



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, Senior Admin
Re: Agenda Packet for April 15, 2021
Date: April 8, 2021

The **Town of Black Mountain Zoning Board of Adjustment** will meet on **Thursday, April 15, 2021 at 6:00 p.m.** electronically via Zoom.

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

1. The proposed agenda;
2. Draft minutes from December 17, 2020;
3. Variance Request for 101 Connally Street; and
4. Variance Request for 14 Pearl Street.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9371.

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) 419-9371 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Jake Hair, Planner
William Morgan, Attorney for ZBA



PUBLIC NOTICE

BLACK MOUNTAIN ZONING BOARD OF ADJUSTMENT

In order to maintain the safety of Town residents, staff, and the Zoning Board of Adjustment, the Zoning Board of Adjustment regular meeting scheduled for **Thursday, April 15, 2021 at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

There are two ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device.** **Citizen video feeds will not be enabled. There is no password.*

<https://us02web.zoom.us/j/89911866200>

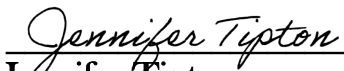
Meeting ID: 899 1186 6200

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at [Zoom.us/download](https://zoom.us/download) and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

Simply call US Toll-free 1-877-853-5247 or US Toll-free 1-888-788-0099

Meeting ID: 899 1186 6200 followed by the Pound sign (#)



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@townofblackmountain.org

Posted to the Town Bulletin Board 04/01/2021
www.townofblackmountain.org



**Zoning Board of Adjustment Regular Meeting
April 15, 2021**

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 17, 2020 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Variance Request for 101 Connally Street
- Variance Request for 14 Pearl Street

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 its regular meeting on Thursday, December 17, 2020, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

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

Cheryl Milton, Chair
John DeWitt, Vice Chair
Ted Mattson
Janet McKimpson
Greg Feightner
Patrick Prosser, Alternate

Absent:

Jillian Ballard, Alternate

Staff:

Jennifer Tipton, Senior Admin
Jake Hair, Planner
William Morgan, Attorney

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

John DeWitt made a motion to adopt the agenda. The motion was seconded by Janet McKimpson and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

John DeWitt made a motion to adopt the minutes of August 20, 2020 as written. The motion was seconded by Janet McKimpson and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Election of Officers

John DeWitt made a motion that the current officers remain. Cheryl Milton made note that Rebecca Harris had been the Secretary and she was no longer on the board. John DeWitt amended his motion to nominate Janet McKimpson as Secretary. The motion was seconded by Janet McKimpson and approved by a vote of 5-0. The officers are as follows:

Chair – Cheryl Milton
Vice Chair – John DeWitt
Secretary – Janet McKimpson

2. Variance Request for 101 Connally Street

Jake Hair gave a summary of the case to the board. The applicant is requesting a variance to reduce the rear setback from fifteen feet to five feet for a secondary dwelling. The existing

Zoning Board of Adjustment Regular Meeting
December 17, 2020

building is currently a garage and meets the setback requirements for an accessory structure. The applicant would like to turn the garage into a secondary dwelling and therefore must meet the minimum rear setback of fifteen feet. Mr. Hair stated that the property is currently zoned TR-4 and secondary dwellings are a permitted use.

Martia Rachman, 109 First Street, said that the current house is 1,414 square feet and she is looking to convert the garage into additional living space. Ms. Rachman stated that there are three properties that have buildings that are only five or ten feet apart and she is just looking to have the same rights as her neighbors. Ms. Rachman said she was aware that the building was grandfathered and said she wanted to leave her options open on adding living space. Ms. Rachman said she cannot afford to add to the existing house as she would have to go up with an addition but has a space that could be turned into living space and wants to be able to use that space. Ms. Rachman said she is asking to leave the building at the five foot setback just as three other buildings next to her are.

Julie Hightower, 125 Church Street, read a statement she prepared (which is attached and made a part of these minutes) expressing concerns about allowing the building to become living space while remaining so close to her residence where her granddaughter and guests sleep. Ms. Hightower also expressed concerns about excessive noise from rentals.

Elizabeth Ann Provost, 126 Church Street, expressed concerns about parking and said that the fabric of the neighborhood is permanent residences and not short term or long term rentals.

Ben Hill, 110 Connally Street, also expressed concerns about noise and feels that there should not be further disruption of the neighborhood.

Martia Rachman, 109 First Street, said that Church Street would never be used for parking as they would create a parking space for the secondary dwelling. Ms. Rachman said she could not say definitively if she and her family would move into this residence or not but wants the highest and best use for her property.

Jake Hair explained that there are currently no rules or regulations for rentals.

Julie Hightower, 125 Church Street, said that she prepared her statement based on the application that was submitted. Ms. Hightower said she did not see how the garage would be additional living space since it is a separate structure. Ms. Hightower also said that the parking and noise of rentals is more disruptive than that of homeowners.

Chair Cheryl Milton said that the board was not there to determine if the structure could be a secondary dwelling or a rental as both uses are permitted and that they cannot control what she does with the property if it is an allowable use.

Elizabeth Anne Provost, 126 Church Street, said that her concerns were noise and parking and that it was her opinion that this should not be a rental.

Jennifer Tipton listed all of the exhibits presented:

Exhibit 1: Variance Application

Exhibit 2: Receipt of Payment

Exhibit 3: Owner Consent Form for Electronic Meeting

Exhibit 4: Buffer Map

Exhibit 5: List of Property Owners

Exhibit 6: Notice of Variance Request

Exhibit 7: Aerial Map

Exhibit 8: Picture of Property Posting

Exhibit 9: Legal Notice

Exhibit 10: Party with Standing Consent Form and Statement – Julie Hightower

Zoning Board of Adjustment Regular Meeting
December 17, 2020

Greg Feightner made a motion to go into recess at 7:09 p.m. The motion was approved by a vote of 5-0.

The board acknowledged that secondary dwellings are a permitted use, however, they expressed concerns about allowing a residential structure to remain at five feet on the setback as the Fire Department likes to have more than five feet between a structure and the property lines. Some of the board members expressed confusion and uncertainty on what exactly the request was for. The concern was that the application stated that the variance was for additional living space but then Ms. Rachman stated it was to be a secondary dwelling and felt that the application needed to be clearer. The board did agree that the conversation about rentals was speculation and assumption and irrelevant to making a decision on the variance request.

John Dewitt made a motion to reconvene at 7:22 p.m. The motion was approved by a vote of 5-0.

John DeWitt made a motion to close the public hearing at 7:26 p.m. The motion was approved by a vote of 5-0.

Chair Cheryl Milton said that setbacks are in place for a reason and are provided as safety to other property owners. Chair Milton said that if owners could do whatever they wanted, there would not be a need for rules on setbacks.

The board found the following facts:

1. That unnecessary hardships would not result from the strict application of the Ordinance in that the house and property are livable and can be occupied as is and that the application did not explain the purpose of the variance and is unclear.

Janet McKimpson made a motion to deny the variance request. The motion was seconded by John DeWitt and approved by a vote of 3-2 with Greg Feightner and Ted Mattson voting against the motion.

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

John Dewitt made a motion to adjourn the meeting at 7:46 p.m. The motion was approved by a vote of 5-0.

Prepared by:

Cheryl Milton, Chair

Jennifer Tipton, Senior Admin

Janet McKimpson, Secretary



LEGAL NOTICE

BLACK MOUNTAIN ZONING BOARD OF ADJUSTMENT EVIDENTIARY HEARING

In order to maintain the safety of Town residents, staff, and the Zoning Board of Adjustment, the Zoning Board of Adjustment regular meeting scheduled for **Thursday, April 15, 2021 at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

There are two ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device.** **Citizen video feeds will not be enabled. There is no password.*

<https://us02web.zoom.us/j/89911866200>

Meeting ID: 899 1186 6200

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at [Zoom.us/download](https://zoom.us/download) and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

Simply call US Toll-free 1-877-853-5247 or US Toll-free 1-888-788-0099

Meeting ID: 899 1186 6200 followed by the Pound sign (#)



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@townofblackmountain.org

*Posted to the Town Bulletin Board 04/01/2021
Published in the Black Mountain News 04/01/2021 and 04/08/2021
www.townofblackmountain.org*

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

Case No: V-21-01

Case Name: 101 Connally St

Hearing Date: April 15, 2021

Procedure: Zoning Board of Adjustment

Address of Variance Request:

101 Connally Street

Black Mountain, NC 28711

PIN #0619-26-3621.00000

Applicant:

Martia Rachman

109 First Street

Black Mountain, NC 28711

Request:

The applicant is seeking a variance to allow an existing garage to be 5' from the rear property line because they are wanting to convert the garage into living space which requires they meet the current 15' setback.

City Staff:

Jake Hair, Planner

Jennifer Tipton, Clerk to ZBA

I. SUMMARY OF REQUEST

The applicant is requesting to reduce the rear setback from fifteen feet (15') to five feet (5') to convert a garage to a secondary dwelling.

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

This property is zoned TR-4(Town Residential) and required setbacks are as follows:

4.6.3.3 Dimensional requirements (TR-4).

Residential Uses	Density and Lot Size				Minimum Yard Requirements			Max. Height
	Min. Lot Size/Max. Density	Min. Width (ft.)	Min. St. Front (ft.)	Min. Depth (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sq. ft.) 4 DUA	40 (15 ft. at street)	15	80	20 (15 steep hillside)	10	15	35

The surrounding properties are zoned and developed for residential use.

	North	South	East	West
Adjacent Zoning Designation	TR-4	TR-4	TR-4	TR-4
Adjacent Land Uses	Residential (single-family)	Residential (single-family)	Residential (single-family)	Bed and Breakfast Inn

Existing Conditions

The subject property is a .28 acre parcel in the TR-4 zoning district. The average slope of the lot is .12%. The house was built in 1924 and the garage was constructed in 1994 making them both grandfathered in to current setback requirements.

IV. NOTIFICATION

Notice of the variance request and hearing was mailed to 25 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 April 1, 2021. Legal notice appeared in the Black Mountain News the weeks of April 5, 2021 and April 12, 2021. The property was posted with a notice listing the time and date of the hearing. Consent forms were sent to the applicant and all property owners within 200 feet to consent to having a virtual evidentiary hearing for the variance request.

V. ANALYSIS

The applicant purchased the home in December 2020. As new owners they are wanting to convert the existing detached garage into a secondary dwelling. The ordinance requires secondary dwellings meet the same setbacks as the primary structure.

Per Section 5.19.1 (A), Secondary dwellings shall meet the setbacks of the principal structure as set forth for the zoning district in which it is located.

The owners cannot move the structure to meet the setback as it can only be move forward and secondary dwellings are not allowed to be in the front yard.

Per Section 5.19.1 (D), No secondary dwelling will be sited between the principal building and an adjacent public roadway, not including a private alleyway or driveway.

The homeowner states that the home needs additional living space and this is the easiest and most cost efficient way to obtain the extra space. They state that it would cause unnecessary hardship and financial burden to renovate the existing home for extra square footage.

Per Section 2.1.4 of the Town of Black Mountain 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 Town of Black Mountain 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 applicant's request to hear the variance is in accordance with Section 1.7.1(A).

Staff's analysis is that secondary dwellings are a permitted use by right in the TR-4 district and the garage conforms to all other setback requirements for the front and side yard. The living space will have to be 50 percent of the square footage of the livable area of the primary structure or 1,100 square feet, whichever is less per Section 5.19.1 (C).

VARIANCE APPLICATION www.townofblackmountain.org

PROPERTY OWNER INFORMATION		
Owner Name Brivontia LLC, Martia Rachman, Member		
Owner Address (Number, Street, City, State, ZIP) 109 First Street Black Mountain NC 28711		
Home Phone	Cell Phone 828-275-4028	Email Address martiarachman@yahoo.com
APPLICATION FOR VARIANCE		
I request a variance/variances from the following provisions of the ordinance:		
Section Number(s): 5.19.1		Section Title(s): Secondary Dwellings
Subsection letter(s) and/or number(s): A		Subsection Title(s): Setback
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 (<i>if applying for a variance in dimensional requirements, state the revised setbacks or height limitations desired below</i>):		
Convert 707 sq Ft (50% of the existing home square footage) of existing detached garage/accessory building into heated living space		
PROPERTY INFORMATION		
Parcel Number 0619266362100000	Current Zoning TR-4	Acreage .28
Address 101 Connally St., Black Mountain, NC 28711		
Average Slope % 0	Use of Property Heated living space	
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 <i>Martia Bennett Rachman</i>		Date 3/15/2021
OFFICE USE ONLY		
Date Received:	Fee: \$350.00 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.

The building is existing and meets the other 9 requirements (Section 5.19.1 Letters B through J) for a secondary dwelling. It would be an unnecessary hardship to remove and replace the building in order to conform.

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.

The building existed prior to the establishment of the rear setback that now encroaches into the proposed building envelope, limiting the space available for improvement.

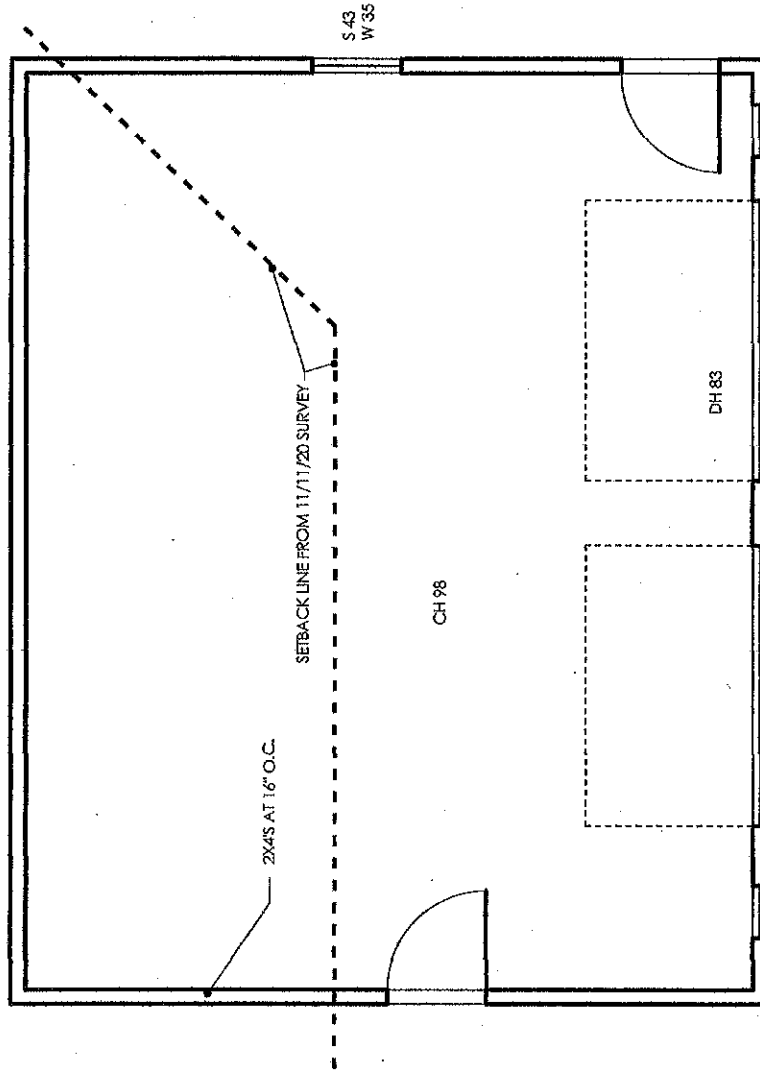
3. Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The building was constructed in 1994, in compliance with ordinances in place at that time

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.

There is no change to the character of the neighborhood, or the size/position of the current structure.

I am simply requesting to permit the entire building for heated living space. I do not think it is contrary to the public interest to grant relief from the rear setback



EXISTING FLOOR PLAN

RACHMAN RESIDENCE

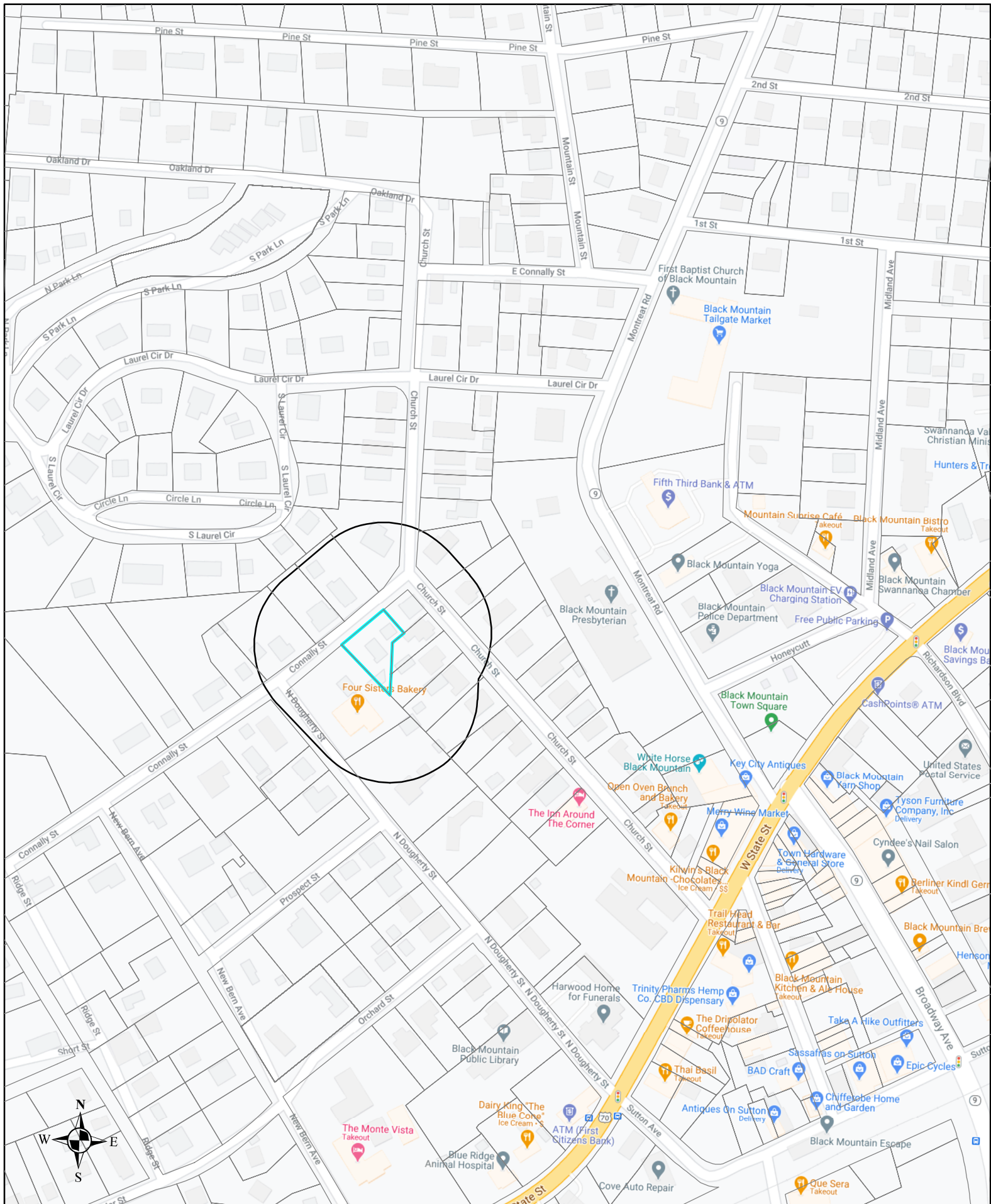
2/21/21

1/4" = 1'-0"

CONNALLY STREET BLACK MOUNTAIN NC

Aka, Inc.

101 Connally Street Buffer Map



101 Connally Street Variance Property Owners

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>PIN #</u>
Brivontia, LLC	109 First Street	Black Mountain	NC	28711	0619-26-3621
Olive Tree Hospitality LLC	136 N Dougherty Street	Black Mountain	NC	28711	0619-26-2478
Joseph M & Carol Tyson	309 N Dougherty Street	Black Mountain	NC	28711	0619-26-0389
Jean B & Carl E Franklin	108 Connally Street	Black Mountain	NC	28711	0619-26-0508
J L & Priscilla Hopkins	106 Connally Street	Black Mountain	NC	28711	0619-26-0684
102 Connally Street LLC	120 Penmark Drive 118	Raleigh	NC	27603	0619-26-1772
Worth & Pamela Autrey Hester	PO Box 1202	Black Mountain	NC	28711	0619-26-2756
Kennth & Susan Stuchlik Edwards	205 Church Street	Black Mountain	NC	28711	0619-26-3807
Robt C & Claudia K Watts	130 Church Street	Black Mountain	NC	28711	0619-26-5932
Elizabeth Provost & Paul W Drummond	126 Church Street	Black Mountain	NC	28711	0619-26-5813
Joann Burkinshaw & Jolan S Tobin	709 Princess Street	Wilmington	NC	28401	0619-26-5776
Martha Bryan Wight	64 Willowbrook Rd	Asheville	NC	28805	0619-26-6720
Andrew M & Heidi S Linton	120 Church Street	Black Mountain	NC	28711	0619-26-6682
E H & Ruby Knight	117 Church Street	Black Mountain	NC	28711	0619-26-5389
Polly C Haigler	119 Church Street	Black Mountain	NC	28711	0619-26-5445
George M & Maria D Willaims	121 Church Street	Black Mountain	NC	28711	0619-26-4580
Rachael S Calloway	PO Box 587	Browning	MT	59417	0619-26-4557
Julie A Hightower	125 Church Street	Black Mountain	NC	28711	0619-26-4633
Lynn E Webber & Thomas Patteson	127 Church Street	Black Mountain	NC	28711	0619-26-4609
Zachary & Jill Dasher	132 N Dougherty Street	Black Mountain	NC	28711	0619-26-4311



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: **April 1, 2021**
TO: **Property Owner**
FROM: **TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR**

Address of Proposed Variance:

101 Connally Street

PIN #: **0619-26-3621.00000**

Current Zoning Classification: **TR-4 (town residential)**

This property is currently used for the purpose of: **heated living space**

The variance is requested from the following provisions of the ordinance:

Section 5.19.1, Secondary Dwellings, Subsection A, Setbacks

The variance is requested so that the property can be used in a manner indicated herein:

Convert 707 sq. ft. (50% of the existing home square footage) of existing detached garage/accessory building into heated living space.

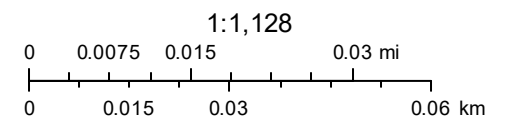
An evidentiary hearing will be held on Thursday, April 15, 2021 @ 6:00 p.m. electronically via Zoom. Details for Zoom link are included on the enclosed public notice.

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.

101 Connally Street Aerial Map



March 25, 2021





CG50B7

EVIDENTIARY HEARING

Thursday, April 15, 2021
6:00 PM

www.townofblackmountain.org

160 MIDLAND AVENUE
BLACK MOUNTAIN, NC 28711
FOR MORE INFORMATION CALL 419-9373

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

Case No: V-21-02

Case Name: 14 Pearl St

Hearing Date: April 15, 2021

Procedure: Zoning Board of Adjustment

Address of Variance Request:

14 Pearl Street

Black Mountain, NC 28711

PIN #0619-77-350.600000

Applicant:

Peter Kelly Cleeland

14 Pearl St

Black Mountain, NC 28711

Request:

The applicant is seeking a variance to build a detached garage with loft 5' from the rear and side property lines because they don't have enough space to meet the current 10' side and 15' rear setbacks.

City Staff:

Jake Hair, Planner

Jennifer Tipton, Clerk to ZBA

I. SUMMARY OF REQUEST

The applicant is requesting to reduce the side setback from (10') to (5') and the rear setback from fifteen feet (15') to five feet (5') to build a new garage apartment in place of an old carport. The current garage/carport in this location is grandfathered in and because of the change in use with the addition of the loft the ordinance requires they meet the current setbacks.

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

This property is zoned UR-8(Urban Residential) and required setbacks are as follows:

4.6.3.3 Dimensional requirements (UR-8).

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size/Max. Density*	Min. Width (ft.)	Min. Depth (ft.)	Front Setback (ft.)	Side Setback (ft)	Rear Setback (ft.)	Structure Height (ft.)
Major Subdivisions	1/8 acre (5,446 sf) 8 DUA	15 ft	None	20 (15 steep hillside)	10	15	35
All Other Residential	5,000 sf	15 ft.	None	20 (15 steep hillside)	10	15	35

The surrounding properties are zoned and developed for residential use.

	North	West	East	Southwest
Adjacent Zoning Designation	UR-8	UR-8	UR-8	UR-8
Adjacent Land Uses	Residential (single-family)	Residential (single-family)	Residential (single-family)	Church

Existing Conditions

The subject property is a .21 acre parcel in the UR-8 zoning district. The average slope of the lot is 12%. The house was built in 1953 and the current garage/carport was constructed in 1965 making them both grandfathered in to current setback requirements.

IV. NOTIFICATION

Notice of the variance request and hearing was mailed to 25 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 April 1, 2021. Legal notice appeared in the Black Mountain News the weeks of April 5, 2021 and April 12, 2021. The property was posted with a notice listing the time and date of the hearing. Consent forms were sent to the applicant and all property owners within 200 feet to consent to having a virtual evidentiary hearing for the variance request.

V. ANALYSIS

The applicant is wanting to replace an existing grandfathered in garage/carport with a new apartment garage, which is considered a secondary dwelling. The ordinance requires secondary dwellings meet the same setbacks as the primary structure.

Per Section 5.19.1 (A), Secondary dwellings shall meet the setbacks of the principal structure as set forth for the zoning district in which it is located.

The owner states he cannot move the structure to meet the setback as there is not enough room between his house and the side yard.

Per Section 5.19.1 (D), No secondary dwelling will be sited between the principal building and an adjacent public roadway, not including a private alleyway or driveway.

Per Section 2.1.4 of the Town of Black Mountain 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 Town of Black Mountain 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 applicant's request to hear the variance is in accordance with Section 1.7.1(A).

Staff's analysis is that secondary dwellings are a permitted use by right in the UR-8 district. If the owner decides not to include the loft apartment the garage could be 5' from the property lines as that is allowed for accessory structures.

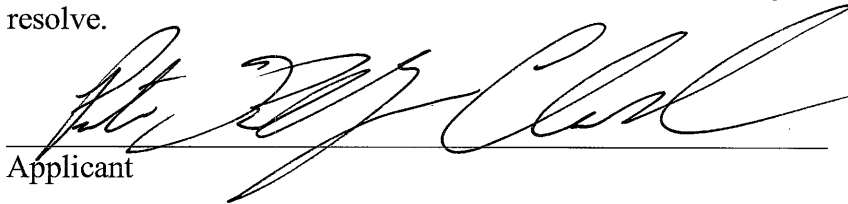
Applicant Consent and Acknowledgement for Holding a Virtual Quasi-Judicial Hearing

RE: Variance Request for 14 Pearl Street

I, PETER KELLY CLELAND, applicant for the requested variance at 14 Pearl Street, acknowledge and consent to a virtual format, via Zoom, for the project's required quasi-judicial hearing before the Town of Black Mountain Zoning Board of Adjustment. I understand that I have the burden of proof, and that remote meetings can be disadvantageous.

I acknowledge that intangible factors like veracity and rapport are difficult to establish or show via videoconference, and that it can be different to explain a map or other exhibit on video. I further acknowledge that technical glitches may occur, which may interfere with the presentation of may evidence.

Furthermore, I understand that holding quasi-judicial hearings remotely is legally questionable. Court challenges, if any, to the remote nature of this hearing could take months or even years to resolve.


Applicant

3/23/21
Date

Please return no later than April 12, 2021 to:

Jennifer Tipton
160 Midland Avenue
Black Mountain, NC 28711

or

jennifer.tipton@townofblackmountain.org

or

Fax to: 828-669-2030

VARIANCE APPLICATION www.townofblackmountain.org

PROPERTY OWNER INFORMATION		
Owner Name <u>PETER KELLY CLEELAND</u>		
Owner Address (Number, Street, City, State, ZIP) <u>14 PEARL STREET BLACK MOUNTAIN NC 28711</u>		
Home Phone	Cell Phone <u>828-337-1825</u>	Email Address <u>kell.cleeland@gmail.com</u>
APPLICATION FOR VARIANCE		
I request a variance/variances from the following provisions of the ordinance:		
Section Number(s): <u>Chapter 4</u>		Section Title(s): <u>4.3.3 Setbacks</u>
Subsection letter(s) and/or number(s): _____		Subsection Title(s): _____
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): <u>5' x 5' setbacks requested</u>		
PROPERTY INFORMATION		
Parcel Number <u>061977350600000</u>	Current Zoning <u>UR-8</u>	Acreage <u>0.21</u>
Address <u>14 Pearl Street Black Mtn NC 28711</u>		
Average Slope %	Use of Property <u>Residence</u>	
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 <u>Peter Kelly Cleeland</u>		Date <u>3/18/21</u>
OFFICE USE ONLY		
Date Received:	Fee: \$350.00 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.

I am requesting a 5' distance from the corner of my property
to build a new garage in place of a dilapidated car port.
I wish to be able to use the garage for storage, and have a 2nd story
loft with the ability to have basic finished living space for family/visitors.

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.

A 20' x 30' garage footprint will fit at the end of my driveway.
It will be a reasonable size and visual improvement.
Based on my house placement & driveway, a 10' x 15' offset will not
allow for a structure of this size to fit.

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.

The Existing carport was built < 5' from property line.
A considerable expense will be made to build a 1 story garage.
It would be a shame to limit the use of the space if a 600 sq ft
structure is built with the vertical limitation.

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.

A variance, allowing for a 1.5 story "A-frame" garage,
would be a reasonable exception since it will not affect the overall
square footage of the construction. I would be able to maximize
space and have a structure that looks like my home.

CONTRACTOR NOTES:

BUILDING CONTRACTOR MUST:

- 1) VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION BEGINS
- 2) RESPECT REQUIREMENTS OF DOCUMENTATION AND INFORM CLIENT/HOME OWNER OF ANY CONSEQUENCES RESULTING FROM CHANGES TO THESE PLANS
- 3) SOME DIMENSIONS MAY VARY DO TO THE MATERIALS USED AND/OR THE CONTRACTORS BUILDING METHODS. IF VARIATIONS EXIST BETWEEN THE BUILDING SITE AND THESE PLANS IT IS THE THE CONTRACTORS RESPONSIBILITY TO CONTACT C. WILLIS DESIGN IF CHANGES ARE TO BE MADE.

GENERAL NOTES:

-AN APPLICATION OF A APPROVED WOOD PRESERVATIVE IS REQUIRED AT THE EXTREMITIES OF BEAMS OF ELEMENT SUPPORTED OR IN CONTACT WITH MASONRY WALLS.

-ALL EXTERIOR COATING MUST BE APPLIED IN ACCORDANCE WITH MANUFACTURE'S SPECIFICATIONS.

-THE WINDOW DIMENSIONS MAY VARY DEPENDING ON THE MANUFACTURE THE WINDOWS MUST COMPLY WITH THE NORTH AMERICAN STANDARD (AAMA / WDMA / CSA)

-THE WINDOWS IN STAIR WELLS, BATHROOMS, AND WINDOWS WITH A SILL HIGHTH LOWER THAN 18” MUST BE TEMPERED GLASS IN ACCORDANCE WITH THE CURRENT BUILDING CODE.

-IT IS RECOMMENDED TO INSTALL A CHAMBER SYSTEM FOR UNDERGROUND GAS (RADON) AT THE CENTER OF THE FOUNDATION SLAB IN GRANULAR MATERIAL TO ALLOW FOR THE INSTALLATION OF A EVACUATION VENT.

-ALL VAPOR BARRIERS SHOULD BE SEALED WHERE THEY OVELAP AND AROUND OPENINGS.

-CERAMIC TILE THAT SURROUND BATH TUBS AND SHOWERS SHALL BE INSTALLED OVER A MOISTURE RESISTANT SUFTACE.

STRUCTURAL NOTES:

-FRAMING LUMBER (STUDS BEAMS LINTILS AND JOIST) CHALL BE NO. 1 AND 2 SPRUCE UNLESS OTHERWISE IDICATED.

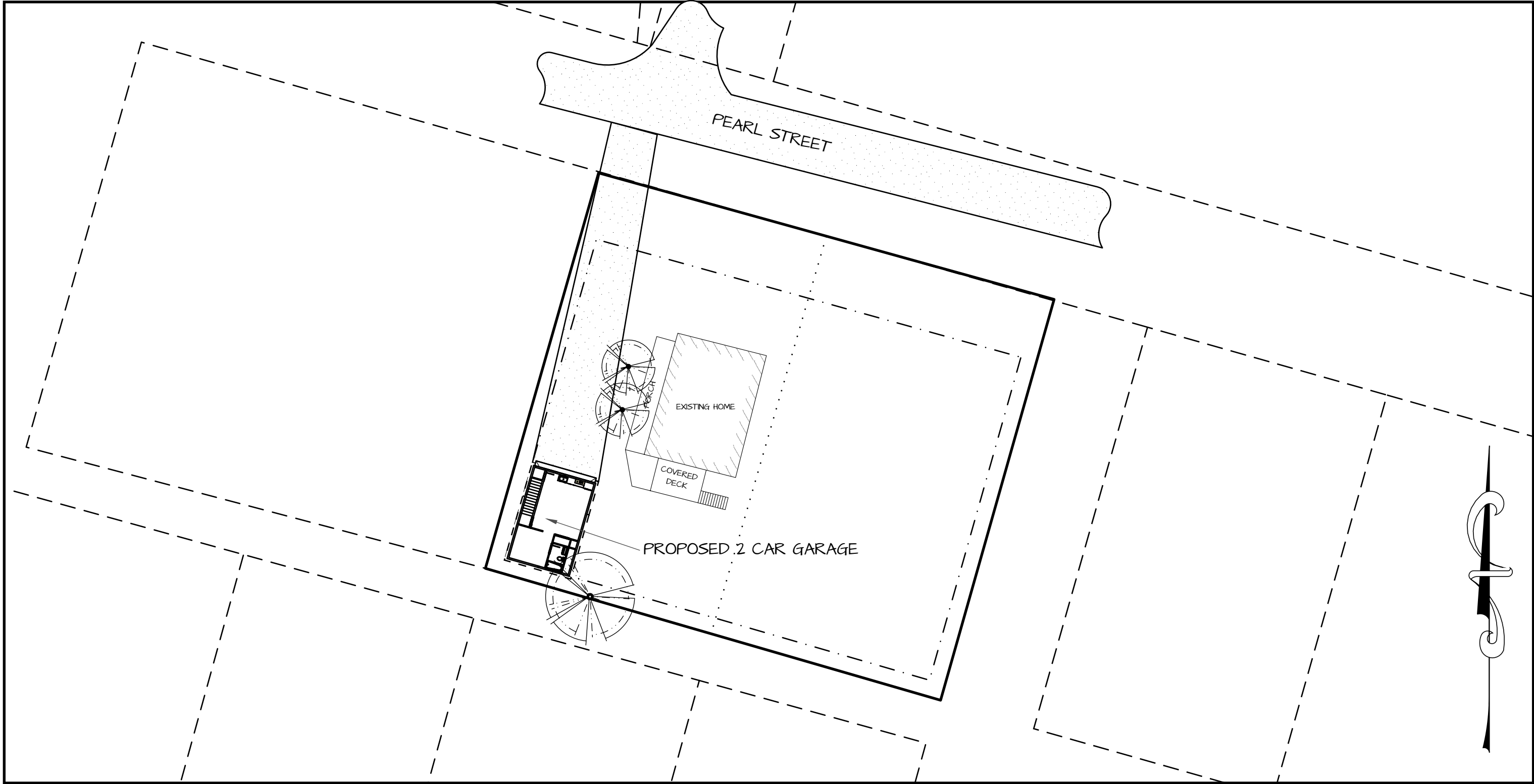
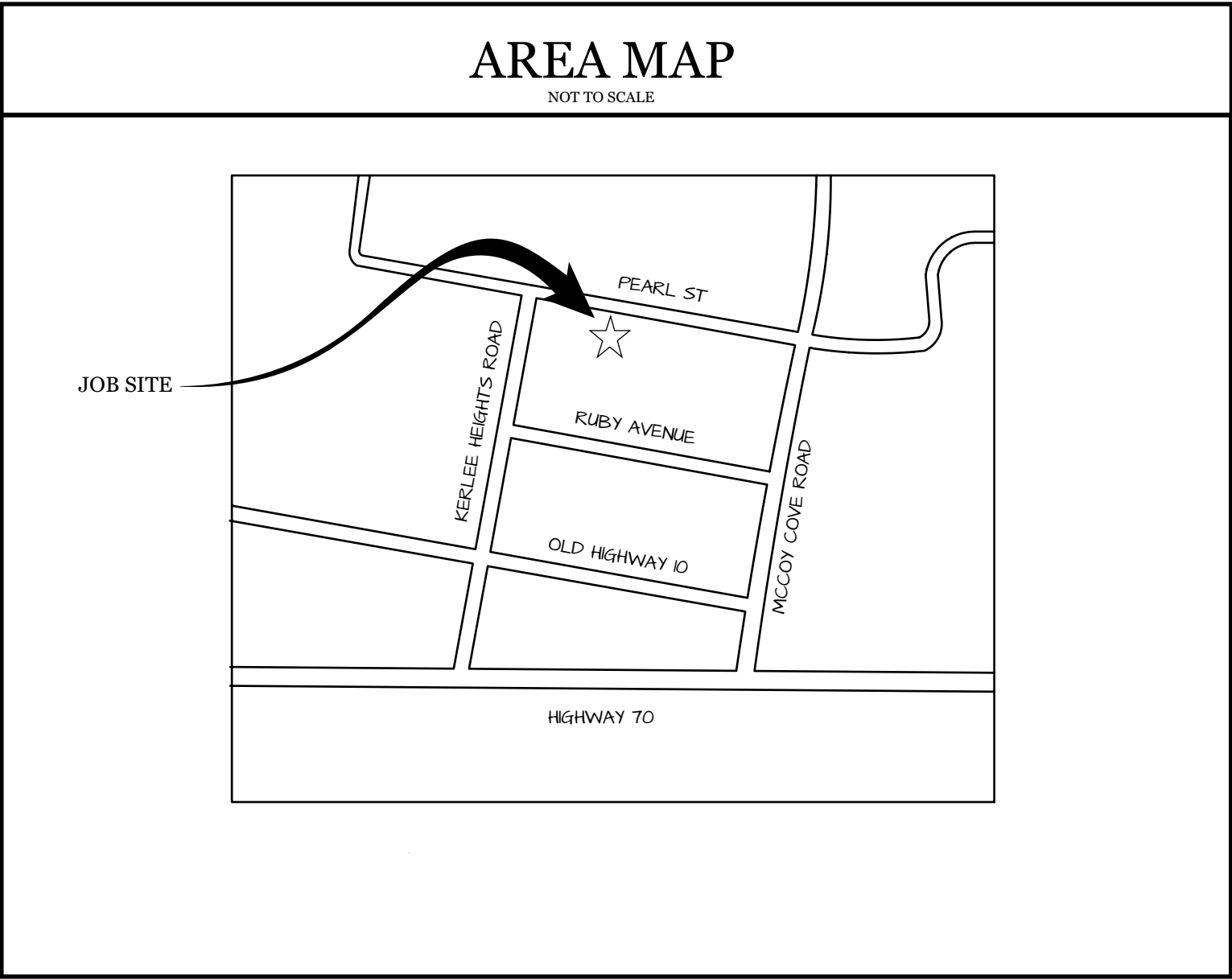
-ALL LOAD POINTS (POST) IN EXTERIOR WALLS SHALL BE MIN. (3) 2X6 UNLESS OTHERWISE NOTED

-ALL LOAD POINTS (POST) IN INTERIOR WALLS SHALL BE MIN. (3) 2X4 UNLESS OTHERWISE NOTED

-THE TRUSSES AND PREFABRICATED JOIST MANUFACTURE MUST VERIFY THAT ALL DIMENSIONS ARE IN COMPLIANCE WITH THESE PLANS THE TRUSS AND JOIST MANUFACTURER IS RESPONSIBLE FOR TRUSS AND FLOOR DESIGN AND WILL MAKE SURE THEY MEET THE ENGINEERING STANDARD AND REGULATIONS .

-TEMPORARY AND PERMANENT TRUSS BRACING MUST BE INSTALLED PER MANUFACTURERS AND BUILDING CODE SPECIFICATIONS.

-THE PLY WOOD SHEATHING MAY BE REPLACED WITH ORIENTED STAND BOARD OR APPROVED EQUAL.



C. WILLIS DESIGN

Tel : (828) 242-4639

E-Mail : crwilliswnc@gmail.com

CLIENT

BENEFIELD

PROJECT

CLEELAND

PROJECT NO.

DRAWN BY
CW

ISSUE DATE
January 25,

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION. AND BE SOLELY RESPONSIBLE THEREAFTER

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFTY REASON OR PARTICULAR REGULATIONS.

APPROVED AS IS:

BENEFIELD

Sign here

Date



C. WILLIS DESIGN

Tel : (828) 242-4639
E-Mail : crwilliswnc@gmail.com

Project:
**CLEELAND
RESIDENCE**
NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
LOWER LEVEL FLOOR PLAN

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH
LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS.
ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED
WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES,
CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN
ERROR THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS
AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE
THEREAFTER

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT
OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR
SAFETY REASON OR PARTICULAR REGULATIONS.

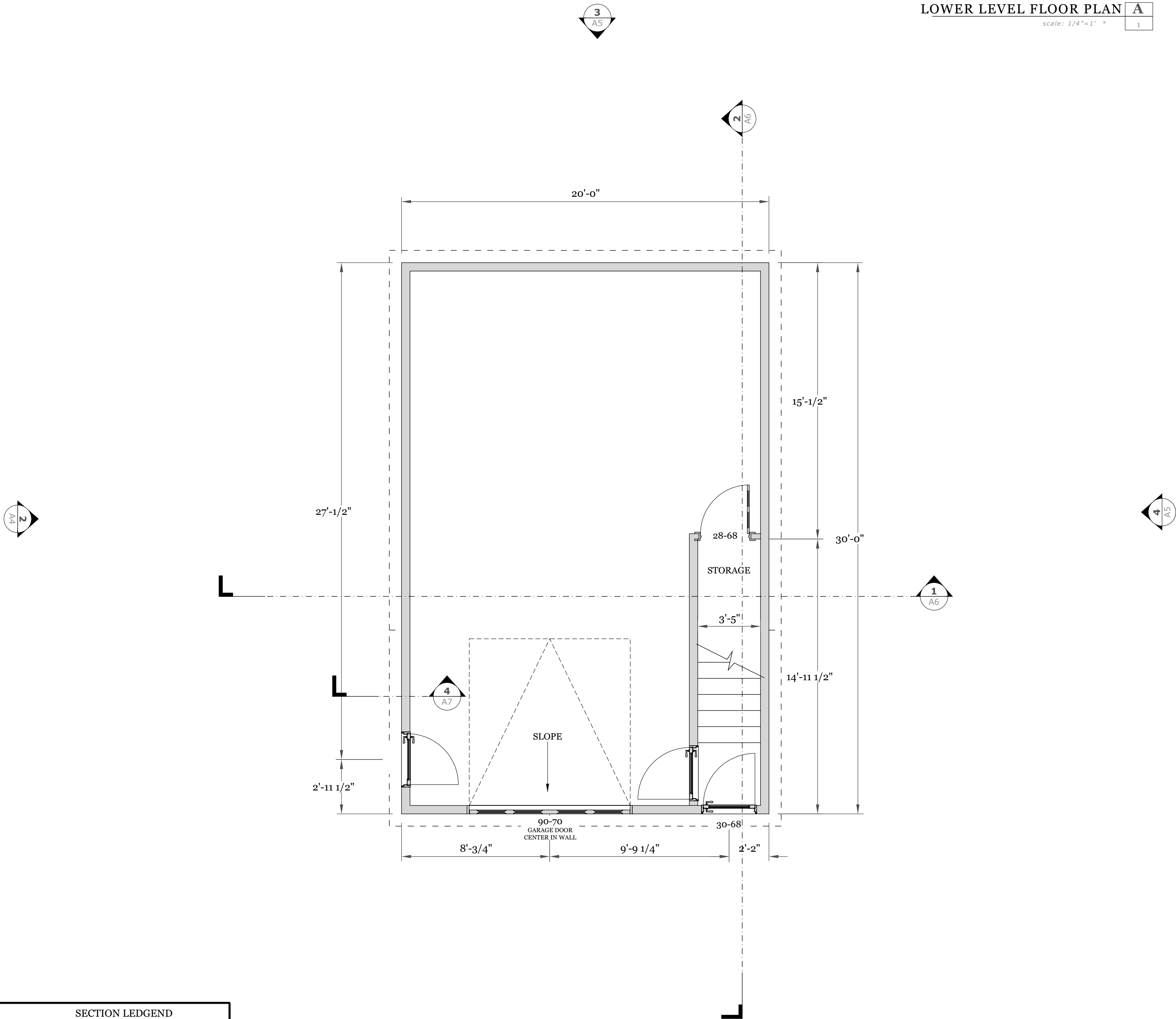
A₁

*THESE PLANS WERE DRAWN TO BE PRINTED ON ARCHC (18"X24")
THE SCALE WILL BE IN ACCURATE OTHERWISE.

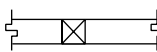
LOWER LEVEL FLOOR PLAN

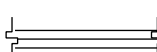
A
1

scale: 1/4"=1' *

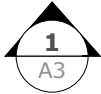


STRUCTURAL LEGEND

 IN WALL STUD
(POINT LOAD)

 STRUCTURAL
BEAM

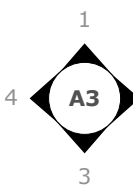
SECTION LEDGEND



VIEW POINT INDICATES
WICH PAGE ELEVATION
IS LOCATED



SECTION CUT:
INDICATES WICH PAGE
SECTION IS LOCATED



CENTER VIEW PONT
INDICATES FOUR VIEW
POINTS FROM A CENTRAL
LOCATIONS



C. WILLIS DESIGN

Tel : (828) 242-4639
E-Mail : crwilliswnc@gmail.com

Project:
**CLEELAND
RESIDENCE**
NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
MAIN LEVEL FLOOR PLAN

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

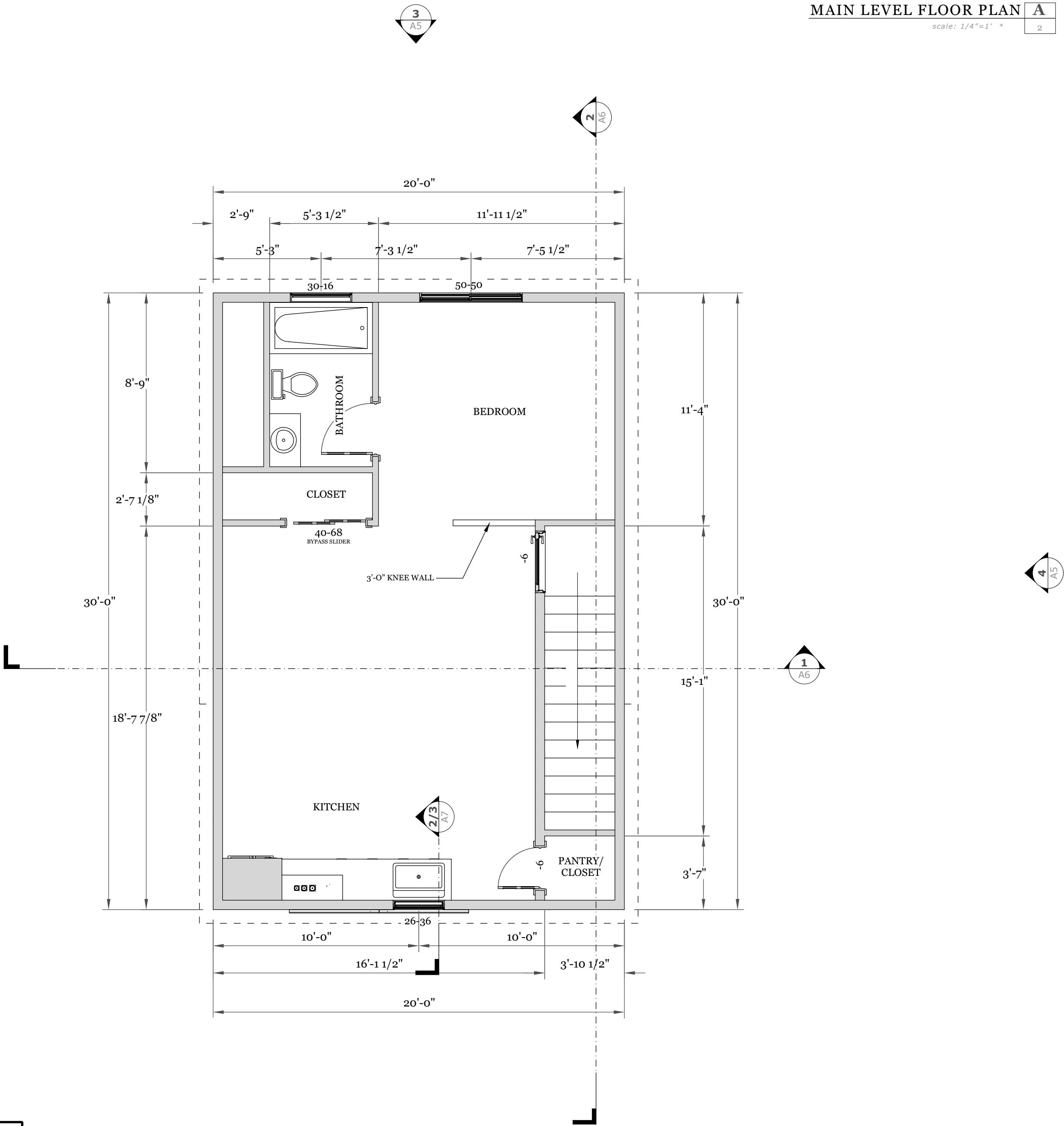
WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE THEREAFTER

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.

A₂

*THESE PLANS WERE DRAWN TO BE PRINTED ON ARCHC (18"X24")
THE SCALE WILL BE IN ACCURATE OTHERWISE.

MAIN LEVEL FLOOR PLAN **A**
scale: 1/4"=1' * 2



STRUCTURAL LEGEND		SECTION LEDGEND	
	IN WALL STUD (POINT LOAD)		VIEW POINT INDICATES WICH PAGE ELEVATION IS LOCATED
	STRUCTURAL BEAM		SECTION CUT: INDICATES WICH PAGE SECTION IS LOCATED
			CENTER VIEW PONT INDICATES FOUR VIEW POINTS FROM A CENTRAL LOCATIONS



C. WILLIS DESIGN

Tel : (828) 242-4639
E-Mail : crwilliswnc@gmail.com

Project:

CLEELAND
RESIDENCE

NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
ROOF FRAMING LAYOUT

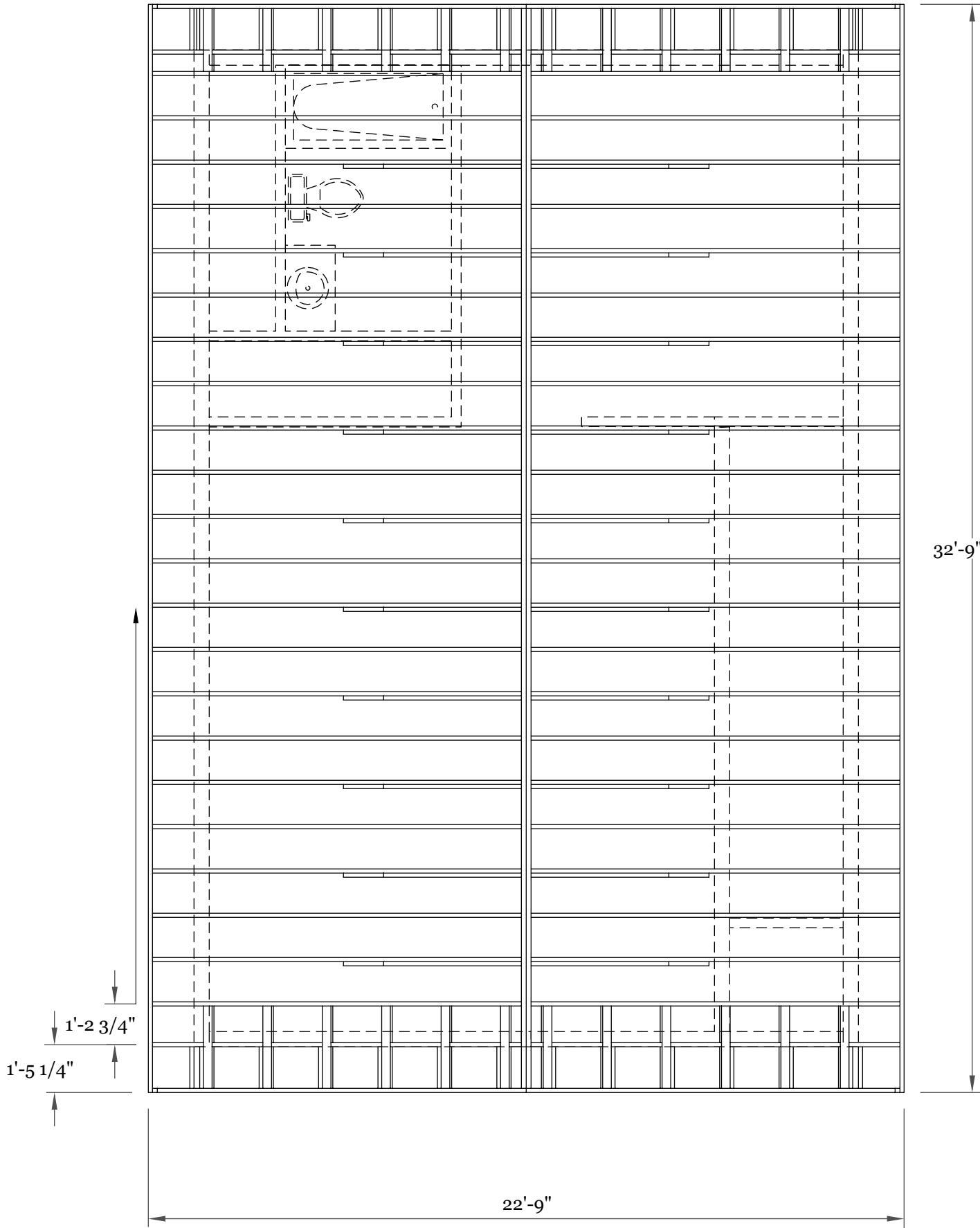
TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

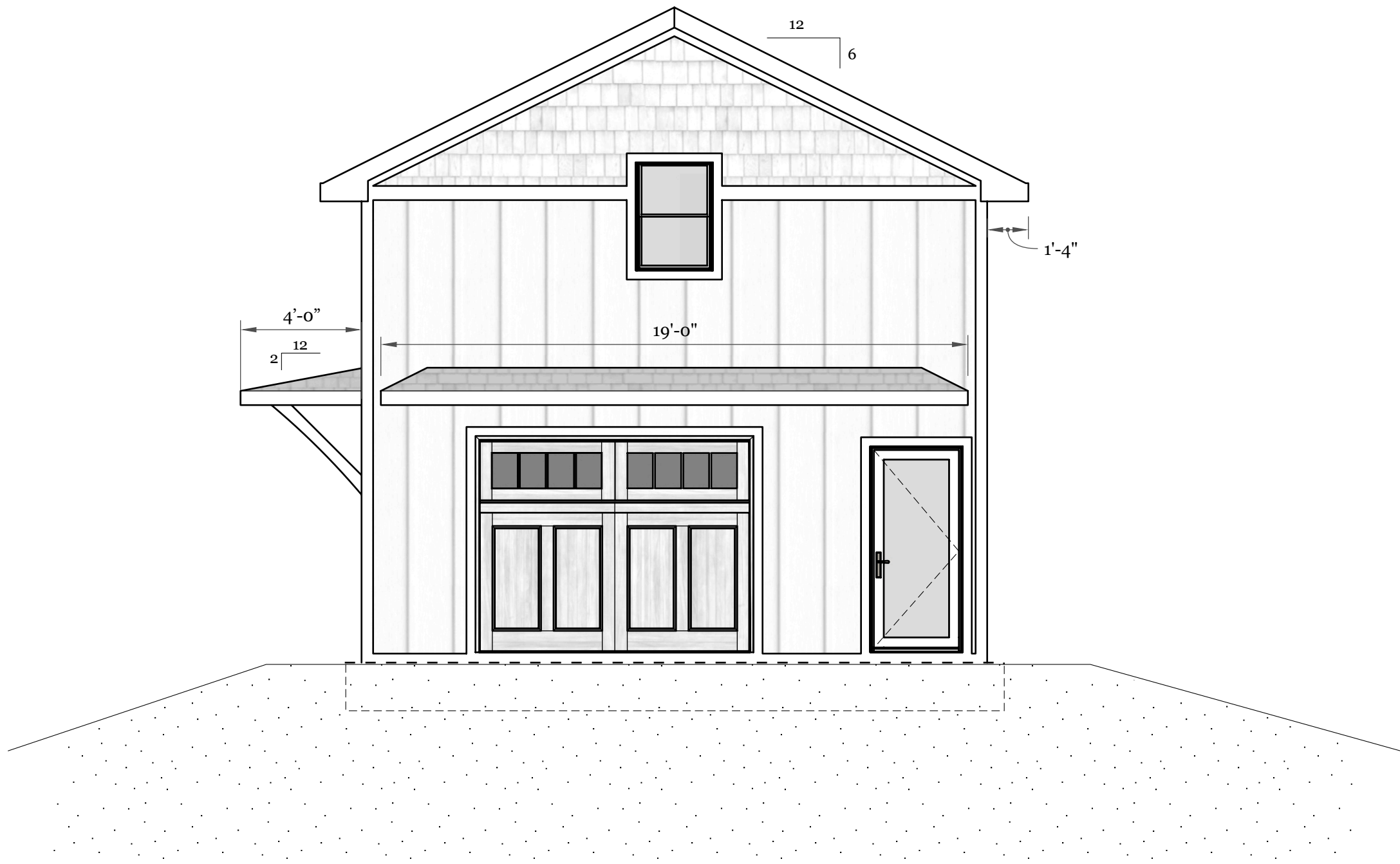
WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE THEREAFTER

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.

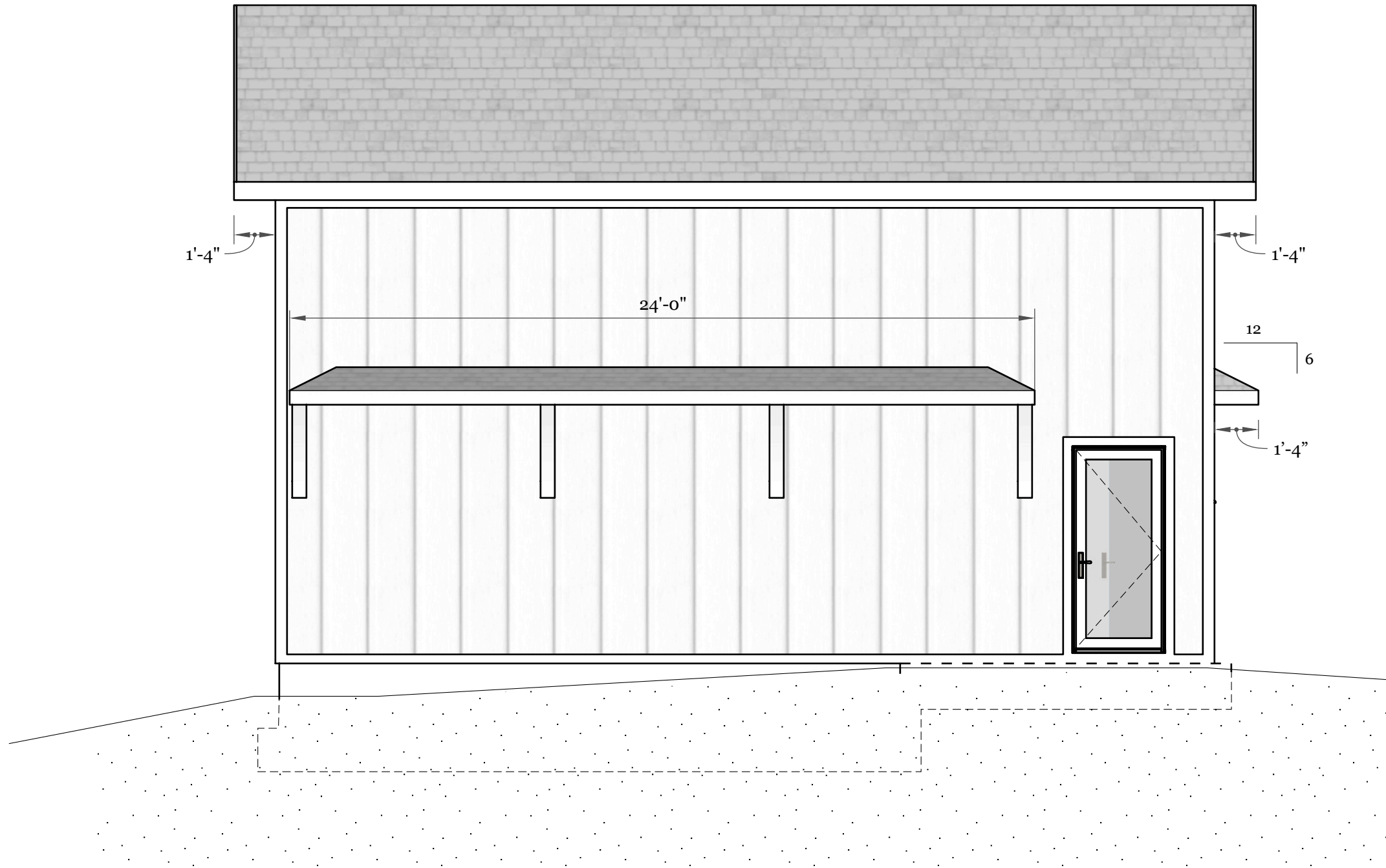
A3

*THESE PLANS WERE DRAWN TO BE PRINTED ON ARCHC (18"X24")
THE SCALE WILL BE IN ACCURATE OTHERWISE.





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



2 LEFT ELEVATION
SCALE: 1/4" = 1'

ELEVATIONS **A**
scale: 1/4"=1' * 4



C. WILLIS DESIGN

Tel : (828) 242-4639
E-Mail : crwilliswnc@gmail.com

Project:
**CLEELAND
RESIDENCE**
NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
ELEVATIONS

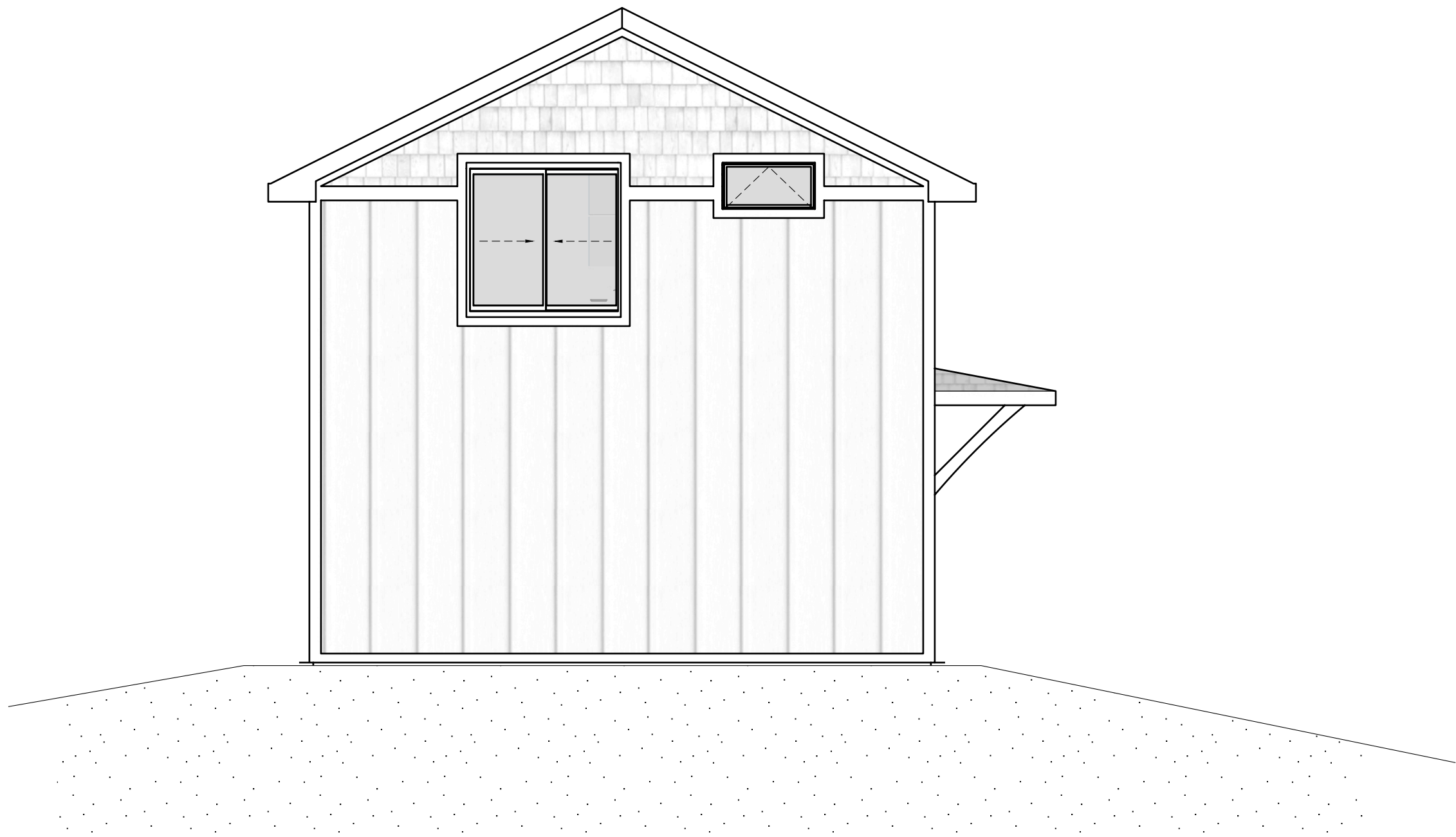
TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE THEREAFTER

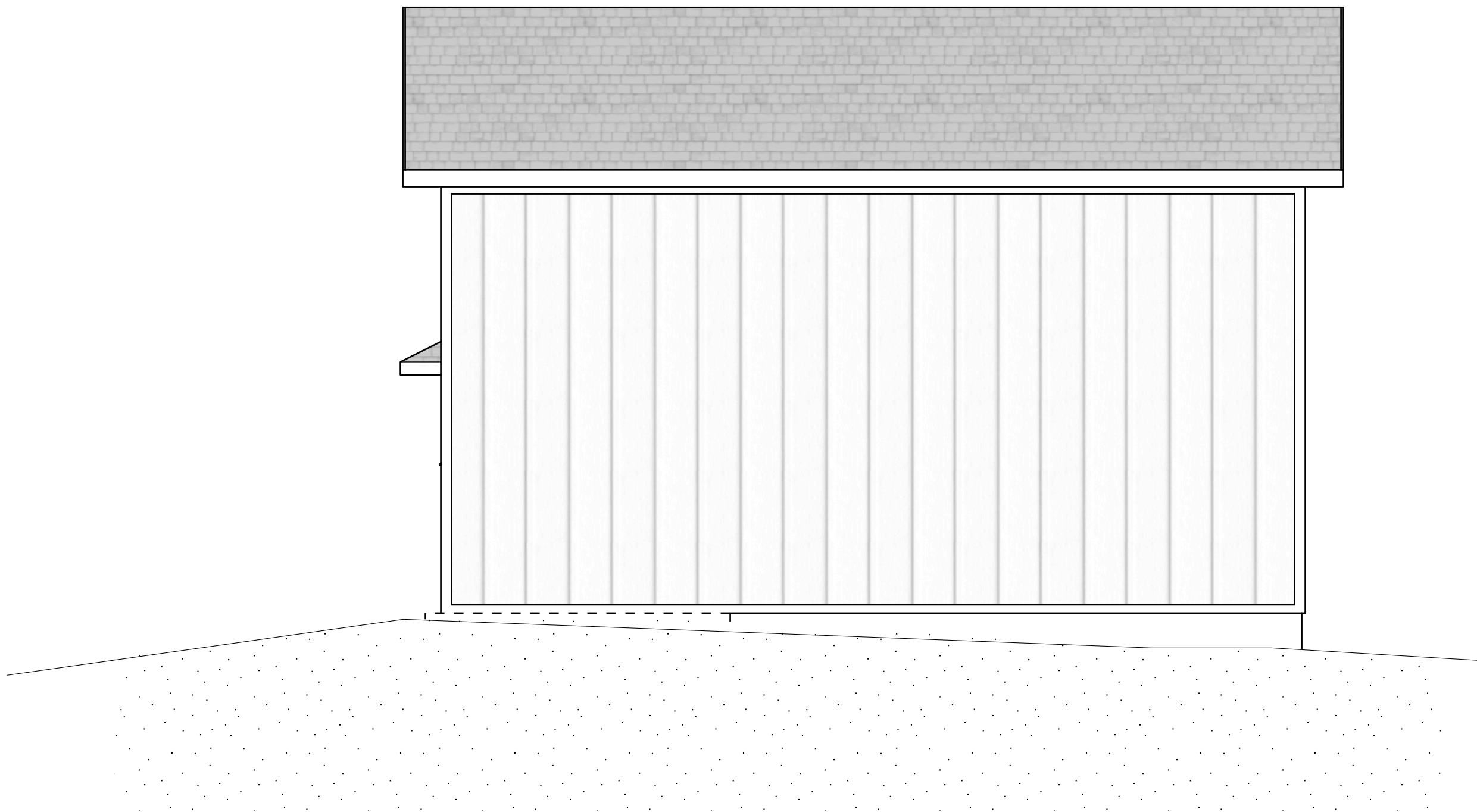
YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.

A4

*THESE PLANS WERE DRAWN TO BE PRINTED ON ARCHC (18"X24")
THE SCALE WILL BE IN ACCURATE OTHERWISE.



3 REAR ELEVATION
SCALE: 1/4" = 1'



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



C. WILLIS DESIGN

Tel : (828) 242-4639
E-Mail : crwilliswnc@gmail.com

Project:
**CLEELAND
RESIDENCE**
NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
ELEVATIONS

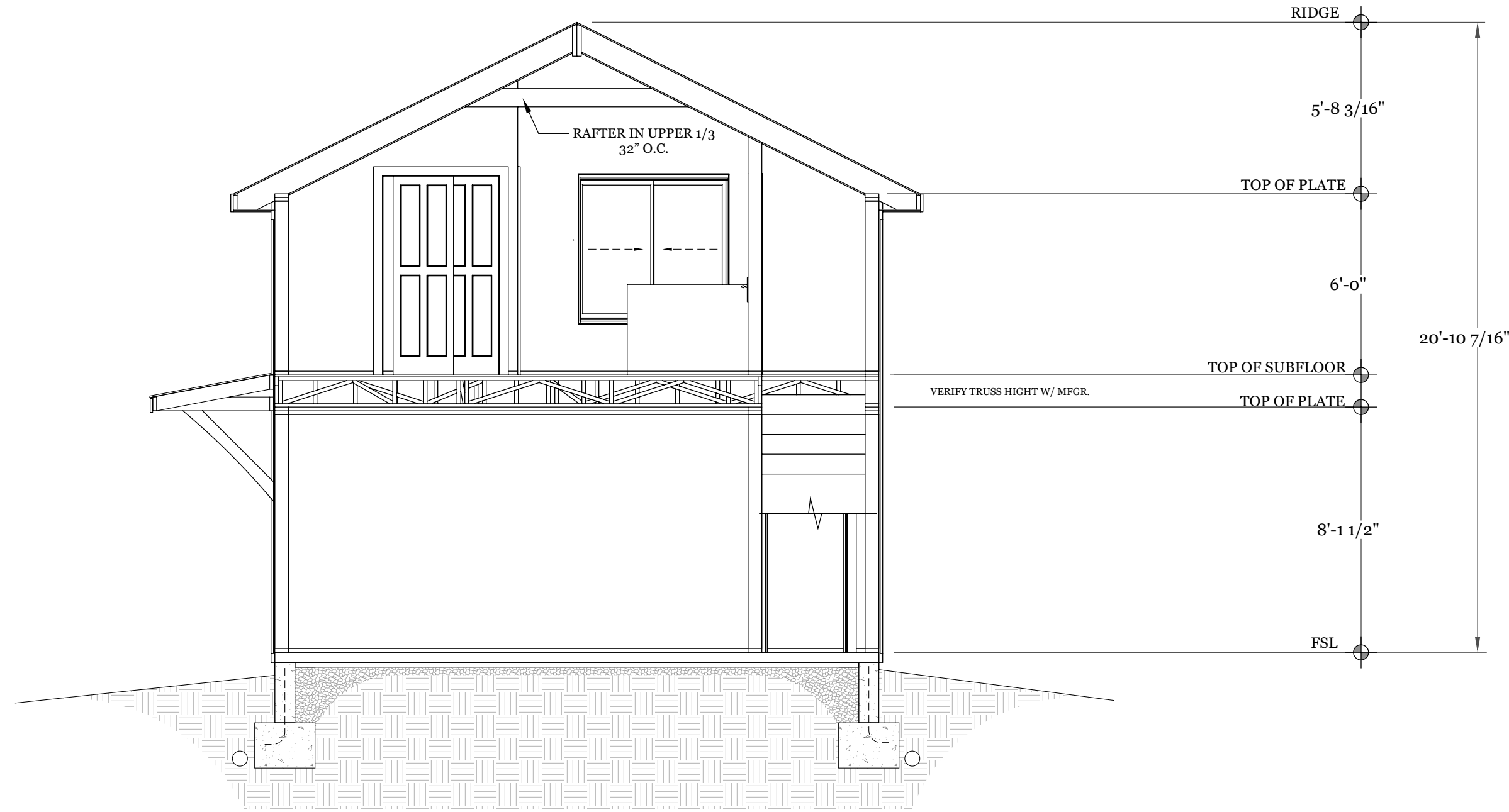
TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE THEREAFTER

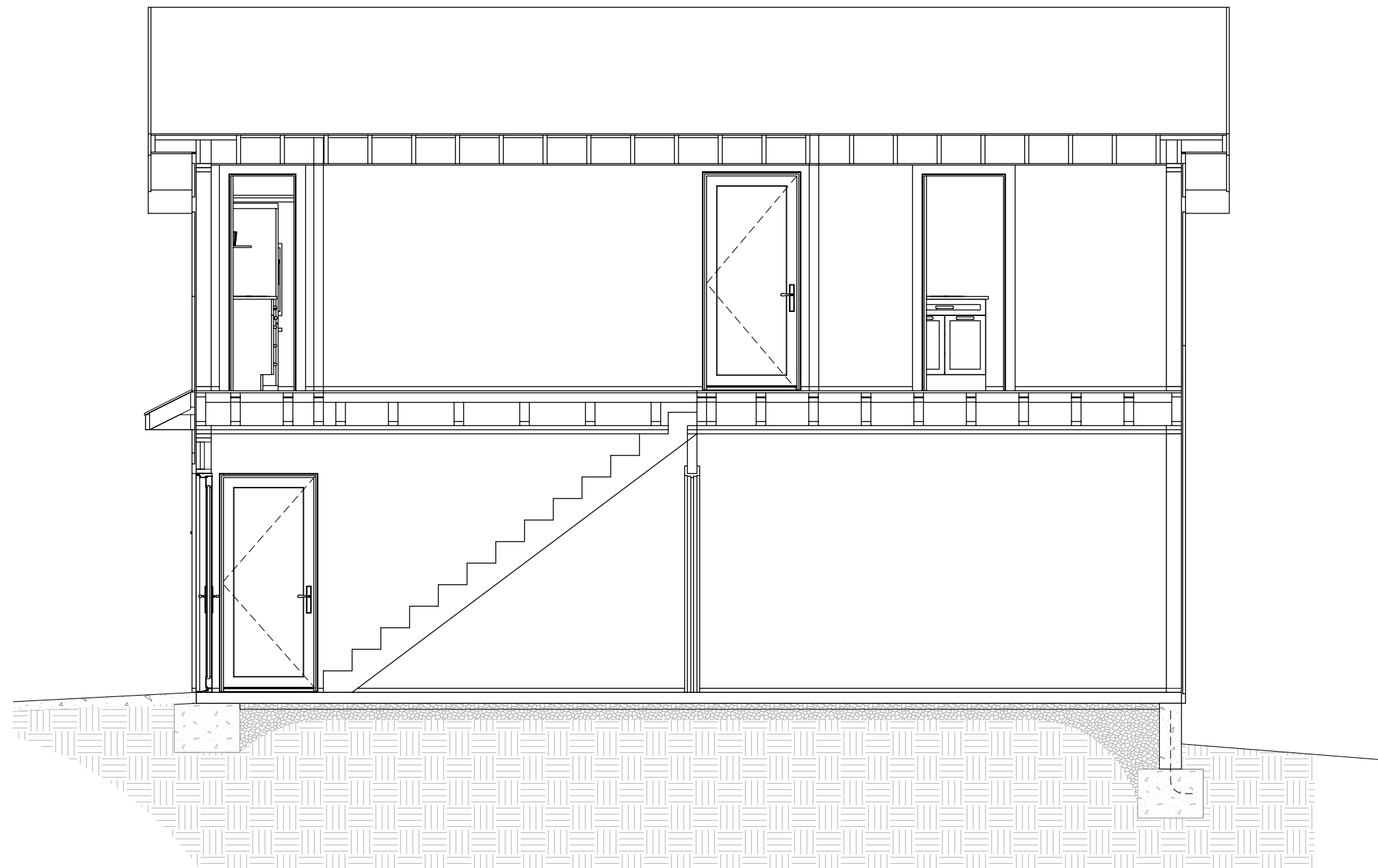
YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.

A5

*THESE PLANS WERE DRAWN TO BE PRINTED ON ARCHC (18"X24")
THE SCALE WILL BE IN ACCURATE OTHERWISE.



1 SECTION @ KITCHEN
SCALE: 1/4" = 1'



2 SECTION @ STAIRS
SCALE: 1/4" = 1'

SECTIONS **A**
scale: 1/4"=1' * 6



C. WILLIS DESIGN

Tel : (828) 242-4639
E-Mail : crwilliswnc@gmail.com

Project:
**CLEELAND
RESIDENCE**
NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
SECTIONS

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE THEREAFTER

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.

A6

*THESE PLANS WERE DRAWN TO BE PRINTED ON ARCH C (18"X24")
THE SCALE WILL BE IN ACCURATE OTHERWISE.

Project:
**CLEELAND
RESIDENCE**
NUMBER :

CLIENT :
BENEFIELD

DRAWN BY :
CW

ISSUE DATE
January 25, 2021

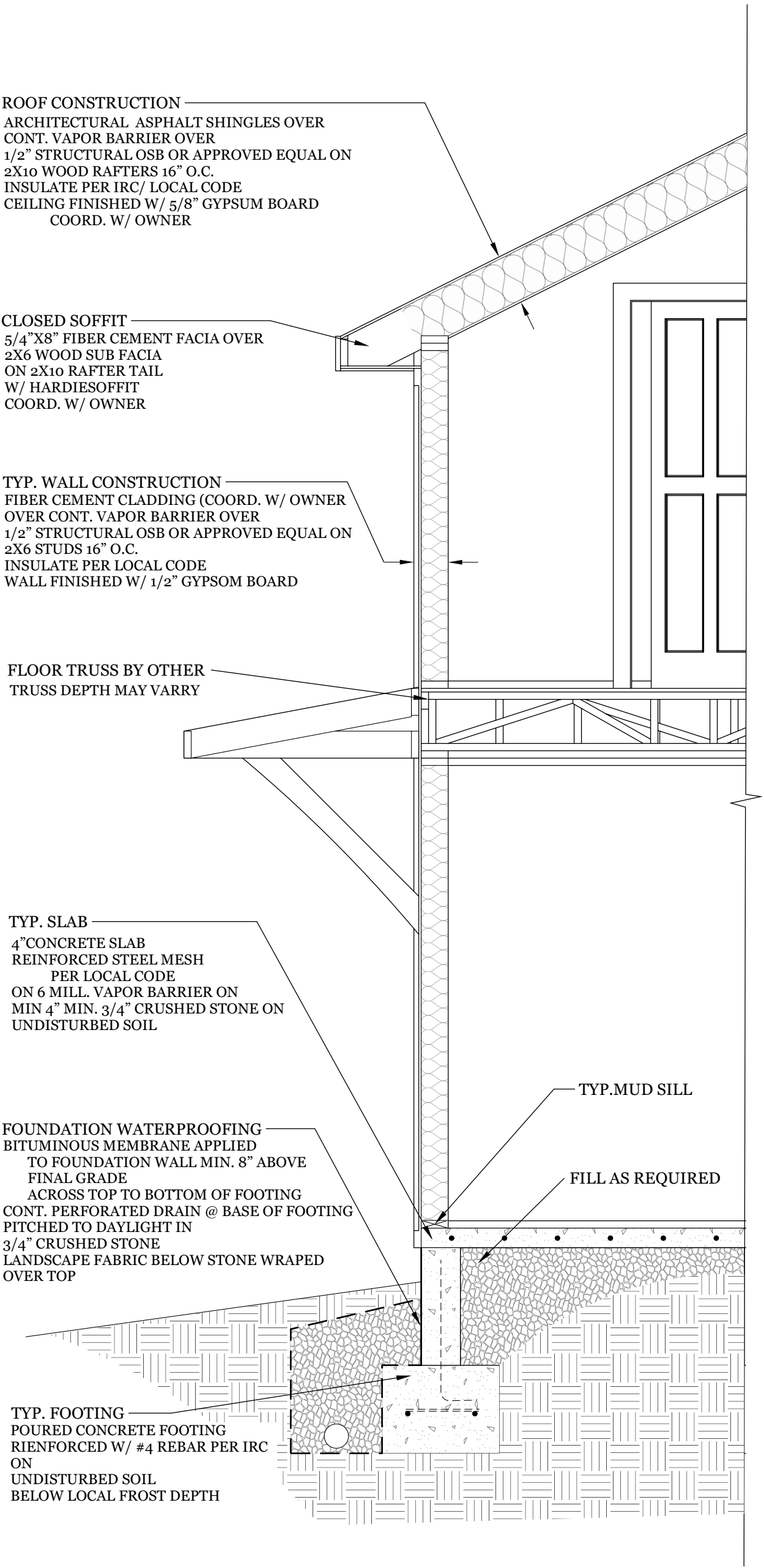
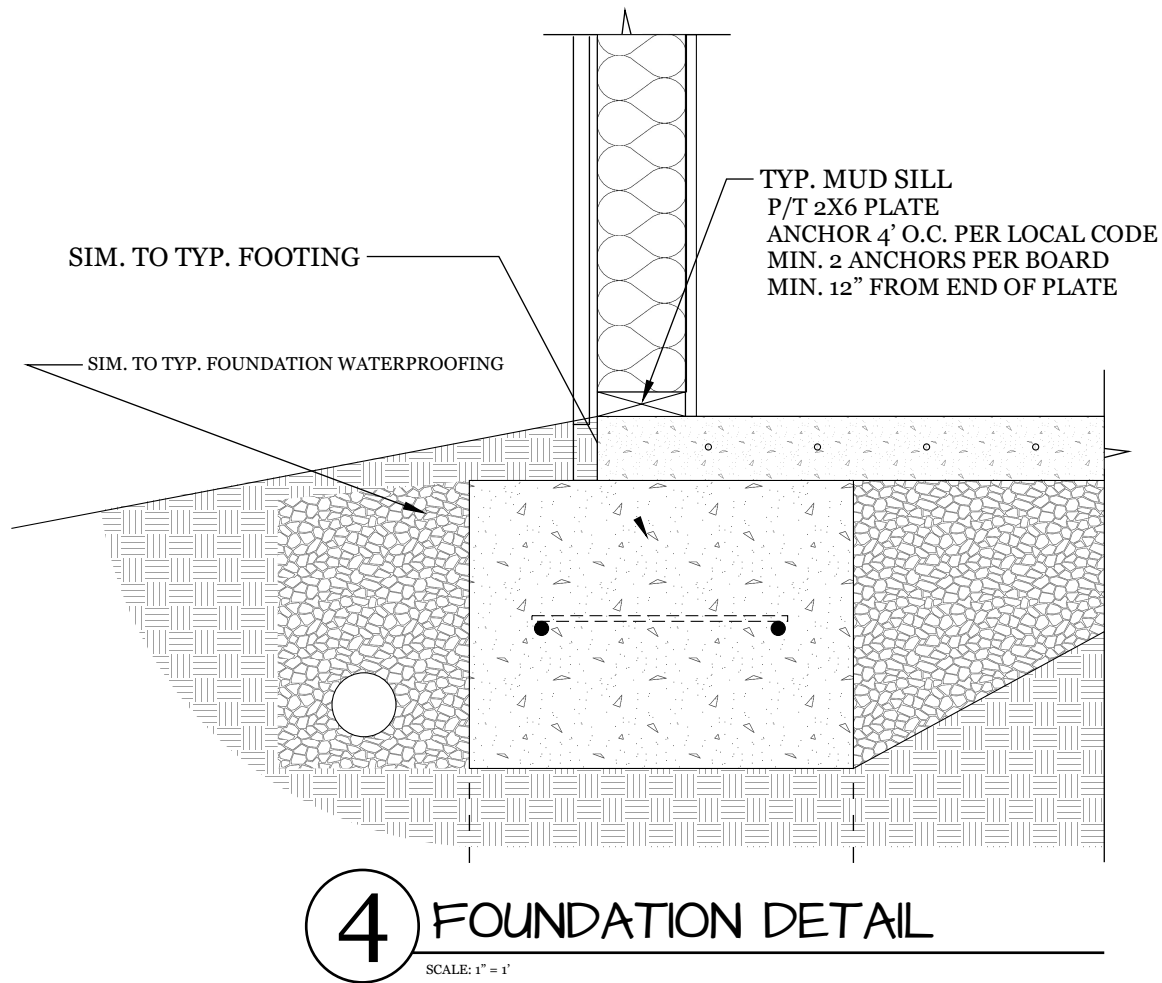
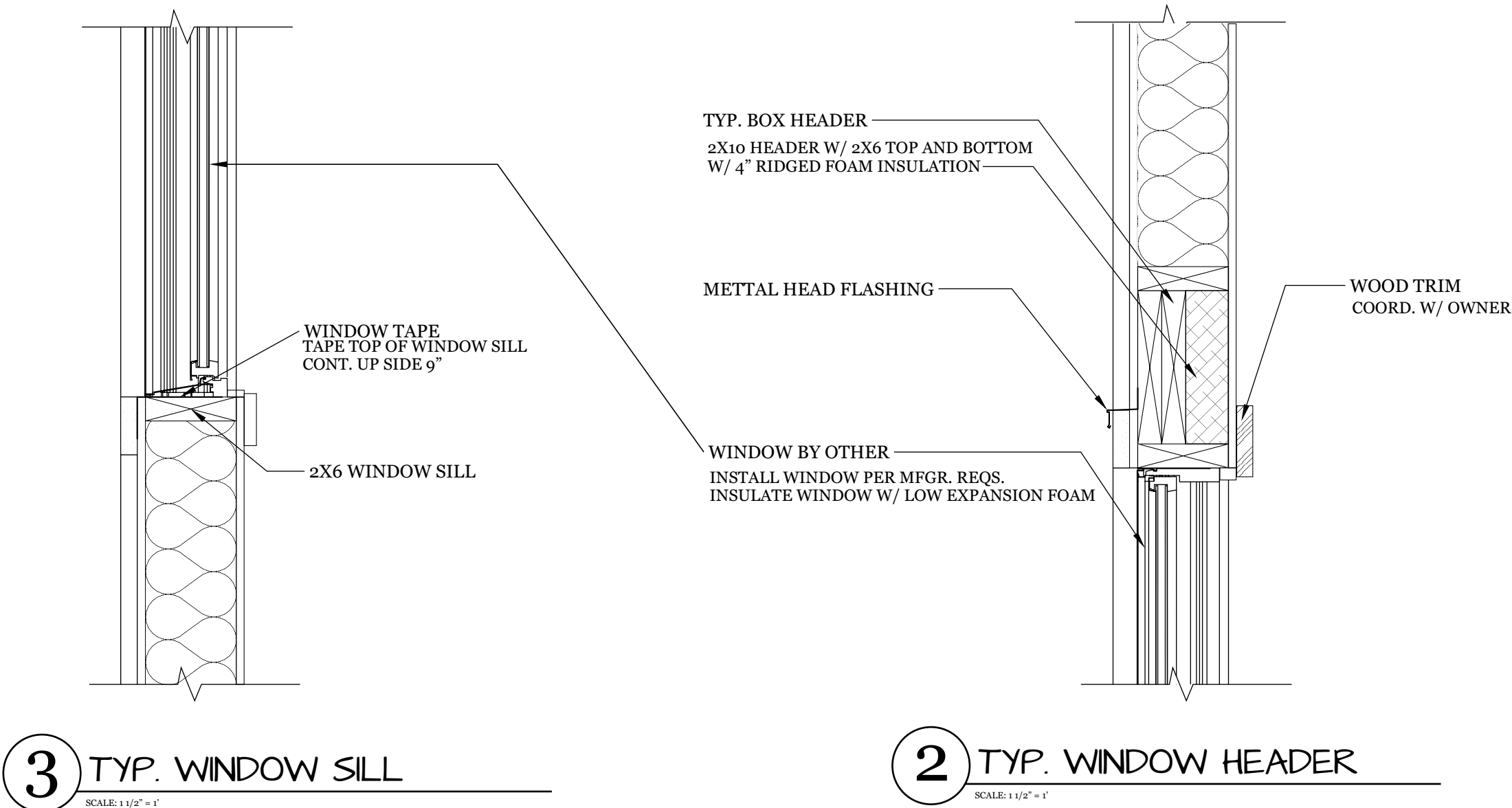
RE-ISSUE DATE
MM.DD.YY

DESCRIPTION
WALL SECTIONS

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY

WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION, AND BE SOLELY RESPONSIBLE THEREAFTER

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.



Town of Black Mountain,

I am requesting a variance in an effort to efficiently improve my property relative to my car port / garage project.

With the proper permitting, I plan to construct a 20' wide x 30' deep stick built garage on a concrete pad. With a 5' front and 5' side setback, this footprint will fit very nicely behind my home at the end of my driveway. It will have a similar but larger footprint than my existing car port.

I understand that if I want to include a loft above the garage my setback will change to 10' from side and 15' from rear property line. Based on the images below, you will see that I cannot have a loft on top of the garage due to size constraints in the corner of my property behind my home.

I feel that my building a 1 story garage without the loft would limit the future value, usefulness, and quality of life improvement of my home. The 'A frame' design would match the roof line of my house, it would enhance the visual appearance of the neighborhood, and will not encroach or detract from any of my neighbor's space or views.

The goal of my garage is to have dry storage and a recreational workshop. My intent with the loft is to have space for my family (siblings with children, retired parents) friends and visitors to have a place to stay. My home is a 2 bedroom and my personally family plans will quickly occupy the guest room indefinitely.

Thank you for your time and consideration.

Kell Cleeland

Images explained:

- 1) Birds eye view of my home and surrounding property
- 2) Current survey layout
- 3) New structure with 5' x 5' setback
- 4) New structure with 10' x 15' setback
- 5) Photo of my car port, with visual layout of new structure corners

Image 1 Birds eye view of my home and surrounding property



Image 2 Current survey layout

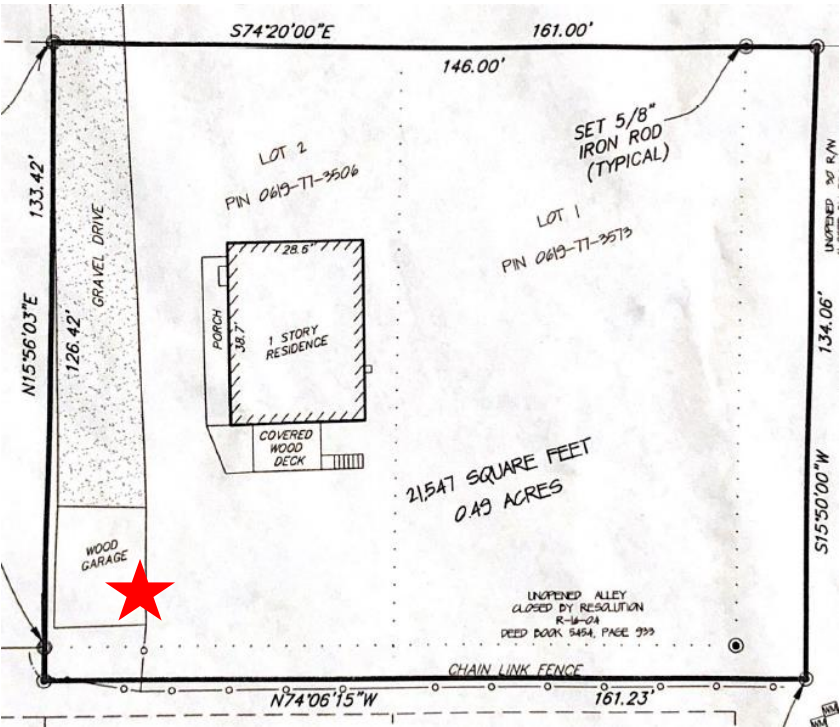


Image 3 – New structure with 5' x 5' setback

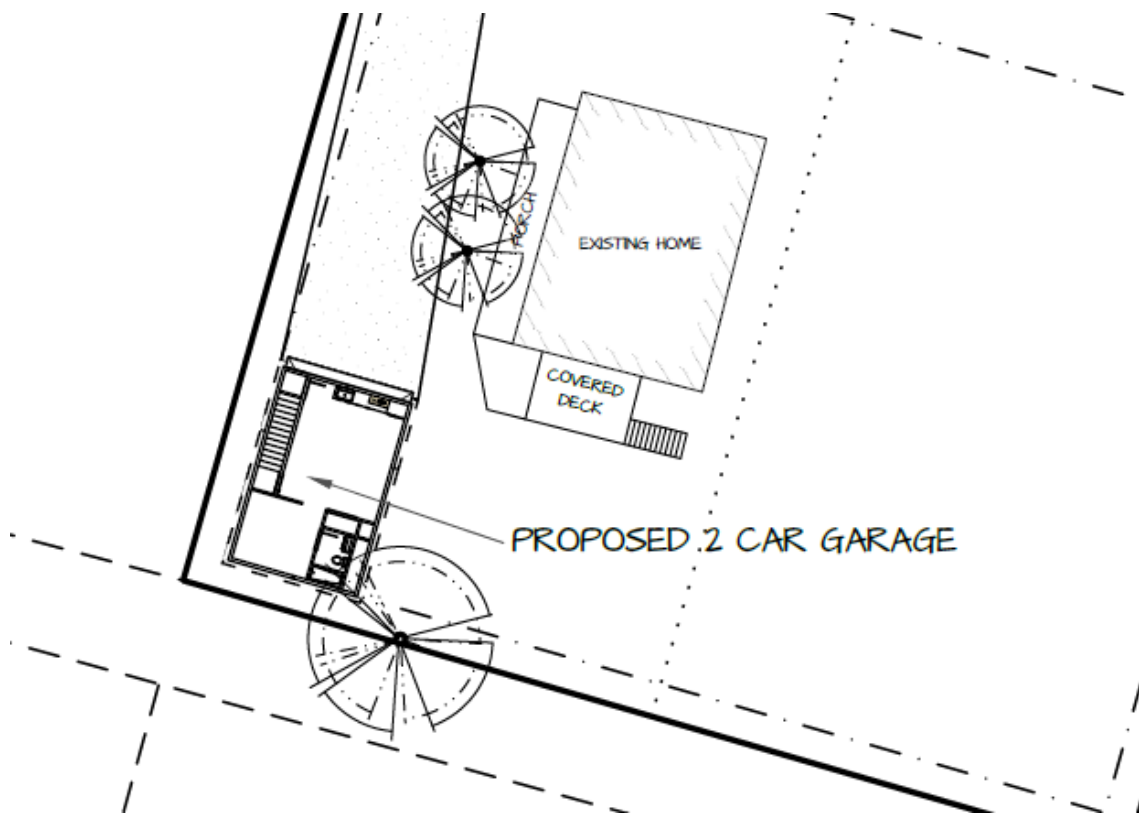


Image 4 – New structure with 10' x 15' setback

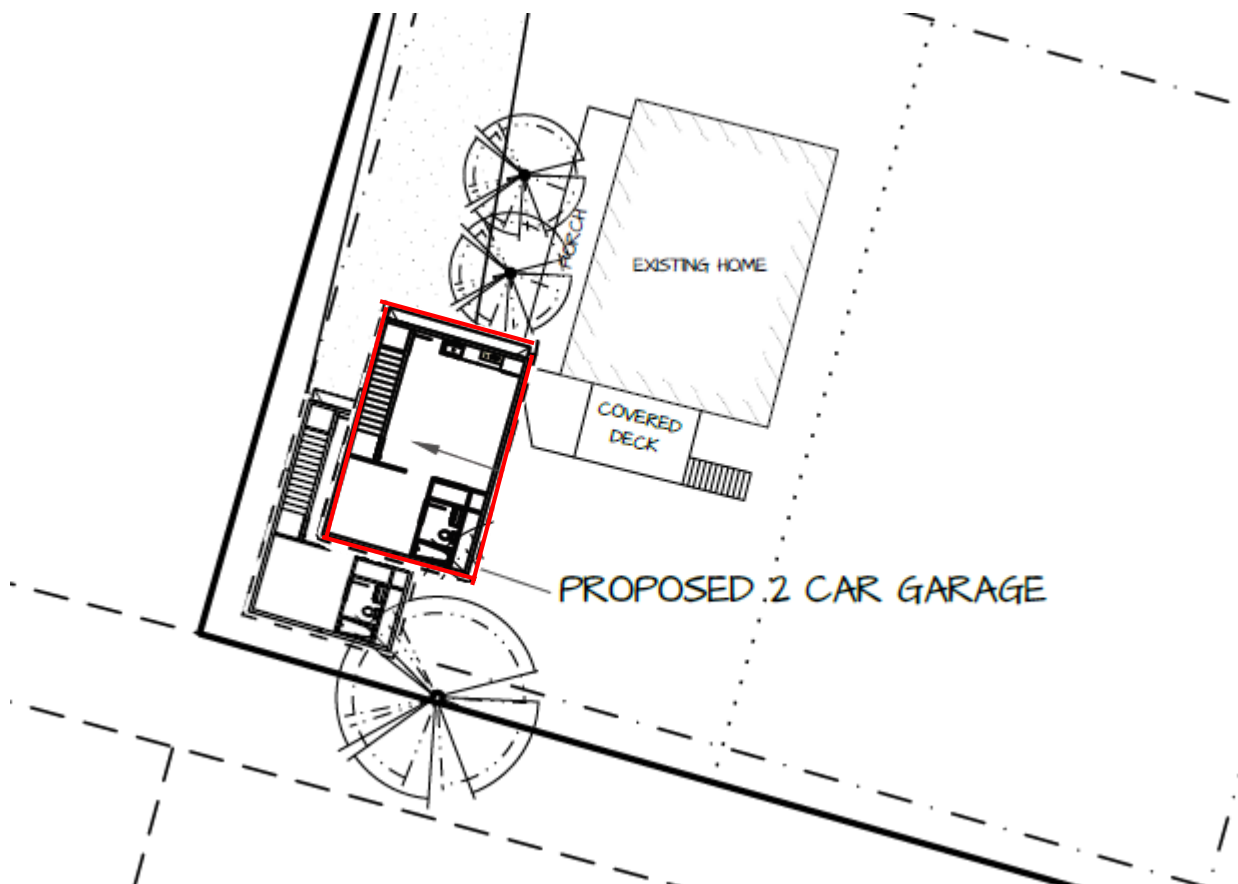
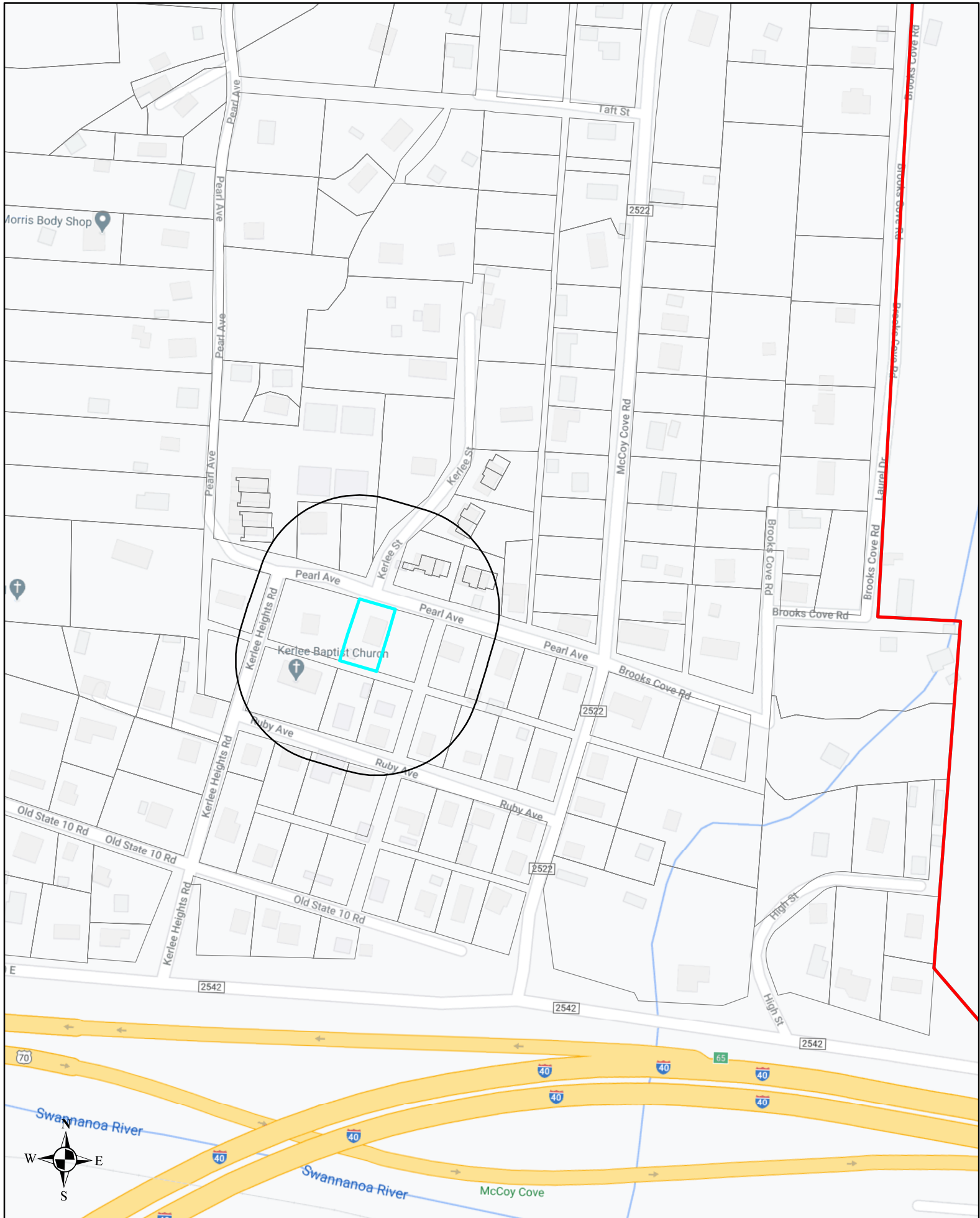


Image 5 – Photo of my car port, with visual layout of new structure corners



14 Pearl Street Buffer Map



14 Pearl Street Variance Property Owners

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>PIN #</u>
Peter Kelly Cleeland	14 Pearl Street	Black Mountain	NC	28711	0619-77-3506
Peter Kelly Cleeland	14 Pearl Street	Black Mountain	NC	28711	0619-77-3573
Wade Turner	8 Pearl Street	Black Mountain	NC	28711	0619-77-4561
Kevin Williams & Greg Griffin	44 Sky High Drive	Black Mountain	NC	28711	0619-77-5448
Jerry Carroll Slagle	211 Ruby Avenue	Black Mountain	NC	28711	0619-77-4395
James M & Nettie Jones Baldwin	PO Box 415	Black Mountain	NC	28711	0619-77-4327
Julia A Capps c/o Richard Capps	771 Rocky Branch Ln	Evans	GA	30809	0619-77-3430
Stephanie S Sulzman	205 Ruby Avenue	Black Mountain	NC	28711	0619-77-2452
Kerlee Heights Baptist Church c/o Frances Allison	PO Box 1255	Black Mountain	NC	28711	0619-77-1417
Mary Ann Orange Rev Living Tr	PO Box 506	Black Mountain	NC	28711	0619-77-1599
Richard C Capps	771 Rocky Branch Ln	Evans	GA	30809	0619-77-2255
Kathryn E Shawgo Revocable Trust	202 Ruby Avenue	Black Mountain	NC	28711	0619-77-1248
Tammy Lyshelle Kerlee & Kimberly Anne Weeks	43 Galax Lane	Black Mountain	NC	28711	0619-77-0372
East West Investments LLC	800 Fairview Rd., #111	Asheville	NC	28803	0619-77-0230
Kerlee Heights Baptist Church c/o Frances Allison	PO Box 1255	Black Mountain	NC	28711	0619-77-1417
Joseph L & Stephanie Shook	PO Box 1071	Montreat	NC	28757	0619-77-0653
Midkiff Family Irrevocable Living Trust	402 Kerlee Heights Rd	Black Mountain	NC	28711	0619-77-0785
Hill Ventures LLC	PO Box 1296	Jacksonville	IL	62651	0619-77-1858
Michael D Mooney	15 Pearl Street	Black Mountain	NC	28711	0619-77-2716
Michael D Mooney	15 Pearl Street	Black Mountain	NC	28711	0619-77-2774
CTKA LLC	204 Charlotte Hwy, Ste. G	Asheville	NC	28803	0619-77-2855
Christopher Matthew Depasqale	417 Kerlee Heights Road	Black Mountain	NC	28711	0619-77-2884
Frances Allison	PO Box 1255	Black Mountain	NC	28711	0619-77-3981
Samantha Rae Witt	207 Dogwood Lane	Marion	NC	28752	0619-77-4796
Pearl Street Townhomes Owners Assoc.	18 White Oak Trail	Black Mountain	NC	28711	0619-77-5714
Frances M & James D Sawdy ETAL	9A Pearl Street	Black Mountain	NC	28711	0619-77-4609
Mary Swain	9B Pearl Street	Black Mountain	NC	28711	0619-77-4649
Pearl Street Townhomes Owners Assoc.	18 White Oak Trail	Black Mountain	NC	28711	0619-77-4615
Samuel T Bova & John G King	18 White Oak Trail	Black Mountain	NC	28711	0619-77-5607

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>PIN #</u>
Sandra C Turner & Patrick Boyle	11 Pearl Street #B	Black Mountain	NC	28711	0619-77-5636
Pearl Street Townhomes Owners Assoc.	18 White Oak Trail	Black Mountain	NC	28711	0619-77-5613



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: **April 1, 2021**
TO: **Property Owner**
FROM: **TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR**

Address of Proposed Variance:

14 Pearl Street

PIN #: **0619-77-3506.00000**

Current Zoning Classification: **UR-8 (urban residential)**

This property is currently used for the purpose of: **residence**

The variance is requested from the following provisions of the ordinance:

Chapter 4, Section 4.3.3, Setbacks

The variance is requested so that the property can be used in a manner indicated herein:

Reduce side and rear setbacks to 5' to have garage with upper loft in place of existing carport.

An evidentiary hearing will be held on Thursday, April 15, 2021 @ 6:00 p.m. electronically via Zoom. Details for Zoom link are included on the enclosed public notice.

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.

[illegible]

1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km



EVIDENTIARY HEARING

Thursday, April 15, 2021
6:00 PM

www.townofblackmountain.org

160 MIDLAND AVENUE
BLACK MOUNTAIN, NC 28711
FOR MORE INFORMATION CALL 419-9373