TOWN OF BLACK MOUNTAIN COUNTY OF BUNCOMBE	BEFORE THE BLACK MOUNTAIN BOARD OF ADJUSTMENT
In the Matter of the Application of) Jerry Sayre for a) Variance for Property at 301 Chapel Rd) PIN #0700-70-4957.00000)	ORDER

THIS CAUSE, coming on before the Board of Adjustment for the Town of Black Mountain on May 28, 2026, upon the application of Jerry Sayre, to increase the allowable width of a residential driveway at 301 Chapel Road in Black Mountain, PIN #0700-70-4957.00000, which is Plat Book 0041 at Page 0007, Buncombe County Registry.

Jesse Langlais, Representative for Applicant, appeared to present their case.

Jennifer Tipton, Senior Admin. appeared for Town Staff, and five members of the Board of Adjustment were in attendance.

The Board of Adjustment, having heard and considered the testimony of Town Staff and the Applicant, and having considered all the evidence presented by Town Staff and the Applicant 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. Applicant Jerry Sayre is the owner of property located at 301 Chapel Road, Black Mountain, North Carolina, which has the current PIN number of 0700-70-4957.00000 as shown on the Buncombe County Tax Maps, also being Plat Book 0041 at Page 0007, Buncombe County Registry.

4. The property is zoned CR-1.

5. The property is .51 acres.

6. The property is currently vacant with plans to construct a single family residence.

7. The property has an average slope of 32.07%.

8. Chapter 43, Section 43.48, Residential Dwellings, provides the maximum width requirements for residential dwellings.

9. The maximum width of a residential driveway is twenty feet with a one-foot flare-out on each side for a total width of twenty-two feet.

10. The Applicant is requesting to have a total driveway width of thirty-three feet, including the flare-outs.

11. The lot is a corner lot and there is a median for Chapel Road in the front of the property.

12. 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.)

13. There are unnecessary hardships that would result from the strict application of the ordinance because the maximum width allowed will not allow for two cars and there is not a stacking option for the cars.

14. The hardship results from conditions that are peculiar to the property such as location, size or topography 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.

15. The hardship does not result from actions taken by the property owner because both the lot and the median were existing prior to the Applicant purchasing the property.

16. 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 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.

BASED UPON THE FOREGOING FINDINGS OF FACT, THIS BOARD, by a vote of 5-0, concludes that the Applicant should be granted a variance to increase the maximum residential driveway width from twenty-two feet to thirty-three feet.

IT IS NOW THEREFORE, ORDERED, that the Applicant is granted a variance to increase the maximum residential driveway width from twenty-two feet to thirty-three feet for 301 Chapel Road.

This the _____ day of _____, 2026.

_____
Nicole Stallings, 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.