

355 Vanderbilt Rd | Biltmore Forest, NC  
Po Box 5352 | Biltmore Forest, NC 28803  
P (828) 274-0824 | F (828) 274-8131  
www.biltmoreforest.org



George F. Goosmann, III, Mayor  
Fran G. Cogburn, Mayor-Pro Tem  
E. Glenn Kelly, Commissioner  
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Board of Adjustments Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustments Case Number 4 (31 Stuyvesant Road)  
Date: June 14th, 2018

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### Request for Conditional Use Permit for an Accessory Building Variance Request for Reduction of Side Yard Setback

The applicant requests a conditional use permit for construction of an accessory building. The building will be used primarily for storage and is part of a larger project of replacing the old maintenance facility with a larger, more modern building. The primary structure will be T-shaped and a detached accessory building helps to maximize circulation within the site. The applicants note that the scope of the project also calls for removal of several non-conforming utility structures and site walls. The ordinance language regarding conditional use permits for accessory buildings can be found below.

#### **§ 153.008 CONDITIONAL USES.**

##### *(8) Accessory buildings.*

*(a) All accessory buildings shall meet the standards of the State Building Code where applicable.*

*(b) All accessory buildings shall be of a design compatible with the principal building on the lot and with the structures in the neighborhood.*

*(c) An additional parking space shall be required when an accessory building is permitted for use as a dwelling by a family member.*

*(d) Accessory buildings shall comply with the district's setback requirements.*

The Board must also find that the conditional use request for an accessory building meets the following requirements, as established in the Zoning Ordinance's General Regulations.

#### **§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.**

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

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

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

In addition, the applicants request a variance for placement of the primary facility in the front and side yard setbacks. The slope of the property at the Hendersonville Road boundary (front) and the north boundary (side) limits the amount of buildable area within the section of land to be utilized for the new building. The request for the variance specifically asks for a front yard setback reduction from 60' to 42', and a side yard setback reduction from 20' to 12'.

# Zoning Application

## Property Identification

**Name**

Biltmore Forest Country Club

**Address**

31 Stuyvesant Road, Asheville, North Carolina 28803

**Phone**

(828) 253-8265 x313

**Email**

eb@fisher-pa.com

**Zoning**

R-1

**Lot Size (Acres)**

135.18

**Email -Submission Verification**

eb@fisher-pa.com

## Scope of Project-Roof Coverage

**Does the project include increasing roof coverage?**

Yes

**What is the proposed roof coverage?**

16,816

**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?**

20,825

**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?**

Yes

**Does any part of the project fall within the side/rear yard setback(s)?**

Yes

An application for a variance to encroach the side/rear yard setback(s) will be required in addition to this zoning application.

## 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**

The Owner is looking to replace a nearly forty five year old maintenance facility with a new structure and accessory building that meets the current requirements for golf course maintenance.

### **Estimated Cost of Project**

1,250,000

### **Estimated Completion Date**

3/15/2019

**Please attach any drawings, renderings, photographs or other supporting documentation.**

06.04.18\_BFCC\_PS1.0\_ExistingSite.pdf

06.04.18\_BFCC\_PS1.1\_PrelimSite.pdf

06.04.18\_BFCC\_PS1.2\_PrelimSite\_AerialData.pdf

# Conditional Use Permit Application

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

**Name**

Biltmore Forest Country Club

**Property Address**

31 Stuyvesant Road

**Phone**

(828) 253-8265 x313

**Email**

eb@fisher-pa.com

**Type of Conditional Use**

802.07 Accessory Buildings

**Email-Submission Verification**

eb@fisher-pa.com

**Description of Project**

Project calls for the replacement of an obsolete maintenance facility with a larger modern structure and accessory building on an existing site along Hendersonville Road. The current use and operation will be maintained in a state-of-the-art facility designed to meet current best practices.

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

The site will be used in the same manner as it is currently. Public vehicle access will be restricted to the current drive on Hendersonville Road. The property to the west and south are owned by the same entity and the property to the north is presently undeveloped.

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**

6/4/2018



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# 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**

Biltmore Forest Country Club

**Property Address**

31 Stuyvesant Road

**Email**

eb@fisher-pa.com

**Phone**

(828) 253-8265 x313

**Email-Submission Verification**

eb@fisher-pa.com

**Variance to Zoning Ordinance Section(s) (Select all that apply)**

1103 Required Yards & Other Spaces

N.C.G.S. 160A-388(D) requires that the Board of Adjustments shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. 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.

**State specific hardship that results in variance request to not comply with the Zoning Ordinance**

The Owner is requesting a reduction in the front yard setback from 60' to 42' and a reduction in the north side yard setback from 20' to 12'.

The property is somewhat pie shaped with steep grades along the east/front/Hendersonville Road boundary and the north/side yard boundary. The existing golf course is to the west and a sloping drive down from the only public entrance is to the south. The amount of buildable area is limited by these constraints.

**State what conditions are peculiar to the property that require a variance.**

The existing grades have the majority of the site well below the property to the north and Hendersonville Road to the east and somewhat less so the boundaries to the south and west. The building location attempts to take advantage of the current graded limits to the north and west by placing the long wall of the building against the hill, but in doing so locates a small percentage of the overall building square footage within the established setbacks. The accessory building is located behind the setback line of the principal structure and outside the required setback.

**Did the hardship result from actions taken by the applicant or property owner?**

No

**State how the requested variance is consistent with the spirit, purpose, and intent of the ordinance.**

While a reduction in the side yard setback to the north is being requested, the westerly location has it abutting the steepest grades of the adjacent property. In addition, the proposed development calls for the removal of several non-conforming utility structures and site walls. Only a small corner of the building will be within the front yard setback and at its closest to Hendersonville Road it will approximate the setbacks for the three commercial buildings to the immediate north of the adjacent property. The geometry of the T-shaped principle structure and the building of the accessory structure break down the mass of the built component while affording a means for creating the necessary circulation within the site.

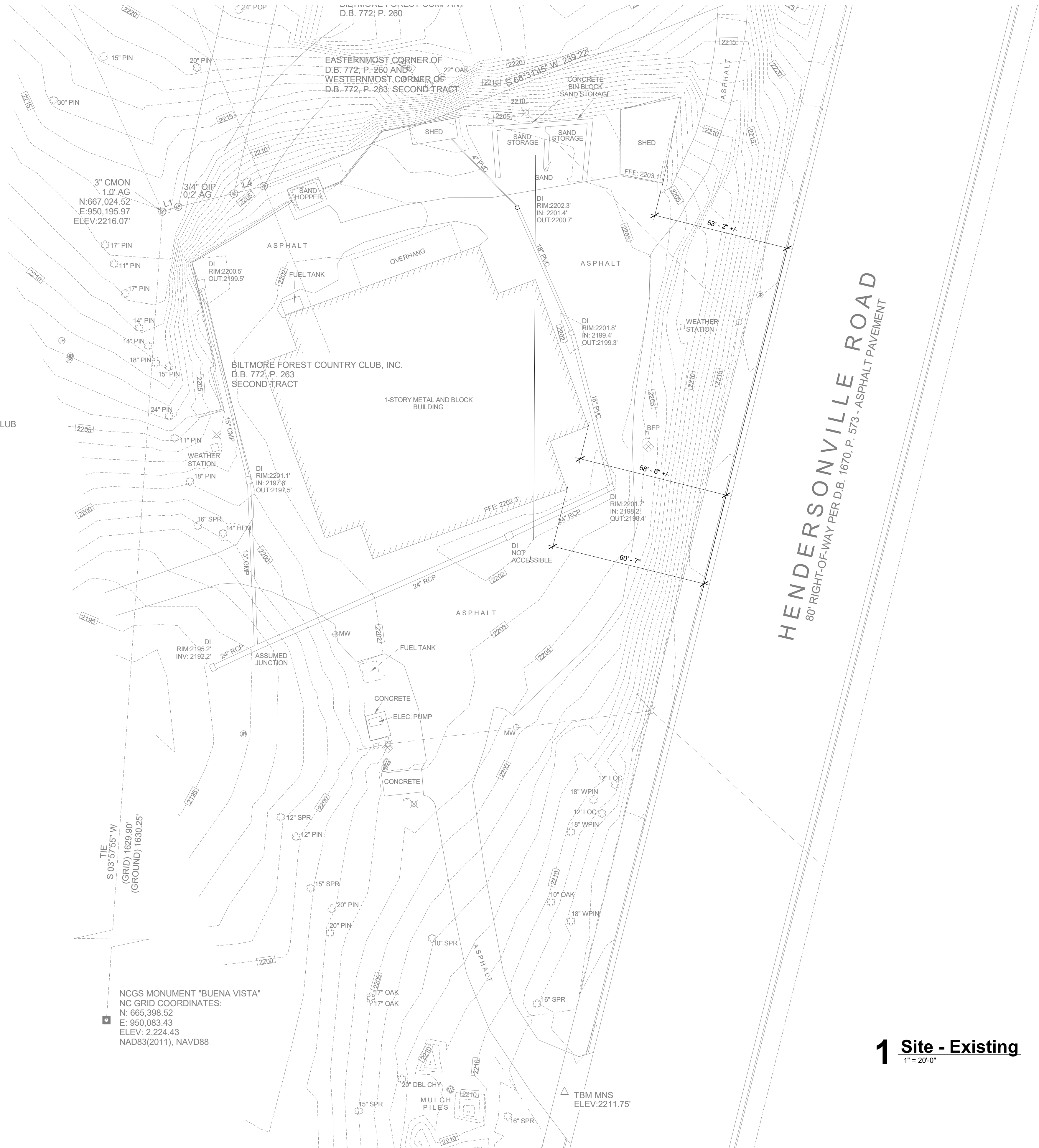
In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of the provisions of the variance granted including any conditions or safeguards which are part of the granting of the variance, shall be deemed a 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**

6/4/2018

A handwritten signature in black ink, appearing to read "E. Britton", written over a horizontal line.



BILTMORE FOREST COUNTRY CLUB  
D.B. 662, P. 71

EASTERNMOST CORNER OF  
D.B. 772, P. 260 AND  
WESTERNMOST CORNER OF  
D.B. 772, P. 263; SECOND TRACT

BILTMORE FOREST COUNTRY CLUB, INC.  
D.B. 772, P. 263  
SECOND TRACT

HENDERSONVILLE ROAD  
80' RIGHT-OF-WAY PER D.B. 1670, P. 573 - ASPHALT PAVEMENT

TIE  
S 03°57'55" W  
(GRID) 1630.90'  
(GROUND) 1630.25'

NCGS MONUMENT "BUENA VISTA"  
NC GRID COORDINATES:  
N: 665,398.52  
E: 950,083.43  
ELEV: 2,224.43  
NAD83(2011), NAVD88

**1 Site - Existing**  
1" = 20'-0"

REVISIONS	

FOR REVIEW ONLY

**FISHER**  
Fisher Architects, PA  
351 Meridian Avenue  
Asheville, NC 28801  
Copyright 2018, Fisher Architects, PA  
(828) 253-8265

Maintenance Facility for  
Biltmore Forest Country Club

Enter address here

SHEET TITLE Existing Site	DATE	2018 June 04
	JOB NO.	180190
SHEET <b>PS1.0</b>		





NCGS MONUMENT "BUENA VISTA"  
 NC GRID COORDINATES:  
 N: 665,398.52  
 E: 950,083.43  
 ELEV: 2,224.43  
 NAD83(2011), NAVD88

**1 Site Plan**  
 1" = 20'-0"

REVISIONS


FOR  
 REVIEW  
 ONLY

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 Fisher Architects, PA  
 351 Merrimon Avenue  
 Asheville, NC 28801  
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Maintenance Facility for  
 Biltmore Forest Country Club  
 Enter address here

SHEET TITLE <b>Prelim. Site</b>	DATE 2018 June 04	JOB NO. 180190
	SHEET <b>PS1.1</b>	





**1 Site Plan with Aerial Data**  
1" = 20'-0"

REVISIONS


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Asheville, NC 28801  
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**Maintenance Facility for  
Biltmore Forest Country Club**

SHEET TITLE <b>Prelim. Site with Aerial</b>	DATE	2018 June 04
	JOB NO.	180190
SHEET <b>PS1.2</b>		