



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: October 7, 2021
Re: **Board of Adjustment Meeting – October 18, 2021**

Applicants

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

Members of the Board of Adjustment & staff may visit each property prior to the meeting. If this occurs, the property owner will be notified beforehand and asked if they approve the visit.

Neighbors

You are receiving this notice because your property is adjacent to an applicant on this month's agenda.

You may review applications & plans for the projects on this agenda at <http://www.biltmoreforest.org/board-of-adjustments>.

Parties with standing or members of the public are invited to attend the meeting at 4:00 p.m. on Monday, October 18, 2021.

AGENDA

FACE COVERINGS REQUIRED FOR ALL ATTENDEES REGARDLESS OF VACCINATION STATUS

A ZOOM LINK IS PROVIDED ON THE FOLLOWING PAGE FOR THOSE WISHING TO PARTICIPATE REMOTELY.

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, October 18, 2021 at 4:00 pm in the Town Hall Social Room.

1. The meeting will be called to order and roll call taken.
2. The minutes of the September 20, 2021 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 7 Frith Drive – Special Use Permit Request for Driveway Gate Installation and Variance Request for Installation within Front Yard Setback

Case 2: 46 Hilltop Road – Special Use Permit request for New Accessory Structure and New Accessory Building; Variance Request for Exceeding Maximum Roof Coverage for Accessory Building

Case 3: 9 Holly Hill Road – Special Use Permit Request for Existing Soccer Goal Installation within Rear Yard and Landscaping Plan Review

4. Adjourn

October 18, 2021 Board of Adjustment
Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/84157961422?pwd=dWpmSU5iZ3NDMTQrZW1kbIRqMXZzQT09>

Meeting ID: 841 5796 1422

Passcode: 849155

One tap mobile

+16468769923,,84157961422#,,,,*849155# US (New York)

+13017158592,,84157961422#,,,,*849155# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 841 5796 1422

Passcode: 849155

Find your local number: <https://us02web.zoom.us/j/84157961422?pwd=dWpmSU5iZ3NDMTQrZW1kbIRqMXZzQT09>

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, SEPTEMBER 20, 2021

The Board of Adjustment met at 4:00 p.m. on Monday, September 20, 2021.

Members present: Mr. Greg Goosmann, Ms. Rhoda Groce, Mr. Robert Chandler, Mr. Lowell Pearlman, Ms. Lynn Kieffer, and Ms. Martha Barnes. Mr. Jonathan Kanipe, Town Manager, Town Clerk, Ms. Laura Jacobs, Town Clerk, were all present. Mr. William Clarke, Town Attorney was also present.

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Matthew Fusco

Mrs. Nancy Togar

Mr. Tim Wright

A motion was made by Ms. Rhoda Groce to approve the minutes from August 20, 2021. Ms. Martha Barnes seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

A Special Use Permit was requested for 51 Hilltop Road a Special Use Permit is requested for roof mounted solar panel installation. Mr. Lowell Pearlman said Mr. Stephen Miller is requesting a Special Use Permit for solar panels on a south facing roof. There are 32 panels. Chairman Goosmann stated the panels are not visible from the front or side of the house.

DELIBERATION AND DETERMINATION:

Mr. Pearlman recited the facts and said Mr. Stephen Miller of 51 Hilltop Road has requested 32 solar panels be installed on a Southern facing roof. It will not be visible from the street or adjacent neighbors.

Ms. Lynn Kieffer moved that a Special Use Permit be granted to Mr. Stephen Miller of 51 Hilltop Road and the facts as recited by Lowell Pearlman and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Kieffer further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Mr. Robert Chandler seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

A Special Use Permit is requested for accessory structures and a landscaping plan review disturbance of lot over 20 percent at 414 Vanderbilt Road. Mr. Robert Chandler shepherded the matter. Mr. Chandler said the accessory structures are a stone fire pit and a driveway gate. There is also a landscaping plan for lot disturbance over 20 percent. Matthew Fusco, landscape architect for the project, said there is an existing structure, which will be demolished, and the driveway will be reoriented to access the property. There will be an entry gate placed and will be placed sixty feet from the road. A stone patio and fire pit structure is also being proposed. This will be dug in on the slope and will not be visible. The fire pit will be wood with a gas lighter.

The neighbors approve of the project. A letter was submitted by an adjacent property owner, William Wilcox, also approving the project.

On the property, sixteen trees will be removed and replaced with fifty-four trees.

DELIBERATION AND DETERMINATION:

Mr. Chandler recited the facts and said a Special Use Permit is requested for accessory structures for Mr. and Mrs. Weilbaecher at 414 Vanderbilt Road. The accessory structure is for the driveway gate and a fire pit. They are within the proper setbacks. There is also a request for landscaping plan for lot disturbance greater than 20% for taking approximately sixteen trees and replacing with fifty-four trees. The neighbors support this project.

Mr. Lowell Pearlman made a motion to approve a Special Use Permit for Mr. and Mrs. Weilbaecher of 414 Vanderbilt Road and the facts as recited by Robert Chandler and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Mr. Pearlman further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Ms. Martha Barnes added the landscape plan was also approved. Mr. Pearlman agreed. Ms. Martha Barnes seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The last request was for a variance at 3 Stuyvesant Crescent to exceed maximum roof coverage and impervious surface coverage for an addition.

Ms. Nancy Togar, homeowner said the patio portion of the project would be deleted from the plan. Mr. Tim Wright, builder, represented Mr. and Mrs. Togar.

Ms. Martha Barnes said the overage is just above 200 square feet. Mr. Kanipe said the overage would be deleted from this plan since they do not want a patio. Mr. Kanipe believed it would decrease by approximately 320 square feet. It is a 0.8 acre lot. The master bedroom would be on the main floor. The application was amended to reflect the evidence they presented today. There were no further comments.

DELIBERATION AND DETERMINATION:

Ms. Rhoda Groce restated the facts and said Mr. Tunc Togar and Mrs. Nancy Togar of 3 Stuyvesant Crescent are asking for a Variance to exceed the maximum roof coverage, which would be a difference of 192 square feet. The hardship on the property is on .8 acres and they would like to put their bedroom on the first floor.

Ms. Barnes asked if Mr. and Mrs. Togar have spoken to the neighbors about their project. Mrs. Togar said the next door neighbors at 5 Stuyvesant Crescent approve of the project.

Ms. Martha Barnes moved that a Variance as requested be granted to Tunc and Nancy Togar of 3 Stuyvesant Crescent and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Barnes further moved that granting this Variance satisfies the applicable Sections of 153.110(D) and paragraphs one through four, and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Mr. Lowell Pearlman seconded the motion.

Ms. Barnes verified that in the minutes, this case would reflect an amended application. Chairman Goosmann said yes. Mr. Clarke said their application would be amended to reflect to comply with the evidence presented.

The motion was unanimously approved.

Chairman Goosmann adjourned the meeting at 4:26 pm. The next Board of Adjustment meeting is scheduled for Monday, October 18, 2021 at 4:00 pm.

ATTEST:

Greg Goosmann
Chairman

Laura Jacobs
Town Clerk

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

October 13, 2021



**Case 1 – 7 Frith Drive
Special Use Request for Driveway Gate
Variance Request for Placement within Front Yard Setback**

Project Description

The applicant requests approval from the Board of Adjustment for a new driveway gate. The portion of the Zoning Ordinance regulating driveway gates is included in its entirety within this packet. Pertinent portions, related to driveway gates, are highlighted. The application details include appropriate width and height for the gate and allowance for emergency vehicle access. A special use permit is required for approval if all ordinance conditions are met. In this case, however, the applicant requests a variance in order to locate the driveway gate and associated columns within the front yard setback.

Variance Application

The required setback for the R-1 district is 60 feet from the edge of pavement. The proposal shows the gate and columns approximately 25 feet from the edge of pavement. The applicant's variance request includes information related to the hardship, site plans, drawings, and additional information.

§ 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; Ord. passed 6-8-2021)

Zoning Compliance Application

Town of Biltmore Forest

Name

Eugene Britton

Property Address

7 Frith Drive

Phone

(828) 273-1930

Email

eb@fisher-pa.com

Parcel ID/PIN Number

964671891700000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

22.057 Ac.

Maximum Roof Coverage

9,647 square feet (Up to 6 acres)

Proposed Roof Coverage Total

26 sf

Maximum Impervious Surface Coverage

3-6 acres (20 percent of lot area)

Proposed Impervious Surface Coverage

26 sf

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

8' - 8"

Description of the Proposed Project

Construction of a driveway gate

Estimated Start Date

11/15/2021

Estimated Completion Date

12/17/2021

Estimated Cost of Project

\$25,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

09.22.21_7FrithGate_A1.0_Prelim.pdf

09.22.21_7FrithGate_A1.1_Prelim.pdf

09.22.21_7FrithGate_A2.1_Prelim.pdf

09.22.21_7FrithGate_A3.1_Prelim.pdf

09.22.21_ReferenceSurvey.pdf

Applicant Signature

Date
9/23/2021

E. Britton

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Eugene Britton

Address

7 Frith Drive

Phone

(828) 273-1930

Email

eb@fisher-pa.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?

We would like to construct a driveway gate within the front yard setback on the only access to our property

What does the ordinance require?

Section 153.049 (B)(1) permits the construction of a driveway gate and supporting columns, but not in the front yard 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.**

Strict adherence to the ordinance would require a major realignment of the existing vehicular circulation within the property and significant clear cutting of trees in an established woodland area.

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

The existing entry drive splits within the front yard setback creating two distinct/separate drives that continue to the residence and the pasture/barn.

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

The vehicular approach into and the circulation paths within the property are existing and may be original to the 1925 house construction in some form or another. In any event, given the mature nature of the woodland through which they wind, they have been in this configuration for quite some time.

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 entry gate is set back as far from the public roadway as feasible given the existing conditions. The

proposed setback allows for visitors and parcel delivery vehicles to fully exit the roadway before stopping. The proposed location is at the narrowest point in the drive before it splits which minimizes its width while allowing for the required access by the Town. The gate appearance draws upon elements from the existing historical residence and is consistent with the existing aesthetic. In addition to the existing vegetation, evergreen plant material will be added to further screen the structure. Granting the variance will provide the applicant with the additional measure of safety, security and privacy afforded by the ordinance while recognizing the constraints unique to their property.

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

Signature

Date

9/23/2021



Special Use Permit Application

Town of Biltmore Forest

Name

Eugene Britton

Address

7 Frith Drive

Phone

(828) 273-1930

Email

eb@fisher-pa.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:

Owner would like to construct a driveway gate at the entrance to their property

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

Structure will be sited in a mature woodland area well removed from adjacent property lines. Additional evergreen planting will be added to help screen the sides of the structure,

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

Signature



Date

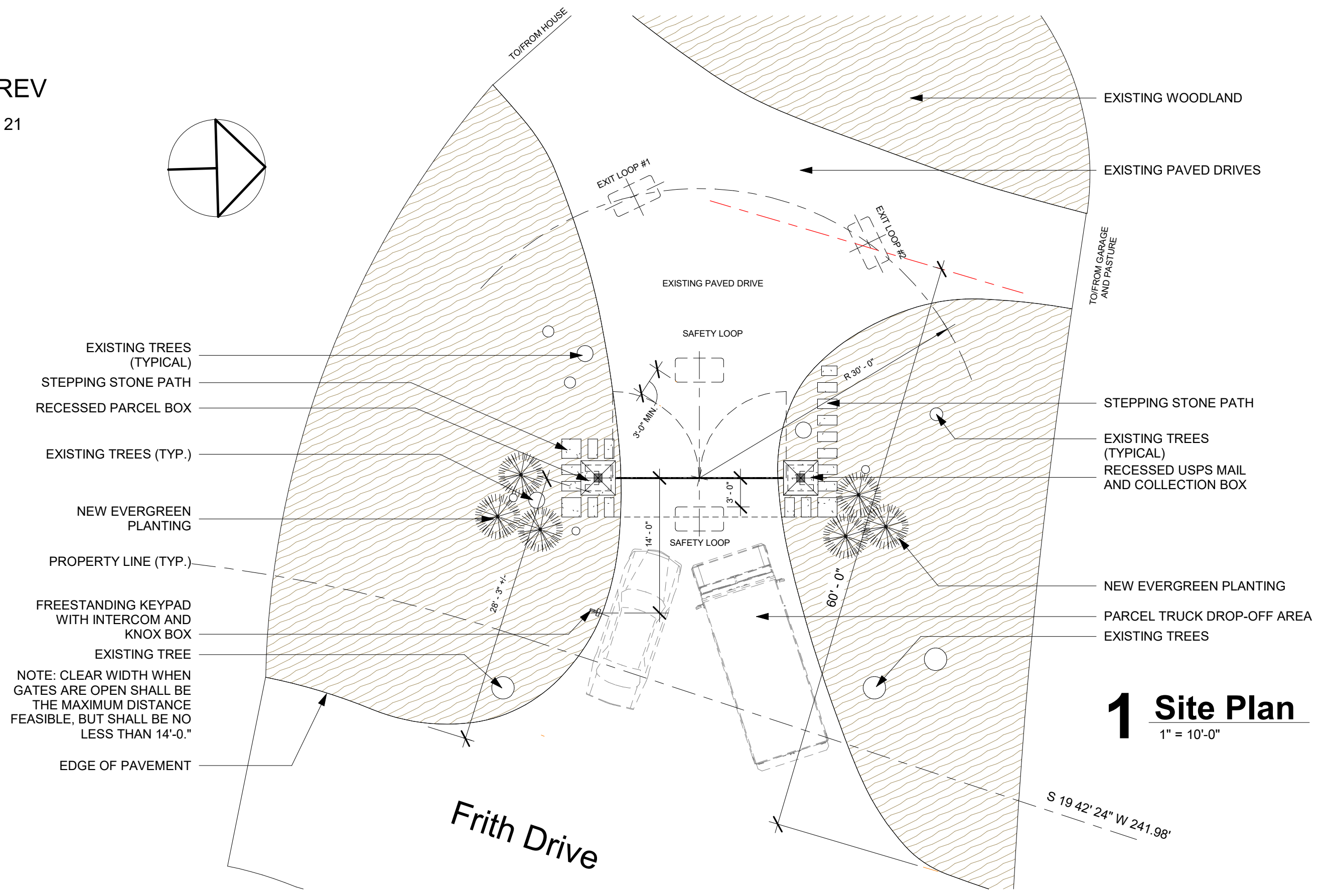
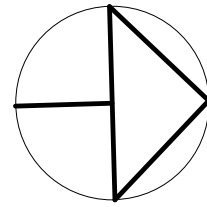
9/23/2021

A1.0

Site Plan

Prelim. - REV

22 September 21



- EXISTING TREES (TYPICAL)
- STEPPING STONE PATH
- RECESSED PARCEL BOX
- EXISTING TREES (TYP.)
- NEW EVERGREEN PLANTING
- PROPERTY LINE (TYP.)
- FREESTANDING KEYPAD WITH INTERCOM AND KNOX BOX
- EXISTING TREE
- NOTE: CLEAR WIDTH WHEN GATES ARE OPEN SHALL BE THE MAXIMUM DISTANCE FEASIBLE, BUT SHALL BE NO LESS THAN 14'-0."
- EDGE OF PAVEMENT

- EXISTING WOODLAND
- EXISTING PAVED DRIVES
- TO/FROM GARAGE AND PASTURE
- STEPPING STONE PATH
- EXISTING TREES (TYPICAL)
- RECESSED USPS MAIL AND COLLECTION BOX
- NEW EVERGREEN PLANTING
- PARCEL TRUCK DROP-OFF AREA
- EXISTING TREES

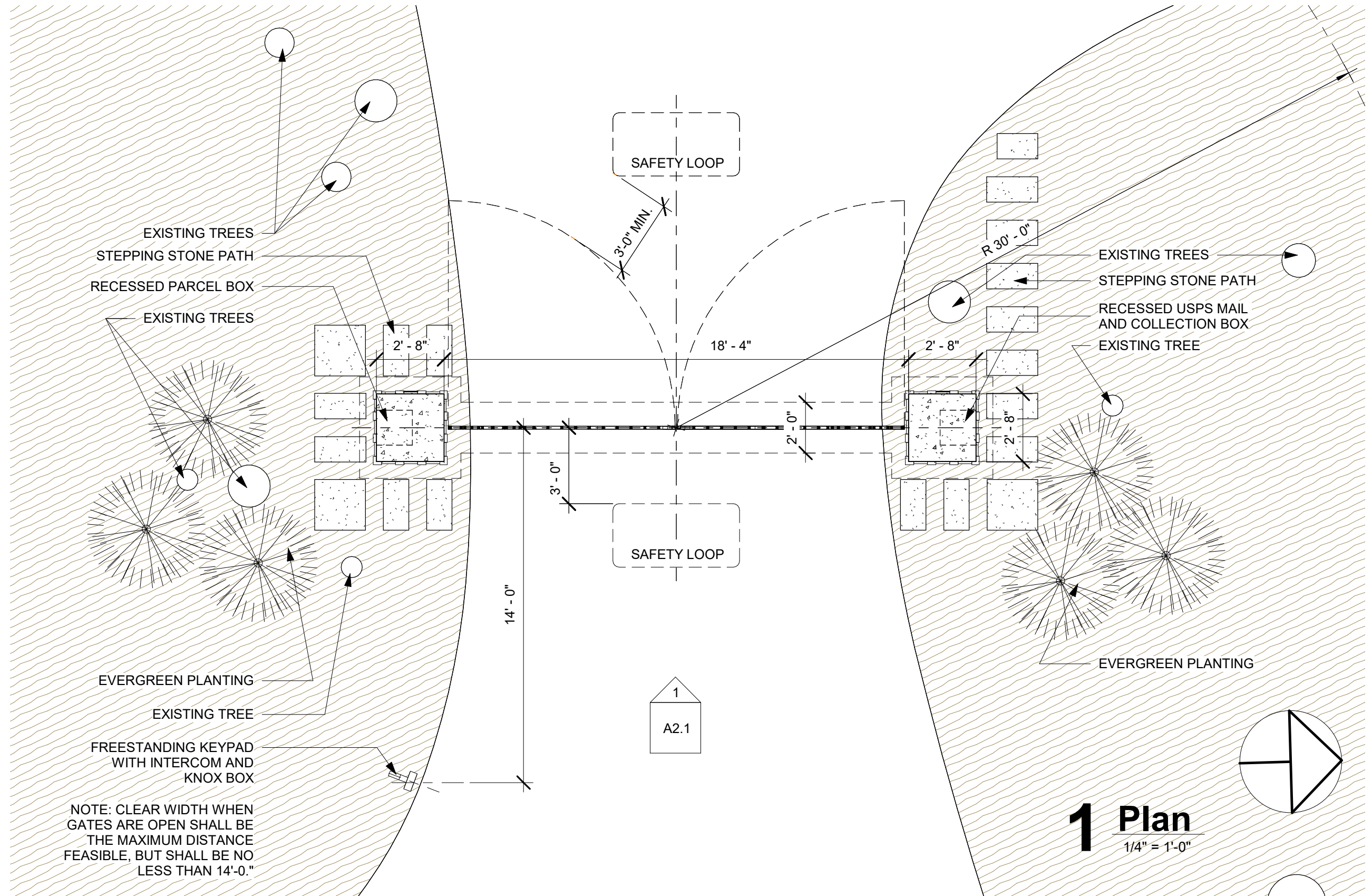
1 Site Plan
1" = 10'-0"

A1.1

Plan at Gate

Prelim. - REV

22 September 21

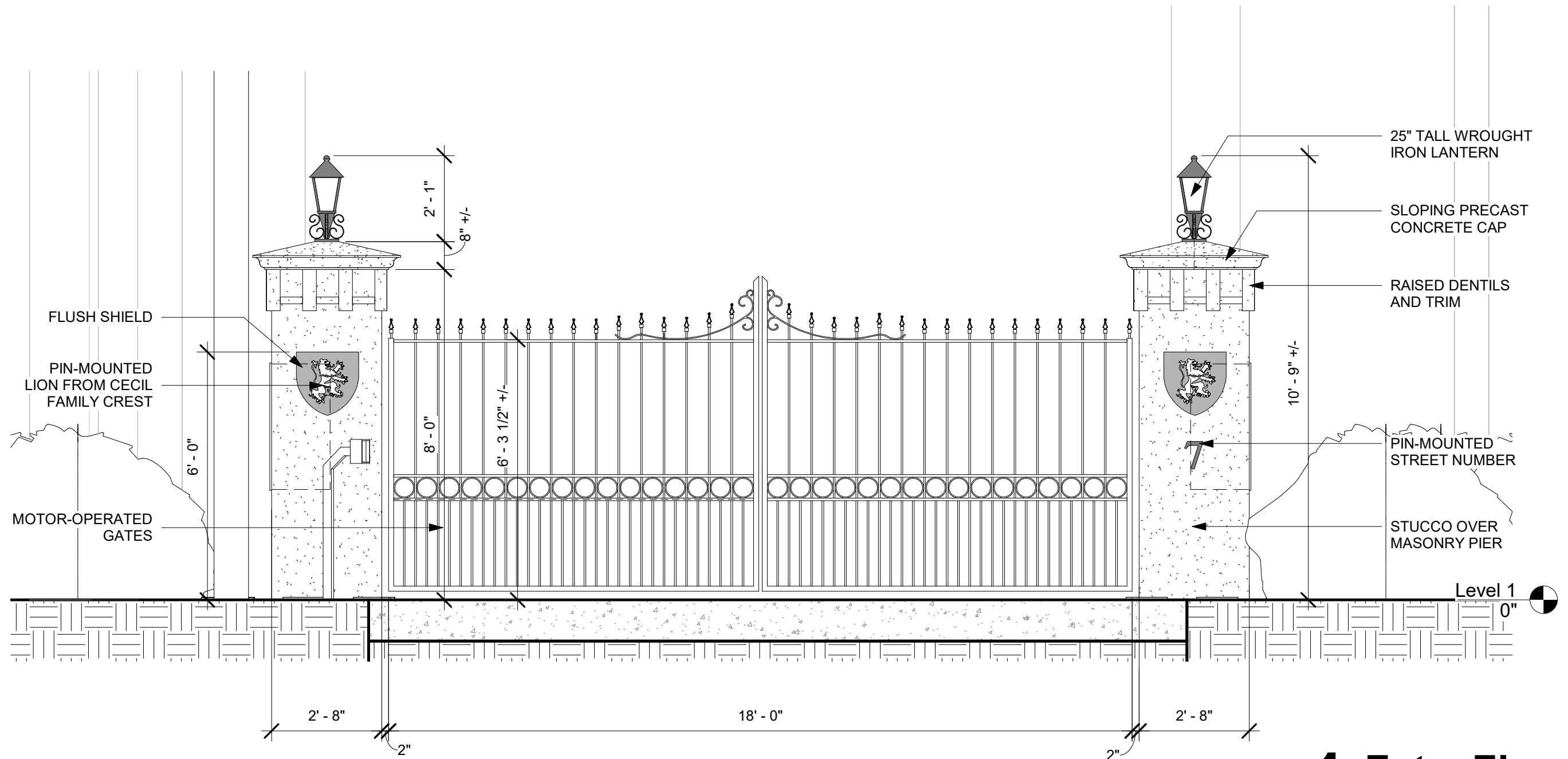


A2.1

Street Elevation

Prelim. - REV

22 September 21



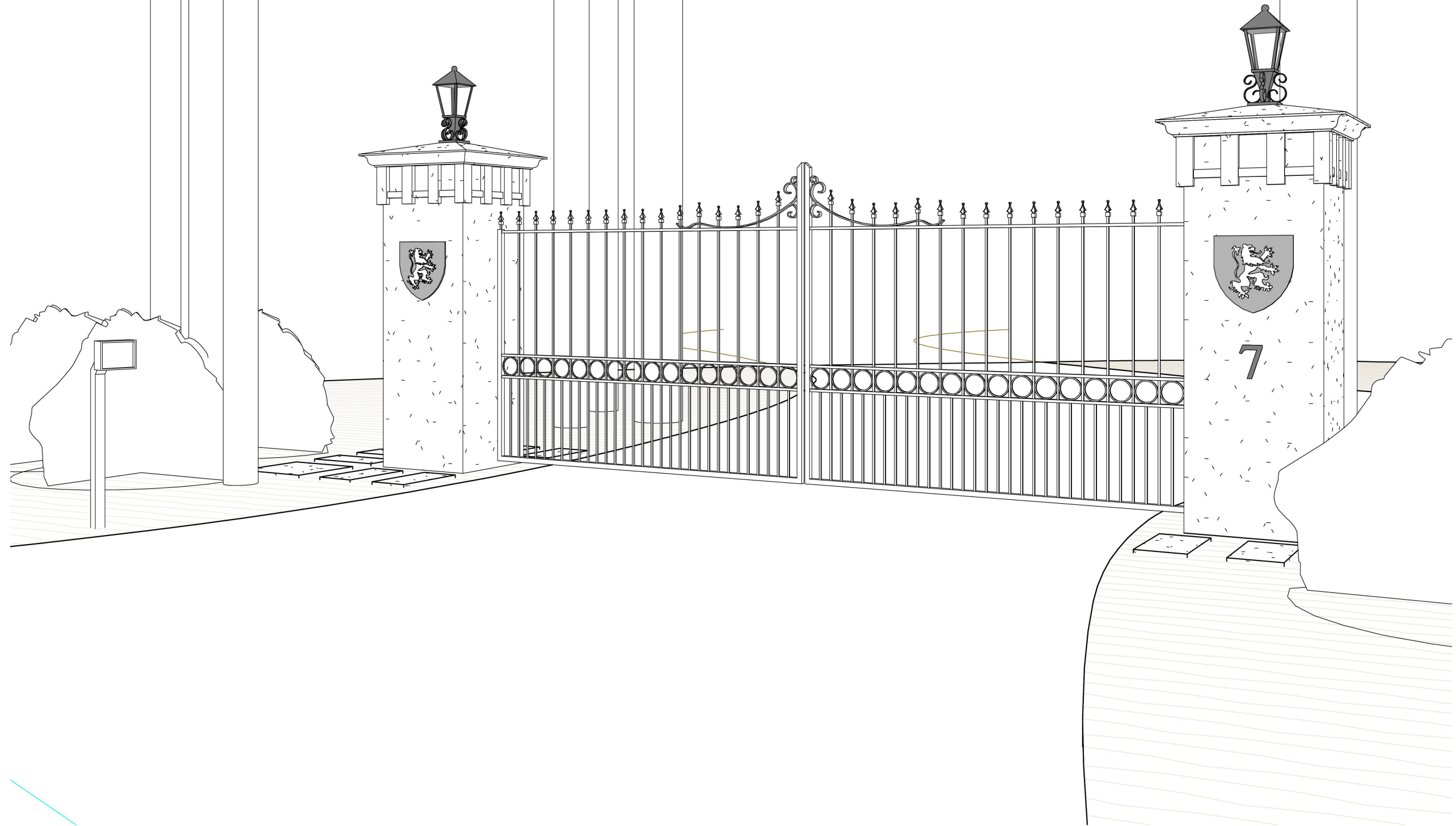
1 Entry Elev.
3/8" = 1'-0"

A3.1

Street View

Prelim. - REV

22 September 21



Mitchell
P.O. Box 15404
Asheville, NC . 28813
(828) 772-6992

October 1, 2021

Via US Mail and e-mail to: jkanipe@biltmoreforest.org

Town of Biltmore Forest
Attn: Mr. Jonathan Kanipe, Town Manager
355 Vanderbilt Road
Biltmore Forest, NC 28803

Re: Support of Gate at 7 Frith Drive

Dear Mr. Kanipe:


Our neighbors, Ryan and Becca Cecil, inquired as to whether we would support their installation of a metal gate at their residence, 7 Frith Drive. We write today to share our enthusiastic support of such a structure being installed. Not only does a formal metal gate historically fit within the context of a nearly 22-acre estate, it is also congruent with other homes (and the Country Club) that were built in Biltmore Forest in the earliest days of the Town's existence. While we have not conducted a formal survey, we can easily recall at least a dozen properties exhibiting a front wall or gate in their boundary nearest the Town's streets.

Furthermore, a gate at 7 Frith serves a practical purpose related to security of those who reside there. As you know, each of our properties abut the Blue Ridge Parkway and the traffic there often has the effect of forcing wildlife such as deer and bears into our rear yards. On occasion, we have even observed hikers walking in the vicinity of the Parkway's boundary with our property. Thus, it makes sense to us to have visible indications of boundaries and clear signs to the public that a given property near the Parkway is in fact a private residence.

Again, and for the reasons set forth above, we wholeheartedly support the Cecils' request to the Town that they be permitted to install a metal gate alongside Frith Drive. One of us will attempt to attend the public hearing on this matter if one is to be held. Meanwhile, please do not hesitate to ask us any questions you may have prior to such a meeting.

Sincerely,


Benjamin W. Mitchell


Catherine B. Mitchell

From: [Vickie Matney](#)
To: [Jonathan Kanipe](#)
Subject: Cecil Home on Frith Drive
Date: Monday, October 04, 2021 10:40:31 AM

WARNING: This email originated from outside of the Town of Biltmore Forest Network.

Hello Mr. Kanipe,

I have seen the proposed plans for the Cecil gate. I feel this project should be approved.

We moved to 343 Vanderbilt Road because of the fences and gates. I had triplets in my first pregnancy and a fourth child three years later. It was wonderful not having cars exploring my property when my children were playing outside.

Happy Monday,

Vickie Matney

11 Frith Drive

BOARD OF ADJUSTMENT STAFF MEMORANDUM

October 13, 2021



Case 2 – 46 Hilltop Road Special Use Request for Accessory Structures & Accessory Building

Variance Request for Exceeding Maximum Roof Coverage for Accessory Building

Project Description

The applicant provides information to the Board for landscaping and hardscaping renovations to the existing home and the construction of a new detached garage as an accessory building. The requests require a special use permit approval from the Board of Adjustment for the accessory structures and accessory building. The portion of the Zoning Ordinance related to accessory structures and accessory buildings is included with this memorandum.

The following requests are made for a special use permit as accessory structures:

1. Fountain in rear yard (3'Hx4'D)
2. Fence with associated gates in rear yard (3'H) constructed of wood and painted white
3. Existing site wall realignments
4. Two site (retaining) walls around entry drive

The following special use permit request is also made for an accessory building.

1. New detached garage (945 square feet roof coverage) located in rear of home.

Variance Application

The maximum roof coverage allowance for detached building is 750 square feet. The attached variance application provides information from the applicant about this overage and request, including a site plan, elevation drawings, and floor plans for the renovation. The maximum roof coverage for the lot WILL NOT be exceeded under this proposal – the maximum roof coverage for the detached building is the sole variance request.

§ 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

Zoning Compliance Application

Town of Biltmore Forest

Name

Anna Gay

Property Address

46 Hilltop Rd. Biltmore Forest, NC 28803

Phone

(828) 230-7398

Email

kgay@carlton-edwards.com

Parcel ID/PIN Number

9646649729

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.815 Acres

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

4908.8 square feet

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

14,052 square feet

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

26'-3/4"

Description of the Proposed Project

The proposed project is the renovation and addition to 46 Hilltop Rd. Residence. Proposal includes improvements to house as well as landscaping improvements on the property.

Estimated Start Date

1/1/2022

Estimated Completion Date

1/1/2023

Estimated Cost of Project

\$750,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2021-09-20 BoA Set.pdf

Applicant Signature



Date

9/20/2021

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Anna Gay

Address

46 Hilltop Rd. Biltmore Forest, NC 28803

Phone

(828) 230-7398

Email

kgay@carlton-edwards.com

Current Zoning/Use

R

Requested Use

R

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

What would you like to do with your property?

We are proposing a new two car garage that has shared roof and structure with the existing home on site. There is an existing garage that is dated and not serving the programmatic purposes of the current resident so our proposal includes a garage that is an extension of a covered outdoor area with garden. The interior space of the garage is 700 SF and roof coverage is approximately 945 SF. The garage ties into an extension of an existing site wall and is located towards the more private, rear of the house. It is screened primarily from neighboring property's views by evergreen trees and the proposed landscaping.

What does the ordinance require?

The ordinance requires accessory structures to have a roof coverage of no greater than 750 SF, that there be only 1 accessory structure and stipulates maximum height and screening requirements. We are asking to be allowed to go over the roof coverage only, and will provide for all other stipulations of the Town of Biltmore Forest requirements.

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.

Unnecessary hardship would result from following the strict application of the ordinance due to the following: Our roof coverage is a product of providing overhangs for the garage which is good practice for occupant comfort and solar and weather exposure for exterior materials as well as the roof coverage is a continuation of the architectural roof form of the main home (please reference exterior elevations). If we did not provide the roof coverage proposed, the designed roof continuation would be disjointed from the rest of the architecture and would not read as one with the existing house. Legibility and connection with the principal structure is one of the guiding principles in the ordinance and would be hard to achieve if we didn't make the architectural moves we are proposing. The exterior walls as well are in alignment with the rest of the low roof structure which is very much tethered to the continuation of roof form. We are

continuing a roof motif found in houses of similar style, which also is informing the design. Functionally, the existing garage roof coverage is approximately 1100 SF and we are reducing this footprint which was a goal. Further reduction would functionally change the capacity of the garage which is another factor at play with our proposed roof coverage.

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

This hardship results from two factors unique to this property: the original pitch of the low roof and the shape of the property. The original pitch of the roof is dictating the rest of the structure of the addition, and thus, our garage roof form and area is derived from this. The eaves are in alignment with the low roof portion of the home and open up to accommodate the program of the garage. The old garage, while closer to the main home, made access to the rear of the house difficult, so our proposal provides a smaller garage and creates a framed, exterior entry and garden to the rear existing hardscaped area. Additionally, the shape of the lot is forcing new construction towards the rear due to being close to the side setback. In relation to privacy and whole site design is a positive, however, this had made it so that the garage is more remote from the main house, so we had to take extra design steps to ensure it's architectural connection through the roof form and materiality.

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

The hardship did not result from actions taken by the applicant nor property owner as the conditions of the existing structure and property bounds existing prior to the occupation of the current Owner.

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

This proposal is consistent with the spirit, purpose and intent of the ordinance due to it's sensitivity to the existing architecture and the deliberate planning of privacy, accessibility and material goals on site. Public safety and Owner safety is secured through following of building code and architectural best practices. The materials proposed are supported by the Town of Biltmore Forest Ordinance and we are further in harmony with the ordinance in planning for connective indoor/outdoor spaces with a landscape that has local varieties and is in unison with the surrounding neighborhood. We are achieving privacy and screening goals established by the ordinance and are adding to the improvement of site through responding to the existing topography and architectural forms.

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

Signature

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to read 'Ar K' followed by a large, looped flourish.

Date

10/7/2021

Special Use Permit Application

Town of Biltmore Forest

Name

Anna Gay

Address

46 Hilltop Rd, Biltmore Forest, NC 28803

Phone

(828) 230-7398

Email

kgay@carlton-edwards.com

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

Accessory Structures

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

Please provide a description of the proposed project:

This project is a renovation and addition to the residence at 46 Hilltop Rd. This special use permit application is for the construction of the following elements: We are proposing a fountain of approximately 3' in height and 4' in diameter made of stone or brick veneer to match the existing brick on the residence. This fountain will be the centerpiece of a garden area adjacent to an outdoor living space. We also are proposing a fence with associated gates, approximately 3' in height, constructed of wood and painted a warm white to match the proposed tone of the brick residence. This fence will serve to keep animals out of the garden and maintain some privacy and access to the rear yard. We are proposing a few site walls which include the following: there is an existing brick site wall in the rear yard that we are planning to reroute with the same brick material to better align with the new garage and grading strategy. This site wall is paired with a proposed site stair which would give access to a higher, wooded area to the rear of the property. We are also proposing two site walls around the drive area, the rear of which would have retaining purposes due to the grade change at the back of the site. Lastly, we are proposing a new garage to replace the existing two car garage. This garage has approximately 945 SF of roof coverage and thus we will be attaching a separate variance request. This garage is the same brick as the existing house and is structurally connected to the main house. It's situated towards the back of the site and as such, provides privacy for the residents and is hidden from street view.

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

These elements and the project overall would not adversely affect the public interest of those living in the neighborhood because we are taking care to design in compatibility with the existing residence and the neighborhood fabric in mind. The materials we are proposing (stone, wood, brick veneer) are of quality and are in harmony with the materials on site today. The landscaping walls and fountain are primarily hidden from public view, but in the instances where one could see these features, they have been designed as extensions of the home and landscape and will be read as such. We are improving on the proportions of the house and are making the site more connective for the residents of the home, making the property more accessible and manicuring areas that are underutilized. The natural materials we have chosen and the low features we have designed should put the landscape on display which should serve to continue the beautification of the site and surrounding neighborhood. None of these features risk safety but rather expand on the existing architectural and site context.

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

Signature

Date

10/7/2021



A handwritten signature in black ink, consisting of a stylized first letter followed by a surname. The signature is written above a horizontal line.

IMPERVIOUS AREA CALCULATIONS
 TOTAL LOT SIZE: 1.825 ACRES (79,497 SQ. FT.)
 ALLOWABLE IMPERVIOUS AREA (25% OF LOT SIZE): 19,874.3 SQ. FT.
 ALLOWABLE ROOF AREA: 6,100 SQ. FT.
 PROPOSED IMPERVIOUS SURFACE AREA:
 HARDSCAPED AREA: 14,052 SQ. FT.
 PROPOSED ROOF AREA: 4,908.8 SQ. FT.
 TOTAL PROPOSED IMPERVIOUS AREA: 18,960.8 SQ. FT.

Revision Schedule

No.	Issuance	Date

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROSE RENOVATION
46 Hilltop Rd. Biltmore Forest, NC

PROJECT NUMBER
21.05

DRAWN BY CE

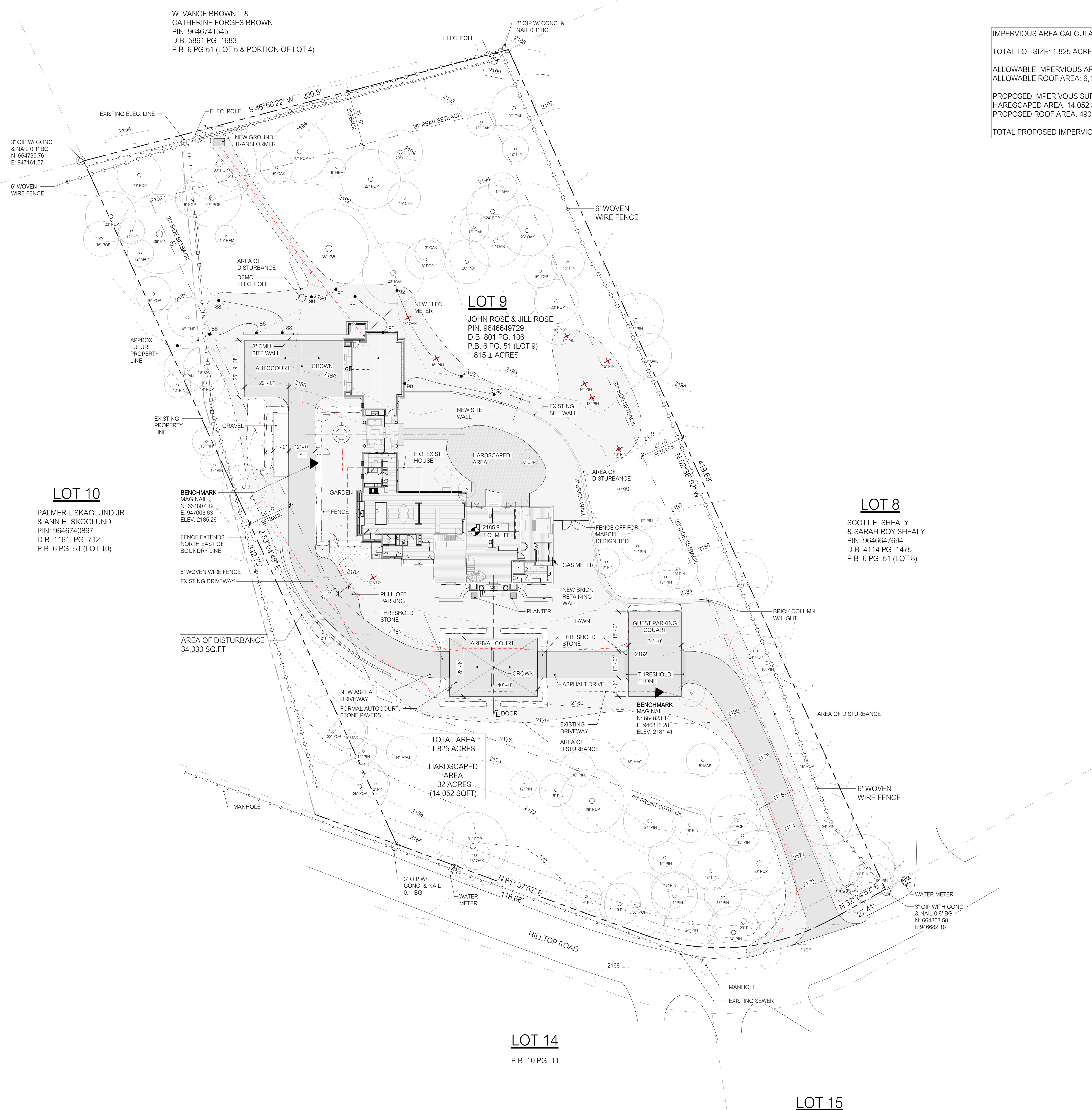
CHECKED BY CE

BoA SUBMISSION

DATE: 9/20/2021

ARCHITECTURAL SITE PLAN

PLOT INFO: 9/20/2021 12:20:43 PM



W. VANCE BROWN II &
CATHERINE FORGES BROWN
PIN: 9646741545
D.B. 5861 PG. 1683
P.B. 6 PG. 51 (LOT 5 & PORTION OF LOT 4)

LOT 9
JOHN ROSE & JILL ROSE
PIN: 9646849729
D.B. 801 PG. 106
P.B. 6 PG. 51 (LOT 9)
1.815 ± ACRES

LOT 10
PALMER L SKAGLUND JR
& ANN H. SKOGLUND
PIN: 9646740897
D.B. 1161 PG. 712
P.B. 6 PG. 51 (LOT 10)

LOT 8
SCOTT E. SHEALY
& SARAH ROY SHEALY
PIN: 9646647694
D.B. 4114 PG. 1475
P.B. 6 PG. 51 (LOT 8)

LOT 14
P.B. 10 PG. 11

LOT 15
P.B. 10 PG. 11

TOTAL AREA
1.825 ACRES
HARDSCAPED
AREA
32 ACRES
(14,052 SQFT)

AREA OF DISTURBANCE
34,030 SQ.FT.

SITE PLAN LEGEND

EXISTING TREE SAVED	○
EXISTING TREE REMOVED	✕
MODIFIED CONTOUR	---
DEVIATION POINT	•
PRIMARY CONTOURS	---
SECONDARY CONTOURS	---
U.G. ELECTRIC LINE	—E—E—
U.G. GAS LINE	—G—G—
U.G. SEWER LINE	—S—S—
U.G. WATER LINE	—W—W—
U.G. DATA LINE	—D—D—
U.G. STORM DRAIN	—>>>>>

Revision Schedule

No.	Issuance	Date

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROSE RENOVATION
46 Hilltop Rd, Biltmore Forest, NC
PROJECT NUMBER

21.05

DRAWN BY CE

CHECKED BY CE

BoA SUBMISSION

DATE: 9/20/2021

LANDSCAPE PLAN

A1.02

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PLOT INFO: 9/20/2021 12:20:45 PM



LOT 9
JOHN ROSE & JILL ROSE
PIN: 9646649729
D.B. 801 PG. 106
P.B. 6 PG. 51 (LOT 9)
1.815 ± ACRES

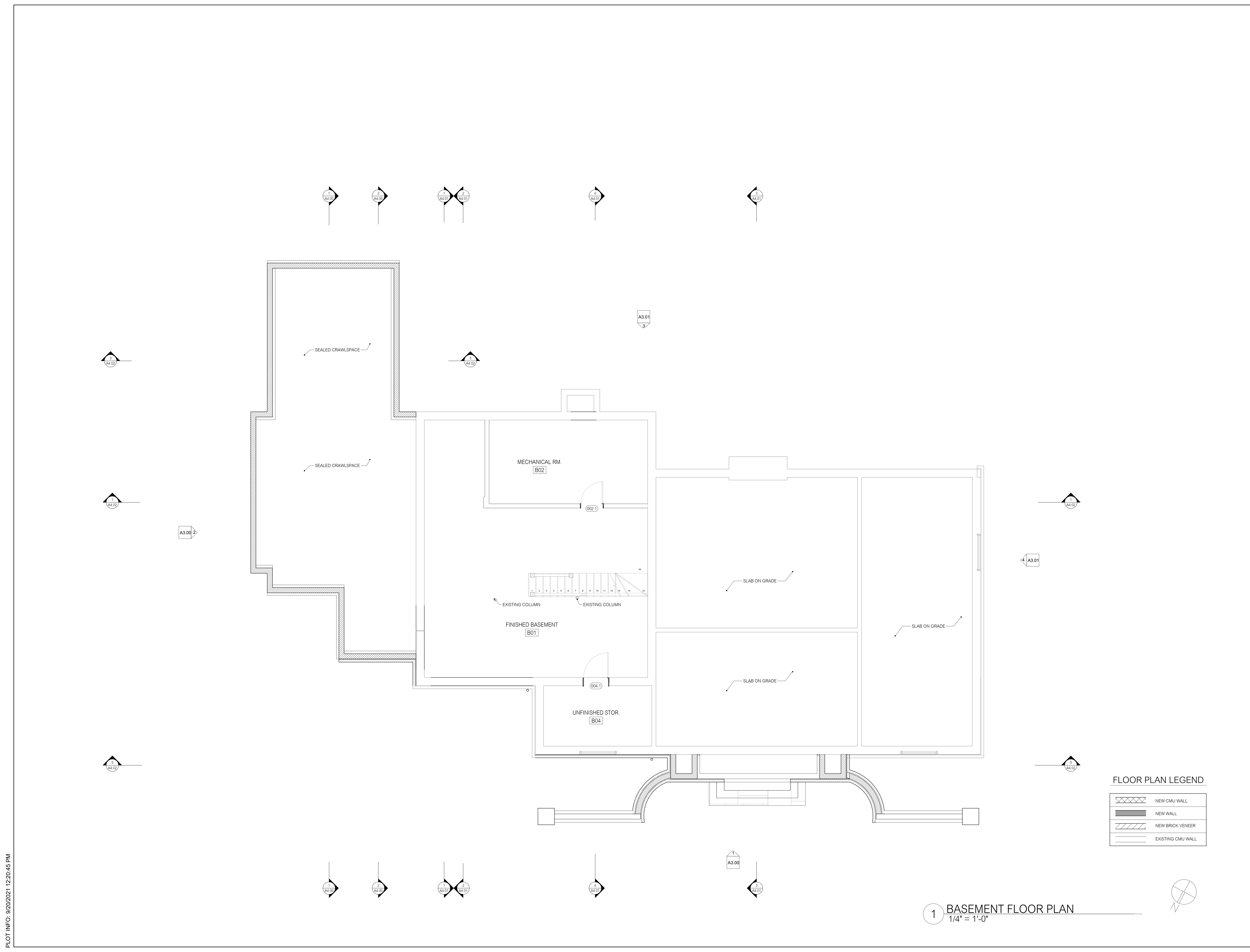
TOTAL AREA
1.825 ACRES
HARDSCAPED AREA
.32 ACRES
(14,052 SQFT)

1 LANDSCAPE PLAN
1" = 10'-0"

Revision Schedule		
No.	Issuance	Date

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION	
ROSE RENOVATION 46 Hilltop Rd. Biltmore Forest, NC	
PROJECT NUMBER	21.05
DRAWN BY	KG
CHECKED BY	KG
BoA SUBMISSION	
DATE:	9/20/2021
BASEMENT FLOOR PLAN	
A2.10	
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1 BASEMENT FLOOR PLAN
1/4" = 1'-0"

PLOT INFO: 9/20/2021 12:20:45 PM

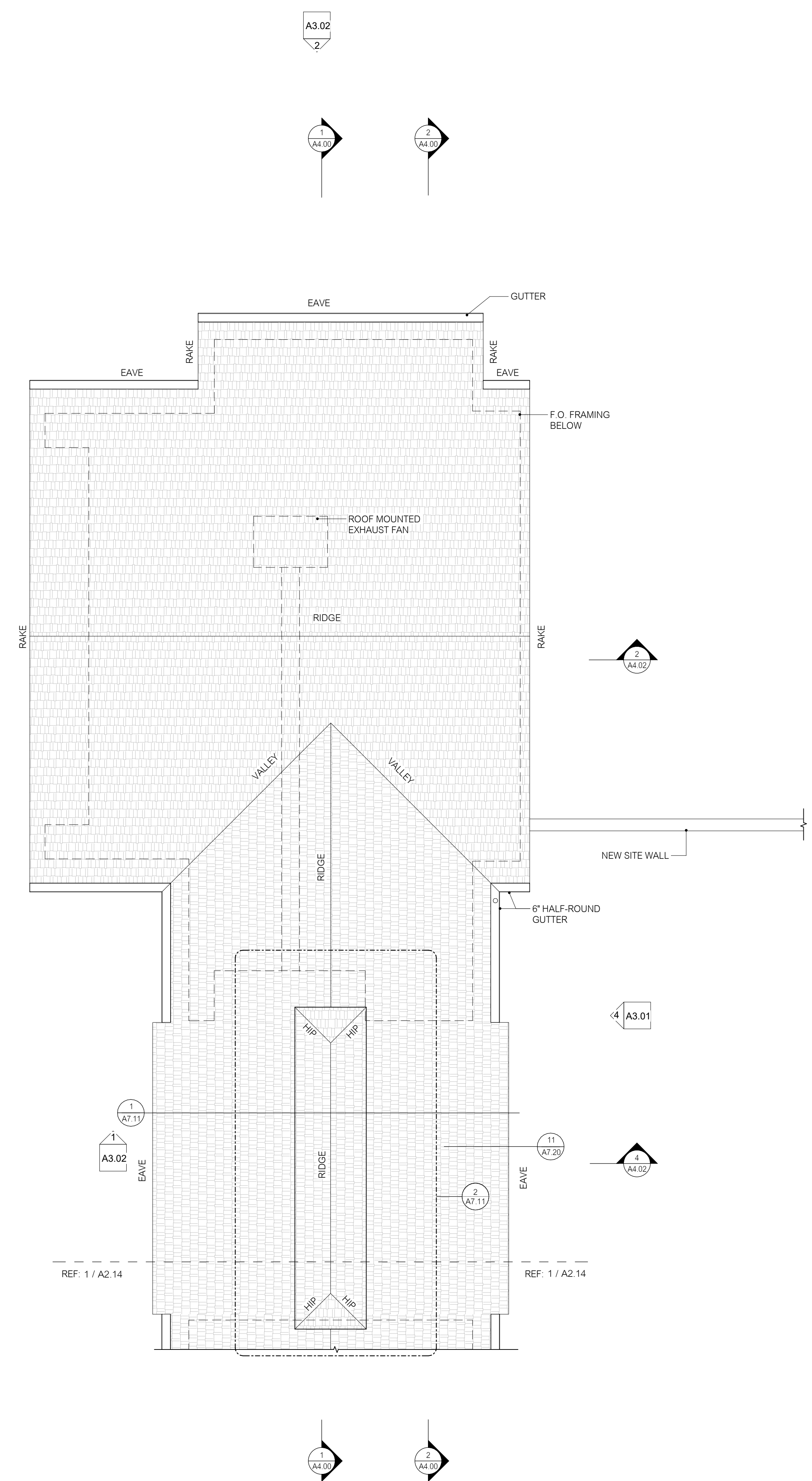
ARCHITECT:

CARLTON EDWARDS

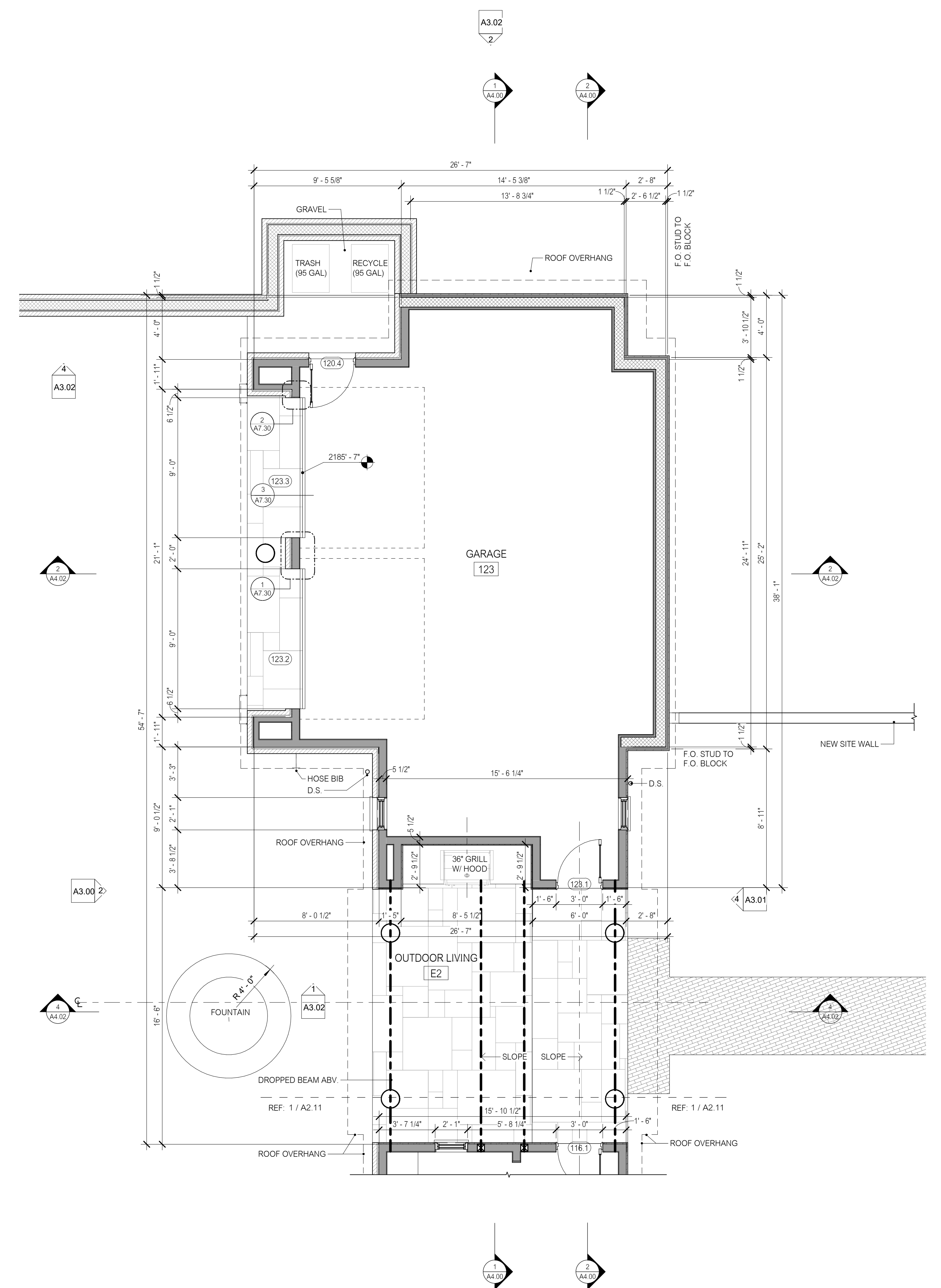
P.O. BOX 7466
 ASHEVILLE, NC 28802
 828.274.7554 phone
 828.274.7512 fax

Revision Schedule

No.	Issuance	Date



2 GARAGE ROOF PLAN
 1/4" = 1'-0"



1 GARAGE FLOOR PLAN
 1/4" = 1'-0"

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROSE RENOVATION
 46 Hilltop Rd., Biltmore Forest, NC
 PROJECT NUMBER

21.05

DRAWN BY DN
 CHECKED BY RSC
 BoA SUBMISSION
 DATE: 9/20/2021

GARAGE FLOOR AND ROOF PLANS

A2.12
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PLOT INFO: 9/20/2021 12:20:47 PM

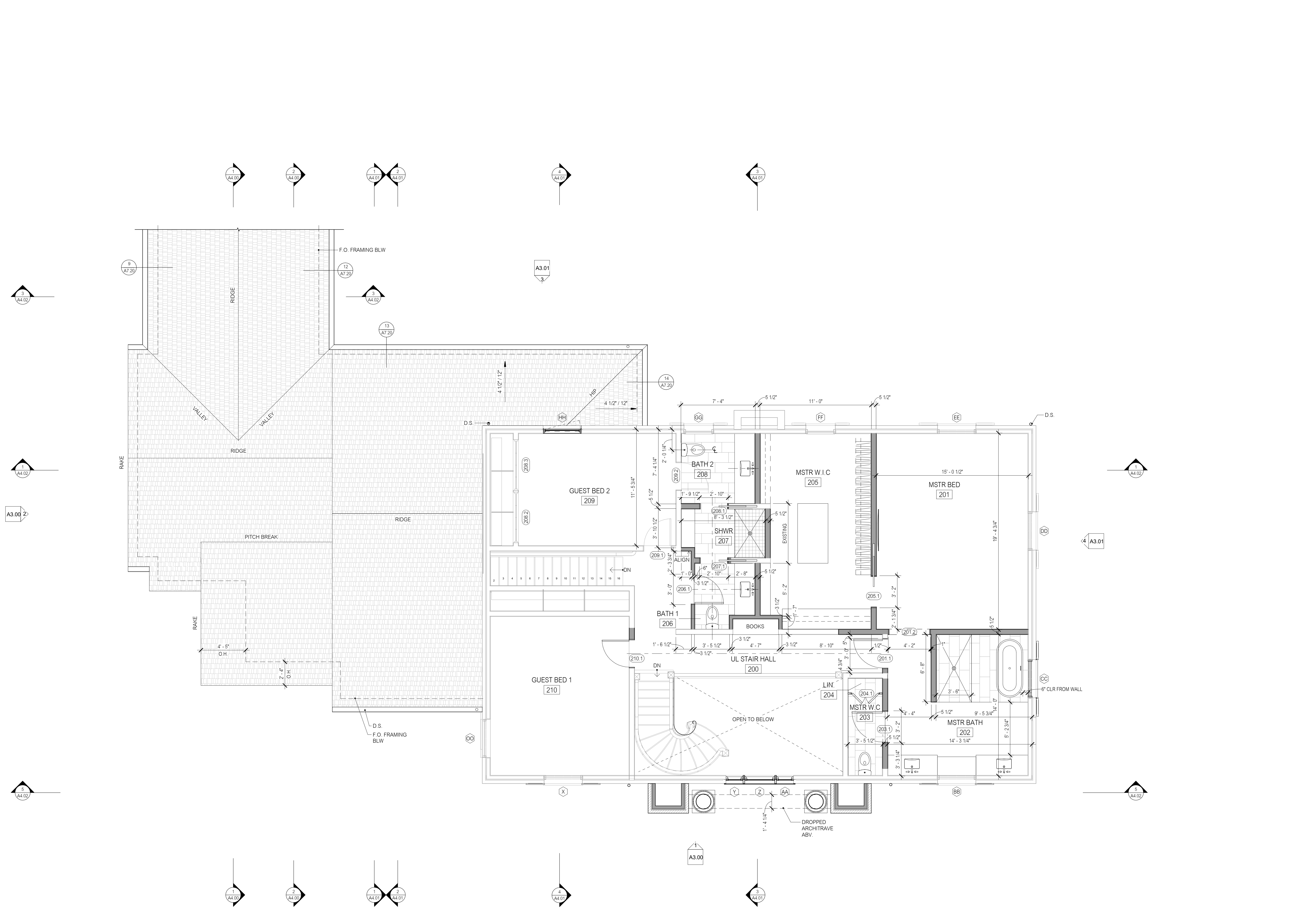
Revision Schedule

No.	Issuance	Date

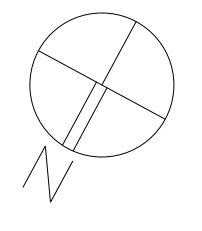
NOT FOR CONSTRUCTION

PLOT INFO: 9/20/2021 12:20:47 PM

A3.00 2



1 UPPER LEVEL FLOOR PLAN
 1/4" = 1'-0"



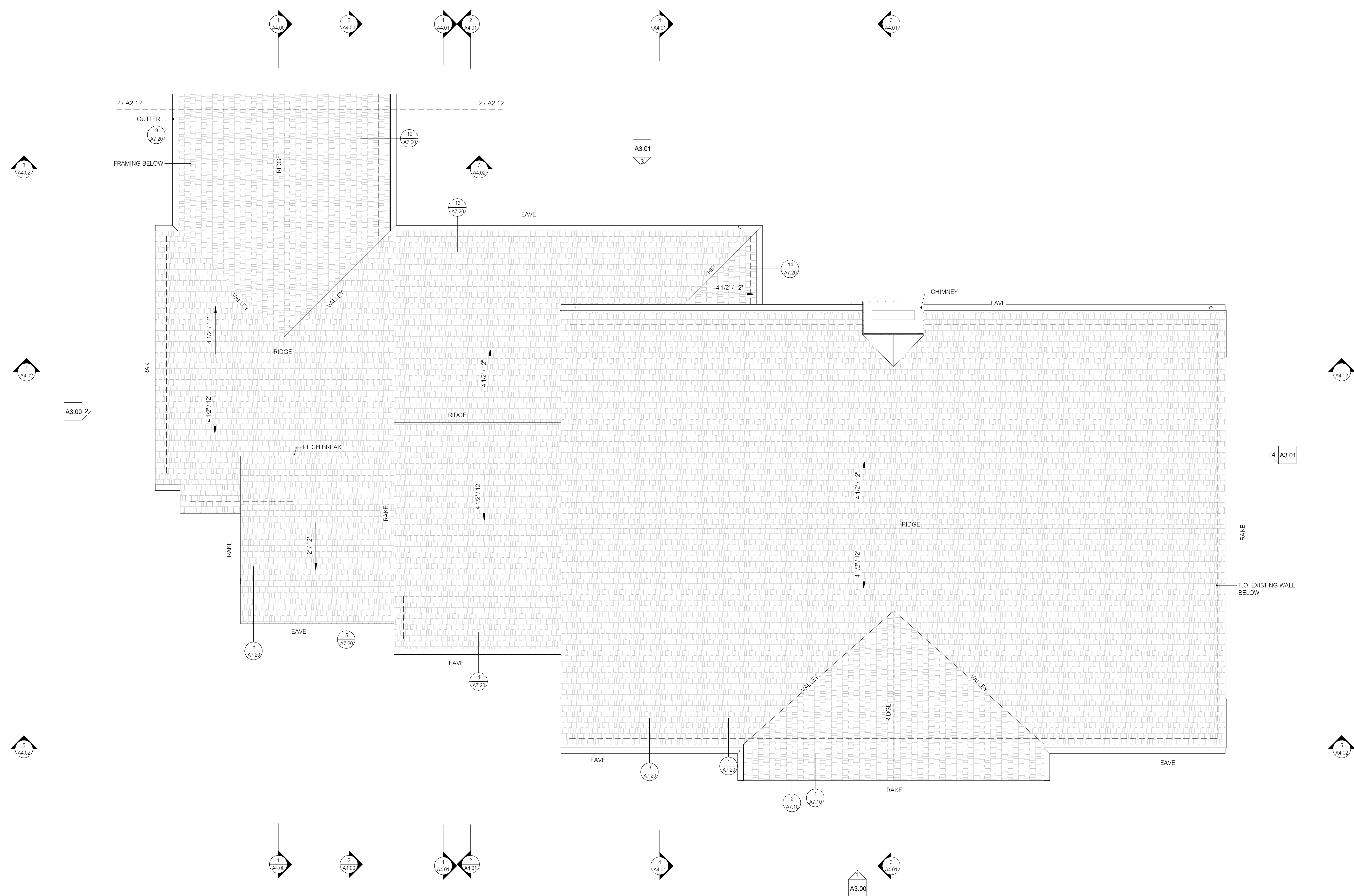
ARCHITECT:

CARLTON EDWARDS

P.O. BOX 7466
ASHEVILLE, NC 28802
828.274.7554 phone
828.274.7512 fax

Revision Schedule

No.	Issuance	Date



NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROSE RENOVATION
46 Hilltop Rd, Biltmore Forest, NC

PROJECT NUMBER
21.05

DRAWN BY
KG

CHECKED BY
KG

BoA SUBMISSION
DATE: 9/20/2021

ROOF PLAN

A2.14

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1 ROOF PLAN
1/4" = 1'-0"

PLOT INFO: 9/20/2021 12:20:47 PM

Revision Schedule

No.	Issuance	Date

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROSE RENOVATION
46 Hilltop Rd, Billmore Forest, NC

PROJECT NUMBER
21.05

DRAWN BY
KG

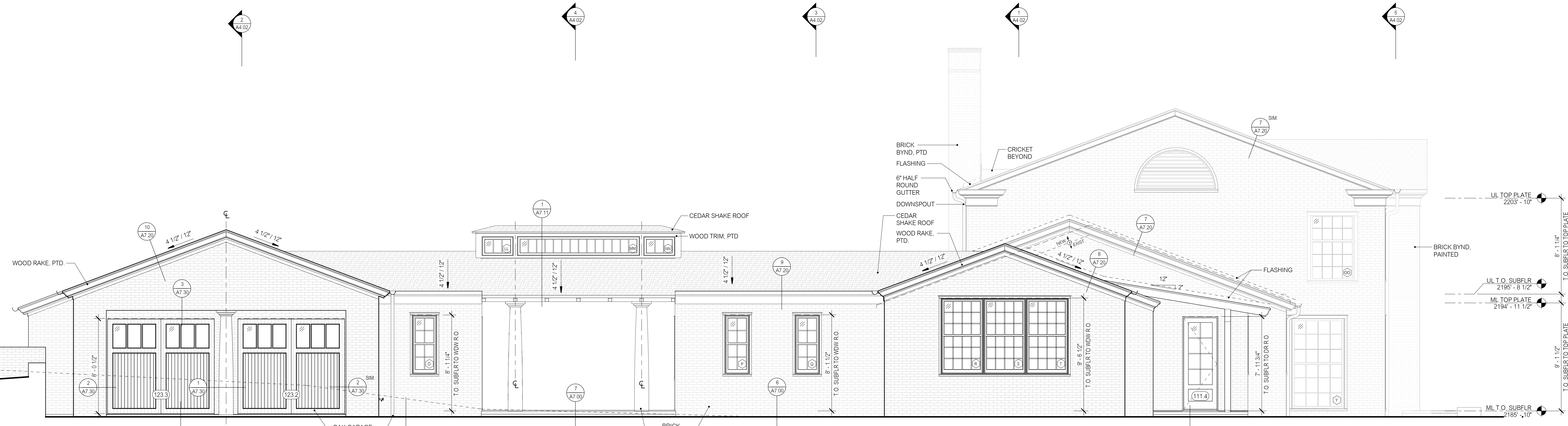
CHECKED BY
KG

BoA SUBMISSION

DATE: 9/20/2021

ELEVATIONS

A3.00



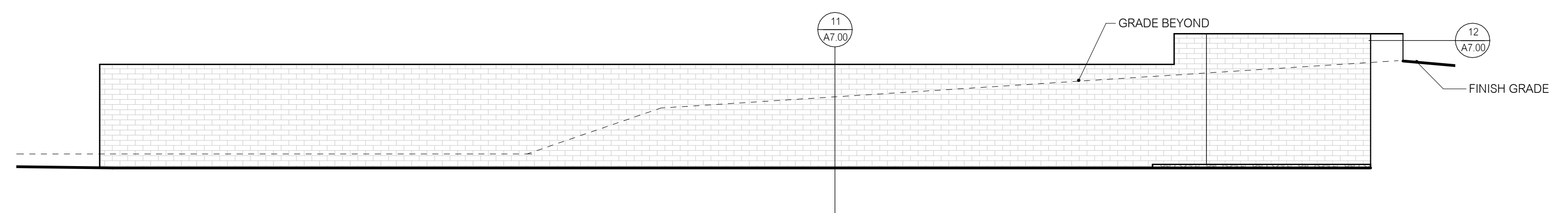
2 EAST ELEVATION
1/4" = 1'-0"



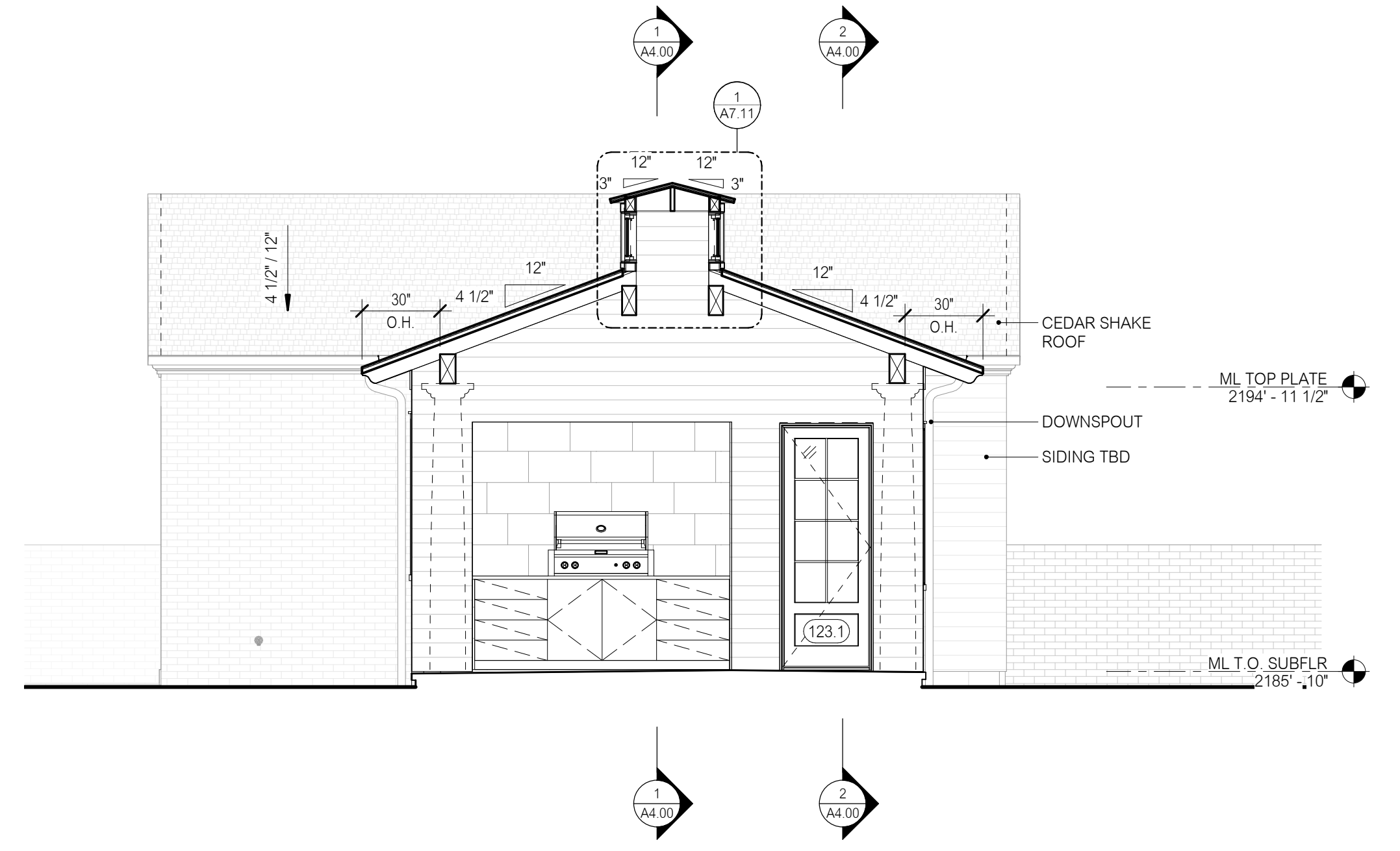
1 NORTH ELEVATION
1/4" = 1'-0"

Revision Schedule

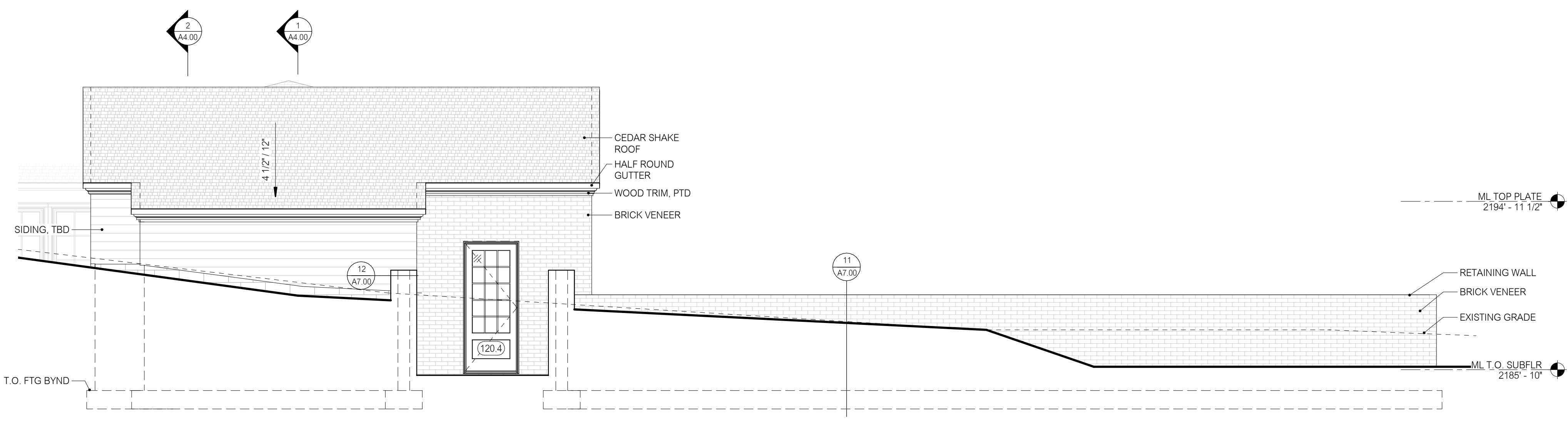
No.	Issuance	Date



4 SITE WALL - NORTH
 1/4" = 1'-0"



1 COVERED PATIO - NORTH
 1/4" = 1'-0"



2 GARAGE SOUTH
 1/4" = 1'-0"

NOT FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROSE RENOVATION
 46 Hilltop Rd. Biltmore Forest, NC

PROJECT NUMBER
21.05

DRAWN BY
 KG

CHECKED BY
 KG

BoA SUBMISSION
 DATE: 9/20/2021

ELEVATIONS

A3.02

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BOARD OF ADJUSTMENT STAFF MEMORANDUM

August 23, 2021



Case 3 – 9 Holly Hill Road Special Use Request for Existing Soccer Goal Installation and Landscape Plan Review

Project Description

In July 2021, the Board of Adjustment determined the soccer goal, installed at 9 Holly Hill Road, was an accessory structure and required a special use permit. The Board heard from the property owner and neighbors regarding the project and requested additional information from the applicant pertaining to the installation of a turf field (instead of the lawn field originally specified to the Board in May 2018), the installation of a fence around the swimming pool, and drainage related to the overall projects.

In August 2021, the Board reviewed the requested information and provided an opportunity for the applicant to review and resubmit a landscaping plan in conjunction with this special use permit request.

New Information Provided by Applicant

The applicant has provided a rendering for his proposed landscaping/buffering plan, the landscape plan being utilized for the project, and purchased plantings for the specific area in question. The applicant has also provided a letter of support from a neighboring property owner and an example of another home located in the area (Biltmore Park) with similar landscaping/screening plans.

Prior Information

Prior to this meeting, the Board received information from the applicant related to the field turf, the installation of the (previously approved) pool around the fence, and earlier submissions/plans reviewed and approved by the Board of Adjustment in 2018.

Special Use Permit Request

The property owner's specific application is for a special use permit in order to keep the existing soccer goal in place. The soccer goal, as currently installed, is within the rear yard and not in violation of the rear or side yard setbacks. The applicant has also included information related to the field turf installation, the fencing installed around the swimming pool, and email communications between himself, the Town, and County related to the downstream neighbor's drainage concerns.

As part of the Town's review of the application, Public Works staff conducted a site visit on Monday, October 4, 2021. The purpose of this site visit was to verify distances from the property line separating the applicant from the neighboring property. Please note: there is a twenty (20) foot strip

that separates 9 Holly Hill Road (Lehman) from 11 Holly Hill Road (Price). This twenty (20) foot strip is owned by Biltmore Farms, and contact was made with Biltmore Farms representatives during this review process to ensure appropriate knowledge of the site visit and distance analysis. Town staff found the following information relative to the distance from the property line, as well as the full size of the soccer field:

- The soccer goal is approximately 30 feet from the Biltmore Farms strip parcel. The setback for accessory structures in the side of a property is 20 feet. There is no concern regarding the setback from the rear yard property line.
- Distance from Biltmore Farms strip parcel to planting area, as shown on the landscape plan and field verified is eight (8) feet. There is no requirement for planting a certain distance from a property line.
- Staff found both corner pins for the side yard and old survey stakes that appeared to mark the side property line. Please note: there are no registered surveyors on Town staff and a registered surveyor did not perform this work. This was done with a best effort to field verify the locations of these structures in relation to the Biltmore Farms strip.
- Staff measured the turf field and found the following: the field is 50 feet x 80 feet (4000 square feet) with a small corner cut out on one side that is 25 square feet. The turf field, therefore, is 3,975 square feet. Mr. Lehman's initial landscape plan concluded the turf field was 4,157 square feet, so the Town's measurement shows this is actually further below that amount. The goal area is 24 feet x 8 feet for a total of 192 square feet.

Impervious Surface Calculations

Per the Town's Zoning Ordinance, the applicant is allowed 17,097.3 square feet for impervious surface. This is determined by the lot acreage of 1.57 acres (utilizing Buncombe County GIS) and finding 25% of the total lot area. The applicant's impervious surface area is 12,219 square feet. If considering the artificial turf field impervious utilizing the above listed measurements, this adds an additional 3,975 square feet to the calculations for a total of 16,194 square feet of impervious area. This is 903.3 square feet, or 5.28 percent, below the allowable limit.

Neighbor Submissions and Appeals

Ms. Charlene Price, a neighbor at 11 Holly Hill Road, has submitted two appeals regarding this project. The first is in relation to the soccer goal structure itself and includes her request that this not be approved as a special use permit. The second appeal is that the turf field be deemed an accessory structure. This appeal is in relation to Town staff's earlier interpretation that the turf field did not equate to an accessory structure. These two letters and an additional addendum are included for the Board's review.

Zoning Compliance Application

Town of Biltmore Forest

Name

Benjamin Lehman

Property Address

9 Holly Hill Road

Phone

(434) 249-0257

Email

blehman_007@yahoo.com

Parcel ID/PIN Number

964672798900000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.57

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

no additional roof surfaces

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

no additional impervious surfaces

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 building is being constructed

Description of the Proposed Project

A synthetic turf field measuring approximately 43ft x 85ft was installed in place of Bermuda grass sod as part of the 2018 backyard project. The synthetic turf field is permeable and drains 30 inches of water per hour per square yard. The field was installed per manufacturer recommendations on a 3 inch sub-base of compacted 1/4" minus.

I am applying for a full size soccer goal along with a net system to prevent the soccer balls from going onto lower neighboring property. The goal and net system are located at the rear of the turf field which is in the rear yard of the house. It is not located in the side setback. It will be appropriately screened with plantings to obstruct the view of the goal from the side yard. Plantings will be installed at the front side of the field to block the view of the goal as best possible, but because of the driveway configuration it will be impossible to completely obstruct the entire roadway view. I would like to install the full size soccer goal as all three of my children play competitive travel soccer and will use the goal to practice their skills. A smaller goal would not be nearly as helpful to them in developing their skills.

I also am reapplying for a fence to be installed around the pool. It was part of the original project but was delayed significantly because of contractor issues out of my control. The fence is currently being worked on, but may not be complete before this upcoming meeting. I was told to include this in my application. It is a 54" tall black aluminum pool code fence and is traditional in appearance.

Estimated Start Date
8/30/2021

Estimated Completion Date
10/31/2021

Estimated Cost of Project
\$3,500.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

Date
8/9/2021



Special Use Permit Application

Town of Biltmore Forest

Name

Benjamin Lehman

Address

9 Holly Hill Road

Phone

(434) 249-0257

Email

blehman_007@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:

I am applying for a full size soccer goal along with a net system to prevent the soccer balls from going onto lower neighboring property. The goal and net system are located at the rear of the turf field which is in the rear yard of the house. It is not located in the side setback. This accessory structure abides by the current ordinances in that it does not fall within the side setback and it is located in the rear of the yard. It will be appropriately screened with plantings to obstruct the view of the goal from the side neighbor. Plantings will be installed at the front side of the field to block the view of the goal as best possible from the road, but because of the driveway configuration it will be impossible to completely obstruct the entire roadway view. I would like to install the full size soccer goal as all three of my children play competitive travel soccer and will use the goal to practice their skills. A smaller goal would not be nearly as helpful to them in developing their skills.

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

Many residents throughout Biltmore Forest have soccer goals in their yards and many of them are only slightly smaller than full size and measure 6' x 18' instead of mine which is 8' x 24'. Many of these goals are located in front yards and completely visible to the road. I don't mind seeing these goals, nor the volleyball nets or lacrosse goals or basketball hoops that are visible from the road, because it means that there are kids in this neighborhood who play and are active. It represents an active and vibrant neighborhood which is appealing to families with kids who are considering moving into Biltmore Forest. My synthetic turf field is a beautiful addition to our property and increases the value of our home. It is always beautiful green and looks like natural grass and it doesn't require chemicals and large noisy mowing crews to come into the neighborhood on a regular basis. The field and soccer goal will be screened from view from the side neighbor through dense plantings so they should have no issues to be concerned about. The field and goal will be screened as best possible from the road but the view won't be completely obstructed which really isn't any different than many other residents/homes in Biltmore Forest where accessory buildings and structures can be seen from the road as you drive by. There are several other homes in Biltmore Forest with tennis courts and sport courts on their property and a few of them can be seen from the road. My proposed field and soccer goal is not dissimilar to many other homes in the neighborhood and I don't see any reason why it would be considered inappropriate or out of the ordinary for this neighborhood. Therefore, I do not believe that it has any adverse affect on the public interest of the

neighborhood.

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

Signature

Date

8/9/2021

A handwritten signature in black ink, appearing to read "Ben [unclear]". The signature is written in a cursive style with a large initial "B".

All plantings to be installed as plants are available and to be completed by November of 2021. If some plants unavailable, then similar plants may be substituted.

Impervious Surfaces

Pool	989 ft ²
Stamped Concrete	2273 ft ²
Fire Pit Stone Patio	314 ft ²
House Structure	2734 ft ²
Driveway/Entry Walk	5540 ft ²

Pool Equipment Concrete Pad	24 ft ²
Shed	50 ft ²
Stone Stepper Walkways	120 ft ²
Stone wall and steps	115 ft ²
Timber steps	60 ft ²

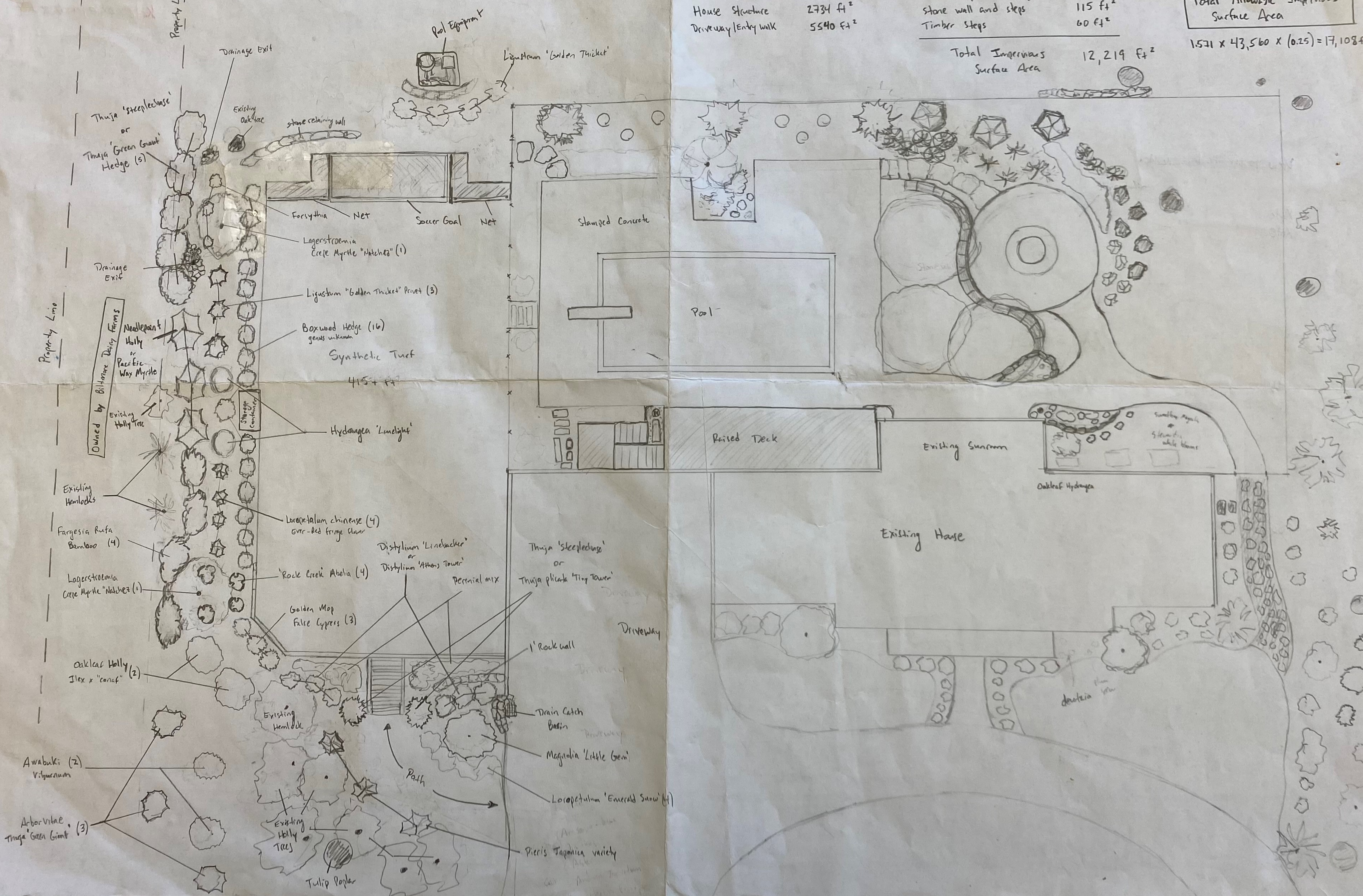
Semi-Permeable Surface

Synthetic Turf 4157 ft²

Total Allowable Impervious Surface Area

Total Impervious Surface Area 12,219 ft²

$1571 \times 43,560 \times (0.25) = 17,108 \text{ ft}^2$



Owned by Bill Hare Dairy Farms

9 Holly Hill Road



02/16/2020 - 02/16/2020







Thomas B. Mulford, M.D.
14 Holly Hill Road
Biltmore Forest, NC 28803
tbmulford@aol.com

October 1, 2021

To The Town of Biltmore Forest:

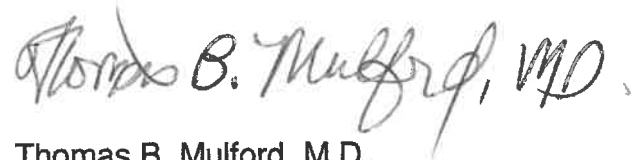
My wife, Rosemary, and I are writing to show support of the Lehman's project at 9 Holly Hill Road. We have resided in Biltmore Forest for over 15 years and we still love and appreciate what drew us to the neighborhood- the fact that Biltmore Forest is a family place. The Lehmans exemplify this characteristic.

The Lehmans have transformed what started as a dilapidated house and yard into a beautiful home with a great family, full of life and energy! Part of the project includes the pristine soccer field on which many children play and enjoy.

We support their beautification project with no hesitation. We ask the Town and neighbors to allow them to proceed unfettered with their project.

Please feel free to contact us at any time regarding this matter

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. Mulford, M.D." The signature is written in dark ink and is positioned above the printed name.

Thomas B. Mulford, M.D.

From: [Charlene Price](#)
To: [Jonathan Kanipe](#)
Subject: Request for Designation of Soccer Field @ 9 Holly Hill Rd.
Date: Saturday, September 25, 2021 11:50:17 AM
Attachments: [C. Price Addendum to Email 9.2021.docx](#)

WARNING: This email originated from outside of the Town of Biltmore Forest Network.

To: Town of Biltmore Forest Town Manager, Jonathan Kanipe

Town of Biltmore Forest Board of Adjustments

Re: Request for Designation of Soccer Field @ 9 Holly Hill Road

This is a request that the Town of Biltmore Forest designate the soccer field at 9 Holly Hill Road as an unpermitted, permanent structure and that the Town require its removal immediately.

This request is specific to the unpermitted, permanent, in-ground structure required to accommodate and secure the artificial turf.

Attached is additional information pertaining to this request.

Respectfully submitted,

Charlene Price

A PERMANENT STRUCTURE IS REQUIRED TO SECURE/INSTALL ARTIFICIAL TURF

A permanent structure is a structure that is placed on or in the ground or attached to another structure or fixture in a fixed position to remain in place for more than six months.

Artificial turf that is used for a playing surface, like a soccer field, has an average life span of ten years and requires installation of a permanent base structure (which includes a permanent edging system) to not only stretch the artificial material “to size” but also to secure it to the designated surface area.

This permanent, constructed base and edging system is most commonly made of timbers. While timbers are the least expensive material used, composite plastic or steel 2 x 4’s can be used. As well, artificial turf can also be secured to layers of composite materials that have been permanently installed. The turf is attached to the permanent structure with six-inch galvanized steel garden pins or galvanized metal spiral landscape stakes.

The soccer field at 9 Holly Hill Road did not get approval or permitting for construction of a permanent structure to secure the artificial turf field.

PROFESSIONAL INSTALLATION OF THE PERMANENT STRUCTURE BY A LICENSED CONTRACTOR IS REQUIRED TO ENSURE SAFETY & QUALITY

Professional installation of a permanent, constructed base and edging system by a licensed contractor is required not only because of the complexity of the base system installation but also because such permanent systems and the artificial turf create drainage and run-off.

Nearly all artificial turf companies recommend professional installation of the permanent base and edging system as well as the artificial turf. According to recommendations from SGW (Synthetic Grass Warehouse), the company Ben Lehman references in his materials, determining where run-off water will go and installing proper draining- like exit drains, French drains and catch basins for example - must be done by a professional contractor who can assess the topography of the property and adjoining properties and install the required drainage.

Because Ben Lehman did not apply to the board of adjustments for approval/permitting to install this permanent structure to secure his artificial turf, there is no documentation that a licensed contractor oversaw and approved the correct construction and required drainage of the permanent structure.

These ongoing and often unpermitted construction projects (like the soccer field) have dramatically changed the topography of 9 Holly Hill Road. While not under the jurisdiction of the Biltmore Forest Board of Adjustments, it is important to acknowledge that Ben Lehman's back-door neighbor (Mrs. Andrea Eglinton) has experienced three extensive floods since 2018 due to these ongoing and often unpermitted construction projects. Prior to that, the neighbor has never had a problem with run off and flooding on their property.

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From: [Charlene Price](#)
To: [Jonathan Kanipe](#)
Subject: Unpermitted Permanent Soccer Goals/Nets @ 9 Holly Hill
Date: Friday, September 24, 2021 2:29:22 PM

WARNING: This email originated from outside of the Town of Biltmore Forest Network.

TO: Town of Biltmore Forest Town Manager, Jonathan Kanipe
Town of Biltmore Forest Board of Adjustments

RE: Unpermitted Permanent Soccer Goal/Nets @ 9 Holly Hill Road

This is a request that the unpermitted 15-foot soccer nets/goals at 9 Hilly Hill Road be removed immediately as they have been formally designated as an unpermitted permanent structure by the Town of Biltmore Board of Adjustments.

This is also an objection to any variance to this unpermitted permanent structure that would allow any alternative (such as screening).

Respectfully submitted,

Charlene Price