

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

The Black Mountain Zoning Board of Adjustment held its regular meeting on Thursday, May 17, 2018 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

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

Cheryl Milton, Chair
Jillian Ballard, Secretary
Rebecca Harris
Bob Osmundsen
Janet McKimpson, Alternate
Ted Mattson, Alternate (in audience)

Absent:

John DeWitt, Vice Chair

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and one (1).

II. ADOPTION OF AGENDA

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

III. ADOPTION OF MINUTES

There were no minutes to adopt.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request for 4 Sandy Branch

Jennifer Tipton gave a brief overview of the case. The variance request is to extend 4.8" into the rear setback to be able to enclose/cover the back porch to make it a more usable space. The property is zoned UR-8.

Dana Bobilya, 75 Maney Lane, spoke on behalf of the owner. Mr. Bobilya was the developer and builder of the house located at 4 Sandy Branch and the house was built as a spec house. The owner bought the house sight unseen and is the third owner. The owner wants to build a three seasons room and the variance is need for the door leading to the steps that will lead into the yard. There is a private easement for utilities and the owner is accepting of the risk of extending into the easement. The owner is asking for the variance because it gets very hot on the back porch and makes it unusable.

The board discussed the request and made the following findings of fact:

- Unnecessary hardship will result from the strict application of the ordinance as it will prevent the construction of an exit to the outside from a modest proposed addition.

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- The property is an odd shaped lot, making it difficult to construct a home of a size similar to surrounding homes while still maintaining a reasonable distance from the busier Cragmont Road which borders the lot on its east side.
- The hardship did not result from the action taken by the applicant as the shape of the lot and the location of the existing house was determined before the owner purchased the property.
- The requested variance is consistent with the spirit, purpose and intent of the ordinance, as the variance requested is so minimal and to be imperceptible, retaining the visual distance between the structures on the applicant's lot and the neighboring properties.
- Public safety is secured as the variance will allow the construction of a door which will retain an escape route from the house in the event of fire or other catastrophe, and the variance is so minimal that it does not add to the risk of fire spreading from the house on the applicant's property to adjoining properties.
- Substantial justice will be achieved by granting the variance as it will allow the applicant to make full use of her property to the same degree as neighboring owners who have more regularly shaped lots.

Bob Osmundsen made a motion to grant the variance. The motion was seconded by Jillian Ballard and approved by a vote of 5-0.

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Cheryl Milton made a motion to adjourn at 6:26 p.m. and the motion was approved by consensus.

Prepared by:

Cheryl Milton, Chair

Jennifer Tipton, Zoning Administrator

Jillian Ballard, Secretary