
MEMORANDUM

TO: Board of Adjustment Members

FROM: Community Development Department

DATE: October 13th, 2026

RE: Variance Application –323 Blythe Street

SUMMARY: The Community Development Department has received a variance application from Dee Gambrell (applicant) and Diane Rhoades (property owner). The request is to allow the existing house on the property to exceed the maximum building size allowed under Section 8-4-3, Dimensional Requirements. The ordinance allows a maximum gross floor area of 1,200 square feet, and the applicants are requesting approval for the house to remain at its actual size of 1,385 square feet.

The property was created under Section 8-4, Reduced Pole Flag Lot and Small Lot, which allows smaller lots to be established if the existing or proposed house is no larger than 1,200 square feet. The original parcel, which contained three structures, was divided into two lots. The subject property is 7,060 square feet in size, while the adjoining lot is 18,784 square feet.

At the time of the subdivision, Henderson County property records listed the house as containing 1,131 square feet. However, a recent professional measurement found that the home's actual gross floor area is 1,385 square feet. Because the house exceeds the 1,200-square-foot limit, a variance is required.

VARIANCE REQUEST: The applicant is requesting a variance from Section 8-4-3. Dimensional Requirements to increase the maximum allowable square footage from 1,200 square feet to 1,385 square feet.

PROPOSED FINDINGS OF FACT:

- Based on Henderson County records the subject property possesses a PIN of 9568-37-2279 and is zoned R-15 Medium Density Residential.
- Based on Henderson County records, the lot size is approximately .16 acres.
- Based on Henderson County records a North Carolina Corrective Deed was acquired by Diane Rhoades on the 8th of August, 2008.
- 8-4-3. – Dimensional requirements.

Maximum structure size in square feet (SF), gross floor area (GFA):

New lot with new structure	1,200**
Existing structure on existing lot	No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use reduced pole flag lot or small lot.

- Based on the Variance Application (*Exhibit A*), the Applicant is claiming that the size of the structure is 1,385 square feet based on measurements of all of the usable space.

CODE REFERENCES.

Sec. 8-4. Reduced pole flag lots and small lots.

8-4-1. Purpose.

The purpose of this section is to provide greater flexibility in the development of housing units and use of available land by allowing small footprint housing on small lots and reduced pole flag lots to encourage residential infill development, provide missing middle housing, and allow more opportunities for the construction of workforce housing, all within parameters that will preserve the identity and character of the community.

8-4-2. Applicability.

In applicable zoning districts (reference article V, zoning district classifications for applicable zoning districts), reduced pole flag lots or small lots or a combination thereof can be applied to any lot of record two acres in size or less. Residential uses shall be allowed subject to the applicable zoning district's permitted uses.

8-4-3. Dimensional requirements.

<i>Reduced Pole Flag Lots</i>	
Minimum lot area in square feet:	2,000
Minimum flag portion of lot width in feet:	25
Minimum pole portion of lot width in feet*:	10
Driveways and accessways	See section 8-4-4, access and frontage improvements.
Minimum yard requirements in feet:	5 from all perimeter lot lines
Maximum structure size in square feet (SF), gross floor area (GFA):	
New lot with new structure	1,200**

Existing structure on existing lot	No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use reduced pole flag lot or small lot.
Structure location:	All structures shall be located in compliance with fire code requirements.***
Maximum structure height in feet:	Subject to the height limit of the underlying zoning district.
<i>Small Lots</i>	
Minimum lot area in square feet:	2,000
Minimum lot width* in feet:	25
Minimum yard requirements in feet:	
Front:	10
Side	5
Rear	10
Maximum structure size in square feet (SF), gross floor area (GFA)	1,200** for new construction
Structure location:	All structures shall be located in compliance with fire code requirements.***
Maximum structure height in feet:	Subject to the height limit of the underlying zoning district.
Residual lots with existing structures:	
Existing structure > 1200 SF gross floor area	Must comply with dimensional requirements of underlying zoning district.
Existing structure < 1200 SF gross floor area	May use small lot standards.
<i>Reduced Pole Flag Lot Developments</i>	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres
<i>Small Lot Developments</i>	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres

* Accessory dwelling unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.

** 1,200 SF GFA may be allocated to one dwelling unit or split over one to three units (i.e., ADU, single-family, or two-family). Accessory dwelling units on a small lot or flag lot shall remain subject to the requirements of section 16-4-1.

NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville Code of Ordinances, chapter 22, fire prevention and protection, section 22-6, access requirements for fire apparatus.

See article XII for definition of "flag" and "pole".

NOTE: This section contains zoning requirements only. Compliance with zoning requirements does not guarantee compliance with private restrictions. Developers are encouraged to consult with an attorney concerning private restrictions.

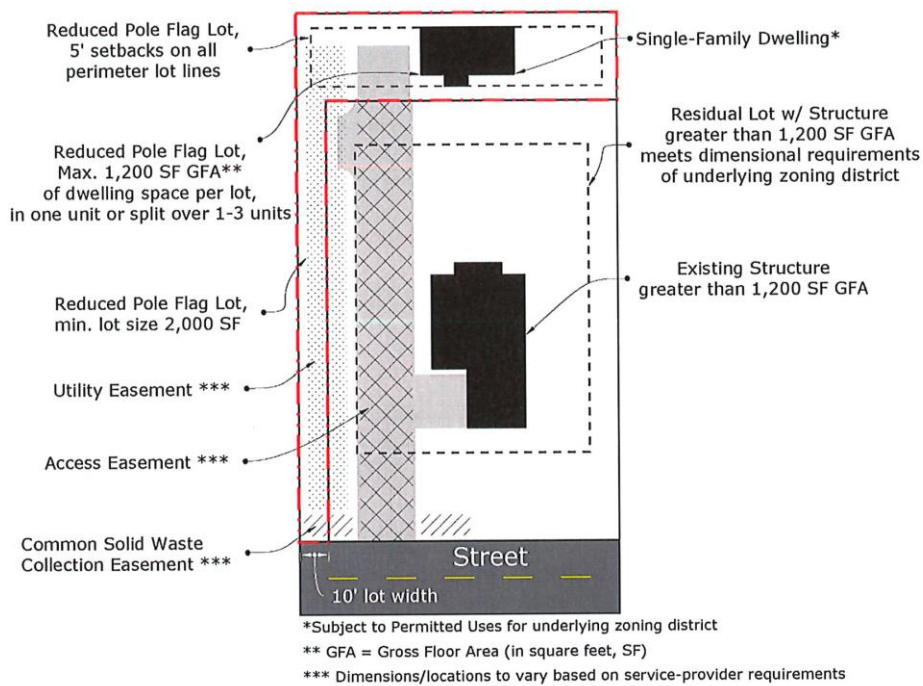


Figure 1: Reduced Pole Flag Lot

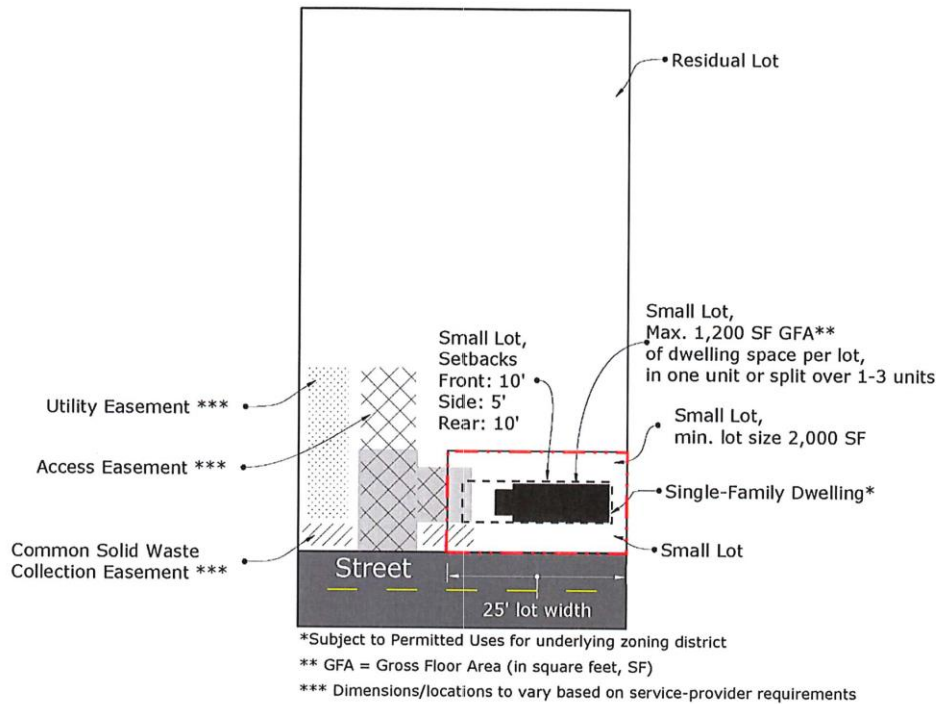


Figure 2: Small Lot

8-4-4. Access and frontage improvements.

- a) Driveways, utilities and accessways may be placed within the "pole" or an alternate site location via "access" and/or "utility" easements.
- b) Shared driveways:

Use of a shared driveway to serve one reduced pole flag lot and one or more adjoining small lots, residual lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)

Where the poles of two or more reduced flag pole lots adjoin, use of a shared driveway to serve the reduced pole flag lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).

Shared driveways must meet the following standards:

- i. The shared driveway must have a minimum of unobstructed width of ten feet,
- ii. The shared driveway must be shown on the recorded plat, and
- iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g., water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure.

*Recorded in the Henderson County Register of Deeds Office

- c) Utility easements:

Where utility service lines and/or equipment serving a reduced pole flag lot, small lot or residual lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole" and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:

- i. The shared utility easement must have a minimum of width of ten feet,
- ii. The shared utility easement must be shown on the recorded plat, and
- iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes.

*Recorded in the Henderson County Register of Deeds Office

Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) **Solid waste collection easements:**

Appropriately-sized "common solid waste collection easements" are required for the orderly placement of, and access to, solid waste containers and bulk item/brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within chapter 44 of the Hendersonville Code of Ordinances.

Solid waste collection easements must be shown and identified as a "common solid waste collection easement" on the plat and shall require review and approval from planning staff and the city public works director.

e) Sidewalks (section 6-12) and street trees (section 15-15) shall apply to all reduced pole flag lot developments and small lot developments.

8-4-5. Reduced pole flag lot developments.

In all reduced pole flag lot developments or small lot developments containing more than one reduced flag pole lot, the following provisions shall apply:

- a) Each lot within the development shall have at least ten feet of street frontage. The pole of a reduced pole flag lot may serve as the street frontage.
- b) A shared driveway shall be used as the sole access to reduced pole flag lots whose poles are adjacent.
- c) Reduced pole flag lot developments and/or small lot developments consisting of two or more lots, shall not abut another reduced pole flag lot development or small lot development consisting of two or more lots.

8-4-6 Landscaping.

In addition to required street trees, at least one large maturing and one small maturing tree shall be planted or preserved on the lot.

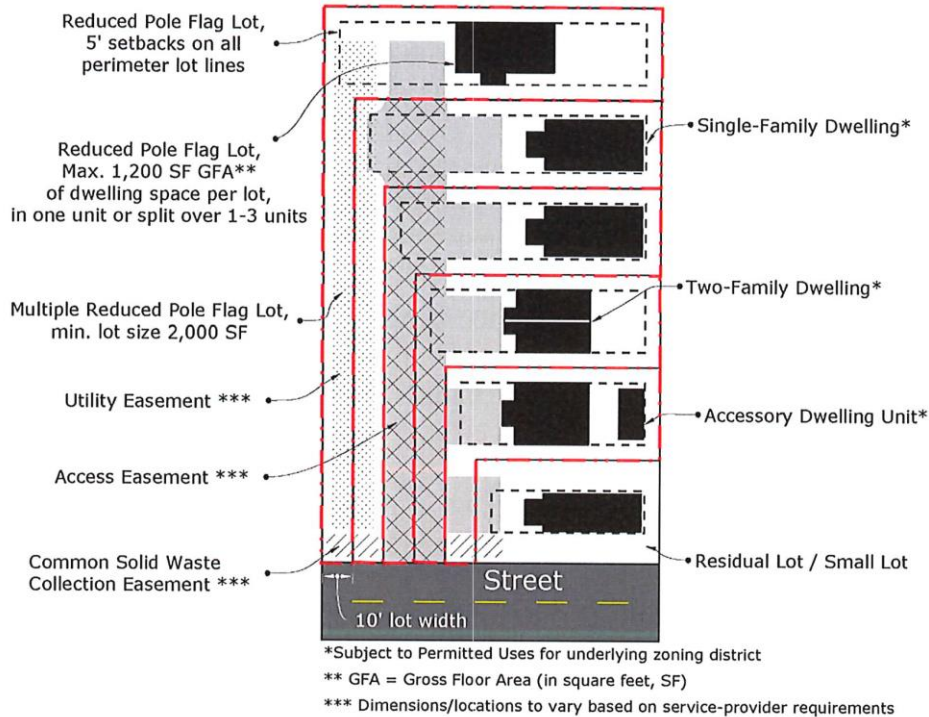


Figure 3: Reduced Pole Flag Lot Development + Small Lot

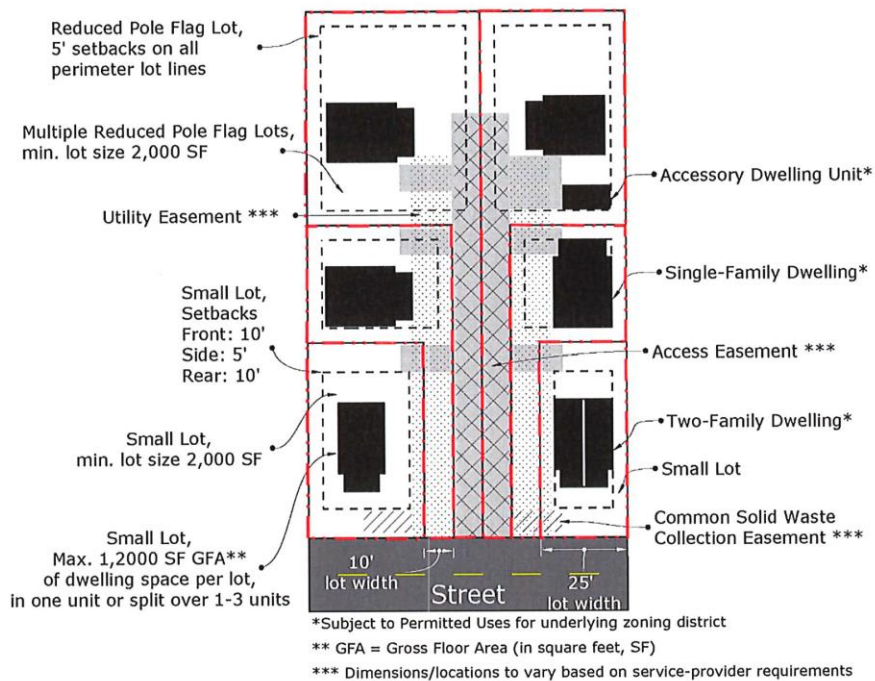


Figure 4: Small Lot combined with Reduced Pole Flag Lot Development, six (6) lot maximum

(Ord. No. 25-17, § 2, 4-3-25)

Section 10-9 Variance.

A Variance is a means whereby the City may grant relief from the effect of the Zoning Ordinance in cases of hardship. A Variance constitutes permission to depart from the literal requirements of the ordinance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- 2) 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. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- 3) 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 is not a self-created hardship.
- 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.

The Board of Adjustment shall not have authority to grant a Variance when to do so would:

- 1) result in the extension of a nonconformity regulated pursuant to Section 6-2, above, or
- 2) permit a use of land, building or structure which is not permitted within the applicable zoning district classification. Per NCGS 160D-705 (d), appropriate conditions may be imposed on any Variance, provided that the conditions are reasonably related to the Variance.