TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711
Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Board of Adjustment
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for March 20, 2025
Date: March 13, 2025

The **Town of Black Mountain Board of Adjustment** will meet on **Thursday, March 20, 2025, at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;

2. Draft minutes from February 20, 2025; and

3. Variance Request – 501 Montreat Road.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@tobm.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@tobm.org.

CC: Jessica Trotman, Planning Director
Russell Cate, Planner 1/Zoning Administrator

PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN BOARD OF ADJUSTMENT

REGULAR MEETING
REUNIÓN ORDINARIA

Thursday, March 20, 2025, at 6:00 p.m.
Jueves 20 de Marzo de 2025, a las 6:00 p.m.

The Black Mountain Board of Adjustment will meet for their monthly meeting on **Thursday, March 20, 2025, at 6:00 p.m**. at Town Hall, 160 Midland Avenue, Black Mountain, N.C.
La Junta de Ajuste de Black Mountain se reunirá para su reunión mensual **el jueves 20 de Marzo de 2025 a las 6:00 p.m**. en Town Hall, 160 Midland Avenue, Black Mountain, N.C.

The meeting is open to the public.
La reunión está abierta al público.

_____
Jennifer Tipton
Senior Admin

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La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 03/03/2025
www.townofblackmountain.org

Board of Adjustment Regular Meeting
March 20, 2025

PROPOSED AGENDA

I. CALL TO ORDER
- **Welcome**
- **Determination of Quorom**

II. ADOPTION OF AGENDA
- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES
- **Motion:** To adopt the minutes of February 20, 2025, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS
- Variance Request – 501 Montreat Road

VI. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, February 20, 2025, at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Lauren Dodgin, Chair
Nicole Stallings
Linda Brinson

Absent:

Chloe Riddle
John Hines
David Barley

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of three (3) regular members.

II. ADOPTION OF AGENDA

Lauren Dodgin made a motion to adopt the agenda as presented. The motion was seconded by Nicole Stallings and approved by a vote of 3-0.

III. ADOPTION OF MINUTES

Lauren Dodgin made a motion to adopt the minutes of December 21, 2024, as written. The motion was seconded by Nicole Stallings and approved by a vote of 3-0.

Lauren Dodgin made a motion to adopt the minutes of January 16, 2025, as written. The motion was seconded by Nicole Stallings and approved by a vote of 3-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. <u>Approval of Order for 200 Old State Ten Road Variance</u>

Nicole Stallings made a motion to approve the order granting a variance for 200 Old State Ten Road as written. The motion was approved by consensus with a vote of 3-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:02 p.m.

Prepared by:

_____
Lauren Dodgin, Chair

_____
Jennifer Tipton, Senior Admin

Town of Black Mountain Staff Report
Board of Adjustment

Case No: V-25-02
Case Name: 501 Montreat Rd

Hearing Date: March 20, 2025
Procedure: Variance Evidentiary Hearing

Address of Variance Request:
501 Montreat Rd.
Black Mountain, NC 28711
PIN # 0619-38-2414-00000

Applicant:
Taylor Hada and Sarah Hada
501 Montreat Rd.
Black Mountain, NC 28711

Request:
On their variance application, the applicants state the request as "Removing stream buffer from 'blue line stream' shown on GIS data" (quoting the applicant).

Town Staff:
Jennifer Tipton, Clerk to Board of Adjustment
Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicant is seeking a variance from two watercourse requirements in the Stream Buffer Protection Standards, which is Article IX of Chapter 20 (Environment):

- A stream buffer on each side of watercourses depicted as a solid blue line on the most recent U.S. Geological Survey (USGS) seven and one-half minute quadrangle topographic maps, measured 30 feet horizontally from the top of the stream bank in a direction perpendicular to the stream flow. (Sections 20-381 and 20-382)
- An additional 20-foot transitional area immediately landward of the stream buffer. (Section 20-383)

The applicants requested and received approval for a reduction in the Stream Buffer from 30 feet to 15 feet, and a reduction in the Transitional Area from 20 feet to 15 feet. (Section 20-388)

The applicants want the variance in the context of an addition to the existing home. In their application, they explain that "the 'blue line stream' in headwater areas does not necessarily show a true stream but the path water would take if there was enough there."

II. PROCESS – REQUIRED CITY APPROVALS

In addition to this variance, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building Codes.

III. LAND USE

The primary objective of stream buffer protection standards is to maintain land adjacent to streams in an undisturbed vegetative state in order to enhance and maintain water quality, protect stream channel wetlands, minimize stormwater runoff, reduce sedimentation and erosion, conserve plant and wildlife habitat and protect wildlife movement corridors. The standards further this objective (1) by regulating water temperature through shading of the stream bed, (2) by limiting sedimentation from streambank erosion and stormwater flow, and (3) by supporting aquatic life through the provision of organic debris such as leaves and twigs. (Section 20-380)

<u>The Stream Buffer Protection Standards impose the following limitations:</u>

1. The stream buffer shall remain in natural undisturbed forest vegetation and no development or land-disturbing activities shall be undertaken therein except as follows:

> Subject to prior written authorization by the planning director or his/her designee, the following activities may be undertaken within the stream buffer provided they meet all the standards specified herein as well as other applicable provisions of the land use code:
> (1) Crossings by streets, driveways, culverts, railroads, recreational features, intakes, docks, utilities, bridges or other facilities shall be allowed provided that they are designed to minimize the amount of intrusion into the stream buffer. Streets and driveways may run generally within and parallel to the stream buffer only where no other access to the property is feasible and when their design minimizes the amount of intrusion into the stream buffer. Crossing with a width of 40 feet or more are permitted only when it has been demonstrated that there is no practical alternative.
> (2) Stream buffers may be used for passive recreational activities, such as unpaved or paved trails or greenways, provided that service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, are located outside of the stream buffer. Where practical, such activities shall be kept at least 15 feet from the stream bank.
> (3) Clearing and revegetating the stream buffer pursuant to a plan approved by the planning director when it has been demonstrated that such clearing and revegetation will improve stream buffer's pollutant removal efficiency.
> (4) Stormwater control structures and temporary erosion control structures shall be considered utilities for the purposes of this section and may be allowed in stream buffers, provided that:
>
> a. The property owner or applicant demonstrates to the satisfaction of the planning director or his/her designee that such facilities cannot be practicably located outside of the stream buffer, and that any proposed stormwater control structure is sited and designed to minimize disturbance of the stream and stream buffer.
>
> b. Alternate methods of stormwater and erosion control shall be considered prior to approval of such structures in the stream buffers.

c. A vegetated buffer of a width approved by the planning director or his/her designee shall be required around the stormwater control structure.

d. Any land disturbed for these structures shall be revegetated with appropriate native species in accordance with a revegetation plan approved by the planning director or his/her designee.

(5) Sanitary sewer lines, on an alignment generally parallel to the stream, may be allowed in stream buffers, provided that:

a. The property owner or applicant demonstrates in writing to the satisfaction of the public services director that the sanitary sewer lines cannot be practicably located outside of the stream buffer.

b. Design and construction specifications minimize damage to the stream and the possibility of line leakage.

c. The sewer line is located at least 15 feet from the top of the stream bank; and

d. The sanitary sewer plan and a plan for revegetating the stream buffer disturbance shall be approved by the public works director.

(6) Streams may be piped, thereby exempting the piped section of the stream from steam buffer requirements, provided such piping complies with the permitting/certification requirements of the Clean Water Act and any other applicable state and federal regulations. Piping undertaken for the purpose of accommodating public roads, railroads, greenways, recreational facilities and private roads and drives should be designed so that the right-of-way or roadway-and-shoulder width is not more than is necessary considering the design capacity for the facility and so that the proposed stream piping is not substantially in conflict with the other objectives of this section. Where stream piping is approved, a vegetated buffer area or other device shall be provided at any intake or discharge structure. All buffers and physical improvement related to the stream piping shall be located entirely on the site or, pursuant to easement, on lands adjacent to the site.

(7) Selective removal of invasive exotic species in accordance with a plan approved by the planning director or his/her designee.

(8) View corridors are allowed so long as the soil is undisturbed and the natural forest floor, ground cover and understory vegetation are left intact. Pruning associated with the creation and maintenance of a view corridor is exempt. Thinning of the overstory and mid-canopy trees is permissible with the written authorization of the planning director or his/her designee.

Site plan approval by the planning director or his/her designee shall be required for any of the stream buffer intrusions described above. When any of the activities described above involves land clearing, the cleared area shall be revegetated pursuant to an approved plan. However, where a site plan is not required by any other provision of the land use code, the director of public works is authorized to approve plans for stream piping and erosion control structures in stream buffers.

2. There shall be a 20-foot transitional area immediately landward of the stream buffer which may be graded, landscaped, and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized.

(Sections 20-383 and 20-385)

Existing Conditions

The subject property is a .25-acre lot in the Urban Residential (UR-8) zoning district. The parcel has a 1,234 square foot single-family residence built in 1924. The parcel also has a carport (dated 1992) that is 220 square feet.

Below is a clip from Buncombe GIS with the *5 Foot Contours*, *Stream & River* and *2020 – DFIRM Flood Data* layers turned on (parcel is not in 100-year flood zone). Note: image is *Post Helene 2024*.



Below is a clip from USGS *topoBuilder Application* [https://topobuilder.nationalmap.gov/].



Below is a street view of the lot (photo taken on 3/4/2025).

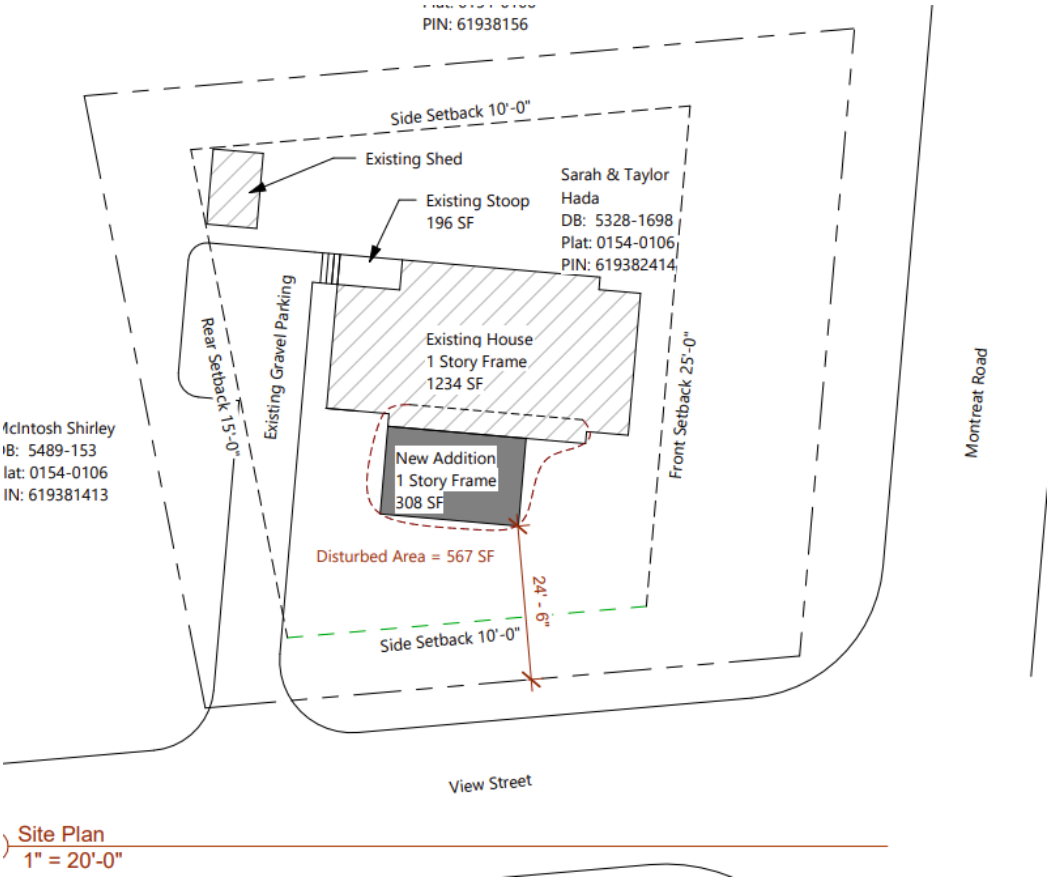


IV. NOTIFICATION

Notice of the variance request and hearing was mailed to all property owners within 200 feet of the project site. Public notice was posted on the Town bulletin board and on the Town of Black Mountain website on March 3, 2025. Legal notice appeared in the Black Mountain News the weeks of March 6, 2025, and March 13, 2025. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the variance request is the applicants' plan to build a one-story, 308 square foot addition on the front of the home. Below is a clip from the applicants' site plan.



Staff's analysis is that the Stream Buffer Protection Standards apply to a residential project such as this. Item ***D*** in Section 4.3.1 of Chapter 4 (Zoning) states:

> Unless otherwise specified by the regulations governing the district within which a project (new development or redevelopment) is located, all development must adhere to all development regulations, including but not limited to flood hazard prevention (see LUC chapter 2), stormwater (see LUC Chapter 8), lighting (see Town of Black Mountain Ordinances Chapter 20, Article VII), signage (see LUC chapter 9), parking (see LUC chapter 10), pedestrian planning and other requirements (see LUC chapter 4).

The **applicability** section of the Stream Buffer Protection Standards stresses that although the term "stream" is used in the standards, and although the trigger for the standards is any USGS "blue line stream," the standards apply to "all ***watercourses***" depicted on the most recent USGS seven and one-half minute quadrangle topographic map.
At https://water.usgs.gov/wsc/glossary.html is the following:

> **Channel (watercourse):** An open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. River, creek, run, branch, anabranch, and tributary are some of the terms used to describe natural channels. Natural channels may be single or braided (see Braiding of river

channels). Canal and floodway are some of the terms used to describe artificial channels.

Per Section 2.1.4 of the Town of Black Mountain Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

Section 1.7.3(A) of the Town of Black Mountain Land Use Code states that the board of adjustment shall authorize upon application in specific cases such variance from the terms of the town's land use code as will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the town ordinances will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are not intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the land use code and in a way that the spirit of the town regulations shall be preserved, public safety and welfare secured, and substantial justice done.

Town staff has determined that the applicants' request to hear the variance is in accordance with Section 1.7.1(A).

VARIANCE APPLICATON www.townofblackmountain.org

PROPERTY OWNER INFORMATION

Owner Name: Taylor Hada, Sarah Hada

Owner Address (Number, Street, City, State, ZIP): 501 Montreat RD Black Mountain, NC, 28711

Home Phone	Cell Phone	Email Address
828 552 3222		brian@scroggsconstruction.com

APPLICATION FOR VARIANCE

I request a variance/variances from the following provisions of the ordinance:

Section Number(s): Ch. 20 Article IX **Section Title(s):** Stream buffer protection standards

Subsection letter(s) and/or number(s): Sec. 20-383:384 **Subsection Title(s):** Avoiding loss of effectivemess in protecting streams Stream buffer protection measures

So that the below mentioned property can be used in a manner indicated by the plan attached to this form, or if the plan does not adequately reveal the nature of the variance, as more fully described herein ***(if applying for a variance in dimensional requirements, state the revised setbacks or height limitations desired below)***:

Removing stream buffer from 'blue line stream' shown on GIS data.

PROPERTY INFORMATION

Parcel Number	Current Zoning	Acreage
061938241400000	Residential	0.25

Address: 501 Montreat RD Black Mountain, NC, 28711

Average Slope %	Use of Property
3%	Primary residence

CERTIFICATION

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Zoning Board of Adjustment meeting is mandatory for the review of this application.

Petitioner Signature	Date
Brian Daniel	25 Feb 2025

OFFICE USE ONLY

Date Received:	Fee: $600.00 Cash: ☐ Check: ☐ #_____ Credit: ☐
Case Number:	Meeting Date:

VARIANCE BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the ZBA that it can properly grant the variance as provided for in Chapter 1, Section 1.7.3 Variances. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

Please indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. Indicate how an 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.

   Strict application of the ordinance would not allow the homeowner to use the available land within their setbacks to build an addition on to the existing home

2. 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.

   Buncombe county GIS and USGS data show a 'blue line stream' running through the lot. Due to the lot's proximity to Flat Creek the USGS digital elevation model (DEM) shows the path water would take based on topography data and a statistical algorithm. The 'blue line stream' in headwater areas does not necessarily show a true stream but the path water would take if there was enough there. The lot's location in a headwater area and proximity to Flat Creek and topography data result in the 'blue line stream'.

3. Indicate how 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 hardship resulted from the GIS data showing a 'blue line stream' based on USGS data that does not show a true stream, only the probibalistic flow of water in the headwater area of Flat Creek

4. Indicate how 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.

   The intent of the ordinace is to protect land adjacent to streams and maintain an undisturbed vegetative state. The lot in question is not near an open stream and the area surrounding it is not in a natural vegetative state. There is no open stream visible between the lot and Flat Creek. The requested variance would not impact the land adjacent to a stream.

501 Montreat RD

Application for variance

VAR-25-0001

Variances requested

- Ch 20-Article IX
  - Sec. 20-283. Avoiding loss of effectiveness in protecting streams
    - Stream buffer remains in natural state
    - Transitional area where no impervious materials allowed
    - Meant to protect streams from runoff and provide shading
  - Sec. 20-384. Stream buffer protection measures
    - Meant to protect streams from construction debris

Appendix sheets 5-7

Justification

- Ch 20 Article 20-383:384 is designed to protect open streams
  - Appendix 5-7
- The ‘blue line stream’ at 501 Montreat Road is generated from a statistical analysis of elevation data
  - Appendix 8-9
- This ‘blue line stream’ is most likely a ‘drainage channel’
- There is no continuous open stream between 501 Montreat Road and Flat Creek
  - Google earth data Appendix 10-17
- Strict application of the ordinance will prohibit the landowners from using property
  - Currently setback lines based solely on lot lines would allow planned addition
- A variance would not cause damage to an open stream

Appendix

Ch. 20 Article IX
Sec 20-383:384

To avoid a loss of effectiveness in protecting streams, the stream buffer shall remain in natural undisturbed forest vegetation and no development or land-disturbing activities shall be undertaken therein except as provided in section 20-385. Furthermore, there shall be a 20-foot transitional area immediately landward of the stream buffer which may be graded, landscaped, and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized. Certain uses of land, as specified in section 20-385, below, may be permitted within the stream buffer so long as they meet the requirements of that section and are designed and constructed to minimize the amount of intrusion into the stream buffer and to minimize clearing, grading, erosion and water quality degradation. Nothing herein is intended to preclude the removal of downed vegetation from the stream bed in order to improve stream flow dynamics. If it is necessary to remove downed or dead vegetation, it should be cut and the root ball left in place to help maintain stability of the shoreline. Nothing herein is intended to [or shall] preclude any activity specifically authorized pursuant to section 401 and/or section 404 of the Clean Water Act.
(Ord. No. O-20-08 , 8-10-2020)

Sec. 20-384. Stream buffer protection measures.

To prevent adverse impacts to required stream buffer areas and to assure the stream buffer remains undisturbed and protected during and after land disturbing activities and development, adequate protections shall be in place prior to and after land disturbing activities and development commences.

(1) When land disturbing activity or development is to take place within 50 feet of the outside edge of the stream buffer, temporary stream buffer protective barriers shall be in place prior to the land disturbing activity or development work commencing.

(2) Prior to commencing any land disturbing activity or development on a site, the planning director or his/her designee shall inspect and approve the installation of stream buffer protective barriers.

(3) Stream buffer protective barriers shall consist of:

a. A fence which is at least three feet high and constructed in a post and rail configuration, using two-by-four posts and one-by-four rails.

b. A fence with two-by-four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing; or

c. Certain erosion and sedimentation control devices such as silt fencing may also serve as the stream buffer protective barrier.

Sec. 20-384. Stream buffer protection measures (cont.).

(3) All contractors shall be made aware of the stream buffer designated for protection. Unless otherwise provided by ordinance, no disturbance shall occur within the stream buffer including the following:

a. Clear-cutting of trees and other vegetation;

b. Selective cutting of trees and/or the clearing of other vegetation;

c. Removal or disturbance of existing vegetation;

d. Grading;

e. Filling;

f. Storage, parking or operating motorized vehicles;

g. Storage of debris or materials, including topsoil;

h. Use, storage or application of herbicides and/or pesticides;

i. Draining the stream buffer area by ditching, underdrains or other systems.

(4) Stream buffer protective barriers shall be maintained throughout the developer's activities.

(5) For planned developments and commercial uses, permanent boundary markers, in the form of signage approved by the planning department, shall be installed once the land disturbing activity or development is complete. Clearly visible stream buffer boundary markers shall be placed along the outside edge of the stream buffer and spaced at a maximum of every 100 feet.

(6) Prior to issuing a certificate of occupancy for planned developments, documentation shall be in place to inform property owners of the stream buffer presence and location along with management and maintenance requirements. Documentation shall be in a form that will run with the property such as inclusion in covenants, conditions and restriction documents or deed reference.

USGS Blue Line Stream

The grids are derived from digital elevation models (DEMs) of the terrain, which have been processed to agree with the digital representations of the stream lines from either 1:100,000- or 1:24,000-scale USGS topographic maps. They aren't necessarily true streams, especially in headwaters areas. For most states, they represent 10x10-meter grid cells having at least 900 grid cells upslope from them, based on the DEMs used to do basin delineations. In states using a 30x30-meter grid cell, including California, Oregon, and Washington, they represent grid cells having at least 100 grid cells upslope from them. Outside of headwaters areas, the stream grids usually will agree fairly well with the streams that are shown on the USGS topographic base map in the user interface. When they disagree, it usually will be because either there is a difference in scale between the source data used to generate the grids and the source material used to create the base maps, or the source materials are of a different age and changes were made in the interim.

https://www.usgs.gov/streamstats/what-are-blue-pixelated-lines-are-they-real-streams-why-are-there-so-manyfew-them

USGS Blue Line Stream

In more weathered terrain, with more humid climates, the stream grids tend to correspond to drainage channels, and will often coincide with streams. However, they are not intended to mean there is a stream in that place; only that if there were overland flow that these are the areas where that flow would tend to accumulate, given the terrain represented in the DEM.
It's not really possible to say, in general terms, that the synthetic stream grid shown in StreamStats represents the "natural stream path." What it represents is the path water would take given the digital representation of the terrain from the DEM. There really are too many variables to make any blanket statements regarding what the natural stream path would be. The DEMs generally, (but not always) give us a pretty good idea of the size of the drainage basin and other basin characteristics, and from those we can estimate the streamflow volumes we would expect in typical situations, using regression equations. The characteristics of a particular site, however, always could include some unique circumstances that could change things, and site-specific information should be preferred over StreamStats.

https://www.usgs.gov/streamstats/what-are-blue-pixelated-lines-are-they-real-streams-why-are-there-so-manyfew-them

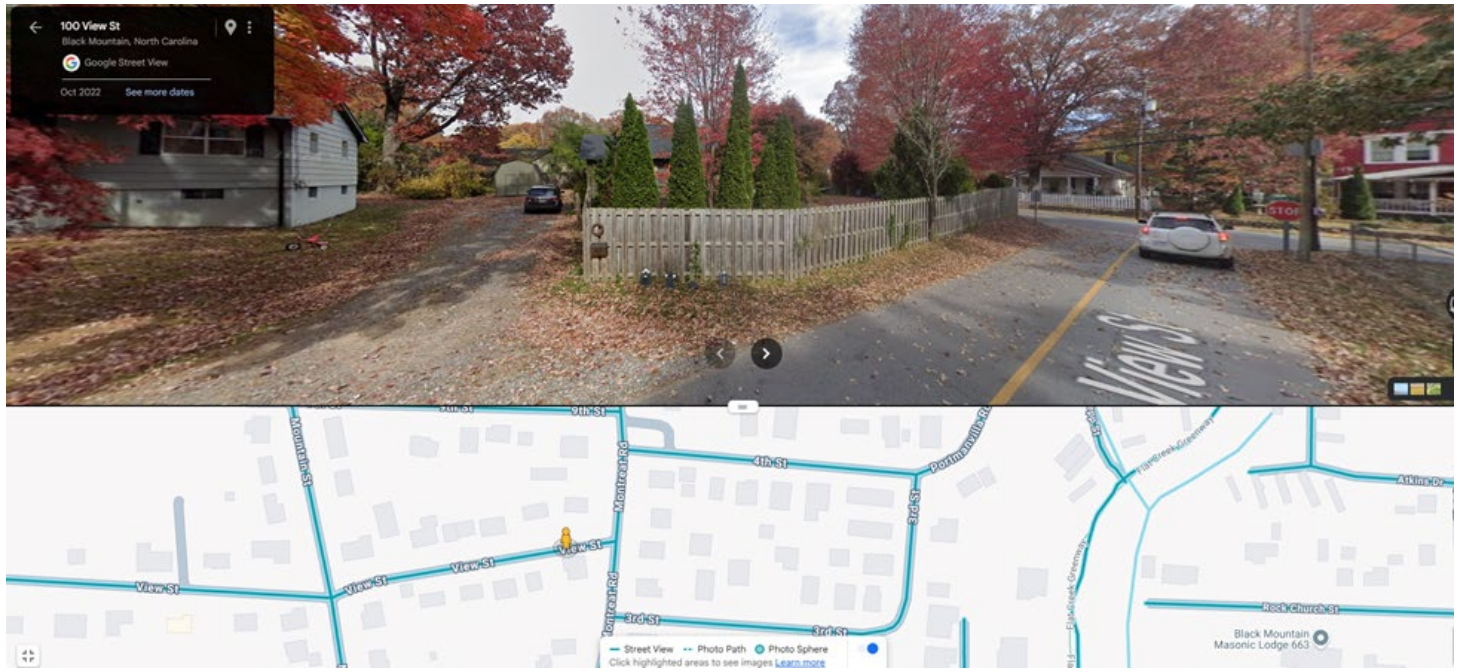


- Blue line stream from 501 Montreat to Flat Creek

Imagery ©2025 Airbus, CNES/Airbus, Maxar Technologies, Map data ©2025 Google

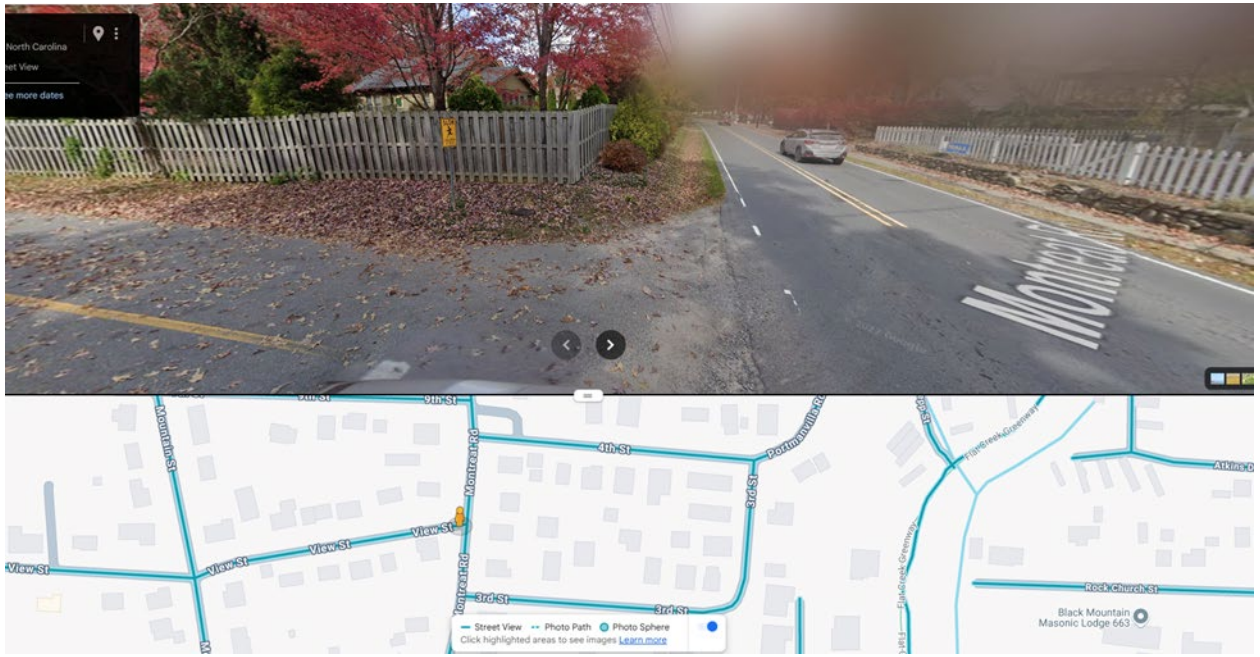


View Direction



Imagery ©2025 Airbus, CNES/Airbus, Maxar Technologies, Map data ©2025 Google
Street view captured Oct/Nov 2022©Google



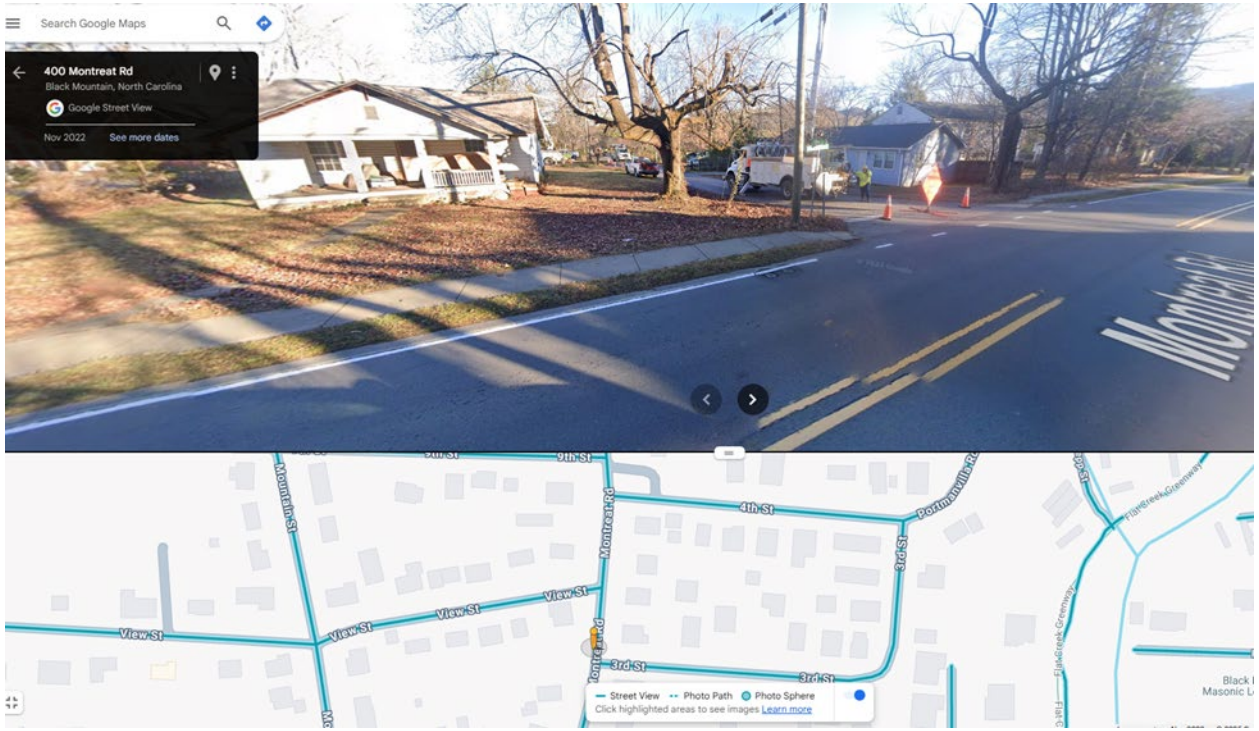


View Direction

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Street view captured Oct/Nov 2022©Google

View Direction

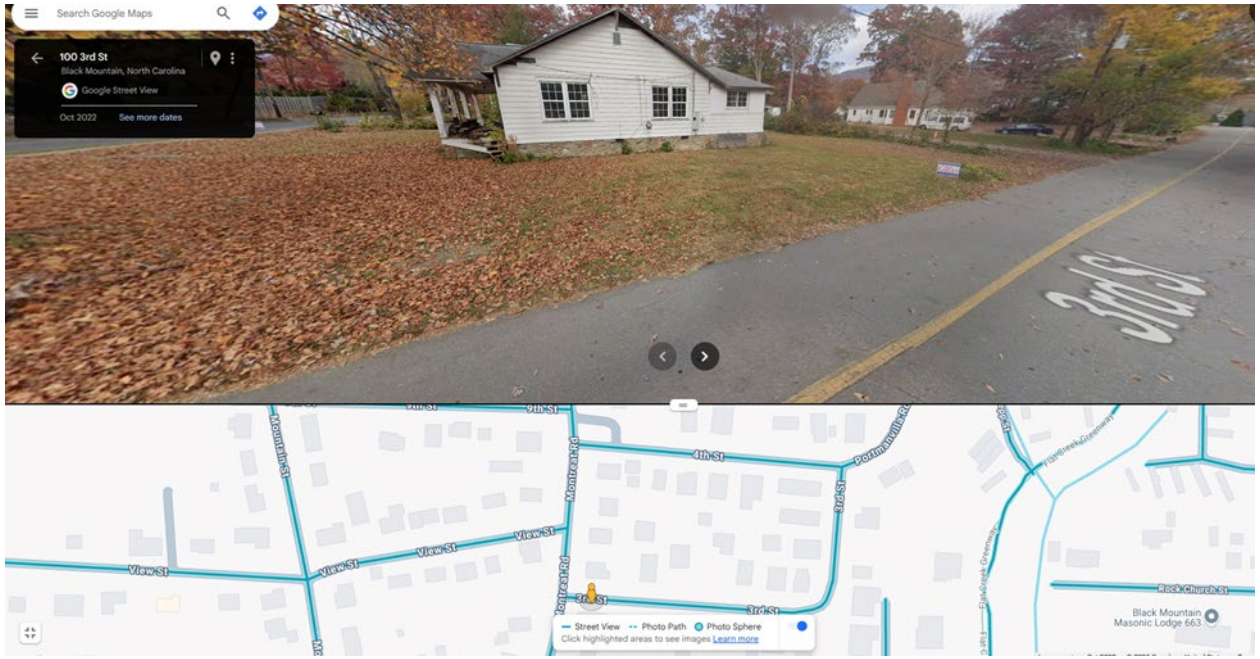




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Street view captured Oct/Nov 2022©Google



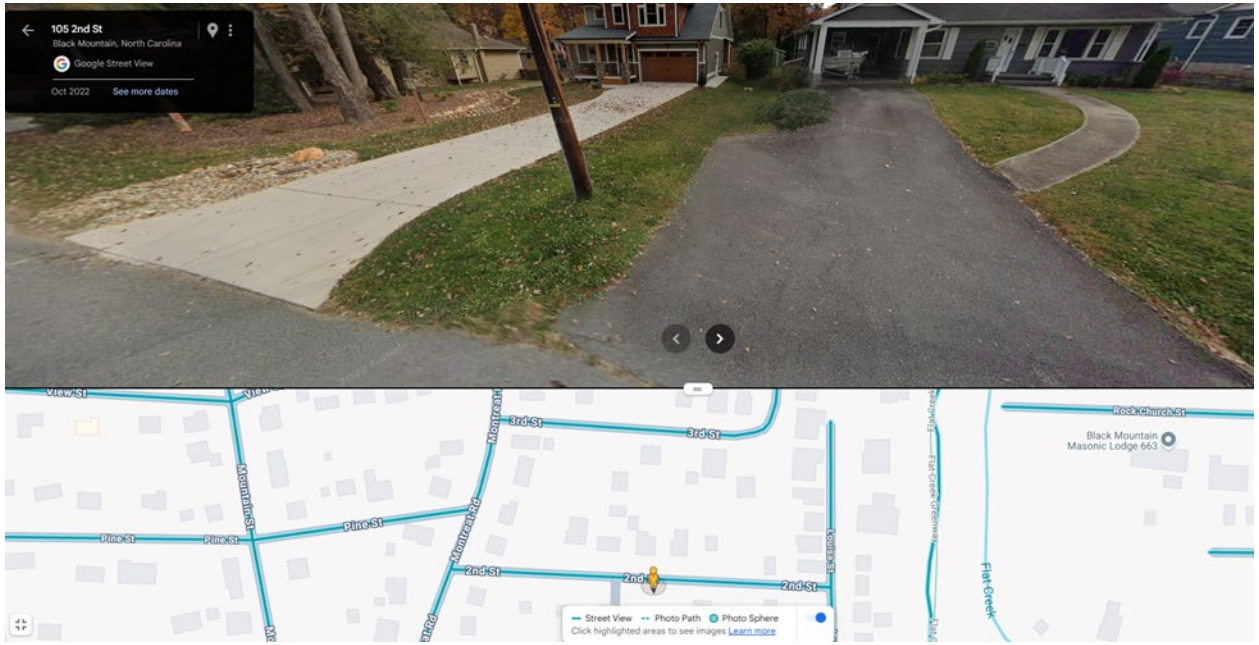
View Direction



Imagery ©2025 Airbus, CNES/Airbus, Maxar Technologies, Map data ©2025 Google
Street view captured Oct/Nov 2022©Google

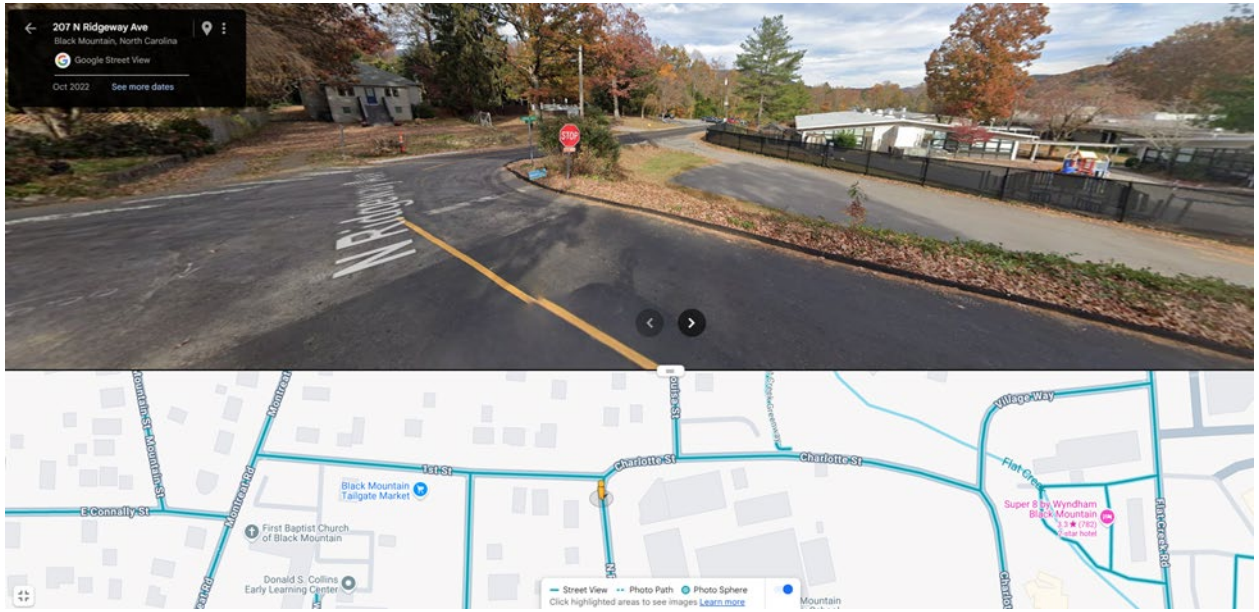
View Direction





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Street view captured Oct/Nov 2022©Google

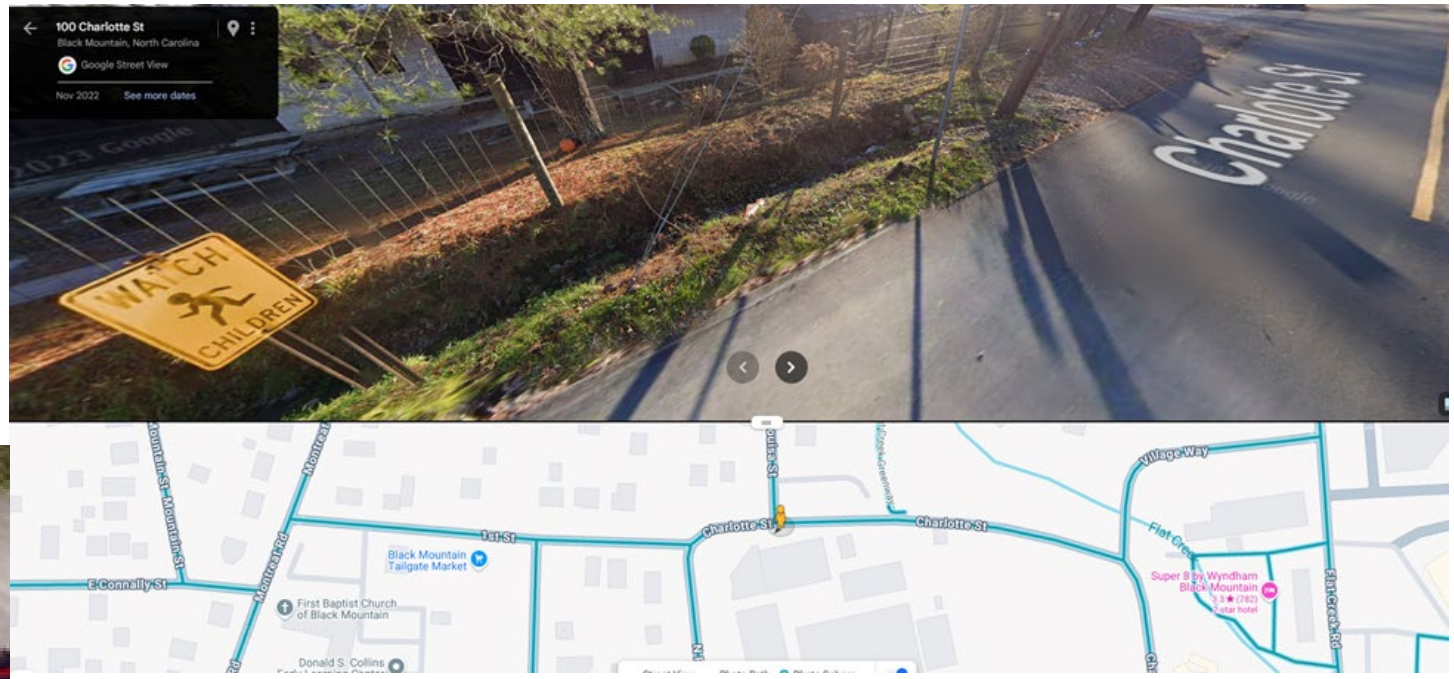
View Direction



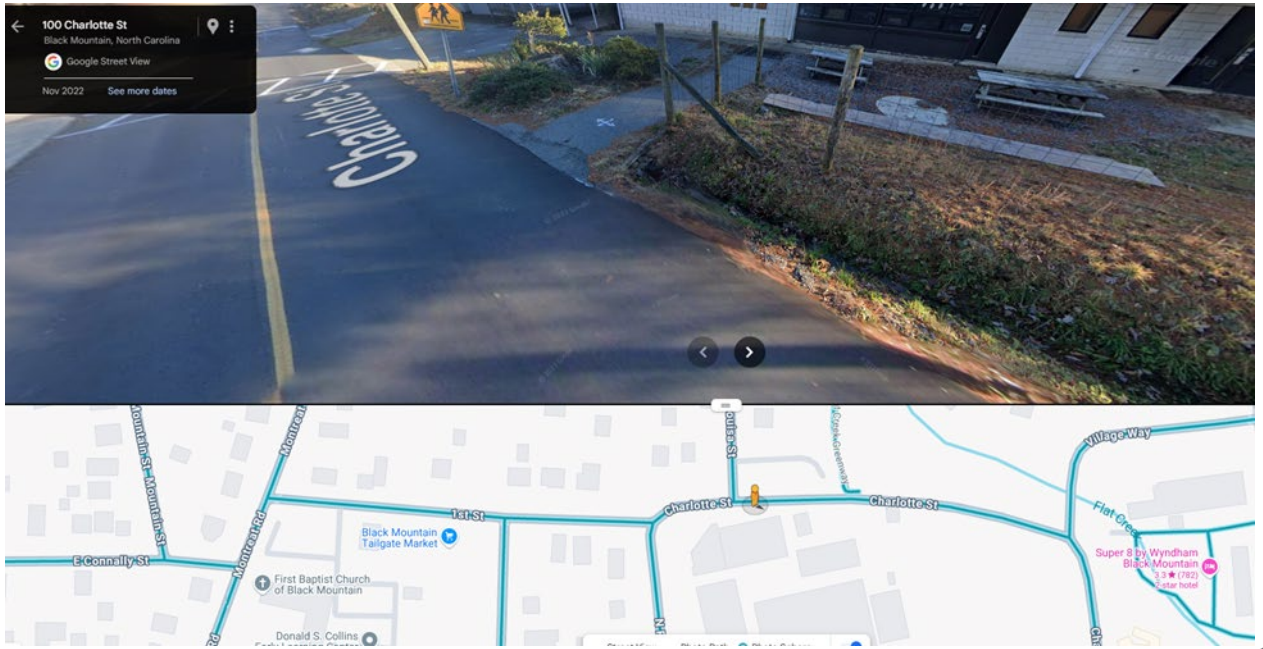


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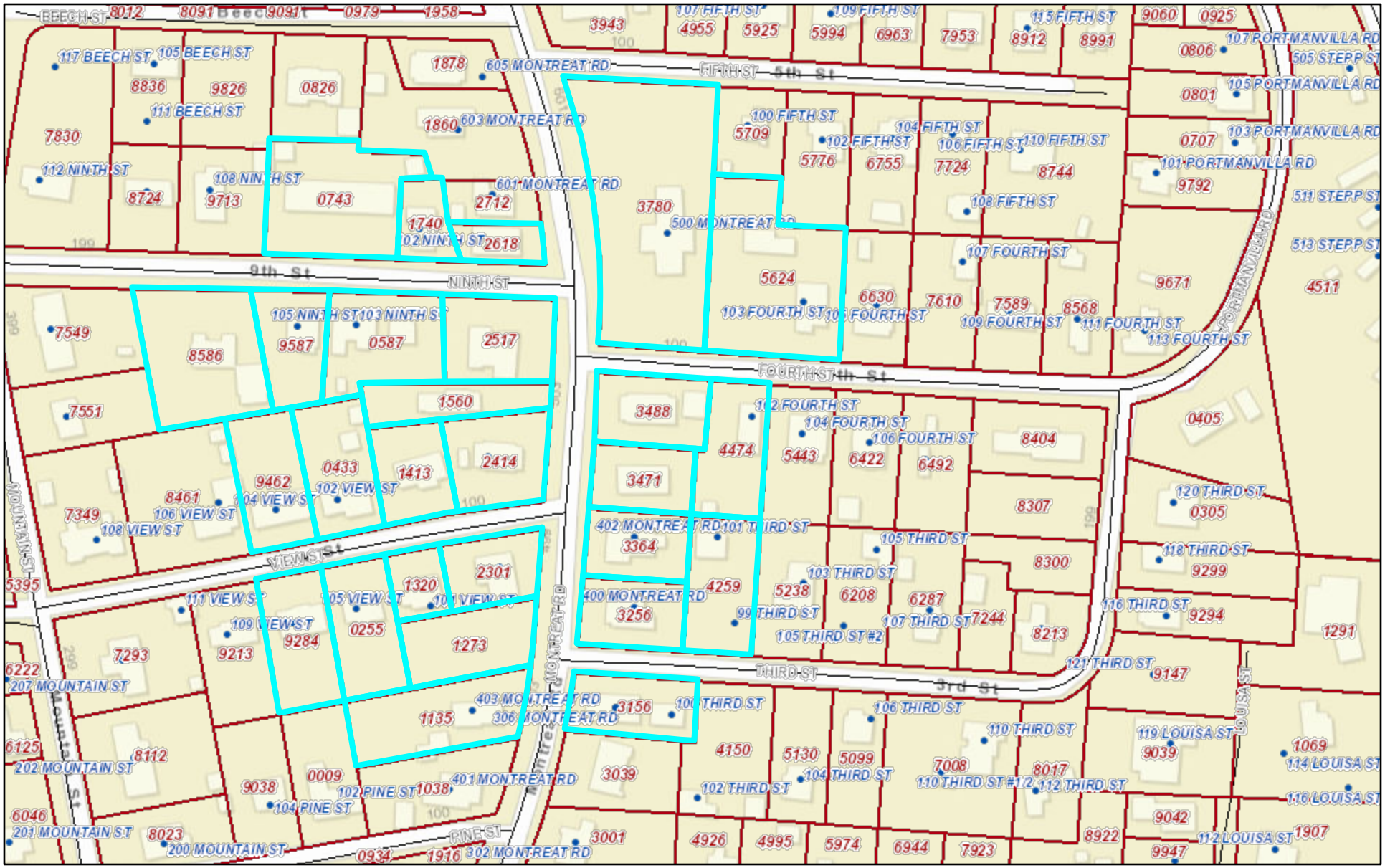


View Direction



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Street view captured Oct/Nov 2022©Google

Buncombe County



March 3, 2025

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

501 Montreat Road - 200' Buffer Pı

Name	Address
Ronald & Kathryn Biggs	398 Lake Shore Dr
Paul & Mary Anne May	107 View St
Ty & Tao Nishikawa	1538 Oak Ridge Pl
Mountain Laurel Hospitality LLC	6738 Constitution Ln
Janet Randolph	590 lakey Gap Rd
Robert & Terry Padgett	102 View St
William & Deirdre Christy	108 Ninth St
BDK Properties Inc	3705 Sapona Trl
Bobby & Joyce Ammons	403 Montreat Rd
Bobby & Joyce Ammons	403 Montreat Rd
Purpose Holdings LLC	2128 Roslyn Ave
Shirley McIntosh	100 View St
Jason & Diana Brake	1091 Bee Tree Rd
Robert & Barbara Bell; Christopher Barbieri	35 Bittersweet Ln
Dempsey & Lee Polk III	2349 Riceville Rd
Taylor & Sarah Hada	501 Montreat Rd
Jonathan Leone & Stephanie Josey	505 Montreat Rd
Julie Jarrett	369 Jacks Mountain Rd
Tonya Campbell	975 Old Cades Cove Rd
Jack A Milton Revocable Trust	202 Mountain St
Debra Vial & Eugene Costello Jr	402 Montreat Rd
Susan Whitehawk	404 Montreat Rd
Jonathan & Merry Dameron	100 Fourth St
Unitarian Universalist Swannanoa	500 Montreat Rd
B and K Black Mountain Home LLC	11443 Hazelwood Ln N
Thomas & Atcha Turner	102 Fourth St
Gillfourth Heritage LLC	2211 S Jim Minor Rd

roperty Owners

City	State	Zip	PIN #
Fort Mill	SC	29715	61928858600000
Black Mountain	NC	28711	61928928400000
Fernandina	FL	32034	61928946200000
Charlotte	NC	28210	61928958700000
Black Mountain	NC	28711	61938025500000
Black Mountain	NC	28711	61938043300000
Black Mountain	NC	28711	61938058700000
Pfafftown	NC	27040	61938074300000
Black Mountain	NC	28711	61938113500000
Black Mountain	NC	28711	61938127300000
Charlotte	NC	28208	61938132000000
Black Mountain	NC	28711	61938141300000
Swannanoa	NC	28778	61938156000000
Asheville	NC	28805	61938174000000
Asheville	NC	28805	61938230100000
Black Mountain	NC	28711	61938241400000
Black Mountain	NC	28711	61938251700000
Old Fort	NC	28762	61938261800000
Townsend	TN	37882	61838315600000
Black Mountain	NC	28711	61938325600000
Black Mountain	NC	28711	61938336400000
Black Mountain	NC	28711	61938347100000
Black Mountain	NC	28711	61938348800000
Black Mountain	NC	28711	61938378000000
Champlin	MN	55316	61938425900000
Black Mountain	NC	28711	61938447400000
Mebane	NC	27302	61938562400000

Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF VARIANCE REQUEST

(REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **March 4, 2025**

TO: **Property Owner**

FROM: **TOWN OF BLACK MOUNTAIN**
ZONING ADMINISTRATOR

ADDRESS OF PROPOSED VARIANCE:

501 Montreat Road

PIN #: **0619-38-2414.00000**

CURRENT ZONING CLASSIFICATION: **UR-8 (urban residential)**

THIS PROPERTY IS CURRENLTY USED FOR THE PURPOSE OF:

residential

THE VARIANCE IS REQUESTED FROM THE FOLLOWING PROVISIONS OF THE ORDINANCE:

Chapter 20, Articl IX, Section 20-383:384

THE VARIANCE IS REQUESTED SO THAT THE PROPERTY CAN BE USED INA MANNER INDICATED HEREIN:

Removing stream buffer from "blue line stream" shown on GIS data.

An evidentiary hearing will be held on Thursday, March 20, 2025, @ 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

This is your notification for this request specified under 1.7 of the Land Use Code for the Town of Black Mountain. Section 1.7.1 (d) (3) indicates that notice be provided to all property owners within 200 feet of the site's property lines. Notice of the time, date, and place of the hearing will be published in the Black Mountain News in accordance with the Land Use Code of the Town of Black Mountain.

Buncombe County



March 3, 2025

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.02 0.04 km

Sec. 20-383. [Avoiding loss of effectiveness in protecting streams.]

To avoid a loss of effectiveness in protecting streams, the stream buffer shall remain in natural undisturbed forest vegetation and no development or land-disturbing activities shall be undertaken therein except as provided in section 20-385. Furthermore, there shall be a 20-foot transitional area immediately landward of the stream buffer which may be graded, landscaped, and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized. Certain uses of land, as specified in section 20-385, below, may be permitted within the stream buffer so long as they meet the requirements of that section and are designed and constructed to minimize the amount of intrusion into the stream buffer and to minimize clearing, grading, erosion and water quality degradation. Nothing herein is intended to preclude the removal of downed vegetation from the stream bed in order to improve stream flow dynamics. If it is necessary to remove downed or dead vegetation, it should be cut and the root ball left in place to help maintain stability of the shoreline. Nothing herein is intended to [or shall] preclude any activity specifically authorized pursuant to section 401 and/or section 404 of the Clean Water Act.

(Ord. No. O-20-08, 8-10-2020)

Sec. 20-384. Stream buffer protection measures.

To prevent adverse impacts to required stream buffer areas and to assure the stream buffer remains undisturbed and protected during and after land disturbing activities and development, adequate protections shall be in place prior to and after land disturbing activities and development commences.

(1) When land disturbing activity or development is to take place within 50 feet of the outside edge of the stream buffer, temporary stream buffer protective barriers shall be in place prior to the land disturbing activity or development work commencing.

(2) Prior to commencing any land disturbing activity or development on a site, the planning director or his/her designee shall inspect and approve the installation of stream buffer protective barriers.

(3) Stream buffer protective barriers shall consist of:

   a. A fence which is at least three feet high and constructed in a post and rail configuration, using two-by-four posts and one-by-four rails.

   b. A fence with two-by-four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing; or

   c. Certain erosion and sedimentation control devices such as silt fencing may also serve as the stream buffer protective barrier.

(3) All contractors shall be made aware of the stream buffer designated for protection. Unless otherwise provided by ordinance, no disturbance shall occur within the stream buffer including the following:

   a. Clear-cutting of trees and other vegetation;

   b. Selective cutting of trees and/or the clearing of other vegetation;

   c. Removal or disturbance of existing vegetation;

   d. Grading;

   e. Filling;

   f. Storage, parking or operating motorized vehicles;

   g. Storage of debris or materials, including topsoil;

h. Use, storage or application of herbicides and/or pesticides;

i. Draining the stream buffer area by ditching, underdrains or other systems.

(4) Stream buffer protective barriers shall be maintained throughout the developer's activities.

(5) For planned developments and commercial uses, permanent boundary markers, in the form of signage approved by the planning department, shall be installed once the land disturbing activity or development is complete. Clearly visible stream buffer boundary markers shall be placed along the outside edge of the stream buffer and spaced at a maximum of every 100 feet.

(6) Prior to issuing a certificate of occupancy for planned developments, documentation shall be in place to inform property owners of the stream buffer presence and location along with management and maintenance requirements. Documentation shall be in a form that will run with the property such as inclusion in covenants, conditions and restriction documents or deed reference.

(Ord. No. O-20-08, 8-10-2020)

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, March 20, 2025, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, March 20, 2025, at 6:00 p.m**. in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hear a variance request for 501 Montreat Road, PIN #0619-38-2414, to remove the stream buffer from the blue line stream shown on GIS data.

The meeting is open to the public.

_____

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 03/03/2025
Published in the Black Mountain News 03/06/2025 and 03/13/2025

www.townofblackmountain.org