

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, June 15, 2023, 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:

Lauren Dodgin, Chair
Larry Pearlman, Vice Chair
Ben Cooper
Chloe Riddle

Absent:

Andy Homrich

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/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 four (4) regular members.

II. ADOPTION OF AGENDA

Larry Pearlman made a motion to adopt the agenda as presented. The motion was seconded by Ben Cooper and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Larry Pearlman made a motion to adopt the minutes of May 18, 2023, as written. The motion was seconded by Ben Cooper and approved by a vote of 4-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request for 20 Goldmont Street

There were no ex-parte communications from the board members.

Jennifer Tipton swore in all persons wishing to testify and speak.

Russell Cate gave a brief summary of the variance for 20 Goldmont Street. The applicant currently has a legal non-conforming garage that is one foot from the side property line. The ordinance for accessory structures requires a minimum of five feet from the side and rear property lines. The owner would like to enlarge the garage keeping it along the same one-foot setback on the side property line.

Mark Riley, 20 Goldmont Street, said that is looking to enlarge the garage to be able to have a place to restore an old truck, park two vehicles and have enough room to pull his RV through the garage and into the back yard. The driveway is the minimum width allowed and Mr. Riley said he had approached the neighbor about buying a strip of land to make the driveway bigger and

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add some square footage to the side of his property, but the property owner is no longer interested in doing that. If he were to move the garage over, the doors would be off set. Moving the building further back and over would take up more of the yard and not allow room for the camper.

Jennifer Tipton summarized the evidence as follows:

- Exhibit 1: Staff Report
- Exhibit 2: Variance Application
- Exhibit 3: Buffer Map
- Exhibit 4: List of Property Owners within 200'
- Exhibit 5: Notice of Variance Request
- Exhibit 6: Aerial Map
- Exhibit 7: Section 4.5.4 of the Land Use Code

The board went into recess at 6:21 p.m. Town Attorney Ron Sneed explained that the non-conformity is being enlarged and that requires a variance. The board discussed the fact that the applicant would either have to use up a huge portion of the yard or be left with an old garage. Ben Cooper expressed concerns about the size of the garage and that the garage is going to be almost as big as the house in terms of square footage as the proposed garage is 1,800 square feet and the existing garage is 346 square feet. The board discussed that other lots in the neighborhood are wider than this lot and acknowledged that the prior owner divided the lots too close. There was discussion that the same garage could be built further back and then shifted over to meet the requirements of the ordinance.

The board came out of recess at 6:41 p.m.

The board found the following:

1. While the applicant offered testimony that the preference for construction of a garage in the side yard to leave room for parking of an RV behind the house and to preserve more of the rear yard for recreational use, the statements were insufficient to support a finding that unnecessary hardship would result from the strict application of the ordinance.

The variance fell short of the necessary 4/5ths vote so the variance request is denied.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Prepared by:

Laura Dodgin, Chair

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Jennifer Tipton, Senior Admin

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