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Mayor Pro Tem
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JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

25-66-VAR package

WORKSPACE INFORMATION

Application number 25-66-VAR	Category Variance	Workspace state Submitted
Workspace created 08/21/2025, 3:59:18 PM EDT	Application submitted 09/02/2025, 7:35:25 AM EDT	
Assignee	Package generation date 09/02/2025, 4:26:50 PM EDT	

LOCATION INFORMATION

Address 1926 HAYWOOD RD, Hendersonville, NC	Property information 4464,
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PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
NEWMAN, DIANE P.;TIGHE, PATRICK M.	1926 HAYWOOD RD HENDERSONVILLE NC 28791 dianepaige@aol.com	Applicant, Property owner
NEWMAN, DIANE P.;TIGHE, PATRICK M.	1926 HAYWOOD RD HENDERSONVILLE NC 28791 dianepaige@aol.com	Applicant, Property owner



Pre-Consultation Form

Project Description			
Project Description Construct an addition in the setbacks.			
Parcel Identification Number (PIN): 9569148474	Total Project Area (acres) 0.41	Total Lots/Units 1	Proposed building square footage: 840.0 sq.ft.
Gen H Future Land Use Designation: Multi-Generational Living	Current Zoning District R-15	Proposed Meeting Date Option 1 08/20/2025	
Proposed Meeting Date Option 2 08/20/2025	Proposed Meeting Time Option 1 12:00 PM	Proposed Meeting Time Option 2 1:00 PM	



Variance Application

Project Description
Please describe the nonconformity: The home encroaches into the setback.
Please describe the requested modifications: The applicant is requesting to extend the encroachment into the setback all the way to the property line.
Total Project Area (acres) 0.41

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 are attempting to create an ADA compliant living space with as little disturbance as possible to an existing public right of way. As it stands, the City's current setback line passes through the existing structure, built many, many years prior to our acquisition. The structure in question supports an existing roofline from the main living area, and furthermore, there simply is not enough room on the property to achieve this goal as is. The house already encroaches on side setbacks and has a sewer line from another property running along the opposite side.</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>This renovation endeavors to create an ADA living space in a home in which none currently exists. Our original home was built over a hundred years ago and is bounded by a low rock wall on one side, and a hillside with no vehicular access on the other. The front door is accessed with the original stone steps which have posed significant difficulty to some who have no disabilities. Some decades ago, an addition was completed, also lacking accessibility. Initially, there was an internal stairway from the garage, but it was removed to increase floor space and in order to repair a failing block wall. Now there is only one entry, and it too poses a hardship to those with mobility issues. Once inside, the door barely swings past the kitchen sink cabinet, making mobility hazardous, and impossible with the use of a device. Furthermore, without widening the 13' living area, the 60" T turning space as defined by the ADA is not possible. Our 90SF addition would alleviate that issue.</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>When we purchased this property in 2016, we were unaware of the failing block wall. A property inspection did not point that out. Though this failure has now been addressed, that portion of the house has gone largely unused for years. We are now considering how this can be remediated for our own personal use, or by another member of our family as we discover we are all aging! We have spent many hours throughout our years of ownership to determine the best solution to this problem. Having analyzed the limitations imposed by the site of the building on a sloped topography and bounded by the original house structure, a sewer line and a (semi) public right of way, seeking a variance seems to be our only avenue.</p>
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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.

As we consider the enlargement of the corner of our building where it approaches what has been determined a "public right of way," we do not believe any member of the public will be adversely affected. In fact, it's possible no members of the general public will ever see the addition or be aware of the necessity of a variance to build. The primary reason is that it sits at the back of our property, away from Haywood Rd/Hwy 191 and is mainly out of view. Furthermore, this right of way connects four other property owners from Haywood Rd. to Honeysuckle Dr. These owners are 1) Ourselves, 2) Our immediate neighbor, who lives out of state and is aware of our intentions, 3) An absentee owner who lives in another part of town and maintains a rental house, occupied by a nondriving tenant who accesses her home by way of Honeysuckle 4) The homeowners on Honeysuckle whose driveway enters from Honeysuckle, and touches the right of way for about 20' on one side. 5) The owner of a 50' undeveloped lot that mostly fronts on Honeysuckle. Each of these individuals may travel to a publicly maintained road in either direction from their property. We have engaged in conversations with all of these property owners and none has expressed a concern. In the event that the City of Hendersonville should choose to upgrade this ROW to city street standards, the established 16' width will still be available. We do not seek to restrict anyone's use of the right of way or access to their own property. There is a significant portion of ground between our proposed corner and the actual roadbed as it is traveled, a dead zone nearly 10' by our measurements. Moving outward from the proposed corner enlarges this zone.



Zoning-Applicant (Developer) Company Information

Applicant (Developer) Company Information			
Authorized Representative Name:		Company Name (if applicable, check corresponding box below)	
Company Type:		If other:	
<input type="checkbox"/> Corporation:	<input type="checkbox"/> Limited Liability Company:		
<input type="checkbox"/> Partnership:	<input type="checkbox"/> Trust:		
<input type="checkbox"/> Other:			
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)			



Zoning-Property Owner Company Information

Property Owner Company Information (if different from Applicant)	
Authorized Representative Name: Diane Newman and Patrick Tighe	Company Name (if applicable, check corresponding box below)
Company Type: <div><input type="checkbox"/> Corporation:</div> <div><input type="checkbox"/> Limited Liability Company:</div> <div><input type="checkbox"/> Partnership:</div> <div><input type="checkbox"/> Trust:</div> <div><input type="checkbox"/> Other:</div>	If other:
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)	