



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: January 12, 2023
Re: **Board of Adjustment Meeting – January 23, 2023**

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 January 19, 2023.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, January 23, 2023 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 December 19, 2022 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

**Case 1: 57 Chauncey Circle - Special Use permit request for accessory structure (roof-mounted solar panels).
*Site Visit – 2:15 PM***

**Case 2: 5 Eastwood Road - Special use permit request for accessory structures within rear yard.
*Site Visit – 2:30 PM***

**Case 3: 44 Forest Road - Special use permit request for accessory structures within rear yard.
*Site Visit – 2:45 PM***

**Case 4: 30 Cedarcliff Road - Variance request for addition to home with encroachment into side yard setback and exceedance of maximum roof coverage for existing accessory building.
*Site Visit – 3:05 PM***

**Case 5: 16 White Oak Road - Appeal from Notice of Violation regarding Fence Re-Installation within Side Yard Setback.
*Site Visit – 3:35 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, DECEMBER 19, 2022

The Board of Adjustment met at 4:00 p.m. on Monday, December 19, 2022.

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

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

Chairman Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Jim Grant

Ms. Ann Grant

Ms. Bonnie Markle

Mr. George Pacal

Ms. Elizabeth Pacal

A motion was made by Mr. Robert Chandler to approve the minutes as amended from November 14, 2022. Ms. Kieffer seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter is a request for a Special Use Permit at 108 Stuyvesant Road for a fence and gate installation within the rear yard. Ms. Kieffer shepherded the matter. The fence would be 60'x30'. They would also like to install a gate. This fence would be placed to keep two dogs in the yard. The yard backs up to Carolina Day School and Stuyvesant Road. This will be placed in the lower area of the backyard. There are no concerns from the neighbors. The homeowners are willing to buffer if necessary.

DELIBERATION AND DETERMINATION:

Ms. Kieffer restated the facts and said Jim and Ann Grant of 108 Stuyvesant Road are requesting a Special Use Permit for a fence within the rear yard. It is compliant with all the setbacks and is 30'x 60'. The fence is four feet tall. The back area is well buffered.

Ms. Martha Barnes moved that a Special Use Permit be granted to Jim and Ann Grant of 108 Stuyvesant Road for a fence and gate installation within the rear yard 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 at 25 Eastwood Road for accessory structures including a four (4) foot high fence and associated gate; stone terrace retaining walls in the rear yard; and stone columns at the driveway entrance. The variance request was withdrawn. Mr. Robert Chandler shepherded the matter.

Ms. Bonnie Markle, landscape architect for the project, said there was no survey taken yet for this property at 25 Eastwood and stated the actual property line in the drawings provided are incorrect and goes out further from the house. This will be updated and corrected to provide to the Board. This will not encroach into the side or front yard setback, and the variance has been withdrawn.

The fencing will be four feet tall and black metal fencing. It will go twenty feet out to the side and will run forty to fifty feet along the curve and will connect to the fence which is along the existing patio. There will be three walls which is close to the existing patio line and sets up for terracing. The upper wall will be twenty-two inches in height and eight feet long. The wall that goes halfway down the slope is approximately forty-two inches in height and thirty feet long. The lowest wall will be twenty-two-inch height by twenty-five-foot-long wall. This will also help with erosion control. The material will be stone.

DELIBERATION AND DETERMINATION:

Mr. Robert Chandler recited the facts and stated George and Elizabeth Pacal at 25 Eastwood Road are applying for a Special Use Permit for accessory structures for a fence and gate, and there is not a request for stone walls or stone entrance columns. This includes specifically a four-foot high, black metal fencing near the back of the house. It will run about twenty feet across and forty feet long. It will have a gate on it. There will be stone terracing within the rear yard which includes three different walls. This will help with erosion in the backyard. They are confirming

their measurements are in compliance and will speak with the Town Manager to confirm this once received. Ms. Barnes said the side yard fence is quite a distance from the street.

Ms. Rhoda Groce moved that a Special Use Permit be granted to George and Elizabeth Pacal of 25 Eastwood Road for an accessory structure with four-foot fence and associated gate, stone terrace retaining walls in the rear yard and the facts as recited by Robert Chandler and his 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. Lynn Kieffer seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 4:29 pm. The next Board of Adjustment meeting is scheduled for Monday, January 23, 2023 at 4:00pm.

ATTEST:

Greg Goosmann

Chairman

Laura Jacobs

Town Clerk

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

January 17, 2023



Case 1 – 57 Chauncey Circle

*Special Use Permit Request for Roof-Mounted Solar
Panel Installation*

Property Owner: Christ Barlas
Property Address: 57 Chauncey Circle

Project Description

The applicant requests a special use permit for the installation of solar panels on the roof of a newly constructed home. The application includes a full description of the panels being proposed for the roof, as well as the battery backup that is part of the project.

Special Use Permit Request

The Town considers solar collectors as accessory structures, pursuant to Chapter 153.029 of the Zoning Ordinance. This is attached for the Board's review. The specific language of the Zoning Ordinance states that the Town regulates these only as the North Carolina General Statutes allows. This statute is also included for the Board's review.

Zoning Compliance Application

Town of Biltmore Forest

Name

Jonathan Bowen

Property Address

57 Chauncey Circle Asheville, NC 28803

Phone

(828) 777-4148

Email

jbowen@sugarhollowsolar.com

Parcel ID/PIN Number

964660915300000

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

4000

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

0

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

TBD

Description of the Proposed Project

Roof mount solar PV with battery back up

Estimated Start Date

2/15/2023

Estimated Completion Date

2/22/2023

Estimated Cost of Project

\$66,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Barlas.Permit.Pack.pdf

Applicant Signature

A handwritten signature consisting of the letters 'A', 'P', and 'B' in a cursive, stylized font. The 'A' is formed with a single loop, the 'P' has a tall stem and a curved top, and the 'B' is formed with two loops.

Date
1/4/2023

Special Use Permit Application

Town of Biltmore Forest

Name

Chris Barlas

Address

57 Chauncey Circle Biltmore Forest, NC 28803

Phone

(330) 304-2957

Email

jbowen@sugarhollowsolar.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:

Roof mount solar PV

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

Panels are going on the top of the house where they will be barely visible. Also, clean energy

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

Signature

Date

1/10/2023

Handwritten signature of Chris Barlas in black ink, consisting of several loops and a long horizontal stroke at the end.

§ 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

§ 160D-914. Solar collectors.

(a) Except as provided in subsection (c) of this section, no local government development regulation shall prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission by a local government to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. As used in this section, the term "residential property" means property where the predominant use is for residential purposes.

(b) This section does not prohibit a development regulation regulating the location or screening of solar collectors as described in subsection (a) of this section, provided the regulation does not have the effect of preventing the reasonable use of a solar collector for a residential property.

(c) This section does not prohibit a development regulation that would prohibit the location of solar collectors as described in subsection (a) of this section that are visible by a person on the ground and that are any of the following:

- (1) On the facade of a structure that faces areas open to common or public access.
- (2) On a roof surface that slopes downward toward the same areas open to common or public access that the facade of the structure faces.
- (3) Within the area set off by a line running across the facade of the structure extending to the property boundaries on either side of the facade, and those areas of common or public access faced by the structure.

(d) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Gravitt Engineering, PLLC.

828-606-6963

jkgravit@gmail.com

January 2, 2023

Mr. Harrison Sytz
Sugar Hollow Solar
2 Miller Rd East
Asheville, NC 28805

Re: Solar PV System at the
BARLAS Residence
57 Chauncey Circle
Asheville, NC 28803

Dear Mr. Sytz,

Pursuant to your request, I have examined the structure at the address listed above regarding its suitability for the solar photovoltaic (PV) system specifically proposed by Sugar Hollow Solar.

It is my opinion that the existing roof structure will safely support the additional loading incurred by the (33) solar panels and racking system and that the structure will continue to meet the minimum live loading standards defined by the **2018 North Carolina Residential Building Code**.

My opinion-supporting data are as follows:

Elevation	2217 ft
ASCE 7-10 values: wind speed	115 mph
exposure category	D
Ground snow load	15 psf
(33) Solar panels:	Tesla 395H (74.5"x41.2"x1.57")
Ballast blocks	(90) total, 32 lb (ea.) 'cap blocks'
Array 1, (12) panels, (28) blocks, (2) anchors	1650 lb, 4.6 psf
Array 2, (8) panels, (30) blocks, (4) anchors	1460 lb, 4.9 psf
Array 3, (13) panels, (32) blocks, (0) anchors	1040 lb, 4.2 psf

Please refer to the (4) attached drawings for rooftop equipment-placement layouts and details. The flat-roof attachment anchors shall be secured to framing or blocking by (4 ea.) #14 wood screws with length sufficient to provide 1.5-inch embedment into the framing or blocking. Blocking, if necessary, shall be secured to the top plate of roof trusses by (4ea.) framing nails or screws; blocks shall be oriented similar to the top plate (ie 'flat' on the underside of the roof deck). The modules, ballast chassis, strut, L-feet, ballast blocks, flat-roof attachment anchors and associated hardware shall be installed in accordance with the manufacturer's instructions.

Sincerely,

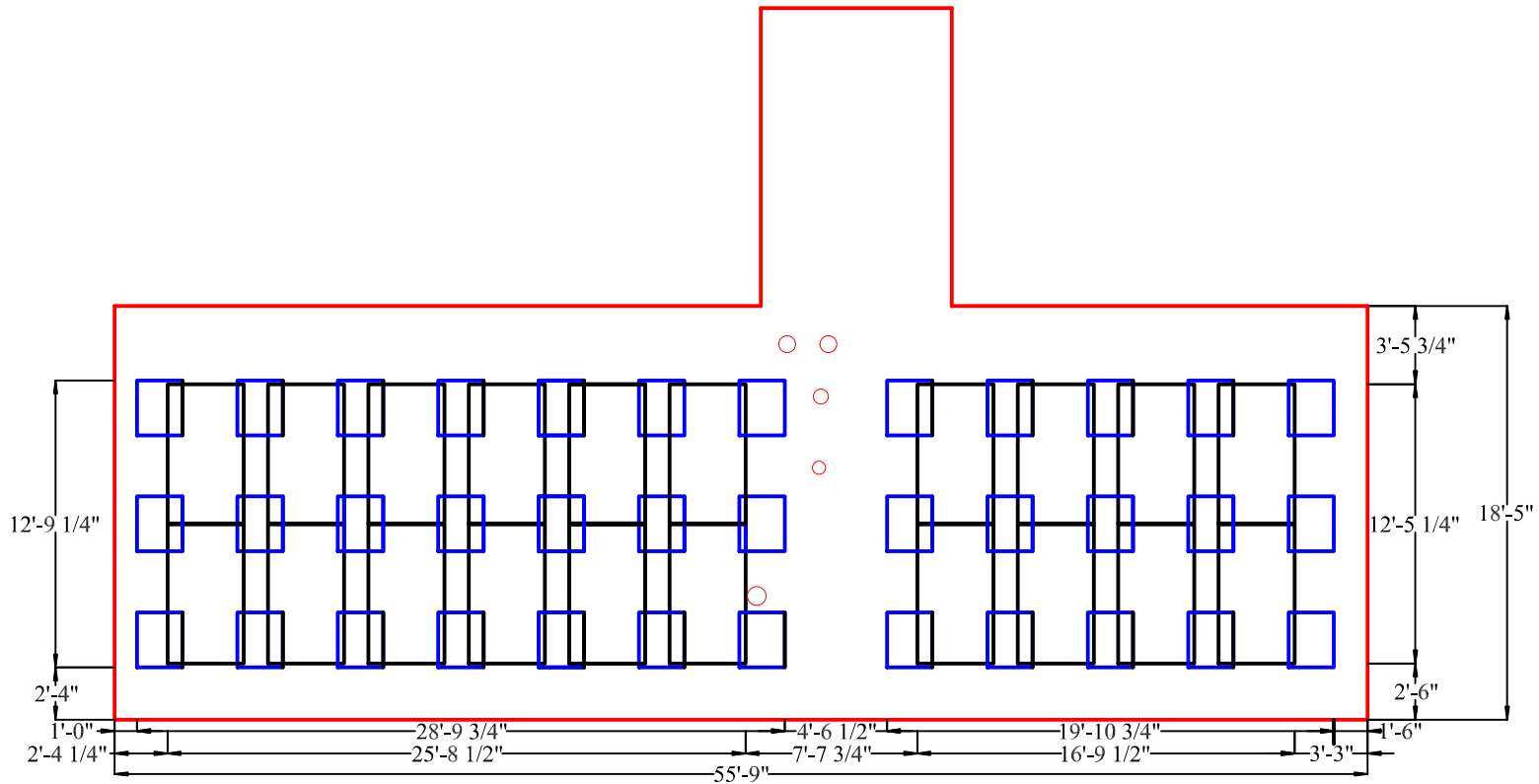



John Gravitt, P.E.

ROOF INFO			FRAMING INFO		ATTACHMENT INFORMATION				DESIGN CRITERIA
Name	Type	Height	Type	OC Spacing	Detail	Max Landscape OC Spacing	Max Portrait OC Spacing	Configuration	MAX DISTRIBUTED LOAD: 3 PSF SNOW LOAD: 15 PSF WIND SPEED: 115 MPH TESLA 395: 41.2" X 74.4"
AR-1	TPO	2-STORY	2x4 TRUSSES	24"	IRON RIDGE BX BALLASTED SYSTEM	-	-	BALLASTED	

AR-1

PITCH: 0°
AZIMUTH: 185°



SUGAR HOLLOW SOLAR
Sweetening the current

2 Miller Rd. E
Asheville, N.C. 28805
Phone: 828.776.9161

SITE ADDRESS:
57 CHAUNCEY CIR.
ASHEVILLE, N.C. 28803

PHONE: 828.777.4148.

PROJECT MANAGER:
CAMERON HATFIELD

DRAWN BY:
HARRISON SYTZ

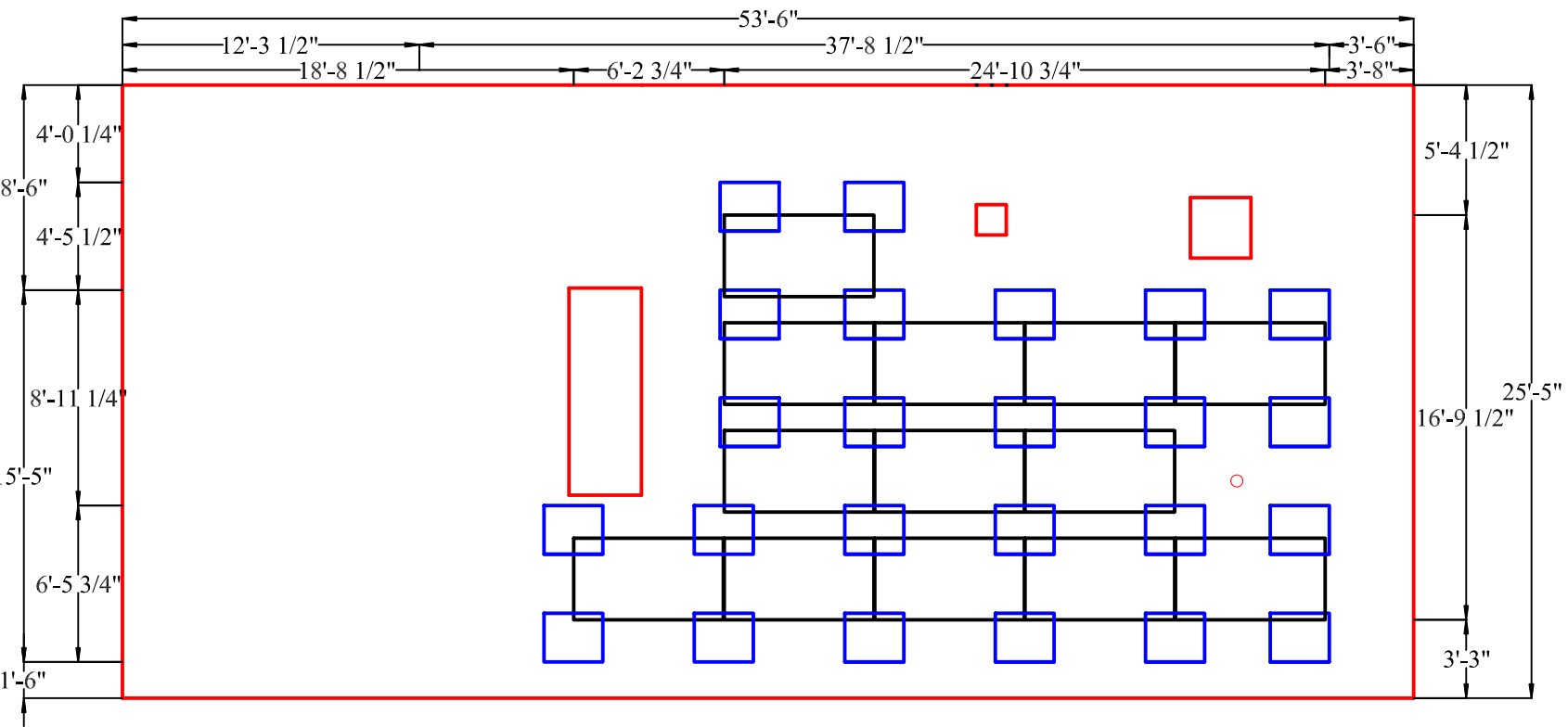
SHEET
LAYOUT

PROJECT:
BARLAS

ROOF INFO			FRAMING INFO		ATTACHMENT INFORMATION				DESIGN CRITERIA
Name	Type	Height	Type	OC Spacing	Detail	Max Landscape OC Spacing	Max Portrait OC Spacing	Configuration	
AR-2	TPO	1-STORY	2x4 TRUSSES	24"	IRONRIDGE BX BALLASTED SYSTEM	-	-	BALLASTED	MAX DISTRIBUTED LOAD: 3 PSF SNOW LOAD: 15 PSF WIND SPEED: 115 MPH TESLA 395: 41.2" X 74.4"

AR-2

PITCH: 0°
AZIMUTH: 185°



SUGAR HOLLOW SOLAR
Sweetening the current
2 Miller Rd. E
Asheville, N.C. 28805
Phone: 828.776.9161

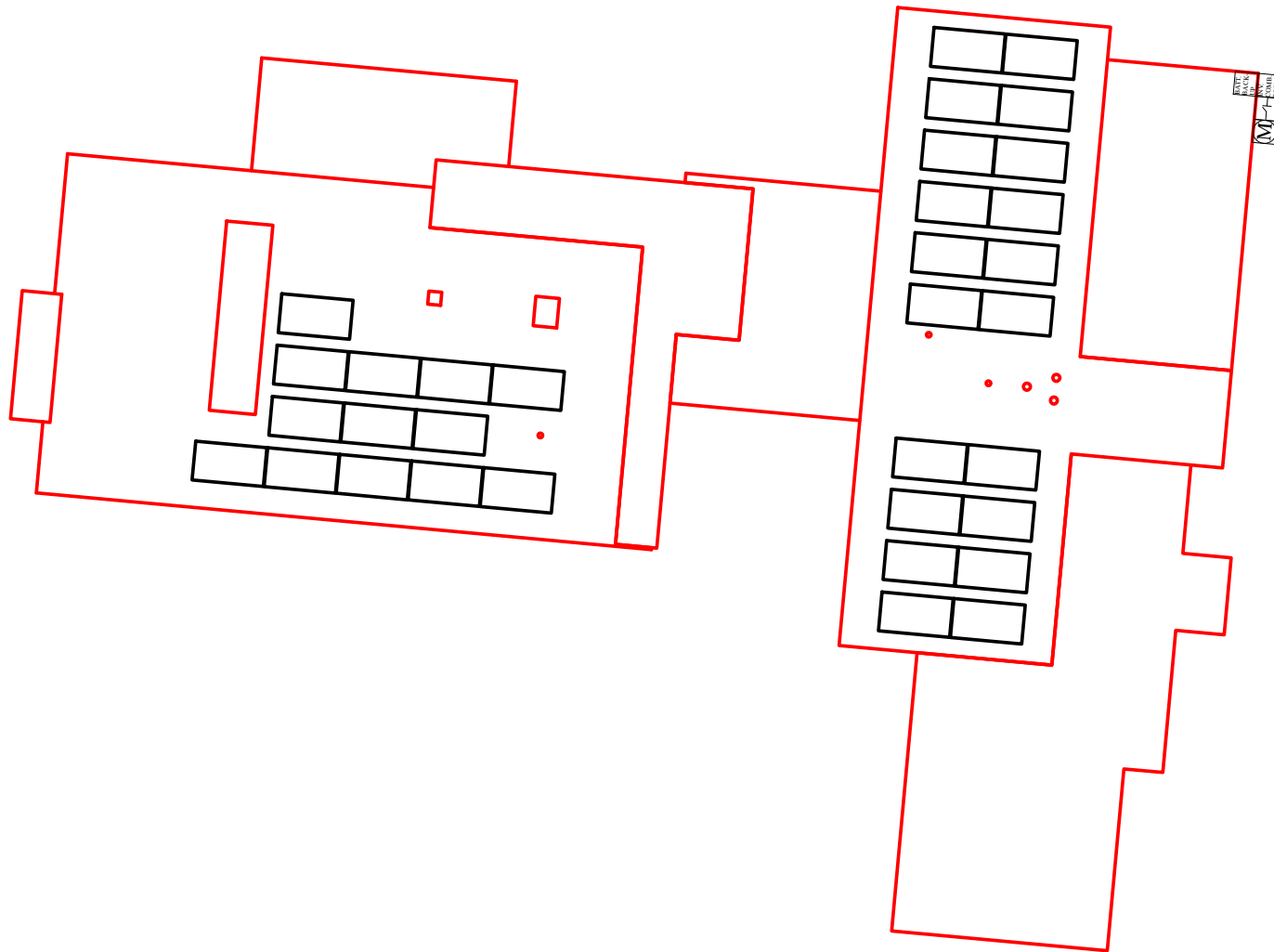
SITE ADDRESS:
57 CHAUNCEY CIR.
BILTMORE FOREST, N.C.
28803
PHONE: 828.577.7280.

PROJECT MANAGER:
CAMERON HATFIELD

DRAWN BY:
HARRISON SYTZ

SHEET
LAYOUT

PROJECT:
BARLAS



**SUGAR
HOLLOW
SOLAR**

Sweetening the current

2 Miller Rd. E
Asheville, N.C. 28805
Phone: 828.776.9161

SITE ADDRESS:
57 CHAUNCEY CIRCLE.
ASHEVILLE, N.C. 28803

PHONE: 828.777.4148.

PROJECT MANAGER:
CAMERON HATFIELD

DRAWN BY:
HARRISON SYTZ

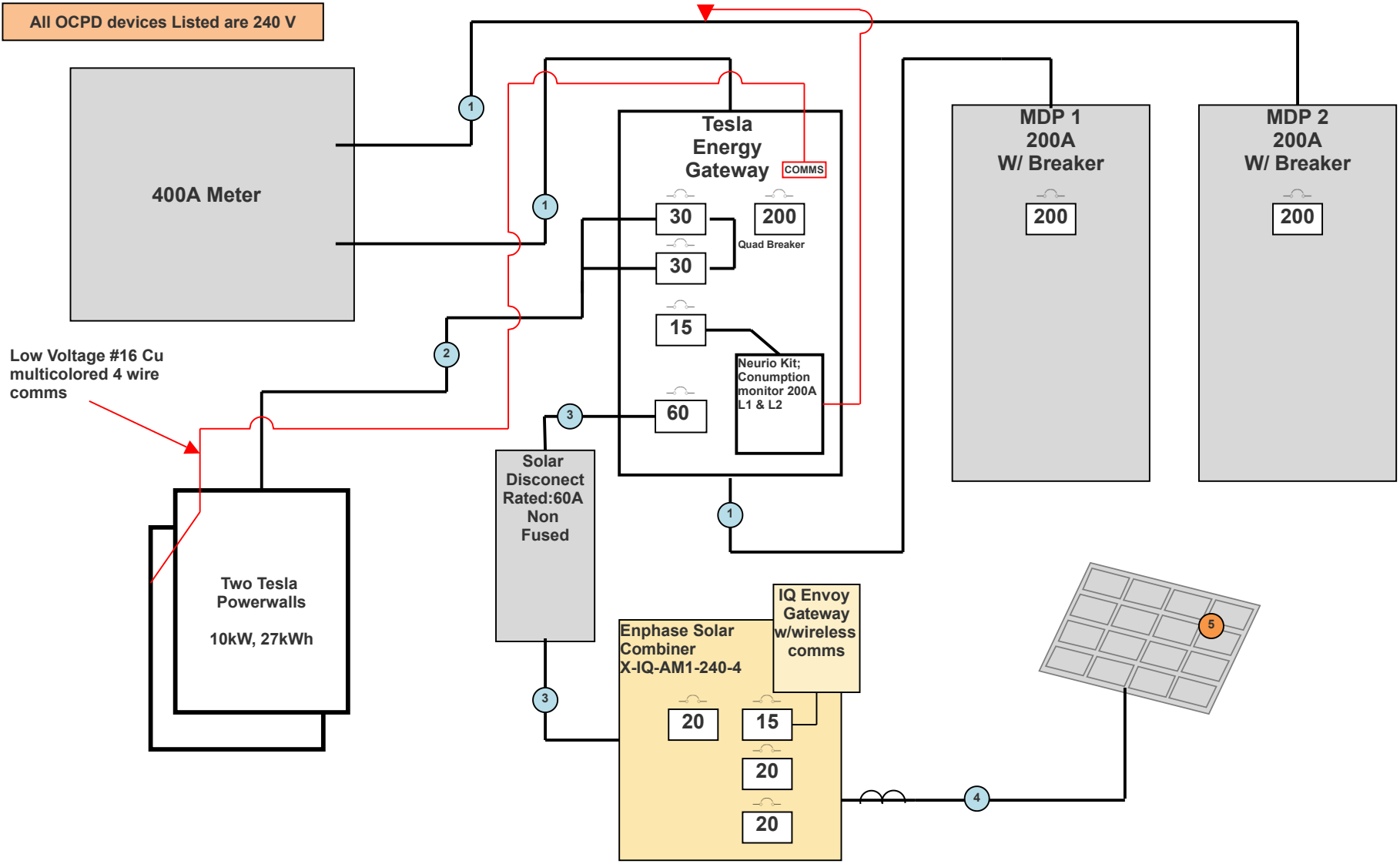
SHEET

SITE PLAN

PROJECT:
CHRIS BARLAS



All OCPD devices Listed are 240 V



- ① #4/0 AL L1, L2, N
#2/0 AL G
- ② #10 THHN L1,L2,N,
& G IN CONDUIT
- ③ #6 THHN L1,L2,N,
#10 G IN 1" EMT OR
PVC
- ④ (6) #12 THHN + (1)#10
AWG THHN-2 EGC DR.
IN 3/4" EMT OR ROMEX
- ⑤ Solar Array: 13.04 kW - 33 Tesla 395's
w/ IQ8A Microinverters. Run In 3 Strings
of 11.

Chris Barlas
PV+ESS system
One Line Diagram
57 Chauncey Cir.
Biltmore Forest, N.C.
28803

Sugar Hollow Solar
Designed By: Harrison Sytz
2 Miller Rd E, Asheville, NC,
28805



**SUGAR
HOLLOW
SOLAR**

ARRAY 1

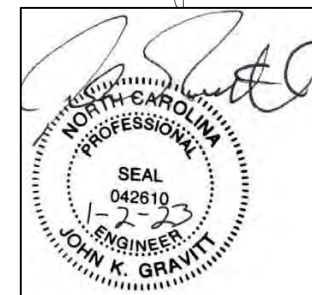
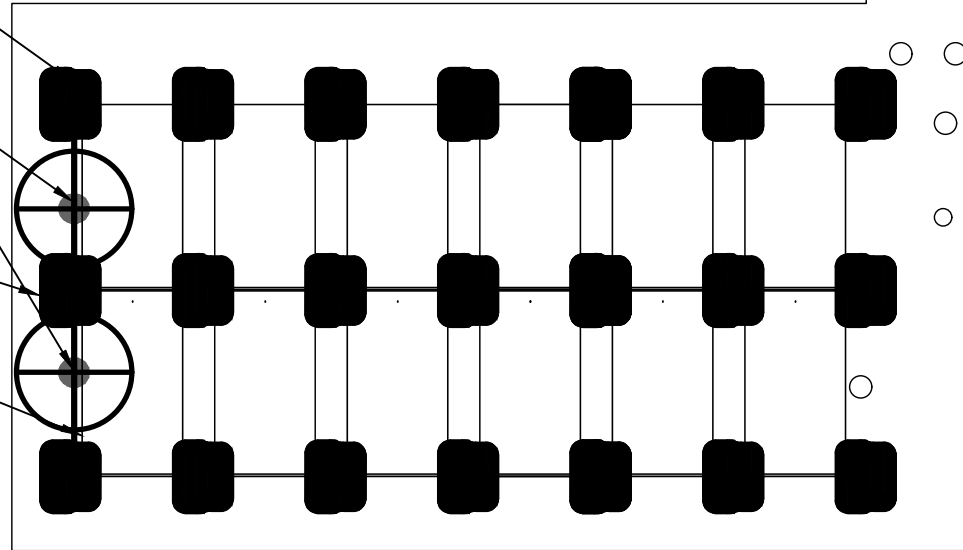
- 12 - MODULES
- 28 - BLOCKS
- 21 - CHASIS
- 2 - FLAT ROOF ATTACHMENT ANCHORS
- 1 - 14' GALVANIZED STRUT CHANNEL
- 4.6 PSF

14' GALVANIZED STRUT CHANNEL

(2) FLAT ROOF ATTACHMENT ANCHORS

IRONRIDGE BX CHASIS, TYP.

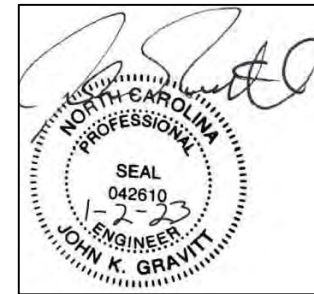
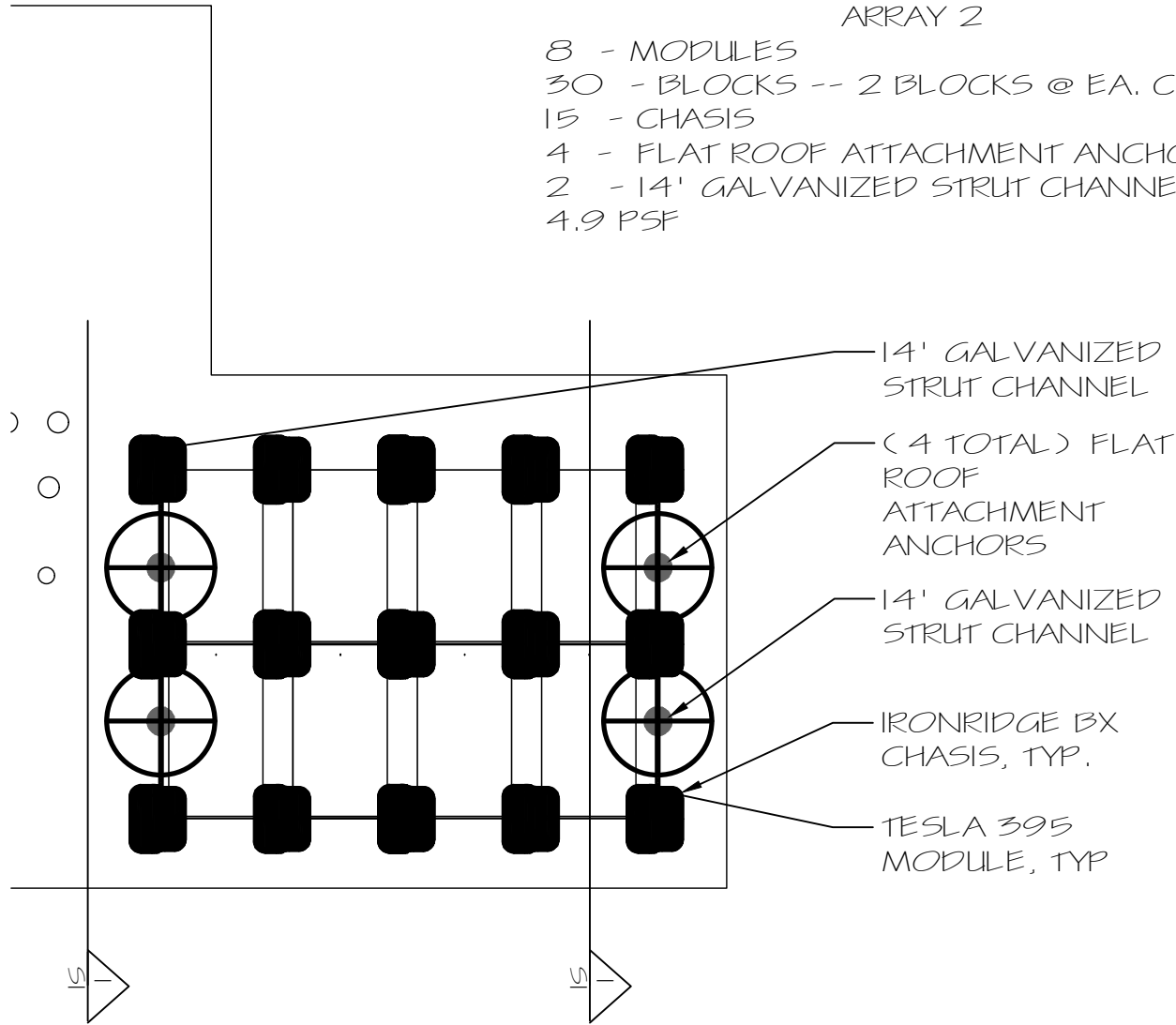
TESLA 395 MODULE, TYP



DES	JG	1/2/23
	DFT	
LAYOUT	JG	
LAYOUT		
SOI		
BARLAS 57 CHAUNCEY CIRCLE BALTIMORE FOREST, NC		
		2023011

ARRAY 2

- 8 - MODULES
- 30 - BLOCKS -- 2 BLOCKS @ EA. CHASIS
- 15 - CHASIS
- 4 - FLAT ROOF ATTACHMENT ANCHORS
- 2 - 14' GALVANIZED STRUT CHANNEL
- 4.9 PSF



DES	JG	1/2/23
	DFT	
LAYOUT		1/2/23
BARLAS 57 CHAUNCEY CIRCLE BALTIMORE FOREST, NC		
2023011		
LAYOUT	502	

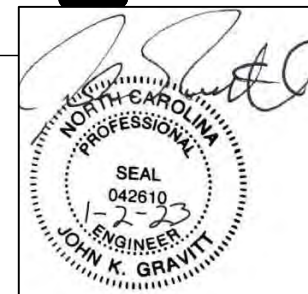
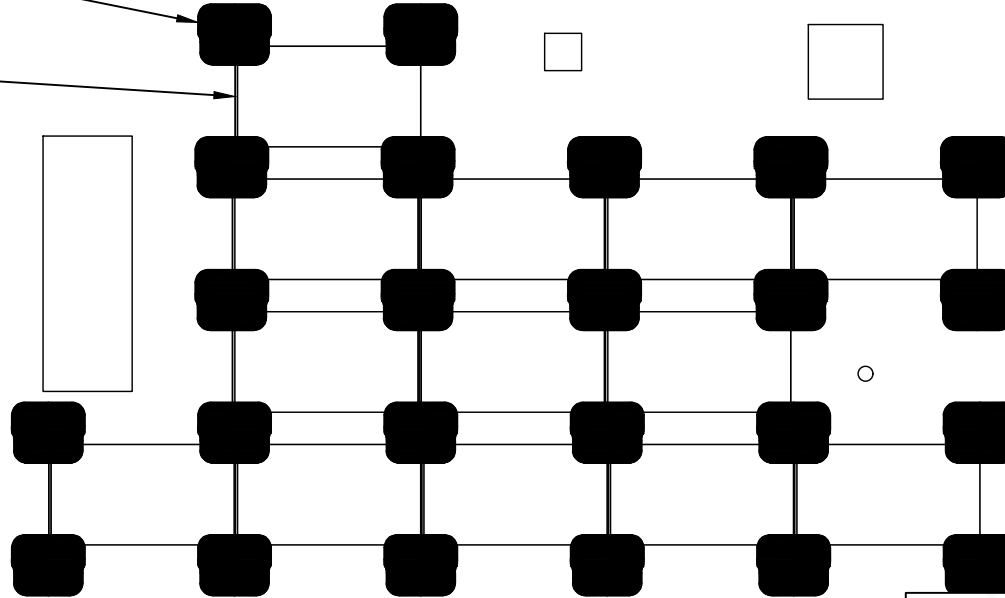
ARRAY 3

13 - MODULES
 32 - BLOCKS
 24 - CHASIS

4.2 PSF

IRONRIDGE BX
 CHASIS, TYP.

TESLA 395
 MODULE, TYP



DES	JG	LAYOUT	1/2/23
DFT	JG		

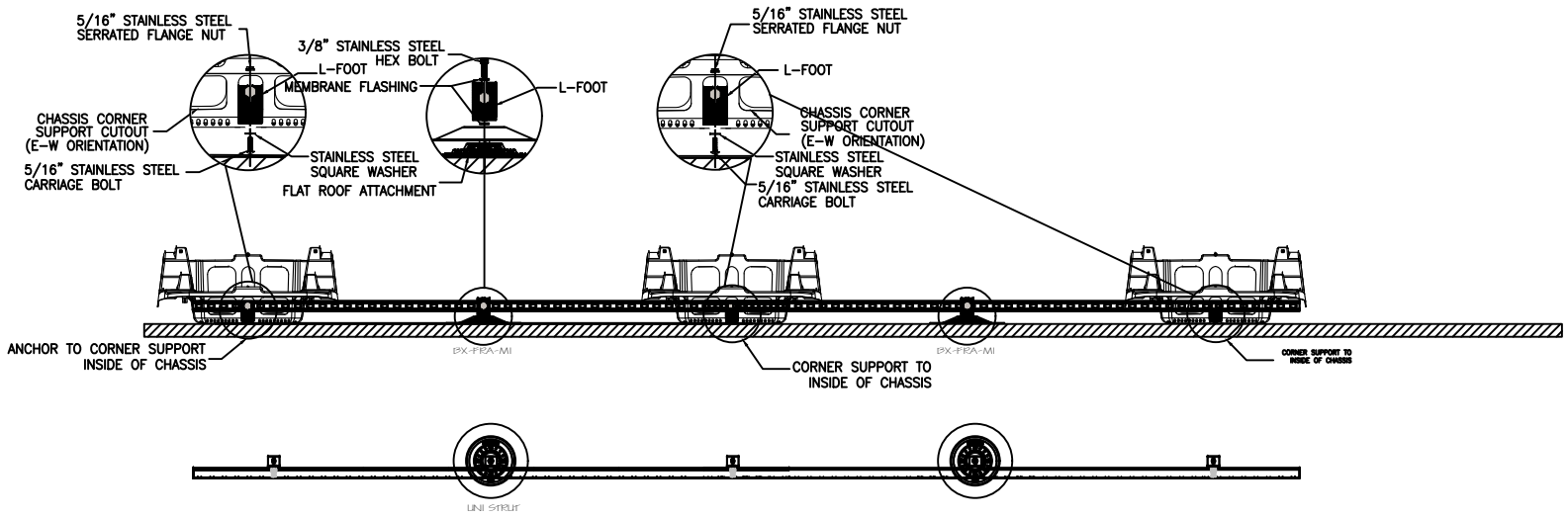
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Blank rectangular area for notes or additional information.

BARLAS
 57 CHAUNCEY CIRCLE
 BALTIMORE FOREST, NC
 2025011

LAYOUT
 503

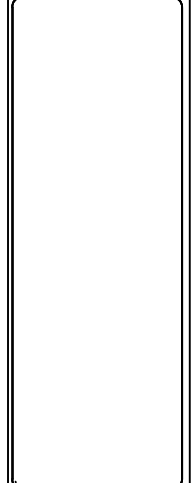
ANCHOR SUPPORT RUNNING EAST-WEST FRONT VIEW



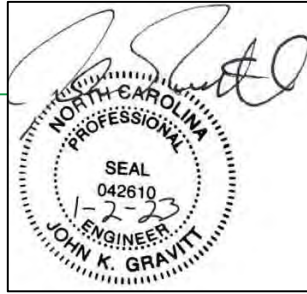
ANCHOR SUPPORT TOP VIEW

DES	JG	DATE	1/2/23
DFT	JG		

DES	JG	DATE	1/2/23
DFT	JG		



BARLAS 57 CHAUNCEY CIRCLE BALTIMORE FOREST, NC	
2023011	



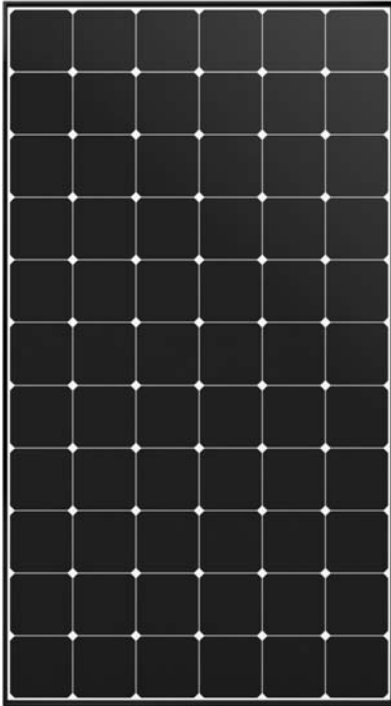
LAYOUT	504
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390–420 W Residential A-Series Panels

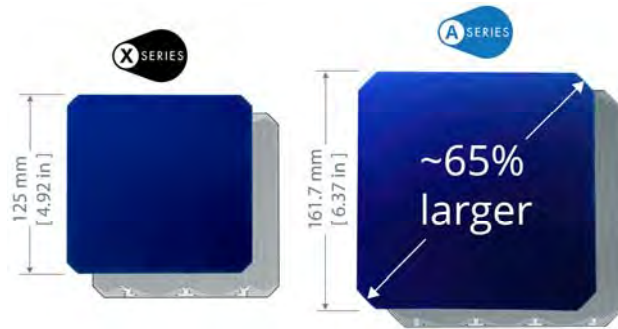
SunPower® Maxeon® Technology

SunPower® Maxeon® cell-based panels maximize energy production and savings by combining industry-leading power, efficiency, and durability with the most comprehensive power, product, and service warranty in the industry.^{1,2}



Highest Power Density Available

SunPower's new Maxeon Gen 5 cell is 65% larger than prior generations, delivering the most powerful cell and highest efficiency panel in residential solar.² The result is more power per square meter than any commercially available solar.¹



SunPower Maxeon Solar Cell Technology



Fundamentally Different. And Better.

- Cell efficiencies of over 25%
- Delivers leading reliability³
- Patented solid metal foundation prevents breakage and corrosion

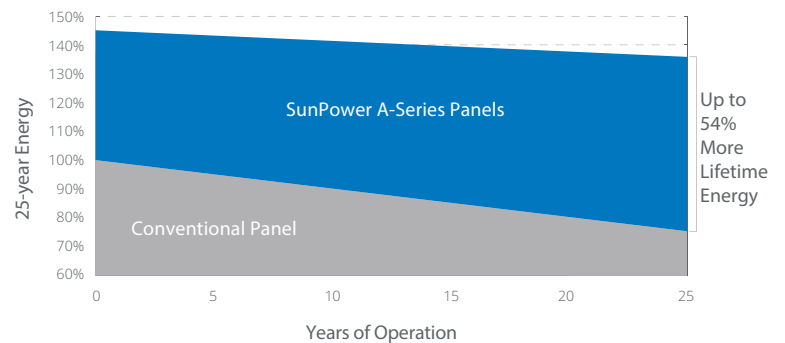
As sustainable as the energy it produces.

- Achieved the #1 ranking on the Silicon Valley Toxics Coalition's Solar Scorecard for 3 years running
- SunPower modules can contribute to your business's LEED certification⁴



Maximum Lifetime Energy and Savings

Designed to deliver up to 54% more energy from the same space over the first 25 years in real-world conditions like partial shade and high temperatures.¹



Best Reliability, Best Warranty

SunPower technology is proven to last and we stand behind our panels with the industry's most comprehensive 25-year Combined Power, Product and Service Warranty.

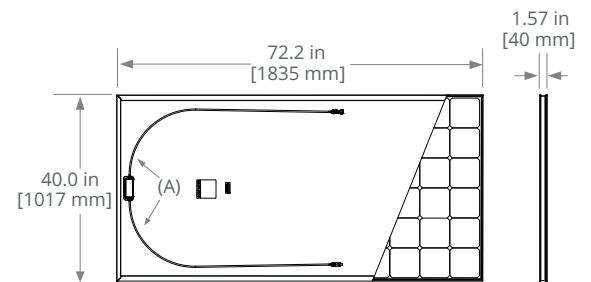


390–420 W Residential A-Series Panels

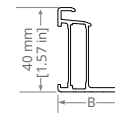
Electrical Data					
	SPR-A420	SPR-A415	SPR-A410	SPR-A400	SPR-A390
Nominal Power (P _{nom}) ⁵	420 W	415 W	410 W	400 W	390 W
Power Tolerance	+5/0%	+5/0%	+5/0%	+5/0%	+5/0%
Panel Efficiency	22.5%	22.2%	22.0%	21.4%	20.9%
Rated Voltage (V _{mpp})	40.5 V	40.3 V	40.0 V	39.5 V	39.0 V
Rated Current (I _{mpp})	10.4 A	10.3 A	10.2 A	10.1 A	9.99 A
Open-Circuit Voltage (V _{oc})	48.2 V	48.2 V	48.2 V	48.1 V	48.0 V
Short-Circuit Current (I _{sc})	10.9 A	10.9 A	10.9 A	10.9 A	10.8 A
Max. System Voltage	1000 V UL				
Maximum Series Fuse	20 A				
Power Temp Coef.	-0.29% / °C				
Voltage Temp Coef.	-136 mV / °C				
Current Temp Coef.	4.1 mA / °C				

Operating Condition And Mechanical Data	
Temperature	-40° F to +185° F (-40° C to +85° C)
Impact Resistance	1 inch (25 mm) diameter hail at 52 mph (23 m/s)
Appearance	Class A+
Solar Cells	66 Monocrystalline Maxison Gen 5
Tempered Glass	High-transmission tempered anti-reflective
Junction Box	IP-68, TE (PV4S)
Weight	44 lbs (20 kg)
Max. Test Load ⁶	Wind: 125 psf, 6000 Pa, 611 kg/m ² back Snow: 187 psf, 9000 Pa, 917 kg/m ² front
Design Load	Wind: 75 psf, 3600 Pa, 367 kg/m ² back Snow: 125 psf, 6000 Pa, 611 kg/m ² front
Frame	Class 1 black anodized (highest AAMA rating)

Tests And Certifications	
Standard Tests	UL1703
Quality Management Certs	ISO 9001:2015, ISO 14001:2015
EHS Compliance	RoHS, OHSAS 18001:2007, lead free, Recycle Scheme, REACH SVHC-163
Available Listings	UL



FRAME PROFILE



- (A) Cable Length: 52 in +/-0.4 in [1320 mm +/-10 mm]
 (B) Long Side: 1.3 in [32 mm]
 Short Side: 0.9 in [24 mm]

1 SunPower 420 W, 22.5% efficient, compared to a Conventional Panel on same-sized arrays (280 W p-multi, 17% efficient, approx. 1.64 m²), 8% more energy per watt (based on PVSyst pan files for avg US climate), 0.5%/yr slower degradation rate (Jordan, et. al. "Robust PV Degradation Methodology and Application." PVSC 2018).

2 Based on search of datasheet values from websites of top 20 manufacturers per IHS, as of December 2019.

3 Jordan, et. al. Robust PV Degradation Methodology and Application. PVSC 2018.

4 Maxison panels can contribute to LEED Materials and Resources credit categories.

5 Standard Test Conditions (1000 W/m² irradiance, AM 1.5, 25° C). NREL calibration Standard: SOMS current, LACCS FF and Voltage.

6 Please read the safety and installation guide for more information regarding load ratings and mounting configurations.

See www.sunpower.com/company for more reference information.

For more details, see extended datasheet: www.sunpower.com/solar-resources. Specifications included in this datasheet are subject to change without notice.

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SUNPOWER®



533065 Rev C / LTR_US

Publication Date: May 2020



IQ8 and IQ8+ Microinverters

Our newest IQ8 Microinverters are the industry’s first microgrid-forming, software-defined microinverters with split-phase power conversion capability to convert DC power to AC power efficiently. The brain of the semiconductor-based microinverter is our proprietary application-specific integrated circuit (ASIC) which enables the microinverter to operate in grid-tied or off-grid modes. This chip is built in advanced 55nm technology with high speed digital logic and has super-fast response times to changing loads and grid events, alleviating constraints on battery sizing for home energy systems.



Part of the Enphase Energy System, IQ8 Series Microinverters integrate with the Enphase IQ Battery, Enphase IQ Gateway, and the Enphase App monitoring and analysis software.



IQ8 Series Microinverters redefine reliability standards with more than one million cumulative hours of power-on testing, enabling an industry-leading limited warranty of up to 25 years.



Connect PV modules quickly and easily to IQ8 Series Microinverters using the included Q-DCC-2 adapter cable with plug-n-play MC4 connectors.



IQ8 Series Microinverters are UL Listed as PV Rapid Shut Down Equipment and conform with various regulations, when installed according to manufacturer’s instructions.

Easy to install

- Lightweight and compact with plug-n-play connectors
- Power Line Communication (PLC) between components
- Faster installation with simple two-wire cabling

High productivity and reliability

- Produce power even when the grid is down*
- More than one million cumulative hours of testing
- Class II double-insulated enclosure
- Optimized for the latest high-powered PV modules

Microgrid-forming

- Complies with the latest advanced grid support**
- Remote automatic updates for the latest grid requirements
- Configurable to support a wide range of grid profiles
- Meets CA Rule 21 (UL 1741-SA) requirements

* Only when installed with IQ System Controller 2, meets UL 1741.

** IQ8 and IQ8Plus supports split phase, 240V installations only.

IQ8 and IQ8+ Microinverters

INPUT DATA (DC)		IQ8-60-2-US	IQ8PLUS-72-2-US
Commonly used module pairings ¹	W	235 – 350	235 – 440
Module compatibility		60-cell/120 half-cell	60-cell/120 half-cell, 66-cell/132 half-cell and 72-cell/144 half-cell
MPPT voltage range	V	27 – 37	29 – 45
Operating range	V	25 – 48	25 – 58
Min/max start voltage	V	30 / 48	30 / 58
Max input DC voltage	V	50	60
Max DC current ² [module Isc]	A		15
Overvoltage class DC port			II
DC port backfeed current	mA		0
PV array configuration		1x1 Ungrounded array; No additional DC side protection required; AC side protection requires max 20A per branch circuit	
OUTPUT DATA (AC)		IQ8-60-2-US	IQ8PLUS-72-2-US
Peak output power	VA	245	300
Max continuous output power	VA	240	290
Nominal (L-L) voltage/range ³	V	240 / 211 – 264	
Max continuous output current	A	1.0	1.21
Nominal frequency	Hz	60	
Extended frequency range	Hz	50 – 68	
AC short circuit fault current over 3 cycles	Arms	2	
Max units per 20 A (L-L) branch circuit ⁴		16	13
Total harmonic distortion		<5%	
Overvoltage class AC port		III	
AC port backfeed current	mA	30	
Power factor setting		1.0	
Grid-tied power factor (adjustable)		0.85 leading – 0.85 lagging	
Peak efficiency	%	97.5	97.6
CEC weighted efficiency	%	97	97
Night-time power consumption	mW	60	
MECHANICAL DATA			
Ambient temperature range		-40°C to +60°C (-40°F to +140°F)	
Relative humidity range		4% to 100% (condensing)	
DC Connector type		MC4	
Dimensions (HxWxD)		212 mm (8.3") x 175 mm (6.9") x 30.2 mm (1.2")	
Weight		1.08 kg (2.38 lbs)	
Cooling		Natural convection – no fans	
Approved for wet locations		Yes	
Pollution degree		PD3	
Enclosure		Class II double-insulated, corrosion resistant polymeric enclosure	
Environ. category / UV exposure rating		NEMA Type 6 / outdoor	
COMPLIANCE			
Certifications		CA Rule 21 (UL 1741-SA), UL 62109-1, UL1741/IEEE1547, FCC Part 15 Class B, ICES-0003 Class B, CAN/CSA-C22.2 NO. 107.1-01 This product is UL Listed as PV Rapid Shut Down Equipment and conforms with NEC 2014, NEC 2017, and NEC 2020 section 690.12 and C22.1-2018 Rule 64-218 Rapid Shutdown of PV Systems, for AC and DC conductors, when installed according to manufacturer's instructions.	

(1) No enforced DC/AC ratio. See the compatibility calculator at <https://link.enphase.com/module-compatibility>

(2) Maximum continuous input DC current is 10.6A (3) Nominal voltage range can be extended beyond nominal if required by the utility. (4) Limits may vary. Refer to local requirements to define the number of microinverters per branch in your area.

IQ8SP-DS-0002-01-EN-US-2022-03-17

Enphase IQ Combiner 4/4C

X-IQ-AM1-240-4

X-IQ-AM1-240-4C



The **Enphase IQ Combiner 4/4C** with IQ Gateway and integrated LTE-M1 cell modem (included only with IQ Combiner 4C) consolidates interconnection equipment into a single enclosure and streamlines IQ microinverters and storage installations by providing a consistent, pre-wired solution for residential applications. It offers up to four 2-pole input circuits and Eaton BR series busbar assembly.

Smart

- Includes IQ Gateway for communication and control
- Includes Enphase Mobile Connect cellular modem (CELLMODEM-M1-06-SP-05), included only with IQ Combiner 4C
- Includes solar shield to match Enphase IQ Battery aesthetics and deflect heat
- Flexible networking supports Wi-Fi, Ethernet, or cellular
- Optional AC receptacle available for PLC bridge
- Provides production metering and consumption monitoring

Simple

- Centered mounting brackets support single stud mounting
- Supports bottom, back and side conduit entry
- Up to four 2-pole branch circuits for 240 VAC plug-in breakers (not included)
- 80A total PV or storage branch circuits

Reliable

- Durable NRTL-certified NEMA type 3R enclosure
- Five-year limited warranty
- Two years labor reimbursement program coverage included for both the IQ Combiner SKU's
- UL listed



To learn more about Enphase offerings, visit enphase.com

Enphase IQ Combiner 4/4C

MODEL NUMBER

IQ Combiner 4 (X-IQ-AM1-240-4)	IQ Combiner 4 with Enphase IQ Gateway printed circuit board for integrated revenue grade PV production metering (ANSI C12.20 +/- 0.5%) and consumption monitoring (+/- 2.5%). Includes a silver solar shield to match the IQ Battery system and IQ System Controller 2 and to deflect heat.
IQ Combiner 4C (X-IQ-AM1-240-4C)	IQ Combiner 4C with Enphase IQ Gateway printed circuit board for integrated revenue grade PV production metering (ANSI C12.20 +/- 0.5%) and consumption monitoring (+/- 2.5%). Includes Enphase Mobile Connect cellular modem (CELLMODEM-M1-06-SP-05), a plug-and-play industrial-grade cell modem for systems up to 60 microinverters. (Available in the US, Canada, Mexico, Puerto Rico, and the US Virgin Islands, where there is adequate cellular service in the installation area.) Includes a silver solar shield to match the IQ Battery and IQ System Controller and to deflect heat.

MICROINVERTERS, ACCESSORIES AND REPLACEMENT PARTS (not included, order separately)

Supported Microinverters	IQ6, IQ7, IQ8. Do not mix IQ6/7 Micro-inverters with IQ8
Ensemble Communications Kit COMMS-CELLMODEM-M1-06 CELLMODEM-M1-06-SP-05 CELLMODEM-M1-06-AT-05	- Includes COMMS-KIT-01 and CELLMODEM-M1-06-SP-05 with 5-year Sprint data plan for Ensemble sites - 4G based LTE-M1 cellular modem with 5-year Sprint data plan - 4G based LTE-M1 cellular modem with 5-year AT&T data plan
Circuit Breakers BRK-10A-2-240V BRK-15A-2-240V BRK-20A-2P-240V BRK-15A-2P-240V-B BRK-20A-2P-240V-B	Supports Eaton BR210, BR215, BR220, BR230, BR240, BR250, and BR260 circuit breakers. Circuit breaker, 2 pole, 10A, Eaton BR210 Circuit breaker, 2 pole, 15A, Eaton BR215 Circuit breaker, 2 pole, 20A, Eaton BR220 Circuit breaker, 2 pole, 15A, Eaton BR215B with hold down kit support Circuit breaker, 2 pole, 20A, Eaton BR220B with hold down kit support
EPLC-01	Power line carrier (communication bridge pair), quantity - one pair
XA-SOLARSHIELD-ES	Replacement solar shield for IQ Combiner 4/4C
XA-PLUG-120-3	Accessory receptacle for Power Line Carrier in IQ Combiner 4/4C (required for EPLC-01)
XA-ENV-PCBA-3	Replacement IQ Gateway printed circuit board (PCB) for Combiner 4/4C
X-IQ-NA-HD-125A	Hold down kit for Eaton circuit breaker with screws.

ELECTRICAL SPECIFICATIONS

Rating	Continuous duty
System voltage	120/240 VAC, 60 Hz
Eaton BR series busbar rating	125 A
Max. continuous current rating	65 A
Max. continuous current rating (input from PV/storage)	64 A
Max. fuse/circuit rating (output)	90 A
Branch circuits (solar and/or storage)	Up to four 2-pole Eaton BR series Distributed Generation (DG) breakers only (not included)
Max. total branch circuit breaker rating (input)	80A of distributed generation / 95A with IQ Gateway breaker included
IQ Gateway breaker	10A or 15A rating GE/Siemens/Eaton included
Production metering CT	200 A solid core pre-installed and wired to IQ Gateway
Consumption monitoring CT (CT-200-SPLIT)	A pair of 200 A split core current transformers

MECHANICAL DATA

Dimensions (WxHxD)	37.5 x 49.5 x 16.8 cm (14.75" x 19.5" x 6.63"). Height is 21.06" (53.5 cm) with mounting brackets.
Weight	7.5 kg (16.5 lbs)
Ambient temperature range	-40° C to +46° C (-40° to 115° F)
Cooling	Natural convection, plus heat shield
Enclosure environmental rating	Outdoor, NRTL-certified, NEMA type 3R, polycarbonate construction
Wire sizes	<ul style="list-style-type: none">• 20 A to 50 A breaker inputs: 14 to 4 AWG copper conductors• 60 A breaker branch input: 4 to 1/0 AWG copper conductors• Main lug combined output: 10 to 2/0 AWG copper conductors• Neutral and ground: 14 to 1/0 copper conductors Always follow local code requirements for conductor sizing.
Altitude	Up to 3000 meters (9,842 feet)

INTERNET CONNECTION OPTIONS

Integrated Wi-Fi	802.11b/g/n
Cellular	CELLMODEM-M1-06-SP-05, CELLMODEM-M1-06-AT-05 (4G based LTE-M1 cellular modem). Note that an Enphase Mobile Connect cellular modem is required for all Ensemble installations.
Ethernet	Optional, 802.3, Cat5E (or Cat 6) UTP Ethernet cable (not included)

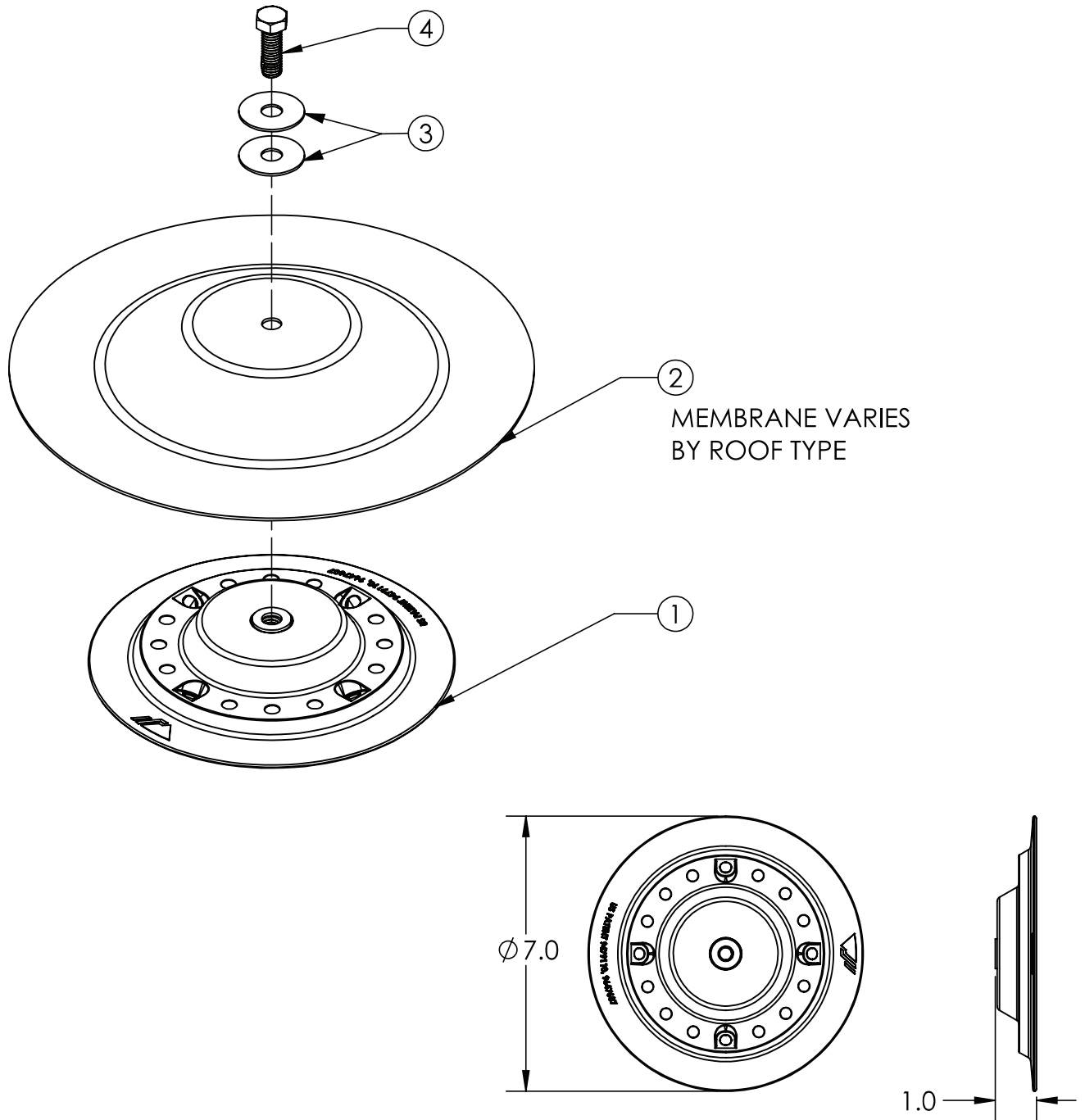
COMPLIANCE

Compliance, IQ Combiner	UL 1741, CAN/CSA C22.2 No. 107.1, 47 CFR, Part 15, Class B, ICES 003 Production metering: ANSI C12.20 accuracy class 0.5 (PV production) Consumption metering: accuracy class 2.5
Compliance, IQ Gateway	UL 60601-1/CANCSA 22.2 No. 61010-1

To learn more about Enphase offerings, visit enphase.com

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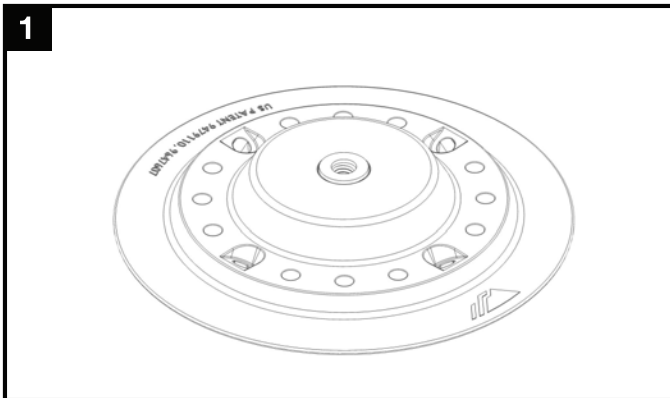


ITEM NO.	DESCRIPTION
1	FLAT ROOF ATTACHMENT, BASE
2	FLAT ROOF ATTACHMENT, MEMBRANE
3	WASHER, FLAT 3/8" X 1.25" OD SS
4	BOLT, 3/8-16 X 1.125" HEX, SS

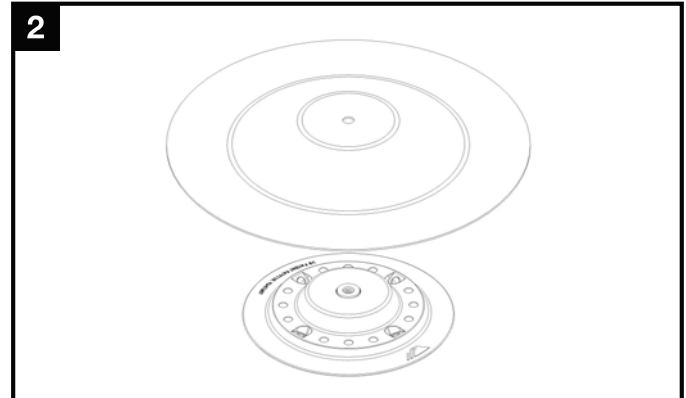
FLAT ROOF ATTACHMENT		
SIZE A	DO NOT SCALE DRAWING	
SCALE: 1:1	WEIGHT: 1.2 LBS	SHEET 1 OF 1

Installation

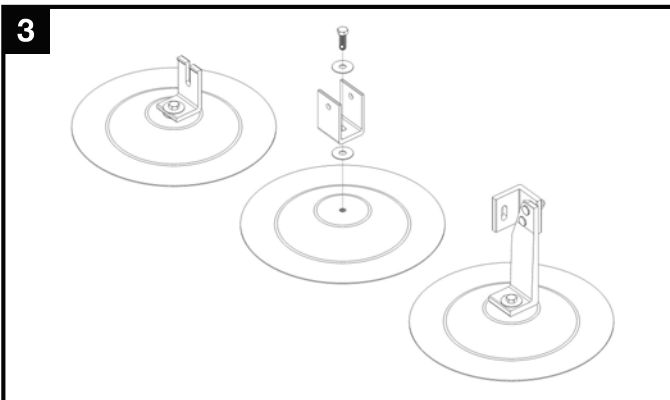
Tools Required: tape measure, chalk, approved sealing materials, roof screws, driver with 9/16" hex socket



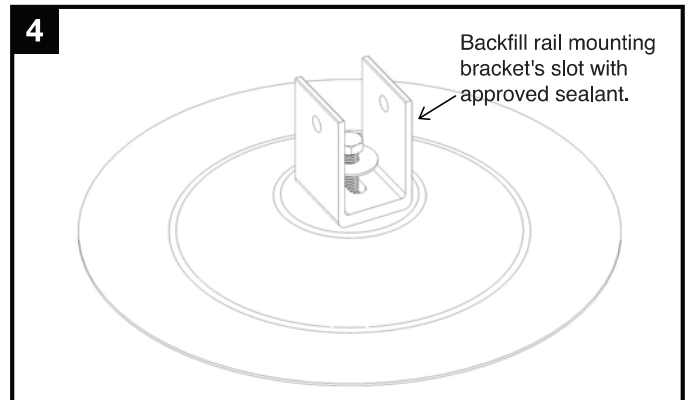
Mark locations for Flat Roof Attachment. Roof screws can be installed before or after racking is installed. Type, size, and quantity of roof screws to be specified by Structural Engineer. Fastener size not to exceed #15. Screws should be installed symmetrically to each other.



If using a membrane flashing, remove the silicone washer's protective liner prior to attaching the membrane. Thread a bolt into the base to help center the membrane during the welding or adhering process. Ensure membrane flashing is compatible with existing roofing material.



Attach rail mounting bracket with washers and 3/8" hardware torqued to 250 in-lbs (21 ft-lbs). Seal attachment and/or membrane per roofing manufacturer's requirements.



For freeze/thaw locations, a roof manufacturer's approved sealant should be applied around the 3/8" bolt and in the bracket's slot prior to tightening the bolt.

Structural Certification

Designed and Certified for Compliance with the International Building Code & ASCE/SEI-7.

UL 2703

Conforms to UL 2703 (2015) Mechanical and Bonding requirements. See Ironridge Tilt or Flush Mount Manuals for full ratings.

LA Research Reports (LARR)

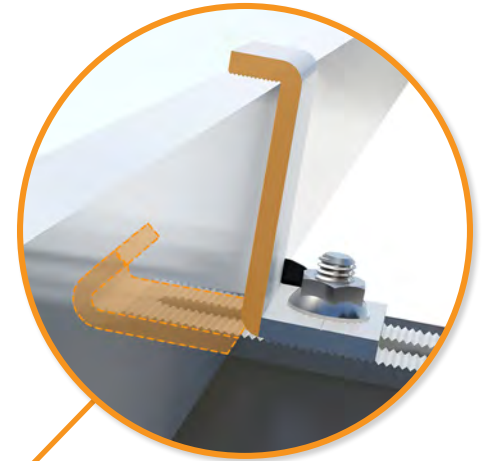
Approved for use in City of Los Angeles per LARR #26185

Strong, Light, and Ready for Anything

The IronRidge BX System is designed to meet the needs of commercial solar—navigating complex roof layouts, while also handling the most extreme environmental conditions.

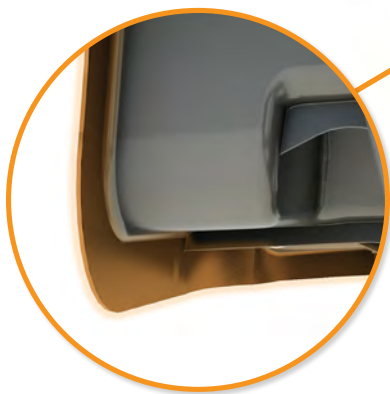
At the core of BX is the Chassis, a ballasted mount made of BASF Ultramid polyamides. They are exceptional for their high mechanical strength, rigidity and thermal stability (also being 100% recyclable).

Moreover, Ultramid polyamides afford good impact resistance even at low temperatures as well as UV protections for long life. Chassis come in 5° and 10° options and are backed by IronRidge's 25-year warranty.



Top & Bottom Clamp

The multi-directional grip on the module from above and below ensures a strong connection regardless of force direction.



360° Reinforcement

A flange around the entire perimeter helps to reinforce and stiffen the Chassis in all directions—alongside wide bends to reduce point loading and braced corners to increase rigidity.

Roof-Friendly Design

Wide base spreads weight and reduces point pressure, while openings along the bottom and corners prevent pooling and reduce ballast weathering.



Inter-Row Spacing & Edge Clearances

5° Chassis



10° Chassis



With 10-13" inter-row spacing, BX provides an **8-10% increase** in power density compared with other ballasted systems—that's a **capacity increase of 20%** in a typical 50kW system. The BX Chassis geometry also offers more than 5" of clearance in the 10-degree configuration and 8" in the 5-degree configuration, enabling the system to avoid drain domes, roof saddles, and conduit supports.

Flat Roof Attachment Anchors

BX Systems can be fully ballasted, fully anchored, or a hybrid optimized for the site.

Combine BX with an IronRidge Flat Roof Attachment Kit to eliminate hundreds of pounds of required ballast weight and achieve configurations as light as 3 PSF.

The placement and fastening method can be optimized for existing roof structures, and pre-approved membranes are offered to maintain membrane roof warranties.



Testing & Certification

Design Assistant

Automated design software provides an accurate bill of materials, using a simple drag-and-draw interface to generate a complete system plan—also generate a ballast map showing the required ballast for each Chassis.

Permit Documentation

Design Assistant project reports are backed with a ASCE/PE stamp and Commercial Services are also available to assist with more complex projects. Visit our website or contact an IronRidge sales representative.

UL 2703 & 3741 Listed

BX conforms to the latest UL safety standards for PV systems, including mechanical, bonding, hazard control, and Class A Fire Ratings (without wind deflectors). Ninety percent of solar modules are fully supported.



POWERWALL

Tesla Powerwall is a fully-integrated AC battery system for residential or light commercial use. Its rechargeable lithium-ion battery pack provides energy storage for solar self-consumption, time-based control, and backup.

Powerwall's electrical interface provides a simple connection to any home or building. Its revolutionary compact design achieves market-leading energy density and is easy to install, enabling owners to quickly realize the benefits of reliable, clean power.



PERFORMANCE SPECIFICATIONS

AC Voltage (Nominal)	120/240 V
Feed-In Type	Split Phase
Grid Frequency	60 Hz
Total Energy	14 kWh
Usable Energy	13.5 kWh
Real Power, max continuous	5 kW (charge and discharge)
Real Power, peak (10s, off-grid/backup)	7 kW (charge and discharge)
Apparent Power, max continuous	5.8 kVA (charge and discharge)
Apparent Power, peak (10s, off-grid/backup)	7.2 kVA (charge and discharge)
Maximum Supply Fault Current	10 kA
Maximum Output Fault Current	32 A
Overcurrent Protection Device	30 A
Imbalance for Split-Phase Loads	100%
Power Factor Output Range	+/- 1.0 adjustable
Power Factor Range (full-rated power)	+/- 0.85
Internal Battery DC Voltage	50 V
Round Trip Efficiency ^{1,3}	90%
Warranty	10 years

¹Values provided for 25°C (77°F), 3.3 kW charge/discharge power.

²In Backup mode, grid charge power is limited to 3.3 kW.

³AC to battery to AC, at beginning of life.

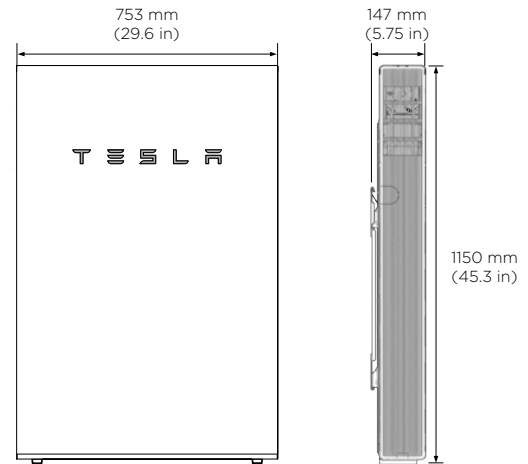
COMPLIANCE INFORMATION

Certifications	UL 1642, UL 1741, UL 1973, UL 9540, IEEE 1547, UN 38.3
Grid Connection	Worldwide Compatibility
Emissions	FCC Part 15 Class B, ICES 003
Environmental	RoHS Directive 2011/65/EU
Seismic	AC156, IEEE 693-2005 (high)

MECHANICAL SPECIFICATIONS

Dimensions ¹	1150 mm x 753 mm x 147 mm (45.3 in x 29.6 in x 5.75 in)
Weight ¹	114 kg (251.3 lbs)
Mounting options	Floor or wall mount

¹Dimensions and weight differ slightly if manufactured before March 2019. Contact Tesla for additional information.

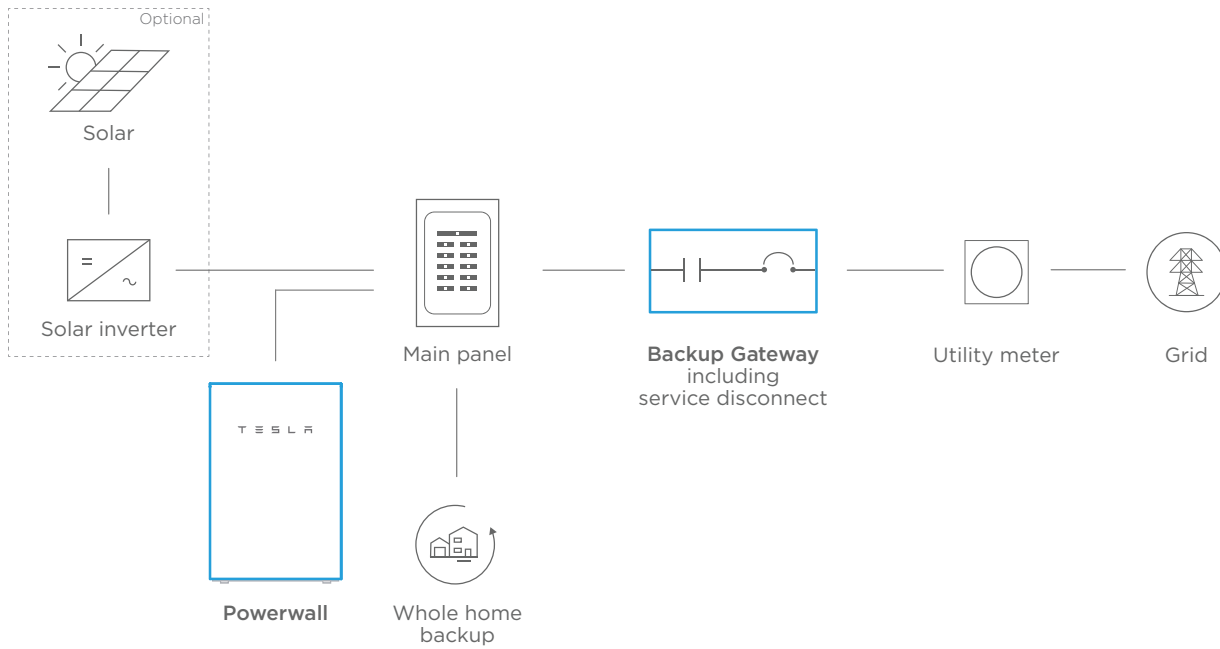


ENVIRONMENTAL SPECIFICATIONS

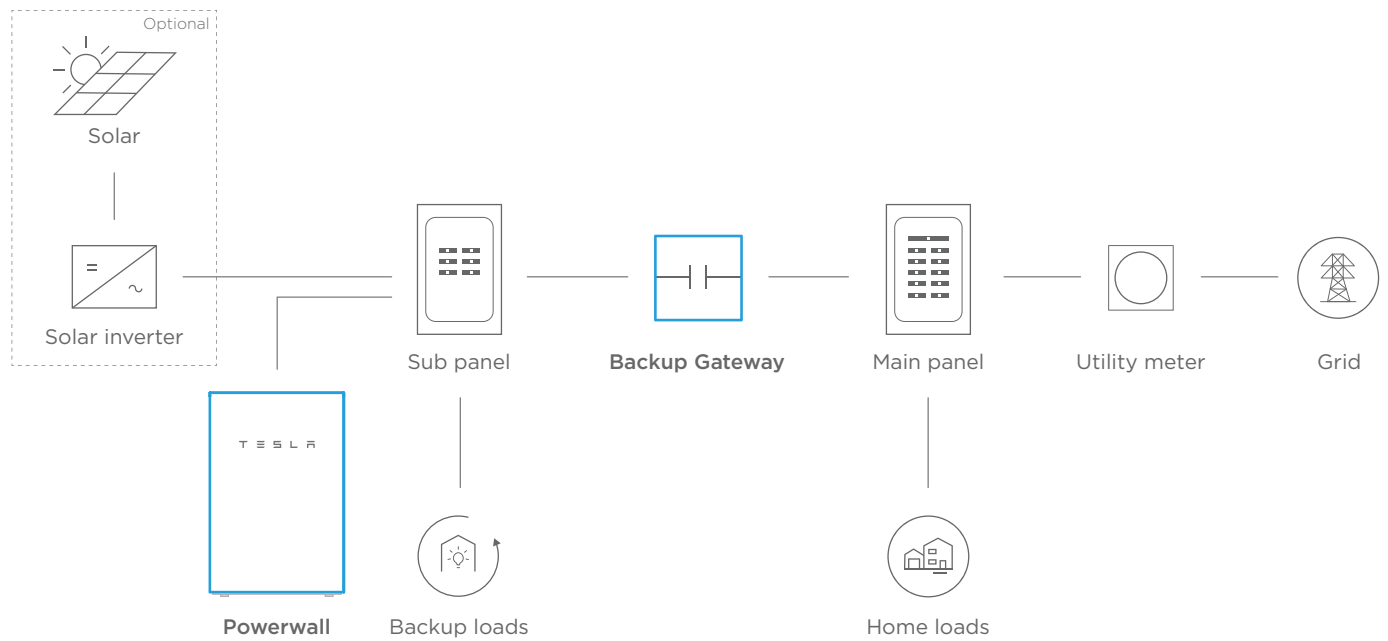
Operating Temperature	-20°C to 50°C (-4°F to 122°F)
Recommended Temperature	0°C to 30°C (32°F to 86°F)
Operating Humidity (RH)	Up to 100%, condensing
Storage Conditions	-20°C to 30°C (-4°F to 86°F) Up to 95% RH, non-condensing State of Energy (SoE): 25% initial
Maximum Elevation	3000 m (9843 ft)
Environment	Indoor and outdoor rated
Enclosure Type	NEMA 3R
Ingress Rating	IP67 (Battery & Power Electronics) IP56 (Wiring Compartment)
Wet Location Rating	Yes
Noise Level @ 1m	< 40 dBA at 30°C (86°F)

TYPICAL SYSTEM LAYOUTS

WHOLE HOME BACKUP



PARTIAL HOME BACKUP



POWERWALL

Backup Gateway 2

The Backup Gateway 2 for Tesla Powerwall provides energy management and monitoring for solar self-consumption, time-based control, and backup.

The Backup Gateway 2 controls connection to the grid, automatically detecting outages and providing a seamless transition to backup power. When equipped with a main circuit breaker, the Backup Gateway 2 can be installed at the service entrance. When the optional internal panelboard is installed, the Backup Gateway 2 can also function as a load center.

The Backup Gateway 2 communicates directly with Powerwall, allowing you to monitor energy use and manage backup energy reserves from any mobile device with the Tesla app.



PERFORMANCE SPECIFICATIONS

AC Voltage (Nominal)	120/240V
Feed-In Type	Split Phase
Grid Frequency	60 Hz
Current Rating	200 A
Maximum Input Short Circuit Current	10 kA ¹
Overcurrent Protection Device	100-200A; Service Entrance Rated ¹
Overvoltage Category	Category IV
AC Meter	Revenue accurate (+/- 0.2 %)
Primary Connectivity	Ethernet, Wi-Fi
Secondary Connectivity	Cellular (3G, LTE/4G) ²
User Interface	Tesla App
Operating Modes	Support for solar self-consumption, time-based control, and backup
Backup Transition	Automatic disconnect for seamless backup
Modularity	Supports up to 10 AC-coupled Powerwalls
Optional Internal Panelboard	200A 6-space / 12 circuit Eaton BR Circuit Breakers
Warranty	10 years

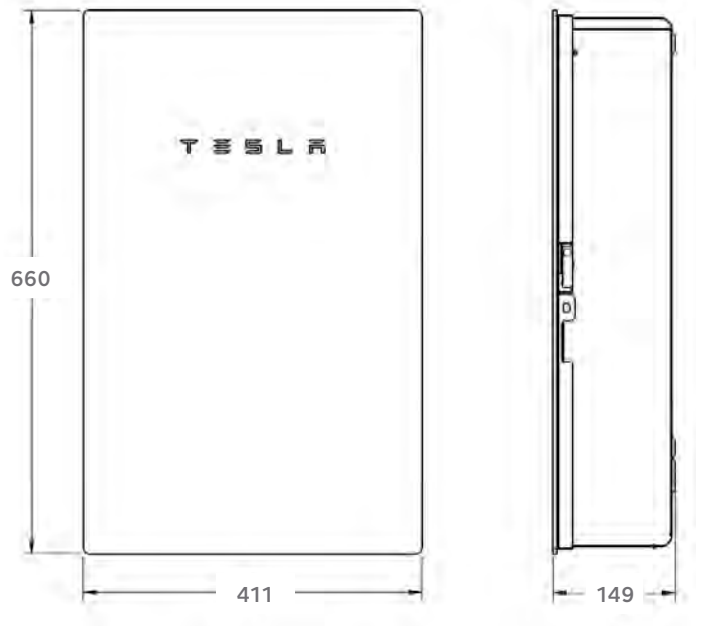
¹When protected by Class J fuses, Backup Gateway 2 is suitable for use in circuits capable of delivering not more than 22kA symmetrical amperes.
²The customer is expected to provide internet connectivity for Backup Gateway 2; cellular should not be used as the primary mode of connectivity. Cellular connectivity subject to network operator service coverage and signal strength.

COMPLIANCE INFORMATION

Certifications	UL 67, UL 869A, UL 916, UL 1741 PCS CSA 22.2 0.19, CSA 22.2 205
Emissions	FCC Part 15, ICES 003

MECHANICAL SPECIFICATIONS

Dimensions	660 mm x 411 mm x 149 mm (26 in x 16 in x 6 in)
Weight	20.4 kg (45 lb)
Mounting options	Wall mount, Semi-flush mount



ENVIRONMENTAL SPECIFICATIONS

Operating Temperature	-20°C to 50°C (-4°F to 122°F)
Operating Humidity (RH)	Up to 100%, condensing
Maximum Elevation	3000 m (9843 ft)
Environment	Indoor and outdoor rated
Enclosure Type	NEMA 3R

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

January 17, 2023



Case 2 – 5 Eastwood Road

*Special Use Permit Request for Accessory Structure
within Rear Yard (Fire Pit and Retaining Wall)*

Property Owner: Christopher Kragel
Property Address: 5 Eastwood Road

Project Description

The applicant requests a special use permit for the following items:

1. Replacement of an existing wooden deck with a new retaining wall and bluestone patio.
2. A fire pit (50” in diameter and 18” high) in the rear yard.

Special Use Permit Request

These items are considered accessory structures under the Town’s Zoning Ordinance. Section 153.029 is attached to this memorandum. Both the renovated bluestone patio and the fire pit are in compliance with the Town’s setbacks for the R-1 district.

Zoning Compliance Application

Town of Biltmore Forest

Name

Christopher Kragel

Property Address

5 Eastwood Rd, Biltmore Forest NC

Phone

(919) 824-0771

Email

christopher.kragel@gmail.com

Parcel ID/PIN Number

964696741500000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.14

Maximum Roof Coverage

5,060 square feet (Up to 1.2 acres)

Proposed Roof Coverage Total

0

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

Less than 25%

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

The project entails repairing and replacing the existing deck. There is will be no significant to change to the foot print/square footage of the existing deck.

1. A portion of the existing wooden deck will be replaced with trex decking
2. Upper tile patio will be replaced/repared with similar tile
3. Lower wooden deck will be replaced with stone patio (this will require a retaining wall). This will also have a fire pit

Please see attached drawings.

Estimated Start Date

1/30/2023

Estimated Completion Date

5/31/2023

Estimated Cost of Project

\$175,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

5 eastwood road deck 1.jpg

5 eastwood road deck 2.jpg

5 eastwood road deck 3.jpg

Applicant Signature

Date

11/30/2022

A handwritten signature in black ink, appearing to be a stylized 'CA' followed by a long horizontal stroke.

Special Use Permit Application

Town of Biltmore Forest

Name

Christopher Kragel

Address

5 Eastwood Rd, Biltmore Forest NC, 28803

Phone

(919) 824-0771

Email

christopher.kragel@gmail.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:

The project involves replacing a portion of the wooden deck with trex decking. Repairing/replacing terracata tile on the upper deck. In addition, the lower wooden deck will be replaced with a retaining wall and Pennsylvania blue stone patio. The retaining wall will have a stucco finish and be extensively covered by plants. There will also be a fire pit (approximately 50 inches in diameter and 18 inches high).

The foot print/square footage of the current deck will not significantly change.

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

The current deck is in disrepair and becoming dangerous. It is in the public interest for this deck to be repaired/replaced. It will be incredibly difficult to see any part of this project from the side or rear of 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

12/5/2022



§ 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

Boulder
Bench

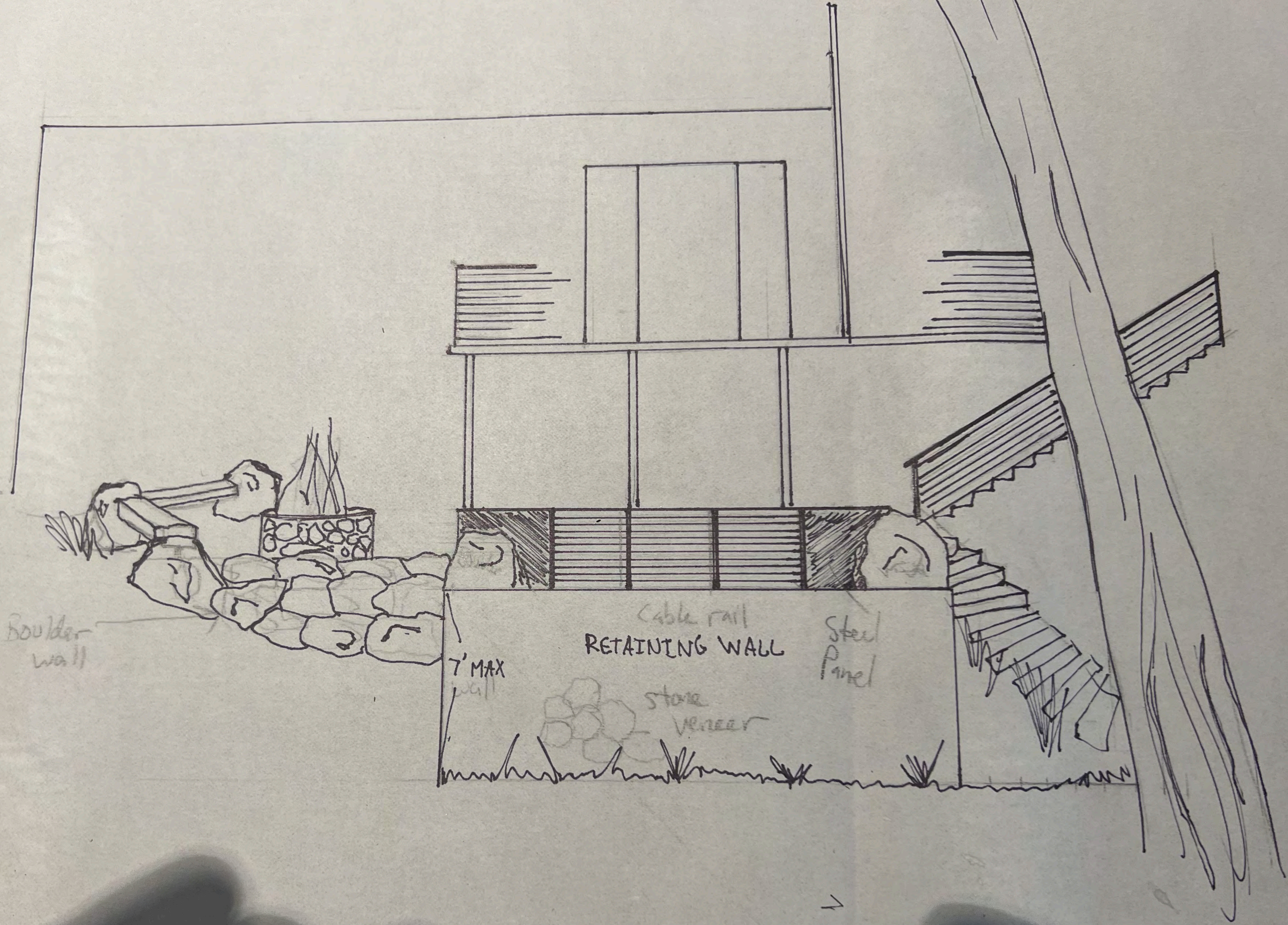
Boulder
wall

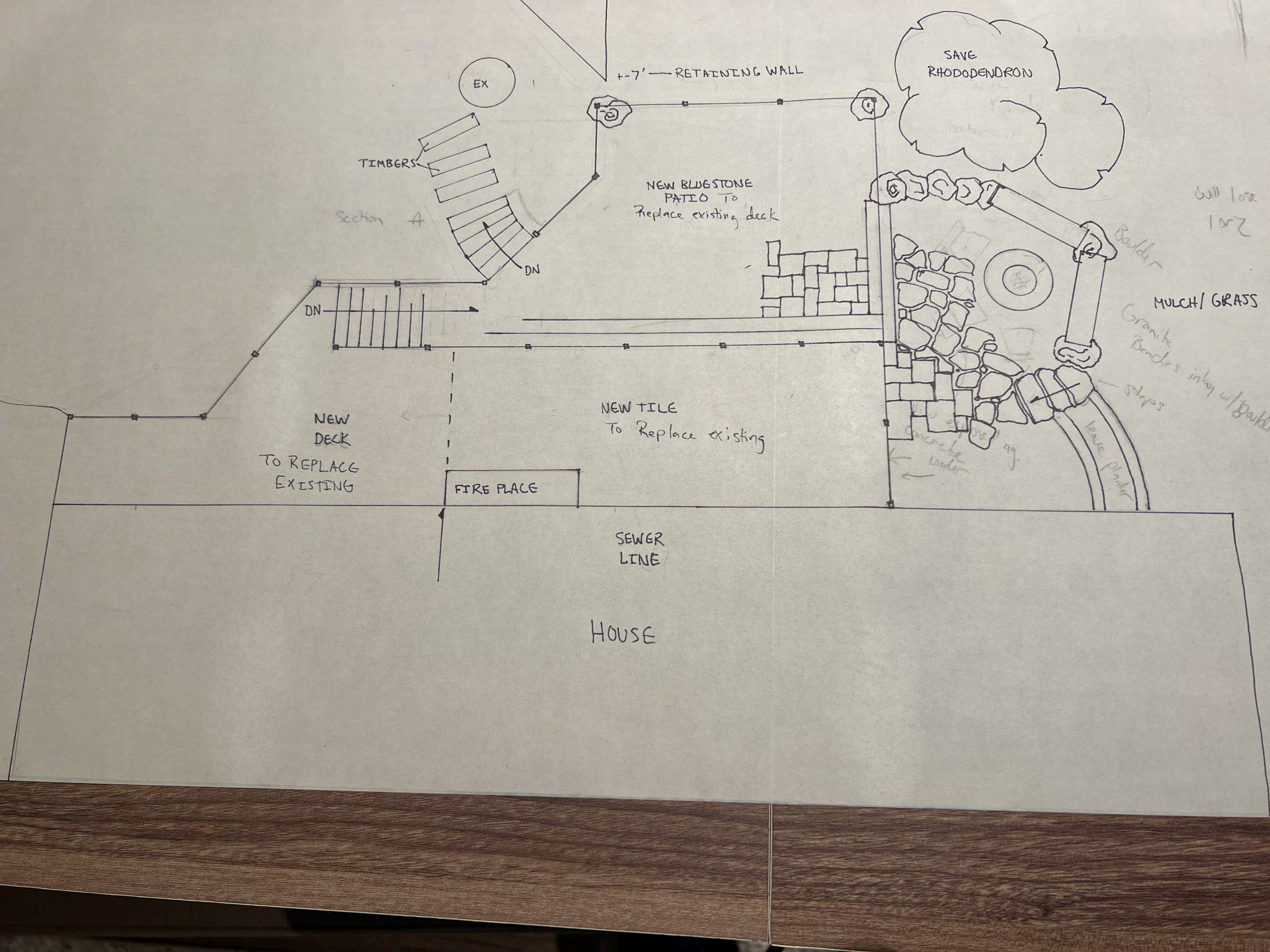
7' MAX
wall

Cable rail
RETAINING WALL

stone
veneer

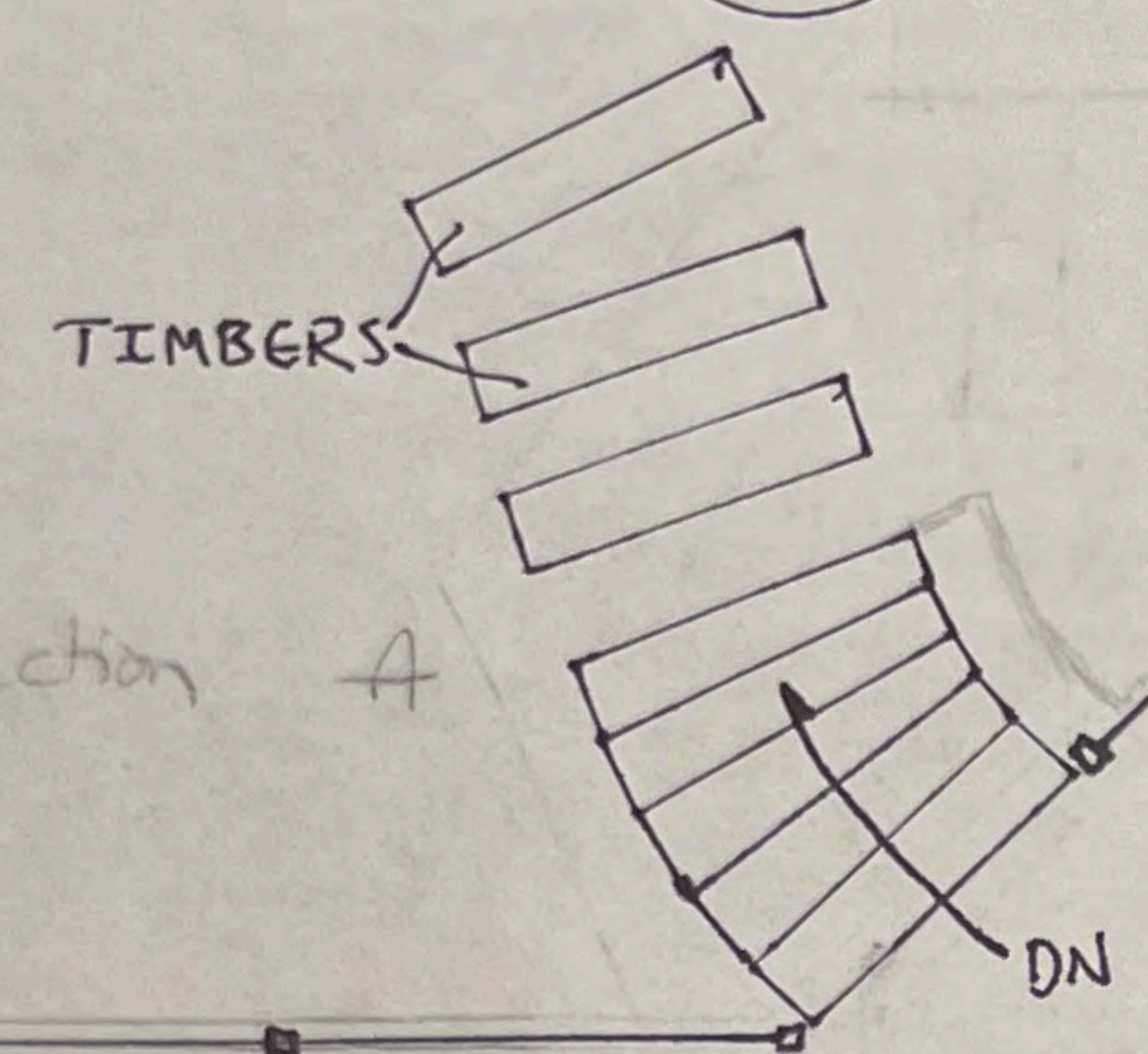
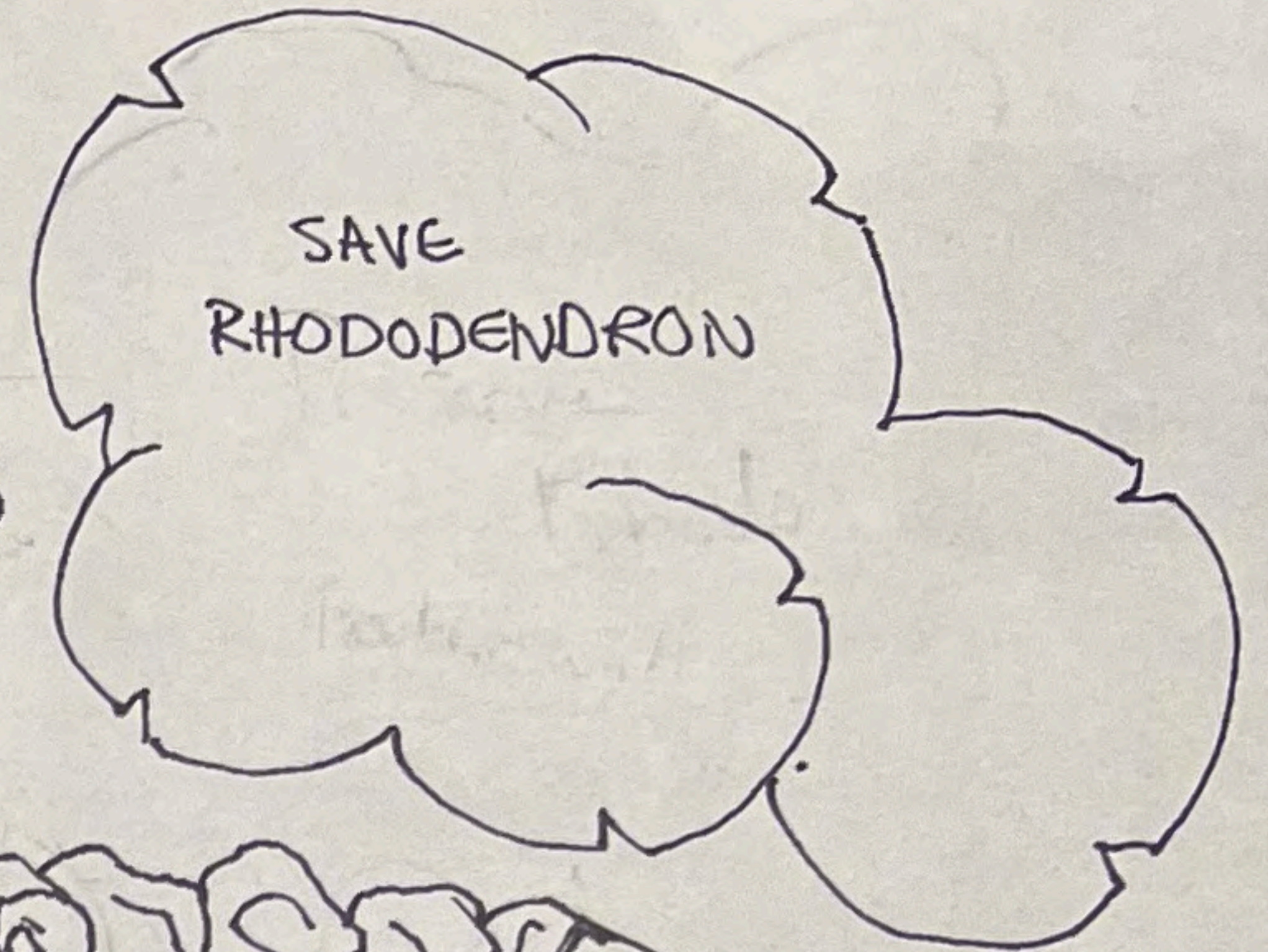
Steel
Panel





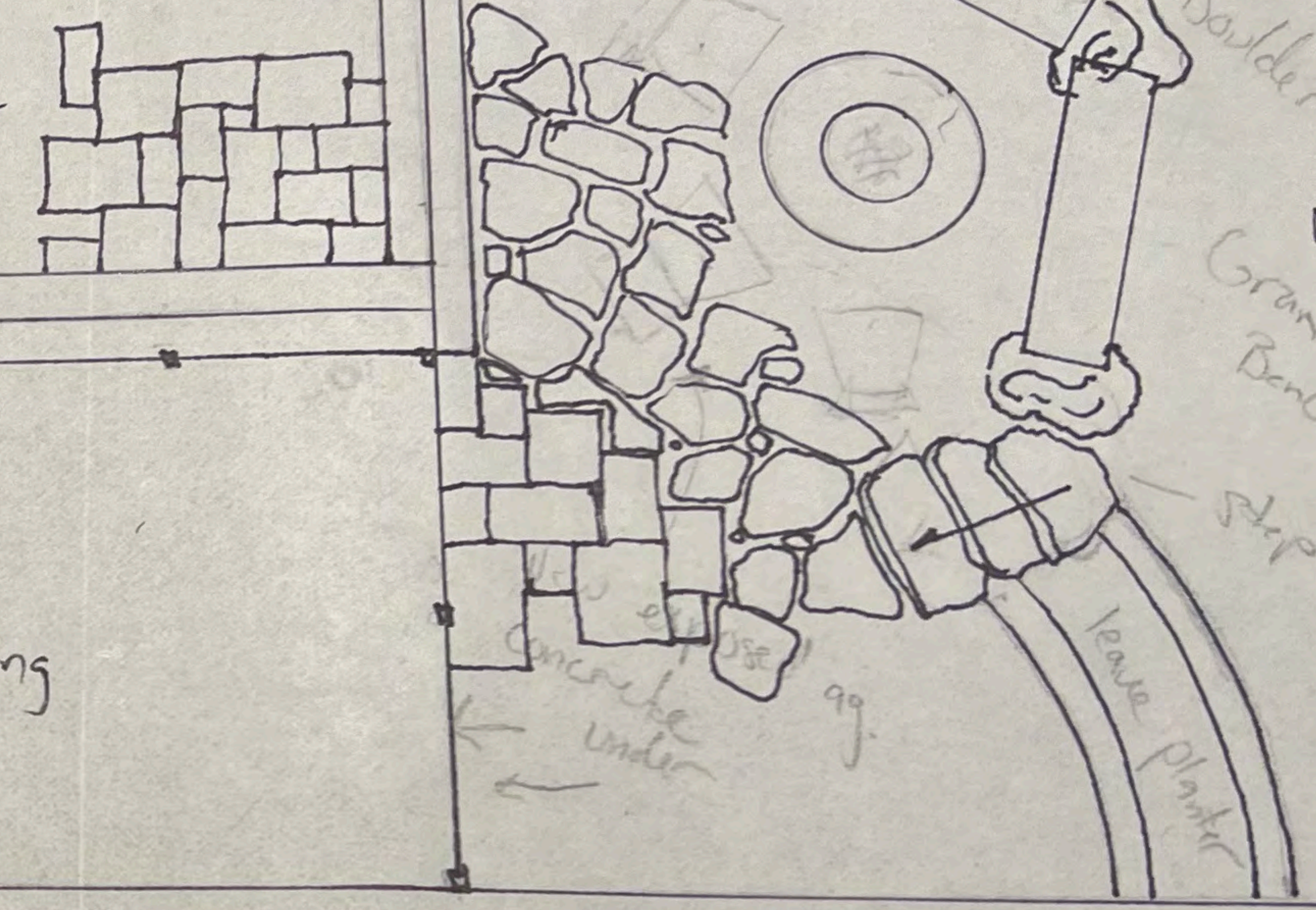
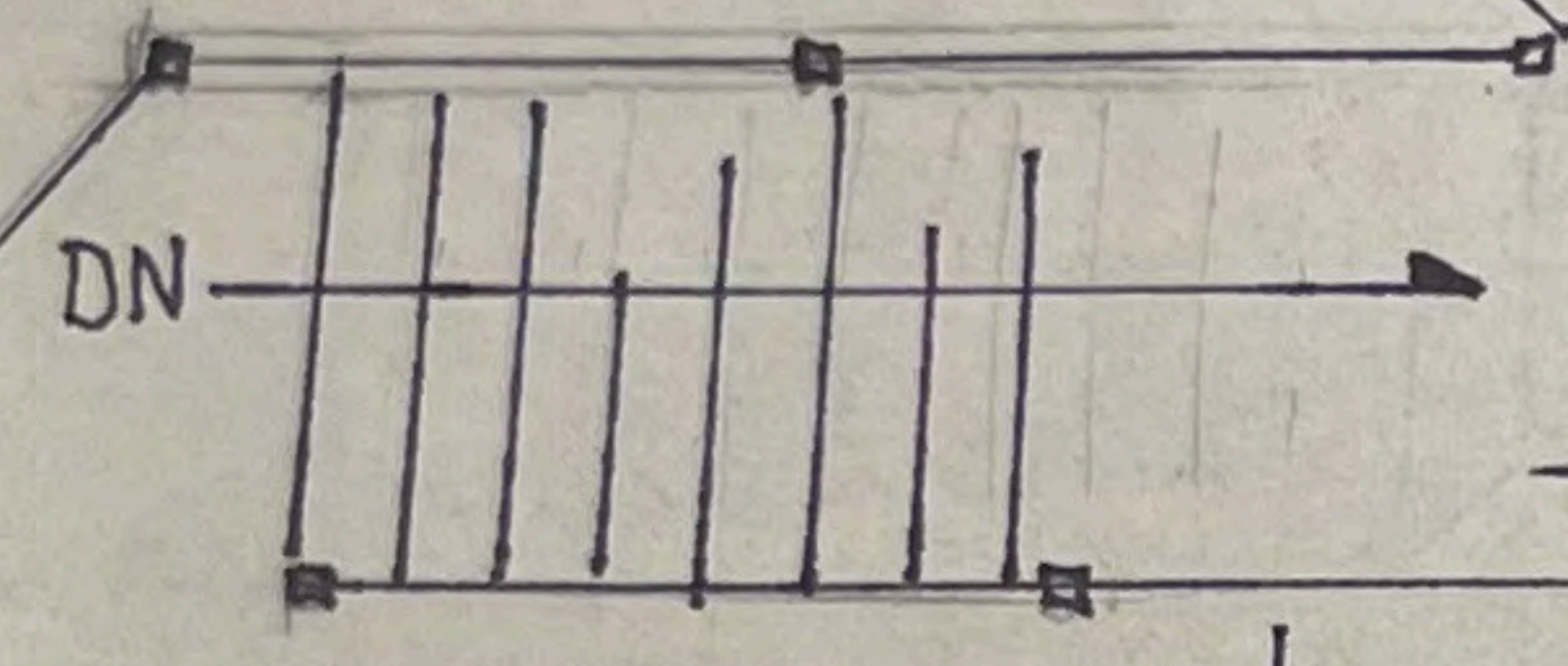
EX

±7' RETAINING WALL



NEW BLUESTONE PATIO TO Replace existing deck

Section A



Will lose 1 or 2

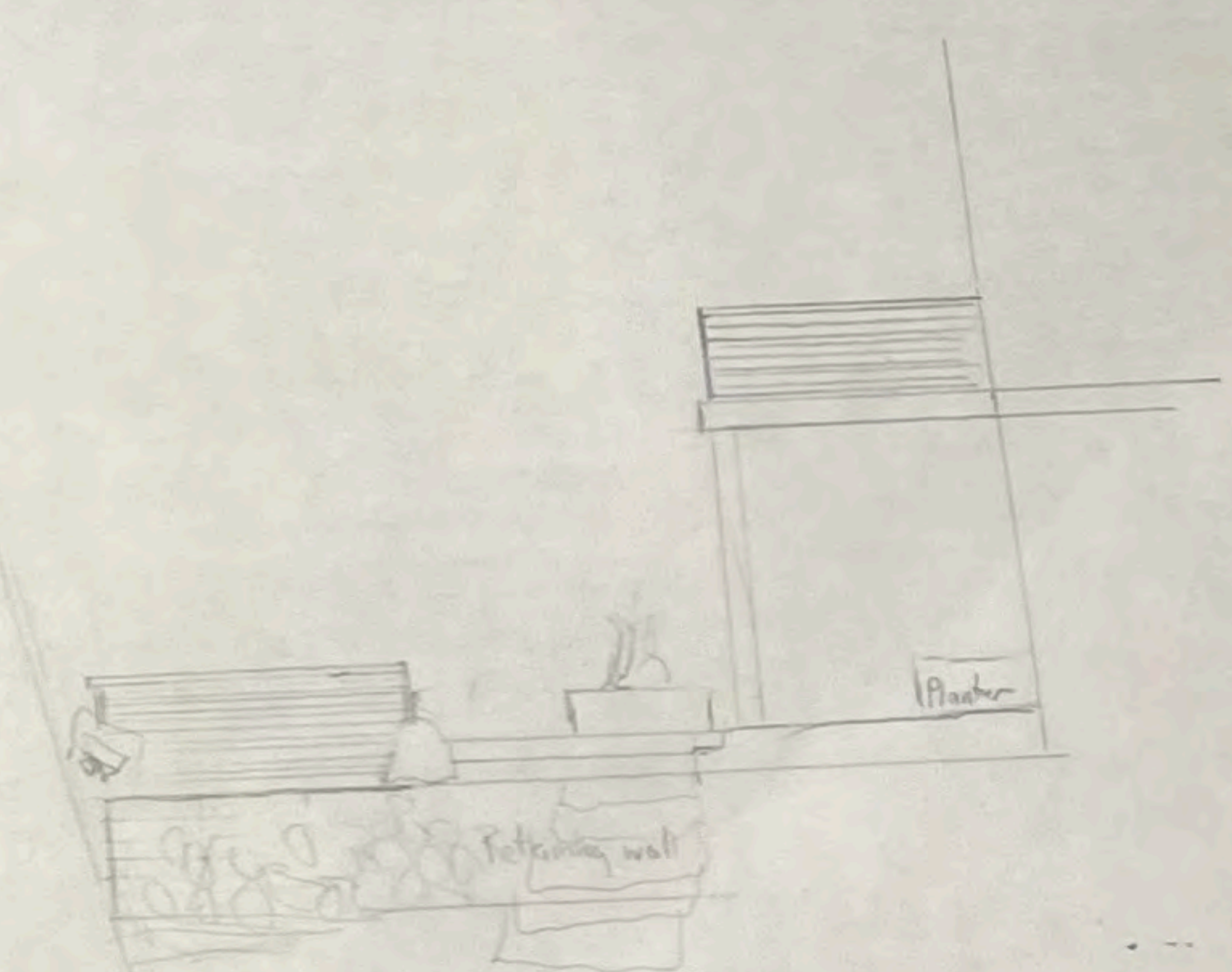
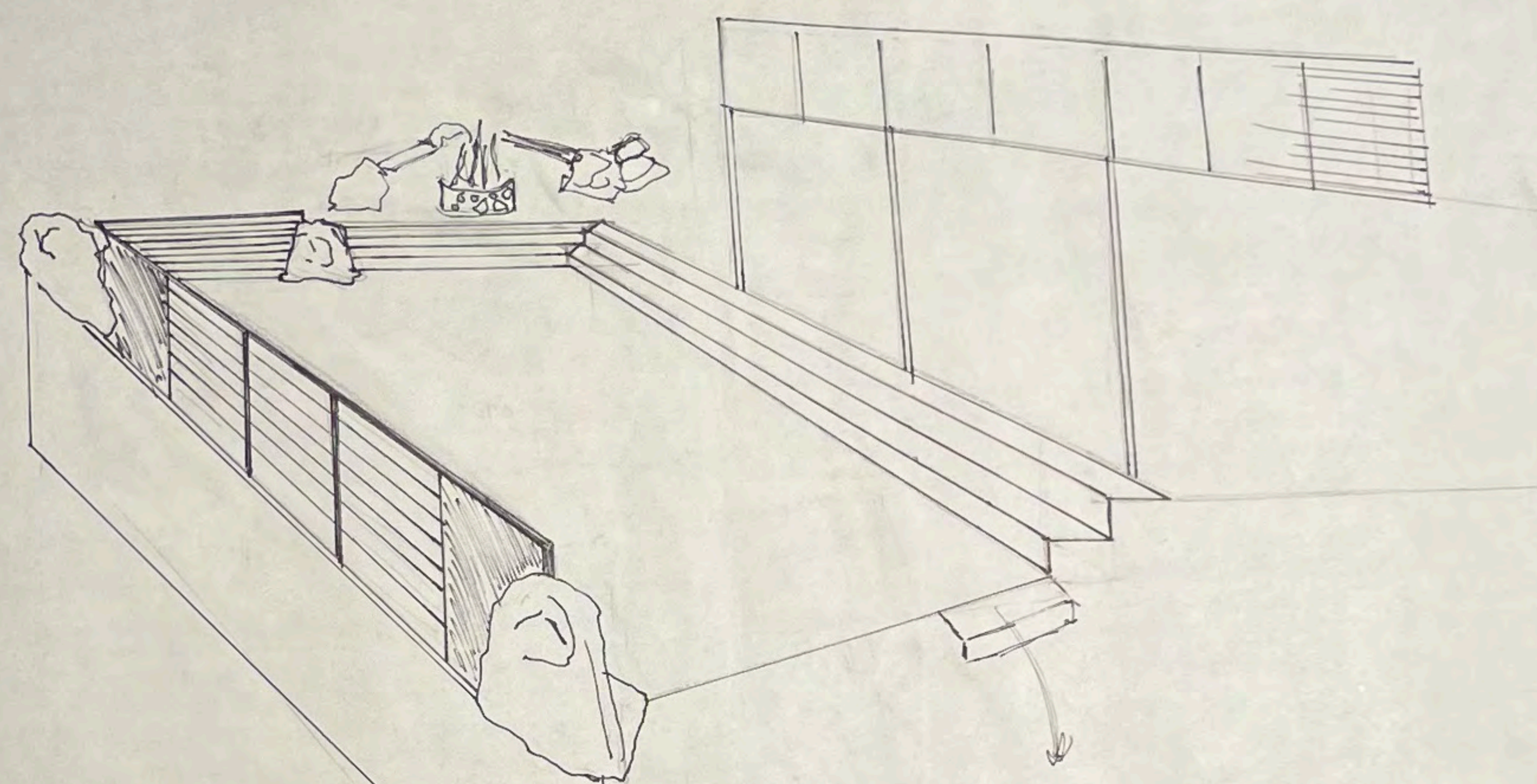
NEW DECK TO REPLACE EXISTING

NEW TILE TO Replace existing

FIRE PLACE

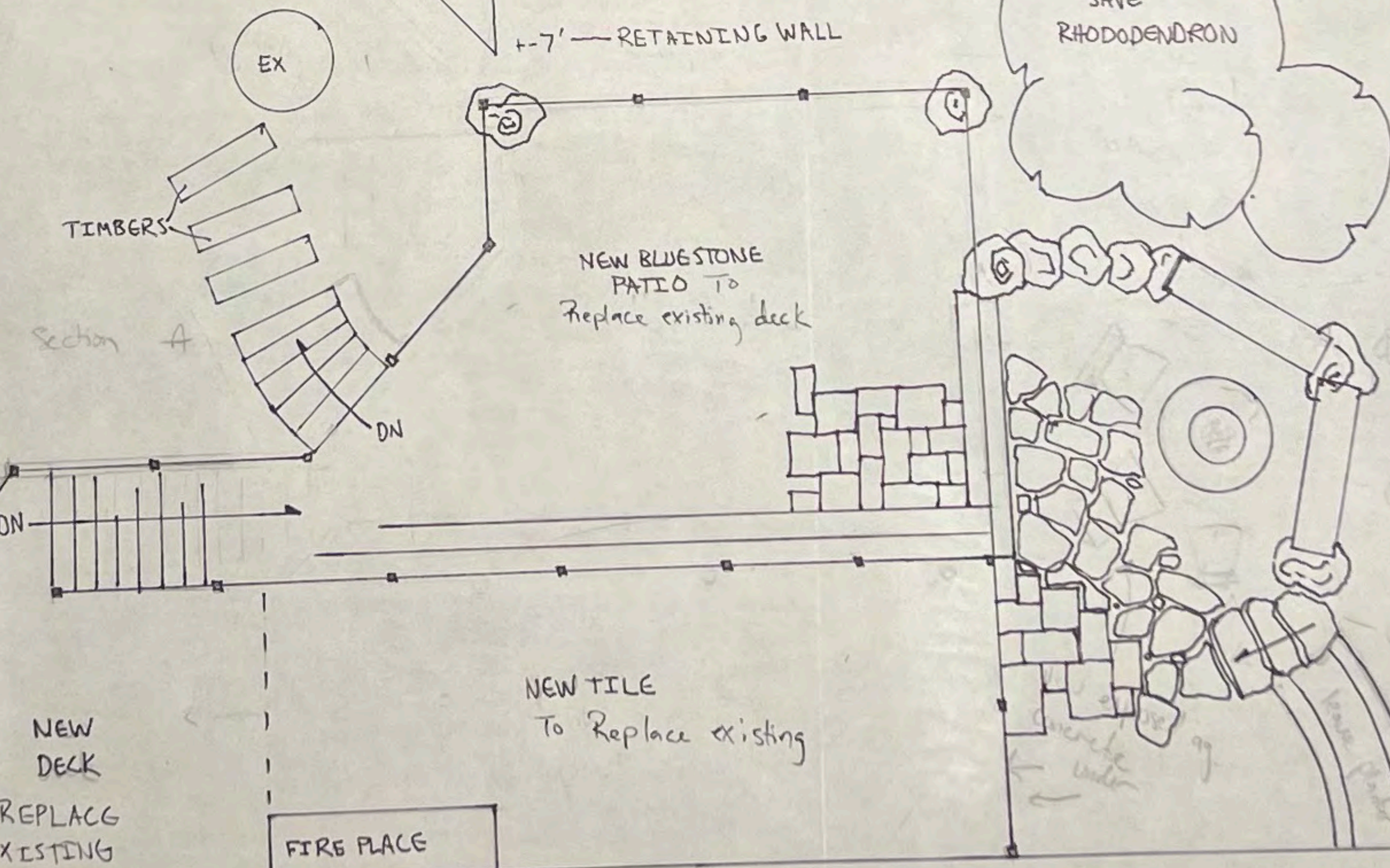
SEWER LINE

HOUSE



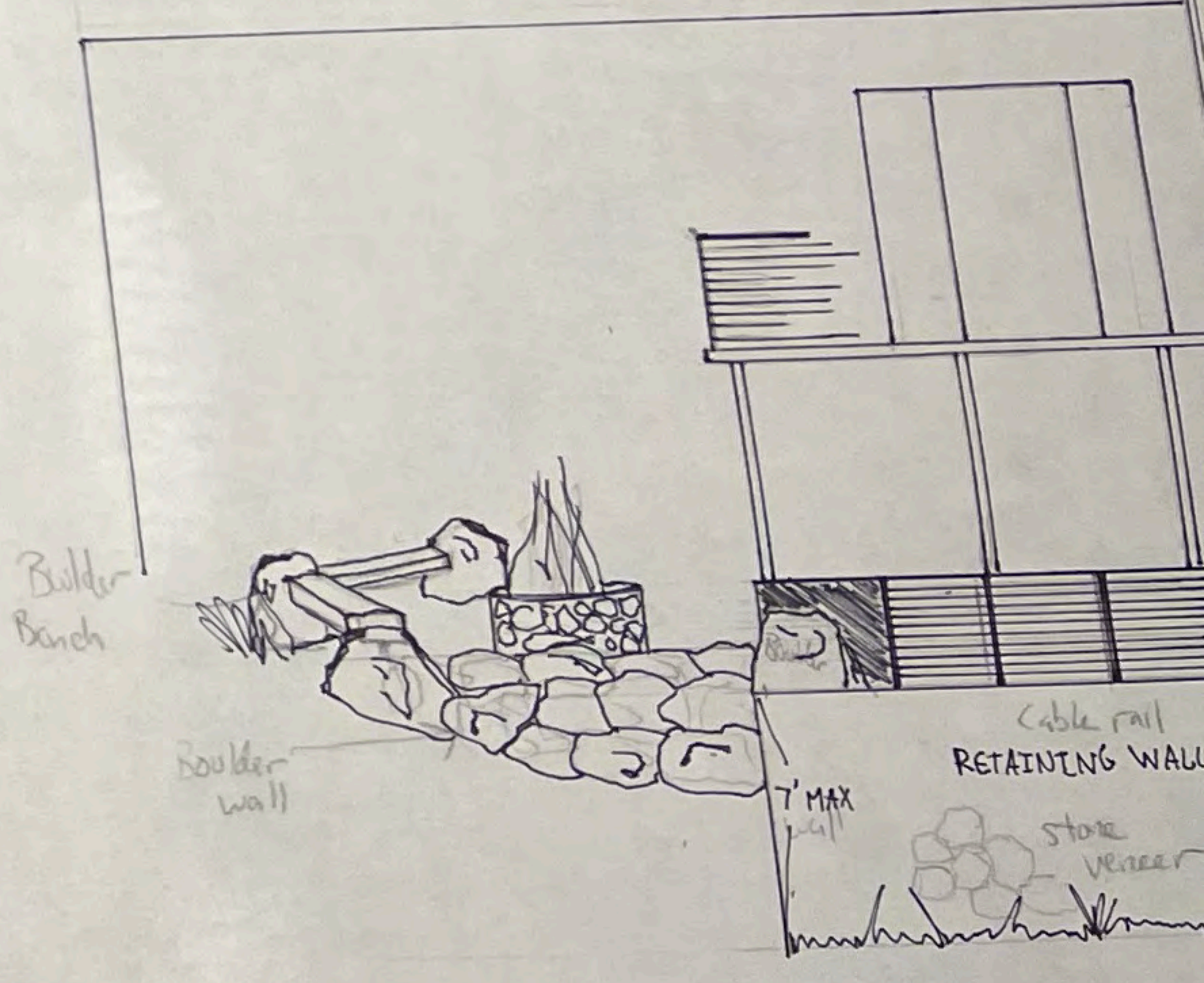
APPROX. PROPERTY LINE
←

Rail - 115'
ends 40
Pavers 40



Paper Drive

DRIVE



**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

January 17, 2023



Case 3 – 44 Forest Road

*Special Use Permit Request for Accessory Structures
within Rear Yard (Fire Pit and Retaining Wall)*

Property Owner: Erik Simes
Property Address: 44 Forest Road

Project Description

The applicant requests a special use permit for alterations to the rear yard hardscaping:

1. Replacement of an existing brick retaining wall with a natural stone retaining wall.
2. Removal of existing concrete patio and replacement with paver patio.
3. Creation of a fire pit (16' in diameter) in the rear yard, with accompany stone slabs leading to the fire pit.

Special Use Permit Request

These items are considered accessory structures under the Town's Zoning Ordinance. Section 153.029 is attached to this memorandum. The renovated patio, retaining wall, and fire pit all comply with the Town's setbacks for the R-1 district.

Zoning Compliance Application

Town of Biltmore Forest

Name

Erik R Simes

Property Address

44 Forest Rd

Phone

(828) 280-3811

Email

ersimes@gmail.com

Parcel ID/PIN Number

964679177300000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

.65

Maximum Roof Coverage

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

Proposed Roof Coverage Total

2874

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

400 sqft

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 are proposing to remove the old concrete side patio and worn brick retaining wall. The retaining wall is currently a maximum of 22" high and tapers down to about 4 inches. In addition we will remove the old brick walk way to the grass area and to the driveway. We will then replace the retaining wall with natural stone but slightly higher, expanded pavers patio and add a stone walkway to a fire pit. (See attached contractor proposal for a more detailed description). We have not made a final decision on the style of stone wall or pavers but I have included all the photos. Thank you.

Estimated Start Date

3/1/2023

Estimated Completion Date

3/31/2023

Estimated Cost of Project

\$40,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

44 Forest Rd Patio Remodel.docx

Paver Patio & Walkways, etc. Proposal for Julie & Erik Simes.pdf

-111381115_90f208f3-3336-4cb5-89b9-f6747c3d0c07_307253.jpeg

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Applicant Signature

Date

12/28/2022

Erik R Simes

§ 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

Proposal Submitted To:

Julie and Erik Simes
44 Forest Road
Biltmore Forest NC 28803

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of:

Removal of your old concrete patio & amateur brick wall & walks and replace with new stone retaining wall & expanded European courtyard style 3-piece pavers.. as shown on attached sketch.

Main Patio & Walkway #1-#3**Add-on Projects #4-#8****1.) New Expanded Stone Retaining Wall:**

We will remove the old amateur brick wall (that isn't quite tall enough) and replace it with a new taller & longer mortared rock retaining wall.. located as per attached sketch and similar to ones in pics below.

- * First we carefully dismantle the wall and haul away of the rubble.
- * Next we carefully excavate out the soil to create the expanded area so that the new patio area can be 3' wider. This soil is likewise hauled away.
- * Then we construct the new extended wall.. which will start at approximately 28" high, wrapping around as shown and tapering down gently to terminate at about 6" tall. (Maintaing about 4" above retained grade.) Overall the new wall will be about 40' long +/-.
- * Behind the wall we install proper drainage consisting of clean crushed drainage stone wrapped in geotextile filter cloth. This prevents any muddy water from ever coming through the wall and also prevents hydraulic build-up behind the wall.
- * Excellent clean-up and repair of any adjacent disturbed areas.

2.) New Expanded Paver Patio:

We will carefully remove the old concrete patio and replace it with a new greatly expanded European courtyard style paver patio.. located as per attached sketch and similar to ones in pics below.

- * First we carefully dismantle the concrete and haul away all of the rubble. (A new patio cannot be built on top of this old concrete.)
- * Next we carefully excavate out the soil and install professional compacted quarry substrate 4" thick to install the new expanded patio on. New patio will be much larger.. approx. 29' X 16' with rounded-off corners.
- * Then we carefully hand-lay the paver patio and cut all of the edges in flowing curved shapes and trim with paver borders around them.. as in pictures below.

- * There are about 3-4 paver styles to choose from.
- * Excellent clean-up and repair of any adjacent disturbed areas.

3.) New Paver Walkway:

We will dismantle & remove the old amateur brick walkway and replace it with a new European courtyard style paver walkway.. located as per attached sketch and similar to ones in pics below.

- * First we carefully dismantle all of the brick walks and haul away all of the rubble.
- * Next we carefully excavate out the soil and sand and install professional compacted quarry substrate 4" thick to install the new paver walkways on.
- * Then we carefully hand-lay the paver walkway and cut all of the edges in flowing curved shapes and trim with paver borders around them.. as in pictures below.
- * New forked paver walkway will total approx. 45' in length X 3 feet wide.
- * Excellent clean-up and repair of any adjacent disturbed areas.

4.) Paver Area Under Stairwell Deck:

We will remove the old concrete porch landing area and replace it with new European courtyard style paver landing area.. located as per attached sketch and similar to ones in pics below.

- * First we carefully dismantle the concrete landing area (*surgically.. to preserve the integrity of deck footers, etc.*) and haul away all of the rubble. (A new patio cannot be built in top of this old concrete.)
- * Next we carefully excavate out the soil and install professional compacted quarry substrate 4" thick to install the new paver landing on.
- * Then we carefully hand-lay the paver landing and cut all of the edges to outline the footprint of the deck above.. and trim with paver borders around them.. as in pictures below.
- * The new paver area will include the approx. 6' X 8' area connecting the door with the new outer paver walkway.. and also an approx. 3' X 5' area under upper half of staircase for your trash and recycling cans. (Return to mulch bed underneath the lower half of staircase.)
- * Excellent clean-up and repair of any adjacent disturbed areas.

5 Rustic Slabstone Steps Down to Back Lawn:

We already will have removed the old amateur brick staircase here.. we will replace them with a simple set of rustic slabstone steps located as per attached sketch and similar to ones in pics below.

- * The approx. 5-6 natural irregular flagstone slabs will make a single-file set of steps approx. 24"-30" wide.
- * Same excellent clean-up.

6.) Rustic Flagstone Stepping Stones Through Back Lawn:

We will install a simple set of rustic flagstone stepping stones located as per attached sketch and similar to ones in pics below.

- * The approx. 12-13 natural irregular flagstone stepping stones will make a single-file walk approx. 24"-30" wide.. to a proposed firepit area.

* Same excellent clean-up.

7.) Rustic Pebble Sitting Area:

We will install a simple rustic pebble sitting area located as per attached sketch and similar to ones in pics below.

* The sitting area will be an approx. 16' diameter circle or oval to accommodate a proposed firepit area.

* We first cut out the sod (grass). We then pin down professional grade landscape cloth. We then spread a thin layer of compacted quarry base. We then spread a layer 1.5" - 2" of clean crushed river pebble

* Same excellent clean-up.

7A.) Pebble Area With Dug-in Perimeter Rocks

These dug-in border rocks define and help keep the pebbles in.

8.) Rustic Rock Firepit:

We will install a simple rustic rock firepit rock ring.. located as per attached sketch and similar to ones in pics below.

* The firepit will be an approx. 48" diameter circle of large field rocks.

* We first excavate out a shallow depression where the fire pit will go. We then install a layer of quarry substrate to line the pit. We then slightly dig-in the large rocks in a ring shape so they will stay stable.

* Same excellent clean-up.

SKETCH OF

PAVER: PATIO/WALKS/AUX ENTRY AREA & STEPPING STONES TO FIREPIT AREA FOR

JULIE & ERIK SIMES
44 FOREST ROAD
BALTIMORE FOREST, NC

(4) REMOVE ENTIRE CONCRETE SLAB/INSTALL PAVERS IN ENTRY AREA & PORTER UNDER STEPS ~6x8'+3'x5'

HOUSE

OVERHEAD DECK WITH SMALL WELL

ORIGINAL CONCRETE PATIO



DRIVE



©2022 (COPYRIGHT)
W.R. LAITY - DESIGN NOT FOR EXECUTION BY OTHERS

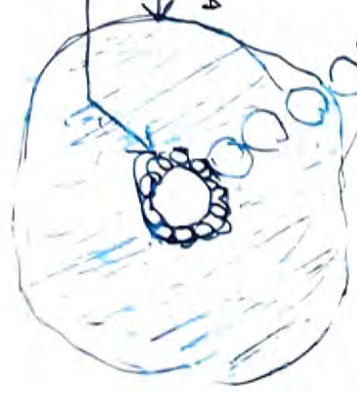
(BECK)
(3) REMOVE OLD PAVER WALKS INSTALL NEW PAVER WALKWAYS ~45'x3'

REMOVE OLD PAVER WALKS

EXISTING WALKS

(8) ADD A RUSTIC STONE FIREPIT 48" DIA

ADD:
(7) CREATE A PEBBLE SITTING AREA ~16' DIA



ADD:
(5) INSTALL SLAB STONE 5-10 STEPS

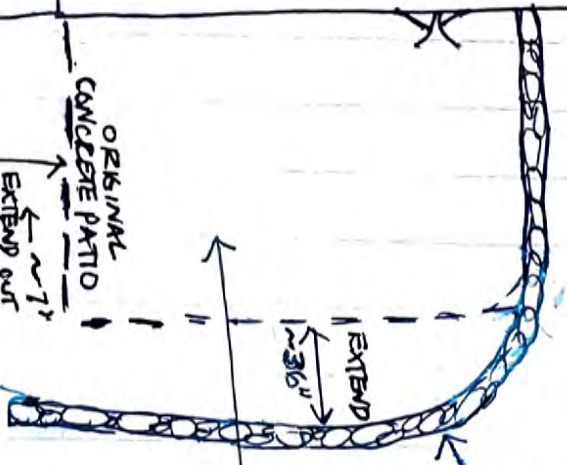
ADD:
(6) INSTALL STEPPING STONES 13

(2)

REMOVE OLD CONCRETE PATIO/INSTALL NEW MUCH LARGER PAVER PATIO ~29'x16'

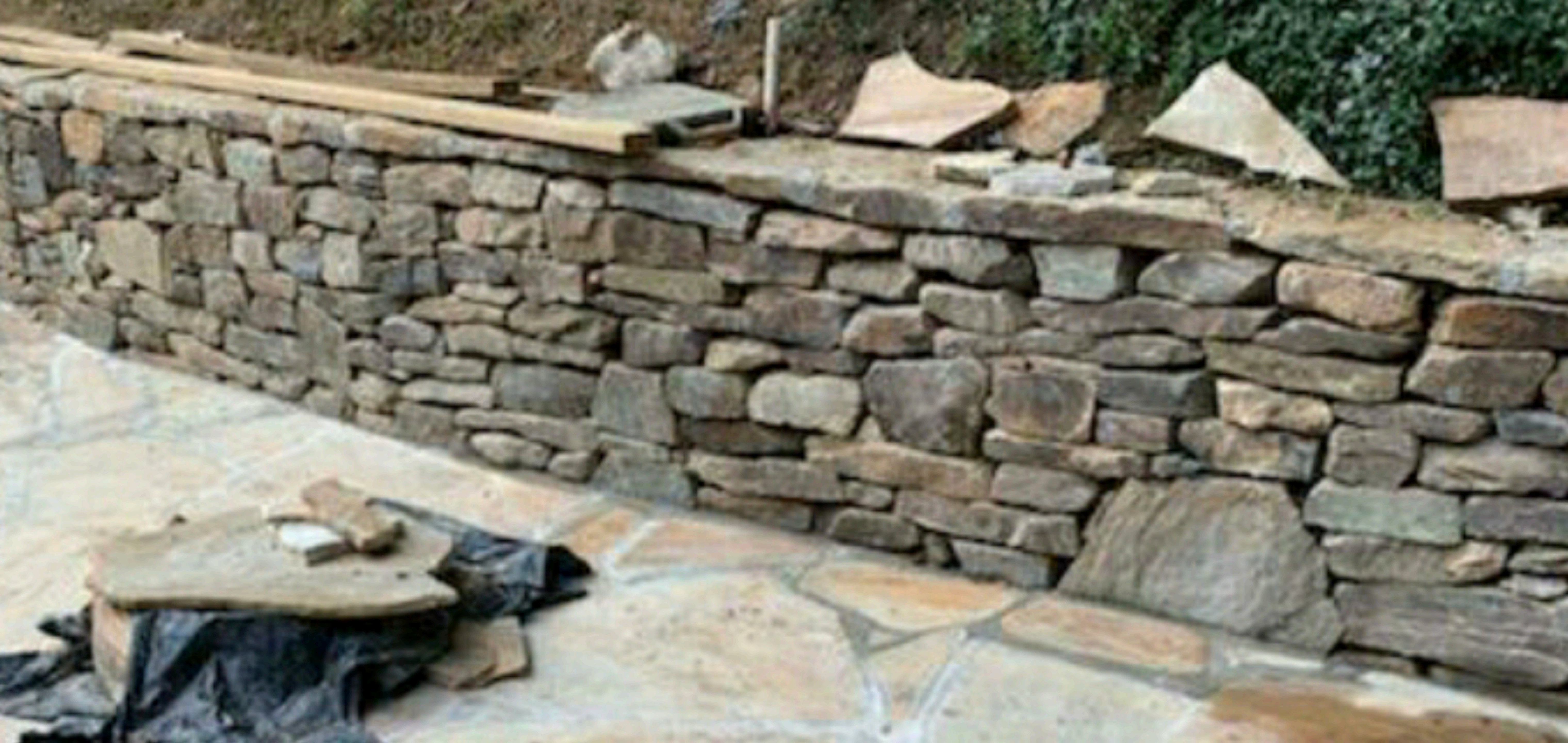
(1) NEW STONE RETAINING WALL (4" HIGHER THAN GRADE / USE TIGHT-SHED SMALL 110DRESS CRACK DRYSTACK LOOK (CEMENTED SOLID IN BACK) ~40' LONG X 12" → 28" THICK

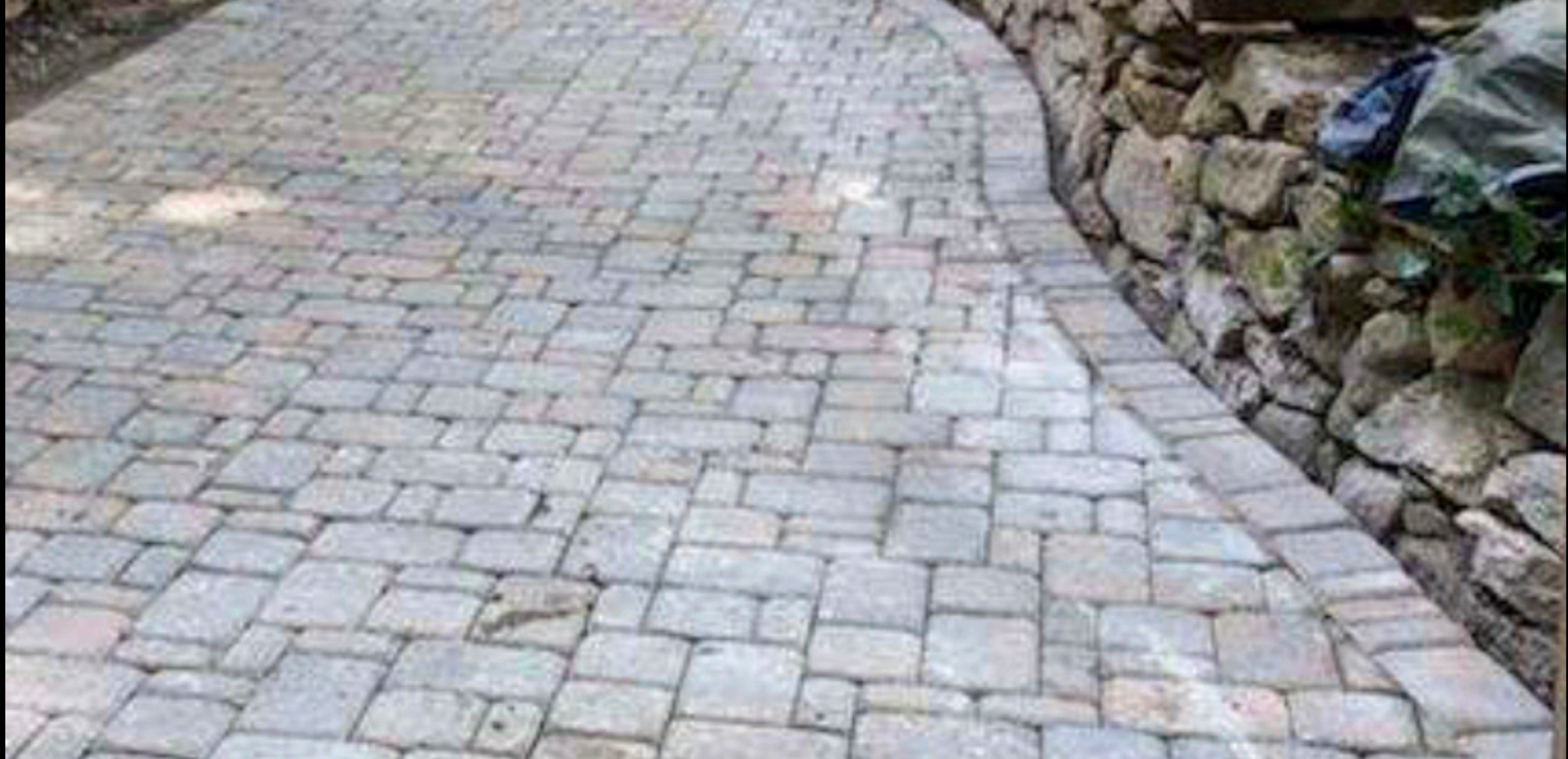
EXTEND ~36"



































**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

January 17, 2023



Case 4 – 30 Cedarcliff Road

Variance Request for Exceedance of Maximum Roof Coverage for Detached Accessory Building and Encroachment into Side Yard Setback

Property Owner: Tal and Paige Frankfurt
Property Address: 30 Cedarcliff Road

Project Description

The applicant requests a variance for two sections of the Zoning Ordinance. These variances are related to a planned addition for the home, as follows:

1. Construction of a year-round outdoor living and dining space as an attached pavilion on the back of the house.
2. Enlarging the existing garage to accommodate two average sized cars.
3. Incorporation of a landscape design and planting for a rear lawn area and to improve drainage of the rear lawn.
4. Driveway revisions are also planned to facilitate the garage addition and grading changes.

Variance Request

The proposal includes an attached outdoor living room that requires a variance due to its location within the side yard setback. The ordinance requires a 20-foot setback from the side property line; this proposal shows the encroachment of 8 ½ feet into this setback. Specifically, this is the breezeway that will connect the outdoor living space to the main residence.

A second variance is requested to expand the existing, original detached garage. The current detached garage already exceeds the current Zoning Ordinance allowance of 750 square feet, as it is 832 square feet. The proposed change would create 1,053 square feet of roof coverage. This is an overage of 7.12 percent. The applicants remain approximately 1,000 square feet *under* the roof coverage for their entire lot with this addition.

Each specific request includes the applicants' rationale and explanation for the request. Two neighboring property owners have provided letters of support, as of this writing, and those are attached to this memorandum.

Zoning Compliance Application

Town of Biltmore Forest

Name

Tal & Paige Frankfurt

Property Address

30 Cedarcliff Road, Asheville, NC 28803

Phone

(901) 848-1024

Email

paige.magdovitz@gmail.com

Parcel ID/PIN Number

9647-62-3148

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.63 ac

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

5095

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

14008

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

28'-0"

Description of the Proposed Project

The scope of this expansion is to build a year-round outdoor living and dining space as an attached pavilion on the back of the house. An additional element of the project is to enlarge the existing garage to accommodate two average sized cars. This project will incorporate landscape design and planting for a rear lawn area, and to improve drainage of the rear lawn, which will serve as a play area for the children. There will also be revisions to the driveway to facilitate the garage addition and grading changes.

Estimated Start Date

6/1/2023

Estimated Completion Date

5/31/2024

Estimated Cost of Project

\$500,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

30 Cedarcliff - BOA submittal - 2022-12-20.pdf

Applicant Signature

Date
12/23/2022

Ron Minton for Tal & Paige Frankfurt

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Tal & Paige Frankfurt

Address

30 Cedarcliff Road, Asheville, NC 28803

Phone

(901) 848-1024

Email

paige.magdovitz@gmail.com

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?

We would like to start by introducing ourselves to you all. We are the Frankfurt Family: Tal, Paige, Naomi (7yo), and Julienne, (5.5 yo). We moved to Biltmore Forest in 2015. Our house at 30 Cedarcliff Road, built in 1926, is one of the original houses in Biltmore Forest. We believe in the importance of preserving the historical fabric of the neighborhood. While renovating and modernizing various parts, we have made an effort to stay true to the original design and materials.

The scope of this expansion is to build a year-round outdoor living and dining space as an attached pavilion on the back of the house. An additional element of the project is to enlarge the existing garage to accommodate two average sized cars. This project will incorporate landscape design and planting for a rear lawn area, and to improve drainage of the rear lawn, which will serve as a play area for the children. There will also be revisions to the driveway to facilitate the garage addition and grading changes.

What does the ordinance require?

Attached Outdoor Living Room: The current zoning of the property requires a 20' side yard setback. The enclosed portion of the proposed addition is within this setback, but does include a covered walkway connecting it to the house, which encroaches into the side yard by 8 1/2 feet, a total of 110 square feet.

Garage: The zoning restricts the size of the accessory structure to 750 square feet. We are proposing to increase the existing garage building by 225 square feet, from 832 s.f. to 1053 s.f. to accommodate two average sized vehicles.

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.

Attached Outdoor Living Room: The proposed addition is designed on the axis of the existing kitchen, with

the breezeway and patios aligning with the existing doorways leading from the house, and in line with the orientation of the existing house. The positioning and orientation of the addition continue the lines of the house, making a clean transition of the roof lines, and keeping the house architecturally and visually intact. If the new addition were to follow the angle of the property line, it would create an architecturally unwieldy and complicated connection that would not be in keeping with the architecture of the historic home. Were the addition to remain perpendicular to the house, but closer to the center of the property, it would obstruct daylight entering the house, as well as block much of the back yard from use.

Garage: The existing accessory structure - built as a stable by the home's original builder - houses a garage and a small dwelling unit. The garage is undersized for two of today's average sized vehicles. It is our desire to be able to store two vehicles under cover from the trees on the property, protected from the elements. Parking the vehicles exposed to the elements and tree sap has proved to be very damaging to the cars. However, to replace the existing structure with a new two-car garage within the parameters of the ordinance would require tearing down the historic structure. The proposed expansion of the existing garage will be in keeping with the architectural style and materials of the original stable and home, and will keep the major portion of the existing historic structure intact.

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

Attached Outdoor Living Room: The lot tapers significantly towards the rear of the property. Rather than centered on the lot, the existing home is sited very close to the right side of the property, and at a sharp angle relative to the side property line.

Garage: The accessory structure is pre-existing, and original to the era of the neighborhood. There is a step up in the foundation between the garage and dwelling portion of the accessory structure that prevents expansion of the garage within the existing footprint.

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

The lot tapering toward the rear, as well as the siting of the house to the right (southern) edge of the property, the angle of the existing house relative to the property line, are pre-existing conditions. The size and structural limitations of the accessory structure are pre-existing as well.

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

- The requested variance allows the addition of the attached outdoor room to be aligned with the existing historic home.
- The materials and architectural detailing of the additions are in keeping with the language of the historic home and neighborhood.
- The enlargement of the accessory structure allows for the benefit and use of a modern-day 2-vehicle garage, without removing or diminishing the historic structure.
- The location of the house on the neighboring lot is to the farther side of their property, further minimizing the effects of the side yard encroachment. Our landscaping plan shows buffer planting around the encroachment area.
- All of these additions and modifications, including the variances, are located in the rear of the house, and are not visible from the street and public view.

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

Signature

Date
12/22/2022

Don Minton for Tal & Paige Frankfurt

§ 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

To the members of the Biltmore Forest Board of Adjustments:

I reviewed the proposed plans for 30 Cedarcliff Road with the homeowners, Paige and Tal Frankfurt, with regard to their request for variance for the construction of a 2 and a half-car garage and an outdoor living space. In reviewing the plans, I have no objections to the proposed locations of the structures or requested variance.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek and Angela Welibaecher", written over a horizontal line.

Derek and Angela Welibaecher
Name (print)

28 Cedarcliff Rd.
Asheville, NC 28803
Address

August 7th, 2021
Date

To the members of the Biltmore Forest Board of Adjustments:

We reviewed the proposed plans for 30 Cedarcliff Road with the homeowners, Paige and Tal Frankfurt, with regard to their request for variance for the construction of a 2 and a half-car garage and an outdoor living space; and after discussing the plans with the Frankfurts, we have no objections to the requested variance for the proposed locations of the new structures and related improvements.

Sincerely,

Handwritten signatures of Philip R. Manz and Susan S. Manz in blue ink, separated by a vertical line.

Philip R. Manz and Susan S. Manz
Name (print)

32 Cedarcliff Rd.
Asheville, NC 28803
Address

704-571-7155

January 11, 2023

JOEL KELLY DESIGN

FRANKFURT/MAGDOVITZ RESIDENCE

30 CEDARCLIFF ROAD
 ASEVILLE, NC 28803

PROJECT INFORMATION

APPLICABLE CODES

RESIDENTIAL

2018 NORTH CAROLINA STATE BUILDING CODE: RESIDENTIAL CODE

2017 NFPA NATIONAL ELECTRIC CODE

ZONING ANALYSIS

ZONING DISTRICT:	TOWN OF BILTMORE FOREST
PIN(S):	9647-62-3148
PLAT:	BOOK 4, PAGE 9
DEED REFERENCE:	BOOK 5667, PAGE 330
ZONING:	R-1
ADJOINER ZONING:	R-1
FRONT SETBACK:	60'
SIDE SETBACK:	20'
REAR SETBACK:	25'
RIVER BASIN:	FRENCH BROAD
TOTAL ACREAGE:	1.63 AC
DISTURBED AREA:	SEE LANDSCAPING PLANS
EXISTING IMPERVIOUS AREA:	SEE LANDSCAPING PLANS
PROPOSED IMPERVIOUS AREA:	SEE LANDSCAPING PLANS
IMPERVIOUS AREA CHANGE:	SEE LANDSCAPING PLANS
ALLOWABLE IMPERVIOUS (20%):	SEE LANDSCAPING PLANS

BUILDING ANALYSIS

ROOF AREA CALCULATIONS

MAXIMUM ALLOWED ROOF COVERAGE:	1.63 AC =	6100 S.F.
EXISTING TOTAL ROOF COVERAGE:		3694 S.F.
PROPOSED ROOF ADD:		1401 S.F.
PROPOSED TOTAL ROOF COVERAGE:		5095 S.F.

HOME AREA CALCULATIONS

	EXISTING.	PROPOSED.	ADDITION
LEVEL 1	2,175	2,175	
LEVEL 2	1,917	1,917	
LEVEL 3	726	726	
GARAGE	832	974	225
STUDIO	232	232	
BREEZEWAY		425	425
OUTDOOR LIVING RM		608	608
TOTALS	5,882	7,140	1,258

PROJECT SCOPE

THE SCOPE OF WORK SHALL INCLUDE THE CONSTRUCTION OF AN ENCLOSED PAVILION CONNECTED TO THE MAIN HOUSE WITH A BREEZEWAY, AND THE EXPANSION AND RENOVATION OF THE EXISTING GARAGE AS OUTLINED IN THE FOLLOWING DOCUMENTS

PRICING PACKAGE

TABLE OF CONTENTS

NO. SHEET TITLE

1	COVER SHEET
2	EXISTING SITE SURVEY (BY OTHERS)

SITE DESIGN - BY VISION DESIGN COLLABORATIVE

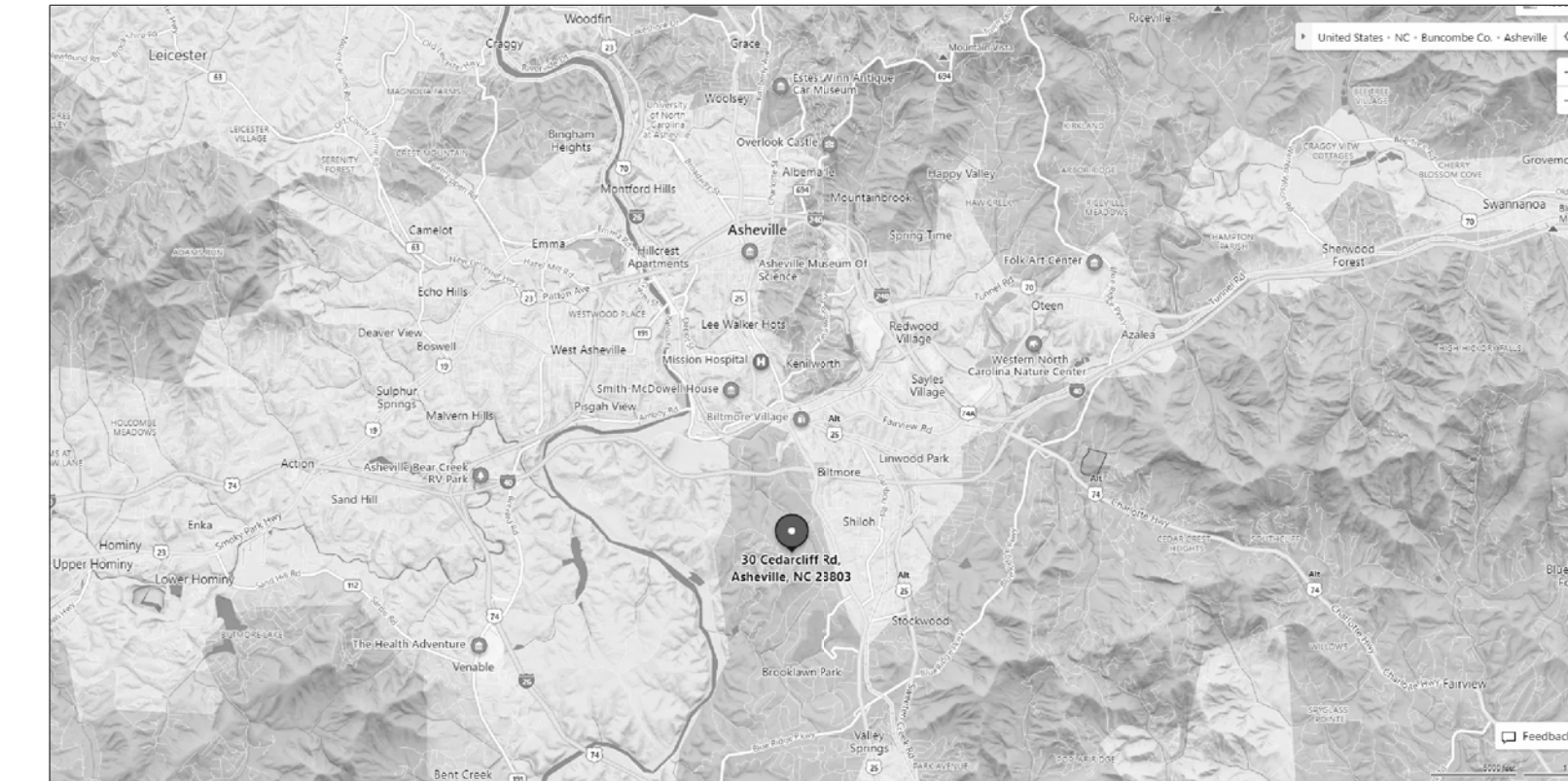
3	L1.0	SCHEMATIC OVERALL SITE PLAN
4	L2.0	SCHEMATIC SITE PLAN ENLARGEMENT
5	L3.0	SCHEMATIC GRADING PLAN

ARCHITECTURAL - BY JOEL KELLY DESIGN

6	A1.1	OUTDOOR ROOM - FLOOR PLAN
7	A1.2	OUTDOOR ROOM - ROOF PLAN
8	A1.3	GARAGE PLANS
9	A5.1	EXTERIOR ELEVATIONS
10	A5.2	EXTERIOR ELEVATIONS
11	A6.1	DETAILS
12	A6.2	DETAILS

LOCATION

REGION



VICINITY



STREET



New Construction
 Frankfurt/Magdovitz Residence

30 Cedarcliff Road
 Asheville, NC 28803

Prepared for
 Tal Frankfurt &
 Paige Magdovitz

Designer
JOEL KELLY DESIGN

400 Plasters Ave. NE
 Suite 110
 Atlanta, Georgia 30324

404-221-0422

www.joelkelly.com

No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
COVER SHEET

SHEET NUMBER

COMMENTS
NOT ISSUED FOR CONSTRUCTION

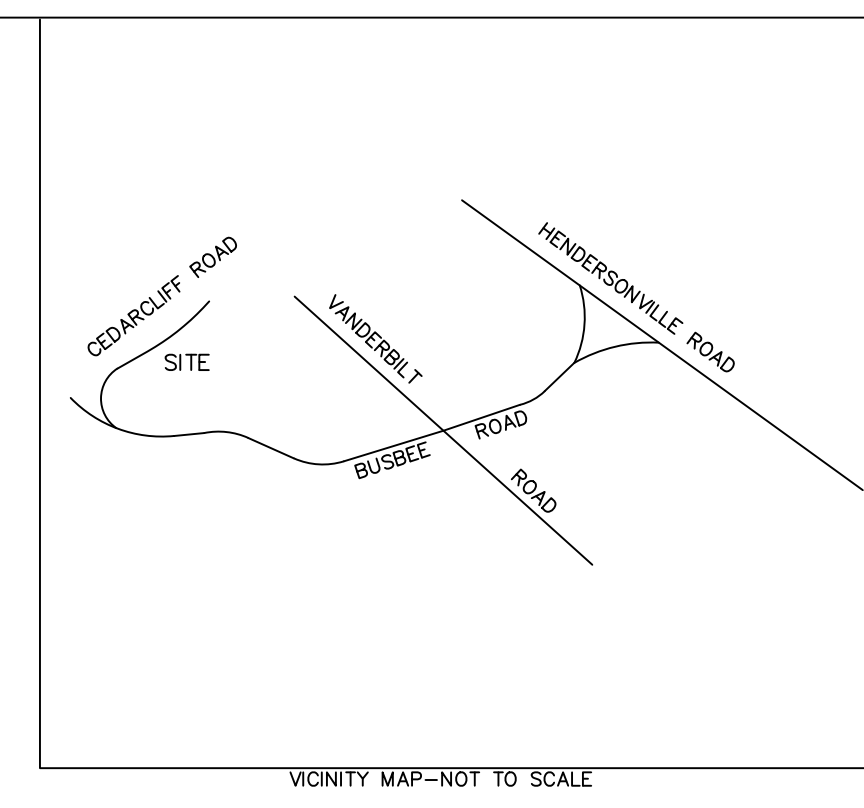


- 1 = FINISHED FLOOR ELEVATION= 2222.20'
- 2 = FINISHED FLOOR ELEVATION= 2224.29'
- 3 = FINISHED FLOOR ELEVATION= 2225.40'

LINE	BEARING	DISTANCE
1	N 04°33'31" W	127.99'
2	N 03°22'00" W	127.40'
3	N 02°24'00" E	60.90'

TREE TABLE

1) 24" HEMLOCK	41) 24" WHITE PINE	81) 16" HEMLOCK
2) 34" WHITE OAK	42) 10" + 10" + 20" HEMLOCK	82) 30" WHITE PINE
3) 5" + 4" HOLLY	43) 20" + 20" HEMLOCK	83) 16" HEMLOCK
4) 10" HEMLOCK	44) 18" HEMLOCK	84) 12" WHITE PINE
5) 8" HEMLOCK	45) 18" + 24" HEMLOCK	85) 24" SPRUCE
6) 20" HEMLOCK	46) 12" HOLLY	86) 24" SPRUCE
7) 14" HEMLOCK	47) 24" SPRUCE	87) 18" WHITE PINE
8) 22" HEMLOCK	48) 18" SPRUCE	88) 12" WHITE PINE
9) 24" HEMLOCK	49) 15" SPRUCE	89) 10" HEMLOCK
10) 8" BLACK CHERRY	50) 10" SPRUCE	90) 10" WHITE PINE
11) 8" HEMLOCK	51) 18" SPRUCE	91) 24" WHITE PINE
12) 10" BLACK CHERRY	52) 36" POPLAR	92) 16" POPLAR
13) 8" BLACK CHERRY	53) 36" POPLAR	93) 30" WHITE PINE
14) 8" + 4" BLACK CHERRY	54) 8" POPLAR	
15) 14" HEMLOCK	55) 46" WHITE OAK	
16) 12" HEMLOCK	56) 34" + 34" ELM	
17) 16" HEMLOCK	57) 18" SPRUCE	
18) 8" HEMLOCK	58) 16" SPRUCE	
19) 12" HEMLOCK	59) 8" HEMLOCK	
20) 16" HEMLOCK	60) 8" HEMLOCK	
21) 36" POPLAR	61) 16" HEMLOCK	
22) 24" WHITE PINE	62) 8" HOLLY	
23) 20" HEMLOCK	63) 30" WHITE OAK	
24) 16" HEMLOCK	64) 16" SPRUCE	
25) 24" WHITE PINE	65) 18" SPRUCE	
26) 24" HEMLOCK	66) 16" SPRUCE	
27) 18" HEMLOCK	67) 12" SPRUCE	
28) 24" HEMLOCK	68) 24" SPRUCE	
29) 10" HEMLOCK	69) 36" + 36" BLACK OAK	
30) 8" + 10" HEMLOCK	70) 12" SPRUCE	
31) 24" HEMLOCK	71) 24" WHITE PINE	
32) 26" HEMLOCK	72) 8" + 8" + 8" JUNIPER	
33) 26" WHITE PINE	73) 24" WHITE PINE	
34) 10" HEMLOCK	74) 15" WHITE PINE	
35) 10" WHITE PINE	75) 14" WHITE PINE	
36) 28" HEMLOCK	76) 24" HEMLOCK	
37) 26" WHITE PINE	77) 12" + 12" HEMLOCK	
38) 12" WHITE PINE	78) 22" WHITE PINE	
39) 22" WHITE PINE	79) 24" HEMLOCK	
40) 8" LEYLAND CYPRESS	80) 16" HEMLOCK	



BUNCOMBE COUNTY ZONING R1

- 1 = 5" DOWNSPOUT/ELEVATION = 2223.29'(INVERT OUT)
- 2 = 5" DOWNSPOUT/ELEVATION = 2223.35'(INVERT OUT)
- 3 = 5" DOWNSPOUT/ELEVATION = 2223.31'(INVERT OUT)
- 4 = 5" DOWNSPOUT/ELEVATION = 2222.84'(INVERT OUT)
- 5 = CENTER OF 2 VENT PIPES/ELEVATION = 2222.85'(INVERT OUT)
- 6 = 5" DOWNSPOUT/ELEVATION = 2222.95'(INVERT OUT)
- 7 = 5" C/P/ELEVATION = 2221.76'(TOP OF PIPE)
- 8 = CENTER OF 2 4" PVC PIPES/ELEVATION = 2221.70'(TOP OF PIPE)
- 9 = TOP OF 5" PVC PIPE/ELEVATION = 2220.84'(TOP OF PIPE)

CEDARCLIFF ROAD
40' RIGHT-OF-WAY
AS SCALED
PLAT BOOK 4, PAGE 9

PLAT BOOK 201, PAGE 157

ANGELA S. WEILBAECHER
DEREK WEILBAECHER
DEED BOOK 5819, PAGE 1354
PIN 9647-62-3364

PLAT BOOK 12, PAGE 25

MAGNOLIA BLOSSOM LLC
DEED BOOK 5676, PAGE 341
PIN 9647-62-7191

NOTE: SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS DETERMINED BY FEMA; REFERENCE F.I.R.M. PANEL 3700964700A, EFFECTIVE 1/6/10.

NOTE: ASSUMED ELEVATIONS APPROXIMATING CONTOUR ELEVATIONS FROM BUNCOMBE COUNTY G.I.S.

NOTES: SURVEY IS BASED ON DEEDS AND EXISTING MONUMENTS AS SHOWN.

PARCEL MAY BE SUBJECT TO EASEMENTS, SETBACKS, RIGHTS-OF-WAY, RESERVATIONS, AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.

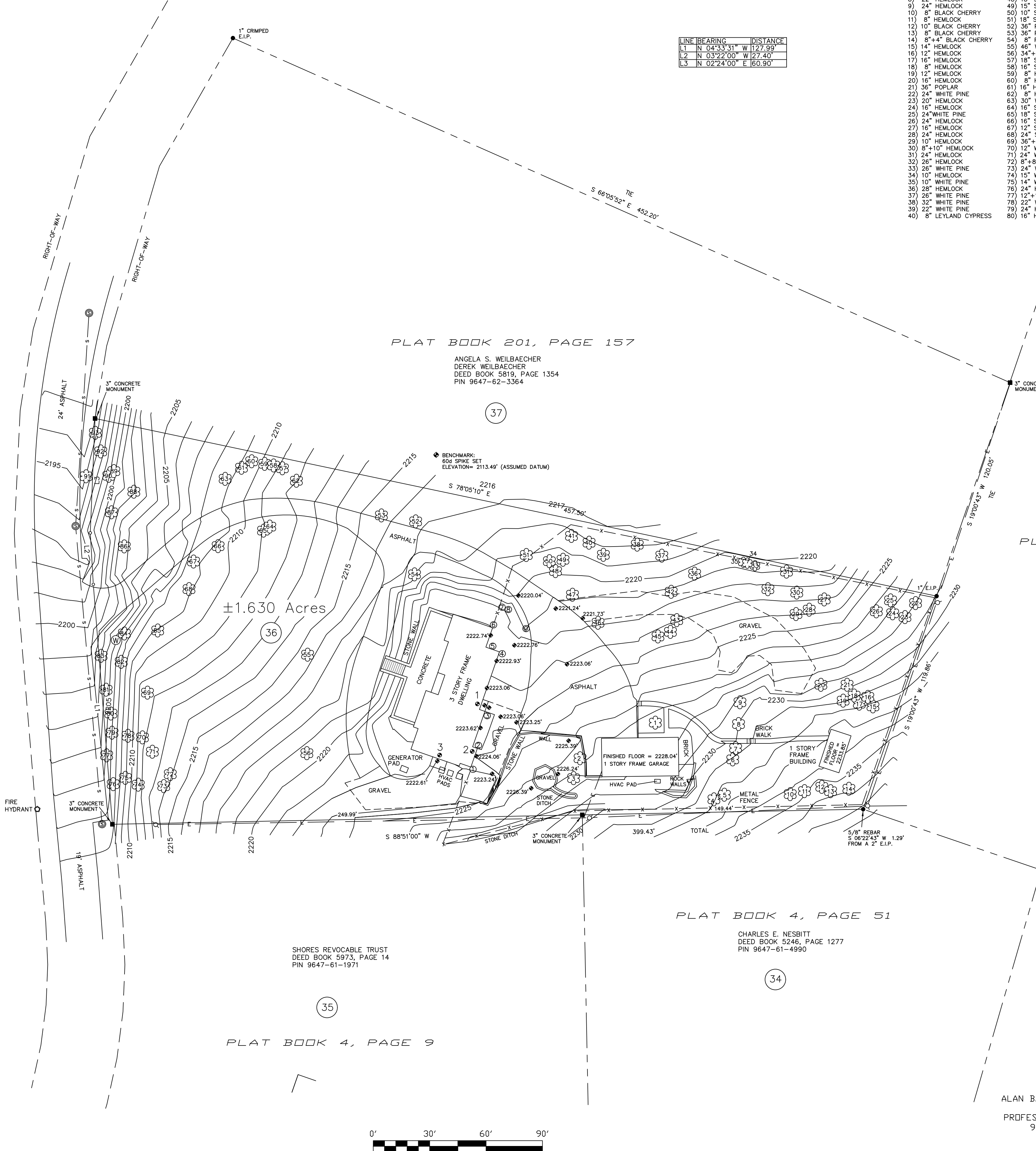
ALL AREAS ARE COMPUTED BY COORDINATE METHOD.

ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.

NO NCGS MONUMENTS LOCATED WITHIN 2000 FT. OF SURVEY UNLESS OTHERWISE INDICATED ON THIS PLAT.

UNDERGROUND UTILITIES AND BUILDING FOOTERS, EAVE OVERHANG NOT LOCATED OR SHOWN.

THIS PLAT IS PREPARED FOR THE PERSON, PERSONS, OR CORPORATION, NOTED UPON THE TITLE BLOCK OF THIS PAGE AND IS NOT INTENDED FOR USE BY ANY OTHER PARTY UNLESS PERMISSION IS GIVEN BY SAID PERSON OR CORPORATION.



I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 5667—PAGE 330—OR OTHER REFERENCE SOURCE); THAT BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN ADJACENT DEEDS AND PLATS AS SHOWN; THAT THE ERROR OF PRECISION OF THE CONTROL SURVEY DOES NOT EXCEED 1 PART IN 10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

WITNESS MY HAND AND SEAL THIS _____

ALAN B. STYLES, PLS
N.C. NO. L-2985



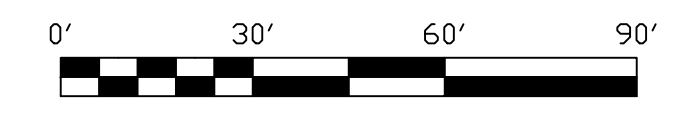
REFERENCE
DEED BOOK 5667, PAGE 330
PIN 9647-62-3148
PLAT BOOK 4, PAGE 9

TOPOGRAPHICAL SURVEY FOR

TAL FRANKFURT LIVING TRUST AND PAIGE ALYSE FRANKFURT LIVING TRUST DATED MARCH 29, 2018, TRUSTEES

DRAWN RC	DATE 6/22/21	BILTMORE TOWNSHIP BUNCOMBE COUNTY
REVISED 7/13/21		STATE OF NORTH CAROLINA ALAN B. STYLES, PLS
SHEET 1 OF 1	SCALE 1" = 30'	PROJECT NO. 21-F-12

ALAN B. STYLES, PLS
ALAN B. STYLES LAND SURVEYING, PLLC
LICENSE NO. P-0195
PROFESSIONAL LAND SURVEYOR L-2985
929-5 NEW LEICESTER HWY.
ASHEVILLE, NC 28806
TEL.# 828-236-3050



- LEGEND**
- LINE NOT SURVEYED UNLESS DIMENSIONED
 - o = CORNER NOT MONUMENTED
 - o = EXISTING IRON PIN (PIPE)
 - o = NEW IRON PIN (5/8" REBAR)
 - o = CONCRETE MONUMENT FOUND
 - o = SURVEYORS NAIL SET
 - o = SURVEYORS NAIL FOUND
 - R/W = RIGHT-OF-WAY
 - RES = RAILROAD SPIKE
 - DB = DEED BOOK
 - PB = PLAT BOOK
 - UG = UNDERGROUND
 - X-X-X-X-X = FENCE LINE
 - E-E-E-E-E = ELECTRIC LINE
 - W-W-W-W-W = WATER LINE
 - S-S-S-S-S = SEWER LINE
 - MH = SEWER MANHOLE
 - CO = CLEAN-OUT
 - WM = WATER METER
 - W = WELL
 - TELE = TELEPHONE PEDESTAL
 - CATV = CABLE TV PEDESTAL
 - EL = ELECTRICAL SERVICE
 - o = GAS METER/TANK
 - PP = POWER POLE
 - LP = LIGHT POLE/LAMP POST
 - FH = FIRE HYDRANT
 - o = TREE (SIZE AND TYPE AS NOTED)

PLAT BOOK 4, PAGE 9

PLAT BOOK 4, PAGE 51

SHORES REVOCABLE TRUST
DEED BOOK 5973, PAGE 14
PIN 9647-61-1971

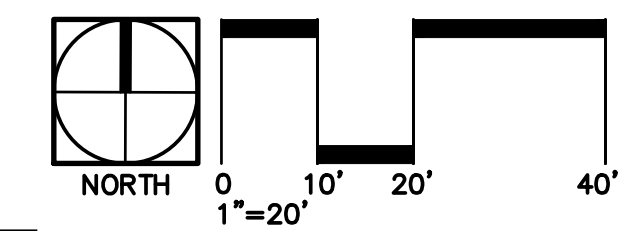
CHARLES E. NESBITT
DEED BOOK 5246, PAGE 1277
PIN 9647-61-4990

PLAT BOOK 201, PAGE 157



PLAT BOOK 4, PAGE 9

PLAT BOOK 4, PAGE 51



**FRANKFURT
 RESIDENCE
 30 CEDARCLIFF DRIVE
 BILTMORE FOREST**

FOR REVIEW ONLY

ISSUE DATE: DECEMBER 19, 2022

REVISIONS DATE	DESCRIPTION

DRAWN: SJW REVIEWED: RTB

NOT FOR CONSTRUCTION

SHEET TITLE

SCHEMATIC OVERALL SITE PLAN

SHEET NUMBER

L1.0

PRELIMINARY SITE MATERIAL SCHEDULE			
NOVEMBER 15, 2022			
SYM.	SITE ELEMENT	DESCRIPTION AND MATERIAL ASSUMPTIONS (PRELIMINARY)	
A	DRIVEWAY (VEHICULAR)	ASPHALT 2.5" THICKNESS (AFTER COMPACTION), COMPACTED GRAVEL BASE	
B	TURN OUT AREA (VEHICULAR)	ASPHALT 2.5" THICKNESS (AFTER COMPACTION), COMPACTED GRAVEL BASE	
C	PATIO / WALKWAY	1.5" THICK PENNSYLVANIA BLUESTONE, MORTARED ON 4" THICK CONCRETE BASE ON 4" COMPACTED GRAVEL. PATTERN TO MATCH FRONT PATIO	
D	STEPS	1.5" THICK PENNSYLVANIA BLUESTONE TREADS AND RISER FACE, MORTARED ON CONCRETE FOOTING ON COMPACTED GRAVEL. TO MATCH FRONT PATIO STAIRS	
E	PATH	3" OF DECORATIVE CRUSHED STONE COMPACTED BASE WITH FILTER FABRIC BLACK STEEL LANDSCAPE EDGING ALONG PERIMETER	
F	COURTYARD WALL	1'-3" WIDE WALL, NATURAL STONE VENEER (TYPE TO MATCH EX. FRONT PATIO WALL) ON 12" CMU BLOCK WALL WITH REBAR REINFORCEMENT. 1" THICK X 2" WIDE REINFORCED CONCRETE FOOTER. STONE TO WRAP TOP OF WALL. 2'-6" SQUARE COLUMNS AT WALKWAY ENTRANCES. HEIGHT - SEE GRADING PLAN	
G	COLUMN	2'-6" SQUARE STONE VENEER COLUMNS WITH NATURAL STONE CAP. HEIGHT - SEE GRADING PLAN	
H	FENCE	BLACK ALUMINUM METAL FENCE, 4' TALL. STYLE TBD	
I	GATE(S)	BLACK ALUMINUM METAL GATE WITH LATCH, 4' TALL. STYLE TBD TO MATCH FENCE. SEE PLANS FOR WIDTH, ETC.	
J	ARBOR	ARBOR, 6X6 WOOD POSTS SET INTO COLUMNS. WOOD JOISTS AND SLATS. EXTERIOR STAIN. COLOR TO MATCH BRACKETS ON ARCHITECTURE	
K	OUTDOOR KITCHEN	2" THICK GRANITE COUNTERTOP, 36" HIGH BASE CABINETS, GAS GRILL, SINK & UNDER CABINET MINI FRIDGE. ARCHITECT TO DESIGN	
L	EX. WINDOW WELLS	8" THICK X 8" WIDE MONOLITHIC BLUESTONE MORTARED TO TOP OF EX. CONCRETE WINDOW WELL WALLS. STEEL 2"X2" MESH GRATE TO BE INSTALLED OVERTOP OF WINDOW WELLS.	
M	BUFFER PLANTING	SUPPLEMENTAL PLANTINGS (EVERGREEN TREES AND SHRUBS) IN THIS AREA TO ENHANCE VISUAL BARRIER	
N	DRIVEWAY ENTRY COLUMNS	2'-6" SQUARE STONE VENEER COLUMNS WITH NATURAL STONE CAP. HEIGHT APPROX. 6' - RE-USE EXISTING GATE	

SITE IMPERVIOUS CALCULATIONS

ALLOWABLE IMPERVIOUS SURFACE CALCULATION:
 $1.63 \text{ AC} \times 43,560 = 71,003 \text{ SF}$
 $71,003 \text{ SF} \times 25\% = 17,751 \text{ SF}$ ALLOWABLE IMPERVIOUS SURFACE

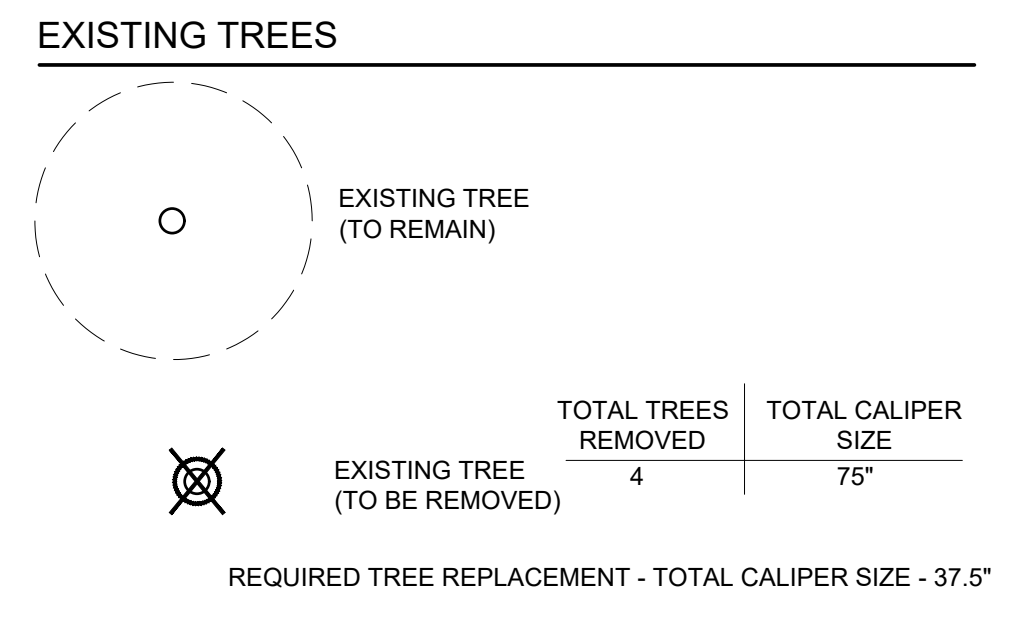
(CURRENT) TOTAL SITE IMPERVIOUS SURFACE = 13,105 SF
 (PROPOSED) TOTAL SITE IMPERVIOUS SURFACE = 14,008 SF

ROOF AREA CALCULATIONS

MAXIMUM ALLOWABLE ROOF COVERAGE: 1.63 AC = 6,100 SF
 EXISTING TOTAL ROOF COVERAGE: 3,694 SF
 PROPOSED ROOF ADD: 1,401 SF
 PROPOSED TOTAL ROOF COVERAGE: 5,095 SF

HOME AREA CALCULATIONS

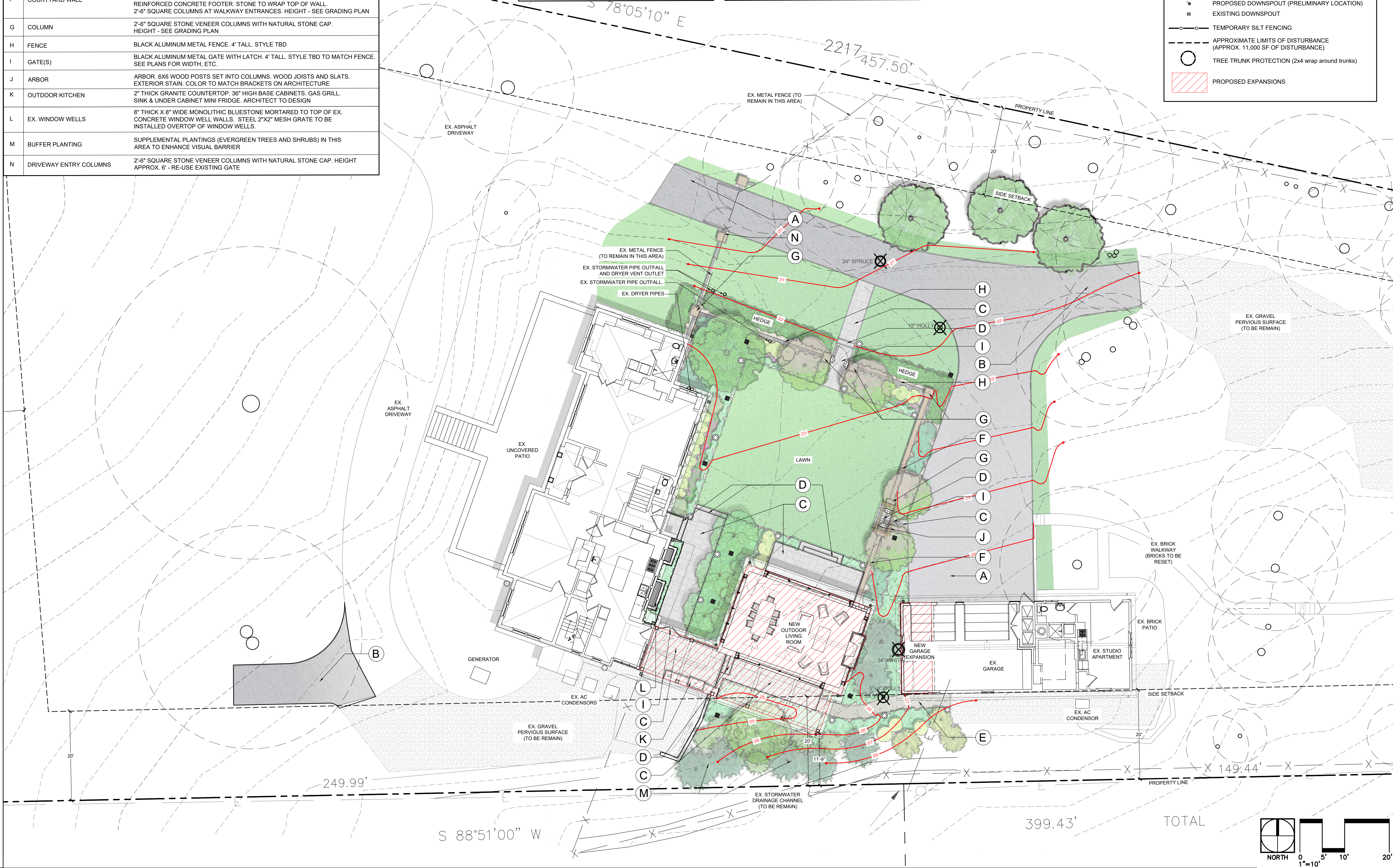
	EXISTING AREA	PROPOSED	ADD
LEVEL 1	2,175	2,175	0
LEVEL 2	1,917	1,917	0
LEVEL 3	726	726	0
GARAGE	832	974	225
STUDIO	232	232	0
BREEZEWAY	0	425	425
OUTDOOR LIVING ROOM	0	608	608
TOTALS	5,882	7,140	1,258



LEGEND

- LANDSCAPE DRAIN BASIN (NDS - 12" SQUARE BASIN WITH BLACK GRATE)
- FRENCH DRAIN SYSTEM
- 6" PERFORATED PIPE WRAPPED IN DRAINAGE GRAVEL & FILTER FABRIC
- SUBSURFACE STORMWATER DRAIN PIPE
- 6" SCHEDULE 40 PVC PIPE
- STORMWATER LEVEL SPREADER DISSIPATOR
- RIPRAP STORMWATER DISSIPATOR
- PATH LIGHT
- LOW VOLTAGE LED
- WALL LIGHT
- LOW VOLTAGE LED
- PROPOSED DOWNSPOUT (PRELIMINARY LOCATION)
- EXISTING DOWNSPOUT
- TEMPORARY SILT FENCING
- APPROXIMATE LIMITS OF DISTURBANCE (APPROX. 11,000 SF OF DISTURBANCE)
- TREE TRUNK PROTECTION (2x4 wrap around trunks)
- PROPOSED EXPANSIONS

**FRANKFURT
 RESIDENCE
 30 CEDARCLIFF DRIVE
 BILTMORE FOREST**



FOR
 REVIEW
 ONLY

ISSUE DATE: DECEMBER 19, 2022

REVISIONS DATE	DESCRIPTION

DRAWN: SJW REVIEWED: RTB

NOT FOR
 CONSTRUCTION

**FRANKFURT
RESIDENCE
30 CEDARCLIFF DRIVE
BILTMORE FOREST**

LEGEND

- LANDSCAPE DRAIN BASIN (NDS - 12" SQUARE BASIN WITH BLACK GRATE)
- FRENCH DRAIN SYSTEM
- 6" PERFORATED PIPE WRAPPED IN DRAINAGE GRAVEL & FILTER FABRIC
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- WALL LIGHT
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- EXISTING DOWNSPOUT
- TEMPORARY SILT FENCING
- APPROXIMATE LIMITS OF DISTURBANCE (APPROX. 11,000 SF OF DISTURBANCE)
- TREE TRUNK PROTECTION (2x4 wrap around trunks)



**FOR
REVIEW
ONLY**

ISSUE DATE: DECEMBER 19, 2022

REVISIONS DATE	DESCRIPTION

DRAWN: SIW REVIEWED: RTB

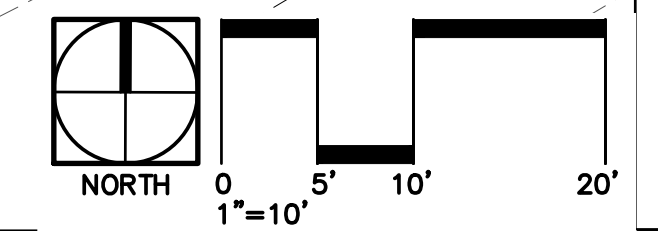
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CONSTRUCTION**

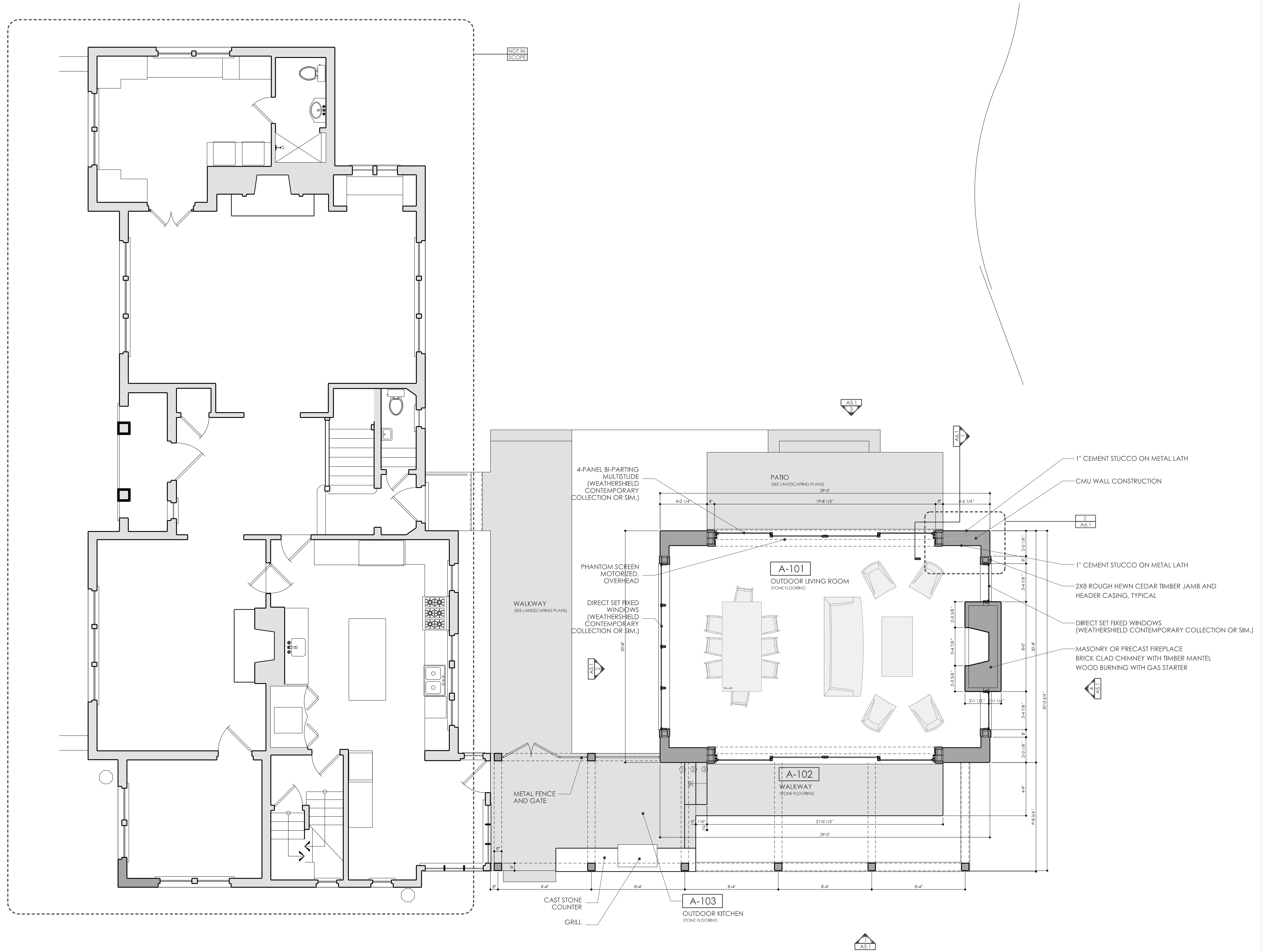
SHEET TITLE

**SCHEMATIC
GRADING
PLAN**

SHEET NUMBER

L3.0



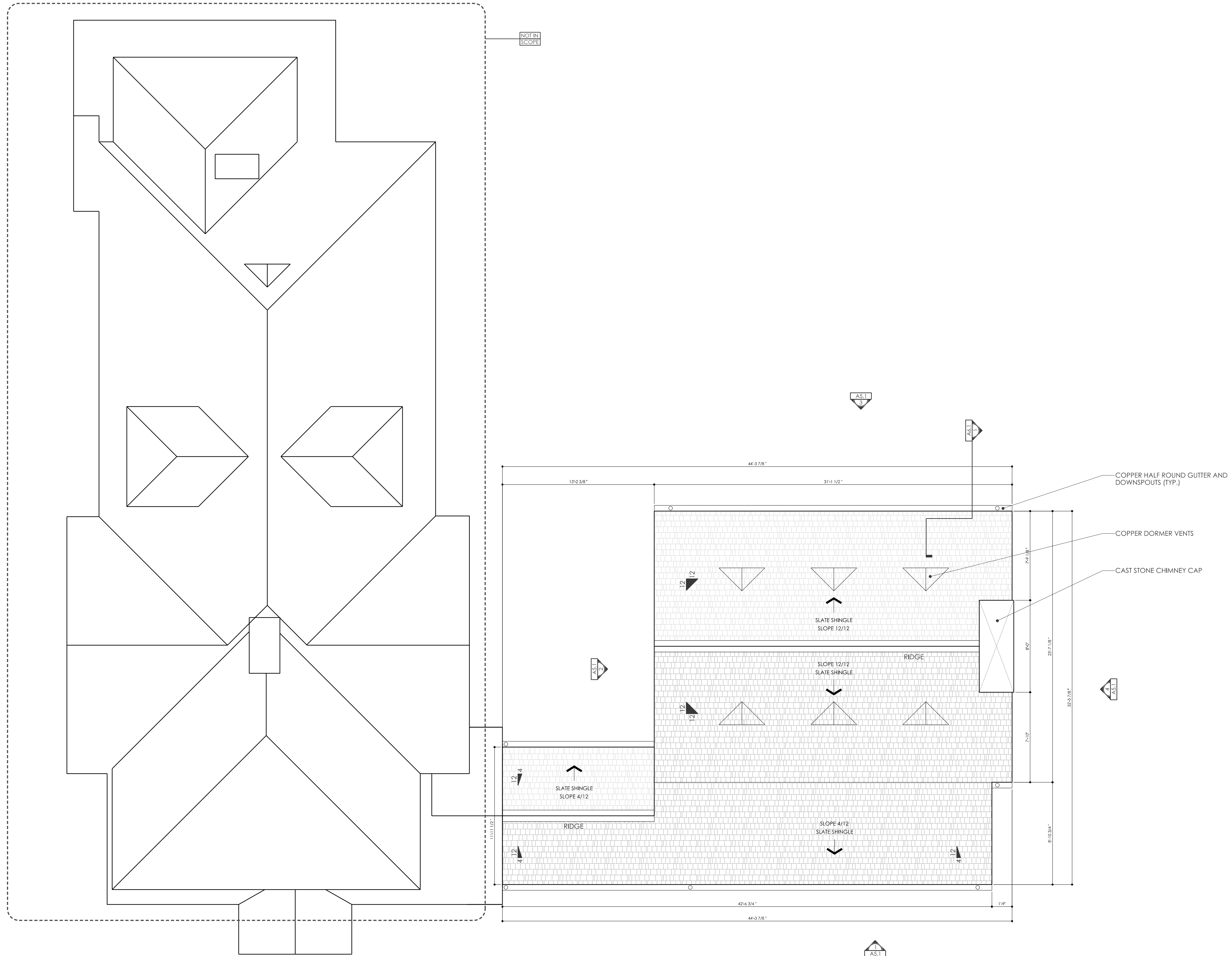


No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
ROOF PLAN

SHEET NUMBER
A1.1
 COMMENTS
NOT ISSUED FOR CONSTRUCTION

FLOOR PLAN - OUTDOOR ROOM
 SCALE: 1/4" = 1'-0"

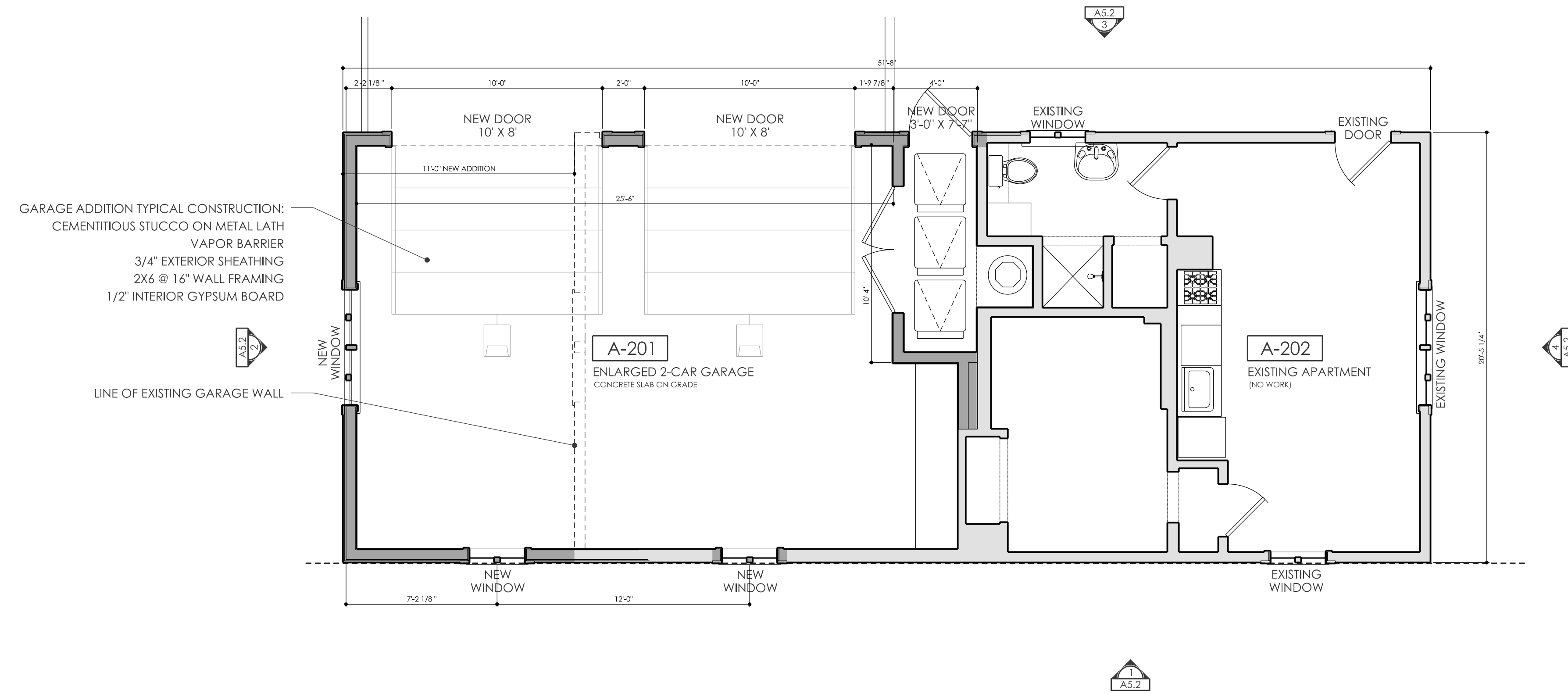


1 ROOF PLAN - OUTDOOR ROOM
 A1.2 SCALE: 1/4" = 1'-0"

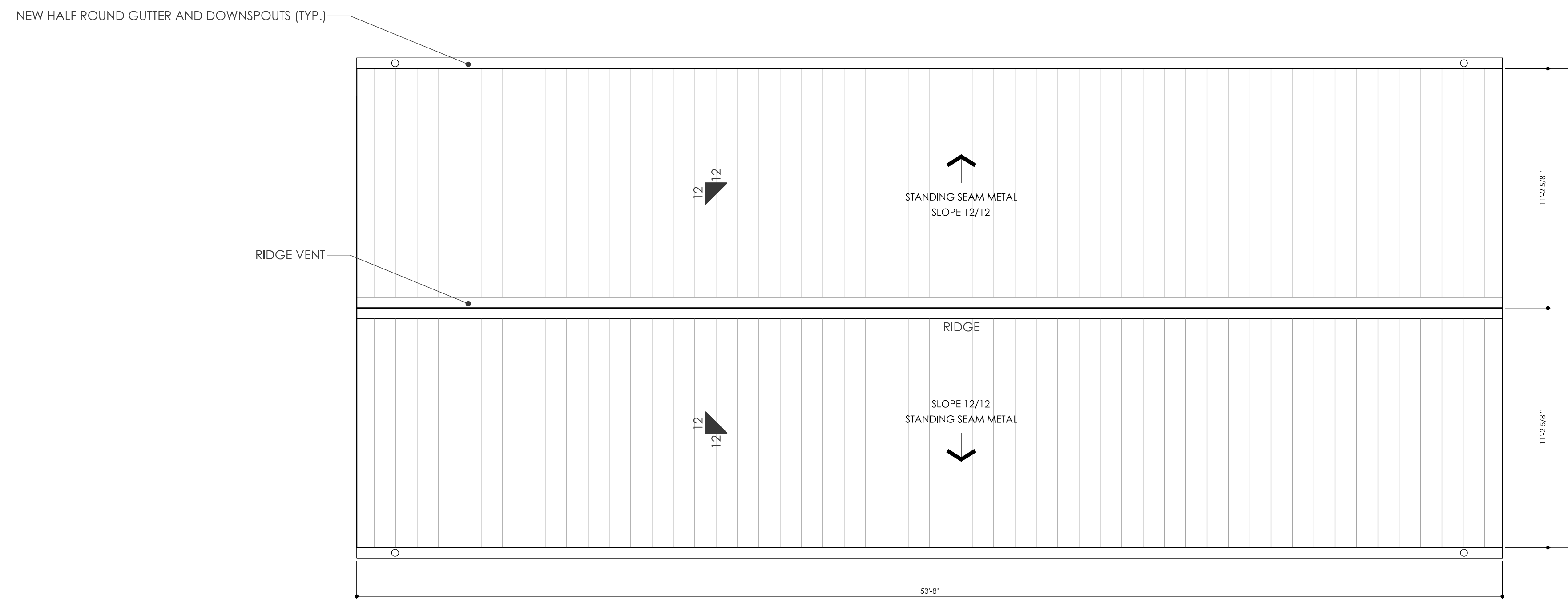
No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
ROOF PLAN

SHEET NUMBER
A1.2
 COMMENTS
NOT ISSUED FOR CONSTRUCTION



1 FLOOR PLAN - GARAGE
 A1.2 SCALE: 1/4" = 1'-0"



2 ROOF PLAN - GARAGE
 A1.2 SCALE: 1/4" = 1'-0"

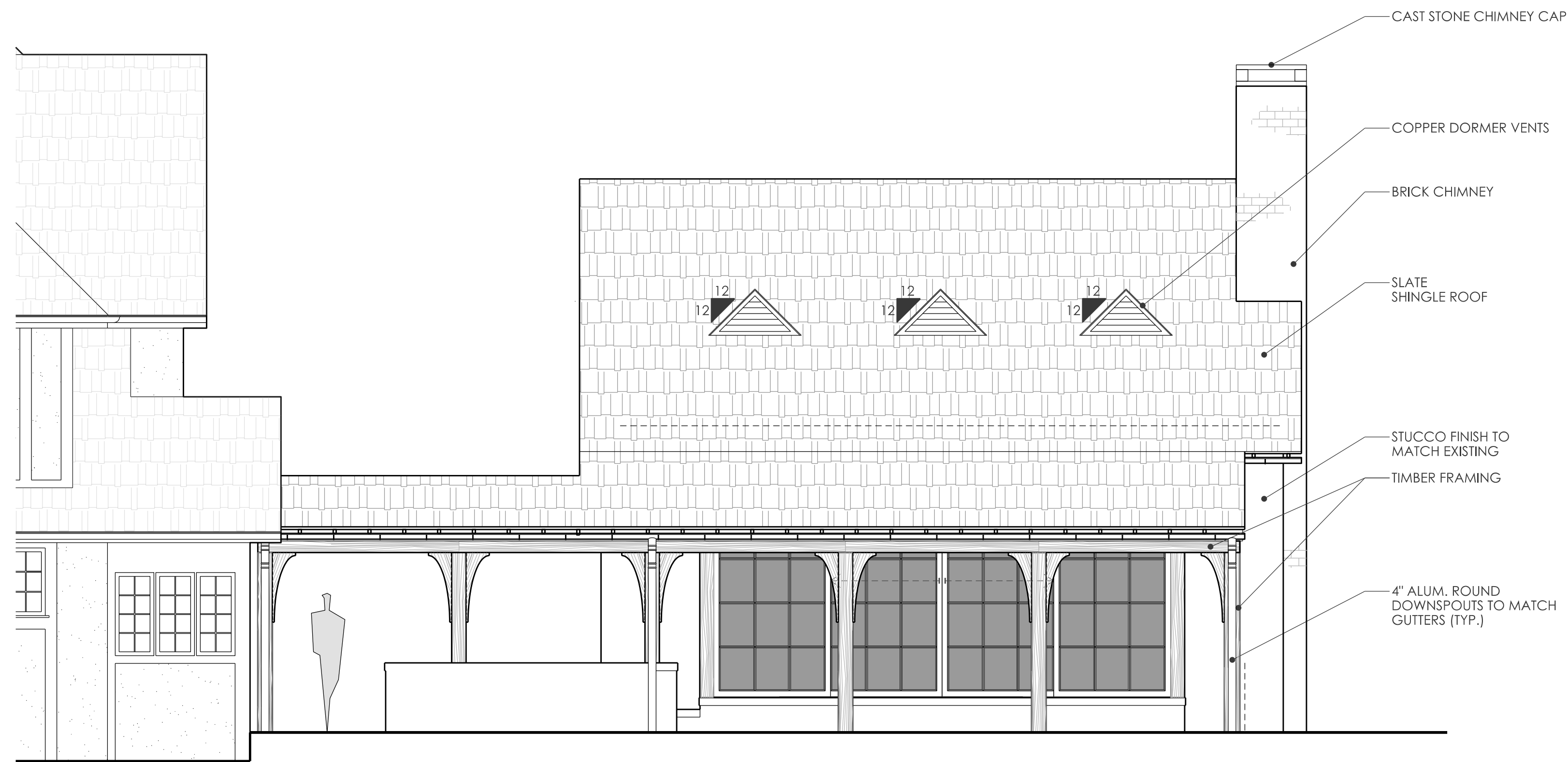
No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
**FLOOR PLAN
 ROOF PLAN**

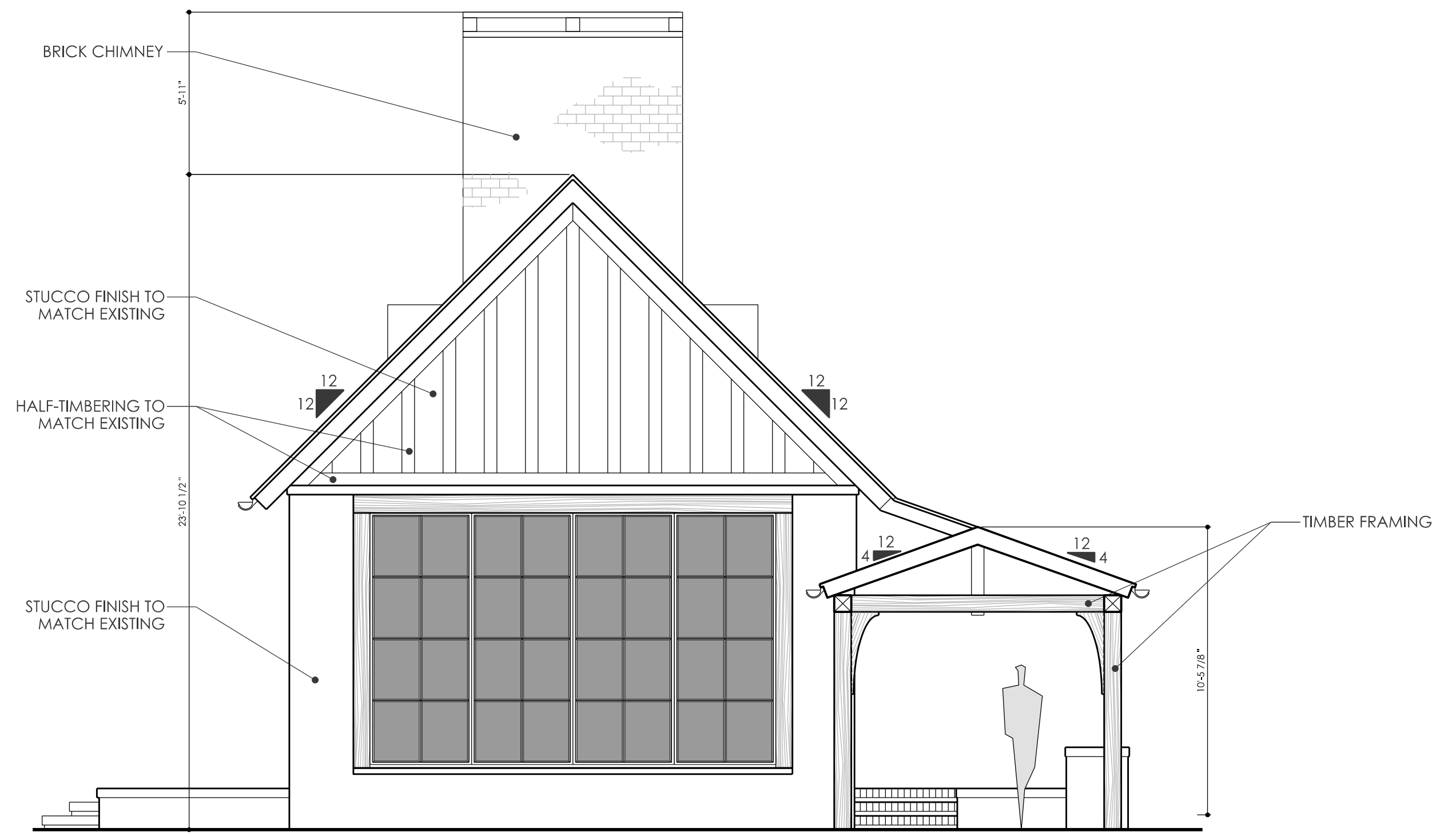
SHEET NUMBER

A1.3

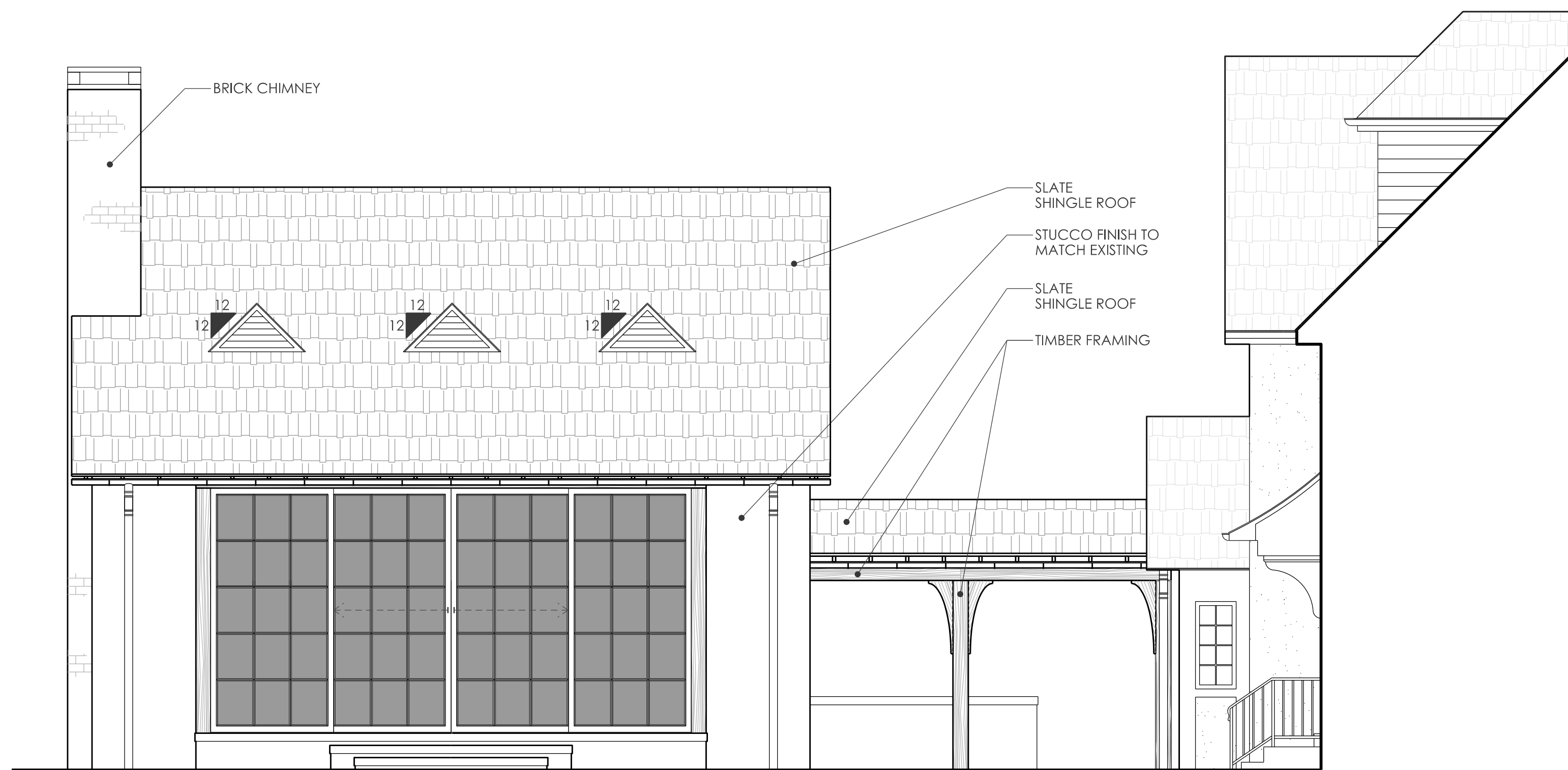
COMMENTS
 NOT ISSUED FOR CONSTRUCTION



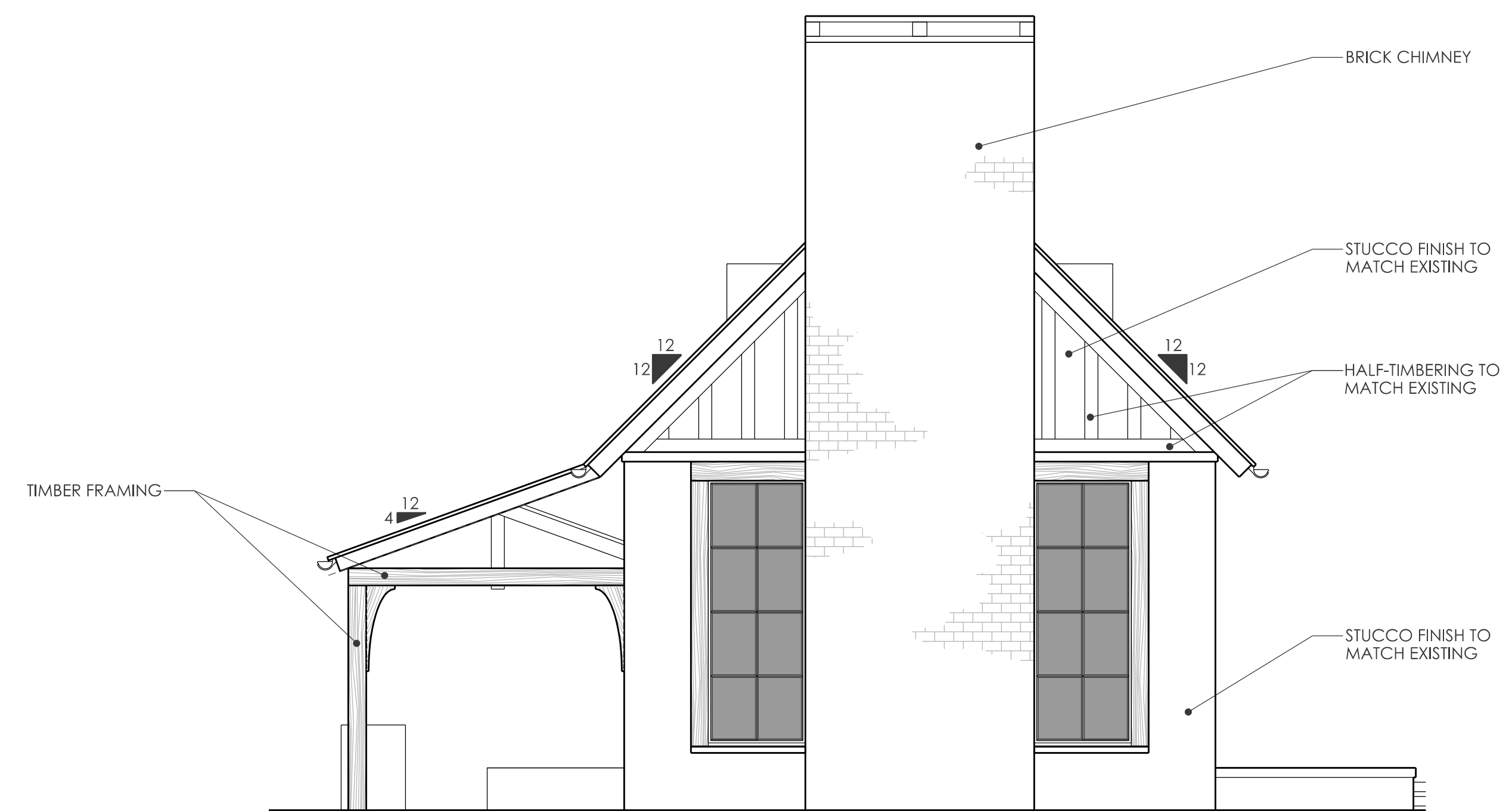
1 ELEVATION - SOUTH
A5.1 SCALE: 1/4" = 1'-0"



2 ELEVATION - WEST
A5.1 SCALE: 1/4" = 1'-0"



3 ELEVATION - NORTH
A5.1 SCALE: 1/4" = 1'-0"



4 ELEVATION - EAST
A5.1 SCALE: 1/4" = 1'-0"

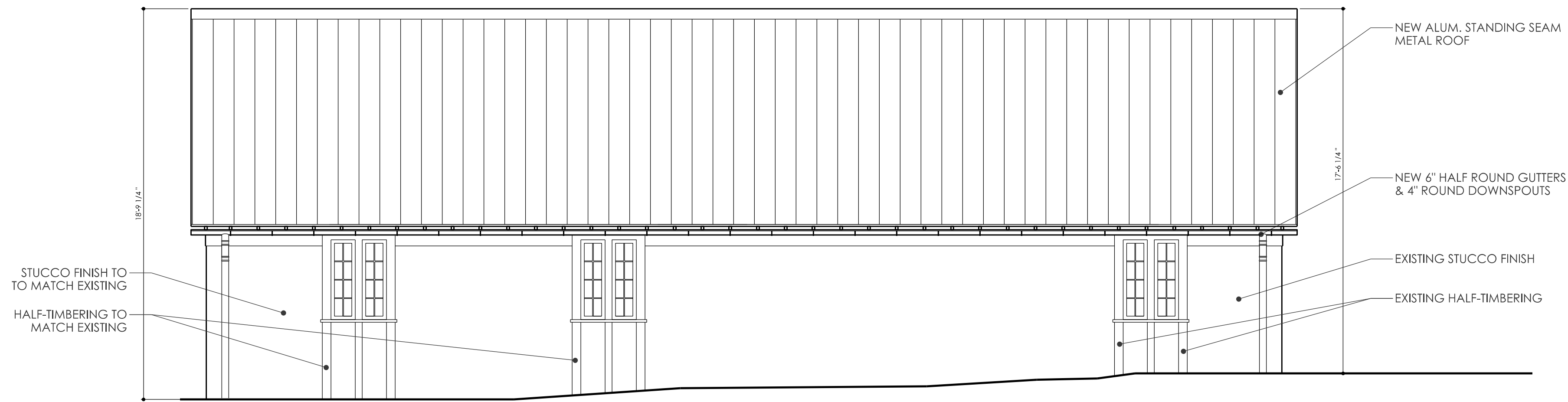
No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
EXTERIOR ELEVATIONS

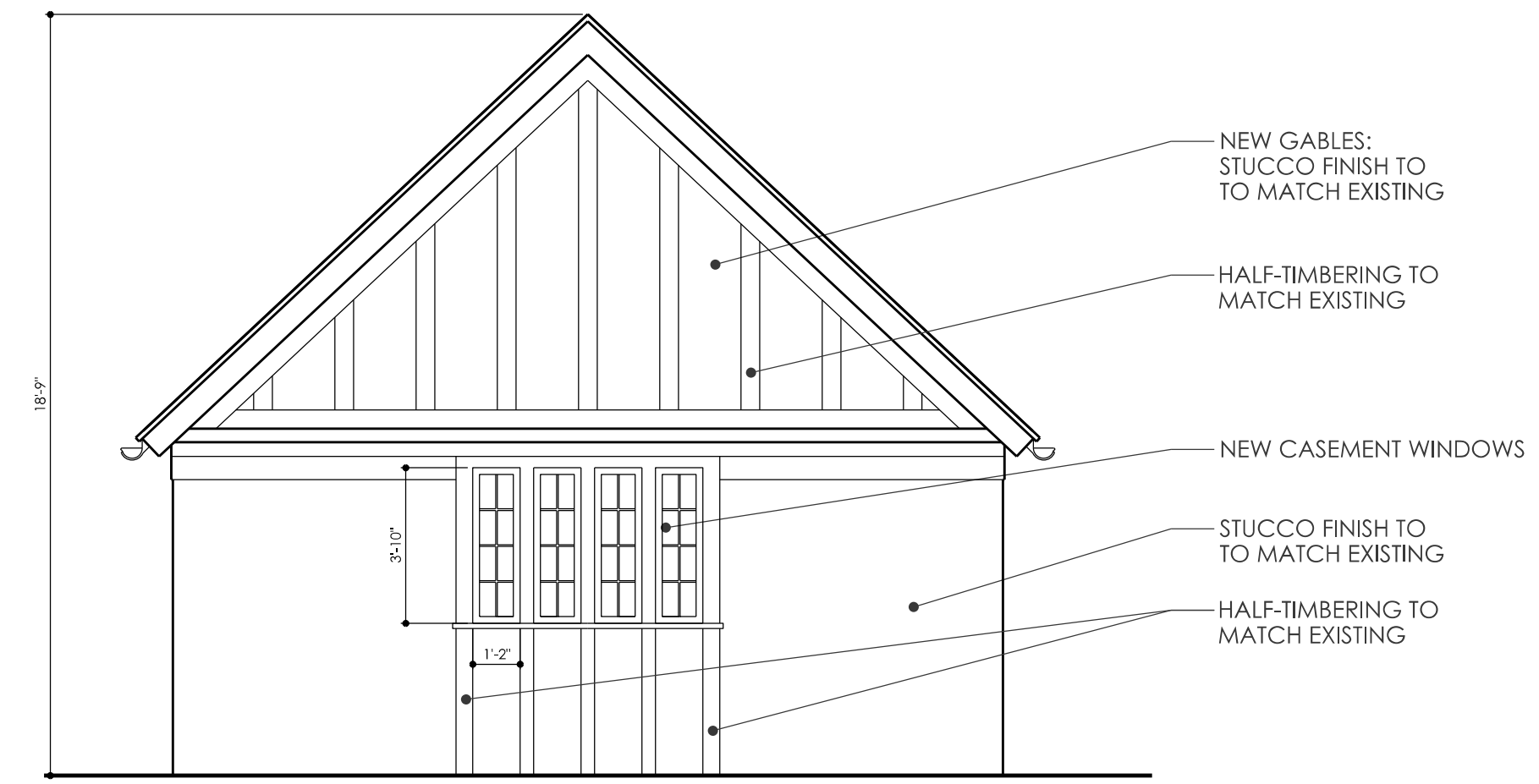
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A5.1

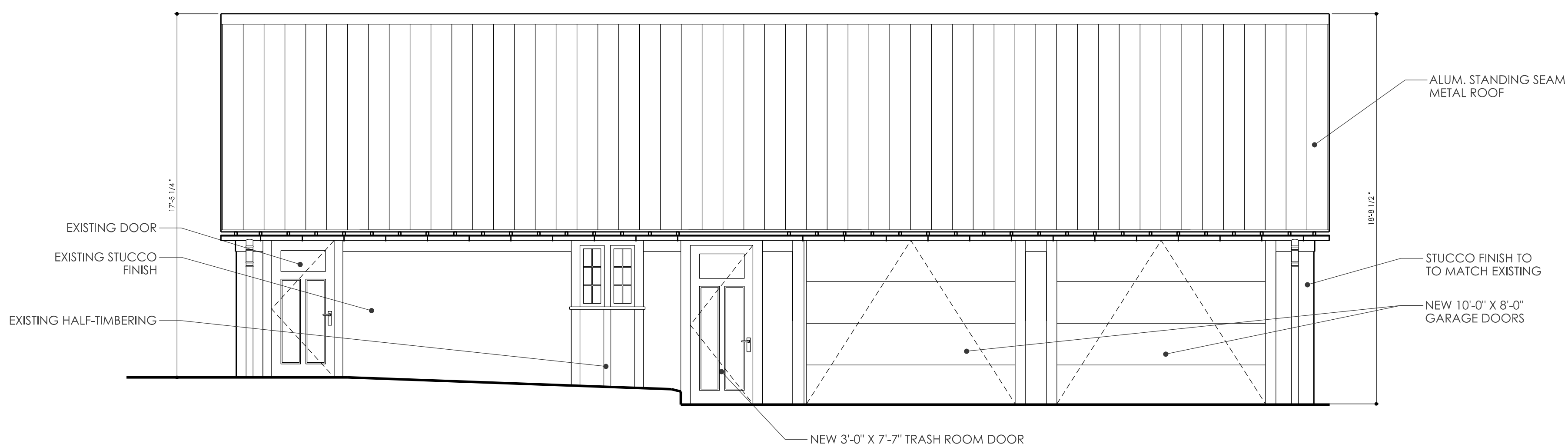
COMMENTS
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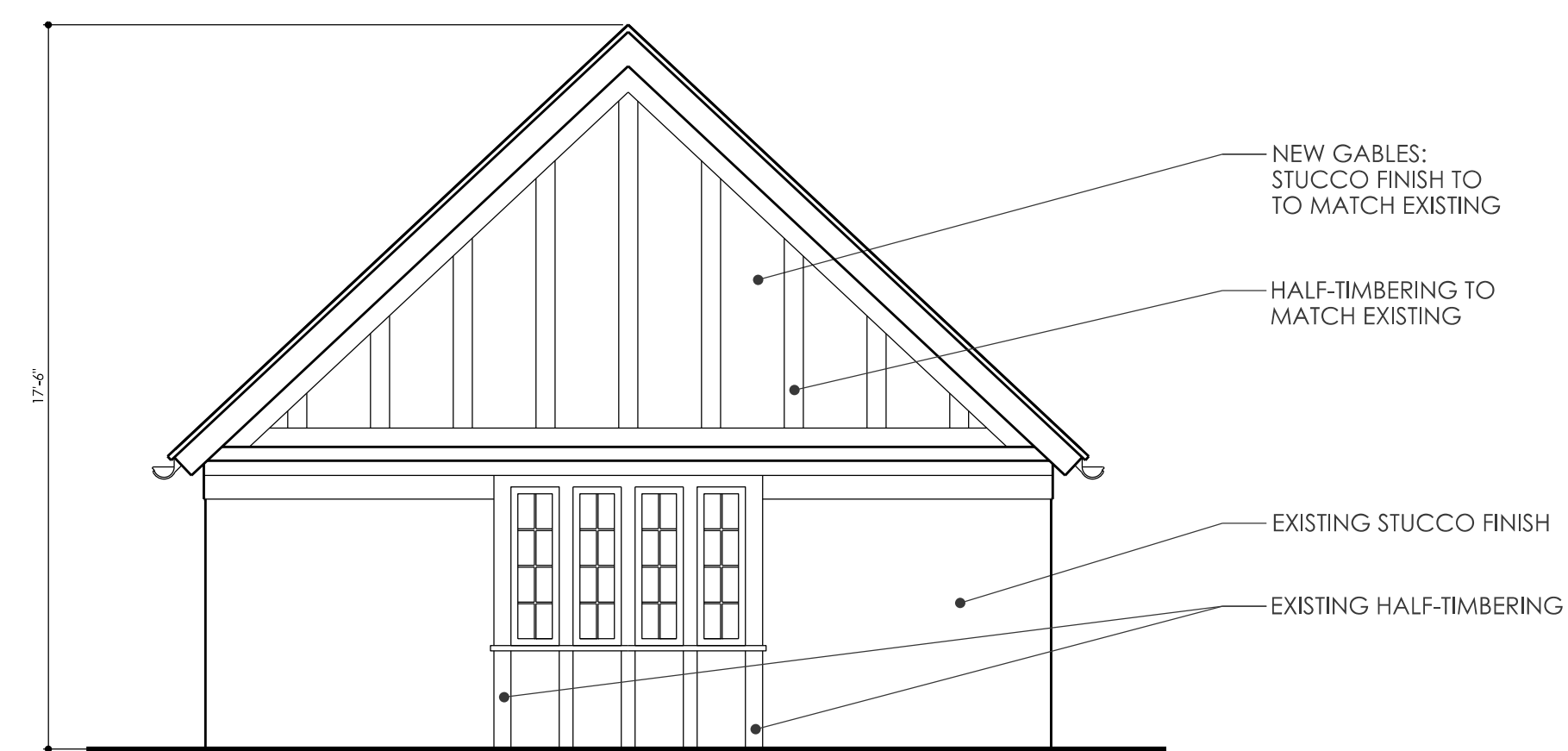
1 ELEVATION - SOUTH
A5.2 SCALE: 1/4" = 1'-0"



2 ELEVATION - WEST
A5.2 SCALE: 1/4" = 1'-0"



3 ELEVATION - NORTH
A5.2 SCALE: 1/4" = 1'-0"



4 ELEVATION - EAST
A5.2 SCALE: 1/4" = 1'-0"

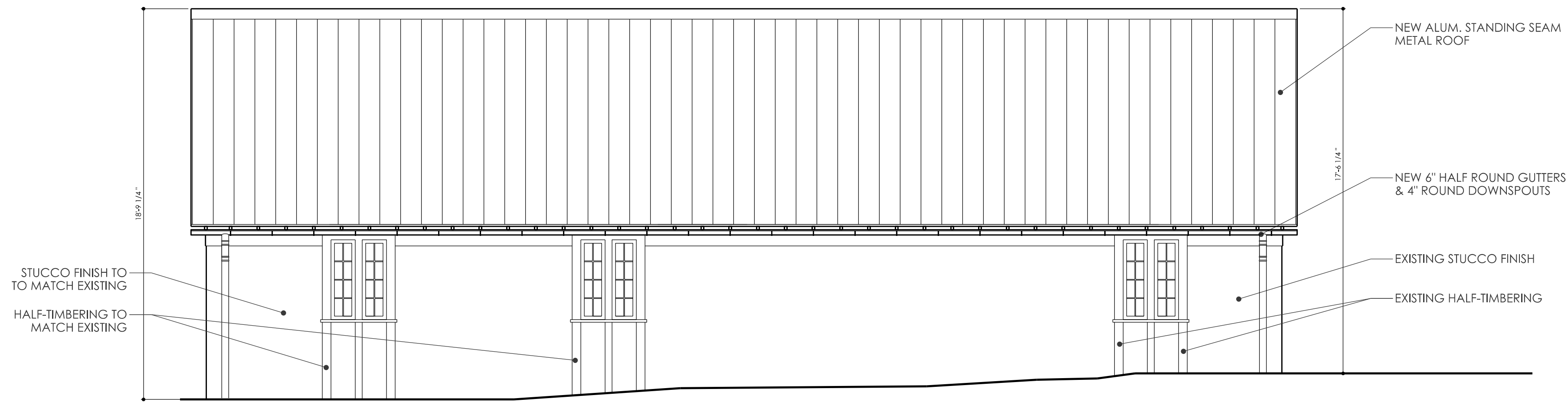
No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
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SHEET NAME
EXTERIOR ELEVATIONS

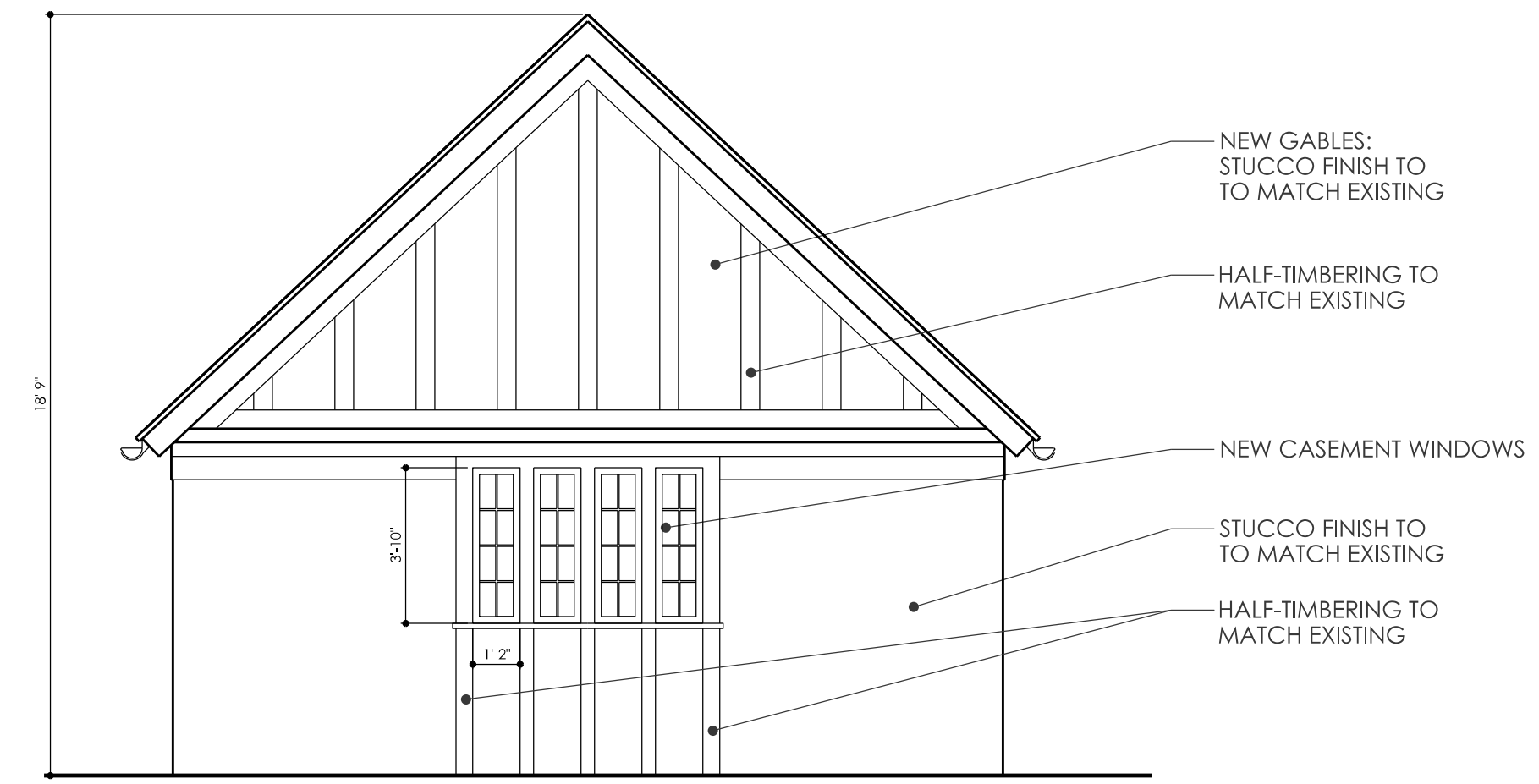
SHEET NUMBER

A5.2

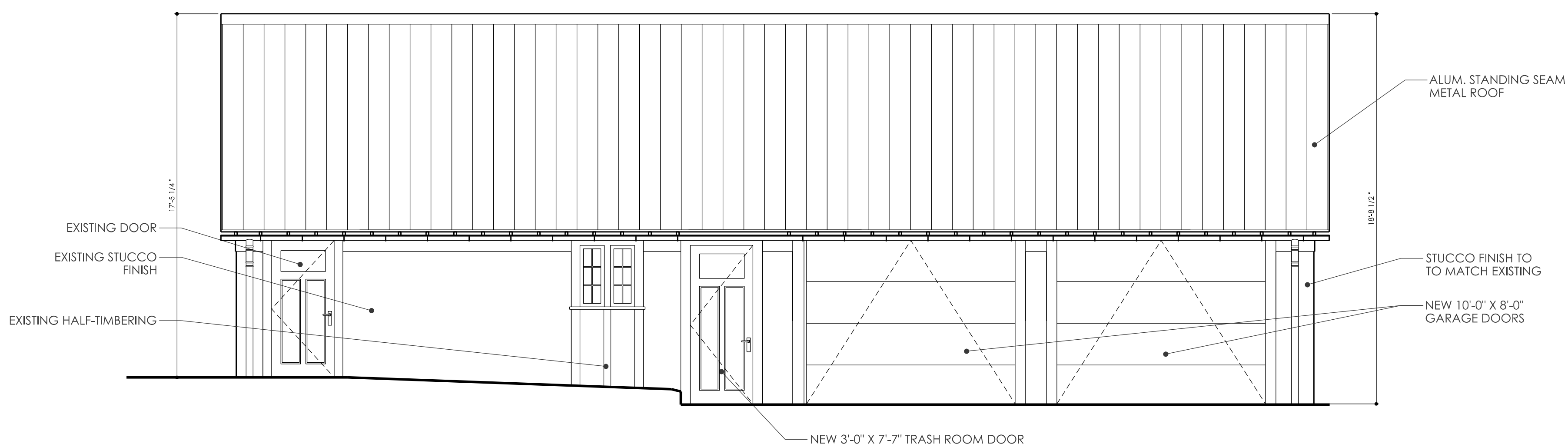
COMMENTS
NOT ISSUED FOR CONSTRUCTION



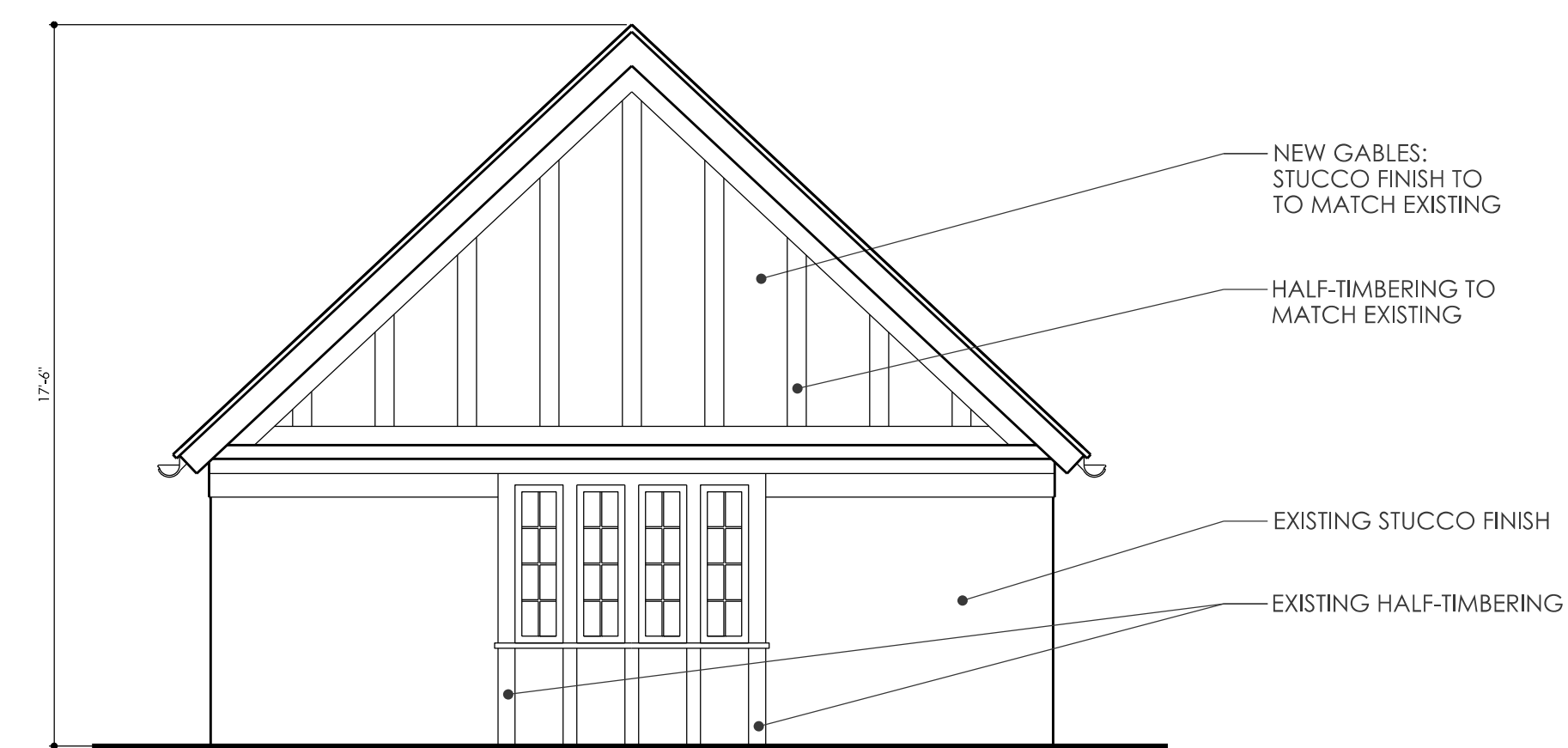
1 ELEVATION - SOUTH
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 A5.2 SCALE: 1/4" = 1'-0"



3 ELEVATION - NORTH
 A5.2 SCALE: 1/4" = 1'-0"



4 ELEVATION - EAST
 A5.2 SCALE: 1/4" = 1'-0"

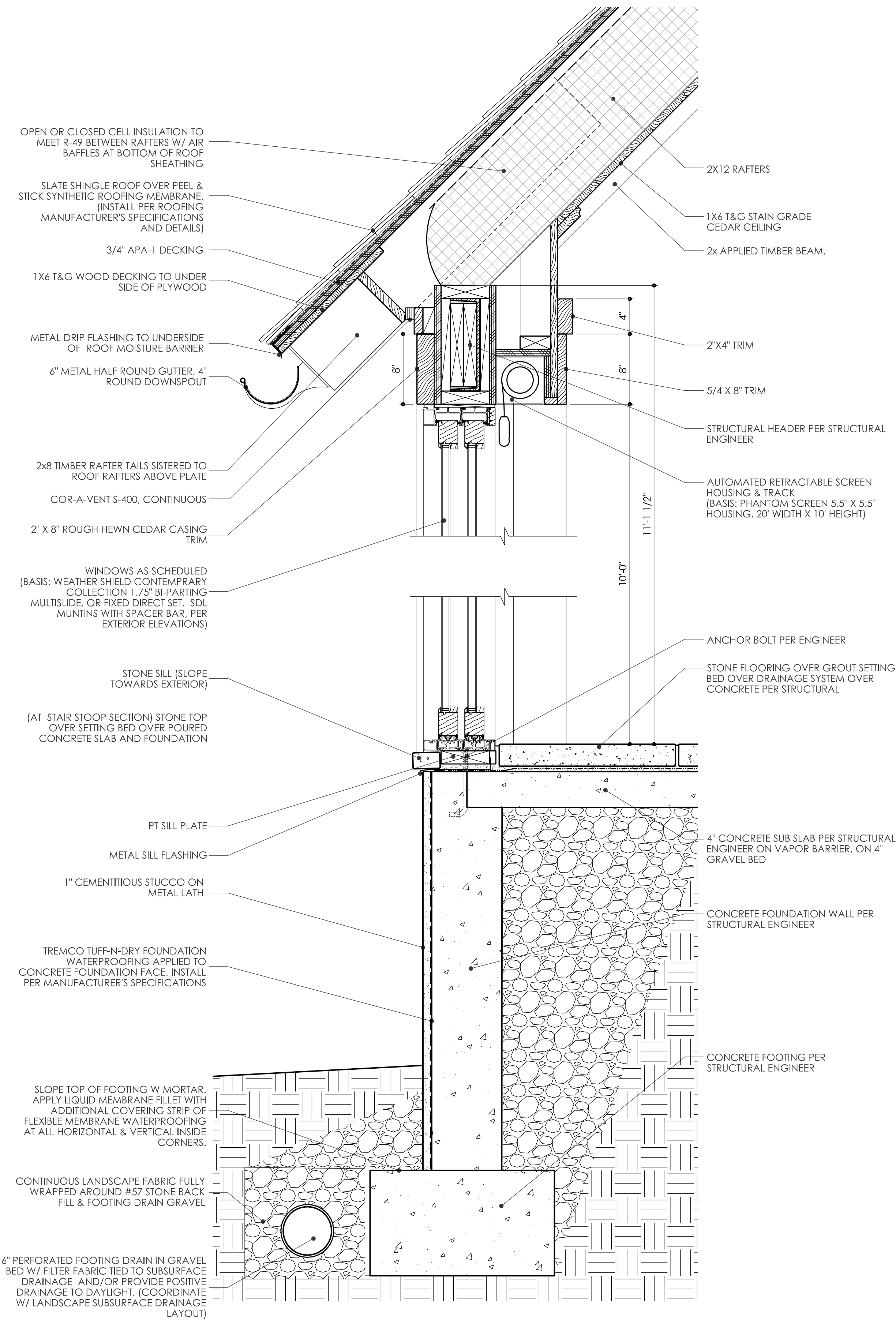
No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
 EXTERIOR ELEVATIONS

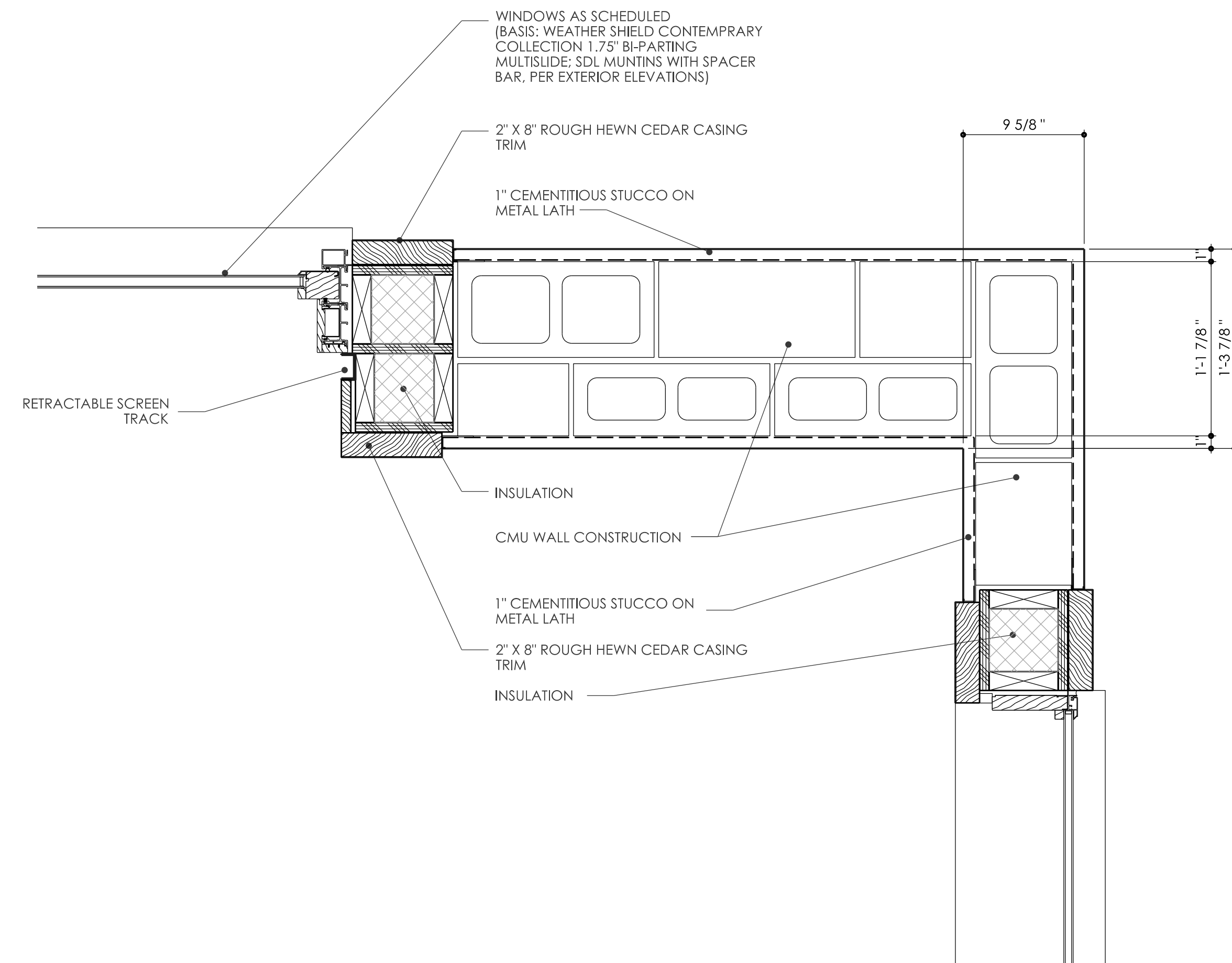
SHEET NUMBER

A5.2

COMMENTS
 NOT ISSUED FOR CONSTRUCTION



1 SECTION AT OUTDOOR ROOM
A6.1 SCALE : 1 1/2" = 1'-0"



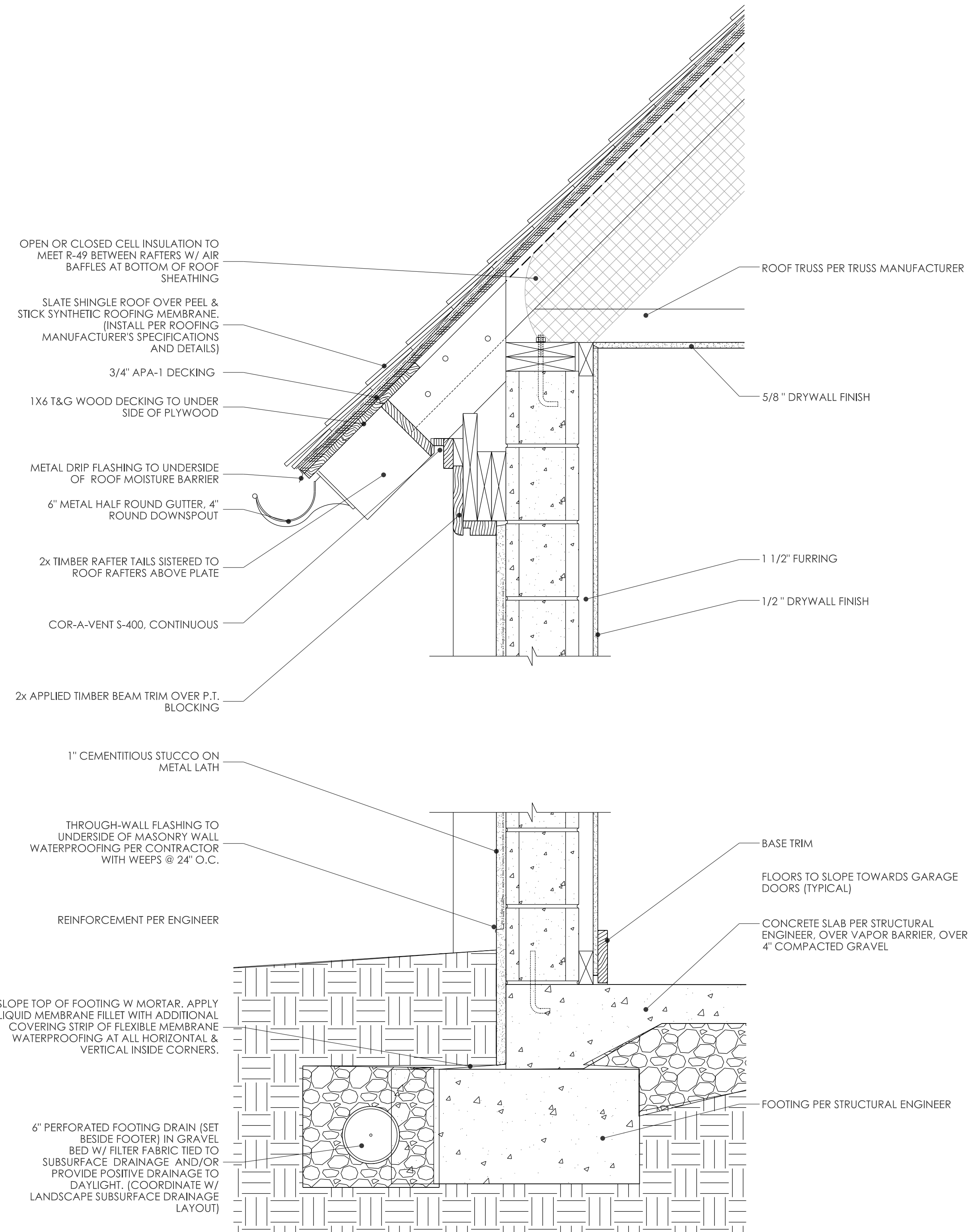
2 PLAN DETAIL -
A6.1 SCALE : 1 1/2" = 1'-0"

No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
DETAILS

SHEET NUMBER

A6.1
COMMENTS
NOT ISSUED FOR CONSTRUCTION



1 SECTION AT NEW GARAGE
 SCALE: 1 1/2" = 1'-0"

No.	Issue Description	Date
0.1	PRELIM. PRICING	10/04/2021
0.2	BOA / DRB SUBMITTAL	12/20/2022

SHEET NAME
DETAILS

SHEET NUMBER
A6.2
 COMMENTS
 NOT ISSUED FOR CONSTRUCTION

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

January 17, 2023



Case 5 – 16 White Oak Road

*Appeal from Notice of Violation
regarding Fence Re-Installation within Side Yard
Setback*

Property Owner: Kevin and Amanda Ring
Property Address: 16 White Oak Road

Project Description

This request is an appeal from a Notice of Violation (NOV) issued by the Town in early November 2022. The applicants submitted the required applications by the Town's deadline, but were unable to meet before the Board in December. As a result, this application and appeal is being brought to the Board in January.

Special Use Permit

The Town's Zoning Ordinance requires a special use permit for fences, including fence replacement. Specifically, the applicants have noted that this fence was on site previously but was damaged when an oak tree fell on it in late summer 2022. The fence replacement still requires a special use permit by the Board of Adjustment as a replacement. Due to the previous fence's location within the side yard, the Board may consider this as a special use permit request only.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131
www.biltmoreforest.org



George F. Goosmann, III, Mayor
Doris P. Loomis, Mayor Pro-Tem
Fran G. Cogburn, Commissioner
E. Glenn Kelly, Commissioner

Jonathan B. Kanipe,
Town Manager

November 4, 2022

Kevin and Amanda Ring
16 White Oak Road
Asheville, NC 28803

Re: NOTICE OF VIOLATION – TOWN ZONING ORDINANCE
SECTION 153.049

Unpermitted Fence Installation
16 White Oak Road

Dear Mr. and Ms. Ring,

The Town has observed an unpermitted fence installation on your property at 16 White Oak Road. The above referenced structures was not permitted by the Town of Biltmore Forest and is in violation of the Town's Zoning Ordinance. Section 153.049 of the Town Zoning Ordinance governs fence installation This portion of the Zoning Ordinance is attached for your reference.

In order to come into compliance with the Town's Zoning Ordinance, the fence must be removed by Friday, December 2, 2022. You have the right to appeal this notice of violation. In order to appeal, you may request a special use permit from the Board of Adjustment (for the fence). It may also be necessary to apply for a variance from the Board of Adjustment due to the proximity of the gate to the side setback. The setback for your property in the R-2 district is 15 feet from the side property line. In addition to the above referenced applications, a zoning permit is also required. Each of these applications may be found on the Town's website at the following address: <https://www.biltmoreforest.org/zoning-and-land-use-application-forms>

Your response to this correspondence is requested by Monday, November 28, 2022 if you intend to appeal the notice of violation to the Board of Adjustment. Please feel free to reach out with any questions. Thank you.

Sincerely,

Jonathan B. Kanipe
Town Manager

§ 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

Kevin Ring

Property Address

16 White Oak Rd

Phone

(828) 450-0385

Email

kevin@workcompprofessionals.com

Parcel ID/PIN Number

964790213700000

ZONING INFORMATION

Current Zoning

R-2

Lot Size

.37 acre

Maximum Roof Coverage

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

Proposed Roof Coverage Total

NA

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 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

30ft

Description of the Proposed Project

Fence replacement for courtyard outside carriage house in back yard

Estimated Start Date

11/1/2022

Estimated Completion Date

11/1/2022

Estimated Cost of Project

\$10,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

fence replacement.docx

Applicant Signature

A handwritten signature in black ink, consisting of several overlapping strokes. It starts with a vertical line on the left, followed by a horizontal line that curves upwards and then downwards. A second vertical line is drawn to the right of the first, and a horizontal line connects them, with a loop on the right side. The signature ends with a long, sweeping horizontal stroke that extends to the right.

Date

11/12/2022

Special Use Permit Application

Town of Biltmore Forest

Name

Kevin Ring

Address

16 White Oak Rd

Phone

(828) 450-0385

Email

kevin@workcompprofessionals.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:

Fence replacement for courtyard outside carriage house in the back yard.

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

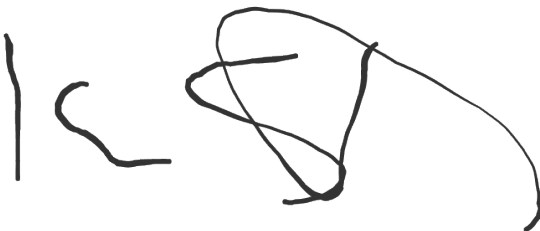
The fence is in the back of the house and is only visible from the street if someone has a reason to look down the driveway. It is constructed from attractive materials and we are planning to stain it after the lumber has time to cure.

The fence is a replacement of a fence that had been in place for nearly two decades without adversely affecting the public interest of those living in the neighborhood.

the fence does not detract from any resident's use or enjoyment of 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

11/12/2022

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Kevin Ring

Address

16 White Oak Rd

Phone

(828) 450-0385

Email

kevin@workcompprofessionals.com

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?

Requesting a set back variance for the replacement of a fence that was destroyed by a fallen tree in the summer of 2022

What does the ordinance require?

15ft 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 home was constructed in 1924 or 1925, well before setbacks were considered. With the strict application of the ordinance, the driveway for our home could not be permitted as a portion of the driveway is actually on the adjacent lot. The fence does not exceed the width of the driveway and does not further encroach on the stated setback in any additional way.

The replacement fence complies with the applicable ordinances as they relate to the replacement of an existing fence.

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

As previously stated, setbacks were not considered when the home was built nor for decades following its construction. As such, the hardship results from the conditions that are peculiar to the property, and the lots were drawn up during the initial planning of Biltmore Forest. We do not know the specific date of construction of the carriage house the fence sits outside of. Renovations have made it clear that it was originally constructed as a garage. This indicates that our driveway, which sits on the property line has been a part of the home since well before the 1970's when the second floor was added to the carriage

house.

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

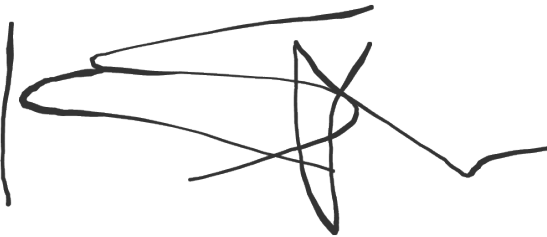
We have taken no actions to encroach on the setback beyond the encroachments that existed before we purchased the property in 2004.

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.

Applying the setback in this situation would ignore the era of the home's construction while providing no benefit to our neighbors or the town as a whole. The replacement fence is not detrimental to public safety and aligns with the ordinance's purpose.

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, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Date

11/12/2022

This fence is a replacement for a fence that was destroyed when an oak tree fell in the late summer of 2022. The replacement is constructed of better and more attractive materials than the fence it replaced.