



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Zoning Administrator
Date: October 5, 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 **Thursday, October 20, 2016 at 5:30pm** 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, October 17, 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 September 12, 2016 meeting will be presented for approval.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: Mr. Sayers and Mrs. Amy Harman, 333 Vanderbilt Road, request approval for tree removal of more than ten (10) protected trees in conjunction with a reforestation plan.

Case 2: Mr. Norwood and Mrs. Sidney Thornton, 6 Southwood Road, request approval for a conditional use permit to construct a detached garage.

Case 3: Mr. Rich Wyde and Ms. Angela Branch, 6 Deerfield Road, request approval for a conditional use permit and variance to construct a fence in the rear and side yard setbacks.

Case 4: Ms. Jillana Hulsing, 12 Forest Road, requests approval for a conditional use permit and variance to construct a two-car garage accessory building in the front yard, in conjunction with a proposed covered porch and master bedroom addition to the main residence.

Case 5: MAHEC, 121 Hendersonville Road, requests a conditional use permit to construct a new building and parking garage on their property, as well as approval from the Board of Adjustments to construct a secondary access drive through a P-S zoned district off of Vanderbilt Road.

4. Adjourn.

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, SEPTEMBER 12, 2016

The Board of Adjustment met at 4:00 p.m. on Monday, September 12, 2016.

Members present: Goosmann, Kieffer, Groce, Pearlman, Chandler, and Landau. Mr. Jonathan Kanipe, Zoning Administrator, was present. Mrs. Rebecca Reinhart, representing Roberts and Stevens, was also in attendance on behalf of Town Attorney William Clarke.

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

Chairman Goosmann swore in the following:

Mr. Alfred Nippert
Mr. Houston Hammond
Dr. Jeff Heck
Mrs. Tammy Wood
Mr. George Stowe
Mr. Steven Lee Johnson
Mr. John Kincheloe
Mr. Ron Fagan
Mrs. Melissa Mendelsohn
Mr. Tom Jones

The meeting minutes from August 15, 2016 were presented. A change to the minutes was offered indicating that Mrs. Kieffer swore in those at the meeting in August as Chairman Goosmann was not present. This change was agreed upon, and Mr. Pearlman made a motion to approve and Mrs. Groce seconded. The minutes were approved.

HEARING (Evidentiary):

Mr. Goosmann called forward the Alphins at 35 Hilltop Road. Mr. and Mrs. Alphin were represented by Houston Hammond, designer. Mr. Alfred Nippert, 31 Hilltop Road, was present as a neighbor to comment on the project. Mr. Pearlman shepherded the case and noted that the proposal from last month, which indicated a variance of the side setback, was tabled. This proposal

now brought forward to the Board was a site plan and layout that is located in compliance with the setbacks.

Mr. Nippert conveyed that their earlier objection, last month, was a result of the setback being breached in the side yard. Mr. Nippert appreciated the Alphins decision to move the home in compliance with the setbacks, and said that he had no objection to the proposal as laid before the Board now. Mr. Nippert said that he would be willing to work with the Alphins in the future if they do need to access the side yard setback.

DELIBERATION AND DETERMINATION

Dr. Landau asked whether the applicants were moving forward with the project as was presented or if they would like something in the side yard setback. Mr. Hammond said this was new information and he appreciated Mr. Nippert's willingness to work with the Alphins, but indicated the request was the proposal as given to the Board. Mr. Nippert agreed with this and said he was simply coming forward as a neighbor to say prospectively that they would be willing to work with the Alphins.

Dr. Landau asked if it would be a new variance application if the Alphins wished to consider a variance at another time of the setbacks.

There being no further discussion, Dr. Landau made a motion to approve the site plan and layout of the new home in accordance with the plans presented to the Board, and moved that the facts as recited by Mr. Pearlman and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and noted that there were no objections raised by neighboring property owners. The matter was seconded by Mr. Chandler. The motion was approved unanimously.

HEARING (Evidentiary):

Dr. Steven and Mrs. Melissa Mendelsohn, 25 Busbee Road, presented a change for an original variance that included a two car garage. The new application included a port cochere in its place located over the existing asphalt driveway which is already located within the setback. Mrs. Lynn Kieffer shepherded this project and asked Mrs. Mendelsohn to present the facts of her application.

Mrs. Mendelsohn indicated they had removed the original plans which were approved by the Board of Adjustments in March 2016 due to water runoff and construction issues that led to the existing garage being unstable and in poor condition. Mrs. Mendelsohn further discussed the plans as it related to the aesthetics of the home and community and believes this port cochere seems to work better than the garage.

Mrs. Mendelsohn presented photos from neighboring homes to show that the port cochere would be obscured by evergreens from every vantage point. Mrs. Kieffer did reiterate and verify with Mrs. Mendelsohn that the existing drive was within the setback since the home and drive was constructed prior to the existence of the ordinance. Mr. Stowe presented a rendering that showed the proposed port cochere and also noted that they had constructed the structure as tightly as they could in order to keep it as discreet as possible.

DELIBERATION AND DETERMINATION

Mr. Goosmann asked Mrs. Mendelsohn whether she would be willing to replace the existing large evergreen vegetation if necessary, and Mrs. Mendelsohn said yes. She indicated she had spoken with each neighbor about the project and all were in agreement with the plan.

Mrs. Kieffer recited the facts which included the withdrawal of an existing approved permit to construct a new detached garage. Dr. Landau asked whether this was a variance as well as a request for a conditional use permit, and Mr. Kanipe stated that this was a variance only because of the construction within the side yard setback and was attached to the home, so it was not a detached accessory structure.

There were no additional facts for this case. Mrs. Rhoda Groce made a motion to approve a Conditional Use Permit and Variance be granted to Dr. Steven and Mrs. Melissa Mendelsohn, 25 Busbee Road, for the construction of a port cochere in the side yard. Mrs. Groce moved that the facts as recited by Lynn Kieffer and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and noted that no neighboring property owners have expressed concern over the project.

Mrs. Groce 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, Mrs. Groce 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.

HEARING (Evidentiary):

Representatives from the Mountain Area Health Education Center, MAHEC, were called forward to present plans for an additional building, parking garage, and secondary access drive onto Vanderbilt Road. Mrs. Rhoda Groce shepherded the project and asked Dr. Jeff Heck, President and CEO of MAHEC, to present the plans as proposed. Dr. Heck reviewed the project and legislative funding that was approved for MAHEC to construct the new building and parking garage. Dr. Heck also reviewed the new programs that would be brought into Western North Carolina in conjunction with this project, and noted that partners for these projects included UNC-Chapel Hill, UNC-Asheville, Mission Hospital, and others.

Dr. Heck indicated this proposal was brought to the Board of Adjustments early to begin the process, and said that approval for the buildings would still need to be signed off on by the UNC Board of Governors. Dr. Heck further noted the overall needs for these programs in Western North Carolina and the benefit that would come to the entire region as a result of the increased training opportunities for doctors in this area.

Dr. Heck said MAHEC was pleased to be a member of Biltmore Forest and believes they are good stewards of the environment, including the buffering and plantings that have been provided throughout the property. Dr. Heck turned the presentation over to John Kincheloe, architect with LS3P Architects in Charlotte, who presented the project proposal. Mr. Kincheloe worked on the initial design of the project in 2007 for MAHEC as well as the current project.

Mr. Kincheloe reviewed the proposal for the proposed building (“Building Four”) and the parking garage, as well as the proposed drive on the southeastern corner of the property. Mr. Kincheloe believes the driveway as proposed is the best alternative for an additional access driveway onto the property and would be the least visually obtrusive option to the rest of the forest. Mr. Kincheloe presented boards that showed the driveway cross section as well as the parking garage and a conceptual design of the proposed Building Four.

Mr. Tom Jones, WGLA Engineering, spoke specifically about the drive proposed onto Vanderbilt Road. Mr. Jones referenced a review and connection previously proposed to the Board of Adjustments that connected into the back of the Double Tree hotel parking lot. Mr. Chandler asked for this to be shown on the site layout board. Mr. Jones indicated that this road ran, roughly, parallel to Vanderbilt Road and believed this would be more disruptive to visibility on the site.

Mr. Jones indicated the primary concern was to take emergency vehicle access onto the property and further stated his belief that an additional drive at the Double Tree would be just as problematic as the existing entrance onto the property was now.

DELIBERATION AND DISCUSSION

Mrs. Groce asked whether there had been any emergencies on the property, and Dr. Heck said there was emergency access coming in and out but there had been no issues as of yet. Mrs. Groce asked why the code requirements were not addressed when the buildings were approved previously. Mr. Kincheloe said the square footage for the campus, previously, did not require a secondary access but this was triggered at 130,000 square feet.

Mr. Pearlman said that he sympathized with the need for a secondary access but had concerns with the impact to the Town of Biltmore Forest. Mr. Pearlman asked whether there had been any concessions or thoughts to this issue. Dr. Heck indicated they had discussed options that

would limit the ingress and egress into the property via this route, as well as noting the staggered schedules of many of their clients and employees.

Mrs. Groce said she did not feel that the Board could make an adequate decision without a traffic study being conducted or without more concrete information being provided. Mrs. Groce further indicated that the building and garage were not significant problems, but rather, that the added traffic onto Vanderbilt Road was a problematic issue.

Mr. Jones said his firm did not conduct traffic studies, but that when a traffic study was performed during prior construction a grade “F” was given to Hendersonville Road. As a result, Mr. Jones did not believe the addition of cars from MAHEC onto Vanderbilt Road would result in changes to what was already a traffic concern.

Dr. Landau spoke of the Town’s belief in MAHEC and desire to see this project succeed, but did believe that the drive onto Vanderbilt Road was problematic. Dr. Landau was concerned that this was not just a problem because of the new building but also was an existing problem.

Dr. Heck appreciated this comment and said it was not their intention to make anything difficult for Biltmore Forest either. A big challenges for them, as well, was dealing with the construction of two new hotels in their immediate vicinity. Dr. Heck referenced a new right turn only lane coming out of their existing exit onto Hendersonville Road that they hoped would alleviate some stacking traffic. Mr. Ron Fagan provided a timeline and the rationale behind this driveway realignment.

Mr. Goosmann asked whether the projects could be segregated or whether the project had to be coupled together; i.e. could the Board approve the two buildings today without approving the driveway. Mr. Kincheloe indicated that the secondary access would have to be approved in conjunction with the building proposal.

Mr. Chandler asked for verification that the buildings and driveway would have to be approved simultaneously, and again, asked Mr. Kincheloe the rationale behind this. Mr. Kincheloe said this was a requirement of the State Building Code.

Mr. Pearlman asked whether there were time deadlines related to the funding from the State Legislature. Dr. Heck said there were triggering mechanisms for funding that began with having the building under construction but yes, funds were available for the entire project at this time.

Dr. Landau asked whether other sites, in this area, had been considered that would allow easier ingress and egress. Dr. Heck indicated that they had explored some other options, but the learning campus required more opportunities for greater training and teaching. Mrs. Tammy Wood, Chief Operating Officer of MAHEC, indicated that some staff had already been moved off site in order to accommodate space and personnel concerns.

Mr. Pearlman referenced a question that was made on the earlier site visit – what will MAHEC do if this project is not approved. Dr. Heck indicated this was something they hoped not to happen, but that if it did, it would likely be that they would reconvene with partners in Chapel Hill and try to determine a path forward and perhaps consider a different site.

Mr. Pearlman asked whether this is something that the Board of Commissioners should review and deliberate on initially and then the Board of Adjustments would move forward with reviewing the project afterward. Dr. Landau said the Board of Adjustments is charged with making a decision for the Town and that they should not defer that action when they were required to make a decision.

Mrs. Kieffer asked about other options that were presented to MAHEC and whether any were viable. Dr. Heck indicated that most people who were going onto the interstate would use the existing driveway.

Mr. Chandler asked whether the access could be limited to emergency vehicles only since this function was a result of needing emergency vehicle access. Mr. Kincheloe and Mr. Jones said that might be possible, but Dr. Heck said this was not their optimal solution for enabling traffic to move more easily for those occasional peak hours when traffic needs to move off campus. Mrs. Wood made sure the Board understood that this rear entrance would be gated and that the access could be controlled in this regard. Discussion ensued about whether traffic would use Biltmore Forest as a “cut-through” during heavy traffic hours on Hendersonville Road. Dr. Landau said that he also had concern about the location of the proposed driveway near the interstate bridge and the

concern that traffic went very fast in that vicinity. Mr. Jones said the visibility at this proposed driveway was better than that at the TGI Friday's.

Discussion then ensued regarding current access via the Double Tree parking lot onto Vanderbilt Road. This was considered not a viable solution to MAHEC, and Mr. Jones indicated that the visual disruption would be more significant than the current proposed driveway. The officials from MAHEC indicated that this was a safety issue and concern as they did not believe that this would be a safer option than that which was presented. Mr. Jones referenced Biltmore Farm's concerns related to creating a driveway through their property as they do have weddings and other events that are held in the area where any driveway would be constructed.

Mrs. Kieffer asked whether there was any benefit to MAHEC to approve the new building and parking garage, and Mr. Kincheloe said there really could not be one without the other.

Dr. Heck did refer to the planned reorientation of the existing exit onto Hendersonville Road and was unsure when this would be completed, but noted that it might present improvements to the site.

Dr. Landau indicated his belief that the approval for the driveway was not something desirable for the Town and that if they had to find a different site that might be necessary. Mr. Chandler said that if they could find a proposal that would put the driveway in a different location, it would be beneficial to the Town.

Mr. Pearlman said he would prefer the entire campus being here and that the synergy of the campus made sense for the buildings to be built there. Dr. Heck said that he agreed that a compromise that would benefit everyone was most desirable and would allow them to construct the buildings that were asked for by the State.

Mrs. Groce said this situation was not of the Town's making, and she did not like the idea of leveraging MAHEC's growth on the back of their residents. Mrs. Groce did not believe that people in the Town would be pleased with the Board choosing MAHEC over the residents of the Town.

Mrs. Kieffer mentioned the possibility of working with N.C. Department of Transportation and whether any type of traffic studies might be useful. Mr. Chandler agreed with this, and

indicated that working with N.C. DOT on the traffic light at the five point intersection would be useful information. Mr. Kanipe verified this was a traffic facility owned by N.C. DOT.

Chairman Goosmann asked what the process would be for the Board to deliberate and that having every option available to the Board to consider would be beneficial. Mrs. Kieffer asked whether a thirty day delay would be a hardship, and the officials said it would not. Mr. Jones and Mr. Kincheloe said that they would like to work with Mr. Kanipe to gather as much information on what specific items the Board would like to review before the next meeting. Mr. Kanipe said he would prepare these questions and needs, and stated that the Board had thirty (30) days from the date of application to make a decision. Mr. Kanipe noted that if the applicant tabled the matter until next month, the thirty (30) day time line would begin once their application was final.

Dr. Heck asked about the Board of Commissioners meeting on Tuesday night. Mr. Kanipe recommended tabling this matter from that meeting as well until further information could be obtained. Mr. Kanipe believed that the same questions would be asked, and having those answers in hand would be more beneficial to the Commissioners and the Board of Adjustments at the same time. Mr. Kanipe referenced again that this proposal hit both levels of requiring approval from the Board of Adjustments and Board of Commissioners. Mr. Goosmann thanked the MAHEC officials for presenting their plans and understanding this process and their requests. Mrs. Kieffer thanked them for the programs they are bringing to Western North Carolina, and Mr. Goosmann echoed these thoughts.

The next meeting was set for Monday, October 17th at 4pm. Mr. Kanipe brought up some additional issues regarding some of the previous permits approved at 422 Vanderbilt Road. Mr. Kanipe referenced that the play set approved for location in the side yard was still in the front yard, and he would speak with Mr. Selmensberger about this regardless. Mr. Kanipe then noted that there was a zip line put in place on the property in the front yard, but his interpretation was that it was not a structure since it was not located in the ground. Mr. Kanipe noted that the Board of Commissioners may discuss this at some point, and that he has asked Mr. Clarke to provide his thoughts on this too. Mr. Kanipe also asked about the fire pit on the property and whether the Board recalled if this was existing or not. Mrs. Kieffer and Mrs. Groce each recalled that it was an existing fire pit. Mr. Pearlman asked what constituted a structure, and Mr. Kanipe said that it was anything located or having placement on the ground. He did not want to be cutting too fine a point

when making a determination, but did not believe these swings or other apparatuses located or attached to trees were structures. Mr. Pearlman said he was concerned that they ran the risk of making Biltmore Forest not user friendly, and asked whether there were other structures or tree swings in the front yard. Mr. Kanipe said he was not aware of any others in the front yard, but that there were other zip lines and tree swings or apparatuses in side and rear yards. There was no further discussion of this matter and Mr. Kanipe indicated he would follow up with the property owners.

There being no further business, the meeting was adjourned at 5:27 pm.



MEMORANDUM
OCTOBER 17, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case 1 – 333 Vanderbilt Road
Date: October 12, 2016

Case 1

Property Owner: Sawyers and Amy Harman
Property Address: 333 Vanderbilt Road
Zoning District: R-1
Lot Size: 1.65 +/- acres
Application Request: Request for Removal of More than Ten (10) Protected Trees

Mr. and Mrs. Harman request permission from the Board to remove sixteen (16) protected trees from the rear of their property. There is an additional five (5) trees scheduled for removal which are not protected under the Town's Tree Ordinance. Since the request is greater than the allowable amount that can be permitted administratively, the Board of Adjustments must make the final determination of whether this is acceptable.

The Harmans do intend to reforest the area with hardwoods, such as oak and maple trees, and include plantings of redwood, dogwood, fruit trees, and other hardwoods in the rear yard. The drawings which are attached show the approximate location of these replacement trees as well as the general idea behind what they are trying to do on the rear and front of the property.

Zoning Application

Property Identification

Name

Amy and Sayers Harman

Address

333 Vanderbilt Road, Asheville, North Carolina 28803

Phone

(828) 424-7935

Email

yowavl@yahoo.com

Zoning

R-1

Lot Size (Acres)

1.65

Email -Submission Verification

yowavl@yahoo.com

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?

Yes

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

We would like to remove all the white pines from our property and replant hardwoods. We have been working with Braden Russel for the last two years to make improvements to our yard. We have planted several bushes and some saplings and would like to continue to add to the foliage and beauty of our yard. We believe the white pines to be ticking time bombs- we had one on our front yard fall in the spring. As we are certain many folks in the neighbourhood have experienced, tree removal is a messy business and can cause much damage to existing lawn and landscaping. We are seeking permission to have the pines removed all at once and replant several varieties of trees 1:1 (please see attachment) and continue working with Braden on other smaller landscaping plans.

Estimated Cost of Project

15,000

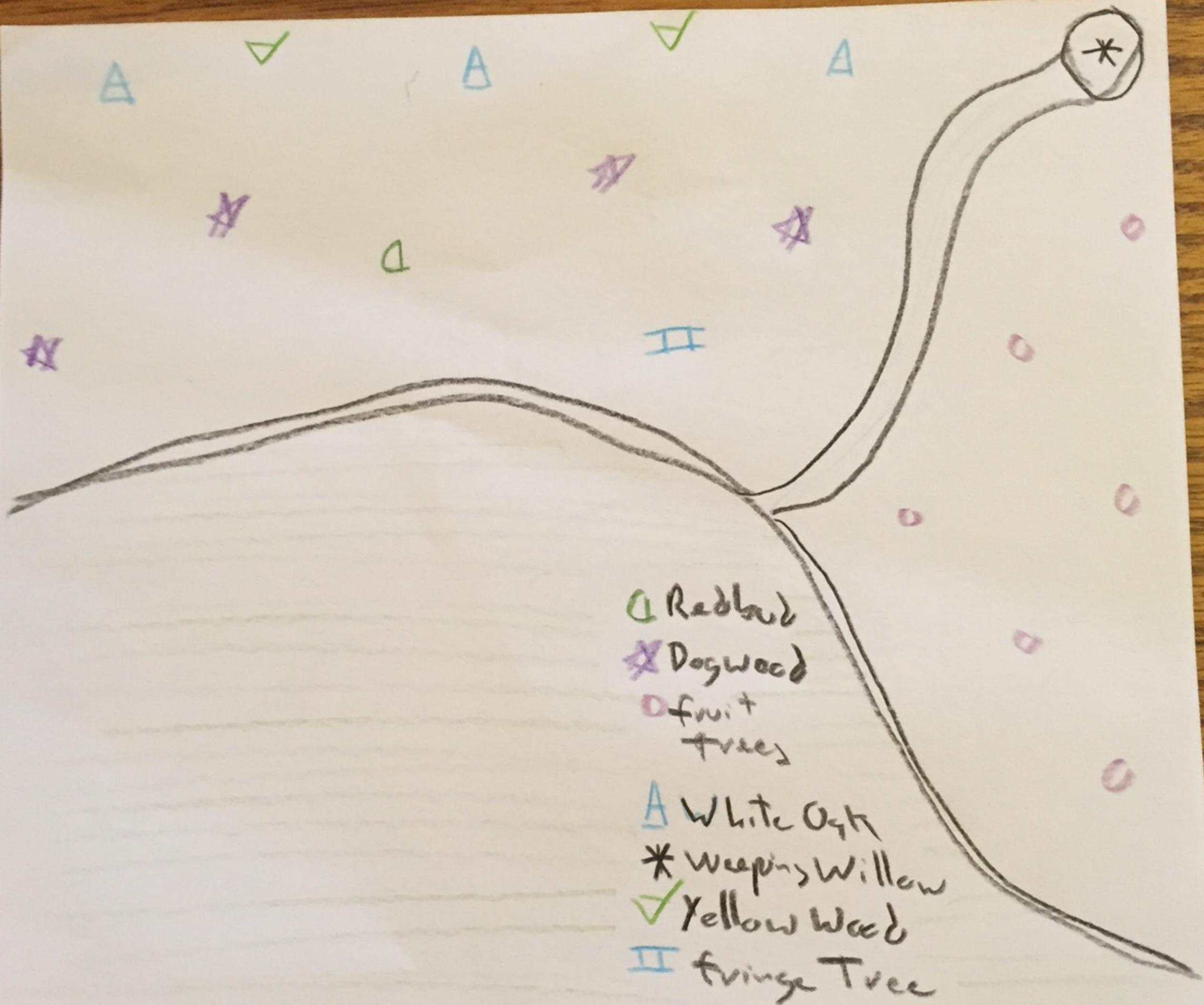
Estimated Completion Date

12/31/2016

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

image1.JPG

image2.JPG



House

House

○ Maple

△ Hickory



Vanderbilt Rd



MEMORANDUM
OCTOBER 17, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case 2 – 6 Southwood Road
Date: October 12, 2016

Case 2

Property Owner: Norwood and Sidney Thornton
Property Address: 6 Southwood Road
Zoning District: R-1
Lot Size: 1.834 +/- acres
Application Request: Conditional Use Permit Request for Construction of
Detached Garage Accessory Structure

Mr. and Mrs. Thornton request permission from the Board for a conditional use permit to allow construction of a detached garage as an accessory structure. If you recall, the Thorntons presented a plan at the July meeting which included for the detached garage. The Board, at the time, requested more information about the site and design of the main residence. This new application shows the size and footprint of the main residence in relation to the proposed garage.

The garage does not exceed the 750 square foot maximum allowable for accessory structures, and the site complies with both the maximum roof coverage and impervious surface requirements, including the proposed main residence. The proposed garage is in compliance with all setbacks and height requirements, therefore no variances are requested.

Zoning Application

Property Identification

Name

Norwood and Sidney Thornton

Address

6 Southwood Rd, Biltmore Forest, North Carolina 28803

Phone

(828) 231-7781

Email

hchammond@charter.net

Zoning

R-1

Lot Size (Acres)

1.834

Email -Submission Verification

hchammond@charter.net

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?

Yes

What is the proposed roof coverage?

560

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?

1,385

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

18'x26 garage with flex space and half bath upstairs. peak height is 23'-3" from main level slab.

Estimated Cost of Project

150,000

Estimated Completion Date

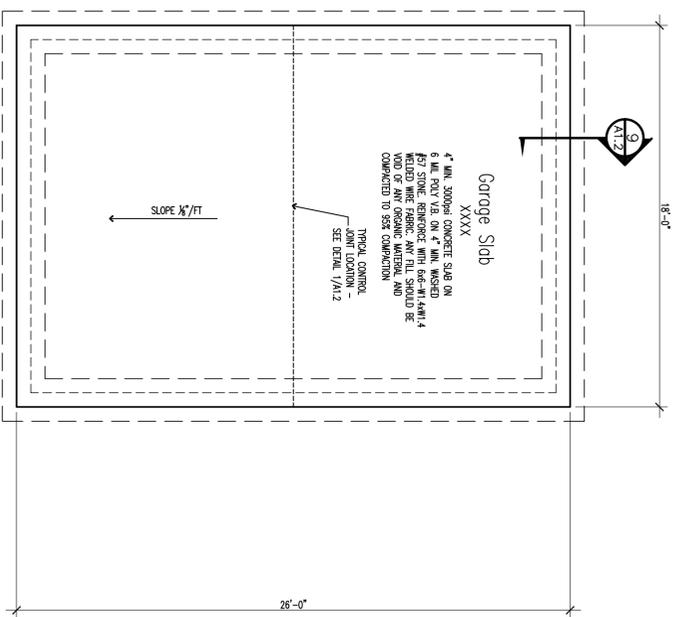
2/15/2017

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

10.3.2016 Thornton Garage A1.1.pdf

Thornton Phase 1 Site Plan 10-3-16.pdf

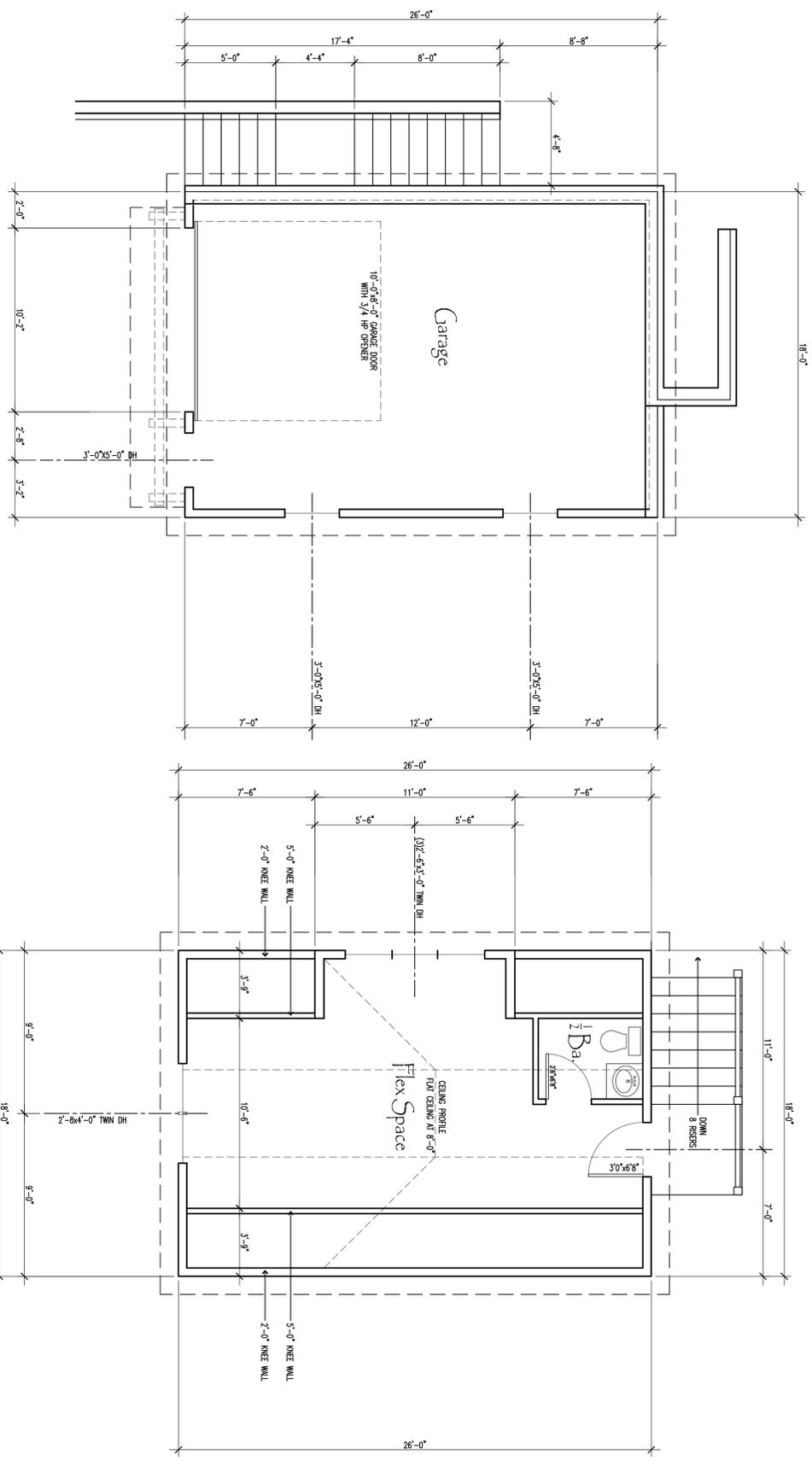
10.3.2016 Thornton Garage A2.1.pdf



1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

FOUNDATION NOTES

1. FOUNDATIONS ARE DESIGNED ON THE ASSUMPTION OF A MINIMUM SOIL BEARING VALUE OF 2000 PSI. IT SHALL BE THE OWNER'S RESPONSIBILITY TO ASSURE THAT THE ACTUAL SOIL BEARING CAPACITY IS NOT LESS THAN THAT ASSUMED. IF IT IS FOUND TO BE LESS, TO MAKE SUCH PROVISIONS AS THE ACTUAL CONDITIONS MAY REQUIRE. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL PERTINENT LOCAL, STATE AND FEDERAL REGULATIONS.
2. ALL CONCRETE SHALL BE MINIMUM GRADE 60 (F_y=60,000 PSI).
3. ALL CONCRETE TO MAINTAIN A MINIMUM COMPRESSIVE STRENGTH OF 3000psi IN 28 DAYS.
4. ALL REINFORCEMENT SHALL BE INSTALLED IN LITS NO GREATER THAN 12" AND SHALL BE CHEMICALLY TREATED FOR TERMITES. FILL SHALL BE VOID OF TOPSOIL, ROOTS AND ALL OTHER DEBRIS.
5. ALL CONCRETE SHALL BE VACUUM COMPACTED.
6. MIN. POLYETHYLENE VAPORBARR AND 4" MIN. COMPACTED WASHED GRAVEL. SEE FOOTING DETAILS FOR SIZE AND REINFORCING OF ALL FOOTINGS.

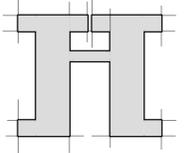


2 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

3 SHOP FLOOR PLAN
SCALE: 1/4" = 1'-0"

A Residence For:
 Norwood and Sidney Thornton
 Lot 6 Biltmore Forest, Block "GCS"
 Biltmore Forest TWP.
 Buncombe County, North Carolina

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

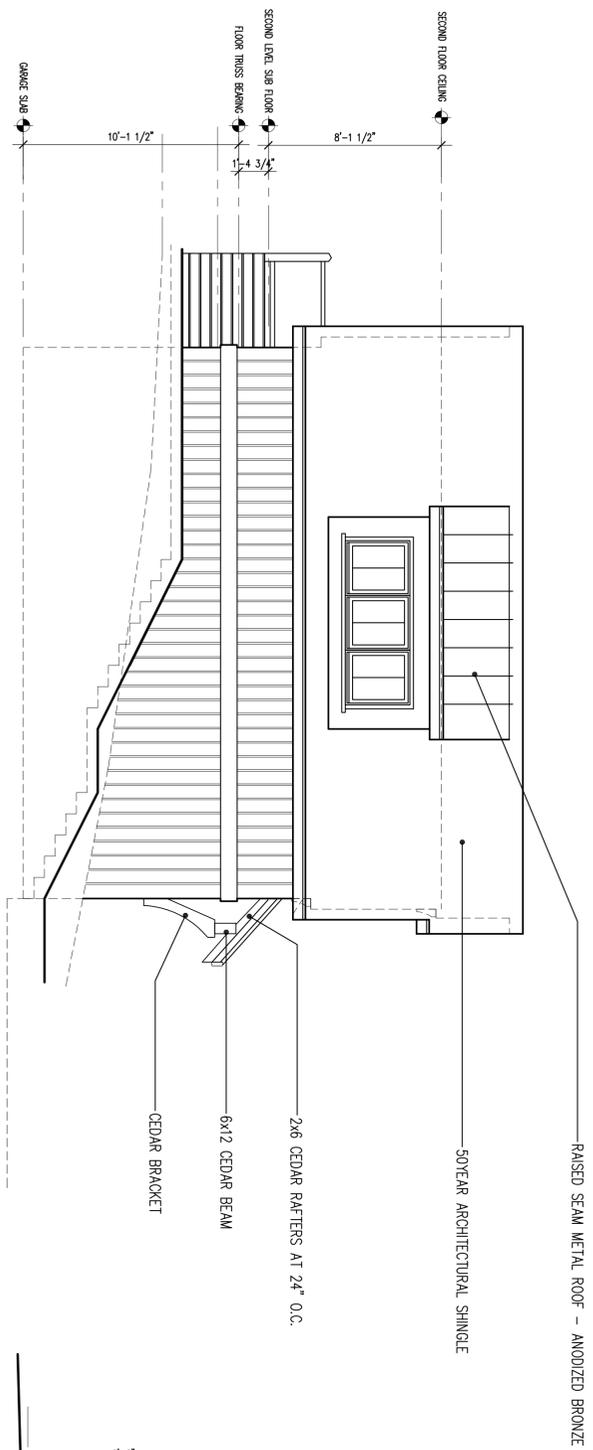


Floor Plans

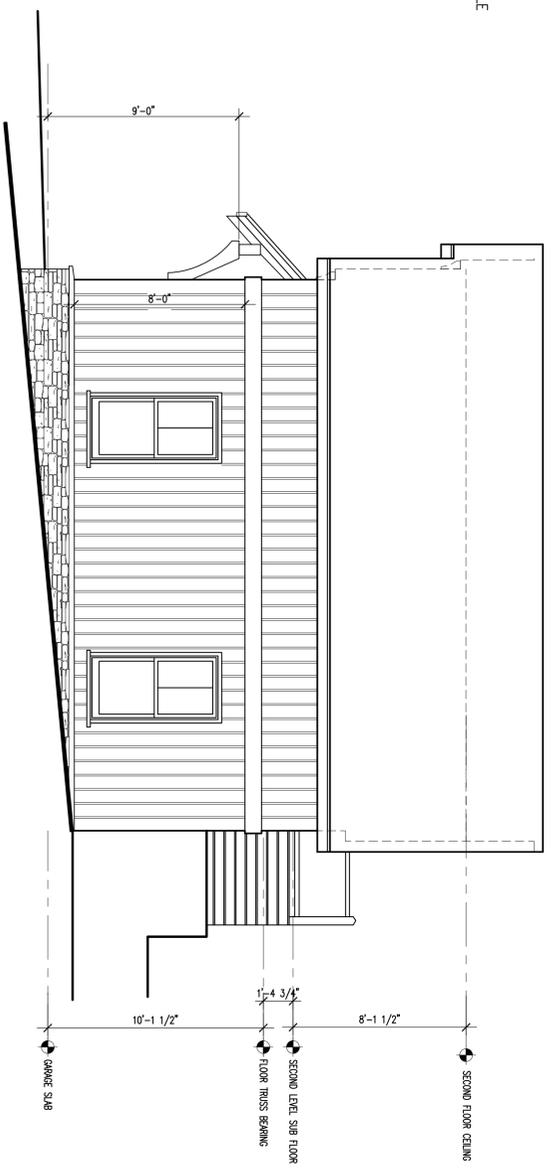
SCALE: n/a	REVISIONS:	FIRST
DATE: 10.3.2016		SECOND
DRAWN BY: h.c.h.		THIRD

A1.1

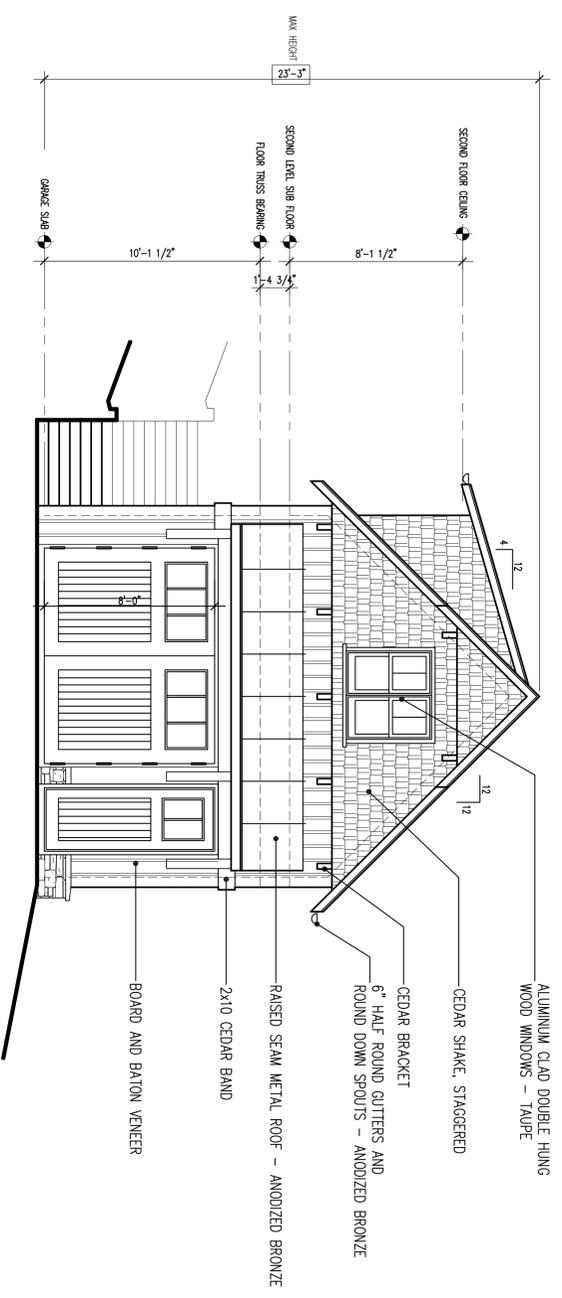
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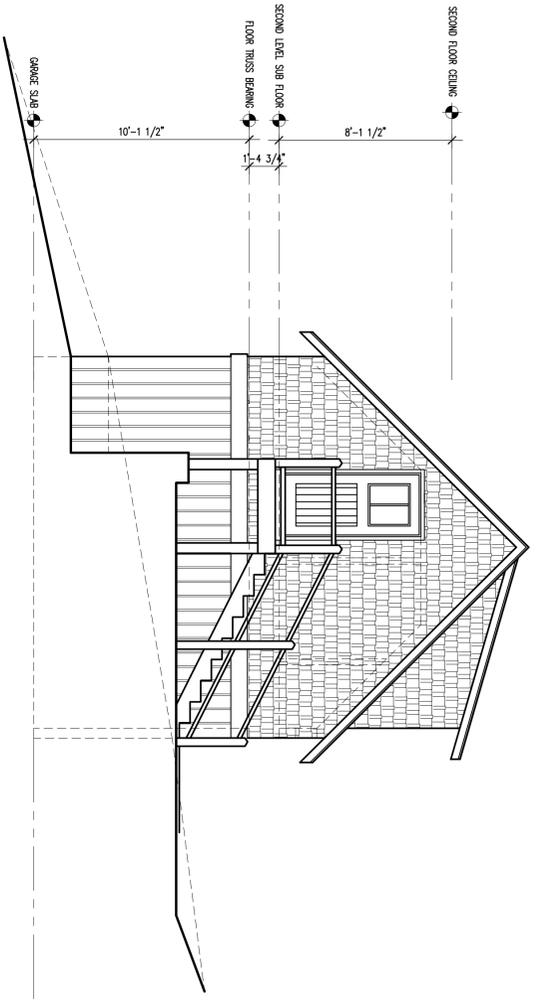
4 EAST ELEVATION
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION
SCALE: 1/4" = 1'-0"



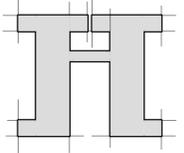
1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

A Residence For:
 Norwood and Sidney Thornton
 Lot 6 Biltmore Forest, Block "GCS"
 Biltmore Forest TWP.
 Buncombe County, North Carolina

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



SCALE: n/a	FIRST
DATE: 10.3.2016	SECOND
DRAWN BY: h.c.h.	THIRD
REVISIONS:	

Elevations

A2.1

A2.1



MEMORANDUM
OCTOBER 17, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case 3 – 6 Deerfield Road
Date: October 12, 2016

Case 3

Property Owner: Edith Moubray
Applicant: Rich Wyde and Angela Branch
Property Address: 6 Deerfield Road
Zoning District: R-1
Lot Size: 0.84 +/- acres
Application Request: Conditional Use Permit and Variance Request for Construction of Fence in Rear Yard

The applicants request permission from the Board to construct a fence in the rear yard and side yard setbacks. This will require a conditional use permit as well as a variance from the Board for approval. The fence itself is proposed to be a black metal picket fence that is five (5) feet in height.

The applicants note in their variance application that the proposed location of the fence is necessary due to existing evergreen screening and large trees. The applicant indicates that the location of the fence takes advantage of an opening in the screening while minimizing damage to tree root zones.

The Town has received an emailed letter of concern from a neighboring property owner which is attached to this memorandum. A second neighbor has reviewed the plans and did not express an objection to the project.

Conditional Use Permit Application

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

Name

Steven Lee Johnson / Sitework Studios

Property Address

6 Deerfield Road

Phone

(828) 231-9988

Email

sljohnson@siteworkstudios.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

sljohnson@siteworkstudios.com

Description of Project

Plans indicate a proposed black metal (high-quality steel, picket) 4' height fence to enclose the rear garden.

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

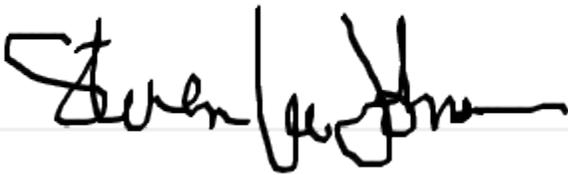
The proposed fencing will not be visible from the street. It is carefully located to maximize the existing evergreen screen plantings and to minimize any views from adjacent properties. Additional large evergreen plantings are included to screen any potential views from adjacent properties. The fence alignment also takes the location of existing large trees into careful consideration.

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

Signature

Date

10/3/2016

A handwritten signature in black ink, appearing to read "Steven Lee Johnson", written over a horizontal line.

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

Steven Lee Johnson

Property Address

6 Deerfield Road

Email

sljohnson@siteworkstudios.com

Phone

(828) 231-9988

Email-Submission Verification

sljohnson@siteworkstudios.com

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

1104 Accessory Structures & Accessory Buildings

1103 Required Yards & Other Spaces

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

An enclosed (fenced) rear garden area is needed for the safety and protection of two elderly dogs. The existing garden contains large trees and mature evergreen screening. A portion of the proposed fence is located inside the rear setback and one side setback. Locating the entire fence outside the setbacks would create an awkward and undesirable situation damaging existing evergreen screening and potentially damage existing tree root zones.

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

The existing site contains large trees and mature evergreen screening. The proposed fence layout takes advantage of a small opening in the screening while minimizing damage to tree root zones.

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

No.

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

The carefully planned location of the fence helps preserve existing mature evergreen screening as well as large tree root zones, thereby preserving the wooded character of the property. The proposed fence

construction project includes additional large evergreens to screen any potential view of the fence from neighboring properties and increases back yard privacy for all.

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

Date

10/3/2016



October 3, 2016

Mr. Jonathan Kanipe
Town Manager
Town of Biltmore Forest, NC

RE: Conditional Use Permit and Variance Request
6 Deerfield Road

Dear Mr. Kanipe:

Applications have been submitted for a Conditional Use Permit and Variance Request at 6 Deerfield Road. Our clients, Rich Wyde and Angela Branch are scheduled to close on the property October 20, 2016.

Installation of the fence needs to be complete by the time Rich and Angela move to Biltmore Forest given their pet situation. The current property owner, Edith Moubray, is aware the requests have been submitted to the Town of Biltmore Forest. Please see the attached document stating her understanding.

Sincerely,



Steven Lee Johnson, PLA, ASLA
Principal

Edith Moubray

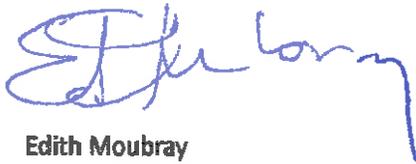
6 Deerfield Rd.

Asheville, NC 28803

To Whom It May Concern,

I am writing this letter to state that I am aware that the buyers for my home at 6 Deerfield Rd, Angela Branch and Rich Wyde, are submitting plans to the Biltmore Forest Board of Adjustment for construction of a fence in the back yard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edith Moubray". The signature is fluid and cursive, with the first name "Edith" being more prominent than the last name "Moubray".

Edith Moubray

From: [Ed Riester](#)
To: [Jonathan Kanipe](#)
Subject: Fence variance at 6 Deerfield
Date: Sunday, October 09, 2016 4:31:49 PM

Dear Mr. Kanipe,

I would have one of three (or more) shared lot lines with 6 Deerfield. I do not support the variance that my new neighbors at 6 Deerfield Rd are requesting. The back of my lot is wooded and provides a nice buffer for several properties. 6 Deerfield also has a significant amount wooded. If they are wanting to build a privacy fence I find it unnecessary and anti-neighbor. If it is for pets I will say that I have an invisible fence and 6 Deerfield has an existing invisible fence as well. I assume I don't have to be at the meeting to voice my objection. Thank you.

Ed Riester
4 Deerfield Rd
828-230-1162

Sent from my iPad



MEMORANDUM
OCTOBER 17, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case 4 – 12 Forest Road
Date: October 12, 2016

Case 4

Property Owner: Jilliana Ellen Hulsing
Property Address: 12 Forest Road
Zoning District: R-1
Lot Size: 2.00 +/- acres
Application Request: Conditional Use Permit and Variance Request for Construction of a Detached Garage in the Front Yard

The applicants request permission from the Board to construct a two-car detached garage as an accessory structure within the front yard of the property. This request will require a conditional use permit and variance from the Board of Adjustments.

The proposed garage is 576 square feet. This proposed size complies with the Town's accessory building requirements for maximum square footage of an accessory structure. Further, the additional square footage of the proposed garage and proposed additions are all in compliance with the maximum roof coverage and impervious surface requirements of the Town. The review for the additions will be done by the Design Review Board (in addition to anything approved by the Board of Adjustments) and is not subject to a conditional use permit or variance.

The proposed location of the garage complies with all setbacks, but is located in the front yard which requires the variance approval. The applicant notes that the existing placement of the home (built in 1937) does not allow for construction of the detached garage in the rear yard due to the proximity to the rear setback and back wall of the home. The applicant argues that the existing, mature screening will block the proposed garage from the road. The breezeway that will connect the proposed garage to the proposed addition is not enclosed or finished square footage, therefore the garage cannot be considered an attached structure.

Zoning Application

Property Identification

Name

Jillanna Ellen (Jill) Hulsing

Address

12 Forest Road, Biltmore Forest, North Carolina 28803

Phone

(828) 713-0900

Email

jim@palladiumbuilders.com

Zoning

R-1

Lot Size (Acres)

2.00

Email -Submission Verification

mhurt@hurtarchitects.com

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?

Yes

What is the proposed roof coverage?

2,889

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?

11,261

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?

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 proposed project includes new additions to the original 1937 home of a master bedroom suite, covered porch, and 2-car garage (with unfinished storage space above). The garage, an accessory building, is proposed to be located in the front yard, as there is not enough distance between the original home and the rear setback to locate it in the back yard. The proposed location for the garage would allow the garage to be accessible from the driveway, but the doors would not face toward, nor be visible from the street. Also, the existing thick foliage between the proposed garage location and the street would serve to largely screen the garage itself from view from the road.

Estimated Cost of Project

200,000

Estimated Completion Date

7/1/2017

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

Hulsing Residence Preliminary Drawings - Zoning Compliance 09-01-16.pdf

12 Forest Rd - View from street.jpg

Conditional Use Permit Application

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

Name

Jillanna Ellen (Jill) Hulsing

Property Address

12 Forest Road

Phone

(828) 713-0900

Email

jim@palladiumbuilders.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

mhurt@hurtarchitects.com

Description of Project

The proposed project includes new additions to the original 1937 home of a master bedroom suite, covered porch, and 2-car garage (with unfinished storage space above). The garage, an accessory building, is proposed to be located in the front yard, as there is not enough distance between the original home and the rear setback to locate a 2-car garage in the back yard.

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

The proposed location for the garage would provide for the garage doors not to face toward, nor be visible from the street. In addition, the existing tall, thick foliage between the proposed garage location and the street would largely screen the garage itself from view from the road.

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

Signature

Date

9/1/2016



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

Jillanna Ellen (Jill) Hulsing

Property Address

12 Forest Road

Email

jim@palladiumbuilders.com

Phone

(828) 713-0900

Email-Submission Verification

mhurt@hurtarchitects.com

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

1104 Accessory Structures & Accessory Buildings

1103 Required Yards & Other Spaces

1120 Site Design and Building Form & Mass for Residential Dwelling Units

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 owner needs a garage, which the original home does not have, in order to cover and protect vehicles, particularly during inclement weather. The hardship is that it is not possible to locate an accessory building (the proposed garage structure) in the rear yard of the home in accordance with the requirements of the zoning ordinance.

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

The rear building setback line is located too close to the back wall of the original home to allow for an accessory building (i.e. the proposed 2-car garage with unfinished storage space above) to be located behind the home as described in the zoning ordinance requirements. We believe the best way to locate such a structure so that the garage doors are not visible from the street, as also required by the zoning ordinance, is to position it as proposed.

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

No, the hardship is a result of the positioning of the home on the property when it was originally constructed in 1937.

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

The proposed accessory building / garage would be located such that the garage doors do not face toward, nor are visible from the street, which is consistent with the intent of the zoning ordinance. In addition, though the proposed garage would be located in the front yard, tall, dense foliage already exists between this proposed garage location and the street. This existing foliage would serve well to largely screen the garage itself from view from the road, which is likewise consistent with the intent of the ordinance.

Given the pre-existing hardship on this particular property, we believe the proposed garage location is, to the greatest extent possible and practicable, therefore consistent with the spirit and purpose of the zoning 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.

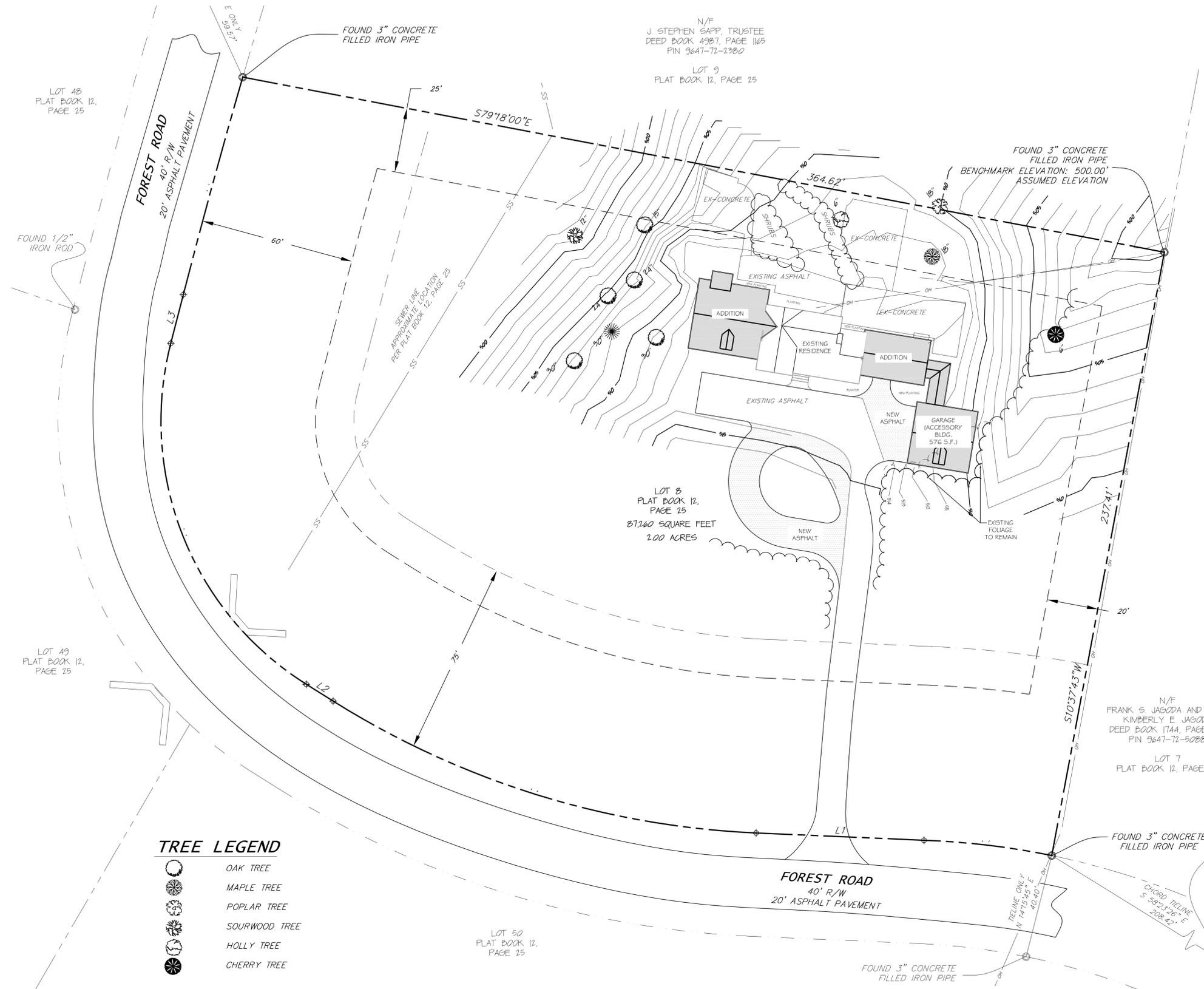
Signature

Date

9/1/2016

A handwritten signature in black ink, appearing to read "J. G. ...", written over a horizontal line.

PRELIMINARY- NOT FOR CONSTRUCTION



TREE LEGEND

	OAK TREE
	MAPLE TREE
	POPLAR TREE
	SOURWOOD TREE
	HOLLY TREE
	CHERRY TREE

1 Proposed Site Plan
 A-1 Scale: 1" = 20'-0"

TOTAL ROOF AREA = 2,889 SF
 TOTAL IMPERVIOUS SURFACE
 COVERAGE AREA = 11,261 SF



101
 MIDLAND
 AVENUE
 BLACK
 MOUNTAIN
 NC 28711
 PHONE
 828.669.1750
 FAX
 828.669.1762
 INFO@HURTARCHITECTS.COM
 WWW.HURTARCHITECTS.COM

PRELIMINARY- NOT FOR CONSTRUCTION

A RENOVATION AND ADDITION TO THE
HULSING RESIDENCE
 12 FOREST ROAD
 ASHEVILLE, NORTH CAROLINA

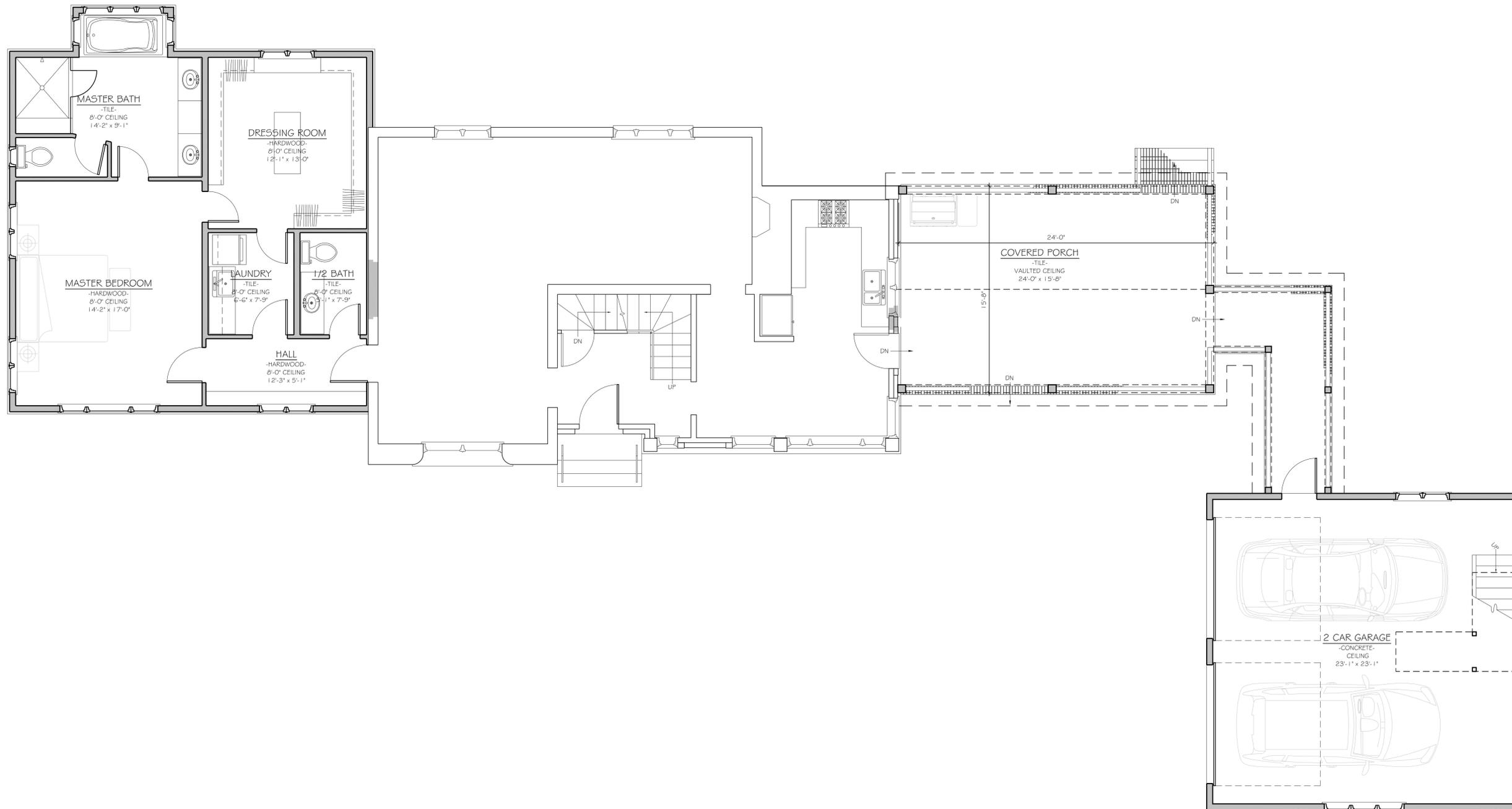
DRAWING NAME:
 Site Plan
 DATE: September 2, 2016

A-1

SCALE: 1"=20'-0"

PRELIMINARY- NOT FOR CONSTRUCTION

PRELIMINARY- NOT FOR CONSTRUCTION



1 Main Level Plan
 A-2 Scale: 1/4" = 1'-0"



101
 MIDLAND
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 MOUNTAIN
 NC 28711
 PHONE
 828.669.1750
 FAX
 828.669.1762

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 WWW.HURTARCHITECTS.COM

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PRELIMINARY- NOT FOR CONSTRUCTION

A RENOVATION AND ADDITION TO THE
HULSING RESIDENCE
 12 FOREST ROAD
 ASHEVILLE, NORTH CAROLINA

DRAWING NAME:
 Main Level Plan
 DATE: September 2, 2016

A-2
 SCALE: 1/4" = 1'-0"

PRELIMINARY- NOT FOR CONSTRUCTION



1 Existing Front Elevation
A-3 Scale: 1/4" = 1'-0"



2 Proposed Front Elevation
A-3 Scale: 1/4" = 1'-0"

PRELIMINARY- NOT FOR CONSTRUCTION

PRELIMINARY- NOT FOR CONSTRUCTION

A RENOVATION AND ADDITION TO THE
HULSING RESIDENCE
12 FOREST ROAD
ASHEVILLE, NORTH CAROLINA

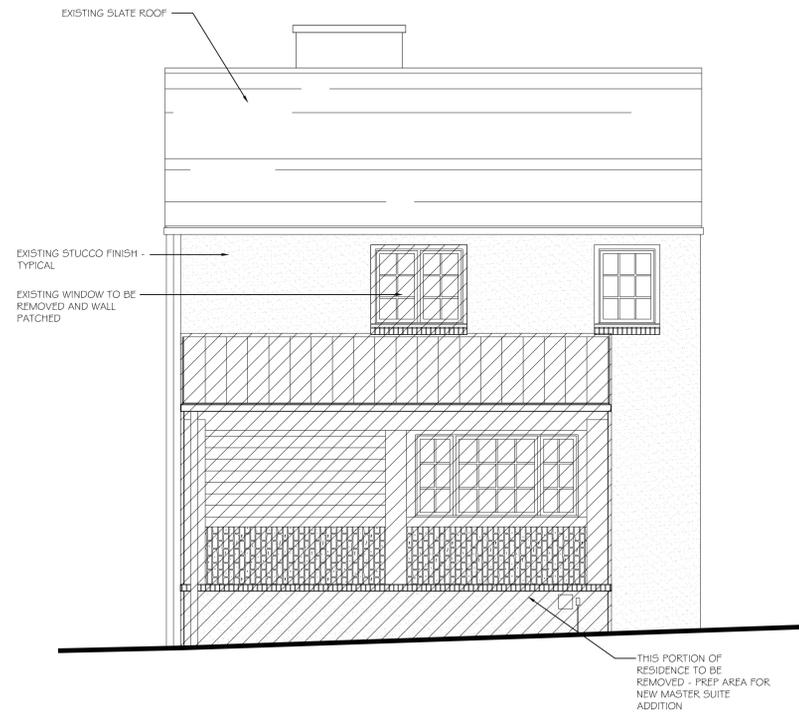
DRAWING NAME:
Front Elevation

DATE: September 2, 2016

A-3

SCALE: 1/4" = 1'-0"

PRELIMINARY- NOT FOR CONSTRUCTION



1 Existing Left Elevation
A-4 Scale: 1/4" = 1'-0"



2 Proposed Left Elevation
A-4 Scale: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY - NOT FOR CONSTRUCTION

A RENOVATION AND ADDITION TO THE
HULSING RESIDENCE
12 FOREST ROAD
ASHEVILLE, NORTH CAROLINA

DRAWING NAME:
Left Elevation

DATE: September 2, 2016

A-4

SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



1 Existing Rear Elevation
A-5 Scale: 1/4" = 1'-0"



2 Proposed Rear Elevation
A-5 Scale: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY - NOT FOR CONSTRUCTION

A RENOVATION AND ADDITION TO THE
HULSING RESIDENCE
12 FOREST ROAD
ASHEVILLE, NORTH CAROLINA

DRAWING NAME:
Rear Elevation

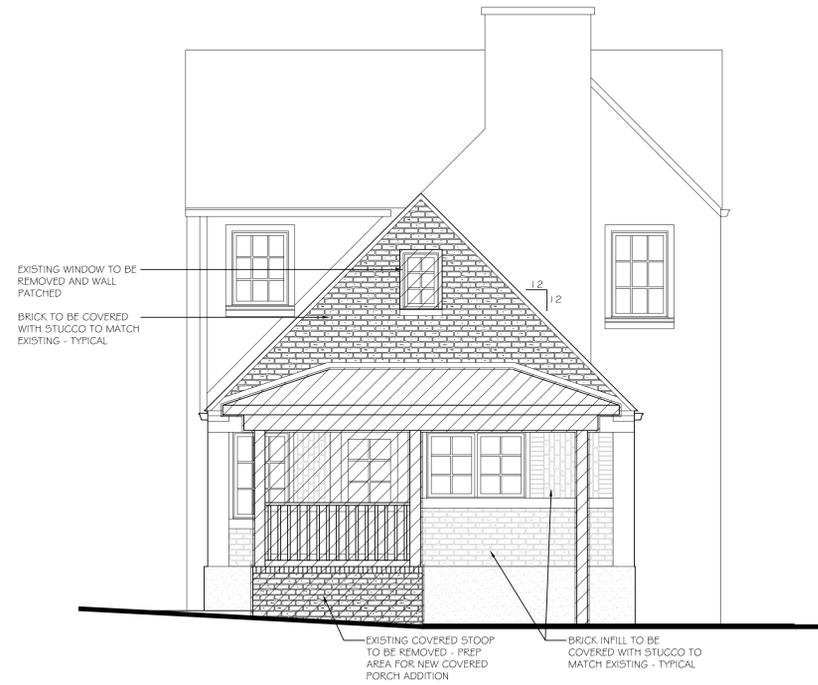
DATE: September 2, 2016

A-5

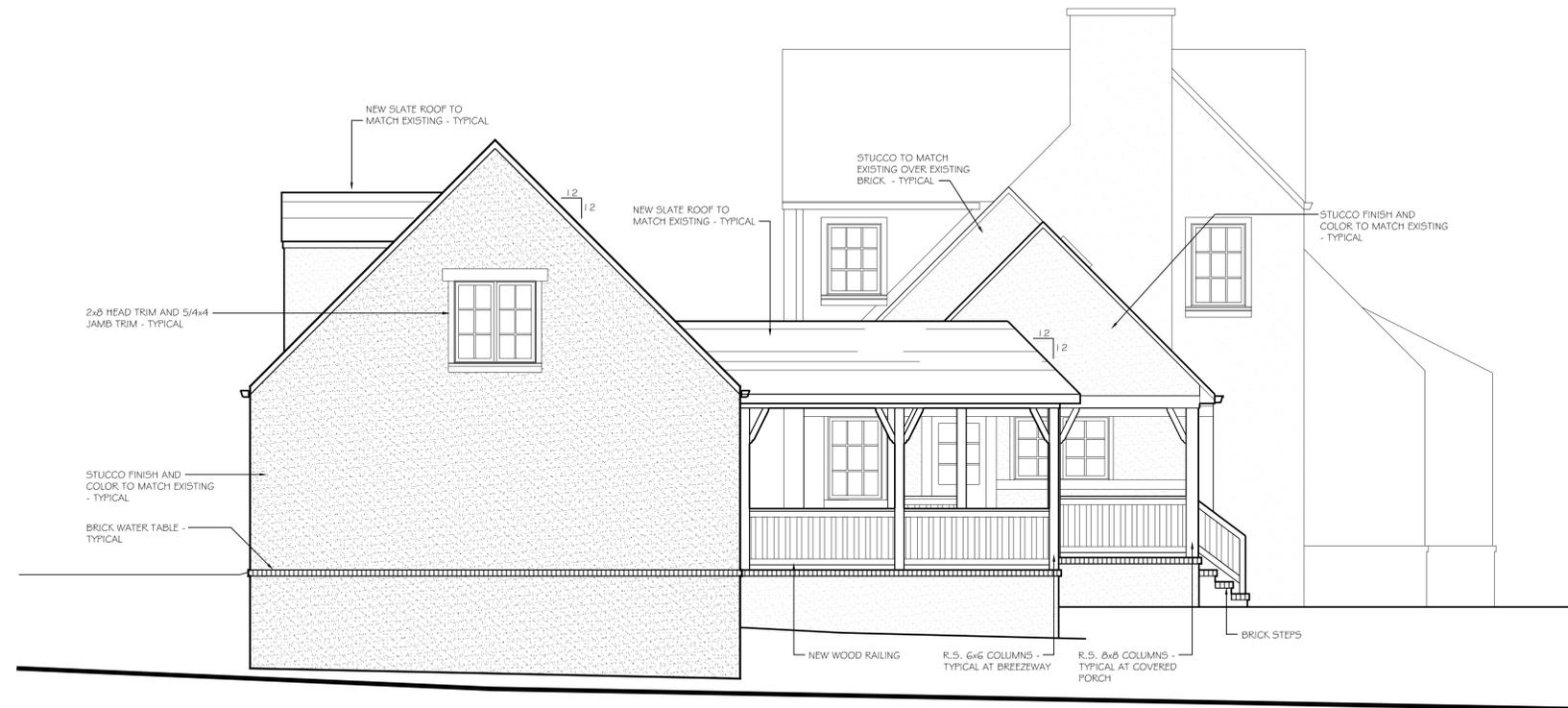
SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY - NOT FOR CONSTRUCTION



1 Existing Right Elevation
A-6 Scale: 1/4" = 1'-0"



2 Proposed Right Elevation
A-6 Scale: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



1 0 1
M I D L A N D
A V E N U E
B L A C K
M O U N T A I N
N C 2 8 7 1 1
P H O N E
8 2 8 . 6 6 9 . 1 7 5 0
F A X
8 2 8 . 6 6 9 . 1 7 6 2

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PRELIMINARY - NOT FOR CONSTRUCTION

A RENOVATION AND ADDITION TO THE
HULSING RESIDENCE
12 FOREST ROAD
ASHEVILLE, NORTH CAROLINA

DRAWING NAME:
Right Elevation

DATE: September 2, 2016

A-6

SCALE: 1/4" = 1'-0"



12 Forest Road - View from street showing existing driveway & adjacent foliage



MEMORANDUM
OCTOBER 17, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case 5 – 121 Hendersonville Road
Date: October 12, 2016

Case 5

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 presented a plan at last month's Board of Adjustments meeting for a new building on their campus and a new parking garage. As discussed last month, the Town Attorney and I believe these two items are considered as a conditional use under the Planned Unit Development (PUD) that MAHEC presented to the Board in 2007. 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.

This is consistent with 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. As noted and reviewed by the Board last month, the proposed building 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.

MAHEC tabled their application for the entirety of the project last month as a result of questions the Board posed regarding the secondary access driveway to the campus. As noted last month, 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. 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).

The Board of Adjustments is charged with approving any land development within the P-S district. 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 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. The plans regarding the proposed building and parking garage have not been altered since last month's submittal. The only new information is related to the secondary driveway access request.

MAHEC has provided answers to the request for questions posed by the Town (attached to this memorandum) as well as examples of further routes they have considered. MAHEC has engaged Mattern & Craig to perform a traffic study of the area per the Town's request. This has

not been provided to the Town as of this writing, but MAHEC anticipates having it available for the meeting on Monday. The additional material from MAHEC also includes further information on the State Fire Code requirements, possible mitigation strategies, and the improvements to the existing drive's connection onto Hendersonville Road.

This memorandum includes questions from the Town to MAHEC based on discussion at the last Board of Adjustments meeting, as well as an email from the Town Administrator to MAHEC representatives relaying a conversation with the N.C. Department of Transportation regarding traffic and traffic light issues in this vicinity.

Action Items from BOA Meeting with MAHEC
September 13, 2016

Requests from BOA

1. Traffic impact study and/or analysis indicating projected number of vehicles exiting onto Vanderbilt Road under proposed driveway construction.
 - a. As a follow up, analysis of how these vehicles exiting onto Vanderbilt Road would impact the red light and intersection at Vanderbilt Road/Hendersonville Road in Biltmore Village.
 - b. I have already contacted NC DOT to discuss their role and assistance in regards to the red light facility at this intersction.
2. Other driveway options considered or discussed – even if not desired by MAHEC – for the second access.
 - a. It would be helpful for the BOA (and potentially BOC) to understand why MAHEC believes these options are not viable and what potential impacts they would have to the existing site and traffic flow in and around the MAHEC campus and Vanderbilt Road area.
3. State fire code and/or other holding regulations which show the requirement for a second access and how this is triggered by the MAHEC campus.
4. Possible mitigation strategies offered by MAHEC in regards to the driveway.
 - a. For example, specifics related to key card access, staggered departure times for staff, limits on vehicles leaving through that driveway?

Additional Comment and Thought

What is the timeline for installation/operation of the new right turn only lane exiting MAHEC onto Hendersonville Road? If this will be relatively soon, it would be useful to see how the traffic flow out of MAHEC at present changes and improves. This might result in an ability to reconfigure the proposed access to a different location if congestion is alleviated significantly.

From: Jonathan Kanipe
To: ["tjones@wglc.com"](mailto:tjones@wglc.com); [Ron Fagan \(Ron.Fagan@mahec.net\)](mailto:Ron.Fagan@mahec.net); ["John Kincheloe"](#)
Subject: Discussion with NC DOT
Date: Thursday, September 15, 2016 1:47:00 PM

Good afternoon everyone,

I wanted to follow up with an email regarding a discussion I had this morning with NC DOT. I spoke with Anna Henderson, Division 13 Traffic Engineer, and Cole Hood, Division 13 Project Development Engineer, regarding the traffic light at the intersection of Vanderbilt Road and Biltmore Village, as well as the addition of the driveway onto Vanderbilt Road. According to Mr. Hood, he did not think they had a recent traffic study conducted but indicated they may have some traffic counts or other data they could share if necessary.

Ms. Henderson spoke most about the traffic light in question and said she was very familiar with it and its current optimization. As we all know, she indicated that it was a very complicated intersection and handled traffic flowing south to Interstate 40 and north to Mission Hospital and the Biltmore Estate. She believes it is, currently, functioning very well for the amount of traffic it handles.

Ms. Henderson said that if a driveway from MAHEC were permitted onto Vanderbilt Road, DOT would not consider giving more signal time to traffic coming from or to Vanderbilt Road. She indicated it was timed as well as possible and that gridlock that would result from increased timing to/from Vanderbilt Road would be unacceptable.

Ms. Henderson and Mr. Hood did inform me about future plans for the hotel area across Hendersonville Road from the Double Tree which are currently under construction. According to them, the currently offset driveway that leaves the Arby's restaurant will be reconfigured so that the driveways mirror each other across the road. They believe this will ease congestion at this red light significantly and should result in a much more efficient intersection overall. I was unaware of any plans for this driveway entrance reconfiguration, and perhaps you all are as well, but this might be one area to pursue with DOT to gain more clarity.

Finally, I mentioned the planned right turn only lane from the Double Tree/MAHEC onto southbound Hendersonville Road and that the hope was this would alleviate some current congestion for MAHEC. Ms. Henderson asked whether there were plans to make a longer right turn only lane that would result in stacking for this lane specifically and allow traffic going left to flow more readily. I told her I was unaware of the total plans for that driveway but that I would relay that to each of you.

Ms. Henderson and Mr. Hood each offered to speak to anyone as necessary regarding the plans and any questions you might have of them regarding DOT's role and/or thoughts on this intersection. The contact number for each of them is (828) 251-6171. Tom, I told them you would likely be the one to follow up with them from MAHEC, but any of you, please feel free to do so.

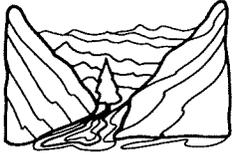
I will be on vacation tomorrow through Monday and back in the office on Tuesday. If you need anything, feel free to shoot me an email or let my office know. I hope this is helpful information and

can assist in moving plans forward.

Thank you,

Jonathan Kanipe
Town Administrator
Town of Biltmore Forest
(828) 274-0824 // jkanipe@biltmoreforest.org
<http://www.biltmoreforest.org>

All email correspondence to and from this address is subject to public review under the NC Public Records Law.



WGLA Engineering, PLLC

Consulting Civil Engineers and Land Planners

September 30, 2016

Jonathan Kanipe
Town of Biltmore Forest
355 Vanderbilt Road,
Biltmore Forest, NC 28803

Re: MAHEC Building Four
Town of Biltmore Forest
Buncombe County, NC

Dear Mr. Kanipe,

Enclosed please find:

- C-100 Area Map
- C-101 Secondary Access Options
- C-200 Building Four Site Plan
- LS3P - Letter dated 10/3/16

Sitework Studios will also have a rendering of the proposed secondary access at the Oct. 17 BOA meeting. We offer the following regarding the BOA action items:

1. **Traffic Study** – Mattern & Craig is performing a traffic study per your request. Results of the study will be available by the BOA meeting.
2. **Other driveway options considered** - We added sheet C-101 to illustrate the surrounding area.
 - a. North – there is difference in elevation of 75 feet between the parking area of MAHEC building three and the Double Tree Hotel site. There is not enough horizontal distance to create a drive in this direction.
 - b. South - The site is bounded to the south by the I-40 controlled access right of way. NCDOT will not allow driveway or road connections to ramps of the interstate system.
 - c. East - The primary (existing) drive is to the east. The long drive is necessary due to the significant grade difference in the site and Hendersonville Road. Due to topography and the hotel site, there are no other feasible locations for a second access in this direction.

- d. West – We added C-101 to show potentially viable options to the west. All of the options shown ultimately require a connection to Vanderbilt Road, although Option “D” (shown in green) connects to Vanderbilt Road via the existing parking area of the Double Tree Hotel. Option D is not desirable to either Biltmore Farms or MAHEC. Biltmore Farms uses the area of the connection for outdoor events such as weddings. MAHEC does not believe Option D provides an adequate secondary entrance for emergency vehicles, since their traffic would mix with the hotel traffic. Finally, Option D would create the largest disturbance of the natural area between Vanderbilt Road and the MAHEC campus. Clearing for that option, which is parallel to Vanderbilt Road, would open up the MAHEC campus visually from Vanderbilt Road.
3. **State Fire Code** – the fourth building will increase the total square footage beyond the 124,000 square foot threshold, which requires a second and separate fire apparatus access road (2012 NC Fire Prevention Code Appendix D - see attached letter from LS3P for additional information).
4. **Possible Mitigation Strategies offered by MAHEC** – A concrete median is proposed to prevent left turns from the proposed drive onto Vanderbilt Road. If necessary and based on the findings of the traffic study, MAHEC is willing to limit the use of the second access to ensure that the Town of Biltmore Forest will not have an undue burden due to additional traffic on Vanderbilt Road.
5. **Improvements to Existing Drive Connection to Hendersonville Road** – MAHEC is working with Biltmore Farms to improve the existing drive connection to Hendersonville Road (US 25). This includes creation of additional stacking for right turns. The timing of the construction of the improvements will coincide with the hotel construction (anticipate summer 2017). While this could improve the current conditions, it will not eliminate the need for a second access.

Sincerely,



G. Thomas Jones III, PE

cc: LS3P, MAHEC, Sitework Studios

October 3, 2016

Jonathan Kanipe
Town Administrator
Town of Biltmore Forest

ARCHITECTURE
INTERIORS
PLANNING

RE: MAHEC BUILDING 4 AND PARKING DECK

Dear Jonathan:

We wanted to share with you the building code section in the 2012 NC Fire Prevention Code that references the number of access roads required for an individual building site. The section of the code is located in the Appendix D of the code book under D104.

CHARLESTON
COLUMBIA
GREENVILLE
MYRTLE BEACH
CHARLOTTE
RALEIGH
WILMINGTON
SAVANNAH

The code states as follows:

D104.2 – Buildings exceeding 62,000 square feet in area.

Buildings or facilities having a gross building area of more than 62,000 square feet (5760m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

The existing buildings located on the MAHEC are fully sprinklered, which allows MAHEC to qualify for the exception. The fourth building will increase the total SF of the campus beyond the 124,000sf threshold.

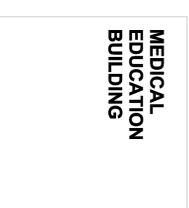
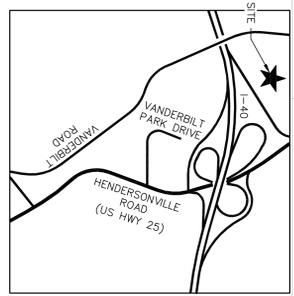
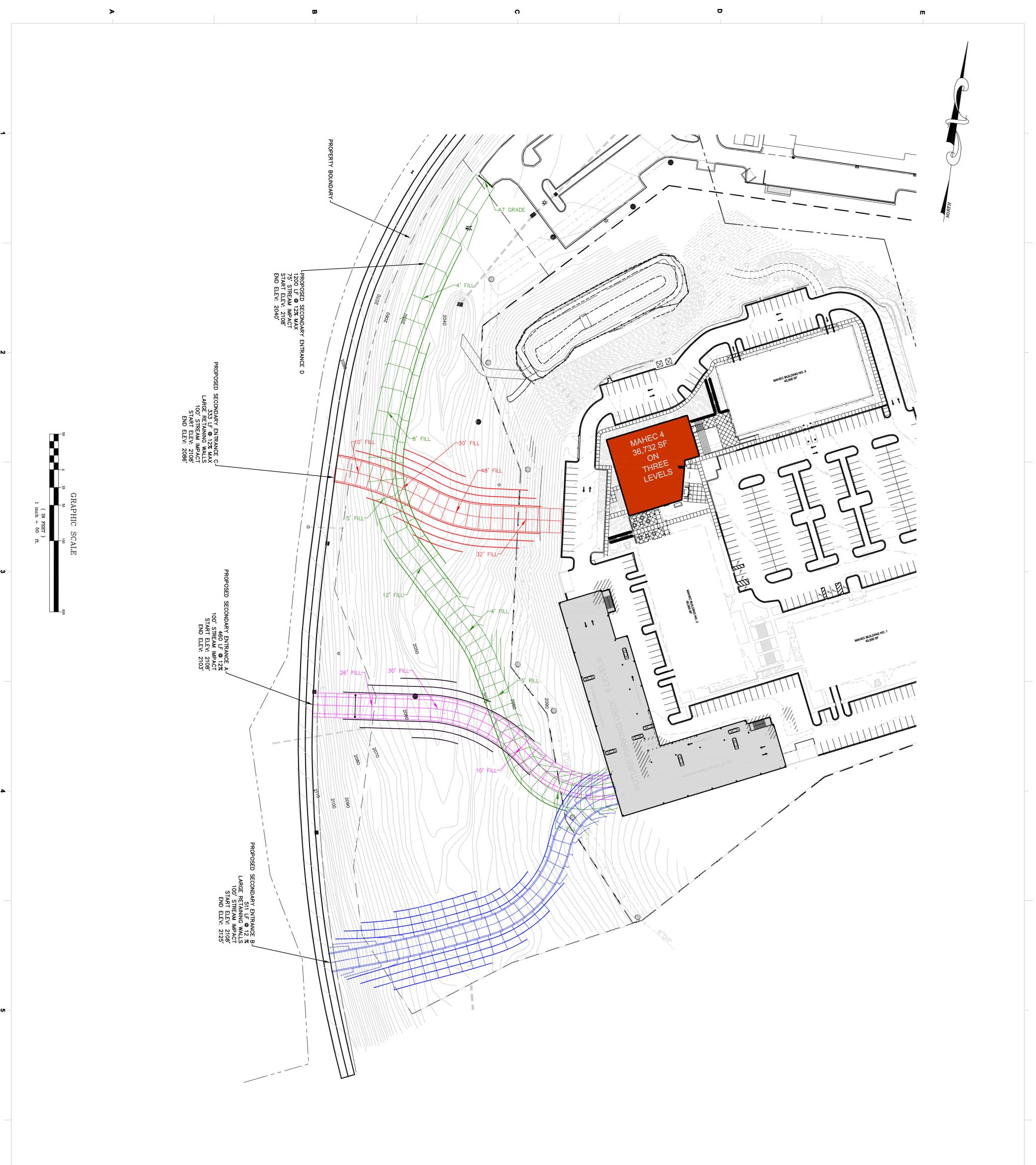
Please let us know if you need any additional information on this code requirement.

Very truly yours
LS3P



Joh Kincheloe, AIA, LEED AP
Principal | Studio Leader

LS3P



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 Consulting Engineers & Land Planners
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NO.	DESCRIPTION	DATE

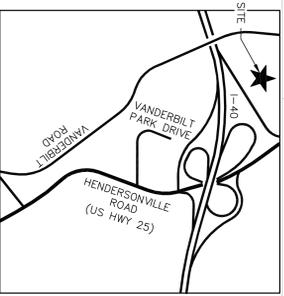
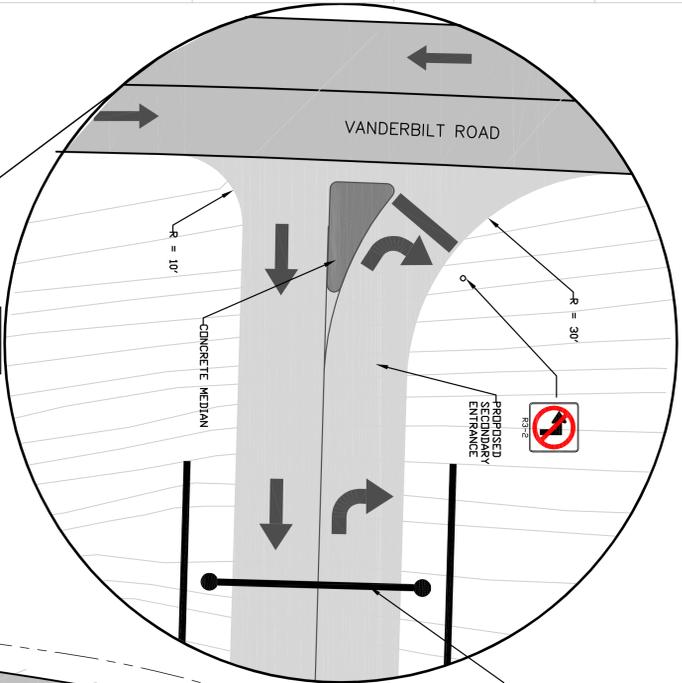
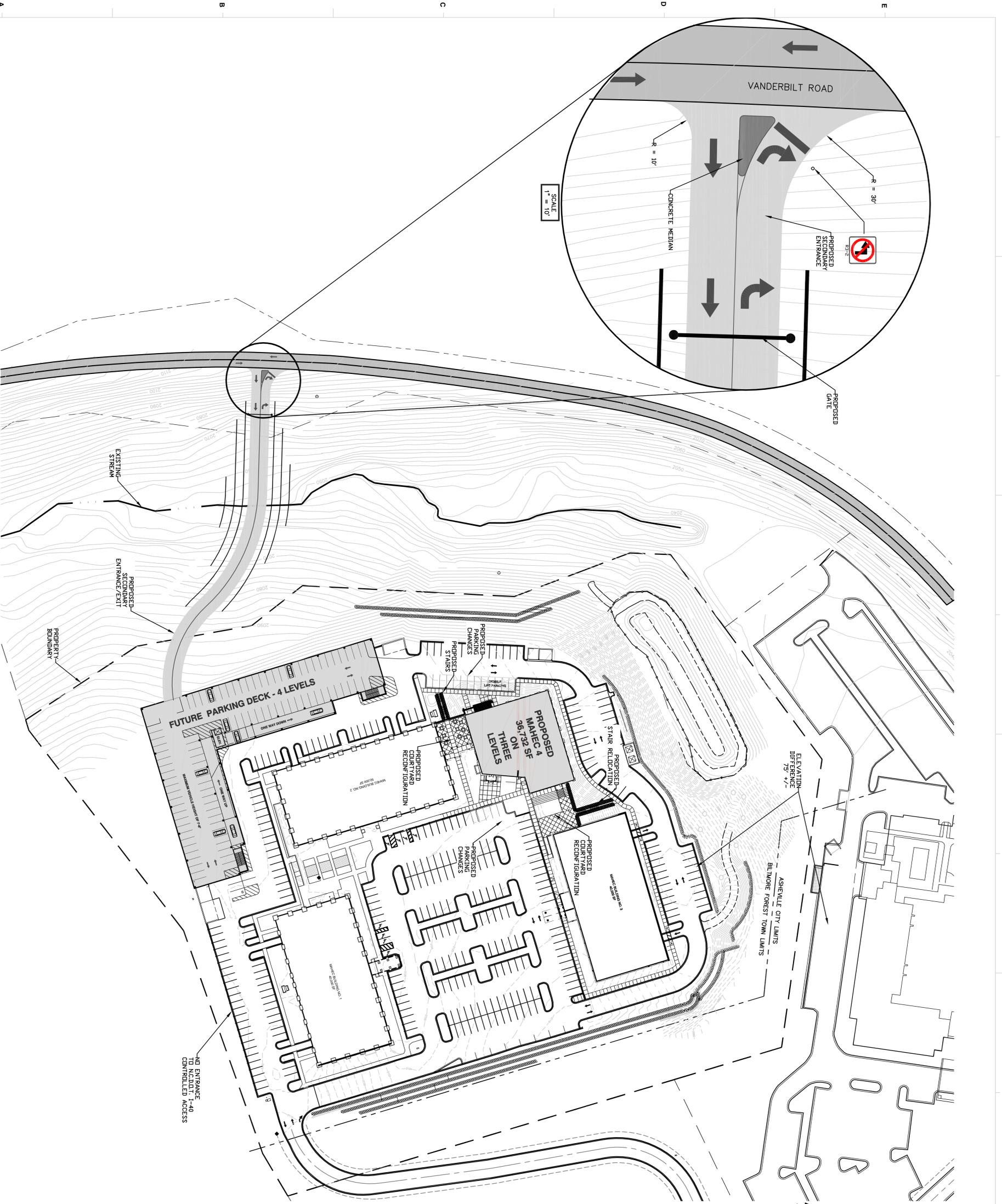
PROJECT: 16157
 DATE: 10/20/16
 DRAWN BY: JRC
 CHECKED BY: GTJ

**BUILDING 4
 SECONDARY
 ACCESS OPTIONS**

C-101

Project Status





DEVELOPMENT INFORMATION	
OWNER/DEVELOPER:	MOUNTAIN AREA HEALTH (MAHEC) EDUCATION CENTER 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. WJLA ENGINEERING, PLLC 1 HENDERSON STREET CHARLOTTE, NC, 28792 828-687-7177
ARCHITECT:	JOHN KINGHELOE 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 4:	83,732 NEW SF
166,732 TOTAL SF (NEW AND EXISTING)	
PARKING	
NEW PARKING DECK	1,191 SPACES
1ST LEVEL:	107 SPACES
2ND LEVEL:	98 SPACES
3RD LEVEL:	98 SPACES
NET TOTAL:	282 SPACES
EXISTING PARKING:	531 SPACES
PROPOSED PARKING:	282 SPACES
PARKING DECK:	16 SPACES
TOTAL SITE PARKING:	813 SPACES
PARKING SPACE REQUIREMENTS - GROSS SPACE	
1 SPACE PER 400 SF OF ASSEMBLY	425 SPACES
ESTIMATED REQUIRED PARKING:	813 SPACES
PARKING PROVIDED:	813 SPACES

NOTES:

- 1.) SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
- 2.) 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



UNC & MAHEC BUILDING IV

MEDICAL EDUCATION BUILDING

WJLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No. P-13142
Henderson 2514 N. Kent Street, Suite 207
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NO.	DATE	DESCRIPTION

PROJECT: 16157
DATE: 10/01/16
DRAWN BY: JAC
CHECKED BY: GTJ

BUILDING 4 SITE PLAN

C-200