

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

The Black Mountain Zoning Board of Adjustment held its regular meeting on Thursday, June 20, 2019 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
John DeWitt, Vice Chair
Rebecca Harris
Ted Mattson, Alternate
Janet McKimpson, Alternate

Absent:

Bob Osmundsen
Charlotte McRanie, Alternate

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of three (3) regular members and two (2) alternates.

II. ADOPTION OF AGENDA

John Dewitt made a motion to adopt the agenda as presented. The motion was seconded by Rebecca Harris and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Janet McKimpson made a motion to adopt the minutes of March 21, 2019 as written. The motion was seconded by John DeWitt and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Variance Request for 102 Sixth Street

Chair Cheryl Milton stated that she had driven by the property and there was no other ex parte from any of the board members.

Jennifer Tipton presented a summary of the case. Susanne Strull is requesting a variance of two feet, six inches to be able to place an accessory structure in line with the house. The house is grandfathered with a side setback of two feet, six inches as it was built in the 1960's prior to town zoning. Ms. Tipton stated that the required setback for accessory structures is five feet. Ms. Tipton reported that the property is not a steep slope lot, is not located in a floodplain or floodway, and does not have a stream.

Susanne Strull, 102 Sixth Street, said that is wanting to place the accessory structure in line with her house next to the existing patio. Ms. Strull said that there are several oak trees that would have to be taken out if she were to place the accessory structure elsewhere on the lot. Ms. Strull

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also said that there would eventually like to place electrical in the building and by placing it next to the house she would be able to connect the electricity. Ms. Strull said that she is planning to use the structure for storage of kayaks and bicycles and is looking to get a pre-fabricated building.

The board began some preliminary discussion and asked Ms. Tipton her opinion to which Ms. Tipton replied that other than some of the oak trees, staff did not see any peculiarities with the lot. The board discussed that there was a larger area on the lot where the building could be placed and discussed possible fire hazards if the building were placed close to the house. The board went through the worksheet and found the following:

1. Unnecessary hardship would result from the strict application of the ordinance as it would require the removal of mature trees from the lot to place a utility building that would comply with the setback requirement.
2. The hardship did not result from actions by the applicant as the house and rear patio were already constructed in their locations prior to the applicant purchasing the property.
3. The requested variance is consistent with the spirit, purpose and intent of the ordinance as it will have no adverse effect on neighbors and will not create an obvious encroachment into the setback when viewed from the street.
4. Public safety is secured is the variance will allow the accessory structure to be in close proximity and readily accessible to the main house with easy access to electrical connections and no additional fire hazard will be created to neighboring properties as the accessory structure will be no closer to other structures than the existing house.
5. Substantial justice will be achieved by granting the variance as it will allow an accessory structure that will not be any closer to neighboring structures than the main structure and will not require the removal of mature trees and will the applicant to make full use of the property to the same degree as neighboring properties.

John DeWitt made a motion to grant the variance request to reduce the side setback from five feet to two feet, six inches to place an accessory structure. The motion was seconded by Janet McKimpson and approved by a vote of 4-1 with Chair Cheryl Milton voting against.

VI. COMMUNICATION FROM ZBA

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

John DeWitt made a motion to adjourn at 6:35 p.m. The motion was approved by consensus with a vote of 5-0.

Prepared by:

Cheryl Milton, Chair

Jennifer Tipton, Zoning Administrator