

Entry #: 26 - 6/18/2024

Status: Submitted

Submitted: 6/18/2024 2:45 PM

Items to Accompany Application:

- Completed application form
- Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the ceterline of street and to the side and rear lot lines, as applicable. Show placement of septic systems and drain field if applicable and distances from structures.
- Copy of septic permit, if applicable
- Other documents supporting application, if applicable.
- Photographs (optional)
- Application fee of \$75.00
- Shortly after application for a variance is accepted, staff will take photographs of the site. Please have the corners of the proposed structure and septic system staked so that they may be seen in such photos.
- For more information call (828) 697-3010

Date:  
6/18/2024

Applicant Name:  
Linda Carter

Address  
220 King Creek Blvd., Hendersonville, North Carolina 28792

Phone  
(828) 693-1711

Email  
LINCARTER@WCCA.ORG

Property Owner's Name (if different from above)  
Western Carolina Community Action dba WNCSource

Property Owner's Address (if different from above)

Parcel ID #

Zoning District:

Directions to property from Hendersonville:  
9th Ave West, Turn right on Tebeau Drive, property on the left.

Attach site plan and any supporting documents/pictures

## To the Board of Adjustment:

### Name

(owner/agent), hereby petition the Zoning Board of Adjustment for a VARIANCE 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 Application" in a manner shown by the site plan.

**I request a varaince from the following provisions of the ordinance (cite section numbers):**

## Factors Relevant to the Issuance of a Variance

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (a) unnecessary hardship would result from the strict application of the ordinance. It shall not be neccessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, (b) the varaince is in harmony with the general purpose and intent of the ordinance, preserves its spirit, public safety is secured, and substantial justice is achieved, (c) 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 general public, may not be the basis for granting a variance, (d) the hardship did not result from actions taken by the applicant or owner of the property. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. In the spaces provided, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

**Unnecessary Hardship would result from the strict application of thei ordinance: State facts and arguments to show that, unnecessary hardship would result from the strict application of the ordinance. (it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable ise can be made of the property)**

The layout of the property does not have any existing storage facilities that can adequately accommodate playground equipment. There are indoor space limitations, all indoor space is allocated for classrooms and classroom equipment: The designated area for playground equipment is limited in space, and any indoor storage solutions would encroach on the play area, thereby reducing the usable space for children. Playground equipment requires safe and secure storage to maintain its condition and ensure safety for children. Without a dedicated storage facility, equipment may become damaged or pose a safety risk if left exposed to the elements. Proper storage is crucial for the maintenance and longevity of the playground equipment. Storing equipment outdoors without adequate protection can lead to quicker wear and tear, resulting in more frequent replacements and higher costs. Proper storage contributes to the organization and safety of the playground. Without appropriate storage, equipment may be improperly scattered, creating potential hazards for children and reducing the overall safety of the playground. The absence of a modular storage building would lead to increased costs associated with frequent replacement and repair of damaged equipment. This financial burden is unnecessary and avoidable with the installation of a proper storage facility. Alternative storage solutions within the existing structures are impractical due to space constraints and would require significant modifications, which could be more costly and disruptive compared to the modular storage building. The proposed modular storage building is designed to be minimally intrusive, ensuring that it does not detract from the aesthetic or functional aspects of the playground. It will be placed in a location that does not interfere with the primary use of the property. Allowing the variance will enhance the property's primary use as Early Head Start, Head Start, NC Prek and Developmental Day services by ensuring that all equipment is properly stored and maintained, thereby increasing the property's overall utility and benefit to the children served.

**The variance is in harmony with the general purpose and intent of the ordinance. preserves its spirit, public safety is secured and substantial justice is achieved. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant).**

The primary purpose of the zoning ordinance is to ensure the orderly and beneficial use of land within the community. The proposed modular storage building aligns with this objective by enhancing the functionality of a Children's Center. The modular storage building will be designed and placed in a manner that minimizes its visual and spatial impact on the surrounding area, maintaining the aesthetic and character of the current buildings and neighborhood. The addition of the storage building complements the existing Center and playground infrastructure by providing a necessary facility for equipment storage, thereby supporting the overall utility and purpose of the property. Proper storage of playground equipment prevents potential hazards such as tripping or falling over improperly stored items, thereby enhancing the safety of the playground for children and staff. Storing equipment in a secure facility protects it from weather-related damage, ensuring that equipment remains safe and functional for use. A dedicated storage building reduces the risk of vandalism and theft of playground equipment, contributing to a safer and more secure environment for the community. The benefit to the community from having a well-maintained and safe playground substantially outweighs any perceived negatives of adding a modular storage building. Denying the variance would place an undue burden on the applicant by limiting their ability to maintain and protect playground equipment effectively, resulting in increased costs and decreased utility of the playground. Granting the variance represents a reasonable accommodation that balances the interests of the WNCSource and the community, achieving fairness and justice without compromising the ordinance's objectives.

**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. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood).**

The proposed modular storage building is designed to be compact and non-intrusive, occupying minimal space while providing the necessary storage capacity. This ensures that the deviation from the ordinance is as small as possible. The modular storage building will be designed to blend with the existing aesthetic of the Center and the surrounding neighborhood, ensuring it does not detract from the visual character of the area. The requested variance arises from unique conditions peculiar to the property, including its location, size, and topographical layout. These conditions necessitate the installation of a modular storage building to ensure the proper storage and maintenance of playground equipment. The proposed building represents the least possible deviation from the ordinance, designed to be compact and minimally intrusive. Its implementation will not substantially detract from the character of the neighborhood but rather enhance the functionality and safety of the playground, providing significant benefit to the children and staff.

**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 shall not be regarded as a self-created hardship. (State any facts pertaining to the hardship that is not the result of the applicant's own actions).**

At the time the property was acquired, there was no pre-existing structure designated for storage of playground equipment. This was not due to any action or inaction by WNCSource but rather a condition that has persisted since the Center's inception. The hardship faced by WNCSource is not the result of any actions taken by them. Instead, it arises from pre-existing conditions, evolving safety standards, and use that necessitate a proper storage solution for playground equipment. WNCSource's request for a variance is a reasonable response to these conditions, ensuring the continued safety and functionality of the playground without altering the essential character of the property.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

**Signature of Applicant:**

**Date:**

6/18/2024



Children's Services Director

**Signature of Property Owner:**

**Date:**

6/18/2024



Chief Financial Officer

In the event that any discrepancies exist between the criteria outlined on this form and the Zoning Ordinance of the City of Hendersonville, the ordinance shall prevail.

**Received By:**

**Date:**

**Fee Paid:**

**Date Received:**

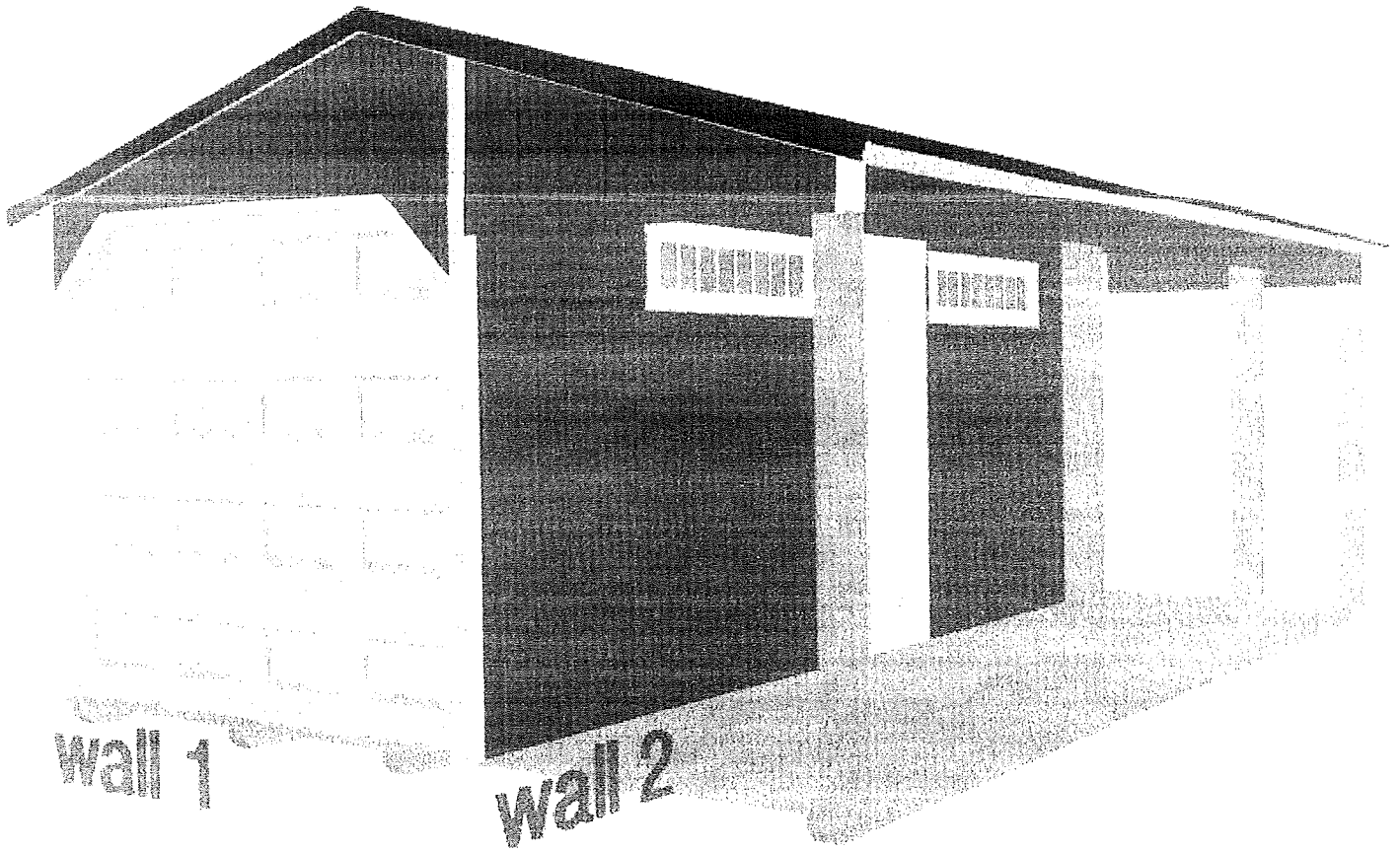
**A VOTE OF SEVEN MEMBERS OF THE BOARD IS REQUIRED TO APPROVE A VARIANCE.**

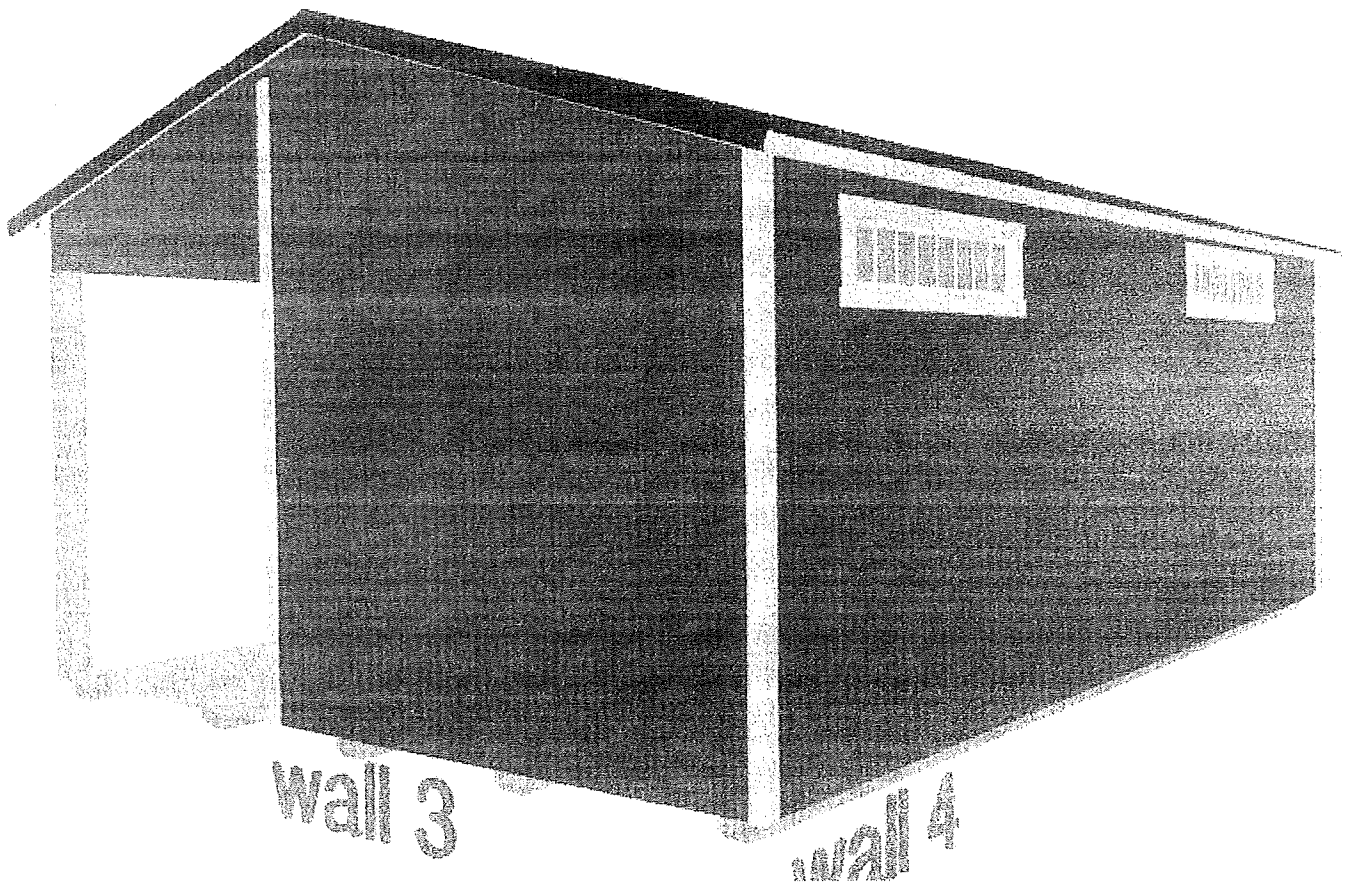
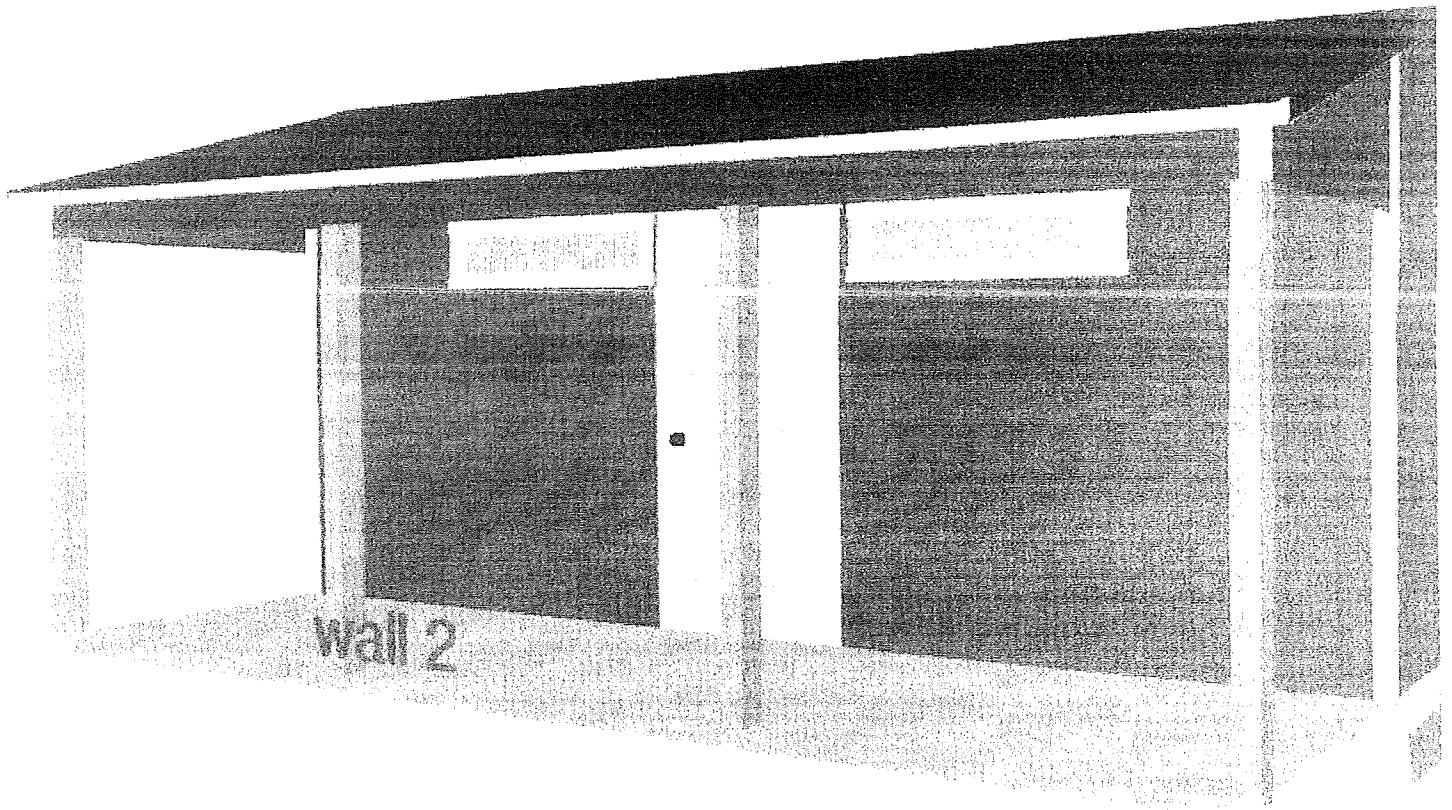


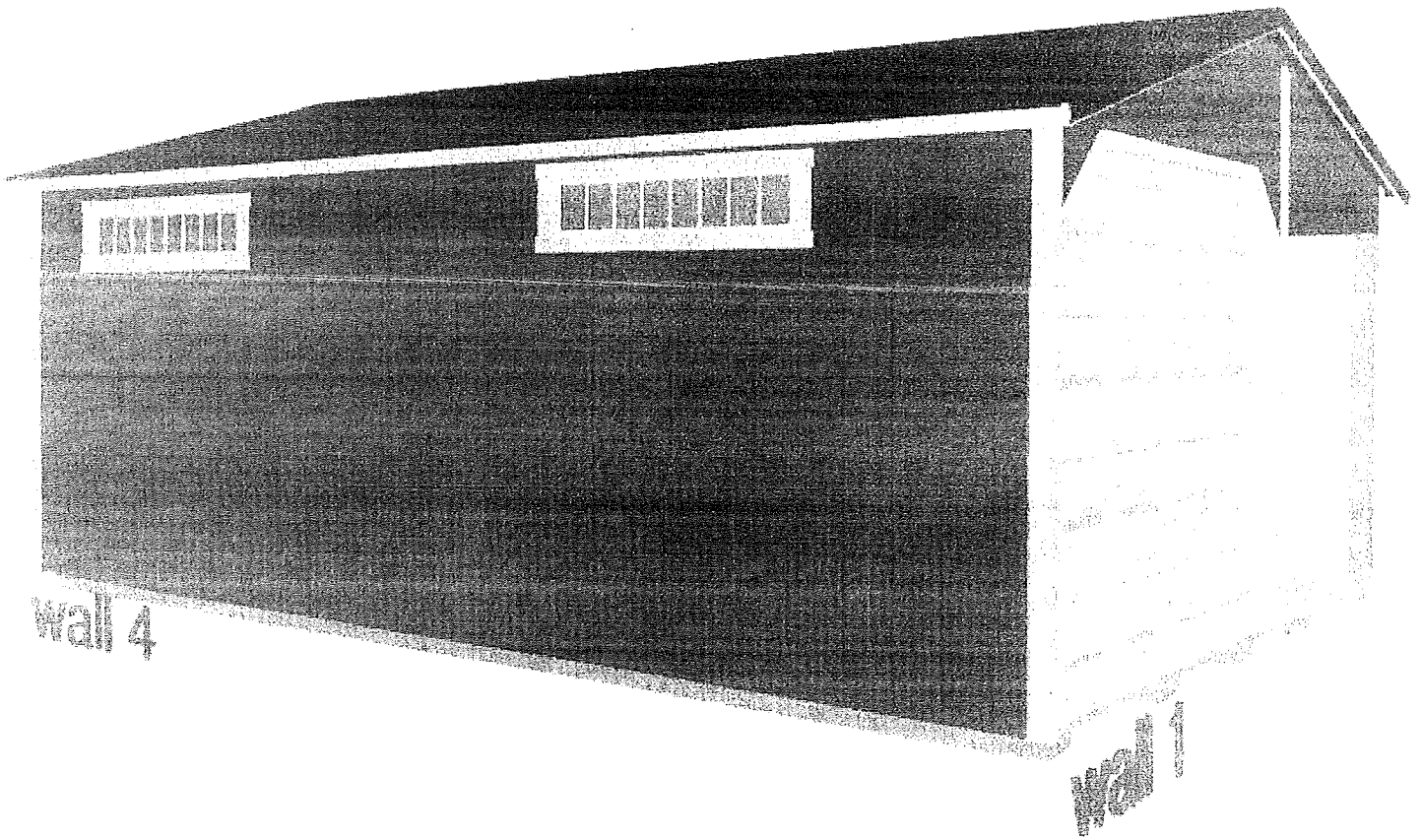




Description	Quantity	Price Each	
Removed Included: 24×36 Standard Window	2	\$-95.00	\$-190.00







**Total Structure Price \$13,443.86**

**Sales Tax \$907.46**

**Order Total      \$14,351.32**

Use the link to view the structure details online or download your quote request as a PDF. This is not the final quote, but just the details of your quote request.

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