

Read  Status: **Submitted**

Entry #: 21

 Unread

Date Submitted: 7/15/2022 10:48 AM

## Items to Accompany Application:

Completed application form

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 ceterline of street and to the side and rear lot lines, as applicable. Show placement of septic systems and drain field if applicable and distances from structures.

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

**Date:**

7/15/2022

**Applicant Name:**

James Walgenbach

**Address**

1525 Ridgewood Blvd, Hendersonville, North Carolina 28791

**Phone**

(828) 674-4939

**Email**

jwalgenb@ncsu.edu

**Property Owner's Name (if different from above)****Property Owner's Address (if different from above)****Parcel ID #**

115576

**Zoning District:**

R-10

**Directions to property from Hendersonville:**

Going west on Hwy 191, turn right on Orleans, then vear left onto Higate, then left onto Ridgewood Blvd. 1525 is blue house on right side of street.

**Attach site plan and any supporting documents/pictures**[Variance Description Request.pdf](#)  
0.2 MB

## To the Board of Adjustment:

### Name

James Walgenbach

(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):

5-4-3 (5-ft set back for accessory structure)

## 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, 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:

**Unnecessary Hardship would result from the strict application of the 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)**

The house and detached garage of the property (1525 Ridgewood Blvd) is the original, built in 1926. Using the footprint of the existing garage would 1) avoid the cost of removing and replacing a cement pad, 2) maintain symmetry of the garage /property, 3) allow a second floor on a new garage. The unique layout of the property results in the edge of our driveway serving as the property line between the adjacent property (1523 Ridgewood Blvd) to the south. While the property line widens by 40 inches around the south side of the garage, a 5-ft set back would result in the south edge of the garage not being aligned with the driveway (it would be offset by 3 ft into the driveway). A 5-ft set back in the rear (bordering 1518 Dawnview Dr) would result in shortening the length of the garage by 5 ft, and thus reducing the size of the building so that a 2nd floor would not be practical.

**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. (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).**

The existing set back of less than 5 ft still allows for a walk space for neighbors between Dawnview Dr and Ridgewood Blvd, thus does not restrict movement within the neighborhood. There are no buildings adjacent to the property at 1523 Ridgewood Blvd, and the distance between the new garage and the building on 1518 Dawnview Dr will remain 10 ft, the same that it's been since that building was built in 1976.

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).

Because the house and driveway are on the extreme southern edge of the property, the existing location of the garage is the only possible location. Properties on Ridgewood Blvd are small (average size is 0.22 acres), and combined with the many old homes, set back less than 5-ft set for detached garages are common in this neighborhood. Hence, this is in keeping with the character of the neighborhood.

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).

The current garage is almost 100 years old and designed to fit within the property in an aesthetic manner. Due to age, the building is in poor condition and an eye sore. Rebuilding on the current footprint is keeping with the character of the neighborhood and does not represent a change in location.

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

**Signature of Applicant:**

**Date:**

7/15/2022

*James F. Walgenbach*

---

**Signature of Property Owner:**

**Date:**

7/15/2022

*James F. Walgenbach*

---

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.

**Received By:**

**Date:**

**Fee Paid:**

**Date Received:**

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

## Site Plan and Supporting Documents/Pictures:

This is a request for a variance of a 5-ft setback for a replacement garage on the same 20- x 26-ft footprint of an existing 96-year old detached garage at 1525 Ridgewood Blvd. The garage is located on the southwest corner of the property in alignment with the driveway, the edge of which serves as the property line (see pictures).

The current garage is in disrepair and an eye sore. The proposed replacement garage will include a second floor with outside steps.

The reason for the variance request is:

1. So the existing cement pad does not need to be removed and a new one installed.
2. Incorporating a 5-ft variance would require the south side to be moved 3.2 ft to the North and not in alignment with the drive way edge.
3. Incorporating a 5-ft setback would reduce the size of the replacement garage and make a planned second floor impractical.
4. It is not possible east without violating a 5-ft set back, or north due to the location of a patio.



New Garage with 2<sup>nd</sup> floor

