To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners

From: Jonathan B. Kanipe, Town Manager

Date: February 7, 2024

Re: Board of Adjustment Meeting – February 19, 2024

***PROPOSED AGENDA***

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, February 19, 2024 at 4:00 p.m. at the Biltmore Forest Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

1. The meeting will be called to order and roll call taken.

2. The minutes of the December 18, 2023 regular meeting will be considered.

3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

   Case 1: 9 Brookdawn Chase – Tree Removal Request (Removal of More than 10 Protected Trees) and Landscape Plan Review
   Site Visit – 2:50 pm

   Case 2: 6 Fairway Place – Special Use Permit for swimming pool in rear yard.
   Site Visit – 2:15 pm

   Case 3: 7 Amherst Road – Variance request for encroachment into side yard setback.
   Site Visit – 2:00 pm

   Case 4: Cedar Hill Drive, Lot 1 - Parcel 9646-42-14-19 0000
   Special Use permit request for retaining wall and fence in rear yard; variance request for fence location in front yard.
   Site Visit – 2:30 pm

   Case 5: 120 Stuyvesant Road – Special Use permit for Concrete Mounds in Front Yard and Sports Court in Side Yard; Variance Request for Concrete Mounds in Front Yard.
   Site Visit – 3:05 pm

   Case 6: 1345 Hendersonville Road – Special Use Permit request as Plained Unit Development for New Parking Lot and New Plaza and Amphitheatre
   Site Visit – 3:20 pm

4. Adjourn
The Board of Adjustment met at 4:00 p.m. on Monday, December 18, 2023.

Mr. Greg Goosmann, Ms. Martha Barnes, Ms. Lynn Kieffer, Ms. Rhoda Groce, and Mr. Robert Chandler were present. Mr. Jonathan Kanipe, Town Manager, and Mr. Tony Williams, Town Planner, and Town Attorney, Mr. Billy Clarke were also present.

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

Chairman Goosmann swore in the following:

Mr. Tony Williams
Mr. Jonathan Kanipe
Ms. Carol Jackson
Mr. George Renfro
Mr. Michael O’Buckley
Ms. Jessica Pishko
Mr. Phil Hardin
Mr. Jon Moore

A motion was made by Ms. Rhoda Groce moved to approve the minutes from November 20, 2023. Ms. Lynn Kieffer seconded and was unanimously approved.
HEARING (Evidentiary):

The first project is for a Special Use Permit at 100 Stuyvesant Road for a fence to screen utility structures. Mr. Robert Chandler shepherded the matter. Ms. Carol Jackson is the homeowner and said they want to have an area in the front to screen utility structures. Ms. Jackson said this is to enhance the house and the appearance from the street. Mr. Clarke said a Variance needs to be applied for this matter and in order to have fencing in the front yard, one would have to apply for a Variance and explain what the hardship is.

Mr. Clarke said this matter cannot be considered at this meeting since the fence request is in the front and she only applied for a Special Use Permit. She would need to withdraw her application and reapply for a Special Use and Variance. Ms. Kieffer said, if the fence were attached to the house, it wouldn’t need a Variance or a Special Use Permit.

DELIBERATION AND DETERMINATION

Ms. Jackson withdrew her application and the Board advised Ms. Jackson to speak to Mr. Williams about the fence connecting to the house which would not need a Special Use or Variance.

HEARING (Evidentiary):

The next matter is for a Special Use Permit request for a replacement fence at 15 Greenwood Road. The matter was shepherded by Ms. Rhoda Groce. Mr. George Renfro said he would like to have a deer fence installed. They have an existing fence that would go around the entire back part of their house. It was built in 1969 when the house was built. They would like to replace it with a ten-foot fence to prohibit deer from coming in. Mr. Renfro spoke with the neighbor behind his house and he was supportive of the project. Ms. Groce asked if any of the neighbors asked for additional buffering, would he be able to add this. Mr. Renfro said yes. The fence will be a metal wrought iron fence.
DELIBERATION AND DETERMINATION

Ms. Groce restated the facts and said Mr. George Renfro is applying for a Special Use Permit at 15 Greenwood Road. This would be for a replacement fence. It will be a deer fence up to ten feet and a metal PVC coated fence. He is willing to provide additional buffering if requested.

Mr. Chandler moved that a Special Use Permit be granted to Mr. George Renfro at 15 Greenwood Road and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site, and no neighboring property owner has objected. He further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town. The motion was seconded by Ms. Martha Barnes and unanimously approved.

HEARING (Evidentiary):

The third matter is for a Special Use Permit request for a swimming pool in the rear yard and open-air outdoor living space at 4 Fairway Place. The matter was shepherded by Ms. Martha Barnes. Mr. Michael O’Buckley said they would like to add to the back of the house which would be approximately 400 square feet. They would like to install a 10’x20’ pool. The impervious area is 10,988 square feet. The total roof coverage is 3,221. The fence will be 48 inches. It will be glass panels. The open-air living space is attached to the house. It has a fireplace. There will be can lights shooting down. There will be two small lights in the pool. They will be on opposite ends of the pool. There is currently buffering. Ms. Barnes asked Mr. O’Buckley if a neighboring property owner asked for additional screening, would he be compliant with this. Mr. O’Buckley said yes.
DELIBERATION AND DETERMINATION

Ms. Barnes restated the facts and said Mr. O’Buckley at 4 Fairway Place is requesting a Special Use Permit for a 10’x20’ pool and has some concrete surround and grass surround. It meets the impervious surface requirement. The open-air living space is about 17’x22’ which abuts the pool. The open-air living space will also include a fireplace. The pool is going to be surrounded by a four-foot glass panel fence. He is open to screening if additional screening is needed. The lighting is minimal and is faced down.

Ms. Kieffer made a motion to grant a Special Use Permit to Mr. Michael O’Buckley at 4 Fairway Place for a swimming pool and outdoor living space in the rear yard and the facts as recited by Martha Barnes and her summation be accepted as findings and facts to support this grant. The Board has inspected this site, and no neighboring property owner has objected. She further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town. The motion was seconded by Ms. Rhoda Groce and unanimously approved.

HEARING (Evidentiary):

The next matter is for a Special Use Permit for a fence within the rear yard and Variance request to encroach upon the rear setback at 44 Forest Road. Ms. Kieffer shepherded the matter. Ms. Jessica Pishko said they would like to install a four-foot-high fence. It will be coated black iron that will extend out on one side to encompass part of the patio. It will be in the back to connect to an existing chain link fence. It is within the setback. A Variance is requested so it could meet with the existing fence in the back. The lot was surveyed to make sure they were in the setbacks.
They spoke with the Cantrell’s next door and will put in screening so it will not be a problem. The fence has three gates. The fence will not be visible from the road either as buffering will be placed so it is not visible from the road.

DELIBERATION AND DETERMINATION

Ms. Kieffer restated the facts and said Ms. Jessica Pishko is requesting a Special Use Permit for fence installation in the rear yard and a Variance for the fence to attach to the existing fence in the backyard. It will be 261 linear feet and four feet tall.

Ms. Rhoda Groce moved that a Special Use Permit as requested be granted to Ms. Jessica Pishko of 44 Forest Road for a fence 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. She further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3)of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town. The motion was seconded by Ms. Rhoda Groce and unanimously approved.

Further she moved that by granting this Variance Further satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning
Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Ms. Barnes seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The last matter is for a Variance request to encroach the front yard setback for an addition and a Special Use Permit request for construction of a new accessory building (detached garage) in the rear yard at 27 Park Road. Mr. Robert Chandler shepherded the matter. Mr. Jon Moore said the house is a bit over the setback line on the corner (about nine feet over). They would like to square off, which would result in an addition of approximately 14’x16’. It would project into the front yard another fourteen feet at its maximum. It would run at an angle diagonally to the line. The house is a corner lot and built in 1954. The front and side setbacks were discussed. Mr. Phil Hardin said the plans are well presented.

Mr. Chandler restated the facts and said Ellen Farmer and Thomas Jennings of 27 Park Road are applying for a Variance request for encroachment. The applicant would like to expand a bedroom on the eastern side of the house with encroachment into the setback line. The reason is because of when it was built and the lot itself, they will fill in the corner 14’x16’ but no further out of the existing home parameters already. The hardship is when the rules were created and where the house is now positioned in this complicated lot. It doesn’t violate the impervious surface or roof coverage.

Ms. Barnes moved that a Variance as requested be granted to Ellen Farmer and Thomas Jennings of 27 Park Road for encroachment into the front yard setback due to a house expansion 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, she moved that by granting this Variance further satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured, and
substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Ms. Lynn Kieffer seconded the motion and was unanimously approved.

Mr. Kanipe recommended tabling the second matter (the garage) so they can look further into this setback issue in terms of front, rear, and sides. Mr. Kanipe said he would feel more comfortable for the Town making sure the proposed site plan is compliant with the Ordinance.

The matter was tabled until the Town could verify the setbacks appropriately.

The meeting was adjourned at 4:52 pm. The next Board of Adjustment meeting is scheduled for Monday, January 22, 2024, at 4:00 pm.

ATTEST:

_____________________________  _______________________________
Greg Goosmann                    Laura Jacobs
Chairman                        Town Clerk
CASE 2
Property Address: 9 Brooklawn Chase
Property Owner: John Semanik
Request: Tree Removal Request (Removal of More than 10 Protected Trees) and Landscape Plan Review

Background

The property owners request permission from the Board of Adjustment to remove twelve (12) trees that are considered as protected trees under the Town’s ordinance. This ordinance is attached to the memorandum for the Board’s review and requires the Board of Adjustment’s approval before more than ten (10) protected trees may be removed.

Supplemental Information

The applicants have provided the tree removal request stating the reason for the removal and a landscape plan showing the existing location of trees to be removed. The application also includes the proposed landscaping plan for the property. The Towns Tree Preservation Ordinance is attached.
Zoning Compliance Application
Town of Biltmore Forest

Name
John Semanik

Property Address
9 Brooklawn Chase

Phone
(904) 365-5553

Email
jmckinstry@sedaconstruction.com

Parcel ID/PIN Number
964671083100000

ZONING INFORMATION

Current Zoning
R-1

Lot Size
3.93 acres

Proposed Roof Coverage Total
No structure being built

Proposed Impervious Surface Coverage
No structure being built

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
No structure being built

Description of the Proposed Project
Removing trees that are close enough to fall on the house, terrace, or driveway and replacing with natural landscaping, as well as Biltmore Estate inspired gardens that are being designed by a landscape architect.

Estimated Start Date
1/29/2024

Estimated Completion Date
2/29/2024

Estimated Cost of Project
$150,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)
Proposed Tree Removal.pdf
9 Brooklawn Chase w Trees.pdf
9 Brooklawn Chase w Gardens.pdf
Trees_at_9_Brooklawn_Chase.pdf
9 Brooklawn Chase Tree Removal Map

White Pine
White Oak
Sourwood
Yellow Pine
White Pine
Norway Spruce
Proposed Tree Removal
John Semanik
9 Brooklawn Chase

1) Pine (too close to house)
2) Oak (hollow/fungus)
3) Pine (too close to house)
4) Pine (too close to house)
5) Pine (too close to house)
6) Oak (too close to house)
7) Pine (too close to house)
8) Norway Spruce (uprooting – root sprung)
9) Holly (too close to house)
10) Holly (too close to house)
11) Sourwood (too close to driveway)
12) Maple (too close to driveway)
13) Pine (too close to driveway)
14) Oak (too close to driveway)
15) Sourwood (too close to driveway)
16) Oak (too close to driveway)
17) White Pine (tree test field)
18) White Pine (too close to house)
19) White Oak (suppressed)
20) Pine (most dead)
21) Pine (too close to driveway)
22) Pine (too close to driveway)
23) Pine (too close to driveway)
24) White Oak (too close to house)
25) Pine (too close to house)
26) White Oak (too close to house)
27) Sourwood (too close to house)
28) Pine (leaning and too close to house)
29) Pine (too close to house)
30) Pine (too close to house)
31) Oak (dead top)
32) Oak (too close to driveway)
33) Holly (too close to driveway)
34) White Oak (too close to driveway and gate)
35) Pine (too close to driveway and gate)
36) Sourwood (too close to driveway and gate)
37) Oak (too close to driveway and gate)
38) Pine (too close to driveway and gate)
39) White Oak (too close to driveway and gate)
40) Sourwood (too close to driveway and gate)
41) Sourwood (too close to driveway and gate)
42) Dead tree
43) Sourwood (dead top)
44) Pine (poor live crown)
45) Pine (give Maple room)
46) Mountain Laurel (too close to house)
47) Maple (too close to house)
48) Maple (too close to house)
49) Oak (girdled with chain)
50) Sourwood (dead top)
51) Sourwood (mostly dead)
52) Maple
53) Sourwood (too close to house)
54) Sourwood (too close to house)
55) White Oak
56) Maple (too close to house)
57) Maple (too close to house)
58) White Oak (too close to house)
59) Oak
60) Oak
61) Pine
62) Mountain Laurel
63) Pine
64) Pine (poor crown)
65) Oak
66) Sourwood
67) Oak (too close to house)
68) Maple
69) Pine (too close to house and driveway)
70) Sourwood (too close to house and driveway)
71) Oak (too close to house and driveway)
72) Oak (too close to house)
73) Oak (too close to house)
74) Oak (too close to house)
75) Oak (too close to house and driveway)
76) Oak (too close to house and driveway)
77) Oak (too close to house and driveway)
78) Oak (too close to house and driveway)
79) Oak (too close to house and driveway)
80) Oak (too close to house)
81) Maple
82) Oak (too close to driveway)
83) Oak (too close to driveway)
84) Oak (too close to driveway)
85) Oak (too close to driveway)
86) Sourwood (too close to driveway)
87) Oak (too close to house)
88) Oak (heavy lean, lifting root plate)
89) Oak (too close to house)
90) Oak
91) Sourwood
92) Holly
93) Oak (too close to house)
94) Oak
95) Oak (too close to house)
96) Oak (too close to house)
97) Oak (too close to driveway)

Total: 97

Proposed Tree Replacement

9 Dogwoods
5 Crepe Myrtles

Total: 14

We can certainly plant more replacement trees if our numbers are incorrect. I based the replacement off those trees that are considered a hazard or the arborist we hired recommended removal due to dead, diseased, or damaged.
<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Date</th>
<th>Condition</th>
<th>Removal?</th>
<th>Diameter</th>
<th>NOTES</th>
</tr>
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<tbody>
<tr>
<td>White Pine</td>
<td>09/27/2023 18:20:48.870</td>
<td>Good</td>
<td>Yes</td>
<td>22</td>
<td>tree test field</td>
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<tr>
<td>Norway Spruce</td>
<td>09/27/2023 19:44:31.872</td>
<td>Poor</td>
<td>Yes</td>
<td>14</td>
<td>Uprooting - root sprung Norway Spruce</td>
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<tr>
<td>Chinese Holly</td>
<td>09/27/2023 19:46:53.933</td>
<td>Fair</td>
<td>Yes</td>
<td>7</td>
<td>Nellie Stevens holly too close to building</td>
</tr>
<tr>
<td>Red Maple</td>
<td>09/27/2023 19:54:06.863</td>
<td>Good</td>
<td>No</td>
<td>14</td>
<td>Red maple</td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 19:55:11.908</td>
<td>Good</td>
<td>No</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Chinese Holly</td>
<td>09/27/2023 19:56:24.989</td>
<td>Fair</td>
<td>Yes</td>
<td>8</td>
<td>Nellie Stevens holly too close to building foundation</td>
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<tr>
<td>White Pine</td>
<td>09/27/2023 19:58:35.302</td>
<td>Poor</td>
<td>Yes</td>
<td>13</td>
<td></td>
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<tr>
<td>White Pine</td>
<td>09/27/2023 19:59:54.848</td>
<td>Poor</td>
<td>Yes</td>
<td>8</td>
<td>Suppressed</td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:01:57.655</td>
<td>Good</td>
<td>No</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:03:27.637</td>
<td>Good</td>
<td>No</td>
<td>8</td>
<td>Suppressed but ok</td>
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<tr>
<td>White Pine</td>
<td>09/27/2023 20:07:56.683</td>
<td>Poor</td>
<td>Yes</td>
<td>10</td>
<td>Mostly dead</td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:08:55.738</td>
<td>Good</td>
<td>No</td>
<td>14</td>
<td>Phototropic lean toward house, prune low branches</td>
</tr>
<tr>
<td>Yellow Pine</td>
<td>09/27/2023 20:18:56.378</td>
<td>Poor</td>
<td>Consider removal</td>
<td>20</td>
<td>Shortleaf pine - Lower trunk damage and fruiting body on trunk</td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:21:49.816</td>
<td>Good</td>
<td>No</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Scarlet Oak</td>
<td>09/27/2023 20:23:52.248</td>
<td>Fair</td>
<td>No</td>
<td>19</td>
<td>Check base for internal decay</td>
</tr>
<tr>
<td>American Holly</td>
<td>09/27/2023 20:26:25.420</td>
<td>Good</td>
<td>No</td>
<td>4</td>
<td>American holly very nice landscape plant</td>
</tr>
<tr>
<td>Sourwood</td>
<td>09/27/2023 20:28:37.746</td>
<td>Good</td>
<td>No</td>
<td>8</td>
<td>Sourwood- nice tree</td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:29:48.159</td>
<td>Good</td>
<td>No</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:31:32.174</td>
<td>Poor</td>
<td>Yes</td>
<td>7.5</td>
<td>Dead top</td>
</tr>
<tr>
<td>White Pine</td>
<td>09/27/2023 20:34:50.817</td>
<td>Good</td>
<td>Yes</td>
<td>18</td>
<td>Leaning toward and too close to house</td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:37:27.010</td>
<td>Good</td>
<td>Yes</td>
<td>13</td>
<td>Heavy lean toward house, lifting root plate</td>
</tr>
<tr>
<td>Scarlet Oak</td>
<td>09/27/2023 20:39:57.452</td>
<td>Fair</td>
<td>No</td>
<td>17</td>
<td>Check for trunk hollow</td>
</tr>
<tr>
<td>White Pine</td>
<td>09/27/2023 20:43:05.583</td>
<td>Good</td>
<td>No</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>White Pine</td>
<td>09/27/2023 20:44:08.546</td>
<td>Good</td>
<td>No</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:45:54.880</td>
<td>Good</td>
<td>No</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>White Pine</td>
<td>09/27/2023 20:47:03.351</td>
<td>Dead</td>
<td>Yes</td>
<td>9.5</td>
<td></td>
</tr>
<tr>
<td>White Oak</td>
<td>09/27/2023 20:50:54.492</td>
<td>Poor</td>
<td>Yes</td>
<td>25</td>
<td>Very Hollow at base and fungus present</td>
</tr>
<tr>
<td>Sourwood</td>
<td>10/06/2023 17:39:08.609</td>
<td>Good</td>
<td>No</td>
<td>12.5</td>
<td>Sourwood- very nice specimen</td>
</tr>
<tr>
<td>American Holly</td>
<td>10/06/2023 17:41:19.723</td>
<td>Good</td>
<td>No</td>
<td>4</td>
<td>Nice American Holly</td>
</tr>
<tr>
<td>Sourwood</td>
<td>10/06/2023 17:43:09.807</td>
<td>Good</td>
<td>No</td>
<td>7</td>
<td>Sourwood - great understory tree</td>
</tr>
<tr>
<td>Sourwood</td>
<td>10/06/2023 17:44:29.731</td>
<td>Good</td>
<td>No</td>
<td>6</td>
<td>Sourwood</td>
</tr>
<tr>
<td>White Oak</td>
<td>10/06/2023 17:45:06.166</td>
<td>Good</td>
<td>No</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Sourwood</td>
<td>10/06/2023 17:46:47.985</td>
<td>Good</td>
<td>No</td>
<td>8</td>
<td>Sourwood - great fall colors</td>
</tr>
<tr>
<td>Sourwood</td>
<td>10/06/2023 17:47:48.582</td>
<td>Poor</td>
<td>Yes</td>
<td>7</td>
<td>Sourwood dead top</td>
</tr>
<tr>
<td>Yellow Pine</td>
<td>10/06/2023 17:49:22.317</td>
<td>Poor</td>
<td>Yes</td>
<td>14</td>
<td>Poor live crown ratio - shortleaf pine</td>
</tr>
<tr>
<td>Tree</td>
<td>Date/Time</td>
<td>Status</td>
<td>Removal</td>
<td>Crown Ratio</td>
<td>Notes</td>
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</tr>
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<td>14</td>
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<td>34</td>
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</tr>
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<td>Tree Type</td>
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<td>Oxydendrum arboreum</td>
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</tr>
<tr>
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<tr>
<td>Tree Species</td>
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<tr>
<td>Oxydendrum arboreum</td>
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<td>Quercus alba</td>
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<td>Quercus alba</td>
<td>Unprotected</td>
<td>25</td>
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<td>Quercus coccinea</td>
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<td>17</td>
</tr>
<tr>
<td>Oxydendrum arboreum</td>
<td>Unprotected</td>
<td>14</td>
</tr>
<tr>
<td>Ilex opaca</td>
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<td>4</td>
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<tr>
<td>Quercus alba</td>
<td>Unprotected</td>
<td>21</td>
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<td>21.5</td>
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<td>26</td>
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<tr>
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<td>22</td>
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<td>27</td>
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<tr>
<td>Quercus alba</td>
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</tbody>
</table>
ORDINANCE 2023-06

AN ORDINANCE TO AMEND THE
TOWN OF BILTMORE FOREST ZONING ORDINANCE BY ADDING CHAPTER
153.050 AND DELETING CHAPTERS 93.30 THROUGH 93.41 OF THE TOWN OF
BILTMORE FOREST TOWN CODE

WHEREAS, the Town of Biltmore Forest has adopted a Zoning Ordinance which regulates
the use of land within its corporate limits; and

WHEREAS, the Town of Biltmore Forest desires to revise a chapter of its existing zoning
ordinance;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE TOWN OF BILTMORE FOREST THAT:

Section 1. Chapter 153.050 shall be added to the Biltmore Forest Zoning Ordinance as
follows:

Chapter 153.050 Tree Preservation

TREE PRESERVATION

153.050 Purpose

153.051 Definitions

153.052 Removal of protected trees

153.053 Applications for removal of more than ten (10) protected trees

153.054 Removal of unprotected trees

153.055 Enforcement

153.056 Drip line protection

153.057 Replacement of trees

153.058 Inspections, Appeals, Bond, and Penalty
TREE PRESERVATION

§ 153.050 PURPOSE.

(A) In order to maintain the unique characteristics of the Town of Biltmore Forest as a residential neighborhood with a history beginning as part of the Vanderbilt Estate, it is necessary to preserve the traditional appearance of Biltmore Forest as a true forest. This is particularly true of trees along the roads and around the perimeter of lots. Trees provide buffer and a natural canopy, and are a hallmark of the Town requiring protection. The Town is focused on maintaining the current health of the forest and increasing species diversity, with a primary goal to replace hardwood trees, other native trees, and trees of preference more quickly. Trees provide shade, cooling, noise and wind reduction, prevent soil erosion, produce oxygen, filter dust, and absorb carbon dioxide. Trees also provide natural habitat and aesthetic enhancement in the Town.

(B) Preservation and appropriate replacement of trees is the intent of this chapter. This chapter shall apply to all properties within the Town of Biltmore Forest except as noted in part C below.

(C) This chapter does not apply to properties owned, leased, or controlled by the Town of Biltmore Forest. This chapter does not apply to properties that perform forestry activity on forestland taxed on the basis of its present-use value as forestland under Article 12, Chapter 105, of the N.C. General Statutes. Once an active forestry management plan is no longer in place, the exception for the property will be removed. Property owners with an active forestry management plan shall provide a current copy of this plan to the Town each calendar year by January 31.

(D) This ordinance applies to residential and non-residential tree removal that does not involve construction activity. Refer to §153.034 for landscaping plan requirements and §153.061 for tree removal and replacement guidelines related to all construction activity.

§ 153.051 DEFINITIONS.

NON-RESIDENTIAL USES. For the purposes of this chapter, non-residential uses may include specific uses found throughout the Town that do not encompass single-family or multi-family residential dwellings. These uses may exist within a residential zoning district, but by actual use, are not residential in nature. Examples of these uses include, but are not limited to, public or private schools; country, athletic, and social clubs; medical or dental offices and campuses.

ORDINANCE ADMINISTRATOR. For the purposes of this chapter, the ordinance administrator charged with administration, inspection, review, and enforcement is the Town Manager or his/her designee.

OUTDOOR RECREATION ACTIVITIES. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed non-residential places, sites, or fields. Active recreational uses and supporting services include swimming, tennis, golf, baseball and other field sports, track, and playground activities.

PROTECTED TREE. A protected tree is any tree six inches or more in diameter at a height of four and a half feet from the ground (DBH-diameter at breast height) that is in sound, healthy condition.

RECOMMENDED PLANTING LIST (RPL). A list developed and updated by the Town Arborist that includes preferred species based on the tree being removed and acceptable replacement locations. For all replanting requirements, a minimum of fifty (50) percent of the total replacement
trees must come from the RPL with twenty-five (25) percent of the total replacement trees being those species identified as trees of preference, as defined below. A minimum of one (1) tree scheduled for replacement shall come from the Tree of Preference (TOP) list as defined below. The replanting list may be updated periodically and is available on the Town’s website.

**RESIDENTIAL USES.** For the purposes of this chapter, residential uses include single-family detached dwelling units found within the R-1, R-2, and R-3 zoning districts and includes attached multi-family residential units found within the R-1, R-2, and R-3 zoning districts.

**SETBACKS.** For the purposes of this chapter, setback refers to the minimum yard setback requirement found in § 153.007 “DIMENSIONAL REQUIREMENTS” of the Town Zoning Ordinance. “INSIDE SETBACK AREA” is the length found from the street or property line, and “OUTSIDE SETBACK AREA” is the remainder of the property area. An example of setback locations are shown below.

![Setback Determination Diagram](image)

**TREES OF PREFERENCE (TOP).** Trees that warrant additional attention and regulation due to being a preferred native species or having distinctive height and/or diameter. Trees of preference include any healthy, living tree with the following characteristics:

(A) Has a trunk diameter at breast height (DBH) of thirty-six (36) inches or more;

(B) Any tree native to North Carolina per the United States Department of Agriculture Natural Resource Conservation Service Plants Database with a trunk DBH of thirty (30) inches or more.

**UNREGULATED TREE.** A tree that is less than six (6) inches in diameter, regardless of height or species, is to be unregulated and not subject to the provisions of this chapter.

**UNPROTECTED TREE.** A tree that is six inches or more in diameter at a height of four and a half feet from the ground, and is dead, produces no foliage during normal growing seasons, or a tree that is diseased or damaged to the extent that it is structurally compromised and poses a safety hazard,
or a tree that, for any other reason, poses a safety hazard. Safety hazard concerns are evaluated by the Town Arborist in accordance with best management practices developed by the International Society of Arboriculture (ISA).

§ 153.052 REMOVAL OF PROTECTED TREES.

(A) No person shall remove or in any way damage any protected tree on a property without receiving approval from the appropriate regulatory review body for the removal and paying any applicable fee. Any protected trees removed shall be replaced as outlined in § 153.057 below.

(B) If the Ordinance Administrator concludes the removal of the number of protected trees requested would be undesirable, and not within the letter or intent of this chapter, he or she may refuse to approve such removal, or permit the removal of a lesser number of protected trees. Further, in his or her discretion, the Ordinance Administrator may require that the applicant provide a tree survey showing the location, size, and type of protected trees on a property, including common scientific names. The tree survey shall clearly indicate which protected trees are indicated for removal and which will be left undisturbed. In the case of new construction, the site plan must show the location of building, driveways, terraces, and other structures on the property. All protected trees must be clearly tagged as to retention or removal. The Ordinance Administrator may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Ordinance Administrator, to confirm that the protected tree(s) are on the applicant's property. An applicant has the right to appeal a decision of the Ordinance Administrator to the Board of Adjustment within five (5) business days of the decision.

§ 153.053 APPLICATIONS FOR REMOVAL OF MORE THAN TEN (10) PROTECTED TREES.

An application to remove more than ten (10) protected trees in twelve (12) successive months shall be made to the appropriate regulatory review authority as shown below. A fee for this application shall be paid along with the application.

<table>
<thead>
<tr>
<th>Protected Trees Requested for Removal</th>
<th>Regulatory Review Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10 Trees</td>
<td>Ordinance Administrator</td>
</tr>
<tr>
<td>11-30 Trees</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>31+ Trees</td>
<td>Board of Commissioners</td>
</tr>
</tbody>
</table>

§ 153.054 REMOVAL OF UNPROTECTED TREES.

(A) An unprotected tree may be removed by the property owner after notifying the Town of the plans to remove the tree(s) and receiving approval to do so from the Ordinance Administrator.
(B) The Ordinance Administrator may require the property owner to retain a certified arborist to render an opinion as to the health and structural integrity of the tree(s) in question and report the findings, in writing, to the Town before final approval is given. The Town reserves the right to consult with its own tree specialist to confirm the health and condition of any tree(s) prior to removal.

(C) Any unprotected trees removed shall be replaced as defined in § 153.057 below.

§ 153.055 ENFORCEMENT.

Any unauthorized removal, cutting, or damage to protected or unprotected tree(s) may result in the Ordinance Administrator placing a stop-work order on any activity on the property. This order shall remain in effect until all corrections are made to bring the property into compliance with this chapter, up to and including a final landscaping plan showing the full tree replacement as required by 153.057 below.

§ 153.056 DRIP LINE PROTECTION.

The health of protected trees requires the prevention of soil disturbance within the drip line of the trees. Covering this area with pavement or other materials, including excess soil, can affect the health of the tree. Final landscape plans shall protect this area around the tree and denote tree save areas on the plan.
§ 153.057 REPLACEMENT OF TREES.

(A) The replacement of protected and unprotected trees and trees of preference shall be established in accordance with the following requirements:

<table>
<thead>
<tr>
<th>SIZE OF TREE REMOVED (DBH)</th>
<th>INSIDE SETBACK AREA</th>
<th>OUTSIDE SETBACK AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PROTECTED</td>
<td>UN-PROTECTED</td>
</tr>
<tr>
<td></td>
<td>Qty</td>
<td>Size</td>
</tr>
<tr>
<td>6&quot;-12&quot;</td>
<td>1</td>
<td>2&quot;</td>
</tr>
<tr>
<td>13&quot;-18&quot;</td>
<td>1</td>
<td>2&quot;</td>
</tr>
<tr>
<td>19&quot;-36&quot;</td>
<td>1*</td>
<td>3&quot;</td>
</tr>
<tr>
<td>36&quot;+ T</td>
<td>1**</td>
<td>3&quot;</td>
</tr>
</tbody>
</table>

* must include a minimum of 3 screening/buffering trees as defined in RPL

** must include a minimum of 5 screening/buffering trees as defined in RPL

T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

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Table 3 - Non-Residential Tree Replacement Requirements

<table>
<thead>
<tr>
<th>SIZE OF TREE REMOVED (DBH)</th>
<th>INSIDE SETBACK AREA</th>
<th>OUTSIDE SETBACK AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PROTECTED</td>
<td>UN-PROTECTED</td>
</tr>
<tr>
<td></td>
<td>Qty</td>
<td>Size</td>
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<tr>
<td>6&quot;-12&quot;</td>
<td>1</td>
<td>2&quot;</td>
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<tr>
<td>19&quot;-36&quot;</td>
<td>2*</td>
<td>3&quot;</td>
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<tr>
<td>36&quot;+ T</td>
<td>2**</td>
<td>4&quot;</td>
</tr>
</tbody>
</table>

* must include a minimum of 3 screening/buffering trees as defined in RPL

** must include a minimum of 5 screening/buffering trees as defined in RPL

T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements
(B) A replacement tree may be planted up to one (1) year prior to the removal of any tree in order to count toward replacement. Replacement trees planted after existing tree removal shall be in the ground within six months of removal of the original tree. The Ordinance Administrator may, for good cause shown, and in his or her sole discretion, extend this period for an additional six months.

(C) The Town’s Recommended Planting List (RPL) shall be utilized by applicants when determining what species of trees are to be replanted. A minimum of fifty (50) percent of the total replacement trees shall come from the RPL with a minimum of twenty-five (25) percent of total replacement trees coming from the Trees of Preference (TOP) list. A minimum of one (1) tree scheduled for replacement shall come from the Tree of Preference (TOP) list. Variation from these requirements must be granted by the Ordinance Administrator prior to approval and planting.

(D) See the above charts for the minimum replacement size for all deciduous trees. Evergreen trees that are planted as replacement trees shall be a minimum of six (6) feet in height at the time of planting.

(E) (1) Depending on the proximity of other trees and/or structures, lesser quantities of replacement trees may be authorized by the Ordinance Administrator or by the Board of Adjustment (in the case of an appeal to the Town) or the Ordinance Administrator may authorize the replanting or replacement of trees in a location or locations where such replacement trees are more likely to survive. For existing residential lots where mature canopies remain after tree removal, replacement requirements may be amended regarding location and species to provide the best opportunity for healthy growth. This replacement requirement discretion is meant solely to allow for maintenance of existing residential lots where the canopy is thick and growing new trees would be impractical and/or difficult. This allowance is not intended for new residential construction.

(2) For non-residential lots, if replanting inside the setback results in an adverse condition to Town roads, other public property, other private property, or results in an undue hardship for an outdoor recreation activity, a variance application may be filed with the Board of Adjustment to replant the appropriate number of trees in a different location.

(3) Non-residential properties that include an outdoor recreation activity as a primary purpose, as defined above, are provided a tree removal allowance not to exceed net fifty (50) trees outside the setback of the property in a calendar year. Net removal is defined as the number of protected trees removed minus the number of trees re-planted on the property where the outdoor recreation activity occurs. Prior to removal of trees pursuant to this section, the property owner should submit to the Ordinance Administrator notice of the tree(s) to be removed. For purposes of this net removal allowance, a property owner needs only to submit to the Ordinance Administrator documentation of any protected trees removed and any trees replanted as a record of same for each calendar year. Unprotected trees outside the setback of a non-residential property with an outdoor recreation activity as a primary purpose may be removed without replacement, provided that notice is given to the Ordinance Administrator regarding the necessity for removal.

(F) The Town encourages a diversity of species during replanting, with a focus on replenishing hardwood trees within the forest. However, to provide appropriate screening and buffering, particularly among non-residential uses, trees that have a lower canopy (height) at maturity are also encouraged for inclusion in a replanting plan. This combination will ensure the canopy is varied in both height and species.
(G) Replacement trees shall not be planted within the Town’s right-of-way or in an area to obstruct the view of traffic.

§ 153.058 INSPECTIONS, APPEALS, BOND, AND PENALTY.

(A) All protected trees designated to remain, pursuant to a tree survey, plus any replacement trees shall be inspected by the Ordinance Administrator six months following any construction to ensure the trees are in a healthy condition. The Ordinance Administrator may require replacement or replanting of replacement trees if the appropriate replacement trees are not in place during this review.

(B) Any person aggrieved by a decision made under this subchapter by the Ordinance Administrator may file, within five (5) days after the date of such decision, a petition to have such decision reviewed and acted upon by the Board of Adjustment. The decision of the Board of Adjustment shall be subject to review by the Board of Commissioners.

(C) At the option of the Town, a bond or other type of guarantee can be required of the property owner and/or applicant when submitting a tree removal application to ensure all replanting requirements are met to the satisfaction of the Town.

(D) Any violation of this chapter shall be subject to the penalty provisions found in §153.999 of the Town of Biltmore Forest Zoning Ordinance.

Section 2. Chapter 93, Sections 93.30 through 93.41, shall be deleted from the Biltmore Forest Town Code due to the removal of this ordinance to the Town of Biltmore Forest Zoning Ordinance.

Section 3. Effective Date.

This ordinance amendment shall take effect upon adoption.

10-9-2023

George F. Goosmann, III
Mayor

Laura Jacobs
Town Clerk
Case 3

Property Owner: Kenneth Ellington
Property Address: 6 Fairway Place

Project Description

The applicant requests a special use permit for the installation of a pool/spa in the rear yard. The application includes a description of the project proposed and is not within the setbacks. This was tabled from the October 2023 meeting.

Special Use Request

The Town considers a pool as an accessory structure, 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. Updated plans and pictures have been provided.

Special Use Requirements

153.008 SPECIAL USES.

(A) Purpose. The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) Development plan/site plan requirement.

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

(a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

(b) Boundary lines of the proposed development, proposed lot lines, and plot designs;
(c) Proposed location and use of all existing and proposed structures;

(d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;

(e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);

(f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;

(g) Location and/or notation of existing and proposed easements and rights-of-way;

(h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;

(i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;

(j) Where applicable, the following written documentation shall be submitted:

1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;

2. The zoning district or districts in which the project is located;

3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;

4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;

5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and

6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.

(k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) Special use standards.

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.
Zoning Compliance Application
Town of Biltmore Forest

Name
Susan Turner

Property Address
6 Fairway Place

Phone
(828) 989-4387

Email
susan@signature-llc.com

Parcel ID/PIN Number
964688801200000

ZONING INFORMATION

Current Zoning
R-1

Lot Size
1.1499998

Maximum Roof Coverage
4,682 square feet (Up to 1 acres)

Proposed Roof Coverage Total
0

Maximum Impervious Surface Coverage
Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage
~1500 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
0'

Description of the Proposed Project
custom pool/ spa- start date & total cost is unknown currently. We are trying to get the preliminary plan approved so we can move forward with contract

Estimated Start Date
1/5/2024

Estimated Completion Date
5/31/2024

Estimated Cost of Project
$250,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)
SK1-Site Plan.pdf
Applicant Signature

Susan Turner

Date
10/2/2023
Special Use Permit Application
Town of Biltmore Forest

Name
Susan Turner

Address
6 Fairway Place

Phone
(828) 989-4387

Email
imsturner@yahoo.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:
custom pool/spa with patio and retaining wall

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
this is a residential custom swimming pool and spa. It will enhance the beauty of the property and will not negatively affect the community

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

Signature

Date

Susan Turner
**Existing Lot Coverage Chart**

<table>
<thead>
<tr>
<th>Description</th>
<th>Size</th>
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<tbody>
<tr>
<td>Existing House</td>
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<tr>
<td>Pool &amp; Pool Deck</td>
<td>1933 SF</td>
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<td>Landscape Pavers/Garden</td>
<td>815 SF</td>
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<tr>
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<td>Equipment Pad</td>
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<td>35684 SF</td>
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<tr>
<td>Total</td>
<td>50308 sf</td>
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</tbody>
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**Site Permeability Plan**

Elegant Backyard Retreat with Pool and Spa

**Prepared For**
The Ellington Family

**Project Location**
6 Fairway Place
Biltmore Forest, NC 28803

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**Site Permeability Plan**

Existing Lot Coverage Chart

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**Revisions**

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**Total Impermeable Area**
14624 SF

**Total Pervious Area**
35684 SF

**Total**
50308 sf

**Pervious Percentage**
Total
70.93%

**Impervious Percentage**
Total
29.07%

---

**Call Before You Dig**

Know what’s below. Call before you dig.
Case 4
Property Address: 7 Amherst Rd
Property Owner: Meherwan Irani
Request: Variance for structure within side setback

Background

The property owners request permission to construct a 28x24 carport addition to the home in an existing driveway area. The proposed carport would be in the side yard of the home and would encroach into the side yard setbacks. No new impervious surface will be installed due to the carport going on an existing driveway area.

Variance

The Variance requested would be for the proposed structure to be constructed within the side setback and would be located 10 feet from the side property line. The property is in the R-1 District and has a front setback of 60’, sides 20’, and rear 25’.

Variance Requirements

(D) Variances. Upon application, when unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the public may not be the basis for granting a variance;

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
Zoning Compliance Application
Town of Biltmore Forest

Name
Jeremy McCowan

Property Address
7 Amherst Road

Phone
(828) 545-6633

Email
jeremy@jandnhomes.com

Parcel ID/PIN Number
964698761600000

ZONING INFORMATION

Current Zoning
R-1

Lot Size
.64

Proposed Roof Coverage Total
3,687 existing - adding 886 of coverage for the carport - new total 4,573

Proposed Impervious Surface Coverage
7,265 sq/ft existing - carport is to be added over the existing gravel driveway so impervious surface would not increase

Front Yard Setback
60 feet (R-1 District)

Side Yard Setback
20 feet (R-1 District)

Rear Yard Setback
25 feet (R-1 District)

Building Height
13' 8"

Description of the Proposed Project
Add a carport and convert existing garage into a den. Variance application will be submitted for encroachment on side set back. Existing 7' tall shrub spans entire length of new proposed carport.

Estimated Start Date
2/12/2024

Estimated Completion Date
4/22/2024

Estimated Cost of Project
$75,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)
12.27.23_7 Amherst Rd_Carport.pdf
7 Amherst Existing Hedge Screening.jpg
VARIANCE APPLICATION
Town of Biltmore Forest

Name
Jeremy McCowan

Address
7 Amherst Road

Phone
(828) 545-6633

Email
jeremy@jandnhomes.com

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?
Add a carport over existing gravel driveway. Carport would encroach into side setback 10'.

What does the ordinance require?
20' to side setback.

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application.

REQUIRED FINDINGS: Please provide a thorough response to each.

Unnecessary hardship would result from the strict application of the ordinance.
There is not enough room on the side setback to allow the size of carport that is needed for parking of a modern day family.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
The existing home and garage are already located 42' from the side setback.

The hardship did not result from actions taken by the applicant or the property owner.
Correct. The current owner is working with conditions that existed when they purchased the home.

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 new carport location would not affect public safety. There is an existing 7' tall privacy hedge that already blocks the view of the driveway and location where the owners currently park their cars. The existing hedge would provide screening for the neighbors in the new location of the carport.
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Date
12/28/2023
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.
CASE  5
Property Address:  Vacant lot (Lot 1) next to 23 Cedar Hill Drive
Property Owner:  Konstandin Barlas
Request:  Special Use Permit request for a Privacy Wall/Retaining Wall for a new residence

Variance Request for fence in front yard.

Background

The property owners submitted plans for a new home construction in November of 2023. As part of this construction, they request a special use permit from the Board of Adjustment for a Privacy/Retaining Wall. The wall is considered an accessory structure per the Town’s Zoning Ordinance and requires approval by the Board of Adjustment as a special use.

The owners also request a variance for a fence in the front yard, which would require proof of hardship from the applicant and approval from the Board of Adjustment.

Special Use Permit Requirements

153.008 SPECIAL USES.

(A) Purpose. The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) Development plan/site plan requirement.

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:
(a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

(b) Boundary lines of the proposed development, proposed lot lines, and plot designs;

(c) Proposed location and use of all existing and proposed structures;

(d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;

(e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);

(f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;

(g) Location and/or notation of existing and proposed easements and rights-of-way;

(h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;

(i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;

(j) Where applicable, the following written documentation shall be submitted:

1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;

2. The zoning district or districts in which the project is located;

3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;

4. A statement of the applicant’s intentions with regard to the future selling and/or leasing of all or portions of the development;

5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and

6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.

(k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) Special use standards.

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.
Special Use Request

The property owners are presenting plans for a special use permit from the Board of Adjustment for a Privacy/Retaining Wall. The wall is considered an accessory structure per the Town’s Zoning Ordinance and requires approval by the Board of Adjustment as a special use. All items shown on the plan with generated pictures for reference.

Variance Information

The property owners request a variance for a fence in the front yard.

Variance Request

The owners are requesting a variance for a fence in the front yard. The Town’s Ordinance does not allow a fence in the front yard without a variance granted from the Board of Adjustment. The variance request must show a hardship for approval from the board. The home plans were heard at the November 2023 meeting for this property. Updated photos have been included with plans.
Special Use Permit Application
Town of Biltmore Forest

Name
Konstandin Barlas

Address
23 Cedar Hill Drive

Phone
(828) 777-5550

Email
barlasdino752@aol.com

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

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

Please provide a description of the proposed project:
We would like to add a wall surrounding our back yard, retaining wall for our driveway to allow for proper pullout, and a wrought iron fence above a retaining wall over lower courtyard.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
These items would not adversely affect anyone living in the neighborhood. In fact it would provide safety to anyone who steps on our property, as well as provide some privacy for ourselves and our neighbors. We are using all approved materials as well as trying to maintain a heavily landscaped buffer for our neighbors. Virtually the entire wall will be hidden by trees from the neighborhoods perspective.

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

Signature

Date
12/21/2023
VARIANCE APPLICATION

Town of Biltmore Forest

Name
Konstandin Barlas

Address
23 Cedar Hill Drive

Phone
(828) 777-5550

Email
BARLASDINO752@AOL.COM

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?
Add a retaining wall for driveway, wall around back yard for pool and tennis court, wrought iron fencing in front of home.

What does the ordinance require?
No fences in front yard

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.
NC building code requires fencing for safety above the courtyard. We need a retaining wall for our driveway turnaround because of the lay of the land.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
In order to have an egress from our basement and maintain as much as the natural lay of land as possible to keep within the spirit, purpose and intent of the Biltmore Forest ordinances, we will need the fence for fall protection above the lower courtyard and a retaining wall for our driveway turnaround.

The hardship did not result from actions taken by the applicant or the property owner.
The NC building codes for safety and the natural lay of the land.

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 variance is consistent with the spirit, purpose, and intent of the ordinance because we are doing everything possible to abide by all Biltmore Forest guidelines, NC building codes, and fall within the
parameters of ordinance. Also the extensive new landscaping parameters that we met, will help achieve justice by helping maintain Biltmore Forests integrity.

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

Signature                        Date

12/22/2023
Site Wall Details

Driveway Gate Detail
- 7' Max Column Height
- Brick To Match House
- Stucco Finish
- Metal Fence
- Double Door

Left Side Fence Detail
- Metal Fence
- Decorative Fencing

Barlas Residence

Single Family Residence

Preliminary NOT FOR CONSTRUCTION
CASE 5
Property Address: 120 Stuyvesant Road
Property Owner: TJ & Kirby Finger
Request: Special Use Permit request for Accessory Structures
          Variance for encroachment into the front setbacks

Background

The property owners request permission to construct a sports court. They are also requesting approval for the concrete round balls along the driveway. The proposed 30’x65’ sport court would be located on the flat area to the south side of the home. The proposed sport court is in compliance with the setbacks. Six of the eight 20” concrete balls are within the front setback along the driveway but out of the right of way.

Special Use Permit

Section 153.029 (attached) of the Town’s Zoning Ordinance regulates accessory structures and requires a special use permit from the Board of Adjustment. The ordinance notes that all accessory structures must be located within the rear or side yard and comply with setbacks.

Variance Request

The applicant’s request for approval for 8 round balls along the driveway that are within the front setback. The front setback for the R-1 District is 60’, six of the eight balls would fall within the setback but out of the right of way. The first balls would fall approximately 25’ from the edge of the pavement per the submitted plan.
Zoning Compliance Application
Town of Biltmore Forest

Name
TJ & Kirby Finger

Property Address
120 Stuyvesant Rd Asheville, NC 28803

Phone
(828) 318-4550

Email
kirbyfinger@gmail.com

Parcel ID/PIN Number
964683765100000

ZONING INFORMATION

Current Zoning
R-1

Lot Size
1.68

Proposed Roof Coverage Total
0

Proposed Impervious Surface Coverage
30' x 65'

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
0

Description of the Proposed Project
1.) Seeking approval for the concrete mounds along the driveway in the front yard.
2.) Seeking approval for sports court & landscape plan for side yard.

Estimated Start Date
3/1/2024

Estimated Completion Date
5/1/2024

Estimated Cost of Project
$150,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)
LA-Finger-Site Plan-005-Court.pdf
Applicant Signature: Thomas Finger Jr.
Date: 11/24/2023
Special Use Permit Application
Town of Biltmore Forest

Name
TJ & Kirby Finger

Address
120 Stuyvesant Rd.  Asheville, NC 28803

Phone
(828) 318-4550

Email
kirbyfinger@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:
1.) Seeking approval for the concrete mounds along the driveway in the front yard.
2.) Seeking approval for sports court & landscape plan for side yard.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
1.) Why have had multiple compliments about the balls from multiple friends and neighbors.
2.) It brings community together, used to love to play basketball at the Simpkins house as a child.

In examining the further development of amenities on our property, the most cost-effective, flat, and logical place for this court is on the edge of our front setback. This would put the court in prominent view along Stuyvesant Road, a key corridor in and out of Biltmore Forest. We seek this variance to place the court in a more conspicuous spot on our property. This site is more challenging and expensive to develop, but we think it is a much better solution and more in keeping with the community’s character.

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

Signature

Date
11/24/2023
VARIANCE APPLICATION
Town of Biltmore Forest

Name
TJ & Kirby Finger

Address
120 Stuyvesant Rd. Asheville, NC 28803

Phone
(828) 318-4550

Email
kirbyfinger@gmail.com

Current Zoning/Use
Requested Use

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

What would you like to do with your property?
1.) Seeking approval for the 8 concrete mounds along the driveway in the front yard.

What does the ordinance require?
60ft front set back

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 driveway is steep and has a definite sharp curve. These outline the drive and assist drivers young and old to stay on the pavement, outlined by the balls. Failure to stay on the pavement could result in a vehicle traveling into the ravine resulting in a personal injury as well as potential litigation if it were a visitor. Also, because of the light color they are visible at night.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
The driveway is steep and has a definite sharp curve. These outline the drive and assist drivers young and old to stay on the pavement, outlined by the balls. Failure to stay on the pavement could result in a vehicle traveling into the ravine resulting in a personal injury as well as potential litigation if it were a visitor. Also, because of the light color they are visible at night.

The hardship did not result from actions taken by the applicant or the property owner.
NO

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
We believe this is in keeping with the community’s character and consistent with the spirit of the ordinance.

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

Signature

Date
11/24/2023

Thomas Finger Jr.
153.008 SPECIAL USES.

(A) **Purpose.** The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) **Development plan/site plan requirement.**

1. All applications for special use permits shall include a development plan or site plan.

   2. If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

      a. Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

      b. Boundary lines of the proposed development, proposed lot lines, and plot designs;

      c. Proposed location and use of all existing and proposed structures;

      d. Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;

      e. The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);

      f. Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;

      g. Location and/or notation of existing and proposed easements and rights-of-way;

      h. The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;

      i. Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;

      j. Where applicable, the following written documentation shall be submitted:

         1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;
2. The zoning district or districts in which the project is located;

3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;

4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;

5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and

6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.

(k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) **Special use standards.**

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.

§ 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

(D) **Variances.** Upon application, when unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the public may not be the basis for granting a variance;

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(4) 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.

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

*Editor's note:*

This amendatory language was passed during a Board meeting, May 14, 2014
LANDSCAPE DEMOLITION

1. Percent denotated materials are not to face - designated by leaving stone or surplus in position.
2. Contact local underground utility service before proceeding to avoid damaging or removing.
3. The location of any existing utilities shown in an atlas may vary in relation to existing utility conditions.
4. Percent denotated materials are not to be removed from the site at any time. Locate all service lines to ensure that new lines are protected in the new facility.
5. Percent denotated materials are not to be removed from the site at any time. Locate all service lines to ensure that new lines are protected in the new facility.
6. Percent denotated materials are not to be removed from the site at any time. Locate all service lines to ensure that new lines are protected in the new facility.
7. Percent denotated materials are not to be removed from the site at any time. Locate all service lines to ensure that new lines are protected in the new facility.

LAYOUT NOTES

1. Measurements are to face of building, wall, or fixed site improvement. Dimensions to center lines or interior is interior.
2. Typical dimensions also considered over scale. Do not scale drawings.
3. Where dimensions are called as "equal," space referenced items equally, measured to their center lines or interior.
4. Percent denotated materials are not to be removed from the site at any time. Locate all service lines to ensure that new lines are protected in the new facility.
5. Tile intersecting items at 90 degrees unless otherwise noted.
6. Provide expansion joints where concrete or mortar set stone or brick flatwork meets vertical structures such as walls, steps, stairs, and building elements.
7. Refer to structural drawings for connections to drains over structure.

GRADING AND DRAINAGE

1. Refer to Civil Engineer's drawings for connections to drains.
2. Refer to architectural drawings for waterproofing of slab penetrations.
3. Refer to structural drawings for connections to drains over structure.
4. Notify local underground service companies for utility finds 48 hours prior to any excavation.
5. Debris created by removal operations becomes the property of the Contractor and is to be legally disposed of away from the job site.
6. Request inspection as required 48 hours in advance of performing any work unless otherwise noted on this sheet.

SITE NOTES

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<tr>
<th>Site Description</th>
<th>Site Dimensions</th>
<th>Site Notes</th>
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<tr>
<td>Existing Improvements</td>
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<td>Existing Retaining Wall</td>
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<td>Overall Site Size</td>
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Landscape Architecture + Design
Finger Residence
120 Stuyvesant Road
Asheville, North Carolina 28803

Drake Design Concepts
Landscape Architecture + Design
2 Clark Spring Lane
Asheville, NC 28803
828.322.8023

Site Plan B
Finger Residence
CASE 6
Property Address: 1345 Hendersonville Rd
Property Owner: Carolina Day School Inc
Request: Special Use request for a New Parking Area, a New Student Plaza with Solar panels, and a New Amphitheater.

Background

The applicant requests permission from the Board of Adjustment to construct a new parking lot with 150 spaces. Also, as part of the request is a new student plaza with solar panels and an amphitheater in front of the existing upper school.

Project Description

The proposed parking area would be located on the northeast portion of the property facing Hendersonville Rd. The proposed new student plaza and amphitheater are located at the existing upper school and beside the upper school respectively.

Special Use Request

The Town’s Zoning Ordinance regulates special uses in section 153.008. Section 153.008(C)(2)(c) (i) allows a waiver of “The normal minimum lot size, setbacks, and frontage requirements are hereby waved for the planned unit development: provided, that the spirit and intent of this section are complied with in the total development plan, as determined by the Board of Adjustment. The Board of Adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.”

Property Information

R-2 Zoning has setbacks of: Front 50 ft, Side 15 ft, and Rear 20 ft.

The proposed new parking area will be located within the front setback by approximately 20 feet.
Zoning Compliance Application
Town of Biltmore Forest

Name
Steven Lee Johnson

Property Address
1345 Hendersonville Road

Phone
(828) 231-9988

Email
sljohnson@siteworkstudios.com

Parcel ID/PIN Number
964694403800000

ZONING INFORMATION

Current Zoning
R-2

Lot Size
29 ac

Proposed Roof Coverage Total
NA

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
25 feet (R-1 District)

Building Height
NA

Description of the Proposed Project

Estimated Start Date
6/5/2024

Estimated Completion Date
9/6/2024

Estimated Cost of Project
$5,000,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)
CDS BOA Submittal.pdf
Steven Lee Johnson for Caroline Ray School
Special Use Permit Application
Town of Biltmore Forest

Name
Steven Lee Johnson

Address
1345 Hendersonville Road

Phone
(828) 231-9988

Email
sljohnson@siteworkstudios.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:
Carolina Day School- Proposed construction on new parking facility (150 spaces), new plaza and amphitheater in front of existing Upper School. The amphitheater requires a retaining wall that ties into an existing wall.

Explain why the project would not adversely affect the public interest of those living in the neighborhood:
Parking Lot- landscape requirements and reforestation requirements being met. Cut-off light fixtures proposed. Upper School Plaza- enhances existing outdoor space and encourages student interaction outdoors. The plaza improvements are not visible from adjacent properties. The amphitheater is oriented towards the center of campus and away from adjacent properties.

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

Signature
Date
1/26/2024
## Carolina Day School Parking Lot Replacement Trees

<table>
<thead>
<tr>
<th>TBR Inside Setback</th>
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<th>Type</th>
<th>Replacement Qty</th>
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<td>?</td>
<td></td>
<td>1&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4323</td>
<td>14&quot; Maple</td>
<td>2</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4324</td>
<td>11&quot; Magnolia</td>
<td>1</td>
<td>1&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4325</td>
<td>11&quot; Magnolia</td>
<td>1</td>
<td>1&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4326</td>
<td>8&quot; Maple</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4327</td>
<td>16&quot; Spruce</td>
<td>2</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4328</td>
<td>18&quot; Spruce</td>
<td>2</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4329</td>
<td>20&quot; Spruce</td>
<td>2</td>
<td>3&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4330</td>
<td>6&quot; Beech</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4331</td>
<td>9&quot; Red Oak</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4332</td>
<td>6&quot; Cherry</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4333</td>
<td>17&quot; Cherry</td>
<td>2</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4342</td>
<td>Yew</td>
<td>1</td>
<td>2&quot;</td>
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</tr>
<tr>
<td></td>
<td>4343</td>
<td>Yew</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4344</td>
<td>Yew</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4348</td>
<td>6&quot; Ash</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4349</td>
<td>6&quot; Ash</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4353</td>
<td>16&quot; Maple</td>
<td>2</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4361</td>
<td>18&quot; Pine</td>
<td>2</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4362</td>
<td>8&quot; Beech</td>
<td>1</td>
<td>2&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4369</td>
<td>30&quot; Poplar</td>
<td>2</td>
<td>3&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4370</td>
<td>24&quot; Cherry</td>
<td>2</td>
<td>3&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4379</td>
<td>29&quot; Maple</td>
<td>2</td>
<td>3&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4378</td>
<td>50&quot; Buckeye</td>
<td>2</td>
<td>4&quot;</td>
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</tr>
</tbody>
</table>

Total Replacement Trees: 113
Parking Lot Trees (150 Spaces): 50
Street Trees (39 LF): 10

Total Trees: 173
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Landscape buffer shrubs (230 LF):</strong></td>
<td><strong>56</strong></td>
</tr>
<tr>
<td><strong>Parking Lot Screening Shrubs:</strong></td>
<td></td>
</tr>
<tr>
<td># of 3&quot; Cal.</td>
<td># of 4&quot; Cal.</td>
</tr>
<tr>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
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<td>2</td>
<td>2</td>
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<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3&quot; Cal.</td>
<td>4&quot; Cal.</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>26</td>
<td>2</td>
</tr>
</tbody>
</table>
## PLANT SCHEDULE

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>QTY</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>CONT</th>
<th>CAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12</td>
<td>Acer rubrum</td>
<td>Red Maple</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>2</td>
<td>16</td>
<td>Betula nigra</td>
<td>River Birch</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>Cercis canadensis</td>
<td>Eastern Redbud Multi-trunk</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>4</td>
<td>10</td>
<td>Chionanthus virginicus</td>
<td>White Fringetree</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>5</td>
<td>12</td>
<td>Cladrastis kentukea</td>
<td>American Yellowwood</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>6</td>
<td>14</td>
<td>Cornus florida</td>
<td>Flowering Dogwood</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>7</td>
<td>18</td>
<td>Cornus kousa</td>
<td>Kousa Dogwood</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>8</td>
<td>17</td>
<td>Juniperus virginiana</td>
<td>Eastern Redcedar</td>
<td>B &amp; B</td>
<td>2&quot; MIN</td>
</tr>
<tr>
<td>9</td>
<td>7</td>
<td>Liriodendron tulipifera</td>
<td>Tulip Poplar</td>
<td>B &amp; B</td>
<td>3&quot; Cal</td>
</tr>
<tr>
<td>10</td>
<td>8</td>
<td>Magnolia x soulangeana</td>
<td>Saucer Magnolia</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>11</td>
<td>24</td>
<td>Quercus phellos</td>
<td>Willow Oak</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>12</td>
<td>21</td>
<td>Quercus rubra</td>
<td>Red Oak</td>
<td>B &amp; B</td>
<td>3&quot; Cal</td>
</tr>
<tr>
<td>13</td>
<td>10</td>
<td>Taxodium distichum</td>
<td>Bald Cypress</td>
<td>B &amp; B</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>14</td>
<td>18</td>
<td>Ilex cornuta 'Dwarf Burford'</td>
<td>Dwarf Burford Holly</td>
<td>B&amp;B 4<code>-5</code> HT</td>
<td>48&quot; o.c.</td>
</tr>
<tr>
<td>15</td>
<td>18</td>
<td>Ilex glabra</td>
<td>Inkberry Holly</td>
<td>B&amp;B 4<code>-5</code> HT</td>
<td>48&quot; o.c.</td>
</tr>
<tr>
<td>16</td>
<td>20</td>
<td>Viburnum x pragense</td>
<td>Prague Viburnum</td>
<td>B&amp;B 4<code>-5</code> HT</td>
<td>48&quot; o.c.</td>
</tr>
</tbody>
</table>

**PROPOSED PARKING LOT**

- PARKING COUNT: 150 SPACES
- PLANTING REQUIRED:
  - PARKING LOT TREES: 50 TREES
  - STREET TREES: 10 TREES
  - REPLACEMENT TREES: 112 TREES
  - LANDSCAPE BUFFER: 56 SHRUBS
- PLANTING PROVIDED:
  - PARKING LOT TREES: 50 TREES
  - STREET TREES: 10 TREES
  - REPLACEMENT TREES: 112 TREES
  - LANDSCAPE BUFFER: 56 SHRUBS
- TOTAL TREES PROVIDED: 172
- TOTAL SHRUBS PROVIDED: 56
 SECTION 'A'

- Free Standing Seat Wall
- Expansion Joint
- Concrete Steps
- Handrail & Guardrail
- Concrete Retaining Seat Wall
- 4" Perforated PVC Pipe
- Porous Fill
- Concrete Footer Resting on Compacted Subgrade - See Structural
- Concreted Plaza

 SECTION 'B'

- Expansion Joint
- Concrete Retaining Seat Wall
- 4" Perforated PVC Pipe
- Porous Fill
- Concrete Footer Resting on Compacted Subgrade - See Structural
- Concrete Plaza
- Porous Fill
- Expansion Joint
- 4' Welded Wire Mesh
- 4,000 PSI Concrete, 4" Thick
- Expansion Joint
- 4,000 PSI Concrete, 4" Thick
- Compacted ABC - 4"
EXISTING UPPER SCHOOL

NEW UPPER SCHOOL PLAZA

PROPOSED PLAZA AND DROP-OFF
EXISTING IMPERVIOUS AREA: 28,443 SF
PROPOSED IMPERVIOUS AREA: 15,585 SF

NEW AMPHITHEATER
SEE L-500 FOR SECTIONS

NEW OUTDOOR CLASSROOM

NEW CAST IN PLACE CONC. WALL WITH STUCCO VENEER

EXISTING RETAINING WALL AND STAIRS TO REMAIN

12' HT.

6' HT.

1' HT.

LANDSCAPE

LANDSCAPE

LANDSCAPE

LANDSCAPE

LANDSCAPE

END OF EXISTING PAVING TO REMAIN

END OF EXISTING PAVING TO REMAIN

EXISTING PAVING

RECONFIGURED DROP-OFF WITH PERMEABLE PAVERS

NEW AMPHITHEATER SEE L-500 FOR SECTIONS

NEW GLASS COVER SEE ARCHITECTURAL

NEW COST IN PLACE CONC. WALL WITH STUCCO VENEER

EXISTING PAVING

EXISTING IMPERVIOUS AREA: 28,443 SF

PROPOSED IMPERVIOUS AREA: 15,585 SF

NEW SIDEWALK CONNECTION TO NEW PARKING AREA

RAIN GARDEN (TYP.)

NEW UPPER SCHOOL PLAZA

NEW SIDEWALK CONNECTION TO NEW PARKING AREA

NEW CAST IN PLACE CONC. WALL WITH STUCCO VENEER

EXISTING RETAINING WALL AND STAIRS TO REMAIN

END OF EXISTING PAVING TO REMAIN

EXISTING PAVING

RECONFIGURED DROP-OFF WITH PERMEABLE PAVERS

NEW AMPHITHEATER
SEE L-500 FOR SECTIONS

NEW GLASS COVER SEE ARCHITECTURAL

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PROPOSED IMPERVIOUS AREA: 15,585 SF

NEW SIDEWALK CONNECTION TO NEW PARKING AREA

RAIN GARDEN (TYP.)
PROPOSED PARKING LOT
PARKING COUNT: 150 SPACES

PLANTING REQUIRED:
PARKING LOT TREES: 50 TREES
STREET TREES: 10 TREES
REPLACEMENT TREES: 113 TREES
LANDSCAPE BUFFER: 56 SHRUBS

PLANTING PROVIDED:
PARKING LOT TREES: 50 TREES
STREET TREES: 10 TREES
REPLACEMENT TREES: 113 TREES
LANDSCAPE BUFFER: 56 SHRUBS

TOTAL TREES PROVIDED: 173
TOTAL SHRUBS PROVIDED: 56

EXISTING IMPERVIOUS AREA: 5,400 SF
PROPOSED IMPERVIOUS AREA: 70,222 SF