

355 Vanderbilt Rd | Biltmore Forest, NC
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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 Adjustment Members
From: Jonathan Kanipe, Town Manager
Re: Board of Adjustments Case Number 1 (11 Westwood Road)
Date: December 9, 2019

Request for Special Use Permit for Placement of Landscaping Boulders Request for a Variance for Location of the Boulders in the Front Yard Setback

A Special Use Permit is requested for property located at 11 Westwood Road for placement of landscaping boulders. The boulders are proposed to be placed on the edge of the property facing Westwood Road. The property owners have requested location of the boulders to enhance an otherwise bare area of their property. The boulders will be covered with moss and lichens and vegetation will be added to the area including laurels, ferns and rhododendrons. Boulders are considered accessory structures by the zoning ordinance definition, requiring approval of a special use permit.

ACCESSORY STRUCTURE. A structure incidental and subordinate to the principal use or building on the lot and located on the same lot with such principal use or building. ***ACCESSORY STRUCTURES*** include, but are not limited to, fences, walls, curbs, pools, play sets, statues, water features, playhouses, decorative walls, sculptures, solar collectors, residential street lamps, rock and stone moved from its original location to any other location on the property, and the like.

The proposed location of the boulders is in the front yard setback, requiring application for a variance. Accessory structures are prohibited from location in any setback by the zoning ordinance.

Zoning Compliance Application

Town of Biltmore Forest

Name

Wesley Caswell (Cas) Fowler III MD

Property Address

11 Westwood Road

Phone

(828) 273-2649

Email

wesley.fowler@csandnc.com

Parcel ID/PIN Number

9646-74-0218

ZONING INFORMATION

Current Zoning

R-1

Lot Size

3.15 acres

Maximum Roof Coverage

4,682 square feet (Up to 1 acres)

Proposed Roof Coverage Total

NA

Maximum Impervious Surface Coverage

3-6 acres (20 percent of lot area)

Proposed Impervious Surface Coverage

NA

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

NA

Description of the Proposed Project

We are proposing to set boulders on our property along the perimeter's in a natural Olmstedian way. These boulders are indigenous to the area, they are covered with moss and lichens and will be slightly dug into the bank along Westwood road. The bank is currently unsightly and barren. We will also plant vegetation such as Rhododendrum's, Laurels, and ferns to blend in and a natural way. There are several examples in Biltmore Forest of this type of landscaping adjacent to the road. Our house was built in the 30s by the architect Henry Gaines. It has a very similar style to the Biltmore Forest country club and I would note the Biltmore Forest country club does have a large boulder just as you pull into the parking lot similar to what we are talking about with our lot.

Estimated Start Date

12/20/2019

Estimated Completion Date

12/21/2019

Estimated Cost of Project

\$5,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

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0435B22A-6B46-4792-A103-57B537AD3927.jpeg

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Applicant Signature

A handwritten signature in black ink, appearing to read "W. M. Park". The signature is written in a cursive style with a large initial "W" and a distinct "P" at the end.

Date

11/14/2019

Special Use Permit Application

Town of Biltmore Forest

Name

Wesley Caswell (Cas) Fowler III MD

Address

11 Westwood Road

Phone

(828) 273-2649

Email

wesley.fowler@csandnc.com

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

Accessory Structures

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

Please provide a description of the proposed project:

We are proposing to enhance the beauty of our property, 11 West Wood Rd. Our house was built as one of the original houses of the neighborhood by Henry Gaines in the 1930s. It is a French Normandie style very similar to the Biltmore Forest country club. The banks fronting Westwood Road are currently barren and unsightly. We would like to, in an Olmstedian way, enhance the beauty Of our property by placing indigenous boulders which are covered with moss and lichens how long these banks. We would also like to enhance them with vegetation such as Rhododendrum's, laurels, ferns which are also indigenous. The boulders will be set into the banks and will look as if they had been there for thousands of years. There are several examples of this type of landscaping in Biltmore Forest. In fact in front of the Biltmore Forest country club is such an example just as you drive into The parking lot

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

This project will not adversely affect the public interest in our opinion as it fits perfectly with the natural landscape of this community. As with our house I,we are updating the property which was in somewhat of a disarray when we purchased the it to beautify it and restore it to its grandeur

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

Signature



Date

11/14/2019

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Wesley Caswell (Cas) Fowler III MD

Address

11 Westwood Road

Phone

(828) 273-2649

Email

wesley.fowler@csandnc.com

Current Zoning/Use

R

Requested Use

Desire to place accessory structure as defined by the ordinance. The accessory structure requested are Indigenous boulders being placed on our property

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

What would you like to do with your property?

We would like to place indigenous boulders that are covered with lichens and moss along the periphery of our property in a natural, Olmstedian fashion this enhancing the beauty of the property. The current banks along the periphery are barren and unsightly. We would also augment this with naturally occurring vegetation for the area such as Rhododendrum's, laurels, autumn ferns. There are many examples of this type of landscaping throughout Biltmore Forest. Our house constructed in the 30s was designed by Henry Gaines and has a very similar appearance to the Biltmore Forest country club. There is in fact a large boulder just as you enter the Biltmore Forest country Club parking lot similar to what we are proposing

What does the ordinance require?

I'm not sure how to answer this question. I believe that the matter has to be brought before the Board of adjustments because boulders are considered an accessory structure and we are moving them from one location to another. We are also placing them closer than the ordinance setback allowanc in some instances

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.**

We believe that this landscaping will enhance the beauty of the property from the road. If we are required to set the boulders back 20 to 60 feet we still have to move them from one place to another and they would be lost and leave the current unsightly bank as it is, unsightly.

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

topography.

This is a very large property at 3.15 acres and the scale of the boulders matches the property. It is also a corner lot occupying the corner of Westwood and hilltop on the south end

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

Again, I am not sure exactly how to answer this question. The lot was already the size that it is when we purchased it several years ago. Several trees have died along the bank which has also contributed to its bad appearance currently

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.

Again I am unsure as to how to answer this question. I do not feel that this project in anyway poses a public safety risk to the community. I do feel the project is very much in line with how Frederick Law Olmsted and Chauncey Beadle went about restoring the landscape around the Biltmore house in the late 1800s and early 1900s. I feel that we are restoring this property to a more natural and beautiful state with this project

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

Signature

A handwritten signature in black ink, appearing to be 'W. J. ...', written over a horizontal line.

Date

11/14/2019









