



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners  
From: Jonathan B. Kanipe, Town Manager  
Date: November 30, 2020  
Re: **Board of Adjustment Meeting – December 14, 2020**

---

## Applicants:

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

Members of the Board of Adjustment & staff may visit each property prior to the meeting. If this occurs, the property owner will be notified beforehand and asked if they approve the visit. If so, the visit will be conducted in a socially distant manner consistent with North Carolina state orders related to preventing the spread of Covid-19.

## 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-adjustments>.

You are invited to attend the scheduled meeting via Zoom and make comment when called upon. Any additional information regarding the Zoom meeting will be provided on the Town's website no later than December 10, 2020.

The following items of business are scheduled to be addressed by the Biltmore Forest Board of Adjustment on Monday, December 14, 2020 at 4:00 pm in the Town Hall Board Room via Zoom. The format for the meeting and instructions for attending the meeting via Zoom can be found on the second page of this agenda. The link for the Zoom meeting can be found at the bottom of the second page.

1. The meeting will be called to order and roll call taken.
2. The minutes of the November 16, 2020 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: **7 Frith Drive** – A special use permit is requested for the installation of a playset in the rear yard.

Case 2: **Carolina Day School – 1345 Hendersonville Road** - A special use permit is requested for the installation of roof mounted solar collectors.

Case 3: **26 Ridgefield Place** – A special use permit is requested for installation of a 12'x12' concrete slab for a hot tub with associated 6' tall privacy fence.

Case 4: **307 Vanderbilt Road** – A variance is requested for the reconstruction of a detached accessory building within the side yard setback.

Case 5: **32 Cedarcliff Road** – A variance is requested to exceed the maximum roof allowance associated with the construction of a new residence. Special use permits are requested for the installation of a swimming pool and pickleball court (accessory structures) as part of the construction.

4. Adjourn

### **Process and Procedure for December 14, 2020 Board of Adjustment Meeting held on Zoom**

- All participants attending will be held in the “waiting room” prior to admittance by Town staff. Once admitted into the meeting, please mute audio until called upon by the Board chair.
- The meeting will be called to order at 4:00 p.m. by the Chair. All interested parties and applicants will be virtually sworn-in at this time.
- Each matter will be called forward and Town staff will authorize video and audio for the applicants and any person with standing for that particular case. If an applicant would like to present visual evidence, they must provide this evidence to Town staff no later than Friday, December 11, 2020.
- The Board chair, or other Board of Adjustment member, will specifically ask questions to the applicant and ask for any evidence that they would like to present.
- The Board chair, or other Board of Adjustment member, will then specifically ask for any person with standing for that specific matter to provide comment. Town staff will moderate this comment period but will ensure each person who wishes to speak or provide evidence is able to do so.
- When all evidence and testimony has been provided, the Board will deliberate and render a decision, then move on to the next matter where the process will be repeated.

### **How to Access the December 14, 2020 Board of Adjustment Meeting via Zoom**

In order to access the Board of Adjustment meeting, please visit <http://zoom.us> to sign up, for free, for a Zoom account. This will enable you to participate with your desktop or laptop computer as you see fit. The Zoom link and log-in credentials are at the bottom of this page.

You may also download the free Zoom app from the Apple Store or Google Play on your mobile iOS or Android device. This app will walk you through setting up a free account.

If you are unable to access the meeting through a web or app based format, but would still like to listen and participate in the meeting, you may do so by calling one of the phone numbers listed below and entering the meeting ID and password.

<https://us02web.zoom.us/j/89412502729?pwd=OHBZZ1I5Q2FvTGRPZ25FVTMycWFqQT09>

Meeting ID: 894 1250 2729

Passcode: 832823

Find your local number: <https://us02web.zoom.us/j/89412502729?pwd=OHBZZ1I5Q2FvTGRPZ25FVTMycWFqQT09>

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, NOVEMBER 16, 2020

The Board of Adjustment met at 4:00 p.m. on Monday, November 16, 2020. The meeting was held virtually via Zoom.

Members present: Mr. Greg Goosmann, Ms. Rhoda Groce, Ms. Lynn Kieffer, and Mr. Lowell Pearlman. Ms. Martha Barnes, alternate member, was also present. Mr. Jonathan Kanipe, Town Manager, Mr. Harry Buckner, Public Works Director, and Mr. William Clarke, Town Attorney were also present.

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe  
Mr. Sean Sullivan  
Ms. Angela Newnam  
Ms. Sherry Taylor  
Ms. Irene Morris  
Ms. Cindy Holman

A motion was made by Ms. Lynn Kieffer to approve the minutes from October 19, 2020. Ms. Rhoda Groce seconded the motion. Chairman Goosmann conducted roll call. Ms. Lynn Kieffer voted aye, Mr. Lowell Pearlman voted aye, Ms. Rhoda Groce, and Ms. Martha Barnes voted aye. The minutes were approved as written.

HEARING (Evidentiary):

A Special Use Permit was requested at 63 Forest Road for the installation of roof mounted solar collectors. Mr. Sean Sullivan represented the homeowners. Ms. Rhoda Groce shepherded the matter. Ms. Groce asked how many panels are proposed in this plan because it looked like five. Mr. Sullivan agreed with Ms. Groce and said there are five. The hardware is all black and will blend in as much as possible. Ms. Groce also asked how far off the roof the solar panels will stand. Mr. Sullivan said four inches is the minimum clearance for an asphalt shingle roof. Ms. Barnes asked if each array follows the existing plane of the roof. Mr. Sullivan said yes.

DELIBERATION AND DETERMINATION:

Ms. Groce recited the facts and said Ms. Rebecca Morgan of 63 Forest Road is requesting a Special Use Permit for the installation of roof mounted solar collectors. There is no indication it will affect any neighboring properties.

Ms. Martha Barnes moved that a Special Use Permit as requested be granted to Ms. Rebecca Morgan of 63 Forest Road and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected.

Ms. Barnes further moved the Board define that 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.

Ms. Lynn Kieffer seconded the motion. Roll call was taken by Chairman Goosmann and the motion was unanimously approved by all attending board members.

#### HEARING (Evidentiary):

A Special Use Permit is requested for 324 Vanderbilt Road for the installation of a fence, and a Variance is requested for installation in the side yard setbacks. Ms. Martha Barnes shepherded the matter. Ms. Taylor would like to extend her fence along her side property lines and perpendicular to Hendersonville Road for a distance of 300 feet on each side. It will be encroaching into the setback area. Ms. Taylor received replies from neighboring property owners except Mr. Collins. All were in support of the project. Ms. Barnes asked why Ms. Taylor wants to extend the fence. Ms. Taylor said there were people trespassing on her property and two of them were dangerous. Many of them come from the bus stop or the service station. Ms. Taylor said by having this fence will protect her and her property. Ms. Barnes asked if Ms. Taylor would be willing to add additional buffering if neighbors requested this. Ms. Taylor said yes. Ms. Irene Morris said she shares a boundary with Ms. Taylor's property. Ms. Morris asked how far the fence would be setback from the property line. The fence will not be on the property line but close to the property line. It will not have any effect on Ms. Morris's tree line. It will also be well camouflaged.

#### DELIBERATION AND DETERMINATION:

Ms. Lynn Kieffer moved that Ms. Sherry Taylor of 324 Vanderbilt be granted a Special Use Permit and Variance for installation of a fence in the side yard setback and a Variance for a fence along the side property lines. The facts as recited by Martha Barnes and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Kieffer further moved the Board define that 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.

Ms. Kieffer further 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 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. Rhoda Groce seconded the motion. Roll call was taken by Chairman Goosmann and the motion was unanimously approved by all members.

#### HEARING (Evidentiary):

A Special Use Permit is requested at 394 Vanderbilt for the construction of a detached accessory building, and a Variance is requested for the allowance of two (2) detached accessory buildings on the property. Ms. Newnam is trying to restore the historical importance of this property to Biltmore Forest. They would like to add an attached garage, a home office, and a workout space to bring up to current day standards while keeping the historic nature of the house.

The garage will be attached with a heated breezeway that keeps within the scale of the house. It will work around the trees so none will have to be taken down. The garage will not be on the setback. It is about 1,600 square feet. Ms. Kieffer verified it would be twenty feet high. Ms. Newnam agreed. The second part will be adding on an office. There is only one tree that would need to be taken down. It would be a one story with a peak roof. It would keep within the historic design of the home. They are asking for a Variance to have the one additional building on the house. The total acreage on the house is 3.5 acres. This would still be well below the roof square footage. All of the buildings are compliant with the height and setbacks. Ms. Newnam is asking for the Variance on the stable boy cottage area. The stable boy cottage is roughly 600 square feet.

#### DELIBERATION AND DETERMINATION:

Ms. Lynn Kieffer stated the facts and said Angela and Todd Newnam of 394 Vanderbilt are tearing down a three-sided shed and turning it into a two car heated garage with a breezeway. The roof height will be twenty-seven feet. It will be moved back within the property lines to be compliant with the setback. It will be the same design as the existing house. The next building is a personal office that will be 750 square feet and a roof height of twenty-five feet. A variance is requested for the office building and a 650 square feet stable boy cottage. None of the neighboring property owners have objected.

Ms. Rhoda Groce moved that Angela and Todd Newnam of 394 Vanderbilt Road be granted a Special Use Permit for construction of an accessory building and a Variance for two detached accessory buildings on the property 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 this site and no neighboring property owner has objected. Ms. Groce further moved the Board define that 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.

Ms. Groce further 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 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 seconded the motion. Roll call was taken by Chairman Goosmann and the motion was unanimously approved by all members.

Chairman Goosmann adjourned the meeting at pm. The next Board of Adjustment meeting is scheduled for Monday, December 14, 2020 at 4:38 pm.

ATTEST:

---

Greg Goosmann  
Chairman

---

Laura Jacobs  
Town Clerk

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 Adjustment Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustment Case Number1 (7 Frith Drive)  
Date: December 9, 2020

---

### Special Use Permit Request for Accessory Structure

A special use permit is requested for installation of a children's play structure in the rear yard. The applicant has provided a schematic for the design and location of the proposed accessory structure. The children's play structure complies with the Town's setbacks, and all impervious surface and maximum roof coverage requirements remain in compliance. The Town's Zoning Ordinance related to accessory structures is included below for your reference.

#### *§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.*

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

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Ryan Cecil

**Property Address**

7 Frith Drive

**Phone**

(828) 225-6102

**Email**

rcecil@biltmore.com

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

21.87 acres

**Maximum Roof Coverage**

2,874 square feet (Up to .5 acres)

**Proposed Roof Coverage Total**

50

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

225 ft- One covered area of 5x5 feet but the rest will be permeable playground mulch

**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**

8ft

**Description of the Proposed Project**

Custom architectural themed playground to look like the house, as per drawings. 5 decks of various sizes from 4' high to 8' high make up the structure. Stairs up to a 30" tall jumping deck, then to the 4' tall deck 2' x 6' with a log climber and spiral step climber. Next deck is 5' square, with sandbox below, a pair of wave slides, and roof and wall detail that mimic the house. The almost flat roof features tile style metal panels, and arches and post corbels decorate the roof sides. Welded circle pattern forms the barrier handrail on one side. The next 2x6 deck is at 6' high, with a rock wall attached. The next deck is at 7' high, with a spiral tube slide, and monkey bars attached below the deck height. The final deck is at 8' high and features welded handrails around the cantilevered Juliette balcony. Conventional picket handrails surround decks as needed, and the monkey bars will first be set at 5' height, with posts long enough to raise them to 6-1/2' as needed by the older children. The decorative side with the Juliette balcony and circle window detail faces out into the yard, and the slides and monkey bars face in, towards the swings. The center,

square deck is centered on the exsisting tree between the playground and the swings. A 16' long swing beam with 3 swings, a tot full bucket swing, a strap swing, and a nest disc swing, is located behind the playground, centered on the swing. Both the playground and the swings have the appropriate safety use zones bordered with stacked 6x6 and 4x6, to make a 9" deep space for 90 yards of playground mulch to be installed.

All slides, swings, rock grips, roofing tiles, and spiral step climber 'steps' are blue.

**Estimated Start Date**

12/15/2020

**Estimated Completion Date**

12/25/2020

**Estimated Cost of Project**

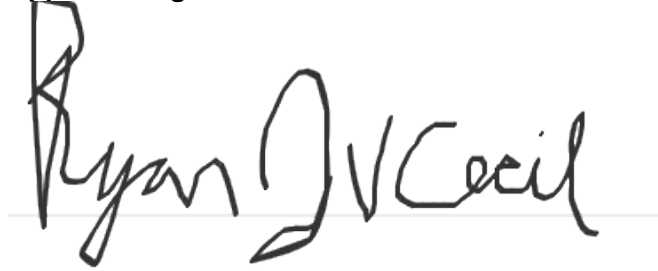
\$20,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

**Applicant Signature**

**Date**

11/24/2020

A handwritten signature in black ink, reading "Ryan J. Cecil", is written over a horizontal line. The signature is fluid and cursive, with the first name "Ryan" and last name "Cecil" clearly legible, and a middle initial "J." in between.

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Ryan Cecil

**Address**

7 Frith Drive

**Phone**

(828) 777-9248

**Email**

rcecil@biltmore.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:**

Custom architectural themed playground to look like the house, as per drawings. 5 decks of various sizes from 4' high to 8' high make up the structure. Stairs up to a 30" tall jumping deck, then to the 4' tall deck 2' x 6' with a log climber and spiral step climber. Next deck is 5' square, with sandbox below, a pair of wave slides, and roof and wall detail that mimic the house. The almost flat roof features tile style metal panels, and arches and post corbels decorate the roof sides. Welded circle pattern forms the barrier handrail on one side. The next 2x6 deck is at 6' high, with a rock wall attached. The next deck is at 7' high, with a spiral tube slide, and monkey bars attached below the deck height. The final deck is at 8' high and features welded handrails around the cantilevered Juliette balcony. Conventional picket handrails surround decks as needed, and the monkey bars will first be set at 5' height, with posts long enough to raise them to 6-1/2' as needed by the older children. The decorative side with the Juliette balcony and circle window detail faces out into the yard, and the slides and monkey bars face in, towards the swings. The center, square deck is centered on the existing tree between the playground and the swings.

A 16' long swing beam with 3 swings, a tot full bucket swing, a strap swing, and a nest disc swing, is located behind the playground, centered on the swing. Both the playground and the swings have the appropriate safety use zones bordered with stacked 6x6 and 4x6, to make a 9" deep space for 90 yards of playground mulch to be installed.

All slides, swings, rock grips, roofing tiles, and spiral step climber 'steps' are blue.

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



This will be located at the back of our property that backs up to the property and will not be within eyesight of any of the neighbors and will be tucked into a back alcove of the yard. They will be assembling the pieces off property to make for a quick install.

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

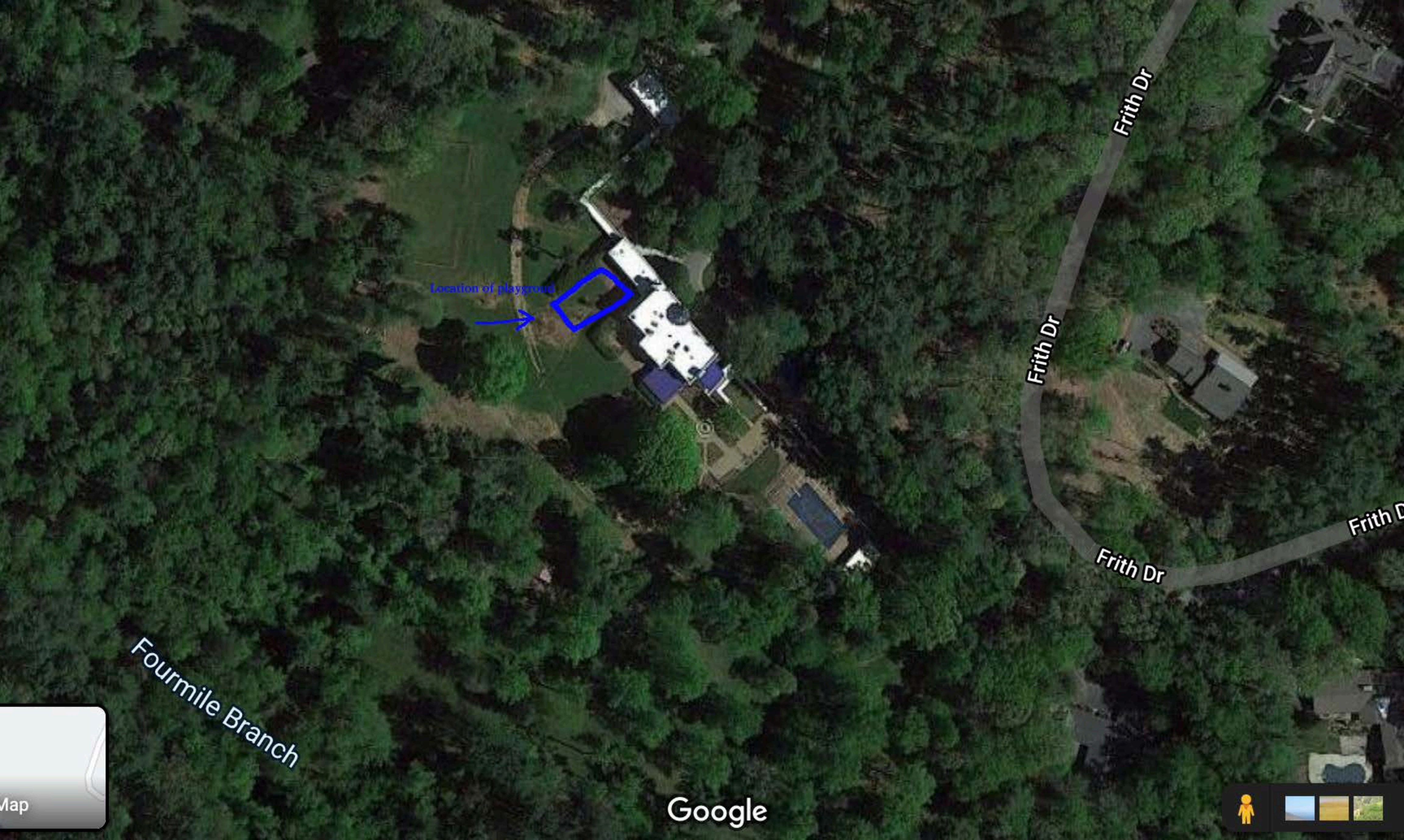
**Signature**

**Date**

11/24/2020

Ryan J. Cecil





Location of playground

Frith Dr

Frith Dr

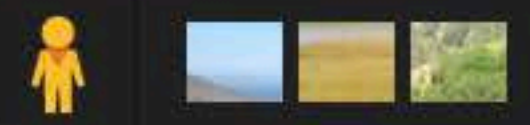
Frith Dr

Frith Dr

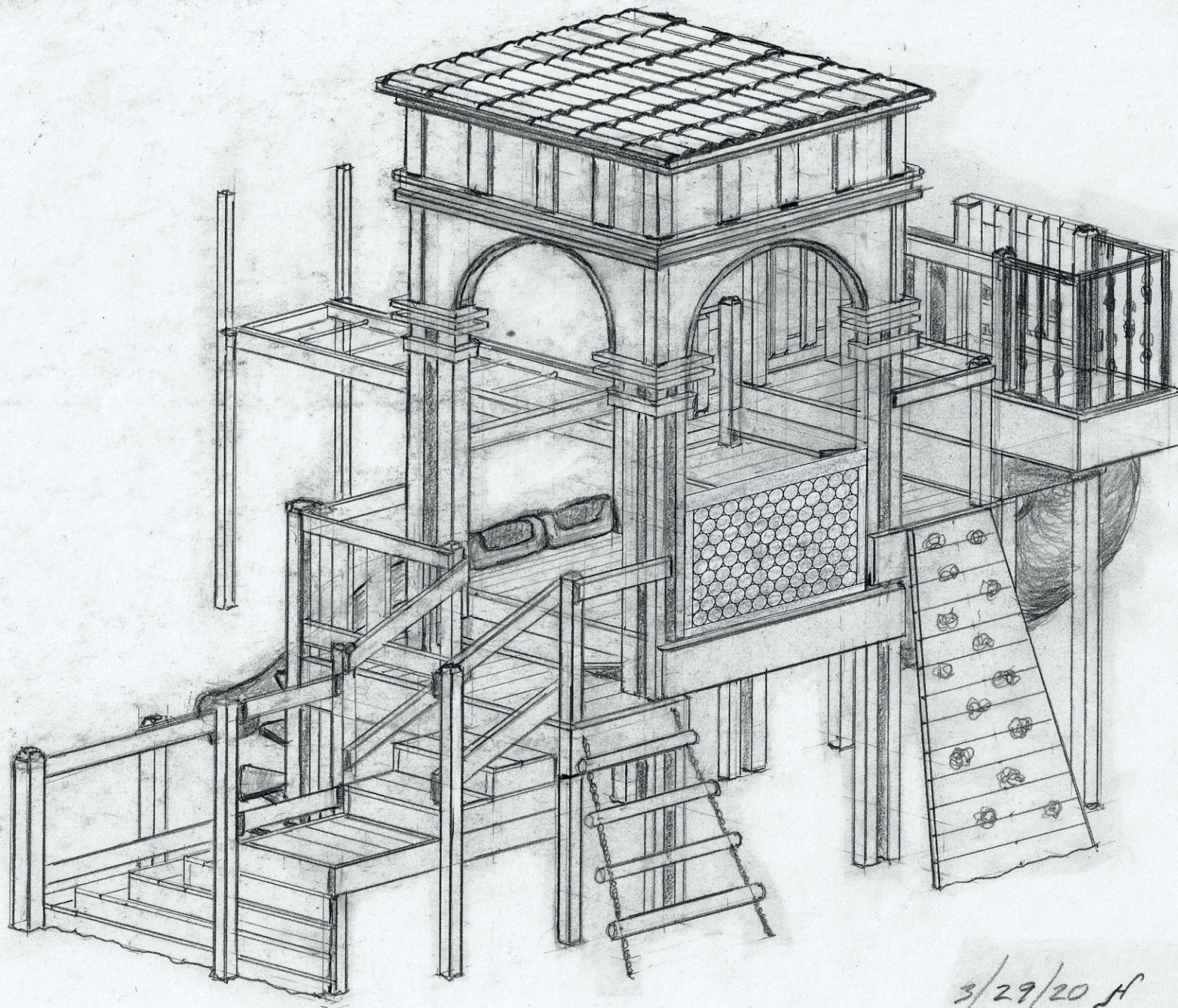
Fourmile Branch

Google

Map





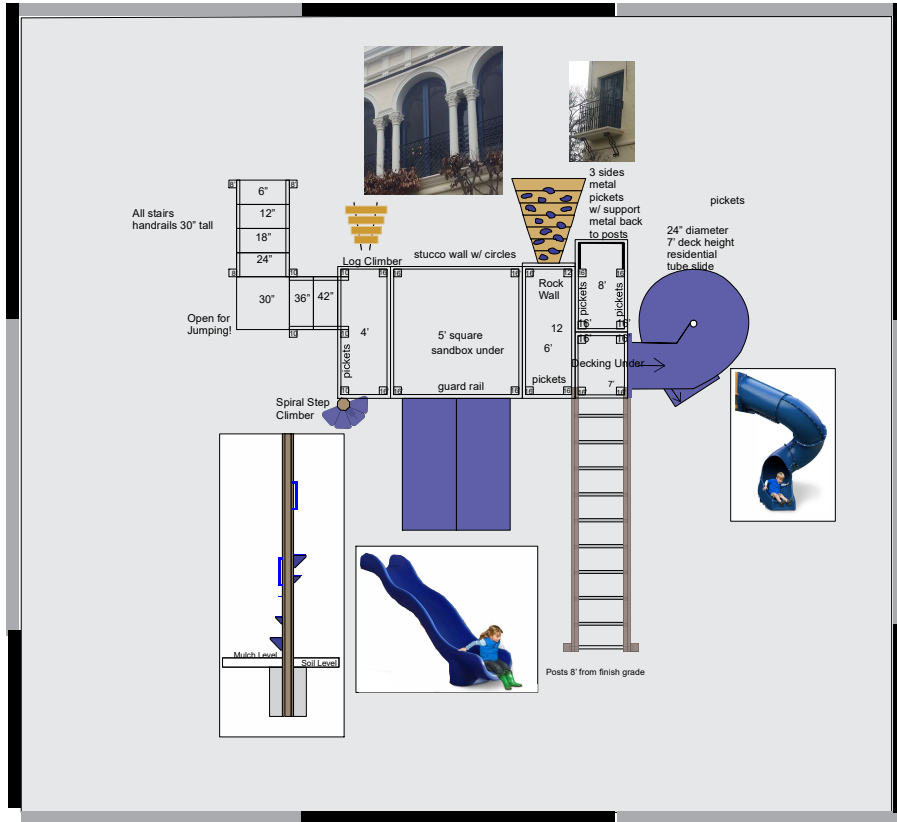


3/29/20 H  
ASHENILLE ©  
PLAYGROUNDS



MAIN LAWN

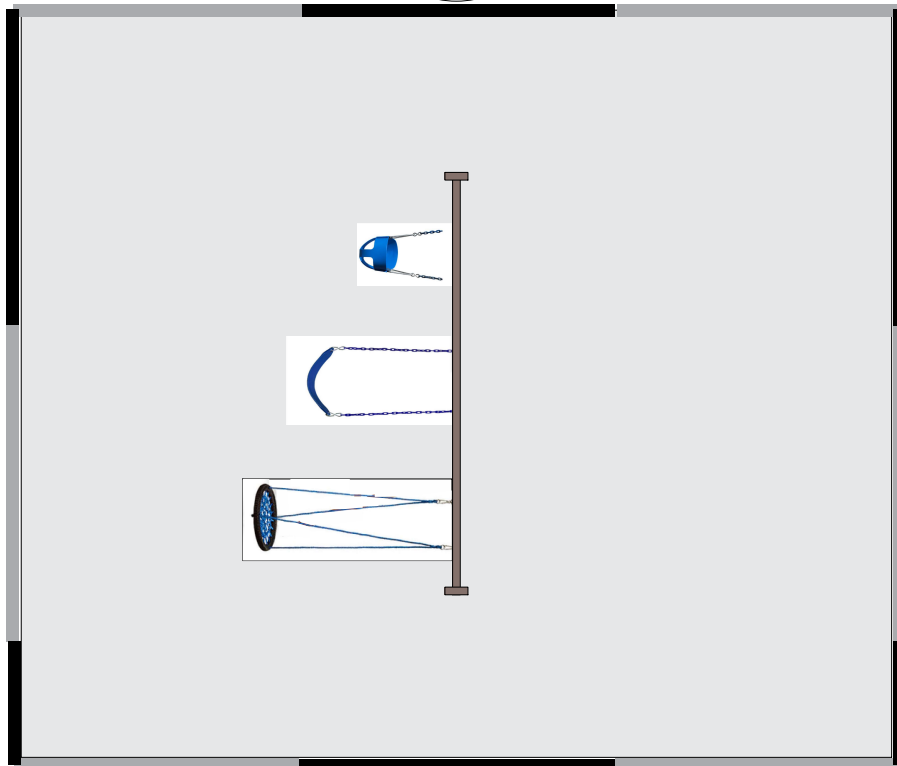
Existing Tree



Existing Tree

BUSHES

BUSHES



HOUSE

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 Adjustment Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustment Case Number 2 (Carolina Day School)  
Date: December 9, 2020

---

### Special Use Permit Request for Installation of two (2) 100 kw Solar Array Systems

The applicant is requesting a Special Use Permit for a solar array system to be located on the roof of Carolina Day School's Lower School and on the roof of the Nash Gymnasium. The solar panels are considered an accessory structure under the Town's Zoning Ordinance which allows for the application for a Special Use Permit. This proposal is similar to a previously approved special use permit for a solar panel array installation on the Upper School at Carolina Day School.

The North Carolina General Statutes place limitations on local government's regulation of solar panels for *residential* purposes as noted below, and includes a definition for residential property that does not apply to Carolina Day School. The Board of Adjustment still has the ability to approve this solar array installation under the Town's special use permit, but is not bound by the N.C. General Statutes when doing so.

### Language from NC General Statutes regarding solar panel regulation

#### ***§ 160A-201. Limitations on regulating solar collectors.***

- (a) *Except as provided in subsection (c) of this section, no city ordinance shall prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission by a city to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. As used in this section, the term "residential property" means property where the predominant use is for residential purposes.*
- (b) *This section does not prohibit an ordinance regulating the location or screening of solar collectors as described in subsection (a) of this section, provided the ordinance does not have the effect of preventing the reasonable use of a solar collector for a residential property.*
- (c) *This section does not prohibit an ordinance that would prohibit the location of solar collectors as described in subsection (a) of this section that are visible by a person on the ground:*

- (1) *On the facade of a structure that faces areas open to common or public access;*
- (2) *On a roof surface that slopes downward toward the same areas open to common or public access that the facade of the structure faces; or*
- (3) *Within the area set off by a line running across the facade of the structure extending to the property boundaries on either side of the facade, and those areas of common or public access faced by the structure.*
- (d) *In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party. (2007-279, s. 1; 2009-553, s. 1.)*

The majority of the installation on the Lower School is proposed for the south facing roof, with several components of the array also being placed on two western facing roof slopes. In total, this encompasses 6,000 square feet of roof space.

The solar array installation proposed for the roof of Nash Gymnasium is located on the existing flat roof. In total, this encompasses 6,000 square feet of roof space.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Brett Fuhrman

**Property Address**

Carolina Day School

**Phone**

(303) 241-4840

**Email**

bfuhrman@carolinaday.org

**Parcel ID/PIN Number**

964694403800000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

25.88

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

6000

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 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**

20 feet

**Description of the Proposed Project**

Installation of a 100 kW solar array system on approximately 6,000 square feet of roof space of the Lower School on the Carolina Day School campus.

**Estimated Start Date**

3/22/2021

**Estimated Completion Date**

4/3/2021

**Estimated Cost of Project**

\$75,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

**Applicant Signature**

A handwritten signature in black ink, appearing to be 'B. M.', written over a horizontal line.

**Date**

11/11/2020



# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Brett Fuhrman

**Property Address**

Carolina Day School

**Phone**

(303) 241-4840

**Email**

bfuhrman@carolinaday.org

**Parcel ID/PIN Number**

9646-94-4038-00000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

25.88

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

6000

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 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**

20-30 feet

**Description of the Proposed Project**

Installation of a 100 kW solar array system on approximately 6,000 square feet of roof space of the Nash Athletic Complex on the Carolina Day School campus.

**Estimated Start Date**

3/22/2021

**Estimated Completion Date**

4/10/2021

**Estimated Cost of Project**

\$75,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

**Applicant Signature**

A handwritten signature in black ink, appearing to be 'B. Johnson', written over a horizontal line.

**Date**

11/11/2020

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Brett Fuhrman

**Address**

Carolina Day School

**Phone**

(303) 241-4840

**Email**

bfuhrman@carolinaday.org

**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:**

Installation of a 100 kW solar array system on approximately 6,000 square feet of roof space of the Lower School on the Carolina Day School campus.

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

This is an opportunity to generate some of our power from a clean, renewable energy source. It will also provide us with an incredible educational opportunity for our students. There will be no affect to the public or those living in the neighborhood. Lastly, there is very little visibility of the solar array from a location off of the Carolina Day School campus.

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

**Signature**



**Date**

11/11/2020

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Brett Fuhrman

**Address**

Carolina Day School

**Phone**

(303) 241-4840

**Email**

bfuhrman@carolinaday.org

**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:**

Installation of a 100 kW solar array system on approximately 6,000 square feet of roof space of the Nash Athletic facility on the Carolina Day School campus.

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

This is an opportunity to generate some of our power from a clean, renewable energy source. It will also provide us with an incredible educational opportunity for our students. There will be no affect to the public or those living in the neighborhood. Lastly, there is very little visibility of the solar array from a location off of the Carolina Day School campus.

**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 'Brett Fuhrman', written over a horizontal line.

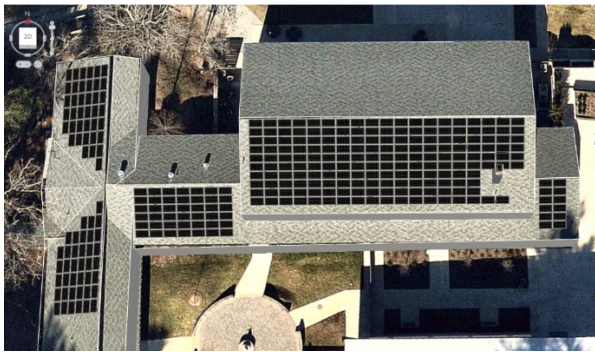
**Date**

11/11/2020

**Solar Array Installation at Carolina Day Lower School and Nash Athletic Center.**



**Lower School**



**Nash Gymnasium**



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 Adjustment Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustment Case Number 3 (26 Ridgefield Place)  
Date: December 9, 2020

---

### Special Use Permit Request for Installation of Concrete Pad and Hot Tub Accessory Structures

A special use permit is requested for installation of concrete pad and hot tub in the rear yard of the property. The location for this structure is adjacent to the existing swimming pool. As part of this project, the applicant also requests privacy fencing to screen the hot tub area only. The fencing would be allowable as a special use as it is in the rear yard and not in violation of any setbacks.

#### *§ 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.*

#### *§ 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.*

*(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.*

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Jenny Whitt

**Property Address**

26 Ridgefield Place

**Phone**

(828) 231-8652

**Email**

Jenny@JennyWhittRealty.com

**Parcel ID/PIN Number**

964694386800000

## ZONING INFORMATION

**Current Zoning**

R-2

**Lot Size**

.43

**Maximum Roof Coverage**

2,874 square feet (Up to .5 acres)

**Proposed Roof Coverage Total**

100%

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

100%

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

1 story with basement

**Description of the Proposed Project**

Install 12'x12' concrete pad for hot tub. Privacy fence on 2 sides of the pad that will connect to the existing deck.

**Estimated Start Date**

12/1/2020

**Estimated Completion Date**

12/31/2020

**Estimated Cost of Project**

\$2,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

**Applicant Signature**

**Date**

11/17/2020

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned above a horizontal line.



# Special Use Permit Application

Town of Biltmore Forest

**Name**

Jenny Whitt

**Address**

26 Ridgefield Place

**Phone**

(828) 231-8652

**Email**

Jenny@JennyWhittRealty.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'd like to put a 12' x 12' cement pad off the master bedroom for a hot tub. I'd like to put a 6' tall privacy fence around the concrete pad.

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

This will be off the back of my house in the corner beside the deck.

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

**Signature**

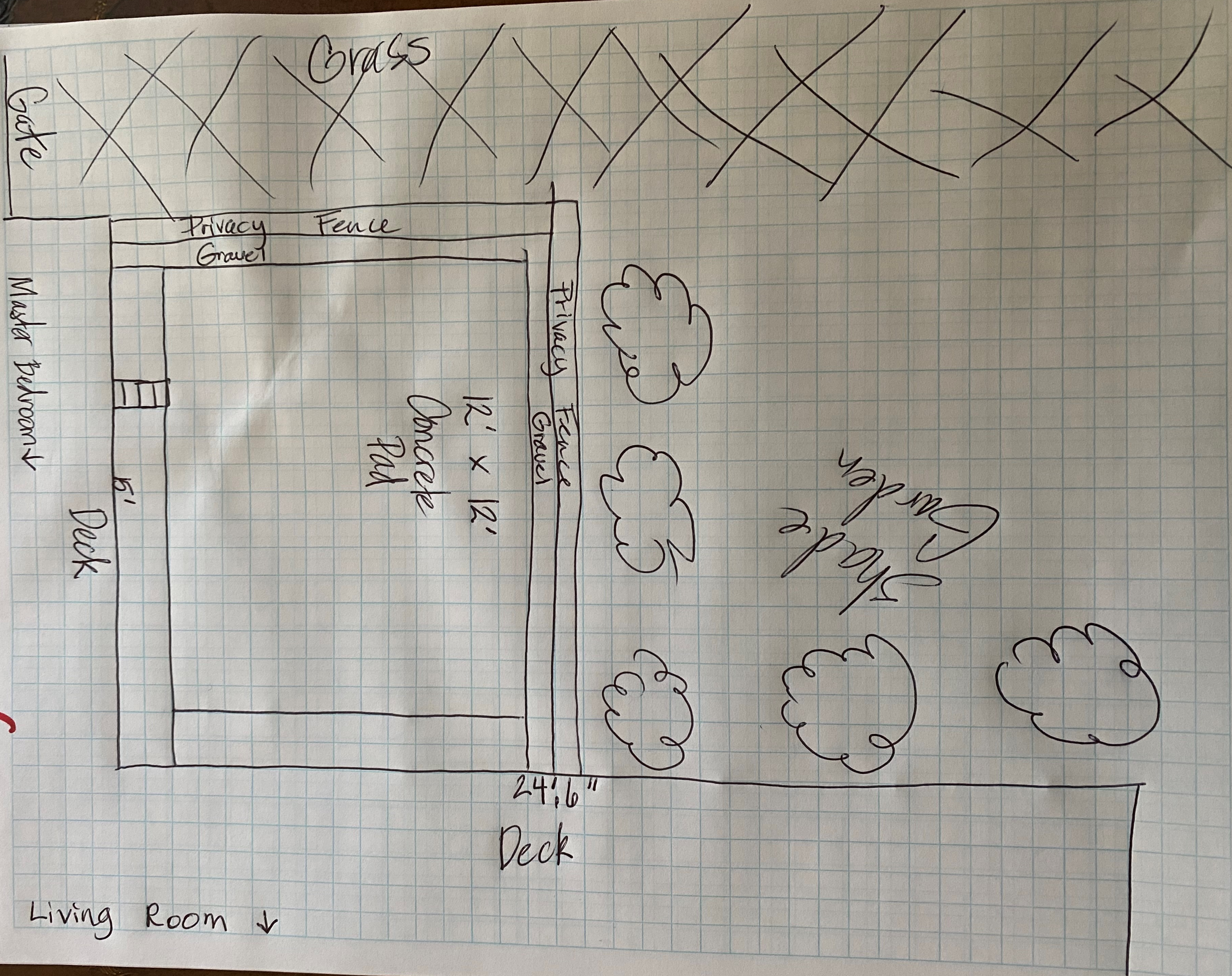
A handwritten signature in black ink, appearing to read "Jenny Whitt", written over a horizontal line.

**Date**

11/17/2020



# 26 Ridgfield Place





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 Adjustment Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustment Case Number 4 (307 Vanderbilt Road)  
Date: December 9, 2020

---

### Special Use Permit Request for Reconstruction of Detached Accessory Building (Storage Shed) Variance Request for Placement of Detached Accessory Building on Existing Concrete Pad

The applicant requests a special use permit for the re-construction of a detached building (storage shed) and a variance for the building's location within the setback. The property owner has provided a survey showing the original structure and its location extending onto the neighboring property. The applicant has noted that a previous encroachment agreement between prior neighbors at 309 Vanderbilt Road and the prior owners of 307 Vanderbilt Road allowed the structure to exist in that location. The applicant purchased the property in 1998 and the wood frame shed was in place at that time. The property at 309 Vanderbilt Road has since changed ownership several times but there has been no change regarding the wood frame structure until it collapsed earlier this year. The applicant's request for a variance is due to the location of the detached accessory building to be re-constructed.

The Town's Zoning Ordinance does speak to non-conforming structures, and the pertinent portions of that ordinance are included below.

#### *§ 153.036 NONCONFORMING LAND USES, OR STRUCTURES.*

*Any parcel of land, use of land, building, or structure existing at the time of the adoption of this chapter, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following provisions.*

*(D) Reconstruction of damaged buildings or structures. Any nonconforming use of a structure or nonconforming structure which has been damaged by fire, wind, flood, or other causes, may be repaired and used as before provided:*

- (1) Repairs are initiated within 12 months and completed within two years of such damage;*
- (2) The total amount of space devoted to a nonconforming use may not be increased; and*
- (3) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.*

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Raymond W. and Elizabeth S. Russell

**Property Address**

307 Vanderbilt Road

**Phone**

(828) 423-2196

**Email**

rrusseb@aol.com

**Parcel ID/PIN Number**

9647743522

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.54 acres

**Maximum Roof Coverage**

2,874 square feet (Up to .5 acres)

**Proposed Roof Coverage Total**

144sf

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

827sf (roof,-144sf, floor -144sf,and walls-539sf)

**Front Yard Setback**

60 feet (R-1 District)

**Side Yard Setback**

20 feet (R-1 District)

**Rear Yard Setback**

No Minimum (PS District)

**Building Height**

10' south to 12' north

**Description of the Proposed Project**

Rebuilding of Collapsed 23+ years old Storage Shed 8"X18' on existing concrete slab--easement for location

**Estimated Start Date**

11/1/2020

**Estimated Completion Date**

12/20/2020

**Estimated Cost of Project**

\$2,500.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

RW&ESRussell.pdf

**Applicant Signature**

**Date**  
11/28/2020

,

---

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Raymond W. and Elizabeth S. Russell

**Address**

307 Vanderbilt Road

**Phone**

(828) 423-2196

**Email**

elizabethse@aol.com

**Current Zoning/Use**

Residence

**Requested Use**

Residential Storage

**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 have had a storage shed on the south side of the property just west of the driveway and south of the residence. During the heavy rains of the past several seasons the roof began to collapse and with it the entire structure was unsound. We thought to replace the existing structure with better organized space for lawn mower, snow blower, building materials (roofing, lumber supplies) and landscape maintenance tools and equipment. Time was then of the essence before the onset of winter.

**What does the ordinance require?**

Screening of Dumpsters, Loading Docks, Outdoor Storage Areas and Utility Structures.

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 original storage unit concrete slab remains from the original structure on the property when we purchased it in 1998 and we thought to re-utilize this component of original storage shed. In discussing this in texts with neighbors to the south following a complaint from an unknown source we learned that what we thought was an existing easement for the storage unit may no longer be in effect. We are checking on the property line and its effect on the work in progress. We have also learned and applied to be included in the upcoming Board of Adjustment meeting on December 14, 2020.

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

Modifications are costly and will certainly delay and nearly double the project timeline and cost. To remove the south wall as currently placed on the slab to the property line would require major revision and reduce the structure's interior square footage. What was originally planned was cost effective due to materials on hand (for windows, roofing, aesthetic design accommodations e.g., a stained glass window on the east

wall) and help from builder friends. During our ownership, we have removed a 20,000 gallon swimming pool, replaced the roofing and windows, dug out the foundation and resurfaced it with waterproof material and added necessary drainage. We had also to deal with the culvert crossing under Vanderbilt Road by 305 in order to keep water from entering our basement which included extensive re-landscaping and drainage.

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

The original hardship did not result from owner actions but from damage caused by weather conditions over time. There was on our part an unfortunate misunderstanding of the required steps involved in this type of project for certain, and we are regretful, especially as our intent is always to be the best neighbors to those in this community. We know that adjacent properties, particularly to the south where 309 is for sale (now vacant for some time since the family moved from the area) and does depend on presenting best curb appeal. That matter was preeminent in our minds in the way the structure was planned. The materials to be used were selected for both their durability and aesthetic value. The former structure was not readily accessible or easy to maintain and became unsafe. After 22+ years of living in the Forest, we have now reviewed the Zoning Ordinance anew. The intent of the ordinance Section 153.065 is understood.

**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.**

We seek to meet and believe that the requested variance will meet with the spirit, purpose, and intent (that is, to be respectful of the properties and safety of others as well as ourselves) and that decisions we make are fair and equitable to all. We believe that the fencing and landscaping will create adequate screening while at the same time provide necessary storage for supplies and equipment for maintenance and repair on site. We also believe that we must come to terms with our neighbors in meeting their needs as well. We accept the need for some modification and in so doing, will rise to the challenges underlying the complaint. With your permission we will proceed with a building permit for the project. Thank you for your consideration.

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

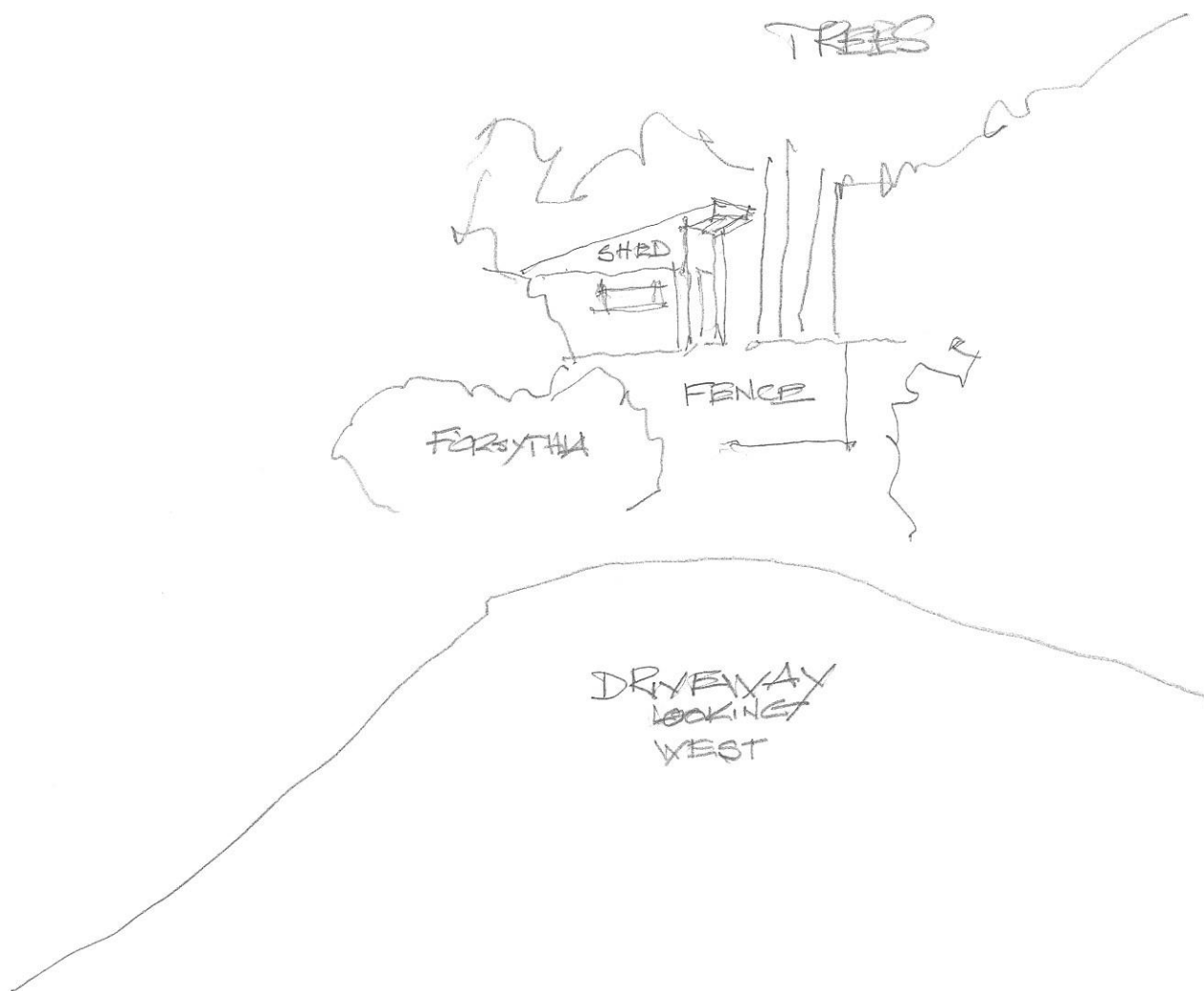
**Signature**

**Date**

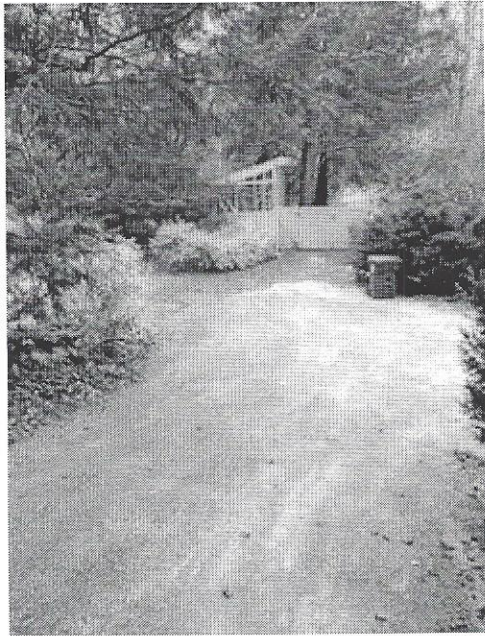
11/30/2020

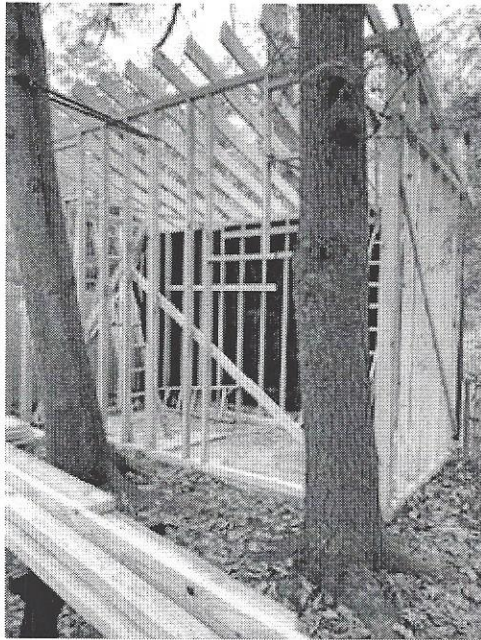
RHP ESRussell

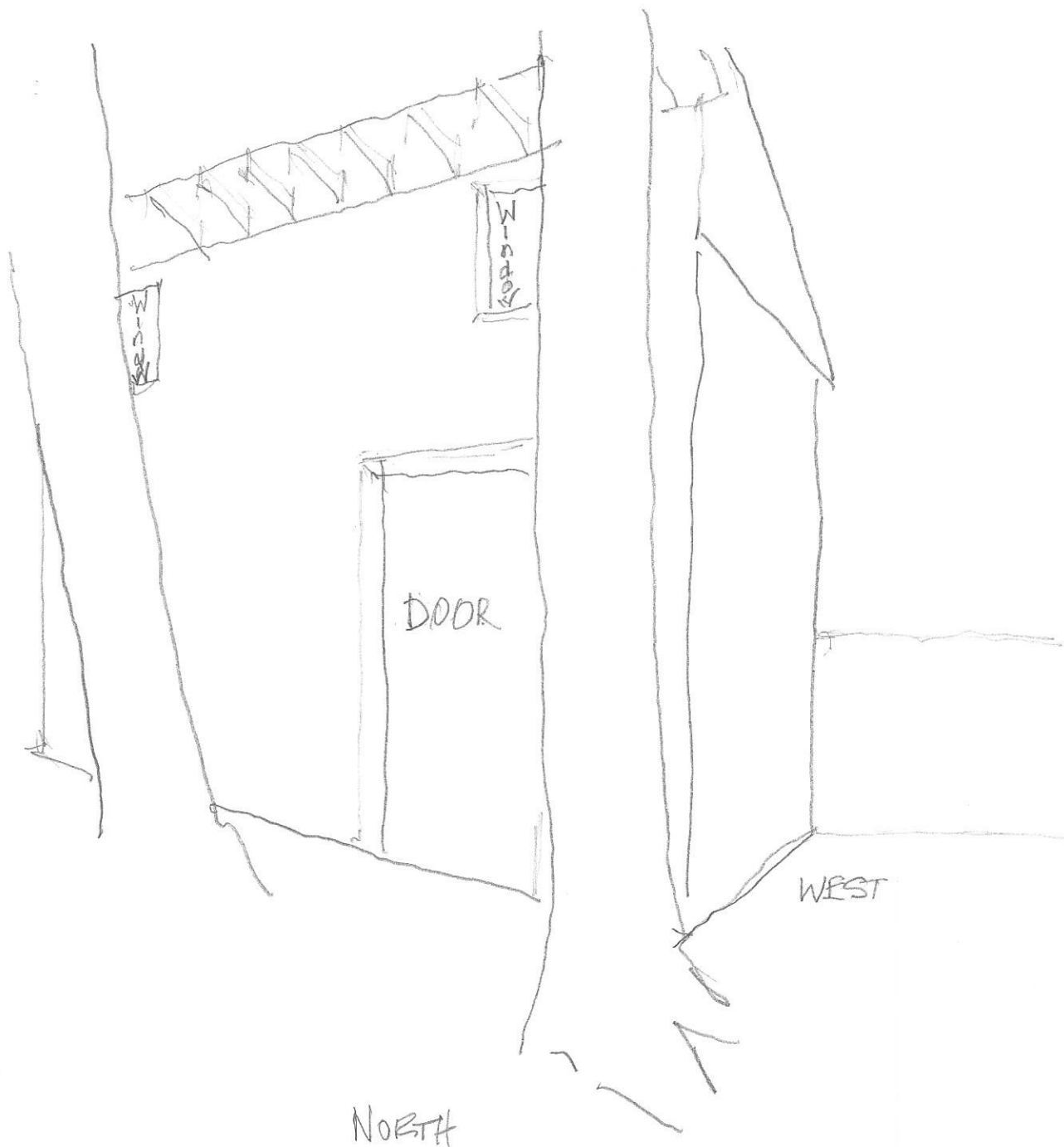
---

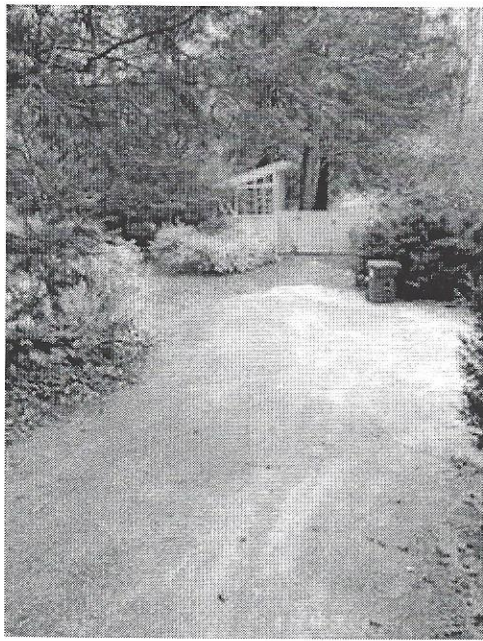


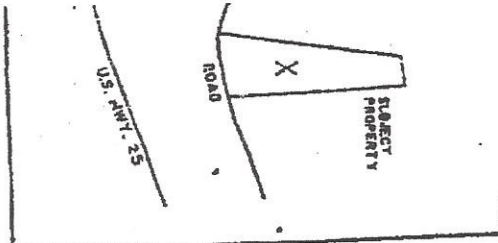




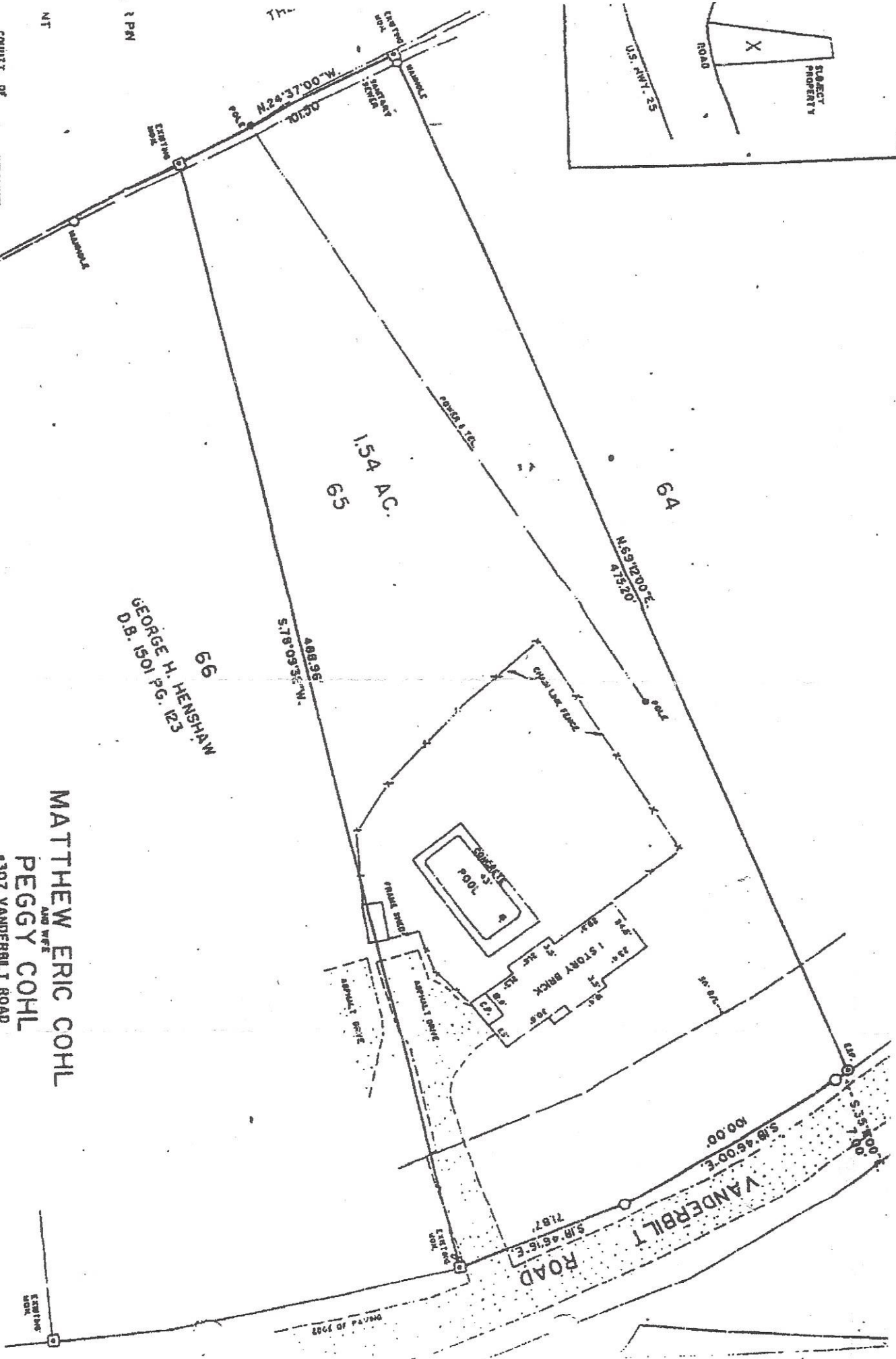








COUNTY OF  
NOTARY PUBLIC OF  
B. H. CLAYTON JR. AND COMPANY, INC.  
REGISTERED TO RECORD  
DATE OF DEED, 19  
RECORD OF DEED, COUNTY,  
DEPT.



66  
GEORGE H. HENSHAW  
D.B. 1501 PG. 123

MATTHEW ERIC COHL  
AND WIFE  
PEGGY COHL

307 VANDERBILT ROAD  
BLTMOORE TOWNSHIP  
BUNCOMBE COUNTY, N.C.  
BEING LOT 65-BLOCK "B"  
BLTMOORE FOREST  
PLAT BOOK 5 PG. 113  
OFFD REC 1062 PG. 1000



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 Adjustment Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustment Case Number 5 (32 Cedarcliff Road)  
Date: December 9, 2020

---

### Special Use Request for Swimming Pool and Pickleball Court Variance Request to Exceed Maximum Roof Coverage for New Residence

The applicant requests a variance for the construction of a new residence at 32 Cedarcliff Road. The existing home on the lot will be demolished in order to make way for the new construction. The applicant's proposed new residence is a total of 8,020 square feet. The maximum roof coverage allowance under the Town's Zoning Ordinance for lots between 2.5 and 3 acres is 7,500 square feet. The acreage for this lot is 2.538 acres, and the proposed roof coverage would be 6.93 percent over the allowable amount in the ordinance. The Town's Ordinance regarding maximum roof coverage for the acreage, and one tier above and below, is included.

An additional special use permit is requested for the installation of a swimming pool and pickleball court as part of the new residence. Swimming pools and pickleball courts are defined as an accessory structure in the Town's ordinance and are allowed as a special use under accessory structure guidelines. The entirety of the project is in compliance with setbacks and impervious surface coverage.

#### *§ 153.043 MAXIMUM ROOF COVERAGE.*

*(A) (1) (a) The MAXIMUM ROOF COVERAGE is defined as the total area(s) under roof of all structures (including detached garages and other accessory structures) on the lot.*

*(b) The maximum roof coverage standard assures that the size of structures is proportional to the lot size.*

*(2) The standards for the maximum roof coverage permitted are as follows:*

<i>Up to 2.5 acres</i>	<i>6,700 square feet</i>
<i>Up to 3 acres</i>	<i>7,500 square feet</i>
<i>Up to 3.5 acres</i>	<i>8,200 square feet</i>

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Josh and Caitlyn Shores

**Property Address**

32 Cedarcliff Road

**Phone**

(901) 277-9056

**Email**

jdsshores@gmail.com

**Parcel ID/PIN Number**

9647-61-1971

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

2.538 acres

**Maximum Roof Coverage**

7,500 square feet (Up to 3 acres)

**Proposed Roof Coverage Total**

8020 SF

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

22,020 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**

40 feet

**Description of the Proposed Project**

Demolition of an existing residence that was built in 1961 and that has been for sale and vacant off and on since 2015, and the construction of a new single family residence.

**Estimated Start Date**

12/16/2020

**Estimated Completion Date**

12/31/2021

**Estimated Cost of Project**

\$2,500,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**

2020-11-30 Shores Residence-EC Demo Plan.pdf

2020-11-30 Shores Residence-L1 Site Plan.pdf

2020-11-30 Shores Residence-L2 Sections.pdf

A101\_Floor Plan.pdf

A102\_Second Floor Plan.pdf

A200\_Elevations.pdf

A201\_Elevations.pdf

**Applicant Signature**

Clay Mooney for  
JOSH SHORES

---

**Date**

11/30/2020



# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Josh & Caitlyn Shores

**Address**

32 Cedarcliff Road

**Phone**

(901) 277-9056

**Email**

jdsshores@gmail.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?**

The short answer to the above question is to simply build a new house. However, the short answer never really tells the back story or the chronology of events that have occurred over time to make the decision that is the short answer. The following is a summary of that chronology that leads to the aforementioned "short answer".

Mr. and Mrs. Shores want to build a new home and move back to Western North Carolina from Memphis, Tennessee. They want to be near their families and raise their four children who range in ages from 8 thru 14 years old. Mr. Shores was born in Hickory, lived in Asheville, and attended Asheville School from 1994-1998. He met his wife Caitlyn, whose family now lives in Asheville, when they both attended UNC/Chapel Hill. Due to his career as an International Investment advisor, he and his family moved to London, England where they lived from 2009 - 2017. With their children, particularly their two older daughters entering their more formative years, they wanted their children to grow up in a more "American" rather than "British" atmosphere which led them to eschew British schools and move back to the US in 2017. The desire at that time was to return to WNC so their children could attend Carolina Day School and then Asheville School after that. Unfortunately, work requirements necessitated that they move to Memphis, Tennessee for a short time due to its more centralized location to facilitate his frequent required business travel.

After a brief time, with the absence of any close family members living in the Memphis area and in conjunction with the struggles and uncertainty brought on by the COVID 19 pandemic from a business and schooling standpoint, the decision was made by the family to return to the mountains in Asheville, now rather than later. With travel restrictions as they are, both nationally and internationally, the need to provide a more versatile, formal, and separate home office space became a priority for Mr. Shores so that he could continue to conduct his business. Also, due to COVID 19, it was important to plan for in home study capabilities should remote learning become more the rule than the exception for their four children.

Based on Mr. and Mrs. Shores design criteria, the original house plans for 32 Cedarcliff Road were approximately 9,240 square feet. These plans mirrored closely their existing house in Memphis, TN. After much discussion with the architect and many revisions, the house plan was reduced by 1,220 square feet to 8,020 square feet. Still included was a formal home office space for Mr. Shores and areas for remote learning for the children. The square footage reductions were difficult decisions as this is a lateral house move from the square footage of their existing Memphis house even with the program addition of the formal office space.

**What does the ordinance require?**

According to section 153.043 MAXIMUM ROOF COVERAGE of the Town of Biltmore Zoning Ordinance, the maximum roof coverage area of 7,500 square feet is allowed for lot size of 2.5 acres up to 3 acres. The lot size of 32 Cedarcliff is 2.538 acres.

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 Shores, the new owners of 32 Cedarcliff Road have worked extremely hard with their architect and landscape architect to bring their proposed house and site plans into compliance with all aspects of the Biltmore Forest ordinance. The architectural character of the house as can be seen in the accompanying elevations illustrates that it will be an asset to the community and to their neighbors. They have reduced their original ideal floor plans and footprint by 1,220 SF to where the roof area is only 520 SF over the maximum limit. This equates to an overage of only 6.9%.

Due to the impact of COVID 19 travel and meeting restrictions on his business, Mr. Shores now requires a formal home office separated from the day to day functions and activities of the house from which he can conduct his business and meetings remotely.

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

A lot that is 3.1 acres in size would be needed to accommodate the house size that the owners want to build. Unfortunately, there are not many, if any lots currently available of that size in Biltmore Forest.

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

The impact that COVID 19 has had on the way that the business world and life in general has had to adapt will be felt for many years to come. With travel and meeting restrictions locally and worldwide, home offices and spaces for home school instruction are becoming a necessity. This house design is a lateral move from their existing house in Memphis, TN from a size standpoint and the addition of a formal and spatially separate office space plus remote learning capabilities substantially contributed to the roof area square footage overage.

**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.**

We believe that this requested variance is consistent with all the afore mentioned criteria. The intent of the roof square footage restriction is to insure a harmonious relationship between the proposed house and the site and with all the adjacent neighbors. The placement of the house on the lot ensures that no portion of the proposed development footprint is closer to the adjoining neighbor to the north (which is the closest house to the lot) than it was to the previous house development. In addition, the architectural design and massing of the new house provides for a height transition from two stories down to a single story at each end of the house on its north-south axis, greatly minimizing the visual impact to the neighbors. The impact of the two-story portion of the house on the east side is mitigated by the adjacent terrain which slopes up from the house to the adjacent lot and home. The site sections provided on Sheet L2 which accompany this submittal illustrates these points. Also, the fact that the lot is a corner lot actually helps to greatly minimize any potential impacts that the variance request would have on the neighbors as it allows locating the house further away from the neighbors houses.

It should be noted that while a roof area variance is being requested, the proposed impervious area is 5,616 square feet under what is allowed for a lot of this size.

Public safety and property values will be enhanced by the removal of the vacant and dilapidated existing

home by being replaced with a home that is architecturally reminiscent of the homes built in Biltmore Forest in the late 1920's, as well as, providing a residence for a relatively young family with school age children in the community who desire to return to the mountains to be near family.

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

**Signature**

**Date**

11/30/2020

Clay Moorey for  
Josh SHORES

---

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Josh and Caitlyn Shores

**Address**

32 Cedarcliff Road

**Phone**

(901) 277-9056

**Email**

jdsshores@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 demolition of an existing residence that was built in 1961 and that has been for sale and vacant off and on since 2015, and the construction of a new single family residence that will include an in ground swimming pool with a security fence and a pickleball court that will also have a fence surrounding it.

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

Due to the topography of the site and the chosen location for the pool and it's accompanying security fence, both will be hidden from view from the neighbors and the adjacent streets. Additional proposed buffer plantings will further reduce any possible impacts to the neighbors.

The siting of the pickleball court and fence similarly took into account the potential impacts to the neighbors. It should be noted that the proposed location of the pickleball court is no closer to the adjacent neighbor than the original parking area of the existing house. Additional buffer plantings are also proposed to further minimize any potential impacts to the neighbors.

A review of the submitted project drawings, particularly the 'Existing Conditions and Demolition Plan, sheet EC and the Sections drawing, sheet L2 further illustrate how the sites topography and the proposed locations of the both the pool and pickleball court minimize impacts to the adjacent neighbors.

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

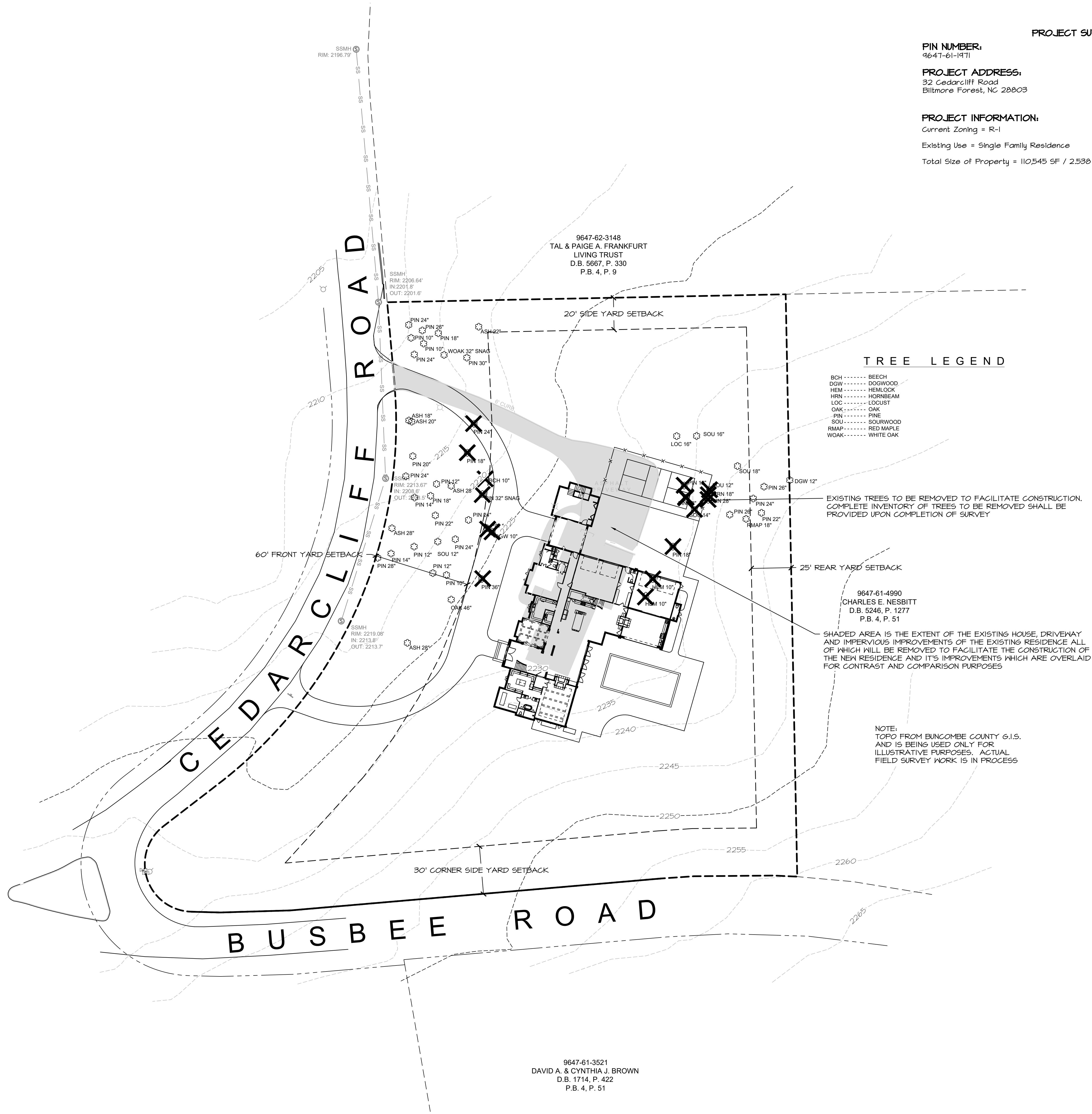
Signature

Clay Mooney for  
JOSH SHORES

---

Date

12/9/2020



PROJECT SUMMARY

**PIN NUMBER:**  
9647-61-1971

**PROJECT ADDRESS:**  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

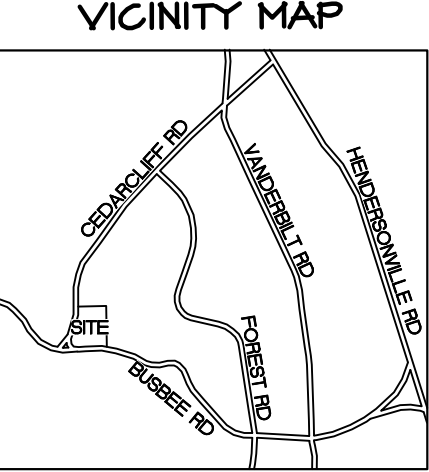
**PROJECT INFORMATION:**  
Current Zoning = R-1

Existing Use = Single Family Residence

Total Size of Property = 110,545 SF / 2.538 AC +/-

**OWNER / CONTACT:**  
SHORES REVOCABLE TRUST  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

**LANDSCAPE ARCHITECT:**  
Mr. Clay Mooney  
Design Associates  
1293 Hendersonville Rd.  
Asheville, NC 28803  
(828) 277-7410 / 277-7413 fax

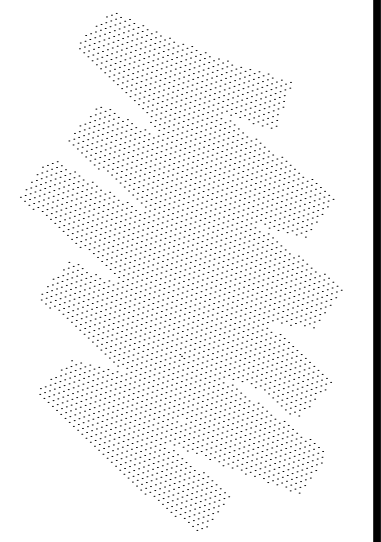


1293 Hendersonville Road  
Suite 21  
Asheville, NC 28803  
828-277-7410  
Fax: 828-277-7413

**DESIGN ASSOCIATES**  
LANDSCAPE ARCHITECTS  
& LAND PLANNERS



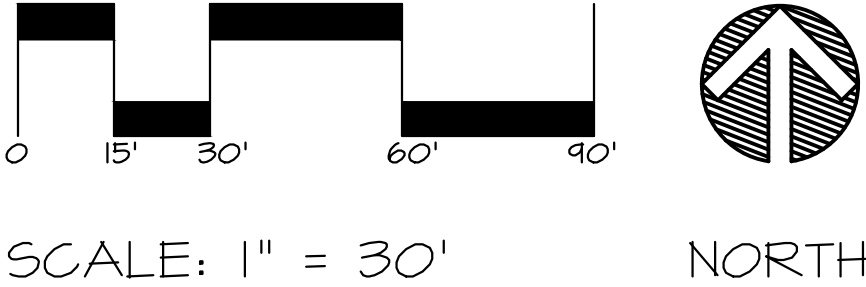
**Shores Residence**  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

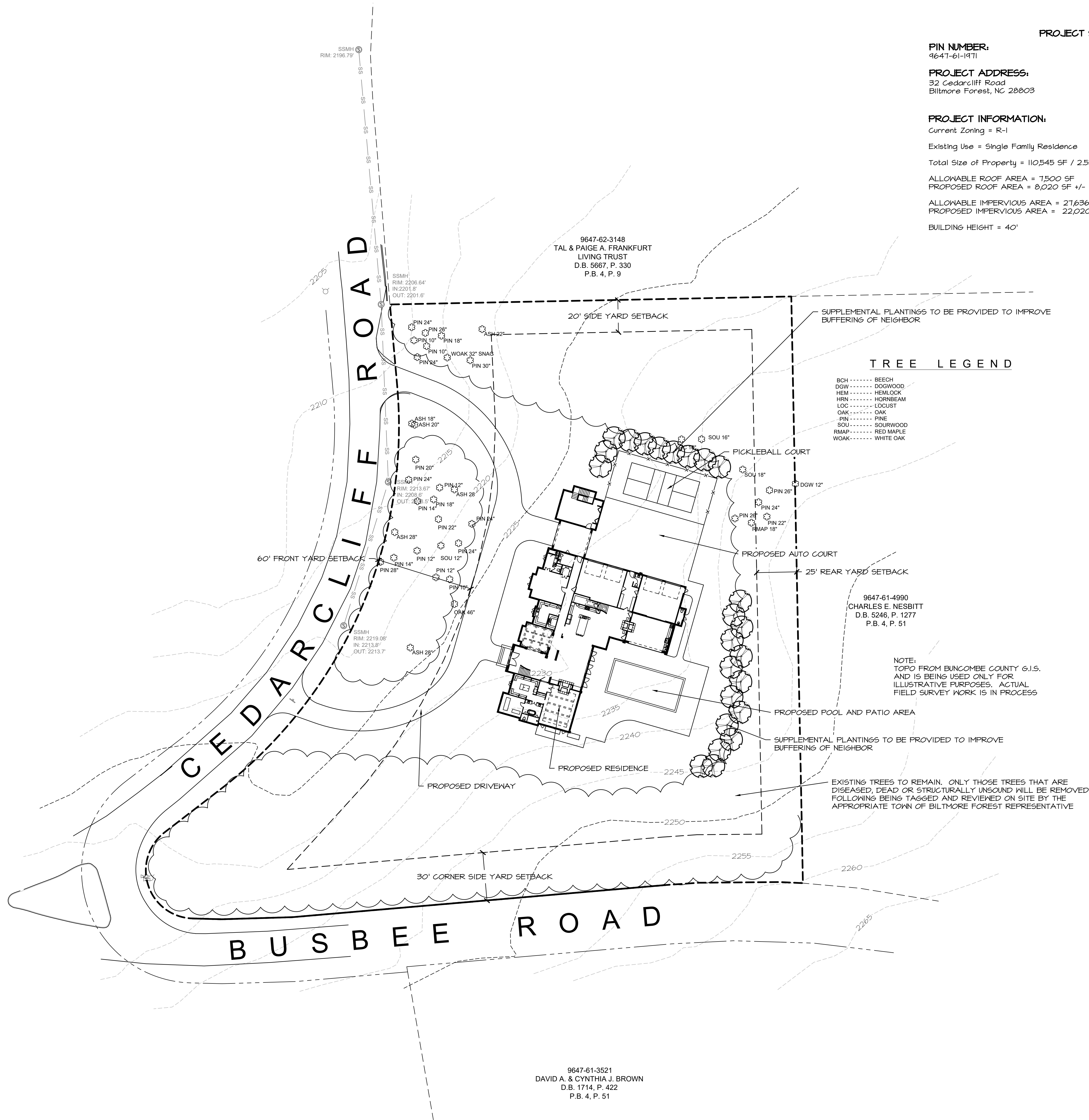


Existing  
Conditions  
and  
Demolition  
Plan

REVISIONS:


**EC**  
11/25/20





**PIN NUMBER:**  
9647-61-1971

**PROJECT ADDRESS:**  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

**PROJECT INFORMATION:**  
Current Zoning = R-1

Existing Use = Single Family Residence

Total Size of Property = 110,545 SF / 2.538 AC +/-

ALLOWABLE ROOF AREA = 7,500 SF  
PROPOSED ROOF AREA = 8,020 SF +/-

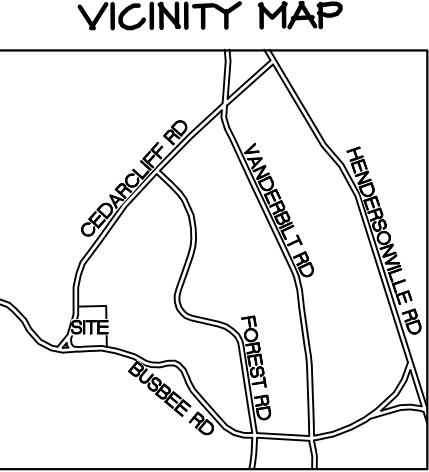
ALLOWABLE IMPERVIOUS AREA = 27,636 SF  
PROPOSED IMPERVIOUS AREA = 22,020 SF +/-

BUILDING HEIGHT = 40'

PROJECT SUMMARY

**OWNER / CONTACT:**  
SHORES REVOCABLE TRUST  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

**LANDSCAPE ARCHITECT:**  
Mr. Clay Mooney  
Design Associates  
1293 Hendersonville Rd.  
Asheville, NC 28803  
(828) 277-7410 / 277-7413 fax

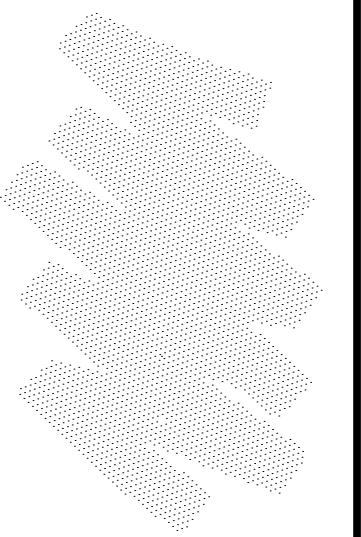


1293 Hendersonville Road  
Suite 21  
Asheville, NC 28803  
828-277-7410  
Fax: 828-277-7413

**DESIGN ASSOCIATES**  
LANDSCAPE ARCHITECTS  
& LAND PLANNERS



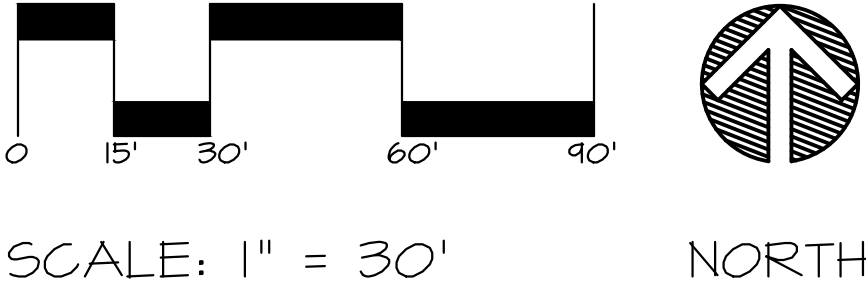
**Shores Residence**  
32 Cedarcliff Road  
Biltmore Forest, NC 28803



Site Plan

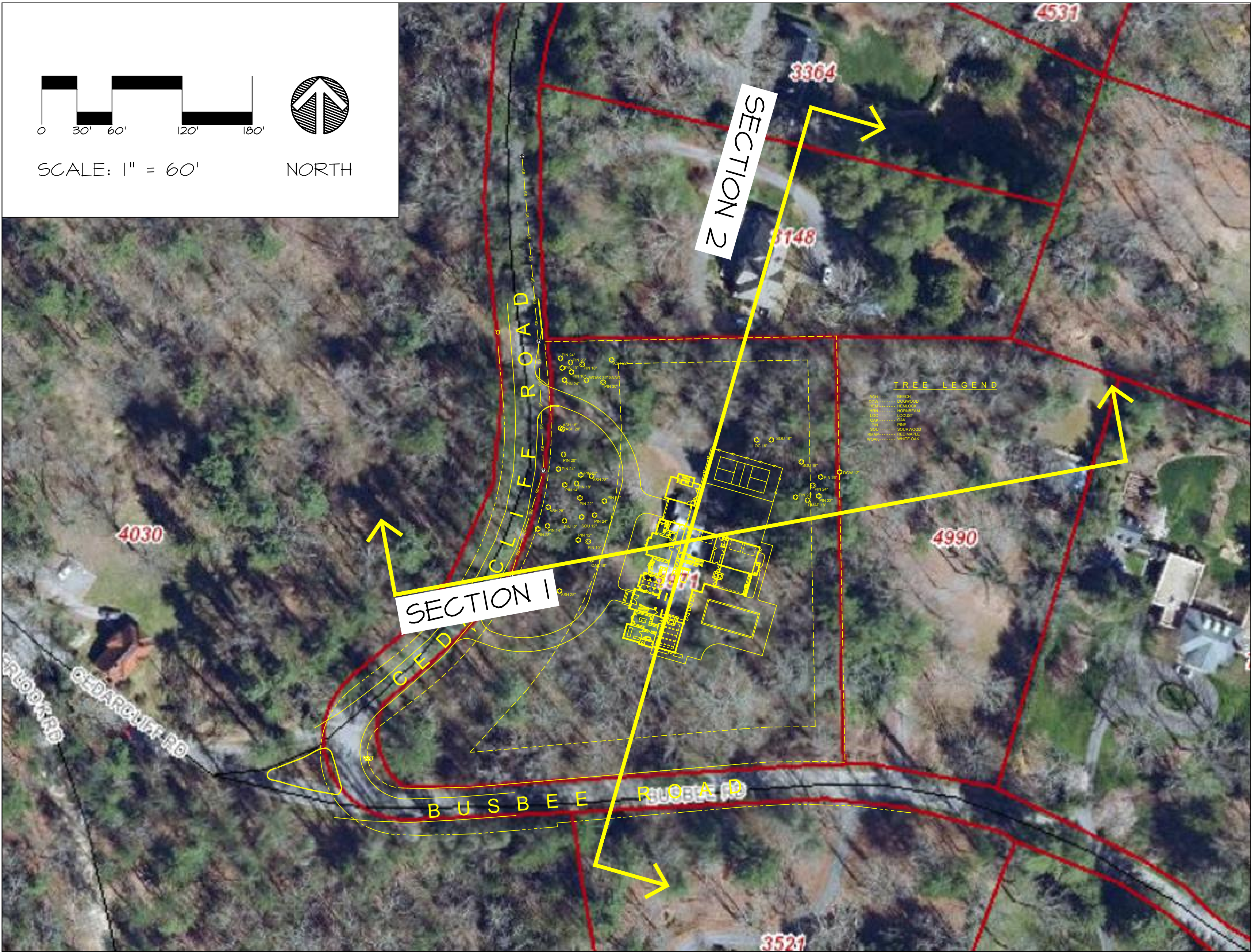
REVISIONS:


**L1**  
11/25/20



9647-61-3521  
DAVID A. & CYNTHIA J. BROWN  
D.B. 1714, P. 422  
P.B. 4, P. 51





**PIN NUMBER:**  
9647-61-1971

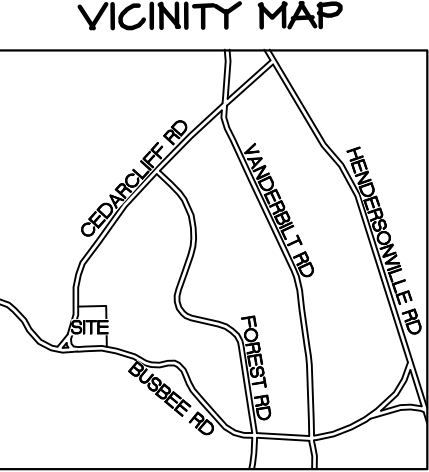
**PROJECT ADDRESS:**  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

**PROJECT INFORMATION:**  
Current Zoning = R-1  
Existing Use = Single Family Residence  
Total Size of Property = 110,545 SF / 2.538 AC +/-

**PROJECT SUMMARY**

**OWNER / CONTACT:**  
SHORES REVOCABLE TRUST  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

**LANDSCAPE ARCHITECT:**  
Mr. Clay Mooney  
Design Associates  
1293 Hendersonville Rd.  
Asheville, NC 28803  
(828) 277-7410 / 277-7413 fax

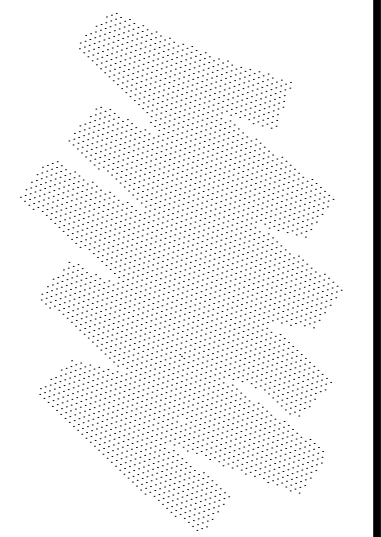


1293 Hendersonville Road  
Suite 21  
Asheville, NC 28803  
828-277-7410  
Fax: 828-277-7413

**DESIGN ASSOCIATES**  
LANDSCAPE ARCHITECTS  
& LAND PLANNERS



**Shores Residence**  
32 Cedarcliff Road  
Biltmore Forest, NC 28803

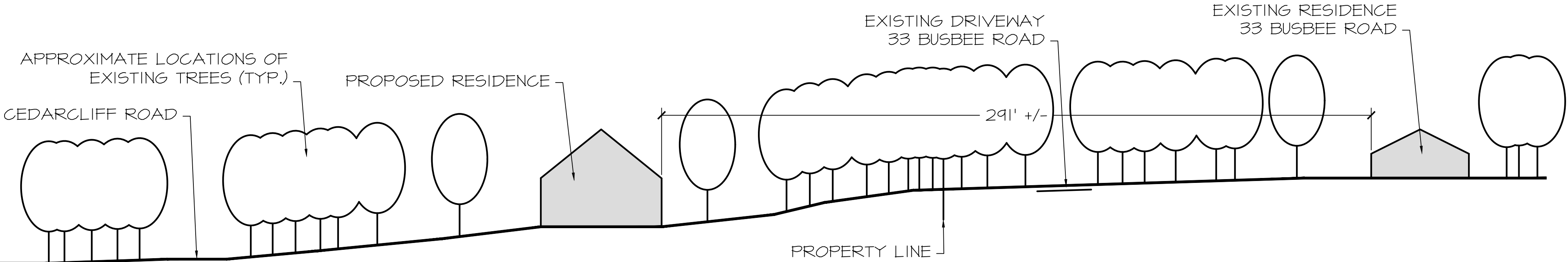


Sections

REVISIONS:


L2

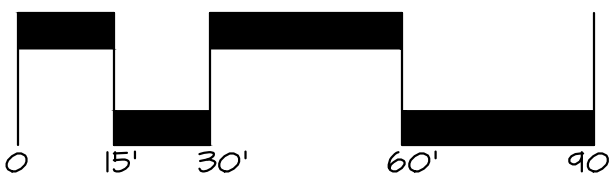
11/25/20



SECTION 1

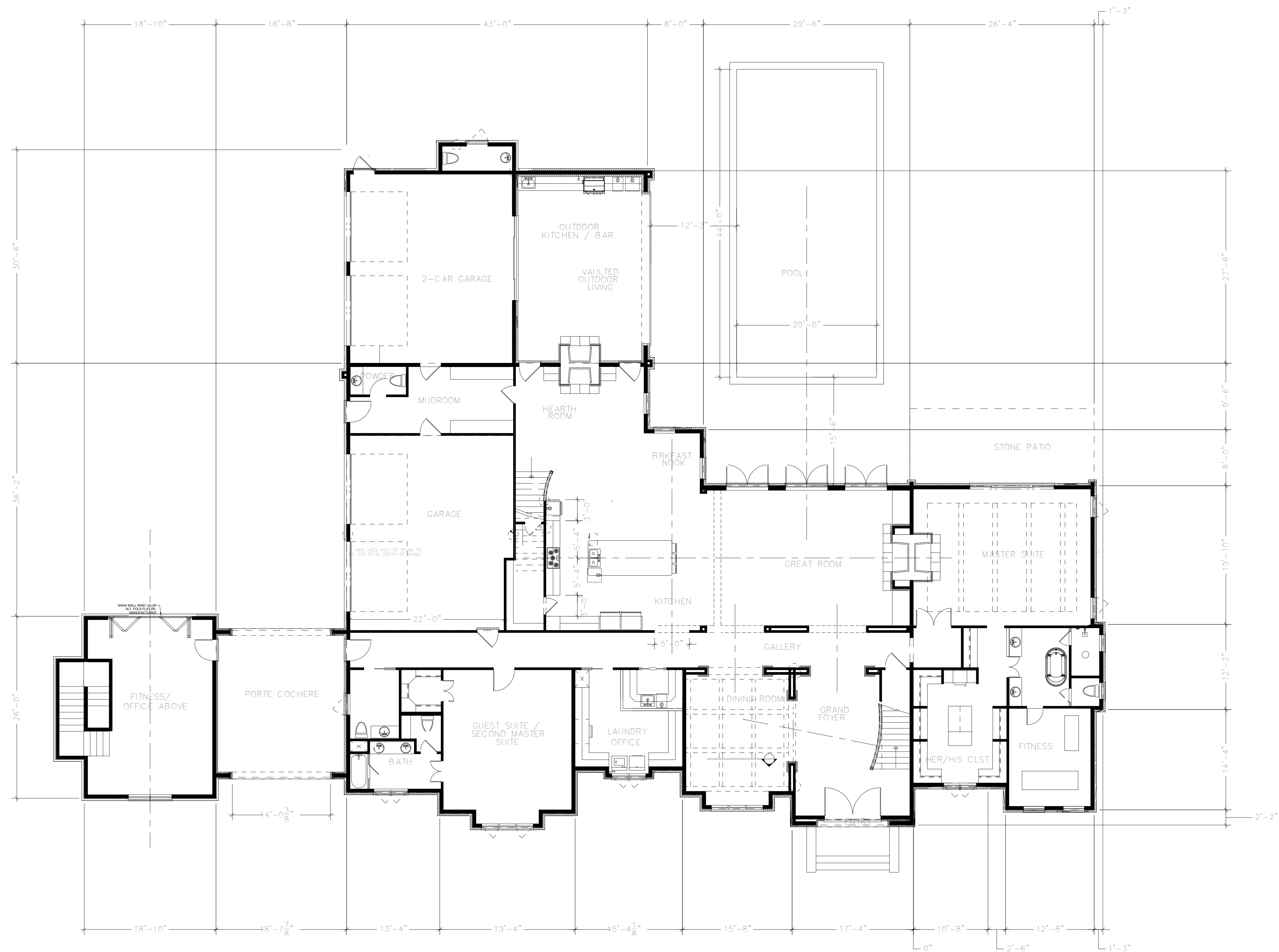


SECTION 2



SCALE: 1" = 30'





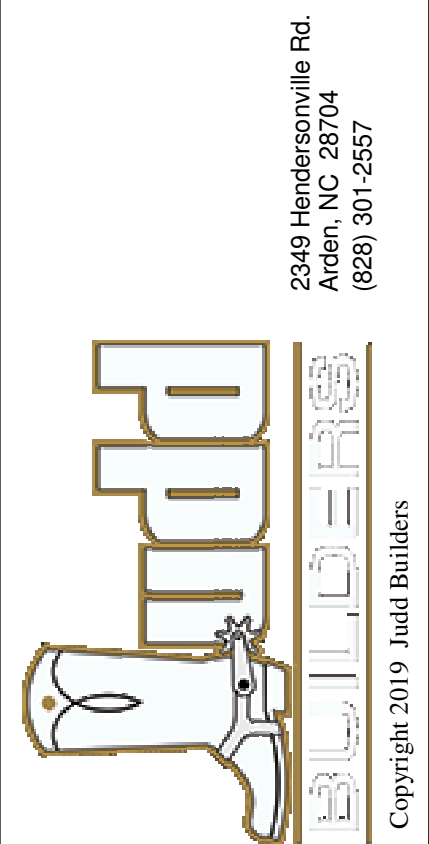
① Level 1  
1/8" = 1'-0"

UNDER ROOF AREA : 8020 SF  
(6.9% over 7500)

+  
Second Floor 5863 sf  
Gross Area = 13,883 sf

REVISIONS	

ARCHITECT: Michael David Driskill  
64 Mitchell Ave.  
Asheville, NC 28806  
800-555-3459  
mdriskill.architect@gmail.com

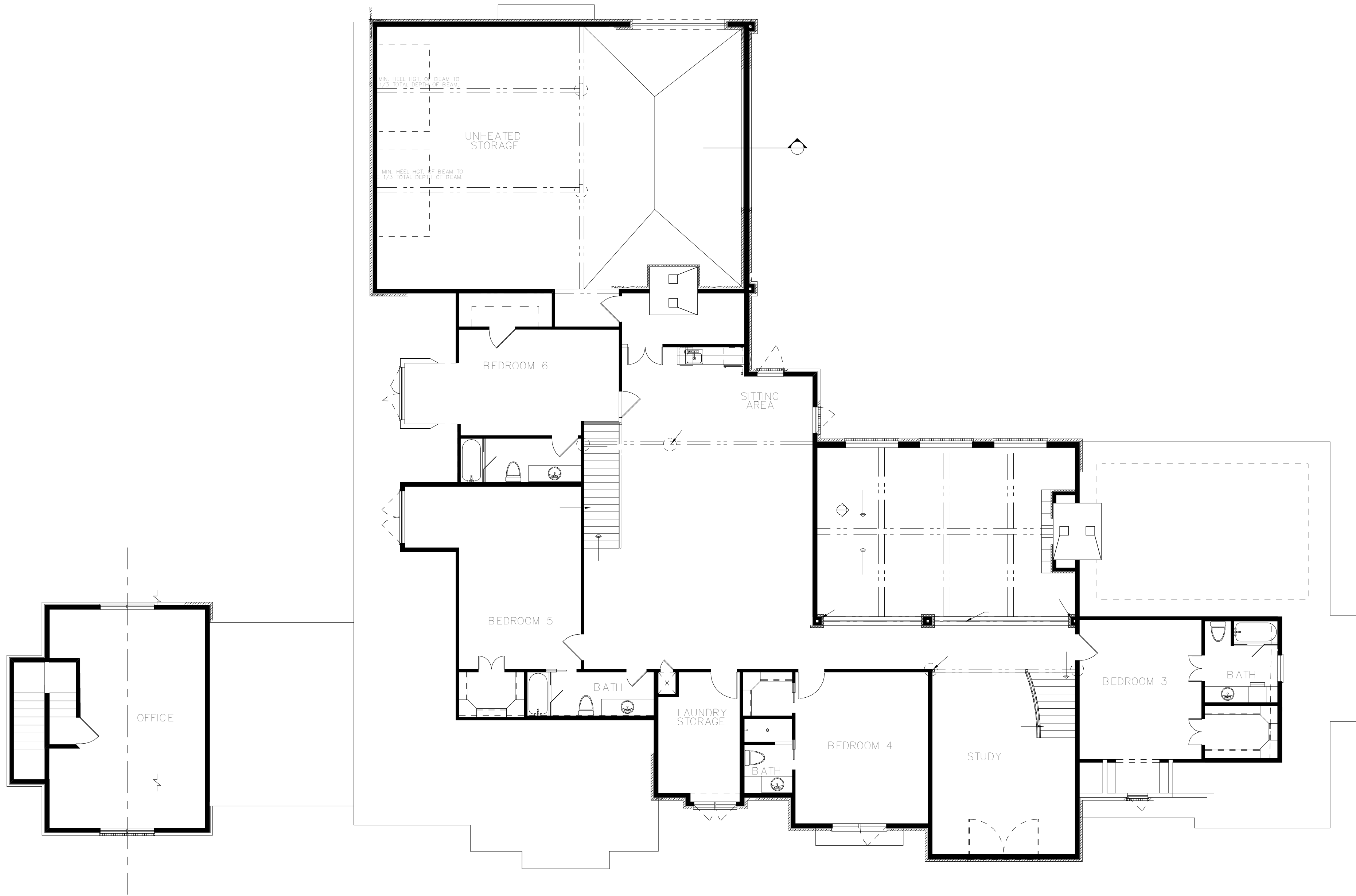


## 32 Cedar Cliff Residence Cait & Josh Shores

32 Cedarcliff Rd, Biltmore Forest, NC 28803

SHEET TITLE  
Floor Plan

SHEET	DATE		Issue Date	
	JOB NO.		Project Number	
A101				



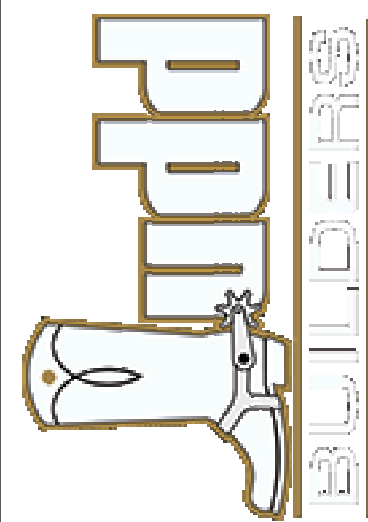
① Level 2  
1/8" = 1'-0"

SHEET TITLE  
2nd Floor Plan

SHEET A102	DATE	ISSUE DATE
	JOB NO.	PROJECT NUMBER

32 Cedar Cliff Residence  
Cait & Josh Shores

32 Cedarcliff Rd, Biltmore Forest, NC 28803



2349 Hendersonville Rd.  
Asheville, NC 28704  
(828) 301-2557



ARCHITECT: Michael David Driskill  
64 Mitchell Ave  
Asheville, NC 28806  
800-555-3459  
mdriskill.architect@gmail.com

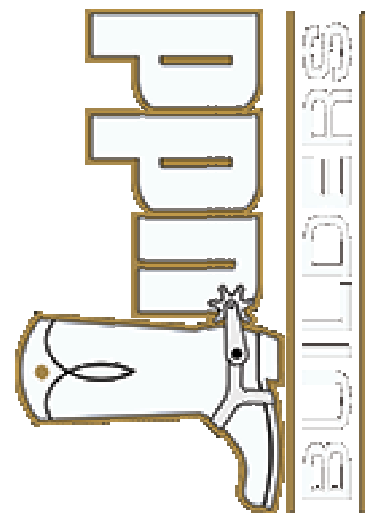
REVISIONS

REVISIONS


ARCHITECT: Michael David Driskill  
64 Mitchell Ave  
Asheville, NC 28806  
800-555-3459  
mdriskill.architect@gmail.com



2349 Hendersonville Rd.  
Arden, NC 28704  
(828) 301-2557



Copyright 2019 Judd Builders

32 Cedar Cliff Residence  
Cait & Josh Shores

32 Cedarcliff Rd, Blittmore Forest, NC 28803

SHEET TITLE  
Elevations

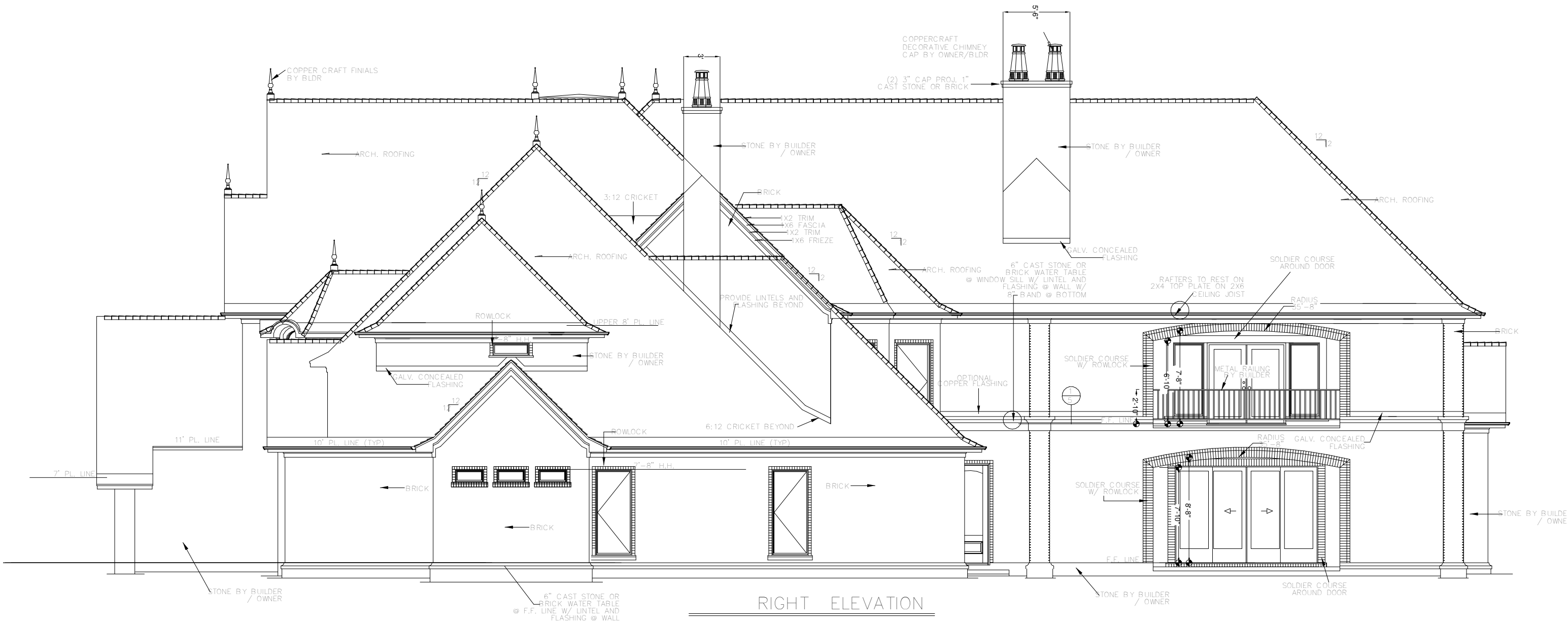
SHEET A200	DATE	Issue Date
	JOB NO.	Project Number



1 Front Elevation - West  
1/8" = 1'-0"

ELEVATION NOTES:

- GUTTERS AND DOWNSPOUTS ARE NOT SHOWN FOR CLARITY. DOWNSPOUTS SHALL BE LOCATED TOWARDS THE FRONT AND REAR OF THE HOUSE. LOCATE DOWNSPOUTS IN NON-VISUALLY OFFENSIVE LOCATIONS. FOR EXAMPLE, FRONT WALL OF HOUSE, BESIDE PORCH COLUMNS, ETC. GENERAL CONTRACTOR SHALL VERIFY EXISTING GRADES AND COORDINATE ANY NECESSARY ADJUSTMENTS TO HOUSE WITH OWNER.
- PLUMBING AND HVAC VENTS SHALL BE GROUPED IN ATTIC TO LIMIT ROOF PENETRATIONS AND TO BE LOCATED AWAY FROM PUBLIC VIEW, I.E. AT THE REAR OF THE HOUSE AND SHALL BE PRIMED AND PAINTED TO MATCH ROOF COLOR.
- PROVIDE ATTIC VENTILATION PER LOCAL CODE REQUIREMENTS.
- EXTERIOR FLASHING SHALL BE CORRECTLY INSTALLED AT ALL CONNECTIONS BETWEEN ROOFS, WALLS, CHIMNEYS, PROJECTIONS AND PENETRATIONS AS REQUIRED BY APPROVED CONSTRUCTION PRACTICES.
- CONTRACTOR SHALL PROVIDE ADEQUATE ATTIC VENTILATIONS / ROOF VENTS PER LOCAL GOVERNING CODE. INSTALL CONTINUOUS RIDGE VENTILATION AND PAINT TO MATCH ROOF. PROVIDE APPROPRIATE SOFFIT VENTILATION AT OVERHANGS.



2 Right Elevation - South  
1/8" = 1'-0"





1 Rear Elevation - East  
1/8" = 1'-0"



ELEVATION NOTES:

1. GUTTERS AND DOWNSPOUTS ARE NOT SHOWN FOR CLARITY. DOWNSPOUTS SHALL BE LOCATED TOWARDS THE FRONT AND REAR OF THE HOUSE. LOCATE DOWNSPOUTS IN NON-VISUALLY OFFENSIVE LOCATIONS, FOR EXAMPLE, FRONT WALL OF HOUSE, BESIDE PORCH COLUMNS, ETC. GENERAL CONTRACTOR SHALL VERIFY EXISTING GRADES AND COORDINATE ANY NECESSARY ADJUSTMENTS TO HOUSE WITH OWNER.
2. PLUMBING AND HVAC VENTS SHALL BE GROUPED IN ATTIC TO LIMIT ROOF PENETRATIONS AND TO BE LOCATED AWAY FROM PUBLIC VIEW, I.E. AT THE REAR OF THE HOUSE AND SHALL BE PRIMED AND PAINTED TO MATCH ROOF COLOR.
3. PROVIDE ATTIC VENTILATION PER LOCAL CODE REQUIREMENTS.
4. EXTERIOR FLASHING SHALL BE CORRECTLY INSTALLED AT ALL CONNECTIONS BETWEEN ROOFS, WALLS, CHIMNEYS, PROJECTIONS AND PENETRATIONS AS REQUIRED BY APPROVED CONSTRUCTION PRACTICES.
5. CONTRACTOR SHALL PROVIDE ADEQUATE ATTIC VENTILATIONS / ROOF VENTS PER LOCAL GOVERNING CODE. INSTALL CONTINUOUS RIDGE VENTILATION AND PAINT TO MATCH ROOF. PROVIDE APPROPRIATE SOFFIT VENTILATION AT OVERHANGS.

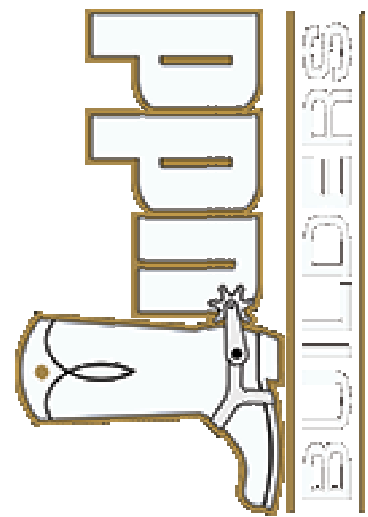
2 Left Elevation - North  
1/8" = 1'-0"

REVISIONS

ARCHITECT: Michael David Driskill  
64 Mitchell Ave.  
Asheville, NC 28806  
800-555-3459  
mdriskill.architect@gmail.com



2349 Hendersonville Rd.  
Asheville, NC 28704  
(828) 301-2557



32 Cedar Cliff Residence  
Cait & Josh Shores

Elevations

SHEET	DATE	JOB NO.	Issue Date	Project Number

A201