MEMORANDUM

To: Town of Black Mountain Zoning Board of Adjustment
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for April 15, 2021
Date: April 8, 2021

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

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

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

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

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@townofblackmountain.org.

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

BLACK MOUNTAIN ZONING BOARD OF ADJUSTMENT

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

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

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

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

   Meeting ID: 899 1186 6200

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

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

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

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

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at (828) 419-9371 or by email at Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 04/01/2021
www.townofblackmountain.org
Zoning Board of Adjustment Regular Meeting
April 15, 2021

PROPOSED AGENDA

I. CALL TO ORDER
   - Welcome
   - Determination of 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 December 17, 2020 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS
   - Variance Request for 101 Connally Street
   - Variance Request for 14 Pearl Street

VI. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT
The Black Mountain Zoning Board of Adjustment held its regular meeting on Thursday, December 17, 2020, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER
The meeting was called to order with the following members present:
Cheryl Milton, Chair
John DeWitt, Vice Chair
Ted Mattson
Janet McKimpson
Greg Feightner
Patrick Prosser, Alternate
Absent:
Jillian Ballard, Alternate
Staff:
Jennifer Tipton, Senior Admin
Jake Hair, Planner
William Morgan, Attorney

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

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

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

IV. OLD BUSINESS
None.

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

2. Variance Request for 101 Connally Street
Jake Hair gave a summary of the case to the board. The applicant is requesting a variance to reduce the rear setback from fifteen feet to five feet for a secondary dwelling. The existing
building is currently a garage and meets the setback requirements for an accessory structure. The applicant would like to turn the garage into a secondary dwelling and therefore must meet the minimum rear setback of fifteen feet. Mr. Hair stated that the property is currently zoned TR-4 and secondary dwellings are a permitted use. 

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

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

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

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

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

Jake Hair explained that there are currently no rules or regulations for rentals. **Julie Hightower, 125 Church Street**, said that she prepared her statement based on the application that was submitted. Ms. Hightower said she did not see how the garage would be additional living space since it is a separate structure. Ms. Hightower also said that the parking and noise of rentals is more disruptive than that of homeowners.

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

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

Jennifer Tipton listed all of the exhibits presented:

Exhibit 1: Variance Application
Exhibit 2: Receipt of Payment
Exhibit 3: Owner Consent Form for Electronic Meeting
Exhibit 4: Buffer Map
Exhibit 5: List of Property Owners
Exhibit 6: Notice of Variance Request
Exhibit 7: Aerial Map
Exhibit 8: Picture of Property Posting
Exhibit 9: Legal Notice
Exhibit 10: Party with Standing Consent Form and Statement – Julie Hightower
Greg Feightner made a motion to go into recess at 7:09 p.m. The motion was approved by a vote of 5-0.

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

John Dewitt made a motion to reconvene at 7:22 p.m. The motion was approved by a vote of 5-0. John DeWitt made a motion to close the public hearing at 7:26 p.m. The motion was approved by a vote of 5-0.

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

The board found the following facts:

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

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

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

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

Prepared by:

Cheryl Milton, Chair

Jennifer Tipton, Senior Admin

Janet McKimpson, Secretary

~ 3 ~
LEGAL NOTICE

BLACK MOUNTAIN ZONING BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

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

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

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

   [https://us02web.zoom.us/j/89911866200](https://us02web.zoom.us/j/89911866200)

   Meeting ID: 899 1186 6200

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

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

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

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

   Jennifer Tipton
   Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at (828) 419-9371 or by email at Jennifer.tipton@townofblackmountain.org

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

Case No: V-21-01
Case Name: 101 Connally St

Hearing Date: April 15, 2021
Procedure: Zoning Board of Adjustment

Address of Variance Request:
101 Connally Street
Black Mountain, NC 28711
PIN #0619-26-3621.00000

Applicant:
Martia Rachman
109 First Street
Black Mountain, NC 28711

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

City Staff:
Jake Hair, Planner
Jennifer Tipton, Clerk to ZBA
I. SUMMARY OF REQUEST

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

II. PROCESS – REQUIRED CITY APPROVALS

In addition to this variance, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building Codes.

III. ZONING AND LAND USE

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

4.6.3.3 Dimensional requirements (TR-4).

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Density and Lot Size</th>
<th>Minimum Yard Requirements</th>
<th>Max. Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Lot Size/Max. Density</td>
<td>Min. Width (ft.)</td>
<td>Min. St. Front (ft.)</td>
</tr>
<tr>
<td>¼ acre (10,890 sq. ft.) 4 DUA</td>
<td>40 (15 ft. at street)</td>
<td>15</td>
<td>80</td>
</tr>
</tbody>
</table>

The surrounding properties are zoned and developed for residential use.

<table>
<thead>
<tr>
<th>Adjacent Zoning Designation</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (single-family)</td>
<td>TR-4</td>
<td>TR-4</td>
<td>TR-4</td>
<td>TR-4</td>
</tr>
<tr>
<td>Residential (single-family)</td>
<td>Residential (single-family)</td>
<td>Residential (single-family)</td>
<td>Bed and Breakfast Inn</td>
<td></td>
</tr>
</tbody>
</table>

Existing Conditions
The subject property is a .28 acre parcel in the TR-4 zoning district. The average slope of the lot is .12%. The house was built in 1924 and the garage was constructed in 1994 making them both grandfathered in to current setback requirements.
IV. NOTIFICATION
Notice of the variance request and hearing was mailed to 25 property owners within 200 feet of the project site. Public notice was posted on the Town bulletin board and on the Town of Black Mountain website on April 1, 2021. Legal notice appeared in the Black Mountain News the weeks of April 5, 2021 and April 12, 2021. The property was posted with a notice listing the time and date of the hearing. Consent forms were sent to the applicant and all property owners within 200 feet to consent to having a virtual evidentiary hearing for the variance request.

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

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

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

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

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

Per Section 2.1.4 of the Town of Black Mountain Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

Section 1.7.3(A) of the Town of Black Mountain Land Use Code states that the board of adjustment shall authorize upon application in specific cases such variance from the terms of the town’s land use code as will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the town ordinances will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are not intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the land use code and in a way that the spirit of the town regulations shall be preserved, public safety and welfare secured and substantial justice done.

Town staff has determined that the applicant’s request to hear the variance is in accordance with Section 1.7.1(A).
Staff’s analysis is that secondary dwellings are a permitted use by right in the TR-4 district and the garage conforms to all other setback requirements for the front and side yard. The living space will have to be 50 percent of the square footage of the livable area of the primary structure or 1,100 square feet, whichever is less per Section 5.19.1 (C).
**VARIANCE APPLICATION** www.townofblackmountain.org

**PROPERTY OWNER INFORMATION**

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Brivontia LLC, Martia Rachman, Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address (Number, Street, City, State, ZIP)</td>
<td>109 First Street Black Mountain NC 28711</td>
</tr>
<tr>
<td>Home Phone</td>
<td>828-275-4028</td>
</tr>
<tr>
<td>Cell Phone</td>
<td></td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:martiarachman@yahoo.com">martiarachman@yahoo.com</a></td>
</tr>
</tbody>
</table>

**APPLICATION FOR VARIANCE**

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

<table>
<thead>
<tr>
<th>Section Number(s):</th>
<th>5.19.1</th>
<th>Section Title(s):</th>
<th>Secondary Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsection letter(s) and/or number(s):</td>
<td>A</td>
<td>Subsection Title(s):</td>
<td>Setback</td>
</tr>
</tbody>
</table>

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):

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

**PROPERTY INFORMATION**

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Current Zoning</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0519266362100000</td>
<td>TR-4</td>
<td>.28</td>
</tr>
</tbody>
</table>

| Address | 101 Connally St., Black Mountain, NC 28711 |
| Average Slope % | 0 |

<table>
<thead>
<tr>
<th>Use of Property</th>
<th>Heated living space</th>
</tr>
</thead>
</table>

**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.

**Martia Bennett Rachman**

Petitioner Signature | 3/15/2021 | Date

**OFFICE USE ONLY**

<table>
<thead>
<tr>
<th>Date Received:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee:</td>
<td>$350.00</td>
</tr>
<tr>
<td>Cash: □</td>
<td>Check: □ #</td>
</tr>
<tr>
<td>Credit: □</td>
<td></td>
</tr>
</tbody>
</table>

Case Number: |

Meeting Date: |

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030
VARIANCE BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the ZBA that it can properly grant the variance as provided for in Chapter 1, Section 1.7.3 Variances. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

Please indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
   The building is existing and meets the other 9 requirements (Section 5.19.1 Letters B through J) for a secondary dwelling. It would be an unnecessary hardship to remove and replace the building in order to conform.

2. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.
   The building existed prior to the establishment of the rear setback that now encroaches into the proposed building envelope, limiting the space available for improvement.

3. Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
   The building was constructed in 1994, in compliance with ordinances in place at that time.

4. Indicate how the requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.
   There is no change to the character of the neighborhood, or the size/position of the current structure. I am simply requesting to permit the entire building for heated living space. I do not think it is contrary to the public interest to grant relief from the rear setback.

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030
2
101 Connally Street Buffer Map
# 101 Connally Street Variance Property Owners

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>PIN #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brivontia, LLC</td>
<td>109 First Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-3621</td>
</tr>
<tr>
<td>Olive Tree Hospitality LLC</td>
<td>136 N Dougherty Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-2478</td>
</tr>
<tr>
<td>Joseph M &amp; Carol Tyson</td>
<td>309 N Dougherty Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-0389</td>
</tr>
<tr>
<td>Jean B &amp; Carl E Franklin</td>
<td>108 Connally Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-0508</td>
</tr>
<tr>
<td>J L &amp; Priscilla Hopkins</td>
<td>106 Connally Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-0684</td>
</tr>
<tr>
<td>102 Connally Street LLC</td>
<td>120 Penmark Drive 118</td>
<td>Raleigh</td>
<td>NC</td>
<td>27603</td>
<td>0619-26-1772</td>
</tr>
<tr>
<td>Worth &amp; Pamela Autrey Hester</td>
<td>PO Box 1202</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-2756</td>
</tr>
<tr>
<td>Kennth &amp; Susan Stuchlik Edwards</td>
<td>205 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-3807</td>
</tr>
<tr>
<td>Robt C &amp; Claudia K Watts</td>
<td>130 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-5932</td>
</tr>
<tr>
<td>Elizabeth Provost &amp; Paul W Drummond</td>
<td>126 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-5813</td>
</tr>
<tr>
<td>Joann Burkinshaw &amp; Jolan S Tobin</td>
<td>709 Princess Street</td>
<td>Wilmington</td>
<td>NC</td>
<td>28401</td>
<td>0619-26-5776</td>
</tr>
<tr>
<td>Martha Bryan Wight</td>
<td>64 Willowbrook Rd</td>
<td>Asheville</td>
<td>NC</td>
<td>28805</td>
<td>0619-26-6720</td>
</tr>
<tr>
<td>Andrew M &amp; Heidi S Linton</td>
<td>120 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-6682</td>
</tr>
<tr>
<td>E H &amp; Ruby Knight</td>
<td>117 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-5389</td>
</tr>
<tr>
<td>Polly C Haigler</td>
<td>119 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-5445</td>
</tr>
<tr>
<td>George M &amp; Maria D Willaims</td>
<td>121 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-4580</td>
</tr>
<tr>
<td>Rachael S Calloway</td>
<td>PO Box 587</td>
<td>Browning</td>
<td>MT</td>
<td>59417</td>
<td>0619-26-4557</td>
</tr>
<tr>
<td>Julie A Hightower</td>
<td>125 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-4633</td>
</tr>
<tr>
<td>Lynn E Webber &amp; Thomas Patteson</td>
<td>127 Church Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-4609</td>
</tr>
<tr>
<td>Zachary &amp; Jill Dasher</td>
<td>132 N Dougherty Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-26-4311</td>
</tr>
</tbody>
</table>
DATE: April 1, 2021

TO: Property Owner

FROM: TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR

Address of Proposed Variance:

101 Connally Street

PIN #: 0619-26-3621.00000

Current Zoning Classification: TR-4 (town residential)

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

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

Section 5.19.1, Secondary Dwellings, Subsection A, Setbacks

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

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

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

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

Thursday, April 15, 2021
6:00 PM

HOMELAND AVENUE
BLACK HILLS, NC 29104

FOR MORE INFORMATION, CALL 1-800-999-9999
Town of Black Mountain Staff Report  
Zoning Board of Adjustment

Case No: V-21-02  
Case Name: 14 Pearl St  
Hearing Date: April 15, 2021  
Procedure: Zoning Board of Adjustment

Address of Variance Request:  
14 Pearl Street  
Black Mountain, NC 28711  
PIN #0619-77-350.600000

Applicant:  
Peter Kelly Cleeland  
14 Pearl St  
Black Mountain, NC 28711

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

City Staff:  
Jake Hair, Planner  
Jennifer Tipton, Clerk to ZBA
I. SUMMARY OF REQUEST

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

II. PROCESS – REQUIRED CITY APPROVALS

In addition to this variance, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building Codes.

III. ZONING AND LAND USE

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

4.6.3.3 Dimensional requirements (UR-8).

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Density &amp; Lot Size</th>
<th>Minimum Yard Requirements</th>
<th>Max. Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Lot Size/Max. Density*</td>
<td>Min. Width (ft.)</td>
<td>Min. Depth (ft.)</td>
</tr>
<tr>
<td>Major Subdivisions</td>
<td>1/8 acre (5,446 sf) 8 DUA</td>
<td>15 ft</td>
<td>None</td>
</tr>
<tr>
<td>All Other Residential</td>
<td>5,000 sf</td>
<td>15 ft</td>
<td>None</td>
</tr>
</tbody>
</table>

The surrounding properties are zoned and developed for residential use.

<table>
<thead>
<tr>
<th>Adjacent Zoning Designation</th>
<th>North</th>
<th>West</th>
<th>East</th>
<th>Southwest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent Land Uses</td>
<td>Residential (single-family)</td>
<td>Residential (single-family)</td>
<td>Residential (single-family)</td>
<td>Church</td>
</tr>
</tbody>
</table>

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

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

V. ANALYSIS

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

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

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

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

Per Section 2.1.4 of the Town of Black Mountain Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

Section 1.7.3(A) of the Town of Black Mountain Land Use Code states that the board of adjustment shall authorize upon application in specific cases such variance from the terms of the town’s land use code as will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the town ordinances will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are not intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the land use code and in a way that the spirit of the town regulations shall be preserved, public safety and welfare secured and substantial justice done.

Town staff has determined that the applicant’s request to hear the variance is in accordance with Section 1.7.1(A).

Staff’s analysis is that secondary dwellings are a permitted use by right in the UR-8 district. If the owner decides not to include the loft apartment the garage could be 5’ from the property lines as that is allowed for accessory structures.
Applicant Consent and Acknowledgement for Holding a Virtual Quasi-Judicial Hearing

RE: Variance Request for 14 Pearl Street

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

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

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

[Signature]
Applicant

3/29/21
Date

Please return no later than April 12, 2021 to:

Jennifer Tipton
160 Midland Avenue
Black Mountain, NC 28711

or

jennifer.tipton@townofblackmountain.org

or

Fax to: 828-669-2030
VARIANCE APPLICATION

PROPERTY OWNER INFORMATION
Owner Name: PETER KELLY CLEELAND
Owner Address (Number, Street, City, State, ZIP):
14 PEARL STREET BLACK MOUNTAIN NC 28711
Home Phone: 828-337-1825
Cell Phone: 828-337-1825
Email Address: kcl.cleeland@gmail.com

APPLICATION FOR VARIANCE
I request a variance/variances from the following provisions of the ordinance:
Section Number(s): Chapter 4
Section Title(s): 4.3.3 Setbacks
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):
5’ x 5’ setbacks requested

PROPERTY INFORMATION
Parcel Number: 061977350G00000
Current Zoning: UR-8
Acreage: 0.21
Address: 14 Pearl Street Black Mtn NC 28711
Average Slope %: Uses of Property:
Use of Property: Residence

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: 3/18/21
Date:

OFFICE USE ONLY
Date Received: Fee: $350.00
Cash: □ Check: □ # Credit: □
Case Number: Meeting Date:

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 Fax: 828-669-2030
VARIANCE BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the ZBA that it can properly grant the variance as provided for in Chapter 1, Section 1.7.3 Variances. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

Please indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

   I am requesting a 10’ distance from the corner of my property to build a new garage in place of a dilapidated car port.

   I wish to be able to use the garage for storage and have a 2nd story loft with the ability to have basic finished living space for family/visitors.

2. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.

   A 20’ x 30’ garage footprint will fit at the end of my driveway.

   It will be a reasonable size and visual improvement.

   Based on my house placement & driveway, a 10’ x 15’ offset will not allow for a structure of this size to fit.

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

   The existing carport was built < 5’ from property line.

   A considerable expense will be required to build a ^story garage.

   It would be a shame to limit the use of the space if a 600 sq ft structure is built with the vertical limitation.

4. Indicate how the requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

   A variance, allowing for a 1-^story "A-frame" garage, would be a reasonable exception since it will not affect the overall square footage of the construction. I would be able to maximize space and have a structure that looks like my home.

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 – Fax: 828-669-2030
2
CONTRACTOR NOTES:
1) VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION BEGINS
2) RESPECT REQUIREMENTS OF DOCUMENTATION AND INFORM CLIENT/HOME OWNER OF ANY CONSEQUENCES RESULTING FROM CHANGES TO THESE PLANS
3) SOME DIMENSIONS MAY VARY TO THE MATERIALS USED AND/OR THE CONTRACTOR'S BUILDING METHODS. IF VARIATIONS EXIST BETWEEN THE BUILDING SITE AND THESE PLANS CONTRACTOR HAS THE RESPONSIBILITY TO CONTACT C. WILLIS DESIGN IF CHANGES ARE TO BE MADE.

GENERAL NOTES:
- AN APPLICATION OF A APPROVED WOOD PRESERVATIVE IS REQUIRED AT THE EXTREMITIES OF BEAMS OF ELEMENT SUPPORTED OR IN CONTACT WITH MASONRY WALLS.
- ALL EXTERIOR COATING MUST BE APPLIED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- THE WINDOW DIMENSIONS MAY VARY DEPENDING ON THE MANUFACTURE THE WINDOWS MUST COMPLY WITH THE NORTH AMERICAN STANDARD (AAMA / WDMA / CSA).
- THE WINDOWS IN STAIR WELLS, BATHROOMS, AND WINDOWS WITH A SILL EIGHTH LOWER THAN 6' MUST BE TEMPERED GLASS IN ACCORDANCE WITH THE CURRENT BUILDING CODE.

STRUCTURAL NOTES:
- FRAMING LUMBER (STUDS BEAMS LINTELS AND JOIST) SHALL BE NO. 1 AND 2 SPRUCE UNLESS OTHERWISE ILOCATED.
- ALL LOAD POINTS (POST) IN EXTERIOR WALLS SHALL BE MIN. (3) 2X6 UNLESS OTHERWISE NOTED.
- ALL LOAD POINTS (POST) IN INTERIOR WALLS SHALL BE MIN. (3) 2X4 UNLESS OTHERWISE NOTED.
- THE TRUSSES AND PREFABRICATED JOIST MANUFACTURER MUST VERIFY THAT ALL DIMENSIONS ARE IN COMPLIANCE WITH THESE PLANS THE TRUSS AND FLOOR DESIGNER IS RESPONSIBLE FOR TRUSS AND FLOOR DESIGN AND WILL MAKE SURE THEY MEET THE ENGINEERING STANDARD AND REGULATIONS.
- TEMPORARY AND PERMANENT TRUSS BRACING MUST BE INSTALLED PER MANUFACTURER'S AND BUILDING CODE SPECIFICATIONS.
- THE PLY WOOD SHEATHING MAY BE REPLACED WITH ORIENTED STAND BOARD OR APPROVED EQUAL.

CLIENT
Benfield

PROJECT
Cleeland

PROJECT NO.

DRAWN BY
CW

ISSUE DATE
January 25

APPROVED AS IS:
Benfield

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DESIGNED TO COMPLY WITH LOCAL BUILDING CODE AND OWNER’S CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE CONSTRUCTION FIRM’S EXPENSE AND RESPONSIBILITY WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHANGES, ERRORS, CARLISLE DESIGN CO. IS NOT LIABLE AGAINST HUMAN ERROR THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION. AND BE SOLELY RESPONSIBLE THEREAFTER.

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

Price

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

C. Willis Design
TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS.

ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY WHILE EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES, CHARLES WILLIS/C. WILLIS DESIGN CAN NOT GUARANTEE AGAINST HUMAN ERROR THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION AND BE SOLELY RESPONSIBLE THEREAFTER.

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.
TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS. ANY CHANGES MADE TO THESE PLANS AFTER PRINTS HAVE BEEN SIGNED WILL BE DONE AT THE OWNER/CONTRACTORS EXPENSE AND RESPONSIBILITY.

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

YOUR CITY OR STATE MAY REQUIRE THAT YOU HAVE A CERTIFIED ARCHITECT OR ENGINEER APPROVE YOUR PLANS AND AFFIX HIS SEAL TO THESE PLANS FOR SAFETY REASON OR PARTICULAR REGULATIONS.
TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH LOCAL BUILDING CODE AND OWNER'S/CONTRACTORS SPECIFICATIONS.
Any changes made to these plans after prints have been signed will be done at the owner/contractor's expense and responsibility.
While every effort has been made to avoid mistakes, Charles Willis/C. Willis Design can not guarantee against human error. The contractor of the job must check all dimensions and details prior to construction and be solely responsible thereafter.
Your city or state may require that you have a certified architect or engineer approve your plans and affix his seal to these plans for safety reasons or particular regulations.
Number: A6

Client: BENEFIELD

Drawn by: CW

Issue Date: January 25, 2021

Description:

Sections:

1. Section @ Kitchen

2. Section @ Stairs

To the best of my knowledge, these plans are drawn to comply with local building code and owner's/contractor's specifications. Any changes made to these plans after prints have been signed will be done at the owner/contractor's expense and responsibility. While every effort has been made to avoid mistakes, Charles Willis/C. Willis Design can not guarantee against human error. The contractor of the job must check all dimensions and details prior to construction and be solely responsible thereafter.

Your city or state may require that you have a certified architect or engineer approve your plans and affix his seal to these plans for safety reasons or particular regulations.
WALL SECTIONS

Typ. Box Header
- 2x10 header w/ 2x6 top and bottom
- 4" ridged foam insulation

Metal Head Flashing

Window Tape
- Tape top of window sill

Wood Trim
- Coord. w/ owner

Window by Other
- Install window per mfr. req.
- Insulate window w/ low expansion foam

Wood Trim
- Coord. w/ owner

Closed Roof Fit
- 4" vapor barrier facia
- Over 2x6 header
- Coord. w/ owner

Typ. Wall Construction
- Fiba-Cement cladding (coord. w/ owner)
- Over 2x6 header
- Insulate w/ low expansion foam
- Coord. per local code
- Wall finished w/ 1/2" gypsum board

Typ. Window Header

Typ. Window Sill

Typ. Mud Sill

Typ. Slab
- Concrete slab
- Reinforced steel mesh
- Per local code
- Over 2x6 header
- Over 2x6 header
- Undisturbed soil

Foundation Waterproofing
- Bituminous membrane applied
- Per local code
- Over 2x6 header
- Over 2x6 header
- Undisturbed soil

Typ. Footing
- Poured concrete footing
- Reinforced w/ #4 rebar per src
- Undisturbed soil
- Per local code
Town of Black Mountain,

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

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

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

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

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

Thank you for your time and consideration.

Kell Cleeland

Images explained:

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

Image 2 Current survey layout
Image 3 – New structure with 5’ x 5’ setback

Image 4 – New structure with 10’ x 15’ setback
Image 5 – Photo of my car port, with visual layout of new structure corners
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>PIN #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Kelly Cleeland</td>
<td>14 Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-3506</td>
</tr>
<tr>
<td>Peter Kelly Cleeland</td>
<td>14 Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-3573</td>
</tr>
<tr>
<td>Wade Turner</td>
<td>8 Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-4561</td>
</tr>
<tr>
<td>Kevin Williams &amp; Greg Griffin</td>
<td>44 Sky High Drive</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-5448</td>
</tr>
<tr>
<td>Jerry Carroll Slagle</td>
<td>211 Ruby Avenue</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-4395</td>
</tr>
<tr>
<td>James M &amp; Nettie Jones Baldwin</td>
<td>PO Box 415</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-4327</td>
</tr>
<tr>
<td>Julia A Capps c/o Richard Capps</td>
<td>771 Rocky Branch Ln</td>
<td>Evans</td>
<td>GA</td>
<td>30809</td>
<td>0619-77-3430</td>
</tr>
<tr>
<td>Stephanie S Sulzman</td>
<td>205 Ruby Avenue</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-2452</td>
</tr>
<tr>
<td>Kerlee Heights Baptist Church c/o Frances Allison</td>
<td>PO Box 1255</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-1417</td>
</tr>
<tr>
<td>Mary Ann Orange Rev Living Tr</td>
<td>PO Box 506</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-1599</td>
</tr>
<tr>
<td>Richard C Capps</td>
<td>771 Rocky Branch Ln</td>
<td>Evans</td>
<td>GA</td>
<td>30809</td>
<td>0619-77-2255</td>
</tr>
<tr>
<td>Kathryn E Shawgo Revocable Trust</td>
<td>202 Ruby Avenue</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-1248</td>
</tr>
<tr>
<td>Tammy Lyshelle Kerlee &amp; Kimberly Anne Weeks</td>
<td>43 Galax Lane</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-0372</td>
</tr>
<tr>
<td>East West Investments LLC</td>
<td>800 Fairview Rd., #111</td>
<td>Asheville</td>
<td>NC</td>
<td>28803</td>
<td>0619-77-0230</td>
</tr>
<tr>
<td>Kerlee Heights Baptist Church c/o Frances Allison</td>
<td>PO Box 1255</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-1417</td>
</tr>
<tr>
<td>Joseph L &amp; Stephanie Shook</td>
<td>PO Box 1071</td>
<td>Montreat</td>
<td>NC</td>
<td>28757</td>
<td>0619-77-0653</td>
</tr>
<tr>
<td>Midkiff Family Irrevocable Living Trust</td>
<td>402 Kerlee Heights Rd</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-0785</td>
</tr>
<tr>
<td>Hill Ventures LLC</td>
<td>PO Box 1296</td>
<td>Jacksonville</td>
<td>IL</td>
<td>62651</td>
<td>0619-77-1858</td>
</tr>
<tr>
<td>Michael D Mooney</td>
<td>15 Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-2716</td>
</tr>
<tr>
<td>Michael D Mooney</td>
<td>15 Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-2774</td>
</tr>
<tr>
<td>CTKA LLC</td>
<td>204 Charlotte Hwy, Ste. G</td>
<td>Asheville</td>
<td>NC</td>
<td>28803</td>
<td>0619-77-2855</td>
</tr>
<tr>
<td>Christopher Matthew Depasqale</td>
<td>417 Kerlee Heights Rd</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-2884</td>
</tr>
<tr>
<td>Frances Allison</td>
<td>PO Box 1255</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-3981</td>
</tr>
<tr>
<td>Samantha Rae Witt</td>
<td>207 Dogwood Lane</td>
<td>Marion</td>
<td>NC</td>
<td>28752</td>
<td>0619-77-4796</td>
</tr>
<tr>
<td>Pearl Street Townhomes Owners Assoc.</td>
<td>18 White Oak Trail</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-5714</td>
</tr>
<tr>
<td>Frances M &amp; James D Sawdy ETAL</td>
<td>9A Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-4609</td>
</tr>
<tr>
<td>Mary Swain</td>
<td>9B Pearl Street</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-4649</td>
</tr>
<tr>
<td>Pearl Street Townhomes Owners Assoc.</td>
<td>18 White Oak Trail</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-4615</td>
</tr>
<tr>
<td>Samuel T Bova &amp; John G King</td>
<td>18 White Oak Trail</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-5607</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>PIN #</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------------------</td>
<td>------------------</td>
<td>-------</td>
<td>-----</td>
<td>----------</td>
</tr>
<tr>
<td>Sandra C Turner &amp; Patrick Boyle</td>
<td>11 Pearl Street #B</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-5636</td>
</tr>
<tr>
<td>Pearl Street Townhomes Owners Assoc.</td>
<td>18 White Oak Trail</td>
<td>Black Mountain</td>
<td>NC</td>
<td>28711</td>
<td>0619-77-5613</td>
</tr>
</tbody>
</table>
NOTICE OF VARIANCE REQUEST
(REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: April 1, 2021

TO: Property Owner

FROM: TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR

Address of Proposed Variance:

14 Pearl Street

PIN #: 0619-77-3506.00000

Current Zoning Classification: UR-8 (urban residential)

This property is currently used for the purpose of: residence

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

Chapter 4, Section 4.3.3, Setbacks

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

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

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

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

Thursday, April 15, 2021
6:00 PM

www.townofblackmountain.org

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