



WORKSPACE INFORMATION

Application number 26-71-VAR	Category Variance	Workspace state In review
Workspace created 09/20/2026, 2:16:00 PM EDT	Application submitted 09/22/2026, 3:56:19 PM EDT	
Assignee	Package generation date 09/29/2026, 11:20:49 AM EDT	

LOCATION INFORMATION

Address 323 BLYTHE ST, Hendersonville, NC	Property information 9568372279,
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PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Dee Gambrell	642 Skytop Farm Ln Hendersonville [REDACTED] [REDACTED]	Applicant
Diane Rhoades Dee Gambrell BLuAxis Realty	323 Blythe St. Hendersonville [REDACTED] [REDACTED]	Applicant
Diane Rhoades	323 BLYTHE ST Hendersonville [REDACTED]	Property owner
Charles Erdman Erdman Land Surveying, PLLC	PO Box 333 Flat Rock [REDACTED]	Surveyor
Charles Erdman Erdman Land Surveying, PLLC	PO Box 333 Flat Rock [REDACTED]	Surveyor
Diane Rhoades	323 BLYTHE ST Hendersonville [REDACTED]	Property owner

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Variance Application

City of Hendersonville | Community Development Department

160 6th Ave E.

Hendersonville, NC 28792

planning@hvlnc.gov

Project Description

Please describe the nonconformity:

To Whom It May Concern: The seller/owner, Diane Rhoades, spoke to Matt Manley with the city regarding parceling off the front home of her property. GIS listed her home at 1131 sq ft; therefore, it was approved since it was under the 1200 sq ft required by the city for the new "small lot" provisions. Diane then proceeded to hire Charlie Erdman, surveyor, to parcel out the lot and paid \$2400 for the recorded survey attached. After it was approved, she also had her renters move out so she could get the home listed. Once this was completed, we proceeded with the marketing so she could list her home. The marketing included a professional home measurement, interior and exterior photos, drone photography, 3D Zillow Tour and a video to ensure accuracy and to ensure we could capture as many buyers eyes as possible. The marketing expenses incurred have been around \$1000 and were completed and can be viewed here, as well as the attached floor plan:

<https://listings.purehavenphotography.com/listings/01a08105-dfe8-70f4-929e-e958f4b7c64a/download-center?signature=652c53e2fbe1082d3a64e6a0950dc0791b292f8f274f76f704270803fb46d767>

The measurement of the home came back at 1385 sq ft. Once the marketing was completed, the agent reached out to the city to inquire what could be done on the lot to ensure accurate marketing. Matt Manley responded, "We received your inquiry. Thank you for reaching out. For 323 Blythe St., this property was placed on its own lot via an exempt subdivision using the City's "Small Lot" provisions. These provisions allow for subdivisions less than the min. lot size of a zoning district (on lots as small as 2,000 Sq Ft) if the existing home or any new structure(s) on the property do not exceed 1,200 Sq Ft (Gross Floor Area) in total. The existing home on this property is 1,113 Sq Ft according to County records. This does not leave enough square footage to build a separate ADU on the same lot. I have attached the plat that established this as a Small Lot for your records. There are some options: 1) You could divide the property into smaller lot(s), as I have shown below, and build a separate structure(s) up to 1,200 Sq Ft GFA on a new small lot. Since the existing home is less than 1,200 Sq Ft, it only needs to be a lot with a minimum of 2,000 Sq Ft. It must also meet the setbacks for a Small Lot (see the link above for additional details). 2) You could divide the existing home into two units to make it a duplex. 3) You could demo the existing structure and build an 800 Sq Ft principal home and a 400 Sq Ft ADU." I then responded and let him know the professional sq feet was 1385, sent the attached floor plan and asked where we go from here. He then responded, "Are you saying that the existing home is 1,386 Sq Ft Gross Floor Area? The measurement for GFA should correspond with the City's definition for Gross floor area (GFA): The total enclosed area of the horizontal surface of all floors of a building or buildings measured to the outside face of the structural members in exterior walls. Can you confirm the Gross Floor Area measurement? If it is in fact over 1,200 Sq Ft (not matching the County records) then yes, it makes a difference. I would need to consult with our Legal Dept to confirm what impact that would make, but I can say that, if verified, this would make the Small Lot an illegally-established non-conforming lot. And, at a minimum, we would not permit further subdivision of the lot. If we received a request to further subdivide the lot we would request the Gross Floor Area measurement be placed on the plat. This was our first Small Lot recorded after the new rules were established and while it does state that the home can be no greater than 1,200 Sq Ft, it does not show the actual measurement of the structure." The seller/owner purchased the property in 2008 per the attached deed, recorded the new plat after she obtained permission from the city (see attached plat) and proceeded forward to sell her property then we discovered this information. The information was listed inaccurately on the GIS and the owner/seller was unaware of any discrepancies until the professional measurement was done after the city's approval. We've also been made aware recently there are numerous mistakes on the GIS and this is just one of hundreds. From the seller: From the seller: To those concerned, I believe I was the first person to engage with the Small Lot Ordinance that was recently passed. I was in touch with Matthew Manley, with the city, to see if I qualified. I was told if the house was under 1200 SF with at least 250 SF of land, that I would be eligible to subdivide and sell my house. As the GFA of my home is recorded under 1200 and I was open to selling the house with 850 SF, I was told this new ordinance would work for me. I got the green light from the city. I hired Charlie Erdman to survey my property, which was a \$2400 expense. Today I was informed that the city has the GFA of my home incorrect. This mistake has changed the trajectory of my eligibility for the Small Lot Ordinance. This is very sobering to me. Right now, I am in Newfoundland with relatives and not able to address this in person. I am eager to sell my home as having to maintain it while this matter gets settled leaves me without income as well as the expense of keeping it heated throughout the coming cold months. Renting my home has been my main source of income in my retirement. I request that I am given a variance so that we can move forward with what we were told we could do; sell my house and 850 SF. I saw there was an option for a variance in the letter from Matthew Manley. A variance would allow this sale to move forward. Dee Gambrell has been representing me in the sale of my home. She has put a great deal of work in getting my house ready to put on the market. She will be advocating for me while I am away. Also, I do not understand the challenge mentioned with the front setback. How my house could be listed as an EXISTING GARAGE, if that is what you are saying, should have been rectified by the city. It is clearly an historic home. It pains me that things have come so far with information that was and is incorrect. I hope for the kind of cooperation in setting this right that will allow me to do what the Small Lot Ordinance intends to do, which is to make more housing available in the city. Respectfully and cooperatively, Diane Rhoades

Please describe the requested modifications:

We respectfully and cooperatively request a variance to approve the 1385 sq ft for the small lot so she can proceed with selling her property. She no longer has renters and will be unable to carry this property through the winter due to the expense. Also, we're aware of the housing issue and we're hopeful this would allow someone in need to purchase her property, as it will be listed for \$400,000, below the average market value and will help another buyer in need.

Total Project Area (acres)

0.175

Variance Burden of Proof
When unnecessary hardships would result from carrying out the strict application of a zoning ordinance, the Board of Adjustment shall vary any of the provisions upon a showing of the factors listed below. The Board does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board shall grant a variance only upon showing of all of the factors below as provided in Section 10-9 of the City of Hendersonville Zoning Ordinance.
Instructions: In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the Board that it can properly grant the variance as provided in Section 10-9 of the City of Hendersonville Zoning Ordinance.

1. Unnecessary hardship would result from the strict application of the ordinance. In order to determine whether an unnecessary hardship exists, the Applicant must demonstrate the following factors:	a. Indicate how an 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. Unfortunately, the seller/owner is in this position through no fault of anyone. When she reached out to the city, there were no procedures in place requiring her to have her home professionally measured. The city's approval was based on the GIS square footage listed at 1,131 (tax assessor square footage). She purchased the home in 2008 and this [discrepancy] was there at that time as far as she knew. She proceeded with the survey only after receiving the green light from the city, and the surveyor recorded the results after the approval as well. She couldn't know there was an issue until she asked her realtor to begin marketing her home. Part of that marketing involved getting it professionally measured, which occurred after the small lot approval and after the survey was recorded. When this issue arose, it delayed her planned listing of the home. The hardship falls on her because the market is already tough, it gets tougher in the fall/winter, rates are increasing, and this becomes a material fact that must be dealt with and resolved to proceed with the listing and selling her home. It is a historic home, 103 years old and the information in GIS has always been there since her purchase. The other thing that happened after the city gave her the green light is that she allowed her renters to move in, expecting to list the home quickly. Therefore,	b. Indicate how 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 The home measured 1,385 sq ft (see attached floor plans) which differed from the GIS measurement. This discrepancy was discovered after the city's approval and after the survey was recorded. The small lot definition is 1200 sq ft or less and the home is 185 sq ft larger. She was also unaware of the setback issue until after the survey was recorded. Her home hasn't moved in 103 years and nothing has been added to it during that time either. She lives in the cottage behind the main home, and that cottage is parceled off from the small lot in the front.	c. Indicate how the hardship did not result from actions taken by the applicant or 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. To reiterate what was already mentioned, when the owner/seller spoke to the city, Matt Manley, there were no procedures in place for the city to recommend a professional measurement to ensure the GIS was accurate. This in turn has created the hardship previously mentioned.
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	she currently has no income.		
2. Indicate how 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. Given the circumstances mentioned, we believe this situation could have happened to anyone and we request the variance so she can proceed with listing and selling her home. We feel most people would understand this situation and this could have happened to anyone; therefore, we're asking for the variance and that new procedures be implemented to ensure this doesn't happen to someone else.			



160 6th Ave E.

Hendersonville, NC 28792

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Applicant (Developer) Company Information		
Authorized Representative Name: Dee Gambrell		Company Name (if applicable, check corresponding box below) BluAxis Realty
Company Type:		If other: Realtor
☐ Corporation:	☐ Limited Liability Company:	
☐ Partnership:	☐ Trust:	
☒ Other:		
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.) Realtor		



Zoning-Property Owner Company Information

City of Hendersonville | Community Development Department

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Hendersonville, NC 28792

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Property Owner Company Information (if different from Applicant)	
Authorized Representative Name: Diane Rhoades	Company Name (if applicable, check corresponding box below)
Company Type: ☐ Corporation: ☐ Limited Liability Company: ☐ Trust: ☐ Partnership: ☐ Other:	If other: Owner/Seller
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)	



Pre-Consultation Form

City of Hendersonville | Community Development Department

160 6th Ave E.

Hendersonville, NC 28792

planning@hvlnc.gov

Project Description			
Project Description Variance request.			
Parcel Identification Number (PIN): 9.568372279E9	Total Project Area (acres) 0.59	Total Lots/Units 1	Proposed building square footage: 1800.0 sq.ft.
Gen H Future Land Use Designation: Multi-Generational living	Current Zoning District R-15	Proposed Meeting Date Option 1 09/22/2026	
Proposed Meeting Date Option 2 09/23/2026	Proposed Meeting Time Option 1 9:00 AM	Proposed Meeting Time Option 2 9:00 AM	