



TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT

June 18, 2026

REGULAR MEETING AGENDA

Time: 6:00 PM

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

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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 May 21, 2026, and May 28, 2026, as written [or as amended]**
 4. **OLD BUSINESS**
 5. **NEW BUSINESS**
 - 5.A. **Approval of Variance Order - 301 Chapel Road**

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

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held a continuation meeting on Thursday, May 28, 2026, 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, Chair

John Hines, Vice Chair

Linda Brinson

David Barley

Mary Hall

Absent:

Ted Rausch, Alternate

Staff:

Jennifer Tipton, Senior Admin

The meeting was called to order at 6:05 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

Nicole Stallings made a motion to adopt the agenda as presented. The motion was seconded by John Hines. The motion was approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Mary Hall made a motion to adopt the minutes of April 16, 2026, as written. The motion was approved by a consensus vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Approval of Order Granting Variance – 200 Montreat Road

Nicole Stallings made a motion to approve the order granting a variance at 200 Montreat Road as written. The motion was approved by a consensus vote of 5-0.

2. Variance Request – 301 Chapel Road

Chair Nicole Stallings opened the evidentiary hearing for Case #VAR-26-0002.

There were no parties seeking standing.

Chair Stallings swore in Jennifer Tipton for staff and Jesse Langlais for the applicant.

Board of Adjustment Continuation Meeting
May 28, 2026

No board member reported any ethical concerns or conflicts of interest. The parties had no objection to the sitting panel.

Jennifer Tipton gave a summary of the staff report. The property at 301 Chapel Road is seeking a variance from Section 43-48 of the Code of Ordinances. Section 43-48 dictates that residential driveways can be a maximum of twenty feet in width with a one-foot flare-out on each side for a total width of twenty-two feet. The applicant is seeking a variance to allow the total width of the driveway to be thirty-three feet, including the flare-outs. The lot is currently vacant with plans to construct a new residential structure.

Jesse Langlais, Painted Buckeye Builders, appeared for the applicant. The lot is a corner lot and there is a median in front of the lot for Chapel Road making turning into the driveway very sharp. Due to the slope, house placement, and retaining wall, the driveway cannot be pushed deeper into the lot. While the driveway width is also a design detail, the layout and logistics won't allow for a different design. The driveway will accommodate two cars while allowing them to get in and out of the driveway. There is a parking deck that will be suspended on steel I-beams.

Chair Stallings made a motion to close the evidentiary hearing. The motion was seconded by John Hines and approved by a vote of 5-0.

The board discussed the request and noted the shape of the lot, the steepness of the lot, and the median for Chapel Road that sits in front of the property.

With regard to variance request VAR-26-0002, the request of Jerry Sayre, the board found the following findings of fact:

1. That unnecessary hardship does result from the strict application of the regulations because the maximum width allowed will not allow for two cars and there is not a stacking option for the cars.
2. The hardship does result from conditions that are peculiar to the property because the lot is atypical being a corner lot with a steep slope and having a median in the road in front of the lot.
3. The hardship does not result from actions taken by the applicant or the property owner because both the lot and the median were existing prior to the applicant purchasing the property.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations such that public safety is secured and substantial justice is achieved because the driveway will allow for two cars and not cause issues with traffic or cars having to park on the road and allows the applicant to develop their property as others in the neighborhood have done.

John Hines made the following motion:

Board of Adjustment Continuation Meeting
May 28, 2026

I move the board to grant the requested variance for 301 Chapel Road to increase the residential driveway width from twenty-two feet to thirty-three feet in accordance with and only to the extent represented in the application and plans.

The motion was seconded by Mary Hall and approved by a vote of 5-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:24 p.m.

Prepared by:

Nicole Stallings, Chair

Jennifer Tipton, Senior Admin

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, May 21, 2026, 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, Chair
David Barley
Ted Rausch, Alternate

Absent:

John Hines, Vice Chair
Linda Brinson
Mary Hall

Staff:

Jennifer Tipton, Senior Admin

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.

Due to there not being enough members to vote on a variance, Nicole Stallings made a motion to continue the meeting to Thursday, May 28, 2026, at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue. The motion was seconded by David Barley and approved by a vote of 3-0.

Prepared by:

Nicole Stallings, Chair

Jennifer Tipton, Senior Admin

Board of Adjustment Regular Meeting

TOWN OF BLACK MOUNTAIN
COUNTY OF BUNCOMBE

BEFORE THE BLACK MOUNTAIN
BOARD OF ADJUSTMENT

In the Matter of the Application of)
Jerry Sayre for a)
Variance for Property at 301 Chapel Rd)
PIN #0700-70-4957.00000)

ORDER

THIS CAUSE, coming on before the Board of Adjustment for the Town of Black Mountain on May 28, 2026, upon the application of Jerry Sayre, to increase the allowable width of a residential driveway at 301 Chapel Road in Black Mountain, PIN #0700-70-4957.00000, which is Plat Book 0041 at Page 0007, Buncombe County Registry.

Jesse Langlais, Representative for Applicant, appeared to present their case.

Jennifer Tipton, Senior Admin. appeared for Town Staff, and five members of the Board of Adjustment were in attendance.

The Board of Adjustment, having heard and considered the testimony of Town Staff and the Applicant, and having considered all the evidence presented by Town Staff and the Applicant and the statements and arguments of the Applicant, makes the following.

FINDINGS OF FACT

1. The Board of Adjustment has jurisdiction over this matter pursuant to Section 1.7.3 of the Land Use Code (the "LUC").
2. Proper notice of this meeting and hearing of the Board of Adjustment was provided as required by the Town ordinances and the state law.
3. Applicant Jerry Sayre is the owner of property located at 301 Chapel Road, Black Mountain, North Carolina, which has the current PIN number of 0700-70-4957.00000 as shown on the Buncombe County Tax Maps, also being Plat Book 0041 at Page 0007, Buncombe County Registry.
4. The property is zoned CR-1.
5. The property is .51 acres.
6. The property is currently vacant with plans to construct a single family residence.
7. The property has an average slope of 32.07%.

8. Chapter 43, Section 43.48, Residential Dwellings, provides the maximum width requirements for residential dwellings.
9. The maximum width of a residential driveway is twenty feet with a one-foot flare-out on each side for a total width of twenty-two feet.
10. The Applicant is requesting to have a total driveway width of thirty-three feet, including the flare-outs.
11. The lot is a corner lot and there is a median for Chapel Road in the front of the property.
12. To be granted a variance, the Applicant is required to prove all of the following:
 - (1) 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.
 - (2) 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.
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - (4) The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. (N.C.G.S. Section 160D-705; Section 1.7.3E. of the LUC.)
13. There are unnecessary hardships that would result from the strict application of the ordinance because the maximum width allowed will not allow for two cars and there is not a stacking option for the cars.
14. The hardship results from conditions that are peculiar to the property such as location, size or topography because the lot is atypical being a corner lot with a steep slope and having a median in the road in front of the lot.
15. The hardship does not result from actions taken by the property owner because both the lot and the median were existing prior to the Applicant purchasing the property.
16. The requested variance is consistent with the spirit, purpose, and intent of the regulations such that public safety is secured, and substantial justice is achieved because the driveway will allow for two cars and not cause with traffic or cars having to park on the road and allows the Applicant to develop their property as others in the neighborhood have done.

BASED UPON THE FOREGOING FINDINGS OF FACT, THIS BOARD, by a vote of 5-0, concludes that the Applicant should be granted a variance to increase the maximum residential driveway width from twenty-two feet to thirty-three feet.

IT IS NOW THEREFORE, ORDERED, that the Applicant is granted a variance to increase the maximum residential driveway width from twenty-two feet to thirty-three feet for 301 Chapel Road.

This the ____ day of _____, 2026.

Nicole Stallings, Chair

If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Buncombe County within 30 days after the date of this order is served on you. See Section 1.7.2 of the Land Use Code, Appeals from Decisions of the Board of Adjustment, in the Town of Black Mountain Code of Ordinances.