



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 Board of Adjustment
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for October 19, 2023
Date: October 9, 2023

The **Town of Black Mountain Board of Adjustment** will meet on **Thursday, October 19, 2023, 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 July, 2023; and
3. Special Use Amendment for Sweet Birch Commons.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@tobm.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@tobm.org.

CC: Jessica Trotman, Planning Director
Russell Cate, Planner I/Zoning Administrator
Brian Gulden, Town Attorney



PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN BOARD OF ADJUSTMENT

REGULAR MEETING
REUNIÓN ORDINARIA

Thursday, October 19, 2023, at 6:00 p.m.
Jueves 19 de octubre de 2023, a las 6:00 p.m.

The Black Mountain Board of Adjustment will meet for their monthly meeting on **Thursday, October 19, 2023, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

La Junta de Ajuste de Black Mountain se reunirá para su reunión mensual **el jueves 19 de octubre de 2023 a las 6:00 p.m.** en Town Hall, 160 Midland Avenue, Black Mountain, N.C.

The meeting is open to the public.
La reunión está abierta al público.

Jennifer Tipton
Senior Admin

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La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 09/29/2023
www.townofblackmountain.org



**Board of Adjustment Regular Meeting
October 19, 2023**

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 July 20, 2023, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Special Use Amendment for Sweet Birch Commons

VI. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, July 20, 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:

Larry Pearlman, Vice Chair
Ben Cooper
Chloe Riddle
Andy Homrich

Absent:

Lauren Dodgin, Chair

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

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

Chloe Riddle made a motion to adopt the agenda as presented. The motion was seconded by Andy Homrich and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Ben Cooper made a motion to adopt the minutes of June 16, 2023, as written. The motion was seconded by Andy Homrich and approved by a vote of 4-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Review of 20 Goldmont Street Variance Order

Jennifer Tipton said that there was one change from staff and that was the vote count needed to be changed from 4-0 to 3-1. Ms. Tipton also reported that Mark Riley had some proposed changes for the order and he would present those to the board and they could choose to accept the changes or not. Mark Riley read through excerpts from the June 16th meeting recording (a copy of which is attached to these minutes) that were not reflected in the written order and asked that changes be made to point seven and point twelve in the order. The proposed change for point seven is that it be noted that the approximate 1800 square foot building would be in compliance with the percentage coverage allowed by accessory structures. The proposed change for point twelve is that it not be worded that the preference is park the RV in the back yard. After some discussion, the board agreed to change the vote and point seven. Ben Cooper made a motion to approve the order as amended with the change to the vote and to point seven. The motion was seconded by Larry Pearlman and approved by a vote of 4-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

Board of Adjustment Regular Meeting
July 20, 2023

None.

VII. COMMUNICATION FROM STAFF

Jennifer Tipton introduced John Hines who is the new first alternate. We are excited to have him join the board.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:24 p.m.

Prepared by:

Lauren Dodgin, Chair

Jennifer Tipton, Senior Admin

Board of Adjustment Regular Meeting
July 20, 2023



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

STAFF REPORT

Board of Adjustment Meeting Date: October 19, 2023

GENERAL INFORMATION

APPLICANT:	Jack Weaver
HEARING TYPE:	Evidentiary Hearing
REQUEST:	Amend the Special Use Permit for Sweet Birch Commons to change the gate located at the intersection of Sweet Birch Park Lane and Meadowbrook Drive from the current status of use only by emergency vehicles to use by both emergency vehicles and residents. The gate would remain a locked gate, but residents would have a code or gate opener.
LOCATION:	Intersection of Sweet Birch Park Lane and Meadowbrook Drive
PARCEL ID NUMBER:	0619-21-1013-00000
PUBLIC NOTIFICATION:	The notification for this evidentiary hearing was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). 71 notices were mailed to those property owners in the mailing area.
TRACT SIZE:	The parcel with Parcel ID Number (PIN) 0619-21-1013-00000 is one of the areas of the community owned by Sweet Birch Commons LLC. It includes the eastern end of Sweet Birch Park Lane. It is .63 acre.
TOPOGRAPHY:	15.32% slope

VEGETATION: Landscaping

SITE DATA

EXISTING USE Locked gate

SPECIAL USE PERMIT CONDITIONS

The Board of Adjustment approved an order and special use permit for Sweet Birch Commons on August 31, 2017, with four conditions. The first condition addresses access:

The access point at the east end of the street within the development which allows access over the streets of the Meadowbrook development shall be kept closed with a gate, and such access shall never be used by construction traffic and is to be used by emergency vehicles (fire, police, ambulance) as needed in emergencies, or by residents in the proposed development when the entryway at Old Lakey Gap Road, or the street at a point before the entryway at Old Lakey Gap Road, is obstructed and the health or life of a resident is at risk if he or she cannot leave the development before the obstruction is removed.

SPECIAL USE PERMIT FINDINGS OF FACT

In the order and special use permit, the Board of Adjustment made 23 findings of fact, three of which pertain to access:

14. The development as proposed will not be detrimental to or endanger the general public health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, as the homes in the project will have driveways that connect to an internal street, limiting entrances on to public road, a second access point to the development is provided for access by emergency vehicles or emergency egress by property owners should the primary access be blocked for any reason, the buildings are to be built far enough apart to comply with fire code separation requirements, and the increase in traffic on Blue Ridge Road and Old Lakey Gap Road will not be increased significantly by the traffic generated by residents of the proposed development. However, regular use of the second access point which provides access to the Meadowbrook subdivision would substantially increase traffic in that neighborhood if this was used on a regular basis for access to the proposed development.

18. Adequate measures have been taken to provide ingress and egress and such access has been designed so as to minimize traffic congestion in the public streets and to maintain safety, as no new entry points on to Blue Ridge Road will be created, no driveways will connect directly to Blue Ridge Road or Old Lakey Gap Road, and the traffic study submitted by the Applicant showed that the development will not create a significant increase in traffic on Blue Ridge Road.

22. That the Applicant should be required to limit access to the development by construction vehicles and property owners during the construction phase, and thereafter by homeowners, to the entrance to be located on Old Lakey Gap Road, with access through the streets within the Meadowbrook development only for emergency vehicles and in emergency situations for residents of the development.

IMPACT/POLICY ANALYSIS

The order and special use permit for Sweet Birch Commons speaks to the gate being utilized only by emergency vehicles or by residents for egress in an emergency when the Old Lakey Gap Road entryway is blocked. It does so in one of the four conditions and in two of the three findings of fact. The other finding of fact states that the development provides adequate measures for ingress and egress.

One of the findings of fact (#14) speaks to the scenario of “regular use of the second access point which provides access to the Meadowbrook subdivision”: such use “would substantially increase traffic in that neighborhood.”

Consideration should be given to whether the development has in fact demonstrated that it has adequate measures for ingress and egress. In contemplating a gate that is used by residents in an ongoing, regular manner, consideration should be given to whether such use would significantly increase traffic in the Meadowbrook subdivision.



From Buncombe County GIS (2023 satellite view).

TOWN OF BLACK MOUNTAIN
BUNCOMBE COUNTY

BEFORE THE ZONING BOARD OF ADJUSTMENT
FOR THE TOWN OF BLACK MOUNTAIN

In the Matter of the Application)
of Sweet Birch, LLC for)
a Special Use Permit to Develop)
a Residential Planned Use)
Development)
_____)

ORDER AND SPECIAL USE PERMIT

THIS CAUSE, coming on to be heard before the Zoning Board of Adjustment for the Town of Black Mountain in the board meeting room in the Town Hall at 160 Midland Avenue in Black Mountain, North Carolina, on July 20, 2017, at 6:00 p.m. on the application of Sweet Birch, LLC, for a Special Use Permit to develop and build a residential planned use development on the property at 213 Blue Ridge Road (a portion of PIN # 0619-10-7719-00000.)

A full panel of five members and alternate members were in attendance and reviewed the physical and documentary evidence, including a traffic study and report provided by a traffic engineer employed by the Applicant, heard testimony by Jennifer Tipton, Zoning Administrator for the Town of Black Mountain, Jess Gardner, engineer for Civil Design Concepts, P.A., who presented for the Applicant, witnesses called by the Applicant, and members of the public.

The Zoning Board of the Town of Black Mountain, having heard the testimony and having reviewed the evidence, makes the following

FINDINGS OF FACT

1. The Zoning Board of Adjustment has jurisdiction to hear this application for a special use permit pursuant to Section 7.2.1.1 and Section 7.2.1.2 of the Land Use Code of the Town of Black Mountain.

2. The Applicant has an option to purchase from the Lakey Gap Land Company property located at 213 Blue Ridge Road, and plans to develop approximately ten acres as a residential planned use development consisting of 30 residential buildings which shall be duplex type structures with each building being two living units, and one building for community use.

3. That the proposed project is a residential planned unit development, as it proposes to create open spaces by innovative arrangement of buildings and open space.

4. That the proposed development is greater than two acres and requires a major special use permit issued pursuant to the procedure set out in Section 7.2.1.1 of the Land Use Code.

5. That a pre-application meeting with staff was held and a sketch plan was provided.

6. That Applicant did submit a master plan and all applicable documentation which was reviewed by the Zoning Administrator.

7. That the plan was reviewed by the Planning Board.
8. That the Planning board recommended that special use permit be denied, but this Board is not bound by such recommendation.
9. That a hearing date was set by this Board and Notice was given by posting the property, by publication in the Black Mountain News, and by mail to all property owners within two hundred feet as required by statute or ordinance.
10. That town staff provided its report that all requirements for submission of a plan for approval and all information required to be either in the plans and specifications or in the accompanying documents was provided, and that there were no deficiencies in the plan or any proposals in the plan in violation of fire codes or the applicable zoning and subdivision requirements, except for those matters that vary from the standard subdivision and require a special use permit.
11. That this Board has reviewed the proposed plan, including the site plan and detailed drawings and accompanying materials submitted by the Applicant.
12. That no objections were made to the admission of the Applicant's plans and documents into evidence.
13. The development as proposed by the Applicant will not be in conflict with the adopted comprehensive plan of the Town of Black Mountain as it does fulfill the provisions of the comprehensive plan to make more efficient use of infrastructure and reduce pressure to develop forested and environmentally sensitive areas on the periphery of the town (Chapter 2, 2014 Comprehensive Plan) and to allow a range of high density designs that limit the footprint and preserve open space and trees (Chapter 3, 2014 Comprehensive Plan.)
14. The development as proposed will not be detrimental to or endanger the general public health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, as the homes in the project will have driveways that connect to an internal street, limiting entrances on to public road, a second access point to the development is provided for access by emergency vehicles or emergency egress by property owners should the primary access be blocked for any reason, the buildings are to be built far enough apart to comply with fire code separation requirements, and the increase in traffic on Blue Ridge Road and Old Lakey Gap Road will not be increased significantly by the traffic generated by residents of the proposed development. However, regular use of the second access point which provides access to the Meadowbrook subdivision would substantially increase traffic in that neighborhood if this was used on a regular basis for access to the proposed development.
15. The proposed development will not be injurious to existing uses of adjacent properties or those in the immediate vicinity for the purposes already permitted, nor will it substantially diminish or impair property values within the neighborhood, as driveways for homes in the development will not connect to the busier Blue Ridge Road, a line of trees along Blue Ridge Road will remain, screening the development from the neighbors across Blue Ridge Road, and developments of this type have not been shown to diminish values of neighboring

properties, as was testified to by a realtor and not contradicted by other competent evidence presented or offered at the hearing.

16. The exterior architecture, landscaping and the functional plan of the proposed development will not alter or diminish the purposed or intent of the applicable district or impede the normal and orderly development of surrounding properties as the house designs are not significantly different from homes already in existence in that part of the town, the plan of the development does not create multiple new entrance points onto Blue Ridge Road in a way that would impede future possible development, and the traffic study provided showed that there will not be a significant increase in traffic that will create a traffic burden that will discourage or impede future development. There was concern stated by citizens in attendance about the lighting from the development intruding into adjoining areas and neighborhoods.

17. There are adequate utilities, access roads, drainage and facilities to be provided, and all utilities on site are to be placed underground.

18. Adequate measures have been taken to provide ingress and egress and such access has been designed so as to minimize traffic congestion in the public streets and to maintain safety, as no new entry points on to Blue Ridge Road will be created, no driveways will connect directly to Blue Ridge Road or Old Lakey Gap Road, and the traffic study submitted by the Applicant showed that the development will not create a significant increase in traffic on Blue Ridge Road.

19. The special use as proposed will in all other respects conform to the applicable regulations of the TR4 zoning district, as supported by the staff report that showed that all other subdivision and zoning requirements, except those that require approval by this Board, were met.

20. There is a landscaping plan that describes the proposed landscape materials, buffering of adjoining uses and provides for re-vegetation of disturbed areas, but there are no wetlands identified or requiring protection and the plan for construction is for the most part in what is now a field with no trees, so that no inventory of existing trees is needed and no list of replacement trees is required. There are no parking lots or dumpsters, so no screening for these is required.

21. There is a conceptual stormwater plan and the plan indicates where the stormwater management practices will be located, but there is not sufficient details in the plans to determine whether the control devices will comply with the Town's stormwater ordinance, and this should be made a condition of the special use permit.

22. That the Applicant should be required to limit access to the development by construction vehicles and property owners during the construction phase, and thereafter by homeowners, to the entrance to be located on Old Lakey Gap Road, with access through the streets within the Meadowbrook development only for emergency vehicles and in emergency situations for residents of the development.

23. That any street lights installed in the development shall be full cutoff fixtures as defined in the Land Use Code, and exterior lighting on buildings within the development shall

also be full cutoff fixtures.

BASED UPON THE FOREGOING FINDINGS OF FACT, this Board concludes as a matter of law that the Applicant is entitled to a special use permit with certain conditions to accompany and be a part of that permit.

IT IS NOW, THEREFORE, ORDERED by a vote of 5 to 0 by this Board, that the Special Use Permit shall be and is hereby issued to the Applicant to allow development of the residential planned use development at 213 Blue Ridge Road in Black Mountain, North Carolina, in accordance with those plans prepared by Civil Design Concepts, PA., for Sweet Birch, LLC, entitled Sweet Birch Lane - PUD, dated June 12, 2017, subject to the following conditions.

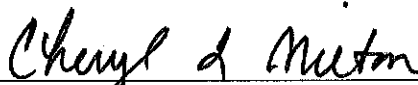
1. The access point at the east end of the street within the development which allows access over the streets of the Meadowbrook development shall be kept closed with a gate, and such access shall never be used by construction traffic and is to be used by emergency vehicles (fire, police, ambulance) as needed in emergencies, or by residents in the proposed development when the entryway at Old Lakey Gap Road, or the street at a point before the entryway at Old Lakey Gap Road, is obstructed and the health or life of a resident is at risk if he or she cannot leave the development before the obstruction is removed.

2. That a completed stormwater plan is to be approved by the Town's stormwater manager before the final plat is approved.

3. That all street lights and exterior lights on buildings in the development shall be full cutoff fixtures.

4. That all other local, state and federal rules and requirements shall be met before any building permits are issued.

This the 31 day of August, 2017.


Cheryl Milton, Chairperson

If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Buncombe County within 30 days after the date this order is served on you. See Section 1.7.5 of the Land Use Code. Appeals from Decisions of the Zoning Board of Adjustment, in the Town of Black Mountain Code of Ordinances.

I am requesting that the original order accompanying the Board of Adjustment approval for Sweet Birch Commons be modified to allow limited access from Sweet Birch Park Lane to the adjoining city street Meadow brook Lane.

In the meeting of the board the discussion that lead to the restricted access centered around construction related traffic necessary to develop the site and construct sixty homes. I readily agreed that Meadow brook was not a suitable street to bare heavy construction traffic.

During the five years of the construction of Sweet Birch the only construction related traffic that accessed through Meadow brook was that necessary to join Meadow brook and the newly constructed Sweet Birch Park Lane.

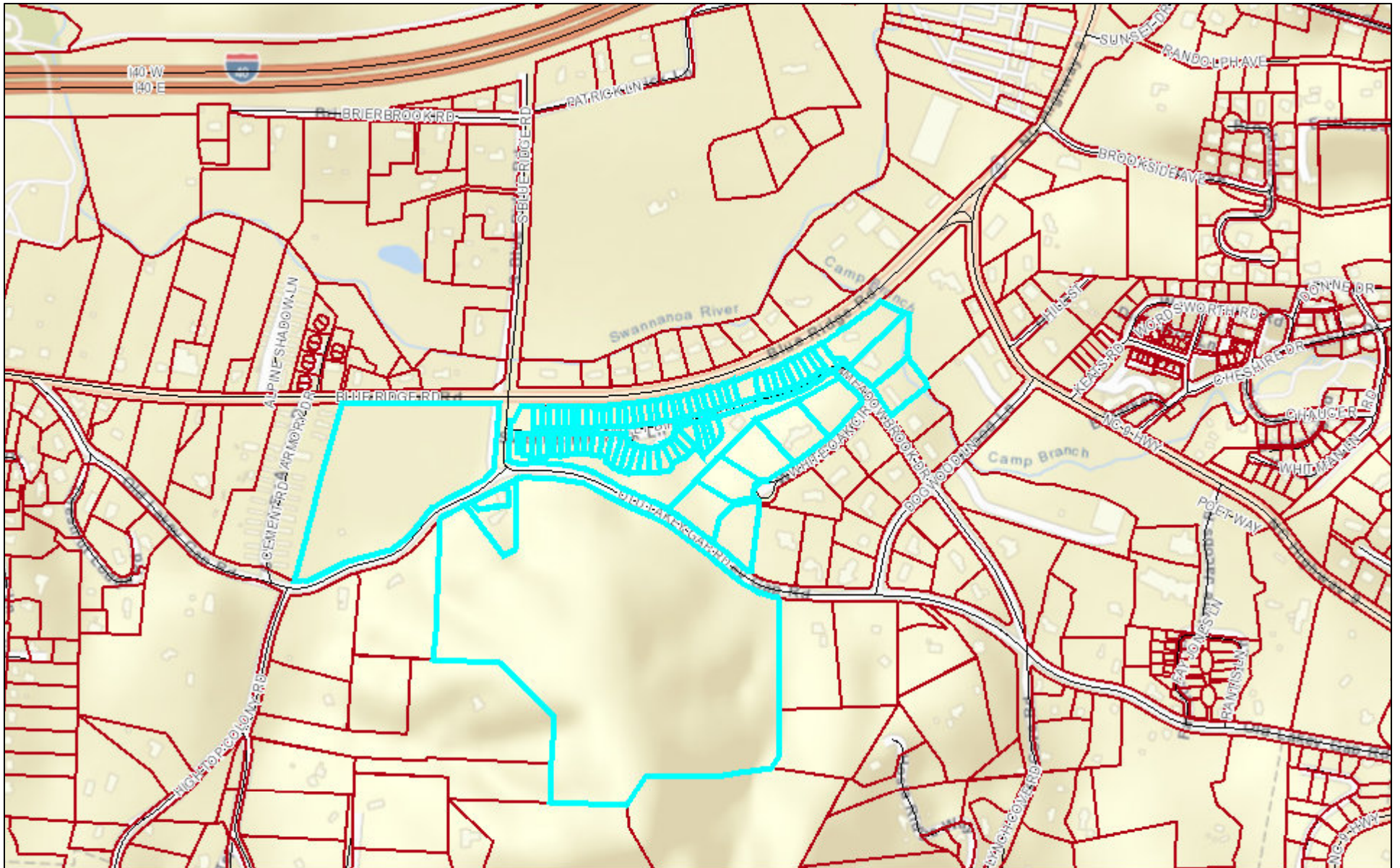
Sweet Birch, in cooperation with Black Mountain Department of Public Works also volunteerarily build an drainage system to conduct water under the crossing and into a catch system adjacent to a Blue Ridge Road. Once the roads were joined a gate was erected at the intersection.

What I, on behalf of the residents are asking is that the community would be allowed to erect a restricted access gate for the use of the residents of the sub division. The gate would allow ingress and egress to only those with remotes similar to a garage door opener. Also the gate would be accessible to emergency vehicles by means of a siren or remote as the residents have. There is a turn around space adjacent to the gate location allowing delivery vehicles to leave the subdivision without having to use the gate.

Many of the residents feel uneasy about living in a subdivision with only one means of ingress and egress.

Jack Weaver

Buncombe County



October 6, 2023

1:9,028

0 0.075 0.15 0.3 mi

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

PINNUM	OWNER	ADDRESS
'061819492800000'	SEVEN SISTERS MOUNTAIN LODGE LLC	15 JANE JACOBS RD STE 102
'061900477600000'	MARY ANN CLEVINGER REV TRS ETAL UI;CLEVINGER NATALIE C;RHYMER SARAH C;	18 VILLAGE PKWY
'061900859200000'	VIRGINIA GRAHAM TRUST	55 OLD LAKEY GAP RD
'061900868300000'	HARKNESS PATSY KING	73 OLD LAKEY GAP RD
'061910081800000'	SHARPE ALAN J.;SHARPE MARGARET MELDEN	501 SWEET BIRCH PARK LN
'061910086600000'	DEHOFF RHONDA M;DEHOFF ROBERT T II	503 SWEET BIRCH PARK LN
'061910089600000'	MCDANIEL BOBBY;MCDANIEL CYNTHIA J	505 SWEET BIRCH PARK LN
'061910183600000'	BAGLIO BENEDICT;BAGLIO LINDA	507 SWEET BIRCH PARK LN
'061910186600000'	TOKAY MATTHEW EMERY	100 TABERNACLE RD UNIT A
'061910189600000'	COOPER MARGARET ACREE;COOPER CARLTON BEVERLY	511 SWEET BIRCH PARK LN
'061910191900000'	NELSON MICHAEL LINWOOD;NELSON GERALDINE JAGER	504 SWEET BIRCH PARK LN UNIT 1
'061910193800000'	BLANKENSHIP KELLI K.;BLANKENSHIP FRANK JEFFREY;KING RONALD L;KING MARILYN J	506 SWEET BIRCH PARK LN
'061910198800000'	SHELINE DANIEL P SR;SHELINE LISA	508 SWEET BIRCH PARK LN
'061910282600000'	PERSON KAREN LYNN	513 SWEET BIRCH PARK LN
'061910286600000'	BUNDY LISA MARIE	515 SWEET BIRCH PARK LN
'061910289600000'	WINFIELD JENNA MARIE;WINFIELD AUSTIN SAMUEL	517 SWEET BIRCH PARK LN
'061910291800000'	SPIELMAN DELORES;SPIELMAN BERNARD L JR	PO BOX 1021
'061910294800000'	SUNDERMEIER NORMAN ANTHONY;SUNDERMEIER KATHERINE BATSON MILLER	512 SWEET BIRCH PARK LN
'061910297800000'	BURCH KELLY ELIZABETH	514 SWEET BIRCH PARK LN
'061910382600000'	TETER YASMIN COOPER	610 CRESTON DR

'061910386500000'	HOGAN JENNIFER ELIZABETH	521 SWEET BIRCH PARK LN
'061910391800000'	MILLER TERI L;MILLER MARK F	516 SWEET BIRCH PARK LN
'061910393100000'	SWEET BIRCH COMMONS LLC	825C MERRIMON AVE # 298
'061910394800000'	TAYLOR JUSTIN;TAYLOR SHANNON	6208 MCKIBBIN CIR
'061910396700000'	BURDICK RANDY;BURDICK PHYLLIS	520 SWEET BIRCH PARK LN
'061910480500000'	LARRY KIRSCHNER REVOCABLE TRUST	523 SWEET BIRCH PARK LN
'061910482400000'	BANK MARSHALL PETER;BANK GINGER GAIL	525 SWEET BIRCH PARK LN
'061910485200000'	MORRISON ROBERT M.;MORRISON CHERYL A.	601 SUGAR MAGNOLIA PL
'061910488000000'	BOCKES MAUREEN R	603 SUGAR MAGNOLIA PL
'061910490700000'	KACHEL BRIAN;KACHEL SHELBY	7533 CAIRNESFORD WAY
'061910494800000'	LOFTUS DONNA DENNY;YATES CHRISTINA	2676 TROPICAL AVE
'061910498800000'	MCGANDY MICHAEL;SHEPHERD SUSAN	526 SWEET BIRCH PARK LN
'061910572900000'	LAURA L WOJCIK DECLARATION OF TRUST	605 SUGAR MAGNOLIA PL
'061910575800000'	MAUREEN MARINO REVOCABLE TRUST	607 SUGAR MAGNOLIA PL
'061910591800000'	CARRASCO DANIEL;CARRASCO COURTNEY	528 SWEET BIRCH PARK LN
'061910594800000'	MARILYN S KIM REVOCABLE TRUST	84 STEWART RD
'061910595800000'	MCINTOSH BONNIE P;MCINTOSH JEFFRIE A	532 SWEET BIRCH PARK LN
'061910598800000'	SMITH KAREN STOWE;SMITH RICHARD DANE	2206 BLACK FOREST DR
'061910670800000'	WORLEY DAVID N	73 APRIL POINT DR S
'061910674800000'	FLANIGAN CAROLYN E;FLANIGAN FRED E	611 SUGAR MAGNOLIA PL
'061910687100000'	ROHRER MARK B;ROHRER TAMARA G	613 SUGAR MAGNOLIA PL
'061910695900000'	JOSEPH A VANO REVOCABLE TRUST;ANN L VANO REVOCABLE TRUST	536 SWEET BIRCH PARK LN

'061910775200000'	SWEET BIRCH COMMONS LLC	825C MERRIMON AVE # 298
'061910783300000'	KRUGER ROBERT;KRUGER BARBARA	615 SUGAR MAGNOLIA PL
'061910785600000'	ABGOTT DEBORAH	617 SUGAR MAGNOLIA PL
'061910788900000'	ABGOTT REBECCA	543 SWEET BIRCH PARK LN
'061910852600000'	BAKER LEONARD M;BAKER GAYE M	10 HIGH ROCK RD
'061910882700000'	BATES MICHAEL DOUGLAS;BATES JENNIFER JACKSON	545 SWEET BIRCH PARK LN
'061910885900000'	BLACK MOUNTAIN SIDE LLC	8630 VISTA DEL BOCA DR
'061910899100000'	LOUISE CHARLESWORTH CO LLC	769 BACKHUS ESTATE RD
'061910948500000'	HOLT KYLE J;HOLT JENNIFER L	123 WHITE OAK CIR
'061910964700000'	WEAVER FAMILY LIVING TRUST	118 WHITE OAK CIR
'061911309200000'	SWEET BIRCH COMMONS LLC	825C MERRIMON AVE # 298
'061911608000000'	ENGLERT LIVING TRUST	538 SWEET BIRCH PARK LN
'061911702000000'	IWIG ALAN;LWIG ANITA	540 SWEET BIRCH PARK LN
'061911706100000'	WISENBAKER PEGGY B;WISENBAKER CARVEL H III	542 SWEET BIRCH PARK LN
'061911709200000'	ZOLL GEORGE MICHAEL;ZOLL DIANE AGNES	544 SWEET BIRCH PARK LN
'061911803200000'	TOBIAS MICHAEL J;TOBIAS SHARON A	546 SWEET BIRCH PARK LN
'061911806300000'	GOLOMB RANDY;GOLOMB MICHELE	18812 CHAVILLE RD
'061911809400000'	CUSHING SHARON D;CUSHING JANICE D	550 SWEET BIRCH PARK LN
'061911903500000'	PATINELLA CATHERINE	552 SWEET BIRCH PARK LN
'061911907600000'	PETERSON STANLEY;PETERSON TERESA T	539 W COMMERCE ST
'061920077900000'	WALKER MICHAEL D;WALKER BARBARA H	104 WHITE OAK CIR
'061920282900000'	WALKER MICHAEL;WALKER BARBARA	104 WHITE OAK CIR
'061920399800000'	BURPEAU ROBERT ALLEN JR;BURPEAU CHRISTI SHARAN	PO BOX 1281
'061921003800000'	SWEET BIRCH COMMONS LLC	825C MERRIMON AVE # 298

'061921101300000'	SWEET BIRCH COMMONS LLC	825C MERRIMON AVE # 298
'061921110000000'	TURINCHAK ARLENE M	558 SWEET BIRCH PARK LN
'061921114000000'	SPRING LISA R	560 SWEET BIRCH PARK LN
'061921117100000'	BORING JOHN M;PURUCKER MARSHA K	562 SWEET BIRCH PARK LN
'061921211300000'	LOVIN CLIFFORD RAMSEY JR;LOVIN LOUANN HUEY	564 SWEET BIRCH PARK LN
'061921214400000'	AMARX CONSTRUCTION LLC	825C MERRIMON AVE # 298
'061921218600000'	TOWNSEND TAYLOR;TOWNSEND STEPHANIE	568 SWEET BIRCH PARK LN
'061921311700000'	AMARX CONSTRUCTION LLC	825C MERRIMON AVE # 298
'061921314900000'	AMARX CONSTRUCTION LLC	825C MERRIMON AVE # 298
'061921535000000'	MILLER GREGORY W;MILLER MEREDITH	110 MEADOW BROOK DR
'061921613900000'	PEPIN RONALD W	106 MEADOW BROOK DR
'061921700600000'	PEPIN RONALD W	106 MEADOW BROOK DR

[illegible]

BLACK MTN	NC	28711
BLACK MTN	NC	28711
ASHEVILLE	NC	28804
SUMMERFIELD	NC	27358
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
WAKE FOREST	NC	27587
VERO BEACH	FL	32960
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
NEEDHAM	MA	2492
BLACK MTN	NC	28711
MARION	NC	28752
MONTGOMERY	TX	77356
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711

ASHEVILLE	NC	28804
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BOCA RATON	FL	33433
GLEN GARDNER	NJ	8826
BLACK MTN	NC	28711
BLACK MTN	NC	28711
ASHEVILLE	NC	28804
BLACK MTN	NC	28711
BLACK MTN	NC	28711
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BLACK MTN	NC	28711
BLACK MTN	NC	28711
LUTZ	FL	33558
BLACK MTN	NC	28711
BLACK MTN	NC	28711
DALLAS	TX	75208
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711
ASHEVILLE	NC	28804

ASHEVILLE	NC	28804
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MOUNTAIN	NC	28711
BLACK MOUNTAIN	NC	28711
ASHEVILLE	NC	28804
BLACK MOUNTAIN	NC	28711
ASHEVILLE	NC	28804
ASHEVILLE	NC	28804
BLACK MTN	NC	28711
BLACK MTN	NC	28711
BLACK MTN	NC	28711



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 SPECIAL USE AMENDMENT (REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **October 2, 2023**

TO: **Property Owner**

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

NAME OF OWNER AND ADDRESS OF THE REAL ESTATE AFFECTED BY THE
PROPOSED SPECIAL USE:
**Sweet Birch Commons LLC
213 Blue Ridge Road**

PROPERTY DESCRIPTION/PIN#: **PIN #0619-10-7752.00000**

CURRENT ZONING CLASSIFICATION: **TR-4**

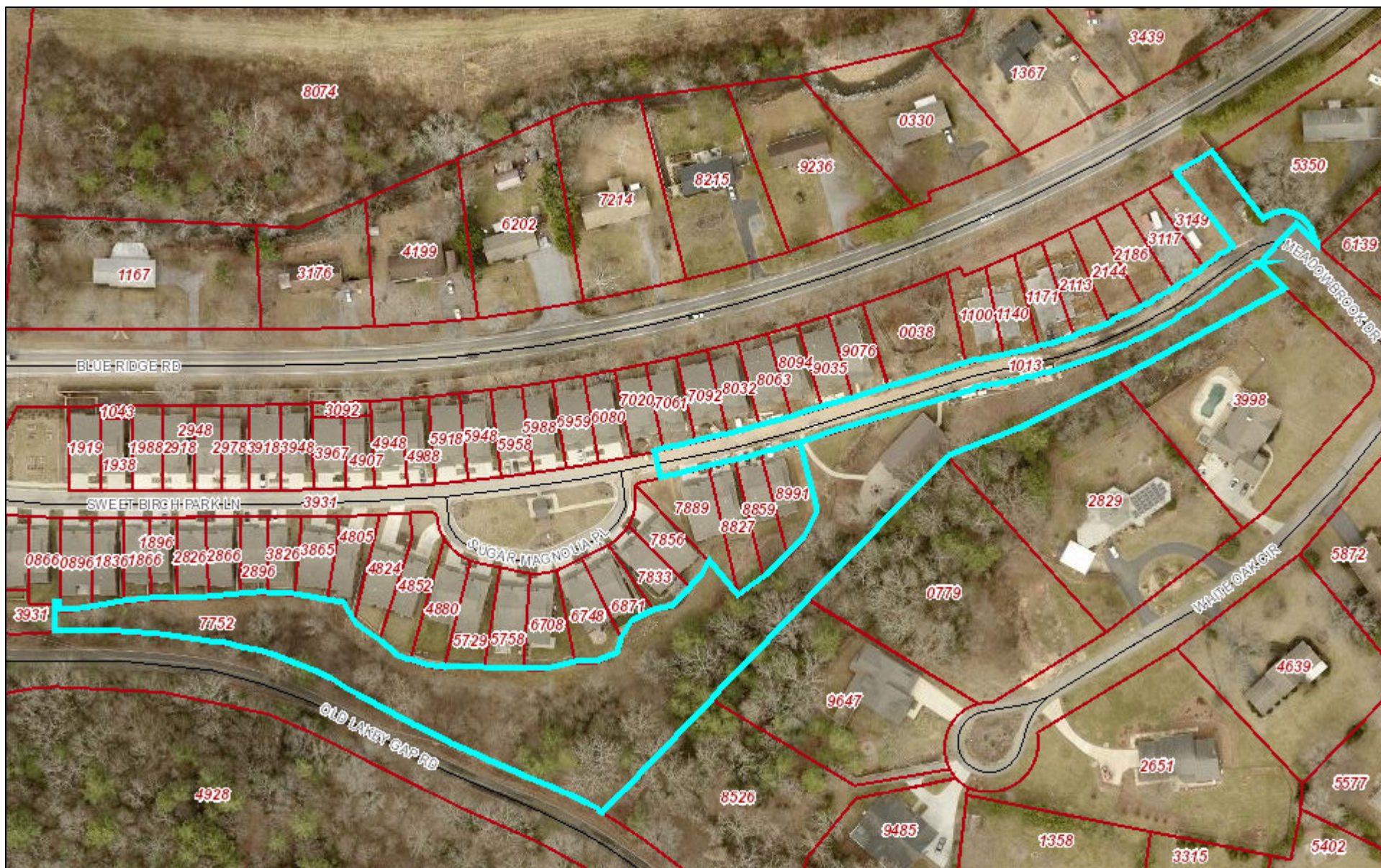
THIS PROPERTY IS CURRENTLY USED FOR THE PURPOSE OF: **Planned Unit
Development**

THE REQUESTED AMENDMENT TO THE SPECIAL USE PERMIT IS:
**To allow residents of Sweet Birch to use the gate located at the intersection of Sweet Birch
Park Lane and Meadowbrook Drive. The gate is currently only for emergency vehicles.
The request is to allow the gate to remain locked, but allow residents to have a code or gate
opener to open and close the gate.**

***An evidentiary hearing will be held on Thursday, October 19, 2023, @ 6:00 p.m. in the
Council Room of Town Hall at 160 Midland Avenue.***

This is your notification for this request specified under 7.2.1 of the Land Use Code for the Town of Black Mountain. Section 7.2.1.1 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.

Buncombe County



October 6, 2023

1:2,257

0 0.0175 0.035 0.07 mi



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, October 19, 2023, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, October 19, 2023, 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 hear a request to amend the special use permit for Sweet Birch Commons, PIN #0619-10-7752, to change the gate at the Meadowbrook Drive and Sweet Birch Park Lane intersection from emergency access only to also allow the residents of Sweet Birch Commons to use the gate for ingress and egress.

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

Posted to the Town Bulletin Board 09/29/2023
Published in the Black Mountain News 10/05/2023 and 10/12/2023

www.townofblackmountain.org