

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Rob Moody

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

964669512900000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.07

**Maximum Structure Height**

Not applicable (only applies to PS District)

**Maximum Roof Coverage**

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

**Maximum Impervious Surface Coverage**

20 percent of lot area (3-6 acres)

**Minimum Lot Width**

150 feet (R-1 District)

**Front Yard Setback**

60 feet (R-1 District)

**Side Yard Setback**

20 feet (R-1 District)

**Rear Yard Setback**

25 feet (R-1 District)

**Description of the Proposed Project**

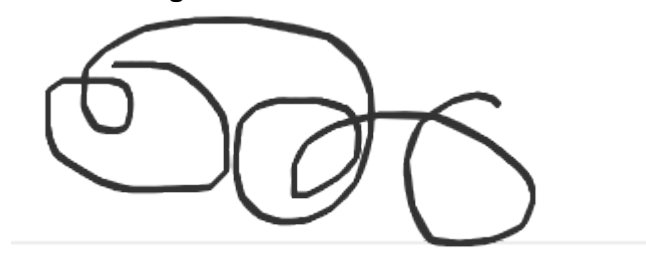
Exterior renovation including installation of fence, landscape, hardscape, swimming pool & spa, garden shed, garden beds and parking area.

**Applicant Signature**



---

**Reviewer Signature**



---

**Date**

11/7/2018

**Conditions/Restrictions**

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



# Conditional Use Permit Application

Town of Biltmore Forest

**Name**

Rob Moody

**Address**

54 Forest Road

**Phone**

[REDACTED]

**Email**

[REDACTED]

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

Accessory Structures

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

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

Exterior renovation including installation of fence, landscape, hardscape, swimming pool & spa, garden shed, garden beds and parking area.

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

There will be more pervious (less hard, non-porous) surface in the proposed plan. Front yard parking is common in Biltmore Forest and parking will be largely shielded from neighbors and Forest Road.

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

**Signature**



**Date**

11/7/2018

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Rob Moody

**Address**

54 Forest Road

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Current Zoning/Use**

Residential

**Requested Use**

Residential

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

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

Exterior renovation including installation of fence, landscape, hardscape, swimming pool & spa, garden shed, garden beds and parking area.

**What does the ordinance require?**

Fence at setback.

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

**REQUIRED FINDINGS: Please provide a thorough response to each.**

**Unnecessary hardship would result from the strict application of the ordinance.**

Portions of the yard would be outside of the fence and could not be easily utilized by the family.

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

The requirement for the fence to be at the setback will eliminate a portion of their accessible land from being fully utilized. The homeowners would like to avoid more paving associated with a pull through driveway.

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

Preservation of green space is encouraged in Biltmore Forest.

**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.**

Impervious surface has been decreased in proposed plan. Priority has been given to preservation of green space.



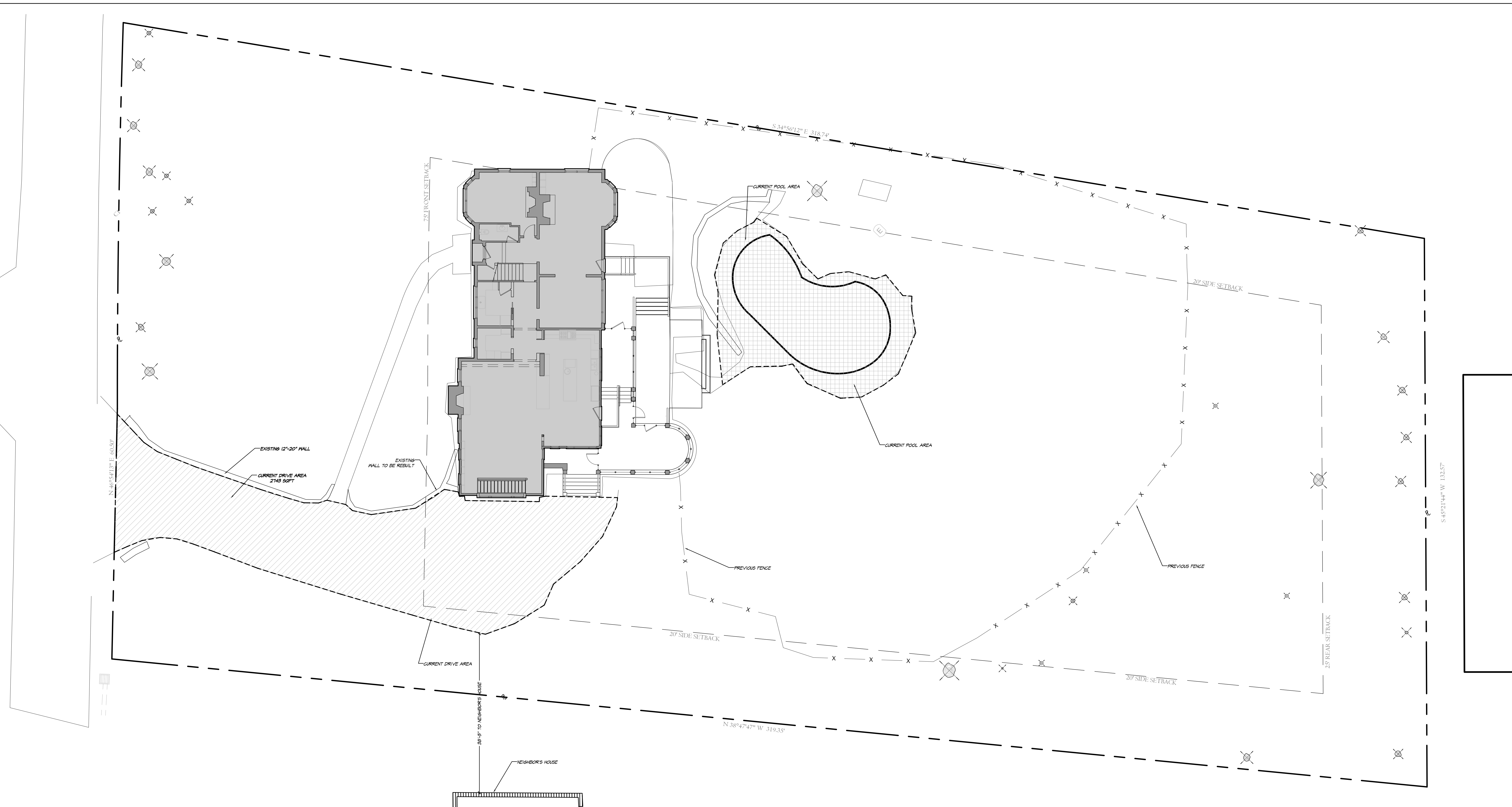
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

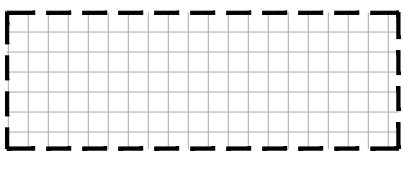
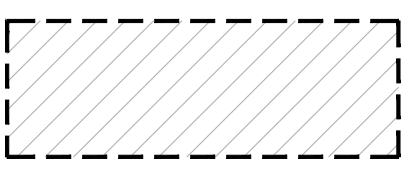
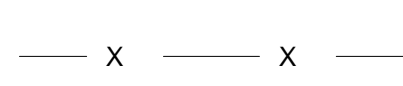
Signature

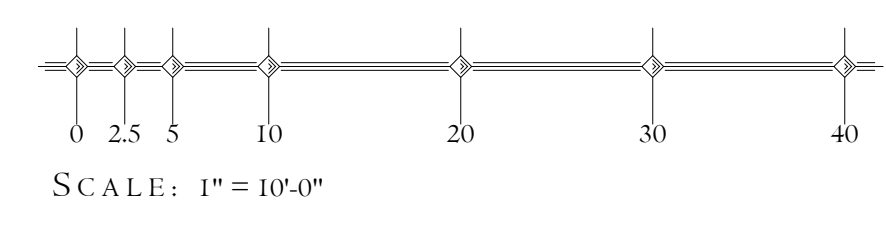
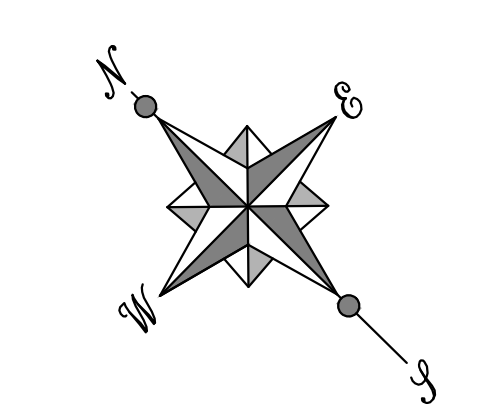
Date  
11/7/2018



---



-  EXISTING POOL AND HARDSCAPE
-  EXISTING DRIVE AND HARDSCAPE
-  EXISTING POOL FENCE



FOR COMMENT AND REVIEW ONLY  
NOT FOR CONSTRUCTION

A LANDSCAPE MASTERPLAN FOR THE:  
**ASHWORTH  
DETERS  
RESIDENCE**  
54 FOREST ROAD  
ASHEVILLE, NORTH CAROLINA

SHEET TITLE:  
**SITE DIAGRAM  
(EXISTING)**

**PAGE DUKE**  
LANDSCAPE ARCHITECTS  
1206 17TH AVENUE SOUTH  
NASHVILLE, TENNESSEE 37212  
TEL: 615.320.0220  
FAX: 615.320.0223  
EMAIL: jason@pageduke.com

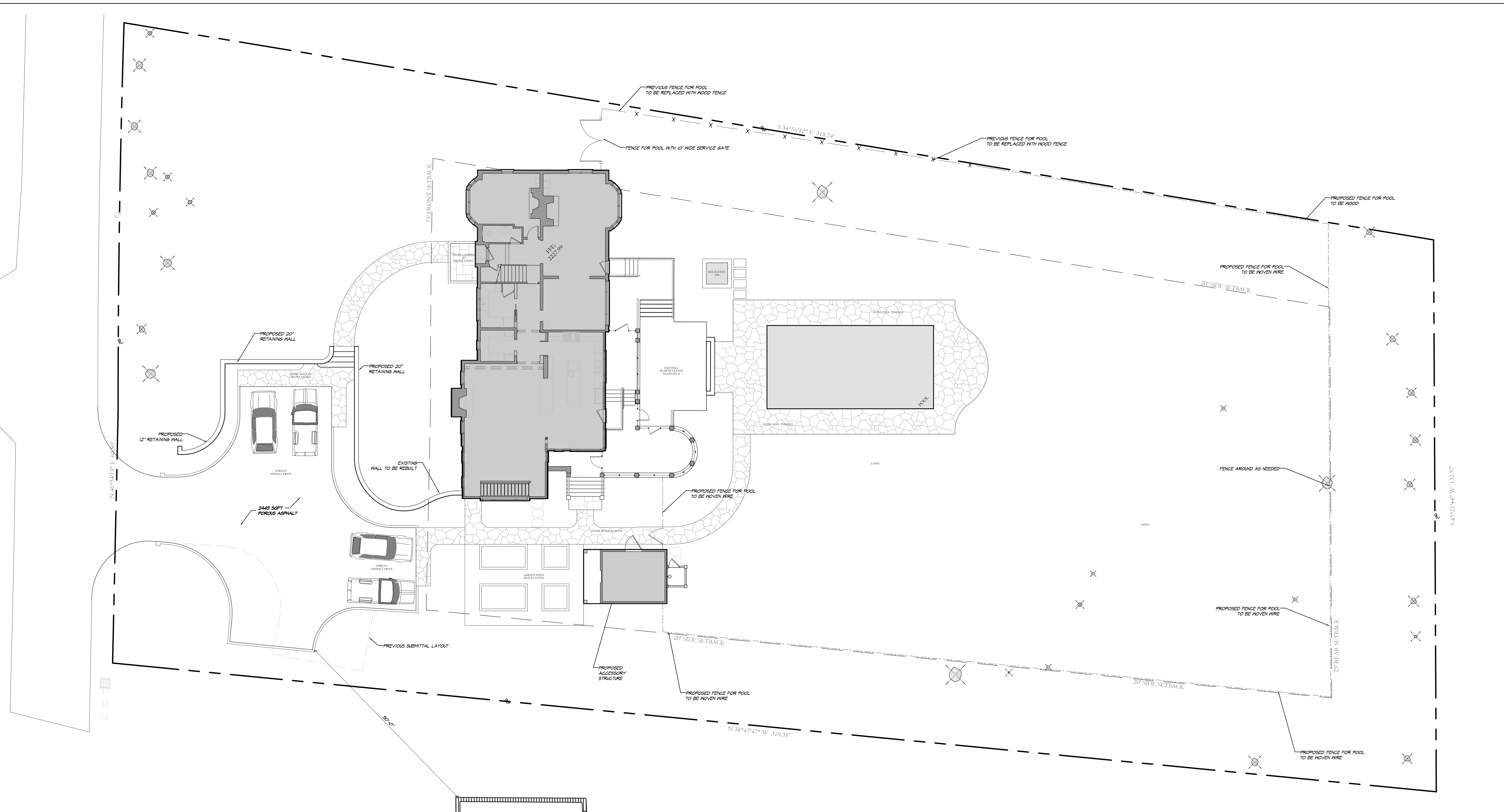
DATE: **OCTOBER 29, 2018**

SCALE: **1" = 10'-0"**

DRAWN BY: **JSG**

SHEET NUMBER:

**L I.OI**



FOR COMMENT AND  
REVIEW ONLY  
NOT FOR CONSTRUCTION

A LANDSCAPE MASTERPLAN FOR THE:  
**ASHWORTH  
DETERS  
RESIDENCE**  
54 FOREST ROAD  
ASHEVILLE, NORTH CAROLINA

SHEET TITLE:  
**SITE DIAGRAM  
(PROPOSED)**

**PAGE DUKE**  
LANDSCAPE ARCHITECTS  
1206 17TH AVENUE SOUTH  
NASHVILLE, TENNESSEE 37212  
TEL: 615.320.0220  
FAX: 615.320.0223  
EMAIL: jason@pageduke.com

DATE: **OCTOBER 29, 2018**

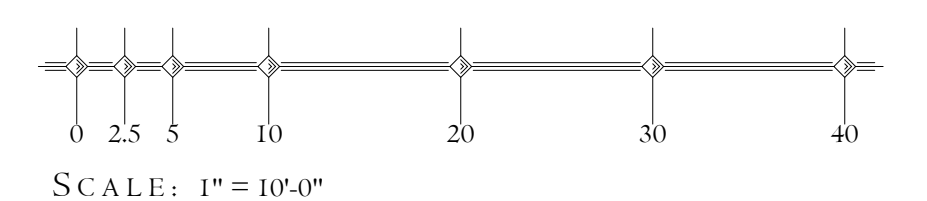
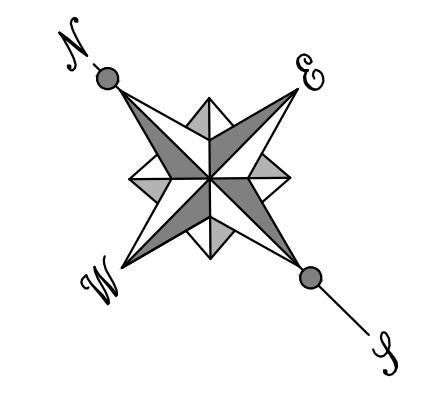
SCALE: **1" = 10'-0"**

DRAWN BY: **JSG**

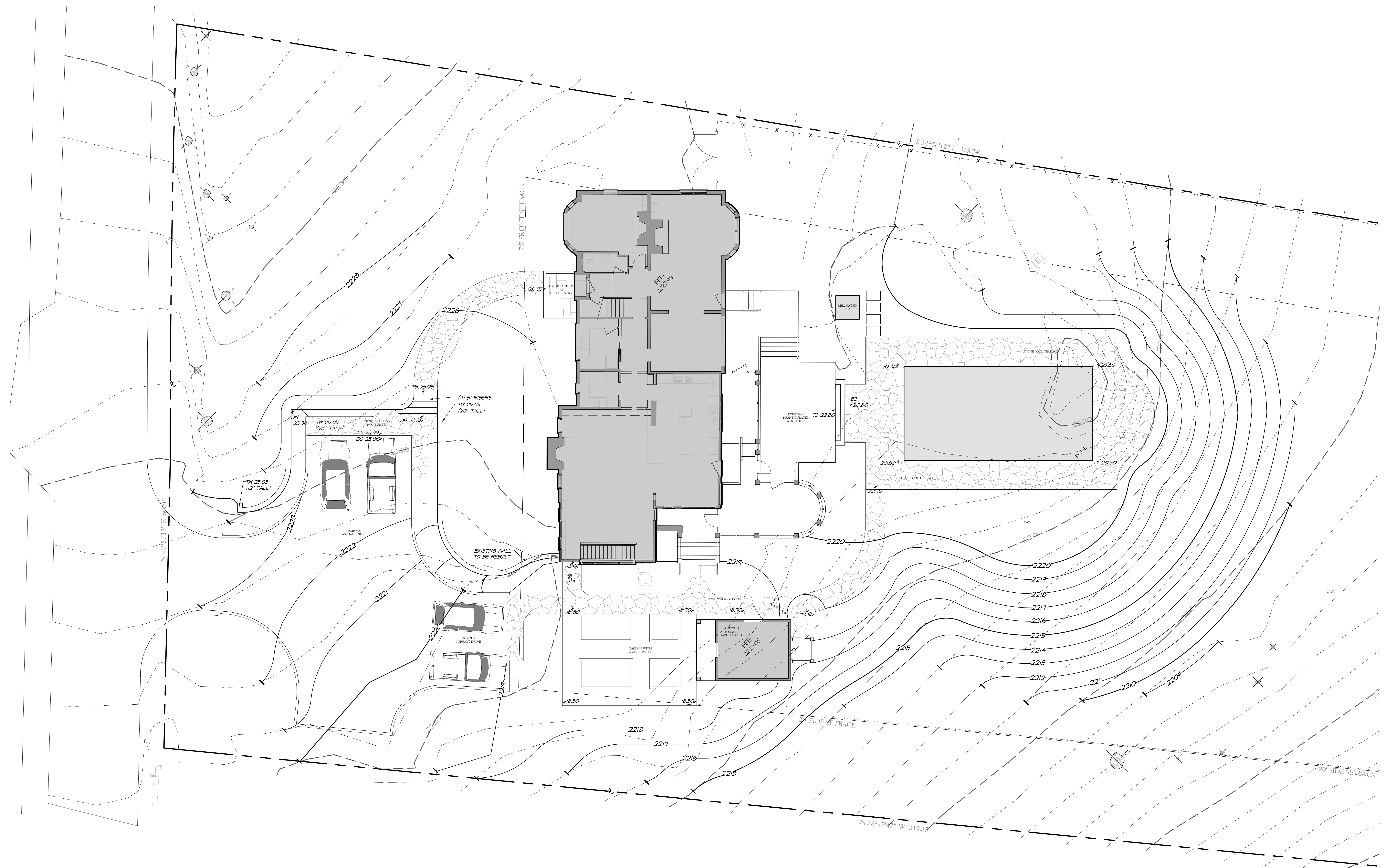
SHEET NUMBER:

**L 1.02**

— x — x — EXISTING POOL FENCE  
- - - - - PROPOSED POOL FENCE







FOR COMMENT AND REVIEW ONLY  
NOT FOR CONSTRUCTION

A LANDSCAPE MASTERPLAN FOR THE  
**ASHWORTH DETERS RESIDENCE**  
54 FOREST ROAD  
ASHEVILLE, NORTH CAROLINA

SHEET TITLE:  
**GRADING PLAN**

**PAGE DUKE**  
LANDSCAPE ARCHITECTS  
1206 17TH AVENUE SOUTH  
NASHVILLE, TENNESSEE 37212  
TEL: 615.320.0220  
FAX: 615.320.0223  
EMAIL: jason@pageduke.com

DATE: **OCTOBER 29, 2018**

SCALE: **1" = 8'-0"**

DRAWN BY: **JSG**

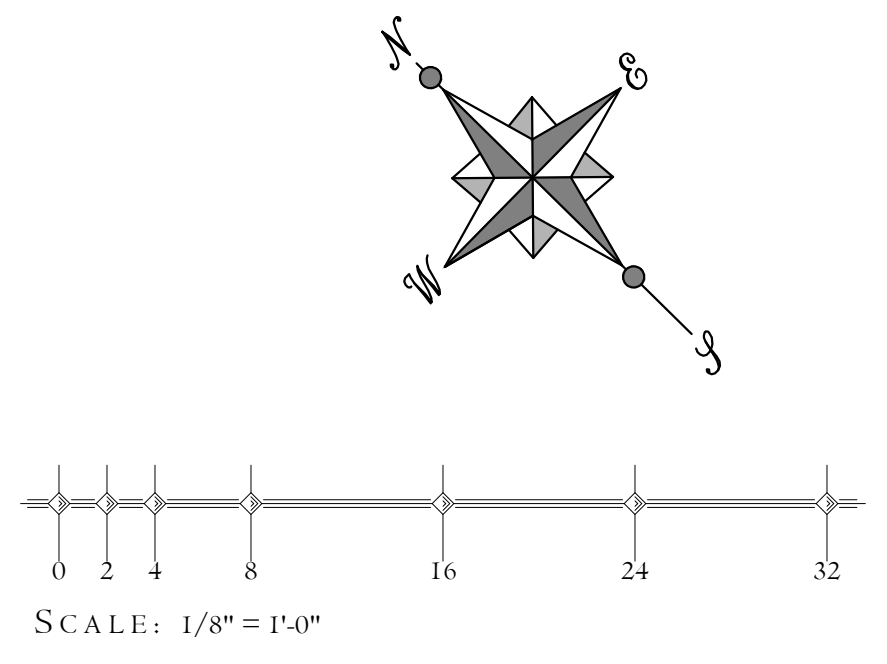
SHEET NUMBER:

**L 3.01**

- GRADING NOTES**
1. CONNECT ALL EXISTING DOWNSPOUTS TO THE PROPOSED SYSTEM.
  2. NO TREES AND/OR VEGETATION, UNLESS SPECIFICALLY NOTED ON THE TREE PRESERVATION DRAWINGS, SHOULD BE REMOVED OR DISTURBED.
  3. TOPSOIL IS TO BE STRIPPED FROM ALL CUT/HILL AREAS AND STOCKPILED ON SITE IN AN AREA REVIEWED BY THE LANDSCAPE ARCHITECT AND OWNER. THE SOIL SHOULD BE TESTED AS PER THE REQUIREMENTS SPECIFIED WITHIN THE SOIL DEPTHS AND TESTING NOTES.
  4. ALL GRADED AREAS, INCLUDING SLOPES, ARE TO BE MULCHED AND SODDED AS SOON AS POSSIBLE AFTER GRADING IS COMPLETE.
  5. SILT BARRIERS SHALL BE CLEANED OF ACCUMULATED SEDIMENT WHEN FILLED TO APPROXIMATELY 50% WITH RUNOFF SEDIMENT.
  6. SILT BARRIERS ARE TO BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED.
  7. THE CONTRACTOR IS TO PROVIDE THE NECESSARY PROTECTION, IN ACCORDANCE WITH THE SPECIFICATIONS FOR PRESERVATION AND PROTECTION OF ALL EXISTING AND PROPOSED TREES.
  8. DO NOT OPERATE OR STORE HEAVY EQUIPMENT, OR HANDLE AND/OR STORE CONSTRUCTION DEBRIS OR MATERIALS, WITHIN THE DRILLING OF EXISTING OR PROPOSED TREES.
  9. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVING AT ALL TIMES. FIELD ADJUSTMENTS OF FINAL GRADES MAY BE NECESSARY.
  10. ALL SUBSURFACE DRAINAGE PIPES SHOULD BE INSTALLED AT A MINIMUM OF 1% SLOPE.
  11. THE CONTRACTOR IS TO CONFORM TO ALL CODES AND REGULATIONS AND RECEIVE APPROVAL AND/OR OBTAIN PERMITS FOR ANY CONSTRUCTION AS REQUIRED BY THE GOVERNING JURISDICTIONS OF THE PROJECT.

**LEGEND**

▲ - SPOT ELEVATION	— — — — — DRAIN PIPE
TG - TOP OF OBJECT/GRATE	— — — — — DRAIN PIPE FROM DS
TW - TOP OF WALL	===== FRENCH DRAIN
BW - BOTTOM OF WALL	(PERF. PVC PIPE)
TP - TOP OF PIER	☒ - SURFACE AREA DRAIN
BP - BOTTOM OF PIER	○ - CLEAN OUT
TC - TOP OF CURB	⊗ - JUNCTION BOX
BC - BOTTOM OF CURB	● - SUB-SURFACE DRAINAGE
TS - TOP OF STEPS	○ - COLLECTION POINT
BS - BOTTOM OF STEPS	(SEE TREE PIT DETAIL)
DS - DOWNSPOUT	— — — — — PROPOSED CONTOUR LINE
	— — — — — EXISTING CONTOUR LINE
	ⓐ - DRAIN STRUCTURE NUMBER







EXISTING RETAINING WALL AT FOREST ROAD



EXISTING REAR/POOL AREA



EXISTING GARAGE ELEVATION



EXISTING GARAGE SITE AREA

FOR COMMENT AND  
REVIEW ONLY  
NOT FOR CONSTRUCTION

A LANDSCAPE MASTERPLAN FOR THE

**ASHWORTH  
DETERS  
RESIDENCE**

54 FOREST ROAD  
ASHEVILLE, NORTH CAROLINA

SHEET TITLE:

*IMAGES*

**PAGEIDUKE**  
LANDSCAPE ARCHITECTS

1206 17TH AVENUE SOUTH  
NASHVILLE, TENNESSEE 37212  
TEL: 615.320.0220  
FAX: 615.320.0223  
EMAIL: jason@pageiduke.com

DATE: **OCTOBER 29, 2018**

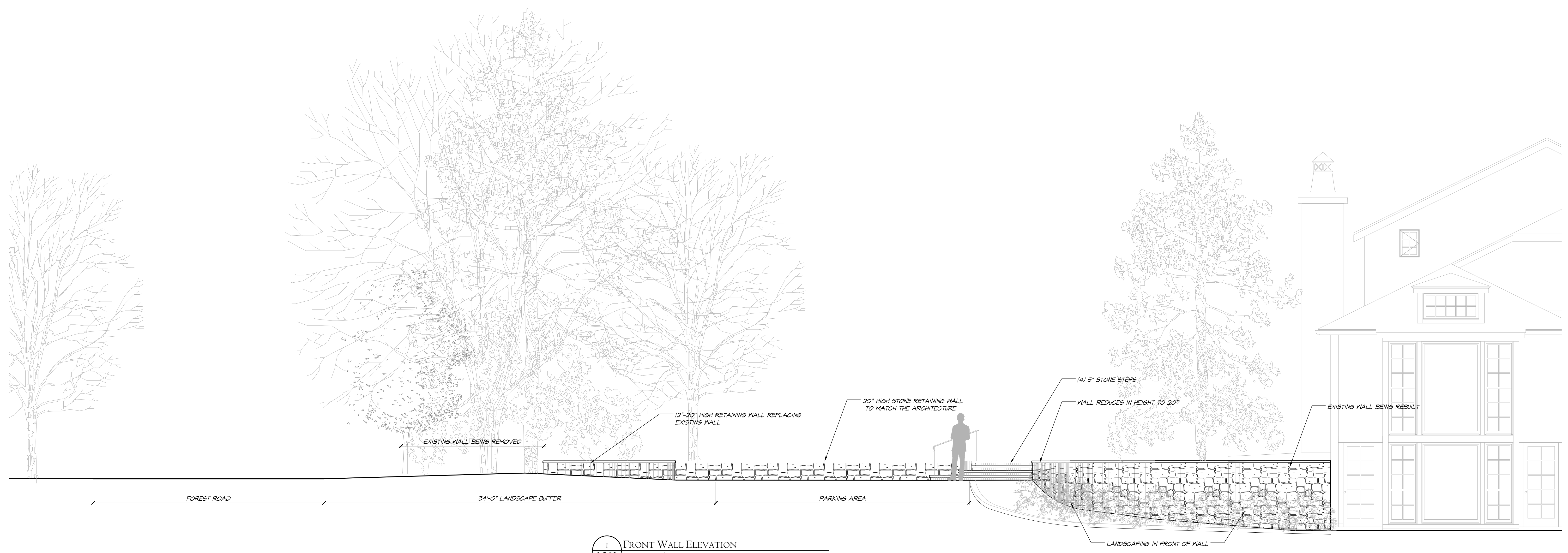
SCALE: **AS SHOWN**

DESIGNED BY: **JSJ**

SHEET NUMBER:

**L 5.01**





1 FRONT WALL ELEVATION  
 LS.02 SCALE: 1/4"=1'-0"

FOR COMMENT AND  
 REVIEW ONLY  
 NOT FOR CONSTRUCTION

A LANDSCAPE MASTERPLAN FOR THE  
**ASHWORTH  
 DETERS  
 RESIDENCE**  
 54 FOREST ROAD  
 ASHEVILLE, NORTH CAROLINA

*DETAILS*

**PAGE DUKE**  
 LANDSCAPE ARCHITECTS  
 1206 17TH AVENUE SOUTH  
 NASHVILLE, TENNESSEE 37212  
 TEL: 615.320.0220  
 FAX: 615.320.0223  
 EMAIL: jason@pageduke.com

DATE: OCTOBER 29, 2018

SCALE: AS SHOWN

DRAWN BY: JSG

SHEET NUMBER:

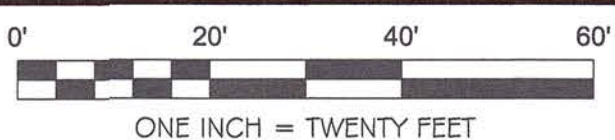
**L 5.02**



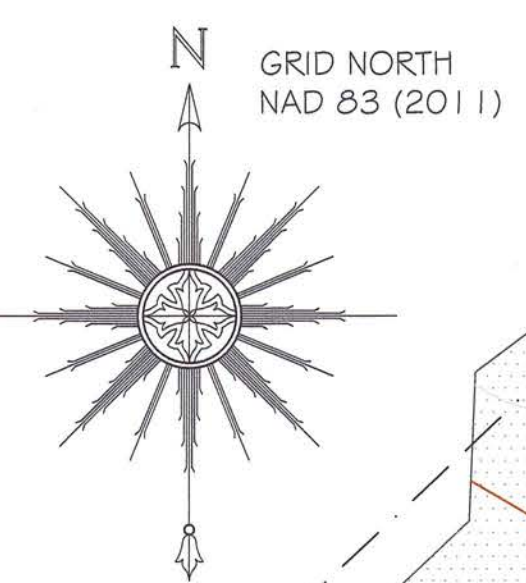




PROPERTY IS ZONED R-1  
REFER TO THE TOWN OF BILTMORE FOREST,  
NC CODE OF ORDINANCES,  
SETBACKS: FRONT 60', SIDE 20', REAR 25'  
FRONT SETBACK OF 75' SHOWN ON PB: 10 PG: 12



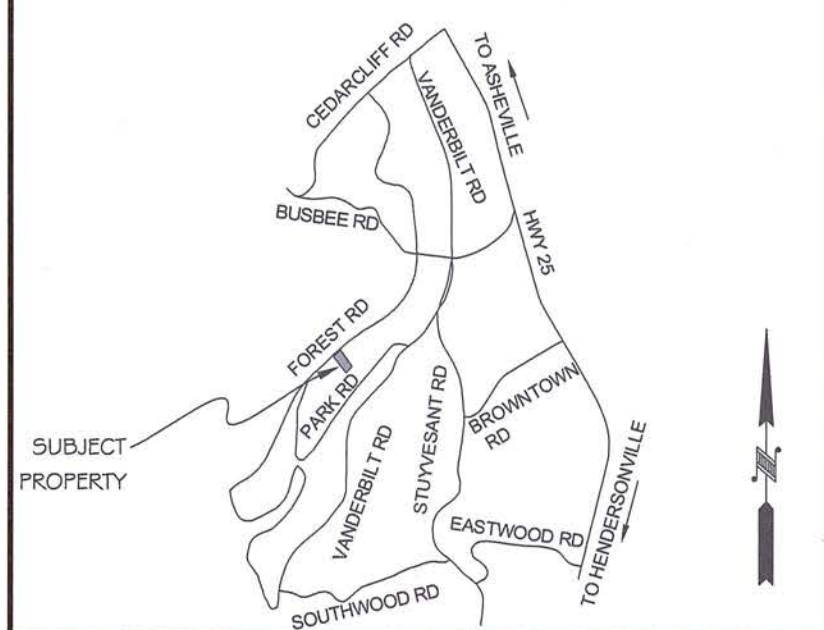
CURVE	RADIUS	CHORD BEARING	CHORD LENGTH
C1	2850.00'	N 46°31'05" E	93.32'



**SURVEYOR'S NOTES:**

1. ALL DISTANCES AND COORDINATES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
2. AREAS CALCULATED BY THE COORDINATE METHOD.
3. PROPERTY SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS THAT ARE RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN.
4. BUNCOMBE COUNTY GIS WEBSITE USED TO IDENTIFY ADJOINING PROPERTY OWNERS.
5. THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, RIGHT OF WAYS, ENCUMBRANCES, RESTRICTIVE COVENANTS, CORRECT OWNERSHIP OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. A NC LICENSED ATTORNEY SHOULD BE CONSULTED.
6. BY GRAPHIC DETERMINATION, NO PORTION OF THE SUBJECT PROPERTY APPEARS TO LIE WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS DETERMINED BY THE F.E.M.A. MAP# 3700964800J DATED 01/06/10.
7. UTILITIES WERE LOCATED BASED ON VISIBLE ABOVE GROUND STRUCTURES, THEREFORE THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE OR MAY BE PRESENT AND NOT SHOWN HEREON. CALL 1-800-632-4949 BEFORE DIGGING.

**VICINITY MAP**  
(NOT TO SCALE)



**CERTIFICATE OF SURVEY AND ACCURACY**

I, KEVIN L. JONES CERTIFY THAT THE GROUND TOPOGRAPHIC SURVEY PORTION OF THIS PROJECT WAS COMPLETED UNDER MY DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY DIRECT SUPERVISION; THAT THIS SURVEY WAS PERFORMED AT THE 95% CONFIDENCE LEVEL TO MEET THE FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO THE CLASS A HORIZONTAL AND CLASS C VERTICAL WHERE APPLICABLE; THAT THE ORIGINAL DATA WAS OBTAIN BETWEEN THE DATES OF 06/05/17-12/19/17; THAT THE CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD AND ALL COORDINATES ARE BASED ON NAD 83 (NSRS 2011) AND ALL ELEVATIONS ARE BASED ON NAVD 88; THAT THE GPS PORTION OF THIS PROJECT WAS TO PERFORM A GRID TIE TO THE NC STATE PLANE COORDINATE SYSTEM AND INFORMATION USED IS SHOWN & NOTED HEREON; THAT THIS MAP MEETS THE SPECIFICATIONS FOR TOPOGRAPHIC SURVEYS AS STATED IN TITLE 21, CHAPTER 56, SECTION 1606; THAT THIS MAP WAS NOT PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED AND DOES NOT REPRESENT AN OFFICIAL BOUNDARY SURVEY.

**GPS METADATA**  
CLASS OF SURVEY: HORIZONTAL: A VERTICAL: C  
FIELD PROCEDURE: STATIC  
DATES: 06/05/17-12/19/17  
DATUM: NAD83(2011) NAVD 88  
EPOCH: 2010  
GEOID: 12B  
AVERAGE COMBINED FACTOR: 0.999785155  
POSITIONAL ACCURACY: HORIZONTAL: 0.07 VERTICAL: 0.09  
UNITS: USFT  
CORS USED: NCBR, NCSW, NCHE, HAYW

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 10TH DAY OF JANUARY, 2018, A.D.

THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND SEALED.

*[Signature]*  
KEVIN L. JONES, PLS L-5016

**LEGEND:**

- BOUNDARY LINE
- - - TIE LINE ONLY
- - - ADJOINING DEED LINES
- - - RIGHT OF WAY (R/W)
- - - FENCE LINE
- - - OW OVERHEAD WIRE
- - - BUILDING SETBACKS
- - - MAJOR CONTOUR
- - - MINOR CONTOUR
- - - BAMBOO TREE LINE
- - - ROCK WALL
- - - ROCK PATIO
- - - ASPHALT
- - - CONCRETE
- CALCULATED POINT (NOT SET)
- ⊙ SET IRON PIN (SIP) 5/8" RBR/CAP
- ⊙ EXISTING 3" IP WITH TACK (UNLESS OTHERWISE NOTED)
- DECIDUOUS TREE (AS NOTED)
- CONIFEROUS TREE (AS NOTED)
- ⊕ ELECTRICAL OUTLET
- ⊕ UTILITY POLE
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ CLEAN OUT
- ⊕ HVAC
- ⊕ OPEN THROAT DROP INLET
- ⊕ GAS METER
- ⊕ YARD HYDRANT
- NOT TO SCALE (NTS)
- PB: PLAT BOOK
- DB: DEED BOOK
- PG: PAGE
- RBR: REBAR
- RBC: REBAR WITH ID CAP
- IP: IRON PIPE
- N.A.D.: NORTH AMERICAN DATUM 1983
- SPC: STATE PLANE COORDINATES
- NGS: NATIONAL GEODETIC SURVEY
- CC: CONTROL CORNER
- CMP: CORRUGATED METAL PIPE
- DBL: DOUBLE
- R: RADIUS OF TREE DRIPLINE
- FFE: FINISHED FLOOR ELEVATION
- BM: BENCHMARK

PAUL J. ZIMMERMAN, JR. AND WIFE, DIANE E. ZIMMERMAN  
PIN: 9646-69-4035  
DB: 5009 PG: 1067  
PB: 10 PG: 12 LOT 22

LOT 23  
TOTAL AREA  
1.04 ACRES  
45314.4 SQ.FT.

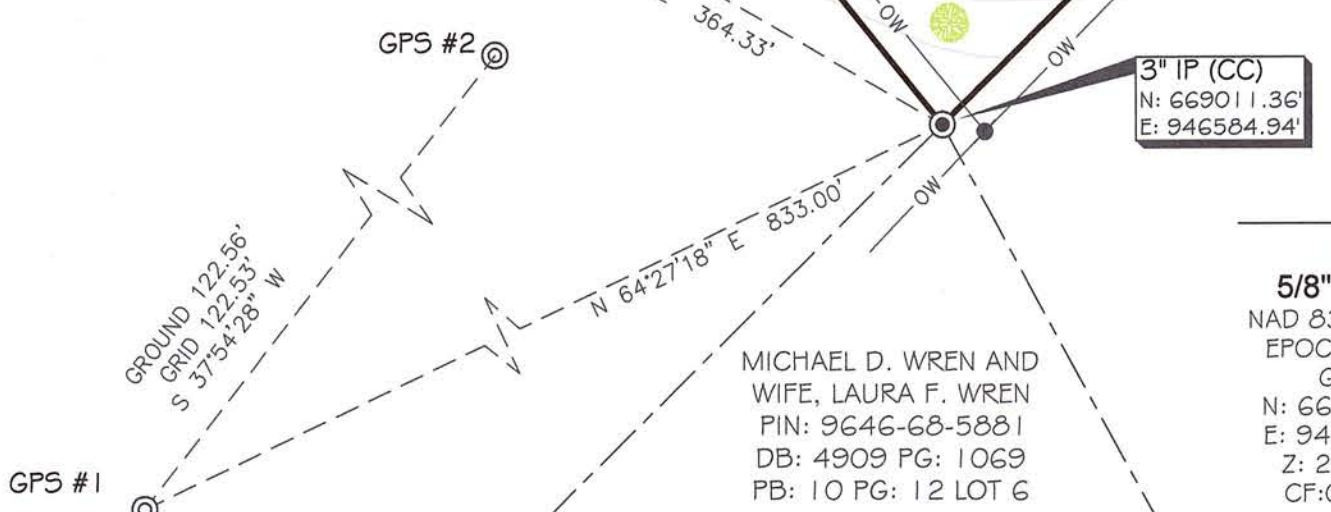
FENCE IS 0.61' OVER LINE  
WOODEN PICKET FENCE TO THE NORTH & CHAIN LINK FENCE TO THE SOUTH FROM THIS POINT

WILLIAM H. WILLIAMS AND WIFE, KARI A. WILLIAMS  
PIN: 9646-68-7915  
DB: 4909 PG: 1069  
PB: 10 PG: 12 LOT 5

ELEVATION DATUM: NAVD 88  
CONTOUR INTERVAL: 1 FOOT

**GRID TIE INFORMATION:**

GPS #1	GPS #2
5/8" RBC "KEE"	5/8" RBC "KEE"
NAD 83 (2011) 5PCS:	NAD 83 (2011) 5PCS:
EPOCH DATE: 2010	EPOCH DATE: 2010
GEOID: 12B	GEOID: 12B
N: 668652.15 FEET	N: 668748.83 FEET
E: 945833.37 FEET	E: 945908.66 FEET
Z: 2175.63 FEET	Z: 2188.30 FEET
CF: 0.99978545	CF: 0.99978486



MICHAEL D. WREN AND WIFE, LAURA F. WREN  
PIN: 9646-68-5881  
DB: 4909 PG: 1069  
PB: 10 PG: 12 LOT 6

A TOPOGRAPHIC SURVEY FOR:  
**SARAH ASHWORTH**

PARCEL IDENTIFICATION #: 9646-69-5129

CURRENT OWNER LISTED AS:  
SARAH P. ASHWORTH & LEONIDAS P. DETERS  
SITE ADDRESS: 54 FOREST ROAD ASHEVILLE, NC 28803

DEED REFERENCE: BOOK: 5562 PAGE: 1253  
BILTMORE TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA

SURVEY BY: JN, WH, MK, AM DRAWN BY: KJ CHECKED BY: KJ  
SURVEY DATE: 06/05/17-12/19/17 JOB #1705107

REVISIONS: ADDED 36" OAK EAST OF THE POOL DATE: 1-10-18

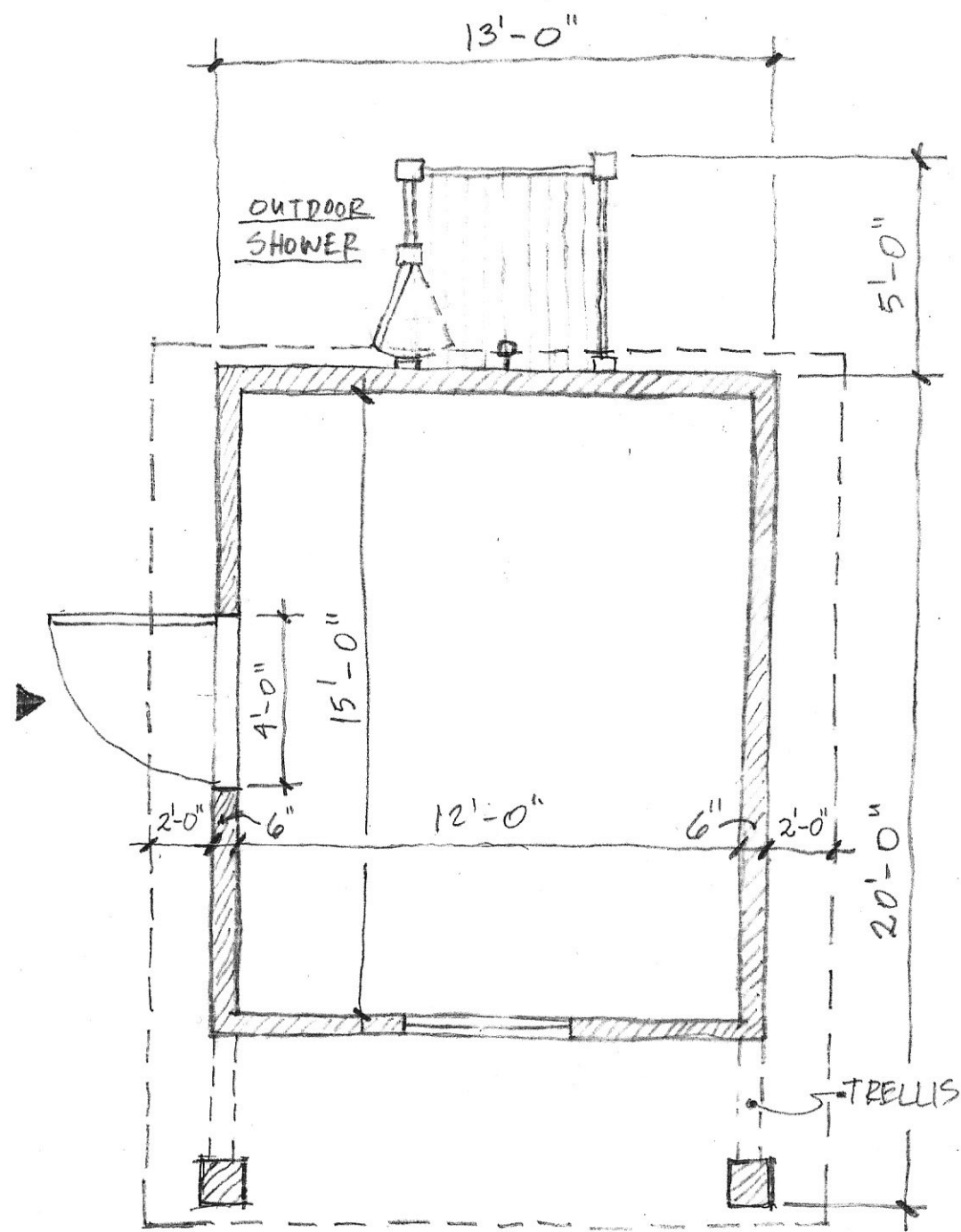
SHEET SIZE: 18"X24" SHEET #: 1 OF 1 SCALE: 1"=20'



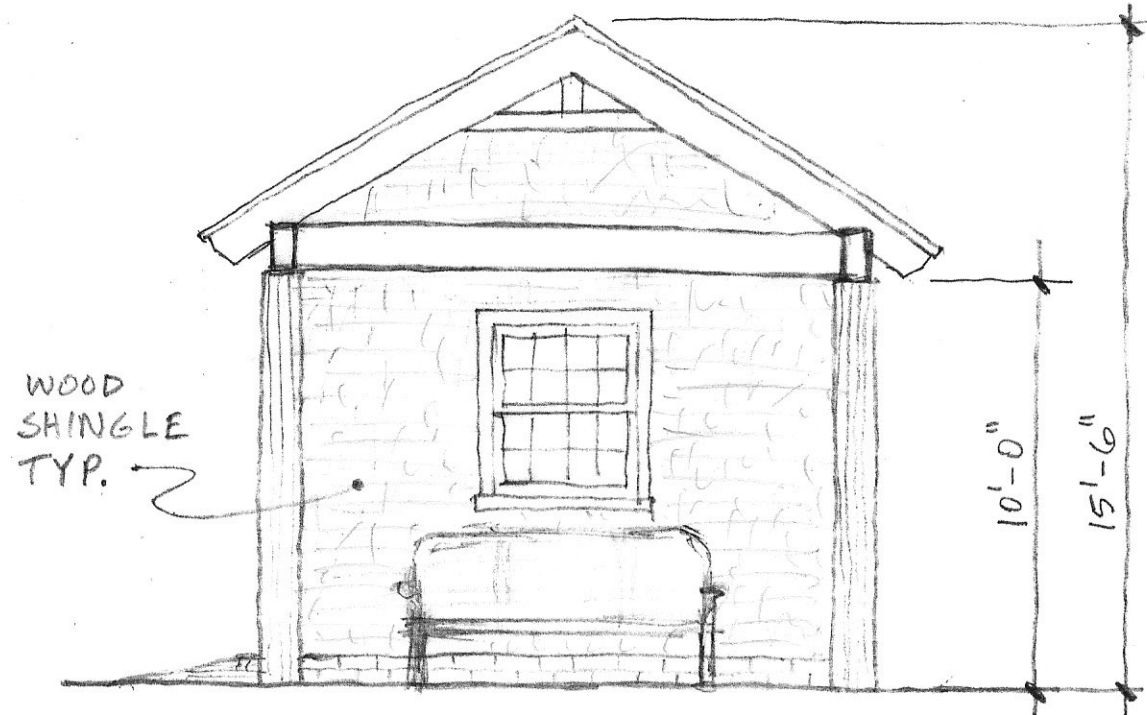
P.O. Box 2566  
Asheville, NC 28802  
(828) 575-9021  
www.keemap.com  
License # C-3039



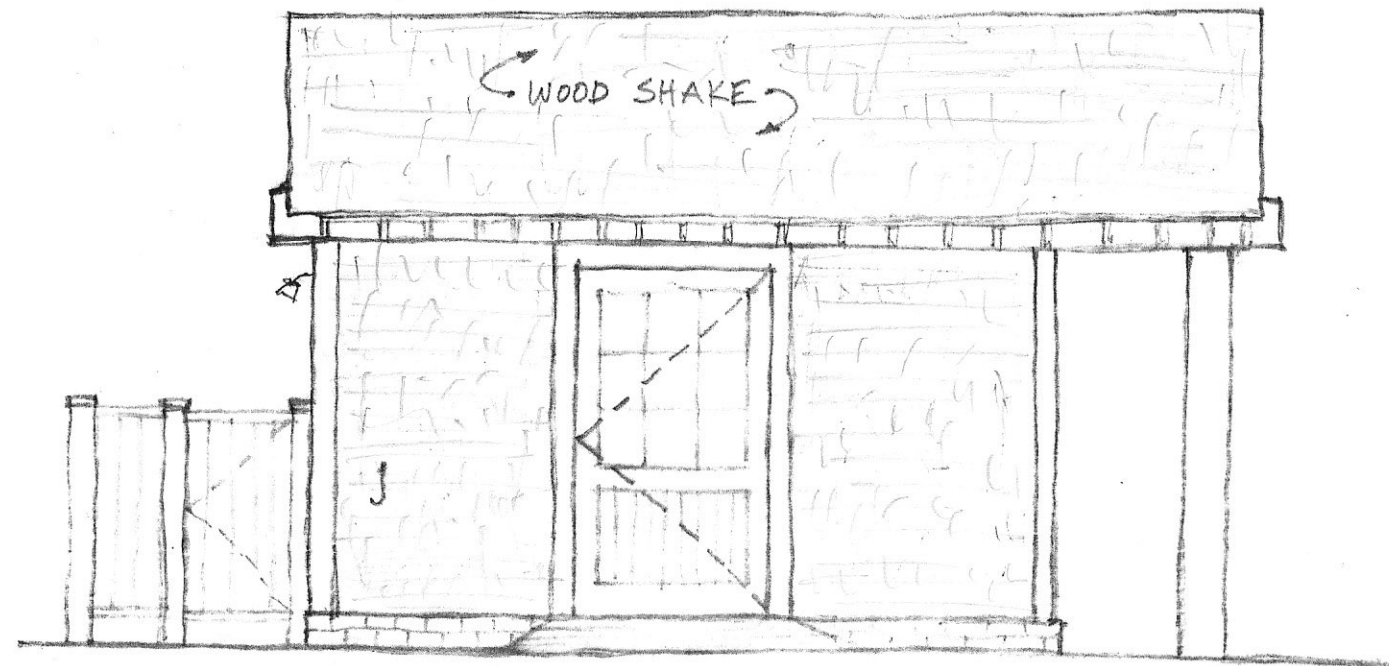
ROOF COVERAGE = 357 sq. ft.



PLAN



WEST ELEVATION FACING STREET



NORTH ELEVATION

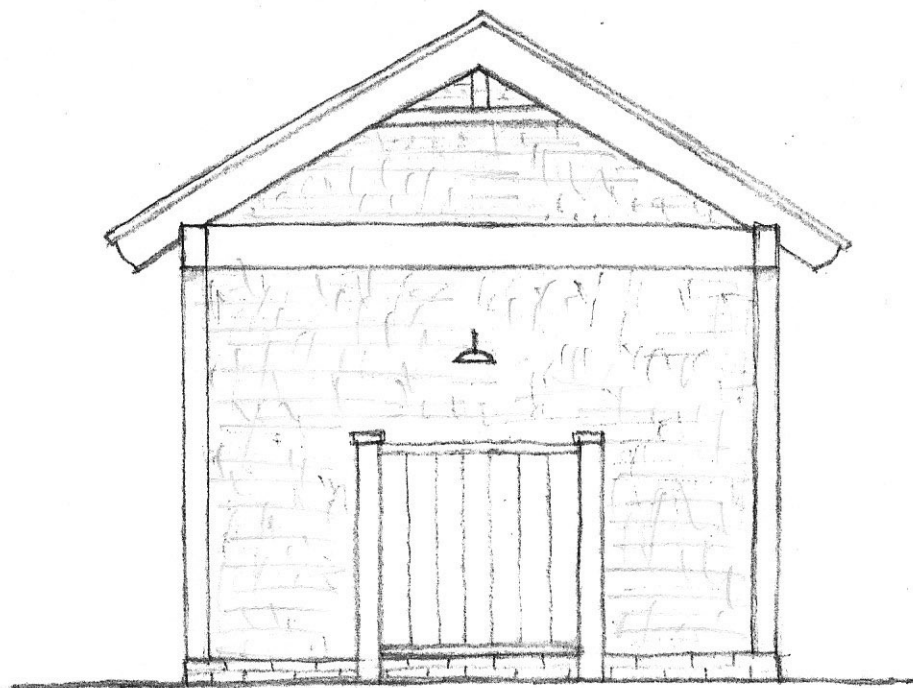
Todd Klein, Inc.  
 1133 Broadway, Suite 1321  
 New York, NY 10010  
 212-414-0001  
 todd@toddklein.com

ASHWORTH-DETERS RESIDENCE  
 54 Forest Road  
 Asheville North Carolina 28803

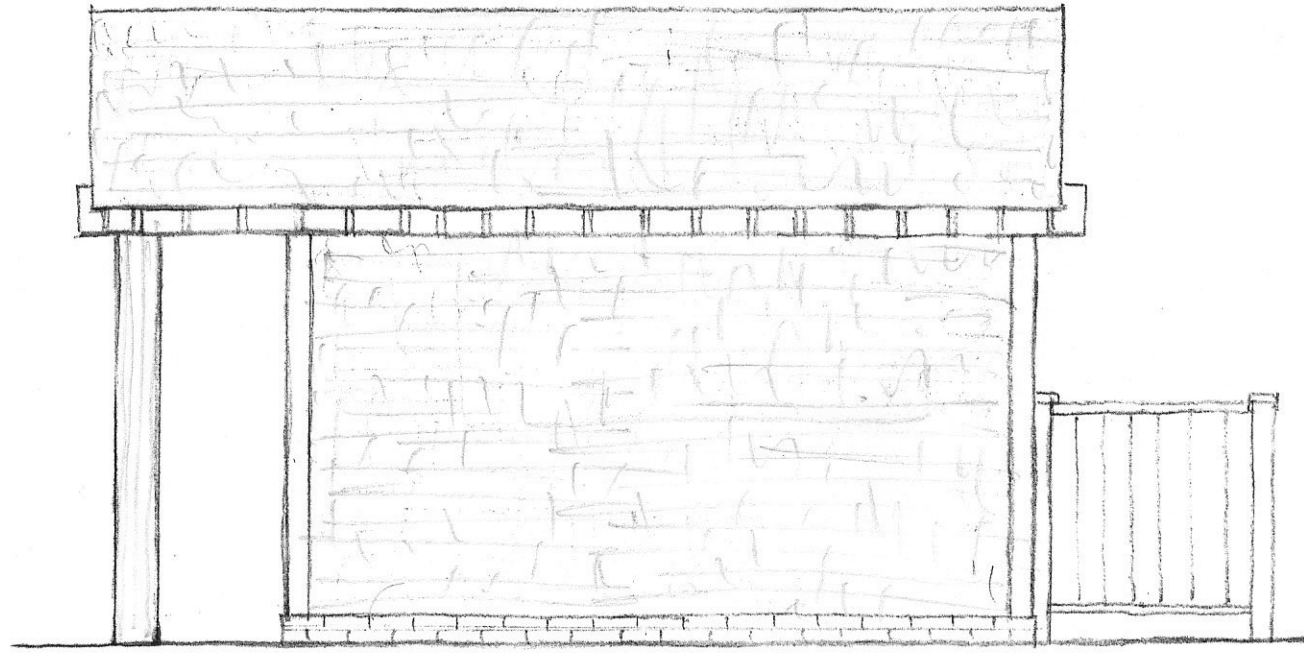
2018.04.20

GARDEN SHED  
 1/4" = 1'-0"

SK-03



EAST ELEVATION



SOUTH ELEVATION

GARDEN SHED  
 $\frac{1}{4}'' = 1'-0''$

2018.04.20

**ASHWORTH-DETERS RESIDENCE**  
54 Forest Road  
Asheville North Carolina 28803

**Todd Klein, Inc.**  
1133 Broadway, Suite 1321  
New York, NY 10010  
212-414-0001  
todd@toddklein.com

SK-04









A S H W O R T H - D E T E R S R E S I D E N C E



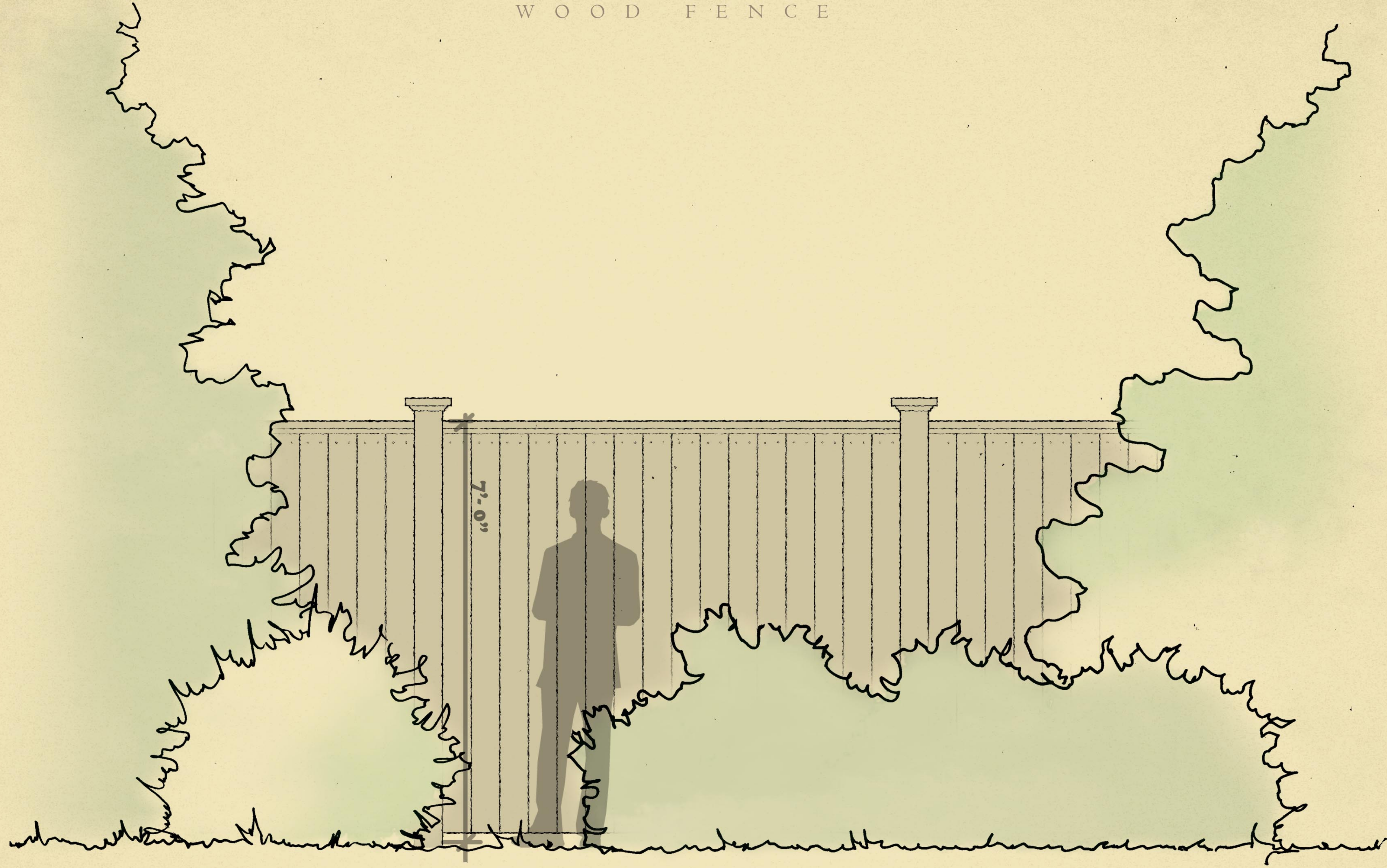
W I R E F E N C E



A S H W O R T H - D E T E R S R E S I D E N C E



W O O D F E N C E



A S H W O R T H - D E T E R S R E S I D E N C E