Town of Black Mountain Staff Report
Board of Adjustment

Case No: V-25-06
Case Name: 31 Hillcrest Road

Hearing Date: October 15, 2025
Procedure: Variance Evidentiary Hearing

Address of Variance Request:
31 Hillcrest Road
Black Mountain, NC 28711
Property ID Number (PIN): 060976677400000

Applicant:
McMaster Real Estate Group LLC
30 Westgate Pkwy, #331
Asheville, NC 28806

Request:
The applicant is seeking a variance from the driveway width limit of 20 feet, requesting approval for a driveway width of 31.5 feet. Building permit #BLG-24-0190 was issued on 12/31/2024 for the construction of a single-family home with 2,855 heated square feet, 791 covered unheated square feet, 3 bedrooms, 3.5 bathrooms, an attached garage, and depiction on the site plan of a 20-foot-wide driveway.

Town Staff:
Jennifer Tipton, Clerk to Board of Adjustment
Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicant is seeking a variance from the requirement stated in the Code of Ordinances that "no driveway for a residence shall exceed 20 feet at the outer or street edge of the driveway."

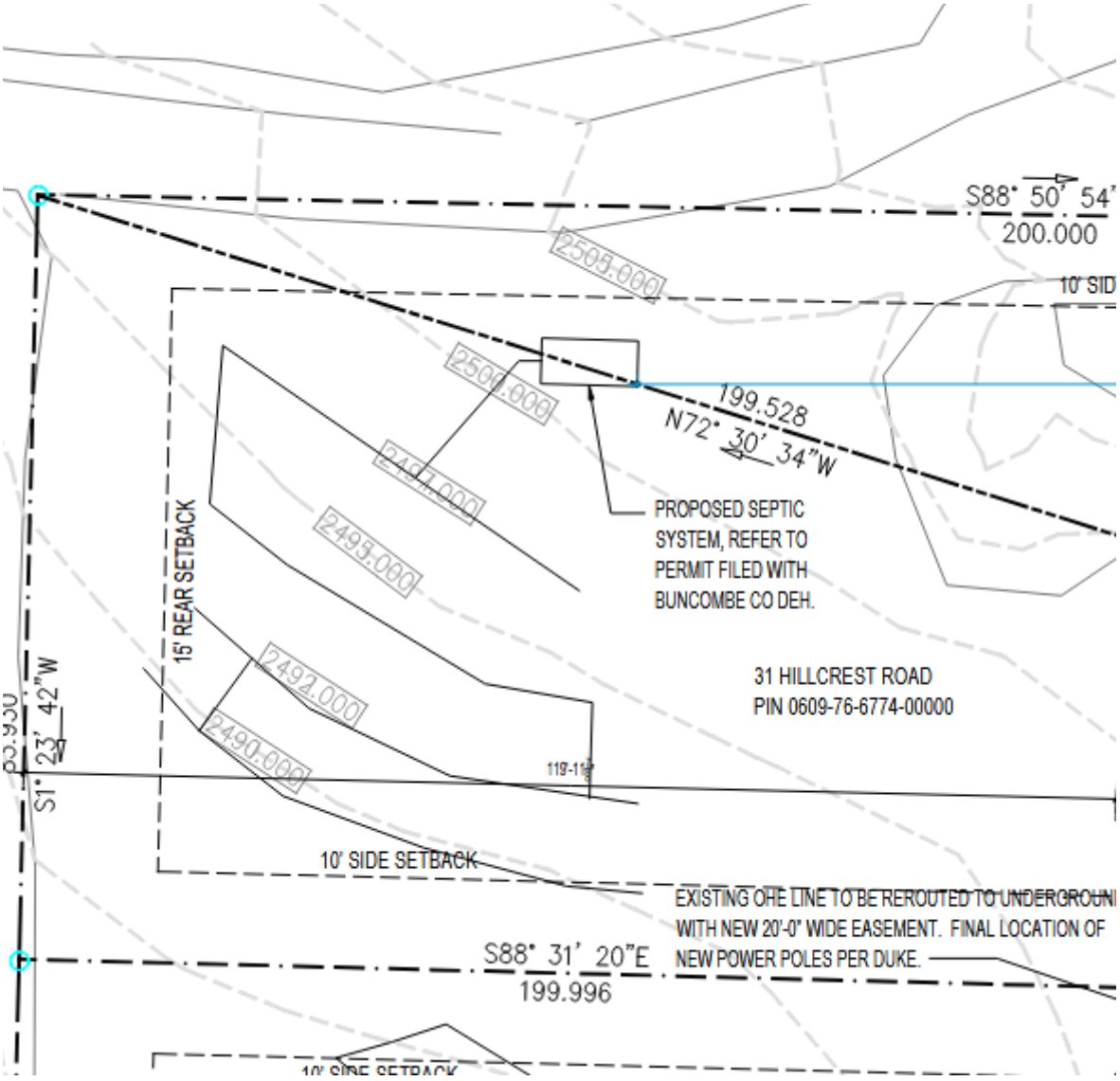
> *Reference:* Section 43-38 (Residential Dwellings) in Article III (Driveways) of Chapter 43 (Streets, Sidewalks and Other Public Places)

The context of the request is the construction of a single-family home.

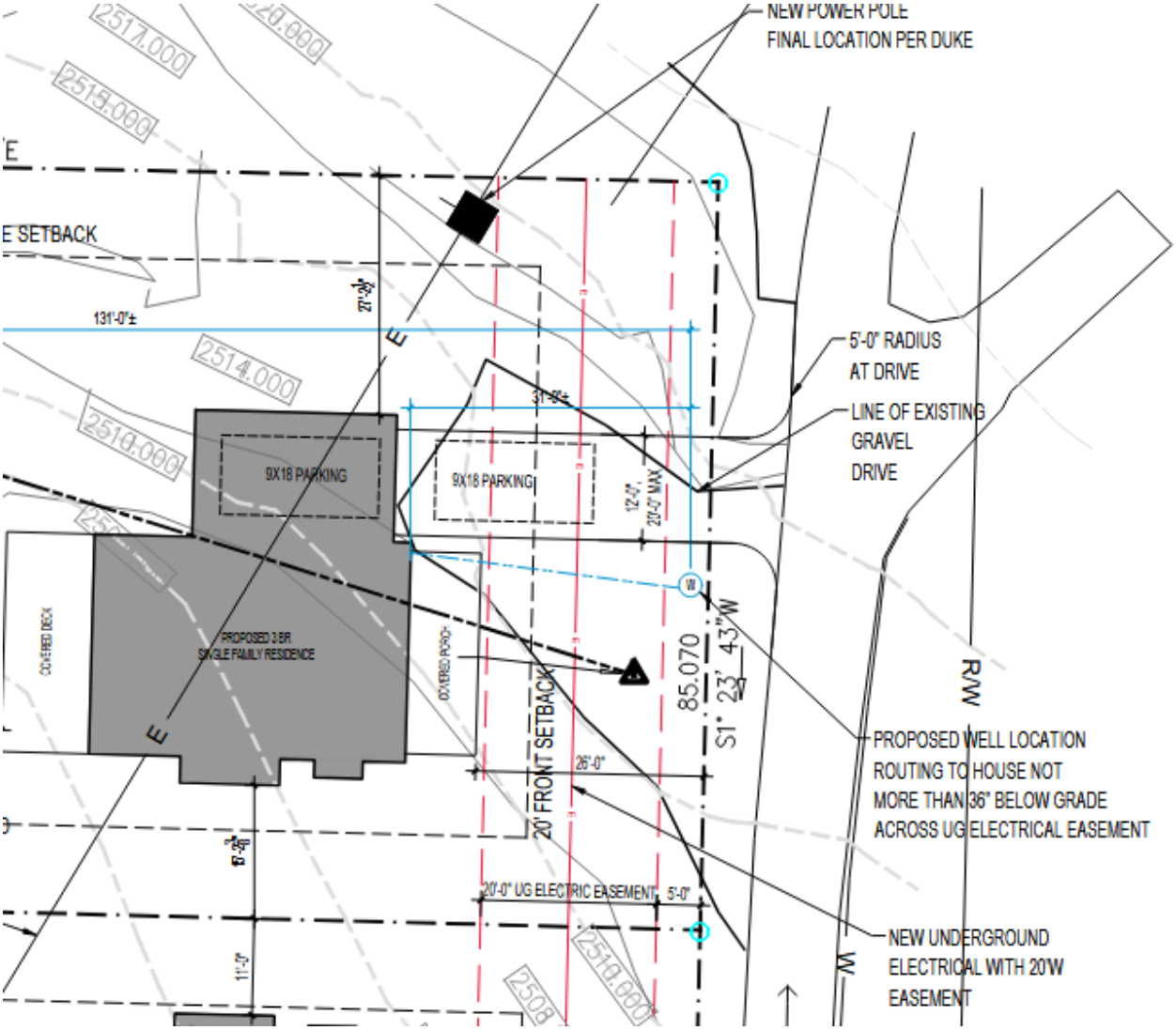
In their variance application, the applicant wrote: "The location of the property near the top of a steep hill on a narrow, one-lane road necessitates the wider driveway width to provide safe access in and out of the driveway."

This is the site plan for building permit (#BLG-24-0190), which was issued on 12/31/2024:

West half of site plan:



East half of site plan:



II. PROCESS – REQUIRED CITY APPROVALS

In addition to this variance, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building Codes.

III. ZONING AND LAND USE

Section 43-38 (Residential Dwellings) in Article III (Driveways) of Chapter 43 (Streets, Sidewalks and Other Public Places) of the Code of Ordinances includes the following:

> (a) No driveway for a residence shall exceed 20 feet at the outer or street edge of the driveway.

(The applicant referenced Sec. 43-38 in the portion of the variance application that states "I request a variance/variances from the following provisions of the ordinance," but also referenced a section in the draft UDO. Since the draft UDO is not an adopted document, it's not relevant.)

The property is in the Urban Residential (UR-8) zoning district. The clip below is from Buncombe GIS – blue is UR-8 and yellow is an unincorporated area of Buncombe County. ***6774*** is the subject parcel; this image is *Post Helene 2024* – it was taken in 2024, before construction on the single-family home had started.



The *Minimum Yard Requirements* in UR-8 are:

Front: 20 feet
Side: 10 feet
Rear: 15 feet

The UR-8 height limit is 35 feet.

Reference: Section 4.7.15 (Dimensional Requirements by Zoning District) of Chapter 4.

The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	Buncombe County zoning district R-1	UR-8	UR-8	UR-8
Adjacent Land Uses	Single-family home (parcel is in an unincorporated area of Buncombe County)	Permit #BLG-24-0189 issued for Single-family home	Single-family home	Place of worship

The *Purpose and Intent* of the UR-8 zoning district is:

> The mixed residential district is established to provide a variety of housing types, promote density in the more urbanized and developable areas or town, and structure the orderly development of residential neighborhoods.
>
> Reference: Section 4.7.4 (Urban Residential District – UR-8) of Chapter 4.

Existing Conditions

According to the applicant's survey dated 5/26/2023, the lot is .388 acres (16,900 SF). The overall slope of the lot is 23.9 percent (according to https://www.mapwnc.org/find-slope-for-parcel).

Below is a clip from Buncombe GIS with the *5 Foot Contours*, *Stream & River* and *2020 – DFIRM Flood Data* layers turned on. The parcel has no USGS watercourses, and is not in the 100-year floodplain. ***6774*** is the subject parcel; this image is *Post Helene 2024* – it was taken in 2024, before construction on the single-family home had started.



Below is a street view of the lot (photo taken on 10/1/2025).



IV. NOTIFICATION

Notice of the variance request and hearing was mailed to all property owners within 200 feet of the project site. Public notice was posted on the Town bulletin board and on the Town of Black Mountain website on October 1, 2025. Legal notice appeared in *Black Mountain News* the weeks of October 2, 2025, and October 9, 2025. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the request for a driveway width of 31.5 feet is the construction of a single-family home. The Code of Ordinances state that "no driveway for a residence shall exceed 20 feet at the outer or street edge of the driveway." The approved site plan for the building permit (BLG-24-0190) has the label ***20' 0" MAX*** on the driveway, with room for at least two vehicles to park off-street (which is a requirement) being indicated by one ***9X18*** parking area in the garage, and one ***9X18*** parking area in the driveway.

Section 43-49 (Construction Permit – Required) of Article III (Driveways) states:

> It shall be unlawful for any person to construct a driveway across any public sidewalk, walkway, or parkway or into any street or cut any curb for such purpose without having first obtained a permit therefore as required herein.

Section 43-50 (Same – Application) of Article III (Driveways) states:

> Applications for a construction permit shall be made to the building, planning and zoning department and shall state, among other things, the location, grade, dimensions of the proposed driveway, and the purpose for which it is desired. If the proposed driveway complies with the provisions of this article, the building, planning and zoning department shall issue a permit.

Section 4.4.3 (A) of the Land Use Code states that "Yard and setback requirements shall be met unless a variance is granted by the Board of Adjustment."

Per Section 2.1.4 of the Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

Section 1.7.3 (A) of the Land Use Code states that the board of adjustment shall authorize upon application in specific cases such variance from the terms of the town's land use code as will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the town ordinances will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are not intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the land use code and in a way that the spirit of the town regulations shall be preserved, public safety and welfare secured, and substantial justice done.

Town staff has determined that the applicants' request to hear the variance is in accordance with Section 1.7.1 (A).