

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, SEPTEMBER 20, 2021

The Board of Adjustment met at 4:00 p.m. on Monday, September 20, 2021.

Members present: Mr. Greg Goosmann, Ms. Rhoda Groce, Mr. Robert Chandler, Mr. Lowell Pearlman, Ms. Lynn Kieffer, and Ms. Martha Barnes. Mr. Jonathan Kanipe, Town Manager, Town Clerk, Ms. Laura Jacobs, Town Clerk, were all present. Mr. William Clarke, Town Attorney was also present.

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Matthew Fusco

Mrs. Nancy Togar

Mr. Tim Wright

A motion was made by Ms. Rhoda Groce to approve the minutes from August 20, 2021. Ms. Martha Barnes seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

A Special Use Permit was requested for 51 Hilltop Road a Special Use Permit is requested for roof mounted solar panel installation. Mr. Lowell Pearlman said Mr. Stephen Miller is requesting a Special Use Permit for solar panels on a south facing roof. There are 32 panels. Chairman Goosmann stated the panels are not visible from the front or side of the house.

DELIBERATION AND DETERMINATION:

Mr. Pearlman recited the facts and said Mr. Stephen Miller of 51 Hilltop Road has requested 32 solar panels be installed on a Southern facing roof. It will not be visible from the street or adjacent neighbors.

Ms. Lynn Kieffer moved that a Special Use Permit be granted to Mr. Stephen Miller of 51 Hilltop Road and the facts as recited by Lowell Pearlman 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. Ms. Kieffer further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. 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. The motion was unanimously approved.

HEARING (Evidentiary):

A Special Use Permit is requested for accessory structures and a landscaping plan review disturbance of lot over 20 percent at 414 Vanderbilt Road. Mr. Robert Chandler shepherded the matter. Mr. Chandler said the accessory structures are a stone fire pit and a driveway gate. There is also a landscaping plan for lot disturbance over 20 percent. Matthew Fusco, landscape architect for the project, said there is an existing structure, which will be demolished, and the driveway will be reoriented to access the property. There will be an entry gate placed and will be placed sixty feet from the road. A stone patio and fire pit structure is also being proposed. This will be dug in on the slope and will not be visible. The fire pit will be wood with a gas lighter.

The neighbors approve of the project. A letter was submitted by an adjacent property owner, William Wilcox, also approving the project.

On the property, sixteen trees will be removed and replaced with fifty-four trees.

DELIBERATION AND DETERMINATION:

Mr. Chandler recited the facts and said a Special Use Permit is requested for accessory structures for Mr. and Mrs. Weilbaeher at 414 Vanderbilt Road. The accessory structure is for the driveway gate and a fire pit. They are within the proper setbacks. There is also a request for landscaping plan for lot disturbance greater than 20% for taking approximately sixteen trees and replacing with fifty-four trees. The neighbors support this project.

Mr. Lowell Pearlman made a motion to approve a Special Use Permit for Mr. and Mrs. Weilbaeher of 414 Vanderbilt Road and the facts as recited by Robert Chandler 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. Mr. Pearlman further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. 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.

Ms. Martha Barnes added the landscape plan was also approved. Mr. Pearlman agreed. Ms. Martha Barnes seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The last request was for a variance at 3 Stuyvesant Crescent to exceed maximum roof coverage and impervious surface coverage for an addition.

Ms. Nancy Togar, homeowner said the patio portion of the project would be deleted from the plan. Mr. Tim Wright, builder, represented Mr. and Mrs. Togar.

Ms. Martha Barnes said the overage is just above 200 square feet. Mr. Kanipe said the overage would be deleted from this plan since they do not want a patio. Mr. Kanipe believed it would decrease by approximately 320 square feet. It is a 0.8 acre lot. The master bedroom would be on the main floor. The application was amended to reflect the evidence they presented today. There were no further comments.

DELIBERATION AND DETERMINATION:

Ms. Rhoda Groce restated the facts and said Mr. Tunc Togar and Mrs. Nancy Togar of 3 Stuyvesant Crescent are asking for a Variance to exceed the maximum roof coverage, which would be a difference of 192 square feet. The hard ship is the property is on .8 acres and they would like to put their bedroom on the first floor.

Ms. Barnes asked if Mr. and Mrs. Togar have spoken to the neighbors about their project. Mrs. Togar said the next door neighbors at 5 Stuyvesant Crescent approve of the project.

Ms. Martha Barnes moved that a Variance as requested be granted to Tunc and Nancy Togar of 3 Stuyvesant Crescent and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Barnes further moved that granting this Variance 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, a literal enforcement of the provisions of this Ordinance would, in this case, result in a 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. Lowell Pearlman seconded the motion.

Ms. Barnes verified that in the minutes, this case would reflect an amended application. Chairman Goosmann said yes. Mr. Clarke said their application would be amended to reflect to comply with the evidence presented.

The motion was unanimously approved.

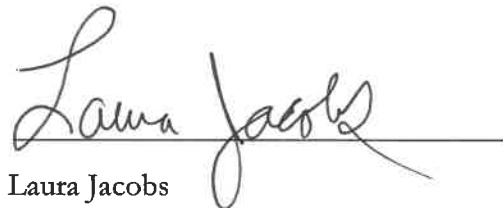
Chairman Goosmann adjourned the meeting at 4:26 pm. The next Board of Adjustment meeting is scheduled for Monday, October 18, 2021 at 4:00 pm.

ATTEST.



Greg Goosmann

Chairman



Laura Jacobs

Town Clerk