



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Zoning Administrator
Date: January 23, 2019
Re: **Board of Adjustment Meeting – February 11, 2019**

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 **Thursday February 21, 2019 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 or online at <http://www.biltmoreforest.org/board-of-adjustments>.

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, February 11, 2019 at 4:00 pm in the Town Hall Board Room.

This agenda has been revised to include Case #4.

- 1) The meeting will be called to order and roll call will be taken.
- 2) The minutes of the January 14, 2019 regular meeting will be considered.
- 3) Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: Mr. William Amherst Cecil, Jr., 7 Frith Drive, requests a conditional use permit for installation of a deer fence around the perimeter of the property. A variance is requested for a portion of the fence to be located in the front yard.

Case 2: Mr. Samuel and Laura Olesky, 22 Cedarcliff Road, present plans for construction of a new single family residence. A conditional use permit is requested for an accessory building and a variance is requested for addition of a concrete parking area in the side yard setback.

Case 3: Mr. Tom Roberts, 2 Southwood Road, presents plans for a new single family residence. A conditional use permit is requested for various accessory structures and a variance is requested to allow a change in the lot orientation.

Case 4: Mr. Thad and Ingrid Davis, 31 Hilltop Road, present plans for site and building improvements. A conditional use permit is requested for accessory structures in the rear yard, including a swimming pool, tennis court and water feature.

- 4) Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, JANUARY 14, 2019.

The Board of Adjustment met at 4:00 p.m. on Monday, January 14, 2019.

Members present: Goosmann, Chandler, Landau, Kieffer, Groce, and Pearlman. Mr. Jonathan Kanipe, Town Manager and Ms. Adrienne Isenhower, Town Planner, were also present. Mr. William Clarke, Town Attorney, was present as well.

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

Mr. Goosmann swore in the following:

Mr. Brett Fuhrman
Mr. Robert Uritis
Mr. Steve Farrell
Mrs. Judy Cantrell
Mrs. Joyce Young

The minutes from the December 17, 2018 meeting were approved pending a few edits by Mr. Billy Clarke and Dr. Richard Landau. A motion was made by Mr. Lowell Pearlman to approve the minutes pending edits and seconded by Mrs. Lynn Kieffer.

HEARING (Evidentiary):

The first matter discussed was Carolina Day School, 1345 Hendersonville Road, requesting a solar array on their upper school building. Mr. Lowell Pearlman shepherded the discussion. Mr. Brett Fuhrman, Chief Financial Officer for Carolina Day School, provided the background for the presentation. The solar array project would include 300 panels.

Mr. Pearlman mentioned that two of the neighbors at the last meeting had expressed no concerns going forward. Mr. Pearlman commended Mr. Uritis on his mathematical computations and calculations showing the angle of reflection. Mrs. Kieffer thanked the representatives from Carolina Day School and Eagle Solar and Light for their patience in working with the Town to resolve these neighbor concerns.

DELIBERATION AND DETERMINATION:

Mr. Pearlman summarized the findings of fact. Carolina Day School, 1345 Hendersonville Road is requesting solar panels. The solar company has issued several computations to the Board and neighbors. Mr. Pearlman was not aware of any further neighbor objections. Mr. Goosmann asked if there were any other questions or comments. There were no further questions or comments.

A motion was made by Dr. Richard Landau to approve the Conditional Use Permit to Carolina Day School, 1345 Hendersonville Road for the installation of a solar panel array and that the facts as recited by Lowell Pearlman and his summation be accepted as findings of facts to support this grant. The Board has inspected the site and no neighboring property owner has objected. Dr. Landau further 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 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.

Rhoda Groce seconded the motion. The matter was approved unanimously.

HEARING (Evidentiary):

The second matter for David and Judy Morris, 40 Forest Road, was called forward. Steve Farrell, architect for the Morrises, was called forward. Mr. Farrell apologized for not being present

at the meeting last month. Mrs. Kieffer noted that a neighbor, Mrs. Judy Cantrell, had entered the meeting, and may want to be sworn in or speak in regards to the project. Mrs. Cantrell came forward and was sworn in by Mr. Goosmann.

Mr. Farrell noted that the applicants hope to build a garage down below and underneath a proposed solarium. In order to get to the garage, they need to extend the driveway and install a retaining wall in the side yard setback. Mr. Farrell noted that this would provide access to the proposed addition but would also help with some storm water issues that currently exist between the two properties (40 and 42 Forest Roads). Mr. Farrell noted that the proposed driveway would be gravel in keeping with the existing gravel driveway.

Dr. Landau asked about buffering between the Morris home and the Cantrell home at 42 Forest Road. Mr. Farrell did not have anything specific at this point, but indicated they would provide additional buffering as requested by the Cantrells. Mrs. Cantrell noted that something like a rhododendron or arborvitae would be good, or a skip laurel would work well to plug the hole where there is a sight line into the property. Mr. Farrell is of the opinion that this proposed driveway addition would help the storm water problem in this area.

Mr. Chandler noted that the driveway is currently in the setback and Mr. Farrell verified this. Mr. Chandler asked whether the lot was narrower than others in town. Mr. Farrell said the lot was 100 feet in width. Mr. Kanipe verified that the existing minimum lot width for an R-1 district was 150 feet presently.

Mrs. Kieffer noted that the applicants were proposing a stacked garage. Mr. Farrell indicated this was designed to allow one car to remain in the garage while the applicants were away and would minimize the vehicles in the driveway.

Mrs. Cantrell asked Mr. Farrell about a specific tree in between the two properties and whether it would be removed. Mr. Farrell said it would be removed. He noted that two additional trees would ideally be removed after consulting with the Town.

Mrs. Cantrell asked whether she could see where the driveway would be located with flags or any other indication. Mr. Farrell said he would be happy to do this but hoped that Mrs. Cantrell would agree to let this proceed first. Mr. Goosmann asked Mrs. Cantrell if she had any other questions related to the project. Mrs. Cantrell indicated she was agreeable to allowing the project

to move forward and noted that Mr. Cantrell, who was running late, had concerns about the drainage impacts to their property.

Mr. Goosmann asked if Mr. Farrell could address any issues related to drainage. Mr. Farrell pointed to the area running on the eastern (bottom) portion of the property and said this would be addressed as well, but they intended to address the drainage along the southern (side) portion bordering the Cantrell property first. Mr. Farrell indicated this would be an improvement to the storm water at this home. The gravel will slow the water down. A French drain will also be installed. Mrs. Kieffer asked what the height of the retaining wall. The height of the retaining wall will be roughly 24 inches.

DELIBERATION AND DETERMINATION:

Mr. Chandler recited the facts. Mr. David & Judy Morris of 40 Forest Road are requesting a Conditional Use Permit for construction of a retaining wall and a Variance for an extension of a driveway into the side yard setback. The driveway is already in the setback and it will not be seen from the road. The neighbors will be able to see it and the Morrisses have agreed to put in additional buffering if needed. Mr. Goosmann said the width of the driveway is within two feet of the side yard setback.

There were no additional facts.

A motion was made by Mrs. Lynn Kieffer to approve the Conditional Use Permit and Variance for David & Judy Morris of 40 Forest Road for a retaining wall and an extension of the driveway within the side yard setback and the facts as recited by Robert Chandler and his summation be accepted as findings of facts to support this grant. The Board has inspected the site and no neighboring property owner has objected. Mrs. Kieffer further 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 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.

Further, Mrs. Kieffer moved that granting this Variance satisfies 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.

Rhoda Groce seconded the motion. The matter was approved unanimously.

The next meeting for the Board of Adjustments is scheduled for Monday, February 11, 2019.

The meeting was adjourned at 4:28 p.m.

ATTEST:

Greg Goosmann
Chairman

Jonathan B. Kanipe
Town Manager

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



George F. Goosmann, III, Mayor
Fran G. Cogburn, Mayor-Pro Tem
E. Glenn Kelly, Commissioner
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Board of Adjustments Members
From: Jonathan Kanipe, Town Manager
Re: Board of Adjustments Case Number 1 (7 Frith Drive)
Date: February 5, 2019

Request for a Conditional Use Permit for Fence Replacement Request for Variance for Structure in the Front Yard

The applicants request to replace a deer fence in the side and rear yard of the property. The request is for an 8' deer fence around the perimeter of the property to be located 1' from the side and rear property line. The fence will be constructed with wood posts and wire, which the applicants note, will blend in with surrounding landscaping. Under Section **§153.029 Accessory Structures and Buildings** of the zoning ordinance the following language is provided regarding replacement fences:

(4) Replacement of existing fences and walls. "Replacement of an existing fence or wall is a conditional use subject to the approval of the Board of Adjustment and the requirements of this zoning ordinance. An application to replace an existing fence or wall must include a photograph of the existing fence or wall, specify the type of fence or wall, include a map or sketch depicting the height and length of the fence, and state whether or not the fence is in any setbacks."

Additionally, a variance is requested to construct a driveway gate and a portion of the fence in the front yard. The placement of the gate and the fence will be 75' from the property line and road frontage. The current front yard setback requirement is 60'. The applicant argues that construction of the fence in only the side and rear yard will cause deer to redirect through the front yard resulting in the request to fence the entire property. The variance request is required due to the ordinance requirement that no structures be located in the front yard.

As of the publication of this memorandum, the Town has received one (1) emailed letter of concern from an adjoining property owner regarding this proposal. That email is attached for the Board's review.

Zoning Compliance Application

Town of Biltmore Forest

Name

Rick Conard

Address

7 Frith Drive, Biltmore Forest NC 28803

Phone

[REDACTED]

Email

[REDACTED]

Parcel ID/PIN Number

9646-71-8917-00000

ZONING INFORMATION

Current Zoning

R-2

Lot Size

22.05 acres

Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Proposed Roof Coverage Total

5500

Maximum Impervious Surface Coverage

27.5 percent of lot area (Up to 1 acre)

Proposed Impervious Surface Coverage

0

Front Yard Setback

50 feet (R-2, R-3, R-4, and R-5 Districts)

Side Yard Setback

No Minimum (PS District)

Rear Yard Setback

No Minimum (PS District)

No buildings or structures may be located within these setback areas. A variance application is required if your project requires encroachment upon the setback.

Description of the Proposed Project

Install a deer resistant fence around the perimeter of the property with a 75 foot set back off the road. The back and side fence will be set one foot off property line.

Estimated Cost of Project

\$50,000.00

Estimated Completion Date

5/3/2019

Applicant Signature

Supporting Documentation (Site Plan, Drawings, Other Information)

FRITHDEER.pdf

20180620_130129.jpg

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Rick Conard

Address

7 Frith Drive

Phone

[REDACTED]

Email

[REDACTED]

Current Zoning/Use

residential

Requested Use

residential

APPLICATION REQUIREMENTS: An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

What would you like to do with your property?

Construct deer fence with driveway gate 75' from property line and road frontage

What does the ordinance require?

I request a variance to construct this wood post and wire deer fence and driveway gate TBD

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

REQUIRED FINDINGS: Please provide a thorough response to each.

Unnecessary hardship would result from the strict application of the ordinance.

Deer predation of the landscape

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

With border of parkway, a fence along the back and sides of the property will only cause deer to come around the fence to the un-fenced front of the property

The hardship did not result from actions taken by the applicant or the property owner.

No actions taken

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.

Install 8' fixed knot deer fence and wooden posts, with driveway gate. Entire fence would be within 7 Frith Drive property, and would not impede others in the area.

I hereby certify that all of the information set forth above is true and accurate to the best of my

knowledge.

Signature

Date

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Conditional Use Permit Application

Town of Biltmore Forest

Transaction Details

Number: F16E7T1

Date: 1/10/2019 7:24 PM

Application Fee	\$100.00
Subtotal:	\$100.00
Order Total: \$100.00	

Application Fee

\$100.00

Name

Rick Conard

Address

7 Frith Drive, Biltmore Forest, NC 28803

Phone

[REDACTED]

Please select the type of conditional use you are applying for:

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

Please provide a description of the proposed project:

Construct 8' deer fence on perimeter of property with 1' offset from side and back property line, and 75' offset from road frontage property line

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

The fence is designed to protect the property from deer, and will not impede the public from their own personal property or any streets. The fence is wood post and wire construction, and is hard to see at a distance. It will blend with surrounding landscape.

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

Signature

Date
1/10/2019



A handwritten signature, appearing to be 'RC', is written in black ink over a thin horizontal line. The signature is stylized, with the 'R' and 'C' connected and a long horizontal stroke extending to the right.

NO.	RADIUS	DELTA	CHORD BEAR. & LENGTH	ARC	TANGENT
1	471.15	13°44'26"	S 26°34'18" W 112.72	112.99	56.77
2	179.86	67°48'29"	S 14°12'09" E 200.77	212.98	128.95
3	565.22	16°08'27"	N 33°31'40" W 158.70	158.23	80.14

I, GERALD W. STEVENSON, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION OF THE CONTROL SURVEY DOES NOT EXCEED 1/ 10000, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 4th DAY OF OCTOBER, 1985

Gerald W. Stevenson
GERALD W. STEVENSON R.L.S.
N.C. NO. L-2669



STATE OF NORTH CAROLINA

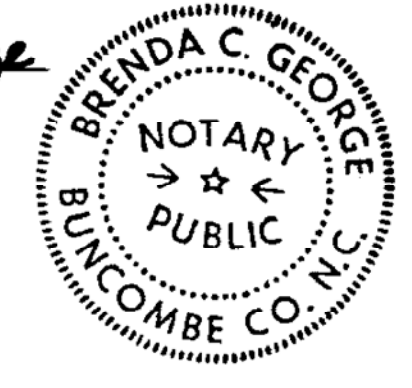
COUNTY OF BUNCOMBE TO WIT:

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT GERALD W. STEVENSON A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL, THIS 4th DAY OF OCT., 1985

MY COMMISSION EXPIRES AUGUST 11, 1988

Brenda C. George
NOTARY PUBLIC

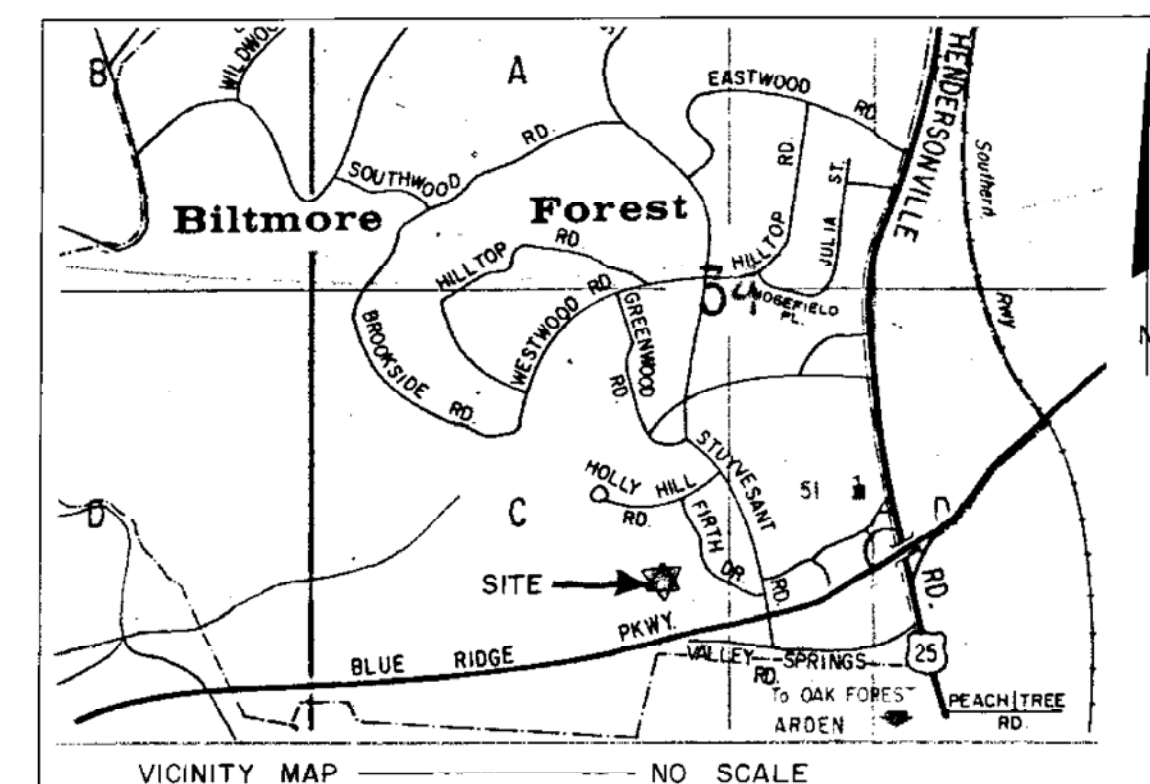


STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

THE FOREGOING CERTIFICATE OF BRENDA C. GEORGE A NOTARY PUBLIC OF THE STATE AND COUNTY DESIGNATED, IS CERTIFIED TO BE CORRECT THIS DAY OF 19 OTTO W. DEBRUHL, REGISTER OF DEEDS, BUNCOMBE COUNTY, BY: DEPUTY, FILED FOR REGISTRATION ON THE DAY OF DEPUTY, 19AT O'CLOCK M.

BY: DEPUTY.

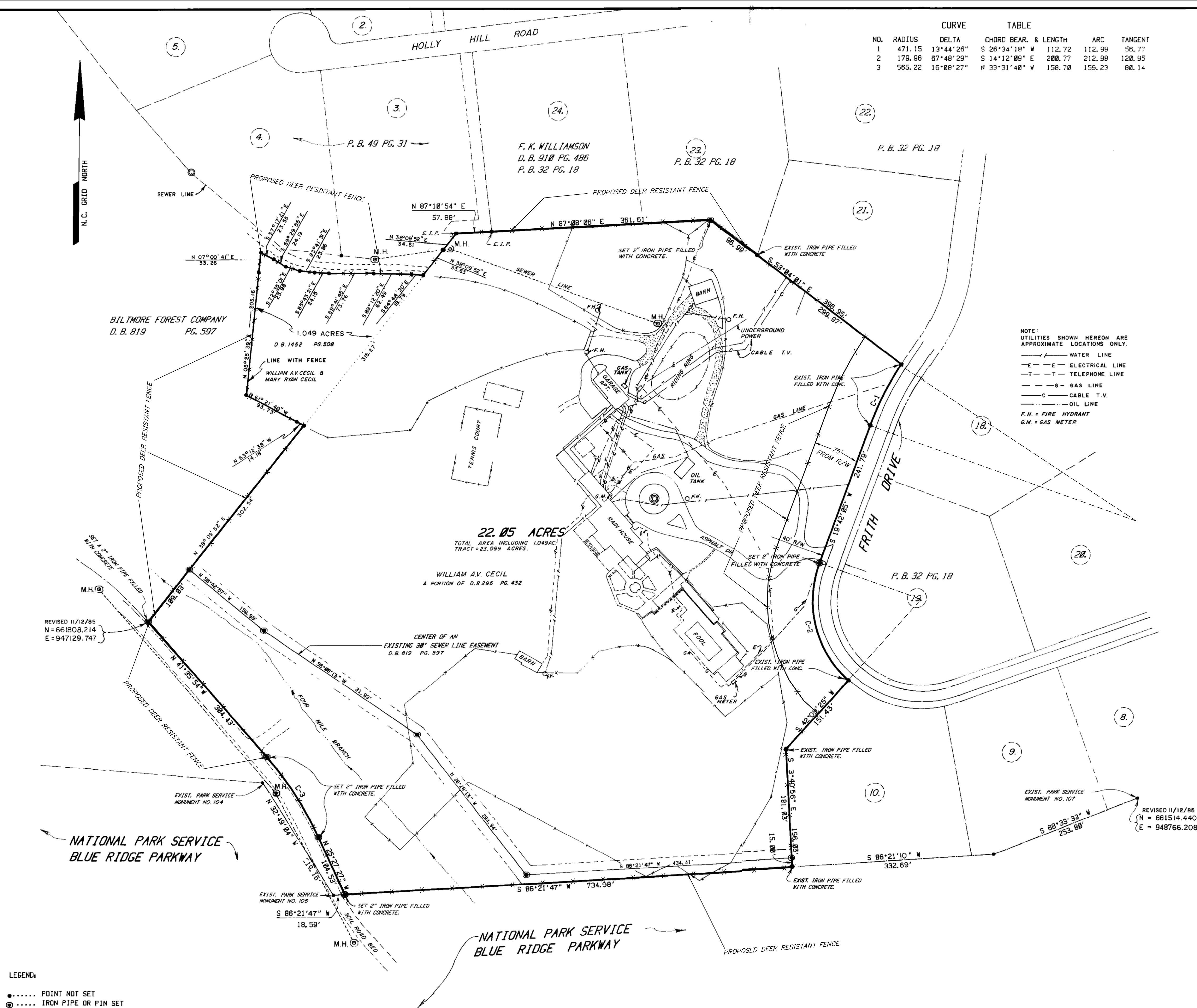
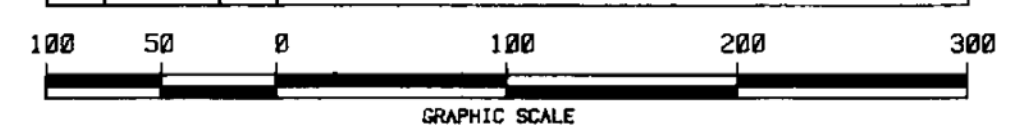


PREPARED FOR:
MARY RYAN CECIL
AND
WILLIAM A. V. CECIL

LIMESTONE TOWNSHIP
BUNCOMBE COUNTY, NORTH CAROLINA

RECORD REFERENCES AND NOTATIONS
A PORTION OF D.B. 295 PG. 432

NO.	DATE	BY	FIELD PARTY	INITIAL DATE	JOB FILE NO.
1	11/30/87	JY	DRWN BY	8-24-85	BS114-L107
2	12/21/87	JY	H-P 0872A PLOTTER	10-3-85	APPROVED BY
3	12/20/87	JY	SCALE - 1 in. = 128 ft.	AREA COMPUTATIONS BY D.M.D.	
4	12/07/78	JY	ADD. BY THE COMPASS METHOD	PRECISION 1 PART IN 10000	
			DATA TAPE NO. 18	STARTING FILE NO. 33	
			WEBB A. MORGAN AND ASSOCIATES, P.A.	ASHEVILLE, N.C.	
			REGISTERED LAND SURVEYORS	REGISTERED IN N.C. & TENN.	



- LEGEND:
- POINT NOT SET
 - IRON PIPE OR PIN SET
 - SPIKE OR NAIL SET
 - E.I.P. = EXISTING IRON PIPE OR PIN
 - X-X- FENCE LINE
 - C..... CURVE (SEE TABLE)
 - M.H.... MANHOLE (SEWER LINE)

PRELIMINARY PLAT,
NOT FOR RECORDATION,
SALES, OR CONVEYANCE.

NOTE:
DISTANCES SHOWN ON THIS MAP ARE GRID LENGTHS. TO CONVERT TO GROUND LENGTHS, DISTANCES SHOWN MUST BE DIVIDED BY A COMBINED SCALE AND SEA LEVEL FACTOR OF 0.9997832.
COORDINATES SHOWN ON THIS MAP ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR NORTH CAROLINA AND ARE TIED TO STATION "LOCUST".

FORMERLY,
WEBB A. MORGAN AND ASSOCIATES, P.A. ASHEVILLE, N.C.
REGISTERED LAND SURVEYORS REGISTERED IN N.C. & TENN.

NC Survey, P.C.
*** PROFESSIONAL LAND SURVEYORS ***
50 NORTH MERRIMON AVENUE, BLDG. 50, SUITE 109,
ASHEVILLE, NORTH CAROLINA 28804
PHONE: (828) 252-1530
PROFESSIONAL CORPORATION NUMBER-C-0268

From: [Robert Bayer](#)
To: [Jonathan Kanipe](#)
Subject: Board of Adjustment, Case #1 , 2/11/19
Date: Wednesday, January 30, 2019 10:44:26 AM

Dear Mr. Kanipe-

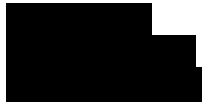
This letter is to voice our opposition to the Cecil permit request for installation of a deer fence at 7 Frith Drive.

We believe that a front-yard fence will be unsightly and detract from the property values along Frith. It would not be in accordance with the zoning regulations now in effect.

Thank you.

Sincerely,
Mr. and Mrs. Robert T. Bayer

Robert T. Bayer
6 Frith Drive
Asheville, NC 28803



355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



George F. Goosmann, III, Mayor
Fran G. Cogburn, Mayor-Pro Tem
E. Glenn Kelly, Commissioner
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Board of Adjustments Members
From: Jonathan Kanipe, Town Manager
Re: Board of Adjustments Case Number 2 (22 Cedarcliff Road)
Date: February 5, 2019

Request for a Conditional Use Permit for an Accessory Building
Request for a Variance for a Parking Area and Retaining Walls in the Side Yard Setback

The applicants have submitted plans for construction of a new single family residence. The new residence will replace a house that was recently demolished from the lot. The house will be one and a half stories with an unfinished basement, wood lap siding and a standing seam metal roof and will meet all requirements of the zoning ordinance. The applicants are asking the Board of Adjustment for a conditional use permit and a variance for a detached accessory building and an extension of the driveway in the side yard setback.

A conditional use permit is requested for construction of a detached office and workshop. The building will be approximately 450 square feet, located behind the house and concealed from neighbors with a vegetated buffer. **Section §153.029** of the zoning ordinance allows one accessory building per lot with 750 square feet maximum roof coverage and 25 feet maximum height. The building must be screened by vegetation, located behind a line parallel to the rear of the principle structure and designed in the same architectural style.

The requested variance is for extension of the current driveway into a concrete parking area with a retaining wall. The existing driveway is located in the side yard setback and serviced the previous house. The applicants request to keep the driveway in its current location to service the new house and add the parking area and retaining walls for access to an attached garage. The retaining wall is necessary due to the slope of the lot.

Zoning Compliance Application

Town of Biltmore Forest

Name

Carrie (Architect) McLauchlan

Address

22 Cedarcliff Road

Phone

[REDACTED]

Email

[REDACTED]

Parcel ID/PIN Number

9647626756

ZONING INFORMATION

Current Zoning

R-1

Lot Size

54,885.6 sf

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

5,393 sf

Maximum Impervious Surface Coverage

25 percent of lot area (1-3 acres)

Proposed Impervious Surface Coverage

8,370 sf

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

No buildings or structures may be located within these setback areas. A variance application is required if your project requires encroachment upon the setback.

Description of the Proposed Project

One and a half story single family home with unfinished basement, wood lap siding, and standing seam metal roof.

Estimated Cost of Project

\$1,500,000.00

Estimated Completion Date

6/1/2020

Applicant Signature

Supporting Documentation (Site Plan, Drawings, Other Information)

190110 Olesky Residence.pdf

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Carrie McLauchlan

Address

60 Biltmore Avenue

Phone

[REDACTED]

Email

[REDACTED]

Current Zoning/Use

Residence

Requested Use

Residence

APPLICATION REQUIREMENTS: An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

What would you like to do with your property?

Build a single family residence, 1.5 stories with unfinished basement, detached Office and Workshop. Because of the narrow lot and dramatic slope at the back of the lot we will need a retaining wall for a turn-around space that is outside of the side setback.

What does the ordinance require?

The ordinance requires the retaining wall for the turn-around space to be within the side setback.

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

REQUIRED FINDINGS: Please provide a thorough response to each.**Unnecessary hardship would result from the strict application of the ordinance.**

There is an existing drive and graded area for pulling into the Garage. Because of this current location, the naturally narrow lot, and dramatic slope toward the back of the lot, we will need this retaining wall to be over the side setback for a vehicle to have the appropriate radius for turning around, or to be able to park in that space.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Because there was an existing home on the property (since demolished) the location of the existing drive and grading from the existing home set the site up naturally for the layout of the Site Plan. The dramatic incline at the back of the property also limits the amount of flexibility that we have for a vehicle without a retaining wall.

The hardship did not result from actions taken by the applicant or the property owner.

No, the lot dimensions, natural grade and existing drive location were not driven by the Owner.

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.

Yes, we will provide a vegetated buffer so that the neighbors are not disturbed by the program that is over the side setback.

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

Signature

Date

1/23/2019

A handwritten signature in black ink, appearing to read "CSM" followed by a stylized flourish or surname.

Conditional Use Permit Application

Town of Biltmore Forest

Transaction Details

Number: F16E8T1

Date: 1/23/2019 5:46 PM

Application Fee	\$100.00
Subtotal:	\$100.00
Order Total: \$100.00	

Application Fee

\$100.00

Name

Carrie McLauchlan

Address

60 Biltmore Avenue

Phone

[REDACTED]

Email

[REDACTED]

Please select the type of conditional use you are applying for:

Accessory Buildings

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

Please provide a description of the proposed project:

Single family residence, 1.5 stories with a full basement, detached Office and Workshop, with stone slab steps to the back of the property.

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

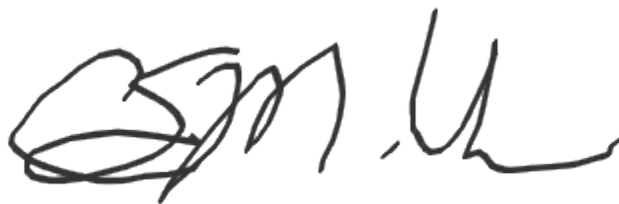
The character of the residence is in keeping with the surrounding properties. The home Office and Workshop are tucked to the back of the property, nestled into natural grade and will be concealed from the neighbors to the side with a vegetated buffer. Natural stone pavers allow access to the back of the property which is otherwise separated by steep grade.

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

Signature

Date

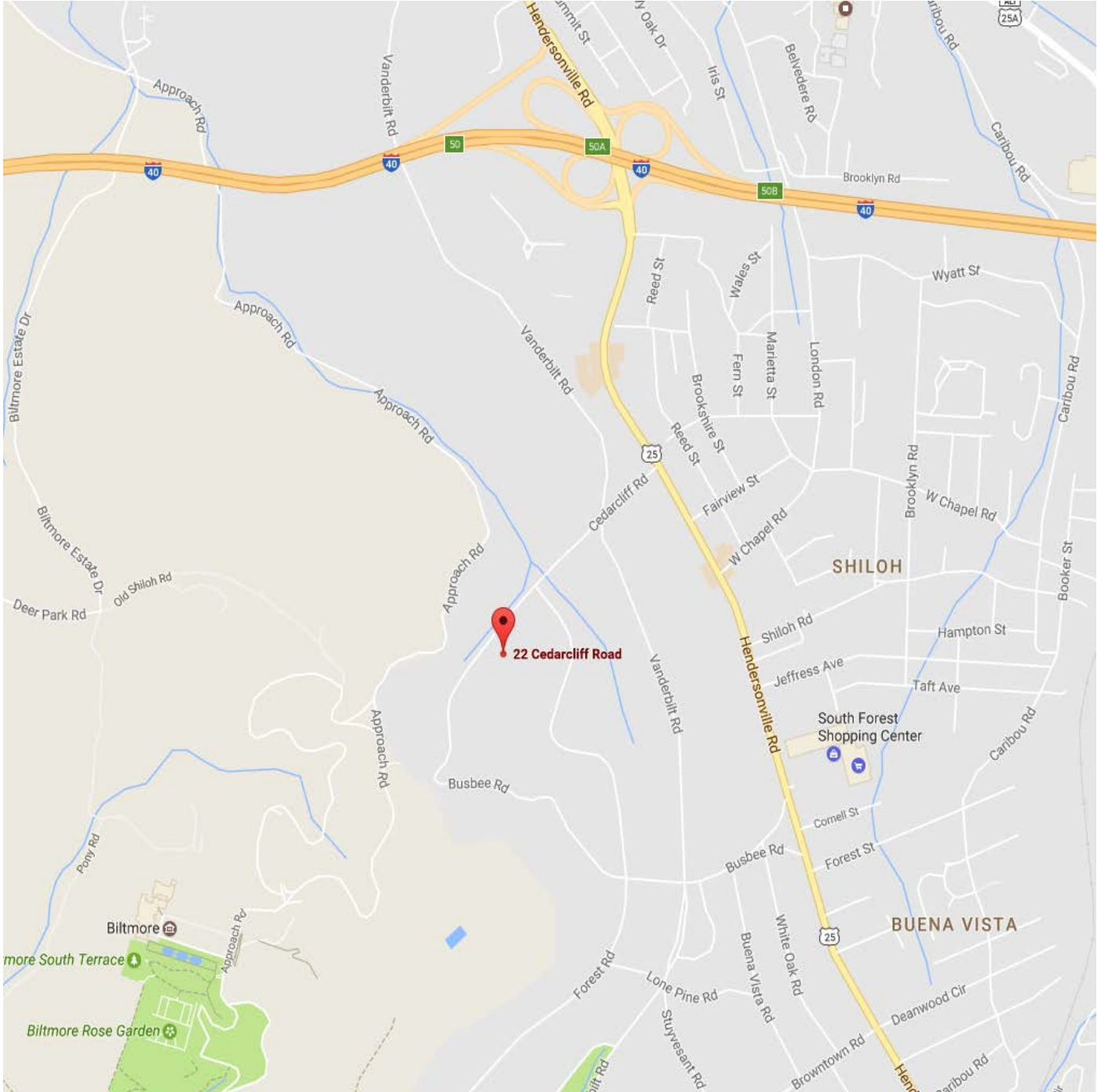
1/23/2019



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OLESKY RESIDENCE 15.50

22 CEDARCLIFF ROAD, BILTMORE FOREST, NC, 28803



ABBREVIATIONS

AC	Acoustic	FO	Face of	PLAM	Plastic Laminate
ACT	Acoustic Ceiling Tile	FOC	Face of Concrete	PLBG	Plumbing
AD	Access Door	FOM	Face of Masonry	PLY	Plywood
ADJ	Adjacent	FOS	Face of Stud(s)	POLY	Polyethylene
AFF	Above Finished Floor	FOW	Face of Wall	PNBD	Panelboard
AHU	Air Handling Unit	FP	Fire Protection	PR	Pair
ALT	Alternate	FRGWB	Fire Rated Gypsum Wallboard	PSF	Pounds per Square Foot
ALUM	Aluminum	FRP	Fiber Reinforced Panel	PSI	Pounds per Square Inch
AP	Access Panel	FT	Foot/Feet	PSL	Parallel Strand Lumber
BEV	Beveled	FTG	Footing	PT	Pressure Treated
BLDG	Building	FUT	Future	PTD	Painted
BO	Bottom of	GA	Gage	PVC	Polyvinyl Chloride
BOW	Bottom of Wall	GALV	Galvanized	QT	Quarry Tile
BLKG	Blocking	GC	General Contractor	R	Riser
BRD	Board	GL	Glass/Glazing	RAD	Radius
BRG	Bearing	GWB	Gypsum Wallboard	REG	Register
CAB	Cabinet	H	Height/Height	REQD	Required
CER	Ceramic	HD HT	Head Height	RET	Return
CJ	Control Joint	HDWD	Hardwood	REV	Revised/Revision(s)
CL	Closet	HDWR	Hardware	RO	Rough Opening
CLG	Ceiling	HM	Hollow Metal	SAN	Sanitary
CLR	Clear(ance)	HORIZ	Horizontal	SF	Square Foot/Feet
CMU	Concrete Masonry Unit	HC	Handicapped	SIM	Similar
COL	Column	HVAC	Heating, Ventilation & Air Conditioning	SLNT	Sealant
CONC	Concrete	INSUL	Insulation	SPF	Spruce/Pine/Fir
CONT	Continuous	INT	Interior	S/S	Stainless Steel
DEMO	Demolish/Demolition	KD	Kiln Dried	STD	Standard
DET	Detail	LAV	Lavatory	SUSP	Suspend(ed)
DF	Drinking Foundation	LCC	Lead Coated Copper	SYP	Southern Yellow Pine
DIM	Dimension	LVL	Laminated Veneer Lumber	T	Tread
DISP	Dispenser	LVR	Louver	T&G	Tongue & Groove
DMT	Demountable	MAX	Maximum	TELE	Telephone
DN	Down	MDF	Medium Density Fiberboard	THRU	Through
DNSP	Downspout	MDO	Medium Density Overlay	TO	Top of
DWG	Drawing(s)	MECH	Mechanical	TOB	Top of Beam
DWR	Drawer	MEMB	Membrane	TOD	Top of Decking
EA	Each	MFR	Manufacturer	TOF	Top of Footing
EJ	Expansion Joint	MIN	Minimum	TOPL	Top of Plate
EL	Elevation	MISC	Miscellaneous	TOS	Top of Slab
ELEC	Electric(al)	MO	Masonry Opening	TOSTL	Top of Steel
ELEV	Elevator	MLDG	Moulding	TOW	Top of Wall
EQ	Equal	MR	Moisture Resistant	TRTD	Pressure Treated Lumber
EQUIP	Equipment	MRGWB	Moisture Resistant Gypsum Wallboard	TYP	Typical
EXIST	Existing	MTD	Mounted	UL	Underwriters Laboratory
EXP	Expansion	MTL	Metal	UNF	Unfinished
EXT	Exterior	NIC	Not In Contact	UNO	Unless Noted Otherwise
FD	Floor Drain	NOM	Nominal	VAR	Varies
FEC	Fire Extinguisher Cabinet	NTS	Not to Scale	VB	Vapor Barrier
FF	Finish Face	OC	On Center(s)	VCT	Vinyl Composition Tile
FG	Fixed Glass	OD	Outside Diameter	VERT	Vertical
FIN	Finish(ed)	OPNG	Opening	W/	With
FIN FL	Finished Floor	OSB	Oriented Strandboard	W/O	Without
FL	Floor	OPP	Opposite	WP	Waterproofing
FLG	Flooring	PAN	Panel	WR	Water Resistant
FLSH	Flashing	PARTN	Partition	WRB	Water-resistive Barrier
FNDN	Foundation	PERF	Perforated	WWF	Welded Wire Fabric

PROJECT TEAM

ARCHITECT:
Samsel Architects, P.A.
60 Biltmore Avenue
Asheville, NC 28801
P: 828.253.1124

CONTRACTOR:
Jade Mountain Builders
362 Depot Street
Suite 10
Asheville, NC 28801
P: 828.216.3948

LANDSCAPE ARCHITECT:
Osgood Landscape Architecture
14 Church Street
Asheville, NC 28801
P: 828.337.7496

SQUARE FOOTAGE

CONDITIONED SPACE:
Main Level: 2,146 s.f.
Upper Level: 2,013 s.f.
Lower Level (Unfinished): 2,192 s.f.
Office: 146 s.f.
Total Heated: 6,497 s.f.

UNCONDITIONED SPACE:
Main Level Garage: 671 s.f.
Work Shop: 313 s.f.
Front Entry Porch: 250 s.f.
Screened Porch: 395 s.f.

Total Unconditioned: 1,629 s.f.

TOTAL: 8,126 s.f.

DRAWING INDEX				
SHEET	SHEET TITLE	DATE	DATE	DATE
G-001	COVER SHEET	01.10.19		
L-101	SITE PLAN	01.10.19		
A-101	FOUNDATION PLAN	01.10.19		
A-102	LOWER LEVEL FLOOR PLAN	01.10.19		
A-103	MAIN LEVEL FLOOR PLAN	01.10.19		
A-104	UPPER LEVEL FLOOR PLAN	01.10.19		
A-105	ROOF PLAN	01.10.19		
A-111	MAIN LEVEL FLOOR FRAMING PLAN			
A-112	UPPER LEVEL FLOOR FRAMING PLAN			
A-113	ROOF FRAMING PLAN			
A-121	MAIN LEVEL REFLECTED CEILING PLAN			
A-122	UPPER LEVEL REFLECTED CEILING PLAN			
A-131	MAIN LEVEL FURNITURE PLAN			
A-132	UPPER LEVEL FURNITURE PLAN			
A-201	EXTERIOR ELEVATIONS	01.10.19		
A-202	EXTERIOR ELEVATIONS	01.10.19		
A-203	EXTERIOR ELEVATIONS	01.10.19		
A-204	EXTERIOR ELEVATIONS	01.10.19		
A-205	EXTERIOR ELEVATIONS	01.10.19		
A-301	BUILDING SECTIONS			
A-302	BUILDING SECTIONS			
A-303	BUILDING SECTIONS			
A-304	BUILDING SECTIONS			
A-401	INTERIOR ELEVATIONS			
A-402	INTERIOR ELEVATIONS			
A-403	INTERIOR ELEVATIONS			
A-404	INTERIOR ELEVATIONS			
A-405	INTERIOR ELEVATIONS			
A-406	INTERIOR ELEVATIONS			
A-407	INTERIOR ELEVATIONS			
A-408	INTERIOR ELEVATIONS			
A-409	INTERIOR ELEVATIONS			
A-410	INTERIOR ELEVATIONS			
A-411	INTERIOR ELEVATIONS			
A-412	INTERIOR ELEVATIONS			
A-413	INTERIOR ELEVATIONS			
A-414	INTERIOR ELEVATIONS			
A-415	INTERIOR ELEVATIONS			
A-501	STANDARD DETAILS			
A-502	EXTERIOR FINISH DETAILS			
A-601	SCHEDULES			
A-602	SCHEDULES			
E-100	ELECTRICAL NOTES & LEGEND			
E-101	LOWER LEVEL ELECTRICAL PLAN			
E-102	MAIN LEVEL ELECTRICAL PLAN			
E-103	UPPER LEVEL ELECTRICAL PLAN			

PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

COVER SHEET

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

15.50

DRAWN BY:

CM

CHECKED BY:

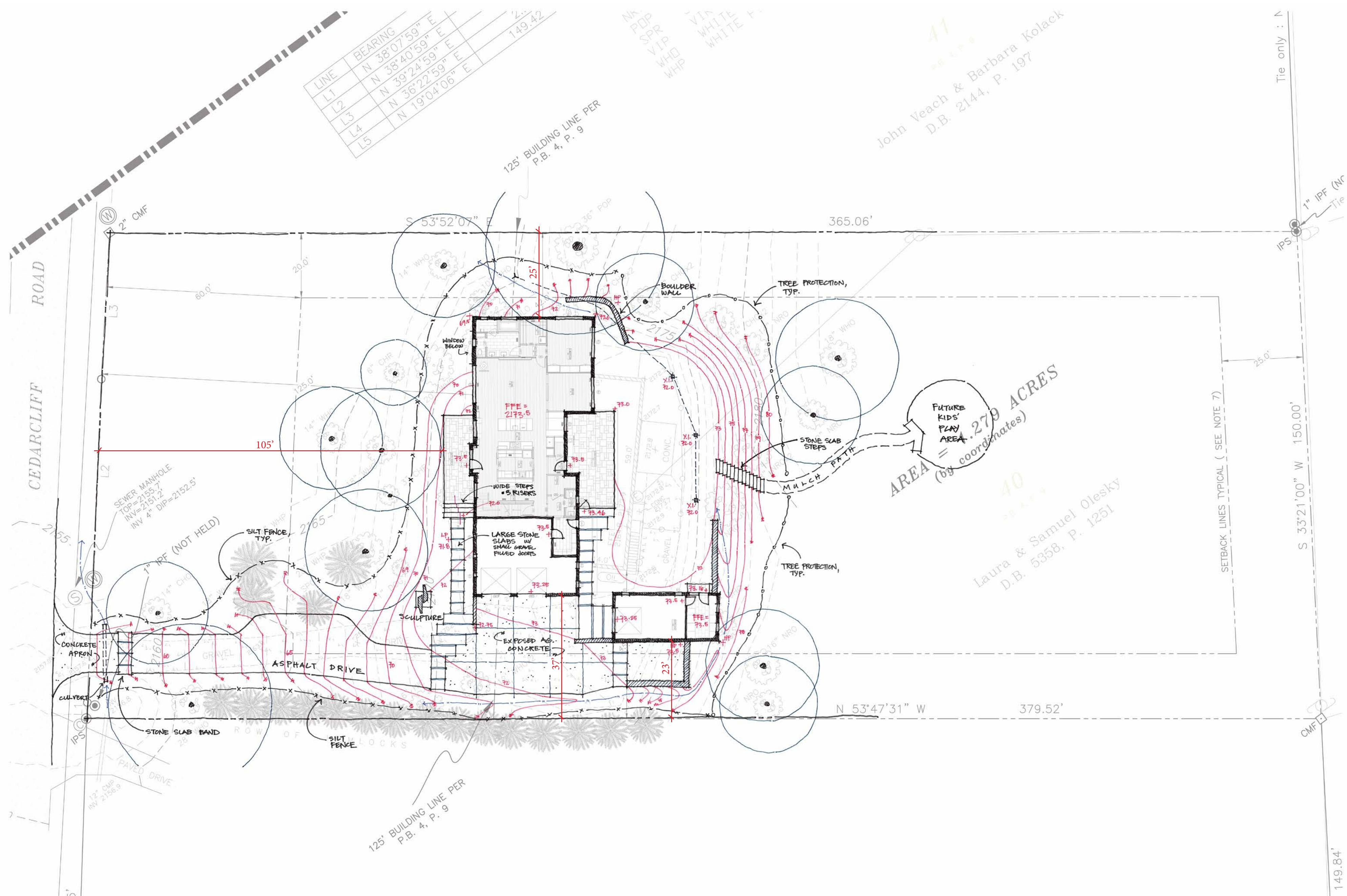
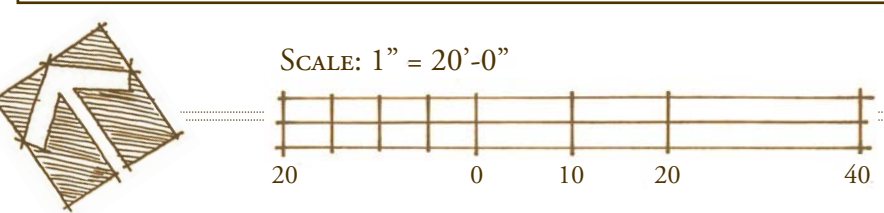
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SHEET #:

G-001

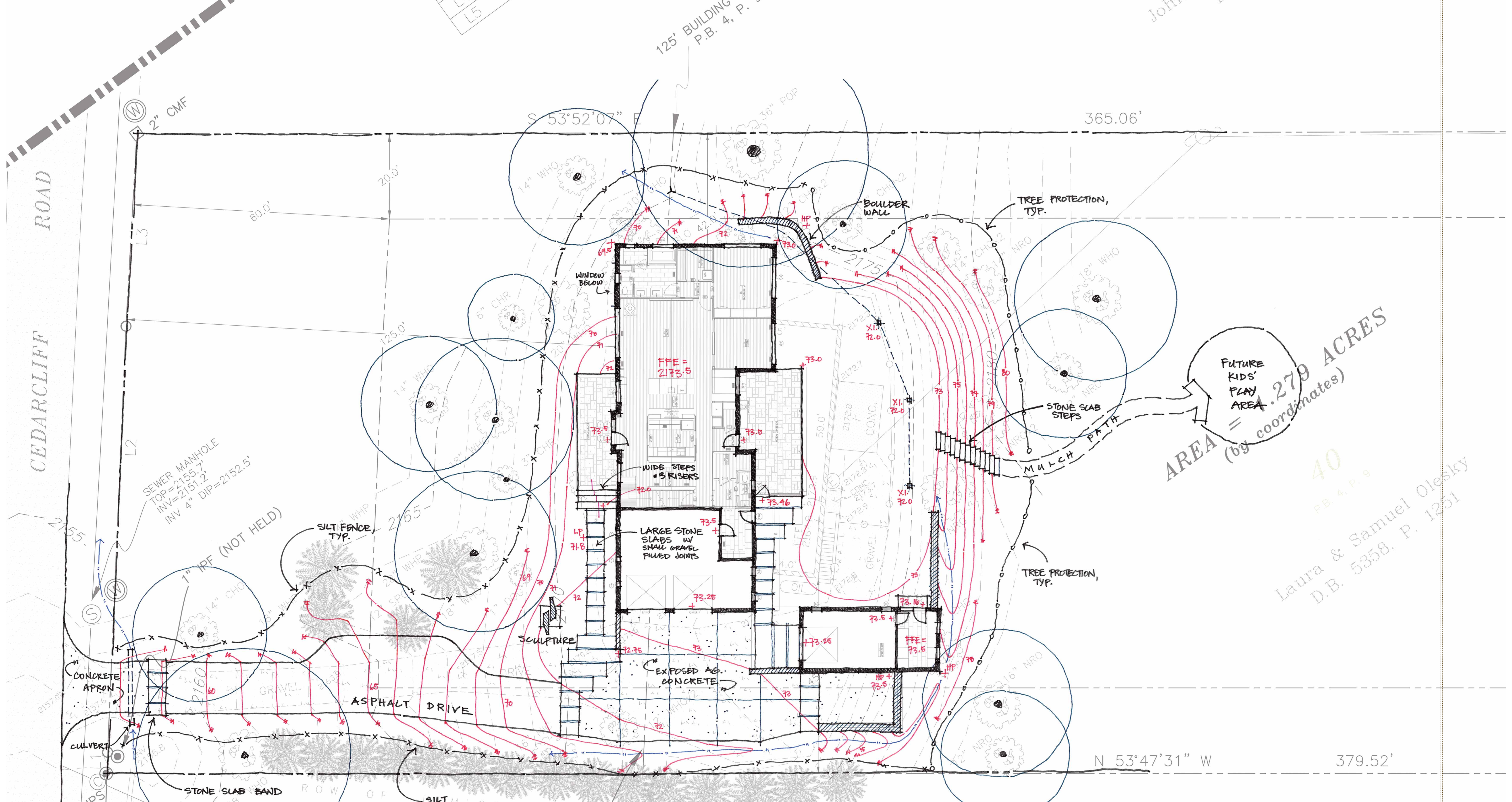
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SAMSEL ARCHITECTS, P.A.

DEVELOPMENT DATA	
LOCATION:	22 Cedarcliff Road Biltmore Forest, NC 28803
PIN:	9647-62-6756
PROPERTY OWNERS:	Sam and Laura Olesky
CONTACT:	Joel Osgood, RLA Osgood Landscape Architecture, Inc. 14 Church Street Asheville, NC 28801 828.527.6566
PROPERTY SIZE:	1.26 Acres (54,885.6 SF)
AREA OF DISTURBANCE:	0.39 Acres (SF)

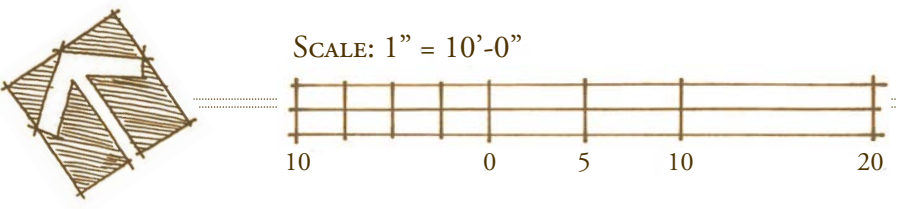


OLESKY RESIDENCE OVERALL SITE PLAN

January 10, 2019
Biltmore Forest, North Carolina



DEVELOPMENT DATA	
LOCATION:	22 Cedarcliff Road Biltmore Forest, NC 28803
PIN:	9647-62-6756
PROPERTY OWNERS:	Sam and Laura Olesky
CONTACT:	Joel Osgood, RLA Osgood Landscape Architecture, Inc. 14 Church Street Asheville, NC 28801 828.527.6566
PROPERTY SIZE:	1.26 Acres (54,885.6 SF)
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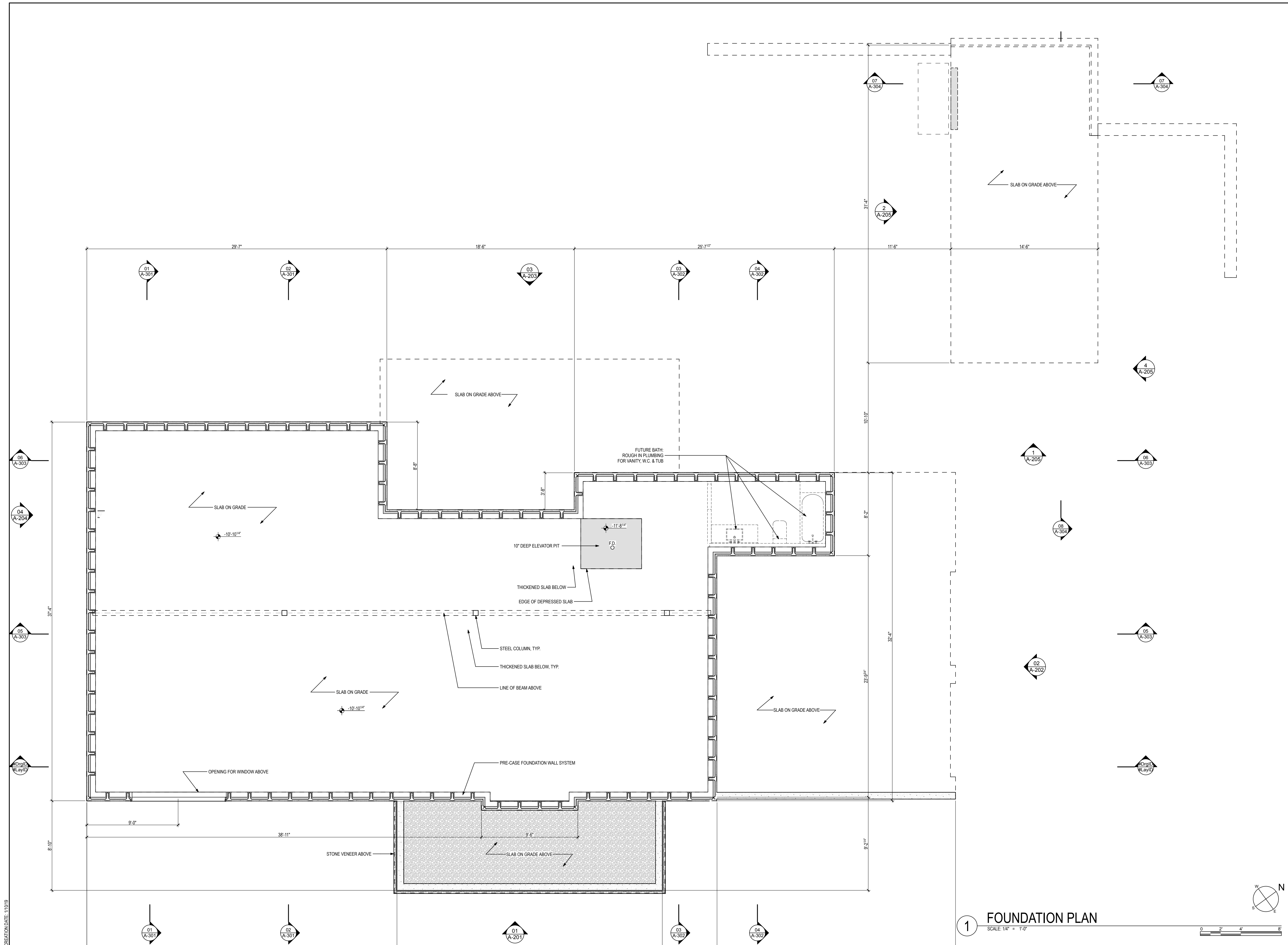


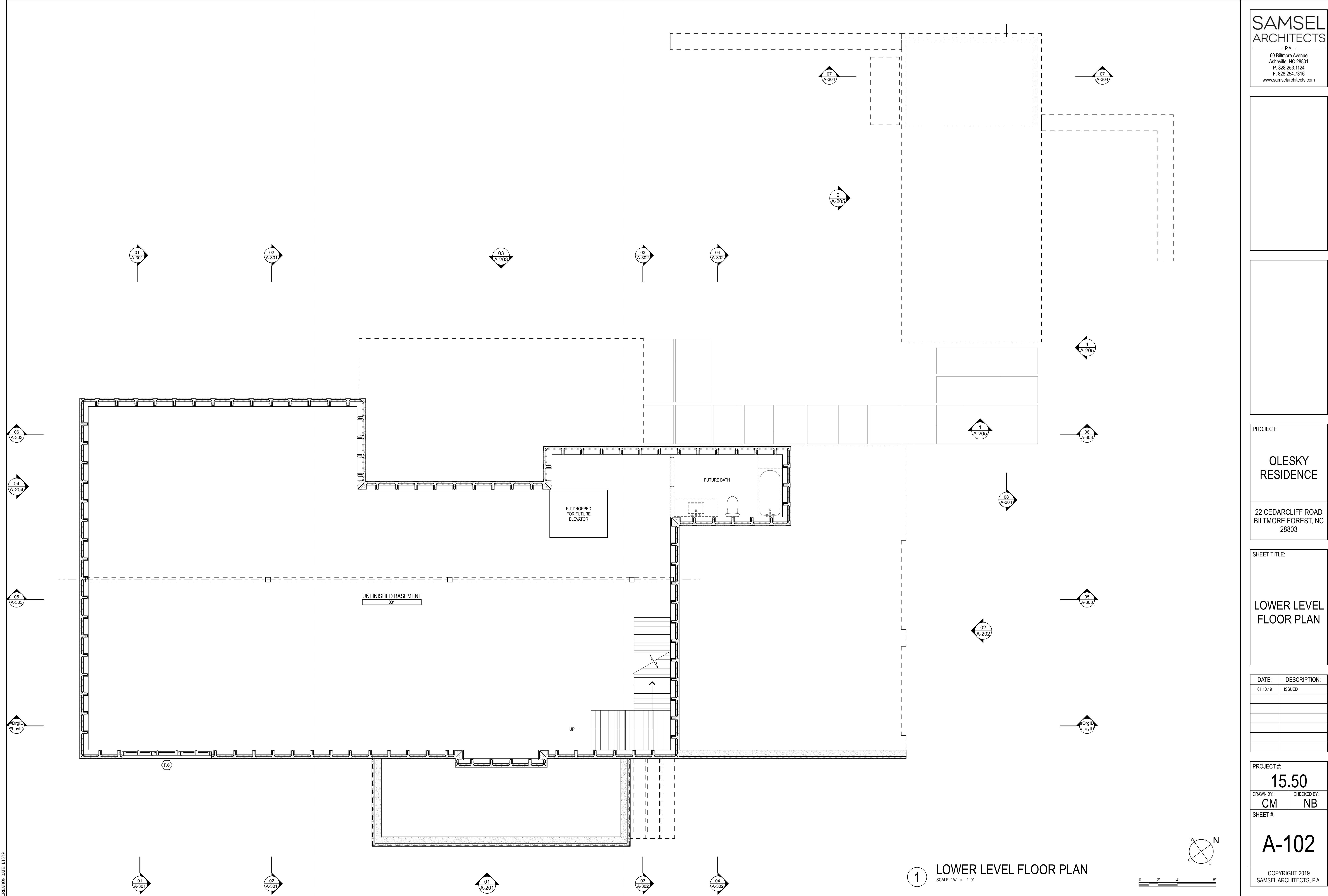
OLESKY RESIDENCE
SITE PLAN - DETAIL
January 10, 2019
Biltmore Forest, North Carolina

FUTURE KIDS' PLAY AREA
AREA = .279 ACRES
(by coordinates)

40
P.B. 4, P. 9
Laura & Samuel Olesky
D.B. 5358, P. 1251

DATE:	DESCRIPTION:
1.10.19	ISSUED





CREATION DATE: 1/10/19

SAMSEL
ARCHITECTS

P.A.

60 Biltmore Avenue
Asheville, NC 28801
P: 828.253.1124
F: 828.254.7316
www.samselarchitects.com

PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

LOWER LEVEL
FLOOR PLAN

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

15.50

DRAWN BY:

CM

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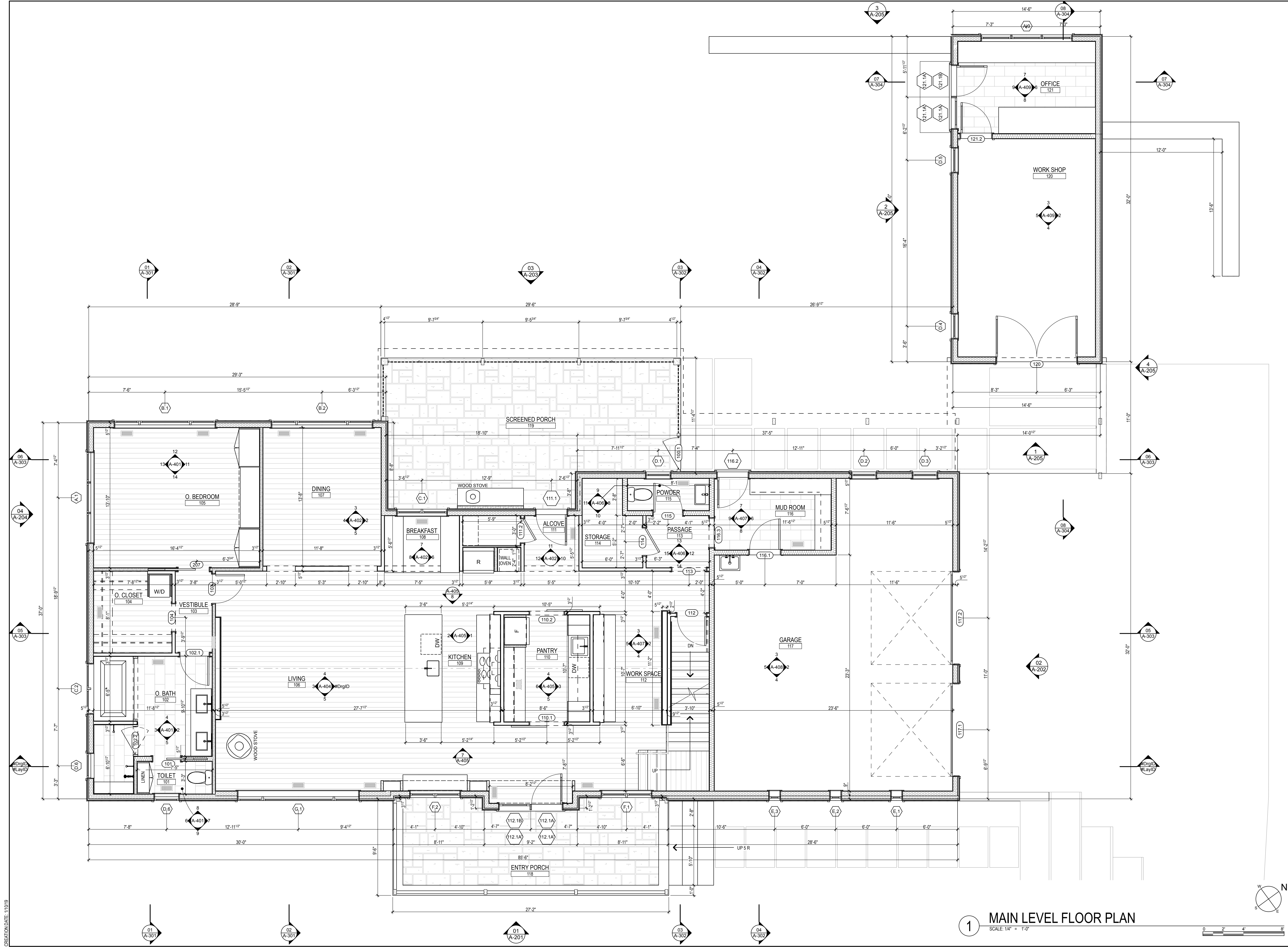
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A-102

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CREATION DATE: 1/10/19



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

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P.A.
60 Biltmore Avenue
Asheville, NC 28801
P: 828.253.1124
F: 828.254.7316
www.samselarchitects.com

PROJECT:
OLESKY RESIDENCE
22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:
MAIN LEVEL FLOOR PLAN

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:
15.50
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PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

UPPER LEVEL
FLOOR PLAN

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

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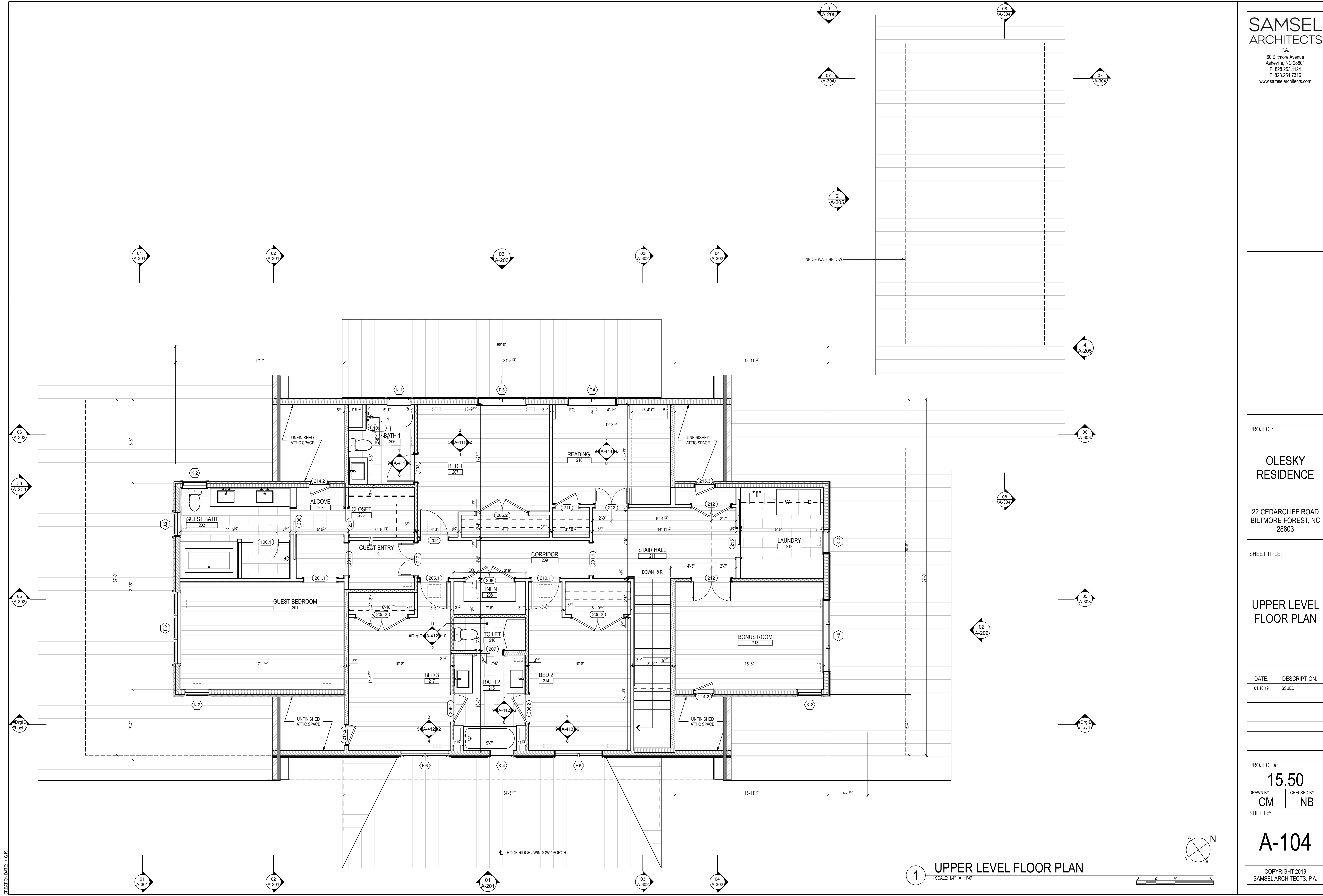
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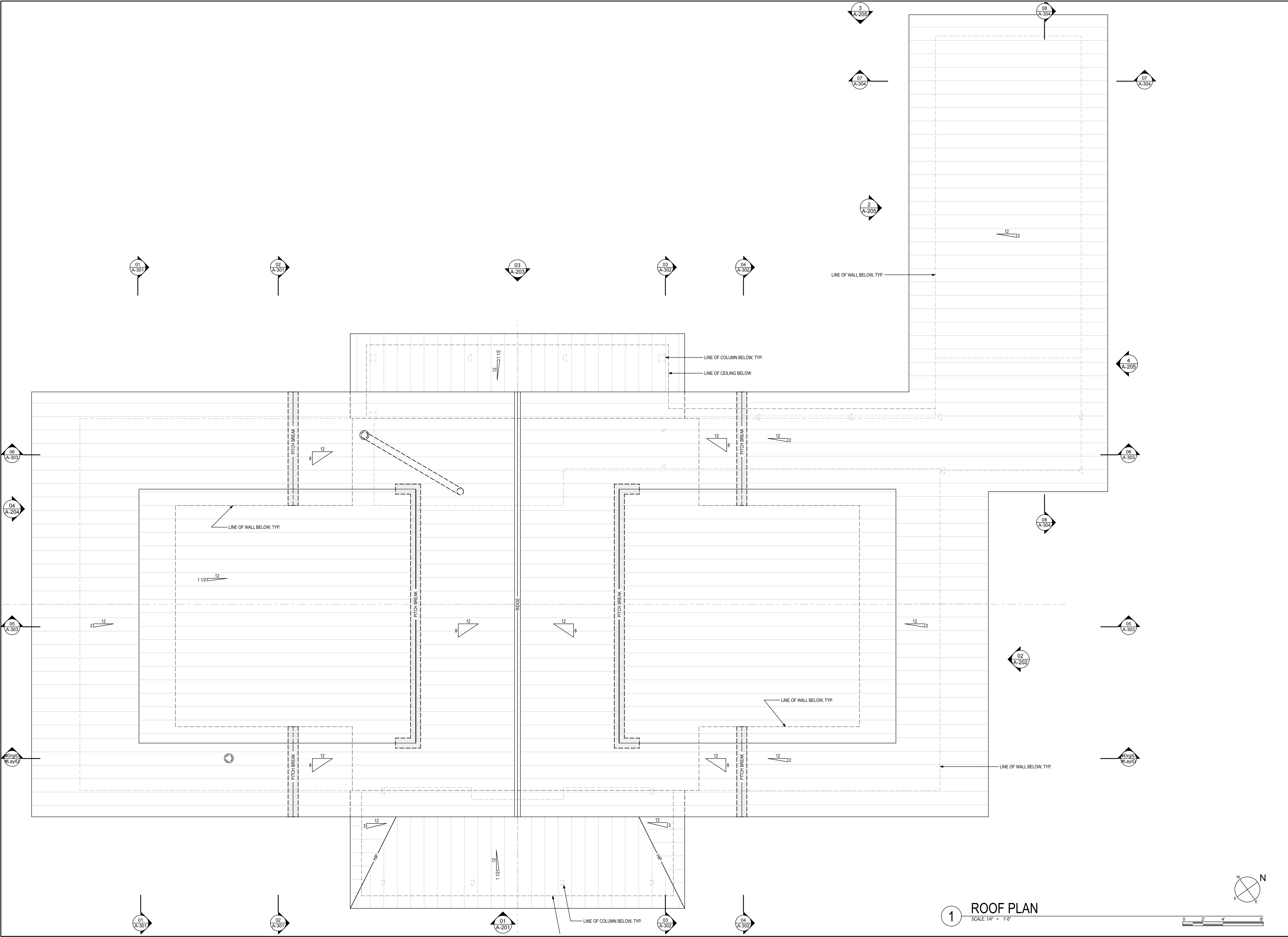
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CREATION DATE: 1/10/19



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ARCHITECTS

P.A.

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Asheville, NC 28801
P: 828.253.1124
F: 828.254.7316
www.samselarchitects.com

PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

ROOF PLAN

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

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PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

EXTERIOR
ELEVATIONS

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

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SHEET #:

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01 NORTHWEST ELEVATION

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

0 2' 4' 8'

PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

EXTERIOR
ELEVATIONS

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

15.50

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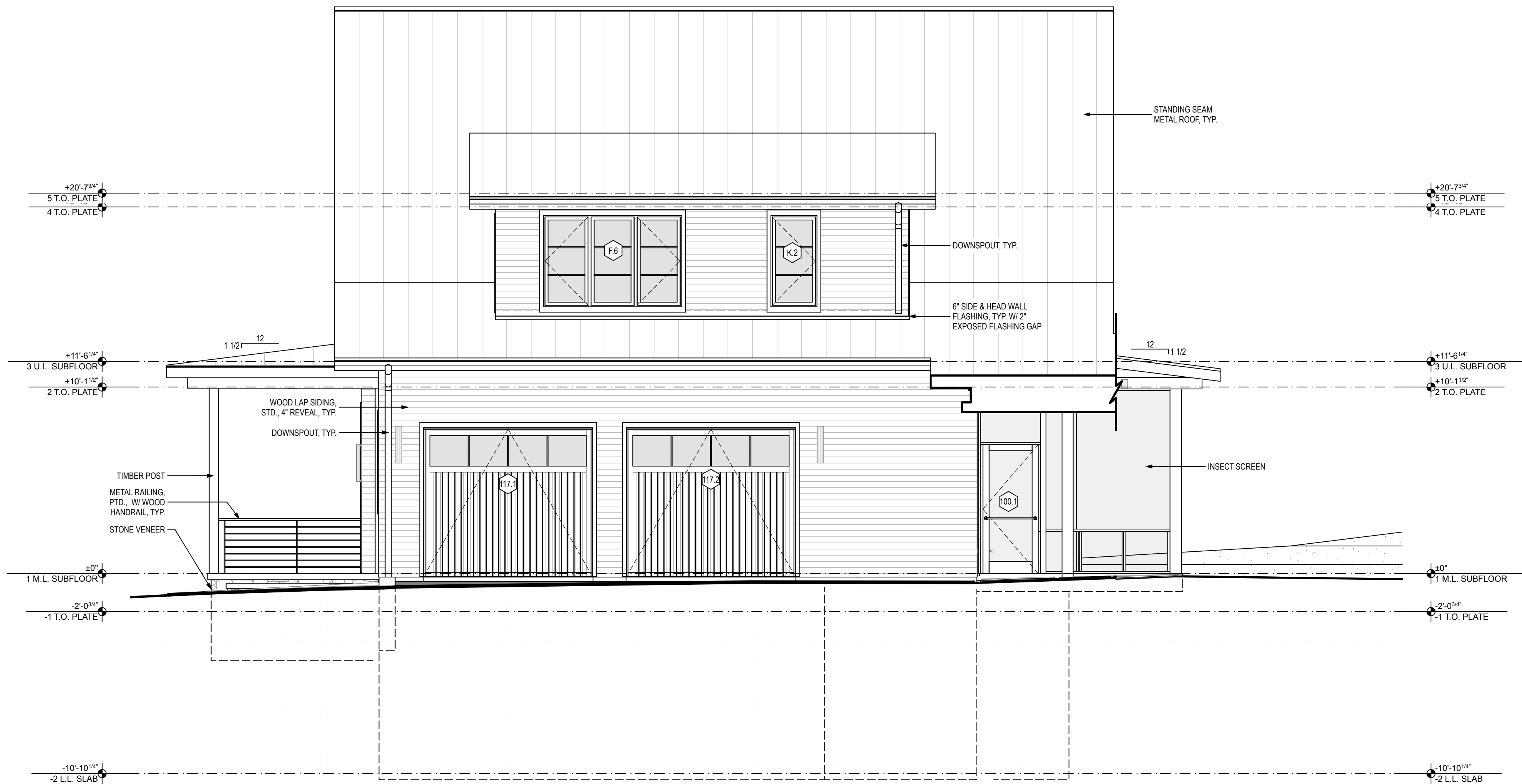
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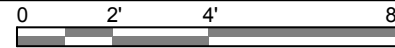
A-202

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02 SOUTHWEST ELEVATION

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



PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

EXTERIOR
ELEVATIONS

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

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SHEET #:

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03 SOUTHEAST ELEVATION

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

0 2' 4' 8'

PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

EXTERIOR
ELEVATIONS

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

15.50

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CM

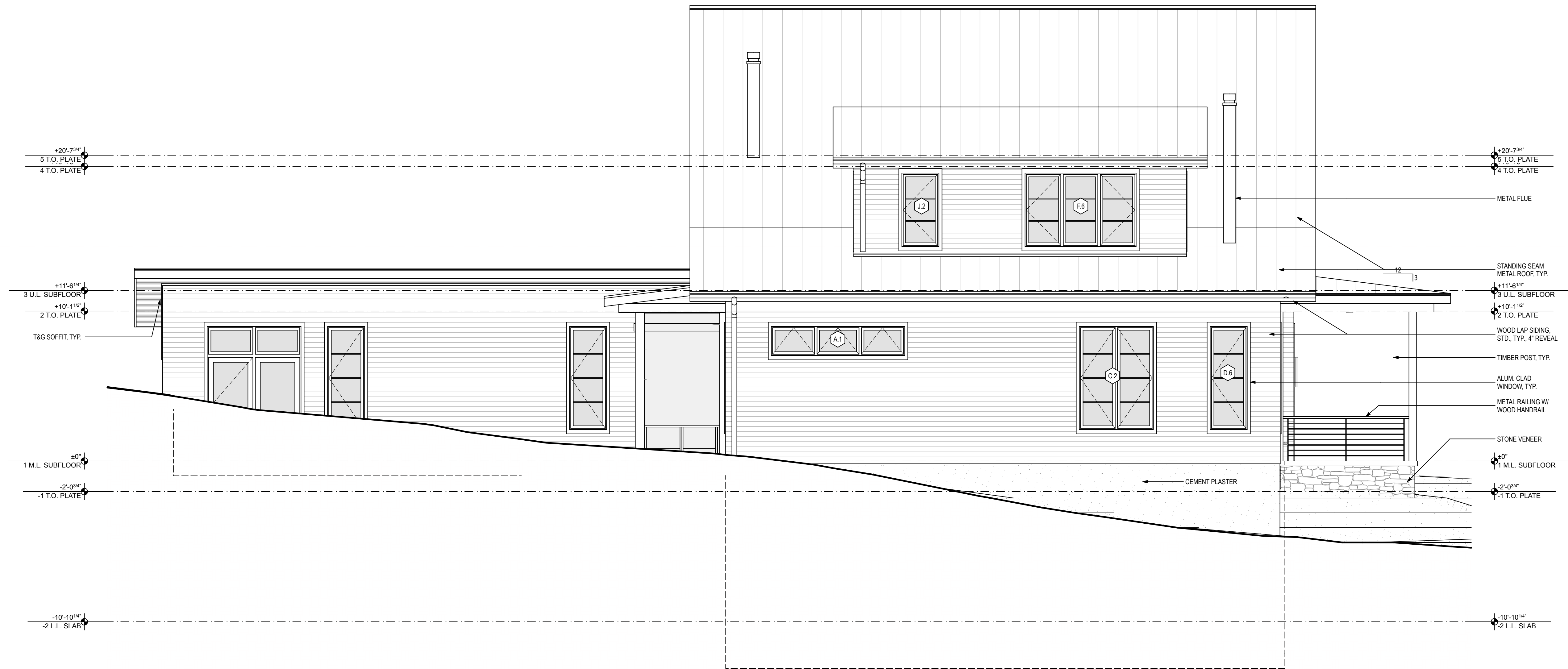
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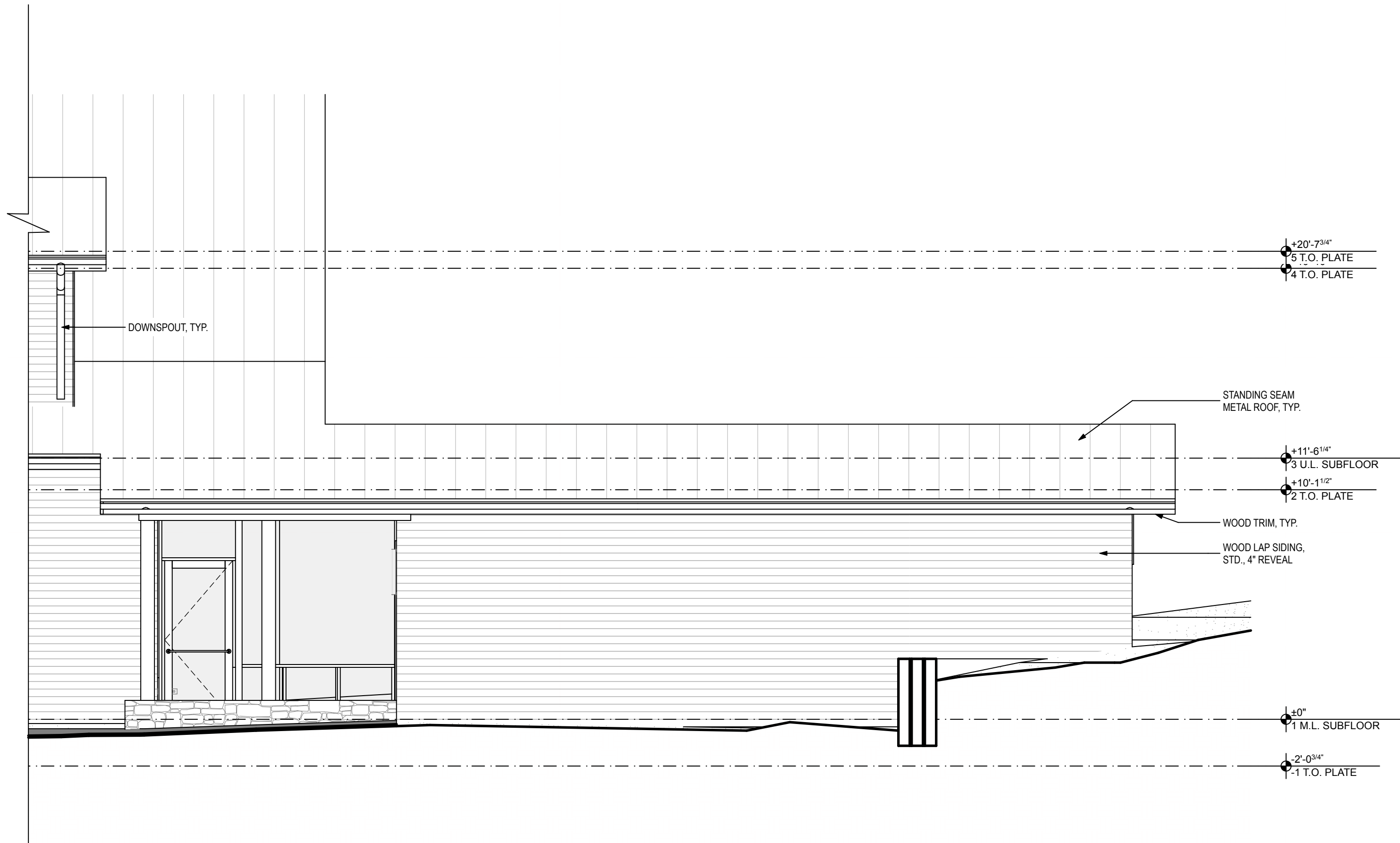


04

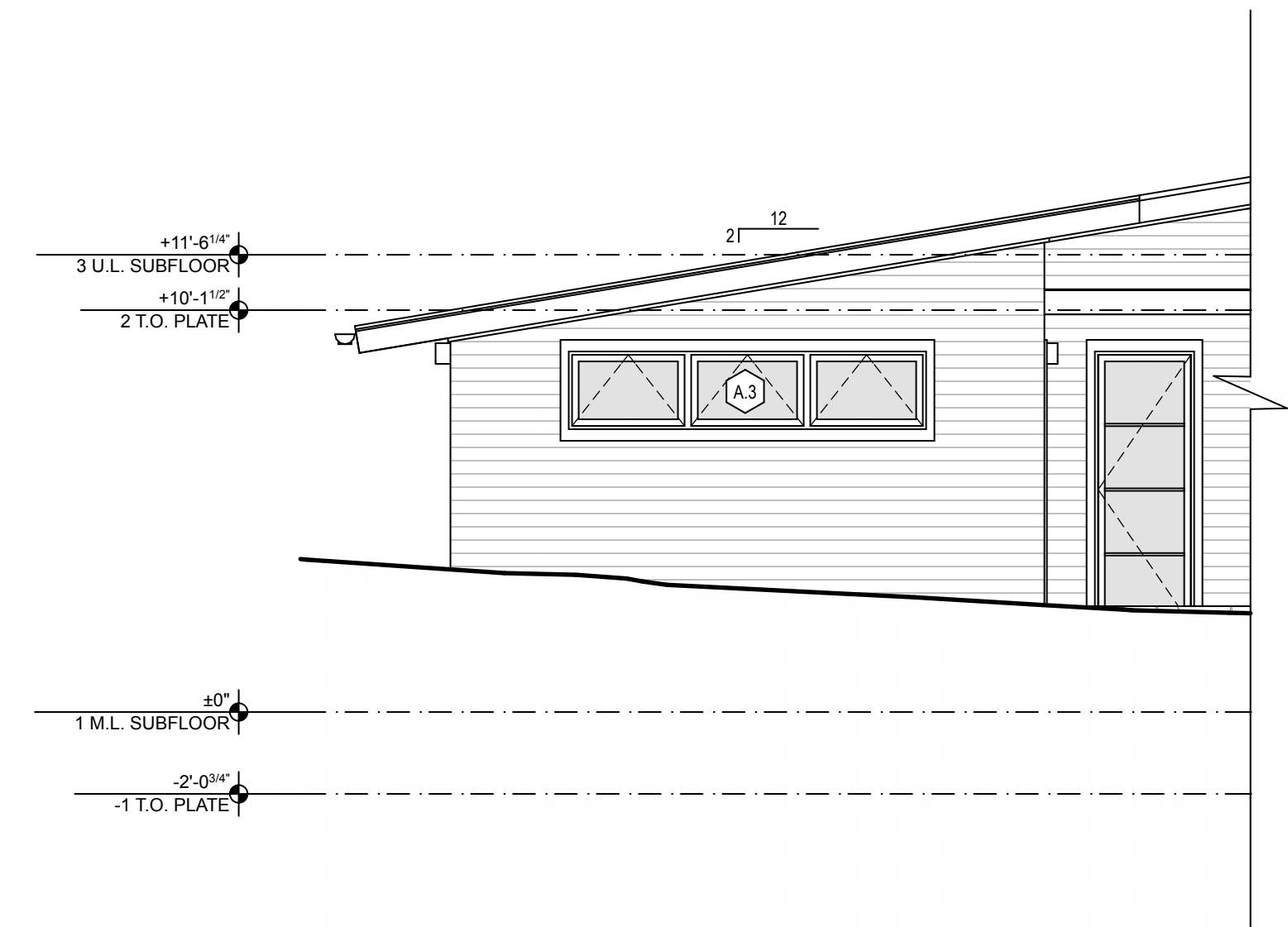
NORTHEAST ELEVATION

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

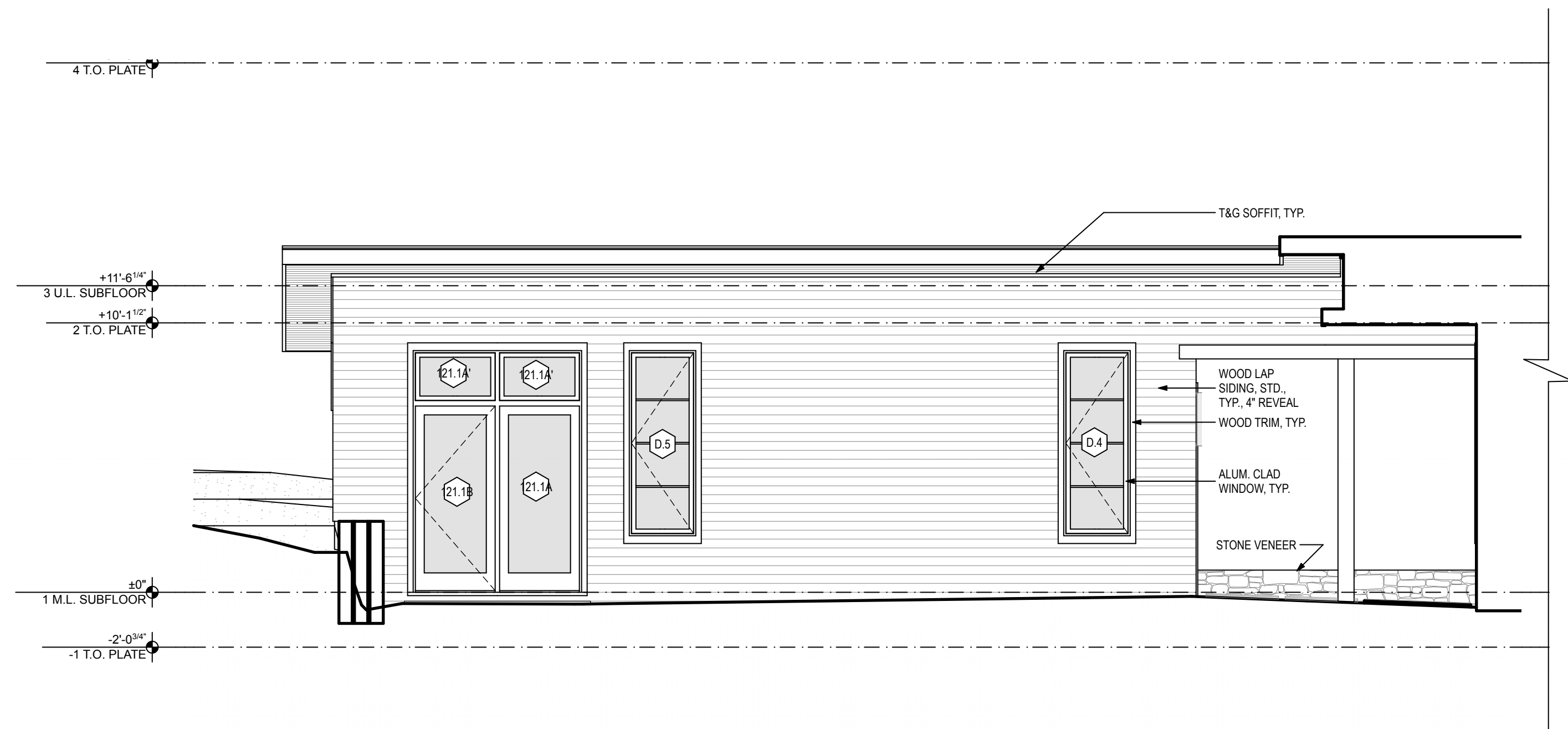
0 2 4 8



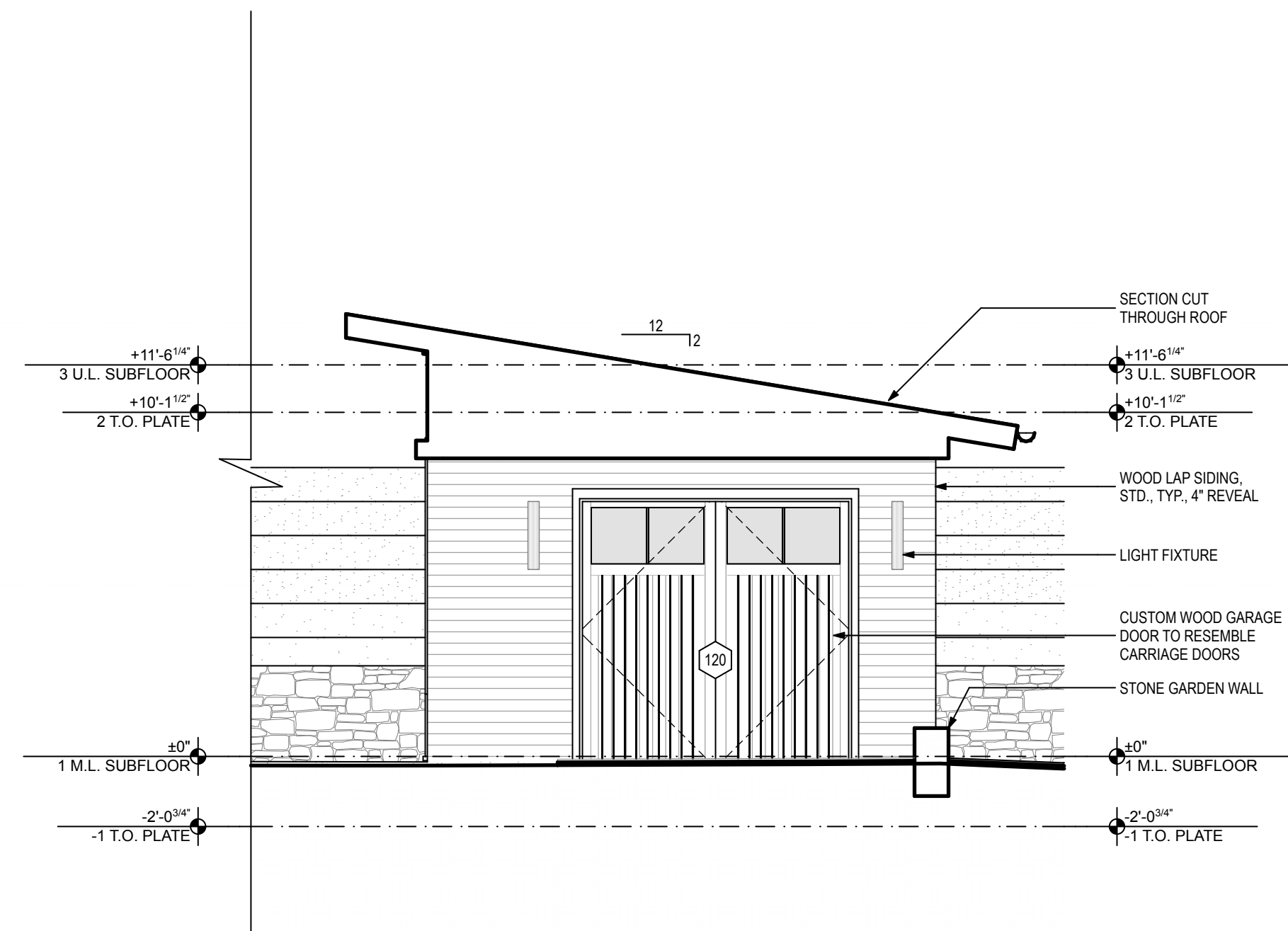
4 SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

PROJECT:

OLESKY
RESIDENCE

22 CEDARCLIFF ROAD
BILTMORE FOREST, NC
28803

SHEET TITLE:

EXTERIOR
ELEVATIONS

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

15.50

DRAWN BY:

CM

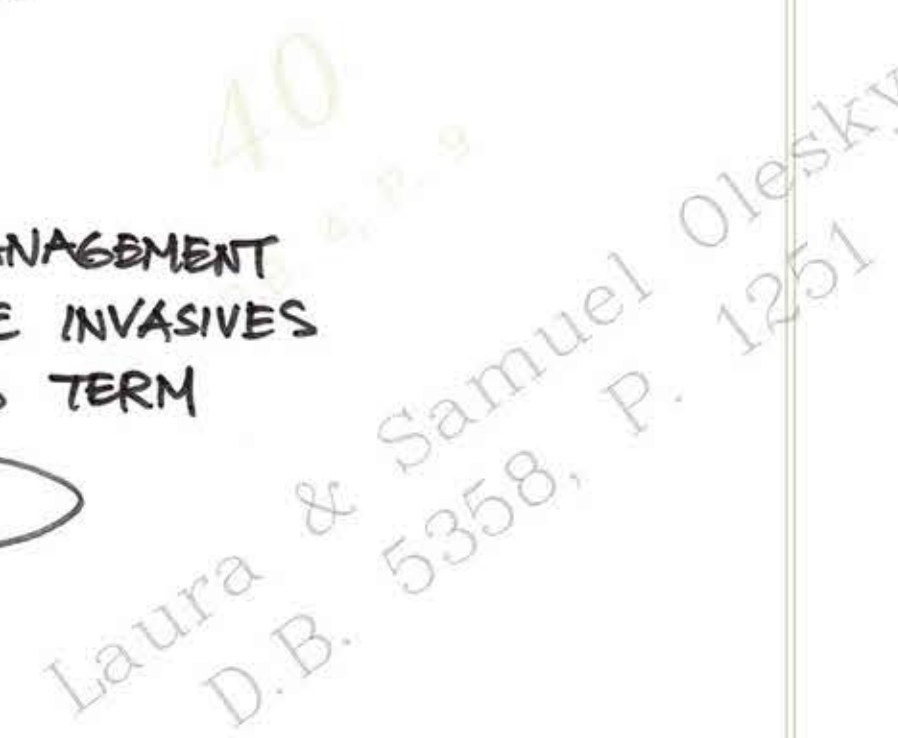
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SHEET #:

A-205

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355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



George F. Goosmann, III, Mayor
Fran G. Cogburn, Mayor-Pro Tem
E. Glenn Kelly, Commissioner
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Board of Adjustments Members
From: Jonathan Kanipe, Town Manager
Re: Board of Adjustments Case Number 3 (2 Southwood Road)
Date: February 4, 2019

Request for Conditional Use Permit for Accessory Structures Request for Variance for Change in Lot Orientation

The applicants present plans for construction of a new single family residence with an attached garage for the property located at 2 Southwood Road. The lot is 3.109 acres (135,428.04 square feet) and allows impervious surface coverage of 33,857.01 square feet and roof coverage of 8,200 square feet. The plans request impervious surface coverage of 17,633 square feet and roof coverage of 7,800 square feet, which comply with ordinance requirements. The plans include removal of a large number of trees from the lot that must be reviewed and approved by the Board.

A conditional use permit is requested for accessory structures including a pool, a pool fence, and retaining walls. The pool will be located at the rear of the house and will be enclosed with a 48" metal black picket fence. Stone veneer retaining walls are requested for stabilization of the area around the driveway. The plans indicate the retaining walls will have a maximum height of 4 feet.

A variance is requested for a change in the lot orientation. The ordinance defines the front yard of corner lots to be the side with the most street frontage. The specific language is as follows:

YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or property line and the front line of the building, projected to the side lot lines of the lot. Driveways, to the extent possible, shall enter the property through the front yard. *In the case of a lot with frontage on more than one street, the side of the lot with the most street frontage shall be considered the **FRONT YARD**, however, in the consideration and determination of applications for conditional use or variance on such a lot, the Board of Adjustment shall take into account and consider the visibility of both the **FRONT** and **SIDE YARDS** to the street and adjoining properties in any determination.*

Based on this definition, the front yard is considered the side facing Stuyvesant Road. The applicants request the front yard to be located on Southwood Road. If the front yard faces Stuyvesant Road, the driveway and the majority of the retaining walls would be located in the side yard setback requiring additional variances. Other reasons for the requested change noted in the variance application include traffic flow on Stuyvesant Road and views of the lot from the golf course. As of the publication

of this memorandum, the Town has received one (1) letter of concern from an adjoining property owner. The letter is attached to the agenda materials.

Zoning Compliance Application

Town of Biltmore Forest

Name

Tom Roberts

Address

Southwood Road

Phone

[REDACTED]

Email

[REDACTED]

Parcel ID/PIN Number

9646851887

ZONING INFORMATION

Current Zoning

R-1

Lot Size

3.109 acres

Maximum Roof Coverage

8,200 square feet (Up to 3.5 acres)

Proposed Roof Coverage Total

7800 sf

Maximum Impervious Surface Coverage

20 percent of lot area (3-6 acres)

Proposed Impervious Surface Coverage

25433 sf

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

No buildings or structures may be located within these setback areas. A variance application is required if your project requires encroachment upon the setback.

Description of the Proposed Project

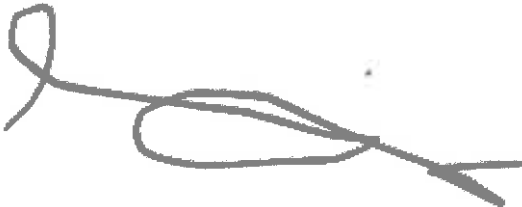
The project consists of new construction of a single family home with attached garage, patios and a pool area. The sloping lot will require retaining walls for driveway access.

Estimated Cost of Project

\$0.00

Estimated Completion Date

12/31/2020

Applicant Signature

Supporting Documentation (Site Plan, Drawings, Other Information)
Roberts Residence BOA Submittal.pdf

Conditional Use Permit Application

Town of Biltmore Forest

Transaction Details

Number: F16E6T1

Date: 12/21/2018 5:57 PM

Application Fee	\$100.00
-----------------	----------

Subtotal:	\$100.00
-----------	----------

Order Total:	\$100.00
--------------	----------

Application Fee
\$100.00

Name
Tom Roberts

Address
Southwood Road

Phone

Email

Please select the type of conditional use you are applying for:
Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

Please provide a description of the proposed project:

The project consists of new construction of a single family home with attached garage/ guest house, patios, a pool area with required fencing. The sloping lot will require retaining walls for driveway access.

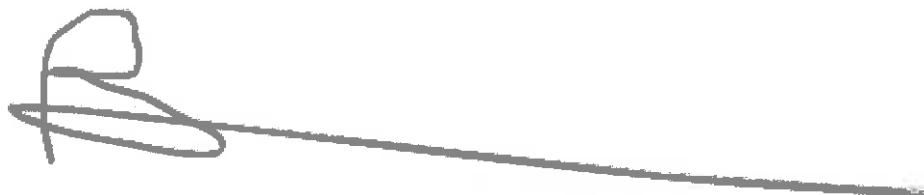
Explain why the project would not adversely affect the public interest of those living in the neighborhood:

The home will not adversely affect the neighborhood in that the home will be sited on the lot in an attractive manner with the pool and fencing at the rear of the lot. The topography slopes away from the adjacent property to the west which will eliminate views of the pool and reduce views of the house. The adjacent property to the east will have a new vegetative buffer to screen them from the pool, garage and rear of house.

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

Signature

Date
12/21/2018

A handwritten signature in dark ink. It begins with a stylized, looped initial, possibly 'P' or 'B', followed by a long, straight horizontal line that tapers slightly towards the right end.

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Tom Roberts

Address

Southwood Road

Phone

[REDACTED]

Email

[REDACTED]

Current Zoning/Use

vacant

Requested Use

Single Family Dwelling

APPLICATION REQUIREMENTS: An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

What would you like to do with your property?

The property request consists of new construction of a single family home with attached garage, patios and a pool area. The sloping lot will require retaining walls for driveway access.

What does the ordinance require?

The variance request to the board is to allow Southwood Road to be considered the front yard. By the Zoning Ordinance definition, front yards for corner lots are determined by the side of the lot with greater frontage. This would be Stuyvesant Road. The request would allow the drive to access off Southwood and walls to be within the setback to facilitate the driveway.

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

REQUIRED FINDINGS: Please provide a thorough response to each.**Unnecessary hardship would result from the strict application of the ordinance.**

The Property owners would like to utilize Southwood Road as their front yard instead of Stuyvesant Road. The two road frontages differ in length by only 34 feet. Stuyvesant Road frontage is 315 feet and Southwood Road frontage is 281 feet.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The properties shape and similar road frontages are unique in that as a corner lot, the front of the lot can be considered Southwood, particularly based on traffic flow and views of the golf course.

The hardship did not result from actions taken by the applicant or the property owner.

The owners have purchased the existing platted property and plan to make significant improvements to the property to make the lot viable. Plans call for relocating a power line and a sanitary sewer line to make the

lot a useable building site.

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.

The variance is consistent with the spirit of the ordinance in that the home will blend nicely into the neighborhood with frontage from Southwood and its size, bulk and scale are appropriate with the neighborhood.

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

Signature

Date

12/21/2018

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a long, horizontal stroke that tapers off to the right.



SITE DEVELOPMENT PLANS FOR

ROBERTS RESIDENCE

PREPARED FOR:
EMILY AND TOM ROBERTS

SOUTHWOOD ROAD
BILTMORE FOREST, NORTH CAROLINA

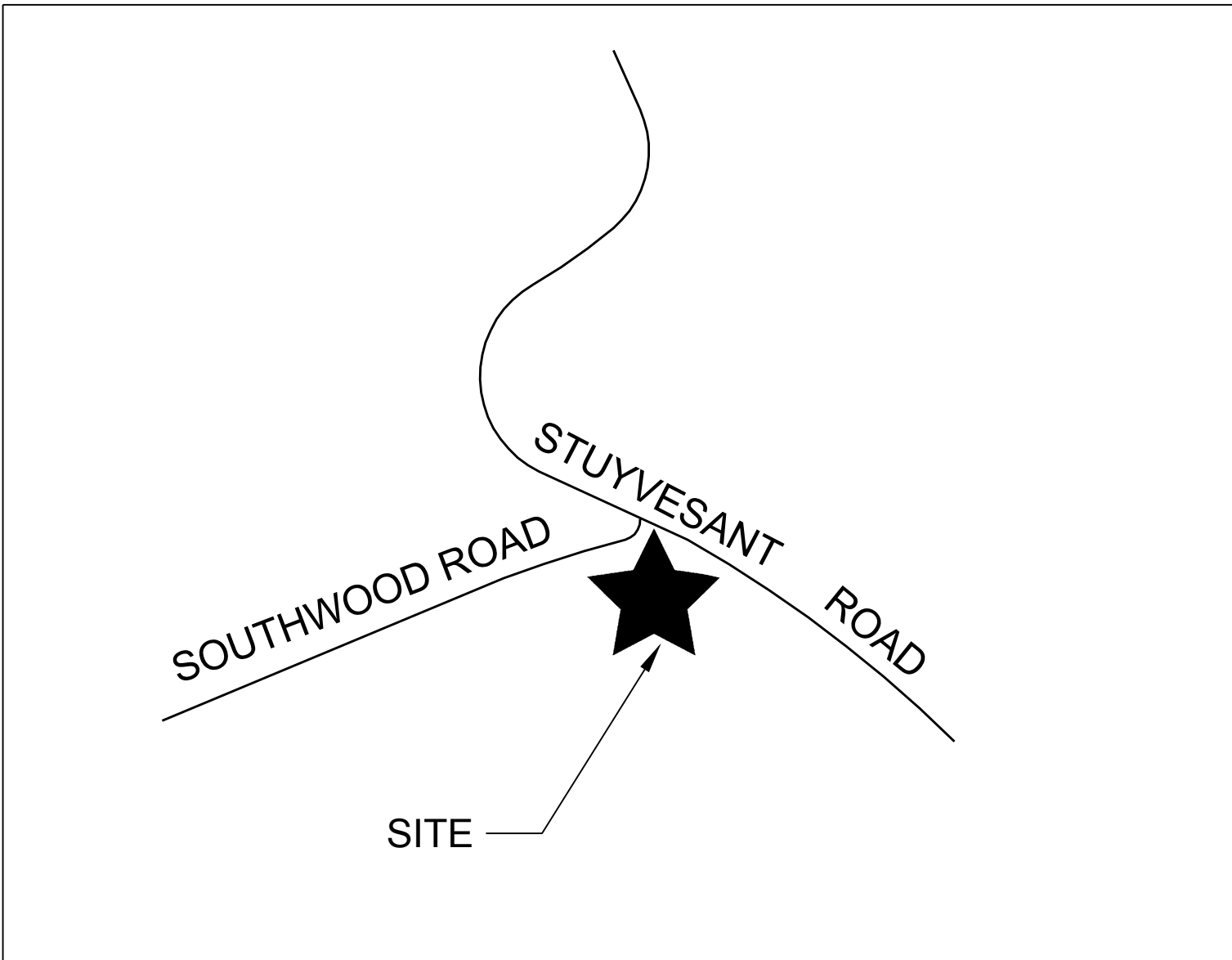
DECEMBER 21, 2018



LANDSCAPE ARCHITECTURE
352 Depot Street | Suite 120 | Asheville, NC 28801 | 828.225.4945 | siteworkstudios.com

 CHAD DORSEY DESIGN
www.chaddorseydesign.com
214.217.0704
6060 N. Central Expressway #105
Dallas, TX 75206

VICINITY MAP



DRAWING INDEX

SHEET NUMBER	SHEET TITLE
L-0	COVER SHEET
LANDSCAPE ARCHITECTURE	
L-100	Existing Conditions, Demolition and Tree Removal Plan
L-200	Site Development Plan
L-300	Grading Plan
L-400	Preliminary Landscape Plan
ARCHITECTURE	
A0.01	Site Plan
A3.01	Building Elevations
A3.02	Building Elevations

ROBERTS RESIDENCE

REVISIONS

DATE	REVISION DESCRIPTION	SHEET



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IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT
TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT
FROM SITWORK STUDIOS, PLLC.



△ - TREE TO BE REMOVED

CONSULTANT

ROBERTS RESIDENCE

BILTMORE FOREST
NORTH CAROLINA

REVISIONS		
NO.	REMARKS	DATE



DATE:
12.21.2018
SHEET TITLE:
EXISTING
CONDITIONS,
DEMOLITION
AND TREE
REMOVAL PLAN

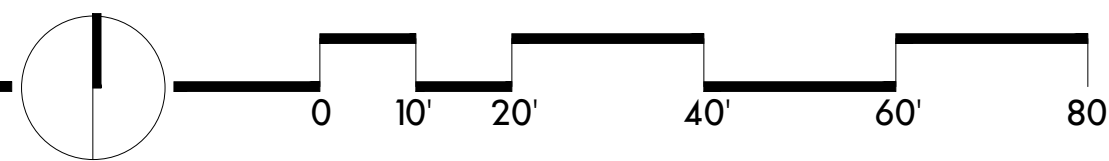
SHEET NO.
L-100



4
Hollmann
D.B. 5465, Pg. 1950
P.B. 5, Pg. 108
PIN 9646 75 8739

Bresnan
D.B. 1985, Pg. 357
PIN 9646 85 3673

IMPERVIOUS AREA CALCULATIONS	
TOTAL LOT SIZE:	3.109 ACRES (135,428.04 SF)
ALLOWABLE IMPERVIOUS SURFACE AREA:	0.78 ACRES (33,857.01 SF)
ALLOWABLE ROOF AREA:	8,200 SF
PROPOSED IMPERVIOUS SURFACE AREA:	ASPHALT DRIVEWAY: 13,835 SF PATIOS & TERRACES: 3,798 SF TOTAL: 17,633 SF
PROPOSED ROOF AREA:	7,800 SF
TOTAL PROPOSED IMPERVIOUS AREA WITH ROOF AREA:	25,433 SF



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sitework STUDIOS

LANDSCAPE ARCHITECTURE
352 Depot Street | Suite 120 | Asheville, NC 28801 | 828.225.4945

CONSULTANT

ROBERTS RESIDENCE

BILTMORE FOREST
NORTH CAROLINA

REVISIONS		
NO.	REMARKS	DATE



DATE:
12.21.2018
SHEET TITLE:

GRADING
PLAN

SHEET NO.
L-300



CMF
N-666,082.96'
E-947,948.42'

LANDSCAPING BETWEEN RETAINING WALLS

NATIVE PLANTINGS TO MITIGATE DISTURBED AREAS
AND SOFTEN VIEWS OF HOME FROM STREET

- SHADE TREES
- UNDERSTORY TREES
- EVERGREEN TREES AND SHRUBS
- NATIVE GRASSES AND FERNS

LANDSCAPING BETWEEN RETAINING WALLS

EXTENSIVE BAMBOO SCREENING
TO REMAIN UNDISTURBED

4
Hollmann
D.B. 5465, Pg. 1950
P.B. 5, Pg. 108
PIN 9646 75 8739

EXISTING UNDISTURBED WOODLAND

REMOVE INVASIVE SPECIES FROM WOODLANDS

SLOPE PLANTINGS

- NATIVE DECIDUOUS SHADE AND FLOWERING UNDERSTORY TREES
- NATIVE EVERGREEN TREES
- NATIVE SHRUBS AND GROUNDCOVER
- NO-MOW FESCUE BLEND "LIVING MULCH"

EDGE OF WOODLAND

Stuyvesant Road
20' Public Road

EXISTING TREES (TYP.)

LARGE EVERGREEN TREES (TYP.)

Bresnan
D.B. 1985, Pg. 357
PIN 9646 85 3673

CONSULTANT

ROBERTS RESIDENCE

BILTMORE FOREST
NORTH CAROLINA

REVISIONS		
NO.	REMARKS	DATE



DATE:
12.21.2018
SHEET TITLE:

PRELIMINARY
LANDSCAPE
PLAN

SHEET NO.

L-400



NATIVE SHADE TREES



LARGE EVERGREEN TREES

REVISIONS		
NO.	REMARKS	DATE



DATE:

1.23.19

SHEET TITLE:

PROPOSED TREES

SHEET NO.

L-402

PROJECT

EMILY + TOM ROBERTS
RESIDENCE

Southwood Rd. Biltmore Forest NC 28803

CONSULTANTS

NO. DATE REVISION

THIS DRAWING AND THE DESIGNS, ARRANGEMENTS, DEPICTIONS, IDEAS AND OTHER INFORMATION CONTAINED HEREIN CONSTITUTE UNPUBLISHED WORK OF CHAD DORSEY DESIGN AND SHALL REMAIN PROPERTY OF CHAD DORSEY DESIGN IN PERPETUITY. NO PART THEREOF SHALL BE REPRODUCED, COPIED, DISCLOSED, DISTRIBUTED, SOLD, PUBLISHED OR OTHERWISE USED IN ANYWAY WITHOUT THE ADVANCED EXPRESS WRITTEN CONSENT OF CHAD DORSEY DESIGN. VISUAL CONTACT WITH THE ABOVE DRAWINGS, OR ANY PART THEREOF, SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

SHEET TITLE

SITE PLAN

DRAWN:

SCALE:

STATUS: Project Status

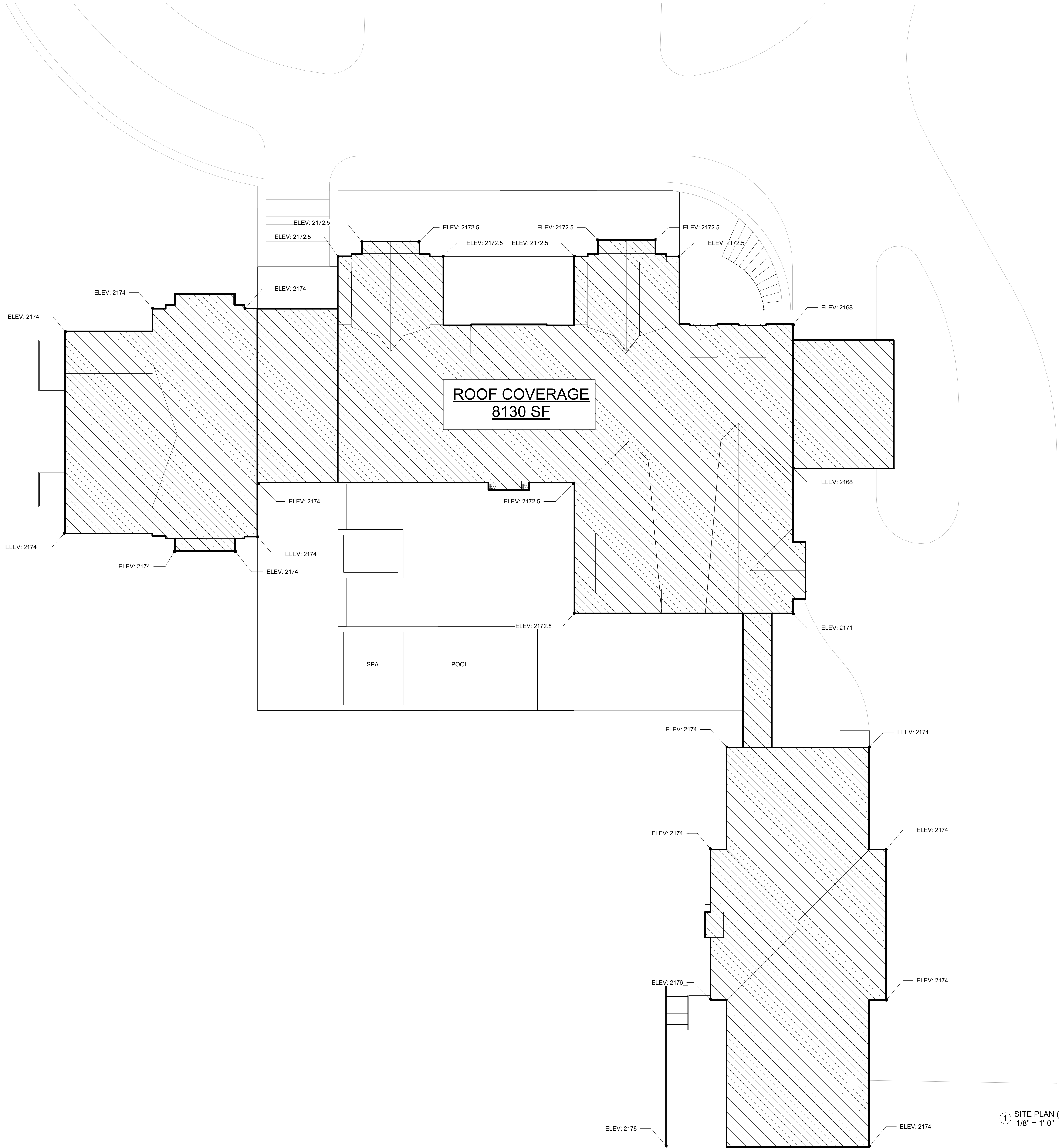
DATE: Issue Date

FILE:

JOB: Project Number

SHEET NUMBER:

A0.01



1 SITE PLAN (Permit)
1/8" = 1'-0"

ROOF AREA CALCULATIONS

TOTAL LOT SIZE : 3.109 ACRES
ALLOWABLE MAX ROOF COVERAGE : 8200 SF
PROPOSED ROOF AREA : 8130 SF

BUILDING HEIGHT CALCULATIONS

ALLOWABLE MAX BUILDING HEIGHT : 40'

AVERAGE GRADE ELEVATION : 2173

DISTANCE FROM THE AVERAGE
GRADE TO THE HIGHEST POINT OF ROOF : 32'-1"
(REFER TO 3/A3.01)

MATERIAL LEGEND
BRICK : PAINTED WHITE BRICK
FC-1 : 4" FIBER CEMENT FASCIA
FC-2 : PAINTED (WHITE) FIBER CEMENT BOARD
MTL-1 : METAL FASCIA
TRIM-1 : 1X4 WOOD TRIM
WOOD-1 : WOOD SHINGLE
WOOD-2 : WOOD FENCE
ROOF : COMPOSITE ROOF SHINGLE

www.chaddorseydesign.com
214.217.0704
6060 N. Central Expressway #1105
Dallas, TX 75206

PROJECT

Southwood Rd. Biltmore Forest NC 28803

EMILY + TOM ROBERTS
RESIDENCE

CONSULTANTS

NO. DATE REVISION

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SHEET TITLE

BUILDING
ELEVATIONS

DRAWN:

SCALE:

STATUS: Project Status

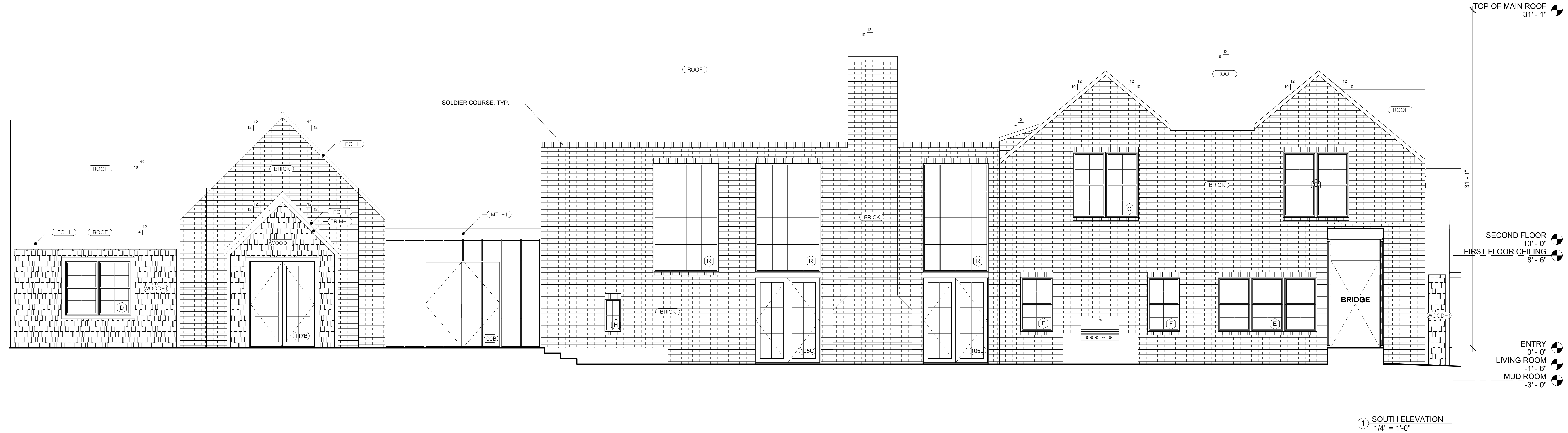
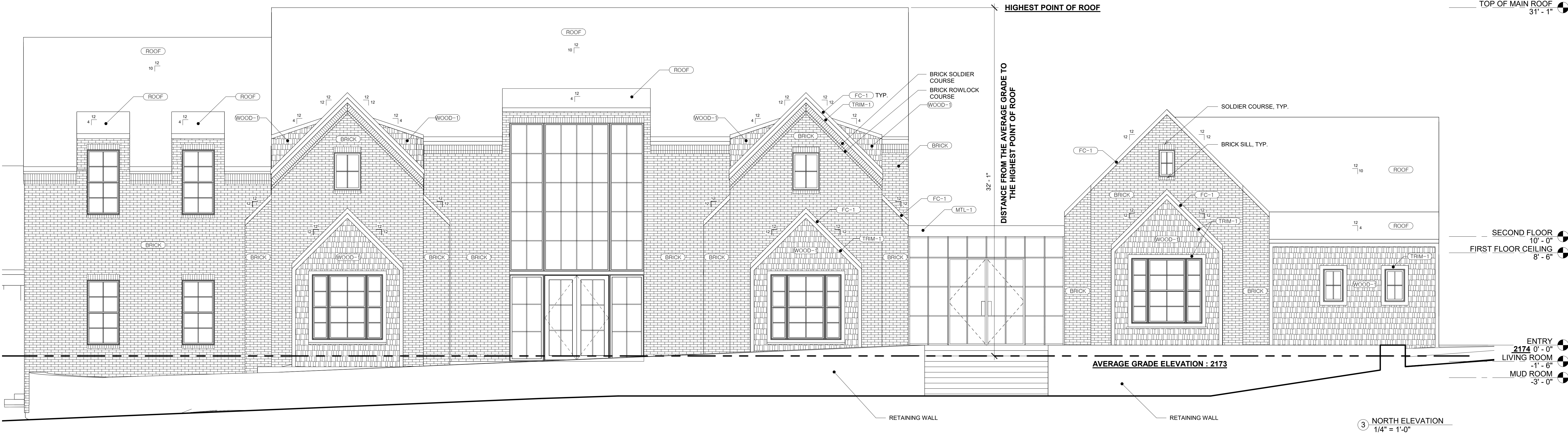
DATE: Issue Date

FILE:

JOB: Project Number

SHEET NUMBER:

A3.01



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6060 N. Central Expressway #105
Dallas, TX 75206

PROJECT

**EMILY + TOM ROBERTS
RESIDENCE**

Southwood Rd. Biltmore Forest NC 28803

CONSULTANTS

NO.	DATE	REVISION
-----	------	----------

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SHEET TITLE

BUILDING ELEVATIONS

DRAWN:

SCALE:

STATUS:	Project Status
---------	----------------

DATE: Issue Date

FILE:

JOB: Project Number

SHEET NUMBER

A3.02



MATERIAL LEGEND	
BRICK :	PAINTED WHITE BRICK
FC-1 :	4" FIBER CEMENT FASCIA
FC-2 :	PAINTED (WHITE) FIBER CEMENT BOARD
MTL-1 :	METAL FASCIA
TRIM-1 :	1X4 WOOD TRIM
WOOD-1 :	WOOD SHINGLE
WOOD-2 :	WOOD FENCE
ROOF :	COMPOSITE ROOF SHINGLE

www.chaddorseydesign.com
214.217.0704
6060 N. Central Expressway #105
Dallas, TX 75206

PROJECT

Emily + Tom Roberts
Residence

Southwood Rd. Biltmore Forest NC 28803

CONSULTANTS

NO. DATE REVISION

THIS DRAWING AND THE DESIGNS, ARRANGEMENTS, DEPICTIONS, IDEAS AND OTHER INFORMATION CONTAINED HEREIN CONSTITUTE UNPUBLISHED WORK OF CHAD DORSEY DESIGN AND SHALL REMAIN PROPERTY OF CHAD DORSEY DESIGN IN PERPETUITY. NO PART THEREOF SHALL BE REPRODUCED, COPIED, DISCLOSED, DISTRIBUTED, SOLD, PUBLISHED OR OTHERWISE USED IN ANYWAY WITHOUT THE ADVANCED EXPRESS WRITTEN CONSENT OF CHAD DORSEY DESIGN. VISUAL CONTACT WITH THE ABOVE DRAWINGS, OR ANY PART THEREOF, SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

SHEET TITLE

BUILDING
ELEVATIONS

DRAWN:

SCALE:

STATUS: Project Status

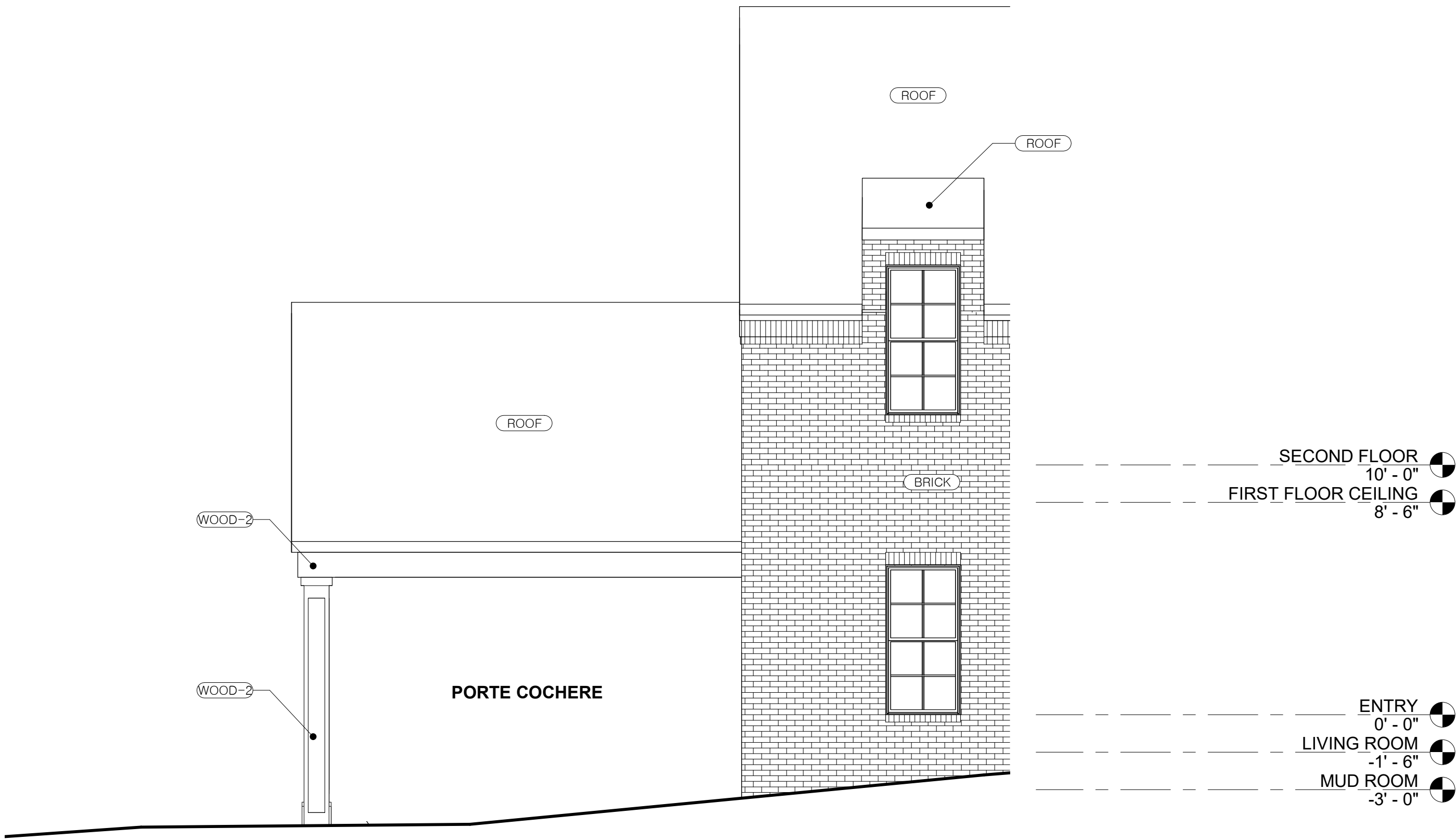
DATE: Issue Date

FILE:

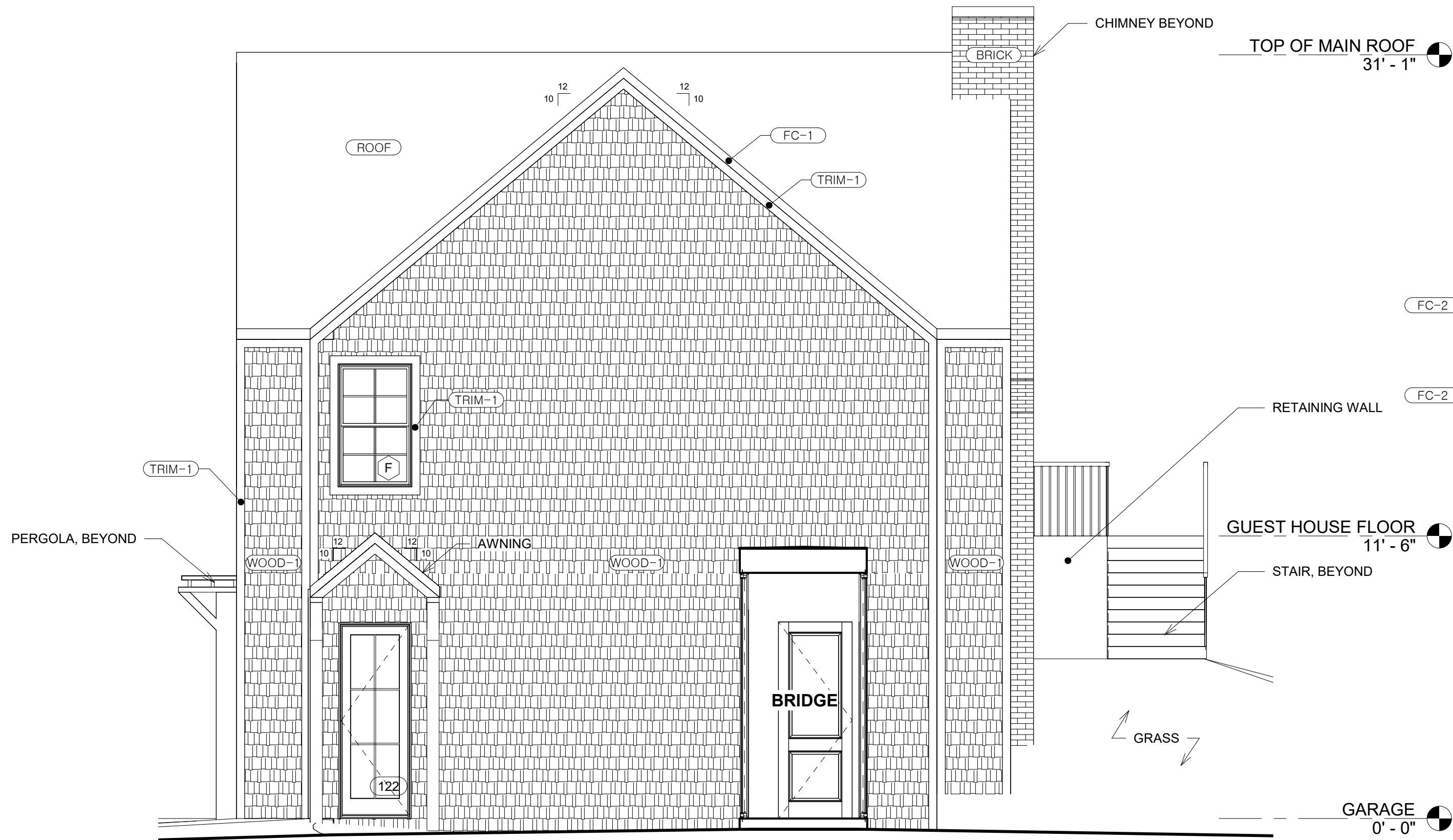
JOB: Project Number

SHEET NUMBER:

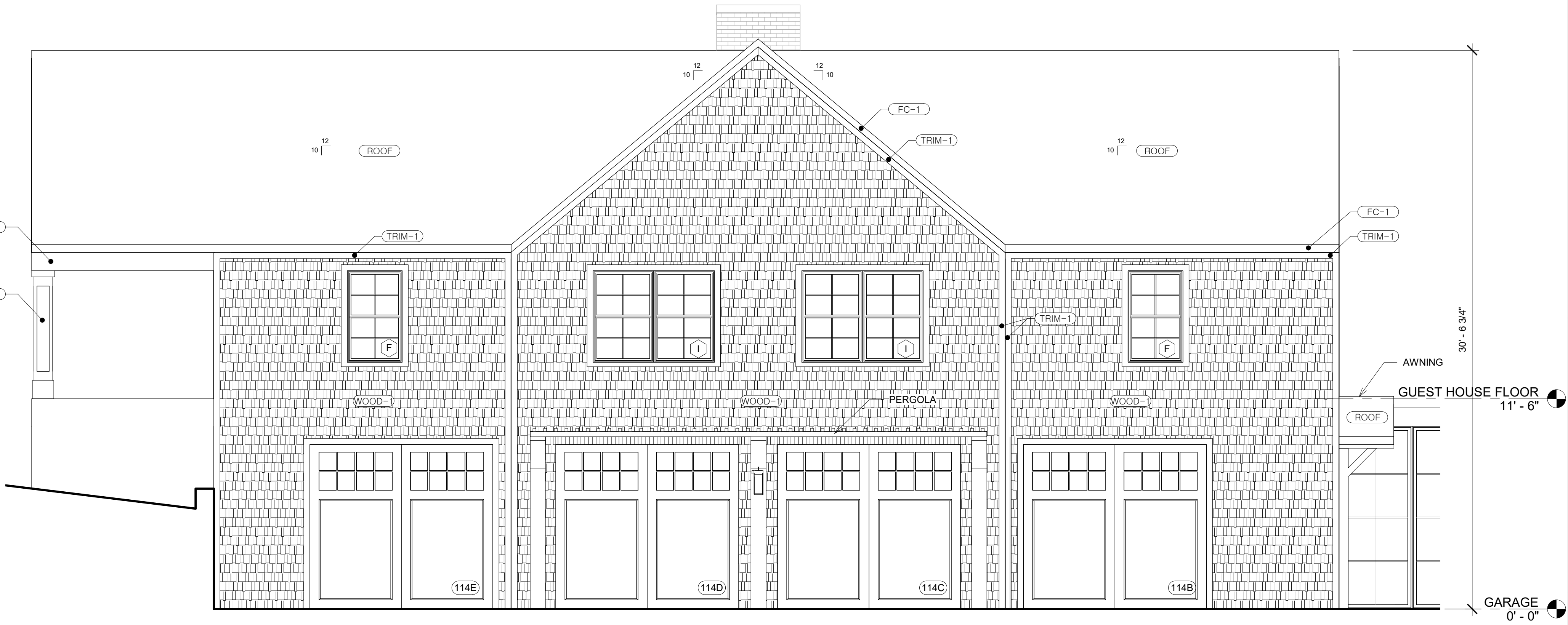
A3.03



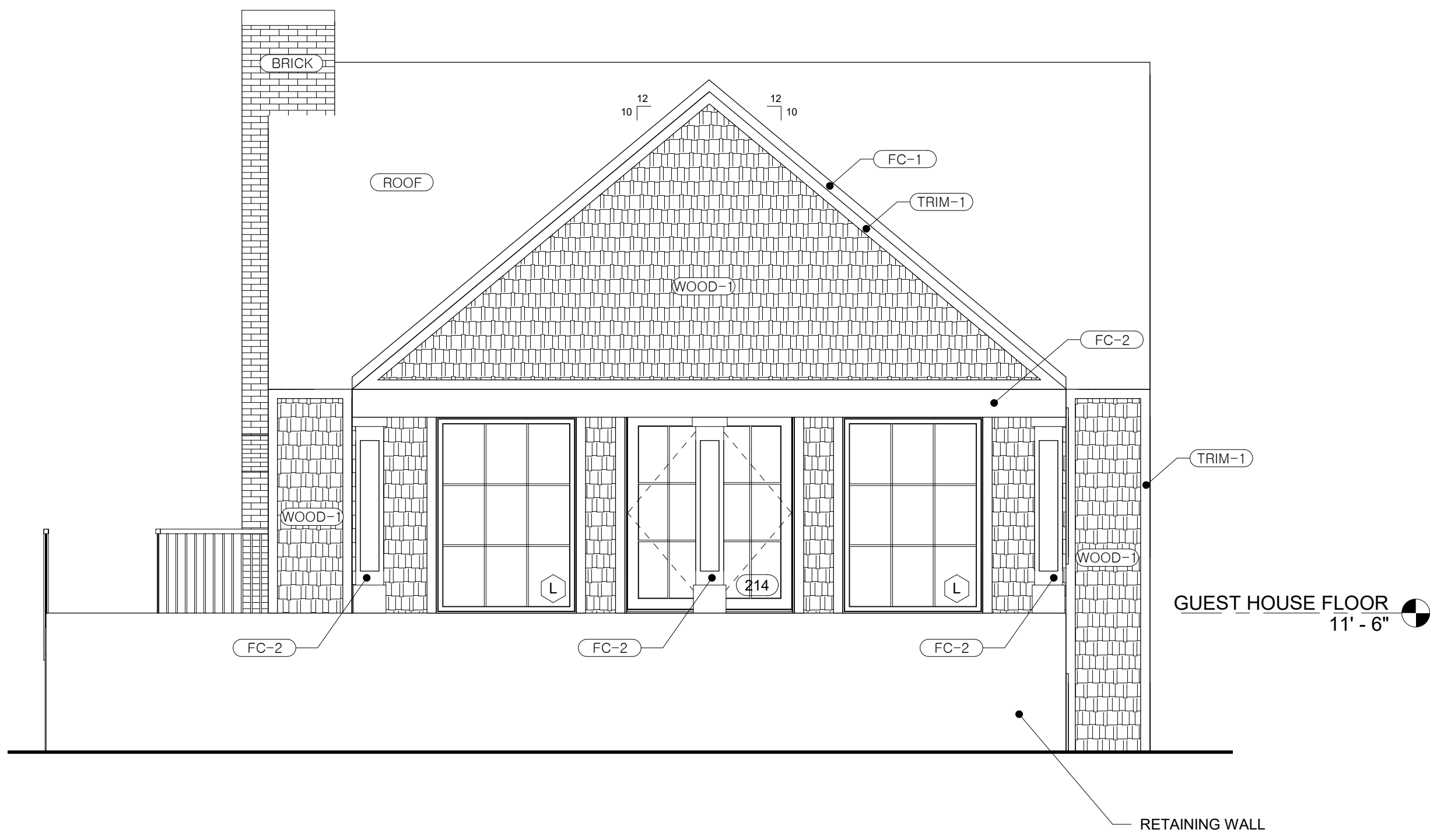
5 PORTE COCHERE - NORTH
1/4" = 1'-0"



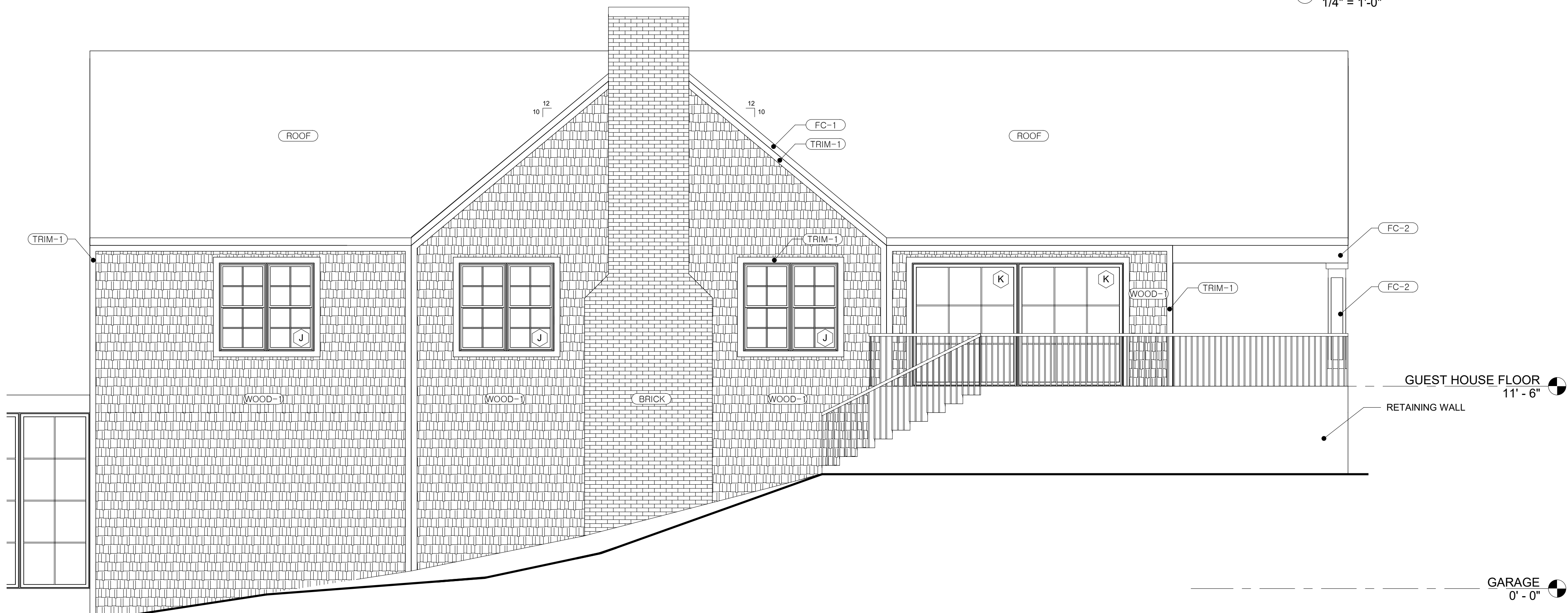
2 GARAGE - NORTH
1/4" = 1'-0"



1 GUEST HOUSE - EAST
1/4" = 1'-0"



4 GARAGE - SOUTH
1/4" = 1'-0"



3 GUEST HOUSE - WEST
1/4" = 1'-0"

Board of Adjustment
Town of Biltmore Forest

Dear Board Members;

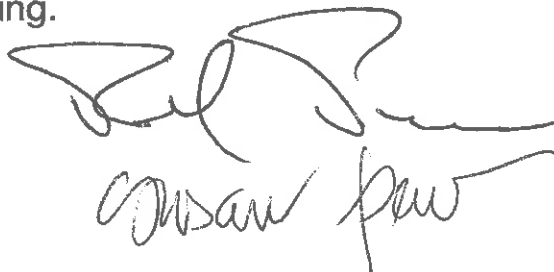
We are residents of Biltmore Forest, our address is 24 Eastwood Road. I have been a resident of Biltmore Forest for 40 years. We have tremendous respect for the history of our community and the way our local government has kept our community within the bounds of responsible development and respect for the nature of the Forest we all enjoy. This is the first time in those 40 years I have had to write to you and express my concerns about a development project.

Specifically we are writing about the Roberts' Project at the corner of Stuyvesant and Southwood, which we can see clearly from our house across the street. It is our understanding from the proposal that the owners wish to clear cut the the land to an extent 4 times the suggested guidelines and then replant as required. This totally undercuts our traditions in the Forest of preserving older and special trees. It appears to us that the plans for the house and its grounds were drawn for another type of location and are totally unfit for our neighborhood.

We would like to ask the owners to reconsider their plans and the board to uphold long established traditions as well as our codes related to deforestation and landscaping.

We are sorry we cannot attend the meeting in person but are out of the country at the time of the meeting.

Sincerely Yours
Rob and Susan Pew
24 Eastwood Road
Biltmore Forest

Handwritten signatures of Rob and Susan Pew. The signature for Rob is a stylized, cursive 'Rob' with a long horizontal line extending to the right. The signature for Susan is a cursive 'Susan' followed by 'pew'.

Town of Biltmore Forest

attn Jonathan Kavipe (for 11/4 meeting)

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



George F. Goosmann, III, Mayor
Fran G. Cogburn, Mayor-Pro Tem
E. Glenn Kelly, Commissioner
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Board of Adjustments Members
From: Jonathan Kanipe, Town Manager
Re: Board of Adjustments Case Number 4 (31 Hilltop Road)
Date: February 4, 2019

Request for Conditional Use Permit for Accessory Structures

This project was originally heard by the Board of Adjustment in November 2018 but the applicant chose to table the item until further discussions were had with the property owner and the neighbors. There are a few items worth noting regarding the updated plans. The original application included a variance request for a detached pool house. This pool house is no longer being requested. The updated plans include the addition of a patio and pergola on the front of the house. This project was previously approved in 2015 but the work was never started, so the permit expired. A new permit is required but this addition meets all of the ordinance requirements and will only require review by the Design Review Board.

The applicants are requesting a conditional use permit for several accessory structures to be located in the rear yard. Construction of a new tennis court with an 8' high black vinyl coated cyclone fence, a new pool and patio with a 4' picket fence and vehicular gate, and a water fountain are included with this plan. No overhead lighting is planned for the tennis court area. The applicant intends to use solar path lights at this time. The applicants state that all proposed development will be located in the rear yard and will be buffered from neighboring properties by evergreen trees. The basic requirements for accessory structures are provided in **§Section 153.029(A)** of the zoning ordinance.

§153.029 ACCESSORY STRUCTURES AND BUILDINGS

(A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard or within any side yard or rear yard setback.

Zoning Compliance Application

Town of Biltmore Forest

Name

Thad & Ingrid Davis

Address

31 hilltop road

Phone

[REDACTED]

Email

[REDACTED]

Parcel ID/PIN Number

964685123900000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.77 acre

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

4,995 SF

Maximum Impervious Surface Coverage

25 percent of lot area (1-3 acres)

Proposed Impervious Surface Coverage

17,611 SF

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

No buildings or structures may be located within these setback areas. A variance application is required if your project requires encroachment upon the setback.

Description of the Proposed Project

Construction of a new Tennis court with 9' apron and 8' high hurricane fence with climbing plantings & New pool with 5' apron and patio with gas fire pit with 4' high black metal fence & stone wall adjacent to rear drive/parking area to be reworked with pea gravel, water feature, and vehicular gate to coordinate with pool fence & addition to primary structure of a balcony on the rear and previously approved patio & pergola on the front


Estimated Cost of Project

\$300,000.00

Estimated Completion Date

11/30/2019

Applicant Signature

Griffin Architects PA
by 

Supporting Documentation (Site Plan, Drawings, Other Information)

DAVIS_P+Z DR R2_2019.01.25.pdf

Conditional Use Permit Application

Town of Biltmore Forest

Transaction Details

Number: F16E9T1

Date: 1/25/2019 5:01 PM

Application Fee	\$100.00
Subtotal:	\$100.00
Order Total: \$100.00	

Application Fee

\$100.00

Name

Thad & Ingrid Davis

Address

31 hilltop road

Phone

[REDACTED]

Email

[REDACTED]

Please select the type of conditional use you are applying for:

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

Please provide a description of the proposed project:

construction of a new tennis court with 8' high fence, new pool & patio with 4' high picket fence, and new water feature in drive/parking area with new vehicular gate to coordinate with 4' high picket fence

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

All proposed development is to be located in the rear of the property out of sight from the public right of way, and shall be screened from the adjacent neighbors with new evergreen plantings. the proposed usage is typical of and in the spirit of the neighborhood

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

Signature

Date

1/25/2019

Gryffon Architects PA
HSE

[01] POOL HOUSE STRUCTURE WIDTH REDUCED; ROOF OVERHANG DEPTH REDUCED; OVERALL POOL HOUSE ROOF AREA REDUCED FROM 842 SQUARE FEET TO 745 SQUARE FEET; OVERALL POOL HOUSE IMPERVIOUS FOOTPRINT REDUCED FROM 861 SQUARE FEET TO 765 SQUARE FEET; SEE SITE AREA CALCULATIONS

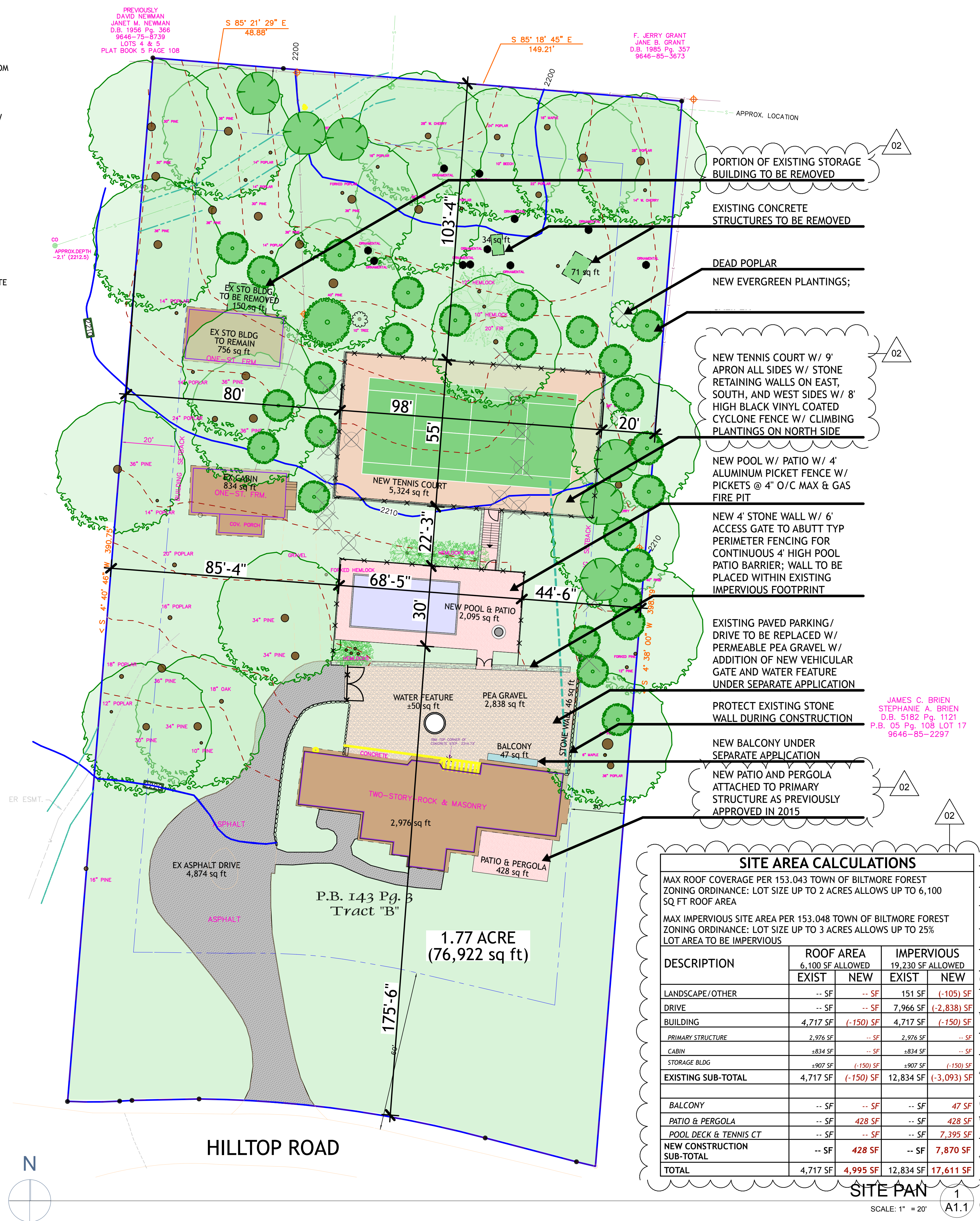
ORIENTATION, SIZE, AND/OR LOCATION OF NEW POOL HOUSE, PATIO, POOL, TENNIS COURT, PATHWAYS, AND NEW LOW STONE WALL ADJUSTED TO ACCOMMODATE ABOVE DESCRIBED CHANGES

- TREES TO BE REMOVED REVISED TO REFLECT TENNIS COURT RELOCATION; NEW PLANTINGS REVISED TO INCREASE LANDSCAPE BUFFER SIZE/DENSITY

PATIO AND PERGOLA PREVIOUSLY APPROVED BY BOARD OF ADJUSTMENTS IN 2015 ADDED TO SCOPE; SITE PLAN AND SITE AREA CALCULATIONS REVISED ACCORDINGLY

RENDERINGS AND PHOTOGRAPHS ADDED TO SUBMITTAL

1. ONLY THE VEGETATION ON SUBJECT PROPERTY IS SHOWN ON PLAN AND RENDERINGS; SEE PHOTOGRAPHS FOR ADDITIONAL INFORMATION



CONDITIONAL USE APPLICATION



GRIFFIN
ARCHITECTS, P.A.

WWW.GRIFFINARCHITECTSPA.COM © 2014

DAVIS RESIDENCE

31 HILLTOP ROAD BILIMORE
FOREST NC 28803

SITE PLAN

PROJECT ARCHITECT:
G
DRAWN BY:
H
DESIGNED FOR:
##

VISIONS:
 01 DATE: 11/07/18
 02 DATE: 01/25/19
 DATE: _____
 DATE: _____
 DATE: _____
 DATE: _____

HEET NO:

A1.1

10/24/18



VIEW TO NORTHERN NEIGHBORS GUEST HOUSE

3
A8.1

SCALE: 1:3.65



VIEW FROM NORTHERN NEIGHBORS GUEST HOUSE

2
A8.1

SCALE: 1:3.65

NOTES:

1. ONLY THE VEGETATION ON SUBJECT PROPERTY IS SHOWN IN RENDERINGS; SEE PHOTOGRAPHS FOR ADDITIONAL INFORMATION

2. PHOTOGRAPHS ARE TAKEN DURING WINTER, PRIOR TO TREE REMOVAL



RENDERING FROM NORTH NEIGHBORS GUEST HOUSE

1
A8.1

SCALE: 1:0.29

CONDITIONAL USE APPLICATION

NOT FOR CONSTRUCTION



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ARCHITECTS, P.A.
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DAVIS RESIDENCE

31 HILLTOP ROAD BILTMORE
FOREST NC 28803

RENDERINGS &
PHOTOGRAPHS

PROJECT ARCHITECT:	
RSG	
DRAWN BY:	
NDI	
ISSUED FOR:	
####	
REVISIONS:	
NO. 01	DATE: 11/07/18
NO. 02	DATE: 01/25/19
NO. _____	DATE: _____
NO. _____	DATE: _____
NO. _____	DATE: _____

SHEET NO:
A8.1

DATE:
10/24/18



VIEW TO WESTERN NEIGHBORS

SCALE: 1:1.14

3
A8.2



VIEW TO WESTERN NEIGHBORS

SCALE: 1:3.45

2
A8.2



RENDERING FROM WESTERN NEIGHBORS

SCALE: 1:0.25

1
A8.2

NOTES:

1. ONLY THE VEGETATION ON SUBJECT PROPERTY IS SHOWN IN RENDERINGS; SEE PHOTOGRAPHS FOR ADDITIONAL INFORMATION
2. PHOTOGRAPHS ARE TAKEN DURING WINTER, PRIOR TO TREE REMOVAL

CONDITIONAL USE APPLICATION

NOT FOR CONSTRUCTION



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ARCHITECTS, P.A.
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DAVIS RESIDENCE

31 HILLTOP ROAD BILTMORE
FOREST NC 28803

RENDERINGS &
PHOTOGRAPHS

PROJECT ARCHITECT:
RSG

DRAWN BY:
NDI

ISSUED FOR:
####

REVISIONS:

NO. 01	DATE: 11/07/18
NO. 02	DATE: 01/25/19
NO.	DATE:
NO.	DATE:
NO.	DATE:

SHEET NO:
A8.2

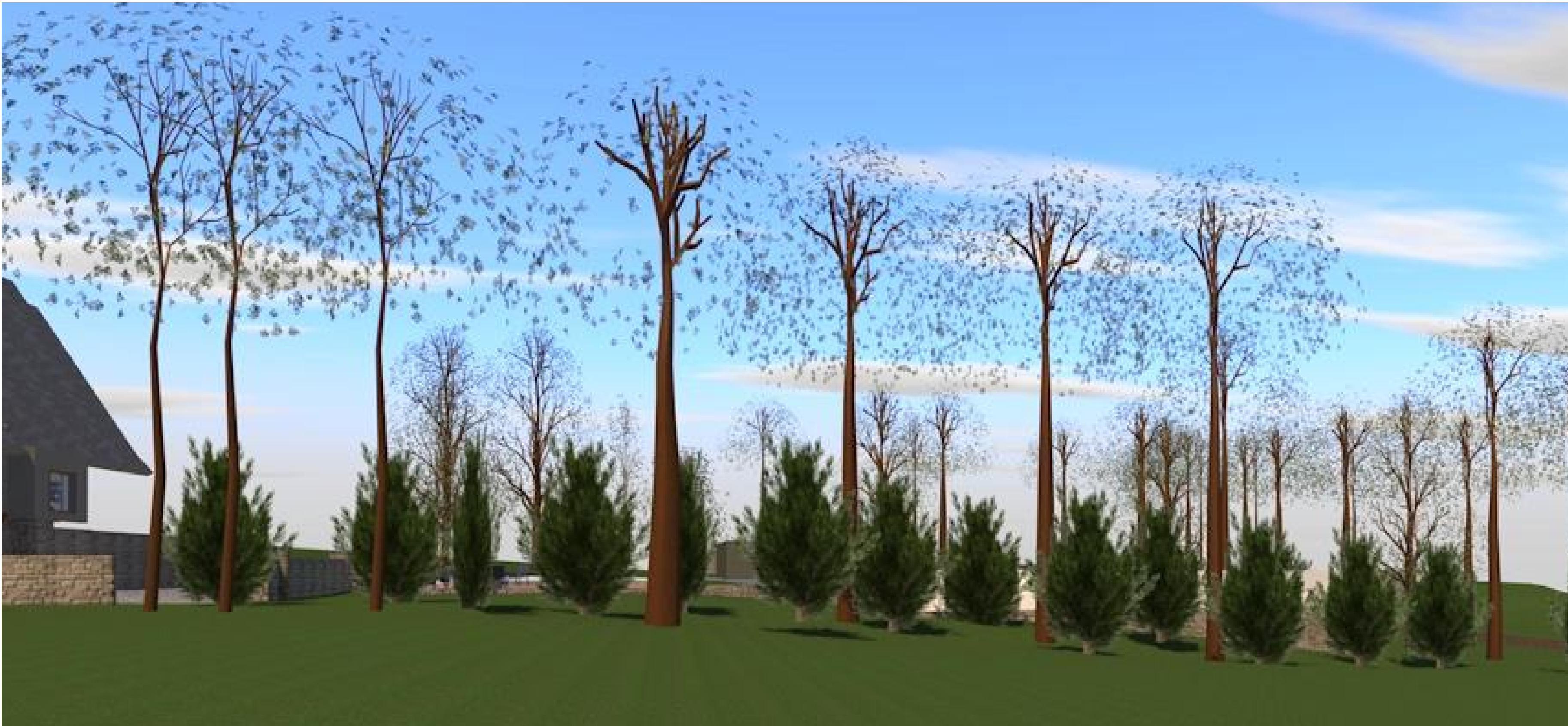
DATE:
10/24/18

NOTES:
1. ONLY THE VEGETATION ON SUBJECT PROPERTY IS SHOWN IN RENDERINGS; SEE PHOTOGRAPHS FOR ADDITIONAL INFORMATION
2. PHOTOGRAPHS ARE TAKEN DURING WINTER, PRIOR TO TREE REMOVAL



VIEW TO EASTERN NEIGHBORS UPPER LEVEL

SCALE: 1:2.83 2
A8.3



RENDERING FROM EASTERN NEIGHBORS UPPER LEVEL

SCALE: 1:0.25 1
A8.3

CONDITIONAL USE APPLICATION

NOT FOR CONSTRUCTION



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DAVIS RESIDENCE

31 HILLTOP ROAD BILTMORE
FOREST NC 28803

RENDERINGS &
PHOTOGRAPHS

PROJECT ARCHITECT:	
RSG	
DRAWN BY:	
NDI	
ISSUED FOR:	
####	
REVISIONS:	
NO. 01	DATE: 11/07/18
NO. 02	DATE: 01/25/19
NO.	DATE:
NO.	DATE:
NO.	DATE:
NO.	DATE:

SHEET NO:

A8.3

DATE:

10/24/18