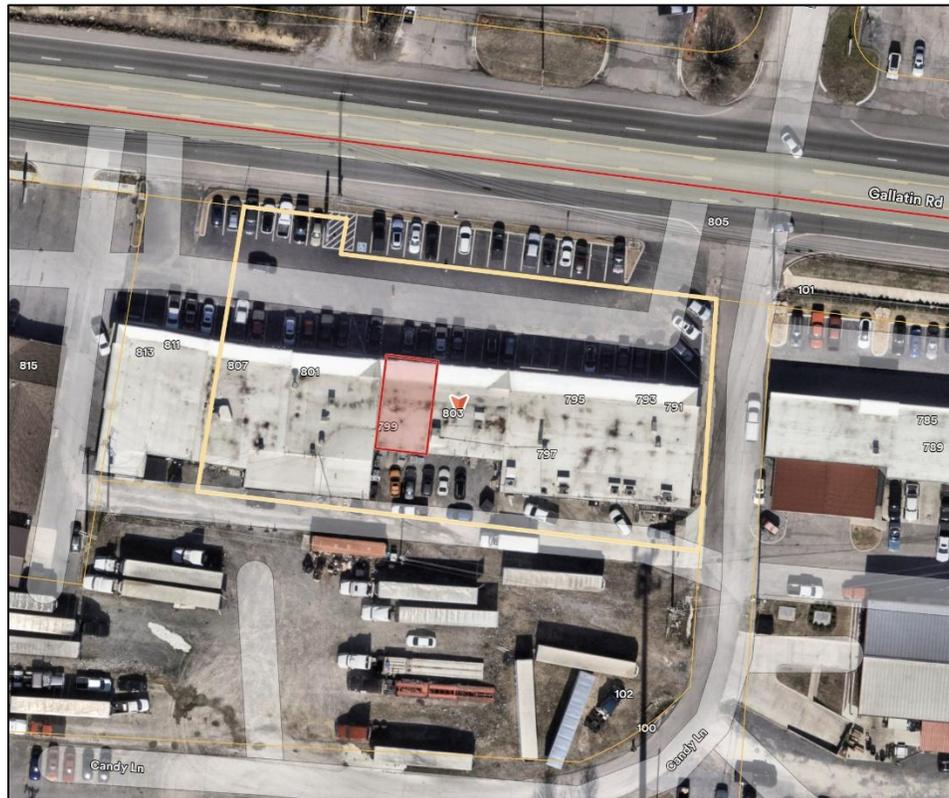




# STAFF REPORT & COMMENTS

SUBMITTED TO: HENDERSONVILLE BOARD OF ZONING APPEALS

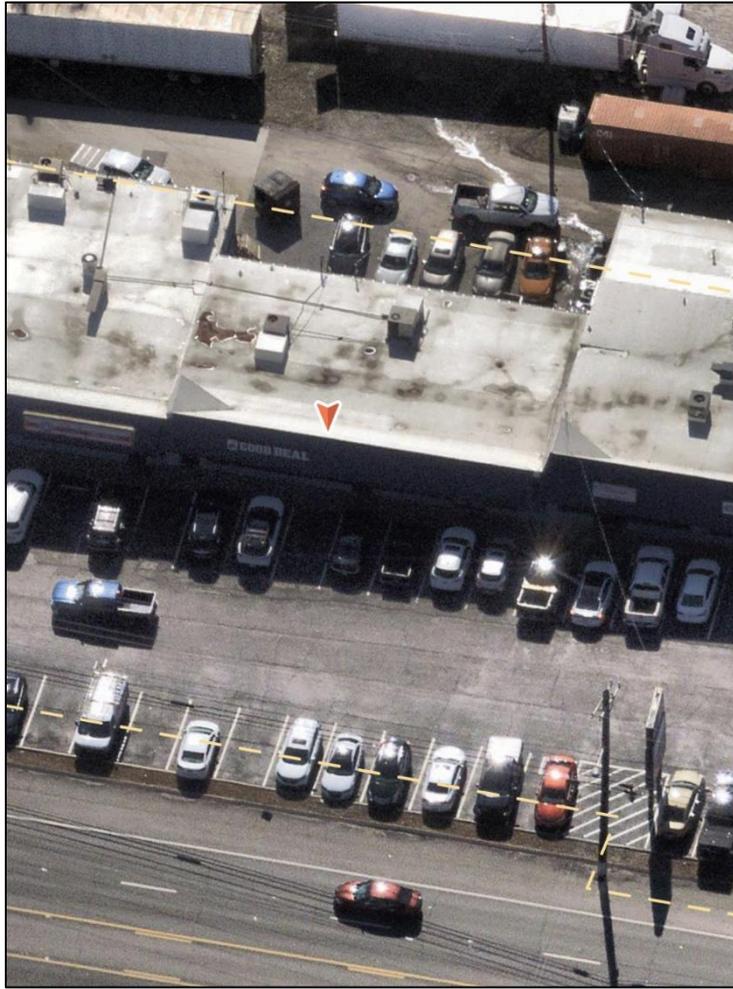
AGENDA DATE:	MARCH 2, 2026
APPEAL CASE #	BZA-007073-2026
REQUEST TYPE:	CONDITIONAL USE – SMOKE SHOP
PROJECT LOCATION:	799 B W. MAIN ST, STE. B



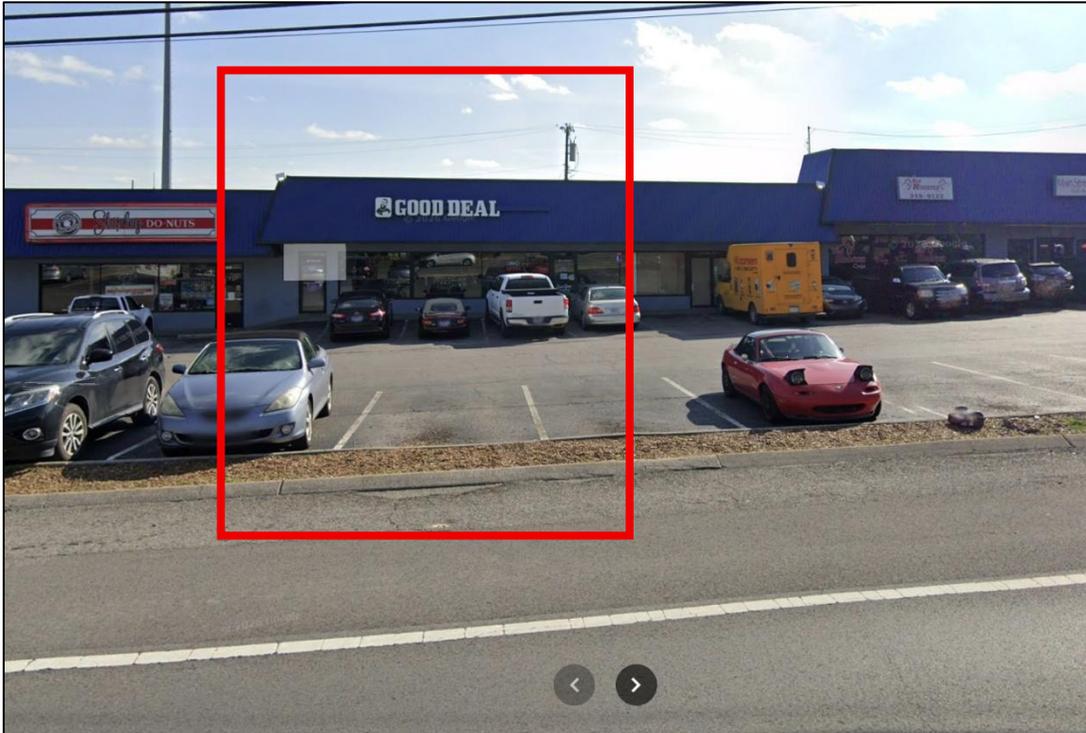
*Project Location*

## STAFF REPORT

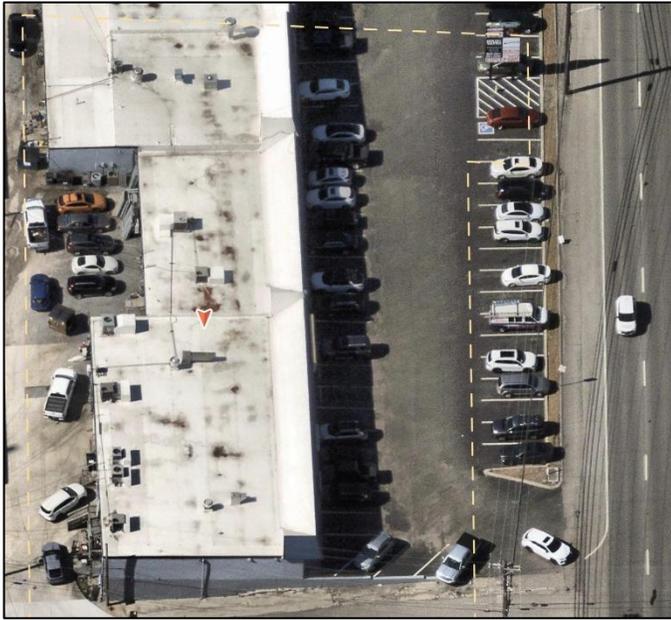
The applicant, Mario Sidrak, is requesting a conditional use permit to operate a Smoke Shop at 799 West Main Street, Suite B. The plan is to use the existing 1,960 square foot storefront. The property is located in the General Commercial (GC) Zoning District. This district allows Smoke Shops as a Conditional Use permit granted from the Board of Zoning Appeals.



Aerial Imagery Looking South



Street View



Aerial Imagery Looking East

The location was previously used for the same use; however it was determined that the previous owner/operator never obtained the proper permit when operating the Smoke Shop. This was discovered when the current applicant was applying for the Use and Occupancy permit to bring in the new business. As a result, a Conditional Use permit is required for the use to be allowed again at the property.

Should the use be approved, all additional City Zoning Ordinance and Site requirements will be required. *The property currently meets all separation and distance requirements.* See Below:

10 10.3.16 | SMOKE SHOPS

10.3.16.1 | PERMITTED LOCATIONS

Notwithstanding any other provision of this Ordinance, smoke shops shall be permitted by a Conditional Use only in General Commercial (GC) and Heavy Commercial (HC).

#### 10.3.16.2 | ADDITIONAL ZONING AND LAND USE STANDARDS

The following standards shall apply to smoke shops:

##### A. SEPARATION REQUIREMENTS

These uses shall not be located within 1,000 feet, measured property line to property line as measured along the street(s), of any of the following:

- A public or private school,
- A day care center or home (adult or child),
- A youth center, - A community center,
- A recreational facility,
- A park,
- A church or religious institution,
- A hospital, or
- Any other similar uses where children regularly gather.

##### B. DISTANCE BETWEEN SIMILAR USES

These uses shall not be located within 1,000 feet, measured property line to property line, of another smoke shop or tobacco store.

##### C. MINORS PROHIBITED

It is unlawful to knowingly allow a minor, unaccompanied by a parent or legal guardian, to enter or remain on the premises.

##### D. SIGNAGE REQUIREMENTS

These uses shall post clear signage at each public entrance stating that minors are not permitted unless accompanied by a parent or legal guardian. It is unlawful for such businesses to fail to display or maintain this signage.

#### 10.3.16.3 | CONDITIONAL USE STANDARDS

The following minimum conditions shall apply:

A. NO SMOKING ONSITE

No smoking shall be permitted on the premises at any time unless otherwise permitted.

B. SALES BY MINORS PROHIBITED

No sales may be solicited or conducted on the premises by minors.

C. NO SELF-SERVICE DISPLAYS

No self-service, product, or paraphernalia displays shall be permitted.

D. NO FREE OR DISCOUNTED ITEMS

No distribution of free or low-cost products or paraphernalia, as well as coupons for said items, shall be permitted.

#### 10.3.16.4 | LEGAL NONCONFORMING USES

Smoke shops lawfully operating on the effective date of the ordinance codified in this chapter may continue to operate as legal nonconforming uses under Chapter 14 (Nonconforming Uses). These businesses are not required to obtain a Conditional Use permit unless they seek to change or expand their operations, in which case compliance with this chapter and Conditional Use approval may be required.

#### **GUIDANCE FOR BZA APPROVAL**

No conditional use shall be approved by the Board of Zoning Appeals unless it has made findings of fact, based upon the evidence presented at the public hearing, to support each of the following conclusions:

- A. The conditional use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.
- B. The conditional use will not adversely affect other property in the area in which it is located.
- C. The conditional use conforms to all applicable provisions of this Ordinance for the district in which it is to be located.
- D. The conditional use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Land Use and Transportation Plan.

The Board of Zoning Appeals, in making findings of fact, may inquire into the following evidentiary issues, as well as any others it determines to be appropriate:

- A. Whether property values in the immediate vicinity of the conditional use will be diminished or impaired.
- B. Ingress and egress to the subject property and its proposed structures, with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, including access by emergency vehicles.
- C. Off-street parking and loading areas proposed for the conditional use, with particular attention to the location and adequacy of such facilities.
- D. The operational characteristics of the proposed conditional use and their effects on adjacent properties. Particular attention shall be given to the hours of operation, noise, glare, odor, refuse storage, and other relevant environmental factors.
- E. Utilities and storm drainage facilities as proposed, with reference to their location, availability, adequacy, and compatibility.
- F. Screening, landscaping, and buffering, with specific reference to the type proposed, the dimensions and character, and the effectiveness in shielding adjacent properties.
- G. Signs and proposed exterior lighting with reference to glare, traffic safety, and compatibility, and harmony with adjacent properties.
- H. The quantity and degree of deviation from the applicable requirements of the district in which the subject property is located, as balanced against the desirability of the conditional use.

**From:** Mario Sidrak <mario.sidrak17@gmail.com>  
**Sent:** Wednesday, January 14, 2026 10:53 PM  
**To:** Sloane Moore  
**Cc:** Zachary Coleman  
**Subject:** Re: Conditional Use - 799 W Main St Suite B - Invoice

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Thank you for this, I have made the payment.

Yes. The proposed use meets all of the required findings of fact. It's a low-impact commercial use that complies with zoning and safety requirements and will not negatively affect nearby properties. Access, parking, utilities, lighting, and day-to-day operations are all adequate and in compliance. We believe the use is consistent with the intent of the ordinance and the land use plan