




| For use by Principal Authority / Para uso de la Autoridad Principal  |                                     |  |
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| Cloudpermit application number / Número de solicitud de Cloudpermit<br>US-NC30720-P-2025-75                                      |                                     |  |
| PIN / Número de rollo<br>59678   |                                     |  |
| Application submitted to / Solicitud presentada a<br>Hendersonville, NC, North Carolina / Hendersonville, NC, Carolina del Norte |                                     |  |
| Description of Subject Property  |                                     |  |
| Address / Dirección<br>713 N LAKESIDE DR   |                                     |  |
| Municipality / Municipio<br>Hendersonville, NC, North Carolina /<br>Hendersonville, NC, Carolina del Norte                       |                                     |  |
| PIN / Número de rollo<br>59678   |                                     |  |
| Purpose of Application   |                                     |  |
| Application type / Tipo de solicitud<br>Variance   |                                     |  |
| Applicant, Property owner  |                                     |  |
| Last name / Apellido<br>Ellsworth  | First name / Nombre de pila<br>Mark | Corporation or partnership /<br>Corporación o sociedad |
| Street address / Dirección de la calle<br>713 N Lakeside Dr  | Unit number / Número de unidad      | Lot / Con.   |
| Municipality / Municipio<br>Hendersonville   | State / Provincia<br>North Carolina | ZIP code / Código postal<br>28739                      |
| Other phone / Otro teléfono<br>+1 5126275323   |                                     | Mobile phone / Teléfono móvil<br>+1 5126272566         |
| Fax  |                                     | Email / Correo electrónico<br>mark@ellsworthteam.com   |

Declaration and Signatures


Applicant

I, Mark Ellsworth (The Applicant), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Applicant is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

 Digitally signed on 05/20/2025, 12:34:14 PM EDT by Mark Ellsworth. / Firmado digitalmente el 20/5/25 12:34:14 EDT por Mark Ellsworth.

Property owner

I, Mark Ellsworth (The Property owner), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Property owner is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

 Digitally signed on 05/20/2025, 12:34:19 PM EDT by Mark Ellsworth. / Firmado digitalmente el 20/5/25 12:34:19 EDT por Mark Ellsworth.

| Project Description   |
|---|
| <p>Please describe the nonconformity:</p> <p>The added length of the house increased by 10 feet. The variance is due to the extra length of the house not being in compliance with the width of the structure's set back next to the neighbor's property. We did not change the width of the structure at all. It is the same as it was before.</p>   |
| <p>Please describe the requested modifications:</p> <p>On January 5, 2024, we, Mark and Debra Ellsworth, purchased the property located at 713 N. Lakeside. The original house was built in 1921. The cottage on the property was built sometime afterwards but it is quite old. Both homes needed extensive work to bring up to current code. Neither of the buildings were safe for occupancy when we purchased the property. During the purchase investigations, our realtor informed us that according to the GIS site view, the retaining wall between the properties was technically on the property of 1602 Georgia Ave. We contacted the owners of 1602 Georgia and asked if this was a problem that and they assured us there were no issues with it. The cottage structure is not on their property, even though the GIS map provided inaccurately shows the cottage is on the 1602 property. We can see the Map a to this variance is the same as when we were considering purchased the property. Additionally, this particular diagram shows the cottage on an angle and further back on the property than it actually is. We replaced all plumbing, mechanical and electrical in both buildings, as well as a significant amount of beams, joists, flooring, etc. We had to raise the rood on the cottage as it was barely over 7' high. We also had to replace the old wall shingles with new vinyl siding. After completing the main house, we began work on the cottage. The only way to enter the property was via a rickety old wooden staircase that was in between the two buildings. It was extremely dangerous as the incline was drastic, the width was too narrow and the entrance had a door that hit the roof of the cottage and didn't allow it to open all the way. This caused limitations to safely access the building. We moved the entrance to the front of the building and created a safe staircase and entrance. We have diligently worked with the county and secured all permits for the main house, which lead to us acquiring our Certificate of Occupancy. We have been working on the cottage for the last six months and have acquired all permits, except final inspections. At no time were we instructed by any inspector that we needed or should ask about a zoning permit. On Thursday April 24, 2025 we received a Certified letter from the City of Hendersonville that said we needed a zoning permit. We had already scheduled all final inspections to be done on Friday, April 25, 2025 which did not happen as the city stopped this. The positioning of the cottage has not been changed or expanded except slightly in the front. We added the front porch area in the front. The setback from Georgia Ave for the cottage with the new front entrance is the same as the main house. There has been no changes to the Cottage that affected the width of the structure. It is the same as it always was. We have turned this dilapidated structure into a beautiful little cottage that will help with raise the value and quality of the neighborhood.</p> |
| <p>Total Project Area (acres)</p> <p>0.01</p>   |

| Variance Burden of Proof   |  |  |   |
|--|--|--|---|
| <p>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.</p> |  |  |   |
| <p>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>  |  |  |   |
| <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 simply did not know of any setback restriction. We had a permit pulled with the County and had all necessary inspections done. No inspector ever mentioned anything about a zoning permit with the city.</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 cottage (over 70 years old) has always been about 4 ft from the next door neighbor's property. There is simply no way to expand the cottage any further width wise.</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>We did nothing different to the cottage to change the setback issue on the side of the house. It is the same. Also again, no one from the county raised a red flag or said a variance was needed.</p> |
| <p>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.</p> <p>We have not changed the footprint of the cottage width wise at all. We have spent a lot of money to make the cottage a safe place to live and enhance the safety and beautification of the structure.</p>  |  |  |   |