



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Zoning Board of Adjustment
From: Jennifer Tipton, Zoning Administrator
Re: Agenda Packet for March 21, 2019
Date: March 11, 2019

The **Town of Black Mountain Zoning Board of Adjustment** will meet on **Thursday, March 21, 2019 at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from December 5, 2018; and
3. Variance Request for 119 Oakland Drive.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9373.

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. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9373 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Ron Sneed, Town Attorney



PUBLIC NOTICE

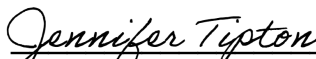
BLACK MOUNTAIN ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, March 21, 2019 at 6:00 p.m.

The Black Mountain Zoning Board of Adjustment will meet for their monthly meeting on **Thursday, March 21, 2019 at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C. The purpose of this meeting is to consider a variance request for 119 Oakland Drive, further know as PIN #0619-17-4639, to reduce the side setbacks of ten feet (10') by one foot (1') to nine feet (9').

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

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Posted to the Town Bulletin Board 03/01/19

www.townofblackmountain.org



**Zoning Board of Adjustment Regular Meeting
March 21, 2019**

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 December 5, 2018 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Variance Request for 119 Oakland Drive

VI. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

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

The Black Mountain Zoning Board of Adjustment held a special call meeting on Wednesday, December 5, 2018 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

The meeting was called to order with the following members present:

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

Absent:

Cheryl Milton, Chair
Bob Osmundsen
Janet McKimpson, Alternate

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

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

II. ADOPTION OF AGENDA

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

III. ADOPTION OF MINUTES

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

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request for 316 Allen Mountain Drive

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

Zoning Board of Adjustment Special Call Meeting
December 5, 2018

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

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

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

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

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

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

Prepared by:

Cheryl Milton, Chair

Jennifer Tipton, Zoning Administrator

Jillian Ballard, Secretary



Town of Black Mountain

106 Montreat Road ♦ Black Mountain, North Carolina ♦ 28711
Phone: 828-669-0079 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR VARIANCE

Date: 1 / 30 / 2019

To: ZONING ADMINISTRATOR
TOWN OF BLACK MOUNTAIN

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

Brigid Belensky

119 Oakland Drive, Black Mountain NC 28711

PROPERTY DESCRIPTION/PIN #: 0619174639

CURRENT ZONING CLASSIFICATION: TR-4

THIS PROPERTY IS CURRENTLY USED FOR THE PURPOSE OF:

Vacant residential lot

THE VARIANCE IS REQUESTED TO ALLOW THE PROPERTY OWNER TO:

Decrease each side setback from 10' to 9' in order to accommodate a 15' wide structure.

ATTACHED HERETO IS A PLOT PLAN OF THE REAL ESTATE AFFECTED, INDICATING THE SIZE OF THE LOT, SIZE OF IMPROVEMENTS NOW ERECTED, AND THOSE PROPOSED TO BE ERECTED.

THE APPLICANT BELIEVES THAT THE VARIANCE BE GRANTED FOR THE FOLLOWING REASONS:

Due to the unique narrow nature of the property, a variance in the side setbacks would improve the livability of the home while adhering to a design that is in keeping with the spirit of the surrounding neighborhood.

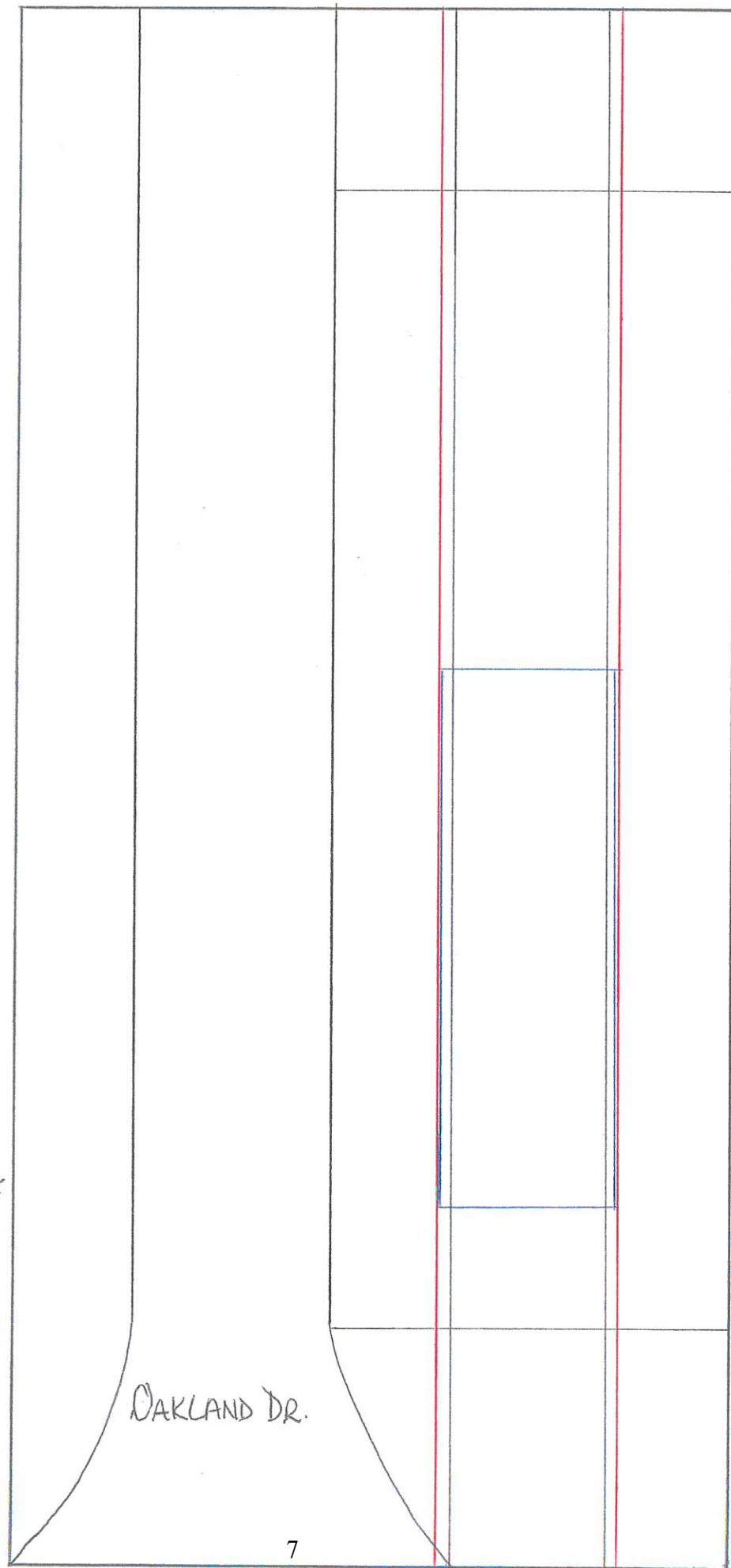
SIGNATURE OF APPLICANT:

Brigid Belensky

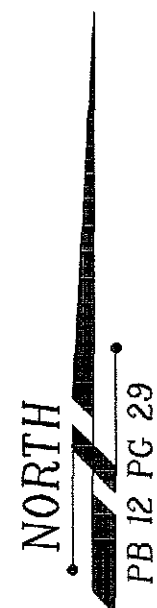
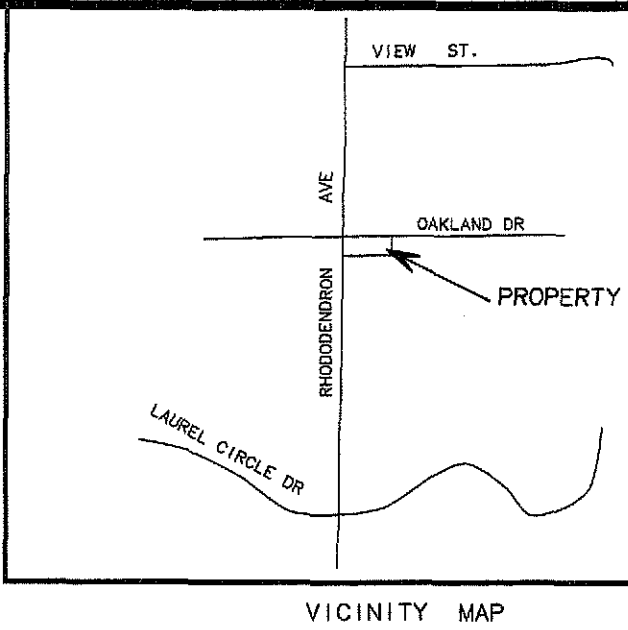
1cm = 5'

— = PROPOSED VARIANCE

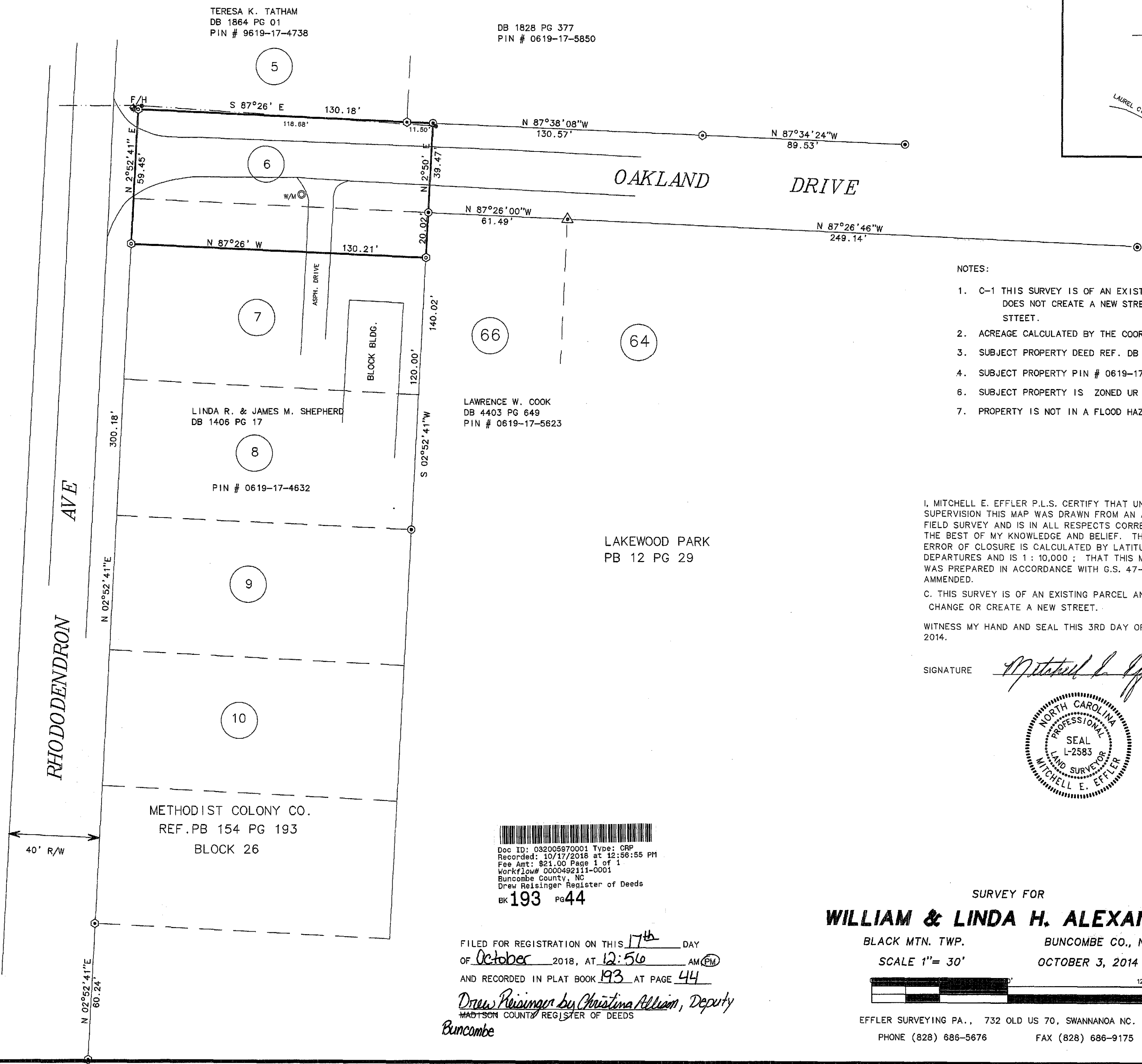
— = PROPOSED STRUCTURE



193/44



PB 12 PG 29



- NOTES:
1. C-1 THIS SURVEY IS OF AN EXISTING PARCEL OF LAND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STTEET.
 2. ACREAGE CALCULATED BY THE COORDINATE METHOD.
 3. SUBJECT PROPERTY DEED REF. DB 5242 PG 331
 4. SUBJECT PROPERTY PIN # 0619-17-4639
 6. SUBJECT PROPERTY IS ZONED UR 8
 7. PROPERTY IS NOT IN A FLOOD HAZARD AREA.

I, MITCHELL E. EFFLER P.L.S. CERTIFY THAT UNDER MY SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THE ERROR OF CLOSURE IS CALCULATED BY LATITUDES AND DEPARTURES AND IS 1 : 10,000 ; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMMENDED.

C. THIS SURVEY IS OF AN EXISTING PARCEL AND DOES NOT CHANGE CHANGE OR CREATE A NEW STREET.

WITNESS MY HAND AND SEAL THIS 3RD DAY OF OCTOBER 2014.

SIGNATURE *Mitchell E. Effler*



SURVEY FOR
WILLIAM & LINDA H. ALEXANDER

BLACK MTN. TWP. BUNCOMBE CO., NC
SCALE 1"= 30' OCTOBER 3, 2014



EFFLER SURVEYING PA., 732 OLD US 70, SWANNANOA NC. 28778
PHONE (828) 686-5676 FAX (828) 686-9175

LEGEND

- △ R/R SPK FOUND
- FOUND STONE
- UNMARKED POINT
- IRON PIN FOUND
- ⊙ REBAR SET
- ⊙ REBAR FOUND

Doc ID: 032005970001 Type: CRP
Recorded: 10/17/2018 at 12:56:55 PM
Fee Amt: \$21.00 Page 1 of 1
Workflow# 0000492111-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 193 PG 44

FILED FOR REGISTRATION ON THIS 17th DAY
OF October 2018, AT 12:56 AM (PM)
AND RECORDED IN PLAT BOOK 193 AT PAGE 44

Drew Reisinger by Christina Alliam, Deputy
BUNCOMBE COUNTY REGISTER OF DEEDS
Buncombe

Original document returned to customer at time of recording

C-4114

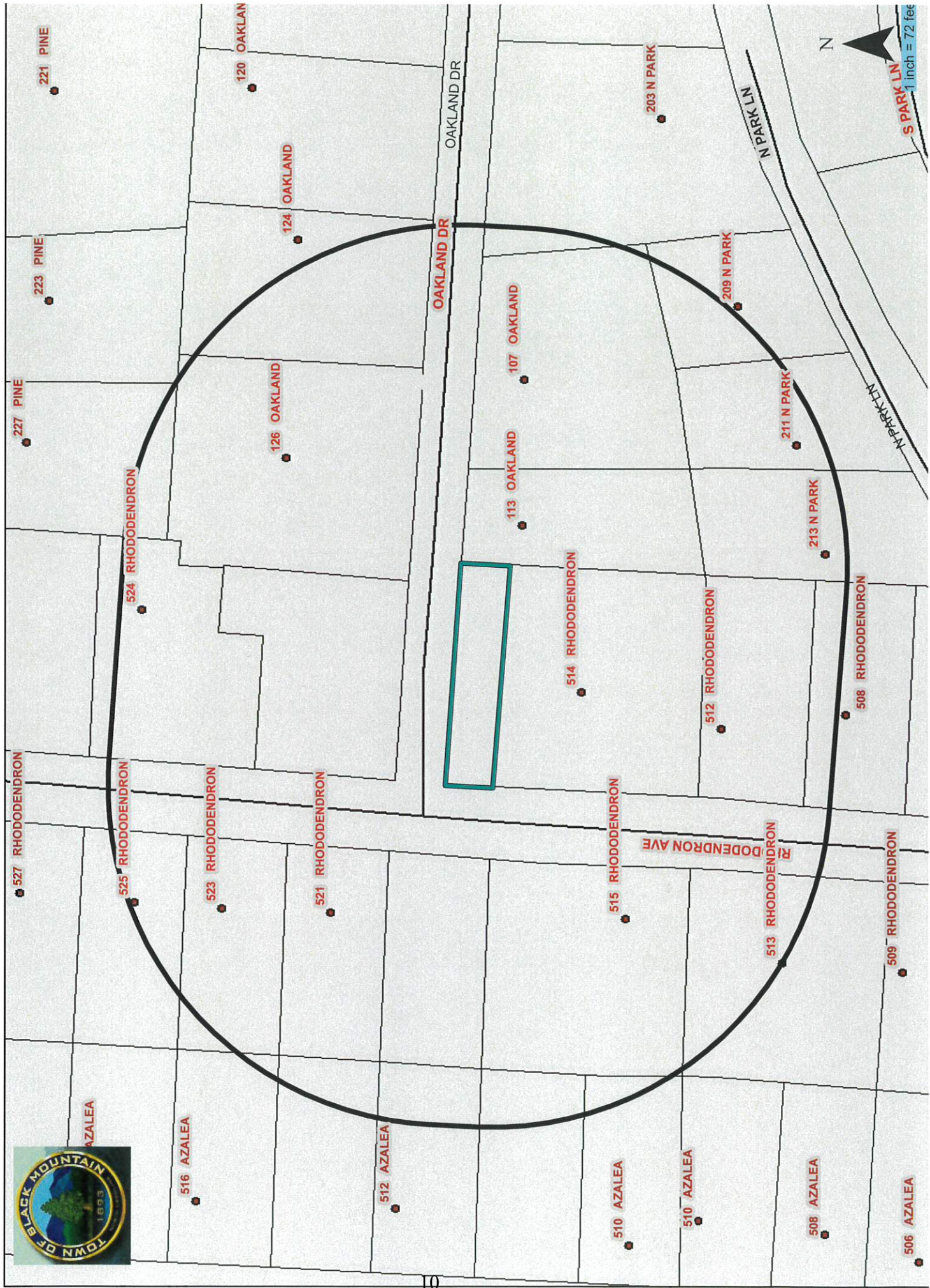
RECEIPT

Date: 2/11/19 Amount Paid: 350⁻
Customer: Brigid Belensky
For: Variance app - 119 Oakland Drive
Balance: 0
Received by: J. Upton
Check # 118



TOWN OF BLACK MOUNTAIN
Building, Planning & Zoning
160 MIDLAND AVE.
BLACK MOUNTAIN, NC 28711
(828) 419-9300

119 Oakland Drive - 200' Buffer



<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>PIN #</u>	<u>Care Of</u>
Brigid Belensky	900 Vista Lake Drive, Apt. 106	Candler	NC	28715	0619-17-4639	
Teresa K Tatham	126 Oakland Drive	Black Mountain	NC	28711	0619-17-4738	
Sarah and Christopher Collins	524 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-4847	
Meredith Presseley	227 Pine Street	Black Mountain	NC	28711	0619-17-5965	
John and Dianne McFerrin	223 Pine Street	Black Mountain	NC	28711	0619-17-6954	
Teresa K Tatham	126 Oakland Drive	Black Mountain	NC	28711	0619-17-5850	
Suntrust Bank Trustee	124 Oakland Drive	Black Mountain	NC	28711	0619-17-6860	c/o Jane Jackson
Richard and Gwen Earley	107 Oakland Drive	Black Mountain	NC	28711	0619-17-7641	
John and Michelle Barry	209 N Park Lane	Black Mountain	NC	28711	0619-17-6554	
Lee Reading and Patricia Lutz	211 N Park Lane	Black Mountain	NC	28711	0619-17-5581	
Richard and Gwen Earley	107 Oakland Drive	Black Mountain	NC	28711	0619-17-6624	
Charles and Kathy Clayton	2814 Fleming Road	Greensboro	NC	27410	0619-17-5623	
Elizabeth Doran	213 N Park Lane	Black Mountain	NC	28711	0619-17-5429	
David Broshar	508 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-4427	
Georgia Alexander	512 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-5423	
Linda Shepherd and James Monroe, Jr.	514 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-4632	
William and Donna Gore	1802 Cedarbrook Drive	Columbia	SC	29212	0619-17-2970	
Cherish Miller	523 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-2874	
Noreen Long	521 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-2768	
Jay Michael Pioch	519 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-2762	
Mark Ziller	515 Rhododendron Avenue	Black Mountain	NC	28711	0619-17-2663	
Jerry Kerlee	5309 Emerald Isle Drive	Orlando	FL	32812	0619-17-2551	
Mark and Vivian Curran	197 Sheffield Circle W	Palm Harbor	FL	34683	0619-17-1630	
Arnold and Nancy Jones	205 Swannanoa Avenue	Black Mountain	NC	28711	0619-17-1636	
Arnold and Nancy Jones	205 Swannanoa Avenue	Black Mountain	NC	28711	0619-17-1742	
Arnold and Nancy Jones	205 Swannanoa Avenue	Black Mountain	NC	28711	0619-17-1748	
Frank and Joan Monroe	520 Azalea Avenue	Black Mountain	NC	28711	0619-17-1844	



Town of Black Mountain

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

DATE: **March 1, 2019**

TO: Name
Address
City, State, Zip

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

Name of owner and address of the real estate affected by the proposed variance:

**Brigid Belensky
119 Oakland Drive, Black Mountain, NC 28711**

Property Description/PIN #: **0619-17-4639**

Current Zoning Classification: **TR-4**

This property is currently used for the purpose of: **vacant residential lot**

The variance is requested to allow the property owner to:

Decrease each side setback from 10' to 9' in order to accommodate a 15' wide structure.

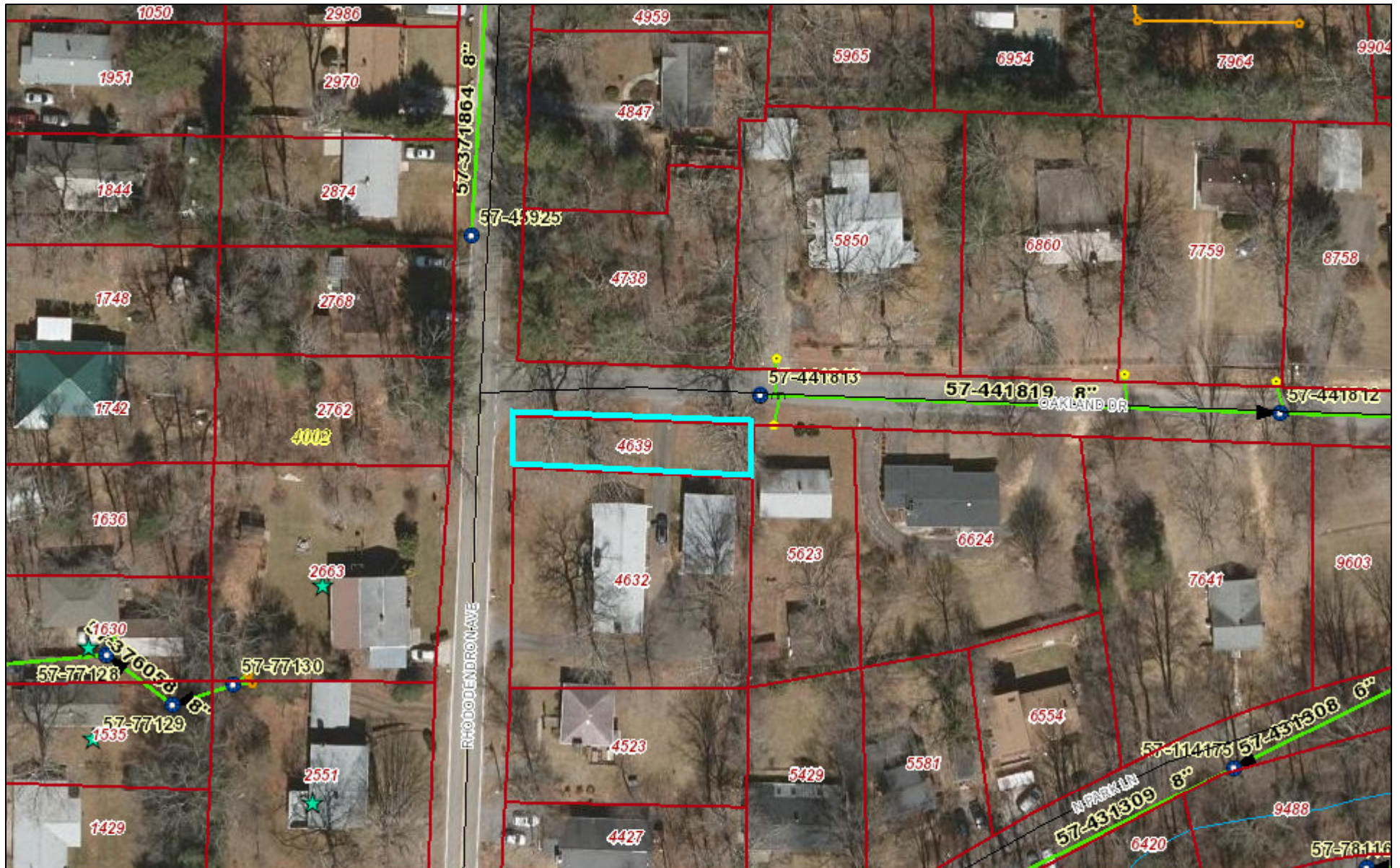
The applicant believes that the variance be granted for the following reasons:

Due to the unique narrow nature of the property, a variance in the side setbacks would improve the livability of the home while adhering to a design that is in keeping with the spirit of the surrounding neighborhood.

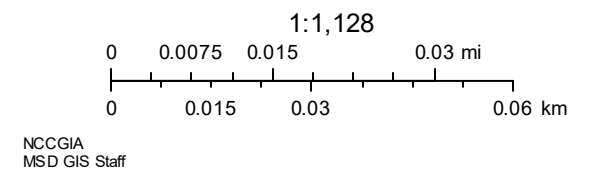
A public hearing will be held on Thursday, March 21, 2019 @ 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue.

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.

119 Oakland Drive 2015 Aerial



February 14, 2019





LEGAL NOTICE

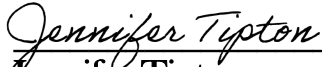
BLACK MOUNTAIN ZONING BOARD OF ADJUSTMENT

VARIANCE HEARING

Thursday, March 21, 2019 at 6:00 p.m.

The Black Mountain Zoning Board of Adjustment will meet on **Thursday, March 21, 2019 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to consider a variance request for 119 Oakland Drive, further know as PIN #0619-17-4639, to reduce the side setbacks of ten feet (10') by one foot (1') to nine feet (9').

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

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Published in the Black Mountain News 03/07/19 and 03/14/19*

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