

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, March 20, 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
Chloe Brown
Linda Brinson

Absent:

John Hines
David Barley

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:08 p.m. and duly constituted and opened for business with a quorum of four (4) regular members.

II. ADOPTION OF AGENDA

Chair Lauren Dodgin made a motion to adopt the agenda as presented. The motion was approved by consensus by a vote of 4-0.

III. ADOPTION OF MINUTES

Chair Lauren Dodgin made a motion to adopt the minutes of February 20, 2025, as written. The motion was approved by consensus by a vote of 4-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request – 501 Montreat Road

Chair Lauren Dodgin read the opening statement. Jennifer Tipton swore in all parties wishing to participate in the hearing. There was no ex parte communication or conflicts with any of the board members.

Russell Cate provided the board with the staff report of the variance request. The applicant is seeking a variance to remove the stream buffer from the blue line stream as depicted on GIS data. The variance request is for both watercourse standards which include a thirty-foot buffer on each side of the watercourse and then a twenty-foot transitional area on top of the thirty-foot buffer. The applicants did request an administrative relief for a reduction in the stream buffer from thirty feet to fifteen feet and a reduction in the transitional area from twenty feet to fifteen feet. This request was granted. Mr. Cate noted that the property is zoned UR-8, has a single-family residence and a small carport.

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Brian Daniel of Scroggs Construction is the representative of the owners. Mr. Daniel acknowledged the purpose of the stream buffer is to protect the streams, however, they have not been able to find an active stream on the property and it is instead an active drainage area. It appears that the area is shown on the USGS map because it meets the threshold of statistical data. The applicants are wishing to construct a three hundred and eight square-foot addition that will meet all setbacks, but would not meet the buffer requirements.

Chloe Brown made a motion to go into recess for deliberations. The board discussed that the applicants would benefit relief of the buffer. There was a question of if the drainage area is ever an actual waterway. If the stream is an ephemeral stream, there could potentially be unintended consequences for the owner and other property owners. In looking at photos and historical knowledge, it does appear that the drainage area did not take on water or hold water during the hurricane. The addition would not encroach into the setbacks and it was noted that no other property owners came to the meeting to express concerns. The board came out of recess.

Mr. Daniel noted that the stream/drainage area begins in lot 13/14 on the plat and then goes into the applicant's lot. Mr. Daniel noted that the drainage area does appear to be naturally made.

Chloe Brown made a motion to close the evidentiary hearing. The motion was approved by consensus by a vote of 4-0.

The board found the following:

1. There are unnecessary hardships that would result from the strict application of the ordinance because the area in question appears to be a drainage area and not an actual blue line stream and would not allow the Applicants to use the property as intended.
2. The hardship does result from conditions that are peculiar to the property because of the placement of the home in conjunction with the location of the stream/drainage area and buffer area.
3. The hardship did not result from actions taken by the applicant as the house and stream/drainage area were already in existence.
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 as it allows the applicants to use their property as other property owners and does not interfere with the stream or water quality.

Chair Dodgin made a motion to grant the variance request to remove the stream buffer requirements. The motion was seconded by Nicole Stallings and approved by a vote of 4-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

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VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:46 p.m.

Prepared by:

Lauren Dodgin, Chair

Jennifer Tipton, Senior Admin