TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, April 16, 2026, 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
John Hines
Linda Brinson
David Barley
Mary Hall
Ted Rausch, Alternate

Staff:

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

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

Jennifer Tipton added two items to the agenda. Election of officers will be agenda item number one and approval of the order for the appeal of 1114 Montreat Road will be agenda item number three. 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

Nicole Stallings made a motion to adopt the minutes of March 19, 2026, as written. The motion was seconded by John Hines and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. <u>Election of Officers</u>

Mary Hall nominated Nicole Stallings for chair. With no further nominations, John Hines seconded the nomination, and it was approved by a vote of 5-0.

Mary Hall nominated John Hines for vice chair. With no further nominations, Linda Brinson seconded the nomination, and it was approved by a vote of 5-0.

2. <u>Variance Request – 200 Montreat Road</u>

Jennifer Tipton swore in all parties with standing and parties wishing to seek standing.

Jennifer Graham, 99 First Street, just said that the was in attendance in support of the variance. Based on this information, Ms. Graham was not granted standing.

No board member reported any ethical concerns or conflicts of interest. The parties had no objection to the sitting panel.

Chair Nicole Stallings opened the evidentiary hearing.

Russell Cate gave a summary of the staff report. The property is zoned UR-8 and has a rear setback requirement of fifteen feet. The applicants are seeking a reduction in the rear setback of two feet, five inches. The property has no slope, is not in a floodplain or floodway, and does not have a stream on the property. The house was built in 1936 and has three bedrooms and one bathroom.

Emily Greenwalt and Tom ?, representing the applicants, stated that the actual variance request is two feet, eight inches, after doing more measurements. Ms. Greenwalt passed out a packet of material that included a rendering of the addition in relation to the setback and some current pictures of the property. The packet was admitted into evidence. The addition is for a master bathroom and a closet. Some existing concrete will have to be removed but there will still be two parking spaces. The stairs on the back side will come towards the street when completed. The requested variance is the minimum that the applicants are requesting.

Chair 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 discussed the request and noted that the applicants are seeking to preserve the original home by adding on rather than demolishing and rebuilding. The board also noted that the applicants asked for the minimum variance request.

The board found the following findings of fact:

1. That unnecessary hardship does result from the strict application of the regulations because the house as it sits is right at the minimum rear setback of fifteen feet.
2. The hardship does result from conditions that are peculiar to the property because of the size of the lot being smaller than others in the surrounding area as well as the position of the house on the lot.
3. The hardship does not result from actions taken by the applicant or the property owner because the house was built in 1936 and was in the existing location when purchased.
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 because the applicants have requested the minimum variance possible and they are allowed to add on to their house as others in the surrounding area have been able to do.

John Hines made the following motion:

Accordingly, I further move the board to Grant the requested variance for 2'8" from the rear setback in accordance with and only to the extent represented in the application and plans and subject to the following conditions:

- That the addition be no higher than one-story

The motion was seconded by Nicole Stallings and approved by a vote of 5-0.

3. <u>Approval of Order – 1114 Montreat Road Appeal</u>

Chair Nicole Stallings made a motion to approve the order dismissing the appeal of 1114 Montreat Road as written. The motion was seconded by John Hines and approved by a vote of 5-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

Nicole Stallings asked if the board can continue hearings if they feel that they need more time to review the evidence of a case. Jennifer Tipton said that yes, the board can continue a hearing if they feel that they need more information to make a decision but noted that the continuation has to be made to a date and time certain and the meeting cannot be adjourned.

David Barley asked if there were still plans to merge the Planning Board and Board of Adjustment. Ms. Tipton said that at this time, no plans to merge the boards are being considered until a new town manager is in place.

Mary Hall asked if there were specific requirements for the signage that gets posted on the properties. Ms. Tipton said that there is not, but that staff are looking into different types of signage and including QR codes.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:54 p.m.

Prepared by:

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Nicole Stallings, Chair

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Jennifer Tipton, Senior Admin