



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: December 6, 2023
Re: **Board of Adjustment Meeting – December 18, 2023**

Applicants:

You or a representative **MUST** attend the meeting to have the matter considered.

Members of the Board of Adjustment & staff will conduct a site visit, as noted on the agenda, prior to the meeting. The applicant or their representative **MUST** be present for this site visit.

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 <http://www.biltmoreforest.org/board-of-adjustment>

You are invited to attend the scheduled meeting at the Town Hall and make comment when called upon.

Additional information regarding the meeting will be provided on the Town's website no later than December 13, 2023.

*****PROPOSED AGENDA*****

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, December 18, 2023 at 4:00 p.m. at the Biltmore Forest Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

1. The meeting will be called to order and roll call taken.
2. The minutes of the November 20, 2023 regular meeting will be considered.
3. Recognition of Outgoing Board Member, Lowell Pearlman
4. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 100 Stuyvesant Road – Special Use permit request for fence to screen utility structures.

Case 2: 15 Greenwood Road – Special Use permit request for replacement fence.

Case 3: 4 Fairway Place – Special Use permit request for swimming pool in rear yard and open air outdoor living space.

Case 4: 44 Forest Road – Special Use permit request for fence within rear yard and variance request to encroach upon rear setback.

Case 5: 27 Park Road – Variance Request to Encroach Front Yard setback for Addition and Special Use Permit Request for Construction of New Accessory Building (Detached Garage) in Rear Yard

5. Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, NOVEMBER 20, 2023

The Board of Adjustment met at 4:00 p.m. on Monday, November 20, 2023.

Mr. Greg Goosmann, Ms. Martha Barnes, Ms. Lynn Kieffer, Ms. Rhoda Groce, and Mr. Robert Chandler were present. Mr. Jonathan Kanipe, Town Manager, and Mr. Tony Williams, Town Planner, and Town Attorney, Mr. Billy Clarke were also present.

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

Chairman Goosmann swore in the following:

Mr. Tony Williams

Mr. Jonathan Kanipe

Ms. Liz Kimberly

Mr. Steven Lee Johnson

Mr. Michael Silverman

Mr. Mario Piccolo

Mr. Jason Gilliland

Ms. Vanessa Binns

Ms. Ann Clark

Mr. Konstandin Barlas

Ms. Antonia Barlas

Dr. Cecilia Gleason (via Zoom)

Chairman Goosmann and Mayor Goosmann honored Mr. Lowell Pearlman for his service as a Board of Adjustment member.

A motion was made by Ms. Martha Barnes moved to approve the minutes from October 23, 2023, with exception of the Mullins matter which will be approved at the December meeting. Mr. Robert Chandler seconded the motion, the minutes were unanimously approved.

HEARING (Evidentiary):

The first matter is for a Special Use Permit request for an accessory structure and Variance request for intrusion into the side and rear yard setback at 8 White Oak Road. Mr. John and Liz Kimberly are the homeowners. Mr. Robert Chandler shepherded the matter. The driveway is on the right side of the property. White Oak parking is not conducive to traffic flow so they are designing a traffic pattern that makes sense. There will be guest parking in the front of the house. It is a parking pad and guests will be able to access the front door directly. The carport is proposed to be 20'x26'. The existing house has been there since the 1920's and the rear of the house is already in the setback. The carport will not project any further than the rear line of the house. It is a two-hole carport. It is open in the front and in the sides. The rear of the property will be landscaped.

Mr. Chandler confirmed the hardship is the home was built in the 20s before the setback rules went into effect. The design of the roof is a hip roof which matches the architecture of the house. There will be lateral bracing. This is also compliant with the roof coverage. It will be 520 square feet.

DELIBERATION AND DETERMINATION:

Mr. Chandler restated the facts and said John and Liz Kimberly at 8 White Oak Road and have asked for a Special Use Permit for an accessory structure and a Variance to be in the rear and

side yard setbacks. The owners are asking for a two-car carport in the existing driveway area. It will be placed in the side yard near the rear of the home and will be within the rear and side yard setbacks. The setbacks will be located eight feet within the rear property line and seven feet from the side property line. They are rebuilding where a car port was originally built in the 1920's. They are planning landscaping to help buffer between the rear yard and side yard. The carport will be 20'x26'.

Ms. Barnes made a motion to approve a Special Use Permit to John and Liz Kimberly of 8 White Oak for an accessory structure (car port) and Variance for intrusion into the setbacks and the facts as recited by Robert Chandler and his summation be accepted as findings and facts to support this grant. The Board has inspected this site, and no neighboring property owner has objected. She further moved the Board define at granting this Special 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/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. Robert Chandler and unanimously approved.

Further, she moved by 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 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.

Ms. Groce seconded the motion and was unanimously approved.

HEARING (Evidentiary):

The second matter is for a Special Use Permit request for multiple accessory structures and Variance request to exceed maximum roof coverage and maximum roof height at Cedar Hill Drive, Lot 1, Parcel 964642141900000. The matter was shepherded by Lynn Kieffer. There are eight structures being requested; a pool, a pool pavilion, an estate wall around most of the property, a retaining wall, a multi-sport court, raised beds, four driveway columns, and a gate with two columns. They are also requesting Variances for maximum roof coverage and maximum roof height. They have also submitted Plan A and Plan B. Plan A is the plan the applicants like better. Plan B was compliant with the roof height and Plan A was not. The difference between Plan A and Plan B regarding the roof height is to exceed the maximum height of forty feet. For Plan A, the roof height would be 42' 8.5". Plan A exceeds the maximum roof height by 2' 8.5". On the roof coverage, both plans exceed the maximum square footage by 41'. The difference between Plan A and Plan B are the pitches of the roofs which compress the attic space by two feet. Also, the second-floor finished floor level is lowered. It is possible to get it further down, but it depends on what the structural requirements are. Eighty-three trees will be removed and twenty trees will be removed for the multi-court sport court.

Ms. Barnes asked what the land looks like at the back of the house. Mr. Mario Piccolo said it will basically look like a dropped or sunken courtyard. Ms. Barnes asked what the hardship is. Ms. Antonia Barlas, applicant, said the hardship is they want natural light in the basement. The basement is underground. Mr. Barlas said it won't look as good in the neighborhood to go with the Plan B basement. Ms. Kieffer said with new home construction, the Board has really encouraged people to stay within the maximum roof coverage (maximum height). Ms. Kieffer asked if there is any way they can work to be within the maximum roof coverage. Mr. Piccolo said yes, they can do this. Ms. Barnes asked what the hardship is for the roof coverage. Mr. Barlas said they decided to have a house designed that suited their needs. They knew the requirement for the coverage was 5,500 square feet at the time the Barlas's purchased the lot. When they submitted the plans, the website said it was 5,500 square feet also. The Barlas's didn't know about the change until they spoke to Mr. Williams.

Ms. Barnes asked Mr. Kanipe what day the Board of Commissioners approved the change from the Planning Commission to have a different approach to roof coverage. Mr. Kanipe said this happened during the July 2023 meeting, but Mr. Kanipe said the application page on the website had not been changed. Ms. Barnes said the Planning Commission looked at roof coverage and recommended a change that more accurately followed the impervious surface coverage totals on the lot. Ms. Kieffer asked about the size of the pergola. Mr. Piccolo said he doesn't have an exact size of the pergola, but he estimated it to be 30' x 12' for now. They would like to have a wall and a pergola. The idea is to have a simple focal point termination for the pool and an open-air trellis where they can have some casual seating. Ms. Kieffer asked about the wall going around the property. Mr. Kanipe read the ordinance and said, "the fence, gate, or wall is constructed entirely within the rear yard is not located in any side or rear yard setbacks and is constructed of materials deemed acceptable in § 153.049(D)." The rear yard is defined as the back plane of the house. Ms. Kieffer said the wall could not come to the front by the driveway. The wall could not be in the front or the side yard. A Variance would be needed to do this. Ms. Kieffer asked if they could bring it back. Mr. Kanipe said they are still allowed to have a gate which is a separate piece of this Ordinance. The gate and columns can still be there at this location. It just can't have the wall connected to it. Mr. Jason Gilliland said the sunken courtyard would need some level of barrier and to protect people from falling into it. The estate wall also serves as a retaining wall for the turnaround in the parking court. The applicant tabled the fencing and retaining walls until an updated plan is brought back.

Ms. Kieffer moved on to the multi-sport court which will be 4,950 of asphalt. A neighbor has objected to this. The Gleasons, who are building the house up the hill, are objecting, and their architect submitted a plan with their overlay. Mr. Steven Lee Johnson is representing Gleasons. Their bedroom window and office will be overlooking this court. The concern is there are two large flat areas that must be created with the current site plan and it doesn't necessarily conform as well to the existing slope of the property. Also, their concern is the complete removal of trees basically within the entire lot. There is extreme concern involving potential noise from the sport court, especially with pickleball. Mr. Barlas said the court will not be lit and pickleball will not be played on this court. The grades are also not as bad as it is perceived. There will also be buffering around the court. After a 5–6-year period, the Gleasons may not be able to see into the rear yard.

The raised beds were discussed. This will be used for herb and vegetable gardens. The driveway columns at the end of the house must be just outside the right of way and the gate has to be sixty feet back. They will be six feet in height. It is set back sufficiently and meets the requirements. Ms. Kieffer said the estate wall has been tabled for today. Mr. Barlas asked if they could put a basketball goal at one end of the court. Mr. Clarke said a basketball goal would be fine. The Board does not approve basketball goals.

Mr. Piccolo said they will change the name of the court to a tennis court with a basketball goal at one end of the court. There will be non-intrusive lighting.

The pool pavilion does not have roof coverage. It is an open-air pavilion not intended to have roof coverage.

Ms. Vanessa Binns expressed her frustration at the applicants having all the trees taken down and doesn't feel like she was treated fairly when they presented their case to the Board of Adjustment. Chairman Goosmann said the Board goes to extreme lengths to be fair to everyone. The wall will also be discussed at another meeting date.

Mr. Barlas said he wants to work with neighboring property owners to make sure they are happy with the project. They also agreed to put down additional landscaping if needed.

Ms. Kieffer restated the facts and said Konstandin and Antonia Barlas of 23 Cedar Hill Drive have requested a Variance for new construction for their house for maximum roof coverage and to exceed maximum roof height. They have submitted Plan A and Plan B. Plan A exceeds the maximum roof height of forty feet. The maximum roof height shown on this plan is 42' 8.5". Plan B the maximum roof height is 39' 11.5". Plan B is compliant in roof height. Plan A is not. They would like to build Plan A.

Dr. Cecilia Gleason was sworn in via Zoom and expressed her concern for the sport court and lighting. Dr. Gleason also submitted a letter to the Board. She is a neighboring property owner. The lights in her prior neighborhood were very disruptive to the neighborhood at night and she does not want to hear the noise of the court. Chairman Goosmann said they will not have a

pickleball court and they would like a tennis court with a basketball court at one end. They will also not have any intrusive lighting and are going to screen which would prevent Dr. Gleason from seeing the court. It would also minimize the noise. Dr. Gleason said it would take quite a while for the vegetation to grow. Mr. Gilliland said at the time of planting, the evergreens should be 8'-10' in height and they will be 25'-30' in height at maturity. Mr. Johnson said the trees that are being planted inside the wall are deciduous, so for six months out of the year there will be no leaves on those trees and suggested a magnolia or hollies. They would be willing to modify the landscaping plan.

Ms. Ann Clark said she has lived in Biltmore Forest all her life and the most beautiful thing about living here is the old trees. She is very upset about the plan and all the trees that will be cut down. She also doesn't feel the house fits in with Biltmore Forest.

Ms. Rhoda Groce made a motion that a Variance as requested be granted to Konstandin and Antonia Barlas of 23 Cedar Hill Drive for Plan A with a height above forty feet and the facts as recited by Lynn Kieffer and her summation be accepted as findings and facts to support this grant. The Board has inspected the site and a neighboring property owner has objected. Further, she moved by 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 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.

Ms. Barnes said the neighboring property did not object to Plan A.

Ms. Martha Barnes seconded the motion. Mr. Chandler said there is no hardship and voted nay. Ms. Groce voted nay, Ms. Barnes voted aye, Ms. Kieffer voted nay. Chairman Goosmann said it was voted down for Plan A which leaves them to proceed with a height of forty feet for the existing Ordinance.

Ms. Kieffer restated the facts for the second Variance to exceed the roof coverage by forty-one square feet. The hardship is when they submitted the plan it was at the time of the change in the Ordinance, and it was at 5,500 square feet at that time and now it is 5,459 square feet. They are going to be 41 square feet over on the roof coverage. The Ordinance did change after the purchase of the lot.

Ms. Martha Barnes moved that a Variance as requested be granted to Toni and Dean Barlas of Lot 1 on Cedar Hill exceeding roof coverage and the facts as recited by Lynn Kieffer be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected to this variance request. Ms. Groce seconded the motion. Mr. Chandler said they intended to follow the rules but his impression is there would be a reason for a Variance. The motion was unanimously approved.

Ms. Kieffer said Dean and Toni Barlas at 23 Cedar Hill Drive are requesting Special Use Permits for a swimming pool, a pool pergola, a retaining wall, raised beds, four driveway columns, and a gate with two columns. These are six requests for Special Use Permits. They are pulling out the estate wall, so the wall is less obvious than what it appeared, so it won't go to the front of the house. The tennis court will be voted on separately.

Mr. Robert Chandler moved that a Special Use Permit be granted to Konstandin Barlas of the lot next to 23 Cedar Hill Drive and the facts as recited by Lynn Kieffer and her summation be accepted as findings and facts to support this grant. The Board has inspected the site and one neighbor has objected and further he moved that by granting this Special Use Permit would not (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/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. Ms. Kieffer said they need to specify the pool, pergola, the retaining wall, the raised beds, the four driveway columns, and the gate and two columns are the six matters being

voted on. Ms. Martha Barnes seconded the motion. The motion was unanimously approved, and all six items were approved.

Ms. Kieffer said the applicants have requested a Special Use Permit for a tennis court that is 4,950 square feet in the back of the lot. A neighbor has objected. Ms. Kieffer also said there would be non-intrusive lighting and no pickleball. It would just be for tennis and basketball. Mr. Kanipe said the light must be shielded down toward the structure it is actually lighting. The Board of Adjustment has previously approved site lighting and nothing that goes up in the sky. It must be directed down and shielded. The applicants said pole lighting will not be installed. Dr. Gleason said the concern of the lighting remains. Chairman Goosmann said the screening that was originally planned for the wall is still intended whether the wall goes in or not. The applicants said yes.

Chairman Goosmann polled all members. Ms. Groce voted aye, Ms. Barnes voted aye, Mr. Chandler voted aye, Ms. Kieffer voted nay. It passed by majority.

The meeting was adjourned at 6:34 pm. The next Board of Adjustment meeting is scheduled for Monday, December 18, 2023, at 4:00 pm.

ATTEST:

Greg Goosmann

Chairman

Laura Jacobs

Town Clerk



BOARD OF ADJUSTMENT MEETING
STAFF MEMORANDUM
DECEMBER 18, 2023

CASE 1

Property Address: 100 Stuyvesant Rd

Property Owner: John and Carol Jackson

Request: Special Use Permit request for Fence to Screen Utility Structures

Background

The property owners request permission to install a fence to screen utilities from the street.

Special Use Permit

Section 153.049 (attached) of the Town's Zoning Ordinance regulates fences and gates as accessory structures and requires a special use permit from the Board of Adjustment. The applicant has proposed a five (5) foot tall, alternating board privacy fence to obscure these utilities. The fence would be painted white to blend in with the home, and is proposed to be located behind the home. Additional screening trees are proposed to obscure the view of the fence.

The fence would be 45' in length off the rear of the house, run for 12' to the west, then run 20' northward, and turn west again for 38' to connect back to the rear of the home.

Zoning Compliance Application

Town of Biltmore Forest

Name

John and Carol Jackson

Property Address

100 Stuyvesant Rd.

Phone

(703) 217-2163

Email

Manning1090@me.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.82

Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Proposed Roof Coverage Total

0

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

0

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

5

Description of the Proposed Project

Fence to hide utilities from street including 4 heat pumps, gas meter, hose bib

Estimated Start Date

1/31/2024

Estimated Completion Date

1/2/2024

Estimated Cost of Project

\$5,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

IMG_0571.jpeg

Applicant Signature

Date
11/14/2023

Carol Jackson

Special Use Permit Application

Town of Biltmore Forest

Name

Carol and John Jackson

Address

100 Stuyvesant Rd.

Phone

(703) 217-2163

Email

Manning1090@me.com

Please select the type of special 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:

Fence to hide utilities including 4 heat pumps, gas meter, and hose bib, painted white to blend in with house

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

No material effect

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

Signature

Date

11/14/2023

A large, elegant, handwritten signature in black ink that reads "Carol Jackson". The script is fluid and cursive, with a prominent initial 'C'.

§ 153.049 FENCE, GATE AND WALL REGULATIONS.

The Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this section.

(A) New fences, gates or walls may be approved by the Board of Adjustment as a special use, so long as the gate, fence or wall meets the following requirements.

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

(B) A driveway gate and supporting columns may be approved by the Board of Adjustment as a special use so long as it meets the following requirements:

(1) The driveway gate and columns shall not be located in the front or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

(4) The driveway gate must open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be 14 feet wide with a 14 foot minimum height clearance.

(C) Replacement of existing fences, gates, and walls shall be approved by the Board of Adjustment as a special use so long as the replacement fence is constructed of materials deemed acceptable in § 153.049(D) and meets the requirements below. A special use permit application to replace an existing fence, gate, or wall shall include a photograph of the existing fence or wall, specify the type of fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether or not the fence, gate, or wall is located within any setbacks.

(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

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

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

(1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.

(2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.

(3) No new chain link fencing or gates shall be allowed.

(4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address (<https://www.nxwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

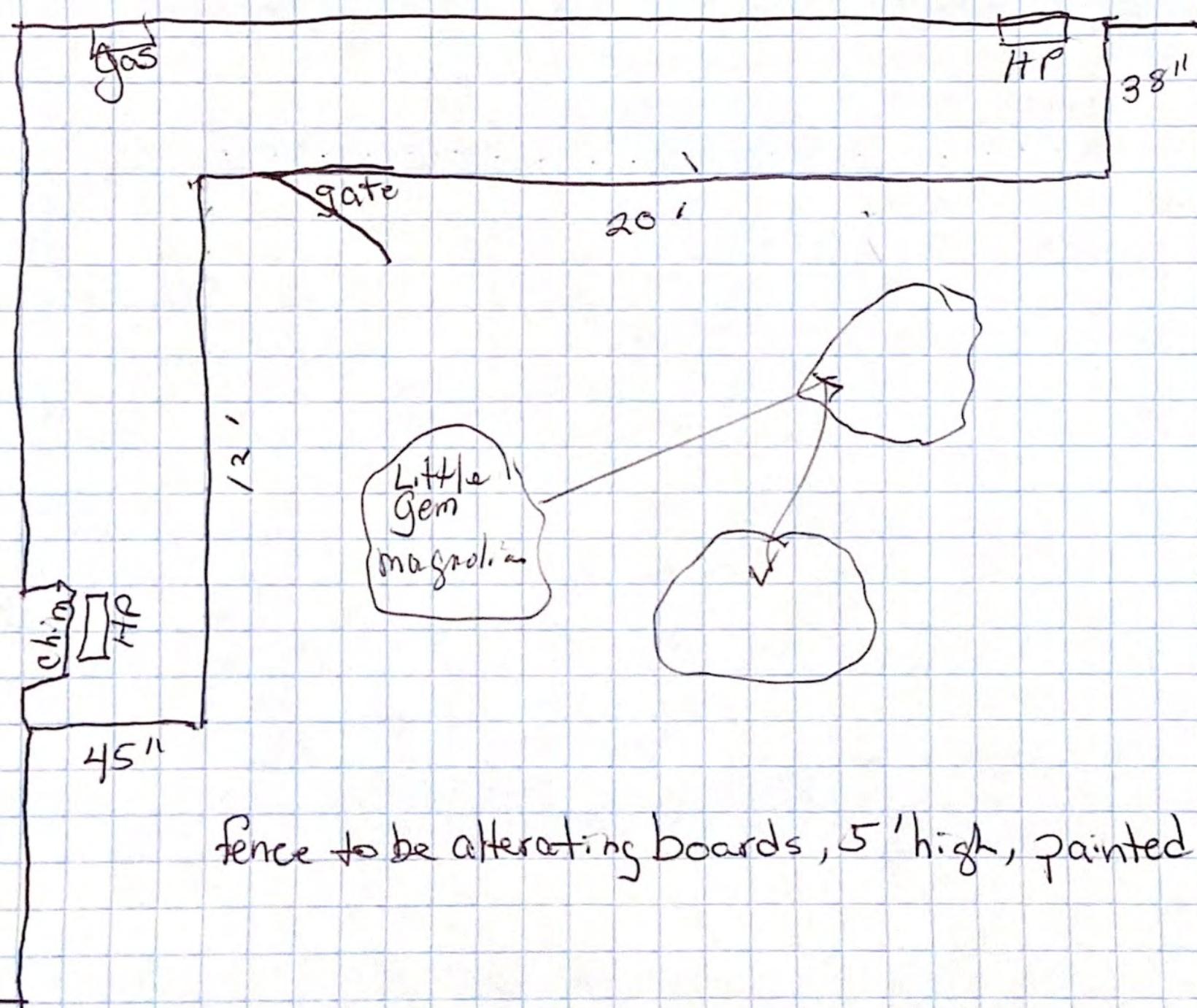
(5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.

(6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

(Ord. passed 2-11-2020; Ord. passed 6-8-2021)

100 Stuyvesant Rd.
House

House



fence to be alternating boards, 5' high, painted white to blend in

House





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Most Popular Wood Priva...





BOARD OF ADJUSTMENT MEETING
STAFF MEMORANDUM
DECEMBER 18, 2023

CASE 2

Property Address: 15 Greenwood Road

Property Owner: George Renfro

Request: Special Use Permit request for Replacement Fence

Background

The property owner requests permission to replace an existing fence with a new, welded wire PVC-coated deer fence in the same location. The proposed fence replacement would be ten (10) feet tall.

Special Use Permit

Section 153.049 (attached) of the Town's Zoning Ordinance regulates fences and gates as accessory structures and requires a special use permit from the Board of Adjustment. The ordinance further stipulates replacement fences may be allowed within the same location as a special use provided that the conditions found in 153.049 (C) and (D) are met. In this case, the fence type proposed by the applicant does comply with the fence type of "non-wooden fencing" that is acceptable for deer fencing per the NC Wildlife Resources Commission.

Zoning Compliance Application

Town of Biltmore Forest

Name

George Renfro

Property Address

15 Greenwood Road

Phone

(828) 329-8889

Email

george@renfroinvestments.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-1

Lot Size

approximately 2 acres

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

3500

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

2500

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

25 feet

Description of the Proposed Project

I would like to replace our existing chain link fence (there when we bought the house 38+ years ago) with a 10-foot welded wire, PVC coated (black) 2" by 4" mesh fence.

Estimated Start Date

1/1/2024

Estimated Completion Date

1/30/2024

Estimated Cost of Project

\$10,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

Date
11/15/2023

George Renfro

Special Use Permit Application

Town of Biltmore Forest

Name

George Renfro

Address

15 Greenwood Road

Phone

(828) 329-8889

Email

george@renfroinvestments.com

Please select the type of special 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:

I would like to replace existing woven wire fence with a 10-foot welded wire, PVC coated, 2" by 4" mesh fence (color black...see attached pictures). This is to keep deer out of our back yard and patio area where most of our flowers and shrubs grow.

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

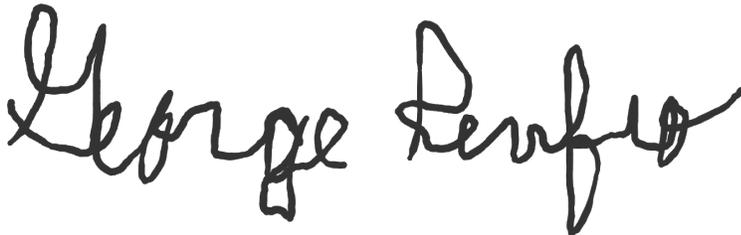
It is in our back yard and is completely surrounded by our neighbors back yards. These back yards are heavily wooded.

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

Signature

Date

11/14/2023



§ 153.049 FENCE, GATE AND WALL REGULATIONS.

The Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this section.

(A) New fences, gates or walls may be approved by the Board of Adjustment as a special use, so long as the gate, fence or wall meets the following requirements.

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

(B) A driveway gate and supporting columns may be approved by the Board of Adjustment as a special use so long as it meets the following requirements:

(1) The driveway gate and columns shall not be located in the front or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

(4) The driveway gate must open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be 14 feet wide with a 14 foot minimum height clearance.

(C) Replacement of existing fences, gates, and walls shall be approved by the Board of Adjustment as a special use so long as the replacement fence is constructed of materials deemed acceptable in § 153.049(D) and meets the requirements below. A special use permit application to replace an existing fence, gate, or wall shall include a photograph of the existing fence or wall, specify the type of fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether or not the fence, gate, or wall is located within any setbacks.

(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

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

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

(1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.

(2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.

(3) No new chain link fencing or gates shall be allowed.

(4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address (<https://www.nxwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

(5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.

(6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

(Ord. passed 2-11-2020; Ord. passed 6-8-2021)

Search By Deed or Plat

Sales Report Buffer Export Map Export to Google Map

Search Results

Export to Excel Print Results

PropCard PROPERTY CARD (https://1366/0437)

DEEDBOOK/DEEDPAGE: (http://registerofdeeds.buAutoSearch=true&bk=130012/0086)

PLATBOOK/PLATPAGE: (http://registerofdeeds.buAutoSearch=true&bk=12)

Sales Report: Sales Report

OBJECTID: 21625

PINNUM: 96467398080000

OWNER: GEORGE D RENFRO ET AL

CONDOUNIT:

CONDOBUILDING:

SUBNAME: BILTMORE FOREST

SUBLOT: 21

SUBBLOCK: W

SUBJECT: 15

HOUSENUMBER: 15

NUMBERSUFFIX:

DIRECTION:

STREETNAME: GREENWOOD

STREETTYPE: RD

TOWNSHIP: 19

ACREAGE: 1.87

DEEDDATE: 19840914

COUNTY: BUN

CITY: CBF

FIREDISTRICT:

SCHOOLDISTRICT:

CAREOF:

ADDRESS: 15 GREENWOOD RD

CITYNAME: ASHEVILLE

STATE: NC

ZIPCODE: 28803

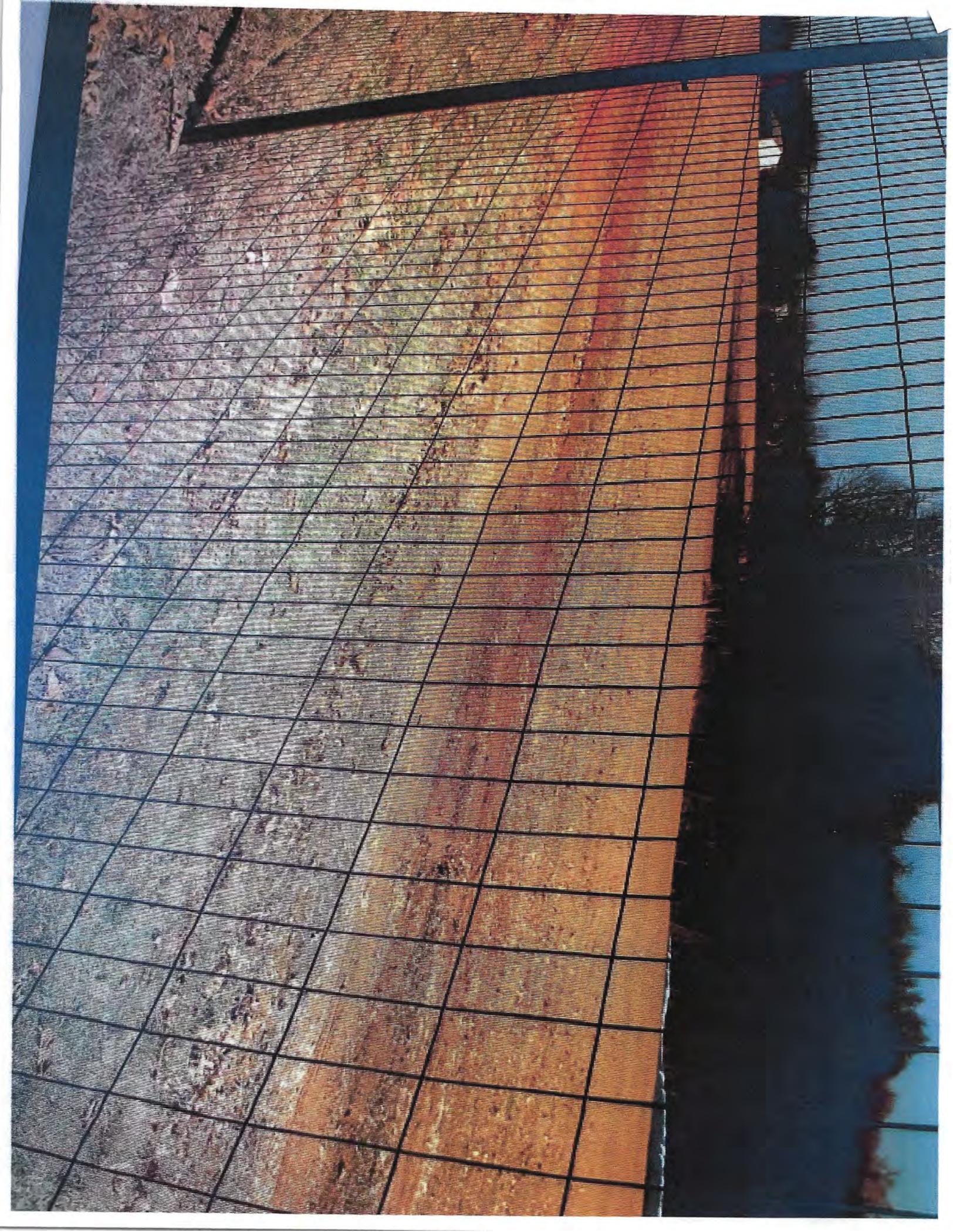
CLASS: 100 (https://gis.buncomb

APDR: A1SRV: A11E-17793001



Wrought Iron fence

Existing fence to be replaced







BOARD OF ADJUSTMENT MEETING
STAFF MEMORANDUM
DECEMBER 18, 2023

CASE 3

Property Address: 4 Fairway Place

Property Owner: Michael O'Buckley

Request: Special Use Permit request for Swimming Pool in Rear Yard and Open Air Outdoor Living Space

Background

The property owner requests permission to construct a swimming pool in the rear yard, and additionally, an open-air outdoor living space. These items each require Board of Adjustment approval as a special use permit.

Special Use Permit

Section 153.029 (below) of the Town's Zoning Ordinance regulates accessory structure, and the Town's Permitted Use Table requires a special use permit for any swimming pool construction. In this matter, the proposed pool and all accessory structures (outdoor living space and required fence around pool) are in compliance with the setbacks. The structures are eighty-one (81) feet from the side property line, fifty-three (53) feet from the other side property line, and thirty-six (36) feet from the rear property line, abutting the Biltmore Forest Country Club golf course.

The applicant has provided plans showing the layout of the pool, the location of the proposed fence, and has also provided that no trees will be removed. The applicant has stated that additional landscaping will be installed if necessary.

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.

(B) (1) In addition, the following standards are established for accessory structures and accessory buildings:

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in [§ 153.008](#);
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to [§§ 153.043](#) and [153.048](#); and
- (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

Zoning Compliance Application

Town of Biltmore Forest

Name

Michael O'Buckley

Property Address

4 Fairway Pl

Phone

(704) 363-4101

Email

Mob820@yahoo.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.

Maximum Roof Coverage

4,682 square feet (Up to 1 acres)

Proposed Roof Coverage Total

375

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

615 sq ft

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

14

Description of the Proposed Project

Add an open air outdoor living space and pool

Estimated Start Date

1/15/2024

Estimated Completion Date

4/15/2024

Estimated Cost of Project

\$165,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

Date
11/1/2023

A handwritten signature in black ink, appearing to be "M. C.", written in a cursive style.

Special Use Permit Application

Town of Biltmore Forest

Name

Michael O'Buckley

Address

4 Fairway Pl

Phone

(704) 363-4101

Email

Mob820@yahoo.com

Please select the type of special 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:

Add a pool and open air outdoor living area

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

It will be within all set backs and local codes and standards will be applied

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

Signature

Date

11/1/2023



Good morning.

How do I update my lot size? Is the application saved?

The existing house is 3060sqft of coverage new roof coverage will be 440 sqft and the pool will be 200sqft not sure if I should include pool area. So we will have 3700sqft if we include pool and 3500 if we don't

Site plan is attached

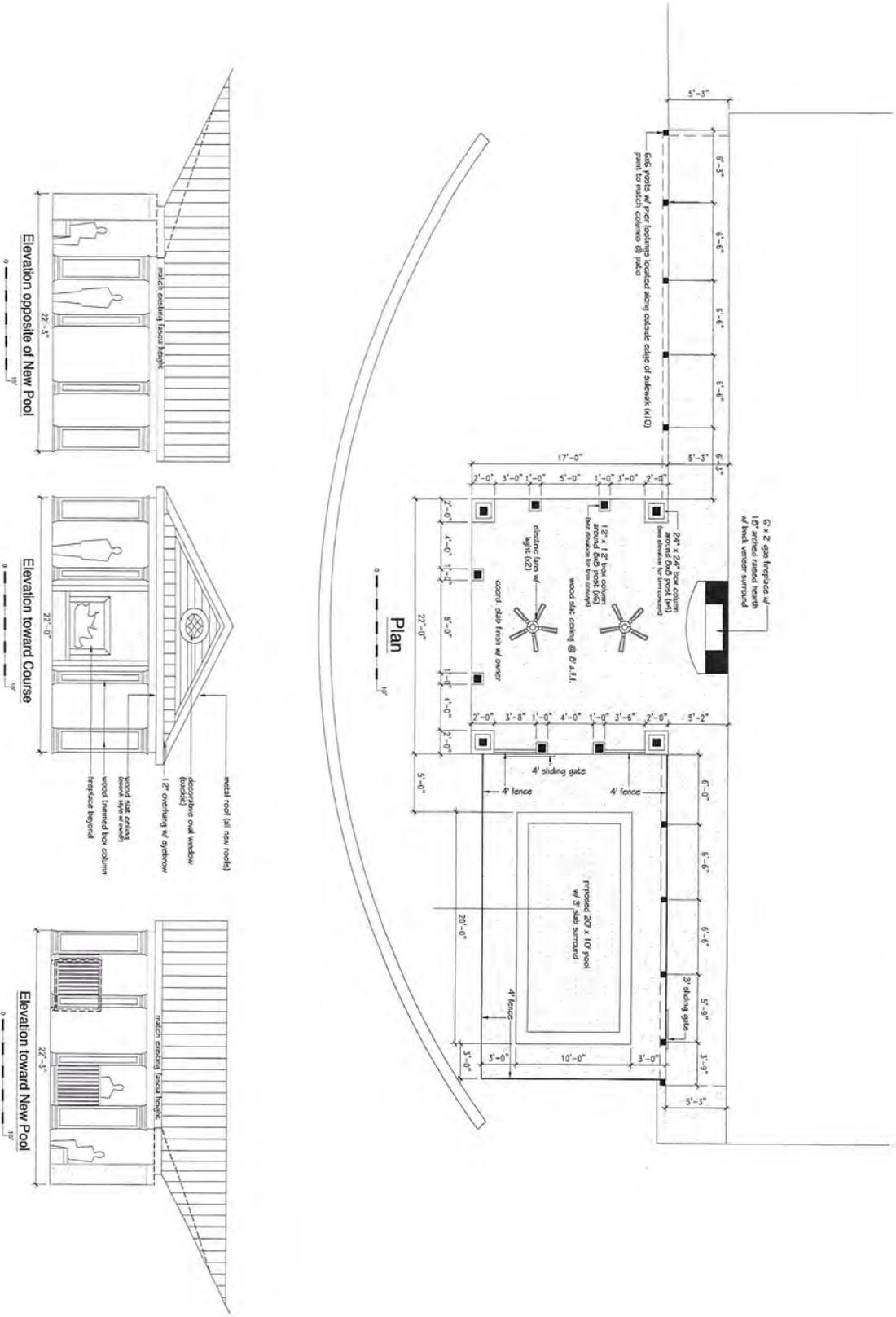
No trees will be removed

No new landscapes. I can provide the existing landscaping if needed.

Yes the max will be 14'

Fence plan attached on site plan

Materials will be smooth cement board looks like wood. And colors are PPG Cold Foam and trim SW colonial white same as house now.



Elevation opposite of New Pool

Elevation toward Course

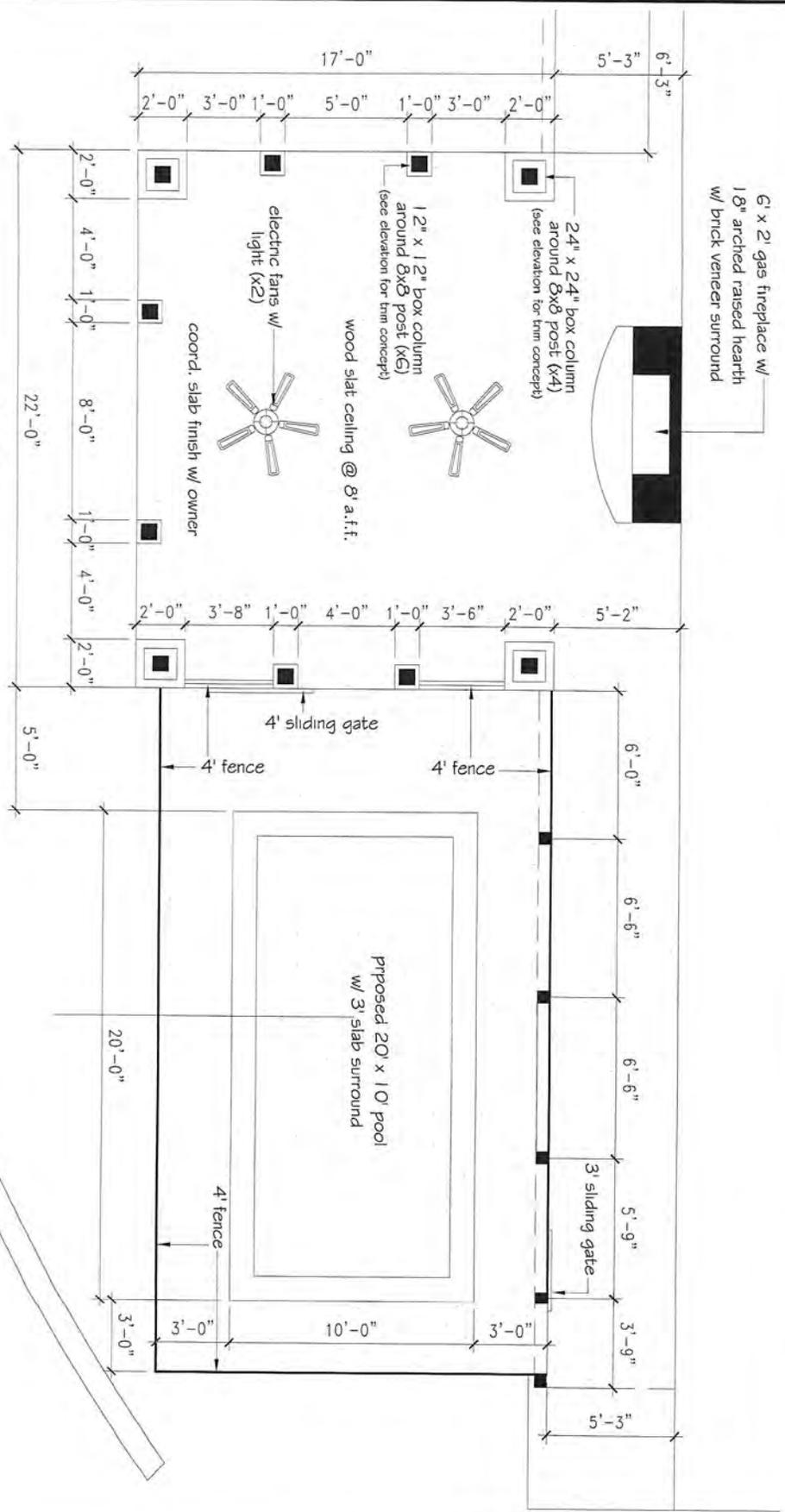
Elevation toward New Pool

Michale's Covered Patio

by kylehaston@aol.com

Overall Presentation
10-16-23

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



Plan

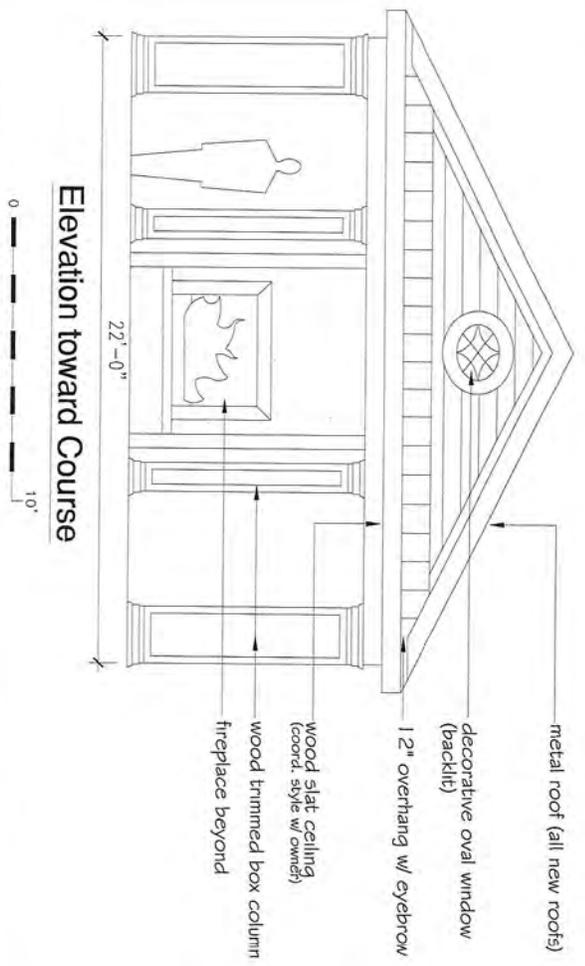
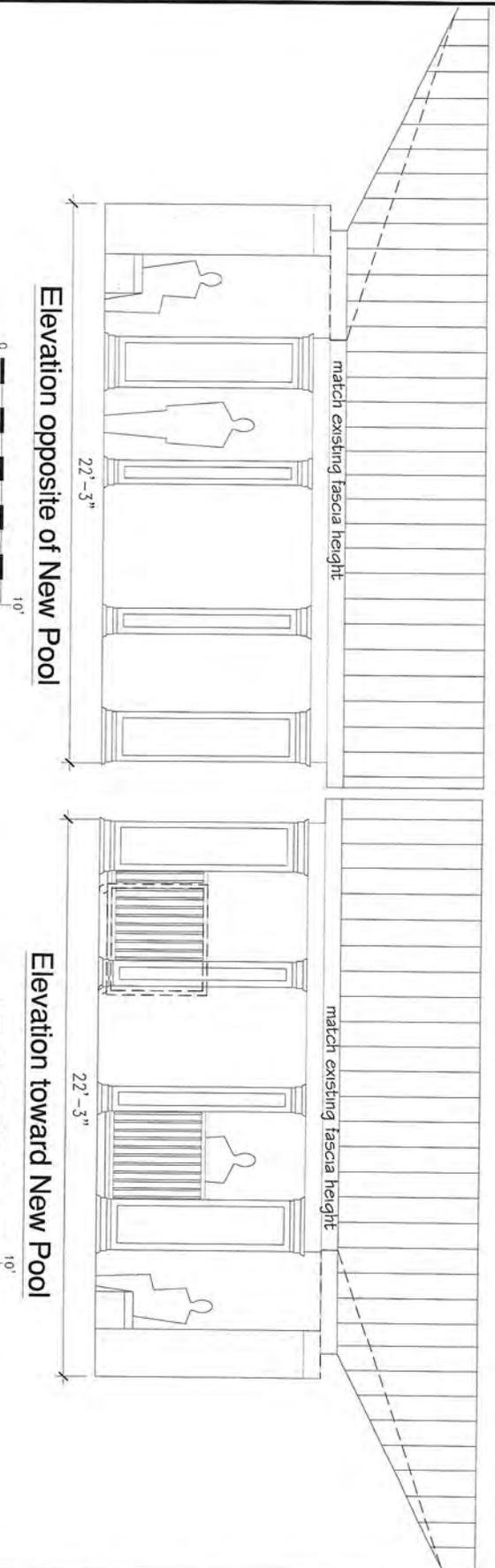


Michale's Covered Patio

by kylehaston@aol.com

Enlarged
Floor Plan
10-16-23

scale:
1/2" = 1'-0"



Michale's Covered Patio

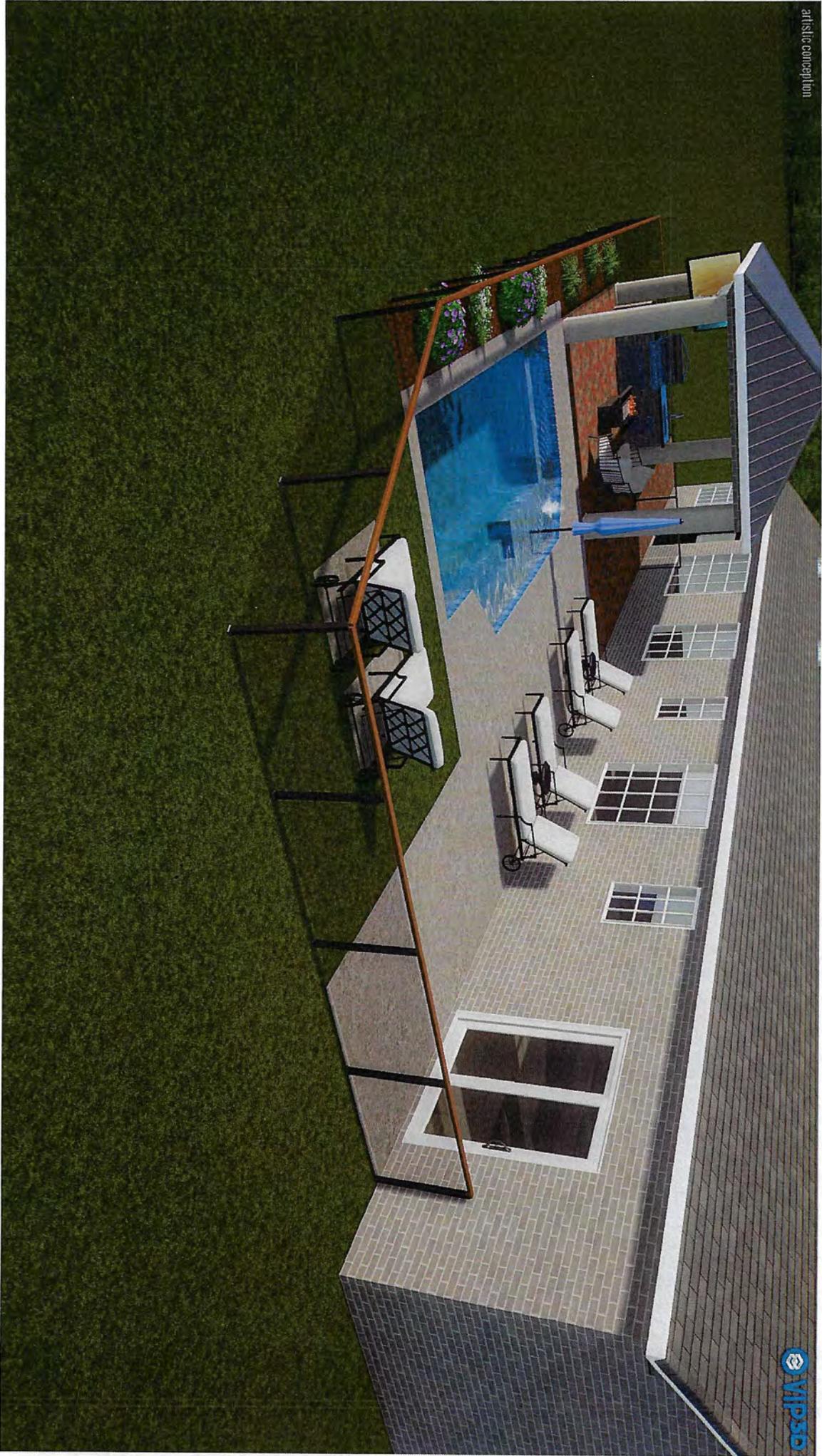
by kylehaston@aol.com

scale:
1/2" = 1'-0"



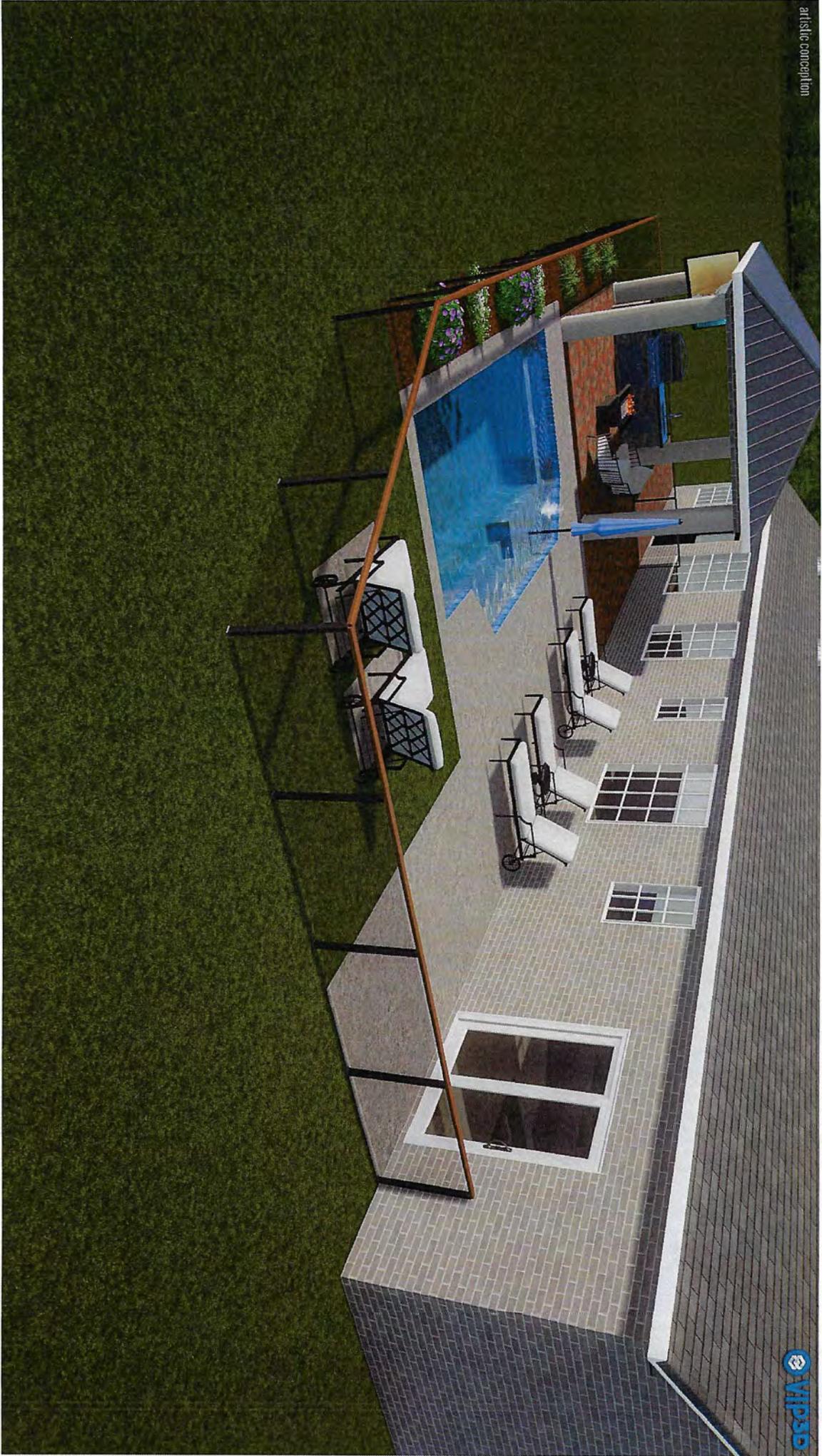
at site conception





artistic conception







artistic conception

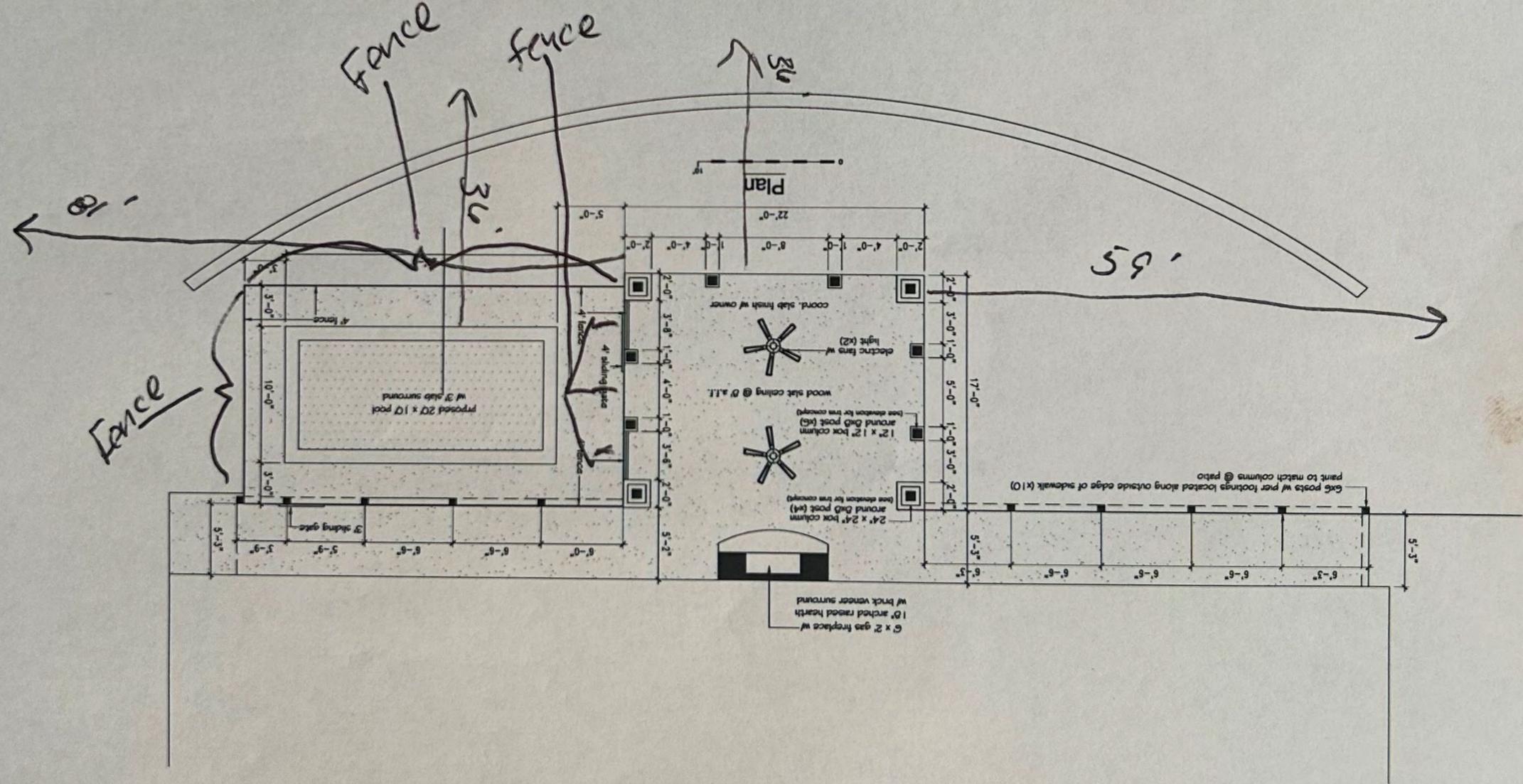
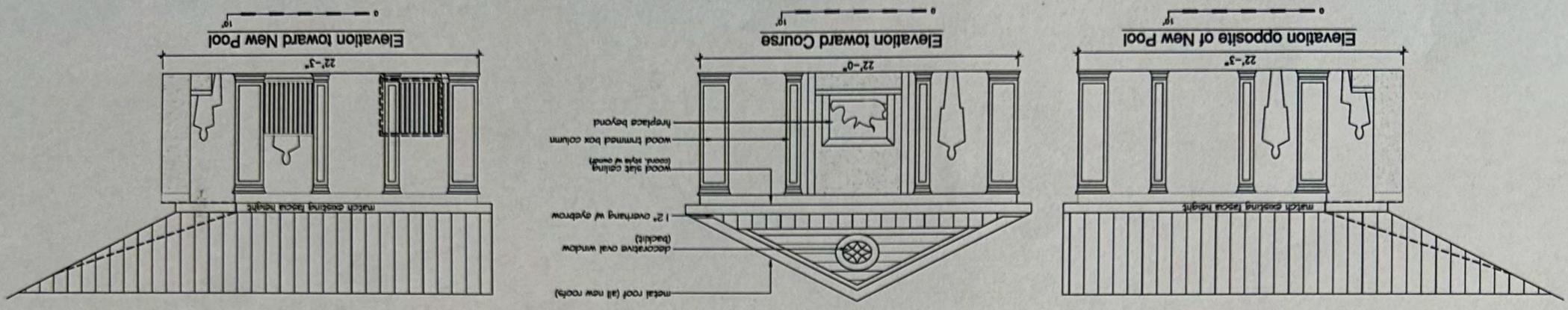


scale: 1/4" = 1'-0"

Michale's Covered Patio

by kyjlehasan@aol.com

Overall Presentation
10-16-23





BOARD OF ADJUSTMENT MEETING
STAFF MEMORANDUM
DECEMBER 18, 2023

CASE 4

Property Address: 44 Forest Road

Property Owner: Jessica Pishko

Request: Special Use Permit request for Fence Installation within Rear Yard and Variance Request to Encroach Upon Rear Setback

Background

The property owners previously applied for a special use permit and variance request in October, but withdrew this application in order to have a survey performed on the property.

Special Use Permit

Section 153.049 (attached) of the Town's Zoning Ordinance regulates fences and gates. The applicants have proposed a four (4) foot high, black coated steel fence for the rear yard. The proposed fence installation would also include three gates, one of which is located within the rear yard setback. The total length of the fence is 261 linear feet, and the gates will be four (4) feet in width. The proposed fence location is above the pre-existing rock patio. The fence will be in compliance with setbacks on the side property lines as shown on the plan.

Variance Request

The fence, as proposed, would require a variance from the Board in order to attach to an existing fence near the rear property line. The existing fence is five (5) feet from the rear property line, so the full intrusion into the setback would be 20 feet of additional fencing.

[Home](#) > [Departments](#) > [Planning & Zoning](#) >

Zoning Compliance

Zoning Compliance Application

Thank you for filling out the form. Your response has been recorded.

Name

Jessica Pishko

Property Address

44 Forest Rd

Phone

(917) 566-0235

Email

jesspish@gmail.com

Parcel ID/PIN Number

9646-79-1773

ZONING INFORMATION

Current Zoning

R-1

Lot Size

.64 Acre

Proposed Roof Coverage Total

0

Proposed Impervious Surface Coverage

0

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

4 feet

Description of the Proposed Project

This is a re-application of a prior application that we pulled. The project is a 4-foot high fence constructed of black powder-coated ornamental steel utilized posts set in concrete. The fence will be outside of the side setbacks but is within the rear-yard setback. Please see the variance application for details. The fence will have three 4-foot entry gates.

Estimated Start Date

1/1/2024

Estimated Completion Date

1/30/2024

Estimated Cost of Project

\$12,811.14

Supporting Documentation (Site Plan, Drawings, Other Information)



[44 Forest Propopsed Fence.jpg](#)

0.3 MB



[drawing-montage majestic.pdf](#)

0.3 MB



[montage.pdf](#)

1 MB



[Estimate 4432 from Greybeard Fence Solutions.pdf](#)

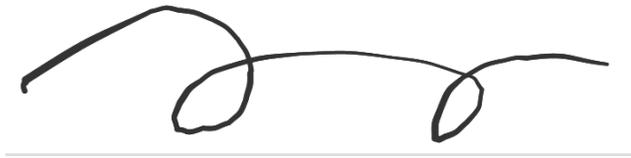
45.3 KB



Applicant Signature

Date

11/26/2023





**Town of Biltmore Forest,
NC**

355 Vanderbilt Rd.
Biltmore Forest, NC 28803
(828) 274-0824

© 2023 Town of Biltmore Forest, NC

Special Use Permit Application

Town of Biltmore Forest

Name

Jessica Pishko

Address

44 Forest Rd

Phone

(917) 566-0235

Email

jesspish@gmail.com

Please select the type of special 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 is a 4-foot high, black-coated steel fence that will extend from the rear and side of the house to the back of the lot, where there is a preexisting chain-link fence. Posts will be set in concrete. There will be three gates.

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

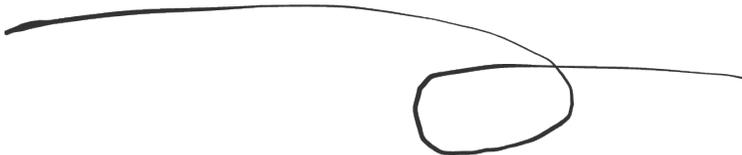
The fence is within the side setbacks and will be covered by shrubs so that it will not be visible from the road. We will also ensure that there is sufficient cover on the side yard to ensure the neighbors maintain their pleasant view.

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

Signature

Date

11/27/2023



VARIANCE APPLICATION

Town of Biltmore Forest

Name

Jessica Pishko

Address

44 Forest Rd

Phone

(917) 566-0235

Email

jesspish@gmail.com

Current Zoning/Use

R

Requested Use

Request variance for rear yard set-back for fencing

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?

We submitted a zoning variance for a 4-foot black steel fence to go around a portion of the backyard. Please see the diagram. There is a pre-existing wire fence on the back of our property to which we will connect the new fence. This means the fence will be inside the rear yard setback. Please note that we are no longer requesting a variance for the side yard as we will be within the 20-foot requirement.

What does the ordinance require?

The ordinance requires a 25-foot setback for the rear yard.

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.

Our property has a chain-link fence at the back, approximately 5 feet from the property line (please see the map attached to the Zoning Permit). We would like to connect the fence to the pre-existing fence, which was placed there by a prior owner of the property. The area behind the fence is heavily wooded, so the inability to connect new fencing to pre-existing fencing would create undue danger as animals can come in and out at the back.

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

The chain-link fence is a pre-existing structure.

As another note about the fencing -- while the rest of the fence is within the setback on both the sides and the front, we are asking to place it around a pre-existing patio with a rock wall rather than connected it to the back of the house. The patio is also pre-existing, and, as a result, the fence must go around the patio. We will screen the fence with addition foliage so it will not be visible from the road. This is within the

setback and does not require a variance, but we wanted to make the Board aware.

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

Both the patio and the chain-link fence are pre-existing structures.

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.

Because we will screen the fencing from the front yard and preserve all existing foliage on the side and back yard, the fence will not be visible. It is also designed to fit in with the character of the neighborhood. Placing the fence such that it connects with the back fencing already present is the most natural and aesthetically pleasing situation; it will also prevent the ingress of animals from the foliage at the back of the property. There will be no infringement on anyone else's enjoyment of their home.

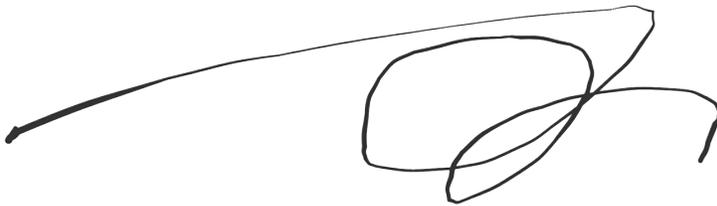
We have revised the fence placement to maintain the set-backs on either side. In terms of the neighbors in Lot 29 (Mr. Mrs. Cantrell), we have discussed the fence and placement; they have no objection.

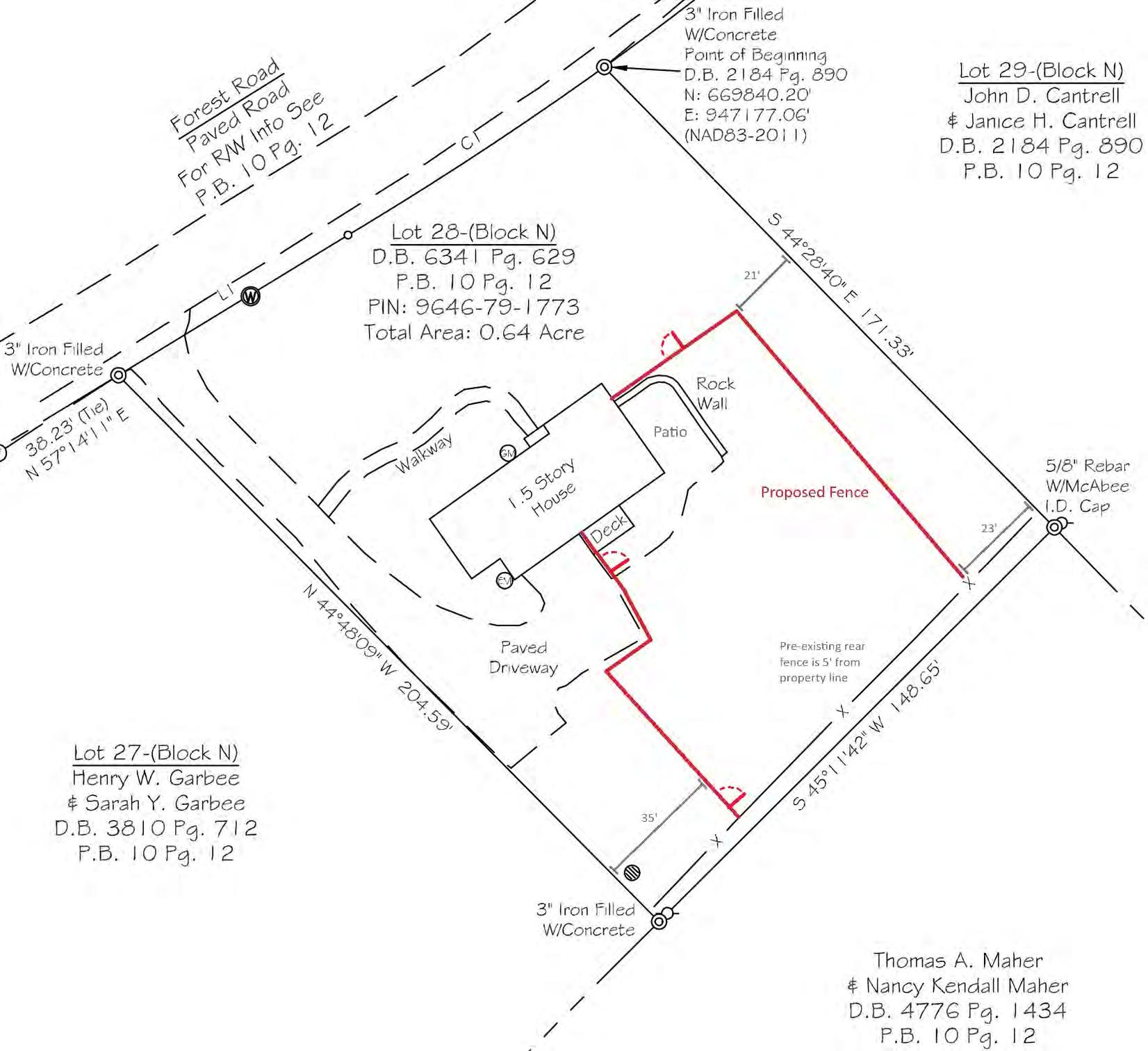
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Date

11/26/2023

A handwritten signature in black ink, consisting of a long horizontal stroke followed by a complex, overlapping loop structure.



Forest Road
Paved Road
For R/W Info See
P.B. 10 Pg. 12

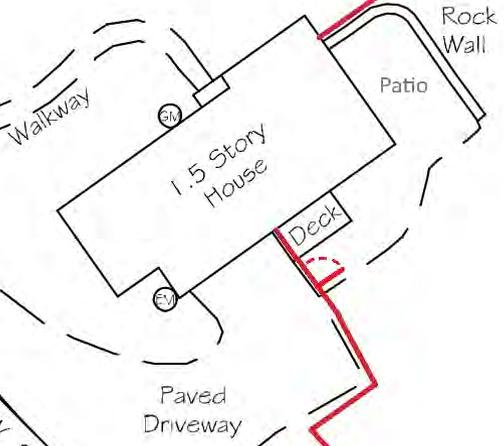
3" Iron Filled
W/Concrete
Point of Beginning
D.B. 2184 Pg. 890
N: 669840.20'
E: 947177.06'
(NAD83-2011)

Lot 29-(Block N)
John D. Cantrell
& Janice H. Cantrell
D.B. 2184 Pg. 890
P.B. 10 Pg. 12

Lot 28-(Block N)
D.B. 6341 Pg. 629
P.B. 10 Pg. 12
PIN: 9646-79-1773
Total Area: 0.64 Acre

3" Iron Filled
W/Concrete
38.23' (Tie)
N 57°14'11" E

S 44°28'40" E 171.33'
21'



Proposed Fence

5/8" Rebar
W/McAbee
I.D. Cap

N 44°48'09" W 204.59'

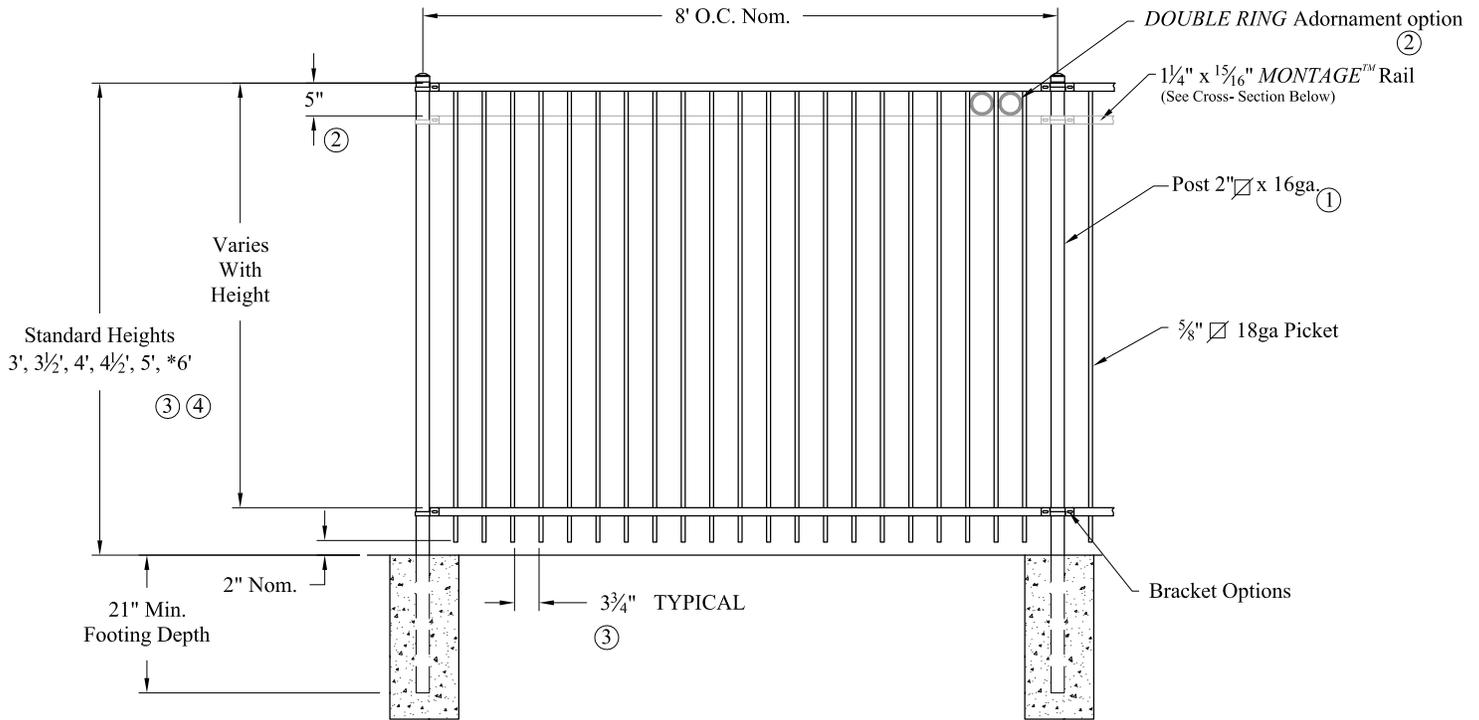
Pre-existing rear
fence is 5' from
property line

S 45°11'42" W 148.65'

Lot 27-(Block N)
Henry W. Garbee
& Sarah Y. Garbee
D.B. 3810 Pg. 712
P.B. 10 Pg. 12

3" Iron Filled
W/Concrete

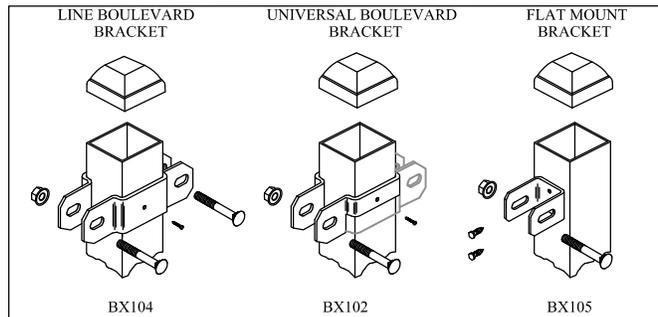
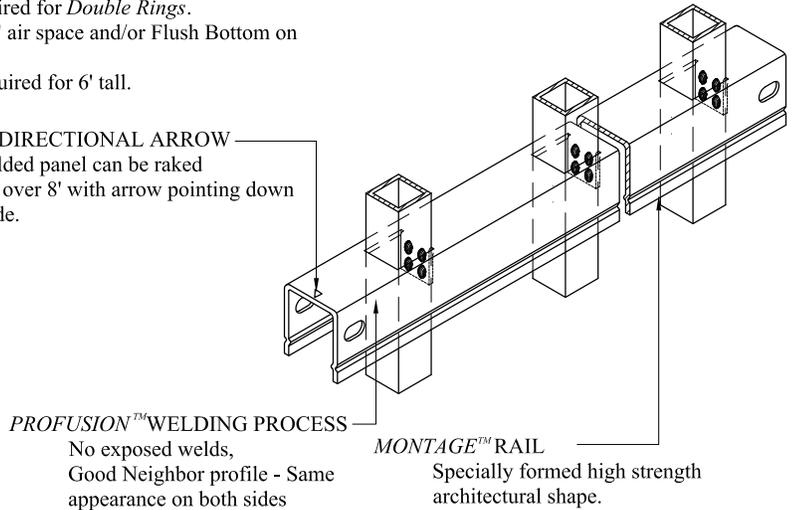
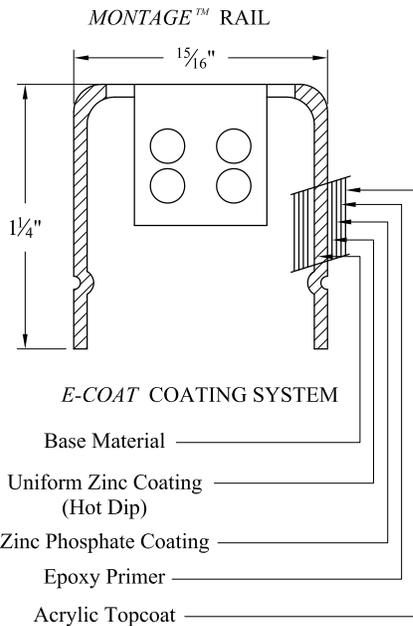
Thomas A. Maher
& Nancy Kendall Maher
D.B. 4776 Pg. 1434
P.B. 10 Pg. 12



NOTES:

- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
- 2.) Third rail required for *Double Rings*.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

RAKING DIRECTIONAL ARROW
 Welded panel can be raked 45° over 8' with arrow pointing down grade.



RESIDENTIAL WELDED STEEL PANEL
PRE-ASSEMBLED

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

RMISO

Title: **MONTAGE MAJESTIC 2/3-RAIL**

DR: CI	SH . 1 of 1	SCALE: DO NOT SCALE
CK: ME	Date 7-19-11	REV: c



AMERISTAR®

1555 N. Mingo
 Tulsa, OK 74116
 1-888-333-3422
 www.ameristarfence.com

Greybeard Fence Solutions
375 Duck Dr
Mars Hill, NC 28754 US
david@greybeardfence.com
www.greybeardfence.com



Estimate

ADDRESS

Jessica Pishko
44 Forest Rd.
Biltmore Forest, NC 28803

ESTIMATE # 4432

DATE 09/06/2023

EXPIRATION DATE 09/13/2023

SALESPERSON

David Ogburn

JOB

Steel Fence

DATE	PRODUCT	QTY	RATE	AMOUNT
	Residential Ornamental Fencing Install approximately 261 linear feet of 4' tall Ameristar Montage Majestic 3-rail black powder coated ornamental steel fence. -Install (3) 4' walk gates. -All posts will be set in concrete.	1	12,811.14	12,811.14

TOTAL

\$12,811.14

Accepted By

Accepted Date



BOARD OF ADJUSTMENT MEETING
STAFF MEMORANDUM
DECEMBER 18, 2023

CASE 5

Property Address: 27 Park Road

Property Owner: Ellen Farmer and Thomas Jennings

Request: Special Use Permit request for Detached Garage Construction and Variance Request to Encroach Upon Front Setback

Background

The property owners have applied for a zoning permit to construct an addition on the west side of the existing home. This addition would require a variance from the Board as it would encroach upon the front setback. A detached garage is proposed for the northwest corner of the property and requires a special use permit from the Board.

Special Use Permit

Section 153.029 of the Town's Zoning Ordinance requires a special use permit for any accessory building or structure. In this matter, the applicants request a special use permit for the construction of a detached garage on the northwest corner of the property. The proposed garage is 648 square feet with a roof area of 750 square feet (maximum allowable roof coverage for a detached building). The garage height is 23 feet, and the applicants have indicated that buffering will be planted between this garage and the neighboring property to the north. The applicant's application and site plan show that the proposed garage location complies with setbacks.

However, the neighbor to the north has reviewed the plans and believes the garage will extend into the side yard setback abutting his property. This neighbor's review of the site plan and comments are provided within this packet.

Variance Request

The applicant's requested variance is to expand the existing principal Bedroom on the east side of the house which results in an encroachment of the setback line. An on-grade terrace addition is also proposed adjacent to the principal bedroom addition. The applicant's variance request provides their rationale for this variance request.

Zoning Compliance Application

Town of Biltmore Forest

Name

Ellen (and Thomas) Farmer (and Jennings)

Property Address

27 Park Road, Biltmore Forest, NC 28803

Phone

(828) 274-5979

Email

jon@griffinarchitectspa.com

Parcel ID/PIN Number

9646-57-9749

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.095 acres

Proposed Roof Coverage Total

4,127 SF

Proposed Impervious Surface Coverage

9,616 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

23 feet

Description of the Proposed Project

An addition is proposed to expand the existing principal Bedroom on the east side of the existing house. An addition to create a Keeping Room is proposed on the west side of the existing house. A detached garage is proposed for the northwest corner of the property. Renovation to exterior doors and windows is proposed along with renovation to the south Terrace. (Please see the accompanying drawings.)

Estimated Start Date

5/27/2024

Estimated Completion Date

5/26/2025

Estimated Cost of Project

\$700,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

FARMER 27 PARK COMP BFBOA 112123.pdf

Applicant Signature

Date
11/22/2023

Jon Moore

Special Use Permit Application

Town of Biltmore Forest

Name

Ellen (and Thomas) Farmer (and Jennings)

Address

27 Park Road, Biltmore Forest, NC 28803

Phone

(828) 274-5979

Email

jon@griffinarchitectspa.com

Please select the type of special 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 addition of an Accessory Building - Detached Garage is proposed on the northwest corner of the property. The proposed garage area is 648 SF with a roof area of 750 SF. The garage height is 23 FT. Existing landscaping will be augmented to provide a landscaping buffer. The proposed garage is part of a comprehensive renovation project proposed for the property (Please see the accompanying drawings.)

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

The proposed detached garage will be constructed with a character that is complementary to the existing main house, and will provide an area for parking vehicles out of view of neighboring properties. The garage and accompanying landscaping will create a screen between the existing house entrance, and the neighboring property to the northwest. (It should be noted that the neighboring properties also have parking structures along the shared property line to the north, and topography at this site will obscure visibility of the garage from the street.)

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

Signature

Date

11/22/2023

Jon Moore

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Ellen (and Thomas) Farmer (and Jennings)

Address

27 Park Road, Biltmore Forest, NC 28803

Phone

(828) 274-5979

Email

jon@griffinarchitectspa.com

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?

An addition is proposed to expand the existing principal Bedroom on the east side of the house which results in an encroachment of the setback line. An on-grade terrace addition is also proposed adjacent to the principal Bedroom addition. (Please see the accompanying drawings)

What does the ordinance require?

The Zoning Ordinance requires a Building Setback of sixty feet along Park Road.

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 existing house (built in 1955) has an under-sized principal Bedroom with an under-sized, shared Bathroom which is not accessible. Renovation to expand the principal Bedroom and improve ADA accessibility for the Bathroom is not practical without encroaching on the setback line.

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

The existing house is located on a corner lot with a limited buildable area, surrounded by steep topography. The majority of the buildable area is currently occupied by the existing house and vehicle access. (It should be noted that the topography at this site will obscure the visibility of the proposed addition from the street and from neighbors.)

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

A hardship results from how the house was originally located on the property in 1955, and its proximity to the eastern building setback line.

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 proposed addition is accomplished by extending the existing roof to infill a vacant corner of the existing house footprint. The addition will increase functionality and value, while preserving, maintaining, and enhancing the existing character of this 68-year old home, as well as the surrounding R-1 District.

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

Signature

Date

11/21/2023

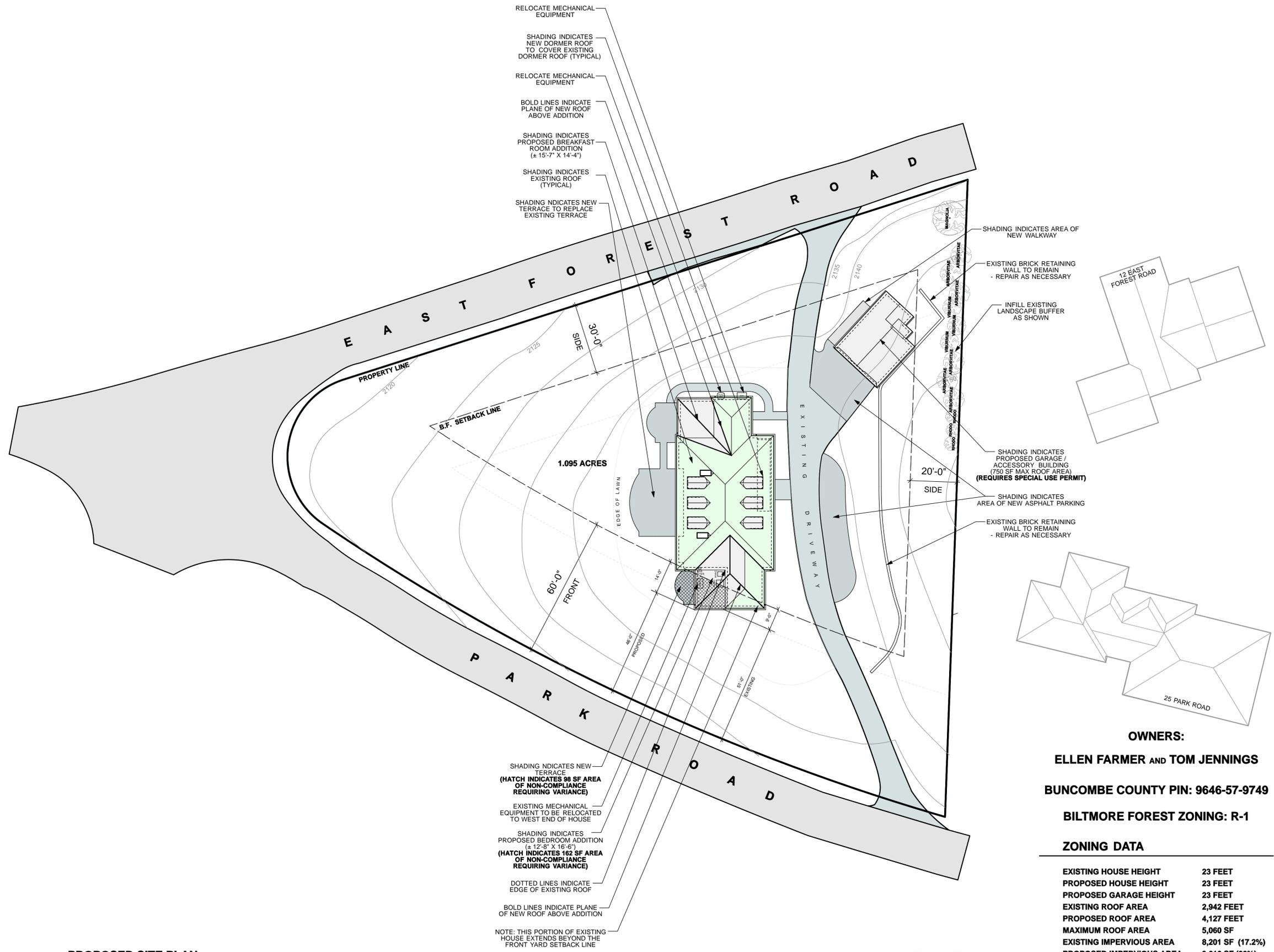
Jon Moore



Consultant
TOWN OF BILTMORE FOREST BOARD OF ADJUSTMENT REVIEW SET - NOT FOR CONSTRUCTION

Project
RENOVATIONS AND ADDITIONS TO 27 PARK ROAD
 BILTMORE FOREST NORTH CAROLINA
 Sheet Title
PROPOSED SITE PLAN

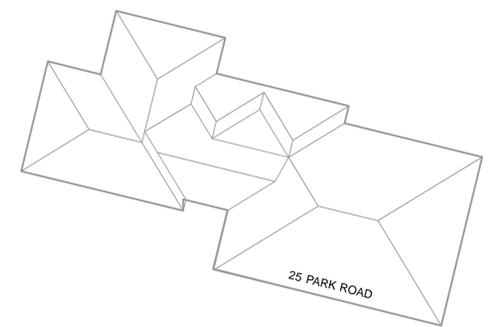
GRIFFIN ARCHITECTS P.A.
 DESIGN PLANNING
 INTERIOR DESIGN PRESERVATION
 ONE VILLAGE LANE, SUITE ONE, ASHEVILLE, NC 28803
 TEL 828-274-5979 FAX 828-274-1995
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RELOCATE MECHANICAL EQUIPMENT
 SHADING INDICATES NEW DORMER ROOF TO COVER EXISTING DORMER ROOF (TYPICAL)
 RELOCATE MECHANICAL EQUIPMENT
 BOLD LINES INDICATE PLANE OF NEW ROOF ABOVE ADDITION
 SHADING INDICATES PROPOSED BREAKFAST ROOM ADDITION (± 15'-7" X 14'-4")
 SHADING INDICATES EXISTING ROOF (TYPICAL)
 SHADING INDICATES NEW TERRACE TO REPLACE EXISTING TERRACE

SHADING INDICATES AREA OF NEW WALKWAY
 EXISTING BRICK RETAINING WALL TO REMAIN - REPAIR AS NECESSARY
 INFILL EXISTING LANDSCAPE BUFFER AS SHOWN
 SHADING INDICATES PROPOSED GARAGE / ACCESSORY BUILDING (750 SF MAX ROOF AREA) (REQUIRES SPECIAL USE PERMIT)
 SHADING INDICATES AREA OF NEW ASPHALT PARKING
 EXISTING BRICK RETAINING WALL TO REMAIN - REPAIR AS NECESSARY

SHADING INDICATES NEW TERRACE (HATCH INDICATES 98 SF AREA OF NON-COMPLIANCE REQUIRING VARIANCE)
 EXISTING MECHANICAL EQUIPMENT TO BE RELOCATED TO WEST END OF HOUSE
 SHADING INDICATES PROPOSED BEDROOM ADDITION (± 12'-8" X 16'-6") (HATCH INDICATES 162 SF AREA OF NON-COMPLIANCE REQUIRING VARIANCE)
 DOTTED LINES INDICATE EDGE OF EXISTING ROOF
 BOLD LINES INDICATE PLANE OF NEW ROOF ABOVE ADDITION
 NOTE: THIS PORTION OF EXISTING HOUSE EXTENDS BEYOND THE FRONT YARD SETBACK LINE



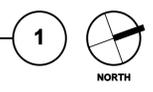
OWNERS:
ELLEN FARMER AND TOM JENNINGS
BUNCOMBE COUNTY PIN: 9646-57-9749
BILTMORE FOREST ZONING: R-1

ZONING DATA

EXISTING HOUSE HEIGHT	23 FEET
PROPOSED HOUSE HEIGHT	23 FEET
PROPOSED GARAGE HEIGHT	23 FEET
EXISTING ROOF AREA	2,942 FEET
PROPOSED ROOF AREA	4,127 FEET
MAXIMUM ROOF AREA	5,060 SF
EXISTING IMPERVIOUS AREA	8,201 SF (17.2%)
PROPOSED IMPERVIOUS AREA	9,616 SF (20%)
MAXIMUM IMPERVIOUS AREA	11,919 SF (25%)
PROPERTY AREA	47,677 SF (1.095AC)
AREA OF LAND DISTURBANCE	2,227 SF (4.67%)

NOTE: - NO TREES WILL BE REMOVED AS PART OF THIS PROJECT
 - NO SITE GRADING WILL OCCUR AS PART OF THIS PROJECT

PROPOSED SITE PLAN
 1" = 20'-0"
 ON 24"X36" SHEET





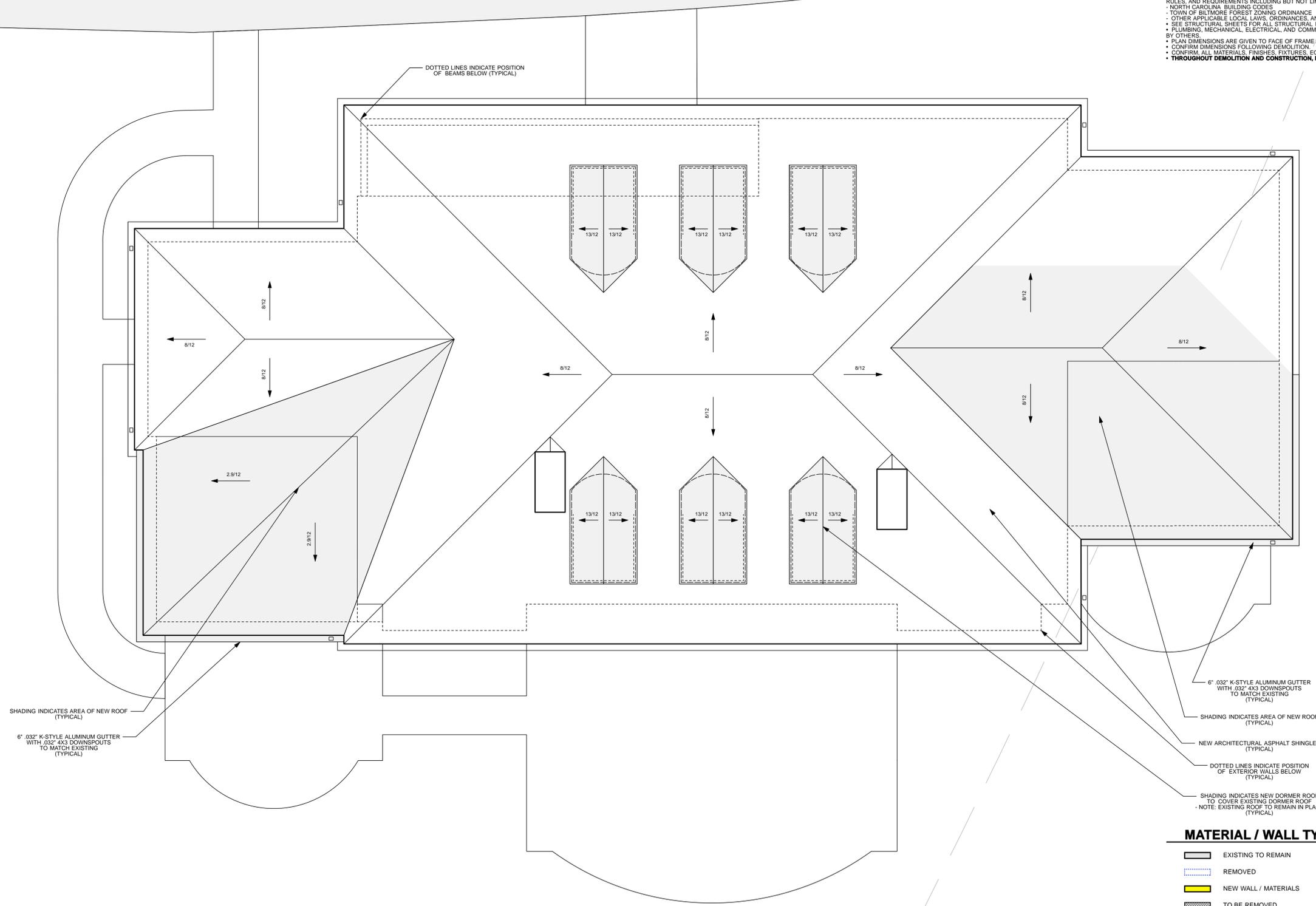
Consultant
**TOWN OF BILTMORE FOREST
 BOARD OF ADJUSTMENT
 REVIEW SET
 - NOT FOR CONSTRUCTION**

Project
**RENOVATIONS AND ADDITIONS
 TO
 27 PARK ROAD**
 BILTMORE FOREST
 NORTH CAROLINA
 Sheet Title
PROPOSED ROOF LAYOUT

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GENERAL NOTES

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 - NORTH CAROLINA BUILDING CODES
 - TOWN OF BILTMORE FOREST ZONING ORDINANCE
 - OTHER APPLICABLE LOCAL LAWS, ORDINANCES, AND REGULATIONS.
- SEE STRUCTURAL SHEETS FOR ALL STRUCTURAL INFORMATION.
- PLUMBING, MECHANICAL, ELECTRICAL, AND COMMUNICATION SYSTEM DESIGN/ENGINEERING TO BE PROVIDED BY OTHERS.
- PLAN DIMENSIONS ARE GIVEN TO FACE OF FRAME / MASONRY UNLESS NOTED OTHERWISE.
- CONFIRM DIMENSIONS FOLLOWING DEMOLITION.
- CONFIRM ALL MATERIALS, FINISHES, FIXTURES, EQUIPMENT, DEVICES, ETC., WITH THE ARCHITECT THROUGHOUT DEMOLITION AND CONSTRUCTION, PROTECT ALL FINISHES DESIGNATED TO REMAIN.



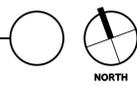
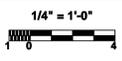
SHADING INDICATES AREA OF NEW ROOF (TYPICAL)
 6" .032" K-STYLE ALUMINUM GUTTER WITH .032" 4x3 DOWNSPOUTS TO MATCH EXISTING (TYPICAL)

6" .032" K-STYLE ALUMINUM GUTTER WITH .032" 4x3 DOWNSPOUTS TO MATCH EXISTING (TYPICAL)
 SHADING INDICATES AREA OF NEW ROOF (TYPICAL)
 NEW ARCHITECTURAL ASPHALT SHINGLES (TYPICAL)
 DOTTED LINES INDICATE POSITION OF EXTERIOR WALLS BELOW (TYPICAL)
 SHADING INDICATES NEW DORMER ROOF TO COVER EXISTING DORMER ROOF - NOTE: EXISTING ROOF TO REMAIN IN PLACE (TYPICAL)

MATERIAL / WALL TYPES

- EXISTING TO REMAIN
- REMOVED
- NEW WALL / MATERIALS
- TO BE REMOVED

PROPOSED ROOF LEVEL LAYOUT



Sheet No
AP2.3
 Date
11/21/23

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- **THROUGHOUT DEMOLITION AND CONSTRUCTION, PROTECT ALL FINISHES DESIGNATED TO REMAIN.**



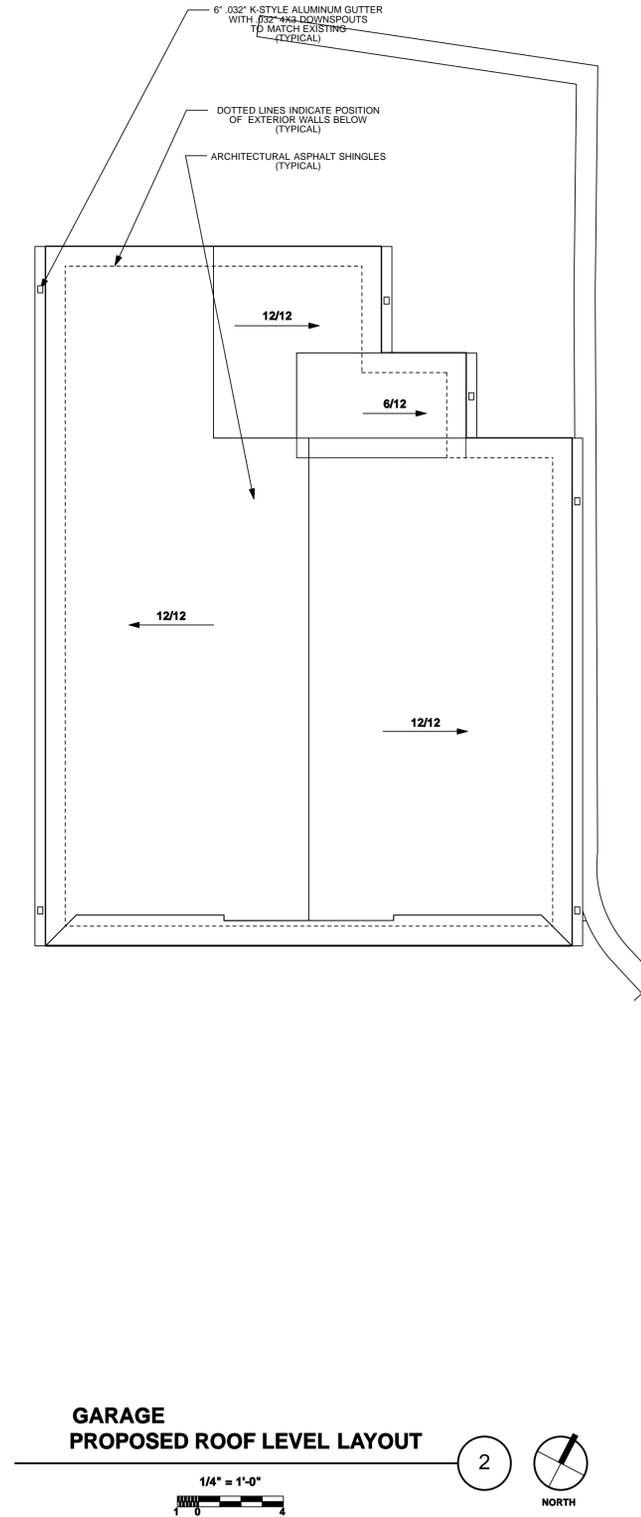
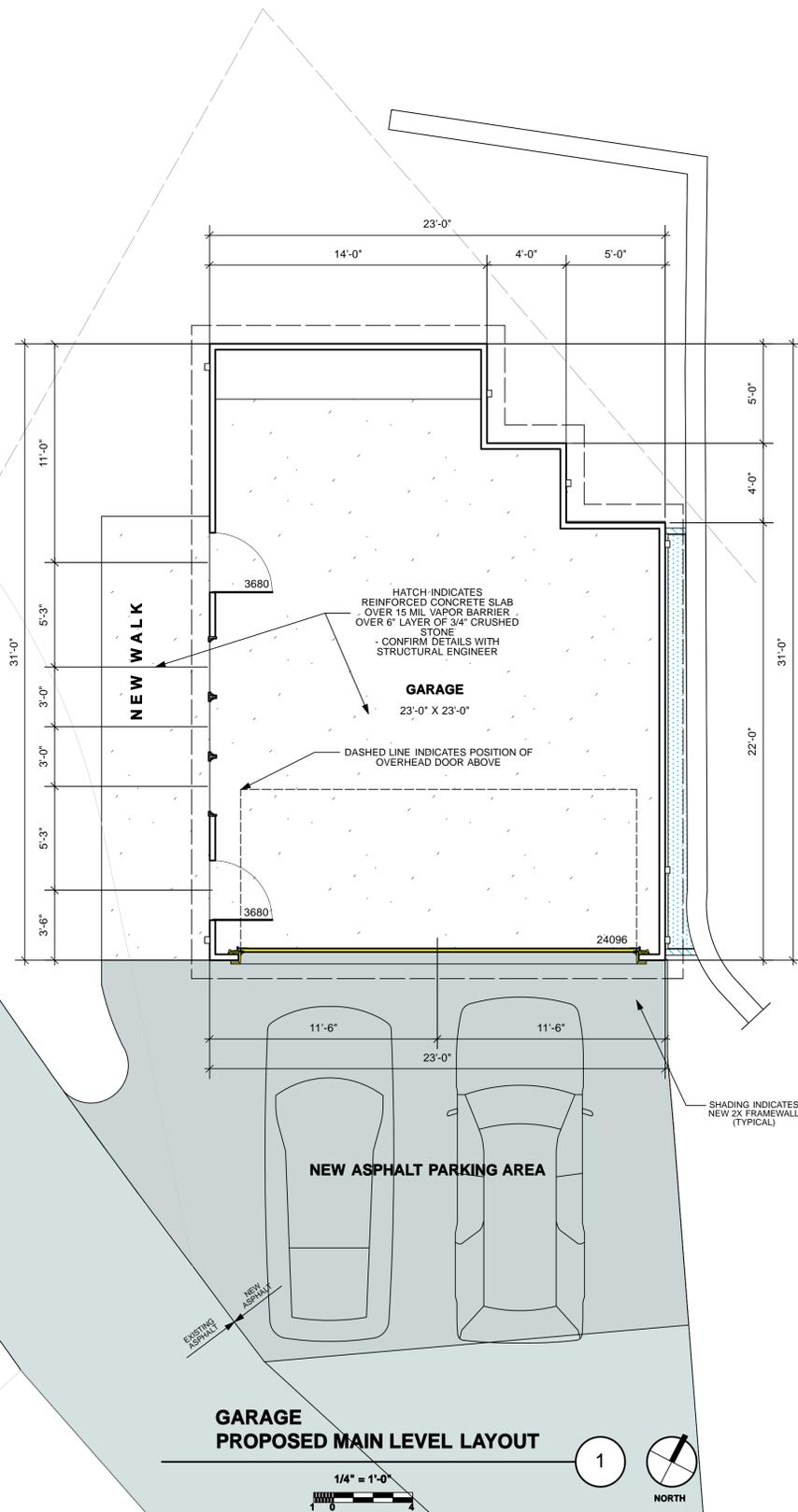
Consultant
**TOWN OF BILTMORE FOREST
 BOARD OF ADJUSTMENT
 REVIEW SET
 - NOT FOR CONSTRUCTION**

Project
**RENOVATIONS AND ADDITIONS
 TO
 27 PARK ROAD
 BILTMORE FOREST
 NORTH CAROLINA**
 Sheet Title
PROPOSED GARAGE LAYOUT

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AP2.4
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11/21/23



GENERAL NOTES

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Consultant
**TOWN OF BILTMORE FOREST
 BOARD OF ADJUSTMENT
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 - NOT FOR CONSTRUCTION**

**RENOVATIONS AND ADDITIONS
 TO
 27 PARK ROAD**
 BILTMORE FOREST
 NORTH CAROLINA
 EXISTING ELEVATIONS

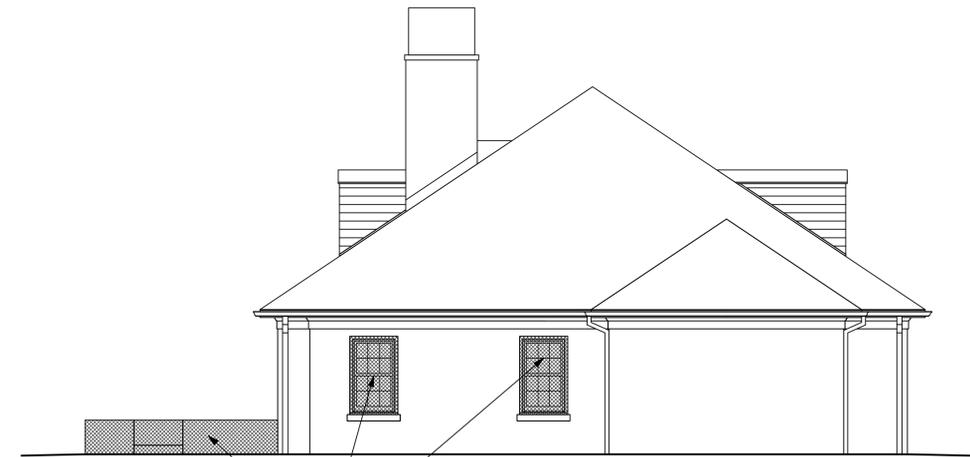
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EXISTING NORTH ELEVATION

3/16" = 1'-0"

1



PROPOSED EAST ELEVATION

3/16" = 1'-0"

2

HATCH INDICATES ITEM
 TO BE REMOVED / REPLACED
 (TYPICAL)

HATCH INDICATES ITEM
 TO BE REMOVED / REPLACED
 (TYPICAL)



EXISTING SOUTH ELEVATION

3/16" = 1'-0"

3



EXISTING WEST ELEVATION

3/16" = 1'-0"

4

HATCH INDICATES ITEM
 TO BE REMOVED
 (TYPICAL)

HATCH INDICATES ITEM
 TO BE REMOVED
 (TYPICAL)



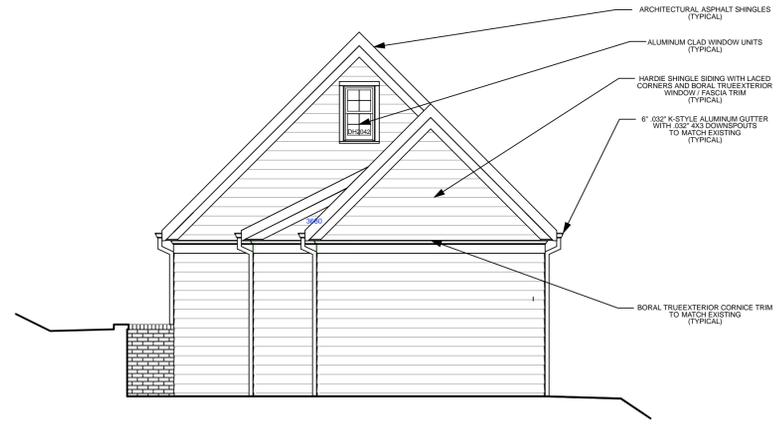
Sheet No
AX3.1
 Date
11/21/23



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**TOWN OF BILTMORE FOREST
 BOARD OF ADJUSTMENT
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Project
**RENOVATIONS AND ADDITIONS
 TO
 27 PARK ROAD**
 BILTMORE FOREST
 NORTH CAROLINA
 Sheet Title
PROPOSED GARAGE ELEVATIONS

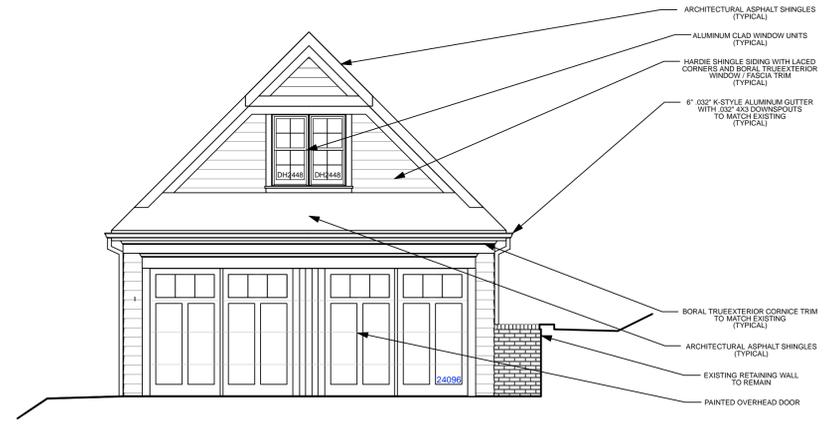
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PROPOSED NORTHWEST ELEVATION

1

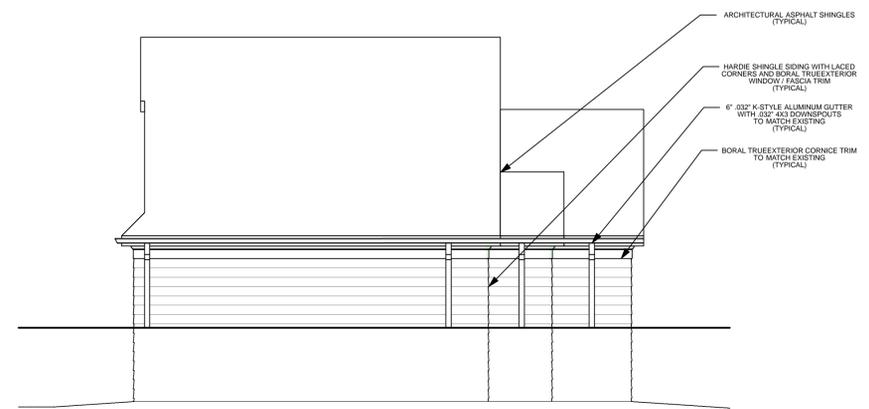
3/16" = 1'-0"



PROPOSED SOUTHEAST ELEVATION

2

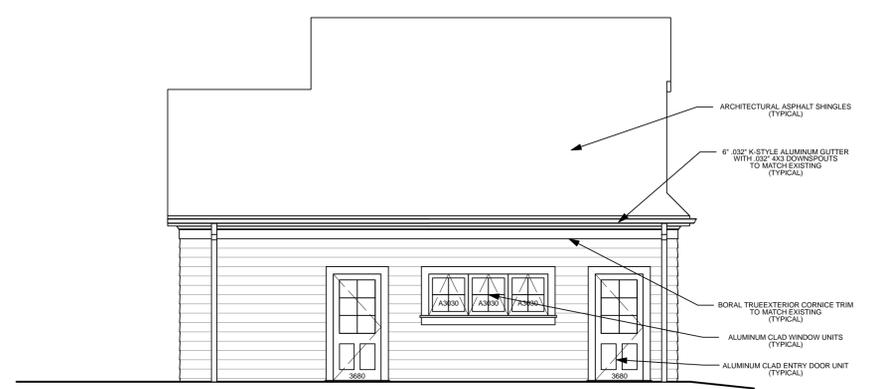
3/16" = 1'-0"



PROPOSED NORTHEAST ELEVATION

3

3/16" = 1'-0"



PROPOSED SOUTHWEST ELEVATION

4

3/16" = 1'-0"



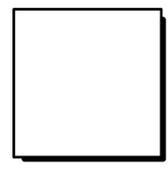
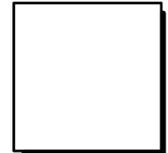
Sheet No
AP3.3
 Date
11/21/23



Consultant
**TOWN OF BILTMORE FOREST
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 - NOT FOR CONSTRUCTION**

Project
**RENOVATIONS AND ADDITIONS
 TO
 27 PARK ROAD**
 BILTMORE FOREST
 NORTH CAROLINA
 Sheet Title
EXISTING MAIN LEVEL LAYOUT

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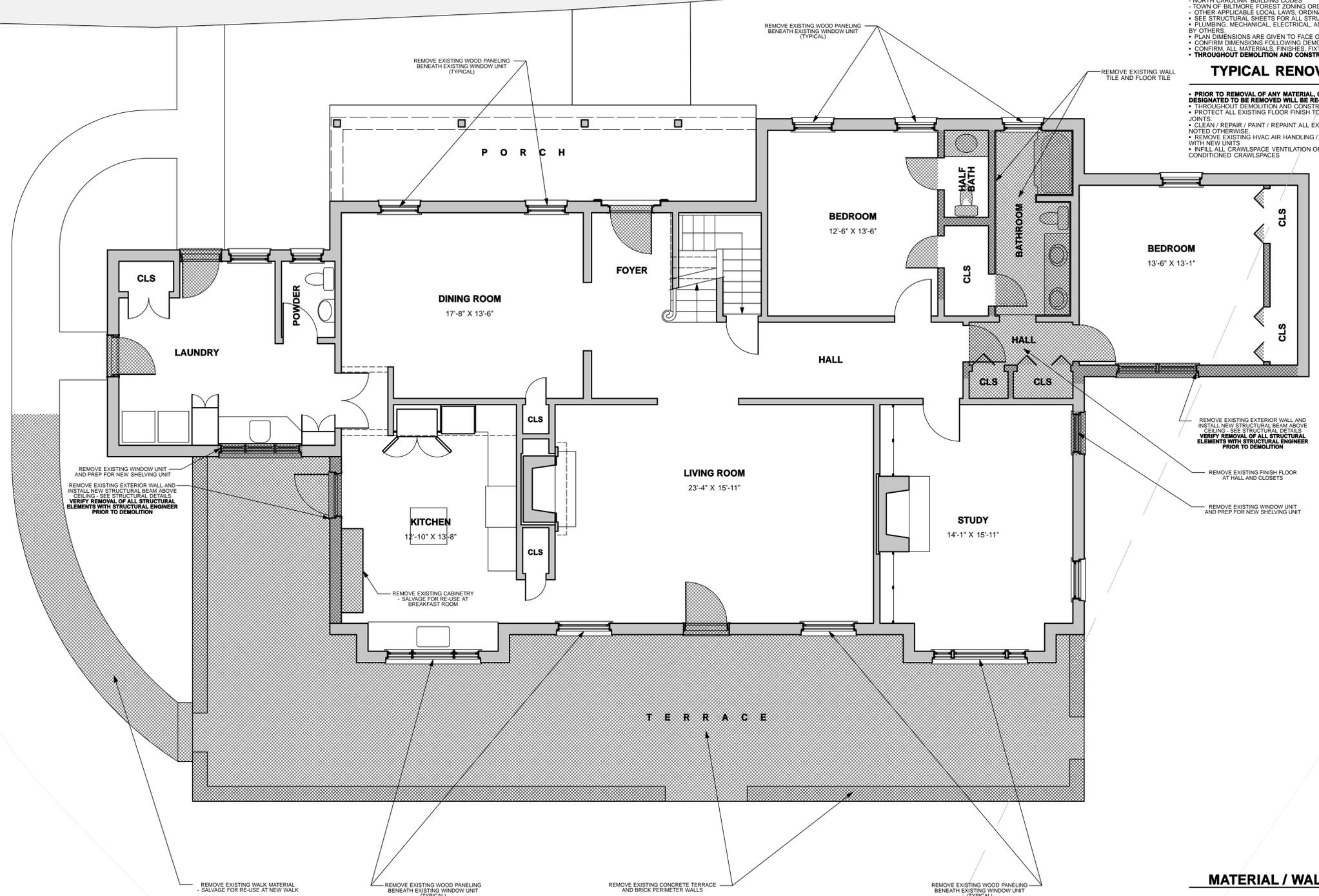
Sheet No
AX2.1
 Date
11/21/23

GENERAL NOTES

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- CONFIRM DIMENSIONS FOLLOWING DEMOLITION.
- CONFIRM ALL MATERIALS, FINISHES, FIXTURES, EQUIPMENT, DEVICES, ETC., WITH THE ARCHITECT
- **THROUGHOUT DEMOLITION AND CONSTRUCTION, PROTECT ALL FINISHES DESIGNATED TO REMAIN.**

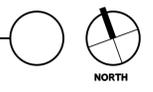
TYPICAL RENOVATION NOTES

- **PRIOR TO REMOVAL OF ANY MATERIAL, CONFIRM WITH ARCHITECT AND OWNER WHETHER ITEMS DESIGNATED TO BE REMOVED WILL BE RE-USED ON-SITE.**
- THROUGHOUT DEMOLITION AND CONSTRUCTION, PROTECT ALL FINISHES DESIGNATED TO REMAIN.
- PROTECT ALL EXISTING FLOOR FINISH TO REMAIN USING 1/4" LAUAN PLYWOOD OVER RAM BOARD WITH TAPED JOINTS.
- CLEAN / REPAIR / PAINT / REPAINT ALL EXTERIOR TRIM, NEW AND / OR DESIGNATED TO REMAIN, UNLESS NOTED OTHERWISE.
- REMOVE EXISTING HVAC AIR HANDLING / CONDENSING UNITS AND ASSOCIATED EQUIPMENT AND REPLACE WITH NEW UNITS.
- INFILL ALL CRAWLSPACE VENTILATION OPENINGS AND CONVERT EXISTING CRAWLSPACES TO SEALED / CONDITIONED CRAWLSPACES.



MATERIAL / WALL TYPES

- EXISTING TO REMAIN
- REMOVED
- NEW WALL / MATERIALS
- TO BE REMOVED



EXISTING MAIN LEVEL LAYOUT - DEMOLITION

1/4" = 1'-0"

SETBACK

SETBACK

GENERAL NOTES

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Consultant
**TOWN OF BILTMORE FOREST
 BOARD OF ADJUSTMENT
 REVIEW SET
 - NOT FOR CONSTRUCTION**

**RENOVATIONS AND ADDITIONS
 TO
 27 PARK ROAD
 BILTMORE FOREST
 NORTH CAROLINA**
 EXISTING ELEVATIONS
 Sheet Title

GRIFFIN ARCHITECTS P.A.
 DESIGN
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 ONE VILLAGE LANE, SUITE ONE, ASHEVILLE, NC 28803
 TEL. 828-274-5979 FAX 828-274-1995
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EXISTING NORTH ELEVATION

3/16" = 1'-0"

1



PROPOSED EAST ELEVATION

3/16" = 1'-0"

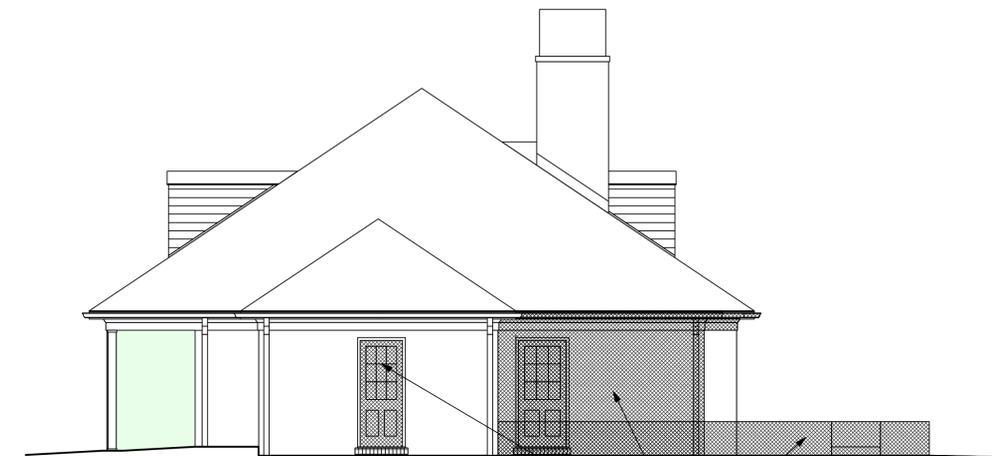
2



EXISTING SOUTH ELEVATION

3/16" = 1'-0"

3



EXISTING WEST ELEVATION

3/16" = 1'-0"

4



Sheet No
AX3.1
 Date
11/21/23



CEDAR SHINGLE SIDING



**GAF TIMBERLINE SHINGLE - SLATE
EXISTING EXTERIOR TRIM COLOR**



EXISTING BRICK

Project

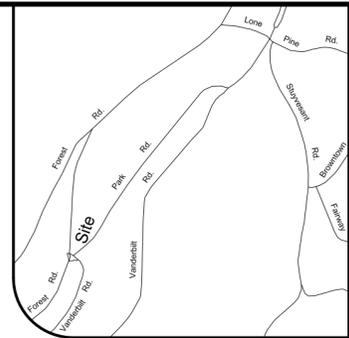
**RENOVATIONS AND ADDITIONS
TO
27 PARK ROAD**

BILTMORE FOREST

NORTH CAROLINA

Sheet Title

PROPOSED EXTERIOR MATERIAL COLOR SELECTION



BASIS OF BEARINGS:
NC GRID(NAD83)

E. Forest Road
40' Public R/W per P.B. 34, Pg. 119

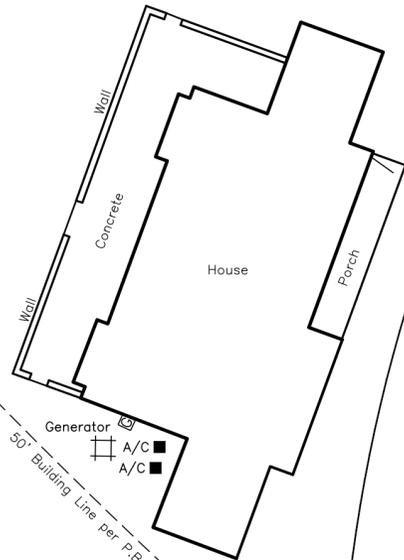
S02°38'17"W
158.89'

- Legend**
- ⊗ Calculated Point
 - ⊙ Sanitary Sewer Manhole
 - ⊕ Storm Water Inlet
 - A/C Air Conditioner
 - ⊖ Water Meter
 - ⊠ Street Sign
 - ⊡ Rebar Found
 - ⊢ Iron Pipe Found
 - ⊣ Rebar and Cap Found
 - ⊤ Rebar with Cap Set
 - ⊥ Not to Scale
 - D.B. Deed Book
 - Pg. Page
 - P.B. Plat Book
 - PIN Parcel Identification Number
 - R/W Right-of-Way
 - N Northing
 - E Easting
 - Ch. Chord
 - Rad. Radius

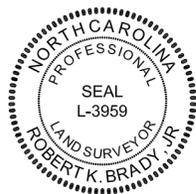
14
Hardin
D.B. 5327, Pg. 1134
P.B. 10, Pg. 12
PIN 9646 57 9918

12
Whitney
D.B. 5771, Pg. 512
P.B. 10, Pg. 12
PIN 9646 67 0952

13
1.095 Acres



19.5' Asphalt Public R/W
Park Road



I, ROBERT K. BRADY, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 5807, PAGE 491); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS

11/21/2022 DATE

Robert K. Brady Jr.
ROBERT K. BRADY, JR., PLS-3959

I, Robert K. Brady, Jr., certify that this map was drawn under my supervision from an actual GPS (or GNSS) survey made under my supervision and the following information was used to perform the survey:
Class of survey: Class B
Horizontal Positional accuracy: 0.017
Type of GPS (or GNSS) field procedure: Real-Time Kinematic networks
Date(s) of survey: 11/16/2022
Datum/Epoch: NAD 83 (2011)(EPOCH2010.000)
Published/fixed control: VRS
Geoid model: GEOID12B
Combined factor: 0.99978780
Units: U.S. Foot
Horizontal positions are referenced to NAD83(2011)

11/21/2022 DATE

Robert K. Brady Jr.
ROBERT K. BRADY, JR., PLS-3959

GENERAL NOTES:

1. Property subject to all easements, rights-of-way and restrictions of record
2. Lines not surveyed are shown as broken lines from information referenced on the face of this plat
3. The area shown hereon was computed using the coordinate computation method
4. Subject property is not located within a flood hazard area according to flood insurance community 370475, panel 9646, suffix J dated January 6, 2010
5. Location of utilities, whether public or private, is based upon field location of visible appurtenances
6. All distances are horizontal ground measured in US Feet
7. This plat has been prepared without the benefit of a title report which may reveal additional conveyances, easements, rights-of-way or building restrictions. A North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by the title examination.
8. This map does not transfer to anyone other than the persons or business named in the title block and may not be used without written authorization from Blackrock Surveying and Land Design, PC.

Approximate Margin of R/W

N02°21'26"E 280.20'

N61°17'14"W
61.83' Ch.
34.50' Rad.

50' Building Line per P.B. 10, Pg. 12

RBS
N 667,939.97'
E 945,829.07'

1" Pinched IPF

Generator
A/C
A/C

50' Building Line per P.B. 10, Pg. 12

S45°11'51"W 294.50' Ch.
940.00' Rad.

271.60' Ground Total
271.54' Grid
136.50'

Overhead Utilities

135.10'

S67°54'34"E

3" IPF
N 667,837.85'
E 946,080.68'

S33°21'49"W
152.57'

1" IPF

Boundary Survey for
Ellen Farmer and Tom Jennings

Town of Biltmore Forest, Buncombe County, North Carolina

PIN : 9646 57 9749	Current Owner: Ellen B. Farmer and Thomas M. Jennings	Address: 27 Park Road Biltmore Forest, NC 28803
D.B./Pg.: 5807 / 491	P.B./Pg.: 10 / 12	Zoning: R-1
Job Number: 22-131	Firm License No.: C-2921	Date: 11/16/2022
Surveyed by: RB	Drawn by: RKB	PLS: Robert K. Brady, Jr.

GRAPHIC SCALE

1" = 20'

BLACKROCK SURVEYING & LAND DESIGN, PC

PO Box 8302
Asheville, North Carolina 28814
phone: 828-225-4341
www.blackrocksurveying.com

Approximate Margin of R/W

BASIS OF BEARINGS:
NC GRID (NAD83)

E. Forest Road 40' Public R/W per P.B. 34, Pg. 119

Asphalt

N02°21'26"E 280.20'

Asphalt

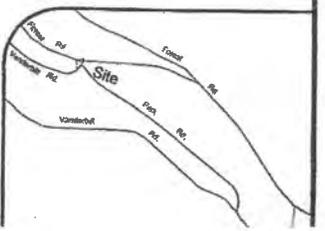
Asphalt

N 897°39'87"
E 945°82'07"

S02°38'17"W
158.89'

Pine

VICINITY MAP (N.T.)



BLACKROCK SURVEY

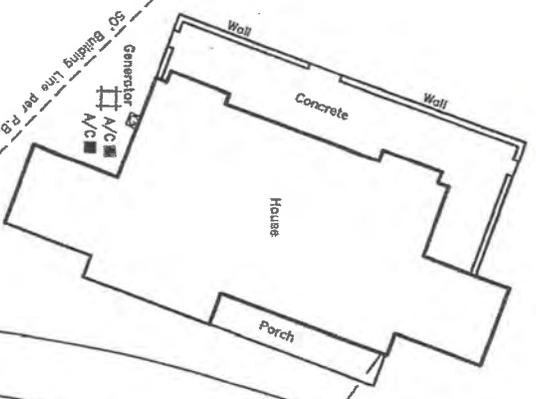
ADJACENT PARCEL

13' x 12'

**PROPOSED PLACE
MOUNT
DICK LINES**

1.095 Acres (13)

50' Building Line per P.B. 10, Pg. 12



S45°11'51"W 294.50' Ch.
940.00' Rad. 10' Pg. 12

50' Building Line per P.B. 10, Pg. 12

S67°54'34"E
135.10'

1" = 20'
PER ORIGINAL SURVEY

14
Hardin
D.B. 5327, Pg. 1134
P.B. 10, Pg. 12
PIN 9646 57 9918

- Legend
- Calculated Point
 - Sanitary Sewer
 - Storm Water
 - Water
 - Water Conditioner
 - Street Sign
 - Street
 - Rubber Found
 - Iron Pins Found
 - Rubber with Cap
 - RSS
 - N.T.S.
 - Dead Book
 - Pin
 - Post
 - Post Bank
 - Parcel Identificat
 - Number
 - R/W
 - Right-of-Way
 - Porting
 - E
 - Ch.
 - Rod
 - Rodules

GENERAL NOTES:
1. Property subject to all easements, rights-of-way and restrictions of record

Boundary Survey for
Ellen Farmer and Tom Jennin