



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Zoning Administrator
Date: July 1, 2019
Re: **Board of Adjustment Meeting – July 15, 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 July 18, 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, July 15, 2019 at 4:00 pm in the Town Hall Board Room.

REVISED AGENDA

- 1) The meeting will be called to order and roll call will be taken.
- 2) The minutes of the June 17, 2019 regular meeting will be considered.
- 3) Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: A Conditional Use Permit is requested for property located at 9 Holly Hill Road for a detached accessory building.

Case 2: A Conditional Use Permit is requested for property located at 61 Forest Road for a detached garage, deer fencing replacement and retaining walls. A Variance is requested for extension of the deer fencing into the side yard setback.

Case 3: A Conditional Use Permit is requested for property at 31 Stuyvesant Road for improvements to an existing swimming pool and accessory buildings, and relocation of a tennis court. A Variance is requested for location of accessory structures within the front yard setback.

- 4) Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, JUNE 17, 2019.

The Board of Adjustment met at 4:00 p.m. on Monday, June 17, 2019.

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

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

Mr. Goosmann swore in the following:

Mr. Hunter Marks
Ms. Brooke Alexander
Mr. Scott Keel
Mr. Christopher Phelps
Ms. Joyce Funk
Mr. Dick Funk
Ms. Heidi Bell
Mr. Benjamin Mitchell
Ms. Joyce Young
Ms. Sammie Bevin
Mr. David Bevan

A motion was made by Mr. Robert Chandler to approve the May 20, 2019 minutes as amended. The motion was seconded by Mr. Lowell Pearlman. The minutes were unanimously approved as amended.

HEARING (Evidentiary):

A Conditional Use Permit is requested for a property located at 17 Forest Road for addition of a detached accessory building. A Variance is requested for an allowance of more than one detached accessory building on the lot. Mr. Marks showed the Board the current location of the existing house. A brick terrace would be added in between the existing great room and the existing

enclosed porch. There would be a back entrance. An open breezeway would be added. Mrs. Kieffer clarified there was only one entrance into the property and there was not a circular driveway. This idea was abandoned when the owners realized it would be more of a disturbance.

Mr. Chandler asked if the owners would be open to buffering if needed. Mr. Marks said additional buffering would be added if needed.

Ms. Young asked a question regarding what appeared to be two components to the existing structure. Ms. Young asked whether there would be adequate space to hold maintenance equipment in the garage. Mr. Marks indicated the garage was 30 feet wide and typical garages have 12 feet per space. Ms. Young expressed concern about additional accessory structures. Mr. Clarke indicated his rationale as to why this was allowed as a Variance approval and said the topography in this proposal would qualify.

Chairman Goosmann indicated that if the specific garage was connected by enclosed and heated square footage, this would not be reviewable by the Board of Adjustment. Mr. Marks agreed and indicated that while it was connected, it was not attached per the Town's Zoning Ordinance.

DELIBERATION AND DETERMINATION:

Mr. Pearlman recited the facts of the case. Dr. William Wharton is represented by Mr. Hunter Marks for 17 Forest Road. Dr. Wharton is applying Variance for another detached structure, which would exceed the one permitted on 17 Forest Road. It is not enclosed so is considered a detached structure. There is currently a garden shed on the lot already so the maximum allowable structures are being exceeded. The Board agreed to move forward with consideration of both the Variance and Conditional Use simultaneously. The Conditional Use Permit is for the detached garage. It is detached because it is not considered weatherized. It is 720 square feet. Chairman Goosmann asked for any further comments or questions.

Mrs. Lynn Kieffer made a motion to approve a Conditional Use Permit and Variance be granted to Dr. William Wharton and Ms. Lisa Wharton of 17 Forest Road for a detached garage and a Variance for allowance of a second accessory structure. The facts as recited by Lowell Pearlman and his summation be accepted as findings and 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 153.110 (C)(2-3) 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 this Variance satisfies the applicable Sections of 153.110(D) and paragraphs one through four, and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find 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 Mr. Lowell Pearlman and unanimously approved.

HEARING (Evidentiary):

Mr. Christopher Phelps, architect representing the owners, presented the request for a Variance for property at 19 Eastwood Road for construction of a portion of the driveway in the side yard setback. Approval is also requested for land disturbance activities exceeding twenty percent of the lot. Mr. Phelps said there is a new construction house that will be built on this property. Mr. Phelps described the Variance and showed the plan to the Board where the existing house used to be located and where the new house will be placed. Mr. Phelps showed the Board where the garage will be placed. The property has a steep ravine. A motor court will be built on the side of the property. Dr. Landau asked where the setback is located. Mr. Phelps showed the side setback which is 20 feet. The driveway is 8 feet by 50-60 feet. The hardship is they are not interested in moving it down into the gulley any further then it has to be.

Ms. Heidi Bell asked Mr. Phelps to describe the auto court. It will look like cobblestone and be a very high end driveway. This area will be highly buffered. The house will look like two stories from the front and three stories from the back. It has an unfinished basement. Dr. Landau suggested putting in more mature landscaping. Ms. Bell was concerned about the existing daffodil path and where the house lies in conjunction with this plan. Mr. Phelps showed Ms. Bell the plans and that the daffodil path would not be affected by the project.

Ms. Sammie Bevan expressed her opinion in support of this project.

Ms. Bell asked what the material on the exterior of the house would be. Mr. Phelps said it would primarily be gray shingles.

Dr. Landau asked if Mr. Phelps could describe the land disturbance exceeding 20 percent. Mr. Phelps said at least 2/3 of it is already disturbed from the previous home.

Chairman Goosmann asked if there were any objections. There were no objections. Chairman Goosmann if there were any further comments or questions. There were no further questions or comments.

Mr. Clarke indicated that the Variance should include language relative to adding increased buffering if necessary which the owners have agreed to do.

DELIBERATION AND DETERMINATION:

Dr. Landau recited the facts. Mr. Dick and Mrs. Joyce Funk of 19 Eastwood Road are requesting a Variance for construction of a portion of the driveway in the side yard setback. A new motor court will be 8 feet by 50 feet into the side yard setback. The remainder of the driveway will be placed where the existing driveway was previously located. They are also requesting approval for a land disturbance, which exceeds 20 percent of the lot. The Board has inspected the site and the owners have expressed a hardship because of the topography of the land and the drainage, which covers much of the property. Mr. and Mrs. Bell who are neighboring property owners have shown no objection and they have worked extensively together. Mr. and Mrs. Funk are willing to further buffer if necessary. There were no addition to the facts.

Mrs. Lynn Kieffer made a motion that a Variance as requested be granted to Dick and Joyce Funk of 19 Eastwood Road for a portion of the driveway in the side yard setback and the facts as stated 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. Mrs. Kieffer moved that granting this Variance satisfies the applicable Sections of 153.110(D) and paragraphs one through four, and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find that the spirit of the ordinance would be observed, public safety and welfare secured and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Dr. Landau seconded the motion and was unanimously approved.

The next meeting for the Board of Adjustment is scheduled for Monday, July 15, 2019 at 4:00pm.

The meeting was adjourned at 4:52pm.

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 (9 Holly Hill Road)
Date: July 8, 2019

Request for Conditional Use Permit for an Accessory Building

An accessory building has been placed in the yard as a temporary storage facility for outdoor items. A plan for pool replacement and other backyard improvements was approved by the Board of Adjustment in May 2018 and construction is currently in progress. The placement of the storage building requires approval via Conditional Use Permit that was not appropriately requested or obtained. The owners have now submitted an application for approval for continued use of the storage building throughout the backyard construction process. Although the location of the building is temporary, the property owners indicate their intention to use the building for a couple of years.

Note: A variance application was originally submitted for this request, but has since been withdrawn. The property owner plans to move the outbuilding behind the house to either the rear or side yard, neither of which requires variance approval.

Zoning Compliance Application

Town of Biltmore Forest

Name

Benjamin Lehman

Property Address

9 Holly Hill Road

Phone

(434) 249-0257

Email

blehman_007@yahoo.com

Parcel ID/PIN Number

964672798900000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.6 acre

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

50 square feet

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

50 square feet

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

9 feet

Description of the Proposed Project

Erection of prefabricated 7' x 7' shed on property

Estimated Start Date

7/21/2019

Estimated Completion Date

8/18/2019

Estimated Cost of Project

\$700.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

A handwritten signature in black ink, appearing to be "Paul Chen", written over a horizontal line.

Date
6/24/2019

Conditional Use Permit Application

Town of Biltmore Forest

Name

Benjamin Lehman

Address

9 Holly Hill Road

Phone

(434) 249-0257

Email

blehman_007@yahoo.com

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:

Erect a small shed either in the existing side driveway/parking area or the backyard if a variance is not approved. The storage shed will be used to store children's' bicycles and kayaks and lawn equipment.

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

The storage shed will help store and organize bicycles and children's play equipment that would likely be left or stored outside thus providing less of an eye sore to neighbors. Our existing garage is being used for storage along with a woodworking shop and does not allow for any further storage. Kayaks also will be stored in the shed and thus no longer be visibly stored out in the open. I have seen many homes within the neighborhood that have visibly stored kayaks outside which is more of an eyesore than a visible shed itself. The shed if constructed in the side driveway can also be used to shield the trash and recycling bins that can be seen from the street view.

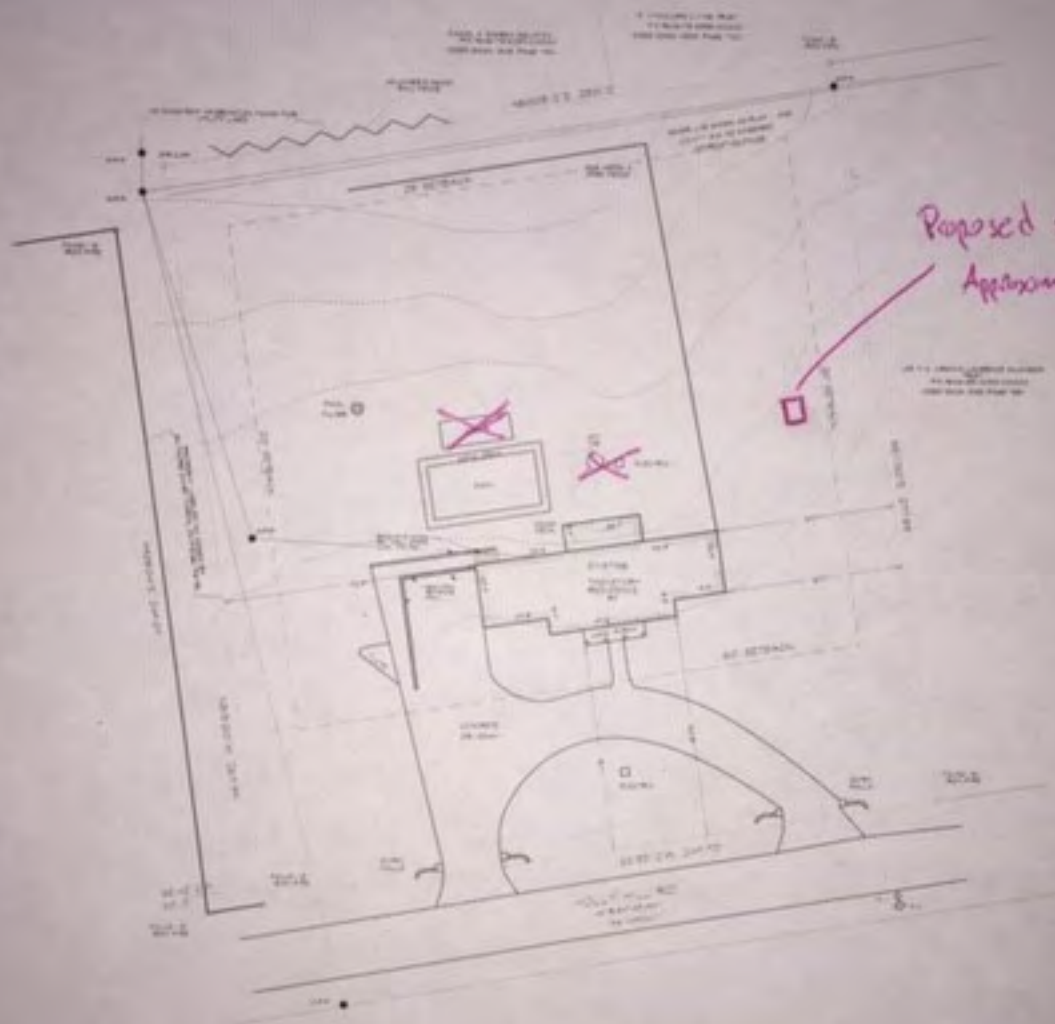
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Date

6/24/2019





Myurko
ARCHITECT & INTERIOR DESIGN

1000 S. 10th St.
Greensboro, NC 27401
336.771.1111
myurkoarchitect.com

New Retaining Wall
for
Ben & Christie Lohman
11 July 2014
Blomrose Forest, NC



project No. 1000
designer JY
architect JY

date 10/10/14
scale As Shown
sheet No. 1000

notes

sheet
C
1000







355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
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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 (61 Forest Road)
Date: July 8, 2019

Request for Conditional Use Permit for a Deer Fencing and Accessory Structures

The property owners at 61 Forest Road have submitted plans for construction of a new single-family residence. A Conditional Use Permit is requested for a detached garage, retaining walls and a deer fence. The garage will be located behind the house and will not encroach upon the side or rear yard setbacks. The home will be placed further back on the property than the previous house, requiring the need for retaining walls to support extension of the driveway. A chain link fence currently exists along the rear property line that applicants wish to replace with a deer fence. Replacement fences are allowed under **\$153.029** as follows:

(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.

(a) Existing chain link fences may not be replaced with new chain link fences.

(b) Existing fences or walls in the front yard may not be replaced. No new fences or walls shall be allowed in the front yard.

(c) Repair of more than half of an existing fence or wall shall be considered a replacement and shall be subject to this section.

Request for a Variance for Extension of the Deer Fence into the Side Yard Setback

The variance request is for extension of a replacement deer fence across both side yard setbacks to enclose the rear yard. The variance application notes the total fenced area will be less than existing and the previous fencing had similar encroachments in the setback. The owners would like to fully enclose the rear yard to protect the area from deer.

Zoning Compliance Application

Town of Biltmore Forest

Name

Suzanne Godsey

Property Address

61 Forest Road

Phone

(828) 225-4945

Email

sgodsey@siteworkstudios.com

Parcel ID/PIN Number

9646587958

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.45 acres

Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Proposed Roof Coverage Total

5,482 SF

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

15,612 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)

Building Height

24'-6"

Description of the Proposed Project

New construction of a single family dwelling.

Estimated Start Date

8/1/2019

Estimated Completion Date

12/31/2020

Estimated Cost of Project

\$1,150,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Bidwell Residence_BOA Submittal.pdf

Applicant Signature

Date
6/24/2019

A handwritten signature in black ink, appearing to be 'A. E.', written above a horizontal line.

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Suzanne Godsey

Address

61 Forest Road (property address)

Phone

(828) 225-4945

Email

sgodsey@siteworkstudios.com

Current Zoning/Use

Residential

Requested Use

New home construction

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 variance request is to allow two small sections (totaling 52 linear feet) of deer fencing to encroach within the side and rear setbacks to provide a fully enclosed area.

What does the ordinance require?

The ordinance requires that all accessory structures meet setback requirements. The ordinance allows for removing and replacing existing fencing and to install fencing at properties that abut the Biltmore Estate subject to conditional use approval by the Board of Adjustment. Plans have been submitted for conditional use permit review.

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.**

A strict application would not allow owners to fully enclose rear yard.

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

The hardship exists in that there is no way to fully enclose an area to the rear and side property line fencing without crossing through side and rear setbacks. The previous fencing layout had similar encroachments in the setback.

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

The hardship did not result in the applicant's actions in that all existing perimeter fencing was previously installed by others.

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 requested variance is in the spirit of the ordinance in that the total fenced in area is less than the existing fenced area. The fencing is moved further away from the street and 470 linear feet of chain link fencing is being removed from the property. The allowable fencing is a visual improvement to the neighbors and community in both location and materials.

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

Signature

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

Date

6/21/2019

Conditional Use Permit Application

Town of Biltmore Forest

Name

Suzanne Godsey

Address

61 Forest Road (property address)

Phone

(828) 225-4945

Email

sgodsey@siteworkstudios.com

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 proposed project is new residential construction at 61 Forest Road. The conditional use request is for deer fencing at the rear of the property and two proposed retaining walls. Portions of the deer fencing will be replacing existing chain link fencing. The proposed walls will be stucco veneer with a stone cap.

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

The proposed structures will not adversely affect the public interest of those living in the neighborhood. The deer fencing is replacing old chain link fencing and the fenced in area will not be visible from the road. The rear of the property abuts the Biltmore Estate. The total area of fencing is only 15% of the lot and the closest fencing to Forest Road is 260 feet into the property.

The walls are relatively small in nature (4' and 5.5'). They will be faced with stucco and stone caps. The 4' wall is located at the rear of the home and will not be visible from adjacent properties. The 5.5' wall by the entrance drive will be screened with landscaping and is over 200 feet from Forest Road. Both wall locations met the required setbacks.

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

Signature

Date

6/21/2019



Conditional Use Permit Application

Town of Biltmore Forest

Name

Suzanne Godsey

Address

61 Forest Road (property address)

Phone

(828) 225-4945

Email

sgodsey@siteworkstudios.com

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:

The proposed project is new residential construction at 61 Forest Road. The conditional use request is for the construction of a detached garage adjacent to the home.

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

The location of the garage is outside of the required setbacks and will not be a significantly visible element from the road. There is existing vegetation to remain along the side property line that will screen the structure from the neighbor's property (see landscape plan).

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

Signature

A handwritten signature in black ink, appearing to read 'Suzanne Godsey', written over a horizontal line.

Date

7/8/2019

SITE DEVELOPMENT PLANS FOR

BIDWELL RESIDENCE

PREPARED FOR:

KATHERINE AND MARK BIDWELL

61 FOREST ROAD
BILTMORE FOREST, NORTH CAROLINA

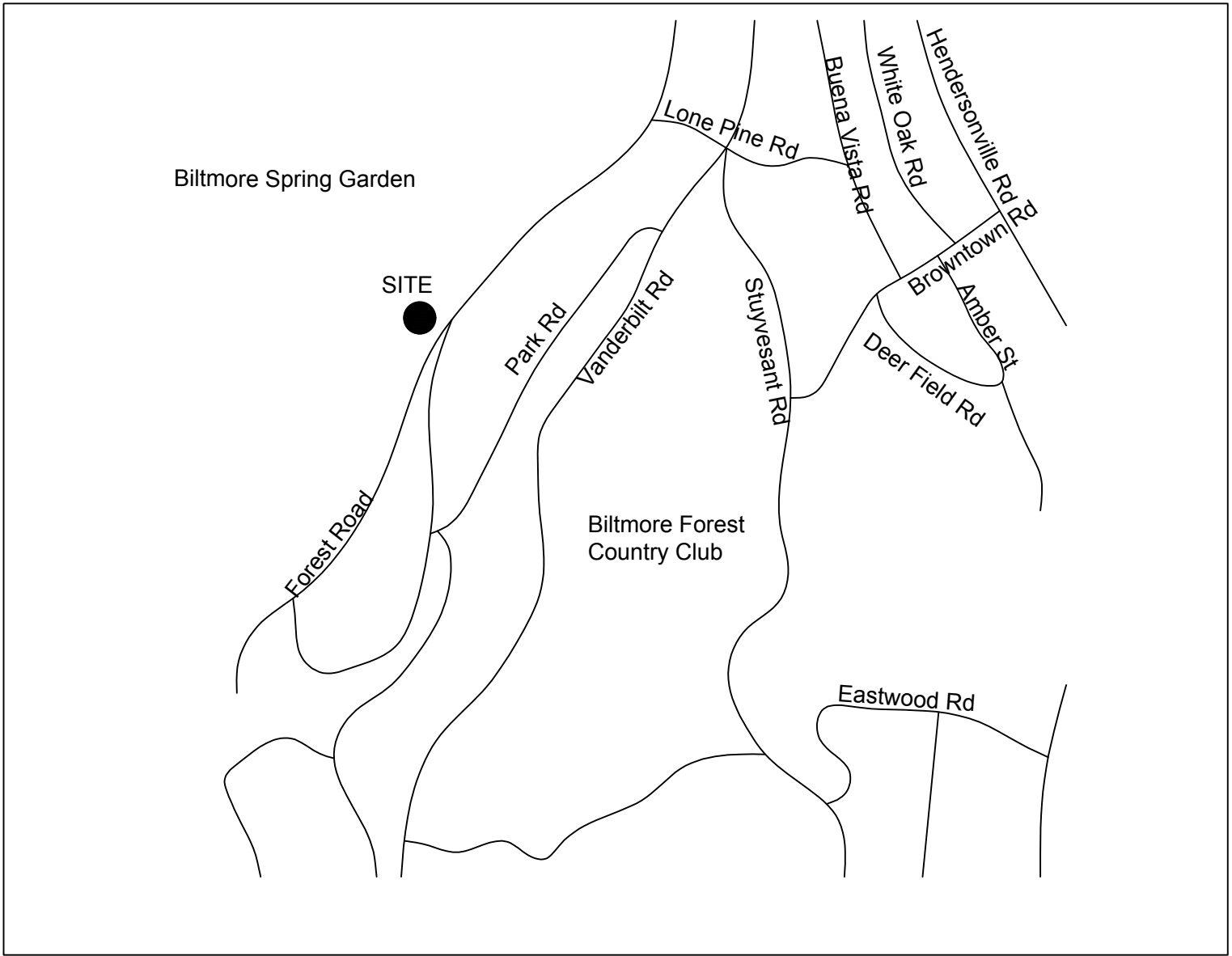
JUNE 24, 2019



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



VICINITY MAP



DRAWING INDEX

SHEET NUMBER	SHEET TITLE
	COVER SHEET

LANDSCAPE ARCHITECTURE	
L-100	Existing Conditions, Demolition and Tree Removal Plan
L-200	Site Development Plan
L-300	Preliminary Landscape Plan

ARCHITECTURE	
A1.02	Exterior Perspectives
A2.01-2.02	Floor Plans
A2.04	Roof Plan
A3.00-3.01	Building Elevations

BIDWELL RESIDENCE

REVISIONS		
DATE	REVISION DESCRIPTION	SHEET

FOR
REVIEW
ONLY



THIS DOCUMENT IS THE PROPERTY OF SITEWORK STUDIOS, PLLC.
IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT
TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT
FROM SITEWORK STUDIOS, PLLC.

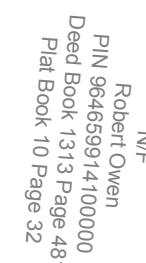


SHEET NO.
L-100



FRONT:
SIDE:
REAR:





District	Minimum Lot Area in Square Feet	FUD Residential Density Maximum Number of Dwellings Per Acre (applicable to residential units in PUDs with no conditional use)	Minimum Yard Setback Requirement in Feet (FNU)				
			Minimum Lot Width at Building Line in Feet	Front Yard From Street	Side	Rear	Maximum Height
	Feet		Feet	Line	Yard	Yard	In Feet
R-1	43,560	0	150	60	20	25	40

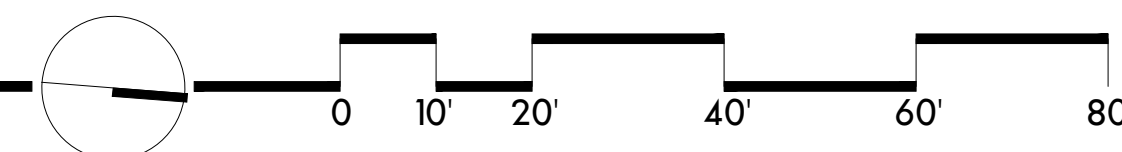
IMPERVIOUS AREA CALCULATIONS	
TOTAL LOT SIZE:	63,162 SF (1.45 AC)
ALLOWABLE IMP. AREA (25% OF LOT SIZE):	15,790 SF
ALLOWABLE ROOF AREA:	5,500 SF
PROPOSED IMP. AREA:	5,630 SF - ASPHALT DRIVEWAY 2,150 SF - CONCRETE PAVERS MOTOR COURT 850 SF - REAR GARDEN HARDSCAPE 1,500 SF TERRACES/PATIOS
PROPOSED ROOF AREA:	5,482 SF
TOTAL PROPOSED IMP. AREA W/ ROOF:	14,612 SF

CONTACT PERSON:
SUZANNE GODSEY, PLA
SITWORK STUDIOS, PLLC
352 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
828.225.4945

ZONING DISTRICT: R-1

REF: 010

SETBACKS
FRONT: 60'
SIDE: 20'
REAR: 25'



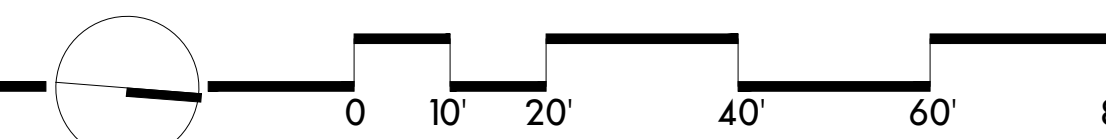
REVISIONS		
NO.	REMARKS	DATE

DATE:
6.24.2019
SHEET TITLE

PRELIMINARY LANDSCAPE PLAN

SHEET NO.

L-300

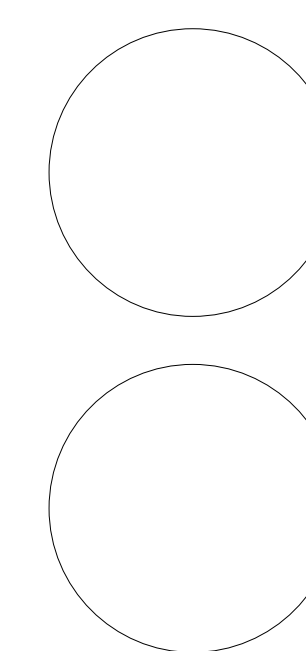




ARCHITECT:

CARLTON
EDWARDS

P.O. BOX 7466
ASHEVILLE, NC 28802
828.274.7554 phone
828.274.7512 fax



Revision Schedule

[illegible]

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

BIDWELL RESIDENCE
61 FOREST ROAD
BILTMORE FOREST
ASHEVILLE, NC 28803

PROJECT NUMBER

19.01

DRAWN BY

11

CHECKED BY _____

SCHEMATIC DESIGN


DATE: 4/30/2019

EXTERIOR PERSPECTIVES

A1.02

COPYRIGHT 2019
CARLTON EDWARDS

PLOT INFO: 6/24/2019 12:58:06 PM

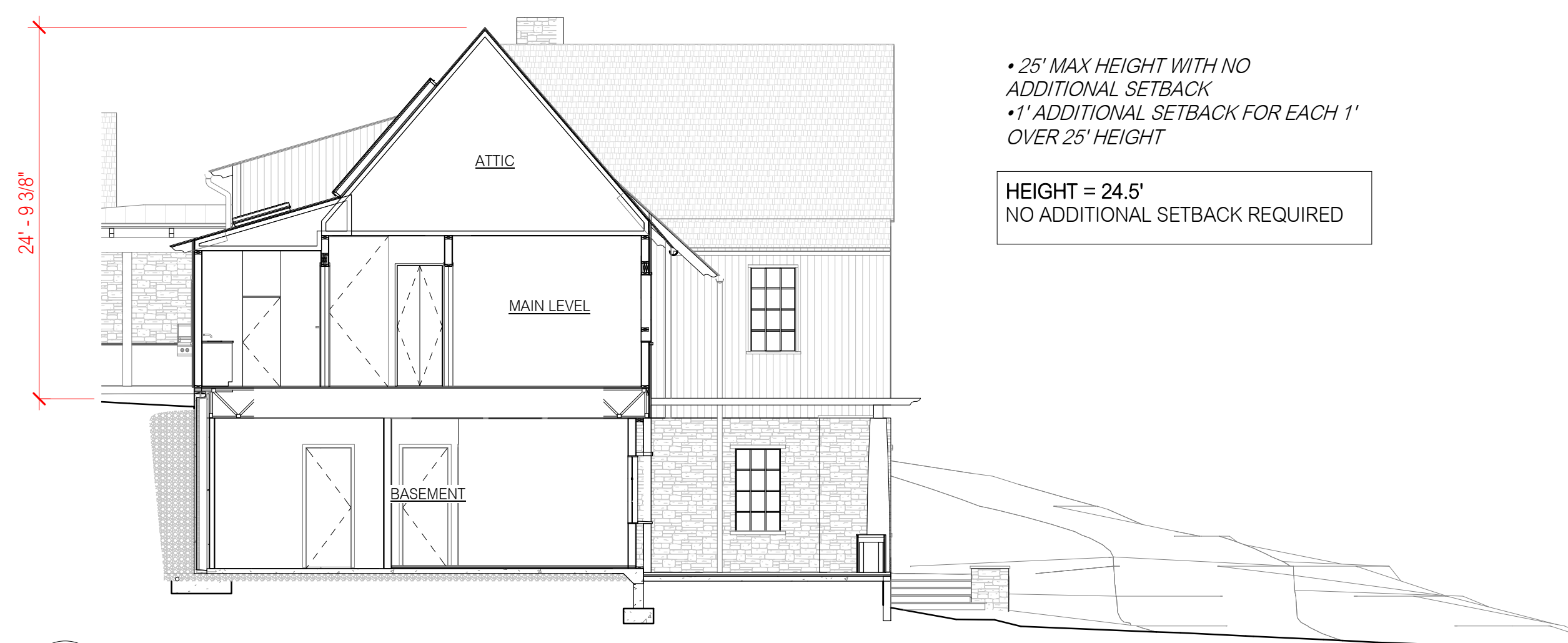
CARLTON
EDWARDS[illegible]

NOT FOR CONSTRUCTION

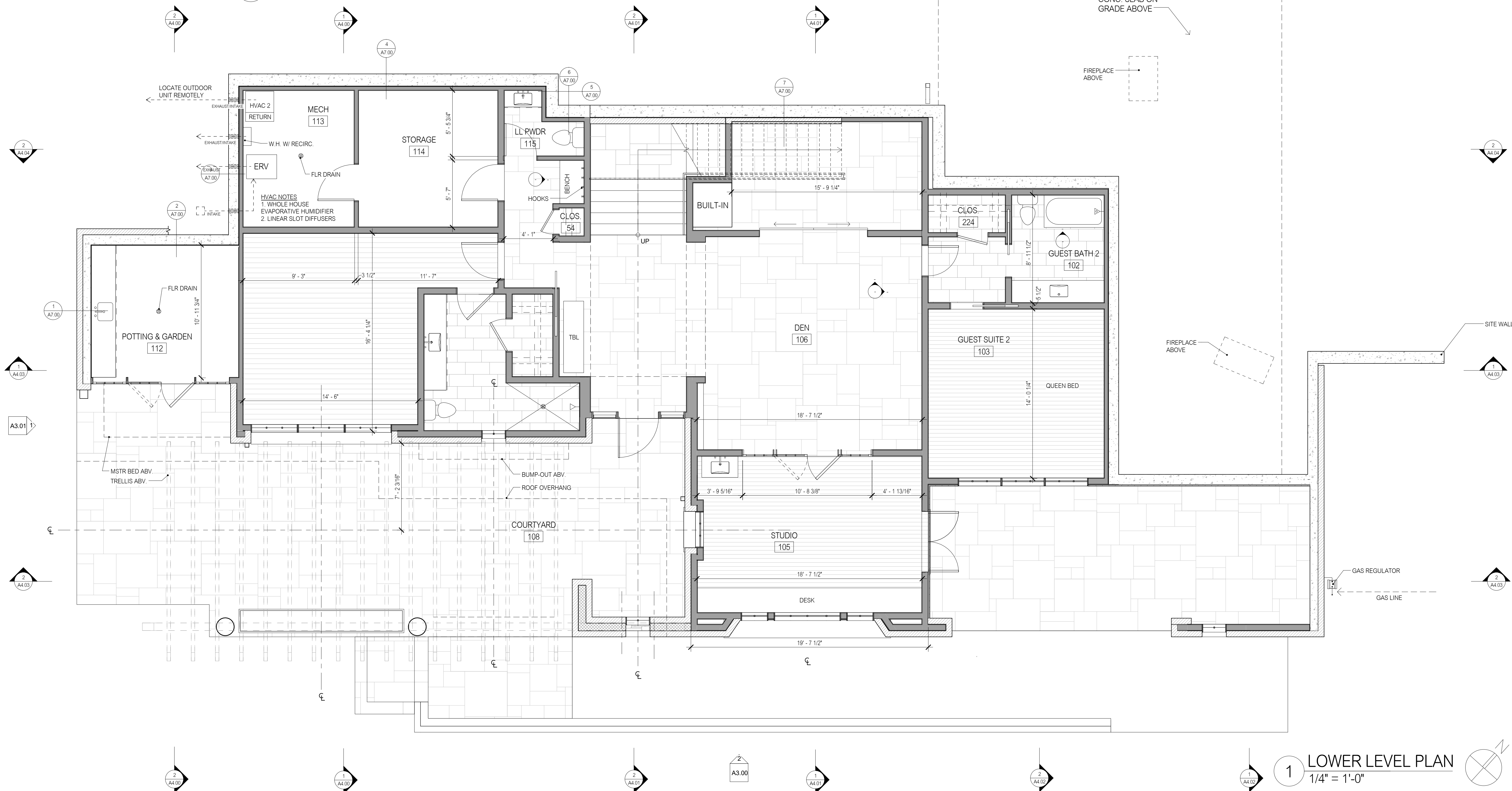
PROJECT NUMBER	19.01
DRAWN BY	---
CHECKED BY	---
SCHEMATIC DESIGN	
DATE: 4/30/2019	
LOWER LEVEL PLAN	

A2.01

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2 SECTION HEIGHT DIAGRAM
1/8" = 1'-0"



PLOT INFO: 6/24/2019 12:58:08 PM

[illegible]

NOT FOR CONSTRUCTION

PROJECT NUMBER

19.01

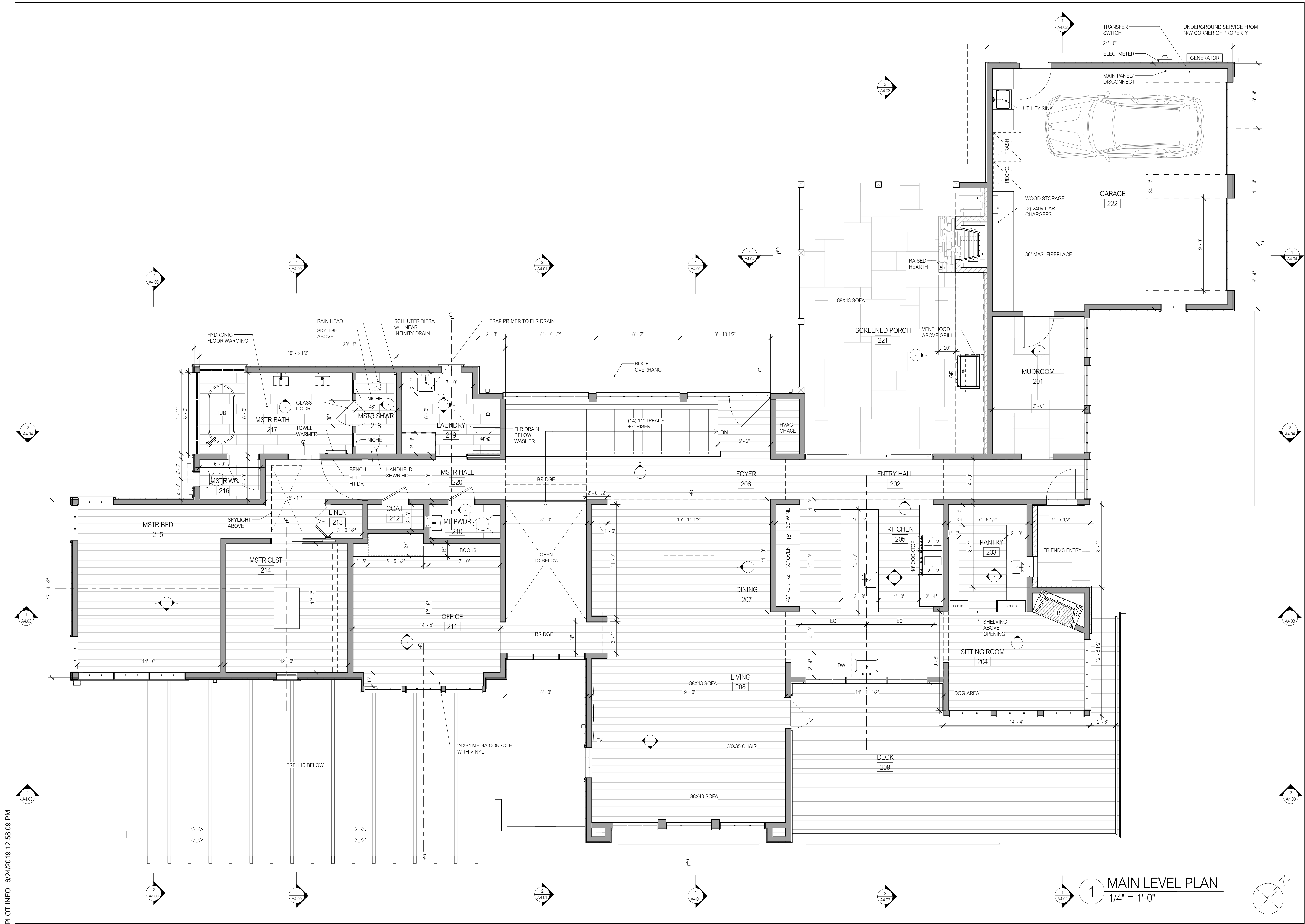
CHECKED BY

DATE: 4/30/2019

MAIN LEVEL PLAN

A2.02

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WILTON EDWARDS



NOT FOR CONSTRUCTION

PROJECT NUMBER

19.01

SCHEMATIC DESIGN

DATE: 4/30/2019

A2.04

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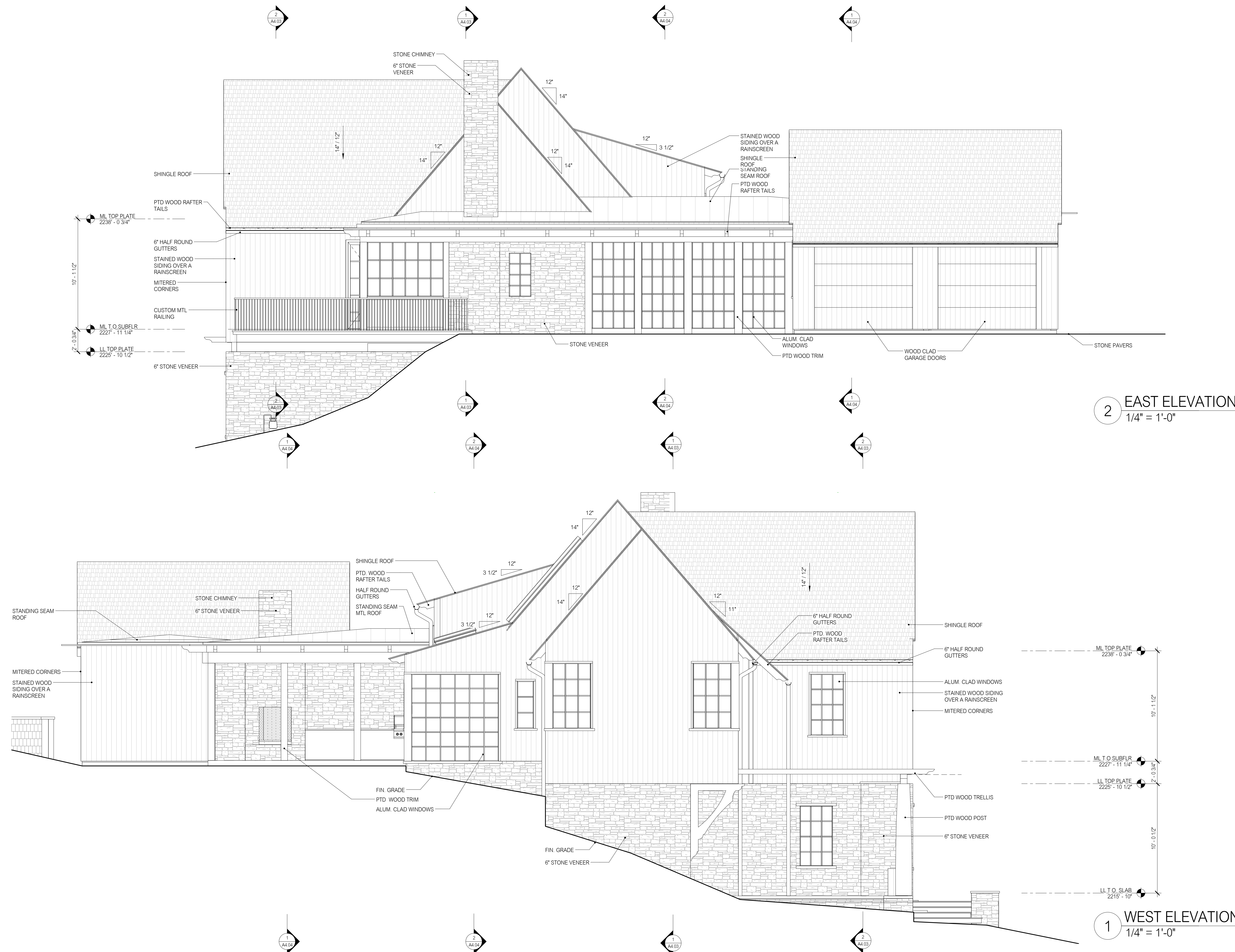
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NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION	
BIDWELL RESIDENCE 61 FOREST ROAD BILTMORE FOREST ASHEVILLE, NC 28803	
PROJECT NUMBER	19.01
DRAWN BY	---
CHECKED BY	---
SCHEMATIC DRAWING	
DATE: 4/30/2019	
ELEVATIONS	

A3.01

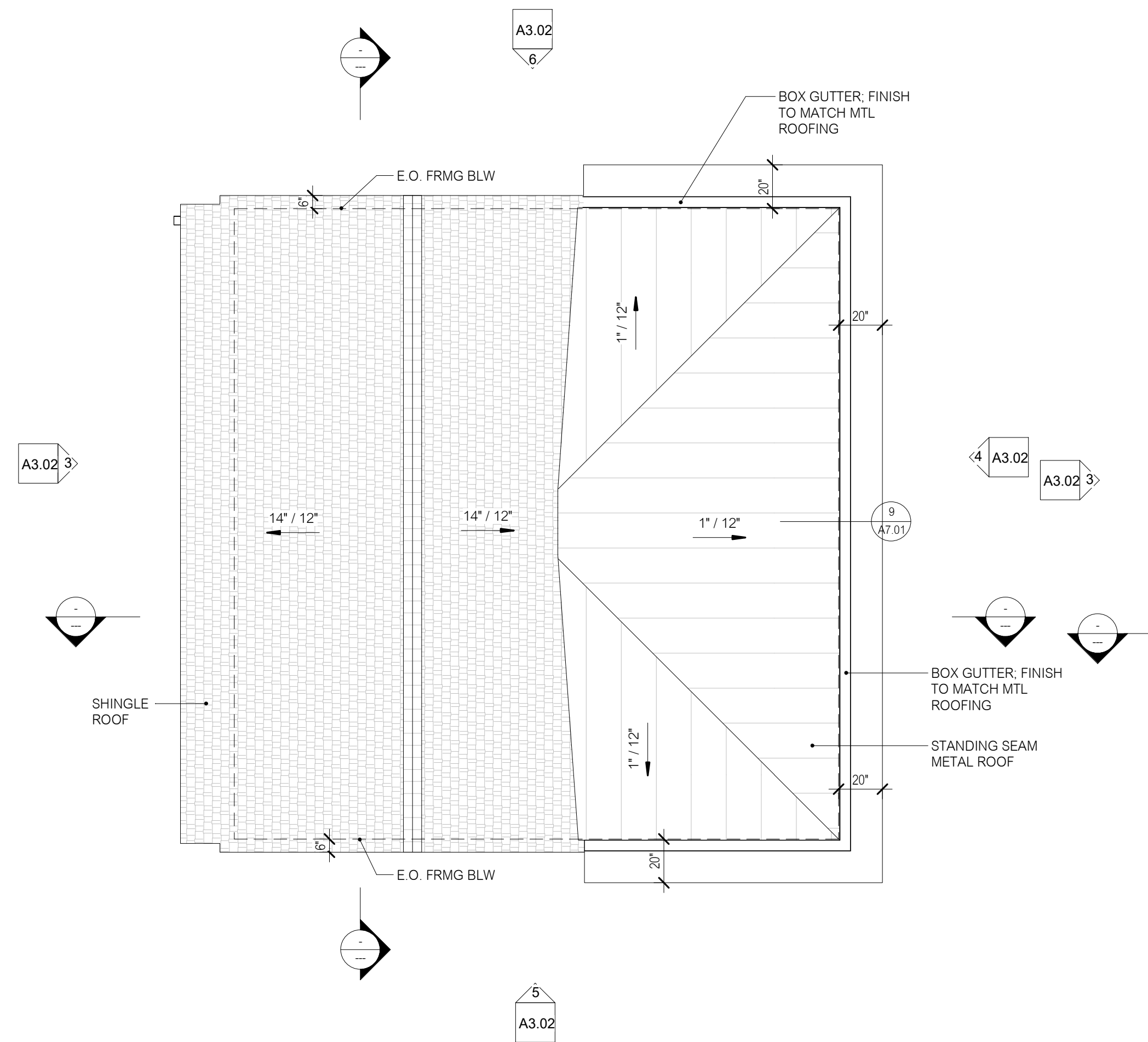
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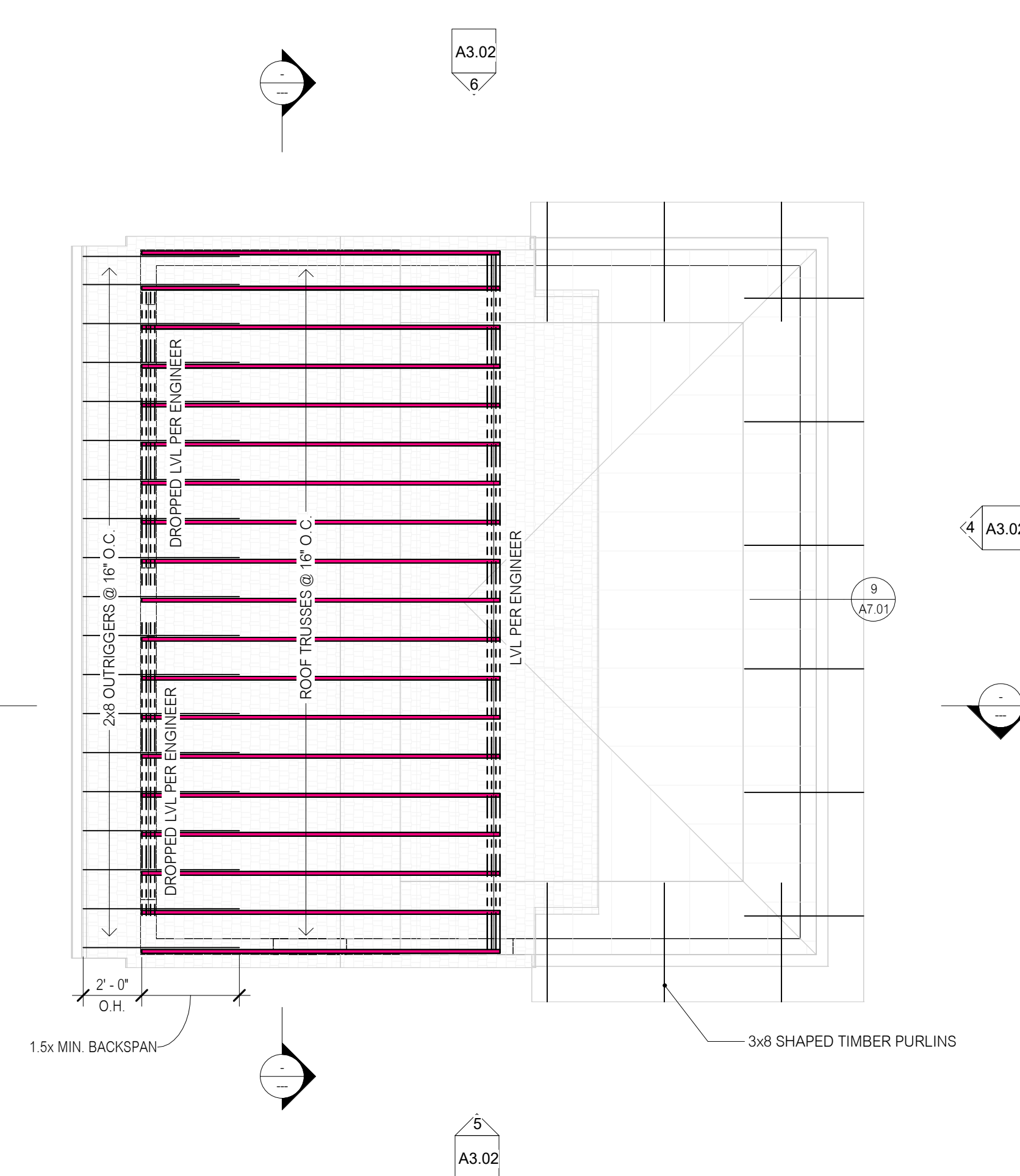
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NOT FOR CONSTRUCTION

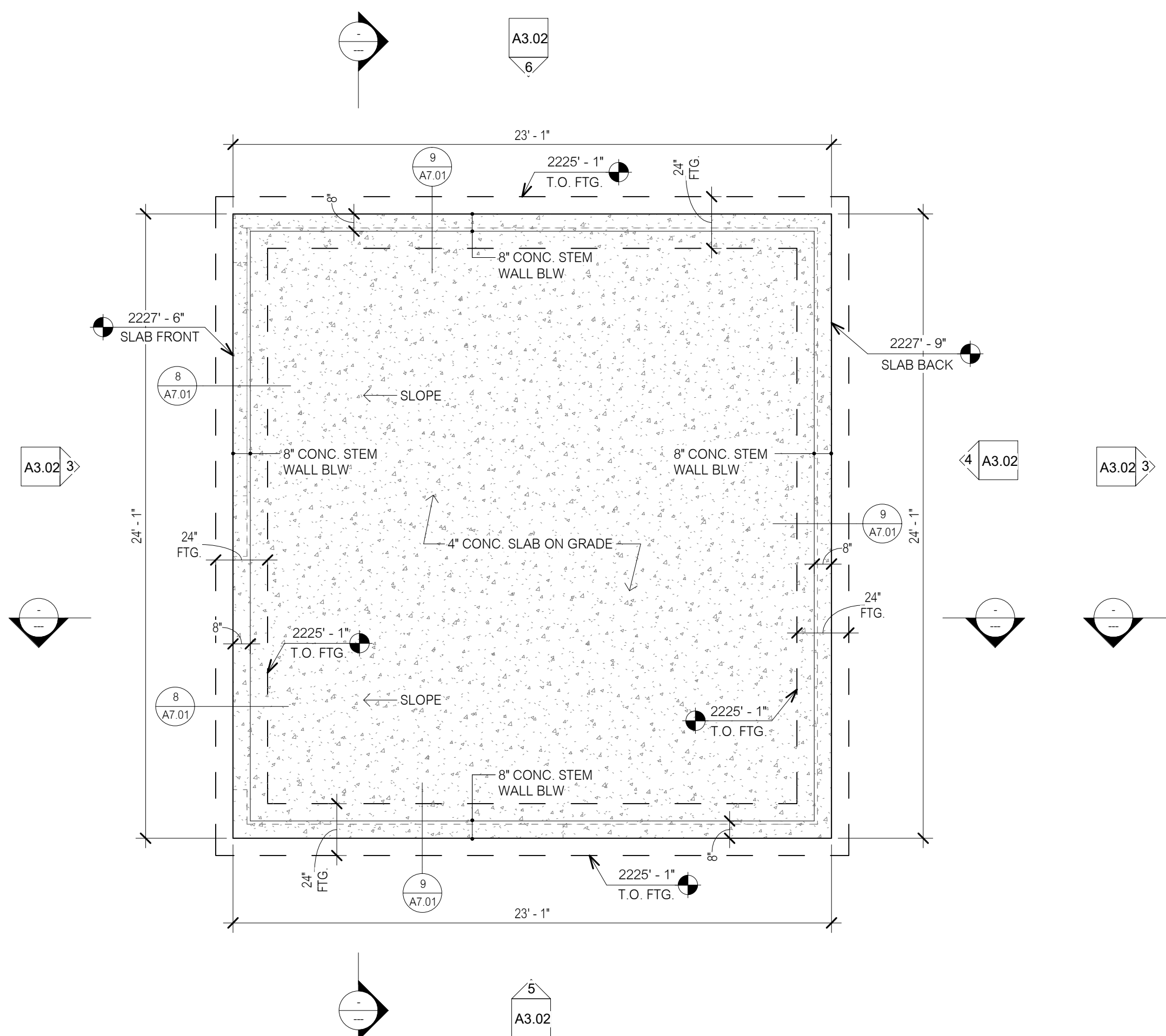
PROJECT NAME AND LOCATION	
BIDWELL RESIDENCE 61 FOREST ROAD BILTMORE FOREST ASHEVILLE, NC 28803	
PROJECT NUMBER	19.01
DRAWN BY	---
CHECKED BY	---
SCHEMATIC DESIGN	
DATE: 4/30/2019	
DETACHED GARAGE PLANS	
A2.08	
COPYRIGHT 2019 CARLTON EDWARDS	



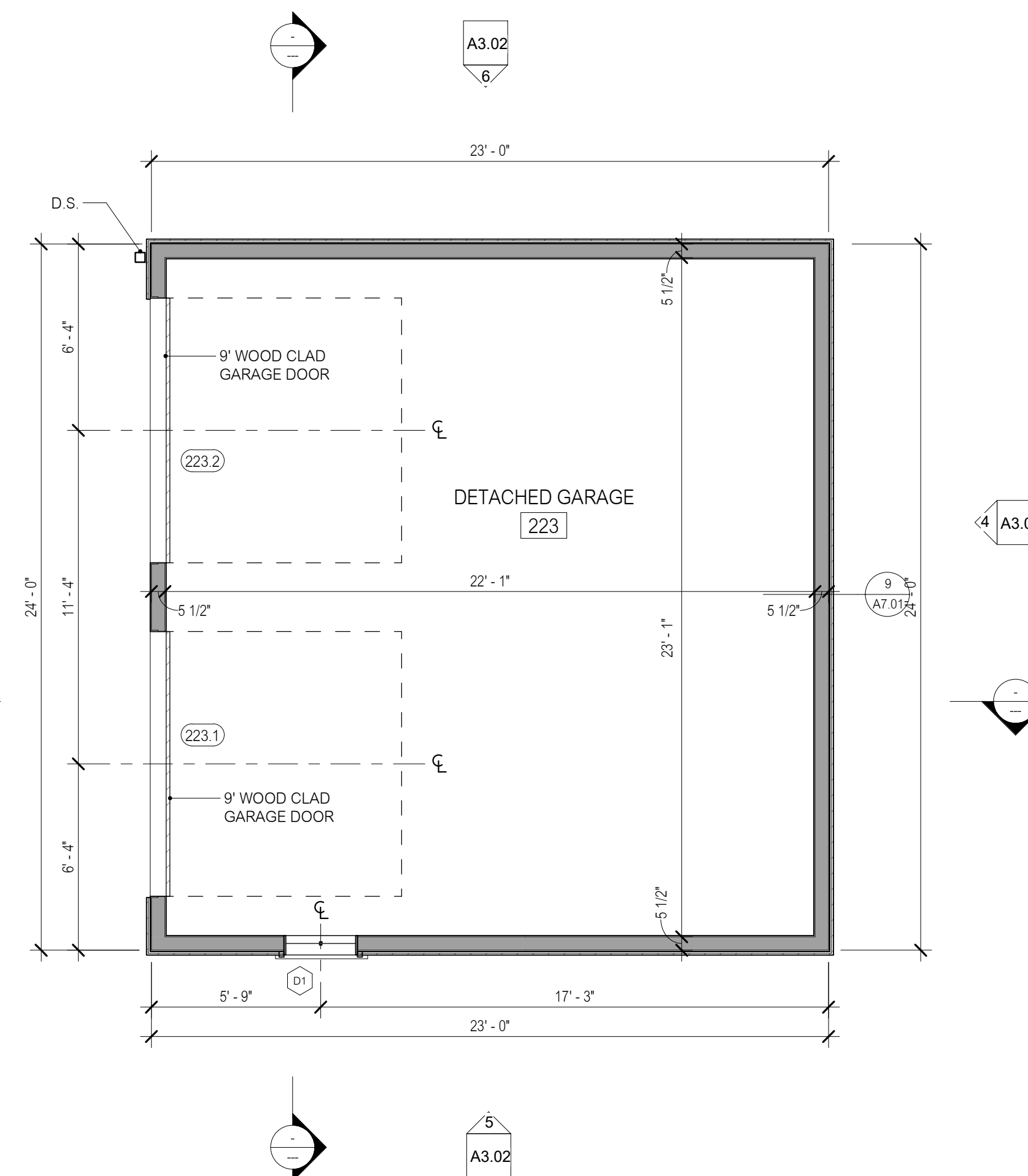
5 DETACHED GARAGE ROOF PLAN
1/4" = 1'-0"



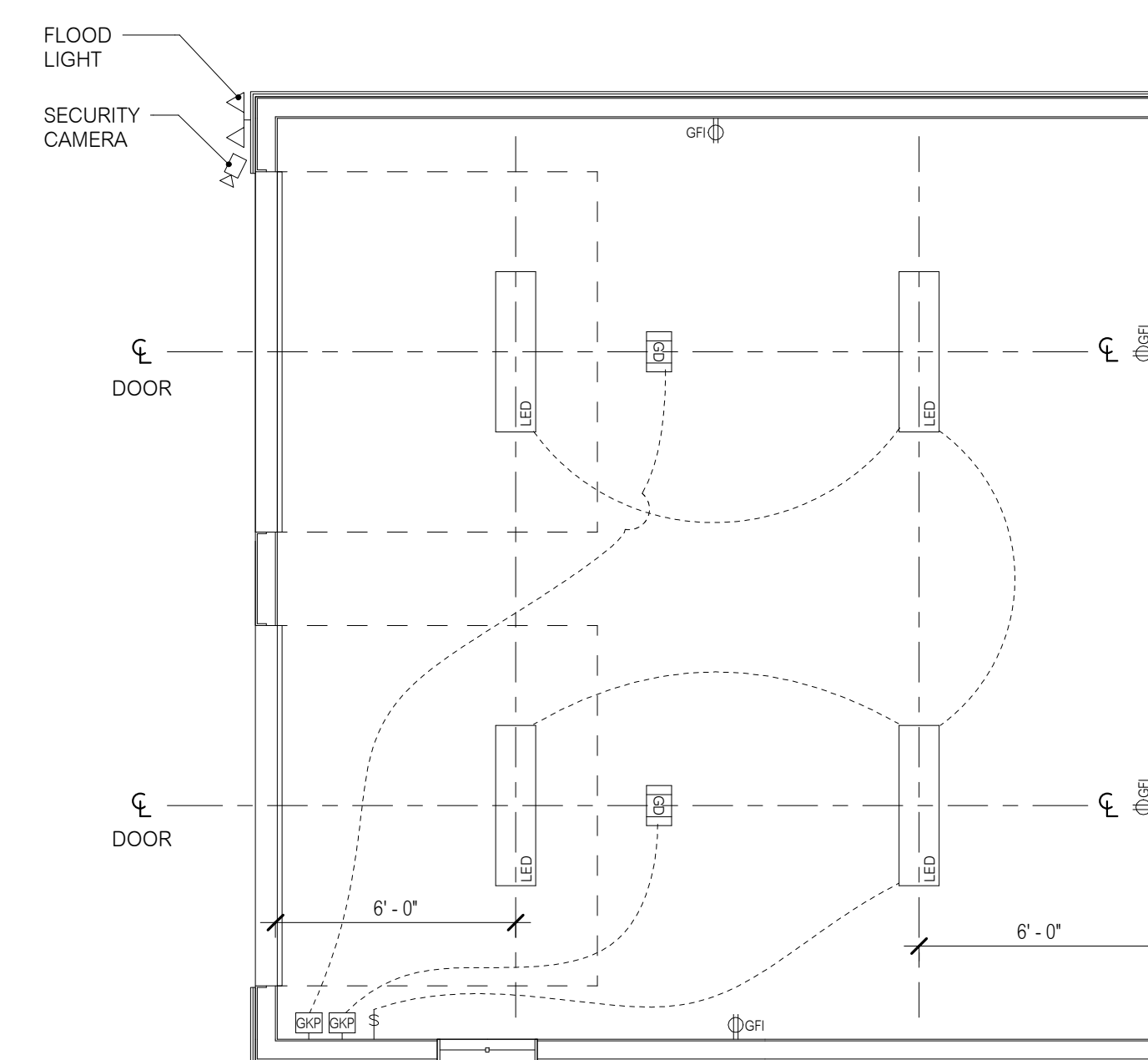
4 DETACHED GARAGE ROOF FRAMING
PLAN
1/4" = 1'-0"



3 DETACHED GARAGE FND. PLAN
1/4" = 1'-0"



2 DETACHED GARAGE PLAN
1/4" = 1'-0"



1 DETACHED GARAGE ELEC. PLAN
1/4" = 1'-0"

[illegible]

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION	
BIDWELL RESIDENCE 61 FOREST ROAD BILTMORE FOREST ASHEVILLE, NC 28803	
PROJECT NUMBER	19.01
DRAWN BY	---
CHECKED BY	---
SCHEMATIC DESIGN	
DATE: 4/30/2019	
DETACHED GARAGE ELEVATIONS	
A3.02	
COPYRIGHT 2019 CARLTON EDWARDS	



Date:

6/26/19

To: Town of Biltmore Forest

Attn: Jonathan Kanipe

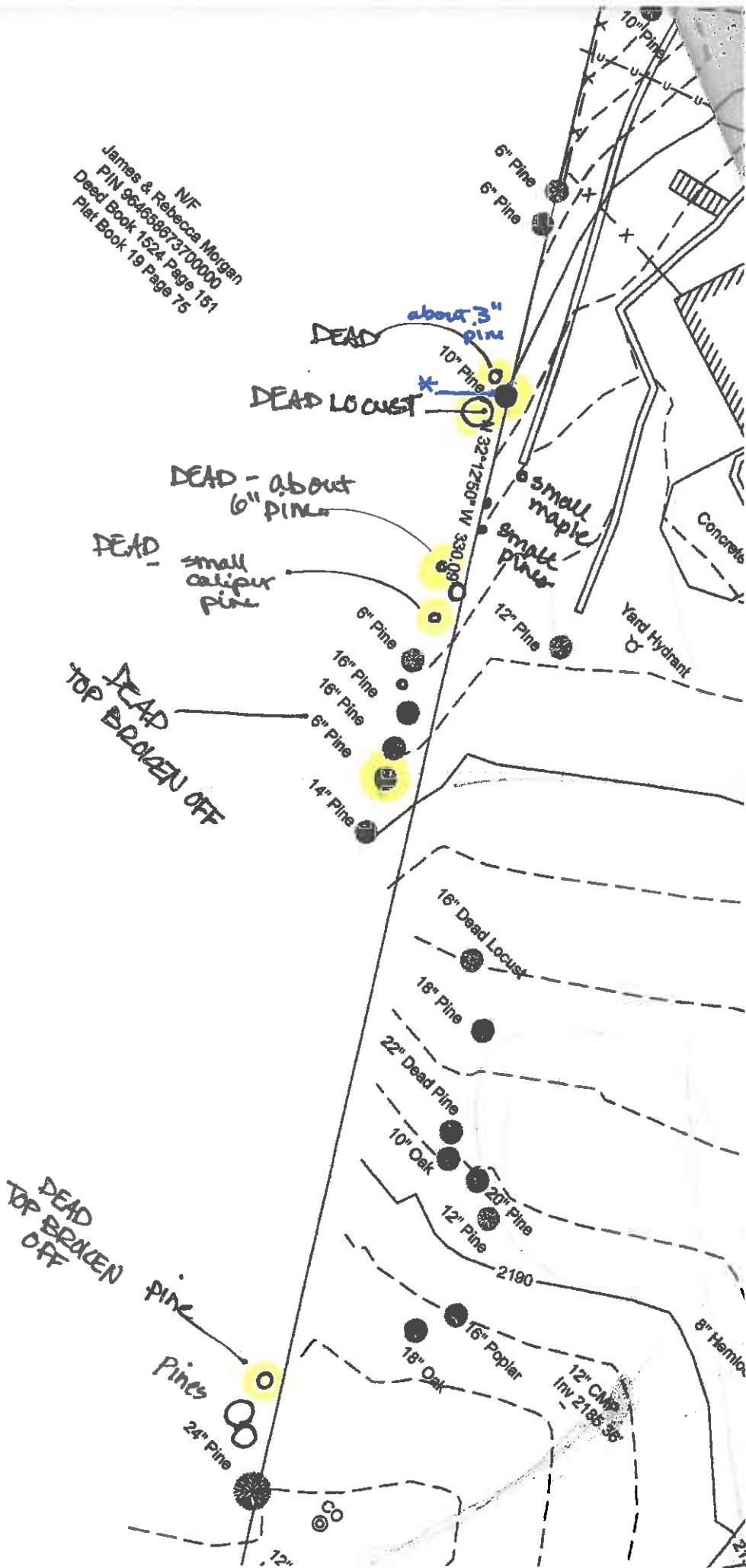
As part of the site work preparation for the Bidwell's new house, the Bidwells will be removing dead trees from their property. There are a few dead trees on my property which are very close to our shared side property line. The Bidwells have offered to remove those dead trees (also identified by the town's arborist) at their expense, and I have agreed to let them do so. The attached sheet shows a portion of their tree survey with the trees in question identified.

Rebecca Morgan

Rebecca Morgan

63 Forest Rd

James & Rebecca Morgan
N/F
PIN 964638673700000
Deed Book 1524 Page 151
Plat Book 19 Page 75



*Newcomb tree service says this pine is so close to dead locust, that both have to be removed

6/26/19

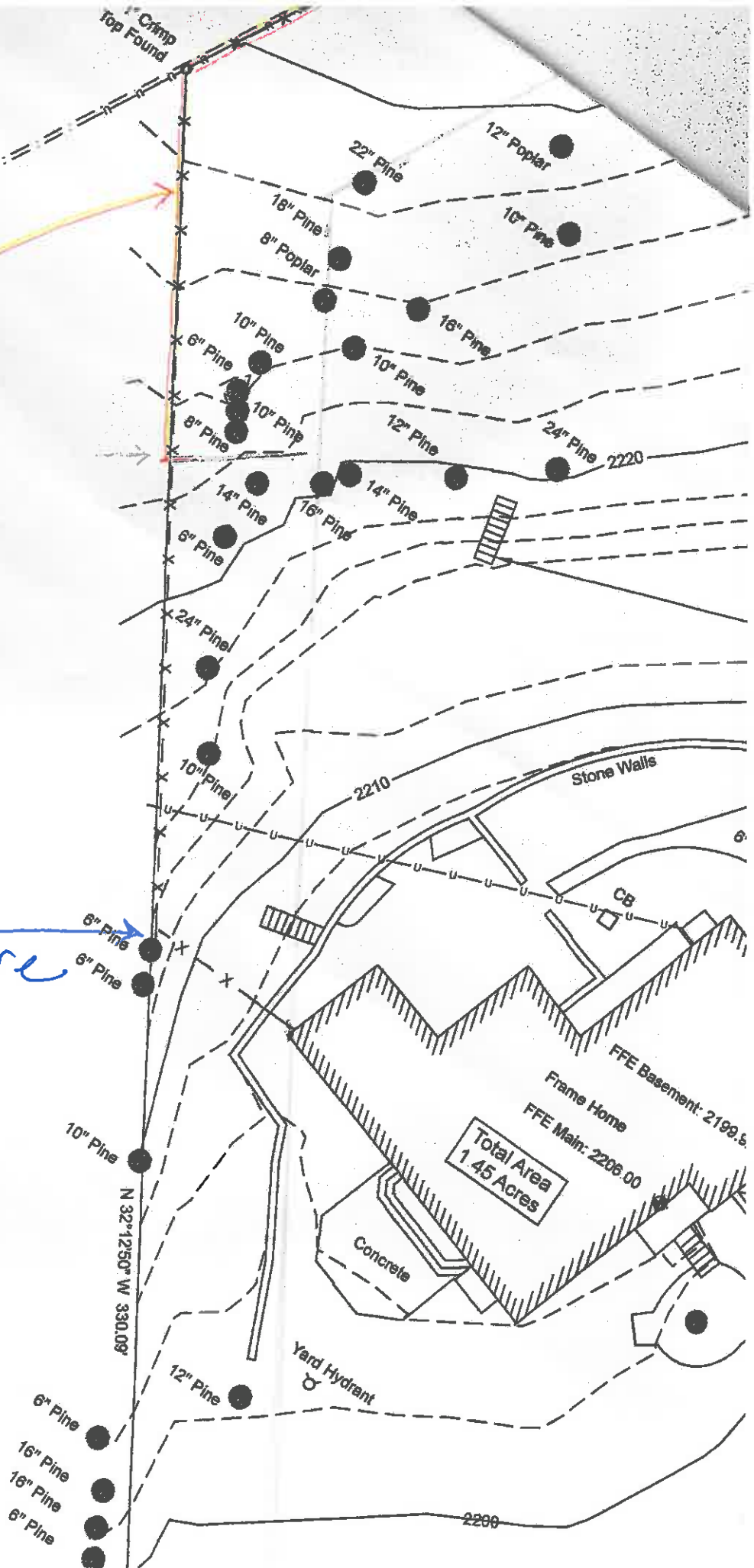
The Bidwells proposed changes
are fine with me.

Rebecca Morgan
63 Forest Rd

new
proposed

existing
goes all
the way to here

NF
James & Rebecca Morgan
PIN 964658673700000
Deed Book 1524 Page 151
Plat Book 19 Page 75



June 28, 2019

Dear Jonathan,

I'm writing in regard to the house project being planned and proposed by the Bidewells. Kathy has apprised Evelyn and me of her plans, and we fully support the plans and any variance that may be requested.

All the best,

Sandy Pfeffer
16 Forest Rd.

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 (31 Stuyvesant Road)
Date: July 8, 2019

Request for Conditional Use Permit for Improvements and Construction of Accessory Structures

The Biltmore Forest Country Club (BFCC) has submitted revised plans for improvements to the tennis courts and pool area. The plans include relocation of a tennis court, renovations to the pool area, additions to the pool house to include a fitness center and snack bar, and construction of a tennis shop and gathering deck. The tennis shop and gathering deck have been relocated from the original submittal to be located further away from Stuyvesant Road and to face towards the tennis court and pool area. Replacement steps for access to Stuyvesant Road are also included on the new plans.

Request for a Variance for an Accessory Structures in the Front Yard

A variance is requested for location of accessory structures within the front yard setback. The plans show the location of the relocated tennis court and replacement steps within the 60' front setback on Stuyvesant Road.

The variance is necessary based on Section §153.029(A) of the Zoning Ordinance regarding placement of accessory buildings, which reads as follows: "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

Biltmore Forest Country Club

First

Last

Property Address

31 Stuyvesant Road, Asheville, NC 28803

Address Line 1

Phone

(828) 274-1261

Email

bkeithblack@gmail.com

Parcel ID/PIN Number

964676292700000

ZONING INFORMATION

Current Zoning

☒ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ R-5 ☐ P-S

Lot Size

135.17999268

Maximum Roof Coverage

9,647 square feet (Up to 6 acres)

Choose appropriate lot size

Proposed Roof Coverage Total

9600

Must not exceed maximum coverage allowed

Maximum Impervious Surface Coverage

3-6 acres (20 percent of lot area)

Choose appropriate lot size

Proposed Impervious Surface Coverage

1 acre

Must not exceed maximum coverage allowed

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

Tennis court fence 10'-0"

Description of the Proposed Project

Renovation of existing Swim/Tennis Facility. See attached Memorandum dated 6/20/19 and Proposed Swim/Tennis Site plan drawing for detailed project information.

Estimated Start Date

9/1/2020

Estimated Completion Date

5/1/2021

Estimated Cost of Project

\$6,000,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Biltmore Forest Country Club - Zoning Compliance App. Attachment 6-24-19.pdf

BFCC Narrative for Board of Adjustments 6-24-19.pdf

Applicant Signature**Date**

6/24/2019



Conditional Use Permit Application

Town of Biltmore Forest

Name

Biltmore Forest Country Club

Address

31 Stuyvesant Road, Asheville, NC 28803

Phone

(828) 274-1261

Email

bkeithblack@gmail.com

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

Country, Athletic, and Social Clubs

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:

Renovation of existing Swim/Tennis Facility. See Memorandum dated 6/20/19 attached to the Zoning Compliance Application for detailed project information.

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

See Memorandum dated 6/20/19 attached to the Zoning Compliance Application for detailed project information.

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

Signature

Date

6/24/2019



VARIANCE APPLICATION

Town of Biltmore Forest

Name

Biltmore Forest Country Club

Address

31 Stuyvesant Road, Asheville, NC 28803

Phone

(828) 274-1261

Email

bkeithblack@gmail.com

Current Zoning/Use

R

Requested Use

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?

Renovation of existing Swim/Tennis Facility. See Memorandum dated 6/20/19 attached to Zoning Compliance Application for additional detailed project information.

What does the ordinance require?

a 60'-0" front setback is required

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.**

See Memorandum dated 6/20/19 attached to Zoning Compliance Application for detailed response.

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

See Memorandum dated 6/20/19 attached to Zoning Compliance Application for detailed response.

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

See Memorandum dated 6/20/19 attached to Zoning Compliance Application for detailed response.

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.

See Memorandum dated 6/20/19 attached to Zoning Compliance Application for detailed response.

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

Signature

Keith Black

Date

6/24/2019

MEMORANDUM

TO: Town of Biltmore Forest Board of Adjustments

FROM: Biltmore Forest Country Club Long-Range Planning Committee

DATE: June 20, 2019

RE: Application for Variance and Conditional Use Permit (Submitted June 20, 2019)

The following is provided in support of Biltmore Forest Country Club's application to the Town of Biltmore Forest Board of Adjustments for a conditional use permit and variance that would allow construction of improvements and additions to the club's property as described in the Zoning Compliance Application, Conditional Use Permit Application, and Variance Application, each dated June __, 2019 (collectively, the Applications).

Biltmore Forest Country Club (BFCC) has been an important member of the Town's community since the Town's inception almost 100 years ago. Today, over half of BFCC's resident, senior, spousal, and junior members live in the Town, representing over 35% of the Town's homeowners. Over the past five years, BFCC has paid the Town more than \$240,000 in property taxes. BFCC has supported the Town in other ways as well, including by providing food for the Town's annual Fourth of July celebrations at its wholesale cost and complimentary Thanksgiving Day dinners to the Town's on-duty police officers. Clearly, the relationship between BFCC and the Town has been and remains a close and mutually beneficial one.

Today, BFCC is a viable and healthy club. In fact, it has achieved Platinum Clubs® of America status, a ranking that is awarded to only five percent of the 4,500 private clubs in the country. Nevertheless, BFCC faces important challenges that make its future uncertain. These challenges include principally an aging membership and other demographic and societal trends that will engulf all private clubs that are anchored in "how things used to be" and fail to react to "where things are headed."

It is critical that BFCC respond proactively to these challenges. If it does not respond, or if it responds ineffectively, BFCC will be unable to attract new, and younger,

members, which are the lifeblood of private clubs everywhere. As a consequence, a shrinking membership eventually would be unable to support the service levels and amenities that have enabled BFCC to achieve its status as one of the best clubs in America. A mediocre BFCC would change the character of the Town, reducing the appeal of the Town as a place to live, impair property values, and erode the Town's tax base. Moreover, a significant percentage of the Town's residents would risk losing a place where relationships have been formed and nourished for years and, in some cases, over generations.

The average age of BFCC's members has been steadily rising since at least 2001. Today, the average age is 64. It is not hard to predict the future of BFCC if this trend continues. A number of factors make recruitment of younger members difficult. First, the membership candidate pool is much smaller than it used to be. "Generation X" (ages 37 to 52), which historically has been an optimal age for private club membership, is almost 30% smaller than the Baby Boomer generation. Further reducing the candidate pool are the values and life perspectives of Generation X – and its successor, the Millennial generation (the 36 and unders) – who in general do not regard private club membership with the fondness of the Baby Boomers. And then there is the related negative trend in the number of Generation X'ers and Millennials who are taking up the game of golf. BFCC historically has been a golf-centric club. This has enabled it to build a substantial non-resident membership, and it is likely that a majority of BFCC's existing and future members will associate the club primarily with its Donald Ross golf course. But it is clear that it will take more than a superb golf course to attract the younger members that BFCC must have to survive in the decades to come.

Private club industry data shows that young members value non-golf activities over traditional country club offerings. They are looking for more casual dining venues, fitness centers, wellness offerings, and alternative sports such as resort-caliber aquatics and nontraditional racquet sports. It is likely that things like fitness and wellness would be quite high on the list of things valued by younger adults in the Asheville area¹. BFCC's current situation is not unlike the one it faced in 1922 when the Vanderbilts started the club. In the early 1900's, many private clubs were formed as a healthy venue for outdoor recreation, including golf, tennis, and swimming. Today, healthy recreation is still a priority. The difference is that now many younger adults prefer an hour in the fitness center or yoga studio to an afternoon on the golf course.

So, what does this mean for BFCC and the proposed improvements described in the Applications?

The primary elements of BFCC's proposal include the following:

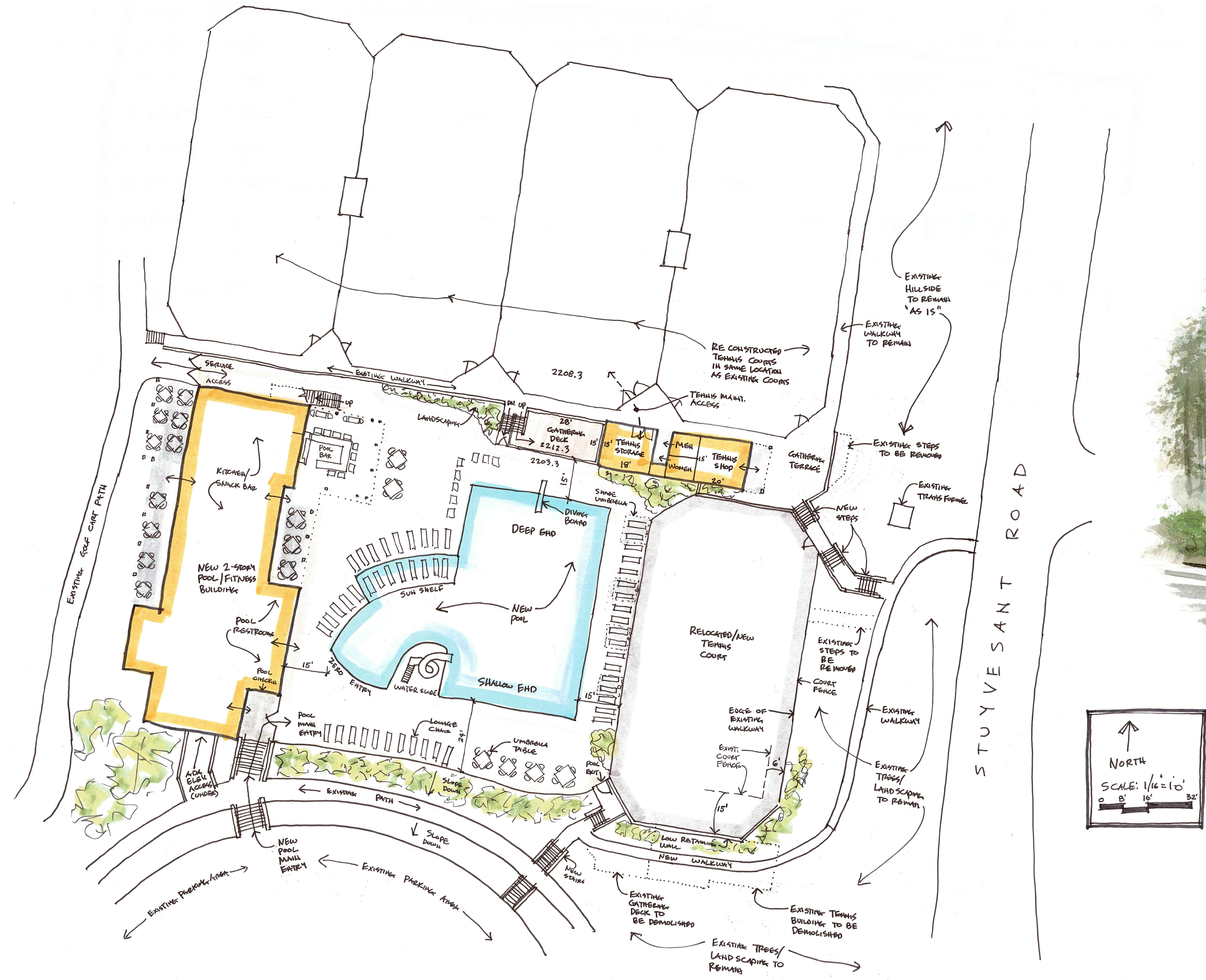
¹ U.S. News has ranked Buncombe County as the fourth healthiest county in the state, behind only Orange (Chapel Hill), Wake (Raleigh), and Mecklenburg County (Charlotte).

- Pool house: The current pool house is roughly 4,500 feet and houses only bathrooms, changing rooms, a small kitchen, and interior and exterior dining areas. All of the systems and finishes are over 30 years old. Because of the aged systems, the ventilation is poor and the changing rooms are damp and have mold issues. The proposed structure will have a similar footprint but include a cantilevered second floor fitness facility with full handicap access for a total square footage of roughly 10,000 feet. BFCC's current fitness center is located in the clubhouse and is inadequate for the needs of the membership – not just currently but also as BFCC attracts the younger members this proposal is targeting. The new facility will double the fitness space, and it will upgrade and reconfigure the lower level pool house to include both a larger kitchen as well as areas for young people and additional outdoor casual dining space that are considered essential for attracting younger membership.
- Swimming pool: The existing swimming pool is over 30 years old and is at the end of its useful life also. BFCC must replace both underground and above-ground infrastructure. The pool has ongoing leaks. Poor drainage plagues the pool deck, making it uneven and unsafe to walk on. Moreover, the pool design is out of date and not consistent with today's standards for handicap access and zero entry features. Modernizing the pool facility as part of its renovation and replacement will appeal to both younger members and older members alike.
- Tennis courts: The existing tennis courts are over 30 years old and, like the pool house and swimming pool, are at the end of their useful lives. The five courts have two different watering and drainage systems, and currently two of the five courts are not operating properly. Further, the lighting is ineffective for evening play. BFCC must replace all five courts in the immediate term. The proposal replaces the upper four clay courts and lighting on the current footprint. The fifth court would be made into a hard court for year round use by tennis and other racket sports – a feature that racket sport enthusiasts value highly. This lower court shifts slightly to enable relocation of a new tennis shop closer to all the courts (see below). In very recent years, BFCC's tennis program has grown significantly, especially among younger and middle aged members and their children, and it is important that the club provide a facility that will serve their needs and the needs of future members.
- Tennis shop, pool storage, and view deck: Repeating the theme of aged facilities, the current tennis shop and its bathrooms are over 30 years old and have to be replaced as well. The tennis shop is inconveniently located away from the courts, and the lengthy pathway to get from the courts to the bathrooms is unsafe due to the cracked and uneven surface of the pathway

and low lighting. The pool storage and pump house space are undersized, so various items are stored in bins around the pool deck. The proposal consolidates the tennis shop, view deck, and bathrooms at the level of the upper courts with pool storage below. This proposal consolidates two structures (the tennis shop and pool storage) into one structure located further from the Stuyvesant Road than the current tennis shop and more closely integrated into the areas they serve. The new view deck will enable both tennis and pool viewing and congregating within the current pool area and away from the road. The proposal will offer members a much more inviting space for enjoying their favorite outdoor activities and undoubtedly will appeal to a younger membership.

It is important to emphasize that while the pool house, swimming pool, and tennis courts are at the end of their useful lives, merely restoring the functionality of these amenities would be insufficient and unwise. As noted above, it is critical that BFCC significantly enhance these amenities to attract new and younger members and forestall the aging of its membership.

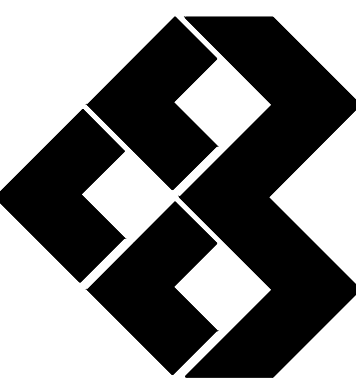
BFCC's planning team has worked diligently to optimize the space afforded by the club's footprint and to minimize the change in the footprint visible from Stuyvesant Road. We look forward to further discussion of BFCC's application at the upcoming meeting of the Board.



PROPOSED SITE PLAN



VIEW FROM STUYVESANT ROAD





ELEVATION TOWARDS PARKING LOT

SCALE: 1/8" = 1'-0"



ELEVATION TOWARDS GOLF COURSE

SCALE: 1/8" = 1'-0"

