



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Zoning Administrator
Date: April 13, 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, April 28th 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, April 25, 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 March 21, 2016 meeting will be presented for approval.
3. New Business

Item 1: Mr. David Nelson and Ms. Martha Barnes-Nelson request an extension of a previously approved zoning permit to allow the construction of a new residence at 100 Chauncey Circle.

4. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: Mr. George Morosani, 9 Fir Tree Lane, requests a conditional use permit and variance to erect a deer fence on the side and rear of the property.

Case 2: Mr. Michael Freeman, 19 Brookside Road, requests a conditional use permit and variance to erect a deer fence on the side and rear of the property.

Case 3: Mr. Curtis and Mrs. Donna Foltz, 89 Chauncey Circle, request permission for a conditional use permit and variance to allow the continued use of a split rail fence.

Case 4: Dr. David and Mrs. Marcia Schroeder, 320 Vanderbilt Road, request a conditional use permit and variance to allow an addition to an existing accessory building.

Case 5: Mr. Bill and Mrs. Sherri Morrison, 388 Vanderbilt Road, request a conditional use permit for entrance columns and a retaining wall in conjunction with the demolition of an existing home and construction of a new home. Plans for the new residence, including site plans and architectural drawings, are included for consideration by the Board.

4. Adjourn.

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, MARCH 21, 2016

The Board of Adjustment met at 4:00 p.m. on Monday, March 21, 2016.

Members present: Goosmann, Landau, Kieffer, Groce, Pearlman, and Chandler. Mr. Jonathan Kanipe, Zoning Administrator, was present. Mr. William Clarke, Town Attorney, was also in attendance.

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

Chairman Goosmann swore in the following:

Mrs. Lauren Meyer-Banks
Mr. Kirk Duncan
Mr. Robert McArthur
Mr. Clay Mooney
Mr. Robert Ingle
Mrs. Melissa Mendelsohn
Mr. George Stowe
Mrs. Pat Wood
Mr. Hubert Wood
Mr. Matt Butler
Mrs. Stephanie Brien
Mr. Fred Kroon
Mrs. Lisa Eby
Mr. Richie Martin
Mr. Greg Kloos
Mr. Mallory Fuller
Mr. Houston Hammond

The minutes from February 15, 2016 were amended to correct the name of Rebecca Reinhardt and the wording “accessory buildings” plural. Motion was made to accept the minutes as amended by Mrs. Rhoda Groce and to approve the meeting minutes from February 15, 2016. The motion was seconded by Mrs. Lynn Kieffer and unanimously approved.

HEARING (Evidentiary):

Mrs. Lauren Myer-Banks of 12 Ridgefield Place was called forward to present her plans for a replacement fence. Mrs. Groce shepherded the discussion and asked Mrs. Meyer-Banks to present her request. Mrs. Meyer-Banks indicated that she originally proposed a replacement fence last month, but since that time has removed the bamboo in the rear yard and the new replacement fence will simply go back to the existing privacy fence. Mrs. Meyer-Banks showed the placement of the two gates that were associated with the property. There was a 10-15' section of the fence that had to be added to go back to the replacement fence.

Chairman Goosmann reiterated that the Board was considering the case at 12 Ridgefield Place and invited anyone else to move forward to review the site if requested.

DELIBERATION & DETERMINATION

Mrs. Groce reviewed the facts of the case. Mrs. Lauren Myer-Banks of 12 Ridgefield Place is seeking a Conditional Use Permit to request replacement of an existing fence and a variance to allow construction of a replacement fence on the Northern side-yard setback. She has presented photos of the fence she will be using and it will be professionally installed black vinyl, powder coated steel fence that will be four (4) feet high.

Chairman Goosmann asked if there were any further comments about the facts recited. There were no further comments.

Chairman Goosmann asked for a motion. Mrs. Lynn Kieffer made a motion to approve a Conditional Use Permit and Variance as presented be granted to Mrs. Lauren Myer-Banks of 12 Ridgefield Place to replace a fence. The Conditional Use Permit is for a 4' high steel fence and gate and that the facts and findings as supported by Rhoda Groce and her summation be accepted

as findings of fact to support the grant. The Board has inspected the site and no neighboring property owner has objected.

Mrs. Kieffer moved that the Board 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. Kieffer 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. She 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.

Mr. Robert Chandler seconded the motion and was unanimously approved.

Mrs. Meyer-Banks asked how long she had to have the fence constructed. Mr. Kanipe responded and said the time frame was six (6) months from the issuance of the permit.

HEARING (Evidentiary):

Mr. Kirk Duncan and Mr. Robert McArthur, representing Carolina Day School at 1345 Hendersonville Road, were present and called forward to submit their request to continue the use of one (1) modular unit at the school campus. Dr. Richard Landau shepherded the discussion. Mr. Duncan, headmaster of the school, indicated the modular unit would be used to ease the space concerns present at the Lower School and for the Key School. Additionally, Mr. McArthur noted this was the most cost effective measure since water and sewer were already in place.

Dr. Landau asked what space was included in the modular unit. There are eight (8) classrooms and some office space in each modular unit. Mr. Clay Mooney, a neighbor at Carolina Day School, was present to ask whether this was a plan to only have it for four (4) years or if this was something to keep for a longer time frame. Mr. Duncan stated that the intent was only to have this for a maximum length of four (4) years and no longer. Mr. Mooney stated he had no objections to the plan.

DELIBERATION & DETERMINATION

Dr. Landau recited the facts as presented. Carolina Day School at 1345 Hendersonville Road is requesting permission to allow for continual use of a modular unit for up to four (4) years and it measures 165'. It is the modular unit located nearest to Hendersonville Road. They request permission to leave this is until August 2020. The reason is for the expansion of the school and also to allow for the continuing construction of the school.

Mr. Lowell Pearlman made a motion to approve a Conditional Use Permit and Variance as requested be granted to Carolina Day School of 1345 Hendersonville Road for a Conditional Use Permit to allow a placement of a modular unit on the Eastern end of the Carolina Day School campus until August 2020 and that the facts recited by Rich Landau and his summation be accepted as findings and fact to support this grant. The Board has inspected this site and no neighboring property owner has objected.

Mr. Pearlman moved that the Board 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. She 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.

Mrs. Groce seconded the motion.

Mr. Robert Chandler stated he had a son who is a junior at Carolina Day School. Mr. Goosmann also noted he has a daughter who attends first grade at Carolina Day School.

The vote was unanimously approved.

HEARING (Evidentiary):

Mr. Robert Ingle, 18 Busbee Road, was called forward to present his plans for a renewal of a previously approved Zoning Permit. Mr. Goosmann disclosed that Mr. Ingle was his brother-in-law and he would not take part in any of the discussion for the project.

Mr. Pearlman shepherded the discussion. Mr. Ingle indicated that everything remained the same on the home plan, but they had considered changing the pervious paver to a pervious concrete. Mr. Pearlman asked for clarification regarding the change and whether this is something they could consider at this time. Mr. Clarke indicated that the change in previous material, whether concrete or pavement, was not material as it did not change the impervious surface and was more for the Design Review Board portion.

Mrs. Kieffer asked when the project might commence. Mr. Ingle indicated that they hoped to begin construction within the next six (6) months.

DELIBERATION & DETERMINATION

Mr. Pearlman recited the facts as presented. Mr. Robert Ingle has applied for a reissuing of a Zoning Permit which was previously granted in May 2015.

Chairman Goosmann asked if there were any questions about the Zoning Permit renewal, and restated that Mr. and Mrs. Ingle had reapplied because the original permit expired. The zoning permit was in fact approved previously and we are being asked once again to approve it.

Chairman Goosmann asked for a motion.

Dr. Landau moved that a Zoning Permit be reissued to Mr. and Mrs. Robert Ingle of 18 Busbee Road and the facts as stated by Lowell Pearlman and his summation be accepted as facts and findings to support this grant.

Dr. Richard Landau made a motion to approve a renewal of the Zoning Permit as issued in May 2015. Mrs. Kieffer seconded the motion. Mrs. Groce abstained from voting. The motion was approved by the remaining Board members.

HEARING (Evidentiary):

Dr. Steven Mendelsohn and Mrs. Melissa Mendelsohn, 25 Busbee Road, were called forward to present plans for a new garage attached to an existing accessory building.

Mr. Goosmann invited any new attendees who planned to speak to swear themselves in and sign in. Mr. George Stowe, architect for the Mendelsohn's, Mrs. Pat Wood, 12 Hemlock Road, and Mr. Matt Butler, contractor, were sworn in.

Mrs. Lynn Kieffer shepherded the discussion.

Mrs. Mendelsohn reviewed her project. The home was built in the late 1920s and the original garage was designed for much smaller vehicles. Mrs. Mendelsohn noted that the original house layout was constructed in what is now the present day side setback. There was no setback or zoning ordinance during the original construction of the house. There is also an underground stream which runs through the property. They have to keep any structure above grade in order to prevent water damage. After three years, they have come up with an idea that marries all of these issues together. They would like to build a two car garage off the current carriage house and the garage doors will face south. This is really the only way to work this. If the garage doors face north, there will not be enough turning radius to get out and if the garage doors face toward the house, we will not be able to keep the water out. By facing the garage door toward the guest cottage it will give us plenty of turning radius and a lovely motor court which will keep the period correctness of the house. It will be the best aesthetics for their neighbors as well. The neighbors will look at a cottage instead of garage doors. Mrs. Mendelsohn also said this would make a more colonial style look by adding windows and shutters. The roof lines will also tie in together beautifully. They intend to replace the slate that was there with a slate composite. The garage will be built off the current carriage house. A covered walkway will come off the carriage house and

connect to the side porch of the main house. The reason for doing this is because they did not want to compromise the historical or aesthetic appeal of this Georgia Colonial.

Mrs. Mendelsohn showed a digital image of the Armstrong residence, 10 Greenwood Road, as their model for how to construct the walkway and garage. The home included boxwoods, walkways, and lamps that are located in various places. The construction will include pervious pavers. Mrs. Mendelsohn indicated that she had spoken to her neighbor, Mrs. Terry Van Duyn, who supported and endorsed the plan. Mrs. Mendelsohn indicated that the Freemans, located on Forest Road, also were in support of the project. Mrs. Mendelsohn believed this project would assist in restoring the home to its previous luster.

Mr. Chandler asked how tall the lowest point would be. Mr. Stowe said the minimum height would be 6'8" or 6'9" at its lowest point as the walkway slopes up on the grade. There is a higher roof on the main house balcony that comes out and they hoped to extend the roof but make it appear as though it is a portion of the balcony. Mr. Chandler indicated that the project would be very well screened from the road, both Busbee and Forest, and is tucked away in the corner of the home. Mrs. Mendelsohn also noted that seventeen (17) Evergreens were planted between her property and the Van Duyn property that are now starting to grow and mature. Mrs. Mendelsohn also noted the plans for a painted, pierced brick wall that would connected to the home and is four (4) feet high. The brick wall is attached to the home, and as such a Conditional Use Permit or Variance is not required for this.

Chairman Goosmann asked if there were any questions about this case.

DELIBERATION & DETERMINATION

Mrs. Kieffer recited the facts of the case. Dr. Steve Mendelsohn and Mrs. Melissa Mendelsohn of 25 Busbee Road are requesting a Conditional Use Permit and a Variance to allow for the addition of a two bay automobile parking area to an existing accessory building. The project also includes a 405 square foot covered walkway connecting the garage to the main residence.

A motion was made by Mrs. Groce to approve the Conditional Use Permit and Variance. I, Rhoda Groce, move that a Conditional use Permit and Variance be granted to Steven and Melissa Mendelsohn of 25 Busbee Road for the Conditional Use Permit and Variance to allow for the two bay auto parking area to the existing accessory building. The project includes a 405 customized square foot walkway attached to the main residence and that the facts as recited by Lynn Kieffer and her summation be accepted as findings and fact to support this grant. The Board has inspected this site and no neighboring property has objected.

Mrs. Groce moved that the Board 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. She 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.

The motion was seconded by Robert Chandler and unanimously approved.

HEARING (Evidentiary):

Mr. Matt Butler, representing Carl Christian Radinger at 34 Hilltop Road, came forward for this project to renew an expired permit. Mr. Robert Chandler shepherded the discussion and reviewed the previous approval. Mr. Butler reviewed the plans and stated there had been issues with the pool contractor and work not being completed and performed well. Mr. Butler said there were changes to the landscape plan that had just come up, but Mr. Kanipe indicated the landscape plan was not for discussion at this meeting. The pool only, as a Conditional Use, was the matter being considered.

Mrs. Groce asked when the planned completion of the project was expected. Mr. Butler hoped to have the pool project completed by June 1, 2016.

Mr. Billy Clarke stated they got a Zoning Permit then they got a Building Permit. When you get a Building Permit, you have to complete construction within two years. They haven't completed construction in two years so there is no Building Permit so they have to apply for a new Zoning Permit for the pool so they can get a Building Permit from Buncombe County.

Chairman Goosmann asked if there were any further questions or discussion for this matter.

DELIBERATION & DETERMINATION

Mr. Chandler summarized the facts. Carl Christian Radinger of 34 Hilltop Road is asking for a renewal of an expired Conditional Use Permit for a swimming pool. A permit was issued to the applicant in September 2012. The permit expired so the Town was asked to approve the Conditional Use Permit for construction of a swimming pool renewing the original application.

Mr. Butler verified this was the completion of an existing pool, since it had already been partially constructed. Dr. Landau made a motion to approve this Conditional Use Permit. I, Rich Landau move that a request for an extension of the Zoning Permit for construction of a pool be

granted to Mr. Carl Radinger of 34 Hilltop Road and that the summation of facts as cited by Robert Chandler be accepted as findings to support this grant.

Mr. Pearlman asked whether this was a Conditional Use Permit or a Zoning Permit, and Mr. Clarke stated this was a Zoning Permit. Mr. Clarke also reiterated that this was a renewal of an expired permit, not an extension of a permit.

Mrs. Rhoda Groce seconded the motion and was unanimously approved.

HEARING (Evidentiary):

Dr. James Brien and Mrs. Stephanie Brien, 29 Hilltop Road, were called forward to present plans for the planned accessory building. Mrs. Groce shepherded the discussion. The storage shed would be located on an existing 12'x16' concrete slab. Mr. Chandler asked whether they had spoken to their neighbors, and Mrs. Brien indicated they had not. Mr. Chandler asked whether they would be agreeable to screening the structure additionally if requested, and Mrs. Brien said yes. They would more than likely go with pine trees or holly trees to keep in conformity with the rest of the landscape. Mrs. Groce recited the facts, and Chairman Goosmann reiterated that Mrs. Brien was comfortable with screening if necessary. Mrs. Brien agreed with these facts.

DELIBERATION & DETERMINATION

James and Stephanie Brien of 29 Hilltop Road are seeking a Conditional Use Permit to allow the construction of an accessory building on an existing 12 x 16 concrete slab and a Variance to allow for construction of more than one accessory structure. The proposed location is on an existing slab and will be designed and conformed to the main residence. It will not be constructed within any setbacks. Chairman Goosmann added that they are also willing to put in additional buffering if needed.

Mr. Chandler made a motion to approve the Conditional Use and Variance. I, Robert Chandler move that a Conditional Use Permit and Variance be granted to James and Stephanie Brien of 29 Hilltop Road for a Conditional Use Permit for allowing construction of an additional accessory building and existing 12 x 16 concrete slab and a Variance to allow construction of more than one accessory structure and that the facts recited by Rhoda Groce and her summation be accepted as findings of fact to support this grant.

Mr. Chandler moved that the Board 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. Chandler 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. She 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.

Mr. Pearlman seconded the motion and was unanimously approved.

HEARING (Evidentiary):

Mr. Hubert and Mrs. Pat Wood, 12 Hemlock Road, were called forward to review their plans for a four (4) foot retaining wall and a six (6) foot fence on the top portion of the home. Mr. George Stowe, architect, and Mr. Fred Koon, contractor, were also present on the Wood's behalf. Dr. Landau shepherded the case and asked Mr. Stowe to present the plans for the home. Mr. Stowe indicated this request was in conjunction with a media room addition that would replace an existing screened in porch.

There is a steep bank which is on the rear of the property, and Mr. Stowe indicated that to keep drainage out of the new structure, they would like to build a masonry retaining wall along the existing bank. This would allow them to drop the grade and have a more level area behind the structure, and additionally, they would like to have a six (6) foot high steel picket fence to keep deer and other animals out of the rear of the yard.

Mr. Stowe stated that the remainder of the property would be kept the same and while there was visibility to neighbors on Cedar Chine they hoped that large, mature boxwoods could be removed from the front of the home and relocated to immediately hide the fence from the rear property lines. Mr. Stowe indicated on the plan the portion of the wall and fence that would be included for this approval process.

Mrs. Groce asked for clarification regarding the gates on the project. There are two gates attached to the wall area and that the gates are at the corner of the home and over behind the garage.

Mrs. Kieffer confirmed that the retaining wall is ninety (90) feet and Mr. Stowe said this was correct. Mr. Stowe reiterated that the idea was to allow drainage to flow away from the house by using the retaining wall.

Mrs. Wood indicated that she, the landscape architect, and landscape contractor had met that morning to review the mature boxwoods and that they did not believe neighbors would be able

to see the fence. Mrs. Lisa Eby, a rear property neighbor on Cedar Chine, indicated that she did not want to prevent them from constructing the wall or fence, but that they spent a significant amount of their time in the rear yard and enjoyed having it open. She did not want to look at a fence.

Dr. Landau asked whether the neighbor might enjoy the property more so if the boxwoods were there anyway. Mrs. Eby stated that if it were buffered she would have no problem with it. Mrs. Wood stated that she would be more than happy to screen and landscape the fence if the boxwoods did not survive or did not block the view.

Mr. Pearlman asked for clarification regarding the Board of Commissioner's discussion on fencing requirements and allowances. Mr. Kanipe indicated that the Board had made no changes as of yet, but the ordinance revisions were being worked on presently. Mr. Clarke agreed and stated it would be some time before the fence decisions were made. Mr. Kanipe indicated that at present the Ordinance, as written, still allowed fences and quoted the language that stated "chain link fences were discouraged".

Discussion then turned from Mrs. Kieffer as to whether the Woods had considered using deer fence materials. Mrs. Wood said she was unclear as to what material was best for this, as there are several types of it within Biltmore Forest.

Mr. Goosmann readdressed that the Conditional Use was being requested. Mr. Chandler asked Mrs. Wood to reiterate whether she agreed with adding increased buffering if necessary. Mrs. Wood said yes.

DELIBERATION & DETERMINATION

Dr. Landau recited the facts of the case, including noting that at least twenty (20) boxwoods would be relocated to work with Mrs. Eby's concern regarding seeing the fence. Hubert and Pat Wood are requesting a Conditional Use Permit to allow for construction of a masonry wall of a fence in the rear yard. They are requesting a four (4) foot high masonry wall in the backyard and

this masonry wall will allow them to compliment the addition to their house and the wall will be ninety (90) feet long and the applicants propose to construct a six (6) foot tall painted steel fence on a segment of the wall. The fence would be sixty (60) feet in length and they will relocate twenty (20) boxwoods from the front of the house to buffer this fence. If the relocation of these boxwoods fail, the Woods are willing to provide additional buffering.

Mrs. Groce asked whether there could be a condition that the screening be done in accordance with the Eby's standards. Mr. Goosmann stated that this would be left to the Town Administrator to verify that landscaping was done within accordance of the permit.

Mrs. Kieffer asked whether the fence would extend above the final grade in the rear yard. Mr. Stowe reiterated that the boxwoods would be planted and that the neighbors would only be able to see the top of the boxwoods or some portions of the fence located in between the boxwoods. Discussion turned to whether the fence would be screened from all sides and how this would be done.

Mr. Goosmann verified that the permit could only be issued if the applicant was agreeable to screening the fence from all sides. Mrs. Wood verified this was the case.

Mr. Goosmann asked for a motion based on the recitation of facts.

Mr. Pearlman made a motion to approve the Conditional Use Permit to allow the construction of masonry wall and fence in the rear yard. I, Lowell Pearlman, move that a Conditional Use Permit be granted to Hubert and Pat Wood of 12 Hemlock Road for an addition and fence in the rear yard. Chairman Goosmann clarified it is a four (4) foot high masonry wall and fence in the rear yard. The facts as recited by Rich Landau and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected.

Mr. Pearlman moved that the Board 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.

Dr. Landau asked to add to the motion that some concerns for screening of the fence were expressed by neighbors. Mr. Pearlman amended his motion to include this screening, and that buffering would have to be done to the Board of Adjustment's standards. The motion was seconded by Dr. Landau.

Mrs. Kieffer asked for clarification about when the project would commence. Mr. Stowe indicated the work would begin next month, and Mrs. Wood said the boxwood planting would be performed at the time the fence was constructed to fill in as many spaces as possible.

Chairman Goosmann if there were any further comments or questions regarding this matter. The vote was approved unanimously.

HEARING (Evidentiary):

John Miles Smith, 8 Chauncey Circle, was called forward in regards to his new house project. Mr. Richie Martin, Dillard-Jones Builders, was present to review this case. Mrs. Kieffer shepherded the discussion. Mr. Martin reviewed the site plan generally, including the presence of two ornamental walls in the front yard and three in the rear yard. The three (3) rock walls in the rear yard are there in order to allow for the drainage of the crawl space basement. There is a lighted column that is eighteen (18) inches within the setback and the rock wall, at its highest point, is three (3) feet within the setback. Mr. Chandler asked whether there was any neighbor that could see the rock wall within the three (3) foot setback. Mr. Martin indicated that it was already well screened with planned plantings.

DELIBERATION & DETERMINATION

Mrs. Kieffer recited the facts of the case and that a Conditional Use Permit and Variance were requested for the construction of the four (4) rock walls and lighted column. Mr. John Miles Smith at 8 Chauncey Circle is requesting plans for a new residence. A Conditional Use Permit for the construction of a rock wall and column located on the side of the home. Additionally, Variances are requested for the construction of four (4) rock headwalls within the setbacks of the property.

Mr. Chandler made a motion to approve this request. I, Robert Chandler, move that a Conditional Use Permit and Variance as requested be granted to Mr. John Smith of 8 Chauncey Circle for the Zoning Permit of a new residence and landscape plan approval and the Conditional Use to be allowed for construction of a stone wall and lighted columns and a Variance for the portion that is going to be in the setback. The facts as recited by Mrs. Lynn Kieffer and her summation be accepted as findings of fact to support this grant. The Board has inspected the site and no neighboring property owner has objected.

Mr. Chandler moved that the Board 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. Chandler 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. She 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.

Mrs. Groce seconded the motion. Mr. Goosmann asked Mr. Martin to revisit what lighting was planned for the column. Mr. Martin said it was not decided yet, but was advised to review the Town Zoning Ordinance before making a decision. The vote was unanimously approved.

HEARING (Evidentiary):

Mr. Nathan and Mrs. Erin Renfro, 57 Forest Road, are presenting plans for a new residence and request permission for a Conditional Use Permit for an accessory use to construct an 18" high stacked stone wall in the rear yard.

Mr. Greg Kloos, Mr. Mallory Fuller, and Mr. Houston Hammond were present to review the landscape plan, site plan, and Conditional Use Permit request for an 18" stone wall. Mr. Chandler shepherded the discussion. The purpose of the stone wall is to limit the amount of grading to be done in the back yard, and this allows several large trees in the back yard to be saved. Mr. Kloos indicated that the wall would also assist with drainage and provided a photo that reflected what the wall might look like. The wall in the photo was noted to be higher than the one planned on site.

Mr. Clarke asked if they were disturbing over twenty (20) percent of the lot, and Mr. Hammond said no. Mr. Kloos indicated they were under their impervious surface and maximum roof coverage requirements. Mrs. Groce thanked the applicants for a design that worked within the Ordinance.

DELIBERATION & DETERMINATION

Mr. Chandler recited the facts and noted that the 18” stone wall was present to preserve some of the larger trees on the rear of the lot and for drainage purposes. Mr. Nathan and Mrs. Erin Renfro at 57 Forest Road are applying for a Zoning Permit for construction of a new residence and a Conditional Use Permit to construct an eighteen (18) inch stone wall in the rear yard as an accessory use. That wall will act as a retaining wall to help with drainage and other factors that are needed on the site. They will be buffered and most likely not be seen by any of the neighbors.

I, Lynn Kieffer, move that a Conditional Use Permit as requested be granted to Nathan and Erin Renfro at 57 Forest Road to construct an eighteen (18) inch stone wall in the rear yard and that the facts as recited by Robert Chandler and his summation be accepted as findings and fact to support this grant. The Board has inspected this site and no neighboring property owner has objected.

Mrs. Kieffer moved that the Board 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.

Mr. Pearlman seconded the motion and was unanimously approved.

The meeting was adjourned at 5:46 p.m.

The next meeting of the Board of Adjustment was scheduled for Monday, April 25, 2016
at 4:00 p.m.

ATTEST:

Greg Goosmann
Chairman

Jonathan B. Kanipe
Town Administrator



MEMORANDUM

APRIL 25, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: New Business – Item 1, Extension of Zoning Permit
Date: April 20, 2016

New Business Item 1

Property Owner: David Nelson and Martha Barnes-Nelson
Property Address: 100 Chauncey Circle
Zoning District: R-3
Lot Size: 1.427 +/- acres
Application Request: Extension of a Previously Approved Zoning Permit

The Nelsons received their original zoning permit for construction of a new home in October 2014. They have received two extensions from the Board since that time, at the April and October 2015 meetings. They now request an additional six month extension to begin construction, as they do not anticipate substantial construction progress to begin within the existing permit's timeframe.

Attached to this memorandum is an email from Mr. Nelson and Mrs. Barnes-Nelson regarding the delay in construction and their anticipated progress over their next six (6) months.

A 6 month extension would allow them until October 25, 2016 to begin construction.

From: [David Nelson](#)
To: [Jonathan Kanipe](#)
Cc: [Martha Barnes-Nelson](#)
Subject: Certificate of Zoning Adjustment - PIN #9646-70-6478
Date: Saturday, April 16, 2016 11:47:08 AM

Dear Mr. Kanipe,

I am requesting approval to extend our current Certificate of Zoning Adjustment for 100 Chauncey Circle, expiring this month, for an additional period of 6 months.

We have been steadily moving forward with documents to support construction of our home; design documents are nearly 100% complete and will enable the builders to go forward soliciting bids in the very near future. We now anticipate start of construction within the 6-month extension timeframe.

My wife, Martha, and I will make every effort to attend the Board of Adjustments meeting on April 25th at 4pm, and we will forward to you a representative if circumstances prevent us being there.

If anything else is necessary for us to realize this extension, I can be reached via email or by phone at (828)782-1120.

Sincerely,

David Nelson
Martha Barnes-Nelson
10 Bourne Lane
Biltmore Foret, NC 28803



MEMORANDUM

APRIL 25, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 1 – 9 Fir Tree Lane
Date: April 20, 2016

Case 1

Property Owner: Mr. George and Mrs. Judith Morosani
Property Address: 9 Fir Tree Lane
Zoning District: R-1
Lot Size: 3.87 +/- acres
Application Request: Conditional Use Permit and Variance to allow Installation of a Deer Fence on the Side and Rear of the Property

Mr. Morosani requests permission from the Board to erect a deer fence on the side and rear lot lines of his property. The previous owners of the home received approval from the Board of Adjustments in 2003 to erect an electric fence for the purposes of keeping deer off the property. Mr. Morosani has experienced continued problems with deer even with this electrical fence, and has now requested permission to erect a deer fence that would run along the same line as the electrical fence.

The fence will be co-located with existing fence posts in many places, and new fence posts will be placed where existing posts are unavailable. The fence will run from the northeastern edge of the property, near the driveway, and continue along southwesterly then along the western boundary of the property, before making a 90 degree turn and finishing on the southeastern side of the property. The fence will not be readily visible from the road and will blend in with existing vegetation. There are areas where the fence, and existing fence, are located within the setback, resulting in the need for a variance from the Board. A photo of the proposed material is included for the Board's review.

- Conditional use permit to allow installation of a deer fence.
- Variance approval to allow installation of deer fence within the rear and side yard setback.

Zoning Application

Property Identification

Name

George Morosani

Address

9 Fir Tree Lane, Biltmore Forest, North Carolina 28803

Phone

(828) 450-1100

Email

gwmjm@aol.com

Zoning

R-1

Lot Size (Acres)

3.87

Email -Submission Verification

gwmjm@aol.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?

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?

No

Will there be more than the approved number of

accessory structures/buildings?

No

Project Description

Brief Description of Project

Replacing temporary deer fence

Estimated Cost of Project

2,000

Estimated Completion Date

5/30/2016

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

Conditional Use Permit Application

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

Name

George Morosani

Property Address

9 Fir Tree Lane

Phone

(828) 450-1100

Email

gwmjm@aol.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

gwmjm@aol.com

Description of Project

Replacing deer fence

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

The fence is located entirely on petitioners property and is not visible from neighboring properties.

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**

4/12/2016



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

George Morosani

Property Address

9 Fir Tree Lane

Email

gwmjm@aol.com

Phone

(828) 450-1100

Email-Submission Verification

gwmjm@aol.com

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

1103 Required Yards & Other Spaces

Reason Variance(s) is(are) being requested:

A portion of the fence to be constructed is located within the setback.

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**

4/12/2016



9 Fir Tree Lane



April 5, 2016

1:2,257





MEMORANDUM

APRIL 25, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 2 – 19 Brookside Road
Date: April 20, 2016

Case 2

Property Owner: Mr. Michael Freeman
Property Address: 19 Brookside Road
Zoning District: R-1
Lot Size: 1.4 +/- acres
Application Request: Conditional Use Permit and Variance to allow Installation of a Deer Fence on the Side and Rear of the Property

Mr. Freeman requests permission from the Board to install a 6 foot deer fence on the side and rear portion of his property. The fence will be black mesh with 6' ½" posts painted flat black. The total footage requested for the fence is approximately 485 feet, and will run northeasterly for 180 feet from an existing rock wall on the northern side of the property to the rear of the property. The fence will then continue for 120 feet in the back, before continuing southwesterly for 140 feet and connecting back in to an existing wooden gate in the side yard.

A portion of the fence will fall within the side and rear yard setbacks near the driveway and along the rear property line requiring variance approval from the Board. A highlighted survey of the property is included in your packet which shows the approximate location of the fence. The original, larger format version, of this plat will be available for inspection at the meeting.

- Conditional use request to allow installation of deer fence
 - Variance request to allow installation with the side yard setback



ZONING APPLICATION

Required for Board of Adjustment & Design Review Board

DATE

PROPERTY IDENTIFICATION

Owner Name	Property Address	PIN	Zoning	Lot Size (Acres)
Mike Freeman	19 Brookside			

CONTACT INFORMATION

Applicant (if not owner)	Julian Moore	Email	
Mailing Address	PO Box 608, Black Mtn 28711		
Phone (Primary)	329-7705	Phone (Alt)	329-7705

PROPERTY REQUIREMENTS

Maximum Permitted Roof Coverage	Rear Yard Setback
Maximum Permitted Impervious Surface Coverage	Side Yard Setback

SCOPE OF PROJECT

Does the project include increasing roof coverage?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, what is the proposed roof coverage? _____		
Is the proposed roof coverage greater than the permitted maximum roof coverage?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the project include increasing the impervious surface coverage?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, what is the proposed impervious surface coverage? _____		
Is the proposed impervious surface greater than the permitted maximum impervious surface coverage?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Will any part of the project fall within the front yard?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Will any part of the project fall within the side yard or rear yard setback?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

DESCRIPTION OF PROJECT

Brief Description of Project

Install 6' Deer Fence around Sides and Back of Property. Niba-Fiber Black Mesh with 6'-1 1/2" Poles Painted Flat Black.

Estimated Cost of Project

4,000⁰⁰

Estimated Completion Date

5/16/16



VARIANCE APPLICATION

I, M. Freeman hereby petition the Board of Adjustment for a variance(s) from the provisions of the Zoning Ordinance for the real property located at 19 Brookside.

Variance to Zoning Ordinance Section(s):

- (a) *Select Ordinance Requirement*
- (b) *Select Ordinance Requirement*
- (c) *Select Ordinance Requirement*

Reason Variance is Requested:

*Fence will be within the Set-Back
on Driveway side of property*

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, Jelison Moore, hereby certify that all the information set forth above is true and accurate to the best of my knowledge.

Jelison Moore
Signature

4/11/16
Date



CONDITIONAL USE PERMIT APPLICATION

I, M. Freeman hereby petition the Board of Adjustment to issue a
Conditional Use Permit for Specific Conditional Use

for the property located at 19 Brookside and described as follows:

Description of the Project: Install 6' Deer Fence to
Sides and Back of Property

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

You Can't see it.

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

M. Freeman
Signature

4/11/16
Date

404

~~120 FT
BAG~~

140 ft

20' SIDE SETBACK
PER TOWN OF
BILTMORE FOREST

25' REAR SETBACK
PER TOWN OF
BILTMORE FOREST

AREA

1.39 Acres

N76°01'00"E
133.28'

N78°01'00"E
140.97'

S39°18'00"E
151.82'

S68°06'00"W
341.82'

1 STORY BRICK HOUSE
FFE: 520.7
BASEMENT FFE: 512.3

1 1/4" -
IRON PIPE

BRICK PASEO
FFE 820 7

BRICK PATIO
1918

WOOD
GATE

31

UTIL

WINDOW
WELL

7

18" WHITE
PINE

17 WHITE
PINE

16" WHITE
PINE

22" WHITE
PINE

12" WHITE
PINE

30" POPLAR

1A² WHITE



MEMORANDUM

APRIL 25, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 3 – 89 Chauncey Circle
Date: April 20, 2016

Case 3

Property Owner: Mr. Curtis and Mrs. Donna Foltz
Property Address: 89 Chauncey Circle
Zoning District: R-3
Lot Size: 0.73 +/- acres
Application Request: Conditional Use Permit and Variance to allow the Continued Use of a Split Rail Fence in the Side and Rear Yard

Mr. and Mrs. Foltz request approval from the Board for a conditional use permit and variance in association with an unapproved split rail fence that was constructed in the side yard and within the rear yard setback.

Mr. and Mrs. Foltz recently purchased the property and received approval from The Ramble Design Review Committee to construct this fence. The Foltzes were unaware that permission was required from the Town, and it was not until the Town received a call regarding construction of the fence that we were made aware of the project. The fence project was completed by the time the Town was made aware of the project. Mr. and Mrs. Foltz were contacted and asked to request approval from the Board in order for the fence to be brought into compliance.

The project includes 311 total feet of fence. The fence runs from the northern side property line for 32 feet (including a four foot gate), then runs eastward for 100 feet, before continuing south along the rear property line for 159 feet. The fence then terminates at the rear of the home with twelve feet of fence and a four (4) foot aluminum gate. The rear of the property abuts a 20 foot common area owned by The Ramble which is bordered on the east by the Deerfield Retirement Community. The fence is a wooden (hemlock) split rail that includes welded wire on the inside of the fence. Several pictures of the fence, as installed, are included as well as specific layout and materials from the fence contractor.

- Conditional use request to allow continued use of an unapproved split rail fence in the side and rear yard.
- Variance request to allow installation of this fence within the rear yard setback.

Zoning Application

Property Identification

Name

Curtis & Donna Foltz

Address

89 Chauncey Circle, Asheville, North Carolina 28803

Phone

(828) 277-5500

Email

cdmfoltz@aol.com

Zoning

R-1

Lot Size (Acres)

.73 Acres

Email -Submission Verification

cdmfoltz@aol.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?

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?

No

Will there be more than the approved number of

accessory structures/buildings?

No

Project Description

Brief Description of Project

Split-Rail Fence - (split hemlock rails) along rear and left side yard. The fence is set back 15ft from the side property line and 4' to 20' from the rear property line. Approximately 330ft of fencing. The fence will be stained grey to blend in with the natural setting, this will be completed when weather permits. Ramble HOA approval received and the fence installed during the week of March 21. We were unaware of the need to receive approval from town of Biltmore Forest.

Estimated Cost of Project

9,500

Estimated Completion Date

3/22/2016

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

Conditional Use Permit Application

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

Name

Curtis & Donna Foltz

Property Address

89 Chauncey Circle

Phone

(828) 277-5500

Email

cdmfoltz@aol.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

cdmfoltz@aol.com

Description of Project

Installation of fence on right side and rear of property. Description is the same as zoning permit submitted, please reference as needed. Note that drawing will be submitted by contractor - Asheville Fence Company, Mr. Grant Rehder.


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

Construction style/material is very consistent with the Architecture of the neighborhood and blends very well with the natural setting. All required setbacks adhered to. No restrictions and/or adverse impacts to adjacent homes.

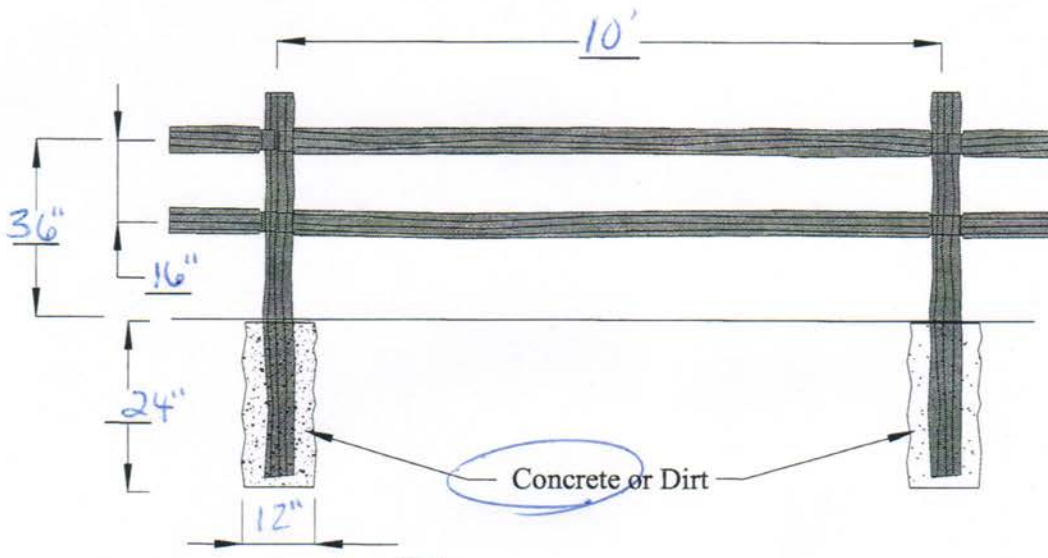
I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Signature**Date**

3/31/2016

A handwritten signature in black ink, appearing to read "Curtis Foltz", written over a light blue horizontal line.

Split Rail Fence Detail



Project:	89 Chauncey Cir. - 2 rail Split Rail w/wire	
Site Location:	Date:	3/31/16
	Drawing #	W-27

WELDED WIRE, 36 IN. X 100 FT.

\$49.99 SKU #362647399

- One of the most versatile wire products made
- Sturdy welds keep mesh spacing uniform and distortion free
- Vertical wires are cut flush top and bottom to prevent snagging
- Galvanized before welding for longer life
- 2 in. x 4 in. square

NOTE: Brand may vary by store. Please check your Tractor Supply Company store for availability.



Specification	Description
Height:	36 in.
Length:	100 ft.
Mesh:	2 in. x 4 in.
Product Type:	Welded Wire
Manufacturer Part Number	84066

























MEMORANDUM

APRIL 25, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 4 – 320 Vanderbilt Road
Date: April 20, 2016

Case 4

Property Owner: Dr. David and Mrs. Marcia Schroeder
Property Address: 320 Vanderbilt Road
Zoning District: R-1
Lot Size: 1.6 +/- acres
Application Request: Conditional Use Permit and Variance to allow an Addition to an Existing Accessory Structure

The applicants request permission from the Board to construct an addition to an existing accessory structure in the rear yard. The existing structure is a log cabin that is approximately 322 square feet. Dr. and Mrs. Schroeder request permission from the Board to add a bathroom and kitchenette that would increase the square footage by 155 square feet, bringing the total to 477 square feet. This is under the maximum square footage allowed for an accessory building.

The structure is located outside of both the rear and side yard setbacks and the addition would not be visible from adjoining properties or from Vanderbilt Road. Drawings are attached related to the proposed addition.

- Conditional use request to construct an addition to an existing accessory structure.
- Variance request to allow construction of an addition to an existing accessory structure.

Zoning Application

Property Identification

Name

Marcia Schroeder

Address

320 Vanderbilt Rd., Asheville, North Carolina 28803

Phone

(828) 277-1009

Email

marciaschroeder@gmail.com

Zoning

R-1

Lot Size (Acres)

1.597

Email -Submission Verification

marciaschroeder@gmail.com

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?

Yes

What is the proposed roof coverage?

155

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)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

An application for a variance to exceed the permitted

accessory structures/buildings?

Yes

number of accessory structures and a conditional use permit for an accessory structure will be required in addition to this zoning application.

Project Description

Brief Description of Project

Addition of bathroom and kitchenette to existing log cabin. This is not a new accessory structure but we are adding to 155 square feet to existing cabin of 322 square feet for a total of 477 square feet.

Estimated Cost of Project

50,000

Estimated Completion Date

7/15/2016

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

Conditional Use Permit Application

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

Name

Marcia Schroeder

Property Address

320 Vanderbilt Rd.

Phone

(828) 277-1009

Email

marciaschroeder@gmail.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

marciaschroeder@gmail.com

Description of Project

Addition of bathroom and kitchenette to existing log cabin.

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

This cabin is in the back yard and is not visible from the road or by the neighbors. It is heavily buffered and we will be planting additional landscaping as needed.

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**

4/4/2016

A handwritten signature in black ink, appearing to read 'Marcia Schroeder', 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

Marcia Schroeder

Property Address

320 Vanderbilt Rd.

Email

marciaschroeder@gmail.com

Phone

(828) 277-1009

Email-Submission Verification

marciaschroeder@gmail.com


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

1104 Accessory Structures & Accessory Buildings

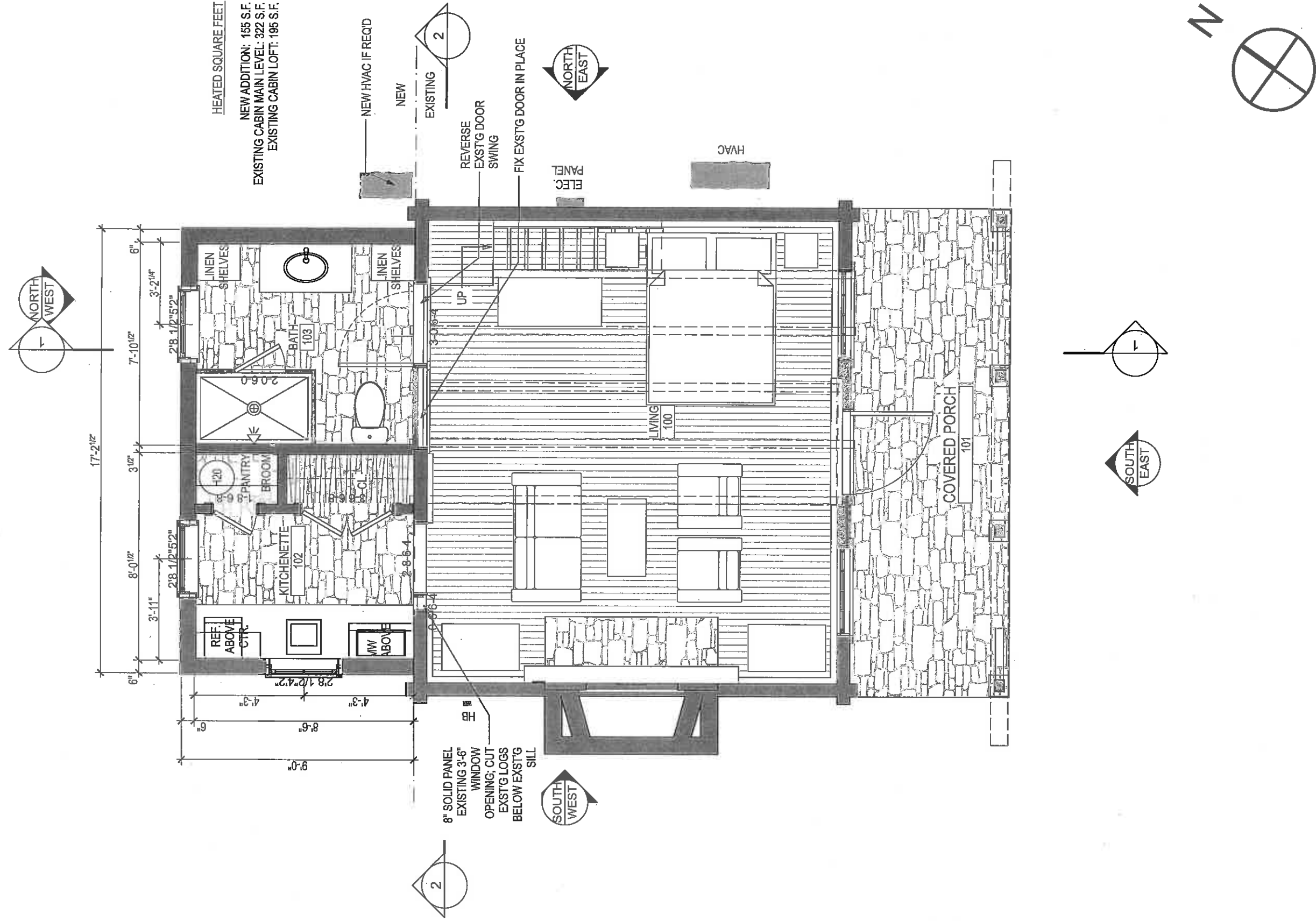
Reason Variance(s) is(are) being requested:

We are requesting a variance due to our number of accessory structures. We would like to add a bathroom so that we could use the log cabin. The addition meets the required setbacks for the back and side of our property. The new structure will be 477 square feet.

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.

SignatureA handwritten signature in black ink, appearing to read 'Marcia Schroeder', written over a light blue horizontal line.**Date**

3/28/2016



PROPOSED MAIN LEVEL FLOOR PLAN

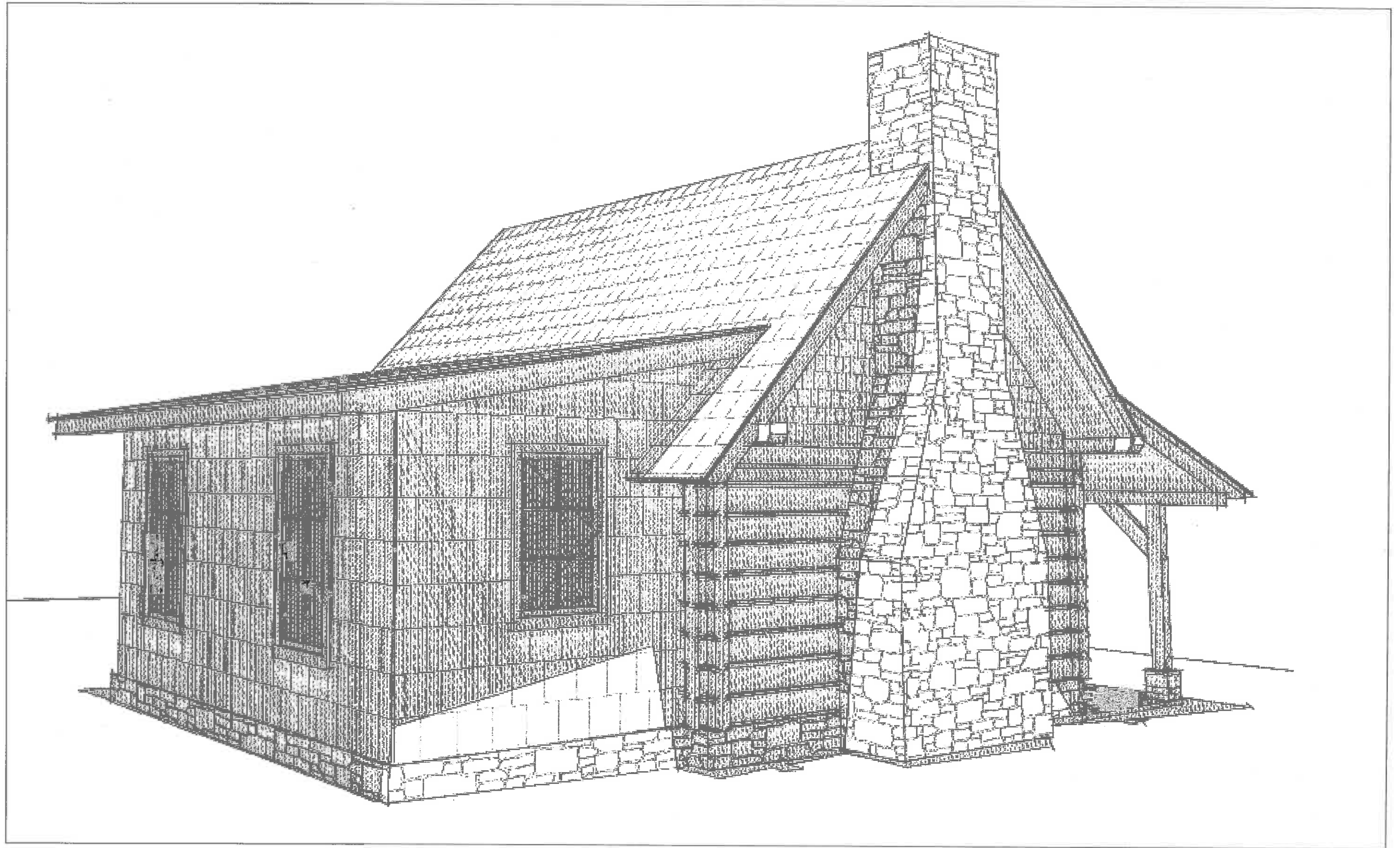
FINAL SCHEMATIC DESIGN

16.14.0 Schroeder Cabin Addition

3/24/16

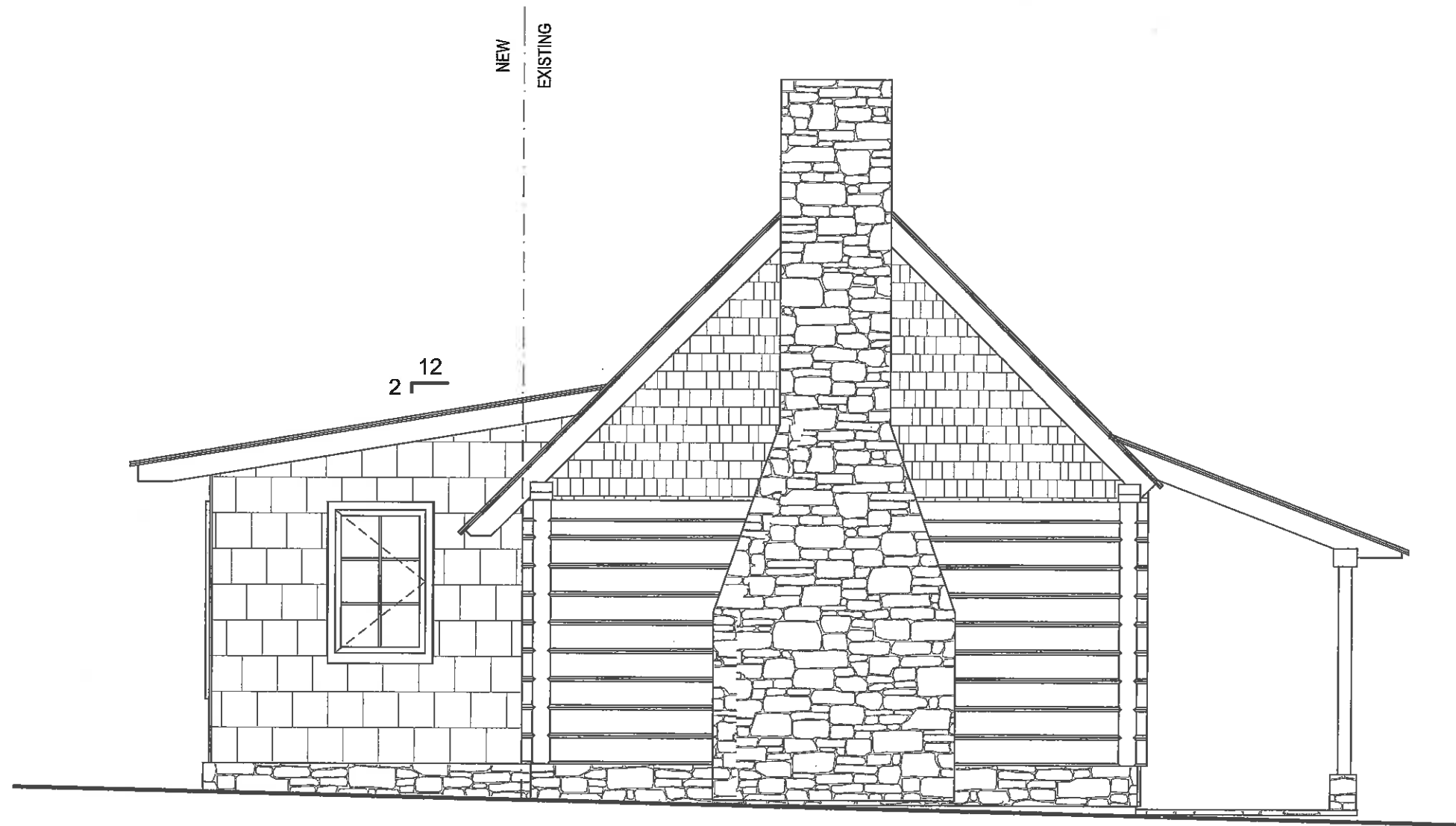
SAMSEL ARCHITECTS

1/4" = 1'-0"



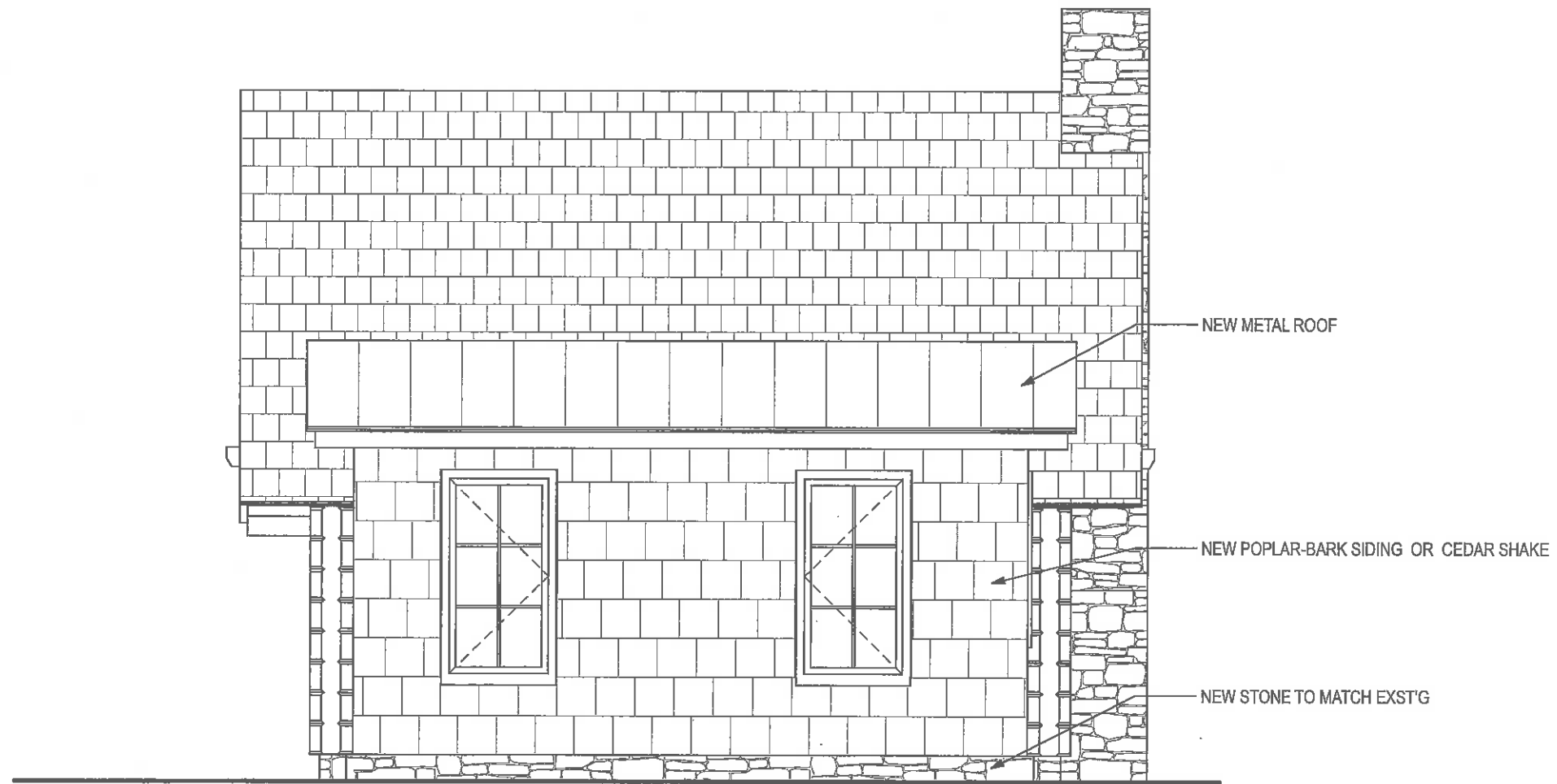
PERSPECTIVE
FINAL SCHEMATIC DESIGN
16.14.0 Schroeder Cabin Addition
3/24/16

SAMSEL ARCHITECTS
1:88.7354



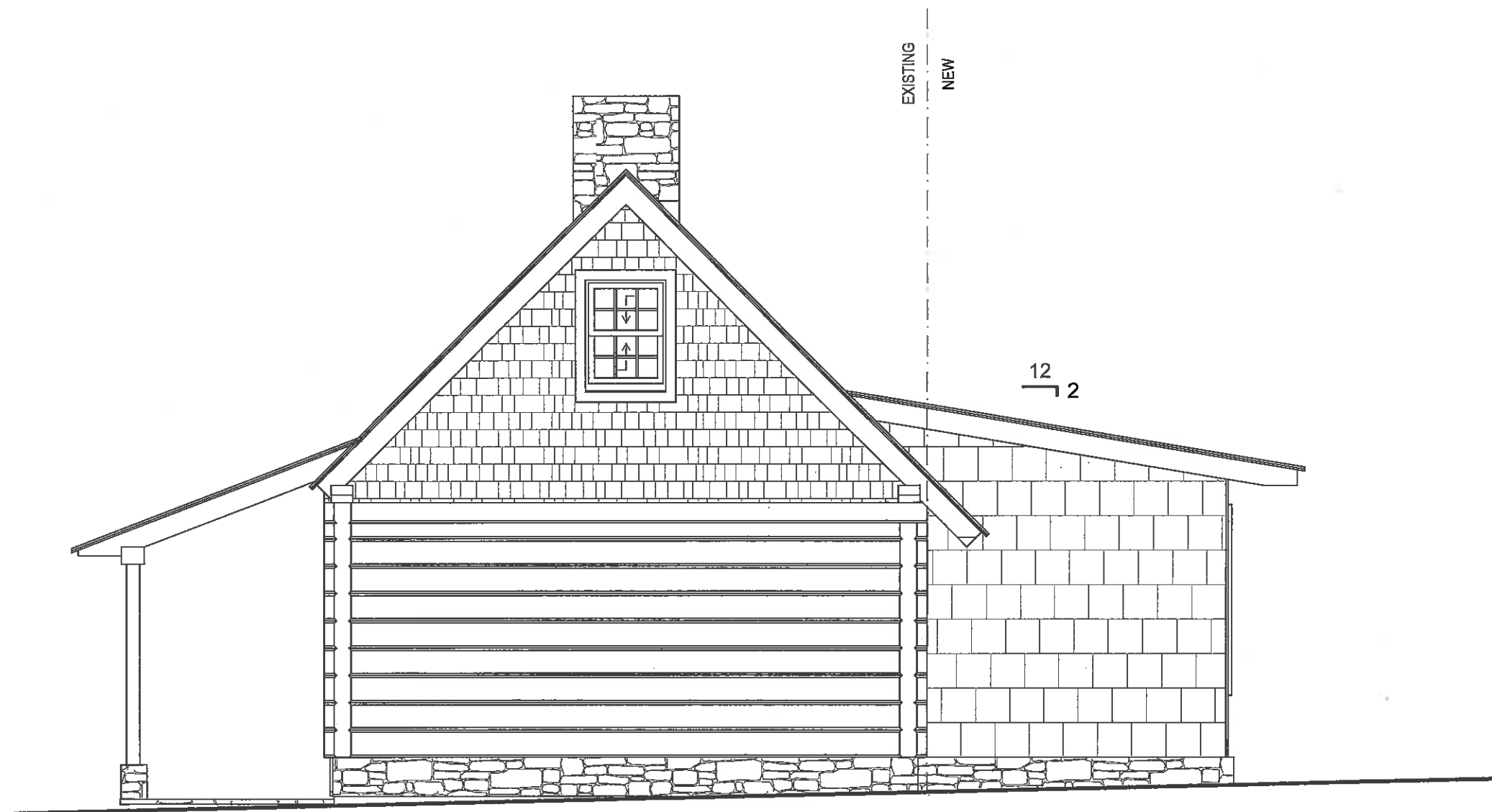
PROPOSED SOUTHWEST ELEVATION
 FINAL SCHEMATIC DESIGN
 16.14.0 Schroeder Cabin Addition
 3/24/16

SAMSEL ARCHITECTS
 1/4" = 1'-0"



PROPOSED NORTHWEST ELEVATION
 FINAL SCHEMATIC DESIGN
 16.14.0 Schroeder Cabin Addition
 3/24/16

SAMSEL ARCHITECTS
 1/4" = 1'-0"



PROPOSED NORTHEAST ELEVATION

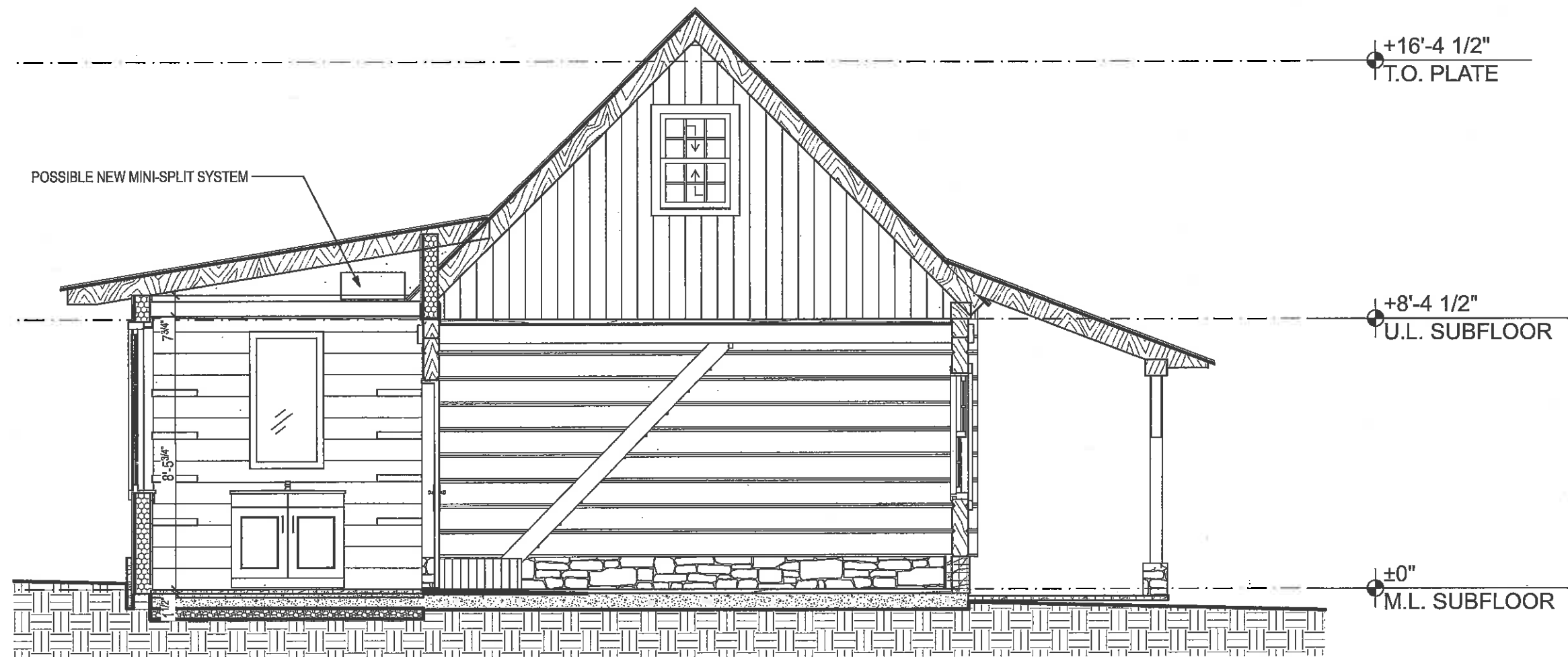
FINAL SCHEMATIC DESIGN

16.14.0 Schroeder Cabin Addition

3/24/16

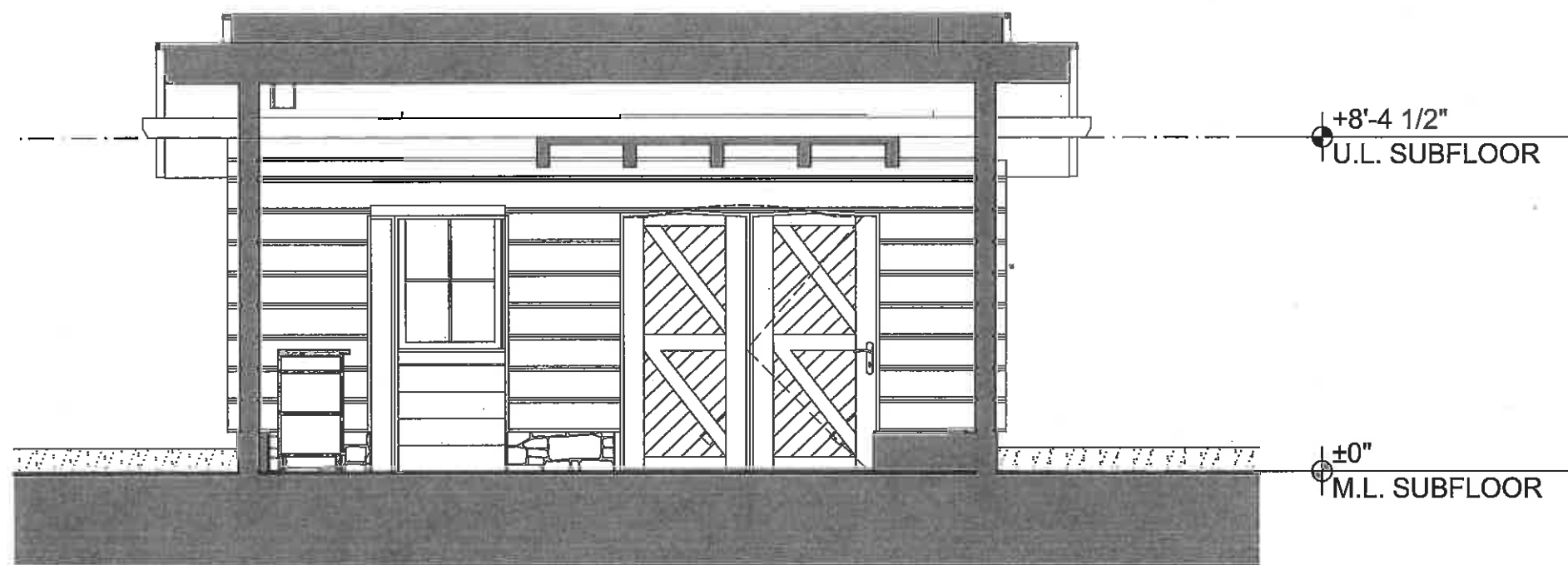
SAMSEL ARCHITECTS

1/4" = 1'-0"



PROPOSED SECTION 1
 FINAL SCHEMATIC DESIGN
 16.14.0 Schroeder Cabin Addition
 3/24/16

SAMSEL ARCHITECTS
 1/4" = 1'-0"



PROPOSED SECTION 2
 FINAL SCHEMATIC DESIGN
 16.14.0 Schroeder Cabin Addition
 3/24/16

SAMSEL ARCHITECTS
 1/4" = 1'-0"



MEMORANDUM

APRIL 25, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 5 – 388 Vanderbilt Road
Date: April 20, 2016

Case 5

Property Owner: Mr. William and Mrs. Sherri Morrison
Property Address: 388 Vanderbilt Road
Zoning District: R-1
Lot Size: 2.71 +/- acres
Application Request: Demolition of Existing Home and Construction of New Residence, including a Conditional Use Permit request for Entrance Columns and Retaining Walls in Conjunction with the Project

The applicants present a demolition and construction plan for the Board in conjunction with the property located at 388 Vanderbilt Road. If approved, the existing home will be demolished and removed. Plans for the new residence are provided in detail and include a conditional use permit request for entrance columns and retaining walls. The entrance columns are necessary in order to create a sense of entry to the new residence and the retaining walls are necessary in order to provide access to the main level of the home and to screen the existing historic log cabin on the property. The applicants note that the columns and retaining walls are all located approximately 190 feet from Vanderbilt Road and will not be visible from the street or neighboring properties.

The highest point on the new home is 33 feet and 8 inches, greater than the 25 feet allowance in the ordinance. As a result, adjusted setbacks are in place and the new construction falls within the adjusted setbacks and is in compliance which results in an adjusted setback. The allowable impervious surface on the property is 29,504 square feet and the proposed impervious surface area is 21,326 square feet. The project is in compliance for impervious surface. The maximum roof coverage allowed on this parcel is 7,500 square feet, and the proposed total roof area is 5,832 square feet. The project is in compliance for maximum roof coverage.

The Town received a letter from the Biltmore Forest Country Club with comments on the project. That letter is attached to this packet for your review. The plans included renderings and

all elevations from each side of the proposed home, including from the entrance off Vanderbilt Road and the view from the Country Club.

The applicants have taken care to leave as much existing screening and vegetation as possible, including existing evergreen buffers along the side property lines. There will be a walled courtyard attached to the main residence and the port cochere. The port cochere garage and motor court garage are connected to the main residence via a covered and enclosed hallway.

- New residence plans, including conditional use permit request to construct entrance columns and retaining walls.
- A landscape plan for the property, including the existing and planned buffering and screening, is included for review.

Zoning Application

Property Identification

Name

William and Sherri Morrison

Address

388 Vanderbilt Road, Biltmore Forest, North Carolina 28803

Phone

(949) 413-6007

Email

Williampmorrison1@gmail.com

Zoning

R-1

Lot Size (Acres)

2.71

Email -Submission Verification

Robert.G@GriffinArchitectsPA.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)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

Removal of existing home and construction of new home.

Estimated Cost of Project

2,750

Estimated Completion Date

12/1/2017

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

Morrison (4.11.16).pdf

Letter From BFCC.pdf

L-100_Site Development Plan.pdf

L-600 Schematic Landscape Plan_Color.pdf

Conditional Use Permit Application

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

Name

William and Sherri Morrison

Property Address

388 Vanderbilt Road

Phone

(949) 413-6007

Email

WilliamPMorrison1@Gmail.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

Robert.G@GriffinArchitectsPA.com

Description of Project

Entrance Columns and retaining walls

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

Entrance columns in advance of the Principal Building are needed to create a sense of entry and justify the driveway finish change. Retaining walls are necessary to provide access to the main level of the home for people and cars and to screen the existing Historic log cabin to remain.

None of these are visible from the street or neighbors property and are set back from Vanderbilt Road 190 feet.

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

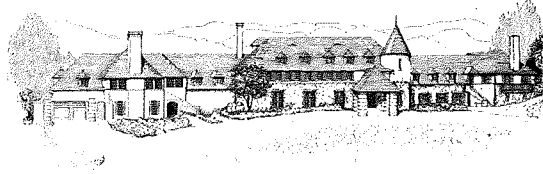
Signature

William
Morrison
by Robert G. Griffin
GAPPA

Date

4/11/2016

Biltmore Forest Country Club



February 15, 2016

Mr. Jonathan Kanipe
Town Administrator
Town of Biltmore Forest

Dear Jonathan,

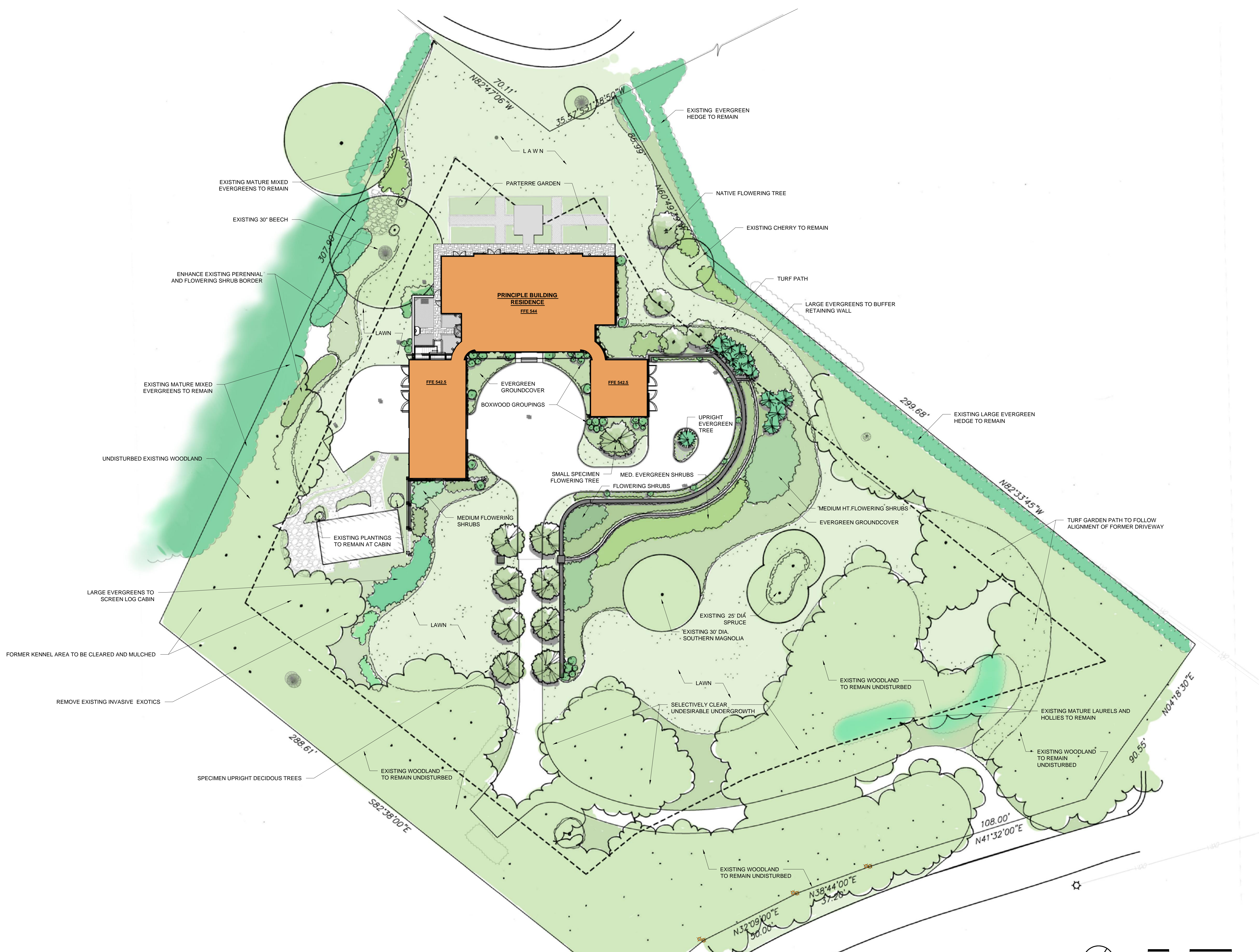
It is our understanding that the new homeowners at 388 Vanderbilt Rd. will be requesting to make some modifications to their home to the Board of Adjusters. We have reviewed the preliminary patio configuration and are comfortable with its proposed location. The club consents to any construction on the property that does not violate any Town ordinances nor encroaches on any setbacks.

If any additional information is needed by the club, please do not hesitate to contact me at 350-3270.

Respectfully for Biltmore Forest CC,

Calvin L. Bolling, CCM
COO/GM

CC: Mr. Greg Goosmann



CONSULTANT

MORRISON RESIDENCE

LOT 12
VANDERBILT ROAD
BILTMORE FOREST, N.C.

REVISIONS		
NO.	REMARKS	DATE

NOT FOR CONSTRUCTION
C-188
DATE: 4.11.2016
SHEET TITLE:

SCHEMATIC
LANDSCAPE PLAN

SHEET NO.
L-600

GENERAL SYMBOLS & ABBREVIATIONS

	Detail - Section	ABV	ABOVE	NA	NOT APPLICABLE
	Detail - Plan	AC	AIR-CONDITIONING	NC	NO CHANGE
	Section	ACT	ACoustical CEILING TILE	NC	NOT IN CONTRACT
	Sheet Number	ADU	AIR-CONDENSING UNIT	NO	NUMBER
	Elevation Number	AD	AREA DRAIN	NOM	NORMAL
	Exterior Building Elevation	ADT	ADJUSTABLE	NF	NET SQUARE FEET
	Interior Elevation	ALT	ABOVE FINISHED FLOOR	NFS	NOT TO SCALE
	Window Designation	ALU	AIR HANDLING UNIT	OA	OVERALL
	Door Designation	ALL	ALUMINUM	OC	ON CENTER
	Centerline	APPROX	APPROXIMATELY	OCUP	OCCUPANT LOAD/OCCUPANCY
	Align Finished Surfaces	APVD	APPROVED	OD	OUTSIDE DIAMETER
	Elevation Above Grade - Building Section or Building Elevation	ARCH	ARCHITECTURAL	OH	OVERHEAD
	Elevation Above Finished Floor - Plans	ASPT	ASPHALT	OP	OPENING
	Wall Type	AT	ACOUSTICAL TILE	OPNG	ORIGINAL
	Revision Cloud and Marker	B	BATHROOM	OV	OVEN
	Concrete	BDRM	BEDROOM	P/C	PANT/COLOR
	Brick	BEL	BELT	PAN	PANTRY
	Concrete Masonry Unit	BLDG	BUILDING	PART	PARTITION
	Cut Stone	BLDG	BUILDING	PASS	PASSAGE
	Metal [See material designation schedule for type]	BLDG	BUILDING	PC	PLUMBING CONTRACTOR
	Glass	BLDG	BUILDING	PC	PERSONAL COMPUTER
	GWB [Large Scale]	BLDG	BUILDING	PCL	PORCELAIN TILE
	Plywood	BLDG	BUILDING	PH	PAPER HOLDER
	Insulation - Loose or Batt	BLDG	BUILDING	PL	PLATE
	Insulation - Rigid	BLDG	BUILDING	PL	PROPERTY LINE
	Wood Blocking - Non Continuous	BLDG	BUILDING	PLM	PLASTIC LAMINATE
	Wood Blocking - Continuous	BLDG	BUILDING	PLNG	PLUMBING
	Wood - Finished	BLDG	BUILDING	PLSTR	PLASTER
	Carpet	BLDG	BUILDING	PRL	PANEL

THE MORRISON RESIDENCE
388 VANDERBILT RD.
ASHEVILLE



SHEET INDEX

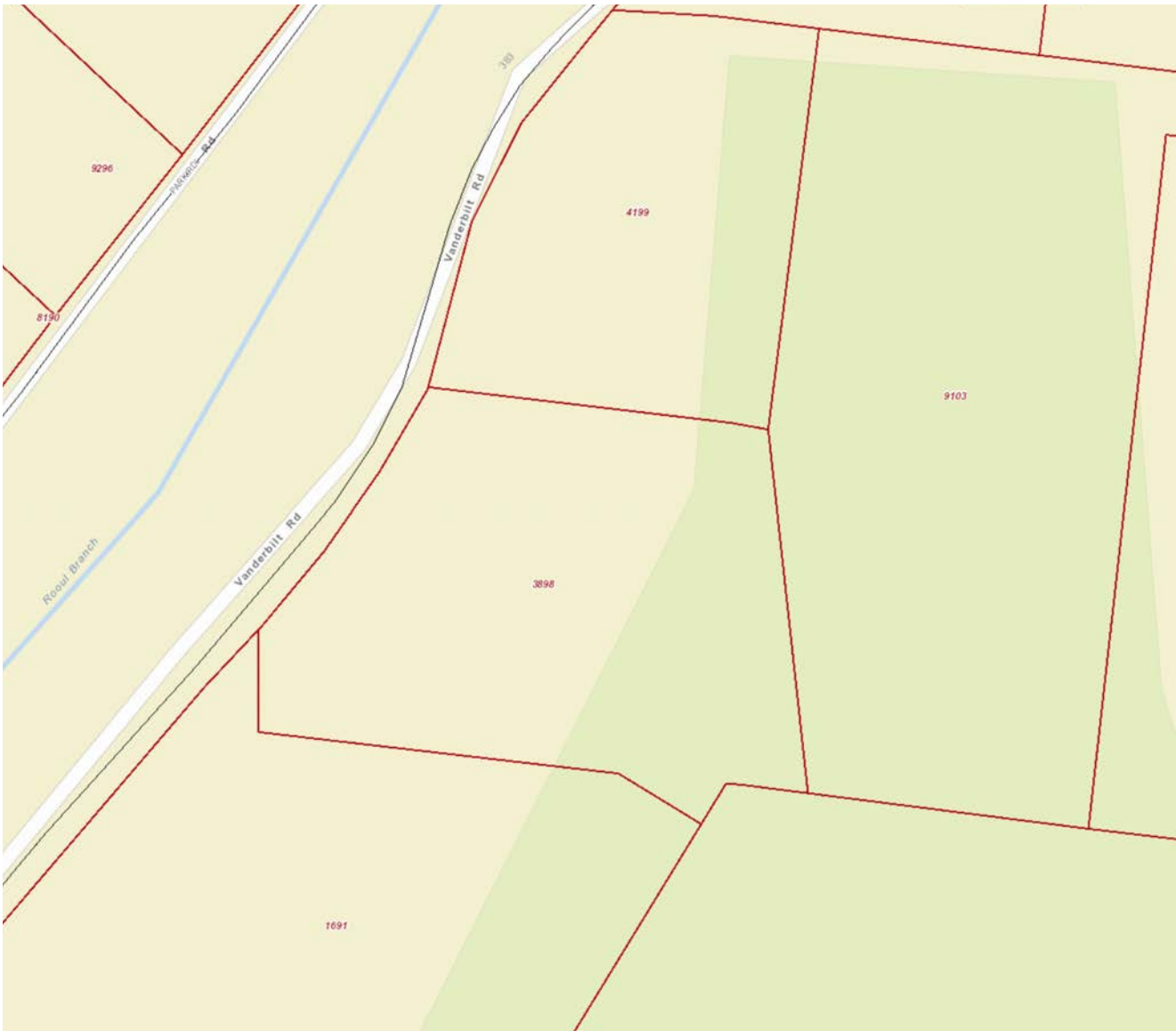
ID	Name
1	Cover
A-2.1	Site Plan
A-2.2	Foundation Plan
A-2.3	Main Level Floor Plan
A-2.4	Garage & Porte Cochere Floor Plan
A-2.5	Upper Level Floor Plan
A-2.6	Lower Level Floor Plan
A-2.7	Office Floor Plan
A-2.8	Roof Plan
A-3.1	North-West Elevation
A-3.2	South-East Elevation
A-3.3	North-East Elevation
A-3.4	South-West Elevation
A-3.5	Motor Court Elevations
A-3.6	Courtyard Elevations

CONTRACTOR:
PALLADIUM BUILDERS
21 WHITE OAK RD,
ASHEVILLE, NC 28803
828.713-0900

ARCHITECT:
GRIFFIN ARCHITECTS P.A.
1 VILLAGE LANE, SUITE 1,
ASHEVILLE, NC 28803
828.274.5979

LANDSCAPE ARCHITECT:
SITework STUDIOS
STEVEN LEE JOHNSON
352 DEPOT ST., SUITE 120
ASHEVILLE, NC 28801
828.225.4945

STRUCTURAL ENGINEER:
MEDLOCK & ASSOCIATES
ENGINEERING, P.A.
53 ASHELAND AVE., SUITE 101
ASHEVILLE, NC 28801
828.232.4448



NOT FOR CONSTRUCTION

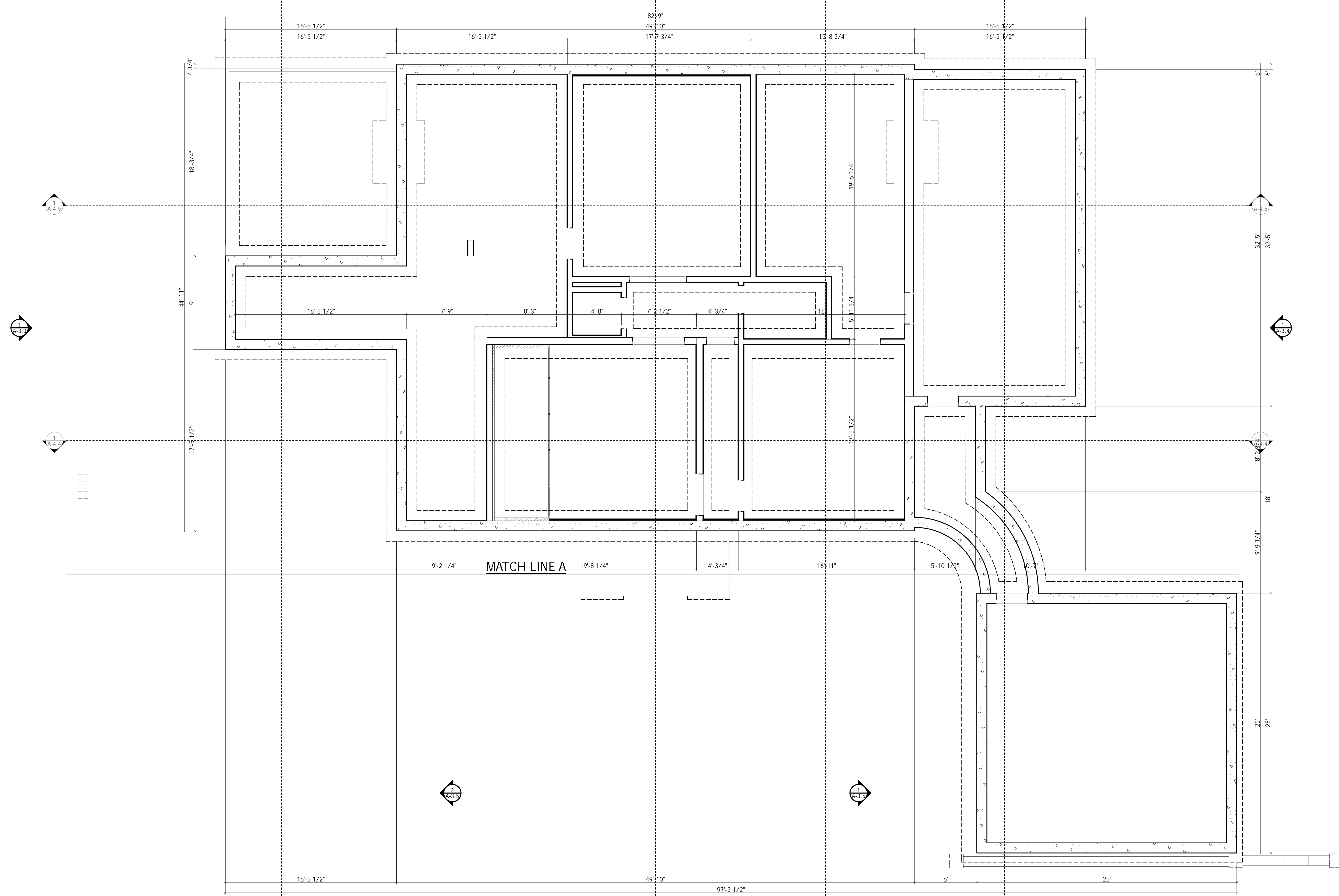
GRIFFIN
ARCHITECTS, P.A.
WWW.GRIFFINARCHITECTSPA.COM © 2014

MORRISON RESIDENCE

85% DESIGN DEVELOPMENT

PROJECT ARCHITECT:	RSG
DRAWN BY:	BRB
ISSUED FOR:	####
REVISIONS:	
NO. DATE:	
NO. DATE:	
NO. DATE:	
NO. DATE:	
NO. DATE:	
NO. DATE:	

SHEET NO.	1
DATE:	4/11/16



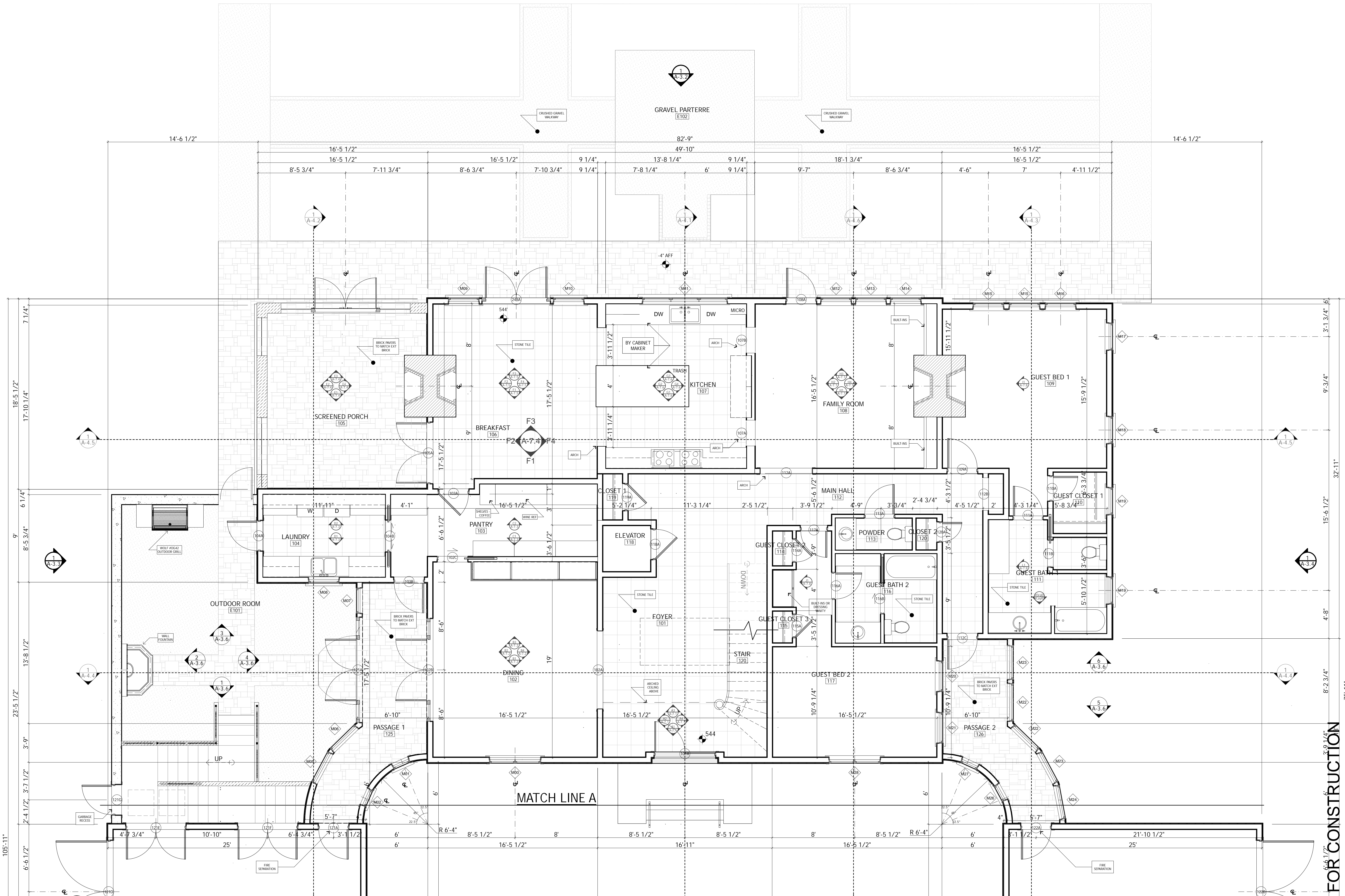
NOT FOR CONSTRUCTION

PROJECT ARCHITECT:	
RSG	
DRAWN BY:	
BRB	
ISSUED FOR:	
####	
REVISIONS:	
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:

SHEET NO.	
A-2.2	
DATE:	
4/11/16	

85% DESIGN DEVELOPMENT

MORRISON RESIDENCE



1 Main Level Floor Plan
A-2.3

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

NOT FOR CONSTRUCTION



MORRISON RESIDENCE

85% DESIGN DEVELOPMENT

PROJECT ARCHITECT: _____
ISSUED BY: _____
REVIEWED BY: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

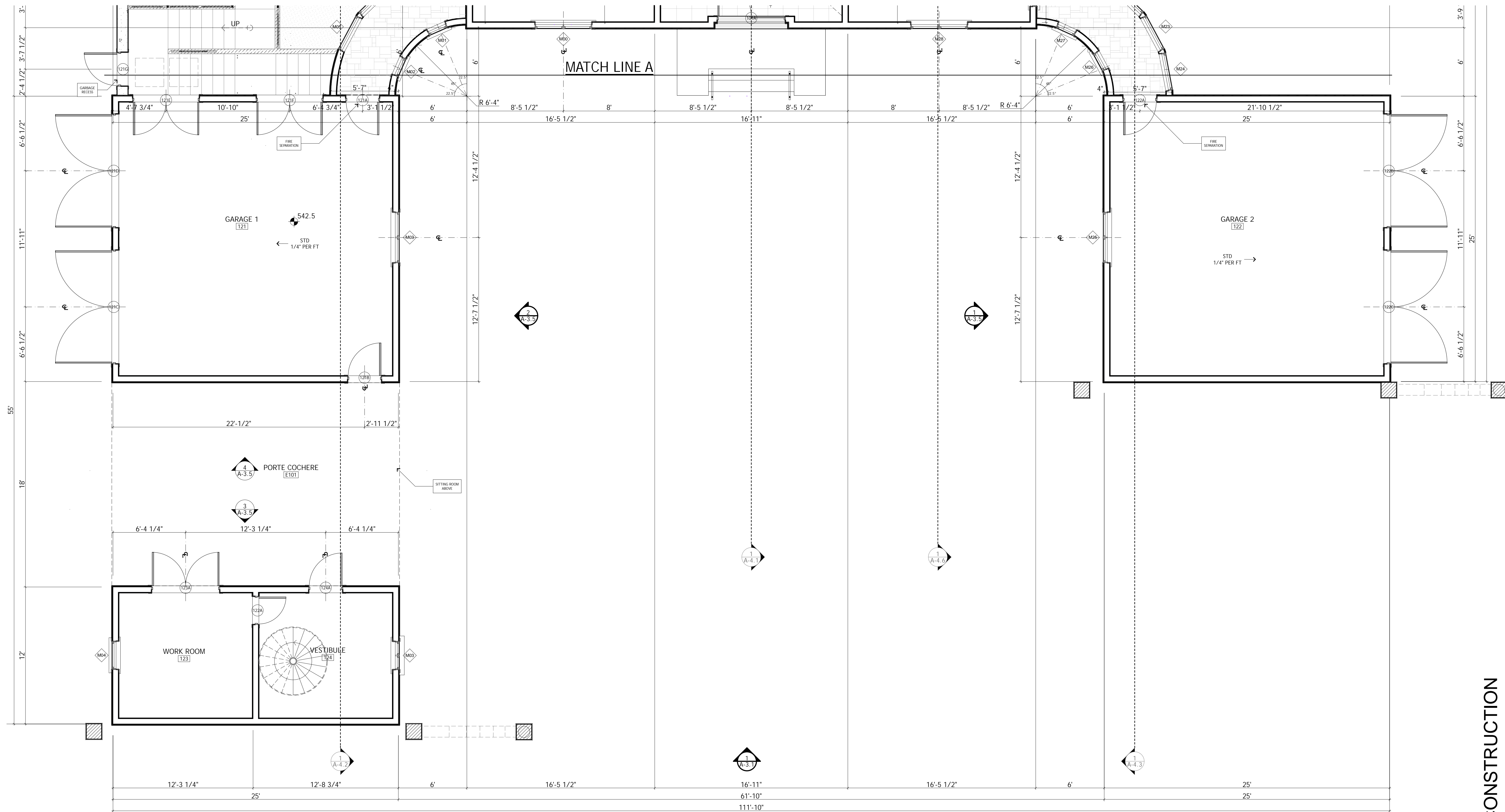
HEET NO:

A-2.4

DATE:

4/11/16

NOT FOR CONSTRUCTION



1 Main Level Garage Floor Plan
A-2.4 SCALE: 1/4" = 1'-0"

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



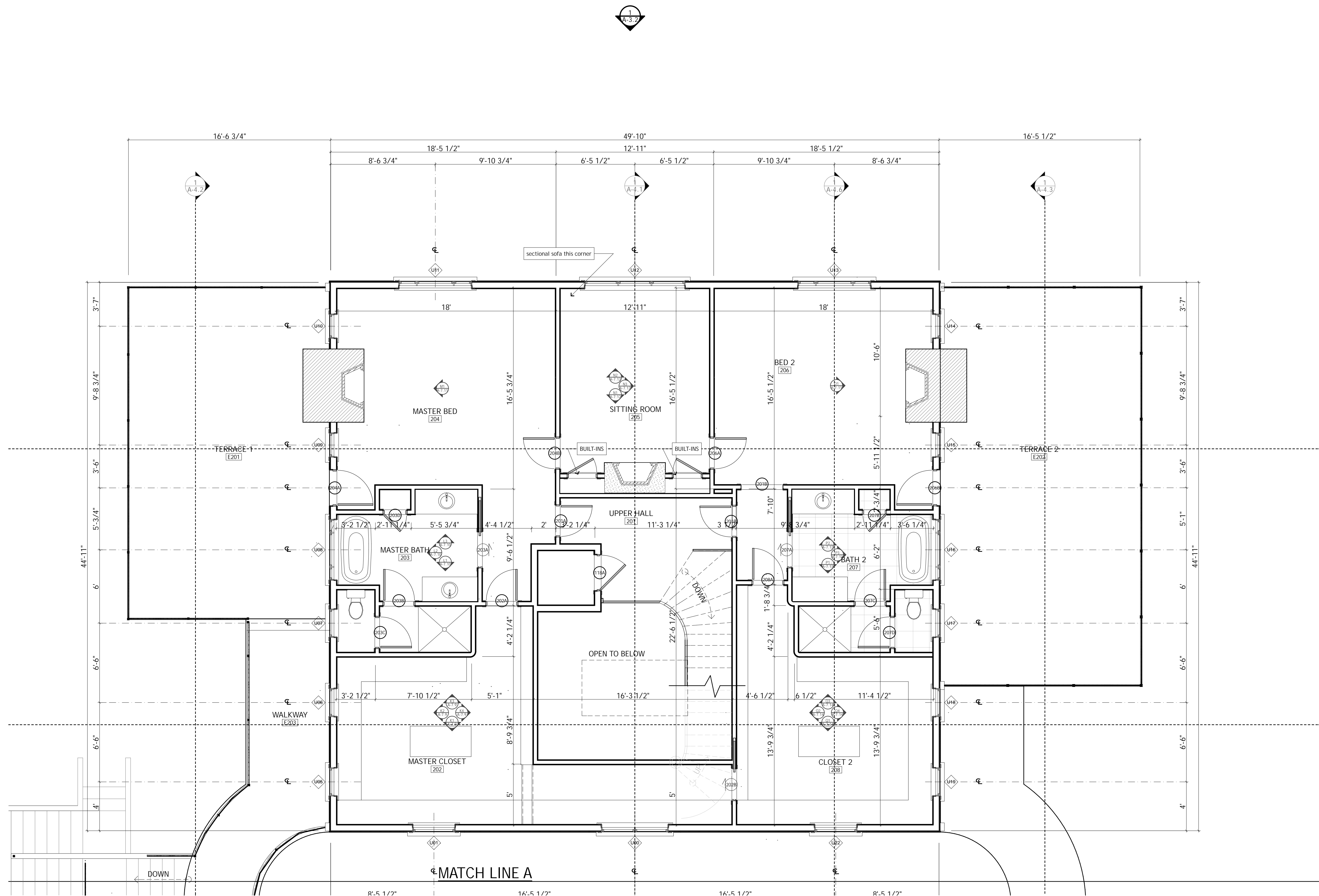
MORRISON RESIDENCE

85% DESIGN DEVELOPMENT

[illegible]

SHEET NO:
A-2.5
DATE:
4/11/16

NOT FOR CONSTRUCTION

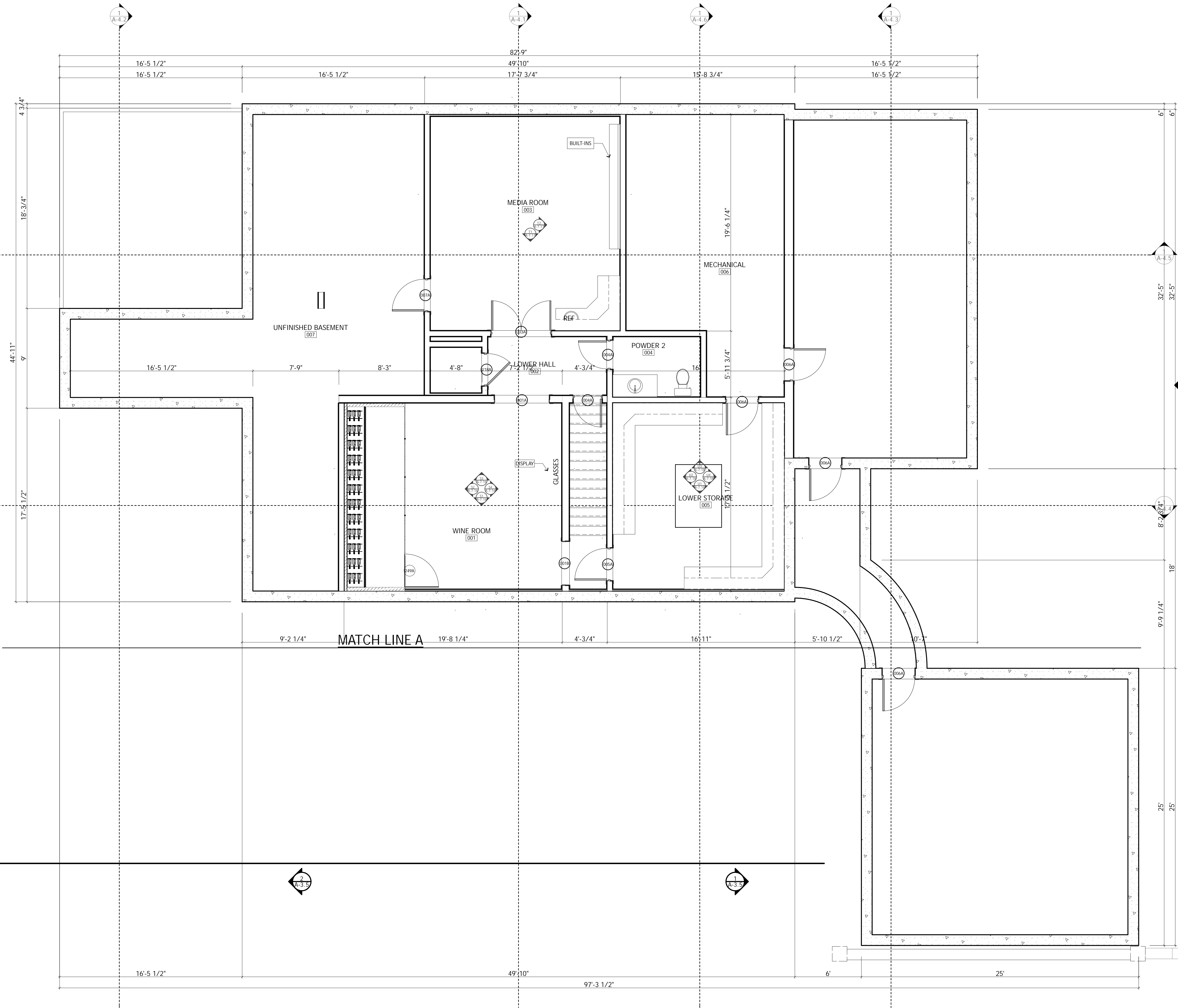


1 Upper Level Floor Plan
A-2.5 SCALE: 1/4" = 1'-0"

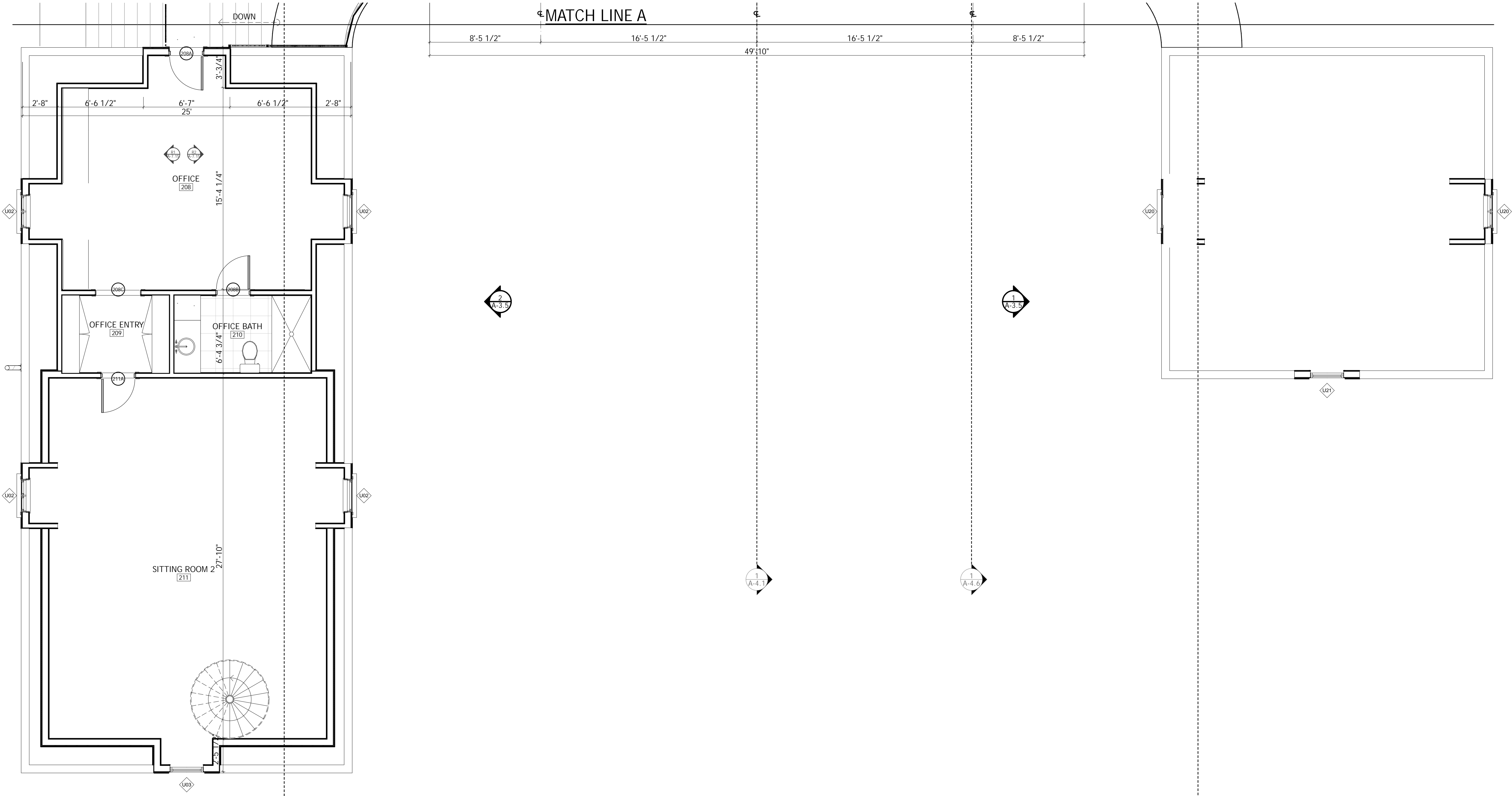
SCALE: 1/4" = 1'-0"

1
A-2.6 Lower Level Floor Plan

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



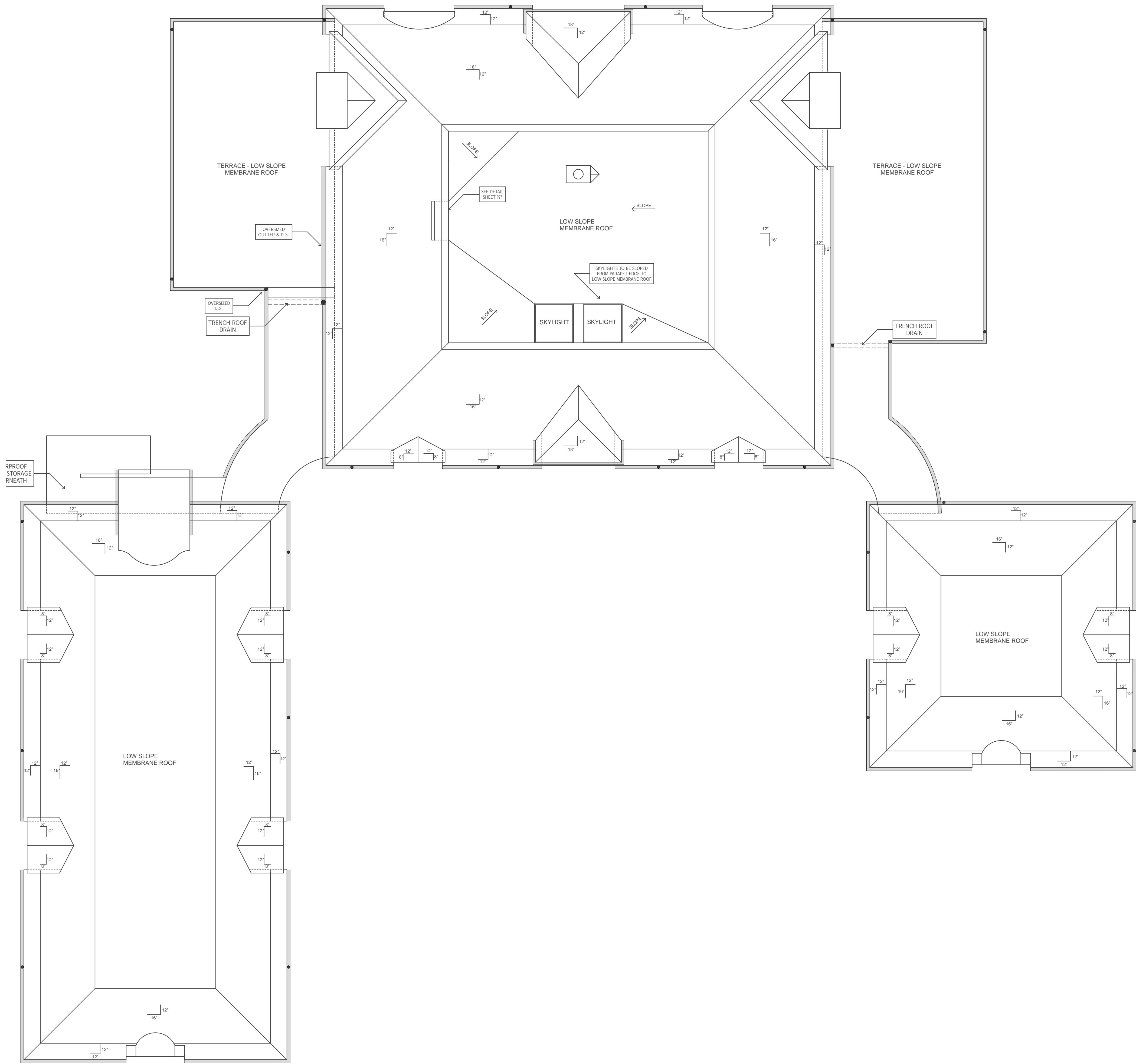
NOT FOR CONSTRUCTION



1 Upper Level Office Floor Plan
A-2.7

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

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION

PROJECT ARCHITECT:	
RSG	
DRAWN BY:	
BRB	
ISSUED FOR:	
####	
REVISIONS:	
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:

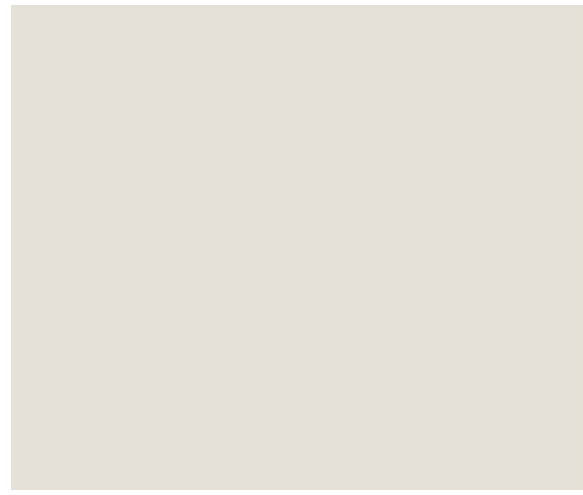
SHEET NO:	
A-2.8	
DATE:	
4/11/16	

85% DESIGN DEVELOPMENT

MORRISON RESIDENCE



ALUMINUM RAILING PAINT
COLOR - HC167



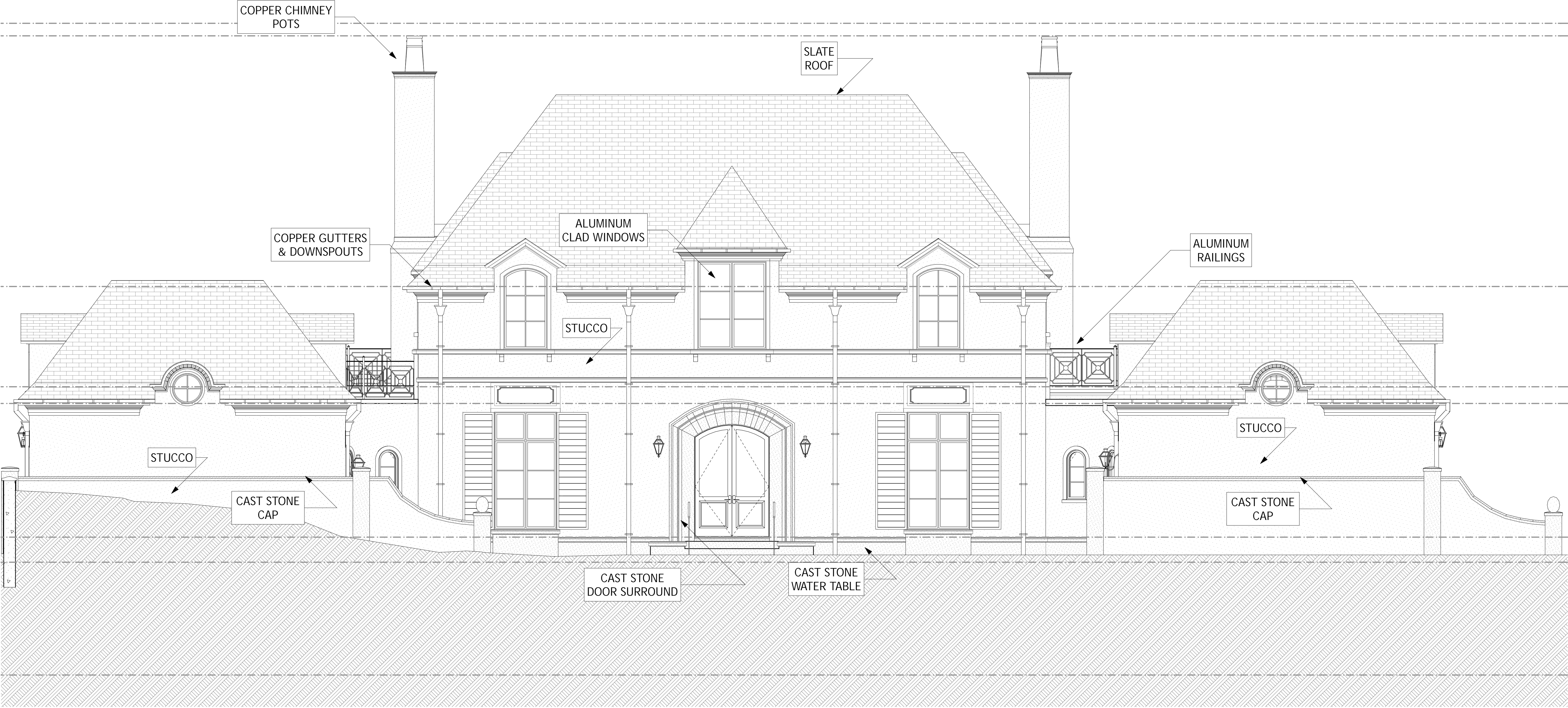
STUCCO PAINT
COLOR - OC23



CAST STONE & TRIM PAINT
COLOR - OC28



SHUTTER PAINT
COLOR - SW6169



1 North-West Elevation
A-3.1 SCALE: 1/4" = 1'-0"

BEVOLO EXTERIOR LIGHTING



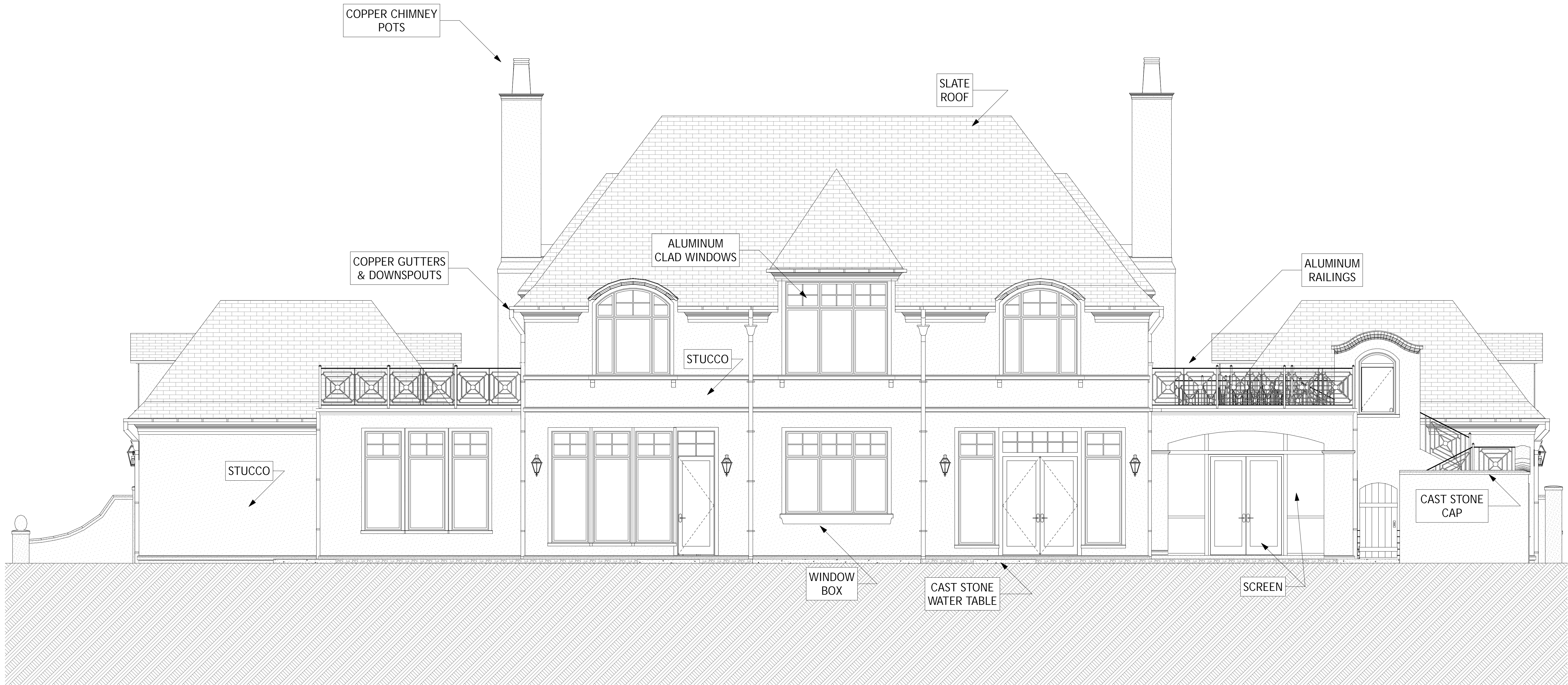
VERMONT SEMI-WEATHERING GRAY SLATE



LOEWEN WINDOWS - ALPINE WHITE

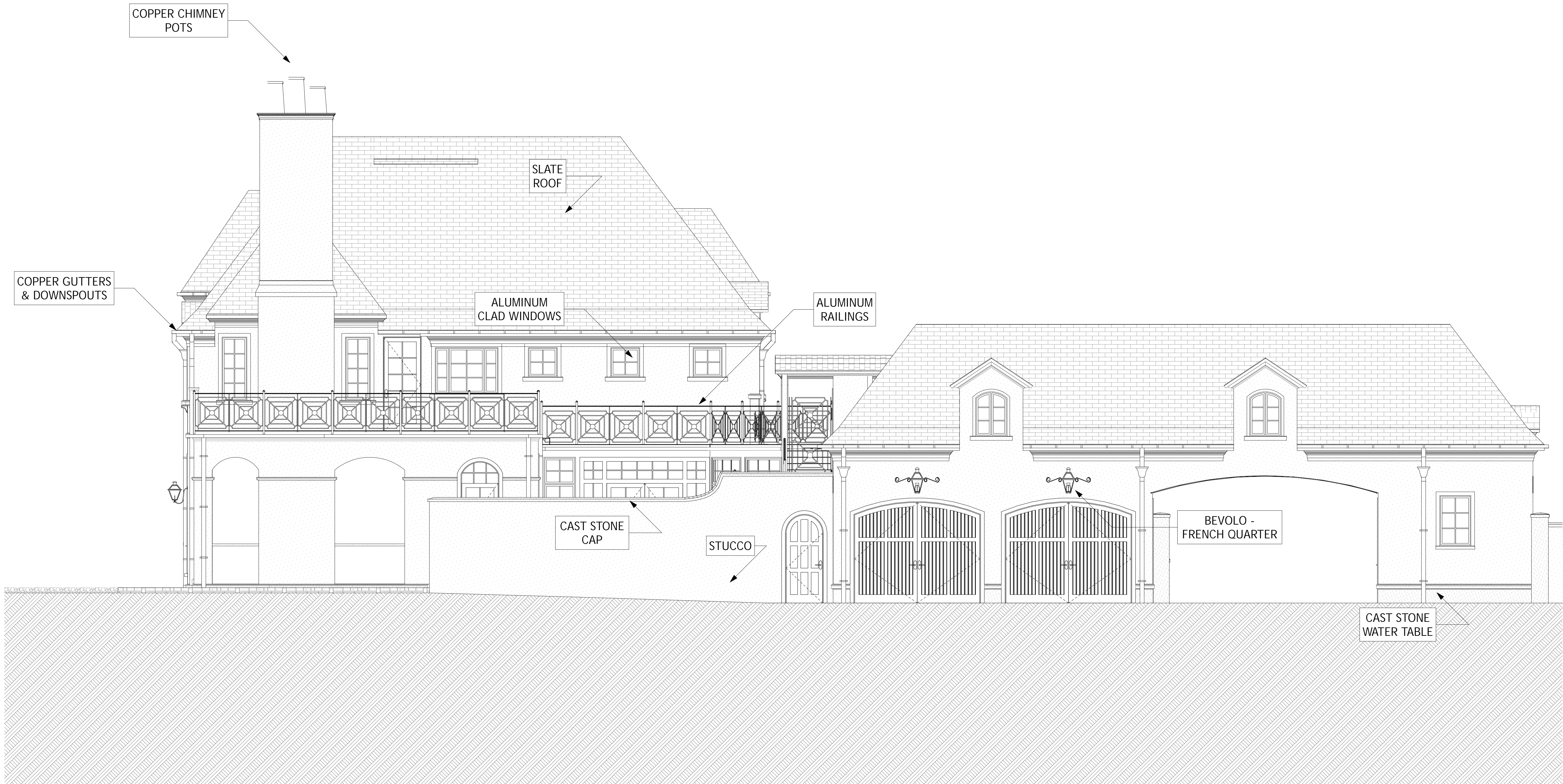


NOT FOR CONSTRUCTION

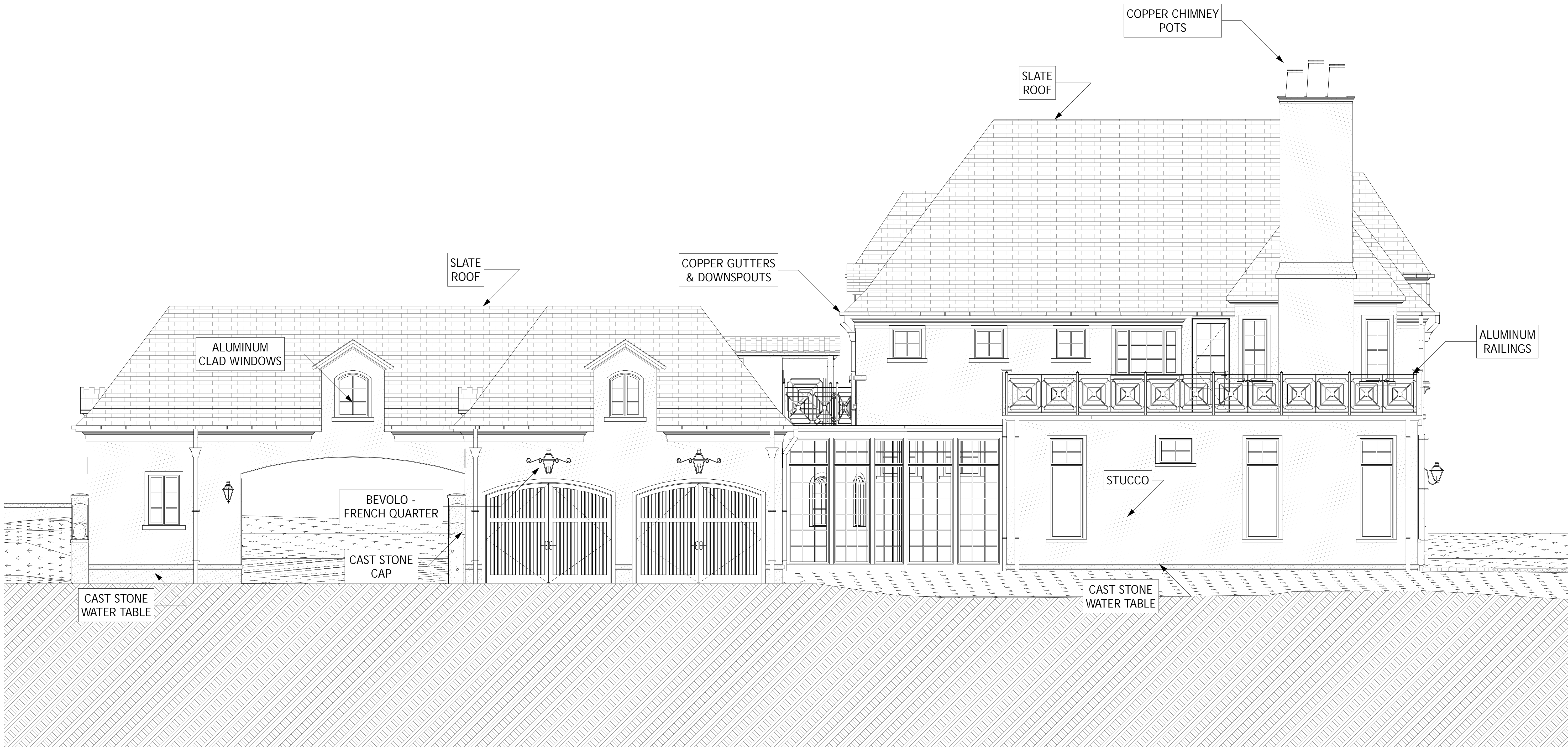


1 South-East Elevations
A-3.2 SCALE: 1/4" = 1'-0"

NOT FOR CONSTRUCTION

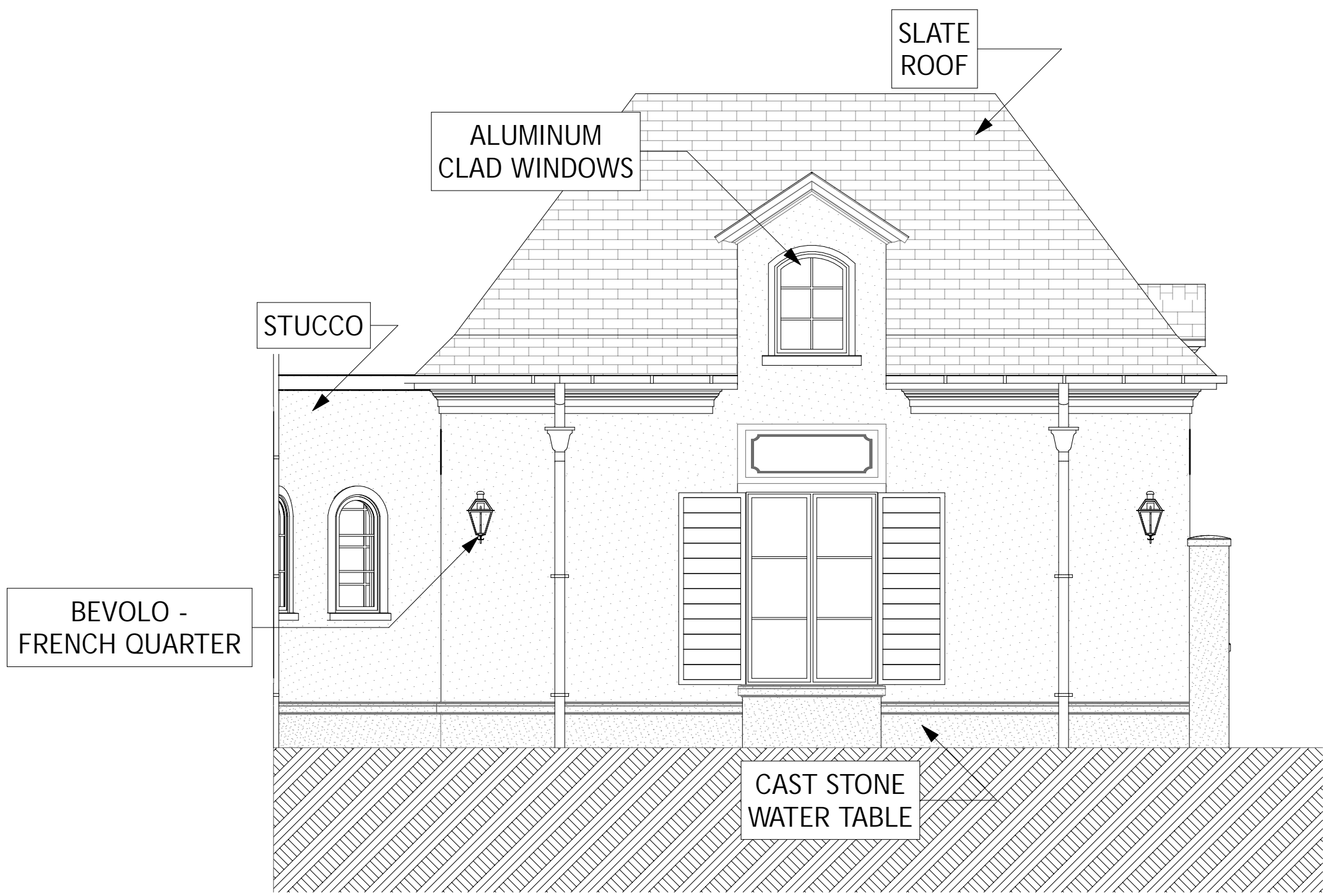


1 North-East Elevation
A-3.3 SCALE: 1/4" = 1'-0"

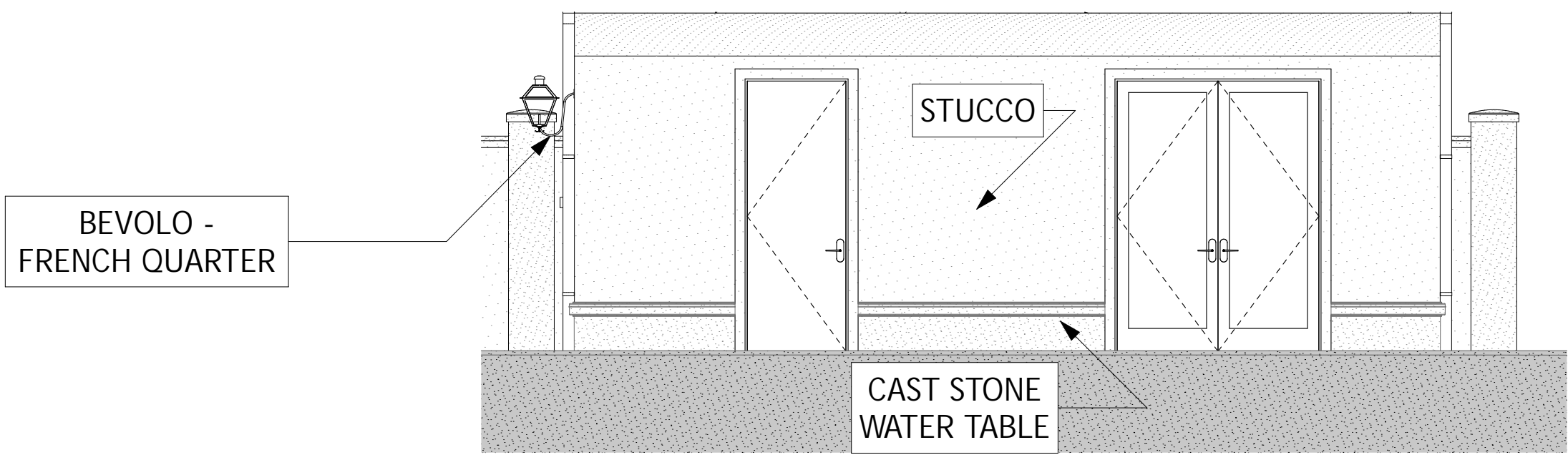


1 South-West Elevation
A-3.4 SCALE: 1/4" = 1'-0"

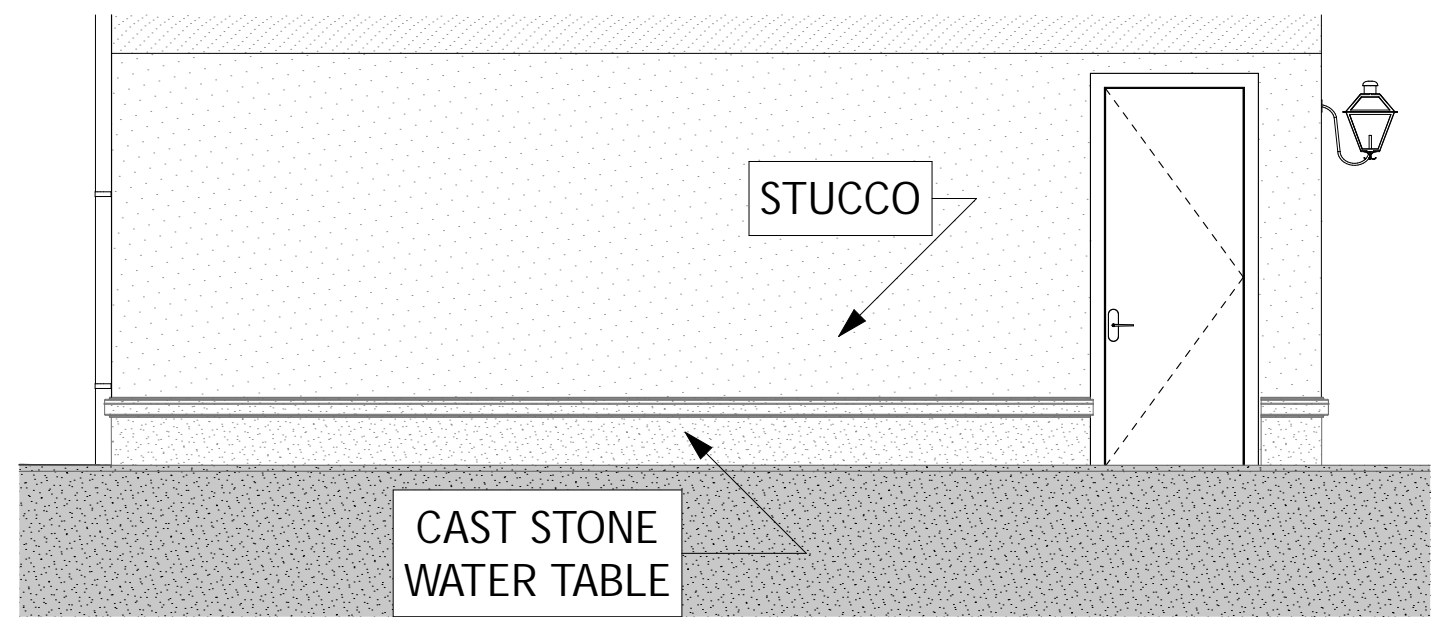
NOT FOR CONSTRUCTION



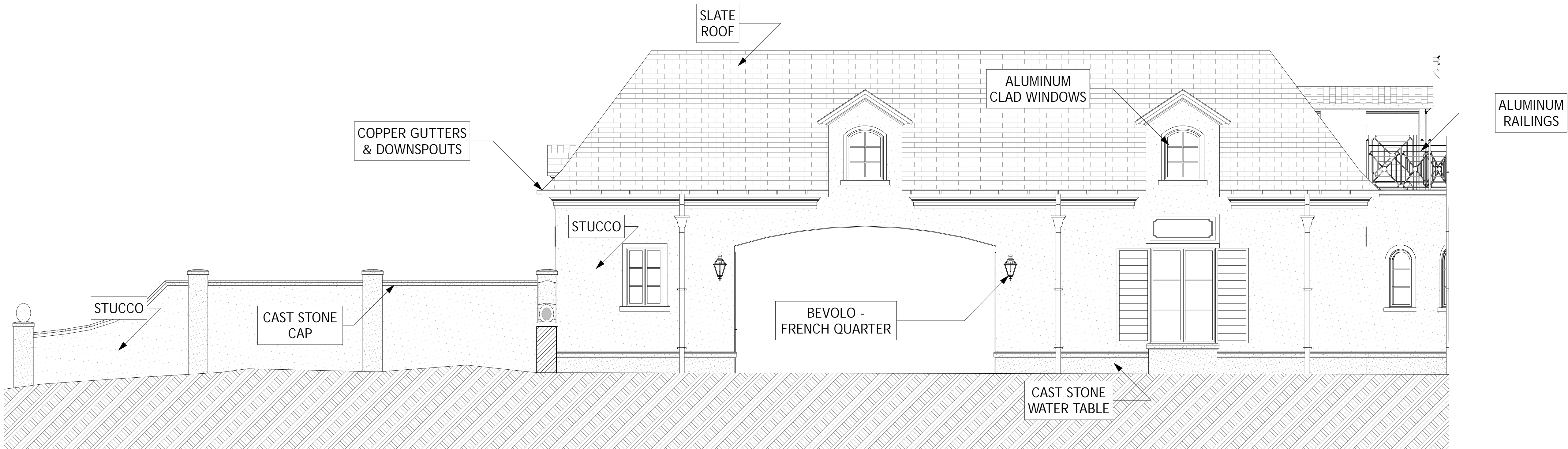
1 North-East Motor Court Elevation
A-3.5 SCALE: 1/4" = 1'-0"



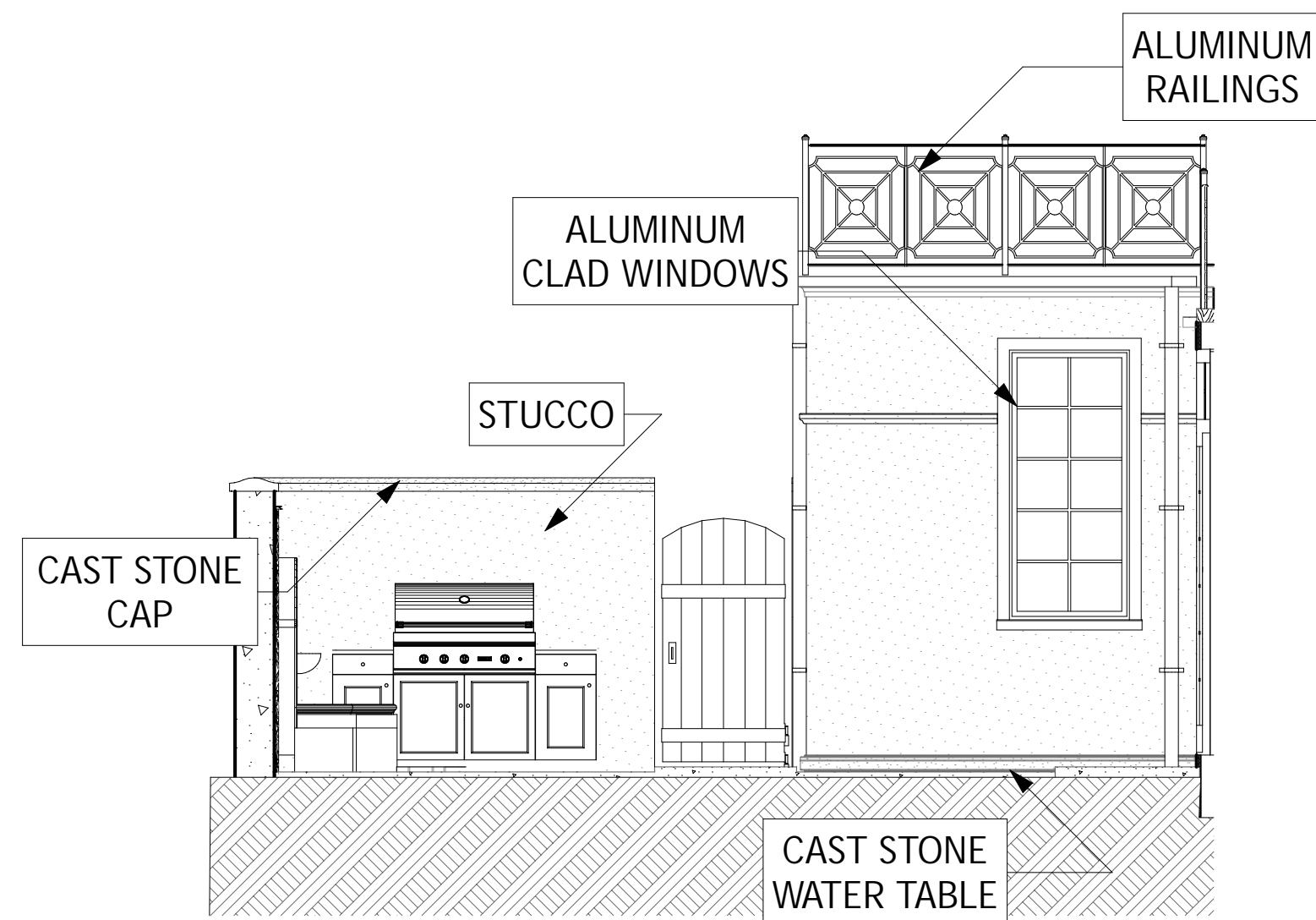
3 Porte Cochere North-West Elevation
A-3.5 SCALE: 1/4" = 1'-0"



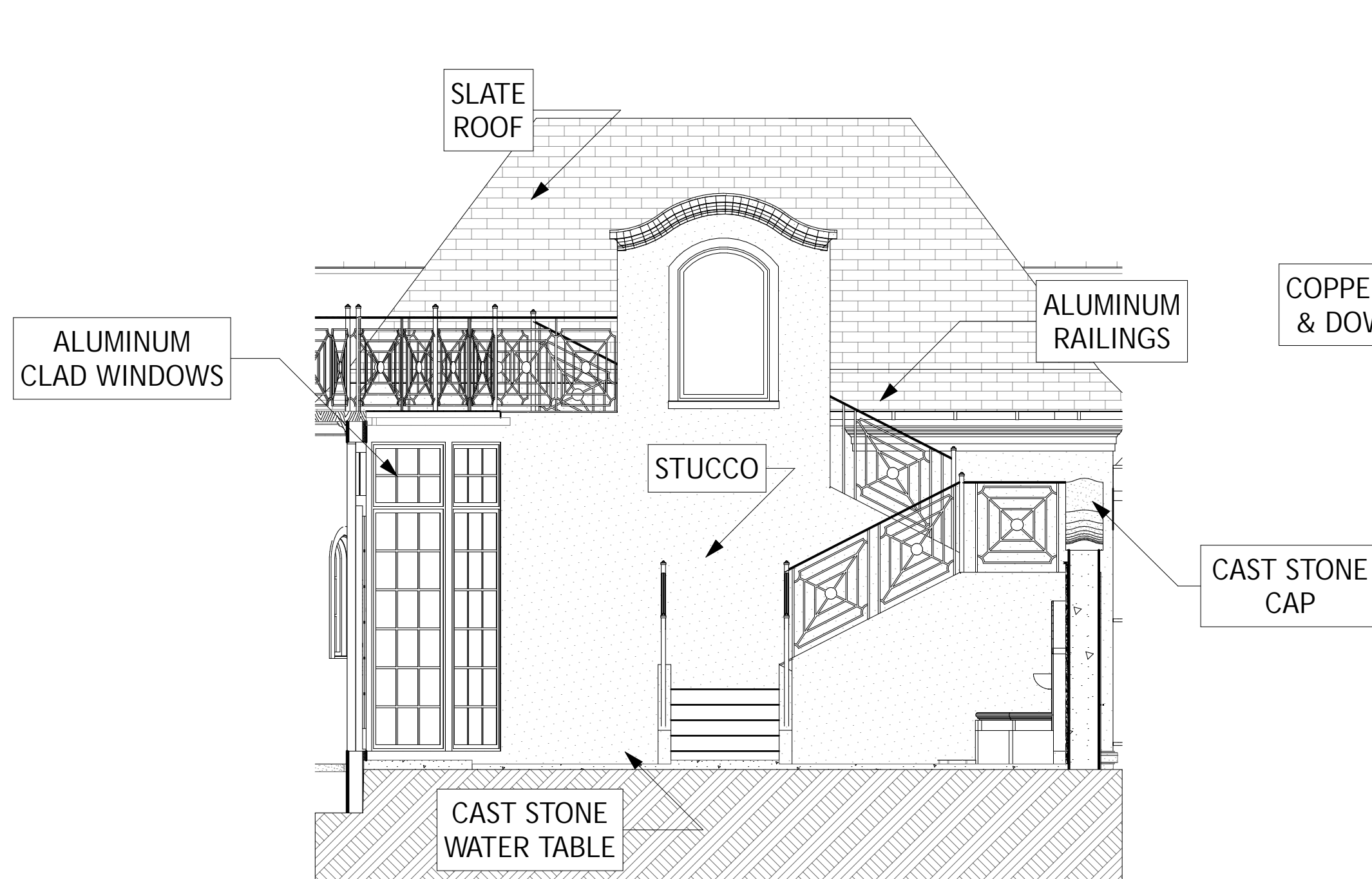
4 Porte Cochere South-East Elevation
A-3.5 SCALE: 1/4" = 1'-0"



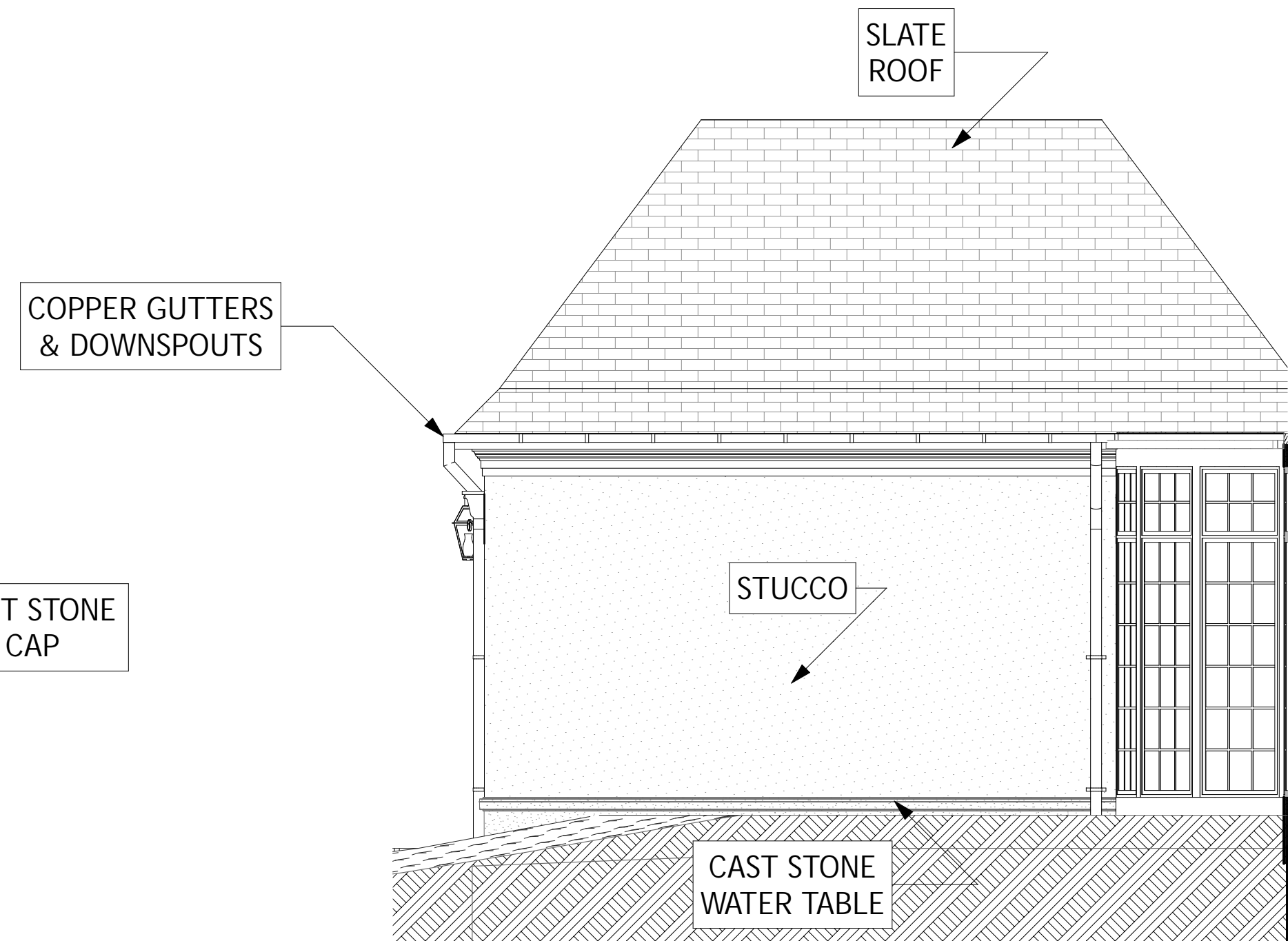
2 South-West Motor Court Elevation
A-3.5 SCALE: 1/4" = 1'-0"



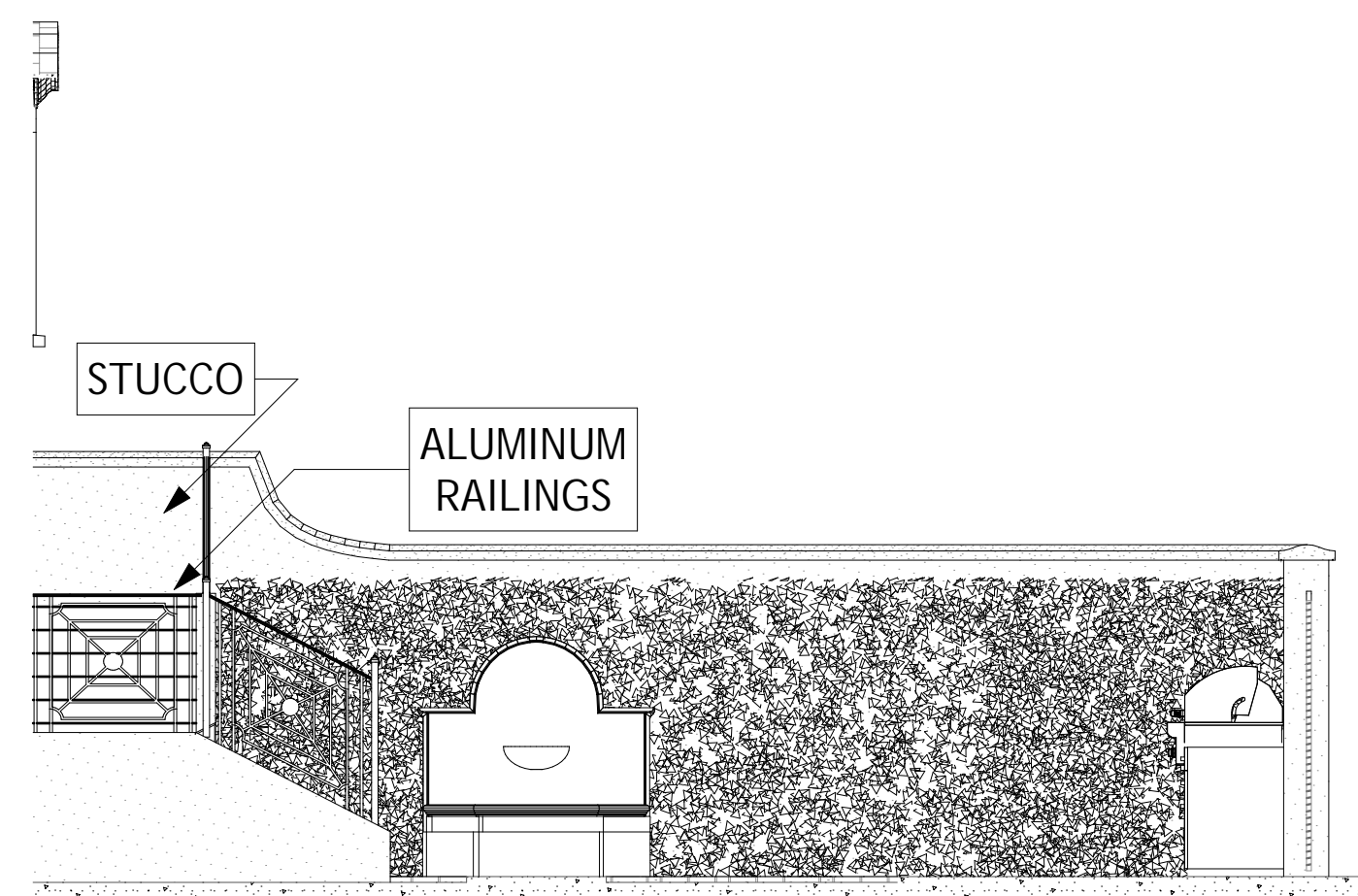
3
A-3.6 Courtyard North-West Elevation
SCALE: 1/4" = 1'-0"



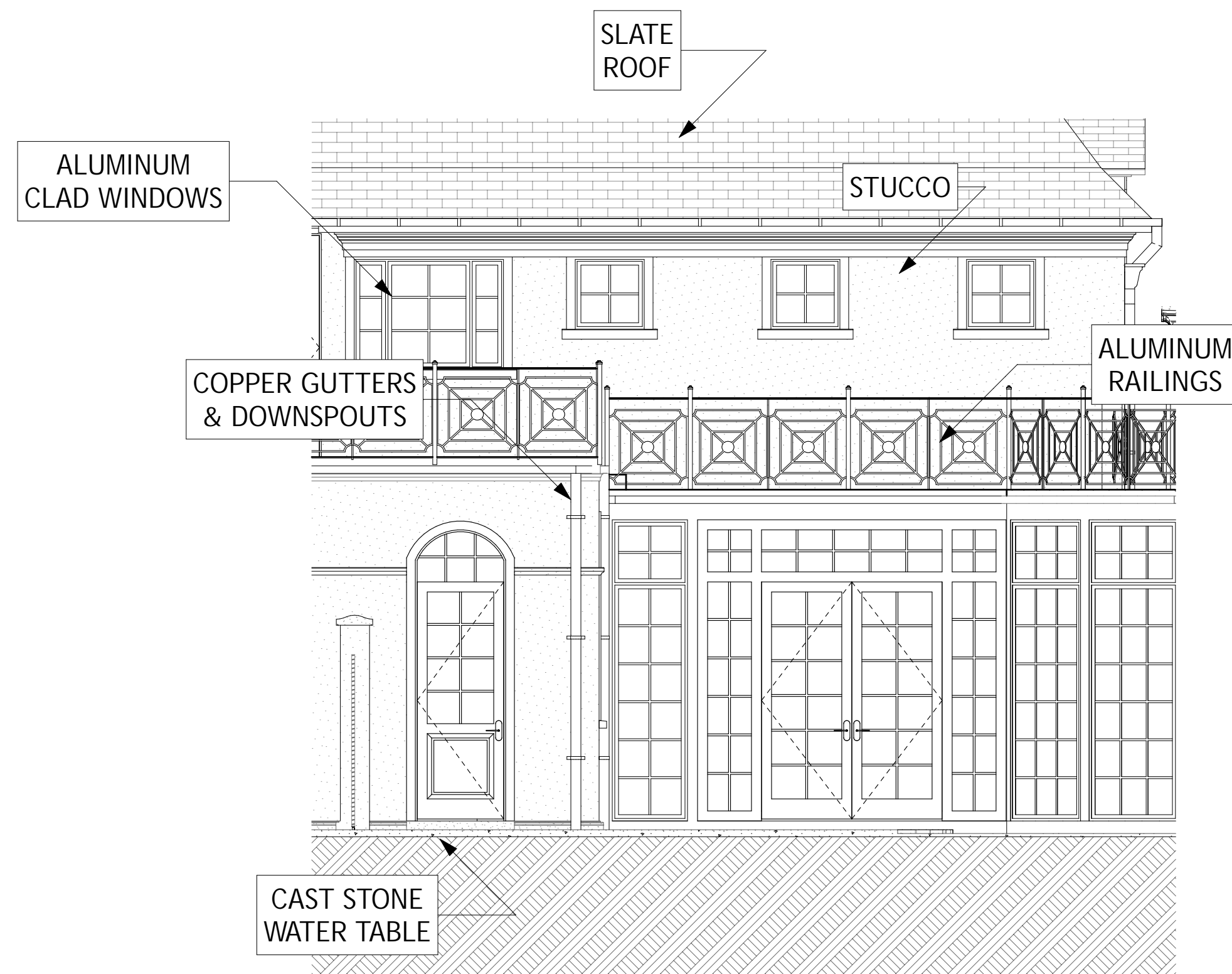
1
A-3.6 Courtyard South-East Elevation
SCALE: 1/4" = 1'-0"



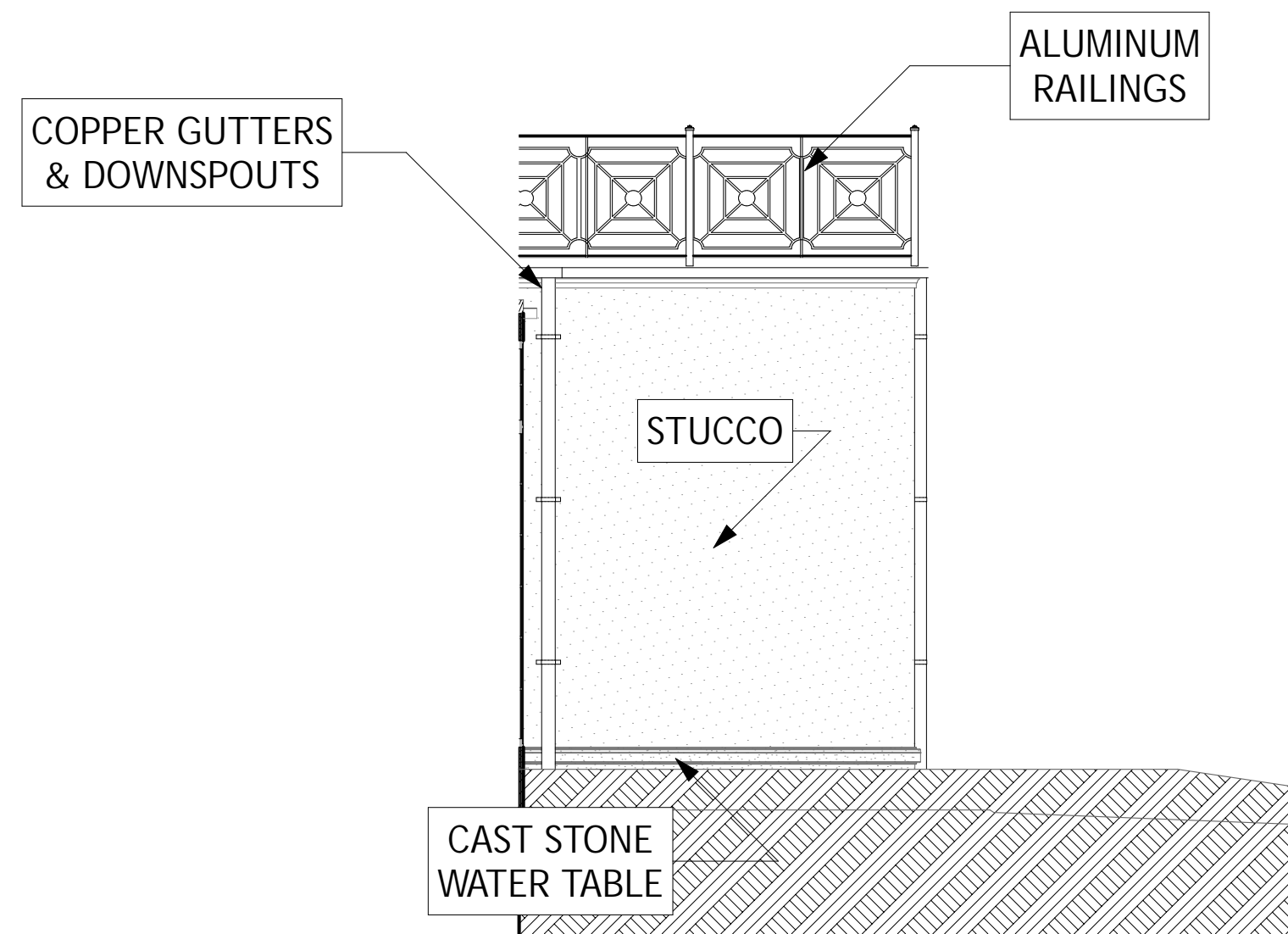
5
A-3.6 Hidden South-East Elevation
SCALE: 1/4" = 1'-0"



2
A-3.6 Courtyard North-East Elevation
SCALE: 1/4" = 1'-0"



4
A-3.6 Courtyard South-West Elevation
SCALE: 1/4" = 1'-0"



6
A-3.6 Hidden North-West Elevation
SCALE: 1/4" = 1'-0"