2023 02:23:31 PM

WLK

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No. 112990

By:

➤ Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 42, a portion of Lot 43 and a portion of Lot 44 Greater Druid Hills

THIS DEED made this 8th day of August, 2023, by and between

GRANTOR

GRANTEE

**RACHEL B. REED, un-remarried widow by her
Attorney in Fact, RICKI REED-KRONEN**

**RICKI REED-KRONEN and husband
DAVID KRONEN**

**Address: 2420 Rolfe Street
Hendersonville, NC 28791**

**Address: 2420 Rolfe Street
Hendersonville, NC 28791**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEGINNING at a stake in the eastern margin of Rolfe Street, the southwestern corner of Lot 42 of Block 2 of Greater Druid Hills Subdivision as recorded in Plat Book 1 at Page 130 and reindexed in Plat Cabinet B at Slide 66, Henderson County Registry; and runs with said margin of said Street, North 1° West 177 feet to a stake in the southwestern margin of a public road; thence with said road, South 58° East 71 feet to a stake; thence continuing with said road, South 49° 15' East 121 feet to a stake in the eastern line of Lot 43 as shown on said plat; thence South 1° East 66 feet to a stake, the southeastern corner of said Lot 42; thence with the southern line of said Lot 42, North 88° 15' West 150 feet to the Beginning.

SUBJECT TO easements, restrictions, and rights of way of record.

BEING that same property conveyed to Rachel B. Reed by that deed recorded on December 28, 2000 in Book 1047 at Page 624, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1047 at Page 624, Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book ____ at Page _____, and re-indexed in Plat Cabinet ____ at Slide _____, Henderson County, North Carolina Register of Deeds Office.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Henderson County ad valorem taxes for 2023, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Rachel B. Reed by Ricki Reed -
Attorney in Fact (SEAL)
RACHEL B. REED by RICKI REED-KRONEN, Attorney in Fact

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

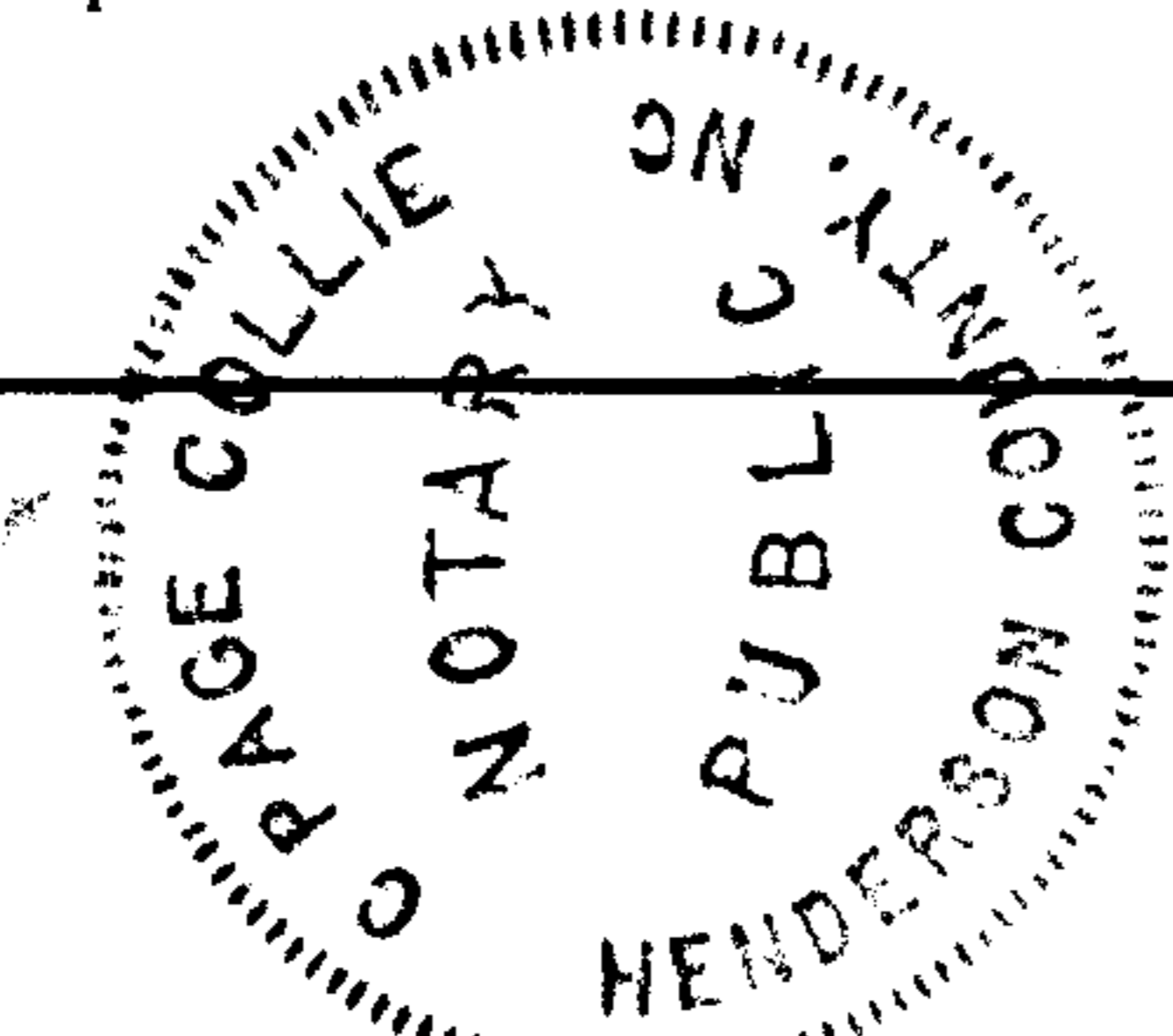
I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **RICKI REED-KRONEN**, Power of Attorney for **RACHEL B. REED**, personally appeared before me this day and being by me duly sworn, says that she executed the foregoing and annexed instrument for and on behalf of **RACHEL B. REED**, and that her authority to execute and acknowledge this instrument is contained in an instrument duly executed, acknowledged and recorded, in the office of the Register of Deeds in the County of Henderson, State of North Carolina, on the 7th day of August, 2023, in Book 4073 Page 254 and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney

I do further certify that the said **RICKI REED-KRONEN** acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said **RACHEL B. REED**

Witness my hand and Notarial stamp or seal this 8th day of August, 2023.

My Commission Expires:
05/06/2027

[Signature]
C. Page Collie, NOTARY PUBLIC





View of the front of the property looking south. The addition will be constructed off the right side of the rear corner of the home. The front corner of the addition will be in line with the front corner of the existing home.



View of the rear of the home. The addition will be constructed off the rear right corner (left side of the back of the house in this image) and extend around the corner of the home towards the street.



Aerial view of the property. The home sits facing the corner of the property with Rolfe Street and Halsbury Avenue on either side. The addition will be constructed wrapping around the corner of the home facing south.

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.** **2nd 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 2025:

January 14, 2025
February 11, 2025
March 11, 2025
April 8, 2024
May 13, 2025
June 10, 2025

July 8, 2025
August 12, 2025
September 9, 2025
October 14, 2025
November 11, 2025
December 9, 2025

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 12/10/2024

<https://www.hendersonvillenc.gov>

