

To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners

From: Jonathan B. Kanipe, Town Manager

Date: September 13, 2022

Re: Board of Adjustment Meeting – September 26, 2022

Applicants:

You or a representative <u>MUST</u> 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 <u>MUST</u> 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-adjustments

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 September 22, 2022.

PROPOSED AGENDA

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, September 26, 2022 at 4:00 p.m at the Biltmore Forest Town Hall. The Biltmore Forest Town Hall is located at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

Those interested in viewing the meeting via Zoom may do so via the link provided at the bottom of this page.

- 1. The meeting will be called to order and roll call taken.
- 2. The minutes of the August 22, 2022 regular meeting will be considered.
- 3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 56 Cedar Hill Drive – Special use permit request for new swimming pool in rear yard, and extension of existing fence and gate within side yard.

Site Visit – September 26, 2022 at 3:15 PM

Case 2: 45 Forest Road – Special use permit request to construct driveway entrance walls. Site Visit – September 26, 2022 at 3:00 PM

Case 3: 32 Hilltop Road – Variance request to exceed maximum roof coverage and associated special use request for construction of a detached accessory building.

Site Visit – September 26, 2022 at 3:30 PM

Case 4: 327 Vanderbilt Road – Special use permit request to construct swimming pool in rear yard. Variance request to reconstruct existing fence on property line with new fence. **Site Visit – September 26, 2022 at 2:30 PM**

4. Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING HELD MONDAY, AUGUST 22, 2022

The Board of Adjustment met at 4:00 p.m. on Monday, August 22, 2022.

Mr. Greg Goosmann, Ms. Lynn Kieffer, Mr. Robert Chandler, Mr. Lowell Pearlman, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, Mr. Harry Buckner, and Mr. William Clarke, Town Attorney were also present.

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

Chairman Goosmann swore in the following:

Mr. Jonathan Kanipe Mr. Mark Dorsey Mr. Claude Sheer Ms. Kathleen Godwin Mr. Charles Edwards Mr. Tadd Cole Ms. Nishma Patel Mr. Howard McDill

A motion was made by Mr. Robert Chandler to approve the minutes from July 25, 2022. Mr. Lowell Pearlman seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter for consideration is a Special Use Permit request at 56 Cedar Hill Drive for a new swimming pool in the rear yard and a Variance request for installation of fence and gate within the side yard setback to enclose a swimming pool. The matter was shepherded by Ms. Lynn Kieffer. Mr. Mark Dorsey represented the homeowners. The hardship is they are hoping they could connect the fence and bring it to the house to keep compliance with the pool code. Ms. Kieffer asked if the property line is shared with the Biltmore Estate. Mr. Dorsey said yes. Ms. Kieffer said there is a brown fence along the back of the pool and assumed the brown fence would connect with the fence and come around which would join the top of the stairs. Mr. Dorsey showed the board where the fence would be located and the setback line. There is some confusion of the boundary and exactly where the fence should be placed. Chairman Goosmann asked Mr. Dorsey if this matter could be tabled until next month so they can make a clear determination of where this will be placed. Mr. Dorsey said yes and asked if he could get a copy of the Variance that was previously granted. Chairman Goosmann said Mr. Kanipe can provide this information to Mr. Dorsey. Chairman Goosmann said September 26th will be the next Board of Adjustment meeting and asked if he could attend the site visit at that time. Mr. Dorsey said yes.

DELIBERATION AND DETERMINATION:

The matter was tabled until next month's meeting.

HEARING (Evidentiary):

The second matter discussed is a Special Use Permit request for a carport construction attached to an existing garage and a Variance request to exceed maximum roof coverage for proposed additions at 5 Brookside Road. Ms. Rhoda Groce shepherded the matter. Mr. Claude Sheer (homeowner) described the project. There are several components to this project. This request involves an exceedance of the maximum roof coverage for the lot.

One component of this request is to construct a carport attached to an existing garage. Because the carport is not enclosed and/or connected via enclosed space, the Board is required to consider this as an accessory building.

The overall project exceeds the Town's maximum roof coverage allowance. The maximum roof coverage allowed for this lot (1.34 acres) is 5,500 square feet. Mr. Sheer notes in his variance application that the home was constructed in 1966 and includes 3-foot overhangs. Mr. Sheer said the house, garage, and walkway comprise 4495 square feet of "hardscape."

The total roof area currently is 6065 square feet. Therefore, the roof overhang alone is 1570 square feet. The new roof area remains 7,549 square feet or 5,979 with the overhang removed. They are willing to buffer if requested from neighboring property owners.

DELIBERATION AND DETERMINATION:

Ms. Lynn Kieffer made a motion to have a Special Use Permit granted to Claude Sheer and Kathleen Godwin at 5 Brookside 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. 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.

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 submitted to the Town.

The motion was seconded by Mr. Lowell Pearlman. Roll call was taken and unanimously approved.

HEARING (Evidentiary):

The third matter is a Variance request for 1 Stuyvesant Crescent to encroach into the side and rear yard setbacks for a hardscape landscaping project. A Special Use Permit is also requested to include boulder and brick retaining walls and six-foot privacy fence inside the setbacks. Additional Special Use Permit is requested for an outdoor fireplace within the rear yard. This matter is being shepherded by Mr. Robert Chandler. Mr. Chandler said the six-foot privacy fence is no longer part of this case and the homeowners do not want the six-foot privacy fence at this time. The landscape retaining walls will be approximately within eight feet within the setback. Ms. Kieffer thanked them for staying within the existing setback. The applicants also had a conversation with the neighbors behind them and they approve of this project. Mr. Tadd Cole who represented Mr. Edwards said the outdoor fireplace will be six feet wide and twelve feet tall. There will be buffering so the neighbors will not be able to see it. They are asking to accept where the current encroachment is already located.

DELIBERATION AND DETERMINATION:

Mr. Chandler restated the facts and said Mr. Chuck Edwards of 1 Stuyvesant Crescent is applying for a Variance to encroach into the side and rear yard setbacks for a landscaping project and a Special Use Permit for an outdoor fireplace within the rear yard. The homeowners agreed to additional buffering if needed.

Ms. Martha Barnes moved that a Special Use Permit be granted to Mr. Chuck Edwards of 1 Stuyvesant Crescent 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. 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.

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. The motion was seconded by Ms. Rhoda Groce and unanimously approved.

HEARING (Evidentiary):

The final matter is an appeal request for a Variance to encroach into the side yard setback with a terraced retaining wall at 23 Eastwood Road. Ms. Nishma Patel from McGuire, Wood, and Bissette law firm, represented a neighboring property owner at 24 Eastwood, Ms. Susan Taylor. Mr. Howard McDill represented the homeowners, Tom and Char Hand of 23 Eastwood Road. Chairman Goosmann recused himself and Ms. Lynn Kieffer served as acting chair. Ms. Martha Barnes shepherded the matter. Mr. McDill apologized for having the wall built without consulting with the Town. Ms. Patel said there is a spring that is now flowing from the neighboring property and said Ms. Taylor has yet to understand what hardship that is being corrected; the applicant has not met the burden that the Board is held to in order to grant a variance. There was further discussion regarding aesthetics about the boulder wall and Ms. Taylor is not happy with the way it looks. Ms. Patel was also concerned about the retroactive granting of Variances and setting a precedent to do work, then come to the Board and ask for permission after the fact.

Ms. Groce asked Ms. Patel if the wall is removed and creates a horrible situation, is this what Ms. Taylor would want? Ms. Patel said the biggest impact is the intrusion and the impact the intrusion will have on her trees later. Ms. Kieffer asked Ms. Patel if she had any conversations with the Hand's.

Ms. Patel said Mr. Hand reached out and asked if putting trees in would result in mitigating the issue. Ms. Patel reached out to the client and indicated they did not want plantings because they would also be concerned about the tree roots impacting the wall.

Ms. Kieffer was concerned about the Taylor's hemlocks that are already on the property. Ms. Kieffer also referenced the end of the appeal by Ms. Patel wherein she referenced that if a variance was granted, the applicants must be required to vegetate the area heavily. Ms. Kieffer also asked the if the Board granted the Variance, would anything please Ms. Taylor as far as landscaping goes. Mr. Pearlman said if we ask the Mr. and Ms. Hand to provide a landscaping plan, then the Board is getting into subjectivity. Ms. Barnes agreed with Mr. Pearlman. Ms. Kieffer said this matter has gone on for several months and the Board thought there was communication between the neighboring property owners. Mr. McDill verified there was no communication wanted from Ms. Taylor back to Tom Hand. Ms. Patel agreed that was their belief at the time. Mr. Chandler asked why the client will not communicate about landscaping so there can be discussion. Mr. Clarke said there is no requirement for neighbors to communicate about that; only to consider whether a variance is warranted. Mr. Clarke also said the job is to apply the Ordinance and not to review whether this is the best plan or not.

Ms. Kieffer asked Mr. McDill if a civil engineer came out and make this in the space where the wall is currently located. Mr. McDill said yes, an engineer did make that recommendation, which was part of the reason for making it a two-tiered wall.

Mr. Clarke said there has been no hardship for this variance and a neighbor has objected. Mr. Clarke said someone can make a motion to approve or deny the variance and it takes four votes to approve a variance.

DELIBERATION AND DETERMINATION:

Ms. Groce made a motion the Variance requested for Tom and Char Hand of 23 Eastwood Road be denied and the facts as recited by Martha Barnes 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. Roll call was taken and the Variance was unanimously denied.

The meeting was adjourned at 5:58 pm. The next Board of Adjustment meeting is scheduled for Monday, September 26, 2022 at 4:00pm.

ATTEST:

Greg Goosmann Chairman Laura Jacobs Town Clerk

BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



Case 1 – 56 Cedar Hill Drive

Special Use permit request to construct swimming pool in rear yard and fence and gate within side yard

Property Owner:	Josh Shores
Property Address:	56 Cedar Hill Road

Project Description

The applicants request permission to construct a 16'x34' Gunite swimming pool within their rear yard. As part of this project, new aggregate concrete decking will be added for the pool. Additionally, a small fence and gate is requested to fence in the entirety of the rear yard and the pool. This portion of the fence and gate is within the side yard, but not within any setback.

Special Use Permit Request

The Town's Zoning Ordinance regulates swimming pools as accessory structures. Section 153.029 provides the guidelines for accessory structures and their installation. This ordinance is attached to this memorandum for your reference.

Additionally, the applicants request the installation of a small portion of fence and gate to fully enclose the rear yard and swimming pool. Section 153.049 of the Town's Zoning Ordinance governs fences and gates. This section is attached for your reference.

Note

This project was first presented at the August 2022 Board of Adjustment meeting. The application at that time referenced a variance request for a side yard setback intrusion. The applicant and pool designer have reviewed the site plan and revised their application to show that the fence and gate installation IS NOT within the side yard setback.

Zoning Compliance Application

Town of Biltmore Forest

Name Josh Shores

Property Address 56 Cedar Hill Dr.

Phone

(828) 230-2855

Parcel ID/PIN Number 964632662400000

Email mark@medallionpool.com

ZONING INFORMATION

Current Zoning R-1

Maximum Roof Coverage 5,500 square feet (Up to 1.5 acres) Proposed Roof Coverage Total

na

Lot Size

1.48ac

Maximum Impervious Surface Coverage 1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage 14370sf (16,117 sf allowed)

Front Yard Setback 60 feet (R-1 District) Side Yard Setback 20 feet (R-1 District)

Rear Yard Setback 25 feet (R-1 District)

Building Height na

Description of the Proposed Project

new swimming pool - 16x 34 Gunite inground w/ automatic cover. new hardscape to match existing exposed aggregate concrete. not change to current fence line except additional short section to make full enclosure

Estimated Start Date 9/8/2022

Estimated Completion Date 12/30/2022

Estimated Cost of Project \$250,000.00

Supporting Documentation (Site Plan, Drawings, Other Information) POOL EQ ENCLOSURE.jpg

REV_SHORES_POOL_SITE_PLAN.pdf

Applicant Signature 1 l C

Date 8/4/2022

Special Use Permit Application

Town of Biltmore Forest

Name Mark Dorsey

Address 56 Cedar Hill Dr. Biltmore Forest NC 28803

Phone (828) 230-2855

Email mark@medallionpool.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:

resubmittal of Pool, Hardscape and Fence

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

no visibility from any neighbor

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

Signature

Date 9/7/2022

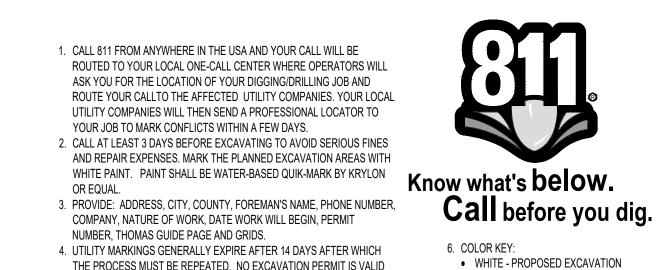
Mark T. Horsey

DR	AWING INDEX	POOL
P1.1	COVER SHEET	POO
P1.2	NOTES & SCOPE OF WORK	PERIMETER: VOLUME:
P2.1	SITE PLAN	POOL
P3.1	POOL SHELL LAYOUT	INSIDE AREA (IA): HORIZ. STEP & BENCH EDGES LENGTH:
P4.1	POOL EQUIPMENT DETAILS	
P5.1	POOL PLUMBING DETAILS	Coping Perimeter (EA. Size):
P6.1	POOL SECTIONS	WATERLINE TILE PERIMETER (EA. SIZE):
P7.1	POOL DECK & DRAINAGE	F
P8.1	POOL FORMS DETAILS	SPILLOVER EDGE LENGTH:
P9.1	SECTIONS AND DETAILS	SPILLOVER FLOW RATE:

FILTRATION RUN TIME (MINIMUM): FILTRATION FLOW RATE:

4

0



- THE PROCESS MUST BE REPEATED. NO EXCAVATION PERMIT IS VALID WITHOUT FIRST CALLING 811. HAND-DIG TO 24" ON EITHER SIDE OF ALL UTILITIES. IT IS THE CONTRACTOR'S AND SUBCONTRACTOR'S
- RESPONSIBILITY TO EACH CALL 811. 5. EXCAVATING REQUIREMENTS VARY DEPENDING ON LOCAL LAWS. COLOR CODES MAY VARY AND LOCAL REQUIREMENTS SHALL SUPERSEDE THIS GENERAL WARNING. FOR MORE INFORMATION, CHECK OUT THE COMMON GROUND AULIANCE AT WWW.CALL811.COM.



- WHITE PROPOSED EXCAVATION
 PINK TEMP. SURVEY MARKINGS
- RED ELECTRIC • YELLOW - GAS/OIL/STEAM
- ORANGE COMMUNICATIONS/CATV
- BLUE WATER PURPLE - RECLAIMED WATER
- GREEN SEWER





POOL	DESIGN DATA				
POOL	WATER DIMENSIONS				
A:	629 SF				
	110 LF				
25,950 GAL					
	AKEOFF DIMENSIONS				
(IA):	0 SF				
& BENCH EDGES LENGTH:	0 LF				
	LENGTH	SIZE			
	0 LF	1'-2"			
eter (ea. size):	0 LF	1' -4"			
	0 LF	0"			
		-			
	0 ሆ	0"			
e perimeter (ea. size):	0 LF	0"			
	0 LF	0"			
PO	OL CIRCULATION				
GE LENGTH:	0 LF				
	MIN.	MAX.			
OW RATE:	1.5 GPM/LF	4 GPM/LF			
		WINITED			
	SUMMER	WINTER			
JN TIME (MINIMUM):	0 HR/DAY	0 HR/DAY			
OW RATE:	0 GPM	O GPM			

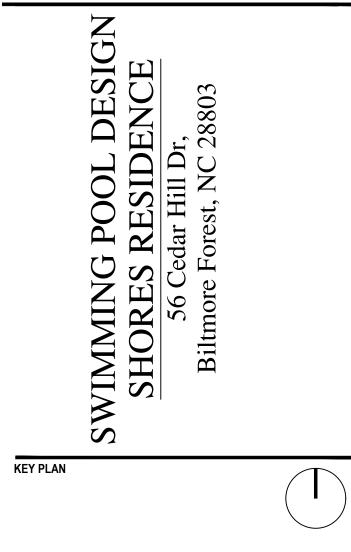
<u>A NEW SWIMMING POOL DESIGN FOR</u> SHORES RESIDEMCE <u>56 CEDAR HILL DR.,</u> BILTMORE FOREST, NC 28803

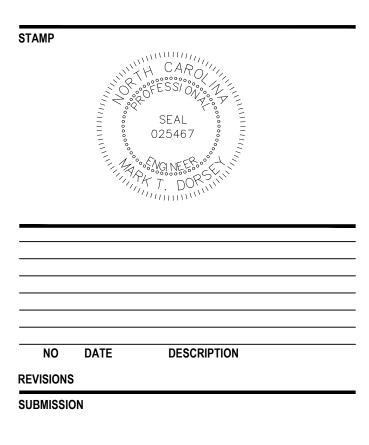




51 North Merrimon Ave., Suite 101 Asheville, NC, 28804 828 253 4594 mark@medallionpool.com

THESE PLANS ARE COPYRIGHTED AND SUBJECT TO COPYRIGHT AS AN "ARCHITECTURAL WORK" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR HOME REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR BUILDINGS BEING SEIZED AND/OR MONETARY COMPENSATION TO DORSEY DESIGNS, PA © 2022 DD





P1.1

NOT FOR CONSTRUCTION

AS NOTED

22-08-03

September 7, 2022

COVER SHEET

DRAWING TITLE

SCALE

PRINT DATE

PROJECT NUMBER DRAWING NUMBER

- THESE DRAWINGS HAVE BEEN PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT AND ARE NOT INTENDED FOR ANY OTHER PURPOSE. TO THE BEST OF MY KNOWLEDGE, THESE DRAWINGS MEET THE REQUIREMENTS SET FORTH BY THE LOCAL GOVERNMENTAL AUTHORITY (LGA). THESE DRAWINGS SHOULD NOT BE CONSTRUED TO MEET ALL REQUIREMENTS FOR THE CONSTRUCTION OF THE POOL, BUT ONLY THOSE REQUIREMENTS SET FORTH BY THE LGA. 2. REFER TO THE CONTRACT AGREEMENT AND "DETAILED SCOPE OF WORK" FOR ARE NOT LIMITED TO): ADDITIONAL INFORMATION PERTAINING TO MEDALLION'S CONSTRUCTION RESPONSIBILITIES.
- 3. UNLESS OTHERWISE NOTED, THE ENGINEERING SEAL AFFIXED TO THESE DRAWINGS IS LIMITED TO HYDRAULICS, THE LGA COMPLIANCE, AND STRUCTURAL ENGINEERING ONLY. 4. ONLY DRAWINGS FROM DORSEY DESIGNS THAT ARE MARKED "FOR
- CONSTRUCTION" AND WITH THE LGA APPROVAL NUMBER AND APPROVAL DATE AFFIXED SHALL BE USED FOR THE POOL CONSTRUCTION IMPLEMENTATION. REFER TO THE RESPONSIBILITY LEGEND FOR THE RESPONSIBILITY ASSIGNMENT FOR AN ELECTRICAL DESIGN. THE MEDALLION DRAWINGS SHALL BE SPECIFICALLY INTERPRETED AS PROVIDING A BRIEF NARRATIVE DESCRIPTION OF THE NECESSARY ELECTRICAL CONTROL SYSTEMS, WIRING, ETC. REQUIRED FOR THIS
- AQUATIC PROJECT. SUBSTITUTIONS: ALL ASSEMBLIES, PRODUCTS, AND MODEL NUMBERS SHALL BE PROVIDED (AS SPECIFIED HEREIN) BY THE CONTRACTOR WITHOUT EXCEPTION.
- THESE GENERAL NOTES, THE DRAWINGS, AND THE REFERENCED TECHNICAL SPECIFICATIONS SHALL BE UNIFORMLY APPLIED TO THE PROJECT. IN THE EVENT OF A DISCREPANCY OR CONFLICT, THE STRICTEST INTERPRETATION SHALL APPLY. CONTACT MEDALLION FOR ALL CLARIFICATIONS NEEDED.

B. OWNERS MINIMUM OPERATING RESPONSIBILITIES

- THE OWNER SHALL PROVIDE SUFFICIENT CARE, MAINTENANCE, ROUTINE PREVENTATIVE MAINTENANCE (P.M.), REPAIR, AND SERVICING TO ALL POOL COMPONENTS, EQUIPMENT, AND SYSTEMS TO ENSURE CONTINUED COMPLIANCY WITH ALL INTERNATIONAL, LOCAL BUILDING CODES, AND ESTABLISHED DEPARTMENT OF HEALTH STANDARDS AS APPLICABLE. OWNERS WARRANTY IS ALSO DEPENDENT ON THE CONTINUED CARE AND MAINTENANCE, SEE CONTRACT DOCUMENT
- PROVIDING A SAFE SWIMMING AND RECREATIONAL ENVIRONMENT IS A CRITICAL MANDATE THAT THE OWNER SHALL CONTROL, EXERCISE, AND EXERT COMPLETE CARE IN ORDER TO ENSURE A MANDATORY REGULATED SAFE ENVIRONMENT ALLOWING THE BATHERS, GUESTS, PATRONS, OCCUPANTS, AND RESIDENTS TO

UNDER THE POOL SHELL.

USE THE POOL FACILITIES IS THE SOLE RESPONSIBILITY OF THE OWNER. ALL DAILY, WEEKLY, MONTHLY, QUARTERLY, AND ANNUAL CLEANING MAINTENANCE HOUSEKEEPING-TYPE TASKS SHALL BE PERFORMED BY THE OWNER AS FREQUENTLY AS NEEDED TO PROVIDE THE SAFE ENVIRONMENT AND POOL AREA.

A PARTIAL LISTING OF MINIMUM CLEANING, MAINTENANCE, AND SAFETY TASKS THAT SHALL BE PERFORMED ON A REGULAR, AND AS-NEEDED BASIS INCLUDE (BUT a. CLEANING OF ALL TILES, EPOXY-GROUTING, AND RELATED, SIMILAR

- SURFACES WHILE MAINTAINING THEM IN LIKE-NEW CONDITION.R b. REMOVING OILS, RESIDUES, CONTAMINANTS, ETC. FROM NON-SLIP /
- SLIP-RESISTANT SURFACES ALLOWING THEM TO MAINTAIN THE REQUIRED SLIP-RESISTANT QUALITIES REGULARLY CONDUCT PROFESSIONAL TESTING ON NON-SLIP / SLIP RESISTANT SURFACES TO ENSURE THAT THESE SURFACES RETAIN THEIR
- REQUIRED SLIP-RESISTANT QUALITIES. d. IF SUCH TESTING REVEALS THAT THE SLIP-RESISTANCE OF A RATED NON-SLIP SURFACE IS LESS THAN ORIGINALLY REQUIRED BY THE MANUFACTURER OR IS LESS THAN THE CURRENT CODE REQUIREMENTS, THE OWNER SHALL CORRECT THE POTENTIAL SAFETY HAZARD IN ACCORDANCE WITH DIRECTIONS FROM THE MANUFACTURER OR REPLACE THE SURFACE AS NEEDED TO ACHIEVE A CODE-COMPLIANT NON-SLIP SURFACE.
- MAINTAIN ALL WATER CHEMISTRY WHILE ENSURING THAT ALL POSTED POOL RULES AND SAFETY EQUIPMENT ARE PERMANENTLY MOUNTED IN A
- VISIBLE, ACCESSIBLE LOCATION. THE OWNER SHALL MAINTAIN WRITTEN DAILY RECORDS TO ACCURATELY RECORD THE MAINTENANCE PERFORMED AND THE CONDITIONS MAINTAINED TO PROVIDE A SAFE ENVIRONMENT.
- ALL PUMPING SYSTEMS, FILTRATION SYSTEMS, CHEMICAL SYSTEMS, UNDERWATER LIGHTING SYSTEMS, OVERHEAD LIGHTING SYSTEMS, ETC.
- SHALL BE MAINTAINED AND OPERATED TO BE LIKE-NEW, FULLY FUNCTIONAL, OPERATE CORRECTLY AT THE DESIGN POINTS SET FORTH BY MEDALLION AND OTHER CONSULTANTS.
- UNDERWATER EXPANSION JOINTS WILL REQUIRE FREQUENT AND REGULAR MAINTENANCE TO MAINTAIN THE WATER-PROOFING AND AESTHETIC QUALITY OF THE JOINTS.

APPLICABLE CODES

THESE ENGINEERING DRAWINGS WERE CREATED TO COMPLY WITH THE FOLLOWING RULES AND CODES:

> 2017 NEC WITH NC AMENDMENTS VIRGINIA GRAEME BAKER FEDERAL POOL AND SPA SAFETY ACT

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE MOST CURRENT EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, 2. ENVIRO SUPPLEMENTED BY STATE AND LOCAL REGULATIONS AS WELL AS THE MOST CURRENT EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE. 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO STARTING WORK AND SHALL NOTIFY ROWAN LANDSCAPE & POOLS OF ANY DISCREPANCIES OR PROPOSED MODIFICATIONS. 3. REFER TO POOL DRAWINGS FOR PLUMBING, ELECTRICAL, POOL EQUIPMENT, SITE DRAINAGE AND OTHER POOL **RELATED INFORMATION.** 4. IF EXPANSIVE CLAY SOIL IS ENCOUNTERED CONTACT ROWAN LANDSCAPE AND POOLS. 5. KEEP EXCAVATIONS FREE OF PONDING WATER AND KEEP TIME BETWEEN EXCAVATION AND SHOOTING GUNITE/SHOTCRETE TO A MINIMUM. 6. OVERALL POOL DIMENSIONS SHALL NOT EXCEED 30'X60' FOR RECTANGULAR OR FREE FORM LAYOUTS. MATERIALS 3. PREPA 1. GUNITE/SHOTCRETE SHALL BE PNEUMATICALLY PLACED AND SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. 2. ALL GUNITE/SHOTCRETE WORK SHALL BE PERFORMED PER THE LATEST EDITION OF THE GUNITE CONTRACTORS ASSOCIATION "GUNITE & SHOTCRETE" 3. CONCRETE REINFORCING STEEL SHALL COMPLY WITH ASTM A615, GRADE 60. CONTINUOUS BARS SHALL LAP 48 BAR DIAMETERS, MINIMUM. 4. MINIMUM GUNITE/SHOTCRETE/CONCRETE COVER FOR REINFORCEMENT: 3" – SIDES AND BOTTOMS CAST AGAINST EARTH OR IN-SITU ROCK. ** SUPPORT ON SUITABLE PLASTIC CHAIRS, WIRE CHAIRS, OR HALF CONCRETE BRICKS ON EDGE AT AN ADEQUATE SPACING SO THAT REINFORCING DOES NOT SHIFT DURING CONCRETE PLACEMENT. 4. ALIGNN 2" – ALL OTHER SURFACES 5. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND TYPE OF ALL EMBEDDED ITEMS INCLUDING Α. CONDUIT, SLEEVES, PIPES, ANCHOR BOLTS, ETC. PRIOR TO SHOOTING GUNITE/SHOTCRETE OR PLACING Β. CONCRETE. C. POOL SHELL SHALL BEAR ON FIRM, ORIGINAL, UNDISTURBED SOIL WITH A MINIMUM 1,500 PSF ALLOWABLE SOIL BEARING PRESSURE. A MINIMUM 6" THICK #57 WASHED STONE COMPACTED BASE SHALL BE INSTALLED

SHOTO	RETE					(14) days as follows:			adjad
		/ORK VERIFICATIONS				i. Dampened / wet:		ç	g. Provi
1.	A.	Before beginning any concrete work (shotcrete wet-mix), the Contractor shall confirm the prior installation activities meet the following conditions:				 Total water immersion is desired (except for the first 12 hours to allow an initial set - keep shotcrete wet-mix surfaces thoroughly dampened to assist in the curing process). 		ŕ	recep wate n. Exter
		 Verify that all excavation has been performed properly and will allow achievement of the desired final basin dimensions as shown on the Drawings. 				 b. If project work is expected to be delayed for more than 8 weeks, the basin shall be completely filled with water to further cure and stabilize and minimize daily 			and o the g piping
		 Verify that all excavation surfaces are clean, smooth, and without voids or irregularities. 				shrinkage and expansion during extended breaks in construction.	F	PIPING	
		c. Verify that all compaction of soils have been performed and that required				ii. Relatively constant temperature:	1.	PRESSL	JRE TES
		compaction / density tests have been successfully completed and written				a. For hydration of cement and hardening of shotcrete wet-mix.			Pressure
		verification is on-hand when required by Medallion Engineer.				iii. Mechanical injury free:		iı	n order t
		 Verify that the sub-floor piping is in place (and with a constant pressure-test as noted herein), the required governmental piping inspections are successfully attained for all commercial projects. 				 There shall be no mechanical backfill procedures until the full design strength of the structure is achieved. (14 days min., longer for cold weather conditions.) 		t	following tests. . Note
		e. Verify that all reinforcing steel has been installed according to the Specifications		PLAS					degr
		and the Drawings. Insure that reinforcing steel has been placed correctly and that sufficient clearance exists to allow complete encasement. Verify that all	1.	EN		ONMENTAL CONDITIONS DURING PLASTER OR TILE OPERATIONS			shall cons
		floor reinforcing steel is adequately positioned and supported to avoid movement during placement operations.		A		The Contractor shall not begin plaster or tile application operations unless the environmental requirements specified in this Section are satisfied:			
		f. Verify adequate access to all shotcrete wet-mix areas for screeding and finishing and to permit uninterrupted application once the placement operation has begun.		_		i. Insure that all materials and surrounding air temperature are greater than 40° F before, during, and for 2 days after completion of plaster or tile work operations.			Γ
		(clean and tidy up the site)g. Verify that all concrete forms have been installed properly, as required for basin		В.		If necessary, during freezing or near freezing weather, provide equipment and cover to maintain a minimum of 40° F and to protect all work completed and/or work in progress.			
		construction, braced properly to avoid excess vibrations during shotcrete placement, and that all forms have been oiled before installation of shotcrete wet-mix.		С		Suspend plaster or tile work operations during high winds, rainy weather, or near freezing temperatures when work cannot be protected.			
		h. Verify that all pool fittings (drains, inlets, skimmers, gutter fittings, etc.) have	2.	PRE	EPA	ARATION			ŀ
		been properly placed per the Drawings and that adequate clearances exist for shotcrete along with the specified interior surface finish. Note that all skimmers		А		Flush cut all plumbing pipes entering the pool(s).			ļ
		must be totally encased with shotcrete wet-mix during the shotcrete installation.i. Bonding inspection has been received and passed.		Β.		After all construction, but prior to the interior finish work installation, the internal "blanking disk" within the sump assembly shall be removed.			
2.	ENVIF	RONMENTAL REQUIREMENTS FOR SHOTCRETE WET-MIX				i. Prior to the removal of the blanking disc or pressure plugs, ensure that the	2	FIELD Q	
	A.	The Contractor shall not begin shotcrete wet-mix application operations unless the		С		required pressure test was in-place. Observe all plaster manufacturer's recommendations and requirements.	2.		Piping sy
	В.	environmental requirements specified in this Section are satisfied: Insure that all materials and surrounding air temperature are greater than 40° F		D		Flush all plumbing pipes entering the pool(s) with chlorinated water before acid washing the pool(s) or proceeding.			Contract
		 before, during, and for 36 hours after completion of shotcrete wet-mix operations. i. If necessary, during freezing or near freezing weather, provide equipment and cover to maintain a minimum of 40° F and to protect all work completed and/or 		E.		Wash the entire interior of the basin with a mild solution of muriatic acid and water. Mechanically scrape the interior of the basin as required.			instru tests duri i
		work in progress.		F.		Repair all "weeping" or lesion area of the pool basin before applying interior surface			by 2
	C.	Suspend shotcrete wet-mix operations during high winds, rainy weather, or near freezing temperatures when work cannot be protected.		G		plaster (or tiles).	1.	Maintain and decł	
		i. In the event of rain events during the shotcrete wet-mix operation, cease all work				grade. Install bond coat on all areas receiving hydroban prior to plaster application.	2.	Observe	• •
_		until the rain event has terminated.	BC	NDIN	IG A	AND GROUNDING INSTALLATION		piping sy	
3.	PREP A.	ARATION FOR SHOTCRETE WET-MIX Remove obstructions and foreign debris from substrate surfaces.		basin	s pri	bonding and grounding of electrical and metallic components located within the pool rior to any concrete work. Include all equipotential bonding per the requirements of 0.26 to provide the below requirements.		2	a. It is c PVC wher
	В.	Remove square external corners from substrate by chamfering or radiusing the		A		Electrically bond, earth, and ground each metallic device within the pool basin with a		ii	i. Each
	C.	edges. Do not place shotcrete wet-mix on surfaces that are frozen, spongy, or where there is freely flowing or standing water.		,,		#8 solid, bare copper ground wire in accordance with the NEC requirements (as well as local codes).	1.	For purp	
	D.	Determine operating procedures for placement in close quarters, extended distances, or around unusual obstructions where placement velocities and mix				a. Apply Scotch-cast #2135 potting kit (by 3M) at each grounding lug, connections to the main grounding electrode system, equipment attachment, and rebar juncture. All ground wires' connections shall be of a listed pressure-type or		hydrosta a	a. Exce
	E.	consistency may be adjusted during application. Clean and thoroughly wet cementious or absorptive substrate surfaces before				b. The required conductor shall be secured under the perimeter surface 4 to 6 inch		b	gravi b. Note
		receiving shotcrete wet-mix. Keep porous surfaces damp for several hours before placement of shotcrete wet-mix.				c. At least one minimum 8 AWG bare solid copper conductor shall be provided.	2	Underwa	plate apply
4.	ALIGN	MENT CONTROL				d. The grounding loop (#8 solid, bare copper) ground wire shall be provided /	۷.		a. Since
	Α.	Provide alignment wire to establish thickness and plane of required surfaces.				installed continuous around the pool basin and associated structures' contour		e	a. Since shall
	В.	Install alignment wire at corners and offsets not established by forms.				shape between 18 - 24 inch [450 - 600 mm] beyond the perimeter of the pool and building slab edge buried 4 - 6 inch below grade.		b	o. Unle
	C.	Tighten alignment wire true to line. Position adjustment devices to permit additional tightening.				e. Bonding to perimeter surfaces shall be attached to the pool's structural reinforcing steel a minimum of four (4) points uniformly spaced around the	-	• · ·	for at addit
	D.	Ensure that the final dimensions as specified in the Drawings will be attained.				perimeter of the pool.	3.	All press Engineer	
5.	APPL A.	ICATION Maintain shotcrete / concrete surfaces as required below for a minimum of fourteen				f. Provide grounding / bonding jumpers to rebar a maximum of every 16 ft. [4.88m] and to all lights, hydrants, handrails, and ladders (and other similar metallic components within the pool basins). Extend ground / bonding loop connection to		J	
		·							

djacent building's main grounding electrode system.

rovide grounding / bonding jumpers to rebar for all deck showers, deck ceptacles, and all other metallic equipment within 15-ft [4.57 m] of the pool ater's edge.

xtend ground / bonding loop connection to the pumping, filter, heater, shower, nd chemical equipment provided with each pool. Upon installation, ensure that ne grounding / bonding wire conductors are securely fastened to the adjacent ping, structure, and equipment.

TESTING

sure testing requires that a prescribed period of curing / drying time be allowed ler to allow the PVC cement to properly cure and take a permanent set. The ving table sets forth the minimum drying period before the required pressure

lote that this table applies only to weather temperatures ranging from 40 egrees F. to 100 degrees F. Note: In damp or humid weather, these times hall be doubled. For drying times during temperatures that differ from this, onsult this Engineer:

PIPE SIZE	AVERAGE CURING TIME	AVERAGE CURING TIME
	Air Temperature: 60° to 100° F	Air Temperature: 40° to 59° F
0.5 – 2 inch	l 2 hours	24 hours
2.5 – 8 inch	24 hours	48 hours
10-14 inch	48 hours	96 hours
6 INCH ¢ HIGHER	72 hours	G DAYS

ITY CONTROL

system hydrostatic water testing shall be performed and provided by the

he Contractor shall provide all pumps, pressure plugs, gauges, and other struments and devices necessary to perform the hydrostatic (water) pressure ests specified herein. Pressure tests are to be performed without water uring months with freezing temperatures possible. Reduce test pressures 25% in the absence of water-tested pressure tests.

water pressure test on the piping system throughout the back fill, compaction, placement tasks (and during any construction around the piping).

ipe / fitting manufacturers' requirements when preparing to pressure test a

is critical that NO pressure testing via the use of compressed air is used on VC piping or fittings. Observe all pipe / fitting manufacturers' requirements hen preparing to pressure test a piping system.

ach complete piping system shall be hydrostatically water-tested to a pressure ¹150% of the system working pressure.

of this test, system-working pressure shall be defined at 35 psig and the ater-test shall be performed at 50 psig.

ception: Perimeter overflow (gutter) piping, drain outlet piping, and other ravity drain piping shall be hydrostatic water-tested at 20 PSIG.

lote: if gutter fittings and drain outlet sumps are equipped with integral pressure lates, then the same pressure test 35 PSIG [2.4 bars] as noted above shall

ight conduits shall be water-tested to pressure of 20 PSIG.

ince the conduits for underwater lights are located below the water level, they hall be water tested by the Contractor as noted.

nless otherwise directed in the Drawings or these specifications, pressure test r at least 8 hours, at which time pressure shall remain constant without dditional pumping.

testing shall include a visual check of EACH joint by the Contractor and this



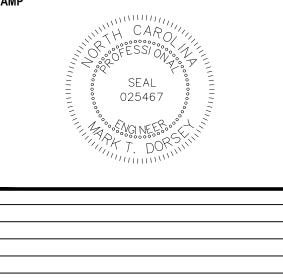
AQUATIC ARCHITECTURE & ENGINEERING

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DESCRIPTION

NOTES & SCOPE OF WORK

NOT FOR CONSTRUCTION

AS NOTED

22-08-03

September 7, 2022

DRAWING TITLE

SCALE

PRINT DATE

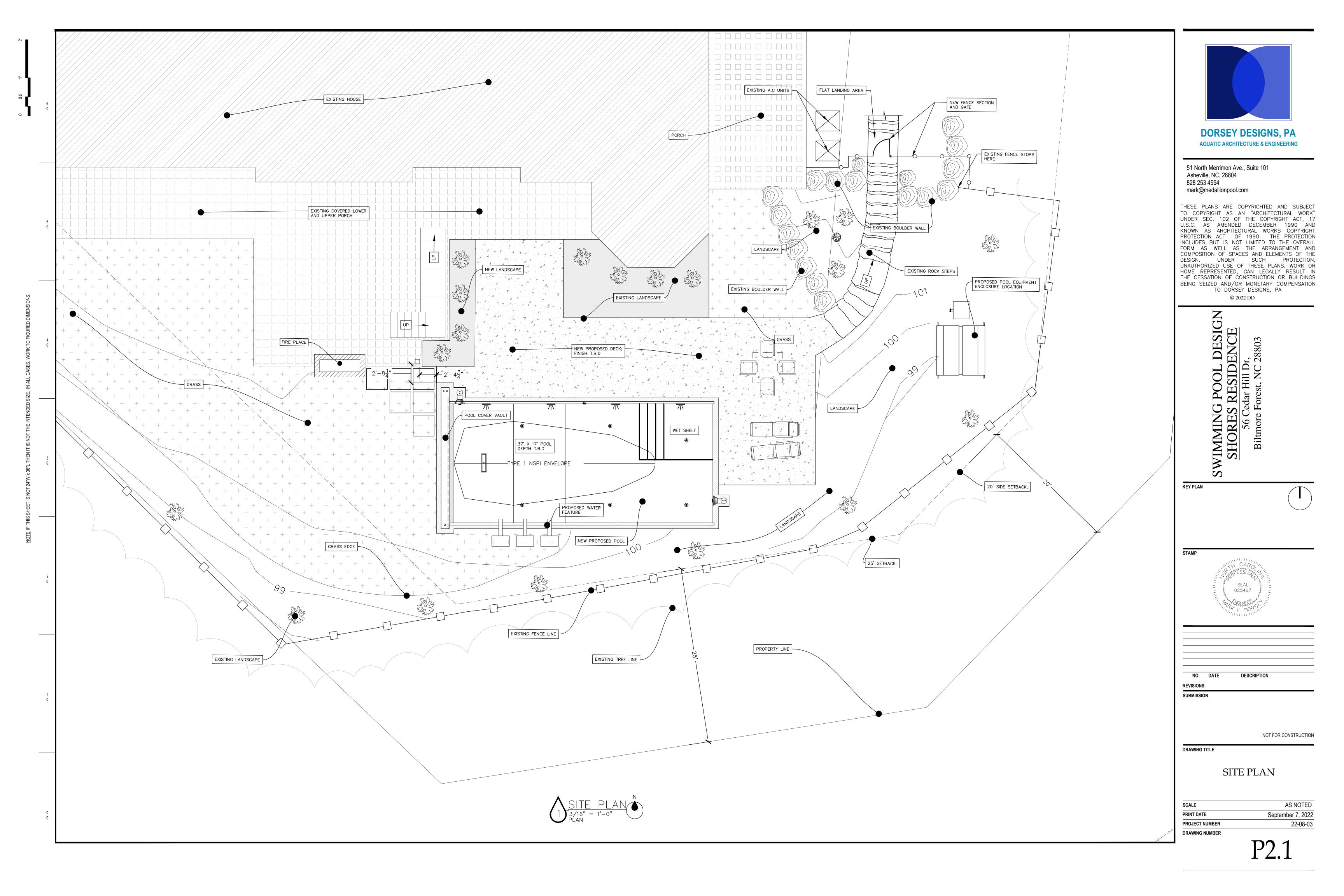
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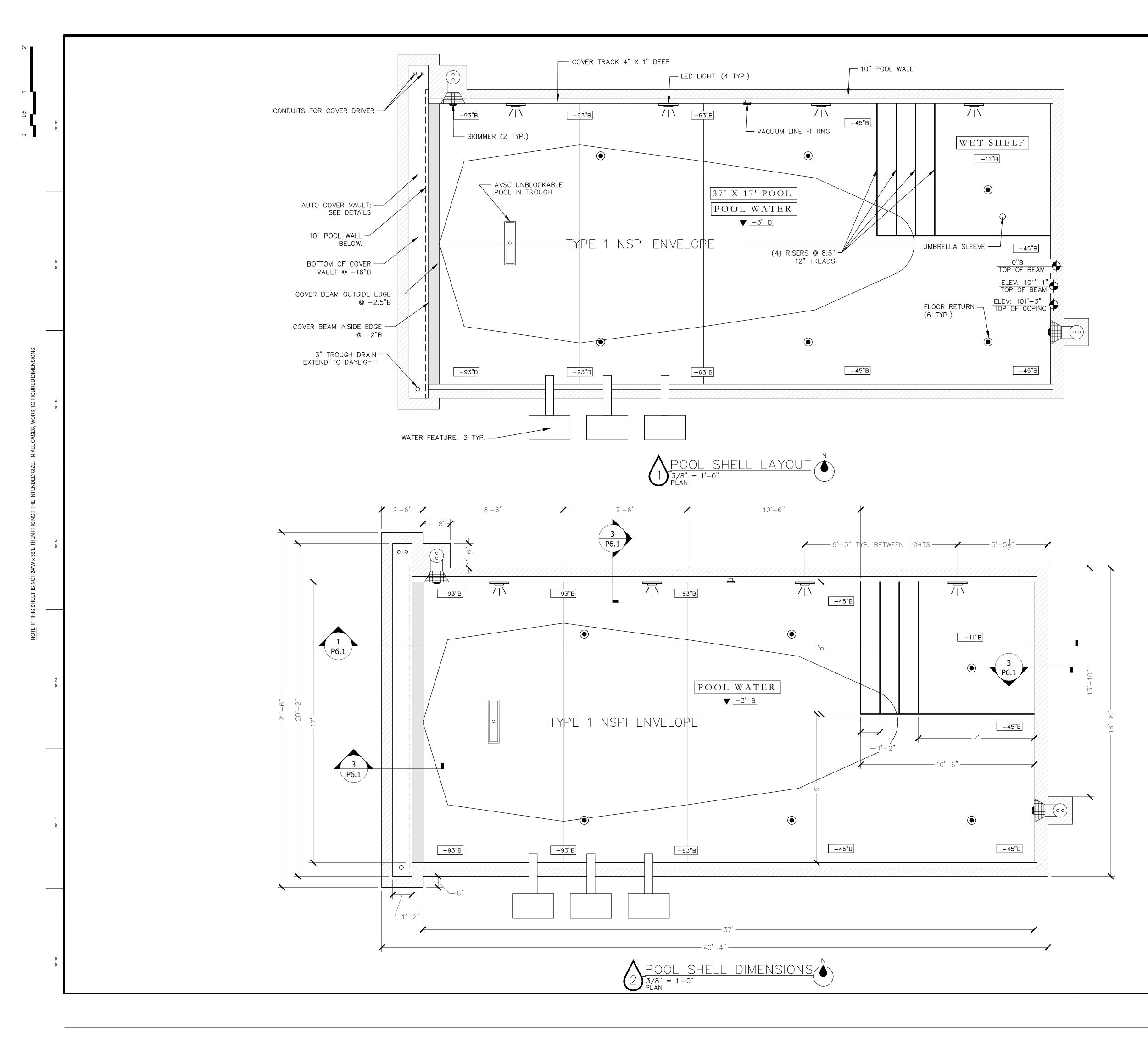
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SUBMISSION

REVISIONS

NO DATE



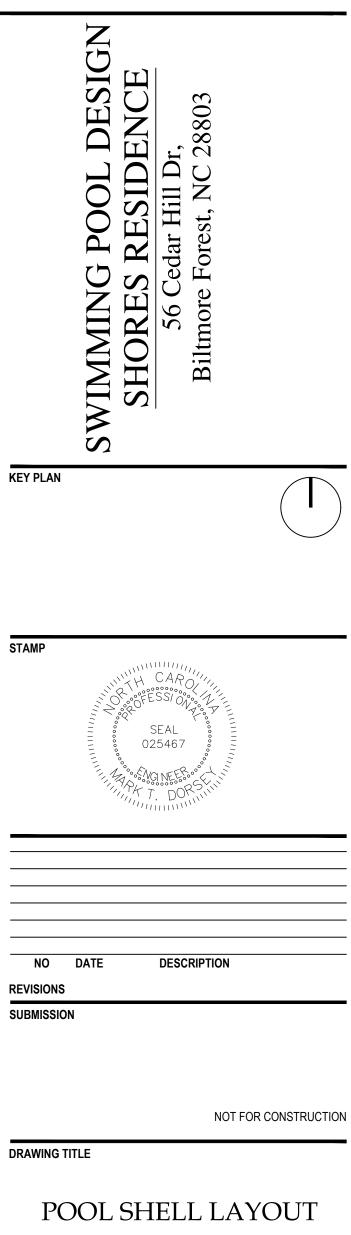




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AS NOTED

22-08-03

September 7, 2022

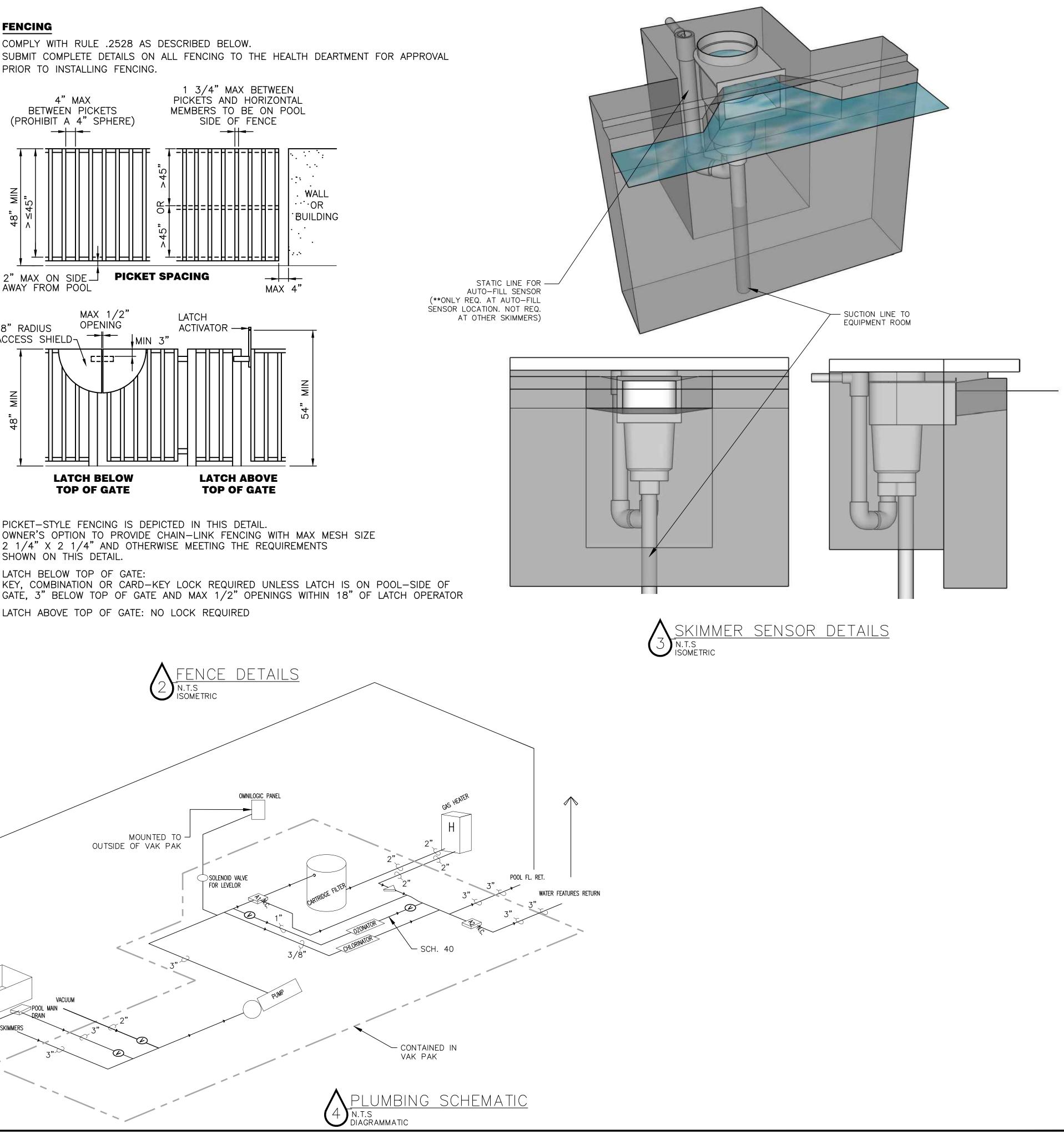
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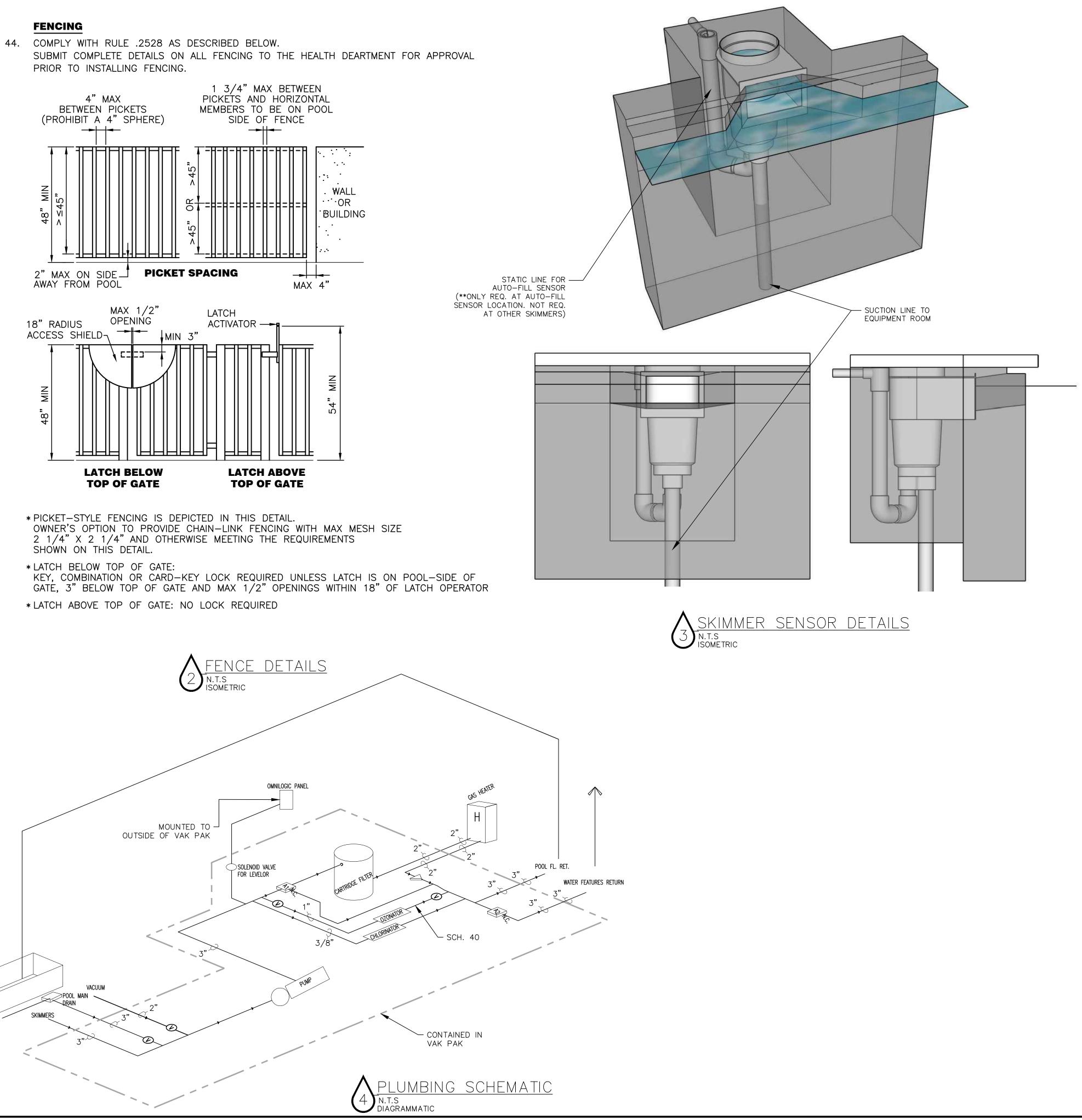
SCALE

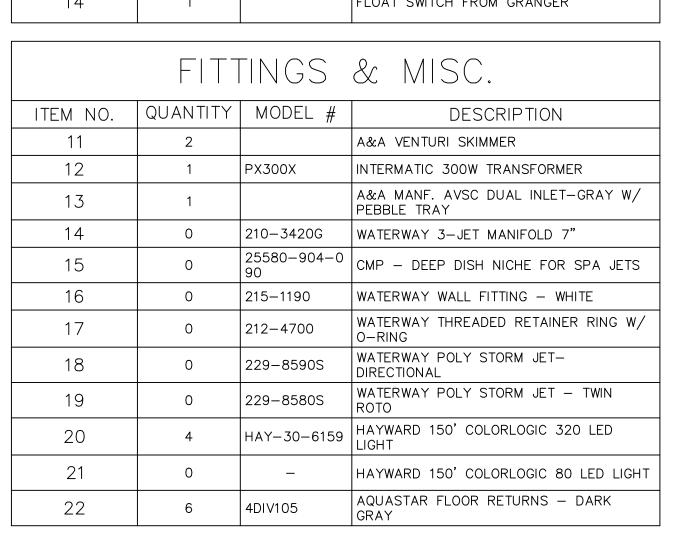
PRINT DATE

PROJECT NUMBER DRAWING NUMBER

	EQUI	PMENT	DETAILS
ITEM NO.	QUANTITY	MODEL #	DESCRIPTION
1	1	SP32950VSP	HAYWARD TRISTAR VS 950 PUMP
2	1	C4030	HAYWARD CARTRIDGE FILTER
2a	1		EXTRA FILTER CARTRIDGES
3	1		CLEAR COMFORT CCW OZONE SYSTEM
4	1	HLBPR04SW	HAYWARD OMNIPL
5	2		JANDY VALVE ACTUATOR
6	0		HAYWARD SENSE & DISPENSE
7	1		SOLENOID VALVE FOR LEVELOR/SENSOR
8	1	PB-2008	PERMA-CAST WATER BONDING FITTING
9	1		PENTAIR MASTER TEMP 400. HEATER (I
10	0		1.5 HP BLOWER FOR JETS
11	0		HLEXPAND
12	0		CO2 KIT FOR PH CONTROL
13	0		STENNER PERISTOLIC PUMP
14	1		FLOAT SWITCH FROM GRANGER
	· 	Finias	& MISC.
ITEM NO.	QUANTITY	MODEL #	DESCRIPTION
11	2		A&A VENTURI SKIMMER
12	1	PX300X	INTERMATIC 300W TRANSFORMER
13	1		A&A MANF. AVSC DUAL INLET-GRAY W PEBBLE TRAY
14	0	210-3420G	WATERWAY 3-JET MANIFOLD 7"
15	0	25580-904-0 90	CMP – DEEP DISH NICHE FOR SPA JET
16	0	215-1190	WATERWAY WALL FITTING - WHITE







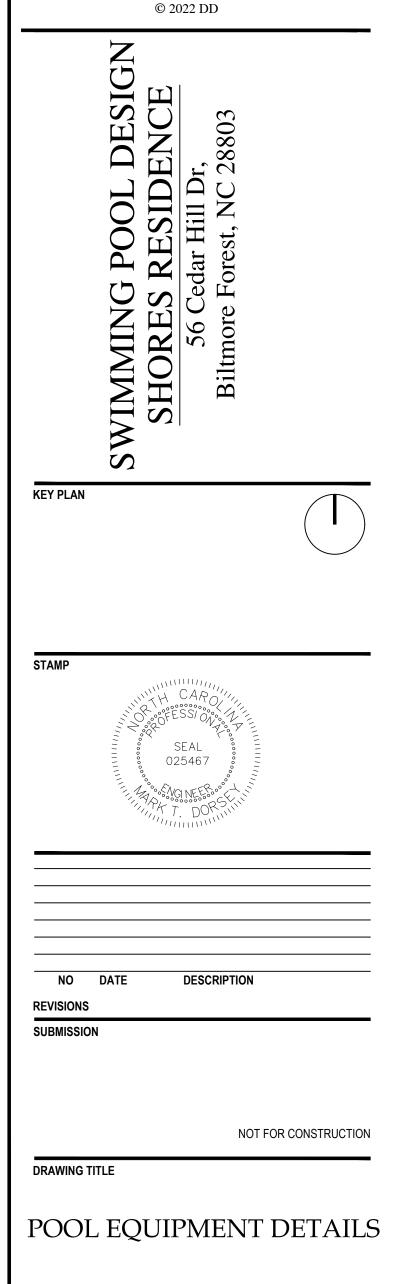






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AS NOTED

22-08-03

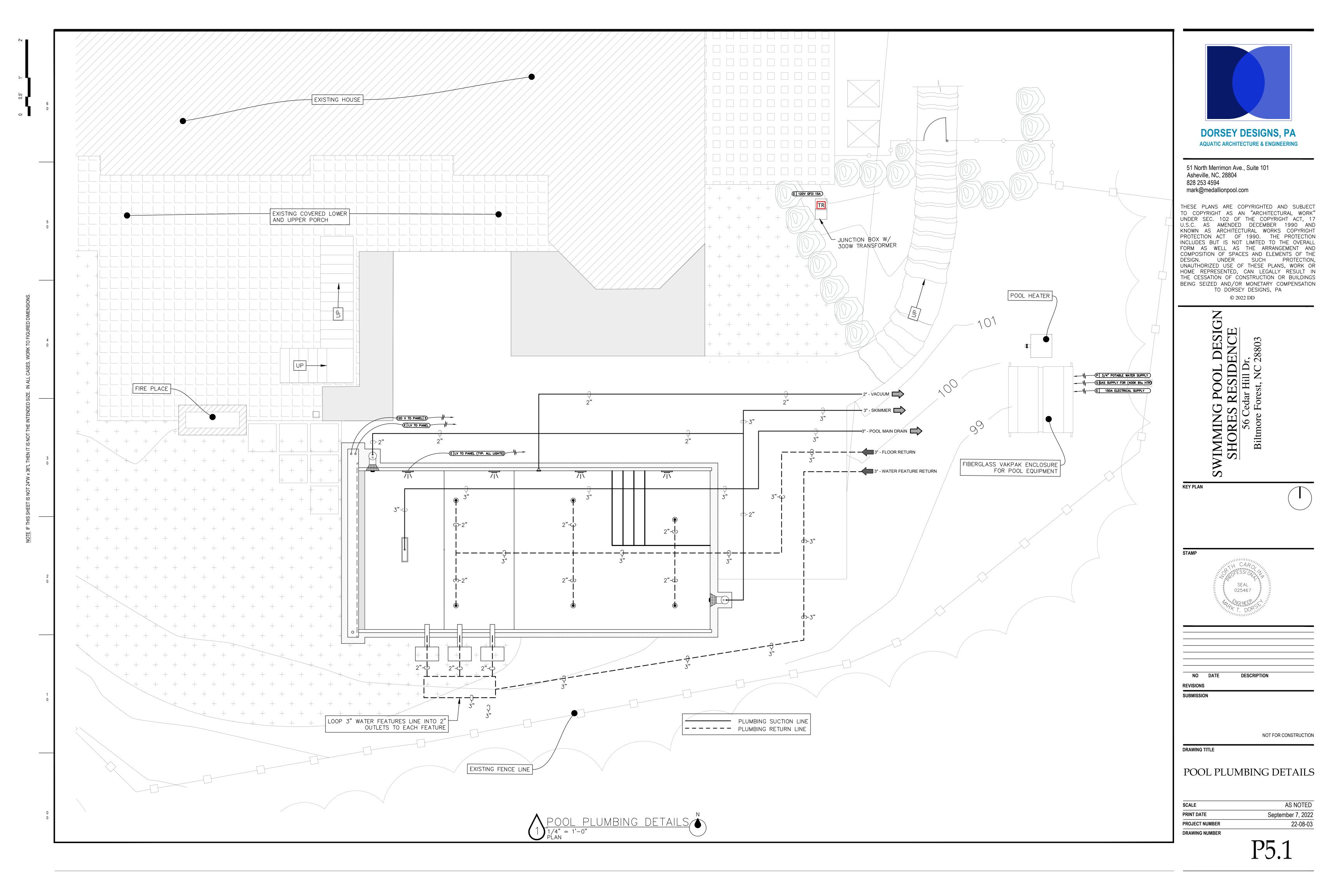
September 7, 2022

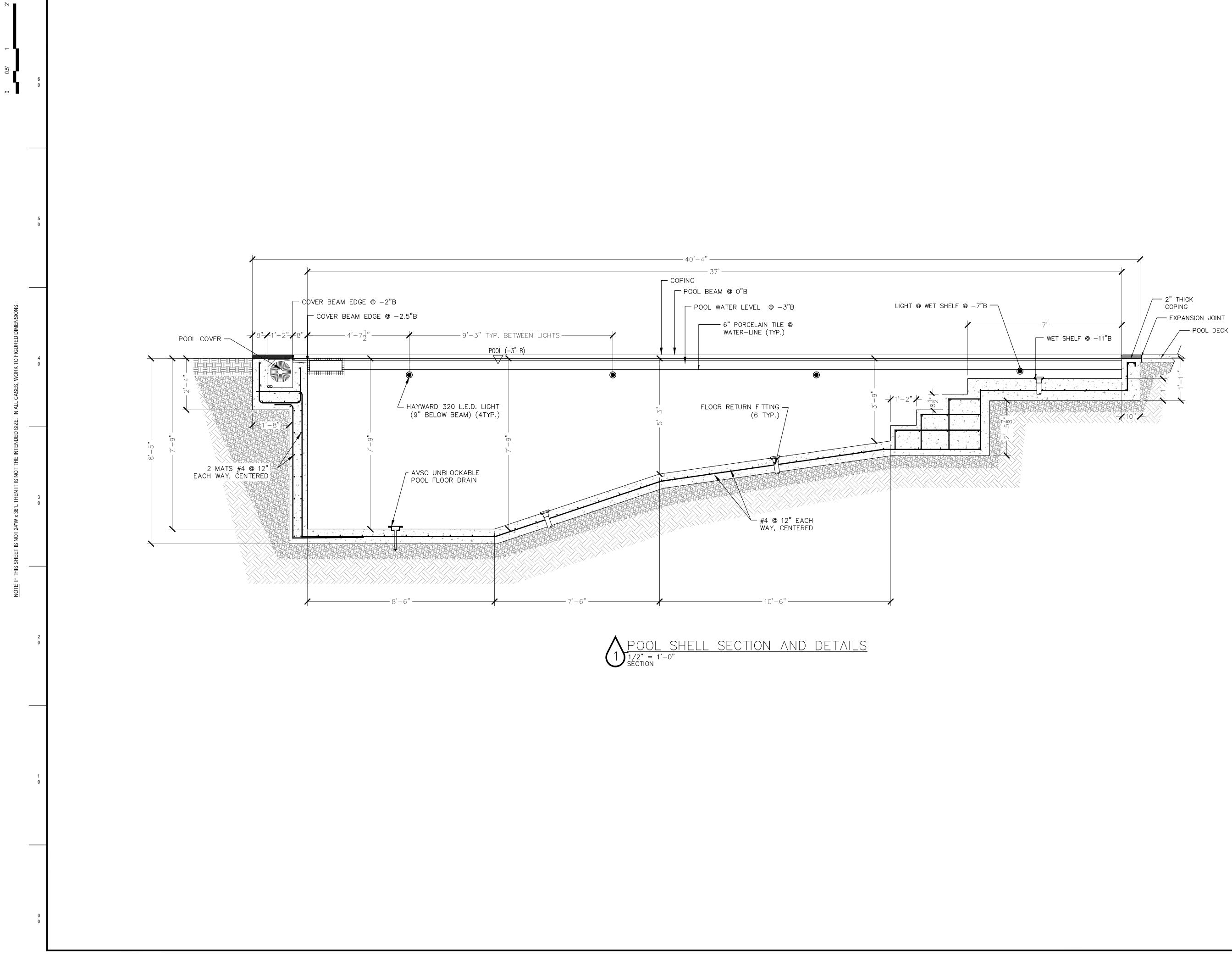
P4.1

SCALE

PRINT DATE

PROJECT NUMBER DRAWING NUMBER

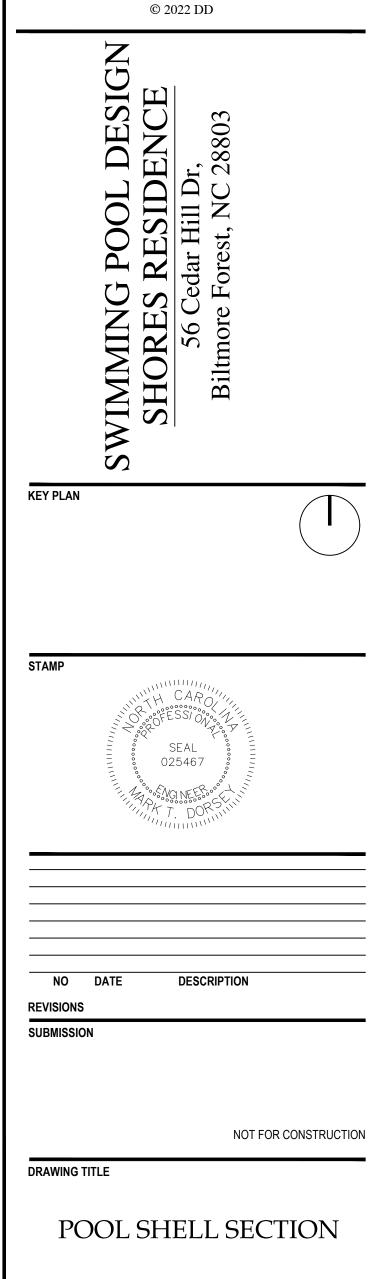






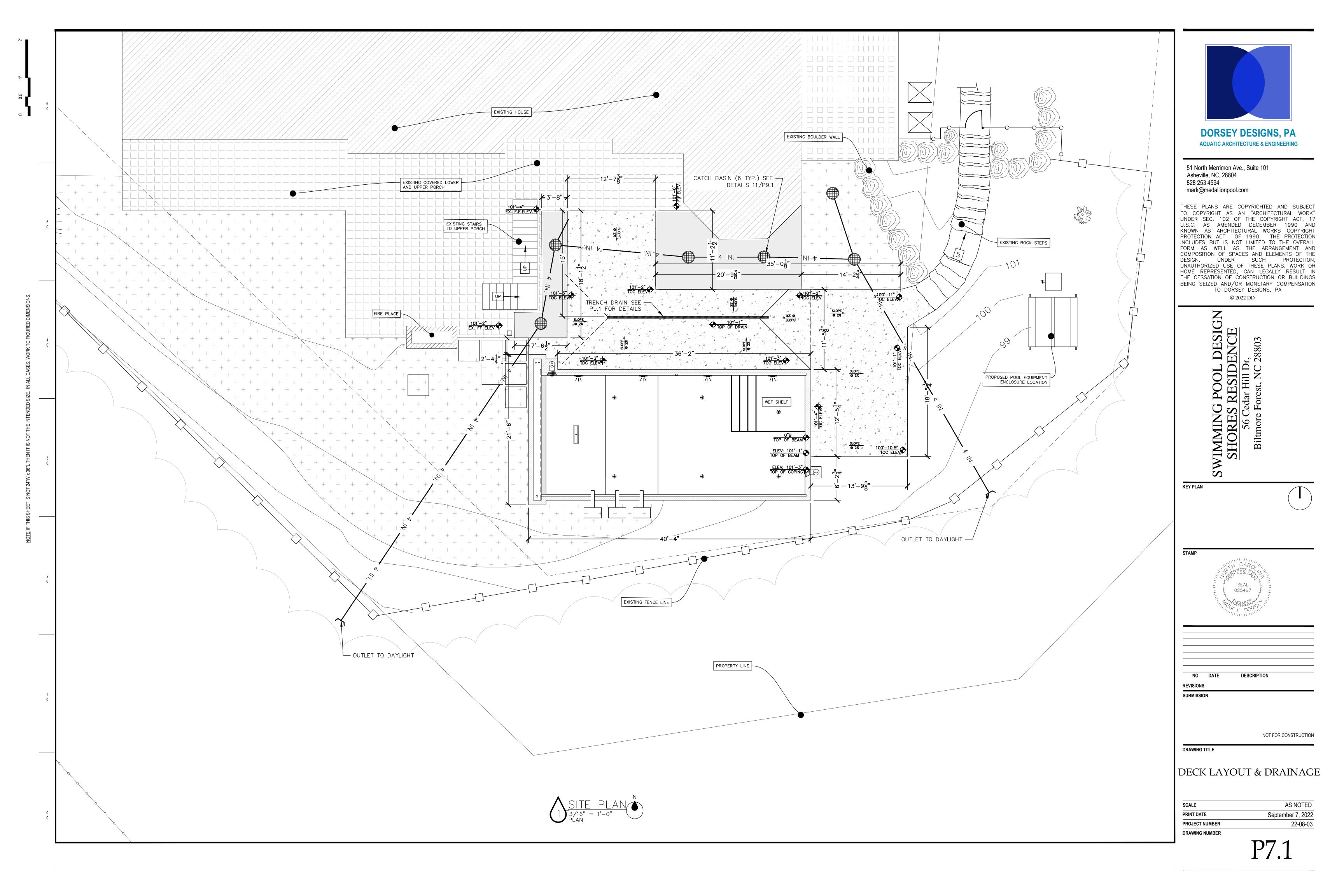
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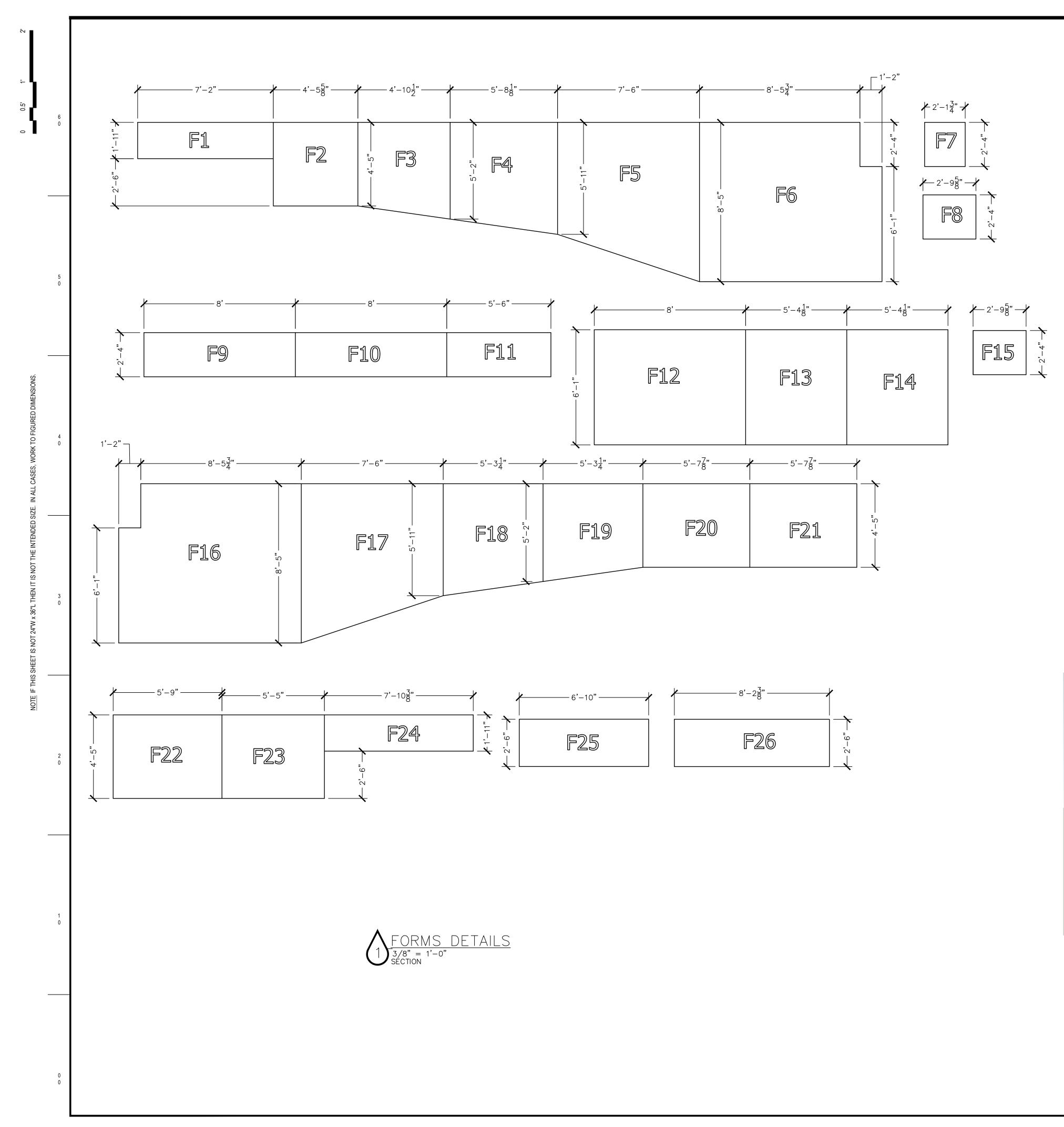
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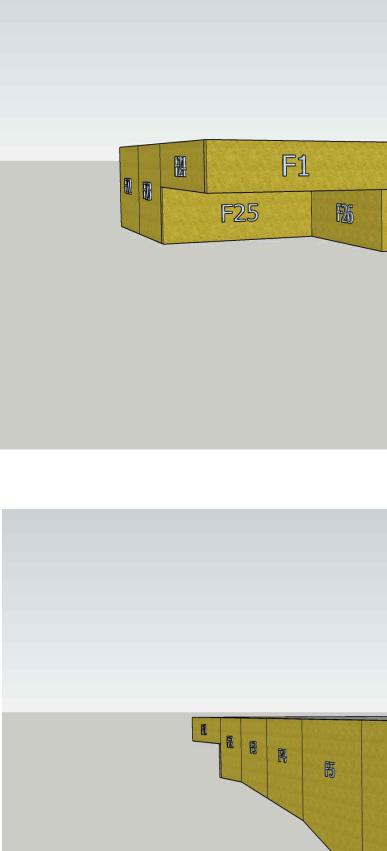


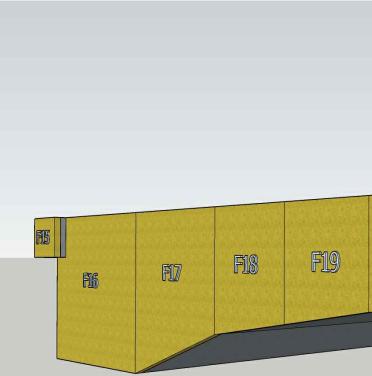
AS NOTED SCALE September 7, 2022 PRINT DATE 22-08-03 PROJECT NUMBER DRAWING NUMBER

P6.1

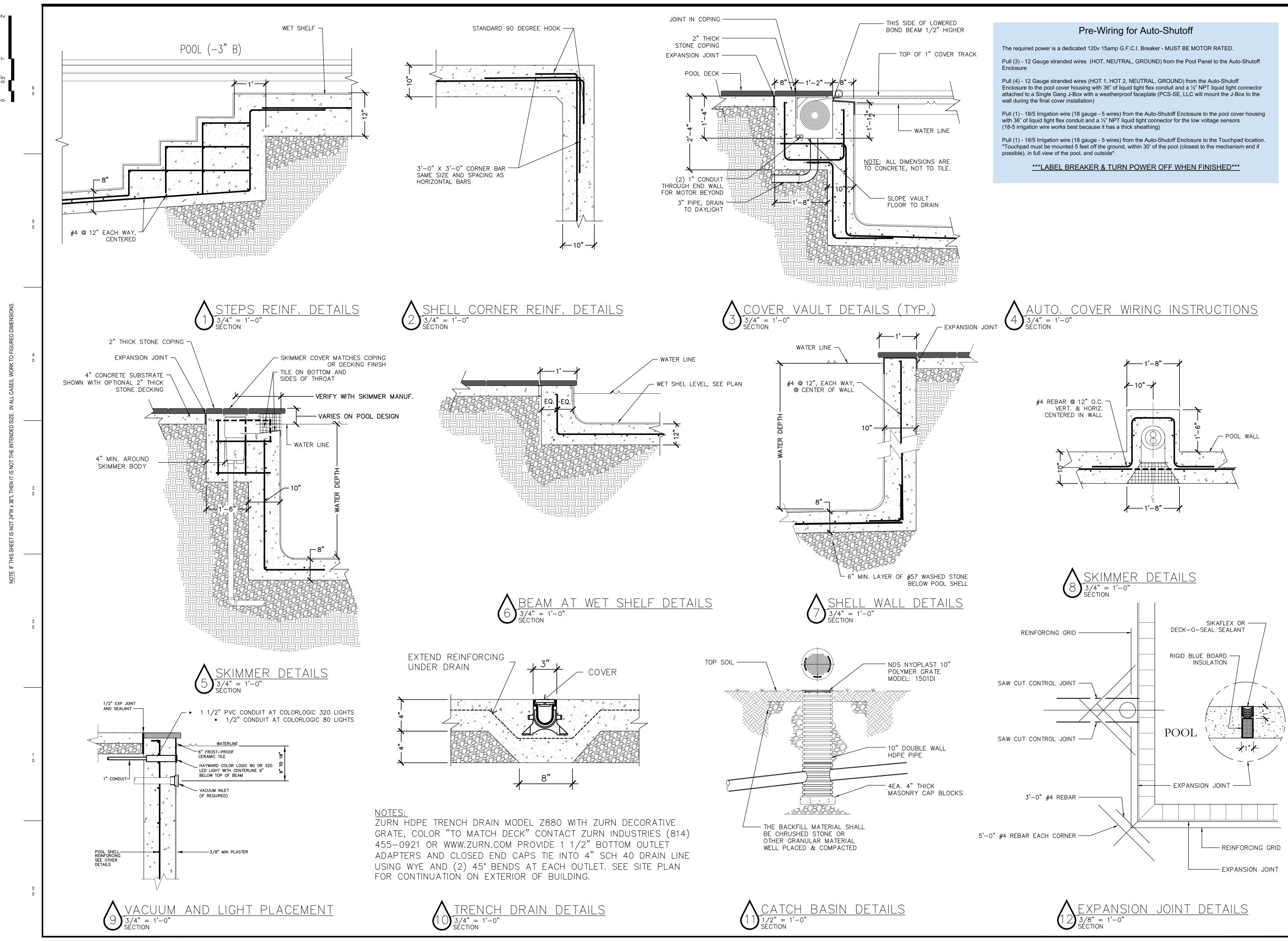


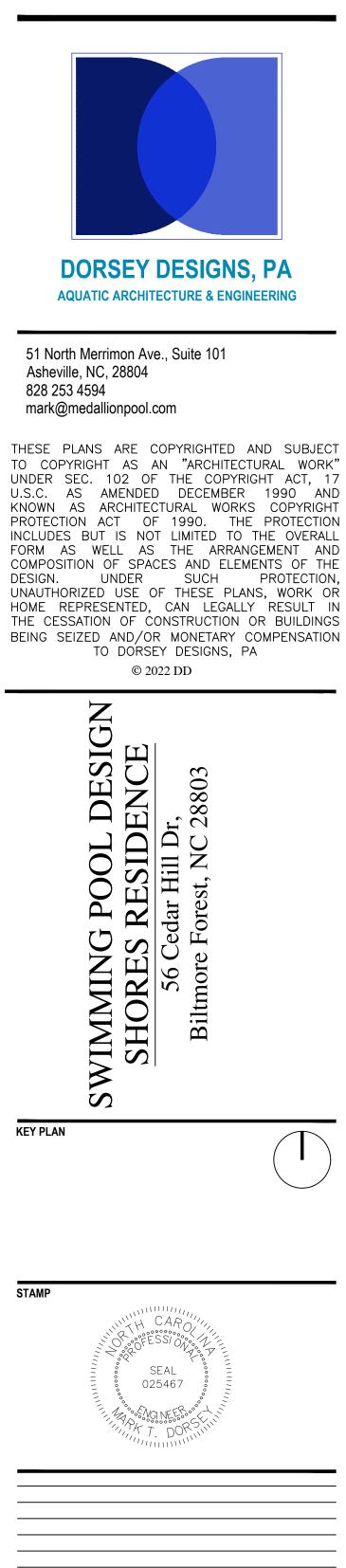






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DESCRIPTION

NO DATE

REVISIONS

SUBMISSION

NOT FOR CONSTRUCTION

DRAWING TITLE

MISC. POOL SECTIONS

AS NOTED SCALE September 7, 2022 PRINT DATE 22-08-03 **PROJECT NUMBER** DRAWING NUMBER P9.1

BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



Case 2-45 Forest Road

Special Use Permit Request for Installation of Driveway Retaining Wall

Property Owner:	Jim Gunn
Property Address:	45 Forest Road

Project Description

The applicants request a special use permit to install two (2) low retaining walls along either side of their southern driveway. The walls will be constructed of stone to match the existing home and will not be located within the Town's right of way on Forest Road.

Special Use Permit Request

Per the Town's Zoning Ordinance, the Board of Adjustment has authority to waive setback requirements for driveway entrance walls.

Footnote 4. Accessory structures, including driveways, shall meet all setback requirements. Notwithstanding the foregoing, setback requirements for driveway entrance columns or driveway entrance walls may be waived or modified by the Board of Adjustment with the granting of a special use permit in accordance with § 153.110(C), without the need for a variance pursuant to § 153.110(D).

Special Use Permit Application

Town of Biltmore Forest

Name JIM GUNN

Address 45 Forest Road

Phone (615) 347-1838

Email jgunn@biltmorepropertygroup.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:

Stone wall at driveway entrances and is the charter of our neighborhood.

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

There would be no impact on the neighborhood as the proposed structure in part of the overall landscape plan. Also,

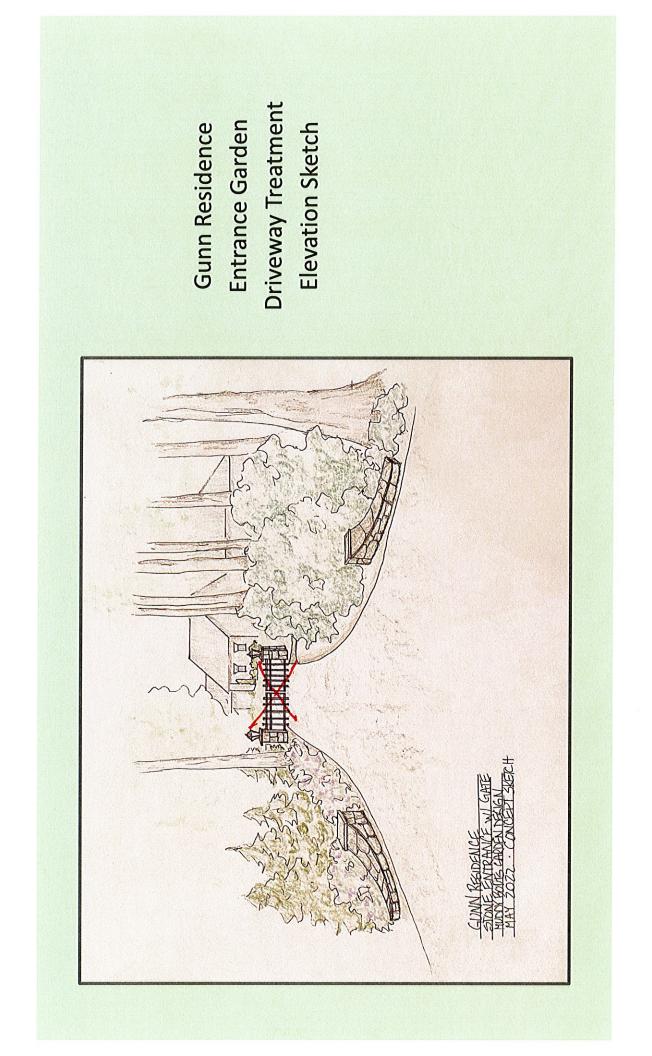
this short, low stone wall would not infringe on the right-of-way.

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

Signature

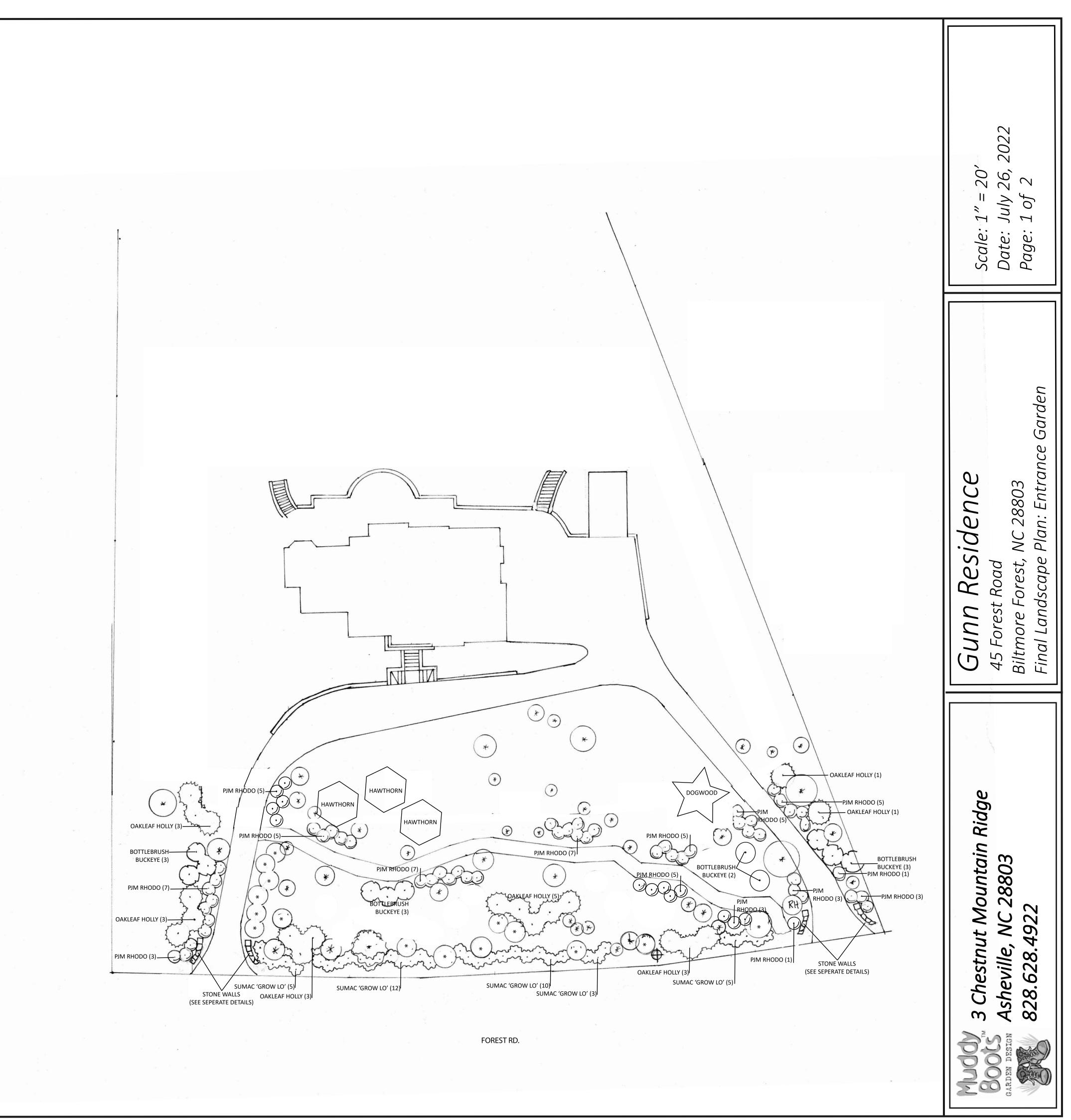
Date 9/2/2022

James T. Gunn





Woody Plants			Installed
Common Name	Botanical Name	Quantity	Size
Bottlebrush Buckeye	Aesculus parviflora	11	3 gal
Hawthorn	Crataegus viridis 'Winter King'	3	15 gal
Dogwood 'Cherokee Princess'	Cornus florida 'Cherokee Princess'	1	15 gal
Oakleaf Holly	Ilex x 'Oakleaf'	19	10 gal
PJM Rhododendron	Rhododendron 'PJM Group'	62	3 gal
Sumac 'Grow Lo'	Rhus aromatica 'Grow Lo'	35	3 gal
	Rhus aromatica 'Grow Lo'	35	
Sumac 'Grow Lo' Planting Notes Prep work	Rhus aromatica 'Grow Lo' (1) 1.5" caliper tree to be cut down, 8 - 10 large shru		3 gal
Planting Notes		bs to be removed, designer to flag	3 gal
Planting Notes	(1) 1.5" caliper tree to be cut down, 8 - 10 large shru	bs to be removed, designer to flag	3 gal
Planting Notes	(1) 1.5" caliper tree to be cut down, 8 - 10 large shru Grass to be removed on slope where Sumac will be p	bs to be removed, designer to flag planted	3 gal
Planting Notes Prep work	 (1) 1.5" caliper tree to be cut down, 8 - 10 large shru Grass to be removed on slope where Sumac will be p Designer will work with crew to site plants 	bs to be removed, designer to flag planted tive soil + 25% AMY Planting Mix fo	3 gal



BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



Case 3 – 32 Hilltop Road

Special Use Permit Request for Constructed of Detached Accessory Building

Variance Request to Exceed Maximum Roof Coverage

Property Owner:	David and Gay Cogburn
Property Address:	32 Hilltop Road

Project Description

The applicants request a special use permit to construct a detached accessory building in the rear yard. The proposed building is a 14'x24' (336 square feet) building that is proposed to be constructed within the same architectural style as the main residence. The maximum square footage for any detached accessory building is 750 square feet. The detached accessory building complies with all setbacks. A copy of the Zoning Ordinance requirements for accessory buildings is attached to this memorandum.

Variance Request

The applicants request a variance from the Zoning Ordinance's maximum roof coverage allowance for the new accessory building. The allowable roof coverage for the lot size is 6,100 square feet. The requested accessory building is within the square footage allowance for building size, but exceeds the overall maximum roof coverage allowance by 120 square feet (1.97 percent). A copy of the Zoning Ordinance requirement regarding maximum allowable roof coverage is attached to this memorandum.

Zoning Compliance Application

Town of Biltmore Forest

Name M. David and Gay V. Cogburn

Property Address Lot #4 Greenwood Road

Phone (828) 274-1617

Parcel ID/PIN Number 9646-84-0971 Email bfcogs@aol.com

ZONING INFORMATION

Lot Size

1.583 acres

Current Zoning R-1

Maximum Roof Coverage 6,100 square feet (Up to 2 acres) Proposed Roof Coverage Total 6220

Maximum Impervious Surface Coverage 1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage 12,062 s.f.

Rear Yard Setback

Front Yard Setback 60 feet (R-1 District)

25 feet (R-1 District)

Building Height 37'-3"

Side Yard Setback

20 feet (R-1 District)

Description of the Proposed Project

Add a 14' X 24' single car accessory garage building and connecting driveway. The accessory garage shall be in the architectural style of the recently completed residence.

Estimated Start Date 10/1/2022

Estimated Completion Date 2/1/2023

Estimated Cost of Project \$84,000.00

Supporting Documentation (Site Plan, Drawings, Other Information) Zoning Application [3drawings].pdf Applicant Signature

Date 8/21/2022

M.J. Ch

Special Use Permit Application

Town of Biltmore Forest

Name M. David and Gay V. Cogburn

Address Lot #4 Greenwood Road

Phone (828) 274-1617 Email bfcogs@aol.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:

Add a 14' X 24' single car accessory garage building and connecting driveway.

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

The accessory garage shall be in the architectural style of the recently completed residence. The garage shall be used to store the Owner's vehicle and shall often remove a parked vehicle from the the driveway, enhancing the appearance of the property. The scale of the accessory garage is reduced from that of the residence. The placement of the accessory garage is at a grade that is below the principal residence and well below the neighboring residence. The placement is well within the setback of the property line between the principal residence and the neighbor.

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

Signature

Date 8/21/2022

VARIANCE APPLICATION

Town of Biltmore Forest

Name M. David and Gay V. Cogburn

Address Lot #4 Greenwood Road

Phone (828) 274-1617 Email bfcogs@aol.com

Current Zoning/Use residence

Requested Use Owner occupied residence and an accessory garage

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?

Add an accessory garage.

What does the ordinance require?

A maximum roof coverage not to exceed 6100 s.f.

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 accessory garage design accommodates one vehicle and as such is required to be an adequate size to fit the vehicle. The size of the accessory garage when added to the recently completed residence, exceeds the maximum allowable roof coverage by 120 s.f.The Owner maintains, secures, and stores, out of view per ordinance, a recreational vehicle in one of the recently completed garage bays. The second of the families two vehicles is therefor parked in the driveway and in the elements when not in use.

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

Because the size of the lot is regulated as to maximum roof coverage, an accessory building large enough for one of the families vehicles exceeds the allowable square footage.

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

The Owner's recently completed project met the standards of the ordinance in every respect. It is the Owner's intent to continue to abide by the Ordinance in particular to the requirements of Ordinance Section 153.071 pertaining to the storage of recreational vehicles. If a variance is not granted the Owner's would either be required to secure his recreational vehicle outside of Biltmore Forest and away from his residence or store one of his family vehicles in the elements and in view of neighbors and visitors. The

result is a hardship to the Owner.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

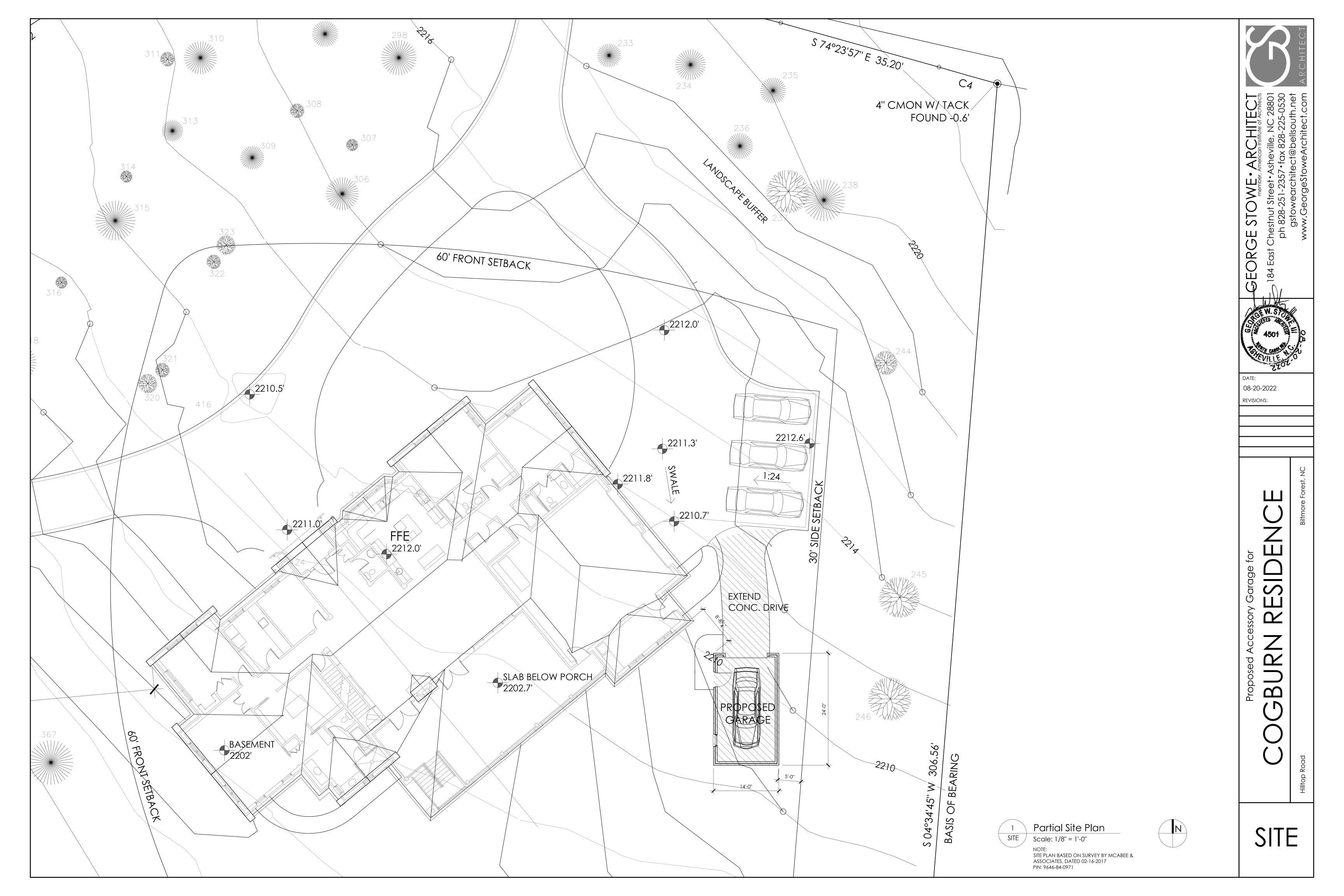
The accessory garage shall be in the architectural style of the recently completed residence. The placement and scale of proposed accessory garage are consistent with the spirit, purpose, and intent of the ordinance. By storing the vehicle out of view when not in use the appearance of the property is enhanced.

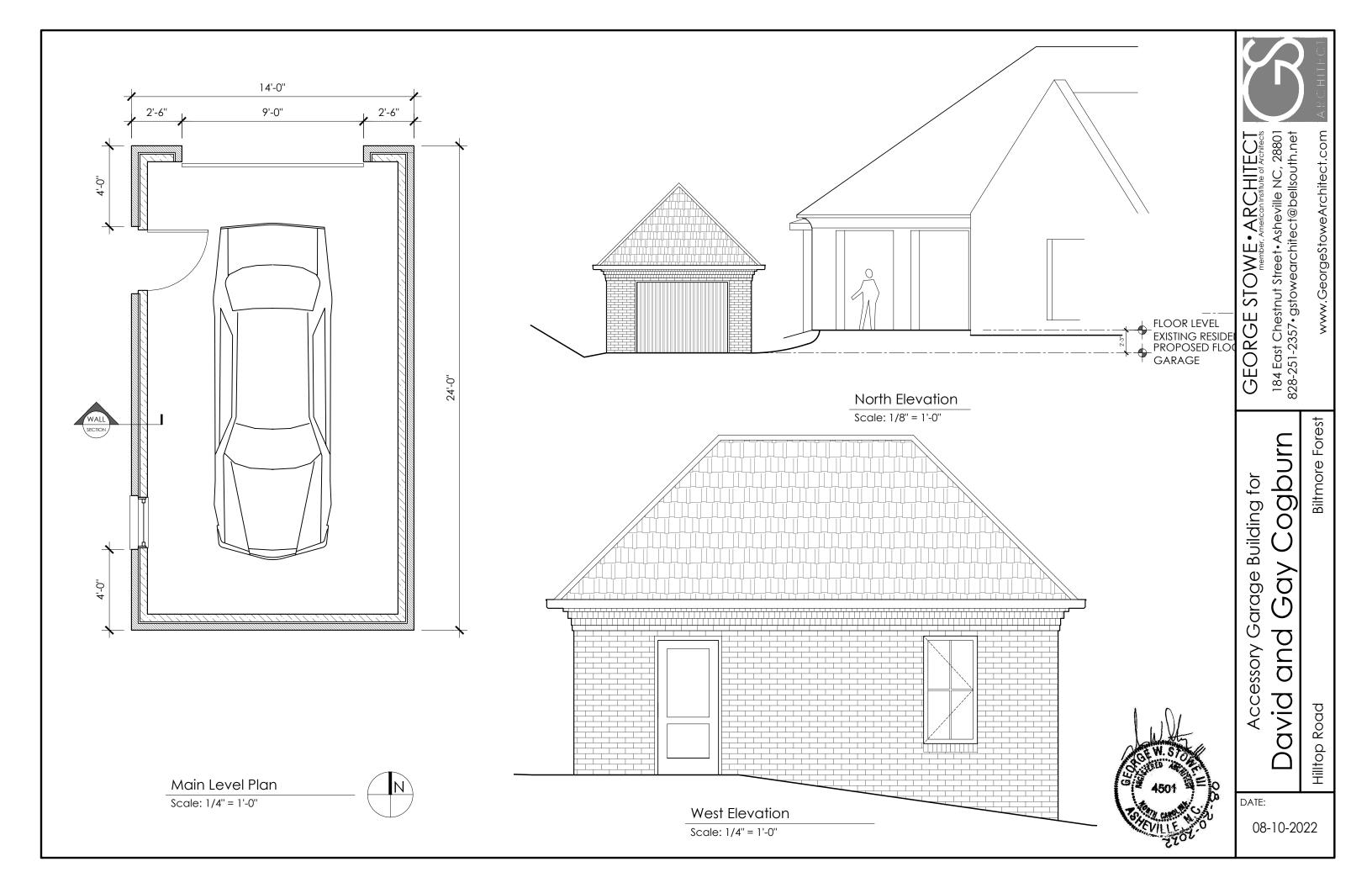
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

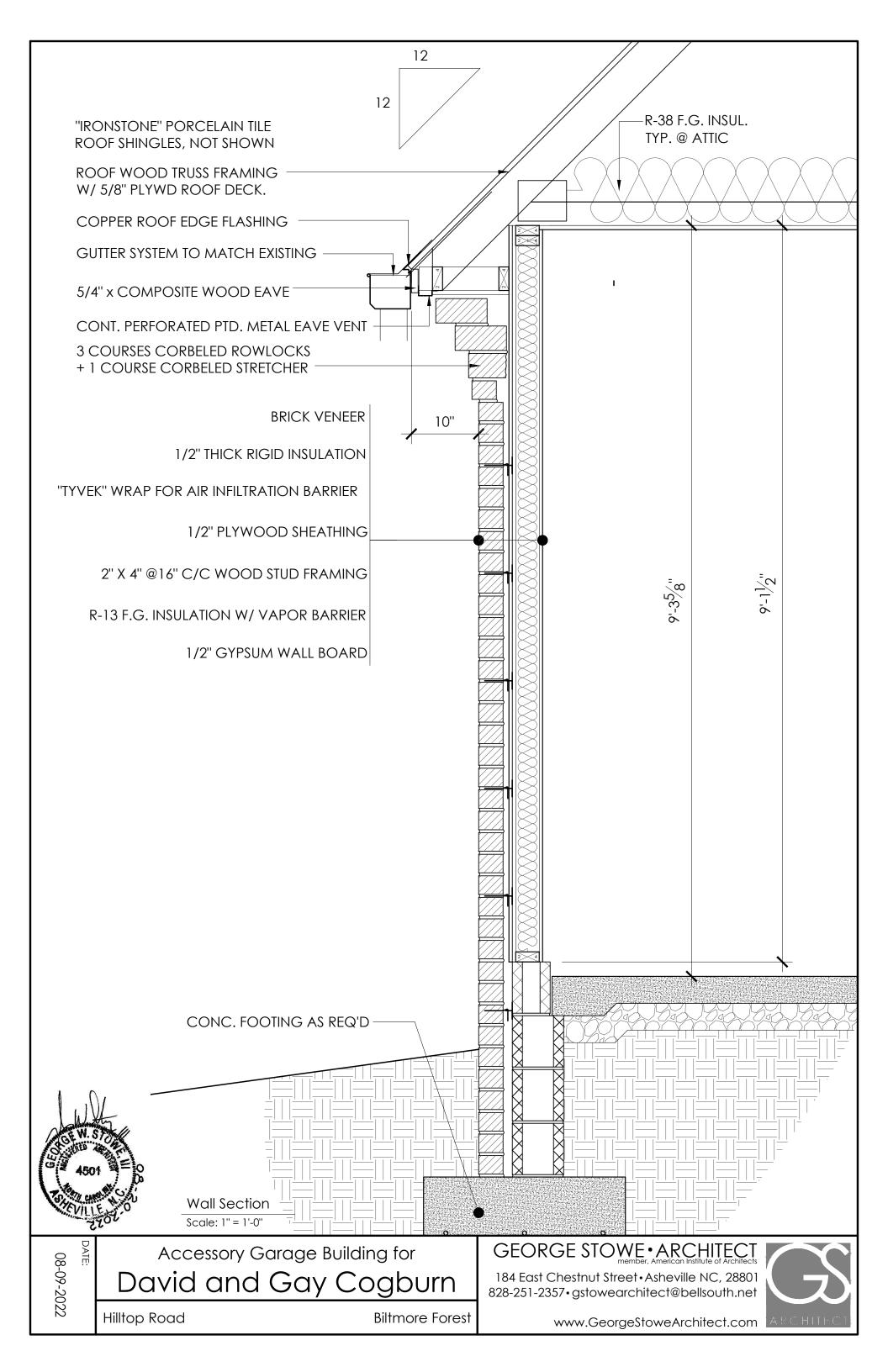
Signature

Date 8/21/2022

4









BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



Case 4 – 327 Vanderbilt Road

Special Use permit request to construct swimming pool in rear yard

Variance request to allow replacement of existing fence within existing setback

Property Owner:	James Dugan
Property Address:	327 Vanderbilt Road

Project Description

The applicants request permission to construct a swimming pool within their rear yard. As part of this project, new patio decking and raised garden beds will be added adjacent to the pool. The applicants also request permission to reconstruct an existing chain link fence located within the side yard setbacks and rear yard.

Special Use Permit Request

The Town's Zoning Ordinance regulates swimming pools as accessory structures. Section 153.029 provides the guidelines for accessory structures and their installation. This ordinance is attached to this memorandum for your reference.

Additionally, the applicants request the installation of a small portion of fence and gate to fully enclose the rear yard and swimming pool. Section 153.049 of the Town's Zoning Ordinance governs fences and gates. The Town's ordinance does not allow new chain link fencing, which would require the material to be changed if approved. This ordinance is attached for your reference.

Zoning Compliance Application

Town of Biltmore Forest

Name James Dugan

Property Address 327 Vanderbilt Rd

Phone (406) 451-2435

Email jdopenwater@yahoo.com

Parcel ID/PIN Number 9647-72-7672-00000

ZONING INFORMATION

Current Zoning R-1

Maximum Roof Coverage 6,100 square feet (Up to 2 acres)

Maximum Impervious Surface Coverage **Proposed Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

6,500 sq ft Side Yard Setback

Proposed Roof Coverage Total

Front Yard Setback 60 feet (R-1 District)

20 feet (R-1 District)

Rear Yard Setback 25 feet (R-1 District) **Building Height** 16 ft

Description of the Proposed Project Build a custom swimming pool with patio deck and raised walled gardens

Estimated Start Date 11/1/2022

Estimated Completion Date 4/30/2023

Estimated Cost of Project \$200,000.00

Supporting Documentation (Site Plan, Drawings, Other Information) Dugan-S1-R2-Site Plan.pdf

Dugan-L2-R0-Master Plan.pdf

Lot Size 72,310 sq ft

3,200 sq ft

Applicant Signature

Date 8/19/2022

James Dugan

Special Use Permit Application

Town of Biltmore Forest

Name James Dugan

Address 327 Vanderbilt Rd

Phone (406) 451-2435 Email jdopenwater@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:

This application if for the installation of a custom swimming pool with adjacent stone patio and low stone walled gardens

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

The pool will be in the backyard and will be fenced according to all relevant code regarding safe operations of a home pool.

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

Signature

Date 8/9/2022

James P Dugan

VARIANCE APPLICATION

Town of Biltmore Forest

Name James Dugan

Address 327 Vanderbilt Rd

Phone (406) 451-2435 Email jdopenwater@yahoo.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?

I would like to replace an existing galvanized chain link fence in my backyard with a 5-foot black rubber coated chain link fence

What does the ordinance require?

I ordinance requires that new fencing be set back 20 feet on all side of the property line.

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 fence has been in place for decades; landscaping has been maintained within the existing boarders of the fence. The fence is not visible from the street. On the left the fence sits behind the face of the house. On the right the fence sits behind the back of the house. If the fence in moved in 20 feet from its current location on the left and right sides, it will leave long strips of inaccessible land on both sides of the backyard. The fence across the back of the backyard is already set in 20 feet from the property line and the replacing fence would not change that.

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

The current fencing is on the property line on both sides of the backyard. Moving this in 20 feet on each side would create a fence line very close to the house on one side and increased overgrown vegetation on the other side which would impede access to the utility lines and create zones on both sides that would be exceedingly difficult to maintain and prevent overgrown vegetation.

Our house is set back significantly on the lot and the most usable backyard area is side-to-side on the lot

since we have significant foresting and steep decline in the far back area.

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

The fence was in place when we purchased the house, and has not been altered in any way (other than sustaining some damage from falling trees)

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.

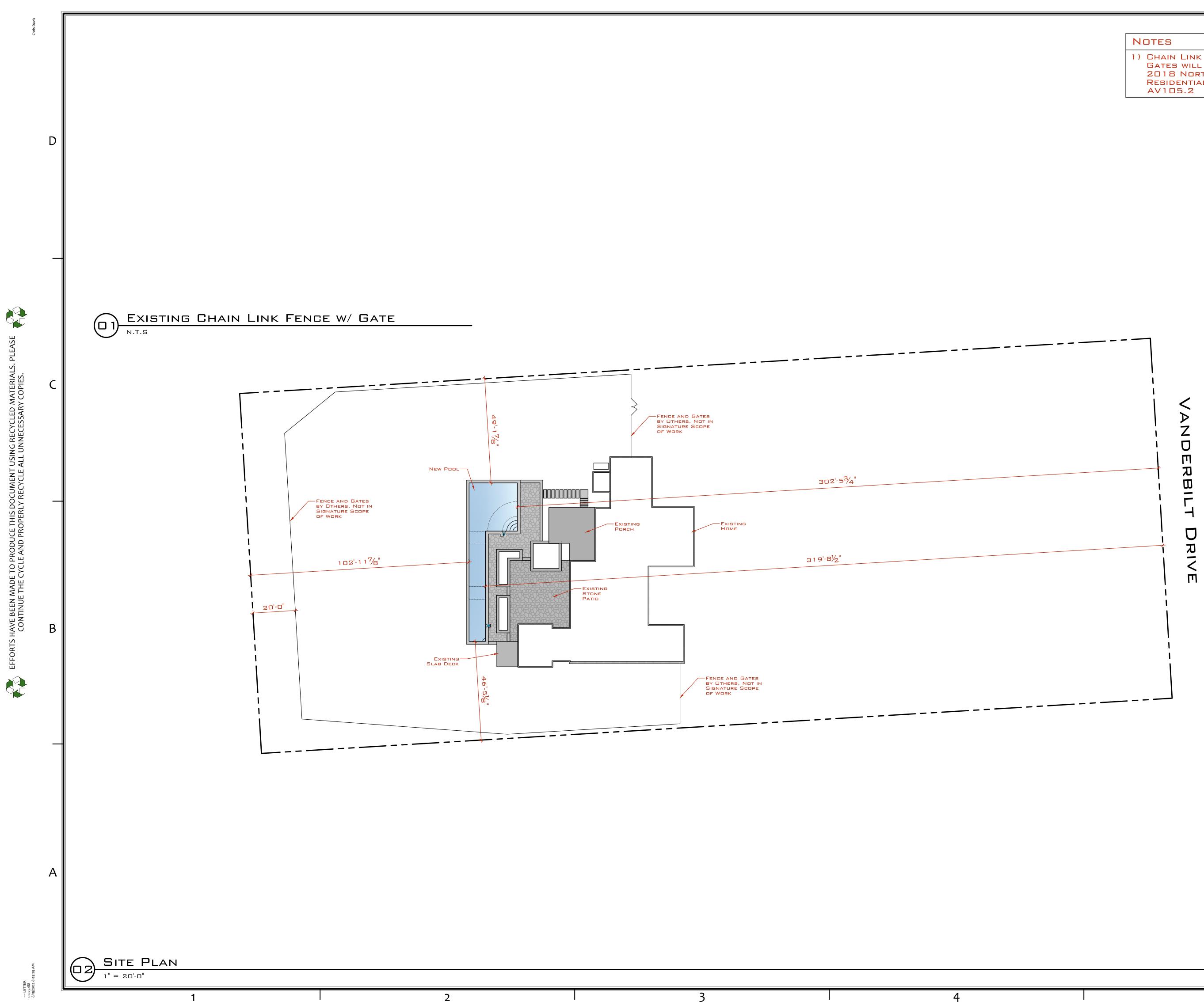
Replacing the current fence on the existing fence line with a more stable and attractive fence product would increase the property values for ourselves and our neighbors and continue to be not visible from the street. This would also allow us to continue to maintain the landscaping on the sides of the yard, and especially maintain access to the utility lines.

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

Signature

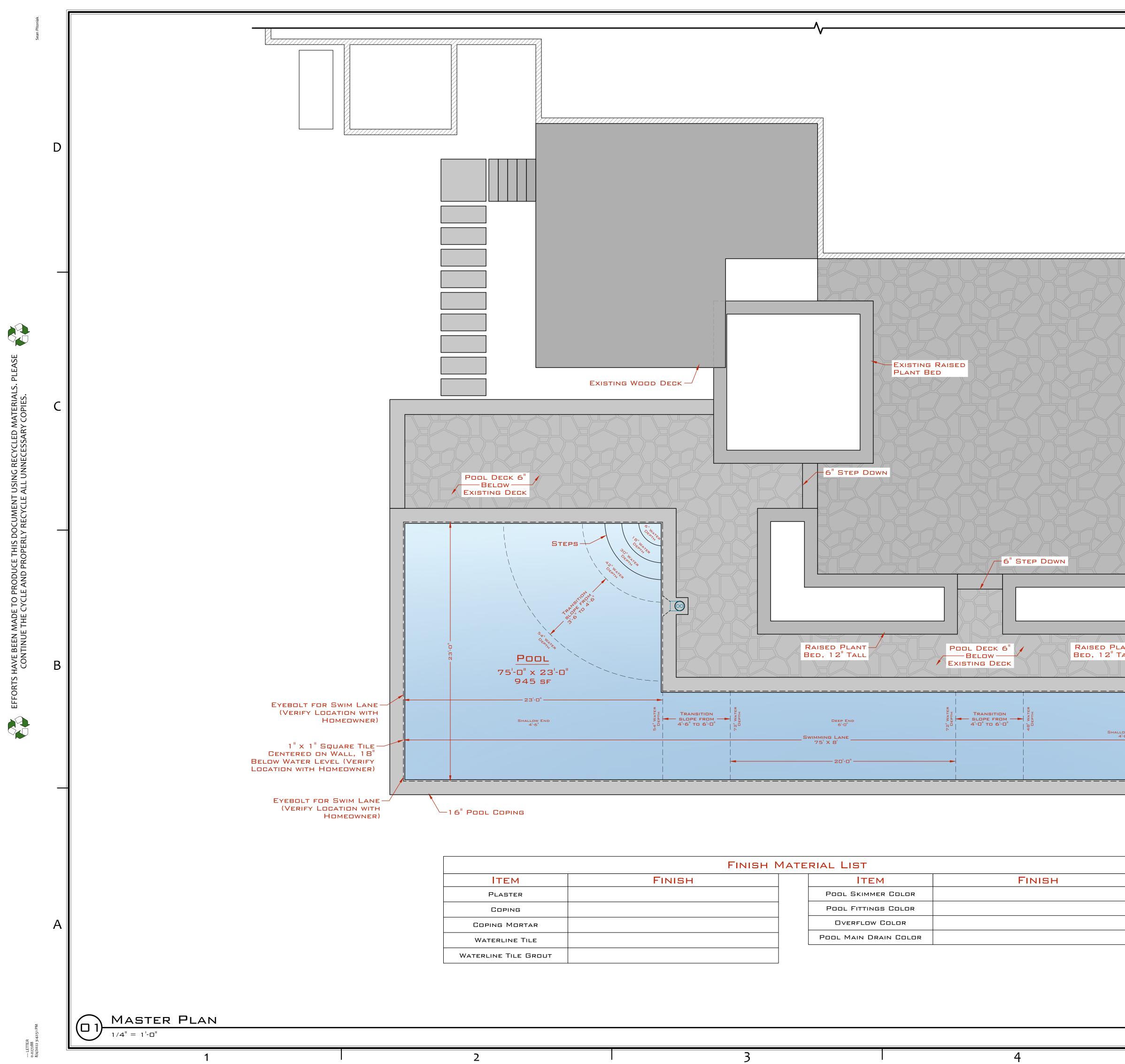
Date 8/9/2022

James PDugan



1) Chain Link Fence Barrier and GATES WILL BE COMPLIANT WITH 2018 NORTH CAROLINA RESIDENTIAL CODE, SECTION

Custom Backyard Retreat with Swimming Lane					
PREPARED FOR Jim & Megan Dugan PROJECT LOCATION 327 Vanderbilt Road					
Asheville, NC 28803					
Signature, LLC.1 (864) 991.8020 Office781 Congaree Rd.1 (864) 551.2421 FaxGreenville, SC 29607www.Signature-LLC.comoffice@Signature-LLC.comwww.Signature-LLC.com					
REVISIONS					
#DATEDESCRIPTIONBY008/05/2022Permit SetSP108/18/2022Updated Permit DocumentCD208/19/2022Fence Offset MeasurementCD345678					
9					
DR BY: SP AP BY: CD RELEASE DATE: 08/05/2022 REVISION DATE: 08/19/2022 Call 811 at least 72 hours prior to breaking ground, excluding weekends and legal holidays to connect you to the correct local "Call Before You Dig" Center. Know what's below. Call before you dig.					
Site Plan S1 Page 1 of 1 O 20' 40' 60' O 20' 40' 60' SCALE: 1" = 20'-0" (UNLESS OTHERWISE NOTED) This drawing contains specific and proprietary information and is the property of Signature, LLC. This drawing and the information contained herein may not be					



	FINISH	P
FINISH		

FERIAL LIST				
	ITEM	FINISH		
	Pool Skimmer Color			
	Pool Fittings Color			
	Overflow Color			
	Pool Main Drain Color			

		Custom Backyard Retreat with Swimming Lane PREPARED FOR Jim & Megan Dugan PROJECT LOCATION
		327 Vanderbilt Road Asheville, NC 28803
		SIGNATURE Signature, LLC. 781 Congaree Rd.
		Greenville, SC 29607 office@Signature-LLC.com www.Signature-LLC.com
	6" STEP DOWN	REVISIONS#DATEDESCRIPTIONBY008/04/2022Review SetSP1111221131114111511161117111
	EXISTING CONCRETE SLAB FOR HOT TUB EYEBOLT FOR SWIM LANE (VERIFY LOCATION WITH HOMEOWNER) -1" x 1" SQUARE TILE CENTERED ON WALL, 18"	8
-16" POOL COPING	CENTERED ON WALL, 18" BELOW WATER LEVEL (VERIFY LOCATION WITH HOMEOWNER) —EYEBOLT FOR SWIM LANE (VERIFY LOCATION WITH HOMEOWNER)	DR BY: SP AP BY: CD RELEASE DATE: 08/04/2022 REVISION DATE: 08/04/2022 Call 811 at least 72 hours prior to breaking ground, excluding weekends and legal holidays to connect you to the correct local "Call Before You Dig" Center.
		Call before you dig. Master Plan Page 2 of 5 0 4' 8' 12' 12'
		SCALE: 1/4" = 1'-0" (UNLESS OTHERWISE NOTED) This drawing contains specific and proprietary information and is the property of Signature, LLC. This drawing and the information contained herein may not be scanned, copied, reproduced, modified, published, posted, uploaded, transmitted, or distributed in any way without expressed written consent from Signature, LLC for the specific project named on this sheet. © 2022 Signature, LLC