



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MAY 15, 2023

CASE 4

Property Address: Lot 2 – Cedar Hill Drive
Property Owner: Thomas & Cecilia Gleason
Request: Variance Request for Retaining Wall Placement & Review of Landscaping Plan Associated with New Residence Construction
Site Visit: 3:10 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 variance request from the Board of Adjustment for three (3) retaining walls constructed as part of the site development for the home. Retaining walls are considered an accessory structure and are regulated under Chapter 153.049. This section is attached to the memorandum.

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 fifty-one (51) 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 and Variance Request

The proposed three (3) retaining walls are part of the overall site design of the home but do require special use permits as accessory structures. The placement of the retaining walls in front of the plane of the home requires approval from the Board of Adjustment as a variance since walls (among other accessory structures) are not allowed by right within the front yard. The property complies with all other aspects of the Zoning Ordinance including adjusted setbacks due to the height of the new home.

Zoning Compliance Application

Town of Biltmore Forest

Name

Michael Silverman

Property Address

Lot 2 Cedar Hill Dr

Phone

(828) 253-1819

Email

michael@saidesign.net

Parcel ID/PIN Number

96463284440000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.594

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

6030 square feet

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

14,810.4 SF , .34 AC, 21%

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

33'-11"

Description of the Proposed Project

New single family residence

Estimated Start Date

6/1/2023

Estimated Completion Date

9/30/2024

Estimated Cost of Project

\$4,000,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

GLEASON TOB SUBMTL 23-0327.pdf

Applicant Signature

Date
3/27/2023

A handwritten signature in black ink, consisting of a large, sweeping initial 'A' followed by a series of connected, cursive letters that are difficult to decipher. The signature ends with a long, horizontal horizontal stroke.

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Michael Silverman

Address

PO Box 18385

Phone

(828) 253-1819

Email

michael@saidesign.net

Current Zoning/Use

RESIDENTIAL

Requested Use

Single Family Residence

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?

install 3 retaining walls

What does the ordinance require?

Retaining walls require a variance from the Board of Adjustment.

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 retaining walls are proposed in order to minimize site disturbance and preserve existing trees. Without the proposed retaining walls, 3 additional large hardwood trees would likely have to be removed and an additional 3,500 SF of site disturbance would be required creating an unnecessary hardship.

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

The existing, consistent slope (average 15%) across the property presents a hardship, which can easily be resolved by the use of responsibly-located retaining walls. The proposed walls would most likely not be visible from the street.

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

The existing site is undeveloped. The proposed walls with the new home have been carefully integrated into the design to minimize site disturbance and enhance tree preservation.

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 variance request enables the owner to minimize site disturbance and preserve existing trees, both of

which help preserve the desired character of Biltmore Forest. The requested variance would allow the spirit, purpose and intent of the ordinance to be further fulfilled on this site.

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

Signature

Date

3/27/2023

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

GLEASON RESIDENCE



PRELIMINARY SKETCH



PRELIMINARY SKETCH



PRELIMINARY SKETCH

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NO. DATE:

CONSULTANTS:

CLIENT:
**LOT 2-CEDAR HILL DR.
TOWN OF BILTMORE
ASHEVILLE, NC**

**NOT FOR
CONSTRUCTION**

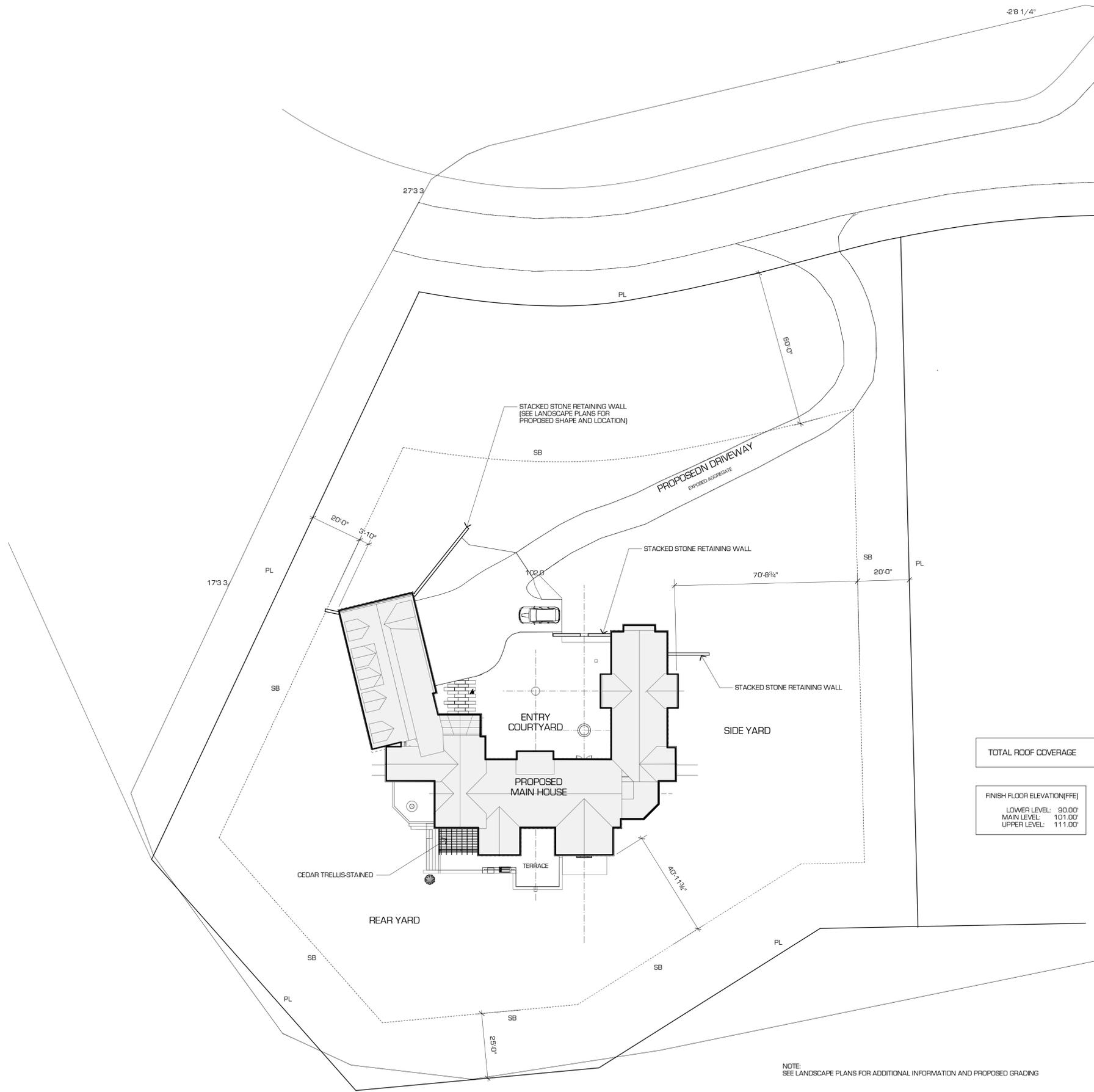
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File name: Gleason Site Plan_DD 23-0323.vwx

DATE: 05.10.22

SCALE: AS NOTED

DRWG. NO.

SP100



TOTAL ROOF COVERAGE 6030 S.FT

FINISH FLOOR ELEVATION(FFE)
LOWER LEVEL: 80.00'
MAIN LEVEL: 101.00'
UPPER LEVEL: 111.00'

NOTE:
SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION AND PROPOSED GRADING

Location:

Cedar Hill Drive,
Town of Biltmore, NC 28803
Lot: 2

PIN: 9646-32-8444

Owner:

Tom and Cecilia Gleason
Asheville, NC 28803

Designer:

Siegmans Associates, Inc
Design+Construction Management
PO Box 16385
Asheville, NC 28814
C: 347.678.6963
http://www.saidesign.net

DRAWING LIST

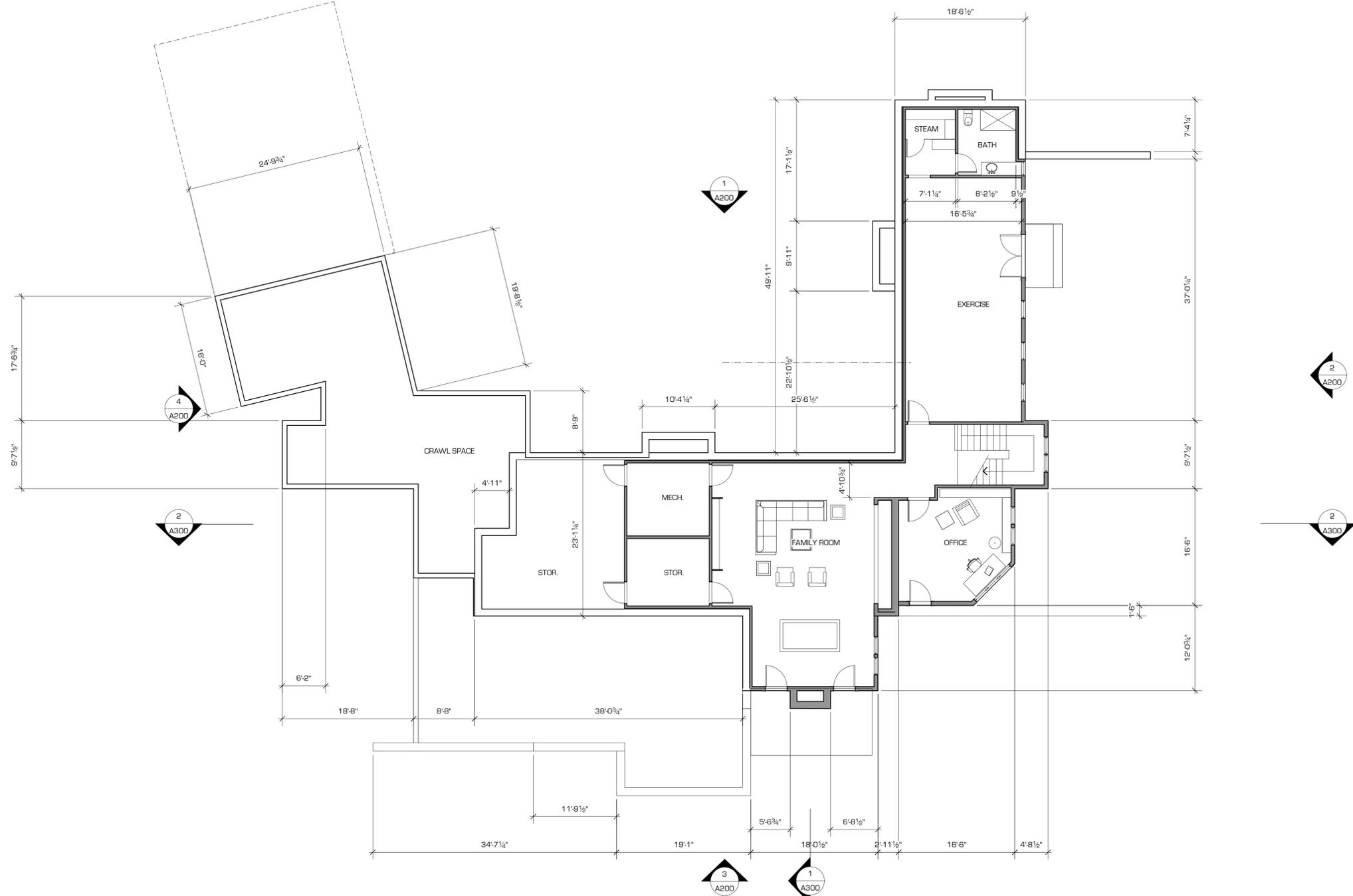
SP100	PROPOSED SITE PLAN	Submit To B
A100	FOUNDATION/LOWER LEVEL PLAN	3.27.23
A110	MAIN LEVEL PLAN	
A120	UPPER LEVEL PLAN	
A130	ROOF PLAN - SKYLIGHT	
A200	E + S ELEVATIONS	
A201	W + N ELEVATIONS	
A300	BUILDING SECTIONS	
L-100	PROPOSED TREE REMOVAL PLAN	
L-200	GRADING, DRAINAGE & EROSION PLAN	
L-300	SITE DEVELOPEMENT PLAN	
L-400	NOT USED	
L-500	SITE DEVELOPEMENT DETAILS	
L-501	SITE DEVELOPEMENT DETAILS	

GENERAL NOTES:

1. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO LAND DISTURBING ACTIVITIES. (THIS INCLUDES DIGGING HOLES FOR PORCH, DECK, FENCE PIERS, ETC. FOOTINGS)
2. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. DRAWINGS ARE NOT TO BE SCALED. ALL WORK SHALL BE LAID OUT BY DIMENSIONS.
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND CONSTRUCTION MANAGER MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ALL CONSTRUCTION, DIMENSIONS, AND DETAILS SHALL CONCUR WITH AND BE DETERMINED FROM THESE DRAWINGS ONLY.
5. ALL MATERIALS, ASSEMBLIES, FORMS, AND METHODS OF CONSTRUCTION AND SERVICE EQUIPMENT TO BE INCORPORATED IN THE WORK SHALL BE IN STRICT ACCORDANCE WITH THE LATEST EDITION OF THE ASTM SPECIFICATIONS APPLICABLE AND TO CONFORM TO THE STANDARDS AND RECOMMENDATIONS OF THE VARIOUS TRADE INSTITUTES (A.C.I., A.I.S.C. ETC.) WHERE APPLICABLE. ALL MATERIALS INCORPORATED INTO THE WORK SHALL BE NEW AND SHALL COMPLY WITH THE REQUIREMENTS OF SECTION C26-106.2.
6. CONTRACTORS SHALL BE RESPONSIBLE FOR ADEQUATELY BRACING AND PROTECTING ALL WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGES, COLLAPSE, DISTORTIONS, AND OFF-ALIGNMENT ACCORDING TO APPLICABLE CODES, STANDARDS AND GOOD PRACTICE.
7. CONSTRUCTION SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, RULES, AND REGULATIONS PERTAINING TO LABOR AND MATERIALS.
8. ALL NOTES HEREIN MENTIONED WITH THOSE ON THE VARIOUS DRAWINGS SHALL APPLY TO ALL DRAWINGS AND FORM PART OF THE CONTRACT.
9. EACH CONTRACTOR WILL BE HELD STRICTLY RESPONSIBLE FOR HIS WORK. ANY DISCREPANCIES IN THE PLANS OR DETAILS SHALL BE CALLED TO THE ATTENTION OF THE C.M.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF 2018 NC RESIDENTIAL BUILDING CODE AND TOWN OF BILTMORE ZONING ORDINANCE.

1 SITE PLAN
SCALE: 1" = 20'-0"





1 LOWER LEVEL FLOOR PLAN
 1/8" = 1'-0"

NO. DATE:
 CONSULTANTS:

CLIENT:
LOT 2-CEDAR HILL DR.
TOWN OF BILTMORE
 ASHEVILLE, NC

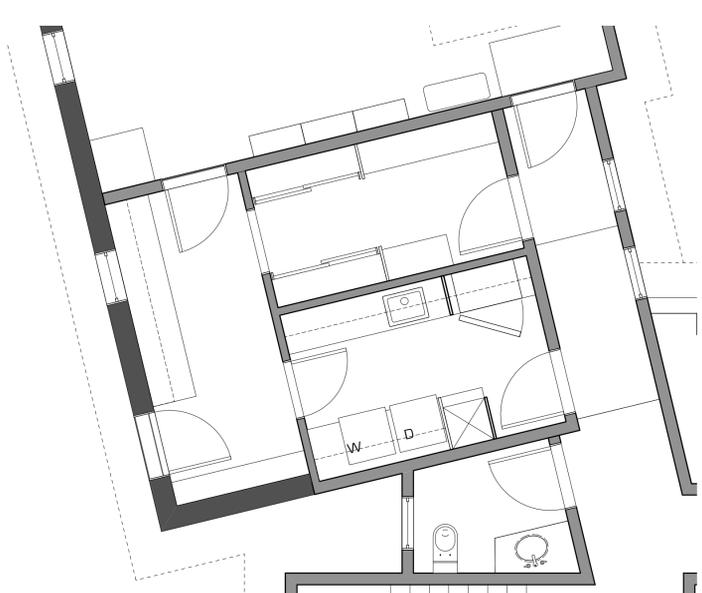
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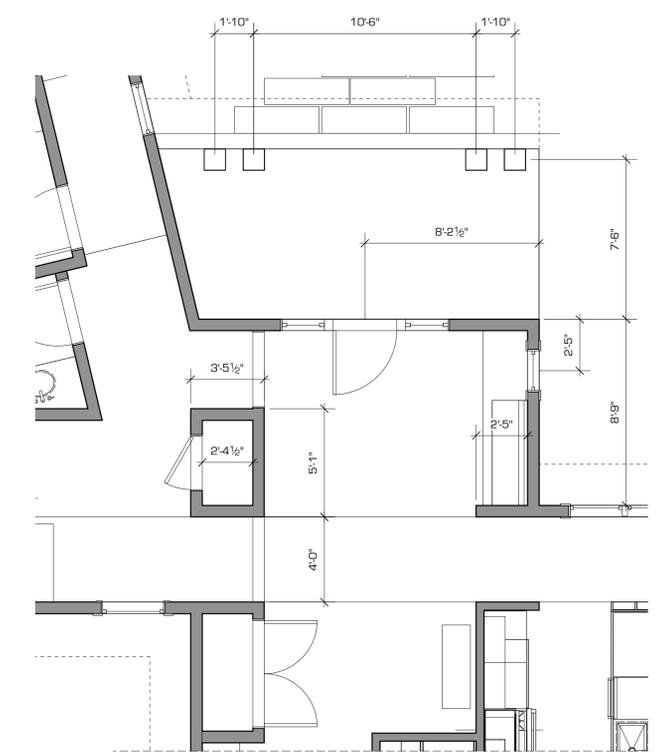
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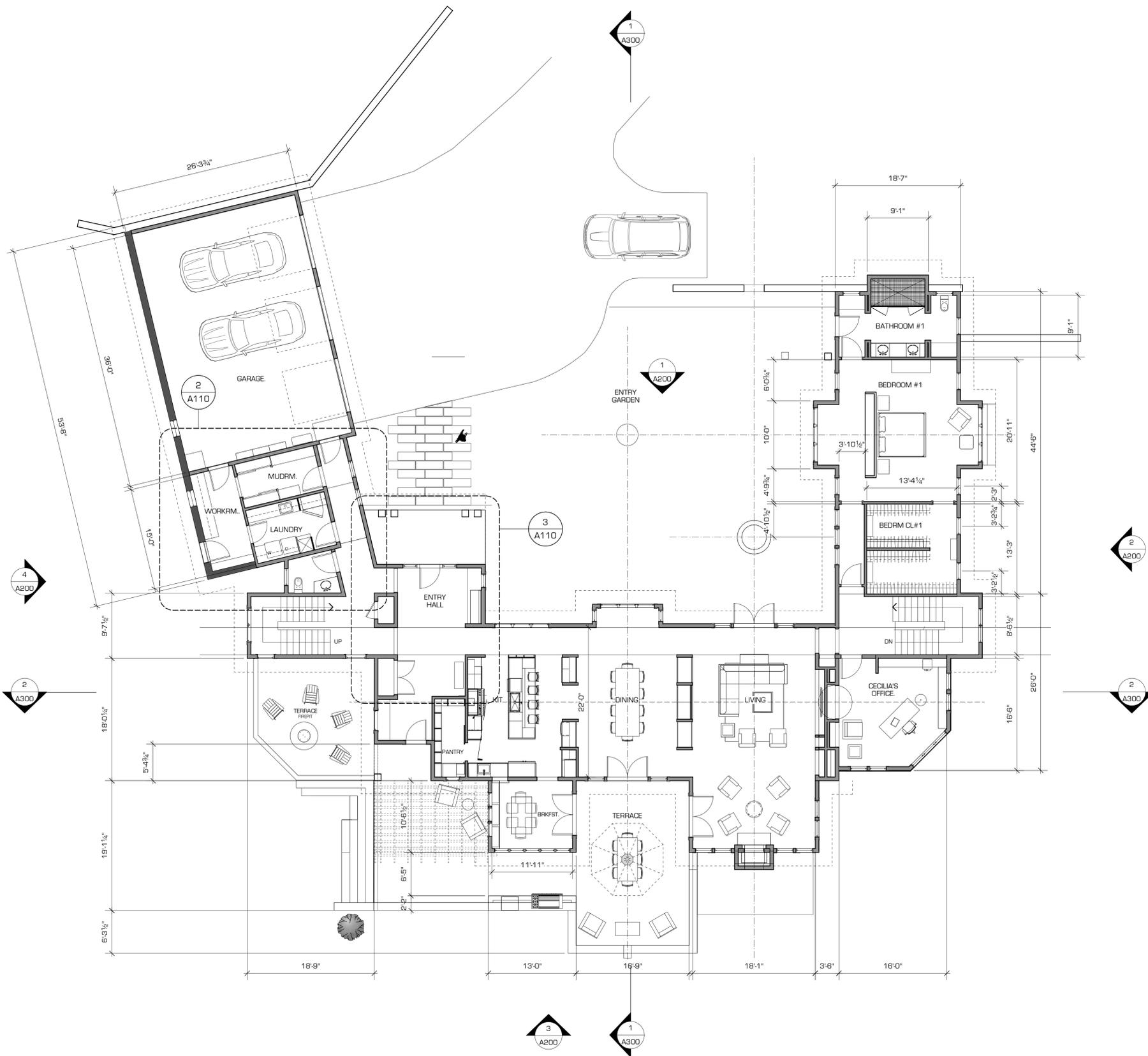
A100



2 ENLARGED UTILITY RMS. FLOOR PLAN
 1/8" = 1'-0"



3 ENLARGED ENTRY FLOOR PLAN
 1/4" = 1'-0"



1 MAIN LEVEL FLOOR PLAN
 1/8" = 1'-0"

NO. DATE:
 CONSULTANTS:

CLIENT:
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TOWN OF BILTMORE
 ASHEVILLE, NC

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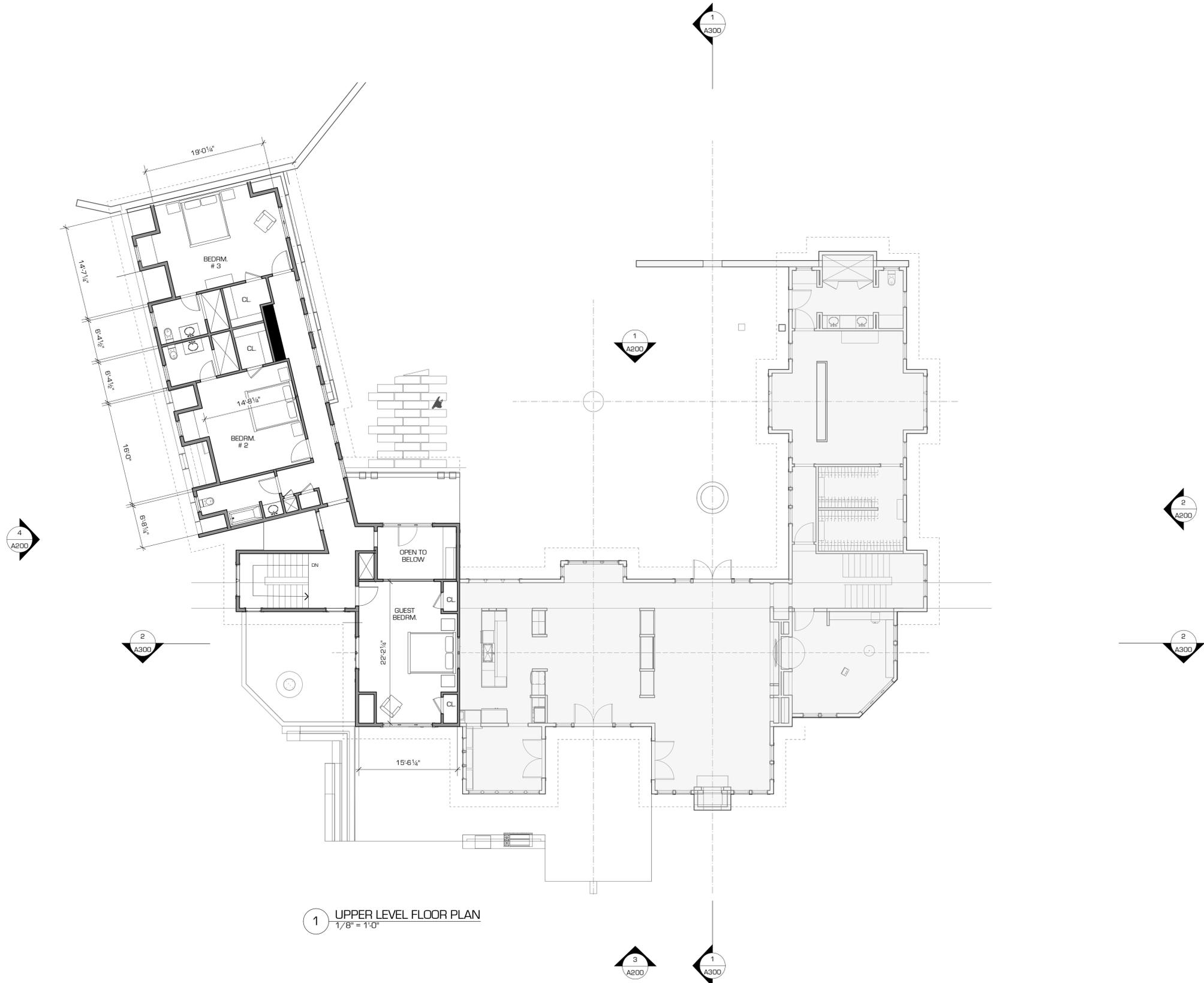
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A110



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1 UPPER LEVEL FLOOR PLAN
 1/8" = 1'-0"

NO. DATE:
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TOWN OF BILTMORE
 ASHEVILLE, NC

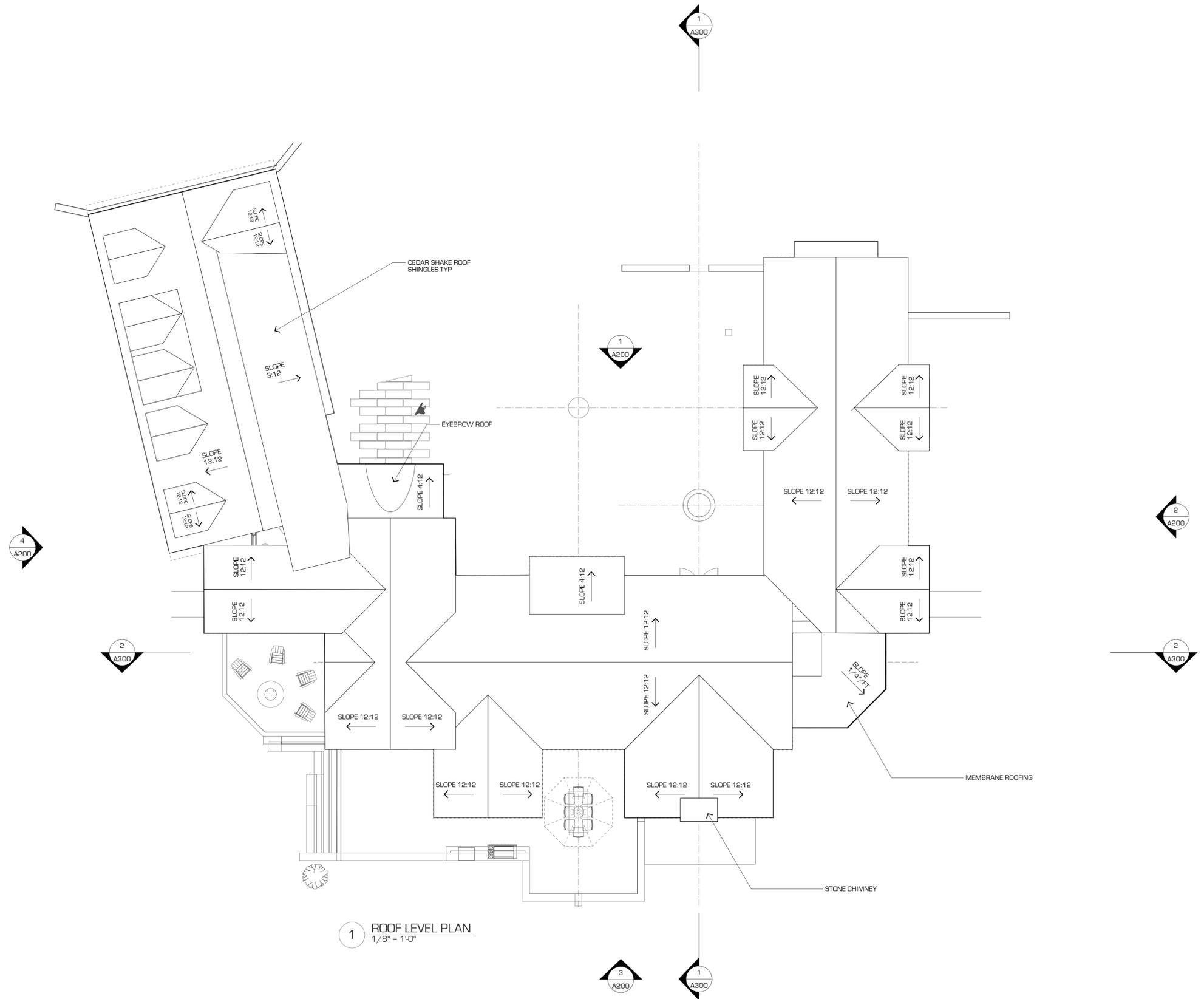
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DATE: 05.10.22
 SCALE: AS NOTED

DRWG. NO.

A120



1 ROOF LEVEL PLAN
 1/8" = 1'-0"

NO. DATE:
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TOWN OF BILTMORE
ASHEVILLE, NC

NOT FOR CONSTRUCTION

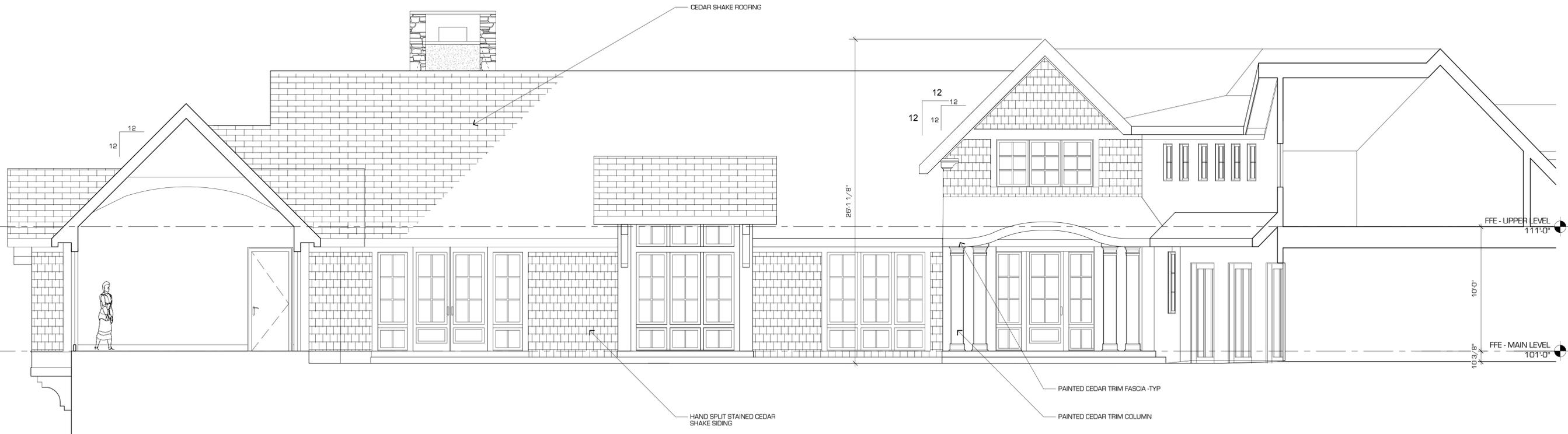
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1 ELEVATION - NORTH ENTRY
 1/8" = 1'-0"



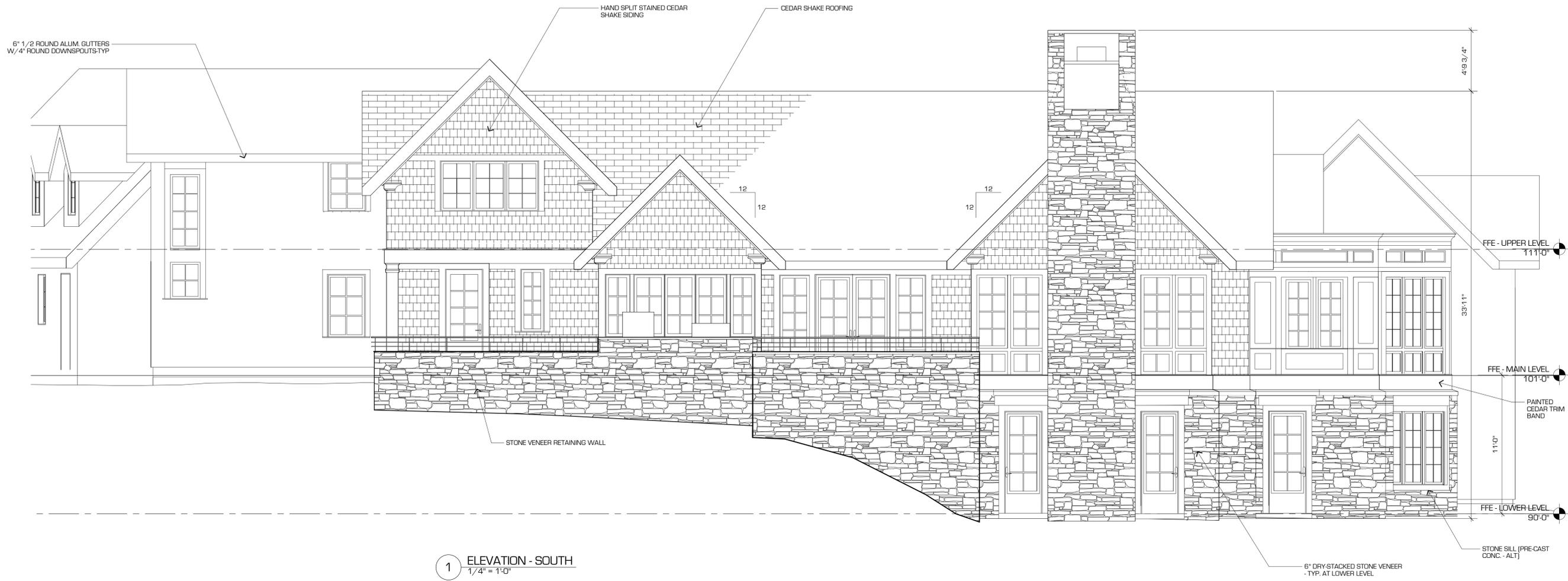
2 ELEVATION - EAST
 1/8" = 1'-0"

NO. DATE:
 CONSULTANTS:

CLIENT:
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 TOWN OF BILTMORE
 ASHEVILLE, NC**

PRINTED DATE:
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 Time: 2:38:50 PM
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DATE: 05.10.22
 SCALE: AS NOTED
 DRWG. NO.



1 ELEVATION - SOUTH
 1/4" = 1'-0"



2 ELEVATION - WEST
 1/4" = 1'-0"

NO. DATE:
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 TOWN OF BILTMORE
 ASHEVILLE, NC**

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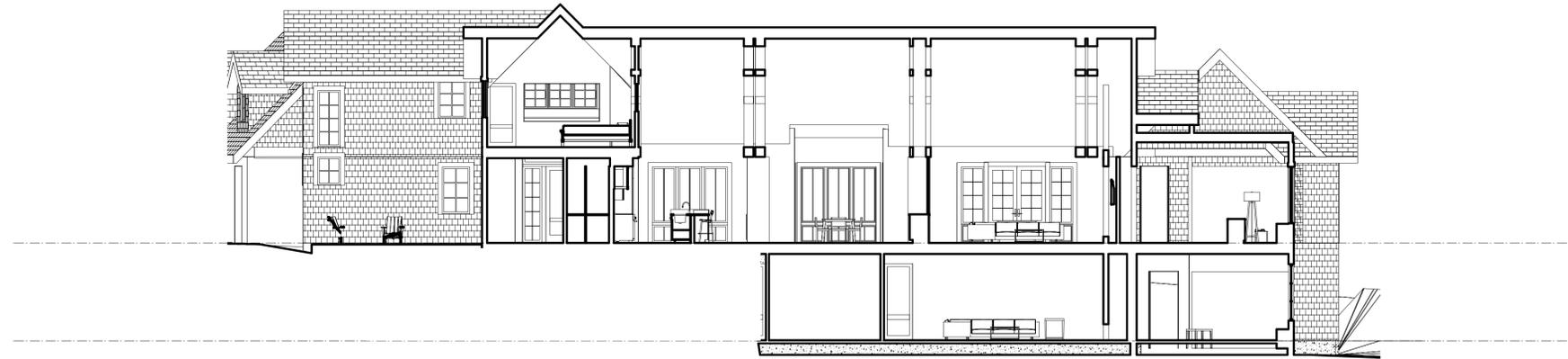


Siegman Associates, Inc.
 Design + Construction Mgmt.
 73 N. Market St. Asheville, NC 28801
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1 BUILDING SECTION
 1/8" = 1'-0"



2 BUILDING SECTION
 1/8" = 1'-0"

NO. DATE:

CONSULTANTS:

CLIENT:

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 TOWN OF BILTMORE
 ASHEVILLE, NC**

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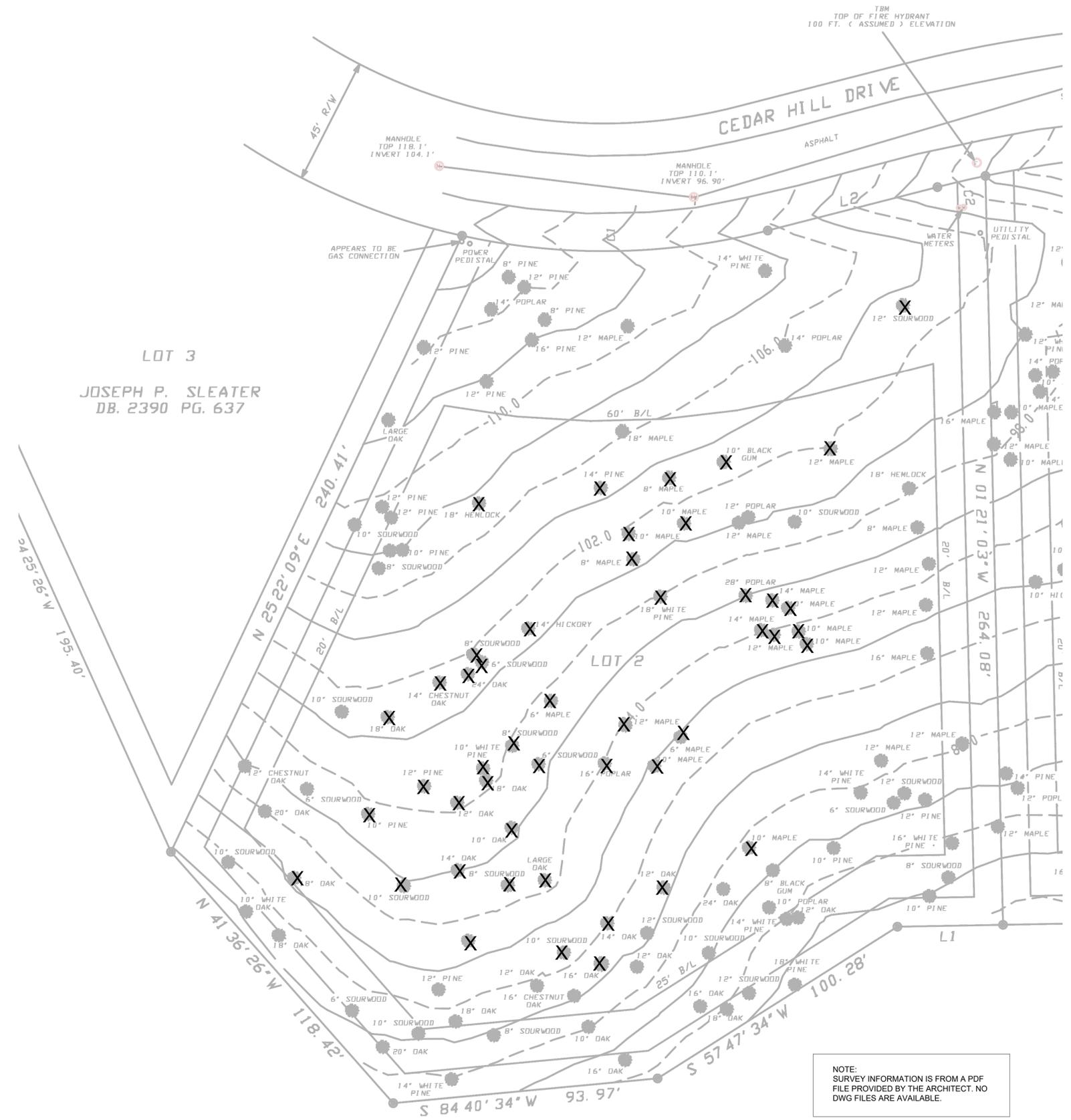
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 File name: Gleason Site Plan_DD 23-0323.vwx

DATE: 05.10.22

SCALE: AS NOTED

DRWG. NO.

A300



TBM
TOP OF FIRE HYDRANT
100 FT. (ASSUMED) ELEVATION

LEGEND:
X TREE TO BE REMOVED

NOTE:
SURVEY INFORMATION IS FROM A PDF
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DWG FILES ARE AVAILABLE.

CONSULTANT

GLEASON RESIDENCE
PREPARED FOR:
TOM AND CECILIA GLEASON
LOT 2 CEDAR HILL DRIVE
TOWN OF BILTMORE, ASHEVILLE, NC 28803

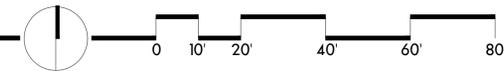
REVISIONS		
NO.	REMARKS	DATE

NOT FOR CONSTRUCTION
C-188

DATE:
3.10.2023
SHEET TITLE:

TREE REMOVAL PLAN

SHEET NO.
L-100



REVISIONS		
NO.	REMARKS	DATE



DATE:
3.10.2023
SHEET TITLE:
GRADING,
DRAINAGE AND
EROSION
CONTROL PLAN

SHEET NO.
L-300

PROPOSED LIMITS OF DISTURBANCE:	35,597 sq ft 0.82 acres
PROPOSED IMPERVIOUS AREA:	15,089 sq ft 0.34 acres

- GRADING NOTES**
- VERIFY GRADES, DIMENSIONS & BUILDING LOCATION IN FIELD. NOTIFY LANDSCAPE ARCHITECT OR ARCHITECT IF ANY GRADE CONFLICTS OR AMBIGUITIES ARISE.
 - CONTRACTOR IS TO MAINTAIN EXISTING ROAD DRAINAGE SYSTEM IN WORKING CONDITION.
 - MATCH EXISTING GRADES SMOOTHLY WHERE PROPOSED FEATURES MEET EXISTING FEATURES.
 - THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE AWAY FROM BUILDING DURING ALL PHASES OF CONSTRUCTION.
 - EROSION CONTROL MEASURES ARE GENERAL IN NATURE. CONTRACTOR IS RESPONSIBLE FOR ADDITIONAL MEASURES AS REQUIRED TO PREVENT ON- OR OFF-SITE RUNOFF AND EROSION.
 - ALL INLETS TO HAVE TEMPORARY INLET PROTECTION INSTALLED IMMEDIATELY AFTER INLET HAS BEEN CONSTRUCTED.
 - CONTRACTOR IS RESPONSIBLE FOR WEEKLY INSPECTION OF ALL EROSION CONTROL AND SEDIMENT PRACTICES. NEEDED REPAIRS ARE TO BE COMPLETED IMMEDIATELY. MAINTAIN SILT FENCE BY CLEARING OUT WHEN HALF-FULL. INSPECTION IS REQUIRED AFTER ALL RAIN EVENTS.
 - REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AFTER DISTURBED AREAS HAVE BEEN STABILIZED AND COMPLETED.
 - ALL PROPOSED INLET STRUCTURES SHALL CONNECT TO PROPOSED STORM DRAIN LINES AND SHALL OUTFALL ON THE PROPERTY WITH ADEQUATE EROSION CONTROL MEASURES AT THE OUTFALL.
 - ALL PROPOSED STORM DRAIN LINES SHALL HAVE A MINIMUM OF 18" OF COVER.
 - THE CONTRACTOR SHALL PROVIDE FINISHED GRADES AS SHOWN ON THE PLAN WITHIN A 1/2" TOLERANCE.
 - ALL TREES AND VEGETATION TO REMAIN SHALL BE PROTECTED FROM INJURY DURING ANY LAND CLEARING AND CONSTRUCTION.
 - THE CONTRACTOR SHALL NOT PARK VEHICLES, STORE MATERIALS OR TRENCH WITHIN DRIPLINE OF TREES TO REMAIN, OR WITHIN BARRIERS PROTECTING ANY VEGETATION TO REMAIN.
 - THE CONTRACTOR SHALL NOT CAUSE OR ALLOW THE CLEANING OF EQUIPMENT, STORAGE OR DISPOSAL OF MATERIALS SUCH AS PAINTS, SOLVENTS, ASPHALT OR CONCRETE, OR ANY MATERIAL THAT CAN DAMAGE THE HEALTH OF VEGETATION WITHIN THE DRIPLINE OF PROTECTED VEGETATION.

- EROSION CONTROL NOTES:**
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL ORDINANCE AND LOCAL STANDARD SPECIFICATIONS AND DETAILS.
 - ALL WORK SHALL BE PERFORMED BY A LICENSED NORTH CAROLINA CONTRACTOR.
 - EROSION CONTROL IS A FIELD BASED ACTIVITY. ADDITIONAL SILT FENCE, DIVERSION DITCHES AND OTHER MEASURES MAY NEED TO BE ADDED IN ADDITION TO THE APPROVED PLAN AS NECESSARY. MEASURES SHOWN CAN AND SHOULD BE ADJUSTED TO ASSURE MAXIMUM PROTECTION ON SITE WITH APPROVAL OF EROSION CONTROL OFFICER AND SITWORK STUDIOS.
 - CONTRACTOR IS RESPONSIBLE FOR INSTALLING, MAINTAINING AND REMOVING ALL NECESSARY EROSION AND SEDIMENTATION CONTROL MEASURES.
 - ADD MEASURES AS NEEDED FOR ENVIRONMENTALLY SENSITIVE AREAS.
 - CONTRACTOR IS RESPONSIBLE FOR KEEPING ACCURATE LOG OF SITE CONDITIONS IN ACCORDANCE WITH APPLICABLE PERMITS.
 - EXISTING DRAINAGE PATTERNS AND CONTOURS TO REMAIN INTACT EXCEPT WHERE SHOWN.

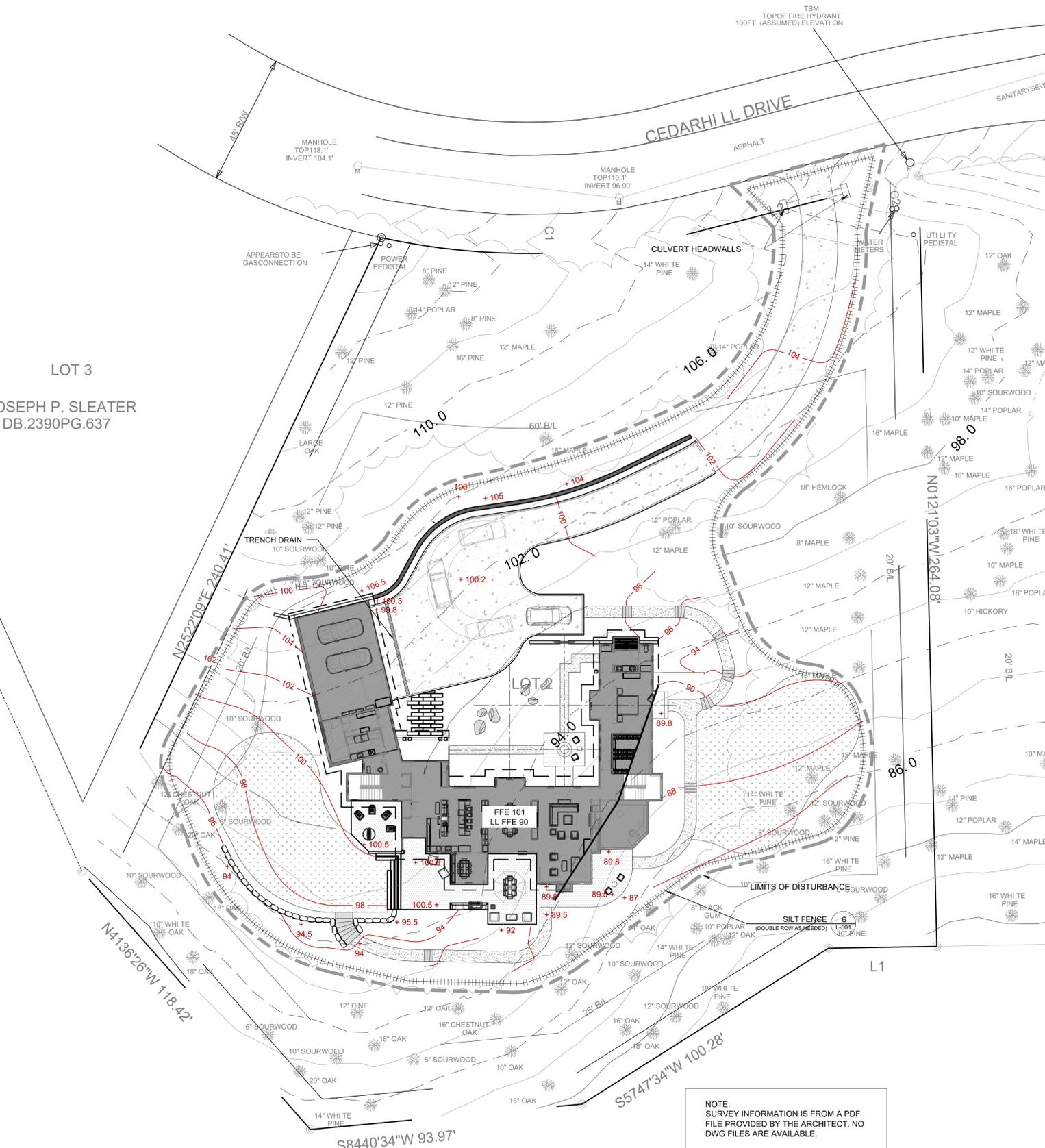
PROPERTY ADDRESS: LOT 2 CEDAR HILL DRIVE
PIN: 9646328440000
ZONING: R1 RESIDENTIAL
LOT SIZE: 1.594 AC
FRONT SETBACK: 60'
REAR SETBACK: 25'
SIDE SETBACK: 20'

MAXIMUM IMPERVIOUS SURFACE COVERAGE:

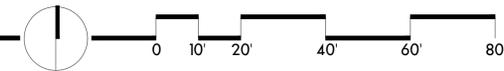
- UP TO 1 AC - 27.5%
- 1-3 AC - 25%
- 3-6 AC - 20%

PROPOSED IMPERVIOUS SURFACE COVERAGE:
0.34 AC - 21%

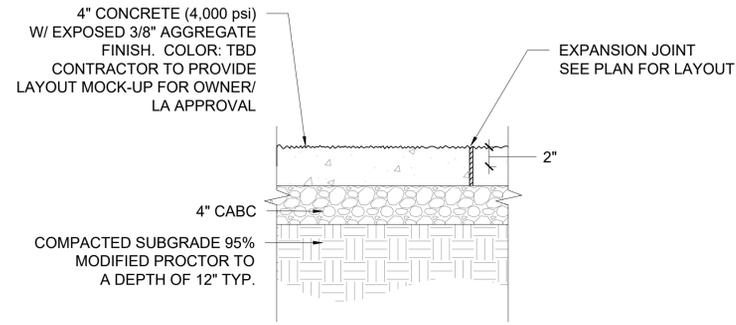
- LEGEND:**
- LIMITS OF DISTURBANCE
 - ++++ SILT FENCE
 - 12" HDPE



NOTE:
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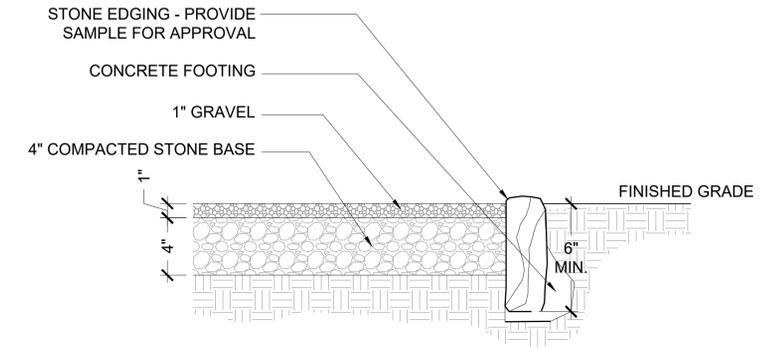
THE BILTMORE COMPANY



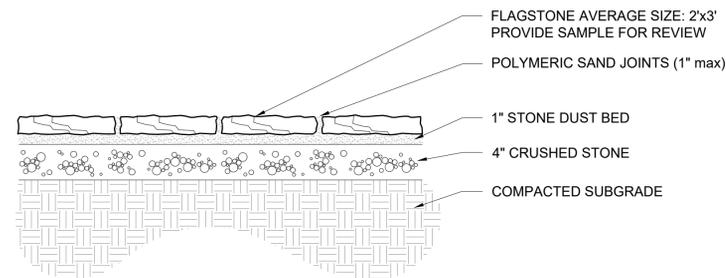
1 EXPOSED AGGREGATE CONCRETE
NTS



2 STONE VENEER RETAINING WALL
NTS



3 GRAVEL PATH WITH FLUSH STONE EDGE
NTS



5 STONE GARDEN PATH
NTS

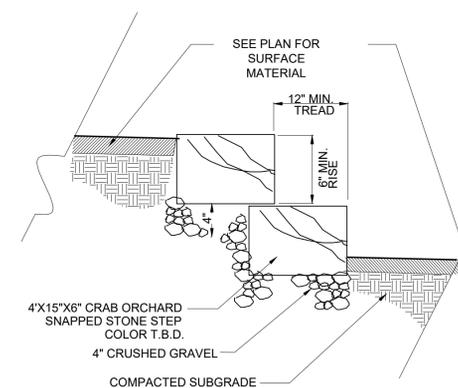
4 STONE SLAB WALKWAY
NTS

6 NOT USED
NTS



CRAB ORCHARD CURB

7 STONE CURB
NTS



9 STONE SLAB STEPS
NTS



8 STONE THRESHOLD
NTS

REVISIONS		
NO.	REMARKS	DATE

NOT-FOR CONSTRUCTION
C-188

DATE:
3.10.2023

SHEET TITLE:

SITE DEVELOPMENT DETAILS

SHEET NO.
L-500