



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: December 5, 2022
Re: **Board of Adjustment Meeting – December 19, 2022**

Applicants:

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

Members of the Board of Adjustment & staff will conduct a site visit, as noted on the agenda, prior to the meeting. The applicant or their representative **MUST** be present for this site visit.

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 at the Town Hall and make comment when called upon.

Additional information regarding the meeting will be provided on the Town's website no later than December 14, 2022.

*****PROPOSED AGENDA*****

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, December 19, 2022 at 4:00 p.m at the Biltmore Forest Town Hall. The Biltmore Forest Town Hall is located at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

Those interested in viewing the meeting via Zoom may do so via the link provided at the bottom of this page.

1. The meeting will be called to order and roll call taken.
2. The minutes of the November 21, 2022 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 108 Stuyvesant Road – Special Use permit request for fence and gate installation within rear yard. **(SITE VISIT – 3:00 PM)**

Case 2: 25 Eastwood Road – Special Use permit requests for accessory structures including (four (4) foot high fence and associated gate; stone terrace retaining walls in rear yard; and stone columns at driveway entrance. Variance request for encroachment into side yard setback and front yard setbacks for stonework and fence. **(SITE VISIT – 3:15 PM)**

4. Adjourn

<https://us02web.zoom.us/j/82405586759?pwd=VlFaQ0JMUXFCaGRRYUNoTHVHU2tmZz09>

Meeting ID: 824 0558 6759

Passcode: 804985

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, NOVEMBER 14, 2022

The Board of Adjustment met at 4:00 p.m. on Monday, November 14, 2022.

Chairman Greg Goosmann, Ms. Lynn Kieffer, Mr. Robert Chandler, Mr. Lowell Pearlman, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, Mr. Harry Buckner, Public Works Director, and Mr. William Clarke (present via Zoom), Town Attorney.

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

Chairman Goosmann swore in the following:

Mr. Jonathan Kanipe

Ms. Ingrid Davis

Ms. Larissa Pollock

Mr. Drew Stephens

Mr. George Francisco

Noah Iles

Chris Michalski

A motion was made by Mr. Lowell Pearlman to approve the minutes from October 10, 2022. Mr. Robert Chandler seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter is a request for a Special Use Permit at 31 Hilltop Road for driveway entrance columns. Ms. Lynn Kieffer shepherded the matter. Ms. Ingrid Davis, property owner, said they would like to add two pillars on both sides of the driveway. They will be approximately 56 inches high. This is for decorative purposes and gives more definition to the driveway. It will also block the lights from the house across the street. There will be two solar lights on top of them.

Ms. Kieffer said the plan not shown within the Town's right of way. The wall would extend from the right of way and be 20-inches tall and 48-inches long. They are going to discuss the project with their neighbors to make sure they approve of the project. The stone will keep in style with the house.

Mr. Chandler asked about landscaping and Ms. Davis said some skip laurels will be planted around that. Mr. Kanipe said one of the initial design requests shows a river rock swale, and the Town does not allow that. Ms. Davis confirmed she removed this from the plan.

DELIBERATION AND DETERMINATION:

Ms. Kieffer restated the facts and said Ms. Davis of 31 Hilltop Road is requesting two columns with an adjoining wall attached. The columns would be 56 inches tall and have a lower wall nestled into this. The wall would be 72 inches. It is compliant with the right-of-way.

Mr. Lowell Pearlman moved that a Special Use Permit be granted to Thad and Ingrid Davis for two columns with an adjoining wall attached at 31 Hilltop Road and the facts as recited by 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. further moved the Board define 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 is for a Special Use Permit request for a driveway gate installation and entrance columns at 31 Cedar Hill Drive. Ms. Martha Barnes shepherded the matter.

This Special Use request is an amended application from the Board of Adjustment meeting last month. Ms. Pollock has proposed relocating the driveway gates to comply with the Town's Zoning Ordinance. She requests a Special Use Permit for installation and location. In addition, a Special Use Permit is required for the installation of two stone gate columns. The stone will match the stone at the front entrance of the house and gate posts will be incorporated into the stone masonry. There will be two tiers. Tier one is 24" wide, 24" long, and 77" high. Tier two will be 24" wide, 36" long, and 36" high.

The entire gate installation is proposed to be 70' from the edge of the pavement on Cedar Hill Drive. The stone on the columns and short extensions will match the house entry, the marble frogs will have a place to sit on the front extensions and a 12"x12" stone with a metal plaque which will state, "Frogmore and Pollacks." The area around the gated entry will be professionally landscaped to look like the gates and columns have been there as long as the house. This entire project will be clear of the 60-foot setback from Cedar Hill Drive.

DELIBERATION AND DETERMINATION:

Ms. Barnes recited the facts and said Ms. Larissa Pollock of 31 Cedar Hill is applying for driveway gates and columns including frogs. The columns are 68 inches tall and 60 inches

wide. The gate is set 74 feet back. It is made of iron which matches the house. The columns are made from stone to also match the house. There is landscaping to obscure any working parts.

Ms. Kieffer made a motion to have a Special Use Permit granted to Larissa Pollock of 31 Cedar Hill Drive for installation of a driveway gate, two stone columns, and a decorative wall and the facts as recited by Martha Barnes 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. Ms. Kieffer further moved the Board define 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. Robert Chandler seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The next matter was for a Special Use Permit request for an accessory structure installation in the rear yard at 4 Hilltop Road. Mr. Lowell Pearlman shepherded the matter. Mr. Drew Stephens said he is planning a combined firewood and recycling trash bin. The recycling bin and trash bin will be completely enclosed. The firewood area will be exposed and open.

DELIBERATION AND DETERMINATION:

Mr. Pearlman recited the facts and said Mr. Drew Stephens is applying for a Special Use Permit for an accessory structure in the rear yard. It will be six feet high and twenty-five feet

long and five feet deep. It will be enclosed by two doors to protect the trash and recycling. The rest will be open air.

Ms. Groce moved that a Special Use Permit be granted to Drew Stephens of 4 Hilltop Road and the facts as recited by Mr. Pearlman and his summation be accepted as findings to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Groce further moved the Board define 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. Barnes seconded the motion and was unanimously approved.

HEARING (Evidentiary):

The next matter is for a Special Use Permit request at 9 Fairway Place for an outdoor fireplace on the existing patio. Ms. Barnes shepherded the matter. Noah Iles from Griffin Architects represented Mr. George Francisco. The setback is twenty feet. The fireplace complies with setbacks. There is a great deal of buffering behind the fireplace so it will not be visible to neighboring property owners.

DELIBERATION AND DETERMINATION:

Ms. Barnes restated the facts and Mr. George Francisco is requesting a Special Use Permit for an outdoor fireplace on an existing patio at 9 Fairway Place. This complies with setbacks. It will be 42" in diameter and 18-24" high.

Mr. Robert Chandler moved that a Special Use Permit be granted to Mr. George Francisco at 9 Fairway Place for an outdoor fireplace on an existing patio and the facts as

recited by Ms. Martha Barnes 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. Chandler further moved the Board define 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 was unanimously approved

HEARING (Evidentiary):

A Special Use Permit request for accessory structures at 25 Eastwood.

DELIBERATION AND DETERMINATION

Chairman Goosmann said the matter was tabled until the December Board of Adjustment meeting.

HEARING (Evidentiary):

The next matter was a Special Use permit request for hardscape patio and fire pit within the rear yard and a variance request for installation within the rear yard setback at 3 Eastwood Road. The homeowners decided not to move forward with the variance request and removed this from their submission.

Ms. Groce shepherded the matter. The diameter of the fire pit will be approximately 48". The height is 24". There will also be a hardscape patio. Mr. Pearlman asked if there would be any lighting to light the stairway. Mr. Michalski said not at this time, but this is something they are considering for the future.

Ms. Martha Barnes made a motion for David and Terry Brown at 3 Eastwood Road be granted a Special Use Permit for a patio and fire pit in the rear yard and 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. Ms. Barnes further moved the Board define 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.

The motion was seconded by Ms. Lynn Kieffer and unanimously approved.

Finally, Mr. Tom Hand who owns 23 Eastwood Road would like the Board to consider a complaint regarding a deer fence on a neighboring property. Mr. Hand asked if the deer fence could be removed from the setback. Mr. Billy Clarke said the deer fence has been there for a

long time and described it as an enforcement action. This happened before Mr. Hand bought his property. There are two issues. The discretion of the Zoning Administrator to enforce or not enforce is appealable. Mr. Hand said it looked like at some point, someone moved that fence in prior years to the location where it was not originally approved. Mr. Clarke said Mr. Hand's facts are correct but he cannot tell when it was done. Mr. Clarke said there could be issues with the Town making the enforcement for this matter. Mr. Clarke said the Board of Adjustment does not have the authority to respond to this.

The meeting was adjourned at 4:47 pm. The next Board of Adjustment meeting is scheduled for Monday, December 19, 2022 at 4:00pm.

ATTEST:

Greg Goosmann
Chairman

Laura Jacobs
Town Clerk

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

December 19, 2022



Case 1 – 108 Stuyvesant Road

*Special Use Permit Request for Fence
within Rear Yard*

Property Owner: Jim and Ann Grant
Property Address: 108 Stuyvesant Road

Project Description

The applicants request a special use permits a four (4) foot high black aluminum fence within the rear yard. The proposed fence is thirty (30) feet by sixty-four (64) feet and includes a six (6) foot wide by four (4) foot wide gate.

Special Use Permit Request

Each proposed fence installation is governed by Section 153.049 of the Town's Zoning Ordinance. The ordinance specifies the location and materials allowed for fencing. The applicant's proposed material is compliant with the Town's ordinance. The location states the fence will be twenty (20) feet off the property line, which complies with the setback requirements for the side yard. There is no potential for intrusion into the rear yard setback. A copy of the ordinance is attached to this memorandum.

Zoning Compliance Application

Town of Biltmore Forest

Name

Ann & Jim Grant

Property Address

108 Stuyvesant Road

Phone

(828) 371-1791

Email

saucycook@icloud.com

Parcel ID/PIN Number

964684841700000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

0.89

Maximum Roof Coverage

4,682 square feet (Up to 1 acres)

Proposed Roof Coverage Total

No additional

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

No additional

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

Installation of 30'x64' black aluminum fencing (four feet high). Includes 6'x4' wide gate. Fence is 20' feet from side property line, per setback requirements.

Estimated Start Date

1/2/2023

Estimated Completion Date

2/6/2023

Estimated Cost of Project

\$2,500.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

Date
11/22/2022

JW Grant

[Home](#) > [Departments](#) > [Planning & Zoning](#) >

Special Use Permit

Special Use Permit Application

Town of Biltmore Forest

Name

Ann & Jim

Grant

Address

108 Stuyvesant Road

Phone

(828) 371-1791

Email

saucycook@icloud.com

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

Accessory Structures



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

Please provide a description of the proposed project: *

Installation of 30' x 64', 4 foot high black aluminum fencing. Includes 6 foot wide x 4 foot high gate. Drawing attached. Fence will be 20 feet from property line.

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

Cannot be seen from road.

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

Signature

Date

GW Grant
Ann M. Grant
x

draw type

11/22/22

Submit

Save



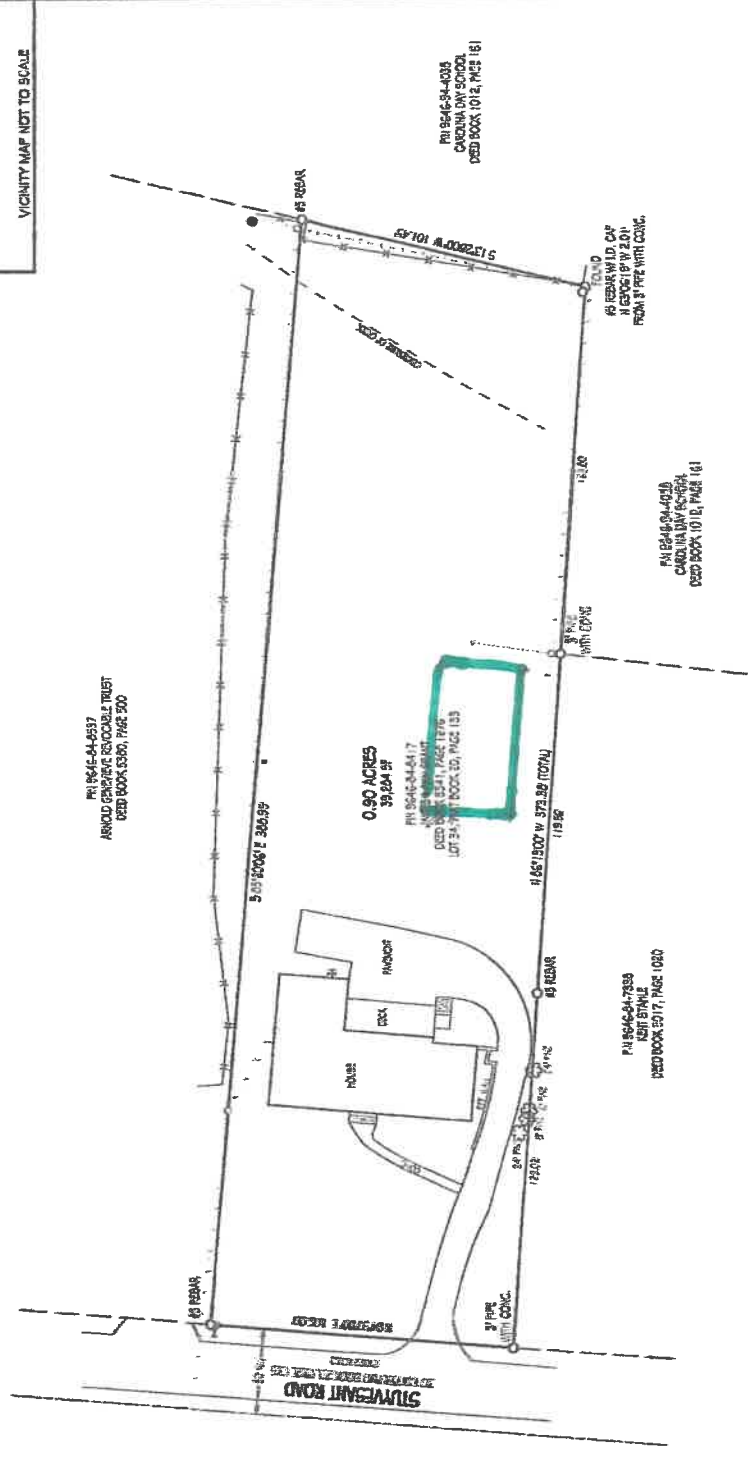
Town of Biltmore Forest,
NC



PLAT BOOK 20, PAGE 133

VICINITY MAP NOT TO SCALE

PH 15646-24-5537
ARNOLD GENITIVE REVOCABLE TRUST
DEED BOOK 3360, PAGE 500



NOTES:

- 1. THIS SURVEY IS A TRUE, ACCURATE AND CORRECT REPRESENTATION OF THE AREA SHOWN, AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL, THIS 8TH DAY OF MAY, A.D., 2020.
- 2. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL, EXCEPT WHERE SHOWN OTHERWISE.
- 3. THIS PROPERTY IS LOCATED IN THE TOWN OF BURLINGTON, FAYETTE COUNTY, NORTH CAROLINA.
- 4. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL, EXCEPT WHERE SHOWN OTHERWISE.
- 5. CONTACT YOUR LOCAL DEPARTMENT FOR DATA VERIFICATION INFORMATION.

- LEGEND:**
- = FERRY
 - = 6\"/>



BOUNDARY SURVEY FOR JAMES GRANT

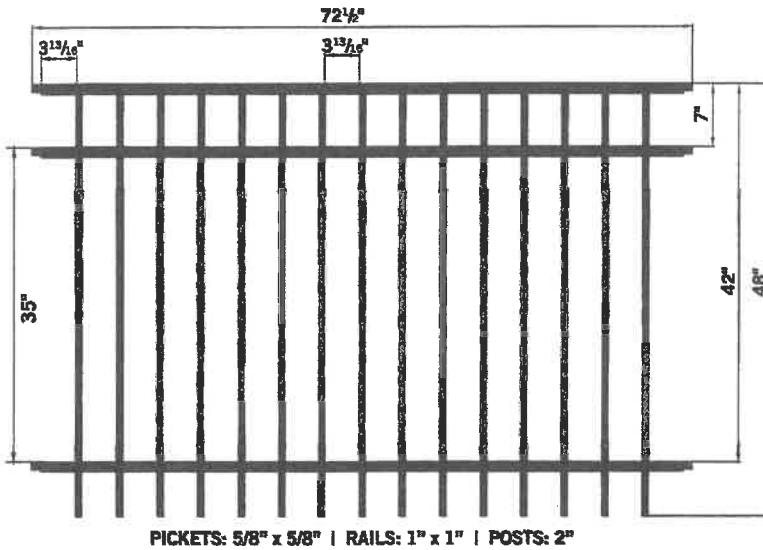
REFERENCES:
PLAT BOOK 254, PAGE 1876
LOT 84, PLAT BOOK 254, PAGE 1876
WISSEHOE TO WISSEHOE SADDLE COURT, INC.
DEED BOOK 3360, PAGE 500
DEED BOOK 3360, PAGE 500



SPENCER
SURVEYING & ENGINEERING
100 S. HARRIS ST., SUITE 100
BOONVILLE, NC 28603

CURRENT OWNER:
JAMES GRANT
100 S. HARRIS ST., SUITE 100
BOONVILLE, NC 28603

E04202-BK - 48" #202 Section



E04202-BK

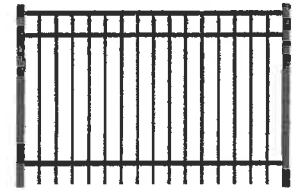
4' High 5/8" x 5/8" Three Rail Ornamental Aluminum Picket Fence

48" high three rail fence with a smooth top rail that covers each of the fifteen pickets.

- Available for Quick-Ship delivery
- Matching, accent, and rainbow 48" and 60" gates
- Featuring "hidden screw" technology with "aluminum feature strip"
- Smooth rackability
- 6061 T6 Aluminum Alloy
- DuPont powder coating
- Pickets: Fifteen 5/8" x 5/8" Pickets
- Rails: Three 1" x 1" Rails

E04202-BK - SECTIONS AND POSTS

Item #	Description	Color	Loose Each
E04202-BK*	48" #202 Section	BLACK	-
E04202L/E/C-BK	2" x 2" x 72" Line/End/Corner Post for #200/202	BLACK	-
E04202HGP-BK	2" x 2" x 72" Heavy Duty Gate/End Post for #200/202	BLACK	-



E04202-BK - MATCHING, ACCENT, AND RAINBOW GATES

Item #	Description	Color	Loose Each
EOGF44202-BK	48"W x 48"H Matching Gate for #202	BLACK	-
EOGF54202-BK	60"W x 48"H Matching Gate for #202	BLACK	-
EOGF44202A-BK	48"W x 48"H Accent Gate for #202	BLACK	-
EOGF54202A-BK	60"W x 48"H Accent Gate for #202	BLACK	-
EOGF44202R-BK	(SINGLE) 48"W x 48"H Rainbow Gate Leaf for #202	BLACK	-
EOGF54202R-BK	(SINGLE) 60"W x 48"H Rainbow Gate Leaf for #202	BLACK	-



* - Check QuickShip Availability on Pg. C-8 | Hardware on Pgs. C-33 - C-38

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

December 19, 2022



Case 2 – 25 Eastwood Road

*Special Use Permit Request for Accessory Structures
Fence, Gate, Stone Walls, and Stone Entrance
Columns*

*Variance Request for Encroachment into Front and
Side Yard Setbacks*

Property Owner: George and Elizabeth Pacal
Property Address: 25 Eastwood Road

Project Description

The applicants request special use permits for several accessory structures, as noted below.

- (1) Four (4) foot high black metal fencing at far left side & near the back of house patio
- (2) Low stone accent/planter walls near drive entries
- (3) Stone terracing within rear yard

Special Use Permit Request

Each proposed accessory structure requires a special use permit from the Board of Adjustment per Section 153.029. The fence and stone walls are governed by Section 153.049 of the Town's Zoning Ordinance. Each specific ordinance is attached to this memorandum. The applicant has provided a revised site plan, including specific locations and dimensions for each of the proposed accessory structures.

Variance Request

The proposal includes a variance request from the applicant to encroach into the side and rear front yard setbacks. Specifically, approximately sixty (60) feet of the four (4) foot high fencing is shown within the side yard setback. The applicant also requests a portion of the proposed fence to extend approximately eleven (11) feet in front of the front façade of the home.

The applicant has also shown *optional* planter walls within the front yard setback. These are not within the Town's right of way, but are within the front yard setback. The walls are described as being curved, and 18-inches high and 13-feet long. Descriptions of this request may be found on Sheet L-2. The low planter walls require a variance from Section 153.007 of the Town's Zoning Ordinance. This ordinance provides dimensional requirements for each lot, including setbacks, and is attached to this memorandum. Planter walls would be regarded as an accessory structure with regulations defined in Section 153.049.

§ 153.007 DIMENSIONAL REQUIREMENTS.

(A) *Table.* The following table sets out dimensional requirements.

Districts	Minimum Lot Area In Square Feet	PUD Residential Density Maximum Number of Dwellings Per Acre	Minimum Yard Setback Requirement in Feet				
			Minimum Lot Width At Building Line in Feet	Front Yard From Street Edge	Side Yard	Rear Yard	Maximum Height in Feet
R-1	43,560	0	150	60	20	25	40
R-2	20,000	0	100	50	15	20	40
R-3	20,000	8	100	50	15	20	40
R-4	20,000	2	100	50	15	20	40
R-5	Footnote 6	8	100	50	15	20	40
PS	No Min.	0	No Min.	No Min.	No Min.	No Min.	Not App.

(B) *General provisions.* The following are footnotes applicable to the table in division (A).

(1) *Footnote 1.* The minimum lot area for lots not served by public water and/or sewer shall be subject to approval by the County Health Department to ensure the proper operation of septic tanks and wells. In no case, however, shall minimum lot area be less than those specified in the table in division (A).

(2) *Footnote 2.* The minimum lot width at the street line shall be 125 feet in the R-1 District, and 80 feet in the R-2, R-3, and R-4 Districts.

(3) *Footnote 3.* On all corner lots, a 30-foot side yard setback is required.

(4) *Footnote 4.* 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).

(5) *Footnote 5.* Height requirements may be varied upon approval of the Board of Adjustment.

(6) *Footnote 6.* Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.

(7) *Footnote 7.* An increase in the side and rear yard setbacks is required for homes (structures) that exceed 25 feet in height. Homes (structures) greater than 25 feet in height shall be setback from the side and rear property lines an additional one and one-half feet for each one foot, or portion thereof, that the home (structure) exceeds 25 feet in height.

(8) *Footnote 8.* Structures exceeding a roof coverage area of 7,000 square feet shall be set back from side and rear property lines an additional 20% of the required setback for each 500 square feet, or increment thereof, that the roof coverage areas exceeds 7,000 square feet.

Example: The rear setback for a single story 8,200 square foot house in the R-1 District would be calculated as follows:

$$8,200 - 7,000 = 1,200$$

$$1,200/500 = 2.4 \text{ (round to 3 to account for increment of change)}$$

$$3 \times 20\% = 60\%$$

$$60\% \times 20 = 12$$

$$25 + 12 = 37$$

Rear setback will be 37 feet

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

(A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard or within any side yard or rear yard setback.

(B) (1) In addition, the following standards are established for accessory structures and accessory buildings:

(a) The maximum number of accessory buildings permitted on a lot shall be one;

(b) The maximum roof coverage area for accessory buildings shall be 750 square feet;

(c) The maximum height for accessory buildings shall be 25 feet;

(d) The accessory building must be screened by vegetation or other buffer as set forth in §153.008;

(e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;

(f) The accessory building must be designed in the same architectural style as the principal structure;

(g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ 153.043 and 153.048; and

(h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

(2) For all satellite dishes less than 24 inches in diameter, an application for a zoning compliance certificate shall be made directly to the Zoning Administrator; the Zoning Administrator shall issue a zoning compliance certificate.

(3) Fences, gates, and walls shall be regulated in accordance with §153.049 of this Zoning Ordinance.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

Editor's note:

This amendatory language was passed during a Board meeting, July 9, 2013

§ 153.049 FENCE, GATE AND WALL REGULATIONS.

The Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this section.

(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 to the extent necessary.

(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 feet in height.

(3) The driveway gate must 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 must open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be 14 feet wide with a 14 foot minimum height clearance.

(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 fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether or not the 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 section.

(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 feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences 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 the Town Hall or at the following web address (<https://www.nxwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

(5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.

(6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

(Ord. passed 2-11-2020; Ord. passed 6-8-2021)

Zoning Compliance Application

Town of Biltmore Forest

Name

Liz & George Pacal

Property Address

25 Eastwood Road, Biltmore Forest, NC -28803-

Phone

(818) 517-8205

Email

Lizzieinthegarden@msn.com

Parcel ID/PIN Number

5012

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.64 Acres / 71,438 s.f.

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

N/A

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

Exist. HOUSE footprint @ +/-2000 s.f. +Exist. Drive...++Expanding Rear Parking by +/-700 s.f. (+/- 4% Increase)

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

Landscape Enhancements: Front Yard tree plantings & accent plants/stonework @ (2) drive entrances; Left Side Yard plantings & portion of 4' ht. black metal fencing; Rear Yard stone terrace-retaining walls, plantings, & 4' ht. black fencing; some path & accent lighting.

Estimated Start Date

11/18/2023

Estimated Completion Date

11/23/2022

Estimated Cost of Project

\$39,500.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Pacal_Landscape Plan - REV. 1-24x36_Landscape Plan.pdf

Pacal_Landscape Plan - REV. 1-24x36_Sch. & Notes.pdf

Pacal_Landscape Plan - REV. 1-24x36_Lighting Plan.pdf

Applicant Signature

Date
10/17/2022

George & Elizabeth Pacal

Special Use Permit Application

Town of Biltmore Forest

Name

Liz & George Pacal

Address

25 Eastwood Road, Biltmore Forest, NC -28803-

Phone

(818) 517-8205

Email

Lizzieinthegarden@msn.com

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

Accessory Structures

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

Please provide a description of the proposed project:

Landscape enhancements to include: 4' ht. black metal fencing at far left side & near the back of house-patio; Front Yard plantings & low stone accent/planter walls near drive entries; Rear Yard stone terracing & plantings for slope stabilization & beautification; some (minimal) path & accent lighting--Per plans submitted simultaneously today w/ the Zoning Compliance Application.

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

Any/All of the desired/proposed accessory structures (fencing & stone terracing-retaining...) are in keeping with the spirit of Biltmore Forest ordinances & with existing neighborhood ambiance. Only a small portion of what we propose would be at all visible from the street or from adjacent properties. We feel that what we do desire within left side & front setbacks is respectful, modest, attractive, & of high quality--and would not differ from other property enhancements/variances within the neighborhood.

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

Signature

Date

10/17/2022

George & Elizabeth Pacal

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Liz & George Pacal

Address

25 Eastwood Road, Biltmore Forest NC -28803-

Phone

(828) 517-8205

Email

Lizzieinthegarden@msn.com

Current Zoning/Use

R

Requested Use

R1

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 desired/proposed landscape enhancements, we would like to extend a portion of 4'ht. black metal fencing into the left side yard 20' setback, as well as 4 path lights along this portion of fence. ALSO, we would like to include low stone accent/planter walls (w/ plantings) near our drive entrances, which would be within the 60' front setback--

[AND Rear Yard stone terracing-slope stabilization that doesn't encroach on any setbacks]--

Per plans submitted simultaneously today with the Zoning Compliance Application...

What does the ordinance require?

Per ordinance, fencing and/or any retaining/planter walls, should be outside of the 20' side yard setback & outside of the 60' front 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.**

Proposed fencing is for safety (of Owners & Owners' dogs); [It would also greatly add to the Owner's ability to use & enjoy their property.] Proposed low stone planter-accent walls near drive entries helps direct traffic & protect the street-property edges by better-defining entry locations.

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

The house was built in 1936. The side yards, especially on the left, are somewhat narrower than other properties in Biltmore Forest, and so present constraints to usage of the property relative to other neighborhood properties.

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

Please 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.

The requested fencing & other desired landscape enhancements are for safety considerations as well as beautification (and for rear yard slope stabilization & beautification that do not encroach on any setbacks). We have tried to minimize any variance from the ordinance for these enhancements.

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

Signature

Date

10/17/2022

George & Elizabeth Pacal

From: [Bonnie Markle](#)
To: [Harry Buckner](#)
Cc: [Elizabeth Duarte-Pacal](#); [Jonathan Kanipe](#)
Subject: Re: Proposed Landscape Enhancements for the Duarte-Pacal Property @ 25 Eastwood Road--Continued--
Date: Wednesday, November 30, 2022 11:12:38 AM
Attachments: [image001.png](#)
[Pacal Landscape Plan - REV. 1-24x36 BOA Site-LA Plan.pdf](#)
[Pacal Landscape Plan - REV. 1-24x36 Landscape Plan.pdf](#)
[Pacal Landscape Plan - REV. 1-24x36 Sch. & Notes.pdf](#)
[Pacal Landscape Plan - REV. 1-24x36 Lighting Plan.pdf](#)

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

Dear Mr. Buckner (& BOA Review Committee),

Thank-you again; we appreciate your continued attention to Liz & George Pacal's BOA applications.

In response to your latest 11/28 email, I am sending our latest PDF's of plans attached below-- Again, these **supercede** any sent prior, so please be clear about that for the Board's review. These updated plans specifically include the generator location & Sheet L-3 Lighting Plan. Also Please look at the PROPOSED FENCING NOTES in the center of Sheet L-1; these clarify the Owner's position with regard to their Variance request, in that concern for their elderly dogs (& likely future senior dogs since they are committed to rescuing these...) is just one reason they seek the fencing variance.

We will also be sure, as you recommend, to flag/mark out the proposed landscape enhancements & existing lot/setback lines for the upcoming 12/19 site visit.

Ongoing Regards,

Bonnie Markle, RLA

Office: 828.684.8050

Cell: 828.708.3177

www.tpslandscaping.com



On Mon, Nov 28, 2022 at 2:01 PM Harry Buckner <hbuckner@biltmoreforest.org> wrote:

Hi Ms. Markle:

Thank you for the revised plan L1a – it is now much easier to see the relative locations of everything. One thing I cannot find on the plan, though, is the specific generator location. It's referenced to be installed via a few notes on the plan sheets, but not shown on the plan, so we can't tell if it is in the setback or not and its location relative to the neighbors.

Also, plan sheet L3 is not attached showing the proposed landscape lighting plan.

I do offer the following observation from our first site visit – there was quite a bit of discussion surrounding the hardship of the fence being in front of the front building line and in the side setback. Certainly, the Owners can request these variances, but my recollection of the discussion surrounded the “hardship” justification for it, so my advice is to be well prepared to discuss the specific hardship. It was also discussed that the fence could possibly be relocated to extend from the corner of the side porch parallel to the front building line thus avoiding the encroachment (variance) to the front.

Lastly, we strongly recommend that all proposed hardscaped elements (including the generator) be flagged/staked/painted or otherwise marked on the ground before the site visit so the Board can clearly see the locations of the proposed improvements in the field. It’s also helpful if the property corners and setback lines are also marked (in a color different than the proposed improvements) so the relative locations (and size of the variances) can be easily seen.

Thank you for your attention to this matter and providing the additional information. We will make sure it is added to your application packet.

Best regards,

Harry B. Buckner, PE

Director of Public Works

Town of Biltmore Forest

355 Vanderbilt Road

Asheville, NC 28803

Office: 828.274.3919

Email: hbuckner@biltmoreforest.org



All email correspondence to and from this address is subject to public review under the NC Public Records Law.

From: [Bonnie Markle](#)
To: [Harry Buckner](#)
Cc: [Elizabeth Duarte-Pacal](#); [Jonathan Kanipe](#)
Subject: Proposed Landscape Enhancements for the Duarte-Pacal Property @ 25 Eastwood Road--Continued--
Date: Monday, November 28, 2022 11:22:25 AM
Attachments: [Pacal_Landscape Plan - REV. 1-24x36 BOA Site-LA Plan.pdf](#)
[Pacal_Landscape Plan - REV. 1-24x36 Landscape Plan.pdf](#)
[Pacal_Landscape Plan - REV. 1-24x36 Sch. & Notes.pdf](#)

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

Good Morning Mr. Buckner (& B.O.A. Review Committee),

I'm writing on behalf of our clients, Liz & George Duarte-Pacal, to submit additional & updated plans for the B.O.A. applications originally sent for Biltmore Forest review in September. These are being sent in preparation for the next B.O.A. review meeting set for December 19th.

As I think you know, they are proposing to upgrade their landscaping with plantings & terrace garden for the back & side yards of their lot, but **also to include adding trees & minor accent plantings in the front yard, & near the front drive entrances--(which incorporate very low accent/planter walls per plans).

ALSO, they are requesting some 4' high fencing, mostly at the back & side yards, with a section also near the front left corner of their house. Given the expanse of the front yard, as well as existing low wall & shrubs, we believe that no portion of the proposed fencing will be noticeable from the street. Please see the attached PDF's of our plans below; I especially ask you to note the added Sheet L-1a which is an overall Site/Key Plan as you requested in your 11/15 email. I'm also attaching updated PDF's for sheets L-1 & L-2 that have updated notes--these supercede those sent in September.

Thank-you for your attention & whatever comments/questions you may have. PLEASE LET ME KNOW IF YOU NEED ANYTHING ELSE in time for the 12/19 review. (I'll be present for the 12/19 site visit; will have staked/painted locations of the enhancements being proposed.)

Regards,

--

Bonnie Markle, RLA

Office: 828.684.8050

Cell: 828.708.3177

www.tpslandscaping.com



§ 153.049 FENCE, GATE AND WALL REGULATIONS.

The Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this section.

(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 to the extent necessary.

(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 feet in height.

(3) The driveway gate must 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 must open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be 14 feet wide with a 14 foot minimum height clearance.

(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 fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether or not the 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 section.

(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.

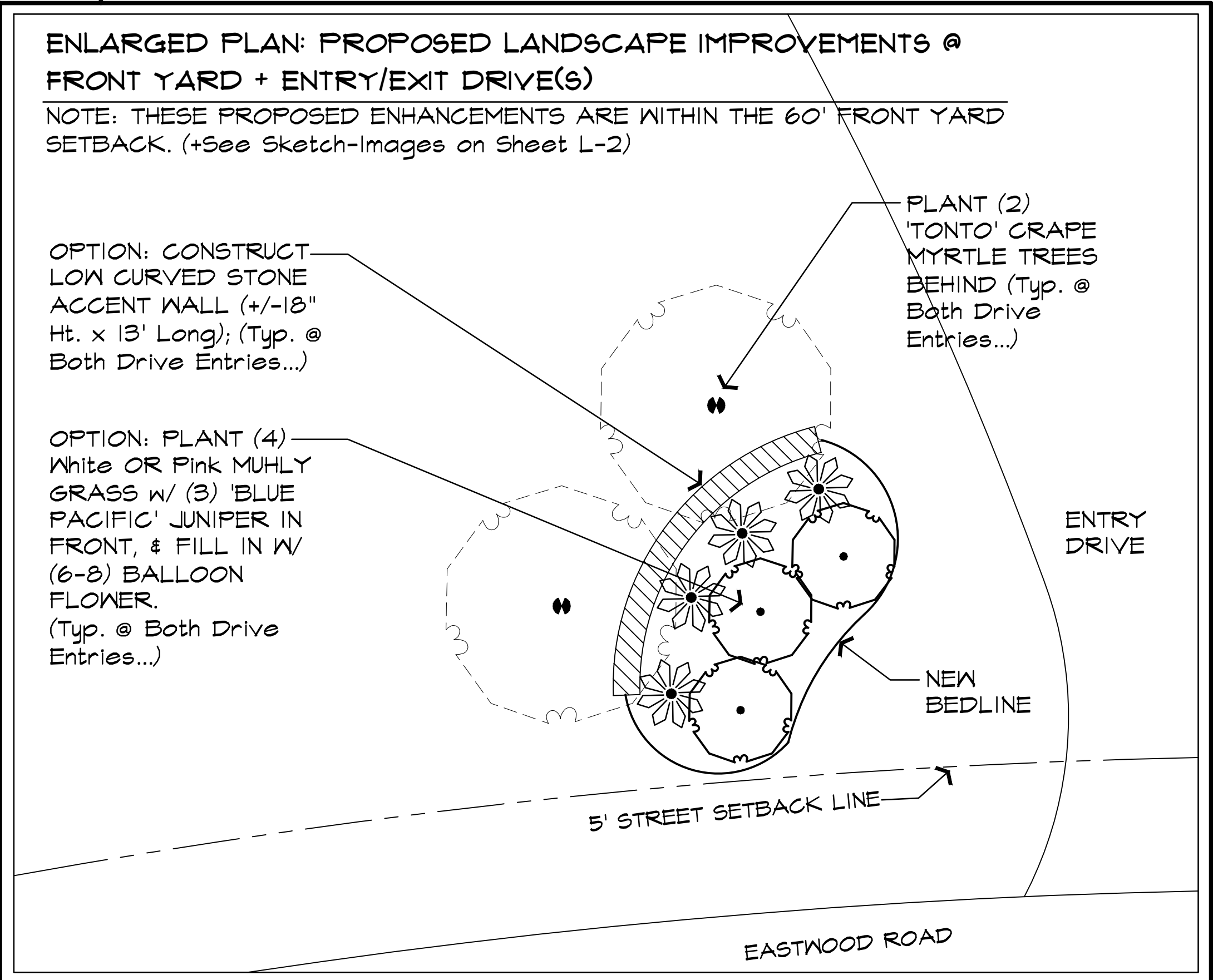
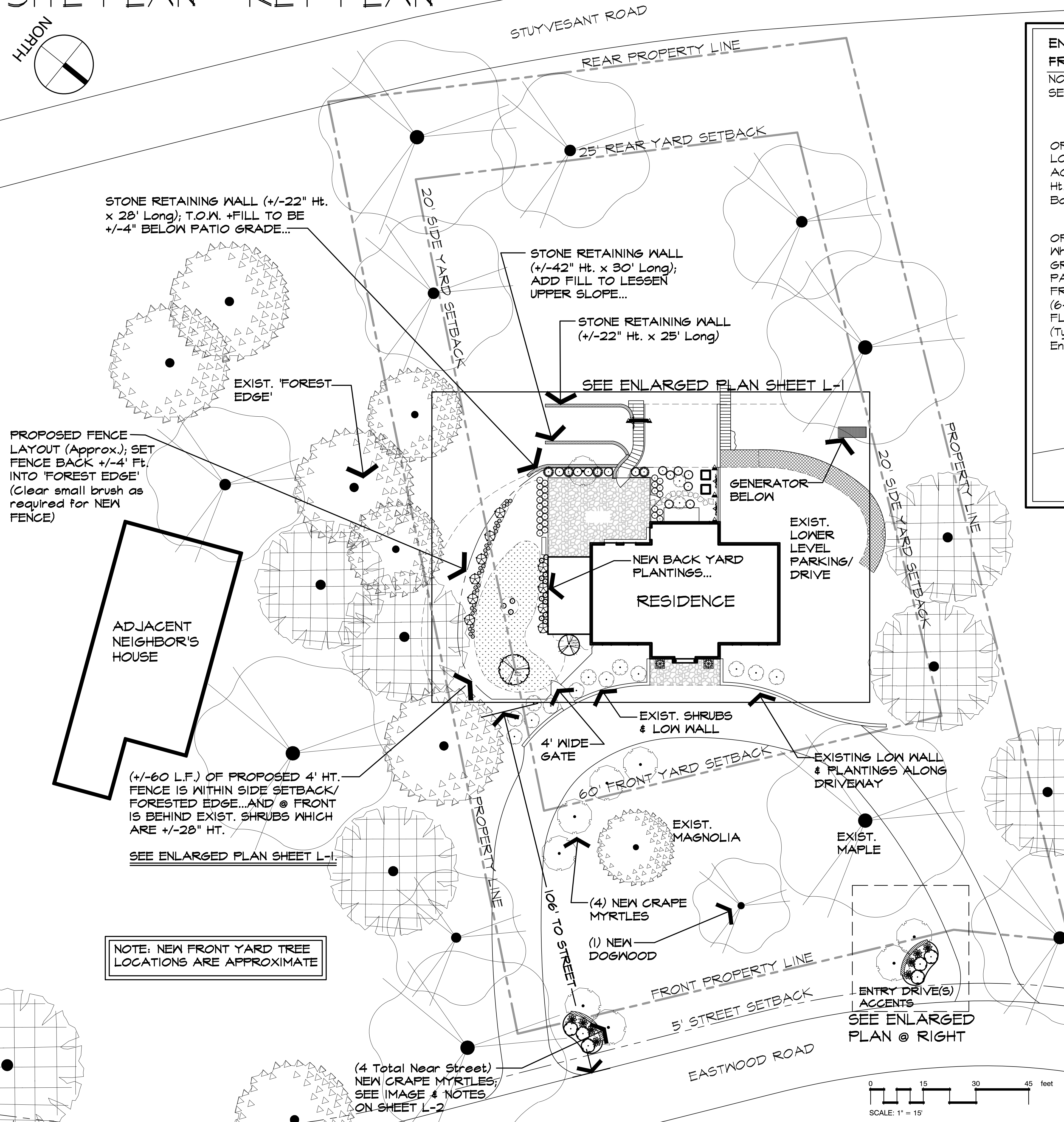
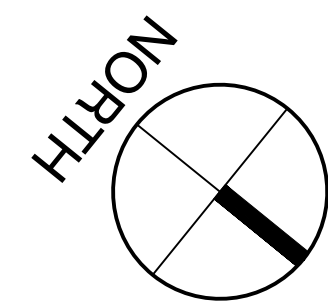
(4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address (<https://www.nxwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

(5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.

(6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

(Ord. passed 2-11-2020; Ord. passed 6-8-2021)

SITE PLAN - KEY PLAN



B.O.A. SUBMITTAL SUMMARY NOTES:

PROPOSED NEW PLANTER WALLS & PLANTS NOTES:
 (3) TIERED PLANTER/RETAINING WALLS ARE PROPOSED AT A PORTION OF BACK YARD SLOPE NEAR THE EXISTING PATIO. ALL ARE FROM ABOUT 22"-42" MAX. HT., AND ARE SET WELL WITHIN THE BACK YARD SETBACKS.
 (2) LOW +/-18" HT. PLANTER/ACCENT WALLS ARE PROPOSED AT THE FRONT DRIVE ENTRIES; W/ ASSOCIATED NEW TREE-SHRUB PLANTINGS IN FRONT & BEHIND.
 A TOTAL OF (4) NEW, SMALL TREES ARE PROPOSED FOR THE FRONT YARD.

PROPOSED NEW FENCING NOTES:
 4' BLACK METAL FENCE--SET BACK MORE THAN 100' FROM THE STREET--WILL NOT BE VISIBLE FROM STREET, AND THE PORTION @ LEFT SIDE YARD WILL BE SET AMONG TREES/ PLANTINGS. NEIGHBORS NEXT DOOR HAVE STATED (In Writing) THAT THE FENCE WILL NOT HINDER THEIR VIEW OR ENJOYMENT OF THEIR PROPERTY.
 THE FENCING IS FOR PROTECTING OWNERS' DOGS, +FOR CONTINUITY & SAFETY W/ FENCING NEEDED ALONG BACK PATIO. THE FENCE LAYOUT & HEIGHT WILL NOT IMPEDE WILDLIFE.

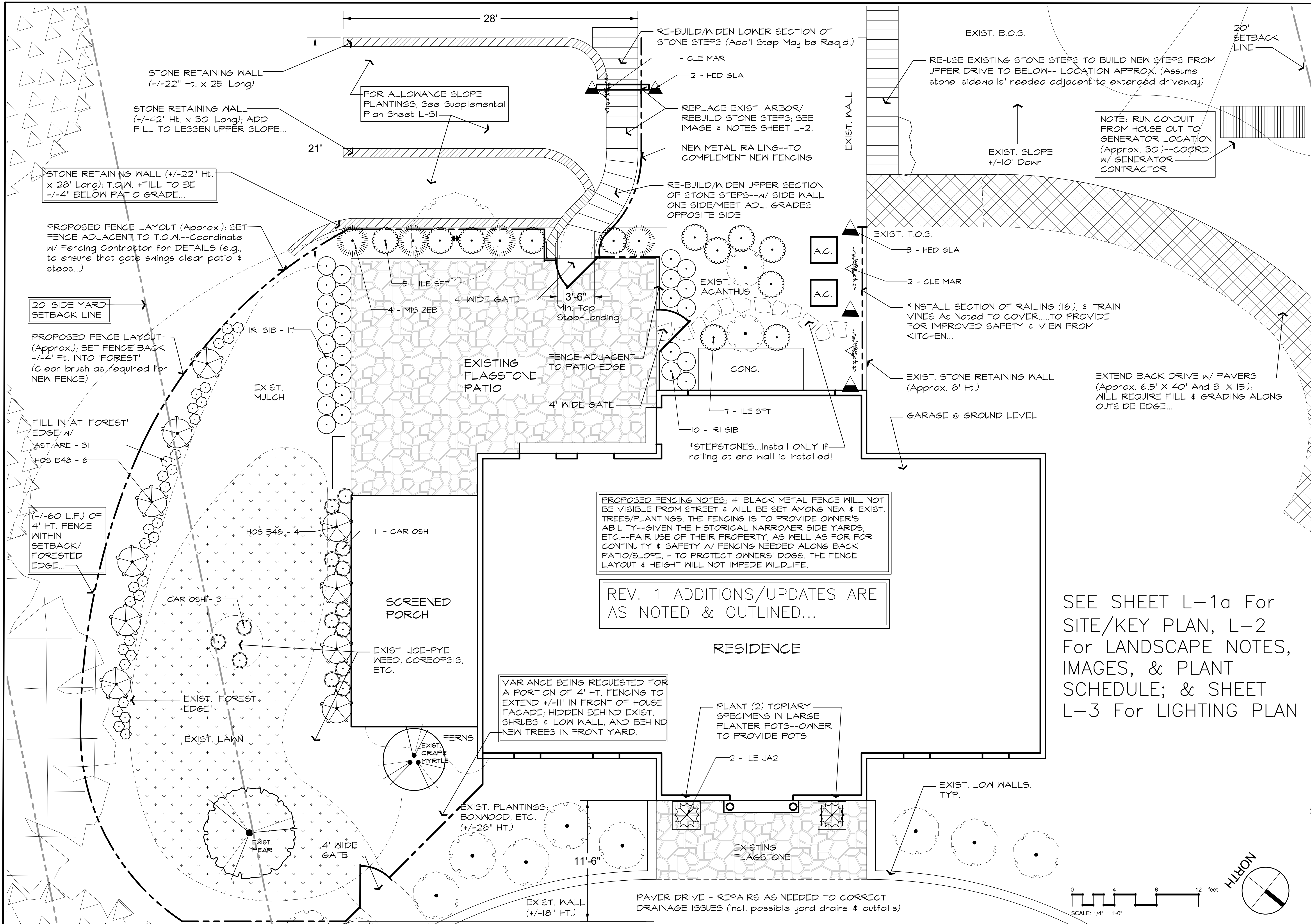
SEE SHEET L-1 For ENLARGED LANDSCAPE PLAN, L-2 For LANDSCAPE NOTES, IMAGES, & PLANT SCHEDULE; & SHEET L-3 For LIGHTING PLAN



LANDSCAPE PLAN: OVERALL SITE-KEY PLAN
PACAL RESIDENCE
 25 EASTWOOD ROAD
 BILTMORE FOREST, NC 28803

REVISIONS	
1.	B.O.A./Applications: Minor Scope Adds/Changes
1a.	B.O.A./Applications: Add Overall Site-Key Plan

SCALE: See Graphic
 DATE 11/28/22
 Drawn By BBAM
 SHEET #
L-1a



PROPOSED FENCING NOTES: 4' BLACK METAL FENCE WILL NOT BE VISIBLE FROM STREET & WILL BE SET AMONG NEW & EXIST. TREES/PLANTINGS. THE FENCING IS TO PROVIDE OWNER'S ABILITY--GIVEN THE HISTORICAL NARROWER SIDE YARDS, ETC.--FAIR USE OF THEIR PROPERTY, AS WELL AS FOR FOR CONTINUITY & SAFETY W/ FENCING NEEDED ALONG BACK PATIO/SLOPE, + TO PROTECT OWNERS' DOGS. THE FENCE LAYOUT & HEIGHT WILL NOT IMPEDE WILDLIFE.

REV. 1 ADDITIONS/UPDATES ARE AS NOTED & OUTLINED...

VARIANCE BEING REQUESTED FOR A PORTION OF 4' HT. FENCING TO EXTEND +/-11' IN FRONT OF HOUSE FACADE; HIDDEN BEHIND EXIST. SHRUBS & LOW WALL, AND BEHIND NEW TREES IN FRONT YARD.

NOTE: RUN CONDUIT FROM HOUSE OUT TO GENERATOR LOCATION (Approx. 30')--COORD. W/ GENERATOR CONTRACTOR

SEE SHEET L-1a For SITE/KEY PLAN, L-2 For LANDSCAPE NOTES, IMAGES, & PLANT SCHEDULE; & SHEET L-3 For LIGHTING PLAN

REVISIONS

- 1. B.O.A./Applications: Minor Scope Adds/Changes
- 1a. B.O.A./Applications: Add Plan Notes...

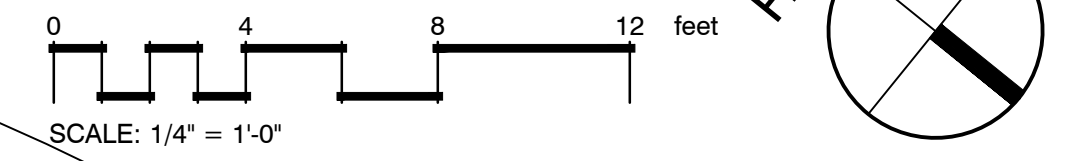
SCALE: 1/4" = 1'- 0"

DATE 11/28/22

Drawn By BBAM

SHEET #

L-1





LANDSCAPE LIGHTING PLAN FOR
PACAL RESIDENCE
 25 EASTWOOD ROAD
 BILTMORE FOREST, NC 28803

REVISIONS

1.	B.O.A./Applications: Minor Scope Adds/Changes
1a.	B.O.A./Applications: Add Plan Notes...

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

DATE 11/28/22

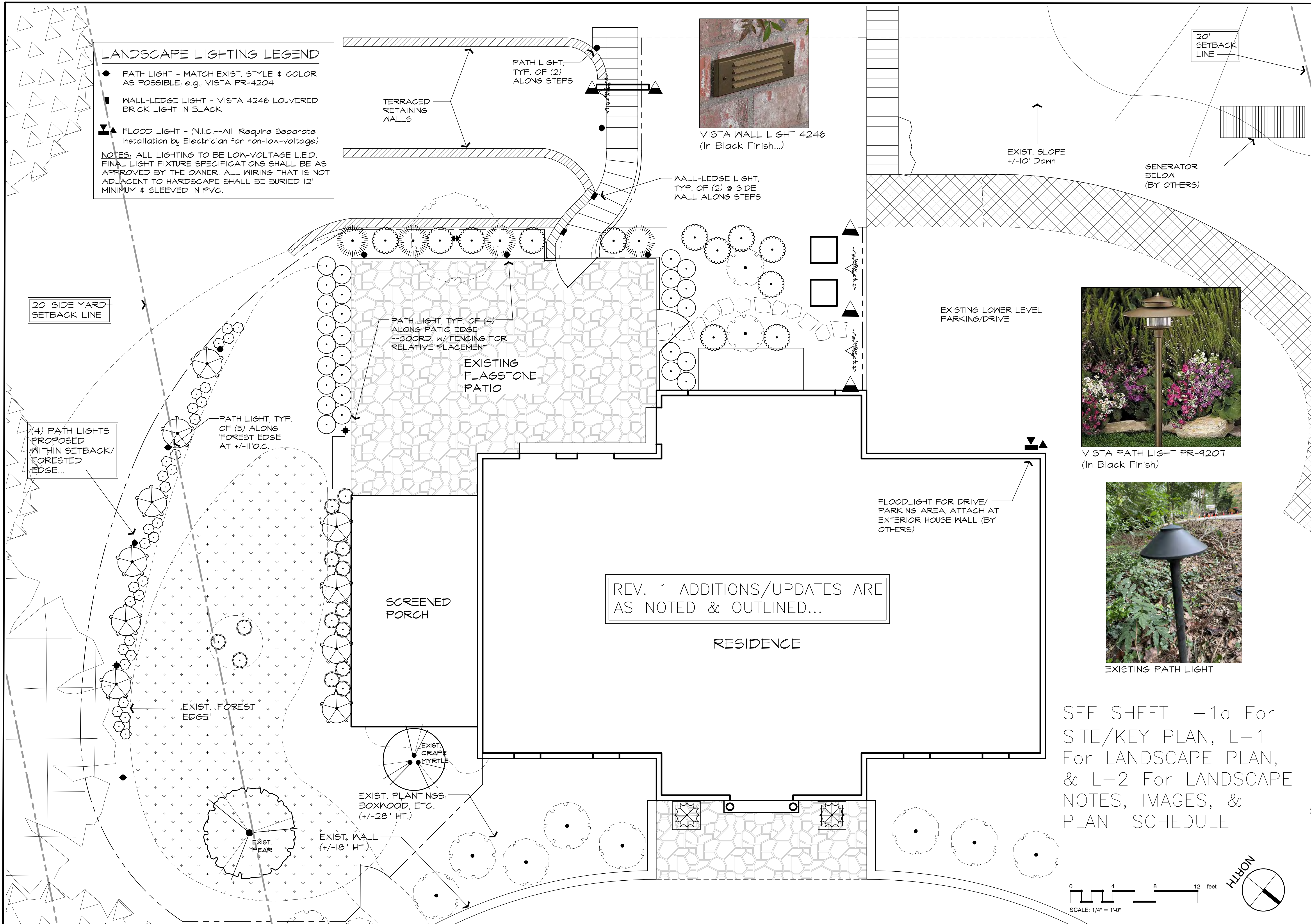
Drawn By BBAM

SHEET #
L-3

LANDSCAPE LIGHTING LEGEND

- ◆ PATH LIGHT - MATCH EXIST. STYLE & COLOR AS POSSIBLE; e.g., VISTA PR-4204
- WALL-LEDGE LIGHT - VISTA 4246 LOUVERED BRICK LIGHT IN BLACK
- ▲ FLOOD LIGHT - (N.I.C.--Will Require Separate Installation by Electrician for non-low-voltage)

NOTES: ALL LIGHTING TO BE LOW-VOLTAGE L.E.D. FINAL LIGHT FIXTURE SPECIFICATIONS SHALL BE AS APPROVED BY THE OWNER. ALL WIRING THAT IS NOT ADJACENT TO HARDSCAPE SHALL BE BURIED 12" MINIMUM & SLEEVED IN PVC.



VISTA WALL LIGHT 4246 (In Black Finish...)



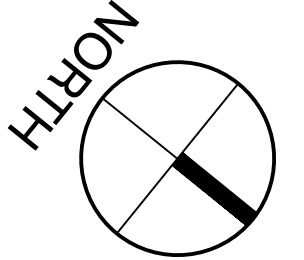
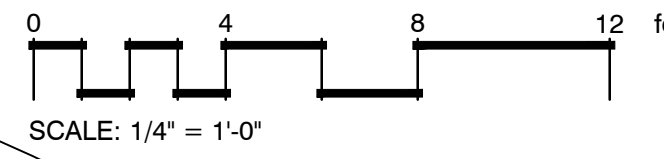
VISTA PATH LIGHT PR-9207 (In Black Finish)



EXISTING PATH LIGHT

REV. 1 ADDITIONS/UPDATES ARE AS NOTED & OUTLINED...

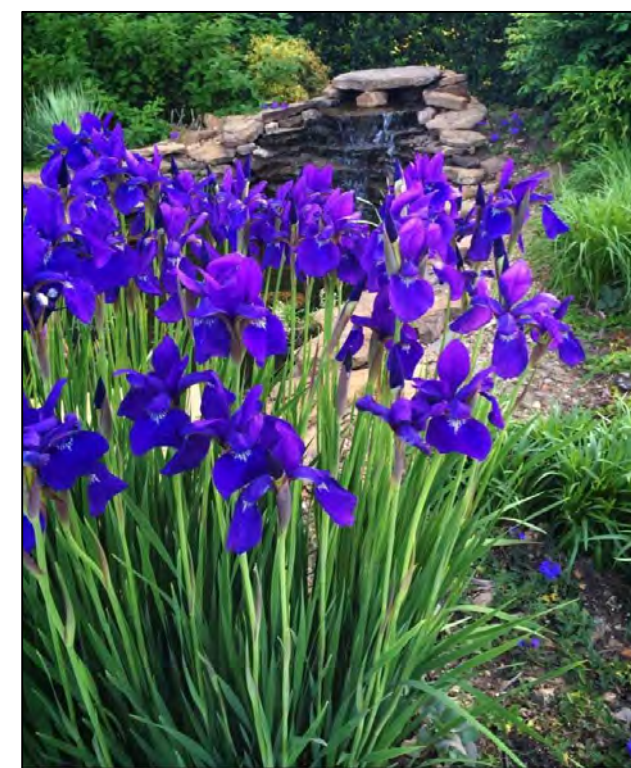
SEE SHEET L-1a For SITE/KEY PLAN, L-1 For LANDSCAPE PLAN, & L-2 For LANDSCAPE NOTES, IMAGES, & PLANT SCHEDULE



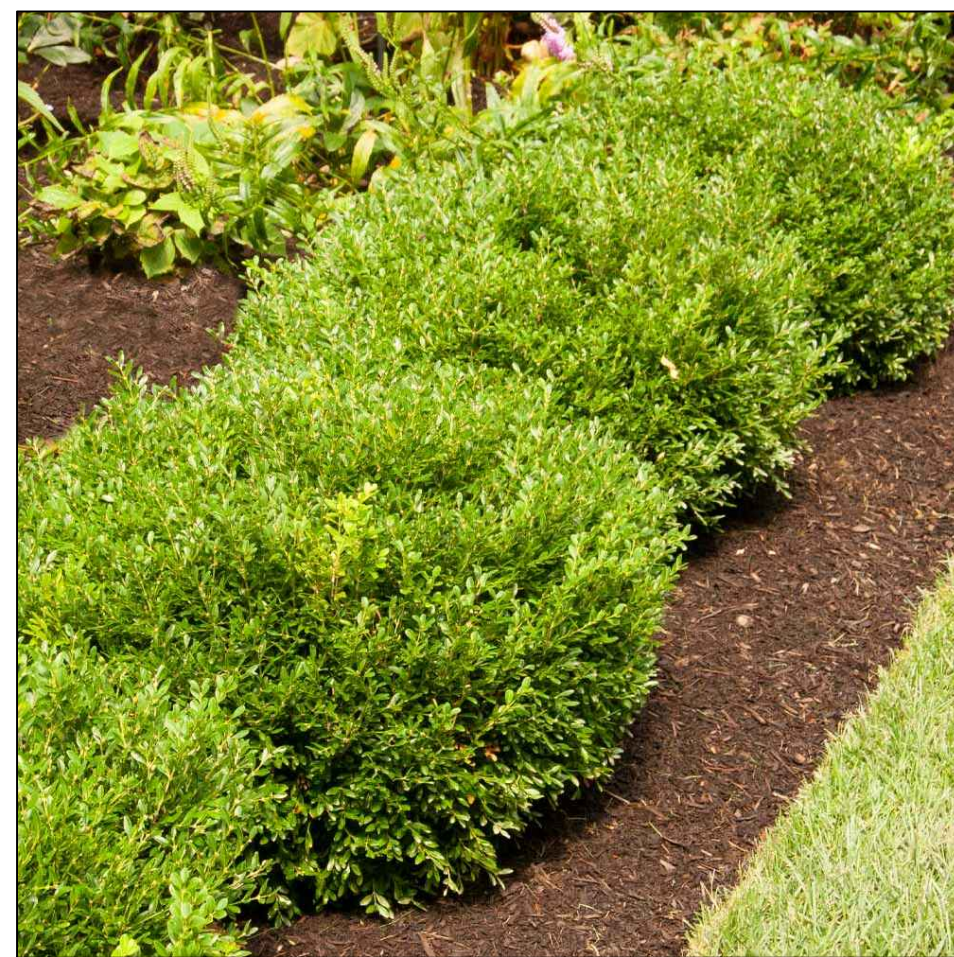
PLANT SCHEDULE

ALSO, SEE NOTES FOR FRONT YARD & ENTRY DRIVE RECOMMENDATIONS BELOW...

SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	AST ARE	Astilbe x arendsii	Astilbe	---	31
	CAR OSH	Carex oshimensis	Japanese Sedge-EverColor	---	14
	CLE MAR	Clematis x 'Ernest Markham'	Ernest Markham Clematis	---	3
	HED GLA	Hedera helix 'Glacier'	Glacier-Variiegated-English Ivy	---	5
	HOS B48	Hosta sieboldiana 'Blue Angel'	'Blue Angel' Hosta	---	10
	ILE SFT	Ilex cornuta 'Soft Touch'	Soft Touch Chinese Holly	---	12
	ILE JA2	Ilex crenata	Japanese Holly *TOPIARY SPECIMEN*	---	2
	IRI SIB	Iris sibirica	Siberian Iris	---	27
	MIS ZEB	Miscanthus sinensis 'Zebrinus'	Zebra Grass	---	4



SIBERIAN IRIS (BLUE)



'SOFT TOUCH' CHINESE HOLLY



'BLUE ANGEL' HOSTA



'EVERCOLOR' JAPANESE SEDGE



ZEBRA GRASS



ASTILBE - VARIETIES...

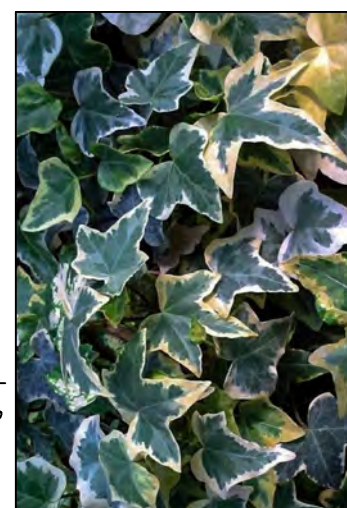
VARIEGATED ENGLISH IVY:
(NOTE: Variegated cultivars are not invasive; Monitor & trim seasonally...)



'ERNEST MARKHAM' CLEMATIS



PINK--OR WHITE-- MUHLY GRASS



BALLOON FLOWER



'TONTO' CRAPE MYRTLE

PLANT (1) WHITE FLOWERING DOGWOOD AT APPROX. CENTER OF FRONT YARD (Not Shown...)

PLANT (2ea) 'TONTO' CRAPE MYRTLES BEHIND NEW PLANT BEDS @ BOTH ENTRY DRIVES; (4 TOTAL) & (4 TOTAL) @ FAR EDGE OF LAWN AREA...

NOTE: 5' STREET SETBACK...

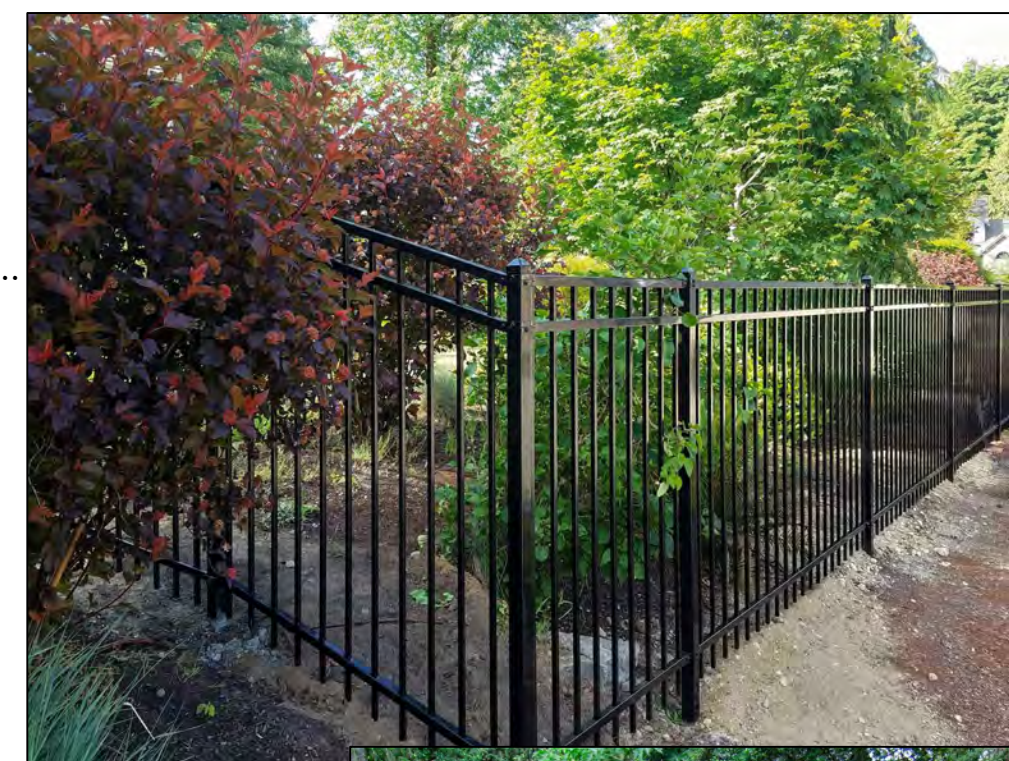


EXISTING STONE STEPS & ARBOR AT BACK SLOPE: REPLACE ARBOR (OWNER TO PROCURE & CONTRACTOR TO INSTALL); RE-BUILD STEPS--SEE PLAN ON SHEET L-1



NEW AND/OR RE-BUILT STONE SLAB STEPS (SIMILAR)

PROPOSED 4' HT. BLACK METAL FENCING (SIMILAR)... W/ 4' WIDE GATES, TYP.



PROPOSED 18" HT. CURVED STONE LANDSCAPE ACCENT WALL (SIMILAR: SHOWN UNDER CONSTRUCTION). SEE SKETCH & NOTES BELOW.



PROPOSED LANDSCAPE IMPROVEMENTS @ FRONT YARD & ENTRY / EXIT DRIVE(S)

NOTE: PLANT BEDS NEAR DRIVES ARE WITHIN THE 60' FRONT YARD SETBACK.

PLANT (2) WHITE OR PINK MUHLY GRASS TO ACCENT/FILL IN AT EXIST. BED NEAR BENCH & LARGE MAPLE.

CONSTRUCT 18" Ht. x 13' Long CURVED STONE ACCENT WALL (WALL IS OPTIONAL); PLANT (4) PINK OR WHITE MUHLY GRASS W/ (3) 'BLUE PACIFIC' JUNIPER IN FRONT, & FILL IN W/ (6-8) BALLOON FLOWER.

**MIRROR INSTALLATION ON FAR SIDE OF YARD @ 2ND DRIVEWAY

LANDSCAPE / PROJECT NOTES

= ALL NEW & MODIFIED PLANT BEDS TO BE MULCHED W/ HARDWOOD MULCH, EXCEPT USE 'NO FLOAT' MULCH @ BACK SLOPED BED. TOP OFF EXIST. MULCH AREAS & REPAIR EXIST. LAWN AREAS AS NEEDED.

= PLANT (2) 'TONTO' CRAPE MYRTLE & (1) WHITE FLOWERING DOGWOOD AT FRONT YARD TO REPLACE REMOVED TREES-- SEE IMAGE/NOTES BELOW.

= COORDINATE W/ FENCING & GENERATOR CONTRACTORS FOR ALL ASPECTS OF FENCING & GENERATOR INSTALLATIONS.

= SEE PLAN NOTES ON BOTH SHEETS L-1 & L-2 FOR OPTIONAL INSTALLATION ITEMS.

= OWNER TO REVIEW & APPROVE NEW LANDSCAPE ACCENT LIGHTING IN CONJUNCTION W/ PROPOSED WORK SHOWN HERE-- COORDINATE DESIGN & INSTALLATION SCHEDULE W/ TPS (BY SEPARATE CONTRACT).



LANDSCAPE NOTES, IMAGES & PLANT SCHEDULE
PACAL RESIDENCE
 25 EASTWOOD ROAD
 BILTMORE FOREST, NC 28803

REVISIONS

- 1. B.O.A./Applications: Minor Scope Adds/Changes
- 1a. B.O.A./Applications: Add Plan Notes...

SCALE: N.T.S.

DATE 11/28/22

Drawn By BBAM

SHEET #

L-2

From: [Erin Purvis](#)
To: [Jonathan Kanipe](#); [Harry Buckner](#)
Cc: LIZZIEINTHEGARDEN@MSN.COM
Subject: Fencing for Willow Pacal
Date: Thursday, December 08, 2022 8:52:24 PM

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

Dear Mr. Buckner and Mr. Kanipe,

My name is Dr. Erin Purvis and I am a local veterinarian with 4 Paws Farewell, specializing in geriatric / palliative care, and in-home euthanasia for beloved pets, and I'm writing on behalf of Lizzie Pacal and her dog Willow.

I visited the Pacals on September 19 2022 to perform a Quality of Life evaluation on Willow. I determined that though Willow has a number of medical issues affecting her quality, including mobility challenges and orthopedic pain, and Cognitive Dysfunction (essentially doggie dementia), there were certain changes to be made that could help give her more quality for as long as possible. Willow, like many geriatric dogs, has lost a lot of muscle mass and is quite weak in her rear end, and needs to be able to walk on level ground. She is unstable enough that attempting to traverse steeper slopes or unlevel terrain could cause her to fall and injure herself. She also has Cognitive Dysfunction, which has caused her to have a significant amount of ongoing anxiety – a common scenario for this particular problem. The anxiety can be managed through medications but typically gets worse over time and can become situationally worse.

Lizzie informed me that she wanted to install short permanent fencing in a flat area of her yard so Willow can be allowed outside safely to use the bathroom and enjoy good-weather days. I understand that your recommendation was to have invisible electric fencing installed to contain any dogs in the Pacal's home. I want to advocate for Willow (and her geriatric housemate dog Buddy) that, because of her cognitive dysfunction and anxiety, attempting to train her and use an electric shock system will likely cause her more anxiety, hastening the decline in her quality of life. Permanent fencing could also provide some protection from wildlife, or roaming dogs that might come near, as Willow can't really defend herself in her declining state, and an electric invisible fence would provide no protection at all.

Furthermore, the Pacals are dedicated to rescuing geriatric dogs, giving them dedicated loving homes for the remainder of their lives, and any future dogs they take in would also benefit from having permanent fencing.

If you would like more information, or if I can be of any further assistance, I would be happy to speak to you directly!

Sincerely,

Erin Purvis DVM

4 Paws Farewell Mobile Pet Hospice, Palliative Care and Home Euthanasia

(828)707-4231

From: [Rhoda Brosnan](#)
To: [Jonathan Kanipe](#)
Subject: 25 Eastwood
Date: Sunday, December 04, 2022 2:51:18 PM

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

Mr. Kanipe,

We have seen the drawings and discussed the plans with the Pacals for the proposed fence and gate which will run along the property line between our two houses. We have no objection to the proposal. Hope this information helps with the Town's assessment.

If you have questions please don't hesitate to call us.

Sincerely,
Rhoda and Thomas Brosnan
33 Eastwood Rd.
828-274-9520

Hi Jonathan,

I wanted to drop you a note to let you and the BoA know that the generator installed at the Pascal residence at 25 Eastwood Rd. Is not a problem for us at 24 Eastwood (Pew Residence).

Please put it in the record that we have no problem with the location of the generator.

Thanks,
Rob Pew
Susan Taylor