Town of Black Mountain Staff Report
Board of Adjustment

Case No: V-26-02
Case Name: 301 Chapel Rd.

Hearing Date: May 21, 2026
Procedure: Variance Evidentiary Hearing

Address of Variance Request:
301 Chapel Road
Black Mountain, NC 28711
Property ID Number (PIN): 070070495700000

Applicant:
Jerry Sayre
207 Furches St.
Raleigh, NC 27607

Request:
The applicant is seeking a variance from the residential driveway width limit of 20 feet in order to install a driveway with a width of 33 feet. The 33 feet includes the flares at either side of the driveway as well as an eight-inch, stone-filled break at the midpoint. The applicant notes that the driveway sizing is due to its location in proximity to the entrance of Black Mountain Estates.

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

I. SUMMARY OF REQUEST

The applicant is seeking a variance to permit a driveway wider than the residential driveway width limit of 20 feet.

Section 43-48 (Residential Dwellings) of Article III (Driveways) of Chapter 43 (Streets, Sidewalks and Other Public Places) of the Code of Ordinances is:

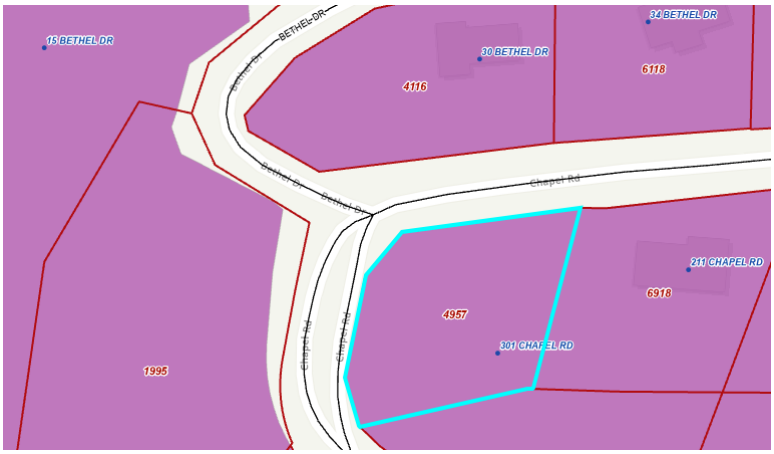
(a) No driveway for a residence shall exceed 20 feet at the outer or street edge of the driveway.
(b) Residences shall not have more than two driveways. If two driveways are installed, there shall be no less than ten linear feet separating the two driveways.
(c) Driveways for residences shall also comply with section 43-47(e): No driveway apron shall extend out into the street farther than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area.
(d) All radii of curves of driveways where the same meets the curb shall comply with the requirements as indicated in the Town of Black Mountain Standards and Details Manual.

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 Conservation Residential (CR-1) zoning district. This clip is from Buncombe GIS *(**4957** is the subject property)*:



Surrounding lots:

	North	South	East	West
Adjacent Zoning Designation	CR-1	CR-1	CR-1	CR-1
Adjacent Land Uses	Single-family home	Vacant lot	Single-family home	Vacant lot

The *Purpose and Intent* of the CR-1 zoning district is:

> The conservation residential district is established to protect areas in which the principal use of the land is residential or agricultural and where steep slopes or other environmental features make it more suitable for large lot development, conservation development and the preservation of open space.

Reference: Section 4.7.1 (Conservation Residential District – CR-1) of Chapter 4 (Zoning).

<u>Existing Conditions</u>

According to the Buncombe County Property Record Card for 301 Chapel Road, the lot size is .52 acre. The overall slope of the lot is.32.07 percent (according to https://www.mapwnc.org/find-slope-for-parcel).

Below is a clip from Buncombe GIS with the *5 Foot Contours* 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). ***4957*** is the subject property. Note: image is *Post Helene 2024*.



Photo taken on 4/22/2026:



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 May 1, 2026. Legal notice appeared in *Black Mountain News* the weeks of May 7, 2026, and May 14, 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 a driveway.

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).