

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, FEBRUARY 21, 2022

The Board of Adjustment met at 4:00 p.m. on Monday, February 21, 2022.

Members present: Mr. Greg Goosmann, Mr. Robert Chandler, Mr. Lowell Pearlman, Ms. Martha Barnes, and Ms. Lynn Kieffer were present via Zoom. Mr. Jonathan Kanipe, Town Manager and Mr. William Clarke, Town Attorney were also present via Zoom.

Chairman Greg Goosmann called the meeting to order at 4:05 p.m.

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe

Ms. Emily Gregory

Mrs. Marita Douglas

Mr. Howard McDill

Mr. Jason Weil

Mrs. Angela Newnam

Mr. Ed Broadwell

A motion was made by Mr. Robert Chandler to approve the minutes from February 21, 2022. Ms. Lynn Kieffer seconded the motion. Roll call was taken and the minutes were unanimously approved.

HEARING (Evidentiary):

The matter was for a Special Use Permit request for an accessory structure (dry stack stone retaining walls at 8 Fairway Place. Ms. Lynn Kieffer shepherded the matter. Ms. Emily Gregory represented the homeowner. The overall intent is to mitigate a lot of water that goes through the property. There will be one placed higher up on the property that is approximately thirty feet long that is not visible from the upper part of the property. The lower wall will roughly be about 106 feet long. It will look identical to the existing walls that are already on site. The larger wall will also be a retaining wall. It will be seen from both sides of the property. There are multiple springs on the property where much of this water is coming from.

Ms. Kieffer clarified the shorter wall is located in the side of the yard. Ms. Kieffer asked if additional buffering were needed, would the homeowner comply with this request. Ms. Gregory said yes. Ms. Kieffer said a neighbor across the street, Mr. Glenn Kelly said he is in support of the project.

DELIBERATION AND DETERMINATION:

Ms. Kieffer recited the facts and said Dr. Leon Elliston is requesting a Special Use Permit for an accessory structure (two dry stack retaining walls) at 8 Fairway Place. The walls are compliant with the setbacks.

Ms. Martha Barnes made a motion for a Special Use Permit be granted to Dr. Leon Elliston of 8 Fairway Place and the facts as recited by Lynn Kieffer 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. Mr. Barnes 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.

The motion was seconded by Mr. Lowell Pearlman. Roll call was taken and unanimously approved.

HEARING (Evidentiary):

The next request was for a Special Use Permit at 26 East Forest Road for an accessory building (greenhouse) and a new single-family residence. Ms. Martha Barnes shepherded the matter. Mr. Jason Weil and Mr. Howard McDill represented the homeowner. Mr. Weil said there will be an asphalt driveway. The garage will be at the main level. It is a flat lot and then it drops off. The house will be set at the edge so the basement can be level. There is also a secondary gravel driveway. The greenhouse will be a kit. It is placed on the site plan and want to have areas where they can garden. It is approximately 10'x16'. The approximate height is 8 feet tall. The low boulder wall is approximately 3.5 feet tall and 15-20 feet long.

DELIBERATION AND DETERMINATION:

Ms. Barnes recited the facts and said Mr. Michael and Mrs. Marita Douglas of 26 East Forest Road for an accessory building (greenhouse) and an accessory structure (retaining wall). The greenhouse is estimated to be 10 feet by 16 feet. The retaining wall will be 15-20 feet long and won't be any higher than four feet. There were no additions to the facts.

Mr. Robert Chandler made a motion to grant a Special Use Permit for a detached greenhouse and boulder placement and the facts as recited by Martha Barnes 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. Mr. Chandler 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. Lowell Pearlman seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

A Special Use Permit request for accessory structures (pergola parking area, garden shed, and entrance columns) and Variance for exceeding more than one detached accessory building at 394 Vanderbilt Road. The matter was shepherded by Mr. Lowell Pearlman. Mrs. Newnam said they wanted to make an arbor with a very low profile roof to protect the cars. Bushes will be planted on the side so neighbors would not see the vehicles on the side. The wood fence would be dark brown and the columns would be stucco. Mrs. Newnam has been working with the Broadwells who live next door.

Mr. Pearlman asked Mrs. Newnam what the hardship is based on. Mrs. Newnam said this plan provides a solution where no trees would be cut down. Mr. Ed Broadwell and Mrs. Donna Broadwell support Mrs. Newnam's project and they have put a great deal of effort into making this landscape look attractive. Mr. Kanipe said Mr. Davis is a neighboring property owner and is in support of the Newnam's project as well.

DELIBERATION AND DETERMINATION:

Mr. Pearlman recited the facts and said Todd and Angela Newnam are requesting a Special Use Permit for accessory structures (pergola parking area, garden shed, and entrance columns) and Variance for exceeding more than one detached accessory building at 394 Vanderbilt Road.

Ms. Lynn Kieffer made a motion that a Special Use permit be granted to Angela and Todd Newnam of 394 Vanderbilt 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.

Ms. Kieffer 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.

The motion was seconded by Ms. Martha Barnes and unanimously approved.

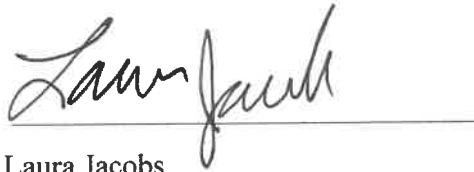
Chairman Goosmann adjourned the meeting at 4:52 pm. The next Board of Adjustment meeting is scheduled for Monday, March 21, 2022 at 4:00 pm.

ATTEST:



Greg Goosmann

Chairman



Laura Jacobs

Town Clerk