



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II

MEETING DATE: August 13, 2024

AGENDA SECTION: New Business

DEPARTMENT: Community
Development

TITLE OF ITEM: 709 Florida Avenue – Variance (B24-040-VAR) – Sam Hayes | *Planner II*

SUGGESTED MOTION(S):

1. For Recommending Approval:

With regard to the request by Andrew Griffin for a variance from *Section 5-10-3* to:

1. *Reduce the side setback requirement 5' to 4.3' and reduce the 20' total side setback to 11.1' to allow the construction of a 336 square foot addition.*

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**.

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

[DISCUSS & VOTE]

1. For Recommending Denial:

With regard to the request by Andrew Griffin for a variance from *Section 5-10-3* to:

1. *Reduce the side setback requirement 5' to 4.3' and reduce the 20' total side setback to 11.1' to allow the construction of a 336 square foot addition.*

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]

SUMMARY:

The Community Development Department has received an application from Andrew Griffin for a variance from Section 5-10-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2-2 Definition of Terms to reduce the required 5’ side setback to 4.3’ and to reduce the 20’ total side setback to 11.1’ in order to construct a 336 square foot addition. The subject property is currently zoned MIC, Medical, Institutional and Cultural Zoning District. The specific variance requested is for the following:

Variance Request: The Applicant is requesting a variance from the requirement that side yards shall be a minimum of 5’ wide and that the lot should have a combined 20’ side setback in accordance with Section 5-10-3 of the Zoning Ordinance. The applicant is seeking to build a two-story addition (336 square feet footprint) that will include a garage on the ground level and an upstairs apartment. (Exhibit B)

The subject property is .08 acre or a 3,484 square feet lot zoned MIC – Medical Institutional and Cultural. There is a 1,872 square feet building on the property currently. The side setback requirements for MIC is 20’ total for the lot with a minimum of 5’ on any side according to Section 5-10-3. – Dimensional requirements. Other requirements for this district are a 50’ minimum lot width, a front setback of 10’, rear setback of 20’, and a maximum height of 50’.

PROJECT/PETITIONER NUMBER:	B24-040-VAR
PETITIONER NAME:	Andrew Griffin (Owner/Applicant)
EXHIBITS:	A. Staff Report B. Application C. Warranty Deed D. Site Photos