



WORKSPACE INFORMATION

Application number 26-67-VAR	Category Variance	Workspace state Waiting for payment
Workspace created 09/04/2026, 1:31:08 PM EDT	Application submitted 09/16/2026, 1:41:08 PM EDT	
Assignee Sam Hayes	Package generation date 10/06/2026, 1:08:14 PM EDT	

LOCATION INFORMATION

Address 197 BAXLEY LN, Hendersonville, NC	Property information 9579486853,
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PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Jason Pass Civil Design Concepts, PA	84 Coxe Avenue 260 Asheville [REDACTED] [REDACTED]	Applicant
Andrew Basile DR Horton	8025 Arrowridge Blvd Charlotte [REDACTED] [REDACTED]	Applicant
DHIC - MASTERMIND LLC	1341 HORTON CIR ARLINGTON TX 76011	Applicant, Property owner
DHIC - MASTERMIND LLC	1341 HORTON CIR ARLINGTON TX 76011	Applicant, 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: Unit 3 has been built 3 feet 4 inches into the required 30' setback to the north of the unit. The building was not discovered to be in the wrong location until an ALTA survey was performed.
Please describe the requested modifications: The project team requests a variance to allow the existing occupied unit to remain as built with the 3 foot 4-inch encroachment into the buffer.
Total Project Area (acres) 12.76

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. In order to remove the existing structure from the setback area, the entire building would have to be vacated, demolished, and rebuilt. This is due to the main electrical panel for the home being located in the setback area. The current renters would have to move out, and the neighboring units who rented the units under the assumption that construction was done would have to endure the demolition and reconstruction of the building more than 3 feet closer to their units. This will include construction traffic daily, and construction noises, etc.	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 This particular unit is not easily accessed from any road inside the project for construction traffic. If the DOT does not allow a temporary construction access to come off Francis Rd., then the only other possible access point would be to remove the ADA parking in the adjacent parking lot, grade in a temporary vehicular access from the parking lot and refurbish the grades and ADA parking upon completion of the rebuilding efforts.	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. The unit was built in it's existing location based on staking provided by the surveyor based on the approved site plan. This was not intentionally placed in the wrong location, but was a mistake made during construction. No decision was made by the applicant or property owner to encroach in the setback.
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. The 30-foot buffer was maintained per the approved plan throughout the remainder of this site which follows the spirit purpose and intent of the regulation. It was the intention of all involved in the construction of this project to follow the approved plans to ensure all applicable regulations were met. On the property adjacent to the buffer there is a large planted vegetative buffer row already in place so they cannot see that the unit appears closer. This variance if approved does not cause any issues with public safety and will allow the current inhabitants of the development and the surrounding neighbors to avoid unnecessary disruption to their home life.			



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Applicant (Developer) Company Information	
Authorized Representative Name: Andrew Basile	Company Name (if applicable, check corresponding box below) D.R. Horton
Company Type: ☒ Corporation: ☐ Partnership: ☐ Limited Liability Company: ☐ Other: ☐ Trust:	If other:
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)	



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



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Project Description			
Project Description The Cottages are a 99-unit multifamily project on Francis Road that we completed construction in February 2026. The property is currently 100% leased and residents are moved in. As part of our own due diligence post construction, we identified that the corner of one of the cottages is 3'6" over the 30' setback line from the neighboring property, Cedar Bluffs. After researching the issue, we discovered that the construction surveyor laid out the cottage correctly and as per plan when building permits were issue. Unfortunately, the concrete contractor laid out their forms incorrectly, misreading the plans and assumed the 3' offset of where the survey stakes were laid out was the actual location of the slab. The undergrounds were installed, inspections took place, slabs poured, vertical construction completed, certificate of occupancy issued and residents moved in over 12 months ago. As stated above, as part of our due diligence post construction, we noted something seemed off with the location of the building relative to the parking lot. We surveyed the site and building and discovered that a small portion of the building was over the setback line. We contacted our neighbor, Cedar Bluffs, to alert them of the condition and they indicated they did not have an issue with the condition. We next reached out to our civil engineer, CDC and asked them how we would go about notifying the City of Hendersonville to alert them of this condition and ask how best to resolve it. Staff looked at the information provided and stated we would need to bring this to the Board of Adjustment's attention and seek a variance.			
Parcel Identification Number (PIN): 9579486853	Total Project Area (acres) 12.76	Total Lots/Units 99	Proposed building square footage: 12.0 sq.ft.
Gen H Future Land Use Designation: N/A	Current Zoning District CZ		Proposed Meeting Date Option 1 09/15/2026
Proposed Meeting Date Option 2 09/16/2026	Proposed Meeting Time Option 1 9:00 AM		Proposed Meeting Time Option 2 9:00 AM