



**To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners**  
**From: Jonathan B. Kanipe, Zoning Administrator**  
**Date: August 30, 2016**  
**Re: Board of Adjustment Meeting at 4 p.m.**

## **Applicants:**

You or your representative **must** be present at this meeting or your application will not be reviewed.

Members of the Board of Adjustment & the Zoning Administrator may visit the property prior to the meeting.

You or your representative **must** also attend the Design Review Board meeting on the **Tuesday, September 13 at 11:00 am** to complete the approval process.

**Certificates of Zoning Compliance will be issued after review and approval from the Board of Adjustment & Design Review Board.**

## **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 Town Hall M-F 9am-5pm.

You are invited to attend the scheduled meeting and make comment.

The following items of business are scheduled to be addressed by the Biltmore Forest Board of Adjustment on Monday, September 12, 2016 at 4:00pm in the Town Hall Board Room.

1. The meeting will be called to order and roll call will be taken.
2. The minutes of the August 15, 2016 meeting will be presented for approval.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

**Case 1:** Mr. Steele and Mrs. Debby Alphin, 35 Hilltop Road, request approval for a new residence.

**Case 2:** Dr. Steven and Mrs. Melissa Mendelsohn, 25 Busbee Road, request a variance to construct a port cochere in the side yard setback.

**Case 3:** MAHEC, 121 Hendersonville Road, request a conditional use permit to construct a new building and parking garage.

4. Adjourn.

### **Special Note regarding September Design Review Board Meeting**

**Due to board member commitments, the Design Review Board meeting for this month only will be held on Tuesday, September 13<sup>th</sup> at 11 am at the Town Hall.**

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, AUGUST 15, 2016

The Board of Adjustment met at 4:02 p.m. on Monday, August 15, 2016.

Members present: Kieffer, Groce, Pearlman, Chandler, and Landau. Mr. Jonathan Kanipe, Zoning Administrator, was present. Mr. William Clarke, Town Attorney, was also in attendance. Chairman Goosmann was not present. Mrs. Lynn Kieffer filled in as Chairman for Mr. Goosmann who was absent.

Mrs. Lynn Kieffer called the meeting to order at 4:00 p.m.

Chairman Goosmann swore in the following:

Mr. Houston Hammond  
Mr. Greg Cloos  
Ms. Elizabeth Newman  
Mr. Robert Deutsch  
Mr. Jim Selmensberger  
Mrs. Susan Selmensberger

The meeting minutes from July 11, 2016 were presented. Mrs. Rhoda Groce made a motion to approve the minutes from July 11, 2016. Mr. Lowell Pearlman seconded the motion and the minutes were unanimously approved.

HEARING (Evidentiary):

Mr. Steele and Mrs. Debby Alphin, 35 Hilltop Road, were represented by Houston Hammond, designer, and Greg Cloos, landscape architect. Mr. and Mrs. Alphin are requesting a variance to construct a portion of a new driveway in the side yard setback in conjunction with new home construction. Dr. Richard Landau shepherded the discussion. Mr. Hammond reviewed the request for a variance which was to locate a portion of the motor court in the side yard setback, specifically four feet and eight inches from the property line. Mr. Hammond specified that the narrowness of the lot led to the preference for the side loaded garage.

Ms. Newman, representing Deutsch and Gottschalk law firm on behalf of Mr. Al and Mrs. Kathye Nippert, does not feel the Board has the ability to grant the variance under the North Carolina General Statutes. Ms. Newman indicated that she does not believe the driveway cannot be constructed, in the strictest sense of the word, and that it can be built in another location. Mr. Hammond said it would require them building a significant retaining wall on that side to construct the garage. Ms. Newman agreed but said this would be a pecuniary hardship, and not reason for the Board to grant a variance.

Ms. Newman indicated her clients would be agreeable to working with the Alphins and hoped that they would be able to work this out prior to the meeting. Mr. Hammond agreed and said that their reason for keeping the application on the agenda was to find out whether the Board was willing to consider the variance.

Mr. Deutsch, also representing the Nipperts, indicated that their design professional, Mr. Robert Griffin, had attempted to contact the designer but thus far had been unsuccessful. Mr. Hammond said that there were 28 homes between Stuyvesant and Hilltop and the average was 89 feet and their lot was 120 feet.

#### DELIBERATION & DETERMINATION

Dr. Landau asked whether they would be willing to table the item and speak with the Nippert's representative. Mr. Hammond said yes, they were agreeable to doing this. Mrs. Kieffer reviewed the next Board meeting date of September 19<sup>th</sup>. Mr. Hammond asked whether the application date would be on Monday, September 5<sup>th</sup> but Mr. Kanipe indicated it would be Tuesday, September 6<sup>th</sup>. Mr. Hammond asked to formally table the matter until the next month.

#### HEARING (Evidentiary):

Mr. James and Mrs. Susan Selmensberger, 422 Vanderbilt Road, request a Conditional Use Permit and variance to install an irrigation well head within the rear property setback, and additionally, request a Conditional Use Permit and variance to allow installation of a children's play structure. Mr. Robert Chandler shepherded the discussion. Mr. Selmensberger reviewed the

rationale behind what was considered the front yard and side yard and noted that each side (one facing Southwood Road and one facing Vanderbilt Road) were nearly the same length, however, the Vanderbilt Road side was slightly larger. Mr. Selmensberger did note, however, that a previous Board had considered the front of the home as Southwood Road. Mr. Clarke reminded the Board that a recent amendment to the zoning ordinance allowed the Board of Adjustments the ability to consider visibility for side yards on corner lots.

After some discussion, Mr. Selmensberger indicated that the well was five (5) feet inside the setback and twenty (20) feet around the property line. Mr. Selmensberger indicated he would screen this well head heavily, and it would be smaller than the neighboring property owner's well head cover.

Mr. Chandler asked what the hardship was to request the well head. Mr. Selmensberger indicated his belief that chlorinated water would harm the landscaping and was not sufficient with the landscaping already in place. Mr. Selmensberger further indicated that, specifically, the precise location of the well head was dictated by Buncombe County and state health standards in regards to the proximity of wells to structures.

Discussion then turned to the placement of the swing set and whether it would fit anywhere else on the property.

A final decision was made by the Selmensbergers to move the play set into the side yard, in compliance with setbacks, and to completely buffer the structure.

#### DELIBERATION & DETERMINATION

James and Susan Selmensberger of 422 Vanderbilt Road are requesting a Conditional Use Permit and Variance to including the allowance for a well head within the rear yard setback and a conditional use permit for placement of a children's playset. The well head would be within 5 feet of the setback and will be completely buffered. Mr. Chandler further stated that the applicants had removed the request for a variance to construct a play set within the front yard, and have replaced

that with a Conditional Use request to allow the play set structure within the side yard in compliance with the setbacks.

Mr. Pearlman made a motion to approve a Conditional Use Permit and Variance be granted to James and Susan Selmensberger of 422 Vanderbilt Road for the well head and to approve a play set as a conditional use, and moved that the facts as recited by Robert Chandler and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and noted that a neighboring property owner had expressed concern to the Town Administrator over the well head and play set via email, but was not at the meeting to express an opinion.

Mr. Pearlman moved that granting this Conditional 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 1005.03 (2) and (3) of the above ordinance. The applicant has been informed that he 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.

Further, Mr. Pearlman moved that granting the Variance based upon the foregoing findings of fact, satisfied the applicable Sections of 1005.04 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 that 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.

Dr. Landau had one comment and noted to that the hardship for the well head was that the State of North Carolina required that the well be located a specific distance away from the home or a structure.

The motion was seconded by Mr. Pearlman and the motion passed unanimously.

There were no further items to discuss.

The meeting was adjourned at 4:44 p.m.

The next meeting of the Board of Adjustment was scheduled for Monday, September 19<sup>th</sup> 2016 at 4:00 p.m.

ATTEST:

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Greg Goosmann  
Chairman

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Jonathan B. Kanipe  
Town Administrator



MEMORANDUM  
SEPTEMBER 12, 2016

To: Board of Adjustment  
From: Jonathan Kanipe, Town Administrator  
Re: Case 1 – 35 Hilltop Road  
Date: September 7, 2016

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**Case 1**

Property Owner: Mr. Steele and Mrs. Debby Alphin  
Property Address: 35 Hilltop Road  
Zoning District: R-1  
Lot Size: 1.21 +/- acres  
Application Request: Construction of New Residence and Site Plan for Lot Development

The applicants tabled a request last month that included a variance application to encroach into the side yard setback. They have redesigned their proposed home layout to construct within the building footprint and, as such, have no requests for a variance or conditional use permit.

The attached proposal and site plan verifies that the home is in compliance with the Town's roof coverage requirement and impervious surface requirement.

# Zoning Application

## Property Identification

**Name**

Houston Hammond

**Address**

36 Hilltop Road, 22 Weston Heights Dr., Biltmore forest, North Carolina 28803

**Phone**

(828) 505-7565

**Email**

hchammond1@gmail.com

**Zoning**

R-1

**Lot Size (Acres)**

**Email -Submission Verification**

hchammond1@gmail.com

## Scope of Project-Roof Coverage

**Does the project include increasing roof coverage?**

Yes

**What is the proposed roof coverage?**

4,320

**Is the proposed roof coverage greater than the permitted maximum roof coverage?**

No

## Scope of Project-Impervious Surface

**Does the project include increasing the impervious surface coverage?**

Yes

**What is the proposed impervious surface coverage?**

8,620

**Is the proposed impervious surface coverage greater than the permitted maximum impervious surface coverage?**

No

## Scope of Project-Setbacks

**Does any part of the project fall within the front yard?**

Yes

**Does any part of the project fall within the side/rear yard setback(s)s?**

No

## Scope of Project-Accessory Structures

**Does the project include a detached structure or building?**

No

**Will there be more than the approved number of accessory structures/buildings?**

No

## **Project Description**

**Brief Description of Project**

New Residence

**Estimated Cost of Project**

1,900,000

**Estimated Completion Date**

12/28/2017

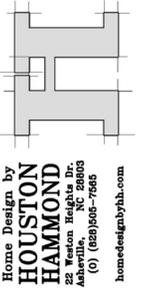
**Please attach any drawings, renderings, photographs or other supporting documentation.**

Alphin Site Plan 8-29-16.pdf



**PROJECT SUMMARY**

Total Lot Size: 1.21 Acres (52,707 SF)  
 Proposed Impervious Area: 7,349 SF (13.94%)  
 Allowable Impervious Area: 13,177 SF (25%)  
 Proposed Roof Coverage: 4,140 SF  
 Allowable Roof Coverage: 5,500 SF



Alphin Residence  
 Lot 14, Hilltop Road  
 Biltmore Forest, North Carolina

Site Plan  
 Date: August 29, 2016

Note: Client is responsible for obtaining structural design from registered engineer for any retaining wall over 5' tall.

Note: Survey Info Provided  
 By Ciper, Ingle, Anders &  
 Associates (828) 258-0297

DAVID NEWMAN  
 JANET M. NEWMAN  
 D.B. 1956 Pg. 366  
 9646-75-8739  
 LOTS 4 & 5  
 PLAT BOOK 5 PAGE 108

ALFRED K. NIPPERT, JR.  
 D.B. 5430 Pg. 1426  
 9646-75-9371  
 PLAT BOOK 143 PAGE 3

ANTHONY ADAMS  
 DEBORH ROSE ADAMS  
 D.B. 2992 Pg. 389  
 9646-75-6421  
 LOT 13  
 PLAT BOOK 5 PAGE 108





EAST ELEVATION

Schematic Plans

SCALE:

as noted

DATE:

7.31.2016

DRAWN BY:

h.ch.

A Residence For:

Steele and Debby Alphin

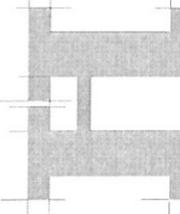
35 Hilltop Road

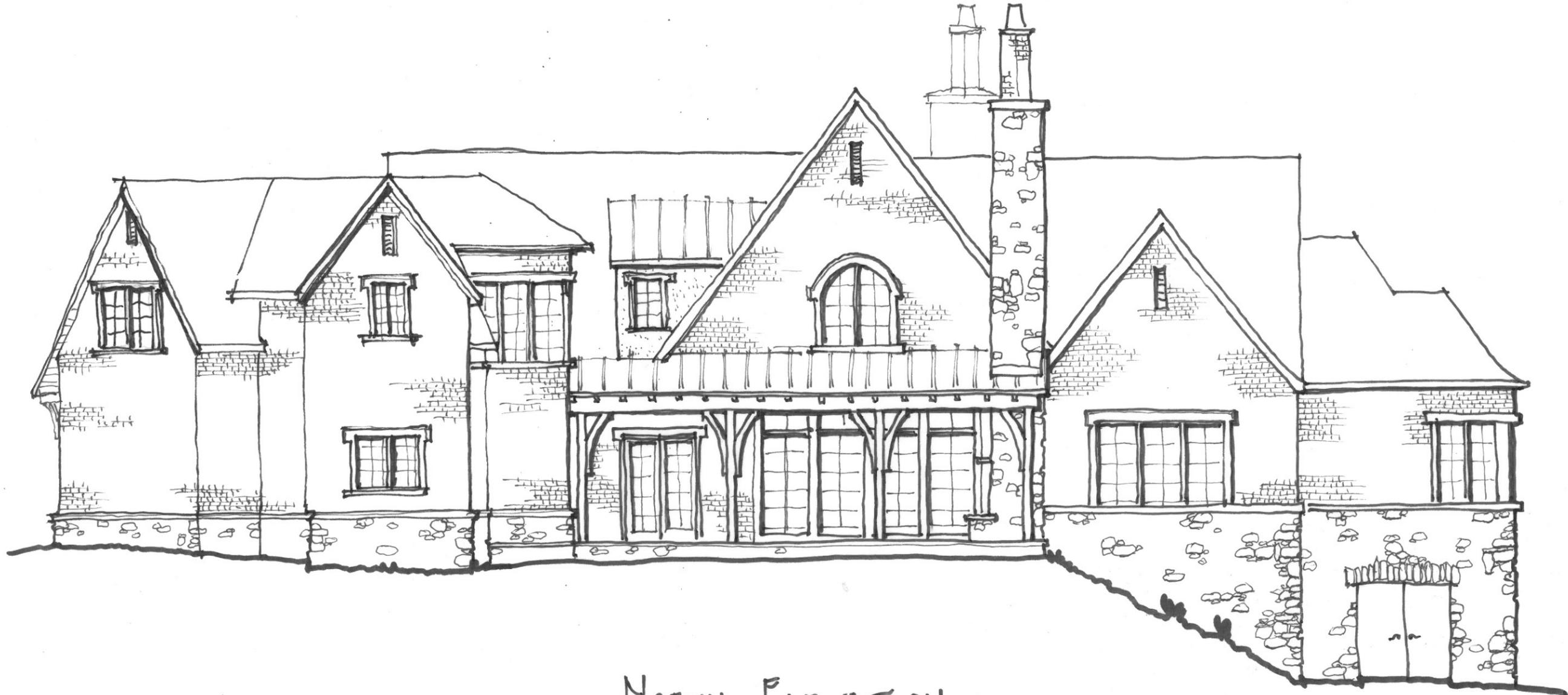
Biltmore Forest TWP.

Buncombe County, North Carolina

Home Design by  
**HOUSTON  
HAMMOND**

22 Weston Heights Dr.  
Asheville, NC 28803  
(704) 826-7565





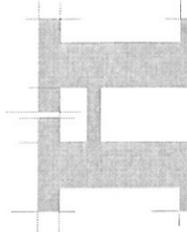
NORTH ELEVATION

Schematic Plans

SCALE: as noted  
DATE: 7.31.2016  
DRAWN BY: h.ch

A Residence For:  
Steele and Debby Alphin  
35 Hilltop Road  
Biltmore Forest TWP.  
Buncombe County, North Carolina

Home Design by  
**HOUSTON  
HAMMOND**  
222 Weston Heights Dr.  
Asheville, NC 28803  
(704) 624-5065





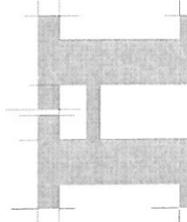
SOUTH ELEVATION

Schematic Plans

SCALE: as noted  
DATE: 7/31/2016  
DRAWN BY: h.ch.

A Residence For:  
Steele and Debby Alphin  
35 Hilltop Road  
Biltmore Forest TWP.  
Buncombe County, North Carolina

Home Design by  
**HOUSTON  
HAMMOND**  
22 Weston Heights Dr.  
Asheville, NC 28803  
(828) 505-7565





WEST ELEVATION

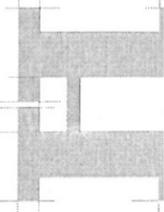
Schematic Plans

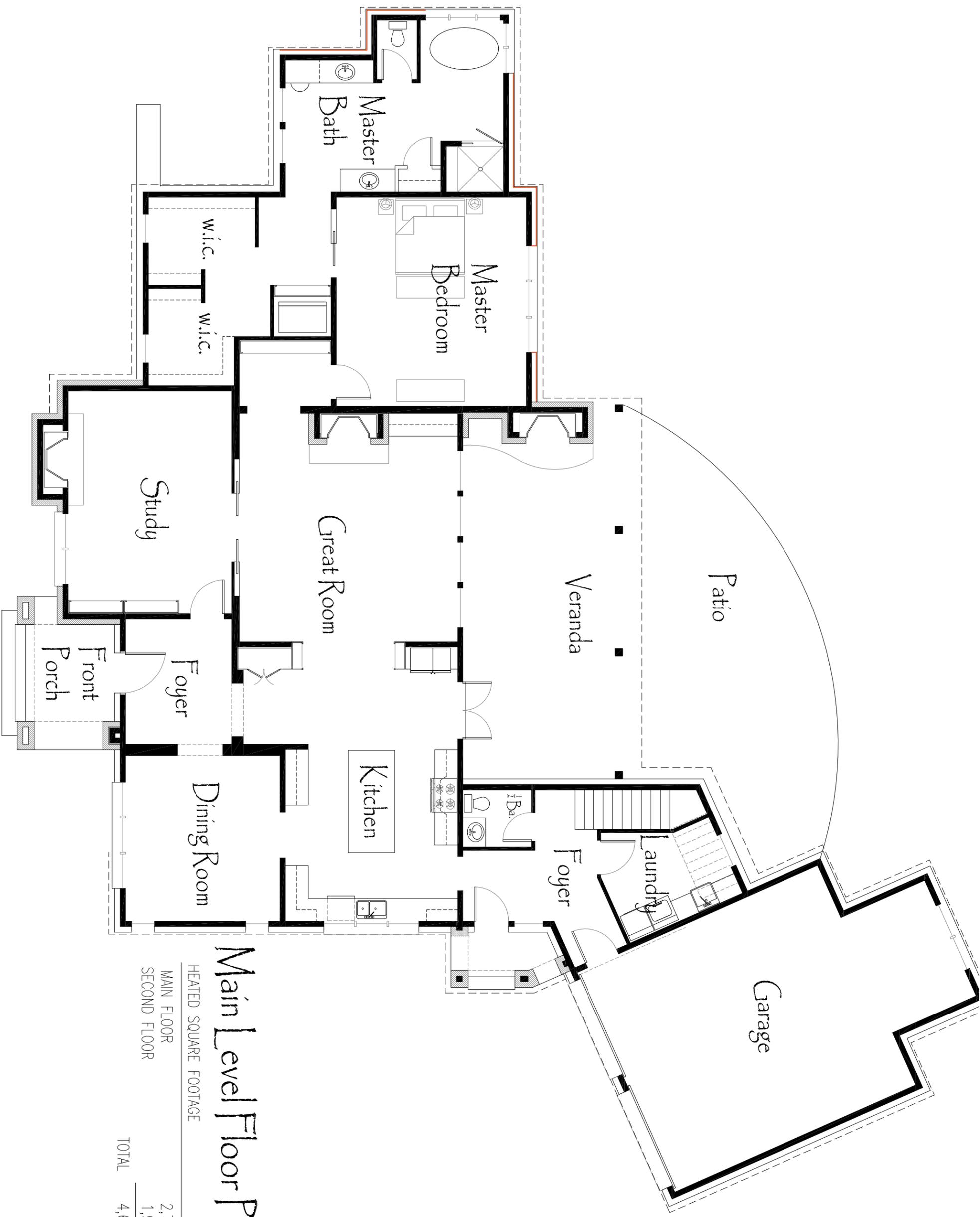
SCALE: as noted  
DATE: 7/31/2016  
DRAWN BY: h.ch.

A Residence For:  
Steele and Debby Alphin  
35 Hilltop Road

Biltmore Forest TWP.  
Duncombe County, North Carolina

Home Design by  
**HOUSTON  
HAMMOND**  
22 Weston Heights Dr.  
Asheville, NC 28803  
(704) 628-6565-7565



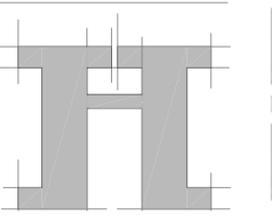


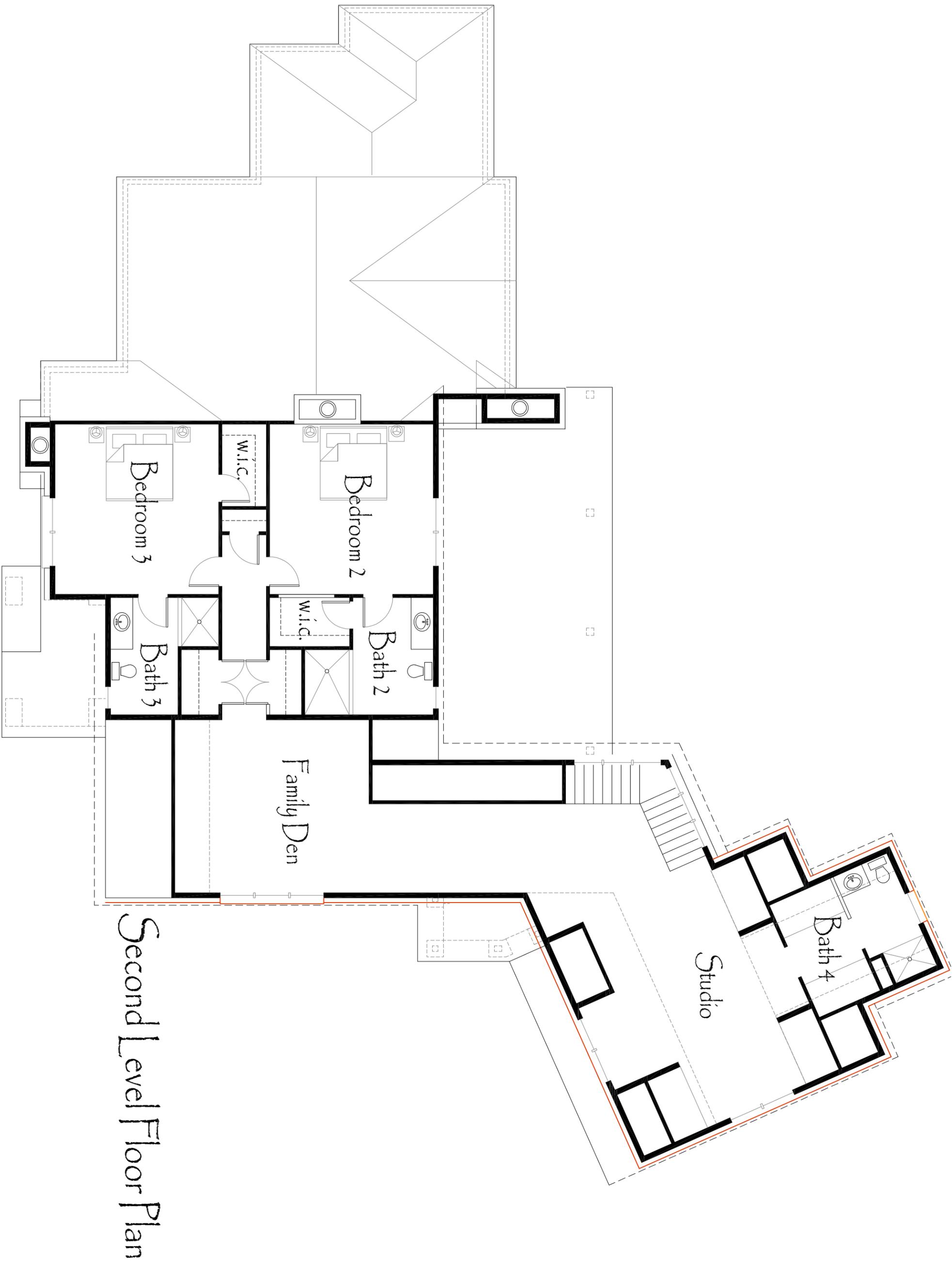
Schematic Plans

SCALE: as noted  
 DATE: 7-31-2016  
 DRAWN BY: h.c.h.

A Residence For:  
**Steele and Debby Alphin**  
 35 Hilltop Road  
 Biltmore Forest TWP.  
 Buncombe County, North Carolina

Home Design by  
**HOUSTON  
 HAMMOND**  
 22 Weston Heights Dr.  
 Asheville, NC 28803  
 (704) 828-5055-7565  
 hamedesignhubb.com





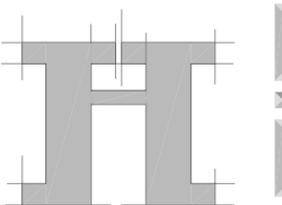
Second Level Floor Plan

Schematic Plans

SCALE: as noted  
 DATE: 7.31.2016  
 DRAWN BY: h.c.h.

A Residence For:  
 Steele and Debby Alphin  
 35 Hilltop Road  
 Biltmore Forest TWP.  
 Buncombe County, North Carolina

Home Design by  
**HOUSTON  
 HAMMOND**  
 22 Weston Heights Dr.  
 Asheville, NC 28803  
 (0) (828)505-7565  
 hamedesignhubb.com





MEMORANDUM  
SEPTEMBER 12, 2016

To: Board of Adjustment  
From: Jonathan Kanipe, Town Administrator  
Re: Case 2 – 25 Busbee Road  
Date: September 7, 2016

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**Case 2**

Property Owner: Dr. Steven and Mrs. Melissa Mendelsohn  
Property Address: 25 Busbee Road  
Zoning District: R-1  
Lot Size: 2.886 +/- acres  
Application Request: Variance of the Side Yard Setback to allow  
Construction of a Port Cochere

The Board of Adjustments approved a request from the applicants at the March 2016 meeting to allow a variance of the side yard setback in conjunction with a planned addition and garage remodeling. The Board allowed the variance as a result of the existing driveway being constructed immediately beside the property line. The home, and subsequent drive on that side of the property, were constructed well before any ordinances were in place regarding setbacks.

The applicants are no longer able to construct the garage and covered walkway as planned in March, and now present the Board with a revised plan for a port cochere. This port cochere would be constructed within the northern side yard setback neighboring 27 Busbee Road. The applicant's new plan will also result in the demolition of the existing accessory garage and apartment, which will reduce the overall impervious surface and roof coverage on the property.

# Zoning Application

## Property Identification

**Name**

Dr. and Mrs. Steven Mendelsohn

**Address**

25 Busbee Road, Biltmore Forest, North Carolina 28803

**Phone**

(828) 775-0657

**Email**

johnsmom919@aol.com

**Zoning**

R-1

**Lot Size (Acres)**

2.866

**Email -Submission Verification**

gstowearchitect@bellsouth.net

## Scope of Project-Roof Coverage

**Does the project include increasing roof coverage?**

No

**Is the proposed roof coverage greater than the permitted maximum roof coverage?**

No

## Scope of Project-Impervious Surface

**Does the project include increasing the impervious surface coverage?**

No

## Scope of Project-Setbacks

**Does any part of the project fall within the front yard?**

No

**Does any part of the project fall within the side/rear yard setback(s)?**

Yes

An application for a variance to encroach the side/rear yard setback(s) will be required in addition to this zoning application.

## Scope of Project-Accessory Structures

**Does the project include a detached structure or building?**

No

**Will there be more than the approved number of**

**accessory structures/buildings?**

No

## **Project Description**

### **Brief Description of Project**

Add a new attached porte cochere to the North side of the existing residence, over the existing asphalt driveway. A new attached roof area shall continue along the rear northeast corner of the existing residence. A new roof area and a set of new masonry steps to the existing covered rear porch shall provide a path from an automobile to the residence for use in inclement weather.

Demolish the existing detached accessory garage and apartment building which currently encroaches on the North side yard. There will be 116 sq ft less roof coverage area. This number is the sum of added porte cochere roof less the demolished accessory building roof.

### **Estimated Cost of Project**

35,000

### **Estimated Completion Date**

12/30/2016

**Please attach any drawings, renderings, photographs or other supporting documentation.**

A-1.pdf

A-2.pdf

Site.pdf

# Variance Application

I hereby petition the Board of Adjustment for a variance(s) from the provisions of the Zoning Ordinance for the real property stated below.

**Name**

Melissa & Steven Mendelsohn

**Property Address**

25 Busbee Rd

**Email**

gstowearchitect@bellsouth.net

**Phone**

(828) 251-2357

**Email-Submission Verification**

gstowearchitect@bellsouth.net

**Variance to Zoning Ordinance Section(s) (Select all that apply)**

1103 Required Yards & Other Spaces

1112 Accessory Structures or Buildings Utilized as Dwellings

1104 Accessory Structures & Accessory Buildings

N.C.G.S. 160A-388(D) requires that the Board of Adjustments shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- 4) 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.

**State specific hardship that results in variance request to not comply with the Zoning Ordinance**

The existing garage apartment building is problematic for several reasons:

- The garage opening and space is minimum in size for vehicle access and inside parking.
- The garage is remote from the main structure and provides no inclement weather sheltered access.
- There are existing foundation and difficult to remedy drainage problems that allow storm water to enter the garage area.
- The accessory building is non-conforming to the current zoning ordinance in that it encroaches onto the side yard and it is a currently disallowed 2nd accessory building on the property, as there is also a guest house.

The hardships expressed in the property owner's previous variance request were for improvements needed to provide automobile storage that was protected from the elements and covered access to the main house to protect residents from inclement weather. For various reasons the owner has opted not to proceed with these projects, and appreciates your consideration in regard to the past requests. The current

design scheme addresses the same hardship conditions.

**State what conditions are peculiar to the property that require a variance.**

The property and improvements were built before the zoning ordinance was enforced. The placement of the existing structures, driveway circulation through the property, and proximity of these elements to the property lines is the reason for the need to request a variance to the side yard setback.

**Did the hardship result from actions taken by the applicant or property owner?**

The hardship described above is not a result of improvements made to the property or other actions by the owner.

**State how the requested variance is consistent with the spirit, purpose, and intent of the ordinance.**

The design of the Porte Cochere shall match existing elements and details of the main structure and create an addition that will appear as if original to the handsome Georgian façade of the main house. Buffer plantings, proximity to the neighbor's property improvements and current drive location and appearance will be enhanced and are in keeping with the intent of the ordinance to provide visual separation for a side yard setback.

Removal of the existing garage/apartment structure will address a non-conforming situation in the spirit and purpose of the ordinance.

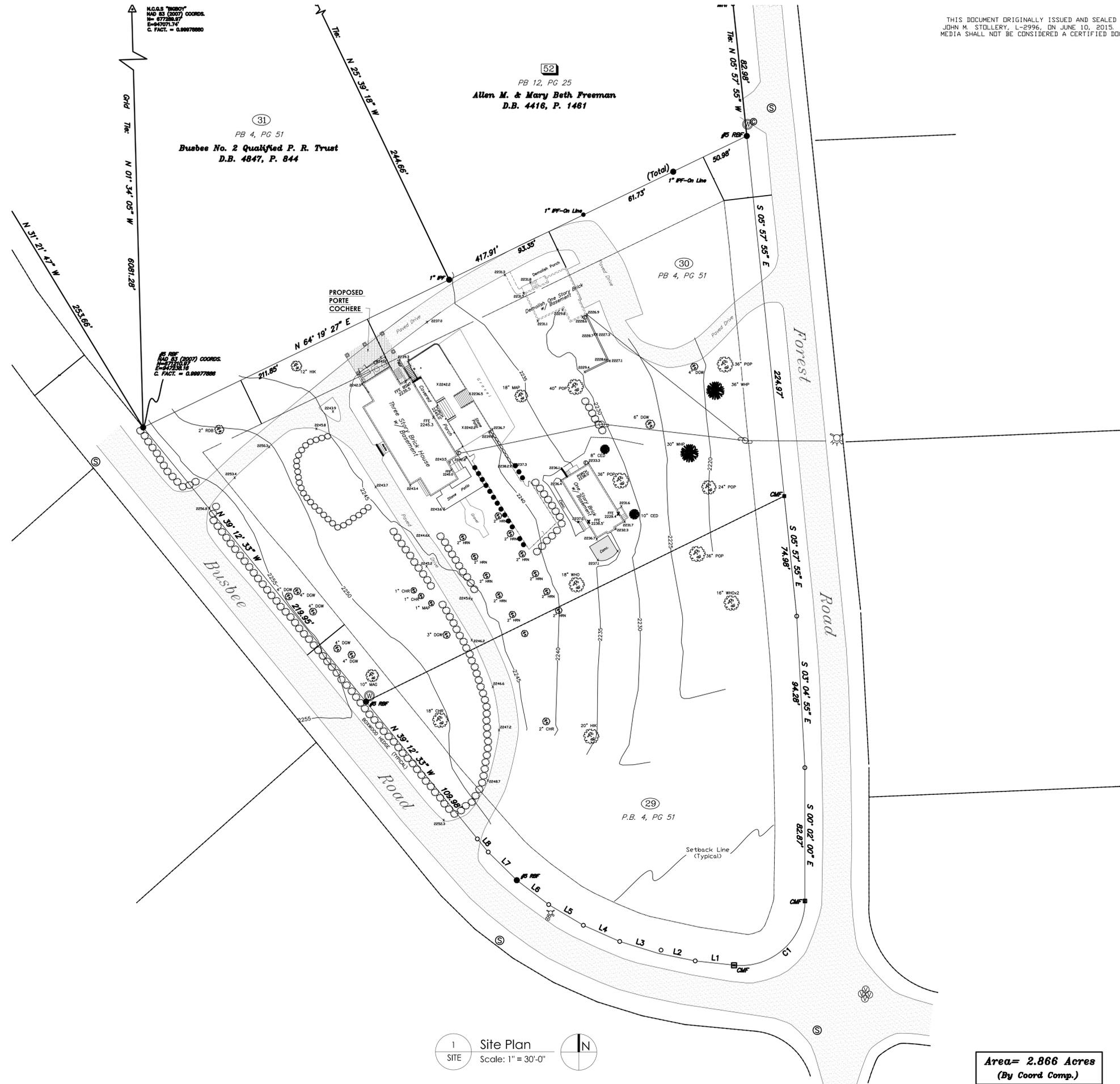
In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of the provisions of the variance granted including any conditions or safeguards which are part of the granting of the variance, shall be deemed a violation of the Zoning Ordinance. I hereby certify that the information set forth above is true and accurate to the best of my knowledge.

**Signature**

A handwritten signature in black ink, appearing to read "W. Stone".

**Date**

9/8/2016



N.C.S. "BROBY"  
 MAD 83 (2007) COORDS.  
 N = 87728.57  
 E = 84707.74  
 C. FACT. = 0.9997880

AS REF  
 MAD 83 (2007) COORDS.  
 N = 87728.57  
 E = 84707.74  
 C. FACT. = 0.9997880

52  
 PB 12, PG 25  
**Allen M. & Mary Beth Freeman**  
 D.B. 4416, P. 1461

31  
 PB 4, PG 51  
**Busbee No. 2 Qualified P. R. Trust**  
 D.B. 4847, P. 844

30  
 PB 4, PG 51

29  
 P.B. 4, PG 51

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED  
 JOHN M. STOLLERY, L-2996, ON JUNE 10, 2015.  
 MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOC.

1 Site Plan  
 SITE Scale: 1" = 30'-0"

**Area = 2.866 Acres**  
 (By Coord Comp.)



**GEORGE STOWE ARCHITECT**  
 member, American Institute of Architects  
 184 East Chestnut Street • Asheville, NC 28801  
 ph 828-251-2357 • fax 828-225-0530  
 gstowearchitect@bellsouth.net  
 www.GeorgeStoweArchitect.com

**FOR PERMIT**

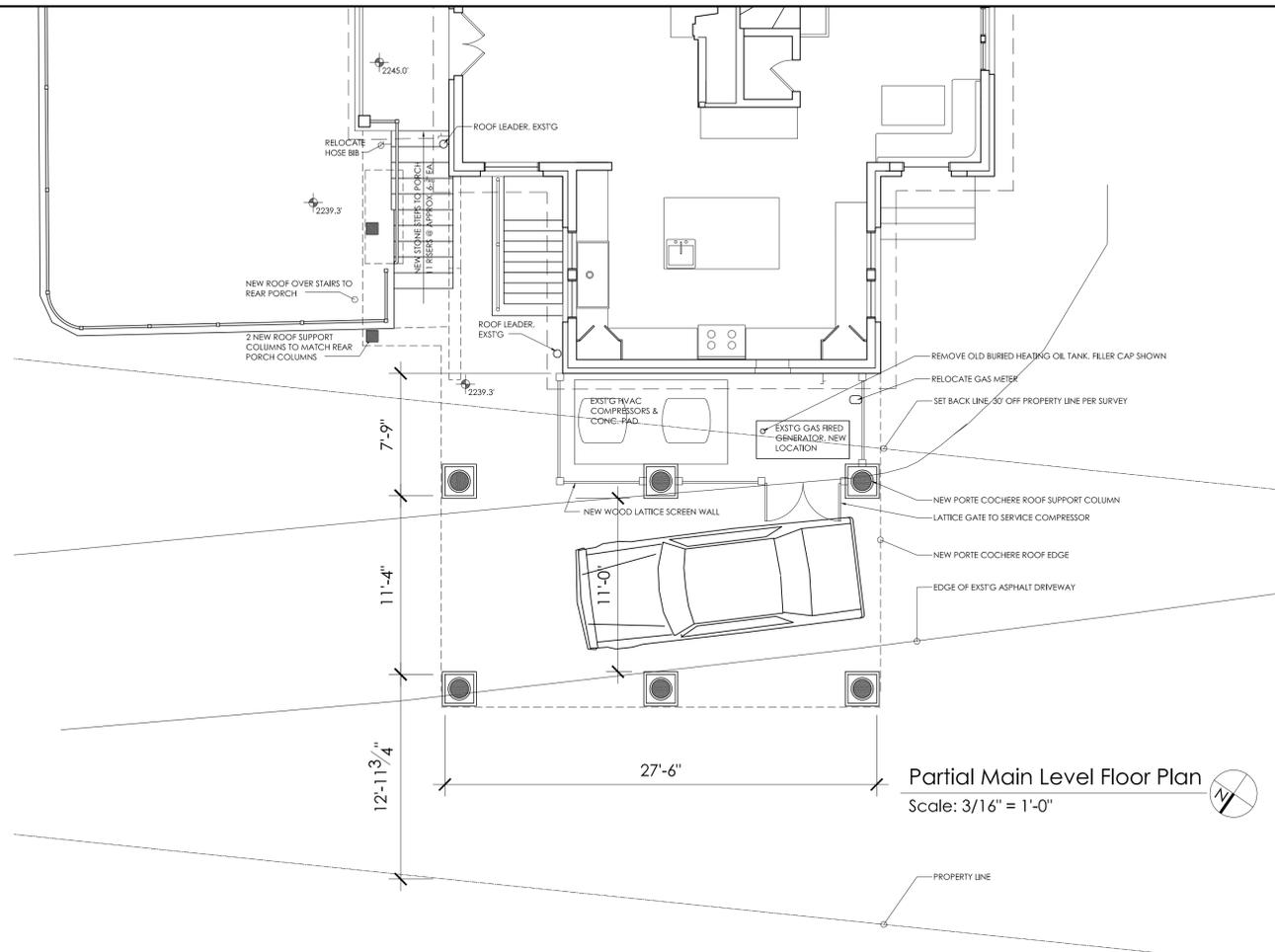
DATE:  
 9-01-2016  
 REVISIONS:

Porte Cochere Addition  
**MENDELSON RESIDENCE**  
 25 Busbee Road  
 Billmore Forest, NC

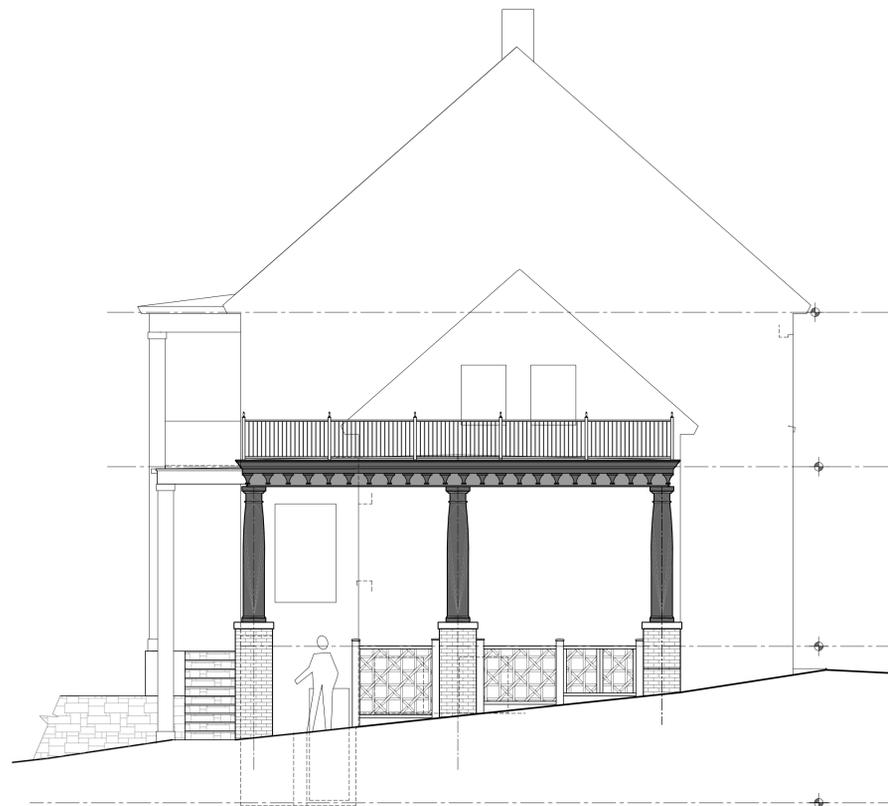
**SITE**



North Elevation  
Scale: 1/4" = 1'-0"



Partial Main Level Floor Plan  
Scale: 3/16" = 1'-0"



North Elevation  
Scale: 3/16" = 1'-0"



**GEORGE STOWE ARCHITECT**  
member, American Institute of Architects  
184 East Chestnut Street • Asheville, NC 28801  
ph 828-251-2357 • fax 828-225-0530  
gstowearchitect@bellsouth.net  
www.GeorgeStoweArchitect.com

**FOR PERMIT**

DATE:  
09-01-2016  
REVISIONS:

Porte Cochere Addition

# Mendelsohn Residence

Billmore Forest, NC

25 Busbee Road

**A1**

**FOR PERMIT**

DATE:  
 09-01-2016  
 REVISIONS:

Billmore Forest, NC

Porte Cochere Addition

# Mendelsohn Residence

25 Busbee Road

A2



**PROPOSED PORTE COCHERE**

**Front (West) Elevation**  
 Scale: 1/4" = 1'-0"



MEMORANDUM  
SEPTEMBER 12, 2016

To: Board of Adjustment  
From: Jonathan Kanipe, Town Administrator  
Re: Case 3 – 121 Hendersonville Road  
Date: September 7, 2016

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**Case 3**

Property Owner: Mountain Area Health Education Center (MAHEC)  
Property Address: 121 Hendersonville Road  
Zoning District: R-5  
Lot Size: 12.48 +/- acres  
Application Request: Conditional Use Permit request to construct a New Building, Parking Deck, and Secondary Access Drive

MAHEC has received new funding from the State of North Carolina which results in their request for a new building, and subsequent parking deck and secondary access drive. The new building will be approximately 36,732 square feet, and will house the western branch of the UNC School of Medicine and a new Masters of Public Health program in conjunction with UNC-A, MAHEC, and UNC-Chapel Hill.

After reviewing earlier MAHEC approvals, the Town Attorney and I determined that the appropriate manner of handling this application was as a conditional use. When MAHEC constructed building number three in 2011, it was handled under the auspices of the original Planned United Development (PUD) that was presented to the Board in 2007. Mr. Clarke and I feel this is the correct manner of proceeding in this instance as well, particularly in light of the purpose of the R-5 district in the Town's zoning ordinance. That definition is presented below for your review in consideration of this application:

*R-5 Residential District. The medium density district is established as a district where both residential and business uses are accommodated. In addition, a wide range of community facilities and services are also available. It is intended that nonresidential uses, including business uses, shall be compatible with and exist in harmony with the community in which they are located and that adequate standards will be maintained pertaining to the public*

*health, safety and welfare. In addition, these areas should provide sufficient space for ample off-street parking and well-designed entrances and exits to avoid congestion and safety hazards. Most land use in this district will require a conditional use permit as a means of assuring and promoting safety and good design.*

The MAHEC proposal is included for your review. The new building itself is smaller in scale than the other three buildings currently on the site, but will be a similar style. The parking garage is located on the western portion of the property and would serve to alleviate parking challenges that are already existing and will certainly be exacerbated by the new building construction. MAHEC and their design team have proposed the building height for the garage to be lower than the profile of the existing education building and are working on ways to screen the parking spaces on the garage from the rest of the development as well.

The secondary access driveway requires special consideration. The proposal by MAHEC is to construct this drive through the west of the proposed parking garage and connect to Vanderbilt Road. The property which the proposed driveway must cross is owned by Biltmore Farms. MAHEC has received permission from Biltmore Farms to utilize their property for this connection, though a formal written agreement between the two parties has not been provided, at least as of this writing. The Biltmore Farms property is zoned P-S (Public Service). The P-S district in the Town's zoning ordinance is defined as follows:

*P-S Public Service District. This district is designed to provide for open green spaces, including forestation and other natural vegetation throughout the jurisdiction. It is to be used to protect the ambiance of the community by providing a series of natural buffers between residential and nonresidential development. It is expressly intended that any structures and/or buildings shall be prohibited except as associated with a public park or recreational area. Any land disturbing activity such as driveway connections or landscaping shall be approved by the Board of Adjustment.*

*NOTE: A specific landscaping plan prepared by an appropriate professional shall be submitted to the Board of Adjustment which shall detail all plantings or reforestation to take place as part of the land disturbing activity. (See Section 1109).*

As you can see, the Board of Adjustments is charged with approving land development within the P-S district. However, the Town Board of Commissioners are also charged with the responsibility of approving driveway connections that connect to a public street and/or through a town right of way (Town Code section 15-4). In this instance, both conditions are met. As a result, Mr. Clarke and I believe that both the Board of Adjustments and the Board of Commissioners must approve this driveway connection onto Vanderbilt Road.

The conditional use permit request before the Board of Adjustments, then, is inclusive of the new building, proposed parking garage, and the driveway access onto Vanderbilt Road as proposed in their plan.

# Zoning Application

## Property Identification

**Name**

Ron Fagan

**Address**

MAHEC, 121 Hendersonville, Asheville, North Carolina 28803

**Phone**

(828) 257-4413

**Email**

ron.fagan@mahec.net

**Zoning**

R-5

**Lot Size (Acres)**

12.48

**Email -Submission Verification**

ron.fagan@mahec.net

## Scope of Project-Roof Coverage

**Does the project include increasing roof coverage?**

Yes

**What is the proposed roof coverage?**

12,244

**Is the proposed roof coverage greater than the permitted maximum roof coverage?**

No

## Scope of Project-Impervious Surface

**Does the project include increasing the impervious surface coverage?**

Yes

**What is the proposed impervious surface coverage?**

9,650

**Is the proposed impervious surface coverage greater than the permitted maximum impervious surface coverage?**

No

## Scope of Project-Setbacks

**Does any part of the project fall within the front yard?**

No

**Does any part of the project fall within the side/rear yard setback(s)s?**

No

## Scope of Project-Accessory Structures

**Does the project include a detached structure or building?**

Yes

An application for a conditional use permit will be required in addition to this zoning application.

**Will there be more than the approved number of accessory structures/buildings?**

No

## **Project Description**

### **Brief Description of Project**

The project will provide expansion space for the western arm of the UNC School of Medicine and a new Masters of Public Health program that will be a collaboration between MAHEC, UNCA, and UNC Chapel Hill. The project consists of an addition to the MAHEC campus of one building (Building 4) with a total of 36,732 square feet +/- on three levels. It also includes a future parking deck and secondary access drive for ingress/egress and emergency vehicles.

### **Estimated Cost of Project**

9,000,000

### **Estimated Completion Date**

8/1/2018

**Please attach any drawings, renderings, photographs or other supporting documentation.**

MAHEC Bldg 4 Biltmore Forest Submittal 082916.pdf

# Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

**Name**

Ron Fagan

**Property Address**

MAHEC 121 Hendersonville Road, Asheville NC  
28803

**Phone**

(828) 257-4413

**Email**

ron.fagan@mahec.net

**Type of Conditional Use**

802.05 All Commercial Services, Professional Office  
Uses, Consumer Services & Retail Businesses

**Email-Submission Verification**

ron.fagan@mahec.net

**Description of Project**

The project will provide expansion space for the western arm of the UNC School of Medicine and a new Masters of Public Health program that will be a collaboration between MAHEC, UNCA, and UNC Chapel Hill. The project consists of an addition to the MAHEC campus of one building (Building 4) with a total of 36,732 square feet +/- on three levels. It also includes a future parking deck and secondary access drive for ingress/egress and emergency vehicles.

**Explain why the project would not adversely affect the public interest of those living in the neighborhood:**

The new project is consistent with the use of the existing campus - medical and educational. Vehicles leaving the secondary entrance to Vanderbilt road will not be allowed to turn left into the town.

I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

**Signature**

*W RON FAGAN*

**Date**

8/29/2016

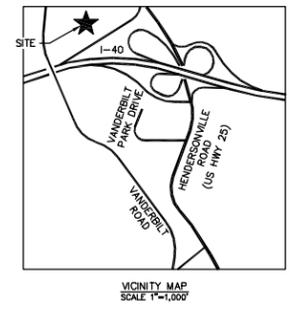
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TOWN OF BILTMORE FOREST  
ARCHITECTURAL & PARKING DECK SUBMITTAL  
122 HENDERSONVILLE RD.

SEPTEMBER 12, 2016





**MAHEC  
BUILDING #4**



**WGLA Engineering, PLLC**  
 Consulting Engineers & Land Planners  
 NC License No: P-1342  
 214 N. King Street  
 Hendersonville, North Carolina 28792  
 (828) 687-7177  
 wglac.com



**LS3P ASSOCIATES LTD.**  
 227 WEST TRADE STREET SUITE 700  
 CHARLOTTE, NORTH CAROLINA 28202  
 TEL. 704.333.6686 FAX 704.333.2926  
 WWW.LS3P.COM

DEVELOPMENT INFORMATION	
OWNER/DEVELOPER:	MOUNTAIN AREA HEALTH EDUCATION CENTER (MAHEC) 121 HENDERSONVILLE ROAD ASHEVILLE, NC 28803 828-257-4406
CONTACT PERSON:	RON FAGAN 121 HENDERSONVILLE ROAD ASHEVILLE, NC 28803 828-257-4406
NAME OF PROJECT:	MAHEC BUILDING #4
PROJECT ADDRESS:	HENDERSONVILLE ROAD
ENGINEER:	G. THOMAS JONES III, P.E. WGLA ENGINEERING, PLLC 214 N. KING STREET HENDERSONVILLE NC, 28792 828-687-7177
ARCHITECT:	JOHN KINCHELOE LS3P ASSOCIATES LTD. 227 WEST TRADE STREET SUITE 700 CHARLOTTE, NC 28202 707-333-6686
PIN #:	9647-67-3996
DEED REF:	D.B. 4581 PG. 1466
ZONING:	R-5 (BILTMORE FOREST)
BUILDING SQUARE FOOTAGE	
BUILDING 1:	40,000 EXISTING SF
BUILDING 2:	50,000 EXISTING SF
BUILDING 3:	40,000 EXISTING SF
BUILDING 4:	36,732 NEW SF
<b>166,732 TOTAL SF (NEW AND EXISTING)</b>	
PARKING	
NEW PARKING DECK LOSS OF:	119 SPACES
1ST LEVEL:	107 SPACES
2ND LEVEL:	98 SPACES
3RD LEVEL:	98 SPACES
4TH LEVEL:	98 SPACES
NET TOTAL:	282 SPACES
EXISTING PARKING:	531 SPACES
PROPOSED PARKING DECK:	282 SPACES
BUILDING 4:	16 SPACES
<b>TOTAL SITE PARKING:</b>	<b>813 SPACES</b>
PARKING SPACE REQUIREMENTS:	
1 SPACE PER 300 SF OF OFFICE SPACE	
1 SPACE PER 400 SF OF ASSEMBLY	
ESTIMATED REQUIRED PARKING:	425 SPACES
PARKING PROVIDED:	813 SPACES

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 COPYRIGHT YEAR ALL RIGHTS RESERVED  
 PRINTED OR ELECTRONIC DRAWINGS AND DOCUMENTATION MAY NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM LS3P ASSOCIATES LTD.

REVISIONS:

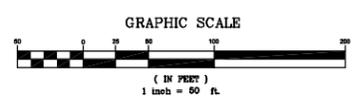
PROJECT:  
 WGLA #: 16157  
 DATE: 08.29.16  
 DRAWN BY: JRC  
 CHECKED BY: GTJ

**BUILDING FOUR  
SITE PLAN**

**C-200**

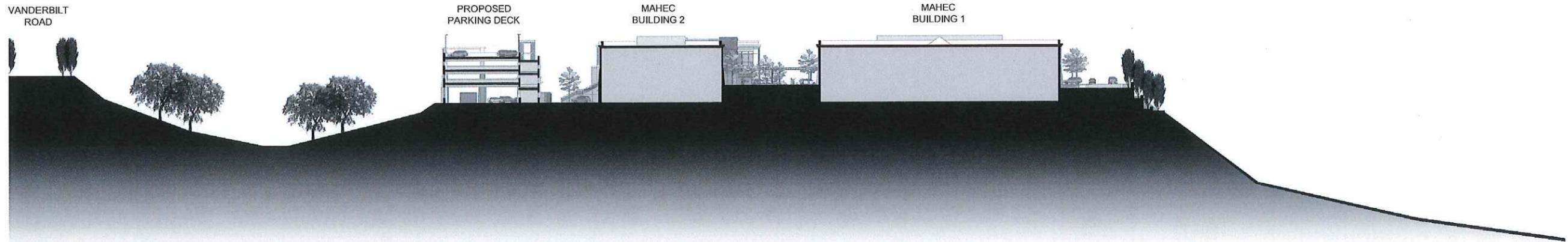
SOLUTIONS THROUGH LISTENING

- NOTES:
- SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
  - THE CONTRACTOR SHALL BE PROVIDED WITH AN ELECTRONIC COPY OF THE PROPOSED SITE DESIGN FOR STAKING PURPOSES. ALL STAKING MUST BE VERIFIED WITH THE ARCHITECT AND OWNER PRIOR TO CONSTRUCTION.

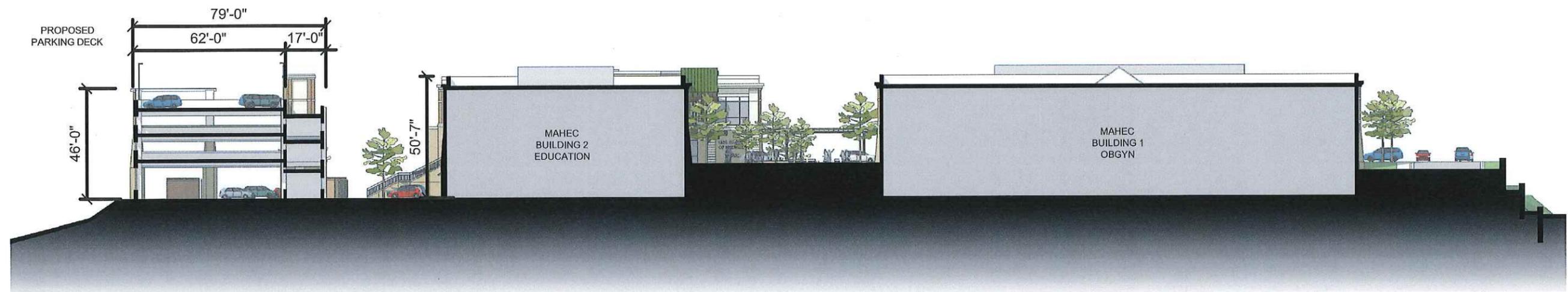


SURVEY INFORMATION PROVIDED BY:  
 ED HOLMES AND ASSOCIATES  
 LAND SURVEYORS, PA  
 P.O. BOX 17335 ASHEVILLE, NC 28816  
 (828) 225-6562

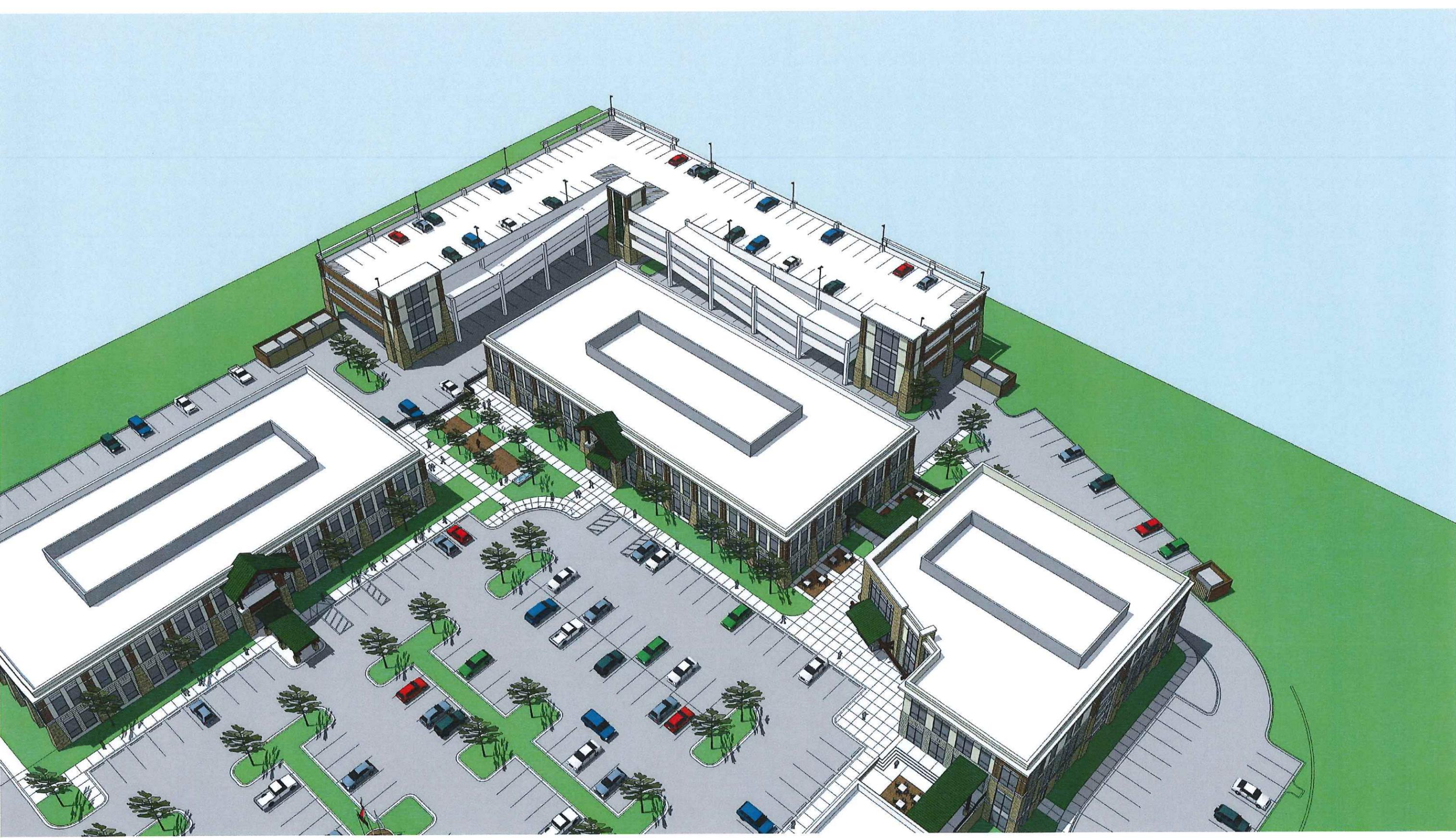




SITE SECTION



BUILDING SECTION



PROJECT IMAGE 1

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 2

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 3

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 4  
NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 5

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 6

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 7

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 8

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.





PROJECT IMAGE 9

NOT TO SCALE  
SEPTEMBER 12, 2016

MAHEC BUILDING FOUR & PARKING DECK  
122 HENDERSONVILLE RD.

