

Variance Application

Thank you for filling out the form. Your application has been submitted.

Items to Accompany Application:

Completed application form

Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the centerline of street and to the side and rear lot lines, as applicable. Show placement of septic systems and drain field if applicable and distances from structures.

Copy of septic permit, if applicable

Other documents supporting application, if applicable.

Photographs (optional)

Application fee of \$75.00

Shortly after application for a variance is accepted, staff will take photographs of the site. Please have the corners of the proposed structure and septic system staked so that they may be seen in such photos.

For more information call (828) 697-3010

Date:

7/14/2023

Applicant Name:

Elizabeth Collina

Address

869 Thornton Pl, Hendersonville, North Carolina 28791

Phone

(828) 273-1811

Email

brokerwnc@gmail.com

Property Owner's Name (if different from above)

Property Owner's Address (if different from above)

Parcel ID #

9569510060

Zoning District:





















R-15

Directions to property from Hendersonville:

9th Ave to Right on Tebeau to Left on Thornton Pl
to quick Right on Thornton Pl to house on Right

*see revised corrected survey attached

Attach site plan and any supporting documents/pictures

	XXXXXXXXXXXX Variance Survey Sketch.pdf	0.6 MB	
	variance deck sketch drawin...	0.9 MB	
	variance GIS neighbors hou...	2.6 MB	
	variance GIS neighbors hou...	2.6 MB	
	Example Cantilevered-Deck...	55.7 KB	
	IMG_1586.jpg	0.1 MB	
	IMG_1583.jpg	0.2 MB	
	IMG_1590.jpg	0.2 MB	
	IMG_1591.jpg	0.1 MB	
	IMG_1593.jpg	92.4 KB	

To the Board of Adjustment:**Name**

Elizabeth and John S. Collina

(owner/agent), hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Zoning Ordinance of the City of Hendersonville because I am prohibited from using the parcel of land described in the form "Zoning Permit Application" in a manner shown by the site plan.

I request a varaince from the following provisions of the ordinance (cite section numbers):

Section 5-3 R-15 Medium-Density Residential - I would like the rear setback to be reduced to accomodate a ~~6' deep cantilevered deck~~ an 8' deep deck which may or may not be cantilevered, depending on the engineer.

Factors Relevant to the Issuance of a Variance

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (a) unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, (b) the variance is in harmony with the general purpose and intent of the ordinance, preserves its spirit, public safety is secured, and substantial justice is achieved, (c) the hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance, (d) the hardship did not result from actions taken by the applicant or owner of the property. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. In the spaces provided, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

Unnecessary Hardship would result from the strict application of the ordinance: State facts and arguments to show that, unnecessary hardship would result from the strict application of the ordinance. (it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property)

Unnecessary Hardship would result from the strict application of the ordinance. With the current setbacks we cannot build a 8' deep by 20' wide deck off the rear of our house behind our garage/mudroom. If we want an open deck, we are forced to build the deck to the east, which would have no privacy from the road, be very high off the ground, and therefore extremely costly and undesirable, and stick out from the house in an odd way. Allowing the setback variance would allow an easier less costly build, more privacy for us as homeowners, and it would add to the aesthetic of the back of our house. There is ample room between the rear of the subject property and the property behind us due to the unopened road in between. The neighbor has a 75' double shed which would sit approximately 84' from the deck, and the neighbors house, extra shed and elevated deck would sit approximately 91' from the proposed deck. The deck ~~will be cantilevered as well and will not touch the ground at any point~~ may or may not be cantilevered, depending on the engineer.

The variance is in harmony with the general purpose and intent of the ordinance. preserves its spirit, public safety is secured and substantial justice is achieved. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant).

The variance is in harmony with the general purpose of the ordinance and preserves its spirit. The new deck will fit well in the neighborhood and not stick out or look like it's encroaching. There is an unopened right of way at the rear of the property which separates the deck from the double wide metal buildings on the adjacent lot. No harm will come to the public yet we will be harmed because we will have to place the deck at the steeper grade, it will be much higher off the ground, more costly, not private at all, and it would stick out from the house in an odd way. By allowing the rear set back variance we can build a deck at a much lower cost than if we built it on the steeper slope and higher ground to the east. The deck ~~will be cantilevered as well and will not touch the ground at any point~~ may or may not be cantilevered, depending on the engineer.

The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood).

The topography of the lot is very steep, and the proposed deck location is the closest to grade and the least intrusive/costly place to build the deck. It also allows for the most privacy on our corner lot. If we put it at the east, the posts would be 12' minimum, we would have to dig deep to install very large footers, and the deck would be even higher than our current upper porch from grade, which is not as desirable and much more costly. It would also stick out from the end of our house in an odd way. The deck ~~will be cantilevered as well and will not touch the ground at any point.~~ ~~will be cantilevered~~ may or may not be cantilevered, depending on the engineer.

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State any facts pertaining to the hardship that is not the result of the applicant's own actions).

The property owner has taken no action to cause this hardship. The shape and topography of this lot were determined at the time of platting the property and cutting in the roads. The house was built on the most desirable and cost effective piece of the property, therefore we are very pinched by the setbacks, even with two previous variances. The deck ~~will be cantilevered as well and will not touch the ground at any point.~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ may or may not be cantilevered, depending on the engineer.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Signature of Applicant:

Date:

7/14/2023

LAC

Signature of Property Owner:

Date:

7/14/2023

JSC

In the event that any discrepancies exist between the criteria outlined on this form and the Zoning Ordinance of the City of Hendersonville, the ordinance shall prevail.

Received By:

Date:

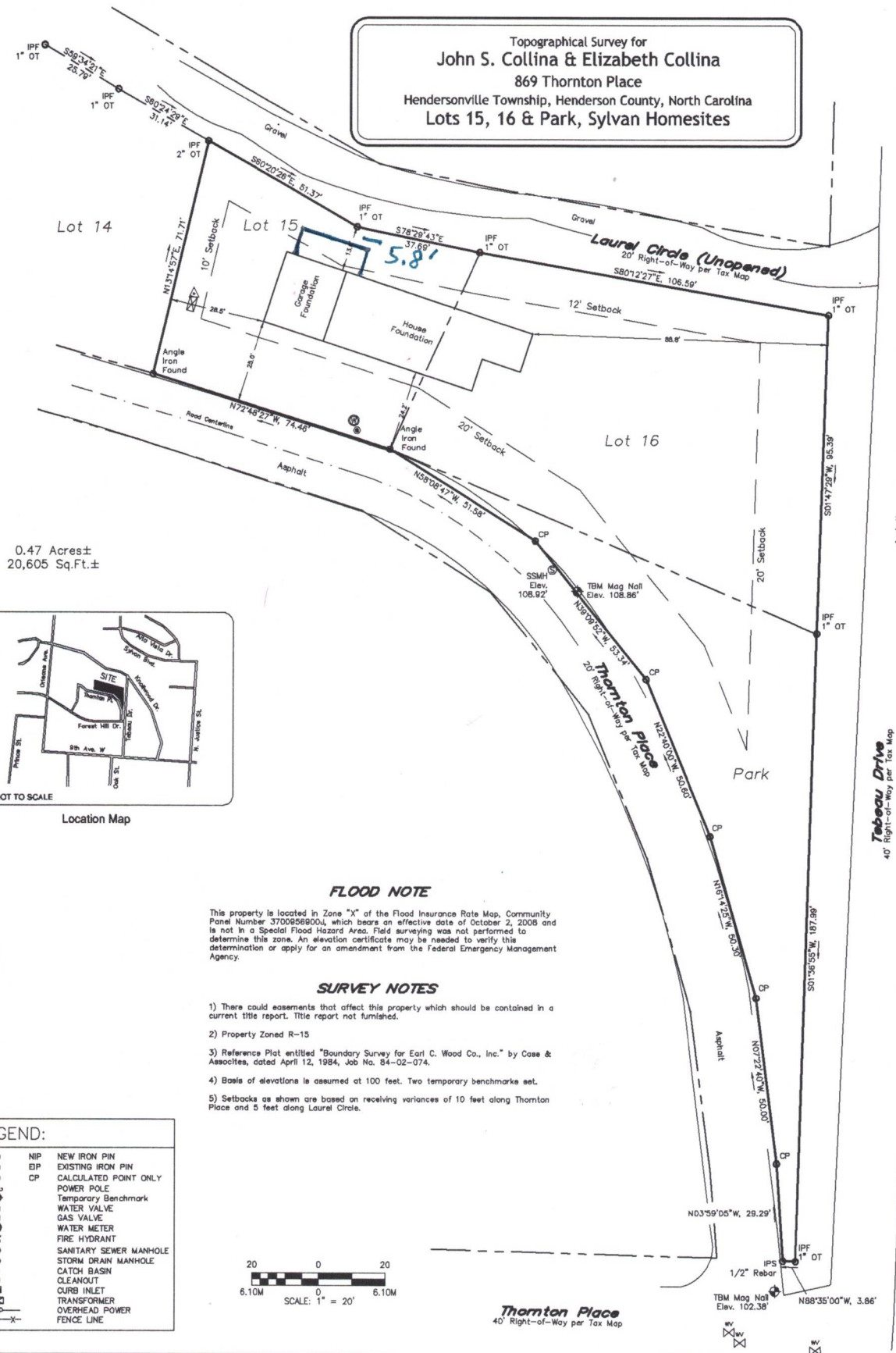
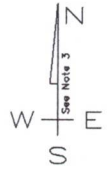
Fee Paid:

Date Received:

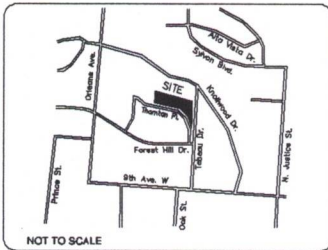
A VOTE OF SEVEN MEMBERS OF THE BOARD IS REQUIRED TO APPROVE A VARIANCE.

***REVISED 8' DEEP X 20' WIDE**

Topographical Survey for
John S. Collina & Elizabeth Collina
869 Thornton Place
Hendersonville Township, Henderson County, North Carolina
Lots 15, 16 & Park, Sylvan Homesites



0.47 Acres±
20,605 Sq.Ft.±



NOT TO SCALE

Location Map

FLOOD NOTE

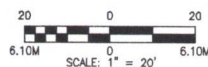
This property is located in Zone "X" of the Flood Insurance Rate Map, Community Panel Number 3700856000, which bears an effective date of October 2, 2008 and is not in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

SURVEY NOTES

- 1) There could easements that affect this property which should be contained in a current title report. Title report not furnished.
- 2) Property Zoned R-15
- 3) Reference Plat entitled "Boundary Survey for Earl C. Wood Co., Inc." by Case & Associates, dated April 12, 1984, Job No. 84-02-074.
- 4) Basis of elevations is assumed at 100 feet. Two temporary benchmarks set.
- 5) Setbacks as shown are based on receiving variances of 10 feet along Thornton Place and 5 feet along Laurel Circle.

LEGEND:

○	NIP	NEW IRON PIN
●	EIP	EXISTING IRON PIN
○	CP	CALCULATED POINT ONLY
⊕		POWER POLE
⊕		Temporary Benchmark
⊕		WATER VALVE
⊕		GAS VALVE
⊕		WATER METER
⊕		FIRE HYDRANT
⊕		SANITARY SEWER MANHOLE
⊕		STORM DRAIN MANHOLE
⊕		CATCH BASIN
⊕		CLEANOUT
⊕		CURB INLET
⊕		TRANSFORMER
⊕		OVERHEAD POWER
—X—X—X—		FENCE LINE



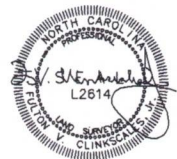
FREELAND - CLINKSCALES & ASSOCIATES, INC. of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
(828) 697-4195 (fax)
freeland@clinksc.com Firm No. C-1562

REF. PLAT BOOK	B/312
REF. DEED. BOOK	1550/67
TAX MAP	9569-51-0080
PARTY CHIEF	FVC
DRAWN	TEC
DATE	July 20, 2017
DWG. NO.	H37179

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the plotted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plot was surveyed under my direct supervision. Property lines and improvements are located correctly and that no viable encroachments exist unless otherwise shown.



REF. DWG. H33276
REF. DWG. H36142

