TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held a continuation of the July 17, 2025, meeting on Thursday, July 24, 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
Nicole Stallings
David Barley
John Hines

Absent:

Linda Brinson

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

There was no agenda to adopt.

III. ADOPTION OF MINUTES

There were no minutes to adopt.

IV. OLD BUSINESS

1. <u>Variance Request – 15 Avena Street</u>

Jennifer Tipton swore in all parties testifying.

Russell Cate presented the staff report. The variance request is for a reduction of three feet and eight inches from the required thirty-foot setback to repair a deck from TS Helene and expand the deck. Mr. Cate noted that the zoning for the parcel is OI-6 and the neighboring properties are residential with front porches being a common feature. The property does not have a stream buffer or floodplain.

Aaron Goglin, of Semper Fi Custom Remodeling, said that the deck was built in conformance with the thirty-foot setback when the house was built in 2006. The property has a large front setback even though the parcel and neighboring parcels are residential. The goal is to extend the porch to the concrete sidewalk in the front yard and to make the deck more accessible and usuable.

Chair Lauren Dodgin made a motion to go into recess to deliberate and the motion was approved by a vote of 4-0. The overall consensus was that there is onerous zoning in this area forcing residential properties to conform to requirements for an office or industrial property. It was noted that the deck as it exists is very small and not very usable.

The board voted on each variance requirement and found the following:

1. There are unnecessary hardships that would result from the strict application of the ordinance because onerous industrial setbacks are being applied to a residential parcel. The board voted 4-0 on this requirement.
2. The hardship results from conditions that are peculiar to the property because the property is quite small and doesn't provide additional space beyond the required setbacks. The board voted 4-0 on this requirement.
3. The hardship does not result from actions taken by the applicant or property owner as the property existed and the house was built before the applicant purchased the property. The board voted 4-0 on this requirement.
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 it allows the applicant to have what others in the neighborhood have and does not pose a danger and would make it closer in look to neighboring properties. The board voted 4-0 on this requirement.

Chair Dodgin made a motion to come out of recess and the motion was approved by a vote of 4-0.

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

Chair Dodgin made a motion to grant the variance to allow a reduction of the required thirty-foot setback by three feet and eight inches.

V. NEW BUSINESS

None.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:21 p.m.

Prepared by:

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Lauren Dodgin, Chair

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Jennifer Tipton, Senior Admin