

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

Property Owners

From: Jonathan B. Kanipe, Town Manager

Date: December 2, 2025

Re: Board of Adjustment Meeting - December 15, 2025

Applicants:

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

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

Neighbors:

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

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

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

Additional information regarding the meeting will be provided on the Town's website no later than December 11th, 2025.

PROPOSED AGENDA

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, December 15, 2025 at 4:00 p.m. at the Biltmore Forest Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

- 1. The meeting will be called to order and roll call taken.
- 2. The minutes of the November 17th, 2025 regular meeting will be considered.
- 3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 2 Arboretum Road- Variance request for installation of an 8' high deer fence.

Site visit: 3:20 pm

Case 2: 15 Stuyvesant Road- New home construction at 15 Stuyvesant Road. Variance is being requested for maximum roof coverage and adjusted setbacks.

Site visit: 3:40 pm

Passcode: 804985

MINUTES OF THE BOARD OF ADJUSTMENT MEETING HELD MONDAY, NOVEMBER 17, 2025

The Board of Adjustment met at 4:00 p.m. on Monday, November 17, 2025

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

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

Ms. Martha Barnes made a motion to approve the minutes as amended from the September 22, 2025 meeting, Ms. Lynn Kieffer seconded the motion and was unanimously approved.

Chairman Goosmann swore in the following:

Mr. Tony Williams

Ms. Elizabeth Flynn

Ms. Elizabeth McCoy

Mr. Clay Mooney

Ms. Koli Fisher

Mr. Alan Jones

Mr. Frederick Smith

Mr. Steven Lee Johnson

Mr. Jerome Douglas

Ms. Carol Douglas

HEARING (Evidentiary):

Mr. Tony Williams presented the following facts: : The property at 18 Chauncey Circle has a lot size of 0.8 acres, allowing a maximum of 3,879 square feet of roof coverage. The applicant requested 371 square feet over the allowed maximum, for a total of 4,250 square feet, representing less than 9% over the allowable coverage. Ms. Koli Fisher and Mr. Alan Jones explained that the addition's design was dictated by a pre-ordered roof package that was already being stored in a warehouse, making it difficult to alter dimensions. The original plan was to create a bird room or aviary, but the owner's declining health had changed some of the intended use. The applicant noted that the homeowner was currently hospitalized and that the addition would help accommodate her needs as she moves from her estate in Salisbury, NC to live full-time at this property.

The Board acknowledged that the property's lot size was a factor in the hardship, being less than an acre. The addition would be built on an existing patio, would not expand the footprint beyond that space, and would be located at the rear of the home out of neighbors' view. The applicants confirmed that the owner was prepared to add landscaping if needed.

Mr. Billy Clarke noted that Variances of up to 9-10% over maximum roof coverage had been granted in the past, and no neighbors had objected to this proposal.

DELIBERATION AND DETERMINATION:

Ms. Kieffer moved that a Variance as requested be granted to Ms. Kettner of 18 Chauncey Circle for a sunroom at the rear of the house, and the facts as recited by Tony Williams and his summation be accepted as findings of fact to support this grant. The Board has inspected the site, and no neighboring property owner has objected. Further, the Board finds that granting this variance satisfies the applicable sections of 153.110(D) paragraphs 1 through 4, would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ordinance would, in this case, result in practical difficulty or unnecessary hardship. The Board further finds that the spirit of the ordinance would be observed,

public safety and welfare secured, and substantial justice done. The applicant must report to the zoning administrator within 7 days of completion of the project in order that the zoning administrator can determine that the project has been completed in accordance with plans submitted to the town. Ms. Martha Barnes seconded the motion, and it passed unanimously.

HEARING (Evidentiary):

Mr. Tony Williams presented the following facts: The property owners at 408 Vanderbilt Road are requesting a Variance for a garage addition to the front of the home which does not comply with the allowable maximum roof coverage of 6,169 square feet and for adjusted setbacks for the height. The applicant requested 489 square feet over the allowed maximum for a total of 6,658 square feet. The application did not meet requirements for maximum roof coverage or the adjusted setback for the height of the structure.

The applicant's representative, Ms. Elizabeth McCoy explained that the proposal involved creating a passthrough from the main 2016 residence to a new space with a den and three-car garage. It was noted that the garage needed to accommodate ADA requirements due to the homeowner's husband being in a wheelchair. The design required 5-foot turnaround spaces for wheelchair accessibility, which took up considerable room.

Mr. Winkenwerder, a neighboring property owner, expressed concerns about the project. Mr. Clay Mooney, a landscape architect hired by the neighbors, explained that while they did not object to the garage addition itself, they were concerned about minimizing the impact of the Variance on their property, particularly regarding landscaping and buffering between the properties.

After some discussion, the parties agreed to table the matter temporarily to discuss landscaping solutions. When they returned, both parties confirmed they had reached an agreement whereby the applicant would provide adequate landscaping to buffer the property to the south.

The Board clarified that the height issue related to the setback requirements, as the new garage's height necessitated an increased setback distance. The existing structure was approximately 1.5 feet into the side setback toward the neighboring property.

DELIBERATION AND DETERMINATION:

Ms. Martha Barnes moved that the Variance, as requested, be granted to Elizabeth Flynn of 408 Vanderbilt for exceeding roof coverage, and that the findings of fact as recited by Tony Williams and amended by the Board be accepted as findings of fact to support this grant. The Board has inspected the site, and while the neighboring property owner initially objected, they are now in agreement with the landscape plan. Further, the Board finds that granting this Variance satisfies the applicable sections of 153.110(D) paragraphs 1 through 4, would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ordinance would, in this case, result in practical difficulty or unnecessary hardship. The Board further finds that the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant must report to the zoning administrator within 7 days of completion of the project in order that the zoning administrator can determine that the project has been completed in accordance with plans submitted to the town. Ms. Rhoda Groce seconded the motion and was unanimously approved.

HEARING (Evidentiary):

Mr. Tony Williams presented the following facts: The property owners at 28 Cedarcliff Road are requesting a Variance for multiple accessory structures located within the setbacks. There were multiple low walls located in the side setback along with a 17-foot diameter fire pit area. The application did not meet requirements for setbacks for accessory structures.

Mr. Steven Lee Johnson represents the property owner and explained that the proposal involved three areas within setbacks that needed restoration or improvement on this historic property. The first was an old garden from the original 1920s home construction that had been

discovered when the new owners cleared overgrowth. The work would involve restoring low 24-inch walls with minor masonry work, not expanding the hardscape.

The second area involved adding small stone walls inside an existing garden lean-to shed area to mitigate a steep grade coming down from the property line. Mr. Johnson noted these improvements would not be visible from the adjacent property due to the topography.

The third item was a 17-foot diameter fire pit proposed for a natural terrace area that was believed to be an old vegetable garden. The location was selected to eliminate the need for grading in the topographically challenging backyard. The applicant confirmed that evergreen landscaping and trees would be added around the fire pit for screening, and they were willing to enhance this buffer if requested by neighbors.

Mr. Johnson confirmed that the unusual topography of the property created a hardship, and that adequate screening would be provided to buffer neighboring properties from seeing the fire pit. It was also noted that one neighboring property had a garage that blocked the view of the fire pit location.

DELIBERATION AND DETERMINATION:

Ms. Rhoda Groce moved that a Variance as requested be granted to Mr. Frederick Smith of 28 Cedar Cliff Road for multiple accessory structures, which include low walls and a 17-foot diameter fire pit and that the findings of fact as recited by Tony Williams and his summation be accepted as findings of fact to support this grant. The Board has inspected the site, and no neighboring property owner has objected. Further, the Board finds that granting this Variance satisfies the applicable sections of 153.110(D) paragraphs 1 through 4, would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ordinance would, in this case, result in practical difficulty or unnecessary hardship. The Board further finds that the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant must report to the zoning administrator within 7 days of completion of the project in order that the zoning administrator can determine

that the project has been completed in accordance with plans submitted to the town. Mr. Robert Chandler seconded the motion, and it passed unanimously.

HEARING (Evidentiary):

Mr. Tony Williams presented the last matter: The property owner at 24 White Oak Road presented plans for an addition to the rear of their home. The lot size is 0.39 acres and allows for a maximum of 2,552 square feet of roof coverage. The applicant requested 327 square feet over the allowed maximum for a total of 2,879 square feet.

The applicant explained that they were seeking to expand the back of their house after damage during a hurricane that destroyed their deck and damaged other areas. The proposal would extend a breakfast area a few feet out and replace the deck that existed before the storm.

Chairman Goosmann noted that the lot size at 0.39 acres was very small, and that other properties on White Oak Road were similarly situated. The Board acknowledged that accommodations had been made in the past for other neighbors with similar lot sizes on that street.

The applicant confirmed that they had spoken with all neighbors except the one directly behind them, and those they spoke with were comfortable with the changes. They also committed to adding landscaping screening once construction was completed.

DELIBERATION AND DETERMINATION:

Ms. Martha Barnes moved that a Variance as requested be granted to Jerome and Carol Douglas of 24 White Oak Road for exceeding maximum roof coverage, and that the facts as recited by Tony Williams and his summation be accepted as findings of fact to support this grant. The Board has inspected the site and no neighboring property owners have objected. Further, the Board finds that granting this Variance satisfies the applicable sections of 153.110(D) paragraphs 1 through 4, would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ordinance would, in this case, result in practical difficulty or unnecessary hardship.

The Board further finds that the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant must report to the zoning administrator within 7 days of completion of the project in order that the zoning administrator can determine that the project has been completed in accordance with plans submitted to the town. Mr. Robert Chandler seconded the motion, and it passed unanimously.

	The next meeting would be held on Decemb	per 15th, 2025. The meeting was adjourned
4:48pi	m.	
1	ATTEST:	
Gre	g Goosmann, Chairman	Laura Jacobs, Town Clerk

at



BOARD OF ADJUSTMENT MEETING STAFF MEMORANDUM

December 15, 2025

Property Address: 2 Arboretum Rd Property Owner: The Randons

Request: Variance hearing for a Deer Fence in the Front/Side Yard and Front

Setback

Background

The property owner is requesting permission to install a deer fence around their home. The fence will be made of solid wire and 8 feet in height. The fence meets the ordinance requirements in the rear of the home. The fence does not meet the ordinance by being located within the front and side yard as well as the front setback, therefore requires a variance.

Variance Request

The applicant is requesting to install a deer fence in the front and side yard with the front being in the setback. The ordinance requires the fence to be located in the rear yard and not within any setbacks, therefore requires a variance. Section 153.110 (D) (attached) addresses the approval requirements for a variance.

153.029 ACCESSORY STRUCTURES AND BUILDINGS.

- (A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard or within any side yard or rear yard setback.
- (B) (1) In addition, the following standards are established for accessory structures and accessory buildings:
 - (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
 - (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in § 153.008;
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ 153.043 and 153.048; and
 - (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.
- (2) For all satellite dishes less than 24 inches in diameter, an application for a zoning compliance certificate shall be made directly to the Zoning Administrator; the Zoning Administrator shall issue a zoning compliance certificate.
- (3) Fences, gates, and walls shall be regulated in accordance with $\S 153.049$ of this Zoning Ordinance.

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

Editor's note:

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

Zoning Compliance Application

Town of Biltmore Forest

Name

Justin Nicholas

Property Address

2 Arboretum Road

Phone Email

(855) 720-2435 justin@livingstoneconstruction.com

Parcel ID/PIN Number

9646349671

ZONING INFORMATION

Current ZoningR-1 **Lot Size**2.74 acres

Proposed Roof Coverage Total

Existing

Proposed Impervious Surface Coverage

Existing

Front Yard Setback
60 feet (R-1 District)
Side Yard Setback
20 feet (R-1 District)

Rear Yard Setback Building Height

25 feet (R-1 District) Existing

Description of the Proposed Project

Addition of deer fence, garden trellis, and raised planter beds

Estimated Start Date Estimated Completion Date

11/24/2025 1/19/2026

Estimated Cost of Project

\$25,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Randon-Site Plan-2025-10-08.pdf

Just D

Date 11/10/2025

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Justin Nicholas

Address

2 Arboretum Road

Phone

(855) 720-2435

Email

justin@livingstoneconstruction.com

Current Zoning/Use

Requested Use

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

What would you like to do with your property?

Add a deer fence in the front setback of the property.

What does the ordinance require?

The ordinance requires fences not to be constructed within the setback.

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

REQUIRED FINDINGS: Please provide a thorough response to each.

Unnecessary hardship would result from the strict application of the ordinance.

The 60' front setback takes up the majority of the front yard, hugging the driveway most of the way along the north side of the property. Sabine intends to have landscaping in the front yard, and an approved deer fence is the most effective option for keeping the vegetation out of the reach of deer and other animals that may eat it.

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

The 60' front setback takes up the majority of the front yard, hugging the driveway most of the way along the north side of the property. The deer fence will be built along the edge of the woods and it is intended to enhance the property.

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

The driveway and setback were both existing before the property was purchased by Sabine.

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.

This variance request is consistent with the spirit, purpose, and intent of the ordinance. The fence will

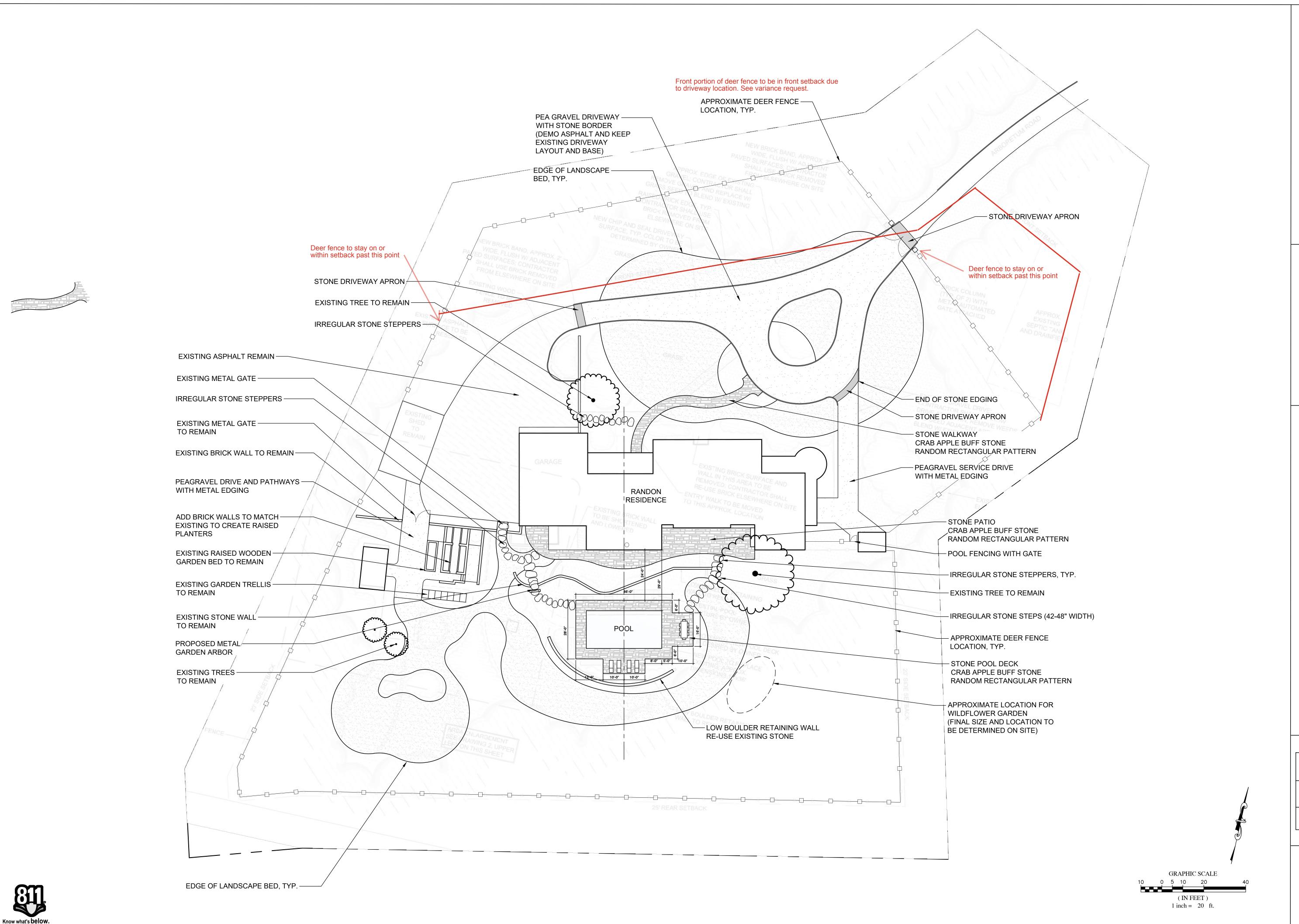
adhere to the rules laid out in Section 153.049 Subsection D-4 and will match the deer fence being installed in the rear of the property. It will meet up at the driveway gate and create one cohesive enclosure.

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

Signature Date11/10/2025

Have you paid the \$300 varience 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.

Yes



Call before you dig.



NOTES

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SCALE : 1"= 20' 09/09/25 DRAWN BY

SHEET #



BOARD OF ADJUSTMENT MEETING STAFF MEMORANDUM

December 15, 2025

Property Address: 15 Stuyvesant Rd

Property Owner: Stuyvesant Road, LLC

Request: Variance Request for Max Allowable Roof Coverage and Adjusted

Setbacks for Height

Background

Plans are being presented for a new home at 15 Stuyvesant Rd. The lot size is 1.59 acres and allows for a maximum of 5836 square feet of roof coverage for the lot. The applicant is asking for 529 square feet over the allowed maximum for a total of 6365 square feet. The structure is over twenty five feet in height, which activates the adjusted setbacks, which it does not meet. The application does not meet the requirements for max roof coverage or the adjusted setback for the height of the structure, therefore would require a variance for both.

Variance

The proposed structure does not comply with the allowable max roof coverage of 5836 square feet, nor does it meet the adjusted side or rear setback for the height of the new home, therefore would require a variance for both. Section 153.110 (D) (attached) addresses the approval requirements for a variance.

Zoning Compliance Application

Town of Biltmore Forest

Name

Stuyvesant Road, LLC, c/o Steven R. (Rob) & Leslie B. Scott (Representative/Contact - Remington A. Jackson, Esq.)

Property Address

15 Stuyvesant Road, Biltmore Forest, NC 28803

Phone Email

(704) 335-2732 remingtonjackson@parkerpoe.com

Parcel ID/PIN Number

9646882501

ZONING INFORMATION

Current Zoning Lot Size R-1 1.59

Proposed Roof Coverage Total

6365sqft

Proposed Impervious Surface Coverage

TBD

Front Yard Setback
60 feet (R-1 District)
Side Yard Setback
20 feet (R-1 District)

Rear Yard Setback Building Height

25 feet (R-1 District) 40ft

Description of the Proposed Project

Building a single family home.

Estimated Start Date Estimated Completion Date

5/1/2026 5/1/2028

Estimated Cost of Project

\$3,900,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

15 Stuyvesant Zoning Submittal (11 24 25).pdf

Remington Jackson

§ 153.007 DIMENSIONAL REQUIREMENTS.

- (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 (round to 3 to account for increment of change) $3 \times 20\% = 60\%$ $60\% \times 20 = 12$ 25 + 12 = 37Rear setback will be 37 feet

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

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Stuyvesant Road, LLC, c/o Steven R. (Rob) & Leslie B. Scott (Representative/Contact - Remington A. Jackson, Esq.)

Address

15 Stuyvesant Road, Biltmore Forest, NC 28803

Phone Email

(704) 335-2732 RemingtonJackson@parkerpoe.com

Current Zoning/Use Requested Use

Residential 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?

A: To allow an additional 529 square feet of roof area beyond the standard allowance, for a total of 6365 square feet, based on the lot size and configuration. (Section 153.043)

B: To allow relief from the increased setback requirements applicable to structures exceeding 25 feet in height, due to site-specific topography, tree preservation concerns, and the need to maintain neighborhood architectural character. (Section 153.007)

What does the ordinance require?

A: Section 153.043 of the ordinance allows for 5,836 square foot allowance for roof coverage for a 1.6-acre lot.

B: Section 153.007 requires homes greater than 25 feet in height to 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 exceeds 25 feet in height.

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.

A: Strict application of the roof coverage limitation prescribed under Section 153.043 would impose an unnecessary and inequitable hardship upon the property owner by limiting their ability to make full use of the property. As applied to this parcel, the restriction precludes reasonable and customary residential improvements comparable to those enjoyed by similarly situated properties within the surrounding neighborhood. The requested increase of 529 square feet in allowable roof area constitutes a modest and proportionate adjustment necessary to achieve a functional, cohesive, and contextually appropriate residential design. The purpose of the requested increase is to (a) accommodate a 167 square foot enclosed trash receptacle area adjacent to the garage with direct access from outside which improves bear

safety; and (b) to accommodate a 397 square foot roof over dining patio for privacy, which is necessitated by the placement of the house at 17 Stuyvesant Road approximately 10 feet from the property line that itself does not conform to current setback regulations. Based on previously approved variances, this level of relief is consistent with prior determinations of the Board of Adjustment in analogous circumstances. Furthermore, the requested increase would only be 265 square feet in addition to the roof coverage allowance for the ordinance in effect through July 2023. Absent approval of the variance, the homeowner would be deprived of the full, reasonable, and beneficial use of the property—an outcome that would result in an unnecessary hardship contrary to both the spirit and intent of the zoning code.

B: Enforcement of the increased side and rear setback requirements under Section 153.007, applicable to structures exceeding 25 feet in height, would impose an unnecessary safety, tree removal, and building style hardships. The height of the structure at approximately 40 feet is the result of a standard two-story high-pitched roof residence. As depicted in our drawings, the highest point is limited and not across the entire roof. Reducing the height would require a flat roof, inconsistent with the character of the neighborhood. Increasing the setback because of that standard height substantially reduces the lot's buildable area in rear of the lot. Without a variance, the reduction of that buildable area requires relocating the garage from the side to the front of the house, which relocation would both (a) require the removal of several mature hardwood trees that contribute materially to the established landscape character and environmental integrity of the neighborhood; and (b) require steeper driveway slopes with higher retaining walls which are inherently less safe in wet and cold conditions. Furthermore, strict adherence to these setback standards would unreasonably constrain the architectural design and placement of the residence. Such a result would deprive the homeowner of a reasonable and beneficial use of the property, thereby creating an unnecessary hardship inconsistent with the equitable objectives of the zoning code.

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

A: The hardship as to the roof area limitation arises from conditions that are both unique to and inherent in this particular parcel, including its irregular lot configuration, proportional constraints, and existing encroachments from adjacent development established under prior zoning regulations. The neighboring property's setbacks encroach upon our parcel as it was designed under a much older ordinance. The location of that structure requires privacy mitigation for rear patio outdoor dining area, which is accomplished by the roof over that dining area. Because the property is in a bear area, safety concerns dictate either enclosing trash or using bear proof containers, but municipal service providers prefer regular containers over the bear proof containers. The property's irregular lot dimensions created by the topography and orientation materially restrict design flexibility in a manner not experienced by other lots within the same zoning district. These site-specific characteristics directly and disproportionately affect the calculation of allowable roof coverage under Section 153.043, yielding a development limitation inconsistent with the property's actual size and development potential. The requested variance is therefore necessitated by these distinct physical attributes and historical conditions, rather than by any self-created or general circumstance applicable to the district as a whole.

B: The hardship as to the increased setbacks required by a standard roof height two-story home stems from conditions uniquely associated with this parcel, including its lot configuration, natural topography, and mature vegetative features. For life safety, the proposed structure has a master bedroom, garage and living areas on the main level. The slope of the property and associated water channeling make a below grade garage impractical. Designing a structure with the garage and master bedroom to be on the main level, requires either: (a) a variance; or (b) moving the garage to the front, which as described above results in severe loss of mature trees and distinctly less safe slopes. The property's elevation and orientation relative to neighboring homes make it particularly sensitive to the increased side and rear setback requirements applicable to structures exceeding 25 feet in height. Compliance would compel construction deeper into the lot interior, necessitating the removal of several mature trees that provide natural screening, aesthetic continuity, and environmental benefit to the neighborhood. The loss of these trees would impose both a significant financial burden and a permanent alteration to the established landscape character. Moreover, the atypical placement of the adjacent residence—situated closer to the shared boundary than permitted under current regulations—exacerbates these conditions by obstructing

natural light and long-range views if strict compliance is enforced. Finally, the safety of a driveway that would need to be shifted at the necessary grade is questionable at best. These cumulative and site-specific factors distinguish the property from others within the district and give rise to the hardship supporting this variance request.

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

The hardship as to the roof area limitation necessitating this variance did not result from any action by the applicant or property owner. The lot configuration, applicable coverage standards, and zoning constraints predate the owner's acquisition of the property and were established under a prior version of the zoning ordinance. The need for additional roof coverage arises solely from the mechanical application of a uniform standard that, in this particular instance, fails to account for the property's distinctive size, shape, and orientation. The requested relief merely allows the property to be developed in a manner that is harmonious with the surrounding neighborhood and consistent with the reasonable expectations of residential use within this zoning district. The owner has acted in good faith reliance on the property's preexisting conditions and has taken no steps that would create or exacerbate the hardship at issue. B: The hardship as to the increased setbacks required by a standard roof height two-story home underlying this variance request is not self-created and did not arise from any voluntary act or omission by the homeowner. The lot configuration, natural topography, location of mature trees and nonconforming conditions of adjacent development all predate the applicant's ownership and materially contribute to the circumstances giving rise to this request. The homeowner's proposed residence is architecturally consistent with the established character of the neighborhood, which predominantly features traditional rooflines and pitched designs that, by their nature, exceed 25 feet in height even at two stories, located in the rear of lots. The need for relief therefore results directly from preexisting physical and contextual constraints, not from any design excess or elective action by the applicant. The variance simply enables the reasonable and proportionate development of the property in keeping with neighborhood precedent

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.

and the intent of the zoning code.

- A Granting the requested variance as to the roof coverage limitation fully comports with the spirit, purpose, and intent of Section 153.043. The overarching objectives of the ordinance—to ensure compatibility of scale, preserve neighborhood character, and maintain adequate open space and drainage—will remain fully satisfied. The proposed increase in allowable roof coverage represents a modest and proportional adjustment that will not adversely affect light, air, or drainage conditions, nor will it alter the established architectural rhythm of the neighborhood. The design remains consistent with the scale of adjacent residences relative to their lots, maintaining visual harmony and the overall residential character of the area with limited maximum height points rather than being across the entire roof. Based on our imagery, the residence will likely not be visible from the public right-of-way. In addition, the design enhances safety for residents and municipal workers, by including an enclosed trash receptacle area. Approval of this variance advances the principles of equity and substantial justice by allowing the property to be improved in a manner comparable to similarly situated parcels, thereby preventing an arbitrary or disproportionate restriction on the homeowner's reasonable use and enjoyment of the property while upholding the ordinance's fundamental policy objectives.
- B: The requested variance for the increased setbacks required by a standard roof height two-story home aligns squarely with the spirit and purpose of Section 153.007, which seeks to ensure appropriate separation between taller structures, preserve privacy, maintain neighborhood character, and promote safety and accessibility. The proposed residence maintains harmonious architectural proportions and a roof profile that is consistent with the traditional forms prevalent throughout the neighborhood. Granting the variance will preserve several mature trees that contribute to stormwater management, privacy screening, and aesthetic continuity and will allow for safer slopes for the drive way and lower retaining walls—outcomes that are fully consistent with the ordinance's underlying environmental, safety and design objectives. Furthermore, the relief will restore a balanced view corridor and ensure a fair and even application of setback standards in light of the nonconforming placement of adjacent development.

Approval of this request will therefore uphold public safety, reinforce the architectural integrity of the surrounding area, and achieve substantial justice by enabling a reasonable and contextually appropriate use of the property.

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

Signature

Date 11/24/2025

Have you paid the \$300 varience 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.

Kemington Jackson

I plan to pay in person or mail a check

- 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)

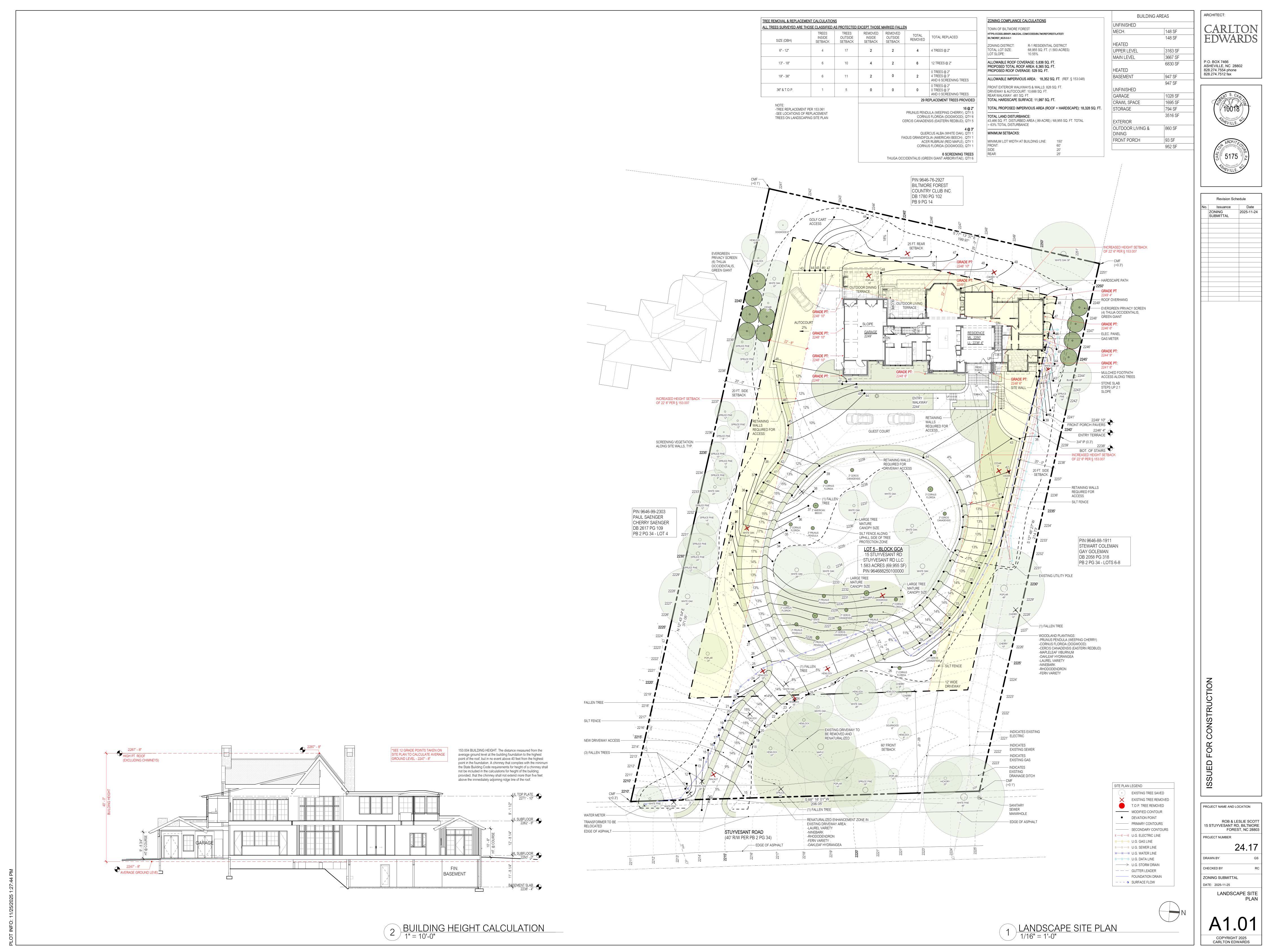
§ 153.043 MAXIMUM ROOF COVERAGE.

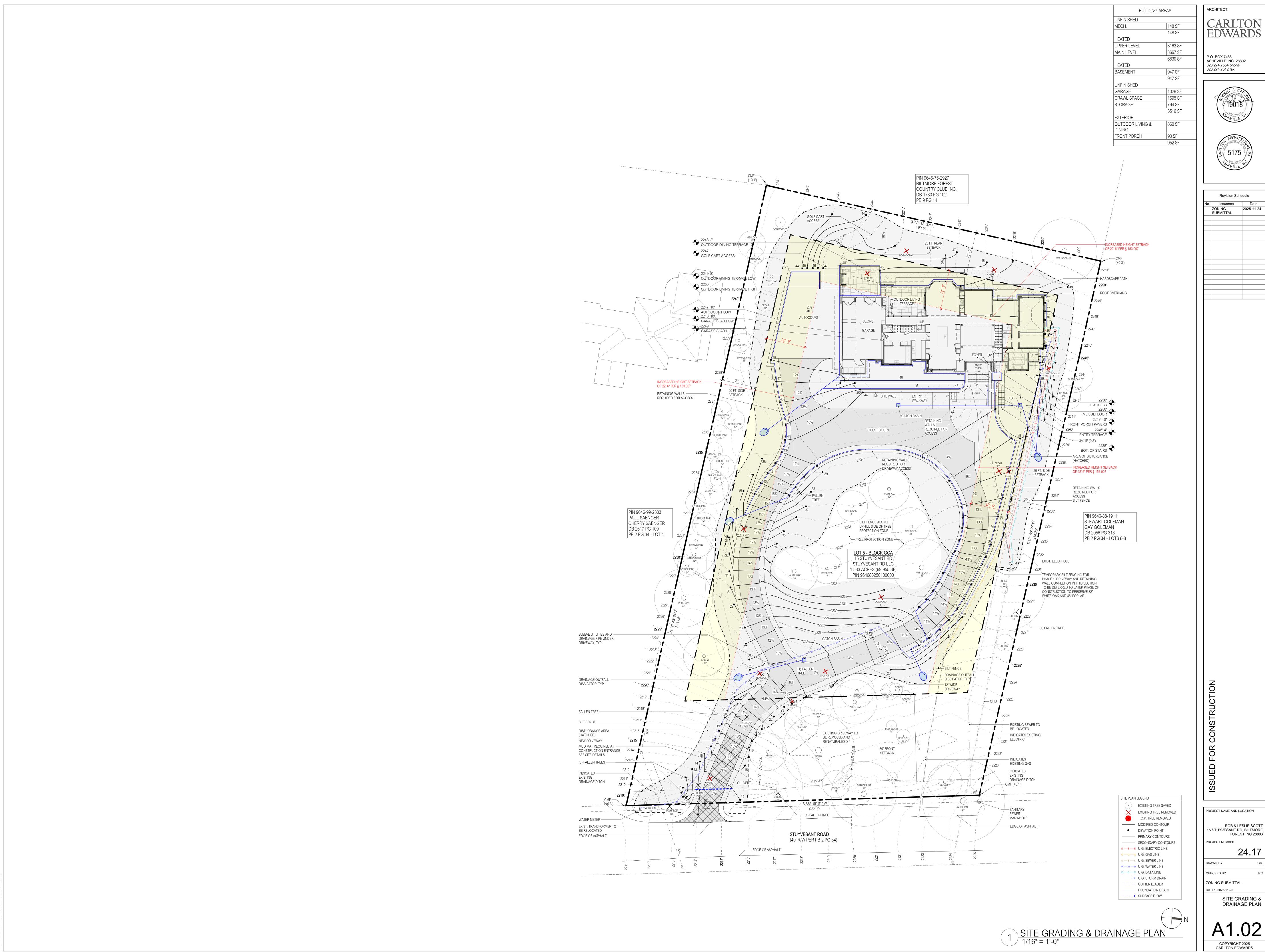
- (A) (1) (a) The **MAXIMUM ROOF COVERAGE** is defined as the total area under roof, of all primary and accessory structures and buildings, on the lot. This is measured from the outside edge of the gutter, if any, vertically to the ground.
- (b) The maximum roof coverage assures the total size of buildings and structures is proportional to the size of the lot.
 - (2) The maximum roof coverage permitted is as follows:

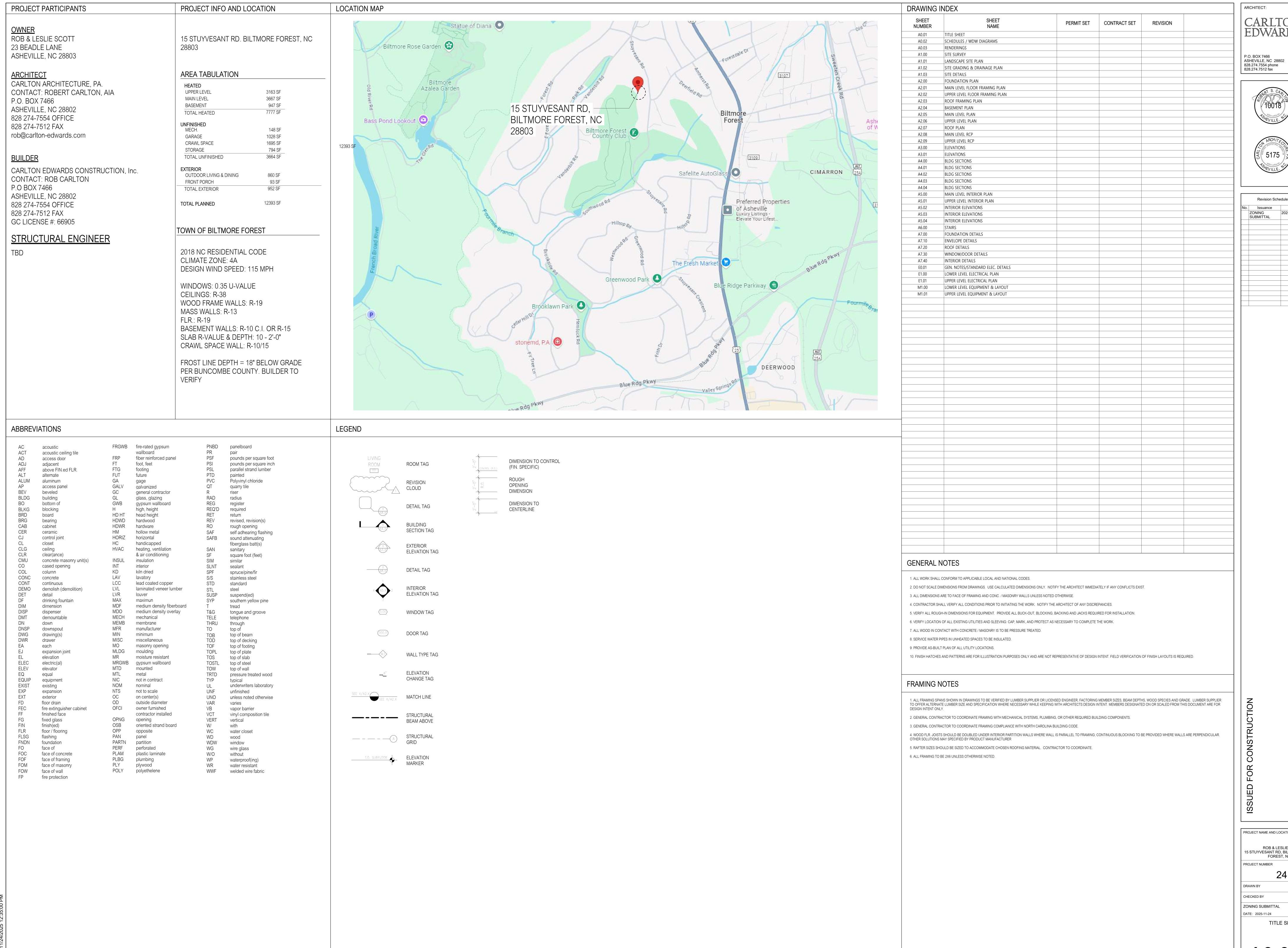
The below table can also be used by simply rounding up or down to the nearest lot acreage. For lots larger than five and one-half acres or for exact MRC allowances for lots falling between points in the below table, the below equation shall be used as the definitive allowance.

Lot Size (Acres)	Max. Roof Coverage (Ft. ²)	Lot Size (Acres)	Max. R	coof Coverage (Ft. ²)	Lot Size (Acres)	Max. Roof Coverage (Ft. ²)
Lot Size (Acres)	Max. R Covero (Ft. ²	age	Lot Size (Acres)	Max. Roof Coverage (Ft. ²)		Size Max. Roof cres) Coverage (Ft. ²)
0.50	2,552	1.6	0	5,836	3.25	7,837
0.60	3,067	1.7	0	6,008	3.50	8,047
0.70	3,502	1.8	0	6,169	3.75	8,241
0.80	3,879	1.9	0	6,322	4.00	8,424
0.90	4,212	2.0	0	6.467	4.25	8,595
1.00	4,509	2.2	0	6,736	4.50	8,756
1.10	4,779	2.4	0	6,981	4.75	8,921
1.20 5,024		2.6	0	7,207	5.00	9,054
1.30 5,250		2.8	0	7,417	5.25	9,191
1.40 5,459		3.0	0	7,611	5.50	9,325
1.50 5,654						

- (B) (1) Lots exceeding six acres in size. Multiply the lot size by 43,560; multiply this number by 3.25% (0.0325); provided, that the result is less than 9,647, structures on the lot may have maximum roof coverage of 9,647 square feet.
- (2) If the result is greater than 9,647, structures on the lot may have maximum roof coverage equal to the result produced by the multiplication.
- (C) All structures exceeding the maximum roof coverage for the lot on which they are located shall require approval of a variance by the Board of Adjustment in accordance with the procedures and standards set forth in § 153.110(D).
- (D) The equation which may also be used to calculate MRC is: MRC = 2823.5 LN (Acreage), where 'LN' is the natural logarithm mathematical function. This may be calculated using Excel, if needed. (Ord. 2023-04, passed 7-1-2023)







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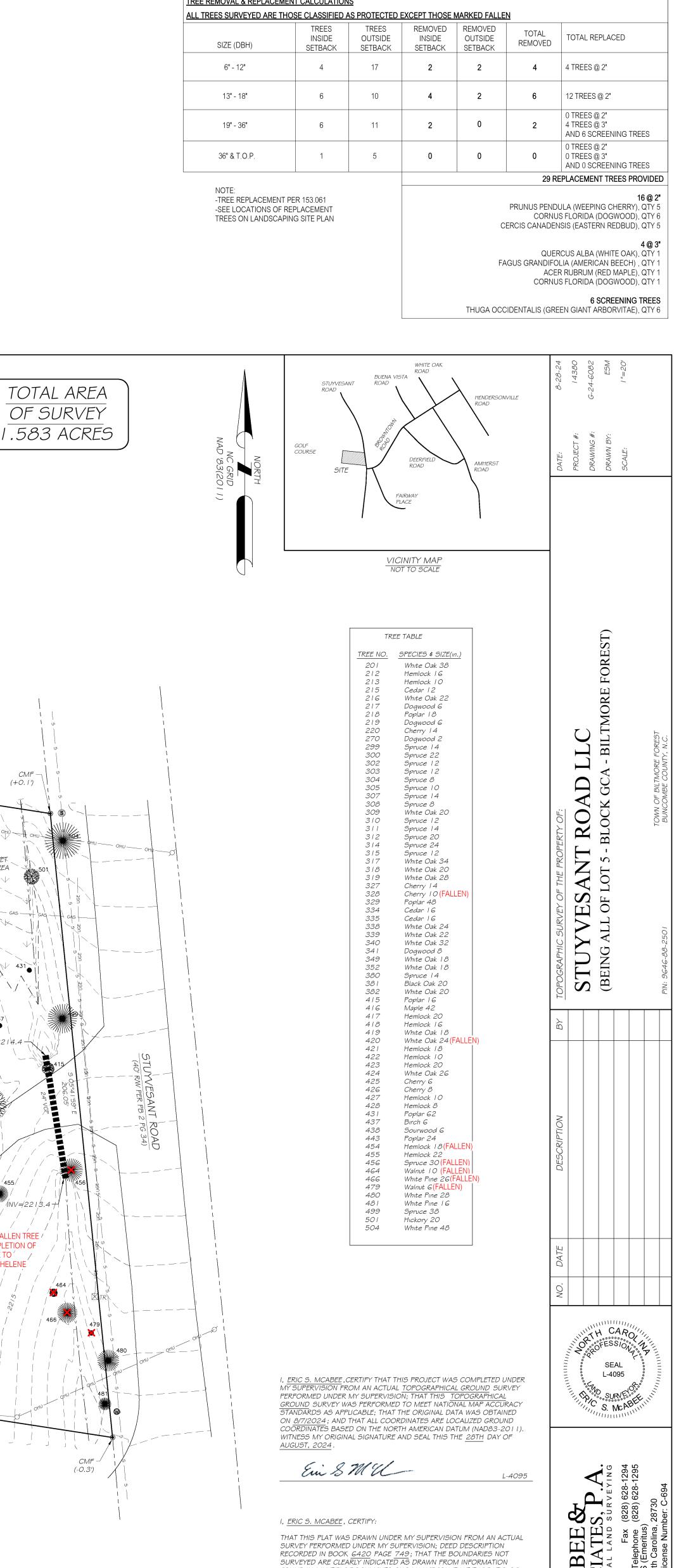




Revision Schedule

PROJECT NAME AND LOCATION ROB & LESLIE SCOT 15 STUYVESANT RD, BILTMORE FOREST, NC 28803

TITLE SHEET



FOUND IN MULTIPLE DOCUMENTS SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS

THE <u>28TH</u> DAY OF <u>AUGUST, 2024</u>.

1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S.
47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS

THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND, AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET, AS DESCRIBED IN G.S. 47-30 (F)(11)(C)(1).

I) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER

COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY

4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO

ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS

7) THE ELEVATION DATUM FOR THIS SURVEY IS NAVD '88. THE CONTOUR

8) SUBJECT PROPERTY IS ZONED "R I " PER THE TOWN OF BILTMORE FOREST ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

PIN 9646-76-2927 BILTMORE FOREST

COUNTRY CLUB INC.

DB 1780 PG 102

PB 9 PG 14

(+0.3')

PIN 9646-88-1911

STEWART COLEMAN

GAY COLEMAN DB 2058 PG 318

PB 2 PG 34 - LOTS 6-8

SURVEYED

300 303 304 305 308 307 308 309 311 312 314 317 N81°1606" W 371.06'

PIN 9646-88-2303 PAUL SAENGER CHERRY SAENGER

DB 2617 PG 109 PB 2 PG 34 - LOT 4

INDICATES FALLEN TREE AFTER COMPLETION OF / SURVEY DUE TO /

HURRICANE HELENE

D.F.I.R.M.#3700964600J - EFFECTIVE DATE: JANUARY 6, 2010. 2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON. 3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE

DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.

5) AREA BY COORDINATE COMPUTATION.

INTERVAL IS ONE FOOT.

SIDE= 20' REAR= 25'

REFERENCES:

- DB 6420 PG 749 - PB 2 PG 34

THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND

6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

BUILDING SETBACKS (PER R.I. CLASSIFICATION): FRONT= 60'

LEGEND & ABBREVIATIONS :

PIN= PARCEL IDENTIFICATION NUMBER

(NOT MARKED IN FIELD) RECOVERED BOUNDARY MONUMENT

(SIZE AND TYPE AS NOTED)

BOUNDARY MONUMENT SET BY MCABEE

CMF= CONCRETE MONUMENT FOUND

(SIZE AND TYPE AS NOTED)

PB= PLAT BOOK DB= DEED BOOK PG= PAGE

R/W= RIGHT OF WAY

CALCULATED POINT

💥 AREA LIGHT

— OHU — OVERHEAD UTILITY LINE

—— s —— SANITARY SEWER LINE

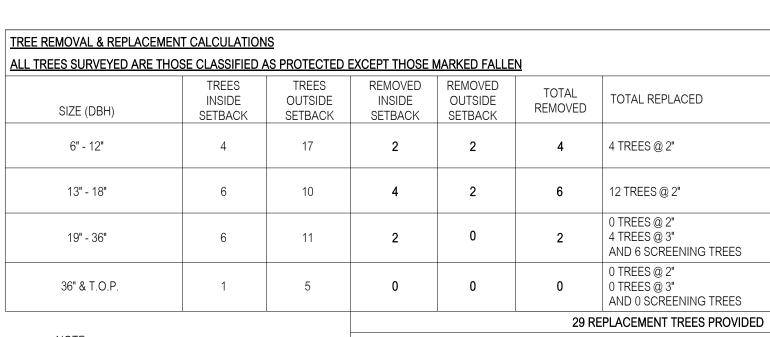
WATER METER

ELEV= ELEVATION

IPIPE= IRON PIPE FOUND OT= UNDERGROUND OIL TANK

SANITARY SEWER MANHOLE TR= TRANSFORMER

— uge — UNDERGROUND ELECTRIC LINE



Revision Schedule Issuance Date
DNING 2025-11-24 ZONING SUBMITTAL

ARCHITECT:

P.O. BOX 7466

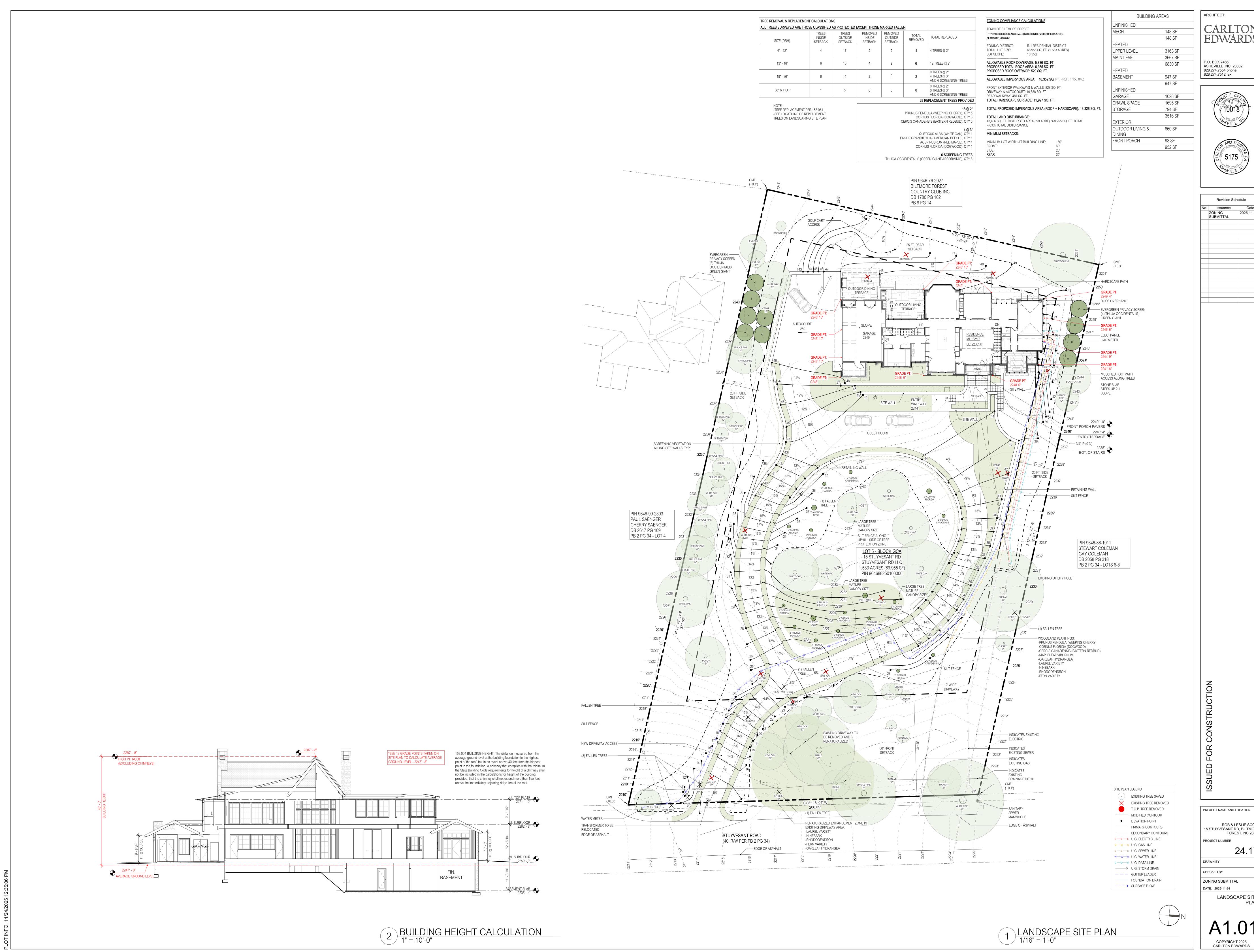
ASHEVILLE, NC 28802 828.274.7554 phone 828.274.7512 fax

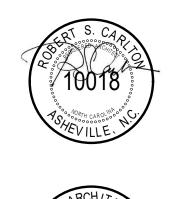
PROJECT NAME AND LOCATION **ROB & LESLIE SCOTT** 15 STUYVESANT RD, BILTMORE FOREST, NC 28803 PROJECT NUMBER DRAWN BY

CHECKED BY ZONING SUBMITTAL

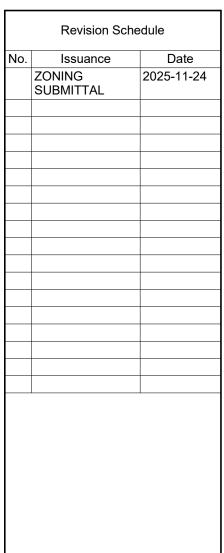
DATE: 2025-11-24 SITE SURVEY

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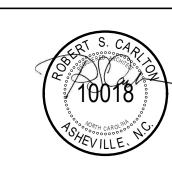




ROB & LESLIE SCOTT 15 STUYVESANT RD, BILTMORE FOREST, NC 28803 24.17 LANDSCAPE SITE



ARCHITECT: EDWARDS

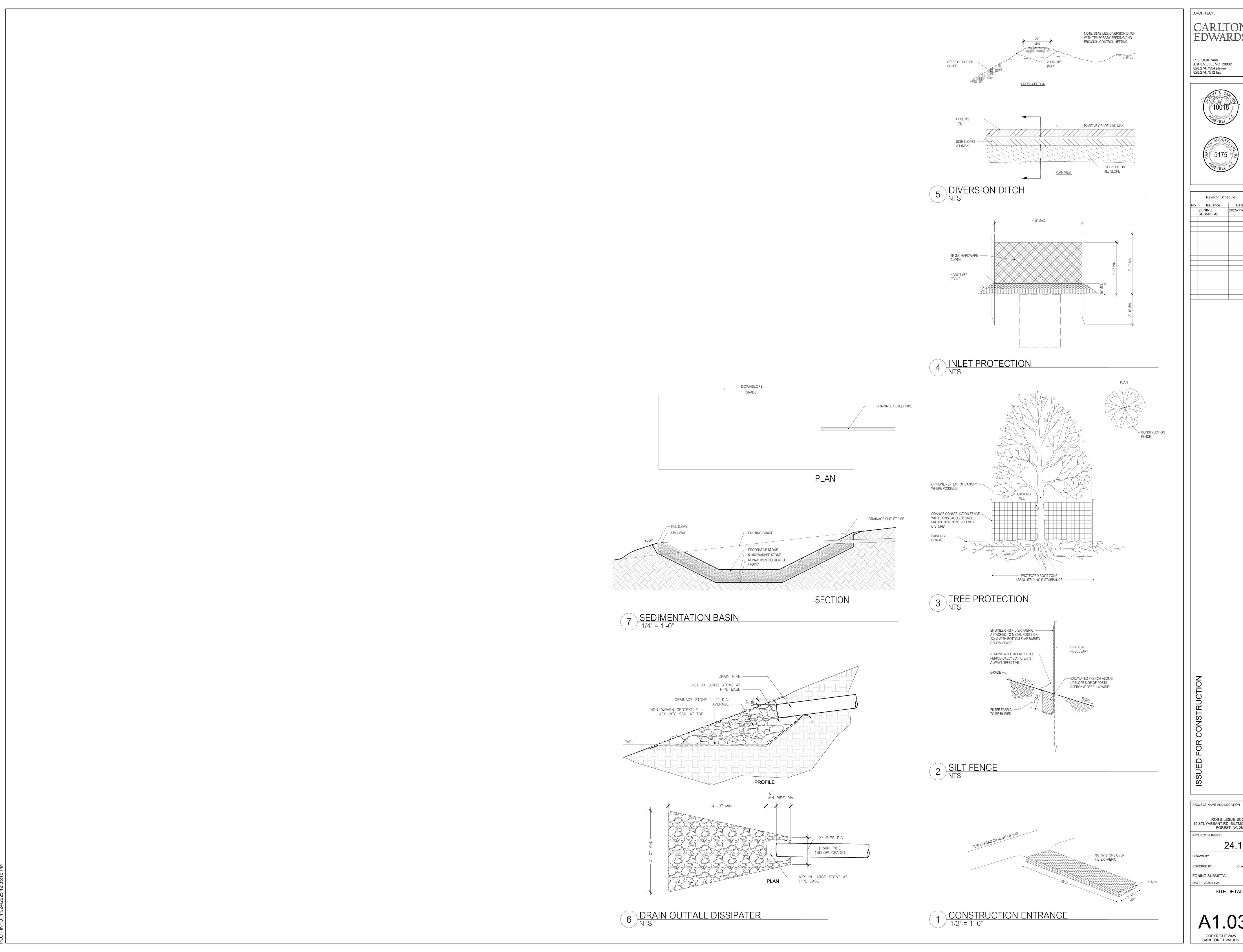


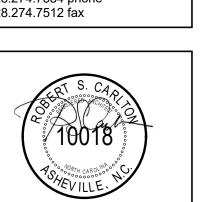


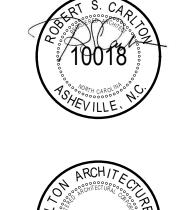
Revision Schedule

PROJECT NAME AND LOCATION ROB & LESLIE SCOTT 15 STUYVESANT RD, BILTMORE FOREST, NC 28803 24.17

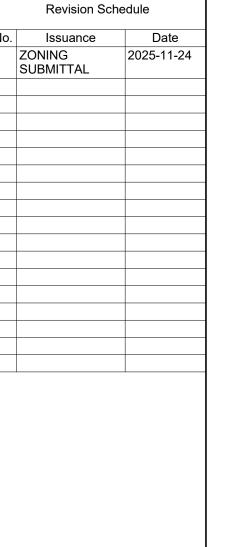
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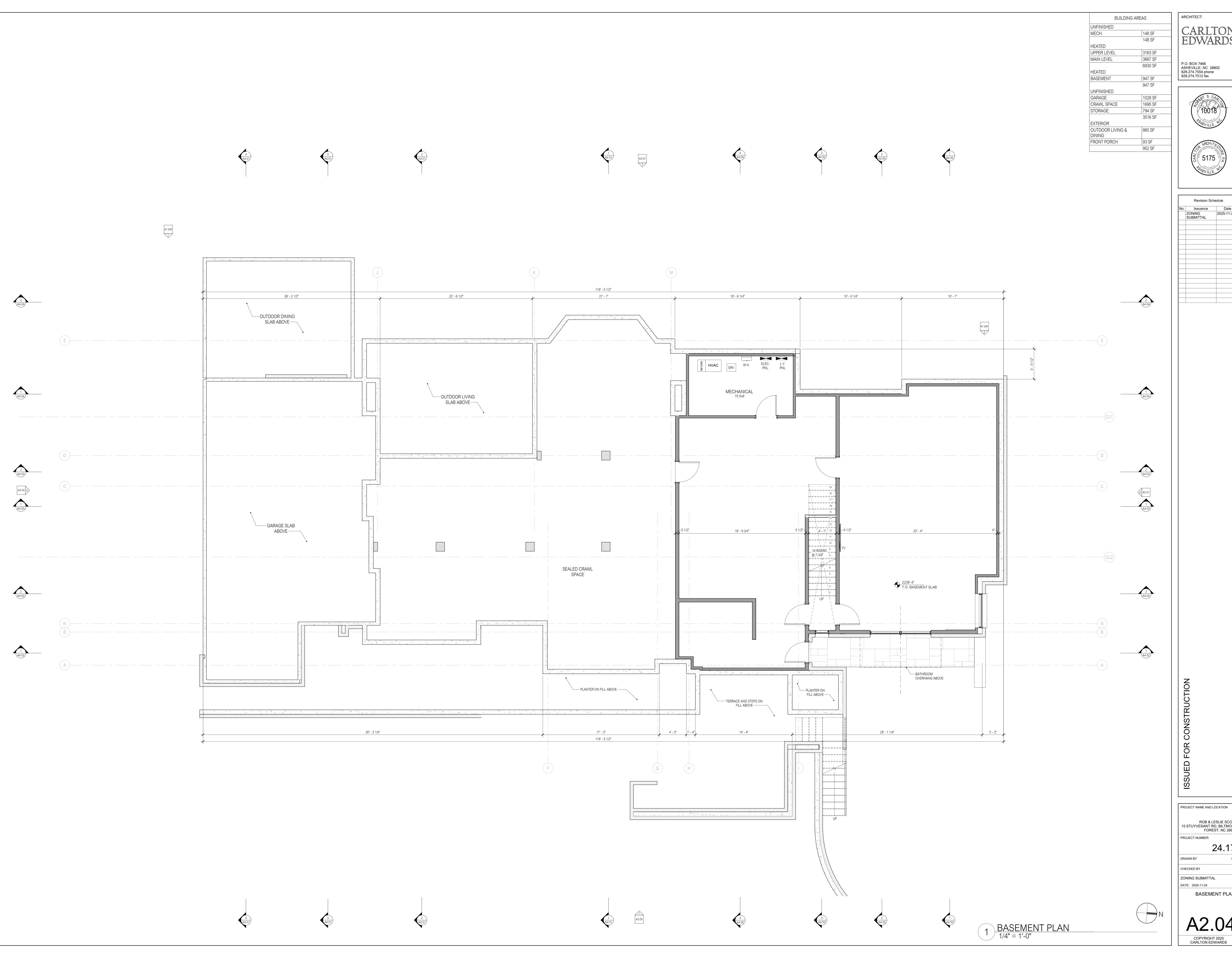




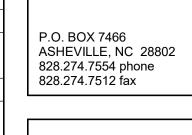


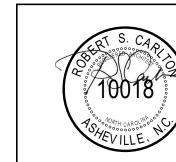
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SITE DETAILS

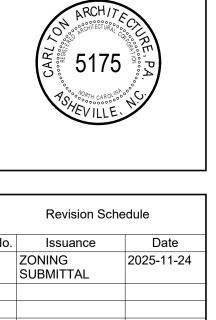


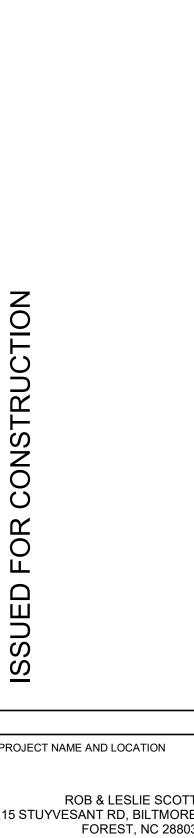
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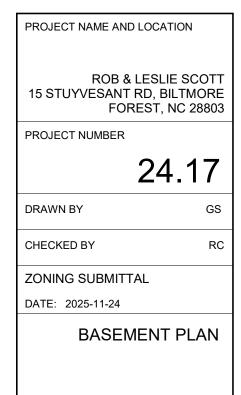


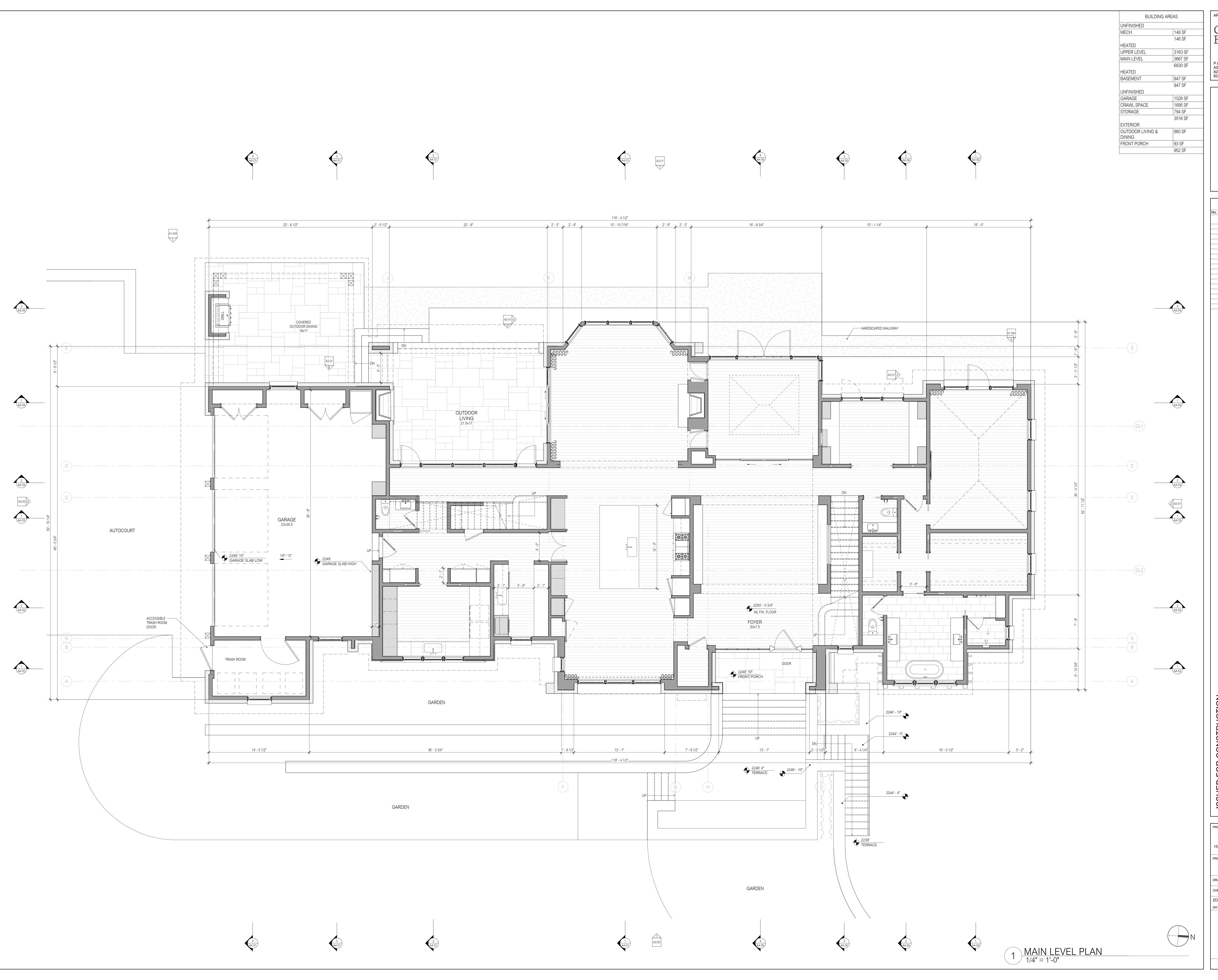








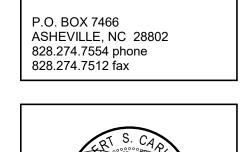




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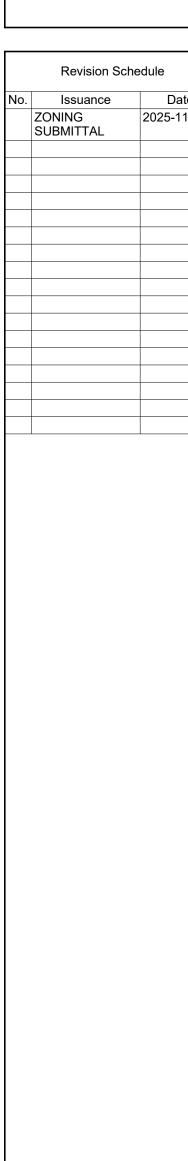
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163 SF
667 SF









ISSUED FOR CONSTRUCTION

PROJECT NAME AND LOCATION

ROB & LESLIE SCOTT
15 STUYVESANT RD, BILTMORE
FOREST, NC 28803

PROJECT NUMBER

24.17

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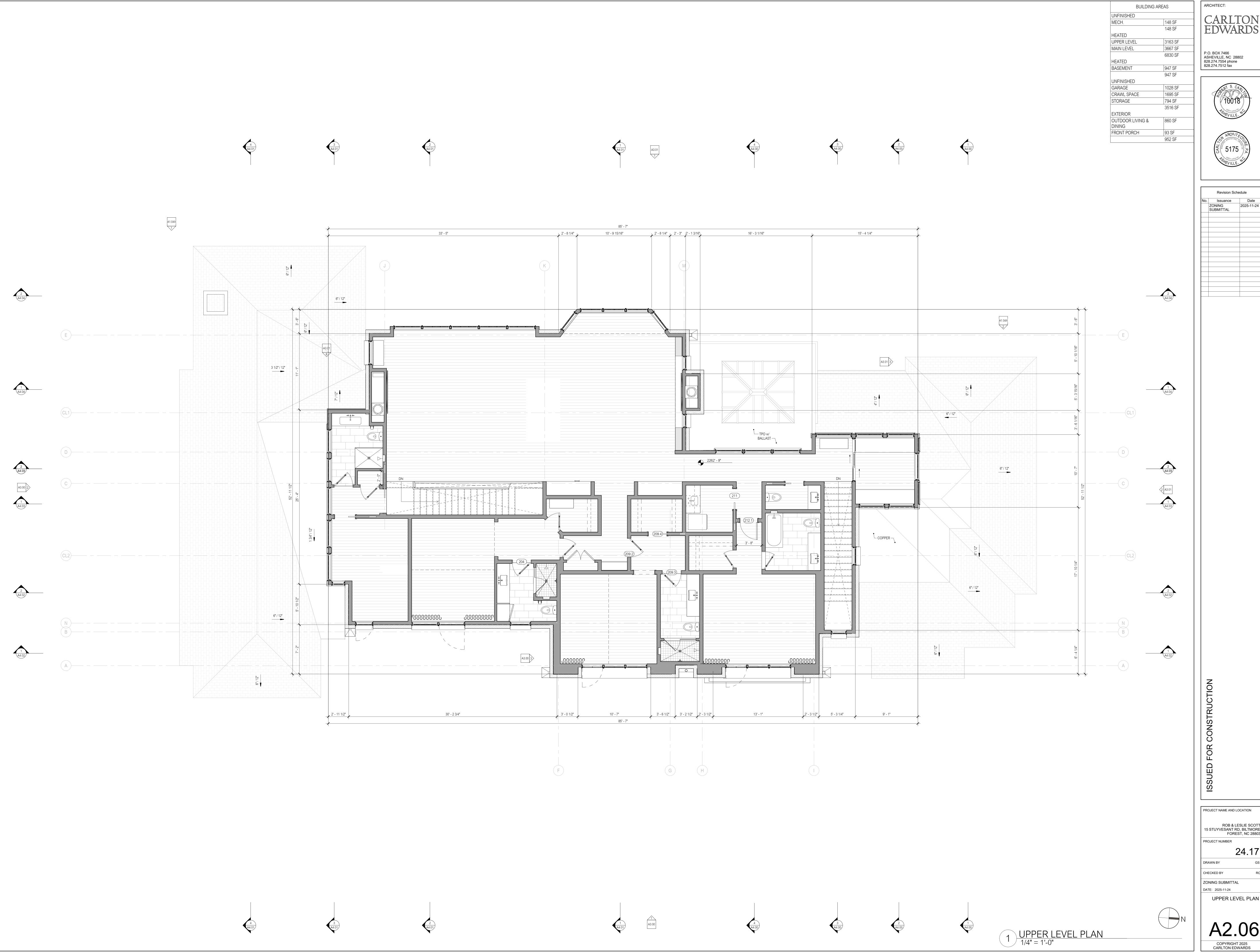
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RC

ZONING SUBMITTAL
DATE: 2025-11-24

MAIN LEVEL PLAN

A2.05

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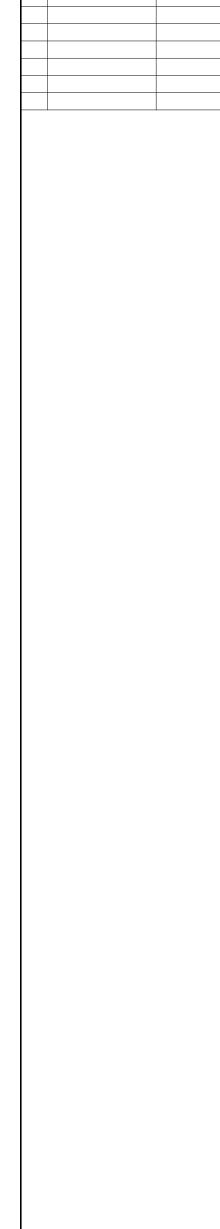
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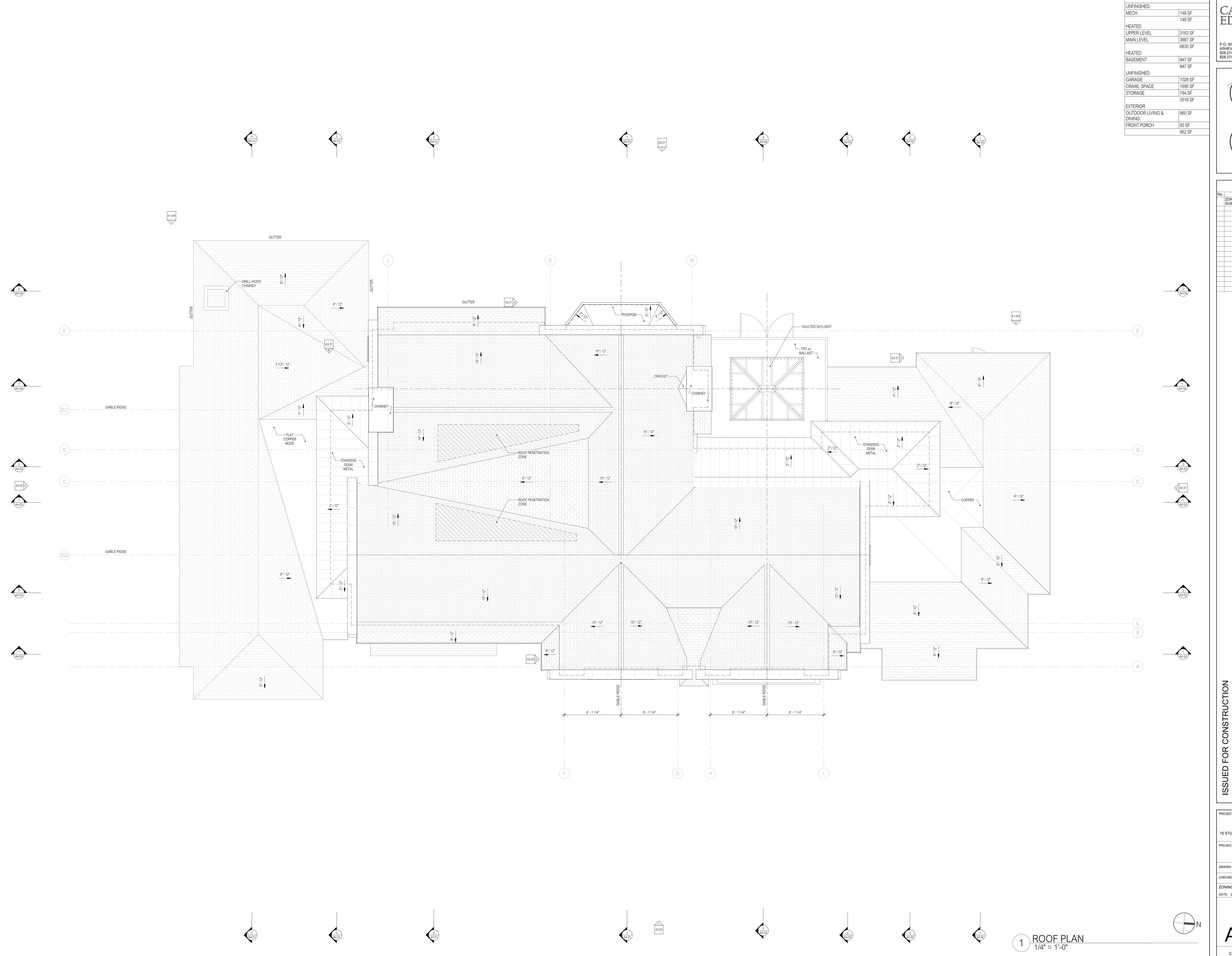


lo. Issuance Date
ZONING 2025-11-24
SUBMITTAL

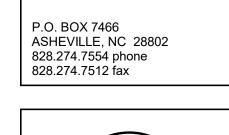


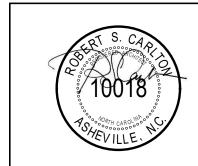
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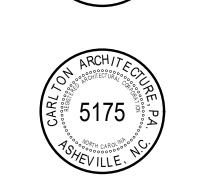
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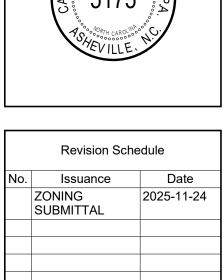


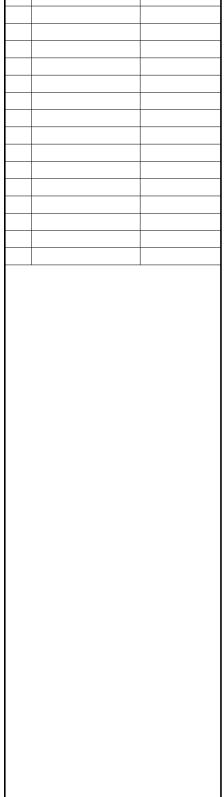
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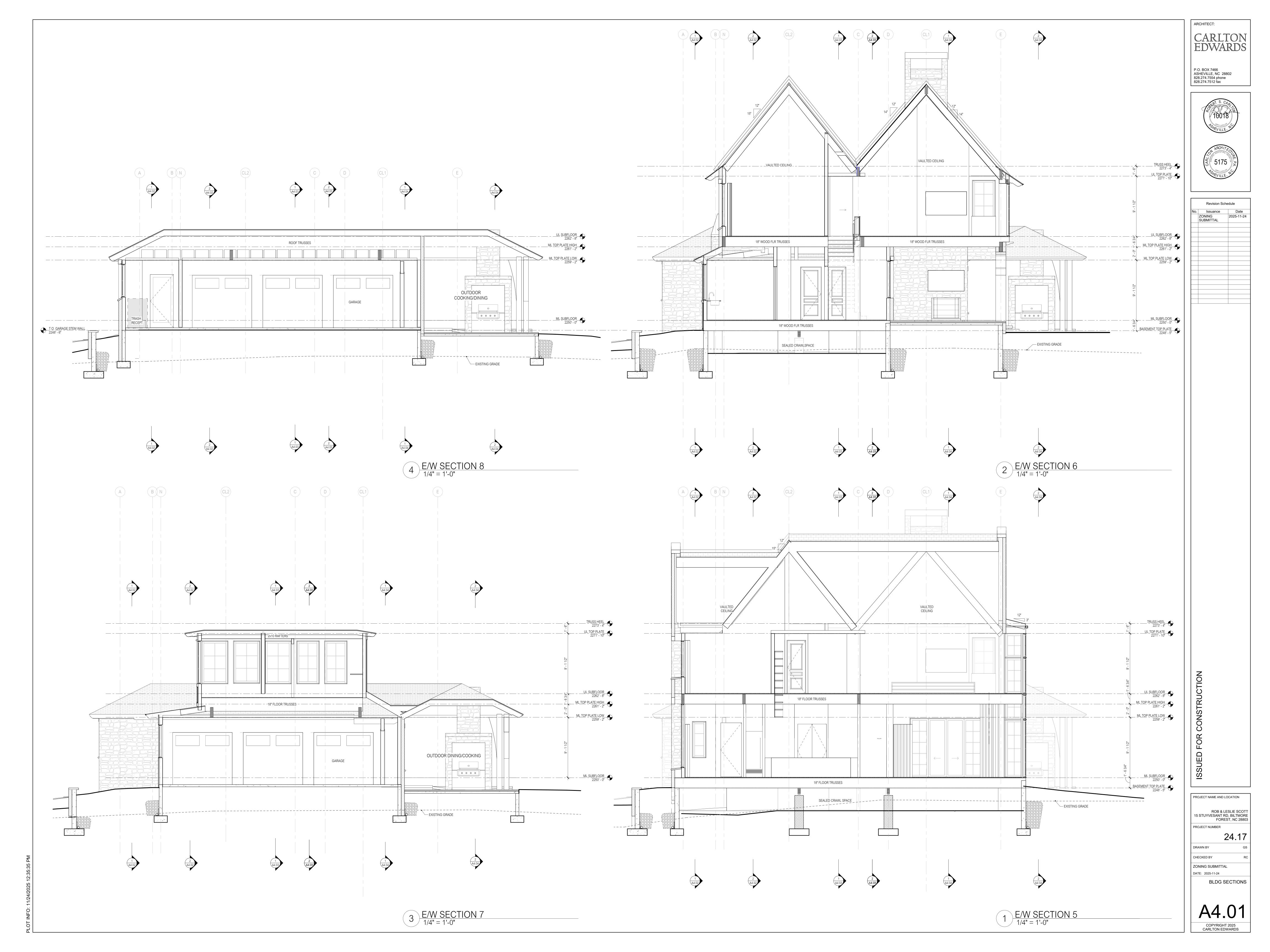
ZONING SUBMITTAL DATE: 2025-11-24 ROOF PLAN

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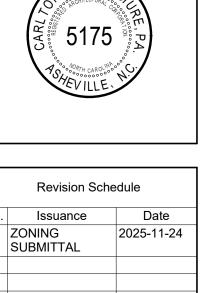


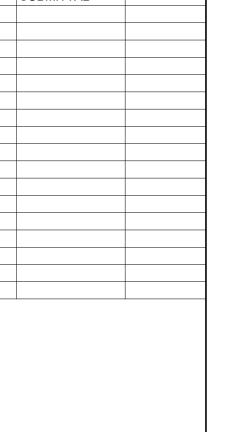


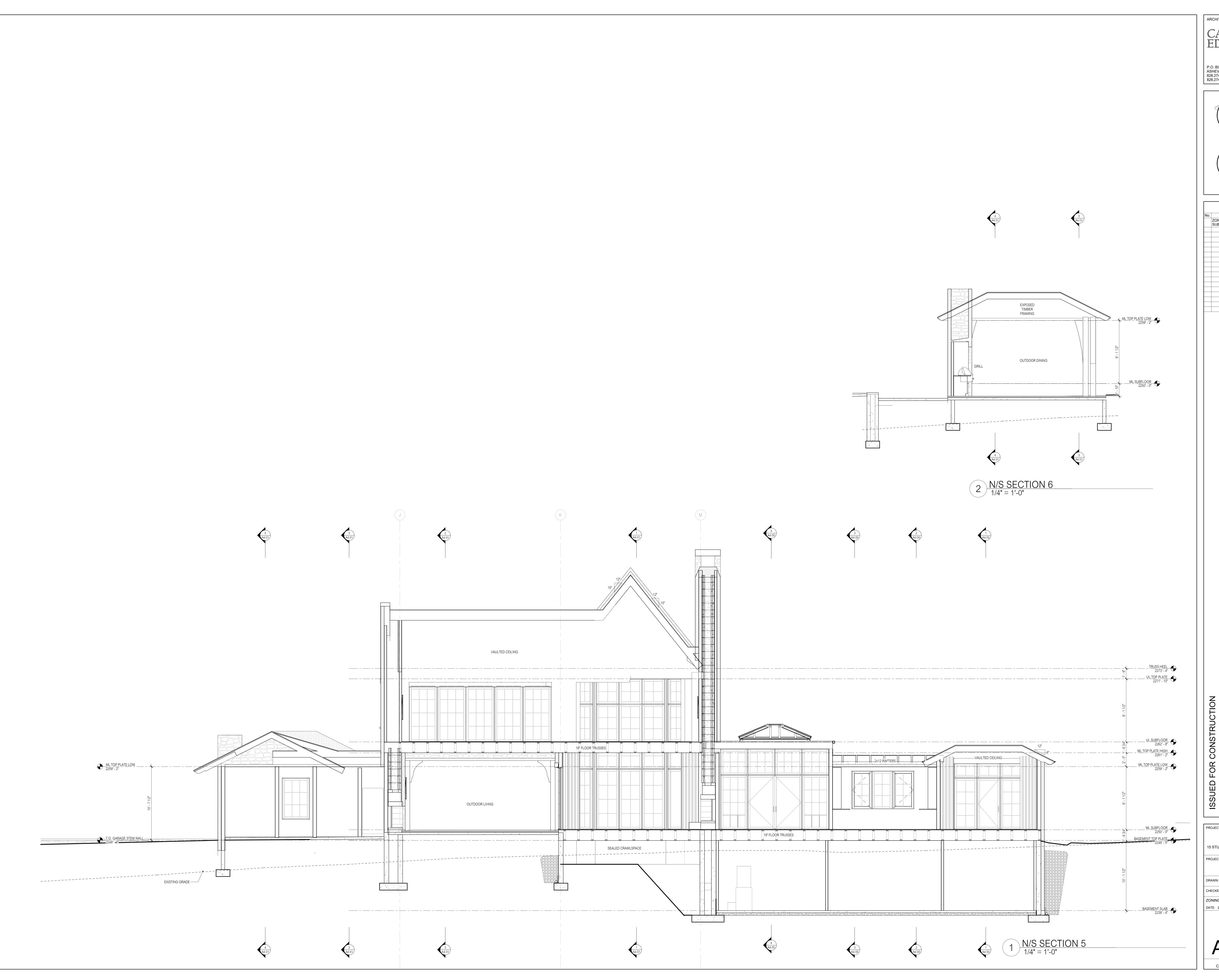




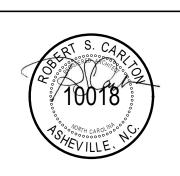








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Revision Schedule

No. Issuance Date

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PROJECT NAME AND LOCATION

ROB & LESLIE SCOTT
15 STUYVESANT RD, BILTMORE
FOREST, NC 28803

PROJECT NUMBER

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DATE: 2025-11-24

BLDG SECTIONS