

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, August 12, 2025
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on August 12, 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, Kyle Gilgis, Steve Collins, Libby Collina, Brett Werner, Sam Hayes, Planner II, Daniel Heyman, Staff Attorney.

Absent: Rhona Reagen

Chair called the meeting to order at 1:33 p.m. Chair stated a quorum has been established and it takes four out of five votes in favor to approve a variance.

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

Approval of the Minutes of the June 10, 2025 meeting. A motion was made by Ms. Flores to approve the minutes as written. The motion was seconded by Ms. Gilgis and passed unanimously.

Variance – 709 Florida Avenue – (25-52-VAR). Chair stated today we have one public hearing to consider. A variance from Andrew Griffin for the property located at 709 Florida 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. Andrew Griffin, Joe Smolski and Sam Hayes were sworn in.

Chair opened the public hearing.

Sam Hayes, Planner II 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 Andrew Griffin for the property located at 709 Florida Avenue.

Mr. Hayes gave the project background:

The applicant for this property is Andrew Griffin and he is also the property owner. The PIN is 9568-58-3783. The zoning for this area is MIC, Medical, Institutional and Cultural. The request is for the construction an addition to the west of the house. A variance from section 5-3-3 Dimensional Requirements for Side Yard (15' setback total for lot; minimum of 5' setback on any side).

The subject property is located at 709 Florida Avenue. Based on Henderson County records, the subject parcel lot size is approximately 3,484 sq. ft. or 0.8 acres. There is a 1,872 square foot building on the property already.

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

Exhibit B (the site plan) was shown and is included in the staff report and presentation. Mr. Hayes discussed the site plan.

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. Gilgis asked what the intended use would be. Is it a living space or a garage? Can they ask those questions? Mr. Hayes stated he would say it is not relevant to the granting of the variance but the applicant is here.

There were no further questions for staff.

Chair asked the applicant to address the Board.

Andrew Griffin, 709 Florida Avenue stated the request is so that he can build a garage. There would be a finished space upstairs. He thinks the application speaks for itself. He asking to go from 5 feet to 4.8 feet on that one small corner. That corner neighbors a commercial driveway for some apartments. The landscaping there would all stay the same. He can answer any questions the Board has.

Chair asked if there were any questions for the applicant.

There were no questions for the applicant.

Chair asked if there was anyone that would like to speak in favor of the application.

Joe Smolski a neighbor stated he does not think this will interfere with anything. They had a setback of 4 feet allowed across the street. Some lots on Florida Avenue are big and some are very small.

Chair asked if there was anyone that would like to speak against the application. No one spoke.

Lyndsey Massagee stated she has assisted Mr. Griffin in different aspects of this application. She personally grew up in this neighborhood on Fourth Avenue. She cannot say that she has personal knowledge of the history of this tract as this home was built in the 20's or the 30's but she did personally take the title back to the point and time when this home was built or at least noted a public record. Her examination of the title shows the lot lines have remained the same over 100 years while the rest of the neighborhood has changed drastically. Her review of the title and surrounding circumstances and knowing what is going on in the neighborhood would support the earlier testimony and those statements in the application that a hardship would result with strict application of the zoning requirements that were not in existence back when.

Chair closed the public hearing for Board discussion.

Ms. Flores made the following motion: **With regard to the request by Andrew Griffin for a variance from Section 5-10-3 Dimensional Requirements in accordance with the definition of "building, setback line" in Section 12-2-2 Definition of Terms to: 1. Reduce the side setback requirement from 5' to 4.3' on the east side of the subject property and to reduce the total side setback requirement from 15' to 11.1' for the construction of an addition to the existing structure on the subject 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. Ms. Collina seconded the motion.

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

Ms. Collina	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Flores	Yes
Ms. Gilgis	Yes

The vote was unanimous to approve.

Approval of Decision – 713 N. Lakeside Drive (25-35-VAR) – Mr. Webb made a motion to approve the Decision for 25-35-VAR. Mr. Barwick seconded the motion which passed unanimously.

Meeting adjourned at 1:55 p.m.

Reid Barwick, Chair

Terri Swann, Secretary