TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, December 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:

Nicole Stallings, Vice Chair
John Hines
Linda Brinson
David Barley
Mary Hall, Alternate
Tom Rausch, Alternate

Absent:

Lauren Dodgin, Chair
Chloe Brown, Alternate

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:10 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 had one change to the agenda. Due to sickness, the appellant for 19 Timber Park Drive is not in attendance and the hearing will need to be continued. Nicole Stallings made a motion to adopt the agenda as amended. The motion was seconded by John Hines and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

There were two changes to the minutes of November 20, 2025. The vote for the variance at 131 S Ridgeway needs to be changed to 4-1 with David Barley voting against the motion. The setback measurements for 131 S Ridgeway need to be changed to thirteen feet and seven feet. Nicole Stallings made a motion to adopt the minutes of November 20, 2025, as amended. The motion was approved by a vote of 4-0, with Mary Hall abstaining.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. <u>Appeal – 19 Timber Park Drive</u>

Due to sickness of the appellant, staff is requesting that the hearing for 19 Timber Park Drive be continued to January 15, 2025, at 6:00 p.m. at Town Hall, 160 Midland Avenue. Nicole Stallings

made a motion to continue the hearing until January 15, 2025, at 6:00 p.m. at Town Hall, 160 Midland Avenue. The motion was seconded by John Hines and approved by a vote of 5-0.

2. <u>Variance Request – 204 Stafford Street</u>

There were no individuals requested standing to be a party to the hearing.

There were no ethical or conflict of interest issues with any of the board members and there was no objection to the full panel.

Jennifer Tipton swore in Russell Cate, Dennis Gregory and Tracy Gregory.

Nicole Stallings opened the hearing.

Russell Cate summarized his staff report. The applicants are seeking a reduction in the front setback to add a 12' x 8' deck. The required front setback is twenty feet, and the applicants are seeking a reduction of eight feet (this was clarified from the twelve feet noted in the application).

Dennis and Tracy Gregory, 204 Stafford Street, stated that the original stoop/small porch had to be removed due to repairs caused by Tropical Storm Helene. A photo was provided in the staff report that showed the location of the original stoop.

Nicole Stallings made a motion to go into recess. The motion was seconded by John Hines and approved by a vote of 5-0.

The board members deliberated the variance standards and noted that there had been an original stoop that had to be removed and that stoop was already into the setback and that due to the slope of the back of the lot, the house is situated to be exactly twenty feet from the edge of pavement.

Nicole Stallings 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 there was an existing stoop/porch that had to be removed due to damage from Tropical Storm Helene.
2. The hardship results from conditions that are peculiar to the property such as location, size or topography because of the slope in the back, the house is situated exactly twenty feet from the edge of pavement.
3. The hardship does not result from actions taken by the property owner as the house and stoop/porch were built before the applicants 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 justice is achieved as all surrounding

properties are residential, there is no danger of the deck being in the road, and will allow the applicants to have a similar feature as the other homes in the neighborhood.

Nicole Stallings made a motion to grant the requested variance to a reduction of eight feet of the front setback. The motion was seconded by John Hines and approved by a vote of 5-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:48 p.m.

Prepared by:

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Lauren Dodgin, Chair

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Jennifer Tipton, Senior Admin