

CITY OF HENDERSONVILLE  
ZONING DEPARTMENT

ITEMS TO ACCOMPANY APPLICATION  
TO THE  
CITY OF HENDERSONVILLE ZONING BOARD OF ADJUSTMENT  
FOR A

VARIANCE

- Completed application form (typed or printed)
- Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the centerline of street and to the side and rear lot lines, as applicable. Show placement of septic system and drain field if applicable and distances from structures.

NOTE: Site plan should be clearly legible and reproducible.

- Copy of septic permit, if applicable.
- Other documents supporting application, if applicable.
- Photographs (optional)
- Application fee of \$75.00

(Shortly after application for a variance is accepted, staff will take photographs of the site. Please have the corners of the proposed structure and septic system staked so that they may be seen in such photos.)

For more information call (828)-697-3010

CITY OF HENDERSONVILLE  
STATE OF NORTH CAROLINA  
APPLICATION FOR A VARIANCE

11      7      2022  
Month      Day      Year

Applicant: Patricia E. Addiss Phone: 919 817 6477  
Address: 714 Florida Ave. Hendersonville NC, 28739  
Property Owner's Name (if different from above): same  
Property Owner's Address (if different from above): same  
Parcel ID Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Directions to property from Hendersonville: House is on Florida Ave.  
and sits between Oak (YMCA) and Justice  
(Eks Club).

TO THE ZONING BOARD OF ADJUSTMENT:

I, Patricia E. Addiss (owner/agent), hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Zoning Ordinance of the City of Hendersonville because I am prohibited from using the parcel of land described in the form "Zoning Permit Application" in a manner shown by the site plan. I request a variance from the following provisions of the ordinance (cite section numbers): Ordinance  
sec. 9-2

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (a) unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, (b) the variance is in harmony with the general purpose and intent of the ordinance, preserves its spirit, public safety is secured, and substantial justice is achieved, (c) the hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance, (d) the hardship did not result from actions taken by the applicant or owner of the property. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

- (a) UNNECESSARY HARDSHIP WOULD RESULT FROM THE STRICT APPLICATION OF THIS ORDINANCE. State facts and arguments to show that, unnecessary hardship would result from the strict application of the ordinance.(it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property)\_\_\_\_\_

See Attached

- (b) THE VARAINCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE, PRESERVES ITS SPIRIT, PUBLIC SAFETY IS SECURED, AND SUBSTANTIAL JUSTICE IS ACHIEVED. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.) \_\_\_\_\_

See Attached

- (c) THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. HARDSHIPS RESULTING FROM PERSONAL CIRCUMSTANCES, AS WELL AS HARDSHIPS RESULTING FROM CONDITIONS THAT ARE COMMON TO THE NEIGHBORHOOD OR THE GENERAL PUBLIC, MAY NOT BE THE BASIS FOR GRANTING A VARIANCE. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.) \_\_\_\_\_

See Attached

- (d) THE HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE APPLICANT OR THE PROPERTY OWNER. THE ACT OF PURCHASING PROPERTY WITH KNOWLEDGE THAT CIRCUMSTANCES EXIST THAT MAY JUSTIFY THE GRANTING OF A VARIANCE SHALL NOT BE REGARDED AS A SELF-CREATED HARDSHIP. (State any facts pertaining to the hardship that is not the result of the applicant's own actions.) \_\_\_\_\_

See Attached

(Please continue remarks on separate page if necessary)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.



Address / 714 Florida Ave

- (a) Due to the limited physical dimensions of the property, it would not be possible to physically move or relocate the utility shed on my property to meet the Zoning Ordinance. The cost of demolishing and removing the shed would exceed its value. The company where I purchased it would not take it back nor would they give me a refund. It has been over one year since time of purchase. I am a retired U.S. Air Force veteran of 24 years with a pension income and limited ability to pay to have the shed removed, relocated or demolished.
- (b) The shed currently sits on my lot and is not encroaching on any surrounding neighbor's property. As shown on the attached "exhibits", the neighboring property adjacent to the shed is a driveway along the side and back. Nothing can be built between the neighboring driveway and my property. There will not be a safety issue to the public if I am granted a variance due to the existing distance that exists.
- (c) My lot was reduced in size prior to my purchasing the home 3 1/2 years ago. When I purchased the shed from a local company, they used specialized equipment to deliver and situate the shed on its current location. The small size of my lot would not allow the shed to be located in my back yard to meet the zoning requirements and it would be physically improbable for the equipment to fit in my yard to do so. The cost to relocate the shed would exceed its value.
- (d) There was nothing on the property until I placed the shed there. Due to the reduction of the property size before I purchased it, there is very limited space for a garage or storage.

Attachment  
Questions a, b, c, d

Don E. Roblin  
Signature of Applicant

11/7/2022  
Date

Don E. Roblin  
Signature of Property Owner

11/7/2022  
Date

IN THE EVENT THAT ANY DISCREPANCIES EXIST BETWEEN THE CRITERIA OUTLINED  
ON THIS FORM AND THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE,  
THE ORDINANCE SHALL PREVAIL.

Terri Swann  
Received By

11-8-22  
Date

\$75.00  
Fee Paid

11-8-22  
Date Received

A VOTE OF SEVEN MEMBERS OF THE BOARD IS REQUIRED TO APPROVE A  
VARIANCE.

10000 - TIE  
9' 19.17" E

62.40 (TIE)  
S 86° 14' 44" E

COORDINATES:

17' NAD 83/11

10' NAD 83/11

Parking  
DRIVE

Business

Smolski Driveway

89.53

S 01° 22' 25" E

GRAVEL DRIVE

PATRICIA E. ADDRESS

DB 3772 PG 695

PIN 5568-58-3641

714  
Florida  
Ave

RESIDENT

Parking

Business

Driveway

Business

17 in

SHED

16 feet

10 feet

74 feet

1/2" EP

S 84° 07' 17" E

#5 EIR

1.0' AG

57.63

UTILITY LINES  
T TO EASEMENTS

NO RIGHT OF WAY FOUND OR

Parking

Smolski  
Driveway  
Continues

Exhibit A

Smolski workshop  
properties





Smol'ski  
Driveway



