



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** December 13, 2022

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

TITLE OF ITEM: 714 Florida Ave. – Variance (B22-107-VAR) – *Alexandra Hunt / Planner I*

SUGGESTED MOTION(S):

1. For Recommending Approval:

With regard to the request by Patricia Addiss for a variance from *Section 5-10-3: Dimensional Requirements* to:

1. *Reduce the side setback requirement from 10' to 1.4' and the rear setback requirement from 20' to 4' for an existing storage shed.*

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. Rationale examples provided by staff]*

1. The lot size of the subject property does not meet the minimum lot size requirements of the MIC zoning district and is a condition peculiar to the subject property.
2. The MIC zoning district requires accessory structures conform to principal structure setbacks and does not include separate setback provisions for accessory structures.

[DISCUSS & VOTE]

1. For Recommending Denial:

With regard to the request by Patricia Addiss for a variance from *Section 5-10-3: Dimensional Requirements* to:

1. *Reduce the side setback requirement from 10' to 1.4' and the rear setback requirement from 20' to 4' for an existing storage shed.*

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. Rationale examples provided by staff]*

1. The lot size is not a condition peculiar to the subject property.

[DISCUSS & VOTE]

SUMMARY:

The Community Development Department has received an application from Patricia Addiss for a variance from Section 5-10-3 Dimensional Requirements. The subject property is currently zoned MIC, Medical, Institutional, & Cultural. The specific variance requested is for the following:

Applicant is requesting a variance from the required 10' side setback requirements in Section 5-10-3 to 1.4'; and from the required 20' rear setback requirements in Section 5-10-3 to 4' for an existing storage shed (Exhibit A).

The Community Development Department received a complaint about a storage shed at 714 Florida Avenue that did not meet the setback requirements of Section 5-10-3. The Code Enforcement Officer for the City of Hendersonville investigated the complaint and determined that the storage shed did not meet the required side and rear setbacks. The property owner was notified of the violation and promptly filed for a variance. (*see* Exhibit B)

The Applicant made the following statement related to their request:

“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.” (*see* Exhibit A).

PROJECT/PETITIONER NUMBER:	B22-107-VAR
PETITIONER NAME:	Patricia Addis (Owner/Applicant)
EXHIBITS:	A. Staff Report B. Application C. 10.13.22 Notice of Violation D. West Side Historic District Overlay Map E. Warranty Deed F. Site Photos G. Aerial Map