



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: March 7, 2024
Re: **Board of Adjustment Meeting – March 18, 2024**

Applicants:

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

Members of the Board of Adjustment & staff will conduct a site visit prior to the meeting. Site visit times listed are approximate.

Neighbors:

You are receiving this notice because your property is adjacent to an applicant on this month's agenda.

You may review applications & plans for the projects on this agenda at <http://www.biltmoreforest.org/board-of-adjustment>

You are invited to attend the scheduled meeting at the Town Hall and make comment when called upon.

Additional information regarding the meeting will be provided on the Town's website no later than March 14, 2024.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, March 18, 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 February 19, 2023 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: **RE-HEARING**

120 Stuyvesant Road – Special Use Permit request for Accessory Structure (Basketball Court) and Variance Request for Accessory Structure (Concrete Mounds) in Front Yard

Case 2: 11 Forest Road – Special Use Permit request for Accessory Structures within Rear Yard

Case 3: 11 Hilltop Road – Special Use Permit request for Replacement of Existing Fence

Case 4: 15 Eastwood Road – Special Use Permit request for Driveway Columns and Entrance Walls

Case 5: 19 East Forest Road – Special Use Permit request for Accessory Structure (Fire Pit) Installation within Rear Yard and Replacement of Portions of Existing Fence

Case 6: 44 Forest Road – Special Use Permit request for Accessory Building within the Rear Yard

Case 7: 332 Vanderbilt Road – Approval for New Construction of Single-Family Home and Associated Tree Removal and Landscaping Plans

Case 8: 430 Vanderbilt Road – Special Use Permit request for Retaining Wall along Existing Drive and Boulder Installation; Variance Request for Construction within Front Yard

Case 9: 1345 Hendersonville Road – Special Use Permit request as Planned Unit Development for New Parking Lot and New Plaza and Amphitheatre

5. Adjourn

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

Meeting ID: 824 0558 6759

Passcode: 804985

MINUTES OF THE BOARD OF ADJUSTMENT
MEETING HELD MONDAY, FEBRUARY 19, 2024

The Board of Adjustment met at 4:00 p.m. on Monday, February 19, 2024.

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

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

Chairman Goosmann swore in the following:

Mr. Tony Williams

Mr. Jonathan Kanipe

Mr. John Semanik

Ms. Susan Turner

Mr. Jeremy McCowan

Mr. Orlando Hernandez Jr.

Mr. Jason Gilliland

Mr. Konstandin Barlas

Ms. Toni Barlas

Mr. T.J. Finger

Ms. Kirby Finger

Mr. Adam Berry

Ms. Joyce Young

Ms. Emily Roberts

Ms. Wendy Legerton

Mr. Clay Mooney

Mr. Steven Lee Johnson

Ms. Jackie Berry

Ms. Mary Goodkind

Ms. Penny Branch

A motion was made by Ms. Martha Barnes to approve the minutes from December 18, 2023. Ms. Kieffer seconded the motion and was unanimously approved.

HEARING (Evidentiary):

The first matter is for a tree removal request and landscaping plan review at 9 Brooklawn Chase. The matter is being shepherded by Ms. Martha Barnes. There will be a total of ninety-seven trees being removed and twelve trees are protected. Mr. John Semanik said there is a lot of mold and leaf accumulation on the roof due to all the trees surrounding his home. Leaves are also continuing to clog the gutters and drains. It causes damage to the roof. Mr. Bill Hascher from the Biltmore Estate, who is an arborist, looked at the trees and said many of the trees are damaged or

dead and need to come down. They are also trying to protect the house. There is currently a lack of sunlight which prevents them from having proper gardening. Significant mold has accumulated on the roof, on the ground, and on the pavers. The lot is four acres and is a heavily wooded lot. They will be replacing with fourteen trees, which is double the requirement. Ms. Barnes said the Board asked that he include 25% of trees of preference. Mr. Semanik agreed to plant the trees of preference.

DELIBERATION AND DETERMINATION:

Ms. Barnes restated the facts and said Mr. John Semanik is asking for a tree removal request. It is for a total of 97 trees that will be removed. 85 trees are unprotected, and they are small enough to where the ordinance doesn't require them to be replaced. The requirement replacement is seven trees, and they are replacing with fourteen trees.

Ms. Lynn Kieffer moved that the tree replacement plan be granted to John Semanik of 9 Brooklawn Chase and described by Martha Barnes. The Board has inspected the site and no neighboring owner has objected. Ms. Rhoda Groce seconded the motion. The motion passed unanimously.

HEARING (Evidentiary):

The second matter is for a Special Use Permit for a swimming pool in the rear yard at 6 Fairway Place. The matter is being shepherded by Ms. Lynn Kieffer. Ms. Susan Turner represents the Ellington's who live at this address. There will be a terraced retaining wall that will vary in height and length. It is compliant with the setback. On the back left side, it is well buffered and on the right side isn't as well buffered. Mr. and Mrs. Ellington will buffer additionally, if necessary, but Ms. Turner would prefer to move the fence along the setback line on the setback line. The fence will be less obvious than originally proposed. The Country Club and neighboring property owner, Mr. Michael O'Buckley approved of the project.

DELIBERATION AND DETERMINATION:

Ms. Martha Barnes moved that a Special Use Permit be granted to Ken Ellington of 6 Fairway Place for a pool/spa in 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 Mr. Robert Chandler. The motion was unanimously approved.

HEARING (Evidentiary):

The third matter is for a Variance request for encroachment into the side yard setback at 7 Amherst Road. Mr. Jeremy McCowan represented the property owner. The matter is being shepherded by Robert Chandler. It would be located ten feet from the side property line, and they want to have a 7,265 square foot car port to be added over the existing driveway so the impervious surface would not increase. Mr. McCowan said the hardship is the current parking situation is not enough for a modern-day family. They have multiple cars and would like to expand their covered space. There is an existing retaining wall and an existing hedge. There would be some screening for the car port. Mr. McCowan explained the proposed plans. The carport would be a little bit less than 50% above the hedge. Mr. Chandler asked if they would be interested in having additional landscaping installed that is taller. Mr. McCowan said the space between the existing property line and existing hedge is very limited. Ms. Barnes asked if they looked into using the land on the other side of the house to build this. Mr. McCowan said this proposal is much more practical for the homeowners. The lot size is .64 acres and the existing

house is already 42 feet from the side setback. Mr. Hernandez who is a neighboring property owner asked questions about the lot size and the location. Mr. Hernandez asked what is encroaching into the 10-foot line. The 10-foot encroachment is part of their driveway. The existing garage is being used as a den. Ms. Barnes said she has concerns because it is at the property line, and it is tall and looming. Mr. Hernandez said he also has concerns because it is creating a narrow space in between and there is also a bedroom window near that area.

Ms. Kieffer asked if they considered having a two-car garage instead of a three-car garage. Ms. Whitworth said a two-car garage would be more appropriate and solve the problems of encroaching into this area.

DELIBERATION AND DETERMINATION:

Mr. McCowan withdrew the application, and the matter will be tabled until next month.

HEARING (Evidentiary):

The fourth matter is for a Special Use Permit request for a retaining wall and fence in the rear yard; a Variance request for fence location in the front yard on Cedar Hill Drive, Lot 1- Parcel number 9646-42-14-1900000. The matter is being shepherded by Rhoda Groce. Mr. Jason Gilliland from Site Works Studio represented Mr. and Mrs. Barlas. The gate and columns were previously approved in December 2023. They are seeking approval of retaining walls, free standing estate walls, and fencing components. The locations were shown, and each proposal is within the setbacks. The retaining wall starts at zero and retains up to five feet. As it returns south of the first seventy or seventy-two feet essentially to the rear of the garage, it is retaining five feet of Earth. At that location, it starts to go down, the wall is being terraced along the side yard setback. The columns climb to eight feet and the wall ranges from five to seven feet. The rear of the house has a wall that is six feet in height with seven-foot columns which terraces in a few locations. The hardship in this location is they must meet building safety requirements. Ms. Barnes asked how tall the barrier must be. Mr. Gilliland said forty-eight inches. The Town was provided with three-dimensional sketches. It accurately shows the wall heights with respect to

grade. Ms. Barnes asked about the exterior of the wall on the West side. Mr. Gilliland said it goes from six in height to one foot. There will be plenty of landscaping to buffer these areas.

On the opposite side of the house, they are proposing a more transparent fence to tie the corner of the house to the column which has been previously approved.

Mr. Barlas said they are trying to avoid front yard fencing and Mr. Barlas said he is ok with it but he just thought they are having to put a retaining wall there and there is a twelve foot section there and the whole thing gated instead of adding another twenty foot section for the back and the pool safety. Mr. Barlas said if the Board believes they need to tie it to the back is a better option, he would be ok with this plan. Ms. Groce added that the Board didn't want the neighborhood to look unfriendly and they felt like putting fencing in the front yard would do this and makes homes look unapproachable.

They would like to seek approval of the wall and fencing as presented with the exception of eliminating the twelve-foot section between the previously approved gate and the house. This would also reduce the height of the retaining wall in the front from the gate to the eastern property line and the retaining wall would follow the proposed grade where you would not be able to see that section of fence and wall from the front of the property.

DELIBERATION AND DETERMINATION:

Ms. Groce restated the facts and said Konstandin Barlas is seeking a Special Use Permit for a privacy wall/retaining wall for his new residence. The fence will be required in the area for safety per building code from the northeast corner. Ms. Martha Barnes moved that a Special Use Permit and Variance as requested be granted to the applicants at the vacant lot of Cedar Hill Drive, Lot 1 for a fence 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. 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.

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.

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

HEARING (Evidentiary):

The fifth matter is for a Special Use Permit for concrete mounds in the front yard and a sports court in the side yard; a Variance request for concrete mounds in the front yard at 120 Stuyvesant Road. The matter is being shepherded by Ms. Martha Barnes. They are proposing a 30'x 65' foot basketball court. Mr. Finger said he doesn't want to interfere with his neighbors who are objecting to this. They would have a concrete pad with one big goal and two small goals. They are going to buffer this area and add additional buffering if needed. A neighboring property owner objects to this proposal. Mr. Finger said he would add additional buffering to offset the light, but the lighting isn't being considered as part of this proposal.

Mr. Clarke said the Fingers can also state as part of the Special Use Permit that the proposed basketball court would not be used as a pickleball court. The existing basketball court is dangerous because the balls roll down the hill into the street. It also has a grade, and the

driveway is a constant slope. The hardship is there is not enough room on the existing court. Ms. Barnes mentioned they would be open to a smaller proposed court. Mr. Finger said yes, they would be open to having a 40' x 50' court. Ms. Kieffer said they have approved two sport courts in the past year. The only time the Board approved these is because they back up to the Parkway or the Biltmore Estate. Mr. Finger said there will not be a tennis net. It will just be a basketball court for his daughters to play basketball, gymnastics, and roller skating. Ms. Kieffer said this is close to their back neighbors and there will be three goals. Mr. Finger said he could take the court down to one goal. There is a neighboring property owner that has a basketball goal in their driveway.

Ms. Groce said the neighbors are very concerned about this proposal. Mr. Adam Berry asked why Pickleball isn't allowed. Mr. Kanipe said the concern with the neighbors is the noise.

Mr. Chandler said that if someone is playing basketball with a hoop or in a court, there doesn't seem like there would be a difference in noise.

Ms. Whitworth asked how many letters came in from neighbors objecting to the project. Mr. Kanipe said there were a total of three letters. Two letters were from the same people. A total of two properties received objection letters.

Neither resident was present for the meeting. Mr. Clarke said the people who object to the project are supposed to appear at the meeting in order to have this matter considered. One of the letters also said it referenced hearing something that someone else said so he encouraged the board not to consider this since it is hearsay evidence. This should not be the basis for denying the request.

DELIBERATION AND DETERMINATION:

Ms. Barnes restated and said T.J. and Kirby Finger of 120 Stuyvesant Road are requesting a Special Use Permit for a 30' x 65' basketball court. It will be well screened and not encroaching in any setbacks. They have agreed to add more screening if requested by neighbors.

Ms. Martha Barnes moved that a Special Use Permit be granted to T.J. and Kirby Finger of 120 Stuyvesant Road for a basketball court which is 30' x 65' and would have one goal and

the facts she recited in her summation be accepted findings and facts to support this grant. The Board has inspected this site, and neighboring property owners have 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 court is being solely used as a basketball and play court. It will not be used as a pickleball court.

Mr. Robert Chandler seconded the motion. Ms. Rhoda Groce voted nay, Ms. Lynn Kieffer voted nay, Ms. Martha Barnes voted aye, Ms. Janet Whitworth voted nay. The motion did not pass. Chairman Goosmann said Mr. and Ms. Finger will have to wait one year before presenting this matter again.

Ms. Martha Barnes said the next matter is for a Special Use Permit and Variance that is being requested for existing spheres already placed on the property. There are eight 20" concrete spheres at 120 Stuyvesant Road. Six of these are in the setback and they are along the front driveway. Ms. Barnes asked what the hardship is for the Variance. Ms. Finger said balls aesthetically match the house and the house already had white balls on the front in two different spots. It is also for safety reasons, so people don't end up going down the driveway into the ravine. Ms. Kieffer said they probably need to be pulled back to comply with the sixty feet requirement.

Ms. Barnes restated the facts and said T.J. and Kirby Finger at 120 Stuyvesant Road are requesting a Special Use Permit for eight 20" concrete balls that are lining their driveway. There are four on each side. Six of them need a Variance because they are in the front setback. The hardship is guiding people on a driveway that slopes and has a ravine. Ms. Rhoda Groce

seconded the motion. Mr. Robert Chandler voted aye, Ms. Kieffer voted aye, Ms. Barnes voted nay, and Ms. Whitworth voted aye. The motion passed.

HEARING (Evidentiary):

The last matter is for a Special Use Permit request as a unit development for a new parking lot, new plaza, and amphitheater at 1345 Hendersonville Road (Carolina Day School). Mr. Chandler stated he is on the Board of Regents with his wife at Carolina Day School. Chairman Goosmann stated that his wife is on the board at Carolina Day School and he will not be voting. Ms. Groce said her son is on the board at Carolina Day School. Ms. Kieffer said she was formerly on the Board at Carolina Day School as well but she does not need to recuse herself. Mr. Clarke said the conflicts they have stated does not exclude them from participating with exception of Chairman Goosmann. Ms. Kieffer shepherded the matter.

Ms. Wendy Legerton is representing Carolina Day school and showed the proposed parking lot and amphitheater which is a series of retaining walls to the left of the upper school. There will be a canopy at the entrance of the upper school. Ms. Kieffer said the house on the land will be demolished and 150 parking spaces will be added as one pulls into Carolina Day School on the right. Ms. Kieffer said the front setback is fifty feet and the parking lot will infringe into that by twenty feet. Ms. Legerton said the grade of Hendersonville Road is above the grade of the proposed parking lot. Ms. Kieffer said the existing parking lot on the other side is probably thirty feet from the road. Mr. Steven Lee Johnson said the parking lot is thirty-five feet which means it is thirty feet from the right of way. This is for the proposed parking lot. On the survey, the existing parking area doesn't indicate the existing line on Hendersonville Road. The amphitheater will be placed on the left side in front of the school and working it into an existing retaining wall. A glass covered area will be there with plantings with rainwater to water the plants like a catch basin. Ms. Emily Roberts said on the trellis, the way the columns are designed is the rainwater will cascade away from the building and catch it and will create beautiful rain gardens. It also treats stormwater.

Ms. Legerton said a traffic consultant is also going to give a report later. All the data will be incorporated into the final plans. Ms. Legerton said they reached out to neighbors, one of

them being directly from the north, did not receive a notice. Also, the surveyor did not pick up the Duke power easement so they will get the survey updated. The intent of all the trees and shrubs proposed is to look carefully at the Biltmore Forest tree plan and all elements are proposed to show compliance.

Chairman Goosmann asked Mr. Clarke about Mr. Clay Mooney and whether this matter should be tabled until next month since he didn't receive a notice. Mr. Clarke said Mr. Mooney can have his turn to speak about the project. Mr. Mooney has an issue with the sloping and the grading plan. There is a five-to-six-foot drop and is near his office. Mr. Mooney asked how this plan ties in with the security proposal Carolina Day School proposed in August. Ms. Roberts said they are still working toward this project, but this proposal had to come first. Mr. Johnson said the proposed fence location is shown on the landscape plan. He didn't see any conflict with the fencing going in after landscaping. They may have to make an adjustment to the fence where the power easement was installed six months ago.

Although Mr. Mooney did not receive a notice, Steven Lee Johnson and Clay Mooney reached out to each other on February 15th to discuss these plans from Carolina Day School. Mr. Mooney requested a grading plan which Mr. Johnson will send to him.

Mr. Clarke recommended with the consent of the applicant and pending questions that the Board move consideration of this matter until next month's meeting. Ms. Roberts said it can be moved until next month, but they would like to hear from neighboring property owners.

Mr. Adam Berry had concerns about noise, lights, and decreased home value if this gets approved. He was also concerned about the limited access road being too noisy. Ms. Jackie Berry said lights shine in their house every night from the lighting in the Carolina Day School parking lot. Ms. Roberts said they are proposing cut off light fixtures with this project. Mr. Johnson said they are required to use dark skylight fixtures.

Ms. Mary Goodkind asked what the amphitheater will be used for. Ms. Roberts said it will be used for one act plays, poetry slams, and meetings. They will be conducted during school hours. There will be no outdoor amplification system but there will be electrical outlets outside.

DELIBERATION AND DETERMINATION:

The matter will be tabled until next month.

The meeting was adjourned at 6:59pm.

The next meeting is scheduled for Monday, March 18, 2024 at 4:00pm.

ATTEST:

Greg Goosmann

Chairman

Laura Jacobs

Town Clerk



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

March 18, 2024

CASE 1

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

Note

This is a re-hearing from the prior month. There was a procedural issue with the consideration of this matter, requiring it to be reheard.

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

Date
11/24/2023

Thomas Finger Jr.

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.

Signature

Date
11/24/2023

Thomas Finger Jr.

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. Remove demolished materials from site. Disposal by burning and/or burying is prohibited.
2. Contact the local underground service update for utility location and identification prior to demolition.
3. The location of existing utilities as shown on the plans may vary in relation to actual existing conditions; additional utilities not shown on the drawings may exist. Verify in the field the data shown, and call any discrepancies to the attention of the Landscape Architect or Site Representative before starting work.
4. Perform excavation in the vicinity of existing utilities by hand where applicable. The Contractor is responsible for damage to existing utilities caused by any person, vehicle, equipment or tool related to the execution of the Contract.
5. Perform excavation in the vicinity of existing trees shown to remain by hand where applicable. The contractor is responsible for damage to existing trees.

LAYOUT NOTES

1. For dimensions of buildings, garages, trash enclosures and related work, refer to the architectural drawings. Copies of these drawings are available from the owner.
2. Written dimensions take precedence over scale. Do not scale drawings.
3. Where dimensions are called as "equal," space referenced items equally, measured to their center lines unless otherwise noted.
4. Measurements are to face of building, wall or the fixed site improvement. Dimensions to center lines is indicated.
5. Install intersecting elements at 90 degree angles to each other unless otherwise noted.
6. Provide expansion joints where concrete or mortar set stone or brick flatwork meets vertical structures such as walls, curbs, steps and building elements.
7. See civil engineers plans for the layout of roadway edge of pavement and curb. Verify that dimensions shown for site elements are consistent with layout information from engineers. Bring all discrepancies to the attention of the Landscape Architect prior to construction.

GRADING AND DRAINAGE

1. Existing underground utilities are shown per available records. Verify the actual location and elevation in the field prior to beginning construction of the new facilities. Protect existing utilities and be responsible for damage to utilities encountered during construction.
2. Request inspection as required 48 hours in advance of performing any work unless otherwise noted on this sheet.
3. Debris created by removal operations become the property of the Contractor and is to be legally disposed of away from the job site.
4. Notify local underground service companies for utility finds 48 hours prior to any excavation.
5. Refer to structural drawings for connections to drains over structure.
6. Refer to architectural drawings for waterproofing of slab penetrations.
7. Refer to Civil Engineer's drawings for connections to drains.

SITE NOTES

Impervious Surface
Lot Size: 1.68 AC
Max Impervious: 18,352 SF

Existing Impervious
Home 5,487 SF
Patios 1,672 SF
Driveway: 5,717 SF
Total 12,876 SF

Proposed New Impervious
Basketball Court 1,950 SF
New Paths 0 SF
Total 1,950 SF

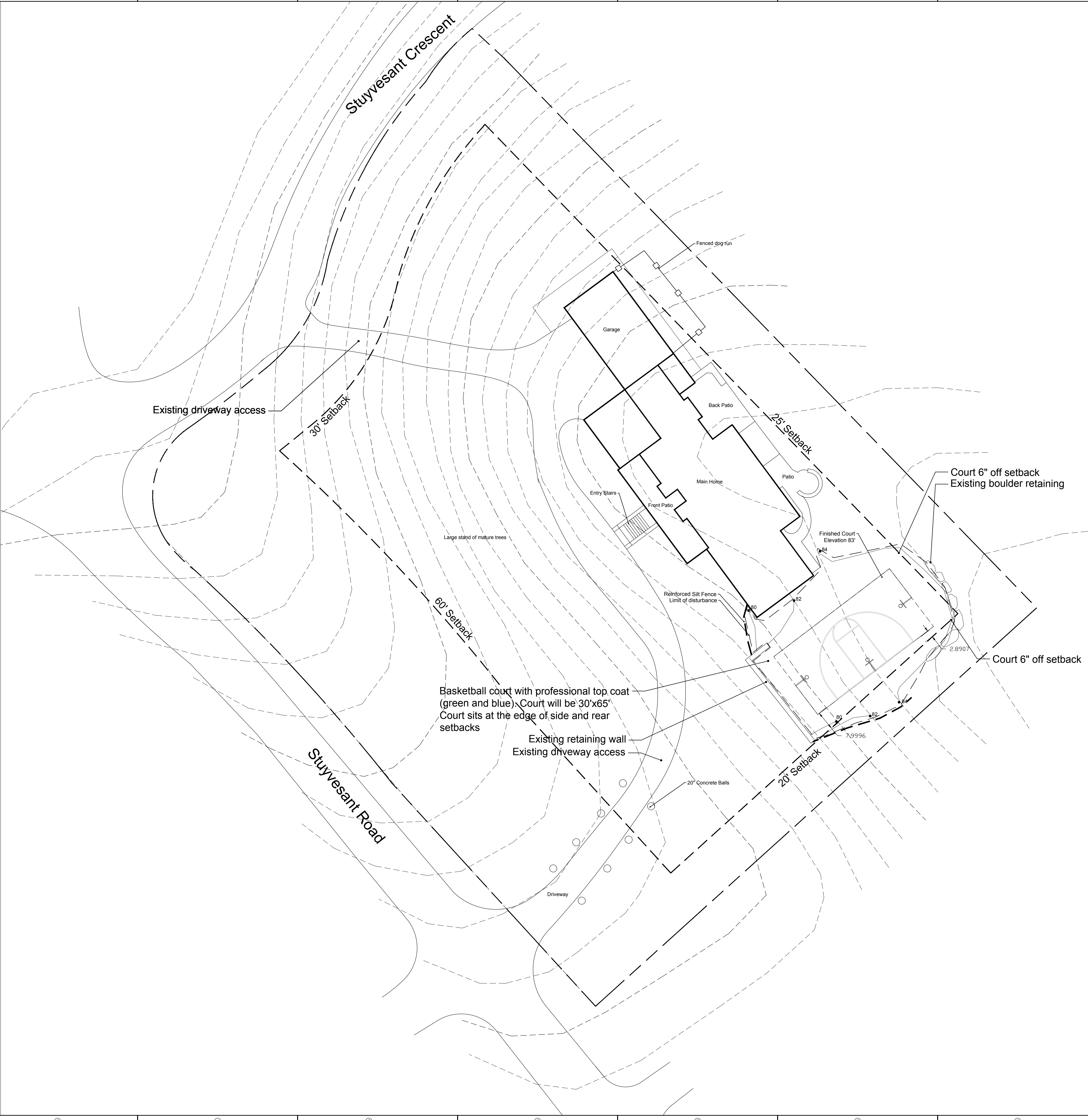
Combined Total Impervious
Total 14,826 SF

Project Total Disturbed Area
Total 7,080 SF
Percentage of Lot 6.0%

Existing Tree Legend
Map. Maple Tree
Pop. Tulip Popular Tree
Loc. Locust Tree
WP. White Pine
Holly American Holly
WO. White Oak
Hky Hickory Tree
Saw. Sawtooth Oak

	Inside Setback		Outside Setback	
	Protected	Unprotected	Protected	Unprotected
6"-12"	0	0	0	0
13"-18"	0	0	0	0
19"-36"	0	0	0	0

Required Replacements
Trees 2" DBH - 0 Trees
Trees 3" DBH - 0 Tree
Screening Buffer Trees - 0 trees



Drake Design Concepts
Landscape Architecture + Design
8 Ozark Spring Lane
Asheville, NC 28805
828.337.9952

Finger Residence
120 Stuyvesant Road
Asheville, North Carolina 28803

ISSUE DATE: 11/22/2023

#	DATE	DESCRIPTION
1	12/10/2023	Design and Notation Revisions
2	01/01/2024	Design and Notation Revisions
3	01/21/2024	Revised plan

DRAWN: DF REVIEWED: RF



Site
Plan B

SHEET NUMBER

L1-1



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 18, 2024

CASE 2

Property Address: 11 Forest Road

Property Owner: Adam Voron

Request: Special Use Permit request for Accessory Structure

Background

The property owners request permission to construct an outdoor fireplace and patio with walkway in the rear yard. The proposed patio is circular and measures 14' across with a metal fire pit in the center and within the setbacks. The applicant is also looking to add two wooden arbors, one as an entrance to the existing garden area near the garage, and one as an entrance to the back yard with an open height of 7'6" and open width of 4'. Along with the proposals mentioned above, the project includes replacing existing stone walkways that are in disrepair with new flagstone and stone steps as well as a damaged brick wall with a curved stone wall.

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. These proposed structures comply with setbacks and appear to meet all requirements.

The proposed application meets the requirements of Section 153.110 (C)(2)(b) regarding special use standards.

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)

Zoning Compliance Application

Town of Biltmore Forest

Name

Adam Voron

Property Address

11 Forest Road, Biltmore Forest, NC 28803

Phone

(828) 299-2399

Email

terri@terrilongdesign.com

Parcel ID/PIN Number

PIN 9647-62-8340

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.49 acres

Proposed Roof Coverage Total

N/A

Proposed Impervious Surface Coverage

Existing impervious hardscaping is approximately 7840 square feet. Additional proposed hardscaping will be approximately 300 square feet.

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

N/A

Description of the Proposed Project

Renovation of existing landscaping includes the following: new ornamental landscape and privacy plantings, low voltage landscape path and accent lighting, garbage container enclosure, removal of existing stone walks and steps to be replaced with flagstone, additional stone steps and flagstone walk to new patio in open area, two arbors, trellis and pergola above garage doors, replace damaged brick wall below maple with curved stone wall with built-in bench.

Estimated Start Date

4/1/2024

Estimated Completion Date

5/31/2024

Estimated Cost of Project

\$120,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Voron-Lighting-3B-11.16.23.pdf

Voron-Lighting rev.12.8.23-.pdf

Voron-L-2A-Rev.1-1.12.24.pdf

Voron-11.28.23-pricing.pdf

Voron-L-2B-Rev.1-1.12.24.pdf

Voron-landscape concepts-10.24.23.pdf

WAC-mini wall wash 5121.pdf

wac accent 5011.pdf

spj-mpl-s6.pdf

hinkley.squirrel.pdf

Voron-arbor.pdf

Voron-garbage can enclosure.pdf

pergola concept image copy.pdf

Applicant Signature

Date

1/23/2024

Terri Long

Special Use Permit Application

Town of Biltmore Forest

Name

Adam Voron

Address

11 Forest Road

Phone

(828) 299-2399

Email

terri@terrilongdesign.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:

Construct two wood arbors as entrances to the existing garden area beside the garage. One will be an entrance from the stone walk in the backyard to the garden and the other leading from the far side of this garden to access a new stone walk and patio with a free-standing metal fire-pit in a newly landscaped part of the property. The existing stone walks are in disrepair and will be replaced with a flagstone walk and stone steps.

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

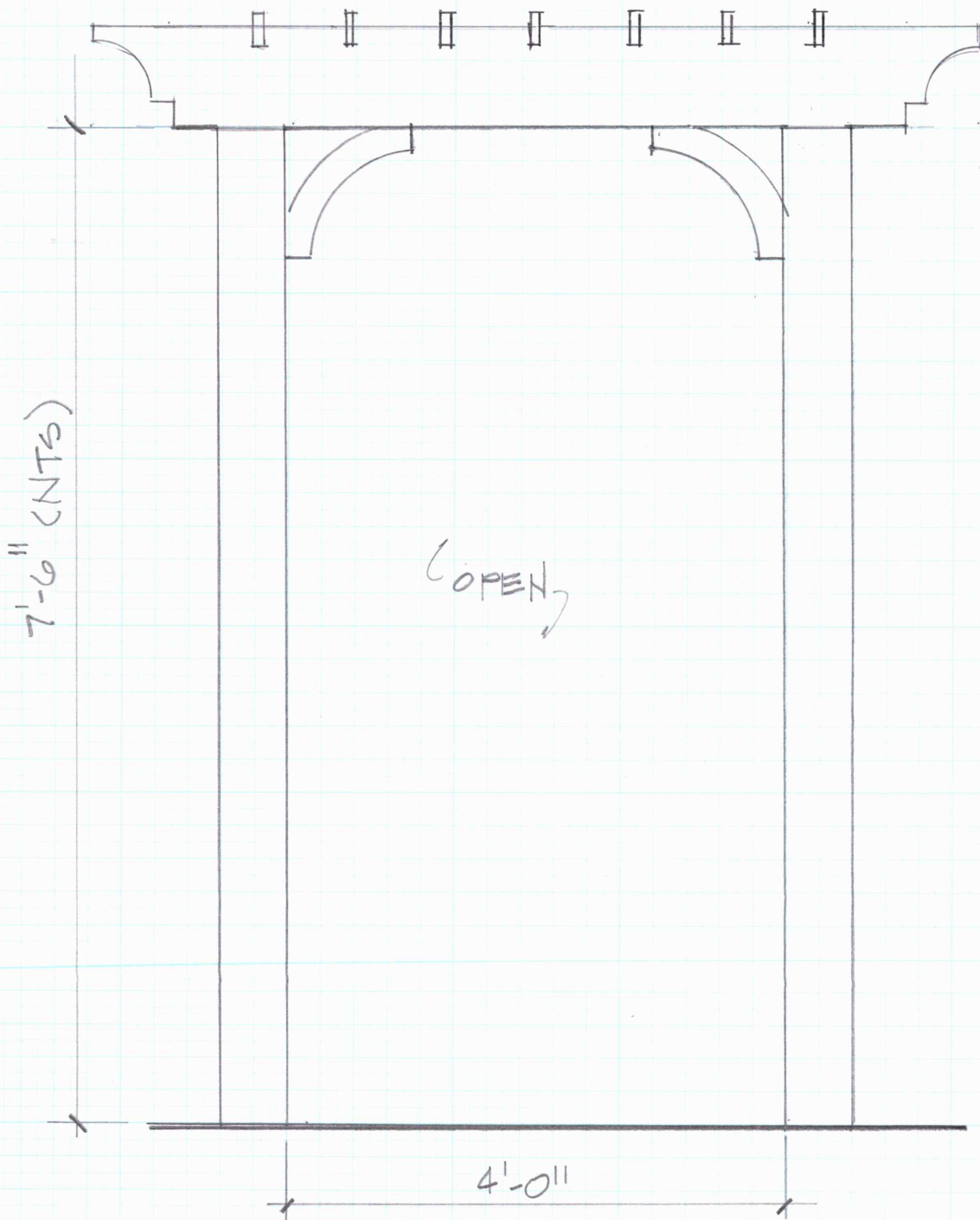
The arbors will contribute to the beauty of the neighborhood by defining an existing garden room. The locations of the arbors will not be visible from the road. The new walks will be safer than the old ones. The new section of walk and patio will provide safe access to a currently unkempt, lower part of the property, which will also be landscaped with attractive plants. It is planned for an area that will not be seen by neighbors and away from trees.

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

Signature

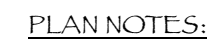
Date
2/1/2024

Terri Long



FRONT ELEVATION - ARBOR

$\frac{3}{4}" = 1'-0"$



- A REMOVE FENCE AND GATES.
- B REMOVE RAILROAD TIES STEPS. INSTALL CUT STONE STEPS.
- C CONSTRUCT NEW ARBOR. REFER TO HAND DRAWN SKETCHES.
- D REMOVE BRICK RETAINING WALL BELOW TREE TO INNER CORNER. PROTECT TREE ROOTS.
- E REMOVE STONE WALK. INSTALL NEW WALK USING LARGE FLAGSTONES IN SAME LOCATION.
- F INSTALL BRICK PAVERS TO MATCH EXISTING TO FILL IN SPACE IN PATIO.
- G CORTEN STEEL PLANTER, 4' X 10' W X 18" H. ABOVE GRADE. II GA. (1/8") CORTEN STEEL. APPLY ASPHALT

- EMULSION SEALER TO INSIDE OF PLANTER. LINE BOTTOM AND UP 12" OF SIDES WITH HARDWARE CLOTH TO PREVENT ENTRY BY CRITTERS. FILL WITH TOPSOIL.
- H REMOVE STONE WALK AND STEPS IN WALK. INSTALL NEW STONE WALK AND STEPS. FLAG LAYOUT FOR REVIEW & APPROVAL PRIOR TO INSTALLATION.
- I CONSTRUCT BEAR-RESISTANT GARBAGE ENCLOSURE WITH WOOD SIDING PAINTED TO MATCH HOUSE SIDING. POUR CONCRETE FLOOR FOR ENCLOSURE. VERIFY DIMENSIONS OF OWNER'S 3 GARBAGE CANS BEFORE FABRICATING. REFER TO HAND DRAWN SKETCHES.

- K STONE PAVERS
N ONE FLAGSTONE WALK AND PATIO. EXACT LOCATION
O TO BE DETERMINED BY DESIGNER ON SITE. METAL
P FIREPIT TO BE INSTALLED ON PATIO.
L REMOVE LEAVES AND DEBRIS FROM WINDOW WELLS.
M INSTALL WINDOW WELL COVERS BY WINDOW WELL
N EXPERTS, OR APPROVED EQUAL. FLAT,
O RECTANGULAR COVER MADE OF INDUSTRIAL
P GRADE, CRYSTAL CLEAR POLYCARBONATE WITH UV
Q CAP SHIELD. SUPPORTS UP TO 400 POUNDS.
R EGRESS COMPLIANT WITH QUICK RELEASE LOCKS.
S SUBMIT PRODUCT DATA FOR APPROVAL PRIOR TO
T FINALIZING ORDER.

- M BOULDER TO REMAIN
- N NEW CURVED STONE RETAINING WALL WITH BUILT-IN BENCH, 16" SEAT HEIGHT, X18" SEAT DEPTH. CREATE SUNBURST PATTERN IN SEAT BACK. WALL HEIGHT TO MATCH ADJACENT BRICK WALL.
- O REMOVE EXISTING MORTARED STONE STEPS. INSTALL CUT STONE STEPS.
- P TOPDRESS EXISTING PEA GRAVEL PARKING AREA USING MATCHING STONE.
- Q INSTALL CUT STONE STEPS IN SLOPE. EXACT NUMBER TO BE DETERMINED ON SITE.
- R INSTALL RIVER ROCK TO MATCH EXISTING THIS LENGTH OF WALK.
- S REMOVE EXISTING STONE EDGING AND STOCKPILE FOR REUSE.
- T CONSTRUCT NEW ARBOR.

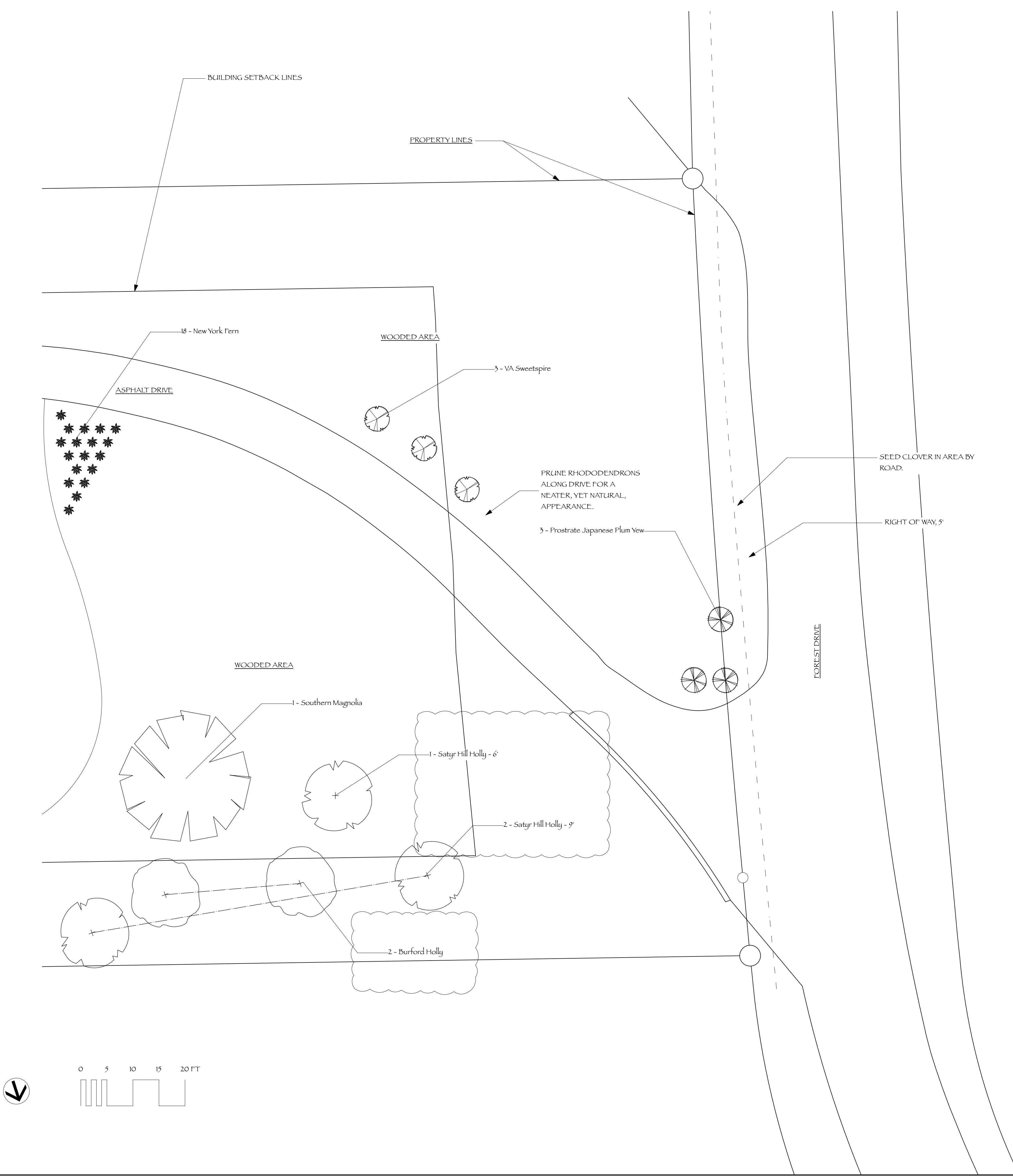
- ## STONework NOTES

1. STONE:
 - A. FLAGSTONE: GRAY CRAB ORCHARD SLABS, 2-3' THICK, WITH NATURAL UNCUT EDGES.
 - B. STONE WALLS: TN. WALL STONE
 - C. CUT STONE STEPS: GRAY CRAB ORCHARD, 4" WIDE.
2. PREPARE MOCK-UP OF STONE WALL ON SITE FOR REVIEW AND APPROVAL. UPON APPROVAL, MOCK-UP WILL SERVE AS STANDARD FOR WORK.
3. STONE RETAINING WALLS TO BE CONSTRUCTED OF MORTARED NATIVE FIELD STONE ON REINFORCED CONCRETE FOOTERS. INSTALL 4" CORRUGATED DRAIN PIPE OR WEEPHOLES LOCATED 4'-6" ABOVE GRADE AND FINISHED SURFACES AND SPACED 3'-0" APART, AND 6"-8" LAYER OF WASHED GRAVEL BEHIND WALLS. INSTALL GOOD QUALITY FILL SOIL FOR PLANTING AND TAMP IN 12" LIFTS.
4. STONE PATIO & WALK:
 - A. MARK OUT LOCATION OF PATIO FOR REVIEW & APPROVAL BY DESIGNER. EXCAVATE SOIL SO THAT TOP OF FINISHED STONE IS SLIGHTLY ABOVE GRADE.

- B. INSTALL 4-6" THICK LAYER OF ABC GRAVEL AND COMPACT. INSTALL 1-2" THICK LAYER OF STONE SCREENINGS AND COMPACT.
- C. SET STONES FOR PATIO, 2.5" THICK CRAB ORCHARD, STEPPING STONES, 3-4" WIDE. AVERAGE, WITH SMALLER FILLER STONES BETWEEN, SPACED 6-8" APART. FILL JOINTS WITH SOIL FOR PLANTING MOSS AND GROUNDCOVERS.
5. STEPPING STONE PATH:
 - A. LAYOUT STEPPING STONES ON TOP OF SOIL WITH SPACING OF 6-8" BETWEEN STONES. DESIGNER AND OWNER SHALL REVIEW AND APPROVE LAYOUT BEFORE STONES ARE SET.
 - B. AFTER APPROVAL OF LAYOUT, EXCAVATE FOR STONE INSTALLATION. ALLOW FOR 1" MINIMUM SAND BASE AND FOR STONE TO BE SET SLIGHTLY ABOVE GRADE.
 - C. INSTALL 1" THICK LAYER OF STONE SCREENINGS AND MOISTEN LIGHTLY. INSTALL FLAGSTONE AND ADJUST SO THAT IT IS LEVEL AND FIRM. TAMP TO FIRMLY SET IN SAND BED.
 - D. INSTALL MULCH OR SOD BETWEEN STONES AS SCHEDULED.

[illegible]

Project: Adam & Indigo Voron's Residence 11 Forest Road Biltmore Forest, NC 28803		Drawing Title: Planting Plan		Project: Terri Long Landscape Design, Inc. PO Box 19004 Asheville, NC 28815 828.299.2599		Date: 9/22/23					
Scale: 1"=10'				Designed By: tl		Revision					
				Created By: tl		Project ID: Voron					
				Reviewed By: tl		Drawing: 230902.dwg					
				Submitted By: tl		CAD File Name: Voron-10-2-23					
				Project Manager:		Plot Date:					
				No.		Date					
				Issue Notes		Date					
				Revision 1		Date					
				Zone		Zone					
				Apr		Apr					



Plant List				
ID	Qty	Latin Name	Common Name	Scheduled Size
AC-s	2	Aralia cordata 'Sun King'	Golden Japanese Spikenard	1 gallon
ACPA-s	1	Acer palmatum 'Serayu'	Serivi Japanese Maple	30-36" spread, Specimen
AD	6	Aruncus dioicus	Goatsbeard	1 gallon
AH-bf	12	Anastache 'Blue Fortune'	Hyssop	1 gallon
AN-1	16	Anthyrium niponicum 'Pictum'	Japanese Painted Fern	1 gallon
AO-ps	9	Aster oblongifolia 'October Skies'	October Skies Aster	1 gallon
ARAR	8	Aronia arbutifolia 'Brilliantissima'	Red Chokeberry	3 gallon
BA	3	Baptisia australis	Wild Indigo	1 gallon
BC	2	Biononia capreolata	Crossvine	1 gallon
CACL	3	Caryopteris x clandonensis 'Longwood's Blue'	Bluebeard	3 gallon
CATL	5	Calycanthus floridus	Sweetshrub	3 gallon
CEHA-p	25	Cephalotaxus harringtonia var. drupacea 'Prostrata'	Prostrate Japanese Plum Yew	3 gallon
CLAL-3	5	Clethra alnifolia 'Hummingbird'	Summersweet	3 gallon
CN	14	Calamintha nepeta 'Montrose White'	White Calamint	1 gallon
COST	3	Cornus stolonifera 'Arctic Fire'	Red Twig Dogwood	3 gallon
CP-1	14	Cerastotoma plumbaginoides	Plumbago	1 gallon
CRJA-GN	6	Cryptomeria japonica 'Globosa Nana'	Dwarf Japanese Cedar	7 gallon
DE-f	12	Drvopteris erythrosora	Autumn Fern	1 gallon
DNHY	12	Deutzia 'Yuki Cherry'	Yuki Cherry Blossom Deutzia	3 gallon
EDCH	1	Edgeworthia chrysantha	Paperbush	3 gallon
EH	13	Edimedium x rubrum	Barnwort	1 gallon
EP	7	Echinacea purpurea 'Magnus'	Coneflower	1 gallon
EP-ws	5	Echinacea purpurea 'White Swan'	White Swan Coneflower	1 gallon
EUAM	5	Eucnemos americanus	Hearts-a-busting	3 gallon
GM	31	Geranium maculatum	Wild Geranium	1 gallon
HAIN-1	1	Hamamelis x intermedia 'Jelena'	Witchhazel	7 gallon
HIM	16	Hakonechloa macra 'Aureola'	Hakone Grass	1 gallon
HO-r	15	Helleborus orientalis	Lenten Rose	Relocate existing
ILCO	7	Ilex cornuta 'Burfordii'	Burford Holly	8' high, B&B, full to ground
ILHY-2	12	Illicium 'Scorpio'	Scorpio Anise	3 gallon
ILJD	1	Ilex x 'Jim Dandy'	Male Winterberry	3 gallon
ILOP-s6	5	Ilex opaca 'Satyr Hill'	Satyr Hill Holly - 6'	6' high, B&B, full to ground
ILOP-s8	1	Ilex opaca 'Satyr Hill'	Satyr Hill Holly - 8'	8' high, B&B, full to ground
ILOP-s9	2	Ilex opaca 'Satyr Hill'	Satyr Hill Holly - 9'	9-10' high, B&B, full to ground
ILVE-wr	3	Ilex x 'Winter Red'	Winter Red Winterberry	3 gallon
ILWR	11	Illicium x 'Woodland Ruby'	Anise	3 gallon
ITVL-1	9	Itea virginica 'Henry's Garnet'	VA Sweetspire	3 gallon
ITVL-2	3	Itea virginica 'Little Henry'	Dwarf Virginia Sweetspire	3 gallon
IS	10	Liatris spicata 'Kobold'	Blazing Star	1 gallon
MAGR	1	Magnolia grandiflora 'Bracken's Brown Beauty'	Southern Magnolia	9-10' high, B&B, dense, well-branched
MAVI-v	3	Magnolia virginiana var. australis	Sweetbay Magnolia	6-7' high, well-branched
MC	8	Muhlenbergia capillaris	Pink Muhly Grass	1 gallon
MF-1	12	Nepeta x 'baassoni' 'Walker's Low'	Dwarf Catmint	1 gallon
PL-h	8	Pulmonaria longifolia	Lungwort	1 gallon
PO-v	10	Polygonatum odoratum 'Variegatum'	Variegated Solomon's Seal	1 gallon
PS	19	Phlox subulata	Creeeping Phlox	1 gallon
RHCA-ER	3	Rhododendron	Rhododendron	Relocate existing
SO-h	7	Stachys officinalis 'Hummelo'	Wood Betony	1 gallon
TC-s	30	Taraxia x 'Sugar and Spice'	Foamflower	1 gallon
TN	18	Thevopteris novboracensis	New York Fern	1 gallon
VICA-sb	3	Viburnum carlesii 'Spice Baby'	Dwarf Korean Spice Viburnum	3 gallon
VIPR	12	Viburnum x praecense	Prague Viburnum	7 gallon
VP	13	Veronica peduncularis 'Georgia Blue'	Creeeping Speedwell	1 gallon

REFER TO SHEET L-2A FOR DRAWING NOTES.

Project No. 24-001

Client: Adam & Indigo Voron's Residence

Address: 11 Forest Road, Biltmore Forest, NC 28803

Designed By: Adam Long

Drawn By: tjl

Created By: tjl

Reviewed By: tjl

Submitted By: tjl

Project Manager: tjl

Date: 9/23/23

Revision: Revision

Project ID: Voron

Drawing Code: Drawing Code

CAD File Name: Voron-10.2.23

Plot Date: 00/00/00

1

1

1

1

1

1

1/30/24

11/28/23

10/24/23

11/22/24

11/22/24

11/22/24

BILTMORE FOREST REVIEW

FOR PRICING

CLIENT REVIEW

Revision 1

Zone

tl

Appr

Planting Plan

Scale: 1"=10'

Sheet No. L-2B of 3



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

March 18, 2024

Case 3

Property Owner: Thomas Moran
Property Address: 11 Hilltop Rd
Request: Special Use Permit Request for Replacement Fence Installation

Project Description

The applicant requests a special use permit for the replacement of an existing wooden and chain-link fence with a black metal fence. The application includes a site plan showing the existing fence location and length of fence.

Special Use Permit Request

The Town considers fences as accessory structures, pursuant to Chapter 153.049 of the Zoning Ordinance. Section 153.049 is attached for the Board's review. The specific language of the Zoning Ordinance states that the replacement of existing fences shall be approved by the Board of Adjustment as a special use so long as the replacement fence is constructed of materials deemed acceptable in 153.049 (D). The fence replacement appears to meet the requirements of the Town's Ordinance.

The proposed application meets the requirements of Section 153.110 (C)(2)(b) regarding special use standards.

Zoning Compliance Application

Town of Biltmore Forest

Name

Thomas Moran

Property Address

11 HILLTOP RD, ASHEVILLE, NC 28803-3017

Phone

(919) 395-6299

Email

tom.moran@live.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-2

Lot Size

.59 acre

Proposed Roof Coverage Total

no changes

Proposed Impervious Surface Coverage

no changes

Front Yard Setback

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

Side Yard Setback

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

Rear Yard Setback

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

Building Height

no change

Description of the Proposed Project

As part of a project to replace damaged and rotten wood on an existing rear deck, we intend to also replace damaged and defective wood and chain link fences that extend to the property lines on either side of the house. Please see attachments for more details.

Estimated Start Date

2/5/2024

Estimated Completion Date

2/16/2024

Estimated Cost of Project

\$22,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

11 Hilltop Road - survey with fence notes - Moran.pdf

Pegram - new fence picture.png

11 Hilltop - Plot.pdf

11 Hilltop - satellite of lot.png

Applicant Signature

Date
2/1/2024

A handwritten signature in black ink, appearing to be 'Th Mz'.

Special Use Permit Application

Town of Biltmore Forest

Name

Thomas Moran

Address

11 Hilltop Rd

Phone

(919) 395-6299

Email

tom.moran@live.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:

Replacement of two sections of old fencing on sides and back of house. Section 1 would replace approximately 25' of 6-foot chain link fence on side of house at rear. The second section would be to replace a 46' curved wooden fence along back of parking area at rear of house. Both sections would extend to property lines on each side. Please see drawings and pictures for more information.

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


Both fence sections to be replaced are in very poor condition and would be replaced by new 4-foot high black metal fencing. Each would represent a significant improvement for neighbors.

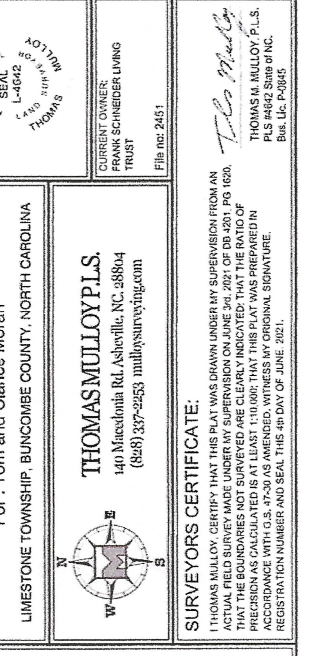
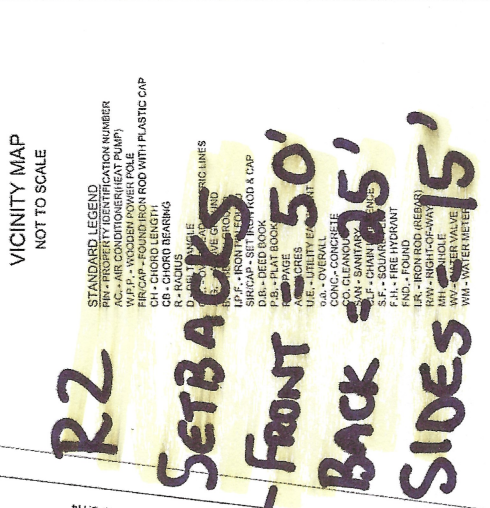
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Date

2/2/2024

A handwritten signature in black ink, appearing to read 'Thomas Moran', written over a horizontal line.



DESCRIPTION: (PROPERTY SURVEYED) PIN 9846-95-1876-20000
ALL OF LOT 9 OF PLAT BOOK 6, PAGE 114, BEING ALL OF THAT LAND AS DESCRIBED IN DEED BOOK 4201, PAGE 1820 OF THE PUBLIC RECORDS OF BUNCOMBE COUNTY, NORTH CAROLINA.
SAID LANDS CONTAINING 25.545 SQ.FT / 0.586 ACRES

1. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, AND ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, OR RESTRICTIONS THAT MAY LEGALLY AFFECT THIS PROPERTY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT.
3. TIE TO N.G.S. MONUMENT WAS CALCULATED FROM G.P.S. OBSERVATIONS MADE USING SPECTRA PRECISION EPOCH 50 RECEIVER.
4. UNDERGROUND FOUNDATIONS, LANDSCAPE FEATURES AND ROOF OVERHANGS WERE NOT LOCATED.
5. THIS IS AN ABOVE GROUND SURVEY. THE SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE OF UNDERGROUND UTILITIES OR STRUCTURES. CALL 811 BEFORE DIGGING.
6. THERE WAS NO INVESTIGATION INTO THE EXISTENCE OF ENVIRONMENTALLY SENSITIVE AREAS.
7. DUE TO VEGETATION, THERE MAY BE ADDITIONAL UTILITIES OR IMPROVEMENTS NOT VISIBLE AT THE TIME OF THE SURVEY THAT ARE NOT SHOWN.
8. SOME FEATURES MAY BE EXAGGERATED FOR CLARITY.
9. OWNERSHIP, DEED AND PLAT INFORMATION IS PER THE BUNCOMBE COUNTY GIS WEBSITE.
10. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.







(253)

1678

11 HILLTOP RD. 28803

36







BOARD OF ADJUSTMENT MEETING STAFF MEMORANDUM

March 18, 2024

CASE 4

Property Address: 15 Eastwood Rd
Property Owner: Crockett and Liza Dale
Request: Special Use Permit request for Stone Columns at Driveway within Front Yard Setback

Background

The applicant requests approval from the Board of Adjustment for the installation of two (2) driveway columns and two (2) low site walls, one of each at the entrance and exit of the driveway. The proposed structures are (2) 38"x38"x90" columns and (2) low site walls at 2' or below. The structures will be set back approximately 7' from the edge of pavement.

The Town's Zoning Ordinance governs new fences, gates, and walls in Chapter 153.049.

Special Use Permit Requirements

Section 153.007 (Footnote 4) allows the Board of Adjustment the ability to approve driveway entrance columns without regard to the setback. This footnote is specifically stated as follows:

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

Special Use Request

The applicant has filed a special use request to allow this installation within the front yard setback. The proposed location of the columns are not within the Town's right of way and are located approximately 7 feet from the edge of pavement. The project does not meet the setback requirements; however, it can be reviewed as a special use as stated above.

The proposed application meets the requirements of Section 153.110 (C)(2)(b) regarding special use standards.

Zoning Compliance Application

Town of Biltmore Forest

Name

Daniela Neal

Property Address

15 Eastwood road, Asheville NC 28803

Phone

(615) 663-9063

Email

daniela@carlton-edwards.com

Parcel ID/PIN Number

964696054400000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.25 acres

Proposed Roof Coverage Total

5498 sq ft

Proposed Impervious Surface Coverage

12824 sq ft

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

37

Description of the Proposed Project

The proposed structures are (2) 38"x38"90" stone pillars with (2) low site walls at both the entry and exit driveways for a total of 4 structures. The stone pillars will have face mounted gas lanterns facing Eastwood road and integrated lights on the short site walls to illuminate the drives for the residents. The pillars will be set back approximately 3' from the property line and approximately 7' from the edge of the road to not cause obstruction

Estimated Start Date

4/1/2024

Estimated Completion Date

5/31/2024

Estimated Cost of Project

\$20,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2024-02-27 Dale Special Use permit set.pdf

Applicant Signature

[Handwritten Signature]

Date

2/28/2024

Special Use Permit Application

Town of Biltmore Forest

Name

Daniela Neal

Address

15 Eastwood Rd, Asheville, NC 28803

Phone

(615) 663-9063

Email

daniela@carlton-edwards.com

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

Accessory Structures

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

Please provide a description of the proposed project:

The proposed structures are (2) 38"x38"x 90" stone pillars with (2) low site walls at both the entry and exit driveways for a total of 4 structures. The stone pillars will have face mounted gas lanterns facing Eastwood road to illuminate the drives for the residents and integrated lights on the short site walls. The pillars will be set back approximately 3' from the property line and approximately 7' from the edge of the road to not cause obstruction.

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

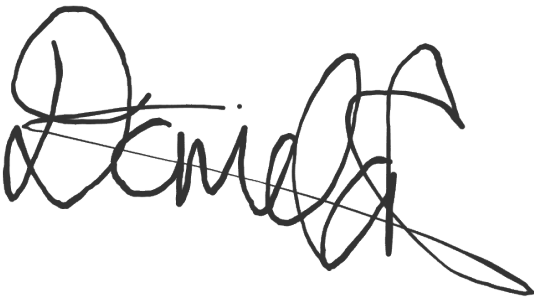
The pillars will have the same material pallet as the home and will be set back from the right-of-way. The lighting will be sufficient to safely illuminate the entry and exit of the property without being blinding or a hazard to those driving by.

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

Signature

Date

2/27/2024

A handwritten signature in black ink, appearing to read 'Daniela Neal', with a long, sweeping underline.

CARLTON
EDWARDS

P.O. BOX 7466
ASHEVILLE, NC 28802
828.274.7554 phone
828.274.7512 fax



No.	Issuance	Date
2	REV 2	2022-02-16
3	REV 3	2022-03-07
16	REV 16	2023-04-05

ISSUED FOR CONSTRUCTION

Crockett & Liza Dale
15 Eastwood Rd
Biltmore Forest, NC 28803

PROJECT NUMBER

19 47

DRAWN BY _____ Author _____

CHECKED BY _____ Checke

CONTRACT SET

DATE: 2021-11-17

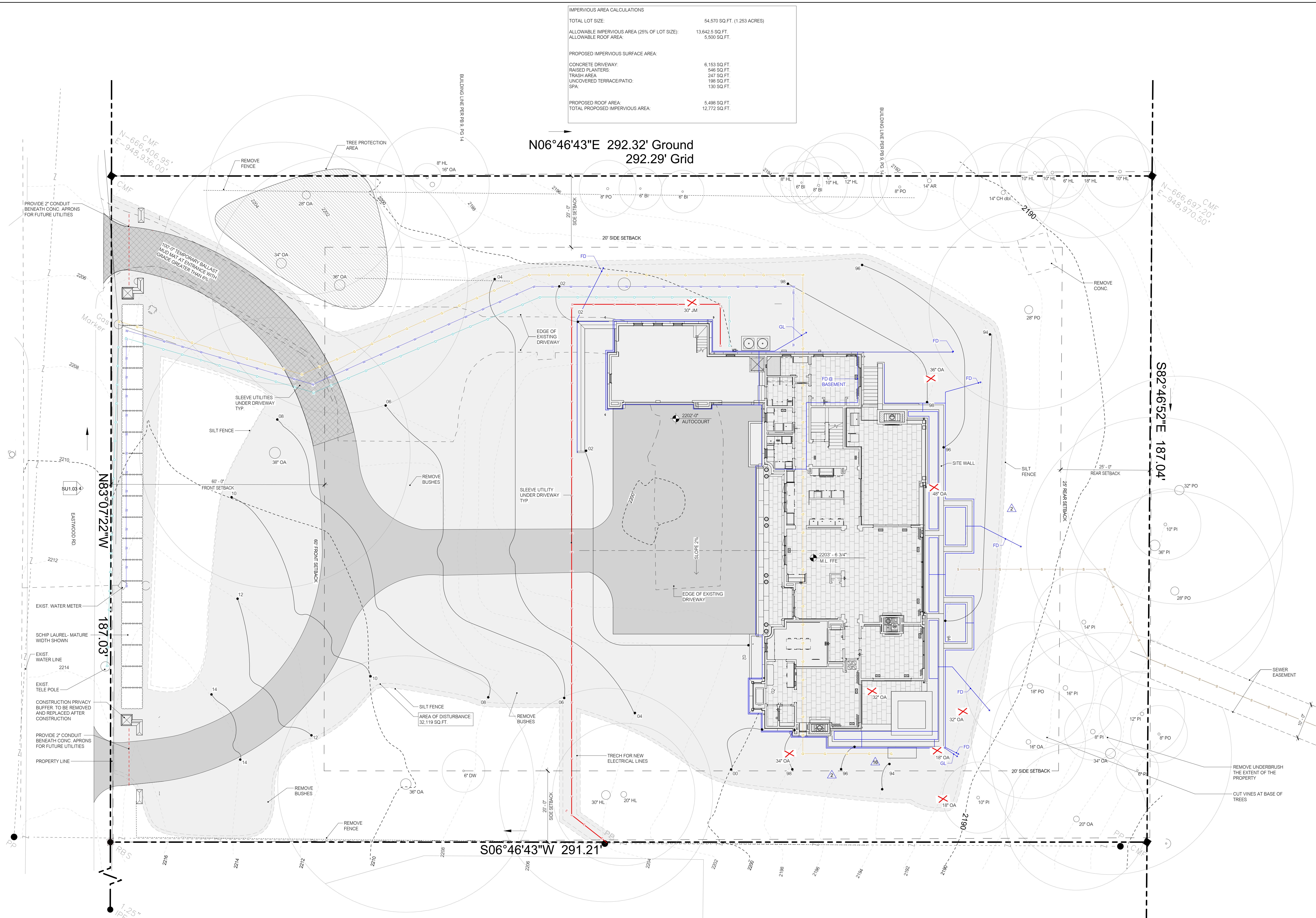
SITE PLAN

0111 00

501.00

100 200 300 400 500 600 700 800 900 1000

COPYRIGHT 2024
CARLTON EDWARDS



1 SITE PLAN
1" = 10'-0"

PLOT INFO: 3/4/2024 8:25:04 AM

153.049 FENCE, GATE AND WALL REGULATIONS.

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

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

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

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

(1) The driveway gate and columns shall not be located in the front or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

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

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

(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

(3) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this section.

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

- (1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.
 - (2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.
 - (3) No new chain link fencing or gates shall be allowed.
 - (4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address
<https://www.ncwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>.
 - (5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.
 - (6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.
- (Ord. passed 2-11-2020; Ord. passed 6-8-2021)

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



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 18, 2024

CASE 5

Property Address: 19 East Forest Road

Property Owner: Dennis and Wendy Thies

Request: Special Use Permit request for Accessory Structure and Fence

Background

The property owners request permission to construct an outdoor fireplace on a patio within the rear yard. The proposed fire pit is located on a rear patio and not within the setbacks. The applicant is also looking to Replace some existing wooden fence and add some new fencing to the rear yard and within the setbacks. The fencing will be black metal fencing. The layout of the fence as well as an example picture of the fence being removed, and fence being installed is in the enclosed application packet.

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. The proposed structure complies with setbacks and appears to meet all requirements.

Section 153.049 (attached) of the Town's Zoning Ordinance regulates fences and gates as accessory structures and requires a special use permit from the Board of Adjustment. The proposed replacement fence and the proposed new fence appear to meet all requirements.

The proposed application meets the requirements of Section 153.110 (C)(2)(b) regarding special use standards.

153.049 FENCE, GATE AND WALL REGULATIONS.

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

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

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(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

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

(1) The driveway gate and columns shall not be located in the front or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

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

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(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

(3) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this section.

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

(1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.

(2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.

(3) No new chain link fencing or gates shall be allowed.

(4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address

<https://www.nxwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

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

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

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

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

Zoning Compliance Application

Town of Biltmore Forest

Name

Matthew Fusco

Property Address

19 East Forest Road

Phone

(828) 243-6604

Email

Matt@FuscoLA.com

Parcel ID/PIN Number

9646-57-6419

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.366

Proposed Roof Coverage Total

n/a

Proposed Impervious Surface Coverage

11,170

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

n/a

Description of the Proposed Project

Proposed loop connection of driveway to improve circulation and prevent from having to back into East Forest Road when leaving driveway. Install gas fire pit on rear patio within setbacks. convert sections of existing wood fence to metal picket and add fencing to expand rear fences yard within setbacks.

Estimated Start Date

4/1/2024

Estimated Completion Date

5/15/2024

Estimated Cost of Project

\$50,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2024-02-26-Thies-Materials.pdf

2024-02-26-Thies-Site_Plan.pdf

Applicant Signature

Date
2/26/2024

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A handwritten signature in black ink, consisting of a series of fluid, connected strokes. It begins with a small dot to the left of the main stroke, followed by a large, sweeping upward curve that then levels out into a series of horizontal, slightly wavy lines.

Special Use Permit Application

Town of Biltmore Forest

Name

Matthew Fusco

Address

19 East Forest Road

Phone

(828) 243-6604

Email

Matt@FuscoLA.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:

Proposed loop connection of driveway to improve circulation and prevent from having to back into East Forest Road when leaving driveway. Install gas fire pit on rear patio within setbacks. Convert sections of existing wood fence to metal picket and add fencing to expand rear fences yard within setbacks.

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

Driveway work will improve safety to the community by allowing the homeowner to exit their property without having to back into the street. The access points will be greater than 100' apart which conforms to NCDOT recommendations for access point spacing. The proposed gas fire pit will be behind the house and not visible from the street or in direct view of neighbors. The proposed fencing will follow typical fence style within the area and will be placed to the back of the house where it will be less visible from the street.

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

Signature

Date

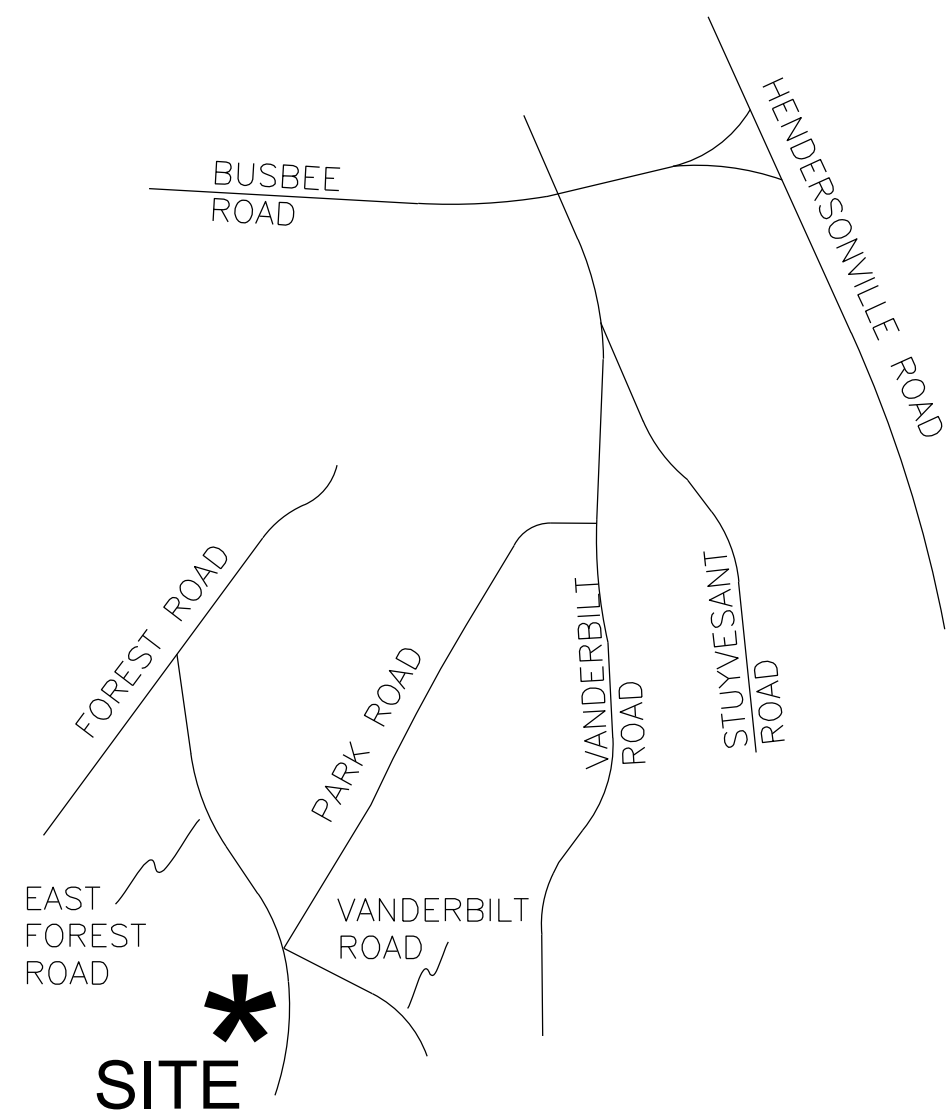
2/26/2024

A handwritten signature in black ink, appearing to read 'Matthew Fusco', with a long horizontal line extending to the right.

THIES RESIDENCE

Driveway, Fire Pit & Fence Improvements

19 East Forest Road
Biltmore Forest, NC 28803City, State



VICINITY MAP
NOT TO SCALE



LANDSCAPE ARCHITECTURE | CONSERVATION PLANNING | LOW IMPACT DEVELOPMENT
P.O. BOX 8013, ASHEVILLE, NC 28814 | PH: 828.243.6604 | WWW.FUSCOLA.COM
Copyright © 2022, Fusco Land Planning & Design, PLLC

SHEET INDEX

L1.01	NOTES & SPECIFICATIONS
L2.01	SITE DEMOLITION & STABILIZATION
L3.01	SITE PLAN
L4.01	SITE DETAILS

SITE PREPARATION AND DEMOLITION NOTES

1. ESTABLISH, PROTECT AND MAINTAIN BENCHMARKS AND SURVEY CONTROL POINTS FROM DISTURBANCE DURING CONSTRUCTION.
2. CONTRACTOR TO ENSURE ALL REQUIRED PERMITS FROM REGULATORY AND REVIEW AGENCIES HAVE BEEN OBTAINED.
3. ALL PROJECT ACTIVITY SHALL BE CONFINED TO THE AREA WITHIN THE LIMITS OF DISTURBANCE.
4. THERE SHALL BE NO LAY-DOWN ACTIVITIES, MATERIALS STORAGE FOOT TRAFFIC, VEHICULAR TRAFFIC AND STORAGE OF MATERIALS OR EQUIPMENT OUTSIDE OF THE LIMITS OF DISTURBANCE.
5. COORDINATE LOCATION OF CONSTRUCTION TRAILER, REST ROOM FACILITIES, PERMIT DISPLAYS AND ANY OTHER PROJECT ACCESSORIES NOT SPECIFICALLY LOCATED ON THE CONSTRUCTION DRAWINGS WITH THE OWNER.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING EXISTING UTILITIES AND STRUCTURES UNTIL PROJECT INSTALLATION IS COMPLETE. THE CONTRACTOR SHALL REPAIR OR PAY FOR ALL DAMAGES MADE TO EXISTING FACILITIES AND STRUCTURES.
7. NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY IF ANY PROPOSED OR EXISTING CONDITIONS CONFLICT WITH UTILITIES.
8. INSTALL EROSION CONTROLS AS INDICATED IN THE EROSION CONTROL NOTES AND SEQUENCE OF CONSTRUCTION FOR EROSION AND SEDIMENT CONTROL.
9. MARK TREES AND OTHER PLANT MATERIAL TO BE REMOVED WITH A SINGLE AND UNIQUE COLOR OF SURVEY FLAGGING AND OBTAIN APPROVAL OF LANDSCAPE ARCHITECT PRIOR TO PROCEEDING.
10. REMOVE OBSTRUCTIONS, TREES, SHRUBS, GRASS AND OTHER VEGETATION WITHIN THE LIMITS OF DISTURBANCE TO PERMIT INSTALLATION OF NEW CONSTRUCTION UNLESS OTHERWISE NOTED. REMOVAL INCLUDES DIGGING OUT STUMPS AND OBSTRUCTIONS AND GRUBBING ROOTS TO A DEPTH OF 18".
11. STRIP TOPSOIL TO WHATEVER DEPTHS ARE ENCOUNTERED IN A MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER WASTE MATERIALS.
12. WIRES, SIGNS, PERMITS OR ANY OTHER OBJECT SHALL NOT BE FASTENED TO TREES.
13. ALL CLEARING, GRUBBING, REMOVAL OF TOPSOIL OR ANY OTHER DISTURBANCE WITHIN THE DRIPLINE OF EXISTING TREES TO REMAIN SHALL BE DONE WITH HAND TOOLS UNDER THE DIRECTION OF LANDSCAPE ARCHITECT.
14. REMOVE SURPLUS SOIL MATERIAL, UNSUITABLE TOPSOIL, OBSTRUCTIONS, DEMOLISHED MATERIALS, AND WASTE MATERIALS, INCLUDING TRASH AND DEBRIS, AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.

EROSION CONTROL NOTES

1. CONTRACTOR IS RESPONSIBLE FOR AND SHALL ADHERE TO ALL PROVISIONS AND REQUIREMENTS OF ALL APPLICABLE EROSION CONTROL REQUIREMENTS.
2. EROSION CONTROL MEASURES SHALL BE INSTALLED FOLLOWING THE EROSION CONTROL SEQUENCE.
3. EROSION CONTROL MEASURES ARE GENERAL IN NATURE. CONTRACTOR IS RESPONSIBLE FOR ADDITIONAL MEASURES AS REQUIRED TO PREVENT ON- OR OFF-SITE RUNOFF AND EROSION.
4. ALL INLETS SHALL HAVE TEMPORARY INLET PROTECTION INSTALLED IMMEDIATELY AFTER INLET HAS BEEN CONSTRUCTED.
5. CONTRACTOR IS RESPONSIBLE FOR REGULAR INSPECTION AND MAINTENANCE OF EROSION CONTROL MEASURES TO ENSURE THAT MEASURES CONTINUOUSLY FUNCTION AS INTENDED.
6. ESTABLISH PERMANENT COVER ON DISTURBED AREAS IMMEDIATELY AFTER FINAL GRADING IS COMPLETE OR IF DISTURBED AREAS ARE TO REMAIN UNALTERED FOR MORE THAN 5 CONSECUTIVE DAYS.
7. REMOVE ALL TEMPORARY EROSION CONTROLS AFTER DISTURBED AREAS HAVE BEEN STABILIZED AND COMPLETED.
8. CONTRACTOR IS RESPONSIBLE FOR EROSION CONTROL OF OFF-SITE BORROW PITS AND DISPOSAL AREAS TO ENSURE THAT ANY BORROW OR WASTE COMES FROM OR GOES TO A SITE WITH AN APPROVED EROSION & STORMWATER CONTROL PLAN.
9. CONTRACTOR SHALL WATER SITE TO CONTROL DUST DURING PERIODS OF DRY WEATHER.
10. EQUIPMENT UTILIZED DURING THE CONSTRUCTION ACTIVITY ON SITE MUST BE OPERATED AND MAINTAINED IN SUCH A MANNER AS TO PREVENT THE POTENTIAL OR ACTUAL POLLUTION OF THE SURFACE OR GROUND WATERS OF THE STATE. FUELS, LUBRICANTS, COOLANTS, AND HYDRAULIC FLUIDS, OR ANY OTHER PETROLEUM PRODUCTS, SHALL NOT BE DISCHARGED INTO THE GROUND OR INTO SURFACE WATERS. SPENT FLUIDS SHALL BE DISPOSED OF IN A MANNER SO AS NOT TO ENTER THE WATERS, SURFACE OR GROUND, OF THE STATE AND IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL DISPOSAL REGULATIONS. ANY SPILLED FLUIDS SHALL BE CLEANED UP TO THE EXTENT PRACTICABLE AND DISPOSED OF IN A MANNER SO AS NOT TO ALLOW THEIR ENTRY INTO THE WATERS, SURFACE OR GROUND, OF THE STATE.
11. HERBICIDE, PESTICIDE AND FERTILIZER USAGE DURING THE CONSTRUCTION ACTIVITY SHALL BE CONSISTENT WITH THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT AND SHALL BE IN ACCORDANCE WITH LABEL RESTRICTIONS.
12. ALL WASTES COMPOSED OF BUILDING MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH STATE GENERAL STATUTES.

SEQUENCE OF CONSTRUCTION FOR EROSION & SEDIMENT CONTROL

1. SUBMIT PLANS FOR REVIEW, OBTAIN GRADING PERMIT APPROVAL AND ALL OTHER APPLICABLE PERMITS.
2. CONTRACTOR TO NOTIFY NCDEQ LAND QUALITY SECTION SPECIALIST PRIOR TO START OF PROJECT, IF NCDEQ EROSION CONTROL PERMIT IS REQUIRED..
3. FLAG THE LIMITS OF DISTURBANCE AND MARK THE TREES TO BE REMOVED AND OBTAIN APPROVAL PRIOR TO PROCEEDING.
4. INSTALL TEMPORARY TEMPORARY EROSION CONTROL MEASURES AS SHOWN WHERE FEASIBLE.
5. UPON INSTALLATION OF EROSION CONTROL MEASURES, REQUEST ON-SITE INSPECTION AND APPROVAL AS REQUIRED.
6. CLEAR AND GRUB SITE.
7. BEGIN ROUGH GRADING OF SITE.
8. INSTALL ALL CATCH BASINS. INLET PROTECTION, CULVERTS AND OUTLET PROTECTION AS GRADING PERMITS.
9. INSTALL STONE BASE AS GRADING PERMITS.
10. INSTALL TEMPORARY OR PERMANENT SEEDING OR GROUND COVER ON ALL ROUGH GRADED SLOPES.
11. BEGIN FINE GRADING.
12. UPON COMPLETION OF FINE GRADING, IMMEDIATELY INSTALL PERMANENT GROUND COVER.
13. CLEAN OUT EROSION CONTROL MEASURES WHEN HALF FULL AS INDICATED IN EROSION CONTROL NOTES AND REPAIR OR REPLACE AS NECESSARY.
14. MAINTAIN EROSION CONTROL MEASURES UNTIL PERMANENT GROUNDCOVER IS ESTABLISHED.
15. UPON COMPLETION OF CONSTRUCTION, STABILIZATION OF SITE, AND APPROVAL BY CONSTRUCTION INSPECTOR. REMOVE ALL TEMPORARY EROSION CONTROL MEASURES STABILIZE THESE AREAS.
16. CONTRACTOR TO NOTIFY BUNCOMBE COUNTY EROSION CONTROL OR STORMWATER SPECIALIST WHEN PROJECT IS READY TO CLOSE OUT.

MAINTENANCE PLAN:

- A. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE CHECKED AND MAINTAINED FOR STABILITY AND OPERATION AT OPTIMUM EFFICIENCY FOLLOWING EVERY RUNOFF-PRODUCING RAINFALL BUT IN NO CASE LESS THAN ONCE EVERY WEEK. ANY NEEDED REPAIRS WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES AS DESIGNED.
- B. SEDIMENT WILL BE REMOVED FROM BEHIND THE SILT FENCE WHEN IT BECOMES ABOUT 6" DEEP AT THE FENCE. THE SEDIMENT FENCE WILL BE REPAIRED AS NECESSARY TO MAINTAIN A CONTINUOUS BARRIER.
- C. ALL SEEDED AREAS WILL BE FERTILIZED, RESEEDDED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.

GRADING NOTES

1. STAKE GRADES BY A REGISTERED LAND SURVEYOR AND OBTAIN APPROVAL OF LANDSCAPE ARCHITECT OR OWNER PRIOR TO PROCEEDING.
2. CONTRACTOR SHALL REVIEW PROPOSED ACTIVITIES ON-SITE WITH LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION.
3. NO MAJOR GRADING ACTIVITIES OR STORMWATER DEVICE CONSTRUCTION SHALL OCCUR DURING WET WEATHER OR PERIODS OF PREDICTED WET WEATHER.
4. ALL PROPOSED STORM DRAIN LINES SHALL HAVE A MIN. OF 2" COVER UNLESS OTHERWISE NOTED.
5. MATERIAL REMAINING FROM PROJECT EXCAVATION SHALL BE LEGALLY DISPOSED OF OFF-SITE BY THE CONTRACTOR.
6. ALL UTILITY LINES, PIPES, AND ASSOCIATED APPURTENANCES SHALL BE LOCATED ON-SITE BEFORE ANY EXCAVATION IS STARTED RELATED TO A SPECIFIC UTILITY.
7. ALL LINEAR UTILITY WORK MUST BE STABILIZED AT THE END OF EACH WORKDAY.
8. EXCAVATION LIKELY TO DISLOCATE, DAMAGE, OR IMPAIR THE STRENGTH OF EXISTING STRUCTURES SHALL BE CONDUCTED ONLY AFTER ADEQUATE PROTECTION HAS BEEN PROVIDED FOR THE EXISTING STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRS TO OR REPLACEMENT OF STRUCTURES DAMAGED BY PROJECT ACTIVITIES.
9. MATCH EXISTING GRADES SMOOTHLY WHERE PROPOSED FEATURES MEET EXISTING FEATURES.
10. THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE AT A MINIMUM OF 2% SLOPE AWAY FROM ALL BUILDINGS.
11. ALL CUT SLOPES GREATER THAN 2:1 & FILL SLOPES GREATER THAN 2:1 SHALL BE CERTIFIED BY A REGISTERED GEOTECHNICAL ENGINEER PRIOR TO AND DURING CONSTRUCTION.
12. ALL FILL SLOPES SHALL BE COMPACTED FULL DEPTH TO NOT LESS THAN 95 PERCENT MAXIMUM DENSITY (STANDARD PROCTOR), SHALL BE PLACED ON A SURFACE CLEARED OF GROWTH AND DEBRIS, AND BE PROPERLY BENCHED AND DRAINED.
13. ALL PVC SLEEVES TO BE SCHEDULE 80. COORDINATE WITH LANDSCAPE ARCHITECT FOR NUMBER AND LOCATION, EVEN IF SHOWN ON THE PLAN.
14. ABBREVIATIONS:
- | | | | |
|-------|--------------------------------------------------------|------|------------------------------|
| TW: | ELEVATION AT TOP OF WALL | TC: | ELEVATION AT TOP OF CURB |
| BW: | FINISHED GRADE ELEVATION AT BOTTOM OF WALL | BC: | ELEVATION AT BOTTOM OF CURB |
| SWCP: | SMOOTH WALL CORRUGATED PLASTIC PIPE | TS: | ELEVATION AT TOP OF STEPS |
| RIM: | FINISHED ELEVATION AT RIM INLET OF DRAINAGE STRUCTURES | BS: | ELEVATION AT BOTTOM OF STEPS |
| INV: | PIPE INVERT | MIN: | MINIMUM |
| HPS: | HIGH POINT OF SWALE | MAX: | MAXIMUM |
| TYP: | TYPICAL | BOP: | BEGINNING OF PAVEMENT |
| H.P. | HIGH POINT | EOP: | END OF PAVEMENT |
| L.P. | LOW POINT | | |

15. PRUNE TREE ROOTS EXPOSED DURING GRADE LOWERING. DO NOT CUT MAIN LATERAL ROOTS OR TAP ROOTS; CUT ONLY SMALLER ROOTS. CUT ROOTS WITH SHARP PRUNING INSTRUMENTS; DO NOT BREAK OR CHOP.
16. WHERE EXISTING GRADE IS 6 INCHES OR LESS BELOW ELEVATION OF FINISH GRADE, FILL WITH TOPSOIL. PLACE TOPSOIL IN A SINGLE UNCOMPACTED LAYER, HAND GRADE AND LIGHTLY TAMP TO REQUIRED FINISH ELEVATIONS.
17. PROVIDE BORROW SOIL MATERIALS WHEN SUFFICIENT SATISFACTORY SOIL MATERIALS ARE NOT AVAILABLE.
18. SATISFACTORY SOILS SHALL BE DEFINED AS FOLLOWS: ASTM D 2487 SOIL CLASSIFICATION GROUPS SC, ML, CL, SP, GM AND SM OR A COMBINATION OF THESE GROUP SYMBOLS; FREE OF ROCK OR GRAVEL LARGER THAN 3" IN ANY DIMENSION, DEBRIS, WASTE, FROZEN MATERIALS, VEGETATION, AND OTHER DELETERIOUS MATTER.
19. UNSATISFACTORY SOILS SHALL BE DEFINED AS FOLLOWS: ASTM D 2487 SOIL CLASSIFICATION GROUPS GC, GW, GP, MH, CH, OL, OH, SW AND PT OR A COMBINATION OF THESE GROUP SYMBOLS.
20. UNSATISFACTORY SOILS ALSO INCLUDE SATISFACTORY SOILS NOT MAINTAINED WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT AT TIME OF COMPACTION.
21. BACKFILL AND FILL SHALL BE SATISFACTORY SOILS.
22. SUBMIT MATERIAL TEST REPORTS FROM A QUALIFIED TESTING AGENCY INDICATING AND INTERPRETING TEST RESULTS FOR COMPLIANCE WITH THE FOLLOWING REQUIREMENTS:
- CLASSIFICATION ACCORDING TO ASTM D 2487 OF EACH ON-SITE OR BORROW SOIL MATERIAL PROPOSED FOR FILL AND BACKFILL
 - LABORATORY COMPACTION CURVE ACCORDING TO ASTM D 698 FOR EACH ON-SITE OR BORROW SOIL MATERIAL PROPOSED FOR FILL AND BACKFILL.
19. GEOTECHNICAL TESTING AGENCY QUALIFICATIONS: AN INDEPENDENT TESTING AGENCY QUALIFIED ACCORDING TO ASTM 329 TO CONDUCT SOIL MATERIALS AND ROCK-DEFINITION TESTING, AS DOCUMENTED ACCORDING TO ASTM D 3740 AND ASTM E 548.
20. NOTIFY AND OBTAIN APPROVAL FROM LANDSCAPE ARCHITECT PRIOR TO PROCEEDING WHEN EXCAVATIONS HAVE REACHED REQUIRED SUBGRADE.
21. PROOF ROLL SUBGRADE WITH SUITABLE EQUIPMENT TO IDENTIFY SOFT POCKETS AND AREAS OF EXCESS YIELDING. DO NOT PROOF ROLL WET OR SATURATED SUBGRADES.
22. RECONSTRUCT SUBGRADES DAMAGED BY FREEZING TEMPERATURES, FROST, RAIN, ACCUMULATED WATER, OR CONSTRUCTION ACTIVITIES AS DIRECTED BY GEOTECHNICAL ENGINEER.
23. PLACE AND COMPACT BACKFILL IN EXCAVATIONS PROMPTLY BUT NOT BEFORE REMOVING TRASH AND DEBRIS.
24. WHEN INSTALLING FILL:
- REMOVE VEGETATION, TOPSOIL, DEBRIS, UNSATISFACTORY SOIL MATERIALS, OBSTRUCTION, AND DELETERIOUS MATERIALS FROM GROUND SURFACE BEFORE PLACING FILLS
 - PLOW, SCARIFY, BENCH OR BREAK UP SLOPED SURFACES STEEPER THAN 4:1 SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL
 - PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AND COMPACTION.
25. UNIFORMLY MOISTEN OR AERATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL LAYER BEFORE COMPACTION TO WITHIN 2% OF OPTIMUM MOISTURE CONTENT.
26. DO NOT PLACE BACKFILL OR FILL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE.
27. REMOVE, REPLACE, OR SCARIFY AND AIR-DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2% AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.
28. PLACE BACKFILL AND FILL MATERIALS IN LAYERS NOT MORE THAN 8" IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4" IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.
29. PLACE BACKFILL AND FILL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
30. COMPACT SOIL TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 698:
- UNDER STRUCTURES AND PAVEMENTS, COMPACT TOP 12" OF EXISTING SUBGRADE AND EACH LAYER OF BACKFILL OR FILL MATERIAL AT 98%
 - UNDER UNPAVED AREAS, COMPACT TOP 6" BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL MATERIAL AT 85%.
31. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
- LAWN OR UNPAVED AREAS: PLUS OR MINUS 1"
 - PAVEMENTS: PLUS OR MINUS 1/10"
32. CONTRACTOR WILL ENGAGE A QUALIFIED INDEPENDENT GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM FIELD QUALITY-CONTROL TESTING. SUBMIT TEST REPORTS TO LANDSCAPE ARCHITECT OR OWNER.

33. ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL AND BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTHWORK ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.
34. TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2167, ASTM D 2922, AND ASTM D 2937 AS APPLICABLE.
35. WHEN TESTING AGENCY REPORTS THAT SUBGRADES, FILLS, OR BACKFILLS HAVE NOT ACHIEVED DEGREE OF COMPACTION SPECIFIED, SCARIFY AND MOISTEN OR AERATE, OR REMOVE AND REPLACE SOIL TO DEPTH REQUIRED, RECOMPACT AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.
36. PREVENT WATER AND SUBSURFACE OR GROUND WATER FROM ENTERING EXCAVATIONS. FROM PONDING ON PREPARED SUBGRADES EXCAVATE UTILITY TRENCHES TO INDICATED SLOPES, LINES DEPTHS AND INVERT ELEVATIONS OF UNIFORM WIDTHS TO PROVIDE A MAXIMUM 12 INCHES OF WORKING CLEARANCE ON EACH SIDE OF PIPE OR CONDUIT. EXCAVATE TRENCH WALLS VERTICALLY FROM TRENCH BOTTOM TO 12 INCHES HIGHER THAN THE TOP OF PIPE OR CONDUIT.
37. EXCAVATE AND SHAPE TRENCH SUBGRADE TO PROVIDE UNIFORM BEARING AND CONTINUOUS SUPPORT FOR PIPE AND CONDUIT. WHERE ENCOUNTERING ROCK OR OTHER UNYIELDING BEARING SURFACE, CARRY TRENCH EXCAVATION 6 INCHES BELOW INVERT ELEVATION TO RECEIVE BEDDING COURSE.
38. FILL UNAUTHORIZED EXCAVATION UNDER FOUNDATIONS OR WALL FOOTINGS BY EXTENDING INDICATED BOTTOM ELEVATION OF CONCRETE FOUNDATION OR FOOTING TO EXCAVATION BOTTOM, WITHOUT ALTERING REQUIRED TOP ELEVATION. FILL UNAUTHORIZED EXCAVATIONS UNDER CONSTRUCTION AS DIRECTED BY GEOTECHNICAL ENGINEER.
39. UTILITY TRENCH BACKFILL: PLACE, COMPACT AND SHAPE BEDDING COURSE TO PROVIDE CONTINUOUS SUPPORT FOR PIPES AND CONDUITS OVER ROCK AND OTHER UNYIELDING BEARING SURFACES AND TO FILL UNAUTHORIZED EXCAVATIONS.
40. INSTALL UNDERGROUND UTILITY WARNING TAPE DIRECTLY ABOVE UTILITIES, 12 INCHES BELOW FINISHED GRADE AND IN THE SAME TRENCH FOR OPEN AREAS. INSTALL 6 INCHES BELOW SUBGRADE UNDER PAVEMENTS AND SLABS OR AS REQUIRED.
41. FOUNDATION DRAINS TO BE INSTALLED INDEPENDENT OF ANY OTHER DRAINS SHOWN ON SITE PLAN.

LAYOUT AND MATERIALS NOTES

1. DO NOT SCALE FROM DRAWINGS.
2. OBTAIN DIGITAL CAD FILES FROM LANDSCAPE ARCHITECT FOR STAKING BY REGISTERED LAND SURVEYOR.
3. STAKE SITE ELEMENTS AND OBTAIN APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO PROCEEDING.
4. STAKING SHALL BE PERFORMED BY A REGISTERED LAND SURVEYOR.
5. ALL DIMENSIONS ARE TO FACE OF WALL, FACE OF CURB OR EDGE OF PAVING UNLESS OTHERWISE NOTED.
6. CONTACT LANDSCAPE ARCHITECT IMMEDIATELY IF LAYOUT CONFLICTS OR AMBIGUITIES ARISE.
7. STORE AND PROTECT MATERIALS PER MANUFACTURER'S RECOMMENDATIONS.
8. CONTRACTOR WILL ENGAGE A QUALIFIED INDEPENDENT GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM FIELD QUALITY-CONTROL TESTING ON MATERIALS AND INSTALLATION WHERE SPECIFIED.
9. PROVIDE TEST RESULTS FOR COMPACTION OF AGGREGATE BASE COURSE IN ACCORDANCE WITH ASTM D 1556 OR ASTM D 2167 WHICHEVER IS MOST APPLICABLE.
10. CONCRETE FORMS SHALL BE STEEL, WOOD OR OTHER SUITABLE MATERIAL OF SIZE AND STRENGTH TO RESIST MOVEMENT DURING CONCRETE PLACEMENT AND TO RETAIN HORIZONTAL AND VERTICAL ALIGNMENT UNTIL REMOVAL. USE FLEXIBLE SPRING STEEL FORMS OR LAMINATED BOARDS TO FORM RADIUS BENDS AS REQUIRED.
11. DO NOT BUILD ON FROZEN SUBGRADE OR SETTING BEDS. REMOVE AND REPLACE MASONRY WORK DAMAGED BY FROST OR FREEZING.

TS TEMPORARY SEEDING SCHEDULE

FALL	Seeding mixture: SPECIES Rye (grain)	RATE (lb/acre) 120
	Seeding dates: Mountains: Coastal Plain & Piedmont:	Aug. 15 - Dec. 15 Aug. 15 - Dec. 30
LATE WINTER & EARLY SPRING	Seeding mixture: SPECIES Rye (grain) Annual lespedeza (Kobe in Piedmont & Coastal Plain, Korean in Mountains) *Omit annual lespedeza when duration of temporary cover is not to extend beyond June.	RATE (lb/acre) 120 60
	Seeding dates: Mountains (above 2500 ft): Mountains (below 2500 ft): Piedmont: Coastal Plain:	Feb. 15 - May 15 Feb. 1 - May 1 Jan. 1 - May 1 Dec. 1 - April 15
SUMMER	Seeding mixture: SPECIES German millet *In the Piedmont & Mountains, a small-stemmed Sudangrass may be substituted at a rate of 50 lb/acre.	RATE (lb/acre) 40
	Seeding dates: Mountains: Piedmont: Coastal Plain:	May 15 - Aug 15 May 1 - Aug 15 April 15 - Aug 15

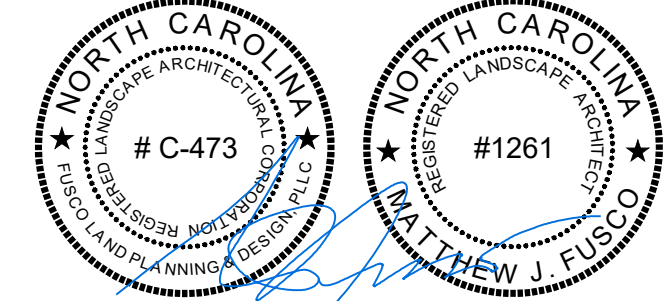
Soil Amendments: Utilize soil test recommendations specific to the site for fertilizer application rates. Consult with local Agriculture Extension Office for soil testing resources in project area.
Mulch: Apply 4,000 lb/acre straw. Anchor straw by tacking with netting or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.
Maintenance: Re-fertilize if growth is not fully adequate. Reseed, re-fertilize, and mulch immediately following erosion or other damage.

PS PERMANENT SEEDING SCHEDULE (GRASSSED AREAS UP TO 3:1 SLOPE)

Seeding mixture:	
Species	Rate (lb/acre)
Tall fescue blend (equal parts KY-31 & Rebel 2)	200-250
Seeding dates:	
Below 2500 ft.	Aug. 15 - Sept. 1
Above 2500 ft.	July 25 - Aug. 15
Soil Amendments:	
Utilize soil test recommendations specific to the site for fertilizer application rates. Consult with local Agriculture Extension Office for soil testing resources in project area. Lawn areas to be seeded or sodded shall be tilled to a 6" depth (except within the dripline of existing trees to remain). Work fertilizer and lime into top 2" of soil.	
Mulch:	
Apply 3,000-4,000 lb/acre grain straw or equivalent cover of another suitable mulch. Anchor mulch by tacking with roving or netting. Netting is the preferred anchoring method on steep slopes.	
Maintenance:	
The bunch-type habit of tall fescue restricts its spread into damaged areas. Reseed bare spots in the fall. Re-fertilize annually in late winter and again in fall. Reseed, fertilize, and mulch damaged areas immediately.	



SEAL:



DRAWN BY:
NAT

CHECKED BY:
MJF

DENNIS & WENDY THIES RESIDENCE
DRIVEWAY, FIRE PIT & FENCE IMPROVEMENTS

19 EAST FOREST ROAD, BILTMORE FOREST NC 28803

FUSCO LAND PLANNING & DESIGN, PLLC

LANDSCAPE ARCHITECTURE | CONSERVATION PLANNING | LOW IMPACT DEVELOPMENT
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ISSUE DATE: 02/26/2024

No.	Revision / Issue	Date

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SHEET TITLE:

Notes &
Specifications

SHEET NO:

L1.01

Sheet Size: 24 x 36

PROJECT DATA:	
PROJECT NAME:	Thies Residence
PROJECT ADDRESS:	19 East Forest Road Biltmore Forest, NC 28803
OWNER:	Dennis & Wendy Thies
CONTACT:	Ph: 828-450-2722 Email: wendythies@gmail.com, hophustler@gmail.com
PIN(s):	9646-57-6419
DEED REFERENCE:	6316 / 1224
PLAT:	0034 / 0119
ZONING:	R-1
ADJOINER ZONING:	R-1
SETBACKS:	Front: 60' From Street, Side 20', Rear 25'
RIVER BASIN:	French Broad
TOTAL ACREAGE:	1.366 AC (59,503 SF)
EXISTING IMPERVIOUS SURFACE AREA:	0.23 AC (10,000 SF)
IMPERVIOUS SURFACE AREA ADDED:	0.03 AC (1,170 SF)
TOTAL POST IMPROVEMENT IMPERVIOUS SURFACE AREA:	0.26 AC (11,170 SF)
TOTAL IMPERVIOUS SURFACE ALLOWED PER ORDINANCE:	0.39 AC (16,953 SF)
DISTURBED AREA:	0.37 AC (15,911 SF)

PROTECTED TREES REMOVAL/REPLACEMENT REQUIREMENTS					
ITEM #	TREE #	Tree Caliper (Inches)	SPECIES Latin Name (Common Name)	Biltmore Forest Tree Designation (U) - Unprotected (P) - Protected	Biltmore Forest Replacement Requirement (1-10 Trees) (6-12" Cal. = 1 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree) (13-18" = 2 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree[1 Req. - Outside Setback])
1	104	18"	Liriodendron tulipifera (Tulip Poplar)	P	2 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree
2	105	16"	Pinus strobus (White Pine)	P	2 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree
3	106	12"	Acer rubrum (Red Maple)	P	1 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree
4	107	14"	Liriodendron tulipifera (Tulip Poplar)	P	1 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree
					Total Trees Required = 6

EXISTING TREES LEGEND:

SIZE/TYPE	SIZE/TYPE	SIZE/TYPE	SIZE/TYPE	SIZE/TYPE
1 = 22" MAPLE	31 = 14" WEeping CHERRY	61 = 10" TWIN SOURWOOD	91 = 12" HEMLOCK	121 = 12" MAPLE
2 = 28" POPLAR	32 = 10" SOURWOOD	62 = 10" WHITE OAK	92 = 6" HEMLOCK	122 = 4" MAPLE
3 = 18" RED OAK	33 = 24" WHITE OAK	63 = 14" POPLAR	93 = 12" WHITE PINE	123 = 6" DOGWOOD
4 = 8" TRIPLE SPRUCE	34 = 6" WILD CHERRY	64 = 8" SOURWOOD	94 = 10" SOURWOOD	124 = 16" BLACK OAK
5 = 8" DOGWOOD	35 = 18" WHITE OAK	65 = 14" TWIN POPLAR	95 = 6" MAPLE	125 = 6" DOGWOOD
6 = 12" HEMLOCK	36 = 20" WHITE OAK	66 = 6" WHITE PINE	96 = 12" DEAD HEMLOCK	126 = 8" POPLAR
7 = 8" WHITE PINE	37 = 16" SWEET GUM	67 = 10" WHITE PINE	97 = 10" MAPLE	127 = 24" POPLAR
8 = 8" POPLAR	38 = 12" WHITE PINE	68 = 6" WHITE PINE	98 = 6" WHITE OAK	128 = 6" HICKORY
9 = 10" MAPLE	39 = 12" WEEPING CHERRY	69 = 12" POPLAR	99 = 31" WHITE PINE	129 = 8" HEMLOCK
10 = 10" BIRCH	40 = 6" WHITE PINE	70 = 6" WHITE OAK	100 = 10" WILD CHERRY	130 = 6" HEMLOCK
11 = 10" POPLAR	41 = 8" SOURWOOD	71 = 6" DOGWOOD	101 = 8" WILD CHERRY	131 = 6" HEMLOCK
12 = 12" HEMLOCK	42 = 6" WHITE PINE	72 = 27" WHITE PINE	102 = 10" MAPLE	132 = 10" HEMLOCK
13 = 22" POPLAR	43 = 6" HEMLOCK	73 = 6" POPLAR	103 = 12" POPLAR	133 = 10" MAPLE
14 = 8" MAPLE	44 = 6" WHITE PINE	74 = 16" WHITE PINE	104 = 18" POPLAR	
15 = 8" MAPLE	45 = 10" SOURWOOD	75 = 18" WHITE PINE	105 = 16" WHITE PINE	
16 = 8" DOGWOOD	46 = 12" WHITE PINE	76 = 18" WILD CHERRY	106 = 12" MAPLE	
17 = 8" SOURWOOD	47 = 26" BLACK OAK	77 = 30" WHITE PINE	107 = 14" TWIN POPLAR	
18 = 10" HEMLOCK	48 = 8" WHITE PINE	78 = 6" DOGWOOD	108 = 18" WHITE PINE	
19 = 6" DOGWOOD	49 = 8" WHITE PINE	79 = 12" POPLAR	109 = 6" HOLLY	
20 = 6" DOGWOOD	50 = 8" WHITE PINE	80 = 12" POPLAR	110 = 6" DOGWOOD	
21 = 8" WHITE OAK	51 = 10" HEMLOCK	81 = 20" WHITE PINE	111 = 17" WHITE PINE	
22 = 6" SPANISH OAK	52 = 8" HEMLOCK	82 = 8" WILD CHERRY	112 = 8" WILD CHERRY	
23 = 8" HICKORY	53 = 10" RED OAK	83 = 8" MAPLE	113 = 15" WHITE PINE	
24 = 12" MAPLE	54 = 8" SOURWOOD	84 = 24" WHITE PINE	114 = 20" WHITE PINE	
25 = 12" WHITE PINE	55 = 10" RED OAK	85 = 16" WHITE OAK	115 = 26" POPLAR	
26 = 8" TWIN SOURWOOD	56 = 12" HEMLOCK	86 = 22" WHITE PINE	116 = 16" POPLAR	
27 = 14" WHITE OAK	57 = 8" POPLAR	87 = 10" TRIPLE MAPLE	117 = 21" WHITE PINE	
28 = 10" SOURWOOD	58 = 10" RED OAK	88 = 16" WHITE PINE	118 = 23" POPLAR	
29 = 10" WHITE OAK	59 = 8" RED OAK	89 = 26" WHITE PINE	119 = 18" MAPLE	
30 = 10" SOURWOOD	60 = 10" SOURWOOD	90 = 8" SOURWOOD	120 = 6" DOGWOOD	

LEGEND:

---	INDEX CONTOUR
---	INTERMEDIATE CONTOUR
---	PROPERTY LINE
---	LIMITS OF DISTURBANCE
---	TEMPORARY SILT FENCE
---	CONSTRUCTION ENTRANCE
---	TREE PROTECTION
---	TREES TO BE REMOVED
---	EXISTING SITE FEATURES TO BE REMOVED

SURVEY SYMBOLS:

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

EXISTING UTILITIES, PROTECT DURING
CONSTRUCTION.

40' (12%) SECTION OF
EXISTING FENCE TO BE
REMOVED.

CHARLES C. THOMAS II
CHARLENE R. THOMAS
DEED BOOK 1529, PAGE 623
PIN 9646-57-5236
LOT 17

EXISTING DRIVEWAY TO
BE DEMOLISHED AND
RECONSTRUCTED

AREA OF PROPOSED NEW
DRIVEWAY CONNECTION

DEBRA A. STONECIPHER TRUSTEE
DEBRA A. STONECIPHER REVOCABLE
LIVING TRUST
DEED BOOK 5247, PAGE 309
PIN 9646-57-5913
LOT 102-103

PAUL L. MILLER JR.
JANICE F. MILLER
DEED BOOK 1063, PAGE 157
PIN 9646-57-4643
LOT 15

110' (34%) SECTION OF
EXISTING FENCE TO BE
REMOVED

175' (54%) OF EXISTING
FENCE TO REMAIN.
PROTECT DURING
CONSTRUCTION

STEPHEN W. WOODY
MARY BRUCE R. WOODY
DEED BOOK 1888, PAGE 606
PIN 9646-57-3410
LOT 14

NAIL IN
2" E.I.P.
FILLED WITH
CONCRETE
E-945438.7567

NAIL IN
2" E.I.P.
FILLED WITH
CONCRETE

PLAT BOOK 34, PAGE 119

4 TEMPORARY SILT FENCE (TYP.)

EXISTING UTILITIES, PROTECT DURING
CONSTRUCTION.

20' SEWER EASEMENT

1/2" REBAR

TIE ONLY
S 81°29'53" E
61.42'

3 TREE PROTECTION

EXISTING LANDSCAPE BUFFER
ZONE, PROTECT DURING
CONSTRUCTION

EXISTING UTILITIES, PROTECT DURING
CONSTRUCTION.

EAST FOREST ROAD
40' RIGHT-OF-WAY
AS PER PLAT BOOK 34, PAGE 119

811
Know what's below.
Call before you dig.

0 10' 20' 40'
SCALE: 1" = 20'-0"
CONTOUR INTERVAL: 2'



SEAL:



DRAWN BY:
NAT

CHECKED BY:
MJF

DENNIS & WENDY THIES RESIDENCE DRIVEWAY, FIRE PIT & FENCE IMPROVEMENTS

19 EAST FOREST ROAD, BILTMORE FOREST NC 28803

FUSCO LAND PLANNING & DESIGN, PLLC

LANDSCAPE ARCHITECTURE | CONSERVATION PLANNING | LOW IMPACT DEVELOPMENT
P.O. BOX 8013, ASHEVILLE, NC 28814 | PH: 828-243-6604 | WWW.FUSCOLA.COM

ISSUE DATE: 02/27/2024

No.	Revision / Issue	Date

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SHEET TITLE:

Site Demolition & Stabilization

SHEET NO:

L2.01

Sheet Size: 24 x 36

PROJECT DATA:	
PROJECT NAME:	Thies Residence
PROJECT ADDRESS:	19 East Forest Road Biltmore Forest, NC 28803
OWNER:	Dennis & Wendy Thies
CONTACT:	Ph: 828-450-2722 Email: wendythies@gmail.com, hophustler@gmail.com
PIN(s):	9646-57-6419
DEED REFERENCE:	6316 / 1224
PLAT:	0034 / 0119
ZONING:	R-1
ADJOINER ZONING:	R-1
SETBACKS:	Front: 60' From Street, Side 20', Rear 25'
RIVER BASIN:	French Broad
TOTAL ACREAGE:	1.366 AC (59,503 SF)
EXISTING IMPERVIOUS SURFACE AREA:	0.23 AC (10,000 SF)
IMPERVIOUS SURFACE AREA ADDED:	0.03 AC (1,170 SF)
TOTAL POST IMPROVEMENT IMPERVIOUS SURFACE AREA:	0.26 AC (11,170 SF)
TOTAL IMPERVIOUS SURFACE ALLOWED PER ORDINANCE:	0.39 AC (16,953 SF)
DISTURBED AREA:	0.37 AC (15,911 SF)

PROTECTED TREES REMOVAL/REPLACEMENT REQUIREMENTS						
ITEM #	TREE #	Tree Caliper (Inches)	SPECIES Latin Name (Common Name)	Biltmore Forest Tree Designation (U) - Unprotected (P) - Protected	Biltmore Forest Replacement Requirement (1-10 Trees) (6-12" Cal. = 1 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree) (13-18" = 2 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree[1 Req. - Outside Setback])	
1	104	18"	Liriodendron tulipifera (Tulip Poplar)	P	2 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree	
2	105	16"	Pinus strobus (White Pine)	P	2 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree	
3	106	12"	Acer rubrum (Red Maple)	P	1 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree	
4	107	14"	Liriodendron tulipifera (Tulip Poplar)	P	1 - 2" Cal. Deciduous or 6" Ht. Evergreen Tree	
						Total Trees Required = 6

LANDSCAPE CATEGORY	SYMBOL	PLANT NAME (Latin/Common)	SPECIFICATIONS	QUANTITY
DECIDUOUS TREES				
	BN	Betula Nigra River Birch	6' - 7' ht., B&B, multi-stem 3 leader	3
	NS	Nyssa sylvatica Black Gum	2 1/2" Caliper Single, Straight, Leader	1
FLOWERING TREES				
	AG	Amelanchier x grandiflora 'Autumn Brilliance' Autumn Brilliance Serviceberry	6' - 7' ht., B&B, multi-stem 3 leader	2

* SEE SHEET L4.01 FOR TREE PLANTING DETAILS

LEGEND:

- 1170 --- INDEX CONTOUR
- 1170 --- INTERMEDIATE CONTOUR
- --- PROPERTY LINE
- --- LIMITS OF DISTURBANCE
- X---X---X--- TEMPORARY SILT FENCE
- --- CONSTRUCTION ENTRANCE
- --- TREE PROTECTION
- --- TREES TO BE REMOVED
- --- EXISTING SITE FEATURES TO BE REMOVED

SURVEY SYMBOLS:

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

NEW FENCE TO
CONNECT TO EXISTING.

EXISTING FENCE TO
REMAIN. PROTECT
DURING CONSTRUCTION

STEPHEN W. WOODY
MARY BRUCE R. WOODY
DEED BOOK 1888, PAGE 606
PIN 9646-57-3410
LOT 14

CHARLES C. THOMAS II
CHARLENE R. THOMAS
DEED BOOK 1529, PAGE 623
PIN 9646-57-5236
LOT 17

PAUL L. MILLER JR.
JANICE F. MILLER
DEED BOOK 1063, PAGE 157
PIN 9646-57-4643
LOT 15

PLAT BOOK 34, PAGE 119

DEBRA A. STONECIPHER TRUSTEE
DEBRA A. STONECIPHER REVOCABLE
LIVING TRUST
DEED BOOK 5247, PAGE 309
PIN 9646-57-5913
LOT 102-103

EAST FOREST ROAD
40' RIGHT-OF-WAY
AS PER PLAT BOOK 34, PAGE 119
ASPHALT



0 10' 20' 40'
SCALE: 1" = 20'-0"
CONTOUR INTERVAL: 2'



SEAL:

DRAWN BY:
NAT

CHECKED BY:
MJF

DENNIS & WENDY THIES RESIDENCE DRIVEWAY, FIRE PIT & FENCE IMPROVEMENTS

19 EAST FOREST ROAD, BILTMORE FOREST NC 28803

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ISSUE DATE: 02/27/2024

No.	Revision / Issue	Date

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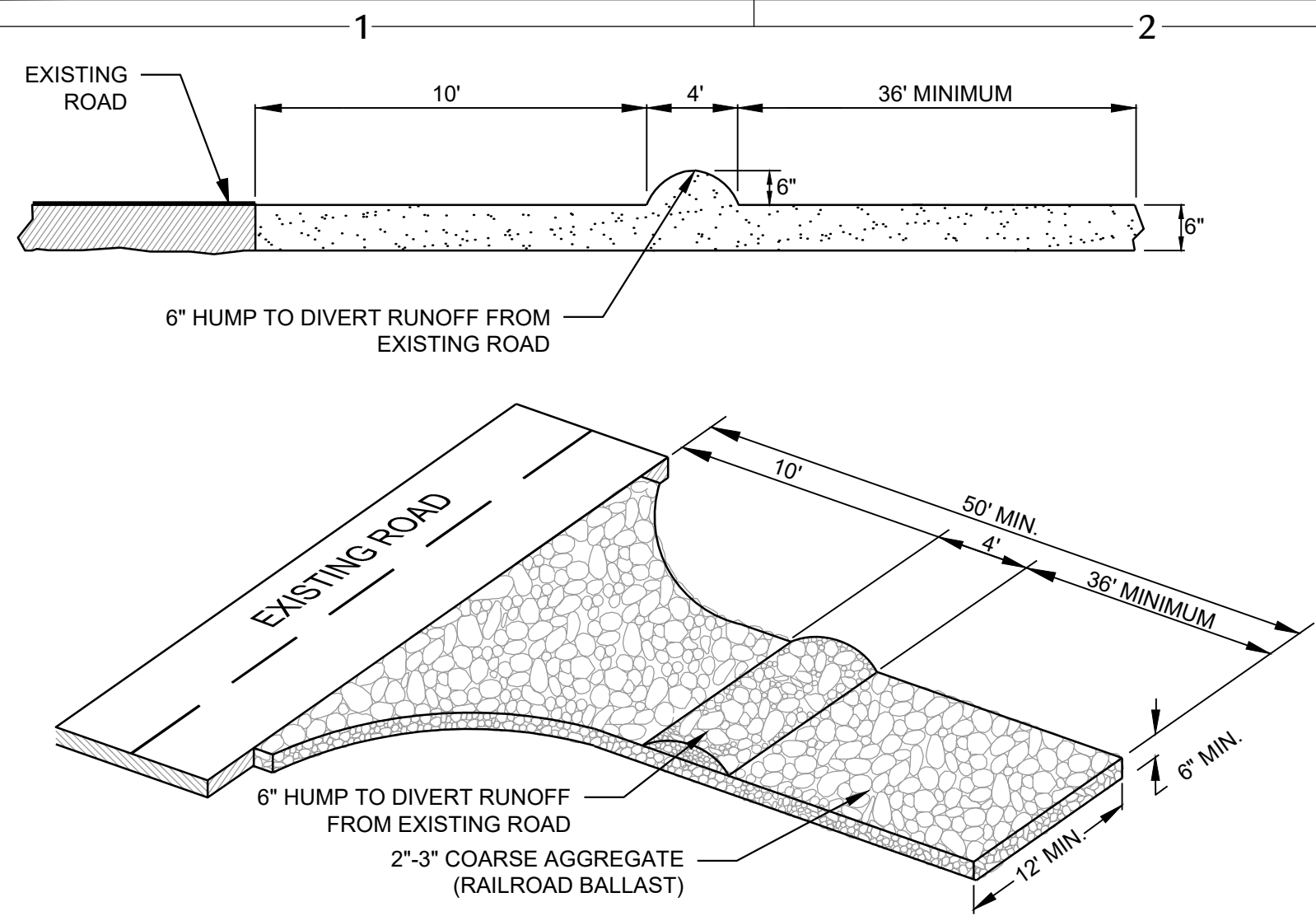
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Site Plan

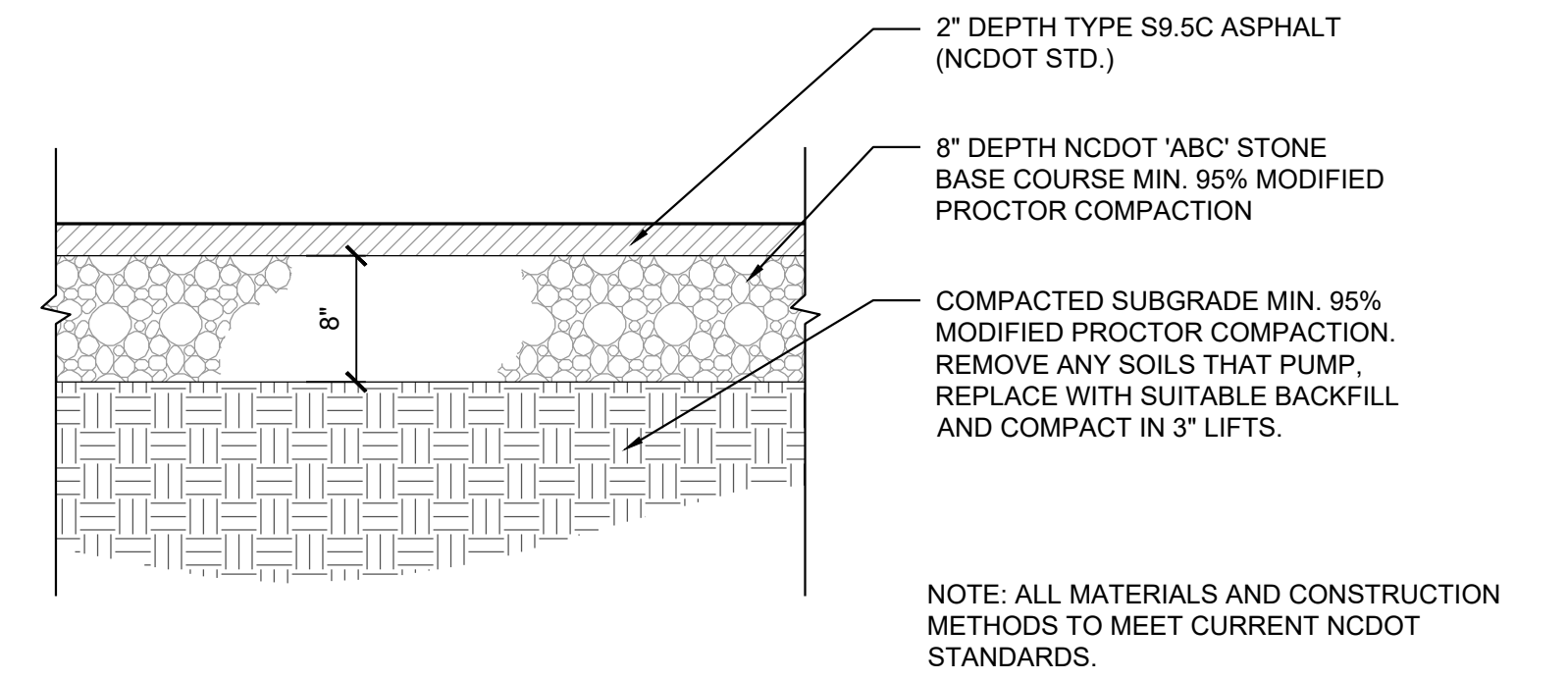
SHEET NO:

L3.01

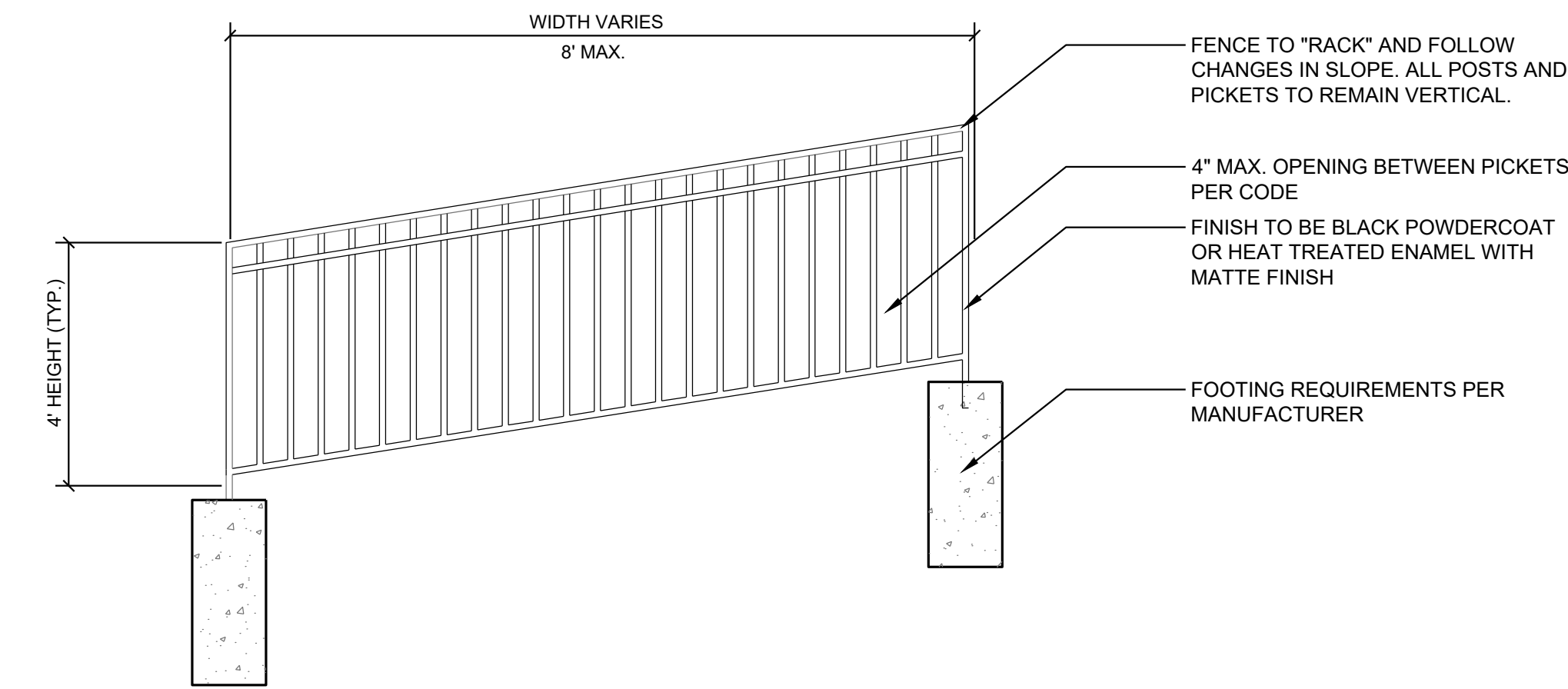
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1 TEMPORARY CONSTRUCTION ENTRANCE
L4.01 NTS

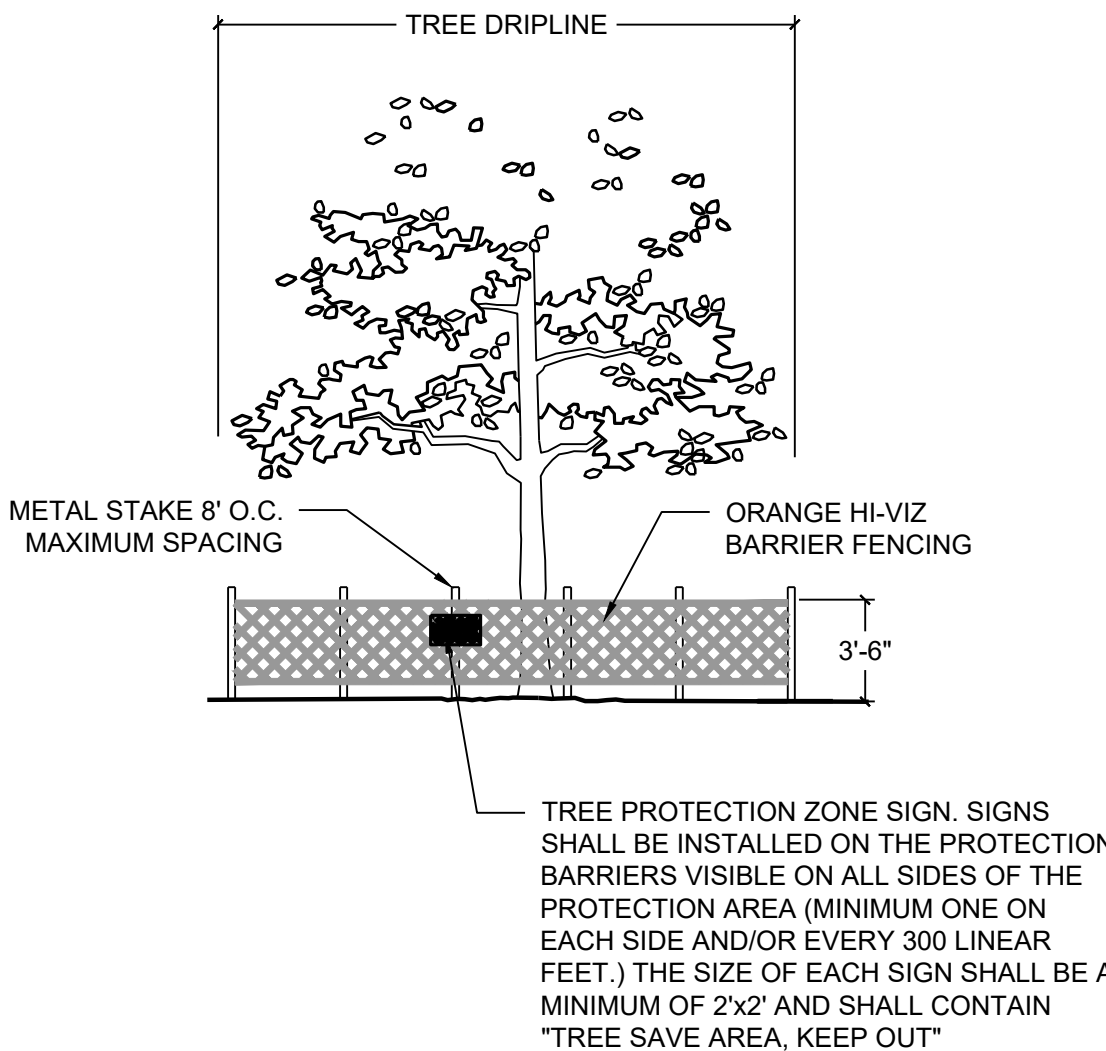


2 ASPHALT PAVING
L4.01 NTS

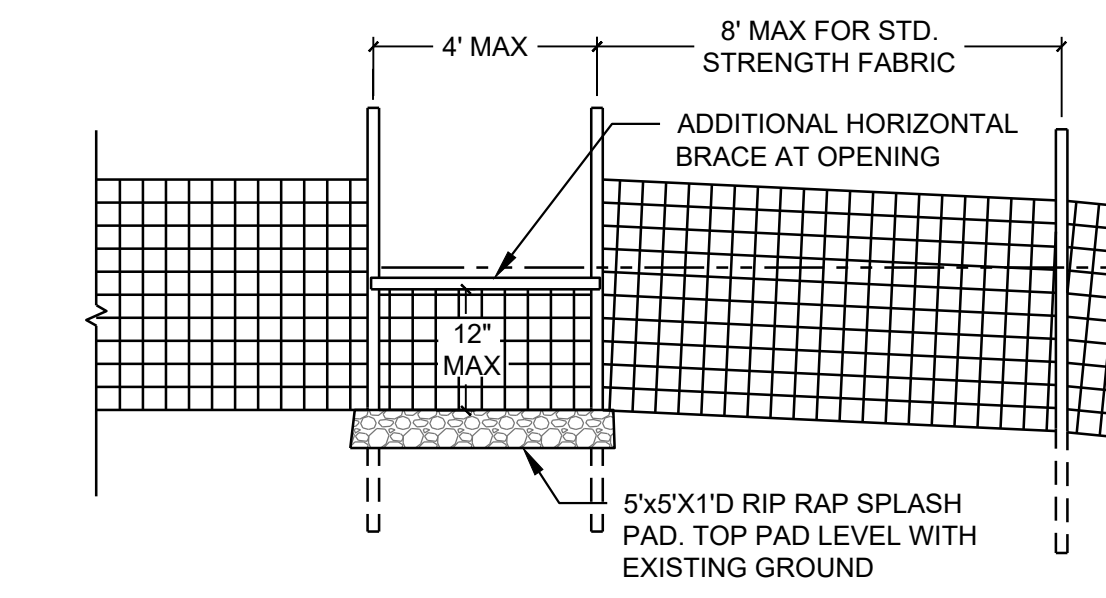
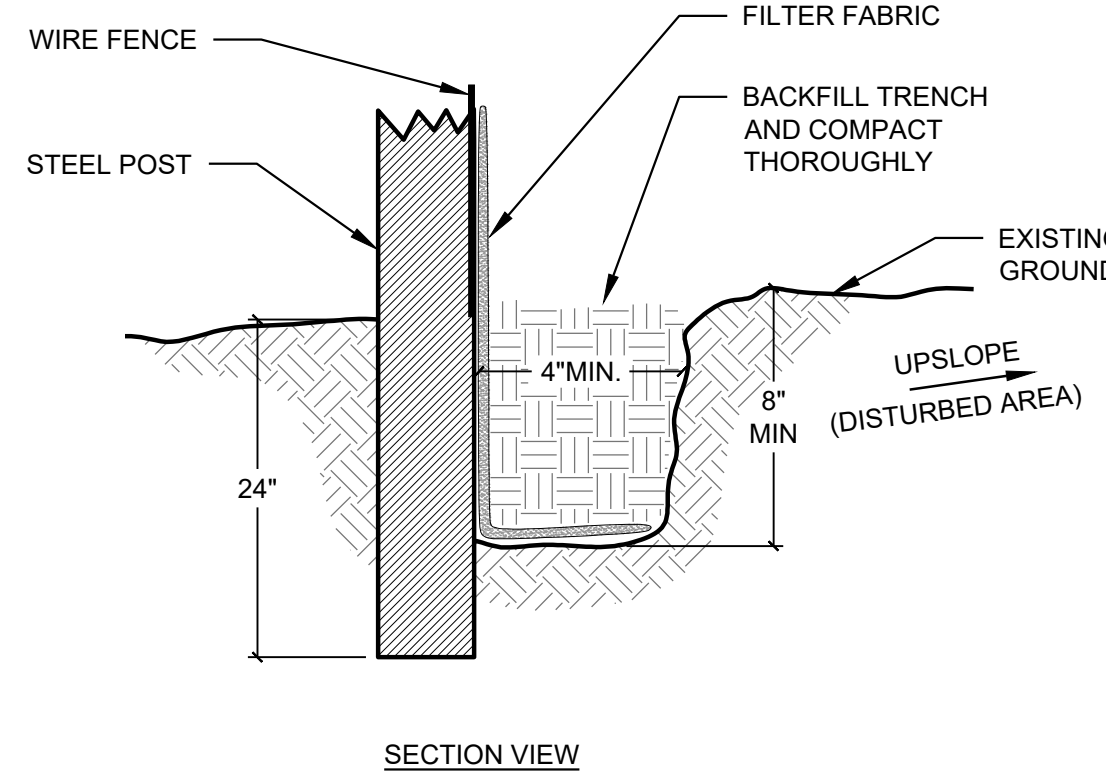


5 FENCE DETAIL - 4' HEIGHT - BLACK FINISH
L4.01 NTS

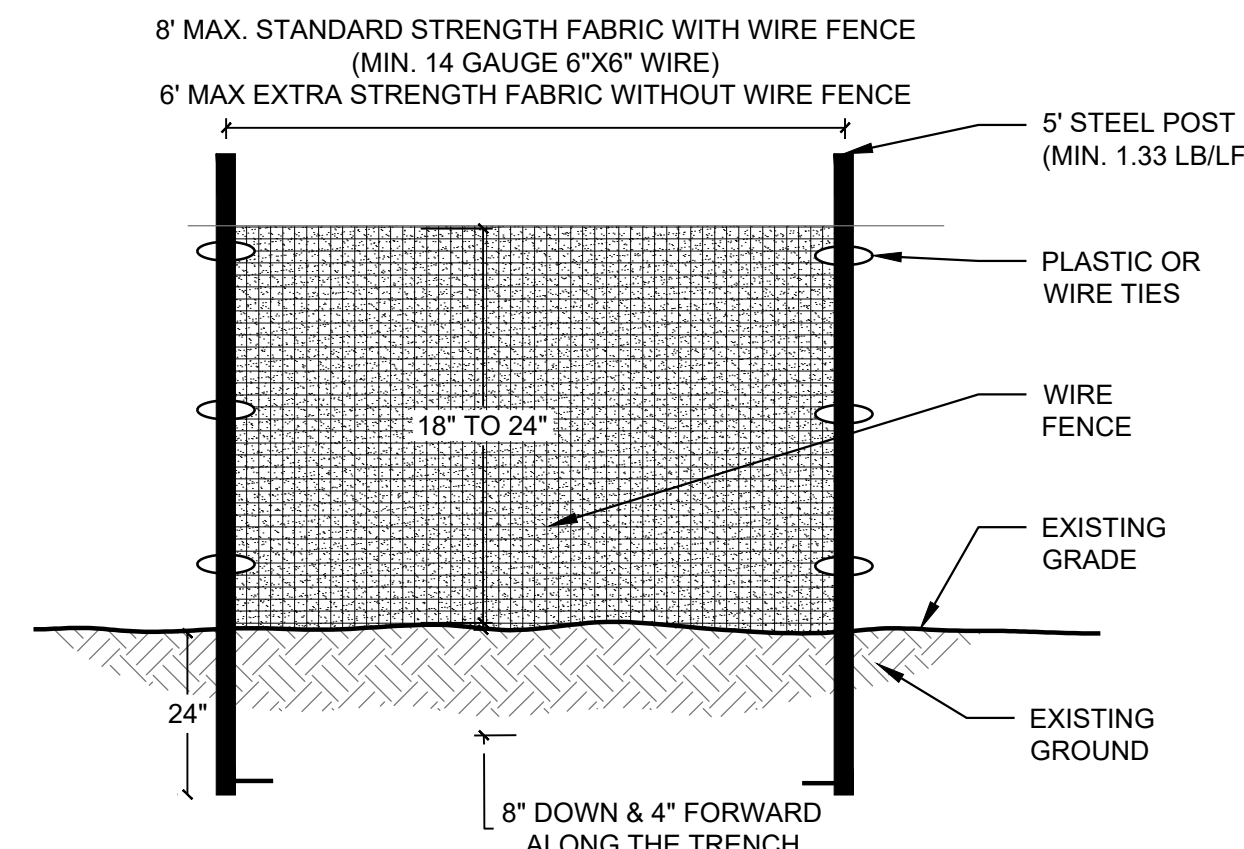
- NOTES:
1. TREE PROTECTION SHALL BE PROVIDED AS SHOWN IN DETAIL. BARRIER SHALL BE ERECTED PRIOR TO ANY CONSTRUCTION IN GENERAL AREA OF TREES TO BE PROTECTED.
 2. TREES AND CLUSTERS OF TREES SHALL BE MARKED AND PHYSICALLY PROTECTED FROM PARKING, STORAGE, OF MATERIALS AND SECONDARY UTILITY LINE LOCATIONS.
 3. EXISTING VEGETATION REMAINING AFTER GRUBBING FOR BUILDING PADS, STRUCTURES, RIGHT-OF-WAY, PARKING AREAS AND SIGNIFICANT GRADE CHANGES SHALL BE PROTECTED DURING THE CONSTRUCTION PROCESS OF THE DEVELOPMENT.
 4. BARRIERS TO REMAIN IN PLACE UNTIL ALL PAVING, CONSTRUCTION AND HEAVY EQUIPMENT IS OUT OF AREA.
 5. UPRIGHTS - 4 X 4 POST OR WOOD FENCE POST ON 8' MINIMUM CENTERS.
 6. HORIZONTALS - 1"X 6" SOUTHERN YELLOW PINE.



3 TREE PROTECTION
L4.01 NTS



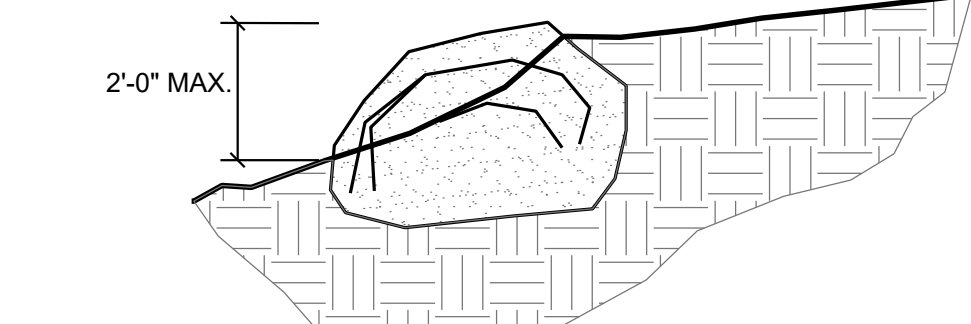
4 TEMPORARY SILT FENCE
L4.01 NTS



SLOPE	SLOPE LENGTH (FT)	MAXIMUM AREA (SQ FT)
<2%	100	10,000
2 TO 5%	75	7,500
5 TO 10%	50	5,000
10 TO 20%	25	2,500
>20%	15	1,500

NOTES:

1. FILTER BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL. REPAIR SHALL BE MADE AS NECESSARY.
2. FABRIC SHALL BE REPLACED PROMPTLY IF FOUND TO BE IN DISREPAIR.
3. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT AND WHEN DEPOSITS REACH APPROXIMATELY 1/3 HEIGHT OF BARRIER.
4. REFERENCE NCDEQ LAND QUALITY SECTION DESIGN MANUAL: 6.62
5. ALL AREAS WITHIN TROUT BUFFERS SHALL RECEIVE DOUBLE ROW OF SILT FENCE (TYP.)

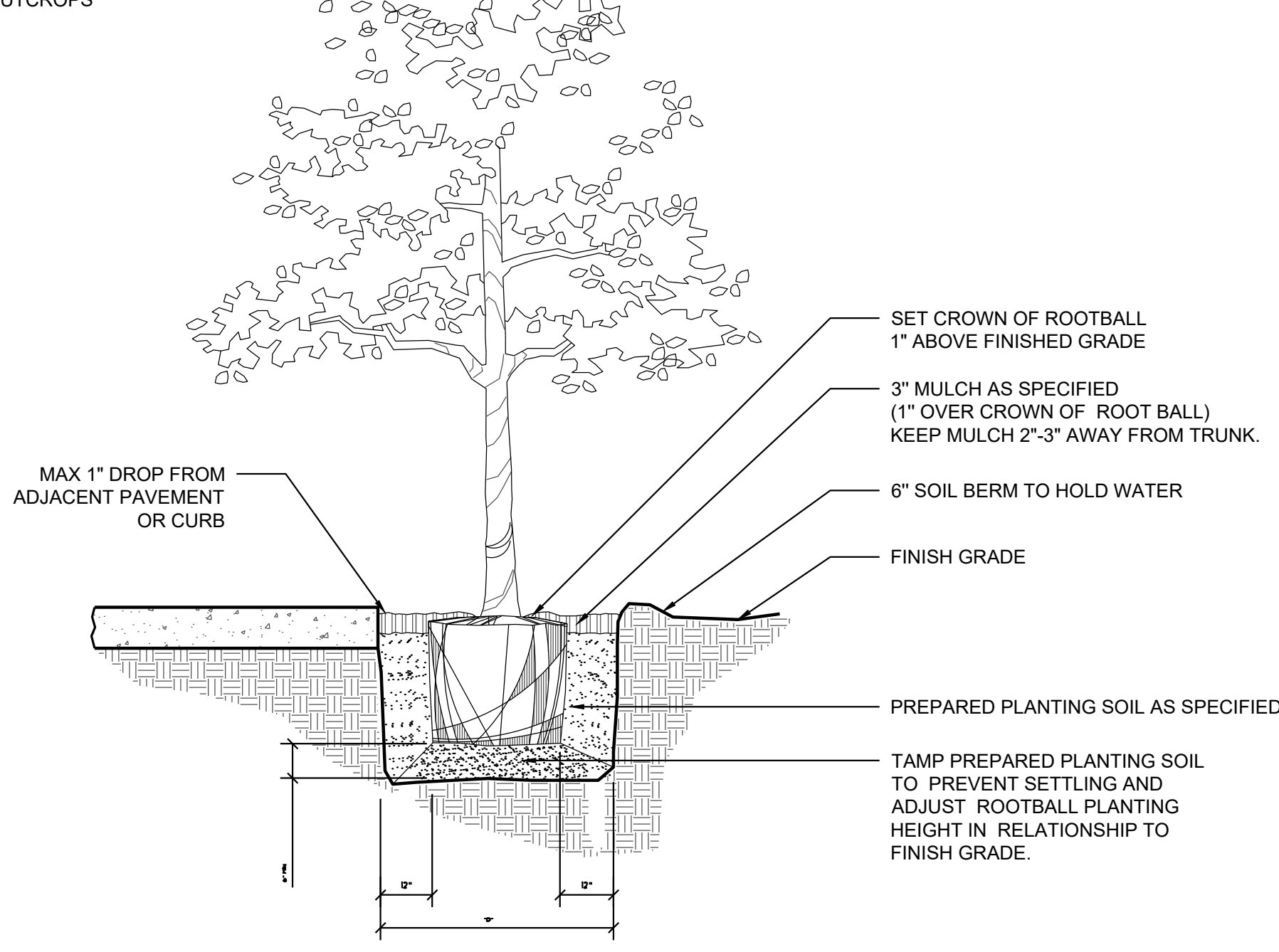


6 BOULDER OUTCROP
L4.01 NTS



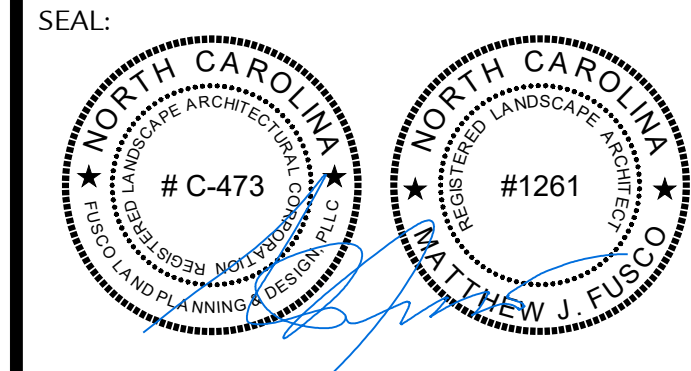
- NOTES:
1. PRISM HARDSCAPES TAVOLA VI GAS FIRE PIT TABLE
 2. INSTALL PER MANUFACTURER SPECIFICATION
 3. COORDINATE WITH LOCAL GAS UTILITY FOR CONNECTION REQUIREMENTS.

7 GAS FIRE PIT
L4.01 NTS



- NOTES:
1. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOTBALL WHEN INSTALLING TREE STAKES
 2. "D" = ROOTBALL + 24"
 3. CONTRACTOR SHALL ENSURE PERCOLATION OF ALL PLANTING BEDS/PITS PRIOR TO INSTALLATION.
 4. THIS DETAIL INCLUDES TREES WITH 3 1/2" CALIPER AND BELOW.

8 DECIDUOUS TREE PLANTING DETAIL
L4.01 NTS



DRAWN BY: NAT
CHECKED BY: MJF

DENNIS & WENDY THIES RESIDENCE
DRIVEWAY, FIRE PIT & FENCE IMPROVEMENTS
19 EAST FOREST ROAD, BALTIMORE FOREST NC 28803
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ISSUE DATE: 02/26/2024		
No.	Revision / Issue	Date

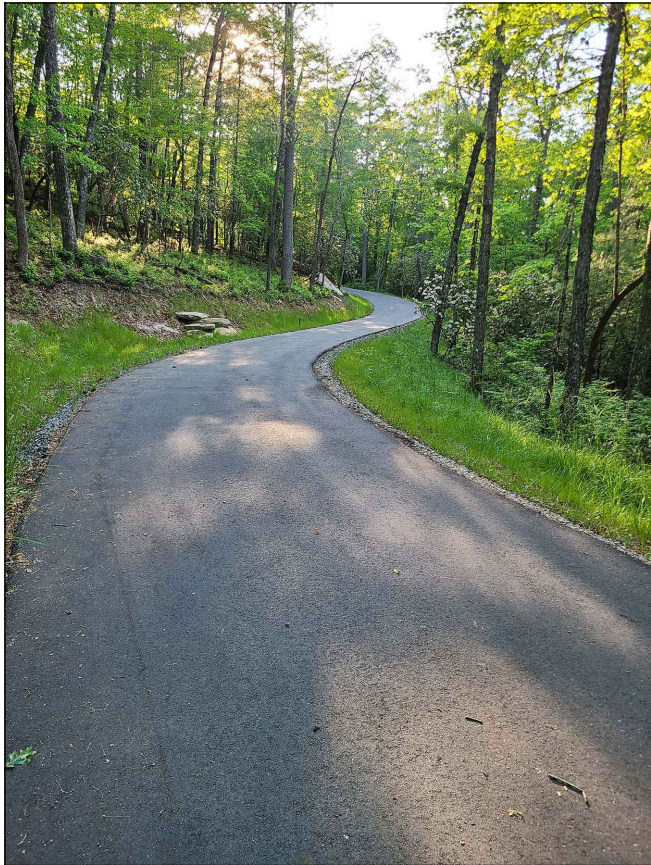
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SHEET TITLE:

Site Details

SHEET NO:

L4.01



PROPOSED ASPHALT DRIVEWAY



EXISTING FENCE TO BE REMOVED



EXISTING FENCE TO REMAIN



PROPOSED FENCE



PROPOSED FIRE PIT



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



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 18, 2024

CASE 6

Property Address: 44 Forest Road

Property Owner: David Varbel

Request: Special Use Permit request for Accessory Building

Background

The property owners request permission to install a detached accessory building within the rear yard. The proposed detached accessory building is 12'x12'. The applicant states the structure will be 23' off the side property line and 27' off the rear property line. It is also stated the shed will be inline with the neighbor's shed, which is already screened from their view.

Special Use Permit

Section 153.029 (attached) of the Town's Zoning Ordinance regulates accessory buildings and requires a special use permit from the Board of Adjustment. The application appears to meet all requirements set forth in section 153.029, as well as meet the setbacks for this R-1 district.

The proposed application meets the requirements of Section 153.110 (C)(2)(b) regarding special use standards.

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:

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(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

Zoning Compliance Application

Town of Biltmore Forest

Name

David Varbel

Property Address

44 Forest Rd

Phone

(415) 328-7254

Email

david.varbel@gmail.com

Parcel ID/PIN Number

9646-79-1773

ZONING INFORMATION

Current Zoning

R-1

Lot Size

0.64 acre

Proposed Roof Coverage Total

144 feet

Proposed Impervious Surface Coverage

144 feet

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

11 feet

Description of the Proposed Project

The project is a 12 foot by 12 foot garden shed. The shed will be located in the back of the house (see attached map of proposed shed location). It will be set back 23 feet from the side of the lot and 27 feet from the back of the lot. It is adjacent to our neighbor's shed, which is already screened from their view (see attached picture of proposed shed location). The shed will be built and painted in a style that matches the main house (see attached mockup of shed).

Estimated Start Date

4/1/2024

Estimated Completion Date

4/30/2024

Estimated Cost of Project

\$9,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

44 Forest Proposed Shed Location.pdf

Shed location picture towards neighbor lot 27.pdf

Shed Mockup Picture.png

Applicant Signature

Date
2/18/2024

A handwritten signature in black ink, appearing to read "Dme". The signature is fluid and cursive, with the first letter "D" being a large loop, followed by "m" and "e".

Special Use Permit Application

Town of Biltmore Forest

Name

David Varbel

Address

44 Forest Rd

Phone

(415) 328-7254

Email

david.varbel@gmail.com

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

Accessory Structures

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

Please provide a description of the proposed project:

The project is a 12 foot by 12 foot garden shed that would be located in the yard behind the house. See the zoning compliance application for details.

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

The shed will be located in the back of the house, behind trees and vegetation. It will be adjacent to our neighbor's shed at 46 Forest Road (lot 27), which is already screened from view from our neighbors' houses by vegetation. The shed will be built and painted in a style that matches the main house.

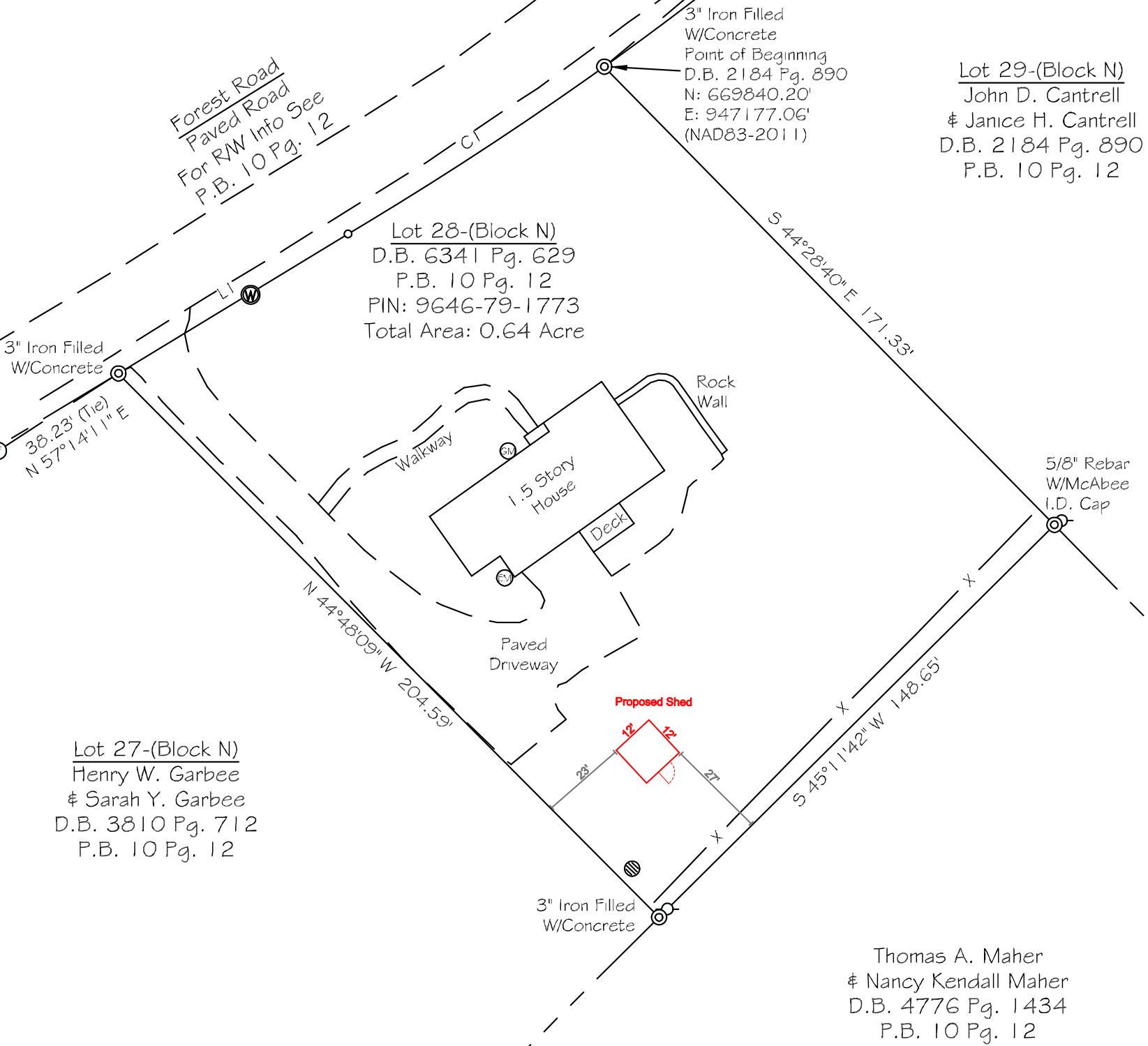
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Date

2/22/2024

A handwritten signature in dark ink, appearing to read 'D. Varbel', with a stylized, flowing script.



Neighbor's shed







BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

March 18, 2024

CASE

Property Address: 332 Vanderbilt Rd
Property Owner: Charles and Cristy Greaves
Request: Review of Landscaping Plan Associated with New Residential Construction

Background

The property owners are presenting plans for a new home construction. The home plan has a height of more than 25' which requires adjusted setbacks. The application appears to meet the requirements set forth in the ordinance. As part of this construction, they have submitted the proposed tree removal and replacement schedule. They are proposing the removal of 21 protected trees.

Board of Adjustment Review for New House Construction

Chapter 153.034 (attached) references landscaping and grading plans and will need the Board's approval. When removing between 11-30 protected trees the ordinance requires the Board's approval. The tree replacement information can be found in chapters 153.050-153.058 along with 153.060-153.070 (attached).

Section 153.007 footnote (7) addresses the setback adjustment of one and a half feet for each one foot over the 25' requirement and footnote (4) states "Height requirements may be varied upon approval of the Board of Adjustment".

§ 153.034 LANDSCAPING AND GRADING PLANS, LAND DISTURBANCE, AND SEDIMENTATION CONTROL.

(A) *Plans required.* A landscaping and grading plan, as defined in the town's zoning application process, are required for any or all of the following activities.

(1) Any land-disturbing activity, such as grading projects or removal of natural vegetation, that involves the disturbance of 20% or more of the land area of any lot. Prior to commencing such activity in a public service district, any land-disturbing activity, such as grading projects or removal of natural vegetation other than routine maintenance, shall be subject to approval by the Town Board of Adjustment regardless of the area to be disturbed.

(2) Any residential construction activity that results in an addition of greater than 500 square feet of roof coverage.

(3) Any non-residential construction activity as defined in §153.061.

(B) All landscape and grading plans shall demonstrate compliance with the town's tree protection and preservation regulations as found in §§ 153.050 through 153.059 and § 153.061(C) for existing residential and non-residential tree maintenance and new construction activities, respectively.

(C) *Pre-construction conference and supervision.*

(1) Prior to the commencement of any pre-construction land-clearing or soil disturbance, a pre-construction conference will take place between a representative of the town and the applicant to review procedures for protection and management of protected trees and other landscape elements identified in the approved landscape plan. The applicant will designate one or more persons responsible for ensuring the protection of new or existing landscaping elements to be preserved. The responsible person shall be present on site whenever activity is taking place that could damage or disturb such landscape elements, and will notify the Ordinance Administrator that such activity is taking place.

(2) The applicant shall provide the following at least seven days prior to the pre-construction conference.

(a) Approved landscaping plan, showing all protected and unprotected trees to be removed, and all replacement trees to be planted.

(b) Chart showing the quantity of trees, scientific species name, and tree designation (protected, unprotected, or tree of preference) and replacement quantities required.

(c) Final grading plan showing tree preservation limits and limits of disturbance.

(D) *Construction supervision and additional compliance requirements.*

(1) The town shall have developed sites inspected periodically to ensure work is conforming to the approved landscape plan and the applicable sections of this subchapter. Prior to the commencement of any pre-construction land-clearing or soil disturbance, the developer/contractor shall be required to sign a document agreeing to abide by the conditions stipulated in this subchapter. At the option of the town, a compliance bond may be required.

(2) Compliance with G.S. § 113A-54. Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and *Rules and Regulations for Erosion and Sediment Control* as established by the State Sedimentation Control Commission, State Department of Natural Resources and Community Development.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021; Ord. 2023-05, passed 10-9-2023)

TREE PRESERVATION

§ 153.050 PURPOSE.

(A) In order to maintain the unique characteristics of the town 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 except as noted in division (C) below.

(C) This chapter does not apply to properties owned, leased, or controlled by the town. 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 G.S. Article 12, Chapter 105. 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 subchapter 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.

(Ord. 2023-06, passed 10-9-2023)

§ 153.051 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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 or her designee.

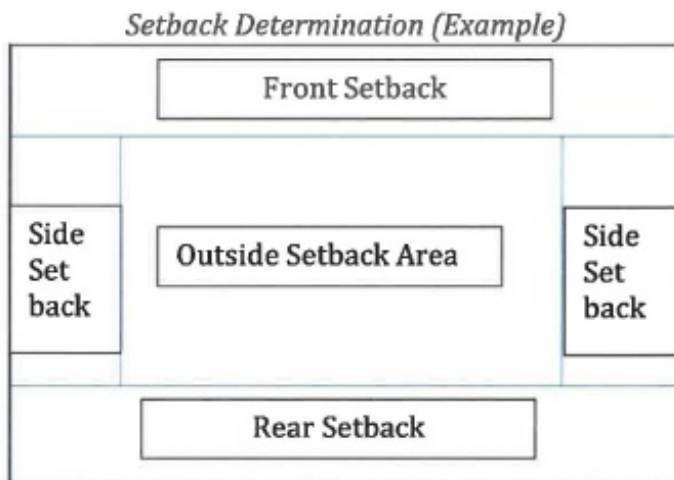
OUTDOOR RECREATION ACTIVITIES. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed non-residential places, sites, or fields. Active recreational uses and supporting services include swimming, tennis, golf, baseball and 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 one-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 50% of the total replacement trees must come from the **RPL** with 25% of the total replacement trees being those species identified as trees of preference, as defined below. A minimum of one 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. The minimum yard setback requirement found in §153.007. **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.



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.

- (1) Has a trunk diameter at breast height (DBH) of 36 inches or more;
- (2) Any tree native to North Carolina per the United States Department of Agriculture Natural Resource Conservation Service Plants Database with a trunk DBH of 30 inches or more.

UNPROTECTED TREE. A tree that is six inches or more in diameter at a height of four and one-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).

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

(Ord. 2023-06, passed 10-9-2023)

§ 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 business days of the decision.

(Ord. 2023-06, passed 10-9-2023)

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

An application to remove more than ten protected trees in 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.

<i>Table 1 - Regulatory Review Body Requirements</i>	
<i>Protected Trees Requested for Removal</i>	<i>Regulatory Review Body</i>
1-10 trees	Ordinance Administrator
11-30 trees	Board of Adjustment
31+ trees	Board of Commissioners

(Ord. 2023-06, passed 10-9-2023)

§ 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.

(Ord. 2023-06, passed 10-9-2023)

§ 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.

(Ord. 2023-06, passed 10-9-2023)

§ 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.

(Ord. 2023-06, passed 10-9-2023)

§ 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 2 - Residential Tree Replacement Requirements								
Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
Table 2 - Residential Tree Replacement Requirements								
Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	1	2"	1	2"	1	2"	x	x
19"-36"	1*	3"	1	2"	1	2"	x	x
36"+ ^T	1**	3"	1*	3"	2	2"	1	2"
* Must include a minimum of three screening/buffering trees as defined in RPL ** Must include a minimum of five 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								

Table 3 - Non-Residential Tree Replacement Requirements								
Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	2	2"	x	x	1	2"	x	x
19"-36"	2*	3"	1	2"	1	3"	x	x
36"+ ^T	2**	4"	1*	3"	1	4"	1	3"
* Must include a minimum of three screening/buffering trees as defined in RPL ** Must include a minimum of five 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 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 50% of the total replacement trees shall come from the RPL with a minimum of 25% of total replacement trees coming from the trees of preference (TOP) list. A minimum of one 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 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 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.

(Ord. 2023-06, passed 10-9-2023)

§ 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 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.

(Ord. 2023-06, passed 10-9-2023)

BUFFERS, SCREENING, AND LANDSCAPING REQUIREMENTS

§ 153.060 PURPOSE AND INTENT.

(A) The town has an abundant and diverse tree and vegetative cover that is essential to the aesthetic value of the town and provides numerous ecological and economic benefits.

(B) Landscape requirements for new construction and substantial additions are set forth below, in order to:

(1) Encourage the preservation of existing trees and vegetation on undeveloped residential lots and ensure the reforestation of the lot when tree removal is required for any construction activities.

(2) Ensure landscape plans presented to the town include considerations for native species, reforestation, environmental protection, and effective stormwater management.

(C) The landscape and buffering standards set forth below require buffers and landscaping between dissimilar land uses, along public rights-of-way, and within parking lots, in order to:

(1) Encourage the preservation of existing trees and vegetation and replenish removed vegetation;

(2) Protect and improve the visual quality of the town and minimize the negative impacts of development such as noise, dust, litter, glare of lights, traffic, heat, overcrowding, odor, and views of unsightly parking lots, utilities, and mechanical systems and buildings;

(3) Provide environmental benefits such as climate modification, decreased energy consumption, reduced stormwater runoff, decreased erosion, improved water and air quality, and protection of wildlife habitat;

(4) Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and to preserve the character and value of property and to provide a sense of privacy; and

(5) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants and other screening materials to assure a high level of quality in the appearance of the town while allowing flexibility to promote well-designed and creative landscape plantings.

(Ord. 2023-07, passed 10-9-2023)

§ 153.061 GENERAL INFORMATION.

(A) *Applicability.*

(1) Buffer strip plantings, street trees, and parking lot trees and shrubs are required for developments within the town limits.

(2) (a) The following developments are required to be in full compliance with this section.

(b) New residential development, including additions, exceeding more than 500 square feet of roof coverage, and all nonresidential development, including special uses; and

(3) New parking spaces or lots shall comply with the provisions of §153.064.

(B) *Landscape and grading plan required.* Applicants are advised to meet with town staff in order to review all ordinance requirements and procedures and receive a copy of the plan checklists. As required in § 153.034, a landscape and grading plan meeting town requirements shall be reviewed and approved prior to any grading.

(C) *Tree replacement requirements.* The following tree replacement requirements are in place for all developments as defined in division (A)(2).

Table 1 - New Construction Tree Replacement Requirements								
Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
Table 1 - New Construction Tree Replacement Requirements								
Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	1	2"	1	2"	x	x
13"-18"	2	2"	1	2"	2	2"	1	2"
19"-36"	2*	3"	2	2"	2	3"	2	2"
36"+ ^T	2**	4"	2*	3"	2	4"	2	3"
* Must include a minimum of three screening/buffering trees as defined in RPL ** Must include a minimum of five 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								

(D) *Alternative compliance.*

(1) The landscape requirements are intended to set minimum standards for quality development and environmental protection and are not intended to be arbitrary or inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternate method of compliance with the landscape requirements. The Board of Adjustment, in consultation with the Design Review Board, may alter the requirements of this section as long as the existing or added landscape features of the development site comply with the intent of this chapter.

(2) Requests for alternative compliance shall be accepted if one or more of the following conditions are met.

(a) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;

(b) Space limitations, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in the surrounding neighborhood (such as use of a specific type of vegetation) may justify alternative compliance when changing the use type of an existing building in an established mature neighborhood; or

(c) An alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the intent of the ordinance, and exhibits superior design quality.

(3) The property owner must submit a plan of the area for which alternative compliance is requested to the Town Manager 14 days prior to the meeting of the Design Review Board at which the request will be considered. The site plan shall show existing site features and any additional material the property owner will plant or construct to meet the intent of the buffer, street tree, and parking lot tree requirements.

(4) In addition, the applicant must submit a written statement explaining and justifying the need for alternative compliance. Upon recommendation from the Design Review Board following their review, alternative compliance plan shall then be considered by the Board of Adjustment. Alternative compliance shall be limited to the specific project being reviewed and shall not establish a precedent for acceptance in other cases.

(Ord. 2023-07, passed 10-9-2023)

§ 153.062 EXISTING VEGETATION IN R-4 OR R-5 ZONES.

(A) Preserving trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, and mitigate the impacts of development on the community. It is recommended that groups of trees be preserved, as well as individual trees. Existing trees and shrubs designated for preservation may be credited towards required buffer trees, street trees, and parking lot trees at the discretion of the Ordinance Administrator as described below.

(B) As required in § 153.052, no person shall remove or in any way damage any protected trees without first filing an application for the removal and receiving approval from the town. This requirement is applicable to both residential and non-residential uses within the town.

(C) Special attention shall be given to protected trees located within 20 feet of the of the rear or side property line of property meeting the definition of an incompatible land use.

(1) Credits and other incentives to preserve vegetation within non-residential land use.

(a) Vegetation located in the buffer strip. One existing evergreen shrub over four feet high located in the buffer strip may be credited for two new shrubs, also on a case-by-case basis by the Board of Adjustment.

(b) Vegetation located elsewhere on the property.

1. Trees designated for preservation may be credited at the rate of the following.

Two-inch to six-inch caliper tree = one tree

Seven-inch to 12-inch caliper tree = two trees

Thirteen-inch to 18-inch caliper tree = three trees

Nineteen-inch to 24-inch caliper tree= four trees

Twenty-five-inch and greater= five trees

2. One existing shrub over four feet high may be credited for two new shrubs. In order to receive credit, vegetation designated for preservation shall be in good health and condition. Trees and shrubs designated to be preserved shall be indicated on the landscape and grading plan, as well as all protective barriers. If a tree or shrub designated for preservation dies within five years of the project's completion, it must be replaced with the total number of trees or shrubs which were credited to the existing tree or shrub within six months from removal of the dead trees or shrubs.

(2) Protection of existing trees and shrubs during construction.

(a) 1. No grading or other land-disturbing activity shall occur on a site with existing trees or shrubs which are designated to be preserved in order to meet the landscaping requirements until the landscape and grading plan has been approved by the Board of Adjustment and protective barriers are installed by the developer and approved by the Zoning Administrator. Trees designated for preservation which are counted toward the landscape and buffering requirements shall be protected by barriers, while trees designated for preservation which do not count toward the landscape and buffering requirements are encouraged to be protected by barriers. The diameter of the trees designated for preservation and the location of protective barriers shall be shown on the landscape and grading and site plans with the dimensions between the tree trunk and barrier indicated.

2. Protective barriers shall be placed around the root protection zone of trees designated for preservation that are within 50 feet of any grading or construction activity. Protected ground areas for shrubs shall consist of an area twice the diameter of the shrub. All protective barriers shall be maintained throughout the building construction process.

(b) 1. All contractors shall be made aware of the areas designated for protection.

2. No disturbance shall occur within the protective barriers, including:

a. Grading;

b. Filling, unless an aeration system which is certified by a registered landscape architect, certified arborist, or state cooperative extension specialist is installed to protect the tree from suffocation;

c. Temporary or permanent parking;

d. Storage of debris or materials, including topsoil;

e. Disposal of hazardous wastes or concrete washout; and

f. Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.

3. If any area within the root protection zone will be disturbed for any reason, a registered landscape architect, certified arborist, or state cooperative extension specialist shall recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.

4. The developer shall coordinate with the utility companies early in the design process to resolve potential conflicts about the placement of utilities and buffer and screening requirements in § 153.063(B)(5). The Zoning Administrator shall approve the placement of the utilities either outside of the root protection zone or tunneled at least two feet directly below the tree roots to minimize root damage.

5. If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of a tree protection zone in order to prevent sediment from accumulating in the drip line area.

(c) Tree protection zone signs shall be installed on the tree protection barriers visible on all sides of the protection area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION ZONE, KEEP OUT" or "TREE SAVE AREA, KEEP OUT".

(Ord. 2023-07, passed 10-9-2023)

§ 153.063 BUFFER STRIP AND SCREEN REQUIREMENTS.

(A) Certain land uses are defined in this chapter as being an incompatible land use when developed adjacent to other less intensive land uses. A buffer strip can serve to lessen adverse impacts when development occurs.

(B) The installation of the applicable buffer strip shall be the responsibility of the owner of the developing land use. Buffer strips shall be located on the property of the developing land use between the property line and any vehicular use areas, buildings, storage, service areas, or other area of activity. The buffer strip shall extend along the entire rear and/or side property line which abuts an incompatible land use, up to any required street tree planting strip.

(1) *Use of buffer strips.* Required buffers shall not be disturbed for any reason except for approved driveway openings and other passive or accessory uses compatible with the general separation of land uses and; provided, that the total number of required plantings are still met. Approval from the Town Manager is required prior to initiating any disturbance of the buffer.

(2) *Placement of buffer plantings.* The exact placement of the required plants shall be the decision of the developer or designer, but shall be reviewed by the Town Manager and approved by the Board of Adjustment. Plants shall be placed in a manner to serve as an effective screen year-round when viewed from any area accessible to the public or from adjacent properties. Trees or shrubs should be planted at least five feet away from the property line to ensure maintenance access and to avoid encroaching upon neighboring property.

(3) *Composition of buffer plantings.* A buffer consisting of two staggered rows of evergreen shrubs or sheared evergreen trees, planted 48 inches apart (as measured from the central stem) in a 20-foot wide strip shall be installed to screen the nonresidential use from neighboring residential properties. The trees or shrubs shall be between four and five feet high at time of planting. During times of extended dry weather, the applicant may petition the Board of Adjustment to reduce the required size of vegetation to be planted in order to better ensure its survival. It is suggested that a mixture of two to three shrubs selected from the recommended species list be planted to encourage healthier plants.

(4) *Coordination with stormwater drainage provisions.* If the buffer strip is to be used as part of the area for required stormwater runoff absorption as outlined in Chapter 52 of this code, then the shrubs and trees within the buffer shall be water tolerant.

(5) *Coordination with utility easements.* In circumstances when the property to be developed is adjacent to a utility easement, the buffer requirement of division (C) above maybe altered to be only ten feet wide at the discretion of the Board of Adjustment, based on the factors of space, feasibility, and other considerations which may make it difficult to provide a 20-foot buffer.

(6) *Additional buffering.* The Board of Adjustment has the authority to require that a wall or fence be constructed next to property used for residential purposes when the Board determines that the buffer strip alone does not provide adequate buffering. The fence or wall shall be constructed in a durable fashion of wood, stone, masonry materials, or other materials if deemed appropriate and shall be built of material compatible with the principal building. When concrete block is utilized, it shall be finished with stucco on both sides. The materials and design shall be approved by the Board of Adjustment on a case-by-case basis. The finished side of the fence or wall shall face the abutting property. A chain link fence may not be used to satisfy the requirements of this section. Shrubs shall be planted on the applicant's side of the property at the rate of 25 per 100 linear feet; their placing and arrangement shall be the decision of the applicant.

(Ord. 2023-07, passed 10-9-2023)

§ 153.064 PARKING LOT LANDSCAPING REQUIREMENTS.

Trees and shrubs are required in and around parking lots with more than five spaces to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, help absorb runoff, reduce glare from parking lots, and to help filter exhaust from vehicles.

(A) There shall be a continuously-maintained growing strip planted with grass or similar low-growing vegetation,

measured from the back of the curb and extending ten feet perpendicular to the road. The purpose of this growing strip is to provide a clear line of sight for motorists, pedestrians, and cyclists entering and leaving commercial properties.

(B) (1) Where parking areas with more than five spaces adjoin a public right-of-way, a landscaped planting strip ten feet wide shall be established and continuously maintained between the growing strip and parking area(s).

(2) Street trees shall be planted within the landscaped planting strip in accordance with §153.066 and parking areas within 50 feet of the right-of-way shall have a visually modifying screen or barrier that meets one of these standards.

(a) Evergreen shrubs shall be planted 36 inches apart as measured from the center and attain a height of at least 48 inches within four years of installation;

(b) There shall be a fence or wall three feet high constructed of the same material as the principal building; or

(c) There is an earthen berm at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs shall be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 36 inches apart.

(3) No screen is required at parking lot entrances or exits, and no screen shall obstruct vision within 50 feet of an entrance, exit, or intersection. The landscaped planting strip shall be covered with living material, including groundcover and/or shrubs, except for mulched areas directly around the trees, so that no soil is exposed.

(C) (1) (a) Parking areas with more than five spaces shall have at least one large-maturing deciduous tree for every three parking spaces, with some appropriate clustering of trees permitted, and six-foot by 18-foot projecting landscaped islands generally between ten and 12 parking spaces.

(b) Whenever possible, interior parking spaces should have a continuous planter strip six feet wide between rows of parking.

(2) Where appropriate, provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. In all cases, at least one large maturing deciduous tree shall be provided for a parking lot regardless of the number of spaces provided. No parking space shall be located more than 50 feet from the trunk of a large-maturing deciduous tree. When calculating the number of trees required, the applicant shall round up to the nearest whole number.

(D) All landscaped areas shall be bordered by a concrete curb that is at least six inches above the pavement and six inches wide or a granite curb that is at least six inches above the pavement and four inches wide.

(E) To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.

(F) When more than the required number of parking spaces is provided, the applicant shall provide two times the required number of trees for the spaces provided above the ordinance requirement.

(Ord. 2023-07, passed 10-9-2023)

§ 153.065 SCREENING OF DUMPSTERS, LOADING DOCKS, OUTDOOR STORAGE AREAS, AND UTILITY STRUCTURES.

(A) All dumpsters, loading docks, outdoor storage areas, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or buffer strip. Landscaping shall not interfere with the access and operation of any such structure or facility. Trash and storage areas shall be well-maintained, including prompt repair and replacement of damaged gates, fences, and plants.

(B) Openings of trash enclosures shall be oriented away from public view or screened with sturdy gates wide enough to allow easy access for trash collection, where practical. The consolidation of trash areas between businesses and the use of modern disposal techniques is encouraged. All dumpsters shall be located a minimum of 50 feet from a residential dwelling. All unenclosed outdoor storage areas greater than 25 square feet shall also be screened from adjacent properties and streets.

(C) Screen types include:

(1) A continuous hedge of evergreen shrubs planted in a five-foot strip spaced a maximum of 36 inches apart; and

(2) A wall or fence six feet high, with the finished side of the fence or wall facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50% of the fence or wall.

(Ord. 2023-07, passed 10-9-2023)

§ 153.066 STREET TREES.

(A) (1) Street trees are required for all developments meeting the applicability requirements of §153.061(A). Street trees shall be required at the rate of one large-maturing tree (over 35 feet in height) for every 40 linear feet of property abutting a street.

(2) In the event that overhead utility lines are present, then one small-maturing tree (less than 35 feet in height) may be planted for every 30 feet of property abutting a street.

(3) This does not imply that trees must be spaced exactly 30 or 40 feet apart.

(4) The exact placement of the required tree or trees may be established with input from the reviewing boards in order to fit in with sign placement and other building issues.

(B) Trees shall be planted within a landscaped planting strip adjacent to the growing strip as outlined in §153.064(A) and also according to regulations from the State Department of Transportation.

(Ord. 2023-07, passed 10-9-2023)

§ 153.067 CERTIFICATION OF COMPLETION.

(A) Landscaping shall be installed and inspected prior to receiving a certificate of completion. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant materials. If the season or weather conditions prohibit planting the materials, the developer may provide an irrevocable letter of credit, or other financial surety in an amount equal to 110% of the cost of installing the required landscaping to guarantee the completion of the required planting.

(B) Upon approval of the financial surety, the certificate of completion shall be issued. The financial surety shall be canceled and/or returned upon completion.

(Ord. 2023-07, passed 10-9-2023)

§ 153.068 MAINTENANCE.

(A) The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a zoning violation and shall be subject to the penalty provisions in § 153.999 if not replaced within 30 days of notification.

(B) If an act of God or other catastrophic event occurs which destroys a large quantity of vegetation, the owner or lessee shall have 120 days to replant. Replaced plant material shall be in compliance with the minimum size, spacing, and quantity standards of the ordinance requirements in effect at the time of project approval.

(Ord. 2023-07, passed 10-9-2023)

§ 153.069 RESIDENTIAL SCREENING OF UTILITY STRUCTURES.

(A) It is required that all new utility structures, whether they are part of a new dwelling or are being added to an existing dwelling, located out of doors, including, but not limited to, heat pumps, air conditioning units (with the exception of window units), and generators shall be screened on all sides except the side closest to the dwelling. The screening shall consist of evergreen shrubs or trees planted a maximum of 36 inches apart, with a height of 18 to 24 inches at time of planting. The shrubs may be planted three feet away from the utility structures so they do not interfere with proper functioning.

(B) Electric vehicle (EV) charging stations are hereby included as a utility structure for the purposes of this chapter. The town recommends that EV charging stations be installed inside a garage and out of the public view. However, when this is not possible, the following requirements shall apply.

(1) The EV charging station shall not be located within a front, side, or rear yard setback.

(2) (a) The EV charging station shall be screened from the public road and adjacent properties per requirements in division (A) above. The only exception to this requirement is that screening is not required in a location inhibiting the ability to charge the vehicle per the manufacturer's recommendation.

(b) A site plan shall be provided to the town prior to installation indicating the location, species, and planting timeline for screening. This site plan shall also include applicable setback lines for the appropriate zoning district and the distance of the proposed EV charging station to each property line.

(3) Upon approval from the town regarding the placement of the EV charging station, the property owner must obtain building inspections approval from Buncombe County for installation. The applicant shall provide all appropriate documentation submitted to Buncombe County, and subsequent approvals, to the town once permitted.

(Ord. 2023-07, passed 10-9-2023)

§ 153.070 PLANT SPECIFICATIONS.

(A) *Recommended plant species.* Plants may be chosen from the recommended plant list (RPL) available from the town. The list encourages the use of plant materials which are indigenous to this region and are readily available from local nurseries. Plant materials which are not on the list may be used following approval from the Board of Adjustment.

(B) *Minimum plant size requirements.*

(1) Large-maturing deciduous tree. Greater than 35 feet at maturity. Minimum size at planting shall be 12 to 14 feet in height and two inches caliper (diameter);

(2) Small-maturing deciduous tree. Smaller than 35 feet at maturity. The tree shall be at least one and one-half inch caliper and eight to ten feet high at time of planting;

(3) Evergreen tree. Minimum height of eight feet at time of planting; and

(4) Evergreen shrub. Minimum three gallon container or ten-inch root ball with a height of 18 to 24 inches at time of planting.

(C) *Plant standards.*

(1) All plants shall meet the requirements of the most recent edition of the American Standards for Nursery Stock, ANSI 260.1.

(2) Plants shall be healthy, well-branched, and free of disease and insect infestation.

(Ord. 2023-07, passed 10-9-2023)

Zoning Compliance Application

Town of Biltmore Forest

Name

Keeton Pool

Property Address

332 Vanderbilt Rd

Phone

(828) 450-4257

Email

keetonriverbirch@gmail.com

Parcel ID/PIN Number

964782342000000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.55 acres

Proposed Roof Coverage Total

3165 ft²

Proposed Impervious Surface Coverage

450 ft²

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

33'1"

Description of the Proposed Project

New construction project with 3165 square feet of heated space. 2 car garage with driveway from Vanderbilt Rd. Driveway also house a circle in front of house.

Estimated Start Date

4/1/2025

Estimated Completion Date

4/1/2025

Estimated Cost of Project

\$1,100,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2024_0214 332V PRICING SET DRAFT.pdf

Applicant Signature

Date
2/15/2024

Keeton Pool

Special Use Permit Application

Town of Biltmore Forest

Name

Keeton Pool

Address

21 Deleuil Drive, Asheville, NC 28806

Phone

(828) 450-4257

Email

keetonriverbirch@gmail.com

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

Home Occupations

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

Please provide a description of the proposed project:

New construction for single family family home at 332 Vanderbilt. 2625 square feet.

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

New construction home with appropriate architectural styling.

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

Signature

Date

2/15/2024

Keeton Pool

34

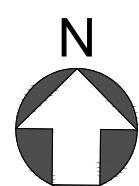
COLLINS MALCOLM F &
COLLINS GALE F
DB 1715, PG 609
PB 2, PG 39
PIN: 964782257700000

33

1.56 AC
67,779 SF

32

VASEY CHARLES G &
VASEY PAULA CARD
DB 5043, PG 116
PB 2, PG 39
PIN: 964782326100000



NOTE:
DRIVEWAY AND HOUSE PLACEMENT IS FOR
INFORMATIONAL PURPOSES ONLY. LOCATION TO BE
DETERMINED AND COORDINATED WITH OWNER.

1| **PROPOSED SITE PLAN**
N.T.S

ZONING

PIN#	964782342000000
ZONE	R-1
LOT	+/- 1.55 ACRES
EXISTING USE	OPEN LAND
PROPOSED USE	RESIDENTIAL
BUILDING HEIGHT ALLOWED	40'-0"
BUILDING HEIGHT PROVIDED	+/-33'-0"
FRONT YARD SETBACK	60'-0"
SIDE YARD SETBACK	32'-0" (20'-0" + 12'-0")
REAR YARD SETBACK	37'-0" (25'-0" + 12'-0")

CODES (NC)

IMPROVEMENTS TO BE IN COMPLIANCE WITH:

2018 North Carolina Residential Code

GENERAL NOTES

THE FOLLOWING APPLIES TO ALL DRAWINGS IN THIS PACKAGE:

- ALL DIMENSIONS ARE PROVIDED FOR GENERAL REFERENCE ONLY. CONTRACTOR TO REVIEW ALL NEW AND EXISTING CONDITIONS PRIOR TO STARTING WORK AND DURING PROGRESS. ANY EXISTING CONDITIONS THAT DO NOT MATCH ARCHITECTURAL DRAWINGS ARE TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ARCHITECT/OWNER AND PRIOR TO PROCEEDING WITH WORK.
- DO NOT SCALE DRAWINGS. WRITTEN INFORMATION TAKES PRECEDENT OVER DRAWING LINES. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT FOR ANY CLARIFICATIONS NEEDED. ALL DIMENSIONS SHALL BE FIELD VERIFIED BY CONTRACTOR AND COORDINATED WITH ALL OF THE WORK DONE THROUGHOUT THE PROJECT.
- ALL EXTERIOR AND INTERIOR DIMENSIONS SHOWN ON FLOOR PLANS, SECTIONS, ELEVATIONS, AND DETAILS ARE TO FACE OF STUD (OR STRUCTURAL MEMBER, UNO.)
- CONTRACTOR SHALL COORDINATE THE INSTALLATION OF THE VARIOUS TRADE ITEMS WITHIN THE SPACE ABOVE ALL CEILINGS AND WALL CAVITIES (INCLUDING BUT NOT LIMITED TO: STRUCTURAL MEMBERS, MECHANICAL DUCTS AND INSTALLATION, CONDUITS, RACEWAYS, LIGHT FIXTURES AND ANY STRUCTURAL SUPPORTS REQUIRED) AND SHALL BE RESPONSIBLE FOR MAINTAINING THE FINISH CEILING HEIGHT ABOVE THE FINISH FLOOR AS NOTED ON DRAWINGS.
- ACCESS PANELS SHALL BE PROVIDED AND INSTALLED BY CONTRACTOR ACCORDING TO BUILDING CODE REQUIREMENTS. LOCATION AND SIZE TO BE COORDINATED WITH OWNER AND ARCHITECT WHEN POSSIBLE.
- ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL BE DESIGNED BY THE CONTRACTOR OR A QUALIFIED STRUCTURAL ENGINEER TO MEET THE NC BUILDING CODE REQUIREMENTS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SIZING OF ANY STRUCTURAL MEMBERS OR THE DESIGN OF ANY STRUCTURAL CONNECTIONS REGARDLESS OF WHAT IS WRITTEN OR IMPLIED IN THE DRAWING SET.
- REINFORCEMENT AND/OR SUPPORT SATISFACTORY TO ARCHITECT AND STRUCTURAL ENGINEER SHALL BE PROVIDED BY CONTRACTOR PRIOR TO CUTTING INTO STRUCTURAL PORTIONS OF ANY BUILDING.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS AND PROCEDURES, SAFETY PRECAUTIONS, AND CONSTRUCTION SUPERVISION THROUGHOUT THE DURATION OF THE PROJECT.
- ALL PERMITS ARE THE CONTRACTOR'S RESPONSIBILITY.
- FINAL CLEANUP AND DISPOSAL INCLUDES REMOVAL OF DEBRIS, RUBBISH AND WASTE MATERIAL FROM OWNER'S PROPERTY TO A LAWFUL DISPOSAL AREA AND PAY ALL HAULING AND DUMPING COSTS ASSOCIATED. UPON COMPLETION OF WORK, ALL CONSTRUCTION AREAS SHALL BE LEFT VACUUM-CLEAN AND FREE OF DUST, DIRT, STAINS, HAND MARKS, PAINT POTS, PAINT DROPPINGS AND ANY OTHER TYPE OF BLEMISH.

ARCHITECT'S NOTE

TO THE BEST OF MY KNOWLEDGE, THESE PLANS ARE DRAWN TO COMPLY WITH OWNER'S AND/OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE ON THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE OWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ENCLOSED DRAWING. CJEM DESIGNS, PLLC IS NOT LIABLE FOR ERRORS ONCE CONSTRUCTION HAS BEGUN. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THESE PLANS TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND BE SOLELY RESPONSIBLE THEREAFTER.

THIS DESIGN IS THE SOLE PROPERTY OF CJEM DESIGNS, PLLC, AND ANY OTHER UNAUTHORIZED REPRODUCTION OR USE OF ANY KIND IS PROHIBITED WITHOUT PRIOR WRITTEN PERMISSION.

GENERAL NOTES - SITE

- CONTRACTOR TO ENSURE PROPER DRAINAGE AROUND AND AWAY FROM HOUSE.
- LEAVE SOIL AND GROUND UNDISTURBED WITHIN 15'-0" OF NEW CONSTRUCTION.
- FENCE TREES WITHIN 30'-0" OF HOUSE AT DRIPLINE AS MUCH AS POSSIBLE TO PROTECT ANY POSSIBLE ROOT DAMAGE.
- AREAS NOT DISTURBED BY CONSTRUCTION SHALL BE PROTECTED BY DAMAGE - TO INCLUDE TREES OR OTHER NATURAL FEATURES.
- PROVIDE EROSION CONTROL AROUND BUILDING SITE.
- SET REMOVED TOPSOIL ASIDE FOR FINAL GRADING.
- PROPERTY LINES, BUILDING LOCATION, CONTOUR LINES, AND ANY OTHER SITE INFORMATION IS TAKEN FROM THE PLAT DONE BY FEI CIVIL ENGINEERS + LAND SURVEYORS, DATED 07/28/23. ARCHITECT TAKES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE SITE INFORMATION.

PROJECT DATA

PROJECT	GREAVES RESIDENCE
LOCATION	332 VANDERBILT ROAD ASHEVILLE, NC 28803
DESCRIPTION	NEW CONSTRUCTION
OWNER	CHARLES AND CRISTY GREAVES
DESIGN TEAM	ARCHITECTURAL
	cJem DESIGNS, PLLC Jessica Larsen, RA, LEED AP
CONTRACTOR	
	RIVER BIRCH BUILDERS, LLC Pierce Harmon

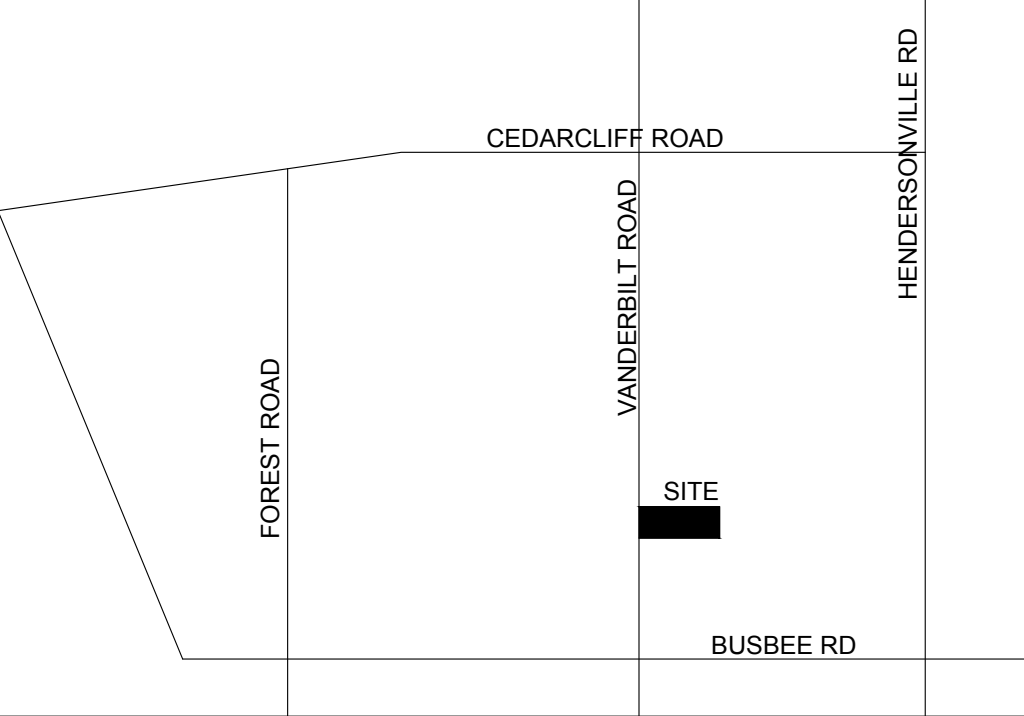
LIST OF DRAWINGS

COVER	LIST OF DRAWINGS, PROJECT SIZE, SITE PLAN
A100	FIRST FLOOR PLAN
A101	SECOND FLOOR PLAN
A102	ROOF PLAN
A200	EXTERIOR ELEVATION(S)
A201	EXTERIOR ELEVATION(S)
A300	BUILDING SECTIONS AND SCHEDULES

PROJECT SIZE

PROPOSED - HEATED	
MAIN	3,165 SF
TOTAL	3,165 SF
PROPOSED - UNHEATED	
SECOND FLOOR	+/-1,345 SF
FRONT PATIO	10 SF
GARAGE(S)	825 SF
OUTDOOR PORCH	320 SF
OUTDOOR PORCH - MASTER	125 SF
TOTAL	+/-2,625 SF

VICINITY MAP



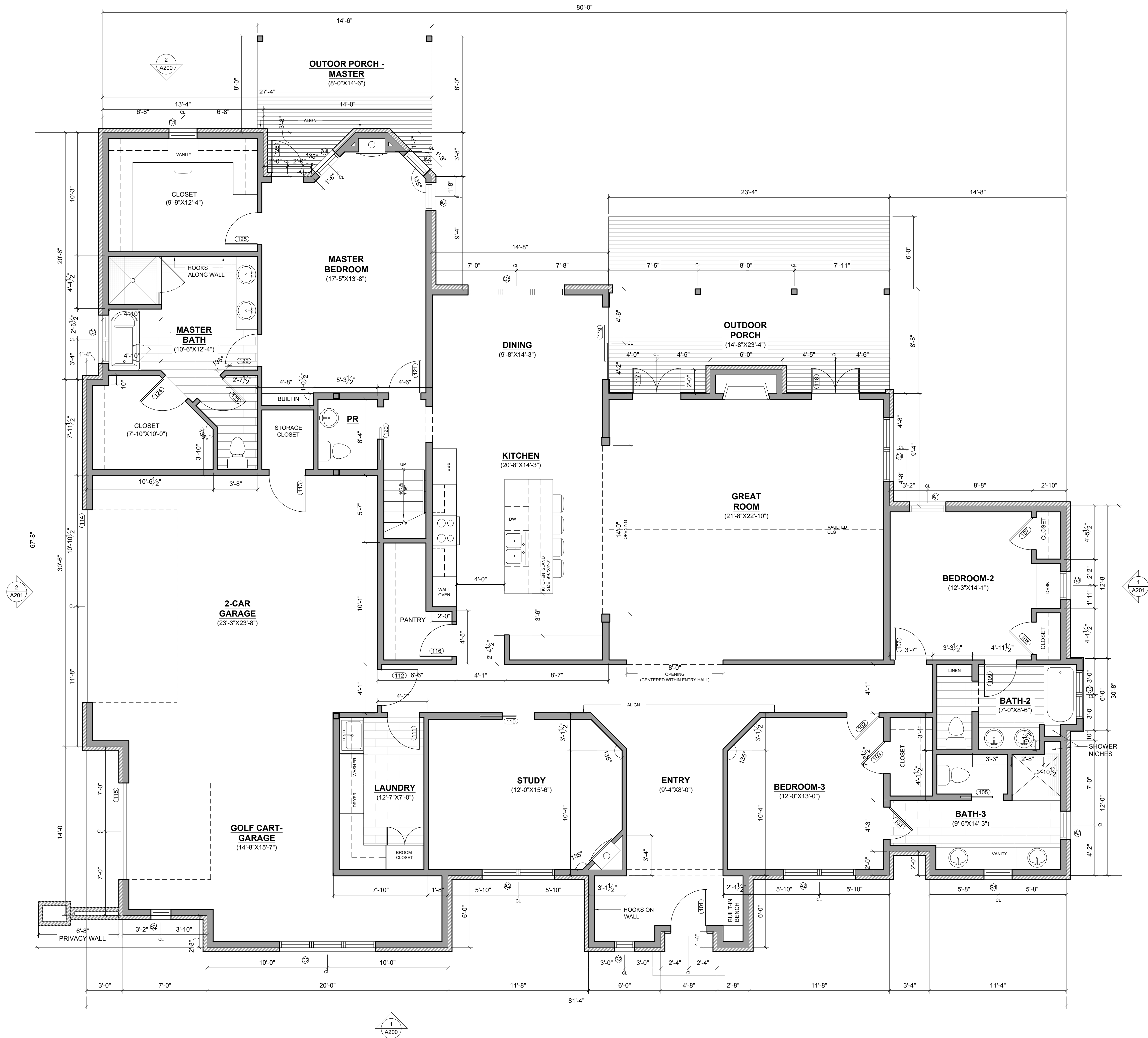
GREAVES RESIDENCE

332 Vanderbilt Road
Blomire Forest, NC 28803

**COVER SHEET - PROJECT DETAILS AND
SITE INFORMATION**

PRICING SET - DRAFT
March 04, 2024 - revised

COVER



1| FIRST FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES - PROPOSED

THE FOLLOWING APPLIES TO ALL DRAWINGS IN THIS SET

CONTRACTOR TO REVIEW EXISTING FIELD CONDITIONS PRIOR TO WORK START AND DURING PROGRESS. CONTRACTOR TO BRING ANY CONDITIONS THAT DO NOT MATCH DRAWING CONDITIONS IMMEDIATELY TO THE ATTENTION OF THE ARCHITECT/TOWNER AND PRIOR TO PROCEEDING W/ WORK

WRITTEN INFORMATION TAKES PRECEDENT OVER DRAWING LINES. BRING CONFLICTS BETWEEN WRITTEN INFORMATION AND DRAWN LINES TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

EXTERIOR AND INTERIOR DIMENSIONS MEASURED FROM OUTSIDE FACE OF STUD AND/OR OUTSIDE FACE OF MASONRY, UNLESS SHOWN OTHERWISE.

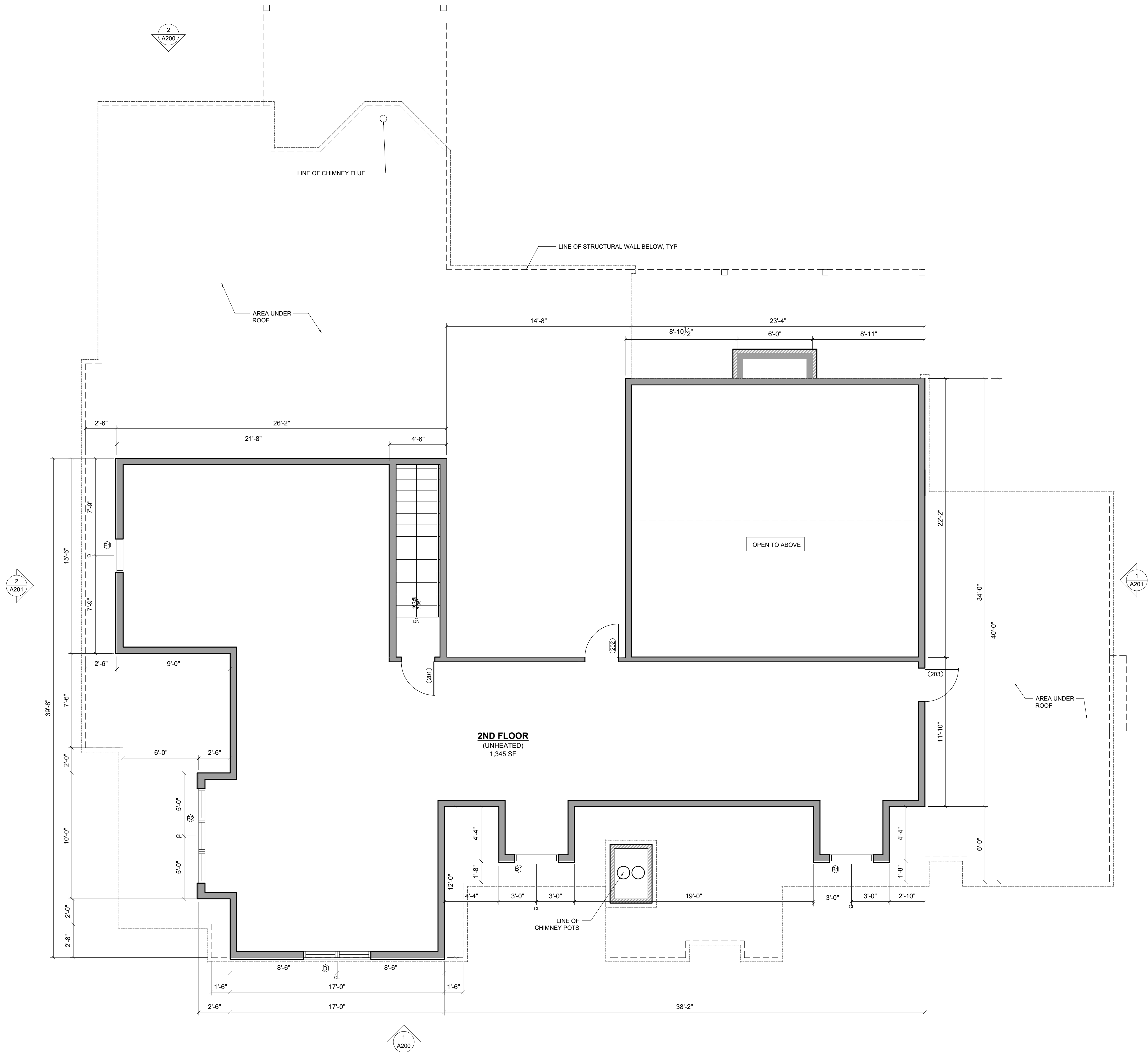
NEW WALLS

cJem DESIGNS, PLLC
157 S. Lexington Ave - B2
Asheville, NC 28801
828.768.8708
cjemdesign@gmail.com

GREAVES RESIDENCE
332 Vanderbilt Road
Blomire Forest, NC 28803

PROPOSED FLOOR PLAN - FIRST
PRICING SET - DRAFT
March 04, 2024 - revised

A100



GENERAL NOTES - PROPOSED

THE FOLLOWING APPLIES TO ALL DRAWINGS IN THIS SET

CONTRACTOR TO REVIEW EXISTING FIELD CONDITIONS PRIOR TO WORK START AND DURING PROGRESS. CONTRACTOR TO BRING ANY CONDITIONS THAT DO NOT MATCH DRAWING CONDITIONS IMMEDIATELY TO THE ATTENTION OF THE ARCHITECT/OWNER AND PRIOR TO PROCEEDING W/ WORK

WRITTEN INFORMATION TAKES PRECEDENT OVER DRAWING LINES. BRING CONFLICTS BETWEEN WRITTEN INFORMATION AND DRAWN LINES TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

EXTERIOR AND INTERIOR DIMENSIONS MEASURED FROM OUTSIDE FACE OF STUD AND/OR OUTSIDE FACE OF MASONRY, UNLESS SHOWN OTHERWISE.

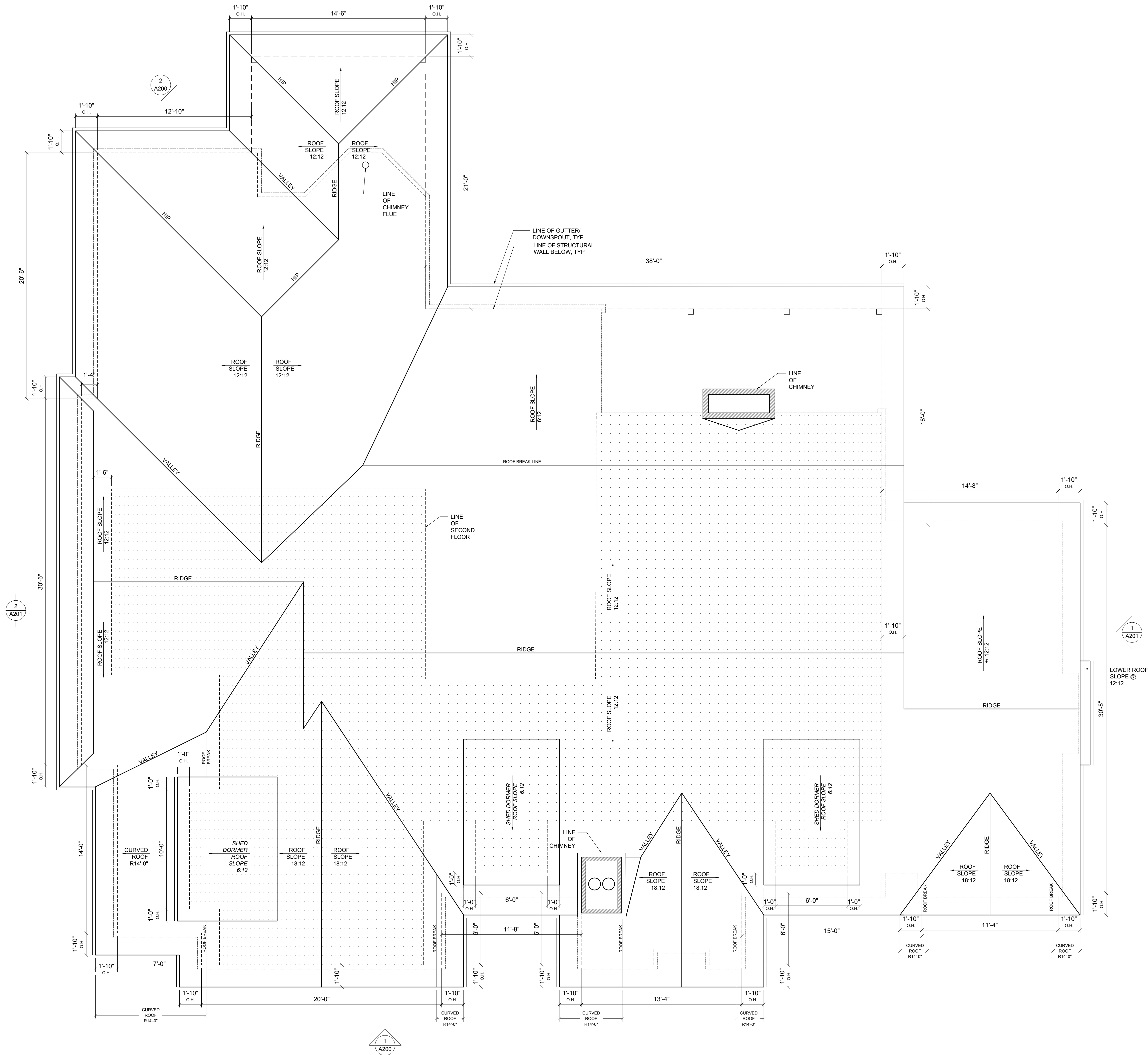
NEW WALLS

cJem DESIGNS, PLLC
157 S. Lexington Ave - B2
Asheville, NC 28801
828.768.8708
cjemdesign@gmail.com

GREAVES RESIDENCE
332 Vanderbilt Road
Blomire Forest, NC 28803

PROPOSED FLOOR PLAN - SECOND
PRICING SET - DRAFT
March 04, 2024 - revised

A101



GENERAL NOTES - PROPOSED

THE FOLLOWING APPLIES TO ALL DRAWINGS IN THIS SET

CONTRACTOR TO REVIEW EXISTING FIELD CONDITIONS PRIOR TO WORK START AND DURING PROGRESS. CONTRACTOR TO BRING ANY CONDITIONS THAT DO NOT MATCH DRAWING CONDITIONS IMMEDIATELY TO THE ATTENTION OF THE ARCHITECT/OWNER AND PRIOR TO PROCEEDING W/ WORK

WRITTEN INFORMATION TAKES PRECEDENT OVER DRAWING LINES. BRING CONFLICTS BETWEEN WRITTEN INFORMATION AND DRAWN LINES TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

EXTERIOR AND INTERIOR DIMENSIONS MEASURED FROM OUTSIDE FACE OF STUD AND/OR OUTSIDE FACE OF MASONRY, UNLESS SHOWN OTHERWISE.

NEW WALLS

1| ROOF PLAN
1/4"=1'-0"

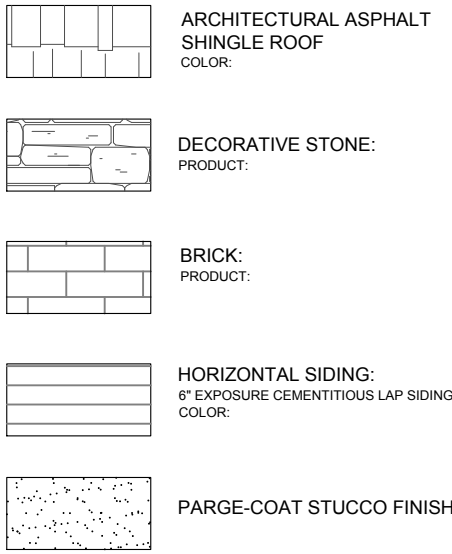


1| WEST ELEVATION
1/4"=1'-0"



2| EAST ELEVATION
1/4"=1'-0"

MATERIAL LEGEND



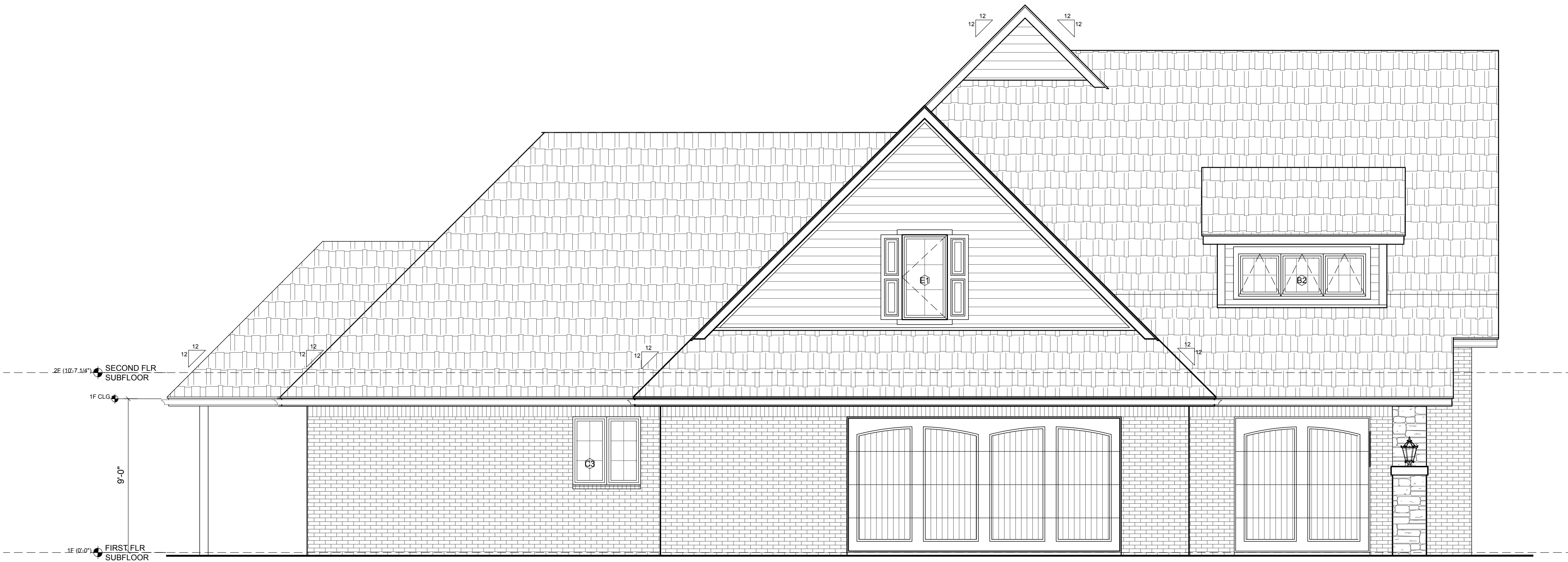
GENERAL ELEVATION NOTES

DIMENSIONS PROVIDED FOR GENERAL REFERENCE ONLY. CONTRACTOR TO VERIFY CONDITIONS IN FIELD.

1. INSTALL ALL SIDING AND ROOFING MATERIALS PER MANUFACTURERS RECOMMENDATIONS
2. INSTALL ALL SIDING OVER TYVEK HOUSE WRAP
3. INSTALL ROOFING OVER TITANIUM ROOF UNDERLAYMENT
4. ALL EXTERIOR TRIM, INCLUDING DOOR AND WINDOW TRIM SHALL BE 1/2" TRIM, SMOOTH SIDE OUT, PAINTED
5. REFER TO FLOOR PLANS FOR LOCATIONS OF DOORS AND WINDOWS, TYPICAL
6. REFER TO THE SCHEDULES ON SHEET A300 FOR DOOR AND WINDOW TYPES



1| SOUTH ELEVATION
1/4"=1'-0"



2| NORTH ELEVATION
1/4"=1'-0"

MATERIAL LEGEND

	ARCHITECTURAL ASPHALT SHINGLE ROOF COLOR:
	DECORATIVE STONE: PRODUCT:
	BRICK: PRODUCT:
	HORIZONTAL SIDING: 1" EXPOSURE CHALK/WHITE/GRAY LAP SIDING COLOR:
	PARGE-COAT STUCCO FINISH

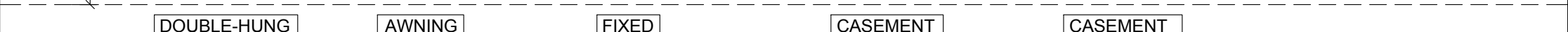
GENERAL ELEVATION NOTES

- DIMENSIONS PROVIDED FOR GENERAL REFERENCE ONLY. CONTRACTOR TO VERIFY CONDITIONS IN FIELD.
1. INSTALL ALL SIDING AND ROOFING MATERIALS PER MANUFACTURERS RECOMMENDATIONS
 2. INSTALL ALL SIDING OVER TYVEK HOUSE WRAP
 3. INSTALL ROOFING OVER TITANIUM ROOF UNDERLAYMENT
 4. ALL EXTERIOR TRIM, INCLUDING DOOR AND WINDOW TRIM SHALL BE 3/4" TRIM, SMOOTH SIDE OUT, PAINTED
 5. REFER TO FLOOR PLANS FOR LOCATIONS OF DOORS AND WINDOWS, TYPICAL
 6. REFER TO THE SCHEDULES ON SHEET A300 FOR DOOR AND WINDOW TYPES.

NOTES

1. SIZES GIVEN ARE TO APPROXIMATE ROUGH OPENINGS. PROVIDE MANUFACTURER WINDOWS AS CLOSE TO THE WINDOW SIZING LISTED. WINDOWS ARE TO BE WITH

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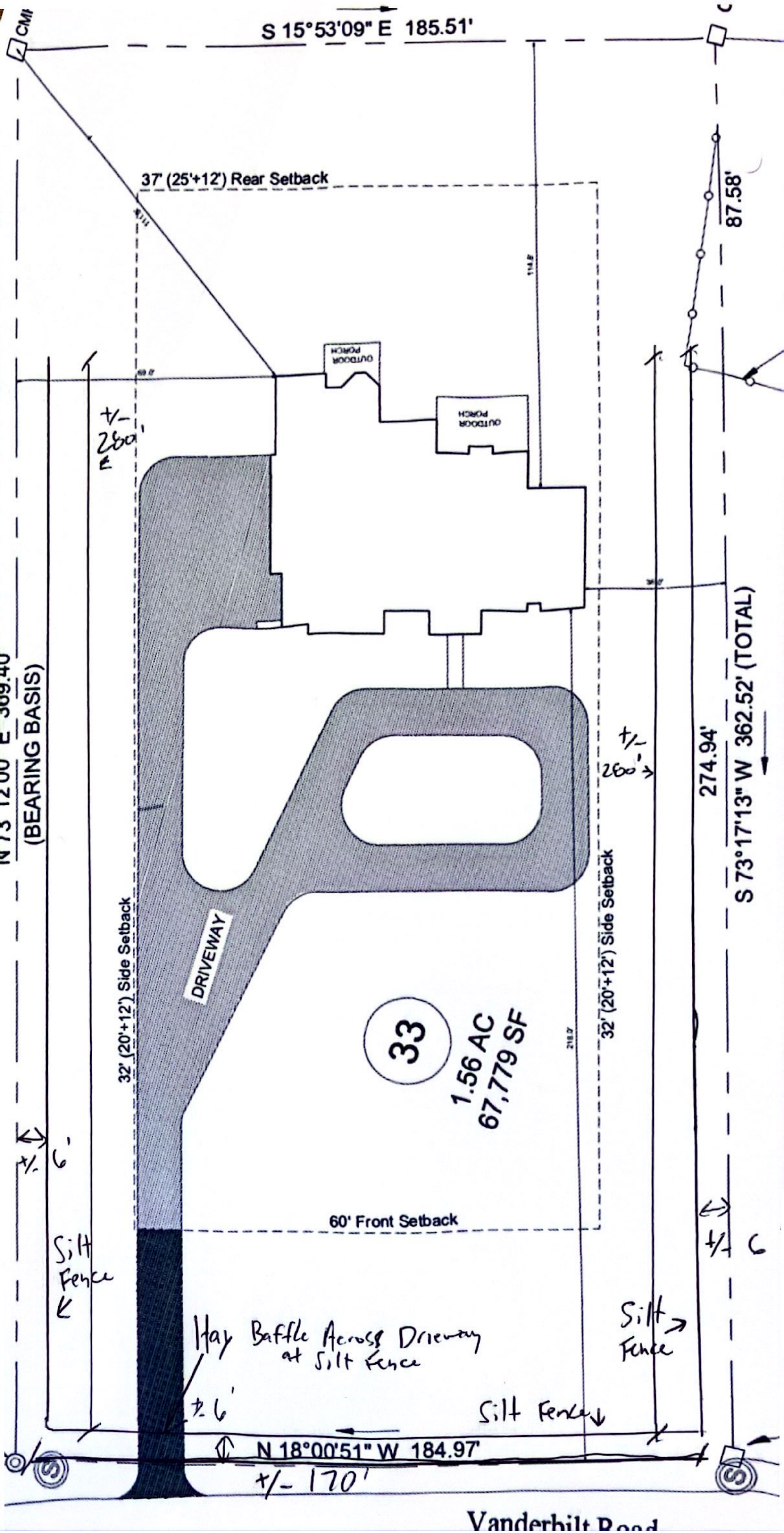


MARK	DOOR	FRAME	MISC.	REMARKS

									S	1.	ALL EXTERIOR DOORS TO BE FULLY WEATHER-STRIPPED
									E	2.	EXTERIOR GLAZED DOORS TO BE INSULATED LOW-E ARGON-FILLED TEmPERED

[illegible]

MATERIAL SYMBOLS										HARDWARE NOTES									
------------------	--	--	--	--	--	--	--	--	--	----------------	--	--	--	--	--	--	--	--	--



S 15°53'09" E 185.51'

37' (25'+12') Rear Setback

87.58'

OUTDOOR PORCH

OUTDOOR PORCH

± 280' E

DRIVEWAY

33

1.56 AC
67,779 SF

32' (20'+12') Side Setback

32' (20'+12') Side Setback

274.94'

S 73°17'13" W 362.52' (TOTAL)

60' Front Setback

Silt Fence

Silt Fence

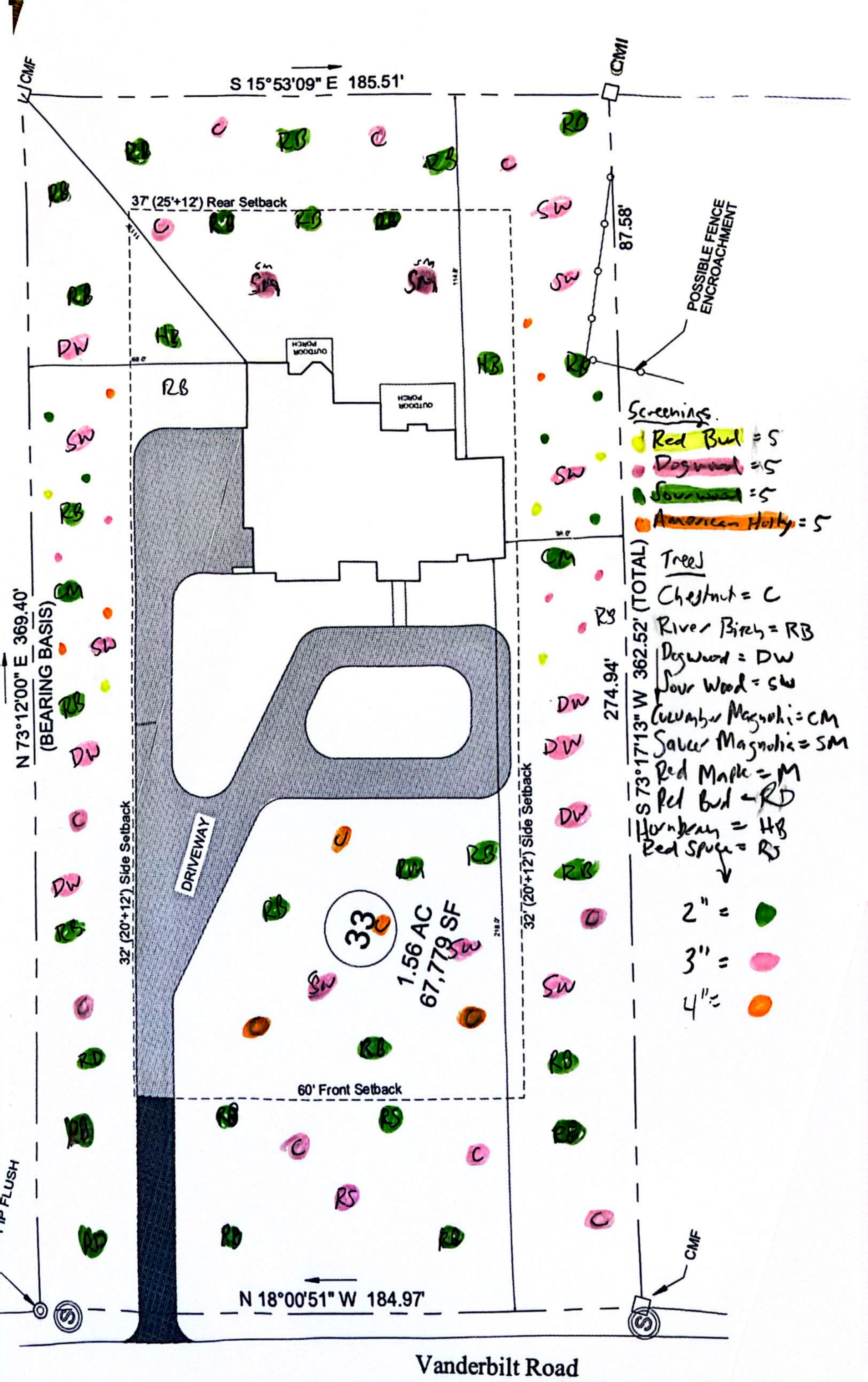
Silt Fence

Hay Baffle Across Driveway at Silt Fence

N 18°00'51" W 184.97'

± 170'

Vanderbilt Road



Vanderbilt Road

S 15°53'09" E 185.51'

25' Rear Setback

POSSIBLE FENCE ENCROACHMENT

87.58'

115.0'

OUTDOOR PORCH

OUTDOOR PORCH

16" White

0 10" Maple

0 36" Red Chestnut

0 36" Red
0 Poplar Oak
24"

0 10" Poplar

0 18" Red

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

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0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

0 12" Poplar

33

1.56 AC
67,779 SF

DRIVEWAY

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

0 24" Red Oak

20' Side Setback

20' Side Setback

274.94'

S 73°17'13" W 362.52' (TOTAL)

N 73°12'00" E 369.40'
(BEARING BASIS)

N 18°00'51" W 184.97'

Vanderbilt Road

(PUBLIC)

1" FIP FLUSH

CMF

Protected Inside Setback Area

White Pine	30"	2	3" Chestnut	5	Red Bud
	36"	2	4" Chestnut	6	Dogwood
	20"	2	3" Chestnut	5	Sourwood
Poplar	24"	2	3" Chestnut	5	American Holly

Screening

12" 2 2" River Birch

X X/A

Unprotected Outside Setback

12" 2 2" River Birch

X X/A

Poplar 8" X X

Red Bud 8" 1 2" Red Bud

X X

Yellow Pine 10" X X

Red Oak 10" X X

10" X X

Unprotected Inside Setback

Hickory 10" X X

Chestnut 16" 1 2" River Birch

20" 2 2" River Birch

20" 2 2" River Birch

Protected Outside Setback

White Pine 16" 2 2" Red Spruce

30" 2 3" Red Spruce

Red Oak 36" 2 3" Dogwood

18" 2 2" Winter Magnolia

32" 2 3" Dogwood

24" 2 3" Sourwood

24" 2 3" Sourwood

Chestnut 36" 2 3" Sourwood

20" 2 3" Sourwood

30" 2 3" Dogwood

20" 2 3" Sweet Magnolia

Red Maple 10" 1 2" Red Maple

10" 1 2" Red Bud

Ginkgo 12" 2 2" Hornbeam

Poplar 24" 2 3" Chestnut

10" 2 2" River Birch

12" 2 2" River Birch

12" 2 2" River Birch

12" 2 2" River Birch

20" 2 3" Chestnut

10" 2 2" River Birch

24" 2 3" Chestnut

12" 2 2" River Birch

12" 2 2" River Birch

12" 2 2" River Birch

153.049 FENCE, GATE AND WALL REGULATIONS.

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

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

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

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

(1) The driveway gate and columns shall not be located in the front or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

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

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

(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

(3) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this section.

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

- (1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.
 - (2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.
 - (3) No new chain link fencing or gates shall be allowed.
 - (4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address
<https://www.ncwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>.
 - (5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.
 - (6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.
- (Ord. passed 2-11-2020; Ord. passed 6-8-2021)

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.



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

March 18, 2024

CASE 8

Property Address: 430 Vanderbilt Road

Property Owner: Thomas Bolton

Request: Special Use Permit Request For A Wall And Accent Boulders In The Front Yard; Variance Request to Encroach Into The Front Setback

Background

The property owners are applying for a special use permit and variance for a low screen wall at the existing front yard parking area. The wall will be 18" high and will have a small section within the front setback. As part of the project, they would like to add accent boulders near the drive entries but outside of the Town's right of way. There will be 2-3 boulders at +/- 2' in size with a total of 4 locations.

Special Use Permit

The retaining wall and boulders would be considered accessory structures per the Town's ordinance which requires a special use permit and Board approval. Section 153.029 refers to Accessory structures and states walls shall be regulated by section 153.049 of the ordinance. Section 153.049 (attached) of the Town's Zoning Ordinance regulates fences, gates, and walls. Section 153.008 (attached) gives the specific standards and requirements for special uses.

Variance Request

The wall as proposed, does not meet the ordinance requirements, and would require a variance from the Board due to the wall being located in the front yard and a small section within the front setback. The parking area is existing and with the wall following the parking area there would be approximately 3' protrusion into the front setback at the deepest point of an approximate 20' section of the proposed wall. The accent boulders would also be within the front setback, just outside of the right of way next to each entrance of the driveway therefore requiring a variance.

153.049 FENCE, GATE AND WALL REGULATIONS.

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

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(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

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

(1) The driveway gate and columns shall not be located in the front or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

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

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

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 - (3) No new chain link fencing or gates shall be allowed.
 - (4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for "Permanent Woven Wire Fencing" and "Permanent Solid-Wire Fencing." Copies of these standards are available at the Town Hall or at the following web address
<https://www.ncwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>.
 - (5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.
 - (6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Board of Adjustment, the town shall require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.
- (Ord. passed 2-11-2020; Ord. passed 6-8-2021)

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

Thomas Bolton

Property Address

430 Vanderbilt Rd. Asheville, NC 28803

Phone

(828) 274-1744

Email

tcbolton1942@gmail.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.84 acres

Proposed Roof Coverage Total

No change

Proposed Impervious Surface Coverage

Adding 485 sq ft to the existing 9365 sq ft - ends up being 12% total impervious surface coverage

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

31 ft

Description of the Proposed Project

Replacing and adding plantings; paver walkway crossing existing parking area, and low wall (18" height) to screen parking and mitigate erosion.

Estimated Start Date

3/15/2024

Estimated Completion Date

3/29/2024

Estimated Cost of Project

\$49,351.04

Supporting Documentation (Site Plan, Drawings, Other Information)

Bolton, T._Landscape Design-24x36_Screened Porch & Pond Area.pdf

Bolton, T._Landscape Design-24x36_House Front - Front Lawn.pdf

Applicant Signature

Date
2/5/2024

Thomas C. Bolton

Special Use Permit Application

Town of Biltmore Forest

Name

Thomas Bolton

Address

430 VANDERBILT RD

Phone

(828) 747-2549

Email

tcbolton1942@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:

Replacing and adding plantings; paver walkway crossing existing parking area and low wall (18" height) to screen parking and mitigate erosion.

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

New plantings will enhance/screen views from Vanderbilt Rd.; low wall will help screen vehicles from existing parking area.

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

Signature

Date

2/5/2024

Thomas C. Bolton

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Thomas Bolton

Address

430 VANDERBILT RD

Phone

(828) 747-2549

Email

tcbolton1942@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?

Enhance landscaping with low screen wall (18" height) at existing front yard parking. Paver walkway across existing parking. Accent boulders to delineate drive entries.

What does the ordinance require?

No fencing / walls in front yard; observe setbacks.

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

REQUIRED FINDINGS: Please provide a thorough response to each.**Unnecessary hardship would result from the strict application of the ordinance.**

Owner experiencing some erosion damage along existing parking area.

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

The existing parking area is decades old and some settling has occurred.

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

See note above.

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

Desired enhancements are intended to screen views to and from existing parking area, mitigate erosion and paver walkway improves pedestrian crossing the existing parking area.

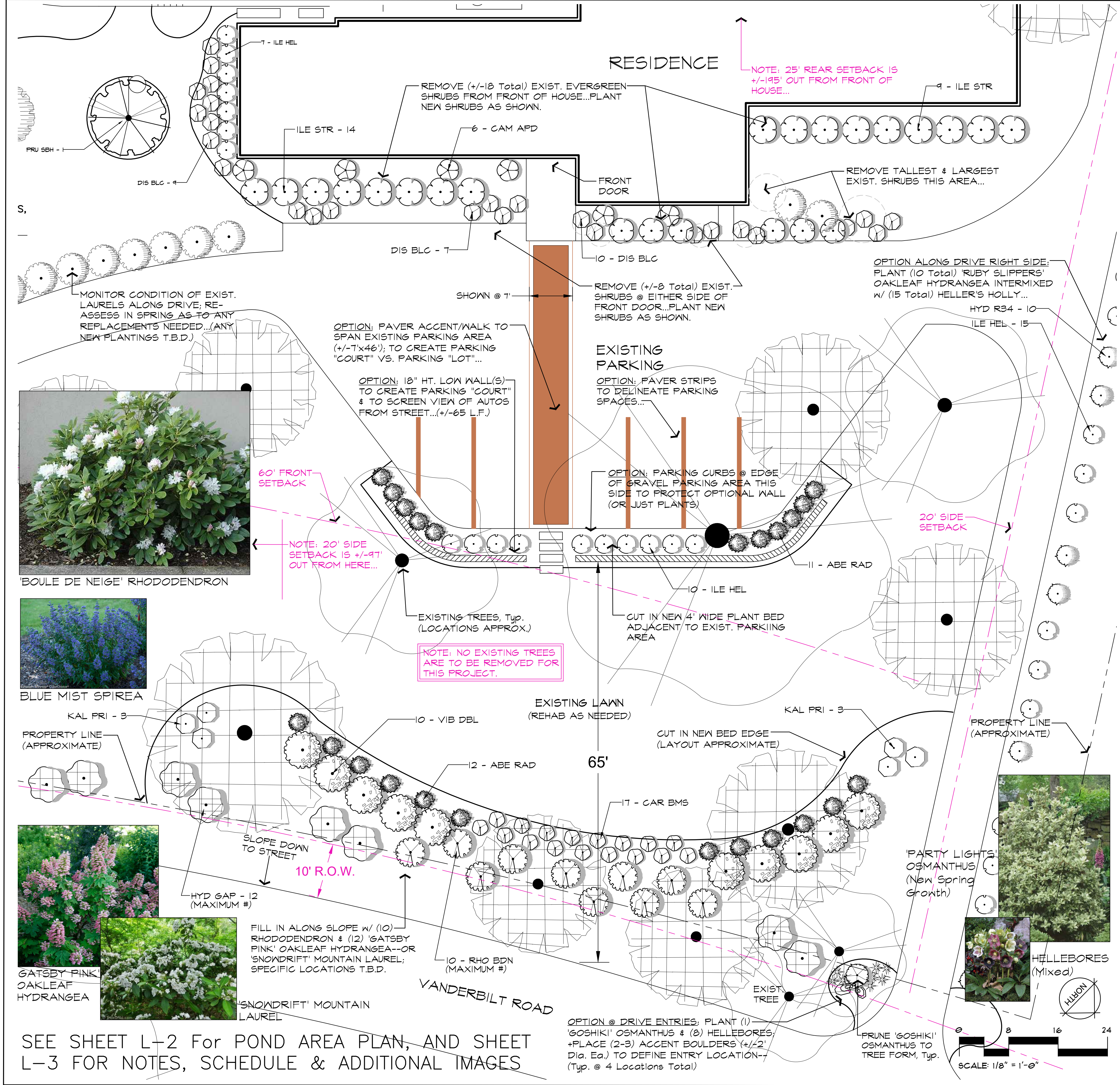
I hereby certify that all of the information set forth above is true and accurate to the best of my

knowledge.

Signature

Date
2/5/2024

Thomas C. Bolton



CONCEPT IMAGES: TUDOR ESTATE STYLES
- EXEMPLIFIED BY A MIX OF FORMAL & INFORMAL EVERGREENS, MODEST COLOR ACCENTS, PRIMARILY WHITE BLOOMS W/ SEASONAL ADDED COLORS, ESPECIALLY AT ENTRY DRIVES & FRONT DOOR...ALSO, SEE PROPOSED "PARKING COURT" OPTIONS ON SHEET L-3.



'WINTERTHUR' VIBURNUM: ...Bloom... & Fall Color

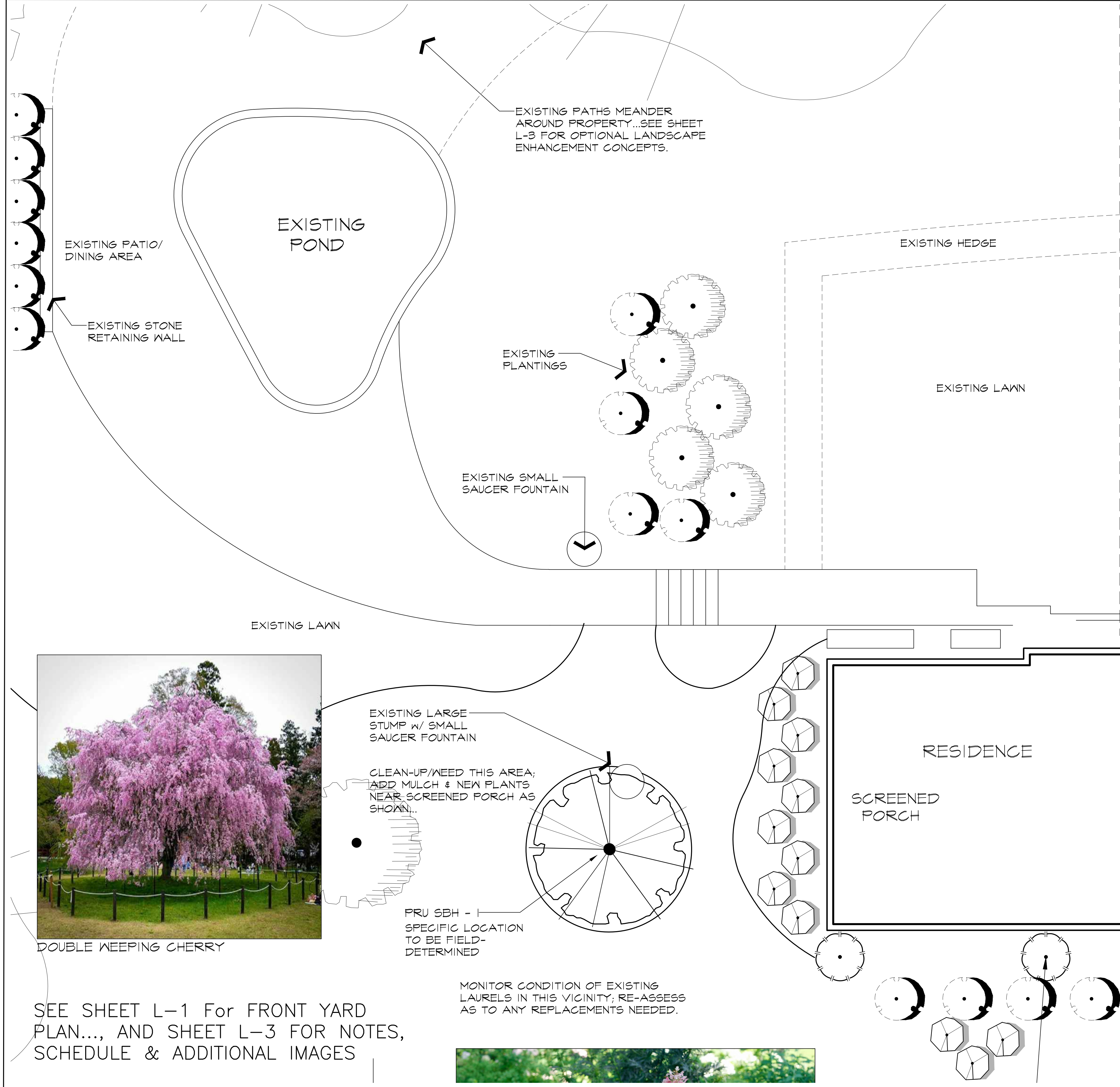


'RADIANCE' ABELIA



'INKBERRY' HOLLY

REVISIONS	
1.	
SCALE: 1/8" = 1'-0"	
DATE	02/01/24
Drawn By	BBAM
SHEET #	
L-1	



LANDSCAPE / PROJECT NOTES

= COORDINATE W/ OWNER TO MARK ALL EXISTING UTILITIES PRIOR TO BEGINNING NEW LANDSCAPE WORK.

= **ARE THERE ANY DRAINAGE ISSUES TO ADDRESS?? +LIGHTING??

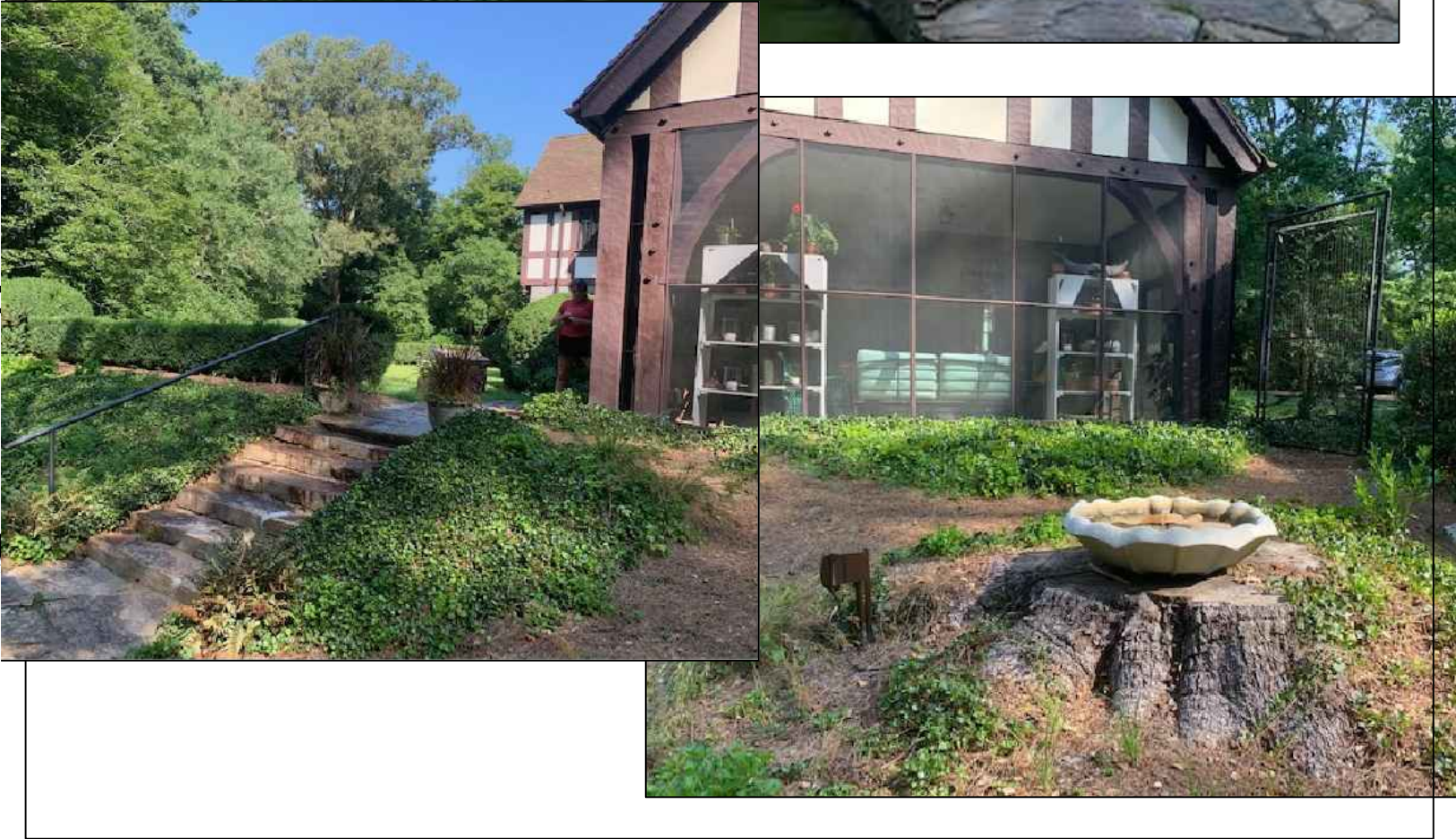
= OPTION: VERIFY ANY EXISTING DRIP IRRIGATION LINES/EMITTERS; IF SO, OWNER TO CONSIDER PROVIDING ADDITIONAL EMITTERS (ZONES?) AS NEEDED FOR NEW PLANTINGS--OR NEW DRIP IRRIGATION SYSTEM W/ TIMER...

= OPTION: MULCH FOR ALL NEW OR MODIFIED PLANT BEDS: TO BE 3-4" DEPTH OF HARDWOOD MULCH (+/- _____ S.F., VERIFY...).



EXISTING VIEWS OF LEFT SIDE OF HOUSE & POND AREA:

- CLEAN-UP/WEED AREA ADJACENT TO SCREENED PORCH (+/- _____ S.F.);
- PLANT (1) DOUBLE WEeping CHERRY FOR BEST VIEW FROM PORCH.
- ALSO PLANT (12) 'BLUE CASCADE' DISTYLUM ALONG SCREENED PORCH.
- MULCH BED AREAS (+/- _____ S.F.)



REVISIONS	
1.	
SCALE: 1/4" = 1'-0"	
DATE	10/19/23
Drawn By	BBAM
SHEET #	
L-2	



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

March 18, 2024

CASE 9

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. This request was tabled during the last meeting.

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)(e) (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

The property is split zoned, with the portion fronting Hendersonville Road being in the R-4 Zoning District. The bulk of the property is in the R-2 Zoning district. The setbacks are the same for each district: 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.

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

Steven Lee Johnson for Carolina Day School

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

Carolina Day School - proposed construction of (1) New Parking Lot Facility- 150 spaces, (2) New Student Plaza w/ solar panels and Amphitheater in front of the existing Upper School. Amphitheater contains new retaining wall.

Estimated Start Date

6/5/2024

Estimated Completion Date

9/6/2024

Estimated Cost of Project

\$5,000,000.00

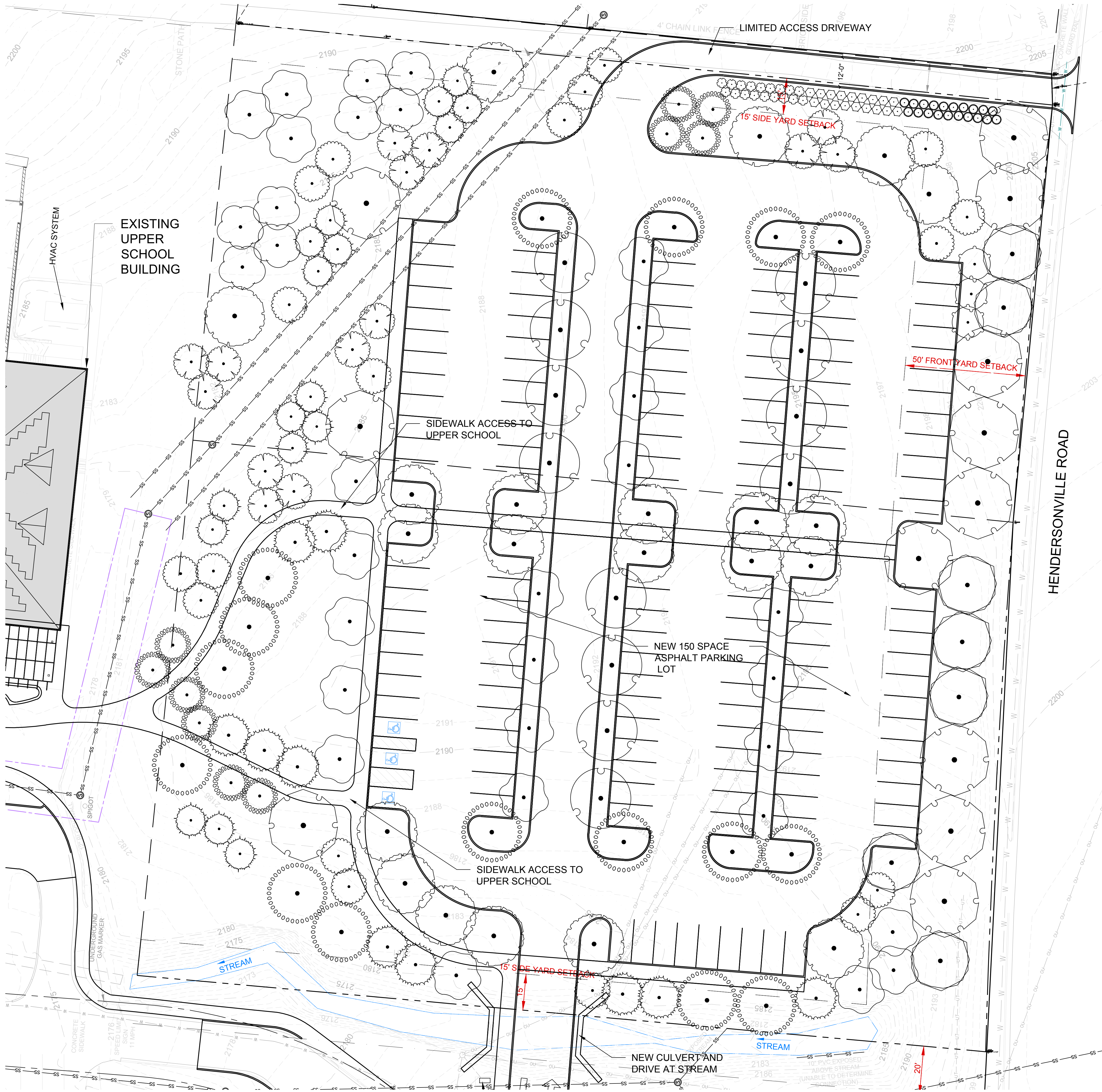
Supporting Documentation (Site Plan, Drawings, Other Information)

CDS BOA Submittal.pdf

Applicant Signature

Date
1/26/2024

Steven Lee Johnson for Carolina Day School



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

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL
TREES					
	12	Acer rubrum	Red Maple	B & B	2"CAL
	16	Betula nigra	River Birch	B & B	2"CAL
	3	Cercis canadensis	Eastern Redbud Multi-trunk	B & B	2"CAL
	10	Chionanthus virginicus	White Fringetree	B & B	2"CAL
	12	Cladrastis kentukea	American Yellowwood	B & B	
	14	Cornus florida	Flowering Dogwood	B & B	2"CAL
	18	Cornus kousa	Kousa Dogwood	B & B	2"CAL
	17	Juniperus virginiana	Eastern Redcedar	B & B	2" MIN
	7	Liriodendron tulipifera	Tulip Poplar	B & B	3"CAL
	8	Magnolia x soulangeana	Saucer Magnolia	B & B	2"CAL
	24	Quercus phellos	Willow Oak	B & B	2"CAL
	21	Quercus rubra	Red Oak	B & B	3"CAL
	10	Taxodium distichum	Bald Cypress	B & B	2"CAL
SYMBOL QTY BOTANICAL NAME COMMON NAME CONT SPACING					
SHRUBS					
	18	Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly	B&B 4'-5' HT	48" o.c.
	18	Ilex glabra	Inkberry Holly	B&B 4'-5' HT	48" o.c.
	20	Viburnum x pragnense	Prague Viburnum	B&B 4'-5' HT	48" o.c.

sitework

STUDIOS

LANDSCAPE ARCHITECTURE

82 Patton Avenue | Suite 700 | Asheville, NC 28801 | 828.225.4945

CONSULTANT

CAROLINA DAY SCHOOL

PREPARED FOR:

CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD
ASHEVILLE, NORTH CAROLINA 28803

REVISIONS

NO.	REMARKS	DATE

NOT FOR CONSTRUCTION

C-188

DATE:
01.26.2023

SHEET TITLE:
PARKING LOT PLAN

SHEET NO.
L-400

THIS DOCUMENT IS THE PROPERTY OF SITEWORK STUDIOS, PLLC. IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT FROM SITEWORK STUDIOS, PLLC.

0 10' 20' 40' 60' 80'





SHOEBOX LED
(Meets Dark Sky Criteria)

LED
(Light-emitting diode)

Mounting height
25', 30', 35'

Color
Black | Bronze | Gray | White

Pole
Fiberglass (1 or 2 fixtures per pole)
Decorative tapered metal
Decorative square metal

Applications
Neighborhoods
Roadways
Shopping centers

Light source: LED (4x16x16)

Wattage: 150 | 220 | 420 | 530 watts

Light pattern:IES Type V | Type IV (forward throw) | Type III

IESNA cutoff classification: Full cutoff

Beam rating: 150W Type III = ESU003 / Type IV = ESU004 / Type V = ESU005
220W Type III = ESU004 / Type IV = ESU004 / Type V = ESU005
420W Type IV = ESU005 / Type V = ESU005
530W Type IV = ESU005 / Type V = ESU005

Color temperature: 4,000K

POLE AVAILABLE	MOUNTING HEIGHT	COLOR
Round tapered decorative metal*	30'	Black, Bronze, Gray, White
Decorative square metal*	25' and 30'	Black, Bronze, Gray, White
Fiberglass	25' and 30'	Black (1 or 2 fixtures per pole) Gray (1 or 2 fixtures per pole)

FEATURES	BENEFITS
Turnkey operation	Provides hassle-free installation and service
Little or no installation cost	Free up capital for other projects
Design services by lighting professionals included	Meets industry standards and lighting ordinances
Maintenance, electricity & warranty included	Eliminates high and unexpected repair bills
One low monthly cost on your electric bill	Convenience and savings for you

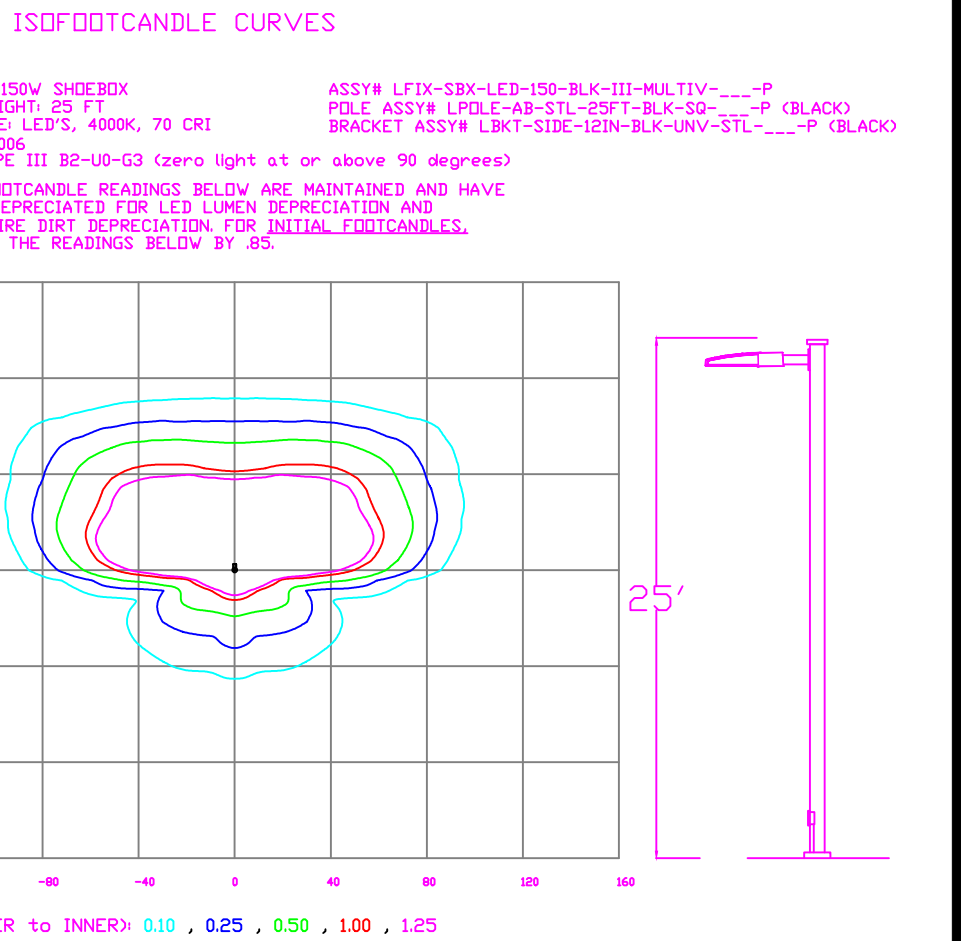
For additional information, email us at 000.Carlton@duke-energy.com

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DUKE ENERGY
CAROLINAS

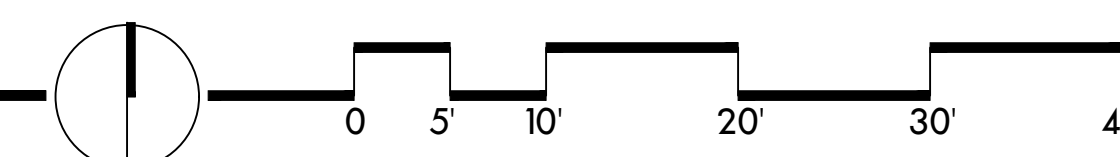
DUKE ENERGY IS A REGISTERED SERVICE MARK


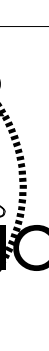


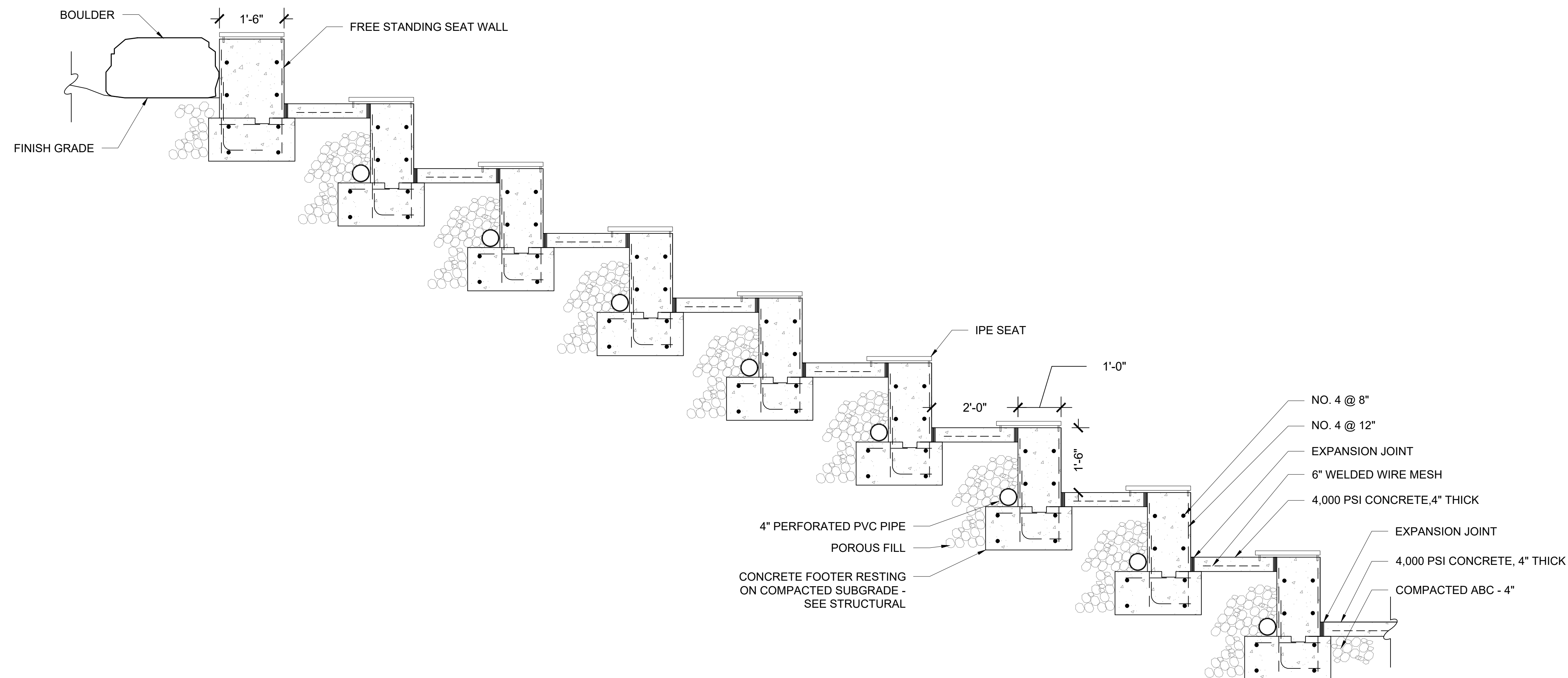
CAROLINA DAY SCHOOL NEW PARKING LOT LIGHTING PLAN

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking	✕	1.8 fc	6.3 fc	0.5 fc	12.6:1	3.6:1
Schedule						
Symbol	Label	Quantity	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor
✕	A	6	LED 150w Shoebox - Type III - 4000K	48	396	0.85
✕	B	2	(2) LED 150w Shoebox - Type III - 4000K	48	396	0.85

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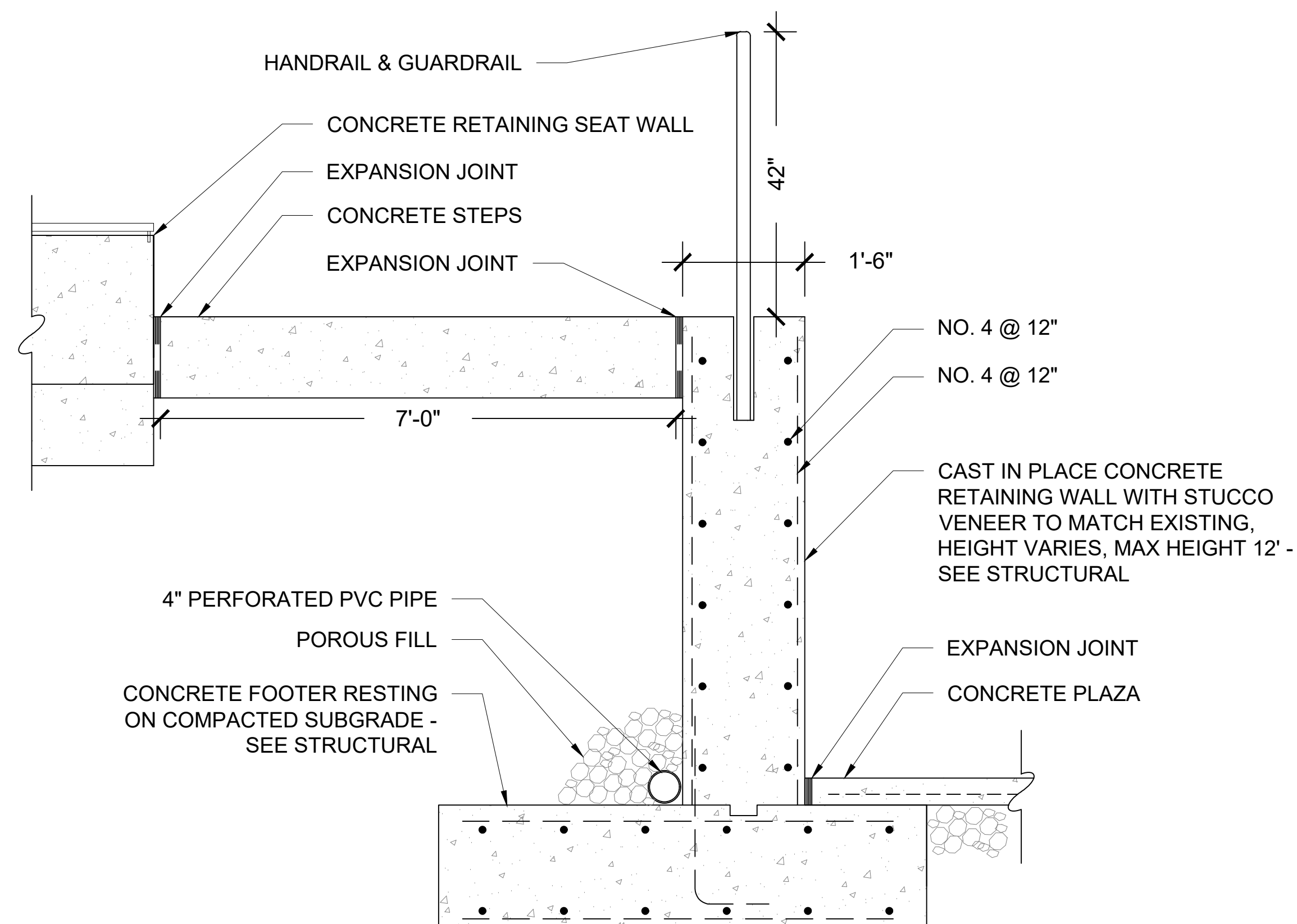


			LANDSCAPE ARCHITECTURE 82 Patton Avenue Suite 700 Asheville, NC 28801 828.225.4945		
CONSULTANT					
CAROLINA DAY SCHOOL			PREPARED FOR: CAROLINA DAY SCHOOL 1345 HENDERSONVILLE ROAD ASHEVILLE, NORTH CAROLINA 28803		
REVISIONS					
NO.	REMARKS	DATE			
			CONSTRUCTION		
DATE: 01.26.2023 SHEET TITLE:					
UPPER SCHOOL PLAZA AND AMPHITHEATER					
SHEET NO. L-200					

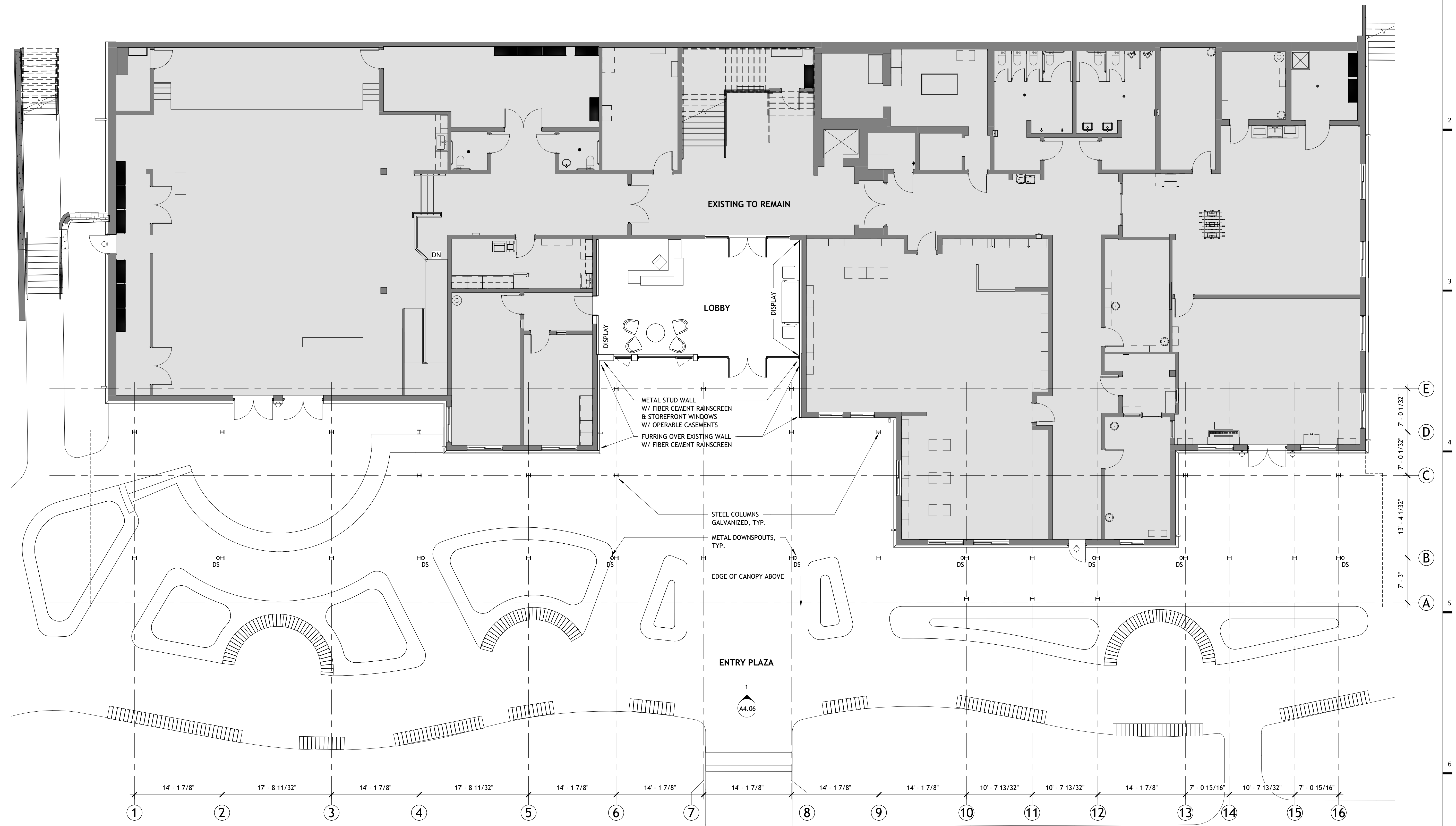


1 SECTION 'A'

NTS



2 SECTION 'B'



1 | UPPER SCHOOL - FIRST FLOOR PLAN

NOT FOR CONSTRUCTION
FOR REVIEW ONLY

NOT FOR CONSTRUCTION
FOR REVIEW ONLY

CONSULTANTS:

UPPER SCHOOL
IMPROVEMENTS

CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD, ASHEVILLE, NC 28803

SCHEMATIC DESIGN
01/26/2024

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no.	date	revision

Project Name
UPPER SCHOOL IMPROVEMENTS

Project Number
XXXX

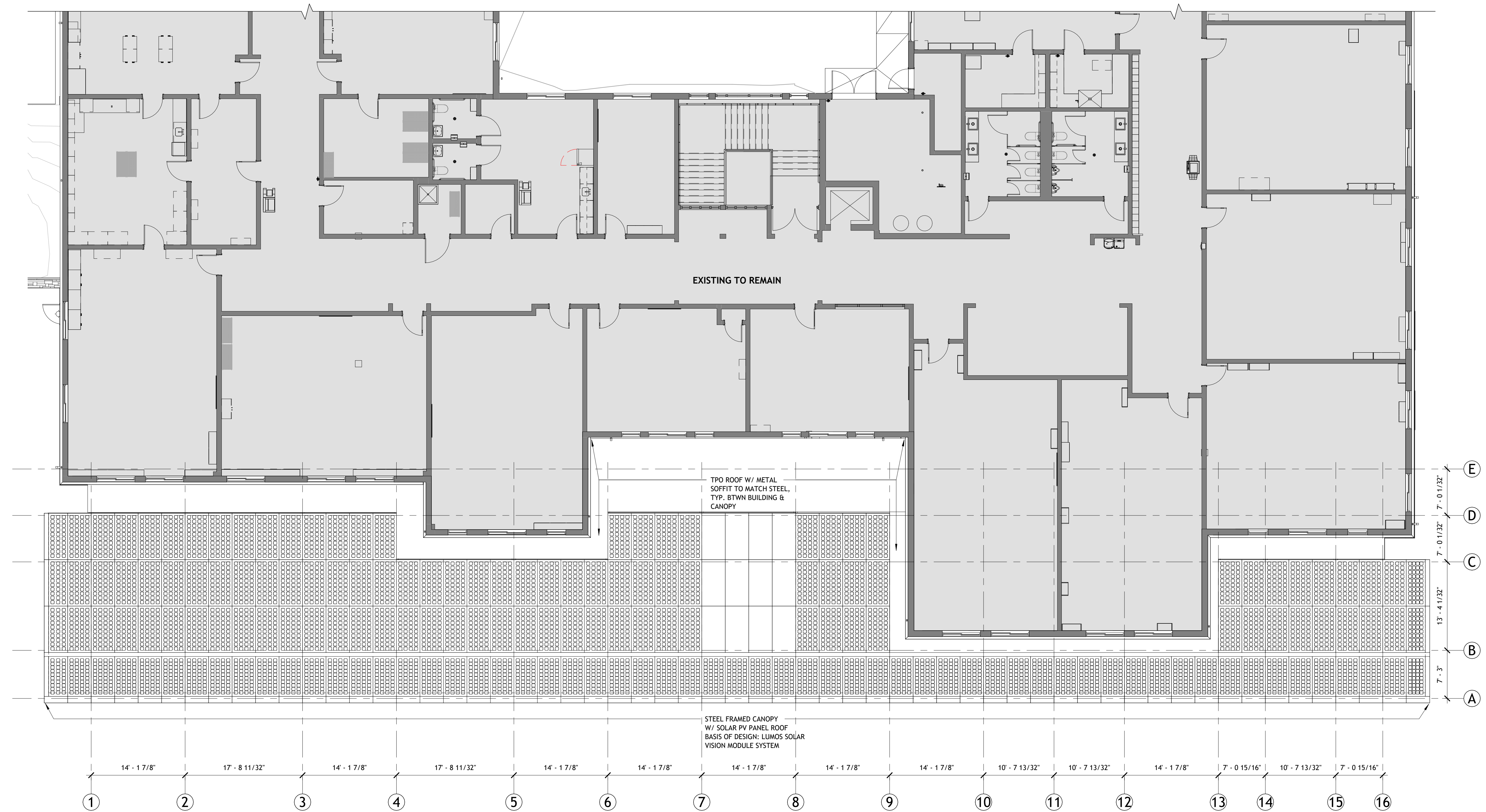
Date
01/26/2024

Scale
1/8" = 1'-0"

Drawing
SECOND FLOOR PLAN

A2.02

SCHEMATIC DESIGN



1 UPPER SCHOOL - SECOND FLOOR PARTIAL PLAN

A2.02 1/8" = 1'-0"

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FOR REVIEW ONLY

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FOR REVIEW ONLY

CONSULTANTS:

UPPER SCHOOL
IMPROVEMENTS

CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD, ASHEVILLE, NC 28803

SCHEMATIC DESIGN
01/26/2024

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Project Name
UPPER SCHOOL IMPROVEMENTS

Project Number

XXXX

Date

01/26/2024

Scale

1/8" = 1'-0"

Drawing

EXTERIOR ELEVATION

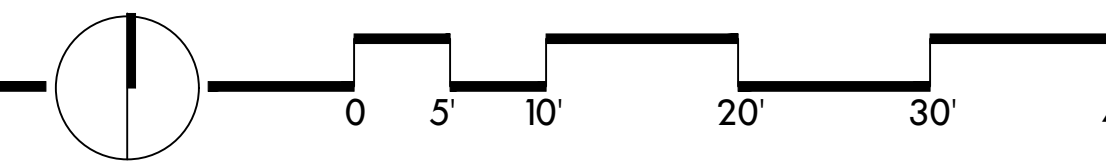
A4.06

SCHEMATIC DESIGN




1 | SOUTH ELEVATION

A4.06 1/8" = 1'-0"



CONSULTANT




LANDSCAPE ARCHITECTURE
88 Patton Avenue | Suite 700 | Asheville, NC 28801 | 828.225.4945

CAROLINA DAY SCHOOL

PREPARED FOR:

CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD
ASHEVILLE, NORTH CAROLINA 28803

REVISIONS		
NO.	REMARKS	DATE



NOT FOR CONSTRUCTION

DATE:
01.31.2024

SHEET TITLE:

EXISTING CONDITIONS

SHEET NO.
L-100

LANDSCAPE ARCHITECTURE
82 Patton Avenue | Suite 700 | Asheville, NC 28801 | 828.225.4945

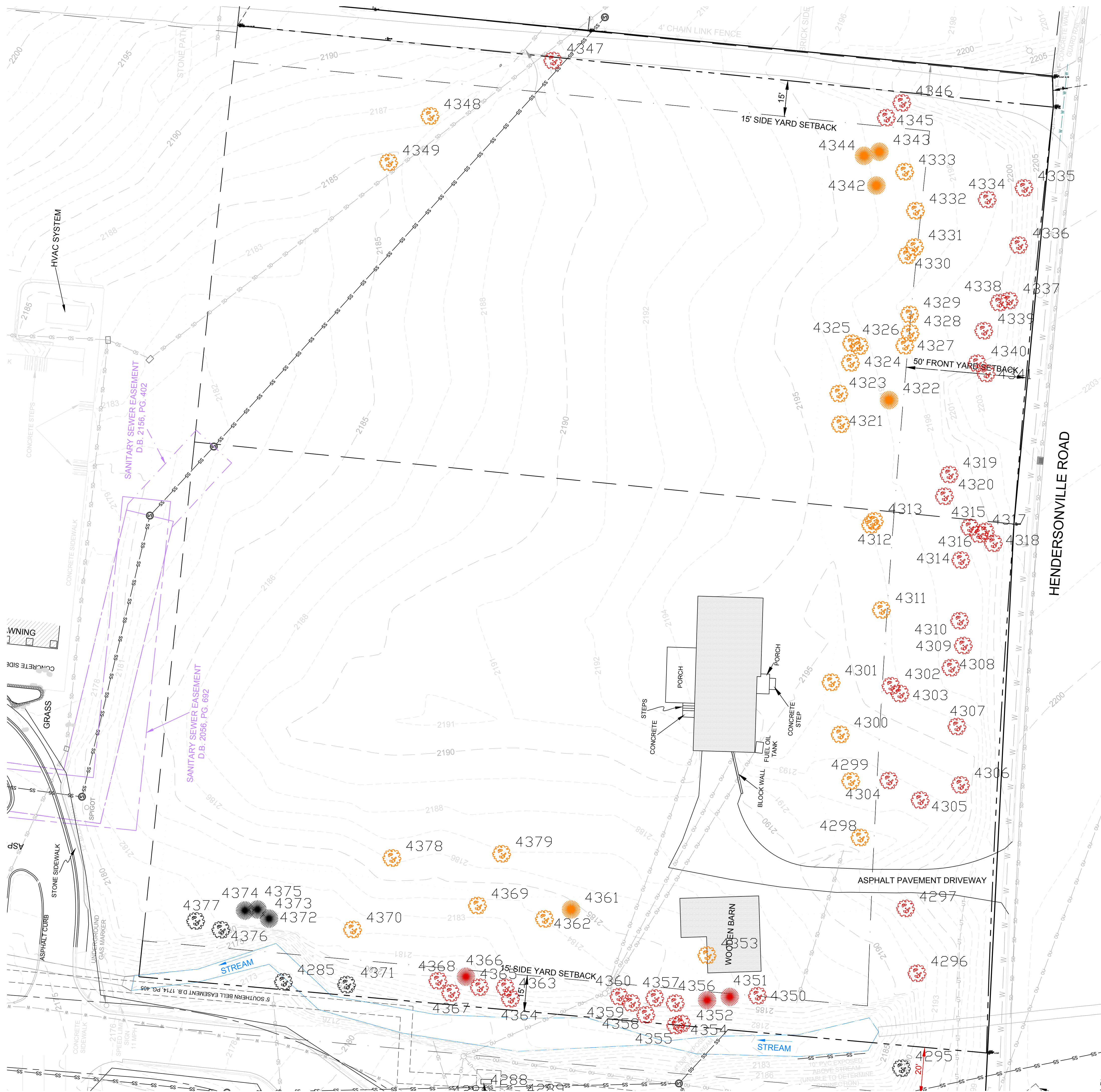
PREPARED FOR:
CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD
ASHEVILLE, NORTH CAROLINA 28803



NOT FOR CONSTRUCTION

SOUTHERN CALIFORNIA ASSOCIATED LANDSCAPE ARCHITECTURAL CONTRACTORS
C-188
WORK STUDIOS

SHEET NO.
L-100



- LEGEND**
- TREE TO BE REMOVED OUTSIDE SETBACK
 - TREE TO BE REMOVED INSIDE SETBACK
 - EXISTING TREE TO REMAIN

CONSULTANT

CAROLINA DAY SCHOOL

PREPARED FOR:
CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD
ASHEVILLE, NORTH CAROLINA 28803

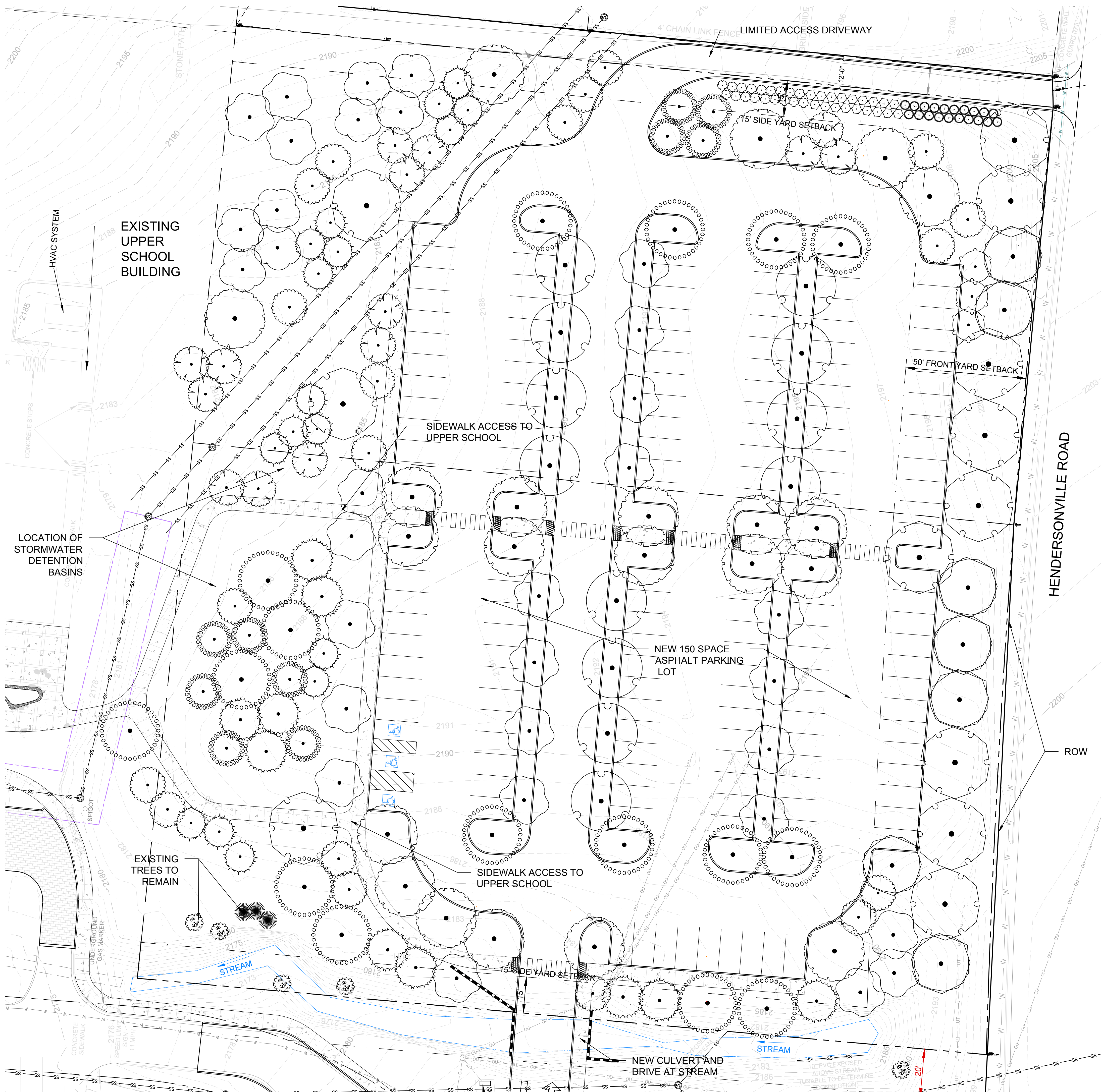
REVISIONS		
NO.	REMARKS	DATE

NOT FOR CONSTRUCTION

DATE:
01.31.2024

SHEET TITLE:
EXISTING CONDITIONS - PARKING LOT

SHEET NO.
L-101



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


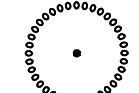

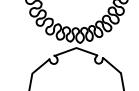

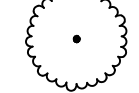


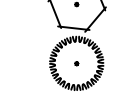

PLANTING PROVIDED:

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

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL
TREES					
	12	Acer rubrum	Red Maple	B & B	2"Cal
	16	Betula nigra	River Birch	B & B	2"Cal
	3	Cercis canadensis	Eastern Redbud Multi-trunk	B & B	2"Cal
	10	Chionanthus virginicus	White Fringetree	B & B	2"Cal
	12	Cladrastis kentukea	American Yellowwood	B & B	
	14	Cornus florida	Flowering Dogwood	B & B	2"Cal
	18	Cornus kousa	Kousa Dogwood	B & B	2"Cal
	17	Juniperus virginiana	Eastern Redcedar	B & B	2" MIN
	7	Liriodendron tulipifera	Tulip Poplar	B & B	3"Cal
	8	Magnolia x soulangeana	Saucer Magnolia	B & B	2"Cal
	24	Quercus phellos	Willow Oak	B & B	2"Cal
	21	Quercus rubra	Red Oak	B & B	3"Cal
	10	Taxodium distichum	Bald Cypress	B & B	2"Cal
SHRUBS					
	18	Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly	B&B 4'-5' HT	48" o.c.
	18	Ilex glabra	Inkberry Holly	B&B 4'-5' HT	48" o.c.
	20	Viburnum x pragnense	Prague Viburnum	B&B 4'-5' HT	48" o.c.

CONSULTANT

CAROLINA DAY SCHOOL

PREPARED FOR:
CAROLINA DAY SCHOOL
1345 HENDERSONVILLE ROAD
ASHEVILLE, NORTH CAROLINA 28803

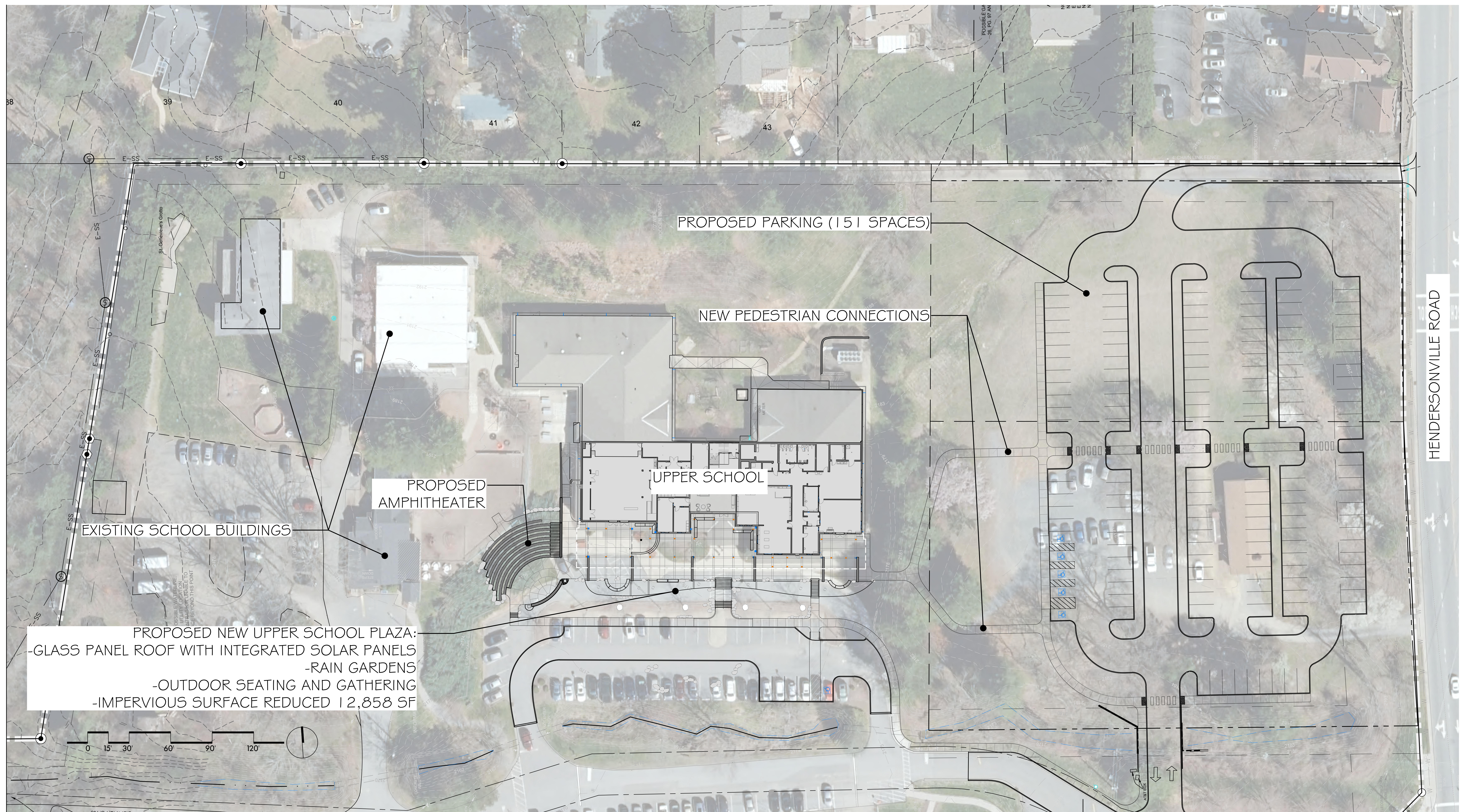
REVISIONS		
NO.	REMARKS	DATE

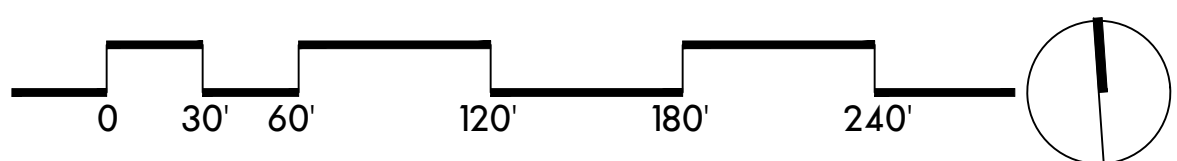
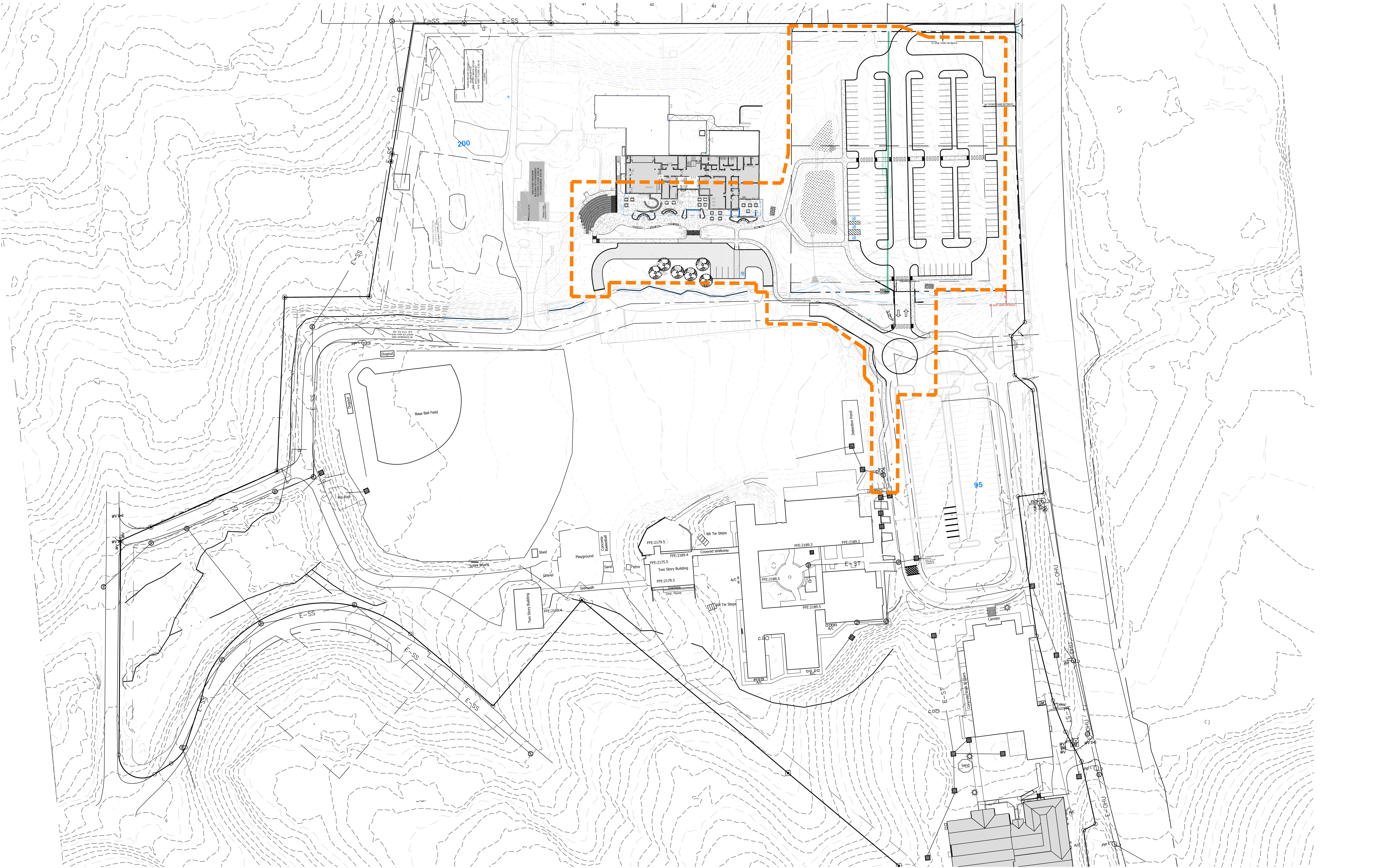
NOT FOR CONSTRUCTION

DATE:
02.01.2023

SHEET TITLE:

UPPER SCHOOL IMPROVEMENTS SITE PLAN





PROJECT LOCATION

CAROLINA DAY SCHOOL

ASHEVILLE, NC

Carolina Day School Parking Lot Replacement Trees

<u>TBR Inside Setback</u>	<u>Size</u>	<u>Type</u>	<u>Replacement Qty</u>	<u>Replacement Size</u>	<u># of 2" Cal.</u>
4302	11"	Maple	1	2"	1
4303	14"	Maple	2	2"	2
4304	13"	Maple	2	2"	2
4305	18"	Ash	2	2"	2
4307	14"	Spruce	2	2"	2
4308	6"	Spruce	1	2"	1
4309	16"	Maple	2	2"	2
4310	9"	Spruce	1	2"	1
4314	9"	Spruce	1	2"	1
4315	13"	Maple	2	2"	2
4316	10"	Maple	1	2"	1
4317	12"	Maple	1	2"	1
4318	6"	Maple	1	2"	1
4320	8"	Magnolia	1	2"	1
4334	7"	Walnut	1	2"	1
4335	15"	Poplar	2	2"	2
4336	15"	Hickory	2	2"	2
4337	8"	Red Oak	1	2"	1
4338	7"	Hickory	1	2"	1
4339	11"	Red Oak	1	2"	1
4340	7"	Red Oak	1	2"	1
4341	6"	Maple	1	2"	1
4345	7"	Poplar	2	2"	2
4346	6"	Beech	1	2"	1
4350	15"	Maple	2	2"	2
4354	9"	Maple	1	2"	1
4355	11"	Beech	1	2"	1
4356	10"	Cherry	1	2"	1
4357	12"	Poplar	1	2"	1
4358	15"	Poplar	2	2"	2
4359	15"	Maple	2	2"	2
4363	7"	Beech	1	2"	1
4364	12"	Poplar	1	2"	1
4365	18"	Sycamore	2	2"	2
4366	7"	Pine	1	2"	1
4367	9"	Beech	1	2"	1
4368	18"	Ash	2	2"	2
4296	26"	Cherry	2	3"	
4297	24"	Poplar	2	3"	
4306	30"	White Oak	2	3"	
4319	28"	Magnolia	2	3"	
4347	22"	Catalpa	2	3"	
4351	30"	Pine	2	3"	

4352 26"	Pine	2 3"
4360 29"	Cherry	2 3"
4370 24"	Cherry	2 3"

69	51
----	----

<u>TBR Outside Setback</u>	<u>Size</u>	<u>Type</u>	<u>Replacement Qty</u>	<u>Replacement Size</u>	
4298	8"	Maple	1 2"		1
4299	10"	Maple	1 2"		1
4300	9"	Maple	1 2"		1
4301	7"	Maple	1 2"		1
4311	18"	Maple	2 2"		2
4312	10"	Maple	1 2"		1
4313	10"	Maple	1 2"		1
4321	10"	Maple	1 2"		1
4322	?		1 2"		1
4323	14"	Maple	2 2"		2
4324	11"	Magnolia	1 2"		1
4325	11"	Magnolia	1 2"		1
4326	8"	Maple	1 2"		1
4327	16"	Spruce	2 2"		2
4328	18"	Spruce	2 2"		2
4329	20"	Spruce	2 3"		
4330	6"	Beech	1 2"		1
4331	9"	Red Oak	1 2"		1
4332	6"	Cherry	1 2"		1
4333	17"	Cherry	2 2"		2
4342		Yew	1 2"		1
4343		Yew	1 2"		1
4344		Yew	1 2"		1
4348	6"	Ash	1 2"		1
4349	6"	Ash	1 2"		1
4353	16"	Maple	2 2"		2
4361	18"	Pine	2 2"		2
4362	8"	Beech	1 2"		1
4369	30"	Poplar	2 3"		
4370	24"	Cherry	2 3"		
4379	29"	Maple	2 3"		
4378	50"	Buckeye	2 4"		
			44		34

Total Replacement Trees:	113	85
Parking Lot Trees (150 Spaces):	50	50
Street Trees (39 LF):	10	10

		2" Cal.
Total Trees:	173	145

3 Gal. 18-24" ht. at planting

Landscape buffer shrubs (230 LF):

56

Parking Lot Screening Shrubs:

of 3" Cal. # of 4" Cal.

2
2
2
2
2
2
2

$$\begin{array}{r}
 2 \\
 2 \\
 2 \\
 \hline
 18
 \end{array}$$

$$2$$

$$\begin{array}{r}
 2 \\
 2 \\
 2 \\
 \hline
 8
 \end{array}
 \begin{array}{r}
 2 \\
 2 \\
 2
 \end{array}$$

$$\begin{array}{r}
 3'' \text{ Cal.} \qquad 4'' \text{ Cal.} \\
 \hline
 26 \qquad 2
 \end{array}$$



