

**TOWN OF BLACK MOUNTAIN
ZONING BOARD OF ADJUSTMENT**

The Black Mountain Zoning Board of Adjustment held a special call meeting on Wednesday, December 5, 2018 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:

John DeWitt, Vice Chair
Rebecca Harris
Jillian Ballard
Charlotte McRanie, Alternate
Ted Mattson, Alternate

Absent:

Cheryl Milton, Chair
Bob Osmundsen
Janet McKimpson, Alternate

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of three (3) regular members and two (2) alternates.

II. ADOPTION OF AGENDA

Jillian Ballard made a motion to adopt the agenda as presented. The motion was seconded by Rebecca Harris and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Jillian Ballard made a motion to adopt the minutes of August 16, 2018 as written. The motion was seconded by Rebecca Harris and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request for 316 Allen Mountain Drive

Ms. Tipton presented a summary of the variance request for 316 Allen Mountain Drive. The property is zoned CR-1 and has a front setback of thirty feet and a side setback of ten feet. The current layout of the inside of the house constitutes a safety hazard because the foyer is small and the door cannot be opened without hitting the railing of the stairs and there are concerns that someone could fall down the stairs while trying to let people in. The current front stoop encroaches into the front setback and the applicant is asking for two feet, six inches on the front to be able to extend the stoop and add a covering allowing more room for people to enter the house without the danger of possibly falling down the stairs. The applicant is also asking for two feet, three inches on the side to construct a deck along the back of the existing carport. The board deliberated on the variance request for the front setback and found the following:

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1. Unnecessary hardship will result from the strict application of the ordinance as it will prevent the construction of additional foyer space to reduce the safety risk posed by the open stairway immediately inside the front entryway.
2. The hardship is not the result of actions taken by the applicants as the house was already constructed in the floor plan established before the applicants purchased the property.
3. The requested variance is consistent with the spirit, purpose and intent of the ordinance as it will enhance safety of the home and the property is at the dead end of a street where the variance will have no adverse effect on neighbors and will not be an obvious variation from how other properties appear on the street.
4. Public safety is secured as the variance of the front setback will allow the construction of an enlarged foyer that allows enough room for residents and guest to avoid the open stairwell.
5. Substantial justice will be achieved by granting the variance of the front setback as it will increase safety and allow the applicants and their guests to have safe access to the house.

The board deliberated on the variance request for the side setback and found the following:

1. Unnecessary hardship will result from a strict application of the ordinance as it will require that any deck constructed along the back of the carport be shorter than the carport is wide, creating an unfinished look and an aesthetically unappealing appearance.
2. The hardship is not the result of actions taken by the applicants as the carport was already constructed before the applicants purchased the property.
3. The requested variance is consistent with the spirit, purpose and intent of the ordinance as the variance requested will allow the construction of a deck that is more appealing in appearance and will enhance the appearance of the neighborhood rather than detracting from that appearance.
4. Substantial justice will be achieved as it will allow the applicants to make full use of their property to the same degree as neighboring owners.

Jillian Ballard made a motion to grant both variance requests. The motion was seconded by Charlotte McRanie and approve by a vote of 5-0.

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Charlotte McRanie made a motion to adjourn at 6:17 p.m. The motion was seconded by Rebecca Harris and approved by a vote of 5-0.

Prepared by:

, Chair

Jennifer Tipton, Zoning Administrator

, Secretary

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