TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Wednesday, October 15, 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:

Nicole Stallings, Vice Chair
Linda Brinson
John Hines
David Barley
Mary Hall, Alternate (recused for special use permit)

Absent:

Lauren Dodgin, Chair
Chloe Riddle, Alternate

Staff:

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

The meeting was called to order at 6:01 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and one (1) alternate member.

II. ADOPTION OF AGENDA

David Barley made a motion to adopt the agenda as presented. The motion was approved by consensus by a vote of 4-0.

III. ADOPTION OF MINUTES

John Hines made a motion to adopt the minutes of September 18, 2025, as written. The motion was approved by consensus by a vote of 4-0.

IV. UNFINISHED BUSINESS

1. <u>Special Use Permit Request – 399 Blue Ridge Road</u>

Due to a lack of a full five-member board, the applicant requested that the special use permit evidentiary hearing be continued. John Hines made a motion to continue the evidentiary hearing to Thursday, November 20, 2025, at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue, Black Mountain, N.C.

V. NEW BUSINESS

Vice Chair Nicole Stallings read the opening statement.

1. **<u>Variance Request – 131 S Ridgeway Avenue</u>**

The applicant was not present for the meeting. John Hines made a motion to continue the evidentiary hearing to Thursday, November 20, 2025, at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue, Black Mountain. N.C.

2. <u>Variance Request – 31 Hillcrest Road</u>

Jennifer Tipton swore in Russell Cate and the applicant, Matt McMaster. Alternate member Mary Hall joined the board at this time for the evidentiary hearing to have five members.

Russell Cate presented a summary of the case. The applicant is seeking a variance to allow a residential driveway to be thirty-one and a half feet in width at the road from the twenty-foot allowance.

Matt McMaster, 18 Lamb Avenue, is the applicant and the builder for the single-family dwelling on the property. Mr. McMaster noted that the road is a single lane road that gets steeper the further up the road goes. The property was purchased as a wooded lot and Mr. McMaster said that they did not realize the true nature of the slope until they were able to clear the lot, so the lot was steeper than originally thought. Mr. McMaster said that the additional width of the driveway will allow someone to safely back out of the property and also not require a sharp turn into the driveway. Mr. McMaster had let his project manager know to follow the ordinance, but the grader made the decision to pour a wider driveway due to safety concerns. Mr. McMaster said that while he is developing the lot next door, that driveway is not an issue.

Vice Chair Nicole Stallings made a motion to go into recess to discuss the matter. The motion was seconded by John Hines and approved by a vote of 5-0. The went through the variance standards worksheet to discuss their thoughts.

The board came out of recess and Vice Chair Stallings made a motion to close the evidentiary hearing. The motion was seconded by John Hines and approved by a vote of 5-0.

While going through the worksheet one more time, the board had an additional question for the applicant. David Barley made a motion to reopen the evidentiary hearing, and the motion was seconded by Vice Chair Stallings and approved by a vote of 5-0. The board asked Mr. McMaster if he had approved the driveway to be that width and Mr. McMaster responded that he had not. Mr. McMaster said that due to the difficulty of getting concrete, it has to be scheduled at least two weeks out and then they come out the same day the driveway is formed and then pour the concrete.

John Hines made a motion to close the evidentiary hearing. The motion was seconded by David Barley and approved by a vote of 5-0.

The board found the following:

1. There are unnecessary hardships that would result from the strict application of the ordinance because visibility and safety are a concern on the steep slope of the road with potentially sharp right angles.

2. The hardship does result from conditions that are peculiar to the property, such as location, size, or topography because of the strong topography of the specific property.
3. The hardship did not result from actions taken by the applicant or the property owner because the Applicant acted in good faith and the concrete was poured without his knowledge.
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 as it will allow for improved safety for that property for someone to enter and exit the driveway.

Mary Hall made a motion to grant the variance to allow for the residential driveway width to be thirty-one and a half feet. The motion was seconded by John Hines and approved by a vote of 5-0.

3. <u>Approval of Order Granting Variance – 107 Sixth Street</u>

Vice Chair Stallings made a motion to approve the order granting the variance at 107 Sixth Street as written. The motion was seconded by John Hines and approved by a vote of 5-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:48 p.m.

Prepared by:

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Lauren Dodgin, Chair

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Jennifer Tipton, Senior Admin