VARIANCE APPLICATION

Town of Biltmore Forest

Name

First	Last
Stuyvesant Investments, LLC	c/o Bessemer Trust Company of Florida

Address

7 Stuyvesant Road, Biltmore Forest, NC 28803

Address Line 1

Phone	**Email**
(732) 694-5796	hachil@bessemer.com

Current Zoning/Use	**Requested Use**
Residential	No Change

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?

Request that the Board of Adjustment consider issuing a variance / waiver for a pre-existing gravel garden drive on the subject property and renewal of seasonal gravel for ongoing maintenance purposes. Significant damage was done to the gravel drive recently from machines needed to remove fallen tree and repair the hedge. The repair is needed to maintain the existing path / drive and is necessary to prevent mud wash from flowing on to the neighboring property at 388 Vanderbilt Rd. The gravel road has existed for decades and is a permeable (not a permanent and impervious surface). With that said, the applicant is willing to consider additional buffering along the gravel drive from the neighbor's viewshed.

What does the ordinance require?

Requires a specific setback for interior roads/drives along property boundary lines.

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.

Potentially result in issues with access and professional maintenance for certain parts of the subject property.

Explain.

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

7 Stuyvesant Road is a large and unique property that requires special care and professional maintenance to preserve the historical character, beauty and attributes of the property.

Explain.

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

This gravel drive has been part of the property for many years as evidenced by the enclosed GIS aerial photos of the property from 2010 (earliest GIS available) and 2020. The current repair/maintenance of this gravel drive is the subject of the complaint. The repair is needed to maintain the existing path / drive and is necessary to prevent mud wash from flowing on to the neighboring property at 388 Vanderbilt Road.

Explain.

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.

The requested variance would continue to allow for safe access for the property owner and other staff/vendors to safely access parts of the proeprty for purposes of performing needed and ongoing routine maintenance. The requested repair to existing gravel/acess road is needed to prevent further damage and wash out in the future. The edges of the gravel / access road will also be cleaned up, graded smooth and mulch to prevent erosion and other issues. Furthermore reasonable additional buffering will be considered by the applicant.

Explain.

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

Signature

Stuyvesant Investments, LLC

DocuSigned by:

Wally Hachil

9B75238DB716426...

Date

April 23, 2023 | 10:55 PM EDT