160 Midland Ave
Black Mountain, NC 28711

Office of The Building Inspector
Office: 828-419-9300

Planning & Zoning Applications: #VAR-25-0003

Overview

Type: Variance

Submitted: 06-27-25, 1:01pm EDT

Address: 15 AVENA ST, BLACK MOUNTAIN, NC 28711

Form Submission

Owner:

David and Brooke Cherry
15 Avena St.
Black Mountain NC 28711
dc64698@outlook.com, (910) 265-9785
Section Number(s): 4.4

Section Title(s): PROVISIONS GOVERNING ALL LOTS

Subsection letter(s) and/or number(s): 4.4.3 - B,C

Subsection Title(s): Setbacks, corner lots and double frontage lots.

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): :

Current zoning calls for a 30' setback from the road. Homeowner is repairing from Helene damage and would like to build their porch to a 13' depth protruding from the house. This would make the deck band 26'6" from the road and the overhang of the roof would be 24'8".

This will not affect any other property and there are many structures in Black Mountain that are much closer to the road than this.

Parcel Number: 060943986800000

Current Zoning: OI-6

Acreage: 0.17

Average Slope %: 5

Use of Property: Residential

Petitioner Signature:



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. :

The zoning of this property was set before the neighborhood was developed. Many other residential areas close to this property have much less of a setback and it is unfair that the homeowners cannot improve their home as other residents have.

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.:

The zoning of this property was set before the neighborhood was developed. Many other residential areas close to this property have much less of a setback and it is unfair that the homeowners cannot improve their home as other residents have.

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 zoning was not revealed to the homeowner at time of purchase and they did not know how the antiquated zoning for the property would limit their ability to improve their home.

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.:

This request for variance will not affect neighbors or traffic.

Mail notice of meeting to property - Logged by Jennifer Tipton at 07-08-25, 1:40pm

I confirm these have all been mailed to the related property owners. : Yes

List of Property Owners: -

Parcel Posted - Logged by Jennifer Tipton at 07-08-25, 1:41pm

I confirm the parcel has been posted: Yes

Date Parcel was Posted: July 2, 2025

Notes: -