

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

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

Ms. Lynn Kieffer, Mr. Robert Chandler, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, Mr. Harry Buckner, Public Works Director, and Mr. William Clarke, Town Attorney.

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

Ms. Lynn Kieffer swore in the following:

Mr. Jonathan Kanipe

Mr. Bobby Ingle

Ms. Mary Hiers

A motion was made by Mr. Robert Chandler to approve the minutes from January 23, 2023. Ms. Rhoda Groce seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter is for a tree removal request (removal of more than 10 protected trees) and replacement landscape plan review for 18 Busbee Road. Ms. Rhoda Groce shepherded the matter. Ms. Mary Hiers represented the homeowners. There are a total of twelve trees that need to be removed. They will be replaced with various plantings and trees. They would like

as much privacy as possible. If requested from neighboring property owners, extra buffering will be added.

DELIBERATION AND DETERMINATION:

Ms. Groce restated the facts and said Bobby and Nicki Ingle of 18 Busbee Road would like to remove 12 protected trees and have presented a landscape showing what will be done with this space once the trees are removed. Additional buffering will be provided if a neighboring property owner request it.

Mr. Robert Chandler moved that a Tree Removal Request be granted to Bobby and Nicki Ingle of 18 Busbee Road and the facts as recited by Rhoda Groce 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 Tree Removal Request (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. Ms. Martha Barnes opposed. The motion passed by the majority.

The meeting was adjourned at 4:17 pm. The next Board of Adjustment meeting is scheduled for Monday, March 20, 2023 at 4:00pm.

ATTEST:

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Greg Goosmann

Chairman

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Laura Jacobs

Town Clerk