



TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT

September 18, 2025


REGULAR MEETING AGENDA

Time: 6:00 PM

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

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 Conserve Resources; print only when necessary.

The Town of Black Mountain is committed to providing accessible facilities, programs, and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door. Should you need other assistance or accommodation for this meeting, please contact Town Clerk Wesley Barker at: town.clerk@tobm.org, or (828) 419-9300 / TDD (800) 735-2962

-
1. **CALL TO ORDER**
 - 1.A. **Welcome**
 - 1.B. **Determination of Quorum**
 2. **ADOPTION OF AGENDA**
 - 2.A. **Motion: To adopt the agenda as presented [or as amended]**
 3. **ADOPTION OF MINUTES**
 - 3.A. **Motion: To adopt the minutes of August 21, 2025, as written [or as amended]**
 4. **OLD BUSINESS**
 5. **NEW BUSINESS**
 - 5.A. **Variance Request - 107 Sixth Street**

5.B. Speical Use Permit Request - 399 Blue Ridge Road

- 6. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT**
- 7. COMMUNICATION FROM STAFF**
- 8. ADJOURNMENT**



**Board of Adjustment Regular Meeting
September 18, 2025**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of August 21, 2025, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Variance Request – 107 Sixth Street

VI. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, August 21, 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:

Nicole Stallings
John Hines
Linda Brinson
Mary Hall

Absent:

Lauren Dodgin
David Barley
Chloe Brown

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 three (3) regular members and one (1) alternate.

II. ADOPTION OF AGENDA

Nicole Stallings made a motion to adopt the agenda as presented. The motion was approved by consensus by a vote of 3-0.

III. ADOPTION OF MINUTES

Nicole Stallings made a motion to adopt the minutes of July 17, 2025, and July 24, 2025, as written. The motion was approved by consensus by a vote of 3-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Approval of Order for 15 Avena Street Variance

Jennifer Tipton shared the draft order for the granting of the variance request for 15 Avena Street. The board can approve the order as written, make amendments to the order, or deny the order. Nicole Stallings made a motion to approve the order granting the variance for 15 Avena Street as written. The motion was approved by consensus by a vote of 3-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Board of Adjustment Regular Meeting
August 21, 2025

With no further business, the meeting was adjourned at 6:02 p.m.

Prepared by:

Lauren Dodgin, Chair

Jennifer Tipton, Senior Admin

Board of Adjustment Regular Meeting
August 21, 2025

**Town of Black Mountain Staff Report
Board of Adjustment**

Case No: V-25-05

Case Name: 107 Sixth Street

Hearing Date: September 18, 2025

Procedure: Variance Evidentiary Hearing

Address of Variance Request:

107 Sixth Street

Black Mountain, NC 28711

Property ID Number (PIN): 061939525700000

Applicant:

Bar Investments and Holdings LLC Bartholf

2508 Grimmersborough Ln.

Charlotte, NC 28270

Request:

The applicant is seeking a variance from the Urban Residential (UR-8) zoning district's 10-foot size setback requirement for a single-family home to be built on a lot. Section 4.4.3 (J) (1) of Chapter 4 (Zoning) of the Land Use Code states that ornamental features like roof overhangs that project from the principal building may encroach up to 18 inches into any required setback.

The applicant wants the roof overhang on both sides of the home to encroach 27 inches into the 10-foot side setback. Thus, on both sides of the home the applicant is seeking a nine-inch variance from the 10-foot side setback requirement. If the project proceeds as depicted on the site plan, the structure would be nine feet, three inches from both side property lines.

Town Staff:

Jennifer Tipton, Clerk to Board of Adjustment

Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicant is seeking a variance from one of the requirements stated in the *Minimum Yard Requirements* portion of **Dimensional Requirements by Zoning District** (which is Section 4.7.15 of Chapter 4 of the Land Use Code): in the Urban Residential (UR-8) zoning district, the side setback requirement is 10 feet. The context of the request is the construction of a single-family home.

Section 4.4.3 (J) (1) states that ornamental features like roof overhangs that project from the principal building may encroach up to 18 inches into any required setback.

The applicant wants the roof overhang on both sides of the home to encroach 27 inches into the 10-foot side setback. Thus, on both sides of the home the applicant is seeking a nine-inch

variance from the 10-foot side setback requirement. If the project proceeds as depicted on the site plan, the structure would be nine feet, three inches from both side property lines.

In their variance application, the applicant wrote:

This variance is requested to allow us to keep the architectural look and feel of the home proposed for 107 Sixth St. The 2'6" overhangs are also important for erosion control and moisture around the foundation of the home.

The other confusion that should allow for this variance in my opinion, is that section 4.4.3 J 1 says ornamental features such as sills and cornices shall not extend more than 18" into the setback. It does not mention roof overhangs. However 4.4.3 J 2 allows for bay windows and balconies to extend up to 3 feet into the setback. A bay window would have a roof and roof overhang which would be part of the 3 foot encroachment into the setback. It seems odd to me that the main roof overhang would not have the same allowance of up to 3 feet, and be included in the 4.4.3 J 2 description.

II. PROCESS – REQUIRED CITY APPROVALS

In addition to this variance, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building Codes.

III. ZONING AND LAND USE

The property is in the Urban Residential (UR-8) zoning district. The clip below is from Buncombe GIS – blue is UR-8 (5257 is the subject property; the home shown in this October 2024 image has been demolished. Image is *Post Helene 2024*.)



The *Minimum Yard Requirements* in UR-8 are:

Front: 20 feet

Side: 10 feet

Rear: 15 feet

The UR-8 height limit is 35 feet.

Reference: Section 4.7.15 (Dimensional Requirements by Zoning District) of Chapter 4.

The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	UR-8	UR-8	UR-8	UR-8
Adjacent Land Uses	Vacant lot	Single-family home	Vacant lot	Single-family home

The *Purpose and Intent* of the UR-8 zoning district is:

The mixed residential district is established to provide a variety of housing types, promote density in the more urbanized and developable areas or town, and structure the orderly development of residential neighborhoods.

Reference: Section 4.7.4 (Urban Residential District – UR-8) of Chapter 4.

Existing Conditions

According to the Buncombe County Property Record Card for 107 Sixth Street, the lot is .26 acre (11,325 square feet) in size. The overall slope of the lot is 7.49 percent (according to <https://www.mapwnc.org/find-slope-for-parcel>).

Below is a clip from Buncombe GIS with the 5 Foot Contours, Stream & River and 2020 – DFIRM Flood Data layers turned on. (5257 is the subject property; the home shown in this October 2024 image has been demolished. Image is Post Helene 2024.)



As shown on the site plan, the home is being built outside the Stream Buffer and the Transitional Area that exist along the USGS ‘watercourse’ in the northeast corner of the lot. And as shown on the site plan, the project area is outside the 100-year floodplain that touches the northeast corner of the lot.

Below is a street view of the lot (photo taken on 8/28/2025).



IV. NOTIFICATION

Notice of the variance request and hearing was mailed to all property owners within 200 feet of the project site. Public notice was posted on the Town bulletin board and on the Town of Black Mountain website on Sept. 1, 2025. Legal notice appeared in *Black Mountain News* the weeks of Sept. 4, 2025, and Sept. 11, 2025. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the variance request is the construction of a four-bedroom, two-bathroom single-family home that has 2,319 heated square feet, and that also has 530 square feet of covered, unheated space, and a 145 square foot open deck. The home has an attached two-car garage. The height of the structure is 17 feet. The lot is in an area of single-family homes and a few vacant lots.

Section 4.4.3 (A) of the Land Use Code states that “Yard and setback requirements shall be met unless a variance is granted by the Board of Adjustment.”

Per Section 2.1.4 of the Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

Section 1.7.3 (A) of the Land Use Code states that the board of adjustment shall authorize upon application in specific cases such variance from the terms of the town's land use code as will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the town ordinances will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are not intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the land use code and in a way that the spirit of the town regulations shall be preserved, public safety and welfare secured, and substantial justice done.

Town staff has determined that the applicants' request to hear the variance is in accordance with Section 1.7.1 (A).

160 Midland Ave
Black Mountain, NC 28711



Office of The Building Inspector
Office: 828-419-9300

Planning & Zoning Applications: #VAR-25-0004

Overview

Type: Variance

Submitted: 08-12-25, 8:05am EDT

Address: 107 SIXTH ST, BLACK MOUNTAIN, NC 28711

Form Submission

Owner:

Bar Investments And Holdings LLC Bartholf
2508 Grimmersborough Ln.
Charlotte NC 28270
mattbar@outlook.com, (704) 516-8166

Section Number(s): 4.4

Section Title(s): Provisions governing all lots

Subsection letter(s) and/or number(s): 4.4.3 J

Subsection Title(s): Setbacks, corner lots, and double frontage lots

So that the below mentioned property can be used in a manner indicated by the plan attached to this form, or if the plan does not adequately reveal the nature of the variance, as more fully described herein (if applying for a variance in dimensional requirements, state the revised setbacks or height limitations desired below)::

Allow the roof overhang of the house to protrude into the side setbacks 2'3".

Parcel Number: 0619395257

Current Zoning: -

Acreage: .26

Average Slope %: Less than 5%

Use of Property: Residential single family home

Petitioner Signature:

Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

This variance is requested to allow us to keep the architectural look and feel of the home proposed for 107 Sixth St. The 2'6" overhangs are also important for erosion control and moisture around the foundation of the home.

The other confusion that should allow for this variance in my opinion, is that section 4.4.3 J 1 says ornamental features such as sills and cornices shall not extend more than 18" into the setback. It does not mention roof overhangs. However 4.4.3 J 2 allows for bay windows and balconies to extend up to 3 feet into the setback. A bay window would have a roof and roof overhang which would be part of the 3 foot encroachment into the setback. It seems odd to me that the main roof overhang would not have the same allowance of up to 3 feet, and be included in the 4.4.3 J 2 description.

Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.:

-

Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.:

-

Indicate how 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.:

-

SEE NOTE 10

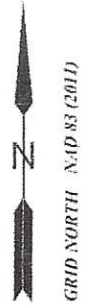
BE SUBJECT TO UTILITIES, EASEMENTS OR RIGHTS-OF-WAY UNOBSERVED AT THE TIME OF SURVEY.

NOTE: NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, OR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. ALL DOCUMENTS OF RECORD REVIEWED ARE NOTED HEREON.

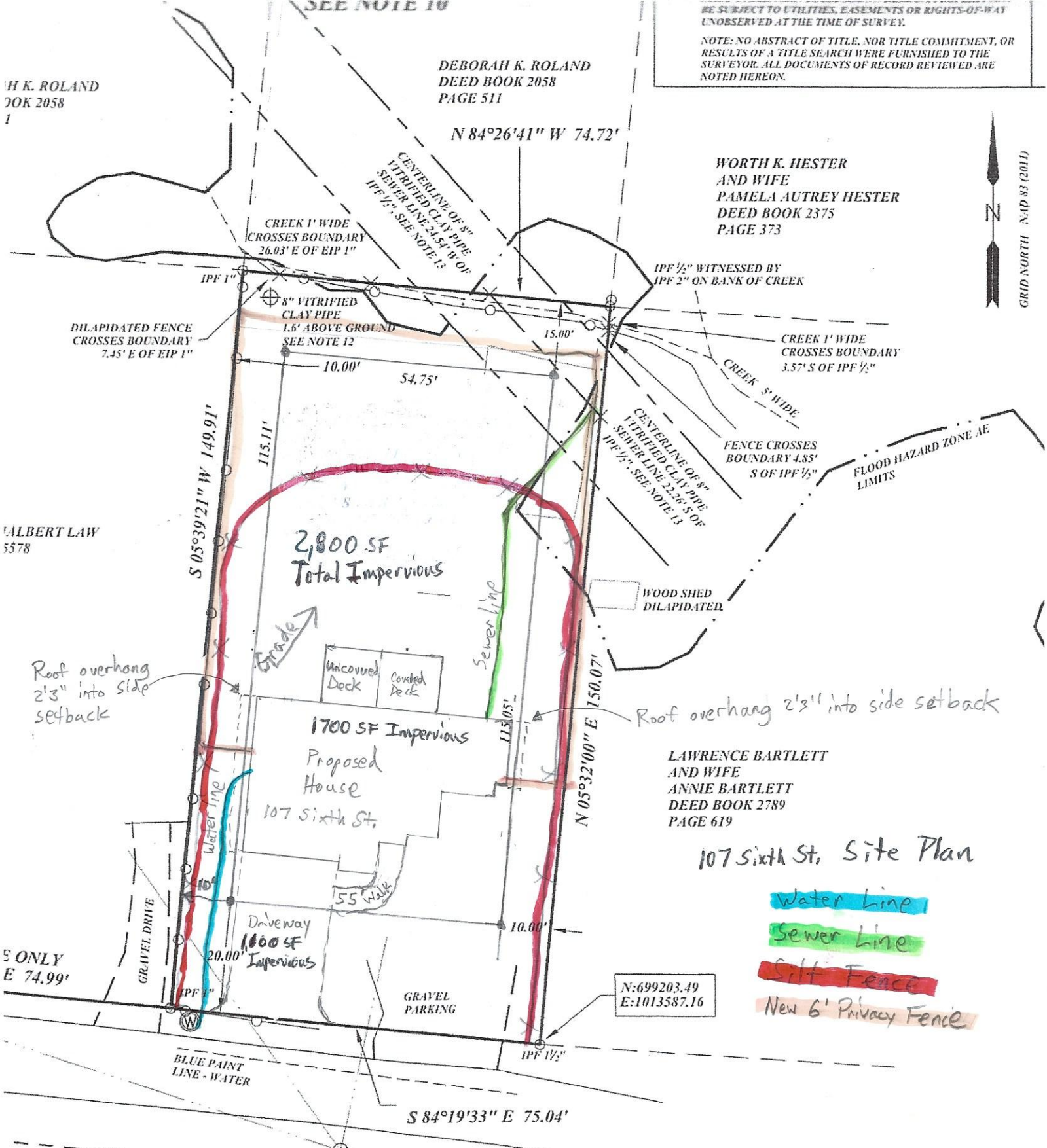
H. K. ROLAND
DOK 2058
1

DEBORAH K. ROLAND
DEED BOOK 2058
PAGE 511

WORTH K. HESTER
AND WIFE
PAMELA AUTREY HESTER
DEED BOOK 2375
PAGE 373



ALBERT LAW
5578



LAWRENCE BARTLETT
AND WIFE
ANNIE BARTLETT
DEED BOOK 2789
PAGE 619

107 Sixth St. Site Plan

- Water Line
- Sewer Line
- Silt Fence
- New 6' Privacy Fence

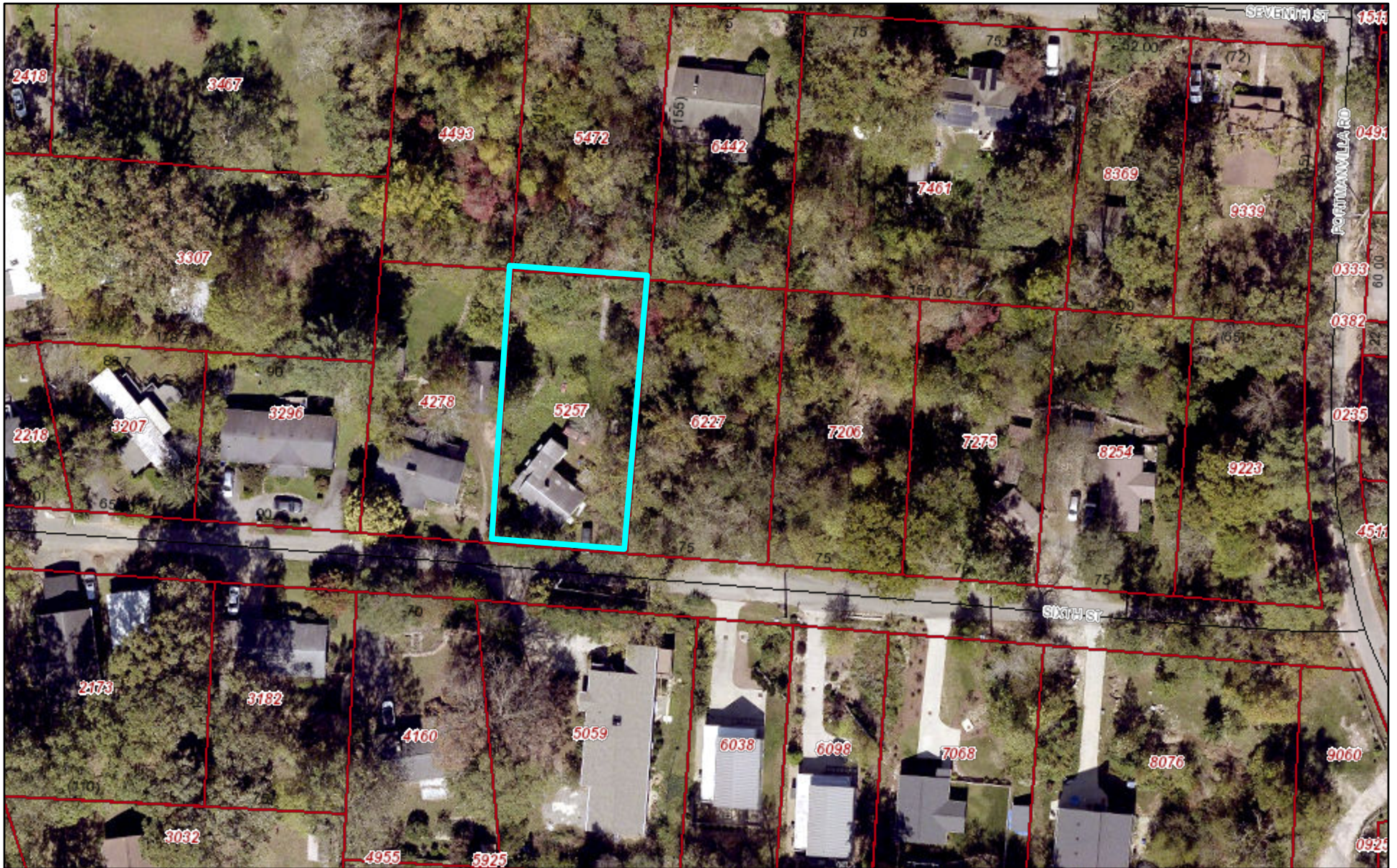
N:699203.49
E:1013587.16

SIXTH STREET 15' PAVED
30' RIGHT OF WAY

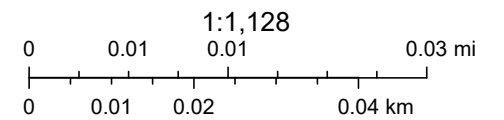
Name	Address
Mary Anderson	105 Fifth St
107 5th Street LLC	121 Laurelwood Rd
Joseph Lytle; Mildred Lytle	101 Hill St
Joseph Lytle; Mildred Lytle	101 Hill St
Steven Wonson; Karen Wonson; Brian Wonson; Stephanie Wonson	606 Montreat Rd
Anita Hawkins	39 moody Rd
Susanne Strull	102 Sixth St
Black Bear Properties LLC	2311 US Hwy 780 Unit 261
Stuart Baldwin; Sierra Baldwin	103 Sixth St
Thelma Roberts	702 Montreat Rd
Shirley Roberts	704 Montreat Rd
Michael Guzalak	4092 Lower Kula Rd
Christian Law	105 Sixth St
Deborah Roland	173 Jacktown Rd
Barbara Halford	PO Box 1200
Terry M Wilson Revocable Trust	106 Sixth St
Bar Investments and Holdings LLC	2508 Grimmersborough Ln
Deborah Roland	173 Jacktown Rd
Janice McElrath	108 Seventh St
Clay Lowery; Michelle Lowery	110 Seventh St
Ramon Berrayarza; Maria Hernandez	1716 SW 17th Ct
Horowitz 2000 Trust	112 Sixth St
Annie Bartlett	201 Portmanvilla Rd
Worth Hester; Pamela Hester	PO Box 1202
Sally A Smith Trust	116 Sixth St
Annie Bartlett	201 Portmanvilla Rd
Annie Bartlett	201 Portmanvilla Rd
Brad Migyanka; Michelle Migyanka	105 Seventh St
Troy F Leslie LLC	681 Bee Tree Rd

City	State	Zip	PIN #
Black Mountain	NC	28711	61938495500000
State Road	NC	28676	61938592500000
Black Mountain	NC	28711	61938599400000
Black Mountain	NC	28711	61938696300000
Black Mountain	NC	28711	61939217300000
Asheville	NC	28806	61939303200000
Black Mountain	NC	28711	61939318200000
Swannanoa	NC	28778	61939320700000
Black Mountain	NC	28711	61939329600000
Black Mountain	NC	28711	61939330700000
Black Mountain	NC	28711	61939346700000
Kula	HI	96790	61939416000000
Black Mountain	NC	28711	61939427800000
Marion	NC	28752	61939449300000
Black Mountain	NC	28711	61939463100000
Black Mountain	NC	28711	61939505900000
Charlotte	NC	28270	61939525700000
Marion	NC	28752	61939547200000
Black Mountain	NC	28711	61939559900000
Black Mountain	NC	28711	61939561000000
Miami	FL	33145	61939603800000
Black Mountain	NC	28711	61939609800000
Black Mountain	NC	28711	61939622700000
Black Mountain	NC	28711	61939644200000
Black Mountain	NC	28711	61939706800000
Black Mountain	NC	28711	61939720600000
Black Mountain	NC	28711	61939727500000
Black Mountain	NC	28711	61939746100000
Swannanoa	NC	28778	61939752800000

Buncombe County



August 15, 2025





Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF VARIANCE REQUEST (REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **August 29, 2025**
TO: **PROPERTY OWNER**
FROM: **TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR**

ADDRESS OF PROPOSED VARIANCE:

107 Sixth Street

PIN #: **0619-39-5257.00000**

CURRENT ZONING CLASSIFICATION: **UR-8**

THIS PROPERTY IS CURRENTLY USED FOR THE PURPOSE OF:

residential

THE VARIANCE IS REQUESTED FROM THE FOLLOWING PROVISIONS OF THE ORDINANCE:

Chapter 4, Section 4.4, Provisions governing all lots, Subsection 4.4.3 (J), Setbacks, corner lots, and double frontage lots

THE VARIANCE IS REQUESTED SO THAT THE PROPERTY CAN BE USED IN A MANNER INDICATED HEREIN:

Allow the roof overhang of the house to protrude inot the side setbacks 2'3".

An evidentiary hearing will be held on Thursday, September 18, 2025, @ 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

This is your notification for this request specified under 1.7 of the Land Use Code for the Town of Black Mountain. Section 1.7.1 (d) (3) indicates that notice be provided to all property owners within 200 feet of the site's property lines. Notice of the time, date, and place of the hearing will be published in the Black Mountain News in accordance with the Land Use Code of the Town of Black Mountain.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, September 18, 2025, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, September 18, 2025, at 6:00 p.m.** in the Council Room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hear a variance request for 107 Sixth Street, PIN #0619-39-5257.00000, to allow the roof overhang of the house to protrude into the side setbacks two feet and three inches (2'3").

The meeting is open to the public.

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 09/01/2025
Published in the Black Mountain News 09/04/2025 and 09/11/2025

www.townofblackmountain.org

**Town of Black Mountain Staff Report
Board of Adjustment**

Case No: S-25-02

Hearing Date: September 18, 2025

Case Name: 399 Blue Ridge Rd

Procedure: Special Use Permit Evidentiary Hearing

Address of Variance Request:

399 Blue Ridge Rd.

Black Mountain, NC 28711

Property ID Number (PIN): 061900477600000

Applicant:

Fuller Center Disaster Rebuilders

10 Arrowhead Rd.

Danvers, MA 01923

Request:

The applicant is seeking a Special Use Permit to develop the parcel as a Planned Unit Development consisting of what the applicant describes on their application as “50 deeply affordable dwellings.” The development is to be a mixture of single-family homes and duplexes.

Town Staff:

Jennifer Tipton, Clerk to Board of Adjustment

Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicant is seeking a Special Use Permit to develop the parcel as a Planned Unit Development consisting of 50 homes – a mix of single-family homes and duplexes. The density calculation is 5.0 units per acre, meeting the Planned Unit Development density requirement of no less than four units per acre and no more than eight units per acre. [50 divided by 9.98 acres equals 5.0 units per acre.]

The project includes open space areas that total 1.71 acres (74,700 square feet), complying with the PUD requirement that at least 15 percent of the parcel be dedicated to open, permeable space in addition to the perimeter yard setbacks. [The parcel size is 9.98 acres, or 434,728 square feet. 434,728 times .15 (15%) equals 65,209.] The applicant’s proposed open space area (74,700 square feet) is **17.2 percent** of the parcel.

The plans depict the following major elements: open space, with a playground, a dog park, and a community garden constituting 13.8 percent of the total open space area; a mail kiosk; and, the required off-street parking (room for at least two vehicles to park off-street per dwelling unit) as well as two on-street parking spaces.

Access is accommodated via two “street-type driveway connections” – one with South Blue Ridge Road and one with Old Lakey Gap Road. The road in the PUD is a 20-foot private road.

The plans depict a 10-foot landscape buffer along the periphery of the parcel.

The disturbed area is 5.38 acres, triggering the requirement for a stormwater permit and stormwater control measure or measures. The plans depict a stormwater control measure. The plans also depict a storm system.

The utility plan for the project depicts an existing 6-inch Metropolitan Sewerage District (MSD) line serving the parcel, as well as an existing water line on the northern edge of the parcel. In addition, the plan shows a proposed 8-inch sewer line with a 20-foot MSD easement. Also, a proposed 6-inch water line, as well as a proposed “water service line and meter, for all units,” are shown.

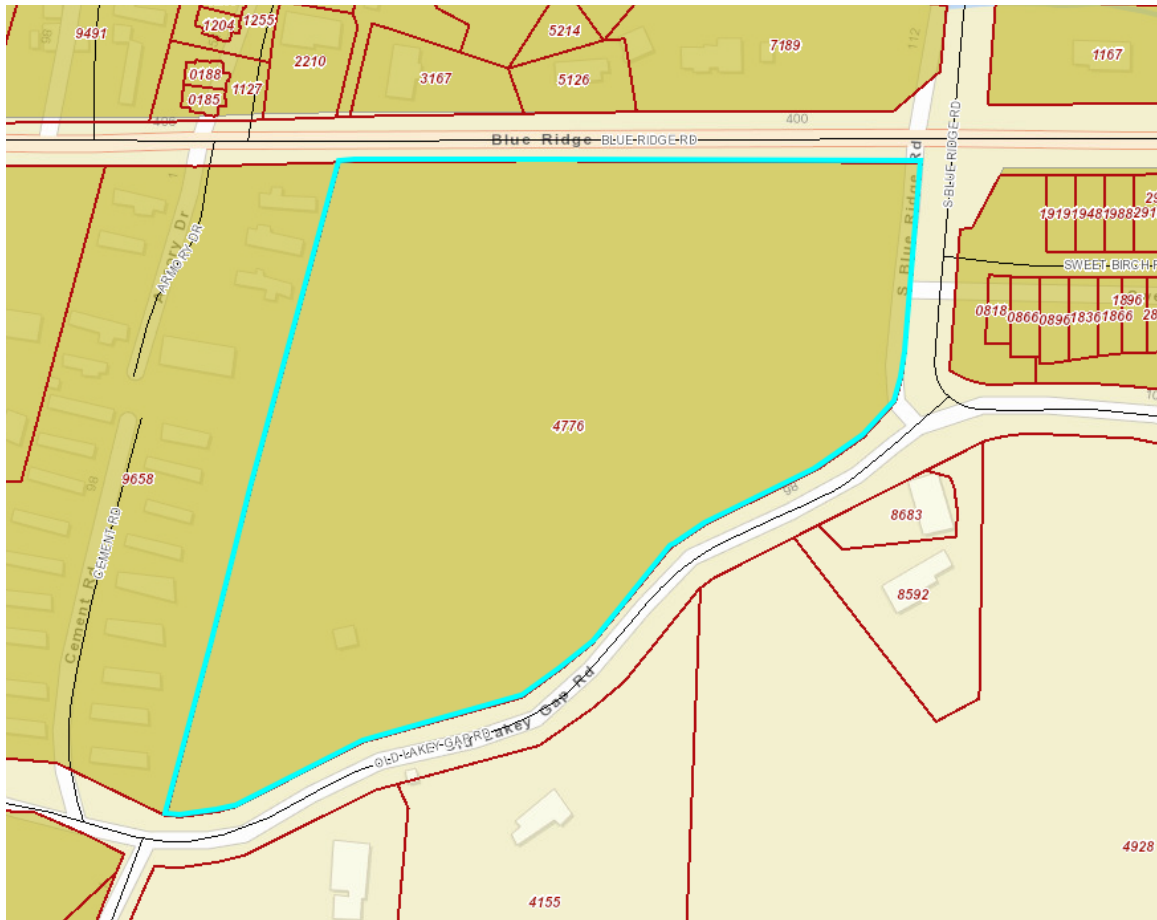
A “proposed fire hydrant assembly” is in the southwest corner of the parcel.

II. PROCESS – REQUIRED CITY APPROVALS

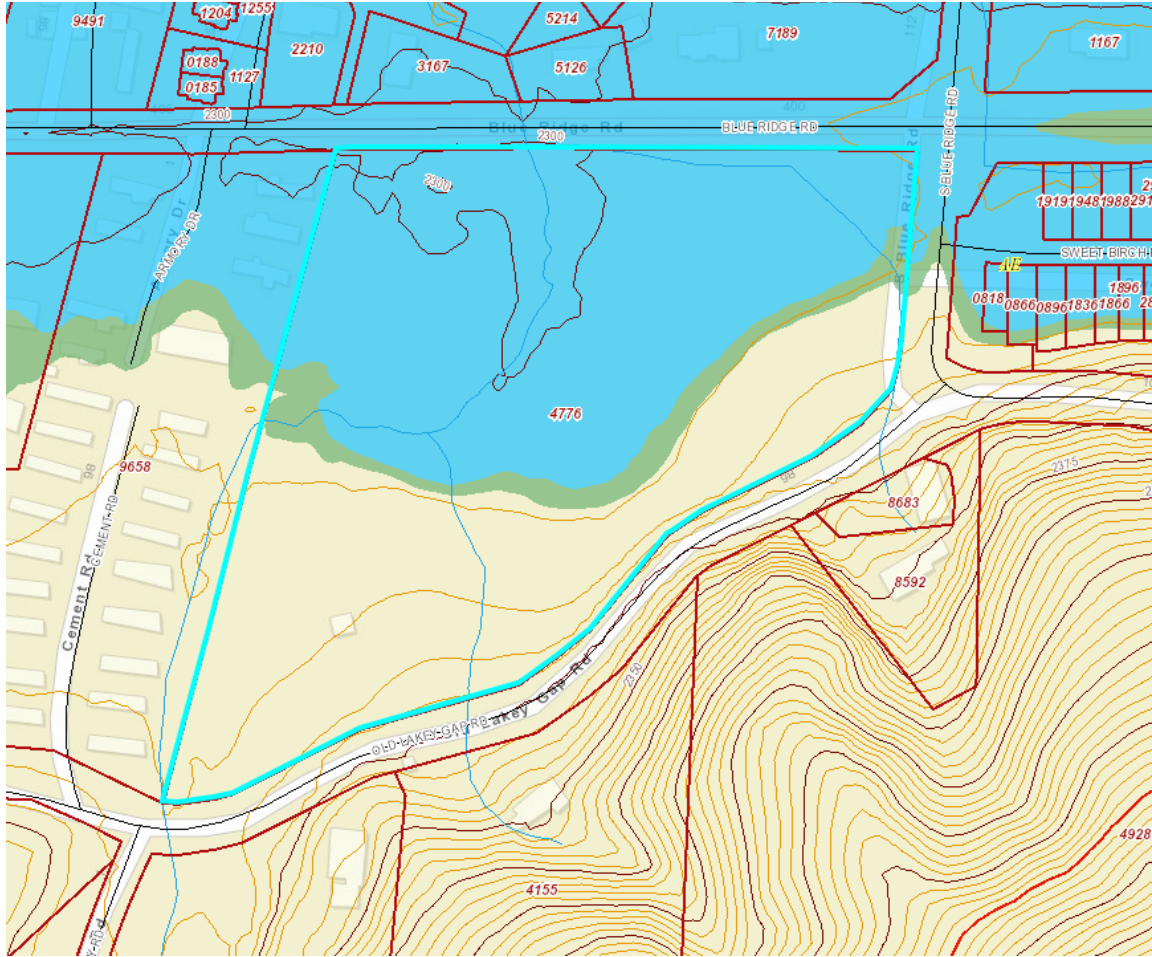
In addition to this Special Use Permit, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building and Fire Codes.

III. ZONING AND LAND USE

The parcel is in the Town Residential (TR-4) zoning district. This clip is from Buncombe GIS – yellow is TR-4, and beige is unincorporated Buncombe County:



This clip is from Buncombe GIS with the *Stream & River, 2020 – DFIRM Flood Data*, and *5 Foot Contours* layers on (the *Stream & River* layer corresponds to watercourses shown on the USGS 7.5-minute topo map):



This clip is from Buncombe GIS showing *Post Helene 2024 Imagery*:



This clip is from the U.S. Geological Survey (USGS) 7.5-minute topo map:



Source: USGS *topoBuilder* [<https://topobuilder.nationalmap.gov/>]

Minimum Yard Requirements (setbacks) apply only on the perimeter of the Planned Unit Development project. For TR-4, those requirements are:

- Front: 20 feet
- Side: 10 feet
- Rear: 15 feet

The maximum building height of any structure in a PUD cannot exceed the building height requirement of the district in which it's located. The TR-4 height limit is 35 feet. Chimneys and roof-mounted mechanical equipment are not included in height measurement, and there's the following allowance for parapets: in zoning districts with a 35-foot height limit, a parapet may extend as much as 3.5 feet above the 35-foot point of the structure.

Reference: Sections 4.5.2, and 4.7.15, and 7.8.4 of the Land Use Code.

Surrounding parcels:

	North	South	East	West
Adjacent Zoning Designation	TR-4	The two parcels to the southwest are in Buncombe County's Residential District (R-1) The three parcels to the southeast are in Buncombe County's Low-Density Residential District (R-LD)	TR-4	TR-4
Adjacent Land Uses (according to Buncombe County Property Record Cards)	single-family home	The two R-1 parcels: single-family home The three R-LD parcels: vacant land (one parcel); single-family home (the other two parcels)	Planned Unit Development (Sweet Birch Commons)	Manufactured Home Park

The *Purpose and Intent* of the Town Residential (TR-4) zoning district is:

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.

Reference: Section 4.7.3 of the Land Use Code.

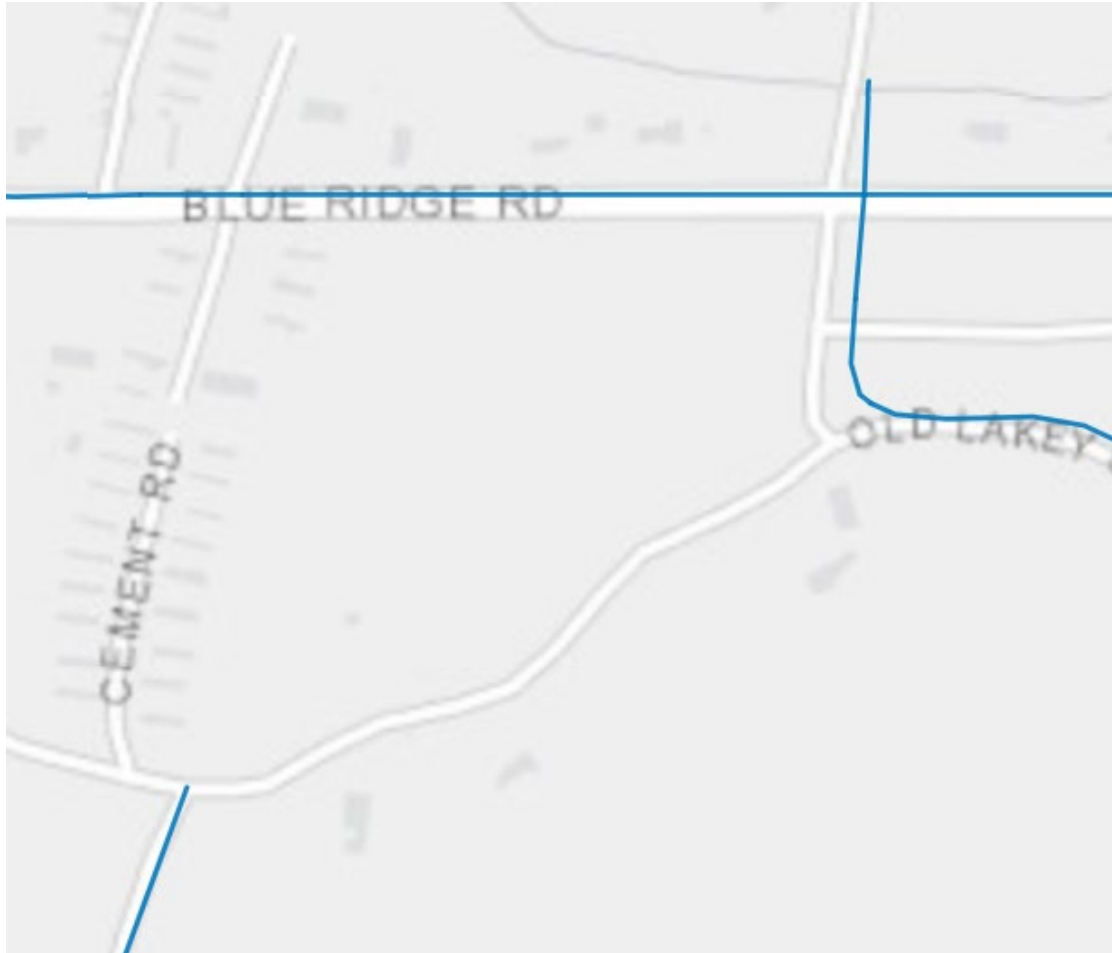
Existing Conditions

According to the Buncombe County Property Record Card, the parcel has no buildings. The county lists the lot size as 9.98 acres. The overall slope of the lot is 5.02 percent (according to <https://www.mapwnc.org/find-slope-for-parcel>).

Below is a street view of the lot (photo taken on 7/9/2025):



Below is a clip from N.C. Department of Transportation’s *NC OneMap*, which depicts NCDOT State Maintained Roads with blue lines:



Source: *NC OneMap: NCDOT State Maintained Roads*

IV. NOTIFICATION

Notice of the special use permit request and hearing was mailed to all property owners within 200 feet of the project site. Public notice was posted on the Town bulletin board and on the Town of Black Mountain website on Sept. 1, 2025. Legal notice appeared in *Black Mountain News* the weeks of Sept. 4, 2025, and Sept. 11, 2025. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the special use permit application is a Planned Unit Development. On their application, the applicant states: “The project consists of 50 deeply affordable dwellings, the dwellings are to be a mixture of detached single-family homes and duplexes.” On the site plan, the single-family homes are labeled *Type A 20’ x 40’ Single-Family Home*, and the duplexes are labeled *Type B 42’ x 40’ Duplex*. The description of structures states that they are “2 Stories.”

All of the single-family homes, and each unit in the duplexes, have rear decks that measure 8 feet X 10 feet.

The plans depict **open space** areas that total 1.71 acres (74,700 square feet). 13.8 percent of that (.24 acre or 10,340 square feet) is for a playground, a dog park and a community garden. The complies with the following requirement for residential PUDs:

For PUDs containing residential units, the open space designation shall be established for the purpose of passive or active recreational purposes.

The depicted **access** (two “street-type driveway connections” – one with South Blue Ridge Road and one with Old Lakey Gap Road – appears to comply with the requirement for a PUD to demonstrate the following:

Traffic and truck egress/ingress must be designed so as to minimize traffic hazards on public streets.

Sight triangles (a requirement of Section 4.4.6 of Chapter 4 of the Land Use Code) are depicted. The road in the PUD is a 20-foot private road.

The plans depict a 10-foot **landscape buffer** along the periphery of the parcel, complying with the following requirement:

If the property adjoins a residential district, then a fence, hedge or other natural planting of comparable opacity shall be provided along the side or rear lines where the property adjoins said residential district.

Existing trees along Old Lakey Gap Road are “to remain if outside of limits of disturbance.” And “existing trees to remain” are indicated along the western side of the parcel.

As shown in the USGS and Buncombe GIS clips above, the parcel has **watercourses** that are shown on the USGS 7.5-minute topo map. This triggers the requirements of the *Stream Buffer Protection Standards*, which – stated in summary form – are:

- Stream Buffer: 30 feet on both sides of watercourse: only features like natural-surface trails and stormwater control structures (when alternate methods of stormwater control aren't feasible).
- Transitional Area: additional 20 feet on both sides of watercourse: only pervious materials.

The standards state that:

Stream buffers shall be clearly indicated on all development plans, including concept plans, preliminary plans and final plans, and on all preliminary and final plats.

There are “exceptions” to the Stream Buffer Protection Standards, including the following:

- 1: Crossings of the buffer area by streets are permitted.
- 6: Piped portions of watercourses are exempt from the buffer requirements.

The applicant submitted a site plan, landscape plan, storm and grading plan, and utility plan that depict one of the three watercourses, including showing the 30-foot Stream Buffer as required. The label for this feature on the plans is “Existing Stream and 30’ Buffer.”

For the watercourse that USGS shows in the northeast of the parcel, exemptions **1** and **6** apply because the storm and rough grading plan depicts an existing pipe and a “permanent ditch from existing pipe.”

For the watercourse that USGS shows running north-south on the southern portion of the parcel, exemptions **1** and **6** apply because the storm and rough grading plan depicts a segment of “proposed storm system,” as well as the following features/structures: an “existing storm pipe,” a “proposed connection into existing storm structure,” and a “proposed open throat.”

Reference: Article IX (Stream Buffer Protection Standards) in Chapter 20 of the Code of Ordinances; USGS topoBuilder [<https://topobuilder.nationalmap.gov/>].

The applicant submitted a site plan that depicts the 100-year **flood zone** (sometimes referred to as the federal blue *AE* zone). Six duplex structures, one single-family structure, a portion of the proposed private asphalt road, a community garden, a dog park, a playground, and open space, are in the flood zone. For these reasons – and possibly additional – the requirements of the *Flood Damage Prevention Ordinance* take effect. Any development in the *AE* zone requires a Floodplain Development Permit. “Development” means any human-made change including building of structures, addition of gravel, etc.

Reference: Section 2.3 (Flood Damage Prevention Ordinance) of the Land Use Code.

The disturbed area is 5.38 acres, triggering the requirement for a **stormwater permit and stormwater control measure or measures**. The plans depict a stormwater control measure. The plans also depict a storm system, including a “connection into existing storm structure.”

The **utility plan** for the project depicts an existing 6-inch Metropolitan Sewerage District (MSD) line serving the parcel, as well as an existing water line on the northern edge of the parcel. In addition, the plan shows a proposed 8-inch sewer line with a 20-foot MSD easement. Also, a proposed 6-inch water line, as well as a proposed “water service line and meter, for all units,” are shown.

A “proposed **fire hydrant assembly**” is in the southwest corner of the parcel.

On the *Special Use Application Checklist* is the following:

Sidewalks or greenway easements shall be provided in locations shown on the adopted comprehensive pedestrian master plan. A fee-in-lieu of construction or dedication of easement may be provided to the town at an equivalent cost to construction upon approval of the town planning board.

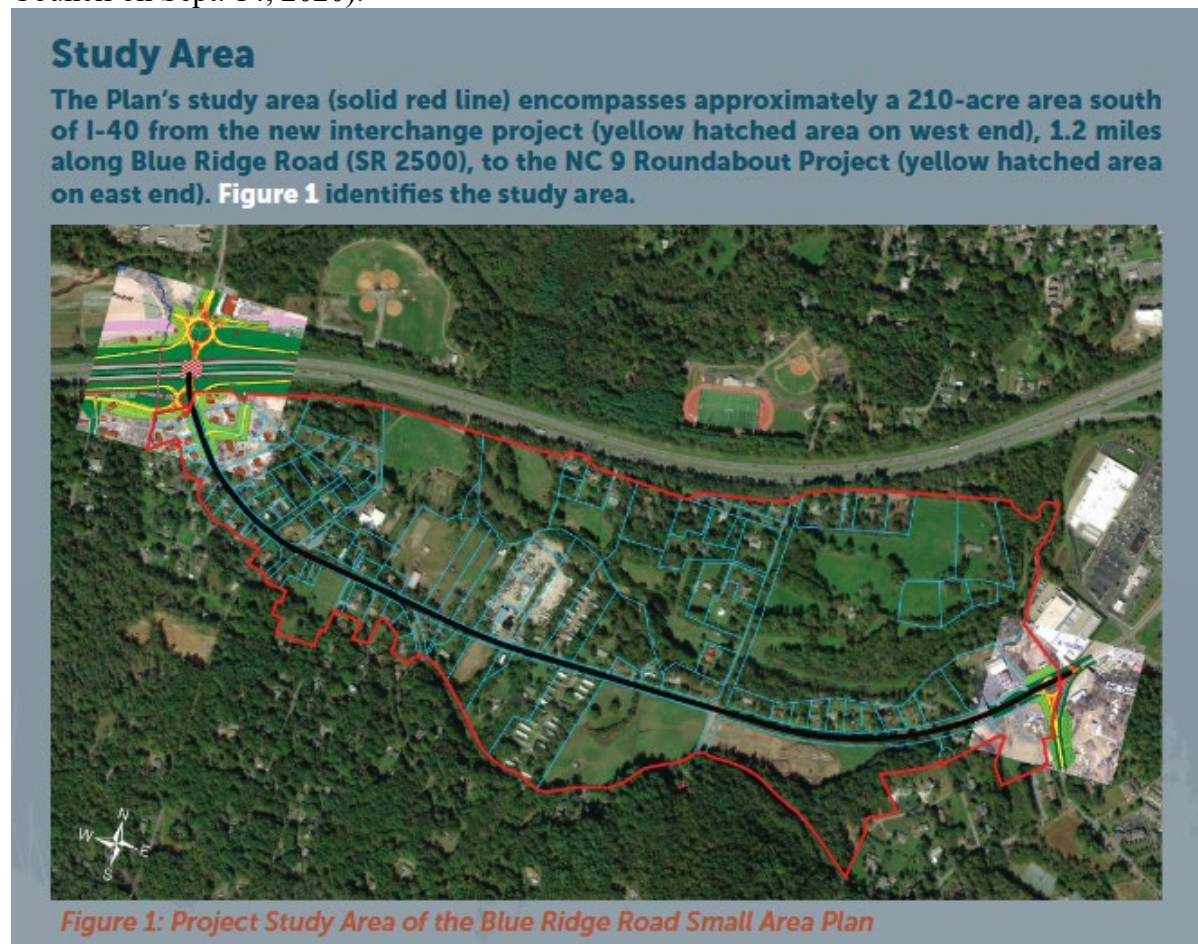
For this checklist item, the applicant wrote: “N/A – Proposed internal greenway connections are shown in place of sidewalks.” The site plan does depict – in green – **internal path connections**.

In the *Access and Streets* subsection of the *PUD Design* section of Chapter 7 are two items related to sidewalks and greenways:

The plan shall provide for internal pedestrian circulation with sidewalks or greenway trails. Sidewalks shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities and connections to off-site pedestrian destinations such as sidewalks, greenways, or bus-stops external to the development. PUDs adjacent to transit routes must provide a pedestrian connection to, and a provision for, a public bus stop.

In addition to internal pedestrian consideration, the plan shall allow for the provision that the developer will provide the town with a minimum eight-foot sidewalk right-of-way along any adjoining or abutting town dedicated street.

The parcel is in the study area of the *Blue Ridge Road Small Area Plan* (adopted by Town Council on Sept. 14, 2020):



The small area plan concludes with a recommendation that the following alternatives be advanced for Blue Ridge Road in the medium and low density residential areas (including the area of 399 Blue Ridge Rd.) in coordination with the MPO and NC DOT:

- Alternative 1: two-lane roadway, curb and gutter, sidewalk and multiuse path
 - *Turn lane intersection alternatives*
- Alternative 2: two-lane roadway, curb and gutter, sidewalk and multiuse path
 - *Roundabout intersection alternatives*

- Alternative 3: two-lane roadway, combination of Alternative 1 and Alternative 2 (roundabout and turn lane intersection alternatives, sidewalk and multiuse path)

Given that the Blue Ridge Road Small Area Plan calls for a sidewalk and multiuse path along Blue Ridge Road, the Board of Adjustment should seek a “**sidewalk or greenway easement**” along the portion of the parcel that abuts Blue Ridge Road.

The site plan and landscape compliance plan do depict the required “internal pedestrian consideration” (The site plan includes the same green-shaded path that was labeled *Pedestrian Trail* in the previously-submitted version. The revised version is missing the label; the label *Pedestrian Trail* should be added.)

The Board should seek the provision to the Town of “**a minimum eight-foot sidewalk right-of-way**” along the “abutting town dedicated street” of Old Lakey Gap Road.

Note: Most of Old Lakey Gap Road is a State roadway. But according to the *Powell Bill Street Map for the Town of Black Mountain*, .50-mile of the road is a Town roadway. Mirroring this, *OneMap: NCDOT State Maintained Roads* depicts the portion of Old Lakey Gap Road that abuts the parcel as not being a State maintained road.

Reference: Section 7.8.5.2 of the Land Use Code; Blue Ridge Road Small Area Plan; Powell Bill Street Map; OneMap: NCDOT State Maintained Roads.

There are eight overall **goals** for Planned Unit Development:

1. Facilitate more affordable housing by providing possibilities for savings in infrastructure, installation costs, and energy costs through clustering of dwellings;
2. Retain natural features and encourage developments that will be compatible with environmentally sensitive areas;
3. Encourage pedestrian circulation within and adjacent to the PUD;
4. Encourage mixed-use development;
5. Encourage quality design and management of open space.
6. Establish criteria and guidelines for housing developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots, but in which dwelling units, are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by an established homeowners' association;
7. Establish additional criteria for developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot to be subdivided at the same time or in phases for the purpose of commercial or industrial uses and which may not meet the customary street and lot layouts;
8. Provide for a cohesive approach to multi-family development that is sensitive to the surrounding properties and which protects the health, safety and welfare of its residents and neighbors.

The submitted plans indicate clustering (goal 1); overall compatibility with the flood zone, stream, and two small wetland areas (goal 2); provision of internal pedestrian paths (goal 3);

creation of a community with individually-owned units and common areas and facilities owned by all the owners (goal 6); and, sensitivity to the surrounding properties (goal 8).

“Mixed use” is defined as a building or cluster of buildings that contain both residential and non-residential spaces; this PUD is entirely residential, so it is not “mixed-use development” (goal 4).

Goal 7 is not applicable, and staff cannot comment on the Goal 5 because “quality” in the phrase “quality design” is subjective.

Reference: Section 7.8.1 of the Land Use Code.

Section 7.2.7 of the Land Use Code lists the **standards** that the Board of Adjustment must apply in deciding whether to issue (or amend) a special use permit:

No special use permit shall be issued or amended unless the board of adjustment shall find that:

1. The special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity.
3. The special use will not substantially diminish or impair property values within the immediate vicinity.
4. The special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and character of the neighborhood or district in which the use will be located.
6. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.
7. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
8. If the special use involves the subdivision of land, it conforms to all applicable regulations of Chapter 3 of this Land Use Code.
9. The special use, in all other respects, conforms to the applicable regulations of the district in which it is located, except as such regulations have, in each instance been modified by the board of adjustment in approving the issuance of the special use permit.

And Section 7.2.8 details the “effect of approval:”

A special use permit, once approved, attaches to and runs with the land and no subsequent development or use of the property may be undertaken except in conformity with the permit and all plans, specifications, and conditions.

Per Section 2.1.4 of the Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

ATTACHED FOR REFERENCE

Sections 7.1, 7.2, and 7.8 of the Land Use Code

SPECIAL USE APPLICATION www.townofblackmountain.org

PROPERTY OWNER INFORMATION

Owner Name FULLER CENTER DISASTER REBUILDERS		
Owner Address (Number, Street, City, State, ZIP) 10 ARROWHEAD ROAD, DANVERS, MA 01923		
Home Phone	Cell Phone (828) 808- 0873	Email Address nathan@disaster-rebuilders.org

APPLICATION FOR SPECIAL USE

Application is hereby made to the Zoning Board of Adjustment to issue a Special Use Permit for use of the property described below as a *(please provide a brief description of the use)*:

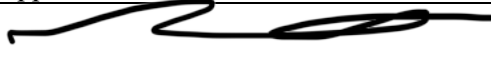
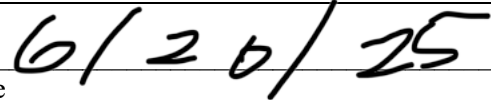
The project consists of 50 deeply affordable dwellings, the dwellings are to be a mixture of detached single family homes and duplexes.

PROPERTY INFORMATION

Parcel Number 0619-00-4776	Current Zoning TR-4	Acreage 9.98
Address 399 BLUE RIDGE ROAD		
Average Slope % 6.37 %	Use of Property VAC LAND	

CERTIFICATION

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Zoning Board of Adjustment meeting is mandatory for the review of this application.

	
Petitioner Signature	Date

OFFICE USE ONLY

Date Received:	Fee: \$600.00 Cash: <input type="checkbox"/> Check: <input type="checkbox"/> # _____ Credit: <input type="checkbox"/>
Case Number:	Planning Board Meeting Date:
Planning Board Recommendation:	ZBA Meeting Date:

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

SPECIAL USE APPLICATION CHECKLIST

I, the petitioner, submit a site-specific development plan containing the following information (Please mark 'N/A' by any requirement that is not applicable and provide a brief statement as to why it is not applicable). Failure to submit a complete application will result in removal from the Zoning Board of Adjustment Agenda.

Master Plan

- Property lines, street and other public rights-of-way lines.
- Topography of the site showing five-foot contours and elevations as well as slopes in excess of 20 percent.
- Natural features, such as wooded areas, water bodies, wetlands, floodplain boundaries and floodway boundaries, with plans to preserve the unique features of the property
- Location and approximate size of all existing and proposed buildings and structures within the site and ownership of abutting properties within 200 feet of the property lines of the proposed development. The location of structures on adjoining properties along the public street shall be depicted in plain view.
- Elevation drawings shall be provided for all sides of the proposed structures including the nature and color of surface treatments.
- Existing and proposed utilities, including water, sewer, electric, telephone, cable and gas.
- Proposed pattern of internal circulation and parking areas, depicted in sufficient detail to evaluate consistency with the specifications and requirements set forth in this code.
- Plans for landscaping and stormwater management.
- Open space areas and active passive recreation areas if applicable.
- Sidewalks or greenway easements shall be provided in locations shown on the adopted comprehensive pedestrian master plan. A fee-in-lieu of construction or dedication of easement may be provided to the town at an equivalent cost to construction upon approval of the town planning board.
- Other requirements as may be considered essential by the planning board for the protection of the public health, safety and welfare.
- Operations on site, including free-standing mechanical equipment, chimneys, storage containers or tanks, water towers or chillers shall not cause excessive noise, vibration, smoke, odors, electrical or radio interference.

Currently Show Single Units (Elevations) only - Will have Duplex Elevations at Hearing

N/A - Proposed internal greenway connections are shown in place of sidewalks

N/A - At this moment we have no other requirements suggested by the planning board

N/A - At this moment we have no plans to construct said items.

Landscaping Plan

- Proposed landscape materials.
- Parking lot screening.
- Screening of garbage containers.
- Buffering of adjoining uses.
- Inventory of trees greater than four inches in diameter at breast height by species, size and location.
- Plans to protect existing trees.
- Where trees are removed, plan shall indicate where replacements are to be located.

N/A - No parking lot

N/A - No dumpster

N/A - No tree survey

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

- Wetlands and/or areas supporting wetland plants shall be identified and protected.
- Provide for re-vegetation of all disturbed areas with plant materials.

Conceptual Stormwater Plan

- Indicate where stormwater management practices will be located.
- Management measures controlling the final run-off from the site shall control and treat the difference in stormwater runoff volume leaving the project site between the pre- and post-development conditions for, at a minimum, the one-year, 15-minute storm.
- An approved stormwater management plan will be required prior to issuance of a building permit.

Solid Waste Storage Facilities

- Provided in either in the form of an accessible bulk container or dumpster or individual containers for each dwelling unit.

N/A - No dumpster

- Dumpsters for common use within a PUD should be located in such a manner to as to be removed from view from town or state roadway rights-of-way, such as in the interior or rear of the property.

N/A - No dumpster

- Dumpsters for common use within a PUD which are located in view from the town or state rights-of-way must be screened from that right-of-way by an opaque fence a minimum of one foot in height over the dumpster or vegetative buffer which serves the same purpose as an opaque fence.

N/A - No dumpster

- Dumpsters located so that they are abutting a property boundary of a residential district must be screened along the boundary with an opaque fence a minimum of one foot in height or vegetative buffer which serves the purpose of an opaque fence.

- Individual containers shall be uniform in appearance, provide the number of dwelling units that they serve, and have locking lids.

Any additional information as may be required for the following:

- Conservation Subdivision
- Cottage Housing Development
- Manufactured Home Park
- Planned Unit Development (PUD)
- Industrial Park Development
- Downtown Development

If applicable, results and recommendations of a traffic impact analysis need to be provided.

SPECIAL USE PERMIT BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the Zoning Board of Adjustment that it can properly grant the Special Use Permit as provided for in Chapter 7, Special Use Permits. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a Special Use Permit.

If necessary, please provide the information on a separate sheet of paper. Where applicable, indicate if a requirement does not apply and why. If this is a revision to a previously approved Special Use Permit and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.

1. Indicate how the proposed SUP development will not be in conflict with the adopted comprehensive plan or other adopted plan of the Town of Black Mountain.

The project does not intend to conflict with the adopted comp plan or other adopted plans of TOBM.

The project is designed to deliver affordable, community-oriented housing that minimizes infrastructure within the floodplain and incorporates appropriate stormwater management practices.

2. Indicate how the establishment, maintenance or operation of the proposed SUP will not be detrimental to or endanger the public health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use.

The development of the land for housing will not be detrimental to or endanger the public health, safety or general welfare of persons residing or working in proximity of the parcel as it will be in compliance and reviewed by local review authorities as well as the project will implement all necessary erosion control measures and stormwater management practices in accordance with Town of Black Mountain UDO.

3. Indicate how the proposed SUP will not be injurious to existing uses of adjacent properties or those in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

The proposed project consists of residential housing that aligns with the surrounding land use. By providing affordable housing that integrates aesthetically and functionally with the surrounding neighborhood, the project is not anticipated to impair the value of the adjacent properties.

4. Indicate how the proposed SUP's exterior architecture, landscaping, and the functional plan of the subdivision or development does not alter or diminish the purpose or intent of the applicable district or impede the normal and orderly development and improvement of surrounding properties.

The proposed project consists of residential housing, preserved landscaping, and replanting where necessary to ensure the design aligns with the surrounding neighborhood and will be design and constructed in accordance with applicable codes with intent to not diminish the purpose or intent of the orderly development.

5. Indicate how adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

The proposed project is designed with intent to connect to on-site utilities to the north such as water and sewer as well as structures being constructed to be elevated above BFE to allow for proper stormwater control measures to be implemented.

6. Indicate how adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street and to maintain safety.

The proposed project has 2 access points both being on the less trafficked side streets for safer flow of traffic.

7. Indicate how the proposed SUP will, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations, may, in each instance, be modified by the zoning board of adjustment.

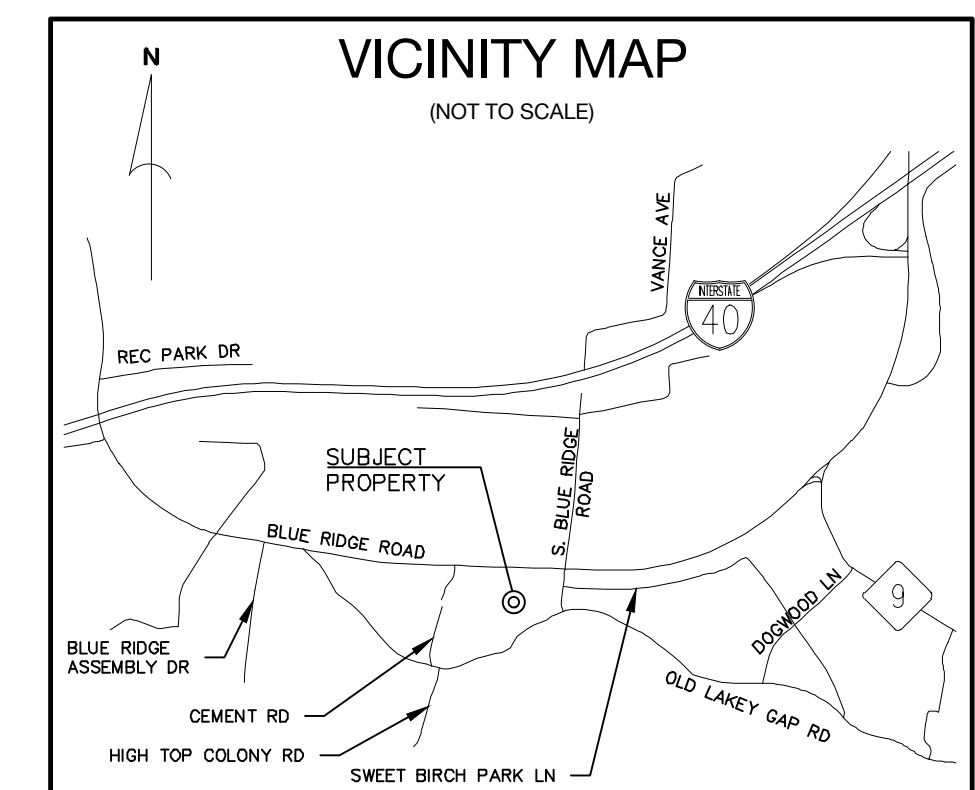
The proposed project will provide 2 housing types w/ dedicated open space features such as a community garden and playground to ensure it conforms with the residential nature of the surrounding and underlying district.

399 BLUE RIDGE ROAD

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

PREPARED FOR:
FULLER CENTER DISASTER REBUILDERS
 10 ARROWHEAD ROAD
 DANVERS, MA 01923
 NATHAN WEST
 (828) 808-0873

INDEX OF SHEETS		
SHEET NO	TITLE	REV.
C000	COVER	
--	SURVEY	
C101	EXISTING CONDITIONS & DEMOLITION PLAN	
C201	SITE PLAN & LANDSCAPE COMPLIANCE	
C401	STORM & ROUGH GRADING PLAN	
C601	UTILITY PLAN	
--	ELEVATIONS	



Know what's below.
Call before you dig.

DEVELOPMENT DATA	
OWNER/DEVELOPER:	FULLER CENTER DISASTER REBUILDERS 10 ARROWHEAD ROAD DANVERS, MA 01923
CONTACT:	NATHAN WEST (828) 808-0873
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN M. SUGG, P.E. (828) 252-5388

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNEVILLE, NC 28087
PHONE (828) 455-5455
FAX (828) 455-5455

NCELS LICENSE # C-2184
www.civildesignconcepts.com

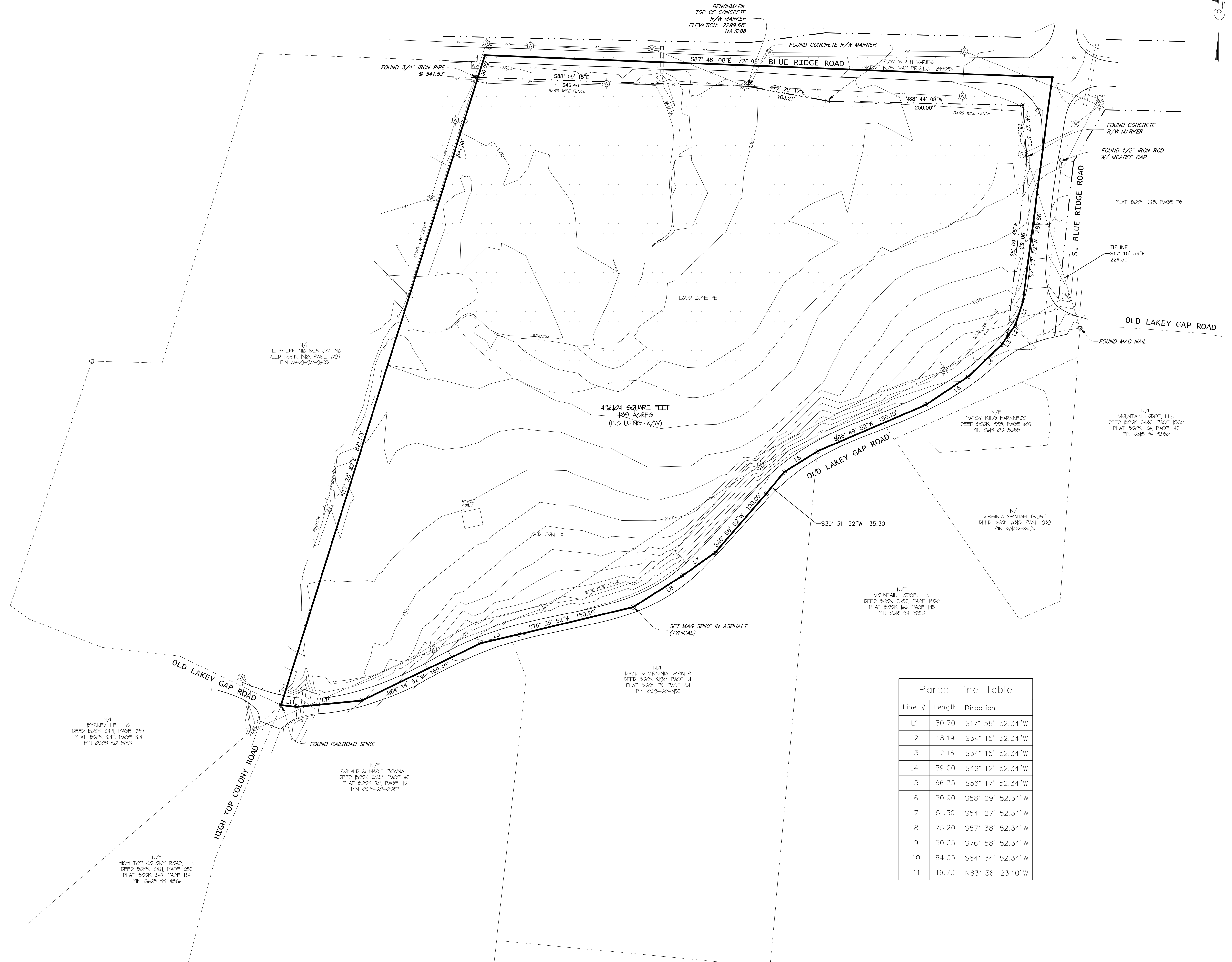
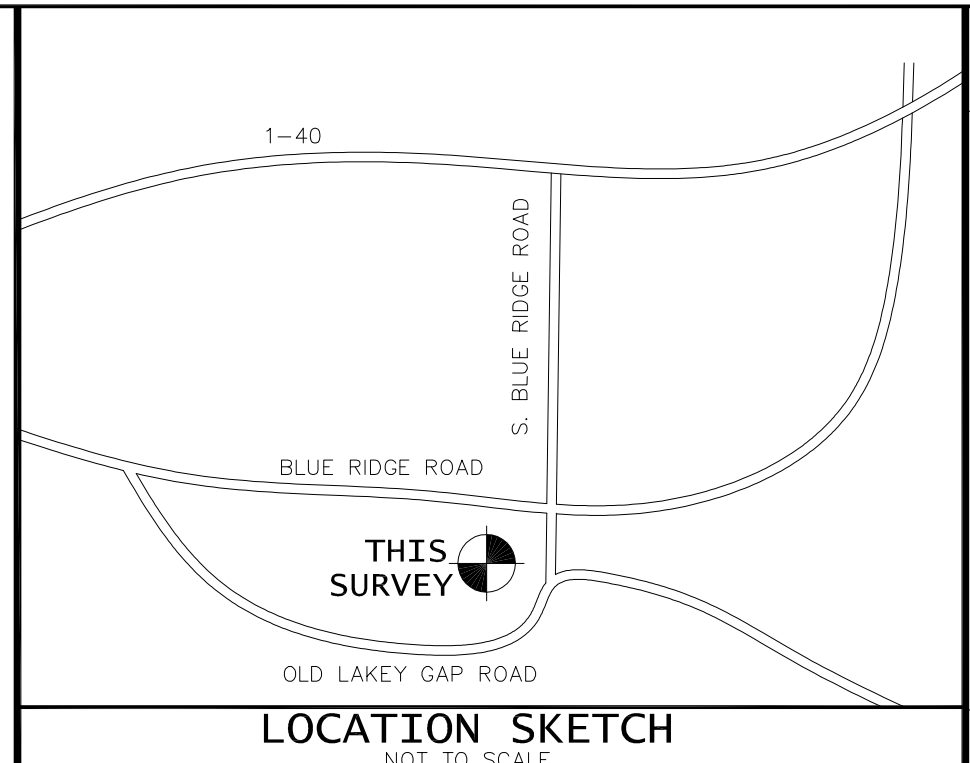
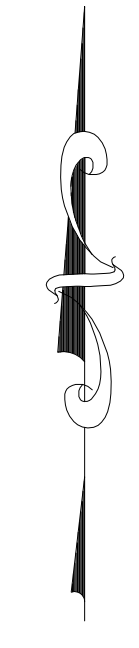
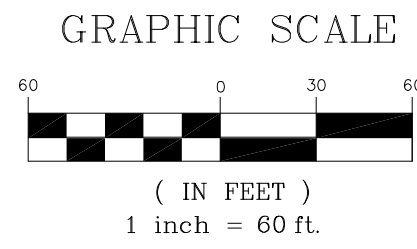
NO.	DATE	DESCRIPTION
1	06/22/2025	

PROGRESS DRAWING DO NOT USE FOR CONSTRUCTION

COVER FOR:
399 BLUE RIDGE ROAD
 FULLER CENTER DISASTER REBUILDERS - TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

DRAWN BY: AAM
 CDC PROJECT NO.: 12512
 XXX PERMIT NO.: XXXX

SHEET
C000



LEGEND

△	CENTRAL ANGLE	CHD	CHORD
L	ARC LENGTH	BRG	BEARING
R	RADIUS	⊙	DRAINAGE MANHOLE
○	RIGHT OF WAY	⊙	SANITARY MANHOLE
○	FOUND IRON PIN	⊙	WATER METER
○	FOUND R/W MARKER	⊙	WATER VALVE
⊙	SET BENCHMARK	⊙	CATCH BASIN
⊙	WOOD POWER POLE	⊙	CLEAN OUT
⊙	CENTERLINE	⊙	TELEPHONE RISER
⊙	PROPERTY LINE	⊙	ELECTRIC METER
⊙	FIRE HYDRANT	⊙	CULVERT
⊙	WELL	N/F	NOW OR FORMERLY
⊙	SQUARE FEET	OH	OVERHEAD WIRE
---	BOUNDARY LINE NOT SURVEYED		
●	CENTERLINE POINT NOT SET		
●	SET 5/8" IRON ROD WITH L-4379 CAP		
---	LINE NOT TO SCALE		

- NOTES**
- 1.) THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2.) THE BEARINGS SHOWN HEREON ARE BASED ON NC GRID 83/2011 AS ESTABLISHED BY THE NORTH CAROLINA GNSS CORRS AND REAL-TIME NETWORK.
 - 3.) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT OF WAYS OR OWNERSHIPS.
 - 4.) THE RATIO OF PRECISION OF THE UNBALANCED TRAVERSE MEETS OR EXCEEDS 1 : 10,000.
 - 5.) A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY F.E.M.A. FLOOD INSURANCE RATEMAP # 3710061900J EFFECTIVE DATE: 01/06/2010.
 - 6.) THE FEATURE SYMBOL LOCATIONS ARE TO THE CENTER OF THE SYMBOL AND MAY BE ENLARGED FOR CLARITY.
 - 7.) UNDERGROUND FOUNDATIONS AND/OR UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
 - 8.) BEARINGS AND DISTANCES SHOWN IN PARENTHESIS REPRESENT DEED AND/OR PLAT VALUES.
 - 9.) ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS SITE (SHOWN OR NOT SHOWN) MAY BE SUBJECT TO BUFFER AREAS AND/OR RESTRICTIONS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
 - 10.) ACREAGE COMPUTED BY THE COORDINATE METHOD.

Parcel Line Table

Line #	Length	Direction
L1	30.70	S17° 58' 52.34"W
L2	18.19	S34° 15' 52.34"W
L3	12.16	S34° 15' 52.34"W
L4	59.00	S46° 12' 52.34"W
L5	66.35	S56° 17' 52.34"W
L6	50.90	S58° 09' 52.34"W
L7	51.30	S54° 27' 52.34"W
L8	75.20	S57° 38' 52.34"W
L9	50.05	S76° 58' 52.34"W
L10	84.05	S84° 34' 52.34"W
L11	19.73	N83° 36' 23.10"W

REFERENCES
DEED BOOK 5856, PAGE 133
PLAT BOOK 38, PAGE 124

ZONING
TR-4
SETBACKS:
FRONT: 20'
SIDE: 10'
REAR: 15'

CERTIFICATE

I, KEITH R. SANDERS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5856, PAGE 133, BUNCOMBE COUNTY REGISTRY); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE BUNCOMBE COUNTY REGISTRY (SEE REFERENCES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 28TH DAY OF APRIL, A.D. 2025.

Keith R. Sanders

KEITH R. SANDERS
PROFESSIONAL LAND SURVEYOR # L-4379
STATE OF NORTH CAROLINA

NO.	
REVISION	
BY	

SANDERS SURVEYING & MAPPING SERVICES, INC.
C-2384
(828) 669-2777
510 AVENUE ROAD, BLACK MOUNTAIN, NORTH CAROLINA, 28711

BOUNDARY & TOPOGRAPHIC SURVEY FOR:
FULLER CENTER DIASTER REBUILDERS
PIN # 0619-00-4776
DEED BOOK 5856, PAGE 133
TOWN OF BLACK MOUNTAIN,
BUNCOMBE COUNTY, NORTH CAROLINA

DATE:	04/28/25
DRAWN:	KRS
CHECKED:	KRS
F.B.#:	TDS
DRAWING NAME:	25-0029.DWG



SCALE:	1" = 60'
PROJECT:	25-0029
SHEET:	1 OF 1

APPROXIMATE LOCATION OF EXISTING WATER LINE TO REMAIN (CONTRACTOR TO FIELD VERIFY LOCATION AND DEPTH)

EXISTING NCDOT RIGHT OF WAY

FLOODPLAIN (TYP)

EXISTING STREAM AND 30' BUFFER (TYP)

APPROXIMATE EXISTING TREES TO REMAIN (TYP)

CEMENT ROAD

ARMORY DRIVE

EXISTING ROAD CULVERT TO REMAIN (TYP)

EXISTING OVERHEAD UTILITY TO BE RELOCATED (TYP)
(CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANY)

EXISTING FENCE TO BE DEMOLISHED (TYP)

EXISTING BUILDING TO BE DEMOLISHED (TYP)

PROPERTY LINE (TYP)

ADJACENT PROPERTY LINE (TYP)

EXISTING TREES TO REMAIN (TYP)
IF OUTSIDE OF LIMITS OF DISTURBANCE (TYP)

EXISTING SEWER LINE TO REMAIN (TYP)

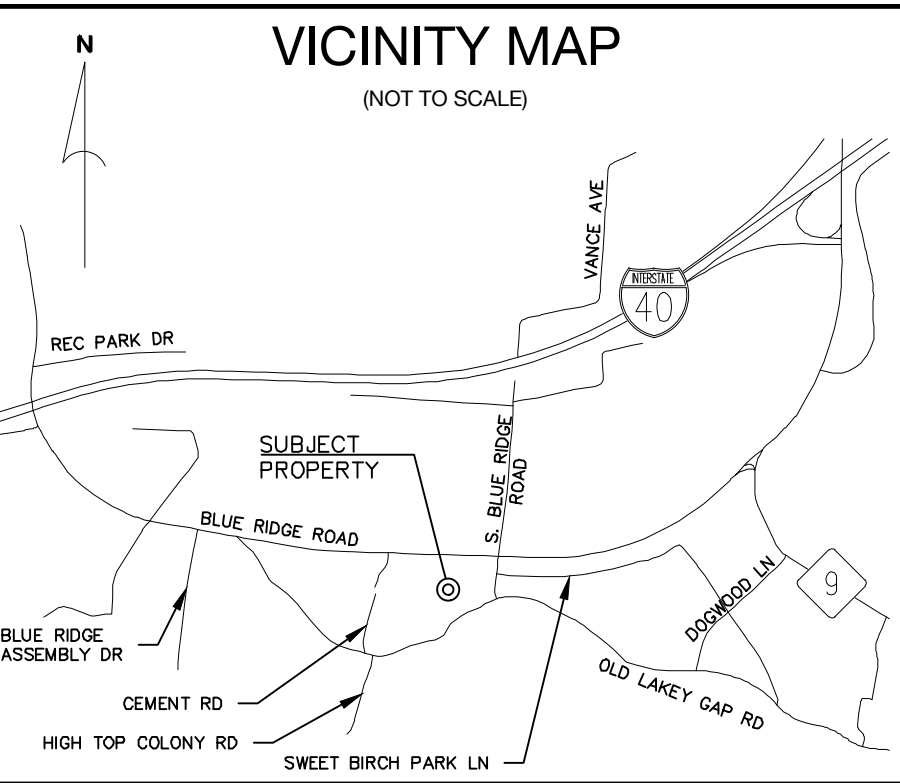
SWEET BIRCH PARK LANE

BLUE RIDGE ROAD (SR 2500)

SOUTH BLUE RIDGE ROAD (SR 2713)

OLD LAKEY GAP ROAD

HIGH TOP COLONY ROAD



DEVELOPMENT DATA

OWNER/DEVELOPER: FULLER CENTER DISASTER REBUILDERS
10 ARROWHEAD ROAD
DANVERS, MA 01923
NATHAN WEST
(828) 808-0873

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
510 AVENUE RD
ASHEVILLE, NC 28801
WARREN M. SUGG, P.E.
(828) 252-5388

CONTACT:

SURVEYOR: SANDERS SURVEYING & MAPPING
510 AVENUE RD
BLACK MOUNTAIN, NC, 28711
KEITH R. SANDERS
(828) 669-2777

CONTACT:

PROJECT DATA

PARCEL: 0619-00-4776
ADDRESS: 399 BLUE RIDGE RD
DEED BOOK/PAGE: 5856/133
PROJECT ACREAGE: 9.98± ACRES (11.39 ACRES W/ ROW)
CURRENT ZONING: TR-4 (TOWN RESIDENTIAL DISTRICT)
PROPOSED ZONING: PUD RES

SETBACKS:
FRONT: 20'
SIDES: 10'
REAR: 15'

DISTURBED AREA: 5.38 AC

PERVIOUS AREA: PRE 9.87 ACRES (99.8%) POST 7.90 ACRES (79.2%)
IMPERVIOUS AREA: 0.02 ACRES (0.2%) 2.08 ACRES (20.8%)

ZONING DATA

BUILDING DATA:

BUILDING	DESCRIPTION
TYPE A 20X40	2 STORIES
TYPE B 42X40	2 STORIES

DENSITY CALCULATIONS:

ALLOWED: 90 UNITS MAX - 8 UNITS/ACRE
PROJECT UNITS: 50 UNITS - 5.1 UNITS/ACRE

OPEN SPACE CALCULATIONS:

REQUIRED: 1.71 AC (15%) PROVIDED: 1.71 AC

LANDSCAPE REQUIREMENTS: SEE LANDSCAPE PLAN

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTIONS@CDCGO.COM

Know what's below.
Call before you dig.

NORTH

EXISTING CONDITIONS & DEMOLITION PLAN
GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 456-5455

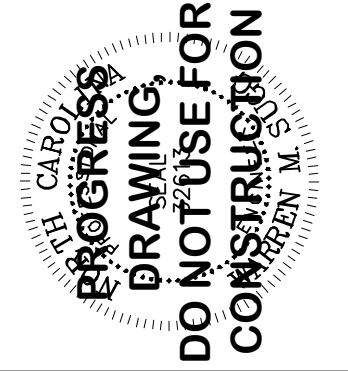
CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE # C-2184

NO.	DATE	DESCRIPTION	BY
1	08/22/2025	SPECIAL USE APPLICATION	AMM

EXISTING CONDITIONS & DEMOLITION PLAN FOR:
399 BLUE RIDGE ROAD
FULLER CENTER DISASTER REBUILDERS - TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

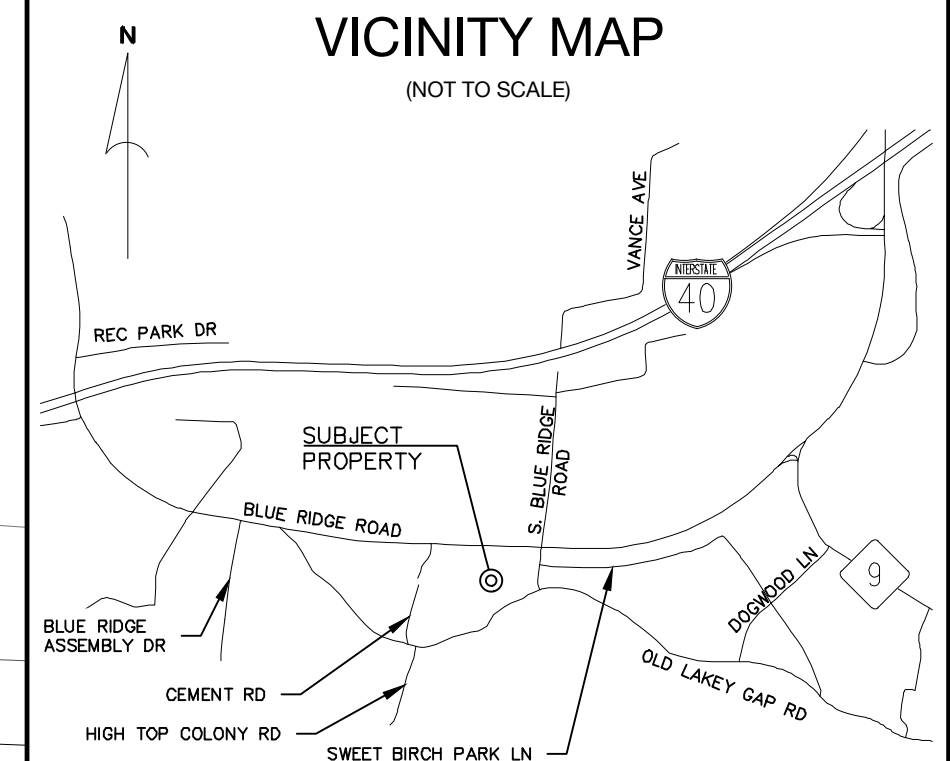
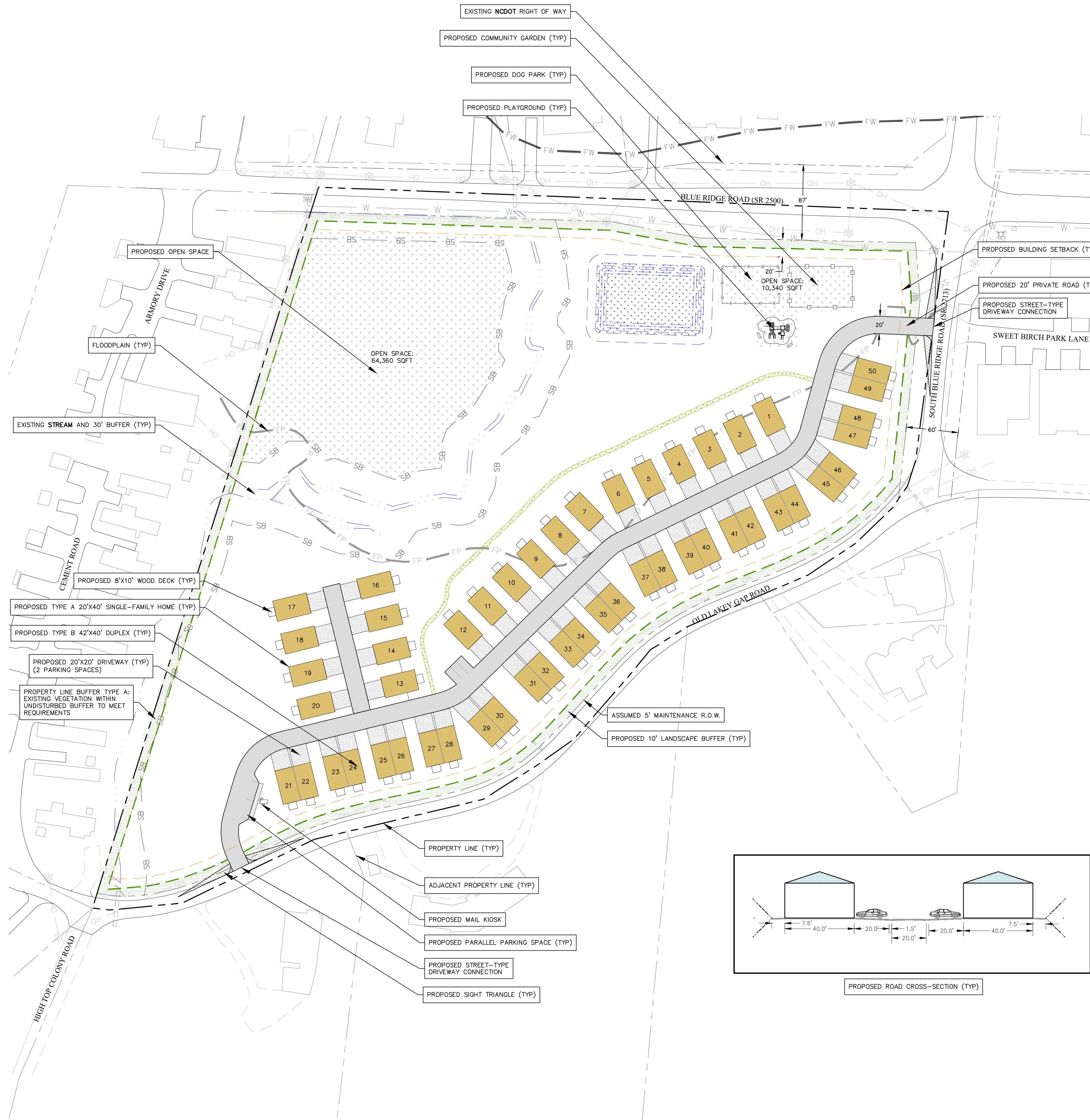
DRAWN BY: AMM
CDC PROJECT NO.: 12512
XXX PERMIT NO.: XXXX

SHEET
C101



BOARD OF ADJUSTMENT NOTES

- ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- SINGLE-PHASE CONSTRUCTION.**
- ALL WORK MUST BE PERFORMED BY A **NORTH CAROLINA LICENSED CONTRACTOR.**
- PROPOSED DEVELOPMENT WILL BE PROVIDED WITH UTILITIES VIA EXISTING RIGHT-OF-WAYS AND PROPOSED UTILITY EASEMENTS. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- PROPOSED DRIVES WITHIN THE DEVELOPMENT TO BE **PRIVATE INTERNAL DRIVES.** ALL STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). DRIVEWAY MAINTENANCE IS THE FINANCIAL RESPONSIBILITY OF THE DEVELOPER.
- TOPOGRAPHICAL INFORMATION SHOWN PROPOSED FROM PHOTOGRAMMETRIC METHODS.
- THE DEVELOPMENT SHOWN ON THIS PLAN WILL BE SERVED BY MSD SEWER AND **TOWN OF BLACK MOUNTAIN WATER** (SEE UTILITY PLAN FOR PRELIMINARY WATER AND SEWER LAYOUTS). PROVISIONS WILL BE MADE BY THE DEVELOPER FOR ELECTRICAL, TELEPHONE, CABLE, AND/OR NATURAL GAS SERVICE.
- APPROVED EROSION CONTROL AND STORMWATER MANAGEMENT PLAN TO BE OBTAINED PRIOR TO BEGINNING ANY PHASE OF CONSTRUCTION. EROSION CONTROL DEVICES WILL BE MAINTAINED FOR THE DEVELOPMENT OF THE DEVELOPMENT PERIOD BY THE RESPONSIBLE PARTY.
- A PORTION OF THE SITE LIES WITHIN THE 100-YR FEMA FLOODPLAIN.
- CONSTRUCTION LIKELY TO BEGIN IN THE **FALL OF 2025**; AND TO BE COMPLETED IN APPROXIMATELY **18 MONTHS.**
- NO RETAINING WALLS GREATER THAN 20' TO BE PROPOSED FOR PROJECT.
- PROPOSED UNITS TO BE LEASED BY THE DEVELOPER. MAINTENANCE OF RECREATION (PLAYGROUND, COMMON AREAS (DOG PARK AND COMMUNAL GARDEN), AND OPEN SPACE WILL BE THE FINANCIAL RESPONSIBILITY OF THE DEVELOPER.



DEVELOPMENT DATA

OWNER/DEVELOPER: FULLER CENTER DISASTER REBUILDERS
 10 ARROWHEAD ROAD
 DANVERS, MA 01923
 NATHAN WEST
 (828) 808-0873

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
 168 PATTON AVENUE
 ASHEVILLE, NC 28801
 WARREN M. SUGG, P.E.
 (828) 252-5388

CONTACT:

SURVEYOR: SANDERS SURVEYING & MAPPING
 510 AVENUE RD
 BLACK MOUNTAIN, NC, 28711
 KEITH R. SANDERS
 (828) 669-2777

CONTACT:

PROJECT DATA

FIN: 0619-00-4776
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ZONING DATA

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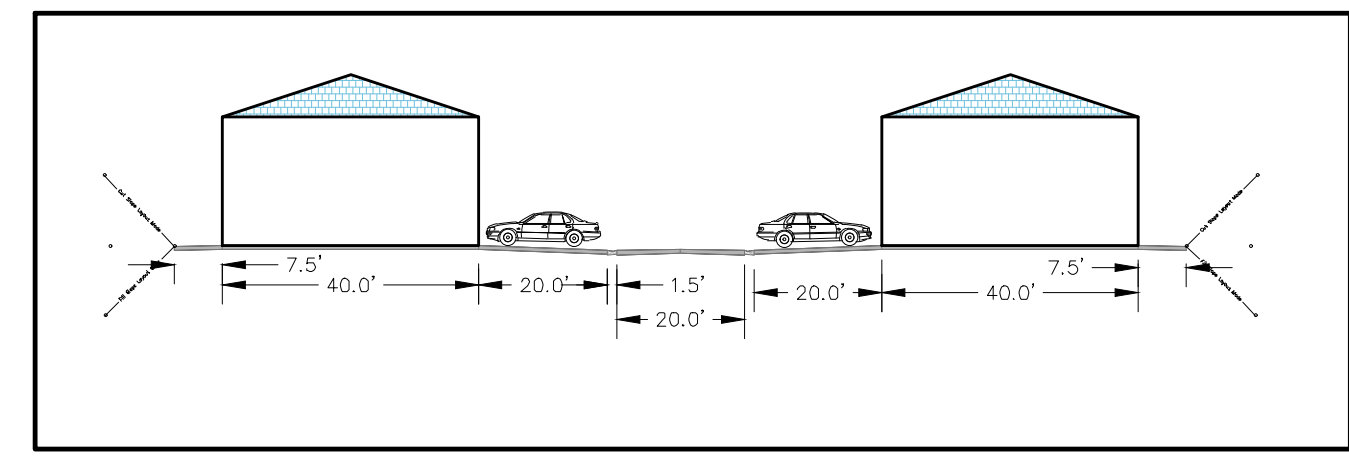
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LANDSCAPE REQUIREMENTS: SEE LANDSCAPE PLAN



CDC INSPECTIONS HOTLINE:
 828-771-4755 OR INSPECTIONS@CDGGO.COM

811 Know what's below. Call before you dig.

NORTH

SITE PLAN & LANDSCAPE COMPLIANCE GRAPHIC SCALE

60 0 30 60 120 180
 (IN FEET)
 1 inch = 60 ft.

168 PATTON AVENUE
 ASHEVILLE, NC 28801
 PHONE (828) 252-5388
 FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
 WYOMING, NC 28686
 PHONE (828) 252-5388
 FAX (828) 252-5388

CDC Civil Design Concepts, PA
 www.civildesignconcepts.com

NCBLS LICENSE # C-2184

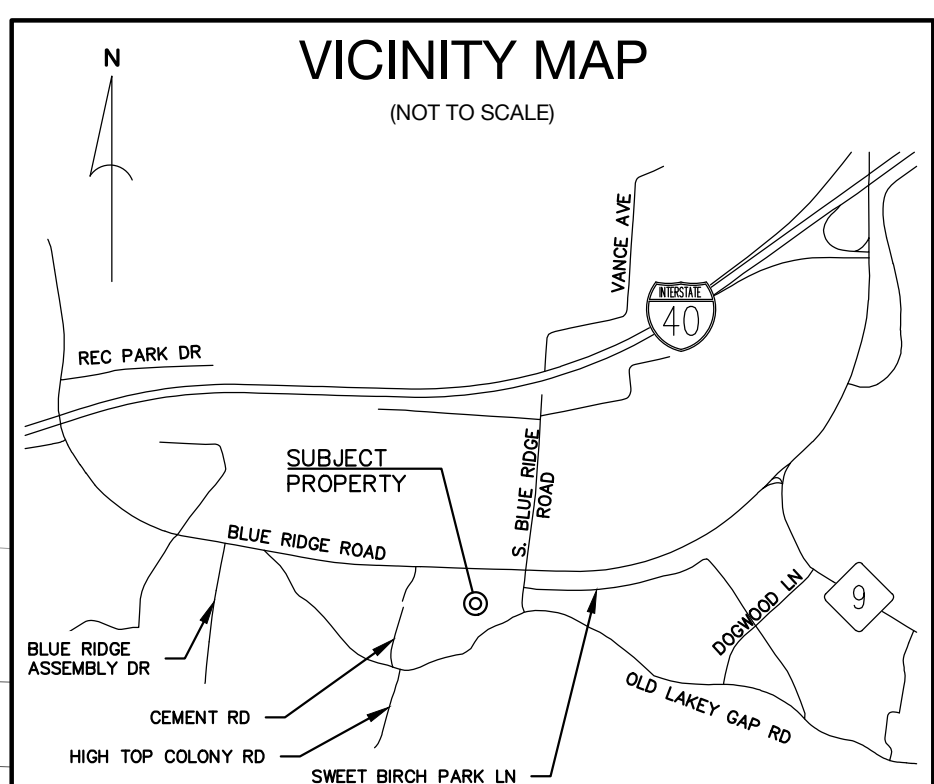
AM	BY	DATE	DESCRIPTION
1		08/22/2025	SPECIAL USE APPLICATION

PROGRESS DRAWING, DO NOT USE FOR CONSTRUCTION

SITE PLAN & LANDSCAPE COMPLIANCE FOR:
399 BLUE RIDGE ROAD
 FULLER CENTER DISASTER REBUILDERS - TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

DRAWN BY: AMM
 CDC PROJECT NO.: 12512
 XXX PERMIT NO.: XXXX

SHEET
C201



DEVELOPMENT DATA

OWNER/DEVELOPER: FULLER CENTER DISASTER REBUILDERS
10 ARROWHEAD ROAD
DANVERS, MA 01923
NATHAN WEST
(828) 808-0873

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
WARREN M. SUGG, P.E.
(828) 252-5388

CONTACT:

SURVEYOR: SANDERS SURVEYING & MAPPING
510 AVENUE RD
BLACK MOUNTAIN, NC, 28711
KEITH R. SANDERS
(828) 669-2777

CONTACT:

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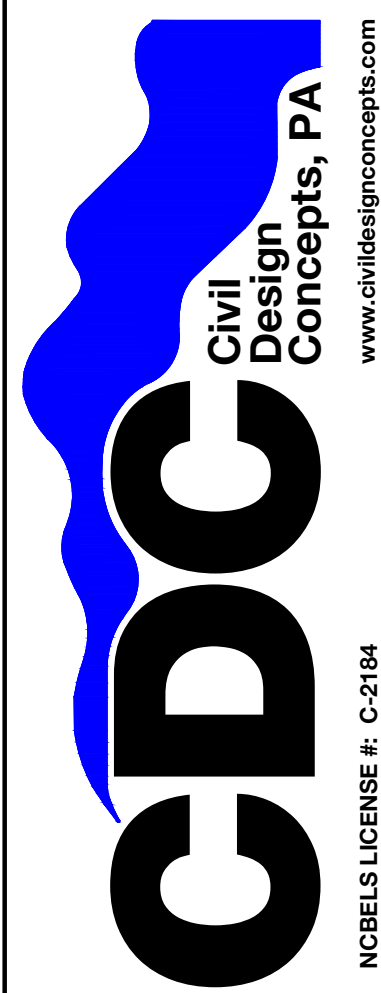
OPEN SPACE CALCULATIONS:

REQUIRED: 1.71 AC (15%) PROVIDED: 1.71 AC

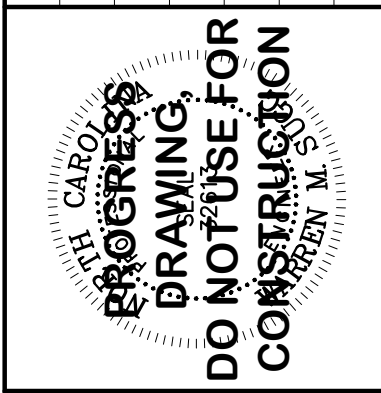
LANDSCAPE REQUIREMENTS: SEE LANDSCAPE PLAN

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNEVILLE, NC 28786
PHONE (828) 252-5388
FAX (828) 456-5455



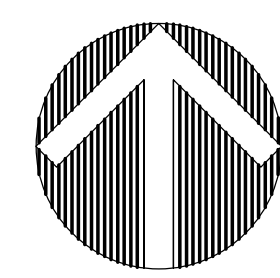
NO.	DATE	DESCRIPTION	BY
1	08/22/2025	SPECIAL USE APPLICATION	AAM



CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTIONS@CDGGO.COM



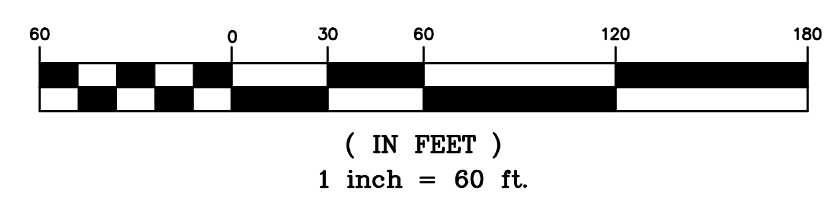
Know what's below.
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NORTH

STORM & ROUGH GRADING PLAN

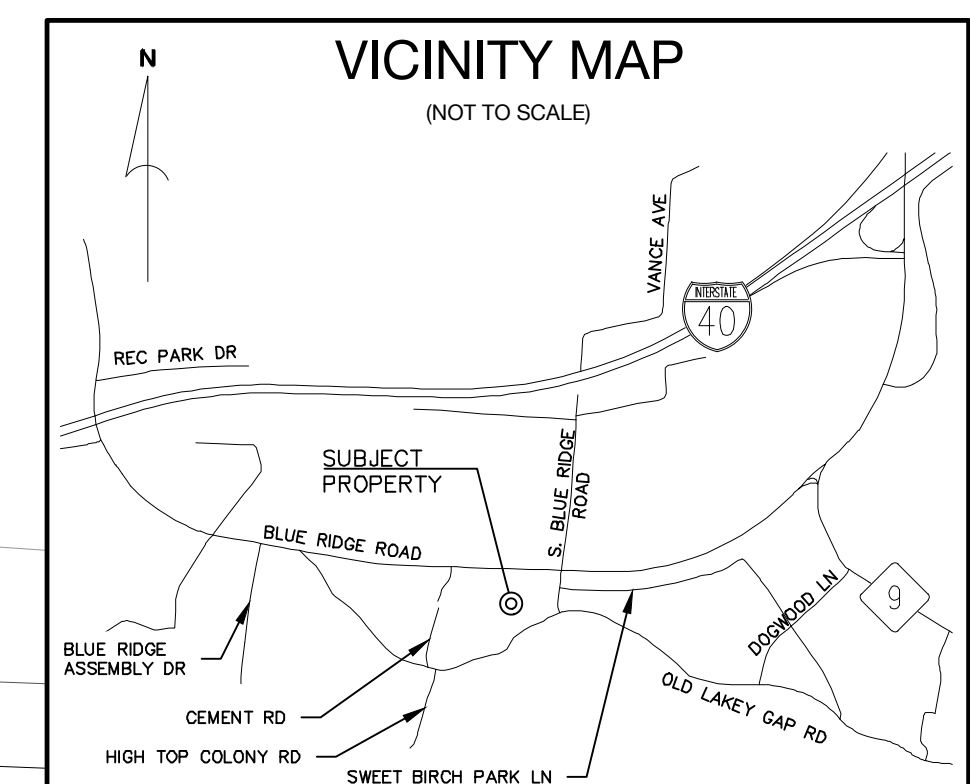
GRAPHIC SCALE



STORM & ROUGH GRADING PLAN FOR:
399 BLUE RIDGE ROAD
FULLER CENTER DISASTER REBUILDERS - TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

DRAWN BY: AAM
CDC PROJECT NO.: 12512
XXX PERMIT NO.: XXXX

SHEET
C401



DEVELOPMENT DATA

OWNER/DEVELOPER: FULLER CENTER DISASTER REBUILDERS
 10 ARROWHEAD ROAD
 DANVERS, MA 01923
 NATHAN WEST
 (828) 808-0873

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
 168 PATTON AVENUE
 ASHEVILLE, NC 28801
 WARREN M. SUGG, P.E.
 (828) 252-5388

CONTACT:

SURVEYOR: SANDERS SURVEYING & MAPPING
 510 AVENUE RD
 BLACK MOUNTAIN, NC, 28711
 KEITH R. SANDERS
 (828) 669-2777

CONTACT:

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LANDSCAPE REQUIREMENTS: SEE LANDSCAPE PLAN

CDC INSPECTIONS HOTLINE:
 828-771-4755 OR INSPECTIONS@CDCGO.COM

UTILITY PLAN

GRAPHIC SCALE

(IN FEET)
 1 inch = 60 ft.

168 PATTON AVENUE
 ASHEVILLE, NC 28801
 PHONE (828) 252-5388
 FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
 WYOMING, NC 28686
 PHONE (828) 252-4400
 FAX (828) 456-5455

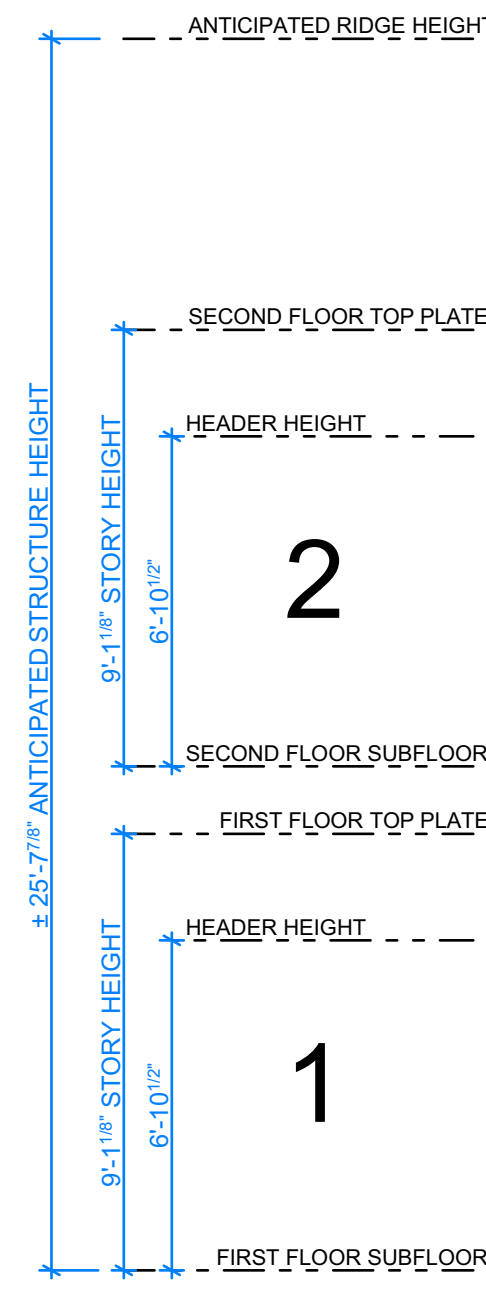
CDC Civil Design Concepts, PA
 www.civildesignconcepts.com
 NCELS LICENSE # C-2184

NO.	DATE	DESCRIPTION	BY
1	06/22/2025	SPECIAL USE APPLICATION	AAM

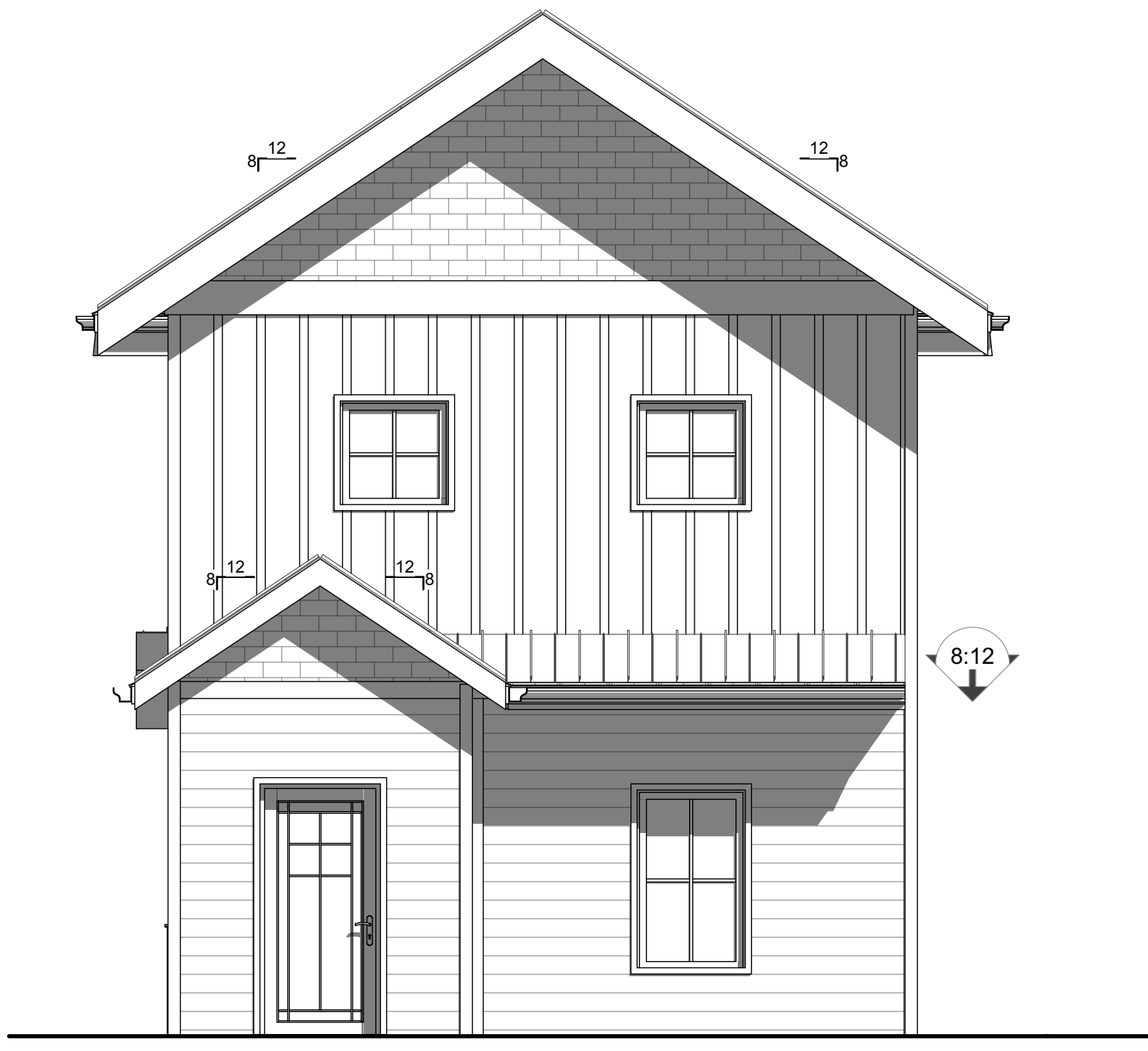
UTILITY PLAN FOR: **399 BLUE RIDGE ROAD**
 FULLER CENTER DISASTER REBUILDERS - TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

DRAWN BY: AAM
 CDC PROJECT NO.: 12512
 XXX PERMIT NO.: XXXX

SHEET
C601



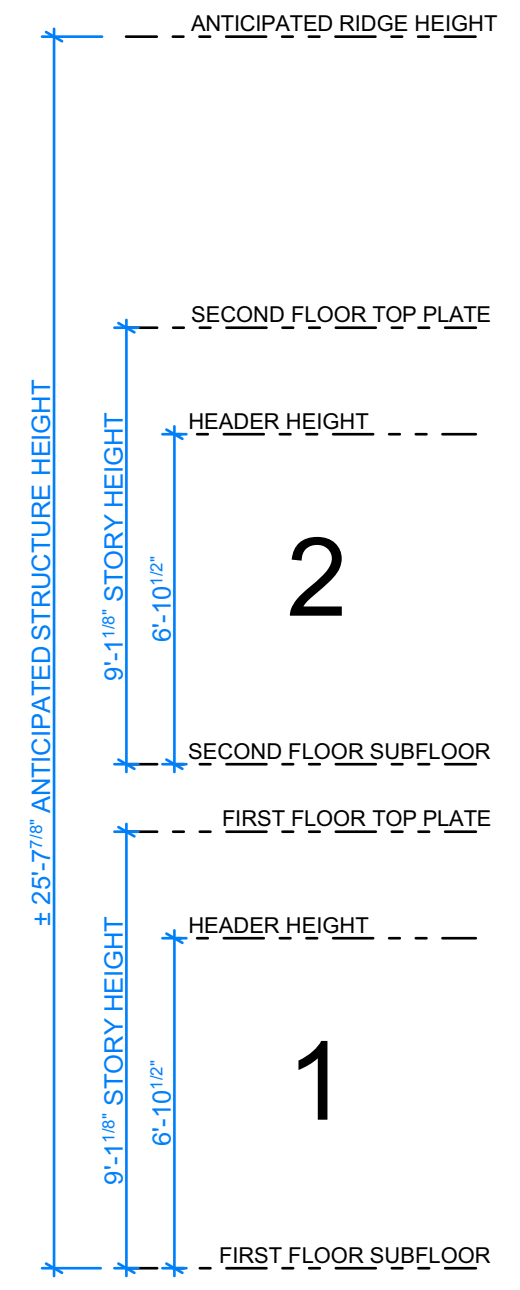
NOTE: HEADER HEIGHT REPRESENTS THE INCLUSION OF A 1-1/2" BOTTOM PLATE AND A 1" NAILING BOARD (+2.5" TO STANDARD HEIGHT)



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



NOTE: HEADER HEIGHT REPRESENTS THE INCLUSION OF A 1-1/2" BOTTOM PLATE AND A 1" NAILING BOARD (+2.5" TO STANDARD HEIGHT)



REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

VERIFICATION OF INFORMATION

THE CORRECTNESS AND COMPLETENESS OF THE INFORMATION SHOWN INCLUDING BUT NOT LIMITED TO THE EXISTING SITE CONDITIONS, SITE DELINEATION OF FEATURES, AND PROPOSED INFRASTRUCTURE IS NOT GUARANTEED, NOR IS IT WARRANTED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING AND PROPOSED CONDITIONS AND CONDITIONS OF THE SITE. ALL INFORMATION SHOWN ON THESE PLANS PROVIDED ON THE PLANS AND IN FIELD VERIFICATION SHALL BE REPORTED TO ALL APPLICABLE PARTIES, INCLUDING PAPER FOX COLLECTIVE, PRIOR TO THE START OF CONSTRUCTION.

OWNER / DEVELOPER

PAPER FOX COLLECTIVE, PLLC
ENGINEERING & RESIDENTIAL DESIGN SERVICES
1572 SAND HILL ROAD
SUITE D, #8-46
ENKA, NC 28738
(464)-883-9533
PaperFoxCollective.com

REVISION BLOCK

NO.	DATE	DESCRIPTION
001	12/23/2025	ISSUED FOR PERMIT
002	12/23/2025	ISSUED FOR PERMIT
003	12/23/2025	ISSUED FOR PERMIT
004	12/23/2025	ISSUED FOR PERMIT
005	12/23/2025	ISSUED FOR PERMIT
006	12/23/2025	ISSUED FOR PERMIT
007	12/23/2025	ISSUED FOR PERMIT
008	12/23/2025	ISSUED FOR PERMIT
009	12/23/2025	ISSUED FOR PERMIT
010	12/23/2025	ISSUED FOR PERMIT
011	12/23/2025	ISSUED FOR PERMIT
012	12/23/2025	ISSUED FOR PERMIT

Elevation Plan A

Custom Residential Design Plan Set

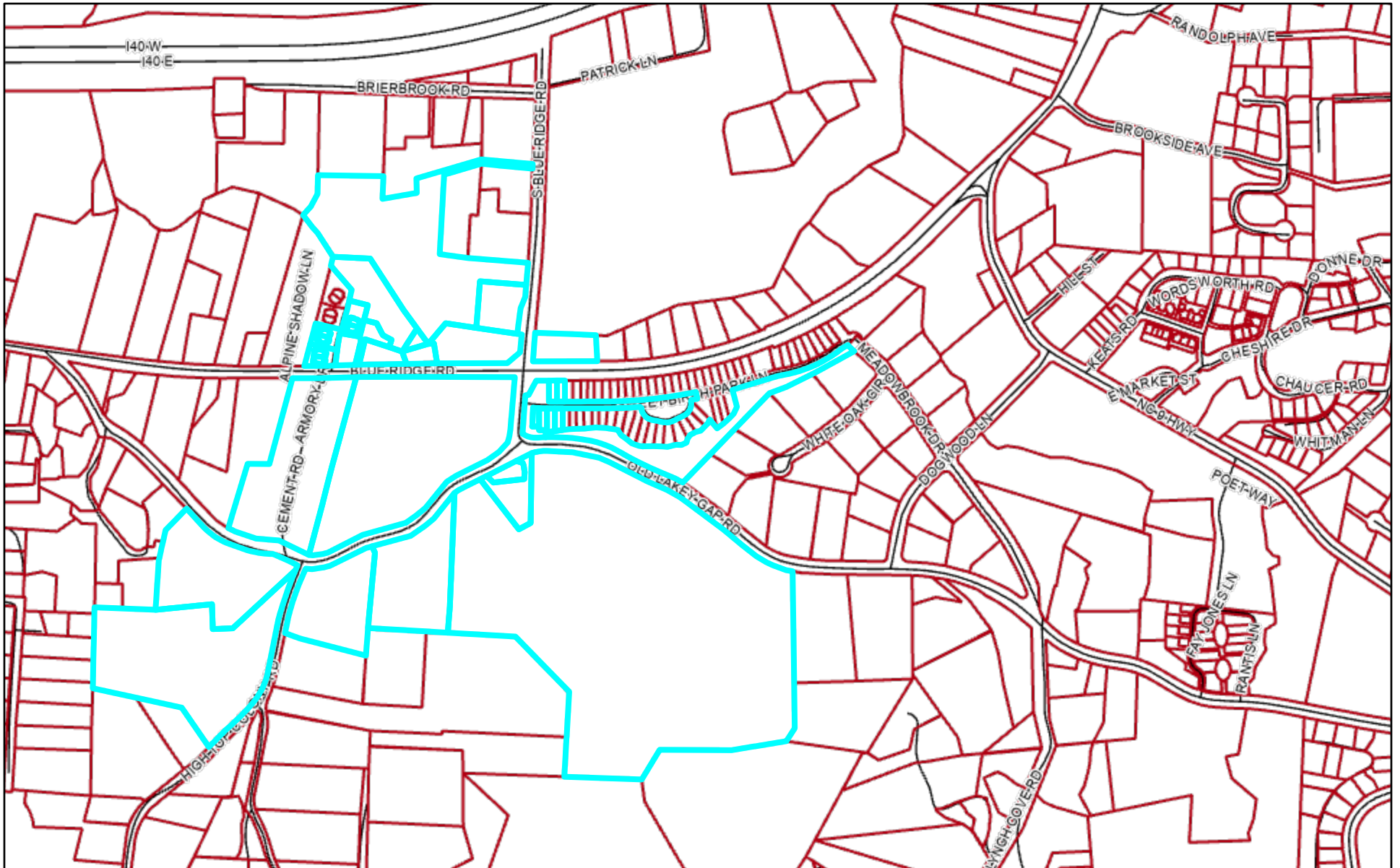
399 Blue Ridge Road
Black Mountain, North Carolina
28711, Buncombe County

Thursday, July 14, 2025
SHEET R04 of R07

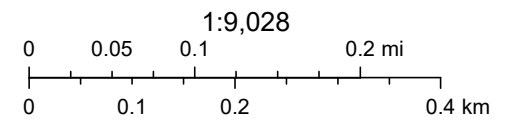
PROFESSIONAL CERTIFICATE
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF NORTH CAROLINA. LICENSE # 51932, EXPIRATION DATE 12/31/2025.

Paper Fox Collective, PLLC
Engineering & Residential Design Services
1572 SAND HILL ROAD
SUITE D, #8-46
ENKA, NC 28738
(464)-883-9533
PaperFoxCollective.com

Buncombe County



August 28, 2025



Name	Address	City	State	Zip
Hightop Colony Road LLC	11620 7th St E	Treasure Is	FL	33706
Byrneville LLC	11620 7th St E	Treasure Is	FL	33706
The Stepp Nichols Co Inc	PO Box 1338	Black Mountain	NC	28711
Seven Sisters Mountain Lodge LLC	15 Jane Jacobs Rd Ste 102	Black Mountain	NC	28711
Ronald Pownall; Marie Pownall	59 Old Lakey Gap Rd	Black Mountain	NC	28711
David Barker; Virginia Barker	PO Box 1107	Black Mountain	NC	28711
Mary Ann Clevenger Rev Trs ETAL	18 Village Pkwy	Black Mountain	NC	28711
Virginia Graham Trust	55 Old Lakey Gap Rd	Black Mountain	NC	28711
Patsy Harkness	73 Old Lakey Gap Rd	Black Mountain	NC	28711
Joseph Tyson; Carol Tyson	309 N Dougherty St	Black Mountain	NC	28711
Joseph Tyson; Carol Tyson	309 N Dougherty St	Black Mountain	NC	28711
Magnolia Creek Commons Homeowners Association Inc	309 N Dougherty St	Black Mountain	NC	28711
Mark Shunick; Ruth Shunick	504 Magnolia Creek Ln	Black Mountain	NC	28711
Magnolia Creek Commons Homeowners Association Inc	309 N Dougherty St	Black Mountain	NC	28711
Seth Sullivan-Dawes; Katharine Sullivan-Dawes	514 Magnolia Creek Ln	Black Mountain	NC	28711
Joseph Tyson; Carol Tyson	309 N Dougherty St	Black Mountain	NC	28711
Magnolia Creek Commons Homeowners Association Inc	309 N Dougherty St	Black Mountain	NC	28711
Mark Swann; Sheila Swann	400 Blue Ridge Rd #B	Black Mountain	NC	28711
Seth Sullivan-Dawes; Katharine Sullivan-Dawes	514 Magnolia Creek Ln	Black Mountain	NC	28711
Magnolia Creek Commons Homeowners Association Inc	309 N Dougherty St	Black Mountain	NC	28711
Jack Bartlett	400A Blue Ridge Rd	Black Mountain	NC	28711
Jack Bartlett	400A Blue Ridge Rd	Black Mountain	NC	28711
L F Spaulding, Jr; L G Milton	406 W State ST	Black Mountain	NC	28711
Ronald Collins; Beth Collins	400 Blue Ridge Rd	Black Mountain	NC	28711
Russell Wanser; Deborah Wanser	102 S Blue Ridge Rd	Black Mountain	NC	28711
Alan Sharpe; Margaret Sharpe	501 Sweet Birch Park Ln	Black Mountain	NC	28711
Rhonda Dehoff; Robert Dehoff II	503 Sweet Birch Park Ln	Black Mountain	NC	28711
Bobby McDaniel; Cynthia McDaniel	505 Sweet Birch Park Ln	Black Mountain	NC	28711
Benedict Baglio; Linda Baglio	507 Sweet Birch Park Ln	Black Mountain	NC	28711
Michael Nelson; Geraldine Nelson	504 Sweet Birch Park Ln	Black Mountain	NC	28711

Northgate Investments LLC	2401 US Hwy 70 E Apt #A	Marion	NC	28752
Sweet Birch Commons Property Owners Association Inc	145 Charlotte Hwy	Asheville	NC	28803
Sweet Birch Commons Property Owners Association Inc	145 Charlotte Hwy	Asheville	NC	28803
Joseph Tyson; Carol Tyson	309 N Dougherty St	Black Mountain	NC	28711

PIN #
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60990529300000
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61910191900000

61910194800000
61910393100000
61910775200000
61911116700000



Town of Black Mountain

160 Midland Avenue • Black Mountain, North Carolina, 28711
Phone: 828-419-9300 • Fax: 828-669-2030 • TDD: 1-800-735-5962

NOTICE OF SPECIAL USE REQUEST (REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **August 29, 2025**

TO: **PROPERTY OWNERS**

FROM: **TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR**

NAME OF OWNER AND ADDRESS OF THE REAL ESTATE AFFECTED BY THE PROPOSED SPECIAL USE:

**Fuller Center Disaster Rebuilders
399 Blue Ridge Road**

PROPERTY DESCRIPTION/PIN#: **0619-00-4776.00000**

CURRENT ZONING CLASSIFICATION: **TR-4**

THIS PROPERTY IS CURRENTLY USED FOR THE PURPOSE OF: **vacant land**

THE SPECIAL USE IS REQUESTED TO ALLOW THE PROPERTY OWNER TO:
Construct 50 deeply affordable dwellings, with the dwellings to be a mixture of detached single-family homes and duplexes.

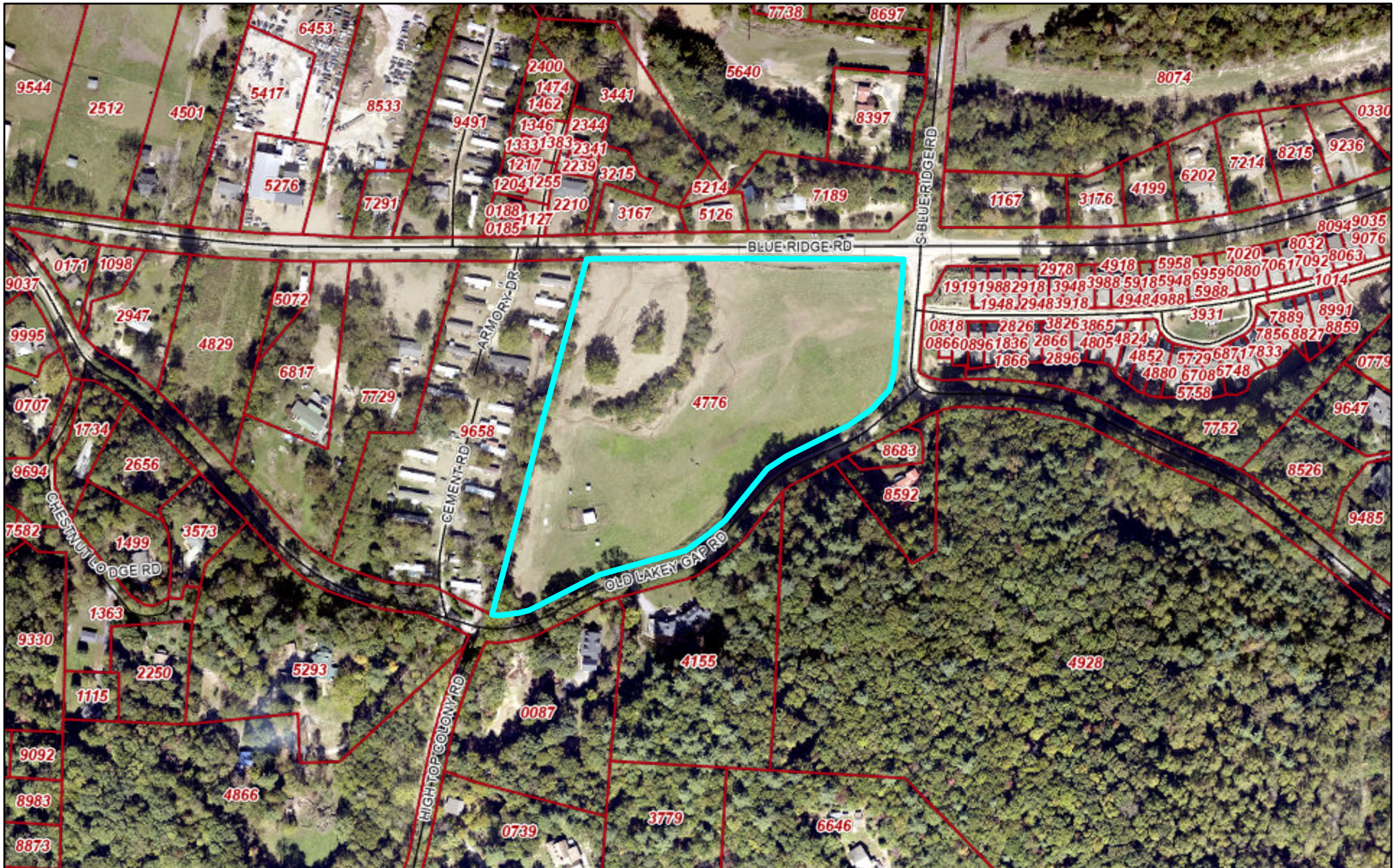
THE APPLICANT BELIEVES THAT THE SPECIAL USE BE GRANTED FOR THE FOLLOWING REASONS:

The project is designed to deliver affordable, community-oriented housing that minimizes infrastructure within the floodplain and incorporates appropriate stormwater management practices.

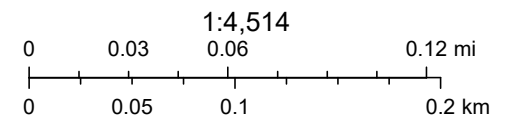
An evidentiary hearing will be held on Thursday, September 18, 2025, @ 6:00 p.m. in the Council Room of Town Hall at 160 Midland Avenue.

This is your notification for this request specified under 7.2.1 of the Land Use Code for the Town of Black Mountain. Section 7.2.1.1 indicates that notice be provided to all property owners within 200 feet of the site's property lines. Notice of the time, date, and place of the hearing will be published in the Black Mountain News in accordance with the Land Use Code of the Town of Black Mountain.

Buncombe County



August 28, 2025



CHAPTER 7. SPECIAL USE PERMITS

SECTION 7.1 PURPOSE

7.1.1 Purpose.

This land use code provides for certain uses to be located by right in districts where the uses are compatible with the purpose of the district and with other uses located in the district. This land use code also provides for certain uses to be located in districts only by complying with additional development standards to insure that same compatibility. This section provides additional requirements for certain uses that are in keeping with the intent and purposes of the district, but which may have substantial impacts on the surrounding area and should therefore only be allowed after a review of the specific proposal.

To ensure that these uses are compatible with surrounding development and in keeping with the purposes of the district in which they are proposed to be placed, they may be established only after issuance of a special use permit as required by this section.

SECTION 7.2 PROCEDURES

7.2.1 Pre-application technical review.

The applicant shall schedule a pre-application meeting with the subdivision administrator. The applicant shall bring a sketch plan of the proposed development to the meeting that meets the requirements set forth in section 1.4.6.

7.2.2 Application requirements.

- A. All applications for a special use permit must be accompanied by a site plan (drawn to scale) that includes all of the following information as applicable:
1. A boundary survey showing the total acreage, zoning classification(s), date, and north arrow (with the north arrow oriented up, i.e., to the top of the map);
 2. All existing easements, reservations and rights-of-way and all setbacks required for the zoning district;
 3. Proposed location of all structures, their approximate square area and general exterior dimensions;
 4. Proposed use of all land and structures;
 5. Traffic, parking, and circulation plan, showing proposed locate and arrangement of parking spaces and ingress and egress to adjacent streets;
 6. Proposed screening, including walls, fences, or planting areas, as well as treatment of any existing natural features;
 7. The name of the development, if applicable, and the name, address, and phone number of the owner;
 8. Approximate total acreage of the proposed development;
 9. Tentative street and lot arrangement, including designations of driveways, parking lots, open space, greenways, and stormwater management areas;

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10. Topography at five-foot intervals and the location of existing drainages or swales;
 11. A vicinity map showing the location of the development in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses;
 12. Location of flood hazard areas from FIRM map;
 13. Location of existing or proposed utilities;
 14. Proposed signs and their locations;
 15. Proposed phasing, if any, and approximate completion time of the project.
- B. Whenever an application for a special use permit involves the subdivision of land, the following agencies or individuals shall be given an opportunity to make recommendations concerning the proposed development plan before consideration by the board of adjustment:
1. The district highway engineer as to the any proposed state streets, state highways, and related drainage systems;
 2. The county health director, public works director, MSD representative, and representatives of any other local public utility, as appropriate, as to proposed water or sewerage systems;
 3. The fire marshal; and
 4. The stormwater and floodplain administrator(s)

7.2.3 Hearing required.

The board of adjustment shall hold a quasi-judicial hearing to consider the special use permit application and shall, by majority vote, either approve, approve with modifications, or deny the permit application.

7.2.4 Notice of hearing.

Notice of the hearing before the board of adjustment shall be provided as follows:

- A. Staff shall prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way within the same period specified for mailed notices of the hearing. When multiple parcels are included, a posting on each individual parcel is not required but notices shall be placed in strategically visible locations so as to provide reasonable notice to interested persons.
- B. Staff shall place notification of the evidentiary hearing in a newspaper of general circulation within the Town of Black Mountain once a week for two successive calendar weeks. The notice shall be published the first time not less than ten days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Meeting notice shall include time and place of hearing.
- C. Staff shall mail notice of the hearing to the applicant; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels within 200 feet of the parcel of land that is subject of the hearing; and to any other persons entitled to receive notice as provided by the development regulations. In the absence of evidence to the contrary, notice will be mailed to the owner reflected in the county tax listing at the address where county tax notices are sent. The notice must be deposited in the mail at least ten days but not more than 25 days prior to the date scheduled for the hearing.
- D. Staff shall place a notice of the hearing on the town's website.

7.2.5 Materials provided.

Staff shall transmit to the board, in written or electronic form, all applications, reports, and written materials relevant to the application. Such materials may be distributed prior to the hearing if, at the same time they are distributed to the board, a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record.

Objection to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

7.2.6 Hearing procedure.

- A. The applicant has the burden of producing competent material and substantial evidence tending to establish the existence of the facts and conditions which this ordinance requires for the issuance of the special use permit.
- B. The applicant, the Town of Black Mountain, and any person who would have standing to appeal the issuance or denial of the special use permit shall have the right to participate as a party at the hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections shall be ruled upon by the board chair and the chair's ruling may be appealed to the full board.
- C. In considering an application for a special use permit, the board of adjustment will consider and may attach reasonable and appropriate conditions to the location, nature, and extent of the proposed use or uses, structures and other improvements, and the relation of such uses, structures, or improvements to surrounding property. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and other matters the board of adjustment may find appropriate or that the applicant may propose.

7.2.7 Standards.

- A. No special use permit shall be issued or amended unless the board of adjustment shall find that:
 - 1. The special use will not be detrimental to or endanger the public health, safety, or general welfare.
 - 2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity.
 - 3. The special use will not substantially diminish or impair property values within the immediate vicinity.
 - 4. The special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - 5. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and character of the neighborhood or district in which the use will be located.
 - 6. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.
 - 7. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
 - 8. If the special use involves the subdivision of land, it conforms to all applicable regulations of Chapter 3 of this Land Use Code.

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9. The special use, in all other respects, conforms to the applicable regulations of the district in which it is located, except as such regulations have, in each instance been modified by the board of adjustment in approving the issuance of the special use permit.

7.2.8 Effect of approval.

A special use permit, once approved, attaches to and runs with the land and no subsequent development or use of the property may be undertaken except in conformity with the permit and all plans, specifications, and conditions.

7.2.9 Reapplication for a special use permit.

If an application for a special use permit is denied by the board of adjustment, a reapplication for that special use on that property may not be filed, unless, upon request of the property owner, the board of adjustment determines that there have been sufficient changes in conditions or circumstances bearing on the proposed project to warrant a reapplication.

7.2.10 Modification of an approved special use permit.

- A. The owner of property that is subject to an approved special use permit may apply for a modification of the special use permit by following the same procedure as if applying for a new special use permit. Applications for a modification must include a new site plan that identifies the proposed changes. Evidence presented at the hearing on the proposed modification will be limited to the effect of the proposal on the original special use permit, any plans or conditions that were a part of the original special use permit, and the standards and requirements of the ordinance under which the original special use permit approved.
- B. Changes to the plans and conditions of development that were the basis of the approval of the special use permit require board of adjustment approval; provided, however, that certain minor changes may be approved by the zoning administrator without board of adjustment approval, if:
 1. Building floor areas are not changed by more than 20 percent;
 2. Building or structure heights are not increased by more than 20 percent;
 3. Density is not increased;
 4. Relocated buildings, roads or uses maintain the same general relationships, landscaping, road, and utility standards; and
 5. The amendment preserves compliance with any specific requirement of this chapter and the zoning district requirements at the time of the amendment request.

If the zoning administrator determines that a proposal is not a minor change, the application for changes shall be forwarded to the board of adjustment for consideration.

7.2.11 Revocation or termination.

A special use permit may be revoked as provided in Section 1.10.8. After revocation, the special use must cease, and use or development of the property must comply with the standards of the district where the property is located.

sewer systems). The developer shall be responsible for the operation and maintenance of the water system for at least one year following the acceptance of the system by the town. The town will not accept or maintain any water system which does not contain a pressure of 30 P.S.I. based upon the existing main tank level.

14. Skirting and underpinning shall be required on manufactured homes before a certificate of occupancy can be issued. The skirting and underpinning shall be constructed of materials that meet all existing requirements for manufactured homes as set forth in the N. C. Building Code. All materials must be approved by the building inspector prior to installation.

SECTION 7.8 SPECIAL USE: PLANNED UNIT DEVELOPMENTS (PUD)

7.8.1 Purpose.

Planned unit developments (PUDs) are planned residential, commercial, or mixed-use communities that encourage high-quality design, innovative arrangements of buildings and open space throughout the project site by allowing for flexibility in lot configuration and design. Units within a PUD may be leased or sold separately. A residential PUD may be an apartment complex, a condominium complex, or a town-home development. The requirements of this section are intended to:

1. Facilitate more affordable housing by providing possibilities for savings in infrastructure, installation costs, and energy costs through clustering of dwellings;
2. Retain natural features and encourage developments that will be compatible with environmentally sensitive areas;
3. Encourage pedestrian circulation within and adjacent to the PUD;
4. Encourage mixed-use development;
5. Encourage quality design and management of open space.
6. Establish criteria and guidelines for housing developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots, but in which dwelling units, are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by an established homeowners' association;
7. Establish additional criteria for developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot to be subdivided at the same time or in phases for the purpose of commercial or industrial uses and which may not meet the customary street and lot layouts.
8. Provide for a cohesive approach to multi-family development that is sensitive to the surrounding properties and which protects the health, safety and welfare of its residents and neighbors.

7.8.2 Density.

PUDs with residential units shall contain a minimum of four dwelling units per acre and no PUD shall have greater than eight units per acre. The site shall be configured to allow for shared common areas, buildings, or parking.

7.8.3 Uses.

Proposed uses shall be generally compatible with the uses allowed in the underlying zoning district.

7.8.4 Dimensional requirements.

- A. Lot size, buffer, and yard regulations for the zoning district in which the proposed PUD is to be located must be met on the perimeter of the project.
- B. The maximum building height of any structure in the PUD shall not exceed the building height requirement of the district in which it is located.

7.8.5 PUD design.

7.8.5.1 Architectural features.

- A. The architectural style, surface treatment and placement on the lot of the proposed structures shall be in harmony and in character with the surrounding properties and the neighborhood as a whole.
- B. Proposed structures shall, at a minimum, comport with the following requirements:
 - 1. Buildings shall front the street or a parking lot, which shall have access to existing or planned pedestrian facilities or greenways as reflected in the pedestrian transportation plan or greenway master plan;
 - 2. Buildings shall be designed to the topography and contours of the property to minimize impact for the site;
 - 3. Fenestration, porches, stoops, or other architectural articulations are encouraged in order to visually break up the wall.
 - 4. Roof design, including pitch and/or parapet shall be compatible with the surrounding neighborhood.
 - 5. Building facades that front a street must extend parallel to that street.

7.8.5.2 Access and streets.

- A. Points of ingress and egress shall be located to maximize safety and minimize traffic hazards, inconvenience and congestion and may require additional traffic control devices if recommended in a traffic impact analysis.
- B. Streets and parking areas must be designed to the requirements in the standards and details manual.
- C. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Culs-de-sac and dead-end streets should only occur where absolutely necessary due to natural conditions.
- D. Designs shall permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the relationship of the street to the overall project and town street network.
- E. If the street or road serving the proposed development does not meet the town street standards or the recommendations of the traffic impact analysis, the developer shall make the necessary improvements to the street or road, or shall make a payment to the town to cover the cost of such improvements. The town may waive this requirement for street or road improvements if the town determines that the

improvement will cause more community disruption than justified by the increased traffic from the proposed development.

- F. Traffic and truck egress/ingress must be designed so as to minimize traffic hazards on public streets. All requirements for traffic safety improvements as identified in a traffic impact study or as recommended by staff as part of technical review shall be met. The proposed pattern of internal circulation and parking areas shall be provided.
- G. The plan shall provide for internal pedestrian circulation with sidewalks or greenway trails. Sidewalks shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities and connections to off-site pedestrian destinations such as sidewalks, greenways, or bus-stops external to the development. PUDs adjacent to transit routes must provide a pedestrian connection to, and a provision for, a public bus stop.
- H. In addition to internal pedestrian consideration, the plan shall allow for the provision that the developer will provide the town with a minimum eight-foot sidewalk right-of-way along any adjoining or abutting town dedicated street.

7.8.5.3 Parking.

- A. Parking shall be provided based on the uses that make up the PUD, using the parking requirements specified in chapter 10 of the land use code.
- B. Hedges, garden walls, or fences of a minimum three feet in height, or a planted area of ten feet in width shall be required along any street frontage adjacent to parking areas.
- C. An evergreen or fenced screen shall be established in the rear yard of residential uses where the property abuts a commercial or industrial zone as determined within the site as a whole, but not including areas that abut on a town or state road.
- D. The space within the required yard may be used as maneuvering space for vehicles and as driveways providing ingress or egress to the parking area.
- E. Truck parking and delivery areas must be in the side or rear of buildings and otherwise hidden or screened from the primary, exterior thoroughfare.

7.8.5.4 Landscaping and open space.

- A. The landscaping requirements in chapter 8 shall be met.
- B. Each planned unit development shall dedicate a minimum of 15-percent open, permeable space in addition to perimeter yard setbacks as required in the district. For PUDs containing residential units, the open space designation shall be established for the purpose of passive or active recreational purposes. Covered space, including a community building, gazebo, or picnic shelter shall be permitted in the recreation area as long as it does not occupy more than half of the total recreation area. Land dedicated as public greenway may count toward the open space requirements.
- C. Vegetative screening or a combination of garden walls, or fences must be installed and maintained along the perimeter of a commercial development where it abuts a residential zone. If the property adjoins a residential district, then a fence, hedge or other natural planting of comparable opacity shall be provided along the side or rear lines where the property adjoins said residential district. Such fence, wall or hedge shall be at least six feet in height measured from the ground along the common line of the adjoining lot in the residential district. Hedges or comparable natural evergreen plantings shall be planted at an initial height of at least three feet. Barriers shall be in place before beginning construction on any structure.

7.8.5.5 Utilities and services.

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- A. Stormwater management facilities shall be provided, as approved by the town and in accordance with the town stormwater regulations.
 - B. A plan for the collection, removal, and disposal of waste and recyclable materials shall be provided. Solid waste storage facilities shall be provided either in the form of screened and accessible bulk, shared containers or in individual containers for each dwelling unit. When used, individual containers shall be provided with locking lids. Shared dumpster or trash and recycling areas shall be located at the rear of buildings or shall be otherwise screened or located away from the perimeter of the PUD.
 - C. Heating and cooling units or other mechanical equipment shall be located at the rear of buildings or shall be otherwise screened or located away from the perimeter of the PUD to minimize noise and visual impact of mechanical equipment.

SECTION 7.9 SPECIAL USE: INDUSTRIAL PARK DEVELOPMENT (IPD)

7.9.1 Purpose.

To encourage economic development and redevelopment of industrial areas in a cohesive and safe fashion that attracts investment and growth, while encouraging entrepreneurship.

7.9.2 Density.

No density requirements apply.

7.9.3 Requirements.

In addition to the general SUP application requirements, the following guidelines shall be met unless the industrial park involves the redevelopment of an existing commercial, industrial, or manufacturing site or "Brownfield" where pre-existing conditions may require a variance from these requirements:

- A. Industrial park developments must maintain the required setbacks for the district at their perimeter boundary. Driveways or parking may encroach into the setback, however a ten-foot landscaped or grassed buffer must be maintained along public roadways at all times. Sidewalks or greenways may be included in this ten-foot-wide area as indicated on the pedestrian master plan.
- B. Sites are required to finish all grades and sites with grass and other approved landscaping and landscaping is approved as part of the site plan review and a condition of a final occupancy permit. Landscaped areas may contribute to the stormwater management plan in accordance with the town's phase II stormwater ordinance as applicable.
- C. All parking must be improved with hard surface materials and incorporate stormwater management that retains and treats a 24-hour, one-year storm unless otherwise approved under the town's phase II stormwater ordinance requirements.
- D. Lots must be designed to maximize access and safety. Adjacent developments shall share access points to the public roadway and parking wherever practicable and shall be designed so as to take advantage of existing traffic lights.
- E. All sites are required to provide screening for outdoor storage areas and dumpsters which are visible from the public roadway. Outdoor storage must be identified on the industrial park plan and the screening to be used shall be specified. Screening requirements may be met with a minimum of a six-foot opaque fence or wall, or with a ten-foot buffer of evergreen trees which shall meet or exceed six feet in height within one year of the certificate of occupancy being granted.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, September 18, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, September 18, 2025, at 6:00 p.m.** in the Council Room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hear a special use permit application for 399 Blue Ridge Road, PIN #0619-00-4776.00000, to construct fifty deeply affordable dwellings of which will be a mixture of detached single-family and duplexes.

The meeting is open to the public.

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at 419-9371 or by email at Jennifer.tipton@tobm.org.

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www.townofblackmountain.org