



CITY OF HENDERSONVILLE  
**AGENDA ITEM SUMMARY**  
PLANNING DIVISION

**SUBMITTER:** Sam Hayes, Planner II      **MEETING DATE:** November 12, 2024  
**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development  
**TITLE OF ITEM:** 629 5<sup>th</sup> Ave. W – Variance (B24-073-VAR) – Sam Hayes / *Planner II*

**SUGGESTED MOTION(S):**

<p><b>1. <u>For Recommending Approval:</u></b></p> <p>With regard to the Special Use Permit request by George Workman and Jessica Bayer:</p> <p>1. <i>The Special Use Permit is requested for restaurant use under Section 5-10-2 of the Zoning Ordinance.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none"><li>1) The proposed use <b>complies</b> with the standards for such use contained in article XVI of the Zoning Ordinance.</li><li>2) The proposed use <b>will not</b> adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use.</li><li>3) The proposed use <b>will not</b> be detrimental or injurious to property or public improvements in the neighborhood of such proposed use.</li></ol> <p>For the following reasons: <i>[list factual basis for Approval here.]</i></p> <p>[DISCUSS &amp; VOTE]</p>	<p><b>1. <u>For Recommending Denial:</u></b></p> <p>With regard to the Special Use Permit request by George Workman and Jessica Bayer:</p> <p>1. <i>The Special Use Permit is requested for restaurant use under Section 5-10-2 of the Zoning Ordinance.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none"><li>1) The proposed use <b>does not</b> comply with the standards for such use contained in article XVI of the Zoning Ordinance.</li><li>2) The proposed use <b>will</b> adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use.</li><li>3) The proposed use <b>will</b> be detrimental or injurious to property or public improvements in the neighborhood of such proposed use.</li></ol> <p>For the following reasons: <i>[list factual basis for Denial below.]</i></p> <p>[DISCUSS &amp; VOTE]</p>
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**SUMMARY:**

The Community Development Department has received an application from George Workman and Jessica Bayer for a Special Use Permit for a restaurant under Section 5-10-2. The subject property is currently zoned MIC, Medical, Institutional and Cultural zoning district. The specific Special Use Permit has the following details:

The proposed restaurant will have its primary access off of 5<sup>th</sup> Avenue W, which is classified as a Major Thoroughfare according to City of Hendersonville records. There will be no exterior storage, and the dumpster will be located in the rear of the building. The seating in the restaurant will not exceed 40 seats maximum. The hours of operation will be M-F, 7:00 AM-3:00 PM and S/Su, 9:00 AM-3:00 PM.

The applicant addressed health, noise, traffic management, and community engagement in their application. The applicant also argued that this use is complimentary to the area.

<b>PROJECT/PETITIONER NUMBER:</b>	B24-073-VAR
<b>PETITIONER NAME:</b>	George Workman and Jessica Bayer (Applicant)
<b>EXHIBITS:</b>	A. Application B. Staff Report C. Site Photos D. Warranty Deed