TOWN OF BLACK MOUNTAIN
COUNTY OF BUNCOMBE

BEFORE THE BLACK MOUNTAIN
BOARD OF ADJUSTMENT

In the Matter of the Application of	)	
Dennis and Tracy Gregory for a	)	
Variance for Property at 204 Stafford St	)	ORDER
PIN #0619-05-5078.00000	)	

THIS CAUSE, coming on before the Board of Adjustment for the Town of Black Mountain on December 18, 2025, upon the application of Dennis and Tracy Gregory, to reduce the front setback at 204 Stafford Street in Black Mountain, PIN #0619-05-5078.00000, which is Plat Book 0154 at Page 0193, Buncombe County Registry.

Dennis and Tracy Gregory, Applicants, appeared to present their case.

Jennifer Tipton, Senior Admin, and Russell Cate, Zoning Administrator, appeared for Town Staff, and four members and one alternate of the Board of Adjustment were in attendance.

The Board of Adjustment, having heard and considered the testimony of Town Staff and the Applicants, and having considered all the evidence presented by Town Staff and the Applicants and the statements and arguments 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. Applicants Dennis and Tracy Gregory are the owners of property located at 204 Stafford Street, Black Mountain, North Carolina, which has the current PIN number of 0619-05-5078.00000 as shown on the Buncombe County Tax Maps, also being Plat Book 0154 at Page 0193, Buncombe County Registry.

4. The property is zoned UR-8.

5. The property is .18 acres.

6. The property has a single-family dwelling that was constructed in 1972.

7. Chapter 4, Section 4.7.14, Dimensional Requirements by Zoning District, provides the setbacks for the UR-8 district.

8. The front setback requirement is 20 feet.

9. The Applicants are requesting to build a 12' x 8' front deck.

10. The current single-family dwelling is exactly 20 feet from the edge of pavement to the dwelling.

11. The back of the lot has a substantial slope, requiring the house to be set farther forward, thereby not allowing for additional room past the required front setback.

12. The current single-family dwelling had a pre-existing stoop/small porch that had to be removed to make repairs to the dwelling from Tropical Storm Helene.

13. The pre-existing stoop/small porch also encroached into the front setback by approximately 6 feet.

14. To be granted a variance, the Applicant is required to prove all of 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 the 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 1.7.3E. of the LUC.)

15. There are unnecessary hardships that would result from the strict application of the ordinance because there was an existing stoop/small porch that had to be removed due to damage from Tropical Storm Helene.

16. 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.

17. The hardship does not result from actions taken by the property owner as the house and stoop/small porch were built before the applicants purchased the property.

18. 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 all will allow the applicants to have a similar feature as the other homes in the neighborhood.

BASED UPON THE FOREGOING FINDINGS OF FACT, THIS BOARD, by a vote of 5-0, concludes that the Applicants should be granted a variance to reduce the front setback of 20 feet by 8 feet leaving a front setback of 12 feet.

IT IS NOW THEREFORE, ORDERED, that the Applicants are granted a variance to reduce the front setback of 20 feet by 8 feet leaving a front setback of 12 feet for 204 Stafford Street.

This the _____ day of December _____.

_____
Lauren Dodgin, Chair

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 of this order is served on you. See Section 1.7.2 of the Land Use Code, Appeals from Decisions of the Board of Adjustment, in the Town of Black Mountain Code of Ordinances.