



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** June 10th, 2025

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

TITLE OF ITEM: 713 N Lakeside Drive – Variance (25-35-VAR) – Sam Hayes / *Planner II*

SUGGESTED MOTION(S):

1. For Recommending Approval:

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: *[list factual basis for Approval here.]*

[DISCUSS & VOTE]

1. For Recommending Denial:

With regard to the request by Andrew Griffin for a variance from *Section 5-3-3. Dimensional requirements* to:

2. *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 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.

For the following reasons: *[list factual basis for Denial below.]*

[DISCUSS & VOTE]

SUMMARY:

The Community Development Department has received an application from Mark Ellsworth 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 5’ side setback to 3’ on the western side of the property. The subject property is currently zoned R-15 Medium-Density Residential. The specific variance requested is for the following:

The Applicant is requesting a variance from the requirement that side yards shall be a minimum of 5’ wide in accordance with Section 5-3-3 of the Zoning Ordinance. The applicant is seeking a retroactive variance for a renovation done to an existing nonconforming structure (Exhibit B). The structure was extended forward, thereby violating the zoning ordinance for nonconforming structures where it states,

A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

The subject property is .34 acre or a 14,810 square foot lot zoned R-15 Medium-Density Residential. There are two structures on the property currently. The side setback requirements for R-15 is according to Section 5-3-3. – Dimensional requirements. Other requirements for this district are a 70’ minimum lot width, a front setback of 15’, rear setback of 15’, and a maximum height of 35’.

PROJECT/PETITIONER NUMBER:	25-35-VAR
PETITIONER NAME:	Mark Ellsworth (Owner/Applicant)
EXHIBITS:	A. Staff Report B. Application C. Warranty Deed D. Site Photos