VARIANCE APPLICATON www.townofblackmountain.org

PROPERTY OWNER INFORMATION

Owner Name		
McMaster Real Estate Group LLC		
Owner Address (Number, Street, City, State, ZIP)		
30 Westgate Pkwy, #331, Asheville, NC 28806		
Home Phone	Cell Phone	Email Address
	828-676-4775	office@wncps.com

APPLICATION FOR VARIANCE

I request a variance/variances from the following provisions of the ordinance:

Section Number(s): Chapter 43, Article III, Sec43-48. **Section Title(s):** Streets, Sidewalks, and other Public Places Driveways: Residential Dwellings

UDO Section Chapter 3: 3.03.07-01 **~~Subsection~~ letter(s) and/or number(s):** _____ **Subsection Title(s):** Right-of-Way, Design Standards, and Driveway Regulations: Driveway Width and Curb Flair Radius

So that the below mentioned property can be used in a manner indicated by the plan attached to this form, or if the plan does not adequately reveal the nature of the variance, as more fully described herein ***(if applying for a variance in dimensional requirements, state the revised setbacks or height limitations desired below)***:

Requesting driveway width of 31.5'

PROPERTY INFORMATION

Parcel Number	Current Zoning	Acreage
0609766774	UR-8	0.388
Address		
31 Hillcrest Rd, Black Mountain, NC 28711		
Average Slope %	Use of Property	
19%	Residential, single-family	

CERTIFICATION

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Zoning Board of Adjustment meeting is mandatory for the review of this application.

Petitioner Signature	09/25/25 Date

OFFICE USE ONLY

Date Received:	Fee: $600.00 Cash: ☐ Check: ☐ # _____ Credit: ☐
Case Number:	Meeting Date:

VARIANCE BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the ZBA that it can properly grant the variance as provided for in Chapter 1, Section 1.7.3 Variances. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

Please indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. Indicate how an 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.

   Adhering to the 20' maximum driveway width, would make entering and exiting the driveway hazardous to not only occupants of the SFD, but also to others traveling on the narrow, one lane road. As built, the driveway allows for safer access.

2. Indicate how 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.

   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. Many of the surrounding properties on the road have driveways wider than the 20' maximum, seemingly for the same reason we are requesting the variance, safer access.

3. Indicate how 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.

   The narrow, one lane road is existing and was not modified by applicant.

4. Indicate how 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.

   The requested variance is in the spirit of the ordinance as it is intended to make entering and exiting the driveway safer for not only the property owner but also others traveling on the road. This is consistent with the ordinance as outlined in the UDO 3.03.07 A. 1. a. and c. and 3.03.07 C. Additionally, the requested variance does not impinge on 3.03.07 A. 3. as it is still just one driveway on the property and still maintains adequate distance between adjacent driveways.