

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

The Black Mountain Zoning Board of Adjustment held its regular meeting on Thursday, September 19, 2019, 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:

Cheryl Milton, Chair
John DeWitt, Vice Chair
Ted Mattson
Bob Osmundsen
Janet McKimpson, Alternate
Charlotte McRanie, Alternate
Greg Feightner, Alternate

Absent:

Rebecca Harris

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 6:04 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and three (3) alternates.

II. ADOPTION OF AGENDA

Bob Osmundsen made a motion to adopt the agenda as presented. The motion was seconded by John DeWitt and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

John DeWitt made a motion to adopt the minutes of August 15, 2019 as written. The motion was seconded by Greg Feightner and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request for 58 Old Lafayette Lane

Ms. Tipton went over the staff report for the request for eaves to encroach into the allowable setbacks. The Land Use Code allows eaves to encroach eighteen inches but the applicant is asking to encroach an additional one foot and three-sixteenths inch on the south side and an additional one foot and six and three quarter inches on the north side. Other than the eaves encroaching, the plan conforms to all other setback requirements.

Kevin Raywood, 9374 Promontory Circle, spoke about the Settings Design Review Board requirements and they require thirty inches of overhang. The encroachment would not exceed the thirty inch requirement from the Settings DRB. The north side eave will be approximately forty-two feet from the street and the south side eave will be approximately forty-eight feet from the

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road. The request is only for the eaves and there will be nothing extending from the eaves to the ground.

Ms. Tipton presented the following evidence:

Exhibit A: Staff Report (3 pages)

Exhibit B: Application for Variance (10 pages)

Exhibit C: Receipt of Payment

Exhibit D: Buffer Map

Exhibit E: List of Property Owners

Exhibit F: Notice of Variance Request

Exhibit G: 2015 Aerial Map

Exhibit H: Picture of Property Posting

The board made the following findings of fact:

1. There are unnecessary hardships because of the covenants of the Settings Development and the shape of the lot and that there is a stream on the lot.
2. The hardship results from conditions that are peculiar to the property because of the shape and size of the lot and the stream that is located on the lot.
3. The hardship did not result from actions taken by the applicant as the lot was already platted and the stream was already in existence.
4. The requested variance is consistent with the spirit, purpose and intent as it will allow the applicant to construct a single family residence similar to other residences in the area and the public safety is secured.

John DeWitt made a motion to grant the variance. The motion was seconded by Ted Mattson and approved by a vote of 5-0.

2. Training Session with Town Attorney

Ron Sneed provided training to the board. He provided each member with a packet of information. Attorney Sneed went over quasi-judicial proceedings, authority, evidence, types of hearings, standing, and conflicts of interest.

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

Ms. Tipton announced that there will be a training with the School of Government at the Buncombe County Administration building on October 24th at 1:00 p.m. and to respond by October 2nd if interested in attending.

VIII. ADJOURNMENT

John DeWitt made a motion to adjourn at 7:17 p.m. The motion was approved by consensus with a vote of 5-0.

Prepared by:

Cheryl Milton, Chair

Jennifer Tipton, Zoning Administrator

Rebecca Harris, Secretary