



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners  
From: Jonathan B. Kanipe, Town Manager  
Date: July 17, 2025  
Re: **Board of Adjustment Meeting – July 28th, 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 July 24th, 2025.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, July 28th, 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 June 16<sup>th</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: 392 Vanderbilt Road- Variance Request for multiple boulder accessory structures within the front yard.**

*Site Visit: 3:45*

MINUTES OF THE BOARD OF ADJUSTMENT  
MEETING HELD MONDAY, JUNE 16<sup>th</sup>, 2025

The Board of Adjustment met at 4:00 p.m. on Monday, June 16<sup>th</sup>, 2025

Chairman Greg Goosmann, Ms. Lynn Kieffer, Mr. Robert Chandler, Ms. Rhoda Groce, and Ms. Martha Barnes were present. Mr. Tony Williams, Town Planner, Mr. Jonathan Kanipe, Town Manager, and Town Attorney Mr. Billy Clarke were also present. Ms. Janet Whitworth was 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 April 21<sup>st</sup>, 2025 meeting. Ms. Lynn Kieffer seconded the motion and was unanimously approved.

Chairman Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Tony Williams

Mr. Randall Goskowicz

Ms. Maki Goskowicz

HEARING (Evidentiary):

The first matter is for a Variance request for a driveway marker and drainage system at 37 Hilltop Road.



DELIBERATION AND DETERMINATION:

The contractor will need to provide additional information and will be postponed until next month's meeting.

HEARING (Evidentiary):

The second matter is for a Variance request for a fence in the side yard setback at 9 Forest Road. Mr. Tony Williams said 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. Mr. Goskowicz said they are requesting this because they have the rest of that area already enclosed and they have a small section of their yard that would need to be fenced in for their dogs. This fence would not be visible by neighboring property owners. The neighbor to the side also approves of this project as well.

DELIBERATION AND DETERMINATION:

Mr. Williams restated the facts and said the owners at 9 Forest Road are requesting permission to install a fence in the rear of their home. The fence would be black metal and four feet in height. They are requesting an encroachment into the side setback to an existing fence, which requires a Variance.

Ms. Martha Barnes made a motion and moved that a Variance request be granted to Randall and Maki Goskowitz for a backyard fence with gates 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.

Ms. Rhoda Groce seconded the motion and was unanimously approved.

The next meeting is scheduled for Monday, July, 28<sup>th</sup> 2025 at 4 pm.

The meeting was adjourned at 4:19 pm.

ATTEST:

---

Greg Goosmann, Chairman

---

Laura Jacobs, Town Clerk



## BOARD OF ADJUSTMENT MEETING

### STAFF MEMORANDUM

July 28, 2025

#### CASE 1

**Property Address:** 37 Hilltop Rd

**Property Owner:** Anthony Adams

**Request:** Tabled Last Month, Variance Request for a Driveway Marker and  
Drainage System

---

#### Background

This case was tabled last month. 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**

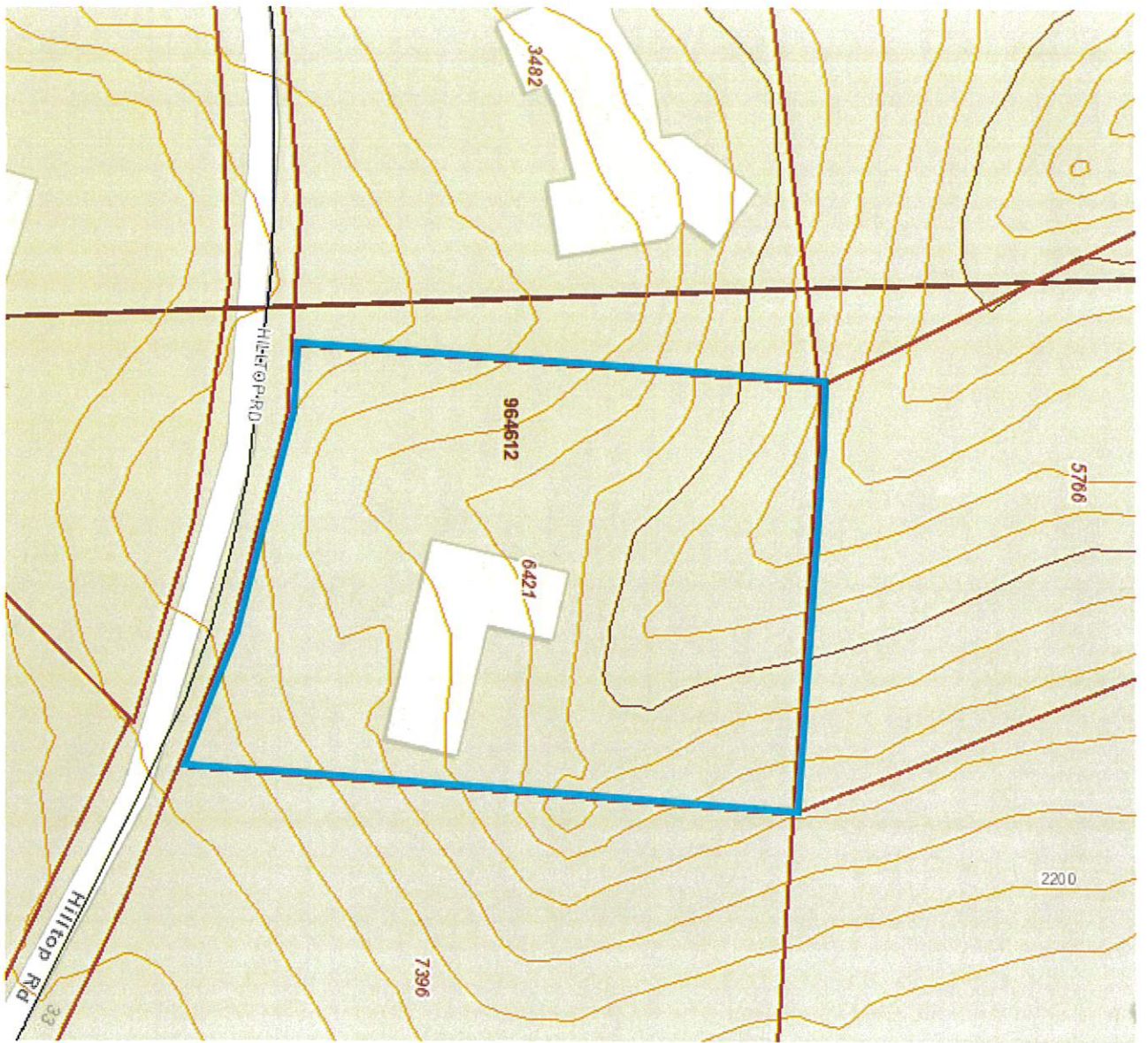
**Date**

9/25/2024

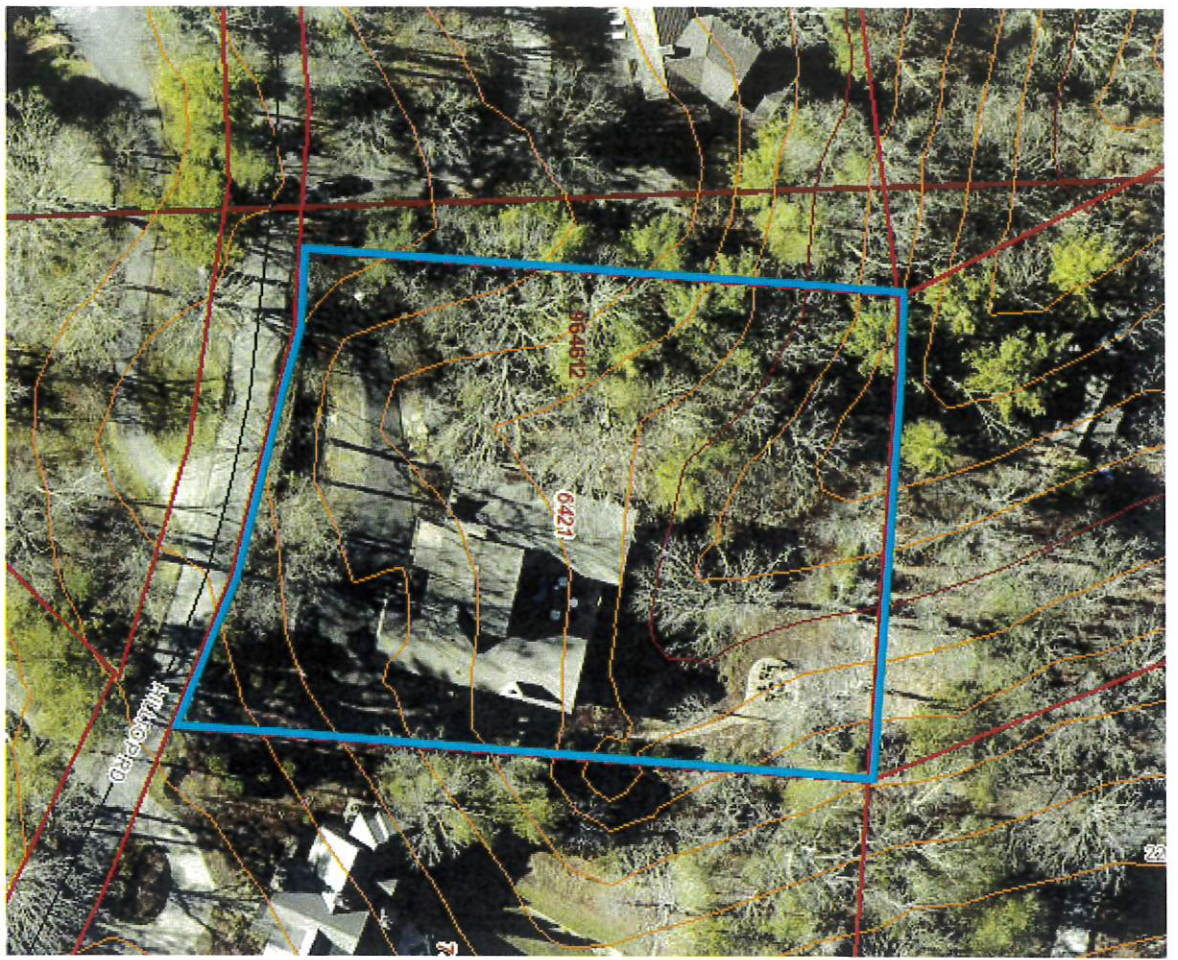
A handwritten signature in black ink, consisting of a stylized 'U' followed by a horizontal line and a cursive 'A'.

**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.**

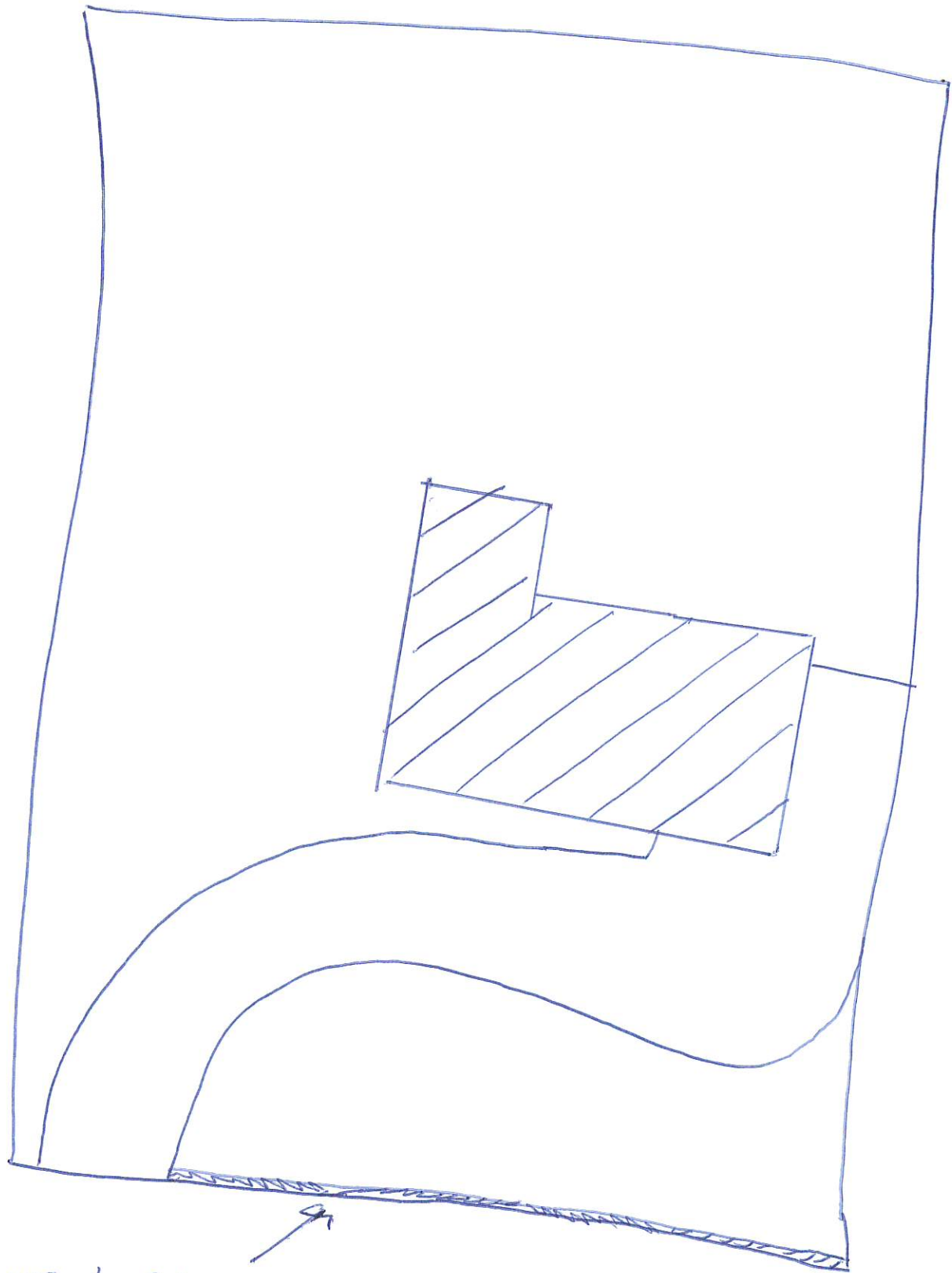
**I plan to pay in person or mail a check**







37 HILLTOP ROAD



NEW DRAINAGE

**From:** [Andrew Stepp](#)  
**To:** [Anthony Adams](#)  
**Subject:** Roadside Drainage  
**Date:** Wednesday, July 02, 2025 1:11:06 PM

---

As per our conversation last week about the roadside drainage concerning the towns request for an explanation of what was done in the swale.

There is a large low spot in the town owned road way that collects water from neighboring driveways and approx. 600' of road top. All of the water would pool (where we have installed a drain basin) and eventually run over the bank into the Adams property, and in most occurrences would run down their driveway. This was causing water to puddle against the front basement wall of the home. Concerned this would cause damage to the home Anthony asked us to remedy the issue. We tried several different methods, including creating a swale in the area, and planting a row of shrubs to soak up the water. The best solution is the current one and it is still overwhelmed at times during our very frequent intense afternoon thunderstorms. The method we found most useful was installing a decorative yet functional dry creek bed using 2-5" river rock along roadside swale in the roadside frontage of the Adams residence. This directs water into a 18" drainage basin with River Rock and decorative boulder surround to hold water from road runoff. The box drains into an existing 24" masoned drainage basin and 18" slick wall pipe across the Adams property.

We also placed 1 large boulder at the face of the driveway to limit the possibility of guests and passers by from driving off the large embankment at the corner of the Adams driveway. This has since been moved back (on the request of the town) to prevent accidental collisions.

I hope this helps, if further explanation is needed I am glad to assist

--



**Andrew Stepp**

Landscape Consultant  
Licensed NC Landscape Contractor - L.1944  
B.B. Barns, Inc.  
92 Crayton Rd. Asheville, NC 28803  
828.747.2939  
Find us @ [bbbarns.com](http://bbbarns.com)































## BOARD OF ADJUSTMENT MEETING

### STAFF MEMORANDUM

July 28, 2025

#### CASE 2

**Property Address:** 392 Vanderbilt Rd

**Property Owner:** Ed Broadwell

**Request:** Variance Request for Multiple Accessory Structures

---

#### Background

The property owner is presenting plans for multiple boulder accessory structures within the front yard. The proposed stones are located by the driveway and in the front yard near the roadway. They are located within the front setback and approximately 10 feet or more from the edge of the road outside of the right of way. The application does not meet the requirements for location and setbacks for accessory structures, therefore would require a variance.

#### Variance

The proposed structure does not comply with the placement being within the rear yard as well as being within the front setback, 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**

Ed Broadwell

**Property Address**

392 Vanderbilt Road

**Phone**

(828) 230-5389

**Email**

edbroad61@gmail.com

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

2.57

**Proposed Roof Coverage Total**

NA

**Proposed Impervious Surface Coverage**

Approx 240 sqft of impervious added

**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**

N/A

**Description of the Proposed Project**

Boulder Outcroppings installed on slope( plan and photo attached ) to prevent erosion and stabilize slope from Helene storm damage . Approx 24 or less

**Estimated Start Date**

6/9/2025

**Estimated Completion Date**

6/10/2025

**Estimated Cost of Project**

\$5,000.00

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

Boulder outcrop area.pdf

Broadwell Front Landscape .JPG

**Applicant Signature**

**Date**  
6/4/2025

*Ed Broadwell*

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Ed Broadwell

**Address**

392 Vanderbilt Drive

**Phone**

(828) 230-5389

**Email**

edbroad61@gmail.com

**Current Zoning/Use****Requested Use**

**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?**

Add Native Boulder Outcroppings on slope of property adjacent from Vanderbilt Drive to stabilize slope and provide visual enhancement in conjunction with ground cover and new plantings as shown in previous submittal

**What does the ordinance require?**

A variance for boulders (accessory structures) in 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.**

We need to stabilize the slope from storm damage. reduce run off. help to hold new vegetation and mulch. It would also reduce damage to the right of way below which is used for walking.

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

The home is on a steep slope and the boulders are needed to help correct the storm damage.

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

It is the lay of the land and everything flows down hill.

**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.**

It is within the spirit of the ordinance and would make the walking area along the road a safer place.

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

**Signature**

**Date**

6/4/2025

*Ed Broadwell*

**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

## Jonathan Kanipe

---

**From:** adam banks <adambanks42@gmail.com>  
**Sent:** Thursday, June 05, 2025 7:32 PM  
**To:** Tony Williams  
**Subject:** 392 Vanderbilt Rd. Broadwell residence hardship description  
**Attachments:** Boulder outcrop area.pdf; Broadwell Front Landscape.JPG

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

Tony,

Thank you for your time today with guiding me through this process.

The description of our hardship request is as follows :

We propose to install( embed) native landscape boulders and the existing boulders that were on slope originally into damaged slope of Mr. Broadwells' s property that is adjacent to Vanderbilt Rd in order to help stabilize slope and help retain new groundcover and plantings per landscape plan that we downloaded per Tony's request for submittal . I anticipate using around 20- 24 tons of boulders installed along the stretch of property slope which has a surface area of 7-10 sgft per ton at best guess which would be roughly at most 200-240 sgft of impervious surface on slope .

In doing a combination of native fern , rhododendron this area will come back to the natural look but have a more aesthetic appeal approaching driveasy entry .

Please let me know if you need anything else from us .

Kindest Regards

**Adam Banks**

**President**

**Premier Landscapes by Adam Inc.**

**office: 828-675-5311**

**cell: 828-284-0859**

**PO Box 907**

**Burnsville, NC 28714**

[www.premierlandscapesbyadam.com](http://www.premierlandscapesbyadam.com)





## Jonathan Kanipe

---

**From:** adam banks <adambanks42@gmail.com>  
**Sent:** Friday, June 06, 2025 6:28 AM  
**To:** Tony Williams  
**Subject:** Re: 392 Vanderbilt Rd. Broadwell residence hardship description

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

Tony ,  
I forgot to include that I have 811 has marked all utilities out on site and I will check make note of locations where marked and send to you  
Majority of lines are coming in in right side of Ed's driveway where we are not adding boulders. Of what I remember

Adam Banks  
President  
Premier Landscapes By Adam Inc.  
Office 828-675-5311  
PO Box 907  
Burnsville, NC 28724  
[www.premierlandscapesbyadam.com](http://www.premierlandscapesbyadam.com)

On Thu, Jun 5, 2025 at 7:32 PM adam banks <[adambanks42@gmail.com](mailto:adambanks42@gmail.com)> wrote:

Tony,  
Thank you for your time today with guiding me through this process.  
The description of our hardship request is as follows :

We propose to install( embed) native landscape boulders and the existing boulders that were on slope originally into damaged slope of Mr. Broadwells's property that is adjacent to Vanderbilt Rd in order to help stabilize slope and help retain new groundcover and plantings per landscape plan that we downloaded per Tony's request for submittal . I anticipate using around 20- 24 tons of boulders installed along the stretch of property slope which has a surface area of 7-10 sgft per ton at best guess which would be roughly at most 200-240 sgft of impervious surface on slope .

In doing a combination of native fern , rhododendron this area will come back to the natural look but have a more aesthetic appeal approaching driveway entry .

## Jonathan Kanipe

---

**From:** Angela Newnam <angelanewnam@gmail.com>  
**Sent:** Friday, July 25, 2025 9:01 AM  
**To:** Jonathan Kanipe; Ed Broadwell  
**Subject:** Broadwell variance request

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

Jonathon- The Broadwells have reviewed their landscape plans with us.

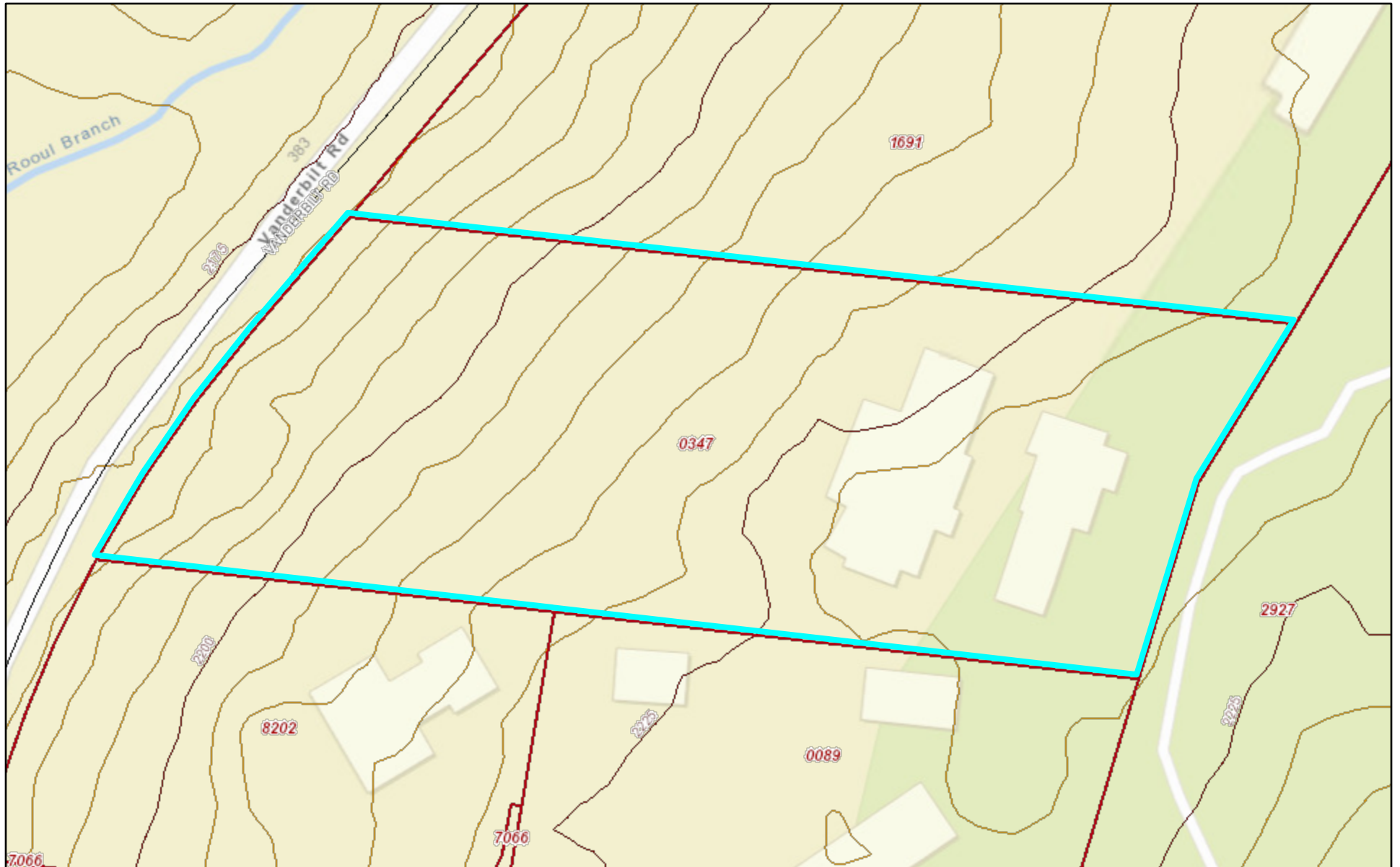
We are supportive of their extensive efforts to replant their property, including the boulders for bank retention and aesthetics.

Have a great weekend!

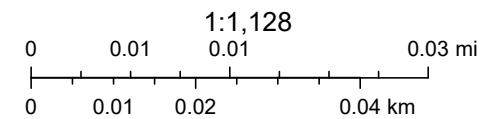
Todd and Angela Newnam

Angela Newnam  
704-996-5035  
[angelanewnam@gmail.com](mailto:angelanewnam@gmail.com)

# 392 Vanderbilt

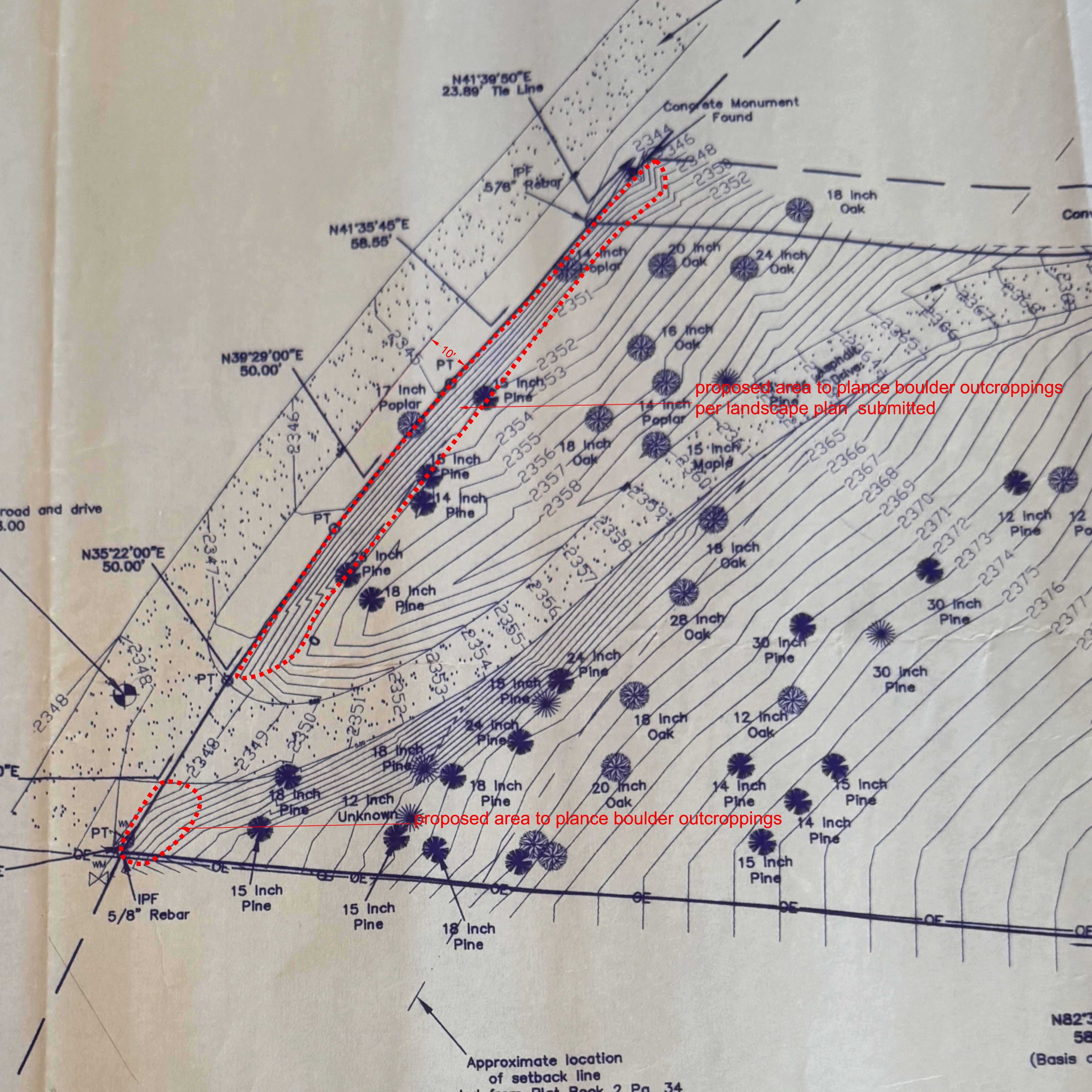


June 5, 2025



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),





N41°39'50"E  
23.89' Tie Line

Concrete Monument  
Found

5/8" Rebar

N41°35'45"E  
58.55'

18 inch  
Oak

N39°29'00"E  
50.00'

10'

proposed area to place boulder outcroppings  
per landscape plan submitted

road and drive  
3.00'

N35°22'00"E  
50.00'

PT

18 inch  
Pine

24 inch  
Pine

14 inch  
Pine

15 inch  
Pine

15 inch  
Pine

16 inch  
Oak

20 inch  
Oak

24 inch  
Oak

14 inch  
Poplar

15 inch  
Maple

18 inch  
Oak

16 inch  
Oak

28 inch  
Oak

30 inch  
Pine

30 inch  
Pine

12 inch  
Oak

18 inch  
Oak

20 inch  
Oak

24 inch  
Pine

18 inch  
Pine

18 inch  
Pine

12 inch  
Unknown

18 inch  
Pine

15 inch  
Pine

15 inch  
Pine

18 inch  
Pine

14 inch  
Pine

15 inch  
Pine

14 inch  
Pine

15 inch  
Pine

5/8" Rebar

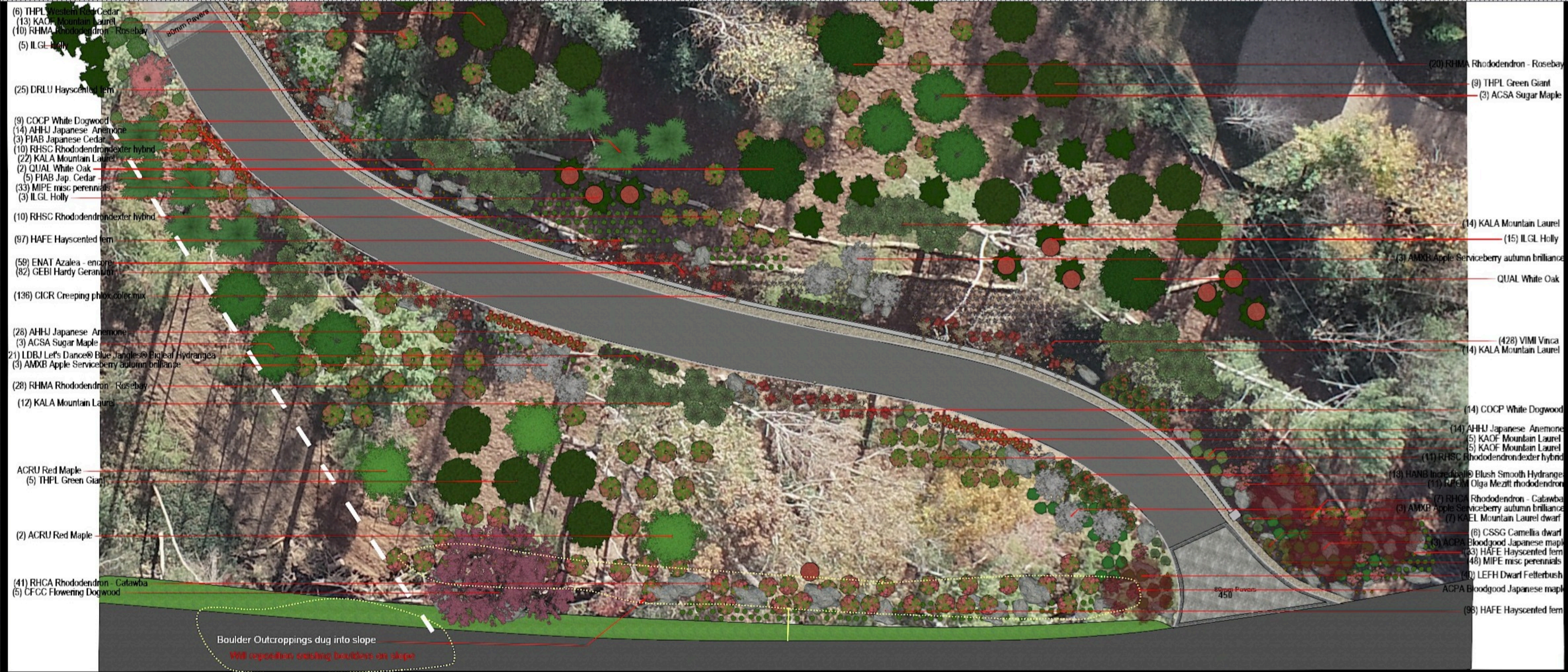
Approximate location  
of setback line  
from Plat Book 2 Pg. 34

N82°3'  
58'  
(Basis of)









# Broadwell Residence

