



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Zoning Administrator
Date: January 4, 2019
Re: **Board of Adjustment Meeting – January 14, 2019**

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 **Thursday January 17th, 2019 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 or online at <http://www.biltmoreforest.org/board-of-adjustments>.

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

The following items of business are scheduled to be addressed by the Biltmore Forest Board of Adjustment on Monday, January 14, 2019 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 December 17, 2018 regular meeting will be considered.
- 3) Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: Carolina Day School, 1345 Hendersonville Road, requests a conditional use permit for installation of a solar array system.

Case 2: Mr. David and Judy Morris, 40 Forest Road, request a conditional use permit for construction of a retaining wall and a variance for extension of the driveway into the side yard setback.
- 4) Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, DECEMBER 17, 2018

The Board of Adjustment met at 4:00 p.m. on Monday, December 17, 2018.

Members present: Goosmann, Chandler, Landau, Kieffer, Groce, and Pearlman. Mr. Jonathan Kanipe, Town Manager and Ms. Adrienne Isenhower, Town Planner, were also present. Mr. William Clarke, Town Attorney, was present as well.

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

Mr. Goosmann swore in the following:

Mr. Terry Horner
Mr. Phil Hardin
Mr. Scott Alexander
Mr. Brett Fuhrman
Mr. William Wilcox
Mr. Jim Mann
Mr. Clay Mooney

The minutes from the November 19, 2018 meeting were approved with an exception of some names that were added, with a motion by Mrs. Rhoda Groce and second by Mr. Robert Chandler.

HEARING (Evidentiary):

The first matter was a request for a Conditional Use Permit by Mr. Terry Horner, 25 Park Road for an accessory building and a variance for construction in the rear yard setback. Mrs. Rhoda Groce shepherded the discussion.

Mr. Chandler disclosed that his wife works at Preferred Properties where Mr. Horner is a part owner of the company.

Mr. Horner would like to have an 8x8 building in the rear and side yard setback. The only area on the property that has a flat area for the storage shed is in the rear and side yard due to topography. Mr. Horner noted that a neighbor had an existing storage shed in the side and rear yard. Mr. Phil Hardin, 12 East Forest Road, came forward to ask Mr. Horner some questions

related to the proposed shed. He asked whether there would be power to the shed, and Mr. Horner said no. Mr. Hardin asked whether there would be concrete or a foundation poured, and Mr. Horner indicated it would be some type of foundation but not concrete being poured. Mr. Hardin asked Mr. Horner whether there would be any additional grading or excavation, and Mr. Horner said no. Mr. Clarke added there is a shed located on the lot behind 25 Park Road.

Mrs. Groce asked if Mr. Horner would buffer the area if needed. Mr. Horner said yes.

DELIBERATION AND DETERMINATION:

Mrs. Groce summarized the facts. Mr. Terry Horner of 25 Park Road is requesting a Conditional Use Permit for an accessory building and a Variance for construction in the rear yard setback. This accessory building would store outdoor items. The building size will be approximately 8x8. The applicant is also requesting a Variance for the rear yard setback.

Mrs. Lynn Kieffer moved that a Conditional Use Permit be granted to Mr. Terry Horner of 25 Park Road. The facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected the site and no neighboring property owner has objected.

Mrs. Kieffer further moved 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 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, Mrs. Kieffer moved that granting this Variance satisfies 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.

Mr. Pearlman seconded the matter and the motion was approved unanimously.

HEARING (Evidentiary):

The second matter discussed was Carolina Day School, 1345 Hendersonville Road, requesting a Conditional Use Permit for installation of a solar array system. Mr. Goosmann informed Board members that his wife serves on the Board at Carolina Day School and therefore will not be voting on this matter.

Mr. Scott Alexander from Eagle Solar & Light and Mr. Brett Fuhrman from Carolina Day School discussed this matter. Glare should not be an issue and calculations will be provided.

Dr. Landau shepherded the discussion. Dr. Landau asked how long it would take for the calculations to be ready and when will the homeowners be notified. Mr. Fuhrman said it should only take a few days for calculations to be provided.

Mr. Alexander said climate change is an issue that will be challenging the entire world. CDS is interested in having solar panels. The kids are excited and interested in technology. Duke Energy is putting forth a rebate program for Carolina Day School. There are approximately 330 solar panels. It will be located at the Upper School. The panels will mostly be facing southwest. The estimated completion date is contingent upon approval. Estimated time for installation is 7-10 days. They will lay flat on the pitch of the roof. There is still concern for glare but calculations will be provided. Mr. Fuhrman also said if the roofs of the neighbors to Carolina Day School are under 65 degrees, glare would not be an issue. The pitch of the roof will be 4:12.

Mr. Wilcox said they all strive to be good neighbors with one another. Mr. Wilcox asked for calculations just to make sure there will be no glare from the solar panels. Mr. Wilcox thanked the solar company for providing this information.

The Board is concerned about the three neighboring property owners and their concerns. Mr. Pearlman suggested tabling this matter.

Dr. Landau suggested approving this case with a contingency of the calculations. Dr. Landau said a letter from Mr. Robert Uritis was written which also expresses his concern with the solar panels. Mr. Mooney said he does not have an issue with the project.

Mr. Wilcox asked if Carolina Day could delay this request by another month to come back with the rest of the information regarding this project.

Mrs. Kieffer pointed the panels that could possibly affect the neighbors.

Mr. Kanipe said there were 37 notices that went out. Mr. Kanipe explained the process of who receives the notices and how it is done. The notices go to any adjoining property owner. The homeowners of even numbers on Stuyvesant Crescent received notices. The property owners that back up to Carolina Day School on Stuyvesant Road also received notices.

DELIBERATION AND DETERMINATION:

Mr. Pearlman suggested tabling this matter until January. Carolina Day School agreed.

HEARING (Evidentiary):

The last matter discussed was Mr. David Morris and Mrs. Judy Morris of 40 Forest Road. They are requesting a Conditional Use Permit for construction of a retaining wall and a Variance for extension of the driveway into the side yard setback. Neither the Morris's nor a representative attended the meeting. This case was tabled.

The next meeting for the Board of Adjustments is scheduled for Monday, January 14, 2019.

The meeting was adjourned at 4:43 p.m.

ATTEST:

Greg Goosmann
Chairman

Jonathan B. Kanipe
Town Manager

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 1 (Carolina Day School)
Date: January 4, 2019

Request for Conditional Use Permit for Installation of a Solar Array System

After the December meeting, Eagle Solar and Light submitted a written report detailing their review of the issues raised by neighboring properties concerning reflectivity. The report is attached to this memo for your review. A letter from a neighboring resident in support of the project is also attached for your review. Town staff also received feedback from a few other neighboring residents reporting no other objections to the project. The original request is summarized below.

The applicant is requesting a Conditional Use Permit for a solar array system to be located on the roof of Carolina Day School's Upper School. The solar panels are considered an accessory structure, which allows for the application for a Conditional Use Permit. The North Carolina General Statutes place limitations on local government's regulation of solar panels, with a few exceptions. One exception exists when the solar panels are located on a roof surface that slopes down towards common or public access areas. Based on this language, the solar panels may be approved via Conditional Use Permit as they are considered accessory structures by the zoning ordinance.

The 100 kW solar array system will be placed on approximately 6,000 square feet of roof space on the Carolina Day School Campus.

Zoning Application

Property Identification

Name

Brett Fuhrman

Address

1345 Hendersonville Road, Asheville, North Carolina 28803-1923

Phone

[REDACTED]

Email

[REDACTED]

Zoning

R-1

Lot Size (Acres)

25.88

Email -Submission Verification

[REDACTED]

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)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

Installation of a 100 kW solar array system on approximately 6,000 square feet of roof space of the Upper School on the Carolina Day School campus.

Estimated Cost of Project

75,000

Estimated Completion Date

12/31/2018

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

Brett Fuhrman

Property Address

1345 Hendersonville Road

Phone

[REDACTED]

Email

[REDACTED]

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

[REDACTED]

Description of Project

Installation of a 100 kW solar array system on approximately 6,000 square feet of roof space of the Upper School on the Carolina Day School campus.

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

This is an opportunity to generate some of our power from a clean, renewable energy source. It will also provide us with an incredible educational opportunity for our students. There will be no affect to the public or those living in the neighborhood. Lastly, there is very little visibility of the solar array from a location off of the Carolina Day School campus.

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

Signature



A handwritten signature in black ink, appearing to read 'Brett Fuhrman', written over a horizontal line.

Date

10/29/2018

Design 1 Revised Carolina Day School, 1345 Hendersonville Rd, Asheville, NC 28803

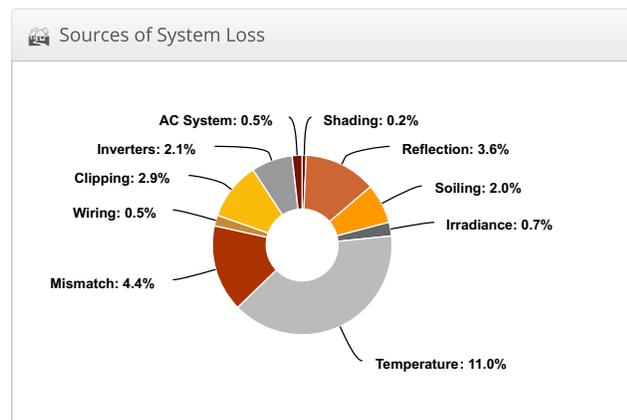
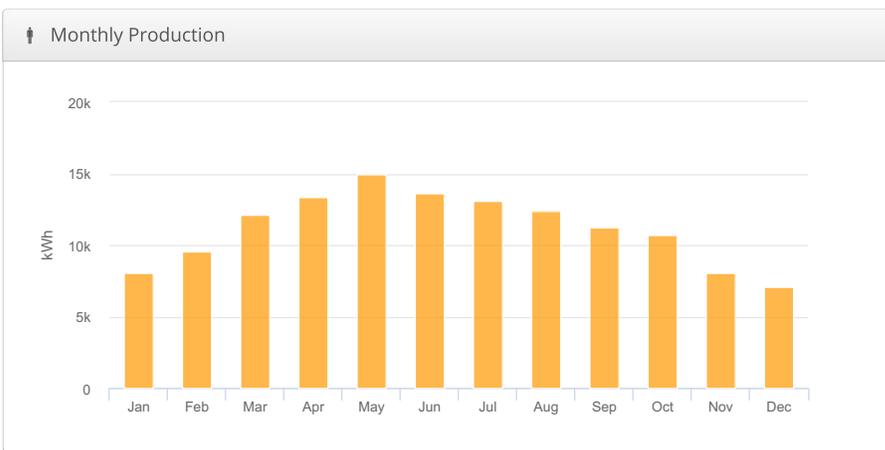
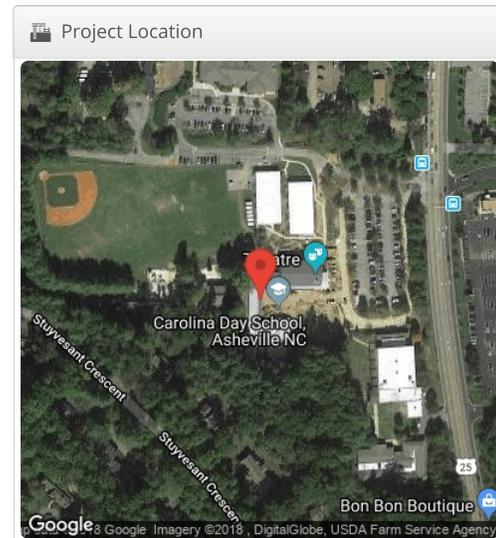
Report

Project Name	Carolina Day School
Project Address	1345 Hendersonville Rd, Asheville, NC 28803
Prepared By	Joe Bennett jbennett@eaglesolarandlight.com



System Metrics

Design	Design 1 Revised
Module DC Nameplate	107.4 kW
Inverter AC Nameplate	100.0 kW Load Ratio: 1.07
Annual Production	134.3 MWh
Performance Ratio	75.1%
kWh/kWp	1,250.8
Weather Dataset	TM, 10km Grid (35.55,-82.55), NREL (prospector)
Simulator Version	1468d8055c-52441aee5c-623e099696-b542d03352



Annual Production

	Description	Output	% Delta
Irradiance (kWh/m ²)	Annual Global Horizontal Irradiance	1,620.9	
	POA Irradiance	1,664.8	2.7%
	Shaded Irradiance	1,661.3	-0.2%
	Irradiance after Reflection	1,601.0	-3.6%
	Irradiance after Soiling	1,568.9	-2.0%
	Total Collector Irradiance	1,568.8	0.0%
Energy (kWh)	Nameplate	168,860.4	
	Output at Irradiance Levels	167,696.6	-0.7%
	Output at Cell Temperature Derate	149,267.3	-11.0%
	Output After Mismatch	142,734.0	-4.4%
	Optimal DC Output	141,959.6	-0.5%
	Constrained DC Output	137,837.7	-2.9%
	Inverter Output	134,984.0	-2.1%
	Energy to Grid	134,309.0	-0.5%
Temperature Metrics			
	Avg. Operating Ambient Temp		12.2 °C
	Avg. Operating Cell Temp		28.5 °C
Simulation Metrics			
	Operating Hours	4715	
	Solved Hours	4715	

Condition Set

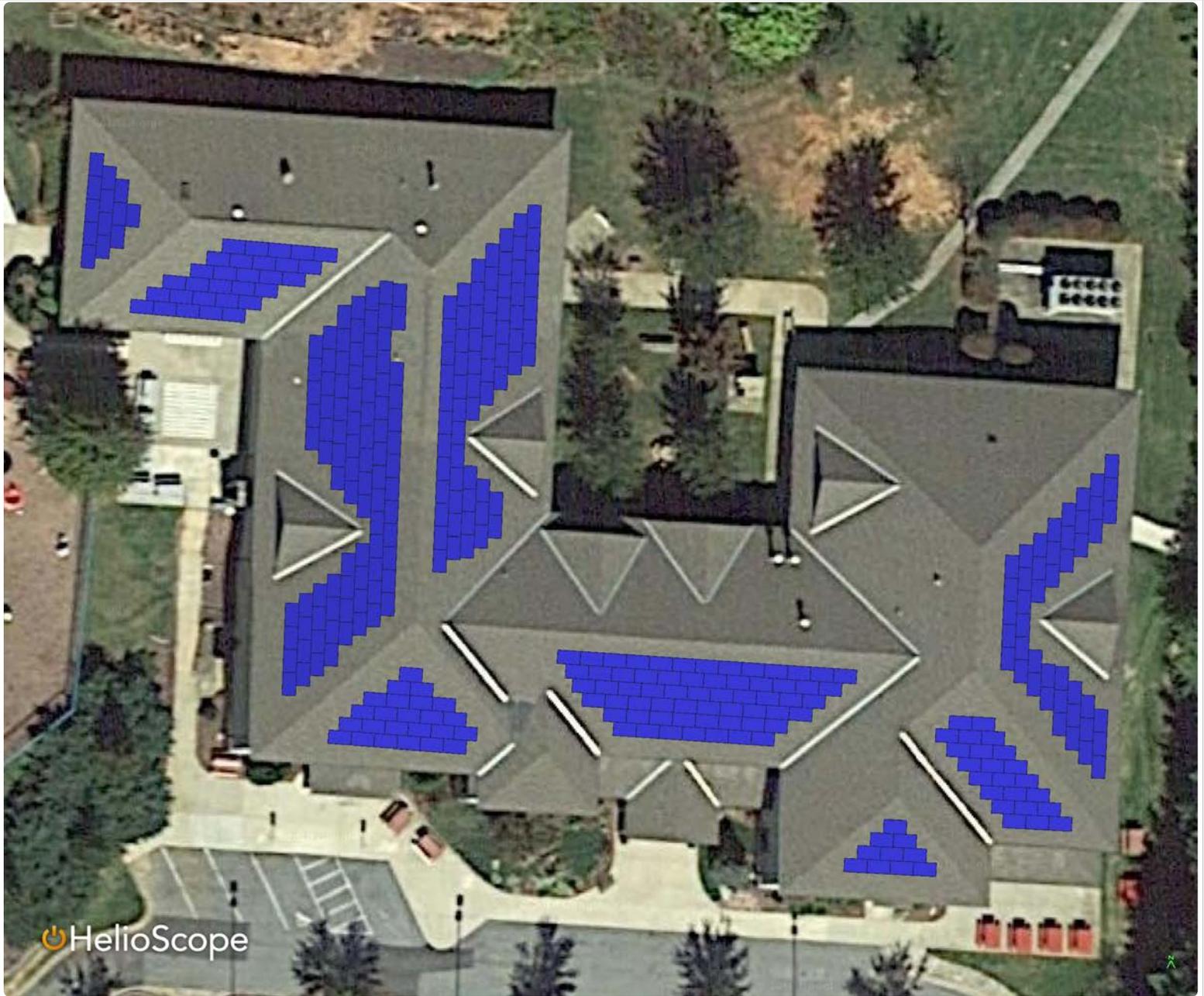
Description	Condition Set 1											
Weather Dataset	TM, 10km Grid (35.55,-82.55), NREL (prospector)											
Solar Angle Location	Meteo Lat/Lng											
Transposition Model	Perez Model											
Temperature Model	Sandia Model											
Temperature Model Parameters	Rack Type	a	b	Temperature Delta								
	Fixed Tilt	-3.56	-0.075	3°C								
	Flush Mount	-2.81	-0.0455	0°C								
Soiling (%)	J	F	M	A	M	J	J	A	S	O	N	D
	2	2	2	2	2	2	2	2	2	2	2	2
Irradiation Variance	5%											
Cell Temperature Spread	4° C											
Module Binning Range	-2.5% to 2.5%											
AC System Derate	0.50%											
Module Characterizations	Module	Characterization										
	SST-295W (SunSpark)	Spec Sheet Characterization, PAN										
Component Characterizations	Device	Characterization										
	PVI 50TL 2-22-2017 (Solectria (Yaskawa Solectria Solar))	Default Characterization										

Components		
Component	Name	Count
Inverters	PVI 50TL 2-22-2017 (Solectria (Yaskawa Solectria Solar))	2 (100.0 kW)
Strings	10 AWG (Copper)	18 (3,971.0 ft)
Module	SunSpark, SST-295W (295W)	364 (107.4 kW)

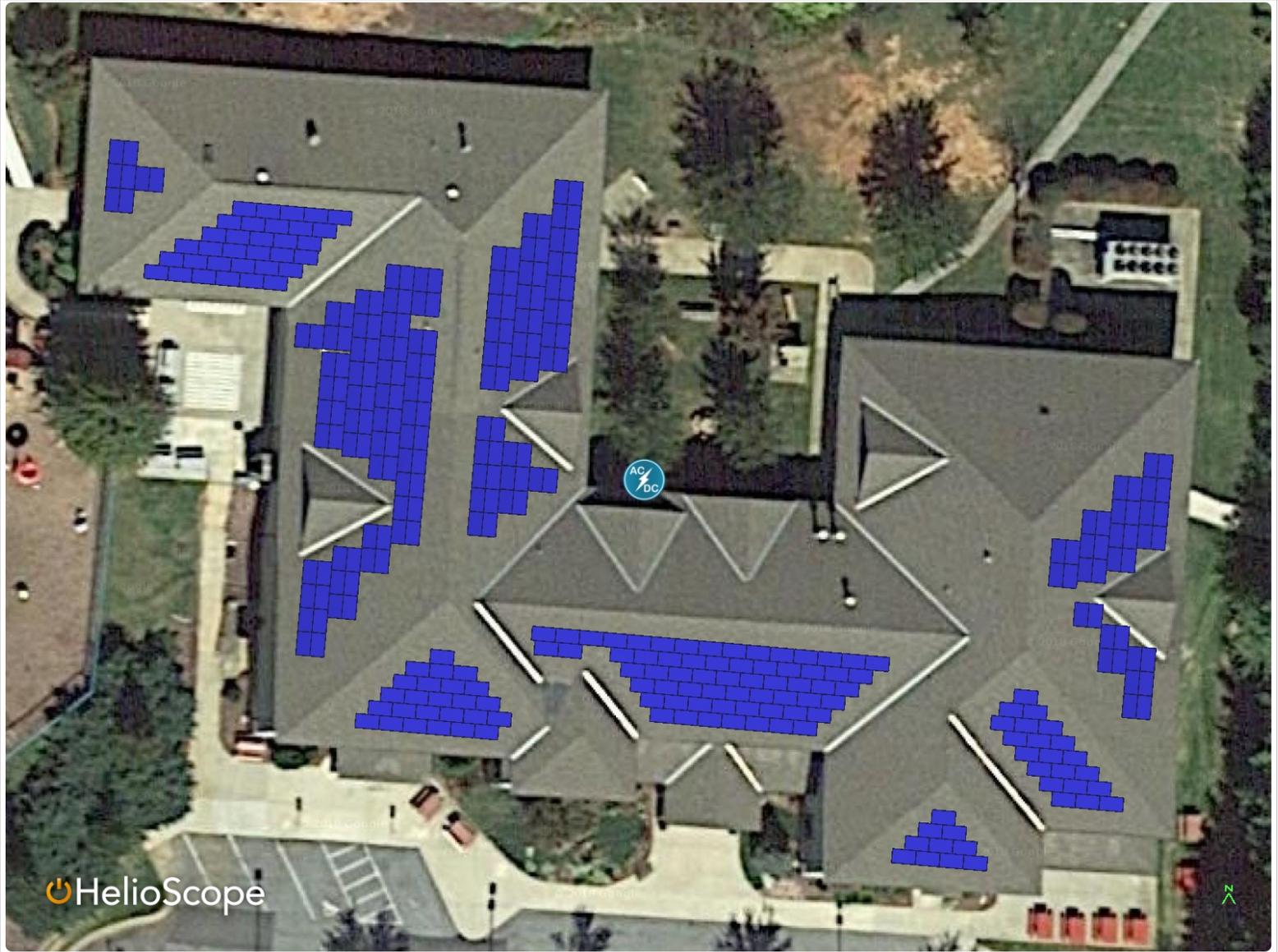
Ⓢ Wiring Zones			
Description	Combiner Poles	String Size	Stringing Strategy
Wiring Zone 2	12	20-21	Along Racking

Field Segments									
Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
Field Segment 1	Flush Mount	Landscape (Horizontal)	10°	185.029°	0.0 ft	1x1	33	30	8.85 kW
Field Segment 2	Flush Mount	Landscape (Horizontal)	10°	184.389°	0.0 ft	1x1	24	24	7.08 kW
Field Segment 3	Flush Mount	Landscape (Horizontal)	10°	183.876°	0.0 ft	1x1	68	61	18.0 kW
Field Segment 4	Flush Mount	Landscape (Horizontal)	10°	183.13°	0.0 ft	1x1	10	10	2.95 kW
Field Segment 5	Flush Mount	Landscape (Horizontal)	10°	183.056°	0.0 ft	1x1	23	23	6.79 kW
Field Segment 6	Flush Mount	Landscape (Horizontal)	10°	272.213°	0.0 ft	1x1	103	90	26.6 kW
Field Segment 7	Flush Mount	Landscape (Horizontal)	10°	274.9°	0.0 ft	1x1	13	13	3.84 kW
Field Segment 8	Flush Mount	Landscape (Horizontal)	10°	92.5091°	0.0 ft	1x1	52	45	13.3 kW
Field Segment 9	Flush Mount	Landscape (Horizontal)	14°	92.3°	0.0 ft	1x1	72	68	20.1 kW

Detailed Layout



Detailed Layout





General Contractor License
North Carolina #79280

December 21st, 2018

Jonathan Kanipe
Town Manager
Town of Biltmore Forest

Mr. Kanipe,

Thank you for allowing us to attend the meeting on December 17, 2018 to answer questions regarding the potential solar PV system for Carolina Day School. We found it helpful to hear questions about the proposed project directly from the neighbors of Carolina Day School and the Board. We hope the following information will help answer these good questions, and give the Board the information it needs to make an informed decision on CDS's permit.

We have calculated the angular range of reflectivity, using the following input values:

- Roof hip – 4/12 (Equivalent to 18-1/2 degrees)
- Elevation of CDS Upper School roof hip = 666m (above sea level)
- Angle of sun incidence at 12:00 noon – Summer solstice (Asheville, NC) – 77 degrees
- Angle of incidence – Winter solstice (Asheville, NC) – 32 degrees

Calculated Results:

Carolina Day School Solar system angle of reflectivity at winter solstice – 21 degrees, right of vertical in northerly direction.

Carolina Day School Solar system angle of reflectivity at summer solstice – 24 degrees, left of vertical in southerly direction.

These calculations show that unless any neighbors are located at or above an angle of 66 degrees from the horizontal plane of the Carolina Day School building, at an azimuth direction of 180 degrees true south, then solar reflectivity will not be a factor. For any azimuth directions left or right of true south, the reflectivity angles for summer and winter solstice increase as the sun angle of incidence decreases, meaning that one would have to be higher than the calculated 66 degrees.



General Contractor License

North Carolina #79280

For the neighbors who requested the calculations:

#4 Stuyvesant Crescent

- Home elevation = 673 meters
- Distance from CDS high school building = 281 meters
- Angle of home above CDS high school building = 1.427 degrees (Calculated using trigonometry, with a horizontal distance of 281 meters, and a vertical height of 7 meters. The tangent of the angle (theta) is equal to the opposite leg (vertical height) divided by the adjacent leg (horizontal distance).
- Azimuth direction = 185 degrees

#6 Stuyvesant Crescent

- Home elevation = 676 meters
- Distance from CDS high school building = 321 meters
- Angle of home above CDS high school building = 1.785 degrees
- Azimuth direction = 175 degrees

#8 Stuyvesant Crescent

- Home elevation = 682 meters
- Distance from CDS high school building = 362 meters
- Angle of home above CDS high school building = 2.5332 degrees
- Azimuth direction = 170 degrees

Other areas

Using our software, it appears the highest elevations within site of a southerly direction of CDS high school building occur in 2 locations, one near the hilltop where the Blue Ridge Parkway crosses Hendersonville Rd, near the entrance ramp on the west side of Hwy 25:

- Elevation = 695 meters
- Distance from CDS high school building = 516 meters
- Azimuth direction = 155 degrees
- Angle above CDS high school building = 3.222 degrees



General Contractor License

North Carolina #79280

And, the other just off the Parkway to the east of Hwy 25, close to where the entrance ramp intersects the Parkway:

- Elevation = 702 meters
- Distance from CDS high school building = 551 meters
- Azimuth direction = 145 degrees
- Angle above CDS high school building = 3.744 degrees

In summary, the solar module reflectivity will not be an issue for any visible location south of the Carolina Day School high school. As mentioned by one of the board members, panels are designed and manufactured to absorb as much of the visible light spectrum as possible. Photovoltaic panels cause less glare than standard home window glass. And research has shown that they reflect less light than snow, white concrete, and energy-efficient white rooftops.

We are happy to answer any additional questions that arise and thank you again for the opportunity.

Samuel E Yates
CEO

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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 2 (40 Forest Road)
Date: December 7, 2018

Request for Conditional Use Permit for an Accessory Structure Variance Request for Construction of Driveway/Retaining Wall in Side Yard Setback

The applicants present plans for an addition to their home to include a solarium, additional decks, and a stacked garage. An extension of the driveway is requested for access to the new garage. The proposed driveway addition will extend into the side yard setback. A retaining wall is also included as part of the driveway extension which is considered an accessory structure. All accessory structures require a conditional use permit based on the Permitted Uses Table in the zoning ordinance.

A variance is requested for the extension of the driveway because it will encroach upon the side yard setback. The applicants note the narrowness of the lot creates the need for the request. Section 153.004 *Interpretations and Definitions* expressly prohibits driveways in the side yard setback unless a variance is granted by the Board.

*YARD, SIDE. An open, unoccupied space on the same lot with a principal building extending the full width of the lot and being situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard. Notwithstanding the above definition, for the purposes of determining compliance with minimum yard setback of § [153.007](#), the SIDE YARD shall be the entire length of each side lot line extending from the front lot line to the rear lot line and shall equally apply to lots with a principal building, lots without a principal building and vacant lots. **Driveways shall not be located in the side yard setback.***

Entry #: 3**Date Submitted:** 11/9/2018 12:43 PM**Name**

Steve Farrell

Address**Phone**

(828) 231-4915

Email

ssf@AshevilleArchitect.com

Parcel ID/PIN Number

9646 79 4827

ZONING INFORMATION**Current Zoning**

R-1

Lot Size

0.623 acres

Maximum Roof Coverage

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

Proposed Roof Coverage Total**Maximum Impervious Surface Coverage**

27.5 percent of lot area (Up to 1 acre)

Proposed Impervious Surface Coverage**Front Yard Setback**

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

No buildings or structures may be located within these setback areas. A variance application is required if your project requires encroachment upon the setback.

Description of the Proposed Project

Additions and Improvements to the Morris House at 40 Forest Drive in Biltmore Forest, NC proposes to build a Solarium and a deck on the back of an existing home. The Solarium and deck will be equal in floor elevation to the existing house Main Level. Below these proposed spaces would be a two car garage in a "stacked" configuration with this floor more or less level with the existing basement slab.

The proposed exterior materials would be matching to the existing exterior materials with the possible exception of the roof over the proposed solarium which is intended to be raised seam metal with a LRV of less than 25.

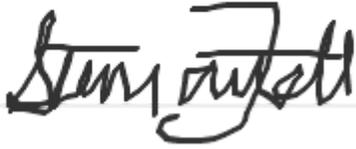
None of the proposed addition is visible from the public way. These proposed constructions will take the place of aged decks in dire need of replacement.

These proposed constructions would require the removal of two trees, one near the proposed gravel drive extension and one very near the foundations of the proposed solarium.

No changes are proposed for the primary or front elevation as seen from Forest Road.

Estimated Cost of Project**Estimated Completion Date**

Applicant Signature



Date

Supporting Documentation (Site Plan, Drawings, Other Information)



Scans(2).zip
3.13 MB



Conditional Use Permit Application

Town of Biltmore Forest

Transaction Details

Number: F16E5T1

Date: 11/19/2018 9:31 PM

Application Fee	\$100.00
Subtotal:	\$100.00
Order Total: \$100.00	

Application Fee

\$100.00

Name

Steve Farrell

Address

40 Forest Road

Phone

(828) 231-4915

Email

ssf@AshevilleArchitect.com

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:

David and Judy Morris, Owners of 40 Forest Drive, intend to build an addition to their home in the form of a Solarium and open decks on the back of their house. These spaces (in line with the main level) would be above a 2 car "stacked" garage (as compared to a traditional "side by side" garage). To gain vehicular access to the proposed garage an extension of the existing gravel driveway is required. This proposed driveway must be located within the side-yard setback. As such this proposal requires a variance from the Town of Biltmore Forest for the driveway extension within the side-yard setback. The relative narrowness of the lot (100 feet) makes alternatives to this request physically impossible and/or architecturally impractical. Attached garages are common in Biltmore Forest and will enhance the street-scape by allowing vehicles to be removed from view from the public way. The topography is such that the driveway extension will be visible from the public way. The proposed addition will be completely hidden from view from the public way.

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

The proposed extension of the existing driveway is separated from the neighbors property by

approximately 8 feet and a line of existing evergreen vegetation. The garage would only be used on occasion to store the Owner's vehicles when they are out of town or in the instance of inclement weather, etc. While the public interests of those living in the neighborhood would not be adversely affected they will be positively affected by increase property values based on real estate appraisal "comps" given the increased square footage, the increase utility (presently there is no garage), and the related improvements to be made to the home.

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

Signature

Date

11/19/2018



VARIANCE APPLICATION

Town of Biltmore Forest

Name

Steve Farrell

Address

40 Forest Road

Phone

(828) 231-4915

Email

ssf@AshevilleArchitect.com

Current Zoning/Use

House

Requested Use

Single Family 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?

The Owners, David and Judy Morris, intend to build a Solarium and deck on the rear of their house in Biltmore Forest. These proposed additions will be above a two car "stacked" garage (as compared to a traditional "side by side" garage). In order to gain vehicular access to the proposed garage an extension of the existing gravel driveway is required.

By virtue of the relative narrowness of the lot (it is 100 feet wide) the proposed driveway extension must be located within the side-yard setback.

The proposed addition is totally hidden from view from the public way as is the proposed extension of the existing driveway.

By allowing this variance the community's best interest will be served by allowing the Owner's vehicles to be removed from view from the public way and by increasing property values by making much needed improvements to the home including an expanded (within the existing building footprint) and remodeled Kitchen

What does the ordinance require?

The ordinance requires a variance for the proposed driveway extension to be located within the side-yard setback. The balance of the proposal (Solarium and decks, etc.) are within the setbacks and are "By Right" requiring no variance or deviation from ordinance.

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.

The lot is relatively narrow at 100 feet wide. As such it is physically impossible and/or architecturally

impractical to create a garage space in any other design or configuration.

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

The relative narrowness of the property makes it impossible to build a garage in any other configuration. The topography of the property are such that the proposed driveway extension will not be visible from the public way.

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

The narrowness of the lot obviously predates the Morri's ownership.

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

The requested variance is consistent with the spirit, purpose and intent of the ordinance and does not constitute a threat to public safety. Substantial justice is achieved by allowing the Morris's to enjoy and improve their property in ways that are in the best interests of the community in general and the abutters in particular. The proposed addition will increase the property value; the proposed garage will enable the owner's vehicles to be removed from view from the public way.

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

Signature

Date

11/19/2018

A handwritten signature in black ink, appearing to be "Jim [unclear]", written over a horizontal line.

11.9.18 BF

STEPHENS SMITH FARRELL ARCHITECTURE

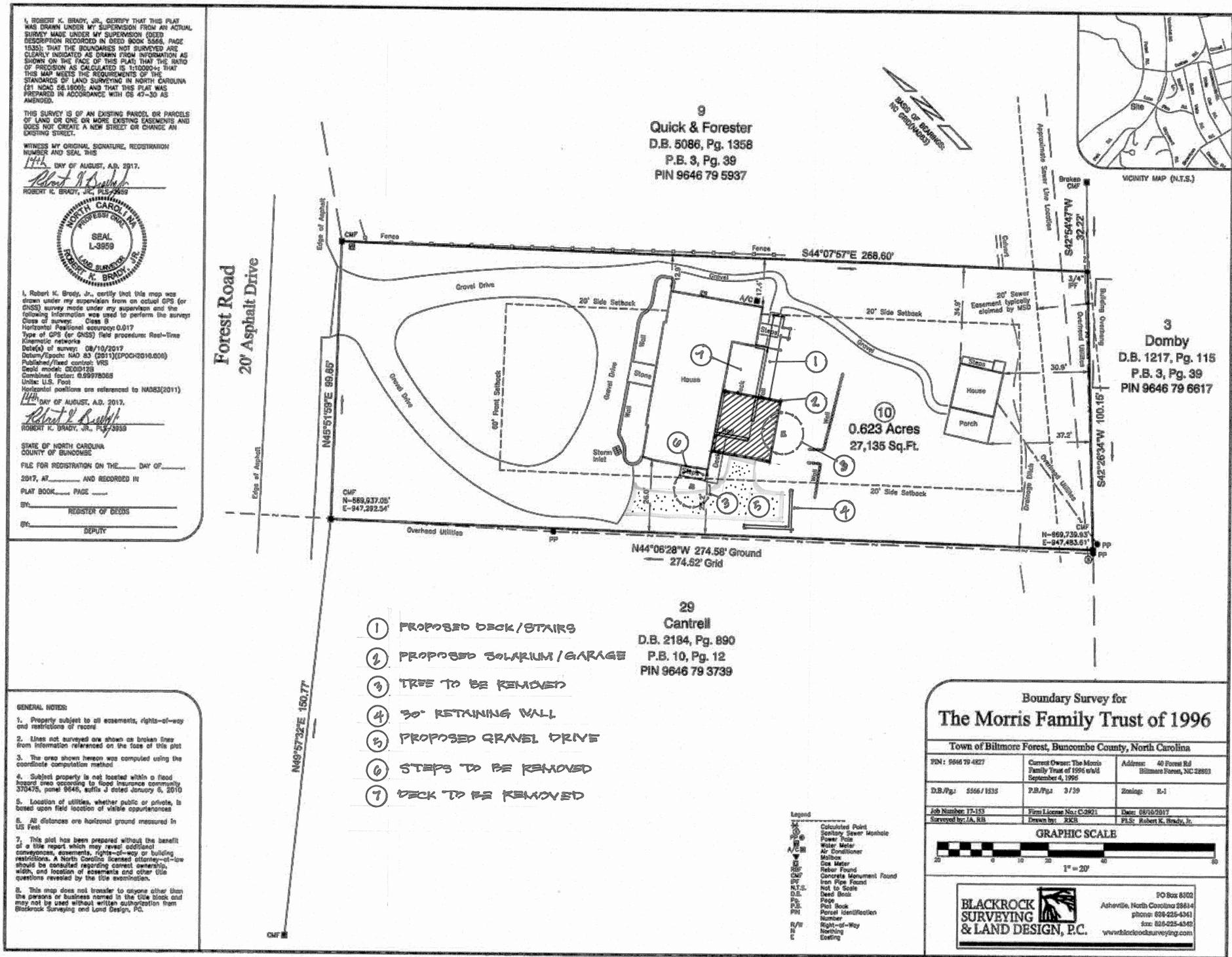
179 SOUTH DELANO ROAD ASHEVILLE NC 28805

828 231 4915

SSF@ASHEVILLE ARCHITECT.COM

ADDITIONS AND IMPROVEMENTS DAVE AND JUDY MORRIS FOREST RD. BILTMORE FOREST, N.C.

CI



I, ROBERT K. BRADY, JR., CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 5566, PAGE 1533); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON THE FACE OF THIS PLAN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:100000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARD OF LAND SURVEYING IN NORTH CAROLINA (§1 NCGS 86-1800); AND THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS
 14th DAY OF AUGUST, A.D. 2017.
 Robert K. Brady, Jr.
 ROBERT K. BRADY, JR., PLS-3959



I, Robert K. Brady, Jr., certify that this map was drawn under my supervision from an actual GPS (or GNSS) survey made under my supervision and the following information was used to perform the survey:
 Class of survey: Class B
 Horizontal positional accuracy: 0.017
 Type of GPS (or GNSS) field procedure: Real-time kinematic network
 Date(s) of survey: 08/10/2017
 Datum/EPOCH: NAD 83 (2011) (EPOCH2010.000)
 Publisher/field control: VRS
 Model: GGD0128
 Combined factor: 0.9978008
 Units: U.S. Foot
 Horizontal positions are referenced to NAD83(2011)
 14th DAY OF AUGUST, A.D. 2017.
 Robert K. Brady, Jr.
 ROBERT K. BRADY, JR., PLS-3959

STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE
 FILE FOR REGISTRATION ON THE ____ DAY OF ____
 2017, AT ____ AND RECORDED IN
 PLAT BOOK ____ PAGE ____
 BY: REGISTER OF DEEDS
 BY: DEPUTY

GENERAL NOTES:
 1. Property subject to all easements, rights-of-way and restrictions of record.
 2. Lines not surveyed are shown as broken lines from information referenced on the face of this plot.
 3. The area shown hereon was computed using the coordinate computation method.
 4. Subject property is not located within a flood hazard area according to flood insurance community 370476, panel 9646, suffix J dated January 6, 2010.
 5. Location of utilities, whether public or private, is based upon field location of visible appurtenances.
 6. All distances are horizontal ground measured in US Feet.
 7. This plot has been prepared without the benefit of a title report which may reveal additional conveyances, easements, rights-of-way or building restrictions. A North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by the title examination.
 8. This map does not transfer to anyone other than the service or business named in the title block and may not be used without written authorization from Blackrock Surveying and Land Design, P.C.

- ① PROPOSED DECK/STAIRS
- ② PROPOSED SOLARIUM/GARAGE
- ③ TREE TO BE REMOVED
- ④ 30" RETAINING WALL
- ⑤ PROPOSED GRAVEL DRIVE
- ⑥ STEPS TO BE REMOVED
- ⑦ DECK TO BE REMOVED

Boundary Survey for
The Morris Family Trust of 1996
 Town of Biltmore Forest, Buncombe County, North Carolina

PDN: 9646 79 4827	Current Owner: The Morris Family Trust of 1996 dated September 4, 1996	Address: 40 Forest Rd Biltmore Forest, NC 28805
D.B./Pg.: 5566 / 1535	P.B./Pg.: 3 / 30	Zoning: R-1
Job Number: 17-153	Firm License No.: C-2921	Date: 08/10/2017
Surveyed by: J.A. RB	Drawn by: KKB	PLS: Robert K. Brady, Jr.

GRAPHIC SCALE
 1" = 20'

BLACKROCK SURVEYING & LAND DESIGN, P.C.
 Asheville, North Carolina 28814
 phone: 828-235-4341
 fax: 828-235-4340
 www.blackrocksurveying.com

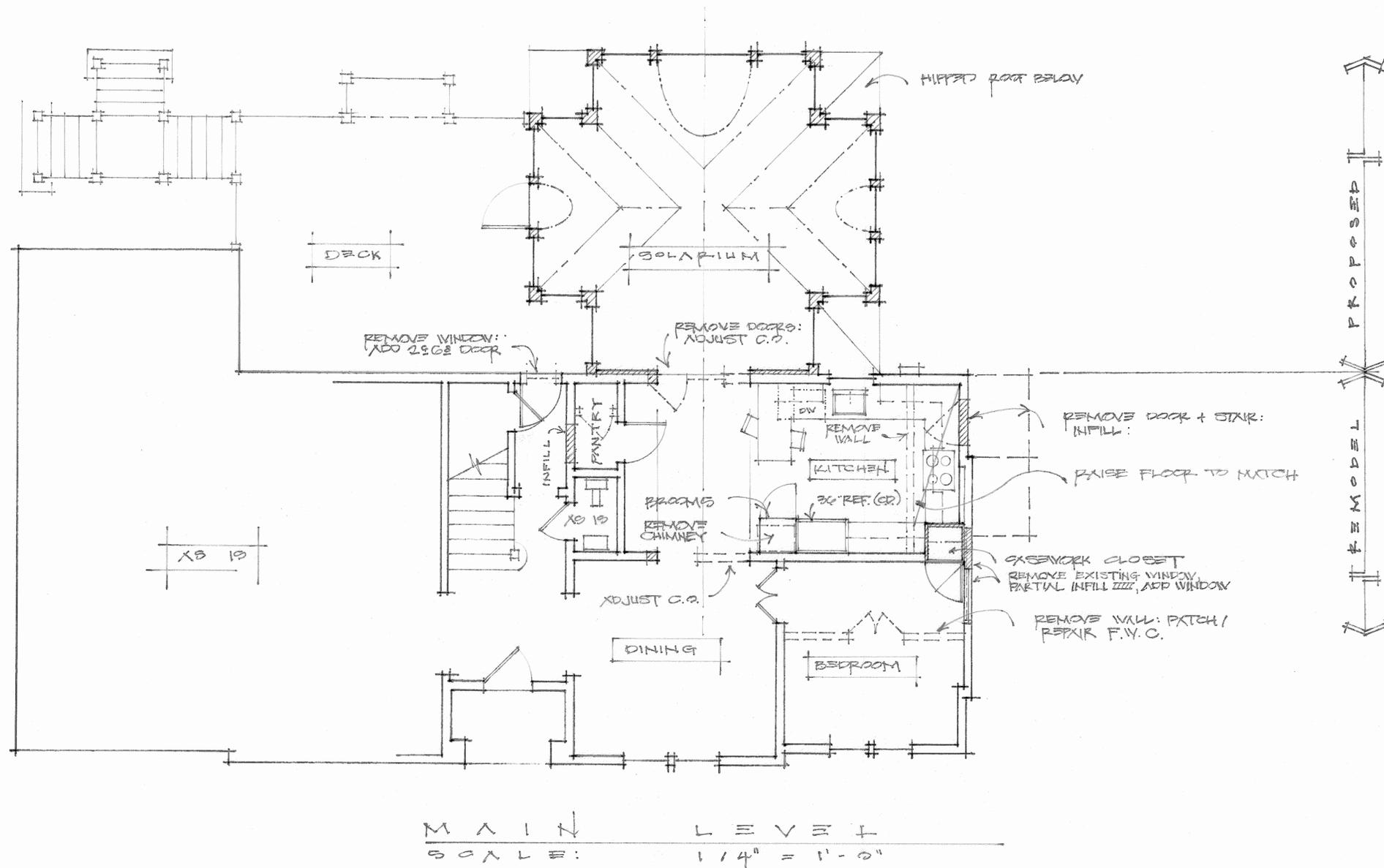
10.18.18
11.8.18 EF

STEPHENS
SMITH
FARRELL
ARCHITECTURE

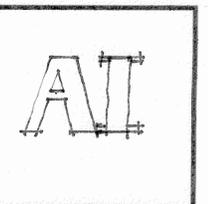
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NC 28805

828 231 4915

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ADDITIONS AND IMPROVEMENTS
DAVE AND JUDY MORRIS
FOREST RD.
BILTMORE FOREST, N.C.



10.18.18
11.8.18 EF

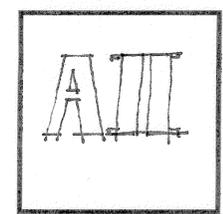
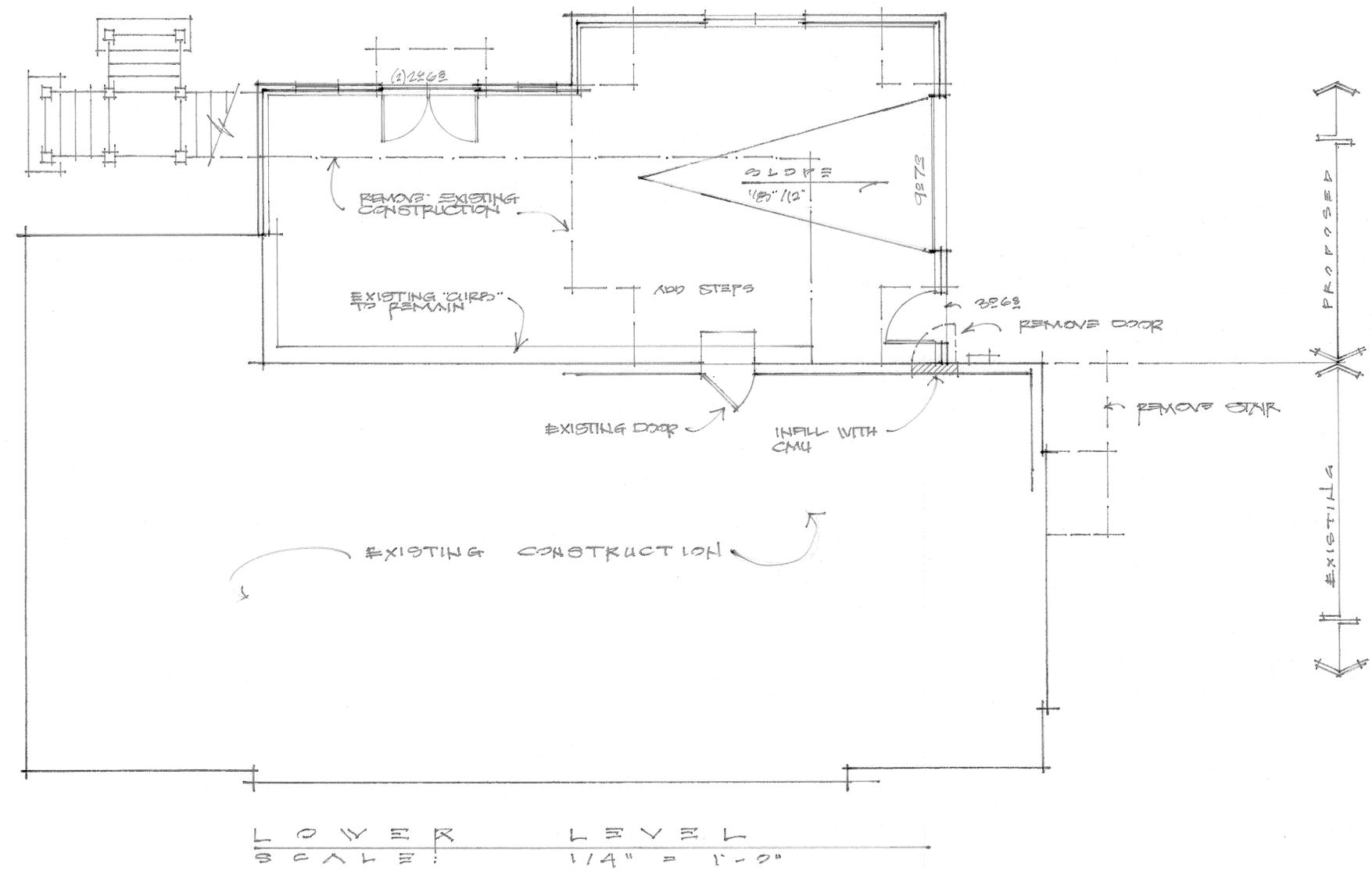
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ADDITIONS AND IMPROVEMENTS
DAVE AND JUDY MORRIS
FOREST RD.
BILTMORE FOREST, N.C.



12.10.18
11.8.15 BF

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FARRELL
ARCHITECTURE

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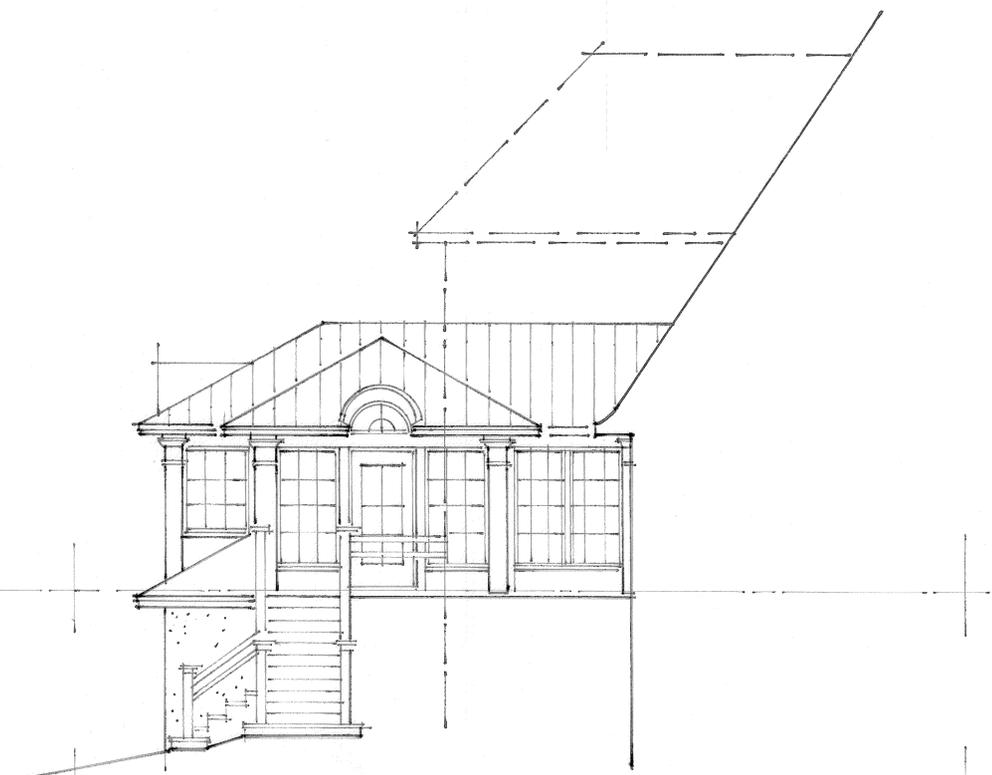
ADDITIONS AND IMPROVEMENTS
DAVE AND JUDY MORRIS

FOREST RD.
BILTMORE FOREST, N.C.



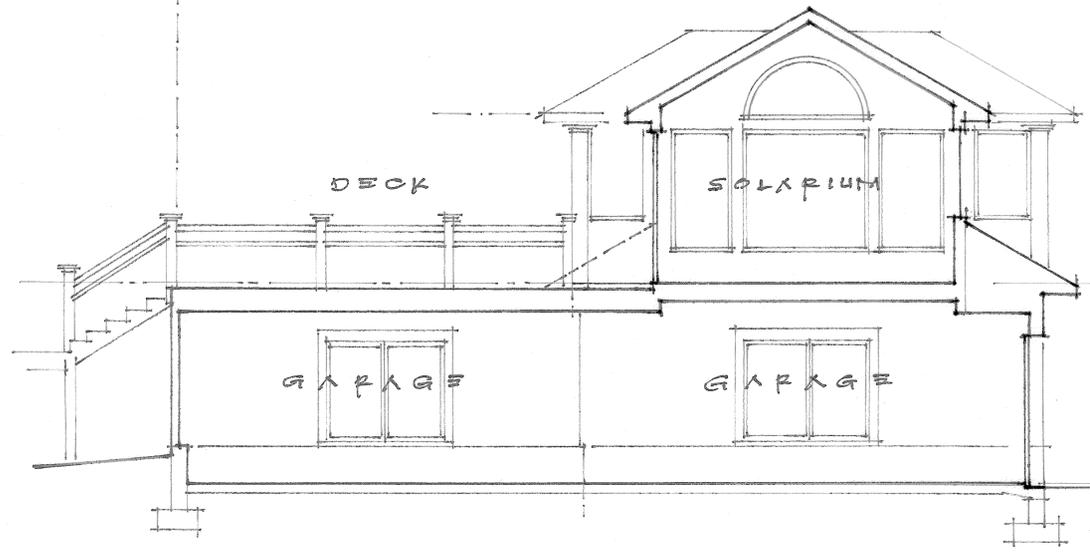
EAST ELEVATION

PROPOSED ADDITION

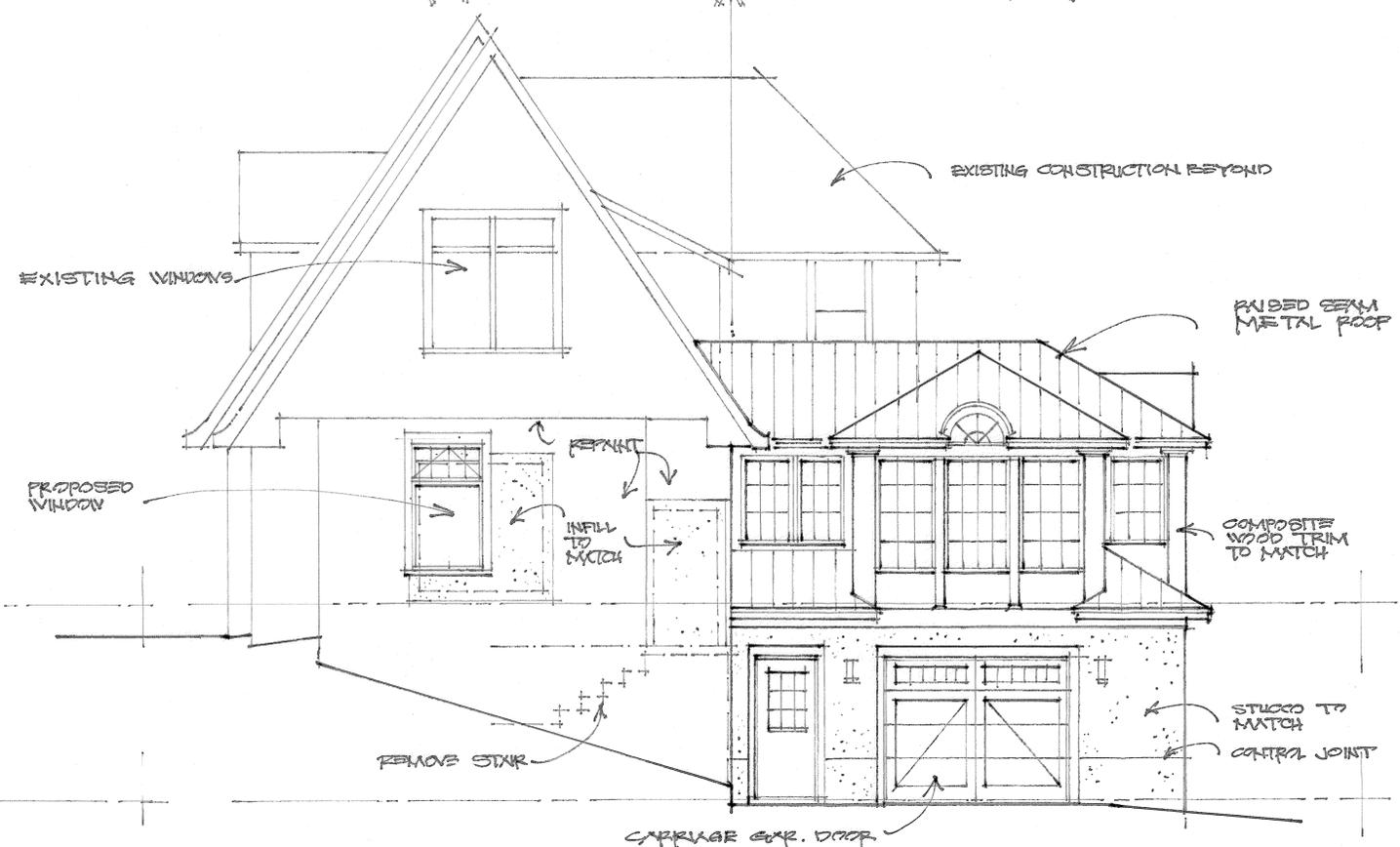


NORTH ELEVATION

EXISTING PROPOSED



WEST ELEVATION



SOUTH ELEVATION

EXISTING WINDOWS

EXISTING CONSTRUCTION BEYOND

RIBBED BEAM
METAL ROOF

COMPOSITE
WOOD TRIM
TO MATCH

STUCCO TO
MATCH
CONTROL JOINT

PROPOSED
WINDOW

REPAIR
INFILL
TO MATCH

REMOVE STAIR

CARRIAGE GAR. DOOR

11.8.08

STEPHENS
SMITH
FARRELL
ARCHITECTURE

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EXISTING
FRONT ELEVATION

1/4"=1'-0"



EXISTING
RIGHT SIDE ELEVATION

1/4"=1'-0"



EXISTING
REAR ELEVATION

1/4"=1'-0"



EXISTING
LEFT SIDE ELEVATION

1/4"=1'-0"

ADDITIONS AND IMPROVEMENTS
DAVE AND JUDY MORRIS
FOREST RD.
BILTMORE FOREST, N.C.

