

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

Property Owners

From: Jonathan B. Kanipe, Town Manager

Date: September 13, 2022

Re: Board of Adjustment Meeting – September 26, 2022

### **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, as noted on the agenda, prior to the meeting. The applicant or their representative <u>MUST</u> be present for this site visit.

### 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-adjustments

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 September 22, 2022.

### \*\*\*PROPOSED AGENDA\*\*\*

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, September 26, 2022 at 4:00 p.m at the Biltmore Forest Town Hall. The Biltmore Forest Town Hall is located at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

Those interested in viewing the meeting via Zoom may do so via the link provided at the bottom of this page.

- 1. The meeting will be called to order and roll call taken.
- 2. The minutes of the August 22, 2022 regular meeting will be considered.
- 3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 56 Cedar Hill Drive – Special use permit request for new swimming pool in rear yard, and extension of existing fence and gate within side yard.

Site Visit – September 26, 2022 at 3:15 PM

**Case 2: 45 Forest Road** – Special use permit request to construct driveway entrance walls.

Site Visit – September 26, 2022 at 3:00 PM

Case 3: 32 Hilltop Road – Variance request to exceed maximum roof coverage and associated special use request for construction of a detached accessory building.

Site Visit – September 26, 2022 at 3:30 PM

Case 4: 327 Vanderbilt Road – Special use permit request to construct swimming pool in rear yard. Variance request to reconstruct existing fence on property line with new fence.

Site Visit - September 26, 2022 at 2:30 PM

4. Adjourn

Meeting ID: 824 0558 6759 Passcode: 804985

### MINUTES OF THE BOARD OF ADJUSTMENT MEETING HELD MONDAY, AUGUST 22, 2022

The Board of Adjustment met at 4:00 p.m. on Monday, August 22, 2022.

Mr. Greg Goosmann, Ms. Lynn Kieffer, Mr. Robert Chandler, Mr. Lowell Pearlman, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, Mr. Harry Buckner, and Mr. William Clarke, Town Attorney were also present.

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

Chairman Goosmann swore in the following:

Mr. Jonathan Kanipe

Mr. Mark Dorsey

Mr. Claude Sheer

Ms. Kathleen Godwin

Mr. Charles Edwards

Mr. Tadd Cole

Ms. Nishma Patel

Mr. Howard McDill

A motion was made by Mr. Robert Chandler to approve the minutes from July 25, 2022. Mr. Lowell Pearlman seconded the motion. The minutes were unanimously approved.

### **HEARING** (Evidentiary):

The first matter for consideration is a Special Use Permit request at 56 Cedar Hill Drive for a new swimming pool in the rear yard and a Variance request for installation of fence and gate within the side yard setback to enclose a swimming pool. The matter was shepherded by Ms. Lynn Kieffer. Mr. Mark Dorsey represented the homeowners. The hardship is they are hoping they could connect the fence and bring it to the house to keep compliance with the pool code. Ms. Kieffer asked if the property line is shared with the Biltmore Estate. Mr. Dorsey said yes. Ms. Kieffer said there is a brown fence along the back of the pool and assumed the brown fence would connect with the fence and come around which would join the top of the stairs. Mr. Dorsey showed the board where the fence would be located and the setback line. There is some confusion of the boundary and exactly where the fence should be placed. Chairman Goosmann asked Mr. Dorsey if this matter could be tabled until next month so they can make a clear determination of where this will be placed. Mr. Dorsey said yes and asked if he could get a copy of the Variance that was previously granted. Chairman Goosmann said Mr. Kanipe can provide this information to Mr. Dorsey. Chairman Goosmann said September 26<sup>th</sup> will be the next Board of Adjustment meeting and asked if he could attend the site visit at that time. Mr. Dorsey said yes.

### DELIBERATION AND DETERMINATION:

The matter was tabled until next month's meeting.

### **HEARING** (Evidentiary):

The second matter discussed is a Special Use Permit request for a carport construction attached to an existing garage and a Variance request to exceed maximum roof coverage for proposed additions at 5 Brookside Road. Ms. Rhoda Groce shepherded the matter. Mr. Claude Sheer (homeowner) described the project. There are several components to this project. This request involves an exceedance of the maximum roof coverage for the lot.

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One component of this request is to construct a carport attached to an existing garage. Because the carport is not enclosed and/or connected via enclosed space, the Board is required to consider this as an accessory building.

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The overall project exceeds the Town's maximum roof coverage allowance. The maximum roof coverage allowed for this lot (1.34 acres) is 5,500 square feet. Mr. Sheer notes in his variance application that the home was constructed in 1966 and includes 3-foot overhangs. Mr. Sheer said the house, garage, and walkway comprise 4495 square feet of "hardscape."

The total roof area currently is 6065 square feet. Therefore, the roof overhang alone is 1570 square feet. The new roof area remains 7,549 square feet or 5,979 with the overhang removed. They are willing to buffer if requested from neighboring property owners.

### **DELIBERATION AND DETERMINATION:**

Ms. Lynn Kieffer made a motion to have a Special Use Permit granted to Claude Sheer and Kathleen Godwin at 5 Brookside Road and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Kieffer further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest

Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3)of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

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

The motion was seconded by Mr. Lowell Pearlman. Roll call was taken and unanimously approved.

### **HEARING** (Evidentiary):

The third matter is a Variance request for 1 Stuyvesant Crescent to encroach into the side and rear yard setbacks for a hardscape landscaping project. A Special Use Permit is also requested to include boulder and brick retaining walls and six-foot privacy fence inside the setbacks. Additional Special Use Permit is requested for an outdoor fireplace within the rear yard. This matter is being shepherded by Mr. Robert Chandler. Mr. Chandler said the six-foot privacy fence is no longer part of this case and the homeowners do not want the six-foot privacy fence at this time. The landscape retaining walls will be approximately within eight feet within the setback. Ms. Kieffer thanked them for staying within the existing setback. The applicants also had a

conversation with the neighbors behind them and they approve of this project. Mr. Tadd Cole who represented Mr. Edwards said the outdoor fireplace will be six feet wide and twelve feet tall. There will be buffering so the neighbors will not be able to see it. They are asking to accept where the current encroachment is already located.

### **DELIBERATION AND DETERMINATION:**

Mr. Chandler restated the facts and said Mr. Chuck Edwards of 1 Stuyvesant Crescent is applying for a Variance to encroach into the side and rear yard setbacks for a landscaping project and a Special Use Permit for an outdoor fireplace within the rear yard. The homeowners agreed to additional buffering if needed.

Ms. Martha Barnes moved that a Special Use Permit be granted to Mr. Chuck Edwards of 1 Stuyvesant Crescent and the facts as recited by Robert Chandler and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Barnes further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3)of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Further, she moved by granting this Variance satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would,

in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town. The motion was seconded by Ms. Rhoda Groce and unanimously approved.

### **HEARING** (Evidentiary):

The final matter is an appeal request for a Variance to encroach into the side yard setback with a terraced retaining wall at 23 Eastwood Road. Ms. Nishma Patel from McGuire, Wood, and Bissette law firm, represented a neighboring property owner at 24 Eastwood, Ms. Susan Taylor. Mr. Howard McDill represented the homeowners, Tom and Char Hand of 23 Eastwood Road. Chairman Goosmann recused himself and Ms. Lynn Kieffer served as acting chair. Ms. Martha Barnes shepherded the matter. Mr. McDill apologized for having the wall built without consulting with the Town. Ms. Patel said there is a spring that is now flowing from the neighboring property and said Ms. Taylor has yet to understand what hardship that is being corrected; the applicant has not met the burden that the Board is held to in order to grant a variance. There was further discussion regarding aesthetics about the boulder wall and Ms. Taylor is not happy with the way it looks. Ms. Patel was also concerned about the retroactive granting of Variances and setting a precedent to do work, then come to the Board and ask for permission after the fact.

Ms. Groce asked Ms. Patel if the wall is removed and creates a horrible situation, is this what Ms. Taylor would want? Ms. Patel said the biggest impact is the intrusion and the impact the intrusion will have on her trees later. Ms. Kieffer asked Ms. Patel if she had any conversations with the Hand's.

Ms. Patel said Mr. Hand reached out and asked if putting trees in would result in mitigating the issue. Ms. Patel reached out to the client and indicated they did not want plantings because they would also be concerned about the tree roots impacting the wall.

Ms. Kieffer was concerned about the Taylor's hemlocks that are already on the property. Ms. Kieffer also referenced the end of the appeal by Ms. Patel wherein she referenced that if a variance was granted, the applicants must be required to vegetate the area heavily. Ms. Kieffer also asked the if the Board granted the Variance, would anything please Ms. Taylor as far as landscaping goes. Mr. Pearlman said if we ask the Mr. and Ms. Hand to provide a landscaping plan, then the Board is getting into subjectivity. Ms. Barnes agreed with Mr. Pearlman. Ms. Kieffer said this matter has gone on for several months and the Board thought there was communication between the neighboring property owners. Mr. McDill verified there was no communication wanted from Ms. Taylor back to Tom Hand. Ms. Patel agreed that was their belief at the time. Mr. Chandler asked why the client will not communicate about landscaping so there can be discussion. Mr. Clarke said there is no requirement for neighbors to communicate about that; only to consider whether a variance is warranted. Mr. Clarke also said the job is to apply the Ordinance and not to review whether this is the best plan or not.

Ms. Kieffer asked Mr. McDill if a civil engineer came out and make this in the space where the wall is currently located. Mr. McDill said yes, an engineer did make that recommendation, which was part of the reason for making it a two-tiered wall.

Mr. Clarke said there has been no hardship for this variance and a neighbor has objected. Mr. Clarke said someone can make a motion to approve or deny the variance and it takes four votes to approve a variance.

### **DELIBERATION AND DETERMINATION:**

Ms. Groce made a motion the Variance requested for Tom and Char Hand of 23 Eastwood Road be denied and the facts as recited by Martha Barnes and her summation be accepted as

findings	and t	facts	to	support	this	grant	t. The	Board	has	inspected	the	site	and a	neighboring
property	owne	er has	ob	jected. 1	Roll	call w	as tal	ken and	the '	Variance v	vas t	ınani	imous	ly denied.

The meeting was adjourned at 5:58 pm	n. The next Board of Adjustment meeting is scheduled
for Monday, September 26, 2022 at 4:00pm.	
ATTEST:	
Greg Goosmann	Laura Jacobs

Town Clerk

Chairman

### BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



### Case 1 – 56 Cedar Hill Drive

Special Use permit request to construct swimming pool in rear yard and fence and gate within side yard

Property Owner: Josh Shores

Property Address: 56 Cedar Hill Road

### Project Description

The applicants request permission to construct a 16'x34' Gunite swimming pool within their rear yard. As part of this project, new aggregate concrete decking will be added for the pool. Additionally, a small fence and gate is requested to fence in the entirety of the rear yard and the pool. This portion of the fence and gate is within the side yard, but not within any setback.

### Special Use Permit Request

The Town's Zoning Ordinance regulates swimming pools as accessory structures. Section 153.029 provides the guidelines for accessory structures and their installation. This ordinance is attached to this memorandum for your reference.

Additionally, the applicants request the installation of a small portion of fence and gate to fully enclose the rear yard and swimming pool. Section 153.049 of the Town's Zoning Ordinance governs fences and gates. This section is attached for your reference.

### Note

This project was first presented at the August 2022 Board of Adjustment meeting. The application at that time referenced a variance request for a side yard setback intrusion. The applicant and pool designer have reviewed the site plan and revised their application to show that the fence and gate installation IS NOT within the side yard setback.

### **Zoning Compliance Application**

Town of Biltmore Forest

Name

**Josh Shores** 

**Property Address** 

56 Cedar Hill Dr.

Phone Email

(828) 230-2855 mark@medallionpool.com

Parcel ID/PIN Number

964632662400000

**ZONING INFORMATION** 

**Current Zoning**R-1

Lot Size
1.48ac

Maximum Roof Coverage Proposed Roof Coverage Total

5,500 square feet (Up to 1.5 acres)

Maximum Impervious Surface Coverage Proposed Impervious Surface Coverage

1-3 acres (25 percent of lot area) 14370sf (16,117 sf allowed)

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)

**Description of the Proposed Project** 

new swimming pool - 16x 34 Gunite inground w/ automatic cover. new hardscape to match existing exposed aggregate concrete. not change to current fence line except additional short section to make full enclosure

Estimated Start Date Estimated Completion Date

9/8/2022 12/30/2022

**Estimated Cost of Project** 

\$250,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

POOL EQ ENCLOSURE.jpg

REV\_SHORES\_POOL\_SITE\_PLAN.pdf

**Applicant Signature** 

**Date** 8/4/2022

### **Special Use Permit Application**

Town of Biltmore Forest

Name

Mark Dorsey

**Address** 

56 Cedar Hill Dr. Biltmore Forest NC 28803

**Phone** 

**Email** 

(828) 230-2855

mark@medallionpool.com

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

**Accessory Structures** 

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

Please provide a description of the proposed project:

Mark T. Horsey

resubmittal of Pool, Hardscape and Fence

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

no visibility from any neighbor

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

Signature Date 9/7/2022

9///2022

DRAWING INDEX						
P1.1	COVER SHEET					
P1.2	NOTES & SCOPE OF WORK					
P2.1	SITE PLAN					
P3.1	POOL SHELL LAYOUT					
P4.1	POOL EQUIPMENT DETAILS					
P5.1	POOL PLUMBING DETAILS					
P6.1	POOL SECTIONS					
P7.1	POOL DECK & DRAINAGE					
P8.1	POOL FORMS DETAILS					
P9.1	SECTIONS AND DETAILS					

POOL	DESIGN DATA	
POOL	WATER DIMENSIONS	
SURFACE AREA:	629 SF	
PERIMETER:	110 LF	
VOLUME:	25,950 GAL	
POOL	TAKEOFF DIMENSIONS	
INSIDE AREA (IA):	0 SF	
HORIZ. STEP & BENCH EDGES LENGTH:	0 LF	
		i
	LENGTH	SIZE
	0 LF	1'-2"
COPING PERIMETER (EA. SIZE):	0 LF	1'-4"
	0 LF	0"
	T =	T
	0 LF	0"
WATERLINE TILE PERIMETER (EA. SIZE):	0 LF	0"
	0 LF	0"
PC	OOL CIRCULATION	
SPILLOVER EDGE LENGTH:	0 LF	
	MIN.	MAX.
SPILLOVER FLOW RATE:	1.5 GPM/LF	4 GPM/LF
	T CUMMED	I MANTED
CI TO A TION ON IN THAT (AMBIRATION)	SUMMER	WINTER
FILTRATION RUN TIME (MINIMUM):	0 HR/DAY	0 HR/DAY
FILTRATION FLOW RATE:	O GPM	O GPM

1. CALL 811 FROM ANYWHERE IN THE USA AND YOUR CALL WILL BE ROUTED TO YOUR LOCAL ONE-CALL CENTER WHERE OPERATORS WILL ASK YOU FOR THE LOCATION OF YOUR DIGGING/DRILLING JOB AND ROUTE YOUR CALLTO THE AFFECTED UTILITY COMPANIES. YOUR LOCAL UTILITY COMPANIES WILL THEN SEND A PROFESSIONAL LOCATOR TO YOUR JOB TO MARK CONFLICTS WITHIN A FEW DAYS.

2. CALL AT LEAST 3 DAYS BEFORE EXCAVATING TO AVOID SERIOUS FINES AND REPAIR EXPENSES. MARK THE PLANNED EXCAVATION AREAS WITH WHITE PAINT. PAINT SHALL BE WATER-BASED QUIK-MARK BY KRYLON OR EQUAL.

3. PROVIDE: ADDRESS, CITY, COUNTY, FOREMAN, NAME, PLICALE AND AREA.

3. PROVIDE: ADDRESS, CITY, COUNTY, FOREMAN'S NAME, PHONE NUMBER, COMPANY, NATURE OF WORK, DATE WORK WILL BEGIN, PERMIT NUMBER, THOMAS GUIDE PAGE AND GRIDS.

- 4. UTILITY MARKINGS GENERALLY EXPIRE AFTER 14 DAYS AFTER WHICH THE PROCESS MUST BE REPEATED. NO EXCAVATION PERMIT IS VALID WITHOUT FIRST CALLING 811. HAND-DIG TO 24" ON EITHER SIDE OF ALL UTILITIES. IT IS THE CONTRACTOR'S AND SUBCONTRACTOR'S RESPONSIBILITY TO EACH CALL 811.
- 5. EXCAVATING REQUIREMENTS VARY DEPENDING ON LOCAL LAWS.
  COLOR CODES MAY VARY AND LOCAL REQUIREMENTS SHALL
  SUPERSEDE THIS GENERAL WARNING. FOR MORE INFORMATION,
  CHECK OUT THE COMMON GROUND AULIANCE AT WWW.CALL811.COM.



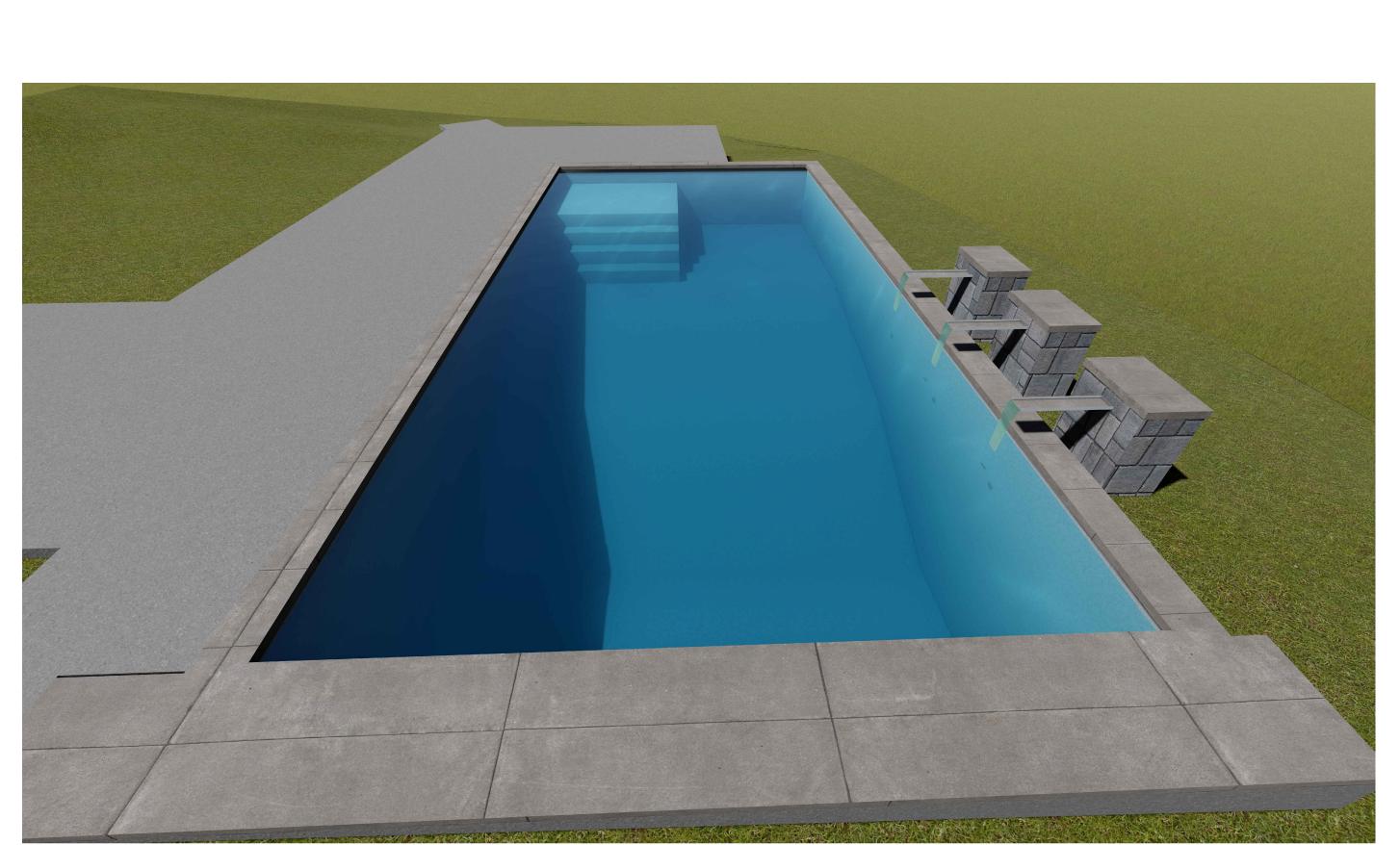
### Know what's below. Call before you dig.

- 6. COLOR KEY:WHITE PROPOSED EXCAVATIONPINK TEMP. SURVEY MARKINGS
  - RED ELECTRIC
- YELLOW GAS/OIL/STEAMORANGE COMMUNICATIONS/CATV
- BLUE WATER
- PURPLE RECLAIMED WATER
   CREEN, SEWER

### PROJECT MAP



### A NEW SWIMMING POOL DESIGN FOR SHORES RESIDEMCE 56 CEDAR HILL DR., BILTMORE FOREST, NC 28803



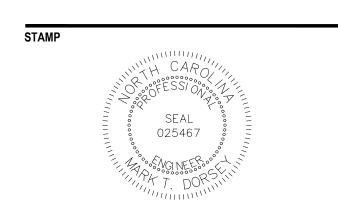


51 North Merrimon Ave., Suite 101 Asheville, NC, 28804 828 253 4594 mark@medallionpool.com

THESE PLANS ARE COPYRIGHTED AND SUBJECT TO COPYRIGHT AS AN "ARCHITECTURAL WORK" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR HOME REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR BUILDINGS BEING SEIZED AND/OR MONETARY COMPENSATION TO DORSEY DESIGNS, PA

### IMMING POOL DESIGN SHORES RESIDENCE 56 Cedar Hill Dr, Biltmore Forest, NC 28803

KEY PLAN



NO	DATE	DESCRIPTION
REVISIONS	3	
SUBMISSI	ON	

NOT FOR CONSTRUCTION

DRAWING TITLE

COVER SHEET

SCALE	AS NOTED
PRINT DATE	September 7, 202
PROJECT NUMBER	22-08-03
DRAWING NUMBER	

- THESE DRAWINGS HAVE BEEN PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT AND ARE NOT INTENDED FOR ANY OTHER PURPOSE. TO THE BEST OF MY KNOWLEDGE, THESE DRAWINGS MEET THE REQUIREMENTS SET FORTH BY THE LOCAL GOVERNMENTAL AUTHORITY (LGA). THESE DRAWINGS SHOULD NOT BE CONSTRUED TO MEET ALL REQUIREMENTS FOR THE CONSTRUCTION OF THE POOL, BUT ONLY THOSE REQUIREMENTS SET FORTH BY THE LGA.
- 2. REFER TO THE CONTRACT AGREEMENT AND "DETAILED SCOPE OF WORK" FOR ADDITIONAL INFORMATION PERTAINING TO MEDALLION'S CONSTRUCTION
- 3. UNLESS OTHERWISE NOTED, THE ENGINEERING SEAL AFFIXED TO THESE DRAWINGS IS LIMITED TO HYDRAULICS, THE LGA COMPLIANCE, AND STRUCTURAL ENGINEERING ONLY.
- 4. ONLY DRAWINGS FROM DORSEY DESIGNS THAT ARE MARKED "FOR CONSTRUCTION" AND WITH THE LGA APPROVAL NUMBER AND APPROVAL DATE AFFIXED SHALL BE USED FOR THE POOL CONSTRUCTION IMPLEMENTATION.
- 5. REFER TO THE RESPONSIBILITY LEGEND FOR THE RESPONSIBILITY ASSIGNMENT FOR AN ELECTRICAL DESIGN. THE MEDALLION DRAWINGS SHALL BE SPECIFICALLY INTERPRETED AS PROVIDING A BRIEF NARRATIVE DESCRIPTION OF THE NECESSARY ELECTRICAL CONTROL SYSTEMS, WIRING, ETC. REQUIRED FOR THIS ACULATIC PROJECT.
- 6. SUBSTITUTIONS: ALL ASSEMBLIES, PRODUCTS, AND MODEL NUMBERS SHALL BE PROVIDED (AS SPECIFIED HEREIN) BY THE CONTRACTOR WITHOUT EXCEPTION.
- THESE GENERAL NOTES, THE DRAWINGS, AND THE REFERENCED TECHNICAL SPECIFICATIONS SHALL BE UNIFORMLY APPLIED TO THE PROJECT. IN THE EVENT OF A DISCREPANCY OR CONFLICT, THE STRICTEST INTERPRETATION SHALL APPLY. CONTACT MEDALLION FOR ALL CLARIFICATIONS NEEDED.

### B. OWNERS MINIMUM OPERATING RESPONSIBILITIES

- THE OWNER SHALL PROVIDE SUFFICIENT CARE, MAINTENANCE, ROUTINE PREVENTATIVE MAINTENANCE (P.M.), REPAIR, AND SERVICING TO ALL POOL COMPONENTS, EQUIPMENT, AND SYSTEMS TO ENSURE CONTINUED COMPLIANCY WITH ALL INTERNATIONAL, LOCAL BUILDING CODES, AND ESTABLISHED DEPARTMENT OF HEALTH STANDARDS AS APPLICABLE. OWNERS WARRANTY IS ALSO DEPENDENT ON THE CONTINUED CARE AND MAINTENANCE, SEE CONTRACT DOCUMENT.
- 2. PROVIDING A SAFE SWIMMING AND RECREATIONAL ENVIRONMENT IS A CRITICAL MANDATE THAT THE OWNER SHALL CONTROL, EXERCISE, AND EXERT COMPLETE CARE IN ORDER TO ENSURE A MANDATORY, REGULATED, SAFE ENVIRONMENT. ALLOWING THE BATHERS, GUESTS, PATRONS, OCCUPANTS, AND RESIDENTS TO

- USE THE POOL FACILITIES IS THE SOLE RESPONSIBILITY OF THE OWNER. ALL DAILY, WEEKLY, MONTHLY, QUARTERLY, AND ANNUAL CLEANING MAINTENANCE HOUSEKEEPING-TYPE TASKS SHALL BE PERFORMED BY THE OWNER AS FREQUENTLY AS NEEDED TO PROVIDE THE SAFE ENVIRONMENT AND POOL AREA.
- A PARTIAL LISTING OF MINIMUM CLEANING, MAINTENANCE, AND SAFETY TASKS THAT SHALL BE PERFORMED ON A REGULAR, AND AS-NEEDED BASIS INCLUDE (BUT
- a. Cleaning of all tiles, epoxy-grouting, and related, similar surfaces while maintaining them in like-new condition.r
  b. Removing oils, residues, contaminants, etc. from non-slip /
- SLIP-RESISTANT SURFACES ALLOWING THEM TO MAINTAIN THE REQUIRED SLIP-RESISTANT QUALITIES.

  c. REGULARLY CONDUCT PROFESSIONAL TESTING ON NON-SLIP / SLIP RESISTANT SURFACES TO ENSURE THAT THESE SURFACES RETAIN THEIR
- REQUIRED SLIP-RESISTANT QUALITIES.

  d. IF SUCH TESTING REVEALS THAT THE SLIP-RESISTANCE OF A RATED NON-SLIP SURFACE IS LESS THAN ORIGINALLY REQUIRED BY THE MANUFACTURER OR IS LESS THAN THE CURRENT CODE REQUIREMENTS. THE OWNER SHALL CORRECT THE POTENTIAL SAFETY HAZARD IN ACCORDANCE WITH DIRECTIONS FROM THE MANUFACTURER OR REPLACE THE SURFACE AS NEEDED TO ACHIEVE A CODE-COMPLIANT NON-SLIP SURFACE.
- e. MAINTAIN ALL WATER CHEMISTRY WHILE ENSURING THAT ALL POSTED POOL RULES AND SAFETY EQUIPMENT ARE PERMANENTLY MOUNTED IN A
- VISIBLE, ACCESSIBLE LOCATION.

  f. THE OWNER SHALL MAINTAIN WRITTEN DAILY RECORDS TO ACCURATELY RECORD THE MAINTENANCE PERFORMED AND THE CONDITIONS
- g. ALL PUMPING SYSTEMS, FILTRATION SYSTEMS, CHEMICAL SYSTEMS, UNDERWATER LIGHTING SYSTEMS, OVERHEAD LIGHTING SYSTEMS, ETC. SHALL BE MAINTAINED AND OPERATED TO BE LIKE-NEW, FULLY FUNCTIONAL, OPERATE CORRECTLY AT THE DESIGN POINTS SET FORTH BY MEDALLION AND OTHER CONSULTANTS.
   h. UNDERWATER EXPANSION JOINTS WILL REQUIRE FREQUENT AND REGULAR MAINTENANCE TO MAINTAIN THE WATER-PROOFING AND AESTHETIC QUALITY OF THE JOINTS.

### C. APPLICABLE CODES

### THESE ENGINEERING DRAWINGS WERE CREATED TO COMPLY WITH THE FOLLOWING RULES AND CODES:

MAINTAINED TO PROVIDE A SAFE ENVIRONMENT.

2010 NORTH CAROLINA ADMINISTATIVE CODE - 15A NGAC 18A .250 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN 2017 NEC WITH NC AMENDMENTS VIRGINIA GRAEME BAKER FEDERAL POOL AND SPA SAFETY ACT

### **GENERAL NOTES**

- 1. ALL WORK SHALL CONFORM TO THE MOST CURRENT EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, SUPPLEMENTED BY STATE AND LOCAL REGULATIONS AS WELL AS THE MOST CURRENT EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE.
- 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO STARTING WORK AND SHALL NOTIFY ROWAN LANDSCAPE & POOLS OF ANY DISCREPANCIES OR PROPOSED MODIFICATIONS.
- NOTIFY ROWAN LANDSCAPE & POOLS OF ANY DISCREPANCIES OR PROPOSED MODIFICATIONS.

  3. REFER TO POOL DRAWINGS FOR PLUMBING, ELECTRICAL, POOL EQUIPMENT, SITE DRAINAGE AND OTHER POOL RELATED INFORMATION.
- 4. IF EXPANSIVE CLAY SOIL IS ENCOUNTERED CONTACT ROWAN LANDSCAPE AND POOLS.
- 5. KEEP EXCAVATIONS FREE OF PONDING WATER AND KEEP TIME BETWEEN EXCAVATION AND SHOOTING GUNITE/SHOTCRETE TO A MINIMUM.
- 6. OVERALL POOL DIMENSIONS SHALL NOT EXCEED 30'X60' FOR RECTANGULAR OR FREE FORM LAYOUTS.

### **MATERIALS**

- 1. GUNITE/SHOTCRETE SHALL BE PNEUMATICALLY PLACED AND SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS.
- ALL GUNITE/SHOTCRETE WORK SHALL BE PERFORMED PER THE LATEST EDITION OF THE GUNITE CONTRACTORS
  ASSOCIATION "GUNITE & SHOTCRETE"
- 3. CONCRETE REINFORCING STEEL SHALL COMPLY WITH ASTM A615, GRADE 60. CONTINUOUS BARS SHALL LAP 48 BAR DIAMETERS, MINIMUM.
- 4. MINIMUM GUNITE/SHOTCRETE/CONCRETE COVER FOR REINFORCEMENT:
  - 3" SIDES AND BOTTOMS CAST AGAINST EARTH OR IN-SITU ROCK.
  - \*\* SUPPORT ON SUITABLE PLASTIC CHAIRS, WIRE CHAIRS, OR HALF CONCRETE BRICKS ON EDGE AT AN ADEQUATE SPACING SO THAT REINFORCING DOES NOT SHIFT DURING CONCRETE PLACEMENT.
- 2" ALL OTHER SURFACES

  5. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND TYPE OF ALL EMBEDDED ITEMS INCLUDING

  CONDUIT SUFFICE DIDES ANGLIOD POLITS FTG. PRIOR TO SUCCEING CURITY (SUCTORETE OF PLACING).
- CONDUIT, SLEEVES, PIPES, ANCHOR BOLTS, ETC. PRIOR TO SHOOTING GUNITE/SHOTCRETE OR PLACING CONCRETE.

  6. POOL SHELL SHALL BEAR ON FIRM, ORIGINAL, UNDISTURBED SOIL WITH A MINIMUM 1,500 PSF ALLOWAB
- 6. POOL SHELL SHALL BEAR ON FIRM, ORIGINAL, UNDISTURBED SOIL WITH A MINIMUM 1,500 PSF ALLOWABLE SOIL BEARING PRESSURE. A MINIMUM 6" THICK #57 WASHED STONE COMPACTED BASE SHALL BE INSTALLED UNDER THE POOL SHELL.

### SHOTORETE

### . PREWORK VERIFICATIONS

- A. Before beginning any concrete work (shotcrete wet-mix), the Contractor shall confirm the prior installation activities meet the following conditions:
- Verify that all excavation has been performed properly and will allow achievement of the desired final basin dimensions as shown on the Drawings.
- b. Verify that all excavation surfaces are clean, smooth, and without voids or irregularities.
- c. Verify that all compaction of soils have been performed and that required compaction / density tests have been successfully completed and written verification is on-hand when required by Medallion Engineer.
- d. Verify that the sub-floor piping is in place (and with a constant pressure-test as noted herein), the required governmental piping inspections are successfully attained for all commercial projects.
- e. Verify that all reinforcing steel has been installed according to the Specifications and the Drawings. Insure that reinforcing steel has been placed correctly and that sufficient clearance exists to allow complete encasement. Verify that all floor reinforcing steel is adequately positioned and supported to avoid movement during placement operations.
- f. Verify adequate access to all shotcrete wet-mix areas for screeding and finishing and to permit uninterrupted application once the placement operation has begun. (clean and tidy up the site)
- g. Verify that all concrete forms have been installed properly, as required for basin construction, braced properly to avoid excess vibrations during shotcrete placement, and that all forms have been oiled before installation of shotcrete wet mix
- h. Verify that all pool fittings (drains, inlets, skimmers, gutter fittings, etc.) have been properly placed per the Drawings and that adequate clearances exist for shotcrete along with the specified interior surface finish. Note that all skimmers must be totally encased with shotcrete wet-mix during the shotcrete installation.
- i. Bonding inspection has been received and passed.2. ENVIRONMENTAL REQUIREMENTS FOR SHOTCRETE WET-MIX
  - A. The Contractor shall not begin shotcrete wet-mix application operations unless the environmental requirements specified in this Section are satisfied:
- B. Insure that all materials and surrounding air temperature are greater than 40° F
- before, during, and for 36 hours after completion of shotcrete wet-mix operations.
  i. If necessary, during freezing or near freezing weather, provide equipment and cover to maintain a minimum of 40° F and to protect all work completed and/or
- C. Suspend shotcrete wet-mix operations during high winds, rainy weather, or near freezing temperatures when work cannot be protected.
  - i. In the event of rain events during the shotcrete wet-mix operation, cease all work until the rain event has terminated.

### 3. PREPARATION FOR SHOTCRETE WET-MIX

work in progress.

- A. Remove obstructions and foreign debris from substrate surfaces.
- B. Remove square external corners from substrate by chamfering or radiusing the edges.
- C. Do not place shotcrete wet-mix on surfaces that are frozen, spongy, or where there is freely flowing or standing water.
- D. Determine operating procedures for placement in close quarters, extended distances, or around unusual obstructions where placement velocities and mix consistency may be adjusted during application.
- E. Clean and thoroughly wet cementious or absorptive substrate surfaces before receiving shotcrete wet-mix. Keep porous surfaces damp for several hours before placement of shotcrete wet-mix.

### 4. ALIGNMENT CONTROL

- A. Provide alignment wire to establish thickness and plane of required surfaces.
- B. Install alignment wire at corners and offsets not established by forms.
- C. Tighten alignment wire true to line. Position adjustment devices to permit additional tightening.
- D. Ensure that the final dimensions as specified in the Drawings will be attained.

### 5. APPLICATION

A. Maintain shotcrete / concrete surfaces as required below for a minimum of fourteen

### (14) days as follows:

### i. Dampened / wet:

- Total water immersion is desired (except for the first 12 hours to allow an initial set - keep shotcrete wet-mix surfaces thoroughly dampened to assist in the curing process).
- b. If project work is expected to be delayed for more than 8 weeks, the basin shall be completely filled with water to further cure and stabilize and minimize daily shrinkage and expansion during extended breaks in construction.
- ii. Relatively constant temperature:
- a. For hydration of cement and hardening of shotcrete wet-mix.
- iii. Mechanical injury free:
- There shall be no mechanical backfill procedures until the full design strength of the structure is achieved. (14 days min., longer for cold weather conditions.)

### ENVIRONMENTAL CONDITIONS DURING PLASTER OR TILE OPERATIONS

- A. The Contractor shall not begin plaster or tile application operations unless the environmental requirements specified in this Section are satisfied:
- i. Insure that all materials and surrounding air temperature are greater than 40° F
- before, during, and for 2 days after completion of plaster or tile work operations.
  B. If necessary, during freezing or near freezing weather, provide equipment and cover to maintain a minimum of 40° F and to protect all work completed and/or work in
- C. Suspend plaster or tile work operations during high winds, rainy weather, or near freezing temperatures when work cannot be protected.

### 2. PREPARATION

- A. Flush cut all plumbing pipes entering the pool(s).
- 3. After all construction, but prior to the interior finish work installation, the internal "blanking disk" within the sump assembly shall be removed.
- i. Prior to the removal of the blanking disc or pressure plugs, ensure that the required pressure test was in-place.
- C. Observe all plaster manufacturer's recommendations and requirements.
- D. Flush all plumbing pipes entering the pool(s) with chlorinated water before acid washing the pool(s) or proceeding.
- E. Wash the entire interior of the basin with a mild solution of muriatic acid and water. Mechanically scrape the interior of the basin as required.
- F. Repair all "weeping" or lesion area of the pool basin before applying interior surface
- plaster (or tiles).

  G. Install laticrete hydroban on the interior portions of the basin/pool that are above
- grade. Install bond coat on all areas receiving hydroban prior to plaster application.

### BONDING AND GROUNDING INSTALLATION

- Perform bonding and grounding of electrical and metallic components located within the pool basins prior to any concrete work. Include all equipotential bonding per the requirements of NEC 680.26 to provide the below requirements.
- A. Electrically bond, earth, and ground each metallic device within the pool basin with a #8 solid, bare copper ground wire in accordance with the NEC requirements (as well as local codes).
- a. Apply Scotch-cast #2135 potting kit (by 3M) at each grounding lug, connections to the main grounding electrode system, equipment attachment, and rebar juncture. All ground wires' connections shall be of a listed pressure-type or exothermic weld in compliance with NEC.
- b. The required conductor shall be secured under the perimeter surface 4 to 6 inch
- c. At least one minimum 8 AWG bare solid copper conductor shall be provided.
- d. The grounding loop (#8 solid, bare copper) ground wire shall be provided / installed continuous around the pool basin and associated structures' contour shape between 18 24 inch [450 600 mm] beyond the perimeter of the pool and building slab edge buried 4 6 inch below grade.
- e. Bonding to perimeter surfaces shall be attached to the pool's structural reinforcing steel a minimum of four (4) points uniformly spaced around the perimeter of the pool.
- f. Provide grounding / bonding jumpers to rebar a maximum of every 16 ft. [4.88m] and to all lights, hydrants, handrails, and ladders (and other similar metallic components within the pool basins). Extend ground / bonding loop connection to

### adjacent building's main grounding electrode system.

- g. Provide grounding / bonding jumpers to rebar for all deck showers, deck receptacles, and all other metallic equipment within 15-ft [4.57 m] of the pool
- h. Extend ground / bonding loop connection to the pumping, filter, heater, shower, and chemical equipment provided with each pool. Upon installation, ensure that the grounding / bonding wire conductors are securely fastened to the adjacent piping, structure, and equipment.

### PIPING

### PRESSURE TESTING

A. Pressure testing requires that a prescribed period of curing / drying time be allowed in order to allow the PVC cement to properly cure and take a permanent set. The following table sets forth the minimum drying period before the required pressure

i. Note that this table applies only to weather temperatures ranging from 40 degrees F. to 100 degrees F. Note: In damp or humid weather, these times shall be doubled. For drying times during temperatures that differ from this, consult this Engineer:

PIPE SIZE	AVERAGE CURING TIME	AVERAGE CURING TIME	
	Air Temperature: 60° to 100° F	Air Temperature: 40° to 59° F	
0.5 – 2 ınch	12 hours	24 hours	
2.5 – 8 ınch	24 hours	48 hours	
10 – 14 inch	48 hours	96 hours	
16 INCH # HIGHER	72 hours	6 DAYS	

### 2. FIELD QUALITY CONTROL

A. Piping system hydrostatic water testing shall be performed and provided by the Contractor.

i. The Contractor shall provide all pumps, pressure plugs, gauges, and other instruments and devices necessary to perform the hydrostatic (water) pressure tests specified herein. <a href="Pressure tests are to be performed without water during months with freezing temperatures possible. Reduce test pressures by 25% in the absence of water-tested pressure tests.">Pressure tests are to be performed without water during months with freezing temperatures possible. Reduce test pressures by 25% in the absence of water-tested pressure tests.</a>

- Maintain the water pressure test on the piping system throughout the back fill, compaction, and decking placement tasks (and during any construction around the piping).
- Observe all pipe / fitting manufacturers' requirements when preparing to pressure test a
  - a. It is critical that NO pressure testing via the use of compressed air is used on PVC piping or fittings. Observe all pipe / fitting manufacturers' requirements when preparing to pressure test a piping system.
- Each complete piping system shall be hydrostatically water-tested to a pressure of 150% of the system working pressure.
- hydrostatic water-test shall be performed at 50 psig.

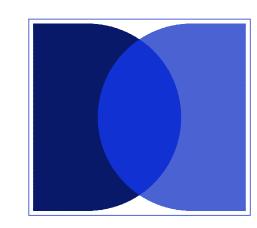
1. For purposes of this test, system-working pressure shall be defined at 35 psig and the

- Exception: Perimeter overflow (gutter) piping, drain outlet piping, and other gravity drain piping shall be hydrostatic water-tested at 20 PSIG.
- Note: if gutter fittings and drain outlet sumps are equipped with integral pressure plates, then the same pressure test 35 PSIG [2.4 bars] as noted above shall apply.

### Underwater light conduits shall be water-tested to pressure of 20 PSIG.

- Since the conduits for underwater lights are located below the water level, they shall be water tested by the Contractor as noted.
- Unless otherwise directed in the Drawings or these specifications, pressure test for at least 8 hours, at which time pressure shall remain constant without additional pumping.

All pressure testing shall include a visual check of EACH joint by the Contractor and this



DORSEY DESIGNS, PA
AQUATIC ARCHITECTURE & ENGINEERING

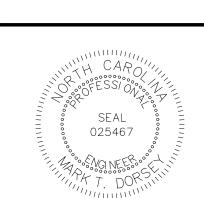
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WIMMING POOL DESIGN
SHORES RESIDENCE
56 Cedar Hill Dr,
Biltmore Forest, NC 28803

KEY PLAN



NO DATE DESCRIPTION
REVISIONS

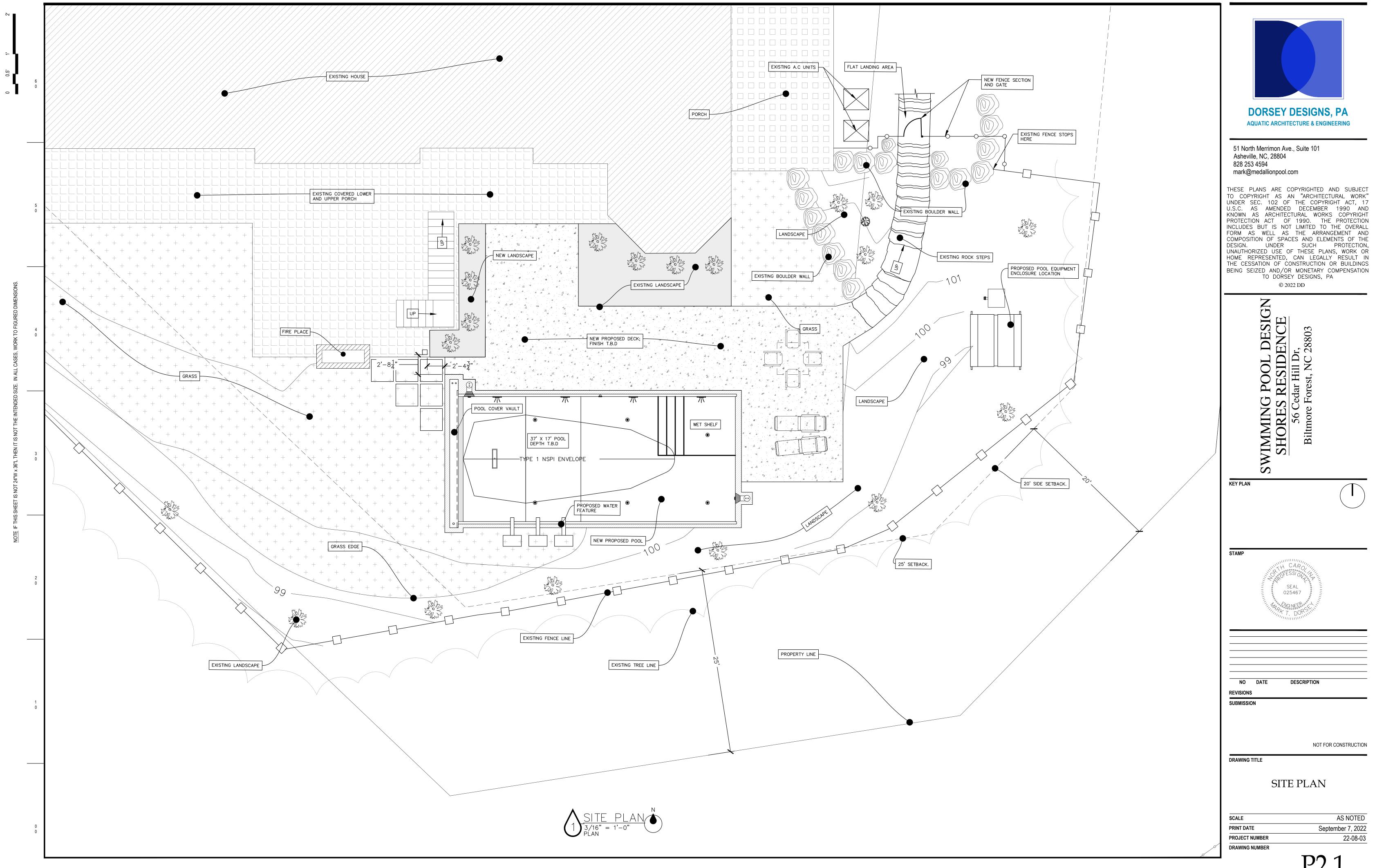
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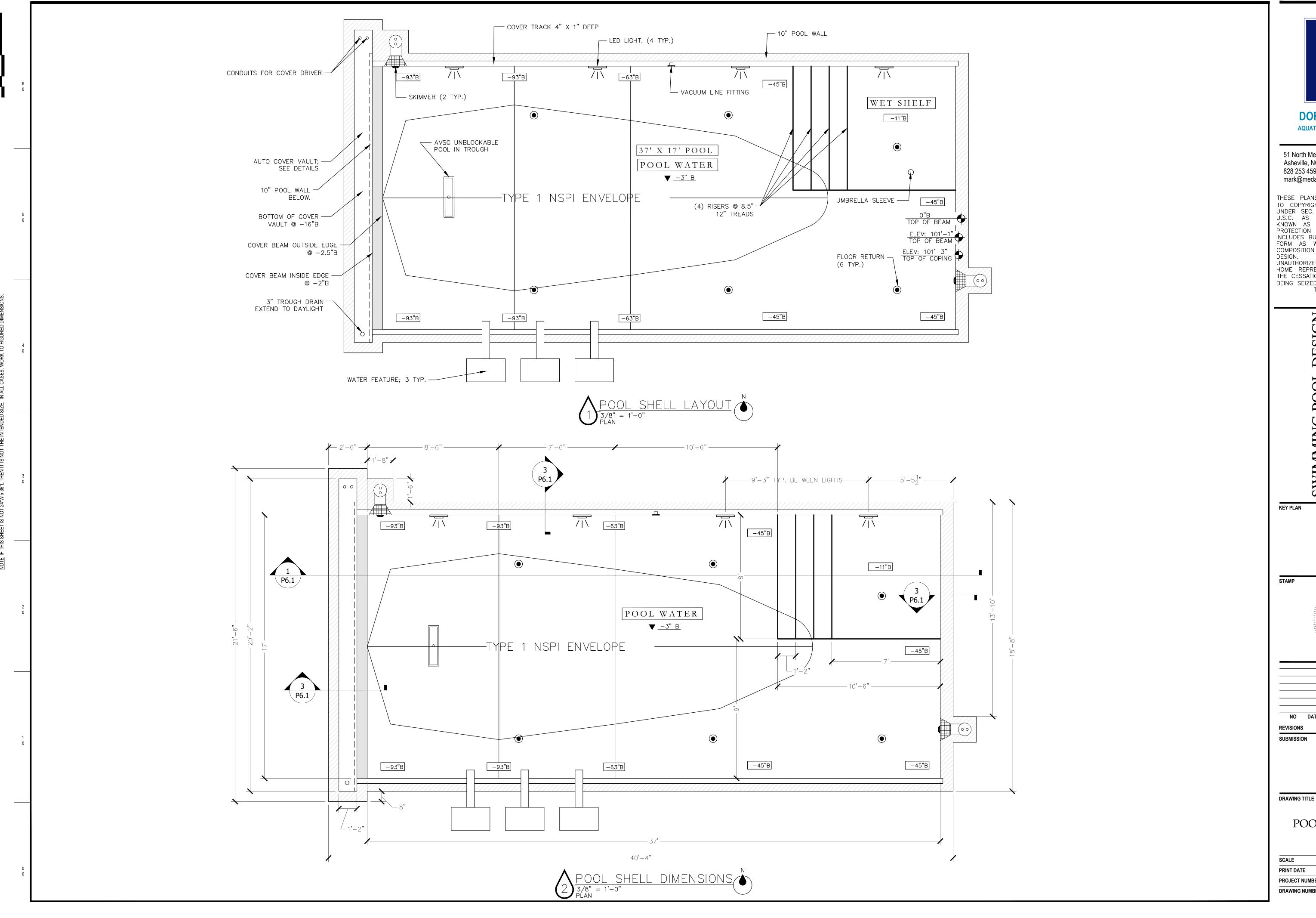
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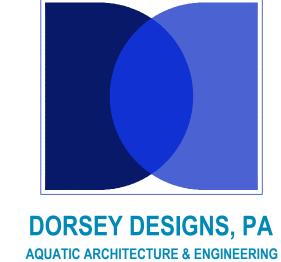
NOTES & SCOPE OF WORK

SCALE	AS NOTED
PRINT DATE	September 7, 2022
PROJECT NUMBER	22-08-03
DRAWING NUMBER	

P1.2







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# SWIMMING POOL DESIGN SHORES RESIDENCE 56 Cedar Hill Dr, Biltmore Forest, NC 28803

KEY PLAN



DESCRIPTION

NOT FOR CONSTRUCTION

POOL SHELL LAYOUT

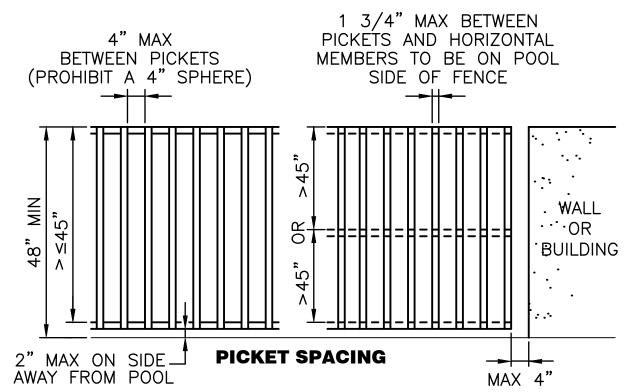
SCALE	AS NOTED
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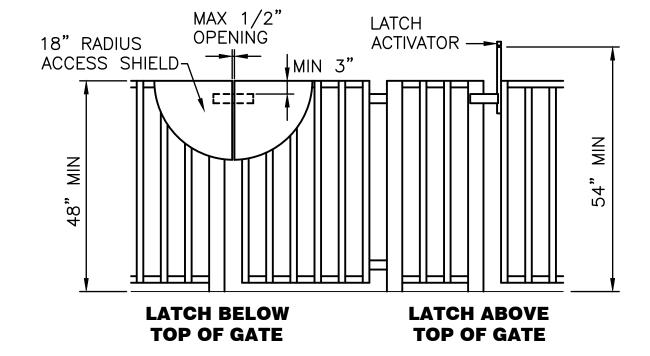
POOL EQUIPMENT DETAILS

SCALE	AS NOTED
PRINT DATE	September 7, 2022
PROJECT NUMBER	22-08-03
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**FENCING** 

44. COMPLY WITH RULE .2528 AS DESCRIBED BELOW. SUBMIT COMPLETE DETAILS ON ALL FENCING TO THE HEALTH DEARTMENT FOR APPROVAL PRIOR TO INSTALLING FENCING.

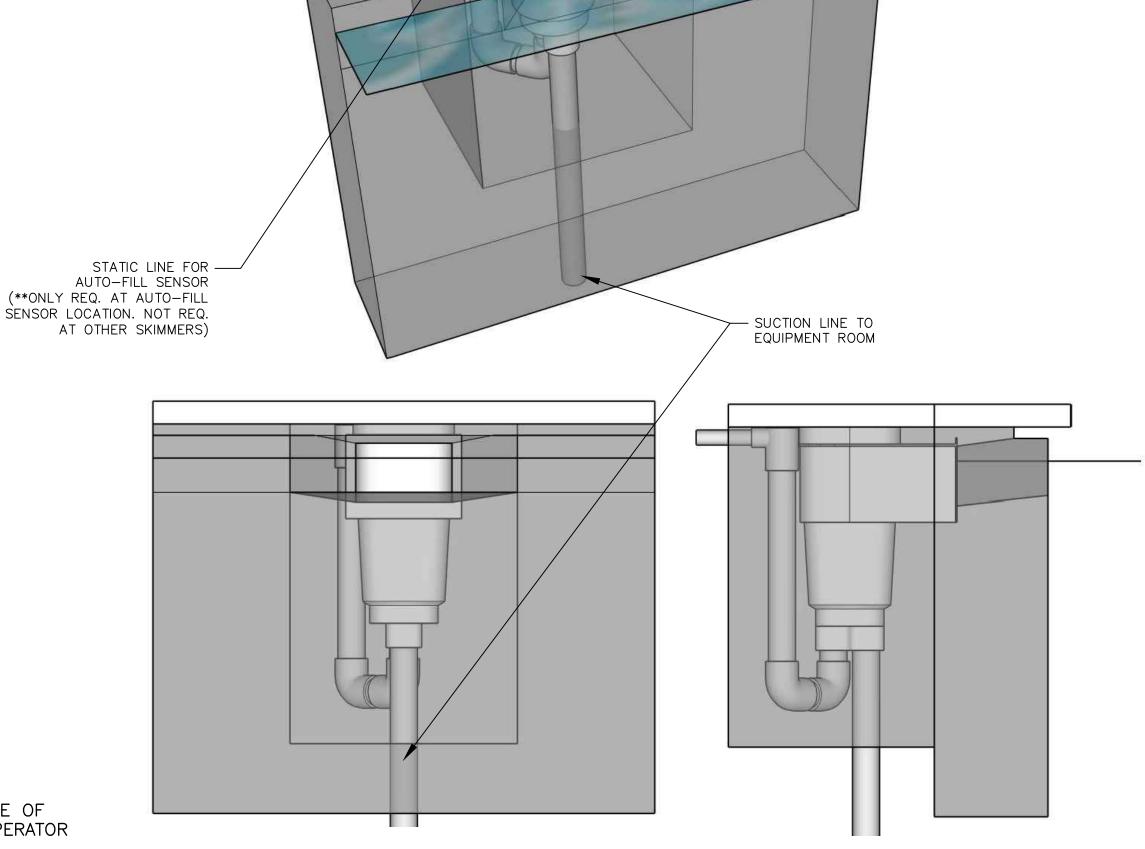




\* PICKET-STYLE FENCING IS DEPICTED IN THIS DETAIL. OWNER'S OPTION TO PROVIDE CHAIN-LINK FENCING WITH MAX MESH SIZE 2 1/4" X 2 1/4" AND OTHERWISE MEETING THE REQUIREMENTS SHOWN ON THÍS DETAIL.

\* LATCH BELOW TOP OF GATE: KEY, COMBINATION OR CARD-KEY LOCK REQUIRED UNLESS LATCH IS ON POOL-SIDE OF

\*LATCH ABOVE TOP OF GATE: NO LOCK REQUIRED



SKIMMER SENSOR DETAILS



EQUIPMENT DETAILS

SP32950VSP

HLBPRO4SW

PB-2008

DESCRIPTION

HAYWARD TRISTAR VS 950 PUMP

CLEAR COMFORT CCW OZONE SYSTEM

SOLENOID VALVE FOR LEVELOR/SENSOR

PERMA-CAST WATER BONDING FITTING

PENTAIR MASTER TEMP 400. HEATER (LP)

HAYWARD CARTRIDGE FILTER

EXTRA FILTER CARTRIDGES

JANDY VALVE ACTUATOR

HAYWARD SENSE & DISPENSE

1.5 HP BLOWER FOR JETS

CO2 KIT FOR PH CONTROL

STENNER PERISTOLIC PUMP

A&A VENTURI SKIMMER

25580-904-0 CMP - DEEP DISH NICHE FOR SPA JETS

PEBBLE TRAY

DIRECTIONAL

FLOAT SWITCH FROM GRANGER

INTERMATIC 300W TRANSFORMER

WATERWAY 3-JET MANIFOLD 7"

| WATERWAY WALL FITTING - WHITE

WATERWAY POLY STORM JET-

DESCRIPTION

A&A MANF. AVSC DUAL INLET-GRAY W/

WATERWAY THREADED RETAINER RING W/O-RING

WATERWAY POLY STORM JET - TWIN

HAYWARD 150' COLORLOGIC 320 LED

AQUASTAR FLOOR RETURNS — DARK GRAY

HAYWARD 150' COLORLOGIC 80 LED LIGHT

HLEXPAND

FITTINGS & MISC.

QUANTITY | MODEL #

210-3420G

215-1190

212-4700

229-8590S

229-8580S

4DIV105

0

0

HAYWARD OMNIPL

ITEM NO. QUANTITY MODEL #

2a

10

11

12

13

14

ITEM NO.

11

12

13

14

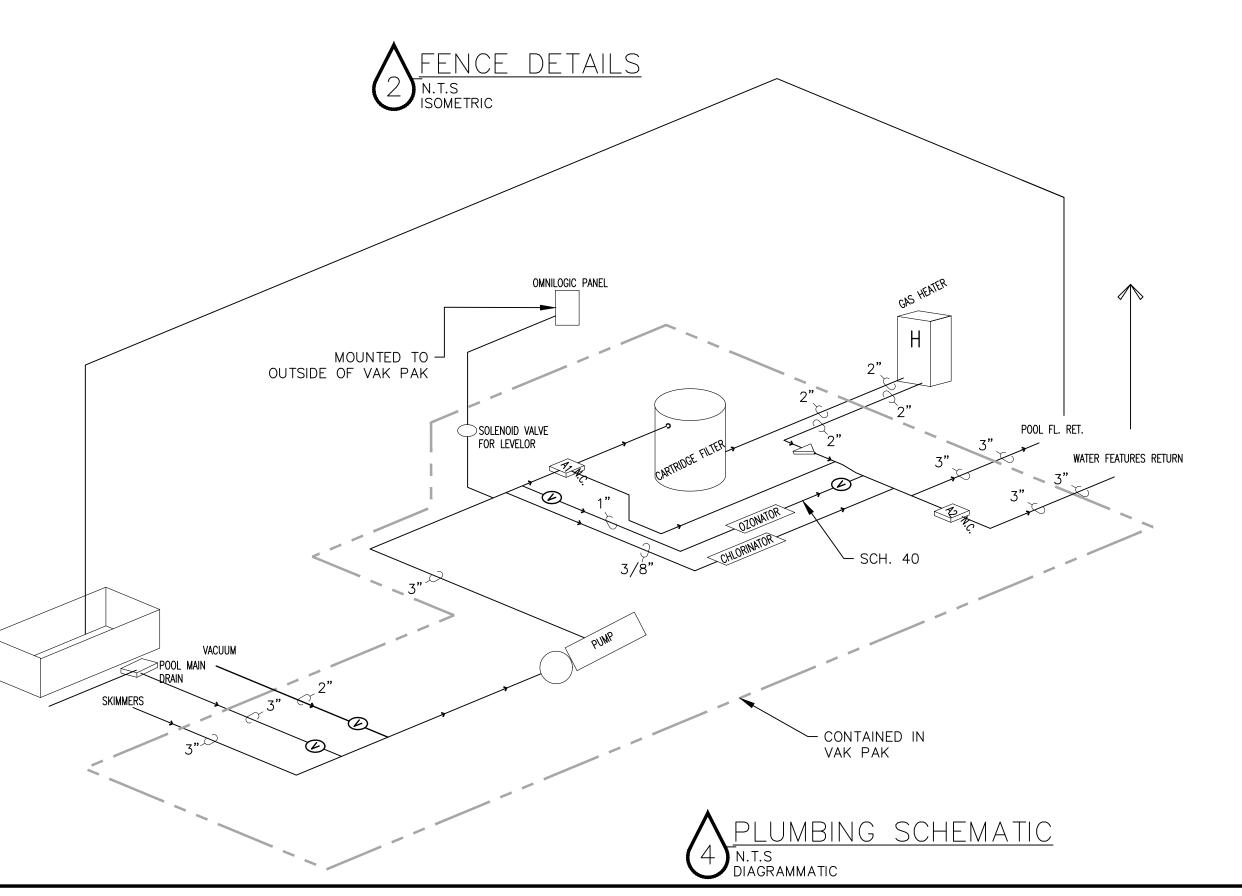
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**AQUATIC ARCHITECTURE & ENGINEERING** 

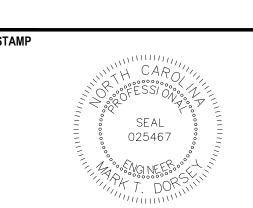
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SWIMMING POOL DESIGN
SHORES RESIDENCE
56 Cedar Hill Dr,
Biltmore Forest, NC 28803

KEY PLAN



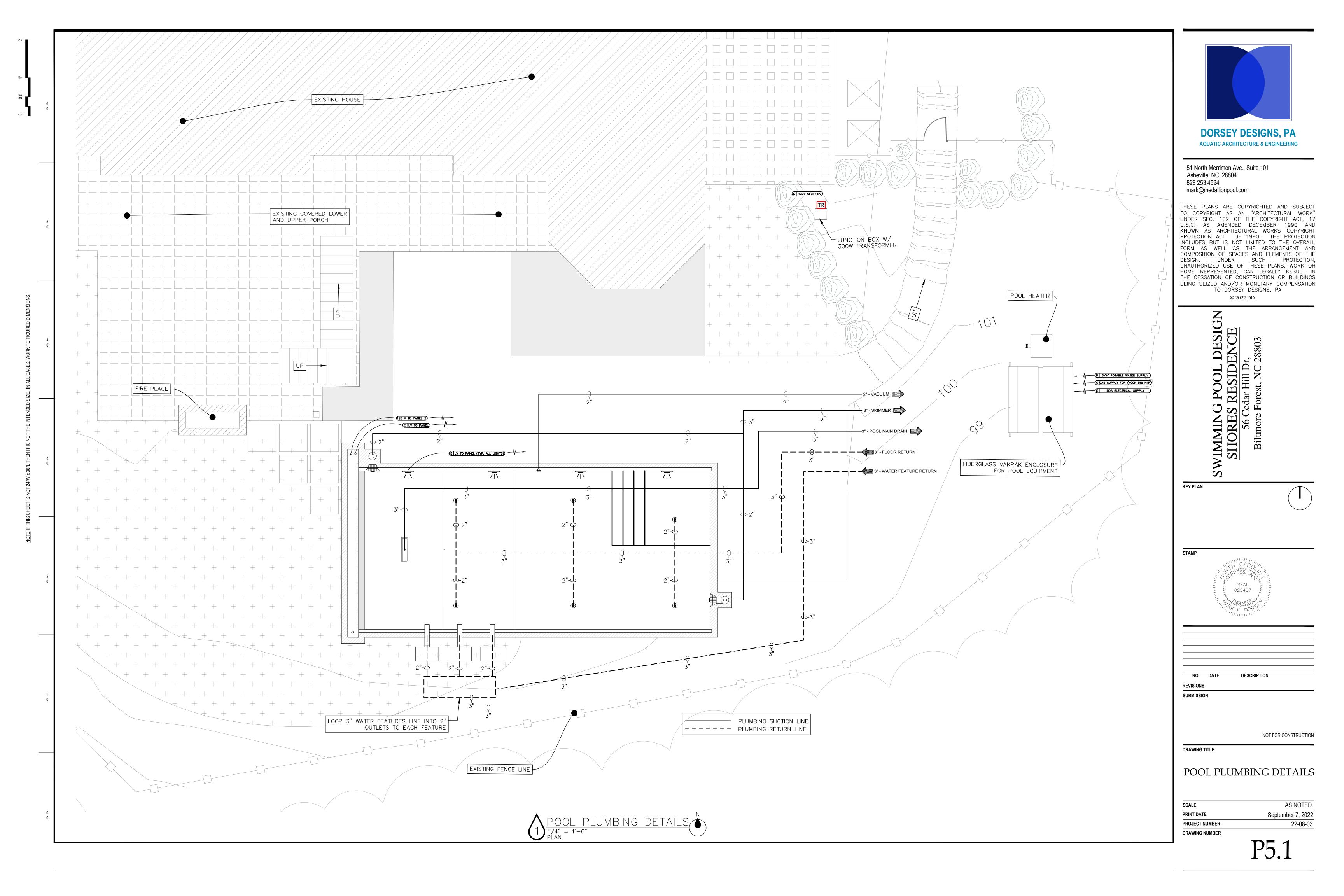


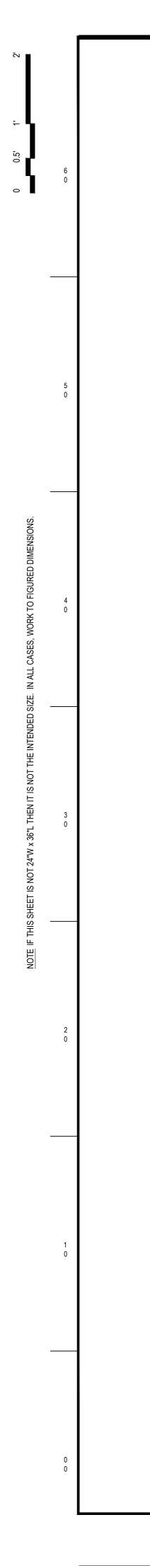
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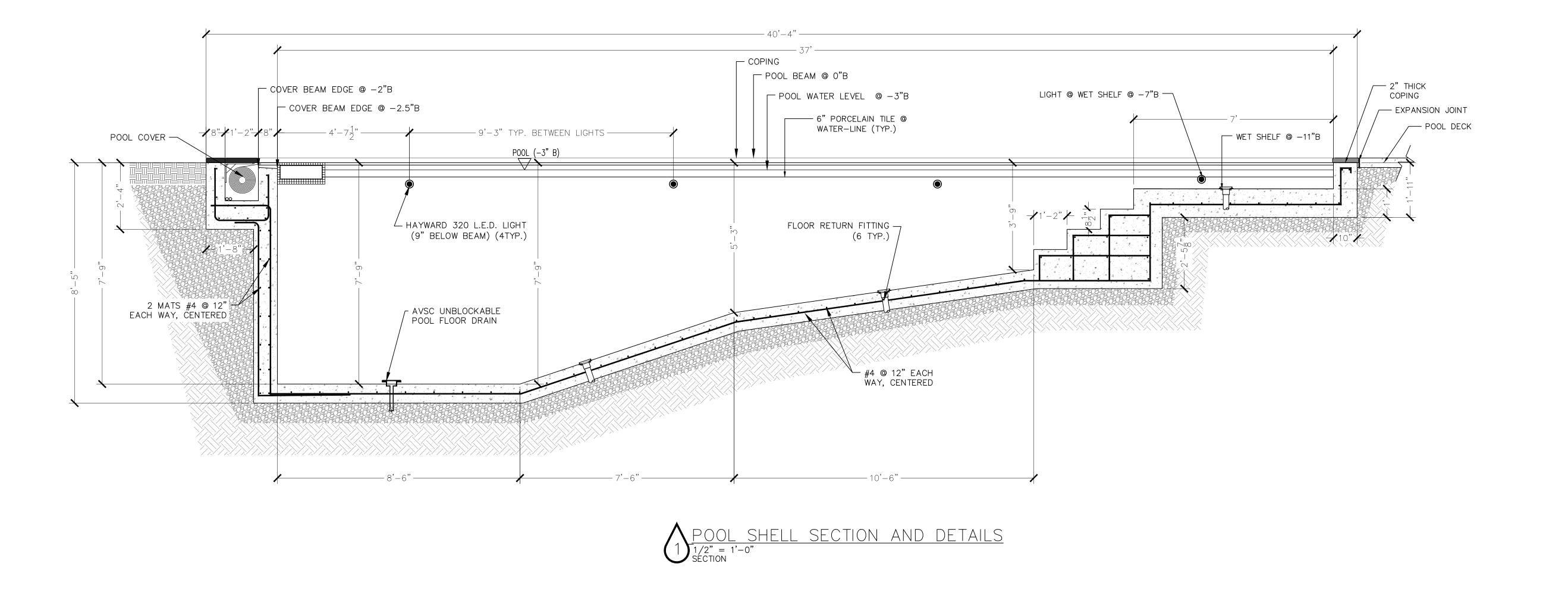
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September 7, 2022
22-08-03







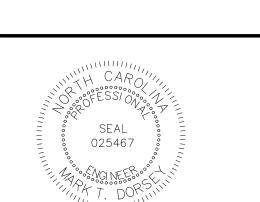


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# SWIMMING POOL DESIGN SHORES RESIDENCE 56 Cedar Hill Dr, Biltmore Forest, NC 28803

KEY PLAN



NO DATE DESCRIPTION

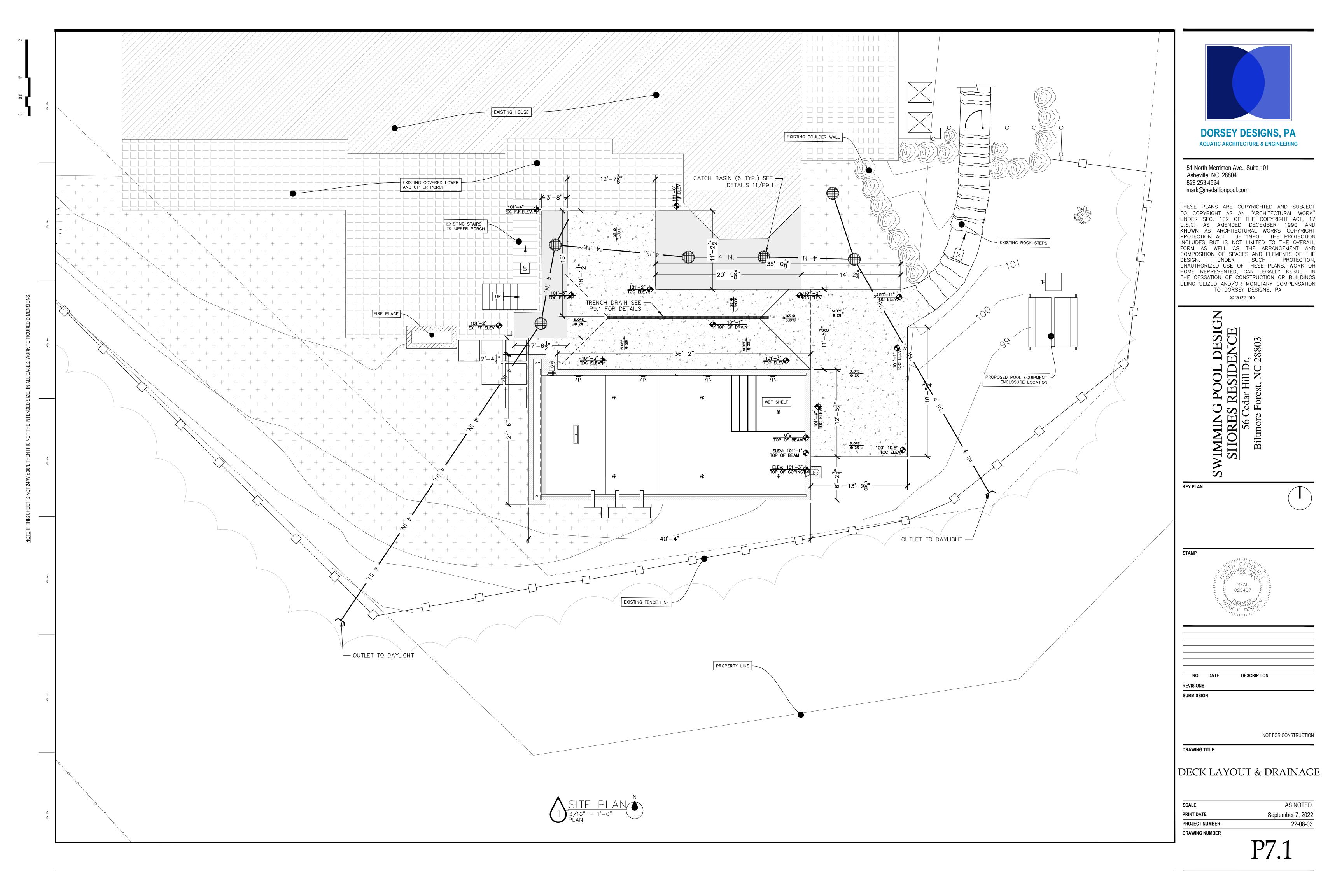
REVISIONS
SUBMISSION

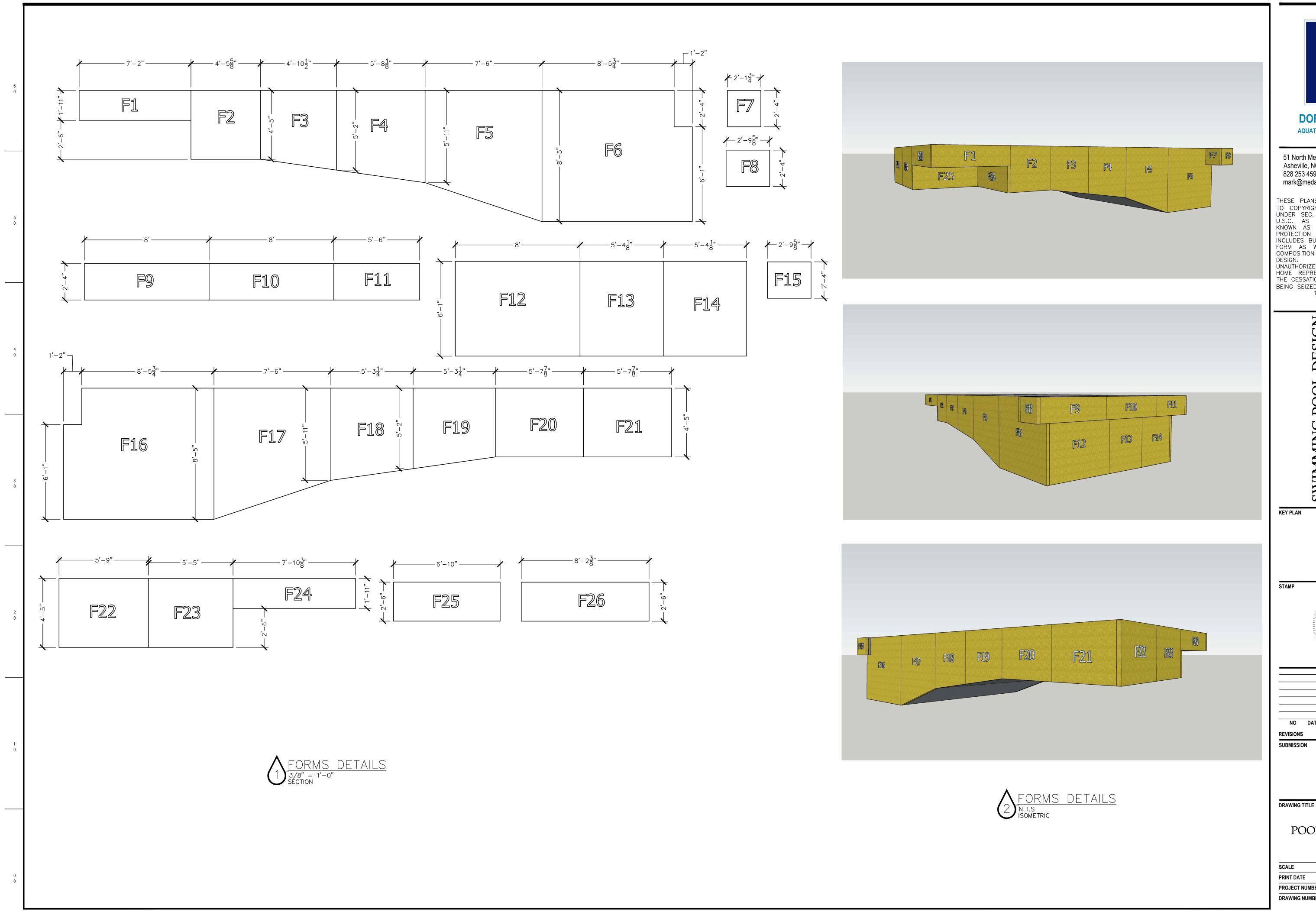
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DRAWING TITLE

POOL SHELL SECTION

SCALE	AS NOTED
PRINT DATE	September 7, 2022
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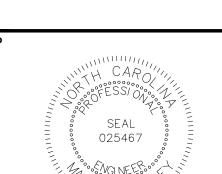




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# SWIMMING POOL DESIGN SHORES RESIDENCE 56 Cedar Hill Dr, Biltmore Forest, NC 28803

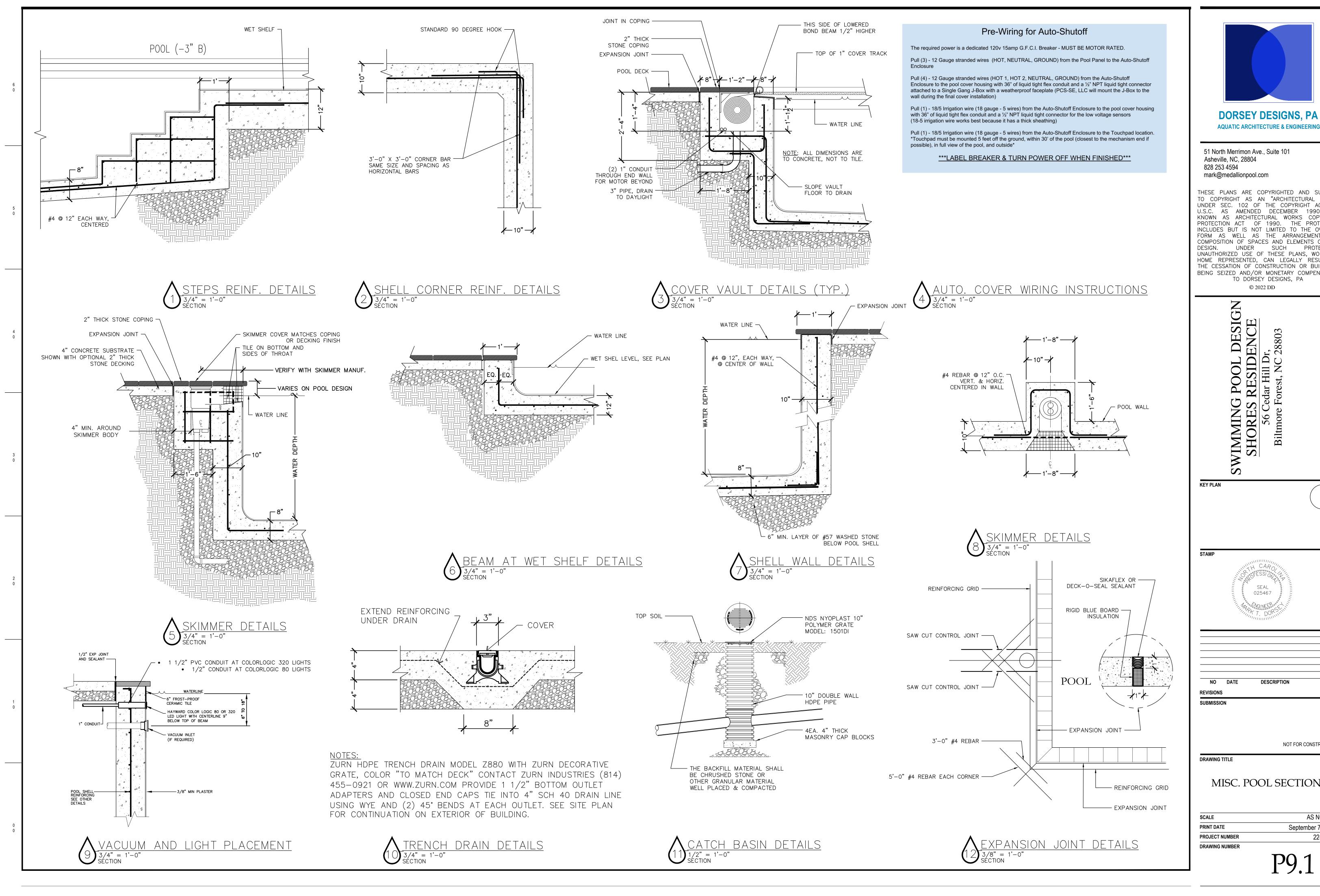


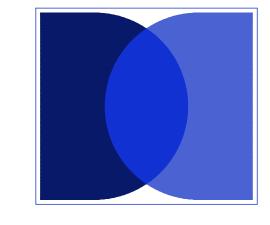
DESCRIPTION

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POOL FORMS DETAILS

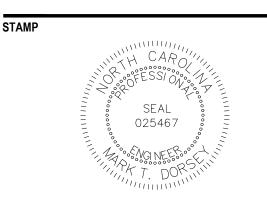
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DESCRIPTION

NOT FOR CONSTRUCTION

MISC. POOL SECTIONS

SCALE	AS NOTED
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PROJECT NUMBER	22-08-03
DRAWING NUMBER	

P9.1

### BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



### Case 2 – 45 Forest Road

Special Use Permit Request for Installation of Driveway Retaining Wall

Property Owner: Jim Gunn
Property Address: 45 Forest Road

### Project Description

The applicants request a special use permit to install two (2) low retaining walls along either side of their southern driveway. The walls will be constructed of stone to match the existing home and will not be located within the Town's right of way on Forest Road.

### Special Use Permit Request

Per the Town's Zoning Ordinance, the Board of Adjustment has authority to waive setback requirements for driveway entrance walls.

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

.

### **Special Use Permit Application**

Town of Biltmore Forest

Name

JIM GUNN

**Address** 

45 Forest Road

Phone

(615) 347-1838

**Email** 

jgunn@biltmorepropertygroup.com

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

Accessory Structures

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

### Please provide a description of the proposed project:

Stone wall at driveway entrances and is the charter of our neighborhood.

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

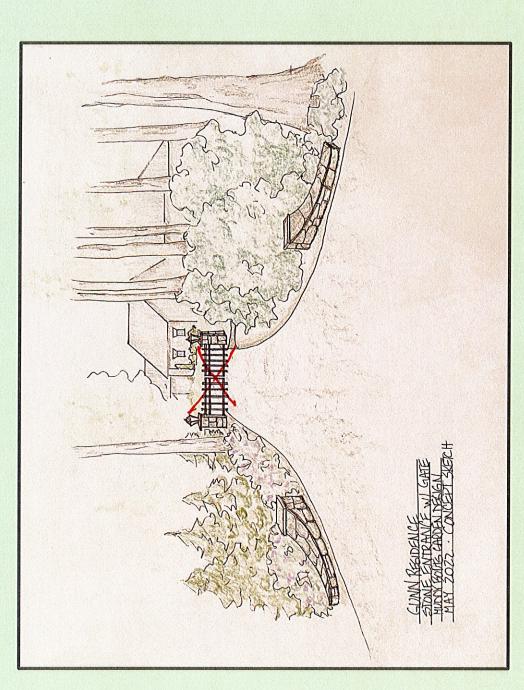
There would be no impact on the neighborhood as the proposed structure in part of the overall landscape plan. Also.

this short, low stone wall would not infringe on the right-of-way.

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

Signature Date 9/2/2022

James T. Gunn

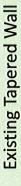


Gunn Residence Entrance Garden Driveway Treatment Elevation Sketch

### **Entrance Garden Stone Work**

Each driveway entrance will have low stone walls starting with a 2.5' - 3' H x 2' square column and a curving wall tapering to finish at approximately 10" on the end Up the drive just past the Gravel Walk that bisects the front garden there will be two 6' H x 2' Sq stone columns supporting automated black aluminum double gates and topped with electric lanterns

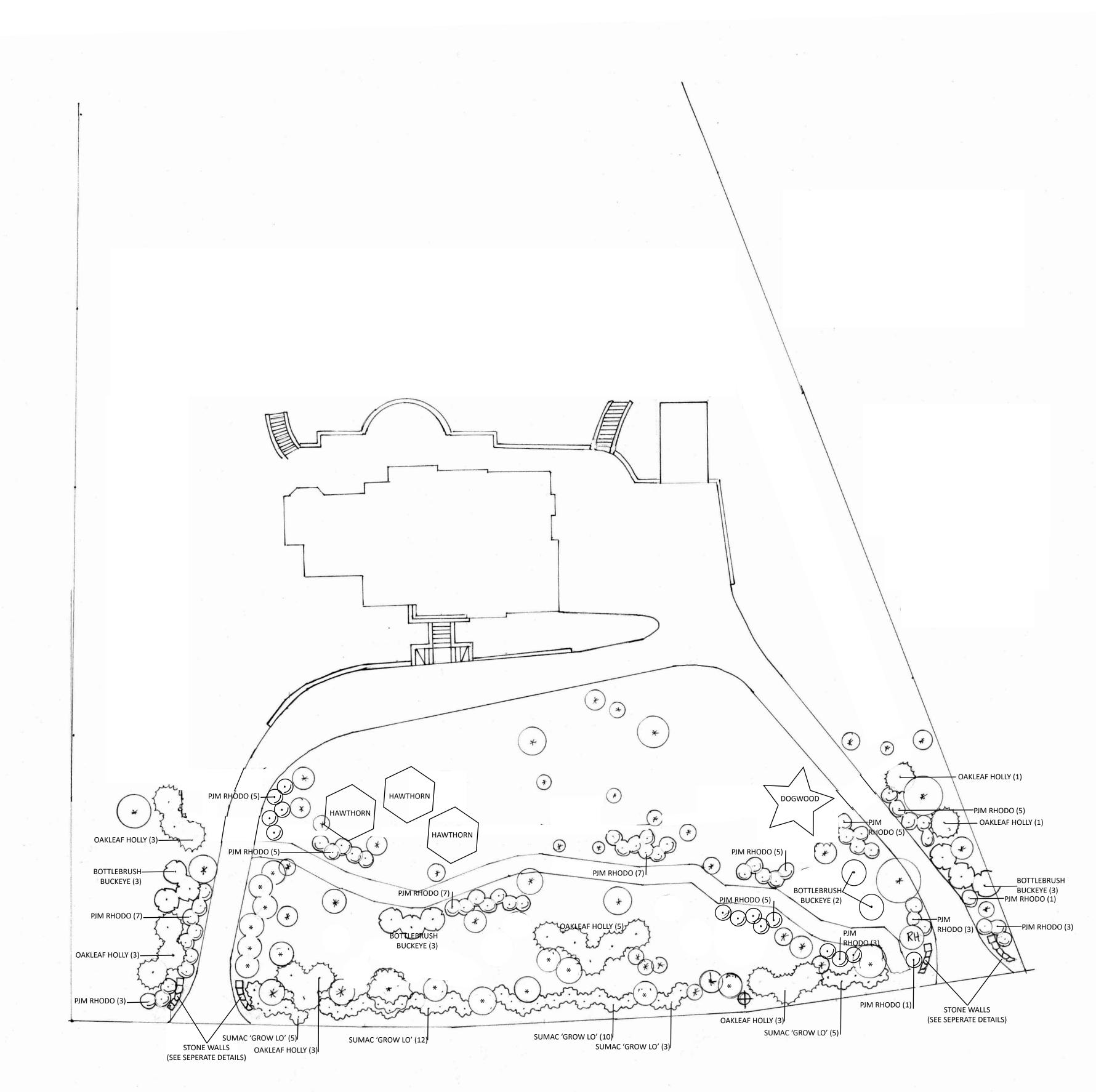
The stone work will match the existing stone and style that is existing in front of the home (shown below)







Existing Column 2' sq



PLANT LIST & NOTES

(1) 1.5" caliper tree to be cut down, 8 - 10 large shrubs to be removed, designer to flag

All plants will be well-watered in, homeowners responsible for ongoing watering

Plants will be pocket planted with wide pits, 75% native soil + 25% AMY Planting Mix for backfill, Biotone

All planting areas, plus 2' along either side of both driveways will get 3" double ground pine bark

Grass to be removed on slope where Sumac will be planted

Designer will work with crew to site plants

15 gal

15 gal

10 gal

3 gal

**Botanical Name** 

Ilex x 'Oakleaf'

Aesculus parviflora

Crataegus viridis 'Winter King'

Rhododendron 'PJM Group'

Rhus aromatica 'Grow Lo'

Cornus florida 'Cherokee Princess'

**Woody Plants** 

Oakleaf Holly

Common Name

Bottlebrush Buckeye

PJM Rhododendron

Amendment & Planting

Watering

Sumac 'Grow Lo'

Dogwood 'Cherokee Princess'



orest Road nore Forest, NC 28803 Landscape Plan: Entrance Garden

Scale: 1" = 20' Date: July 26, 2

Page:

Mountain Ridg

28803

### BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



Case 3 – 32 Hilltop Road

Special Use Permit Request for Constructed of Detached Accessory Building

Variance Request to Exceed Maximum Roof Coverage

Property Owner: David and Gay Cogburn

Property Address: 32 Hilltop Road

### Project Description

The applicants request a special use permit to construct a detached accessory building in the rear yard. The proposed building is a 14'x24' (336 square feet) building that is proposed to be constructed within the same architectural style as the main residence. The maximum square footage for any detached accessory building is 750 square feet. The detached accessory building complies with all setbacks. A copy of the Zoning Ordinance requirements for accessory buildings is attached to this memorandum.

### Variance Request

The applicants request a variance from the Zoning Ordinance's maximum roof coverage allowance for the new accessory building. The allowable roof coverage for the lot size is 6,100 square feet. The requested accessory building is within the square footage allowance for building size, but exceeds the overall maximum roof coverage allowance by 120 square feet (1.97 percent). A copy of the Zoning Ordinance requirement regarding maximum allowable roof coverage is attached to this memorandum.

### **Zoning Compliance Application**

Town of Biltmore Forest

Name

M. David and Gay V. Cogburn

**Property Address** 

Lot #4 Greenwood Road

Phone Email

(828) 274-1617 bfcogs@aol.com

Parcel ID/PIN Number

9646-84-0971

ZONING INFORMATION

**Current Zoning**R-1

Lot Size
1.583 acres

Maximum Roof Coverage Total

6,100 square feet (Up to 2 acres) 6220

Maximum Impervious Surface Coverage Proposed Impervious Surface Coverage

1-3 acres (25 percent of lot area) 12,062 s.f.

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) 37'-3"

**Description of the Proposed Project** 

Add a 14' X 24' single car accessory garage building and connecting driveway. The accessory garage shall be in the architectural style of the recently completed residence.

Estimated Start Date Estimated Completion Date

10/1/2022 2/1/2023

**Estimated Cost of Project** 

\$84,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Zoning Application [3drawings].pdf

**Applicant Signature** 

**Date** 8/21/2022

### **Special Use Permit Application**

Town of Biltmore Forest

Name

M. David and Gay V. Cogburn

**Address** 

Lot #4 Greenwood Road

**Phone** 

(828) 274-1617

**Email** 

bfcogs@aol.com

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

**Accessory Buildings** 

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

### Please provide a description of the proposed project:

Add a 14' X 24' single car accessory garage building and connecting driveway.

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

The accessory garage shall be in the architectural style of the recently completed residence. The garage shall be used to store the Owner's vehicle and shall often remove a parked vehicle from the the driveway, enhancing the appearance of the property. The scale of the accessory garage is reduced from that of the residence. The placement of the accessory garage is at a grade that is below the principal residence and well below the neighboring residence. The placement is well within the setback of the property line between the principal residence and the neighbor.

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

**Signature** 

**Date** 8/21/2022

### VARIANCE APPLICATION

Town of Biltmore Forest

Name

M. David and Gay V. Cogburn

**Address** 

Lot #4 Greenwood Road

**Phone** 

(828) 274-1617

**Email** 

bfcogs@aol.com

**Current Zoning/Use** 

residence

**Requested Use** 

Owner occupied residence and an accessory garage

**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 an accessory garage.

### What does the ordinance require?

A maximum roof coverage not to exceed 6100 s.f.

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 accessory garage design accommodates one vehicle and as such is required to be an adequate size to fit the vehicle. The size of the accessory garage when added to the recently completed residence, exceeds the maximum allowable roof coverage by 120 s.f.The Owner maintains, secures, and stores, out of view per ordinance, a recreational vehicle in one of the recently completed garage bays. The second of the families two vehicles is therefor parked in the driveway and in the elements when not in use.

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

Because the size of the lot is regulated as to maximum roof coverage, an accessory building large enough for one of the families vehicles exceeds the allowable square footage.

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

The Owner's recently completed project met the standards of the ordinance in every respect. It is the Owner's intent to continue to abide by the Ordinance in particular to the requirements of Ordinance Section 153.071 pertaining to the storage of recreational vehicles. If a variance is not granted the Owner's would either be required to secure his recreational vehicle outside of Biltmore Forest and away from his residence or store one of his family vehicles in the elements and in view of neighbors and visitors. The

result is a hardship to the Owner.

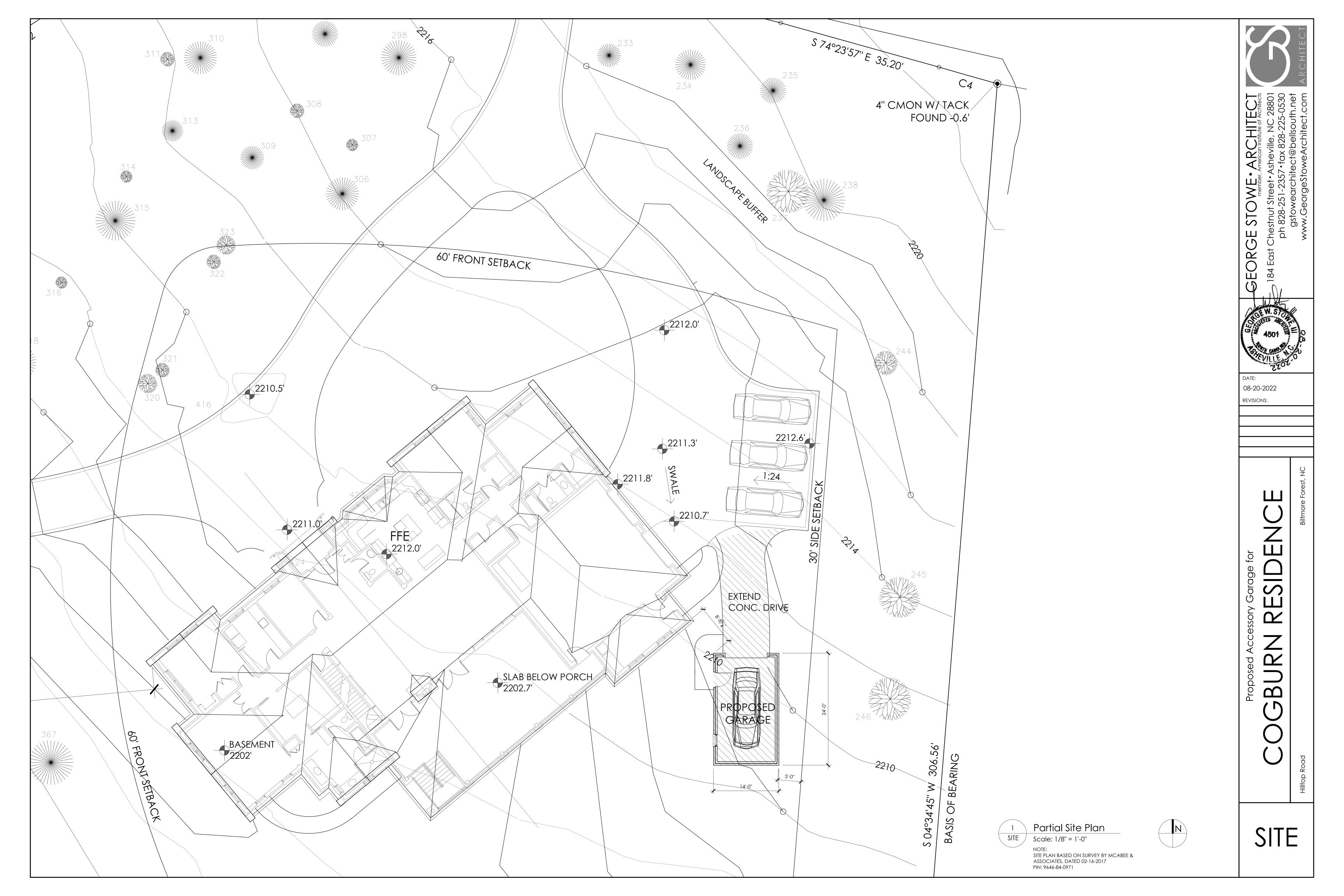
The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

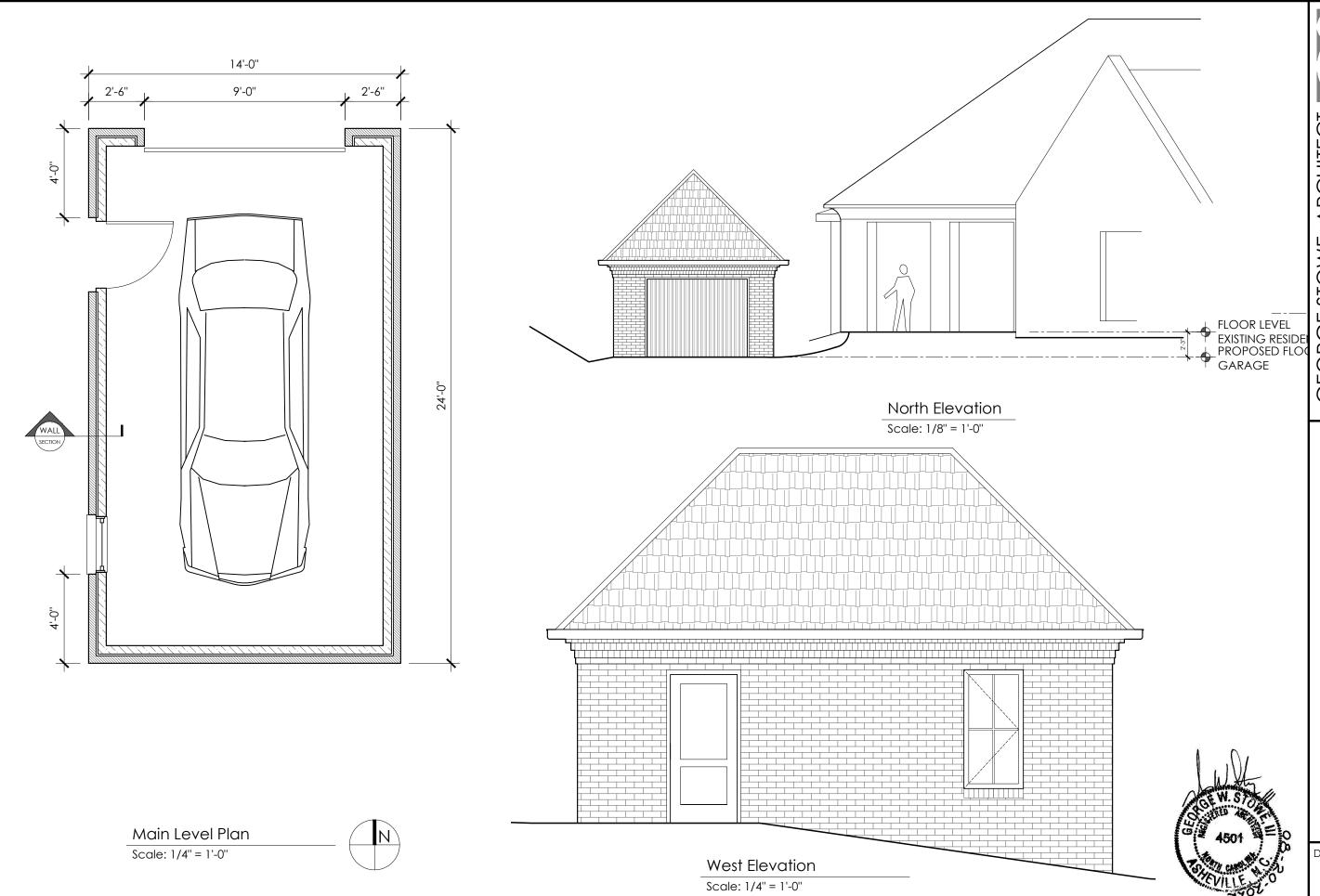
The accessory garage shall be in the architectural style of the recently completed residence. The placement and scale of proposed accessory garage are consistent with the spirit, purpose, and intent of the ordinance. By storing the vehicle out of view when not in use the appearance of the property is enhanced.

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

Signature

**Date** 8/21/2022





GEORGE STOWE • ARCHITECT member, American Institute of Architects 184 East Chestnut Street • Asheville NC, 28801 828-251-2357 • gstowearchitect@bellsouth.net

Cogburn

Biltmore Forest

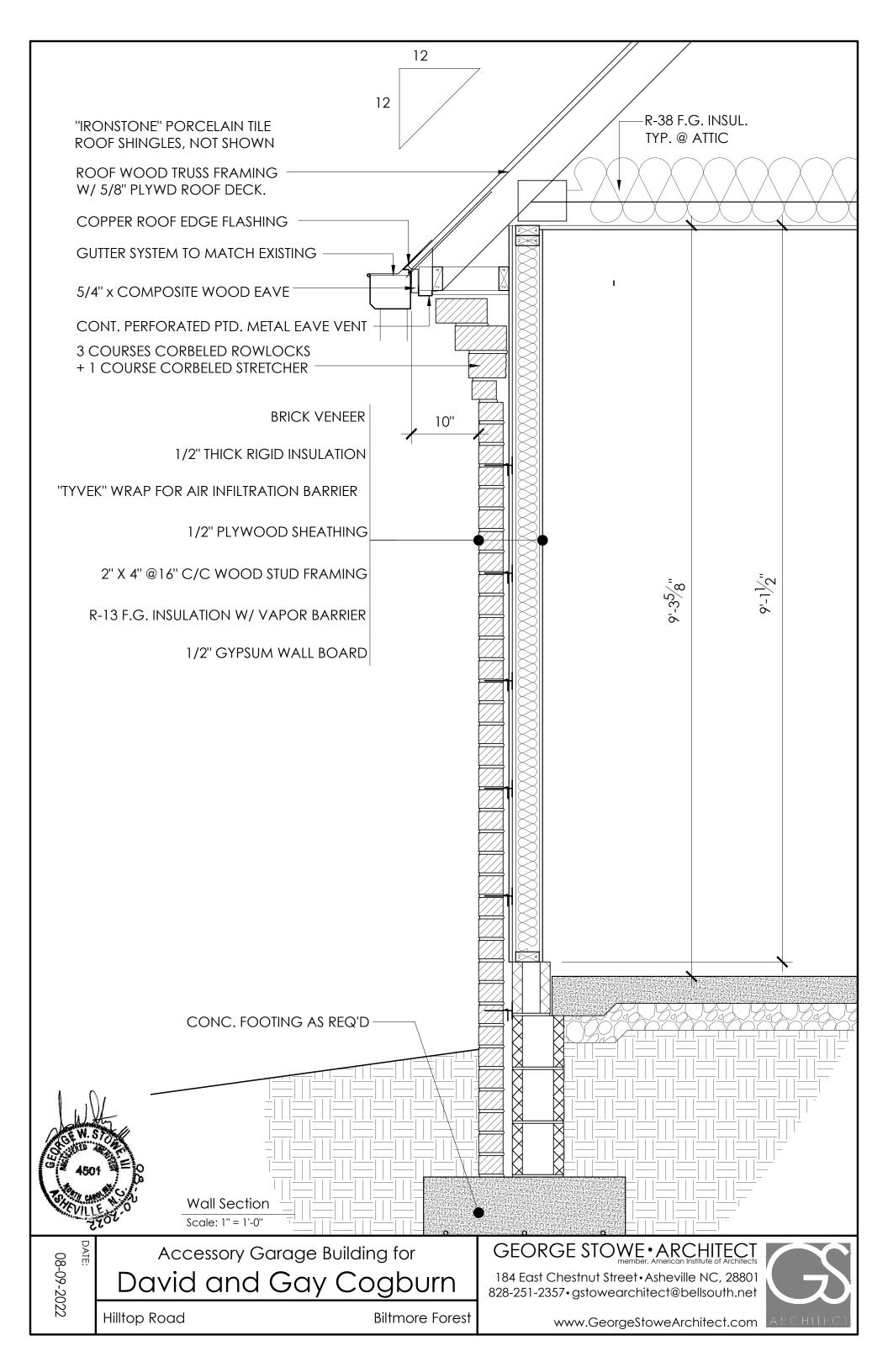
www.GeorgeStoweArchitect.com

Accessory Garage Building for Gay and David

DATE:

08-10-2022

Hilltop Road



ИАЈЧ ЭИПИАЈЧ CALE: 1"=30" HECKED BA: :YB NWAЯ SS02/2023 LYNN RAKER
LANDSCAPE ARCHITECT
266 PEARSON DRIVE
ASHEVILLE, NORTH CAROLINA 28801 RESIDENCE OF GAY & DAVID COGBURN

### BOARD OF ADJUSTMENT STAFF MEMORANDUM

September 26, 2022



Case 4 – 327 Vanderbilt Road

Special Use permit request to construct swimming pool in rear yard

Variance request to allow replacement of existing fence within existing setback

Property Owner: James Dugan

Property Address: 327 Vanderbilt Road

### Project Description

The applicants request permission to construct a swimming pool within their rear yard. As part of this project, new patio decking and raised garden beds will be added adjacent to the pool. The applicants also request permission to reconstruct an existing chain link fence located within the side yard setbacks and rear yard.

### Special Use Permit Request

The Town's Zoning Ordinance regulates swimming pools as accessory structures. Section 153.029 provides the guidelines for accessory structures and their installation. This ordinance is attached to this memorandum for your reference.

Additionally, the applicants request the installation of a small portion of fence and gate to fully enclose the rear yard and swimming pool. Section 153.049 of the Town's Zoning Ordinance governs fences and gates. The Town's ordinance does not allow new chain link fencing, which would require the material to be changed if approved. This ordinance is attached for your reference.

### **Zoning Compliance Application**

Town of Biltmore Forest

Name

James Dugan

**Property Address** 

327 Vanderbilt Rd

**Phone** (406) 451-2435

Email

jdopenwater@yahoo.com

Parcel ID/PIN Number

9647-72-7672-00000

**ZONING INFORMATION** 

Current Zoning Lot Size

R-1 72,310 sq ft

Maximum Roof Coverage Total

6,100 square feet (Up to 2 acres) 3,200 sq ft

Maximum Impervious Surface Coverage Proposed Impervious Surface Coverage

1-3 acres (25 percent of lot area) 6,500 sq ft

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) 16 ft

**Description of the Proposed Project** 

Build a custom swimming pool with patio deck and raised walled gardens

Estimated Start Date Estimated Completion Date

11/1/2022 4/30/2023

**Estimated Cost of Project** 

\$200,000.00

**Supporting Documentation (Site Plan, Drawings, Other Information)** 

Dugan-S1-R2-Site Plan.pdf

Dugan-L2-R0-Master Plan.pdf

James Dugan

**Date** 8/19/2022

### **Special Use Permit Application**

Town of Biltmore Forest

Name

James Dugan

**Address** 

327 Vanderbilt Rd

**Phone** 

(406) 451-2435

**Email** 

jdopenwater@yahoo.com

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

Accessory Structures

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

### Please provide a description of the proposed project:

This application if for the installation of a custom swimming pool with adjacent stone patio and low stone walled gardens

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

The pool will be in the backyard and will be fenced according to all relevant code regarding safe operations of a home pool.

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

Signature Date 8/9/2022

James P Dugan

### VARIANCE APPLICATION

Town of Biltmore Forest

Name

James Dugan

**Address** 

327 Vanderbilt Rd

**Phone** 

(406) 451-2435

**Email** 

jdopenwater@yahoo.com

**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?

I would like to replace an existing galvanized chain link fence in my backyard with a 5-foot black rubber coated chain link fence

### What does the ordinance require?

I ordinance requires that new fencing be set back 20 feet on all side of the property line.

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 existing fence has been in place for decades; landscaping has been maintained within the existing boarders of the fence. The fence is not visible from the street. On the left the fence sits behind the face of the house. On the right the fence sits behind the back of the house. If the fence in moved in 20 feet from its current location on the left and right sides, it will leave long strips of inaccessible land on both sides of the backyard. The fence across the back of the backyard is already set in 20 feet from the property line and the replacing fence would not change that.

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

The current fencing is on the property line on both sides of the backyard. Moving this in 20 feet on each side would create a fence line very close to the house on one side and increased overgrown vegetation on the other side which would impede access to the utility lines and create zones on both sides that would be exceedingly difficult to maintain and prevent overgrown vegetation.

Our house is set back significantly on the lot and the most usable backyard area is side-to-side on the lot

since we have significant foresting and steep decline in the far back area.

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

The fence was in place when we purchased the house, and has not been altered in any way (other than sustaining some damage from falling trees)

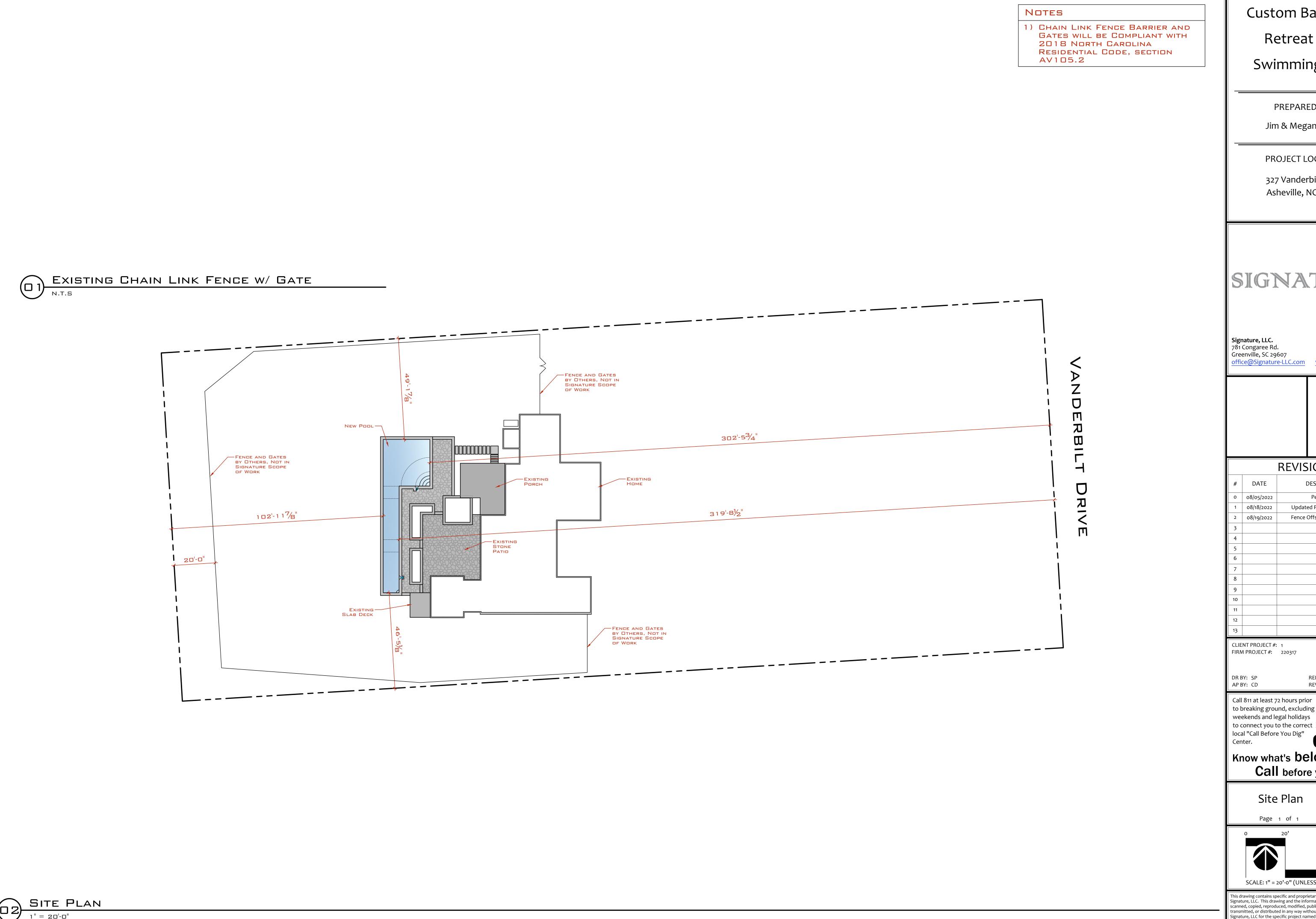
The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Replacing the current fence on the existing fence line with a more stable and attractive fence product would increase the property values for ourselves and our neighbors and continue to be not visible from the street. This would also allow us to continue to maintain the landscaping on the sides of the yard, and especially maintain access to the utility lines.

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

Signature Date 8/9/2022

James P Dugan



Custom Backyard Retreat with Swimming Lane

PREPARED FOR

Jim & Megan Dugan

PROJECT LOCATION

327 Vanderbilt Road Asheville, NC 28803

### SIGNATURE

Signature, LLC. 781 Congaree Rd. Greenville, SC 29607 office@Signature-LLC.com www.Signature-LLC.com

1 (864) 991.8020 Office 1 (864) 551.2421 Fax

### REVISIONS

#	DATE	DESCRIPTION	BY
0	08/05/2022	Permit Set	SP
1	08/18/2022	Updated Permit Document	CD
2	08/19/2022	Fence Offset Measurement	CD
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
12			

CLIENT PROJECT #: 1 FIRM PROJECT #: 220317

DR BY: SP

RELEASE DATE: 08/05/2022 REVISION DATE: 08/19/2022

to breaking ground, excludin weekends and legal holidays to connect you to the correct local "Call Before You Dig"

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

Site Plan

SCALE: 1" = 20'-0" (UNLESS OTHERWISE NOTED)

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