TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, January 16, 2025, 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:

Lauren Dodgin, Chair
John Hines
Nicole Stallings
Linda Brinson

Absent:

Chloe Brown
David Barley

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 four (4) regular members.

II. ADOPTION OF AGENDA

Nicole Stallings made a motion to adopt the agenda as presented. The motion was approved by consensus.

III. ADOPTION OF MINUTES

John Hines made a motion to adopt the minutes of December 19, 2024, as written. The motion was approved by consensus.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. <u>Variance Request – 200 Old State Ten Road</u>

Chair Lauren Dodgin read the opening statement.

No board members reported any ex-parte communications or conflicts.

The Applicant was made aware that a variance requires a fourth-fifths majority vote of the board and as there were only four members present, all four would have to vote in the affirmative to grant the variance. The Applicant was given the option to go ahead with the request or postpone until the next regular meeting. The Applicant chose to go ahead with the request.

Jennifer Tipton swore in the Applicant and Russell Cate.

Russell Cate read through his staff report. The Applicants are seeking a reduction in the stream buffer and transitional area requirements to place an accessory structure at the side of their

house. The stream buffer requires thirty feet, and the transitional area requires an additional twenty feet. The stream runs through the middle of the subject property. Accessory structures are considered an impervious surface, and the purpose of the stream buffer is to protect the water quality. There is an allowance for a slight reduction by staff, but they would only get the entire area to thirty feet and still wouldn't give the Applicants enough room to place the accessory structure in the side yard.

Tammy Gregg, 200 Old State Ten, noted that the property is also known as 200 Kerlee Heights Road. Mrs. Gregg said that her and husband wish to place a 12' by 20' storage building at the side of their house to store their belongings while the house is being repaired from flood damage. They do plan to use the accessory structure to store yard items after they are able to move their belongings back into the home. They do not want the accessory structure sitting at the road for security reasons and if the structure were beside the house, they could keep a better check on the structure and their belongings. They have owned the home since 1993.

There was no opposition, rebuttal, or closing statements.

Chair Dodgin made a motion to close the evidentiary hearing. The motion was seconded by John Hines and approved by a vote of 4-0.

The board deliberated and found that:

1. There are unnecessary hardships because due to the natural disaster of Hurricane Helene, there is not an alternative for the Applicants to place an accessory structure in another location.
2. The hardship results from conditions that are peculiar to the property as the topography of the property and the amount of rain that fell flooded the property, when the property has never flooded before.
3. The hardship did not result from actions taken by the applicants in that the property already existed and the applicants did not create the stream or cause the flooding.
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 because the stream buffer regulations were not meant to punish property owners in the wake of natural disasters.

Chair Lauren Dodgin made a motion to grant the variance reducing the stream buffer requirements allowing for the placement of an accessory structure at the side of the house. The motion was seconded by John Hines and approved by a vote of 4-0.

2. <u>Approval of Order for 115 East Street</u>
Lauren Dodgin made a motion to approve the order for 115 East Street as written. The motion was seconded by John Hines and approved by a vote of 4-0.

3. <u>Approval of Order for 200 NC 9 Hwy</u>
Lauren Dodgin made a motion to approve the order for 200 NC 9 Hwy as written. The motion was seconded by John Hines and approved by a vote of 4-0.

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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Jennifer Tipton, Senior Admin

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Lauren Dodgin, Chair