TOWN OF BLACK MOUNTAIN
COUNTY OF BUNCOMBE

BEFORE THE BLACK MOUNTAIN
BOARD OF ADJUSTMENT

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| In the Matter of the Application of | ) | |
| Matt Bartholf | ) | ORDER |
| For a Variance for Property at 107 Sixth St | ) | |
| PIN No. 0619-39-5257.00000 | ) | |

THIS CAUSE, coming on before the Board of Adjustment for the Town of Black Mountain on September 18, 2025, upon the application of Matt Bartholf, to allow the roof overhang to encroach nine inches into the allowable eighteen inch encroachment allowance at 107 Sixth Street in Black Mountain, PIN #0619-39-5257.00000, which is Plat Book 0154 at Page 0106, Buncombe County Registry.

Matt Bartholf, 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.

Attorney Brian Gulden appeared as counsel for the Board of Adjustment.

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 Bartholf is the owner of the property located at 107 Sixth Street, Black Mountain, North Carolina, which has the current PIN number of 0619-39-5257.00000 as shown on the Buncombe County tax maps, also being Plat Book 0154 at Page 0106, Buncombe County Registry.

4. The property is zoned UR-8.

5. The property is .259 acres.

6. The property is currently vacant.

7. The Applicant proposes to construct a new single-family residence on the property.

8. Chapter 4, Section 4.4.3 (J) (1) allows roof overhangs to encroach eighteen inches into the required setbacks.

9. The proposed new single-family residence is within the required setbacks.

10. The Applicant wants to extend the overhang to help protect the foundation from excessive water runoff.

11. The Applicant originally requested a variance of nine inches; however, after a more recent survey, he is requesting only seven inches.

12. 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).

13. There are unnecessary hardships that would result from the strict application of the ordinance because of the strict overhang requirement of eighteen inches.

14. The hardship results from conditions that are peculiar to the property such as location, size, or topography because the existing lot is small and narrow.

15. The hardship did not result from actions taken by the Applicants or the property owner as they were operating in good faith when researching the overhang requirements.

16. 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 the applicant to use the property as others in the neighborhood.

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 encroach seven inches into the allowable eighteen inch encroachment with the condition that the variance be limited to the extent shown on the survey submitted as Applicant's Evidence 1.

IT IS NOW, THEREFORE, ORDERED, that the Applicants are granted a variance to reduce the required front setback of thirty feet to three feet and eight inches for 15 Avena Street.

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.**