

## PROPOSED AGENDA

Joint Meeting of the Town of Biltmore Forest  
Board of Adjustment and Planning Commission

To be held Monday, March 6, 2023 at 4:00 p.m.

- A. Call to Order – Board of Adjustment (Mr. Greg Goosmann, Chair)
  - B. Call to Order – Planning Commission (Mr. Paul Zimmerman, Chair)
  - C. Joint Meeting Purpose and Discussion
  - D. Adjourn
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<https://us02web.zoom.us/j/82792822562?pwd=SGpxVERoQnpLVTdoVGhoZmY4R3pUUT09>

Meeting ID: 827 9282 2562  
Passcode: 437003



## BOARD OF ADJUSTMENT PLANNING COMMISSION

*JOINT MEETING*

**MARCH 6, 2023**

### DISCUSSION ITEMS

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#### Background

Last year, the Planning Commission completed a Comprehensive Planning process that resulted in a new Town of Biltmore Forest Comprehensive Land Use Plan subsequently adopted by the Board of Commissioners in May 2022. During this time, the Planning Commission found unclear or vague areas in the existing Zoning Ordinance and discussed future focus areas. Chair Paul Zimmerman brought forth the idea of a joint meeting with Board of Adjustment members to discuss whether or not there are ordinances that should be clarified, relaxed, or tightened.

The goal of this exercise is twofold:

1. Better serve the residents of Biltmore Forest.
2. Eliminate confusion when residents bring forward requests for Special Use permits or submit variance applications.

The Board of Adjustment's charge is to interpret ordinances and determine whether these special requests match statutory requirements that allow them to be granted. The Board of Adjustment meets nearly every month and therefore has first-hand knowledge of issues that arise frequently. The Planning Commission has responsibility for proposing new ordinances but does not have the first-hand working experience of interpreting and executing these ordinances. By bringing these two boards together and listening to both perspectives, the Town will be better positioned to identify land use issues that may need to be reviewed by the Board of Commissioners in more detail.

#### Board of Adjustment Cases

Mr. Zimmerman reviewed approximately 145 Board of Adjustment cases between 2014 and 2019 and found the following data points:

32% were requests for a variance.

24% were for a front wall/terrace/or deck

19% were for a gate or fence

6% were for a Play Structure

22% were for a Building/Porch, etc

3% were for a Roof Size issue

8% were for a Deer Fence, specifically

6% were for an Impervious Area

*(Note: These numbers add up to more than 100% because a request for a fence in a setback would be counted twice)*

### **Discussion Items**

In addition to individual topics each Board or Commission member may want to bring forward, the following items were developed and proposed by the Planning Commission for discussion.

1. Requiring FINAL landscape and grading plans prior to BOA approval. Currently, only preliminary landscaping plans are required.
2. A revised Tree Ordinance with a more specific requirement to plant canopy trees.
3. Requiring a resident installing a fence to be responsible for buffering between the fence and the neighbor's property. The responsibility for requiring buffering should not be on the shoulders of the neighbor.
4. Clarify the need to keep the Town's right-of-way clear of vegetation and structures.
5. Rewrite the ordinance governing impervious surface area and bring it in line with the maximum roof area ordinance. Right now, there are 3 groupings with a fixed percent allowed in each grouping. Because of this, a 3-acre lot can have LESS impervious area than a 2.9-acre lot. A 5-acre lot can have 20% (1 acre) as impervious. It is suggested that a smooth curve be developed, like the maximum roof coverage ordinance in design, with impervious surface area that is maxed out at about 2/3 acre.
6. Discuss whether buildings connected only by a conditioned, enclosed breezeway be considered as one building?
7. Consider whether to affirmatively Tennis Courts as accessory structures.
8. Discussion of new ordinance for EV Charging Stations (*RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION AND BEING CONSIDERED BY BOARD OF COMMISSIONERS AT MARCH 14, 2023 MEETING*).
9. Discuss whether there are some matters that could be approved administratively without a BOA review? As an example: Does a low stone wall next to a driveway, not going into any setbacks, need BOA approval? How about a play structure in the middle of a back yard that cannot be seen by neighbors?

The items above are not the exclusive topics for discussion. Rather, these are those discussion items developed by Planning Commission members with the knowledge Board of Adjustment members may have specific discussion items and request review of specific ordinances. This joint meeting will provide Town staff and both boards an opportunity to review current issues and consider how the Town moves forward in the future. Thank you for your thoughtfulness, consideration, and participation in this discussion.