TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held a continuation meeting on Thursday, May 28, 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, Chair
John Hines, Vice Chair
Linda Brinson
David Barley
Mary Hall

Absent:

Ted Rausch, Alternate

Staff:

Jennifer Tipton, Senior Admin

The meeting was called to order at 6:05 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

Nicole Stallings made a motion to adopt the agenda as presented. The motion was seconded by John Hines. The motion was approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Mary Hall made a motion to adopt the minutes of April 16, 2026, as written. The motion was approved by a consensus vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Approval of Order Granting Variance – 200 Montreat Road

Nicole Stallings made a motion to approve the order granting a variance at 200 Montreat Road as written. The motion was approved by a consensus vote of 5-0.

2. Variance Request – 301 Chapel Road

Chair Nicole Stallings opened the evidentiary hearing for Case #VAR-26-0002.

There were no parties seeking standing.

Chair Stallings swore in Jennifer Tipton for staff and Jesse Langlais for the applicant.

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

Jennifer Tipton gave a summary of the staff report. The property at 301 Chapel Road is seeking a variance from Section 43-48 of the Code of Ordinances. Section 43-48 dictates that residential driveways can be a maximum of twenty feet in width with a one-foot flare-out on each side for a total width of twenty-two feet. The applicant is seeking a variance to allow the total width of the driveway to be thirty-three feet, including the flare-outs. The lot is currently vacant with plans to construct a new residential structure.

Jesse Langlais, Painted Buckeye Builders, appeared for the applicant. The lot is a corner lot and there is a median in front of the lot for Chapel Road making turning into the driveway very sharp. Due to the slope, house placement, and retaining wall, the driveway cannot be pushed deeper into the lot. While the driveway width is also a design detail, the layout and logistics won't allow for a different design. The driveway will accommodate two cars while allowing them to get in and out of the driveway. There is a parking deck that will be suspended on steel I-beams.

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 the shape of the lot, the steepness of the lot, and the median for Chapel Road that sits in front of the property.

With regard to variance request VAR-26-0002, the request of Jerry Sayre, the board found the following findings of fact:

1. That unnecessary hardship does result from the strict application of the regulations because the maximum width allowed will not allow for two cars and there is not a stacking option for the cars.
2. The hardship does result from conditions that are peculiar to the property because the lot is atypical being a corner lot with a steep slope and having a median in the road in front of the lot.
3. The hardship does not result from actions taken by the applicant or the property owner because both the lot and the median were existing prior to the applicant purchasing 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 because the driveway will allow for two cars and not cause issues with traffic or cars having to park on the road and allows the applicant to develop their property as others in the neighborhood have done.

John Hines made the following motion:

I move the board to grant the requested variance for 301 Chapel Road to increase the residential driveway width from twenty-two feet to thirty-three feet in accordance with and only to the extent represented in the application and plans.

The motion was seconded by Mary Hall 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 6:24 p.m.

Prepared by:

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Nicole Stallings, Chair

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Jennifer Tipton, Senior Admin