Office Use Only
Received By:
Date:
Record #:

Board of Adjustment
Asheville, North Carolina

Zoning Variance
Application Packet

The following information is **required** to be submitted prior to review by City Staff for placement on the Board of Adjustment agenda:

- ☐ 1. Completed application form.
- ☐ 2. Completed Owner's Affidavit (if applicant/petitioner is different than owner).
- ☐ 3. Application and plans for Level I project review (if applicable).
- ☐ 4. One (1) set of the completed site plans, including buildings, landscaping, parking, building elevations, signage, and other pertinent information as requested by staff.
- ☐ 5. **Filing Fee (Check only): $520 plus $104 for each additional request at the same site.**

By placing a check mark by each of the following items, you are certifying that you have performed that task. A check mark must be placed by each numbered item before placement on the Board agenda.

- ☐ 6. Pre-application meeting with the Planning & Development staff.
  With whom: _____
- ☐ 7. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, Building Safety Department, and other requirements that might have a bearing on the application.
- ☐ 8. Any available information to be presented as an exhibit at the variance hearing should be submitted to the Secretary at the time of application and *numbered numerically* (if applicable).
- ☐ 9. If a Court Reporter is needed, then the petitioner is responsible for making those arrangements and notifying the Board of Adjustment Secretary.

Board of Adjustment applications may be submitted online through the City's Development Portal at www.develop.ashevillenc.gov. You will receive an email invoice and instructions for paying fees online once you have submitted your application. Please upload all documents, including this form, to the General Permit Application.

Paper versions of Board of Adjustment applications and filing fees paid by check may be submitted to the Permit Application Center. Physical media storage devices such as USB drives will not be accepted. The Permit Application Center is located at:

161 S. Charlotte St.
Asheville, NC 28801

The Authorized Practice Committee of the North Carolina State Bar has issued an opinion (Advisory Opinion 2006-1) stating in essence that appearance in a representative capacity before quasi-judicial bodies of local government, such as boards of adjustment, is the practice of law within the meaning of NCGS 84-2.1 and 84-4, which prohibit the unauthorized practice of law.

City Planning staff may not provide legal advice to applicants. Applicants are advised to consult the appropriate sections of the North Carolina General Statutes, Asheville City Code, and the Rules of Procedure for the Board of Adjustment, or to consult with an attorney, if more information is needed.

North Carolina
Buncombe County
City of Asheville

Case Before the Asheville Board of Adjustment

Please fill out form completely.

Property Address/Location: 133 South Grove Street, Asheville, NC 28801

PIN Map # : 9648282297 (Plat Book 240, Pg 56, Lot A; Deed Book 6506, Pg 1007)

Zoning: RS-8 Use of Property: Single-family residential (completed two-story spec dwelling; C.O

Title to this property is in the name of: (Furnish current address/please print legibly)

Property Owner: Blue Ridge Commerce LLC

Owner's Address: 14 Arlington St, Asheville, NC 28801

(Property Owner's Signature) _____

Blue Ridge Commerce LLC
(Business Name or Petitioner if other than Property Owner)

14 Arlington St, Asheville, NC 28801
(Applicant/Petitioner's Address)

Darien Bodenhorst, Member/Manager
(Agent's Name)

14 Arlington St, Asheville, NC 28801
(Agent's Address)

828-779-8543
(Applicant/Petitioner's Phone Number)

828-779-8543
(Agent's Phone Number)

darien@nexthome828.com
(Applicant/Petitioner's Email Address)

darien@nexthome828.com
(Agent's Email Address)

I, Darien Bodenhorst, on behalf of Blue Ridge C , hereby petition the Board of Adjustment for a variance(s) from the provisions of the Unified Development Ordinance (UDO) for my real property located at:
133 South Grove Street, Asheville, NC 28801 (PIN 9648282297)

Applicable UDO Section: UDO Sec. 7-8-4(f)(5) (RS-8 setback standards); setback measured per Sec. 7-10-2

UDO Requirement: Minimum interior side setback of 6 feet (RS-8 district)

Variance Requested:

Reduce the required minimum interior side setback from 6.0 feet to 5.3 feet along the side property line where the as-built survey shows the existing two-story dwelling at its nearest point, a variance of approximately 0.7 feet (about 8 inches), to bring the existing permitted dwelling into compliance. A full narrative addressing the four standards, the Woodlands Class A as-built PLS survey, and supporting exhibits is attached.

Standards for Granting a Variance

The Board of Adjustment 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 a showing of **all** of the following. In the spaces provided, please indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these required conclusions.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate, that, in the absence of the variance, no reasonable use can be made of the property.

   The structure is a completed, permitted two-story dwelling for which the City issued a Certificate of Occupancy and which is now held for sale. A Class A as-built survey (Woodlands, PLS L-5238) confirms it sits about 5.3 to 5.7 feet from the side line where 6 feet is required, a shortfall of roughly 6 to 8 inches. Strict application would force partial demolition or substantial alteration of a finished structural wall to recover a fraction of a foot, a burden grossly disproportionate to the violation. See Turik v. Town of Surf City, 182 N.C. App. 427 (2007). See attached narrative.

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.

   133 South Grove is an irregular 0.21-acre flag lot (Plat Book 240, Page 56, Lot A). The buildable area and the placement of the dwelling are constrained by the recorded lot lines and the narrow flag configuration. These are conditions peculiar to this parcel's size and shape, not personal to the owner and not common to the neighborhood. See attached narrative.

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 shall not be regarded as a self-created hardship.

   The dwelling was sited from a licensed surveyor's recorded survey and built under City-issued permits. The City's Site Plan Approval (Oct 31, 2024) expressly conditioned approval on meeting setbacks, and the City then approved the footing, framing, and final inspections and issued a Certificate of Occupancy with no setback notation. The ~6-inch discrepancy was unknown and not deliberate. Good-faith reliance on a licensed survey and issued permits is not a self-created hardship: Turik v. Town of Surf City, 182 N.C. App. 427 (2007). See attached narrative.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

   Side setbacks protect light, air, and fire access; a few inches at one point has no measurable effect, and the dwelling has stood complete and code-compliant since its final inspection with no safety, fire-access, or neighbor-use problem. The adjoining owner testified on the record on May 18, 2026 that she does not want the dwelling removed and wants the matter resolved. Requiring demolition of a fully permitted, inspected home over a fraction of a foot serves no public purpose. Substantial justice favors the grant. See attached narrative.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the UDO. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the UDO.

I, Darien Bodenhorst **, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.**

DATE

APPLICANT/PETITIONER'S SIGNATURE

Darien Bodenhorst, Member/Manager, Blue Ridge Commerce LLC

APPLICANT/PETITIONER'S NAME (PLEASE PRINT)

OWNER'S AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and swear or affirm that they are the legal owners of the property located at:

133 South Grove Street, Asheville, NC 28801

PIN 9648282297

The persons listed below do hereby give authorization and permission to:

Darien Bodenhorst of Blue Ridge Commerce LLC

(Name of Representative/Agent) (Name of Organization)

to submit to the City of Asheville the following request for the above referenced property:

- [x] ZONING VARIANCE(S)
- [ ] SIGN VARIANCE(S)
- [ ] FLOOD VARIANCE(S)
- [ ] OTHER _____

The persons listed below also consent to all conditions and/or stipulations that may be imposed or adopted by the City of Asheville, as part of the petition/application approval.

Owner's Name (Print)	Owner's Signature	Date
Blue Ridge Commerce LLC		6.22.26

STATE OF NORTH CAROLINA

_____ COUNTY

On the_____day of_____, 20____, the person(s) listed above personally appeared before me, who executed the foregoing document, and each acknowledged that he/she executed the same and being sworn by me, made oath that the statements in the foregoing document are true.

Notary Public: _____ (Seal)

Printed Name: _____

My Commission Expires: _____

Board of Adjustment
Zoning Variance
Staff Report & Findings

TO: City of Asheville Board of Adjustment **DATE:** 07/27/26

PREPARED BY: Madelyn Stone, Urban Planner I

SITE INFO: Tax Description (PIN): 9648-28-2297
Street Address: 133 S Grove Street
Zoning: RS-8 (Residential Single-Family High Density District)
Applicant: Darien Bodenhorst (Blue Ridge Commerce LLC)

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.

Original 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

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 he 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, and 4 were discussed and addressed in the original hearing.

FINDINGS:

In order for the Board of Adjustments to grant this variance request, the following findings of fact must be made:

1) 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 ordinance, such that public safety is secured, and substantial justice is achieved.

Attachments:

Exhibit A - Site Map
Exhibit B - Zoning Map
Exhibit C - Site Photos
Exhibit 1 - CO Update
Exhibit 2 - Approved Site Plan
Exhibit 3 - Rehearing Evidence
Exhibit 4 - As-Built Survey

Date Petition Filed: 07/01/26

Date Reviewed by Board of Adjustment: 07/27/26

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

EXHIBIT B

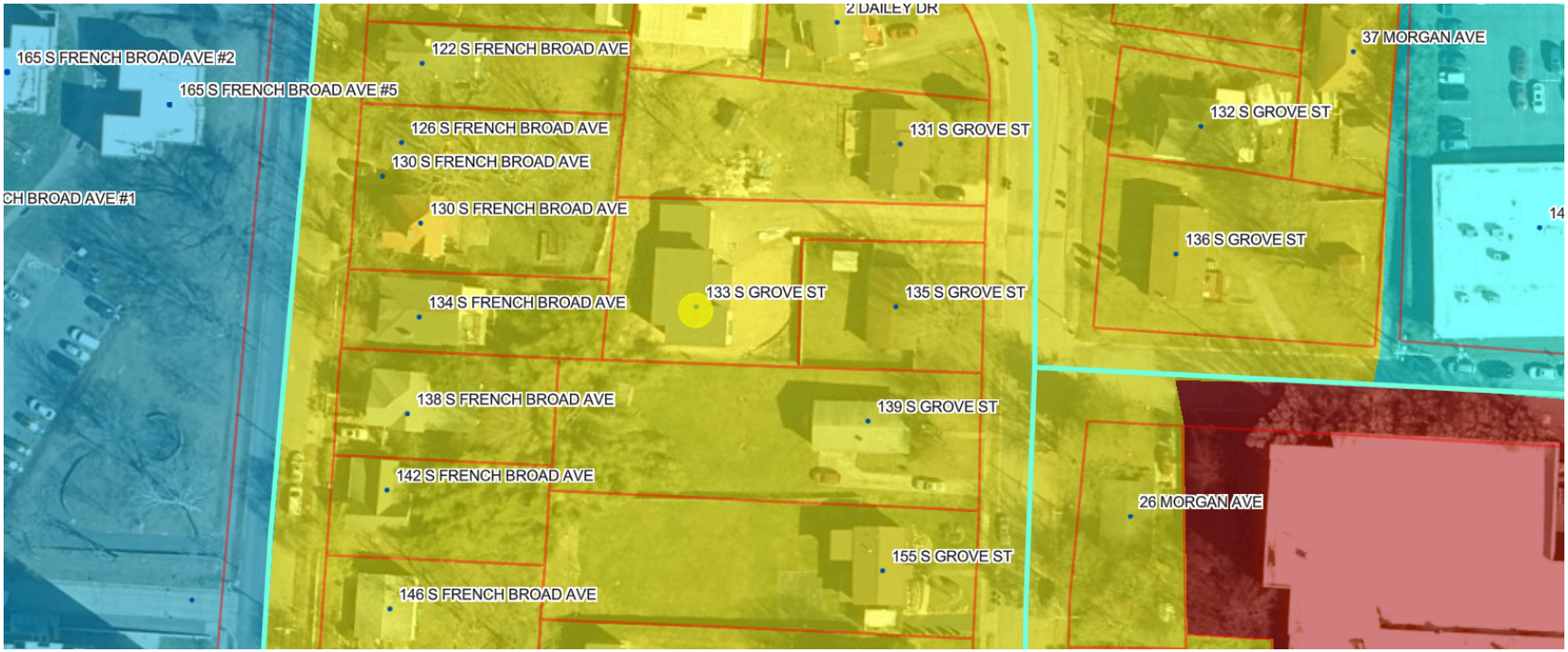

2 DAILEY DR
165 S FRENCH BROAD AVE #2
165 S FRENCH BROAD AVE #5
122 S FRENCH BROAD AVE
126 S FRENCH BROAD AVE
130 S FRENCH BROAD AVE
CH BROAD AVE #1
130 S FRENCH BROAD AVE
134 S FRENCH BROAD AVE
133 S GROVE ST
135 S GROVE ST
131 S GROVE ST
37 MORGAN AVE
132 S GROVE ST
136 S GROVE ST
138 S FRENCH BROAD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

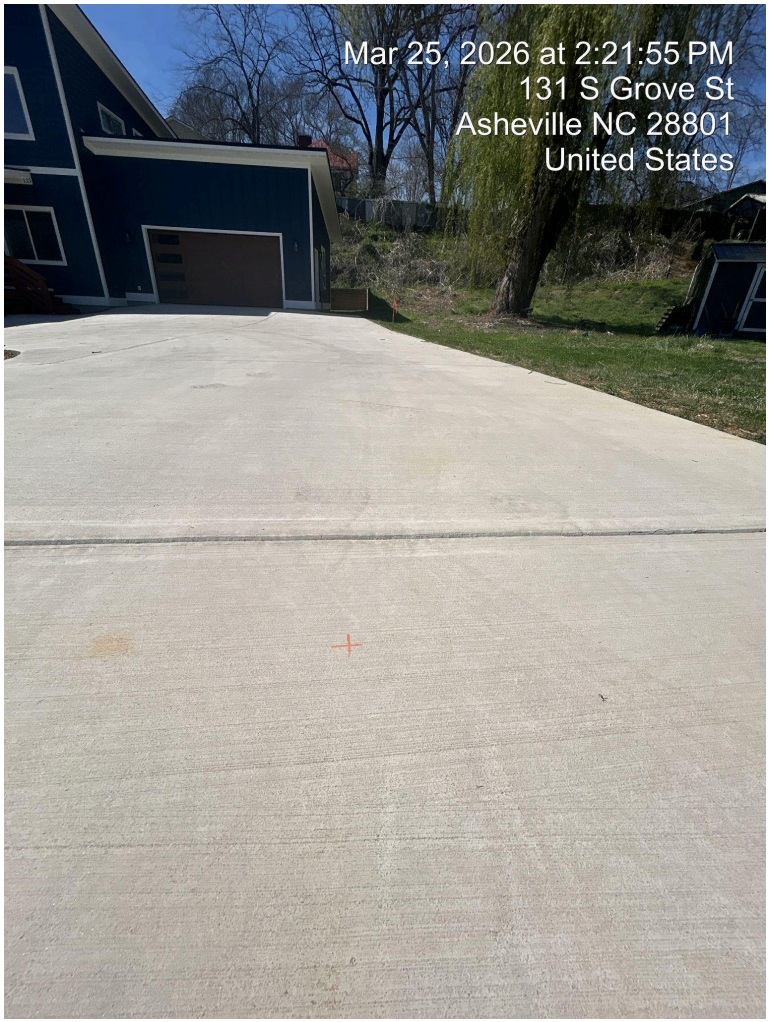
EXHIBIT C


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


Mar 25, 2026 at 2:33:17 PM
133 S Grove St
Asheville NC 28801
United States

EXHIBIT C CONT.





CO Update

24-06905

4/8/2026 10:25 AM

Exhibit 1

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.				
BU-FINAL-REINSP				**Rescheduled**
BU-FOOTING	**Manuel Orellana**	**12/23/2024**	**12/23/2024**	**Approved**
BU-FOOTING	**Manuel Orellana**	**12/19/2024**	**12/19/2024**	**Disapproved**
Failed probe test.				
BU-FOOTING	**Manuel Orellana**	**12/5/2024**	**12/5/2024**	**Disapproved**
Blueprint missing COA seal. Fail probe test left side corner and back left corner. Sprayed white. Pier rebar laying on ground. Rebar does not match blueprints on perimeter footing.				
BU-FOUNDATION	**Manuel Orellana**	**12/19/2024**	**12/19/2024**	**Approved**
BU-FOUNDATION	**Manuel Orellana**	**12/6/2024**	**12/6/2024**	**Approved with Conditions**
Verify plan amendment pending. Amendment submitted for re bar size on footers.				
BU-FRAMING	**Jasann Sawyer**	**3/24/2025**	**3/24/2025**	**Approved**
Corrections made per previous inspection and engineer letter attached to permit for truss repair				
BU-FRAMING	**Charles Redmon**	**3/19/2025**	**3/19/2025**	**Disapproved**
Add nails in garage header for 12" spacing , truss broken at fire place will need to see engineered repair				
BU-FRAMING	**Charles Redmon**	**3/18/2025**	**3/18/2025**	**Disapproved**
Plans not on site, truss packet not on site, lvl paperwork required - have paperwork on site for inspection to be completed				
BU-FRAMING	**Manuel Orellana**	**3/13/2025**	**3/13/2025**	**Disapproved**
Deck 6x6 supports not bearing on middle third on masonry pier. Fire blocking on stairs not present. King studs at several openings missing at ends.				
BU-FRAMING	**Manuel Orellana**	**3/11/2025**	**3/11/2025**	**Disapproved**
Trades not approved.				
BU-INSULATION	**Manuel Orellana**	**3/28/2025**	**3/28/2025**	**Approved**
BU-SLAB	**Manuel Orellana**	**12/23/2024**	**12/23/2024**	**Approved**
Garage slab.				

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

DR-CONTRACTOR CONFERENCE	**Gary Jarvis**	**6/30/2025**	**6/30/2025**	**Approved**
Rather fair, 75 degrees. Met with Joshua onsite and went over the drive apron requirements and for the sidewalk ADA requirements. 9:57				
DR-FINAL	**Gary Jarvis**	**8/14/2025**	**8/14/2025**	**Approved**
Partly cloudy, 75 degrees. Batch ticket verified and on file. Expansion joints sealed. Site photos attached. 10:45				
DR-FINAL	**Gary Jarvis**	**7/17/2025**	**7/17/2025**	**Disapproved**
Weather partly cloudy and dry, 73 degrees. Missing sealed expansion joints. There are three sections that got overlooked at sidewalk connections. Also concrete batch ticket must be submitted to permit office and in system, inspectors can not accept close-out documentation. Site photos taken. 8:00				
DR-PRELIMINARY	**Gary Jarvis**	**7/2/2025**	**7/2/2025**	**Approved**
Weather partly cloudy, 84 degrees. Forms to be adjusted to remove radii behind sidewalk. Sidewalk must not exceed 2% crossslope. Sidewalk tie-in to existing sidewalk on south will be adjusted to match existing elevation to prevent tripping hazzard. Photos attached. 2:00				
EE-FINAL	**Manuel Orellana**	**7/14/2025**	**7/14/2025**	**Approved**
EE-REINSP	**Scott McInturf**	**7/2/2025**	**7/2/2025**	**Approved**
Electrical, OK. Corrections made in fireplace chase.				
EE-REINSP	**Larry Witcher**	**3/13/2025**	**3/13/2025**	**Approved**
Corrections made				
EE-ROUGH IN	**Scott McInturf**	**7/2/2025**	**7/2/2025**	**Approved**
Electrical, OK. Corrections made in fireplace chase.				
EE-ROUGH IN	**Scott McInturf**	**5/30/2025**	**5/30/2025**	**Disapproved**
Gas fireplace: Electrical rough disapproved. Need to staple(support) NM cable inside chase. Long section of wire non-supported.				
EE-ROUGH IN	**Larry Witcher**	**3/11/2025**	**3/11/2025**	**Disapproved**
1. Several penetrations where fire foam/caulk is not completely enveloping cables in bored holes. 2. Some missing nail plates where edge of stud and edge of hole is less than 1-1/4". 3. Some NM cables at boxes without cable clamps not stapled within 8" of box.				
EE-ROUGH IN	**Larry Witcher**	**12/27/2024**	**12/27/2024**	**Approved**
GP-FINAL	**Scott McInturf**	**7/18/2025**	**7/18/2025**	**Approved**
Gas pipe final approved. Gas piping to tankless hot water heater, kitchen range and gas fireplace.				
GP-REINSP	**Scott McInturf**	**7/16/2025**	**7/16/2025**	**Approved**
Gas pipe rough approved. Air pressure test, OK. Gas fireplace, OK.				
GP-REINSP	**Scott McInturf**	**7/2/2025**	**7/2/2025**	**Disapproved**
Gas pipe rough Inspection was disapproved for the gas fireplace on 05/30/25. The pressure gauge read zero. Need a pressure test redone for the gas fireplace.				
GP-REINSP	**Chris Fetsko**	**3/6/2025**	**3/6/2025**	**Approved**
Rough In				
GP-ROUGH IN	**Scott McInturf**	**7/16/2025**	**7/16/2025**	**Disapproved**
Gas pipe rough disapproved: Need pressure test on gas pipe to gas fireplace. The pressure gauge at the first visit had 0 air. Gas fireplace is covered with sheetrock. Will need to uncover for leak test or pressure test. Called Josh and left a voicemail.				
GP-ROUGH IN	**Zach Marshall**	**7/10/2025**	**7/10/2025**	**Partial Approval**
provide the installation instructions for the fireplace.				
GP-ROUGH IN	**Scott McInturf**	**5/30/2025**	**5/30/2025**	**Disapproved**
Gas piping to gas fireplace. Pressure gauge read zero. See attached picture. Please reschedule this gas pipe rough with the Permit Officer.				
GP-ROUGH IN	**Chris Fetsko**	**3/3/2025**	**3/3/2025**	**Disapproved**
No scope of work has been completed.				
GR-FINAL	**Gary Jarvis**	**8/14/2025**	**8/14/2025**	**Approved**
Partly cloudy, 75 degrees. All permanent ground cover in place and good for final approval. Site photos attached. 10:45				
GR-FINAL	**Gary Jarvis**	**7/17/2025**	**7/17/2025**	**Disapproved**
Weather partly cloudy and dry, 73 degrees. Drive has to be approved in final prior to grading. Missing required close-out documentation for slope stability certification. I noted on 06/26/25 that a slope stability would be required on slope behind house being steeper than 2:1 and taller than 60". Outfall pipe at south side of house is closer than 10' from property line. All pipes must be terminated a minimum of 10' off all property lines. Missing some ground cover here and at driveway. Site photos attached. 8:00				
GR-FINAL		**7/17/2025**		**Cancelled**
GR-PRELIMINARY	**Gary Jarvis**	**11/21/2024**	**11/21/2024**	**Approved**
Weather clear and dry, 34 degrees. Permit/plans posted. ECM's installed. Site photos taken. 7:40				

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

GR-PRELIMINARY	**Toby Shelton**	**11/20/2024**	**11/20/2024**	**Disapproved**
61 cloudy. Permits must be on site for approval of the grading preliminary. Silt fence has been installed and construction entrance to be installed at a later date.				
GR-ROUTINE	**Gary Jarvis**	**8/13/2025**	**8/13/2025**	**AP-14 Days**
Weather partly cloudy with light rain, 74 degrees. Ground cover in place. Retaining wall complete behind home. Gutter downspouts have splash guards at south side of new home. There are expansion joints that remain at apron/sidewalk that require sealing. Also submit concrete batch ticket prior to drive final requests. Site photos attached. 9:47				
GR-ROUTINE	**Gary Jarvis**	**7/30/2025**	**7/30/2025**	**AP-14 Days**
Weather partly cloudy, 88 degrees. Expansion joints at apron/sidewalk need to be ground down and sealed as some were missed. Concrete ticket needs to be uploaded into Accela Docs or submitted to permit application center. Most ground cover in place. A timber retaining wall to be constructed behind new home less than 4' tall. Site photos attached. 1:35				
GR-ROUTINE	**Gary Jarvis**	**6/26/2025**	**6/26/2025**	**AP-14 Days**
Weather fair, 76 degrees. Erosion control not needed. Drive way has been poured minus apron. Had spoken with Josh about leaving apron and 10' landward for inspection. Slope behind new home build will need a slope stability certification due to cut being steeper than 2:1 and taller than 5 feet. New home build in final stages. Once apron prep work is complete a drive preliminary inspection will need to be scheduled prior to pour. Site photos attached. 10:20				
GR-ROUTINE	**Gary Jarvis**	**6/4/2025**	**6/4/2025**	**AP-14 Days**
Weather fair, 73 degrees. Erosion control in place and acceptable. New home construction in progress. 10:10				
GR-ROUTINE	**Gary Jarvis**	**5/5/2025**	**5/7/2025**	**AP-14 Days**
Weather mostly cloudy, 56 degrees. ECM's in place and acceptable. New home construction in progress. 9:42				
GR-ROUTINE	**Gary Jarvis**	**4/14/2025**	**4/21/2025**	**AP-14 Days**
Weather fair, 79 degrees. Erosion control in place and acceptable. New home construction in progress. 1:15				
GR-ROUTINE	**Gary Jarvis**	**3/19/2025**	**3/31/2025**	**AP-14 Days**
Weather cloudy, 64 degrees. Erosion control in place and acceptable. New home construction in progress. 1:15				
GR-ROUTINE	**Gary Jarvis**	**2/20/2025**	**2/24/2025**	**AP-14 Days**
Weather fair, 40 degrees. ECM's in place and acceptable. Framing for new home in progress. 10:00				
GR-ROUTINE	**Gary Jarvis**	**2/6/2025**	**2/6/2025**	**AP-14 Days**
Weather fair, 60 degrees. ECM's in place and acceptable. Framing for new home construction in progress. 10:00				
GR-ROUTINE	**Gary Jarvis**	**1/16/2025**	**1/23/2025**	**AP-14 Days**
Weather partly cloudy and cold, 18 degrees. ECM's in place and acceptable. New home construction in progress.				
GR-ROUTINE	**Gary Jarvis**	**12/5/2024**	**12/4/2024**	**AP-14 Days**
Weather partly cloudy and dry, 30 degrees. Silt fence at south needs to be cleaned off and silt fence extended another 10-15 feet to catch all runoff. Footings excavated. Site photos taken. 10:33				
GR-ROUTINE				**Pending**
GR-ROUTINE		**8/27/2025**		**Cancelled**
ME-FINAL	**Scott McInturf**	**7/16/2025**	**7/16/2025**	**Approved**
Mechanical final, OK.				
ME-REINSP	**Chris Fetsko**	**3/11/2025**	**3/11/2025**	**Approved**
ME-ROUGH IN	**Scott McInturf**	**7/2/2025**	**7/2/2025**	**Cancelled**
This was supposed to be a gas pipe rough re-inspection.				
ME-ROUGH IN	**Chris Fetsko**	**3/6/2025**	**3/6/2025**	**Disapproved**
*Not ready: Fire caulk at t-stat wiring. Tie in all bathroom exhaust fans. Terminate the bathroom exhaust fan(s) vent piping to the outdoors. The flex connector at the upstairs bathroom exhaust fan will exceed 14' maximum. The vent duct serving the kitchen hood has been damaged/crushed. Support all metal ductwork with metal strapping per code. **Note: The gas fireplace is not installed at this time.				
PL-FINAL	**Kevin Reese**	**7/17/2025**	**7/17/2025**	**Approved**
PL-FINAL	**Kevin Reese**	**7/17/2025**	**7/17/2025**	**Approved**
PL-REINSP	**Kevin Reese**	**2/21/2025**	**2/21/2025**	**Approved**
plumbing rough inspection approved				
PL-ROUGH IN	**Kevin Reese**	**2/20/2025**	**2/20/2025**	**Disapproved**
not ready				
PL-SEWER LINE	**Charles Redmon**	**2/27/2025**	**2/27/2025**	**Approved**
Sewer line and tracer wire in place				
PL-WATER LINE	**Charles Redmon**	**2/27/2025**	**2/27/2025**	**Approved**

Water line in place

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

Subs

Exhibit 2

City of Asheville
Development Services Department
Site Engineering Division
P.O Box 7148
Asheville, NC 28802
Phone: 828-259-5670
www.ashevillenc.gov

Date: 10/31/24
Permit Number: 24-06905
Project Address: 133 S Grove St

Site Inspector: Danny Gibson
Site Inspector Contact: 828-545-0958

Dear Darien

Attached are approved zoning, grading, and driveway (if applicable) plans for the permit number listed above. Please review the **standard conditions** for grading and driveway permits listed below.

If your project has **specific permit conditions** of approval, these will be noted directly on the approved site plans. These notes are intended to alert you to special requirements for your site and requirements that field inspectors will verify. *Please see your permit for specific conditions.*

Please note the attached approved plans serve as the **Certification of Approval**. Under the authority of G.S 113A-60, the City of Asheville (COA) has right to inspect your project to ensure compliance with NC G.S.113A Article 4.

Standard Grading Permit Conditions:

- Approval of the Grading Permit is pending until the following have been accomplished:
  - **Approved plans and permit(s) are posted on site.**
  - Silt fence and construction entrance (if applicable) are installed prior to the start of construction.
  - All erosion control devices are installed and a Preliminary Grading and Erosion Control inspection (GR-PRELIM) has been approved.
- Place erosion protection down slope of all disturbance and spoil piles.
- Maintain historic drainage patterns and flow paths; all outfalls and dissipation pads shall be a minimum 10’ from property lines and managed to minimize impact to adjacent properties. Do not create a point discharge where all downspouts and foundation drains outfall in a single location.
- Site must remain in compliance with all federal, state, and local regulations. Failure to maintain compliance for any of the agencies stated above may result in issuance of a Notice of Violation against the project or revocation of the grading permit.
- If minimum best management practices fail to adequately keep sedimentation or stormwater on the site, it is the responsibility of the owner to take corrective actions and submit an amendment with the corrective measures to the Development Services Department (DSD) for approval. Note: Owner may need to seek assistance from a design professional.
- For constructed slopes with a grade of 50% (2:1) and greater than 5’ in height, a North Carolina registered professional engineer with geotechnical expertise sufficient to inspect and perform a perform stability analysis is required to inspect and submit a Slope Stability Certificate.
- Please note that **temporary** ground cover must be established prior to grading approval for the issuance of a Temporary Certificate of Occupancy (TCO). **Permanent** ground cover must be established prior to grading approval for the issuance of a Certificate of Occupancy (CO).

- Contractor must provide proof of active grading permits for any offsite borrow or waste areas.
- Grading Permit expires one (1) year from date of permit issuance. A one-time, one-year extension can be granted for a fee. Please submit the extension application form 60 days prior to permit expiration.

Standard Residential Driveway Permit Conditions:

- The driveway serves a single family residence and must be built in accordance with the Standard Specifications and Details Manual. See site plan for driveway detail specifications.
- Any deviation from the City of Asheville (COA) Standard Specifications and Details Manual must be requested and approved by the City Engineer. A Driveway Modification form shall be submitted online or in-person to the Permit Application Center (PAC) at 161 S. Charlotte St.
- The approval of this driveway apron permit is based on information provided by the contractor, developer and/or homeowner. Therefore, said parties are responsible to ensure that the driveway apron is constructed according to all current COA standards and specifications.
- The driveway apron must extend a minimum of 10' from the roadway edge of pavement. The maximum allowable grade for the first 10' of the apron cannot exceed -4% or +10.6%.
- A street cut permit is required for cutting, removing curbing, etc. within the public right-of-way to tie in new driveway. Contact the Streets Department on Monday - Thursday at 828-259-5406.
- A Preliminary Driveway inspection (DR-PRELIM) is required prior to concrete pour to review form and structure. The concrete pour must take place within 48 hours of the preliminary inspection. An additional preliminary inspection will be required in the event of rain or 48 hours has past since the pour.
- An approved Final Driveway inspection (DR-FINAL) inspection is required prior to issuance of a Temporary Certificate of Occupancy (TCO).
- Contact the City of Asheville Arborist at (828) 259-5979 if tree removal in the right of way is required for apron construction.
- Water meters shall not be installed in the driveway aprons or the driveway.
- Driveway aprons are to be constructed in a manner that does not prohibit the flow of stormwater within the right-of-way. Culverts and ditches may be required.
- Culverts shall be designed to meet the specifications in the COA Standard Specifications and Details Manual. Culverts shall not be smaller in diameter than upstream culverts.

Inspection Requests:

Inspections are required for all permitted work once it has been completed. Next-day inspections may be scheduled for the following work day. Click here to review Click here to review DSD's Residential Inspection Guide.

ONLINE To schedule a next-day inspection online, login to the Citizen Access website at https://services.ashevillenc.gov/citizenaccess and search for your permit number; schedule by 6:00 pm.

BY PHONE To schedule a next-day inspection by phone, call the DSD Inspection Line at 828-259-5946 before 4:30 pm.

To submit modifications, additional information, or permit extensions:

ONLINE Submit revised plans through DSD's Development Portal.

IN-PERSON Submit one (1) copy to the Permit Application Center (PAC) located at 161 S. Charlotte St. on Monday - Friday during business hours (8:30 am - 5:00 pm ET) . Please attach a copy of the City of Asheville Transmittal Form as a preface.

Please contact your Site Inspector or Inspection Coordinator Monte Clampett at (o) 828-259-5434 or (c) 828-552-1342 with any questions.

THE CITY OF ASHEVILLE
Zoning & Engineering
Site Plan Approval
24-06905 SITE REVISED 103024
tylerkelley
10/31/2024 11:21:07 AM
This certificate of approval provides notice of the right to inspect by the City of Asheville, to ensure compliance with NC G.S.113A Article 4.

133 S Grove St 24-06905

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.

SOUTH GROVE STREET RESIDENCE

SOUTH GROVE STREET

ASHEVILLE, NORTH CAROLINA

Land Disturbed

New driveway from here back

Existing driveway apron

19' ← driveway width

5' CONTOURS

6' SET BACK

DRIVEWAY

LOT A
0.26 ACRES

5' SET BACK

5' CONTOURS

Silt fence

SITE PLAN
SCALE: 3/32" = 1'-0"

TRUE NORTH N PROJECT NORTH N

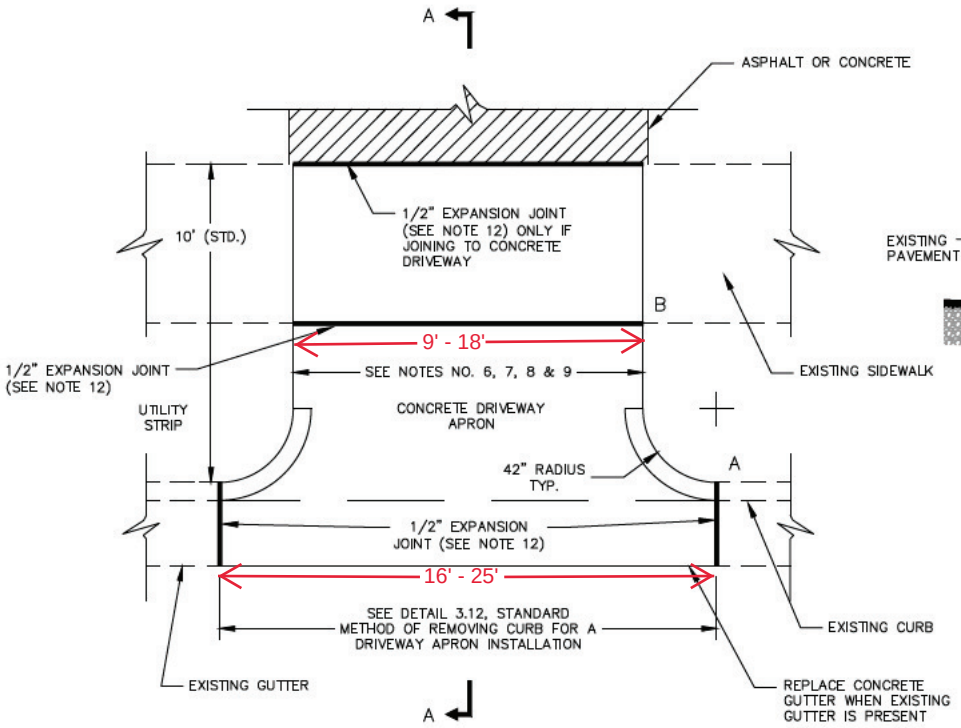
MICHAEL DERRIG ARCHITECTURE, PLLC 241 FERN COVE LANE, PISGAH FOREST, NORTH CAROLINA, 828-768-4518

SOUTH GROVE STREET RESIDENCE
ASHEVILLE, NORTH CAROLINA
LOT A SOUTH GROVE STREET

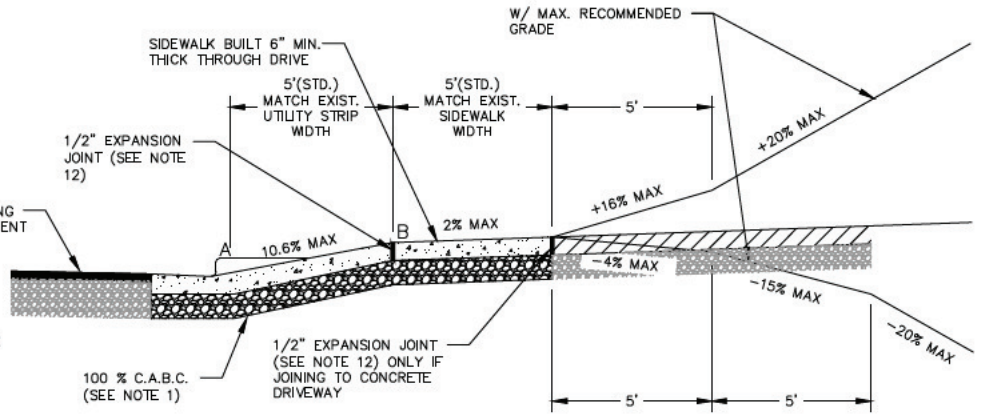
DRAWN BY: MJD
DATE: 9/24/24
SCALE: AS NOTED
REVISIONS:

DESCRIPTION
SITE PLAN

SHEET
A0.11
OF SHEETS



PLAN
NOT TO SCALE



SECTION AA
NOT TO SCALE

NOTES:

1. RESIDENTIAL AND COMMERCIAL DRIVEWAYS – 6" OF 100% CABC WITH 6" CONCRETE FOR FULL LENGTH & DEPTH OF DRIVEWAY APRON.
2. MAXIMUM DRIVEWAY APRON SLOPE BEGINING AT CURB TO BE 10.6% UNLESS OTHERWISE APPROVED BY INSPECTOR.
3. CURB SHALL BE TAPERED TO FINISH FLUSH WITH SIDEWALK.
4. RADIUS SHALL NOT ENCROACH ON TO ADJACENT PROPERTIES.
5. ACCESS APRON DEPTH MAY VARY DEPENDING ON WIDTH OF UTILITY STRIP.
6. WHERE SIDEWALK IS EXISTING APRON MUST EXTEND 10' PAST SIDEWALK. THIS SECTION MAY BE ASPHALT OR CONCRETE.
7. RESIDENTIAL DRIVEWAYS TO BE 9 FT TO 18 FT IN WIDTH.
8. COMMERCIAL AND INDUSTRIAL (ONE–WAY) DRIVEWAYS TO BE 14 FT TO 20 FT IN WIDTH.
9. COMMERCIAL AND INDUSTRIAL (TWO–WAY) DRIVEWAYS TO BE 24 FT TO 36 FT IN WIDTH.
10. ALL CONCRETE SHALL BE A MINIMUM OF 4000 P.S.I.
11. ELEV. "B" MINUS ELEV. "A" MUST NOT BE THAN LESS 1 INCH.
12. ½ INCH EXPANSION JOINTS TO BE FILLED WITH JOINT FILLER AND SEALER PLACED BETWEEN ALL RIGID OBJECTS AS SHOWN EXTENDING TO THE FULL DEPTH OF THE CONCRETE WITH THE TOP OF THE FILLER ½ INCH BELOW THE FINISHED SURFACE. JOINT FILLER MATERIALS SHALL BE IN ACCORDANCE WITH THE "JOINT MATERIALS" SECTION OF THE MOST CURRENT NCDOT STANDARD SPECIFICATIONS FOR ROAD STRUCTURES MANUAL.

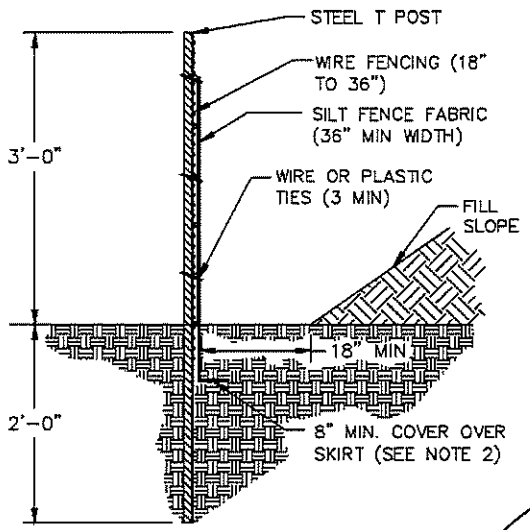
Residential Note:
1. Concrete pour shall occur within 48 hours of preliminary driveway inspection, approval.
2. Batch tickets will be required.
3. Minimum of 7 day cure time prior to final driveway inspection.

City of Asheville, NC
Standard Specifications and Details Manual

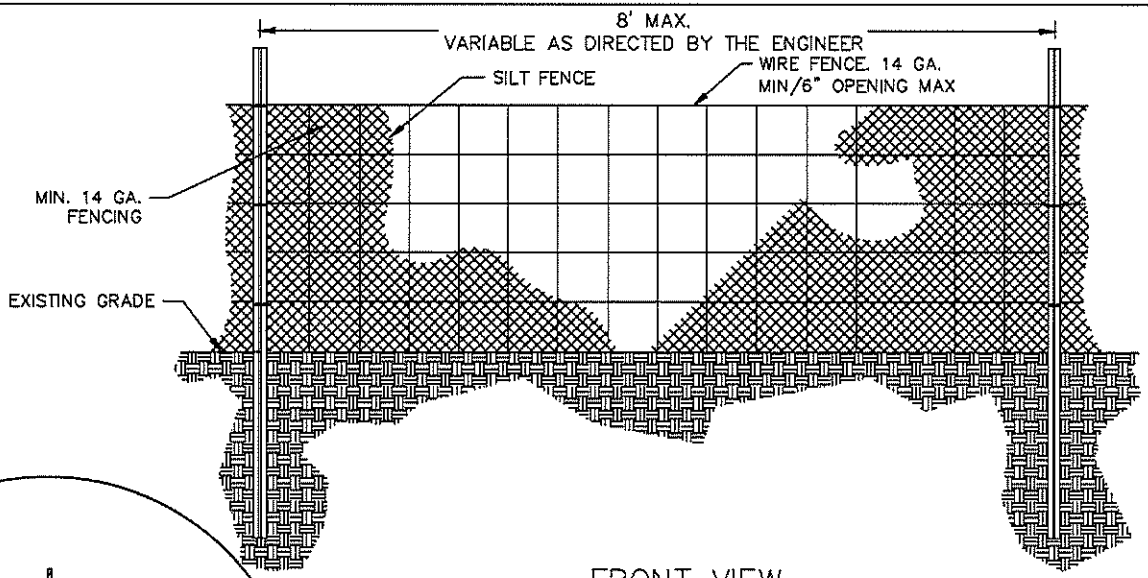
STANDARD DRIVEWAY APRON WITH SIDEWALK & UTILITY STRIP

REVISIONS	
DATE	DESCRIPTION
6/9/15	REVISED APRON CURB NG

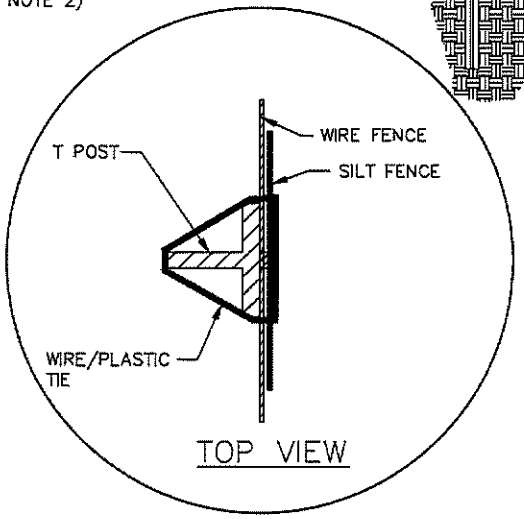
STD. NO.
3.15



SIDE VIEW



FRONT VIEW



TOP VIEW

NOTES:

1. SILT FENCE MUST BE PLACED 18" (MIN) FROM TOE OF SLOPE. IT CAN NOT BE USED TO HOLD BACK FILL MATERIALS
2. BOTTOM 12 INCHES OF SILT FENCE MUST BE BURIED. PLACE IT IN A TRENCH 8" DEEP AND 4" WIDE
3. USE SILT FENCE ONLY WHEN DRAINAGE AREA DOES NOT EXCEED 1/4 ACRE AND NEVER IN AREAS OF CONCENTRATED FLOW OR IN A STREAM BED.

MAXIMUM SLOPE LENGTH AND SLOPE WHICH SEDIMENT FENCE IS APPLICABLE*

SLOPE	SLOPE LENGTH (FT)	MAXIMUM AREA (SQ FT)
<2%	100	10,000
2 TO 5%	75	7,500
5 TO 10%	50	5,000
10 TO 20%	25	2,500
>20%	15	1,500

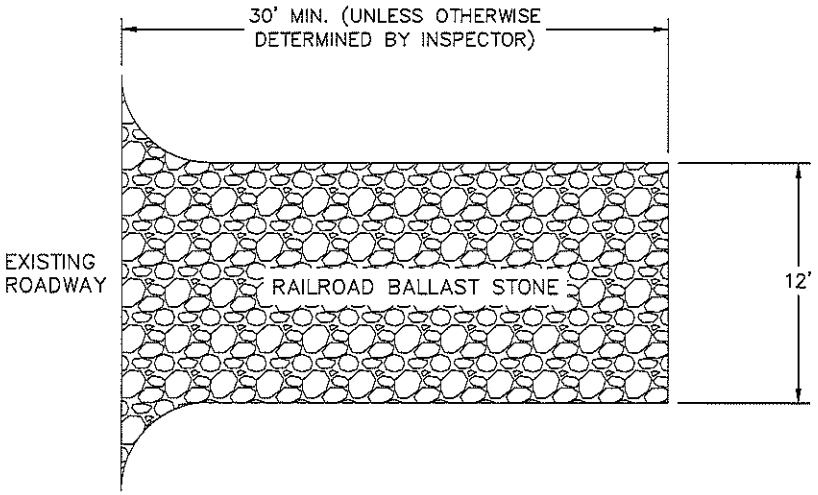
* TABLE INFORMATION TAKEN FRON THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL, DETAIL 6.62A.

City of Asheville, NC
Standard Specifications and Details Manual

STANDARD TEMPORARY SILT FENCE

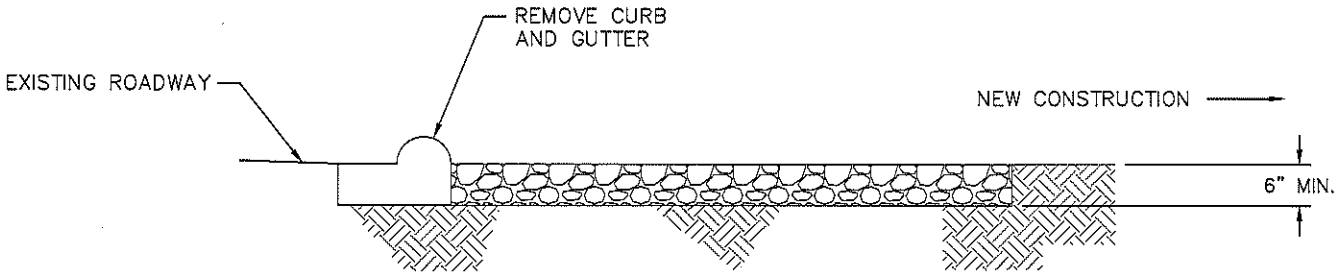
REVISIONS	
DATE	DESCRIPTION
6/9/15	MINOR GRAPHIC REP. REVISIONS

STD. NO.
7.01



PLAN

NOTES:
1. THIS ENTRANCE APPLIES ONLY TO ENTRANCES OF INDIVIDUAL SINGLE FAMILY RESIDENTIAL UNITS.
1. REFER TO DWG. STD. No. 3.15–STANDARD DRIVEWAY APRON.
2. REFER TO DWG. STD. No.3.12–STANDARD METHOD OF REMOVING EXISTING CURB.
3. FABRIC MAY BE ADDED UNDER THE STONE WHICH WOULD ADD TOTAL LIFE TO THE CONSTRUCTION ENTRANCE.



CROSS SECTION

City of Asheville, NC
Standard Specifications and Details Manual

RESIDENTIAL CONSTRUCTION ENTRANCE

REVISIONS	
DATE	DESCRIPTION

STD. NO.
7.02

Exhibit 3

Application for Re-Hearing — Statement of Newly Discovered Information

City of Asheville Board of Adjustment

Case: 26-01997S (variance denied May 18, 2026)

Related application: 26-03224PZ

Property: 133 South Grove Street, Asheville, NC 28801 (PIN 9648282297; RS-8)

Applicant / Owner: Blue Ridge Commerce LLC (Darien Bodenhorst, Member/Manager)

Submitted: June 22, 2026

Pursuant to the Board of Adjustment Rules of Procedure, Section VII.D (Re-Hearings), the applicant respectfully requests a re-hearing of the side-setback variance for the above property, denied on May 18, 2026. Per staff guidance, this submission includes **only new information** that was not produced at the prior hearing, where the applicant was not present. The following constitutes information that, with reasonable diligence, was not produced and addressed at the May 18, 2026 hearing:

1. Licensed professional survey (as-built). The violation determination rested on a tape measurement taken by a zoning officer from an informal flag stake, not from a survey. A Class A as-built survey by a licensed Professional Land Surveyor (Woodlands Survey and Mapping, Tyler J. Hastings, PLS L-5238), prepared from the recorded property monuments, establishes the building's true position relative to the recorded line. This objective, monument-based survey was not before the Board on May 18.

2. The City's own approval record establishing good-faith reliance. The City issued a Site Plan Approval for permit 24-06905 on October 31, 2024 whose conditions addressed setbacks, then approved the footing inspection (Dec. 23, 2024), the framing inspection (Mar. 24, 2025), and the final building inspection (Oct. 22, 2025), and issued a Certificate of Occupancy, none of which noted a setback issue. City staff has also acknowledged in writing that footing inspections should account for setbacks. This

good-faith reliance record was not presented to the Board.

3. Changed circumstance since the hearing. At the May 18 hearing, the adjoining owner testified that she does not want the structure removed, and staff identified purchasing the affected strip from her as the path to compliance. After the hearing, the applicant made a documented, above-market written offer to purchase that strip and to resolve the related items. The adjoining owner has not responded. The private-purchase remedy discussed at the hearing is therefore not presently available, a development that did not exist at the time of the hearing.

4. In-person testimony available. The builder of record is prepared to appear in person at the re-hearing and provide sworn testimony regarding the siting of the structure and reliance on the recorded survey and the issued permits and inspections.

The applicant requests that the Board find sufficient new information to warrant a re-hearing and schedule the matter for the next available agenda.

Respectfully submitted,

Darien Bodenhorst, Member/Manager

Blue Ridge Commerce LLC

828-779-8543

darien@nexthome828.com

GENERAL NOTES

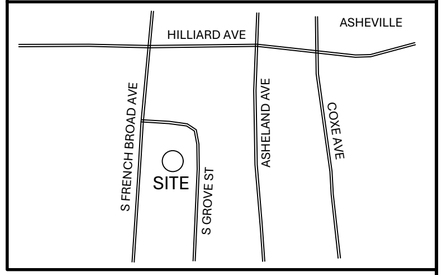
1. AREA SHOWN HEREON IS COMPUTED BY THE COORDINATE METHOD.
2. BY GRAPHIC DETERMINATION, THE SUBJECT PARCEL(S) ARE LOCATED IN ZONE "X" PER FIRM MAP 3700964800J WITH AN EFFECTIVE DATE OF JANUARY 6, 2010.
3. PROPERTY IS ZONED RS8 - RESIDENTIAL PER THE CITY OF ASHEVILLE.
   3.1. FRONT/REAR SETBACK: 15'
   3.2. SIDE SETBACK: 6'
4. PROPERTY SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.
5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, RIGHTS-OF-WAY OR BUILDING RESTRICTIONS. A NORTH CAROLINA LICENSED ATTORNEY-AT-LAW SHOULD BE CONSULTED.
6. DISTANCES SHOWN ARE HORIZONTAL GROUND.

REFERENCES

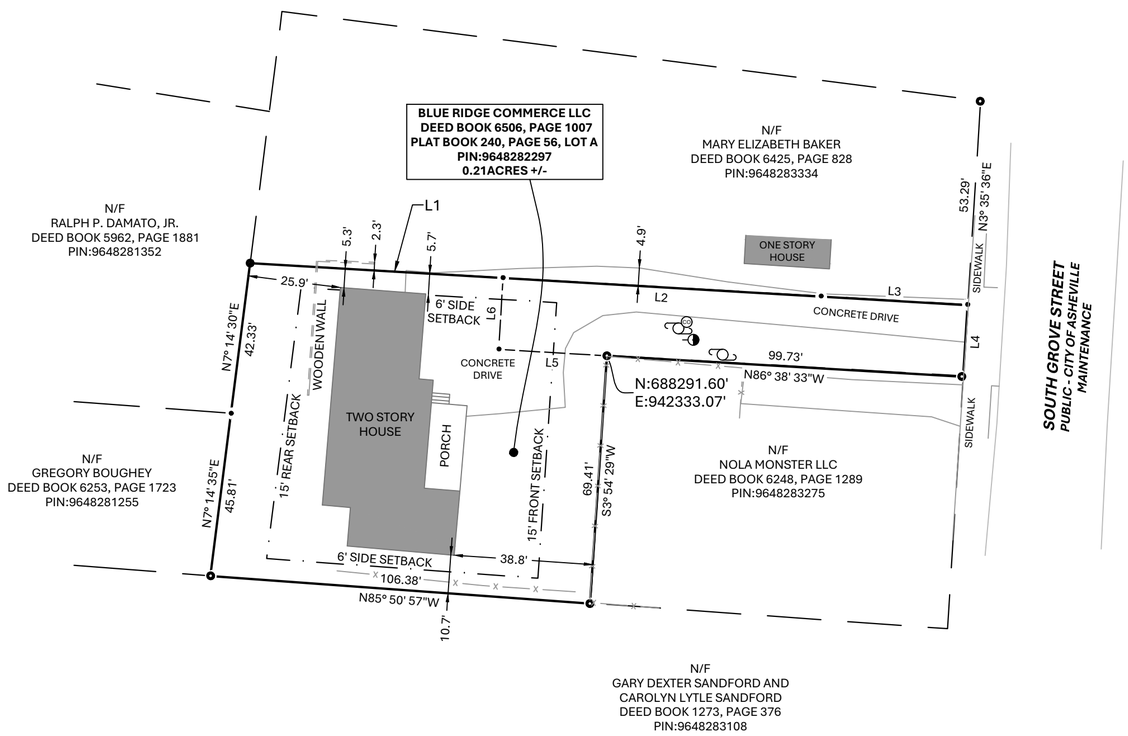
1. DEED BOOK 6506 PAGE 1007
2. PLAT BOOK 240 PAGE 56

Exhibit 4

VICINITY MAP
(NTS)



LINE TABLE		
LINE #	LENGTH	BEARING
L1	70.79'	S86° 41' 41"E
L2	89.04'	S86° 41' 41"E
L3	41.06'	S86° 41' 41"E
L4	20.00'	S3° 34' 36"W
L5	30.27'	S86° 41' 41"E
L6	20.00'	N3° 18' 19"E



NAD 83 (NSRS 2011)
NORTH CAROLINA STATE PLANE

CERTIFICATION

I, TYLER HASTINGS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OF LANDS DESCRIBED IN DEED BOOK 6506, PAGE 1007 RECORDED IN THE BUNCOMBE COUNTY REGISTER OF DEEDS; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN HEREON; THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM THE SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY.

1. CLASS OF SURVEY: CLASS "A"
2. POSITIONAL ACCURACY: H=0.05 FEET AT A 95% CONFIDENCE LEVEL
3. TYPE OF GPS FIELD PROCEDURE: RTK
4. DATE(S) OF SURVEY: 1/12/2026
5. DATUM/EPOCH: NAD 83(2011)/EPOCH 2010
6. PUBLISHED/FIXED-CONTROL USED: RTX (POINT 3000)
7. GEOID MODEL: GEOID 18 (CONUS)
8. COMBINED GRID FACTOR: 0.99979376
9. UNITS: US SURVEY FOOT

I FURTHER CERTIFY THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT IN ACCORDANCE WITH G.S. 47-30 (f)(11)(c)(1). THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AND EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 10TH DAY OF JUNE, 2026.

PRELIMINARY
FOR REVIEW PURPOSES ONLY
JUNE 12, 2026

TYLER J. HASTINGS, PLS L-5238

NORTH CAROLINA PROFESSIONAL SEAL 5238 LAND SURVEYOR TYLER J. HASTINGS

LEGEND:

- PROPERTY BOUNDARY
- ADJOINER LINE (NOT SURVEYED)
- RETAINING WALL
- ROAD RIGHT-OF-WAY
- FENCE
- HOUSE
- FOUND IRON PIN
- COMPUTED POINT
- GUY ANCHOR
- SEWER CLEANOUT
- UTILITY POLE

WOODLANDS survey + mapping
30 HICKORY TOP LANE, ASHEVILLE, NC 28805
PHONE: 828-412-2343
WWW.WOODLANDSSURVEY.COM
WOODLANDS SURVEY AND MAPPING, PLLC
P-3015

BOUNDARY SURVEY

FOR LANDS OWNED BY

BLUE RIDGE COMMERCE LLC

CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA

30' 0 30' 60'
SCALE: 1" = 30'

DATE: 6/10/26	REVISIONS		
PROJECT #: 26003	NO.	DATE	DESCRIPTION
FIELD WORK: VSU			
DRAWN BY: AMW			
SCALE: 1" = 30'			
PIN: 9648282297			