



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners  
From: Jonathan B. Kanipe, Zoning Administrator  
Date: May 28, 2020  
Re: **Board of Adjustment Meeting – June 15, 2020**

## Applicants:

You or a representative **MUST** attend the Zoom meeting in order to have the matter considered.

Members of the Board of Adjustment & staff may visit each property prior to the meeting. If this occurs, the property owner will be notified beforehand and asked if they approve the visit. If so, the visit will be conducted in a socially distant manner consistent with North Carolina state orders related to preventing the spread of Covid-19.

## 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 <http://www.biltmoreforest.org/board-of-adjustments>.

You are invited to attend the scheduled meeting via Zoom and make comment when called upon. Any additional information regarding the Zoom meeting will be provided on the Town's website no later than June 12, 2020.

The following items of business are scheduled to be addressed by the Biltmore Forest Board of Adjustment on Monday, June 15, 2020 at 4:00 pm in the Town Hall Board Room via Zoom. The format for the meeting and instructions for attending the meeting via Zoom can be found on the third page of this agenda. The link for the Zoom meeting can be found at the bottom of the second and third pages.

- 1) The meeting will be called to order and roll call will be taken.
- 2) The minutes of the February 24, 2020 regular meeting will be considered.
- 3) Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations):

Case 1: A special use permit is requested for Carolina Day School for a five-year extension of an existing permit for modular classrooms.

Case 2: A special use permit is requested for construction of an accessory building at 1 Frith Drive.

Case 3: A special use permit is requested for construction of a stone column mailbox at 3 Eastwood Road.

Case 4: A variance is requested for 57 Chauncey Circle for exceeding the maximum allowed roof coverage.

Case 5: A special use permit is requested for property located at 1 Hilltop Road for replacement of a chain link fence with a wrought-iron fence.

Case 6: A special use permit is requested for property located at 85 Forest Road for construction of a deer fence. A variance is requested for location of the deer fence within the side and rear yard setbacks.

Case 7: A special use permit is requested for construction of a fence and driveway gate at 8 Westwood Road. A variance is requested for

location of the fence in the front yard setback, as well as extension of fencing to connect with fencing located in the setback.

Case 8: A review of required landscaping is requested for new house construction at 22 Cedarcliff Road.

Case 9: A special use permit is requested for construction of a detached garage at 28 Cedarcliff Road. A variance is requested for location of the garage in the side yard setback.

Case 10: A special use permit is requested for property located at 20 White Oak Road for accessory structures as part of a landscaping plan. A variance is requested for a parking area in the front yard setback and extension of the driveway into the side yard setback.

Case 11: A variance is requested for property located at 24 Ridgefield Place for construction of an attached garage in the front yard setback and for exceeding the maximum allowed roof coverage.

Case 12: A special use permit is requested for construction of raised rock garden/landscaping beds at 3 Cedar Chine Drive. A variance is requested for location of the raised rock garden/landscaping beds in the front yard setback.

4) Adjourn

Join Zoom Meeting

<https://us02web.zoom.us/j/85130542850?pwd=ODc2NWlPcEpoWDFIkzJLSjNQZ0tVdz09>

Meeting ID: 851 3054 2850

Password: 768416

### **Process and Procedure for June 15, 2020 Board of Adjustment Meeting held via Zoom**

- All participants attending will be held in the “waiting room” prior to admittance by Town staff. Once admitted into the meeting, all video and audio sharing capability will be controlled by Town staff in order to prevent confusion among the applicants, interested parties, and Board members.
- The meeting will be called to order at 4:00 p.m. by the Chair. All interested parties and applicants will be virtually sworn-in at this time.
- Each matter will be called forward and Town staff will authorize video and audio for the applicants and any person with standing for that particular case. If an applicant would like to present visual evidence, they must provide this evidence to Town staff no later than Friday, June 12, 2020.
- The Board chair, or other Board of Adjustment member, will specifically ask questions to the applicant and ask for any evidence that they would like to present.
- The Board chair, or other Board of Adjustment member, will then specifically ask for any person with standing for that specific matter to provide comment. Town staff will moderate this comment period but will ensure that each person who wishes to speak or provide evidence is able to do so.
- When all evidence and testimony has been provided, the Board will deliberate and render a decision, then move on to the next matter where the process will be repeated.

### **How to Access the June 15, 2020 Board of Adjustment Meeting via Zoom**

In order to access the Board of Adjustment meeting, please visit <http://zoom.us> to sign up, for free, for a Zoom account. This will enable you to participate with your desktop or laptop computer as you see fit.

You may also download the free Zoom app from the Apple Store or Google Play on your mobile iOS or Android device. This app will walk you through setting up a free account.

If you are unable to access the meeting through a web or app based format, but would still like to listen and participate in the meeting, you may do so by calling one of the phone numbers listed below and entering the meeting ID and password. Dial by your location

- +1 312 626 6799 US (Chicago)*
- +1 646 876 9923 US (New York)*
- +1 301 715 8592 US (Germantown)*
- +1 408 638 0968 US (San Jose)*
- +1 669 900 6833 US (San Jose)*
- +1 253 215 8782 US (Tacoma)*
- +1 346 248 7799 US (Houston)*

*Meeting ID: 851 3054 2850*

*Password: 768416*

Join Zoom Meeting

<https://us02web.zoom.us/j/85130542850?pwd=ODc2NWlPcEpoWDFIKzJLSjNQZ0tVdz09>

Meeting ID: 851 3054 2850

Password: 768416

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, FEBRUARY 24, 2020.

The Board of Adjustment met at 4:00 p.m. on Monday, January 20, 2020.

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

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe  
Ms. Adrienne Isenhower  
Dr. Donald Schmitt  
Ms. Laura Wrenn  
Mr. Gary Hill  
Mr. Mark Rudolf  
Ms. Joyce Young  
Mr. Nathan Renfro  
Ms. Diane Zimmerman

A motion was made by Ms. Rhoda Groce to approve the minutes from January 20, 2020. Ms. Lynn Kieffer seconded the motion. The minutes were approved unanimously.

HEARING (Evidentiary):

The first matter discussed was for a Special Use Permit requested for property located at 15 Park Road for construction of a 16'x40' swimming pool and perimeter fence which is required by State law.

Mr. Robert Chandler shepherded the discussion. Mr. Chandler also disclosed that the owner of 15 Park Road, Dr. Donald Schmitt was Mr. Chandler's dentist.

Mr. Chandler verified that the project was not located in the setback, but asked Dr. Schmitt to review the proposal and discuss the buffering that was intended for the project.

Mr. Goosmann passed a copy of the proposal around for the room. Dr. Schmitt indicated that there was an existing rock wall dug out setting a flat area for the pool. The fence would follow state law and be 4 feet high, with landscaping designed to screen the fence from both the inside and outside. The fence would extend 5-6 feet north of the existing rock wall and surround the pool. Plantings would be extended beyond the fence and rock wall area to provide the landscaping necessary.

Ms. Kieffer asked if a retaining wall was going to be installed. Dr. Schmitt said no.

Mr. Chandler asked if Dr. Schmitt would be willing to extend buffering if neighbors expressed concern. Dr. Schmitt said he would be willing to do so.

Ms. Laura Wrenn said she thought this was a fine pool proposal and loved the landscaping. However, she did ask that some non-deciduous hollies or firs be added.

Ms. Wrenn asked about the pool pump; Dr. Schmitt said he understood it to be approximately 1 yard cubed. They have planned a four foot concrete pad upon which to locate this. Ms. Wrenn asked about whether noise buffering could be added for the pool pump, and Dr. Schmitt said he would work on this. Mrs. Wrenn asked for some additional screening to remove the straight line of sight from her house to the third garage bay and the pool.

Ms. Wrenn asked a question regarding the pool drainage and whether it drains into the stream or the sewer system. Dr. Schmitt said he did not think it would drain into the creek but was not sure. Mr. Kanipe echoed this and said that he believed these drained into the sewer system.

Ms. Wrenn also asked about the lighting for the pool. Dr. Schmitt said that one light would be installed for the pool. Dr. Schmitt also said there would likely be some ornamental lighting. Mrs. Wrenn expressed concerns with the existing garage bay lighting, which Dr. Schmitt indicated the pool would be substantially less lit than this. Mr. Clarke remarked that this was governed by the Town's Zoning Ordinance and not the Board of Adjustment.

Ms. Wrenn also asked the homeowner at 15 Park for the contractors not to park on her side of the street. Ms. Wrenn said she could help this out by looking at the 3-5 trees that would be requested for this. Ms. Wrenn was pleased with the amendments that Dr. Schmitt offered for the project.

#### DELIBERATION AND DETERMINATION:

Mr. Robert Chandler recited the facts and moved that a Special Use Permit as requested be granted to Dr. Donald Schmitt at 15 Park Road for construction of a perimeter fence and pool. The pool would be 16'x40.' The pool will be located behind the house and enclosed by perimeter which is required by State law. The fencing material will be metal. There will be landscape buffering around the fence. Dr. Schmitt is also open to additional buffering if needed. There were no additions to the facts.

Ms. Lynn Kieffer moved that a Special Use Permit be granted to Dr. Donald Schmitt at 15 Park Road for a swimming pool and perimeter fence and the facts as recited by Robert Chandler be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Kieffer further moved that granting this Special 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 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.

Ms. Rhoda Groce seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The next matter discussed was for a project at Carolina Day School. Mr. Gary Hill, facilities manager for Carolina Day School, was called forward to request a five-year extension on the modular buildings. The application was amended on site to remove the request for the modular buildings on the field. Those buildings will now be removed in June 2020. The Carolina Day School board voted to remove those modular buildings by June 2020.

Mr. Pearlman shepherded this matter, and verified that the applicant wished to remove this portion from the request. Mr. Pearlman asked whether Mr. Hill was in a position to amend the request for a three-year extension, instead of just five years. Mr. Clarke indicated that there was one phone call from a neighbor who was concerned that the timeline was too open ended.

DELIBERATION AND DETERMINATION:

Mr. Hill indicated he would be willing to table this matter so that Mr. Brett Fuhrman could return to the meeting to discuss these options more in depth. Mr. Hill agreed to table this matter.

HEARING (Evidentiary):

A Special Use Permit was presented for a pool and fence, in conjunction with a new home construction, at 57 Chauncey Circle. Ms. Rhoda Groce shepherded the matter. Mr. Mark Rudolf, architect for the property owner, presented larger plans showing the proposed wall and fence in the rear yard. Mr. Rudolf showed the Board a 3-D rendering of the home and began his presentation.

Mr. Rudolf walked the Board through the back of the home and the fence/hedge intermingling. The size of the pool is 16'x41'. Dr. Landau asked how tall the retaining wall was, and Mr. Rudolf indicated this was three feet tall. Mr. Pearlman stated it was not an architectural wall but was just a retaining wall to allow the construction of the pool. Mr. Rudolf showed the plans and rendering to the collected audience.

The fencing material would be metal. Dr. Landau asked whether they would buffer this area additionally and Mr. Rudolf said that they would do this. Mr. Rudolf said the plan is compliant with the setback.

Mrs. Young asked whether the combination of hedges and walls was in accordance with State building code requirements. Mr. Clarke said the State requires the individual to have a four-foot barrier.

DELIBERATION AND DETERMINATION:

Mrs. Groce recited the findings of fact. Mr. Mark Rudolf for 57 Chauncey Circle is requesting a Special Use Permit for a pool and fence construction. The pool will be 16'x41' and the fencing will be a four-foot tall black metal fence. The fence will not be continuous but provide infill between other barriers including hedges and walls. The owners are willing to provide additional buffering if necessary.

Mrs. Kieffer asked where the hot tub was located, and Mr. Rudolf indicated it was embedded within the pool area within the 16x41 foot rectangle. There were no additional questions from the audience or comments from the applicant.

Dr. Landau made a motion to approve the Special Use Permit and that it be granted to Mr. Mark Rudolf at 57 Chauncey Circle for a pool and fencing. The facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Dr. Landau further moved that granting this Special 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 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 motion. The motion passed unanimously.

HEARING (Evidentiary):

Mr. Nathan Renfro, 57 Forest Road, was called forward for request of a Special Use Permit for an accessory building and playground equipment in the side and rear yard. Mrs. Kieffer shepherded the matter and asked Mr. Renfro to review the project.

Mr. Renfro apologized for not seeking approval from the Board prior to putting this up. It is a 12'x15' single story treehouse with a loft and a slanted roof. The material is made out of wood. It will be stained in a slightly darker color within the next month or two. It will blend in with the playground equipment and be the same color. Mr. Renfro said the playground should have been approved when the house was built a few years ago but could not verify it. Mr. Clarke said the only matter on the agenda was for the treehouse structure.

Chairman Goosmann reviewed several letters of support that were received. . Mr. Clarke said according to the new rules, the people that wish to make comments about a project need to attend the meeting. Mr. Clarke said they will take these and let the Board know there was no objection to this project.

Mrs. Diane Zimmerman, 56 Forest Road, was present and said she was very supportive of the project and it was visible from her front windows.

Mrs. Kieffer recited the facts of the case related to this request. The existing playhouse is made of wood with a height of twenty feet. It has a slide and a zip line attached. It will be stained in the Springtime to blend in. The area is also well buffered. Chairman Goosmann asked if Mr. Renfro would be willing to plant additional buffering if needed. Mr. Renfro agreed to do so. There were no additional comments or questions from the audience.

Mr. Lowell Pearlman made a motion to approve the Special Use Permit and that it be granted to Mr. Nathan Renfro of 57 Forest Road. The request was for an existing accessory structure. The facts as recited by Ms. Lynn Kieffer and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Mr. Pearlman further moved that granting this Special 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 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. Chandler seconded the motion. The motion was approved unanimously.

Chairman Goosmann adjourned the meeting at 4:48pm. The next Board of Adjustment meeting was scheduled for Monday, March 30, 2020 at 4:00 pm.

ATTEST:

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Greg Goosmann  
Chairman

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Laura Jacobs  
Town Clerk

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 (Carolina Day School)  
Date: June 10, 2020

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### Request for a Special Use Permit for Extension of an Existing Permit for Modular Classrooms

A special use permit was approved in 2015 for Carolina Day School to utilize modular units during construction. The original permit was approved as part of conditional use permit and variance request for renovations and additions. The permit was valid for five years. The existing permit allowed for modular units to be located on a parking lot adjacent to the facility to serve the Key School. Additional units were approved to be located on the soccer field during renovations and additions to Lower School.

The requested extension is for modular units on the soccer field to be removed no later than January 2021. An additional five years is requested for the units serving the Key School.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Brett Fuhrman

**Property Address**

Carolina Day School

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

9646-94-4038

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

.1059

**Maximum Roof Coverage**

4,682 square feet (Up to 1 acres)

**Proposed Roof Coverage Total**

4615

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

4615

**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**

15 ft

**Description of the Proposed Project**

We are requesting a 5-year extension on these modular classrooms. These were originally approved by the Town of Biltmore Forest in April 2015 with an initial 5-year period. We anticipate removal of these modulars in the next three years.

**Estimated Start Date**

4/24/2020

**Estimated Completion Date**

1/24/2020

**Estimated Cost of Project**

\$0.00

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

**Applicant Signature**

**Date**  
1/10/2020



A handwritten signature in black ink, consisting of a large, stylized letter 'B' followed by a series of loops and a horizontal tail stroke. The signature is positioned above a thin horizontal line.

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Brett Fuhrman

**Address**

Carolina Day Scholol

**Phone**

[REDACTED]

**Email**

[REDACTED]

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

Libraries, Schools and Churches

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 requesting a 5-year extension on these modular classrooms. These were originally approved by the Town of Biltmore Forest in April 2015 with an initial 5-year period. We anticipate removal of these modulars in the next three years.

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

We have not had any issues to date.

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

**Signature**



**Date**

1/10/2020

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 2 (1 Frith Drive)  
Date: June 10, 2020

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### Request for a Special Use Permit for Construction of an Accessory Building

A special use permit is requested for construction of an accessory building to be used as a garage and for storage. The building will be 750 square feet and will be constructed in the same architectural style as the current residence.

The current driveway will be expanded approximately 340 feet for access to the building requiring construction of a small retaining wall.

The location of the building will not encroach upon any setbacks and will be located behind the primary dwelling. In addition, the roof coverage and impervious surface coverage for the lot is in compliance.

The owners have indicated their willingness to provide additional landscape buffering should it be requested.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Steve Bourne Bourne Construction Services

**Property Address**

1 Frith Drive

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

9646823775

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.796

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

4937

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

12823

**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**

15 ft

**Description of the Proposed Project**

Garage/Accessory use Structure

**Estimated Start Date**

6/1/2020

**Estimated Completion Date**

10/31/2020

**Estimated Cost of Project**

\$150,000.00

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

scan002 (1)young plans 2.pdf

13132 SITE PLAN\_REVISIED WALL young.pdf

scan001 (1).pdf

**Applicant Signature**

**Date**  
4/27/2020



A handwritten signature in black ink, consisting of a series of connected strokes that form a stylized, cursive-like name.

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# Special Use Permit Application

Town of Biltmore Forest

**Name**

Steve Bourne Bourne Construction Services Inc

**Address**

1 Frith Drive Biltmore Forest

**Phone**

[REDACTED]

**Email**

[REDACTED]

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

Accessory Buildings

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:**

Garage/Accessory use Building to provide storage for extra Vehicles

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

The Building will be built in the same style as the existing home and will blend cohesively into the proposed location

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

**Signature**



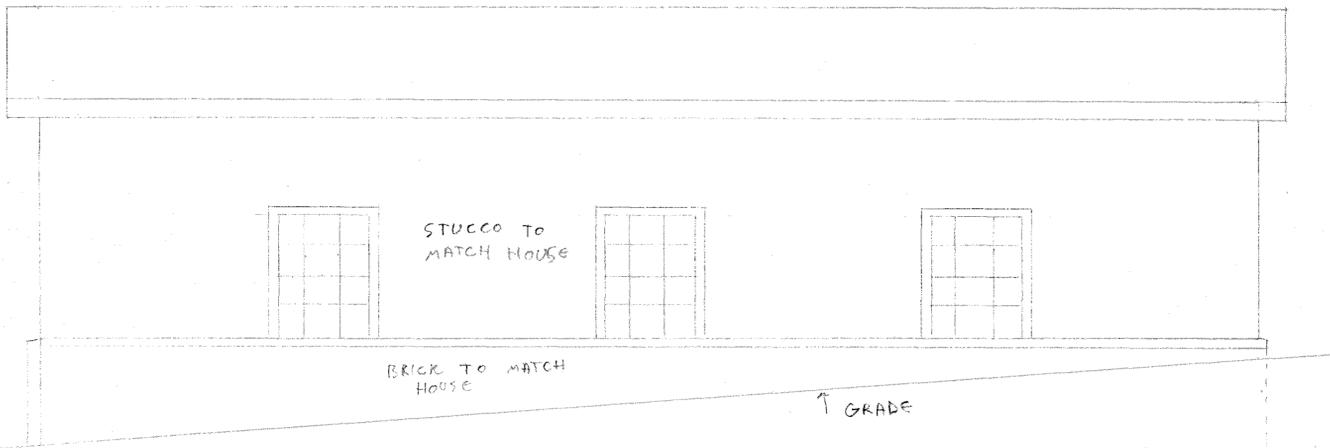
**Date**

4/27/2020

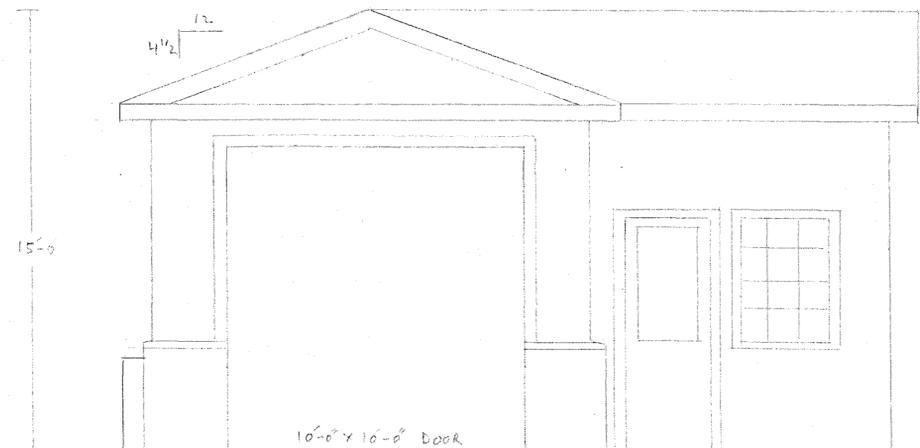
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BUILDING AREA 750 SF  
 BUILDING WIDTH 24'-10 1/4"  
 BUILDING DEPTH 41'-0"  
 BUILDING HEIGHT 15'-0"

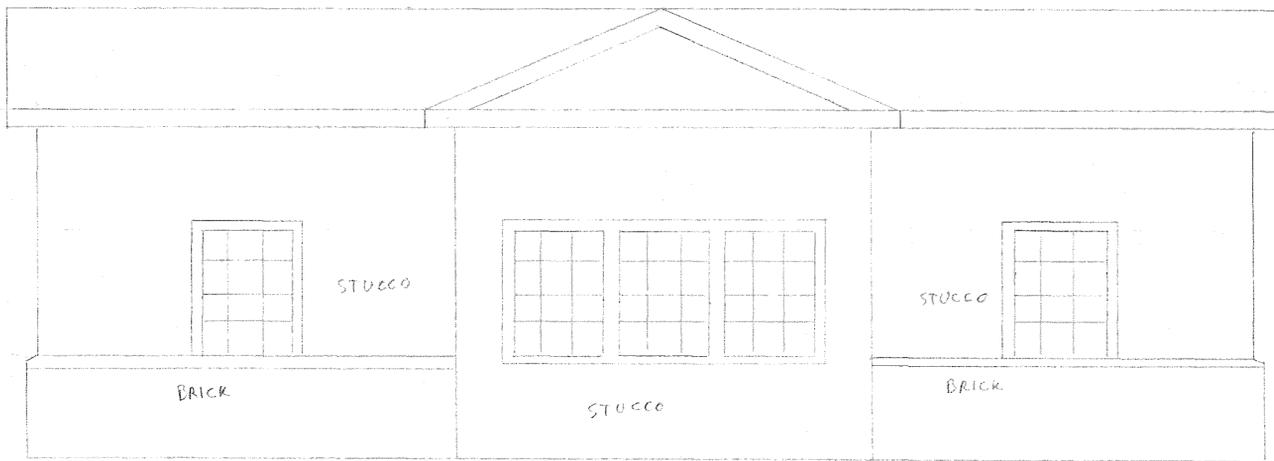


ELEVATION B  
 SCALE 1/4" = 1'-0"

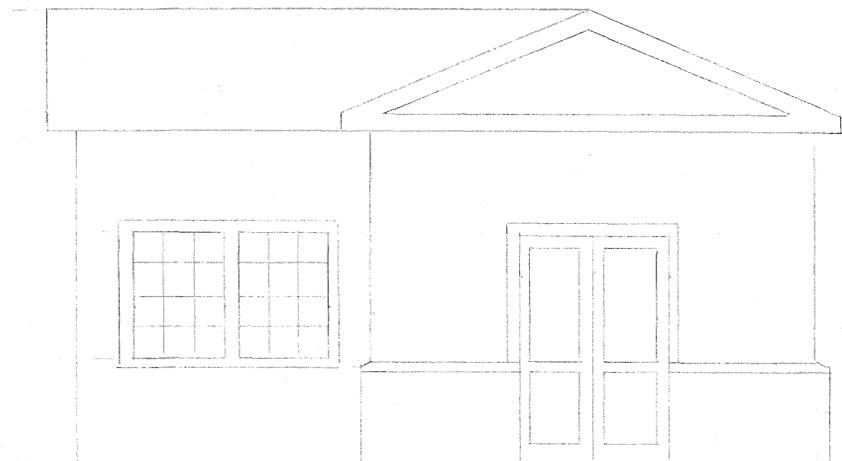


RETAINING WALL

ELEVATION C  
 SCALE 1/4" = 1'-0"



ELEVATION A  
 SCALE 1/4" = 1'-0"



ELEVATION D  
 SCALE 1/4" = 1'-0"

COMPLETED

REVISED

**BOURNE CONSTRUCTION SERVICES, INC.**

CELL 828.423.1391

112 CALBE DRIVE - FLETCHER, NC 28732

REPRODUCTION OF THESE PLANS MUST BE UNDER THE CONSENT OF BOURNE CONSTRUCTION.

HOME OWNER APPROVAL

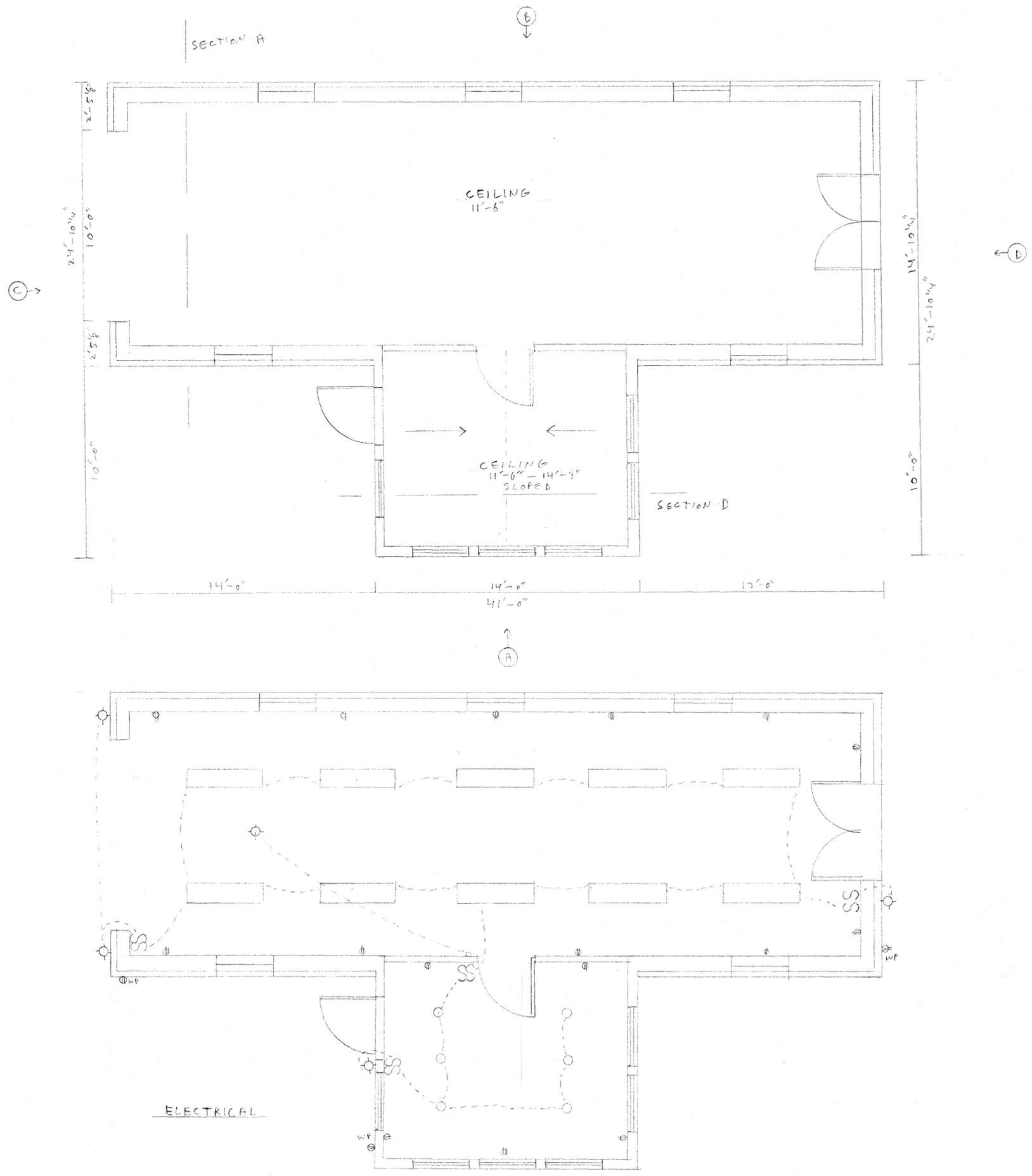
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE OF:

MR + MRS YOUNG  
 1 FRITH DRIVE  
 ASHEVILLE NC

PROJECT NOTES

1  
 SHEET NO.



COMPLETED

REVISED

**BOURNE CONSTRUCTION SERVICES, INC.**

CELL 828.423.1391

112 CALEB DRIVE - FLETCHER, NC 28732

REPRODUCTION OF THESE PLANS MUST BE UNDER THE CONSENT OF BOURNE CONSTRUCTION.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE OF:

MR & MRS YOUNG  
1 FRITH DRIVE  
ASHEVILLE NC

PROJECT NOTES

2  
SHEET NO.

355 Vanderbilt Rd | Biltmore Forest, NC  
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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 3 (3 Eastwood Road)  
Date: June 10, 2020

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### Request for Special Use Permit for Construction of a Stone Column Mailbox

An application has been submitted requesting construction of a stone column mailbox in the front yard setback. The Zoning Ordinance allows driveway columns to be approved by Special Use Permit based on the following language:

#### **§ 153.007 Dimensional Requirements**

##### *(B) General Provisions*

*(4) Footnote 5.* Accessory structures, including driveways, shall meet all setback requirements. Notwithstanding the foregoing, setback requirements for driveway entrance columns or driveway entrance walls may be waived or modified by the Board of Adjustment with the granting of a special use permit in accordance with §153.110(C), without the need for a variance pursuant to §153.110 (D).

According to the application submitted, the Postal Service has requested the mailbox be relocated from the east side of the driveway to the west for safety reasons. However, the preference of the property owner is to add the stonework to the mailbox in the current location. As an alternative, the property owner has stated their willingness to leave the mailbox on the east side of the driveway but to move it further away from the street should that be the preference of the Board. The right of way on Eastwood Road is five (5) feet from the edge of pavement.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Richard and Carrie Leader

**Property Address**

3 Eastwood Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.5 acres

**Maximum Roof Coverage**

5,500 square feet (Up to 1.5 acres)

**Proposed Roof Coverage Total**

2000 square feet

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

unsure

**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**

2 stories

**Description of the Proposed Project**

We want to put in a stone mailbox (see attached photo) on the side of the driveway. Our mailbox is currently on the east side of the driveway facing Eastwood. The mail carrier requested we move it to the west side of the driveway for safety reasons. If your committee has a preference, we will go with that but we would prefer leaving it on the east side.

**Estimated Start Date**

12/2/2019

**Estimated Completion Date**

12/3/2019

**Estimated Cost of Project**

\$1,500.00

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

proposed mailbox.PNG

**Applicant Signature**

**Date**  
11/4/2019

*Carrie Leader*

# Conditional Use Permit Application

Town of Biltmore Forest

**Name**

Richard and Carrie Leader

**Address**

3 Eastwood 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:**

The proposed mailbox is 38 inches square and 56 inches high. Construction is cement block with ceramic stone and shaped capstone for the top. Colors would be in keeping with the stone around the front bed on our property.

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

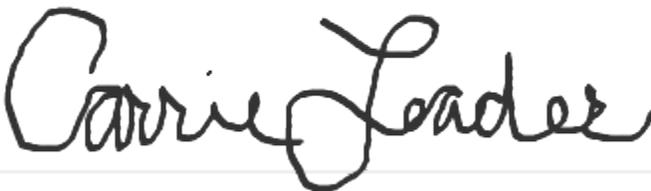
This would not adversely affect the public interest of our neighbors because it would be set back on our property, and would not be different in use from any other mailbox.

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

**Signature**

**Date**

11/4/2019



---



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 Adjustment Members  
From: Jonathan Kanipe, Town Manager  
Re: Board of Adjustments Case Number 4 (57 Chauncey Circle)  
Date: June 10, 2020

---

### Request for a Variance to Exceed the Maximum Allowed Roof Coverage

The property owner has presented plans for construction of a new single-family home. The original plan was presented to the Board of Adjustment in December and included a variance request for a wall in the front yard setback, a special use permit for a swimming pool, and a variance to exceed the maximum allowed roof coverage. The proposed roof coverage was 5,424.4 square feet, resulting in an overage of sixteen percent. After review by the board, the architect for the project agreed to work with the property owner to develop a plan that would be in compliance with the ordinance.

A new plan was developed and presented in February in compliance with the roof coverage requirements. A special use permit was approved for a swimming pool. In working with the architect since that approval, the property owner has requested another change in the house plans, resulting in another variance request for exceeding the maximum amount of roof coverage. The new proposed roof coverage is 4,789 square feet, or 110 square feet over the maximum allowed. This request is an overage of 2.8 percent. The overage results from an extension of the roof over the master bedroom sliding door.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Patrick Backes

**Property Address**

100 Helen Lane

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

964660915300000, Lot 19 Block-Z

## ZONING INFORMATION

**Current Zoning**

R-3

**Lot Size**

1 acre

**Maximum Roof Coverage**

4,682 square feet (Up to 1 acres)

**Proposed Roof Coverage Total**

4789 square feet (variance application applied for)

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

25.4 percent

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

24 feet

**Description of the Proposed Project**

Adding overhang over master bedroom sliding door. Increasing master bedroom footprint. (New construction)

**Estimated Start Date**

4/5/2020

**Estimated Completion Date**

7/1/2021

**Estimated Cost of Project**

\$1,878,000.00

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

A202 MAIN LEVEL PLAN \_ Layout.pdf

A204 ROOF PLAN \_ Layout.pdf

Barlas Progress set.pdf

**Applicant Signature**

**Date**  
3/20/2020



A handwritten signature in black ink, appearing to be 'F. J. [unclear]', written over a horizontal line.

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Patrick Backes

**Address**

1642 Hendersonville Road, Asheville NC, 28803

**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?**

57 Chauncey Circle (Barlas Residence)

We like to request permission to increase the current roof coverage of 4679 SF to 4789 SF to enlarge the square footage of the master bedroom and allow for a modest roof coverage over the master bedroom sliding door. The current approved design does not have any overhang/ soffit over this patio door.

**What does the ordinance require?**

The maximum allowable roof coverage of this lot (1 acre) is 4682 SF.

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.**

My client would like to age in place and the current restrictions keep us from having a spacious enough master bedroom. In addition to that the master bedroom patio coverage had to be completely eliminated to comply with the ordinance that is currently in place. Now that this coverage is removed from the plans water intrusion is a big concern at the master bedroom patio door. Product warranty is an additional concern as manufacturers often require a minimum coverage over their sliding doors. The requested variance would allow for ample roof overhang over said door, provide a modest but necessary square footage increase to the bedroom while being unnoticeable from the public's view.

While we are respectfully asking for an additional 110 SF we hope that you could be so kind as to take into consideration that our impervious coverage on this lot is at 24.9% out of the 27.5% that is allowed.

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

Yes. Due to the lot size of 1 acre we are limited to a roof coverage of 4,682 SF.

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

The developer set the guidelines.

**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.**

Yes. This is a beautifully designed elegant home that we believe will enhance both Biltmore Forest and The Ramble.

The spirit of thoughtful home placement is in effect. The very low roof pitch of this residence will aid in not presenting the as towering and cumbrous.

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

**Signature**

**Date**

3/12/2020



---

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
Design Review	11/25/2019
Permit Set	01/31/2020

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SHEET TITLE  
COVER SHEET | ARCH

A000

**DRAWING INDEX**

**INTRODUCTION**

- A000 COVER SHEET
- SURVEY
- A100 SITE PLAN
- AFAR FAR CALCS.

**ARCHITECTURAL**

- A201 FOUNDATION PLAN
- A202 MAIN LEVEL PLAN
- A203 UPPER LEVEL PLAN
- A204 ROOF PLAN
- A301 ELEVATION
- A302 ELEVATION
- A303 ELEVATION
- A304 ELEVATION
- A305 ELEVATION
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- A401 SECTION
- A402 SECTION
- A403 SECTION
- A404 SECTION
- A405 SECTION
- A601 ASSEMBLIES
- A602 WINDOW DETAILS
- A603 DOOR DETAILS
- A604 SIDING DETAILS
- A605 INTERIOR DETAILS
- A606 TYPICAL DETAILS
- A607 BUILDING DETAILS
- A608 BUILDING DETAILS
- A609 BUILDING DETAILS
- A610 STAIR DETAILS
- A611 FIREPLACE DETAILS
- A701 WINDOW SCHEDULE
- A702 WINDOW SCHEDULE
- A703 DOOR SCHEDULE - EXTERIOR
- A704 DOOR SCHEDULE - INTERIOR
- A705 FIXTURES & MATERIALS

# Barlas Residence

## Asheville, NC

### PERMIT SET 01/31/2020

**PROJECT INFO**

57 CHAUNCEY CIRCLE, NC 28803

**JURISDICTION:** Buncombe County

**PARCEL ID:** XXX-XXX-XX-XXX

**LEGAL DESC:** Lot 19: Biltmore Forest Block Z

NORTH CAROLINA STATE BUILDING CODE - RESIDENTIAL  
NORTH CAROLINA STATE BUILDING CODE - ENERGY CONSERVATION CODE

Climate Zone: 4A



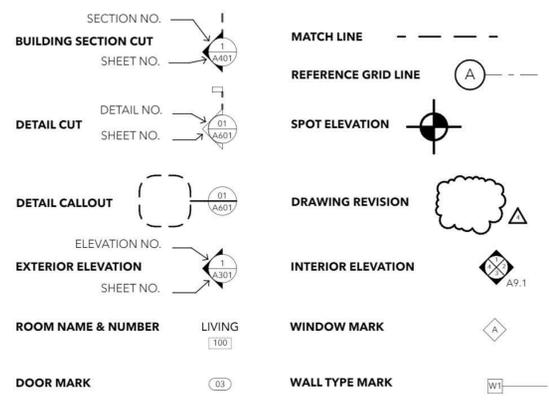
**ABBREVIATIONS**

AAD	Allie Access Door	GALV	Galvanized	RW	Roof Window
ADD	Addendum	GC	General Contractor	RO	Rough Opening
ADJ	Adjacent	GL	Glass	SAN	Sanitary
AOR	Area of Refuge	GR	Grade	SECT	Section
AGG	Aggregate	GLB	Laminated Wood Beam	SEW	Sewer
AFF	Above Finished Floor	GYP	Gypsum	SHT	Sheet
ALT	Alternate	GYW	Gypsum Wallboard	SHV	Shelves
ARCH	Architectural	HDW	Hardware	SIM	Similar
BM	Beam	HD	Head	SL	Sliding
BRG	Bearing	HVAC	Heating, Ventilating, and Air Conditioning	SM	Sheet Metal
BET	Between	HT	Height	STC	Sound-Transmission Class
BS	Boast	HWY	Highway	SPEC	Specification
BS	Both Sides	HOR	Horizontal	SQ	Square
BO	Bottom Of	ID	Inside Diameter	STD	Standard
BLDG	Building	INT	Interior	STL	Steel
CAB	Cabinet	JT	Joint	STRUCT	Structure (all)
CL	Centerline	LAM	Laminate	SUB	Substitute
CER	Ceramic	LAV	Lavatory	SUPPL	Supplement (all)
CLR	Clear	MFG	Manufacturer	SUSP	Suspend (ed)
CLOS	Closet	MO	Masonry Opening	TEL	Telephone
CMU	Concrete Masonry Unit	MTL	Material	TV	Television
COL	Column	MAX	Maximum	TEMP	Tempered
CONC	Concrete	MC	Medicine Cabinet	TH	Thick
CJ	Construction Joint	MECH	Mechanical	TPH	Toilet Paper Holder
CONT	Continuous	MIN	Minimum	T&G	Tongue and Groove
DP	Dampening	MISC	Miscellaneous	T&B	Top and Bottom
DET	Detail	NIC	Not In Contract	TO	Top Of
DIA	Diameter	NA	Not Applicable	T	Tread
DIM	Dimension	NTS	Not to Scale	TS	Tube Steel
DW	Dishwasher	DN	Down	TYP	Typical
DN	Down	OPG	Opening	UG	Underground
DR	Drain	OPP	Opposite	U.N.O.	Unless Noted Otherwise
DS	Downspout	OPH	Opposite Hand	UNFN	Unfinished
DRWG	Drawing	OD	Outside Diameter	UBC	Uniform Building Code
EA	Each	PH	Plenty (mats, etc.)	UGS	United States Gage
EL	Elevation	PERF	Perforated (G)	VAR	Variable
EQ	Equip	PFM	Prefinished Metal	VENT	Ventilate
EXIST	Existing	PL	Plate	VF	Verify in Field
EJ	Expansion Joint	PLY	Plywood	VERT	Vertical
EXT	Exterior	PROD	Product	VAT	Vinyl Asbestos Tile
FEC	Fire Extinguisher Cabinet	PROJ	Project	V	Village
FCC	Face Of Concrete	PROP	Property	WC	Water Closet
FOS	Face Of Stud	R	Radius or Riser	WIP	Waterproof
FIN	Finish	REF	Refer	WT	Weight
DN	Down	REFR	Refrigerator	W	Window
FD	Floor Drain	REINP	Reinforced (G)	WJ	With (conts. form)
FTG	Footing	REQD	Required	W/O	Without
FDN	Foundation	RHSM	Round Head Sheet Metal Screw	WD	Wood
GA	Gauge	RM	Room		

**GENERAL NOTES**

- THE AIA DOCUMENT 201, "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION", 2017, ARE HEREBY MADE A PART OF THESE CONTRACT DOCUMENTS. COPIES ARE ON FILE AND ARE AVAILABLE FOR INSPECTION AT THE OFFICES OF THE ARCHITECT.
- THE CONTRACT DOCUMENTS CONSIST OF THE AGREEMENT, THE GENERAL NOTES, THE SPECIFICATIONS, AND THE DRAWINGS, WHICH ARE COOPERATIVE AND CONTINUOUS. WORK INDICATED OR REASONABLY IMPLIED IN ANY ONE OF THE DOCUMENTS SHALL BE SUPPLIED AS THOUGH FULLY COVERED IN ALL. ANY DISCREPANCY BETWEEN THE DIFFERENT PARTS SHOULD BE REPORTED TO THE ARCHITECT IMMEDIATELY.
- ALL WORK SHALL COMPLY WITH ALL STATE AND LOCAL CODES AND ORDINANCES, AND SHALL BE PERFORMED TO THE HIGHEST STANDARDS OF CRAFTSMANSHIP BY JOURNEYMEN OF THE APPROPRIATE TRADES. GENERALLY, ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS, UNLESS OTHERWISE REGULATED OR SPECIFIED BY ARCHITECT OR GOVERNING BODIES.
- THESE DOCUMENTS ARE INTENDED TO INCLUDE ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES REQUIRED TO COMPLETE ALL WORK DESCRIBED HEREIN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BRING TO THE ATTENTION OF THE ARCHITECT ANY CONDITIONS WHICH WILL NOT PERMIT CONSTRUCTION ACCORDING TO THE INTENTIONS OF THESE DOCUMENTS. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE DETAILS AND/OR DIRECTIONS REGARDING DESIGN INTENT WHERE IT IS ALTERED BY EXISTING CONDITIONS OR WHERE NEGLECTED IN THE DOCUMENTS.
- ANY MATERIALS PROPOSED FOR SUBSTITUTION OF THOSE SPECIFIED OR CALLED OUT BY TRADE NAME IN THESE DOCUMENTS SHALL BE PRESENTED TO THE ARCHITECT FOR REVIEW. THE CONTRACTOR SHALL SUBMIT SAMPLES WHEN REQUIRED BY THE ARCHITECT, AND ALL SUCH SAMPLES SHALL BE REVIEWED BY THE ARCHITECT BEFORE THE WORK IS PERFORMED. WORK MUST CONFORM TO THE REVIEWED SAMPLES. ANY WORK WHICH DOES NOT CONFORM SHALL BE REMOVED AND REPLACED WITH WORK WHICH CONFORMS TO THE REQUESTS AND SAMPLES FOR REVIEW THROUGH THE GENERAL CONTRACTOR'S EXPENSE. SUBCONTRACTORS SHALL SUBMIT CONTRACTOR WHEN WORK IS LET THROUGH HIM OR HER. REQUIRED VERIFICATIONS AND SUBMITTALS TO BE MADE IN ADEQUATE TIME AS NOT TO DELAY WORK IN PROGRESS.
- SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR HIS OR HER REVIEW WHERE CALLED FOR ANYWHERE IN THESE DOCUMENTS. REVIEW SHALL BE MADE BY THE ARCHITECT BEFORE WORK IS BEGUN, AND WORK SHALL CONFORM TO THE REVIEWED SHOP DRAWINGS, SUBJECT TO REPLACEMENT AS REQUIRED IN PARAGRAPH E, ABOVE.
- THE BUILDING INSPECTOR SHALL BE NOTIFIED BY THE CONTRACTOR WHEN THERE IS NEED OF INSPECTION AS REQUIRED BY THE UNIFORM BUILDING CODE OR ANY LOCAL CODE OR ORDINANCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY AND CARE OF ADJACENT PROPERTIES DURING CONSTRUCTION, FOR COMPLIANCE WITH FEDERAL AND STATE O.S.H.A. REGULATIONS, AND FOR THE PROTECTION OF ALL WORK UNTIL IT IS DELIVERED COMPLETED TO THE OWNER.
- ALL DIMENSIONS NOTED TAKE PRECEDENCE OVER SCALED. DIMENSIONS NOTED WITH "N.T.S." DENOTES NOT TO SCALE. DRAWINGS NOT TO BE SCALED, NOTIFY ARCHITECT OF ANY CONFLICTS OR OMISSIONS
- CONTRACTOR SHALL VERIFY AND COORDINATE ALL OPENINGS THROUGH FLOORS, CEILINGS, AND WALLS WITH ALL ARCHITECTURAL, STRUCTURAL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS.
- CONTRACTOR WILL ASSUME RESPONSIBILITY OF ITEMS REQUIRING COORDINATION AND RESOLUTION DURING THE BIDDING PROCESS.

**SYMBOL LEGEND**



**PROJECT DIRECTORY**

- Chris Barlas (OWNER)**  
767 Caribou Road  
Asheville, NC 28803  
gurusam@aol.com
- CONTACT: Chris Barlas
- VELLUM ARCHITECTURE & DESIGN (ARCHITECT)**  
188 Charlotte Street, Suite 3  
Asheville, NC 28801  
mark@vellumad.com
- CONTACT: Mark Rudolf  
(970) 618-1889
- ACETO LANDSCAPE ARCHITECTS (LANDSCAPE ARCHITECT)**  
PO Box 3787  
Portland, ME 04101  
sk@acetola.com
- CONTACT: Seth Kimball  
(207) 221-3390

**VICINITY PLAN**



# Barlas Residence

TBD Chauncey Circle  
Asheville, NC 28803

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
Design Review	11/25/2019
Permit Set	01/31/2020

Print Date: 2/19/20

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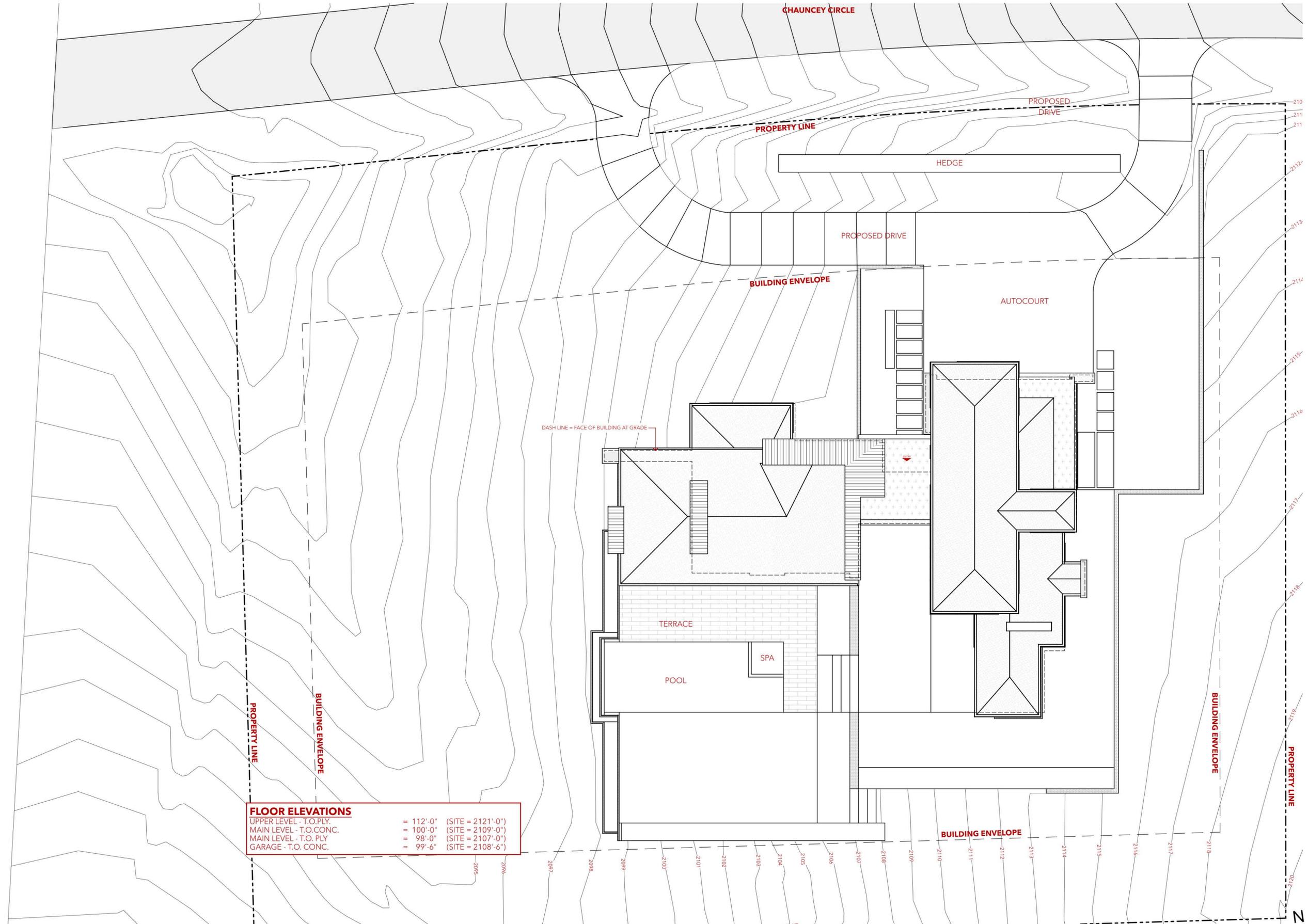
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SHEET TITLE

**SITE PLAN**

**A100**



FLOOR ELEVATIONS	
UPPER LEVEL - T.O. PLY.	112'-0" (SITE = 2121'-0")
MAIN LEVEL - T.O. CONC.	100'-0" (SITE = 2109'-0")
MAIN LEVEL - T.O. PLY.	98'-0" (SITE = 2107'-0")
GARAGE - T.O. CONC.	99'-6" (SITE = 2108'-6")

Site Plan **1**

SCALE: 1" = 10'

**NOT FOR  
CONSTRUCTION**

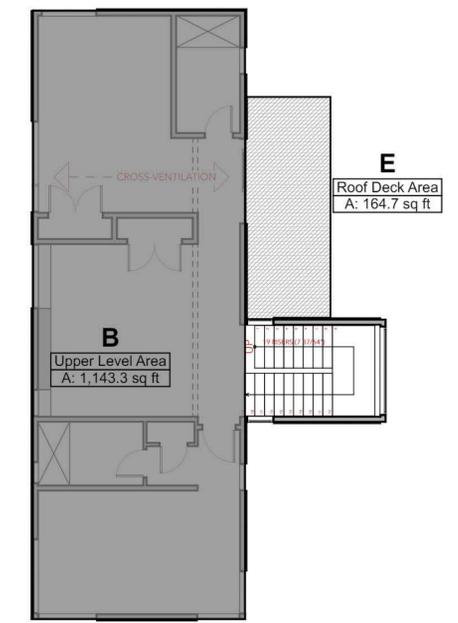
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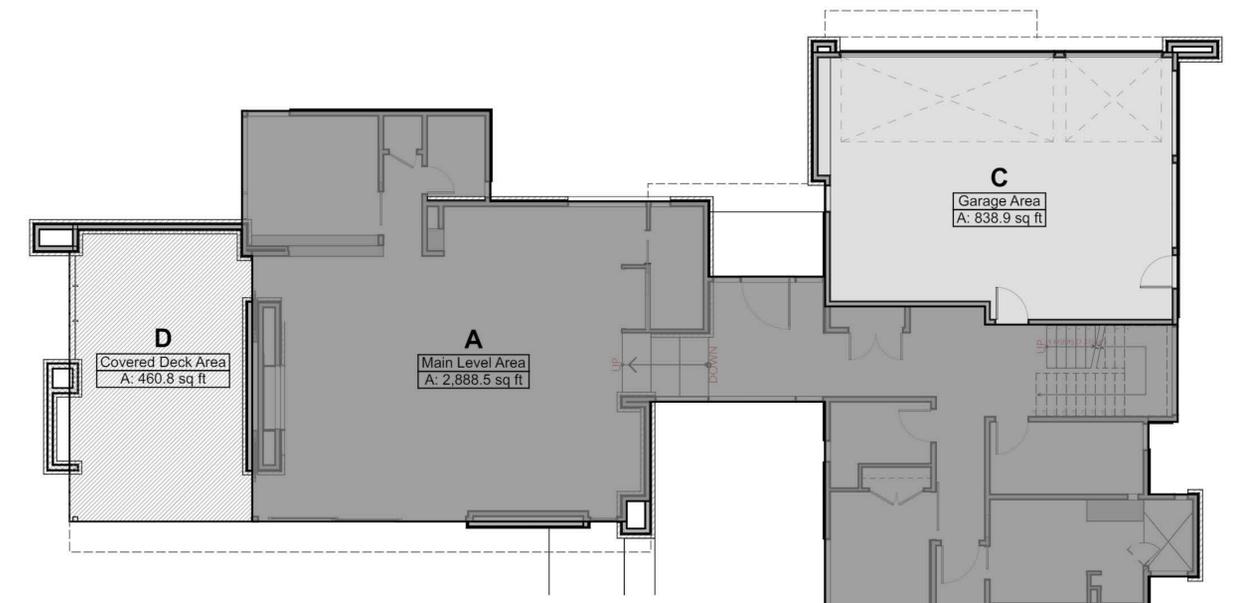
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**SHEET TITLE  
FAR CALCS.**



Upper Level **2**  
SCALE: 1/8" = 1'-0"



**FLOOR AREA KEY**  
 FLOOR AREA  
 COVERED DECK AREA

Main Level **1**  
SCALE: 1/8" = 1'-0"  
N

FLOOR AREA TOTALS				
ID	Floor Level	Description	Area	Notes
A	Main Level	Main Level Area	2,888	
B	Upper Level	Upper Level Area	1,143	
C	Main Level	Garage Area	839	
D	Main Level	Covered Deck Area	461	
E	Upper Level	Roof Deck Area	165	

FLOOR AREA CALCULATION				
ID	Floor	Description	Actual Area	Notes
A	Main Level	Main Level Area	2,888	
B	Upper Level	Upper Level Area	1,143	
<b>TOTAL HEATED FLOOR AREA</b>			<b>4,031 sq ft</b>	

# Barlas Residence

TBD Chauncey Circle  
Asheville, NC 28803

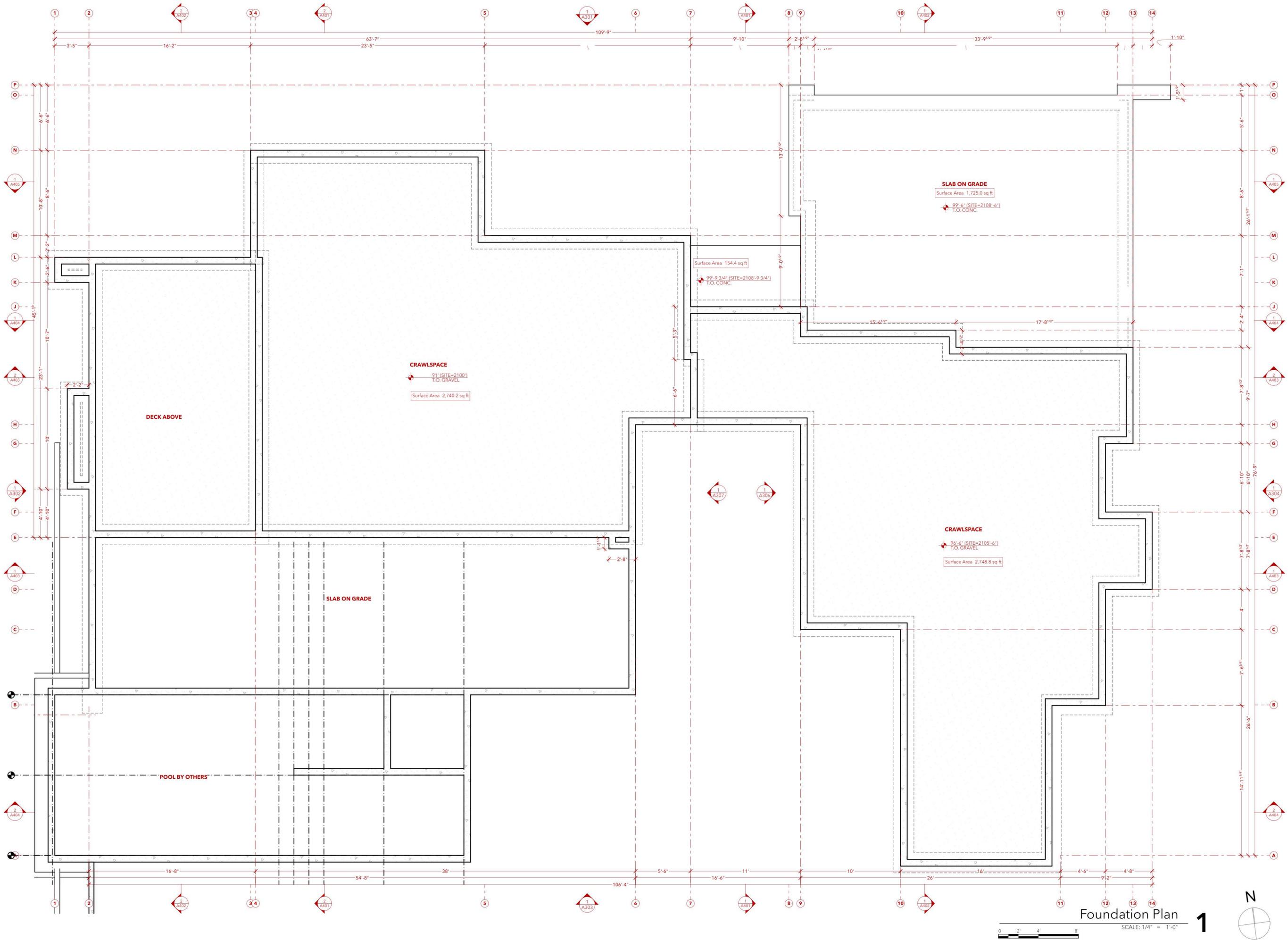
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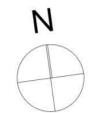
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SHEET TITLE  
**FOUNDATION PLAN**

**A201**



Foundation Plan **1**  
SCALE: 1/4" = 1'-0"





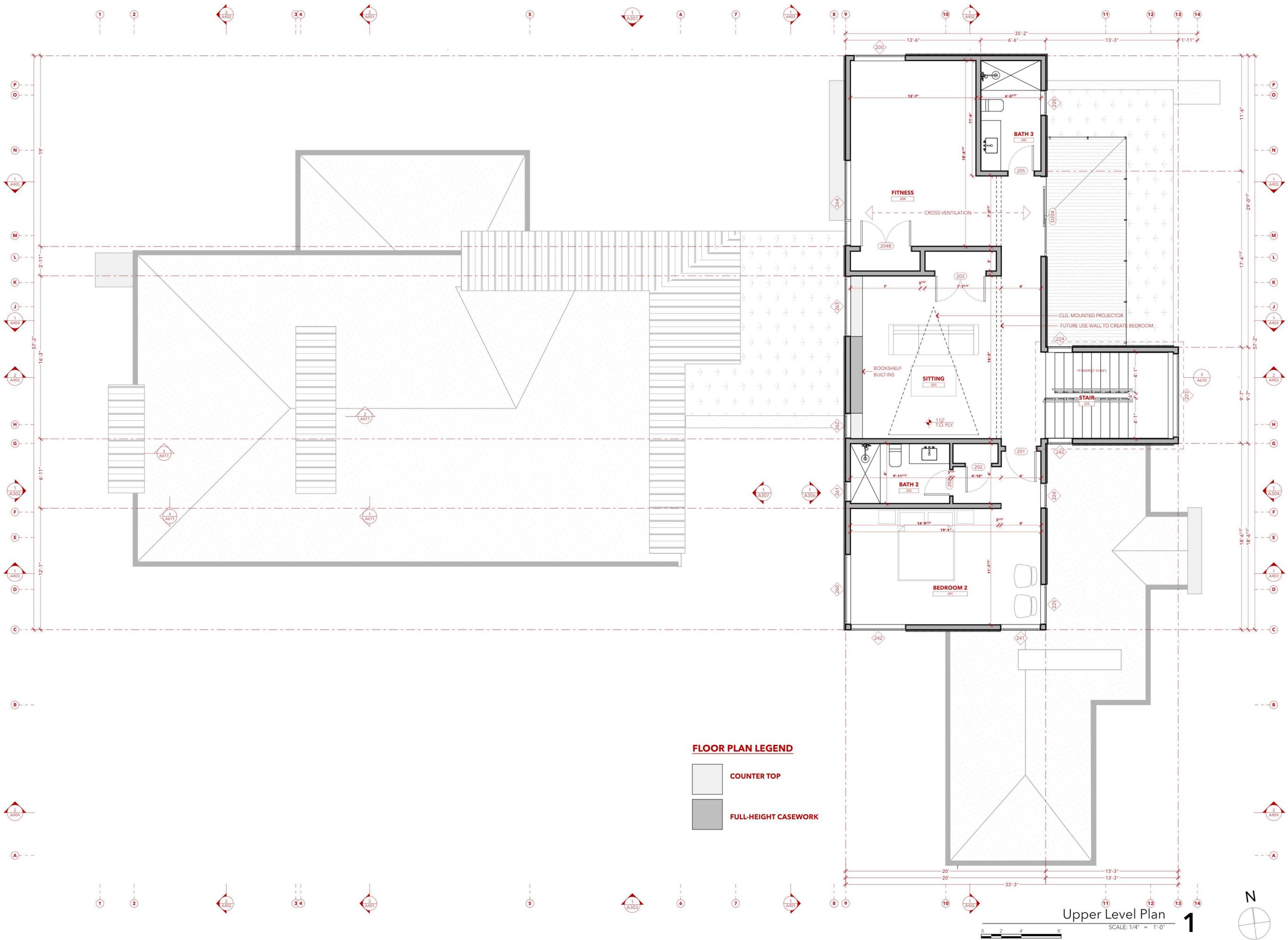
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 SHEET TITLE  
**UPPER LEVEL PLAN**

**A203**



# Barlas Residence

TBD Chauncey Circle  
Asheville, NC 28803

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CONSTRUCTION**

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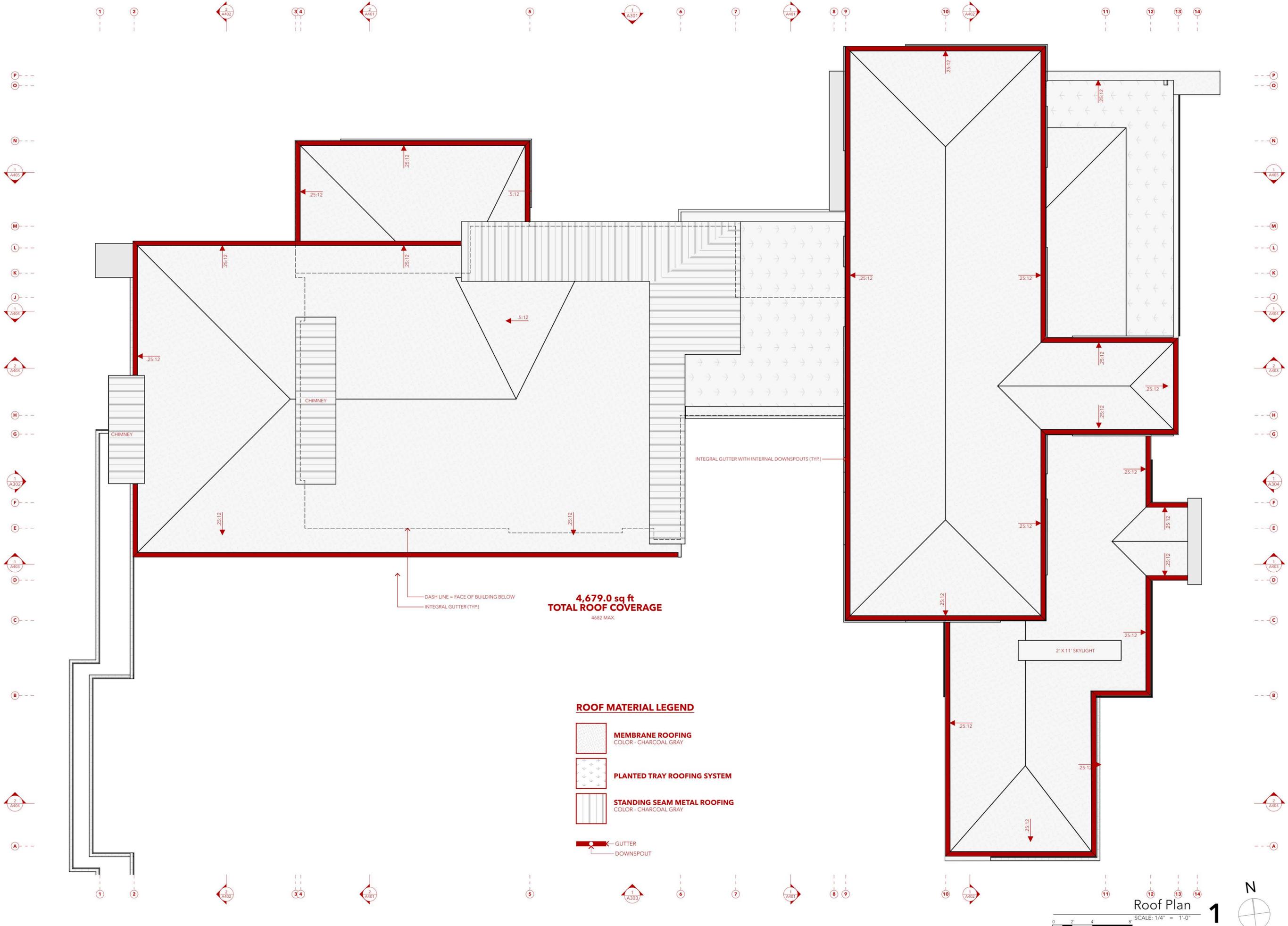
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SHEET TITLE  
**ROOF PLAN**

**A204**



**4,679.0 sq ft**  
**TOTAL ROOF COVERAGE**  
4682 MAX.

**ROOF MATERIAL LEGEND**

-  **MEMBRANE ROOFING**  
COLOR - CHARCOAL GRAY
-  **PLANTED TRAY ROOFING SYSTEM**
-  **STANDING SEAM METAL ROOFING**  
COLOR - CHARCOAL GRAY
-  **GUTTER**
-  **DOWNSPOUT**

Roof Plan 1  
SCALE: 1/4" = 1'-0"

**NOT FOR  
CONSTRUCTION**

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SHEET TITLE  
**ELEVATION**

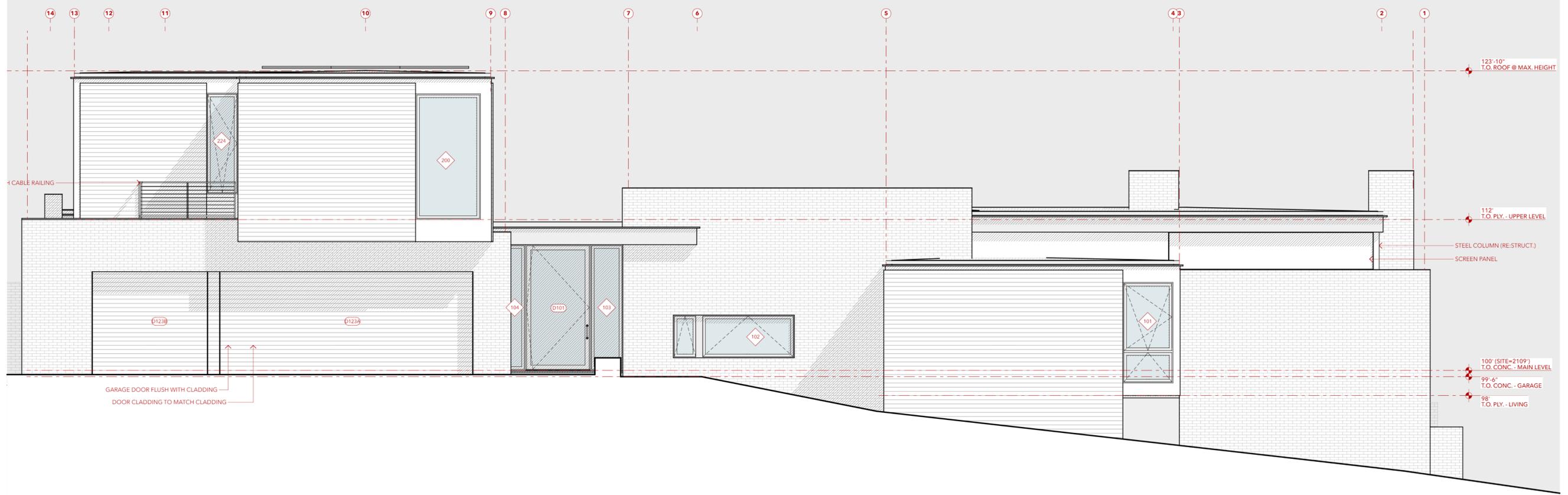
**A301**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703



North Elevation **1**  
SCALE: 1/4" = 1'-0"



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SHEET TITLE  
**ELEVATION**

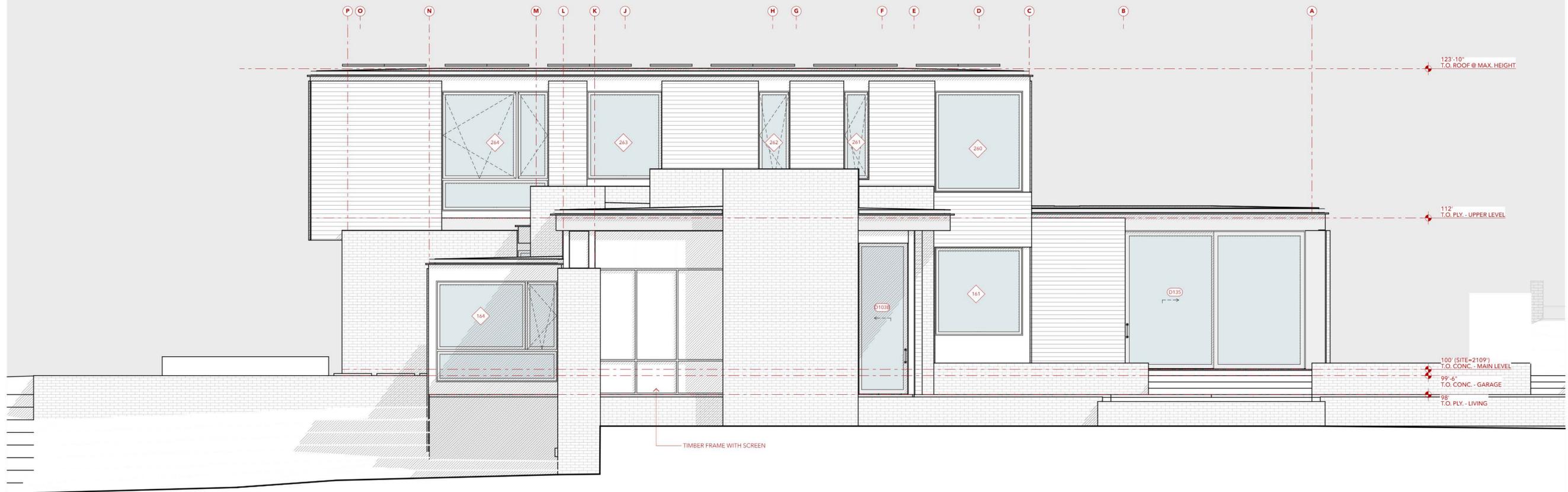
**A302**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703



West Elevation

**1**



SCALE: 1/4" = 1'-0"

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
Design Review	11/25/2019
Permit Set	01/31/2020

Print Date: 2/19/20

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SHEET TITLE  
**ELEVATION**

**A303**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703



South Elevation **1**  
SCALE: 1/4" = 1'-0"



**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
Permit Set	01/31/2020

Print Date: 2/19/20

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SHEET TITLE  
**ELEVATION**

**A304**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703



East Elevation



SCALE: 1/4" = 1'-0"

**1**

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
<b>Permit Set</b>	<b>01/31/2020</b>

Print Date: 2/19/20

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SHEET TITLE  
**ELEVATION**

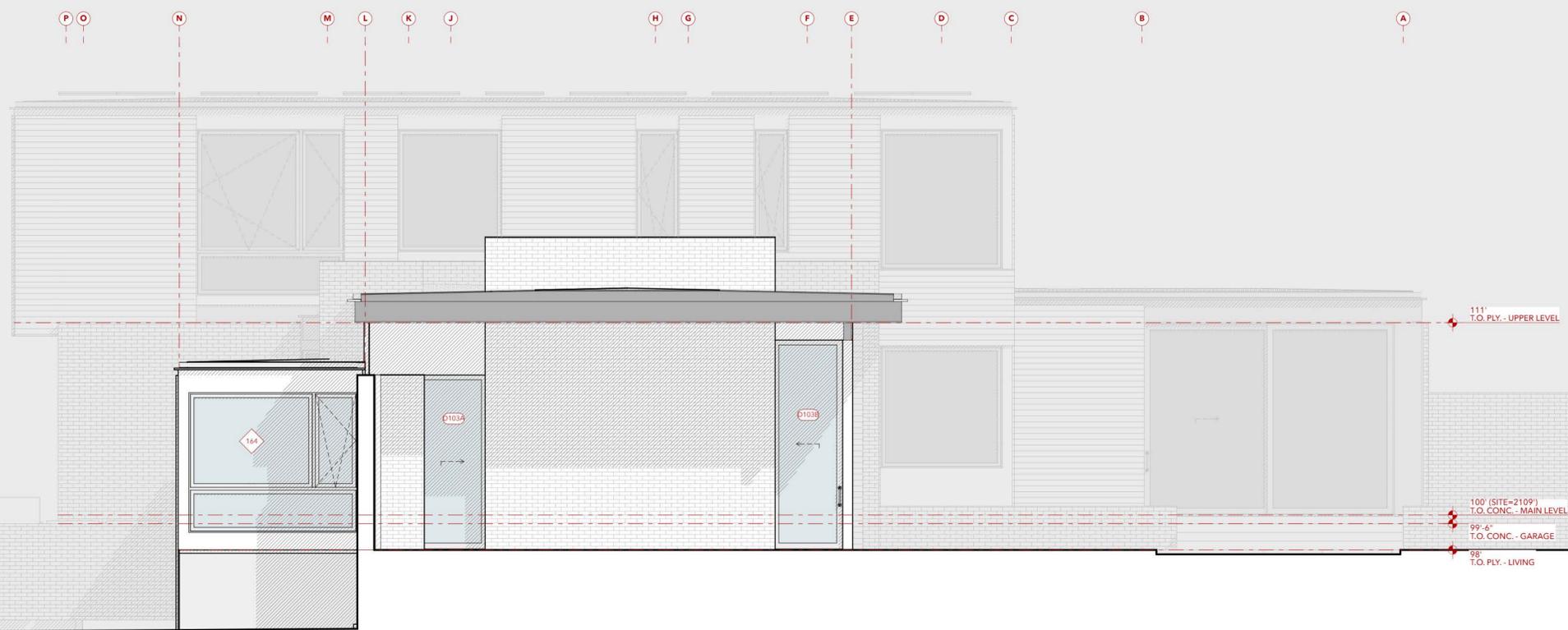
**A305**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703



Partial West Elevation @ Outdoor Living



SCALE: 1/4" = 1'-0"

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
Design Review	11/25/2019
Permit Set	01/31/2020

Print Date: 2/19/20

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SHEET TITLE  
**ELEVATION**

**A306**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703



Partial West Elevation @ Entry



SCALE: 1/4" = 1'-0"

**1**

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
Permit Set	01/31/2020

Print Date: 2/19/20

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SHEET TITLE  
**ELEVATION**

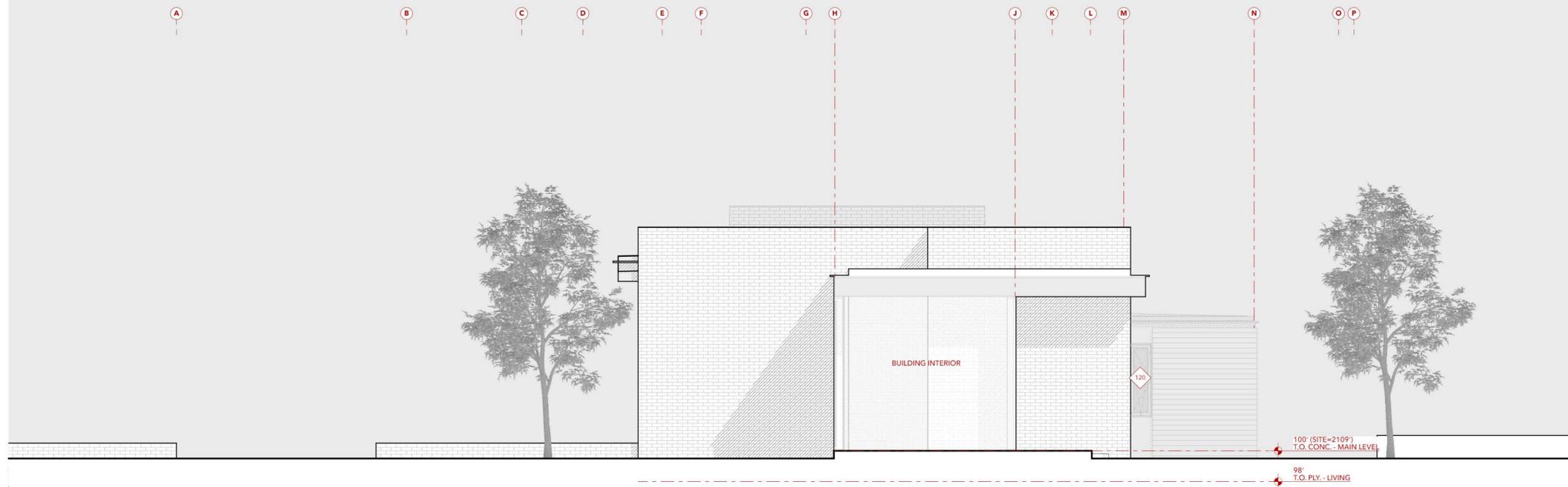
**A307**

**ELEVATIONS MATERIAL LEGEND**

-  **BRICK VENEER**  
Corso White
-  **HORIZONTAL WOOD RAINSCREEN**  
Thermory 1x6 Ash
-  **WOOD TIMBERS & TRIM**  
TBD
-  **PAPER COMPOSITE PANEL**  
Richlite Black Diamond

**GENERAL NOTES**

- 1)  INDICATES WINDOW, SEE WINDOW SCHEDULE ON A701
- 2)  INDICATES DOOR, SEE DOOR SCHEDULE ON A703

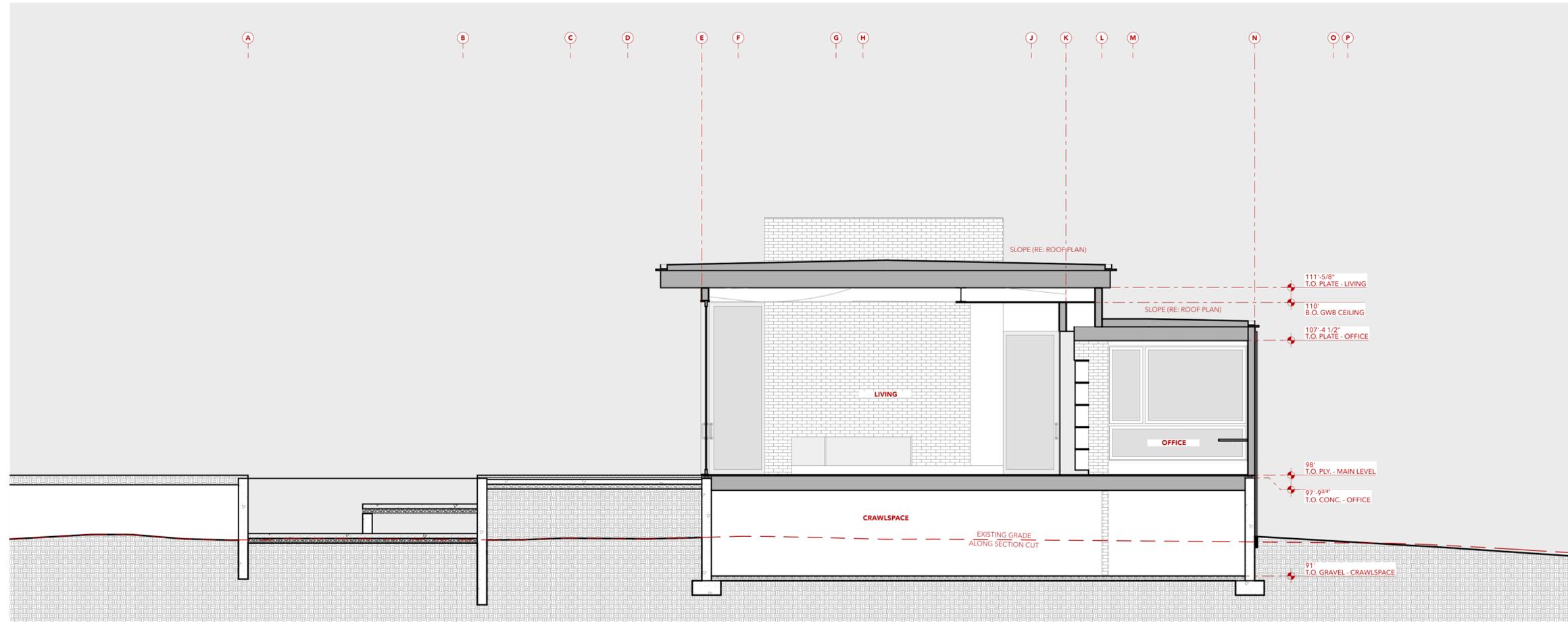


Partial East Elevation @ Entry

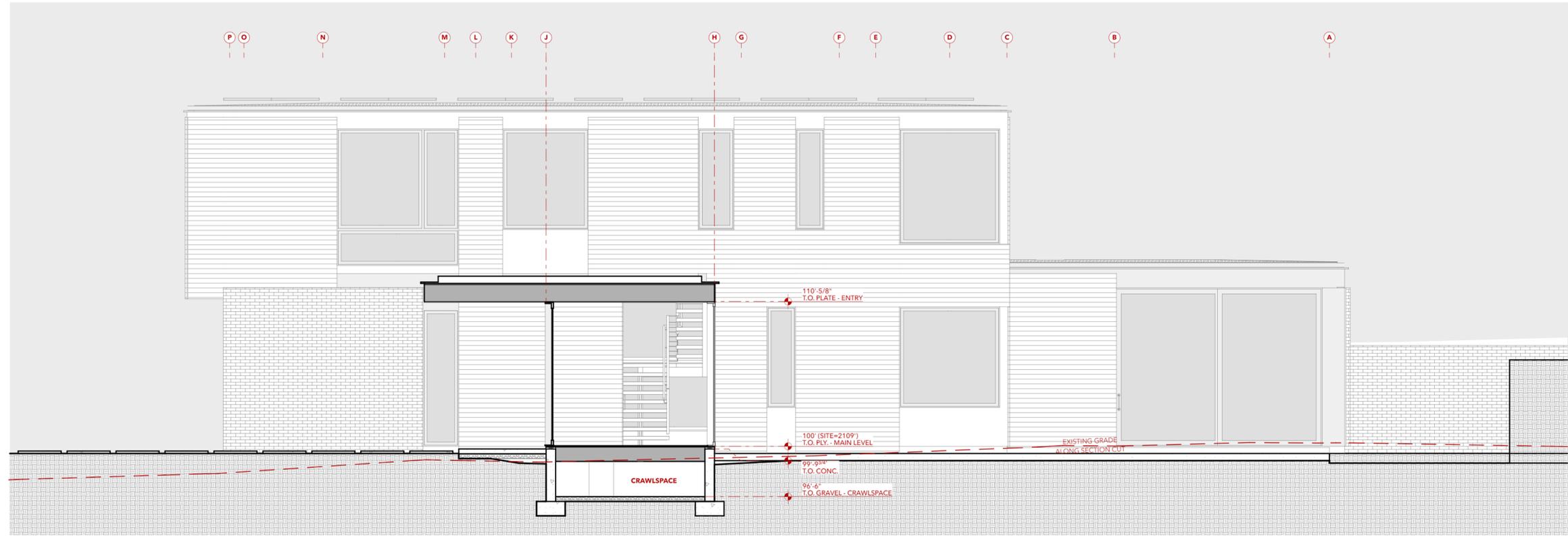


SCALE: 1/4" = 1'-0"

**1**



N-S Section @ Living **2**  
SCALE: 1/4" = 1'-0"



N-S Section @ Entry **1**  
SCALE: 1/4" = 1'-0"



**NOT FOR CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
<b>Permit Set</b>	<b>01/31/2020</b>

Print Date: 2/19/20

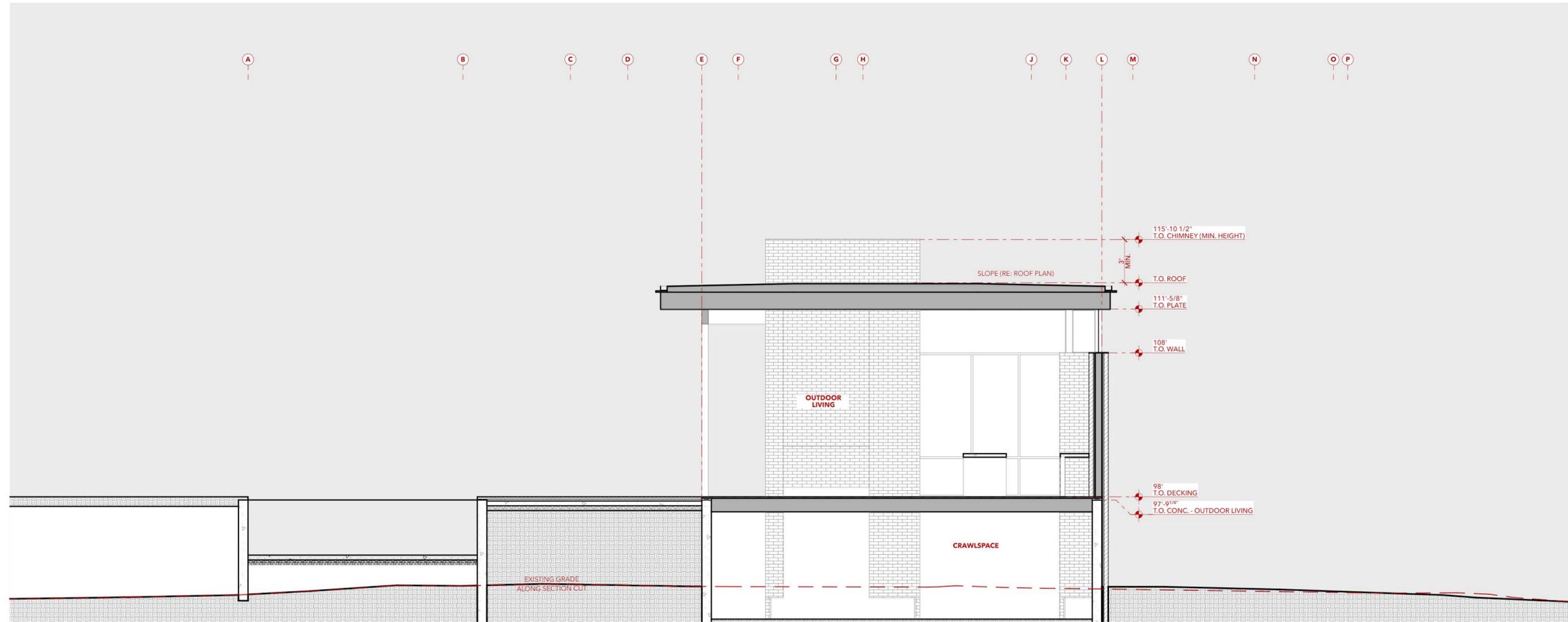
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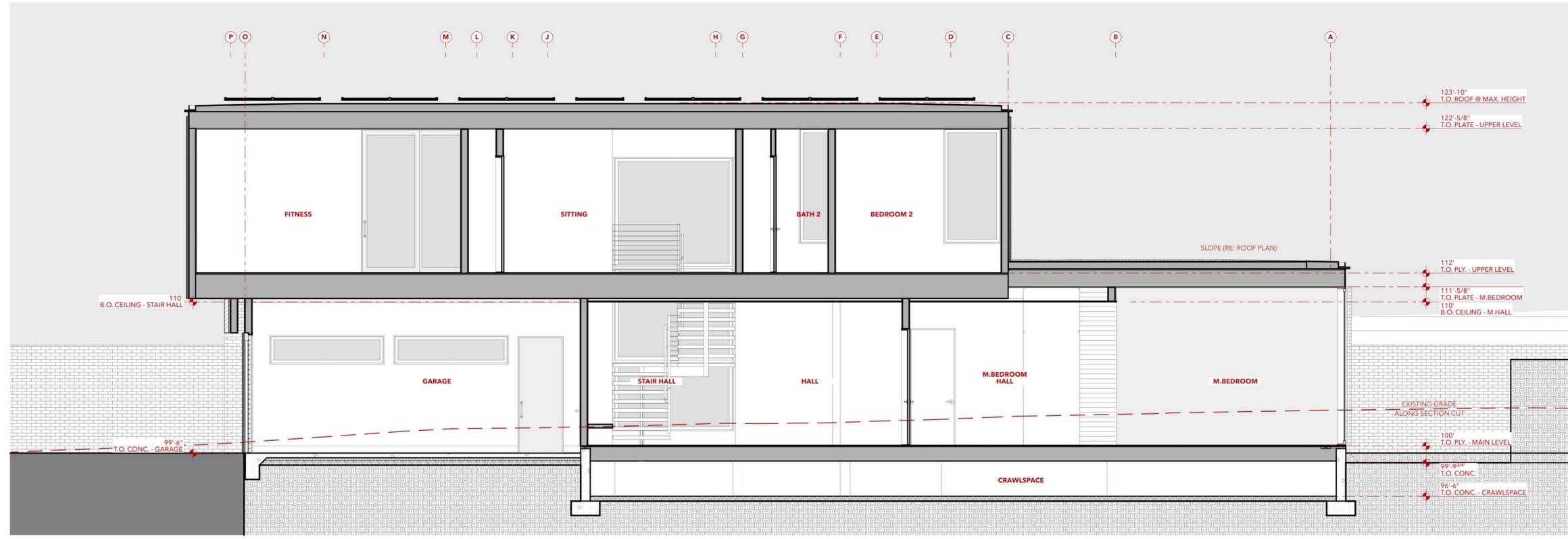
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SHEET TITLE  
**SECTION**

**A401**



N-S Section @ Outdoor Living **2**  
SCALE: 1/4" = 1'-0"



N-S Section @ Garage **1**  
SCALE: 1/4" = 1'-0"

**NOT FOR CONSTRUCTION**

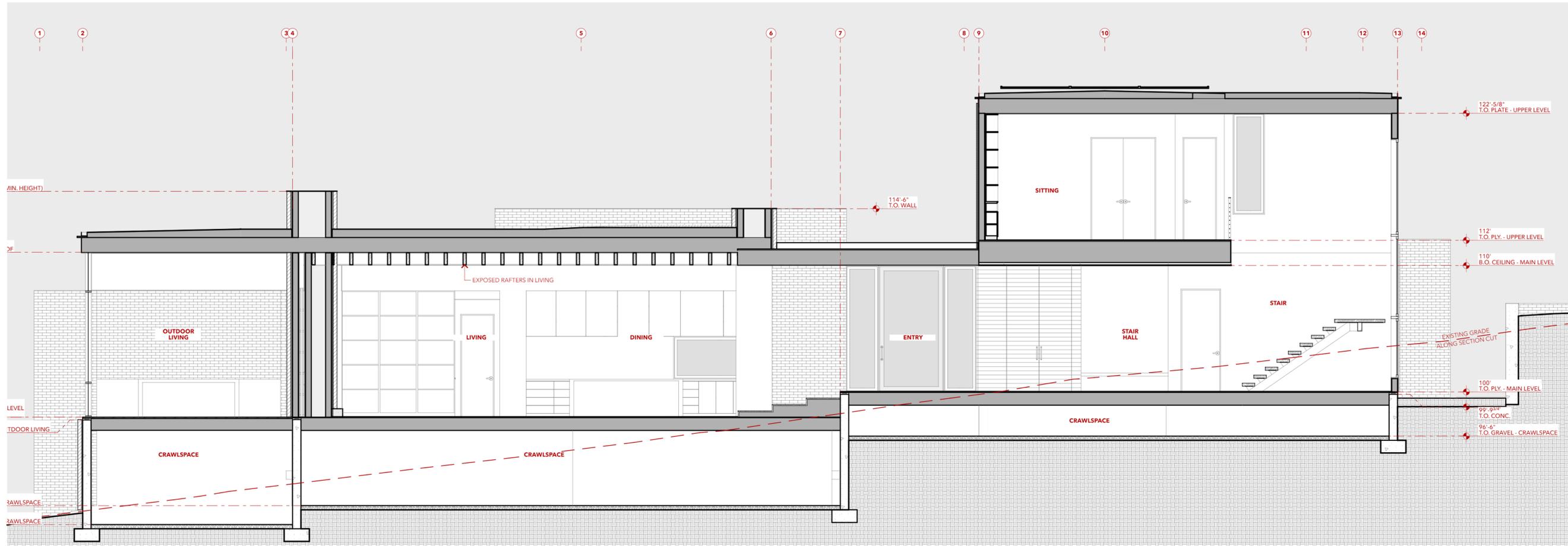
ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
Permit Set	01/31/2020

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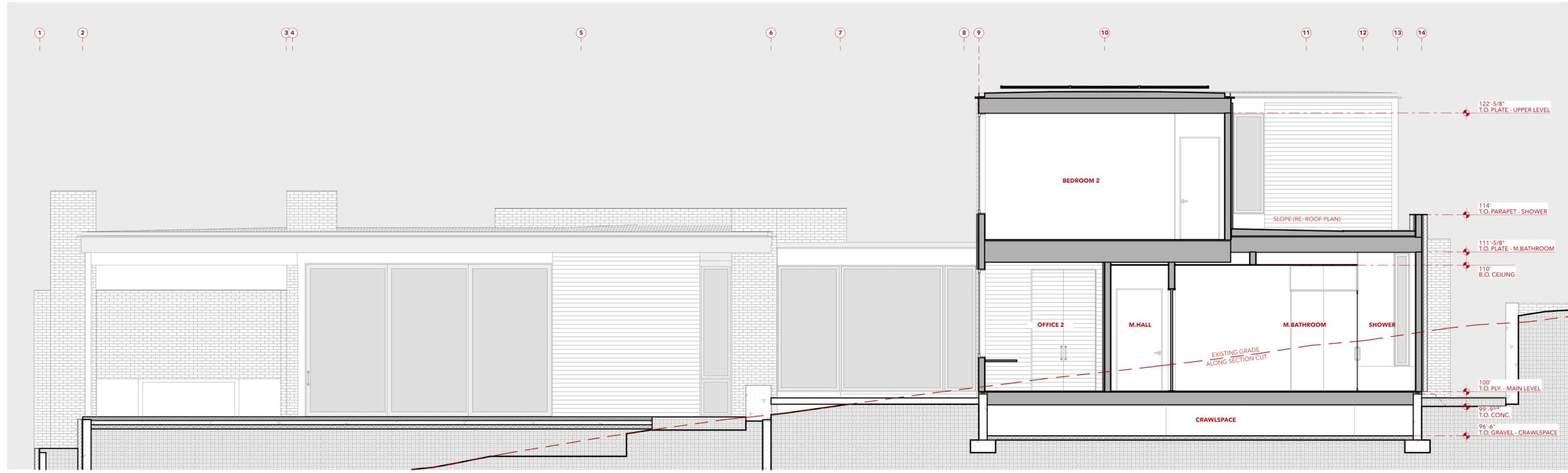
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SHEET TITLE  
**SECTION**

**A402**



W-E Section @ Stair **2**



W-E Section @ M.Bathroom **1**



**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
<b>Permit Set</b>	<b>01/31/2020</b>

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 SHEET TITLE  
**SECTION**

**A403**

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
Design Review	11/25/2019
Permit Set	01/31/2020

Print Date: 2/19/20

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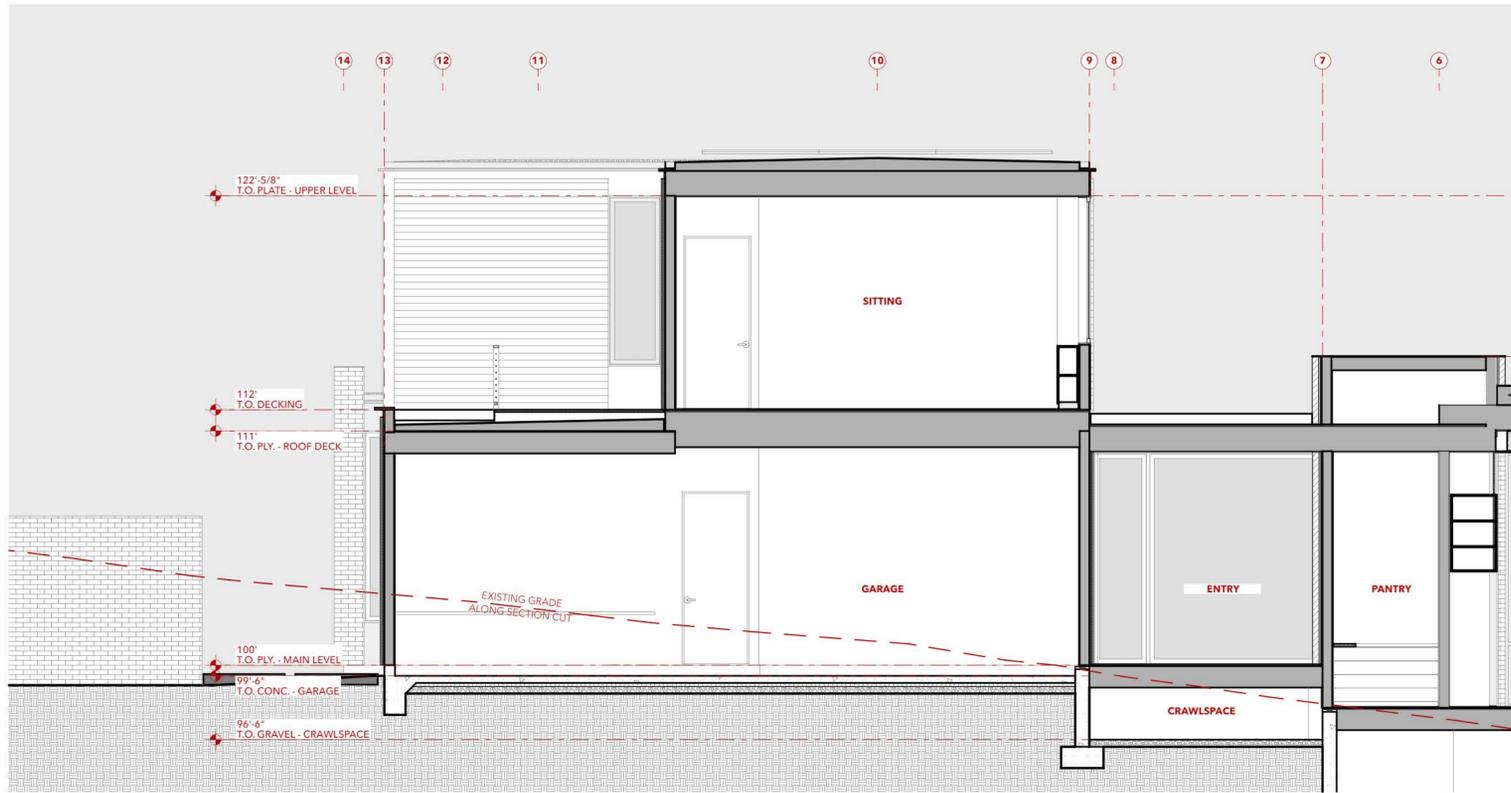
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SHEET TITLE

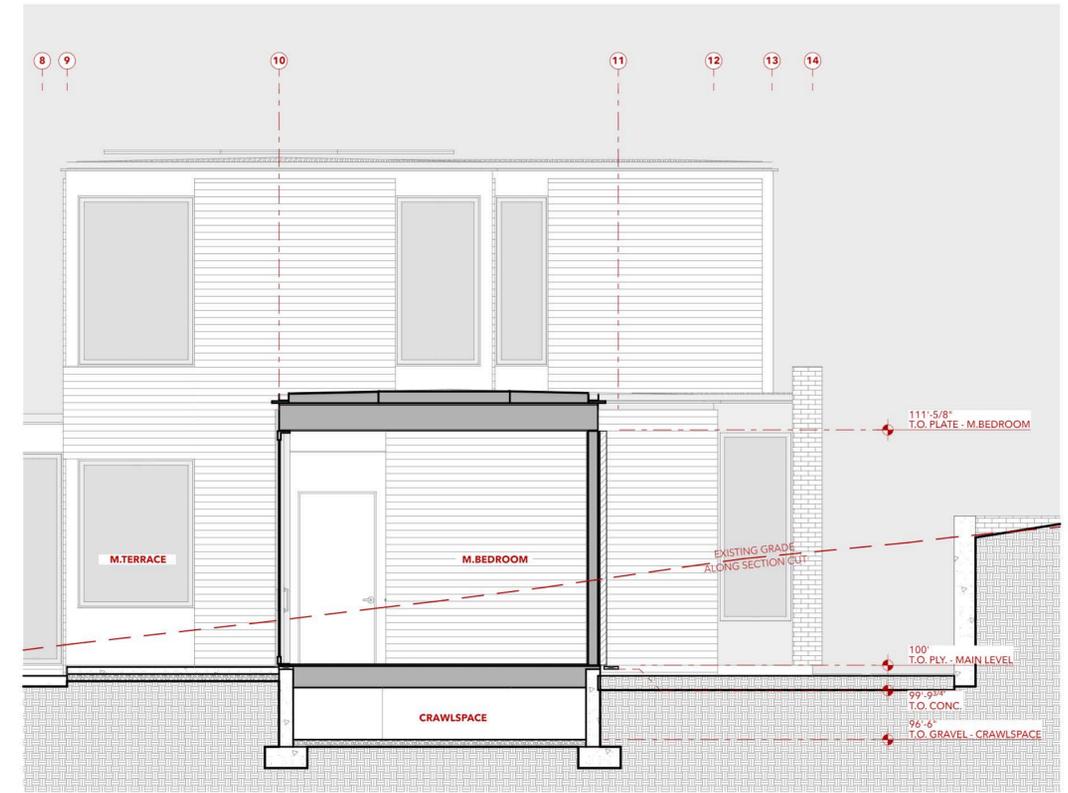
**SECTION**

**A404**



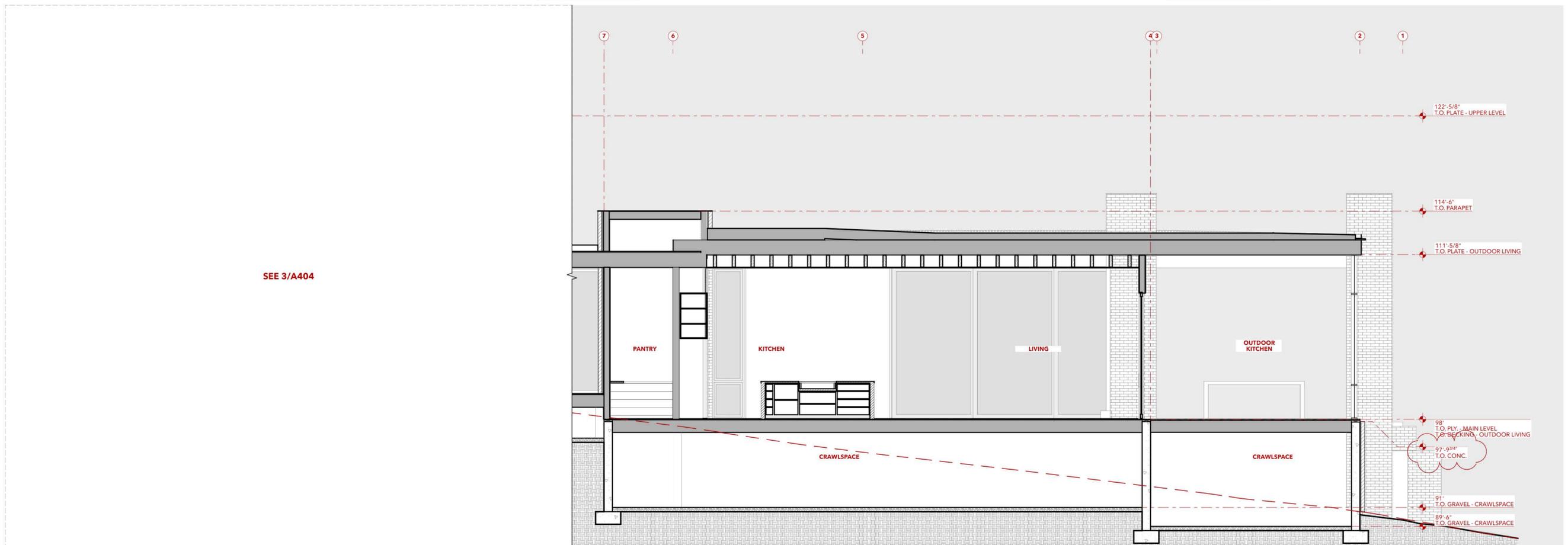
W-E Section @ Garage **3**

SCALE: 1/4" = 1'-0"



W-E Section @ M.Bedroom **2**

SCALE: 1/4" = 1'-0"



W-E Section @ Garage **1**

SCALE: 1/4" = 1'-0"

SEE 3/A404

**Barlas Residence**

TBD Chauncey Circle  
Asheville, NC 28803

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
Design Review	11/25/2019
Permit Set	01/31/2020

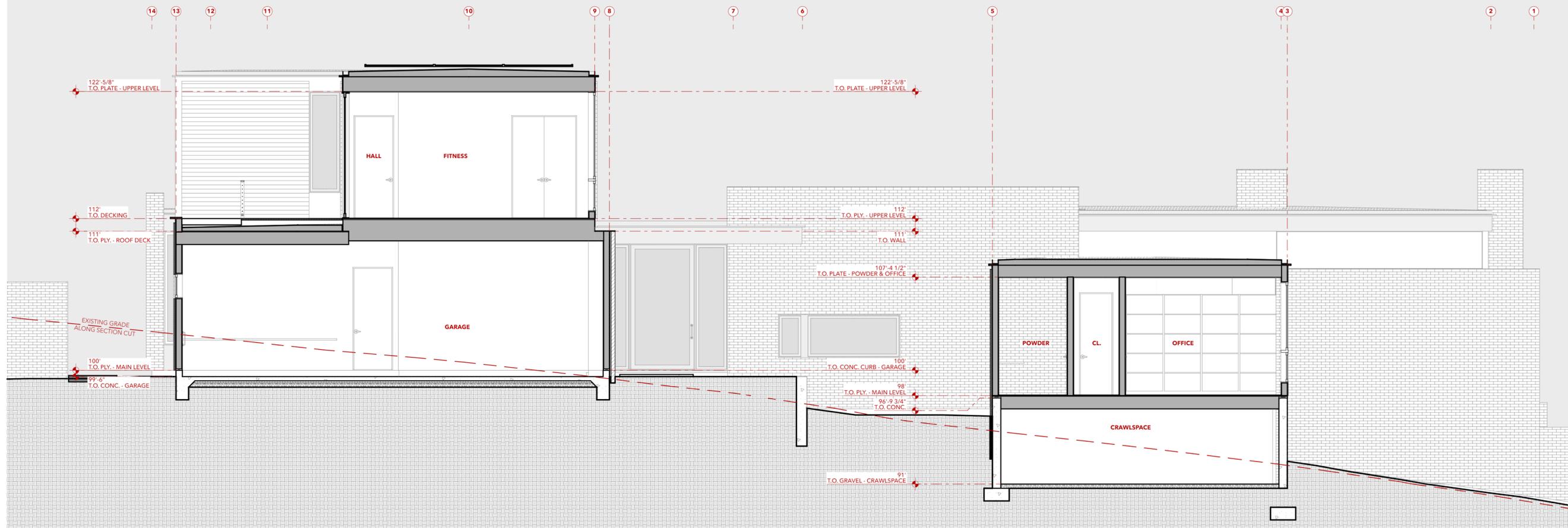
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**SHEET TITLE**  
**SECTION**

**A405**



W-E Section @ Office **1**  
SCALE: 1/4" = 1'-0"





# Barlas Residence

TBD Chauncey Circle  
Asheville, NC 28803

**NOT FOR  
CONSTRUCTION**

ISSUE	DATE
DRC Submittal	09/12/2019
Schematic Design	09/26/2019
<b>Design Review</b>	<b>11/25/2019</b>
<b>Permit Set</b>	<b>01/31/2020</b>

Print Date: 3/11/20

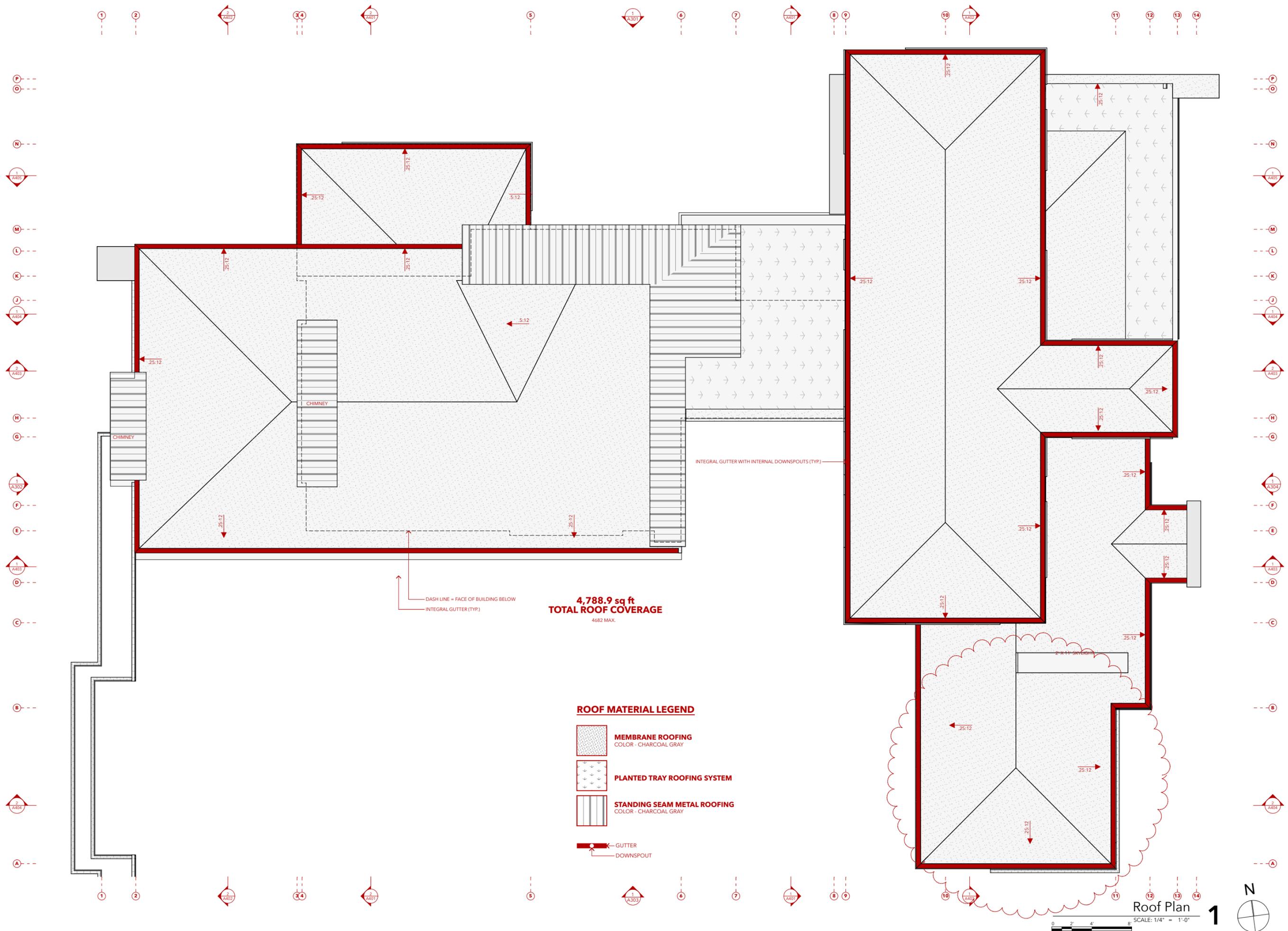
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SHEET TITLE  
**ROOF PLAN**

# A204



**4,788.9 sq ft  
TOTAL ROOF COVERAGE**  
4682 MAX.

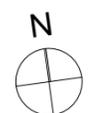
**ROOF MATERIAL LEGEND**

-  **MEMBRANE ROOFING**  
COLOR - CHARCOAL GRAY
-  **PLANTED TRAY ROOFING SYSTEM**
-  **STANDING SEAM METAL ROOFING**  
COLOR - CHARCOAL GRAY
-  **GUTTER**  
DOWNSPOUT

DASH LINE = FACE OF BUILDING BELOW  
INTEGRAL GUTTER (TYP.)

Roof Plan  
SCALE: 1/4" = 1'-0"

1



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 5 (1 Hilltop Road)  
Date: June 10, 2020

---

### Request for a Special Use Permit for Replacement of a Chain Link Fence

A special use permit is requested for replacement of a chain link fence and wire farm fencing with aluminum wrought-iron fencing. The fencing is located in the side and rear yard and will not encroach upon the side yard setback. The section located in the rear yard will connect to the neighbors' existing chain link fence. The plans for the replacement fencing include landscape buffering from all adjacent properties. A portion of the existing wire farm fencing will be removed with no replacement planned. Fence replacement requirements are referenced in **§153.049 Fence, Gate, and Wall Regulations** and reads as follows:

(C) Replacement of existing fences, gates, and walls shall be approved by the Board of Adjustment as a special use so long as the replacement fence is constructed of materials deemed acceptable in 153.049(D) and meets the requirements below. A special use permit application to replace an existing fence, gate or wall shall include a photograph of the existing fence or wall, specify the type of replacement fence, gate, or wall, include a map or sketch depicting the height and length of the replacement fence, gate, or wall and state whether or not the replacement fence, gate, or wall is located within any setbacks.

- (1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.
- (2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.
- (3) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this ordinance.

(D) Acceptable Materials and Standards for Fences and Walls/Maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

- (1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.
- (2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.
- (3) No new chain link fencing or gates shall be allowed.
- (4) Fences shall not exceed six (6) feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten (10) feet in height.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Marshall King

**Property Address**

1 Hilltop Road, Biltmore Forest, NC 28803

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

9646-96-1199

## ZONING INFORMATION

**Current Zoning**

R-2

**Lot Size**

1.925 acres

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

NA

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

NA

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

NA

**Description of the Proposed Project**

Replacement of existing chain link fence and wire farm fence.

**Estimated Start Date**

4/6/2020

**Estimated Completion Date**

4/17/2020

**Estimated Cost of Project**

\$4,000.00

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

**Applicant Signature**

A handwritten signature in black ink, consisting of several stylized, overlapping strokes. The signature is positioned above a horizontal line.

**Date**  
3/3/2020

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Marshall King

**Address**

1 Hilltop Road, Biltmore Forest, NC 28803

**Phone**

[REDACTED]

**Email**

[REDACTED]

**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:**

Replacement of existing chain link fence and wire farm fence with aluminum wrought-iron style fencing on the west and east sides of the back yard (see attached proposal for more details).

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

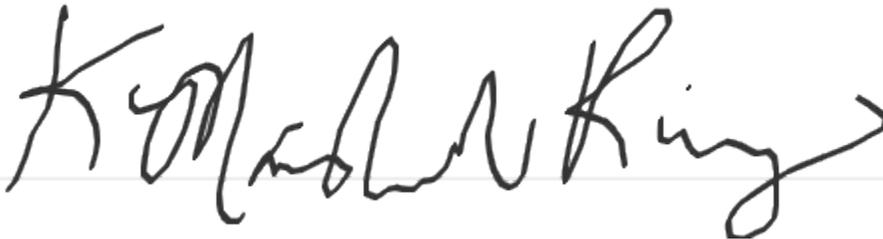
The aesthetics of the replacement fence and additional landscaping will greatly improve the property. The side setbacks are quite a distance from the replacement fence (on the west side, approximately 30 feet, on the east side, approximately 150 feet) There is no replacement of the rear fence as it belongs to the neighbor.

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

**Signature**

**Date**

3/3/2020



# Fence Improvement Plan

1 Hilltop Road  
Biltmore Forest, NC



March 2020

# Overview of Fence Improvement Plan

## 1 Hilltop Road Biltmore Forest, NC

We respectfully request approval of the fence improvements at 1 Hilltop Road detailed in the following request.

The design objective for improvement of the fencing is to eliminate the old, unsightly chain link and farm fencing with new fencing that not only looks better but also better blends into the landscaping. In many areas of the yard, the replacement fence will be bordered by new evergreens and perennial plantings.

In the areas where the old fencing is being removed, new fencing will fall within setbacks, and trees or native vegetation will be minimally disturbed (if any at all). The replacement fence is a significant aesthetic improvement over the existing old fence material and will have no negative impact on neighboring properties. It also is doubtful that the replacement fence will be detectable from any vantage point on Eastwood Road or Hilltop Road after installation and landscaping is completed.

# 1 Hilltop Road

## Proposed Replacement of Existing Chain Link Section and New Section Connecting Near Garage



Existing Chain Link Section  
Behind Carport



Paved Area Between Carport  
And Garage



Existing Chain Link Gate and  
Posts Near Garage

In this area, the proposed fence change consists of eliminating all components of the current chain link fence and beginning at the back of the house and extending to the rear property line.



These elevations illustrate the placement of the aluminum wrought-iron fence at the house and carport area. The landscape plan calls for large evergreens to be placed along the carport area. Additionally, a large section of asphalt in the area between the enclosed (former) garage door and carport will be removed and landscaped with a stone walkway, evergreens and ornamental plantings to soften this area, providing better views from both the driveway side and the interior of the home.

# 1 Hilltop Road

## Proposed Removal of Existing Chain Link and Old Farm Fencing on the West Side of Rear Yard



Connection Point to Neighbor's  
Existing Chain Link Fence



Existing Chain Link Fence and  
Gate

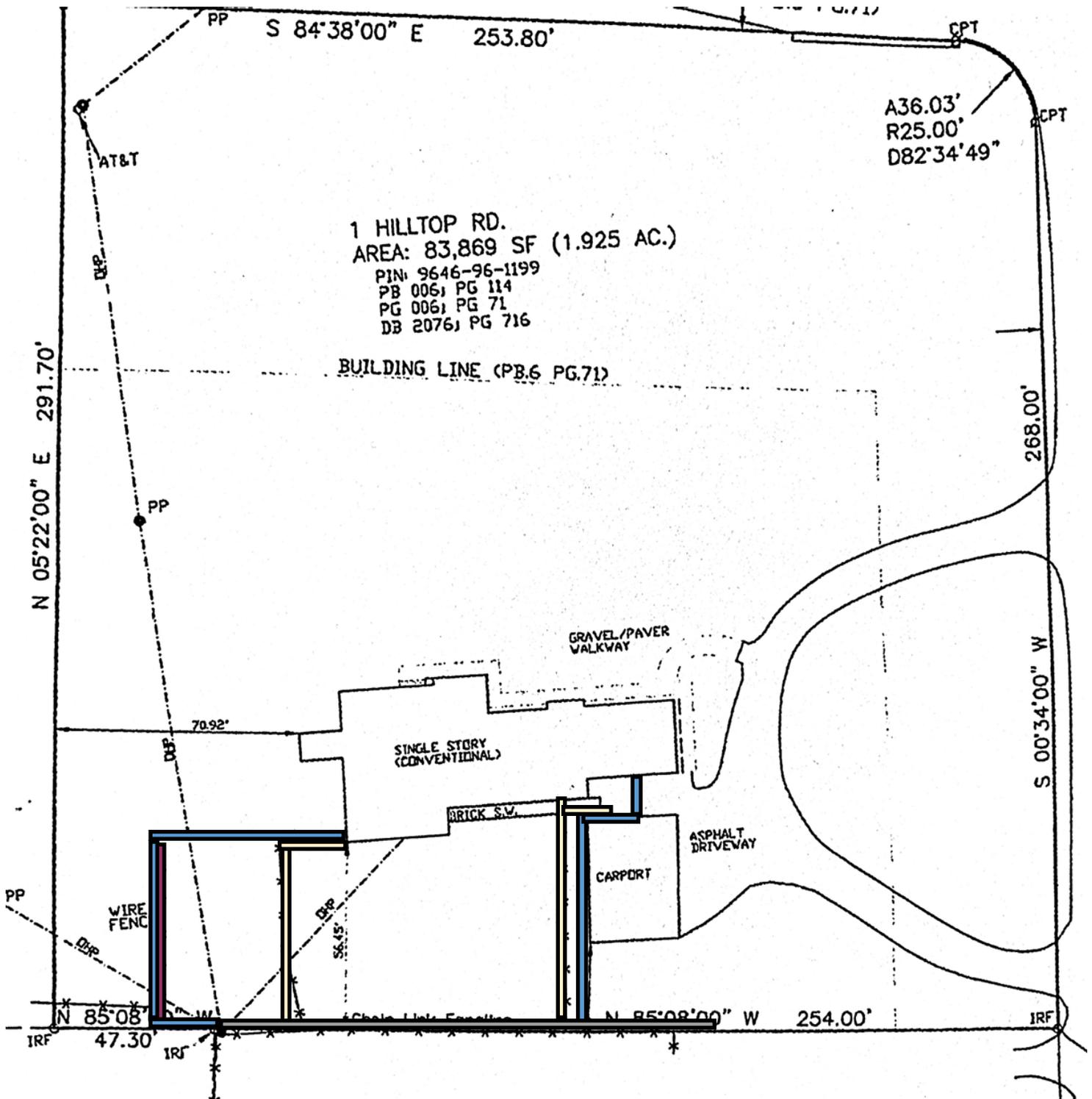


Existing Old Farm Fencing

In this area, the proposed fence change consists of eliminating the current chain link fencing and the current farm fencing. The chain link will not be replaced in its current position. Instead, it will be removed. The farm fencing will be replaced with aluminum wrought-iron style fencing in keeping with the look of the carport side of the property. This replacement will also include 1) turning back toward the house to replace the old chain link section containing the gate and 2) turning back toward the utility pole for a connection point to the neighbor's existing chain link fence along the back property line.

# 1 Hilltop Road

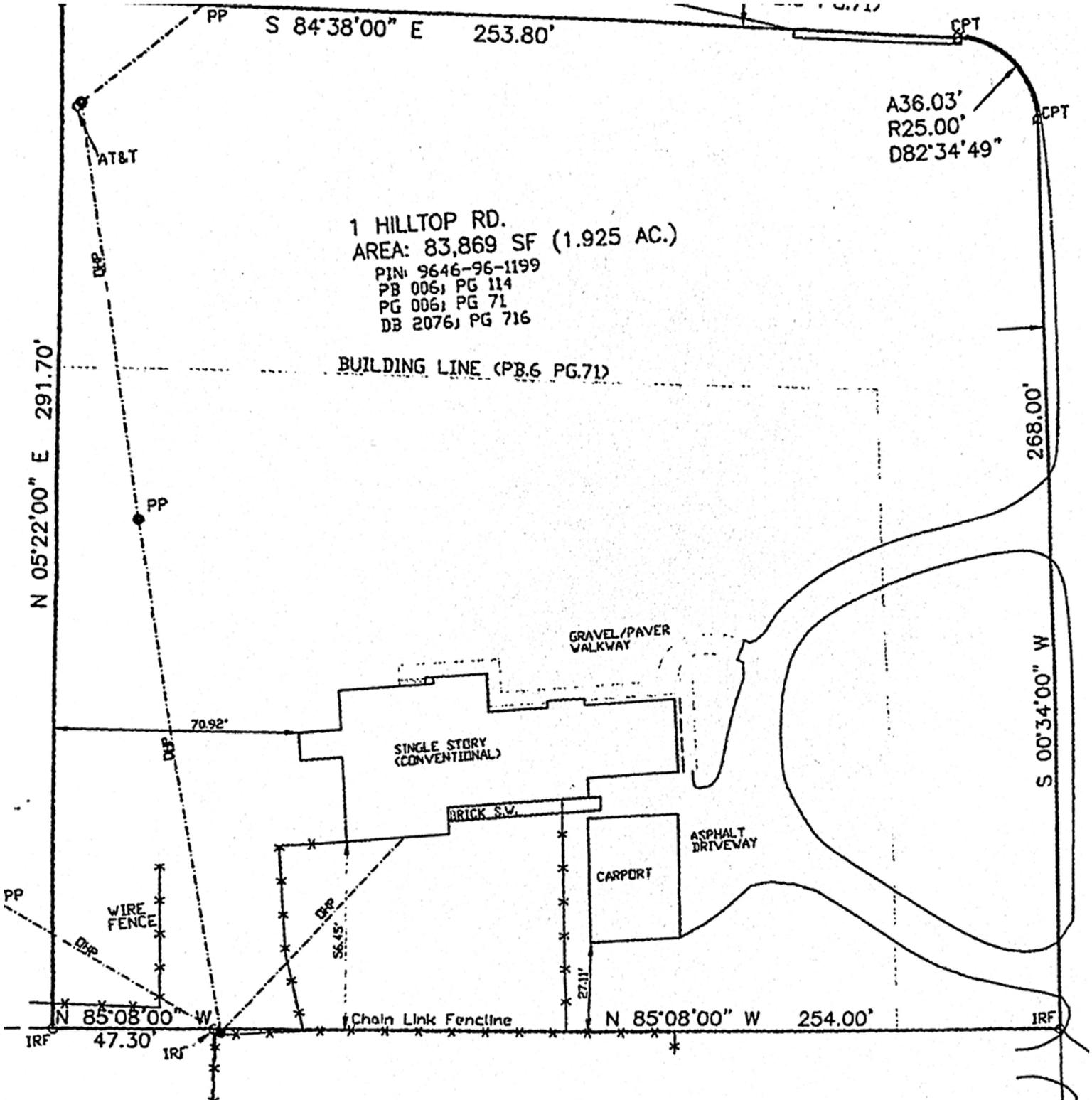
## Plat Map Illustrating Fence Replacement



-  REPLACEMENT BLACK ALUMINUM WROUGHT-IRON STYLE FENCING
-  EXISTING CHAIN LINK FENCE
-  EXISTING NEIGHBOR'S FENCE TO REMAIN
-  EXISTING OLD FARM FENCE

# 1 Hilltop Road

## Unmarked Plat Map Excerpt for Reference



# 1 Hilltop Road

## Example of Fence Material



The fence design will be similar to this illustration. The material will be black aluminum with a height between 48" and 60" depending on manufacturer. Picket spacing may differ based on available products, but the simple design without ornamentation is desired.

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 6 (85 Forest Road)  
Date: June 10, 2020

---

### Request for Special Use Permit for Installation of a Deer Fence Request for a Variance for Location of the Fence in the Side Yard Setback

A Special Use Permit is requested installation of an 8-foot deer fence located in the rear of the property. The fence will become a 4-foot fence as it nears the rear of the house. The fence will not be visible from the road and the materials will allow the fence to blend into the surrounding environment. The applicant is requesting the fence run along the perimeter of the rear property line. A variance must be approved for encroachment upon the rear setback. Zoning ordinance language regarding new fences is provided below.

#### **§153.049 Fence, Gate and Wall Regulations**

- (A) New fences, gates, or walls may be approved by the Board of Adjustment as a special use, so long as the gate, fence or wall meets the following requirements.
- (1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in 153.049(D).
  - (2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required.
- (D) Acceptable Materials and Standards for Fences and Walls/Maintenance. The following materials and standards for fences and walls shall be deemed acceptable.
- (1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.
  - (2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.
  - (3) No new chain link fencing or gates shall be allowed.
  - (4) Fences shall not exceed six (6) feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten (10) feet in height.
  - (5) Fences designed to prevent deer or other wildlife from entering the property shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing". Copies of these standards are available at Town Hall or at the following web address [<https://www.ncwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>].

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

William Cecil

**Property Address**

85 Forest Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

3 acres

**Maximum Roof Coverage**

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

**Proposed Roof Coverage Total**

N/A

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

N/A

**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**

N/A

**Description of the Proposed Project**

We would like to build a deer fence in the rear of our lot. This fence would run the length of our rear property line and then connect to the back of our house on both sides. It would be an 8 foot fence where it runs the our rear property line and then become a 4 foot fence where it turns to connect to the back of the house. I am attaching a copy of our zoning map with a dotted line indicating the location of the fence on top of our lot. I will also be attaching a screenshot of the fence company, Deer Busters Fencing, with the type of fence we would like to select. The picture of the fence has barbed wire on the top of the fence. Our fence would not have barbed wire on top of it.

**Estimated Start Date**

3/2/2020

**Estimated Completion Date**

4/2/2020

**Estimated Cost of Project**

\$23,466.00

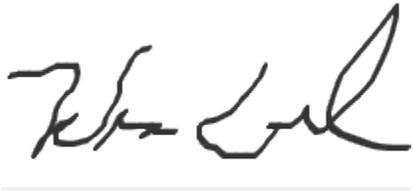
**Supporting Documentation (Site Plan, Drawings, Other Information)**

FENCE outline.pdf

Picture of Fence and Company.png

**Applicant Signature**

**Date**  
2/17/2020



A handwritten signature in black ink, appearing to be "R. L. L.", written over a thin horizontal line.

# Special Use Permit Application

Town of Biltmore Forest

**Name**

William Cecil

**Address**

85 Forest Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**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 would like to build a deer fence in the rear of our lot. This fence would run the length of our rear property line and then connect to the back of our house on both sides. It would be an 8 foot fence where it runs our rear property line and then become a 4 foot fence where it turns to connect to the back of the house. The fence would be made of metal fixed knot wire material, slightly malleable but hard to break, in the shape of many small boxes that make up the length and height of the fence. Our fence would not have barbed wire on top of it.

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

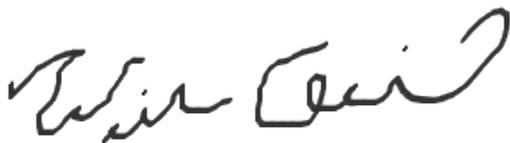
This deer fence should not adversely affect our neighbors as it would not be visible from the road and would be only partly visible to one of our two neighbors but would be made of a material that would fit well with the environment around it and not be an eye sore. Also, the deer fence should act as a boarder to keep Biltmore Estate deer on the Estate and out of our yard and those of our neighbors. As mentioned in the description, our fence will not have barbed wire or other dangerous materials on it making it only effective but not dangerous to humans or anything that might rub against it.

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

**Signature**

**Date**

2/17/2020



---

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Bill Cecil

**Address**

85 Forest Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Current Zoning/Use**

Residential

**Requested Use**

Deer fence along property line

**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 add a deer fence that follows the length of our property line in the rear of our lot. The fence would be an 8 feet tall metal box wire fence where it runs our rear property line and then connects to a 4 feet tall fence that would connect to the back corners of our house.

**What does the ordinance require?**

The ordinance would require 60 feet from our back property line and 25 feet from the sides.

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.**

This ordinance would not necessarily make our fence more difficult to build, but it would make it less effective at keeping deer from Biltmore Estate off of our landscape. We also believe that following the ordinance for our unique lot would be considered by most to be an eye sore and make general landscaping upkeep much more difficult and could decrease our lot's value.

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

We have a steep and semi forested lot with lots of shrubs and natural landscaping that we would like to protect.

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

The topography of the area and the way the sun hits mostly allows for our shrubbery and other landscape designs to be in certain areas of the back yard.

**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.**

This fence would not be electric or contain any form of barbed wire making it safe for children and animals to be around but should be effective at keeping deer and bears out of our backyard keeping our family and landscaping safe. It would also not be visible from the road and would be made of material that is non threatening in appearance and that would not stick out.

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

**Signature**

**Date**

2/21/2020



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





- Plastic Deer Fence
- Metal Deer Fence
- Kits
- Accessories
- Posts
- Gates
- More Fence
- Clearance
- Media & News

Search

Home ▶ Metal Deer Fence ▶ Fixed Knot Deer Fence ▶ Fixed Knot Fence Rolls ▶ 8' x 330' Fixed Knot 12.5 ga 20/96/12

- CATEGORIES**
- Plastic Deer Fence
  - Metal Deer Fence
  - Kits
  - Accessories
  - Posts
  - Gates
  - More Fence
  - Clearance
  - Media & News



### 8' x 330' Fixed Knot 12.5 ga 20/96/12

★★★★★ 11 reviews

~~\$361.14~~ **\$300.95**

(You save \$60.19)

SKU: DE6020

AVAILABILITY: IN STOCK

Quantity:

1

**ADD TO CART**

#### Frequently Bought Together



Total Price: **\$1,140.85**

**ADD ALL TO CART**

Chat now

4.8 ★★★★★ Google Customer Reviews

355 Vanderbilt Rd | Biltmore Forest, NC  
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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 8 (8 Westwood Road)  
Date: June 10, 2020

---

Request for a Special Use Permit for Construction of Fence  
Request for a Variance for Location of the Fence in the Front Yard Setback  
Request to Connect Fencing with Existing Fencing Located in Side Yard Setback

A special use permit is requested for construction a 5' black metal fence and a 5' entrance gate at the driveway. The proposed gate is located 15 feet within the front yard setback and the proposed metal fencing is located 55 feet within the front yard setback, outside of the Town right of way. The applicant states the fence will not be visible to any neighbors or to traffic passing by the property. The fence is requested for protection of current landscaping and future additions to the landscaping plan from wildlife.

A variance is requested for location of the fence in the front yard setback. The applicant notes extensive time and resources put towards his landscaping which provided him the opportunity to be accepted into the Smithsonian Institute of American Private Gardens. An inability to place the fence in the proposed location would jeopardize these future landscaping designs.

The Town's newly approved fence and driveway guidelines state the following:  
**§153.049 Fence, Gate, and Wall Regulations**

(A) New fences, gates, or walls may be approved by the Board of Adjustment as a special use, so long as the gate, fence or wall meets the following requirements.

- (1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in 153.049(D)
- (2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required.

(B) A driveway gate and supporting columns may be approved by the Board of Adjustment as a special use so long as it meets the following requirements:

- (1) The Driveway Gate and columns shall not be located in the front or side yard setback of a property.
- (2) The Driveway Gate shall not be more than eight (8) feet in height.
- (3) The Driveway Gate shall provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.
- (4) The Driveway Gate shall open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be fourteen (14) feet wide with a fourteen (14) foot minimum height clearance.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Charles Hutchison

**Property Address**

8 Westwood Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.65 acers

**Maximum Roof Coverage**

5,500 square feet (Up to 1.5 acres)

**Proposed Roof Coverage Total**

na

**Maximum Impervious Surface Coverage**

1-3 acres (25 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**

40'

**Description of the Proposed Project**

Setback of 45' in the front and 5' on the sides. The requested setback takes advantage of the existing dense plant material that conceals the existence of any fence.

**Estimated Start Date**

6/1/2020

**Estimated Completion Date**

6/8/2020

**Estimated Cost of Project**

\$27,000.00

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

**Applicant Signature**

Cruck Hutchins

---

**Date**

4/27/2020

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Charles Hutchison

**Address**

8 Westwood Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**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:**

Erection of a 5' black metal fence ( picture to be provided ) in the front of the property and a 5' entrance gate into the driveway.

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

Because of the intended design and location of plant material as well as the contour of the land the fence will not be visible to my neighbors or to traffic passing in front of my property.

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

**Signature**

Chuck Hutchison

**Date**

---

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Charles Hutchison

**Address**

8 Westwood Rd

**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?**

Erect fencing and a privacy gate to prevent wildlife from decimating my current and planned landscape design.

**What does the ordinance require?**

Front yard structures are not permitted without Board of Adjustment Approval.

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.**

I have invested over 21000 hours and hundreds of thousands in my garden so that I may earn the privilege of being accepted into the Smithsonian Institute of American Private Gardens. Without the ability to protect my plantings and design from the ravages of animals I have no chance of ever realizing my aspiration.

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

Situated between the Blue Ridge Parkway and the Biltmore Estate wildlife are attracted to my property and all other properties in the Town of Biltmore Forest.

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

See above

**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.**

Requested fencing is consistent in style, and scale with all other properties within the city that has existing

fencing.

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

**Signature**

*Crunch Hutchison*

**Date**

4/27/2020

---

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 10 (28 Cedarcliff Road)  
Date: June 10, 2020

---

### Request for a Special Use Permit for Construction of an Accessory Building Request for a Variance for Reduction of the Side Yard Setback

A special use permit for construction of a three-car garage which will be attached to the primary residence via an open air walkway. The overall plan includes the demolition and rebuilding of a garage behind the house which will require extension of the current driveway into a proposed auto court. The access to the auto court and garage area will be in the line with the current driveway where a porte cochere is planned.

A variance is requested for location of the porte cochere in the side yard setback. The placement of the porte cochere is based on the location of the current driveway, which is already located within the side yard setback. All roof coverage and impervious surface requirements are in compliance with ordinance requirements.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Derek Weilbaecher

**Property Address**

3785 N Stratford Rd NE

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

9647-62-3364

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

1.77 acre

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

6039.75 sf

**Maximum Impervious Surface Coverage**

1-3 acres (25 percent of lot area)

**Proposed Impervious Surface Coverage**

13406.75

**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**

20'

**Description of the Proposed Project**

Addition and improvements to existing home to include a proposed expansion of the kitchen, living, and master suite, proposed porte cochere, and the demolition of the existing two-car garage and replacement with a proposed three-car garage and the breezeway connected to the primary dwelling.

**Estimated Start Date**

6/1/2020

**Estimated Completion Date**

2/28/2021

**Estimated Cost of Project**

\$900,000.00

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

19117 Weilbaecher Zoning Review 04-20-2020 (1).pdf

**Applicant Signature**

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**Date**

4/28/2020



# Special Use Permit Application

Town of Biltmore Forest

**Name**

Derek Weilbaecher

**Address**

28 Cedarcliff Rd, Biltmore Forest, NC 28803

**Phone**

[REDACTED]

**Email**

[REDACTED]

**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:**

Addition and improvements to existing home to include a proposed expansion of the kitchen, living, and master suite, proposed porte cochere, and the demolition of the existing two-car garage and replacement with a proposed three-car garage and breezeway connected to primary dwelling.

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

The proposed project aims to improve the security and utility of the property, while at the same time beautifying the property.

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

**Signature**



**Date**

4/28/2020

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Derek Weilbaecher

**Address**

28 Cedarcliff Rd

**Phone**

[REDACTED]

**Email**

[REDACTED]

**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 application submittal to the Board of Adjustment.

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

As part of our home renovation plans, we are requesting a reduction of the side yard setback from 20'-0" to 12' - 6" to allow for an open-air porte Co here, which will be attached to the primary residence.

**What does the ordinance require?**

The ordinance requires a 20' - 0" side yard 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.**

The primary purpose of the proposed porte cochere is to provide a secure and sheltered means of entering and exiting the home that does not currently exist. The structure would 1) protect the family in times of severe or inclement weather when arriving and leaving the home, 2) provide a point at which the property can be better secured from gaining access to the rear of the home, and 3) further screen views from the public right-of-way to the autocourt and garage.

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

The shape of the lot, the position of the existing house, and the topography of the lot create a hardship necessitating the variance request.

1) The lot much narrower at the rear than at the street causing the side yard setbacks to angle inward to the lot, making the buildable area much less at the location of the existing home.

2) The location of the existing home is severely offset toward the southwest side yard setback.

Additionally, the home is not positioned parallel to the side yard setback, and thus magnifies the restriction of the setback. Had the home been positioned parallel to the side yard setback, a variance may have been avoided.

3) Along the northeast side of the property where greater room exists between the home and the side yard setback, the topography drops off significantly and would require significant retaining walls, grading, and loss of trees to locate a structure on that side of the home.

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

No work has been done to the property since the current owners have taken possession in the Fall of 2019.

**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.**

If granted, the requested variance would remain consistent with the spirit of current ordinances in that the proposed porte cochere would not negatively impact neighboring properties.

- 1) It would allow for continued access to daylight, views, and air within the property and to the adjacent neighbors.
- 2) It would provide additional security to the residents in their daily use of the property, and further their ability to secure their property, persons, and possessions.
- 3) The additions and improvements to the property would protect against future blight and secure the value and architectural standards of the neighborhood.D

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

**Signature**

**Date**

4/6/2020

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned over a thin horizontal line.

The  
**WEILBAECHER RESIDENCE**

28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

**ARCHITECT**

**BRADLEY E HEPPNER ARCHITECTURE, LLC**

**574 Hascall Road**

**Atlanta, GA 30309**

**404-745-9339**

**brad@bradleyheppner.com**

**NOTES**

These drawings are the property of Bradley E. Heppner Architecture, LLC and may not be used or reproduced in part or whole without written permission from Bradley E. Heppner

Bradley E. Heppner Architecture, LLC assumes no liability for any structure constructed from these drawings. It is the responsibility of the purchaser of these drawings to acquire the services of a qualified contractor licensed where applicable. The contractor shall be responsible for including, but not limited to, the following prior to the commencement of construction.

1. Contractor must verify all dimensions prior to proceeding with construction or ordering materials in order to identify any and all discrepancies between the drawings and the field conditions.
2. Contractor must verify compliance with all applicable codes and regulations for the jurisdiction in which the structure is to be constructed.
3. The contractor must address all site conditions, structural, mechanical, electrical, plumbing, and other engineering requirements.
4. Any discrepancies, inconsistencies, or ambiguities found within the drawings, or between the drawings, specifications, and site conditions shall be immediately reported to the Architect. The Architect will promptly correct the same in writing. Work done by the contractor after the discovery of such discrepancies, inconsistencies, or ambiguities shall be done at the contractor's risk.
5. The contractor is responsible for construction details and quality of fit and finish that meet or exceed industry standards.

These drawings should consist of the following sheets:

LIST OF DRAWINGS

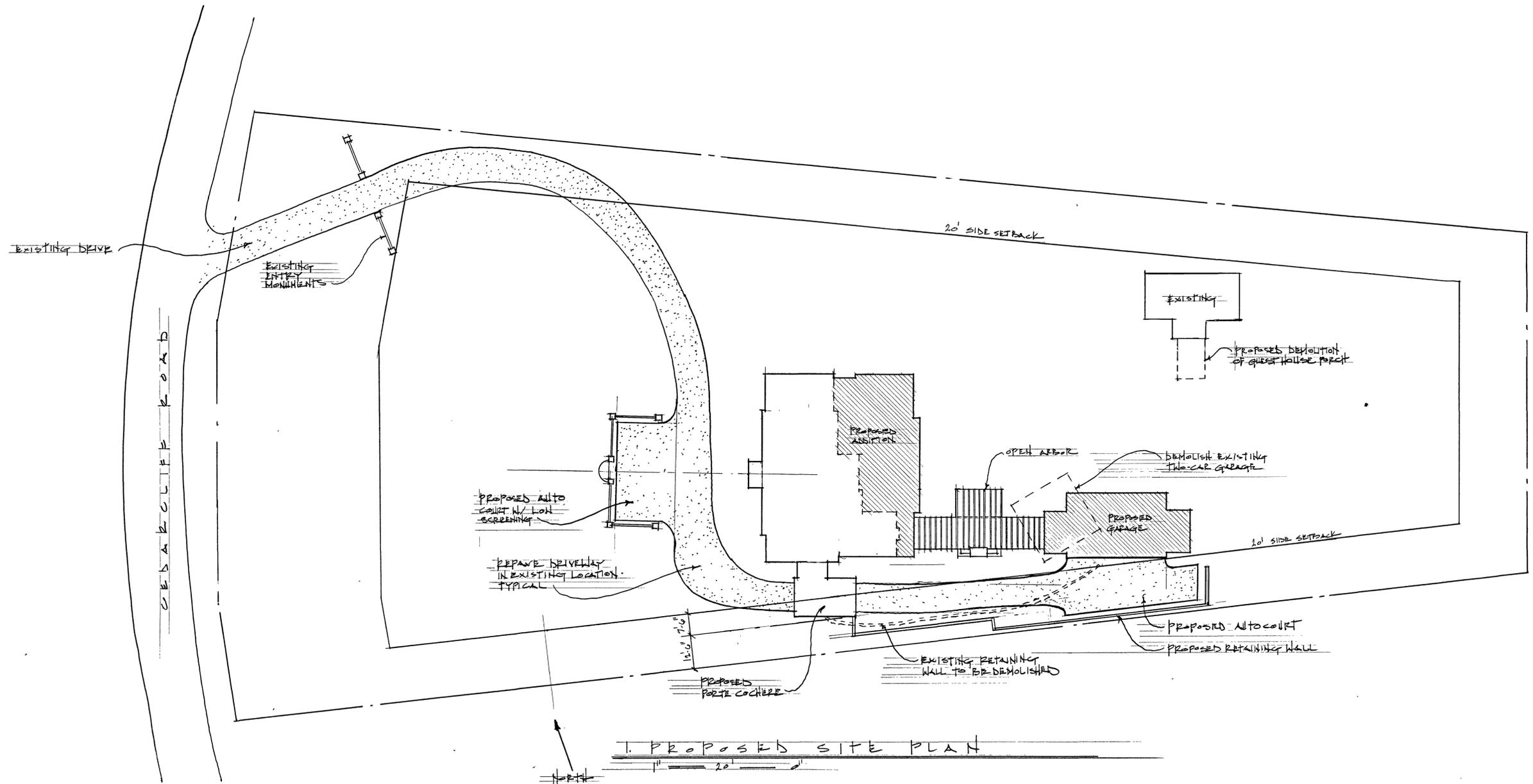
COVER SHEET

C1.1	PROPOSED SITE PLAN
AB1.1	ASBUILT MAIN LEVEL FLOOR PLAN
A1.1	PROPOSED MAIN LEVEL FLOOR PLAN
A1.2	PROPOSED UPPER LEVEL FLOOR PLAN
A1.3	PROPOSED GARAGE & ARBOR FLOOR PLANS
A1.4	PROPOSED GARAGE & ARBOR ROOF PLAN
A2.1	ARRIVAL ELEVATION
A2.2	NORTHEAST SIDE ELEVATION
A2.3	GARDEN ELEVATION
A2.4	ELEVATION at PORTE COCHERE
A2.5	GARAGE ELEVATIONS

**ZONING REVIEW SET**

**20 APRIL 2020**

RELEASED FOR CONSTRUCTION



**MAXIMUM ROOF COVERAGE CALCULATIONS**

Existing Main House	2,518.5 SF
Proposed additions to Main House	1,782.25 SF
Garage	1,082.5 SF
Existing Guest House (with proposed removal of existing porch)	676.5 SF
<b>TOTAL</b>	<b>6,039.75 SF</b>

ALLOWABLE ROOF COVERAGE 6,100.00 SF

**IMPERVIOUS SURFACE COVERAGE**

STRUCTURES	6,039.75 SF
TERRACES	732.00 SF
DRIVEWAYS	6,635.00 SF
<b>TOTAL</b>	<b>13,406.75 SF</b>

ALLOWABLE COVERAGE 19,275.3 SF  
(Lot size 1.77 acre x 43,560 SF x .25)

Note to Contractor:  
Any discrepancies, inconsistencies, or ambiguities found within the drawings, or between the drawing, specifications, and site conditions shall be immediately reported to the architect in writing. The architect will promptly correct the same in writing. Work done by the contractor after discovery of such discrepancies, inconsistencies or ambiguities shall be done at the contractor's risk.

This drawing is the property of Bradley E. Heppner Architecture, LLC and is not to be reproduced or copied in whole or in part, the dimensions of which are 24" x 36". It is only to be used for the project and site specifically identified herein and is not to be used on any other project without written permission from the architect. The contractor is responsible for verifying all field measurements, quantities, dimensions, and related field construction criteria.

**Bradley E. Heppner**  
**ARCHITECTURE**  
Limited Liability Company

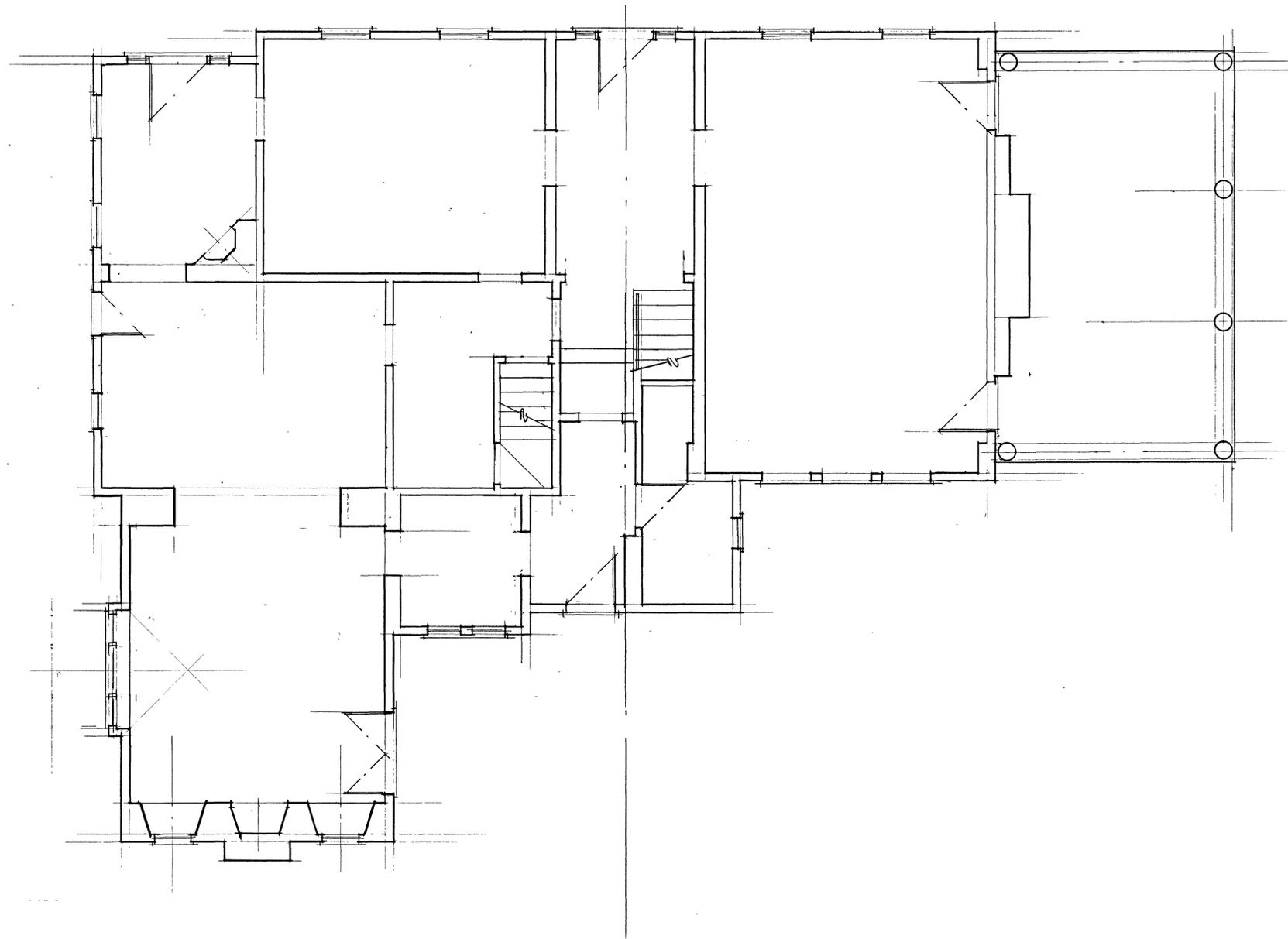
574 Hascall Road  
Atlanta, GA 30309  
brad@bradleyheppner.com  
(404) 404-745-5339  
(404) 404-734-6687

THE  
**WEILBAECHER RESIDENCE**

28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

SCALE	As Noted	APPROVED BY		DRAWN BY	B.E.H.
DATE	20 APR 2020				

**C1.1**



ASBUILT MAIN LEVEL FLOOR PLAN

1/4" = 1'-0"

**Note to Contractor**  
 Any discrepancies, inconsistencies, or ambiguities found within the drawings, or between the drawing, specifications, and site conditions shall be immediately reported to the architect in writing. The architect will promptly correct the same in writing. Work done by the contractor after discovery of such discrepancies, inconsistencies or ambiguities shall be done at the contractor's risk.

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**Bradley E. Heppner**  
**ARCHITECTURE**  
 Limited Liability Company

574 Hascall Road  
 Atlanta, GA 30309  
 (404) 745-9339  
 (404) 734-6687  
 brad@bradleyheppner.com

THE  
**WEILBAECHER RESIDENCE**

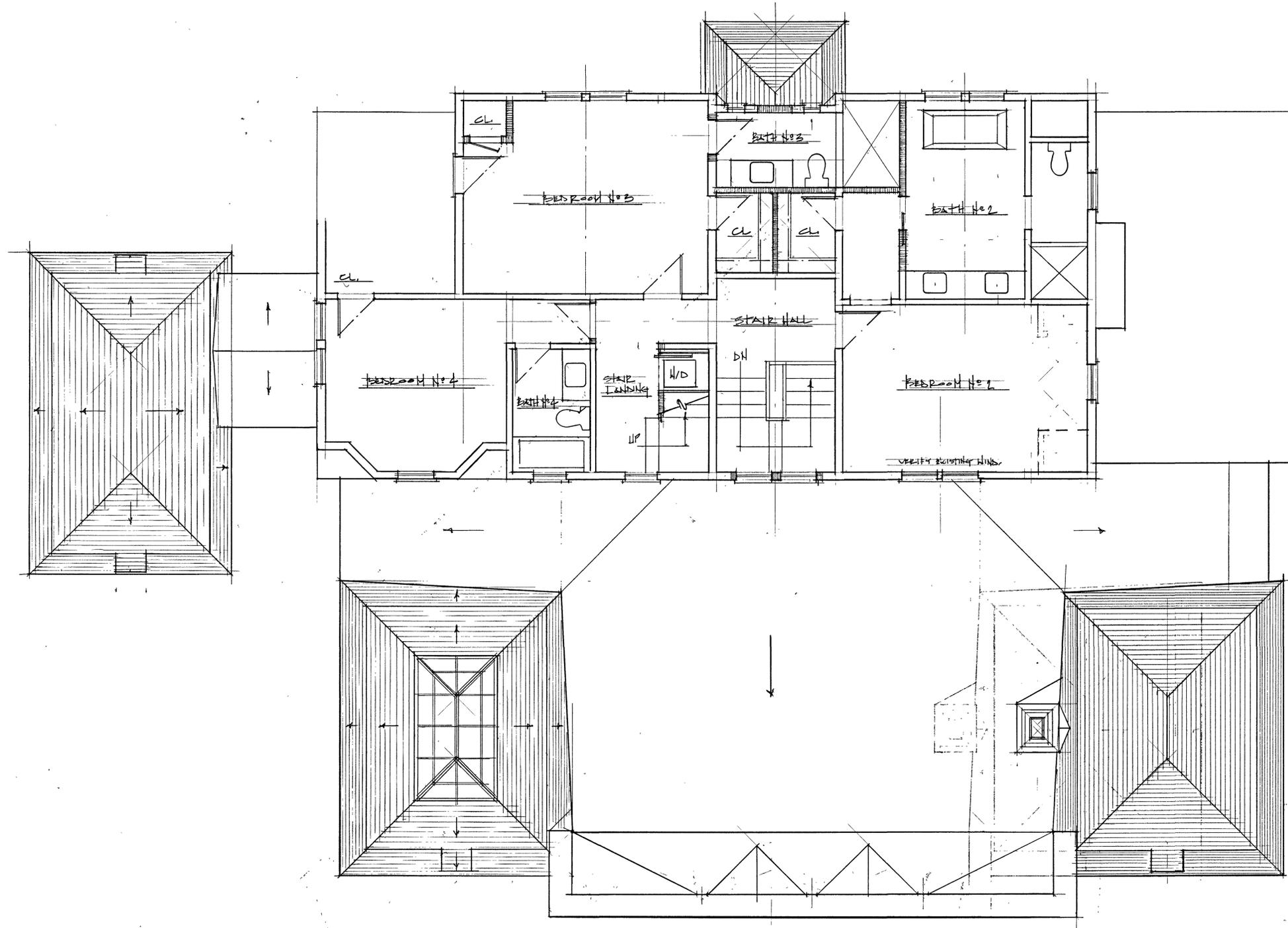
28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

SCALE As Noted	APPROVED BY	DRAWN BY B.E.H.
DATE 24 Jan 2022		

**AB1.1**

NOT RELEASED FOR CONSTRUCTION





 EXISTING WALLS  
 NEW WALLS

1. PROPOSED UPPER LEVEL FLOOR PLAN  
 1/4" = 1' 0"

**Note to Contractor**  
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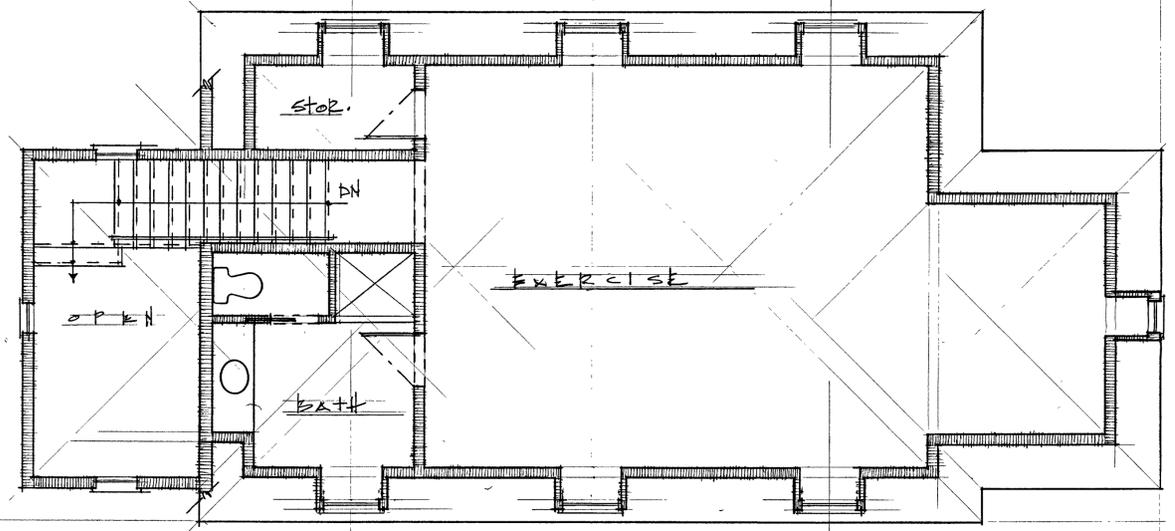
**Bradley E. Heppner**  
**ARCHITECTURE**  
 Limited Liability Company  
 574 Hascall Road  
 Atlanta, GA 30309  
 (404) 745 9339  
 (404) 734 6887  
 brad@bradleyheppner.com

THE  
**WEILBAECHER RESIDENCE**  
 28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

SCALE	AS NOTED	APPROVED BY	DRAWN BY
DATE	24 JAN 2020		B.E.H.

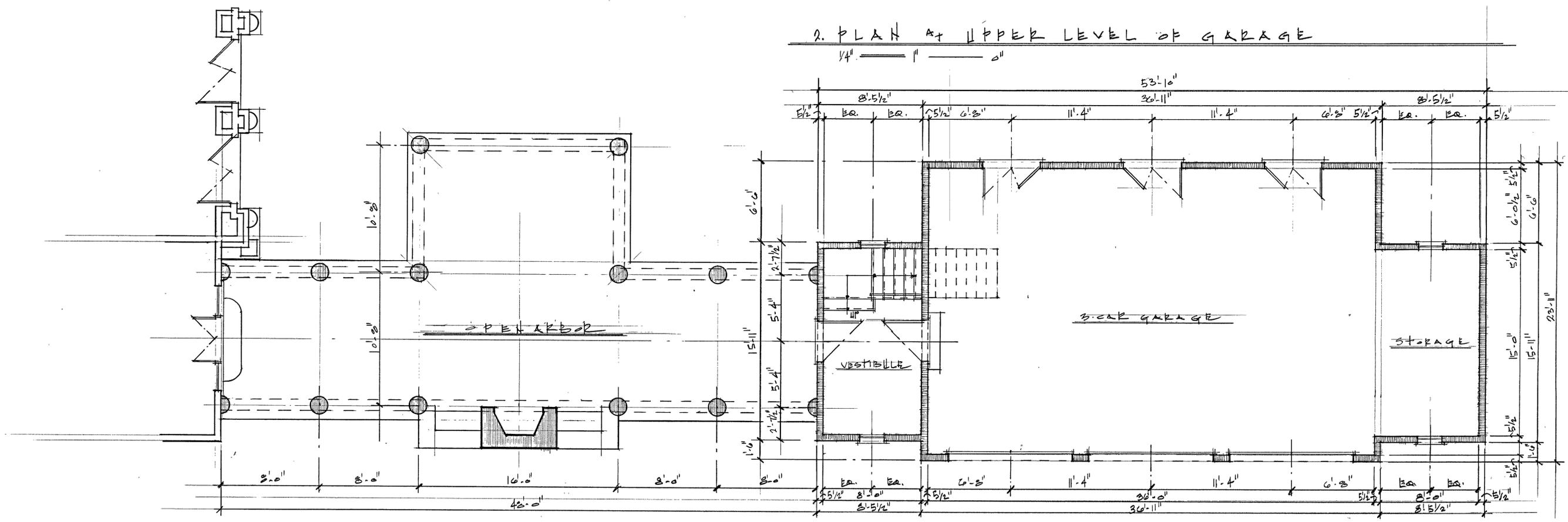
**A1.2**

NOT RELEASED FOR CONSTRUCTION



2. PLAN AT UPPER LEVEL OF GARAGE

1/4" = 1' 0"



1. PLAN AT GARAGE ARBOR

1/4" = 1' 0"

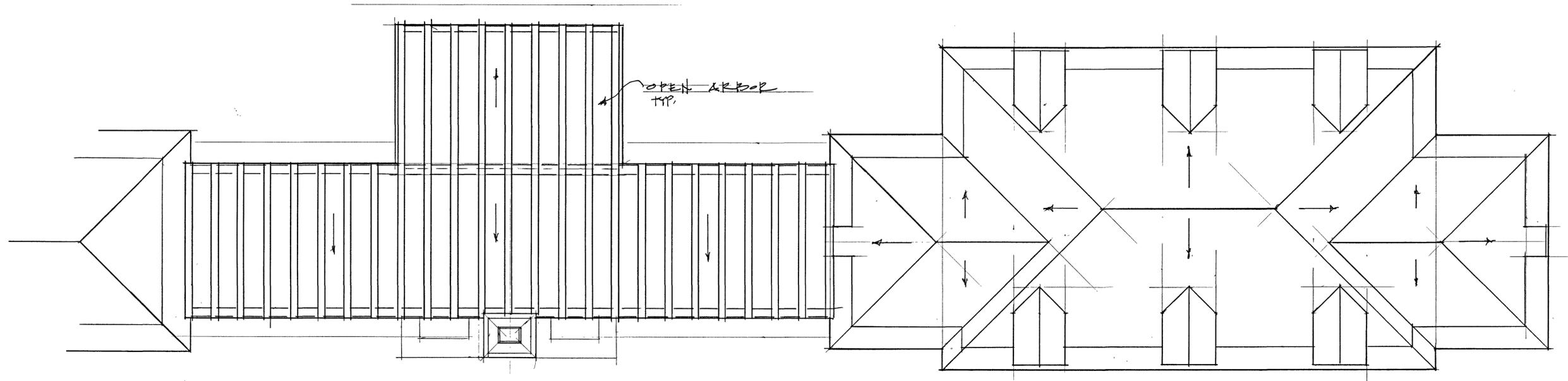
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(404) 734-6687

THE  
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SCALE	AS NOTED	APPROVED BY	DRAWN BY
DATE	20 APR 2020		B. E. H.
			<b>A1.3</b>



1. ROOF PLAN & GARAGE - A K B O K

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 (m) 404.734.6687  
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THE  
**WEILBAECHER RESIDENCE**  
 28 Cedarcliff Road • Billmore Forest • North Carolina 28803

SCALE: <u>As Noted</u>	APPROVED BY:	DRAWN BY: <u>B.E.H.</u>
DATE: <u>20 APR 2020</u>		
		<b>A1.4</b>



ARRIVAL ELEVATION  
 1/4" = 1'-0"

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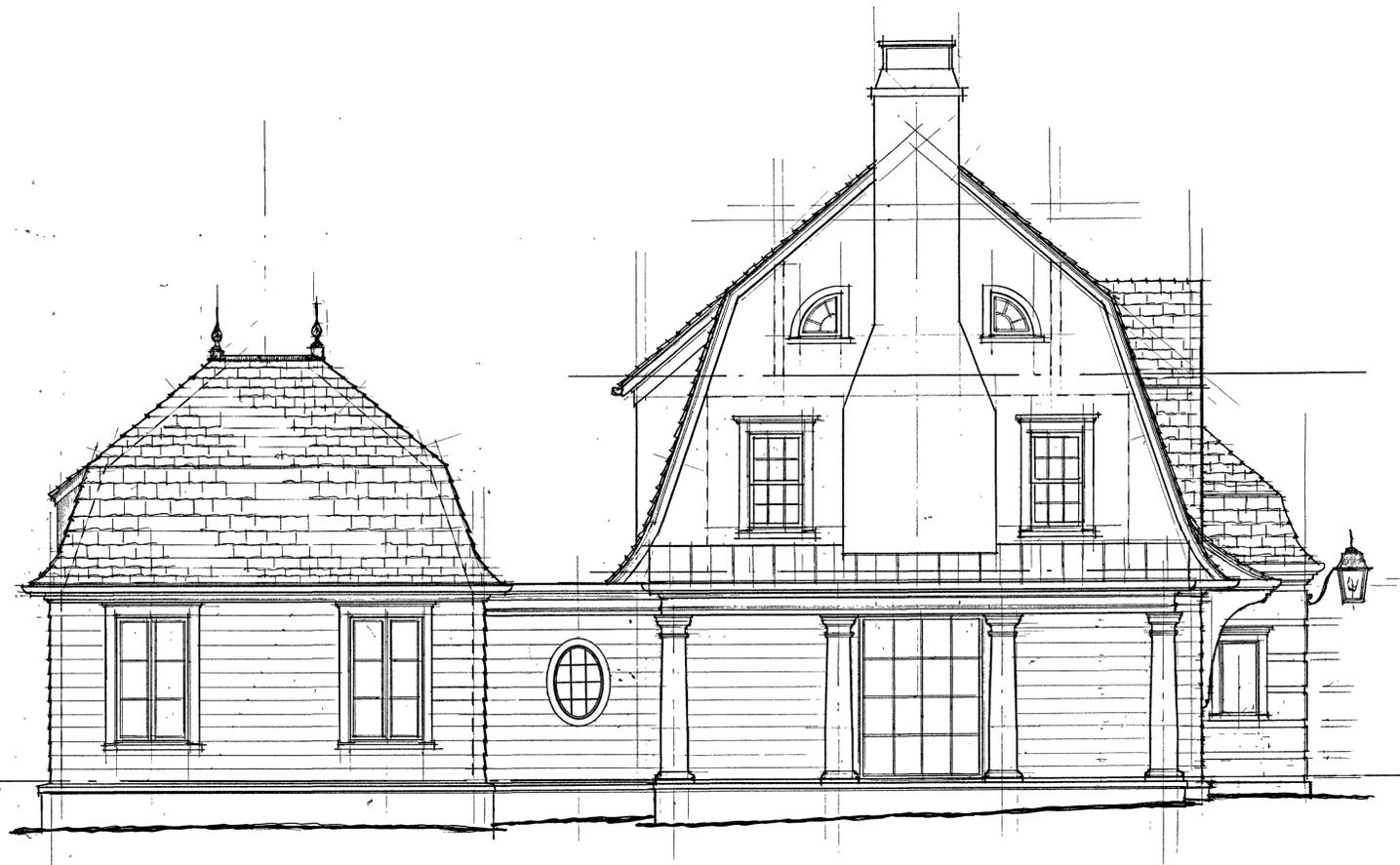
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 (o) 404.745.8339 (m) 404.734.6687  
 brad@bradleyheppner.com

THE  
**WEILBAECHER RESIDENCE**

28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

SCALE As Shown	APPROVED BY	DRAWN BY B.E.H.
DATE 10/27/2020		
		<b>A2.1</b>



NORTHEAST SIDE ELEVATION  
 1/4" = 1'-0"

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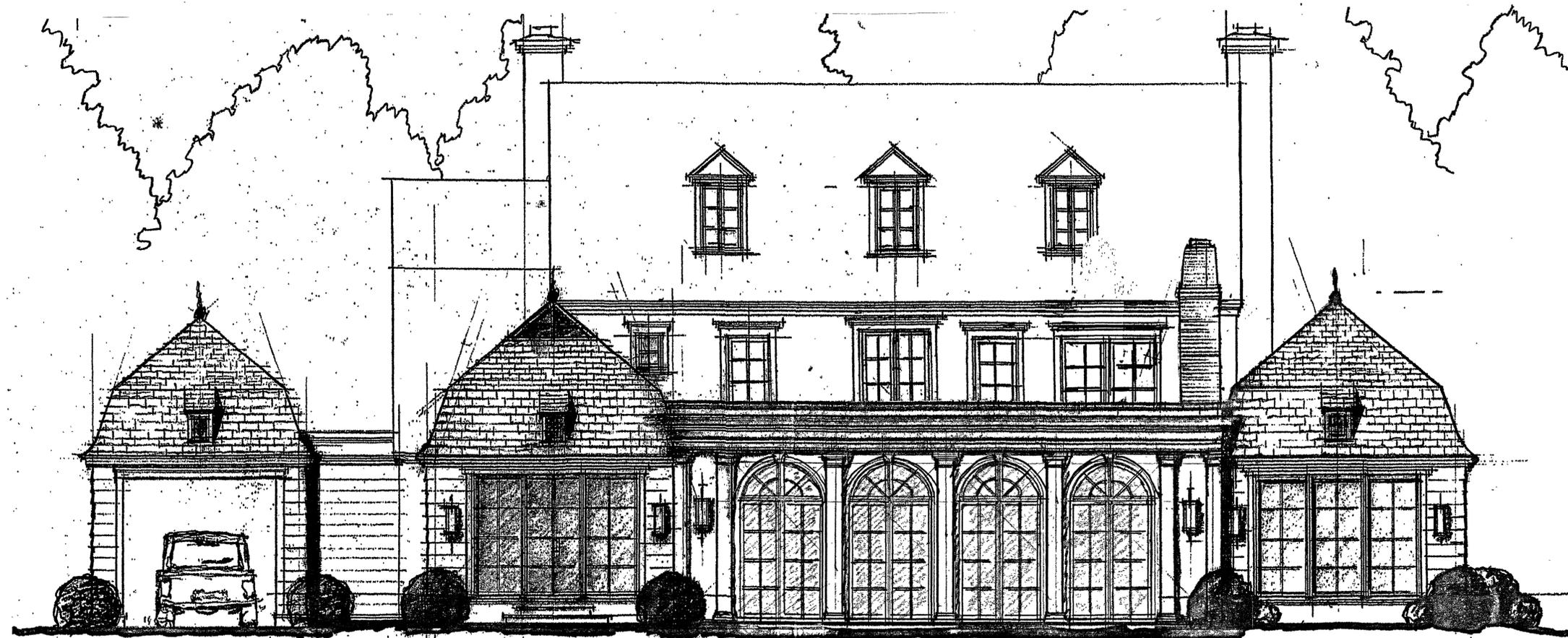
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SCALE	As Noted	APPROVED BY	DRAWN BY
DATE	20 APR 2020		B.E.H.

**A2.2**



GARDEN ELEVATION

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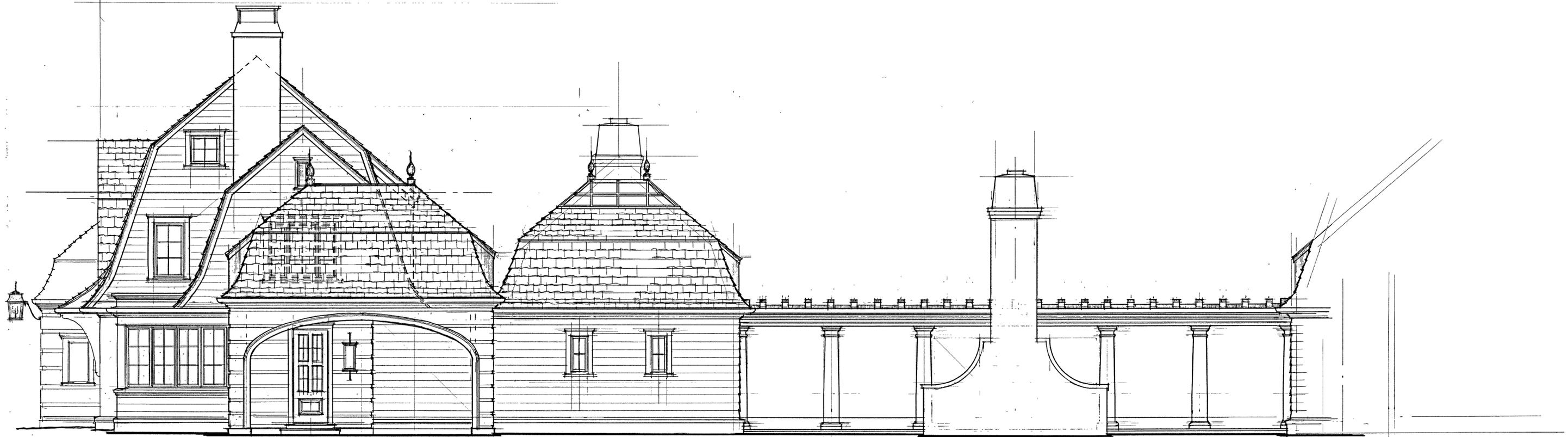
28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

SCALE	AS NOTED
DATE	20 APR 2020

APPROVED BY	

DRAWN BY	B. E. H.

**A2.3**



1. SIDE ELEVATION & PORTE COCHERE  
 1/4" = 1'-0"

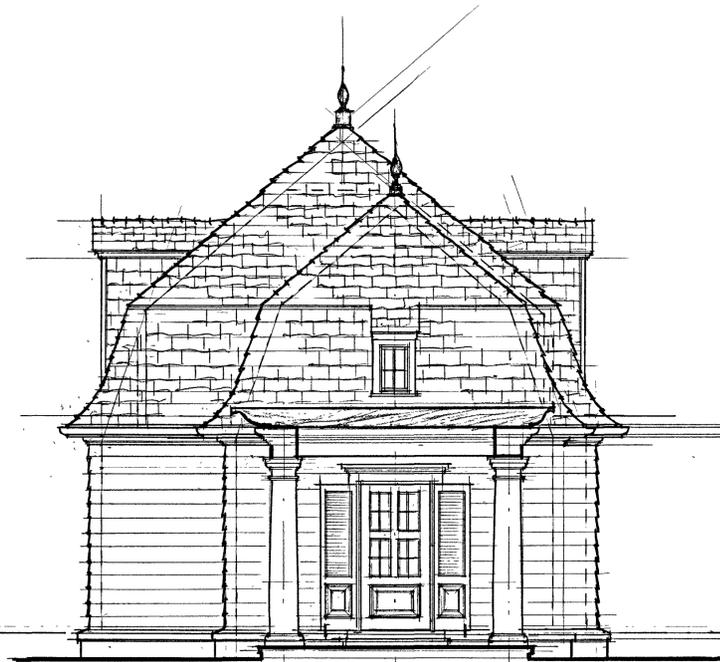
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SCALE As Shown	APPROVED BY	DRAWN BY B.E.H.
DATE 20 APR 2020		
		<b>A2.4</b>



2. GARAGE + ARBOR

1/4" = 1'



1. GARAGE + AUTO COURT

1/4" = 1'

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THE  
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28 Cedarcliff Road • Biltmore Forest • North Carolina 28803

SCALE: <u>As Noted</u>	APPROVED BY:	DRAWN BY: <u>B.E.H.</u>
DATE: <u>20 APR 2020</u>		

**A2.5**

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 9 (22 Cedarcliff Road)  
Date: June 10, 2020

---

### Review of Required Landscaping Related to New House Construction

A zoning permit was issued in February 2019 for construction of a new single-family home at 22 Cedarcliff. The approval included a special use permit for an accessory building and a variance to allow extension of the driveway into the side yard setback.

An agreement was made at the initial hearing for the neighbors to develop a suitable plan for buffering amongst themselves. Town staff has visited the project numerous times to review potential landscaping and screening options, and both parties have submitted plans related to landscaping the property. While a few landscaping plans have been presented, an agreement has not been reached on sufficient buffering. Therefore, official review and approval by the Board of Adjustment of required landscaping has been requested by the property owner at 24 Cedarcliff Road.

A copy of the pertinent minutes from the February 2019 meeting are included for your reference.

The first two plans (after the email correspondence) are presented from the Oleskys. The second set of plans are from the Reynolds's representatives at B.B. Barns.

**From:** [Charles H. Reynolds](#)  
**To:** [Jonathan Kanipe](#)  
**Subject:** Fwd: Re: Olesky 22 cedarcliff landscape buffer concepts  
**Date:** Wednesday, June 10, 2020 12:05:59 PM

---

**WARNING:** This email originated from outside of the Town of Biltmore Forest Network.

Jonathan

Here is an email I received from Cliff Odell at BB Barnes. Notice he states that if the Olesky's plant on their property that he uses the word "impossible." Essentially, his expert opinion is that it does not work.

Cliff has left BB Barnes, thus does not have a dog in the fight. Thus I think that his opinion is objective.

Let me know if you have questions regarding this.

Charles H. Reynolds

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This information is provided on an "as is" basis and no claims, representations or warranties are made regarding this information. The addressee should obtain professional tax, legal and financial advice prior to making any decisions on any action contemplated by use of this information.

----- Original Message -----

Subject: Re: Olesky 22 cedarcliff landscape buffer concepts

Date: Wed, 6 May 2020 16:22:39 -0400

From: Clif Odell [REDACTED]

To: "Charles H. Reynolds" [REDACTED]

Cc: Bret Bowman [REDACTED]

Hi Charles,

I've looked over both plans that Sam has proposed and my general opinion is that both plans will likely suffer the same issue in short-term. Namely that it will take quite some time for the trees to mature enough to provide the privacy that I think you're hoping to obtain.

The plan that they've proposed that encroaches on your property would certainly be more aesthetically pleasing than the one that only utilizes their property. That plan would also provide more privacy in the long-term; though depending on the size of plant material at installation, would likely have visual gaps until the trees grew together (which could take years). Plant size at install will be a critical factor in obtaining as much privacy as quickly as possible from your perspective.

I think the plant selections they've suggested are good; mimicking plantings that have already occurred or have been proposed (Nellie Stevens Hollies and Green Giant Arborvitae). Again the issue is space to plant staggered rows or triangular groupings of trees.

Obviously, if Sam was only utilizing his property for plantings, staggered rows of Arborvitae or Hollies is impossible along the tightest point between the retaining wall and the property line (hence their proposed plan using a single row of hollies). Some day in the future that single row arrangement may provide the desired privacy, but in the short-term, it would not.

I've forwarded along your inquiry and this email to my colleague Bret Bowman (who you met during our last meeting with Jonathan) so that he is up to speed with where things currently stand. He will be able to further advise you on this issue and will be your point of contact moving forward. Bret's contact info:

Bret Bowman  
Customer Relationship Manager  
BB Barns Landscape Co.  
[REDACTED]

Bret will also be able to share any scheduling updates regarding the Entrway Plantings scope of work.

I look forward to hearing about the resolution to this issue; though at the moment, it seems like there are still details to be considered/discussed. I hope it works out in your favor; at the end of the day, to achieve short-term privacy, someone will either

have to give up more space or plant very large, mature material.

All the Best,

Clif Odell

On Tue, May 5, 2020, 6:24 PM Commonwealth Cap [REDACTED] wrote:  
Hey cliff. Can you look at these and give me your opinion.

Sent from my iPhone

Begin forwarded message:

**From:** Jonathan Kanipe <[jkanipe@biltmoreforest.org](mailto:jkanipe@biltmoreforest.org)>

**Date:** May 5, 2020 at 1:02:26 PM EDT

**To:** "Charles H. Reynolds" [REDACTED]

**concepts**

Charles,

I hope you and your family remain well. Please see attached the plans presented from the Oleskys. When I spoke with Sam and his landscape architect last week they wanted to provide the set of plans for you all to review they had been working on. At this point, I don't believe the Oleskys want to proceed with removing the wall, and are offering this as their landscaping plan to provide the adequate screening required.

My assumption is if you all are not satisfied with either of these plans, the Oleskys would want to proceed with having the Board of Adjustment make a determination based on the each of your individual plans that have been most recently discussed.

Feel free to email me back with any questions; I'm out of the office this afternoon for a bit and will do my best to get back to you promptly if I can provide any other feedback.

Jonathan Kanipe  
Town Manager  
Town of Biltmore Forest

(828) 274-0824 // [jkanipe@biltmoreforest.org](mailto:jkanipe@biltmoreforest.org)

<http://www.biltmoreforest.org>

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---

**From:** Samuel Olesky <[REDACTED]>  
**Sent:** Monday, May 04, 2020 4:33 PM  
**To:** Jonathan Kanipe <[jkanipe@biltmoreforest.org](mailto:jkanipe@biltmoreforest.org)>  
**Cc:** Adrienne Isenhower <[adrienne@landofsky.org](mailto:adrienne@landofsky.org)>; Laura Olesky <[REDACTED]>; Mark Connelley <[REDACTED]>  
**Subject:** Olesky 22 cedarcliff landscape buffer concepts

**WARNING:** This email originated from outside of the Town of Biltmore Forest Network.

Hi Jonathan,

Hope you had a good weekend. Mark and Joel @ Osgood put together the attached concepts for our landscape buffer with the Reynolds' property. Mark described it better than I can:

The first is a concept that is based on you planting on your property

alone, a worst case scenario. The plants shown are the same we have been talking about all along: Nellie R Stevens holly, Norway spruce, and the green giant arborvitae. All these are spaced with full maturity in mind and are consistent with alternatives BB Barnes has proposed. Due to the narrowness in some areas, only hollies would be possible.

The second concept looks at what could happen if everyone could work together. The result is a more effective buffer as plants are allowed triangular spacing where visual overlap is greater. We also broke up the monoculture wall by mixing NRS hollies in between stands of arborvitae. We are hopeful this concept, or one like it, is still possible.

I think the both plans will offer significant screening especially once the trees mature a little, but the second plan would be more substantial and immediate (and probably nicer to look at), but does require some plantings that fall on the Reynolds' property. From a cost standpoint, even the second plan would be largely our responsibility; if we simply go by property line, we'd cover ~75% of these trees and the cost associated.

Mark went with 12' spacing on the arborvitaes to match the BB Barnes proposals and I think this is very conservative and could probably be safely tightened to 8'-10' but I I'd want a professional landscaper's opinion on this before committing (probably worth investigating if we are limited to only our property).

I'm not sure if these plans account for the exact locations of the Norway spruces that were recently planted further down the driveway, but I think it would be straightforward to merge those into this design. We're certainly open to adjustments/suggestions on locations and species but I think these two plans provide a good framework as to what's possible.

Thanks,

Sam

**From:** [Jonathan Kanipe](#)  
**To:** [Charles H. Reynolds](#)  
**Bcc:** [Adrienne Isenhower](#)  
**Subject:** FW: Olesky 22 cedarcliff landscape buffer concepts  
**Date:** Tuesday, May 05, 2020 1:02:00 PM  
**Attachments:** [200430\\_OLESKY-buffer02.pdf](#)  
[200430\\_OLESKY-buffer01.pdf](#)

---

Charles,

I hope you and your family remain well. Please see attached the plans presented from the Oleskys. When I spoke with Sam and his landscape architect last week they wanted to provide the set of plans for you all to review they had been working on. At this point, I don't believe the Oleskys want to proceed with removing the wall, and are offering this as their landscaping plan to provide the adequate screening required.

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**Subject:** Olesky 22 cedarcliff landscape buffer concepts

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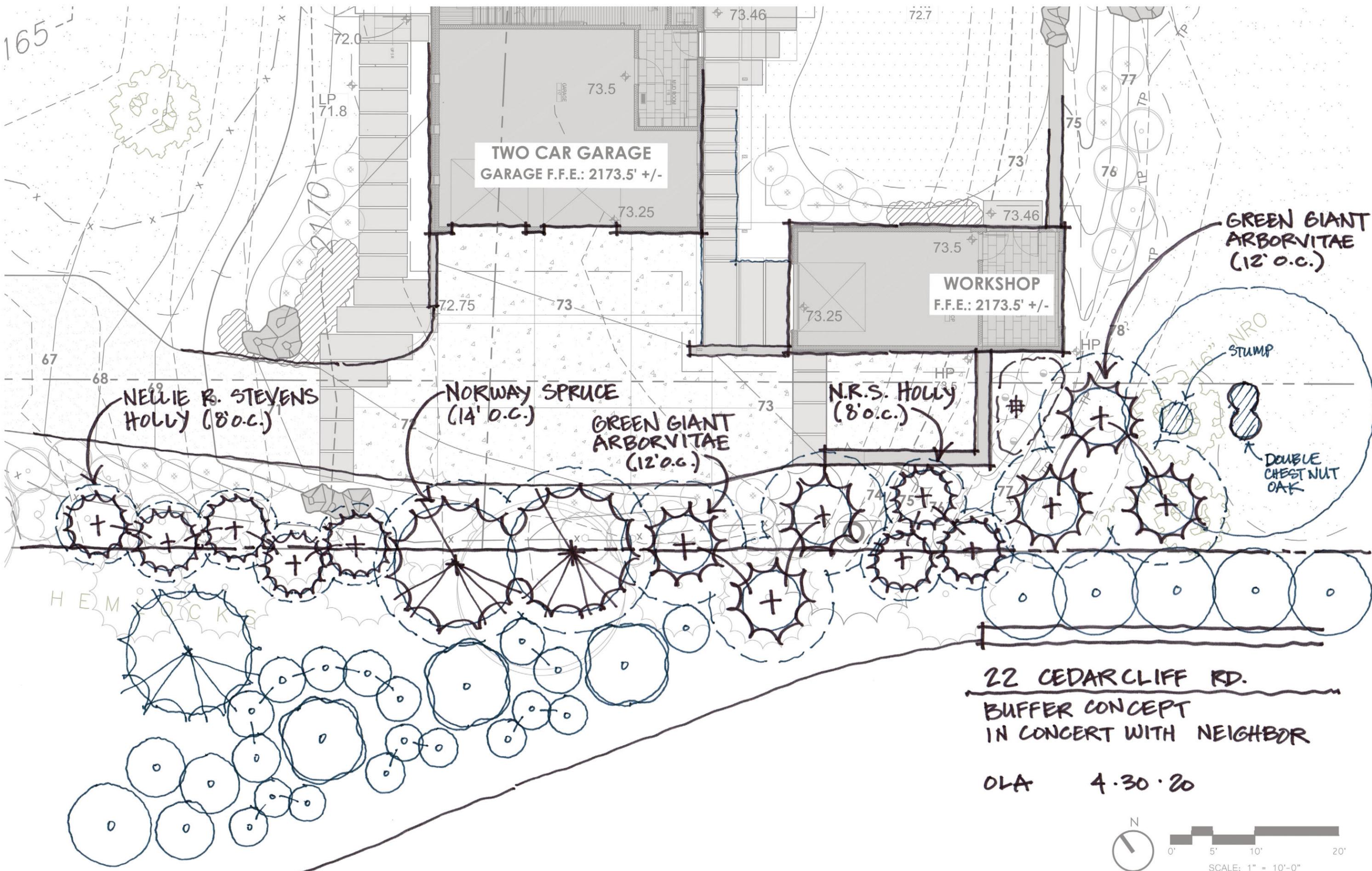
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Thanks,  
Sam





165

**TWO CAR GARAGE**  
GARAGE F.F.E.: 2173.5' +/-

**WORKSHOP**  
F.F.E.: 2173.5' +/-

NELLIE B. STEVENS  
HOLLY (8' o.c.)

NORWAY SPRUCE  
(14' o.c.)

GREEN GIANT  
ARBORVITAE  
(12' o.c.)

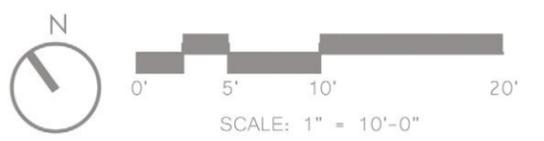
N.R.S. HOLLY  
(8' o.c.)

GREEN GIANT  
ARBORVITAE  
(12' o.c.)

DOUBLE  
CHESTNUT  
OAK

**22 CEDARCLIFF RD.**  
BUFFER CONCEPT  
IN CONCERT WITH NEIGHBOR

OLA 4.30.20





# Proposal

## B.B. Barns Landscape Co. INC

**Client Name:** Reynolds, Simone and Charles  
**Project Name:** Reynolds - Property Line Plantings 2020  
**Jobsite Address:** 24 Cedarcliff Rd. Asheville, NC 28803  
**Estimate ID:** EST1701732  
**Date:** Apr 20, 2020

**Billing Address:** 24 Cedarcliff Rd. Asheville, NC 28803  
**Drawing #:** 26-Feb-2020

*Pricing valid for 30 days from date of the Proposal.*

### Phase 3 - Olesky Portion - Screening Trees (Property Line Part A) \$12,135.00

Screening trees to be installed along property line (Olesky side) per BB Barns landscaping plan. This installation estimate assumes grading around permanent structures is completed before installation and that said grading is sufficient to allow for proper planting of screening trees. This proposal does not provide any allowance for rough grading prior to planting the proposed screening material. Includes all labor and the following materials:

9	10-12'	Thuja plicata 'Green Giant'	Green Giant Arborvitae
2	6-7'	Ilex x Nellie Stevens	Nellie Stevens Holly
1	9-10'	Picea abies	Norway Spruce
44	Bag	Organic Topsoil/Compost - 2 CF	Soil Amendment Blend w/Biotone
6	Bag	Biotone Organic Fertilizer - 25 lb	Root Stimulator
25	Bag	Shredded Pine Bark - 3 CF	Mulch
4	CY	Organic Topsoil/Compost - Bulk	Soil Amendment Blend

### Phase 3 - Olesky Portion - Screening Trees (Property Line Part B) \$6,251.00

Screening trees to be installed along property line (Olesky side) per BB Barns landscaping plan. This installation estimate assumes grading around permanent structures is completed before installation and that said grading is sufficient to allow for proper planting of screening trees. This proposal does not provide any allowance for rough grading prior to planting the proposed screening material. Includes all labor and the following materials:

4	10-12'	Thuja plicata 'Green Giant'	Green Giant Arborvitae
5	CY	Organic Topsoil/Compost - Bulk	Soil Amendment Blend
1	Bag	Biotone Organic Fertilizer - 25 lb	Root Stimulator
44	Bag	Shredded Pine Bark - 3 CF	Mulch

### Phase 3 - Reynolds Portion - Flowering Perennials \$513.00

Install flowering perennials along Reynolds' drive, between existing Holly hedgerow and Magnolia, in front of proposed Arborvitae plantings. Includes all labor and the following materials:

10	1 Gallon	Nepeta racemosa 'Walker's Low'	Walker's Low Catmint
2	Bag	Organic Topsoil/Compost - 2 CF	Soil Amendment Blend

1 Bag	Biotone Organic Fertilizer - 25 lb	Root Stimulator
10 Bag	Shredded Pine Bark - 3 CF	Mulch

---

**Subtotal** \$18,899.00

**Taxes** \$0.00

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**Estimate Total** **\$18,899.00**

## Proposal Terms & Conditions

This proposal/contract, describing the proposed work to be completed, serves as the entire agreement and both parties are not bound by any prior oral agreement. Any additional work requested beyond the scope of this contract is to be invoiced as a separate change order, approved by the client/owner before additional construction may/can to begin.

A deposit of 50% of the project proposal is required upon signing and acceptance of this contract. **Full payment of the contract will be expected at the completion of the project.** If for any reason the balance on the contract is not paid in full, the warranty is void, and the signatory will be responsible for collection fees, attorney fees, and any other fees incurred while collecting the balance. B.B. Barns does not warranty any workmanship or materials until the full balance of the contract is paid. B.B. Barns is not liable for any additional work performed by other contractors that are not included in this proposal/contract.

In the event of severe weather, precautions will be taken to protect the project site, the project materials, and the project schedule. The impact of such precautions may affect the project and will be discussed with the client at such time. All delays due to inclement weather or otherwise, while completing this contract, shall be at the sole discretion of B.B. Barns. If for any reason, while excavating the site, we find groundwater, electrical lines, or any unforeseen problems, that are not located ahead of time, there will be an extra charge for correcting said problems. Customer agrees to hold harmless B.B. Barns and its subcontractors from any damage discovered during or after B.B. Barns is on site to underground utilities, water lines, sewer or septic systems, or any other underground services or structures not marked before the project begins. B.B. Barns is not responsible for damage due to acts of God, vandalism, and/or client/third party negligence.

When plant material indicated in the proposal/contract, or in the design is not available, B.B. Barns reserves the right to substitute similar and appropriate plant materials. Substitutions resulting in major design changes shall be approved by the client.

If the terms and conditions of this agreement meet your approval, please sign and date in the space provided below and return a copy of to B.B. Barns. Your signature on this agreement, along with the aforementioned 50% deposit, will authorize B.B. Barns, upon receipt, to schedule and commence work. We look forward to working with you on this project. If you have any questions regarding this contract, please contact your CRM.

## Refund & Cancellation Policy

Refunds and the cancellation policy apply to all services that have been scheduled with a deposit paid in advance. For all other services, we ask for the courtesy of 48 hours notice to allow us time to reschedule the crews in a convenient manner for other customers.

For work scheduled with a deposit paid, we ask for as much time as possible to cancel services, and you will receive a full refund of any deposits made for that job minus any specially ordered material costs that cannot be returned to our vendors. Most material is ordered more than 2-3 weeks prior to the scheduled job start. We keep a limited supply of hard goods (mostly gravels) and soft goods (mostly soil and mulch) in stock for all jobs. All other materials are considered special ordered and include, but is not limited to: plant materials, natural stones, pavers, wall blocks, water feature components, drainage components, irrigation components, lighting components, and more. If a job cancellation is necessary, please notify your CRM as soon as possible to discuss the status of all ordered materials and the refund amount. We will make every effort to return materials to our vendors when possible to maximize your refund. If a return is not possible, then we will refund the remaining balance of the deposit and we will deliver the materials to your site.

## B.B. Barns Landscape Warranty

- **One-year plant replacement warranty** - Includes full replacement on any loss of trees, shrubs, and perennials up to one-year from the original installation date.
- **Items NOT Covered** - Plant material neglect (**including over and under watering**: lack of water is the #1 reason why plants die), acts of God, vandalism, or transplanted material. **Plants eaten by deer.** Replacement plants are not covered by this warranty. Plant material specifically requested by the customer or outside designer considered to be zone marginal or a poor choice due to cultural requirements by B.B. Barns will not be covered. B.B. Barns cannot warranty against weed germination in

- plantings, beds, or mulch due to seeds that may exist in soil or mulch.
- **Replacement Policy** - Before replacement, plant material will be inspected by a B.B. Barns Landscape Representative. Replacement of plant materials will be at the sole discretion of B.B. Barns Landscape. Individual plants will be replaced with the same species as available one time only unless B.B. Barns Landscape deems the environment unsuitable for the plant. B.B. Barns will make plant replacements during the optimal planting season and based on the availability of the plant material. If a plant appears stressed or is underperforming, please call your CRM as soon as possible, so we might be able to advise you on the best course of action.
- **Sod/Seed Limited Warranty**- B.B. Barns Landscape will warranty sod/seed installations for 2 weeks after installation provided the following conditions are true: B.B. Barns can verify that necessary watering has taken place via irrigation system or temporary sprinkler set up; no heavy traffic has been in the area including foot traffic, pets, and/or vehicles; pesticides or chemicals have not been applied to sod/seed (not in accordance with the B.B. Barns turf maintenance program); pets have not been allowed to soil the newly planted sod/seed.

To improve the health and establishment of your new plantings, landscape care guides can be found here:  
<https://bbbarns.com/resources-care-guides/>

### **B.B. Barns Landscape LIFETIME Warranty**

To extend the protection of your new investment, we offer a LIFETIME Warranty. Your landscape installation qualifies for a Lifetime Warranty as long as B.B. Barns Landscape is providing ongoing bi-weekly maintenance (or more frequent) on the property. This warranty is contingent upon having a signed maintenance contract within 14 days of the completion of the installation project. The Lifetime Landscape Warranty will cover the cost of replacement for any tree and/or shrub (perennials not included) at the original installation size. We can install larger specimens if desired (depending on availability) if you cover the difference in cost. Please speak with your CRM for more details.

Estimate authorized by: \_\_\_\_\_  
 Company Representative

Estimate approved by: \_\_\_\_\_  
 Customer Representative

Signature Date: \_\_\_\_\_

Signature Date: \_\_\_\_\_

DRIVEWAY

EXISTING WALL + HOLLY HEDGE

PROPERTY LINE

(1) NORWAY SPRUCE +  
(2) NELLIE R. STEVENS

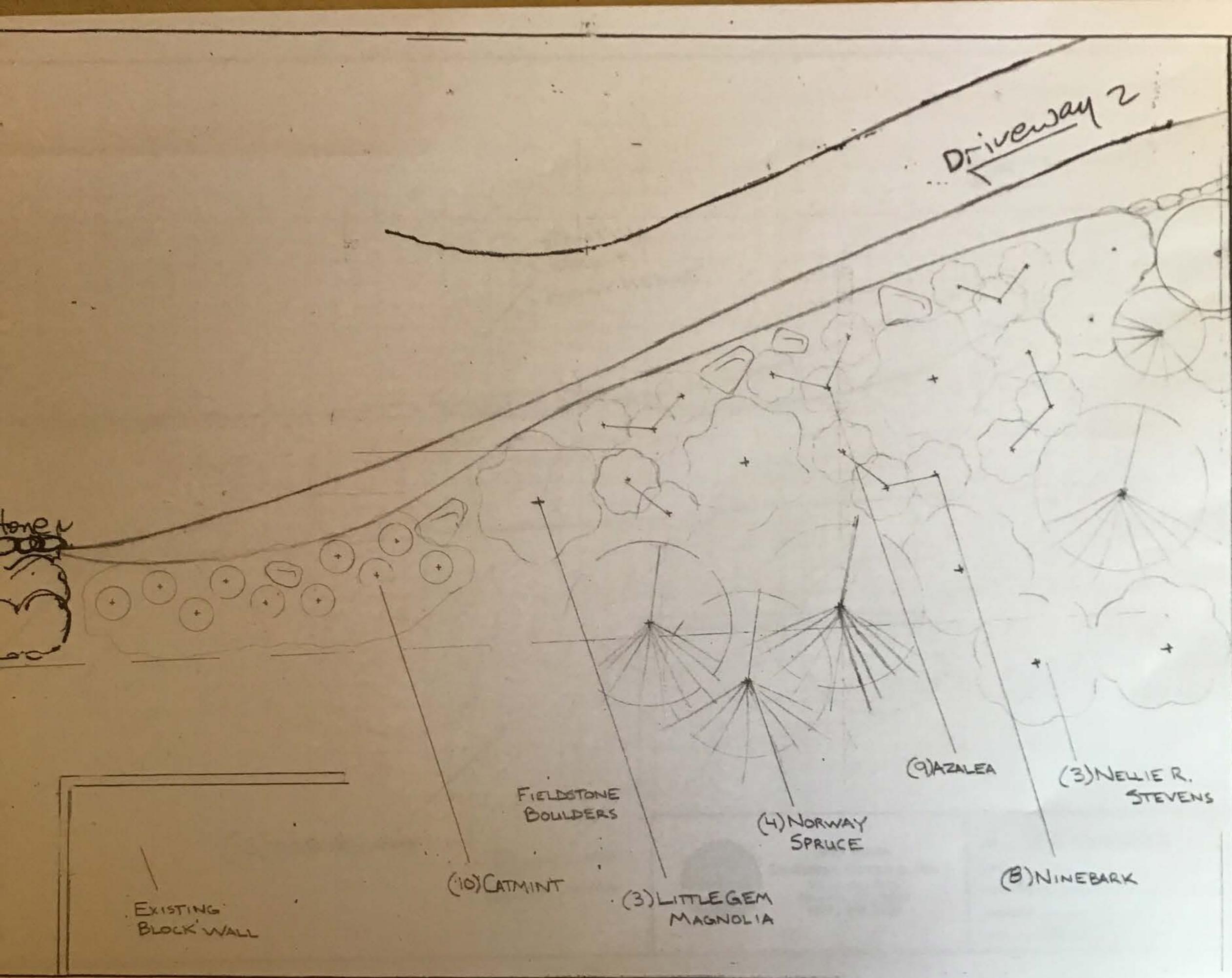
(13) ARBORVITAE

EXISTING BLOCK WALL



B.B. Barns  
Landscape Company, Inc  
92 Crayton Road  
Asheville, NC 28803  
(828) 684-9190

JOB REYNOLDS  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE 1/8" = 1'



Scale 1" = 10'  
 This drawing is for the  
 use of the client only.  
 It is not to be used for  
 any other purpose.  
 © 2000 B.B. Barns Landscape Co.

**Reynolds House**  
 "side yard landscape"

**B.B. Barns**  
**Landscape Company**  
 3377 Swanton Creek Road  
 Arden, NC 28704  
 Phone: 828 - 690 - 7300













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 2 (22 Cedarcliff Road)  
Date: February 5, 2019

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### Request for a Conditional Use Permit for an Accessory Building Request for a Variance for a Parking Area and Retaining Walls in the Side Yard Setback

The applicants have submitted plans for construction of a new single family residence. The new residence will replace a house that was recently demolished from the lot. The house will be one and a half stories with an unfinished basement, wood lap siding and a standing seam metal roof and will meet all requirements of the zoning ordinance. The applicants are asking the Board of Adjustment for a conditional use permit and a variance for a detached accessory building and an extension of the driveway in the side yard setback.

A conditional use permit is requested for construction of a detached office and workshop. The building will be approximately 450 square feet, located behind the house and concealed from neighbors with a vegetated buffer. **Section §153.029** of the zoning ordinance allows one accessory building per lot with 750 square feet maximum roof coverage and 25 feet maximum height. The building must be screened by vegetation, located behind a line parallel to the rear of the principle structure and designed in the same architectural style.

The requested variance is for extension of the current driveway into a concrete parking area with a retaining wall. The existing driveway is located in the side yard setback and serviced the previous house. The applicants request to keep the driveway in its current location to service the new house and add the parking area and retaining walls for access to an attached garage. The retaining wall is necessary due to the slope of the lot.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Carrie (Architect) McLauchlan

**Address**

22 Cedarcliff Road

**Phone**

(828) 253-1124

**Email**

carrie@samselarchitects.com

**Parcel ID/PIN Number**

9647626756

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

54,885.6 sf

**Maximum Roof Coverage**

6,100 square feet (Up to 2 acres)

**Proposed Roof Coverage Total**

5,393 sf

**Maximum Impervious Surface Coverage**

25 percent of lot area (1-3 acres)

**Proposed Impervious Surface Coverage**

8,370 sf

**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**

One and a half story single family home with unfinished basement, wood lap siding, and standing seam metal roof.

**Estimated Cost of Project**

\$1,500,000.00

**Estimated Completion Date**

6/1/2020

**Applicant Signature**



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

190110 Olesky Residence.pdf

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Carrie McLauchlan

**Address**

60 Biltmore Avenue

**Phone**

(828) 253-1124

**Email**

carrie@samselarchitects.com

**Current Zoning/Use**

Residence

**Requested Use**

Residence

**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?**

Build a single family residence, 1.5 stories with unfinished basement, detached Office and Workshop. Because of the narrow lot and dramatic slope at the back of the lot we will need a retaining wall for a turn-around space that is outside of the side setback.

**What does the ordinance require?**

The ordinance requires the retaining wall for the turn-around space to be within the side 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.**

There is an existing drive and graded area for pulling into the Garage. Because of this current location, the naturally narrow lot, and dramatic slope toward the back of the lot, we will need this retaining wall to be over the side setback for a vehicle to have the appropriate radius for turning around, or to be able to park in that space.

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

Because there was an existing home on the property (since demolished) the location of the existing drive and grading from the existing home set the site up naturally for the layout of the Site Plan. The dramatic incline at the back of the property also limits the amount of flexibility that we have for a vehicle without a retaining wall.

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

No, the lot dimensions, natural grade and existing drive location were not driven by the Owner.

**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.**

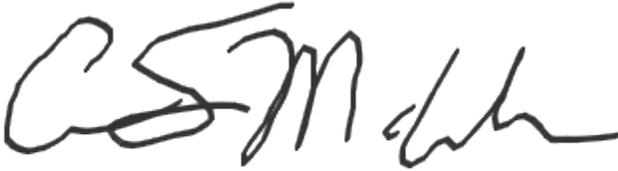
Yes, we will provide a vegetated buffer so that the neighbors are not disturbed by the program that is over the side setback.

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

**Signature**

**Date**

1/23/2019



A handwritten signature in black ink, appearing to read 'CSM' followed by a cursive flourish.

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# Conditional Use Permit Application

Town of Biltmore Forest

## Transaction Details

Number: F16E8T1

Date: 1/23/2019 5:46 PM

Application Fee	\$100.00
<b>Subtotal:</b>	<b>\$100.00</b>
<b>Order Total: \$100.00</b>	

### Application Fee

\$100.00

### Name

Carrie McLauchlan

### Address

60 Biltmore Avenue

### Phone

(828) 253-1124

### Email

carrie@samselarchitects.com

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

Accessory Buildings

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:

Single family residence, 1.5 stories with a full basement, detached Office and Workshop, with stone slab steps to the back of the property.

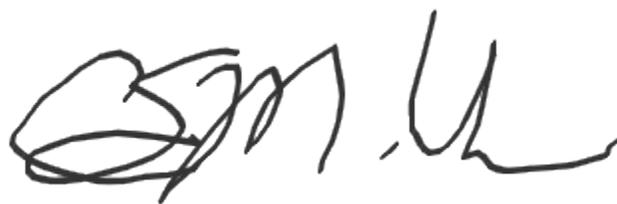
### Explain why the project would not adversely affect the public interest of those living in the neighborhood:

The character of the residence is in keeping with the surrounding properties. The home Office and Workshop are tucked to the back of the property, nestled into natural grade and will be concealed from the neighbors to the side with a vegetated buffer. Natural stone pavers allow access to the back of the property which is otherwise separated by steep grade.

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

**Signature**

**Date**  
1/23/2019

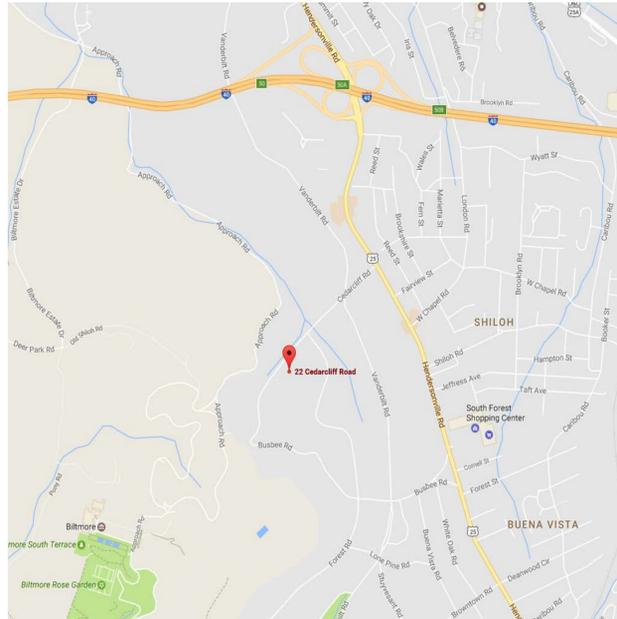


A handwritten signature in black ink, appearing to be 'SM. U', written above a horizontal line.

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# OLESKY RESIDENCE 15.50

## 22 CEDARCLIFF ROAD, BILTMORE FOREST, NC, 28803



### ABBREVIATIONS

AC Acoustic	FO Face of	PLAM Plastic Laminate
ACT Acoustic Ceiling Tile	FOC Face of Concrete	PLBG Plumbing
AD Access Door	FOM Face of Masonry	PLY Plywood
ADJ Adjacent	FOS Face of Stud(s)	POLY Polyethylene
AFF Above Finished Floor	FOW Face of Wall	PNBD Panelboard
AHU Air Handling Unit	FP Fire Protection	PR Pair
ALT Alternate	FRGWB Fire Rated Gypsum Wallboard	PSF Pounds per Square Foot
ALUM Aluminum	FRP Fiber Reinforced Panel	PSI Pounds per Square Inch
AP Access Panel	FT Foot/Feet	PSL Parallel Strand Lumber
BEV Beveled	FTG Footing	PT Pressure Treated
BLDG Building	FUT Future	PTD Painted
BO Bottom of	GA Gage	PVC Polyvinyl Chloride
BOW Bottom of Wall	GALV Galvanized	QT Quarry Tile
BLKG Blocking	GC General Contractor	R Riser
BRD Board	GL Glass/Glazing	RAD Radius
BRG Bearing	GWB Gypsum Wallboard	REG Register
CAB Cabinet	H Height/Height	REQD Required
CER Ceramic	HD HT Head Height	RET Return
CJ Control Joint	HDWR Hardware	REV Revised/Revision(s)
CL Closet	HM Hollow Metal	RO Rough Opening
CLG Ceiling	HORIZ Horizontal	SAN Sanitary
CLR Clear(ance)	HC Handicapped	SF Square Foot/Feet
CMU Concrete Masonry Unit	HVAC Heating, Ventilation & Air Conditioning	SIM Similar
COL Column	INSUL Insulation	SLNT Sealant
CONC Concrete	INT Interior	SPF Spruce/Pine/Fir
CONT Continuous	KD Kiln Dried	S/S Stainless Steel
DEMO Demolish/Demolition	LAV Lavatory	STD Standard
DET Detail	LCC Lead Coated Copper	SUSP Suspend(ed)
DF Drinking Foundation	LVL Laminated Veneer Lumber	SYP Southern Yellow Pine
DIM Dimension	LVR Louver	T Tread
DISP Dispenser	MAX Maximum	T&G Tongue & Groove
DMT Demountable	MDF Medium Density Fiberboard	TELE Telephone
DN Down	MDO Medium Density Overlay	THRU Though
DNSP Downspout	MECH Mechanical	TO Top of
DWG Drawing(s)	MEMB Membrane	TOB Top of Beam
DWR Drawer	MFR Manufacturer	TOD Top of Decking
EA Each	MIN Minimum	TOF Top of Footing
EJ Expansion Joint	MISC Miscellaneous	TOPL Top of Plate
EL Elevation	MO Masonry Opening	TOS Top of Slab
ELEC Electric(al)	MLDG Moulding	TOSTL Top of Steel
ELEV Elevator	MR Moisture Resistant	TOW Top of Wall
EQ Equal	MRGWB Moisture Resistant Gypsum Wallboard	TRTD Pressure Treated Lumber
EQUIP Equipment	MTD Mounted	TYP Typical
EXIST Existing	MTL Metal	UL Underwriters Laboratory
EXP Expansion	NIC Not In Contact	UNF Unfinished
EXT Exterior	NOM Nominal	UNO Unless Noted Otherwise
FD Floor Drain	NTS Not to Scale	VAR Varies
FEC Fire Extinguisher Cabinet	OC On Center(s)	VB Vapor Barrier
FF Finish Face	OD Outside Diameter	VCT Vinyl Composition Tile
FG Fixed Glass	OPNG Opening	VERT Vertical
FIN Finish(ed)	OSB Oriented Strandboard	W/ With
FIN FL Finished Floor	OPP Opposite	W/O Without
FL Floor	PAN Panel	WP Waterproofing
FLG Flooring	PART Partition	WR Water Resistant
FLSH Flashing	PERF Perforated	WRB Water-resistive Barrier
FNDN Foundation		WWF Welded Wire Fabric

### PROJECT TEAM

**ARCHITECT:**  
Samsel Architects, P.A.  
60 Biltmore Avenue  
Asheville, NC 28801  
P: 828.253.1124

**CONTRACTOR:**  
Jade Mountain Builders  
362 Depot Street  
Suite 10  
Asheville, NC 28801  
P: 828.216.3948

**LANDSCAPE ARCHITECT:**  
Osgood Landscape Architecture  
14 Church Street  
Asheville, NC 28801  
P: 828.337.7496

### SQUARE FOOTAGE

**CONDITIONED SPACE:**  
Main Level: 2,146 s.f.  
Upper Level: 2,013 s.f.  
Lower Level (Unfinished): 2,192 s.f.  
Office: 146 s.f.  
Total Heated: 6,497 s.f.

**UNCONDITIONED SPACE:**  
Main Level Garage: 671 s.f.  
Work Shop: 313 s.f.  
Front Entry Porch: 250 s.f.  
Screened Porch: 395 s.f.

Total Unconditioned: 1,629 s.f.

**TOTAL:** 8,126 s.f.

DRAWING INDEX				
SHEET	SHEET TITLE	DATE	DATE	DATE
G-001	COVER SHEET	01.10.19		
L-101	SITE PLAN	01.10.19		
A-101	FOUNDATION PLAN	01.10.19		
A-102	LOWER LEVEL FLOOR PLAN	01.10.19		
A-103	MAIN LEVEL FLOOR PLAN	01.10.19		
A-104	UPPER LEVEL FLOOR PLAN	01.10.19		
A-105	ROOF PLAN	01.10.19		
A-111	MAIN LEVEL FLOOR FRAMING PLAN			
A-112	UPPER LEVEL FLOOR FRAMING PLAN			
A-113	ROOF FRAMING PLAN			
A-121	MAIN LEVEL REFLECTED CEILING PLAN			
A-122	UPPER LEVEL REFLECTED CEILING PLAN			
A-131	MAIN LEVEL FURNITURE PLAN			
A-132	UPPER LEVEL FURNITURE PLAN			
A-201	EXTERIOR ELEVATIONS	01.10.19		
A-202	EXTERIOR ELEVATIONS	01.10.19		
A-203	EXTERIOR ELEVATIONS	01.10.19		
A-204	EXTERIOR ELEVATIONS	01.10.19		
A-205	EXTERIOR ELEVATIONS	01.10.19		
A-301	BUILDING SECTIONS			
A-302	BUILDING SECTIONS			
A-303	BUILDING SECTIONS			
A-304	BUILDING SECTIONS			
A-401	INTERIOR ELEVATIONS			
A-402	INTERIOR ELEVATIONS			
A-403	INTERIOR ELEVATIONS			
A-404	INTERIOR ELEVATIONS			
A-405	INTERIOR ELEVATIONS			
A-406	INTERIOR ELEVATIONS			
A-407	INTERIOR ELEVATIONS			
A-408	INTERIOR ELEVATIONS			
A-409	INTERIOR ELEVATIONS			
A-410	INTERIOR ELEVATIONS			
A-411	INTERIOR ELEVATIONS			
A-412	INTERIOR ELEVATIONS			
A-413	INTERIOR ELEVATIONS			
A-414	INTERIOR ELEVATIONS			
A-415	INTERIOR ELEVATIONS			
A-501	STANDARD DETAILS			
A-502	EXTERIOR FINISH DETAILS			
A-601	SCHEDULES			
A-602	SCHEDULES			
E-100	ELECTRICAL NOTES & LEGEND			
E-101	LOWER LEVEL ELECTRICAL PLAN			
E-102	MAIN LEVEL ELECTRICAL PLAN			
E-103	UPPER LEVEL ELECTRICAL PLAN			

PROJECT:

**OLESKY RESIDENCE**

22 CEDARCLIFF ROAD  
BILTMORE FOREST, NC  
28803

SHEET TITLE:

**COVER SHEET**

DATE:	DESCRIPTION:
01.10.19	ISSUED

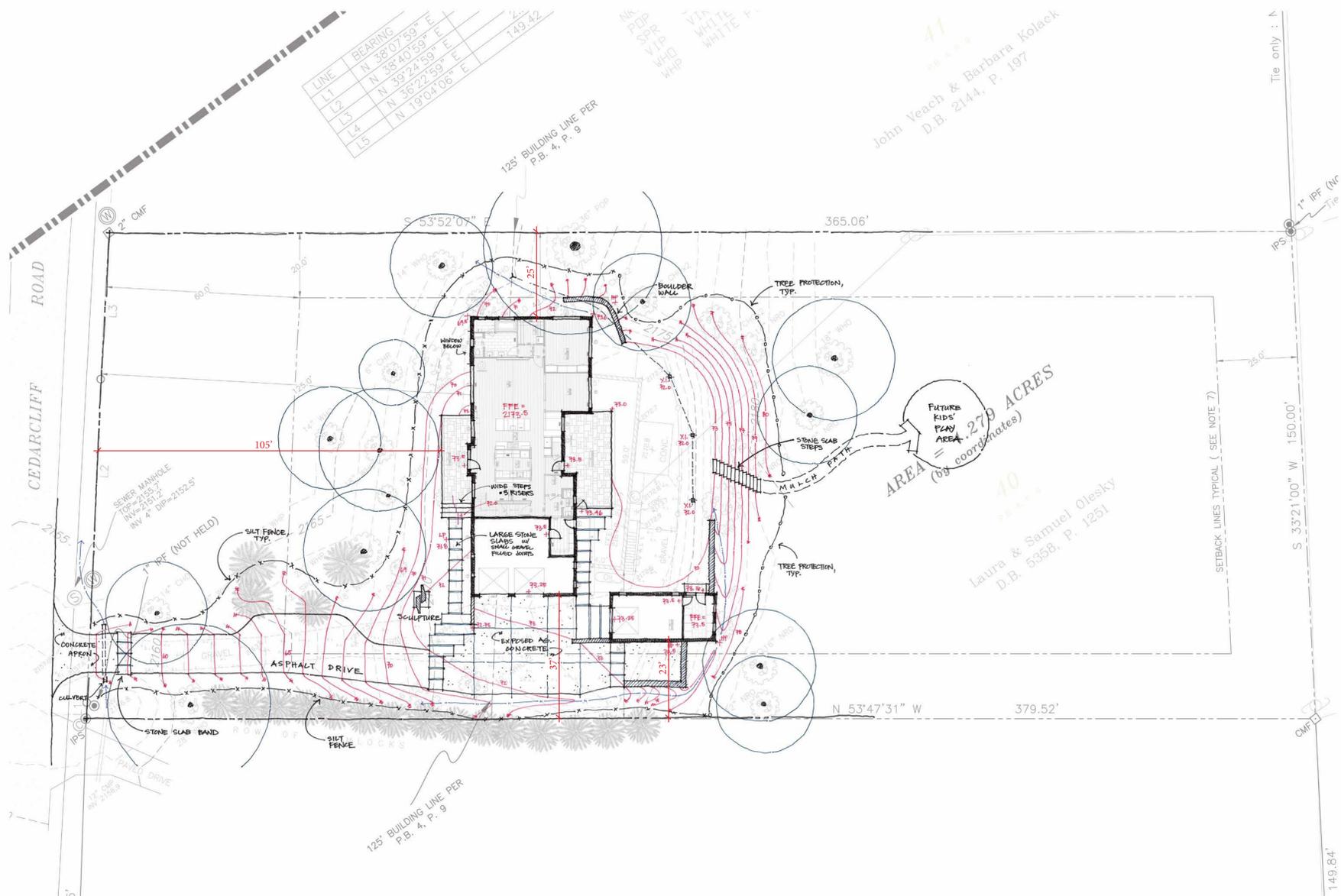
PROJECT #:

**15.50**

DRAWN BY: **CM** CHECKED BY: **NB**

SHEET #:

**G-001**



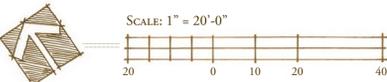
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L2	N 38°40'59" E	
L3	N 39°24'59" E	
L4	N 36°22'59" E	
L5	N 19°04'06" E	

John Yeach & Barbara Kolaick  
D.B. 2144, P. 197

Laura & Samuel Olesky  
D.B. 5358, P. 1251

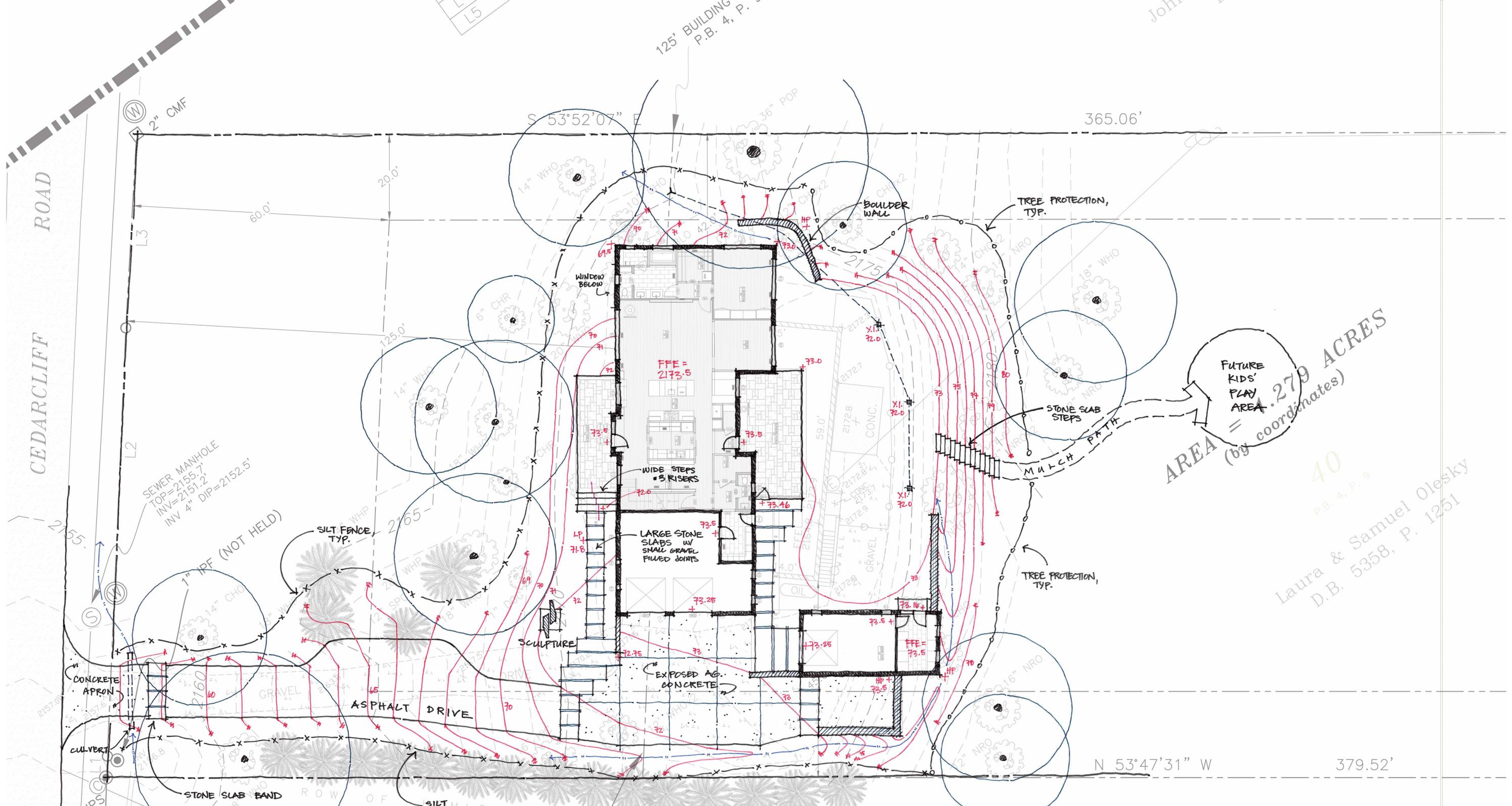
**DEVELOPMENT DATA**

LOCATION: 22 Cedarcliff Road  
Biltmore Forest, NC 28803  
PIN: 9647-62-6756  
PROPERTY OWNERS: Sam and Laura Olesky  
CONTACT: Joel Osgood, RLA  
Osgood Landscape Architecture, Inc.  
14 Church Street  
Asheville, NC 28801  
828.527.6566  
PROPERTY SIZE: 1.26 Acres (54,885.6 SF)  
AREA OF DISTURBANCE: 0.39 Acres (SF)



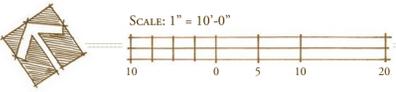
**OLESKY RESIDENCE  
OVERALL SITE PLAN**

January 10, 2019  
Biltmore Forest, North Carolina



**DEVELOPMENT DATA**

LOCATION: 22 Cedarcliff Road  
 Biltmore Forest, NC 28803  
 PIN: 9647-62-6756  
 PROPERTY OWNERS: Sam and Laura Olesky  
 CONTACT: Joel Osgood, RLA  
 Osgood Landscape Architecture, Inc.  
 14 Church Street  
 Asheville, NC 28801  
 828.527.6566  
 PROPERTY SIZE: 1.26 Acres (54,885.6 SF)  
 AREA OF DISTURBANCE: 0.39 Acres (SF)



**OLESKY RESIDENCE  
 SITE PLAN - DETAIL**

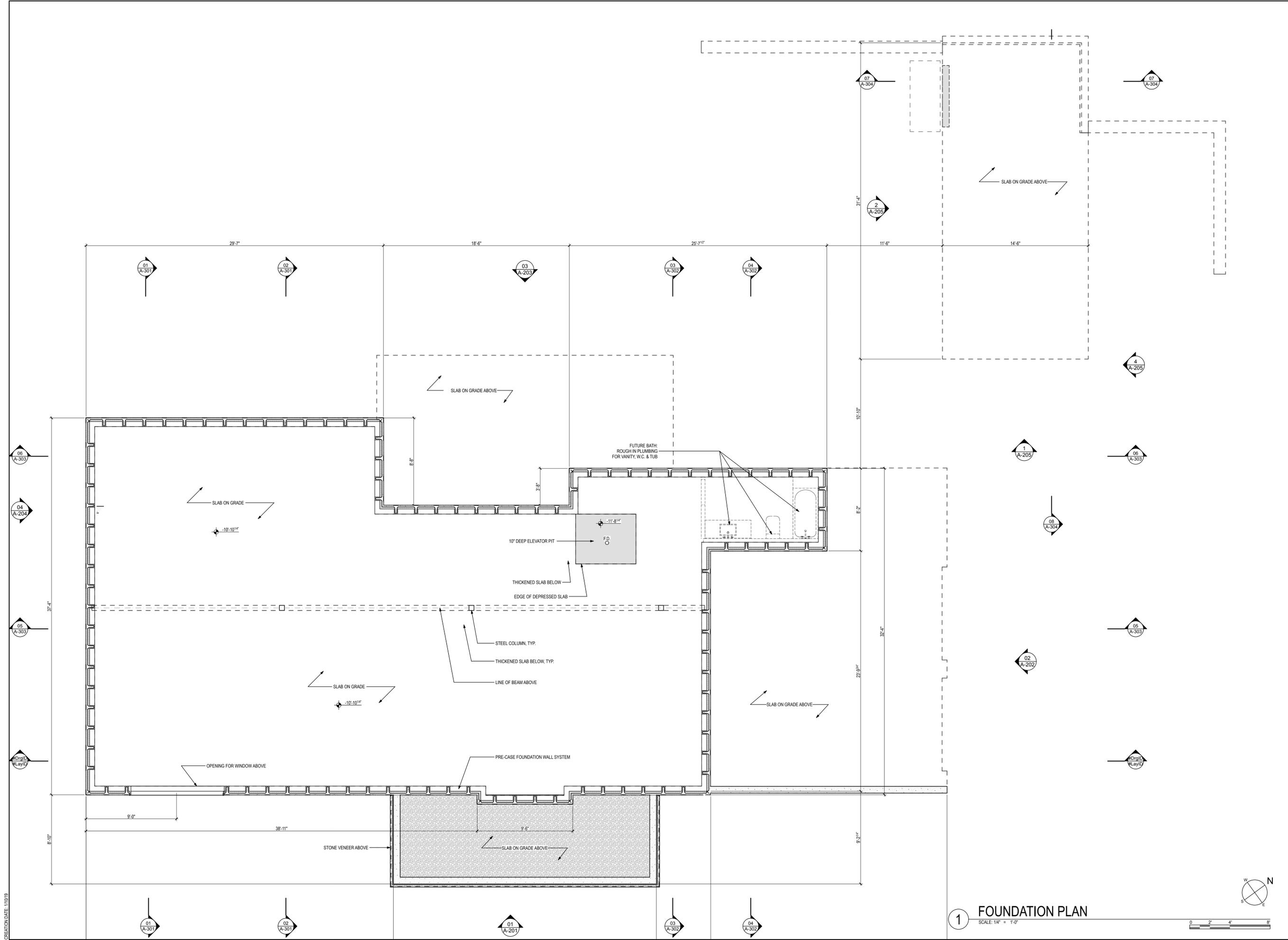
January 10, 2019  
 Biltmore Forest, North Carolina

**AREA = 0.279 ACRES**  
 (by coordinates)

**40**  
 P.B. 4, P. 9  
 Laura & Samuel Olesky  
 D.B. 5358, P. 1251

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:	<b>15.50</b>
DRAWN BY:	CM
CHECKED BY:	NB
SHEET #:	



**1 FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"  
 0 2' 4' 8'

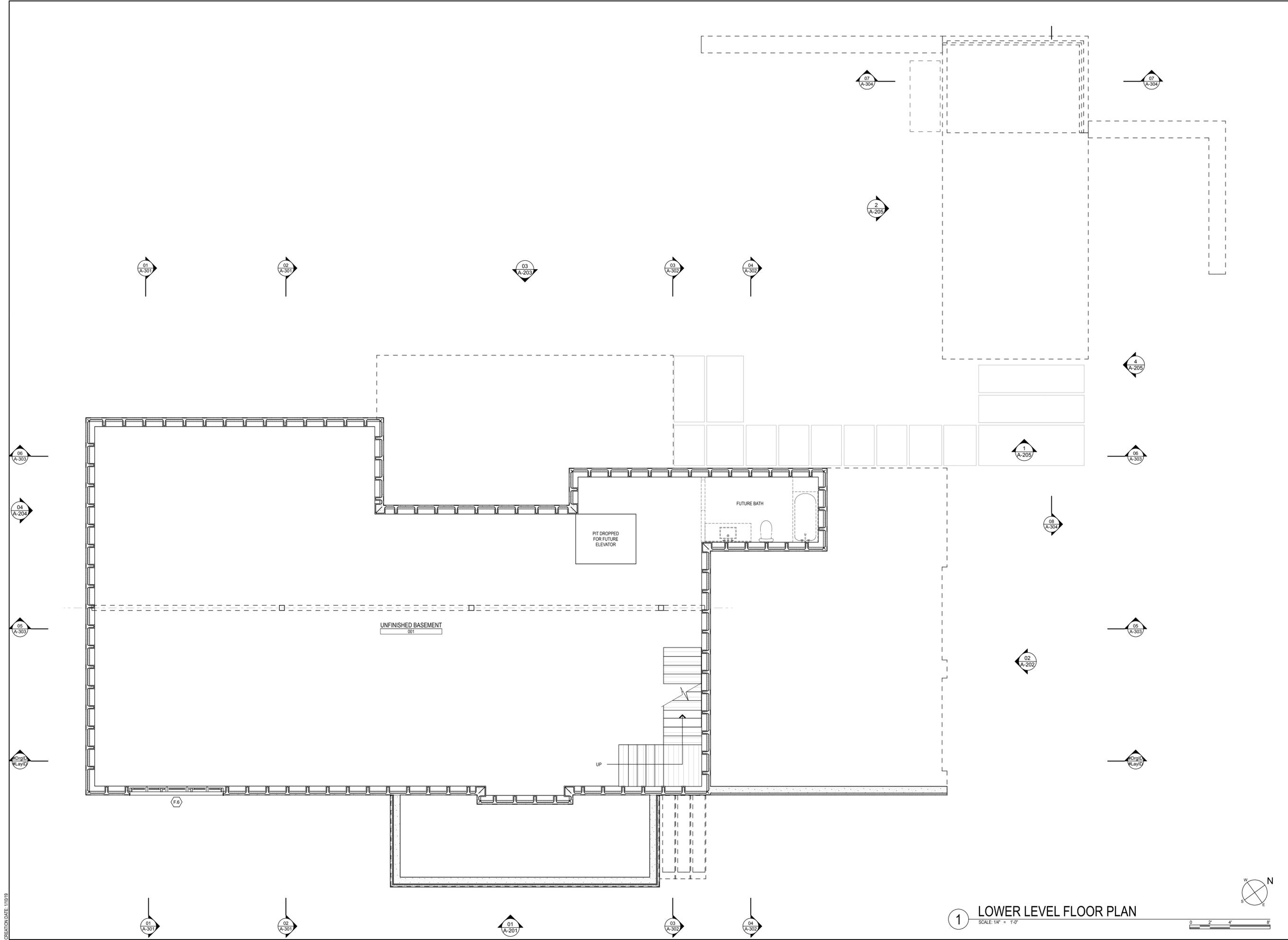
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DATE:	DESCRIPTION:
01.10.19	ISSUED

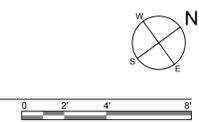
PROJECT #:  
**15.50**

DRAWN BY: <b>CM</b>	CHECKED BY: <b>NB</b>
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SHEET #:



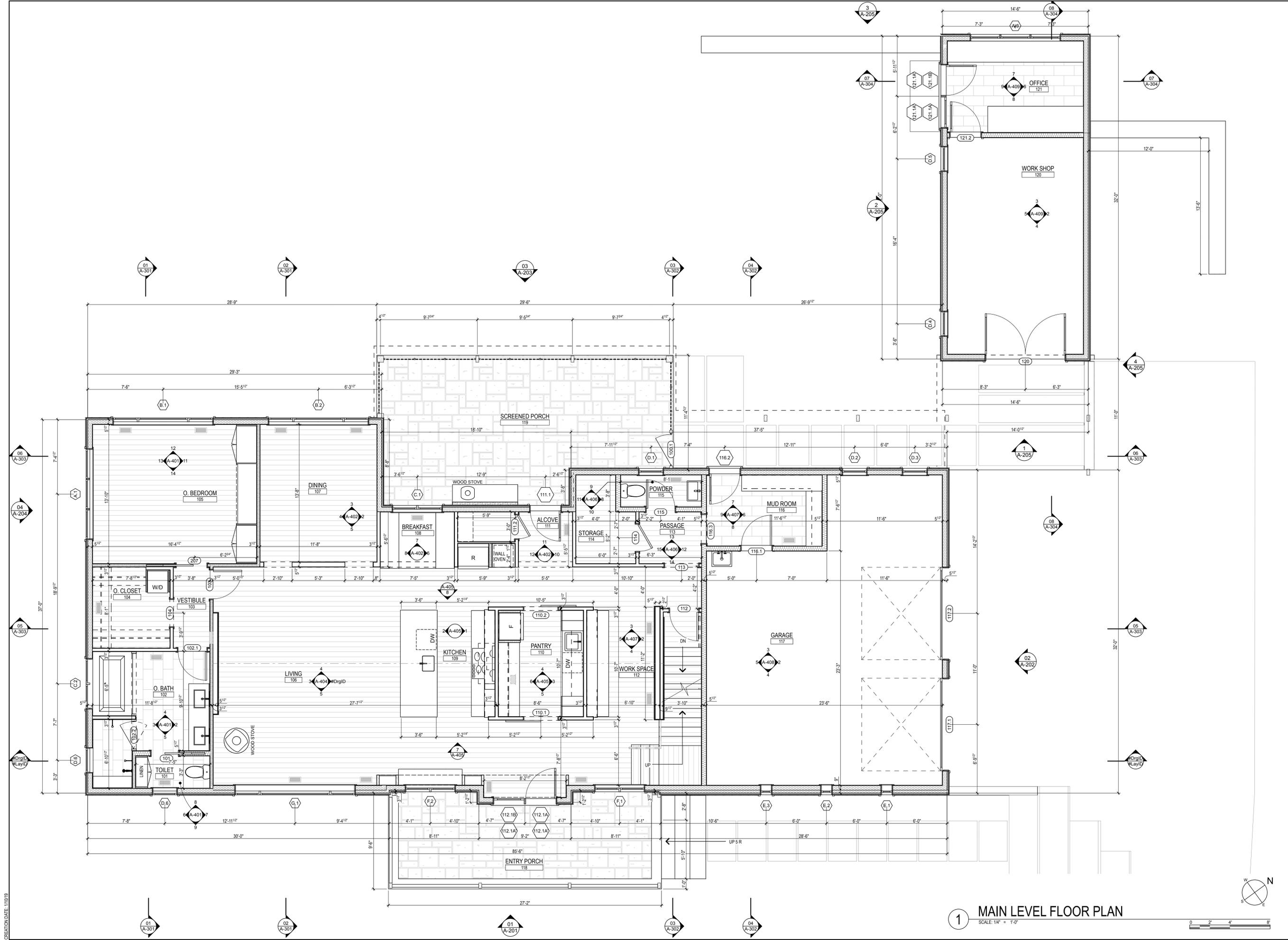
**1 LOWER LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



CREATION DATE: 1/10/19

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:	<b>15.50</b>
DRAWN BY:	CM
CHECKED BY:	NB
SHEET #:	

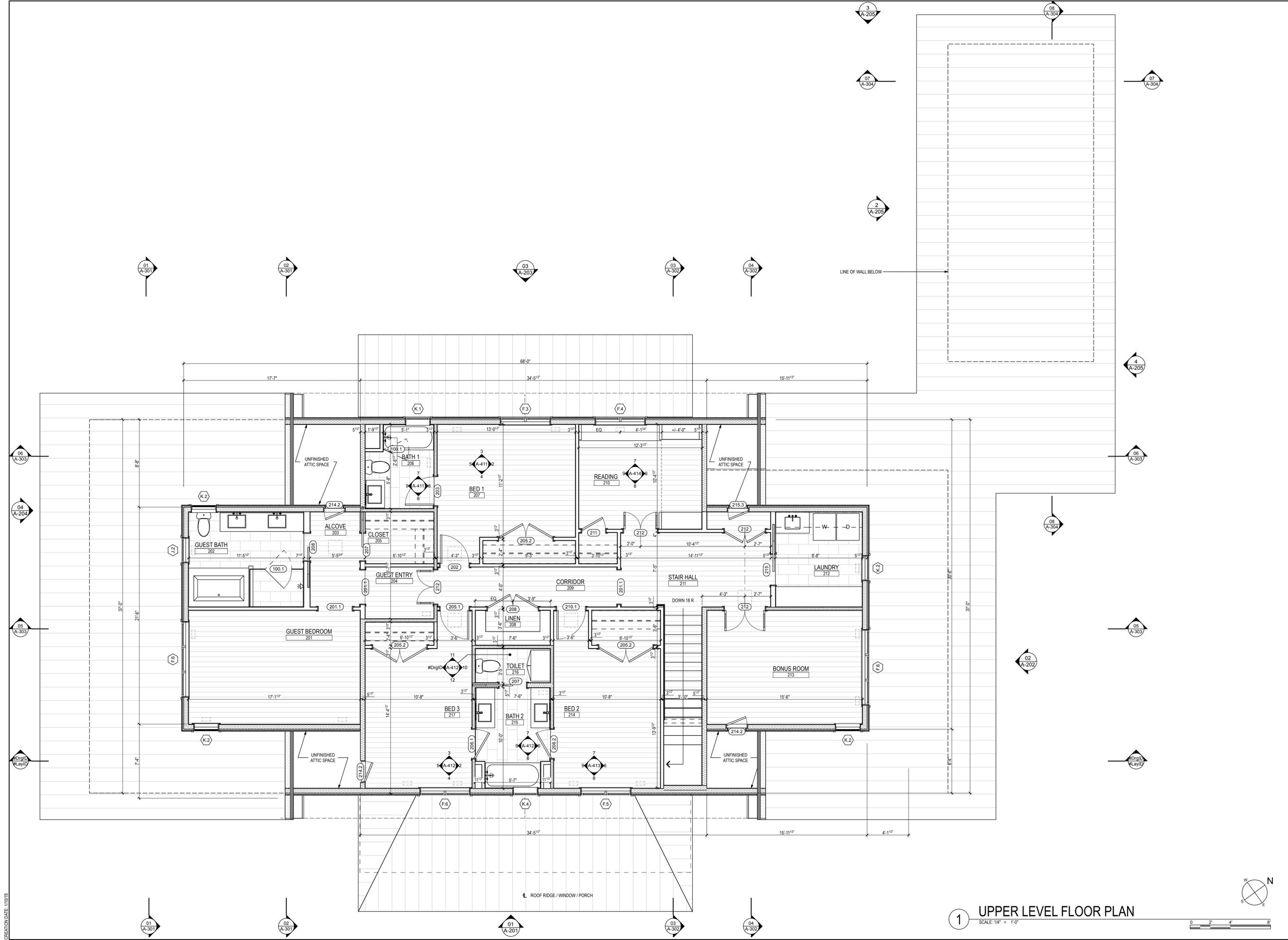


**1 MAIN LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

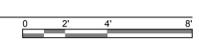
CREATION DATE: 1/10/19

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:	<b>15.50</b>
DRAWN BY:	CM
CHECKED BY:	NB
SHEET #:	



**1 UPPER LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



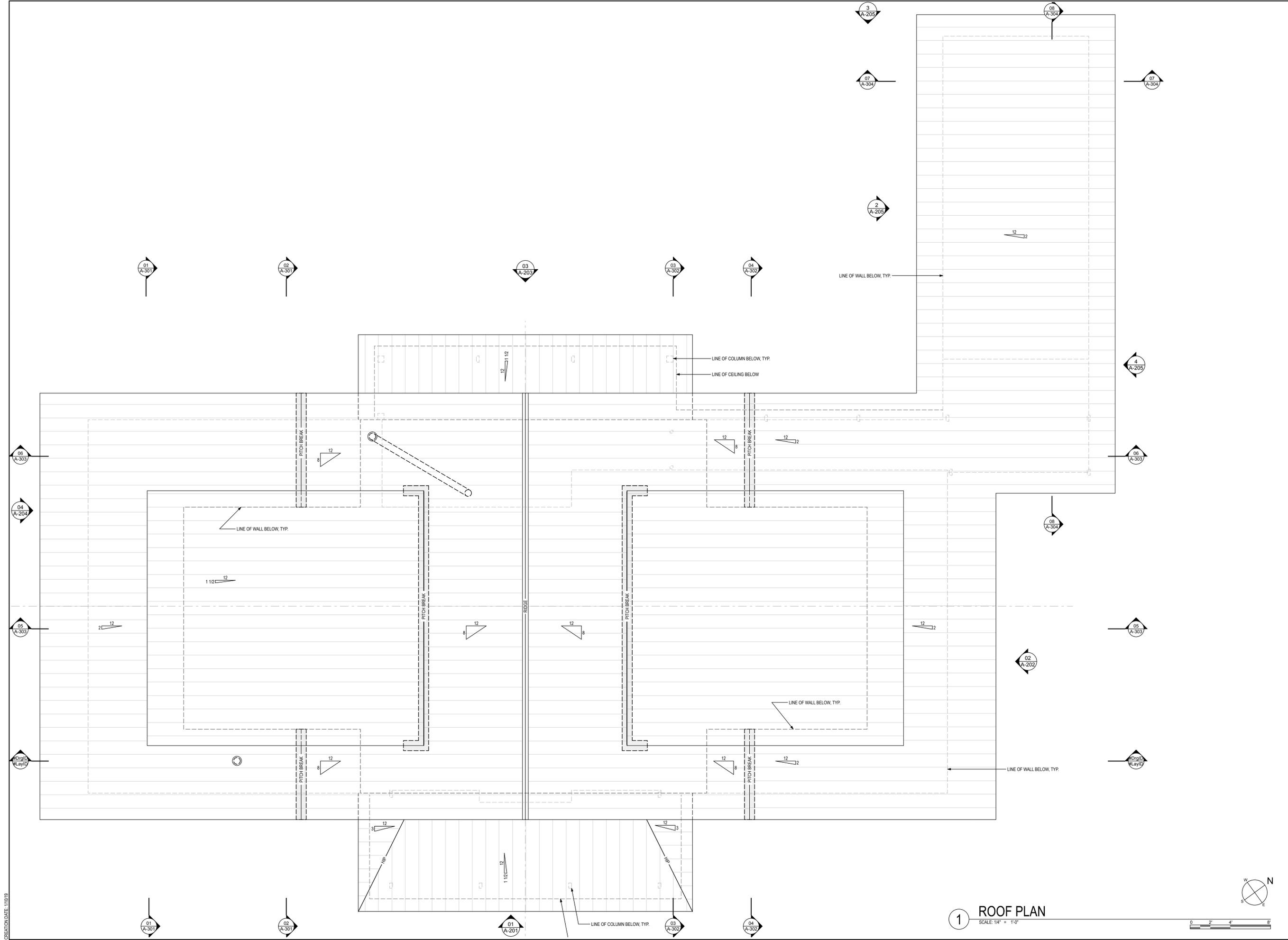
CREATION DATE: 1/10/19

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:  
**15.50**

DRAWN BY: <b>CM</b>	CHECKED BY: <b>NB</b>
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SHEET #:



CREATION DATE: 1/10/19

PROJECT:

**OLESKY RESIDENCE**

22 CEDARCLIFF ROAD  
BILTMORE FOREST, NC  
28803

SHEET TITLE:

**EXTERIOR ELEVATIONS**

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

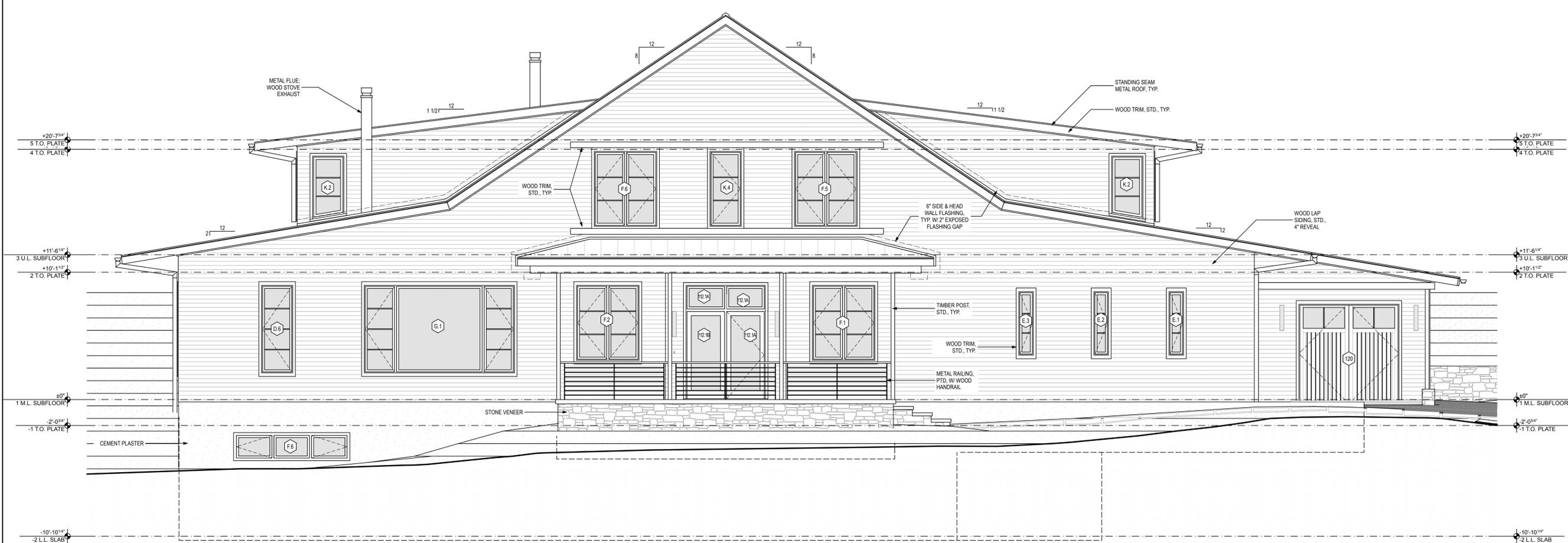
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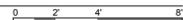
SHEET #:

**A-201**

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**01 NORTHWEST ELEVATION**



CREATION DATE: 11/01/19

PROJECT:

**OLESKY RESIDENCE**

22 CEDARCLIFF ROAD  
BILTMORE FOREST, NC  
28803

SHEET TITLE:

**EXTERIOR ELEVATIONS**

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

**15.50**

DRAWN BY:

**CM**

CHECKED BY:

**NB**

SHEET #:

**A-202**

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**02** **SOUTHWEST ELEVATION**  
SCALE: 1/4" = 1'-0"





PROJECT:

**OLESKY RESIDENCE**

22 CEDARCLIFF ROAD  
BILTMORE FOREST, NC  
28803

SHEET TITLE:

**EXTERIOR ELEVATIONS**

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:	<b>15.50</b>
DRAWN BY:	CM
CHECKED BY:	NB
SHEET #:	

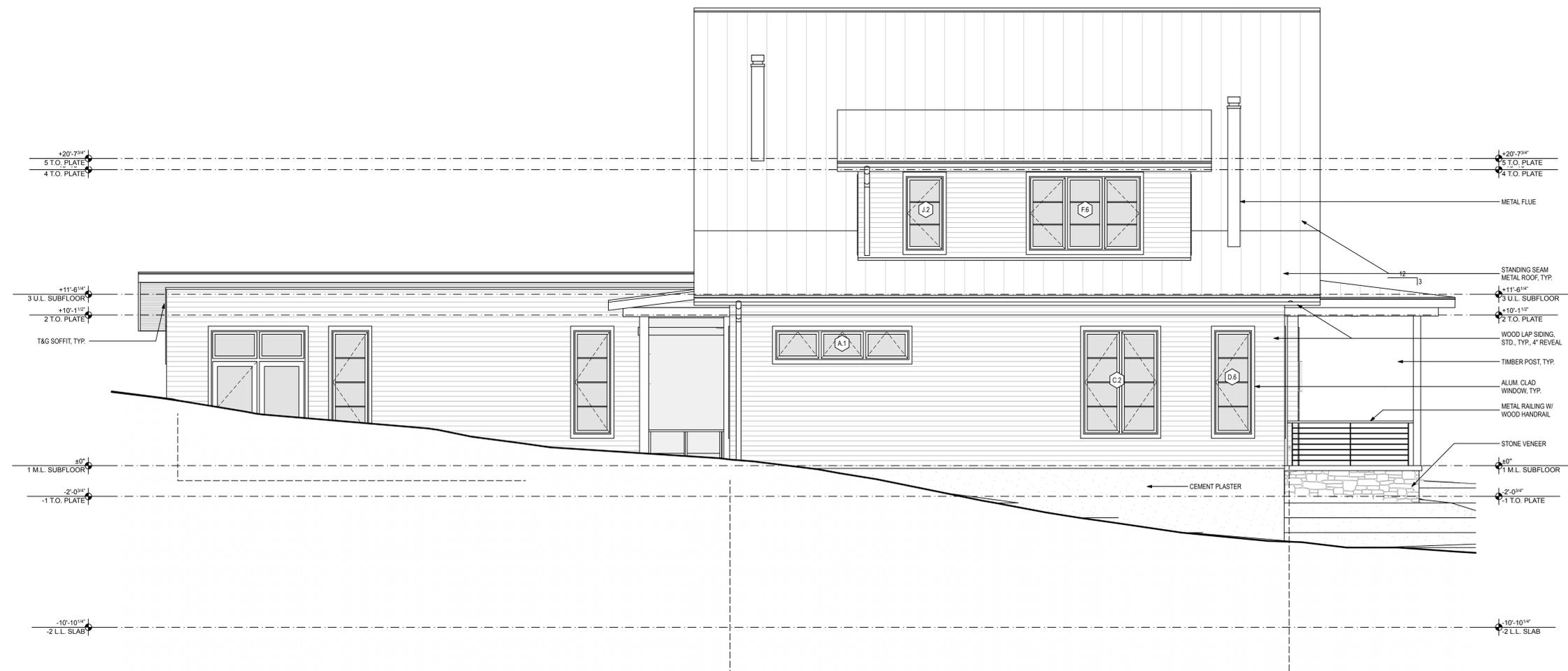
**A-203**

**03** **SOUTHEAST ELEVATION**

SCALE: 1/4" = 1'-0"



CREATION DATE: 11/01/19



PROJECT:  
**OLESKY RESIDENCE**  
 22 CEDARCLIFF ROAD  
 BILTMORE FOREST, NC  
 28803

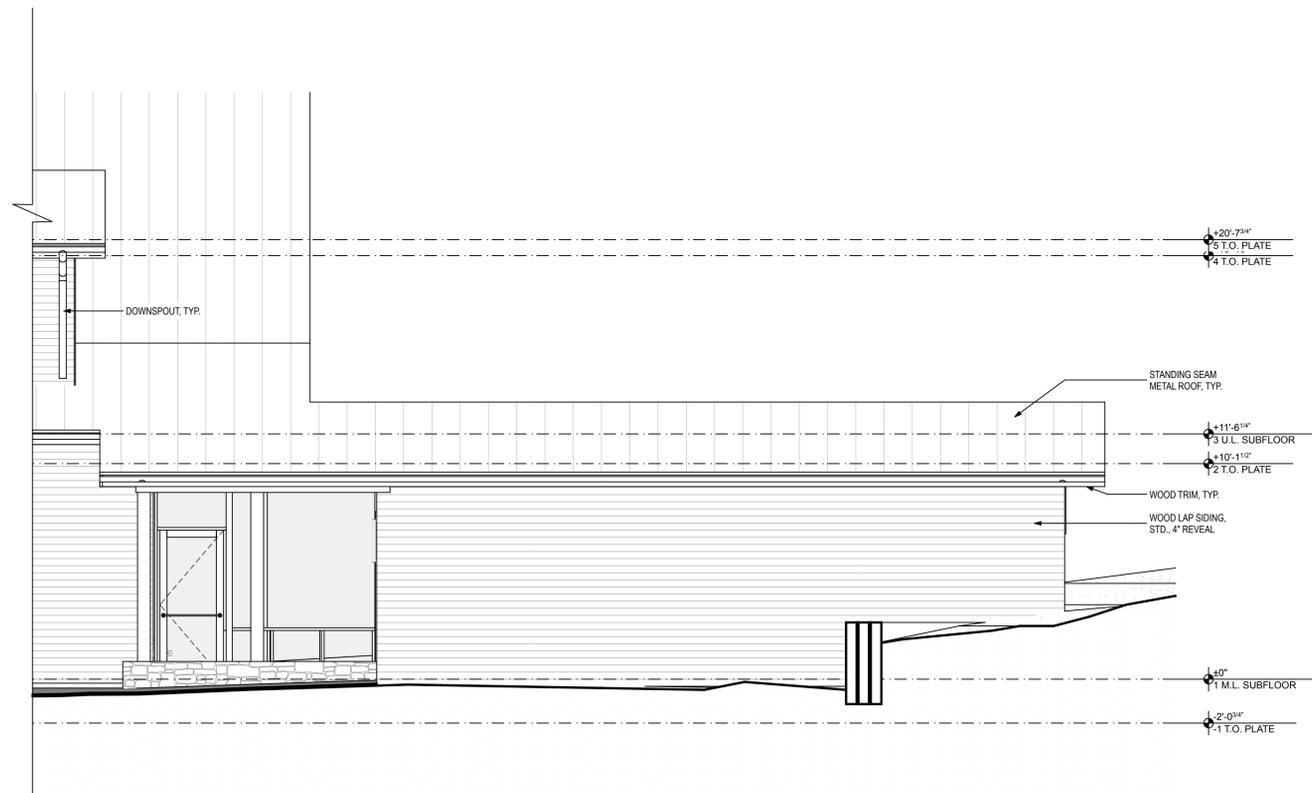
SHEET TITLE:  
**EXTERIOR ELEVATIONS**

DATE:	DESCRIPTION:
01.10.19	ISSUED

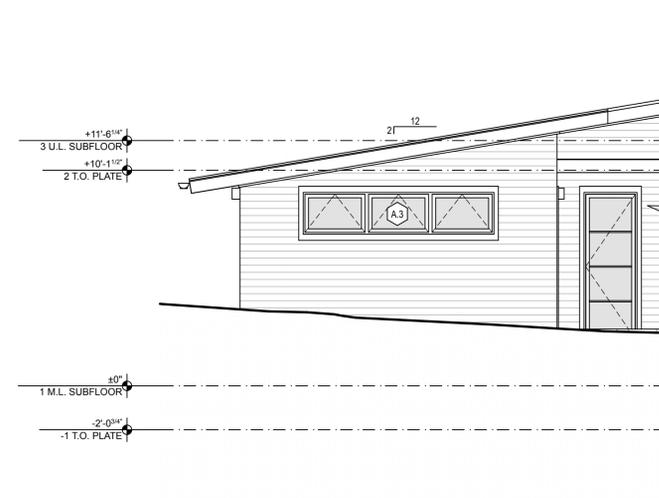
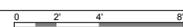
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**15.50**  
 DRAWN BY: **CM** CHECKED BY: **NB**  
 SHEET #:

**A-204**  
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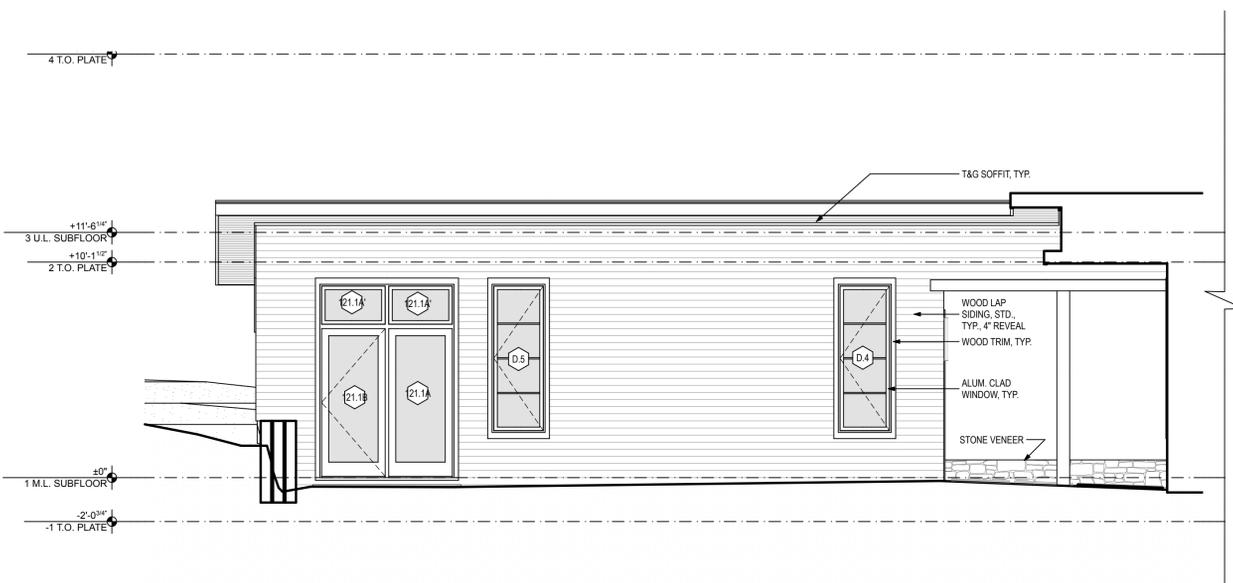
CREATION DATE: 11/01/19



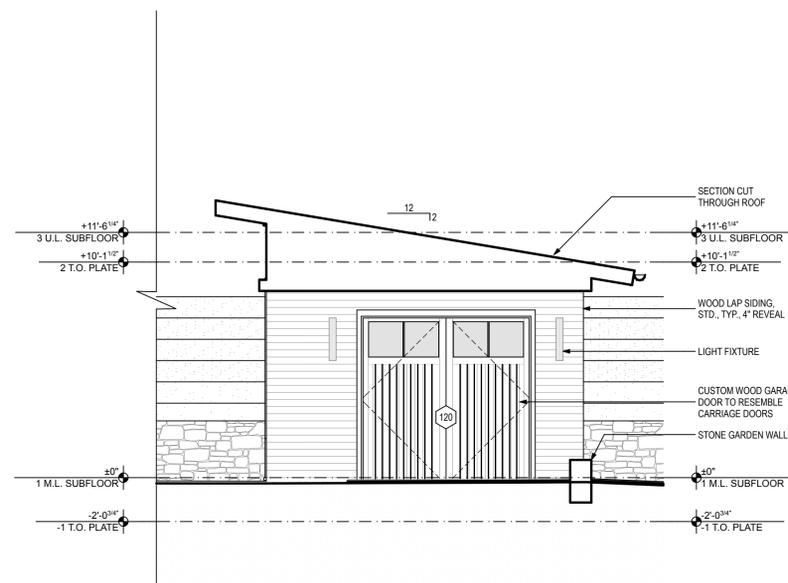
4 **SOUTHWEST ELEVATION**  
SCALE: 1/4" = 1'-0"



3 **SOUTHEAST ELEVATION**  
SCALE: 1/4" = 1'-0"



2 **NORTHEAST ELEVATION**  
SCALE: 1/4" = 1'-0"



1 **NORTHWEST ELEVATION**  
SCALE: 1/4" = 1'-0"



PROJECT:

**OLESKY RESIDENCE**

22 CEDARCLIFF ROAD  
BILTMORE FOREST, NC  
28803

SHEET TITLE:

**EXTERIOR ELEVATIONS**

DATE:	DESCRIPTION:
01.10.19	ISSUED

PROJECT #:

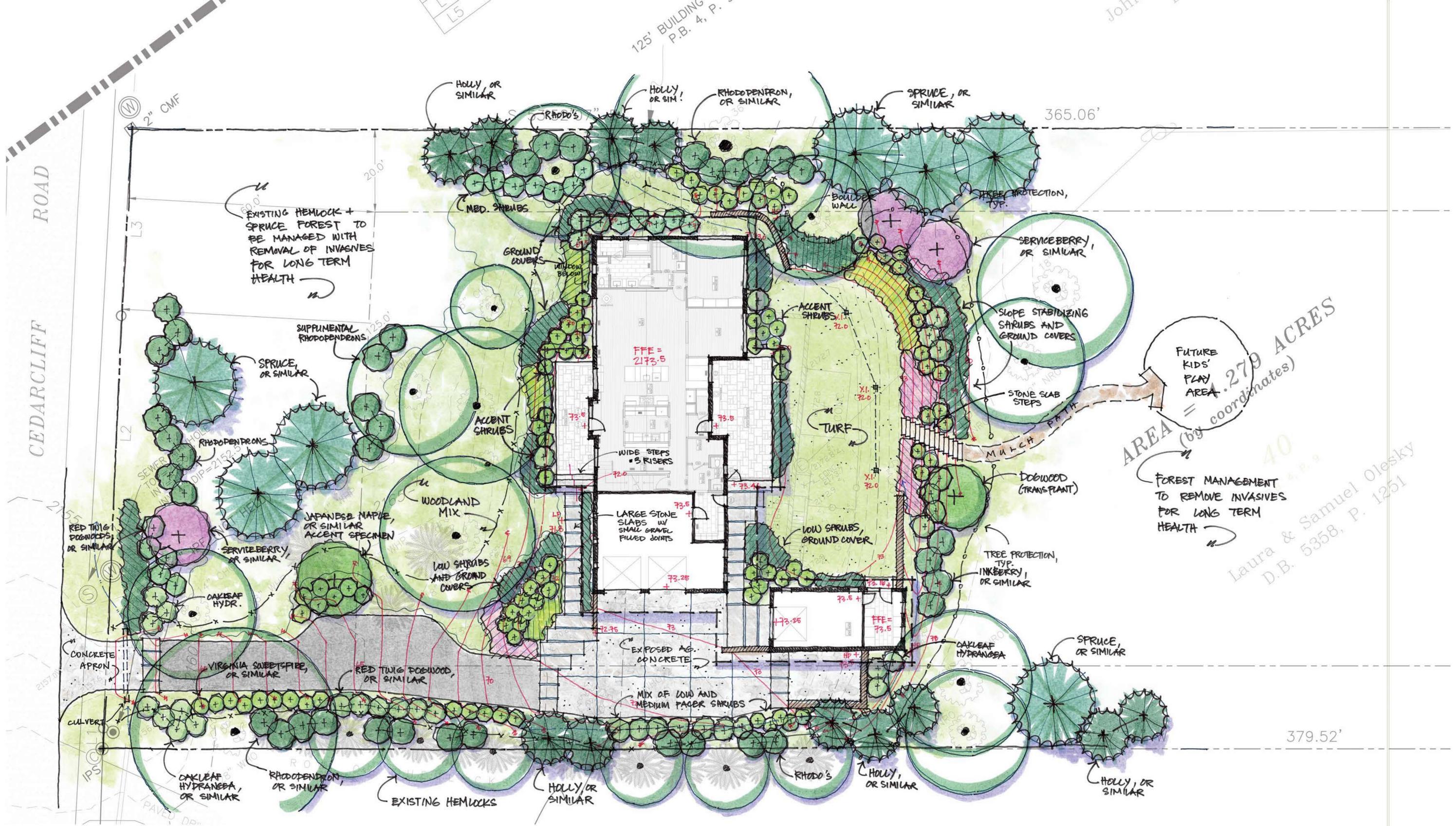
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DRAWN BY:	CHECKED BY:
CM	NB

SHEET #:

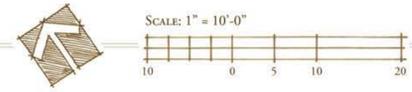
**A-205**

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OLESKY RESIDENCE  
**LANDSCAPE PLAN**

January 23, 2019  
 Biltmore Forest, North Carolina



HEARING (Evidentiary):

The second matter for Mr. Samuel Olesky and Ms. Laura Olesky of 22 Cedarcliff Road was called forward. They would like to construct a new single family residence. The Conditional Use Permit is for an accessory building and the Variance is for a concrete parking area in the side yard setback.

Ms. Kieffer shepherded the discussion. Ms. Olesky presented the plans. There was an existing home on this site that the owners demolished due to its poor condition. The requested drive would be in the same location. This drive is already inside the side setback which leads to their request for a variance. A Conditional Use Permit is being requested to have a detached office and workshop. They require a retaining wall due to the significant grade. They would like to leave the structure in roughly the same area as the existing.

Ms. Kieffer said it would go out a bit further so they can back out of the garage.

Mr. Chandler verified they are working on a landscape plan but asked the applicant if they would be willing to buffer additionally if necessary. Ms. Olesky agreed to do so. The existing hemlocks were planted too close together. Mr. Bill Leatherwood with the United States Forest Service inspected the hemlocks and found them infested with woolly adelgid. They will be replaced with better species.

Mr. Charles Reynolds, 24 Cedarcliff Road, expressed an opinion to favor the proposed plan if the Oleskys agreed to landscape heavily around the retaining wall.

DELIBERATION AND DETERMINATION:

Ms. Kieffer recited the findings of fact. Mr. Sam and Laura Olesky of 22 Cedarcliff are requesting a Conditional Use Permit for a workshop and a Variance for the parking area and also for a retaining wall. The Oleskys are working with the Reynolds at 24 Cedarcliff to develop a landscape plan that would work for both parties.

Chairman Goosmann asked whether there was an approximate height of the retaining wall and its length. The height was approximately 3 feet tall and 14 feet long.

Dr. Landau made a motion to approve the Conditional Use Permit and Variance for the project at 22 Cedarcliff Road for Samuel and Laura Olesky for construction of an accessory building and a turnaround area that would encroach on the side yard setback. The facts as recited by Lynn Kieffer and her summation be accepted as findings of facts to support this grant. The Board has inspected the site and no neighboring property owner has objected.

Dr. Landau moved that granting this Variance satisfies the applicable Sections of 153.110(D) 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. He 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.

Dr. Landau 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.

Mr. Pearlman seconded the motion. The motion was unanimously approved.

355 Vanderbilt Rd | Biltmore Forest, NC  
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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 10 (20 White Oak Road)  
Date: June 10, 2020

---

Request for Special Use Permit for Accessory Structures and Hardscapes  
Request for a Variance for a Parking Space in the Front Yard Setback  
Request for a Variance for Extension of the Driveway into the Side Yard Setback

A Special Use Permit is requested for hardscapes and accessory structures included in an overall landscaping plan. In addition to various new plantings, the landscaping plan includes rock retaining walls in the front yard, a fire pit in the backyard, and addition of a side deck and improvement to an existing side porch, widening of the existing driveway, and a gravel area for temporary parking. The goal of the plan is to enhance the aesthetics of the property while improving drainage and erosion issues.

In order to promote better vehicular and pedestrian access, a driveway expansion and an additional parking space are proposed. The existing driveway is located within the side yard setback and the extension will encroach further into this area. The proposed gravel area for temporary parking will be located in the front yard setback. As such, both require variance approval. The applicant states no improvements have taken place in several years, creating the need for additional driveway access and parking.

It should be noted, the plans presented are preliminary and will be finalized after approval from the Board of Adjustment.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Lydia Harrell

**Property Address**

20 White Oak Rd.

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

## ZONING INFORMATION

**Current Zoning**

R-2

**Lot Size**

.38 Acres

**Maximum Roof Coverage**

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

**Proposed Roof Coverage Total**

4552

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

4552

**Front Yard Setback**

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

**Side Yard Setback**

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

**Rear Yard Setback**

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

**Building Height**

Height of Home

**Description of the Proposed Project**

As part of a landscaping improvement project to the lot for access (vehicular and pedestrian), aesthetics, usage, drainage and erosion Eleventh Hour designs has developed a plan that includes: rock walls no higher than the current elevation in the front yard, leveling of the existing front yard, plantings, a gravel area for temporary parking, a side deck, improvement to the existing side porch, driveway widening to standard modern size, removal of concrete ramp, a fire pit in the back yard with stone benches and gravel flooring, and steps in a sloped area of the back yard. For over 10 years before we purchased the home it was rented and for probably at least 10 years before that no real updating of the landscaping/hardscaping has taken place and we would like to invest in the lot for our enjoyment and improved utilization. A rough draft of the plans have been uploaded. The final plans are still in development and then will be contingent upon approval. I'd be happy to deliver a copy of the final draft to the Town Hall if that would be helpful.

**Estimated Start Date**

5/1/2020

**Estimated Completion Date**

5/31/2020

**Estimated Cost of Project**

\$20,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)**  
Lot Plans.JPG

**Applicant Signature**

**Date**  
2/12/2020



Stephen Hand

# Special Use Permit Application

Town of Biltmore Forest

**Name**

Lydia Harrell

**Address**

20 White Oak Rd.

**Phone**

[REDACTED]

**Email**

[REDACTED]

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

Home Occupations

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:**

As part of a landscaping improvement project to the lot for access (vehicular and pedestrian), aesthetics, usage, drainage and erosion Eleventh Hour designs has developed a plan that includes: rock walls no higher than the current elevation in the front yard, leveling of the existing front yard, plantings, a gravel area for temporary parking, a side deck, improvement to the existing side porch, driveway widening to standard modern size, removal of concrete ramp, a fire pit in the back yard with stone benches and gravel flooring, and steps in a sloped area of the back yard. For over 10 years before we purchased the home it was rented and for probably at least 10 years before that no real updating of the landscaping/hardscaping has taken place and we would like to invest in the lot for our enjoyment and improved utilization. A rough draft of the plans have been uploaded. The final plans are still in development and then will be contingent upon approval. I'd be happy to deliver a copy of the final draft to the Town Hall if that would be helpful.

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

Our house is very close to the street and the aesthetic of our lot would definitely be improved. The gravel pull out for temporary parking would be similar to other pull outs on the street and would prevent obstruction of the main road since there are times that street parking is necessary for our household. While in the right of way we acknowledge that this area could be modified per the Town of Biltmore Forest's needs. Same for the proposed terracing of the gradient, which would be required to be altered if the town required that right of way. There is an existing tree where the hardscaping would be installed so it would not be an additional barrier. Only the very narrow side of the deck would be visible from the street and would make a portion of our yard that is currently unusable, a functional part of our home.

**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 read "John H. M.", written above a horizontal line.

**Date**  
2/12/2020

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Lydia Harrell

**Address**

20 White Oak Rd.

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Current Zoning/Use**

Residential

**Requested Use**

Landscaping/Hardscaping

**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?**

As part of a landscaping improvement project to the lot for access (vehicular and pedestrian), aesthetics, usage, drainage and erosion Eleventh Hour designs has developed a plan that includes: rock walls no higher than the current elevation in the front yard, leveling of the existing front yard, plantings, a gravel area for temporary parking, a side deck, improvement to the existing side porch, driveway widening to standard modern size, removal of concrete ramp, a fire pit in the back yard with stone benches and gravel flooring, and steps in a sloped area of the back yard. For over 10 years before we purchased the home it was rented and for probably at least 10 years before that no real updating of the landscaping/hardscaping has taken place and we would like to invest in the lot for our enjoyment and improved utilization. A rough draft of the plans have been uploaded. The final plans are still in development and then will be contingent upon approval. I'd be happy to deliver a copy of the final draft to the Town Hall if that would be helpful.

**What does the ordinance require?**

I believe we need specific permission for the hardscaping improvements that are being proposed, including some stone steps, low terraced walls for planting purposes, a fire pit in the backyard and a deck expansion to the existing kitchen stair landing. We are also asking to include a gravel temporary parking place in the right of way and potentially exceeding our impervious surface allotment.

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 visiting cars would remain in the road, obstructing traffic. The yard would continue to be slopping entirely toward the backyard, not conducive to functional use and maintenance. The yard will continue to be muddy and torn up if the driveway is not expanded to accommodate modern cars. The main family entrance on the kitchen landing, if not expanded will continue to expose the ugly exposed mud pit to the side of our basement that is not functional due to the slope of the yard and retaining wall that was put in

place when the home was originally built.

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

The lot is very small, which suits us - we very much enjoy the White Oak/Buena Vista block and our neighbors. Due to the recent temporary occupants/renters, there are several of these larger scale projects. While potentially creating a discrepancy with our impervious allotment, they should not negatively affect the current drainage patterns. Since the entire lot slopes backward we would like to create some level areas for more formal landscaping and play/social areas for our young children. We would like to modernize the kitchen landing and cover a potentially dangerous retaining wall original to the house with an expanded deck.

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

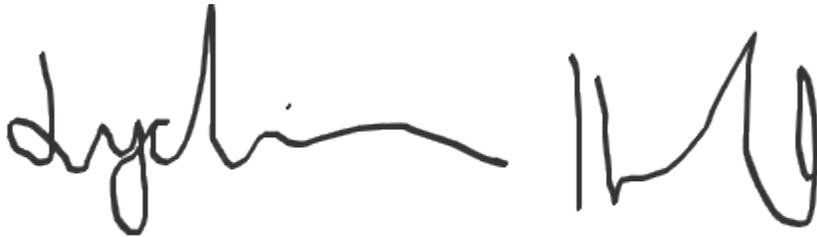
Cars used to be narrower and not require a wider thoroughfare. Our driveway and under-house garage does not seem to have been expanded since the house was built in 1949.

**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 right of way is maintained for the street, probably the traffic pattern is improved. Our deck would only be 10 feet closer to the setback line than the current kitchen landing that is the main family entrance in and out of the house.

**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 read "Dyckin" followed by a stylized monogram or initials.

**Date**

2/12/2020



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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 12 (24 Ridgefield Place)  
Date: June 10, 2020

---

### Request for a Variance for Construction of a House Addition in the Front Yard Setback

A variance is requested for construction of an attached garage within the front yard setback. The garage addition is part of a renovation plan to include driveway relocation, an additional bathroom, a courtyard behind the house and a front walkway leading to the main entrance. A waterline easement exists on the west side of the property prohibiting any expansion on that side of the house. The original house had a garage that was previously converted into living space. The proposed garage will encroach upon the front yard setback by 11 feet.

The new driveway proposed for the front yard will replace the current driveway currently located in the side yard setback. The proposed impervious surface coverage, including the driveway, courtyard, walkway and garage is in compliance with ordinance requirements.

# Zoning Compliance Application

Town of Biltmore Forest

**Name**

Berta Blecke

**Property Address**

24 Ridgefield Place

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Parcel ID/PIN Number**

9646-94-4867

## ZONING INFORMATION

**Current Zoning**

R-1

**Lot Size**

0.44

**Maximum Roof Coverage**

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

**Proposed Roof Coverage Total**

2,812 SF

**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

**Proposed Impervious Surface Coverage**

4,828 SF

**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**

15

**Description of the Proposed Project**

To add a single car garage and driveway to the front of the house, a bathroom to the rear of the house, plus a rear courtyard, a front walkway and steps leading to the main entrance from the new garage and 2 guest parking spaces.

**Estimated Start Date**

6/1/2020

**Estimated Completion Date**

9/1/2020

**Estimated Cost of Project**

\$45,000.00

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

2020-03-10 Blecke-EC demo plan.pdf

2020-03-10 Blecke-L0 site plan.pdf

**Applicant Signature**

*Clay  
Mooney*

---

**Date**

3/10/2020

# VARIANCE APPLICATION

Town of Biltmore Forest

**Name**

Berta Blecke

**Address**

24 Ridgefield Place

**Phone**

[REDACTED]

[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?**

Currently the house has no garage and parking is on a gravel driveway that is within the side yard setback. We wish to add a single car garage to the right front of the house. The single car garage will be outside of the side yard setback, however, it will intrude into the front setback by 11 feet.

**What does the ordinance require?**

No building area within setbacks.

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 existing driveway and parking condition is an existing nonconforming use with the current driveway and parking located entirely within the side setback. Strict adherence to the ordinance would preclude allowing a minimal single car garage to be constructed that would only intrude into the front setback by 11 feet which would then facilitate eliminating a large portion of the existing impervious surfacing from the side setback.

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

The existing house was constructed in 1955 +/- and occupies the lot from side setback to side setback. The original garage was converted to living space at some unknown date prior to the current owner. Due to the side setback on the west side of the house and an existing water line and easement that feeds Carolina Day School on the west side, no expansion could occur in that direction even if a variance to do so was requested.

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

Previous owners eliminated the garage and converted it to living space. The existing house extended from side setback to side setback prior to its purchase by the existing owner.

**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.**

Allowing the requested variance would facilitate removal of a significant amount of impervious area which currently occupies a large portion of the west side setback that serves as the current driveway and parking area for the residence. It would allow green space and buffer plantings to be established within the setback adjacent to the neighbor. Also, architecturally, the single story garage addition minimizes the visual intrusion into the front set back.

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

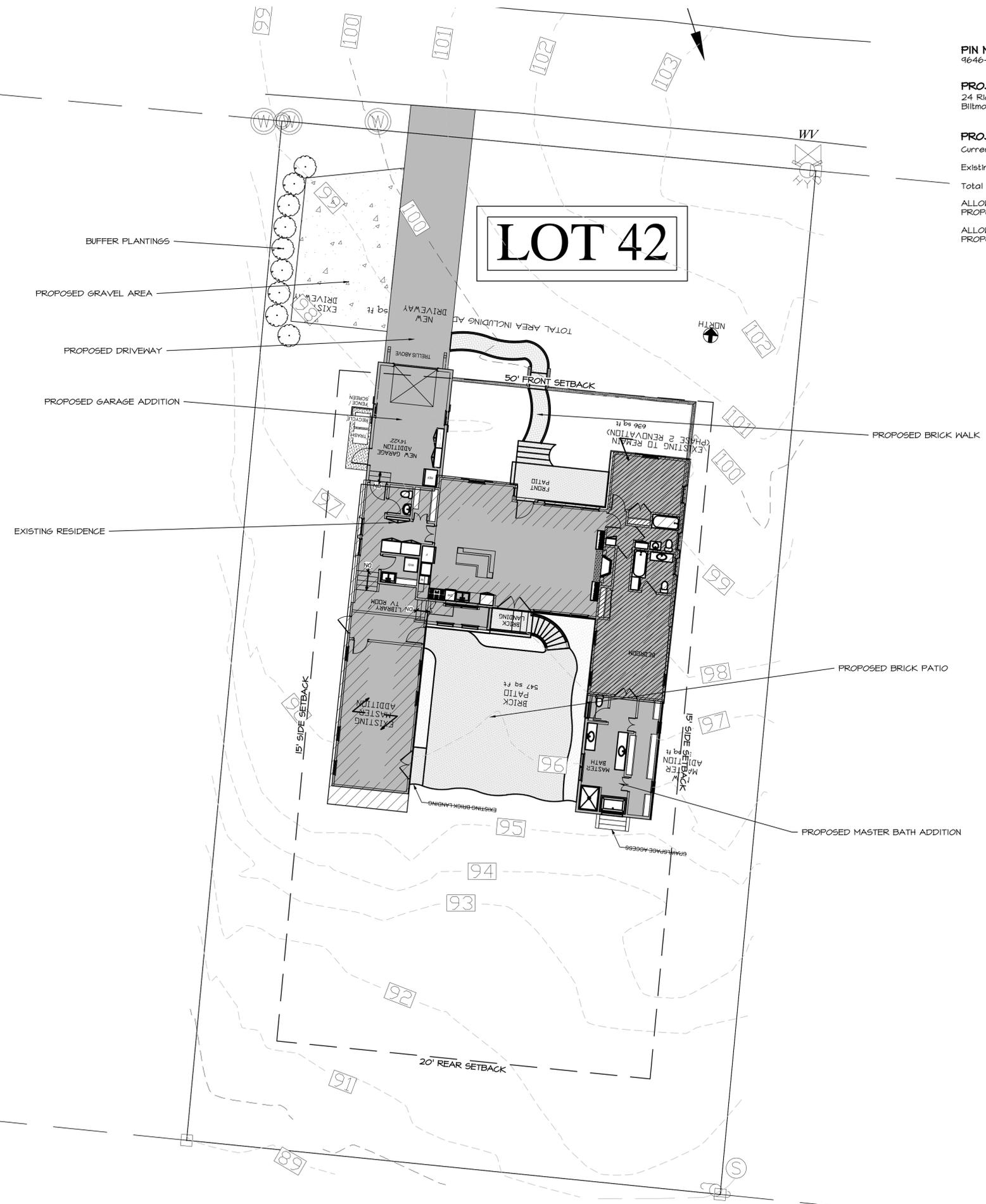
**Signature**

A handwritten signature in black ink that reads "Clay Rooney". The signature is written in a cursive style and is positioned above a horizontal line.

**Date**

3/10/2020





**PIN NUMBER:**  
9646-94-4867

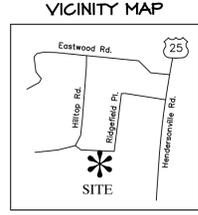
**PROJECT ADDRESS:**  
24 Ridgfield Place  
Biltmore Forest, NC 28803

**PROJECT INFORMATION:**  
Current Zoning = R-2  
Existing Use = Single Family Residence  
Total Size of Property = 10,996 SF (0.436 AC)  
ALLOWABLE ROOF AREA = 2,874 SF  
PROPOSED ROOF AREA = 2,012 SF  
ALLOWABLE IMPERVIOUS AREA = 5,224 SF  
PROPOSED IMPERVIOUS AREA = 5,016 SF

**PROJECT SUMMARY**

**OWNER / CONTACT:**  
James C. & Alberta B. Blecke  
7900 SW 54th Court  
South Miami, FL 33143-5100

**LANDSCAPE ARCHITECT:**  
Mr. Clay Mooney  
Design Associates  
1293 Hendersonville Rd.  
Asheville, NC 28803  
(828) 277-7410 / 277-7413 fax

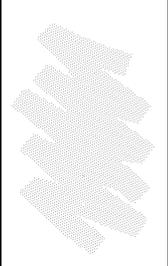


1293 Hendersonville Road  
Suite 21  
Asheville, NC 28803  
828-277-7410  
Fax: 828-277-7413

**DESIGN ASSOCIATES**  
LANDSCAPE ARCHITECTS & LAND PLANNERS



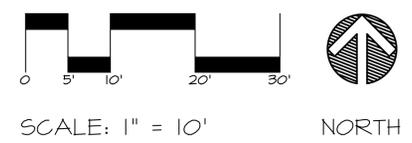
**Blecke Residence**  
24 Ridgfield Place  
Biltmore Forest, NC



Site Plan

REVISIONS:


**L1**  
3/10/2020



42.43 Tie Line

PROJECT SUMMARY

PIN NUMBER:  
9646-94-4867

PROJECT ADDRESS:  
24 Ridgefield Place  
Biltmore Forest, NC 28803

PROJECT INFORMATION:  
Current Zoning = R-1

Existing Use = Single Family Residence

Total Size of Property = 18,996 SF (0.436 AC)

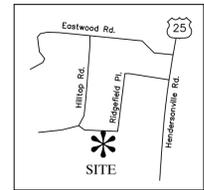
ALLOWABLE ROOF AREA = 2,874 SF  
PROPOSED ROOF AREA = 3,142 SF

ALLOWABLE IMPERVIOUS AREA = 5,224 SF  
PROPOSED IMPERVIOUS AREA = 4,828 SF

OWNER / CONTACT:  
James C. & Alberta B. Blecke  
1900 SW 54th Court  
South Miami, FL 33143-5180

LANDSCAPE ARCHITECT:  
Mr. Clay Mooney  
Design Associates  
1293 Hendersonville Rd.  
Asheville, NC 28803  
(828) 277-7410 / 277-7413 fax

VICINITY MAP



1293 Hendersonville Road  
Suite 21  
Asheville, NC 28803  
828-277-7410  
Fax: 828-277-7413

DESIGN ASSOCIATES  
LANDSCAPE ARCHITECTS & LAND PLANNERS



Blecke Residence  
24 Ridgefield Place  
Biltmore Forest, NC

Existing Conditions and Demolition Plan

REVISIONS:

EC  
3/10/2020

LOT 42

Gravel Drive

Brick Walk

Wall

House

FF Elev. 100.36'

FF Elev. 97.10'

Deck

N 05°21'50" E  
189.80'

S 05°21'50" W  
190.59'

Lot 43  
David & Penny  
Branch  
D.B. 5866 Pg. 1868  
P.B. 26 Pg. 97

Chain Link Fence

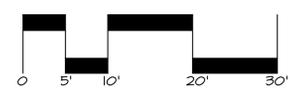
Chain Link Fence

Concrete Monument Found

Concrete Monument Found



BEFORE YOU DIG!  
CALL 1-800-632-4949  
N.C. ONE-CALL CENTER  
IT'S THE LAW!



SCALE: 1" = 10'



NORTH

N 84°14'01" W

Lot 41  
Jennifer Whitt &  
Myra Miller-Rice  
D.B. 5697 Pg. 1028  
P.B. 26 Pg. 97

IPF  
5/8" Rebar

30"

12"

30"

30"

24"

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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 12 (3 Cedar Chine Drive)  
Date: June 10, 2020

---

### Request for Special Use Permit for Construction of a Rock Garden/Landscaping Beds Request for a Variance for Location of the Landscaping Beds in the Front Yard Setback

A special use permit is requested for construction of rock garden beds for landscaping. A variance is requested for location of the beds within the front yard setback and the public right-of-way. The right-of-way on Cedar Chine is ten (10) feet from the edge of pavement.

The landscaping features are located at each driveway entrance and will replace overgrown and diseased juniper bushes. The overall plan includes the addition of a water feature and extensive plantings within the garden beds. The beds are considered accessory structures based on the ordinance definition, provided below.

***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 project began prior to request for approval and was brought to the attention of Town staff. Work was requested to cease until review by the Board of Adjustment. While the rock beds have been constructed, the irrigation and plantings are on hold until a decision is made.

# Zoning Compliance Application

Town of Biltmore Forest

## Name

Oliver & Vanessa

First

Binns

Last

## Property Address

3 Cedar Chine

Address Line 1

## Phone

[REDACTED]

## Email

[REDACTED]

## Parcel ID/PIN Number

## ZONING INFORMATION

### Current Zoning

R-1  R-2  R-3  R-4  R-5  P-S

### Lot Size

1.29 acres

### Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Choose appropriate lot size

### Proposed Roof Coverage Total

5060

*Must not exceed maximum coverage allowed*

### Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Choose appropriate lot size

### Proposed Impervious Surface Coverage

9550

*Must not exceed maximum coverage allowed*

### 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

N/A

## Description of the Proposed Project

Raised rock Garden/Landscape beds at the top of each driveway (placed further from the road than old Junipers) to replace diseased and overgrown juniper bushes that were unsightly and causing a safety hazard by blocking view of drivers leaving the property. Junipers removed already. Each raised bed has already been constructed, but irrigation and extensive planting of perennials, ornamental evergreens and annuals as not been done yet, but plants are already purchased. Plants are still in pots in the driveway and we are trying to keep them alive and healthy in the mean time. Sod/grass will be placed/grown and maintained around the beds that abuts the road and driveway to add to over all appeal and provide some buffer in case someone drives off road.

**Estimated Start Date**

5/1/2020

**Estimated Completion Date**

6/29/2020

**Estimated Cost of Project**

\$7,000.00

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

IMG\_2472.jpeg

IMG\_2471.jpeg

IMG\_2470.jpeg

IMG\_2469.jpeg

**Applicant Signature**

V. Binns  
G. Binns

**Date**

5/25/2020

# Special Use Permit Application

Town of Biltmore Forest

## Name

Oliver & Vanessa	Binns
First	Last

## Address

3 Cedar Chine
Address Line 1

## Phone

[REDACTED]
------------

## Email

[REDACTED]
------------

## 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:

Removal of two overgrown and diseased Junipers at the end of each driveway that were a safety issue for the homeowner. Two raised rock Garden/Landscape beds constructed further from the road in place of Junipers. They are a max 2 feet high, further from the road and driveway than the Junipers and will be fully planted with perennials, ornamental evergreens and annuals. Irrigation will be installed in beds to maintain good health of the new plantings and also the sod/grass that will be applied surrounding the beds.
---

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

The raised beds are further from the road and 1/4 the height then the old Junipers. This placement allows much improved visibility to the home owners when leaving the driveway by vehicle. It was a definite safety hazard prior to Juniper removal. Raised beds provide better soil opportunity for the new plantings, versus replanting directly into the poor soil that is currently always been an issue at the top of the driveway near the road. Better soil maintains better plantings that provides constant enhancement to Cedar Chine. Sod/grass installed around the beds abutting the road and driveways gives more room near the road for town snow plying and also a buffer for cars that may run off the road or cut the corner when entering the driveway. The raised bed plantings and sod would beautify Cedar Chine and is in keeping with Biltmore Forest.
---

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

Signature

U. Birms  
D. Birms

---

Date

5/25/2020

# VARIANCE APPLICATION

Town of Biltmore Forest

## Name

Oliver & Vanessa  
First

Binns  
Last

## Address

3 Cedar Chine  
Address Line 1

## Phone

[REDACTED]

## Email

[REDACTED]

## Current Zoning/Use

plants

## Requested Use

Raised rock garden/landscape beds further back from the road

**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?

Install raised rock Garden/Landscape beds at the top of each driveway (set further back than existing Junipers) to replace diseased and overgrown juniper bushes that were unsightly and causing a safety hazard. Raised beds would provide better visibility to owners as they exit the driveway in their vehicles, provide camouflage/coverage of visible utilities and brush/yard waste dump. Each raised bed constructed no higher than 2' high would: contain good quality soil (unlike the soil currently near the road), have irrigation and be fully planted with perennials, ornamental evergreens and annuals. Sod/grass will be placed and maintained around the beds abutting the road and driveway allowing a better set back from the road and driveway than the past Junipers.

## What does the ordinance require?

Any Rock moved to the front yard needs a Town Variance.

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.**

\$5000 already paid to Art Garst in the construction of the two Rock raised garden beds. Rock beds were already finished when we heard from the Town that we needed a Variance. We read through the Ordinances prior to start of the project and found nothing about raised garden/landscape beds near the road needing pre-approval which is why we started the project. The only reference in the Ordinance we later found after hearing from Mr Knipe was rock being applied near the road (not garden beds). We also walk, bike and drive in Biltmore Forest constantly and there are many examples of similar usage of rocks being used near the road for plantings. (Many examples have been installed since 2013 change to Ordinance). \$1000 worth of perennials, ornamental evergreens and annuals will die without being planted. We are trying to keep them healthy and alive on the driveway. At this point, the plants are not returnable to the greenhouses we bought them from and not usable in other areas.

Explain.

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

At the top of each of our driveways we unfortunately have visible utilities on the right top driveway and unsightly Brush/Yard debris pit (used by several neighbors and town) at the top of the left driveway. We cannot change these existing issues, but we can try and cover/hide them with our well planted raised rock beds.

Explain.

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

Again, we read through the Ordinances before we started our project and found nothing pertaining to garden beds near the road.

Explain.

**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.**

We always follow the proper procedures for the Town and believe in their existence. We did not purposely go against an Ordinance. Our goal was to improve safety for us and our neighbors when we leave our driveway and to replant in a better more beautiful fashion that allowed for plant survival and a grass buffer between bed and road. We are avid gardeners and maintain our property wonderfully whether that be tree removal of diseased trees, updating and improving shrubs and trees that beautify our street, maintain massive amounts of perennials and annuals that are then consistently treated to keep deers away, repaving our driveway and painting parts of our home annually. Olmstead would be proud to have a neighbor in Biltmore Forest like us!

Explain.

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

Signature

J. Binna  
O. Binna

---

Date

5/25/2020

Binns Top of driveway Raised Bed Project  
@ 3 Cedar Chine

Hey Neighbors!

As you have probably seen, Oliver and I needed to replace our horribly overgrown and damaged Junipers that were at the top of either side of our driveway. They were extremely overgrown (even though we kept pruning them) which blocked our view when pulling out at the top of our driveway. Safety was a concern. Also, after we re-asphalted our driveway last fall the heat damaged the plants causing them to become diseased. One of the good things about the old Junipers is they successfully blocked the view of the utilities and the brush pile by the road.

This spring we contracted with our rock landscaper who has done all of our rock work. We wanted to match the rock we have throughout our yard which includes a water feature in the backyard, retaining walls, and garden steps. Oliver, our landscaper, and myself did read through the Town Ordinances before starting and found nothing that talked about landscape beds near the road so we started the project. We had all utility companies come out and mark any underground lines for safety, but we did not feel the need to seek a variance. We believe in our town rules and did not purposely try and skip due process.

To our surprise upon finishing the install we were notified that we needed a Variance from the Town concerning the project. This meeting is scheduled on June 15th and it was recommended that we gain our neighbors opinion about the rock work and the beds.

The key features/ goals for these new raised beds were the following:

1. Raise the beds with good quality soil so the plants would survive in the harsh environment near the road.
2. Set the raised beds further back from the road so we could install sod in front of them and maintain it.
3. Have these rock raised beds about 2' high with strategically chosen plants that will help hide the utilities on the right and brush pile on the left side.
4. Install new irrigation that goes up to the beds that will help new plantings and grass survive. (if any of you saw a pipe sticking out during construction, that was for irrigation)

We are contacting you to see if you would be willing to support our project - only if you honestly feel it adds to our section of our neighborhood. We were told that support and opinions from neighbors will help us with the Board's decision on June 15th. Please feel free to ignore this issue entirely but your opinion does matter to us as well!

If you would like to voice an opinion we would greatly appreciate your efforts. This can be done by emailing Vanessa directly ( [vanessabinns@me.com](mailto:vanessabinns@me.com)), contacting the town directly, or by filling out the page included and returning it to Vanessa (or she can come pick it up). Vanessa's cell is 828-273-3535 if you have any questions, concerns, etc.

Attached are pictures of the current beds (not irrigated, planted or sodded yet). Unfortunately we don't have any before pictures for comparison.

From: Brenda - Home [bckuehn@gmail.com](mailto:bckuehn@gmail.com)  
Subject: Flower Bed  
Date: May 23, 2020 at 6:56:40 PM  
To: Vanessa Binns  
[vanessabinns@me.com](mailto:vanessabinns@me.com)

---

Hi Vanessa,

Hope you guys are all doing well and staying safe during these crazy times.

I just received your notification about applying for variance on your flower bed in the front of your property. Personally, I think that what you are doing will look much better than what you had before. I always found it dangerous to back out of your driveway due to the lack of visibility. This should make it much easier and esthetically nicer. I know you have to go through the town to get it approved, but I don't think that should be a problem.

Good luck and let me know if I can help in any way. Hope we can get the kids back in summer tournaments soon.

Regards,

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting

Opinion/Support:

Though I walk in the  
neighborhood regularly I did not  
notice the install initially.  
Upon reflection I think the  
work of late both complements  
the exquisite landscape  
throughout and the neighborhood  
in general.

Neighbor Name:

Michele Norton

Address:

321 Vanderbilt

Date:

5/24/20

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting

Opinion/Support:

WE FEEL THAT THIS LANDSCAPE PROJECT  
OF OLIVER + VANESSA BINNS IS A LOVELY ADDITION  
TO THEIR HOME LOT & OUR NEIGHBORHOOD - WE  
100% APPROVE.

Neighbor Name: Gaylon + Karits Owens

Address: 18 Hemlock Ro., BF

Date: 5/23/2020

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting

Opinion/Support: ~~They~~ <sup>We</sup> totally support Oliver & Vanessa

Binns' landscaping and rock scaping project that they have tried to complete. It adds to the beauty of our neighborhood and they have gone to great lengths to integrate it into their yard and the area. Any variance they need is totally acceptable to us.

Neighbor Name: Don & Liz Trask : (828-230-3442)

Address: 8 Pin Tree Lane

Date: 5-23-20

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting

Opinion/Support:

One thing that appealed to us when we moved to Biltmore Forest was the care that homeowners took in maintaining and improving their homes. We were also impressed that the town actively oversaw the construction and landscaping of properties to make sure the character and charm of Biltmore Forest was maintained. Our home is located on Cedar Chine and across the street from the Binns' home at 3 Cedar Chine.

The Binns recently installed two rock-walled beds on either side of their driveway. It was enjoyable to watch the rock landscaper craft the walls and upon their completion admire how well they compliment their existing landscaping. We feel the beds were very well done and will look forward to admiring them, along with the plantings they are adding, as we leave our driveway.

We understand that the Town requires a Variance for the project. We would like to support the approval of the Variance, since we feel the project enhances not only the landscaping of the Binns' home, but also the appearance of the street in general. If the Town has any questions or concerns we would be happy to expand on why we believe this project has been a positive for the Binns home, our street, and

Neighbor Name:

the town.

Joanne & Emmett Eldred (828-505-3156)

Address:

6 Cedar Chine (Across the street from 3 Cedar Chine)

Date:

5/25/2020

May/June 2020:

**Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting**

Opinion/Support:

---

From: Gordon Jones carolinarocket67@gmail.com  
Subject: Raised Bed Project  
Date: May 25, 2020 at 8:30:23 AM  
To: vanessabinns@me.com

Thanks for asking our opinion. We think it looks great and improves the look of the street. These types of enhancements help all of our property values and would by the nature of higher appraisals increase the tax base of the town. Having the beds which improves eyesight may have saved an accident with a walker, biker, or car! Well done and thanks. Gordon and Judy Jones. 8 Cedar Chine.

Neighbor Name:

Address:

Date:

  
5/25/2020

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting

Opinion/Support:

We support the Binns' raised bed  
project.

Neighbor Name: Barbara George Groome

Address: 13 Cedar Chine

Date: 5/26/2020

From: **Deborah Bradshaw**

deborahdelightbradshaw@gmail.com

Subject: **Landscaping**

Date: **May 26, 2020 at 10:55:34 AM**

To: **VANESSA BINNS**

vanessabinns@me.com

---

Hi Vanessa and Oliver,

We hope everything works well with your landscaping plans!

The Bradshaw's  
4 Cedar Chine

--

**Deborah Bradshaw**

"Delight yourself in the Lord, and He will give you the desire of your heart." Psalm 37:4

**From:** Sheila Horine sheilahorine@gmail.com  
**Subject:** Raised bed project  
**Date:** May 27, 2020 at 2:53 PM  
**To:** vanessabinns@me.com

---



Hi Vanessa,

Wow! I bet you did not expect this to be such a project! I LOVE what you are doing. It will be beautiful and match what you have done with the rest of your property. I am in total support of your project!

Good luck!  
Sheila Horine

**From:** Lexa Remmes lexaremmes@gmail.com  
**Subject:** Town variance  
**Date:** May 26, 2020 at 5:22 PM  
**To:** Vanessa Binns vanessabinns@me.com

---

The Binns' have done a lovely job upgrading their property at 3 Cedar Chine. The beds looks very nice and I understand visibility was a safety concern before the changes. I fully support this project.

Lexa Remmes  
6 Hemlock Road

Sent from my iPhone

**From:** Kathleen Yelverton kyelver0808@gmail.com   
**Subject:** Raised Beds  
**Date:** May 28, 2020 at 11:16 AM  
**To:** vanessabinns@me.com

---



Hey Neighbor! Here is our opinion about the rock raised beds. Hope this helps!

Kathleen and Bob

**May/June 2020:**

**Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting**

Opinion/Support:

We feel that the rock raised beds were done very well. We have no problem with them and they make a nice impression at the entrance to the property.

**Neighbor Name:** Bob and Kathleen Yelverton  
**Address:** 1 Cedar Chine  
**Date:** 05.28.2020

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting

Opinion/Support:

The rock raised beds on both sides of the Binns driveway are an enhancement for their entrance as well as for our neighborhood. They are ~~architecturally~~ <sup>structurally</sup> sound, eye-catching and will be beautiful with plantings installed. We wholeheartedly support this lovely installation!

Neighbor Name: Jeffrey & Dianna Goodman

Address: 11 Cedar Chine

Date: June 7, 2020

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting

Opinion/Support:

Jane and I visited the site and whole heartedly support the project. The rock work is very attractive and in keeping with the neighborhood. While it may be a little closer to the road than the town would like to see, it is set back enough to not interfere with any road maintenance. I encourage you to grant the necessary variance.

Neighbor Name: Mr. Kerney McNeil  
Address: 19 Hemlock Rd.  
Date: 28 May

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting

Opinion/Support:

It looks very nice &  
we have no problem  
with it.

Robert Hayes

Neighbor Name: Robert & Shari Hayes

Address: 3 Cedar Chine

Date: 5/26/2020

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting

Opinion/Support:

We think the stonework is  
very well done and adds to  
the beauty of the neighbor-  
hood.

Neighbor Name: Bob & Ann Rennerd

Address: 28 Hemlock Rd

Date: June 1, 2020

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting

Opinion/Support: We love the improvement of the driveway flower beds - The rock compliments the style of their home and adds interest to the property - Hopefully you will allow the planters to remain - We wish other residents of Baltimore Forest would maintain their property which only adds value to all of ours -  
Thank you  
The Stones

Neighbor Name: BRAD and Valerieann Stone

Address: 5 Cedar Chine

Date: June 8, 2020

From: Kathleen Yelverton

kyelver0808@gmail.com

Subject: Raised Beds

Date: May 28, 2020 at 11:16:36 AM

To: vanessabinns@me.com

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Hey Neighbor! Here is our opinion about the rock raised beds. Hope this helps!

Kathleen and Bob

May/June 2020:

Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town Variance at June 15, 2020 Meeting

Opinion/Support:

We feel that the rock raised beds were done very well. We have no problem with them and they make a nice impression at the entrance to the property.

May/June 2020:

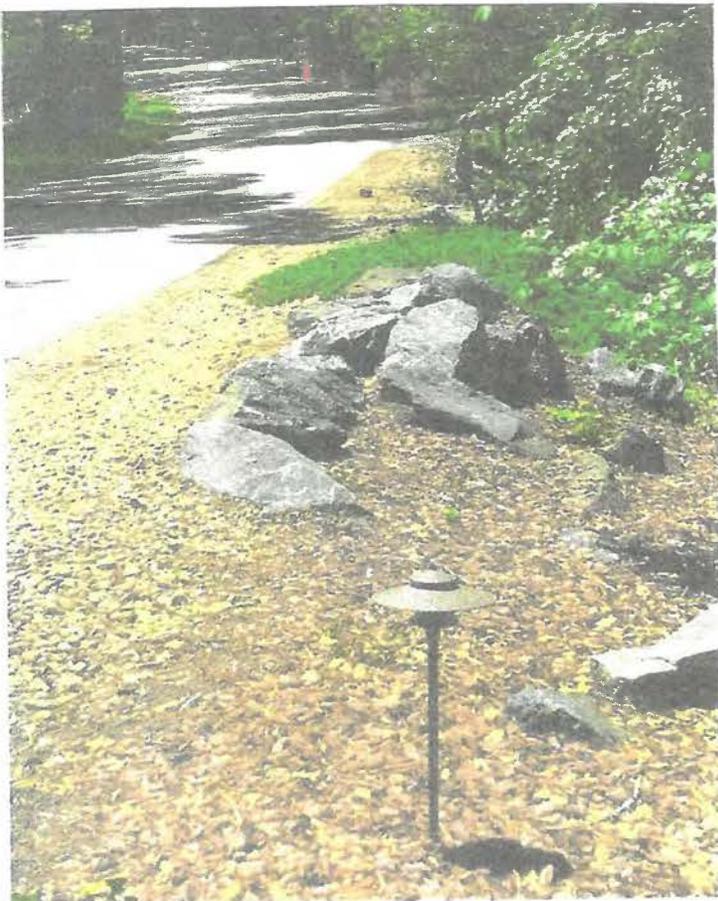
**Oliver & Vanessa Binns @ 3 Cedar Chine raised bed project up for a possible Town  
Variance at June 15, 2020 Meeting**

Opinion/Support:

*I think the raised beds  
will be a nice addition to  
your landscaping.*

Neighbor Name: *Jane Hughes*  
Address: *12 Cedar Chine*  
Date: *5/24/20*

Small sampling of rock/boulders and columns within Setback of Biltmore Forest. Various residences in the neighborhood.



17 Eastwood Rd. Line of boulders along property 4 ft from rd.



3 Eastwood Rd. 4 feet from Road



15 East Forest Rd, 57" or 4 $\frac{3}{4}$ ' from road  
\* Newly built in the last few years



85 Forest Rd. 6 ft from Road  
(Big rock in bed)



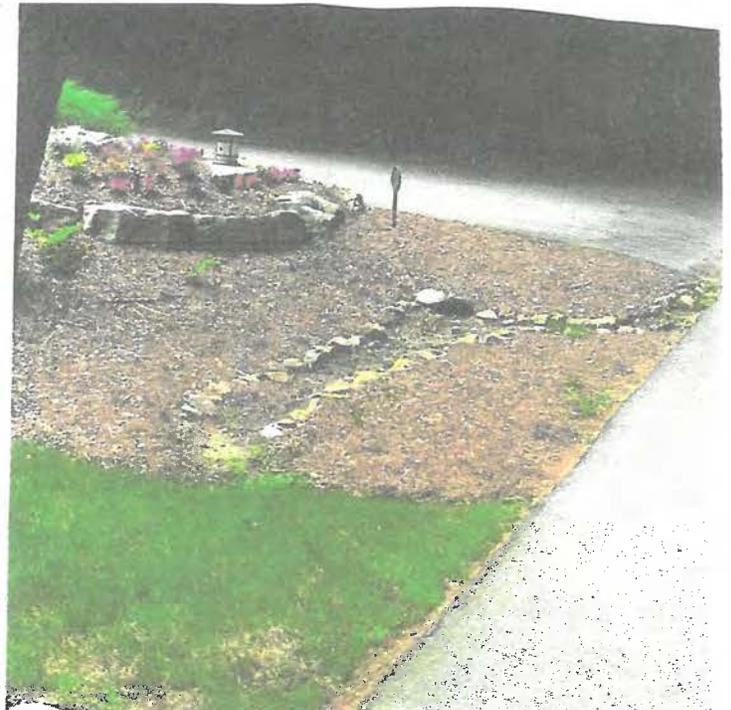
26 E Forest Rd, 6 ft from road,



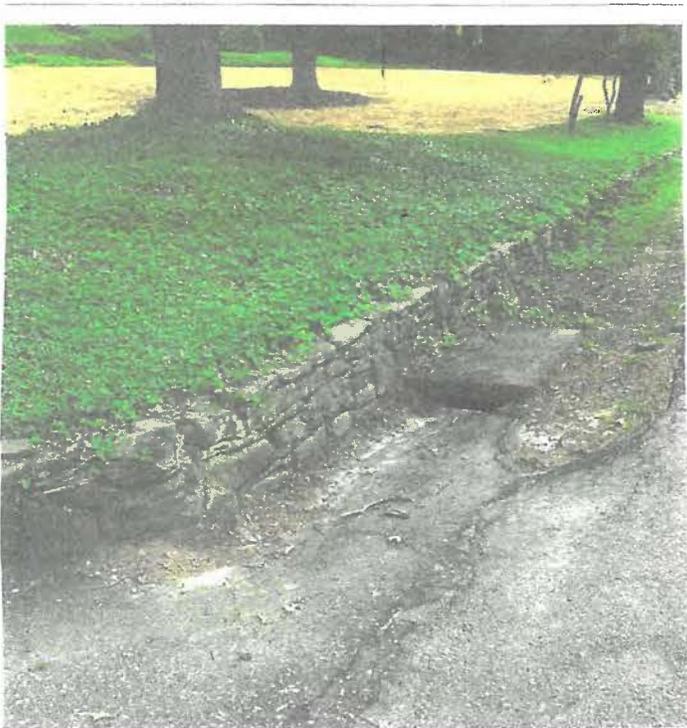
76 Forest Rd, 1 foot from Rd,



74 Forest Rd. 4 Feet from Road



65 Forest Rd. 10 feet from Rd  
\* Newly Constructed



51 Forest Rd. 4 Ft from Road



30 Forest Rd. 5 Ft from Road



10 Forest Rd. 11 inches from Road



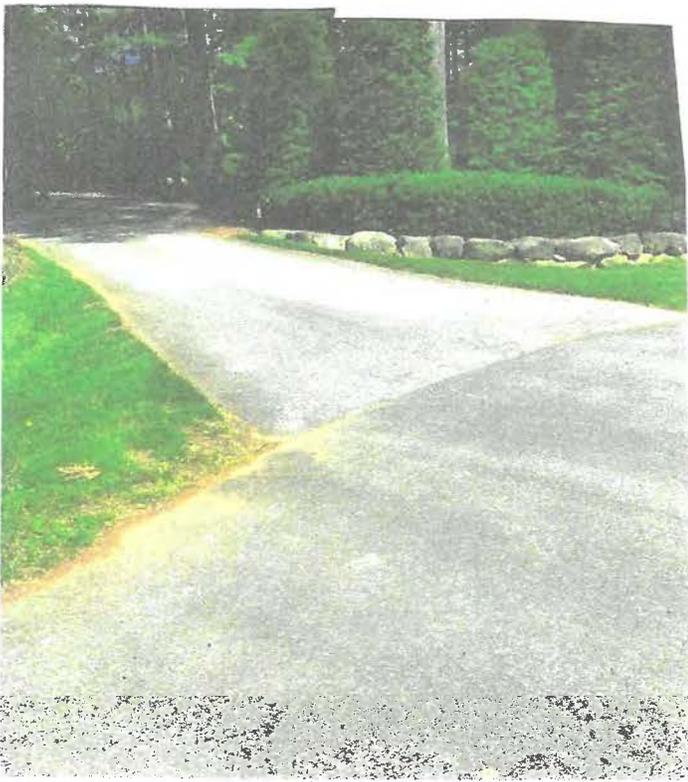
16 Forest Rd. 29 inches from Road  
\* newly done



1 Deerfield Rd. 35 inches from Rd



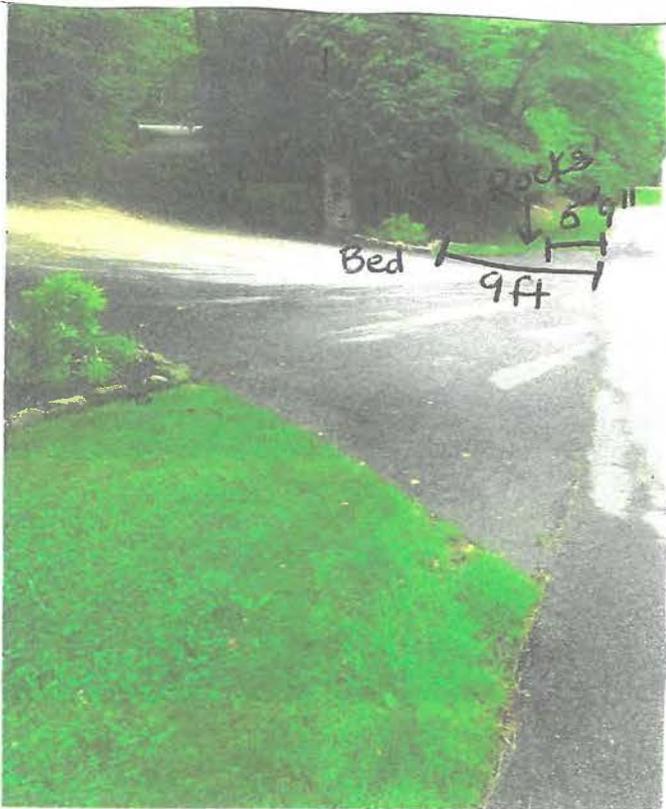
17 Amherst Rd



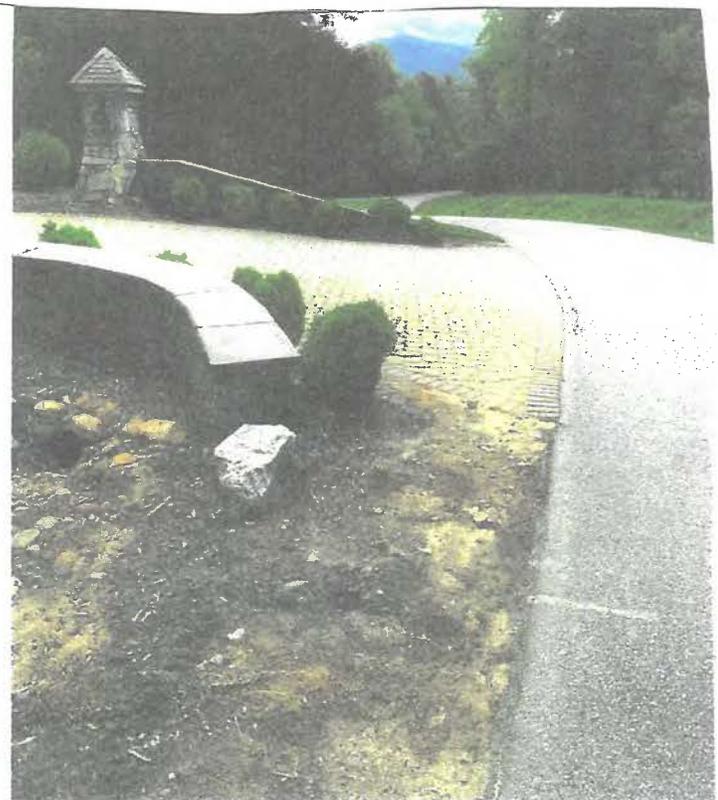
30 Hemlock Rd. 11 ft. from Rd.



29 Hemlock Rd. 10 Ft from Rd  
(column)



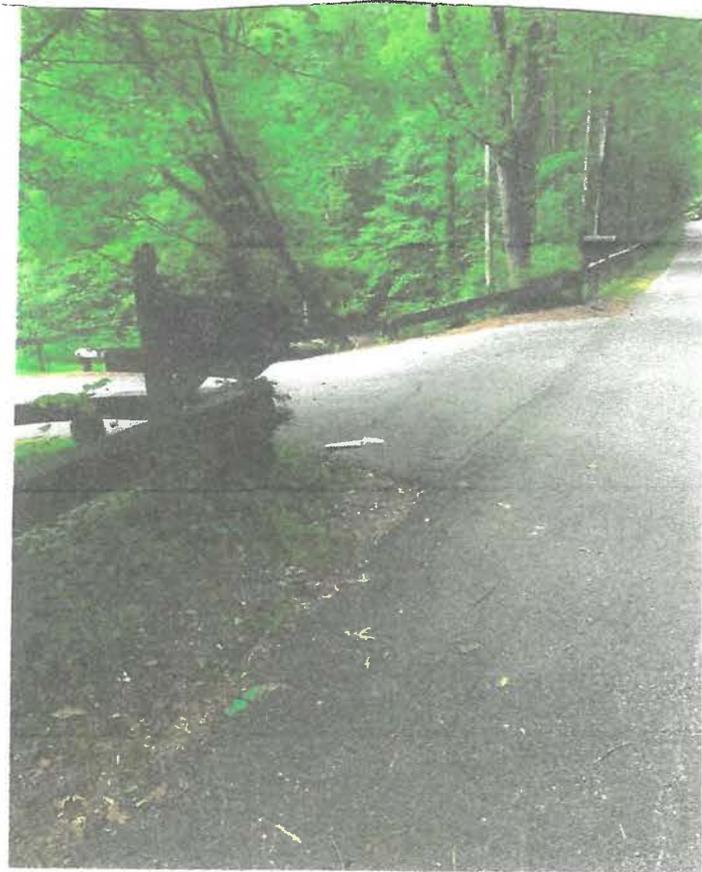
1 Hemlock Rd.



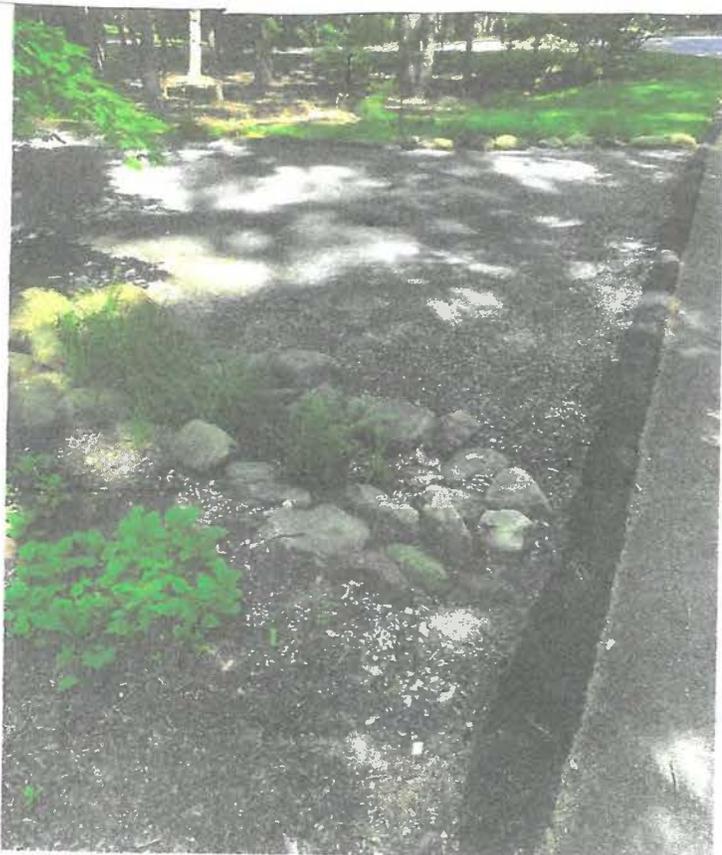
57 Cedar Hill. 5'4" from Rd.  
\*Newer construction



8 Greenwood Rd. 42 inches from Rd.



4 & 6 Greenwood Place. Wood railing 3' from road



1 Frith Rd. 2 inches from Rd.



6 Westwood Rd. Newly reconstructed wall 6' 4" from Rd. Rocks lining beds 1 Ft. from Rd. Beds newly installed.



115 Stuyvesant Rd. 2 Feet from Road



28 Westwood Rd. 3 Ft. from Rd.  
Newer installation in past few years

stormwater runoff, decreased erosion, improved water and air quality, and protection of wildlife habitat;

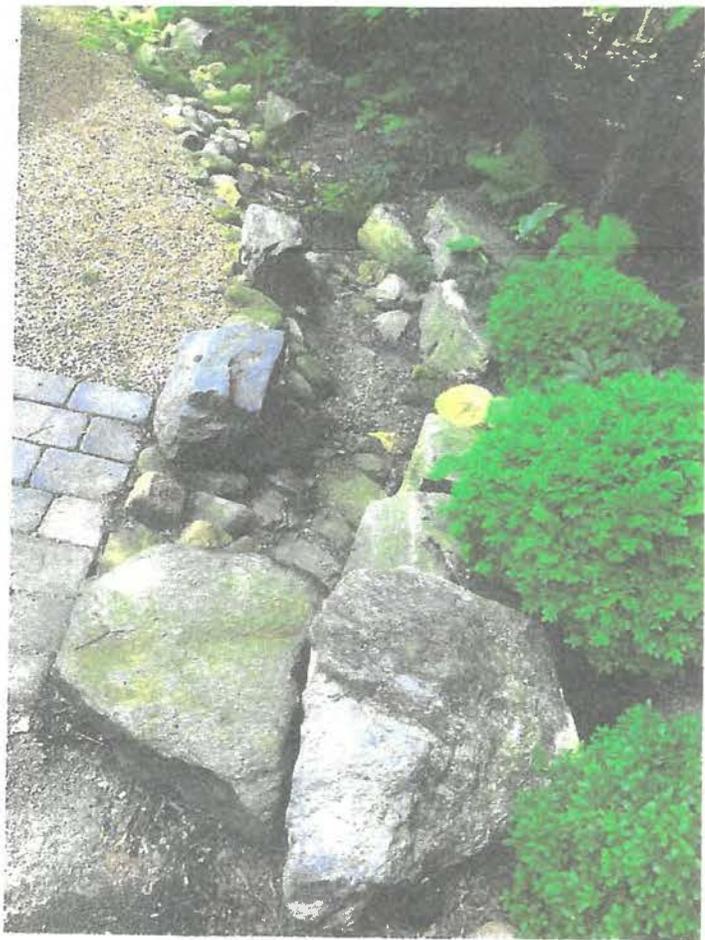
- (4) Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and to preserve the character and value of property and to provide a sense of privacy; and
- \* (5) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants and other screening materials to assure a high level of quality in the appearance of the town while allowing flexibility to promote well-designed and creative landscape plantings. \*

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

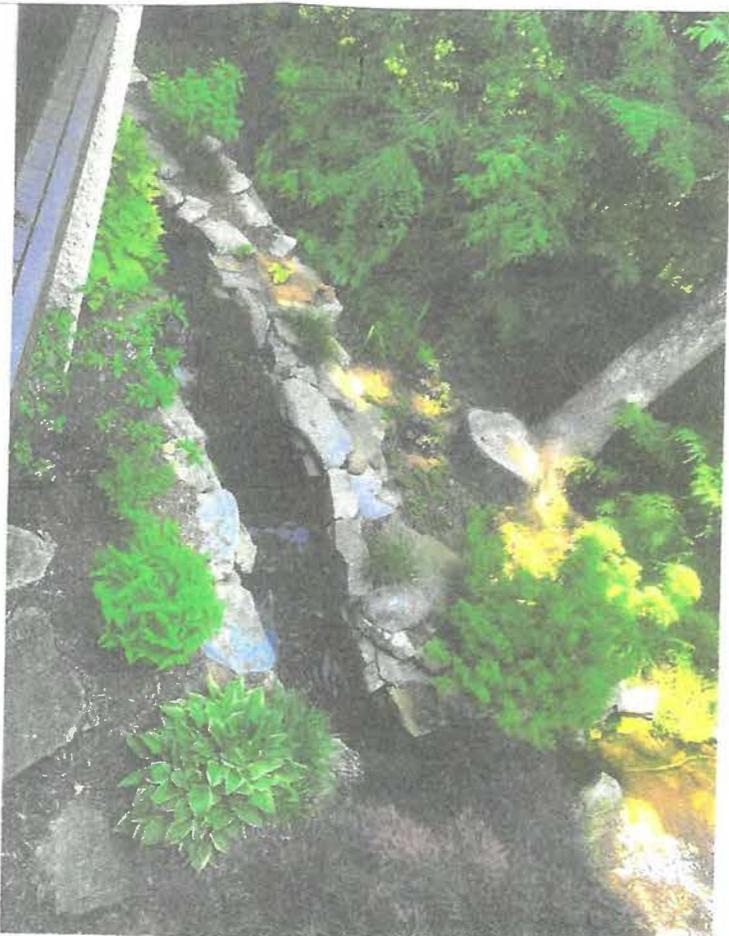
Section 153.060

Biltmore Forest Town Ordinance

Choice of rock for raised beds was to match existing usage in other areas of our landscape.



Binns side drive drainage using boulders & smaller rocks



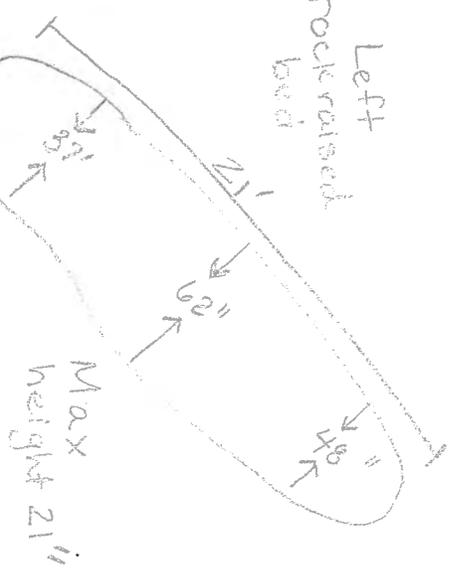
Binns back yard Water Feature using boulders & rocks



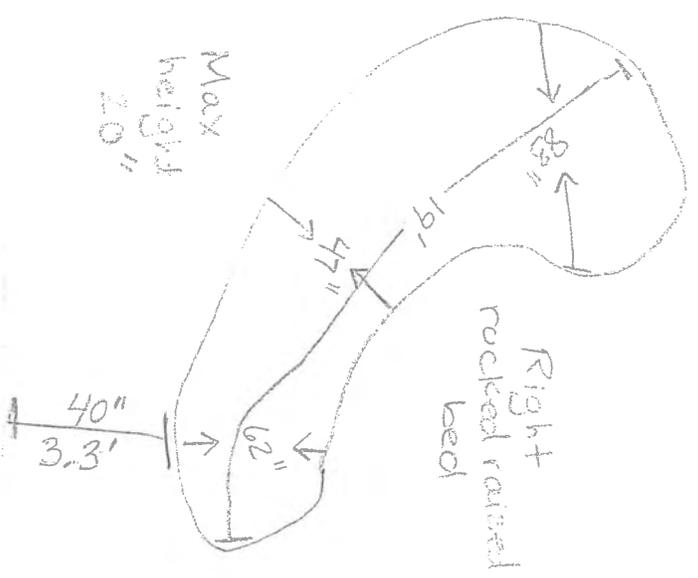
Binns water feature using boulders/rocks.

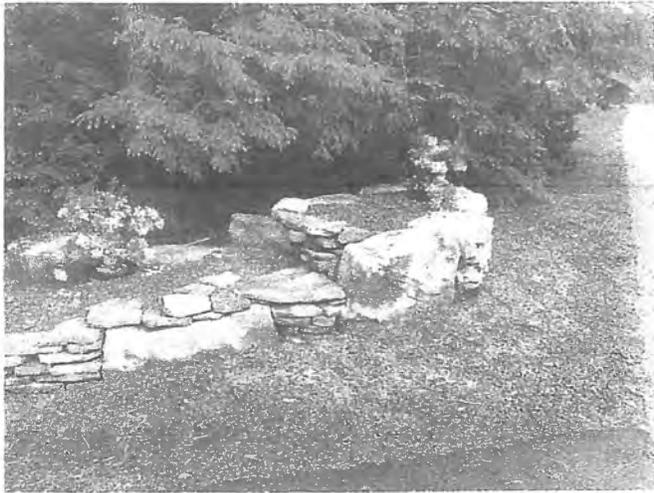
# Binn's House cedar charne

Left  
rock raised  
bed



Right  
rocked raised  
bed





Right bed



Left bed showing brush pit.



Assortment of plants to go in bed, with some that will drape over the edge of the front rocks.



# Proposal

**BINNS, VANESSA**  
**3 CEDAR CHINE**  
**BILTMORE FOREST, NC 28803**

**Sales:** Ben Wirtel  
**Binns, Vanessa-Irrigation**  
3 Cedar Chine Biltmore Forest, NC 28803

**Est ID:** EST1850792  
**Date:** May-14-2020

**Irrigation addition** **\$1,926.40**

### **Irrigation Installation**

- All lines will be trenched a minimum of 1ft and buried.
- New Sprayer heads will be added to existing zones to reach beds at road.
- All turf areas will have 100% coverage but pop up rotors.
- All irrigation installed by LCL will have a 1 year warranty.

### **Maintenance**

- All irrigation lines will need to be drained in the winter season and restarted in the spring. Warranty. **This cost is not including in this proposal.**

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<b>Subtotal</b>	<b>\$1,926.40</b>
<b>Taxes</b>	<b>\$0.00</b>
<b>Estimate Total</b>	<b>\$1,926.40</b>

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*\*On hold to be installed until Variance*