

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, JULY 17, 2023

The Board of Adjustment met at 4:00 p.m. on Monday, July 17, 2023.

Mr. Greg Goosmann, Mr. Lowell Pearlman, Mr. Robert Chandler, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, Mr. Tony Williams, Town Planner, Ms. Laura Jacobs, Town Clerk, and Mr. Billy Clarke, Town Attorney, were also present. Ms. Lynn Kieffer was not present.

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

Mr. Goosmann swore in the following:

Mr. Tony Williams

Mr. Jonathan Kanipe

Mr. Brad Freeman

Mr. Rob Montaque

Mr. Joseph Pollack

A motion was made by Ms. Rhoda Groce to approve the minutes as amended from June 17, 2023. Mr. Lowell Pearlman seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter discussed is a Special Use Permit request at 305 Vanderbilt Road for an accessory structure installation in the rear yard. Mr. Kanipe said the Town allows accessory structures provided the Board issues a Special Use Permit. The accessory structure here in

question is the outdoor fireplace and patio. The deck that is existing and the deck coming off the house are not included in this review because they are attached to the house and attached to the existing deck. From the Town's standpoint, it falls into compliance with the setback as well as the impervious surface roof coverage for the site. The site plans and renderings have been provided. Mr. Kanipe said the site falls into compliance with the setback and impervious surface roof coverage. Mr. Chandler asked if any of the neighbors could see the project from the road. Mr. Freeman said not really because they have an Arborvitae from the edge between Joann Grimes and the Freeman's property. The Russell's who live on the South side of the Freeman's have Hemlock trees. All of these areas are buffered and feedback has not been received from the neighbors.

#### DELIBERATION AND DETERMINATION:

Mr. Kanipe restated the facts and said Mr. Brad Freeman at 305 Vanderbilt Road is applying for a Special Use Permit for an accessory structure in the rear yard. It will be an outdoor fireplace and patio. It is in compliance with the setbacks and impervious surface roof coverage requirements. If approved by the Board of Adjustment, the Design Review Board will approve the remainder of the project.

Ms. Martha Barnes moved that a Special Use Permit be granted to Mr. Brad Freeman at 305 Vanderbilt Road for an outdoor fireplace and the facts as recited by Mr. Jonathan Kanipe and his summation be supported as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. She 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. Rhoda Groce seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The next matter is for an approval of tree replanting plan at 1 Hilltop Road. The matter was shepherded by Ms. Rhoda Groce. Mr. Rob Montaque who is representing the homeowner, Mr. Marshall King said 849 trees were replaced. Mr. Montaque said nineteen trees have already been removed. They have a landscape plan that was submitted to the Board. Mr. Montaque said they replaced it with forty-nine trees.

DELIBERATION AND DETERMINATION:

Ms. Groce recited the facts and said Mr. Marshall King of 1 Hilltop Road has presented a landscaping plan review to replace the nineteen protected trees that were removed. They will be replaced with forty-nine new trees. The Town has reviewed the plan and said it is acceptable.

Ms. Martha Barnes moved that the tree planting plan be accepted as presented. Mr. Lowell Pearlman seconded the motion and was unanimously approved.

HEARING (Evidentiary):

The next matter is for a Special Use Permit request for driveway column installation at 31 Cedar Hill Drive. Mr. Lowell Pearlman shepherded the matter. Mr. Pollack said they are trying to put ornamental stone columns toward the roadway. They will not support any gates and have nothing

to do with the gate. The columns are five feet tall, three feet long, and two feet tall. This will not infringe on the right-of-way. Mr. Pollack said they are twenty-two feet from the road. Mr. Kanipe said the Board is allowed to consider the columns as a Special Use Permit and not a Variance. The materials will match the house. The frogs on top of the columns will be two feet tall.

DELIBERATION AND DETERMINATION:

Mr. Pearlman restated the facts and said Ms. Larissa Pollock is requesting a Special Use Permit for stone columns on the driveway and they meet all the height and distance requirements. Ornamental frogs will be placed on the top.

Ms. Martha Barnes moved that a Special Use Permit be granted to Larissa Pollack of 31 Cedar Hill Drive for stone columns on the driveway 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. She 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. Groce seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 4:19 pm. The next Board of Adjustment meeting is scheduled for Monday, August 28, 2023 at 4:00 pm.

ATTEST:

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Greg Goosmann

Chairman

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Laura Jacobs

Town Clerk