TOWN OF BLACK MOUNTAIN
MOUNTAIN COUNTY OF BUNCOMBE
ADJUSTMENT

BEFORE THE BLACK
BOARD OF

In the Matter of the Application of)
McMaster Real Estate Group LLC)
For a Variance for Property at 31 Hillcrest Rd)
PIN No. 0609-76-6774.00000)

ORDER

THIS CAUSE, coming on before the Board of Adjustment for the Town of Black Mountain on October 15, 2025, upon the application of McMaster Real Estate Group LLC, to allow the residential driveway width to be thirty-one and a half feet rather than the twenty-foot allowance at 31 Hillcrest Road in Black Mountain, PIN #0609-76-6774.00000, which is Plat Book 0018 at Page 0126, Buncombe County Registry.

Matt McMastter, Applicant, appeared to present his case.

Jennifer Tipton, Senior Admin, and Russell Cate, Zoning Administrator, appeared for the Town staff and five members of the Board of Adjustment were in attendance.

The Board of Adjustment, having heard and considered the testimony of town staff and the representative for the Applicant, and having considered all the evidence presented by the town staff and the representative for the Applicant and the statements and arguments of the representative of the Applicant, makes the following.

FINDINGS OF
FACT

1. The Board of Adjustment has jurisdiction over this matter pursuant to Section 1.7.3 of the Land Use Code (the “LUC”).

2. Proper notice of this meeting and hearing of the Board of Adjustment was provided as required by the Town ordinances and the state law.

3. Applicant Matt McMaster is the owner of McMaster Real Estate Group LLC, who is the owner of the property located at 31 Hillcrest Road, Black Mountain, North Carolina, which has the current PIN number of 0609-76-6774.00000 as shown on the Buncombe County tax maps, also being Plat Book 0018 at Page 0126, Buncombe County Registry.

4. The property is zoned UR-8.

5. The property is .33 acres.

6. The property has a newly constructed single-family residence.
7. Chapter 43, Article III, 43-38 (a) requires that residential driveways not exceed twenty feet at the outer or street edge of the driveway.

8. The lot is on a steep, one-lane road.

9. The lot has an average slope percentage of 23.90.

10. The Applicant had a project manager on site the day of the concrete pour and was unaware that they had increased the width of the driveway.

11. To be granted a variance, the Applicant is required to prove all the following:

    (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.

    (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.

    (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.

    (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. (N.C.G.S. Section 160D-705; Section 1.7.3.E. of the LUC).

12. 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.

13. The hardship results from conditions that are peculiar to the property such as location, size, or topography because of the strong topography of the specific property.

14. The hardship did not result from actions taken by the Applicants or the property owner as the Applicant acted in good faith and the concrete was poured without his knowledge.

15. The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secure and substantial justice is achieved as it will allow for improved safety for that property for someone to enter and exit the driveway.

BASED UPON THE FOREGOING FINDINGS OF FACT, THIS BOARD by a vote of 5 to 0 concludes that the Applicant should be granted a variance to increase the residential driveway width from twenty-feet to thirty-one and a half feet.

IT IS NOW, THEREFORE, ORDERED, that the Applicant is granted a variance to enlarge the residential driveway from twenty feet to thirty-one and half fee for 31 Hillcrest Road.

This the _____day of _____, 2025.

_____
LAUREN DODGIN, Chairman

If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Buncombe County within 30 days after the date this order is served on you. See Section 1.7.5 of the Land Use Code., Appeals from Decisions of the Board of Adjustment, in the Town of Black Mountain Code of Ordinances.