



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** February 14, 2023

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

TITLE OF ITEM: 0 Geneva St. – Variance (B23-010-VAR) – *Alexandra Hunt / Planner I*

SUGGESTED MOTION(S):

<p>1. <u>For Recommending Approval:</u></p> <p>With regard to the request by Edith and James Smith for a variance from <i>Section 6-1-7: Corner Lot Requirements</i> to:</p> <p>1. <i>Reduce the side setback requirement from 18' to 14' for the addition of a modular home on the subject property.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none">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 <p>For the following reasons: <i>[list factual basis for Approval here.]</i></p> <p>[DISCUSS & VOTE]</p>	<p>1. <u>For Recommending Denial:</u></p> <p>With regard to the request by Edith and James Smith for a variance from <i>Section 6-1-7: Corner Lot Requirements</i> to:</p> <p>2. <i>Reduce the side setback requirement from 18' to 14' for the addition of a modular home on the subject property.</i></p> <p>I move the Board to find that:</p> <ol style="list-style-type: none">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 <p>For the following reasons: <i>[list factual basis for Denial below.]</i></p> <p>[DISCUSS & VOTE]</p>
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SUMMARY:

The Community Development Department has received an application from Edith and James Smith for a variance from Section 6-1-7 Corner Lot Requirements in accordance with the definition of “building, setback line” in Section 12-2-2 Definition of Terms to reduce the required 18’ side setback to 14’. The subject property is currently zoned R-6, High-Density Residential.

VARIANCE REQUEST: The Applicant is requesting a variance from the requirement that side yards on corner lots along a side street, shall be increased by ten feet as defined in Section 6-1-7 of the Zoning Ordinance in order to place a modular home on the lot. (Exhibit A).

The subject property is currently a vacant corner lot zoned R-6 High Density Residential. The lot conforms to the dimensional requirements for the R-6 zoning district. The side setback requirements for R-6 are 8’. Section 6-1-7 Corner Lot Requirements requires that an additional 10’ be added to the side setback on corner lots along a side street.

The subject property is located on the corner of Geneva Street and N Oak Street and fronts N Oak Street. The Section 6-1-7 corner lot requirement increases the side setback on Geneva St. from the required 8’ to 18’. The Applicant was sold a modular home that when placed on the lot in accordance with the setback requirements, would encroach a total of 4’ into the side setback on Geneva St. excluding the outermost 3’ of the uncovered porch per the building setback line definition in Section 12-2-2.

PROJECT/PETITIONER NUMBER:	B23-010-VAR
PETITIONER NAME:	James and Edith Smith (Owner/Applicant)
EXHIBITS:	A. Staff Report B. Application C. Warranty Deed D. Site Photos