



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:** 709 Florida Avenue – Variance (B24-040-VAR) – Sam Hayes / *Planner II*

**SUGGESTED MOTION(S):**

<p><b><u>1. For Recommending Approval:</u></b></p> <p>With regard to the request by Andrew Griffin for a variance from <i>Section 5-10-3</i> to:</p> <p>1. <i>Reduce the side setback requirement 5’ to 4.3’ and reduce the 20’ total side setback to 11.1’ to allow the construction of a 336 square foot addition.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none"><li>1) An unnecessary hardship <b>would</b> result from the strict application of the ordinance.</li><li>2) The hardship <b>results</b> from the conditions that are peculiar to the property, such as location, size, or topography.</li><li>3) The hardship <b>did not</b> result from actions taken by the applicant or the property owner.</li><li>4) The requested variance <b>is consistent</b> with the spirit, purpose, and intent of the regulation, such that public safety <b>is secured</b> and substantial justice <b>is achieved</b>.</li></ol> <p>For the following reasons: [<i>list factual basis for Approval here.</i>]</p> <p>[DISCUSS &amp; VOTE]</p>	<p><b><u>1. For Recommending Denial:</u></b></p> <p>With regard to the request by Andrew Griffin for a variance from <i>Section 5-10-3</i> to:</p> <p>1. <i>Reduce the side setback requirement 5’ to 4.3’ and reduce the 20’ total side setback to 11.1’ to allow the construction of a 336 square foot addition.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none"><li>1) An unnecessary hardship <b>would not</b> result from the strict application of the ordinance.</li><li>2) The hardship <b>does not</b> result from the conditions that are peculiar to the property, such as location, size, or topography.</li><li>3) The hardship <b>did</b> result from actions taken by the applicant or the property owner.</li><li>4) The requested variance <b>is not</b> consistent with the spirit, purpose, and intent of the regulation, such that public safety <b>is not</b> secured and substantial justice <b>is not</b> achieved</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 Andrew Griffin for a variance from Section 5-10-3. – Dimensional requirements in accordance with the definition of “setback” in Section 12-2-2 Definition of Terms to reduce the required 5’ side setback to 4.3’ and to reduce the 20’ total side setback to 11.1’ in order to construct a 336 square foot addition. The subject property is currently zoned MIC, Medical, Institutional and Cultural Zoning District. The specific variance requested is for the following:

Variance Request: The Applicant is requesting a variance from the requirement that side yards shall be a minimum of 5’ wide and that the lot should have a combined 20’ side setback in accordance with Section 5-10-3 of the Zoning Ordinance. The applicant is seeking to build a two-story addition (336 square feet footprint) that will include a garage on the ground level and an upstairs apartment. (Exhibit B)

The subject property is .08 acre or a 3,484 square feet lot zoned MIC – Medical Institutional and Cultural. There is a 1,872 square feet building on the property currently. The side setback requirements for MIC is 20’ total for the lot with a minimum of 5’ on any side according to Section 5-10-3. – Dimensional requirements. Other requirements for this district are a 50’ minimum lot width, a front setback of 10’, rear setback of 20’, and a maximum height of 50’.

<b>PROJECT/PETITIONER NUMBER:</b>	B24-040-VAR
<b>PETITIONER NAME:</b>	Andrew Griffin (Owner/Applicant)
<b>EXHIBITS:</b>	A. Application B. Staff Report C. Site Photos D. Warranty Deed