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 November 16, 2023
Date: November 10, 2023

The **Town of Black Mountain Board of Adjustment** will meet on **Thursday, November 16, 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 October 19, 2023;

3. Approval of Order for Sweet Birch Commons SUP Amendment Request;

4. Appeal of Zoning Administrator's Decision for 1104 Montreat Road; and

5. Variance Request for 710 Laurel Avenue.

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 1/Zoning Administrator
Brian Gulden, Town Attorney

PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN BOARD OF ADJUSTMENT

REGULAR MEETING
REUNIÓN ORDINARIA

Thursday, November 16, 2023, 2023, at 6:00 p.m.
Jueves 16 de Noveimbre de 2023, a las 6:00 p.m.

The Black Mountain Board of Adjustment will meet for their monthly meeting on **Thursday, November 16, 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 16 de Noviembre 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 10/31/2023
www.townofblackmountain.org

Board of Adjustment Regular Meeting
November 16, 2023

PROPOSED AGENDA

I. CALL TO ORDER
- **Welcome**
- **Determination of Quorom**

II. ADOPTION OF AGENDA
- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES
- **Motion:** To adopt the minutes of October 19, 2023, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS
- Approval of Order for Sweet Birch Commons SUP Amendment Request
- Appeal of Zoning Administrator's Decision for 1104 Montreat Road
- Variance Request for 710 Laurel Avenue

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, October 19, 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
Andy Homrich
Nicole Stallings, Alternate

Absent:

Larry Pearlman, Vice Chair
Ben Cooper
Chloe Riddle
John Hines, Alternate

Staff:

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

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of two (2) regular members and one (1) alternate.

II. ADOPTION OF AGENDA

Andy Homrich made a motion to adopt the agenda as presented. The motion was approved by a vote of 3-0.

III. ADOPTION OF MINUTES

Andy Homrich made a motion to adopt the minutes of July 20, 2023, as written. The motion was approved by a vote of 3-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. <u>Special Use Permit Amendment Request for Sweet Birch Commons, LLC</u>

Chair Lauren Dodgin read the opening statement. None of the board members had any exparte communications to express.

Jennifer Tipton swore in all people with standing and all persons wishing to speak.

Russell Cate gave a summary of the application. Jack Weaver, Sweet Birch Commons, LLC, is asking that the gate at the end of Sweet Birch Park Lane be changed from its current status of use only by emergency vehicles to be allowed to be used by the residents to access Meadowbrook Drive. The gate would be accessed by a lock or a remote. Mr. Cate read from the 2017 order of the original special use permit that the gate would be used for emergency vehicles and emergency use by residents. The order also stated that there are to be no construction vehicles on Meadowbrook Drive. Mr. Cate also went over three of the findings of facts from the 2017 order

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that spoke directly about the access. To date, the Town has received nine emails and/or memos from household is the Meadowbrook community opposed to the amendment and two from households in Sweet Birch Commons opposed to the amendment.

Jack Weaver, 118 White Oak Circle, said that while he is a member of Sweet Birch Commons, LLC, he was there on behalf of the residents who would like the gate to be opened for regular use. Mr. Weaver said that when the development was proposed five years ago, he did not have an issue about the construction traffic not using Meadowbrook Drive because they had to bring in a lot of fill dirt to raise the property of the floodplain. Mr. Weaver said that he was required to put in the road along with a drainage system that was not anticipated. The drainage system project was extensive and involved laying three hundred and sixty feet of pipe to connect to the Swannanoa River. Mr. Weaver said that the drainage system would not have been necessary without the road. Mr. Weaver said that he is uncomfortable with only one way in and out of the development but did build the road to the Town standards so that it can be petitioned in the future to potentially be taken over by the Town. Mr. Weaver spoke about the system development fees and taxes that are paid by the residents and thinks the road should be open with no gate. Mr. Weaver did an ad hoc vote at a homeowners' association meeting and access would only be by the residents of the development with a garage door opener type of remote. Delivery trucks would not be allowed to use the gate and there would be no through traffic except for the residents. There are twenty homes in phase three so it would be a minimum amount of traffic. Mr. Weaver said that some residents want the gate opened permanently but that it would be up the residents once he leaves the subdivision. Mr. Weaver said that he has used the same paving contractor that the Town uses and will have Public Works Director Jamey Matthews do a walk-through of the road before the final topcoat. The development does have to wait for one year after completion before they can petition the Town to take over the roads. Mr. Weaver said that currently the gate has an audible alarm and Knox box that the Fire Department has a key to. Mr. Weaver stated that there are sixty homes in the subdivision and each unit can park two cars in the driveway and also have a two-car garage. Mr. Weaver said that a lot of the residents are not full-time and that about 80-90% of the residents are over the age of sixty and there is only one child in the development. Mr. Weaver said that he does not anticipate that demographic to change.

Currently, if the gate were to be allowed for regular use, the residents of Sweet Birch could use Meadowbrook Drive, but the residents of Meadowbrook Drive could not use Sweet Birch Park Lane. If the roads in the development do become public, then the gate would have to be removed as public roads cannot be blocked off.

Amber and Stephen Ratliff, 102 Meadowbrook Drive, said that they were at the meeting representing the Meadowbrook Community. They presented a PowerPoint presentation for the board. The presentation included a neighborhood petition signed by the majority of the community opposing the requested amendment due to increased traffic that would impact safety of walk pedestrians, residents, and vehicles, add additional wear and tear to the current poor conditions of Meadowbrook Drive, and increase and contribute to general traffic safety. Currently, the Village of Cheshire Flats are also using Dogwood Drive and Lynch Cove Road to come down to NC 9 Hwy, already causing additional traffic through the neighborhood, and opening the gate would just increase that traffic even more. Dogwood Lane is a narrow road with a bridge and has the entrance to the Creekside Complex and walking trails. There is limited

visibility and vegetation in the sight triangle at the intersection of Dogwood Lane, Meadowbrook Drive, and Lynch Cove Road. There is also a misalignment of Lynch Cove Road which causes confusion for some drivers. Meadowbrook Drive is listed as a dead-end street with a sign along with a sign for children at play. The neighbors felt assured that Sweet Birch would not be used as through traffic based on the order from the 2017 special use permit. The presentation also provided a comparison of Meadowbrook Drive and Sweet Birch Park Lane showing the difference in road widths and conditions. There are already a bunch of pedestrians who walk along Meadowbrook Drive, including residents of Sweet Birch. The presentation also spoke about an advertisement on Greybeard Realty's website that the development is advertised as having no through traffic. Mr. and Mrs. Ratliff concluded their presentation asking that the board vote no to the requested amendment to help preserve their neighborhood.

Jack Weaver, 118 White Oak Circle, said that he lives in the Meadowbrook neighborhood and drives that road every day and said that the neighbors are treating the road like it is a private road when it isn't and that children should not be playing in the road. Mr. Weaver said that the residents of Sweet Birch would like to be able to drive their car to the YMCA or the Creekside Complex and not always have to walk.

Stephen Ratliff, 102 Meadowbrook Drive, said that everyone was a kid once and played in the road at one time or another. Mr. Ratliff feels like the request is being asked for convenience and is overlooking the safety concerns.

John Boring, 562 Sweet Birch Park Lane, said that he lives in phase three of the development and feels that there have been valid points brought up. Mr. Boring said that there is a lot of traffic coming from Lynch Cove Road and feels that if the gate were to be opened, it would bring additional traffic through Sweet Birch for people trying to bypass NC 9 Hwy to get to US 70 Hwy. Mr. Boring said that traffic is especially heavy in the morning as people are heading to work and in the evenings as people are coming home from work and has seen both large trucks and small cars using the roads. Mr. Boring said that most of the residents are sixty and older and some are disabled and feels that most of the residents would use the main entrance onto Lakey Gap Road and only five to six residents would use the gate. Mr. Boring strongly encourages that the gate remain.

Michael Bates, 545 Sweet Birch Park Lane, said that he feels the gate fails its initial intent because the road in the development was block by a utility truck and no one was able to get in or out and would have caused an issue for emergency vehicles. Mr. Bates said that there is no guarantee that someone would have a key to unlock the gate. Mr. Bates said that if there were a dire emergency, it could be too late if the gate cannot be accessed. Mr. Bates feels that the Town has an obligation to protect all of the citizens.

Mike Tobias, 546 Sweet Birch Park Lane, is a retired fire chief of thirty-five years and said that most developments do require two means of ingress and egress. Mr. Tobias said that the Knox Box that is on the gate is a controlled key way and duplicate keys cannot be made. Mr. Tobias noted that the in the order from 2017, it does state that the gate is to be used by residents in an emergency situation and suggested that there could be another controlled key way daisy-chained to the Knox Box that could be accessed by the residents in an emergency situation. It

would require that a person get out of their vehicle, open the gate, drive out, close the gate, and lock the gate back, and that would help limit the use and not it make it routine.

Bob Morrison, 601 Sugar Magnolia Place, said that he advocates for no gate and asked if there have been any other developments that have petitioned the Town to take over the roads. Mr. Morrison said that he has lived in the development for three years and feels that only the residents at the very end of the development would use the gate because there is really no benefit to going through the Meadowbrook neighborhood. Mr. Morrison said that he would be hard pressed as a taxpayer to limit access to a public road.

Mikey Nelson, 504 Sweet Birch Park Lane, said that he worries for the neighbors at the end of the development and asked if there are other neighborhoods or roads that have blocked off connecting streets. Mr. Nelson spoke about double locks that are used by Fire Departments and have a combination lock on the bottom and could be used by the residents to allow access of the gate as a secondary way out in an emergency. Mr. Nelson said he is in favor of removing the gate, but in the meantime, the issued could be easily resolved by the tumbler lock in conjunction with the Knox Box.

Stephen Ratliff, 102 Meadowbrook Drive, asked if two means of ingress and egress are required for subdivisions and that there could have been other alternatives, such as Blue Ridge Road. Mr. Ratliff said that the fire department is one mile down the road and they will cut the lock if they can't access the Knox Box.

Jack Weaver, 118 White Oak Circle, said that he could not get access to Blue Ridge Road as DOT would not allow it and it would have required deacceleration lanes and he was required to have the two means of ingress and egress.

Allen Burpeau, 102 White Oak Circle, said that he does not support the gate being opened and spoke about the minutes and the order from the 2017 special use permit hearing in that it was stated that the gate would not be opened at any time except for emergency use. Mr. Burpeau said that since that is what was promised and is in the order and the minutes, then it should be upheld. Mr. Burpeau said that the Town has a great 911 infrastructure and to call them in an emergency. Mr. Burpeau spoke about the developer building the road to Town standards to then force the Town's hand to remove the gate. Mr. Burpeau spoke about understanding the risk and rewards of the communities and that is they people have moved here, but then don't try to change it to what they had.

Michael Bates, 545 Sweet Birch Park Lane, spoke about emergency access and ADA compliance and that is not practical to have a lock, but a clicker would work and the gate needs to be accessible to all.

Mike Tobias, 546 Sweet Birch Park Lane, stated that the order also included that the gate could be used by residents in an emergency. Mr. Tobias said that while calling 911 is important, if the fire department is at minimum staffing and has a structure fire, then that is what they are going to focus on to save life and property, so the residents need to be able to access the gate in an emergency situation.

Andy Homrich made a motion to go into recess at 7:45 p.m. The motion was approved by a vote of 3-0. The board discussed that any road could be obstructed and the Town has lots of small roads. They also discussed that the 2017 order does have a provision for residents to use the gate in the case of an emergency. The board also felt that it was unfair to the Meadowbrook community since they would not be able to use Sweet Birch Park Lane and the increased traffic would dramatically change the community. The board also noted that there has not been a change in conditions since the original order that would necessitate that the gate be opened or used on a regular basis. Andy Homrich made a motion to come out of recess at 7:56 p.m. The motion was approved by a vote of 3-0.

In closing statements, Jennifer Tipton just noted that the development having a gate does not make it a gated community and that the specific request is that the gate be allowed to be used on a regular basis.

Stephen Ratliff, 102 Meadowbrook Drive, said that they have shown where the Meadowbrook community stands and that it would be a dramatic impact to the neighborhood and that they would not have the same access through Sweet Birch.

Andy Homrich made a motion to close the evidentiary hearing. The motion was approved by a vote of 3-0.

Due to the original order having a provision for residents to use the gate in an emergency and having a remote or clicker is not in the spirit and intent of the order, Andy Homrich made a motion to deny the special use permit amendment. The motion was approved by a vote of 3-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, Chair Dodgin made a motion to adjourn the meeting at 8:01 p.m. The motion was approved by a vote of 3-0.

Prepared by:

_____
Lauren Dodgin, Chair

_____
Jennifer Tipton, Senior Admin

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TOWN OF BLACK MOUNTAIN
COUNTY OF BUNCOMBE

BEFORE THE BLACK MOUNTAIN
BOARD OF ADJUSTMENT

In the Matter of the Application of)
Jack Weaver, Sweet Birch)
Commons, LLC for an Amendment)
to Special Use Permit for Sweet) FINDINGS OF FACT AND ORDER
Birch Commons Development)
_____)

THIS CAUSE, coming on before the Board of Adjustment for the Town of Black Mountain on October 19, 2023, upon the application of Jack Weaver, Sweet Birch Commons, LLC, for an amendment to the 2017 special use permit for Sweet Birch Commons to allow the gate located at the intersection of Sweet Birch Park Lane and Meadowbrook Drive to be allowed for regular use by the residents of Sweet Birch Commons.

Jack Weaver appeared to present the applicant's case.

Stephen and Amber Ratliff appeared to present the opposition's case.

Russell Cate, Planner I and Zoning Administrator, and Jennifer Tipton, Senior Admin, appeared for the Town staff.

The Board of Adjustment, having heard and considered the testimony of Town staff and all witnesses, and having considered all of the evidence presented by the Town staff and the Applicant and Opposition and the statements and arguments for the Applicant and the Opposition, makes the following

FINDINGS OF FACT

1. The Board of Adjustment has jurisdiction over this matter pursuant to Section 7.2.10 of the Land Use Code.

2. Proper notice of this meeting and hearing of the Board of Adjustment was provided as required by the Town Ordinance and the state law.

3. Applicant is a member of Sweet Birch Commons LLC, who is the owner of the common space located on 213 Blue Ridge Road, Black Mountain, North Carolina, which has the current PIN number of 0619-10-7752-00000 as shown the Buncombe County tax maps, being all of that Common Area as shown on that plat recorded in Plat Book 0225 at Page 0078, Buncombe County Register of Deeds.

4. That an approved order for a special use permit for Sweet Birch Commons was issued on August 31, 2017, with four conditions.

5. That condition number one of the 2017 order states “that 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 (police, fire, 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”.

6. That the 2017 order made twenty-three findings of fact, three of which pertain to access.

7. That finding of fact number fourteen of the 2017 order states that “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 projects will have driveways that connect to an internal street, limiting entrances on to a 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”.

8. That finding of fact number eighteen of the 2017 order states that “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”.

9. That finding of fact number twenty-two of the 2017 order states 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”.

10. That the 2017 order already provides for the residents to be able to use the gate in emergency situations.

11. That conditions of the Sweet Birch Commons development have not changed to warrant or support opening the gate for regular use by the homeowers.

BASED UPON THE FOREFOING FINDINGS OF FACT, THIS BOARD concludes that the gate shall remain for emergency use only by emergency vehicles and the residents of Sweet Birch Commons.

IT IS NOW, THEREFORE, ORDERED, that the applicant's request for an amendment to the 2017 special use permit is denied.

This the _____ of October 2023.

_____
Lauren Dodgin, 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 Board of Adjustment, in the Town of Black Mountain Code of Ordinances.

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

November 10, 2023

Chair to the Board of Adjustment
160 Midland Avenue
Black Mountain, NC 28711

VIA Email and Regular Mail

RE: **Black Mountain Machine and Tool, Inc. Appeal to the Board of Adjustment**

Dear Chair,

Pursuant to N.C.G.S. §160D-405(e), please find enclosed the Record in the above-referenced case, which I am transmitting to the Board of Adjustment. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jennifer Tipton
Clerk to Board of Adjustment

Enclosure

CC: Sam Tolley
James Tolley
Jim Ellis, Esq.
Brian Gulden, Esq.
Board of Adjustment Members
Russell Cate, Planner I/Zoning Administrator
Jessica Trotman, Planning Director

BEFORE THE TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT
BUNCOMBE COUNTY

BLACK MOUNTAIN MACHINE & TOOL, INC)
APPEAL OF ZONING ADMINISTRATOR'S DECISION)
1104 MONTREAT ROAD)
BLACK MOUNTAIN, NC 28711)
)

RECORD

Letter of Evidence from Russell Cate……. 3

Appeal Application Dated October 17, 2023……4

Letter from Tenant of 1104 Montreat Road……..5

Electric Bill for 1104 Montreat Road……6

Water Bill for 1104 Montreat Road……..7

Insurance Information for 1104 Montreat Road……8

Deposit Slip for 1104 Montreat Road……9

Legal Notice of Evidentiary Hearing for Appeal……..10

Certificate of Service…….11

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

September 21, 2023

1104 Montreat Road – PIN #0710-41-3393.00000

1. No Planning Department employee has noticed business activity, or evidence of any sort of other activity, at 1104 Montreat Road for the last several years.
2. 1104 Montreat Road failed a fire inspection on 8/8/2022 with the Fire Marshal noting that the building was under renovation, with much equipment moved out, other equipment being moved out, and no sign of a tenant using the space.
3. At the request of Jim Tolley, Sam Tolley and their realtor, Planning staff met with them on 01/11/2023 to discuss redevelopment possibilities. The Tolley's and their realtor expressed being strongly motivated by the property being vacant, with them desiring the property to be sold at a high price, hoping that a new owner could build at least 11 units of residential.
4. At the request of Jim Tolley, Sam Tolley and their new realtor, Planning staff met with them on 8/23/2023 to discuss redevelopment possibilities. As with the 01/11/2023 meeting, the 08/23/2023 meeting involved the Tolley's expressing wanting a high dollar amount for the property, with them being motivated by the property's vacant status and the possibility of high-density infill residential development.
5. Nowhere on the Black Mountain Machine and Tool website (https://blackmtnmachine/com)
6. The Buncombe County property record card for 2988 US 70 Hwy, which lists the owner as Black Mountain Machine & Fabrication, Inc., shows a transfer date (purchase date) of 08/30/2012. The property record card lists the owner's address as 2988 US 70 Hwy and not 1104 Montreat Road.

Russell Cate
Planner I/Zoning Administrator

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

APPEAL FORM www.townofblackmountain.org

APPELLANT INFORMATION

Name: Black Mountain Machine & Tool Inc.

Address: 1104 Montreat Road Black Mountain, N.C. 28711

Phone #: 828-669-9557

Email: sam@blkmtnmach.com

APPEAL FROM DECISION OF ZONING ADMINISTRATOR

This is an appeal from a decision of the Zoning Administrator, to wit:

AFFECTED PROPERTY

Address: 1104 Montreat Road Black Mountain, N.C. 28711

PIN #:

Zoning Classification: ?

GROUNDS FOR APPEAL

Notification of Light Mfg. Rating

Have Never ceased, nor planned to cease Mfg of current @ 1104 Montreat Rd.

STATEMENT AND SUBSTANTIATION OF STANDING

Letter from Elliott Rental of Property With Black Mtn Machine
Copy of Power Bill in name of: Black Mtn Machine 1104 Montreat Road
Copy of Water Bill in Name of: Black Mtn Machine 1104 Montreat Road
Copy of Million $ Insurance in Name of: Black Mtn Machine 1104 Montreat Road
Copy of Rent & Power Deposits from Elliott Machine Services @ 1104 Montreat Road

ACKNOWLEDGEMENT

James F. Talley - President
Appellant

Date: 10-17-2023

James Ellis - Attorney
Attorney for Appellant

Date: 10-17-2023

OFFICE USE ONLY

Date Received: October 18, 2023

Received by: Jennifer Upton

From the desk of :

Eric Elliott

DBA: Elliott Machine Services

1104 Montreat Road

Black Mountain , N.C 28711

To whom it may concern . I have been running a sister company to Black Mountain Machine since July 2017 out of this building . I have 2 CNC Mazak Lathes and 1 CNC Mazak Mill on which I run parts on weekly, if not for BMM for other shops in the area . I also service and repair other CNC machines sometimes at this shop and other times at the customers facility. At times I pick up older equipment and recondition it to sell and put back out in the manufacturing market place. I also do fabrication work out of this shop for a company that builds suspended adventure training coarses for colleges and the military. I can show where I have paid the rent and power bills on this building the entire time I have been here. It would be a shame to see this piece of property get rezoned for anything other than the commercial zoning the property has had since the Tolley family acquired it some 50yrs. Ago or so. I hope this shows that this property is still used as a manufacturing facility now just like it has been since the Tolley family took ownership of the property. Thanks for your time .

Eric Elliott

Eric Elliott

DUKE ENERGY® PROGRESS

duke-energy.com
866.582.6345

Your Energy Bill

Service address
BLACK MOUNTAIN MACH & FAB INC
1104 MONTREAT RD
BLACK MTN NC 28711

Bill date Oct 10, 2023
For service Sep 8 - Oct 6
29 days

Account number **9100 8122 0970**

Billing summary

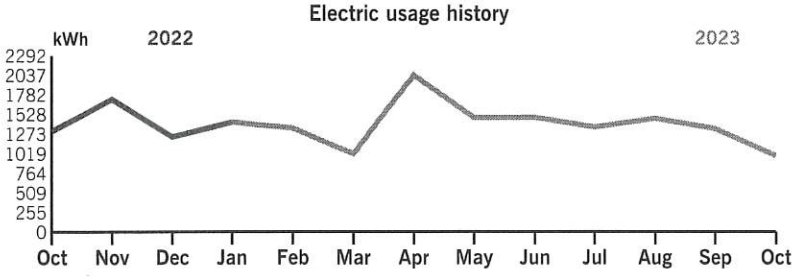
Previous Amount Due	$219.76
Payment Received Oct 06	-219.76
Current Electric Charges	165.93
Taxes	11.62
Total Amount Due Nov 06	**$177.55**

Thank you for your payment.

To help us repair malfunctioning streetlights, quickly: 1. Visit duke-energy.com/lightrepair 2. Provide us with the light's location and your contact information. 3. Specific addresses, landmarks and directions work best.

Your usage snapshot

Electric usage history



Average temperature in degrees

53° 47° 39° 43° 48° 49° 56° 62° 68° 74° 74° 67° 65°

	Current Month	Oct 2022	12-Month Usage	Avg Monthly Usage
Electric (kWh)	991	1,308	16,937	1,411

12-month usage based on most recent history

Late payments are subject to a 1.0% late charge.

Please return this portion with your payment. Thank you for your business.

DUKE ENERGY® PROGRESS
Duke Energy Return Mail
PO Box 1090
Charlotte, NC 28201-1090

Account number
9100 8122 0970

Amount of automatic draft

$177.55
by Nov 6

Your payment is scheduled to be made by monthly automatic draft on Nov 6

$_____ Add here, to help others with a contribution to Share the Light

$_____ **Amount enclosed**

BLACK MOUNTAIN MACH & FAB INC
PO BOX 1106
BLACK MTN NC 28711-1106

Duke Energy Payment Processing
PO Box 1094
Charlotte, NC 28201-1094

8891008122097000055000000000000017755000017755 8

TOWN OF BLACK MOUNTAIN
160 Midland Avenue
Black Mountain, NC 28711-3112

828.419.9313 www.townofblackmountain.org

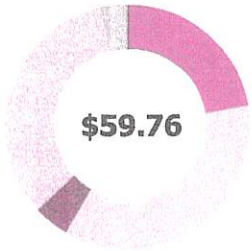
Account Information

Account Number	**06-02760-01**
Account Name	BLK MTN MACHINE INC
Service Address	1104 MONTREAT RD
Bill Date	10/01/23

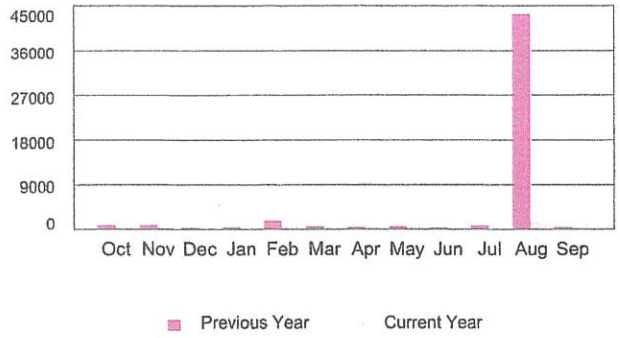
My Current Charge Breakdown

For an explanation of your bill charges visit **townofblackmountain.org**

Water Charges
Sewer Charges
Stormwater Charges
Sanitation
Town Misc Charges



My Water Usage (12 billing periods)



Total Current Charges Due by 10/20/23

$59.76

Thank you, we received your payment of -$75.95 on 09/15/23.

Account Summary

Previous Balance	$75.95
Payments Received - Thank you!	-$75.95
Balance Forward	$0.00

Current Charges & Adjustments

See back for charge details

Water Charges	$13.29
Metropolitan Sewerage District Charges	$21.65
Stormwater Charges	$20.00
Sanitation	$2.00
Town Misc Charges	$2.82
Total Current Charges	**$59.76**
Total Amount Due	**$59.76**
Amount Due if Received After the Due Date	$69.76

Did You Know?

IMPORTANT MESSAGES

Please include the bottom portion of your statement if paying by mail or bring it with you when paying in person.

RKAIN0019JPTR250 - 14122RAA29 A 1 6d9 1 2 0 495 www.datamaxx.com

DocuSign Envelope ID: 1497A488-9A8D-4396-B2C7-2030D4AE5695

First Citizens Insurance Services

Named Insureds

Black Mountain Machine & Tool, Inc.

Property

Issuing Company: Hanover Insurance Company
Policy Term: 9/1/2022 - 9/1/2023
Policy #: OH63864707 14

1 - 1 Manufacturing/Machine Shop 1104 Montreat Rd. Black Mountain, NC 28711					
Subject of Insurance	Amount	Cause of Loss	Coinsurance	Deductible	Valuation
Business Income with Extra Expense	12 months	Special (Including theft)	n/a	24 hours	Actual Loss Sustained
Business Personal Property	$677,002	Special (Including theft)	80%	1,000	Replacement Cost
Building	$881,732	Special (Including theft)	80%	1,000	Replacement Cost

2 - 1 Office/Warehouse 2988 US Highway 70 Black Mountain, NC 28711					
Subject of Insurance	Amount	Cause of Loss	Coinsurance	Deductible	Valuation
Building	$948,095	Special (Including theft)	80%	1,000	Replacement Cost
Business Income with Extra Expense	12 months	Special (Including theft)	n/a	24 hours	Actual Loss Sustained
Business Personal Property	$2,900,074	Special (Including theft)	80%	1,000	Replacement Cost

DATE 10-2-2023

	DOLLARS	CENTS
CURRENCY		
COINS		
TOTAL CASH		
CHECKS		
1 Flash	200.	00
2 Scott Rent		
3 Ellett	219.	26
4 Aug Rent		
5 Team Ind.	49.	96
6		
7 Blue Ridge	320.	59
8 Metal		
9 Tooling	6289.	50
10 Inc		
11 Fastenal	8303.	23
12 Inc		
13		

BLACK MOUNTAIN MACHINE AND TOOL INC.
1104 MONTREAT RD
P.O. BOX 1106
BLACK MOUNTAIN, NC 28711

First Ci

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sary.

21-907575 (05/18)

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66-30/531
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Member FDIC

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USE ROUTING NUMBER FROM YOUR CHECKS FOR AUTOMATIC PAYMENTS. || CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE AND ANY APPLICABLE COLLECTION AGREEMENT

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, November 16, 2023, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, November 16, 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 an appeal of the Zoning Administrator's decision for 1104 Montreat Road, PIN #0710-41-3393.0000, that the building has ceased operations for longer than one hundred and eighty days and is no longer grandfathered for manufacturing use in the UR-8 zoning district.

The meeting is open to the public.

Jennifer Tipton

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 10/31/2023
Published in the Black Mountain News 11/02/23 and 11/09/2023

www.townofblackmountain.org

CERTIFICATE OF SERVICE

This is to certify that the foregoing Record has been duly served by depositing a copy of the same in the United States Mail, first-class, postage pre-paid, as well as by electronic mail, to the following:

Mr. Sam Tolley
2005 N Fork Right Frk
Black Mountain, NC 28711
sam@blackmtnmach.com

Mr. James Tolley
PO Box 1106
Black Mountain, NC 28711
jim@blackmtnmach.com

Mr. James Ellis, PA
110 N Dougherty Street
Black Mountain, NC 28711
james@stoneandchristy.com

Mr. Brian Gulden, PA
11 N Market Street
Asheville, NC 28801
BGulden@vwlawfirm.com

Lauren Dodgin
Board of Adjustment Member
PO Box 847
Black Mountain, NC 28711
ladodgin@gmail.com

Ben Cooper
Board of Adjustment Member
PO Box 5472
Charlotte, NC 28299
bcooper@logicalresourcesllc.com

Larry Pearlman
Board of Adjustment Member
203 N Park Lane
Black Mountain, NC 28711
Larryrpearlman42@gmail.com

Chloe Riddle
Board of Adjustment Member
112 Brookhaven Drive
Black Mountain, NC 28711
chloeptreadway@gmail.com

Andy Homrich
Board of Adjustment Member
309 Lake Oak Drive
Black Mountain, NC 28711
Andyhomrich.bmt@gmail.com

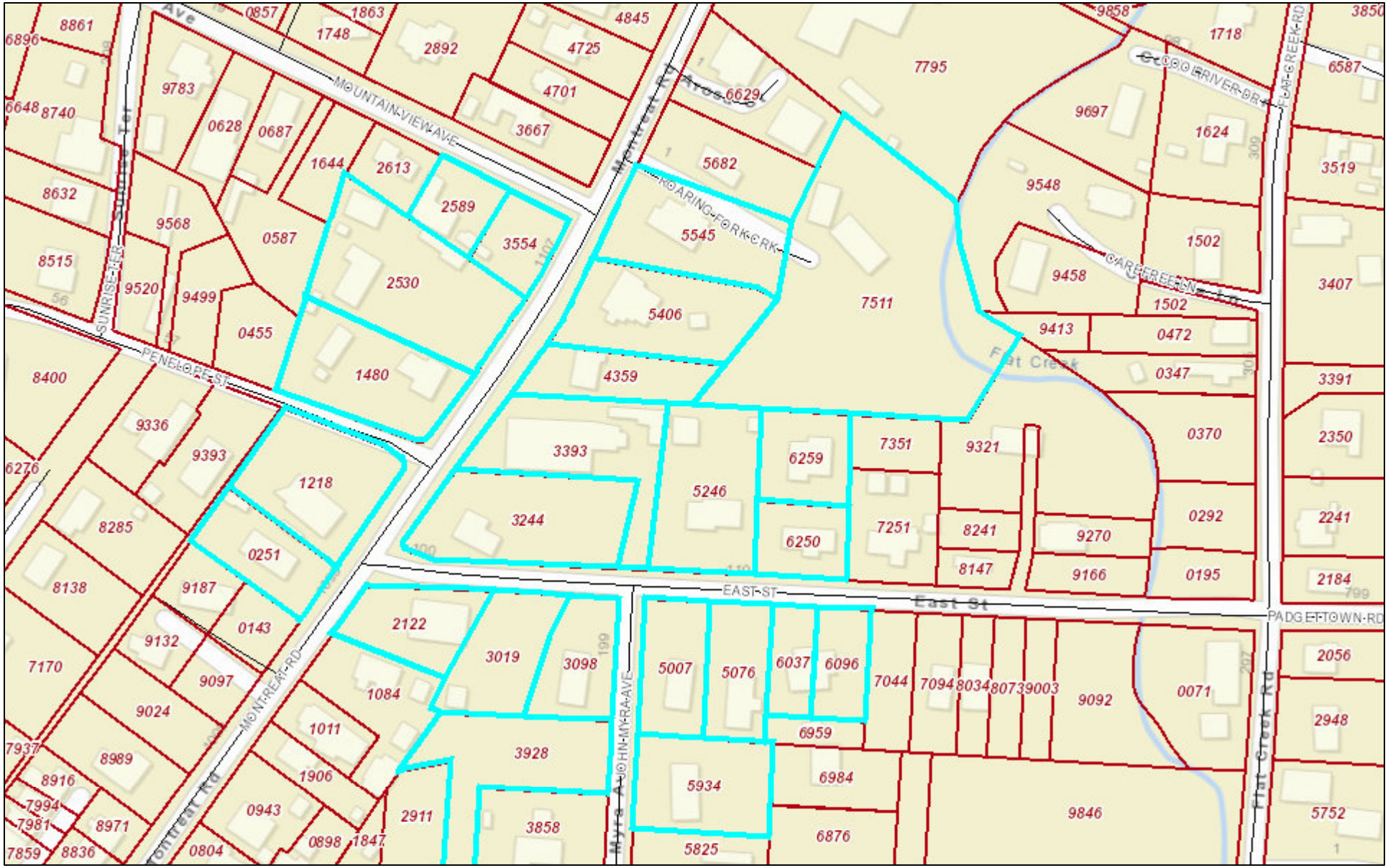
John Hines
Board of Adjustment Alternate
203 S Blue Ridge Road
Black Mountain, NC 28711
John.hines@gmail.com

Nicole Stallings
Board of Adjustment Alternate
267 Fern Way
Black Mountain, NC 28711
Ndstallings01@yahoo.com

Russell Cate
Planner I/Zoning Administrator
160 Midland Avenue
Black Mountain, NC 28711
Russell.cate@tobm.org

Jessica Trotman
Planning Director/Assistant Town Manager
160 Midland Avenue
Black Mountain, NC 28711
Jessica.trotman@tobm.org

Case #A-01-23 - 1104 Montreat Road - Buffer Map



October 23, 2023

1:2,257

0 0.0175 0.035 0.07 mi

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

Case #A-23-01 - 1104 Montreat Road - Property Owner List

Name	Address	City	State	Zip
Eric Vincent Benjamin Sr	127 Carpenter Cir	Sewanne	TN	37375
Derose Stewart	21 John Myra Ave	Black Mountain	NC	28711
Office Furniture Dist Inc	590 Lakey Gap Rd	Black Mountain	NC	28711
Zeb B Long; Laura C Long	1015 Montreat Rd	Black Mountain	NC	28711
Ronald Allen Halford; Glenda L Halford	1103 Montreat Rd	Black Mountain	NC	28711
Rebecca Janes	PO Box 174	Ridgecrest	NC	28770
Glenda L Halford	1103 Montreat Rd	Black Mountain	NC	28711
Mark Catoe	6 Carrier Pl	Asheville	NC	28806
Kathryn Taylor	100 East St	Black Mountain	NC	28711
Anne C Foreman Trust Rebecca S Jones & David W Clowney	90 John Myra Ave	Black Mountain	NC	28711
Samuel C Tolley	2005 N Fork Right Frk	Black Mountain	NC	28711
Roland H Tolley; James F Tolley	PO Box 279	Swannanoa	NC	28778
Mark Catoe	6 Carrier Pl	Asheville	NC	28806
Ashley Westmoreland	14 Inspiration Way	Swannanoa	NC	28778
Arthur Curtis Pertiller	PO Box 214	Black Mountain	NC	28711
Patricia Andrews	112 East St	Black Mountain	NC	28711
Otho Sherrill; Jessie Sherrill	111 East St	Black Mountain	NC	28711
Elizabeth W Henry	1108 Montreat Rd	Black Mountain	NC	28711
Edward W Colley Jr; Edward W Colley III	50 Green Forest Rd	Swannanoa	NC	28778
Kathryn Anne Schutz	118 East St	Black Mountain	NC	28711
William Alexander; Laura Alexander	44 Skyland Cir	Asheville	NC	28804
Christopher Scott Eller	PO Box 5474	Asheville	NC	28813
Rent WNC LLC	PO Box 5474	Asheville	NC	28813
Edward W Colley Jr; Edward W Colley III	50 Green Forest Rd	Swannanoa	NC	28778

PIN #
71040392800000
71040593400000
71041025100000
71041121800000
71041148000000
71041212200000
71041253000000
71041258900000
71041301900000
71041309800000
71041324400000
71041339300000
71041355400000
71041435900000
71041500700000
71041507600000
71041524600000
71041540600000
71041554500000
71041603700000
71041609600000
71041625000000
71041625900000
71041751100000

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 APPEAL

(REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **November 1, 2023**

TO: **Property Owner**

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

This is an appeal from a decision of the Zoning Administrator, to wit:

That the manufacturing use has been discontinued and is no longer a grandfathered use.

Address, PIN # and Zoning Classification of Property Affected:

1104 Montreat Road
0710-41-3393.00000
UR-8 (urban residential)

Name, Address and Telephone Number of Party Appealing:

Black Mountain Machine & Tool, Inc.
2988 US 70 Hwy, Black Mountain, NC 28711
828-669-9557

Brief Statement of Grounds for Appeal:

Have not ceased, nor plan to cease, manufacturing at 1104 Montreat Road.

An appeal hearing in the nature of certiorari will be held on Thursday, November 16, 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 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.

Case #A-01-23 1104 Montreat Road Aerial Map

October 24, 2023

1:1,128

0 0.0075 0.015 0.03 mi

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, November 16, 2023, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, November 16, 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 an appeal of the Zoning Administrator's decision for 1104 Montreat Road, PIN #0710-41-3393.0000, that the building has ceased operations for longer than one hundred and eighty days and is no longer grandfathered for manufacturing use in the UR-8 zoning district.

The meeting is open to the public.

Jennifer Tipton
Senior Admin

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Posted to the Town Bulletin Board 10/31/2023
Published in the Black Mountain News 11/09/23 and 11/16/2023

www.townofblackmountain.org

Town of Black Mountain Staff Report
Board of Adjustment

Case No: V-23-03
Case Name: 710 Laurel Ave.

Hearing Date: November 16, 2023
Procedure: Variance Evidentiary Hearing

Address of Variance Request:
710 Laurel Avenue
Black Mountain, NC 28711
PIN # 0619-09-9258-00000

Applicant:
Tim and Sheila Eastman
710 Laurel Ave.
Black Mountain, NC 28711

Request:
The applicant is seeking a variance from the side setback requirement of 10 feet, reducing it to five feet. The context of the request is the conversion of a 480 square foot stand-alone garage (24' x 20') that is five feet from the side property line. The garage is to be converted to a finished area consisting of two bedrooms and one bath. A 96 square foot finished area (12' x 8') will connect this space to the existing 948 square foot house, which Buncombe County GIS lists as having two bedrooms and 1 ½ baths. The height of the project is 12 feet.

Town Staff:
Jennifer Tipton, Clerk to ZBA
Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicant is seeking a variance from the side setback requirement of 10 feet, reducing it to five feet, to allow an existing stand-alone garage to be converted to dwelling unit space and connected to the existing home. Section 4.7.15 of the Town of Black Mountain Land Use Code states that the side setback requirement in the Urban Residential (UR-8) zoning district is 10 feet.

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 Urban Residential (UR-8) and the required setbacks are as follows:

Section 4.7.15 - Dimensional Requirements for 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	South	East	West
Adjacent Zoning Designation	UR-8	UR-8	UR-8	UR-8
Adjacent Land Uses	Residential (single-family)	Residential (single-family)	Residential (single-family)	Residential (single-family)

Existing Conditions

The subject property is a .31-acre parcel in the UR-8 zoning district. The average slope of the lot is 8.58%. Below is an image of the lot from Buncombe County GIS with the *5 Foot Contours*, *Stream & River*, and *2020-DFIRM Foodway* layers turned on. No 'blue line stream' or blue AE zone (flood) is shown on or adjacent to the parcel. (Note: the image is "2023 Imagery.")

Below is a street view of the property from Laurel Ave. (GoogleMaps; image date: Nov. 2022):

IV. NOTIFICATION

Notice of the variance request and hearing was mailed to all 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 October 31, 2023. Legal notice appeared in the Black Mountain News the weeks of November 2, 2023, and November 9, 2023. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

Staff's analysis is that by connecting what is now a stand-alone garage to the house, the entire structure must conform with the UR-8 zoning district's setback requirements. Section 4.4.3(A) of the Town of Black Mountain Land Use Code states that "Yard and setback requirements shall be met unless variance is granted by the board of adjustment."

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).

VARIANCE APPLICATON

PROPERTY OWNER INFORMATION

Owner Name		
Tim and Sheila EASTMAN		
Owner Address (Number, Street, City, State, ZIP)		
710 Laurel Avenue, Black Mountain, NC 28711		
Home Phone	Cell Phone	Email Address

APPLICATION FOR VARIANCE

I request a variance/variances from the following provisions of the ordinance:

Section Number(s): 4-7-15 **Section Title(s):** Minimal Yard Requirements

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)***:

_____

_____

_____

PROPERTY INFORMATION

Parcel Number	Current Zoning	Acreage
061909925800000	UR-8	.31
Address		
710 Laurel Avenue		
Average Slope %	**Use of Property**	
FLAT	Residential	

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	Date
Heather A. Parrish Tim, Sheila Eastman	10/26/23

OFFICE USE ONLY

Date Received:	Fee: $600.00
10/26/2023	Cash: ☐ Check: ☑ # 202 Credit: ☐
Case Number: V-23-3	Meeting Date: 11/16/2023

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.

   Not turning the garage into 2 bed/1 bath would force building a addition to another part of existing house - would require removing large old trees.

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.

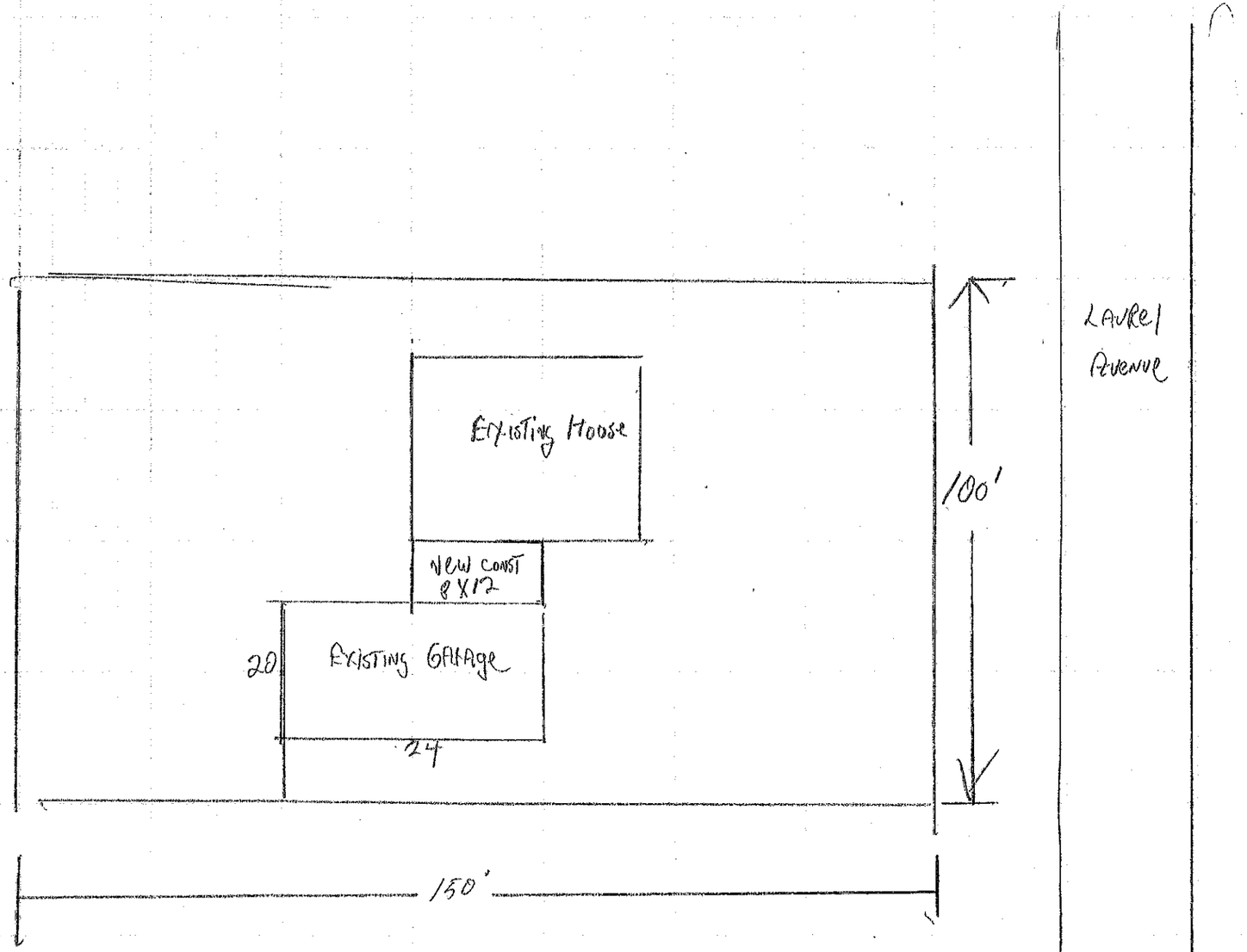
   Removal of large old trees for addition elsewhere would decrease the beauty of the neighborhood.

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 garage has been there over 30 years.

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.

   The use of existing garage should be our freedom. We are not encroaching to the property line any further than it has been for 30 years. The renovation of existing garage would raise the beauty and value of the neighborhood property.



EASTMAN Addition 710 Laurel Ave

Stephen A. Palish construction

4.7.15 Dimensional requirements by zoning district.

Dimensional Requirements by Zoning District

Zoning District*	Use	Density and 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.)
CR-1	All Uses	1 acre, 1 DUA	80, 15 at street	100	30, 25 steep hillside	10	30**	35
SR-2	All Uses	½ acre, 2 DUA	60, 15 at street	100	30, 25 steep hillside	10	30	35
TR-4	All Uses	¼ acre, 4 DUA	40, 15 at street	80	20, 15 steep hillside	10	15	35
UR-8	Major Subdivision	⅛ acre, 8 DUA	15	None	20, 15 steep hillside	10	15	35
	Other Residential	5,000 sq. ft.	15	None	20, 15 steep hillside	10	15	35
	Non-Residential	⅛ acre	40, 15 at street	None	20, 15 steep hillside	10	15	35
OI-6	Residential	⅛ acre, 6 DUA	60	100	30	10	20	35
	Non-Residential	⅛ acre	100	100	40	30	30, 40 abutting residential district	35
NMU-8	Residential	⅛ acre, 8 DUA	50	100	25	10	10	35
	Non-Residential	⅛ acre	75	100	25	20	10, 20 abutting residential district	35
CBD	All Uses	None	None	None	12 from curb	none, comply with fire and building code	none, comply with fire and building code	40
HB-8	Residential	⅛ acre, 8 DUA	50 ft.	None	15	10	30	40
	Non-Residential	None	50	None	15	10, 20 abutting residential district	20, 30 abutting residential district	40
LI-8	Residential	⅛ acre, 8 DUA	50 ft.	None	15	10	30	55
	Non-Residential	None	None	None	0 on private street, 30 on public street, 50 across from residential district	10, 20 abutting residential district	20, 30 abutting residential district	55

HI-0	All Uses	None	None	None	15	10, 20 abutting residential district	20, 30 abutting residential district	48
*See Land Use Code Section 5 for requirements related to accessory structures and secondary dwellings								

Case #V-23-3 - 710 Laurel Avenue Buffer Map

October 27, 2023

1:2,257

0 0.0175 0.035 0.07 mi

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

Case #V-23-03 - 710 Laurel Avenue - Property Owner List

Name	Address	City	State	Zip
Patrice Tappe	709 Laurel Ave	Black Mountain	NC	28711
Brenda Chunn	713 Laurel Ave	Black Mountain	NC	28711
Brenda Chunn	713 Laurel Ave	Black Mountain	NC	28711
Pamela Craig King; Robert Edwards King	715 Laurel Ave	Black Mountain	NC	28711
Black Mountain Hardware Co Inc	PO Box 788	Black Mountain	NC	28711
Simonds Living Trust	704 Laurel Ave	Black Mountain	NC	28711
Russell Broshar; Julie Broshar	706 Laurel Ave	Black Mountain	NC	28711
Nancy Catherine Crane	708 Laurel Ave	Black Mountain	NC	28711
Sheila J Eastman	506 Yarmouth Rd	Towson	MD	21286
Lawrence J Brandon; Ruth Brandon	PO Box 788	Black Mountain	NC	28711
Morris Family Trust	724 Laurel Ave	Black Mountain	NC	28711
Donald R Braden; Deborah J Braden	107 Fairway Dr	Black Mountain	NC	28711
Lee Green	PO Box 535	Black Mountain	NC	28711
Julia Chandler Guess	709 Azalea Ave	Black Mountain	NC	28711
R Kirby Conrad	719 Azalea Ave	Black Mountain	NC	28711
Anton Dumars; Julia Dumars	721 Azalea Ave	Black Mountain	NC	28711
Mark C Mansell; Benedetta Mansell	405 Tenth St	Black Mountain	NC	28711
Mark Mansell II; Kesley Pistner	727 Azalea Ave	Black Mountain	NC	28711
Grayson B Deal	706 Azalea Ave	Black Mountain	NC	28711
Janet E Blanchard; Charles H Brown Jr	304 Allen Mountain Dr	Black Mountain	NC	28711
Mary C Parton	714 Azalea Ave	Black Mountain	NC	28711
Kathy E Marth	722 Azalea Ave	Black Mountain	NC	28711
Joseph G Laudenslayer; Alyson R Laudenslayer	211 1/2 W State St	Black Mountain	NC	28711

PIN #
61909703900000
61909713600000
61909724400000
61909735400000
61909746600000
61909902000000
61909903800000
61909914800000
61909925800000
61909935800000
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61919017700000
61919028700000
61919038700000
61919046700000
61919142700000
61919204600000
61919214600000
61919225700000
61919235600000
61919246500000

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: **November 1, 2023**

TO: **Property Owner**

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

ADDRESS OF PROPOSED VARIANCE:

710 Laurel Avenue

PIN #: **0619-09-9258.00000**

CURRENT ZONING CLASSIFICATION: **UR-8 (urban residential)**

THIS PROPERTY IS CURRENLTY USED FOR THE PURPOSE OF:

single-family residence

THE VARIANCE IS REQUESTED FROM THE FOLLOWING PROVISIONS OF THE ORDINANCE:

Section 4.7.15, Dimensional Requirements, minimum yard requirements

THE VARIANCE IS REQUESTED SO THAT THE PROPERTY CAN BE USED INA MANNER INDICATED HEREIN:

,To reduce the side setback for a garage structure to be renovated and used for residential habitation.

An evidentiary hearing will be held on Thursday, November 16, 2023, @ 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

This is your notification for this request specified under 1.7 of the Land Use Code for the Town of Black Mountain. Section 1.7.1 (d) (3) indicates that notice be provided to all property owners within 200 feet of the site's property lines. Notice of the time, date, and place of the hearing will be published in the Black Mountain News in accordance with the Land Use Code of the Town of Black Mountain.

Case #V-23-3 - 710 Laurel Avenue - Aerial Map

October 27, 2023

1:1,128

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LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, November 16, 2023, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, November 16, 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 variance request for 710 Laurel Avenue, PIN #0619-09-9258.0000, to reduce the side setback for a garage to be used for residential habitation.

The meeting is open to the public.

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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.

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www.townofblackmountain.org