



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

### PLANNING DIVISION

**SUBMITTER:** Alexandra Hunt, Planner I      **MEETING DATE:** August 8, 2023

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

**TITLE OF ITEM:** 869 Thornton Pl. – Variance (B23-064-VAR) – *Alexandra Hunt / Planner I*

#### **SUGGESTED MOTION(S):**

##### **1. For Recommending Approval:**

With regard to the request by Elizabeth Collina for a variance from Section 5-3-3 Dimensional Requirements in accordance with Section 12-2-2: Definition of Terms – “Rear Yard” to:

1. Reduce the rear setback requirement from 12’ to 7’ for the addition of an 8’ x 20’ rear deck.

I move the Board to find that:

- 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**.

For the following reasons: *[list factual basis for Approval here.]*

**[DISCUSS & VOTE]**

##### **1. For Recommending Denial:**

With regard to the request by Elizabeth Collina for a variance from Section 5-3-3 Dimensional Requirements in accordance with Section 12-2-2: Definition of Terms – “Rear Yard” to:

1. Reduce the rear setback requirement from 12’ to 7’ for the addition of an 8’ x 20’ rear deck.

I move the Board to find that:

- 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

For the following reasons: *[list factual basis for Denial below.]*

**[DISCUSS & VOTE]**

**SUMMARY:**

The Community Development Department has received an application from Elizabeth Collina for a variance from Section 5-3-3 Dimensional Requirements in accordance with the definition of “Yard, Rear” in Section 12-2-2 Definition of Terms to reduce the required 15’ rear setback requirements to 7’. The subject property is currently zoned R-15, Medium-Density Residential. The specific variance requested is for the following:

**VARIANCE REQUEST:** The Applicant is requesting a variance from the requirement that rear setback defined in Section 5-3-3 of the Zoning Ordinance in order to construct an 8’ x 20’ elevated, uncovered deck on the rear of the existing single family home. (Exhibit A).

On February 14, 2017, the Board voted to grant the Applicant a variance to reduce the rear setback from the required 15’ to 12’ to construct a single family home.

The Applicant is now requesting an additional variance from the rear setback to construct a deck that would encroach a total of 5’ into the current 12’ rear setback applying the rear yard definition in Section 12-2-2 which excludes the outermost 3’ of any uncovered porches, steps, eaves, gutters and similar fixtures.

<b>PROJECT/PETITIONER NUMBER:</b>	B23-064-VAR
<b>PETITIONER NAME:</b>	Elizabeth Collina (Owner/Applicant)
<b>EXHIBITS:</b>	A. Staff Report B. Variance Application C. Warranty Deed D. Site Photos