133 S Grove Street

Request for Rehearing

Sec. 7-8-4(f)(5) RS-8 Residential Single-Family High Density District

THE CITY OF ASHEVILLE

Summary Statement:

The petitioner, Darien Bodenhorst, is requesting a rehearing of case #26-03224PZ, which was heard by the Board on May 18, 2026 and where the original request was denied (see attached Findings of Fact & Conclusions of Law).

Request for Rehearing: The applicant may request a rehearing per the ***Asheville Board of Adjustment Rules of Procedure*** ("Rules"). Item D of Section VII of the Rules state that:

D. Re-hearings:

1. An application for a rehearing may be requested by filing a new application and paying the applicable fee, or or before the date of the Board hearing following the meeting where the decision was made. A rehearing shall only be allowed if the Board finds that the evidence in support of the application establishes that there is newly discovered evidence that could not have been, with reasonable diligence, discovered and/or produced at the prior hearing.
2. If the application for a rehearing is allowed, it shall be scheduled for the next Board meeting, and it shall thereafter be treated in the same manner as any other application.

Exhibit A


AVE #5
126 S FRENCH BROAD AVE
130 S FRENCH BROAD AVE
130 S FRENCH BROAD AVE
134 S FRENCH BROAD AVE
138 S FRENCH BROAD AVE
142 S FRENCH BROAD AVE
131 S GROVE ST
133 S GROVE ST
135 S GROVE ST
139 S GROVE ST

Variance Request:

Zoning and Use	UDO Requirement	Applicant Request	Variance
RS-8 Residential Single-Family High Density District	15’ front setback 6’ side setback 15’ rear setback	6” encroachment into 6’ required corner side setback	8.33% of the required 6’ setback

Exhibit B


2 DAILEY DR
37 MORGAN AVE
165 S FRENCH BROAD AVE #2
122 S FRENCH BROAD AVE
165 S FRENCH BROAD AVE #5
132 S GROVE ST
126 S FRENCH BROAD AVE
131 S GROVE ST
130 S FRENCH BROAD AVE
CH BROAD AVE #1
130 S FRENCH BROAD AVE
136 S GROVE ST
134 S FRENCH BROAD AVE
133 S GROVE ST
135 S GROVE ST
138 S FRENCH BROAD AVE
139 S GROVE ST
142 S FRENCH BROAD AVE
26 MORGAN AVE
155 S GROVE ST
146 S FRENCH BROAD AVE

Background:

The subject parcel is a 0.26-acre residential lot located between South French Broad Avenue and Asheland Avenue. All adjacent parcels are zoned RS-8. Permits for the single-family dwelling (SFD) were approved in October 2024, with construction commencing in November 2024. Final building inspection was approved on October 22, 2025. On March 30, 2026, a Notice of Violation was issued to the petitioner stating that the constructed single-family residence encroaches into the required six-foot side setback. Measurements provided by the Code Enforcement Official indicate that the SFD encroaches approximately 6 inches into the required setback, resulting in a 5.5’ side setback where a minimum 6’ setback is required.

Review, Analysis & Considerations:

- The requested variance is for a 6” encroachment into the required 6’ side setback.
- City building inspector approved the foundation and footing inspections in December 2024.
- Construction was completed in October 2025, and all required final inspections were subsequently approved.
- The applicant submitted 4 points determined to be new information (see Exhibit 3).
    - Per point 1, the applicant has provided an as-built survey which shows the SFD is 5.3’ away from the property line at its closest point. This shows the encroachment to be ~2.4 inches closer to the property line than originally estimated by city staff.
    - Points 2 & 3 were discussed and addressed in the original hearing.
    - Per Point 4, the builder of record is prepared to appear and provide sworn testimony.

As-Built Survey

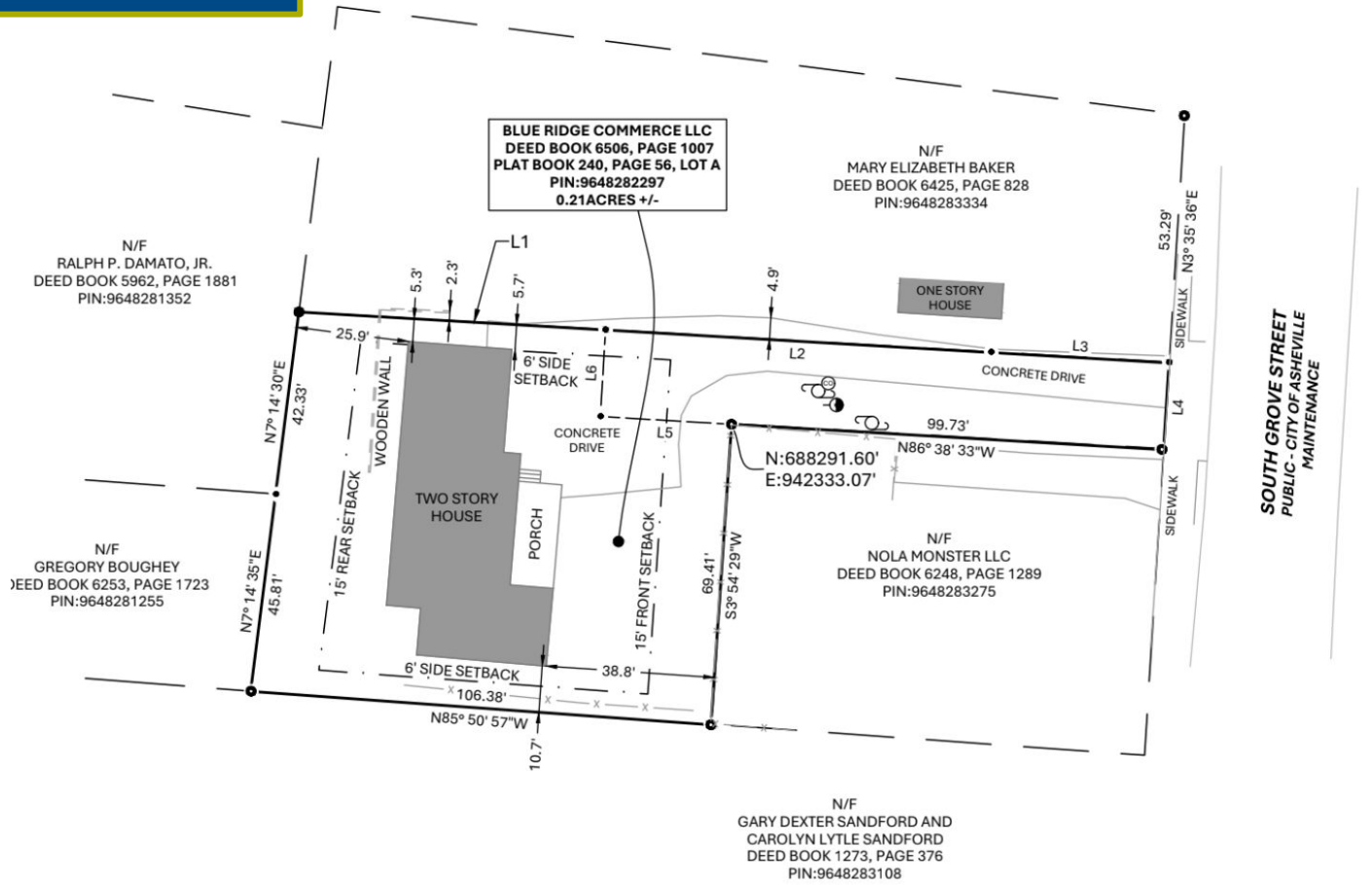


Exhibit C


Mar 25, 2026 at 2:37:00 PM
133 S Grove St
Asheville NC 28801
United States

Exhibit C - cont.



Exhibit C - cont.

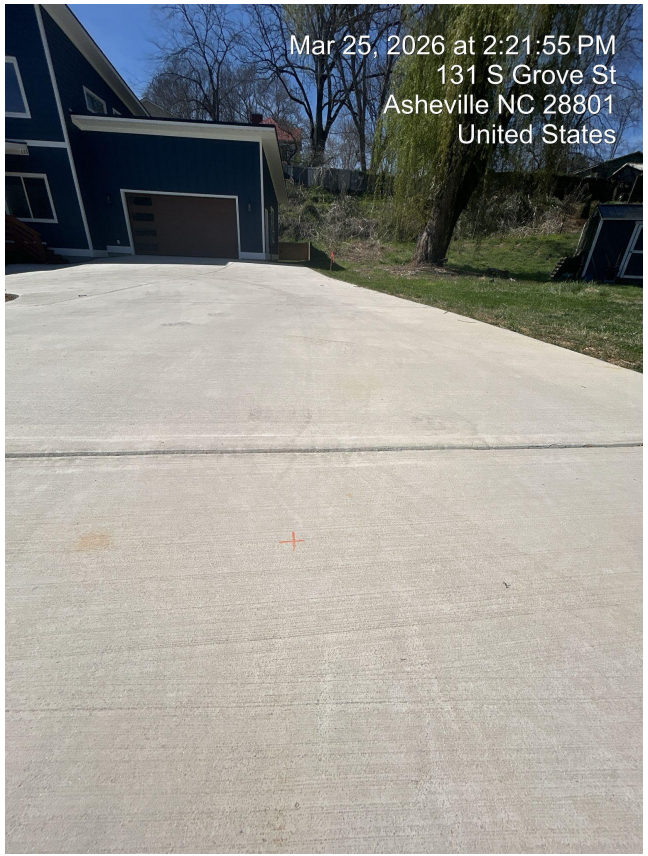




Exhibit 1

CO Update

24-06905

4/8/2026 10:25 AM

Owner Information:
LABORIS LLC / DARIEN BODENHORST
12 E WALNUT ST
ASHEVILLE NC, 28801
828-779-8543

Primary Contact Information:
REGGIE DIXON

919-621-8176

Contractor:
MIGUEL ANGEL ROMERO

Business:
DOMO CONSTRUCTION & DEVELOPMENT LLC

Property Address:	133 S GROVE ST ASHEVILLE, NC 28801
Zoning District:	No Zoning
Flood Plain:	No
Fire District:	None
Occupancy Type:	
Construction Type:	
Type of Work:	N/A
Project Valuation:	$122,000
Premise Number:	N/A
Renewal:	N/A
Tenancy:	N/A

Primary

Res: New SFD
24-06905

Contractor:
MIGUEL ANGEL ROMERO
DOMO CONSTRUCTION & DEVELOPMENT LLC
Status: CO Issued
Conditions Met: N
Fees Due: -
Expires: 10/22/2026

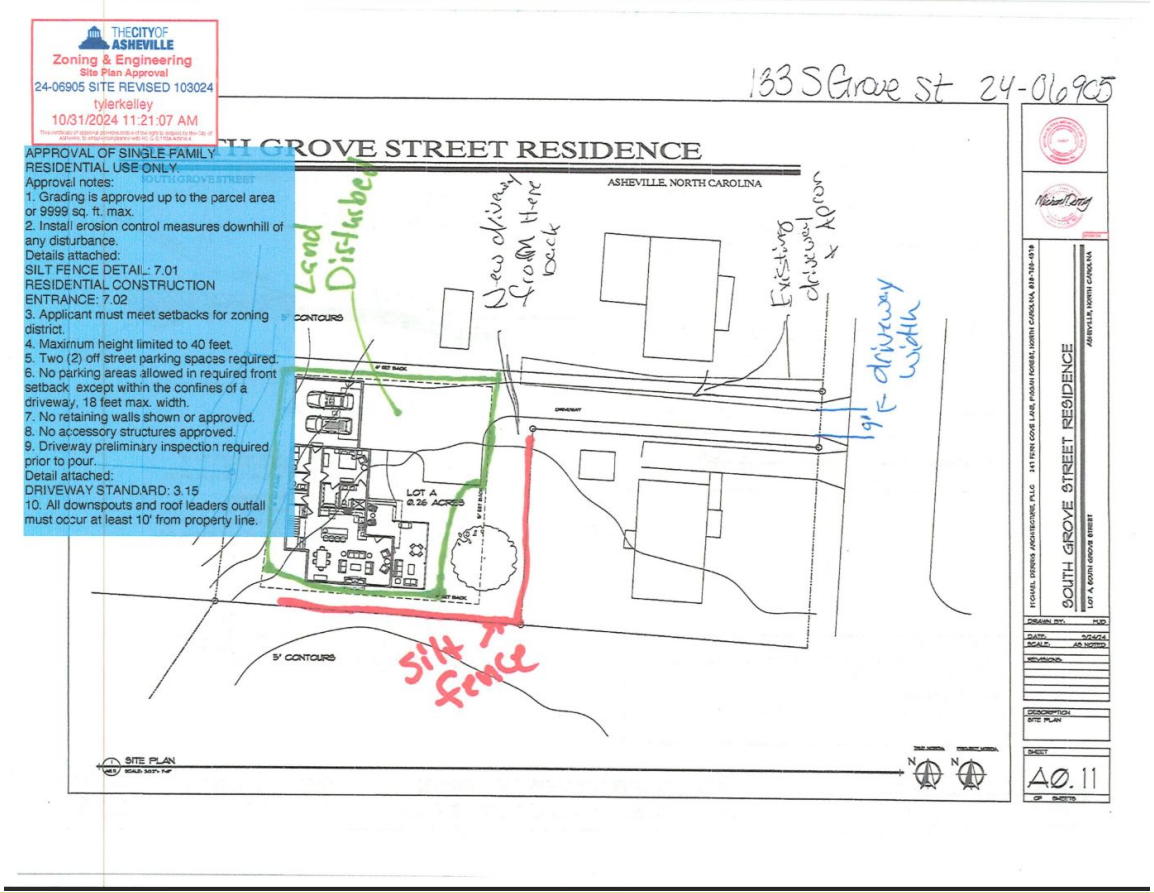
Activity	Inspector	Scheduled	Completed	Status
BU-FINAL	**Scott McInturf**	**10/1/2025**	**10/1/2025**	**Disapproved**

Building Final disapproved:
1) Need to post a second street address numbers at the beginning of the driveway. For Emergency responders.
2) Need to seal kitchen countertops to back wall. (no back splash)
3) Need to draft stop drywall around gaps in drywall around the gas fireplace. (no tile or finish)
4) Repair holes in kitchen walls.
5) Pot filler not installed.
6) Seal (draft stop) gaps at the dryer vent box.
7) Seal around the 4" round dryer vent pipe in dryer vent box.
8) Need to install a GFCI receptacle in garage for the Lift Master garage door opener. Cannot use extension cord for permanent power.

BU-FINAL-REINSP	**Scott McInturf**	**10/22/2025**	**10/22/2025**	**Approved**

Building final approved.

Exhibit 2


THE CITY OF ASHEVILLE
Zoning & Engineering
Site Plan Approval
24-06905 SITE REVISED 103024
tylerkelley
10/31/2024 11:21:07 AM
APPROVAL OF SINGLE FAMILY RESIDENTIAL USE ONLY.
Approval notes:
1. Grading is approved up to the parcel area or 9999 sq. ft. max.
2. Install erosion control measures downhill of any disturbance.
Details attached:
SILT FENCE DETAIL: 7.01
RESIDENTIAL CONSTRUCTION ENTRANCE: 7.02
3. Applicant must meet setbacks for zoning district.
4. Maximum height limited to 40 feet.
5. Two (2) off street parking spaces required.
6. No parking areas allowed in required front setback except within the confines of a driveway, 18 feet max. width.
7. No retaining walls shown or approved.
8. No accessory structures approved.
9. Driveway preliminary inspection required prior to pour.
Detail attached:
DRIVEWAY STANDARD: 3.15
10. All downspouts and roof leaders outfall must occur at least 10' from property line.
133 S Grove St 24-06905
GROVE STREET RESIDENCE
ASHEVILLE, NORTH CAROLINA
Land Disturbed
New driveway from here back
Existing driveway apron
19' ± driveway width
CONTOURS
LOT A
0.26 ACRES
3' CONTOURS
Silt fence
SITE PLAN
SOUTH GROVE STREET RESIDENCE
A0.11