



TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT

August 20, 2026

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

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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 June 18, 2026, as written [or as amended]**
 4. **OLD BUSINESS**
 5. **NEW BUSINESS**
 - 5.A. **Variance Request - 504 Pearl View Drive**

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



PUBLIC NOTICE

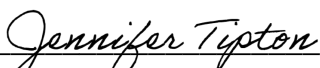
BLACK MOUNTAIN BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, August 20, 2026, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet for their monthly meeting on **Thursday, August 20, 2026, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

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 (828) 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 08/07/2026

www.townofblackmountain.org

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, June 18, 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
Mary Hall
Linda Brinson
Ted Rausch, Alternate

Absent:

David Barley

Staff:

Jennifer Tipton, Senior Admin

The meeting was called to order at 6:01 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and one (1) alternate.

II. ADOPTION OF AGENDA

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

III. ADOPTION OF MINUTES

Ted Rausch made a motion to adopt the minutes of May 21, 2026, and May 28, 2026, as written. The motion was seconded by John Hines and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Approval of Variance Order – 301 Chapel Road

Mary Hall made a motion to approve the order granting the variance at 301 Chapel Road as written. The motion was seconded by John Hines 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 6:04 p.m.

Board of Adjustment Regular Meeting

Prepared by:

Nicole Stallings, Chair

Jennifer Tipton, Senior Admin

Board of Adjustment Regular Meeting

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

Case No: V-26-03

Case Name: 504 Pearl View Dr.

Hearing Date: August 20, 2026

Procedure: Variance Evidentiary Hearing

Address of Variance Request:

504 Pearl View Drive

Black Mountain, NC 28711

Property ID Number (PIN): 061978005300000

Applicants:

Darah and Emily Bazargan

504 Pearl View Drive

Black Mountain, NC 28711

Request:

The applicants are seeking a variance from the Urban Residential (UR-8) zoning district's 15-foot rear setback requirement. The context is wanting "to allow the existing open, unenclosed pergola accessory structure associated with the existing rear deck to remain in its current location." Additional information provided by the applicants includes: "The pergola support posts are located approx. 4 feet, 4 inches from the rear property line, where a 15-foot setback is required."

This means that the applicants are seeking a variance of 10 feet, 8 inches (10', 8") from the 15-foot setback requirement.

Town Staff:

Jennifer Tipton, Clerk to Board of Adjustment

Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicants are seeking a 10-foot-and-eight-inch (10', 8") variance from the 15-foot rear setback requirement of the Urban Residential (UR-8) zoning district. The context is an addition.

Section 4.4.3 of Chapter 4 (Zoning) explains that the setback measurement is taken from the right of way line or the property line, whichever is further back, and that the measurement is "to the nearest portion of the building or structure."

Item **J** in Section 4.4.3 of Chapter 4 (Zoning) of the Land Use Code lists the following "allowable encroachments into required setbacks":

1. Roof overhangs, sills, cornices, and similar ornamental features projecting from the principal building may encroach up to 18 inches into any required setback.

2. Bay windows, balconies, and similar features projecting from the principal building may encroach up to three feet into any required setback.
3. Decks, steps, uncovered porches, patios, and terraces may encroach into a required side or rear setback, but no closer than six feet to the side or rear property line.
4. Fences and walls.
5. If a handicapped accessibility or life safety feature cannot meet this requirement due to the location of an existing structure or other impeding site feature on a residential lot, the setback requirement shall be waived to the extent necessary to accommodate the accessibility or life safety feature.

Section 1.2.3 (Definitions) of the Land Use Code includes the following:

Accessory structure: A structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use which is not used as a dwelling unit.

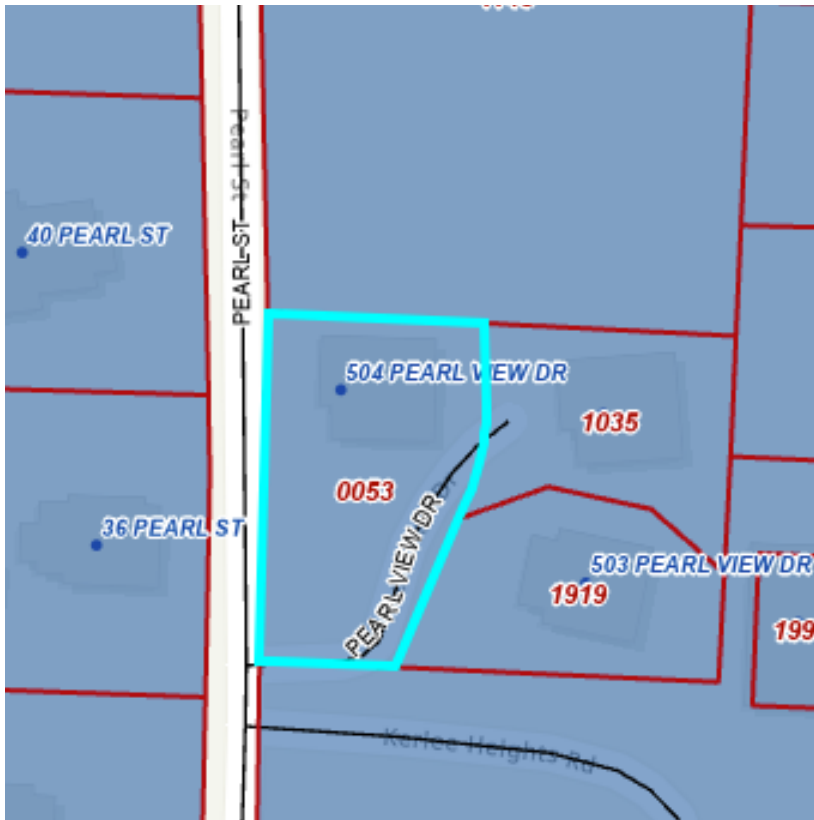
Building: A structure with a roof and walls built for permanent use. When used in reference to a residential structure, any one- or two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for habitation for living, sleeping, cooking, or eating purposes or any combination thereof, including accessory structures.

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. This clip is from Buncombe GIS (*0053 is the subject property*):



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

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

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

The surrounding lots are:

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

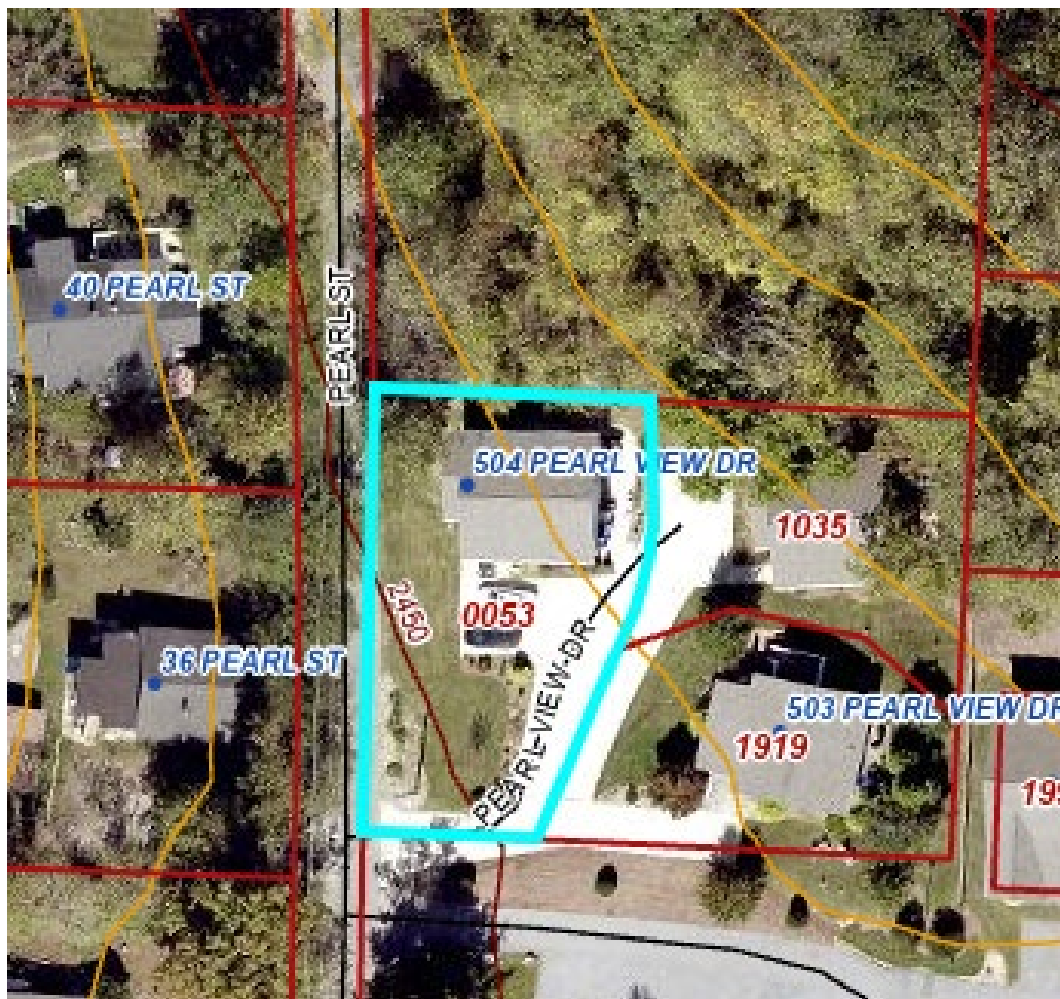
Reference: Section 4.7.4 (Urban Residential District – UR-8) of Chapter 4 (Zoning).

Pear View Drive is a private street.

Existing Conditions

According to the Buncombe County Property Record Card for 504 Pearl View Drive, the parcel has a two-bedroom, single-family home that has a total finished area of 930 square feet, a deck of 40 square feet, and a porch of 100 square feet. The county lists the “year built” as 2018, and the lot size as .17 acre. The lot has a slope of 10.26 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 (the property does not have any NC DEQ-classified surface waters and is not in the 100-year flood zone). **0053** is the subject property. Note: image is *Post Helene 2024*.



Below are photos of the property taken on July 28, 2026.

View from Pearl Street:



View from Pearl View Drive (subject property is on the left):



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 August 1, 2026. Legal notice appeared in *Black Mountain News* the weeks of July 30, 2026, and August 6, 2026. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the variance request is a project referred to by the applicants as an “accessory structure.” But the applicants properly frame their request in the context of the UR-8 zoning district’s 15-foot rear setback requirement (they note that “a 15-foot setback is required.”)

The variance request is in the context of an addition to the home. Thus, the UR-8 setback requirements apply, not the accessory structure setback requirements. (Accessory structures can be as close as five feet to the nearest property line.)

[reference: Section 4.5.4 (Accessory Structures) of Chapter 4 (Zoning) of the Land Use Code.]

The applicants are seeking a variance from the Urban Residential (UR-8) zoning district's 15-foot rear setback requirement. They want "to allow the existing open, unenclosed pergola accessory structure associated with the existing rear deck to remain in its current location." Also noted by the applicants: "The pergola support posts are located approx. 4 feet, 4 inches from the rear property line, where a 15-foot setback is required."

This means that the applicants are seeking a variance of 10 feet, 8 inches (10', 8") from the 15-foot setback requirement.

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).

VARIANCE APPLICATION www.townofblackmountain.org**PROPERTY OWNER INFORMATION**Owner Name **DARAH AND EMILY BAZARGAN**Owner Address (Number, Street, City, State, ZIP)
504 PEARL VIEW DRIVE, BLACK MOUNTAIN, NC 28711

Home Phone	Cell Phone (919)749-3232	Email Address DARAH@LIVE.COM
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APPLICATION FOR VARIANCE**I request a variance/variances from the following provisions of the ordinance:**

Section Number(s): <u>Section 4.7</u>	Section Title(s): <u>Zoning Regulations by District</u>
	<u>Dimensional Requirements</u>
Subsection letter(s) and/or number(s): <u>4.7.15</u>	Subsection Title(s): <u>by zoning districts</u>

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*):

Requesting a variance from the required 15-foot rear setback to allow the existing open, unenclosed pergola accessory structure associated with the existing rear deck to remain in its current location. The pergola support posts are located approx. 4 ft 4 inches from the rear property line, where a 15-foot setback is required.

PROPERTY INFORMATION

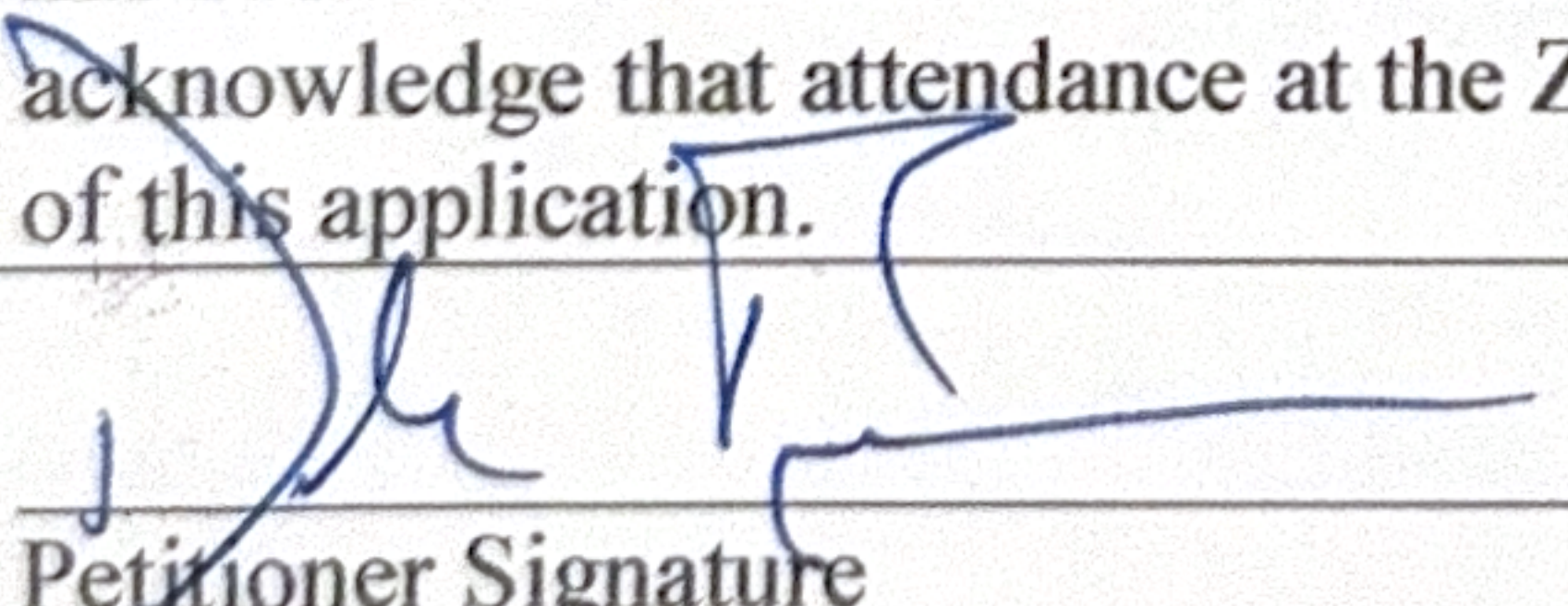
Parcel Number 061978005300000	Current Zoning UR-8	Acreage 0.17 ACRES
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Address
504 PEARL VIEW DRIVE, BLACK MOUNTAIN NC 28711

Average Slope % 10.26%	Use of Property RESIDENTIAL
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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 SignatureDate 1/23/26**OFFICE USE ONLY**

Date Received:	Fee: \$600.00 Cash: ☐ Check: ☐ # _____ Credit: ☐
Case Number:	Meeting Date:

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

VARIANCE 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 ZBA that it can properly grant the variance as provided for in Chapter 1, Section 1.7.3 Variances. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

Please indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. 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.

SEE ATTACHED

2. 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.

SEE ATTACHED

3. 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.

SEE ATTACHED

4. 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 ATTACHED

Statement in Support of Application for a Dimensional Variance

Town of Black Mountain Board of Adjustment

Applicants: Darah and Emily Bazargan

504 Pearl View Drive
Black Mountain, NC 28711 (Lot 1)

Members of the Board of Adjustment:

We respectfully request a dimensional variance from the required **15-foot rear setback** to allow an existing **open accessory structure (pergola)** associated with our rear deck to remain in its current location.

The rear deck and pergola were constructed as part of the same outdoor living project. The rear deck is being reviewed through the Town's normal permitting process. This application requests zoning relief **only for the pergola**.

This request is based on the physical characteristics of our property rather than on personal preference or convenience. The location of the residence, the required rear setback, the rising topography immediately behind the home, the retaining wall required because of that topography, and the neighboring driveway combine to create a constrained building envelope behind the residence.

During discussions with Town staff, we learned that zoning relief would be necessary because of these existing site conditions. We respectfully ask the Board to evaluate our request under the Town's variance standards.

Thank you for your time and consideration.

Respectfully,

Darah

Emily

Darah Bazargan

Emily Bazargan

SUMMARY OF KEY FACTS

Property

504 Pearl View Drive, Black Mountain, NC (Lot 1)

Variance Requested

A dimensional variance from the required **15-foot rear setback** for an **open accessory structure (pergola)** associated with the rear deck.

The rear deck is being reviewed through the Town's normal permitting process. **This application requests zoning relief only for the pergola.**

Existing Physical Conditions

- The required rear setback begins approximately **11 inches behind the rear wall of the house.**
- The ground rises immediately behind the residence, requiring a retaining wall.
- The retaining wall limits where structural support posts can reasonably be located.
- Approximately **28 inches of the neighboring driveway extends onto our property**, further limiting the usable area adjacent to the outdoor living space.
- Together, these permanent site conditions create a constrained building envelope behind the residence.

Why a Variance Is Needed

Because of these existing site conditions, there is **no practical compliant location for an open accessory structure that provides reasonable use of the rear deck.**

The requested variance represents the minimum relief necessary.

PROJECT DESCRIPTION

This application requests a dimensional variance from the required **15-foot rear setback** to allow an existing **open, unenclosed accessory structure (pergola)** associated with the rear deck to remain in its present location.

The pergola provides shade and enhances the functionality of the rear outdoor living area. It does not create enclosed living space, increase the footprint of the residence, change the residential use of the property, or interfere with neighboring properties.

The requested variance is limited to the location of the pergola and its supporting posts.

PROJECT BACKGROUND

As part of constructing a rear deck and associated pergola, we worked with the Town's Building Department to better understand the applicable zoning and permitting requirements.

Through that process, we learned that while the deck could proceed through the normal permitting process, the pergola requires a dimensional variance because of the required rear setback and the physical characteristics of our property.

We are requesting this variance so the Board may determine whether those existing site conditions justify the requested relief. Our goal throughout this process has been to work with the Town and obtain the appropriate approvals through the Town's established review and permitting process.

PROPERTY OVERVIEW

Lot 1 contains several permanent physical characteristics that substantially limit the available building area behind the residence.

These include:

- the location of the residence on the lot;
- the required rear setback, which begins approximately **11 inches behind the rear wall of the house**;
- the rising topography immediately behind the residence;
- the retaining wall required to support that higher elevation; and
- the neighboring driveway adjacent to the rear outdoor living area, with approximately **28 inches of the paved driveway extending onto our property**.

Taken together, these existing conditions significantly constrain the available area for an open accessory structure serving the rear deck.

STATEMENT OF HARDSHIP

The hardship results from the property's existing physical characteristics rather than from the pergola itself.

Because the required rear setback begins approximately **11 inches behind the rear wall of the residence**, very little area exists behind the home before the setback begins.

Immediately behind the deck, the ground elevation rises, making the retaining wall necessary to retain the higher grade. This existing topography limits where structural support posts can reasonably be located.

The neighboring driveway borders the outdoor living area, and a portion extends onto our property, further reducing the practical use of that area.

Together, these permanent physical conditions create a constrained building envelope that leaves **no practical compliant location for an open accessory structure that provides reasonable use of the rear deck**.

These conditions would exist regardless of whether the pergola had ever been constructed.

UNIQUE CONDITIONS OF THE PROPERTY

We recognize that many homes in our neighborhood are located on relatively small lots.

Our request is not based solely on lot size. Rather, it is based on the combination of physical conditions on this property.

While any one of these conditions alone might not create a hardship, together they significantly constrain the building area behind the residence. It is the interaction between the location of the home, the required rear setback, the site's topography, the retaining wall, and the neighboring driveway that creates the need for this variance.

MINIMUM RELIEF REQUESTED

The requested variance represents the minimum relief necessary.

The rear deck is proceeding through the Town's normal permitting process. The only zoning relief requested from the Board is the dimensional variance for the pergola.

Because of the existing site constraints, reducing the size of the pergola would not eliminate the need for structural support posts within the setback. Without a variance, an open accessory structure providing reasonable use of the rear deck would not be feasible.

CONSISTENCY WITH THE PURPOSE OF THE ORDINANCE

Granting the requested variance remains consistent with the purpose and intent of the zoning ordinance.

The pergola:

- is open and unenclosed;
- does not create enclosed living area;
- does not alter the residential use of the property;
- does not obstruct visibility;
- does not interfere with vehicle access;
- does not impact drainage or stormwater;
- does not reduce emergency access; and
- is adjacent to a neighboring driveway rather than a neighboring residence or primary outdoor living area.

The requested relief preserves public safety while allowing reasonable residential use of a property with unique physical constraints.

RESPONSES TO THE VARIANCE CRITERIA

1. Unnecessary Hardship

Strict application of the ordinance creates an unnecessary hardship because the existing physical characteristics of the property leave **no practical compliant location for an open accessory structure that provides reasonable use of the rear deck**. The requested variance is the minimum relief necessary to allow reasonable residential use of the property.

2. Conditions Peculiar to the Property

The hardship results from the combination of existing physical characteristics on this property, including the location of the residence, the required rear setback, the site's topography, the retaining wall, and the neighboring driveway. Together, these conditions create a constrained building envelope behind the residence.

3. Hardship Not Self-Created

These physical constraints existed before the pergola was constructed and would remain even if it were removed. The variance request seeks relief from the property's physical characteristics rather than from the applicants' actions. We are working through the Town's established permitting and variance process so the Board may determine whether the requested relief is appropriate under the ordinance.

4. Spirit and Intent of the Ordinance

Granting the requested variance is consistent with the spirit and intent of the ordinance because it preserves public safety while allowing reasonable residential use of a property with unique physical constraints.

The pergola is an open accessory structure associated with the rear deck. It does not create enclosed living space, interfere with neighboring access, adversely affect surrounding properties, or alter the residential character of the neighborhood.

The requested relief represents the minimum variance necessary to accommodate the property's existing physical characteristics.

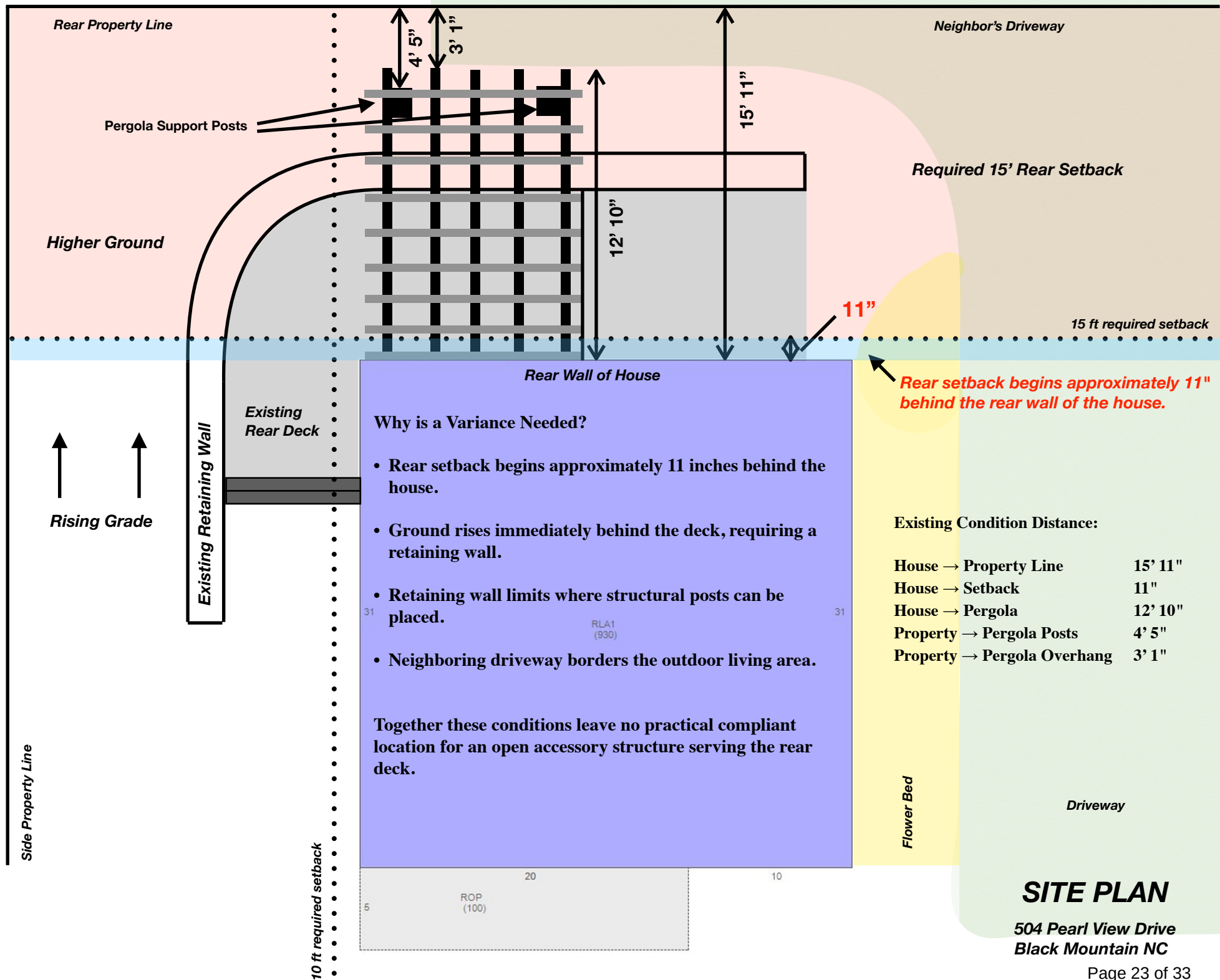
APPLICANT'S STATEMENT

We recognize the importance of the Town's zoning regulations and understand that setback requirements exist to preserve open space, protect neighboring properties, and promote orderly development.

As we worked with Town staff, we learned that while the rear deck could proceed through the Town's normal permitting process, the pergola requires a dimensional variance because of the physical characteristics of our property. We have chosen to work through the Town's established review process so the Board can evaluate our request under the applicable variance standards.

We respectfully ask the Board to consider the unique combination of physical conditions on our property—including the location of the residence, the required rear setback, the rising topography behind the home, the retaining wall required because of that topography, and the neighboring driveway—and determine whether those conditions justify the requested relief.

We appreciate the Board's time, service, and thoughtful consideration.





View from Shared Driveway Entrance to House



View of Rear Wall of House, Existing Deck, Retaining Wall, Pergola, & Neighbors Driveway



View facing the Rear Wall of House



View of Side Yard



View of Side Yard from Street (at front of house)

The map displays a residential area with the following features:

- Streets:** Pearl St, Kerlee Heights Rd, Kerlee St, and Roosevelt St.
- Lot Numbers (Red Text):** 2401, 1261, 1036, 1921, 1707, 1636, 1586, 0496, 4596, 8657, 8409, 9408, 9480, 1417, 1599, 3506, 3573, 4561, 5448, 6416, 6588, 6683, 6781, 6798, 7806, 7905, 7013, 7111, 7129, 7229, 7349, 5389, 5380, 5187, 5070, 5858, 5846, 5842, 5709, 5714, 5686, 5613, 5607, 5636, 4615, 4609, 4649, 3981, 3137, 3026, 2774, 2716, 2482, 2344, 3373, 1148, 1316, 0053, 1035, 1919, 1997, 192, 196, 295, 1858, 0874, 0882, 0788, 0785, 88, 281, 855, 281, 6283, 6153, 6043, 6933, 7823, 6313, 9311, 7413.
- Highlighted Areas (Blue Boxes):**
 - Lot 0874
 - Lot 0882
 - Lot 0788
 - Lot 0785
 - Lot 1035
 - Lot 1919
 - Lot 1997
 - Lot 192
 - Lot 196
 - Lot 295
 - Lot 88
 - Lot 281
 - Lot 855
 - Lot 281

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Name	Address	City	State	Zip
Wendy Ford	32 Pearl St	Black Mountain	NC	28711
Aaron Cody	25 Lake Eden Cir	Black Mountain	NC	28711
Emily Welsh	40 Pearl St	Black Mountain	NC	28711
Emily Welsh	40 Pearl St	Black Mountain	NC	28711
Jeanette Wilson; Charles Wilson	44 Pearl St	Black Mountain	NC	28711
Carrie Schmitz	46 Pearl St	Black Mountain	NC	28711
Midkiff Family Irrevocable Living Trust	402 Kerlee Heights Rd	Black Mountain	NC	28711
Melinda Hester	404 Kerlee Heights Rd	Black Mountain	NC	28711
Christopher Maslin; Elizabeth Maslin; Samuel Godsey; Virgina Godsey	30 W Cotton Ave	Black Mountain	NC	28711
Jacquelyn Harlan	104 Peterborough Dr	Mooreville	NC	28115
Rosebriar Townhomes Homeowners Association, Inc	PO Box 995	Black Mountain	NC	28711
Jimmy Justus; Helen Justus	409 Kerlee Heights Rd	Black Mountain	NC	28711
Nathan West; Kristi West	168 Beacon Dr	Pittsboro	NC	27312
Anna Stearns	419 Kerlee Heights Rd	Black Mountain	NC	28711
Michael Mooney	15 Pearl St	Black Mountain	NC	28711
Mark Keilp; Mary O'Sullivan	411 Kerlee Heights Rd	Black Mountain	NC	28711
Terry Vess; Charles Dicus	421 Kerlee Heights Rd	Black Mountain	NC	28711
Michael Stahl	425 Kerlee Heights Rd	Black Mountain	NC	28711
Deborah Dunville	427 Kerlee Heights Rd	Black Mountain	NC	28711
Darah Bazargan	504 Pearl View Dr	Black Mountain	NC	28711
Helen Kincade	505 Pearl Dr	Black Mountain	NC	28711
Dwight Cook	PO Box 28	Ridgecrest	NC	28770
Scott Clements	126 Huntington Dr	Deland	FL	32724
Bobby Ammons; Rhonda Ammons	109 Kerlee St	Black Mountain	NC	28711

PIN #
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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 EVIDENTIARY HEARING FOR VARIANCE REQUEST

Date: August 1, 2026

To: Property Owners within 200 feet of the subject property located at:
504 Pearl View Drive

RE: Evidentiary Hearing for Variance Application #VAR-26-0003

Dear Property Owner,

Please be advised that an application for a Variance has been filed with the Black Mountain Planning and Development Office concerning the property at 504 Pearl View Drive. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property as required by the Town of Black Mountain Land Use Code Section 1.7.1 (D)(3).

Applicant Information:

- Applicant Name: Darah and Emily Bazargan

Property Information:

- Property Address: 504 Pearl View Drive
- Parcel Identification Number: 0619-78-0053
- Current Zoning: UR-8
- Ordinance Section: Section 4.7.15, Dimensional Requirements by Zoning Districts
- Variance Requested for: From required 15' rear setback to allow the existing open, unenclosed pergola accessory structure associated with the existing rear deck to remain in its current location. The pergola support posts are located approx. 4 ft 4 in from the rear property line.

Evidentiary Hearing Details:

An evidentiary hearing will be held to consider this application. All interested parties are encouraged to attend.

- Date: Thursday, August 20, 2026
- Time: 6:00 p.m.
- Location: Council Room, Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

How to Learn More:



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

- Review the Application: blackmountainnc.v8.civicclerk.com/Meetings/Agenda?id=739
- Contact the Planner: Russell Cate ♦ 828-419-9373 ♦ russell.cate@tobm.org

Purpose of a Variance:

Variances are intended to provide limited relief from regulations in those cases where the strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the development regulations and in a way that the spirit of the zoning regulations shall be preserved, public safety and welfare secured, and substantial justice achieved.

The meeting is open to the public.

Sincerely,

Jennifer Tipton
Senior Admin/Clerk to Board of Adjustment
Town of Black Mountain Planning and Development Department

Buncombe County



July 23, 2026

