



CITY OF HENDERSONVILLE BOARD OF ADJUSTMENT

City Hall - Council Chambers | 160 6th Avenue East | Hendersonville NC 28792
Tuesday, August 12, 2025 – 1:30 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

A. Minutes of June 10, 2025

4. **NEW BUSINESS**

A. 709 Florida Avenue – Variance (25-52-VAR) – Sam Hayes / *Planner II*

5. **OLD BUSINESS**

A. Findings of Fact - 713 N Lakeside Drive (25-35-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, June 10, 2025
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on June 10, 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, Mark Russell, Kyle Gilgis Rhona Reagan, Brett Werner, Sam Hayes, Planner II, Tyler Morrow, Current Planning Manager, Daniel Heyman, Staff Attorney.

Absent: Steve Collins, Libby Collina

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

Mark Russell left the meeting.

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

Approval of the Minutes of the December 10, 2024 meeting. A motion was made by Ms. Reagan to approve the minutes as written. The motion was seconded by Ms. Flores and passed unanimously.

Approval of the Minutes of the Special-Called meeting of January 30, 2025. A motion was made by Ms. Reagan to approve the minutes as written. The motion was seconded by Mr. Werner and passed unanimously. Chair stated the case had been dismissed. Mr. Heyman stated the appeal to Superior Court had been dismissed.

Election of Chair. Mr. Werner moved to nominate Reid Barwick as Chair. Ms. Reagan seconded the motion which passed unanimously.

Election of Vice-Chair. Ms. Reagan moved to nominate Laure Flores as Vice-Chair. Mr. Barwick seconded the motion which passed unanimously.

Approval of amended Bylaws. Daniel Heyman, Staff Attorney explained the amendments to the Bylaws. Mr. Webb made a motion to place the approval of the amendments to the Bylaws on the July meeting for adoption. Mr. Werner seconded the motion which passed unanimously.

Variance – 713 N. Lakeside Drive/1600 Georgia Avenue – (25-35-VAR). Chair stated today we have one public hearing to consider. A variance from Mark Ellsworth for the property located at 713 N. Lakeside Drive/1600 Georgia 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. Mark Ellsworth, Debra Ellsworth 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 Mark Ellsworth for the property located at 713 N. Lakeside Drive.

Mr. Hayes gave the project background:

The PIN for this property is 9568-20-4808. The applicant for this property is Mark Ellsworth and he is also the property owner. The zoning for this area is R-15, Medium Density Residential. This is an extension of a nonconformity of the side setback by ten feet.

The subject property is located at 713 N. Lakeside Drive. Based on Henderson County records, the subject parcel lot size is approximately 14,810 sq. ft. or 0.34 acres. The applicant extended the front portion of the building. This structure was previously considered nonconforming because it was within the side setback. The reason for this variance request is because it has been extended forward still within that side setback.

The site plan that was submitted by the applicant was discussed and is included in the staff report and presentation.

Mr. Hayes stated they extended the front of this cottage by ten feet. Everything behind that was nonconforming and they did not touch it so it does not need to be updated. It is really just that front ten feet within that side setback that the Board is considering today.

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

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. Reagen asked if the property was not in violation when the applicants purchased the property. Mr. Hayes stated the cottage on the right-hand side was previously, they would have considered it nonconforming because it was in that setback. She asked if they purchased the property with structures as they are now. Mr. Hayes stated yes and then they did the work.

Mr. Werner stated to clarify, this is an extension of a nonconforming structure. Mr. Hayes stated that is for the Board to determine. There is nuance in that and it is for the Board to determine.

Chair asked when this situation became aware by the city. Mr. Hayes stated our Code Enforcement Officer was made aware of it. He did not have the actual timeline. That is how it became known to the city. The Code Enforcement Officer was in the area and noticed the work being done. Mr. Hayes explained the process of construction in the city and how a zoning permit is needed before construction. After the zoning permit is obtained you can go and get your building permit from Henderson County. They were issued building permits and they were not required to get a zoning compliance permit. It slipped through the cracks somehow.

Chair stated this is like asking for forgiveness after the action. Mr. Hayes stated yes, this would be a retroactive variance.

Chair asked the applicant to address the Board.

Mark and Debra Ellsworth, 713 N. Lakeside Drive. Mr. Ellsworth stated they moved here from Austin, Texas a few years back. They started renovating the main house and when they got here they were told they had to get a permit from the county and they did. Ms. Ellsworth stated the main house was 104 years old and it was dilapidated. They renovated the main house and now they are living in it. It went through the inspection process for the county. The city got involved in it at the end with the issuance of a Certificate of Occupancy. After that the cottage was a dump. It was unlivable and someone had been in it. It was not safe. They started working on the cottage to renovate it. They went through the exact same process as they did with the main house and they got all the way up to the end and the day before their final inspections they got a certified letter and so the city said stop. They have essentially been stopped since April 22nd. The cottage which is 65 or 70 years old, they brought it forward because there was a door entrance that was next to the main house with rickety stairs and it was not safe and you could fall through if you walked up on them. They put the entrance on the front to make it more usable and the stairs were also in violation. Since then the setbacks have changed and those are now in compliance but the side setback is not. They didn't change anything on the side, they just came out about ten feet and the cottage went from 400 something square feet to 575 square feet. It is now a livable structure.

Ms. Ellsworth stated another reason they needed to put the stairs out front is the old entrance was between the house and the cottage and you couldn't open the door in the cottage. So they put it out front where it was safe to construct a stairwell.

Ms. Flores stated when they jutted it out the ten feet, do you know how far that is from the road. Mr. Ellsworth stated it is still 25 feet. It is in compliance now with the front setback.

Mr. Werner asked what the intent of the cottage is moving forward. Mr. Ellsworth stated primarily for her Dad and Stepmom. They are getting elderly and they are thinking about putting them in the lake house and moving into the cottage.

Mr. Werner stated he has a question for the Staff Attorney. Mr. Heyman stated he was welcome to ask but he represents staff and not the Board of Adjustment and he can't give them legal advice. Mr. Werner stated generally passing a retroactive variance is that setting precedent in any way. Mr. Heyman stated staff's position on that issue, they feel like the precedence value on a variance is that your decisions, in staff's opinion, your decision aren't binding precedence like a Supreme Court case might be. But at the same time there are issues like due process that you have to treat everybody the same. So if you are presented with the exact same facts, it stands to reason that you would reach the same conclusion regardless of who asked. You are not technically bound but the principle of due process would say that if you got the exact same facts that apply to the exact same law, that you would reach the exact same result.

Mr. Ellsworth stated they have been doing this process now for two years and nowhere during that two years, they never had anybody tell them anything during the entire inspection process on two properties that something else needed to be done. They were really trying to comply. They tried to follow everything by the book but they did not know and they are not general contractors.

Ms. Reagen asked how this got missed if they were trying to go through all the channels. Chair asked if this could be addressed in private session. Mr. Hayes stated they can address it afterwards.

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.

Mr. Webb stated he has been on this Board for many years and there are probably thousands of noncompliant properties. This is not uncommon and if you look at the street view picture they haven't changed anything other than bringing it forward which is not out of compliance. The lack of compliance was way before they bought the property. He feels the spirit of their request is absolutely what this is for.

Chair reopened the public hearing.

Chair asked are we sure that is the property line. Mr. Hayes stated where the stake was, that is what they are going by as the property line. Mr. Ellsworth stated the neighbors were supposed to close on that property the day Hurricane Helen hit. And so it got pushed out. They ended up getting a survey within the last four months or so and they put those stakes out. That is their stakes for the property line.

Chair closed the public hearing.

Ms. Flores made the following motion: **With regard to the request by Mark Ellsworth for a variance from Section 5-3-3. Dimensional requirements to: 1. Reduce the side setback requirement 5' to 3' on the western portion of the 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: the applicants felt they were in compliance and they were unaware of any situation that would create this to begin with. They did not modify the side setback which in essence triggered the situation to arise. Chair stated this falls under recommendation for compliance that is in the agenda.** *Ms. Reagen seconded the motion.*

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

Mr. Russell	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Flores	Yes
Ms. Reagen	Yes
Mr. Werner	Yes

The vote was unanimous to approve.

The Board had discussion on properties being out of compliance and when there is an issue of property owners not knowing they are already out of compliance.

Tyler Morrow, Current Planning Manager explained the process for zoning permits and building permits and contracting with Henderson County Building Inspections Department to do the city's building inspections and issuing the building permits.

Discussion was also made on zoning enforcement and issuing civil penalties.

Meeting adjourned at 2:22 p.m.

Reid Barwick, Chair

Terri Swann, Secretary



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** August 12th, 2025

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

TITLE OF ITEM: 709 Florida Avenue – Variance (25-52-VAR) – Sam Hayes / *Planner II*

SUGGESTED MOTION(S):

<p>1. <u>For Recommending Approval:</u></p> <p>With regard to the request by Andrew Griffin for a variance from <i>Section 5-10-3</i> to:</p> <p>1. <i>Reduce the side setback requirement 5' to 4.3' and reduce the 15' total side setback to 11.1' to allow the construction 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 Andrew Griffin for a variance from <i>Section 5-10-3</i> to:</p> <p>1. <i>Reduce the side setback requirement 5' to 4.3' and reduce the 15' total side setback to 11.1' to allow the construction 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 Andrew Griffin for a variance from Section 5-10-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2-2 Definition of Terms to reduce the required 5’ side setback to 4.3’ and to reduce the 15’ total side setback to 11.1’ in order to construct an addition. The subject property is currently zoned MIC, Medical, Institutional and Cultural Zoning District. The specific variance requested is for the following:

Variance Request: The Applicant is requesting a variance from the requirement that side yards shall be a minimum of 5’ wide and that the lot should have a combined 15’ side setback in accordance with Section 5-10-3 of the Zoning Ordinance. The applicant is seeking to build a two-story addition that will include a garage on the ground level and an upstairs apartment. The applicant is also proposing to include a cantilevered front porch on the second story, however, this fits within the front setback. (Exhibit B)

The subject property is .08 acre or a 3,484 square feet lot zoned MIC – Medical Institutional and Cultural. There is a 1,872 square feet building on the property currently. The side setback requirements for MIC is 15’ total for the lot with a minimum of 5’ on any side according to Section 5-10-3. – Dimensional requirements. Other requirements for this district are a 45’ minimum lot width, a front setback of 8’, rear setback of 10’, and a maximum height of 50’.

PROJECT/PETITIONER NUMBER:	25-52-VAR
PETITIONER NAME:	Andrew Griffin (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: August 12th, 2025

RE: Variance Application –709 Florida Avenue

SUMMARY: The Community Development Department has received an application from Andrew Griffin for a variance from Section 5-10-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2 Definition of Terms to reduce the required 5’ side setback to 4.3’ and to reduce the 15’ total side setback to 11.1’ to construct an addition. The subject property is currently zoned MIC, Medical, Institutional and Cultural Zoning District. The specific variance requested is for the following:

VARIANCE REQUEST: The Applicant is requesting a variance from the requirement that side yards shall be a minimum of 5’ wide and that the lot should have a combined 15’ side setback in accordance with Section 5-10-3 of the Zoning Ordinance. The applicant is seeking to build a two-story addition that will include a garage on the ground level and an upstairs apartment with a cantilevered porch on the front. (*Exhibit B*)

The subject property is .08 acre or a 3,484 square foot lot zoned MIC – Medical Institutional and Cultural. There is a 1,872 square foot building on the property currently. The side setback requirements for MIC is 20’ total for the lot with a minimum of 5’ on any side according to Section 5-10-3. – Dimensional requirements. Other requirements for this district are a 45’ minimum lot width, a front setback of 8’, rear setback of 10’, and a maximum height of 50’.

PROPOSED FINDINGS OF FACT:

- Based on Henderson County records the subject property possesses a PIN of 9568-58-3783 and is zoned as MIC Medical, Institutional and Cultural.
- Based on Henderson County records, the lot size is approximately 0.08 acres or 3,484.8 square feet.
- Based on Henderson County records, the subject property has one structure built on it that is 1,872 square feet.
- Based on the City of Hendersonville records, Florida Avenue is a City maintained street.
- Based on Henderson County records a North Carolina General Warranty Deed between Lori Kay Eaton FKA Lori Kay Luhrs, unmarried (Grantors) and Andrew Dennis Griffin and wife, Kassondra Marie Griffin (Grantees) was recorded on December 29, 2023.

- *Section 5-10-3* of the zoning ordinance requires the principal structure setbacks for MIC be:
 - Front: 8'
 - Side: 15' total for lot; with minimum of 5'; on any side
 - Rear: 10'
- *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 survey submitted by the Applicant, the addition will be 24' by 14'.

CODE REFERENCES.

5-10-3 Dimensional Requirements:

Minimum Lot Area in Square Feet: 6,000

Minimum Lot Width at Building Line in Feet: 45

Minimum Yard Requirements in Feet:

Front: 8

Side: 15 total for lot; with minimum of 5; on any side

Rear in Feet: 10

Maximum Height in Feet: 50

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.



Project Description

Please describe the nonconformity:

The Real Property, located at 709 Florida Avenue, Hendersonville, NC, is a 0.08-acre (3,484-square-foot) lot zoned in the MIC (Medical Institutional Cultural) Zoning District. The lot is nonconforming due to its small size, the smallest in its neighborhood, and the existing residence (1,872 square feet) built circa 1930, which does not meet the current minimum yard requirements and setbacks under Section 5-10-3 of the City of Hendersonville Zoning Ordinance. The residence is grandfathered as a nonconforming use under Section 6-2-1 of the Code.

Please describe the requested modifications:

The Applicant seeks a variance from the minimum yard requirements and setbacks under Section 5-10-3 to construct a 336-square-foot garage with finished space above, adjoining the existing residence. The proposed garage will be set back at least 10.2 feet from the southern boundary (Florida Avenue) and will adjoin buffer trees and an asphalt drive along the western boundary. The modification involves a reduction in the side setback, but the proposed use complies with permitted uses under Section 5-10-1 and accessory structure requirements under Section 16-4-1.

Total Project Area (acres)

0.08

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>Strict application of Section 5-10-3 would prevent the construction of the proposed 336-square-foot garage, limiting the Applicant's ability to fully utilize and enjoy the Real Property. The small size (0.08 acres) and irregular shape of the lot, combined with the footprint of the existing residence established circa 1930, create unique constraints that restrict reasonable development. The proposed garage is a modest addition that aligns with permitted uses in the MIC District, and denying the variance would impose an unnecessary hardship by prohibiting a reasonable accessory structure without compromising the property's permitted residential use.</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>The hardship stems from the Real Property's peculiar characteristics: it is the smallest lot in the neighborhood at 0.08 acres, significantly less than one-tenth of an acre, and its boundaries and residence footprint have remained unchanged since circa 1930. These conditions are unique to the property and not common to the surrounding neighborhood, which primarily consists of larger lots with commercial uses. The lot's size and shape, combined with the grandfathered residence, limit the feasible placement of additional structures, necessitating a variance to accommodate the proposed garage.</p>	<p>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.</p> <p>The hardship is not self-created, as it arises from the inherent characteristics of the Real Property, including its small size and the established footprint of the residence built circa 1930, long before the Applicant's ownership. The Applicant has not altered the lot's boundaries or residence footprint, and the need for a variance is due to the property's preexisting conditions, not actions taken by the Applicant or property owner.</p>
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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.

The requested variance is consistent with the spirit, purpose, and intent of the City of Hendersonville Zoning Ordinance. The proposed 336-square-foot garage is a permitted accessory structure under Section 16-4-1 and aligns with the allowed residential uses in the MIC District under Section 5-10-1. The garage's minimal footprint and de minimis impact, ensure it does not detract from the neighborhood's character, which includes surrounding commercial uses. The variance secures public safety by maintaining adequate setbacks (e.g., 10.2 feet from Florida Avenue) and avoiding obstruction of public rights-of-way. Granting the variance achieves substantial justice by allowing the Applicant reasonable use of the property while preserving the ordinance's intent to support compatible development in the MIC District. The proposed use is less intensive than surrounding commercial uses and enhances compatibility with the neighborhood.



Applicant (Developer) Company Information	
Authorized Representative Name: Andrew Griffin	Company Name (if applicable, check corresponding box below)
Company Type: <div><input type="checkbox"/> Corporation: <input type="checkbox"/> Partnership:</div> <div><input type="checkbox"/> Limited Liability Company: <input type="checkbox"/> Other:</div> <div><input type="checkbox"/> Trust:</div>	If 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:

Andrew Griffin

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.)

BK 4123 PG 672 - 674 (3)

This Document eRecorded:

Fee: \$26.00

Henderson County, North Carolina

William Lee King, Register of Deeds

DOC# 1001008814

01/05/2024 03:24:55 PM

Tax: \$674.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 674.00

Parcel Identifier No. 114867 Verified by _____ County on the _____ day of _____, 20____

By: _____

Mail/Box to: Staton Law Firm 640 N Main St, Hendersonville, NC 28792

This instrument was prepared by: McDuffy Law Firm, PLLC Attorney Scott McDuffy- 317 Banner Farm Road, Suite A, Mills River, NC 28759. (DEED PREP ONLY. NO TITLE EXAMINED)

Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief description for the Index: 709 Florida Ave, Hendersonville, NC 28739

THIS DEED made this <u>29th</u> day of <u>December</u> , 2023 by and between	
GRANTOR	GRANTEE
Lori Kay Eaton FKA Lori Kay Luhrs, unmarried	Andrew Dennis Griffin and wife, Kassondra Marie Griffin
PO Box 69 Hendersonville, NC 28793	709 Florida Ave Hendersonville, NC 28739

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 **Henderson** County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A

Submitted electronically by "Staton Law P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3579, at Page 24.

All or a portion of the property herein conveyed x includes or does not include the primary residence of a Grantor.

A map showing the above-described property is recorded in Slide Book .

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:

Subject to all ad valorem taxes.

Subject to Restrictions, Easements, and Rights of Way of Record.

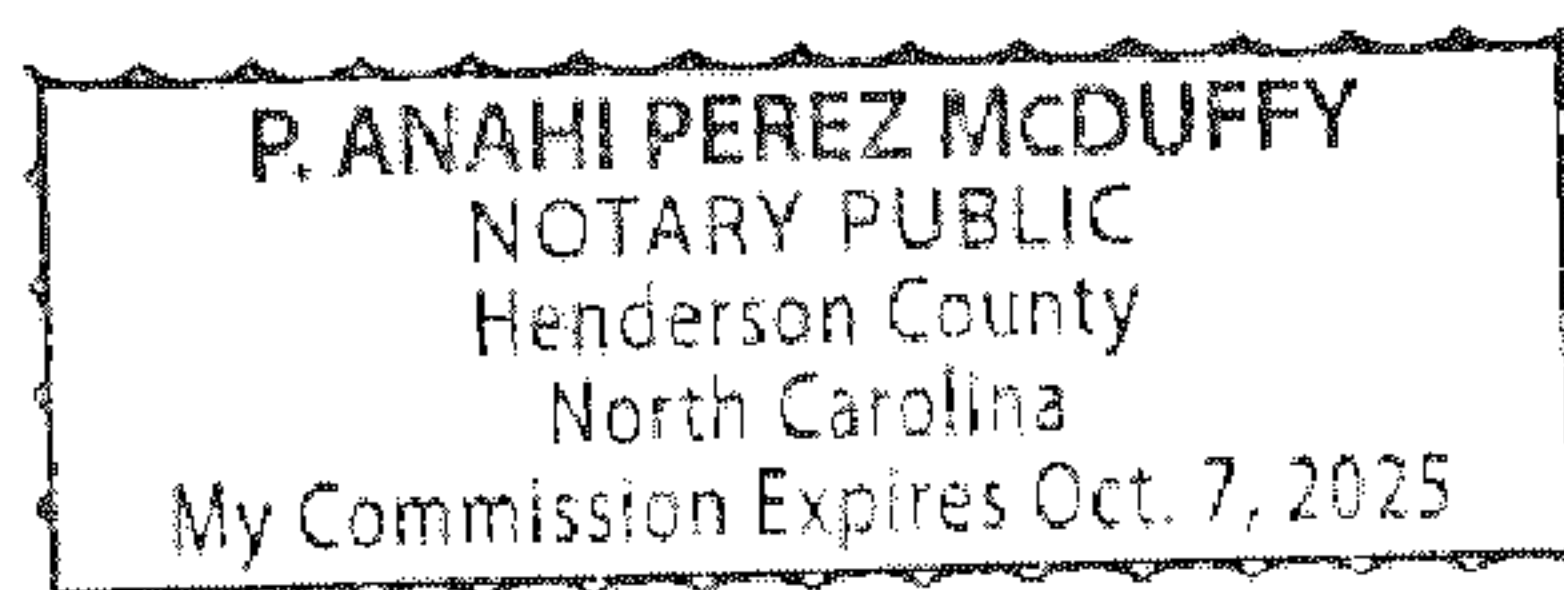
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Lori Kay Eaton FKA Lori Kay Luhrs (SEAL)
Lori Kay Eaton FKA Lori Kay Luhrs

State of North Carolina - County of Henderson

I, the undersigned Notary Public of the County and State aforesaid, certify that **Lori Kay Eaton FKA Lori Kay Luhrs** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29 day of December, 2023

My Commission Expires: 10-7-25



P. Anahi Perez McDuffy
Notary Public

Exhibit A

Tract one:

Beginning at a stake on the north margin of Florida Avenue, said stake standing North 86° 45' West 103.5 feet, measured along the north margin of said avenue, from the point where the same intersects with the western margin of Justice Street, and running thence, North 3° 23' West 72.6 feet to a stake; thence North 83° 50' West 50.1 feet to a stake; thence South 3° 23' East 74.5 feet to a stake in the north margin of Florida Avenue; thence, with said margin of said avenue, South 86° 45' East 50 feet to the point of beginning and being Lot 3 of the C.F. Bland Subdivision as shown on plat thereof recorded in Plat Book 1 at Page 15 of the records of plats for Henderson County, North Carolina.

And being that same property conveyed to Revertia L. Peggy by deed dated December 28, 2005 and recorded in Deed Book 1257 at Page 282 of the Henderson County Registry.

Tract two:

Beginning at a point standing North 03° 32' 41" West 44.56 feet from a 1/2-inch existing iron pipe which is the southeasternmost corner of the Revertia Pegg property described in deed recorded in Deed Book 1257 at Page 282 of the Henderson County Registry, and running thence North 03° 32' 41" West 23.04 feet to a point; thence South 86° 24' 25" East 3.16 feet to a point; thence South 04° 21' West 22.86 feet to the point and place of beginning and containing 36.17 square feet.

BEING the same property conveyed to William John Luhrs and Lori Kay Luhrs, by deed of Revertia L. Pegg and Carl Hansely, recorded Official Records Book 1358, Page 463 in Henderson County records.

ALSO BEING the property conveyed in a deed recorded in a Deed in Deed Book 3579 at Page 24 of the Henderson County, North Carolina Registry.



Front view of house and view of side yard where proposed addition would be constructed.



Side yard and view of adjacent properties driveway.