Applicants:
You or your representative **must** be present at this meeting or your application will not be reviewed.

Members of the Board of Adjustment & the Zoning Administrator may visit the property prior to the meeting.

You or your representative **must** also attend the Design Review Board meeting on the **Thursday, March 24 at 5:30pm** to complete the approval process.

**Certificates of Zoning Compliance will be issued after review and approval from the Board of Adjustment & Design Review Board.**

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 Town Hall M-F 9am-5pm.

You are invited to attend the scheduled meeting and make comment.

---

**To:** Members of the Board of Adjustment, Applicants & Neighboring Property Owners  
**From:** Jonathan B. Kanipe, Zoning Administrator  
**Date:** March 9, 2016  
**Re:** Board of Adjustment Meeting – Monday, March 21, 2016 4PM

The following items of business are scheduled to be addressed by the Biltmore Forest Board of Adjustment on Monday, March 21, 2016 at 4:00 pm in the Town Hall Board Room.

1) The meeting will be called to order and roll call will be taken.
2) The minutes of the February 15, 2016 meeting will be presented for approval.
3) Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):
   - Case No. 1 – 12 Ridgefield Place
   - Case No. 2 – 1345 Hendersonville Road (Carolina Day School)
   - Case No. 3 – 18 Busbee Road
   - Case No. 4 – 25 Busbee Road
   - Case No. 5 – 34 Hilltop Road
   - Case No. 6 – 29 Hilltop Road
   - Case No. 7 – 12 Hemlock Road
   - Case No. 8 – 8 Chauncey Circle
   - Case No. 9 – 57 Forest Road

   *Full case descriptions are included on the back of this page.*

4) **Adjourn**
Case Number 1: Mrs. Lauren Meyer-Banks, 12 Ridgefield Place, is requesting approval of a conditional use permit and variance to allow the replacement of an existing fence in the rear yard with a new 4’ high steel, black powder coated fence and gate. A variance is required for a portion of the replacement fence that will be located within the northern side setback.

Case Number 2: Carolina Day School, 1345 Hendersonville Road, is requesting a conditional use permit to allow the continued use of a modular classroom unit on the eastern end of their soccer field nearest to Hendersonville Road through August 2020. The modular unit is 140’x65’ and is approved for use through July 2016.

Case Number 3: Mr. Robert and Mrs. Nicole Ingle, 18 Busbee Road, request permission to renew a previously approved zoning permit from May 2015 which expired in November 2015. The permit included plans for a new residence and associated conditional use permits and variances.

Case Number 4: Dr. Steven and Mrs. Melissa Mendelsohn, 25 Busbee Road, are requesting a conditional use permit and variance to allow the addition of a two-bay automobile parking area to an existing accessory building. The project includes a 405 +/- square foot covered walkway connecting the garage to the main residence.

Case Number 5: Mr. Carl Christian Radinger, 34 Hilltop Road, requests permission to renew a previously approved conditional use permit from September 2012.

Case Number 6: Dr. James Brien, 29 Hilltop Road, is requesting a conditional use permit and variance from the Board to allow the construction of a 12’x16’ accessory structure that will serve as a storage building. The building will be constructed on an existing 12’x16’ cement foundation.

Case Number 7: Mr. Hubert and Mrs. Pat Wood, 12 Hemlock Road, request a conditional use permit to construct a new, four (4) foot high retaining wall in the rear yard. The proposed wall would be 90 feet long, and include a six (6) foot tall steel fence constructed on 60 feet of the length of the wall.

Case Number 8: Mr. John Miles Smith, 8 Chauncey Circle, is presenting plans for a new residence and requests a conditional use permit for the construction of a rock wall and column located on the side of the home. Additionally, variances are requested for the construction of four (4) rock headwalls within the setbacks of the property.

Case Number 9: Mr. Nathan and Mrs. Erin Renfro, 57 Forest Road, are presenting plans for a new residence and request permission for a conditional use permit for an accessory use to construct an 18” high stacked stone wall in the rear yard.
The Board of Adjustment met at 4:00 p.m. on Monday, February 15, 2016.

Members present: Goosmann, Landau, Kieffer, Groce, Pearlman, and Chandler. Mr. Jonathan Kanipe, Zoning Administrator, was present. Mr. William Clarke, Town Attorney, was also in attendance.

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

Chairman Goosmann swore in the following:

Mrs. Lauren Meyer-Banks  
Mr. Thomas Nash  
Mrs. Marcia Nash

One correction was made to the minutes with Rebecca Rhinehart being present in place of Mr. William Clarke. Motion was made to accept the minutes as amended by Mrs. Lynn Kieffer and to approve the meeting minutes from January 11th, 2016. The motion was seconded by Mrs. Rhoda Groce and unanimously approved.

HEARING (Evidentiary):

Mrs. Lauren Meyer-Banks, 12 Ridgefield Place, was called forward to present her plans for a replacement fence. She requests a Conditional Use Permit and Variance to replace an existing fence in the rear yard. Mrs. Rhoda Groce shepherded the discussion. Mrs. Meyer-Banks stated when they moved to the property in July 2015, there was existing white fencing that is falling apart. Mrs. Meyer-Banks showed where she would like the new fence replaced. She is interested in this fence for her dogs. Mr. Chandler suggested Mrs. Meyer-Banks look into invisible fencing. Mrs. Meyer-Banks had researched invisible fences and was not interested in an invisible fence. Mrs. Meyer-Banks got an estimate for a black chain link fence which she believed would be less visible. Mrs. Kieffer said the current fence looks very visible from the
road. Some of the fences we have approved in the past have not been visible from the road. Mrs. Groce thought chain link fences were not allowed anymore. Mr. Clarke said you can replace an existing chain link fence with a chain link fence but it would have to be black or green. Mrs. Groce said for this particular fence, it would be very visible. Mrs. Meyer-Banks asked what kind of fencing would be acceptable to put up. Dr. Landau said in general, we do not really like fences in Biltmore Forest. He suggested cutting down the bamboo. Mrs. Meyer-Banks said there would be increased road noise if bamboo was cleared out. Dr. Landau said that Mrs. Meyer-Banks could put something other than chain link all the way to the existing wooden fence so there is no fence within a fence. That would be something you would be replacing an existing fence but not adding more fences. Mrs. Meyer-Banks agreed.

Chairman Goosmann discussed a few options for Mrs. Meyer-Banks and asked if she would like to put the application on hold for the moment and research the type of fence to install or go with the suggestion of something other than chain link all the way to the existing fence. Mr. Goosmann encouraged Mrs. Meyer-Banks to table the item if she was not certain. Mrs. Meyer-Banks said she is ok with this second suggestion. Mr. Kanipe said the permit cannot be issued until the Design Review Board signs off on the fence design anyway.

**DELIBERATION & DETERMINATION**

Mr. Pearlman suggested the motion be tabled for 30 days and the new plans are brought back so we can see what it will look like. Chairman Goosmann asked Mrs. Meyer-Banks if she was comfortable with this suggestion. Mrs. Meyer-Banks agreed to table the matter for 30 days until new plans are shown.

**HEARING (Evidentiary):**

Mr. Thomas Nash & Mrs. Marcia Nash were called forward to present plans for 29 Hemlock Road. Mr. Chandler shepherded the discussion. They are requesting a Variance to exceed the maximum roof coverage allowance on the property by 100 square feet to accommodate an apartment over the attached garage. Mrs. Kieffer asked to see drawings of the garage. Drawings were shown and explained to the Board. Mr. Nash said the reason for this is to
provide a place for his elderly parents if they decide to move in with them. Mrs. Kieffer asked whether an elevator would work instead of the stairs, and whether this would take up less room than the stairs. Mr. Pearlman said he didn’t think Mr. & Mrs. Nash’s request was unreasonable given the circumstances. Chairman Goosmann agreed and said he wanted to make sure we visited this thought process of the hardship and how and when it came about. Chairman Goosmann also asked if Mr. Kanipe could recap this.

Chairman Goosmann also added that it is very rare for us to go over the maximum roof coverage on new construction. If it has happened, it has been a minimal amount. Mr. Kanipe said about 3-5 percent of the lot itself, generally. The two that he remembered 414 Vanderbilt and 124 Stuyvesant and those were existing homes and existing lots. Mr. Kanipe was unsure about exceeding maximum amounts for new construction. Chairman Goosmann indicated that this came up as an issue after the Nash’s had already broke ground on this project. Mr. Nash agreed and said yes, the ground has already been graded. Mrs. Kieffer referenced the earlier applications and that the Nash’s had worked hard to minimize the square footage on this project. Chairman Goosmann said this should not have any impact on the community as a whole since this is such a minuscule amount. Mr. Chandler said from what he understood it appears to be the same as it was. Chairman Goosmann asked if there were any further comments about the facts recited.

DELIBERATION & DETERMINATION

Mr. Chandler summarized the facts and requests for a variance. Mr. Thomas Nash and Mrs. Marcia Nash of 29 Hemlock Road are requesting a variance to exceed the maximum roof coverage allowed by 100 square feet. This is 1.64 percent over their maximum roof allowance. Due to circumstances that have happened after they already started construction, there is a need to have a garage apartment to help care for parents and relatives that may need assistance. With that information, they would need to be 100 square feet over the roof coverage, there is a hardship involved in doing that. There would not be any difference to neighbors in the community except for maybe an additional two feet that be seen from the road.
Chairman Goosmann asked for a motion. Mrs. Lynn Kieffer made a motion to approve the variance as requested be granted to Thomas and Marcia Nash of 29 Hemlock Road for an apartment over the garage and that the facts and findings recited by Robert Chandler and his summation be accepted as findings of fact to support the grant. The Board has inspected the site and no neighboring property owner has objected.

Further, Mrs. Kieffer moved that the Board find that granting this variance, further based upon the foregoing findings of fact, satisfied the applicable Sections of 1005.04 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 that 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.

Mrs. Rhoda Groce seconded the motion and Chairman Goosmann asked if there was any further discussion. Chairman Goosmann also clarified that the reason for this was to install the HVAC and internal stairs are the cause for increase of the size to the structure. Mr. Nash agreed. Chairman Goosmann stated the facts as amended are what we would be voting on. The project was approved unanimously.

Chairman Goosmann appreciated the opportunity to discuss fences and roof coverage with the Board members. These two are difficult matters for the Board to discuss. Mr. Clarke said we increased the roof coverage 5 percent three years ago and perhaps we should consider whether to increase that once more. Chairman Goosmann said maybe just a modest increase. If we come within 1-5 percent, which has been brought to us on a couple of different occasions, maybe it would be worthwhile to consider a slight increase on roof coverage that might decrease some of the activity that comes here. Chairman Goosmann thanked Mr. Clarke and Mr. Kanipe for their efforts on this matter.
Mr. Clarke stated the current Zoning Ordinance limits accessory building to one, it does not limit accessory structures. Mr. Clarke noted that he and Mr. Kanipe had presented a new definition of accessory structures. There is no limit on accessory structures, and they cannot be in the side or rear yard setback.

The meeting was adjourned at 4:48 p.m.

The next meeting of the Board of Adjustment was scheduled for Monday, March 21, 2016 at 4:00 p.m.

ATTEST:

_________________________________      _______________________________
Greg Goosmann     Jonathan B. Kanipe
Chairman      Town Administrator
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 1 – 12 Ridgefield Place
Date: March 15, 2016

Case 1

Property Owner: Lauren Meyer-Banks Living Trust
Property Address: 12 Ridgefield Place
Zoning District: R-2
Lot Size: 0.57 +/- acres
Application Request: Conditional Use Permit to Allow Replacement of an Existing Fence and Variance to Allow Replacement of Fence and Gate in the Side Setback

Mrs. Banks presented her request last month to allow the replacement of a vinyl fence in her rear yard. The initial proposal also included a plan to construct a new fence in the rear of the yard. The Board asked Mrs. Banks to reconsider her proposal and see whether another fence material might work and whether there was a need to fence in the rear portion of the yard when a tall privacy fence already existed on the rear property line.

Mrs. Banks has revised her plan and removed the request to construct a new portion of the fence. She has removed the bamboo that obscured the privacy fence from the rear line and now requests permission from the Board to simply replace the existing vinyl fence that is currently on the site. Mrs. Banks has altered her fence request and now asks the Board for permission to install a 4 foot high black steel fence. This fence would be located in the exact location of the existing white vinyl fence. A variance is required to replace the fence within the northern side setback.

- Conditional use permit request to replace an existing fence
- Variance request to allow construction of the replacement fence within the northern side yard setback
Fence Versai Pressed Spear 3-rail with 3 rails

Style

Color - black

Ridgefield

house

front

This fence is replacing white plastic fencing which is falling apart

back

fence Versai Pressed Spear 3-rail (see illustration 4ft. height)

new here

gate

double gate

Wooden Privacy (already present)

Lauren Meyer Banks
12 Ridgefield Place

Feb-29, 2014
TOWN OF BILTMORE FOREST
BOARD OF ADJUSTMENT
APPLICATION FOR A CONDITIONAL USE PERMIT

To: The Biltmore Forest Board of Adjustment

1. Lauren Meyer-Banks, hereby petition the Board of Adjustment to issue a Conditional Use Permit for: replacement of old fence, install backyard fence and described in the attached site plan in a manner set forth in that plan, or if not adequately explained there, as more fully described as follows:

   Professional install of backyard black vinyl coated chain length fence to replace old vinyl fencing presently on two sides.

   Authority to grant the requested Conditional Use is contained in the Town of Biltmore Forest Zoning Ordinance Section 1005.03 and Article VIII - Conditional Uses.

2. Explain why the granting of the Conditional Use will not adversely affect the public interest of those living in the neighborhood. I am enclosing a portion of my 2/3 acre which is inside a 8’ wooden fence which surrounds on 3 sides. Only one neighbor can see my fence and there is the old fence there now. No adverse affects to Neighbor across street do one side have similar fence. The purpose of the fence is for a safe enclosure well within my property boundaries for my two inside dogs to spend some time outside with my supervision.

3. Additional comments or Statements

   Lauren Meyer Banks certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Date 1/3/2014 Signature Lauren Meyer-Banks

Rev Jan 24 2012

Please be advised that the Zoning Administrator and members of the Board of Adjustment may visit your property prior to the Board of Adjustment meeting.
Greetings Board of Adjustment,

Jan 3, 2016

I am requesting permission to replace a poorly installed and incomplete fence around a portion of my back yard. It is important that I get this done as soon as possible, because I cannot let my dog outside off leash. I am a senior citizen, and walking him on leash is dangerous for me on slippery surfaces. As colder weather arrives, I need a safe area for him to be outside periodically. The fence I need to install is at least 20' inside my property borders. I enclosed a diagram with new fence outlined in yellow.

Thank you,

[Signature]
12 Ridgefield Place
Lauren Meyers Banks

House

- 210' fencing
- 3 gates

- Removed old fence

- Wooden fence

- Property line

- Bamboo
  - 20' min

- Property - Wooden fence
MEMORANDUM  
MARCH 21, 2016  

To: Board of Adjustment  
From: Jonathan Kanipe, Town Administrator  
Re: Case Number 2 – 1345 Hendersonville Road  
Date: March 15, 2016  

Case 2  
Property Owner: Carolina Day School  
Property Address: 1345 Hendersonville Road  
Zoning District: R-2  
Lot Size: 25.87 +/- acres  
Application Request: Conditional Use Permit to Allow Continued Use of Modular Unit  

Carolina Day School received permission from the Board of Adjustments in January 2015 to begin construction of a new building on their site. As a part of this process, they received permission to locate two sets of modular units on their existing soccer field. Each modular unit is 140 feet by 65 feet. The construction process will be finished within the next six (6) months and the modular units are scheduled to be removed at that time.  

Carolina Day School, however, is requesting an extension of four (4) years to allow one modular unit to continue being housed on the property. This modular unit is located nearest to Hendersonville Road on the eastern side of the property. This request would allow Carolina Day School the ability to have this modular unit in place until August 2020. The request notes that they hope to have Phase 2 of their construction project complete at that time. Please note, as of this writing no plans have been submitted to the Town in regards to Phase 2 of this construction project.  

- Conditional use permit request to allow continued placement and use of a modular unit (140’x65’) on the eastern end of the Carolina Day School campus through August 2020.
Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

Name
Carolina Day School Robert McArthur, CFO

Property Address
1345 Hendersonville Rd

Phone
(828) 210-9166

Email
rmcarthur@carolinaday.org

Type of Conditional Use
802.06 Libraries, Schools & Churches

Description of Project
CDS was granted permission to install two sets of temporary classroom modulars (140'x65' each) on our soccer field (which is located in the middle of our campus) back in the winter of 2015. These units were installed May of 2015 with the expectation (and approval) of removing the units July 2016. We are requesting approval to maintain one set of these modular classrooms until August 2020 when we expect to have completed our Phase 2 construction project. The set of modulars to remain are on the east-end of our soccer field (closest to Hendersonville Rd). The second set of modulars will be removed in July 2016 as originally planned.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
These modular units are located in the center of our campus and we believe there has not been any adverse impact to our community.

I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Signature
Date
3/4/2016
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 3 – 18 Busbee Road
Date: March 15, 2016

Case 3
Property Owner: Mr. Robert and Mrs. Nicole Ingle
Property Address: 18 Busbee Road
Zoning District: R-1
Lot Size: 1.001 +/- acres
Application Request: Renewal of a Previously Approved Zoning Permit from May 2015

Mr. and Mrs. Ingle have requested permission from the Board to renew an expired zoning permit from May 2015. The applicant’s original plan and permit remains the same and is submitted to the Board for review and consideration in its original format. The original memo to the Board is included for your review, as well as the home plans, landscape plans, and all associated materials. I have also included a copy of the pertinent minutes from the May 2015 Board meeting for your review as well.

If you have additional questions or concerns regarding the application or their renewal, please do not hesitate to let me know.
MEMORANDUM
BOARD OF ADJUSTMENTS MEETING
MAY 18, 2015

To: Board of Adjustments
From: Jonathan Kanipe, Town Administrator
Re: Case 10 - 18 Busbee Road
Date: May 14, 2015

Case 10
Property Owner: Mr. and Mrs. Robert Ingle II
Property Address: 18 Busbee Road
Zoning District: R-1
Lot Size: 1.001 +/- acres
Application Request: New House Construction, including Landscape Plan, Conditional Use Permits, and Variance Application

Mr. and Mrs. Ingle have presented plans for a new home at 18 Busbee Road. The home is 32 feet high, which triggers adjusted setbacks for the side set back lines. The front yard setback, from Busbee Road, is 60 feet and the adjusted setbacks are 42’9” for the western side (along Forest Road) and 37’9” for the eastern side. The rear yard setback is 37’9” for the rear setback.

The application includes the following materials for review.

Landscape Plan: The landscape plan attached shows trees to be removed (marked with triangles on the plan), trees preserved, and the new lawn area to be created. The landscape plan (marked L-200) also shows the planting plan for the parcel.

The landscape architects, Sitework Studios, intend to utilize pervious pavers. Pervious pavers allow water to infiltrate into the ground, and have been utilized on LEED certified projects. The impervious surface calculations for this project fall under the maximum standard based on the utilization of these pervious pavers.

Conditional Use Permits: The application includes conditional use permits to allow construction of a garden wall, retaining wall, swimming pool, spa, fireplace, and fencing. The conditional use permit allows for the placement of these accessory structures on the parcel.

Variance Requests: The application includes six accessory structures, thus a variance is required for more than one accessory structure being allowed by conditional use permit. The applicants propose to construct three of those accessory structures - the garden wall, retaining wall, and fencing - within the adjusted setbacks for the property.
Consideration Requested:

- Landscape plan approval.
- Conditional use permit to allow construction of the following:
  - Swimming pool
  - Garden wall
  - Retaining wall
  - Metal picket fencing
  - Spa
  - Outdoor fireplace
- Variance approval to allow more than one accessory structure.
- Variance approval to allow construction of the following within a setback:
  - Garden wall
  - Retaining wall
  - Metal picket fencing
APPLICATION FOR PERMITTED USE

Property Address: #18 BUSBEE ROAD

Property Owner: MR. & MRS. ROBERT INGLE II

Applicant (if not owner): GRIFFIN ARCHITECTS

Mailing Address: ONE VILLAGE LANE

Telephone: 274-5979

Email: ROGER.GRIFFIN@ARCHITECTS.PA.COM

Date(s) of Project: ____________________________ Time(s) of Project: ____________________________

Requesting What Use: ____________________________

Brief Description of Project: NEW RESIDENCE

Date Received: ____________________________ By: ____________________________
ZONING COMPATIBILITY ROOF COVERAGE & IMPERVIOUS SURFACE CALCULATIONS

Original Application Documents for 3/21/16 BOA Meeting

Property Owner: ROBERT INGLE II
Address: #18 BUSHREE ROAD

Lot Size Acres: 1.001
Lot Area Sq. Ft. (x 43,560): 43,603
Permitted Roof Coverage: See Chart #1
Permitted Impervious Surface: See Chart #2

For Information Only
Interior Square Footage of Residence
Heated Interior
Unheated Interior
Total Interior Sq. Ft.

ROOF COVERAGE (SQ. FT.)

Main Residence
Existing
Proposed Addition
Total Main

Detached Garage
Existing
Proposed Addition
Total Det Garage

Accessory Structure
Existing
Proposed Addition
Total Acc Structure

TOTAL PROPOSED ROOF COVERAGE*: 5048

IMPERVIOUS SURFACE COVERAGE (SQ. FT.)

Driveways
Turn-Around
Parking Area
Patios & Walkways
Swimming Pools
Total Proposed Roof Coverage*
TOTAL IMPERVIOUS SURFACE

Chart #1 - Maximum Roof Coverage Requirements

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Max Roof Coverage</th>
<th>Lot Size</th>
<th>Max Roof Coverage</th>
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</thead>
<tbody>
<tr>
<td>Up to 0.5 acre</td>
<td>2,874 Sq. Ft.</td>
<td>Up to 3.0 acres</td>
<td>7,500 Sq. Ft.</td>
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<td>Up to 0.75 acre</td>
<td>3,520 Sq. Ft.</td>
<td>Up to 3.5 acres</td>
<td>8,200 Sq. Ft.</td>
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<td>Up to 1.0 acre</td>
<td>4,608 Sq. Ft.</td>
<td>Up to 4.0 acres</td>
<td>8,700 Sq. Ft.</td>
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<td>Up to 1.2 acres</td>
<td>5,060 Sq. Ft.</td>
<td>Up to 4.5 acres</td>
<td>8,900 Sq. Ft.</td>
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<td>Up to 5.0 acres</td>
<td>9,100 Sq. Ft.</td>
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<td>Up to 2.0 acres</td>
<td>6,100 Sq. Ft.</td>
<td>Up to 5.5 acres</td>
<td>9,300 Sq. Ft.</td>
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<tr>
<td>Up to 2.5 acres</td>
<td>6,700 Sq. Ft.</td>
<td>Up to 6.0 acres</td>
<td>9,647 Sq. Ft.</td>
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Chart #2 - Impervious Surface Coverage Requirements

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<th>Lot Size</th>
<th>Impervious Surface %</th>
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<tr>
<td>Up to 1.0 acre</td>
<td>27.5% x lot area</td>
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<tr>
<td>1 to 3 acres</td>
<td>25% x lot area</td>
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<tr>
<td>More than 3 acres</td>
<td>20% x lot area</td>
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</table>

Roof Coverage In Compliance?  □ Yes  □ No
Impervious Surface In Compliance?  □ Yes  □ No

Prepared By  (Name & Contact Info)
# Original Application Documents for 3/21/16 BOA Meeting

## APPLICATION BEFORE THE TOWN OF BILTMORE FOREST BOARD OF ADJUSTMENT & DESIGN REVIEW BOARD

*(Please fill out form completely)*

<table>
<thead>
<tr>
<th>Property Address</th>
<th>PIN #</th>
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<tr>
<td>#18 BUSBEE ROAD</td>
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<th>Property Owner</th>
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<tr>
<td>MR. &amp; MRS. ROBERT ENGLE II</td>
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<tr>
<th>Applicant (if not owner)</th>
<th>Use</th>
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<tr>
<td>GRIFFIN ARCHITECTS</td>
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<table>
<thead>
<tr>
<th>Mailing Address</th>
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<tr>
<td>ONE VILLAGE LANE, ASHEVILLE 28803</td>
<td>274-5979</td>
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### Brief Description of Project

NEW RESIDENCE

**REQUESTING - check all that apply**

- [x] Conditional Use Permit - Both Board of Adjustment & Design Review Board
- [x] Variance - Both Board of Adjustment & Design Review Board
- [ ] Landscape Plans (inc Tree Removal) - Both Board of Adjustment & Design Review Board
- [ ] Certificate of Zoning Compliance - Project in Compliance - Design Review Board Only

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<th>Estimated Cost</th>
<th>Estimated Completion Date</th>
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<tr>
<td>1.7m - 2m</td>
<td>Nov, 2017</td>
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<tr>
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**For Official Use Only**

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<tr>
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<th>BOA Decision</th>
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<th>DRB Meeting Date</th>
<th>DRB Decision</th>
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*Drawings & Elevations may be submitted in PDF format to TownHall@BiltmoreForest.org*
Name: Robert Ingle  Address: #18 Busbee

Date Submitted: 5.4.15

---

### Items Required to Come Before Design Review Board
(Applicants please circle the applicable item)

- Accessory Buildings
- Additions to Accessory Buildings
- Additions to Residence
- Additions to a Commercial Building
- Commercial Development
- Detached Garage
- Planned Unit Development
- New Residence
- Driveway Re-design or Re-alignment - Residential or Commercial

---

### DESIGN REVIEW BOARD – SUBMITTAL REQUIREMENTS
(Applicants please check the items you are submitting)

**NOTE:** The applicant / representative is required to attend the Design Review Board meeting

<table>
<thead>
<tr>
<th>Item</th>
<th>Residential Checked</th>
<th>Commercial Checked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plans (House, Driveway, HVAC, Other structures on property, Trees - retained or removed)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Floor Plans</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Exterior House Elevations, including Grading Plans</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Type and Color of Exterior Materials, Awnings, Exterior Lighting</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Fencing</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Roof Mechanical Equipment, Vents, Chimneys</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Solid Waste Recycling Containment</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Color of Mechanical Screening &amp; Flashing</td>
<td>No</td>
<td>Yes</td>
</tr>
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<td>Schematic Floor Plans</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Height Location Screening materials for AC Venting</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Colored Exterior Building Elevations, Samples, Palettes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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The Design Review Board of the Town of Biltmore Forest recommends:

**IN FAVOR** or **AGAINST** (Circle one)

Date __________________________ Signed __________________________
TOWN OF BILTMORE FOREST  
BOARD OF ADJUSTMENT  
APPLICATION FOR A CONDITIONAL USE PERMIT  

To: The Biltmore Forest Board of Adjustment  

Steven Lee Johnson / SWS, hereby petition the Board of Adjustment to issue a Conditional Use Permit for: Accessory Structures (Garden Wall, Retaining Wall, and Fencing) in Setbacks for the property located at 18 Busbee Road and described in the attached site plan in a manner set forth in that plan, or if not adequately explained there, as more fully described as follows:  

1. Description of the project.  

In conjunction with the proposed construction of a new single family home, we have designed a garden wall, fencing and retaining wall along the rear and side of the property.  

Authority to grant the requested Conditional Use is contained in the Town of Biltmore Forest Zoning Ordinance Section 1005.03 and Article VIII - Conditional Uses.  

2. Explain why the granting of the Conditional Use will not adversely affect the public interest of those living in the neighborhood.  

The accessory structures will assist in visually screening views and provide noise abatement from the adjacent Public Works activities (this includes dumpsters, recycling center and equipment storage). The retaining wall will assist in limiting site disturbance into the side setback.  

The request meets the requirements of Sections 801 and 1005.03  

3. Additional comments or Statements  

The property owners would like to mitigate the impact of the adjacent land use on their property.  

I, Steven Lee Johnson, ASLA Sitework Studios, certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.  

Date 5-4-2015  

Signature  

Rev Jan 24 2012  

Please be advised that the Zoning Administrator and members of the Board of Adjustment may visit your property prior to the Board of Adjustment meeting.
TOWN OF BILTMORE FOREST
BOARD OF ADJUSTMENT
APPLICATION FOR A VARIANCE

To: The Town of Biltmore Forest Board of Adjustment,

I, Steven Lee Johnson / SWS hereby petition the Board of Adjustment for a variance(s) from the provisions of
the Zoning Ordinance (ZO) for the real property located at:

18 Busbee Road

Applicable Section of the Zoning Ordinance: Section 1103 and 1104

Zoning Ordinance Requirement

Encroachment into Setback.
"Accessory Structures shall not be erected within any front yard or minimum side yard setback or within 30' of any side street line or within 20' of any rear lot line"

Variance(s) Requested

Garden Wall, Fencing and Retaining Wall proposed to be located within setbacks.

STANDARDS FOR GRANTING AN ORDINANCE

In order for the Board of Adjustment to consider your variance request, you must provide answers to the following questions and appear before the Board when your request is considered. These questions are generated from the standards for variances set forth in Section 1005.04 of the Town of Biltmore Forest Zoning Ordinance. You should thoroughly consider your answers, as the Board must find in favor of each of these standards before you can be granted a variance.

1. What are the practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance?

The adjacent land use creates noise and unsightly views. The Garden Wall is needed to screen undesirable views and provide noise abatement. Placing the wall outside of the setback would create limited useable area in the rear and side yard.

Rev. Jan 24 2012
2. If you comply strictly with the provisions of the ZO, how does that prevent you from making reasonable use of the property?

In order to maximize mitigation of undesirable elements from adjacent property, the Garden Wall needs to be placed near the property line. Complying strictly with the ZO would prevent the owner's ability to effectively mitigate views while still having a usable back and side yard.

NOTE: It is not sufficient that failure to grant the variance simply makes the property less valuable.

3. What special conditions/circumstances exist which are peculiar to the subject property, structure or building which are not applicable to other properties, structures or buildings located in the same zoning district?

The adjacent land use creates situations where screening and buffering is necessary.

4. Why are the special conditions/circumstances (in #3 above) not a result of your own actions?

Adjacent land use is an existing condition.

5. Describe how the requested variance, if granted, is in harmony with the general purpose and intent of the ZO and preserves the spirit of the ZO.

The ZO provides for buffering between differing land uses. The residential property is providing a buffer against the more intensive land use by proposing walls and fencing. The design of the wall and fencing will compliment the character of the home and overall neighborhood.

6. Will a variance smaller than the one you've requested, provide you with the needed relief from the requirements of the Zoning Ordinance? Please explain.

Due to the geometry of the site, and the fact that this is a corner lot, the Garden Wall location as shown will provide the most effective buffer from the adjacent land use.

7. Describe how granting your variances secures the public safety and welfare and accomplishes substantial justice?

This is an unusual property in that it is adjacent to the Public Works building and operations. Operations that involve large, heavy equipment where safety is a concern. Granting this variance will provide substantial justice for this property owner.

NOTE: State facts showing that if the requested variance is denied, then the benefit to the public will be substantially outweighed by the harm to the petitioner.

Steven Lee Johnson

Date: 5/4/15

Signed By: [Signature]
32' FROM HIGHEST POINT OF GRADE

WHITE COLUMNS
BEAMS & TRIM
COMPOSITION
SHINGLE
ROCK VENEER
WALL SHINGLES
COPPER GUTTERS
AND DOWNSPOUTS
ALUMINUM CLAD WINDOWS
1. WALL SHINGLE PAINT COLOR - SW 7019

2. INGLE ROCK VENEER

3. INGLE ROOF SHINGLE COLOR - PRESIDENTIAL SHAKE TL LUXURY SHINGLE - AUTUMN BLEND
**Permeable Paving** (Belgard.com/about/permeable)

**Proposed Masonry Garden Wall**

**Proposed Metal Picket Fence (6' HT.)**

**Infiltration Basin**

**Lawn**

**Plant Bed**

**Tree to be Removed (Typ.)**

**1' Step Down (Typ.)**

**Metal Picket Pool Fencing**

**Fireplace**

**Retaining Wall**

Max. Ht. 5'

**Railing at top**

**Permeable Paving** (Belgard.com/about/permeable)

Note:

1. Geothermal systems will be utilized for heating and cooling. No exterior HVAC units will be used.

**ImperVIOUS AREA Calculations**

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Lot Size</th>
<th>Allowable Imp. Area (25%)</th>
<th>Proposed Roof Area</th>
<th>Proposed Imp. Area W/ Roof</th>
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<tbody>
<tr>
<td>Total Lot Size</td>
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<td>Proposed Imp. Area</td>
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<td>Proposed Roof Area</td>
<td>5,048 sf</td>
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<tr>
<td>Proposed Imp. Area W/ Roof</td>
<td>8,101 sf</td>
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</tbody>
</table>
EXISTING TREE TO REMAIN
(TYP.)

TURF

NATIVE UNDERSTORY

FLOWERING TREES

6"+ CALIPER

LARGE NATIVE SHADE TREE

LARGE NATIVE SHADE TREE

LARGE EVERGREEN TREE

MIXED FLOWERING SHRUB AND
GROUNCOVER LAYER

TURF

SPECIMEN TREE

MIXED PLANTINGS

AT FOUNDATION

UNDERSTORY TREE

LARGE NATIVE SHADE TREE

MIXED EVERGREEN PLANTINGS

FOR SCREENING

LARGE NATIVE SHADE TREES AND
LARGE EVERGREEN TREES TO
SCREEN VIEWS AND BUFFER
ADJACENT LAND USE

MIXED EVERGREEN BUFFER PLANTING

ALONG SOUTH PROPERTY LINE:

-HOLLY
-SPRUCE
-MAGNOLIA
-ARBORVITAE

MIN. 8' HT. AT INSTALLATION

MIXED PLANTINGS ALONG
GARDEN WALL

UNDERSTORY TREE

EVERGREEN BUFFER PLANTING

-OSMANTHUS
-HOLLY
-RHODODENDRON
-ARBORVITAE

RESIDENCE

EVERGREEN HEDGE AND MIXED
PLANTINGS AT GUEST PARKING

TURF

INFILTRATION BASIN WITH PLANTS
THAT TOLERATE MOIST CONDITIONS

MIXED EVERGREEN PLANTINGS

AT BASE OF RETAINING WALL

MIXED FLOWERING SHRUB AND
GROUNCOVER LAYER

NATIVE UNDERSTORY TREES

GARDEN WALL

POOL

NOT FOR
CONSTRUCTION

ROBERT AND NIKI INGLE
FOR:

BILTMORE FOREST, NC

PREPARED FOR:

BUSBEE ROAD
05-04-15
SHEET TITLE:
Schematic Planting Plan

REV.

NO.

DATE

REMARKS

SHEET TITLE:
Schematic Planting Plan

05-04-15

0

-200

L

CONSTRUCTION

DATE

SHEET NO.

Schematic
Planting Plan

THIS DOCUMENT IS THE PROPERTY OF KINDER+STUDIO PLLC. IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT FROM KINDER+STUDIO PLLC.
HEARING (Evidentiary):

Mr. Robert and Mrs. Nicole Ingle of 18 Busbee Road presented plans for a Conditional Use Permit and Variance in conjunction with a new single family residence. Mr. Goosmann clarified for the record his relationship with Mr. Ingle, and noted he is his brother-in-law. Mr. Goosmann recused himself from the voting, but said he would still conduct the meeting.

Dr. Landau shepherded the discussion, and asked the applicant to explain the project. Mr. Robert Pollock, for the applicant, specified that the structure itself was within the adjusted setbacks. Mr. Matt Sprouse, of Sitework Studios, went through the necessity for walls separating the property from Town Hall. Mr. Johnson indicated this was an 8 foot garden wall, and that it fell below this height along Forest Road.

Dr. Landau asked about a mesh fence shown on the plan, and the applicant indicated there was not one. The Town Attorney identified an area along the Brown property line on Sheet L-100 that said “woven wire fence”. The applicants indicated this was an existing fence.

Mrs. Kieffer asked what the height requirement for a fence around a pool was, and the applicant indicated it was a state minimum of 5 feet. Dr. Landau asked if the wall could be lessened to 6 feet. Mr. Sprouse indicated that the wall was 8 feet in order to mitigate the sound from the Town of Biltmore Forest Public Works Department.

Mrs. Groce asked whether they believed that the fence would protect them from noise, and the applicants said they believed a masonry type wall would do this.

Mrs. Groce asked what safety concerns were posed. Mr. Sprouse indicated that with children and others, safety concerns were present with large equipment being nearby. Mr. Ingle said their primary concern was the sound buffering. He believes the wall is lower than 8 feet at many points. Mrs. Kieffer said we would like to keep the height at a minimum since it is a large house on a one acre lot.
Dr. Landau asked the Town Administrator about the noise level from Town Hall and the Public Works Department. Mr. Kanipe indicated that he could not speak to specific levels, but that he could foresee it being loud or invasive during snow events or when trees have to be removed if Public Works employees come into work late hours. Dr. Landau asked whether the use of the Town Hall facility would also pose noise concerns. Mr. Kanipe indicated he could not speak to this specifically, but that they did rent the Community Room out on weekends and there could be more traffic during this time.

Mrs. Groce said that this was a previous condition, and that the Rices have lived with this for years without an eight foot fence. She was unsure whether this wall on a one acre lot keeps within character of Biltmore Forest.

Mr. Ingle stated he would keep this area buffered.

Mr. Pearlman asked if the issue was the fence or the number of accessory structures. Mrs. Kieffer said it was a combination of both, and noted that the Board has had trouble in the past with people wanting people to put multiple accessory structures in their yard and we have limited that. Mrs. Kieffer indicated the applicants are asking for six accessory structures. It makes it difficult for the Board to allow all these on a one acre lot.

Mr. Ingle asked which accessory structure was in question. Mr. Sprouse asked for feedback as to what was being considered an accessory structure. Dr. Landau referenced those listed on the Administrator’s Report. Mr. Sprouse indicated that these were accessory structures previously approved in other places.

Dr. Landau asked if all the accessory structures would be totally buffered. Mr. Sprouse replied they would be completely buffered, and indicated that Forest Road is almost a solid evergreen buffered plant. It is a significant planting of trees and shrubs. Mr. Sprouse believed this was an unusual lot due to it being located on a corner.

Mrs. Groce verified that all trees marked with a “triangle” on the landscape plan were to be removed. Mr. Sprouse verified this was the case, and went into detail on the large pines and hardwood trees that would be removed. Mr. Sprouse said that regardless of any construction on
the lot, some significant forest management needed to be performed. Mr. Ingle indicated that the significant pines along the property line were all planted within the same time frame.

Dr. Landau expressed his belief that the wall, fencing, and accessory structures were all in accompaniment with the property owner’s enjoyment of the property. Dr. Landau further believed that it was a large number of accessory structures, but believed the plan was reasonable. Dr. Landau further believed, in his opinion, the plan was acceptable.

Mr. Pearlman indicated his approval with someone being able to utilize accessory structures on their property. Mr. Pearlman asked the Town Attorney if they were setting a precedent by approving a plan with this many accessory structures.

Mr. Clarke stated he did not believe so. I think your Ordinance is an older Ordinance and it was drafted in time when people built houses smaller with less accessory structures. I will read to you what you can do in the state of North Carolina General Statute states for granting a Variance.

It says: “When an unnecessary hardship would result from carrying out the strict letter of a zoning/unified development ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1.) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2.) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3.) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.
4.) 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.”

Mr. Clarke did not know if that would help the Board, but the implication to him is that if you find those things, you have to grant a variance. These are all uses you have approved for other properties.

Mr. Clarke indicated that the Board had previously approved a new construction with approximately six (6) accessory structures and uses in The Ramble development at 100 Chauncey Circle.

Mrs. Groce said we need to revisit the height of the wall. The inside of the wall would appear to be 8 feet. Looking in from that corner on Forest Road it is 4 feet. Mrs. Groce asked if the height of wall would be 8 feet. Mr. Sprouse replied yes, with the area that joins the Town of Biltmore Forest’s property. Mr. Ingle said this area would be buffered.

Mr. Clarke stated previously, a house was approved before with more accessory structures on 1.3 acres.

Mr. Ingle indicated that he spoke to his neighbors, including Mr. Vance Brown, and that they were all fine with the proposal. He was primarily concerned with Mr. Brown, because those existing pines are on their lot line.

**DELIBERATION & DETERMINATION**

Dr. Landau summarized the facts and reiterated the plans for the project. Mr. and Mrs. Robert Ingle II, 18 Busbee Road are applying for a Conditional Use Permit application for six accessory structures to allow construction of a garden wall for noise reduction, retaining wall, a swimming pool, a small fireplace, and fencing extending from the garden wall to the house with two gates. They are also applying for a Variance because there are six accessory structures. They
are applying for a Variance because three of those accessory structures are within the setback. The retaining wall will be within the side yard setback, the garden wall will be in the rear yard setback, and the fencing will extend along both side wall setbacks. The Ingles have spoken to the neighbors and none have objected. There will be extensive buffering and the garden wall should not be visible. The garden wall is 8 feet within a 30 foot long section. It will mainly be visible within their line and not visible from the road.

Mr. Ingle indicated that he had not spoken to the Chandlers across the street, but had made attempts to contact them.

Mr. Pearlman made a motion to approve the Conditional Use Permits, Variances, and landscape plan, and specified his motion to approve the Conditional Use Permit and Variances be granted to Mr. and Mrs. Robert Ingle II of 18 Busbee Road as stated in the facts by Rich Landau and his summation be accepted as findings and fact to support this grant. The Board has inspected the site and no neighboring property owner has objected.

Further, Mr. Pearlman moved the Board define that granting this Conditional 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 1005.03 (2) and (3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Further, based upon the foregoing findings of fact, Mr. Pearlman moved the Board to find that granting this variance satisfied the applicable Sections of 1005.04 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. He further moved the Board to find that 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.

Dr. Landau seconded the motion. All voted in favor and was unanimously approved.
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 4 – 25 Busbee Road
Date: March 15, 2016

Case 4

Property Owner: Dr. and Mrs. Steven Mendelsohn
Property Address: 25 Busbee Road
Zoning District: R-1
Lot Size: 2.866 +/- acres
Application Request: Variance Requests to Construct an Addition onto an Existing Accessory Structure and Request to construct within the Side Setback

Dr. and Mrs. Mendelsohn request permission from the Board to construct an addition to an existing accessory structure. The existing structure is an outdated garage which would be transformed into a modern, usable garage. The new double bay garage would then have a covered walkway extending from it to the main home. The existing accessory structure is built within the setback and was constructed prior to the creation of the zoning ordinance any setback provisions. In order to construct the new addition and the walkway to the main residence, construction would have to occur within the side setback.

Since the addition is to an existing accessory structure, a variance is required. Additionally, the construction within the side yard setback requires variance approval from the Board. George Stowe, architect for the project, has provided calculations detailing that maximum roof coverage and impervious surface requirements are maintained even with the new addition. The new roof coverage totals 6,303 square feet and the impervious surface on the lot is 12,979 square feet. Each is within the allowable limit.

- Conditional use permit request to allow construction of an addition to an existing accessory structure and construction of an attached covered walkway.
- Variance request to allow construction of the addition to an accessory structure and construction within a side yard setback.
Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

Name
Dr. and Mrs. Steven Mendelsohn

Property Address
25 Busbee Road Biltmore Forest NC 28803

Phone
(828) 251-2357

Email
gstowearchitect@bellsouth.net

Type of Conditional Use
802.07 Accessory Buildings

Email-Submission Verification
gstowearchitect@bellsouth.net

Description of Project
Add a two bay automobile parking area to the existing accessory building. The existing accessory building is two levels with an apartment on the upper and a garage on the lower level. The new two car garage is at an intermediate level approximately 3’6” below the main floor level of the garage. A new paved parking area shall be constructed in the area of an existing playground. The new paved parking shall be accessed from the existing Forest Ross driveway. A covered walkway will connect the new two car garage to the rear porch of the existing main residence. A small area of new roof shall be added to the main house to match the line of the existing upper level parch floor. The walkway and roof addition affords uninterrupted roof coverage for accessing the garage addition during inclement weather.

This project adds a two car garage and a storage area to one of the existing accessory structures. The total additional roof coverage is 1,016 sq ft plus a 405 sq ft covered walkway connecting the garage to the main house. The original accessory structure encroaches into the side yard set back, and the addition, including the covered walkway, will also encroach into the side yard line, however it will continue along the line of the original structure.

The original garage is remote, inconvenient, and provides no protection to the residents from adverse weather conditions. The proposed improvements address and improve the existing conditions. All of the proposed improvements are behind and lower than the main structure, and every effort is made to minimize the visibility of the new structure as well as blend and harmonize with the general landscape plan of the property.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
All of the proposed improvements are behind and lower than the main structure, and every effort shall be made to minimize the visibility of the new structure as well as blend and harmonize with the general landscape plan of the property.

I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.
Variance Application

I hereby petition the Board of Adjustment for a variance(s) from the provisions of the Zoning Ordinance for the real property stated below.

Name
Dr. and Mrs. Steven Mendlesohn

Property Address
25 Busbee Road

Email
gstowearchitect@bellsouth.net

Phone
(828) 251-2357

Email-Submission Verification
gstowearchitect@bellsouth.net

Variance to Zoning Ordinance Section(s) (Select all that apply)
1103 Required Yards & Other Spaces
1104 Accessory Structures & Accessory Buildings

Reason Variance(s) is(are) being requested:
This project adds a two car garage and a storage area to one of the existing accessory structures. The total additional roof coverage is 1,016 sq ft plus a 405 sq ft covered walkway connecting the garage to the main house. The original accessory structure encroaches into the side yard set back, and the addition, including the covered walkway, will also encroach into the side yard line, however it will continue along the line of the original structure.
The original garage is remote, inconvenient, and provides no protection to the residents from adverse weather conditions. The proposed improvements address and improve the existing conditions. All of the proposed improvements are behind and lower than the main structure, and every effort is made to minimize the visibility of the new structure as well as blend and harmonize with the general landscape plan of the property.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of the provisions of the variance granted including any conditions or safeguards which are part of the granting of the variance, shall be deemed a violation of the Zoning Ordinance. I hereby certify that the information set forth above is true and accurate to the best of my knowledge.

Signature

Date
3/7/2016
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 5 – 34 Hilltop Road
Date: March 15, 2016

Case 5

Property Owner: Hilltop NG Corporation (Carl Christian Radinger)
Property Address: 34 Hilltop Road
Zoning District: R-1
Lot Size: 2.029 +/- acres
Application Request: Renewal of Expired Conditional Use Permit for Swimming Pool

The applicants have requested a renewal of an expired conditional use permit that allowed the construction of a swimming pool. This permit was issued to the applicant in September 2012. The Town’s zoning ordinance requires that construction be completed within two (2) years of construction commencing, and the zoning permit requires that construction begin within six (6) months of permit issuance. Following these guidelines, the permit would have expired, at the latest, by March 2015.

I spoke with the general contractor for the project who indicated that the applicants had experienced significant difficulties with two previous pool contractors. They have since found a third pool contractor who is committed to finish the project. Prior to commencing, however, they must receive permission from the Board and a new conditional use permit to allow for the installation of the pool.

- Conditional use permit to allow construction of new swimming pool.
Zoning Application

Property Identification

Name
Carl Christian Radinger

Address
34 Hill Top Road, Biltmore Forest, North Carolina 28803

Phone
(828) 274-4081

Email
CCRadinger@putsch.com

Zoning
R-1

Lot Size (Acres)
2.028

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?
No

Is the proposed roof coverage greater than the permitted maximum roof coverage?
No

Scope of Project-Impervious Surface

Does the project include increasing the impervious surface coverage?
No

Scope of Project-Setbacks

Does any part of the project fall within the front yard?
No

Does any part of the project fall within the side/rear yard setback(s)?
No

Scope of Project-Accessory Structures

Does the project include a detached structure or building?
No

Will there be more than the approved number of accessory structures/buildings?
No
Project Description

Brief Description of Project
None of this project touches the house and there are no additions to the house. Landscaping and final sodding, pool completion and minor grading.

Estimated Cost of Project | Estimated Completion Date
150,000 | 12/31/2016

Please attach any drawings, renderings, photographs or other supporting documentation.
Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

Name
Carl Christian Radinger

Property Address
34 Hill Top Road

Phone
(828) 274-4081

Email
CCRadinger@putsch.com

Type of Conditional Use
802.04 Home Occupations

Description of Project
None of this project touches the house and there are no additions to the house. Landscaping and final sodding, pool completion and minor grading.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
A fence and wall buried in existing evergreens prevent access and views into the yard and pool area. Tree’s surrounding the yard also provide privacy and shading. The yard will retain its “stately” character and the new construction will blend with the character of the home and neighborhood. The addition will help contain entertainment spaces to the terrace, thus reducing neighborhood disturbance. This project was already approved by the board in 2012. Awaiting Landscape Architect designs to finish landscaping, which will revise original plans.

I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Signature

Date
3/4/2016
TOWN OF BILTMORE FOREST

CERTIFICATE OF ZONING COMPLIANCE

Carl Christian Radinger

Permission is hereby granted to:

to use the land located in the R-1 district at 34 Hilltop Road

For the following use:

Renovations to the home including terrace and planting box replacement. Conditional Use permits for lighted entrance columns, replacement fencing, garbage and HVAC surrounds, swimming pool with deck surround and decorative wall. Landscaping plans were also approved.

Nelson E. Smith
Zoning Administrator

Date: September 20, 2012

Value of construction: $350,000.00

Certificate Fee: $708.00

Sewer & Water Tapping fee N/A

Water & Sewer Connections are not available

Director of Public Works

Substantial construction progress must be made within six months of the issuance of this certificate or it becomes invalid. If this certificate is issued by directions of the Board of Adjustment, it shall be subject to any and all conditions specified by that Board. If any conditions specified here or any part thereof shall be held void or invalid, or if any conditions are not complied with, this certificate shall be void and have no effect.

Conditions:

- Applicant is to construct in accordance with plans submitted to the Town.
- Applicant is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.
- The Board of Adjustment may request additional buffering once the project is complete.
 Applicant: Carl Christian Radinger
 Address: 34 Hilltop Road
 Meeting Date: 17-Sep-12

<table>
<thead>
<tr>
<th>Project #1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conditional Use</strong></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
</tr>
<tr>
<td><strong>Buffering</strong></td>
</tr>
<tr>
<td><strong>Location</strong></td>
</tr>
<tr>
<td><strong>Setback Encroachment</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The pool is approximately 14- feet wide by 27-feet long, with 10-foot wide pool deck. The wall / equipment enclosure would be 30-ft long and approximately 8-ft in height.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick and stone</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permitted Roof Cov</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Roof Cov</th>
</tr>
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<tbody>
<tr>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Permitted Imp Surf</th>
</tr>
</thead>
<tbody>
<tr>
<td>17,424</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Imp Surf</th>
</tr>
</thead>
<tbody>
<tr>
<td>17,282</td>
</tr>
</tbody>
</table>

**Additional Comments or Facts**

This project came before the BOA in Aug 2011. (The minutes are attached) Conditional Use permits were approved for lighted entrance columns, replacement fencing, garbage and hvac enclosures. The request for additions to the house and the swimming pool, which required variances, were withdrawn at that time. Since then, Mr. Radinger has purchased a section of property from a neighbor and the lot is now 2-acres. The proposed swimming pool is to replace an existing pond located in the rear yard and will not encroach any setbacks. The entire project is within the roof coverage and impervious surface requirements for the property. Landscaping and grading plans are also submitted.
APPLICATION FOR A CONDITIONAL USE PERMIT

To: The Biltmore Forest Board of Adjustment

I, Carl Christian Radinger, hereby petition the Board of Adjustment to issue a Conditional Use Permit for: Accessory Structures and described in the attached site plan in a manner set forth in that plan, or if not adequately explained there, as more fully described as follows:

1. Description of the project.

   New swimming pool, terrace, and wall. Replace terraces, planting boxes and stone walls.
   Replace existing chain link fence with wrought iron fence and gate.
   Add lighted entrance columns.
   Replace trash enclosure.
   Add enclosure around HVAC.

   RE-INSTATEMENT

Authority to grant the requested Conditional Use is contained in the Town of Biltmore Forest Zoning Ordinance Section 1005.03 and Article VIII - Conditional Uses.

2. Explain why the granting of the Conditional Use will not adversely affect the public interest of those living in the neighborhood.

   A new fence and wall buried in existing and proposed evergreens will prevent access and views into the yard and pool. Trees will be protected and maintained to provide shade and privacy separation between properties. Maintaining the open yard and pool will enhance the "stately" character of the lot and the neighborhood. The addition will help contain entertainment spaces to the terrace, thus reducing neighborhood disturbance.

   The request meets the requirements of Sections 801 and 1005.03

3. Additional comments or statements

   The existing layout on the lot is organized in such a way that the back yard faces the front street and the entrance to the front of the house faces another lot. The drive and entry sequence is a linear path from the side street, past the garage, and into the auto court.

I, Carl Christian Radinger certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Date 8/30/2012  Signature

Rev Jan 24 2012

Please be advised that the Zoning Administrator and members of the Board of Adjustment may visit your property prior to the Board of Adjustment meeting.
APPLICATION BEFORE THE
TOWN OF BILTMORE FOREST
BOARD OF ADJUSTMENT & DESIGN REVIEW BOARD
(Please fill out form completely)

<table>
<thead>
<tr>
<th>Property Address</th>
<th>34 Hilltop Rd</th>
<th>PIN #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
<td>Carl Christian and Dominique Radinger</td>
<td>Zoning</td>
</tr>
<tr>
<td>Applicant (if not owner)</td>
<td></td>
<td>Use</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>34 Hilltop Rd.</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>(828)274-4081</td>
<td>Cell</td>
</tr>
<tr>
<td></td>
<td>Email</td>
<td><a href="mailto:CCRadinger@putsch.com">CCRadinger@putsch.com</a></td>
</tr>
</tbody>
</table>

Brief Description of Project

The existing kitchen, conservatory, garage and accessory spaces will be renovated to improve the entry sequence for personal and business guests. The office will be enlarged. Backyard terraces and planters will be replaced. The chain link fence will be replaced by a wrought iron fence with additional privacy vegetation and the driveway entrance will be marked with columns. The pond will be replaced with a pool. The trash enclosure will be replaced. Lastly, an enclosure around the HVAC will be added.

REQUESTING - check all that apply

- Conditional Use Permit - Both Board of Adjustment & Design Review Board
- Variance - Both Board of Adjustment & Design Review Board
- Landscape Plans (Inc. Tree Removal) - Both Board of Adjustment & Design Review Board
- Certificate of Zoning Compliance - Project in Compliance - Design Review Board Only

Estimated Cost | $350,000
Estimated Completion Date | June 2013

Signature | Date

Aug 30, 2012

For Official Use Only

Received By: | Application - Complete
| Conditional Use Application
| Variance Application
| Site Plan - showing all setbacks, building lines and driveway location (7 sets) *

BOA Meeting Date | BOA Decision

DRB Meeting Date | DRB Decision

*Or one set of Drawings & Elevations may be submitted in PDF format to Biltmore Forest@Charter.net
ZONING COMPLIANCE ROOF COVERAGE & IMPERVIOUS SURFACE CALCULATIONS

Property Owner: Radinger
Address: 34 Hilltop Rd.

Lot Size Acres: 2.028
Lot Area Sq. Ft. (x 43,560): 88,340
Permitted Roof Coverage See Chart #1: 6,200
Permitted Impervious Surface See Chart #(#2): 17,668

Chart #1 - Maximum Roof Coverage Requirements

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Max Roof Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 0.5 acre</td>
<td>2,613 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 0.75 acre</td>
<td>3,200 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 1.0 acre</td>
<td>4,356 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 1.2 acres</td>
<td>4,600 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 1.5 acres</td>
<td>5,000 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 2.0 acres</td>
<td>5,600 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 2.5 acres</td>
<td>6,200 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 3.0 acres</td>
<td>7,000 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 3.5 acres</td>
<td>7,700 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 4.0 acres</td>
<td>8,200 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 4.5 acres</td>
<td>8,400 Sq. Ft.</td>
</tr>
<tr>
<td>Up to 6.0 acres</td>
<td>9,147 Sq. Ft.</td>
</tr>
</tbody>
</table>

Chart #2 - Impervious Surface Coverage Requirements

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Impervious Surface %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1.0 acre</td>
<td>25% x lot area</td>
</tr>
<tr>
<td>1 to 3 acres</td>
<td>20% x lot area</td>
</tr>
<tr>
<td>More than 3 acres</td>
<td>15% x lot area</td>
</tr>
</tbody>
</table>

ROOF COVERAGE (SQ. FT.)

Main Residence

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Proposed Addition</th>
</tr>
</thead>
<tbody>
<tr>
<td>26'-2&quot;/12'</td>
<td>5,770</td>
</tr>
</tbody>
</table>

Existing

Proposed Addition

Detached Garage

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Proposed Addition</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>5,770</td>
</tr>
</tbody>
</table>

Existing

Proposed Addition

Accessory Structure

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Proposed Addition</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>Total Accessories</td>
</tr>
</tbody>
</table>

Existing

Proposed Addition

TOTAL PROPOSED ROOF COVERAGE*: 5,770

IMPERVIOUS SURFACE COVERAGE (SQ. FT.)

Driveways: 2128
Turn-Around: 1400
Parking Area: 2114
Patios & Walkways: 4180
Swimming Pools: 1640
Total Proposed Roof Coverage*: 5770
TOTAL IMPERVIOUS SURFACE: 17232

Roof Coverage In Compliance? ☑ Yes □ No
Impervious Surface In Compliance? ☑ Yes □ No

Prepared By (Name & Contact Info): Historical Concepts, LLC (770) 487-8041
Conditional Use: New swimming pool, terrace, and wall to replace existing pond.
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 6 – 29 Hilltop Road
Date: March 15, 2016

__________________________________________________________

Case 6

Property Owner: Dr. James and Mrs. Stephanie Brien
Property Address: 29 Hilltop Road
Zoning District: R-1
Lot Size: 1.39 +/- acres
Application Request: Conditional Use Permit and Variance Request for Accessory Structure

The applicants request permission from the Board to construct a 12’x16’ accessory structure on an existing concrete slab in their rear yard. The purpose of this structure is to serve as a storage shed so that outdoor maintenance equipment (lawnmowers, leaf blowers, etc.) can be kept out of the open and in a safe environment.

The proposed location of the accessory structure is on an existing concrete slab where a previous accessory structure was located. It is screened from all properties by existing vegetation and will be designed in conformity with the main residence. The applicants have provided a drawing of the proposed location, as well as a depiction of the storage building itself. The proposed structure would not be constructed within any setbacks. The applicants did receive from the permission from the Board approximately two years ago to install a play structure.

- Conditional use permit to allow construction of accessory building on existing 12’x16’ concrete slab
- Variance to allow construction of more than one accessory structure
Zoning Application

Property Identification

Name
James Brien

Address
29 Hilltop Road, Asheville, North Carolina 28803

Phone
(828) 505-1362

Email
jamesbrien@hotmail.com

Zoning
R-1

Lot Size (Acres)
1.3

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?
Yes

What is the proposed roof coverage?
192

Is the proposed roof coverage greater than the permitted maximum roof coverage?
No

Scope of Project-Impervious Surface

Does the project include increasing the impervious surface coverage?
No

Scope of Project-Setbacks

Does any part of the project fall within the front yard?
No

Does any part of the project fall within the side/rear yard setback(s)?
No

Scope of Project-Accessory Structures

Does the project include a detached structure or building?
Yes

An application for a conditional use permit will be required in addition to this zoning application.

Will there be more than the approved number of accessory structures/buildings?
No
**Project Description**

**Brief Description of Project**
Storage shed built to match period and character of the house. 12 ft X 16 ft. The structure will be built on an EXISTING cement foundation that is 12 ft X 16 ft (therefore no change to impervious surface). Structure 20 ft from closest side neighbor property line and 45 ft from closest back neighbor property line.

**Estimated Cost of Project**
7,500

**Estimated Completion Date**
6/1/2016

Please attach any drawings, renderings, photographs or other supporting documentation.
Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

Name
James Brien

Property Address
29 Hilltop Road

Phone
(828) 505-1362

Email
jamesbrien@hotmail.com

Type of Conditional Use
802.07 Accessory Buildings

Description of Project
Storage shed, 12 ft by 16 ft built on EXISTING cement slab foundation 20 ft from closest side neighbor, 45 ft from closest back neighbor property line. Built to match house.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
Structure is in the back yard, not visible from front yard. It is 20 ft from closest side neighbor property line, 45 ft from back property line and is hidden from the back neighbors by existing landscaping, trees and brush. This is built on a foundation which already exists and likely had a similar structure in the past.

I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Signature

Date
3/3/2016
Variance Application

I hereby petition the Board of Adjustment for a variance(s) from the provisions of the Zoning Ordinance for the real property stated below.

Name
James Brien

Property Address
29 Hilltop Road

Email
brien.james@gmail.com

Phone
(215) 801-4925

Variance to Zoning Ordinance Section(s) (Select all that apply)
1104 Accessory Structures & Accessory Buildings

Reason Variance(s) is(are) being requested:
I request a variance for a 12 ft by 16 ft accessory structure. The structure would be designed and built to be period specific and consistent with the main house. The structure would resemble a small garage and would be completely enclosed. The structure would be built on an *existing* 12 ft by 16 ft cement foundation which supported a similar structure in the past and is greater than 20ft from the nearest property line. The purpose of the structure is to accommodate storage of outdoor lawn equipment, a backup generator, power washer and other gas driven equipment which can not be stored indoors for obvious health reasons.

Our home has no garage or accessory structure appropriate for this purpose. In addition to adding value to the property it would allow for more significant improvements and upkeep to the landscaping of the property as well as housing lawn equipment out of view.

Additional information available upon request by email, phone or in person.

Thank you.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of the provisions of the variance granted including any conditions or safeguards which are part of the granting of the variance, shall be deemed a violation of the Zoning Ordinance. I hereby certify that the information set forth above is true and accurate to the best of my knowledge.

Signature
[Signature]

Date
2/4/2016
Block "GCS"
Lot 17

150.3 x 407.25 x 150.0 x 399.25

"Shed" is to be built on pre-existing cement foundation

James Briew
215-801-4925
29 Hilltop Rd.

- Dark brown wood
- Carriage doors on front
- Dimensions: 12 ft x 16 ft x 8 ft
- Red Shingle (appearance to look like horse colors)
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 7 – 12 Hemlock Road
Date: March 15, 2016

Case 7

Property Owner: Mr. Hubert and Mrs. Pat Wood
Property Address: 12 Hemlock Road
Zoning District: R-1
Lot Size: 1.591 +/- acres
Application Request: Conditional Use Permit to Construct a Masonry Wall and Fence in the Rear Yard

The applicants request permission from the Board to construct a four (4) foot high masonry wall in their rear yard. The wall will be 90 feet long, and the applicants propose to construct a six (6) foot tall painted steel fence on a segment of the wall. The fence would be constructed on sixty feet of the total ninety feet length of the fence.

This request is in conjunction with another project to the home that includes turning an existing screened in porch into a new media room. This will result in an increase of 567 square feet, and modifications will also be made to the existing breezeway that leads to the garage. These items are attached to the home and will be presented to review for the Design Review Board at their March 24th meeting. The wall and fence are the only matters that require approval by the Board of Adjustments.

Mr. and Mrs. Wood intend to relocate approximately twelve (12) existing boxwoods from the front of the home to plant and buffer the new fence. The wall and fence are both below grade from the main portion of the rear yard, and the wall will act as a retaining wall for the slope upward to the rest of the back of the property.

- Conditional use permit to allow construction of a masonry wall and fence in the rear yard.
Zoning Application

Property Identification

Name
Pat and Hubert Wood

Address
12 Hemlock Road, Biltmore Forest, North Carolina 28803

Phone
(828) 274-1364

Email
pat.wood@budofasheville.com

Zoning
R-1

Lot Size (Acres)
1.591

Scope of Project-Roof Coverage

Does the project include increasing roof coverage? Yes

What is the proposed roof coverage? 3,650

Is the proposed roof coverage greater than the permitted maximum roof coverage? No

Scope of Project-Impervious Surface

Does the project include increasing the impervious surface coverage? Yes

What is the proposed impervious surface coverage? 4,630

Is the proposed impervious surface coverage greater than the permitted maximum impervious surface coverage? No

Scope of Project-Setbacks

Does any part of the project fall within the front yard? No

Does any part of the project fall within the side/rear yard setback(s)? No

Scope of Project-Accessory Structures

Does the project include a detached structure or building? Yes

An application for a conditional use permit will be required in addition to this zoning application.
Will there be more than the approved number of accessory structures/buildings?
No

**Project Description**

**Brief Description of Project**
Replace an existing attached screen porch with a new media room addition that will include 567 sq. ft. of new conditioned floor area. Modify the existing covered breezeway leading to the garage. The modifications will improve surface drainage and appearance.
New site work shall include a 4' high masonry retaining wall approximately 90' long. Along approximately 60' of this wall a 6' high painted steel fence is planned to exclude deer from a garden area on the rear, northwest side of the main house. Additional brick paving shall be added to the garden area.
Interior work includes remodeled kitchen and master bath areas.

*Please attach any drawings, renderings, photographs or other supporting documentation.*
WOOD RESIDENCE A-1.pdf
WOOD RESIDENCE SITE.pdf

<table>
<thead>
<tr>
<th>Estimated Cost of Project</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>175,000</td>
<td>9/30/2016</td>
</tr>
</tbody>
</table>
Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

**Name**
Pat and Hubert Wood

**Property Address**
12 Hemlock Road

**Phone**
(828) 274-1364

**Email**
pat.wood@budofasheville.com

**Type of Conditional Use**
802.07 Accessory Buildings

**Description of Project**
New site work shall include a 4' high retaining wall approximately 90' long. On top of approximately 60' of this wall a 6' high painted steel fence is planned to exclude deer from a garden area on the rear, northwest side of the main house.

**Explain why the project would not adversely affect the public interest of those living in the neighborhood:**
The project is in the rear yard and will be screened by re-located large, mature boxwood's. Visibility of the addition will be very limited from adjoining properties. The addition will provide protection from destructive deer herds and will allow the owner to grow vegetables and flowers in a pest protected area.

I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

**Signature**

**Date**
3/4/2016
MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 8 – 8 Chauncey Circle
Date: March 15, 2016

Case 8

Property Owner: Mr. John Miles Smith
Property Address: 8 Chauncey Circle
Zoning District: R-3
Lot Size: 1.39 +/- acres
Application Request: Construction of a New Residence and presentation of
Landscape and Site Plan, including conditional use permits for
construction of a rock wall and columns on the side of the home

Mr. Smith has presented plans for a new residence at 8 Chauncey Circle. The plans include
is for a story and a half English cottage with a 3-car garage. The garage is side-loading and does
not face the road. The landscape plan that is attached for review indicates the proposed trees for
removal, the grading plan, and the proposed trees and plants which will be replanted in conjunction
with the project.

The home does have a stone wall with lighted columns that are attached to the home but
extend outside of the residence and create a dog run on the eastern side of the home. This should
be reviewed by the Board as a conditional use. The wall and lighted columns are in the side yard.

Additionally, there are several stone headwalls located on the property to serve assist with
drainage improvements and to ensure that storm drains on the property remain accessible and open.

- Zoning Permit for new residence, including landscape plan approval.
- Conditional use permit to allow for construction of stone wall and lighted columns on wall.
Zoning Application

Property Identification

Name
Tom Dillard

Address
8 Chauncey Circle, Biltmore Forest, North Carolina 28803

Phone
(864) 527-0463

Email
richie@dillardjones.com

Lot Size (Acres)
1.39

Zoning
R-1

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?
No

Is the proposed roof coverage greater than the permitted maximum roof coverage?
No

Scope of Project-Impervious Surface

Does the project include increasing the impervious surface coverage?
No

Scope of Project-Setbacks

Does any part of the project fall within the front yard?
No

Does any part of the project fall within the side/rear yard setback(s)?
No

Scope of Project-Accessory Structures

Does the project include a detached structure or building?
No

Will there be more than the approved number of accessory structures/buildings?
No
Project Description

Brief Description of Project
Story and a half English Cottage with 3 car garage.

Estimated Cost of Project  Estimated Completion Date
1,081,003  4/1/2017

Please attach any drawings, renderings, photographs or other supporting documentation.
2016-2-1 Preliminary design review.pdf
DATE: 2015-28

ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE.

ATTENTION SUB-CONTRACTORS:

DRAWINGS ARE NOT FOR CONSTRUCTION UNLESS INITIALS ARE PRESENT

BUILDER

CLIENT

SMITH

PRE-LIMINARY DESIGN REVIEW

SMITH RESIDENCE

PRE-LIMINARY DESIGN REVIEW

PRE-LIMINARY DESIGN REVIEW
ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE.

ATTENTION SUB-CONTRACTORS:

DRAWINGS ARE NOT FOR CONSTRUCTION UNLESS INITIALS ARE PRESENT

BUILDER

CLIENT

SMITH

RESIDENCE

PRE-LIMINARY DESIGN REVIEW

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY
JOHN B. YOUNG, P. L. S., IN 2015. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.
DATE

REVISIONS

ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE

ATTENTION

SUB-CONTRACTORS:

DRAWINGS ARE NOT FOR CONSTRUCTION UNLESS INITIALS ARE PRESENT

BUILDER

CLIENT

SMITH

SMITH

PRE-LIMINARY DESIGN REVIEW

PRE-LIMINARY DESIGN REVIEW

MAIN RESIDENCE

CHANCEY CIRCLE

VALLEY NC SURVEY, P.C.

*** PROFESSIONAL LAND SURVEYORS ***

50 NORTH MERRIMON AVENUE, SUITE 109

PHONE:(828) 252-1530

PROFESSIONAL CORPORATION NUMBER C-0268

ASHEVILLE, NORTH CAROLINA, 28804

<18" CPP

<30" CPP

STORM DRAIN

STORM DRAIN

SPRINGS

STORM DRAIN

ENDWALL

BUILDING SETBACK

BUILDING SETBACK

BUILDING SETBACK

222' OFFSET

BEDROOM 13-4 x 13-4

BEDROOM 17-0 x 13-0

bath

bath

dn

SQUARE FOOTAGE SUMMATION
DATE

REVISIONS

2015-28

ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE

ATTENTION

SUB-CONTRACTORS:

DRAWINGS ARE NOT FOR CONSTRUCTION UNLESS INITIALS ARE PRESENT

BUILDER

CLIENT

SMITH RESIDENCE

PRE-LIMINARY DESIGN REVIEW

PRE-LIMINARY DESIGN REVIEW
DATE  REVISIONS  2015-28
ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE.  

ATTENTION SUB-CONTRACTORS: DRAWINGS ARE NOT FOR CONSTRUCTION UNLESS INITIALS ARE PRESENT BUILDER CLIENT  

SMITH RESIDENCE  
PRE-LIMINARY DESIGN REVIEW  
PRE-LIMINARY DESIGN REVIEW
DATE

REVISIONS

2015-28

ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE

ATTENTION

SUB-CONTRACTORS:

DRAWINGS ARE NOT FOR CONSTRUCTION UNLESS INITIALS ARE PRESENT

BUILDER

CLIENT

SMITH

SMITH

PRE-LIMINARY DESIGN REVIEW

PRE-LIMINARY DESIGN REVIEW

SMITH RESIDENCE

PRE-LIMINARY DESIGN REVIEW

PRE-LIMINARY DESIGN REVIEW

ROOF PLAN

PRE-LIMINARY DESIGN REVIEW
ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS RESIDENCE AND TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE.

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SMITH RESIDENCE
PRE-LIMINARY DESIGN REVIEW

PRE-LIMINARY DESIGN REVIEW
DATE

REVISIONS

2015-28

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CLIENT

SMITH RESIDENCE

PRE-LIMINARY DESIGN REVIEW
A NEW CUSTOM HOME FOR
THE SMITH'S
DESIGNED AND BUILT BY

Jillat-Jones BUILDERS
DATE

REVISIONS

2015-28

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ARB REVIEW SET

SMITH RESIDENCE

ARB REVIEW SET

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY JOHN & YOUNG, PLLC, L-2984, ON AUG. 31, 2015.

THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.
**ATTENTION**

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**WINDOw SCHEDULE**

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**DOOR SCHEDULE**

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All federal, state, and local codes, ordinances, regulations etc. shall be considered as part of specifications for this residence and take precedence over anything shown, described, or implied where same are at variance.

Attention Sub-contractors:
Drawings are not for construction unless initials are present.

Builder: Smith
Client: Smith
DATE:

REVISIONS:

2015-28

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BUILDER: [Insert Name]

CLIENT: [Insert Name]

SMITH RESIDENCE

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DATE

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CLIENT

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RESIDENCE

SMITH

SMITH

ARB REVIEW SET

TYPICAL INTERIOR TREAT

NOTE: VERIFY WITH OWNER PRIOR TO INSTALLATION

MALL

FOYER

GREAT ROOM

HALL

MALL

LIVING ROOM BUILT-UP BEAM DETAIL

DINING ROOM BUILT-UP BEAM DETAIL

DINING WIDGER DETAIL

SCREENED PORCH

ARB REVIEW SET
DATE

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ELECTRICAL LEGEND

OUTLETS

SWITCHES

FIXTURES, FANS, ETC.

MISC. ITEMS

SYMBOL DESCRIPTION

DUPLEX OUTLET (GROUNDED TYPE TYPICAL)

WEATHER PROOF DUPLEX OUTLET

SWITCHED DUPLEX OUTLET

ABOVE COUNTER DUPLEX OUTLET

CEILING MOUNTED DUPLEX OUTLET

FLUSH FLOOR DUPLEX OUTLET

220 VOLT OUTLET OR CONNECTION

JUNCTION BOX

TV/PHONE/DATA JACK

DOORBELL

DOORBELL CHIME LOCATION

ELECTRICAL LEGEND

FIRST FLOOR PLAN

SECOND FLOOR PLAN

BASEMENT PLAN

ARB REVIEW SET
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MEMORANDUM
MARCH 21, 2016

To: Board of Adjustment
From: Jonathan Kanipe, Town Administrator
Re: Case Number 9 – 57 Forest Road
Date: March 15, 2016

Case 9
Property Owner: Mr. Nathan and Mrs. Erin Renfro
Property Address: 57 Forest Road
Zoning District: R-1
Lot Size: 1.79 +/- acres
Application Request: Construction of a New Residence and presentation of Landscape and Site Plan, including conditional use permit for stone wall to be located in the Rear Yard

The Renfros present plans to the Board for a new residence, including a landscape plan and site plan. The home will be located at 57 Forest Road, and includes 4,535 square feet and 10,038 square feet of impervious surface. Each of these is within the allowance provided by the zoning ordinance. The plans for the home include two car garage that is side loading and located in the rear of the home. There is a natural gas burning fire pit that is included off the rear of the home but is connected via flagstone paving.

A conditional use permit is required for the construction of an 18” stone wall in the rear yard. The wall includes concrete stairs that lead to the remainder of the rear yard.

- Zoning Permit for construction of a new residence
- Conditional use permit to construct an 18” stone wall in the rear yard as an accessory use.
Zoning Application

Property Identification

Name
Nathan & Erin Renfro

Address
57 Forest Road, 319 Vanderbilt (current), Biltmore Forest, North Carolina 28803

Phone
(828) 545-5704

Email
ndrenfro@gmail.com

Zoning
R-1

Lot Size (Acres)
1.79

Email -Submission Verification
hchammond@charter.net

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?
Yes

What is the proposed roof coverage?
4,535

Is the proposed roof coverage greater than the permitted maximum roof coverage?
No

Scope of Project-Impervious Surface

Does the project include increasing the impervious surface coverage?
Yes

What is the proposed impervious surface coverage?
10,038

Is the proposed impervious surface coverage greater than the permitted maximum impervious surface coverage?
No

Scope of Project-Setbacks

Does any part of the project fall within the front yard?
No

Does any part of the project fall within the side/rear yard setback(s)?
No

Scope of Project-Accessory Structures
Does the project include a detached structure or building?
No

Will there be more than the approved number of accessory structures/buildings?
No

**Project Description**

**Brief Description of Project**
Single Family residence. Drawing attached include floor plans, elevations and site plan. Designer contacts: Houston Hammond (828)505-7565, hchammond@charter.net

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<th>Estimated Cost of Project</th>
<th>Estimated Completion Date</th>
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Please attach any drawings, renderings, photographs or other supporting documentation.
3.7.2016 BF Schematic Submission.pdf
Note: Survey Info Provided
By Blue Ridge Land
Surveying (828) 292-6092
HEIGHT CALCULATIONS
32' - 25' = 7' x 1.5 = 12' ADDITIONAL SIDE YARD SETBACK

CASEMENT WINDOWS
50 YR. ARCHITECTURAL SHINGLES
COMPOSITE SHAKES

EAST ELEVATION

Schematic Submission
SCALE: 1/8" = 1'-0"
DATE: 5.7.2016

A Residence For
Nathan & Erin Renfro
57 Forest Drive
Biltmore Forest TWP.
Buncombe County, North Carolina

Home Design by
HOUSTON HAMMOND
38 Vesten Heights Dr.
Asheville, NC 28806
(910) 532-0000
home@houstonhammond.com