Town of Black Mountain Staff Report
Board of Adjustment

Case No: V-26-01
Case Name: 200 Montreat Rd.

Hearing Date: April 16, 2026
Procedure: Variance Evidentiary Hearing

Address of Variance Request:
200 Montreat Road
Black Mountain, NC 28711
Property ID Number (PIN): 061937163100000

Applicants:
Steven and Shanna Greenwalt
200 Montreat Rd.
Black Mountain, NC 28711

Request:
The applicants are seeking a variance from the Urban Residential (UR-8) zoning district's 15-foot rear setback requirement. The context is an addition. The applicants state that they are requesting a variance of two and a half feet (2.5') so that the addition would be twelve and a half feet (12.5') from the rear property line. The applicants note that the project dimensions and the distance measurements are based on their survey from when they bought the home two and a half years ago.

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

I. SUMMARY OF REQUEST

The applicants are seeking a two-and-a-half-feet (2.5') variance from the 15-foot rear setback requirement of the Urban Residential (UR-8) zoning district. The context is an addition.

Section 4.4.3 of Chapter 4 (Zoning) explains that the setback measurement is taken from the right of way line or the property line, whichever is further back, and that the measurement is "to the nearest portion of the building or structure."

Item ***J*** in Section 4.4.3 of Chapter 4 (Zoning) lists the following "allowable encroachments into required setbacks":

1. Roof overhangs, sills, cornices, and similar ornamental features projecting from the principal building may encroach up to 18 inches into any required setback.
2. Bay windows, balconies, and similar features projecting from the principal building may encroach up to three feet into any required setback.

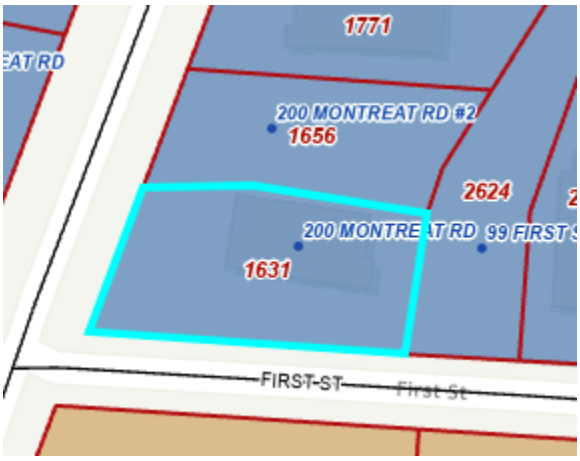
3. Decks, steps, uncovered porches, patios, and terraces may encroach into a required side or rear setback, but no closer than six feet to the side or rear property line.
4. Fences and walls.
5. If a handicapped accessibility or life safety feature cannot meet this requirement due to the location of an existing structure or other impeding site feature on a residential lot, the setback requirement shall be waived to the extent necessary to accommodate the accessibility or life safety feature.

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

The property is in the Urban Residential (UR-8) zoning district. This clip is from Buncombe GIS *(**1631** is the subject property)*:



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

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

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

The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	UR-8	Neighborhood Mixed Use (NMU-8)	UR-8	UR-8
Adjacent Land Uses	Single-family home	Place of worship	Single-family home	Single-family home

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 (Zoning).

Existing Conditions

According to the Buncombe County Property Record Card for 200 Montreat Road, the parcel has a three-bedroom, single-family home that has a total finished area of 1,415 square feet. The county lists the "year built" as 1936, and the lot size as .17 acre. The lot has no slope (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 property does not have any NC DEQ-classified surface waters and is not in the 100-year flood zone). **1631** is the subject property. Note: image is *Post Helene 2024*.



Below is a street view of the lot from First Street (photo taken on 4/6/2026).



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 April 6, 2026. Legal notice appeared in *Black Mountain News* the weeks of April 9, 2026, and April 16, 2026. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the variance request is an addition.

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).