



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners  
From: Jonathan B. Kanipe, Zoning Administrator  
Date: May 6, 2019  
Re: **Board of Adjustment Meeting – May 20, 2019**

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## 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 May 23, 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, May 20, 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 April 22, 2019 regular meeting will be considered.
- 3) Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: A Conditional Use Permit is requested for property located at 1 Forest Road for addition of an outdoor fireplace in the rear yard. A Variance is requested to place a retaining wall in the front yard.

Case 2: A Conditional Use Permit is requested for property at 31 Stuyvesant Road for improvements to an existing swimming pool and accessory buildings, relocation of a tennis court and a tennis court viewing deck. A Variance is requested for location of accessory structures within the front yard setback.

- 4) Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, APRIL 22, 2019.

The Board of Adjustment met at 4:00 p.m. on Monday, April 22, 2019.

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

Chairman Greg Goosmann called the meeting to order at 4:07 p.m.

Mr. Goosmann swore in the following:

Mr. Tom Tachovsky  
Mr. Charlie Scott  
Mr. Phil Osborn  
Mr. Jonathan Kanipe  
Ms. Mary Dillon Moon

A motion was made by Mrs. Rhoda Groce to approve the minutes as amended with addition of Rhoda Groce being present at the meeting for the March 18, 2019 meeting. The motion was seconded by Mrs. Lynn Kieffer. The minutes were unanimously approved.

HEARING (Evidentiary):

Mr. Tom Tachovsky, 50 Chauncey Circle, was called forward to present his request for a conditional use permit related to solar panel installation.

Dr. Richard Landau shepherded the matter and asked Mr. Tachovsky to present his request. Mr. Tachovsky relayed that his home is an energy star home and he wants to ensure it is environmentally friendly. They currently utilize geothermal heating and cooling, and the solar panels would be an additional improvement. A storage battery would also be installed to maintain efficiency in the home. Mr. Tachovsky said he has recently read a report on global climate change and they would like to address these energy needs with this new home proposal. The proposal itself is a new package. Background data was shown regarding specifications of the panels. Mr.

Tachovsky said they would be flat black and lay against the existing roof. Pictures were shown to the Board. The panels will cover the surface of the shingles portion of the front of the house and allow the standing seam roof not to be covered with panels.

Mr. Chandler asked if the coloring of the panels would blend in with the existing roof. Mr. Tachovsky said it would not blend seamlessly, as the colors are designed to absorb the light. Mr. Tachovsky noted that the neighbors around Chauncey Circle were polled on this request, and the only question received was related to aesthetics. Mr. Tachovsky said the new style of solar panels do not have grids, are matte black, and are located flush on the roof.

Mr. Charlie Scott, 58 Chauncey Circle, was present to support the proposal. He noted the environment was also of great concern to them and he applauded the decision by Mr. Tachovsky to install these panels.

Mr. Phil Osborn, Niagara Drive, also supported the proposal by Mr. Tachovsky.

Mr. Goosmann asked Mr. Clarke to review the state statute regarding solar panel installation. Mr. Clarke reviewed that the Town cannot have an ordinance that prohibits the installation of solar panels, unless it is a very narrowly tailored ordinance. The Town does not have such an ordinance.

Mrs. Kieffer noted that an earlier solar panel installation was approved at 26 Stuyvesant Road. She reviewed the earlier discussion wherein that applicant had the solar panel company demonstrate the panels before they were installed, and they were found to be acceptable and not obtrusive.

### DELIBERATION AND DETERMINATION:

Dr. Landau recited the findings of fact. Mr. Tachovsky of 50 Chauncey Circle is requesting a Conditional Use Permit for installation of a solar array system. It would be located on the front facing roof of the house. It would consist of 31 all black solar modules. This will not have grids and be all black and low profile. The Board has inspected the site and no neighboring property owner has objected.

Chairman Goosmann added to the findings of fact that the panels would be flat and matte colored, and slightly off color from the existing roof.

Mr. Lowell Pearlman made a motion to approve the Conditional Use Permit for solar panel installation at 50 Chauncey Circle and that it be granted to Mr. Tom Tachovsky. The facts as recited by Rich Landau and his summation be accepted as findings and facts to support this grant. The Board has inspected the site and no neighboring property owner has objected. Mr. Pearlman 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 153.110 (C)(2-3) 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.

Mrs. Rhoda Groce seconded the motion. There was no additional discussion, and the motion was approved unanimously.



The next meeting for the Board of Adjustments is scheduled for Monday, May 20, 2019 at 4:00pm. Mr. Clarke said the Board of Adjustment has information regarding the fences which has been discussed by the Planning Committee and the Board of Commissioners. This will be discussed at the next Board of Commissioners meeting if anyone has comments regarding it.

The meeting was adjourned at 4:24 p.m.

ATTEST:

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Greg Goosmann  
Chairman

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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](http://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 (1 Forest Road)  
Date: May 10, 2019

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### Request for Conditional Use Permit for an Accessory Structure in the Rear Yard

A landscaping plan has been submitted by the property owners at 1 Forest Road. The Conditional Use Permit request is for Phase I and Phase II of the overall plan. Phase I involves three landscaping projects including installation of a lower level porch, re-installation of a back porch, and drainage and slope correction which are all allowed under the current ordinance. This phase also includes installation of an outdoor gas fireplace which requires approval of a Conditional Use Permit based on *Section §153.029 Accessory Structures and Buildings* in the Zoning Ordinance.

Phase II of the plan involves mostly landscaping around the driveway and the yard. A kitchen garden with raised beds is requested in the rear yard and is part of the Conditional Use Permit Request. A site plan and photographs depicting both the fireplace and the raised beds is included for your review.

### Request for a Variance for an Accessory Structure in the Front Yard

The landscaping plan includes a retaining wall to be constructed in the front yard around the Turret to prohibit further drainage and ponding water. The wall is necessary to protect an area of the yard that will include a replacement porch requested in Phase I of the landscaping plan. The owners are currently experiencing excess drainage and ponding water in that area of the yard, resulting in the need for the requested updates and repairs. A variance for the retaining wall is necessary based on *Section §153.029 (A)* of the zoning ordinance which states, in part, "No accessory structure or building shall be constructed, erected, or located within any front yard or within any side yard or rear yard setback".

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Scott Law

**Property Address**

1 Forest Rd., Asheville, NC 28803

**Phone**

(404) 272-0037

**Email**

scottdlaw@aol.com

**Parcel ID/PIN Number**

9647-63-9006-00000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

2.6 acres (Lots 42 and 43 combined)

**Maximum Roof Coverage**

6,700 square feet (Up to 2.5 acres)

**Proposed Roof Coverage Total**

NA / Existing home

**Maximum Impervious Surface Coverage**

25 percent of lot area (1-3 acres)

**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**

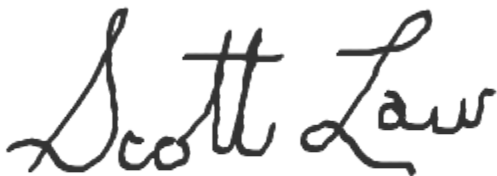
Submitting zoning compliance application for the replacement of the existing back porch and expansion of the existing front porch adding approximately 250 sq. ft of impervious surface. There would be a small retaining wall on one side of the front porch due to the slope and need for drainage correction.

**Estimated Cost of Project**

\$112,000.00

**Estimated Completion Date**

6/30/2019

**Applicant Signature**

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

Landscaping Plan for Biltmore Forest Submission.docx

# Conditional Use Permit Application

Town of Biltmore Forest

**Name**

Scott Law

**Address**

1 Forest Rd., Asheville, NC 28803

**Phone**

(404) 272-0037

**Email**

scottdlaw@aol.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:**

Addition of an outdoor natural gas linear fireplace on the back porch utilizing the same stone as used on the house.

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

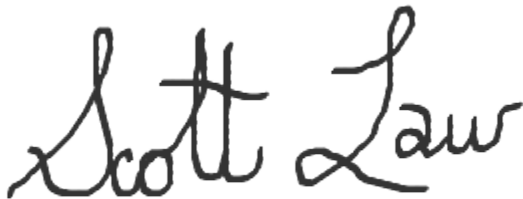
It would not be visible from neighboring properties.

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

**Signature**

**Date**

4/9/2019

A handwritten signature in black ink that reads "Scott Law". The signature is written in a cursive, flowing style. The first name "Scott" is written with a large, looped 'S' and the last name "Law" is written with a large, looped 'L'. The signature is positioned above a horizontal line.

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Scott Law

**Address**

1 Forest Rd

**Phone**

(404) 272-0037

**Email**

scottdlaw@aol.com

**Current Zoning/Use****Requested Use**

**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 applicaiton submittal to the Board of Adjustment.

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

We need to put a small retaining wall on the front lower level side of the turret to correct improper drainage and grading.

**What does the ordinance require?**

Per Adrienne, we must file this variance related to the hardship being created from improper water run-off

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 determiniations 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.****Unnessary hardship would result from the strict application of the ordinance.**

We have significant water run-off that coming down the slope in front of the turret and require a small retaining wall and proper drainage correction.

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

The topography and slope are necessitating the correction.

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

We purchased the property and need to correct the drainage problem.

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

This will prevent ongoing water damage to our home.

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

knowledge.

Signature

Date

4/25/2019

Scott Law

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# Law / Gladding Residence Landscaping Project

1 Forest Road



Submitted by:

Scott Law & Andrew Gladding

and

Ben Fotusky

Greater Scapes Landscape and Lawn Care Inc.

222 Bluegrass Lane

Weaverville, NC 28787 (828)713-0551 [ben@greaterscapesnc.com](mailto:ben@greaterscapesnc.com)

<http://www.greaterscapesnc.com>

NCLC License # 2202

Landscape Project Overview:



The overall landscape project is a collection of 6 landscape projects that will be done in 2 phases, which will correct drainage and grading problems that must be addressed as well as overall aesthetic improvement

Phase one will include three landscape projects:

Project 1: Drainage and slope correction and installation of lower level front porch with improved landscaping along the front of the house.

Project 2: Drainage and slope correction and re-installment of the back porch with a outdoor gas fireplace.

Project 3: Drainage and slope correction of lawn with plantings

Phase two will be done at a later date to be decided and consist of three additional landscape projects:

Project 4: Front driveway improvement with plantings and slope improvement at the front of the driveway circle.

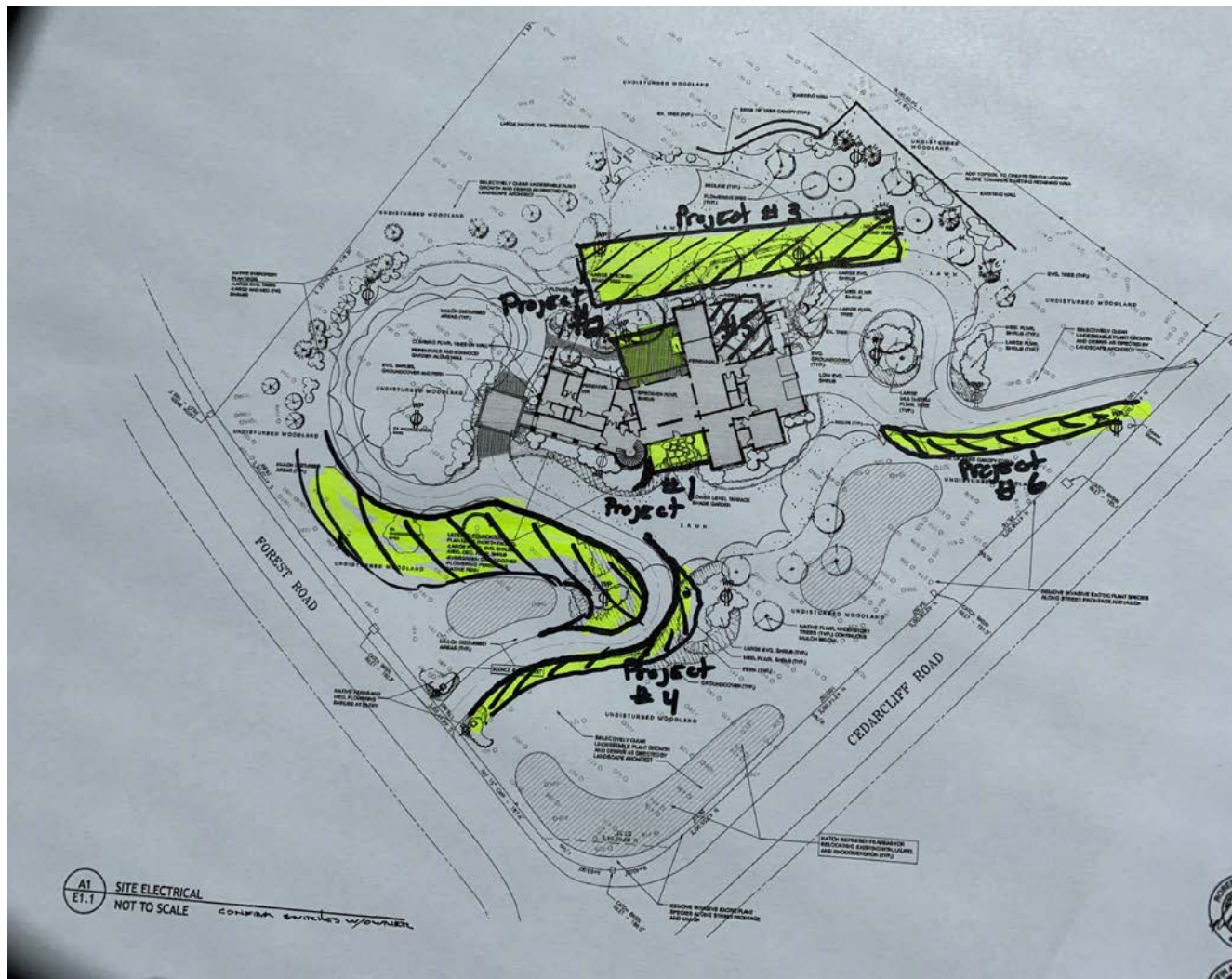
Project 5: A raised bed kitchen garden off the four-season room of the house

Project 6: Rear driveway improvement with plantings

Illustration of impacted areas (Projects #1, #2, #3, #4, #5, #6):



Project Details for Phase 1:



## Project #1:

Project #1: Project 1: Drainage and slope correction and installation of lower level front porch with improved landscaping along the front of the house.





Retaining wall around Turret (left side of patio):



## Project #1 Materials:

### Job Materials

Project #1: Lower patio installation. Approx 18'x24' Bluestone pattern.

### Job Materials

Project #1: Low wall along left edge of patio for drainage protection around turret. Stone to match the house / 3' tall

### Job Materials

Project #1: Specimen trees (potted) for lower patio. Bloodgood, or Dragons blood. Japanese maples. Container pots by owner. Approx 3x3 at top of container, and 3' tall

### Job Materials

Project #1: Hydrangea 3 gallon. Plants in place of the area where we removed the old stone/log stairs. Will save the rhododendron.

Project 2: Drainage and slope correction and re-installment of the back porch with a outdoor gas fireplace.











Back Porch Front of Master Bedroom / Master Bathroom:





Back Porch Stone Examples:





## Project #2 Materials:

### Job Materials

Project #2: Upper patio demo and haul off of debris.

### Job Materials

Project #2: New upper patio. Sand set with proper drainage. Pattern bluestone. This includes the walkway to the drive and the walkway to the new lawn.

### Job Materials

Project #2: Fringe tree between the new patio and the auto court wall. 6-7' B&B

### Job Materials

Project #2: Linear gas fire place. 51" Lanai with Stainless interior, led color range lights.

### Job Materials

Project #2: Framing and Stone work around fire place. One large 2" thick cap stone. Bluestone. Veneer to match house. Finish dimension of 8'3"x 70" high and 30" deep. Also mantel type stone at front below the fire place. Custom one piece cap stone and mantle.

### Job Materials

Project #2: Concrete footing for gas fire place.

## Project 3: Drainage and slope correction of lawn with plantings











### Project #3 Materials:

#### Job Materials

Project #3: French drains for the back yard. One along the upper side of the sod area and one in the middle of it. 16" widex 2' deep with pipe cloth and gravel. Per linear foot.

#### Job Materials

Project #3: New sod for the area in the back. Lawn size area. Approx. 30x140

#### Job Materials

Project #3: Amendment for the sod area. Per cubic yard.

#### Job Materials

Project # 3: Bluestone steps up from garden area to the sod area. Includes stepstones to sod as need. (I can see the dogs wearing this area out if we don't have a path to the sod.

#### Job Materials

Project #3: Kwanzan Cherry. 2" caliper. along the sod corridor. These have great fall color and would not shade the sod to much

#### Job Materials

Project #3: Russian sage. 1 gallon. Plantings along the long sod area between the hornbeam. I suggest these because lavender needs replacing about every 2-3 years, and would not have even survived all the rain last year.

#### Job Materials

Project #3: Annabelle hydrangea. 3 gallon. Plantings within the Russian sage.

#### Job Materials

Project #3: Plantings above new sod area Green giant arborvitae to screen the two neighbors. This grade will be elevated some from the grading for the sod area. 8' tall

#### Job Materials

Project #3: added sod to take place of less plantings on upper "terrace in back of lawn". Per pallet

#### Job Materials

Project #1, #2, #3. Amendment for the above planting areas. per cubic yard.

#### Job Materials

Project #1,2,3,4,5,6 Mulch for entire property. per cubic yard

#### Job Materials

Project #1,2,3,4,5,6 deliveries.

#### Phase 2:

Details to be addressed prior to projects #4, #5, #6 initiation



Project #4: Front Driveway

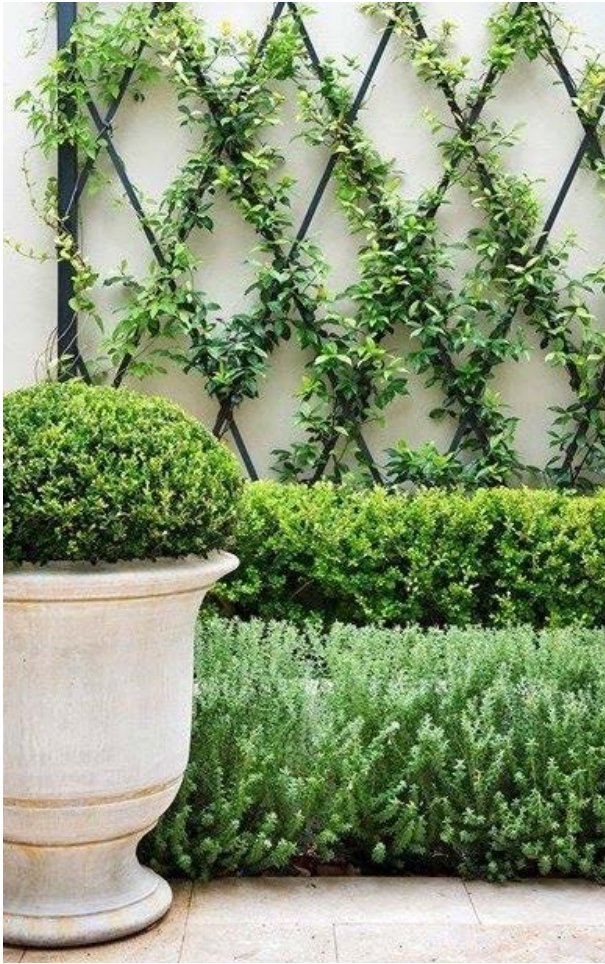


Project #5: Kitchen Garden









355 Vanderbilt Rd | Biltmore Forest, NC  
Po Box 5352 | Biltmore Forest, NC 28803  
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[www.biltmoreforest.org](http://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 (31 Stuyvesant Road)  
Date: May 10, 2019

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### Request for Conditional Use Permit for Improvements and Construction of Accessory Structures

The Biltmore Forest Country Club (BFCC) has submitted plans for improvements and additions of several accessory structures to be located in front of the clubhouse on Stuyvesant Road. The applicant requests removal and replacement of the existing pool restroom/snack bar building, pool, tennis shop and one tennis court. The applicant also requests to construct a new tennis viewing deck and tennis gathering terrace.

Section §153.006 Permitted Uses Table of the Zoning Ordinance allows “Country, athletic, and social clubs” as a Conditional Use in all districts. Any improvements to such uses is reviewed and approved by the Board of Adjustment via a Conditional Use Permit.

### Request for a Variance for an Accessory Structures in the Front Yard

A variance is requested for location of accessory structures within the front yard setback. The plans show the location of the relocated tennis court, tennis court viewing deck, and tennis court gathering terrace located within the 60’ front setback on Stuyvesant Road. Due to location of existing facilities, parking, and road locations around the property, the applicant reports this is the only reasonable location to place these structures.

The variance is necessary based on Section §153.029(A) of the Zoning Ordinance regarding placement of accessory buildings, which reads as follows: “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”.



# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Biltmore Forest Country Club

**Property Address**

31 Stuyvesant Road, Asheville, NC 28803

**Phone**

(828) 274-1261

**Email**

bkeithblack@gmail.com

**Parcel ID/PIN Number**

964676292700000

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

135.17999268 acres

**Maximum Roof Coverage**

9,647 square feet (Up to 6 acres)

**Proposed Roof Coverage Total**

9600

**Maximum Impervious Surface Coverage**

20 percent of lot area (3-6 acres)

**Proposed Impervious Surface Coverage**

1 acre

**Front Yard Setback**

60 feet (R-1 District)

**Side Yard Setback**

20 feet (R-1 District)

**Rear Yard Setback**

20 feet (R-2, R-3, R-4, and R-5 Districts)

**Building Height**

10'-0"

**Description of the Proposed Project**

The overall proposed project includes a new swimming pool, new pool restroom/snack bar building, relocation of (1) existing tennis court, new tennis pro shop/pool storage building and the addition of a new tennis viewing deck and a separate tennis gathering terrace.

**Estimated Cost of Project**

\$6,000,000.00

**Estimated Completion Date**

5/28/2021

**Applicant Signature**

Keith Black

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

2019-04-29\_BiltmoreForestCC\_Tennis Viewing Terrace Drawings.pdf

# Conditional Use Permit Application

Town of Biltmore Forest

**Name**

Biltmore Forest Country Club

**Address**

31 Stuyvesant Road, Asheville, NC 28803

**Phone**

(828) 274-1261

**Email**

bkeithblack@gmail.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:**

The overall proposed project includes a new swimming pool, new pool restroom/snack bar building, relocation of (1) existing tennis court, new tennis pro shop/pool storage building and the addition of a new tennis viewing deck and a separate tennis gathering terrace.

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

The proposed tennis viewing deck and tennis gathering terrace (along with the associated new landscaping) will greatly enhance the visual appeal of the existing hillside adjacent to the tennis courts vs the existing conditions. The addition of the tennis viewing deck will also provide a new opportunity for BFCC members to watch tennis matches and the small gathering terrace will create a place for tennis players to meet up before or after playing tennis. These new amenities are designed for a small number of people to gather, so the impact of these new structures will be minimal to the public interest of those living in the neighborhood.

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

**Signature**

**Date**

4/29/2019



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# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Biltmore Forest Country Club

**Address**

31 Stuyvesant Road, Asheville, NC 28803

**Phone**

(828) 274-1261

**Email**

bkeithblack@gmail.com

**Current Zoning/Use**

R

**Requested Use**

R

**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?**

Biltmore Forest Country Club is planning to remove the existing pool restroom/snack bar building, pool, tennis shop and (1) tennis court and construct new, improved facilities to replace the existing facilities. Included in this overall facility upgrade project are a new tennis viewing deck, new tennis gathering terrace and (1) replacement tennis court that will require a variance from the front setback.

**What does the ordinance require?**

a 60'-0" front setback is required

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.**

Biltmore Forest CC currently does not have a terrace or location for members to watch tennis matches. Due to the very tight, restrictive boundaries of the existing swim/tennis area, the only location to add a tennis viewing area is to the side of the upper tennis court at the top of the hill that fronts Stuyvesant Road (as proposed in this Variance Application).

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

The existing Biltmore Forest CC Swim/Tennis site is very restricted on all 4 sides due to existing golf course, parking, road and adjacent property so the only location to add a tennis viewing area is to the side of the upper tennis court at the top of the hill that fronts Stuyvesant Road

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

Due to topography and other property owner amenities (golf course, clubhouse, parking) along with adjacent property owned by others and Stuyvesant Road frontage/setback, the existing Swim/Tennis

facility site area is restricted on all 4 sides, therefore, the hardship is not the result of actions taken by the applicant but rather due to existing conditions that have been in place since the club was founded.

**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 for the new tennis view deck, new tennis gathering terrace and associated landscaping will provide new amenities for Biltmore Forest Country Club members and at the same time will enhance the appearance of the existing hillside with the new terrace, viewing deck and landscaping blending in with the residentially scaled architecture of the Town of Biltmore Forest.

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

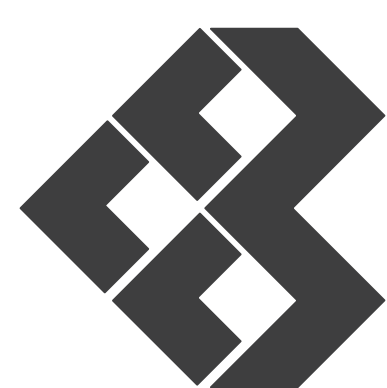
**Signature**

**Date**

4/29/2019

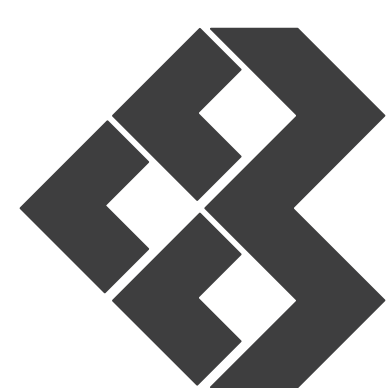
Kath Black





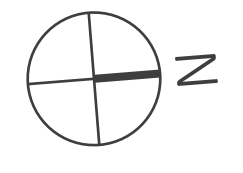
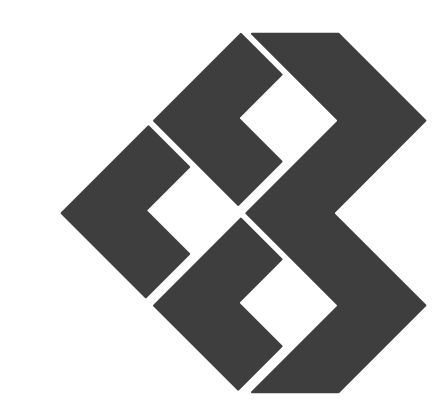
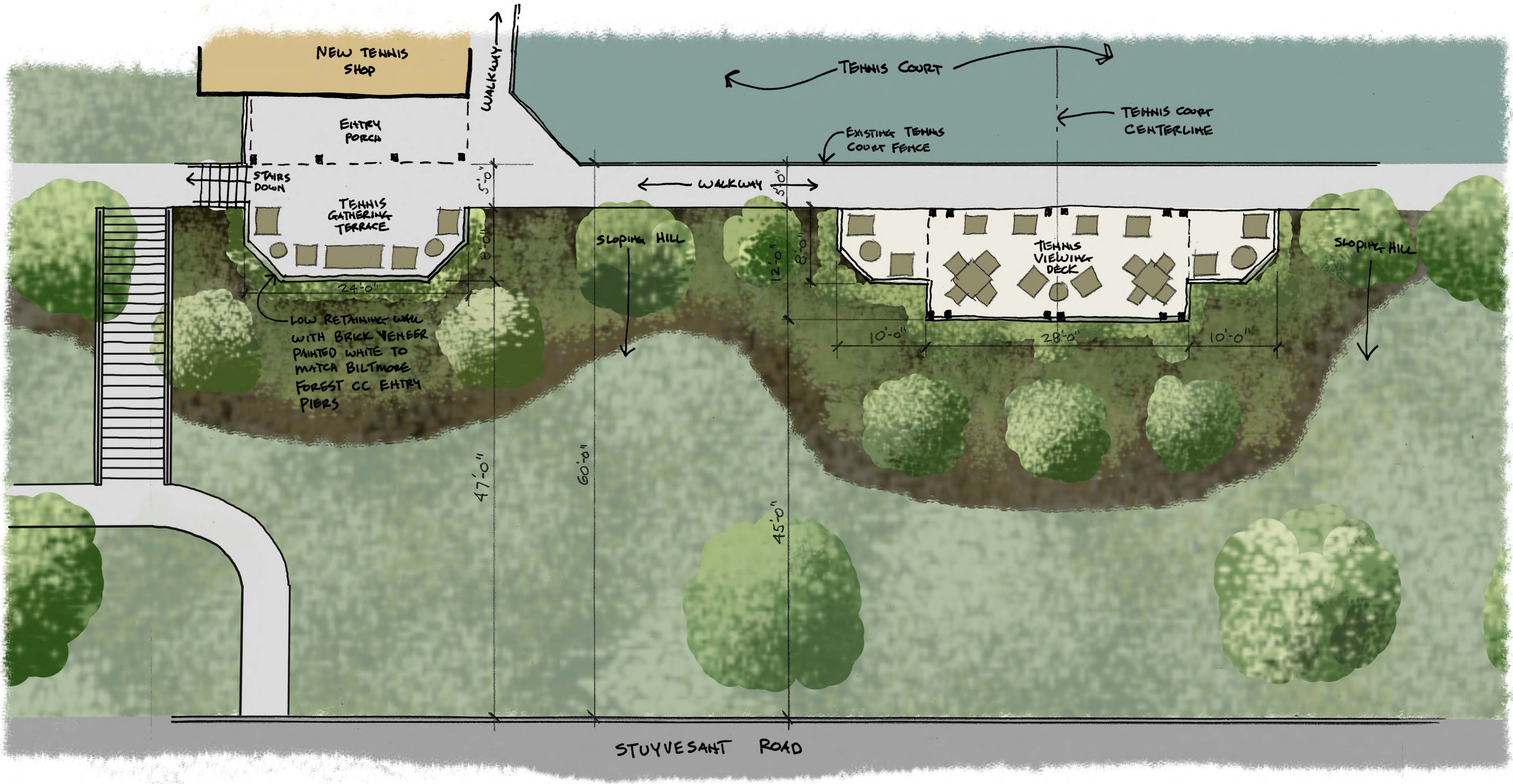
CHAPMAN  
COYLE  
CHAPMAN  
ARCHITECTS





CHAPMAN  
COYLE  
CHAPMAN  
ARCHITECTS



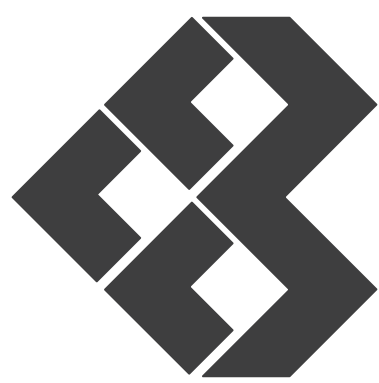




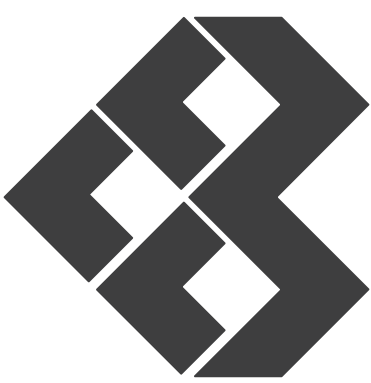


TENNIS GATHERING  
TERRACE

TENNIS VIEWING DECK







BILTMORE FOREST COUNTRY CLUB  
ASHEVILLE, NORTH CAROLINA

CHAPMAN  
COYLE  
CHAPMAN  
ARCHITECTS