Town of Black Mountain
Building, Planning and Zoning
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STAFF REPORT

Planning Board Meeting Date: May 18, 2026
Case #: REZ-26-0002

GENERAL INFORMATION

APPLICANTS:	Prakash and Manjuben Kishan
REQUEST:	Change from Town Residential (TR-4) to Highway Business (HB-8)
ADDRESS AND PARCEL ID NUMBER (PIN):	433 Lakey Gap Road (0619-42-4776-00000)
SIZE:	0.62 acre (27,007 square feet [SF]), according to Buncombe County GIS
TOPOGRAPHY:	21.80 percent slope, according to https://www.mapwnc.org/find-slope-for-parcel

SITE DATA

EXISTING USE	Single-family, three-bedroom, 3½-bath, home with a total finished area of 4,219 SF, a finished basement of 546 SF, an unfinished basement of 42 SF, a garage of 550 SF, a patio of 400 SF, and a year of construction of 1998. *Source of information:* Buncombe County Property Record Card

PURPOSE AND INTENT OF DISTRICTS

TR-4 (Town Residential)	Sec. 4.7.3.1 (Purpose and Intent): The town residential district is established to allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics would interfere with the residential nature of the area is excluded.
HB-8 (Highway Business)	Sec. 4.7.8.1 (Purpose and Intent): The highway business district provides orderly growth along the town's major thoroughfares; promotes access management and traffic safety for all modes of transportation, encourages the redevelopment of existing commercial sites; creates economic opportunities ; promotes a safe, convenient and attractive environment for pedestrians to access good and services; creates gateways and entrances into the town along central corridors; and encourages residential development that blends with the commercial character of the district and enhances the variety of housing options provided in the town. Because of the objectives and characteristics of this district, it is located contiguous to major streets or within proximity to primary commercial districts. Supplementary District Requirements: A. Primary entrances to buildings must connect to sidewalks. B. As part of new construction, sidewalks are required adjacent to state and town roadways and must be a minimum of five feet wide with a minimum two-foot planted strip between the sidewalk and the roadway. C. For areas along U.S. 70, additional development requirements may apply. See Section 4.7.7.

DIMENSIONIAL REQUIREMENTS

	Existing	Requested
Zoning District:	Town Residential (TR-4)	Highway Business (HB-8)
Max. Density:	4 dwelling units per acre (DUA)	Residential: 8 dwelling units per acre (DUA) Non-Residential: none
Front Setback:	20’ (15’ steep hillside)	Residential: 15’ Non-Residential: 15’
Side Setback:	10’	Residential: 10’

		Non-Residential: 10’ (20’ abutting residential district)
Rear Setback:	15’	Residential: 30’ Non-Residential: 20’ (30’ abutting residential district)
Min. Lot Size:	¼ acre (10,890 square feet)	Residential: 1/8 acre (5,445 square feet) Non-Residential: none
Max. Height:	35’	Residential: 40’ Non-Residential: 40’
Min. Width:	40’ (15’ at street)	Residential: 50’ Non-Residential: 50’
Min. Depth:	80’	Residential: none Non-Residential: none

	TR-4	**HB-8**
Uses Permitted by Right:	• Single-Family Residences • Two-family Residences (duplex) • Government facilities • Places of worship • Public utilities • Accessory Structures • Camps, summer • Bed and Breakfast Homes	• Shared housing/Community living facilities • Single-Family Residences • Two-family Residences (duplex) • Government facilities • Group home • Hospitals • Meeting halls for civic, social, and fraternal uses • Places of worship • Conference Centers • Cultural, Community Facilities • Educational facilities • Public utilities • Accessory Structures • Breweries/Distilleries/Wineries/ Cideries • Freight handling facilities • Manufacturing, light (indoor) • Warehousing • Amusements and entertainment uses • Animal services • Art studio and galleries • Automotive sales, rental and service • Bank and financial services • Bar • Bed and Breakfast Homes • Building material sales • Business services

- Convenience Store
- Farm supply stores
- Funeral homes
- Health and fitness facilities
- Heavy equipment sales, rental and service
- Heritage crafts
- Home Occupations
- Hotels and motels
- Industrial cleaning services
- Instruction services and studios
- Laundromat
- Laundry and dry cleaning
- Manufactured home sales and service
- Medical offices and clinics
- Micro-breweries/distilleries/wineries/cideries
- Mini-storage or self-storage
- Mixed use buildings
- Mobile food vendors
- Mobile food vendor courts
- Mobile retail vendor
- Professional offices and services
- Restaurant (sit down)
- Restaurant brew pub/tavern
- Restaurants and taverns (walk-up, drive-thru, sit down)
- Retail
- Retail (Up to 2,500 sf)
- Taxi and Transportation Services
- Warehousing (accessory to retail)
- Wholesale
- Wholesale and retail bakery

	TR-4	**HB-8**
Uses Permitted per Additional Requirements:	• Home Occupations • Emergency Housing • Manufactured Homes on individual lots	• Emergency Housing • Family Care Homes • Agriculture • Campgrounds • Bed and Breakfast Inns • Day Care Centers • Garden Markets

	• Secondary Dwellings • Boarding House • Family Care Homes • Agriculture • Bed and Breakfast Inns • Garden Markets	
Uses Permitted with a Special Use Permit:	**TR-4** • Conservation Subdivision • Cottage Housing Development • Planned Unit Development - Residential • Multi-Family Residential – All Levels	**HB-8** • Cottage Housing Development • Industrial Park Development • Planned Unit Development - Residential • Planned Unit Development – Commercial • Manufactured Home Parks • Multi-Family Residential – All Levels • Communications Towers • Adult Establishments

SPECIAL INFORMATION

Overlay Districts	
Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellhead Protection Overlay	N/A
Environmental	
Floodplain	No
Floodway	No
Watercourse shown on USGS topo map that is also surface water classified by NC DEQ	No
Transportation	
Street Classification	Lakey Gap Road is a Town roadway

This is a clip from Buncombe County GIS (*Post Helene 2024 Imagery*) with the ***5-Foot Contours***, ***2020 - DFIRM Flood Data***, and ***Stream & River*** layers on:



The parcel is not in the 100-year flood zone and does not have any DEQ-classified surface water.

This clip shows zoning districts (yellow indicates TR-4 and red indicates HB-8):



Photo from Buncombe County Property Record Card (date unknown):



Surrounding parcels:

	North	South	East	West
Adjacent Zoning Designation	TR-4	TR-4	TR-4	Parcels zoned TR-4 and UR-8 are in the area that is to the west of the sharp point that defines the westernmost portion of the subject parcel
Adjacent Land Uses, per Buncombe County Property Record Cards	Six parcels border to the north; they have: single-family residential	Three parcels border to the north; they have: single-family residential	single-family residential	No parcels border to the west

Photo taken on April 21,2026:



DISCUSSION

In *Reason for Requested Rezoning* on the rezoning application, the applicants wrote "Would like to teach meditation and start a massage service parlor. Meditation will be taught free of charge as a service to the community."

Item ***A*** in Section 1.5.2 (Requirements for Consideration of Zoning Map and Text Amendments) of Section 1.5 (Amendments) of Chapter 1 of the Land Use Code states:

> The planning board and town council must consider the following in their consideration of any text or map amendments:
>
> 1. If the public necessity, convenience, general welfare, or good zoning practices justify such action, and
> 2. If the action is consistent with the town comprehensive plan or other adopted plans.

The parcel is in a **Valley Residential** area on the *Future Land Use Map* of Elevate Black Mountain (the comprehensive plan):

DESCRIPTION: Valley Residential areas are areas which predominantly include single family homes of varying ages, sizes, and setbacks. Over time, some Valley Residential areas may evolve through redevelopment. Where large redevelopment projects occur, new development should take a more compact form that enhances the streetscape and creates a variety of housing and commercial options.

OPPORTUNITIES:

- Large-scale redevelopment efforts should resemble complete neighborhood development principles using walkable design
- Neighborhood and area planning

PRIMARY USES:

- Medium density residential
- Neighborhood-oriented commercial

SECONDARY USES:

- Home-based businesses

DESIRED CHARACTERISTICS:

- Building Height: 2-3 stories
- Building Setback: 10-30 feet
- Lot Width: 35-100 feet
- Block Length: 500-1,000
- Parking: driveways, garages

Elevate Black Mountain's *Future Land Use Map* section provides detail on the purpose of the future land use map:

THE FUTURE LAND USE MAP:
The Future Land Use Map depicts how Black Mountain should grow in the future, based on current trends and conditions and future needs and community values. This map identifies character areas, which are types of places that share attributes of urban form and function including the size and type of buildings and their relationship to the street, the surrounding street and block pattern, parking and access, as well as land uses or types of development. Character areas are not zoning but do help to provide guidance for planning, zoning, and development decisions. Multiple zoning district areas may fit appropriately into a given character area, while some character areas may require the adoption of new zoning district areas differing from the ones that exist today.

HOW FUTURE LAND USE RELATES TO ZONING:
Zoning is an important regulatory tool to ensure the orderly development of the Town of Black Mountain and land where the Town is anticipated to grow over the coming decades. Zoning in Black Mountain is administered through its zoning map and linked to the Town's Land Use Code, which stipulates permitted uses, dimensional standards, and development standards.

Black Mountain zoning regulations divides the Town into various residential, commercial, industrial, business, and mixed use zoning district areas. The Land Use Code describes what type of land use and specific activities are permitted in each zoning district, and also regulates how buildings, signs, parking, and other development may occur on a property. The zoning regulations also provide procedures for rezoning and other development activities.

The zoning map and zoning regulations provide property owners in Black Mountain with certain rights to development, while the Elevate Black Mountain Comprehensive Plan provides guidance to decision-makers regarding the land use and character of future development on a property. The Future Land Use Map should be used as a guide for future rezoning decisions by the Town's Planning Board and Town Council, but does not have the authority of law that the Land Use Code does.

The Future Land Use Map provides guidance regarding land development, annexation, and capital planning decisions. The Future Land Use Map is not parcel-specific. To best interpret which category should apply to a property located in an edge condition where the categories change from one to another, discretion should be used to identify the most appropriate fit given the site conditions and surrounding context.

The applicants are requesting the Highway Business (HB-8) zoning district. The parcel is currently in the Town Residential (TR-4) zoning district and is bordered on the north, south, and east by parcels that are in the TR-4 zoning district. The parcel comes to a sharp point in its western side. Immediately south of the western point, on the south side of Lakey Gap Road, is a parcel that's zoned TR-4. Just to the southwest of the western point, also on the south side of Lakey Gap Road, are two parcels that are zoned HB-8 – one has the use single-family residential; the other is listed by Buncombe County as having an office building.

The parcel is currently zoned Town Residential (TR-4). TR-4 permits few uses other than single-family residence, duplex, and single-family-home-plus-secondary-dwelling:

- Permitted by right: government facility, place of worship, summer camp, bed and breakfast home.
- Permitted per additional requirements: home occupation, emergency housing, boarding house, family care home, agriculture, bed and breakfast inn, garden market.
- Permitted with a Special Use Permit: conservation subdivision, cottage housing development, planned unit development – residential, multi-family residential – all levels.

In contrast, the Highway Business (HB-8) permits a wider range of uses:

- Permitted by right: The list of permitted-by-right uses in HB-8 is long and covers uses ranging from single-family residence, duplex, government facility, and place of worship to more-intensive uses including hospital, brewery, manufacturing (light, indoor), bank and financial services, convenience store, hotel and motel, mixed-use building, professional office, and wholesale.
- Permitted per additional requirements: emergency housing, family care home, agriculture, campground, bed and breakfast inn, day care center, garden market.
- Permitted with a Special Use Permit: industrial park development, cottage housing development, planned unit development – residential, planned unit development – commercial, manufactured home park, multi-family residential – all levels, communication tower, adult establishment.