



To: Members and Alternate Members of the Board of Adjustment, Applicants & Abutting Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: June 3, 2026
Re: **Board of Adjustment Meeting – June 15, 2026**

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Applicants:

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

Abutting Property Owners:

You are receiving this notice because your property abuts an application on this agenda.

You may review applications & plans for the projects on this agenda at

<https://www.biltmoreforest.org/board-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 June 10, 2026.

BOA Information

For detailed information on the Board of Adjustment and the quasi-judicial process, please visit:

<https://www.biltmoreforest.org/board-adjustment>

REVISED MEETING AGENDA

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, June 15, 2026, at 4:00 p.m. at the Biltmore Forest Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

1. **Call to Order and Roll Call**
2. **Approval of April 27, 2026 Minutes**
3. **Consideration of Applications**

Case 2026-06-01: 4 Hilltop Road – Special use permit request for an accessory building and separate accessory structure; variance request for accessory building encroachment into the side yard setback.

Case 2026-06-02: Portion of Parcel 9646-91-9265 at Valley Springs Road/Hendersonville Road- Special Use request for a new commercial building and Variance requests for exceeding the maximum impervious surface coverage and the location of accessory structures within the setback.

4. **Adjournment**

Note: Quick-Guide for Board of Adjustment Hearings are found on the back of this agenda.

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

Meeting ID: 824 0558 6759

Passcode: 804985

Board of Adjustment & Quasi-Judicial Hearings: A Quick Guide

1. What is the Board of Adjustment (BOA)?

The BOA is a "quasi-judicial" body—meaning it acts like a specialized court. Unlike a Town Board of Commissioners that makes new laws (legislative), the BOA applies existing laws to specific cases. It serves as a neutral panel to ensure land-use rules are applied fairly.

2. What is a Quasi-Judicial Hearing?

Because these hearings affect a person's legal property rights, they are more formal than a typical public meeting.

- **No Outside Discussion:** Board members cannot talk to anyone about a case before the hearing (ex parte communication).
- **Sworn Testimony:** Everyone who speaks must be sworn in, just like in a courtroom.
- **Evidence, Not Opinion:** Decisions must be based on facts and expert testimony, not on how many people like or dislike a project.

3. Who has "Standing"?

"Standing" is the legal right to participate as a primary party in the case.

- **The Applicant:** The person or developer making the request.
- **The Town:** Represented by staff providing the technical review.
- **Any other person who will suffer special damages as a result of the Board of Adjustment's decision.** Neighbors or property owners who can prove they will suffer a specific, unique damage other than that suffered by the general public. e.g. a specific drainage issue or diminution in property value different from the general public.

Note: Simply living in the same neighborhood usually does not automatically grant standing.

4. The Verdict

The Board is bound by the "Four Findings" or similar standards in the local Zoning Ordinance. If an applicant provides competent, material evidence that it meets the conditions for a Special Use Permit or variance, the Board must approve the request. If the applicant does not provide competent material evidence demonstrating it meets the conditions for a special use or variance, the Board must deny it. For variance requests, 4 out of 5 voting members must approve the request. If there are only 4 members present, all 4 must approve the request for it to pass. A special use permit may pass with 3 of 5 members, or if only 4 members present, 3 of 4 members voting yes.

MINUTES OF THE BOARD OF ADJUSTMENT
MEETING HELD MONDAY, APRIL 27th, 2026

The Board of Adjustment met at 4:00 p.m. on Monday, April 27th, 2026

Chairman Greg Goosmann, Ms. Lynn Kieffer, Ms. Rhoda Groce, Ms. Janet Whitworth, Ms. Martha Barnes, and Mr. Robert Chandler were present. Mr. Tony Williams, Town Planner, Mr. Harry Buckner, Public Works Director, and Town Attorney, Mr. Billy Clarke were also present.

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

Chairman Goosmann swore in the following:

Mr. Tony Williams

Mr. Sam Johnson

Ms. Jackie Johnson

Mr. Robert Chandler made a motion to approve the minutes from the March 23rd, 2026, meeting. Ms. Lynn Kieffer seconded the motion and was unanimously approved.

HEARING (Evidentiary):

Case 1: Portion of Parcel 9646-91-9265 at Valley Springs Road/Hendersonville Road – Special Use Request for a New Commercial Building and Variance Requests for Maximum Impervious Surface and Accessory Structures Within the Setback. This case was not heard at the April 27, 2026 meeting. Discussion among board members, Mr. Kanipe and Mr. Clarke revealed that the Town identified a potential deficiency in the noticing procedure — specifically, whether Deerfield and other abutting property owners across Hendersonville Road had been properly notified in accordance with the ordinance and state statute. Mr. Kanipe clarified that the Town has historically relied on posted signage as sufficient notice for properties not directly adjacent, and that notification of residents in the City of Asheville or properties across Hendersonville Road had not been standard practice. The matter was deferred to ensure proper notice could be provided to all required parties, including Deerfield. Mr. Kanipe indicated he would also consult with Mr. Clarke and potentially seek guidance from the School of Government regarding the scope of required notice for properties across Hendersonville Road.

Mr. Chandler disclosed that he is on the board at Deerfield, a property adjacent to the subject parcel, and that this relationship should be noted for the record. Mr. Clarke indicated he did not believe this presented a disqualifying conflict of interest, as he would not derive any financial benefit, but affirmed that disclosure was the appropriate and important step.

Ms. Martha Barnes noted that a sign had been posted at the site but that detailed application materials were not made publicly available until late the week prior to the meeting, leaving very little time for interested parties to review the proposal. Ms. Barnes disclosed having proactively notifying neighbors and distributed information through community email channels on a neutral basis, in consultation with Mr. Clarke and Mr. Kanipe, and without commentary on the merits of the application.

Mr. Kanipe confirmed that the application had not been withdrawn and that the applicant's representatives had been notified of the postponement and had expressed understanding. This case is anticipated to be scheduled for the June 15, 2026 meeting.

HEARING (Evidentiary):

Case 2: 19 Greenwood Road – Special Use Request for an Accessory Building and Variance for the Size of the Structure (Garage)

Town Planner Tony Williams presented the facts of the case. The property owners at 19 Greenwood Road have submitted plans to construct a garage in the rear yard. As originally submitted, the proposed structure measured 1,105 square feet. The structure meets all location and setback requirements; however, it exceeds the maximum size threshold established by the ordinance. Under the Town's Zoning Ordinance, all accessory buildings require Special Use Permit approval, and any accessory structure over 1,000 square feet additionally requires a Variance from the Board of Adjustment.

Applicants Mr. Sam Johnson and Ms. Jackie Johnson appeared before the Board. Mr. Johnson explained that the property, which dates to the 1930s, originally had a garage that has since been converted to living space, leaving the home with no garage. Given that the household has four vehicles, the Johnsons sought to construct a three-car garage. Mr. Johnson noted that, prior to the hearing, he had consulted with the project architect, who identified that reducing the roof overhang by four inches would bring the total roof coverage down from 1,105 to 1,060 square feet. Mr. Johnson offered this amendment to the Board's consideration.

Ms. Kieffer asked whether the Johnsons were comfortable with the reduction, given that the overhang had been a considered design element. Mr. Johnson confirmed the four-inch reduction was acceptable. Chairman Goosmann noted his appreciation for the applicants' effort in proactively identifying a partial solution, and acknowledged that the proposed location — while appearing to be in a side or front-adjacent area relative to the road — was in fact the rear yard under the Ordinance, given the atypical orientation of the house on the lot. Mr. Johnson confirmed that placing the garage elsewhere on the property would require the removal of trees and would result in greater visibility from the road, making the proposed location the least intrusive option.

Mr. Chandler raised the topic of screening for neighboring properties. The applicants expressed that they had always intended to provide landscaping around the garage and were fully willing to add whatever screening the board or neighbors might require. Mrs. Johnson added that they wanted the garage to be visually integrated with the property and to appear as though it had always been there. Discussion also touched on the materials proposed — stucco and stone — and Mr. Johnson clarified that the existing siding on the house is aging and likely original to the 1938 construction. The intention is to reside or stucco the house to match whatever material is ultimately selected for the garage, so that the two structures appear cohesive. The grading of the lot was also briefly acknowledged, with the board noting the construction would involve some soil movement due to the sloped terrain.

No neighboring property owners objected, and no public comments were received either in person or remotely.

DELIBERATION AND DETERMINATION

Mr. Williams restated the facts as amended: the proposed garage at 19 Greenwood Road, as modified to reduce roof coverage to 1,060 square feet by trimming four inches from the overhang, meets all location and setback requirements but continues to require both a special use permit and a variance for exceeding the 1,000-square-foot maximum accessory structure size.

A motion to grant the Special Use Permit and Variance as requested, as amended, to Sam and Jackie Johnson of 19 Greenwood Road for an accessory building was made by Ms. Barnes. The motion included acceptance of the facts as recited by Town Planner Tony Williams as findings of fact, and findings that: (A) the use would not materially endanger the public health or safety if located and developed according to the submitted plan; (B) all required conditions and specifications of the Biltmore Forest Zoning Ordinance would be met; (C) the use would not substantially injure the value of adjoining or abutting property; and (D) the use would be in general conformity with the town's plan of development as set forth in Section 153-110(C)(2) and (3) of the ordinance. The motion further required the applicant to report to the Zoning Administrator within seven days of project completion for confirmation of compliance with the approved plan. The motion additionally included findings that the Variance on roof coverage

satisfies Section 153-110(D), paragraphs 1 through 4, would not be contrary to the public interest, and that literal enforcement of the ordinance would result in practical difficulty or unnecessary hardship; and that the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The motion was seconded by Ms. Rhoda Groce and approved unanimously.

The next meeting will be held on Monday, June 15th, 2026 at 4:00pm. The meeting was adjourned at 4:28 pm.

ATTEST:

Greg Goosmann, Chairman

Laura Jacobs, Town Clerk



BOARD OF ADJUSTMENT EVIDENTIARY HEARING

STAFF MEMORANDUM

HEARING DATE: June 15, 2026

CASE NUMBER: BOA Case 2026-06-01

I. GENERAL APPLICATION INFORMATION

- **PROPERTY ADDRESS:** 4 Hilltop Rd
 - **PROPERTY OWNER / APPLICANT:** Andrew Stephens
 - **REQUESTS:** 1. **Special Use Permit (SUP)** for a 1,000 sq. ft. Detached Accessory Building (Garage)
2. **Variance** to allow a seven (7) foot encroachment into the required side setback
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II. PUBLIC NOTICE & DUE PROCESS VERIFICATION

In accordance with N.C.G.S. § 160D-406, the Town executed the following statutory notices:

- **Mailed Notice:** Sent via first-class mail to all abutting property owners on June 3, 2026.
 - **Posted Notice:** An evidentiary hearing sign was physically placed on the subject property right-of-way on June 3, 2026.
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III. PROJECT OVERVIEW & BACKGROUND

The property owner, Andrew Stephens, is presenting plans to construct a new detached garage in the rear yard of the residence located at 4 Hilltop Road. The proposed

accessory structure footprint is 1,000 square feet.

According to the drawings and site plans submitted, the structure complies with all baseline dimensional requirements of the Zoning Ordinance, with the single exception of the side property line boundary layout. The site layout places the building within the required side boundary, necessitating a seven (7) foot side setback encroachment variance. Because all new accessory buildings within the Town require an administrative Special Use Permit and any structure encroaching into a setback requires a Variance, this application requires two independent, concurrent actions by the Board of Adjustment.

Note: There is an accessory structure (pavilion) included within the zoning application that meets administrative review requirements and does not require a special use permit application.

IV. REQUEST #1: SPECIAL USE PERMIT (ACCESSORY BUILDING)

- **Ordinance Standards:** Section 153.029 and Section 153.110 (C) regulate accessory structures and buildings, establishing that they may be granted by the Board of Adjustment subject to an evidentiary hearing and explicit findings of compliance.
- **Staff Analytical Summary:** The applicant proposes a 1,000 sq. ft. secondary garage facility in the rear yard area. Staff technical review indicates that the footprint size and general rear-yard positioning comply with standard accessory specifications, subject to the Board's evaluation of the compatibility and safety criteria below.

Legally Required Findings for SUP Approval:

Per Section 153.110(C)(2), the Board may grant a Special Use Permit only after making written findings certifying compliance with the specific rules governing the individual use, including satisfactory arrangement for ingress/egress, building placement, and neighborhood character preservation. The applicant's evidence must satisfy the following criteria:

1. The use, including any proposed structures, will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. The use meets all required conditions and specifications of the Zoning Ordinance and other applicable rules, regulations, and standards.
3. The use will not substantially injure the value of adjoining or abutting property.
4. The use will be in general conformity with the plan of development of the town and its environs.

5. The use will be reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity given the proposed site and structure design.
 6. The use will be in harmony with the scale, bulk, height, coverage, density, and character of the area or neighborhood in which it is located.
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V. REQUEST #2: VARIANCE REQUEST (SIDE SETBACK ENCROACHMENT)

- **Ordinance Standards:** Section 153.029 establishes the fixed minimum setback requirements for detached accessory structures from property boundaries. The applicant is seeking a variance to allow a seven (7) foot encroachment into the designated side yard setback space. The side yard setback in the R-2 district is 15 feet.
- **Staff Analytical Summary (Site Constraints):** The applicant's site plans indicate that the physical layout of the rear yard necessitates the placement of the structure within the side setback area.

Legally Required Findings for a Variance:

Per N.C.G.S. § 160D-705 and Section 153.110(D), the Board cannot grant a variance unless the applicant carries the burden of proof to demonstrate all four of the following "Unnecessary Hardship" standards:

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 peculiar to the property, such as location, size, topography, or unique natural features, rather than from personal circumstances or financial choices.
 3. The hardship was not the result of actions taken by the applicant or the property owner.
 4. The requested variance is in harmony with the general purpose and intent of the ordinance, preserves public safety, and achieves substantial justice.
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VI. SUGGESTED COMPLIANCE CONDITIONS (FOR BOARD CONSIDERATION)

Should the Board move to approve the Special Use Permit and the associated Variance, staff suggests the consideration of the following conditions to ensure long-term

ordinance compliance and safeguard adjacent property buffers:

1. **Screening and Buffer Installation:** To mitigate the visual impact of the seven-foot encroachment on the adjacent neighboring lot, a continuous vegetative buffer consisting of evergreen screening plants (minimum 4 feet in height at the time of planting) shall be maintained or installed along the exterior side of the garage facing the encroached property line.
 2. **Execution of Written Owner Consent:** Pursuant to Section 153.110©(2)©(11) and N.C.G.S. § 160D-705, the applicant/landowner must provide written, signed consent to all final conditions placed upon the Special Use Permit by the Board of Adjustment prior to the formal issuance of the permit order.
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VII. STAFF EXHIBIT LIST

The following administrative materials are formally submitted into the official evidentiary record:

- **Exhibit A:** Completed Zoning, Special Use Permit, and Variance Application packet submitted by Andrew Stephens
- **Exhibit B:** Site Plan and Drawings detailing the 1,000 sq. ft. garage footprint
- **Exhibit C:** Certified Adjacent Property Mailings List and Affidavit of Public Notice compliance
- **Exhibit D:** Certified Copy of Town Zoning Ordinance Sections 153.029, 153.037, and 153.110

Zoning Compliance Application

Town of Biltmore Forest



Property Address

4 Hilltop Rd



Parcel ID/PIN Number

964695687200000

ZONING INFORMATION

Current Zoning

R-2

Lot Size

1.96

Proposed Roof Coverage Total

1000

Proposed Impervious Surface Coverage

1000

Front Yard Setback

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

Side Yard Setback

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

Rear Yard Setback

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

Building Height

24

Description of the Proposed Project

Two structures included 1) An Accessory Building: 2-car garage with office suite upstairs, and 2) Accessory open-air pavillion in the pollinator garden.

Estimated Start Date

9/30/2026

Estimated Completion Date

1/29/2027

Estimated Cost of Project

\$125,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

siteplan.jpeg

pavillion.tiff

pavillion_area.jpeg

garage1.jpeg

garage3.jpeg

garage2.jpeg

Garageconcept.jpg

Signature**Date**

5/26/2026



Have you paid your \$100 fee for a Special Use or your \$300 fee for a Variance? Your application will not be reviewed until payment has been received. If you do not require a special use or variance, no payment is due up front, but zoning permit fees will be calculated when the permit is issued. You can visit the link below to pay. Copy & paste the link in your browser.

Not yet, I plan to pay in person or mail a check

Important Notice: The Town will never mail your application and/or permit information to your home. The Town will also never ask you for a wire transfer, giftcards, or any other forms of payment.

Yes, I understand that the Town will NOT reach out via mail or ask for wire transfers. If something seems off, please reach out to the Town immediately.

Special Use Permit Application

Town of Biltmore Forest



Address

4 Hilltop Rd



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

Accessory Buildings

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

Please provide a description of the proposed project:

Part 1 - Accessory Building. Our property has no garage, and after a century of stewardship in Biltmore Forest, we've decided that it is time for that structure to be built. We are proposing a 1000 sqft two-car garage with a gable roof, designed in a complementary style with our current home. The garage will feature two garage doors with 'drive through' capability, allowing access to Hilltop Rd or Ridgefield place. The upper floor will feature an office suite.

Part 2- Accessory Structure. Separate from the garage, we are proposing an a pavillion for our planned butterfly garden. The pavillion will be similar to the one pictured on the zoning compliance packet, yet enclosed (with windows) on three sides, and an open, south-facing front to the garden.

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

Both structures are designed harmoniously with the existing built and natural environment as discussed for years with family and friends. The project is not visible from any street. Planting buffers have already been established along setbacks.

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

Signature

Date
5/26/2026



Have you paid the \$100 special use permit application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser.

I plan to pay in person or mail a check

VARIANCE APPLICATION

Town of Biltmore Forest



Address

4 Hilltop Rd



Current Zoning/Use

Residential



Requested Use

Residential

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

What would you like to do with your property?

We would like to add an Accessory Building. Our property currently has no garage. With increasing noise from Hendersonville Rd., and increased vehicle trespass using our driveway to cut from Ridgefield Pl. to Hilltop Rd., we've concluded that to increase security and enhance quiet space, it is time for that structure to be built. We are proposing a 1000 sqft two-car garage with a gable roof, designed in style with our current home. The garage will feature two garage doors with 'drive through' capability, allowing access to Hilltop Rd or Ridgefield place from the garage. The upper floor will feature an office space for us to work from home.

What does the ordinance require?

The R2 zoning side setback requirement is 15 feet. We are requesting a variance to reduce the side setback to 8 feet (we own the adjacent property along the subject setback). All other ordinance requirements will be met. 1) The garage will be behind the line of the back of the house. 2) The Accessory Building will be the max size of 1000 sqft. 3) Height will be under or at 24 feet. 4) The total impervious surface area after construction (for all structures) will be 3452 sq ft, well under the 6450 sqft allowed for our lot size.

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.

We identify four significant hardships supporting the Accessory Building variance request. 1) Vehicle trespass and security... especially from delivery companies such as FedEx, Amazon, and UPS, has been increasing significantly over the last few years. Our driveway is being used as a cut-through from Ridgefield Pl to Hilltop Rd. We have also had many cases of suspicious vehicle over the years, and we wish to eliminate drive through capability permanently 2) The proposed location is the only place to site a garage while still meeting the other ordinance requirements listed above. 3) Sound and light pollution along

Hendersonville Rd has increased significantly over the years, and the proposed garage will serve to reduce these impacts to our peace of home, and to those properties directly west of ours. 4) The subject location site does not require tree removal.

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

As suggested above, the proposed site is the only place to logically design and situate a garage, while maintaining character of the neighborhood and the existing home, while also minimizing visual impacts from neighboring property or streets. Any other potential location would require significant excavation and tree removal.

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

Our property has always had access from both Ridgefield Pl and Hilltop Rd. The growth of South Asheville, the building of Ascot Point apartments, and adding a traffic light at Eastwood Rd have all contributed to increased noise and light pollution around our home. We have planted well over 150 trees over the last 18 years, and yet light and sound influences grow stronger. Removing vehicle pass-through access with increase security and privacy.

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 do believe that this variance request is consistent with the spirit, purpose and intent of the ordinance. As a geographer, I believe this request represents smart and logical 'geo-design' (in harmony with the land and built environment), it eliminates need for tree removal, it increases security, and is not excessive to the current scale and features of the property. We will add that our family owns the adjacent property where the variance is requested, and we all agree that this location and site is the sensible location for a garage to naturally fit in the landscape.

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

Signature

Date

5/26/2026



Have you paid the \$300 variance application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser.

I plan to pay in person or mail a check

§ 153.007 DIMENSIONAL REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

$$25 + 12 = 37$$

Rear setback will be 37 feet

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

153.008 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.

(2) *Planned unit developments.*

(a) *Purpose.* The purpose of this division is to encourage and provide for flexibility and innovation in the design and location of structures and land development, to provide for mixtures of housing types, to provide for the most efficient use of land resources, and to provide an opportunity to develop land areas in a manner different from the standard arrangement of one principal building on one lot. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in each proposed planned unit development project in order to create useful open spaces and preserve natural site features. It is further intended that a planned unit development will be in harmony with the character of the district in which it is located.

(b) *Planned unit development defined.* In this chapter, a **PLANNED UNIT DEVELOPMENT** means a development where more than one principal building is proposed to be constructed on a single tract or a clustered housing development or any residential complex containing at least six or more units or any building with a gross floor area of 50,000 square feet or more, shall be deemed a **PLANNED UNIT DEVELOPMENT (PUD)**. Multi-family structures shall have no less than three dwelling units per structure. Residential units within a planned unit development may include single-family detached or attached units, townhouse developments, condominiums, and other multi-family type residential units, excluding time sharing units, mobile homes, and mobile home parks.

(c) *Land development standards.*

1. The following land development standards shall apply for all planned unit developments.

2. These planned unit developments may be located only in certain specified districts as special uses, subject to a finding by the Board of Adjustment that the following conditions be met.

a. *Ownership control.* The land in a planned unit development shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.

b. *Land uses permitted and location of PUDs.* The uses permitted within a planned unit development are limited to residential uses, including multi-family residential units, and those land uses normally allowed (as either permitted or special) in the zoning district within which the PUD is located. PUDs shall be permitted in the R-

3, R-4, and R-5 Districts. All PUDs must be compatible with and not violate the intent of the zoning districts.

c. *Density requirements.* The proposed residential density of a planned unit development (dwelling units per acre as shown in § 153.007) shall conform to that permitted in the district in which the development is located. If the planned unit development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the planned unit development that is in a separate district and must be combined to determine the number of dwelling units allowable in the entire planned unit development.

d. *Frontage requirements.* Planned unit developments shall have access to a highway or road suitable for the scale and density of development being proposed.

e. *Minimum requirements.*

i. *Waiver.* The normal minimum lot size, setbacks, and frontage requirements are hereby waived 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.

ii. *Height limitations.* No building or structure shall exceed the height limitations of the district in which it is located, except as approved by the Board of Adjustment.

iii. *Required distance between buildings.* The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

iv. *Streets.* Every dwelling unit shall have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.

f. *Privacy.* Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants and adjacent properties for screening of objectionable views or uses, and for reduction of noise. Multi-level buildings shall be located in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

g. *Perimeter requirements.*

i. Structures located on the perimeter of the development must be set back from property lines and right-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

ii. Structures other than single-family detached units, located on the perimeter of the development, may require buffer strip or screening in a manner which is approved by the Board of Adjustment.

h. *Plans and documentation.* Plans and accompanying documentation shall ensure that the water and sewer systems proposed for the planned unit development have been approved by the appropriate local and state agencies, and submitted as part of the application.

i. *Preliminary plans.* Preliminary plans shall include parking provisions for all proposed uses within the planned unit development in accordance with § 153.038.

j. *Pedestrian and bicycle path circulation system.* Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic.

k. *Parking areas, service areas, and the like.* Layout of parking areas, service areas, entrances, exits, yards, courts, and landscaping, and control of signs, lighting, noise, or other potentially adverse influences shall be such as to protect the character of the district and desirable character in any adjoining district.

l. *Open spaces, recreational areas, and the like.* Where applicable, conveyance and maintenance of open space, recreational areas, and communally owned facilities shall be in accordance with the Unit Ownership Act (G.S. Ch. 47A) and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

(3) *Country, athletic and social clubs.*

(a) Off-street parking shall be sufficient to meet the requirements found in § [153.038](#).

(b) The Board of Adjustment may require buffering along the side and rear lot lines that meet the requirements as outlined in § [153.063](#), "Buffer Strip and Screen Requirements." This planting requirement may be modified by the Board of Adjustment where adequate buffering exists in the form of vegetation and/or terrain.

(c) The proposed hours of operation shall not be detrimental to the surrounding property due to noise, lights, traffic, and the like.

(d) All developments shall be compatible with surrounding residential uses, therefore, no signs with flashing lights shall be allowed. The design of all proposed signs shall be submitted with the site plan, and all non-flashing illuminated signs shall be placed so as not to cast light on nearby residential uses.

(4) *Public utility stations and substations.*

(a) Structures shall be enclosed by a woven wire fence at least eight feet high.

(b) The lot shall be suitably landscaped along the side and rear property lines with vegetation that meets the requirements as outlined in § [153.063](#), "Buffer Strip and Screen Requirements." This planting requirement may be modified by the Board of Adjustment where adequate buffering exists in the form of vegetation and/or terrain.

(c) Entrances and exits shall be designated and designed accordingly to promote public safety.

(5) *Home occupation.* An occupation providing a service carried on by the occupants of a dwelling; provided, that:

(a) The occupation is conducted entirely within the dwelling and not in an accessory building or out of doors;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes;

(c) There shall be no display, no outside storage, no change in outside appearance of the building or premises, or other visible evidence of the conduct of such home occupations;

(d) Any need for parking generated by the conduct of such home occupation shall be met off the street and not in the front yard;

(e) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses;

(f) In the case of electrical interference, no equipment or process shall be used which creates a visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises; and

(g) No retail sales shall be conducted as part of the home occupation.

(6) *All commercial services, professional office uses, consumer services, and retail businesses.*

(a) Off-street parking shall be sufficient to meet the requirements found in § [153.038](#).

(b) A driveway permit as required by the State Department of Transportation shall be submitted along with the site plan, where applicable.

(c) Front setbacks along Hendersonville Road shall be considered on a case-by-case basis by the Board of Adjustment with input from the Zoning Administrator. The Board of Adjustment shall determine the setback upon consideration of the most suitable location for parking. Required parking shall be provided at either the side, rear, or front of the proposed development, based upon the location of adjacent and/or nearby residential dwellings, topography, existing or proposed screening, or other factors that may include noise or glare. When parking is designated to be at the rear of the proposed building, the front setback shall be determined on a case-by-case basis by the Board of Adjustment; when parking is designated to be at the front of the proposed building, then the front setback shall be 50 feet.

(7) *Libraries, schools, and churches.* Libraries, schools and churches shall provide a buffer that meets the requirements as outlined in § [153.063](#), "Buffer Strip and Screen Requirements".

(8) *Accessory buildings.*

(a) All accessory buildings shall meet the standards of the State Building Code where applicable.

(b) All accessory buildings shall be of a design compatible with the principal building on the lot and with the structures in the neighborhood.

(c) An additional parking space shall be required when an accessory building is permitted for use as a dwelling by a family member.

(d) Accessory buildings shall comply with the district's setback requirements. (Ord. passed 10-19-1983; Ord. passed 6-8-2021)

153.110 (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)

ORDINANCE 2025-03

**AN ORDINANCE TO AMEND THE
TOWN OF BILTMORE FOREST ZONING ORDINANCE**

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

WHEREAS, the Town of Biltmore Forest desires to revise a portion of the existing zoning ordinance; and

WHEREAS, the Town of Biltmore Forest Planning Commission recommended approval of this zoning ordinance amendment and found it consistent with the Town of Biltmore Forest’s comprehensive plan.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST THAT THE FOLLOWING SECTIONS OF CHAPTER 153, TOWN OF BILTMORE FOREST ZONING ORDINANCE, BE AMENDED AS FOLLOWS:

SECTION 1.

§ 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) Accessory buildings are allowed with a special use permit in accordance with the following chart, provided that the requirements in items a-h below, where applicable, are met:

Lot Size (Acres)	Max # of Accessory Buildings	Accessory Buildings			
		Accessory Building # 1	Accessory Building # 2	Accessory Building # 3	Accessory Building # 4 or more
0 - .99	1	25%	N/A	N/A	N/A
1 - 1.99	2	25%	15%	N/A	N/A
2 - 2.99	3	25%	15%	10%	N/A
3 - 3.99	4	25%	15%	10%	5%
4 - 4.99	5	25%	15%	10%	5%
5+	5+	25%	15%	10%	5%

Notes

(a) The total roof coverage for all buildings may not exceed the maximum allowable roof coverage for a parcel, as found in § 153.043;

(b) The primary residence provides the basis for the accessory building percentage;

- (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 should be constructed in the same architectural style as the principal structure;
- (g) Properties greater than five (5) acres may only exceed five (5) accessory buildings if approved by the Board of Adjustment;
- (h) An accessory building may be a maximum of 1,000 square feet of roof coverage OR the percentage relative to the primary residence, whichever is greater.

Section 2. Effective Date.

This ordinance amendment shall take effect upon adoption.

5-13-25

Date

Laura Jacobs

Laura Jacobs

Town Clerk

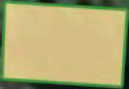
George F. Goosmann III

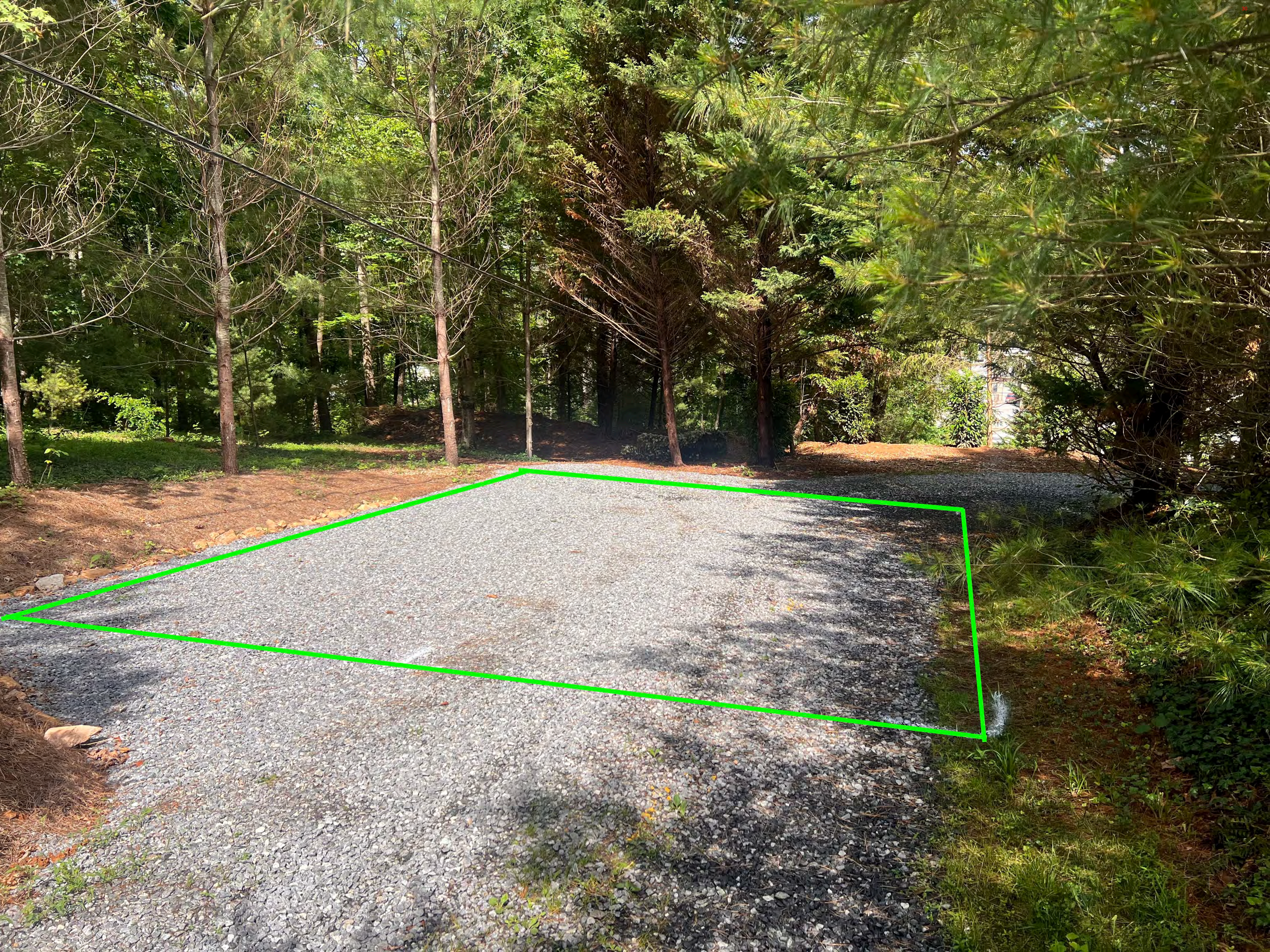
George F. Goosmann, III

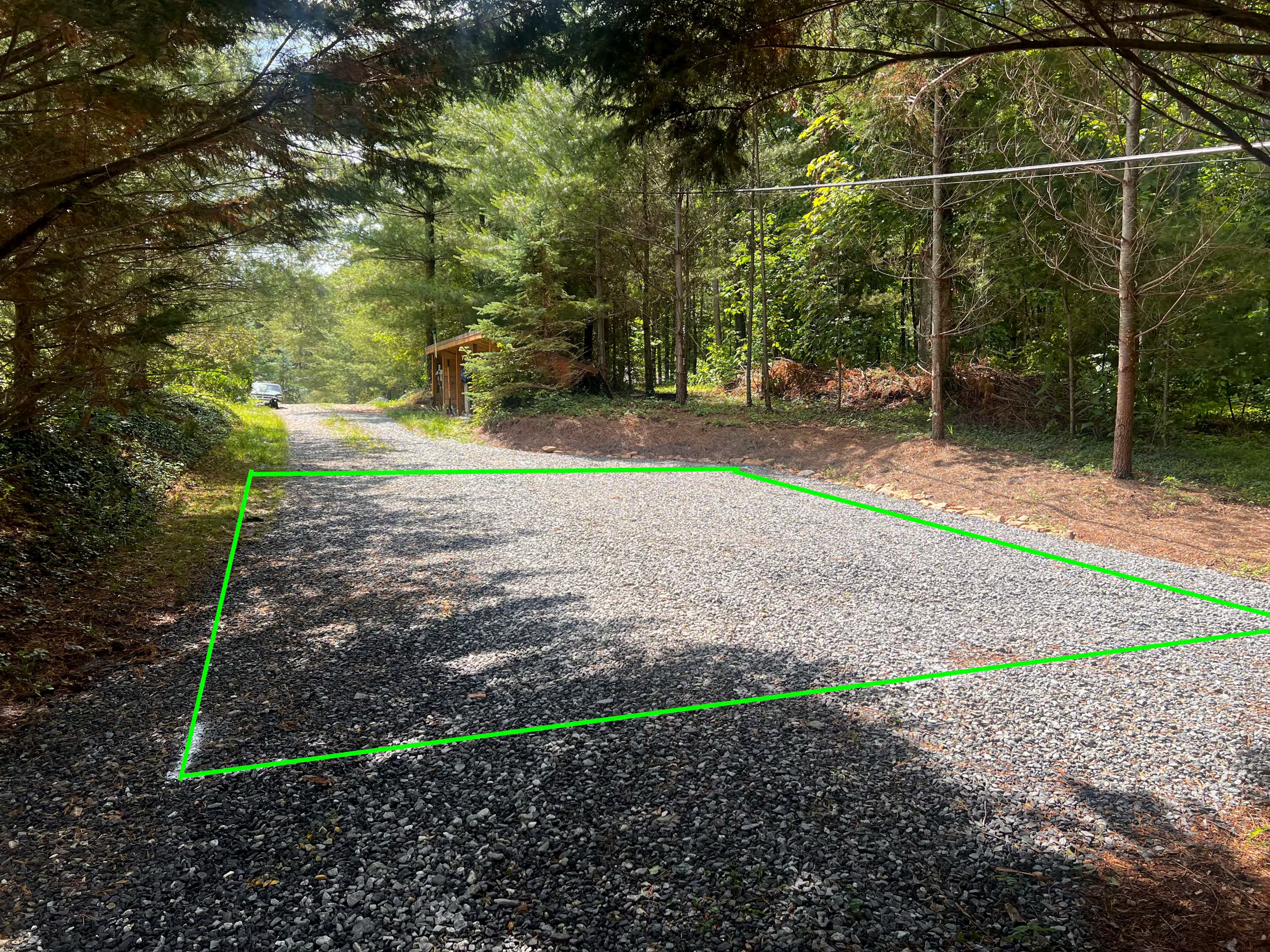
Mayor



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PRIVATE DRIVEWAY
NO TRUCKS CARS

Town of Biltmore Forest
**BOARD OF ADJUSTMENT
HEARING NOTICE**



For More Information Visit:
www.biltmoreforest.org





BOARD OF ADJUSTMENT EVIDENTIARY HEARING

STAFF MEMORANDUM

HEARING DATE: June 15, 2026

CASE NUMBER: BOA Case 2026-06-02

I. GENERAL APPLICATION INFORMATION

PROPERTY ADDRESS: Valley Springs Rd at Hendersonville Rd

PIN / PARCEL ID: 9646919265

ACREAGE / ZONING: 4.08 Acres | R-5 Zoning District

PROPERTY OWNER: Ramble Biltmore Forest LLC

APPLICANT / AGENT: First Bank (Future Owner / Petitioner)

REQUESTS:

1. Special Use Permit (SUP) for a 3-story Commercial Building
 2. Variance from Maximum Impervious Surface Limits
 3. Variance for Accessory Structures within the Setback
-

II. PUBLIC NOTICE & DUE PROCESS VERIFICATION

In accordance with N.C.G.S. § 160D-406, the Town executed the following notices:

- Mailed Notice: Sent to all abutting property owners on June 3, 2026.
 - Posted Notice: Sign placed on the subject property on June 3, 2026.
-

III. PROJECT OVERVIEW & BACKGROUND

The applicant, First Bank, is requesting approvals to construct a new 3-story, Western North Carolina headquarters facility. The subject property is a vacant 4.08-acre parcel located at the southwestern intersection of Valley Springs Road and Hendersonville Road. The property is a portion of a tract owned by Ramble Biltmore Forest, LLC. The owner's affidavit regarding this application is attached.

Because the proposed commercial structure exceeds baseline dimensional and site layouts, the application requires three distinct actions by the Board.

IV. REQUEST #1: SPECIAL USE PERMIT (NEW COMMERCIAL STRUCTURE)

A. Ordinance Standard:

Section 153.046 & 153.047 (Commercial Site Design) and Section 153.008 (C) (6) require a Special Use Permit for commercial service structures in the R-5 district.

B. Staff Summary:

The proposed bank layout features a 3-story structure. Staff review indicates the use aligns with the commercial service definitions allowed within the R-5 Zoning District, subject to the Board's evaluation of the evidentiary standards below.

C. Legally Required Findings for SUP Approval:

To grant this permit, the Board must find that the applicant's evidence satisfies the following four statutory standards:

1. The use will not materially endanger the public health or safety;
 2. The use meets all required conditions and specifications of the Ordinance;
 3. The use will not substantially injure the value of adjoining property; and
 4. The use will be in harmony with the scale and character of the surrounding area.
-

V. SUGGESTED COMPLIANCE CONDITIONS (FOR BOARD CONSIDERATION)

Should the Board move to approve the Special Use Permit, staff suggests the inclusion of the following conditions to ensure compliance with Town Ordinances and safeguard the character of Biltmore Forest:

1. **Signage Compliance and Approvals:** All proposed signage shall comply with Section 153.033 of the Biltmore Forest Zoning Ordinance and Chapter 93.05 of the Town Code of Ordinances. The Board shall review and approve the detailed

dimensions, materials, and lighting specifications as part of this Special Use permit request.

2. **Stormwater Control and Erosion Prevention Compliance:** Because the applicant is seeking an impervious surface variance, the final site design must fully comply with all applicable Buncombe County Stormwater Management and Erosion Control ordinances. The applicant must obtain all required stormwater and sedimentation permits directly from Buncombe County, acting on behalf of the Town of Biltmore Forest. A complete copy of the County-approved stormwater management plan, along with all officially issued County permits, must be submitted to the Biltmore Forest Zoning Administrator prior to the issuance of a Town Zoning Compliance Permit or any local land-disturbing activity.
3. **Retaining Wall Safety and Screening:** The proposed retaining wall located within the setback must comply with North Carolina State Building Code requirements. A continuous landscape buffer consisting of existing vegetation or evergreen trees and/or shrubs (minimum 3 feet in height at the time of planting, reaching a mature height of at least 6 feet within 3 years) must be installed along the entire exterior perimeter of the wall to screen it from the public right-of-way.
4. **Lighting Standards and Shielding:** All exterior parking lot and building security lighting must utilize full-cutoff, down-directional LED fixtures to eliminate light trespass onto adjacent properties and the public right-of-way. A certified photometric plan demonstrating a maximum of 0.0 foot-candles at all property lines must be submitted to Town Staff prior to building permit issuance.
5. **Timing of Infrastructure and Landscaping:** All required parking areas, retaining walls, stormwater systems, and approved landscape buffers must be fully installed, inspected, and approved by Town Staff as compliant with the Board's order prior to the issuance of the final Certificate of Occupancy (CO).

VI. REQUESTS #2 & #3: VARIANCE REQUESTS

- **Ordinance Standards:**
 - *Impervious Surface (Sec. 153.048):* The maximum allowed impervious coverage for a 4.08-acre lot is 26,427 sq. ft. The applicant proposes 31,427 sq. ft. (requesting a 5,000 sq. ft. variance).
 - *Accessory Structures (Sec. 153.029):* Restricts parking areas and retaining walls within designated property setbacks. The applicant proposes placing elements of both within the setback.
- **Staff Summary:** The subject property features significant environmental constraints on its southern and western portions, including delineated wetlands

and highly valued mature tree canopy. To preserve these natural features and maintain environmental stewardship in accordance with Town goals, the applicant has restricted development on the rear of the site. As a direct result of avoiding these wetlands and tree root zones, the buildable area is heavily compressed, forcing the necessary parking spaces and supporting retaining structures forward into the designated property setbacks.

Legally Required Findings for a Variance:

Per N.C.G.S. § 160D-705 and Sec. 153.110(D), the Board cannot grant a variance unless the applicant carries the burden of proof to demonstrate all four of the following “Unnecessary Hardship” standards:

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 peculiar to the property, such as location, size, topography, or unique natural features (such as protected wetlands and tree canopy), rather than from personal circumstances.
 3. The hardship was not the result of actions taken by the applicant or the property owner.
 4. The requested variance is in harmony with the general purpose and intent of the ordinance, preserves public safety, and achieves substantial justice.
-

VII. STAFF EXHIBIT LIST

The following administrative materials are submitted into the official record:

- Exhibit A: Completed Joint Zoning Application/SUP Application/Variance Application
- Exhibit B: First Bank at Valley Springs Owners’ Affidavit
- Exhibit C: Engineered Site Plans & Architectural Elevations (Dated 04/06/2026)
- Exhibit D: First Bank Conceptual Site Plan & Architectural Elevations (Dated 04/16/2026)
- Exhibit E: Official Certified Mailing List and Photo of Sign Posting

Zoning Compliance Application

Town of Biltmore Forest

Name

Chris Day

Property Address

Valley Springs Road at Hendersonville Road

Phone

(828) 252-5388

Email

cday@cdcgo.com

Parcel ID/PIN Number

9646-91-9265

ZONING INFORMATION

Current Zoning

R-5

Lot Size

4.08 ac

Proposed Roof Coverage Total

6,252 sf

Proposed Impervious Surface Coverage

0.79 ac

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

40 ft

Description of the Proposed Project

First Bank is proposing a new WNC Headquarters bank location. The new building is 3-stories in height with total GFA of approximately 16,000 sf. The building and associated parking are accessed from Hendersonville Road as well as Valley Springs. The design recognizes the significance of the location; both culturally and naturally with an effort to minimize the impact to existing natural features and preserve the majority of the site while providing a safe & convenient location for patrons and a comfortable work space and setting for employees.

Estimated Start Date

6/1/2026

Estimated Completion Date

9/17/2027

Estimated Cost of Project

\$6,000,000.00

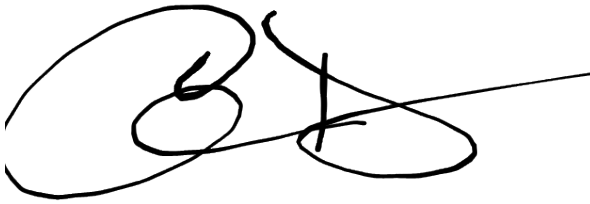
Supporting Documentation (Site Plan, Drawings, Other Information)

2026-02-23 - First Bank WNCHQ - BOA Submittal.pdf

Signature

Date

2/23/2026

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a vertical line and a horizontal line extending to the right.

Have you paid the \$100 zoning application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser.

I plan to pay in person or mail a check

Important Notice: The Town will never mail your application and/or permit information to your home. The Town will also never ask you for a wire transfer, giftcards, or any other forms of payment.

Yes, I understand that the Town will NOT reach out via mail or ask for wire transfers. If something seems off, please reach out to the Town immediately.

Special Use Permit Application

Town of Biltmore Forest

Name

Chris Day

Address

Valley Springs Road at Hendersonville Road

Phone

(828) 252-5388

Email

cday@cdcgo.com

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

Commercial Services, Professional Office Uses, Consumer Services and Retail Businesses

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:

First Bank is proposing a new WNC Headquarters bank location. The new building is 3-stories in height with total GFA of approximately 16,000 sf. The building and associated parking are accessed from Hendersonville Road as well as Valley Springs. The design recognizes the significance of the location; both culturally and naturally with an effort to minimize the impact to existing natural features and preserve the majority of the site while providing a safe & convenient location for patrons and a comfortable work space and setting for employees.

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

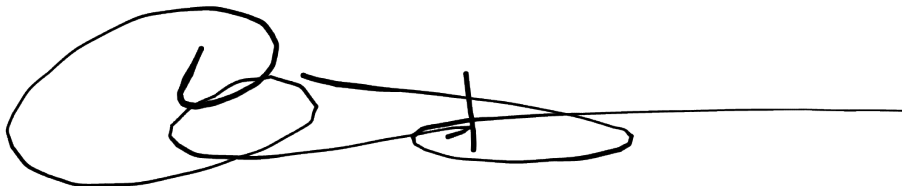
The proposed building and layout were designed to minimize environmental impacts and maximize preservation of existing vegetation and wetlands of the subject property. Pulling the building towards Hendersonville Road improves accessibility and reduces adverse affects on those living in the neighborhood.

The building highlights natural materials such as stone and wood to complement the natural setting.

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

Signature

Date
2/23/2026

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

Have you paid the \$100 special use permit application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser.

I plan to pay in person or mail a check

VARIANCE APPLICATION

Town of Biltmore Forest

Name: Rusty Edwards

Address: 11 Church St, Asheville NC 28801

Phone (828) 713-3114

Email: redwards@localfirstbank.com

Current Zoning/Use: R-5 Residential / Vacant

Requested Use: Office Building

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?*(required)

First Bank is proposing a new WNC Headquarters and bank location. The new three-story building will have a total gross floor area ("GFA") of approximately 15,650 square feet. The proposed development, including the parking areas, will be accessed from Hendersonville Road and Valley Springs Road to best facilitate ingress and egress to and from the proposed development. The design recognizes the significance of the location -- both culturally and naturally.

The proposed design minimizes the impact to existing natural features and preserves the majority of the existing site. The design preserves numerous trees (and proposes additional plantings) to facilitate a natural appearance and to make the proposed development compatible with the surrounding area. The design incorporates permeable pavers throughout much of the parking area to reduce impervious surface area. Additionally, the proposed development provides a safe and convenient location for customers of First Bank in and around Biltmore Forest and a high-end office setting for First Bank as it seeks to further expand its presence in WNC.

For this variance request, the applicant seeks a limited variation from the maximum impervious surface requirement in Section 153.048 of the Zoning Ordinance. Specifically, applicant seeks a variance to allow an additional 5,000 square feet over the 26,427 maximum allowable – totaling 31,427 of impervious surface (on an approximately four acre site). This is an approximately 20% increase over the maximum allowable impervious surface calculation.

The applicant also seeks a variation from the Section 153.029 Accessory Structure and Buildings. Section 153.004 defines Accessory Structures to include retaining walls and curbs. The submitted

site plan proposes less than 100' of site retaining walls and less than 7,000 sf of parking areas with curbing within the front and side setback yards. The minimal setback encroachment allows the project to meet Section 153.038 for required off-street parking while minimizing impacts to environmental features and tree canopy. It also promotes the best design and layout for the project and meets the intent of the Town's ordinance.

What does the ordinance require?*(required)

Section 153.048 Impervious Surface Coverage

A lot size of approximately four (4) acres has maximum impervious coverage of no more than 26,427 square feet. Lots on which new construction and/or development activity could cause the amount of impervious surface on the lot to exceed the amounts set forth above shall proceed with the proposed construction and/or development activity only if a variance for the increased impervious surface coverage is granted by the Board of Adjustment in accordance with the procedures set forth in Section 153.110(D).

Section 153.029 Accessory Structures and Buildings

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 setback or rear yard setback.

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

REQUIRED FINDINGS: Please provide a thorough response to each.

Unnecessary hardship would result from the strict application of the ordinance. *(required)

Strict application of Section 153.048 and 153.029 and the maximum impervious surface limitation results in an unnecessary hardship for the project. Strict compliance with Section 153.048 and 153.029 would significantly reduce the development envelope for the subject property. Additionally, the applicant has worked to comply with all requirements and obligations of the ordinance.

In submitting this request for a variance, the applicant went to great efforts to address a number of items, including the minimum number of parking spaces and the required dimensions of those parking spaces, pursuant to Section 153.038. The applicant meets both of those and added pavers to reduce the impervious area as much as practical, given the other requirements in the Zoning Ordinance. The Ordinance includes Section 153.048(B) for this exact situation – where the layout/configuration of a lot and compliance with other requirements requires a slight variation from the strict application of Section 153.048.

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

The existing location of Valley Springs Road and overall configuration of the subject property limits strict compliance with Section 153.048 and 153.029 of the Zoning Ordinance and would create other hardships to the applicant and surrounding area if it is not granted. The subject property is flanked on two sides by Hendersonville Road and Valley Springs Road. The subject property also tapers and narrows considerably as you move back from Hendersonville Road and down the adjacent Valley Springs Road along Four Mile Creek. This creates unique, limiting features for a property fronting Hendersonville Road – and one which is best suited for this type of use. The subject property also includes certain wetland areas and flood zones and this design intentionally minimizes the impact to those areas to preserve their natural characteristics. The result of those factors – which creates a limited building envelope/area and factoring in the other requirements of the Zoning Ordinance, has placed the applicant in the position where it is seeking this limited variance.

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

This hardship did not result from actions taken by the applicant given the unique features and aspects of the subject property, as previously detailed herein. Not only has the applicant not created the hardship, but the applicant has spent considerable time and resources trying to meet the strict compliance with each and every ordinance provision – including the parking requirements and parking space dimension requirements. This included incorporating permeable pavers throughout much of the parking area. Following that extensive review and revisions to the proposed design, this minor variance is what remained and is being applied for in an effort to balance all requirements, obligations, and the intent of the Zoning Ordinance.

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.*(required)

The requested variances seek a limited/minor variation from a single section of the Zoning Ordinance – and one which specifically contemplates this type of request where strict compliance creates a hardship (Section 153.048(B)). As mentioned herein, the request seeks an approximately 20% increase over the maximum allowable impervious surface calculation and ability to construct pervious paver parking areas within the front and side setback yards. These variances promote compliance with numerous other requirements in the Zoning Ordinance, including the required number of parking spaces and the required parking space dimensions. The applicant is also proposing extensive tree preservation and additional planting to promote the intent of the Zoning Ordinance, coupled with stormwater detention and maintenance to promote containment and treatment of runoff.

The project proposes to utilize pervious pavers to the extent possible so that the variance request is consistent with the spirit, purpose, and intent of the ordinance. This will be achieved by making all parking stalls pervious, with the exception of a small number of parking spaces in higher traffic areas and the ADA parking spaces.

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

Signature*(required)



Date*(required)



Have you paid the \$300 variance application fee? Your permit application will not be reviewed until payment has been received. You can visit the link below to pay. Copy & paste the link in your browser. *(required)

- Yes

ND:4929-6217-8978, v. 2

OWNER(S) AUTHORIZATION

The persons listed below do hereby appear before a Notary Public and affirm that they are authorized agents of the legal owner, **Ramble Biltmore Forest, LLC**, of the property located at and more fully described as:

An approximately 4.3 acre portion of that larger parcel consisting of approximately 16 acres and currently known as 5 Valley Springs Road, Biltmore Forest, North Carolina, which larger parcel is described as "Tract 2" in Deed Book 3836, at Page 521 and Plat Book 138, at Page 183, both as recorded in the Buncombe County Registry. Subject to and as a condition of the approval of the associated land use applications, the approximately four (4)+/- acre portion will be formally subdivided, pursuant to all applicable regulations and requirements.

PIN #: 9646-91-9265

The persons listed below do hereby give authorization and permission to:

First Bank and its agents, including, but not limited to: (1) Chris Day and Justin Thorn of Civil Design Concepts, P.A. and (2) Clint Cogburn of Ward and Smith, P.A.

to submit to the Town of Biltmore Forest a request for a Special Use Permit and request(s) for Variances (including all required application materials and documents associated therewith) for the above listed property and to otherwise engage with the Town of Biltmore Forest on any such requests, including, but not limited to, presenting such requests to the applicable Town of Biltmore Forest board(s) and pursuing/requesting/receiving approvals, permits, determinations, or decisions related to the subject property.

By signing below, Ramble Biltmore Forest, LLC acknowledges and understands that it will reasonably cooperate with First Bank and its agents on these request(s).

Ramble Biltmore Forest, LLC also acknowledges and understands that any such approvals received from the Town of Biltmore Forest run with the land and are otherwise subject to the requirements in the Town of Biltmore Forest Code of Ordinances.

[rest of this page is left blank intentionally – one signature page to follow]

Ramble Biltmore Forest, LLC

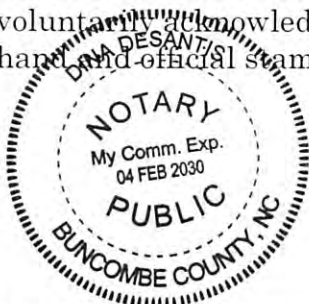
By Biltmore Farms, LLC, its Manager


By: 
John F.A.V. Cecil, President

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, Dina DeSantis, a Notary Public of the County and State aforesaid, certify that John F.A.V. Cecil, President of Biltmore Farms, LLC, a Manager of Ramble Biltmore Forest, LLC, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 27 day of March, 2026.




Notary Public

My Commission Expires: 2/4/2030

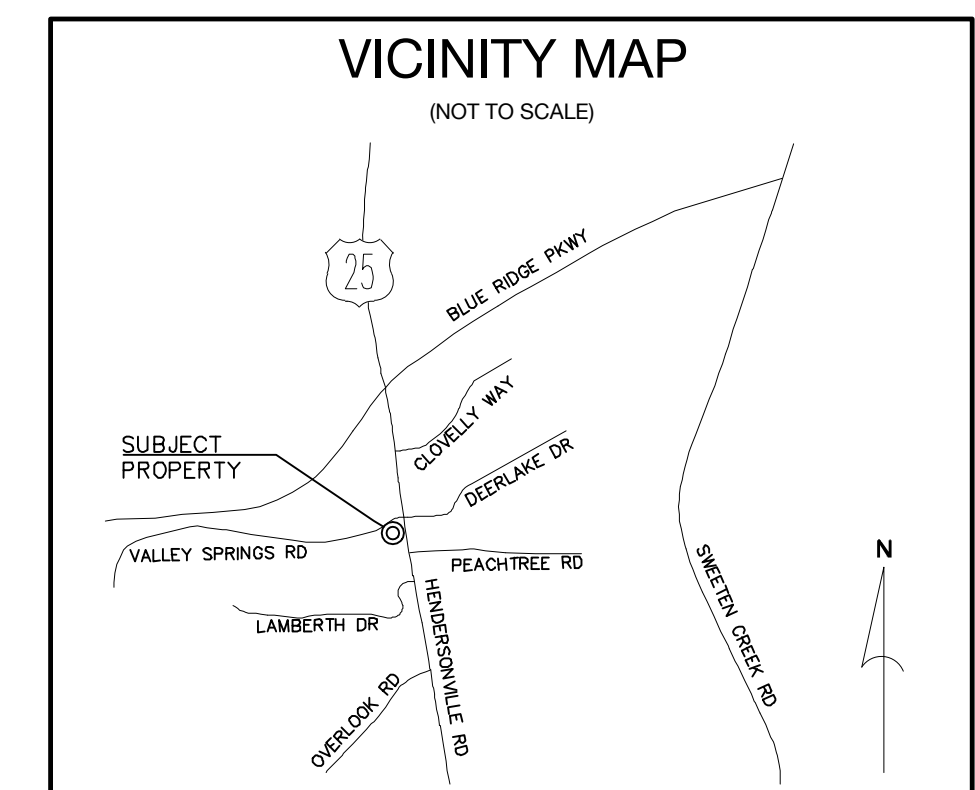
ND:4898-3338-4091, v. 4

FIRST BANK AT VALLEY SPRINGS ROAD

TOWN OF BILTMORE FOREST, NORTH CAROLINA

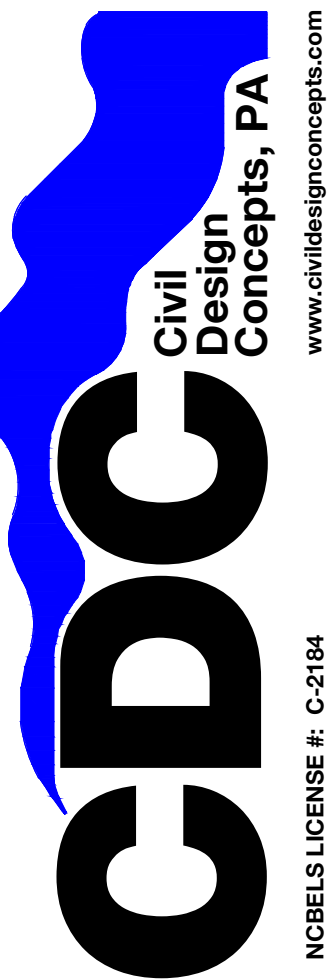
PREPARED FOR:
FIRST BANK
 11 CHURCH STREET
 ASHEVILLE, NC 28801
 RUSTY EDWARDS
 (828) 713-3114

INDEX OF SHEETS	
SHEET NO	TITLE
C000	COVER SHEET
--	SURVEY
C101	EXISTING CONDITIONS & DEMOLITION PLAN
C102	TREE REMOVAL & PRESERVATION PLAN
C200	CONCEPTUAL MASTER SITE PLAN
C201	CONCEPTUAL SITE PLAN
C202	CONCEPTUAL LANDSCAPE PLAN
C301	CONCEPTUAL GRADING & STORMWATER PLAN
--	ARCHITECTURAL



Know what's below.
Call before you dig.

DEVELOPMENT DATA	
OWNER/DEVELOPER:	FIRST BANK 11 CHURCH STREET ASHEVILLE, NC 28801
CONTACT:	RUSTY EDWARDS (828) 713-3114
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 84 COXE AVENUE - SUITE 260 ASHEVILLE, NC 28801
CONTACT:	CHRIS DAY, P.E. (828) 252-5388



84 COXE AVENUE - SUITE 260
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 PHONE (828) 252-5388
 FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
 WAYNEVILLE, NC 28786
 PHONE (828) 252-5388
 FAX (828) 455-5455

Civil Design Concepts, PA
 www.civildesignconcepts.com
 NCELS LICENSE # C-2184

NO.	DATE	DESCRIPTION	BY
1	02/23/2026	BOA SUBMITTAL	AAM
2	04/01/2026	BOA RESUBMITTAL	AAM
3	04/06/2026	BOA RESUBMITTAL	AAM

PROGRESS DRAWING, DO NOT USE FOR CONSTRUCTION

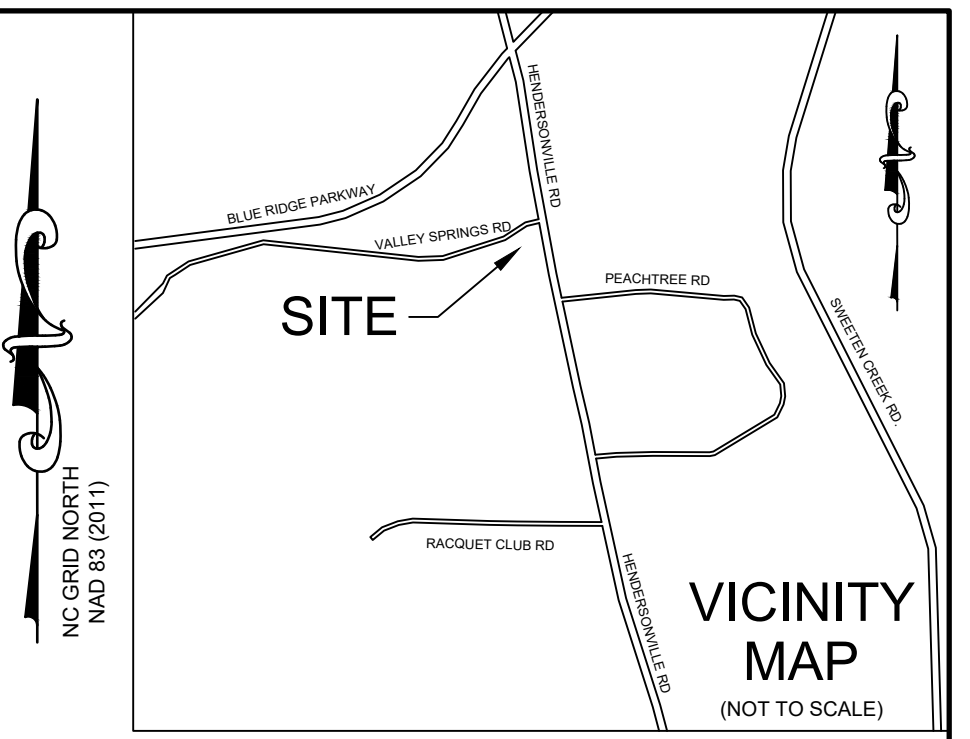
COVER SHEET FOR:
FIRST BANK AT VALLEY SPRINGS ROAD
 FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AAM
 CDC PROJECT NO.: 12561
 XXX PERMIT NO.: XXXX

SHEET
C000

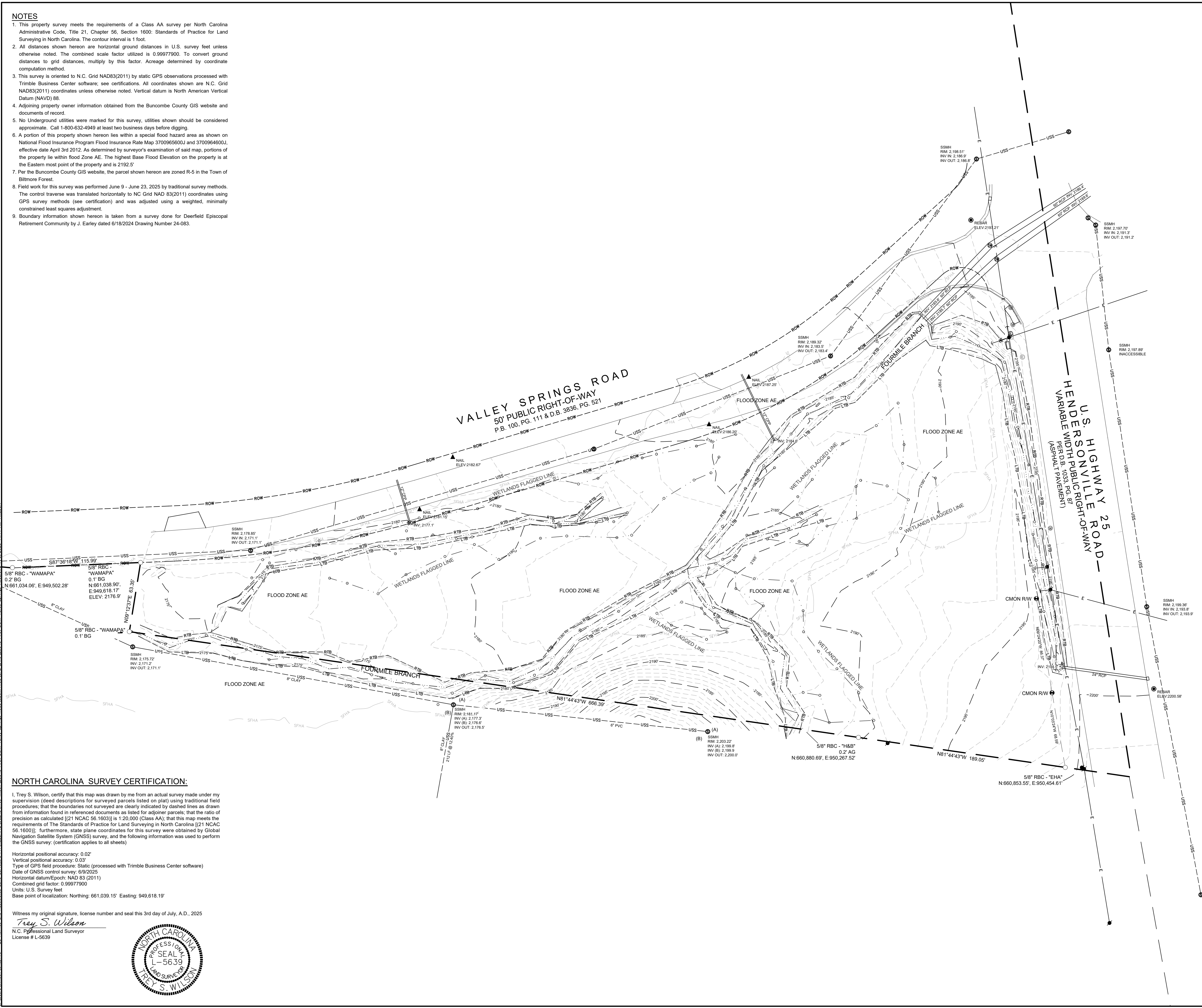
NOTES

- This property survey meets the requirements of a Class AA survey per North Carolina Administrative Code, Title 21, Chapter 56, Section 1600; Standards of Practice for Land Surveying in North Carolina. The contour interval is 1 foot.
- All distances shown hereon are horizontal ground distances in U.S. survey feet unless otherwise noted. The combined scale factor utilized is 0.99977900. To convert ground distances to grid distances, multiply by this factor. Acreage determined by coordinate computation method.
- This survey is oriented to N.C. Grid NAD83(2011) by static GPS observations processed with Trimble Business Center software; see certifications. All coordinates shown are N.C. Grid NAD83(2011) coordinates unless otherwise noted. Vertical datum is North American Vertical Datum (NAVD) 88.
- Adjoining property owner information obtained from the Buncombe County GIS website and documents of record.
- No Underground utilities were marked for this survey, utilities shown should be considered approximate. Call 1-800-632-4949 at least two business days before digging.
- A portion of this property shown hereon lies within a special flood hazard area as shown on National Flood Insurance Program Flood Insurance Rate Map 3700965600J and 3700964600J, effective date April 3rd 2012. As determined by surveyor's examination of said map, portions of the property lie within flood Zone AE. The highest Base Flood Elevation on the property is at the Eastern most point of the property and is 2192.5'
- Per the Buncombe County GIS website, the parcel shown hereon are zoned R-5 in the Town of Biltmore Forest.
- Field work for this survey was performed June 9 - June 23, 2025 by traditional survey methods. The control traverse was translated horizontally to NC Grid NAD 83(2011) coordinates using GPS survey methods (see certification) and was adjusted using a weighted, minimally constrained least squares adjustment.
- Boundary information shown hereon is taken from a survey done for Deerfield Episcopal Retirement Community by J. Earley dated 6/18/2024 Drawing Number 24-083.



LEGEND

- CORNER FOUND (AS DESCRIBED)
- ▲ MAGNETIC NAIL SET
- RIGHT-OF-WAY MONUMENT
- THALWEG OF CREEK
- WETLANDS LINE
- PROPERTY LINE (SURVEYED)
- PROPERTY LINE (NOT SURVEYED)
- USS
- LTB
- RTB
- ROW
- OVERHEAD POWER LINE
- FLOOD HAZARD AE LINE
- AG ABOVE GROUND
- BG BELOW GROUND
- CMP CORRUGATED METAL PIPE
- CI CURB INLET
- D.B. DEED BOOK
- DI DROP INLET
- E EASTING
- HG HOLMES GEOSPATIAL
- INV INVERT
- MN MAGNETIC NAIL
- N NORTHING
- OTI OPEN TOP INLET
- PIN PARCEL IDENTIFICATION NUMBER
- PG PAGE
- PVC POLYVINYL CHLORIDE PIPE
- RCP REINFORCED CONCRETE PIPE
- ROW RIGHT-OF-WAY
- RBC 5/8" REBAR WITH CAP
- ⊕ ELECTRIC METER
- ⊙ WETLANDS FLAG
- ⊙ STORM MANHOLE
- ⊙ GUY WIRE
- ⊙ SEWER MANHOLE
- ⊙ COMMUNICATIONS PEDESTAL
- ⊙ UTILITY POLE
- ⊙ WATER METER



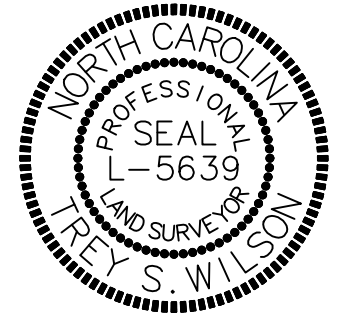
NORTH CAROLINA SURVEY CERTIFICATION:

I, Trey S. Wilson, certify that this map was drawn by me from an actual survey made under my supervision (deed descriptions for surveyed parcels listed on plat) using traditional field procedures; that the boundaries not surveyed are clearly indicated by dashed lines as drawn from information found in referenced documents as listed for adjoining parcels; that the ratio of precision as calculated [(21 NCAC 56-1603)] is 1:20,000 (Class AA); that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina [(21 NCAC 56-1600)]; furthermore, state plane coordinates for this survey were obtained by Global Navigation Satellite System (GNSS) survey, and the following information was used to perform the GNSS survey. (certification applies to all sheets)

Horizontal positional accuracy: 0.02'
 Vertical positional accuracy: 0.03'
 Type of GPS field procedure: Static (processed with Trimble Business Center software)
 Date of GNSS control survey: 6/9/2025
 Horizontal datum/EPOCH: NAD 83 (2011)
 Combined grid factor: 0.99977900
 Units: U.S. Survey feet
 Base point of localization: Northing: 661,039.15' Easting: 949,618.19'

Witness my original signature, license number and seal this 3rd day of July, A.D., 2025

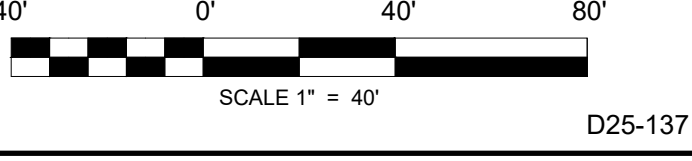
Trey S. Wilson
 N.C. Professional Land Surveyor
 License # L-5639



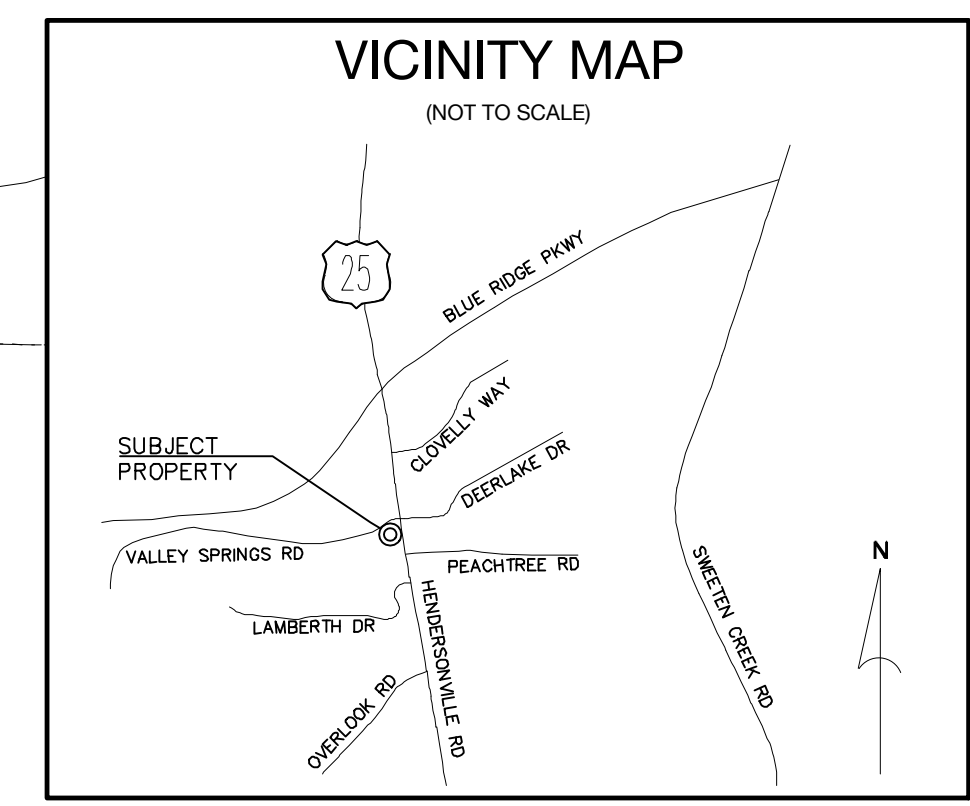
BOUNDARY AND TOPOGRAPHIC SURVEY FOR:
First Bank
 off of Valley Springs Rd. Asheville, NC 28803

REFERENCES
 Owner: RAMBLE BILTMORE FOREST LLC
 PIN: 9646-91-9265
 Deed Book: 3836 Page: 521 Tract: 2
 Plat Book: 138 Page: 183
 Limestone Township, Buncombe County, NC

Field Work: 6/9/2025 - 6/23/2025
 Drawn By: M Olszack JOB # 25435
 Trey S. Wilson, PLS twilson@holmesgeo.com



- BOARD OF ADJUSTMENT NOTES**
1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
 2. **SINGLE-PHASE CONSTRUCTION.**
 3. ALL WORK MUST BE PERFORMED BY A **NORTH CAROLINA LICENSED CONTRACTOR.**
 4. PROPOSED DEVELOPMENT WILL BE PROVIDED WITH UTILITIES VIA EXISTING RIGHT-OF-WAYS AND PROPOSED UTILITY EASEMENTS. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
 5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
 6. PROPOSED DRIVES WITHIN THE DEVELOPMENT TO BE **PRIVATE INTERNAL DRIVES.** ALL STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). DRIVEWAY MAINTENANCE IS THE FINANCIAL RESPONSIBILITY OF THE DEVELOPER.
 7. THE DEVELOPMENT SHOWN ON THIS PLAN WILL BE SERVED BY **MSD SEWER AND CITY OF ASHEVILLE WATER** (SEE UTILITY PLAN FOR PRELIMINARY WATER AND SEWER LAYOUTS). PROVISIONS WILL BE MADE BY THE DEVELOPER FOR ELECTRICAL, TELEPHONE, CABLE, AND/OR NATURAL GAS SERVICE.
 8. APPROVED EROSION CONTROL AND STORMWATER MANAGEMENT PLAN TO BE OBTAINED PRIOR TO BEGINNING ANY PHASE OF CONSTRUCTION. EROSION CONTROL DEVICES WILL BE MAINTAINED FOR THE DEVELOPMENT OF THE DEVELOPMENT PERIOD BY THE RESPONSIBLE PARTY.
 9. **PORTION** OF THE SITE LIES WITHIN THE 100-YR FEMA FLOODPLAIN.
 10. CONSTRUCTION LIKELY TO BEGIN IN THE **SPRING OF 2026**, AND PHASE 1 TO BE COMPLETED IN APPROXIMATELY **18 MONTHS.**
 11. **NO** RETAINING WALLS GREATER THAN **15'** TO BE PROPOSED FOR PROJECT.



DEVELOPMENT DATA

OWNER/DEVELOPER: 11 CHURCH STREET ASHEVILLE, NC 28801 RUSTY EDWARDS (828) 713-3114

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A. 84 COXE AVENUE - SUITE 260 ASHEVILLE, NC 28801 CHRIS DAY, P.E. (828) 252-5388

CONTACT:

SURVEYOR: ED HOLMES & ASSOCIATES 200 RIDGEFIELD COURT STE 208 ASHEVILLE, NC, 28806 TREV S. WILSON (828) 225-6562

CONTACT:

ARCHITECT: MCMILLAN PAZDAN SMITH 47 RANKIN AVE STE 141 ASHEVILLE, NC, 28801 ETHAN WARD, ARCHITECT (828) 398-5016

CONTACT:

PROJECT DATA

PARCEL ID: 9646-91-9265

ADDRESS: VALLEY SPRINGS ROAD 3836/521

PROJECT ACREAGE: 4.08± ACRES

CURRENT ZONING: R-5 RESIDENTIAL

SETBACKS: SIDE AND REAR SETBACK INCREASED DUE TO 40' BUILDING HEIGHT. (40'-25'=15 x1.5= 22.5' ADDITIONAL SETBACK FEET)

FRONT: 50' (FROM US 25)

CORNER: 30' + 22.5' = 52.5'

SIDES: 15' + 22.5' = 37.5'

REAR: 20' + 22.5' = 42.5'

DISTURBED AREA: ±1.5 AC (±65,500 SF)

IMPERVIOUS AREA: PBE ±435 SF (1%) POST ±30,700 SF (17%)

PERVIOUS AREA: ±177,300 SF (99%) ±146,600 SF (83%)

MAX IMPERVIOUS ALLOWED: 26,427 SF

*VARIANCE REQUESTED TO INCREASE MAX IMPERVIOUS BY 20%

ZONING DATA

PARKING CALCULATIONS: VEHICULAR: (MIN. 1 SPACE FOR EACH 300 SF BUILDING AREA) REQUIRED SPACES: 53 PROVIDED SPACES: 53

ACCESSIBLE: (PER TABLE 208.2) SPACES REQUIRED: 2 SPACES PROVIDED: 2

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
1	3 STORIES	40'	15,650± SF

ROOF COVERAGE: MAX ALLOWED: 8,424 SF PROPOSED: 6,752 SF

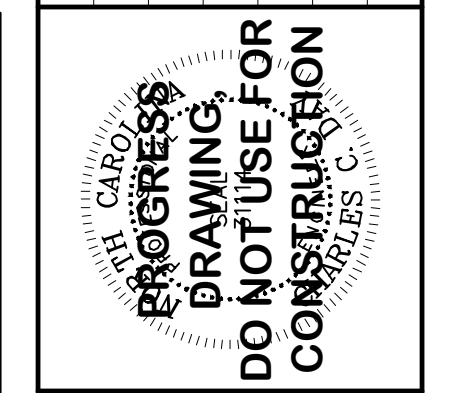
84 COXE AVENUE - SUITE 260 ASHEVILLE, NC 28801
PHONE (828) 252-5388 FAX (828) 252-5385

52 WALNUT STREET - SUITE 900 WAYNESVILLE, NC 28798
PHONE (828) 252-5388 FAX (828) 455-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCELS LICENSE # C-2184

NO.	DATE	DESCRIPTION	BY
1	02/23/2026	BOA SUBMITTAL	AM
2	04/01/2026	BOA RESUBMITTAL	AM
3	04/06/2026	BOA RESUBMITTAL	AM



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

NORTH

EXISTING CONDITIONS & DEMOLITION PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

EXISTING CONDITIONS & DEMOLITION PLAN FOR:

FIRST BANK AT VALLEY SPRINGS ROAD

FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AMM 12561
CDC PROJECT NO.: XXX PERMIT NO. XXXX

SHEET
C101

SITE NOTES

- ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- SINGLE-PHASE CONSTRUCTION.
- ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
- TO SCHEDULE THE REQUIRED INSPECTIONS ON ALL WORK, CALL THE CIVIL DESIGN CONCEPTS INSPECTIONS HOTLINE AT 828-771-4755, OR EMAIL AT INSPECTIONS@CDCGO.COM. FAILURE TO SCHEDULE INSPECTIONS MAY RESULT IN UNCOVERING OR REDOING WORK.
- CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION. CONTACT ENGINEER TO CONFIRM IF ADDITIONAL PERMITS ARE NEEDED.
- CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
- SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. SIDEWALKS TO MEET ALL ADA/PROWAG STANDARDS. CONTRACTOR TO NOTIFY ENGINEER AFTER FORMING BUT PRIOR TO POURING SIDEWALK. ANY SIDEWALK/CROSSWALK NOT INSTALLED TO REQUIRED STANDARDS SHALL BE REMOVED AND REPLACED AT CONTRACTOR'S EXPENSE.
- ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT RADII ARE 'X' UNLESS OTHERWISE NOTED.
- ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LOCAL JURISDICTION AND THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
- CURB AND GUTTER ON THE HIGH SIDE OF PAVED AREAS AND ROADS SHALL BE CONSTRUCTED WITH SPILLOUT CURB AND GUTTER. CURB AND GUTTER ON THE LOW SIDE SHALL BE CONSTRUCTED WITH STANDARD CURB AND GUTTER; REFER TO SPILLOUT CURB AND GUTTER DETAILS. CURB END TREATMENT SHALL BE APPLIED AT ALL CURB ENDS; REFER TO CURB END TREATMENT DETAIL.
- PROPOSED ROADS TO BE PRIVATE. NCDOT IS NOT RESPONSIBLE FOR ANY ROAD MAINTENANCE.

TOTAL TREE REPLACEMENT REQUIRED: 158 TREES
 TOTAL TREE CREDITS THROUGH PRESERVATION: >292 TREES ±

SIZE OF TREE REMOVAL	EXISTING TREES INSIDE SETBACK	REQUIRED REPLACEMENT INSIDE SETBACK			EXISTING TREES OUTSIDE SETBACK	REQUIRED REPLACEMENT OUTSIDE SETBACK		
		QTY	SIZE	TREES REQ.		QTY	SIZE	TREES REQ.
6"-12"	65	1	2	65	0	NA	NA	
13"-18"	24	2	2"	48	12	2"	12	
19"-36"	9	2*	3"	18	13	3"	13	
36"+1"	2	2**	4"	2	0	4"	0	
TOTAL				133			25	

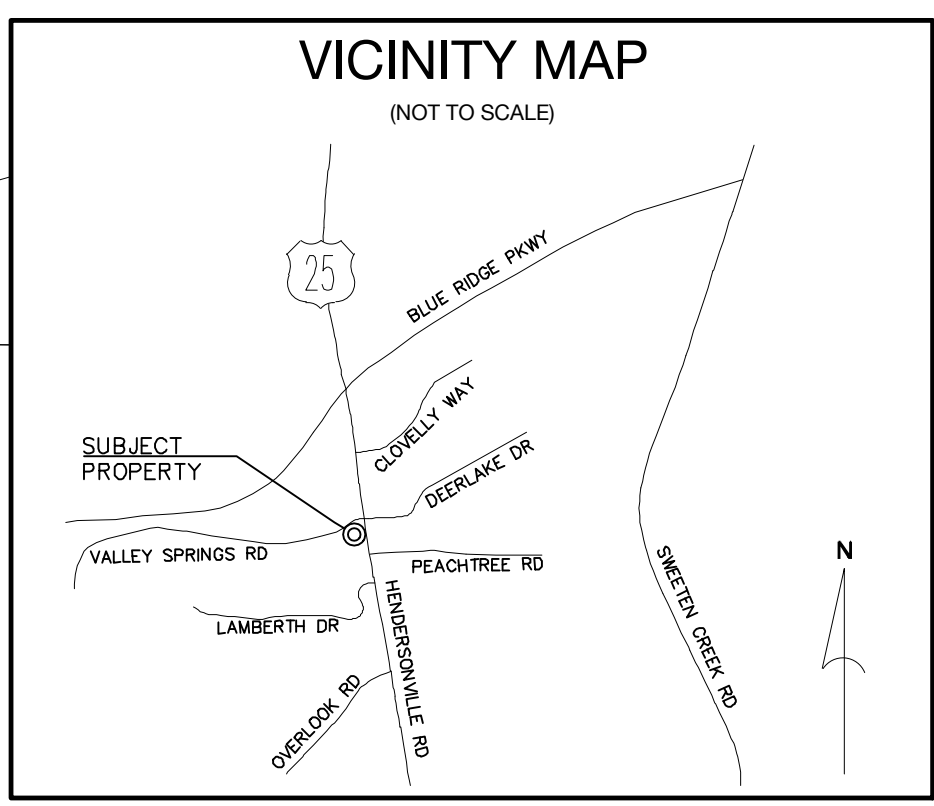
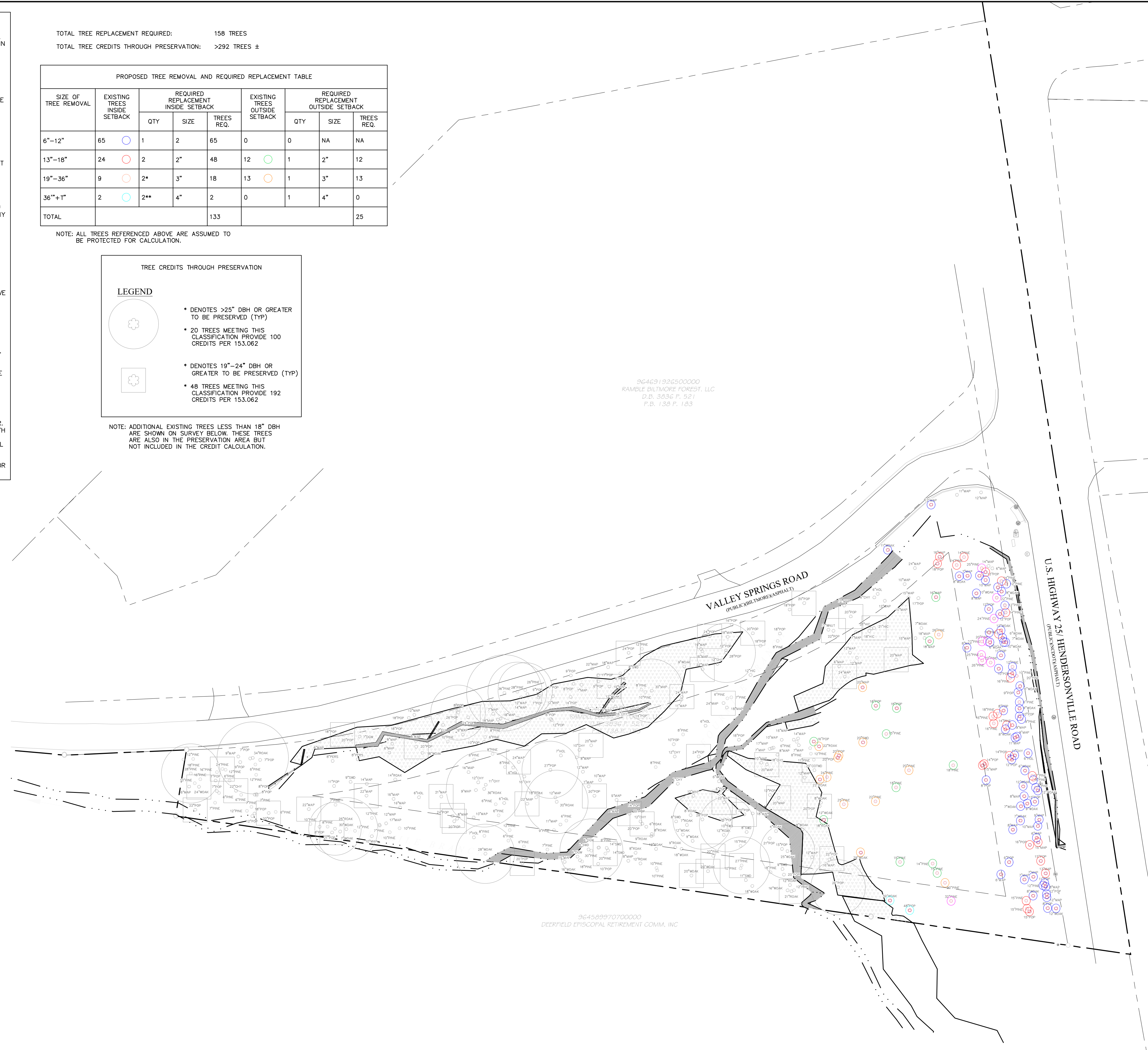
NOTE: ALL TREES REFERENCED ABOVE ARE ASSUMED TO BE PROTECTED FOR CALCULATION.

TREE CREDITS THROUGH PRESERVATION

LEGEND

- DENOTES >25" DBH OR GREATER TO BE PRESERVED (TYP)
- 20 TREES MEETING THIS CLASSIFICATION PROVIDE 100 CREDITS PER 153,062
- DENOTES 19"-24" DBH OR GREATER TO BE PRESERVED (TYP)
- 48 TREES MEETING THIS CLASSIFICATION PROVIDE 192 CREDITS PER 153,062

NOTE: ADDITIONAL EXISTING TREES LESS THAN 18" DBH ARE SHOWN ON SURVEY BELOW. THESE TREES ARE ALSO IN THE PRESERVATION AREA BUT NOT INCLUDED IN THE CREDIT CALCULATION.



DEVELOPMENT DATA

OWNER/DEVELOPER: FIRST BANK
 11 CHURCH STREET
 ASHEVILLE, NC 28801
 RUSTY EDWARDS
 (828) 713-3114

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
 84 COXE AVENUE - SUITE 260
 ASHEVILLE, NC 28801
 CHRIS DAY, P.E.
 (828) 252-5388

CONTACT:

SURVEYOR: ED HOLMES & ASSOCIATES
 200 RIDGEFIELD COURT STE 208
 ASHEVILLE, NC, 28806
 TREV S. WILSON
 (828) 225-6562

CONTACT:

ARCHITECT: MCMILLAN PAZDAN SMITH
 47 RANKIN AVE STE 141
 ASHEVILLE, NC, 28801
 ETHAN WARD, ARCHITECT
 (828) 398-5016

CONTACT:

PROJECT DATA

PIN: 9646-91-9265
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 DEED BOOK/PAGE: 3836/521
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 (40'-25'=15 x1.5= 22.5' ADDITIONAL SETBACK FEET)

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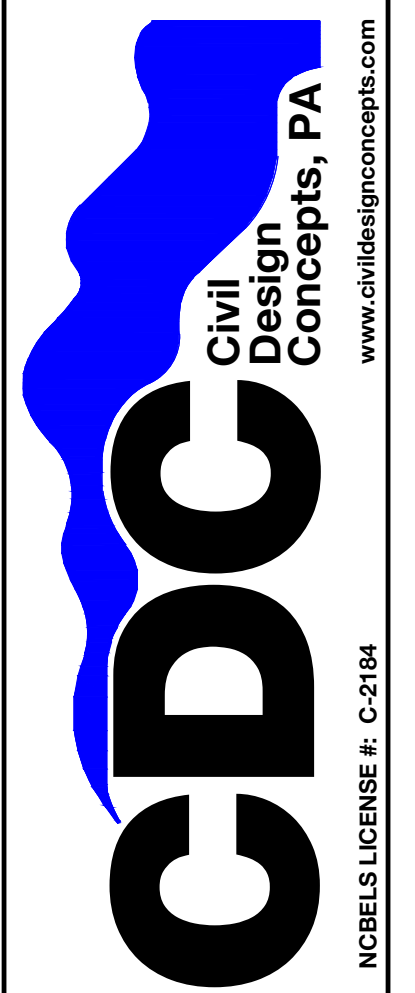
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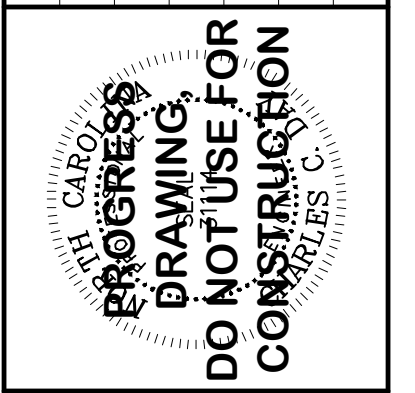
ROOF COVERAGE:
 MAX ALLOWED: 8,424 SF
 PROPOSED: 6,752 SF

84 COXE AVENUE - SUITE 260
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 PHONE (828) 252-5388
 FAX (828) 455-5455



NO.	DATE	DESCRIPTION
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2	04/01/2026	BOA RESUBMITTAL
3	04/06/2026	BOA RESUBMITTAL



CDC INSPECTIONS HOTLINE:
 828-771-4755 OR INSPECTIONS@CDCGO.COM

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

NORTH

TREE REMOVAL & PRESERVATION PLAN
 GRAPHIC SCALE

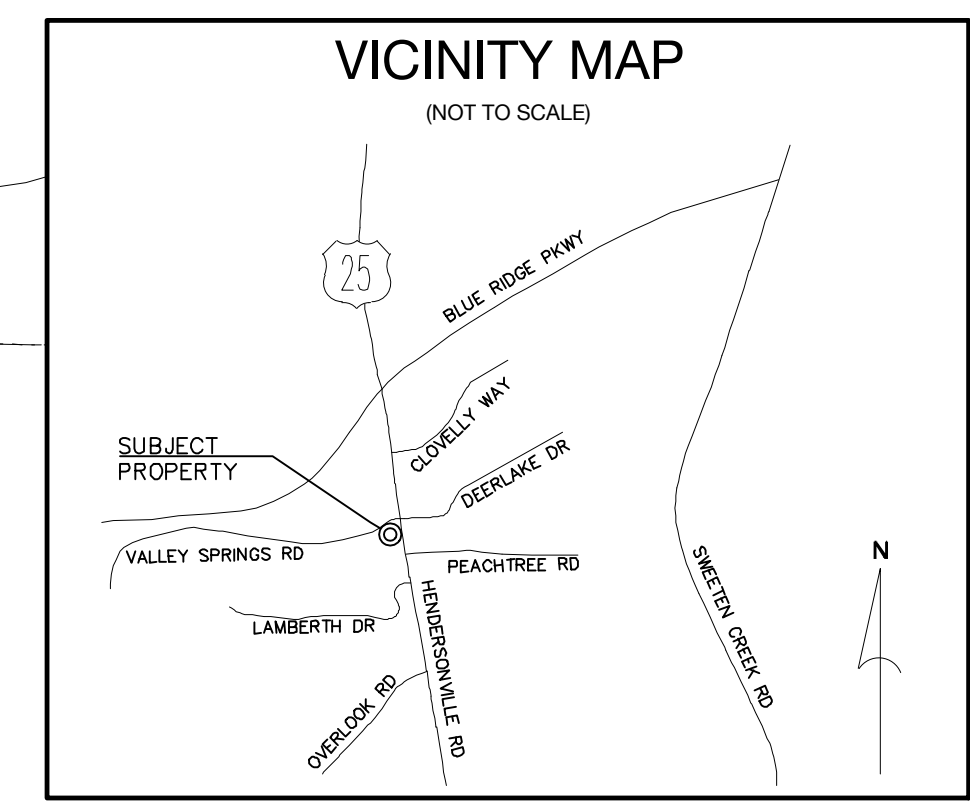
(IN FEET)
 1 inch = 50 ft.

TREE REMOVAL & PRESERVATION PLAN FOR:
FIRST BANK AT VALLEY SPRINGS ROAD
 FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AMM
 CDC PROJECT NO.: 12561
 XXX PERMIT NO.: XXXX

SHEET
C102

- BOARD OF ADJUSTMENT NOTES**
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 - PORTION** OF THE SITE LIES WITHIN THE 100-YR FEMA FLOODPLAIN.
 - CONSTRUCTION LIKELY TO BEGIN IN THE **SPRING OF 2026**, AND PHASE 1 TO BE COMPLETED IN APPROXIMATELY **18 MONTHS.**
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DEVELOPMENT DATA

OWNER/DEVELOPER: FIRST BANK
11 CHURCH STREET
ASHEVILLE, NC 28801
CONTACT: RUSTY EDWARDS (828) 713-3114

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
84 COXE AVENUE - SUITE 260
ASHEVILLE, NC 28801
CONTACT: CHRIS DAY, P.E. (828) 252-5388

SURVEYOR: ED HOLMES & ASSOCIATES
200 RIDGEFIELD COURT STE 208
ASHEVILLE, NC, 28806
CONTACT: TREY S. WILSON (828) 225-6562

ARCHITECT: MCMILLAN PAZDAN SMITH
47 RANKIN AVE STE 141
ASHEVILLE, NC, 28801
ETHAN WARD, ARCHITECT (828) 398-5016

PROJECT DATA

PIN: 9646-91-9265
ADDRESS: VALLEY SPRINGS ROAD
DEED BOOK/PAGE: 3836/521
PROJECT ACREAGE: 4.08± ACRES
CURRENT ZONING: R-5 RESIDENTIAL

SETBACKS:
SIDE AND REAR SETBACK INCREASED DUE TO 40' BUILDING HEIGHT. (40'-25'=15 x1.5= 22.5' ADDITIONAL SETBACK FEET)

FRONT: 50' (FROM US 25)
CORNER: 30' + 22.5' = 52.5'
SIDES: 15' + 22.5' = 37.5'
REAR: 20' + 22.5' = 42.5'

DISTURBED AREA: ±1.5 AC (±65,500 SF)
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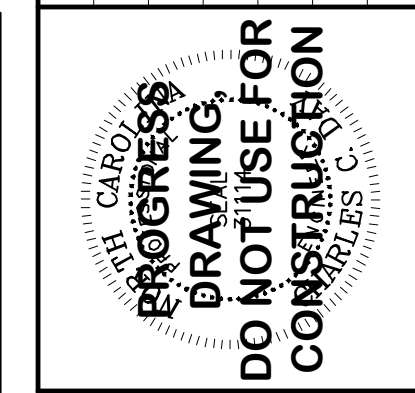
ROOF COVERAGE:
MAX ALLOWED: 8,424 SF
PROPOSED: 6,752 SF

84 COXE AVENUE - SUITE 260
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
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FAX (828) 456-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCELS LICENSE # C-2184

NO.	DATE	DESCRIPTION	BY
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2	04/01/2026	BOA RESUBMITTAL	AM
3	04/06/2026	BOA RESUBMITTAL	AM

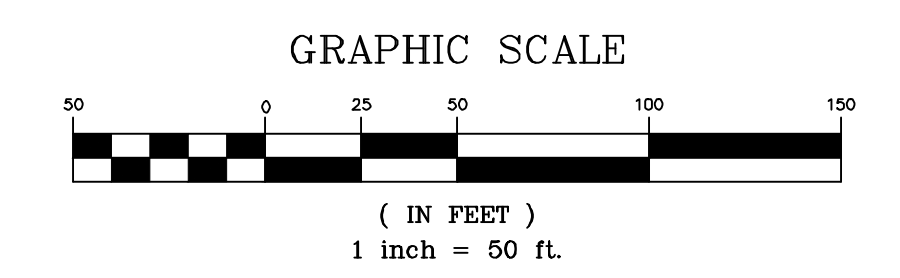


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NORTH

CONCEPTUAL MASTER SITE PLAN

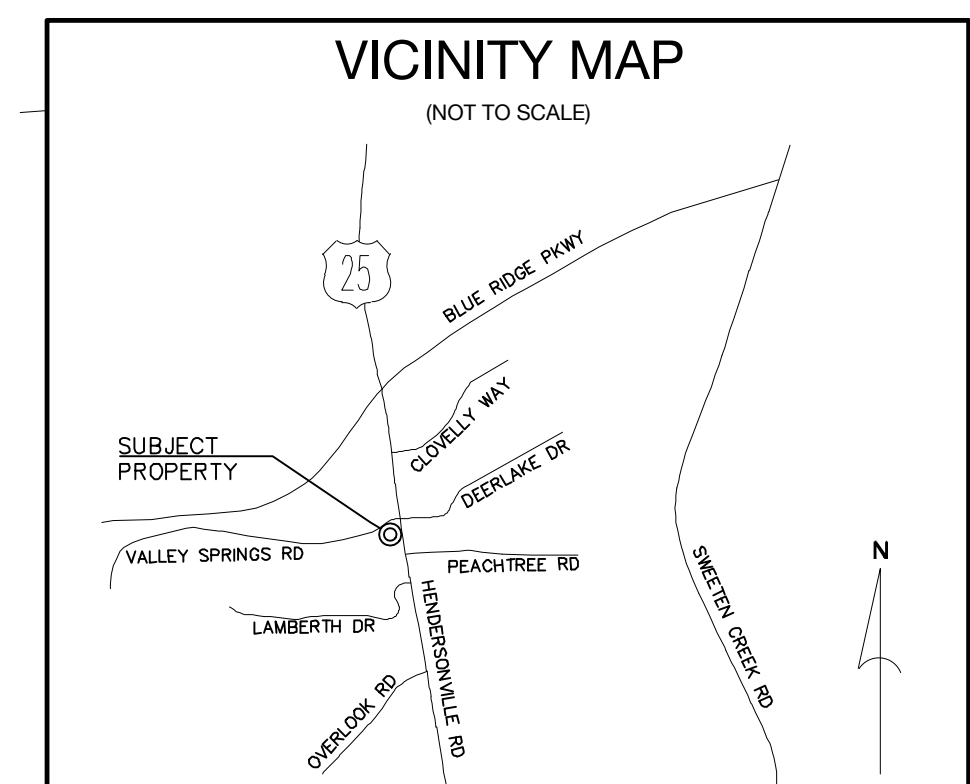
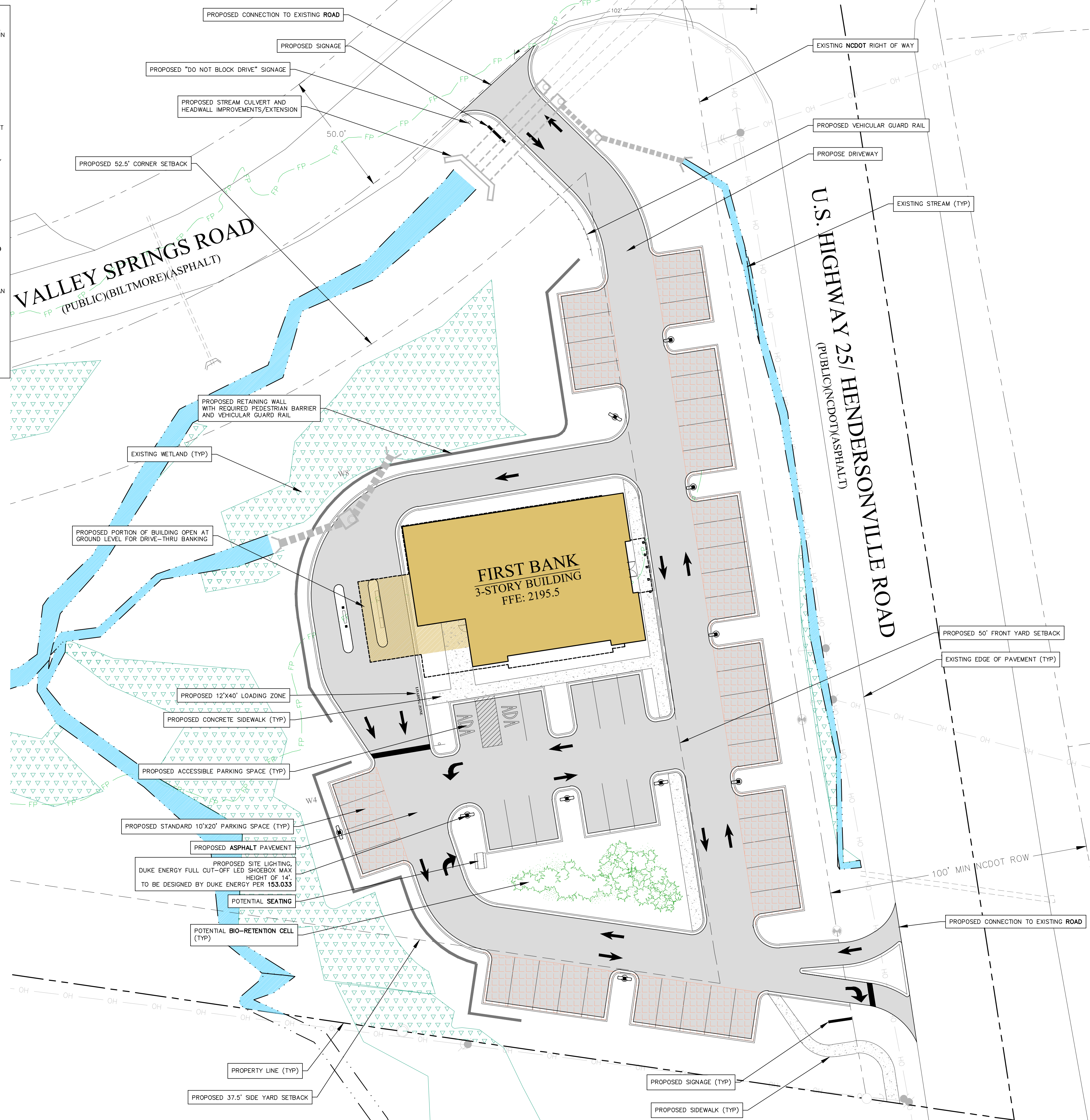


CONCEPTUAL MASTER SITE PLAN FOR:
FIRST BANK AT VALLEY SPRINGS ROAD
FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AMM 12561
CDC PROJECT NO.: XXX PERMIT NO. XXXX

SHEET
C200

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DEVELOPMENT DATA

OWNER/DEVELOPER: 11 CHURCH STREET ASHEVILLE, NC 28801 RUSTY EDWARDS (828) 713-3114

CONTACT: 84 COXE AVENUE - SUITE 260 ASHEVILLE, NC 28801 CHRIS DAY, P.E. (828) 252-5388

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A. 200 RIDGEFIELD COURT STE 208 ASHEVILLE, NC 28806 TREV S. WILSON (828) 225-6562

CONTACT: ED HOLMES & ASSOCIATES 200 RIDGEFIELD COURT STE 208 ASHEVILLE, NC 28806 TREV S. WILSON (828) 225-6562

SURVEYOR: MCMILLAN PAZDAN SMITH 47 RANKIN AVE STE 141 ASHEVILLE, NC 28801 ETHAN WARD, ARCHITECT (828) 398-5016

ARCHITECT: CONTACT:

PROJECT DATA

PIN: 9646-91-9265

ADDRESS: VALLEY SPRINGS ROAD 3836/521

DEED BOOK/PAGE: 4.08± ACRES

PROJECT ACREAGE: R-5 RESIDENTIAL

CURRENT ZONING: R-5 RESIDENTIAL

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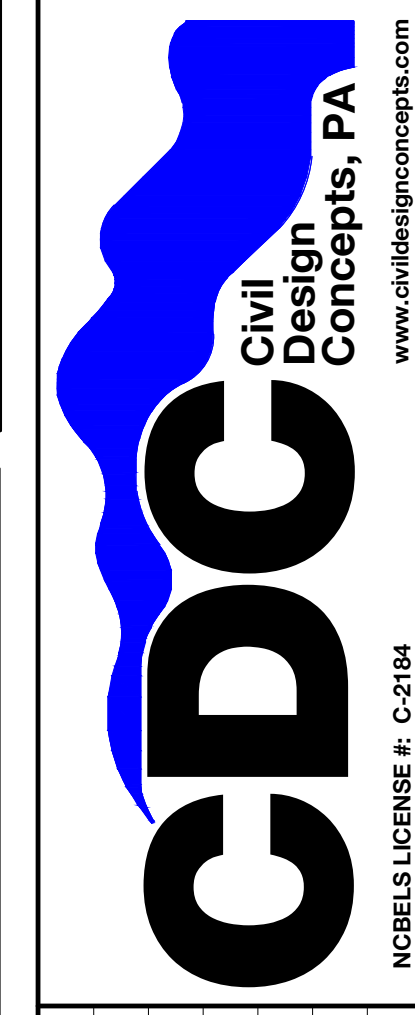
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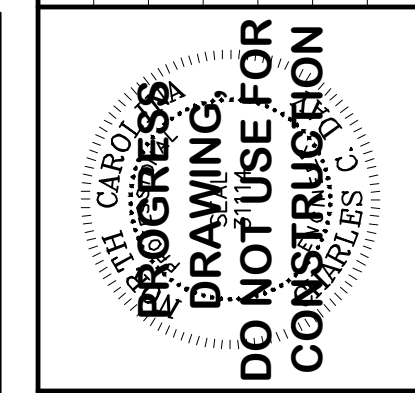
ROOF COVERAGE: MAX ALLOWED: 8,424 SF PROPOSED: 6,752 SF

84 COXE AVENUE - SUITE 260 ASHEVILLE, NC 28806
PHONE (828) 252-5388
FAX (828) 252-5388

52 WALNUT STREET - SUITE 9 WAYNESVILLE, NC 28798
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NO.	DATE	DESCRIPTION
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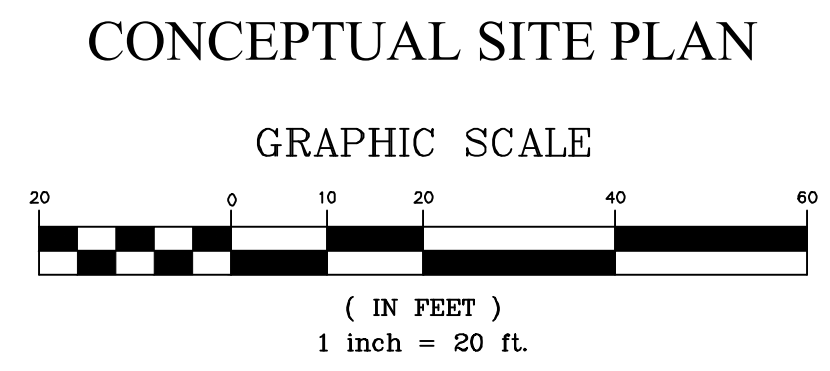


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811

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NORTH



CONCEPTUAL SITE PLAN FOR:

FIRST BANK AT VALLEY SPRINGS ROAD

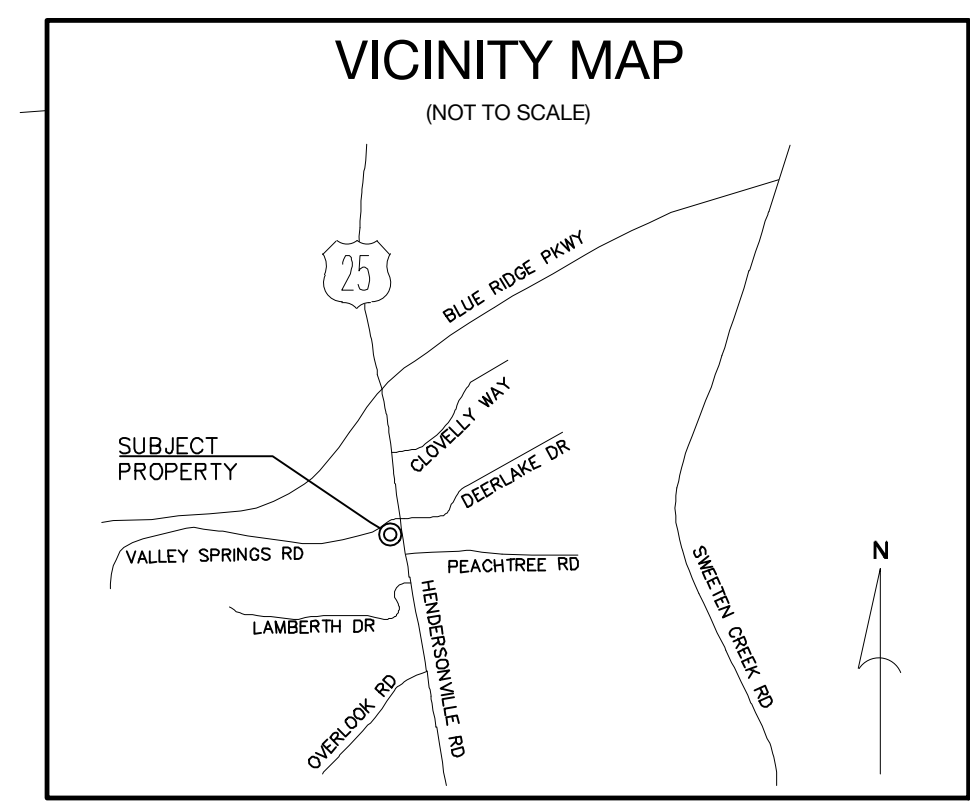
FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AAM 12561
CDC PROJECT NO.: XXX PERMIT NO. XXXX

SHEET
C201

KEY	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL.	SIZE
TREES						
AS	5	ACER SACCHARUM	SUGAR MAPLE	B&B	2" CAL.	
AB	12	ACER BUERGERIANUM	TRIDENT MAPLE	B&B	2" CAL.	
ER	7	CERCIS CANADENSIS	EASTERN REDBUD	B&B	2" CAL.	
CC	6	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	B&B	2" CAL.	
TD	20	TAXODIUM DISTICHUM	BALD CYPRESS	PLUGS	2-3' TALL	
SHRUBS (EXAMPLE LIST)						
FGA	##	FOTHERGILLA GARDENII	DWARF FOTHERGILLA	3 GAL./18" HT. MIN.		
HAA	##	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA	3 GAL./24" HT. MIN.		
HQU	##	HYDRANGEA QUESRIFOLIA	OAKLEAF HYDRANGEA	5 GAL./24" HT. MIN.		
PJM	##	PIERIS JAPONICA 'MOUNTAIN FIRE'	MOUNTAIN FIRE PIERIS	3 GAL.		
PLO	##	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN LAUREL	5 GAL.		
RCA	##	RHODODENDRON CATAWBIENSE	CATAWBA RHODODENDRON	5 GAL.		

GROUND COVER (TYP)
 TBD: ALL GROUND COVER PLANTS CHOSEN WILL BE NATIVE, NON-INVASIVE SPECIES THAT ARE SUITABLE FOR THEIR CHOSEN LOCATION, SUCH AS RIPARIAN, SOIL MAKEUP & SUN EXPOSURE.



DEVELOPMENT DATA

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CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 200 RIDGEFIELD COURT STE 208 ASHEVILLE, NC 28801 CHRIS DAY, P.E. (828) 252-5388
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CONTACT:	

PROJECT DATA

PIN:	9646-91-9265
ADDRESS:	VALLEY SPRINGS ROAD 3836/521
DEED BOOK/PAGE:	3836/521
PROJECT ACREAGE:	4.08± ACRES
CURRENT ZONING:	R-5 RESIDENTIAL

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ROOF COVERAGE:
 MAX ALLOWED: 8,424 SF
 PROPOSED: 6,752 SF

84 COXE AVENUE - SUITE 800
 WAYNESVILLE, NC 28798
 PHONE (828) 252-5388
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52 WALNUT STREET - SUITE 9
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DO NOT USE FOR CONSTRUCTION

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 828-771-4755 OR INSPECTIONS@CDCGO.COM

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NORTH

CONCEPTUAL LANDSCAPE PLAN FOR:
FIRST BANK AT VALLEY SPRINGS ROAD

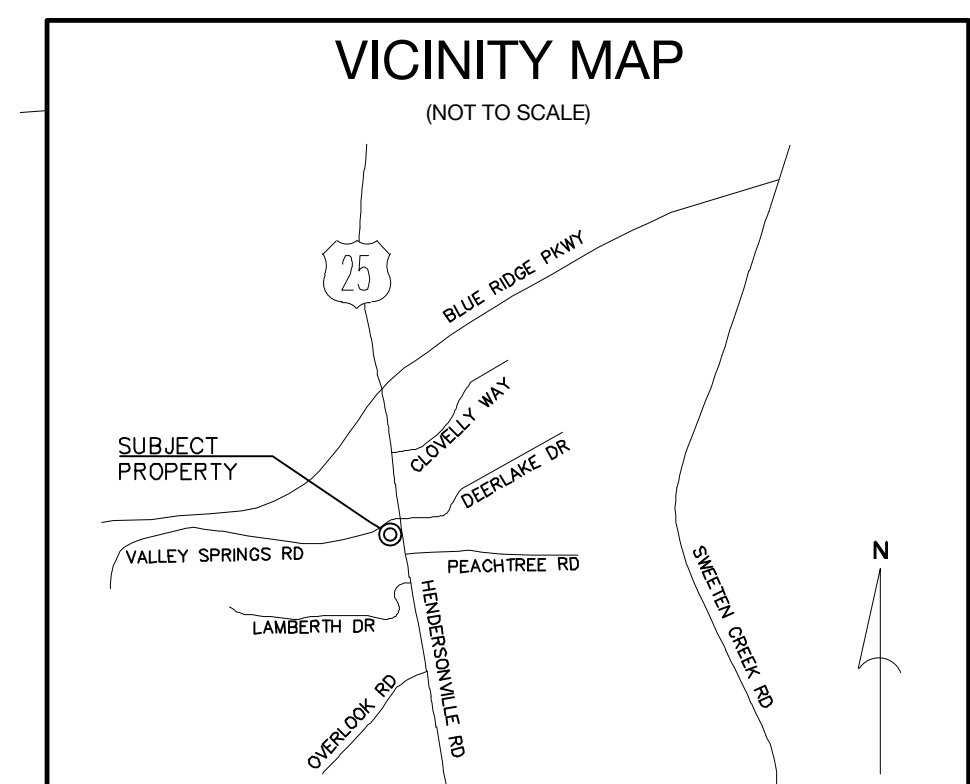
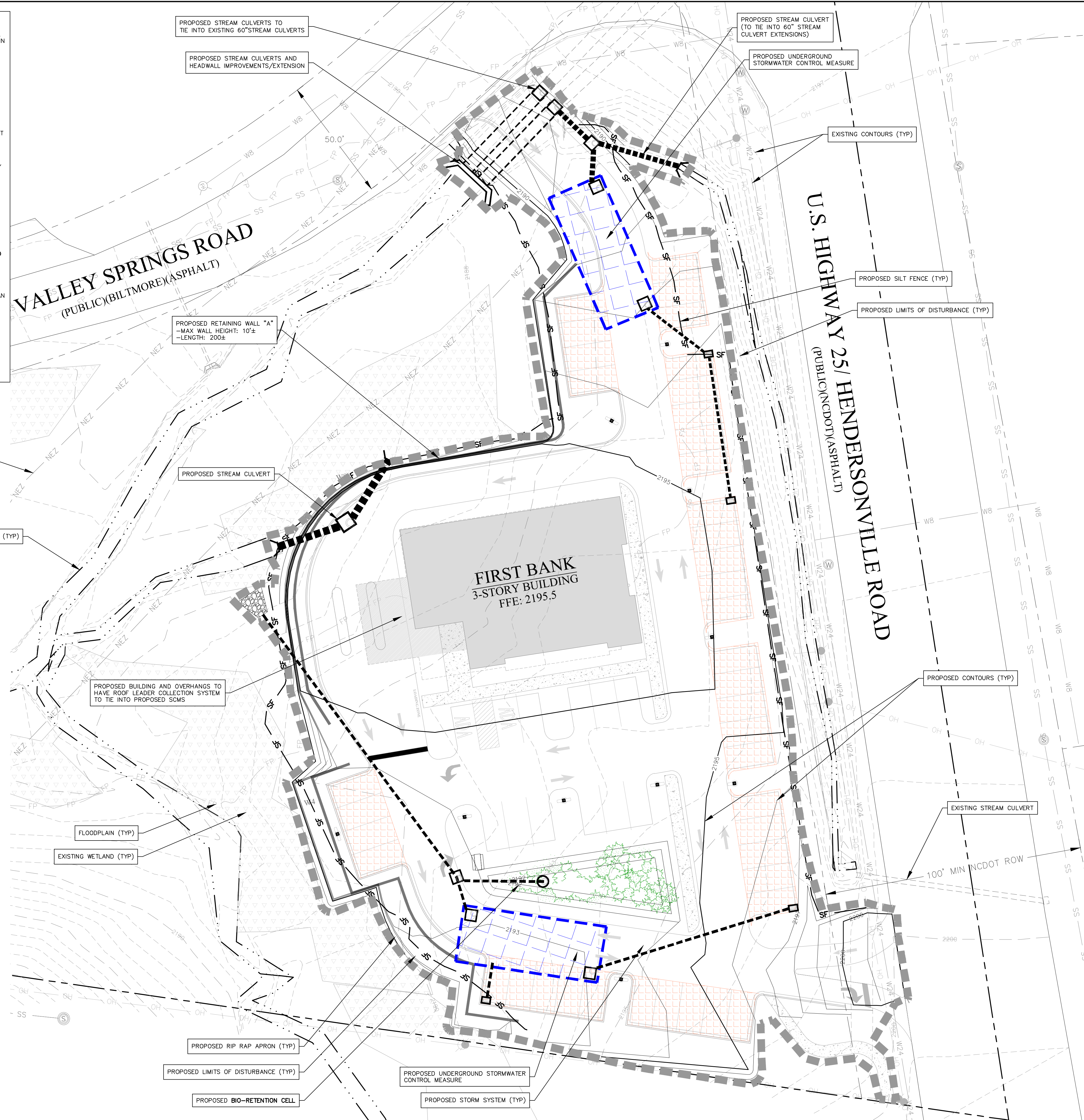
CONCEPTUAL LANDSCAPE PLAN
 GRAPHIC SCALE
 20 0 10 20 40 60
 (IN FEET)
 1 inch = 20 ft.

CONCEPTUAL LANDSCAPE PLAN FOR:
FIRST BANK AT VALLEY SPRINGS ROAD
 FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AAM
 CDC PROJECT NO.: 12561
 XXX PERMIT NO.: XXXX

SHEET
C202

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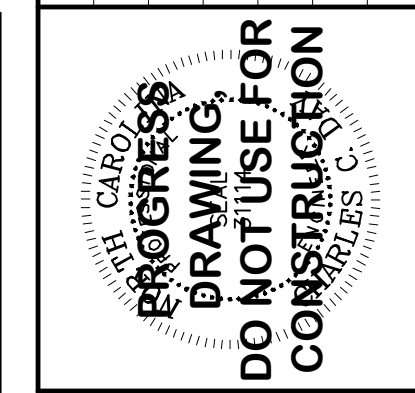
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CDC Civil Design Concepts, PA
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NCBLS LICENSE # C-2184

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811
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NORTH

CONCEPTUAL GRADING & STORMWATER PLAN
GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

CONCEPTUAL GRADING & STORMWATER PLAN FOR:
FIRST BANK AT VALLEY SPRINGS ROAD
FIRST BANK - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: AM
CDC PROJECT NO.: 12561
XXX PERMIT NO.: XXXX

SHEET
C301



SOUTH ELEVATION

1/16" = 1'-0"



EAST ELEVATION

1/16" = 1'-0"



NORTH ELEVATION

1/16" = 1'-0"

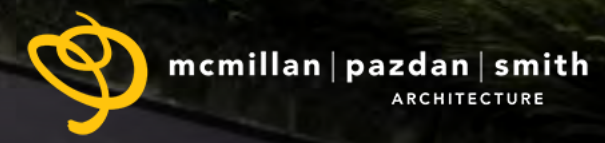


WEST ELEVATION

1/16" = 1'-0"

MAX HEIGHT: 40'-0"
 AVERAGE HEIGHT: 39'-0"
 (90% - 40'-0")
 (10% - 30'-2")



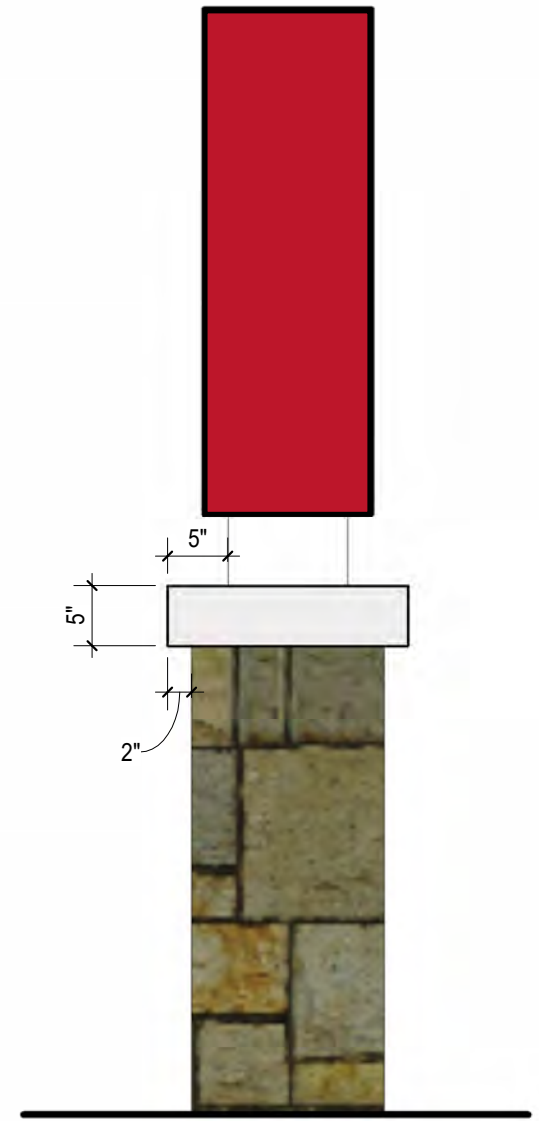


FIRST BANK WNC HEADQUARTERS
 BILTMORE FOREST, NC
 03/27/26

EXTERIOR ELEVATIONS



FRONT ELEVATION



SIDE ELEVATION

Town of Biltmore Forest
**BOARD OF ADJUSTMENT
HEARING NOTICE**



For More Information Visit:
www.biltmoreforest.org

NOTICE

NOTICE TO THE PUBLIC
The Town of Biltmore Forest Board of Adjustment is holding a public hearing on the application for a variance to the Zoning Ordinance for the property located at [Address] in the [Zoning District]. The hearing will be held on [Date] at [Time] in the [Location]. The purpose of the hearing is to hear from the public on the proposed variance. Any person who wishes to speak at the hearing should contact the Town Administrator at [Phone Number] or [Email Address].

NAME	ADDRESS	CITY	STATE	ZIPCODE
MARKET CENTER LLC	418 MCDOWELL ST	ASHEVILLE	NC	28803
ASHEVILLE COMMONS PARTNERS LLC	8315 BEVERLY BLVD STE 100	LOS ANGELES	CA	90048
NETTLEWOOD ASSOCIATES LLC	83 PEACHTREE RD	ASHEVILLE	NC	28803
DEERFIELD EPIS RETIREMENT COM INC	1617 HENDERSONVILLE RD	ASHEVILLE	NC	28803
DEVONSHIRE HOMEOWNERS ASSOC	40 ARLINGTON ST	ASHEVILLE	NC	28801
DEERWOOD HOMEOWNERS ASSOCIATION INC	100 CLUBWOOD CT	ASHEVILLE	NC	28803
RAMBLE BILTMORE FOREST LLC	1 TOWN SQUARE BLVD STE 330	ASHEVILLE	NC	28803
THE SKYLAND VOL FIRE DEPT INC	PO BOX 640	SKYLAND	NC	28776
BLUE RIDGE PARKWAY	199 Hemphill Knob Rd	ASHEVILLE	NC	28803
EVANS MARTHA	10 HILLTOP RD	ASHEVILLE	NC	28803
KOSTOVA ELIZABETH J;KOSTOV GEORGI H	8 HILLTOP RD	ASHEVILLE	NC	28803
CHRISTINE FEKETE IRREVOCABLE TRUST	2170 SATELLITE BLVD STE 175	DULUTH	GA	30097
THURLOW ELIZABETH B	9 RIDGEFIELD PL	ASHEVILLE	NC	28803
STEPHENS ANDREW T	4 HILLTOP RD	ASHEVILLE	NC	28803
GARLAND JOHN E;GARLAND SARAH A	6 RIDGEFIELD PL	ASHEVILLE	NC	28803
STORCK STEVEN MARSHALL;STORCK SARA JANE	4 RIDGEFIELD PL	BILTMORE FRST	NC	28803
BYRD ROBERT	2 RIDGEFIELD PL	ASHEVILLE	NC	28803
BELL JEANIE;BELL CLAYTON	1 RIDGEFIELD PL	ASHEVILLE	NC	28803
FEKETE PAUL	20 BUENA VISTA RD	ASHEVILLE	NC	28803
HILLTOP ASSOCIATES LLC	24 HIGHBRIDGE XING APT 1416	ASHEVILLE	NC	28803
STEPHENS ANDREW T	4 HILLTOP RD	ASHEVILLE	NC	28803

Matter

5 Valley Springs Road

4 Hilltop Road