



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: February 5th, 2026
Re: **Board of Adjustment Meeting – February 16, 2026**

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 February 13th, 2026.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, February 16th, 2026 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. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 1 Hilltop Road- Variance request for a driveway within the side setback.

Site visit: 3:30 pm

Case 2: 9 Park Road- Variance request for an accessory structure (fire pit) within the front yard.

Site visit: 3:45 pm

MINUTES OF THE BOARD OF ADJUSTMENT
MEETING HELD MONDAY, DECEMBER 15, 2025

The Board of Adjustment met at 4:00 p.m. on Monday, December 15th,
2025

Chairman Greg Goosmann, Ms. Lynn Kieffer, Ms. Rhoda Groce, and Ms. Martha Barnes. Mr. Tony Williams, Town Planner, Mr. Billy Clarke, Town Attorney, and Town Manager, Mr. Jonathan Kanipe were also present. Ms. Janet Whitworth and Mr. Robert Chandler were not 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 November 17, 2025 meeting, Ms. Lynn Kieffer seconded the motion and was unanimously approved.

Chairman Goosmann swore in the following:

Mr. Tony Williams

Mr. Jonathan Kanipe

Mr. Justin Nicholas

Mr. Rob Carlton

Mr. Gordon Schisler

Mr. Remington Jackson

Mr. Tom Holman

Mr. Tom Israel

Mr. Robert Scott

HEARING (Evidentiary):

Mr. Tony Williams presented the following facts: The homeowners at 2 Arboretum are requesting a Variance for installation of an 8' high deer fence around the home. He explained that the fence would be made of solid wire and would meet ordinance requirements in the rear of the home, but would not meet requirements in the front and side yard, as well as the front setback, thus requiring a Variance.

The applicant's representative, Mr. Justin Nicholas, explained that the hardship was twofold: first, the amount of space between the driveway and property line (where a fence once existed) is almost entirely taken up by the setback, making it a hardship to place the fence right on top of the driveway. Second, the property is secluded and the owner wants security to prevent animals, particularly deer, from entering the yard, as all four sides of the property are well-wooded.

Chairman, Mr. Greg Goosmann noted that the property was formerly the Cecil property backing up to the estate and is very secluded at the end of Arboretum Road. It was also indicated that parts of the previous fence had been damaged or destroyed over time, including damage from Hurricane Helene.

Mr. Nicholas confirmed they would screen the fence with evergreen vegetation to blend it into the environment better. Ms. Martha Barnes emphasized that front yard fences are rarely approved, making the screening especially important in this case. The Board clarified that the screening should fully block the fence with evergreen vegetation.

The property's unique situation was discussed, noting it was 2.74 acres that had been segregated from a larger 40-acre parcel, which contributed to its isolated nature.

DELIBERATION AND DETERMINATION

Ms. Lynn Kieffer made a motion to approve the Variance request for Ms. Sabine Randon at 2 Arboretum Road for an 8' high deer fence in the front yard and front setback, with the condition that the fence be screened with evergreen vegetation and the facts as recited by Tony Williams and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Further, she moved that by granting this Variance further satisfies the applicable Sections of 153.110(D) and paragraphs

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

Ms. Rhoda Groce seconded the motion and was unanimously approved.

HEARING (Evidentiary):

Mr. Tony Williams presented the following facts: The homeowners at 15 Stuyvesant Road are requesting a Variance for a new home. The lot size is 1.59 acres, allowing for a maximum of 5,836 square feet of roof coverage. The applicant was requesting 529 square feet over the allowed maximum for a total of 6,365 square feet. Additionally, the structure exceeded 25 feet in height, activating adjusted setbacks which the application did not meet. Therefore, Variances were required for both roof coverage and adjusted setbacks.

Mr. Rob Carlton explained the project involved taking down the existing house and building a new home for Mr. Rob and Ms. Leslie Scott. The driveway would enter at a new position slightly south of the existing one and would feature a circle drive. The house was positioned toward the rear property line to allow for a gentler slope on the driveway, and was pushed closer to the northern property line (the Coleman's) to create more buffer between the Scott's and the Sanger's to the south.

Mr. Schisler noted that the main floor elevation was set to ensure drainage away from the property, and the design included the primary bedroom, living space, and garage all on the main level for aging in place. The plan would preserve most of the existing mature canopy trees in the center of the circle drive.

Mr. Remington Jackson from Parker Williams, also representing the applicant, elaborated on the hardships, including the topography and slope in the front, the need to preserve historic trees, and an encroachment from the western property onto their property line. He argued that moving the home would create more hardships by destroying trees or requiring a smaller home than neighboring properties.

Mr. Tom Holman, attorney representing Biltmore Forest Country Club, stated that the club had good communication with the property owners and confirmed that there would not be any hardscape within the 25-foot setback where there is golf cart access.

A neighboring property owner, Ms. Gay Coleman, indicated no objection to the project as proposed, but requested sufficient evergreen vegetation along the boundary with her property to screen the retaining wall.

Board members expressed concern about the amount of the house that extended beyond the adjusted setbacks, with Ms. Kieffer noting that approximately a fourth of the house was outside these setbacks. Board members indicated this was a significant Variance rather than a minor adjustment.

DELIBERATION AND DETERMINATION

After extensive discussion about the hardships and potential modifications, the Board discussed voting options. Given concerns that the Variance might not receive the required unanimous approval from the four members present, the applicant requested to delay the vote until the following month to allow time to revise and resubmit information addressing the Board's concerns.

The Board agreed to continue the case to the January 26, 2026 meeting.

The next meeting would be held on January 26, 2026. The meeting was adjourned at 5:14 pm.

ATTEST:

Greg Goosmann, Chairman

Laura Jacobs, Town Clerk



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 26, 2026

CASE

Property Address: 1 Hilltop Rd

Request: Variance Request for a Driveway Within Side Setback

Background

The plans being presented for an addition at 1 Hilltop Road include a new driveway that goes into the side setback. The application does not meet the requirements for the driveways location, therefore it would require a variance.

Variance

The proposed structure does not comply with the placement being out of the setback, therefore would require a variance. Section 153.110 (D) (attached) addresses the approval requirements for a variance. Section 153.029 (attached) addresses the approval requirements for accessory structures. Section 153.004 (attached) is the front yard definition with driveways addressed.

(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)

Zoning Compliance Application

Town of Biltmore Forest

Property Address

1 Hilltop Road

Phone

Email

Parcel ID/PIN Number

9646-96-1199

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.94 Acres

Proposed Roof Coverage Total

6582 Sq. Ft.

Proposed Impervious Surface Coverage

13,651 Sq. Ft.

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

26'-3 1/2"

Description of the Proposed Project

The proposed project at 1 Hilltop Road includes cutting a new driveway from Eastwood Road to gain access to a new 769 Sq.Ft. garage with an upper level 1008 Sq. Ft. apartment addition to the existing home. The addition will be integral to the existing structure, connected to the western side of the house, using a similar white brick pattern and white horizontal siding to match existing. The orientation to the western side of the property is an effort to retain the open and natural "park-like" nature of the front yard. The addition uses a "split-level" positioning of the garage level and upper apartment level in relation to the existing home on the slight hillside in order to lessen the appearance of the height of the 2 story addition. The over-all height of the proposed structure at 26'-3 1/2" is 1'-3"1/2" above the 25' maximum, which adds 2'-0" to the limits of the side yard setback at the structure. We ask for the ability to run the new driveway slightly into the setback in order to save 6 very large trees. Existing shrubbery will be re-located into the setback and new landscaping will be added to buffer the new driveway and structure from the adjacent lot. The construction will require the removal of 3 large trees, and 6 new trees will be planted to replace them.

Estimated Start Date

1/1/2026

Estimated Completion Date

12/31/2025

Estimated Cost of Project

\$250,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

Date

11/10/2025

VARIANCE APPLICATION

Town of Biltmore Forest

Name



Address

1 Hilltop Road

Phone

Email

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?

The proposed project at 1 Hilltop Road includes cutting a new driveway from Eastwood Road to gain access to a new addition to the existing home in the unutilized south west corner of the property. The addition will consist of a 769 Sq.Ft. garage with an upper level 1008 Sq. Ft. apartment. The new construction will be integral to the existing structure, connected to the western side of the house, positioning the garage doors 17'-0" behind a line parallel to the front line of the existing house. The orientation to the western side of the property is an effort to retain the open and natural "park-like" nature of the front yard. The addition uses a "split-level" positioning of the garage level and upper apartment level in relation to the existing home on the slight hillside in order to lessen the appearance of the height of the 2 story addition. The over-all height of the proposed structure at 25'-11 1/2" is 11'1/2" above the 25' maximum, which adds 1'-6" to the limits of the side yard setback. Materials used will be a similar white brick pattern and white horizontal siding to match existing.

What does the ordinance require?

§ 153.007(B) - Driveway in Setback – (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).

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 ask for the ability to run the new driveway slightly into the setback in order to save 6 very large trees. The unnecessary hardship would be to lose these healthy trees. The minimal encroachment of 405 Sq.Ft. or 8.8%, would avoid a 16" poplar, a 16" cherry, a 40" poplar, a 26" white oak, and an 8" hickory.

The encroachment happens towards the front of the yard where the adjacent neighbor's concrete court sits instead of their house, so the disturbance to the adjacent property should be minimal. Existing shrubbery will be re-located into the setback and new evergreen landscaping will be added to buffer the new driveway and structure from the adjacent lot.

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

The hardship results from the proliferation of beautiful trees on the lot that we would like to make every effort to save.

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

The hardship did not result from actions taken. The trees on the lot are existing conditions.

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

The requested variance is consistent with the spirit, purpose and intent of the ordinance because the resulting driveway will meander around these very large trees creating a very pleasing and mostly hidden from site access to a portion of a sizeable property that has been underutilized

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

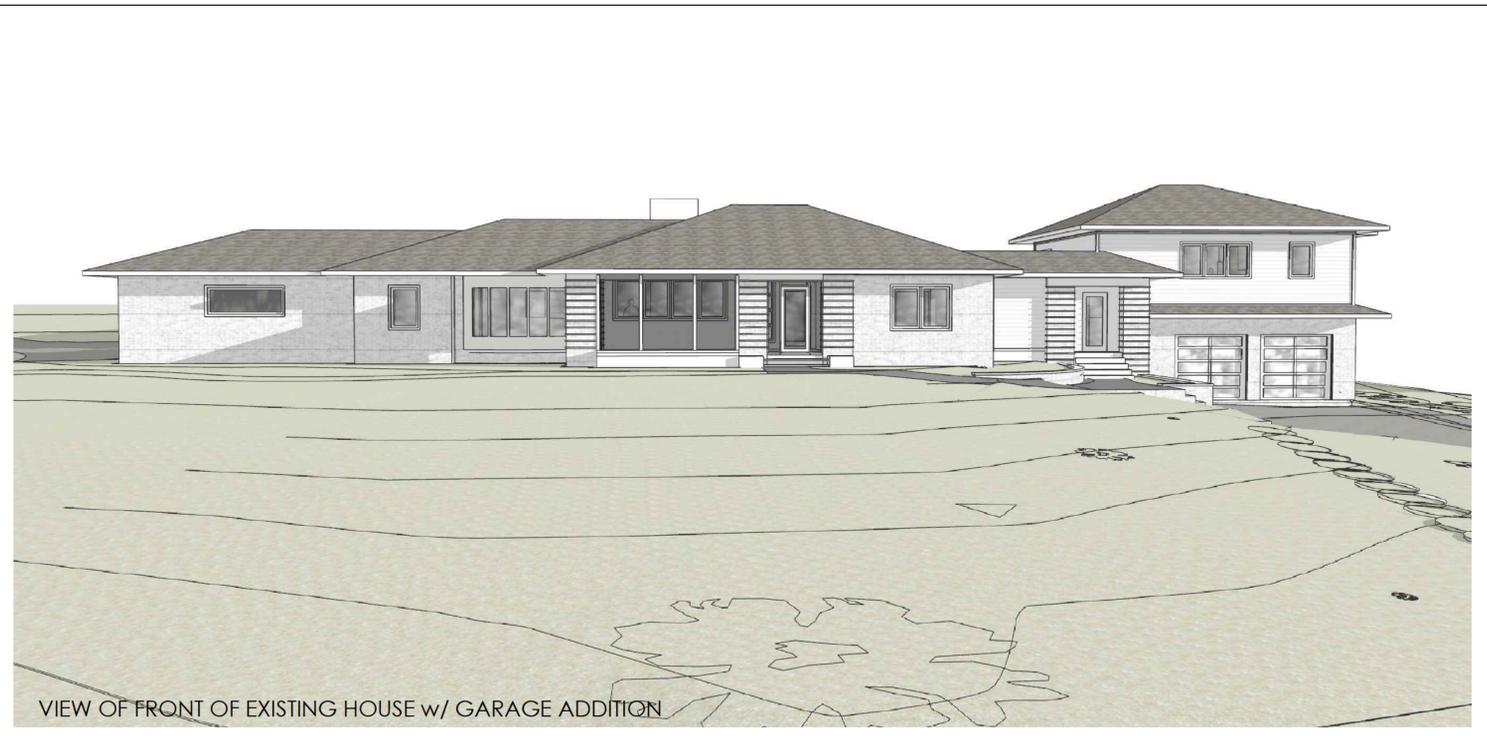
Signature

Date

1/9/2026

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.

Yes



VIEW OF FRONT OF EXISTING HOUSE w/ GARAGE ADDITION

AREA CALCULATIONS

EXISTING AREAS:

MAIN LEVEL HEATED: 2588 SQ.FT.
 SCREENED ENTRY PORCH: 300 SQ.FT.
 GARAGE: 303 SQ.FT.
 ACCESSORY CARPORT: 551 SQ.FT.

TOTAL EXISTING ROOF COVERAGE: 4968 SQ.FT.

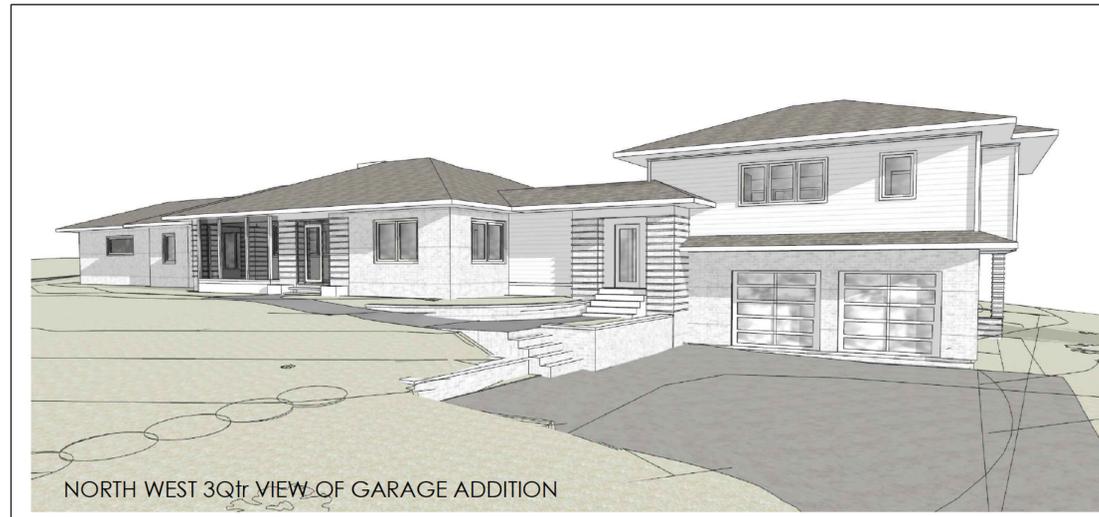
PROPOSED ADDITION:

GARAGE: 769 SQ.FT.
 BREEZEWAY & STAIR: 146 SQ.FT.
 UPPER LEVEL HEATED: 862 SQ.FT.

TOTAL PROPOSED ROOF COVERAGE: 1496 SQ.FT.

TOTAL HEATED AREAS: 3830 SQ.FT.

TOTAL ROOF COVERAGE: 6464 SQ.FT



NORTH WEST 3Qtr VIEW OF GARAGE ADDITION

DRAWING INDEX

- 0 COVER PAGE
- L3 LANDSCAPE WALL SCHEMATIC PLANS
- 1 WHOLE HOUSE MAIN LEVEL FLOOR PLAN
WHOLE HOUSE FRONT ELEVATION
- 2 FOUNDATION PLAN
GARAGE LEVEL FLOOR PLAN
UPPER LEVEL FLOOR PLAN
ROOF PLAN
- 3 ELEVATIONS
- 4 LATERAL BUILDING SECTION
- 5 LONGITUDINAL BUILDING SECTION

PROJECT NARRATIVE

THE PROPOSED PROJECT AT 1 HILLTOP ROAD INCLUDES CUTTING A NEW DRIVEWAY FROM EASTWOOD ROAD TO GAIN ACCESS TO A NEW ADDITION TO THE EXISTING HOME IN THE UNUTILIZED SOUTH WEST CORNER OF THE PROPERTY. THE ADDITION WILL CONSIST OF A 769 SQ.FT. GARAGE WITH AN UPPER LEVEL 1008 SQ. FT. APARTMENT. THE NEW CONSTRUCTION WILL BE INTEGRAL TO THE EXISTING STRUCTURE, CONNECTED TO THE WESTERN SIDE OF THE HOUSE, POSITIONING THE GARAGE DOORS 17'-0" BEHIND A LINE PARALLEL TO THE FRONT LINE OF THE EXISTING HOUSE. THE ORIENTATION TO THE WESTERN SIDE OF THE PROPERTY IS AN EFFORT TO RETAIN THE OPEN AND NATURAL "PARK-LIKE" NATURE OF THE FRONT YARD. THE ADDITION USES A "SPLIT-LEVEL" POSITIONING OF THE GARAGE LEVEL AND UPPER APARTMENT LEVEL IN RELATION TO THE EXISTING HOME ON THE SLIGHT HILLSIDE IN ORDER TO LESSEN THE APPEARANCE OF THE HEIGHT OF THE 2 STORY ADDITION. THE OVER-ALL HEIGHT OF THE PROPOSED STRUCTURE AT 25'-11 1/2" IS 11"1/2" ABOVE THE 25' MAXIMUM, WHICH ADDS 1'-6" TO THE LIMITS OF THE SIDE YARD SETBACK. MATERIALS USED WILL BE A SIMILAR WHITE BRICK PATTERN AND WHITE HORIZONTAL SIDING TO MATCH EXISTING.

ABRAHAM RESIDENCE
GARAGE ADDITION
 1 HILLTOP ROAD
 ASHEVILLE, NORTH CAROLINA
 28803
 BUNCOMBE COUNTY

• CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF EXISTING CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH CONSTRUCTION.
 • CONTRACTOR IS RESPONSIBLE FOR ALL STRUCTURAL DESIGN AND IMPLEMENTATION.
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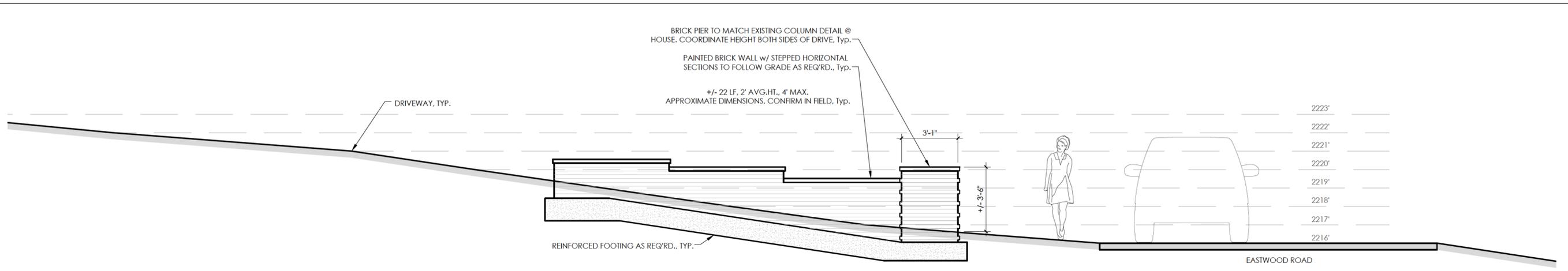
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DATE
12/22/25

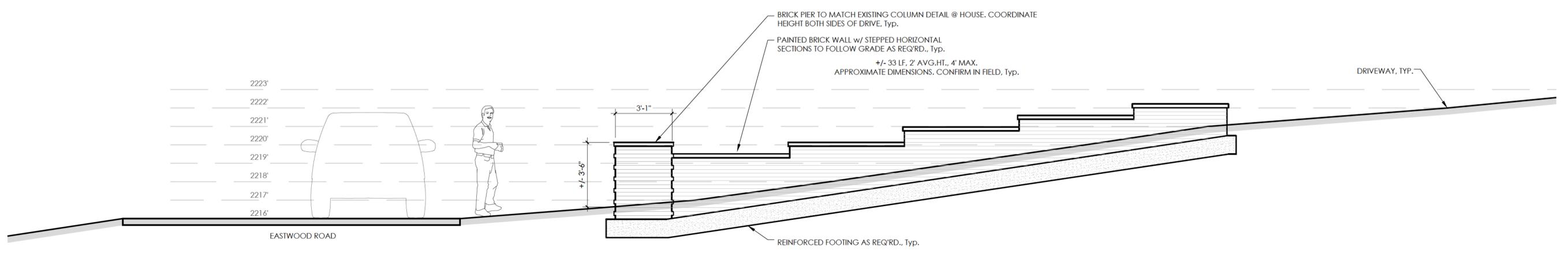
REVIEW

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1 SECTION THROUGH BRICK RETAINING WALL 1 - EAST SIDE
SCALE: 3/8" = 1'-0"

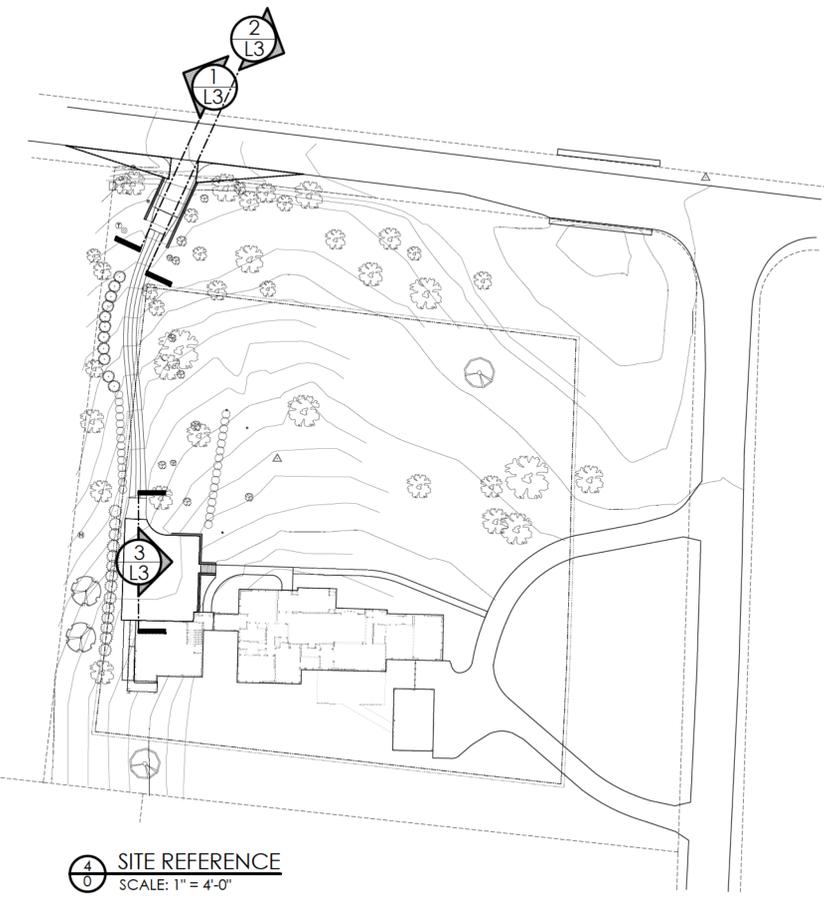


2 SECTION THROUGH BRICK RETAINING WALL 2 - WEST SIDE
SCALE: 3/8" = 1'-0"

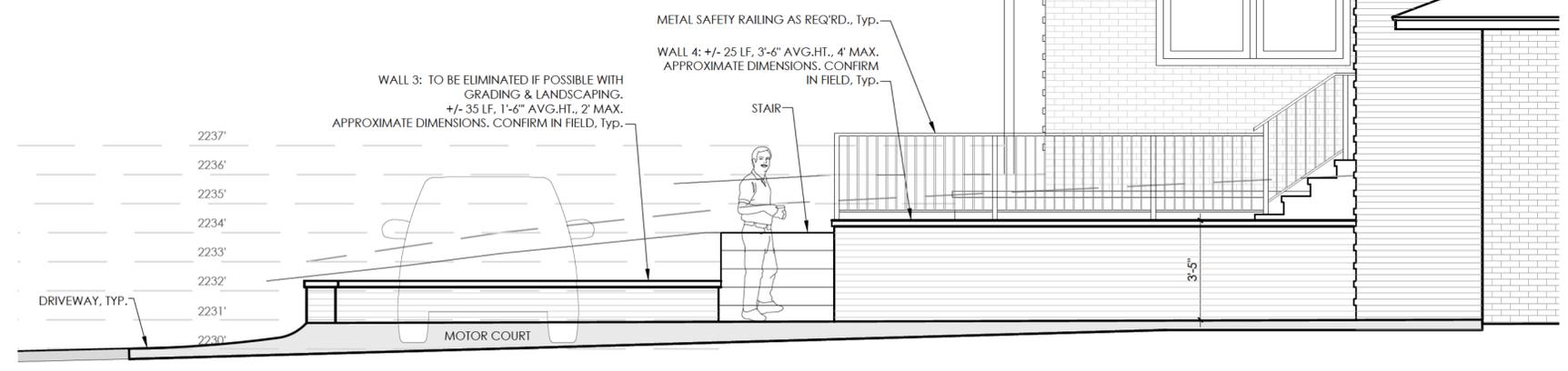
RETAINING WALL SCHEMATICS NOTE:

RETAINING WALL DESIGNS ARE MEANT TO INFORM THE EXTENTS OF THE CONDITIONS AS KNOWN. ALL FINAL DESIGNS AND PLANS ARE TO BE DETERMINED PER FINAL GRADE.

STONE WALLS HAVE ALSO BEEN CONSIDERED. PLEASE INCLUDE AS AN OPTION PER FINAL PLAN.



4 SITE REFERENCE
SCALE: 1" = 4'-0"



3 SECTION THROUGH BRICK RETAINING WALLS 3 & 4 - MOTOR COURT
SCALE: 3/8" = 1'-0"

ABRAHAM RESIDENCE
1 HILLTOP ROAD
ASHEVILLE, NC 28803 • BUNCOMBE COUNTY

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DATE	REMARKS

DATE 12/22/25

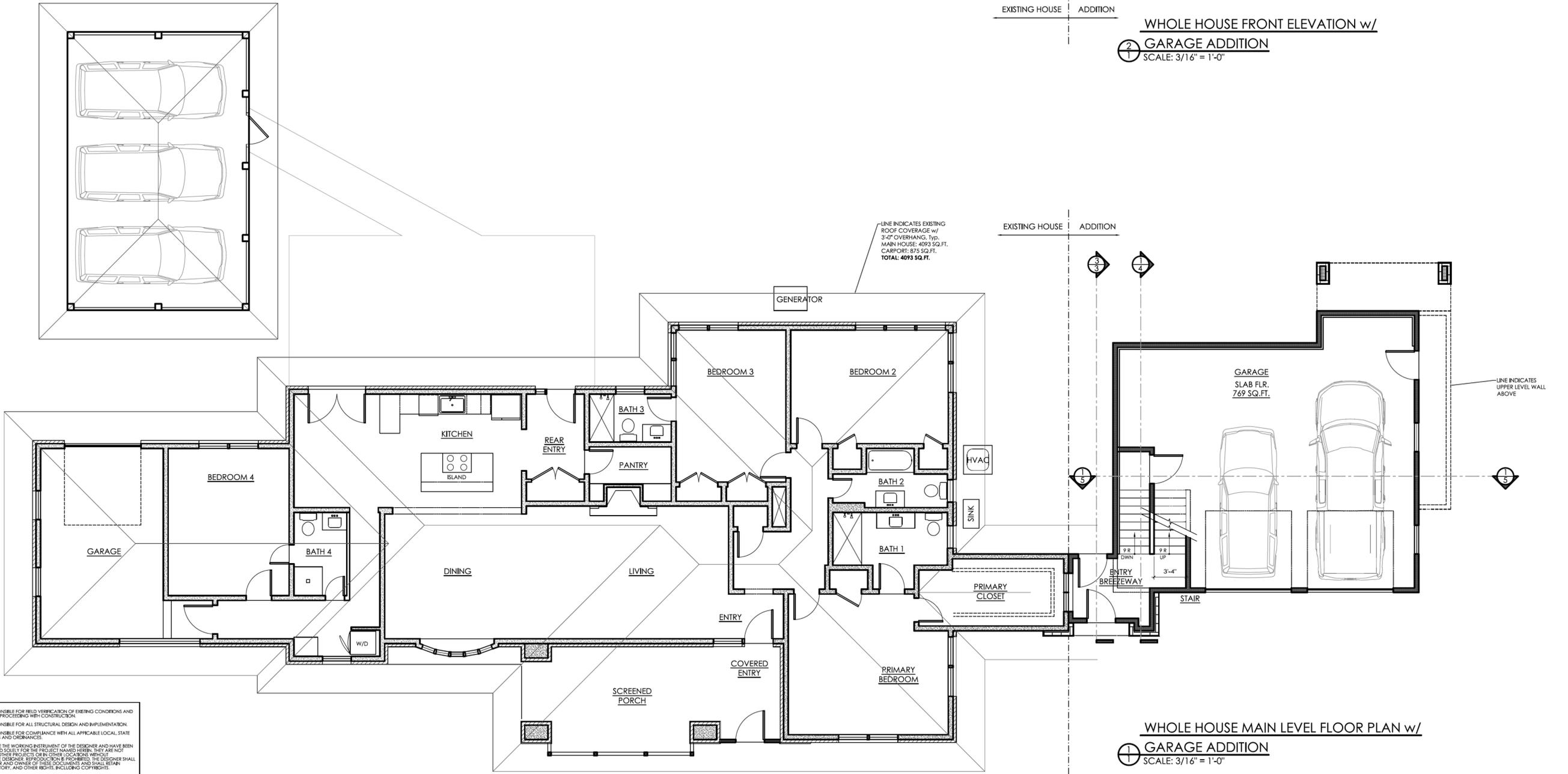
REVIEW

L3

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WHOLE HOUSE FRONT ELEVATION w/
 GARAGE ADDITION
 SCALE: 3/16" = 1'-0"



WHOLE HOUSE MAIN LEVEL FLOOR PLAN w/
 GARAGE ADDITION
 SCALE: 3/16" = 1'-0"

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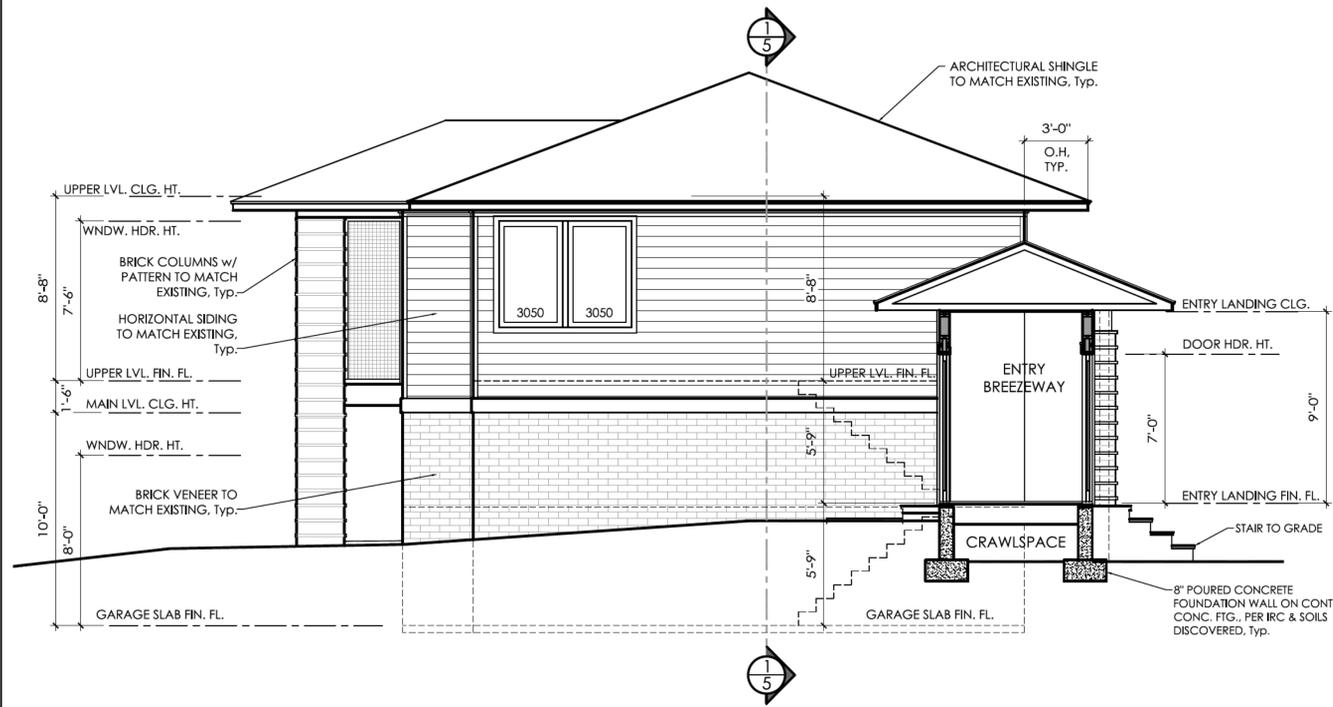
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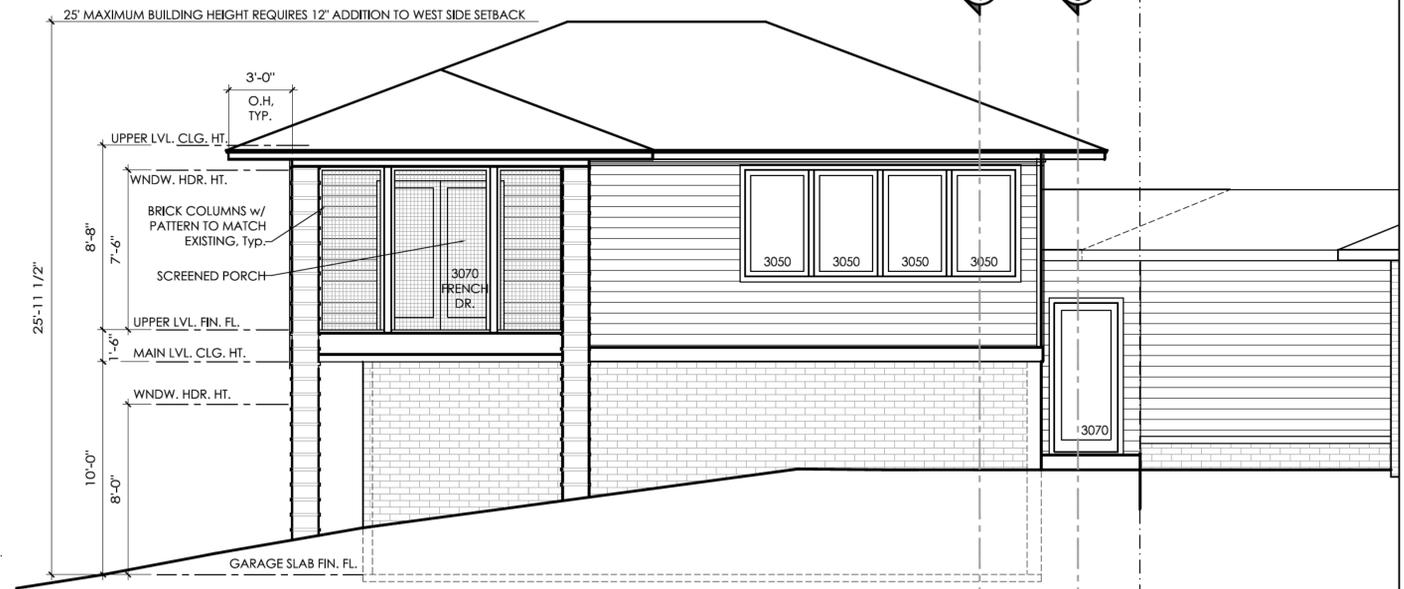
REVIEW

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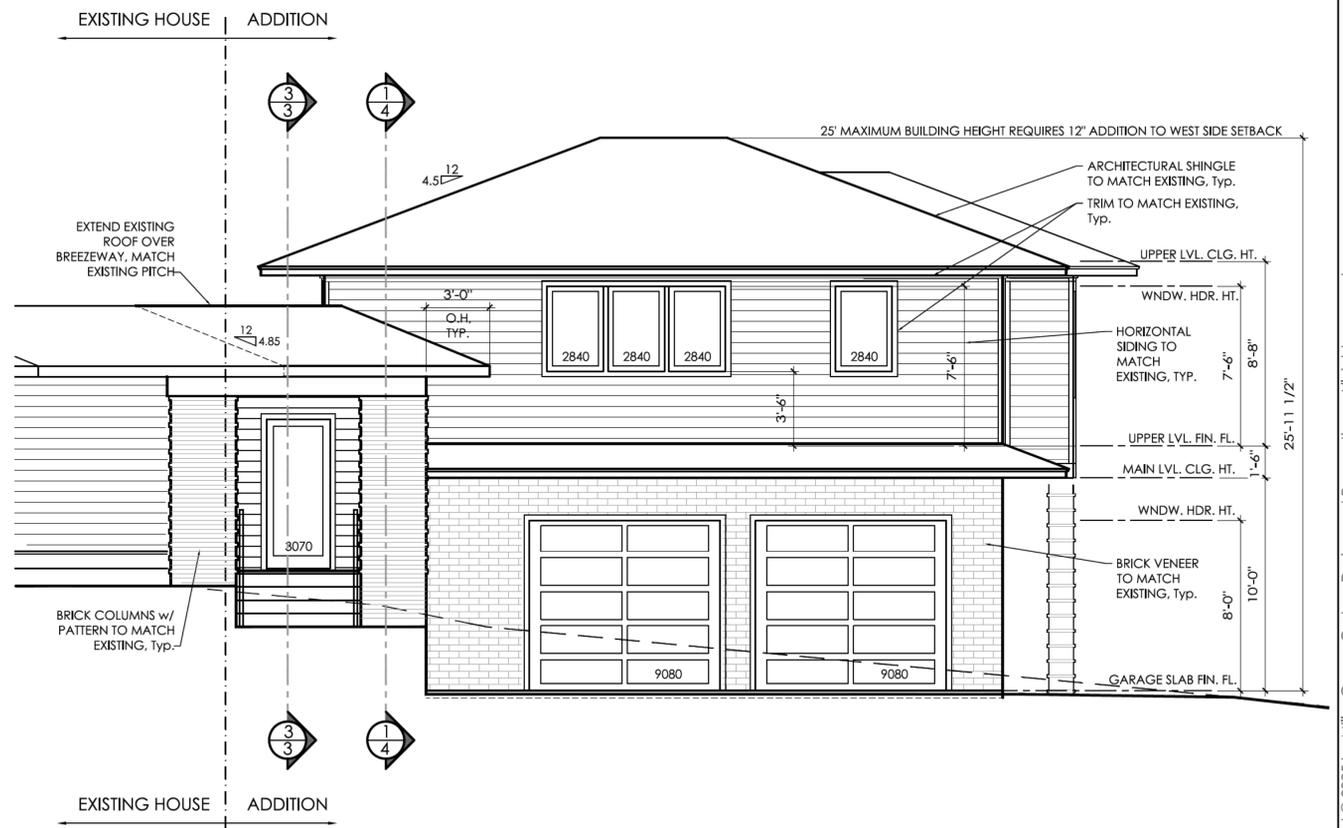
LEFT / EAST ELEVATION / SECTION THROUGH
 BREEZEWAY - GARAGE ADDITION
 SCALE: 1/4" = 1'-0"



REAR ELEVATION GARAGE ADDITION
 SCALE: 1/4" = 1'-0"



RIGHT / WEST ELEVATION - GARAGE ADDITION
 SCALE: 1/4" = 1'-0"



FRONT / NORTH ELEVATION - GARAGE ADDITION
 SCALE: 1/4" = 1'-0"

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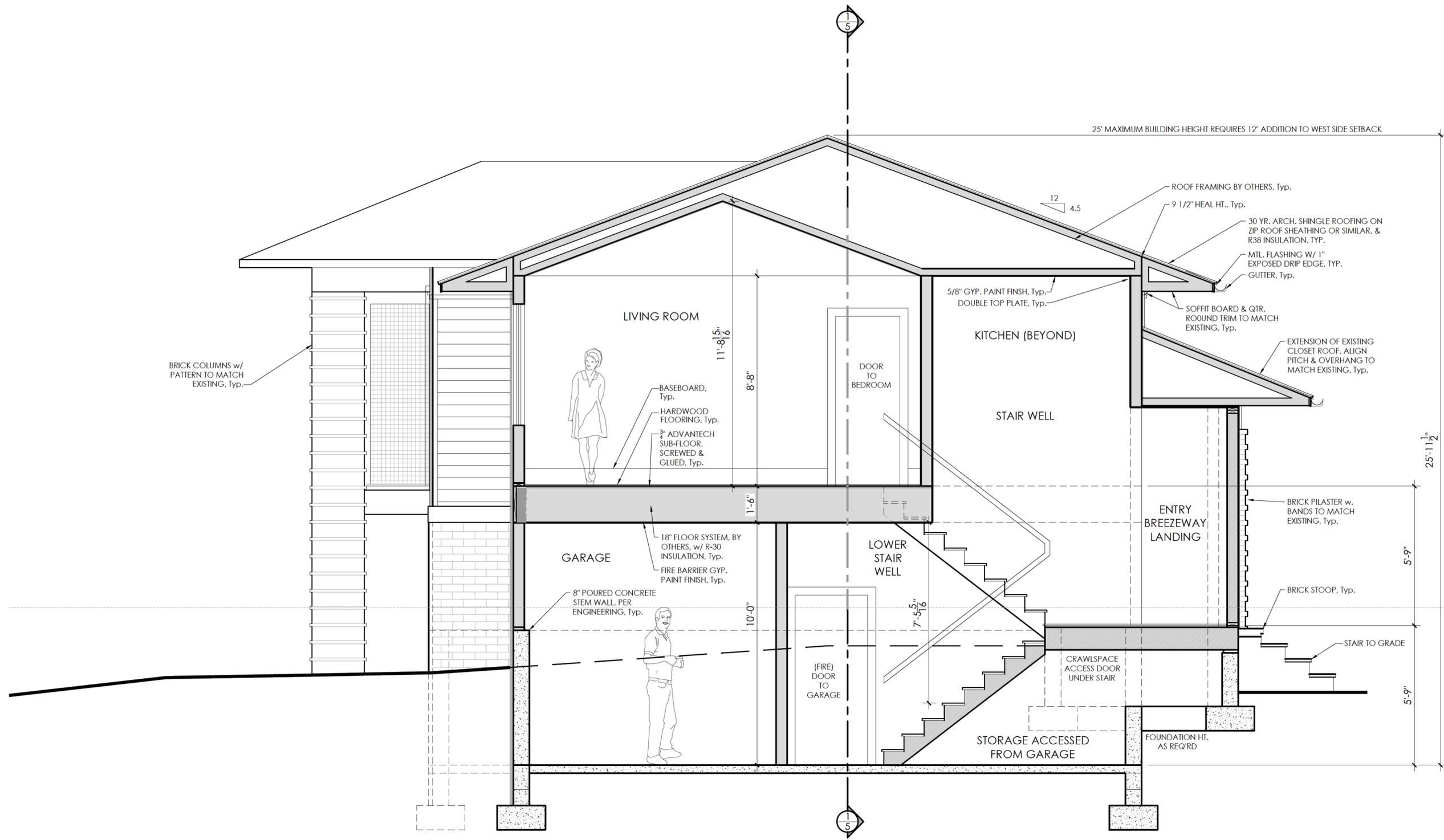
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REVISIONS:

DATE	REMARKS

DATE
 12/22/25

REVIEW



25' MAXIMUM BUILDING HEIGHT REQUIRES 12" ADDITION TO WEST SIDE SETBACK

BRICK COLUMNS w/
PATTERN TO MATCH
EXISTING, Typ.

LIVING ROOM



BASEBOARD, Typ.
HARDWOOD FLOORING, Typ.
3/4" ADVANTECH SUB-FLOOR, SCREWED & GLUED, Typ.

5/8" GYP. PAINT FINSH, Typ.
DOUBLE TOP PLATE, Typ.

KITCHEN (BEYOND)

STAIR WELL

DOOR TO
BEDROOM

ROOF FRAMING BY OTHERS, Typ.

9 1/2" HEAL HT., Typ.

30 YR. ARCH. SHINGLE ROOFING ON ZIP ROOF SHEATHING OR SIMILAR, & R38 INSULATION, TYP.

MTL. FLASHING W/ 1" EXPOSED DRIP EDGE, TYP.

GUTTER, Typ.

SOFFIT BOARD & QTR. ROUND TRIM TO MATCH EXISTING, Typ.

EXTENSION OF EXISTING CLOSET ROOF, ALIGN PITCH & OVERHANG TO MATCH EXISTING, Typ.

18" FLOOR SYSTEM, BY OTHERS, w/ R-30 INSULATION, Typ.

8" POURED CONCRETE STEM WALL, PER ENGINEERING, Typ.

GARAGE

FIRE BARRIER GYP. PAINT FINISH, Typ.

LOWER STAIR WELL

(FIRE) DOOR TO GARAGE

ENTRY BREEZEWAY LANDING

BRICK PILASTER w. BANDS TO MATCH EXISTING, Typ.

BRICK STOOP, Typ.

STAIR TO GRADE

CRAWLSPACE ACCESS DOOR UNDER STAIR

STORAGE ACCESSED FROM GARAGE

FOUNDATION HT. AS REQ'RD

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1 LATERAL BUILDING SECTION THROUGH STAIRS
4 SCALE: 1/2" = 1'-0"

ABRAHAM RESIDENCE
1 HILLTOP ROAD
ASHEVILLE, NC 28803 • BUNCOMBE COUNTY
PIN#: 9646-96-1199

MILLER GRAVES
CUSTOM DESIGN & RENOVATION
828.712.6041
www.millergraves.com
millergraves@gmail.com

REVISIONS:

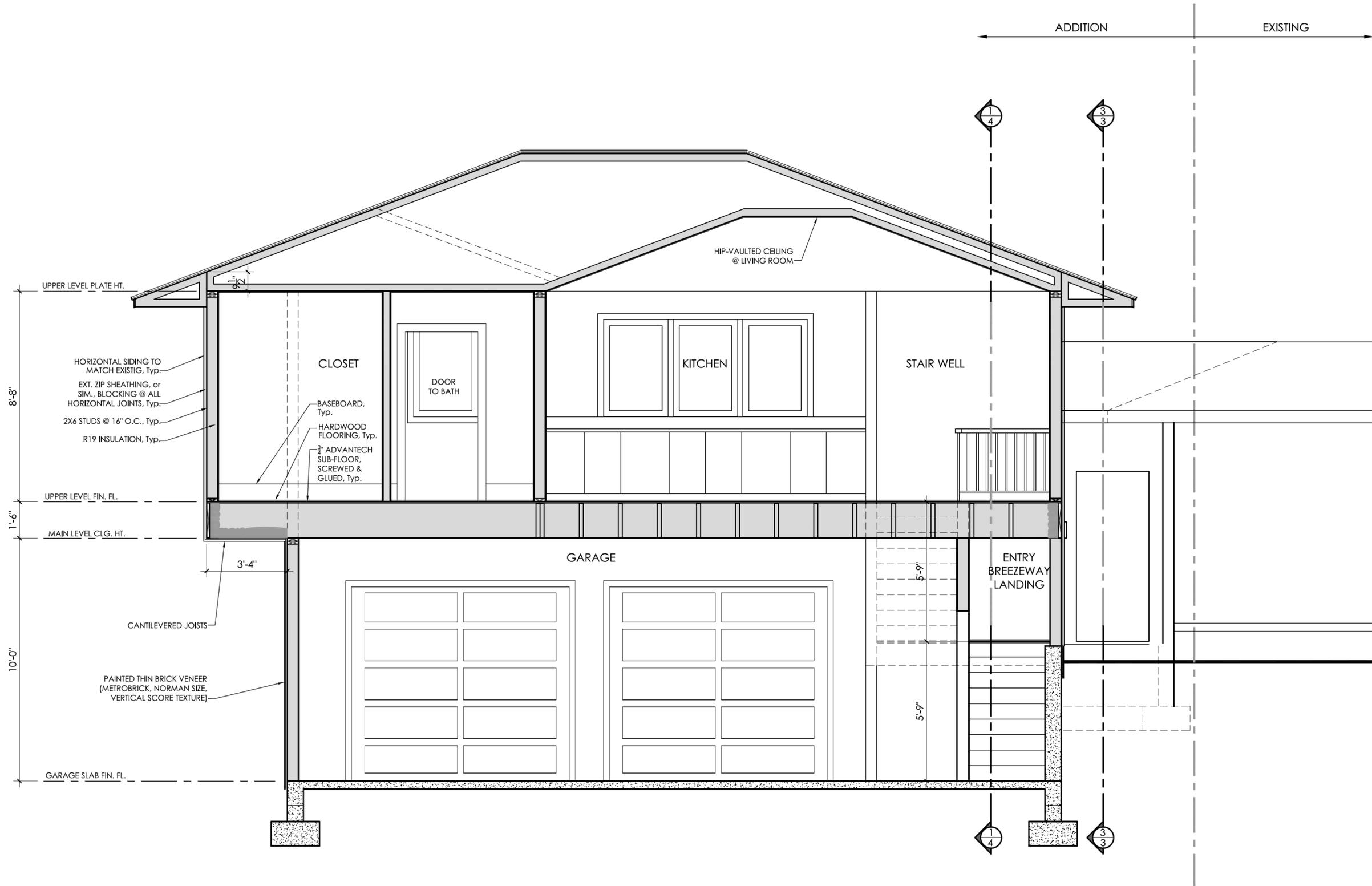
DATE	REMARKS

DATE
12/22/25

REVIEW

4

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* CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF EXISTING CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH CONSTRUCTION.
 * CONTRACTOR IS RESPONSIBLE FOR ALL STRUCTURAL DESIGN AND IMPLEMENTATION.
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LONGITUDINAL BUILDING SECTION
 SCALE: 1/4" = 1'-0"

ABRAHAM RESIDENCE PIN#: 9646-96-1199
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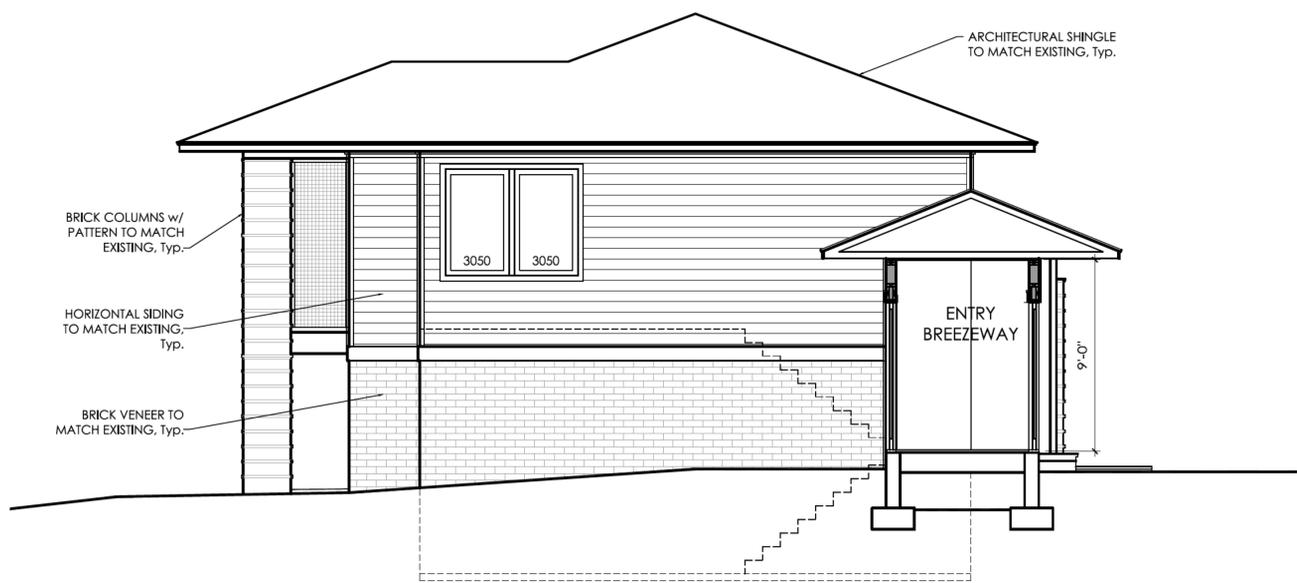
DATE	REMARKS

DATE
12/22/25

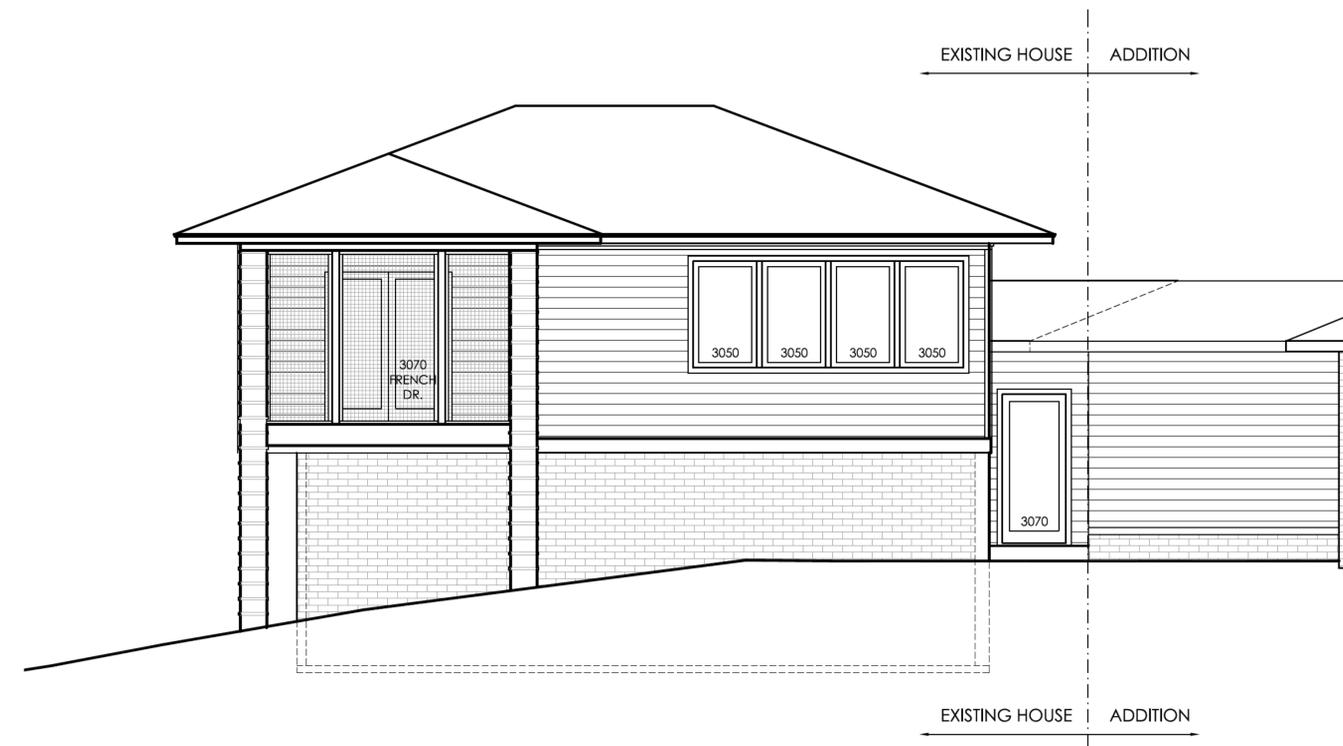
REVIEW

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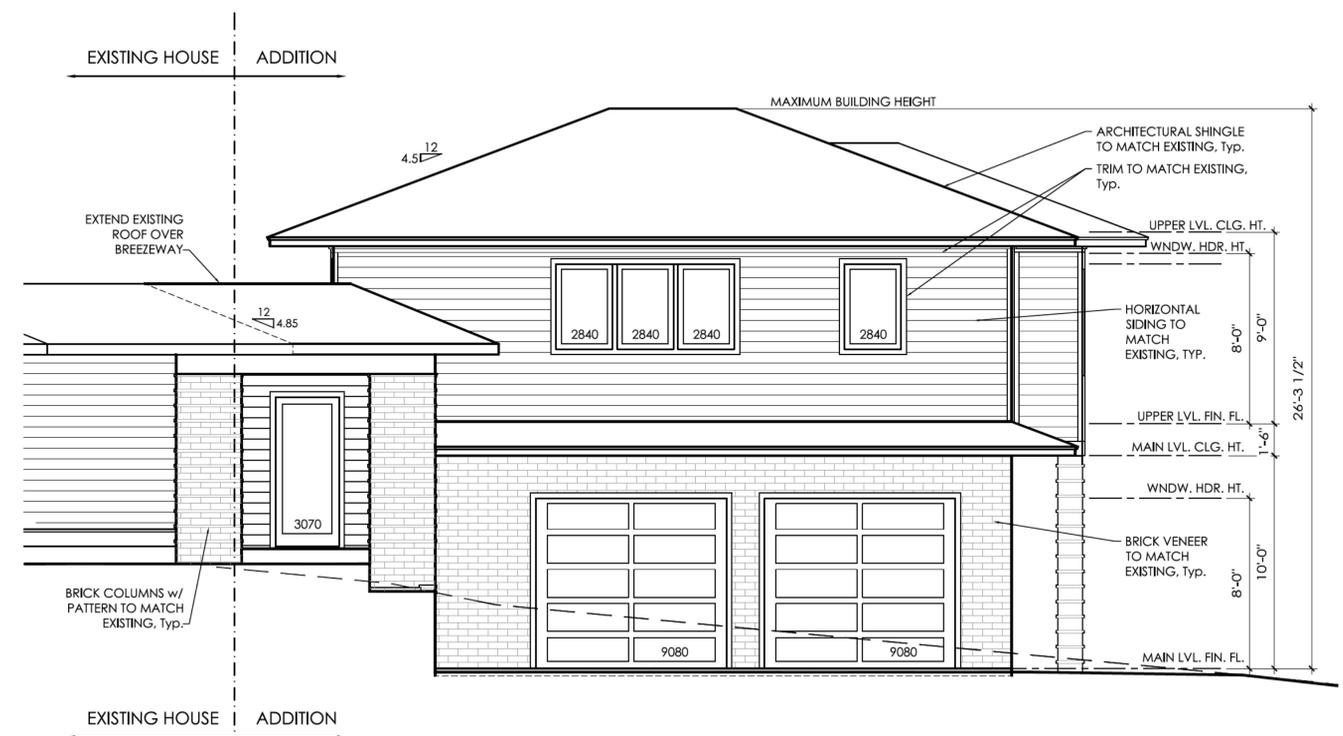
LEFT / EAST ELEVATION / SECTION THROUGH
 BREEZEWAY - GARAGE ADDITION
 SCALE: 1/4" = 1'-0"



REAR ELEVATION GARAGE ADDITION
 SCALE: 1/4" = 1'-0"



RIGHT / WEST ELEVATION - GARAGE ADDITION
 SCALE: 1/4" = 1'-0"



FRONT / NORTH ELEVATION - GARAGE ADDITION
 SCALE: 1/4" = 1'-0"

PIN#: 9646-96-1199

ABRAHAM RESIDENCE
 1 HILLTOP ROAD
 ASHEVILLE, NC 28803 • BUNCOMBE COUNTY

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 millergraves@gmail.com

REVISIONS:	
DATE	REMARKS

DATE
11/6/25

REVIEW

3

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BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 26, 2026

CASE

Property Address: 9 Park Rd

Request: Variance Request for Accessory Structure Within the Front Yard

Background

Plans are submitted for 9 Park Road for an overall landscaping and renovation project that include a fire pit located within the front yard. The gas fire pit would be constructed of stone and have a five and a half-foot outside diameter. The application does not meet the requirements for accessory structures being located within the rear yard, therefore it would require a variance.

Variance

The proposed structure does not comply with the placement being in the rear yard, therefore would require a variance. Section 153.110 (D) (attached) addresses the approval requirements for a variance. Section 153.029 (attached) addresses the approval requirements for accessory structures.

(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)

Zoning Compliance Application

Town of Biltmore Forest

Name

Property Address

9 Park Road Biltmore Forest, NC 28803

Phone

Email

Parcel ID/PIN Number

9646698190

ZONING INFORMATION

Current Zoning

R-1

Lot Size

40,834 s.f.

Proposed Roof Coverage Total

No architectural or roof coverage changes

Proposed Impervious Surface Coverage

9,478 s.f.

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

No architectural changes; all proposed improvements are exterior/landscape

Description of the Proposed Project

Proposed exterior and landscape improvements to include demolishing and repairing in-place an existing dilapidated exposed aggregate concrete terrace and front walkway and replacing with new native crab orchard flagstone. Terrace to have new gas fire pit. Repair an existing dilapidated 2' ht wall. Proposed pull-off guest parking at end of existing front walk- parking surface to be gravel with a fieldstone surround. Proposed grinding stumps from trees that went over in the storm and repairing sod. Proposed new stone entry columns with address marker. Proposed river slick stones along road frontage to slow down stormwater along roadside swale and to improve look of existing crusher gravel. Proposed landscape cleanup overgrown plantings and new plantings to refresh the landscape.

Estimated Start Date

2/2/2026

Estimated Completion Date

6/30/2026

Estimated Cost of Project

\$200,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

250919 Baker Residence - Site & Landscape Pricing Set.pdf

Applicant Signature

Date
1/5/2026

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Address

9 Park Road Biltmore Forest, NC 28803

Phone

Email

Current Zoning/Use

Residential

Requested Use

Fire Pit

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 respectfully request a variance to allow the installation of a gas fire pit at an existing terrace that is located forward of the house. We intend to resurface the terrace (demolish old exposed aggregate concrete and replace with grey flagstone) as a repair and improvement to the home. The proposed fire pit would be integrated into the reconstructed terrace, which has historically served as the primary outdoor living space for the residence. The living room/den directly face this terrace, making it the most functional location for small outdoor gathering and use. The proposed location is well screened from the public and neighboring properties by large, well established, evergreen boxwood hedges. In addition, the terrace and fire pit area sit at a higher elevation than the front roadway, which further limits visibility from the street. The fire pit will not be visually prominent to the community.

What does the ordinance require?

The ordinance requires fire pits to be behind the house.

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 studied a rear yard location, but it is not a practical or comparable alternative. The rear yard lies significantly below the elevation of the house and has no connection to the primary living level. placing the fire pit in this area would disconnect it from the home, reduce its usability, and diminish the intent of replacing the front terrace as a functional outdoor area.

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

Grade at the rear of the property is significantly lower than the main level of the house. The homeowners would have to build and traverse many steps to get down to the rear yard topography. This home is

intended to be a forever home and this is not conducive to aging.

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

The hardship comes from the existing conditions of a historic home. The home has an existing terrace that the home surrounds and is connected to. It happens to be on the front of the house. We are proposing to repair and improve an old hardscape that is in decline and would like to incorporate a seating warm seating area for the family.

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.

Yes, the fire pit and seating area will be well hidden from the neighbors, streetscape, and surrounding community. The proposed fire pit location is 170' l.f. from the road and well screened by evergreen plant material.

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

Signature

Date

1/8/2026

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

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE
DECIDUOUS TREES			
	1	BETULA JACQUEMONTI / WHITEBARKED HIMALAYAN BIRCH	14-16' HT.
EVERGREEN TREES			
	2	CHAMAECYPARIS OBTUSA / HINOKI CYPRESS	8'-10' HT.
	2	THUJA OCCIDENTALIS / 'DEGROOT'S SPIRE' ARBORVITAE	8'-6' HT.
	4	THUJA X 'GREEN GIANT' / 'GREEN GIANT' WESTERN RED CEDAR	10'-12' HT.
	12	THUJA X 'STEEPLECHASE' / 'STEEPLECHASE' ARBORVITAE	10'-12' HT.
	2	TSUGA CANADENSIS / CANADIAN HEMLOCK	10'-12' HT.
	4	TSUGA CANADENSIS / CANADIAN HEMLOCK	8'-10' HT.
SHRUBS			
	18	BUXUS 'WINTERGREEN' / 'WINTERGREEN' BOXWOOD	1 GAL.
	8	BUXUS SEMPERVIRENS / 'GREEN MOUNTAIN' BOXWOOD	1 GAL.
	1	CHAMAECYPARIS OBTUSA 'NANA GRACILIS' / DWARF HINOKI FALSE CYPRESS	4'-5' HT.
	2	HYDRANGEA MACROPHYLLA 'PENNY MAC' / 'PENNY MAC' HYDRANGEA	1 GAL.
	8	HYDRANGEA FANICULATA 'LIMELIGHT' / 'LIMELIGHT' HYDRANGEA	1 GAL.
	18	HYDRANGEA QUERCIFOLIA / OAKLEAF HYDRANGEA	1 GAL.
	52	LEUCOTHOE FONTANESIANA / DOGHOBLE	24-30" HT.
	15	TAXUS X MEDIA 'DENSEFORMIS' / DENSE YEW	1 GAL.
FERNS			
	28	DRYOPTERIS ERYTHROSORA / AUTUMN FERN	1 GAL.
VINE			
	1	CLEMATIS X JACKMANI / JACKMAN CLEMATIS	5 GAL.
	1	HYDRANGEA PETIOLARIS / CLIMBING HYDRANGEA	5 GAL.
GROUND COVERS			
	282 SF	PACHYSANDRA TERMINALIS / PACHYSANDRA	FLAT
	1,470 SF	POA PRATENSIS / FESTUCA SPP. / KENTUCKY BLUEGRASS / FESCUE MIX	80D



'GREEN GIANT' WESTERN RED CEDAR



'STEEPLECHASE' ARBORVITAE



HINOKI CYPRESS



CANADIAN HEMLOCK



HIMALAYAN WHITE BIRCH



'GREEN MOUNTAIN' BOXWOOD



'WINTERGREEN' BOXWOOD



DENSE YEW HEDGE



DOGHOBLE



DWARF HINOKI CYPRESS



'PENNY MAC' HYDRANGEA



'LIME LIGHT' HYDRANGEA



OAKLEAF HYDRANGEA



AUTUMN FERN



PACHYSANDRA



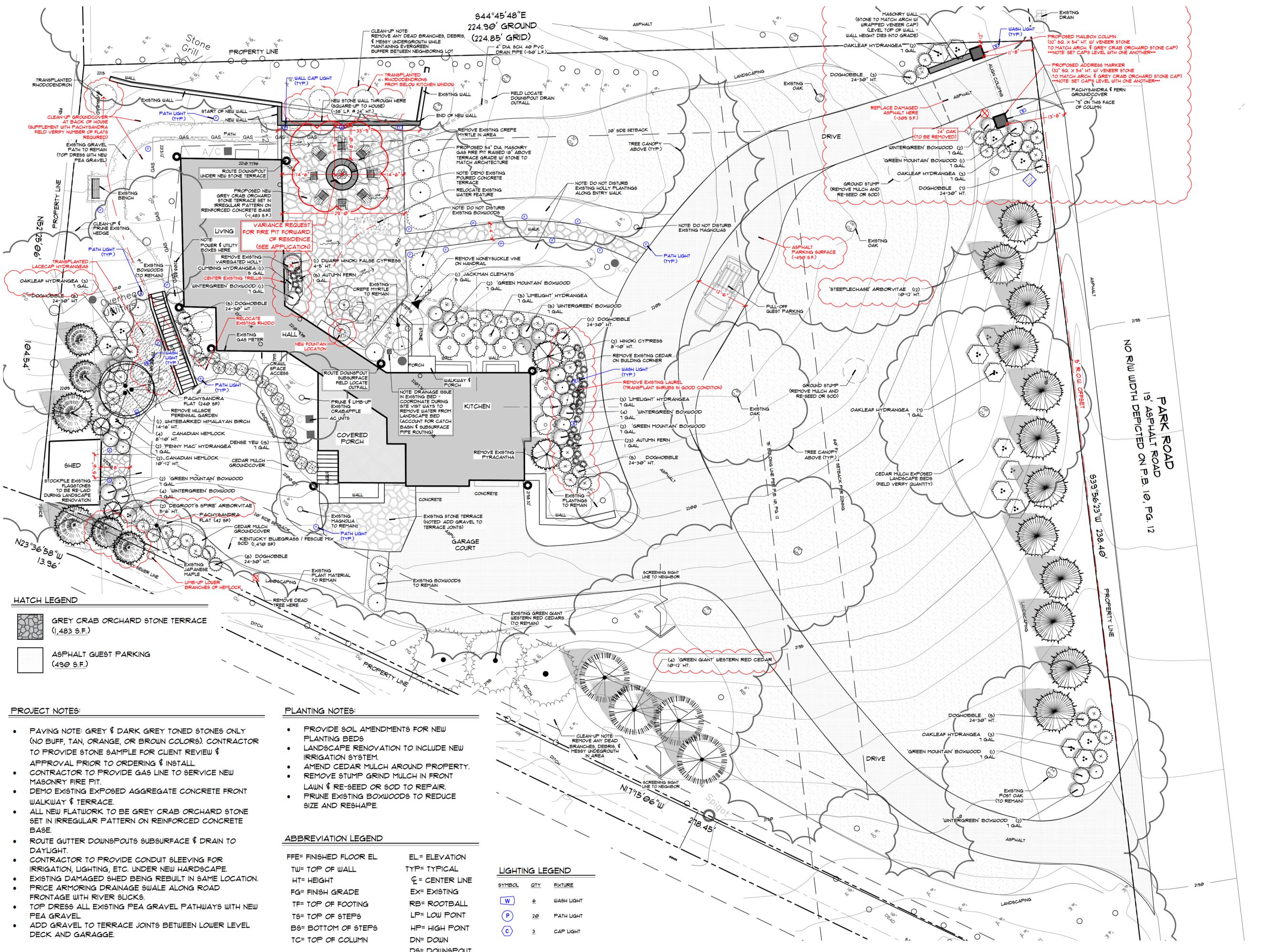
'DEGROOT'S SPIRE' ARBORVITAE



'JACKMANI' CLEMATIS



CLIMBING HYDRANGEA



HATCH LEGEND

	GREY CRAB ORCHARD STONE TERRACE (1,483 S.F.)
	ASPHALT GUEST PARKING (490 S.F.)

- PROJECT NOTES:**
- PAVING NOTE: GREY & DARK GREY TONED STONES ONLY (NO BUFF, TAN, ORANGE, OR BROWN COLORS). CONTRACTOR TO PROVIDE STONE SAMPLE FOR CLIENT REVIEW & APPROVAL PRIOR TO ORDERING & INSTALL.
 - CONTRACTOR TO PROVIDE GAS LINE TO SERVICE NEW MASONRY FIRE PIT.
 - DEMO EXISTING EXPOSED AGGREGATE CONCRETE FRONT WALKWAY & TERRACE.
 - ALL NEW FLATWORK TO BE GREY CRAB ORCHARD STONE SET IN IRREGULAR PATTERN ON REINFORCED CONCRETE BASE.
 - ROUTE GUTTER DOWNSPOUTS SUBSURFACE & DRAIN TO DAYLIGHT.
 - CONTRACTOR TO PROVIDE CONDUIT SLEEVING FOR IRRIGATION, LIGHTING, ETC. UNDER NEW HARDSCAPE.
 - EXISTING DAMAGED SHED BEING REBUILT IN SAME LOCATION. PRICE ARMORING DRAINAGE SWALE ALONG ROAD FRONTAGE WITH RIVER SLICKS.
 - TOP DRESS ALL EXISTING PEA GRAVEL PATHWAYS WITH NEW PEA GRAVEL.
 - ADD GRAVEL TO TERRACE JOINTS BETWEEN LOWER LEVEL DECK AND GARAGGE.

- PLANTING NOTES:**
- PROVIDE SOIL AMENDMENTS FOR NEW PLANTING BEDS
 - LANDSCAPE RENOVATION TO INCLUDE NEW IRRIGATION SYSTEM.
 - AMEND CEDAR MULCH AROUND PROPERTY.
 - REMOVE STUMP GRIND MULCH IN FRONT LAUN & RE-SEED OR SOD TO REPAIR.
 - PRUNE EXISTING BOXWOODS TO REDUCE SIZE AND RESHAPE.

ABBREVIATION LEGEND

FFE= FINISHED FLOOR EL	EL= ELEVATION
TW= TOP OF WALL	TYP= TYPICAL
HT= HEIGHT	CL= CENTER LINE
FG= FINISH GRADE	EX= EXISTING
TF= TOP OF FOOTING	RB= ROOTBALL
TS= TOP OF STEPS	LP= LOW POINT
BS= BOTTOM OF STEPS	HP= HIGH POINT
TC= TOP OF COLUMN	DN= DOWN
	DS= DOWNSPOUT

LIGHTING LEGEND

SYMBOL	QTY	FIXTURE
	6	WASH LIGHT
	20	PATH LIGHT
	3	CAP LIGHT

I, ROBERT K. BRADY, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 5786, PAGE 567); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS

I, Robert K. Brady, Jr., certify that this map was drawn under my supervision from an actual GPS (or GNSS) survey made under my supervision and the following information was used to perform the survey:
 Class of survey: Class B
 Horizontal Positional accuracy: 0.010
 Vertical Positional accuracy: 0.015
 Kinematic networks
 Type of GPS (or GNSS) field procedure: Real-Time
 Date(s) of survey: 11/25/2024
 Datum/Epoch: NAD 83 (2011)(EPOCH2010.000)
 Published/fixed control: VRS
 Geoid model: GEOID12B
 Combined factor: 0.99978780
 Units: U.S. Foot
 Horizontal positions are referenced to NAD83(2011)
 Vertical positions are referenced to NAVD88

December 2, 2024 DATE

December 2, 2024 DATE

Robert Brady, Jr.

Robert Brady, Jr.

ROBERT K. BRADY, JR., PLS-3959

ROBERT K. BRADY, JR., PLS-3959



Legend

- ⊗ Calculated Point
- ⊙ Sanitary Sewer Manhole
- PP ● Power Pole
- ⊙ Water Meter
- A/C ■ Air Conditioner
- ⊙ Mailbox
- FH ⊕ Fire Hydrant
- ⊙ Gas Meter
- IV ⊕ Irrigation Control Valve
- ⊙ Catch Basin
- ⊙ Tree (Size & Type)
- RBF Rebar Found
- IPF Iron Pipe Found
- RBC Rebar and Cap Found
- NLF Nail Found
- N.T.S. Not to Scale
- D.B. Deed Book
- Pg. Page
- P.B. Plat Book
- PIN Parcel Identification Number
- R/W Right-of-Way
- N Northing
- E Easting
- FF Finished Floor
- BM Benchmark
- Elev. Elevation
- PE Pear
- HT Hawthorne
- PO Poplar
- HI Hickory
- MG Magnolia
- DW Dogwood
- RB Redbud
- CE Cedar
- HL Hemlock
- OA Oak
- PI Pine
- HO Holly
- SP Spruce
- CM Crepe Myrtle
- AR Arborvitae
- SW Sourwood

GENERAL NOTES:

1. Property subject to all easements, rights-of-way and restrictions of record
2. Lines not surveyed are shown as broken lines from information referenced on the face of this plat
3. The area shown hereon was computed using the coordinate computation method
4. Subject property is not located within a flood hazard area according to flood insurance community 370475, panel 9646, suffix J dated January 6, 2010
5. Location of utilities, whether public or private, is based upon field location of visible appurtenances
6. All distances are horizontal ground measured in US Feet
7. This plat has been prepared without the benefit of a title report which may reveal additional conveyances, easements, rights-of-way or building restrictions. A North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by the title examination.
8. This map does not transfer to anyone other than the persons or business named in the title block and may not be used without written authorization from Blackrock Surveying and Land Design, PC.
9. R-1 Building Setbacks
 - Front (from edge of street) - 60'
 - Side - 20'
 - Rear - 25'

25
Farnam
 D.B. 6432, Pg. 1304
 P.B. 10, Pg. 12
 PIN 9646 69 9296

25
Off
 D.B. 6358, Pg. 1979
 P.B. 10, Pg. 12
 PIN 9646 69 7490

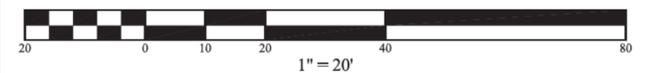
5
Williams
 D.B. 4909, Pg. 1069
 P.B. 10, Pg. 12
 PIN 9646 68 7915

Boundary and Topographic Survey for the Property of
David and Debra Baker

Town of Biltmore Forest, Buncombe County, North Carolina

PIN: 9646 69 8190	Current Owner: David M. Baker and Debra R. Baker	Address: 9 Park Road Biltmore Forest, NC 28803
D.B./Pg.: 5786 / 567	P.B./Pg.: 10 / 12	Zoning: R-1
Job Number: 24-141	Firm License No.: C-2921	Date: 11/25/2024
Surveyed by: RB	Drawn by: RKB	PLS: Robert K. Brady, Jr.

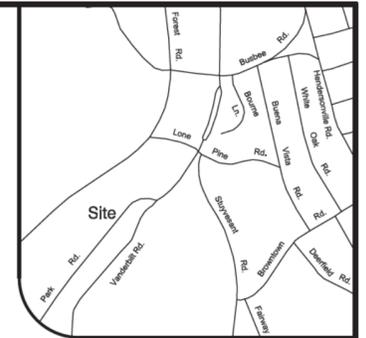
GRAPHIC SCALE



BLACKROCK SURVEYING & LAND DESIGN, PC



PO Box 8302
 Asheville, North Carolina 28814
 phone: 828-225-4341
 www.blackrocksurveying.com



VICINITY MAP (N.T.S.)

