TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, September 18, 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
Linda Brinson
John Hines
Nicole Stallings
Mary Hall, Alternate (recused for special use permit)

Absent:

David Barley
Chloe Riddle, Alternate

Staff:

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

The meeting was called to order at 6:04 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

Jennifer Tipton made one amendment to the agenda to add the special use permit request for 399 Blue Ridge Road as the second item under new business. Nicole Stallings made a motion to approve the agenda as amended. The motion was approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Linda Brinson made a motion to adopt the minutes of August 21, 2025, as written. The motion was approved by a vote of 4-0.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

Chair Lauren Dodgin read the opening statement. A statement was then made that the board will only hear from parties with standing during the meeting. Attorney Brian Gulden explained what standing means by North Carolina Statutes.

1. **Variance Request – 15 Avena Street**

Chair Dodgin asked if there were any conflicts of interest or ex-parte communications regarding the variance request. All board members answered in the negative. There were no persons seeking to be accepted as parties with standing. Jennifer Tipton swore in the applicant and staff.

Russell Cate, Planner I/Zoning Administrator, presented his staff report. The owner of 107 Sixth Street is seeking a variance to allow the roof eave overhang to encroach into both side setbacks by nine inches on each side. Mr. Cate reported that the application was complete and met the requirements for a variance request. The property was posted and all notices were mailed and notice was placed in the Black Mountain News and on the Town of Black Mountain website.

Matt Bartholf, 2508 Grimmersborough Ln, is the owner of 107 Sixth Street. The house fits within the required setbacks and the purpose of wanting to extend the roof eave overhang is to help protect the foundation from water. Mr. Bartholf said that he did try and research the overhang requirements, but the internet led him to the wrong information. Based on the most current survey (submitted into evidence as Applicant's Exhibit 1) the actual encroachment would be seven inches on both sides. Mr. Bartholf noted that the original house (which has been demolished) was severely encroaching on the setbacks and the request is just for the roof eave overhang.

Nicole Stallings made a motion to go into recess. The motion was approved by consensus with a vote of 5-0.

The board went through the variance standards worksheet to discuss their thoughts.

The board came out of recess and Chair 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:

1. There are unnecessary hardships that would result from the strict application of the ordinance because of the strict overhang requirement of eighteen inches. The board found consensus by a vote of 5-0.
2. The hardship does result from conditions that are peculiar to the property, such as location, size, or topography because the existing lot is small and narrow. The board found consensus by a vote of 5-0.
3. The hardship did not result from actions taken by the applicant or the property owner because they were operating in good faith when researching the overhang requirements. The board found consensus by a vote of 5-0.
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 the applicant to use the property as others in the neighborhood. The board found consensus by a vote of 5-0.

Chair Lauren Dodgin made a motion to grant the variance with the condition that the variance be limited to the extent shown on the survey submitted as Applicant's Evidence 1. The motion was seconded by Mary Hall and approved by a vote of 5-0.

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

In light of only having four regular members to hear the request as alternate Mary Hall had to recuse herself and no other alternates were available, the applicant requested that the matter be tabled to the next available meeting date, which is Wednesday, October 15, 2025, at 6:00 p.m. at Town Hall, 160 Midland Avenue. Chair Lauren Dodgin made a motion to grant the request and the motion was seconded by John Hines and approved by a vote of 4-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:50 p.m.

Prepared by:

_____
Jennifer Tipton, Senior Admin

_____
Lauren Dodgin, Chair