

## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Linda Carter **MEETING DATE:** July 9, 2024

AGENDA SECTION: New Business DEPARTMENT: Community

Development

**TITLE OF ITEM:** 911 Tebeau Drive – (B24-038-VAR) – Sam Hayes / Planner II

## **SUGGESTED MOTION(S):**

## 1. For Recommending Approval:

With regard to the request by Linda Carter (Western Carolina Community Action, Inc.) for the Board of Adjustment to authorize the extension of a structure that contains a nonconforming use located on parcel 911 Tebeau Drive (PIN 9569408533), under <u>Section</u> 6-2-1 – Nonconforming Uses to:

1. Construct a 14' x 20' storage building on the rear corner of the property to be used for nonconforming use.

I move the Board to find that:

- The proposed enlargement or extension <u>shall</u> <u>be</u> de minimis in relation to the existing building.
- 2) The proposed enlargement or extension **shall not** increase the intensity of the nonconforming use, which is to say, it will not result in an increase in gross floor area for a nonresidential use.
- 3) The proposed enlargement or extension <u>is</u> <u>designed</u> so that it will not render the use of the property any less compatible than it is in its existing circumstances.
- 4) The authorization of such proposed enlargement or extension **is not** otherwise contrary to the public health, safety or welfare.

For the following reasons: [list factual basis for Approval here.]

[DISCUSS & VOTE]

## 1. For Recommending Denial:

With regard to the request by Linda Carter (Western Carolina Community Action, Inc.) for the Board of Adjustment to authorize the extension of a structure that contains a nonconforming use located on parcel 911 Tebeau Drive (PIN 9569408533), under <u>Section</u> 6-2-1 – Nonconforming Uses to:

1. Construct a 14'x 20' shed on the rear corner of the property to be used for nonconforming use.

I move the Board to find that:

- 1) The proposed enlargement or extension **is not** de minimis in relation to the existing building.
- 2) The proposed enlargement or extension <u>does</u> increase the intensity of the nonconforming use, which is to say, it results in gross floor area for a nonresidential use.
- 3) The proposed enlargement or extension is designed so that it <u>will</u> render the use of the property less compatible than it is in its existing circumstances.
- 4) The authorization of such proposed enlargement or extension **is** otherwise contrary to the public health, safety or welfare.

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

[DISCUSS & VOTE]

**SUMMARY:** The Community Development Department has received an application from Linda Carter (Western Carolina Community Action, Inc.) for the Board of Adjustment to authorize the extension of a structure that contains a nonconforming use located on the parcel at 911 Tebeau Drive (PIN 9569408533), under Section 6-2-1 (b) Nonconforming Uses. The subject property is currently zoned R-15, Medium-Density Residential.

Section 6-2-1 (b) provides that the Board of Adjustment (BOA) may authorize such a change if they find that:

- 1) The proposed enlargement or extension shall be de minimis in relation to the existing building or structure.
- 2) The proposed enlargement or extension shall not increase the intensity of the nonconforming use, which is to say, it will not result in an increase in dwelling units for a residential use nor in gross floor area for a nonresidential use.
- 3) The proposed enlargement or extension is designed so that it will not render the use of the property any less compatible than it is in its existing circumstances.
- 4) The authorization of such proposed enlargement or extension is not otherwise contrary to the public health, safety or welfare.

**REQUEST:** The Applicant is requesting to construct a 14' x 20' storage building on the rear corner of the property to be used for a nonconforming use. (*Exhibit A*).

On May 12, 2021, the Board voted to grant the Applicant's request to alter a structure that houses a nonconforming use in order to construct a childcare center in an existing building on the property.

The Applicant is now requesting to expand the structures associated with the non-conforming use with the construction of a 14' x 20' storage building for playground equipment. The proposed storage building would conform with all other requirements of the R-15 zoning district.

PROJECT/PETITIONER NUMBER:	B24-038-VAR
PETITIONER NAME:	Linda Carter – Western Carolina Community Action, Inc. (Applicant)
EXHIBITS:	A. Staff Report B. Application for Authorization
	<ul><li>C. Warranty Deed</li><li>D. Site Photos Provided by Staff</li></ul>