

# PROPOSED AGENDA

Thursday, September 2, 2021  
5:30 p.m.

## Meeting of the Design Review Board

- I. Chairman Johnson will call the meeting to order.
- II. Design Review Board Presentations
  1. 32 Hilltop Road – Roof-mounted Solar Panel Installation for New Residence
  2. 15 Eastwood Road – Driveway Redesign Request for New Residence
  3. *6 Stuyvesant Road – Request for Rear Yard Deer Fence Installation*
  4. *5 White Oak Road – Request for Circular Drive Addition*
  5. *8 White Oak Road – Request for Circular Drive Addition and Addition of 2nd Level Sunroom and Small Deck over Existing Covered Porch*
  6. *377 Vanderbilt Road – Request for Carport Shed on Existing Detached Garage*
  7. 15 White Oak Road – Request for 16x12 Shed Roof over Existing Stone Patio
  8. 14 Southwood Road – Request for Addition to Living Room and Kitchen

*Italicized projects received necessary approvals from Board of Adjustment at their regular meeting on August 30, 2021.*

- III. Next Meeting – Thursday, September 23, 2021
- IV. Adjourn

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Michael David Cogburn

**Property Address**

32 Hill Top Rd. Biltmore Forest, N.C. 28803

**Phone**

(704) 813-8234

**Email**

hsytz@sugarhollowsolar.com

**Parcel ID/PIN Number**

964684097100000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.029

**Maximum Roof Coverage**

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

**Proposed Roof Coverage Total**

525sf. of Solar

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

N/A

**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**

35

**Description of the Proposed Project**

Installation of a roof-mounted 10.80 kW Solar PV system

**Estimated Start Date**

9/27/2021

**Estimated Completion Date**

10/1/2021

**Estimated Cost of Project**

\$35,715.00

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

s-5-n-clamps-brochure.pdf

SnapNrack\_Ultra-Rail-Sales-Brochure\_v.1.4-1 (14).pdf

sunpower-x-series-residential-solar-panels-x22-360-datasheet-514618-revc (7).pdf

COGBURN.DAVID.PDF

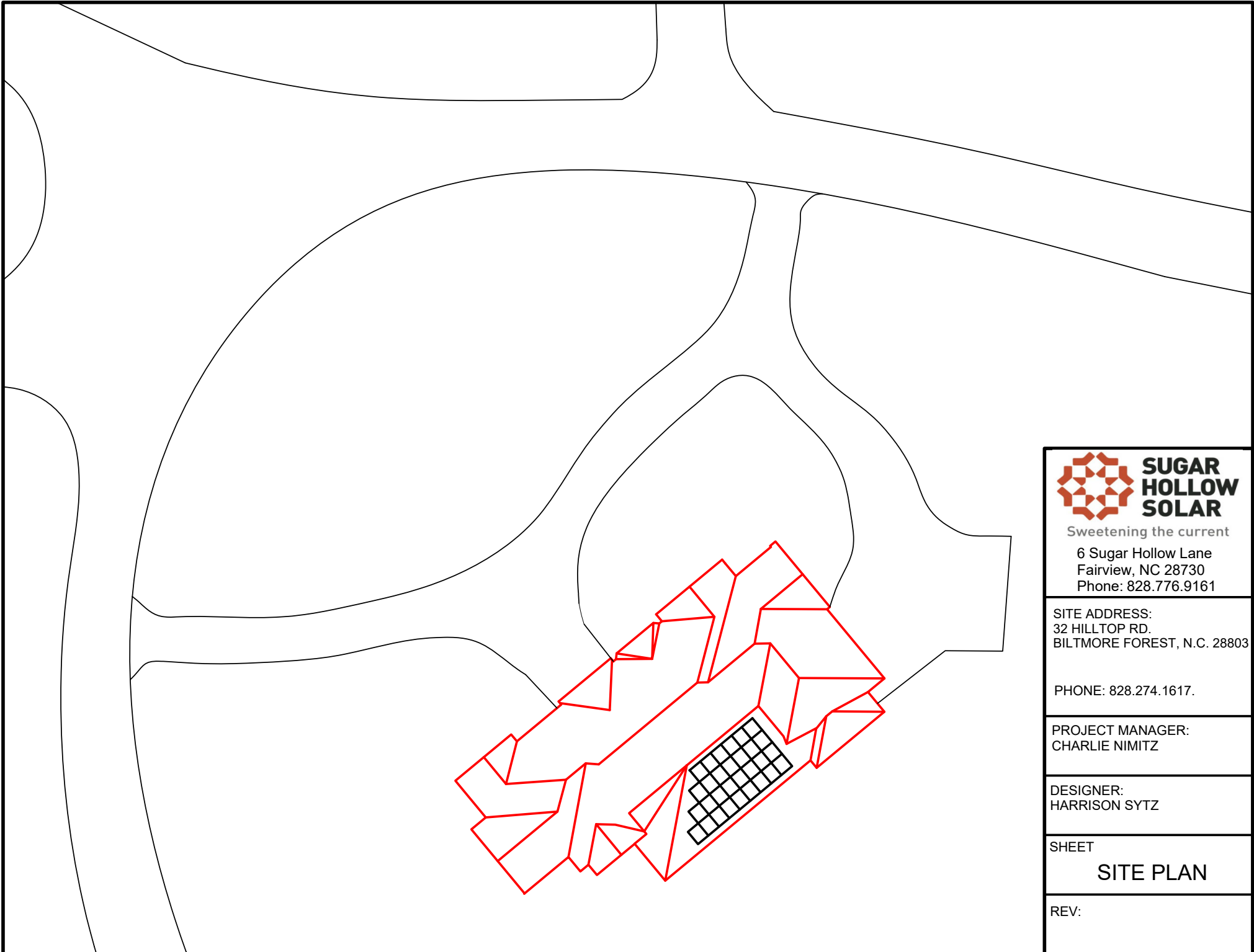
Cogburn.SP.pdf

**Applicant Signature**

**Date**  
8/23/2021

*thm S172*

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**SUGAR  
HOLLOW  
SOLAR**

Sweetening the current

6 Sugar Hollow Lane  
Fairview, NC 28730  
Phone: 828.776.9161

SITE ADDRESS:  
32 HILLTOP RD.  
BILTMORE FOREST, N.C. 28803

PHONE: 828.274.1617.

PROJECT MANAGER:  
CHARLIE NIMITZ

DESIGNER:  
HARRISON SYTZ

SHEET

**SITE PLAN**

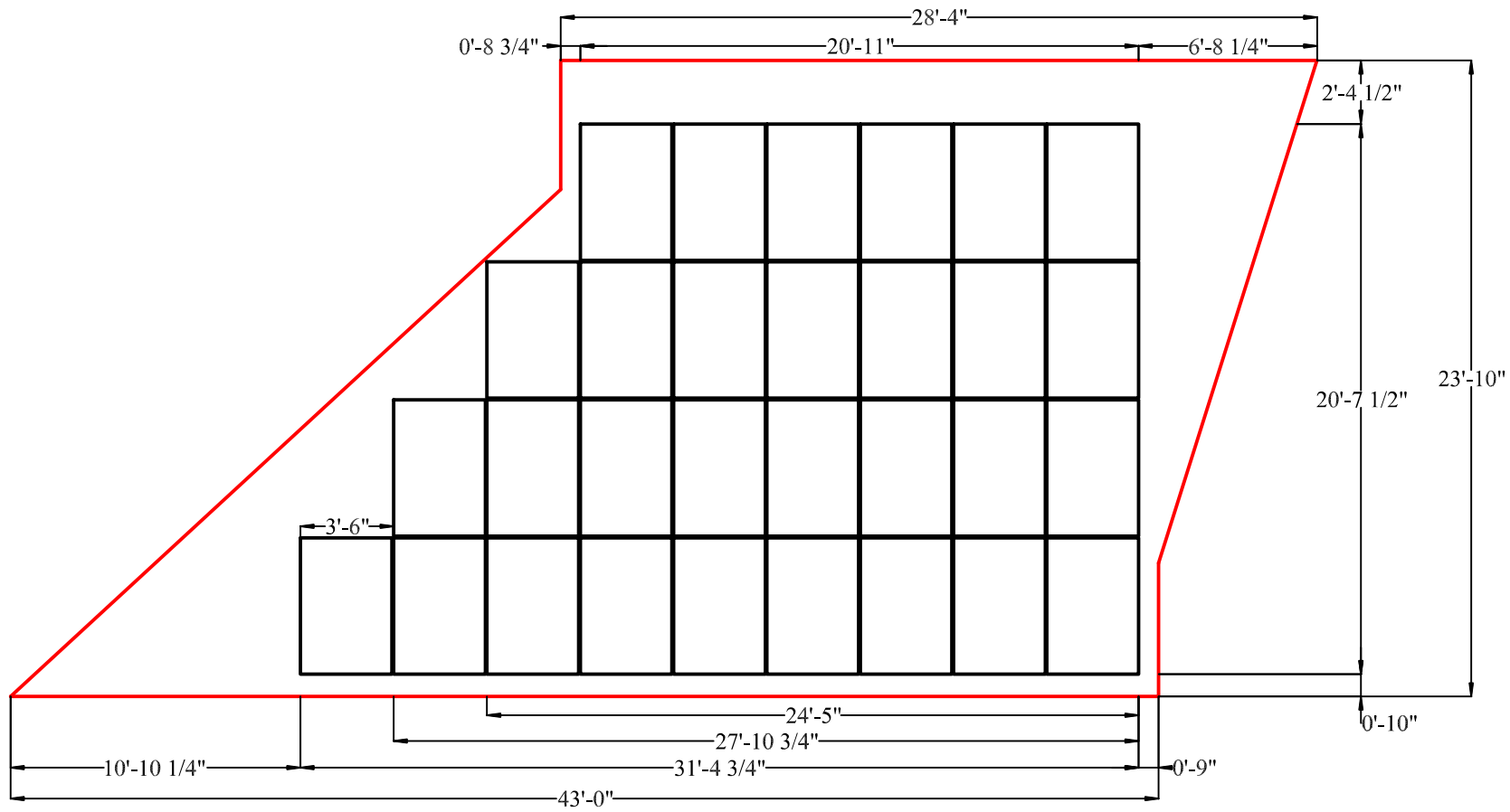
REV:



ROOF INFO			FRAMING INFO		ATTACHMENT INFORMATION				DESIGN CRITERIA
Name	Type	Height	Type	OC Spacing	Detail	Max Landscape OC Spacing	Max Portrait OC Spacing	Configuration	MAX DISTRIBUTED LOAD: 3 PSF SNOW LOAD: 15 PSF WIND SPEED: 115 MPH SUNPOWER 360: 41.2" x 61.3"
AR-1	S.S. METAL	1-STORY	2X4 TRUSSES	24"	SNAP N RACK ULTRA RAIL UR-40	6'-0"	4'-0"	STAGGERED	

# AR-1

PITCH: 14°  
AZIMUTH: 160°




**SUGAR HOLLOW SOLAR**  
Sweetening the current  
6 Sugar Hollow Lane  
Fairview, NC 28730  
Phone: 828.776.9161

SITE ADDRESS:  
32 HILLTOP RD.  
BILTMORE FOREST, N.C. 28803

PHONE: 828.274.1617.

PROJECT MANAGER:  
CHARLIE NIMITZ

DESIGNER:  
HARRISON SYTZ

SHEET  
**LAYOUT**

REV:

# SunPower® X-Series Residential Solar Panels | X22-360

## More than 22% Efficiency

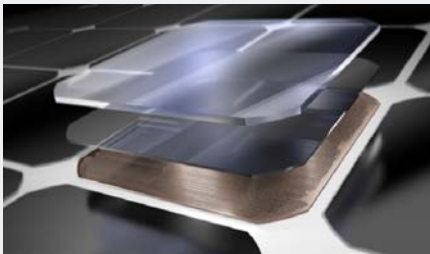
Ideal for roofs where space is at a premium or where future expansion might be needed.

## Maximum Performance

Designed to deliver the most energy in demanding real-world conditions, in partial shade and hot rooftop temperatures.<sup>1</sup>

## Premier Technology

Engineered with the newest and most powerful Maxeon technology, X-Series brings unmatched power and performance to your home.



### Maxeon® Solar Cells: Fundamentally better

Engineered for performance, designed for durability.

## Engineered for Peace of Mind

Designed to deliver consistent, trouble-free energy over a very long lifetime.<sup>3</sup>

## Designed for Durability

The SunPower Maxeon solar cell is the only cell built on a solid metal foundation. Virtually impervious to the corrosion and cracking that degrade conventional panels.

Same excellent durability as E-Series panels.  
#1 Rank in Fraunhofer durability test.<sup>4</sup>

## High Performance & Excellent Durability



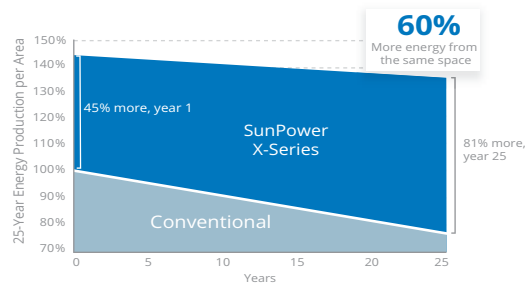
SPR-X22-360



## Highest Efficiency Available<sup>2</sup>

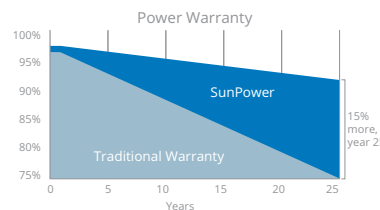
### Generate more energy per square foot

More energy to power your home. X-Series residential systems convert more sunlight to electricity by producing 45% more energy in the first year. This advantage increases over time, producing 60% more energy over the first 25 years to meet your needs.<sup>1</sup>

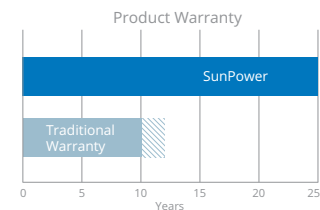


## Best Reliability, Best Warranty

A better warranty starts with a better product. Proven performance backs up our industry-best coverage, including our warranted 0.25% per year degradation rate.<sup>5</sup>



More guaranteed power: 98% for first year, -0.25%/yr. to year 25



Combined Power and Product defect 25-year coverage

# SunPower® X-Series Residential Solar Panels | X22-360

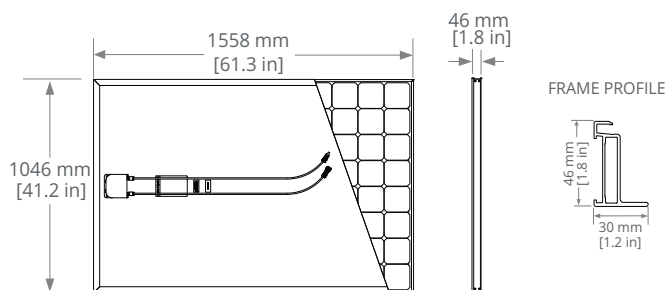
Electrical Data	
SPR-X22-360	
Nominal Power (P <sub>nom</sub> ) <sup>6</sup>	360 W
Power Tolerance	+5/-0%
Avg. Panel Efficiency <sup>7</sup>	22.2%
Rated Voltage (V <sub>mpp</sub> )	59.1 V
Rated Current (I <sub>mpp</sub> )	6.09 A
Open-Circuit Voltage (V <sub>oc</sub> )	69.5 V
Short-Circuit Current (I <sub>sc</sub> )	6.48 A
Max. System Voltage	600 V UL & 1000 V IEC
Maximum Series Fuse	15 A
Power Temp Coef.	-0.29% / °C
Voltage Temp Coef.	-167.4 mV / °C
Current Temp Coef.	2.9 mA / °C

Operating Condition And Mechanical Data	
Temperature	-40° F to +185° F (-40° C to +85° C)
Impact Resistance	1 inch (25 mm) diameter hail at 52 mph (23 m/s)
Appearance	Class A+
Solar Cells	96 Monocrystalline Moxeon Gen III
Tempered Glass	High-transmission tempered anti-reflective
Junction Box	IP-65, MC4 compatible
Weight	41 lbs (18.6 kg)
Max. Load	Wind: 62 psf, 3000 Pa, 305 kg/m <sup>2</sup> front & back Snow: 125 psf, 6000 Pa, 611 kg/m <sup>2</sup> front
Frame	Class 1 black anodized (highest AAMA rating)

Tests And Certifications	
Standard Tests <sup>8</sup>	UL1703 (Type 2 Fire Rating), IEC 61215, IEC 61730
Management System Certs	ISO 9001:2015, ISO 14001:2015
EHS Compliance	RoHS, OHSAS 18001:2007, lead free, REACH SVHC-163, PV Cycle
Sustainability	Cradle to Cradle Certified™ Silver (contributes to LEED categories) <sup>9</sup>
Ammonia Test	IEC 62716
Desert Test	10.1109/PVSC.2013.6744437
Salt Spray Test	IEC 61701 (maximum severity)
PID Test	1000V: IEC62804, PVEL 600hr duration
Available Listings	UL, TUV, FSEC

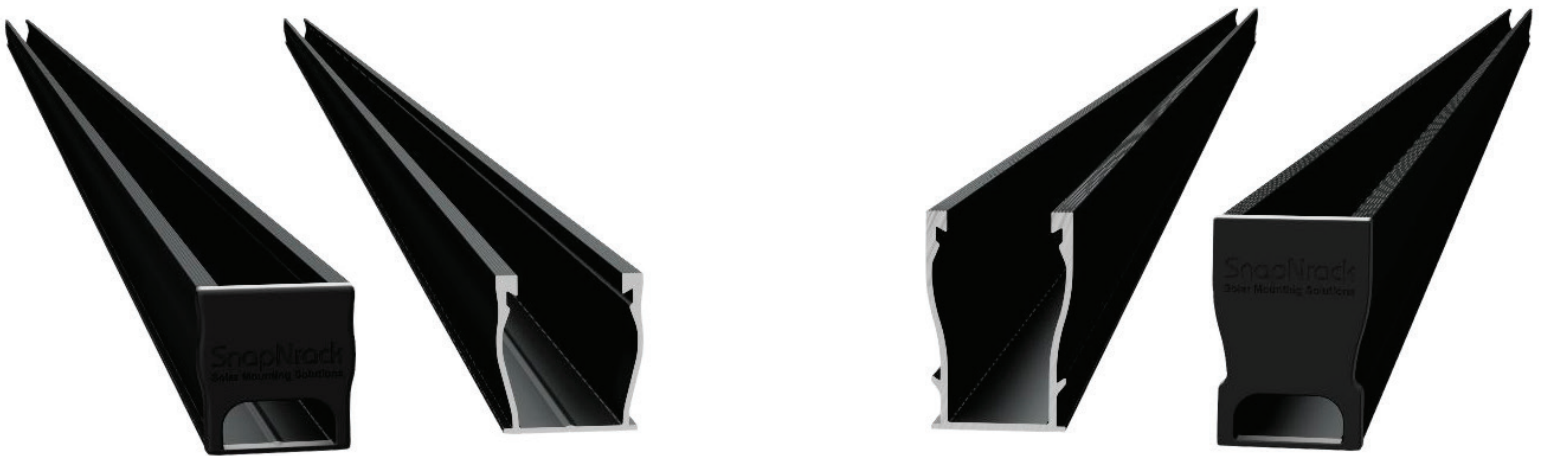
#### REFERENCES:

- 1 SunPower 360W compared to a Conventional Panel on same sized arrays (260W, 16% efficient, approx. 1.6 m<sup>2</sup>), 4% more energy per watt (based on 3pty module characterization and PVSim), 0.75%/yr slower degradation (Campeau, Z. et al. "SunPower Module Degradation Rate," SunPower white paper, 2013).
- 2 Based on search of datasheet values from websites of top 10 manufacturers per IHS, as of January 2017.
- 3 "SunPower Module 40-Year Useful Life" SunPower white paper, May 2015. Useful life is 99 out of 100 panels operating at more than 70% of rated power.
- 4 X-Series same as E-Series, 5 of top 8 panel manufacturers tested in 2013 report, 3 additional panels in 2014. Ferrara, C., et al. "Fraunhofer PV Durability Initiative for Solar Modules: Part 2". Photovoltaics International, 2014.
- 5 See [us.sunpower.com/home-solar-system-warranty/](http://us.sunpower.com/home-solar-system-warranty/) for more details.
- 6 Standard Test Conditions (1000 W/m<sup>2</sup> irradiance, AM 1.5, 25° C). NREL calibration Standard: SOMS current, LACCS FF and Voltage.
- 7 Based on average of measured power values during production.
- 8 Type 2 fire rating per UL1703:2013, Class C fire rating per UL1703:2002.
- 9 See salesperson for details.



Please read the safety and installation guide.

# Ultra Rail



## The Ultimate Value in Rooftop Solar



Industry leading Wire Management Solutions



Mounts available for all roof types



Single Tool Installation



All SnapNrack Module Clamps & Accessories are compatible with both rail profiles

## Start Installing Ultra Rail Today

**RESOURCES**  
**DESIGN**  
**WHERE TO BUY**

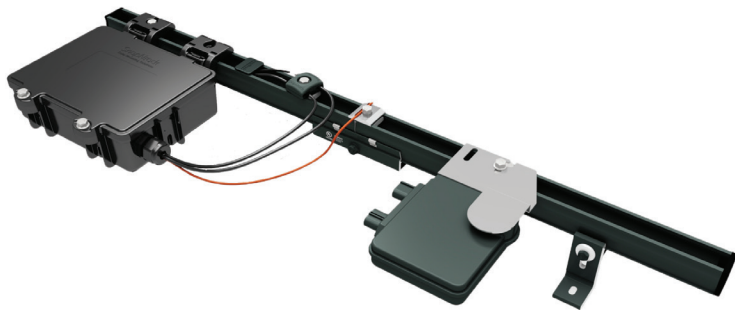
[snapnrack.com/resources](https://snapnrack.com/resources)  
[snapnrack.com/configurator](https://snapnrack.com/configurator)  
[snapnrack.com/where-to-buy](https://snapnrack.com/where-to-buy)

# SnapNrack Ultra Rail System

A sleek, straightforward rail solution for mounting solar modules on all roof types. Ultra Rail features two rail profiles; UR-40 is a lightweight rail profile that is suitable for most geographic regions and maintains all the great features of SnapNrack rail, while UR-60 is a heavier duty rail profile that provides a larger rail channel and increased span capabilities. Both are compatible with all existing mounts, module clamps, and accessories for ease of install.

## The Entire System is a Snap to Install

- New Ultra Rail Mounts include snap-in brackets for attaching rail
- Compatible with all the SnapNrack Mid Clamps and End Clamps customers love
- Universal End Clamps and snap-in End Caps provide a clean look to the array edge



## Unparalleled Wire Management

- Open rail channel provides room for running wires resulting in a long-lasting quality install
- Industry best wire management offering includes Junction Boxes, Universal Wire Clamps, MLPE Attachment Kits, and Conduit Clamps
- System is fully bonded and listed to UL 2703 Standard

## Heavy Duty UR-60 Rail

- UR-60 rail profile provides increased span capabilities for high wind speeds and snow loads
- Taller, stronger rail profile includes profile-specific rail splice and end cap
- All existing mounts, module clamps, and accessories are retained for the same great install experience



# Quality. Innovative. Superior.

SnapNrack Solar Mounting Solutions are engineered to optimize material use and labor resources and improve overall installation quality and safety.

877-732-2860

[www.snapnrack.com](http://www.snapnrack.com)

[contact@snapnrack.com](mailto:contact@snapnrack.com)

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# S-5!<sup>®</sup>

## The Right Way!<sup>®</sup>

### S-5-N Clamp

S-5! introduces the new and improved S-5-N clamps. The new design features an innovative insert that ensures a superior fit for new and wider nail strip profiles as well as older ones.

The S-5-N (standard) clamp is the best choice for snow retention and other heavy and load-critical applications. It is designed for use on the most popular 1" nail strip metal roofs, including: Taylor Metal's Easy Lock<sup>™</sup>, ASC Building Products' Skyline Roofing<sup>®</sup>, McElroy Metal's Meridian, New Tech Machinery's FF100, Schlebach 1" Nail Strip, and roofing types with similar profiles.

### S-5-N Mini Clamp

The S-5-N Mini offers correct fit to the same profiles as the standard S-5-N but is shorter and has one setscrew rather than two. The Mini is ideal for attaching various rooftop accessories, such as solar arrays, signs, walkways, satellite dishes, lightning protection systems, antennas, rooftop lighting, conduit, condensate lines and other lighter load applications\*

\*S-5! Mini clamps are not compatible with, and should not be used with S-5! SnoRail<sup>™</sup>/SnoFence<sup>™</sup> or ColorGard<sup>®</sup> snow retention systems.

**NEW AND  
IMPROVED**



### FEATURES AND BENEFITS

- Angled setscrews for easier installation - no special tools required
- Fits seam profiles having base of rib dimension < .82"
- Structural aluminum (6061-T6) clamp body and 300 series SS fasteners offer superior corrosion resistance & strength
- Clamp insert to facilitate installation and fit
- New design ensures straighter clamp position on seam

**The right way to attach almost anything to metal roofs!**

**S-5-N and S-5-N Mini**



**888-825-3432 | [www.S-5.com](http://www.S-5.com)**

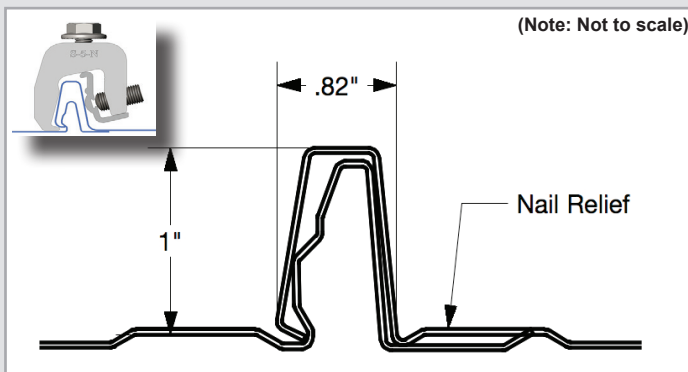


The new and improved S-5-N features angled setscrews, a wider throat, and an insert for easy installation and best fit for wider nail strip profiles.

The **S-5-N** and **S-5-N Mini clamps** are each supplied with the hardware shown to the right. Each box also includes a bit tip for tightening setscrews using an electric screw gun. The S-5-N is a structural aluminum attachment clamp, compatible with most common metal roofing materials (excluding copper). All included hardware is 300 series stainless steel. Please visit [www.S-5.com](http://www.S-5.com) for more information including CAD details, metallurgical compatibilities, and specifications.

**S-5!® holding strength is unmatched in the industry.**

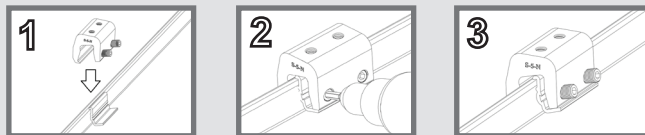
### Fits Panels Up to .82"



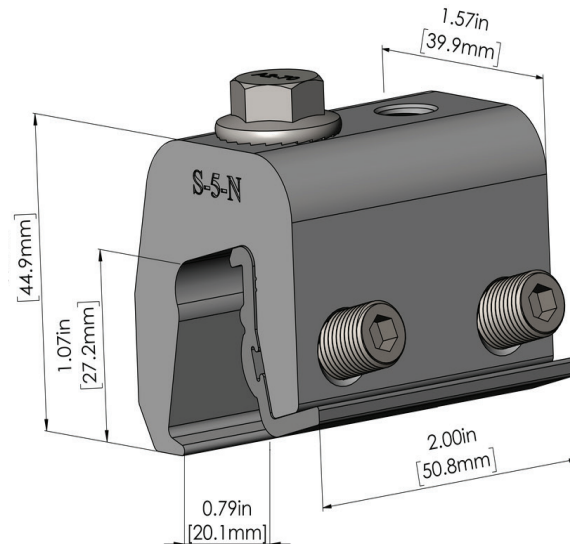
(NOTE: Seams that exceed maximum allowance at the widest part of the seam will require hand crimping to allow the clamp to fit).

### Ease of Installation...in 1...2...3

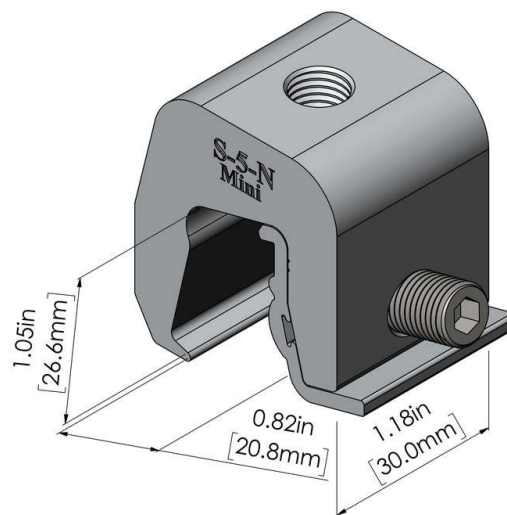
**Installation Simplified:** The S-5-N is still just as quick and easy to install as other S-5 clamps. But now, we've angled the setscrews toward the installer, allowing easier access with a screw gun, simplifying tool removal once the setscrew has been tightened - ensuring the clamp sits straighter on the seam. Choose the S-5-N for a non-penetrating solution that protects the roof while providing excellent holding strength.



## S-5-N Clamp



## S-5-N Mini Clamp



### S-5!® Warning! Please use this product responsibly!

Products are protected by multiple U.S. and foreign patents. Visit the website at [www.S-5.com](http://www.S-5.com) for complete information on patents and trademarks. For maximum holding strength, setscrews should be tensioned and re-tensioned as the seam material compresses. Clamp setscrew tension should be verified using a calibrated torque wrench between 160 and 180 inch pounds when used on 22ga steel, and between 130 and 150 inch pounds for all other metals and thinner gauges of steel. Consult the S-5! website at [www.S-5.com](http://www.S-5.com) for published data regarding holding strength.

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Distributed by

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Matt Zink

**Property Address**

15 Eastwood Road

**Phone**

(828) 230-2769

**Email**

mzink@carlton-edwards.com

**Parcel ID/PIN Number**

9646 96 0544

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

54570

**Maximum Roof Coverage**

5,500 square feet (Up to 1.5 acres)

**Proposed Roof Coverage Total**

5498

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

12772 (23.4%)

**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**

37

**Description of the Proposed Project**

We are requesting an amendment on the driveway design for the previously approved Zoning Permit 201-32. The proposed design revision is to revise the design to include an extension of the driveway to create a loop connection on the east side of the property.

**Estimated Start Date**

9/3/2021

**Estimated Completion Date**

12/30/2022

**Estimated Cost of Project**


\$4,000,000.00

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

2021.08.1215 Eastwood Road\_DRB Set.pdf



**Applicant Signature**



A handwritten signature in black ink, appearing to be 'V. F. Z. G.', written in a cursive style. The signature is positioned above a thin horizontal line that spans the width of the signature area.

**Date**  
8/13/2021













# BOARD OF ADJUSTMENT STAFF MEMORANDUM

August 23, 2021



## Case 3 – 6 Stuyvesant Road Special Use Permit Request for Rear Yard Fence and Variance Request for Encroachment into Rear and Side Yard Setbacks

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### Project Description

The applicant requests approval for a fence within the rear yard to prevent deer from entering the garden. The fence project includes 611 linear feet of 8 feet tall, post and wire fencing. This height and type of fencing is permitted under the Town's Zoning Ordinance regarding fence design standards. The project also includes two (2) 4-foot gates to access the fenced in area – these gates are located within the rear yard.

### Special Use Permit Request

The Town's Zoning Ordinance allows fences within the rear yard as a special use. The Ordinance allows fence height up to 8 feet for deer fencing, and refers applicants to the NC Wildlife Resources Commission for appropriate deer fencing materials. The project complies with these specific portions of the ordinance.

### Variance Request

The ordinance requires fences in the rear yard to comply with the side and rear yard setbacks. This property is located in the R-1 district that includes a 20-foot side setback and 25-foot rear setback. The applicant's variance request is to be inside the setbacks in order to allow existing vegetation and buffering to remain in place. Their application states compliance with the setbacks would lead to intrusion into a pond and garden area that is established. The location within the setbacks would likely require removal and replanting with less mature vegetation.

## § 153.049 FENCE, GATE AND WALL REGULATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. passed 2-11-2020)

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Miles Elmore

**Property Address**

6 Stuyvesant Rd

**Phone**

(828) 274-5435

**Email**

melmore2@me.com

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.2 acres

**Maximum Roof Coverage**

5,060 square feet (Up to 1.2 acres)

**Proposed Roof Coverage Total**

not applicable

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

not applicable

**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**

Install approx 611 linear feet of 8ft tall post and wire fence with black vinyl coated welded wire (2"x3")

Fence will have 4x4 wood posts with welded wire stapled to the posts

2 gates

Fence posts will be 4x4 posts set in concrete

gate posts will be 6x6 posts set in concrete

**Estimated Start Date**

11/1/2021

**Estimated Completion Date**

11/14/2021

**Estimated Cost of Project**

\$18,000.00

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

**Applicant Signature**

**Date**  
8/3/2021



A handwritten signature in black ink, appearing to read "M. S. Hine", written over a thin horizontal line.

---



# Special Use Permit Application

Town of Biltmore Forest

**Name**

Miles Elmore

**Address**

6 Stuyvesant Rd

**Phone**

(828) 274-5435

**Email**

melmore2@me.com

**Please select the type of special use you are applying for:**

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

**Please provide a description of the proposed project:**

variance on property line setback

Deer fence install approx 611 linear feet of 8' tall post and wire fence with black vinyl coated welded wire (2"x3" mesh)

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

Hidden in back yard with vegetation on sides.....Our neighbors informed and agree with project.

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

**Signature**

**Date**

8/3/2021



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# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Miles Elmore

**Address**

6 Stuyvesant Rd

**Phone**

(828) 274-5435

**Email**

melmore2@me.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?**

deer fence

**What does the ordinance require?**

variance to set back

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.**

To protect our garden with present property setback we would lose 15 feet on side and 25ft on rear yard which would include pond, vegetable garden and valuable shrubs.

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

We have a very narrow lot....

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

No...was set in place when we took ownership

**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.**

Yes!

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

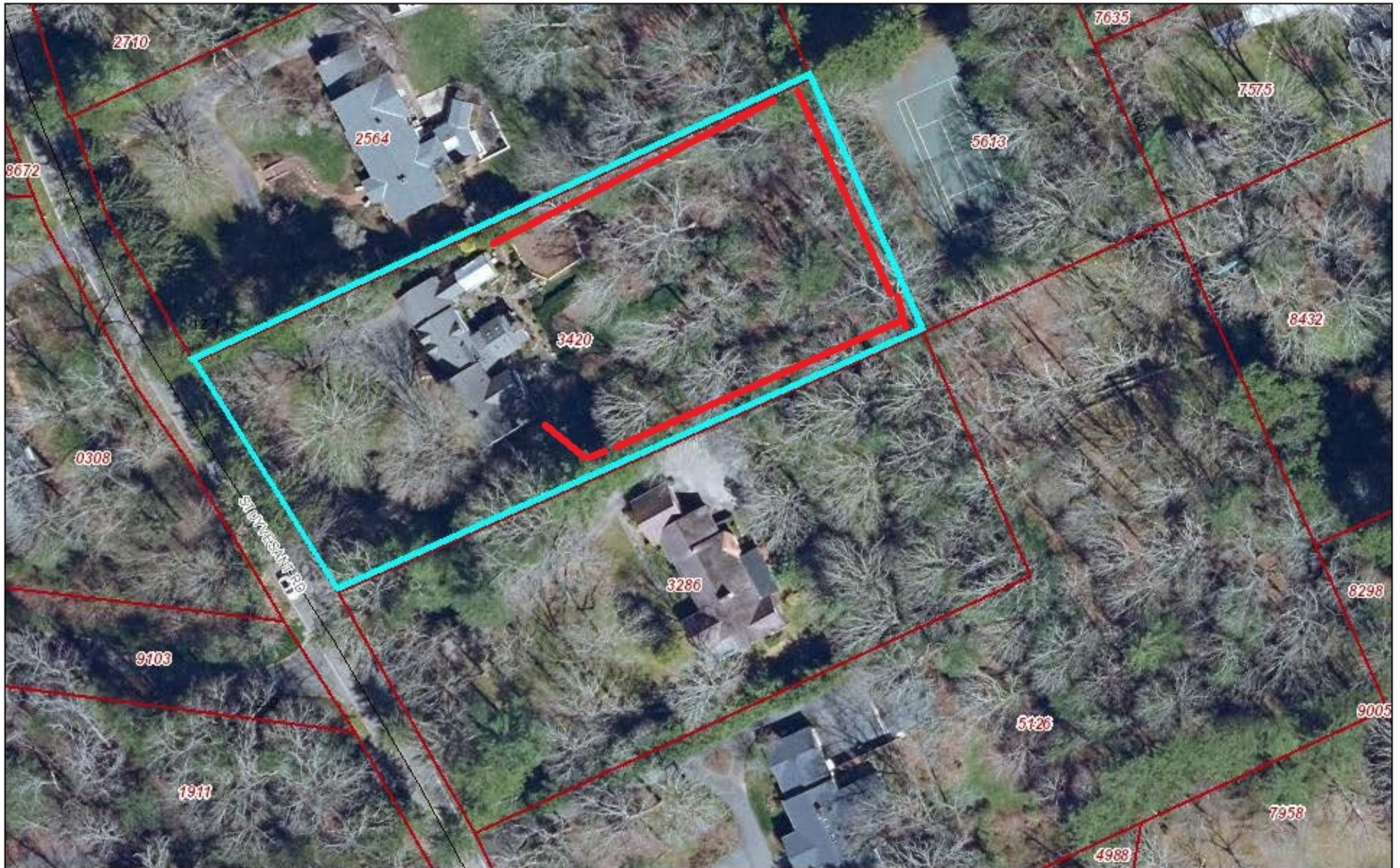
**Signature**

**Date**  
8/3/2021

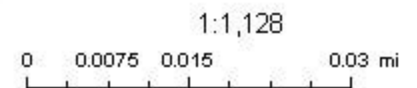


Two handwritten signatures in black ink. The first signature on the left is a cursive-style name that appears to be 'Mick'. The second signature on the right is a more stylized cursive name that appears to be 'Eliana'. Both signatures are written above a thin horizontal line.

# 6 Stuyvesant Road



August 24, 2021





**BOARD OF ADJUSTMENT  
STAFF MEMORANDUM**

August 23, 2021



**Case 2 – 5 White Oak Road  
Special Use Permit Request for Addition of Circular Drive  
and Parking Area in Rear of Home**

---

Special Use Permit Request

The applicant requests approval to expand their existing driveway by constructing a new portion on the southern side of the property. The proposed new portion will create a circular driveway and does not encroach within the side yard setback. The Town’s Zoning Ordinance provides the following guidance regarding the placement of driveways (found within the definition of *front yard*):

*“YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or property line and the front line of the building, projected to the side lot lines of the lot. Driveways, to the extent possible, shall enter the property through the front yard.”*

In addition to the circular drive, the applicant also requests approval for the installation of a concrete parking area in the rear yard.

Parcel Information

The specific parcel 0.46 acres. The maximum allowable impervious surface is 27.5 percent of the lot, or 5,557 square feet. The applicant’s site plan calls for a new total impervious surface of 5,029 square feet, or 24.9 percent of the lot. The proposal is in compliance with all setbacks and the impervious surface requirements of the Town’s Zoning Ordinance.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

James Clayton

**Property Address**

5 White Oak Road

**Phone**

(828) 734-9028

**Email**

jamespclayton@gmail.com

**Parcel ID/PIN Number**

9647-80-9642-00000

## ZONING INFORMATION

**Current Zoning**

R-2

**Lot Size**

20,206 sq/ft

**Maximum Roof Coverage**

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

**Proposed Roof Coverage Total**

No change

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

5,029 sq/ft

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

N/A

**Description of the Proposed Project**

New driveway at side of house with drive through driveway in front (see plans attached).

N.B. Waiting on estimate.

**Estimated Start Date**

9/1/2021

**Estimated Completion Date**

10/31/2021

**Estimated Cost of Project**

\$0.00

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

L-1.0-Site\_Plan\_Clayton.pdf

L-0.0-Demolition\_Plan\_Clayton.pdf

**Applicant Signature**

**Date**

7/20/2021

A handwritten signature in black ink, appearing to be 'L. RAY', is written over a horizontal line. The signature is stylized and cursive.

# Special Use Permit Application

Town of Biltmore Forest

**Name**

James Clayton

**Address**

5 White Oak Road

**Phone**

(828) 734-9028

**Email**

jamespclayton@gmail.com

**Please select the type of special use you are applying for:**

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

**Please provide a description of the proposed project:**

New driveway at side of house with drive through driveway in front (see site plans from zoning application).

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

The driveway will not be out of character with other driveways in R-2 and the project will improve the curb appeal and functionality of our property.

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

**Signature**



**Date**

7/20/2021



PRELIMINARY  
FOR REVIEW  
NOT FOR  
CONSTRUCTION

ISSUE/REVISION  
Schematic Design for Submittal to DRB  
06/15/2021

**CLAYTON RESIDENCE**  
5 White Oak Drive  
Biltmore Forest, North Carolina

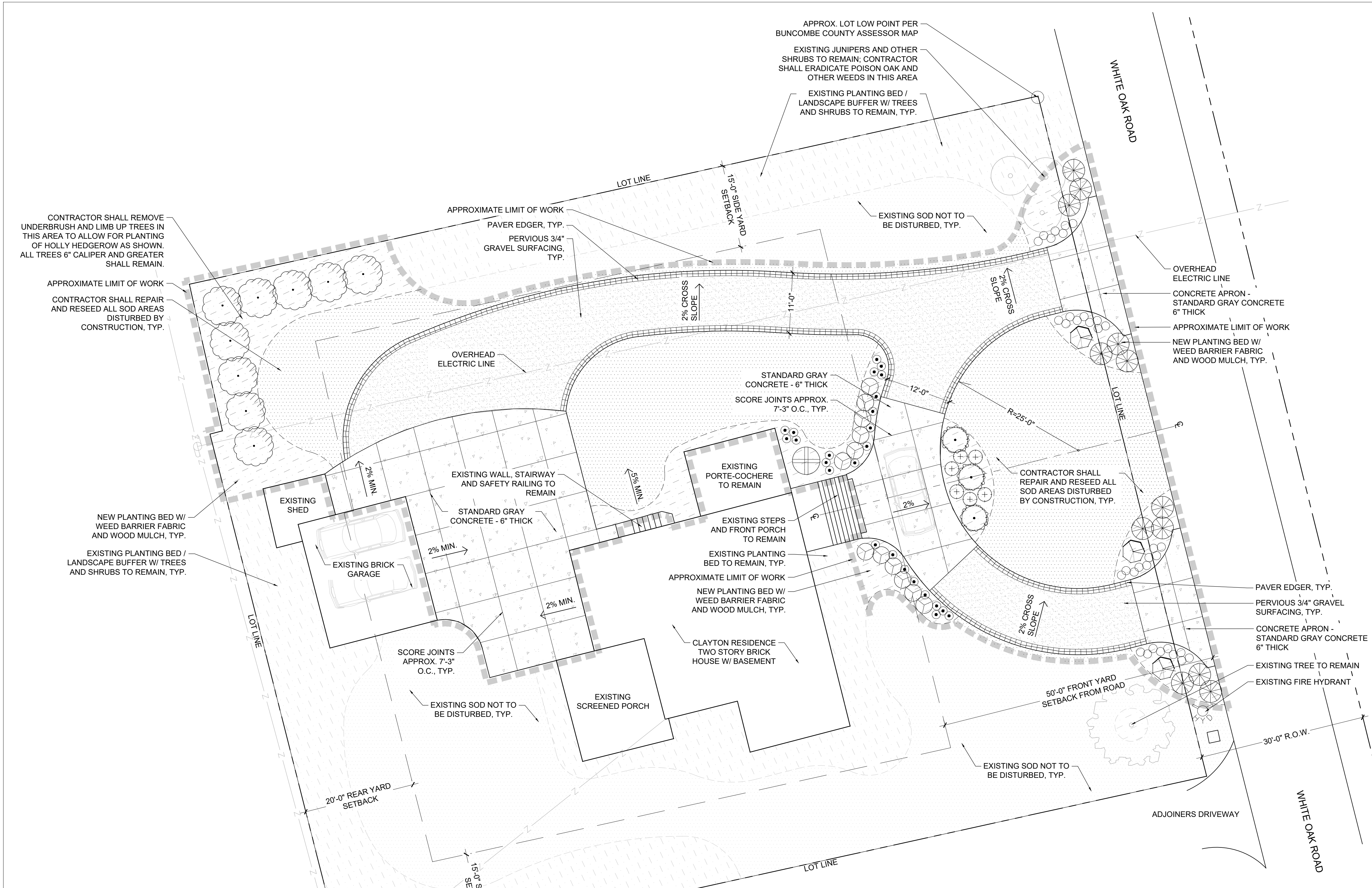
Sheet Title:

SITE PLAN

Sheet Number:

**L-1.0**

©2021 Keen Land Design, PLLC



- SITE AND GRADING NOTES**
- CONTRACTOR SHALL ASSURE ALL TREES 6" CALIPER AND GREATER IN SIZE SHALL REMAIN AND WILL NOT BE DAMAGED.
  - THE SURVEY FOR THIS WORK HAS BEEN PROVIDED BY OTHERS FOR USE IN THE DESIGN OF THIS PROJECT. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THE SURVEY.
  - CONTRACTOR SHALL CONTACT THE NORTH CAROLINA 811 UTILITIES NOTIFICATION CALL CENTER TO DETERMINE THE LOCATIONS OF ALL UTILITIES. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATIONS AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO BEGINNING WORK.
  - CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SITE CONDITIONS PRIOR TO COMMENCING WORK.
  - ANY MISCELLANEOUS ITEMS AND MATERIALS NOT SPECIFICALLY NOTED, BUT REQUIRED FOR THE PROPER EXECUTION, INSTALLATION, AND PERFORMANCE OF THIS WORK SHALL BE PROVIDED BY THE CONTRACTOR.
  - CONTRACTOR SHALL MINIMIZE DISTURBANCE OUTSIDE THE SCOPE OF WORK. ANY DISTURBANCE OUTSIDE THE SCOPE OF WORK SHALL BE REPAIRED BY THE CONTRACTOR TO, AT A MINIMUM, ITS CONDITION PRIOR TO BEGINNING WORK.
  - ALL CONNECTIONS TO EXISTING WORK SHALL BE SMOOTH AND CONTINUOUS.
  - CONTRACTOR SHALL PROVIDE PROTECTION FOR NEWLY INSTALLED WORK AND FINISHES.
  - CONSTRUCTION DEBRIS SHALL BE REMOVED AT THE END OF EACH WORK DAY AND THE SITE SHALL BE MAINTAINED IN A NEAT, CLEAN CONDITION. CONTRACTOR IS RESPONSIBLE FOR ALL PHASES OF HANDLING, TRANSPORTING, AND DISPOSING OF TRASH AND DEBRIS.
  - CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH ALL APPLICABLE STANDARDS AND SPECIFICATIONS.
  - CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE, AT A MINIMUM SLOPE OF 2%, AWAY FROM ALL BUILDING FOUNDATIONS, WALLS, AND OTHER STRUCTURES.

- LANDSCAPE NOTES**
- CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE DRAWINGS.
  - ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, OR EQUIVALENT. PLANT MATERIAL DEEMED INFERIOR BY THE PROJECT MANAGER AND/OR LANDSCAPE ARCHITECT SHALL BE REPLACED AT CONTRACTOR'S EXPENSE.
  - ALL AREAS TO BE PLANTED SHALL BE TILLED TO A MINIMUM DEPTH OF 12-INCHES. CONTRACTOR SHALL THEN APPLY SOIL AMENDMENT OVER SURFACE AT MANUFACTURER'S SPECIFIED RATE. CONTRACTOR SHALL THEN TILL LANDSCAPE AREAS AGAIN TO A MINIMUM DEPTH OF 8-INCHES PRIOR TO ANY PLANTING. TILL AND AMEND WITHIN: 4' OF TREE TRUNKS, 2' OF SHRUB CENTERS, AND 1' OF GRASS AND PERENNIAL CENTERS.
  - NO LANDSCAPING SHALL BE INSTALLED BEFORE FINE GRADING HAS BEEN COMPLETED AND ITS CONDITION APPROVED BY THE PROJECT MANAGER OR LANDSCAPE ARCHITECT. ANY AREAS NOT PROPERLY TILLED, AMENDED, OR FINE-GRADED WILL NEED TO BE RE-DONE AT THE CONTRACTOR'S EXPENSE.
  - PROPOSED PLANT SUBSTITUTIONS MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO TRANSPORT TO THE PROJECT SITE. PLANT MATERIAL SUBSTITUTED AND INSTALLED WITHOUT APPROVAL MAY REQUIRE REMOVAL AND REPLACEMENT AT THE DISCRETION OF THE LANDSCAPE ARCHITECT. PLANT MATERIAL REQUIRING REPLACEMENT SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
  - ALL PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN AS SPECIFIED ON THE PLANT LIST. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT'S ROOT BOUND. ALL ROOT WRAPPING MATERIAL SHALL BE REMOVED COMPLETELY AT TIME OF PLANTING AND PROPERLY DISPOSED OF.
  - ALL PLANTS SHALL HAVE THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING, UNLESS OTHERWISE SPECIFIED OR DETAILED.
  - AFTER PLANTING, WOOD MULCH SHALL BE APPLIED TO ALL PLANTING AREAS AT A DEPTH OF 3" OVER WEED CONTROL FABRIC.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING AND OTHER MAINTENANCE NECESSARY FOR INITIAL ESTABLISHMENT OF PLANTINGS. PLANT MATERIAL NEEDING REPLACEMENT WITHIN ONE YEAR OF PLANTING SHALL BE DONE AT CONTRACTOR'S EXPENSE.

**IMPERVIOUS SURFACE COVERAGE CALCULATIONS**

- LOT SIZE: 20,206 S.F. (LESS THAN 1 ACRE)
- MAXIMUM IMPERVIOUS SURFACE ALLOWED: 27.5% OF THE LOT = 5,557 S.F.
- IMPERVIOUS SURFACES:

HOUSE, GARAGE AND SHED	2,695 S.F.
CONCRETE SURFACING	2,011 S.F.
PAVER EDGER	323 S.F.
TOTAL	5,029 S.F.
	24.9%
- PERVIOUS SURFACES

SOD	7,723 S.F.
PLANTING BED / LANDSCAPE BUFFER	5,399 S.F.
PERVIOUS 3/4" GRAVEL SURFACING	2,055 S.F.
TOTAL	15,177 S.F.
	75.1%

**PLANT SCHEDULE**

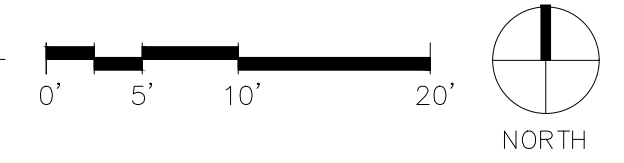
Sym.	Botanical Name	Common Name	Size	Condition	Mature Size: HxS
<b>Deciduous Shrubs</b>					
CAT	Cotoneaster apiculatus 'Tom Thumb'	Tom Thumb Cotoneaster	3 Gal.	Cont.	1.5x5'
HQP	Hydrangea quercifolia 'Pee Wee'	Pee Wee Oakleaf Hydrangea	3 Gal.	Cont.	3'x4'
VCS	Viburnum carlesii 'Spice Baby'	Koreanspice Viburnum 'Spice Baby'	5 Gal.	Cont.	5'x4'
<b>Evergreen Shrubs</b>					
CPG	Chamaecyparis pisifera 'Golden Mop'	Golden Mop False Cypress	Transplant *		3'x3'
IMA	Ilex 'Magiana'	Acadiana Holly	7 Gal.	Cont.	14'x8'
PPG	Picea pungens 'Globosa'	Dwarf Globe Blue Spruce	Transplant *		4'x5'
RRA	Rhododendron 'Robleze' PP32506	Autumn Starburst Azalea	3 Gal.	Cont.	3'x3.5'
<b>Groundcovers</b>					
CSS	Chrysogonum 'Superstar'	Superstar Green and Gold	4" Pot	Cont.	1'x2'
PSC	Phlox subulata	Creeping Phlox	4" Pot	Cont.	0.5'x2'

\* Contractor to carefully hand dig, store and care for the existing plants called out as 'To Be Salvaged' on the Demolition Plan, then transplant to the new specified location after hardscape is complete.

**LEGEND**

- APPROXIMATE LIMIT OF WORK (9,884 SF)
- PERVIOUS 3/4" GRAVEL SURFACING
- STANDARD GRAY CONCRETE 6" THICK
- PAVER EDGER
- SOD TO BE REPAIRED AND RE-SEEDED
- NEW PLANTING BED W/ WEED BARRIER FABRIC AND WOOD MULCH
- EXISTING NATURAL TURF NOT TO BE DISTURBED
- EXISTING PLANTING BED / LANDSCAPE BUFFER WITH TREES AND SHRUBS TO REMAIN
- NEW SPADE DUG EDGE
- EXISTING SPADE DUG EDGE

1 SITE PLAN  
SCALE: 1" = 10' - 0"





PRELIMINARY  
FOR REVIEW  
NOT FOR  
CONSTRUCTION

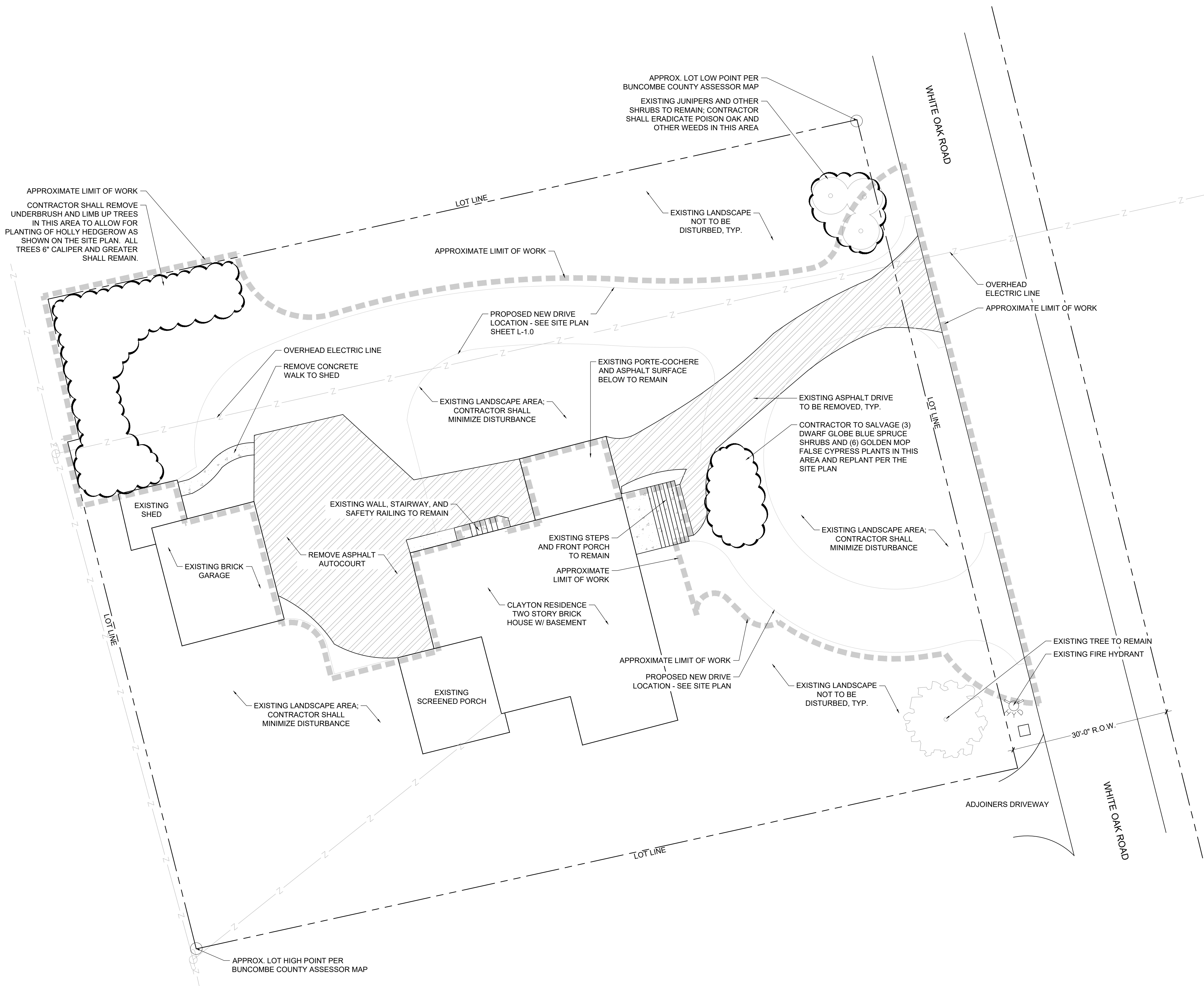
ISSUE/REVISION  
Schematic Design for Submittal to DRB  
06/15/2021

**CLAYTON RESIDENCE**  
5 White Oak Drive  
Biltmore Forest, North Carolina

Sheet Title:  
**DEMOLITION PLAN**

Sheet Number:  
**L-0.0**

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- DEMOLITION NOTES**
1. CONTRACTOR SHALL ASSURE THAT ALL TREES 6" CALIPER AND GREATER IN SIZE SHALL REMAIN AND WILL NOT BE DAMAGED.
  2. THE SURVEY FOR THIS WORK HAS BEEN PROVIDED BY OTHERS FOR USE IN THE DESIGN OF THIS PROJECT. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THE SURVEY.
  3. CONTRACTOR SHALL CONTACT THE NORTH CAROLINA 811 UTILITIES NOTIFICATION CALL CENTER TO DETERMINE THE LOCATIONS OF ALL UTILITIES. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATIONS AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO BEGINNING WORK.
  4. CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SITE CONDITIONS PRIOR TO COMMENCING WORK.
  5. ANY MISCELLANEOUS ITEMS AND MATERIALS NOT SPECIFICALLY NOTED, BUT REQUIRED FOR THE PROPER EXECUTION, AND PERFORMANCE OF THIS WORK SHALL BE PROVIDED BY THE CONTRACTOR.
  6. CONTRACTOR SHALL MINIMIZE DISTURBANCE OUTSIDE THE SCOPE OF WORK. ANY DISTURBANCE OUTSIDE THE SCOPE OF WORK SHALL BE REPAIRED BY THE CONTRACTOR TO, AT A MINIMUM, ITS CONDITION PRIOR TO BEGINNING WORK.
  7. ALL CONNECTIONS TO EXISTING WORK SHALL BE SMOOTH AND CONTINUOUS.
  8. CONSTRUCTION DEBRIS SHALL BE REMOVED AT THE END OF EACH WORK DAY AND THE SITE SHALL BE MAINTAINED IN A NEAT, CLEAN CONDITION. CONTRACTOR IS RESPONSIBLE FOR ALL PHASES OF HANDLING, TRANSPORTING, AND DISPOSING OF TRASH AND DEBRIS.
  9. CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH ALL APPLICABLE STANDARDS AND SPECIFICATIONS.

# BOARD OF ADJUSTMENT STAFF MEMORANDUM

August 23, 2021



## Case 1 – 8 White Oak Road Special Use Permit Request for Addition of Circular Drive

---

### Special Use Permit Request

The applicant requests approval to expand their existing driveway by constructing a new portion on the northern side of the property. The proposed new portion will create a circular driveway and does not encroach within the side yard setback. The Town's Zoning Ordinance provides the following guidance regarding the placement of driveways (found within the definition of *front yard*):

*"YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or property line and the front line of the building, projected to the side lot lines of the lot. Driveways, to the extent possible, shall enter the property through the front yard."*

### Parcel Information

The specific parcel consists of two lots and is 0.72 acres. The applicant has revised their original application to reduce the amount of impervious surface by utilizing pervious pavers as part of this project. The applicant has included information regarding the pervious pavers and their drainage for the Board's review. Please note, this special use request is for the circular driveway only – the remaining portions of the project will be reviewed by the Design Review Board as they are attached to the home and do not create any other special use or variance requests.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

John D. and Lizbeth P. Kimberly

**Property Address**

8 White Oak Road

**Phone**

(828) 713-0661

**Email**

pinklizzy@me.com

**Parcel ID/PIN Number**

9647 90 1549

## ZONING INFORMATION

**Current Zoning**

R-2

**Lot Size**

0.715 acres 31,159 sq.ft.

**Maximum Roof Coverage**

3,520 square feet (Up to .75 acres)

**Proposed Roof Coverage Total**

3187.8

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

9119 sq.ft.

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

25'-3"

**Description of the Proposed Project**

Remodel and reconfigure existing kitchen and family room to include a main level addition on the South side of the existing house. Add a 2nd level Sun Room and small deck over an existing main level covered porch. Add a new circular drive to include guest parking. Driveway work will require removal of 3 large oak trees in the front yard.

**Estimated Start Date**

9/15/2021

**Estimated Completion Date**

3/15/2022

**Estimated Cost of Project**

\$283,375.00

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

13458 - 8 WHITE OAK RD.pdf

Schematic Design [3pages].pdf

**Applicant Signature**

**Date**  
7/28/2021



A handwritten signature in black ink, consisting of the letters 'Epk' followed by a long, sweeping horizontal stroke that extends to the right. The signature is positioned above a thin, light gray horizontal line.

# Special Use Permit Application

Town of Biltmore Forest

**Name**

John and Lizbeth Kimberly

**Address**

8 White Oak Road

**Phone**

(828) 713-0661

**Email**

pinklizzy@me.com

**Please select the type of special use you are applying for:**

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

**Please provide a description of the proposed project:**

Additions and Alterations to Kimberly Residence including a circular driveway addition to the existing drive. Included is a new driveway apron connection to White Oak Road.

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

Currently the existing driveway provides one or less off street parking spaces for guests. Parking options include parking along White Oak and possibly damage to the shoulder or dangerous vehicular backing out of the existing driveway onto White Oak. The project improves the entire neighborhood and the public interest by providing needed off street parking with safer driveway connections.

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

**Signature**

**Date**

8/13/2021



---



REFERENCES:

- DB 3853 PG 526
- PB 2 PG 86



**GEORGE STOWE ARCHITECT**  
 member, American Institute of Architects  
 184 East Chestnut Street • Asheville, NC 28801  
 828-251-2357 • gstowe@architect@bellsouth.net  
 www.GeorgeStoweArchitect.com

**ZONING APPLICATION**

DATE: 08-02-2021  
 REVISIONS:  
 REV. 08-13-2021

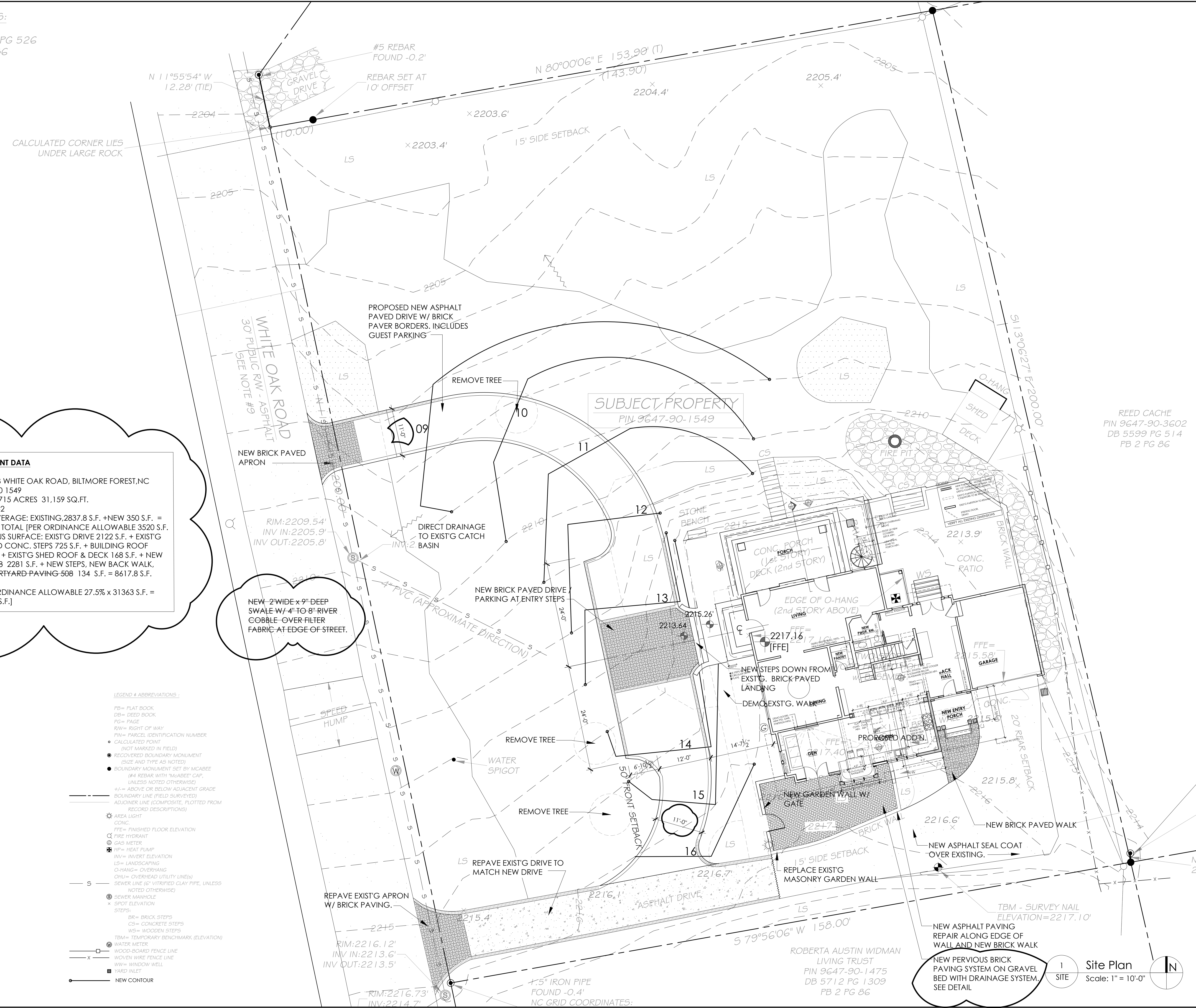
Additions and Alterations  
**Kimberly Residence**  
 8 White Oak Road  
 Biltmore Forest, NC

**SITE**

**DEVELOPMENT DATA**

-ADDRESS: 8 WHITE OAK ROAD, BILTMORE FOREST, NC  
 -PIN: 9647 90 1549  
 -LOT SIZE: 0.715 ACRES 31,159 SQ.FT.  
 -ZONING: R-2  
 -ROOF COVERAGE: EXISTING 2837.8 S.F. + NEW 350 S.F. = 3187.8 S.F. TOTAL [PER ORDINANCE ALLOWABLE 3520 S.F.]  
 -IMPERVIOUS SURFACE: EXIST'G DRIVE 2122 S.F. + EXIST'G PATIO AND CONC. STEPS 725 S.F. + BUILDING ROOF 3187.8 S.F. + EXIST'G SHED ROOF & DECK 168 S.F. + NEW DRIVE 2408 2281 S.F. + NEW STEPS, NEW BACK WALK, NEW COURTYARD PAVING 508 134 S.F. = 8617.8 S.F. TOTAL.  
 [PER ORDINANCE ALLOWABLE 27.5% x 31363 S.F. = 8625.7 S.F.]

- LEGEND & ABBREVIATIONS:**
- PB= PLAT BOOK
  - DB= DEED BOOK
  - PG= PAGE
  - R/W= RIGHT OF WAY
  - PIN= PARCEL IDENTIFICATION NUMBER
  - CALCULATED POINT (NOT MARKED IN FIELD)
  - RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
  - BOUNDARY MONUMENT SET BY MCABEE (#4 REBAR WITH MAGNET CAP, UNLESS NOTED OTHERWISE)
  - +/- ABOVE OR BELOW ADJACENT GRADE
  - BOUNDARY LINE (FIELD SURVEYED)
  - ADJOINER LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
  - ☼ AREA LIGHT
  - CONC. CONC.
  - FFE= FINISHED FLOOR ELEVATION
  - ⊕ FIRE HYDRANT
  - ⊕ GAS METER
  - ⊕ HP= HEAT PUMP
  - INV= INVERT ELEVATION
  - LS= LANDSCAPING
  - O-HANG= OVERHANG
  - OHU= OVERHEAD UTILITY LINE(S) (NOTED OTHERWISE)
  - S SEWER LINE (6" VITRIFIED CLAY PIPE, UNLESS NOTED OTHERWISE)
  - ⊕ SEWER MANHOLE
  - ⊕ SPOT ELEVATION
  - STEPS: BR= BRICK STEPS CS= CONCRETE STEPS WS= WOODEN STEPS
  - TBM= TEMPORARY BENCHMARK (ELEVATION)
  - ⊕ WATER METER
  - WOOD-BOARD FENCE LINE
  - WOVEN WIRE FENCE LINE
  - ⊕ WW= WINDOW WELL
  - ⊕ YARD INLET
  - NEW CONTOUR



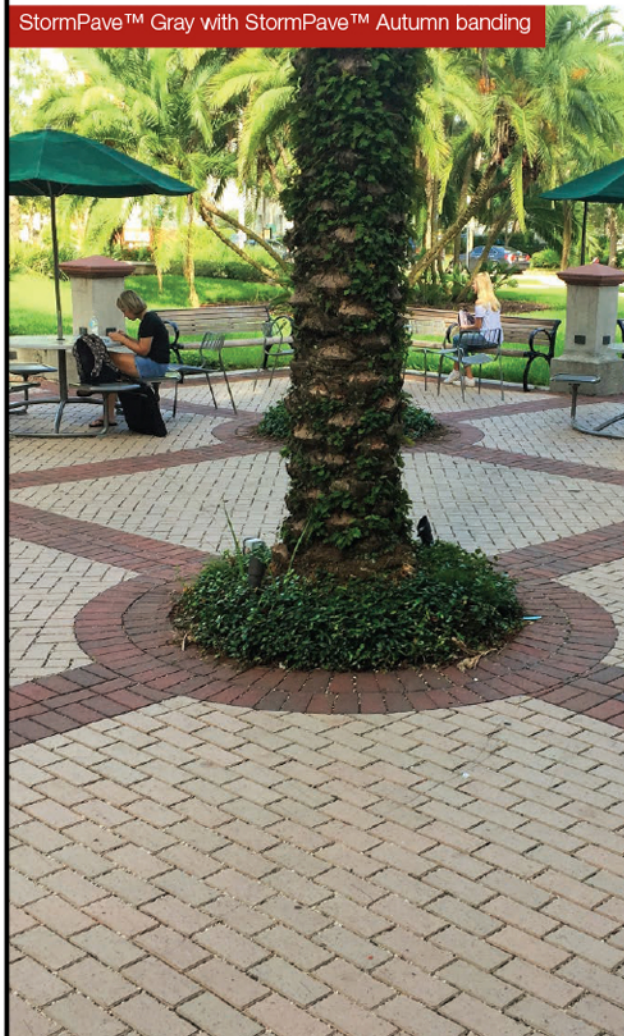
NEW ASPHALT PAVING REPAIR ALONG EDGE OF WALL AND NEW BRICK WALK  
 NEW PERVIOUS BRICK PAVING SYSTEM ON GRAVEL BED WITH DRAINAGE SYSTEM. SEE DETAIL

1 SITE  
 Site Plan  
 Scale: 1" = 10'-0"



# StormPave™ Water Permeable Pavers

StormPave™ is an amazing breakthrough in water permeable paving. StormPave clay pavers have beveled edges and large spacer bars that allow rain to filter between washed aggregate in the joints to a specially constructed catchment area underneath the pavers. The water then dissipates naturally into the native soils. StormPave pavers are available in standard 4" x 8" by 2-1/4" thickness as well as 2-3/4" thickness for heavy vehicular applications. For more information, go to [pinehallbrick.com/permeable](http://pinehallbrick.com/permeable)



## North Carolina Plant



Autumn



Burgundy



Cocoa



Dark Accent



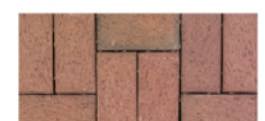
Full Range



Ironspot



Red



Rose

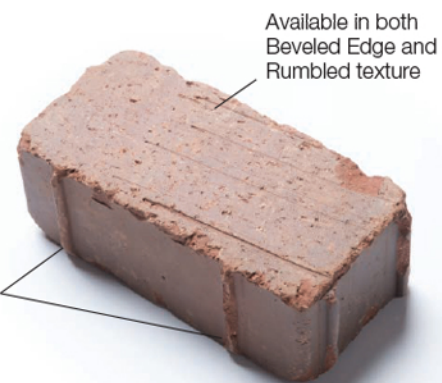
## Georgia Plant



Buff



Gray



Available in both Beveled Edge and Rumbled texture

1/4" spacer bars allow water to filter between the joints

[pinehallbrick.com](http://pinehallbrick.com)

ASTM No. 8, 9, or 89 stone in openings

Pine Hall Brick StormPave over 6" #57 washed stone, 2" ASTM #8 or #9 stone setting bed.

ASTM No. 8 stone, 1 1/2" to 2" depth

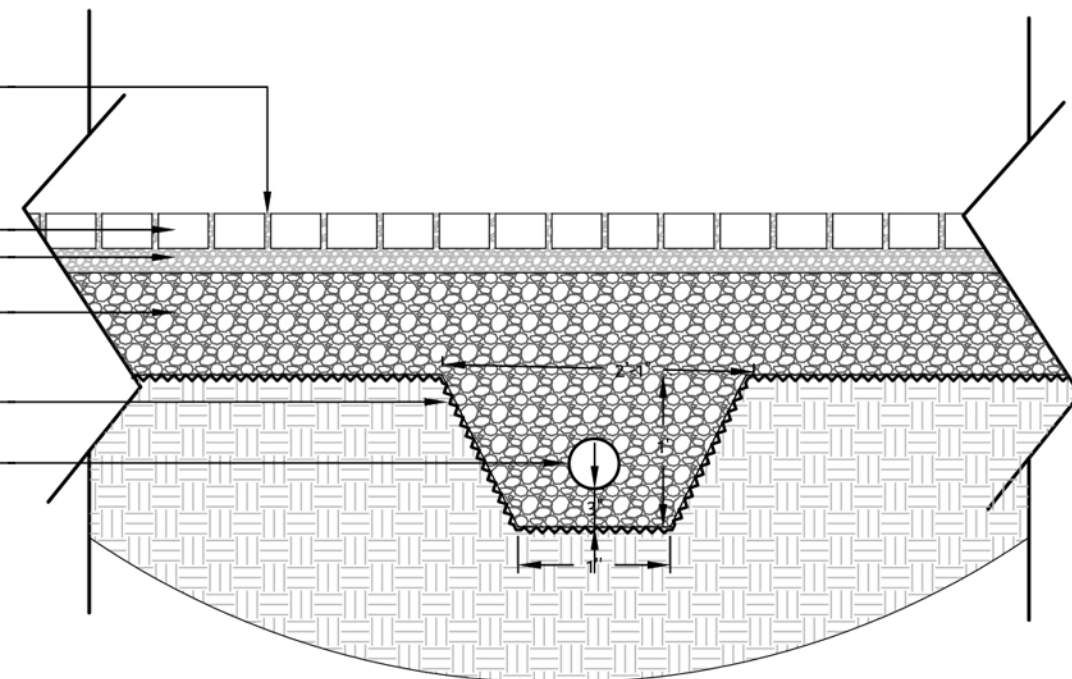
ASTM No. 57 stone open graded, 6" depth

Mirafi 140N or equivalent filter fabric beneath permeable paver area only

4" perforated PVC underdrain, holes up; wye into 4" PVC drain line entering Drain Inlet. Min. 1% slope

**Notes:**  
Installation should be completed by installer having documented experience with interlocking paver systems, and preferably, permeable paver systems.

Refer to '<https://pinehallbrick.com>' for more information



## 1 | COURTYARD PERMEABLE PAVER DRAINAGE DETAIL

SITE 2 | Not to Scale



**GEORGE STOWE • ARCHITECT**  
member, American Institute of Architects  
184 East Chestnut Street • Asheville, NC, 28801  
828-251-2357 • [gstowearchitect@bellsouth.net](mailto:gstowearchitect@bellsouth.net)  
[www.GeorgeStoweArchitect.com](http://www.GeorgeStoweArchitect.com)

Additions & Alterations to:

**KIMBERLY RESIDENCE**

8 White Oak Road Biltmore Forest, NC

DATE: 08-13-2021

**SITE 2**



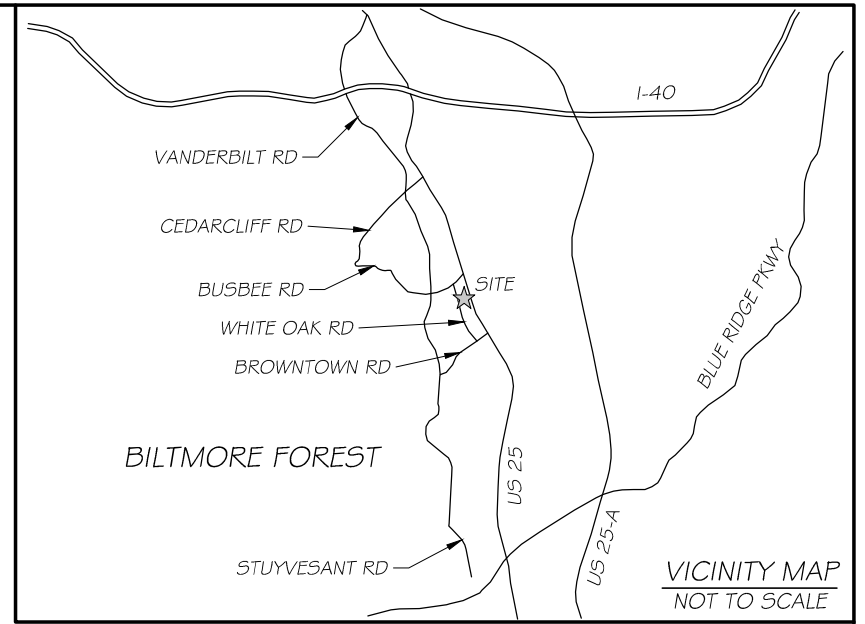
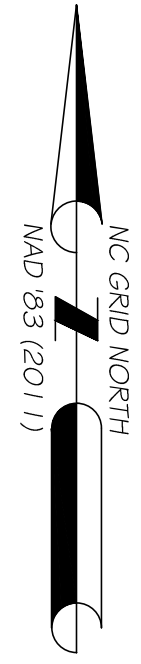
**NOTES:**

- 1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.R.M. #3700964700J, EFFECTIVE DATE: JANUARY 6, 2010.
- 2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- 3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
- 4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 5) AREA BY COORDINATE COMPUTATION.

- 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- 7) THE ELEVATION DATUM FOR THIS SURVEY IS NAVD '88. THE CONTOUR INTERVAL IS ONE FOOT.
- 8) SUBJECT PROPERTY IS ZONED "R-2" PER THE TOWN OF BILTMORE FOREST ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.  
BUILDING SETBACKS (PER "R-2" CLASSIFICATION):  
FRONT = 5'  
SIDE = 15'  
REAR = 20'
- 9) THE RIGHT OF WAY OVER WHITE OAK ROAD HAS BEEN SHOWN HEREON PER THE SCALING OF THE RIGHT OF WAY ILLUSTRATED ON PLAT BOOK 2 PAGE 86. THIS RIGHT OF WAY WAS NOT FORMALLY DIMENSIONED ON SAID PLAT AND A FORMAL RECORDED RIGHT OF WAY WIDTH OVER WHITE OAK ROAD WAS NOT RECOVERED BY THE SURVEYOR. IT IS ADVISED THAT, AT A MINIMUM, AN NCDOT MAINTENANCE LIMITS BASED RIGHT OF WAY LIKELY APPLIES TO THIS ROAD. A MAINTENANCE LIMITS RIGHT OF WAY IS GENERALLY CONSIDERED TO BE DITCH LINE TO ROAD SHOULDER, AND IS MORE SPECIFICALLY DEFINED AS THE AREA REQUIRED FOR MAINTENANCE OF THE ROADWAY.

**TOTAL AREA OF SURVEY**  
**0.715 ACRES**  
**(31,159 SQ. FT.)**

LOUISE S. BRACKETT  
PIN 9647-90-1891  
DB 1965 PG 667  
PB 2 PG 86

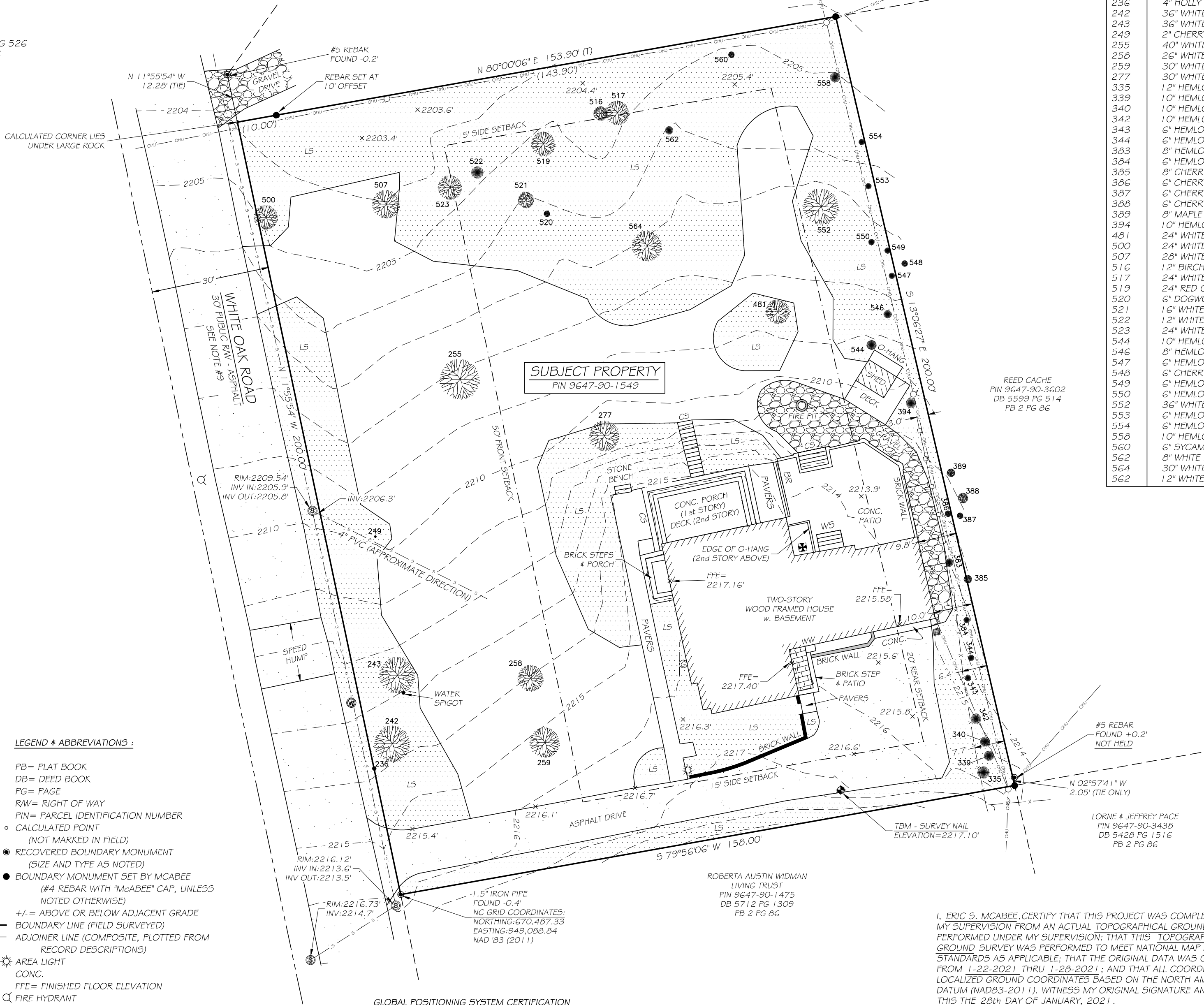


**TREE CHART**

TREE #	SIZE & SPECIES
562	12" WHITE PINE
236	4" HOLLY CLUSTER
242	36" WHITE OAK
243	36" WHITE OAK
249	2" CHERRY
255	40" WHITE OAK
258	26" WHITE OAK
259	30" WHITE OAK
277	30" WHITE OAK
335	12" HEMLOCK (DOUBLE)
339	10" HEMLOCK
340	10" HEMLOCK
342	10" HEMLOCK (DOUBLE)
343	6" HEMLOCK
344	6" HEMLOCK
383	8" HEMLOCK
384	6" HEMLOCK
385	8" CHERRY
386	6" CHERRY
387	6" CHERRY
388	6" CHERRY
389	8" MAPLE
394	10" HEMLOCK
481	24" WHITE OAK
500	24" WHITE OAK
507	28" WHITE OAK
516	12" BIRCH
517	24" WHITE OAK
519	24" RED OAK
520	6" DOGWOOD
521	16" WHITE OAK
522	12" WHITE PINE
523	24" WHITE PINE
544	10" HEMLOCK
546	8" HEMLOCK
547	6" HEMLOCK
548	6" CHERRY
549	6" HEMLOCK
550	6" HEMLOCK
552	36" WHITE OAK
553	6" HEMLOCK
554	6" HEMLOCK (DOUBLE)
558	10" HEMLOCK
560	6" SYCAMORE
562	8" WHITE PINE
564	30" WHITE OAK
562	12" WHITE PINE

**REFERENCES:**

- DB 3853 PG 526
- PB 2 PG 86

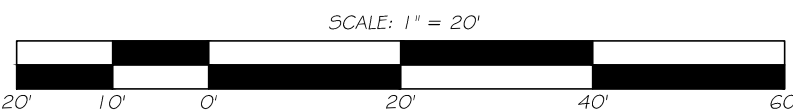


**LEGEND & ABBREVIATIONS :**

- PB= PLAT BOOK
- DB= DEED BOOK
- PG= PAGE
- RW= RIGHT OF WAY
- PIN= PARCEL IDENTIFICATION NUMBER
- o CALCULATED POINT (NOT MARKED IN FIELD)
- RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
- BOUNDARY MONUMENT SET BY MCABEE (#4 REBAR WITH "McABEE" CAP, UNLESS NOTED OTHERWISE)
- +/- ABOVE OR BELOW ADJACENT GRADE
- BOUNDARY LINE (FIELD SURVEYED)
- ADJOINER LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)
- ☀ AREA LIGHT
- CONC. CONCRETE
- FFE= FINISHED FLOOR ELEVATION
- ⊕ FIRE HYDRANT
- ⊕ GAS METER
- ⊕ HP= HEAT PUMP
- INV= INVERT ELEVATION
- LS= LANDSCAPING
- O-HANG= OVERHANG
- OHU= OVERHEAD UTILITY LINE(S)
- SEWER LINE (6" VITRIFIED CLAY PIPE, UNLESS NOTED OTHERWISE)
- ⊕ SEWER MANHOLE
- x SPOT ELEVATION
- STEPS: BR= BRICK STEPS, CS= CONCRETE STEPS, WS= WOODEN STEPS
- TBM= TEMPORARY BENCHMARK (ELEVATION)
- ⊕ WATER METER
- WOOD-BOARD FENCE LINE
- x-x-x-x- WOVEN WIRE FENCE LINE
- WV= WINDOW WELL
- YARD INLET

**GLOBAL POSITIONING SYSTEM CERTIFICATION**

1. ERIC S. MCABEE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
  - 1) CLASS OF SURVEY: CLASS A SURVEY
  - 2) POSITIONAL ACCURACY (95% CONFIDENCE): 0.04' HORIZONTAL 0.08' VERTICAL
  - 3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORK SOLUTIONS USING A SPECTRA FROMARK 700 DUAL FREQUENCY RECEIVER
  - 4) DATE OF SURVEY: 1-22-2021
  - 5) DATUM / EPOCH: NAD83 / EPOCH 2011
  - 6) PUBLISHED / FIXED CONTROL USED: N/A
  - 7) GEOID MODEL: 2012A
  - 8) COMBINED GRID FACTOR: 0.999785207
  - 9) UNITS: US SURVEY FEET



I, ERIC S. MCABEE, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY SUPERVISION FROM AN ACTUAL TOPOGRAPHICAL GROUND SURVEY PERFORMED UNDER MY SUPERVISION; THAT THIS TOPOGRAPHICAL GROUND SURVEY WAS PERFORMED TO MEET NATIONAL MAP ACCURACY STANDARDS AS APPLICABLE; THAT THE ORIGINAL DATA WAS OBTAINED FROM 1-22-2021 THRU 1-28-2021; AND THAT ALL COORDINATES ARE LOCALIZED GROUND COORDINATES BASED ON THE NORTH AMERICAN DATUM (NAD83-2011). WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 28th DAY OF JANUARY, 2021.

*Eric S. McAbee*

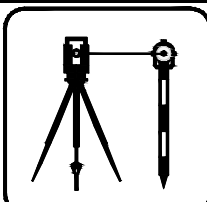
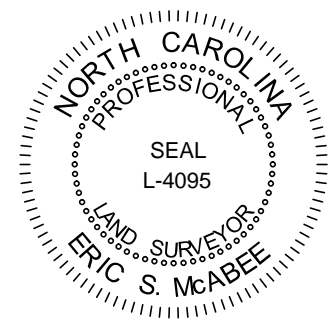
L-4095

I, ERIC S. MCABEE, CERTIFY THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

I, ERIC S. MCABEE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN BOOK 3853 PAGE 526; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (F)(1)(C) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 28th DAY OF JANUARY, 2021.

*Eric S. McAbee*

L-4095



**McABEE & ASSOCIATES, P.A.**  
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS Fax (828) 628-1294  
J. Barry West, PLS Telephone (828) 628-1295  
Wallace S. McAbee, PLS (Emeritus)  
3 McAbee Trail Fairview North Carolina, 28730  
www.mcabeesurvey.com Firm License Number: C-694

NO.	DATE	DESCRIPTION	BY

BOUNDARY, TREE, AND TOPOGRAPHIC SURVEY OF THE PROPERTY OF:  
**JOHN & LIZBETH KIMBERLY**  
BEING ALL OF LOTS 29 & 30 OF BLOCK D, BILTMORE FOREST (PER PB 2 PG 86)

SITE ADDRESS: 8 WHITE OAK ROAD  
PIN: 9647-90-1549

BILTMORE TOWNSHIP  
BUNCOMBE COUNTY, N.C.

DATE: 1-28-2021  
PROJECT #: 13458  
DRAWING #: C-21-1963  
DRAWN BY: CJM  
SCALE: 1"=20'

**BOARD OF ADJUSTMENT  
STAFF MEMORANDUM**

August 23, 2021



**Case 4 – 377 Vanderbilt Road  
Variance Request for Encroachment into Side Yard Setback**

---

Project Description

The applicant requests approval for a variance to extend a new carport, attached to the existing 1928 garage, into the side yard setback. The applicant's variance request notes the existing driveway is already within the side yard setback. The posts for the new carport would extend 11'4" into the side yard setback. There is no special use permit required for this project since it is attached to an existing accessory building. The project complies with the impervious surface and maximum roof coverage requirements for the lot. As part of this project, the existing 1928 manual garage doors will be replaced with a single mechanized garage door.

Variance Request

The ordinance requires structures to comply with the rear and side yard setbacks. The applicant notes the existing driveway is already within the side yard setback and the lot itself is in non-conforming with the existing Zoning Ordinance since it is 0.56 acres. The garage, constructed in 1928, is original to the lot. A similar variance request was approved by the Board of Adjustment in July 2020 for the property at 375 Vanderbilt Road.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Art and Penny Kiser

**Property Address**

377 Vanderbilt Rd

**Phone**

(828) 505-6208

**Email**

artkiser6@gmail.com

**Parcel ID/PIN Number**

964679678400000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

0.546

**Maximum Roof Coverage**

3,520 square feet (Up to .75 acres)

**Proposed Roof Coverage Total**

3400

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

4320

**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**

No change in height

**Description of the Proposed Project**

Add a carport on to existing garage and change entry to garage to a single 16ft automatic door.

**Estimated Start Date**

10/1/2021

**Estimated Completion Date**

1/1/2022

**Estimated Cost of Project**

\$20,000.00

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

A4.1 Sections and Details.pdf

A1.1 Carport Addition.pdf

**Applicant Signature**

**Date**  
8/4/2021



A handwritten signature in black ink, appearing to read "Ashley K. [unclear]", written over a horizontal line.

---

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Art and Penny Kiser

**Address**

377 Vanderbilt Rd

**Phone**

(828) 505-6208

**Email**

artkiser6@gmail.com

**Current Zoning/Use**

Residential

**Requested Use**

Residential

**APPLICATION REQUIREMENTS:** An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

**What would you like to do with your property?**

Add a carport to existing garage and modify entrance doors to existing garage

**What does the ordinance require?**

Construction is in the side setback

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.**

Due to lot size the driveway is already in the side setback.

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

The carport will be 8ft 8in from neighbors fence. I have reviewed the plans and drawings with the affected neighbors. The primary hardship is the existing garage does not accommodate cars easily. Because of restricted turnaround space, when the owners two cars are parked in turnaround area visitors and delivery vehicles, such as mail, can not turnaround and must back out the driveway into Vanderbilt Rd. This is very inconvenient and unsafe.

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

The garage was built at time home was constructed in 1928. No changes have been made to this garage to date

**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 request will permit owner to park one or two cars in the garage and a guest can park under the carport

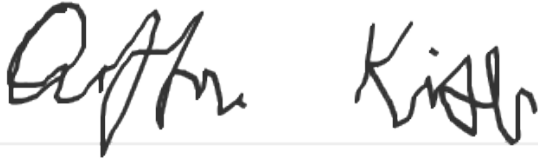
,leaving sufficient space to turn cars or delivery vehicles around and drive out to Vanderbilt safely.

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

**Signature**

**Date**

8/4/2021

A handwritten signature in black ink, appearing to read "Arthur Kish", is written above a horizontal line.

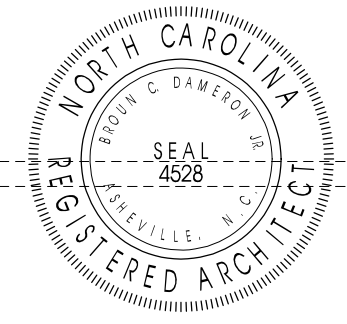


HISTORIC ADAPTATION  
 LONG RANGE PLANNING  
 OFFICE PLANNING  
 RESIDENTIAL DESIGN  
 MOUNTAIN SITES  
 COMMERCIAL DESIGN  
 COASTAL ARCHITECTURE  
 INTERIOR RENOVATIONS

The drawings, specifications and other documents prepared by the Architect for the project are the property of the Architect. The Architect has deemed the author of these documents and shall retain all common law, statutory and other intellectual property rights, including the copyright. These documents shall not be used in whole or in part for any other project, in any form, or for any other purpose than that intended by the Architect, nor used as design documents by other parties to follow with construction documents. The Architect reserves the right to use or modify these documents for any purpose.

Copyright 2021, The Architectural Practice

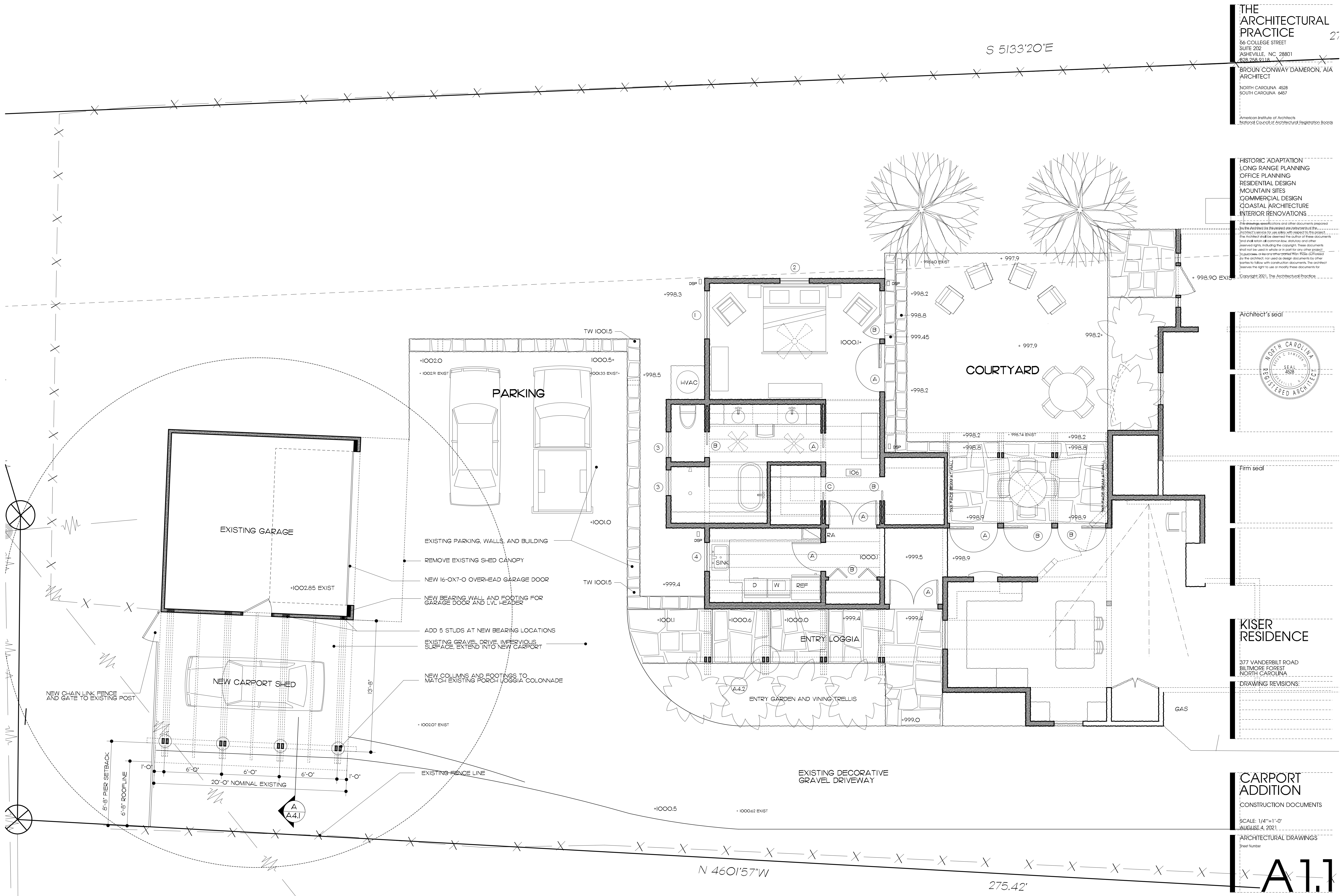
Architect's seal



Firm seal

KISER RESIDENCE  
 377 VANDERBILT ROAD  
 BILTMORE FOREST  
 NORTH CAROLINA  
 DRAWING REVISIONS:

CARPORT ADDITION  
 CONSTRUCTION DOCUMENTS  
 SCALE: 1/4"=1'-0"  
 AUGUST 4, 2021  
 ARCHITECTURAL DRAWINGS  
 Sheet Number  
**A1.1**



S 5133'20"E

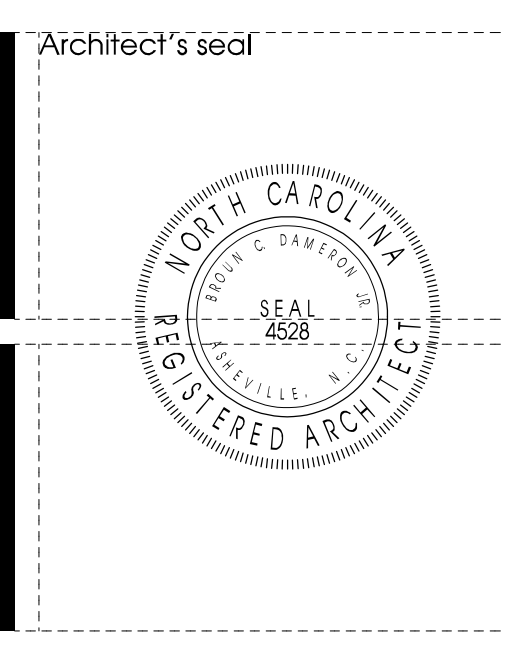
N 4601'57"W

275.42'

HISTORIC ADAPTATION  
 LONG RANGE PLANNING  
 OFFICE PLANNING  
 RESIDENTIAL DESIGN  
 MOUNTAIN SITES  
 COMMERCIAL DESIGN  
 COASTAL ARCHITECTURE  
 INTERIOR RENOVATIONS

The drawings, specifications and other documents prepared by the Architect for this project are instruments of the Architect's service for use solely with respect to this project. The Architect shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. These documents shall not be used in whole or in part for any other project or purpose, or by any other parties than those authorized by contract, nor used as design documents by other parties to follow with construction documents, without the specific written authorization of the Architectural Practice.

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KISER RESIDENCE  
 CARPORT SHED ADDITION

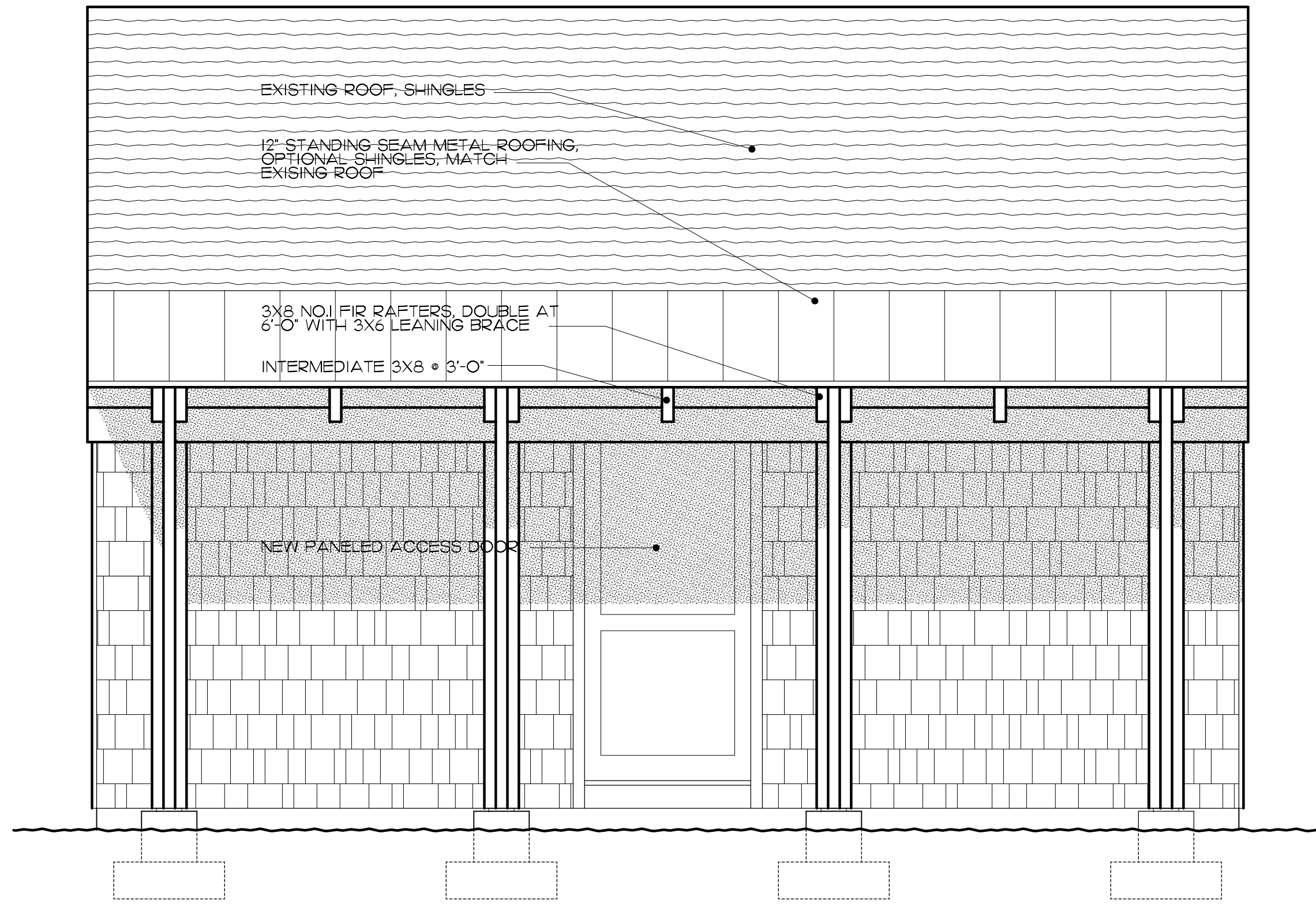
377 VANDERBILT ROAD  
 BILTMORE FOREST  
 NORTH CAROLINA

DRAWING REVISIONS:

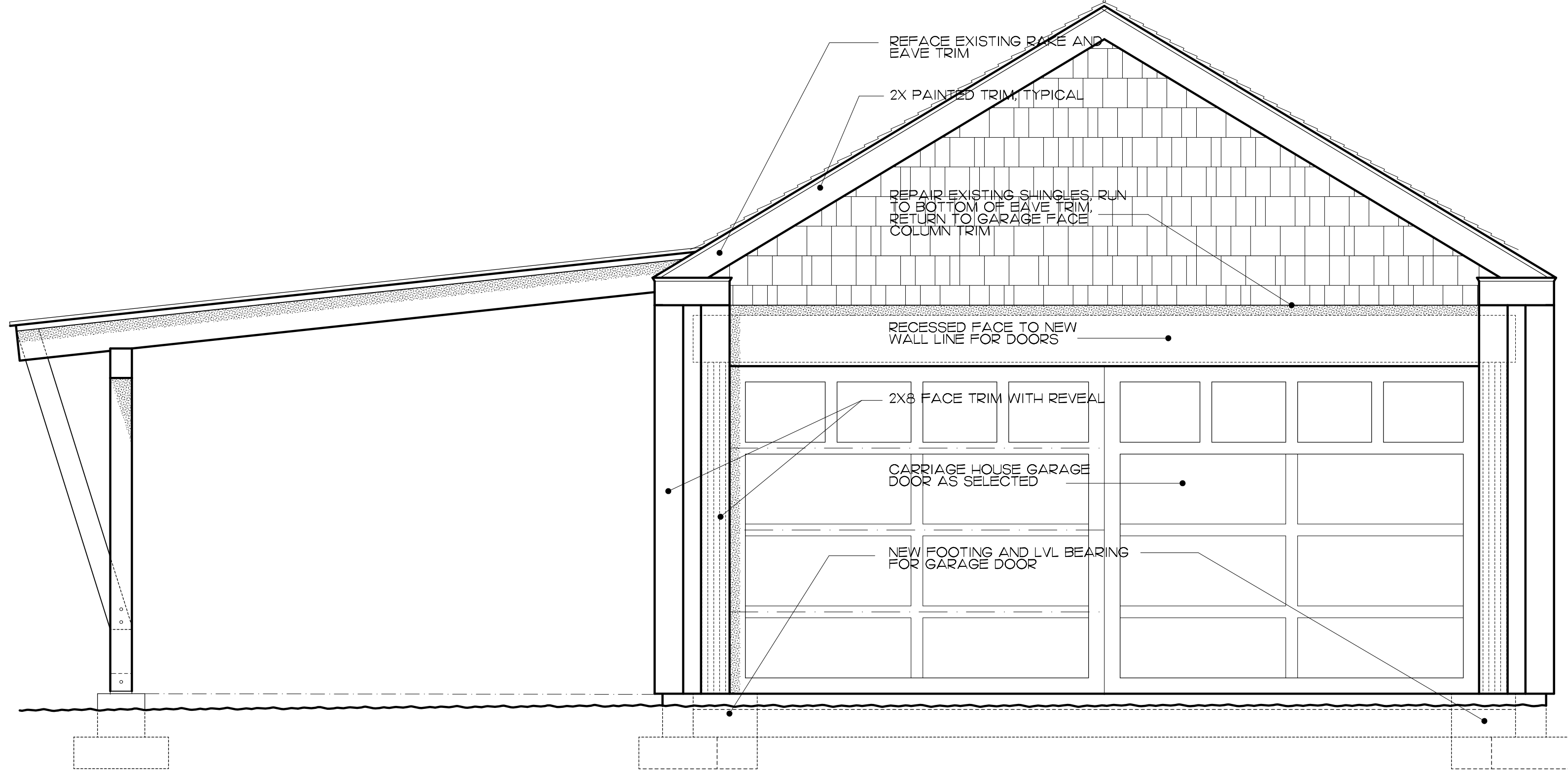
SECTIONS & DETAILS  
 CONSTRUCTION DRAWINGS

SCALE: 1/2"=1'-0"  
 AUGUST 4, 2021

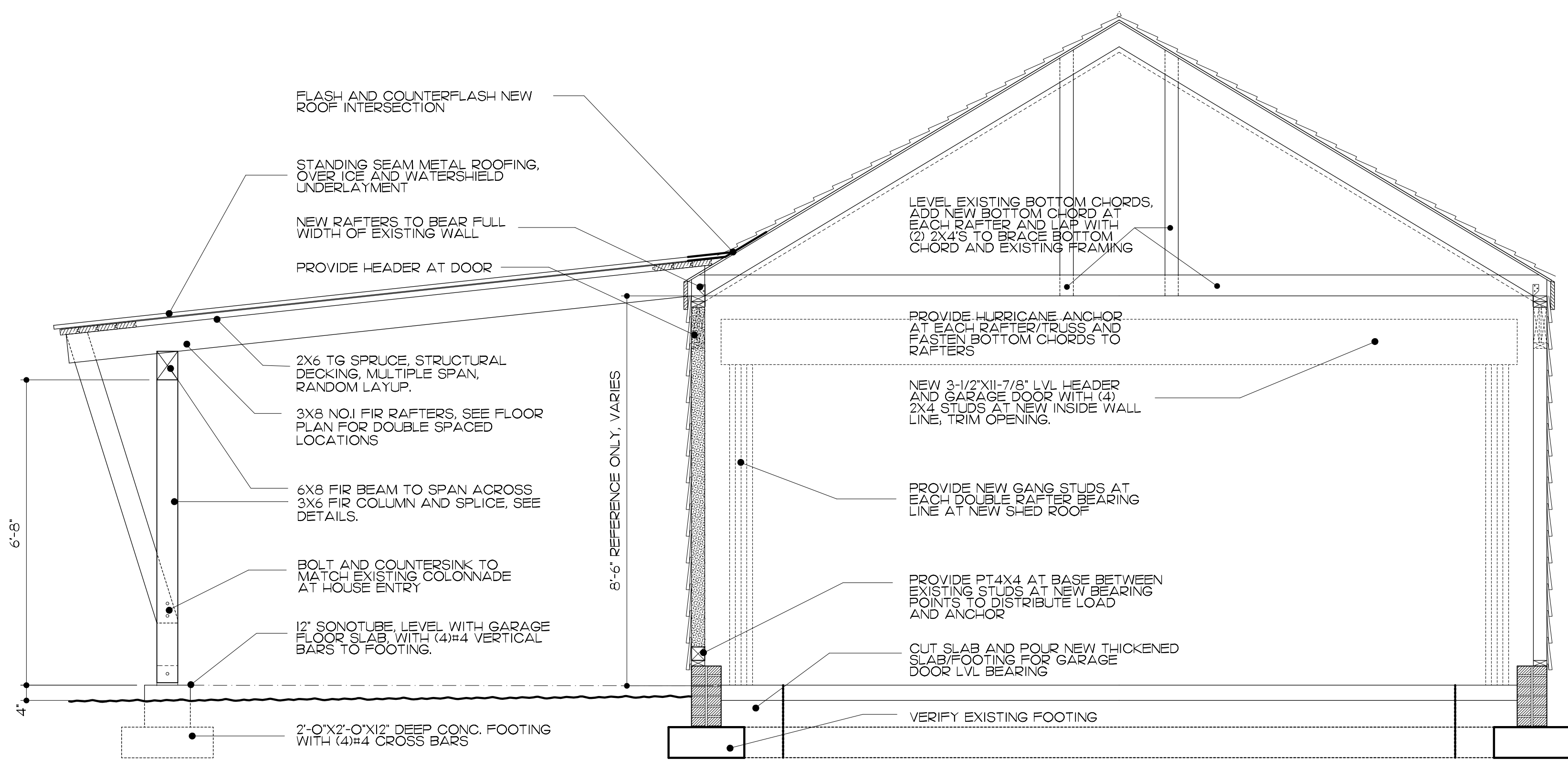
ARCHITECTURAL DRAWINGS  
 Sheet Number



**SIDE ELEVATION**  
 SCALE: 1/2"=1'-0"



**FRONT ELEVATION**  
 SCALE: 1/2"=1'-0"



**BUILDING SECTION-A**  
 SCALE: 1/2"=1'-0"



# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Tanya Sexton

**Property Address**

15 White Oak Road

**Phone**

(828) 450-0689

**Email**

sextondeckbuilders@gmail.com

**Parcel ID/PIN Number**

9647-90-0138-00000

## ZONING INFORMATION

**Current Zoning**

R-2

**Lot Size**

.42 Acres

**Maximum Roof Coverage**

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

**Proposed Roof Coverage Total**

192 sq ft

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

192 sq ft

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

10'

**Description of the Proposed Project**

Build a 16'x12' shed style roof over existing stone patio.

**Estimated Start Date**

9/27/2021

**Estimated Completion Date**

10/1/2021

**Estimated Cost of Project**

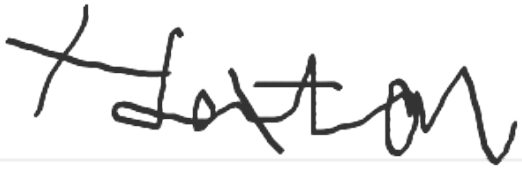
\$12,000.00

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

Dunlap Site Plan.pdf


**Applicant Signature**

**Date**  
8/26/2021

A handwritten signature in black ink, appearing to read "H. Laxton", written over a thin horizontal line.



Site plan for patio roof build.  
Owner Katie Dunlap  
Address - 15 White Oak Rd.  
Biltmore Lake, NC 28803  
Builder Sexton Deck Builders  
(828) 450-0689

 = new 16'x12' shed roof on the side of the home.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Rob Carlton

**Property Address**

14 Southwood Road

**Phone**

(828) 712-6297

**Email**

rob@carlton-edwards.com

**Parcel ID/PIN Number**

964665528800000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.69

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

4254

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

No change

**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**

No change. Approx 20ft

**Description of the Proposed Project**

Interior Renovation and addition to the Living Room and Kitchen at the interior of the courtyard.

**Estimated Start Date**

9/13/2021

**Estimated Completion Date**

7/4/2022

**Estimated Cost of Project**

\$525,000.00

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

2021-08-12 BF DRB Submission.pdf

**Applicant Signature**

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal tail stroke.

**Date**

8/12/2021















