



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** October 13th, 2026

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

TITLE OF ITEM: Mastermind – Cottages at Highland Square – Variance (26-67-VAR) – Sam Hayes | *Planner II*

SUGGESTED MOTION(S):

1. <u>For Recommending Approval:</u> With regard to the request by Jason Pass (applicant) and DR Horton, represented by Andrew Basile (property owner) for a variance from Section 5-14-6.2. Setbacks. to: 1. <i>Decrease the required 30 foot setback to 26.6 feet to enable the building shown in Exhibit B to become conforming.</i> I move the Board to find that (must find all of these): 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: <i>[list factual basis for Approval here.]</i> 1. The hardship is not self created because the applicant relied upon professional expertise that was believed to be accurate. 2. Granting a variance would not go against the current PRD ordinance, which requires a 20-foot setback. [DISCUSS & VOTE]	1. <u>For Recommending Denial:</u> With regard to the request by Jason Pass (applicant) and DR Horton, represented by Andrew Basile (property owner) for a variance from Section 5-14-6.2. Setbacks. to: 2. <i>Decrease the required 30 foot setback to 26.6 feet to enable the building shown in Exhibit B to become conforming.</i> I move the Board to find that (must find at least one of these): 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: <i>[list factual basis for Denial below.]</i> 1. A variance is not the appropriate process in which to grant relief from this self-created hardship. Based on the foregoing findings I further move the Board deny the request for a variance. [DISCUSS & VOTE]
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SUMMARY:

The Community Development Department has received an application from Jason Pass (applicant) and DR Horton (owner) represented by Andrew Basile for a variance from Section 5-14-6.2. Setbacks. requirements in accordance with the setback requirements established as part of the conditional zoning approval from 2022 which established a 30 foot rear setback.

Variance Request: The Applicant is requesting a variance from the 30 foot rear setback for a portion of a single building that was constructed within this 30 foot setback. The applicant would request a variance, allowing the building to encroach 3.4 feet, thereby reducing the 30 foot setback to 26.6 feet.

The subject property was zoned in 2022 to Planned Residential Development Conditional Zoning District (PRD CZD) which established the site plan included in Exhibit B.

PROJECT/PETITIONER NUMBER:	26-67-VAR
PETITIONER NAME:	Jason Pass (Applicant) DR Horton represented by Andrew Basile (Owner)
EXHIBITS:	A. Staff Report and Site Photos B. Application C. Warranty Deed