

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, August 9, 2022
1:30 p.m. in the City Operations Center

The Hendersonville Board of Adjustment held its regular monthly meeting on August 9, 2022, at 1:30 p.m. in the Assembly Room in City Operations Center, 305 Williams Street, Hendersonville, North Carolina. Those present were: Melinda Lowrance, Chair, Ernest Mowell, Vice-Chair, Laura Flores, Charles Webb, Kathy Watkins, Stefan Grunwald, Peter Hanley, Fred Nace, Sharon Alexander, Attorney to the Board, Lew Holloway, Community Development Director, Matthew Manley, Planning Manager, Alexandra Hunt, Planner I, Daniel Heyman, Staff Attorney, Tyler Morrow, Planner II and Angela Beeker, City Attorney.

Absent: Michael Edney

Chair called the meeting to order at 1:30 p.m.

Approval of the Agenda: A motion was made by Mr. Hanley to approve the agenda. The motion was seconded by Ms. Watkins and passed unanimously.

Approval of the Minutes of the July 20, 2022 special meeting. A motion was made by Mr. Mowell with one added correction and seconded by Ms. Watkins to approve the minutes as amended. The motion passed unanimously.

Approval of the Decision: **B22-041-SUP** – City of Hendersonville, Special Use Permit. A motion was made by Ms. Watkins to approve the decision as written. Mr. Mowell seconded the motion which passed unanimously.

A motion was made by Mr. Mowell to change the order of business and move the appeal to the second item under New Business and the variance to the first item and to include the approval of the decision. Ms. Watkins seconded the motion to amend the agenda. The motion passed unanimously.

Variance – James Walgenbach – 1525 Ridgewood Boulevard (B22-70-VAR).

Chair stated today we have one public hearing to consider and an appeal. First, a Variance application from James Walgenbach for the property located at 1525 Ridgewood Boulevard. Any persons desiring to testify in these hearings must first be sworn in. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on here. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, that you come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on this application should disclose it now.

Chair swore in all persons to give testimony. Those sworn in were Alexandra Hunt, Planner I and James Walgenbach.

Chair opened the public hearing.

Alexandra Hunt, Planner I stated her name and title for the record. She asked that the staff report and presentation be submitted into the record. She stated staff is in receipt of a Variance application from James Walgenbach from Section 5-4-3 Dimensional requirements of the Zoning Ordinance.

Ms. Hunt gave the project background:

The subject property is located at 1525 Ridgewood Boulevard. The PIN for this parcel is 9569-43-0230.

The subject property is zoned R-10, Medium Density Residential. The variance requested is to reduce the side setback from the required 5-feet to 3-feet 3-inches and to reduce the rear setback from the required 5-feet to 2-feet for the purpose of constructing a new detached garage using the same footprint of an existing detached garage.

The subject property possesses a PIN of 9569-43-0230 and is zoned as R-10 Medium Density Residential. Based on Henderson County records, the lot size is approximately 0.29 acres or 12,632.4 square feet. The accessory structure setbacks for R-10 are: Front: 25', Side: 5', Rear: 5'. Based on Henderson County records, the existing 20' x 26' detached garage was constructed in 1926. Based on the variance application, the applicant is proposing to construct a new garage using the same 20' x 26' footprint of the existing detached garage.

Section 5-4-3 of the City of Hendersonville Zoning Ordinance was shown and is included in the staff report.

Site photos were show of the property and are included in the staff report.

Photos submitted by the applicant along with a drawing of the layout and a digital rendering of the new garage was shown and is included in the staff report.

Section 10-9 pertaining to Variances was shown and is included in the staff report.

Staff suggested motions were presented to the Board.

Ms. Hunt stated the applicant is present.

Chair asked if there were any questions for staff. There were no questions for staff.

Jim Walgenbach, 1525 Ridgewood Boulevard stated his name for the record. He stated the current garage is an eyesore and they would like to replace it in the existing footprint that is there now. It does keep in character with the neighborhood. It is an old neighborhood. There are other accessory structures in the area with less than a 5-foot setback.

Chair asked if there were any questions for the applicant.

Mr. Grunwald asked what the height difference would be for the garage today and the one they plan to construct. Mr. Walgenbach stated the existing garage is between 12 and 15 feet, and the new garage would be 22 to 23 feet tall.

Mr. Mowell stated the existing garage is on a slab. Mr. Walgenbach stated correct. Mr. Mowell stated he will use the same slab for the new construction. Mr. Walgenbach stated correct.

Chair asked if there were any further questions for the applicant. There were no further questions.

Chair asked if anyone would like to speak in favor or against the application. No one spoke.

Ms. Watkins asked if they would not be adding plumbing to the garage. Mr. Walgenbach stated they would be adding plumbing to put a bathroom upstairs. It will be in the front of the garage and going into their drainage system.

Chair stated to the applicant that in order to approve the variance, it will require a minimum of seven affirmative votes.

When no one else spoke, Chair closed the public hearing for Board discussion.

The Board was in favor of using the existing slab and discussed how old the structure was.

Mr. Mowell made the following motion: *With regard to the request by James Walgenbach for a variance from Section 5-4-3: Dimensional Requirements: to reduce the side setback requirement from 5' to 3'3" and to reduce the rear setback requirement from 5' to 2'. I move the Board to find that (a) strict enforcement of the regulations would result in practical difficulties or unnecessary hardship to the applicant, (b) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. The motion was seconded by Mr. Nace.*

Chair called for the vote. The following vote was taken by a show of hands.

Mr. Hanley	Yes
Mr. Mowell	Yes
Mr. Webb	Yes
Ms. Lowrance	Yes
Mr. Grunwald	Yes
Ms. Flores	Yes
Ms. Watkins	Yes
Mr. Nace	Yes

The vote was unanimous. Motion approved.

Administrative Appeal – Oak Preserve (B22-051-ADMIN).

Lew Holloway, Community Development Director stated staff has identified an issue with the noticing for this appeal, so they will not be able to hear the Administrative Appeal today. Staff will re-notice and this will reconvene at the next Board of Adjustment meeting.

Meeting adjourned at 1:44 p.m.

Melinda Lowrance, Chair

Terri Swann, Secretary