

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, MARCH 20, 2023

The Board of Adjustment met at 4:00 p.m. on Monday, March 20, 2023.

Mr. Greg Goosmann, Mr. Lowell Pearlman, Ms. Lynn Kieffer, Mr. Robert Chandler, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, and Mr. Harry Buckner, Public Works Director were present as well.

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Heinz Grohs

Mrs. Dawn Grohs

Mr. Ian Poole

Mrs. Katie Dunlap

Ms. Toni Barlas

A motion was made by Mr. Robert Chandler to approve the minutes from February 20, 2023. Ms. Lynn Kieffer seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter is for a Special Use Permit request for an accessory structure at 79 Chauncey Circle. The matter is shepherded by Mr. Lowell Pearlman. The homeowners would like to replace the patio and install an outdoor fireplace. They are not encroaching on any setbacks. This area is well landscaped and buffered. The fireplace will be about ten feet tall.

DELIBERATION AND DETERMINATION:

Mr. Pearlman restated the facts and said Dawn and Henry Grohs are replacing a patio and installing an outdoor fireplace. It will be approximately ten feet tall.

Ms. Martha Barnes moved that a Special Use Permit be granted to Dawn and Henry Grohs of 79 Chauncey Circle to replace a patio and installing an outdoor fireplace 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.

HEARING (Evidentiary):

The next matter is for a Special Use Permit request for an accessory structure at 23 Stuyvesant Road. There is no one participating via Zoom or in person representing the homeowners. Mr. Kanipe said the homeowner would like to have an outdoor fireplace on an existing outside covered patio. It will be three feet by six feet. It will be built on the west side of the home. There is an existing covered porch. If additional buffering is needed, the homeowners would be willing to do so.

DELIBERATION AND DETERMINATION:

Ms. Barnes restated the facts, Ygondine Creasy at 23 Stuyvesant Road is asking for a Special Use Permit to construct an outdoor fireplace on an existing outside covered patio which will be three feet by six feet. This location will be on the west side of the house.

Mr. Pearlman moved a Special Use Permit be granted to Ms. Ygondine Creasy at 23 Stuyvesant Road and the facts as recited by Ms. 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. He 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 Ms. Lynn Kieffer and unanimously approved.

HEARING (Evidentiary):

The third matter is a for a Special Use Permit request for a detached accessory building within the rear yard at the end of an existing driveway at 2 Amherst Road. Ms. Rhoda Groce shepherded the matter. The applicant also requested a variance for encroachment into the side yard.

Mr. Ian Poole said this will include the same color scheme as the house to ensure uniformity. Ms. Groce said the structure is highly visible from the road and asked Mr. Poole how the shed would be placed. Ms. Groce asked Mr. Poole if the shed could possibly be placed in the backyard. Mr. Poole said anywhere in the side yard would be more visible from the road as opposed to the corner where originally proposed. Additional trees would also have to be removed and Mr. Poole would like to preserve the trees. The structure is ten feet by ten feet. Ms. Groce asked what the hardship is to locate the storage building within the side yard setback. Mr. Poole said they would like to utilize the space for their daughter to have an art studio and they would like to be able to park their cars in the garage. The location of the shed was suggested to be placed in a different location not visible from the road.

Mr. Goosmann asked if Mr. Poole would like to table the matter to present other relocation options.

DELIBERATION AND DETERMINATION:

The matter was tabled.

HEARING (Evidentiary):

The fourth matter is for a variance request to exceed maximum roof coverage and maximum impervious surface coverage at 15 White Oak Road. Ms. Kieffer shepherded the matter. Mrs. Katie Dunlap said this would be for a mudroom. 7'7"x10' off the back of her kitchen where there is a small existing room. Mrs. Kieffer said the covering on the back door would be removed. There would be a new awning they would place. This would add an additional 113

square feet. Ms. Kieffer asked about the hardship. Mrs. Dunlap said they have less than a half-acre and there is limited room for them to make improvements or additions so the hardship would be due to lot size. White Oak and Buena Vista were the first homes built throughout Town and have the smallest lots in Town. The neighboring property owners, the Manheims, support this project.

DELIBERATION AND DETERMINATION:

Ms. Kieffer restated the facts and said Mrs. Dunlap would like to add a 7.5'x10' mud room. The existing roof coverage and stoop would be removed. It would exceed the roof coverage which would add an additional 113 square feet. The impervious surface amount is currently 6,201 square feet and the ordinance allows 5,031 square feet. The new addition would add 94 square feet.

Ms. Groce made a motion that a Variance as requested be granted to Katie Dunlap at 15 White Oak Road and the facts as recited by Lynn Kieffer and her summation be accepted as findings and facts to support this grant. Further, she moved by 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. He 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. Barnes. The motion was unanimously approved.

HEARING (Evidentiary):

The last matter is for a Variance request to exceed maximum roof coverage and encroachment into the side yard setback at 23 Cedar Hill Road. The resident withdrew the application.

The meeting was adjourned at 4:17 pm. The next Board of Adjustment meeting is scheduled for Monday, May 15th, 2023 at 4:00pm.

ATTEST:

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Greg Goosmann  
Chairman

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Laura Jacobs  
Town Clerk