



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** December 5, 2023

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: Signal Hill Townhomes. – Variance (B23-081-VAR) – *Alexandra Hunt / Planner I*

SUGGESTED MOTION(S):

1. For Recommending Approval:

With regard to the request by First Victory Inc. for a variance from Section 4.03.C.1 Minimum Street Right-of-Way Requirements of the City of Hendersonville Subdivision Ordinance to:

- 1) *Reduce the required 45' minimum street right-of-way provided in Sec. 4.03.C.1 to 30'*

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**.
- 5) The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

For the following reasons: *[list factual basis for Approval here.]*

[DISCUSS & VOTE]

1. For Recommending Denial:

With regard to the request by First Victory Inc. for a variance from Section 4.03.C.1 Minimum Street Right-of-Way Requirements of the City of Hendersonville Subdivision Ordinance to:

- 1) *Reduce the required 45' minimum street right-of-way provided in Sec. 4.03.C.1 to 30'*

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.
- 5) The variance approval **is not** the minimum necessary to make possible the reasonable use of the land, building, or structure.

For the following reasons: *[list factual basis for Denial below.]*

[DISCUSS & VOTE]

SUMMARY:

SUMMARY: The Community Development Department has received an application from First Victory Inc. for a variance from Section 4.03.C.1 and Section 4.03.C.8 of the City of Hendersonville Subdivision Ordinance. The specific variance requested is for the following:

VARIANCE REQUEST: The variance requested by the Applicant is to reduce the Minimum Street Right-of-Way Requirements in Section 4.03.C.1 and the Minimum Curve Radii Requirements in Section 4.03.C.8 of the Hendersonville Subdivision Ordinance as part of a proposed Major Subdivision project. (See Exhibit A).

The variance is to reduce the Minimum Street Right-of-Way Requirements in Section 4.03.C.1 of the Hendersonville Subdivision Ordinance for “Local” streets from the required 45’ to 30’ in the area outlined in red and marked as “Note A” on the proposed site plan attached as Exhibit B.

Additionally, the Applicant requested a variance to reduce the Minimum Curve Radii Requirements for “Local Streets” provided in Section 4.03.C.8 of the Hendersonville Subdivision Ordinance from the required 150’ to 90’ in the area outlined in red and marked as “Note B” on the proposed site plan attached as Exhibit B. However, during its November 2, 2023 meeting, City Council voted to adopt an ordinance amending Section 4.03.C.8 of the Subdivision Ordinance and changed the required Minimum Centerline Curve Radii for “Local Streets” from 150’ to 90’. Therefore, only the variance from Section 4.03.C.1 of the Subdivision Ordinance will be considered.

PROJECT/PETITIONER NUMBER:	B23-081-VAR
PETITIONER NAME:	First Victory Inc. (Applicant)
EXHIBITS:	A. Staff Report B. Variance Application C. Proposed Site Plan D. Henderson County GIS Maps E. Warranty Deed