MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, October 13, 2026
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on October 13, 2026, at 1:30 p.m. in the 2nd Floor Meeting Room in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Charles Webb, Reid Barwick, Vice-Chair, Rhona Reagen, Kyle Gilgis, Chair, Brett Werner, Libby Collina, Bob Pace, Sam Hayes, Planner II, Sarah McLaurin, Planner, Daniel Heyman, Assistant City Attorney, Lew Holloway, Community Development Director.

Absent: Aubrey Parks

Chair called the meeting to order at 1:30 p.m. Chair stated a quorum has been established, and it takes four out of five votes in favor to approve a variance.

Approval of the Agenda: A motion was made by Ms. Reagen to approve the agenda. Mr. Barwick seconded the motion which passed unanimously.

Approval of the Minutes of the August 11, 2026 meeting. A motion was made by Ms. Collina to approve the minutes as written. The motion was seconded by Mr. Barwick and passed unanimously.

Approval of the Decision for 26-50-VAR. A motion was made by Ms. Collina to approve the decision for 26-50-VAR. Ms. Reagen seconded the motion which passed unanimously.

Variance – Dee Gambrell -323 Blythe Street – (26-71-VAR). Chair stated today we have two public hearings to consider. A variance from Dee Gambrell for the property located at 323 Blythe Street and a variance from Andrew Basile of DR Horton for the property located at 197 Baxley Lane, Unit 3.

Chair swore in all persons to give testimony. Dee Gambrell, Diane Rhoades, David Skye, and Sam Hayes were sworn in.

Chair opened the public hearing.

Sam Hayes, Planner II stated his name and title for the record. He formally entered the staff report and presentation into the record. He stated the City is in receipt of an application for a variance from Dee Gambrell, applicant, and Diane Rhoades, property owner for the property located at 323 Blythe Street.

Mr. Hayes gave the project background:

The location of the site is 323 Blythe Street. The applicant is requesting a variance from Section 8-4-3. Dimensional Requirements to increase the maximum allowable square footage from 1,200 square feet to 1,385 square feet.

The request is to allow the existing house on the property to exceed the maximum building size allowed under Section 8-4-3, Dimensional Requirements. The ordinance allows a maximum gross floor area of 1,200 square feet, and the applicants are requesting approval for the house to remain at its actual size of 1,385 square feet.

The property was created under Section 8-4, Reduced Pole Flag Lot and Small Lot, which allows smaller lots to be established if the existing or proposed house is no larger than 1,200 square feet. The original parcel, which contained three structures, was divided into two lots. The subject property is 7,060 square feet in size, while the adjoining lot is 18,784 square feet.

At the time of the subdivision, Henderson County property records listed the house as containing 1,131 square feet. However, a recent professional measurement found that the home's actual gross floor area is 1,385 square feet. Because the house exceeds the 1,200-square-foot limit, a variance is required.

Site photos were shown and are included in the staff report.

Mr. Hayes stated he will answer any questions the Board may have.

Ms. Collina asked about the basement, whether it was included or not. Mr. Hayes read the definition of Gross Floor Area from the zoning ordinance. Ms. Collina asked if a condition could be added to state they cannot improve the basement. Daniel Heyman, Assistant City Attorney, stated it is staff's opinion that would be a reasonable condition to address compliance with the ordinance.

Mr. Webb asked what would happen if they didn't approve the variance. Mr. Hayes explained that staff has not had the discussion internally on how they would proceed but it would be up to staff, not the Board, to determine how to handle the violation if the variance wasn't approved. They might have to recombine or move lot lines, or some other option.

There were no further questions for staff.

Chair asked the applicant to address the Board.

Diane Rhoades, property owner of 323 Blythe Street stated I want to make it clear that I am not requesting an exception to this ordinance. When I applied for this subdivision, I was confident that I was in compliance, that my house was under 1200 square feet with 250 square feet of land to sell with the house. My deed, tax REID number and Zillow all reflected that the square footage of my house was 1,131. I believe I was one of the first home owners to engage in the Small Lot Ordinance that was passed on April, 2025. Helen Purdum, from Asheville, brought the ordinance to my attention as she was eager to buy my house in light of the new ordinance. She did the initial legwork.

I spoke with Matthew Manley, the city's Long Range Planning Manager, who was instrumental in creating this opportunity to make more single-family housing available within the city. I ran my situation by him. All appeared to be in compliance. I was excited to be a candidate for this Small Lot Ordinance, grateful to make the highest and best use of my property.

I had given 3 months notice to my tenants who were renting my house. They left August 30. Helen had decided to stay in Asheville, but now I was eager to sell my house. I hired Charles Erdman to survey my land. We mapped out 850 square feet to sell with the house. I hired Dee Gambrell with BluAxis to be my realtor. She came up with some great marketing. This cost $1K.

It was at this time that I was informed of a discrepancy. I was told that my house is not 1131 square feet; it is 1385 square feet. This error has been in place since 1951. It was through no fault of Matthew Manley or any of those involved in subdividing and marketing my property, as all the records state that my house is 1,131.

I have had two months without rental income. I paid over 3K to survey the boundaries. I initiated and exhausted my home equity loan to install heat/air splits upstairs, buy a new washer/dryer and was about to replace the roof when the sale of my home became controversial. I have been retired and

without debt for several years. It is unsettling to be in the position I am in now. It is a hardship for me. This experience has been confusing, painful and expensive.

The Small Lot Ordinance is designed to create more housing. A separate sale of my house will bring in another homeowner. The only reason anyone knows about the difference in square footage is due to professional measurements for the listing. Agents are required to measure and disclose this. If such a requirement were in place to subdivide the property we would never have gotten this far. A uniform guide with requirements to check before moving forward would address the challenge that I have run into.

I would not have gone through with the efforts to sell my home if I had been aware of the error in the square footage of my house. As it is, I enthusiastically entered into this process and ran into an honest discrepancy. The square footage of my house has been in error with four different owners. I am here today to request a variance so that I can sell my house, get out of this uncomfortable debt and have someone else enjoy the house.

Chair asked if there were any questions for the applicant.

Ms. Collina asked about the basement. Ms. Rhoades stated the basement is pretty much entirely below grade. It is a dirt floor and about 1,822 square feet in total. Ms. Collina stated if that is the case it is unlikely someone is going to improve it anyway because you would have to get a slab poured down there.

Mr. Barwick asked if there was a buyer. Dee Gambreel, realtor, stated it is on hold until the variance decision. A couple of interested buyers have asked, and she has informed them of the situation.

There were no further questions for the applicant.

Mr. Barwick stated to Mr. Hayes, you were on the commission, we were all at the presentation. Mr. Hayes was unclear on what he was being asked. Mr. Barwick stated sometimes you're pregnant and sometimes you're not. This house is an existing condition owned by somebody that is trying to be compliant with the regulation.

Chair asked if there was anyone that would like to speak against the application. No one spoke.

Chair asked if there was anyone that would like to speak.

David Skye, 315 Blythe Street stated he is a neighbor and had no objections. He is in support of what she is doing.

Chair closed the public hearing for Board discussion.

Chair stated she would entertain a motion if there was no discussion.

Ms. Reagen made the following motion: **With regard to the request by Dee Gambrell (applicant) and Diane Rhoades (property owner) for a variance from 8-4-3. Dimensional Requirements to:**

1. ***Increase the allowable maximum gross floor area from 1,200 square feet to 1,385 square feet.***

I move the Board to find that:

1) **An unnecessary hardship <u>would</u> result from the strict application of the ordinance.**
2) **The hardship <u>results</u> 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: 1. The applicant used information from Henderson County Property Records when applying for the small lot subdivision, which stated that the square footage of the existing structure was under 1,200 square feet and was presumed by the applicant and city staff to be accurate. 2. The footprint of the existing structure is under 1200 square feet, which is consistent with the spirit of the ordinance. *Ms. Collina seconded the motion.*

Chair called for the vote. A roll call vote was taken.

Ms. Reagen	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Collina	Yes
Ms. Gilgis	Yes

The vote was unanimous. Motion passed.

Variance – Andrew Basile – Mastermind – Cottages at Highland – (26-67-VAR). Mr. Hayes stated the applicant would like to defer this item to the November meeting.

Chair moved to defer this variance application to the November meeting. Ms. Reagen seconded the motion which passed unanimously.

Revision of Bylaws. Mr. Heyman explained that the charter requires two readings to approve an amendment, with a vote on the second reading occurring within 60 days of the first. He noted that the amendment had been presented in June of the previous year but was not followed up on until the most recent meeting.

Ms. Reagen moved to approve the amendments to the bylaws. Ms. Collina seconded the motion which passed unanimously.

Meeting adjourned at 2:16 p.m.

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Kyle Gilgis Chair Terri Swann, Secretary

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