

Entry #: 24 - 8/14/2023

Status: Submitted

Submitted: 8/14/2023 10:15 AM

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:

8/14/2023

Applicant Name:

Jared Webb

Address

318 Resort Drive, Hendersonville, North Carolina 28792

Phone

(828) 713-5158

Email

jaredcwebb@yahoo.com

Property Owner's Name (if different from above)

Property Owner's Address (if different from above)

Parcel ID

1008916

Zoning District:

NO

Directions to property from Hendersonville:

South Main Street heading south towards S King Street. Make Left onto Stewart Street and then left on Resort Street. Driveway is to the right of the house. Survey stakes are in tact.

Attach site plan and any supporting documents/pictures



[Webb Prpperty.pdf](#)

1.7 MB



[image000000 \(1\).JPG](#)

0.1 MB



[image000002.JPG](#)

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43.4 KB



To the Board of Adjustment:

Name

Jared Webb

(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):

17.3

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 necessary 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)

17.3 zoning code results in the inability to construct a home on .51 acre due to a trickle water flow, not a creek. we are providing pictures along with a statement from the neighboring parcel to prove after a hard rain that the amount of water is minut. With the additional required set back in addition to the 30, it will be impossible to build on this parcel of land. I am asking for this to be review with high regards to this old water bed.

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 benefit to the owner, is building a single family home for me to reside in, causing no hard no foul to anyone around this property. I am 2 lots from the county line with the lot in between explaining her positive reaction to a new build with regards to the "Creek" almost being in non exisistence.

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 grating 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).

Being that the surveyor has surveyed the lot, set the house plan, and was not aware of the additional zoning code, we are puzzled and feel that a personal review of this lot is granted. In purchasing this home, it was in high hopes for a new build however as the code is structured, it is impossible to do such thus asking for the variance.

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).

The hardship from not being able to build an additional zoning feet due to the setbacks makes this land unbuildable which creates a hardship to my family. I could understand if this was a flowing creek, however it clearly is not. Each area of Henderson County changes due to development, storm drainage, etc...which has detered the water flow into the "creek" area.

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

Signature of Applicant:

Date:

8/14/2023



Signature of Property Owner:

Date:

8/14/2023



In the event that any discrepancies exist between the criteria outlined on this form and the Zoning Ordinance of the City of

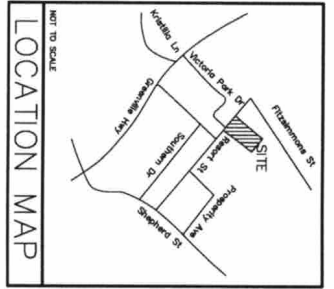
Received By:

Date:

Fee Paid:

Date Received:

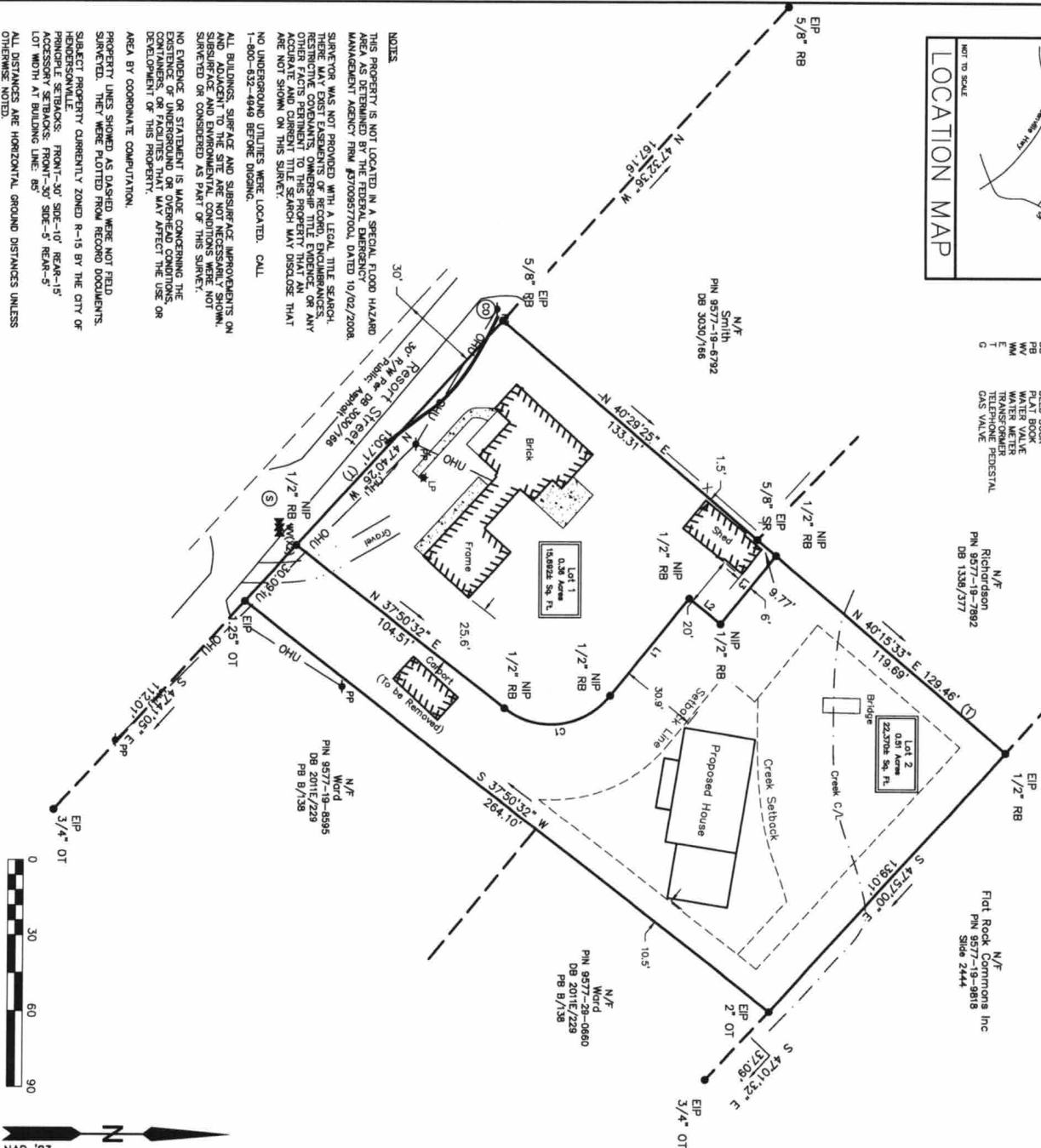
A VOTE OF SEVEN MEMBERS OF THE BOARD IS REQUIRED TO APPROVE A VARIANCE.



LEGEND

- EXISTING IRON PIN
- NEW IRON PIN
- UNMARKED POINT
- OPEN TOP
- SOLID ROD
- POWER POLE
- RIGHT-OF-WAY
- OVERHEAD UTILITIES
- NOW OR FORMERLY
- TEMPORARY BENCHMARK
- DEED BOUNDARY
- PLAT BOOK
- WATER VALVE
- TRANSFORMER
- TELEPHONE
- PEDESTAL
- GAS VALVE

LINE	BEARING	LENGTH
1	N 50°13'25" E	128.62
2	N 50°13'25" E	128.62
3	N 50°13'25" E	128.62
4	N 50°13'25" E	128.62
5	N 50°13'25" E	128.62
6	N 50°13'25" E	128.62
7	N 50°13'25" E	128.62
8	N 50°13'25" E	128.62
9	N 50°13'25" E	128.62
10	N 50°13'25" E	128.62



-REVISION 08/08/2023: ADDED PROPOSED HOUSE LOCATION-

SITE PLAN FOR
JARED WEBB (OWNER)
318 RESORT STREET

STATE OF NORTH CAROLINA
HENDERSON COUNTY
HENDERSONVILLE TOWNSHIP

TOTAL AREA
0.87 AC.
38,062 SQ. FT.
DEED REF:
D.B. 1425, PG. 4
PLAT REF:
P.B. B PG 138
TAX MAP #8377-19-9703

State of North Carolina
Henderson County
Review Office of Henderson County certifies that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Community Development Director or Designee
Date

Filed and recorded in the Register of Deeds Office for Henderson County, N.C. this _____ day of _____ 2022 at _____ o'clock
M in Side _____

Register of Deeds

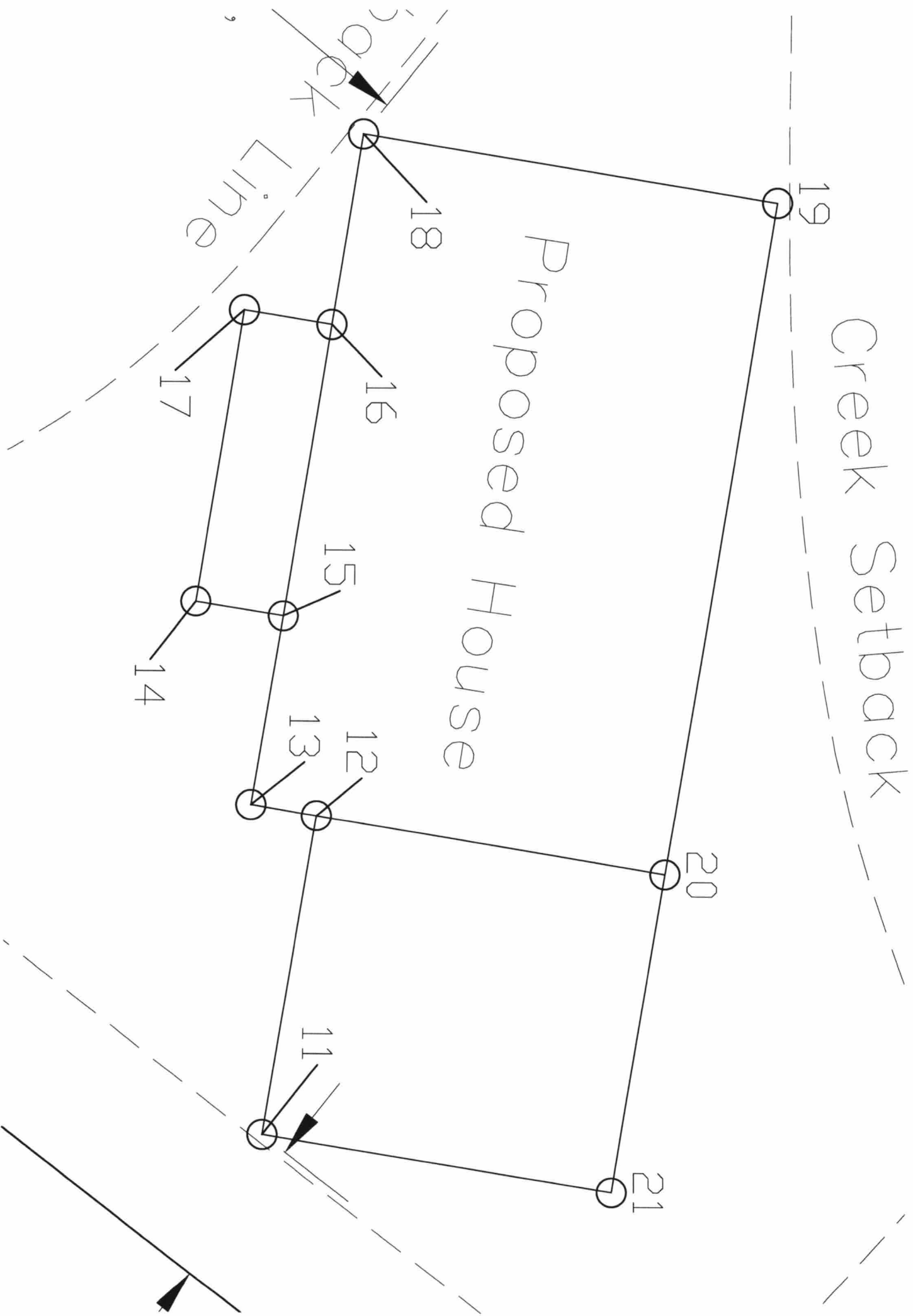
I, David C. Huntley, certify that this survey creates a subdivision of land, and that the boundaries shown on this plat were determined by a survey conducted by me or under my supervision. I also certify that this plat was drawn under my supervision from an actual survey made under my supervision. (Dead description recorded in 96-1425, Pg. 4); that the boundaries not surveyed by me are indicated as derived from information found in the Public Records of Henderson County, North Carolina, and that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this 25th day of April, 2022.

David C. Huntley

PLS L-3204

DAVID C. HUNTLEY
& ASSOCIATES, INC.
775 MARIE STREET
HENDERSONVILLE, NC 27534
(803) 653-8077

DATE	04/11/2022
DRAWN	T=30"
SCALE	1"=30'
DWG. NO.	H-7530
DATE	04/11/2022
DRAWN	T=30"
SCALE	1"=30'
DWG. NO.	H-7530



August 10, 2023

To whom this may concern,

I, Amanda R Shoemake aka Amanda S Ward, owns the property next door to Jared Webb who lives at 318 Resort Street, Hendersonville NC. I have no problem with him building a home on his lot. The so called creek behind our property, I personally would not consider that to be a creek but more of a ditch that collects the rain water run off. The only part of this creek I have ever seen any running water in is from the pipe that runs under Fitzsimmons Street and the further away from this pipe you go the less water you see.

Sincerely

Amanda R Shoemake
Amanda R Shoemake
828-489-1245 cell









August 10, 2023

To whom this may concern,

I, Amanda R Shoemake aka Amanda S Ward, owns the property next door to Jared Webb who lives at 318 Resort Street, Hendersonville NC. I have no problem with him building a home on his lot. The so called creek behind our property, I personally would not consider that to be a creek but more of a ditch that collects the rain water run off. The only part of this creek I have ever seen any running water in is from the pipe that runs under Fitzsimmons Street and the further away from this pipe you go the less water you see.

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