CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Sam Hayes, Planner II	**MEETING DATE:**	November 10th, 2026
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Mastermind – Cottages at Highland Square – Variance (26-67-VAR) – Sam Hayes | *Planner II*

SUGGESTED MOTION(S):

1. For Recommending Approval:	1. For Recommending Denial:
With regard to the request by Jason Pass (applicant) and DR Horton, represented by Andrew Basile (property owner) for a variance from Section 5-14-6.2. Setbacks. to: 1. *Decrease the required 30 foot setback to 26.6 feet to enable the building shown in Exhibit B to become conforming.* I move the Board to find that (must find all of these): 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.*]** 1. The hardship is not self-created because the applicant relied upon a professional survey when constructing the units that was presumed to be accurate. 2. Granting a variance is conforming with the current Planned Residential Development ordinance, which requires a 20-foot rear setback. **[DISCUSS & VOTE]**	With regard to the request by Jason Pass (applicant) and DR Horton, represented by Andrew Basile (property owner) for a variance from Section 5-14-6.2. Setbacks. to: 2. *Decrease the required 30 foot setback to 26.6 feet to enable the building shown in Exhibit B to become conforming.* I move the Board to find that (must find at least one of these): 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.]*** 1. The request is considered a self-created hardship. Based on the foregoing findings I further move the Board deny the request for a variance. **[DISCUSS & VOTE]**

SUMMARY:

The Community Development Department has received an application from Jason Pass (applicant) and DR Horton (owner) represented by Andrew Basile for a variance from Section 5-14-6.2. Setbacks. requirements in accordance with the setback requirements established as part of the conditional zoning approval from 2022 which established a 30 foot rear setback.

Variance Request: The Applicant is requesting a variance from the 30 foot rear setback for a portion of a single building that was constructed within this 30 foot setback. The applicant would request a variance, allowing the building to encroach 3.4 feet, thereby reducing the 30 foot setback to 26.6 feet.

The subject property was zoned in 2022 to Planned Residential Development Conditional Zoning District (PRD CZD) which established the site plan included in Exhibit B.

PROJECT/PETITIONER NUMBER:	26-67-VAR
PETITIONER NAME:	Jason Pass (Applicant) DR Horton represented by Andrew Basile (Owner)

EXHIBITS:	A. Staff Report and Site Photos B. Application C. Warranty Deed