



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Alexandra Hunt, Planner I      **MEETING DATE:** September 12, 2023  
**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development  
**TITLE OF ITEM:** 318 Resort St. – Variance (B23-069-VAR) – *Alexandra Hunt / Planner I*

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

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

With regard to the request by Jared Webb for a variance from Section 17-3-3 Dimensional Prohibition Against Development Within the Stream Buffer to:

- 1) *Reduce the stream buffer transitional area from the required 20' to 0' to construct a single family residential home.*

I move the Board to find that:

- 2) An unnecessary hardship **would** result from the strict application of the ordinance.
- 3) The hardship **results** from the conditions that are peculiar to the property, such as location, size, or topography.
- 4) The hardship **did not** result from actions taken by the applicant or the property owner.
- 5) 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.]*

#### ***Suggested Condition(s) for Approval:***

- 1) The applicant shall submit a site plan illustrating that no further disturbance can occur beyond that which is permitted by Section 17-3-3 and 17-3-5 of the Zoning Ordinance.
- 2) The applicant shall submit a revegetation plan of the 30' buffer area to the Community Development Department for approval prior to a zoning compliance permit being issued.

#### **1. For Recommending Denial:**

With regard to the request by Jared Webb for a variance from Section 17-3-3 Dimensional Prohibition Against Development Within the Stream Buffer to:

- 1) *Reduce the stream buffer transitional area from the required 20' to 0' to construct a single family residential home.*

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]**

3) The revegetation of the 30' buffer area must be comprised of appropriate native sedges, grasses, herbaceous, woody ground covers, and low shrubs. No turf grasses are to be used. 4) The Community Development Department shall inspect the site for compliance prior to the issuance of a Certificate of Occupancy. <p style="text-align: center;"><b>[DISCUSS &amp; VOTE]</b></p>	
--	--

## SUMMARY:

The Community Development Department has received an application from Jared Webb for a variance from Section 17-3-3 Prohibition Against Development Within the Stream Buffer. The subject property is currently zoned R-15, Medium-Density Residential. The specific variance requested is for the following:

**VARIANCE REQUEST:** The variance requested is to reduce the required transitional area provided in section 17-3-3 of the Hendersonville Zoning Ordinance in order to construct a single family residential home on the existing vacant lot (*See Exhibit B*).

The variance is to reduce the stream buffer transitional area from the required 20' to 0'. The variance requested follows the dimensional requirements set forth in "17-3-8 Special Provisions Pertaining to Certain Residential Uses." The requirements of section 17-3-8 are not applicable to this parcel since it was platted after September 6<sup>th</sup>, 2001. Applicant has also submitted a proposed revegetation plan in the stream buffer as part of the variance application and is attached as Exhibit D.

<b>PROJECT/PETITIONER NUMBER:</b>	B23-069-VAR
<b>PETITIONER NAME:</b>	Jared Webb (Owner/Applicant)
<b>EXHIBITS:</b>	A. Staff Report B. Warranty Deed C. Site Plan D. Site Photos E. Stream Buffer Revegetation Plan