



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners  
From: Jonathan B. Kanipe, Town Manager  
Date: June 5th, 2025  
Re: **Board of Adjustment Meeting – June 16th, 2025**

**Applicants:**

You or a representative **MUST** attend the meeting to have the matter considered.

Members of the Board of Adjustment & staff will conduct a site visit prior to the meeting. Site visit times listed are approximate.

**Neighbors:**

You are receiving this notice because your property is adjacent to an applicant on this month's agenda.

You may review applications & plans for the projects on this agenda at <http://www.biltmoreforest.org/board-of-adjustment>

You are invited to attend the scheduled meeting at the Town Hall and make comment when called upon.

Additional information regarding the meeting will be provided on the Town's website no later than June 12th, 2025.

**\*\*\*PROPOSED AGENDA\*\*\***

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, June 16<sup>th</sup>, 2025 at 4:00 p.m. at the Biltmore Forest Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

1. The meeting will be called to order and roll call taken.
2. The minutes of the April 21<sup>st</sup>, 2025 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

**Case 1: 37 Hilltop Road-Variance request for a driveway marker and drainage system.**

*Site visit: 3:30 pm*

**Case 2: 9 Forest Road-Variance request for a fence in the side yard setback.**

*Site Visit: 3:45*

MINUTES OF THE BOARD OF ADJUSTMENT  
MEETING HELD MONDAY, APRIL 21, 2025

The Board of Adjustment met at 4:00 p.m. on Monday, April 21, 2025

Chairman Greg Goosmann, Ms. Lynn Kieffer, Mr. Robert Chandler, and Ms. Janet Whitworth were present. Mr. Tony Williams, Town Planner, Mr. Jonathan Kanipe, Town Manager, and Town Attorney Mr. Billy Clarke were also present. Ms. Martha Barnes and Ms. Rhoda Groce were not present.

Chairman Greg Goosmann called the meeting to order at 4:00 p.m.

Mr. Robert Chandler made a motion to approve the minutes from the February 17th, 2025 meeting. Ms. Lynn Kieffer seconded and unanimously approved.

Chairman Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Tony Williams

Ms. Susan Turner

Ms. Kelly Cowan

Ms. Bonnie Ellington

Mr. Jeff Loftin

Ms. Nancy Duffy

Ms. Vinton Murray

Ms. Sarah Garbee

HEARING (Evidentiary):

The first matter is for a Variance request for a fence in the side/rear yard setbacks at 6 Fairway Place. The fence was previously approved project. Evergreen trees along the fence line. Magnolias are also included. The neighbor has also provided property line screening. Ms. Kieffer said the request has been amended from what was submitted earlier. The neighbors do not object. The fence is in compliance. If there was additional screening necessary, the property owners be be willing to buffer. The fence will be located in the rear of the home but it is being requested for an encroachment into the side setback ten feet and the rear setback eleven feet, which requires a Variance. The Ordinance requires the fence to be located in the rear yard and not within any setback, therefore requires a Variance. Ms. Susan Turner and Ms. Kelly Cowan described where the fence would be installed. The fence will also be black metal and be relocated in the rear of the home and will be fenced around the pool.

DELIBERATION AND DETERMINATION:

Mr. Williams restated the facts and said the property owners at 6 Fairway Place would like to install a fence around their new pool within the rear yard. The proposed fence is part of a previously approved project. The fence will be black metal and will be relocated in the rear of the home and will be fenced around the pool.

Ms. Lynn Kieffer moved that a Variance be granted to Bonnie Ellington of 6 Fairway Place for a fence on the side property line and the facts as recited by Tony Williams and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected.

Further, she moved that by granting this Variance further satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance would, in this case, result in practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town. The motion was seconded by Mr. Robert Chandler. The motion was unanimously approved.

HEARING (Evidentiary):

The second matter is for a Variance request for a garage addition in the adjusted setbacks at 14 Stuyvesant Road. There was a previous Variance approval for this project, however the owners have changed the location of the garage for this proposal. The proposed addition will encroach into the adjusted side setback twelve feet.

Mr. and Mrs. Loftin said the existing three car garage was 20'x20'. They would like to increase the roof area. The building itself is white stucco and brick. There will be no increase in impervious surface. Mr. Chandler asked if neighbors would be able to see this. Ms. Loftin said the garage will not be visible. There will also be extensive buffering. Mr. Clarke said the lot size is .77 acres. This predates the zoning ordinance. The neighbor has also written a letter to support this project. The roof coverage had already been approved.

### DELIBERATION AND DETERMINATION:

Mr. Williams restated the facts and said the owners are presenting plans for an addition on their garage. There was a previous Variance approval for this project, however the owners have changed the location of the garage for this proposal. The proposed addition will encroach into the adjusted side setback twelve feet.

Ms. Janet Whitworth made a motion and moved that a Variance request be granted to Donna and Joe Loftin for a garage addition. It will be approximately 500 feet over and no neighboring property owner has objected. Further, she moved that by granting this Variance further satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance would, in this case, result in practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Mr. Robert Chandler seconded the motion and was unanimously approved.

### HEARING (Evidentiary):

The last matter is for a Variance request for multiple accessory structures in the front of the home at 49 Forest Road. The property owner is presenting plans for multiple accessory structures within the front of their home. The structures are to include two retaining walls along the driveway. The first wall will be twenty-inch-high stones at one hundred twenty-five feet long. The second will be stones eight inches in height and twenty-five feet long. Next would be a deer fence within the front yard as part of a flower garden. The fence will be eight feet tall and one hundred thirty linear feet around the perimeter of the garden. Also, within the flower garden there will be a small fountain. Lastly there will be four, six-foot-long curved benches within the garden.

The application does not meet the requirements set forth in the ordinance, therefore it would require a Variance. Ms. Nancy Duffy said this garden is in response to the Hurricane Helene. Ms. Murray lost about 60 trees from Hurricane Helene. They would like to re-forest the property with native trees and shrubs. The new path will be wide enough for a golf cart running across the slope for gradual ascent. There will be a destination garden just below the drive and will measure 45 feet wide and 25 feet deep. They would like to take the driveway back to the 12 foot width. There will be a low wall which will give some erosion control. It will also help direct traffic to stay out of the garden. Ms. Kieffer asked about the proposed front yard fencing which is not allowed. There would be some hedges. A 3-4' hedge and plants would be replace the fence. Ms. Murray agreed to not having the fence installed since this is not allowed in the front yard. Ms. Sarah Garbee lives across the street and supports this project.

#### DELIBERATION AND DETERMINATION:

Mr. Williams restated the facts and said the property owners are presenting plans for multiple accessory structures within the front of their home. The structures are to include two retaining walls along the driveway. The first wall will be twenty-inch-high stones at one hundred twenty-five feet long. The second will be stones eight inches in height and twenty-five feet long. Next would be a deer fence within the front yard as part of a flower garden. The fence will be eight feet tall and one hundred thirty linear feet around the perimeter of the garden. Also, within the flower garden there will be a small fountain. Lastly, there will be four, six-foot-long curved benches within the garden. The small fountains and benches are portable structures.

Ms. Kieffer made moved to approve a Variance for Ms. Vinton Murray at 49 Forest Road and the facts as recited by Tony Williams and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owners have object. Further, she moved that by granting this Variance further satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance

would, in this case, result in practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Mr. Robert Chandler seconded the motion and was unanimously approved.

The next meeting is scheduled for Monday, May 19, 2025 at pm.

The meeting was adjourned at 4:43 pm.

ATTEST:

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Greg Goosmann, Chairman

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Laura Jacobs, Town Clerk



**BOARD OF ADJUSTMENT MEETING**

**STAFF MEMORANDUM**

**June 16, 2025**

**CASE 1**

**Property Address: 9 Forest Rd**

**Property Owner: Maki Goskowicz**

**Request: Variance hearing for a Fence in the Side Yard Setback**

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Background

The property owner is requesting permission to install a fence in the rear of their home. The fence will be black metal and four feet in height. The fence will be located in the rear of the home, but is requesting for an encroachment into the side setback to an existing fence, therefore requires a variance.

Variance Request

The applicant is requesting to install a fence in the side yard setback. The ordinance requires the fence to be located in the rear yard and not within any setbacks, therefore requires a variance. Section 153.110 (D) (attached) addresses the approval requirements for a variance.

### **153.029 ACCESSORY STRUCTURES AND BUILDINGS.**

(A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard or within any side yard or rear yard setback.

(B) (1) In addition, the following standards are established for accessory structures and accessory buildings:

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in § [153.008](#);
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ [153.043](#) and [153.048](#); and
- (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

(2) For all satellite dishes less than 24 inches in diameter, an application for a zoning compliance certificate shall be made directly to the Zoning Administrator; the Zoning Administrator shall issue a zoning compliance certificate.

(3) Fences, gates, and walls shall be regulated in accordance with § [153.049](#) of this Zoning Ordinance.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

***Editor's note:***

*This amendatory language was passed during a Board meeting, July 9, 2013*

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Maki Goskowicz

**Property Address**

9 Forest Rd

**Phone**

(858) 735-3627

**Email**

mcoskovicz@gmail.com

**Parcel ID/PIN Number**

9647628494

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.43

**Proposed Roof Coverage Total**

NA

**Proposed Impervious Surface Coverage**

NA

**Front Yard Setback**

60 feet (R-1 District)

**Side Yard Setback**

20 feet (R-1 District)

**Rear Yard Setback**

25 feet (R-1 District)

**Building Height**

NA

**Description of the Proposed Project**

Installation of 4 ft high black metal fence with gates extending from wood fence on side of property, along back portion of our asphalt driveway, and following edge of asphalt driveway back to house. See diagram attached. Also attached is representation of black metal fence, but ours would be 4ft tall.

**Estimated Start Date**

7/14/2025

**Estimated Completion Date**

7/17/2025

**Estimated Cost of Project**

\$6,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

unnamed-10.jpg

5.23.25 Goskowicz Fence Proposal part 2.pdf

**Applicant Signature**

**Date**  
5/23/2025

A handwritten signature in black ink, consisting of a series of connected, fluid strokes that form a stylized, cursive-like name.

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Maki Goskowicz

**Address**

9 Forest Rd

**Phone**

(858) 735-3627

**Email**

mcgoskowicz@gmail.com

**Current Zoning/Use**

Residential

**Requested Use**

Residential

**APPLICATION REQUIREMENTS:** An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

**What would you like to do with your property?**

We would like to add a 4 ft tall black metal fence to the left side of our house extending to the wood fence that is on the side property line. This would allow us to enclose our back property area to contain our dogs. We already have a fence along the other parts of the back area of our property--right side of house, both side property lines, and back property line. Please see information and supporting documents submitted in pervious Zoning Compliance Application.

**What does the ordinance require?**

Because the fence would extend to the side property line, the fence would involve the setback. Our neighbors the Vorons at 11 Forest Rd, are aware of our proposal and have no objections.

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

**REQUIRED FINDINGS: Please provide a thorough response to each.**

**Unnecessary hardship would result from the strict application of the ordinance.**

We have dogs that need an enclosed space. They are too fluffy for an invisible fence collar to work.

**The hardship results from conditions that are peculiar to the property, such as location, size, or topography.**

Only a short segment to the left side of our house would need a fence in order to accomplish our goals.

**The hardship did not result from actions taken by the applicant or the property owner.**

Not at all

**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.**

Yes, properly securing our dogs would be beneficial to all.

**I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.**

**Signature**

**Date**

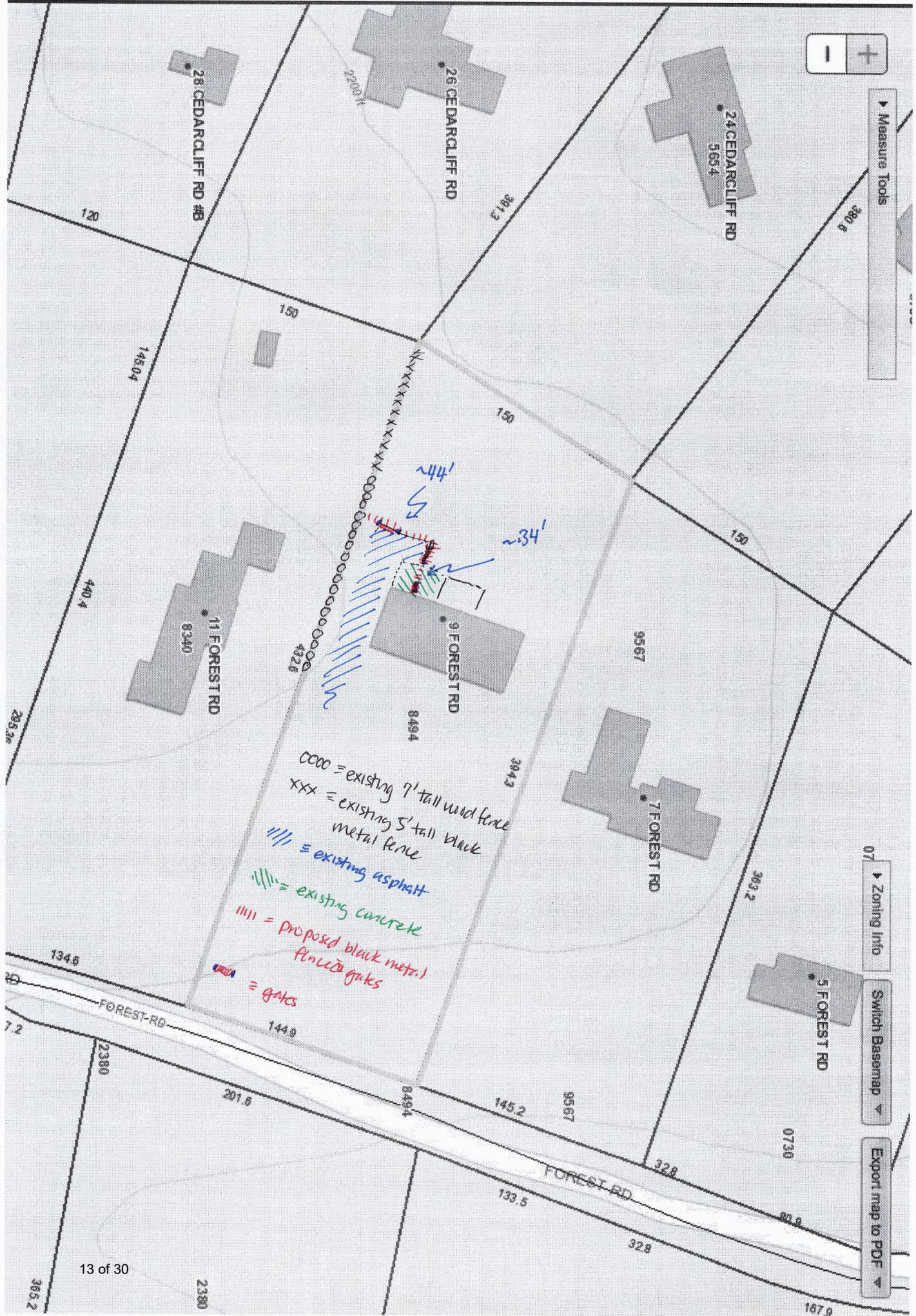
6/2/2025

A handwritten signature in black ink, appearing to be the initials 'M' followed by a horizontal line.

**Have you paid the \$300 variance application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser.**

I plan to pay in person or mail a check

GOSKOWICZ FENCE PROPOSAL, PART #2



Measure Tools

07 Zoning Info

Switch Basemap

Export map to PDF



**From:** [DrMakiG](#)  
**To:** [Adam Voron](#)  
**Cc:** [Randall Goskowicz](#); [Tony Williams](#)  
**Subject:** Re: Fence for our dogs  
**Date:** Friday, May 30, 2025 9:31:56 AM

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**WARNING:** This email originated from outside of the Town of Biltmore Forest Network.

Thank you!

I will CC Tony Williams at Biltmore Forest so he knows that you are aware of our plans.

Take care,  
Maki and Randall

On Thu, May 29, 2025 at 7:31 PM Adam Voron <[adamvoron@gmail.com](mailto:adamvoron@gmail.com)> wrote:  
Sweet of you to reach out—looks great to us!

Warmly,  
The Vorons

On Thu, May 29, 2025 at 4:52 PM DrMakiG <[mcgoskowicz@gmail.com](mailto:mcgoskowicz@gmail.com)> wrote:

Hi Adam and Indigo, and Otto too!

We just put in a request to the town for a fence at the end of our driveway that would close off the back area of our house to contain our dogs. They are indoor dogs but do need to go out to potty. We already have a fence on the other side, so we would like to put in a 4 ft tall steel fence (should look similar to the one between our properties but shorter) going from our house, along the driveway towards our shared wood fence. I've attached a diagram for you.

Please let me know what you think and if you have any questions or concerns.

Thank you so much!  
Maki and Randall



## BOARD OF ADJUSTMENT MEETING

### STAFF MEMORANDUM

June 16, 2025

#### CASE 2

**Property Address:** 37 Hilltop Rd

**Property Owner:** Anthony Adams

**Request:** Special Use and Variance Request for a Driveway Marker and  
Drainage System

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#### Background

The property owner is presenting plans for a large stone driveway marker along with a stone drainage area by the roadway. The large stone is located by the driveway and within the front setback and six and a half feet from the edge of the road. The stone drainage ditch is located on the edge of the road within the front setback and right of way. The application does not meet the requirements for location and setbacks, therefore would require a variance.

#### Variance

The proposed structure does not comply with the placement being within the rear yard as well as the stone drainage is located within the right of way, therefore would require a variance. Section 153.110 (D) (attached) addresses the approval requirements for a variance.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Anthony Adams

**Property Address**

37 Hilltop rd

**Phone**

(828) 231-4754

**Email**

anthony@meat-comm.com

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.25 acres

**Proposed Roof Coverage Total**

na

**Proposed Impervious Surface Coverage**

na

**Front Yard Setback**

60 feet (R-1 District)

**Side Yard Setback**

20 feet (R-1 District)

**Rear Yard Setback**

25 feet (R-1 District)

**Building Height**

na

**Description of the Proposed Project**

drainage for 37 hilltop rd, flooding on property and a stone driveway marker

**Estimated Start Date**

8/23/2024

**Estimated Completion Date**

8/23/2024

**Estimated Cost of Project**

\$7,500.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

thumbnail\_image003.zip

**Applicant Signature**

**Date**  
8/22/2024

*Anthony Adams*

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

anthony adams

**Address**

37 hilltop rd

**Phone**

(828) 231-4754

**Email**

anthony@meat-comm.com

**Current Zoning/Use**

Residential

**Requested Use**

residential

**APPLICATION REQUIREMENTS:** An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

**What would you like to do with your property?**

drainage along road to keep our yard and house from excess runoff water/ flooding as per the pictures and video provided and driveway marker

**What does the ordinance require?**

To allow for drainage along Hilltop Road to keep water from flooding property during heavy rains.

Nothing to be within the right of way and no accessory structures within the front yard

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

**REQUIRED FINDINGS: Please provide a thorough response to each.**

**Unnecessary hardship would result from the strict application of the ordinance.**

Water and Flooding on our property and house, add a driveway marker on a steep slope

**The hardship results from conditions that are peculiar to the property, such as location, size, or topography.**

The slope of the lot has water drainage after heavy rain that floods property

**The hardship did not result from actions taken by the applicant or the property owner.**

no

**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.**

yes, we only want to protect our property from excess water causing flooding and damage.

I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

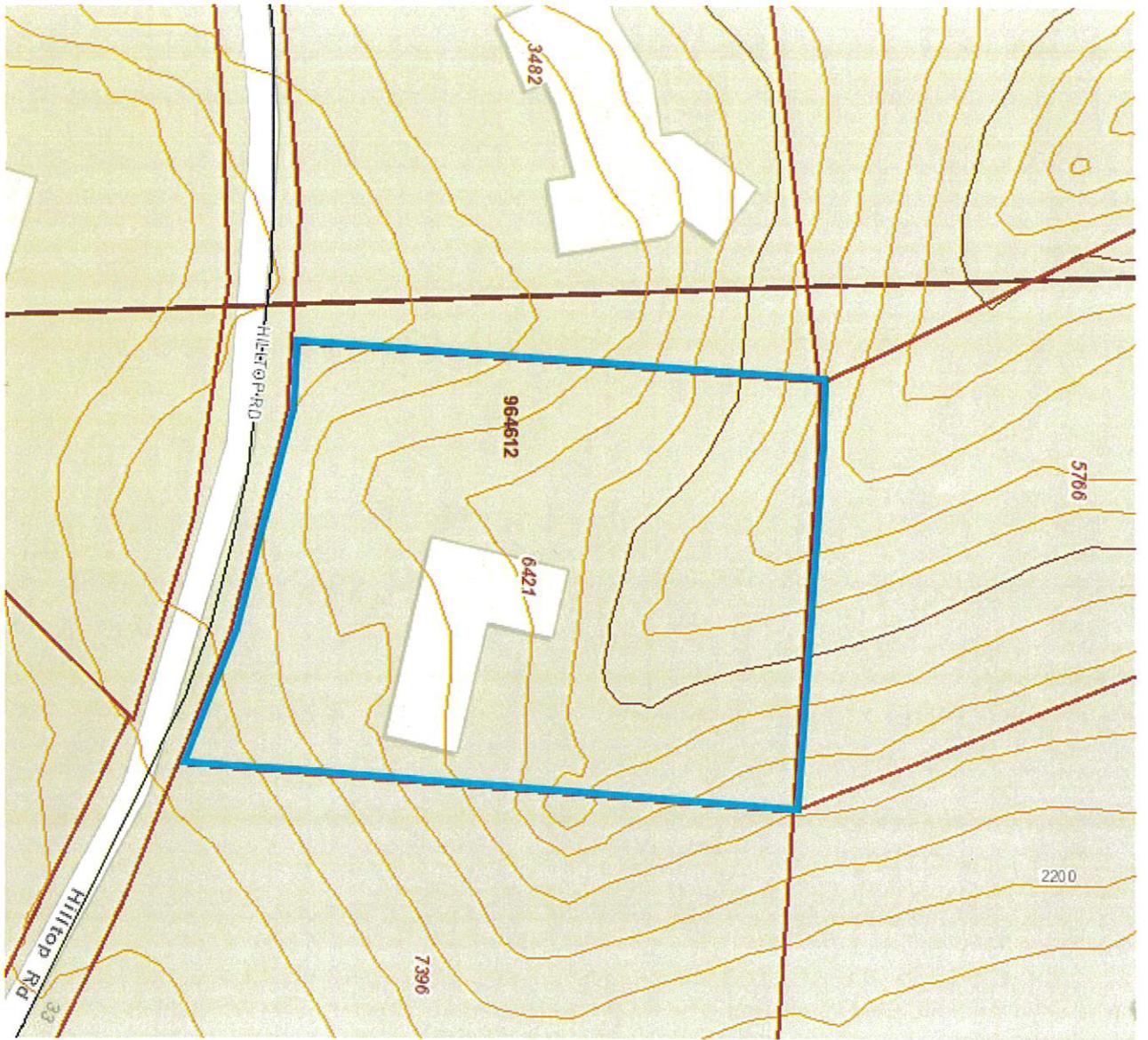
Date

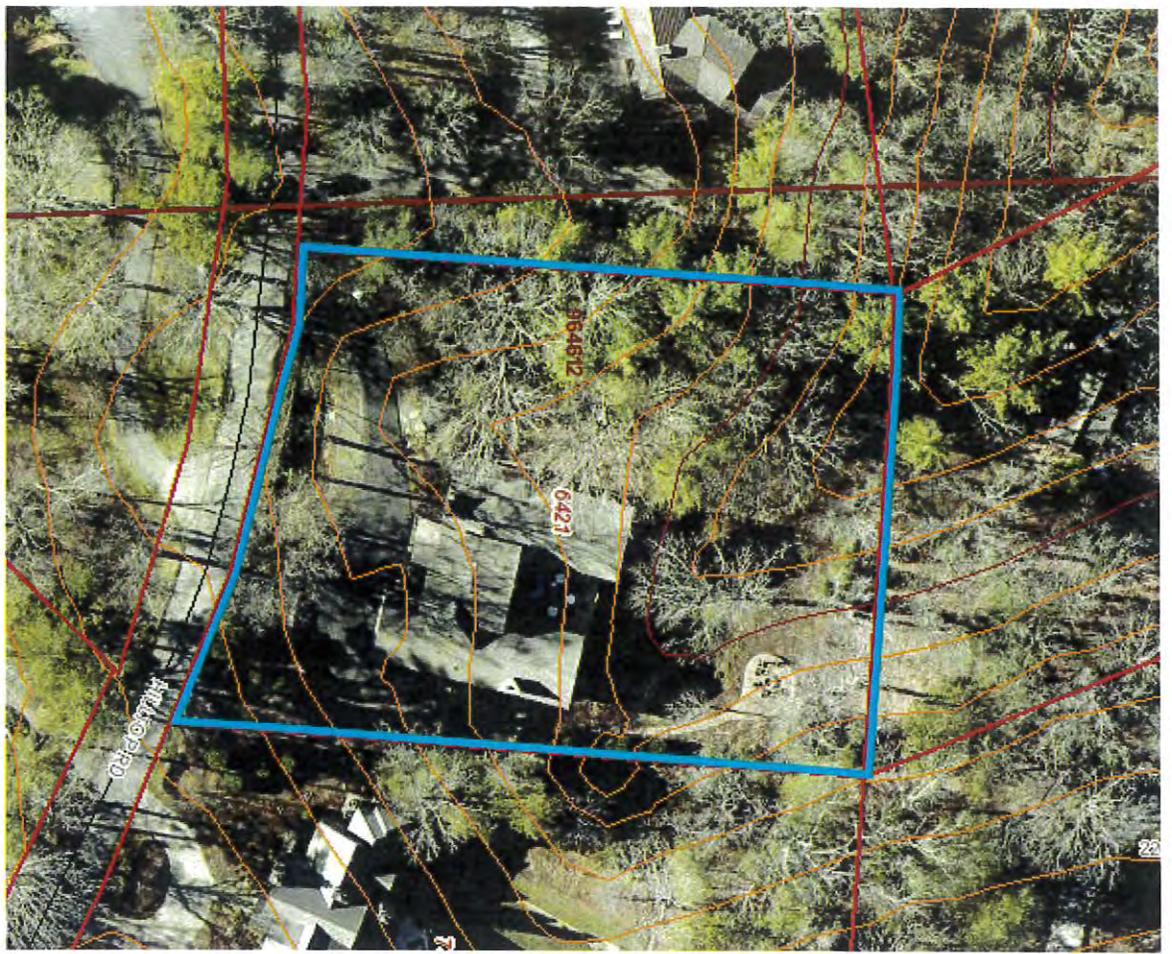
9/25/2024

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke at the end.

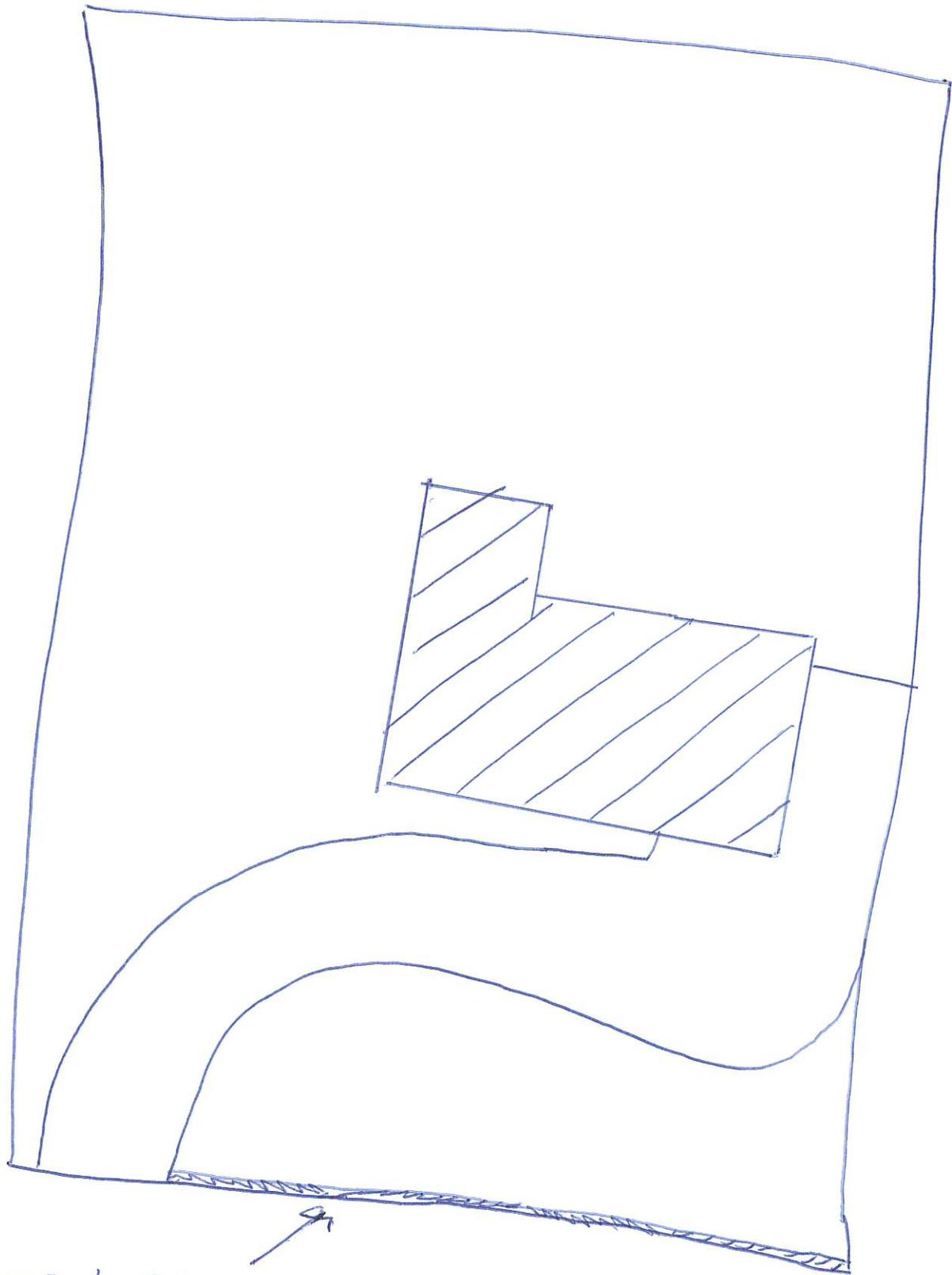
**Have you paid the \$300 variance application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser.**

I plan to pay in person or mail a check





37 HILLTOP ROAD



NEW DRAINAGE













