

Mission Statement

The Municipal Government of Black Mountain strives to provide quality services to protect the health, safety and welfare of its citizens, exercise stewardship over its resources, promote a high quality of life, support economic prosperity, cultivate community, and honor its heritage and culture.

Town of Black Mountain Department Contact Information

Phone: (828)419-9300 Fax: (828)669-4204

Administration:	419-9300 press 5
Building:	419-9300 press 4
Finance:	419-9300 press 5
Fire & Rescue:	419-9320 Non-Emergency
Human Resources:	419-9300 press 5
Planning:	419-9300 press 4
Police:	419-9350 Non-Emergency
Public Services:	419-9300 press 2
Recreation & Parks:	419-9300 press 7
Water	419-9300 press 1

For Police/Fire/Medical Emergencies Dial **911**

Board of Adjustment

<http://www.townofblackmountain.org>

John DeWitt, Chair
Jillian Ballard, Vice Chair
Janet McKimpson
Greg Feightner
Patrick Prosser
David Barley, Alternate

For more information visit our website.

<http://www.townofblackmountain.org>



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WELCOME

to the meeting
of the
Town of Black Mountain
Board of Adjustment



Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711(828)419-9300

Welcome

The Black Mountain Board of Adjustment hears and decides all matters related to variances, appeals and special uses.

The Black Mountain Board of Adjustment consists of five (5) sitting members and three (3) alternate members. Members served three-year terms and can serve two consecutive terms.

Regular Board of Adjustment meetings are held on the third Thursday of each month at 6:00 p.m. at Town Hall.

Applications to Board of Adjustment

The Black Mountain Board of Adjustment hears appeals, variances and special uses.

Appeals: The Board of Adjustment hears appeals of administrative decisions and the Historic Preservation Commission. Appeals must be made within thirty (30) days of receipt of the written notice. Appeals from the Board of Adjustment shall be made to Superior Court of Buncombe County.

Variances: The Board of Adjustment hears variances from the Town's Land Use Code. Variances are intended to provide limited relief from regulations in 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 under the Land Use Code.

Special Uses: The Board of Adjustment hears requests for special use permits. Special use permits required additional development standards be met to insure the same compatibility as uses permitted by right.

Evidentiary Hearings

The Board of Adjustment conducts evidentiary hearings.

The purpose of an evidentiary hearing is to gather facts and not to solicit citizen opinions.

Evidentiary hearings resemble a court hearing where testimony is presented and the Board of Adjustment acts like a court of law. The Board of Adjustment receives only sworn testimony and other credible evidence. The Board of Adjustment must make findings of fact based upon the evidence presented. All parties wishing to testify are sworn in under oath.

Parties must have substantial and competent evidence and/or professional opinions to support their case.

All meeting are open to the public and all business of the Board of Adjustment is conducted in open, public sessions.

Conduct

Evidentiary hearings before the Board of Adjustment are less formal than a courtroom trial. All participants are expected to observe basic decorum one would expect in a court of law and show respect for the Board and all other participants.

The Chair may rule out of order any comments if such comments are unruly or are repetitive of information previously received. The Chair may also rule out of order any comments that are rude, inappropriate, or intended to harass any person or group of people, and is authorized to take reasonable and appropriate measures to ensure compliance with these rules.

Comments

While the Board of Adjustment meetings are open to the public, not all participants will be able to speak.

Parties with standing are those that are allowed to call witnesses, cross-examine witnesses, and present evidence. Parties with standing include the Town, the applicant, and those persons who will be harmed in a manner different than that of the public at large.

The Chair may permit other persons to speak, however, the Chair may also not allow comments if they are not factual or do not offer any evidence to the case.

Written comments are not permitted unless the author of the comments is available at the meeting to answer questions. These comments are considered hearsay and cannot be used by the board when making a decision.

It is not permissible to contact any of the board members prior to an evidentiary hearing as this is considered ex-parte communication and could be a potential conflict of interest.

Questions regarding evidentiary hearings, meeting procedure, or how to participate in a meeting must be directed to staff.

Contact Us

Town of Black Mountain

160 Midland Avenue
Black Mountain, NC 28711
(828)419-9300

Visit our Website

<http://www.townofblackmountain.org>

Contact the Clerk to Board of Adjustment

Jennifer Tipton
(828)419-9371

jennifer.tipton@townofblackmountain.org