TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, November 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
John Hines
Nicole Stallings
Linda Brinson
David Barley
Mary Hall, Alternate
Ted Rausch, Alternate

Absent:

Chloe Riddle, Alternate

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator
Michelle Kennedy, Planning Director
Brian Gulden, Town Attorney

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of five (5) regular members and two (2) alternates.

II. ADOPTION OF AGENDA

Nicole Stallings made a motion to adopt the agenda as presented. The motion was approved by consensus by a vote of 5-0.

III. ADOPTION OF MINUTES

Lauren Dodgin made a motion to adopt the minutes of October 15, 2025, as written. The motion was approved by consensus by a vote of 5-0.

IV. OLD BUSINESS

1. **Special Use Permit Request – 399 Blue Ridge Road**

   Jennifer Tipton swore in Mike Nelson, Ron Collins, Greg Hall, and Maggie Sharp for consideration of parties with standing.

   - Mike Nelson, 504 Sweet Birch Park Lane, stated that Sweet Birch Commons has a stormwater problem and wants to make sure that the contractor for this proposed project is aware of the issue. The board voted 2-3 that Mr. Nelson does not have standing (Lauren Dodgin, John Hines, and Nicole Stallings voting no).
   - Ron Collins, 400 Blue Ridge Road, stated that he lives across the street from the proposed development and that due to gravity, the water runs toward his house which

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increases his risk of flooding. The board voted 5-0 that Mr. Collins has standing and can participate as a party in the hearing.

- Greg Halll, 545 Sweet Birch Park Lane, stated that he is in similar proximity to the proposed development and that the proposed development will diminish property values. Mr. Hall said that they want clarification and are concerned that the homes will not be to the specifications of the neighborhood and will or could drive down values. The board voted 3-2 that Mr. Hall does have standing and can participate as a party in the hearing (Lauren Dodgin and Nicole Stallings voting no).
- Maggie Sharp, 501 Sweet Birch Park Lane, stated that there is a ditch along side of her property and the drainage runs behind the south side of the proposed development and water runs from the property into the ditch. The board voted 5-0 that Ms. Sharp does not have standing.

Chair Lauren Dodgin stated that she was approached by a lady in the grocery store about the proposed development and Mrs. Dodgin told the lady that she could not speak about the matter. Chair Dodgin said that there was nothing about the interaction that would give her a bias or sway her decision in the matter.

David Barley stated that someone had approached him about the proposed development and Mr. Barley only encouraged them to come to the meeting. Mr. Barley said that there was nothing about the interaction that would give him a bias or sway his decision in the matter.

There were no objections to the seated panel of board members.

Jennifer Tipton swore in:

- Russell Cate, Planner I/Zoning Administrator
- Nathan West, Fuller Center Disaster Rebuilders
- Jesse Gardner, Civil Design Concepts
- Heather Venom, Burlington Associates of CLT

Mr. Cate summarized the special use request. The request is for a planned unit development of 50 dwellings, a mixture of single-family and duplexes, on 9.98 acres at 399 Blue Ridge Road. The proposed development calls for 17.2% of open space, a 20’ wide internal private road, a ten-foot landscape buffer around the perimeter of the property, and stormwater control measures. A portion of the property is inside of the 100-year floodplain. Mr. Cate also noted that the Blue Ridge Road Small Area Plan calls for similar housing. Mr. Cate said that there are two conditions that the board can consider:

- Granting an eight-foot-wide easement on Old Lakey Gap Road for a sidewalk
- Granting an easement for a sidewalk or greenway that abuts Blue Ridge Road

Mr. Cate explained that with a planned unit development, the density must be at least four units an acre but no more than eight units an acre. The property is zoned TR-4 and has a density of four units an acre by right. With the proposal, the density comes out to five units an acre. The

proposed development offers more amenities than required and would have to meet the minimum floodplain development requirements and that would also require a permit.

The applicant did not have any questions for Mr. Cate but did state that the staff report noted that the proposed development meets all of the goals and an indication of alignment with the stated goals.

Ron Collins did not have any questions of Mr. Cate.

Greg Hall stated that all eight goals have not been met and that the town would not weigh in on goal number seven but rather be placed on the five board members. Attorney Gulden objected.

The applicant, Nathan West, introduced the development team.

- Jesse Gardner, Civil Design Concepts, stated that he is a civil engineer with twenty years' experience working with these types of developments and has worked at Civil Design Concepts for twenty years. Mr. Gardner asked to be accepted as an expert witness. Chair Lauren Dodgin made a motion to accept Mr. Gardner as an expert witness. The motion was seconded by David Barley and approved by a vote of 5-0.
- Heather Venom, Burlington Associates of CLT, stated that she has a degree in law and historic preservation. Ms. Venom has worked with community land trusts for twenty plus years. Ms. Venom ran a community land trust in Athens, Georgia, and is now a consultant on community land trusts. Ms. Venom asked to be accepted as an expert witness. Chair Lauren Dodgin made a motion to accept Ms. Venom as an expert witness. The motion was seconded by David Barley and approved by a vote of 5-0.
- Nathan West, Fuller Center Disaster Rebuilders, stated that he is the Director of Operations and lives in Black Mountain with his family. Mr. West, on behalf of Fuller Center Disaster Rebuilders, is the applicant for the special use permit request.

Mr. West said that Fuller Center Disaster Rebuilders came to Black Mountain Presbyterian Church after Hurricane Helene to help rebuild the community. Mr. West said he wanted to get involved and that is how he came to be with the company. So far, Fuller Center Disaster Rebuilders has put thirty-one families back into their homes, twenty-one of those in Buncombe County. Mr. West said that there is a need for housing for people who cannot get funds to continue to live here. The proposed design is for a community of safe housing since it is not feasible to try and buy individual lots. Fuller Center Disaster Rebuilders has partnered with the American Red Cross, Lowes, local churches, Mennonite groups, and many other organizations and has been able to provide three hundred homes in North Carolina since 2018. The proposed design will be under a Community Land Trust (CLT) and Mr. West asked Heather Venom to provide more information about CLT's.

Ms. Venom explained that CLT's are a model in which the community will be the stewards of the land. There is a 99-year lease in perpetuity, and a board will be made up of the residents of the community. The lease is renewable. Homes are owner-occupied and if there is a transfer of ownership, the CLT gets first rights to take over the lease or it can go to another low income

family. There are currently three hundred and fifty CLT's in the United States and have been in existence since the 1970's. There are currently twenty CLT's in North Carolina. CLT's are a one-time investment and build a relationship between the organization and the homeowner.

Mr. West said that Hurricane Helene survivors will be given priority and will then go to generational rents and workforce housing. Mr. West then asked Jesse Gardner to speak about the design of the proposed project.

Mr. Gardner said that he has been working with Mr. West and Fuller Center Disaster Rebuilders for six to eight months on this proposed project. Mr. Gardner said that he used Elevate Black Mountain in designing the proposed project. Blue Ridge Road will be the primary corridor and infrastructure is already available. Mr. Gardner said that Planned Unit Development allows for cluster development, like Sweet Birch Commons, and it allows for savings on infrastructure. There are no environmental sensitivities, and the project will require a Floodplain Development Permit. Mr. Gardner referenced some other developments in the area in terms of density:

- Manufactured home park – 5 units/acre
- Manufactured home park – 6 ½ units/acre
- Magnolia Creek Development – 6 ½ units/acre
- Sweet Birch Commons – 6 units/acre

Mr. Gardner noted that the property across from the subject property on the Old Lakey Gap side is in Buncombe County's jurisdiction and is zoned R1 which allows for 10 units/acre. Mr. Gardner said that he has worked with the applicant to ensure the proposed project meets their goals, the Town's goals, and the community's goals. The road entrance will be aligned with S Blue Ridge Road, almost across from the entrance of Sweet Birch Commons. The homes will be clustered and will be out of the floodplain area. There will be eight acres of impervious surface and will leave the natural features. A proposed trail system will enhance pedestrian connectivity and there will be common shared spaces. The number of trips generated by this proposed development does not trigger the requirement for a traffic impact analysis, but Mr. Garnder said that there is sufficient capacity on Blue Ridge Road to handle the additional trips. Mr. Gardner said that the development will be a low impact development for stormwater requirements and the plan is to have a storm drainage network that will go to the stormwater control measure which will then clean and control the rates of the water. There are some cross pipe issues that will need to be fixed and there is a plan to install sales behind the homes and all stormwater will remain on the property. A cross section will be constructed and will then direct the water back to the stream that is on the property. Nine structures will be elevated eight feet above the base flood elevation. The plan is to build the homes to the Fortified Gold Standard, and the homes will be stick built. Mr. Gardner summarized the special use requirement standards and said that they are not asking for anything special than any other previous development. They would welcome the condition of the right-of-way on Blue Ridge Road for a sidewalk or greenway and the eight foot right-of-way on Old Lakey Gap Road for a sidewalk.

Ron Collins did not have any questions of Mr. West, Ms. Venom, or Mr. Gardner.

Greg Hall stated that there have been no comp sales, transactional sales or any other evidence presented to show that the proposed project would not diminish property values. Mr. Hall then asked where the stormwater was going to go and if there had been an engineering study done.

Mr. Gardner said that the homes are going to be a quality product and pointed out that renderings of the proposed dwellings have been provided. Mr. Gardner said that he has met with town staff about the stormwater requirements and he understands the ordinance. For this phase of the project, the stormwater is conceptual, but a full study will be completed and submitted with the stormwater permit application, and it will then be reviewed by a third-party engineer.

The board asked about a traffic report for the proposed project. Mr. Gardner stated that all traffic will be routed to Blue Ridge Road at the buildout. Mr. Gardner said that the proposed project would cause about four hundred and eighty trips a day and that Blue Ridge Road has plenty of capacity. The proposed project will have two parking spaces per unit with five overflow spaces.

Ron Collins, 400 Blue Ridge Road, stated that there has been no answer as to where the water goes and he is concerned about. Mr. Collins said that he questions the 24% impervious amount that would make the stormwater low impact. Mr. Collins questioned if that impervious amount includes the road and parking because that would make the lot more impervious. Mr. Collins said that the wetland area of the property is a swamp even during a standard rainfall. The stormwater is his biggest concern and said that the stormwater control measures are designed based on averages of a one-year, twenty-four event and most of the storms are above average. Mr. Collins said that he ran a stormwater system for a company and that the property can't absorb more water and questions where five acres of water is going to go. Mr. Collins said that there are limited discharge points and the water spills into his yard, increasing his flooding risk. Mr. Collins asked that his written comments be submitted to the board.

Greg Hall, 545 Sweet Birch Park Lane, asked that the board look at grace that has been given about things in the past and to use their discernment in making a decision about this proposed project.

Mr. Gardner addressed the stormwater issue and said that the road and rooftops will drain into existing drains and the existing stream and said that the stormwater cannot go off site. There will be an outlet into the unnamed tributary on the property. Mr. Gardner noted that the outlet is downstream of Mr. Collins' house. Mr. Gardner also noted that the wetlands area will remain untouched.

Chair Dodgin 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 made the following findings of fact for the Special Use Permit requirements:

1. The application does meet the requirements for granting a Special Use Permit for the following reasons:

a. The use will not be detrimental to or endanger the public health, safety, or general welfare.
b. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity.
c. The use will not substantially diminish or impair property values within the immediate vicinity.
d. The use will not impede the normal and orderly development and improvement of surrounding properties.
e. The exterior appeal of the use will not conflict with that of the neighborhood or district in which it is located.
f. Adequate utilities, access roads, drainage or other necessities have been provided for.
g. Adequate measures have been or will be taken to provide proper ingress and egress designed to minimize traffic congestion on public streets.
h. The use does conform to other applicable regulations in the district in which it is located.

David Barley made a motion to accept the findings of fact as read. The motion was approved by a vote of 4-1 with John Hines voting against the motion.

The board made the following findings of fact for the Planned Unit Development requirements:

1. The application does meet the requirements for a Planned Unit Development for the following reasons:
    a. The use does satisfy the density requirements.
    b. The use is compatible with those other uses allowed in the underlying zoning district.
    c. The use does satisfy the dimensional requirements for the zoning district in which it is located related to the perimeter of the project and the maximum building height.
    d. The use does comport with the planned unit development design features.
    e. The use does provide adequate access and points of ingress and egress designed to maximize safety and minimize traffic hazards.
    f. The use does satisfy the parking requirements for a planned unit development.
    g. The use does satisfy the landscaping and open space requirements for a planned unit development.
    h. The use does or will provide for adequate utilities and other necessary services.

Nicole Stallings made a motion to accept the findings of fact as read. The motion was approved by a vote of 4-1 with John Hines voting against the motion.

Chair Laurel Dodgin made a motion to grant the requested special use permit to allow a Planned Unit Development on property located at 399 Blue Ridge Road, Black Mountain, within the jurisdiction of the Town in accordance with and only to the extent represented in the application and plans and subject to the following conditions:

1. Dwellings to be built to Fortified Gold Standard.
2. Grant an eight-foot right-of-way on Blue Ridge Road and Old Lakey Gap Road to the extent allowed by NCDOT and that any sidewalk or greenway comply with the Blue Ridge Road Small Area Plan.
3. The development must meet all state and town conditions for stormwater and other development regulations that are applicable.

The motion was seconded by David Barley and approved by a vote of 5-0.

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

Jennifer Tipton swore in Scott Russell for consideration of a party with standing. Mr. Russell said that he was attending the meeting to advocate for the variance request because of the need for more housing. The board voted 5-0 that Mr. Russell did not have standing.

There were no ethical issues or conflicts of interest from any of the board members. Jennifer Tipton swore in Russell Cate, Planner I/Zoning Administrator, and Richard King, Applicant.

Mr. Cate summarized the variance request as a request to reduce the side and rear setback requirements in order to convert the existing garage into living space. The property is zoned HB-8. The existing single-family home was constructed in 1955 and is seven hundred and ninety-one square feet in size. The existing garage was constructed in 1984 and is seven hundred and sixty-eight square feet in size.

Richard King, 1104 North Fork Road, spoke about the history of the surrounding area and how two existing homes have already been torn down and new, larger homes have been constructed. The existing home is a 1950's craftsman home and an addition would not preserve the history of the home or neighborhood. The conversion of the garage would not encroach into the setbacks as there are no additions planned to the garage. Mr. King wants to be able to add additional dwelling space in a walkable and approachable neighborhood. The final variance request is for a side setback of thirteen feet and a rear setback of seven feet.

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

The board found the following findings of fact:

1. There are unnecessary hardships that would result from the strict application of the regulations because of the large setback requirements of the HB-8 zoning district for residential structures.
2. The hardship results from conditions that are peculiar to the property such as location, size or topography because it was not common for attached garages and the size of the lot doesn't have a better location for a garage.

3. The hardship does not result from actions taken by the property owner as the house and garage were already built and in existence when the applicant purchased the property.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations such that public safety is secured and substantial is achieved as it will allow the applicant to make use of his property as others in the surrounding neighborhood have been able to do.

Chair Lauren Dodgin made a motion to grant the requested variance to a reduction in the setback at the property line opposite of S. Ridgeway Avenue to 17' and the setback at the property line opposite of Center Avenue to 3'for the property located at 131 S. Ridgeway Avenue , Black Mountain in accordance with and only to the extent represented in the application and plans. The motion was seconded by John Hines and approved by a vote of 4-1 with David Barley voting against the motion.

3. <u>Approval of Order for Variance – 31 Hillcrest Road</u>

Chair Lauren Dodgin made a motion to approve the order for the variance request at 31 Hillcrest Road. The motion was seconded by John Hines and approved by a vote of 5-0.

V. NEW BUSINESS

None.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 9:51 p.m.

Prepared by:

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Lauren Dodgin, Chair

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Jennifer Tipton, Senior Admin