



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MAY 15, 2023

CASE 2

Property Address: 26 East Forest Road

Property Owner: Jason and Jessica Marks

Request: Special Use Permit request for Swimming Pool in Rear Yard and Landscaping Plan Review for New Construction

Site Visit: 2:45 PM – Monday, May 15, 2023

Background

The property owners are presenting plans for a new home construction. As part of this construction, they also request a special use permit from the Board of Adjustment for a swimming pool. Swimming pools are considered accessory structures per the Town's Zoning Ordinance and require approval by the Board of Adjustment as a special use.

Board of Adjustment Review for New House Construction

Chapter 153.034 requires Board of Adjustment approval for land disturbing activity greater than twenty (20) percent of the lot area. The applicant's new home construction equates to thirty-one (31) percent of the lot area, thus triggering Board review of the landscaping and grading plans. These plans are attached for the Board's review, as is Chapter 153.034 of the Town's Zoning Ordinance.

Special Use Permit Requirements

The proposed swimming pool is located within the rear yard and does not encroach upon any setbacks. Swimming pools are deemed an accessory structure per the Town's Zoning Ordinance and must follow the standards as set forth in Chapter 153.029. This chapter of the Zoning Ordinance is attached as well for the Board's review. Please note that fences are required by state law to be installed around swimming pools. Consequently, the Board may consider the swimming pool, fence, and associated gates as one cohesive proposal and not separate applications for special uses for each.

Zoning Compliance Application

Town of Biltmore Forest

Name

Jason and Jennifer Marks

Property Address

26 E Forest Road, Biltmore Forest, NC

Phone

(828) 545-7408

Email

jasonmarkssf@yahoo.com

Parcel ID/PIN Number

9646-46-9582

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.558 acres

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

4,910 sf

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

11,132

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

29'-8"

Description of the Proposed Project

4,200sf two story, four bedroom family home on 1.588 acre lot set back in the property to allow the existing forest frontage to remain. A high quality architectural and landscape design with traditional scale and proportion respectfully appropriate to the Biltmore Forest context, rendered and detailed in an interpretive and transitional manner. The home has a 3 car garage turned away from the street and a lap pool and terrace contained in the rear yard and architectural landscape, unseen from adjacent properties. Architectural questions may be directed to Con Dameron, AIA; The Architectural Practice, apractice@mindspring.com, 828-258-9118, Site questions to Peter Stebbing @ SiteWork Studios, pstebbing@siteworkstudios.com, 828-225-4945. Thanks for your consideration.

Estimated Start Date

9/15/2023

Estimated Completion Date

3/7/2025

Estimated Cost of Project

\$2,500,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

L-200 Site Plan-2.pdf

Marks 4-18.pdf

Similar Archetype.JPG

Applicant Signature

Date

4/24/2023

Jason Marks

Special Use Permit Application

Town of Biltmore Forest

Name

Jason and Jennifer Marks

Address

26 E Forest Rd, Biltmore Forest, NC

Phone

(828) 545-7408

Email

jasonmarkssf@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:

4,200sf two story, four bedroom family home on 1.588 acre lot set back in the property to allow the existing forest frontage to remain. A high quality architectural and landscape design with traditional scale and proportion respectfully appropriate to the Biltmore Forest context, rendered and detailed in an interpretive and transitional manner. The home has a 3 car garage turned away from the street and a lap pool and terrace contained in the rear yard and architectural landscape, unseen from adjacent properties. Architectural questions may be directed to Con Dameron, AIA; The Architectural Practice, apractice@mindspring.com, 828-258-9118, Site questions to Peter Stebbing @ SiteWork Studios, pstebbing@siteworkstudios.com, 828-225-4945. Thanks for your consideration.

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

The project includes a minimal lap pool, carefully integrated into the terrace in the rear yard of the property. The pool is unseen from adjacent properties and an integral component of the architecture and landscape. Carefully screened with landscape buffering and dark metal fencing in the rear yard only, special care has been taken create a high quality aesthetic from both within and outside the entire project.

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

Signature

Date
4/24/2023

Jason Marks

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

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

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

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

(2) For all satellite dishes less than 24 inches in diameter, an application for a zoning compliance certificate shall be made directly to the Zoning Administrator; the Zoning Administrator shall issue a zoning compliance certificate.

(3) Fences, gates, and walls shall be regulated in accordance with §153.049 of this Zoning Ordinance.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

Editor's note:

This amendatory language was passed during a Board meeting, July 9, 2013

§ 153.034 LAND DISTURBANCE AND SEDIMENTATION CONTROL.

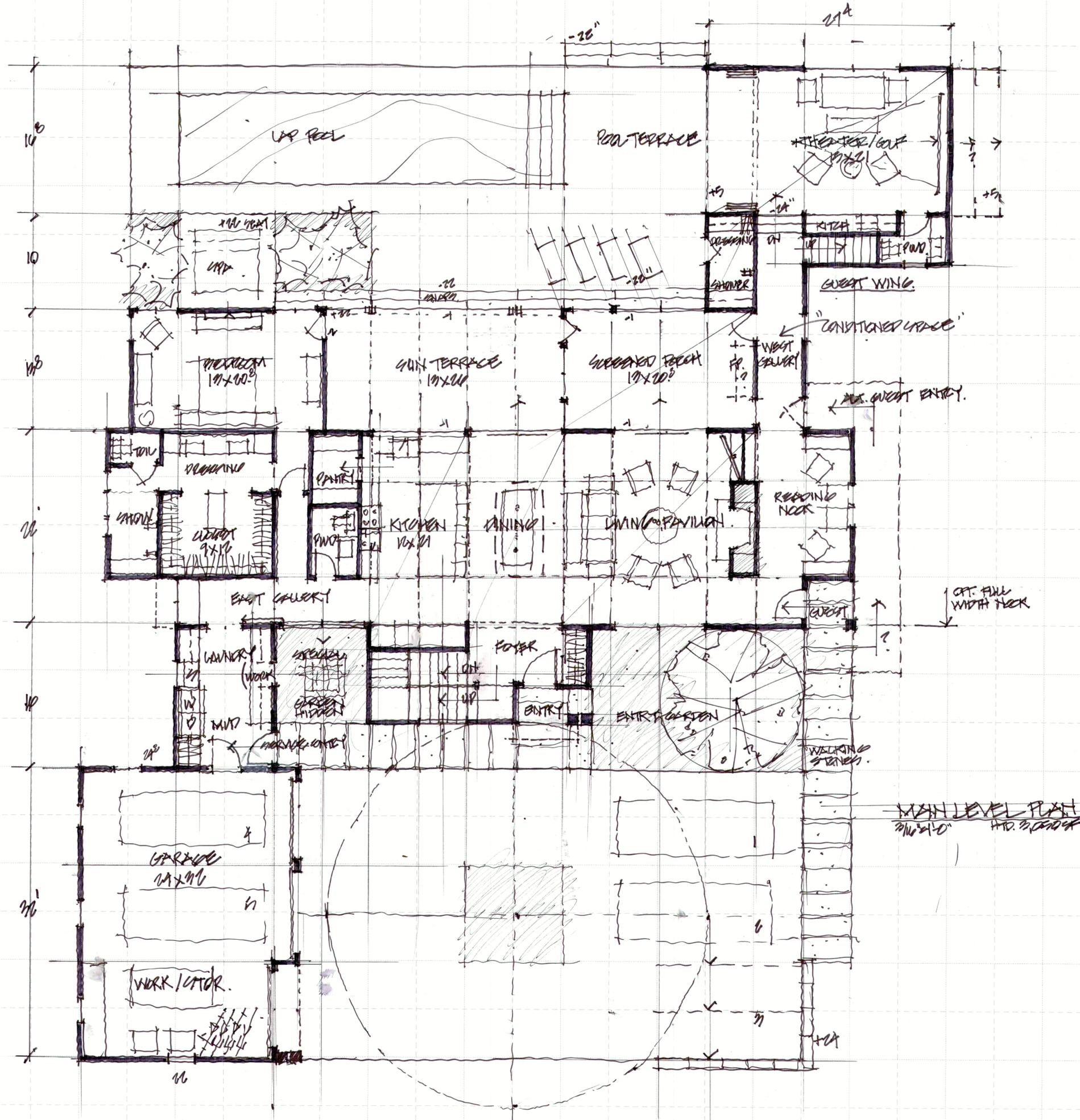
(A) *Land disturbance becoming landscaping.* Any land-disturbing activity, such as grading projects or removal of natural vegetation, that involves the disturbance of 20% or more of the land area of any lot shall submit a landscaping and grading plan for such activity to the Board of Adjustment for review and approval. Prior to commencing such activity in a public service district, any land-disturbing activity such as grading projects or removal of natural vegetation other than routine maintenance shall be subject to approval by the Town Board of Adjustment regardless of the area to be disturbed.

(B) *Maintain as natural open space areas.* The intent of this requirement is to ensure that these areas are to be maintained as natural open space areas, and that any disturbance such as the building of roads, public utilities, and other such activities be designed and constructed so as to maintain the natural scenic character of these districts. A landscape plan shall be submitted and approved by the Board of Adjustment prior to any land-disturbing activity.

(C) *Compliance with G.S. § 113A-54.* Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and *Rules and Regulations for Erosion and Sediment Control* as established by the State Sedimentation Control Commission, State Department of Natural Resources and Community Development.

(D) *Landscaping plans.* A specific landscaping plan prepared by an appropriate professional shall be submitted to the Board of Adjustment which shall detail all plantings or reforestation to take place as part of the land-disturbing activity.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)



THE ARCHITECTURAL PRACTICE

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BROUN CONWAY DAMERON, AIA
ARCHITECT

NORTH CAROLINA 4528
SOUTH CAROLINA 6457

American Institute of Architects
National Council of Architectural Registration Boards

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MARKS RESIDENCE

26 EAST FOREST ROAD
BILTMORE FOREST
LOT 56
BUNCOMBE COUNTY, NC

DRAWING REVISIONS:

1-25-22

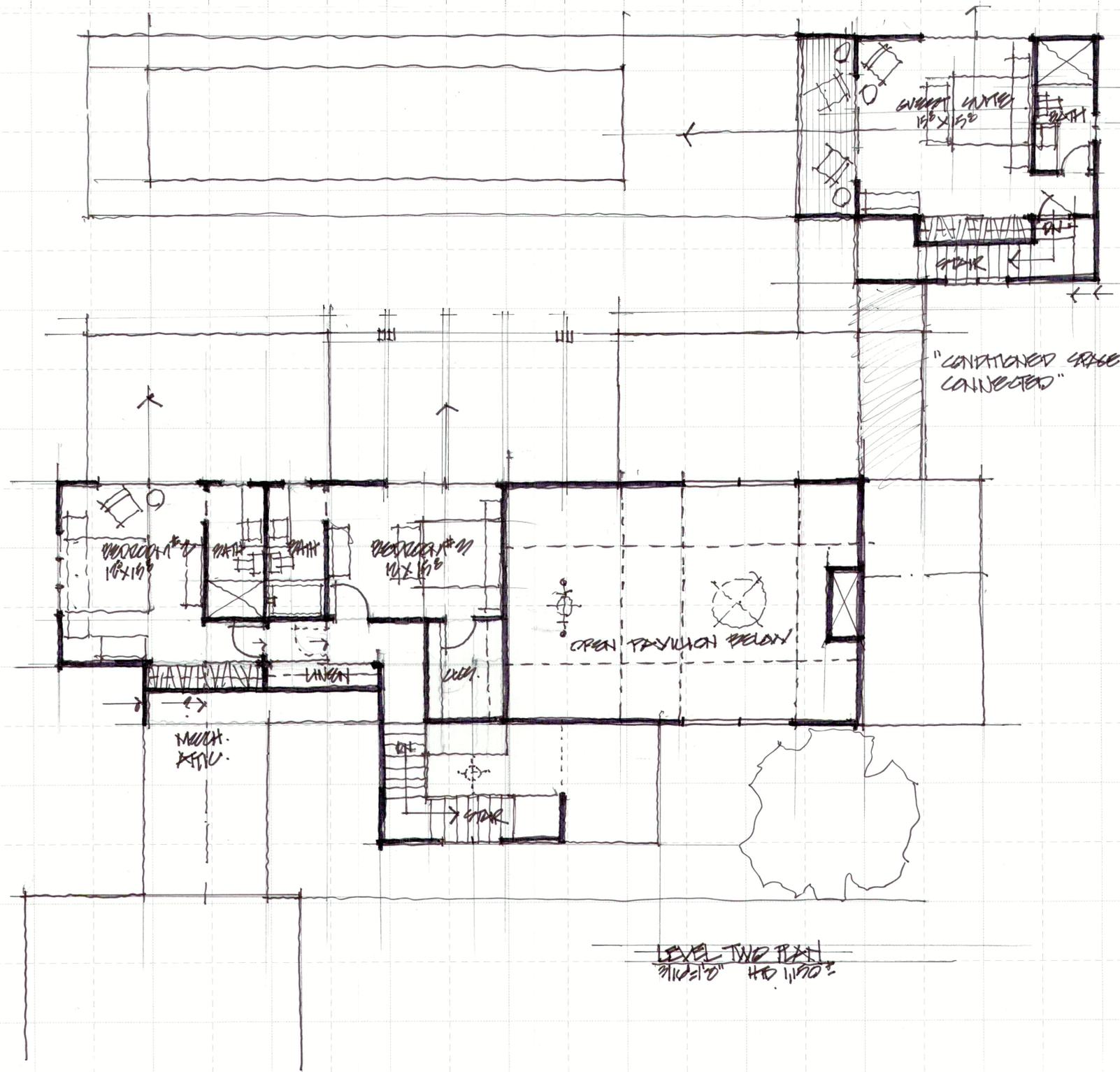
PLAN STUDY SCHEMATICS

SCHEMATIC DESIGN

SCALE: 3/16"=1'-0"
DECEMBER 27, 2022

ARCHITECTURAL DRAWINGS
Sheet Number

A1.1



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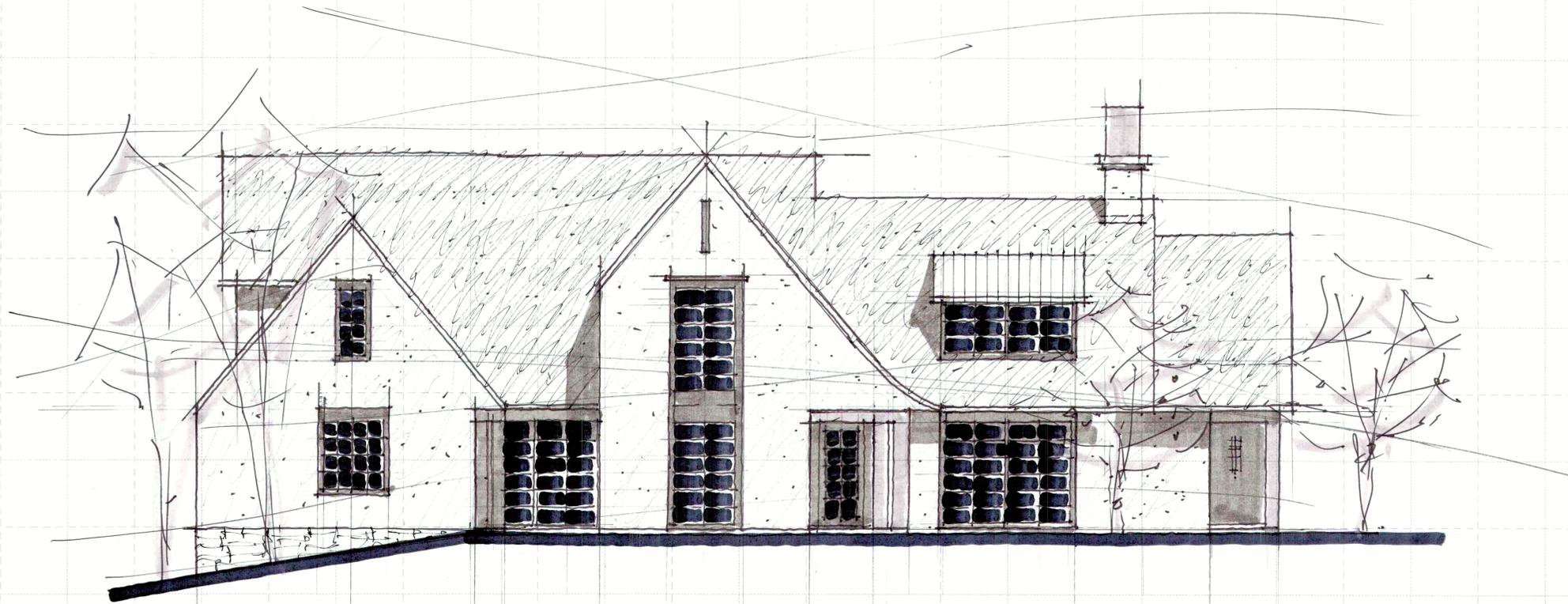
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MARKS RESIDENCE
 26 EAST FOREST ROAD
 BILTMORE FOREST
 LOT 56
 BUNCOMBE COUNTY, NC

DRAWING REVISIONS:
 1-10-22

PLAN STUDY SCHEMATICS
 SCHEMATIC DESIGN
 SCALE: 3/16"=1'-0"
 DECEMBER 27, 2022
 ARCHITECTURAL DRAWINGS
 Sheet Number

A1.2



ENTRY-COURTYARD ELEVATION

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DRAWING REVISIONS:

1-28-23

EXTERIOR ELEVATIONS

SCHEMATIC DESIGN

SCALE: 3/16"=1'-0"
FEBRUARY 17, 2023

ARCHITECTURAL DRAWINGS
Sheet Number

A2.1

HISTORIC ADAPTATION
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DRAWING REVISIONS:

1-28-23

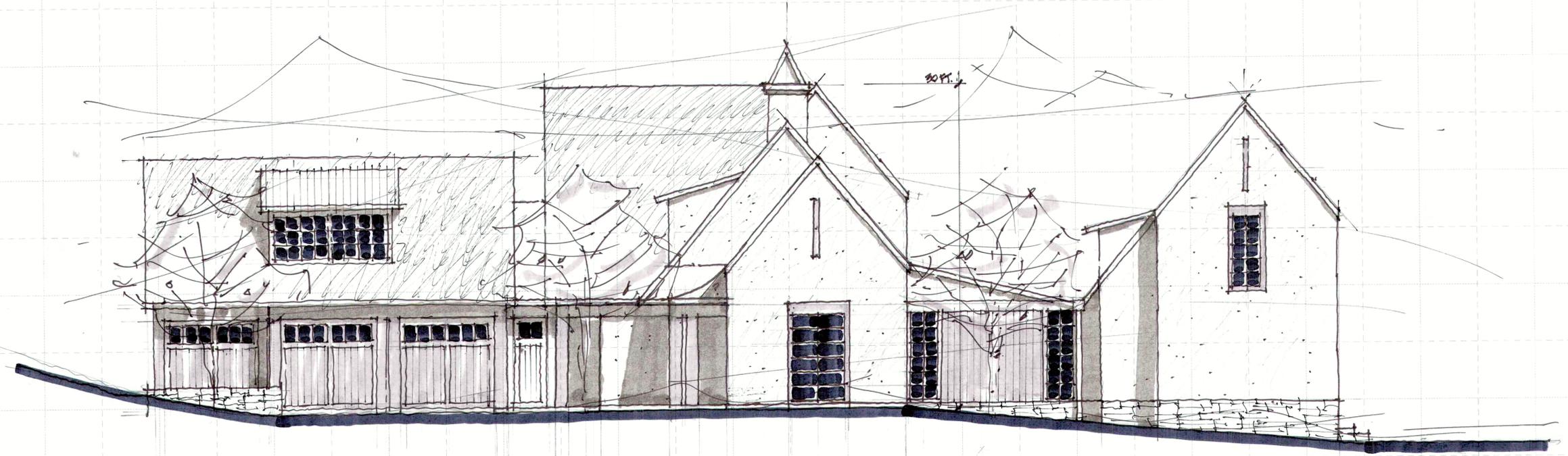
EXTERIOR ELEVATIONS

SCHEMATIC DESIGN

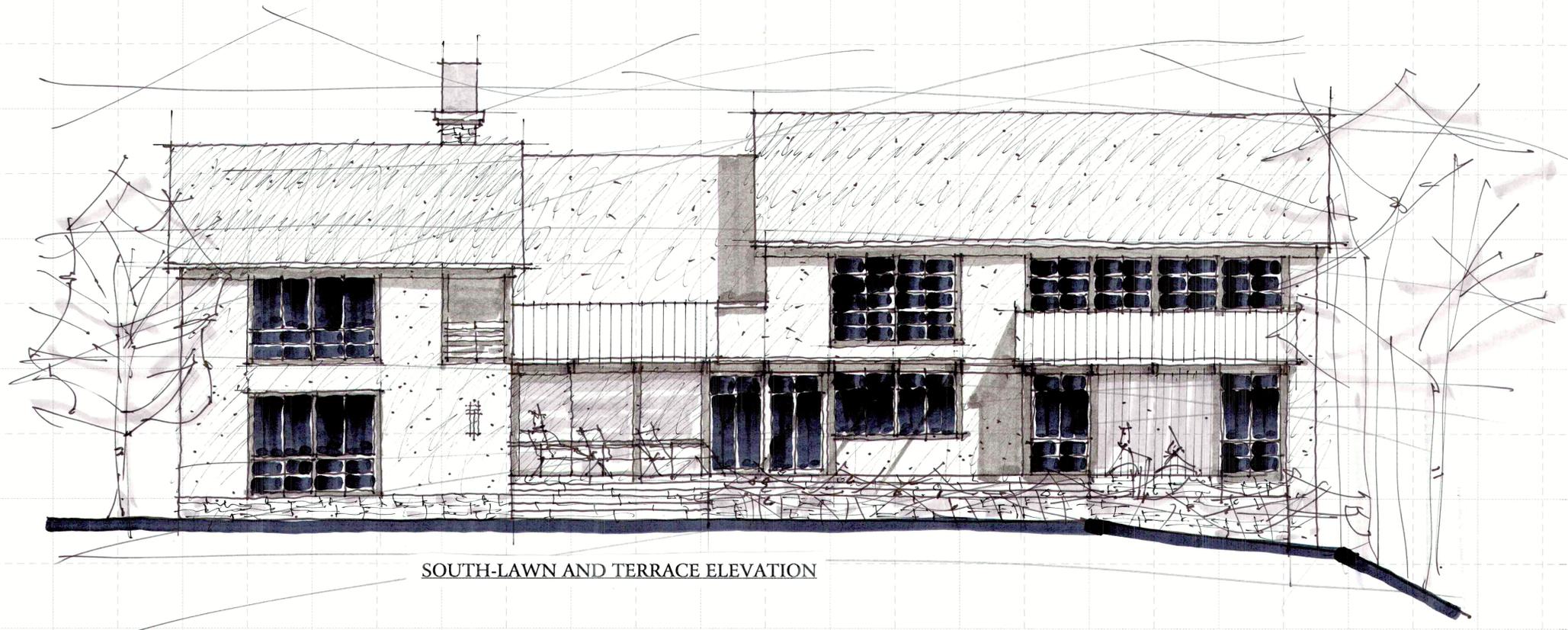
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 FEBRUARY 17, 2023

ARCHITECTURAL DRAWINGS
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A2.2



WEST-SIDEYARD ELEVATION



SOUTH-LAWN AND TERRACE ELEVATION

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EXTERIOR ELEVATIONS

SCHEMATIC DESIGN

SCALE: 3/16"=1'-0"
FEBRUARY 17, 2023

ARCHITECTURAL DRAWINGS
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A2.3



EAST-SIDEYARD ELEVATION

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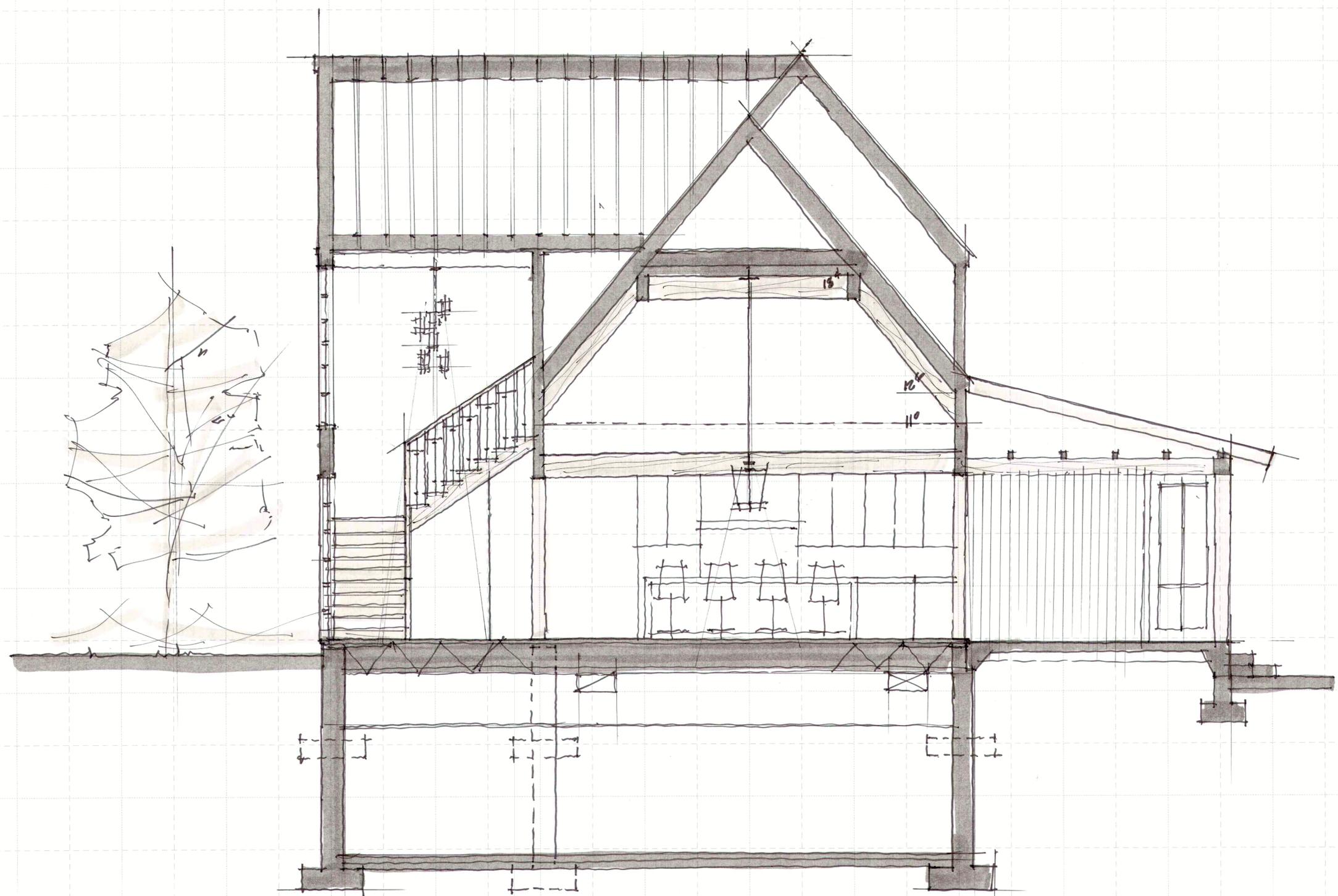
EXTERIOR ELEVATIONS

SCHEMATIC DESIGN

SCALE: 3/16"=1'-0"
FEBRUARY 17, 2023

ARCHITECTURAL DRAWINGS
Sheet Number

A2.4



SECTION @ FOYER-DINING-TERRACE

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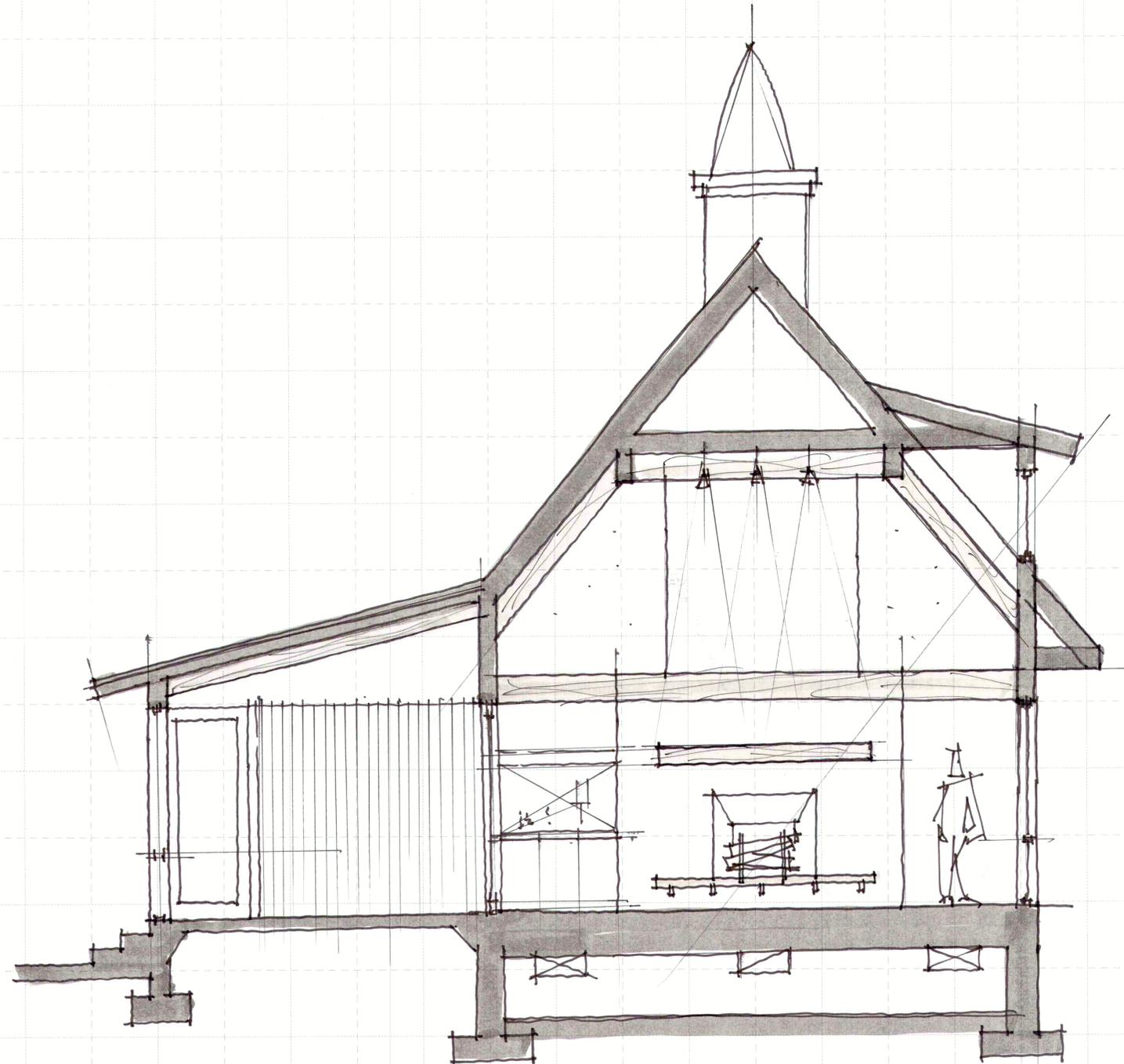
1-13-23

BUILDING SECTIONS
 SCHEMATIC DESIGN

SCALE: 3/8"=1'-0"
 FEBRUARY 28, 2023

ARCHITECTURAL DRAWINGS
 Sheet Number

A3.1



SECTION @ LIVING-PORCH

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BUILDING SECTIONS
 SCHEMATIC DESIGN
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 FEBRUARY 28, 2023
 ARCHITECTURAL DRAWINGS
 Sheet Number

A3.2

