

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, APRIL 19, 2021

The Board of Adjustment met at 4:00 p.m. on Monday, April 19, 2021. The meeting was held virtually via Zoom.

Members present: Mr. Greg Goosmann, Ms. Rhoda Groce, Mr. Robert Chandler (via Zoom), Ms. Lynn Kieffer, and Mr. Lowell Pearlman (via Zoom). Ms. Martha Barnes, alternate member, was also present via Zoom. Mr. Jonathan Kanipe, Town Manager, were also present. Mr. William Clarke, Town Attorney was also present.

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe
Mr. Harry Buckner
Mr. Steven Lee Johnson
Mr. Kip Warlick
Ms. Mary Anne Warlick
Ms. Amy Fahmy
Mr. John Manley
Mr. Clay Mooney
Mr. John Spake
Ms. Holly Spake

A motion was made by Mr. Robert Chandler to approve the minutes from March 15, 2021. Ms. Rhoda Groce seconded the motion. Roll call was taken by Chairman Goosmann and the minutes were unanimously approved.

HEARING (Evidentiary):

A Special Use Permit was requested at 412 Vanderbilt Road for driveway gates and columns. Ms. Lynn Kieffer shepherded the matter. Mr. Steven Lee Johnson discussed the project. There are two basic components, removal of one of two driveways. It will be landscaped with grass and native plants. There will be an addition of a stone column and entrance with gates. Located within 61 feet from the edge of the pavement on Vanderbilt Road. There will be enhanced landscaping and resurfacing of the driveway. Ms. Kieffer said they are removing the four existing columns. The new gate will be located within the property and outside the front property setback as required.

DELIBERATION AND DETERMINATION:

Ms. Lynn Kieffer recited the facts and said a Special Use Permit is being applied for by Jack and Sarah Cecil of 412 Vanderbilt Road for driveway gates and columns. It also meets the emergency service's guidelines.

Ms. Rhoda Groce moved that a Special Use Permit be granted to Jack and Sarah Cecil and the facts as recited by Ms. Lynn Kieffer 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. Ms. Groce 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. Lynn Kieffer seconded the motion. Roll call was taken by Chairman Goosmann and unanimously approved.

HEARING (Evidentiary):

The next matter was a request for a Special Use Permit for an accessory structure in the rear yard and a driveway expansion at 57 Forest Road. Mr. Lowell Pearlman shepherded the matter. Ms. Amy Fahmy represented the homeowners. There will be enlargement of the existing driveway. They are proposing a metal arched arbor. It will be twelve foot high and ten feet in length. It will be covered and will be 780.5 square feet. They will be adding 1,639 square feet to make it easier to get in and out of the garage. The area driveway will also be resurfaced with asphalt. The new driveway will feature curbstone edging and a stone apron at the entry on Forest Road. A new stone terrace will be added off the porch in the rear of the house.

DELIBERATION AND DETERMINATION:

Mr. Lowell Pearlman recited the facts and said Kip and Mary Anne Warlick of 57 Forest Road are applying for an accessory structure in the rear yard and expanding their driveway.

Ms. Lynn Kieffer moved that a Special Use Permit be granted to Kip and Mary Anne Warlick of 57 Forest Road 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. Ms. Kieffer 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. Martha Barnes seconded the motion. Roll call was taken and unanimously approved.

HEARING (Evidentiary):

The next matter was for a Special Use Permit for a rear yard fence and driveway realignment at 309 Vanderbilt Road. Ms. Rhoda Groce shepherded the matter. Mr. Manley said the backyard fence would be replaced, go to the back property line, and go back toward 311 Vanderbilt. There is an existing fence that runs off the shelter. This is the area that will be replaced. Mr. Manley said he would be willing to prepare for additional screening if needed. There are water pooling issues which will be fixed as well. In order to do this project, Mr. Manley said a couple of trees will also need to be removed. They are trying to create a safe way in and out of the driveway.

DELIBERATION AND DETERMINATION:

Ms. Groce recited the facts and said John Manley of 309 Vanderbilt is proposing to construct an 8-foot tall deer fence. It is wooden and meets the guidelines from the North Carolina Wildlife Commission. The fence would be minimally visible from Vanderbilt Road.

Mr. Lowell Pearlman moved that a Special Use Permit be granted to John Manley for a driveway improvement area and an upgraded fence for 309 Vanderbilt 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. Mr. Pearlman 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.

Martha Barnes seconded the motion. Roll call was taken by Chairman Goosmann and unanimously approved. Mr. Clarke stated this property abuts the Biltmore Estate.

HEARING (Evidentiary):

The final matter was for a Special Use Permit and Variance Request for an accessory structure (fencing) located in the side and rear yard setback at 5 Stuyvesant Crescent. Mr. Robert Chandler shepherded the matter. They would like to construct a decorative aluminum fence within the side and rear yard setbacks. The applicant requests permission for this Variance due to the topography and placement of the home. The fence will not be visible from the street or neighboring property owner

DELIBERATION AND DETERMINATION:

Ms. Barnes restated the facts. John and Holly Spake are requesting a Special Use Permit and Variance. They stated their hardship. There were no additions to the facts.

Ms. Lynn Kieffer moved that a Special Use Permit and Variance as requested by granted to Sarah and John Spake at 5 Stuyvesant Crescent for a fence in the rear yard replacement. The facts as recited by Martha Barnes and her summation be accepted as findings and facts to support this grant.

Ms. Groce further moved that 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. 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. Roll call was taken by Chairman Goosmann and the motion was unanimously approved.

Chairman Goosmann adjourned the meeting at 4:38 pm. The next Board of Adjustment meeting is scheduled for Monday, May 17, 2021 at 4:00 pm.

ATTEST:



Greg Goosmann
Chairman



Laura Jacobs
Town Clerk