



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

### PLANNING DIVISION

**SUBMITTER:** Sam Hayes, Planner II

**MEETING DATE:** September 9<sup>th</sup>, 2025

**AGENDA SECTION:** New Business

**DEPARTMENT:** Community  
Development

**TITLE OF ITEM:** 1926 Haywood Road – Variance (25-66-VAR) – Sam Hayes / *Planner II*

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

##### **1. For Recommending Approval:**

With regard to the request by Diane Newman and Patrick Tighe for a variance from *Section 5-3-3* to:

1. *Reduce the side setback requirement of 8' to 0'.*

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 Diane Newman and Patrick Tighe for a variance from *Section 5-3-3* to:

2. *Reduce the side setback requirement of 8' to 0'.*

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 Diane Newman and Patrick Tighe for a variance from Section 5-3-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2-2 Definition of Terms to reduce the required 8’ side setback to 0’. The subject property is currently zoned R-15 Medium-Density Residential. The specific variance requested is for the following:

Variance Request: The Applicant is requesting a variance from the requirement that corner lot side yards shall be a minimum of 8’ wide in accordance with Section 5-3-3 of the Zoning Ordinance. The applicant is seeking to build an addition onto an existing nonconforming structure. (Exhibit B)

The subject property is .41 acres or 17,859 square feet lot R-15 Medium-Density Residential. There is currently a 1,227 square feet building on the property currently. The side setback requirements for R-15 is 8’. Other requirements for this district are a 70’ minimum lot width, a front setback of 15’, and a rear setback of 15’.

<b>PROJECT/PETITIONER NUMBER:</b>	25-66-VAR
<b>PETITIONER NAME:</b>	Diane Newman and Patrick Tighe (Owner/Applicant)
<b>EXHIBITS:</b>	A. Staff Report B. Application C. Warranty Deed D. Site Photos