



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 **MUST** 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

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

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 26th 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.

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.

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 facts to support this grant. The Board has inspected the site and a neighboring property owner has objected. Roll call was taken and the Variance was unanimously denied.

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

ATTEST:

Greg Goosmann
Chairman

Laura Jacobs
Town Clerk

**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

(828) 230-2855

Email

mark@medallionpool.com

Parcel ID/PIN Number

964632662400000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.48ac

Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Proposed Roof Coverage Total

na

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

14370sf (16,117 sf allowed)

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

na

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

9/8/2022

Estimated Completion Date

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

A handwritten signature in black ink, appearing to read "M. R. [unclear]". The signature is stylized and cursive, with a large loop at the end.

Special Use Permit Application

Town of Biltmore Forest

Name

Mark Dorsey

Address

56 Cedar Hill Dr. Biltmore Forest NC 28803

Phone

(828) 230-2855

Email

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:

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

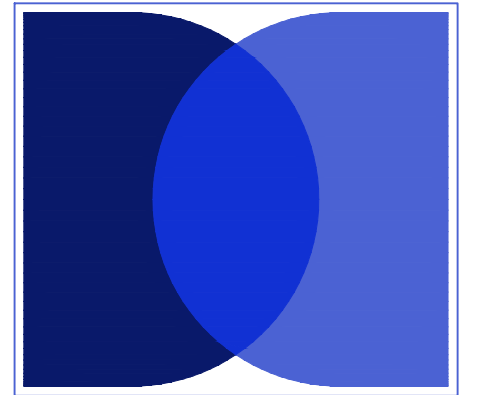
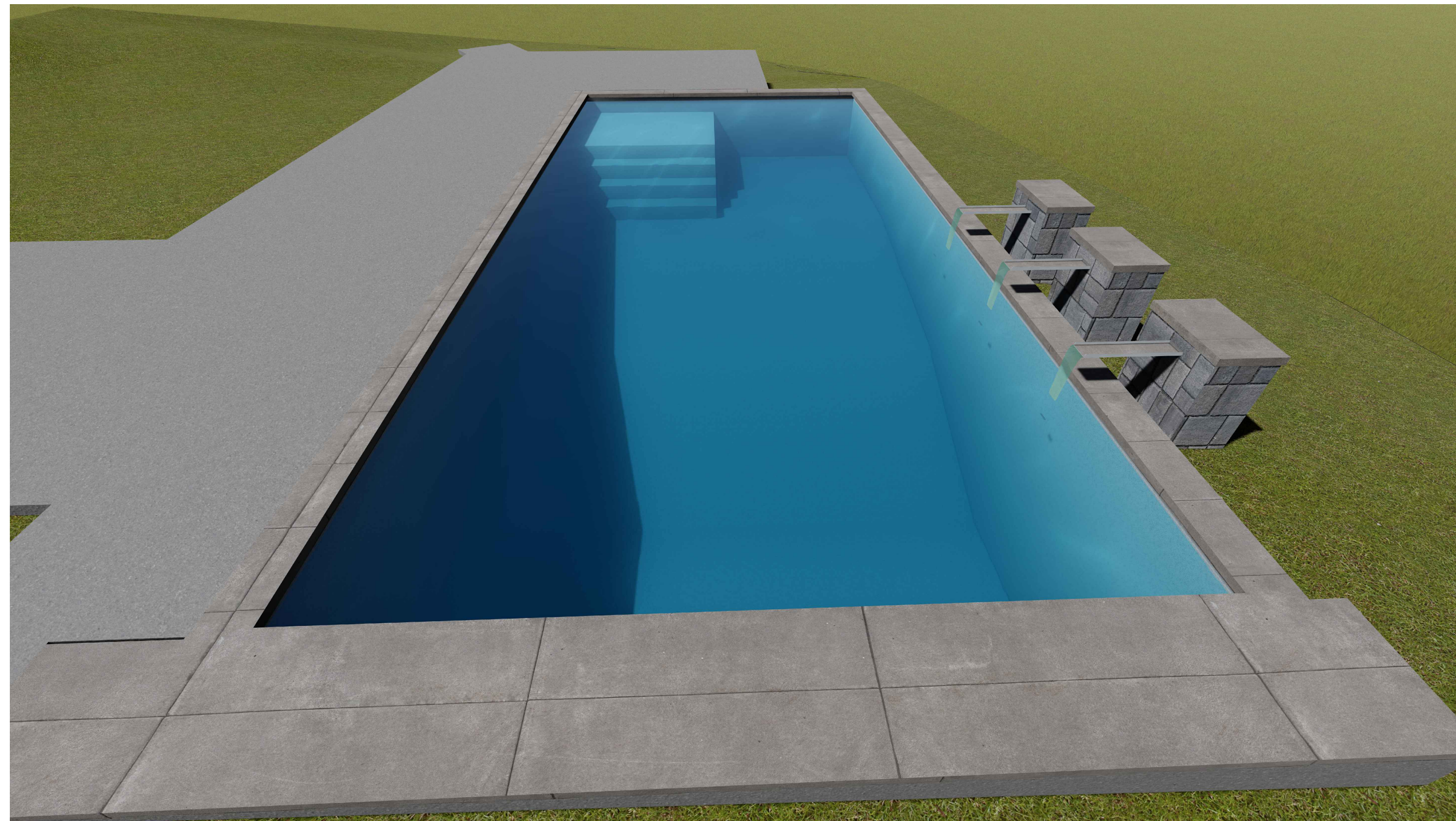


NOTE: IF THIS SHEET IS NOT 24" W x 36" H, THEN IT IS NOT THE INTENDED SIZE. IN ALL CASES, WORK TO FIGURED DIMENSIONS.

DRAWING INDEX	
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P1.2	NOTES & SCOPE OF WORK
P2.1	SITE PLAN
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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	
	LENGTH	SIZE
COPING PERIMETER (EA. SIZE):	0 LF	1'-2"
	0 LF	1'-4"
	0 LF	0"
WATERLINE TILE PERIMETER (EA. SIZE):	0 LF	0"
	0 LF	0"
	0 LF	0"
POOL CIRCULATION		
SPILLOVER EDGE LENGTH:	0 LF	
	MIN.	MAX.
SPILLOVER FLOW RATE:	1.5 GPM/LF	4 GPM/LF
	SUMMER	WINTER
FILTRATION RUN TIME (MINIMUM):	0 HR/DAY	0 HR/DAY
FILTRATION FLOW RATE:	0 GPM	0 GPM

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



DORSEY DESIGNS, PA
 AQUATIC ARCHITECTURE & ENGINEERING

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

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- 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 CALL TO THE AFFECTED UTILITY COMPANIES. YOUR LOCAL UTILITY COMPANIES WILL THEN SEND A PROFESSIONAL LOCATOR TO YOUR JOB TO MARK CONFLICTS WITHIN A FEW DAYS.
- 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.
- PROVIDE: ADDRESS, CITY, COUNTY, FOREMAN'S NAME, PHONE NUMBER, COMPANY, NATURE OF WORK, DATE WORK WILL BEGIN, PERMIT NUMBER, THOMAS GUIDE PAGE AND GRID.
- 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.
- 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 ALLIANCE AT WWW.CALL811.COM.

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

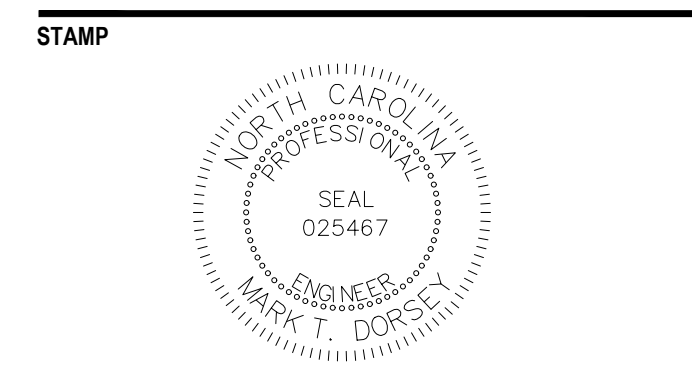
6. COLOR KEY:

- WHITE - PROPOSED EXCAVATION
- PINK - TEMP. SURVEY MARKINGS
- RED - ELECTRIC
- YELLOW - GAS/OIL/STEAM
- ORANGE - COMMUNICATIONS/CATV
- BLUE - WATER
- PURPLE - RECLAIMED WATER
- GREEN - SEWER

PROJECT MAP



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



NO	DATE	DESCRIPTION

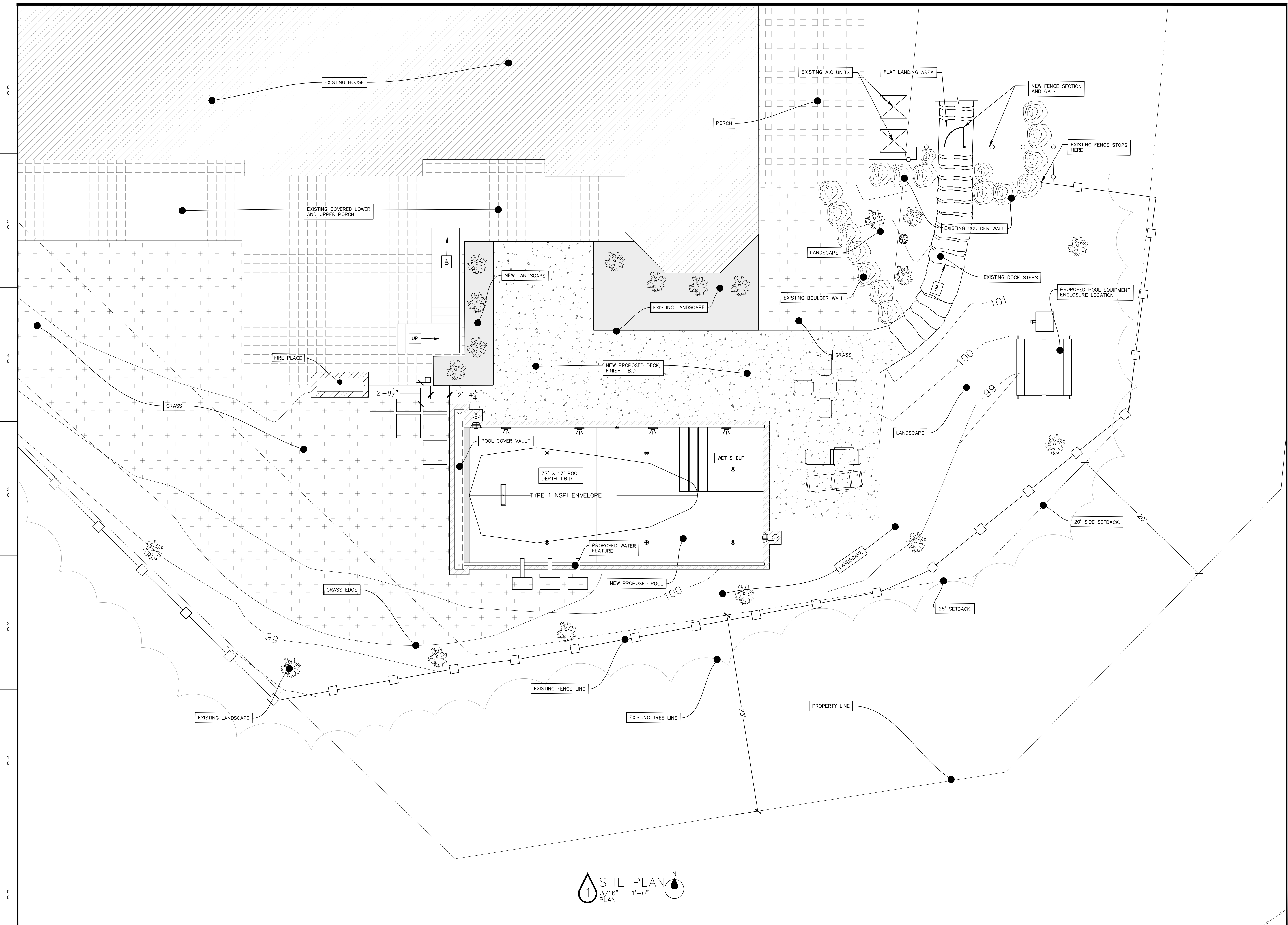
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 DRAWING TITLE

COVER SHEET

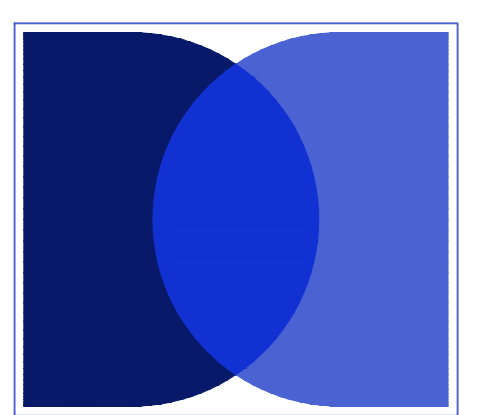
SCALE	AS NOTED
PRINT DATE	September 7, 2022
PROJECT NUMBER	22-08-03
DRAWING NUMBER	

P1.1

NOTE: IF THIS SHEET IS NOT 24" W x 36" L, THEN IT IS NOT THE INTENDED SIZE. IN ALL CASES, WORK TO FIGURED DIMENSIONS.



1 SITE PLAN
 $\frac{3}{16}'' = 1'-0''$
 PLAN



DORSEY DESIGNS, PA
 AQUATIC ARCHITECTURE & ENGINEERING

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

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

KEY PLAN

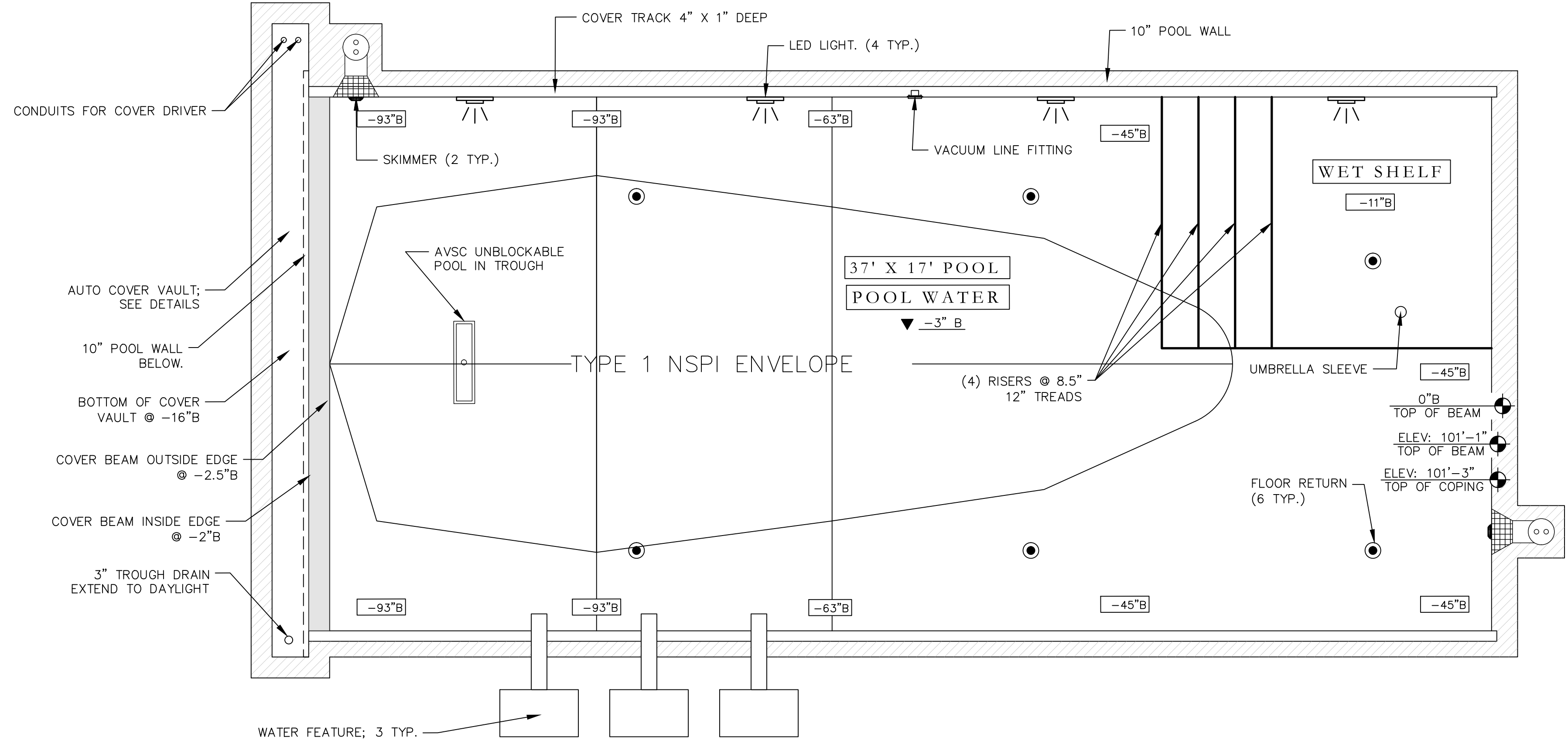
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NO	DATE	DESCRIPTION

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 DRAWING TITLE

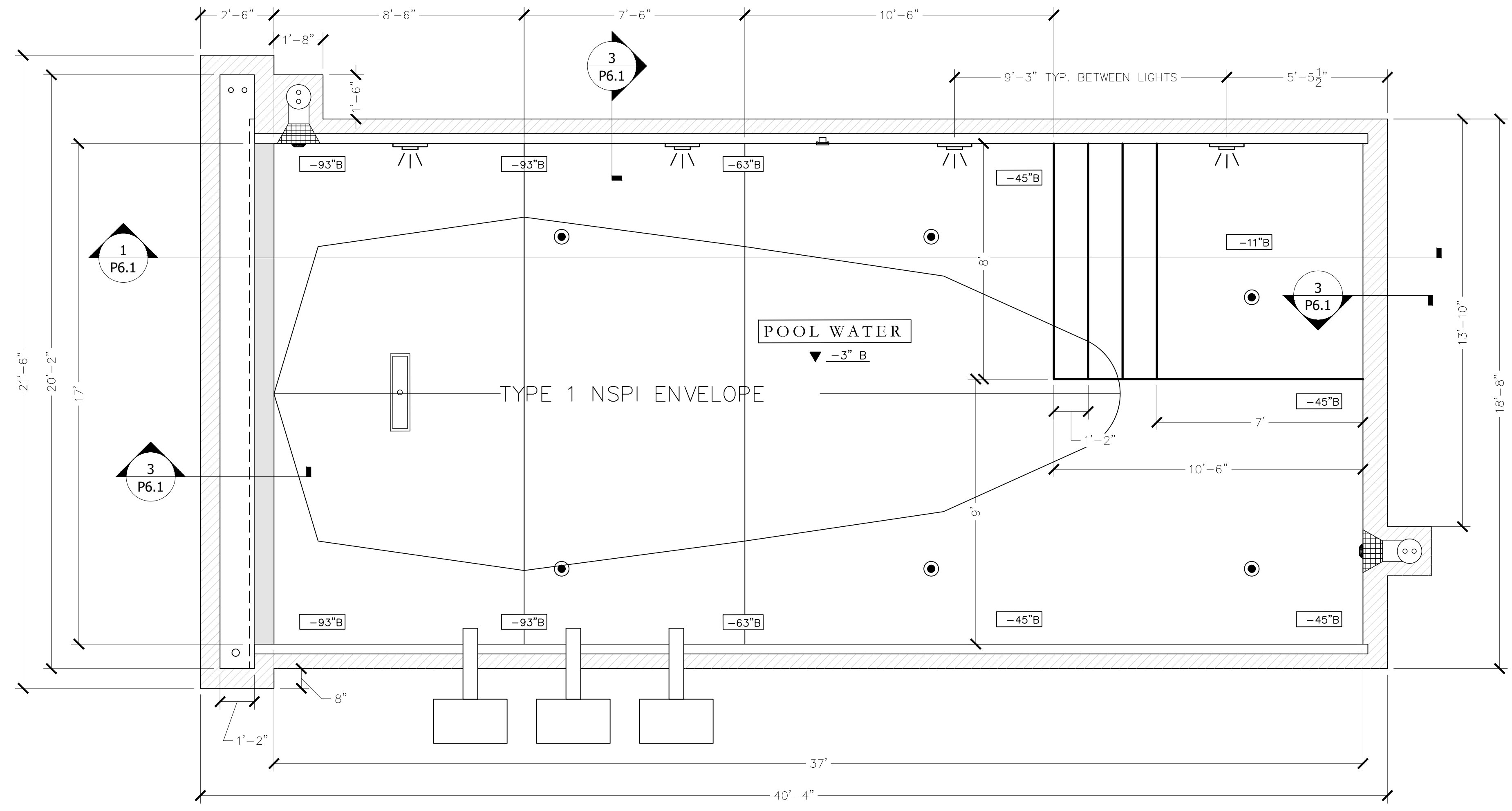
SITE PLAN

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



1 3/8" = 1'-0" PLAN

POOL SHELL LAYOUT



2 3/8" = 1'-0" PLAN

POOL SHELL DIMENSIONS

NOTE: IF THIS SHEET IS NOT 24" W X 36" H, THEN IT IS NOT THE INTENDED SIZE. IN ALL CASES, WORK TO FIGURED DIMENSIONS.

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0 0.5' 1'

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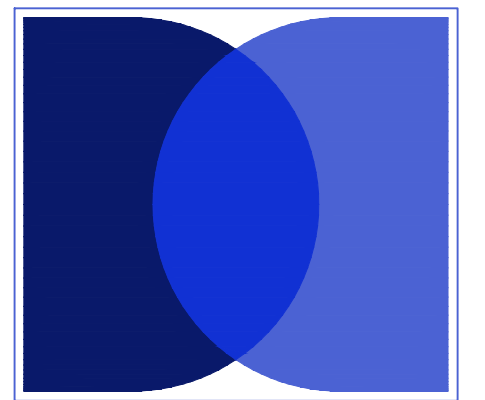
4 0

3 0

2 0

1 0

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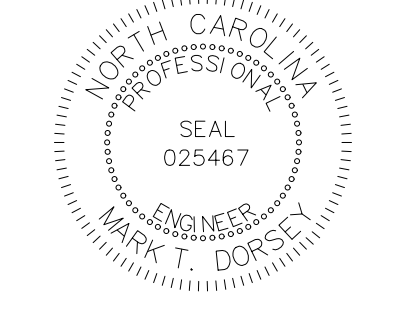
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SWIMMING POOL DESIGN
SHORES RESIDENCE
56 Cedar Hill Dr,
Biltmore Forest, NC 28803

KEY PLAN

STAMP



NO	DATE	DESCRIPTION

NOT FOR CONSTRUCTION

DRAWING TITLE

POOL SHELL LAYOUT

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

P3.1

NOTE: IF THIS SHEET IS NOT 24" W X 36" H, THEN IT IS NOT THE INTENDED SIZE. IN ALL CASES, WORK TO FIGURED DIMENSIONS.

EQUIPMENT DETAILS

ITEM NO.	QUANTITY	MODEL #	DESCRIPTION
1	1	SP32950VSP	HAYWARD TRISTAR VS 950 PUMP
2	1	C4030	HAYWARD CARTRIDGE FILTER
2a	1		EXTRA FILTER CARTRIDGES
3	1		CLEAR COMFORT CCW OZONE SYSTEM
4	1	HLBPRO4SW	HAYWARD OMNIPL
5	2		JANDY VALVE ACTUATOR
6	0		HAYWARD SENSE & DISPENSE
7	1		SOLENOID VALVE FOR LEVELOR/SENSOR
8	1	PB-2008	PERMA-CAST WATER BONDING FITTING
9	1		PENTAIR MASTER TEMP 400. HEATER (LP)
10	0		1.5 HP BLOWER FOR JETS
11	0		HLEXPAND
12	0		CO2 KIT FOR PH CONTROL
13	0		STENNER PERISTOLIC PUMP
14	1		FLOAT SWITCH FROM GRANGER

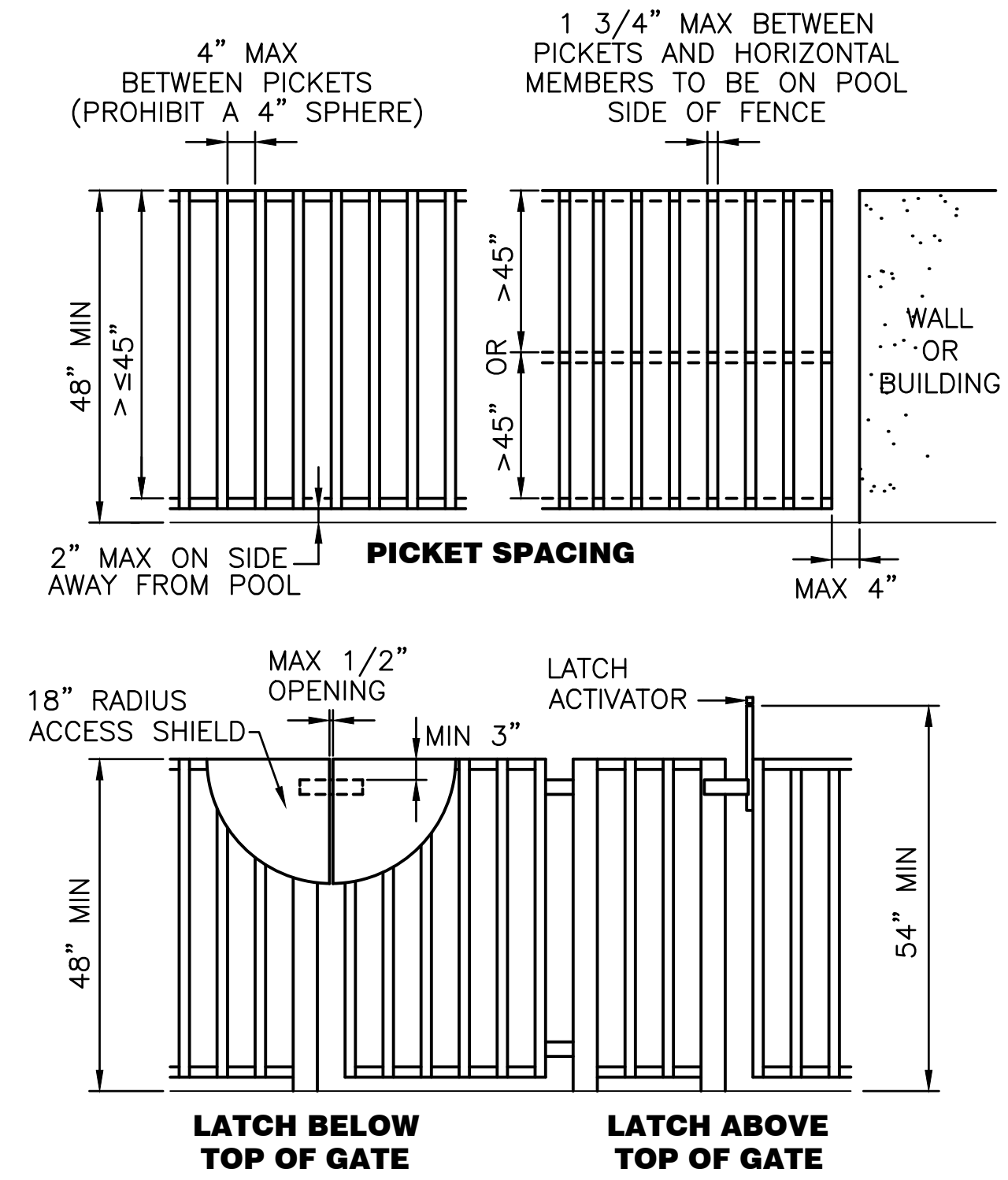
FITTINGS & MISC.

ITEM NO.	QUANTITY	MODEL #	DESCRIPTION
11	2		A&A VENTURI SKIMMER
12	1	PX300X	INTERMATIC 300W TRANSFORMER
13	1		A&A MANF. AVSC DUAL INLET-GRAY W/ PEBBLE TRAY
14	0	210-3420G	WATERWAY 3-JET MANIFOLD 7"
15	0	25580-904-090	CMP - DEEP DISH NICHE FOR SPA JETS
16	0	215-1190	WATERWAY WALL FITTING - WHITE
17	0	212-4700	WATERWAY THREADED RETAINER RING W/ O-RING
18	0	229-8590S	WATERWAY POLY STORM JET-DIRECTIONAL
19	0	229-8580S	WATERWAY POLY STORM JET - TWIN ROTO
20	4	HAY-30-6159	HAYWARD 150' COLORLOGIC 320 LED LIGHT
21	0	-	HAYWARD 150' COLORLOGIC 80 LED LIGHT
22	6	4DIV105	AQUASTAR FLOOR RETURNS - DARK GRAY

1 EQUIPMENT LIST
N.T.S.
SCHEDULE

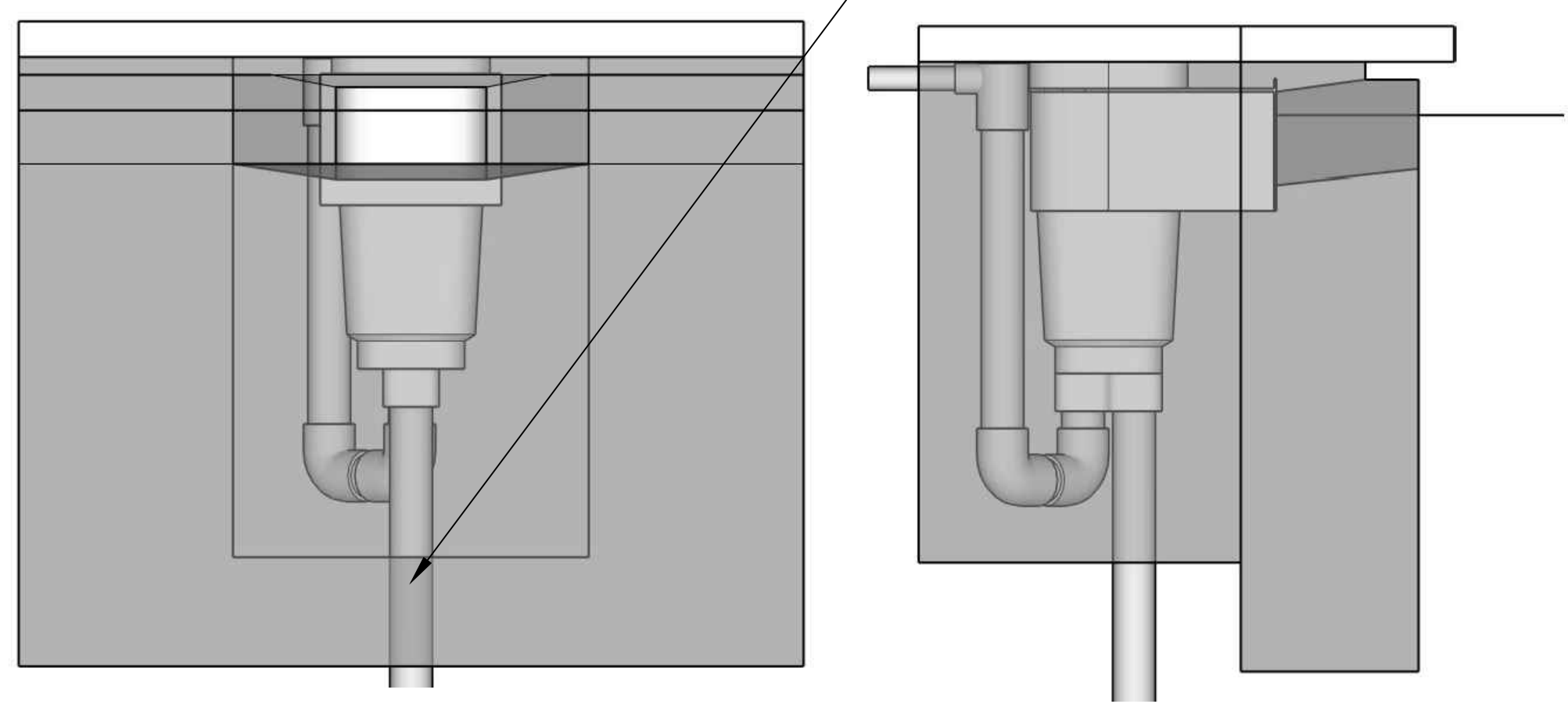
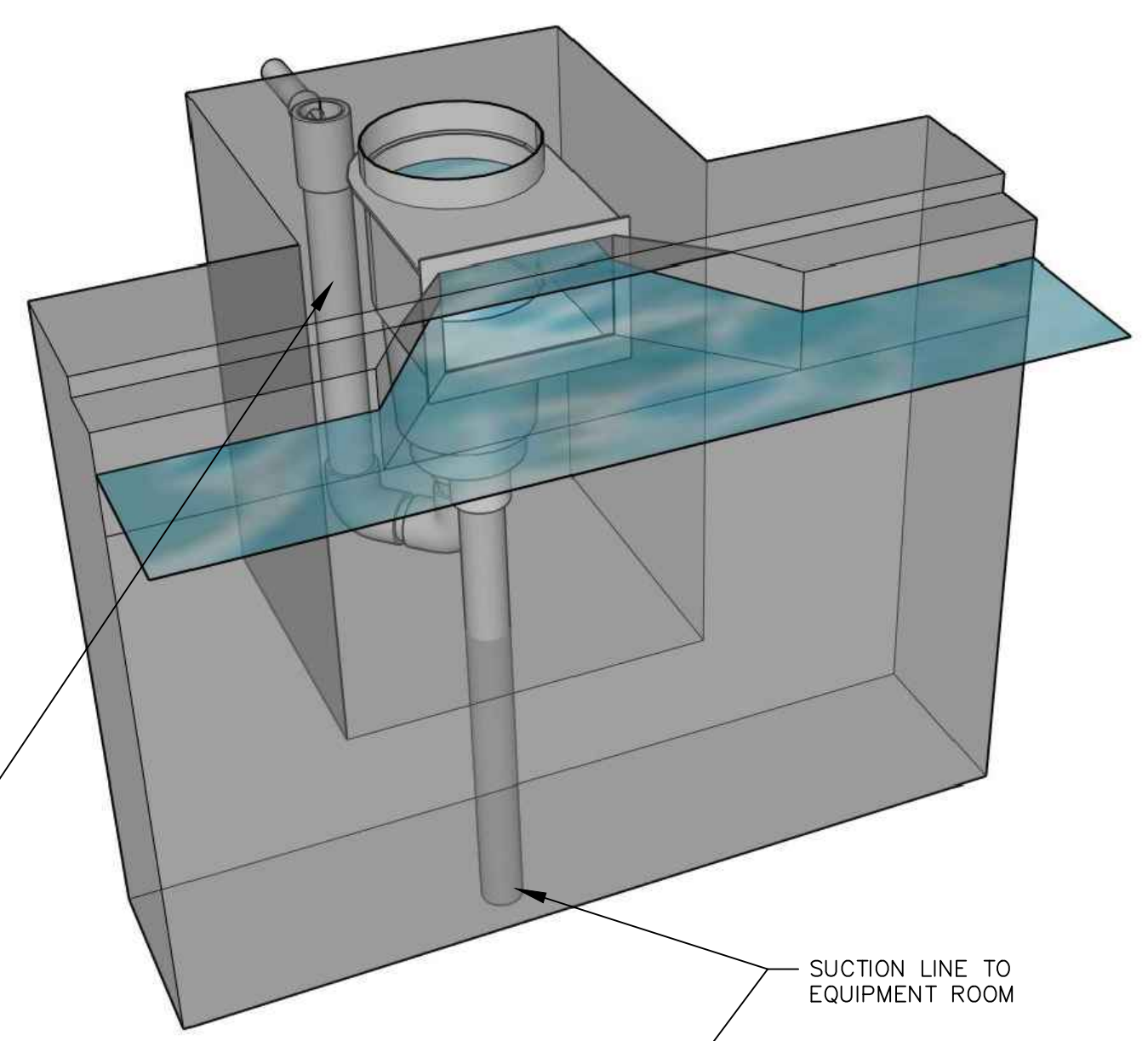
FENCING

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

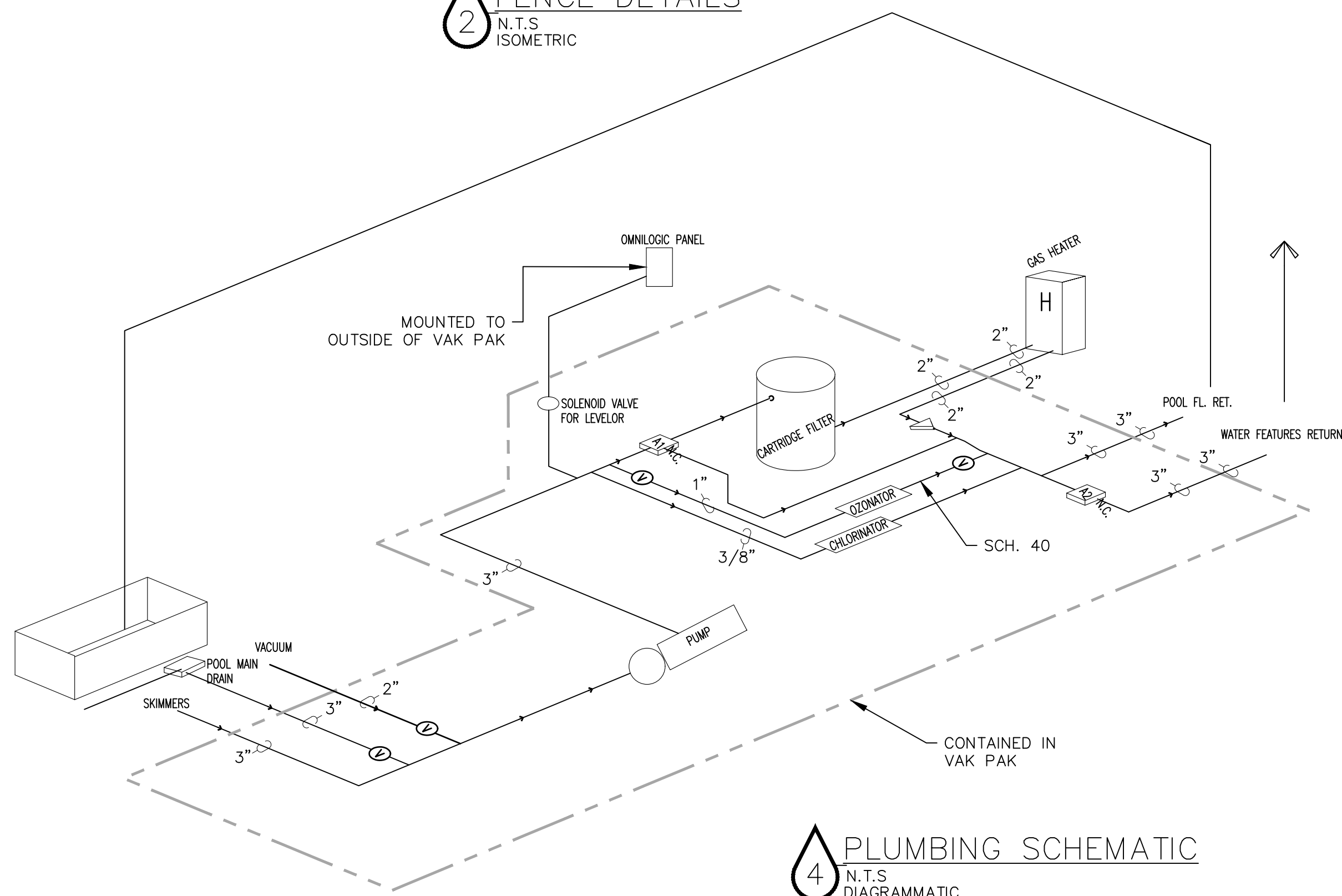


* PICKET-STYLE FENCING IS DEPICTED IN THIS DETAIL. OWNER'S OPTION TO PROVIDE CHAIN-LINK FENCING WITH MAX MESH SIZE 2 1/4" X 2 1/4" AND OTHERWISE MEETING THE REQUIREMENTS SHOWN ON THIS DETAIL.
* LATCH BELOW TOP OF GATE: KEY, COMBINATION OR CARD-KEY LOCK REQUIRED UNLESS LATCH IS ON POOL-SIDE OF GATE, 3" BELOW TOP OF GATE AND MAX 1/2" OPENINGS WITHIN 18" OF LATCH OPERATOR
* LATCH ABOVE TOP OF GATE: NO LOCK REQUIRED

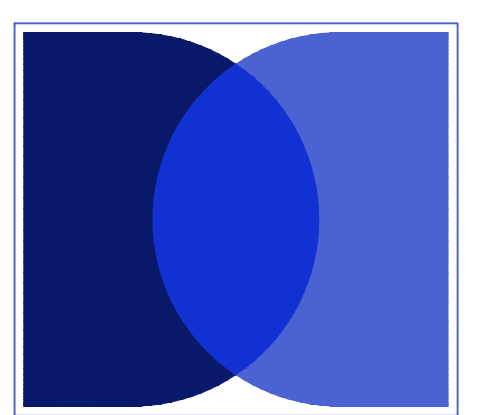
2 FENCE DETAILS
N.T.S.
ISOMETRIC



3 SKIMMER SENSOR DETAILS
N.T.S.
ISOMETRIC



4 PLUMBING SCHEMATIC
N.T.S.
DIAGRAMMATIC



DORSEY DESIGNS, PA
AQUATIC ARCHITECTURE & ENGINEERING

51 North Merrimon Ave., Suite 101
Asheville, NC, 28804
828 253 4594
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SWIMMING POOL DESIGN
SHORES RESIDENCE
56 Cedar Hill Dr.
Biltmore Forest, NC 28803

KEY PLAN

STAMP

NO	DATE	DESCRIPTION

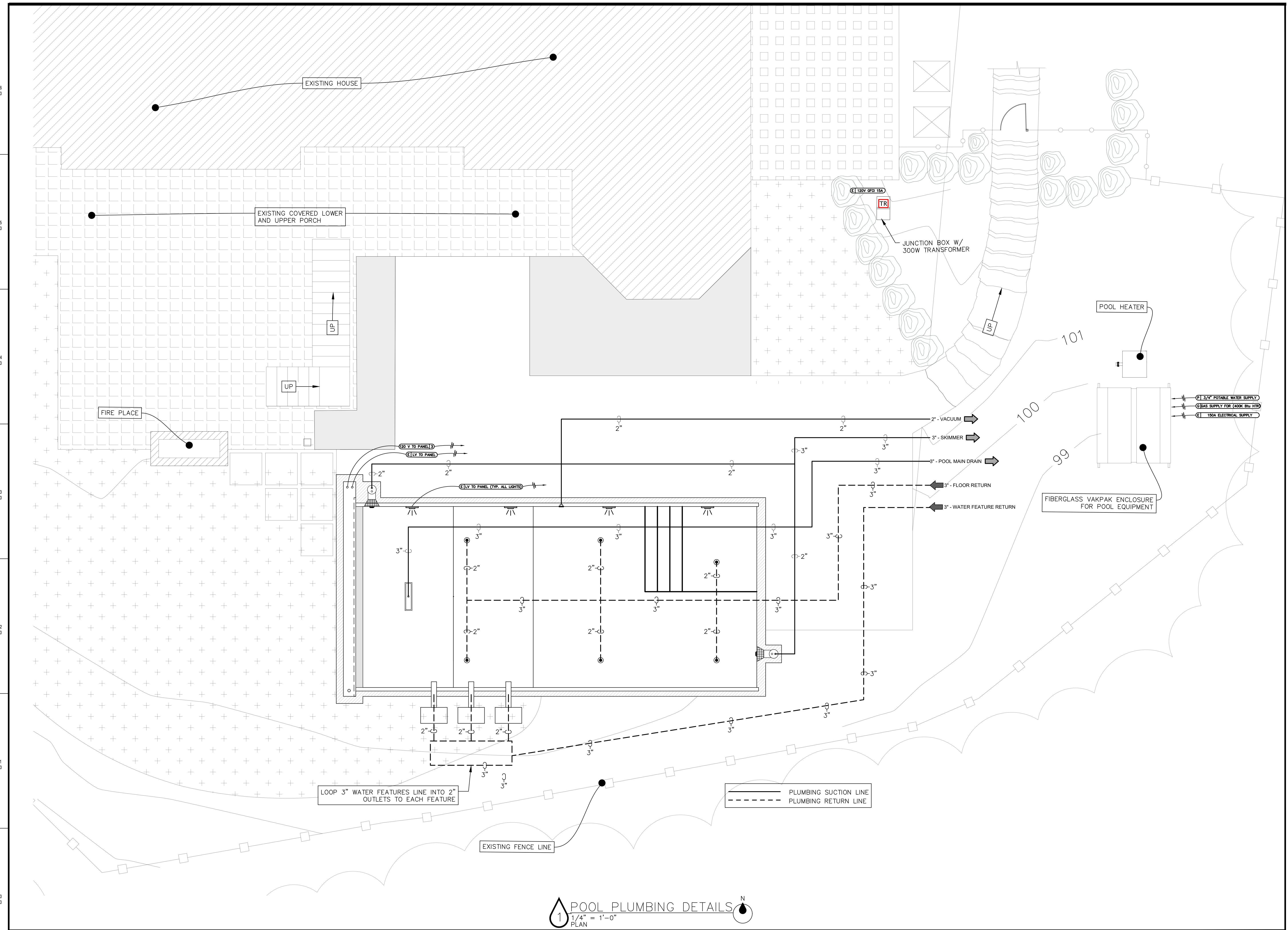
NOT FOR CONSTRUCTION

DRAWING TITLE

POOL EQUIPMENT DETAILS

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

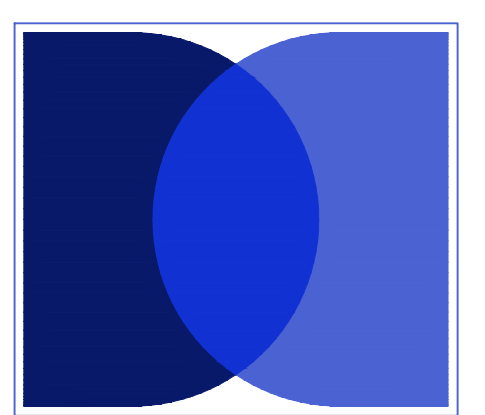
NOTE: IF THIS SHEET IS NOT 24" W x 36" H, THEN IT IS NOT THE INTENDED SIZE. IN ALL CASES, WORK TO FIGURED DIMENSIONS.



LOOP 3" WATER FEATURES LINE INTO 2" OUTLETS TO EACH FEATURE

PLUMBING SUCTION LINE
PLUMBING RETURN LINE

1 POOL PLUMBING DETAILS
1/4" = 1'-0"
PLAN



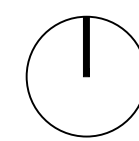
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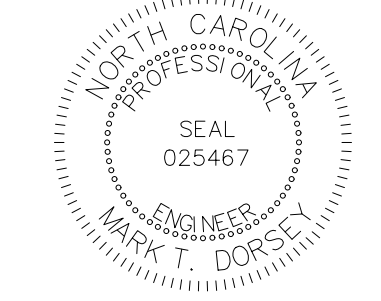
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KEY PLAN



STAMP



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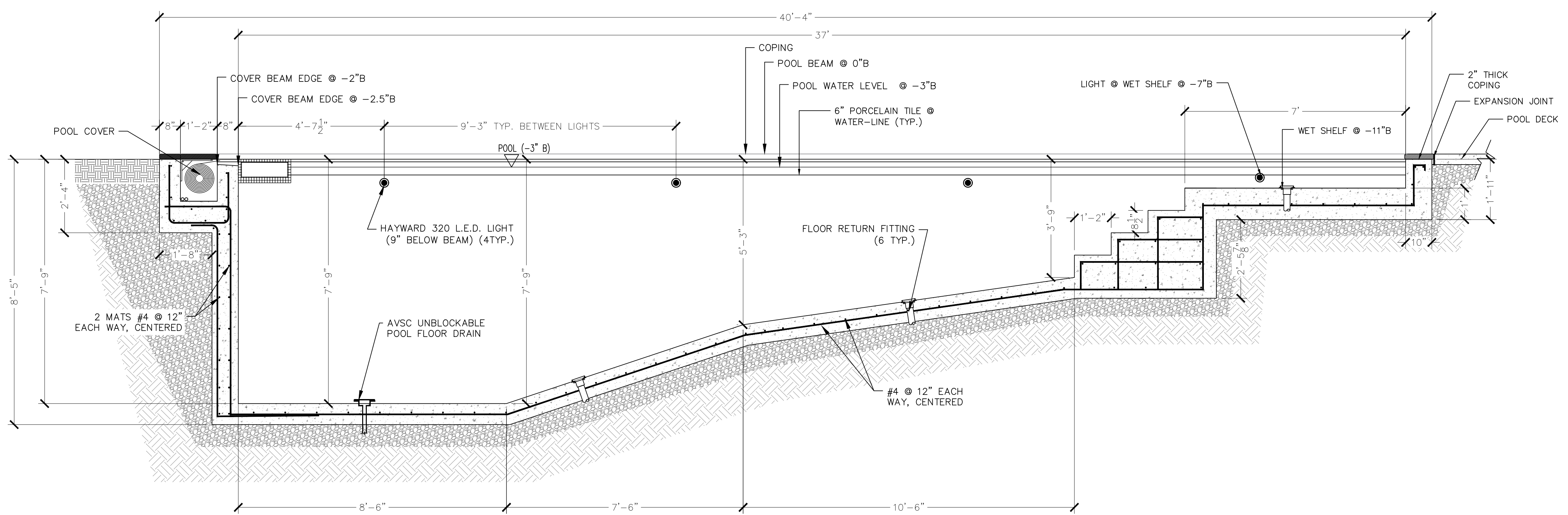
NOT FOR CONSTRUCTION

DRAWING TITLE

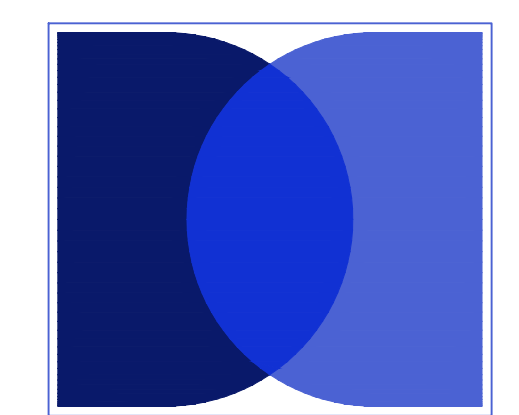
POOL PLUMBING DETAILS

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

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POOL SHELL SECTION AND DETAILS
 1 1/2" = 1'-0"
 SECTION



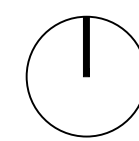
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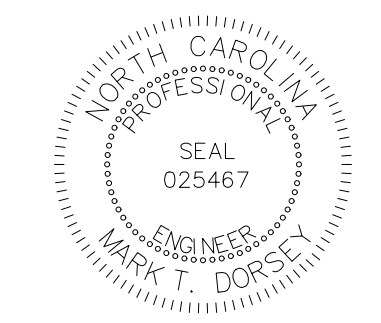
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KEY PLAN



STAMP



NO	DATE	DESCRIPTION

SUBMISSION

NOT FOR CONSTRUCTION

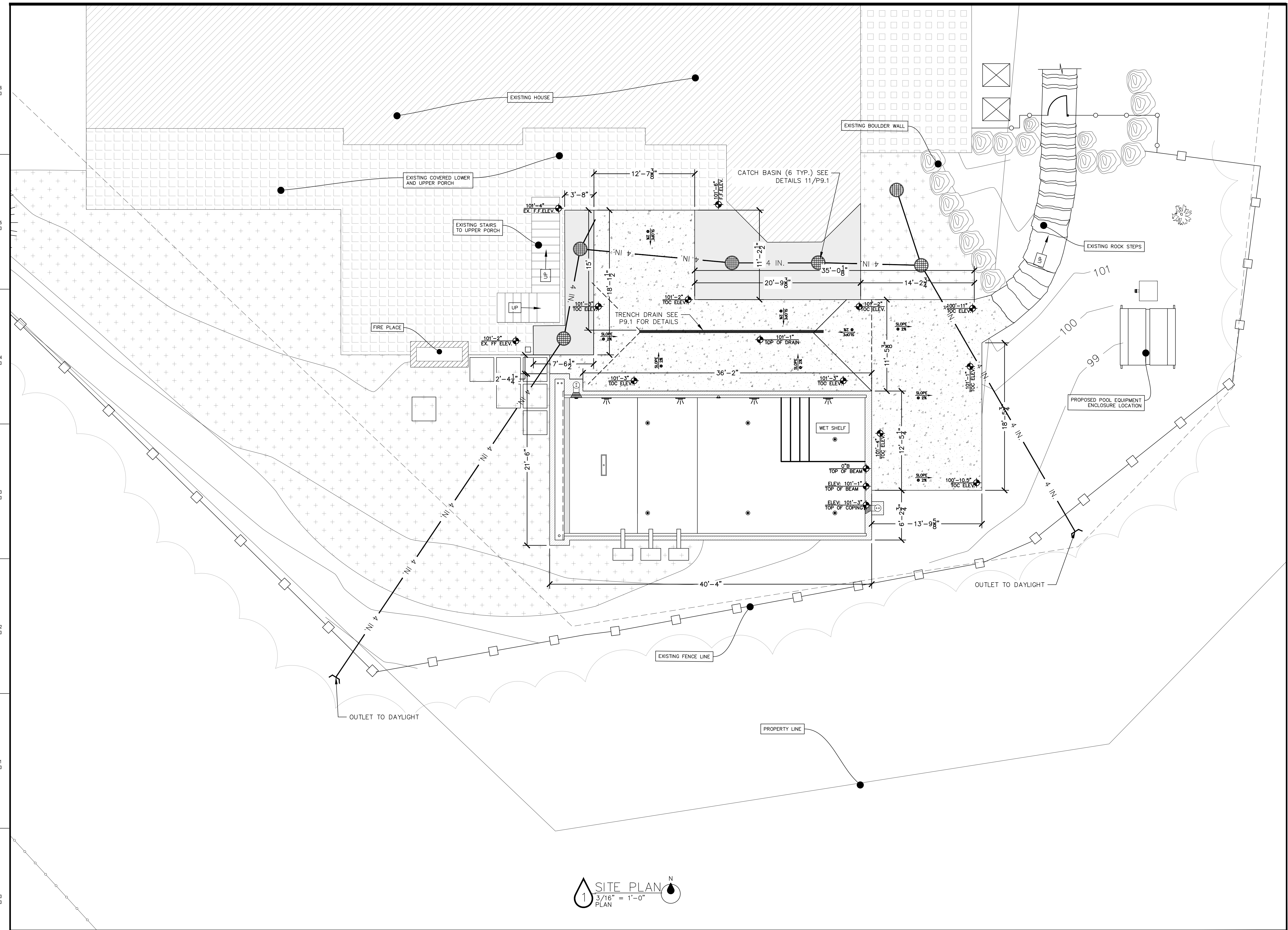
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POOL SHELL SECTION

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

P6.1

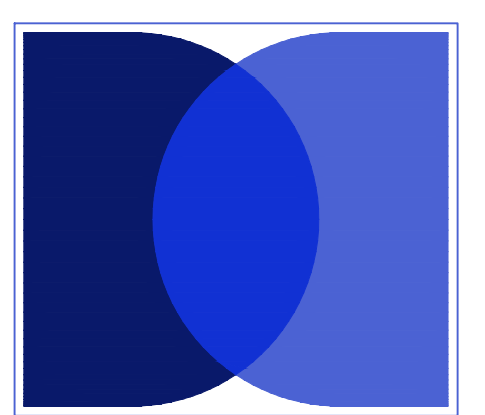
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1 SITE PLAN

 $\frac{3}{16}'' = 1'-0''$

 PLAN



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SHORES RESIDENCE
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KEY PLAN

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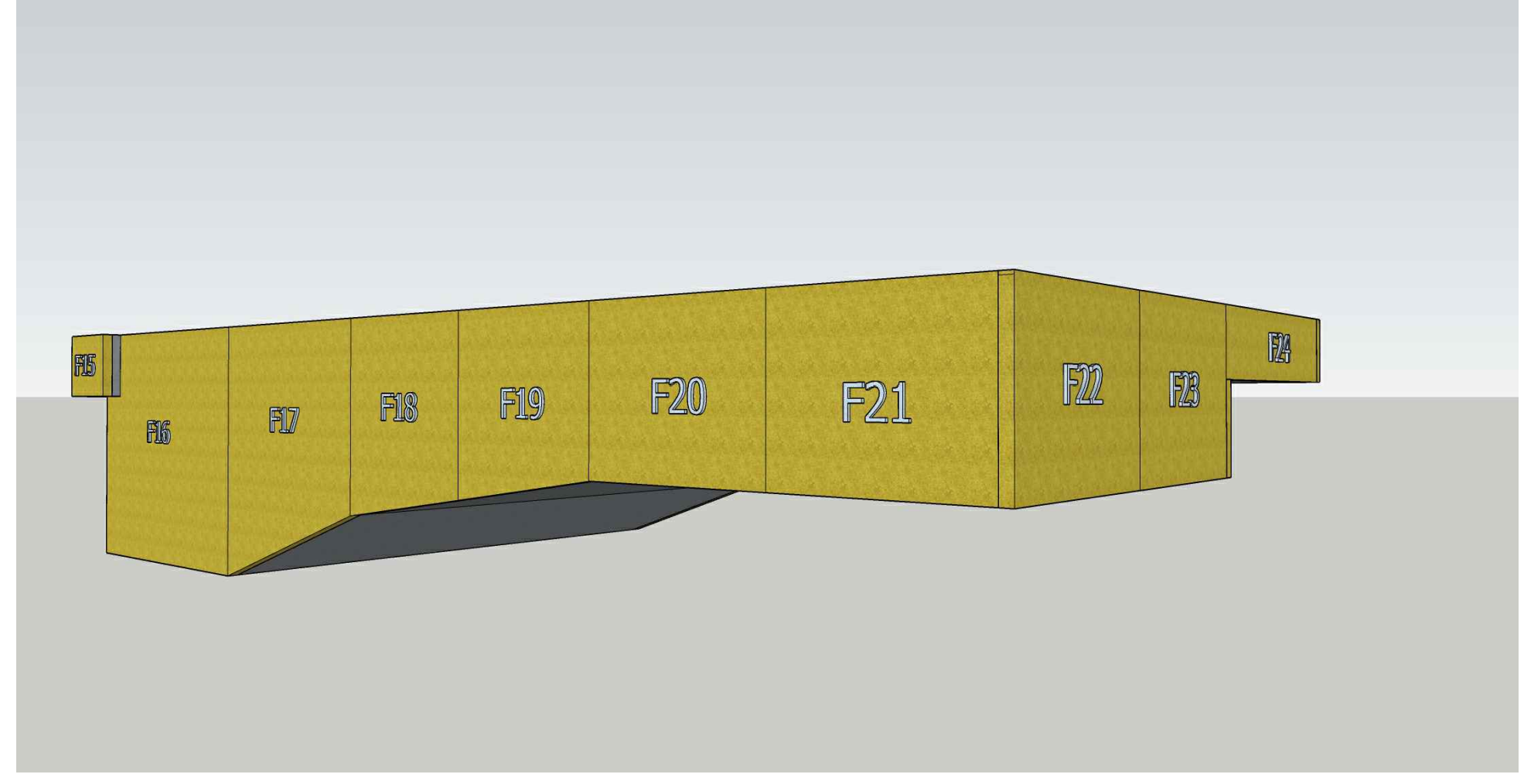
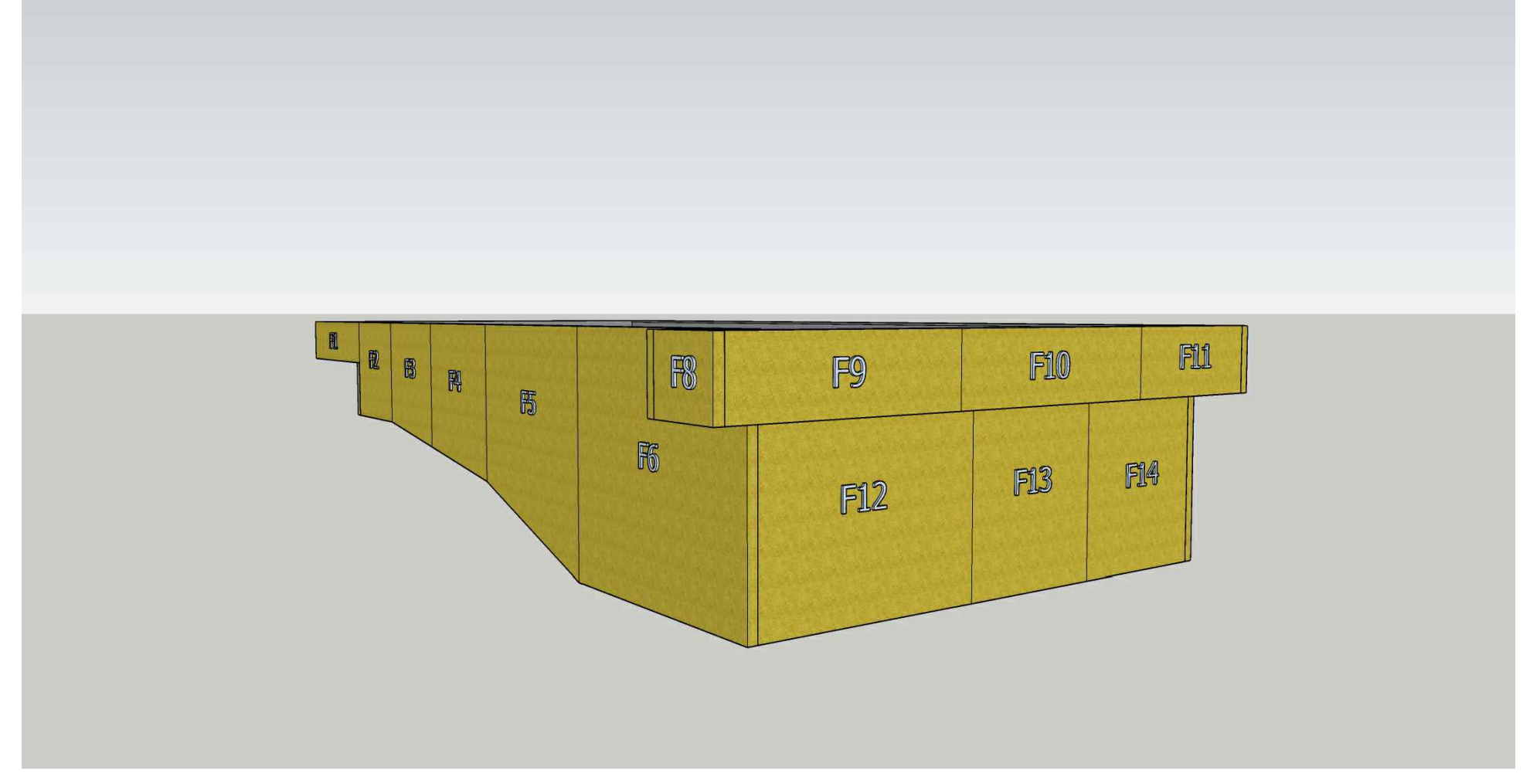
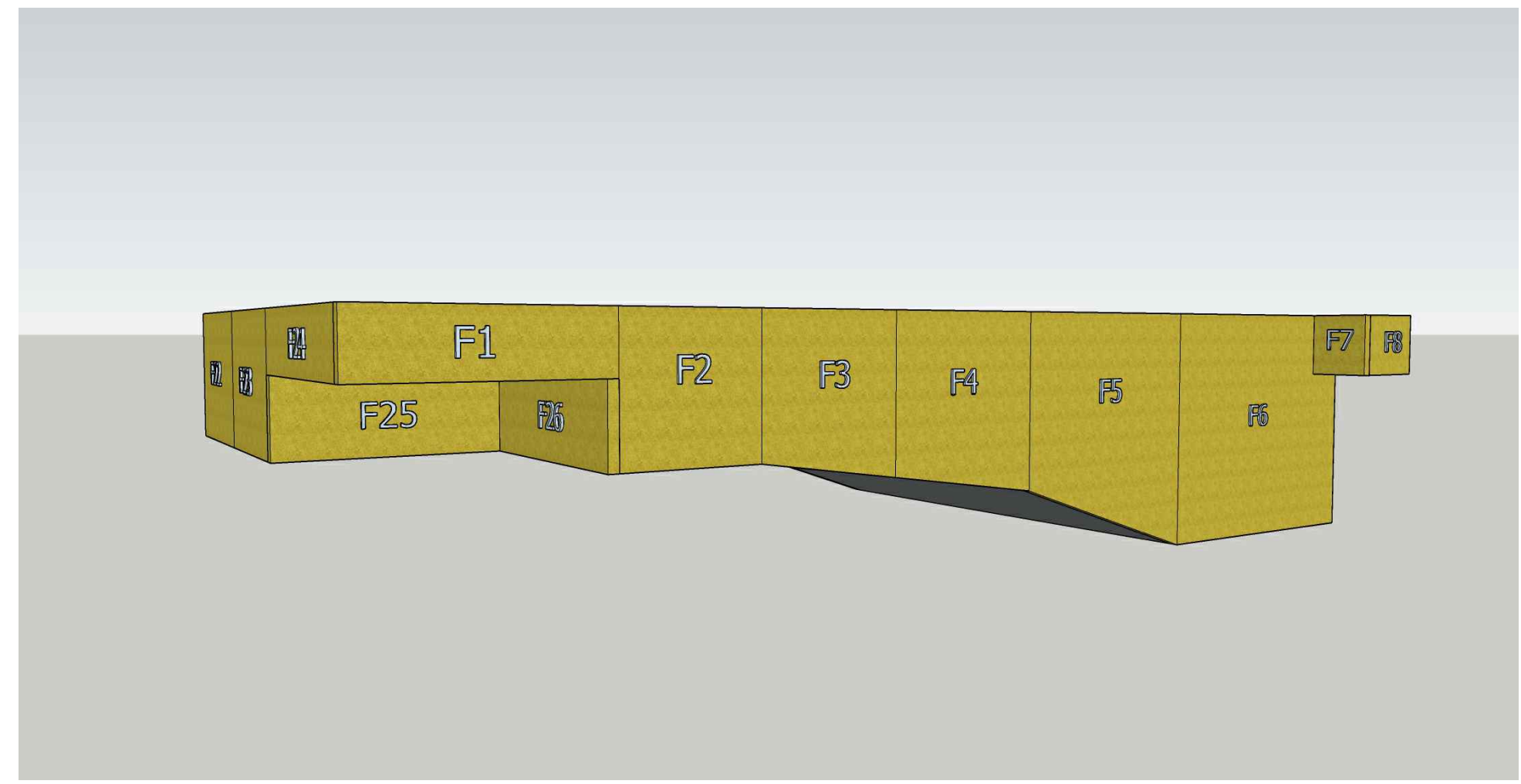
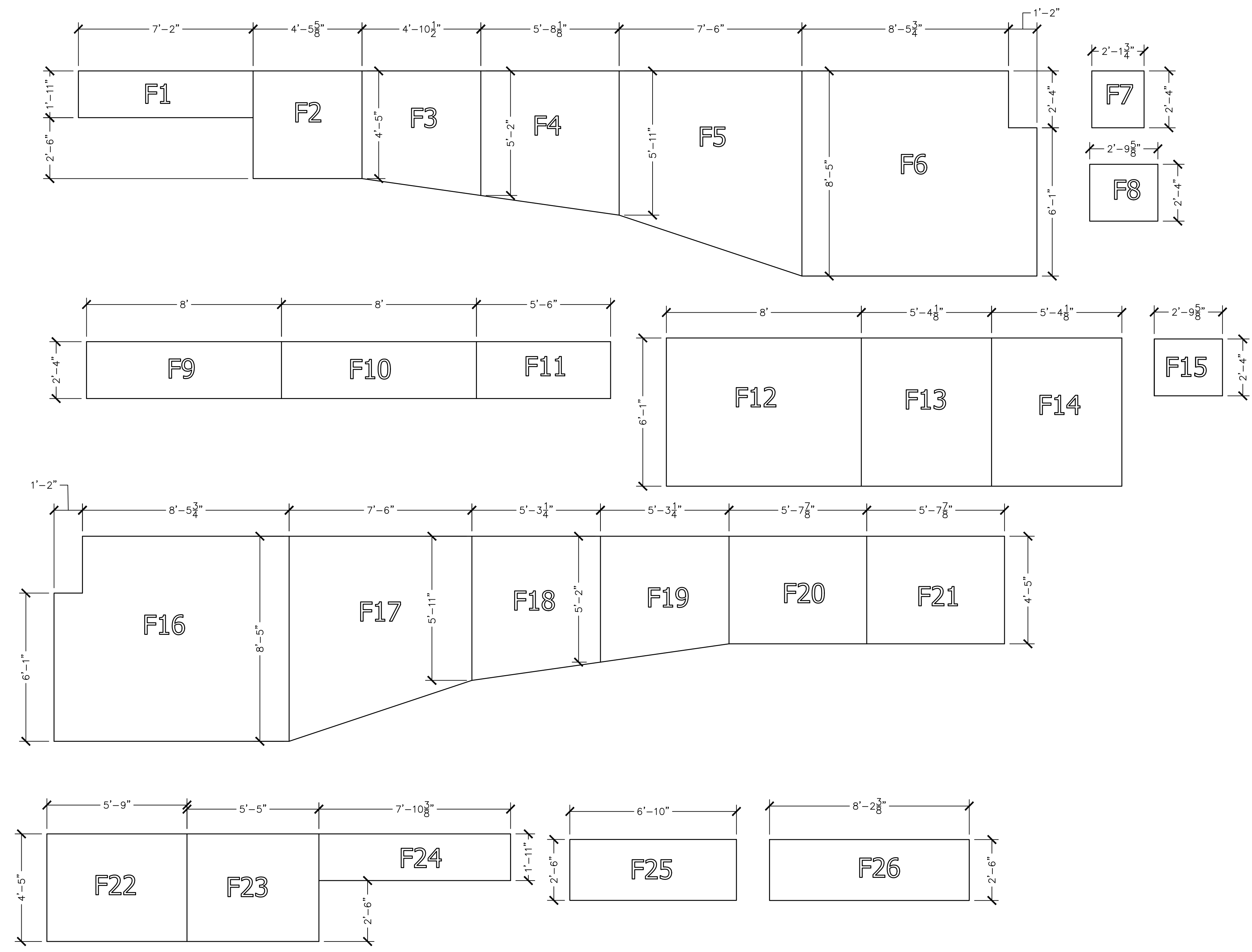
NOT FOR CONSTRUCTION

DRAWING TITLE

DECK LAYOUT & DRAINAGE

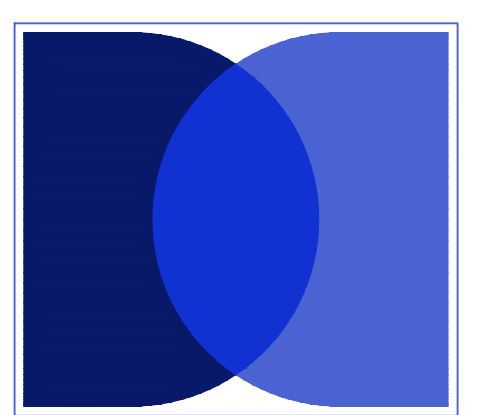
SCALE AS NOTED
 PRINT DATE September 7, 2022
 PROJECT NUMBER 22-08-03
 DRAWING NUMBER

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1 FORMS DETAILS
3/8" = 1'-0"
SECTION

2 FORMS DETAILS
N.T.S
ISOMETRIC



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

KEY PLAN

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NO	DATE	DESCRIPTION

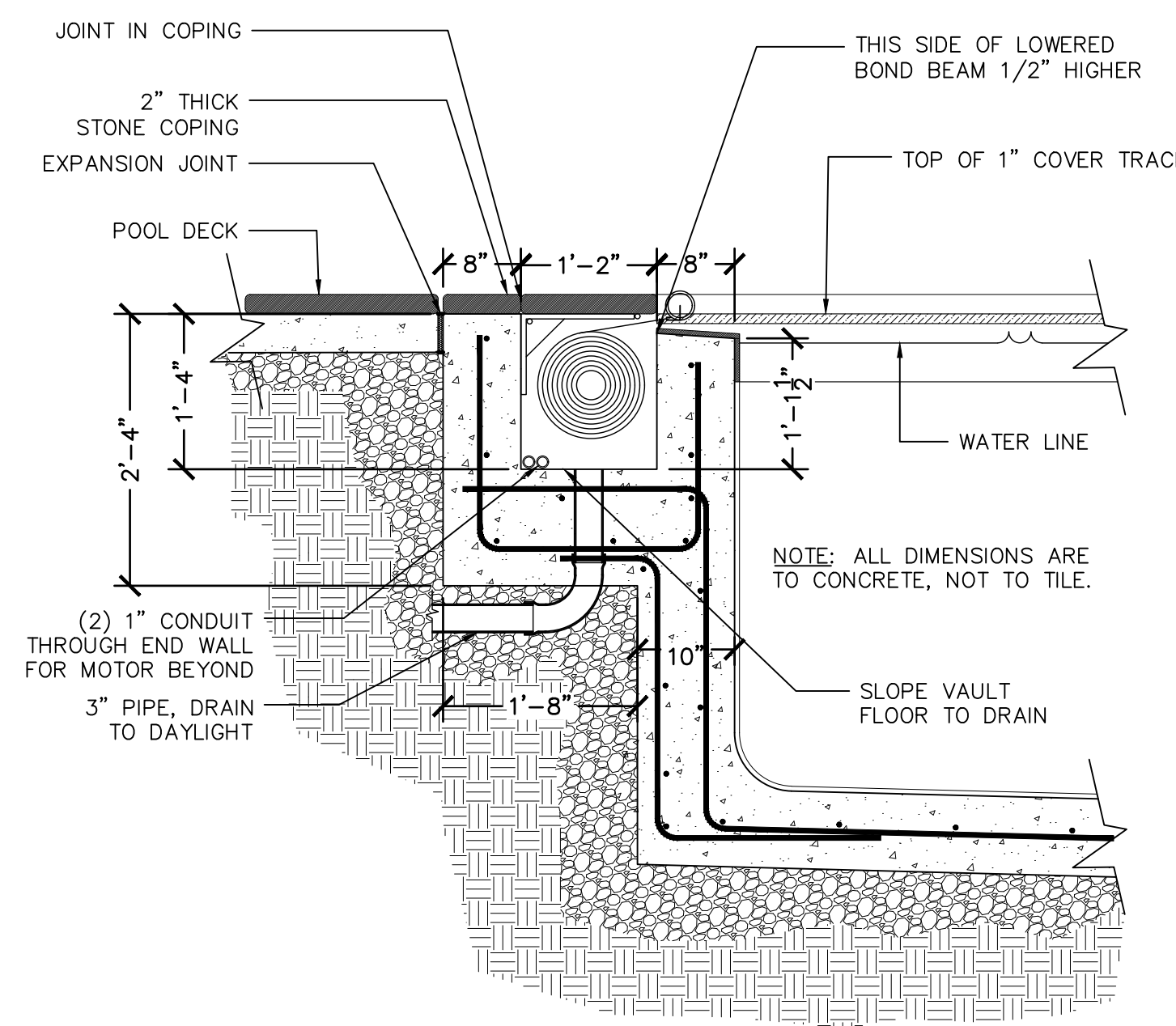
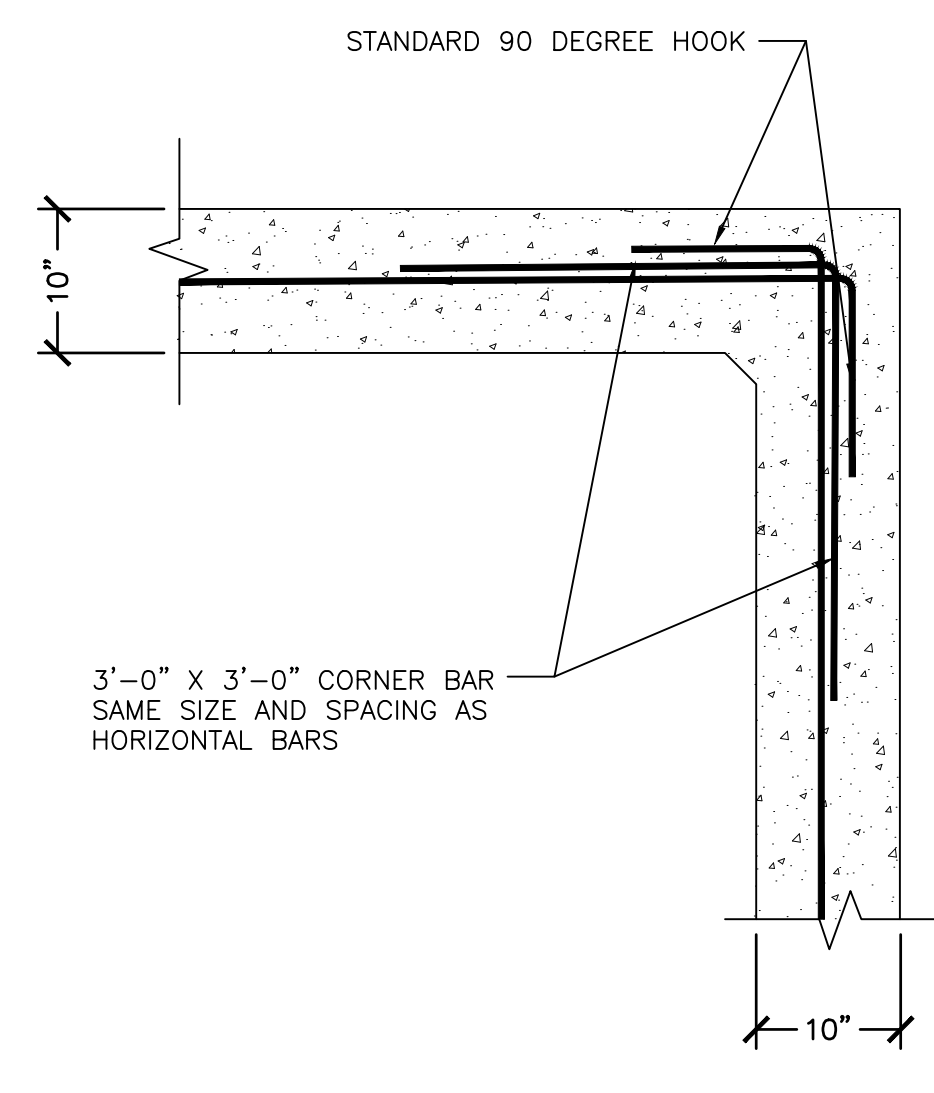
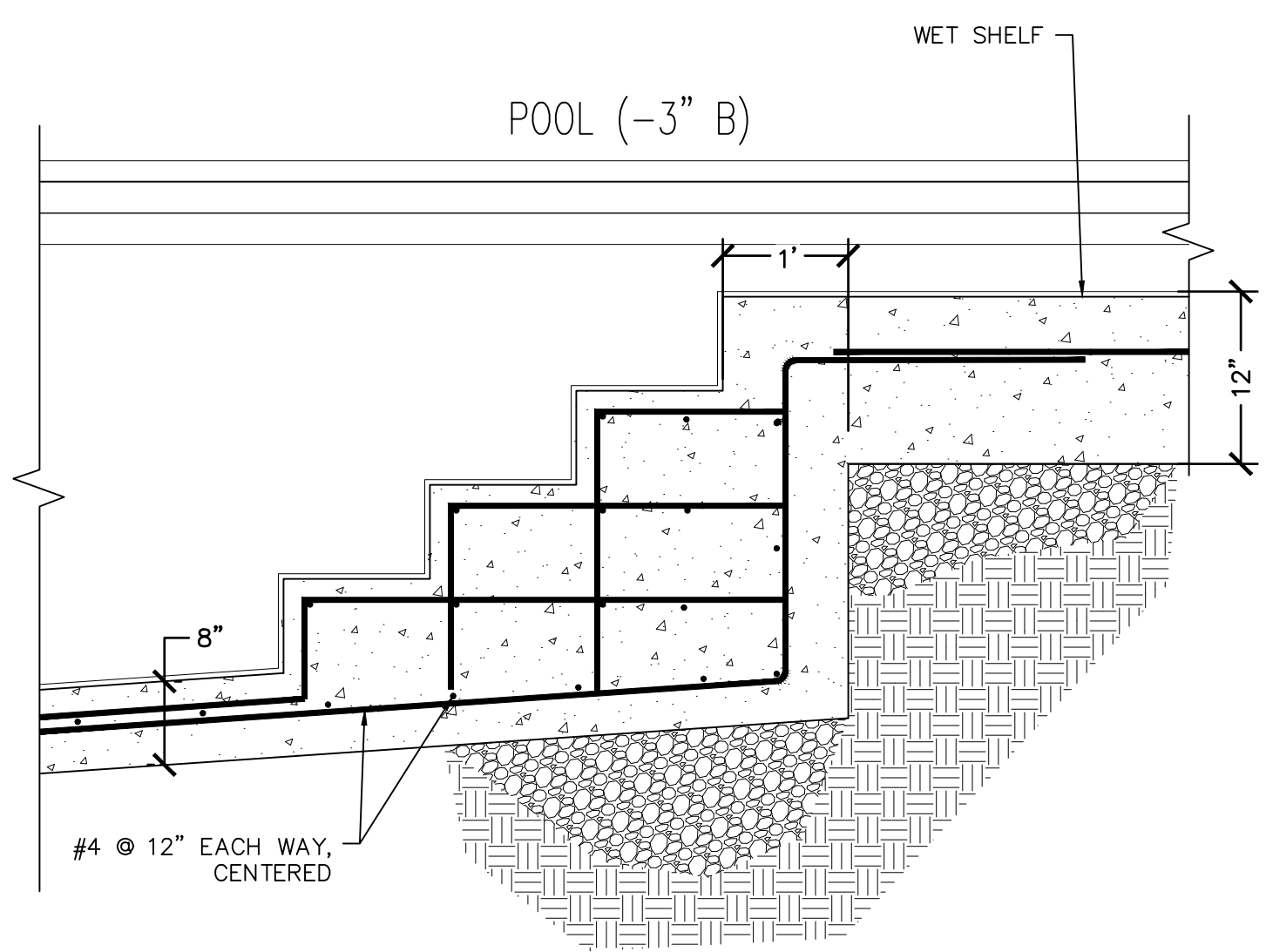
REVISIONS
SUBMISSION

NOT FOR CONSTRUCTION
DRAWING TITLE

POOL FORMS DETAILS

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

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Pre-Wiring for Auto-Shutoff

The required power is a dedicated 120v 15amp G.F.C.I. Breaker - MUST BE MOTOR RATED.

Pull (3) - 12 Gauge stranded wires (HOT, NEUTRAL, GROUND) from the Pool Panel to the Auto-Shutoff Enclosure

Pull (4) - 12 Gauge stranded wires (HOT 1, HOT 2, NEUTRAL, GROUND) from the Auto-Shutoff Enclosure to the pool cover housing with 3/8\"/>

Pull (1) - 18/5 Irrigation wire (18 gauge - 5 wires) from the Auto-Shutoff Enclosure to the pool cover housing with 3/8\"/>

Pull (1) - 18/5 Irrigation wire (18 gauge - 5 wires) from the Auto-Shutoff Enclosure to the Touchpad location. *Touchpad must be mounted 5 feet off the ground, within 30' of the pool (closest to the mechanism end if possible), in full view of the pool, and outside*

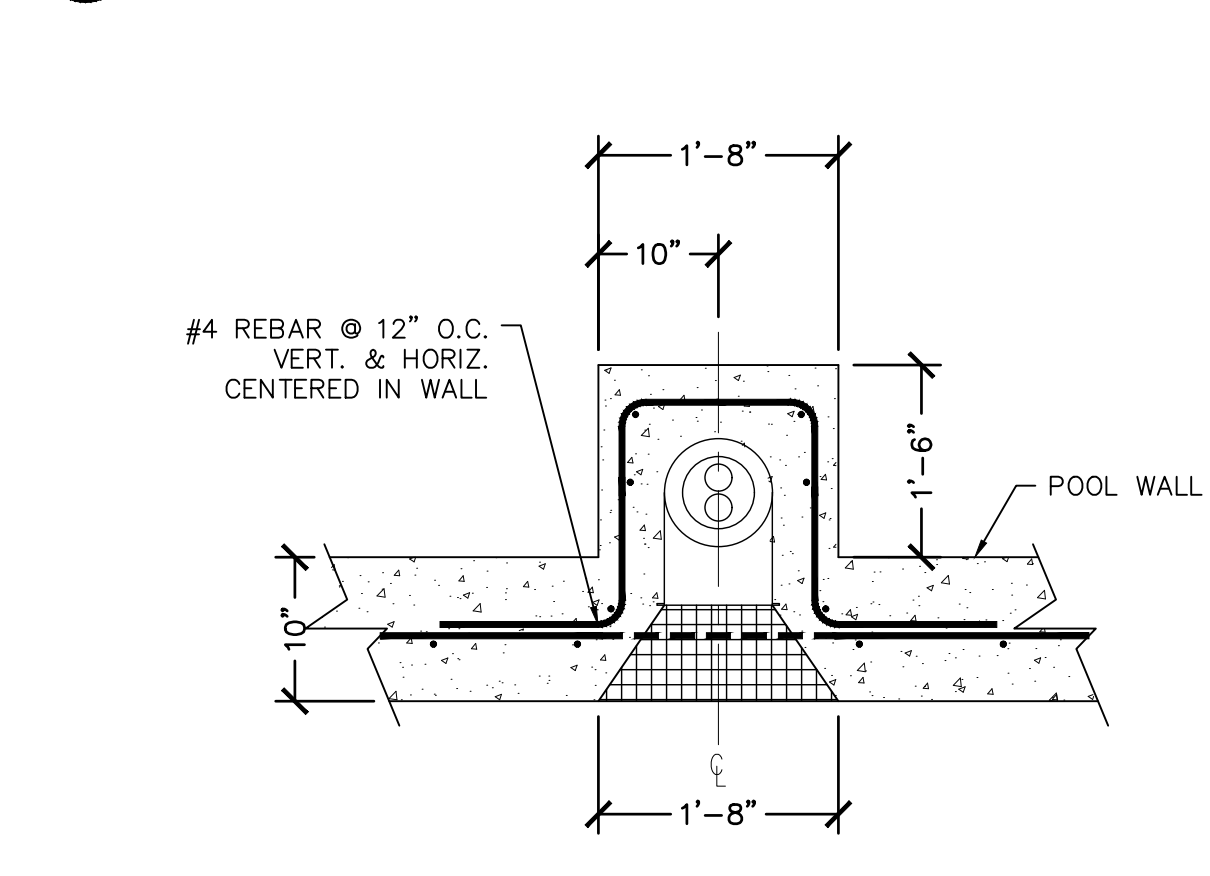
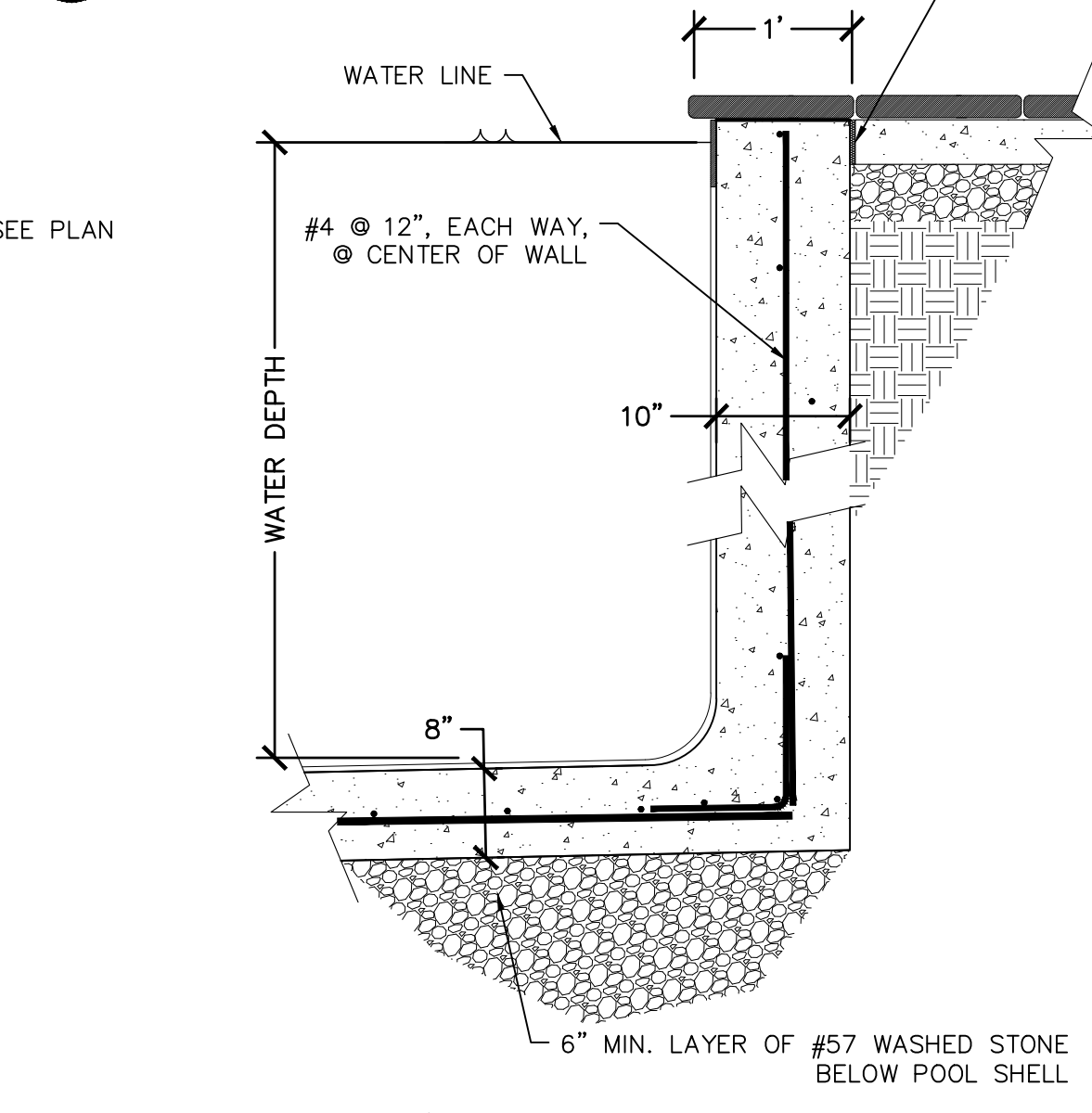
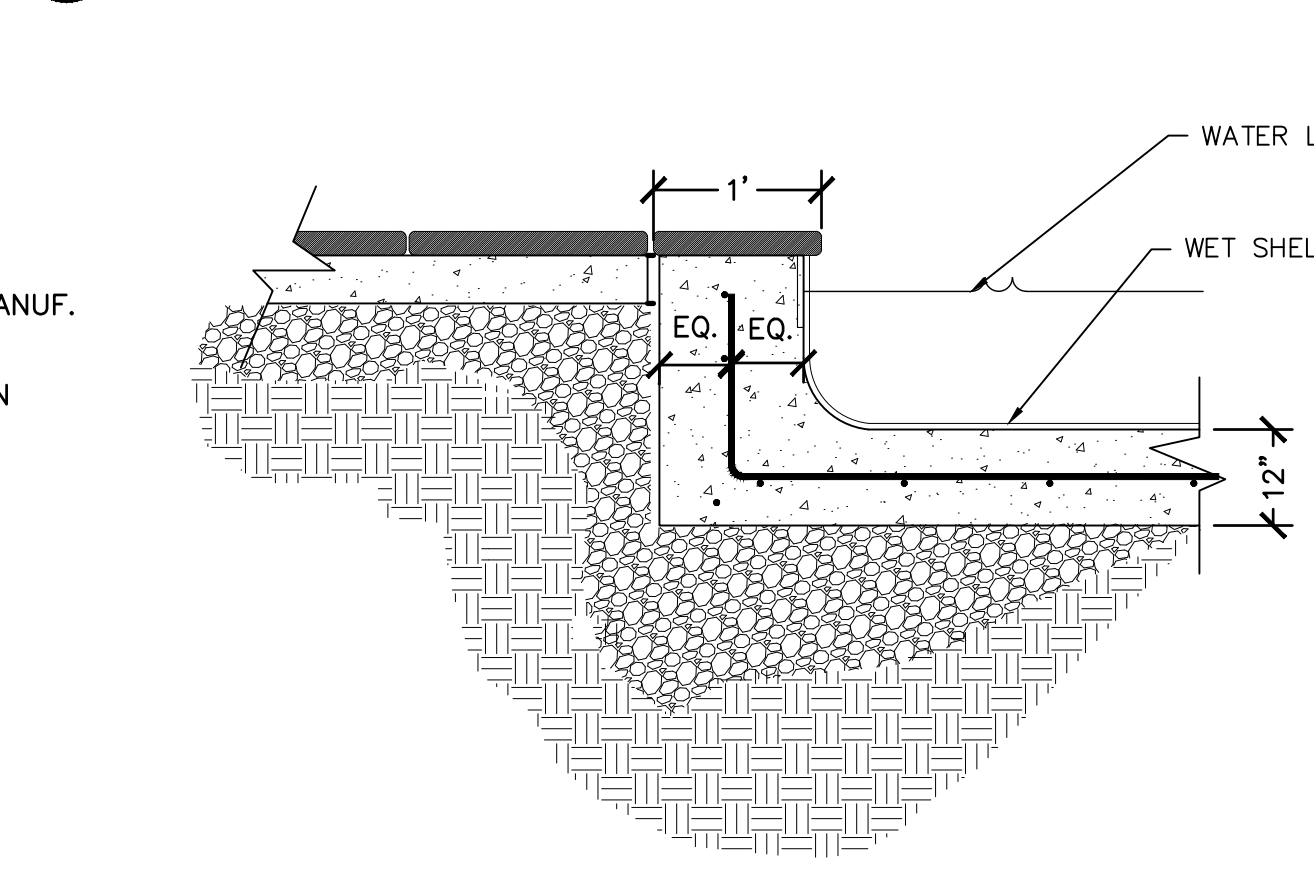
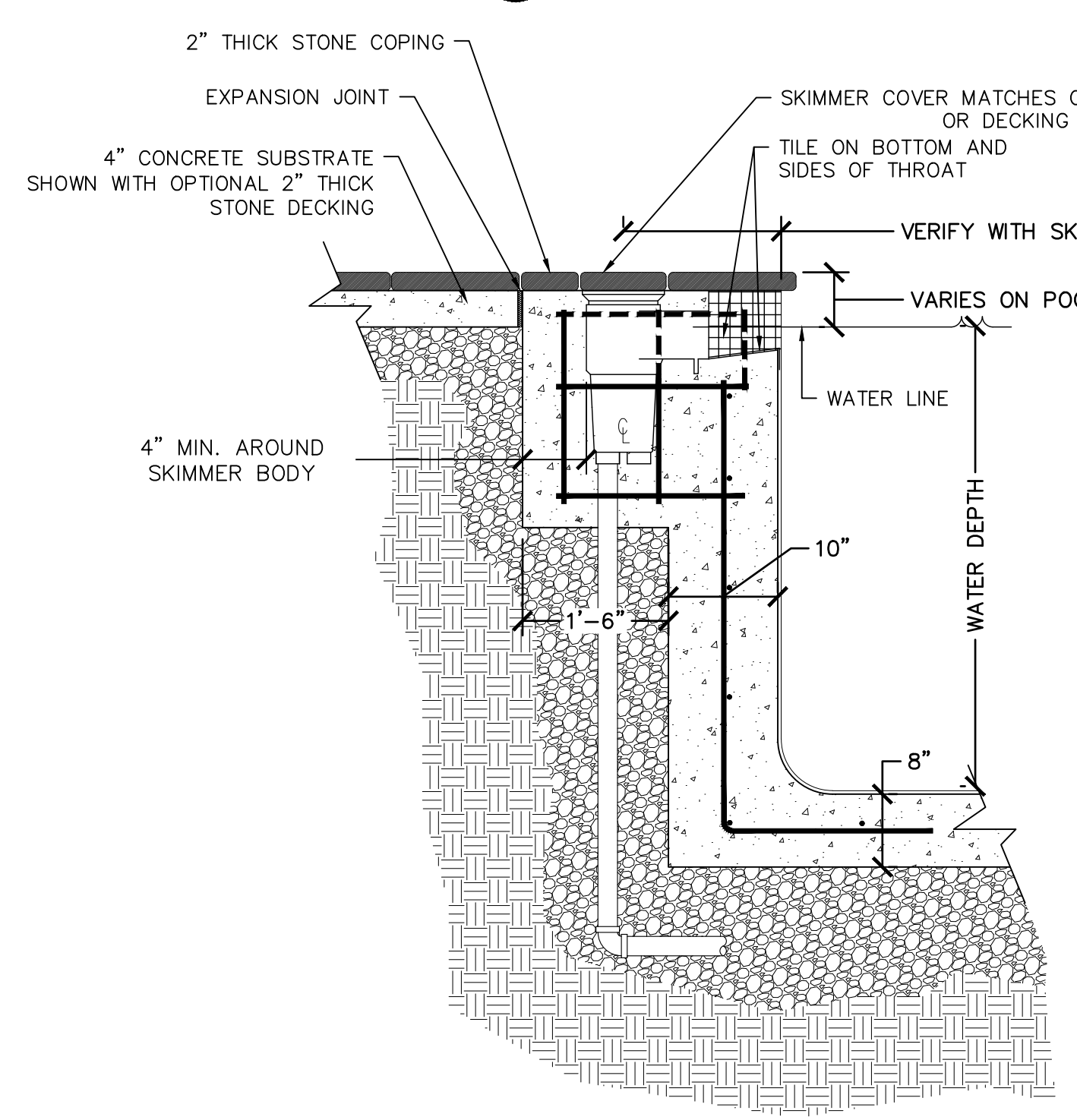
*****LABEL BREAKER & TURN POWER OFF WHEN FINISHED*****

1 STEPS REINF. DETAILS
3/4" = 1'-0" SECTION

2 SHELL CORNER REINF. DETAILS
3/4" = 1'-0" SECTION

3 COVER VAULT DETAILS (TYP.)
3/4" = 1'-0" SECTION

4 AUTO. COVER WIRING INSTRUCTIONS
3/4" = 1'-0" SECTION

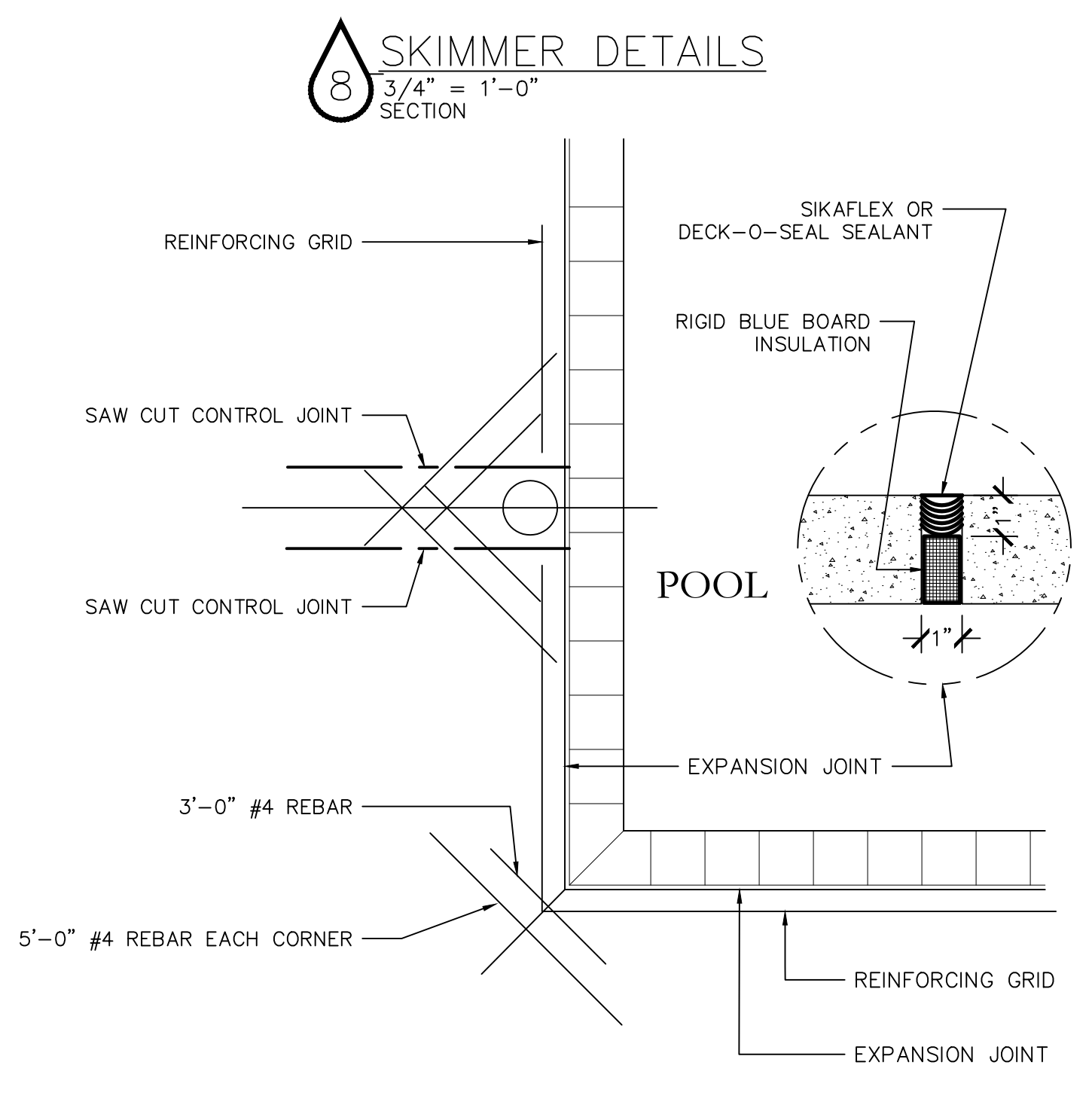
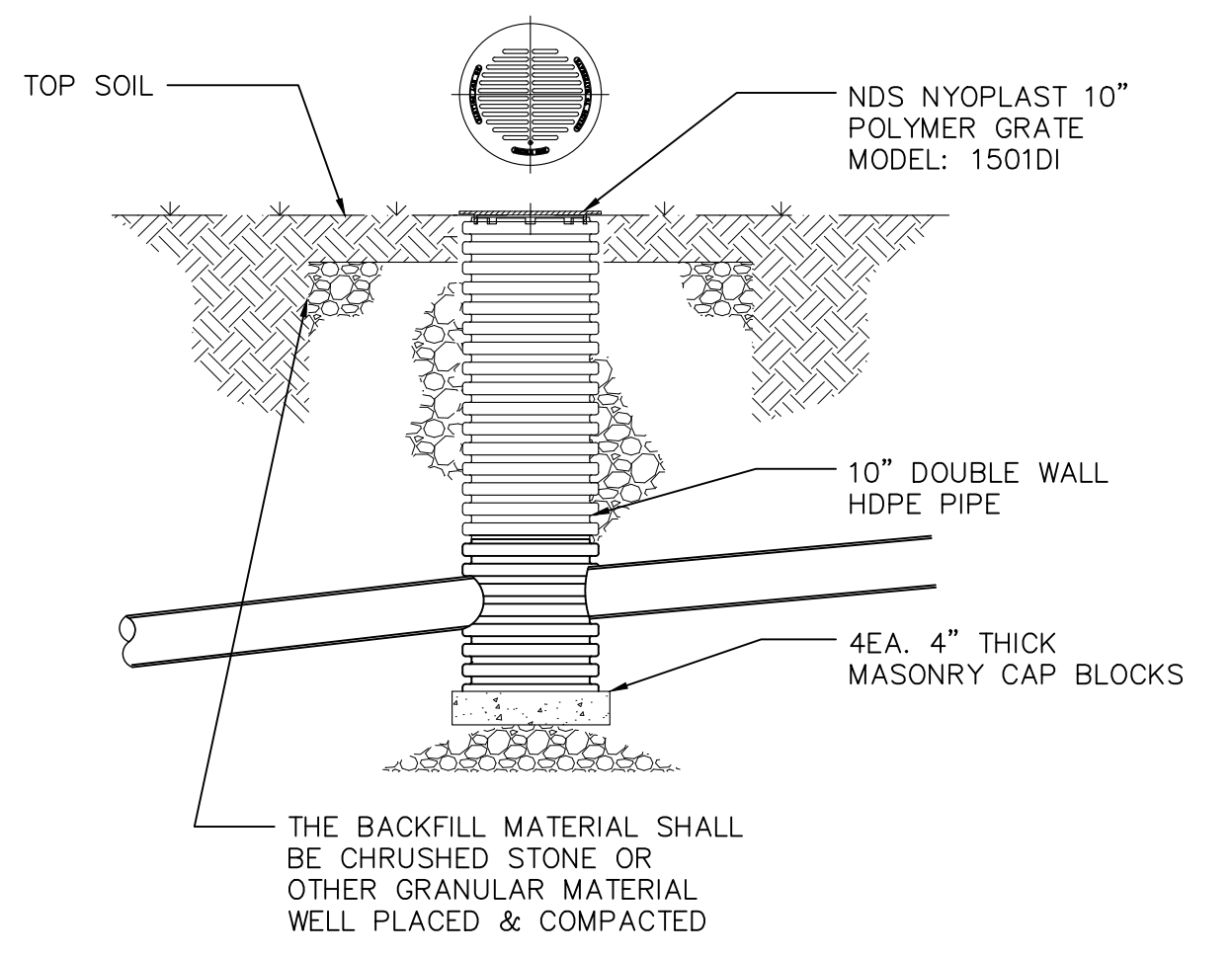
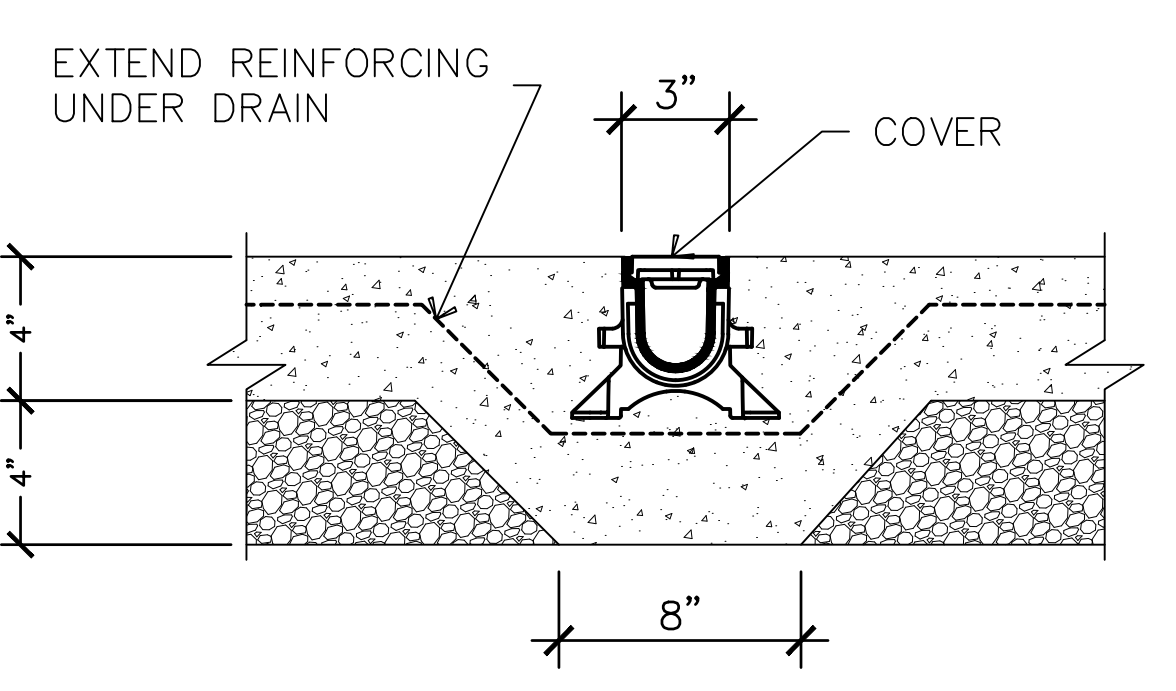
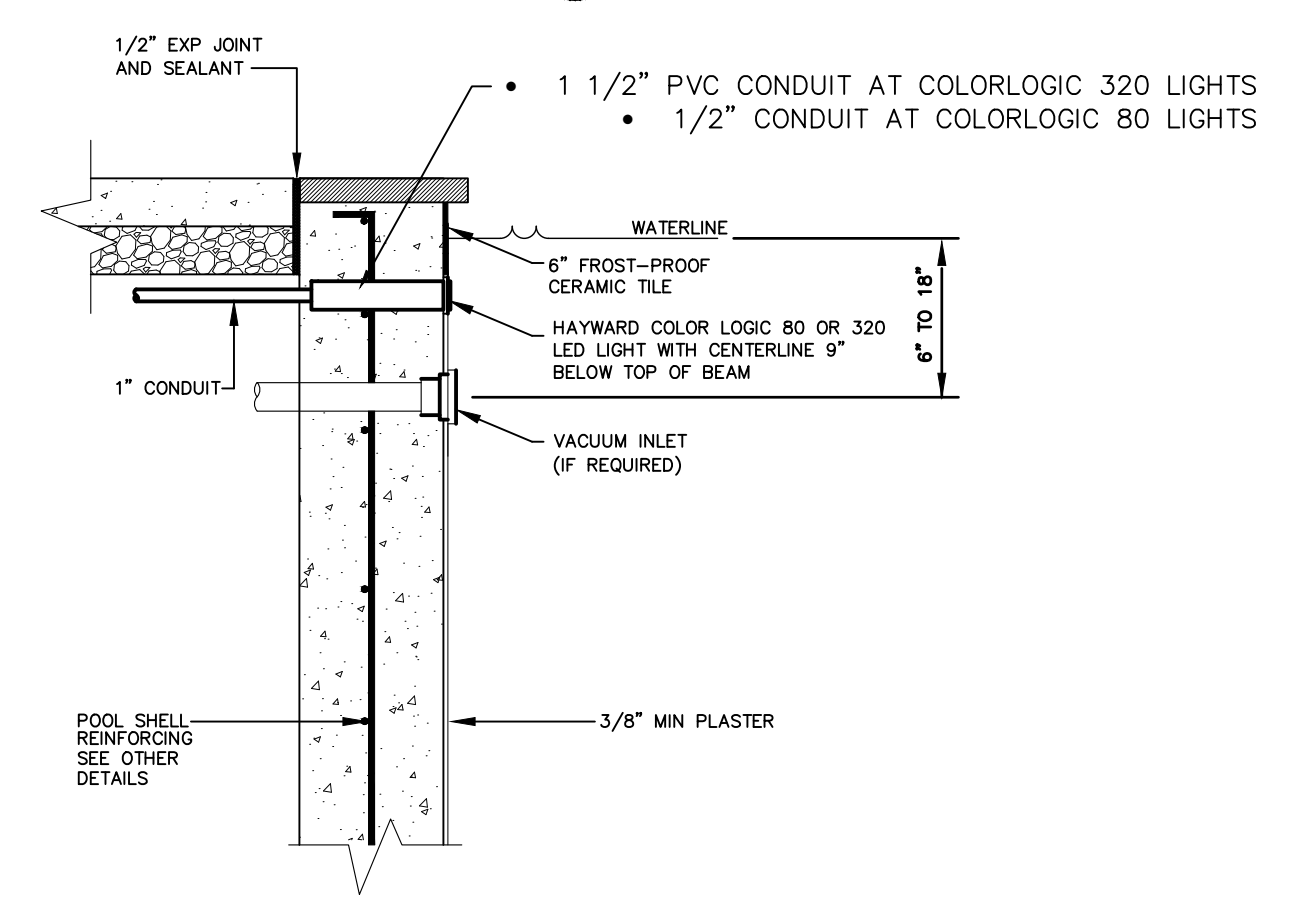


5 SKIMMER DETAILS
3/4" = 1'-0" SECTION

6 BEAM AT WET SHELF DETAILS
3/4" = 1'-0" SECTION

7 SHELL WALL DETAILS
3/4" = 1'-0" SECTION

8 SKIMMER DETAILS
3/4" = 1'-0" SECTION



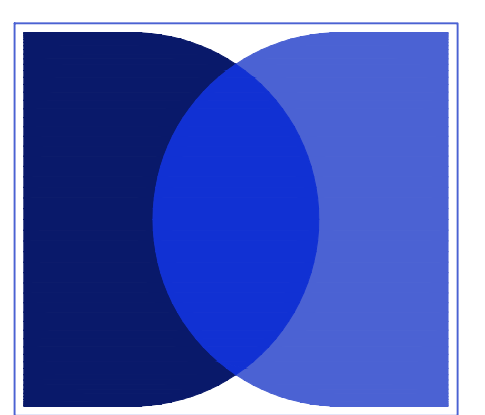
9 VACUUM AND LIGHT PLACEMENT
3/4" = 1'-0" SECTION

10 TRENCH DRAIN DETAILS
3/4" = 1'-0" SECTION

11 CATCH BASIN DETAILS
1/2" = 1'-0" SECTION

12 EXPANSION JOINT DETAILS
3/8" = 1'-0" SECTION

NOTES:
ZURN HDPE TRENCH DRAIN MODEL Z880 WITH ZURN DECORATIVE GRATE, COLOR "TO MATCH DECK" CONTACT ZURN INDUSTRIES (814) 455-0921 OR WWW.ZURN.COM PROVIDE 1 1/2" BOTTOM OUTLET ADAPTERS AND CLOSED END CAPS TIE INTO 4" SCH 40 DRAIN LINE USING WYE AND (2) 45° BENDS AT EACH OUTLET. SEE SITE PLAN FOR CONTINUATION ON EXTERIOR OF BUILDING.



DORSEY DESIGNS, PA
AQUATIC ARCHITECTURE & ENGINEERING

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SWIMMING POOL DESIGN
SHORES RESIDENCE
56 Cedar Hill Dr,
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KEY PLAN	
(1)	
STAMP	
NO	DATE
DESCRIPTION	
REVISIONS	
SUBMISSION	
NOT FOR CONSTRUCTION	
DRAWING TITLE	
MISC. POOL SECTIONS	
SCALE	AS NOTED
PRINT DATE	September 7, 2022
PROJECT NUMBER	22-08-03
DRAWING NUMBER	

**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:

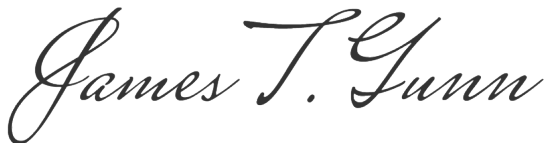
There would be no impact on the neighborhood as the proposed structure in part of the overall landscape plan. Also, this short, low stone wall would not infringe on the right-of-way.

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

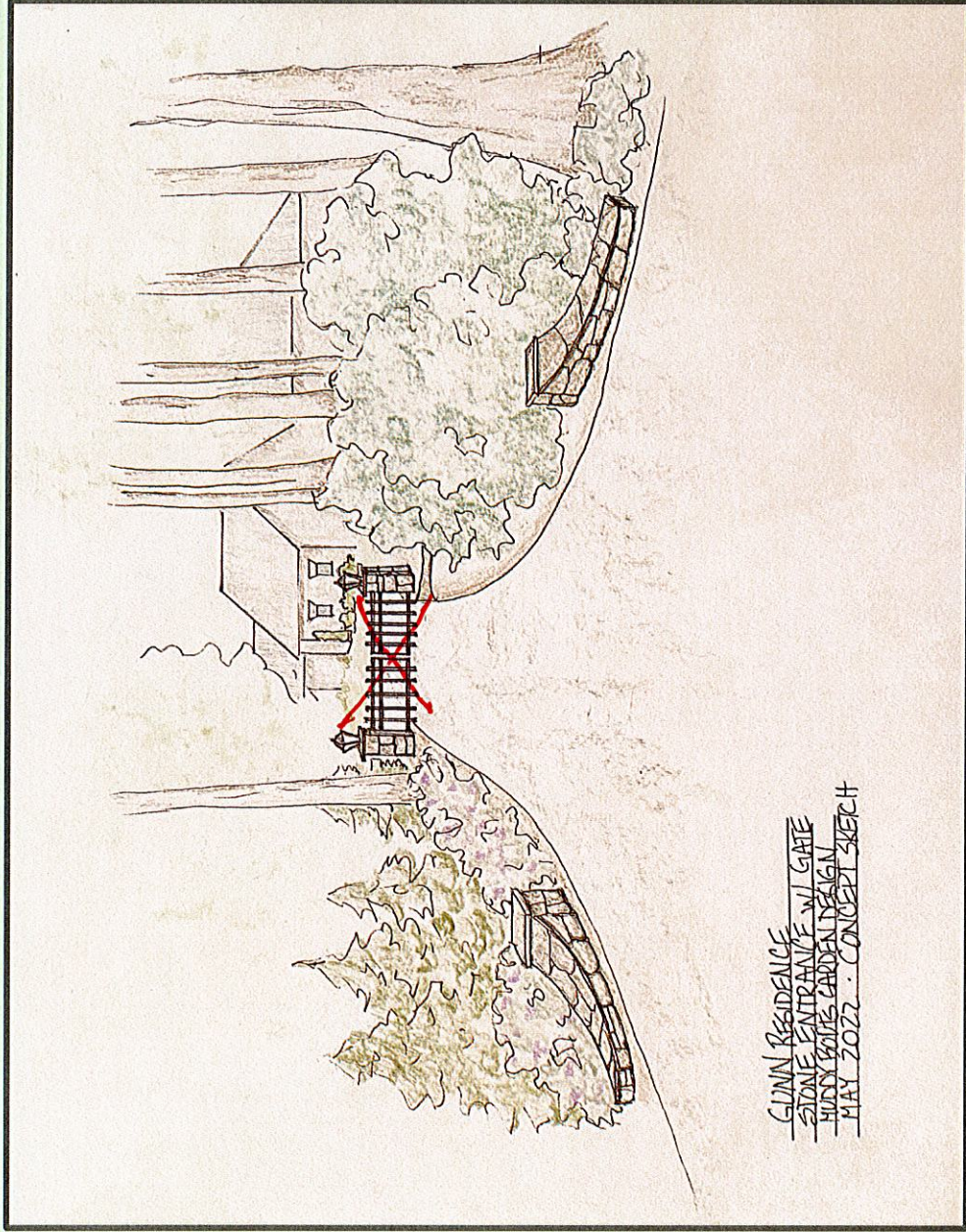
Signature

Date

9/2/2022



Gunn Residence
Entrance Garden
Driveway Treatment
Elevation Sketch



GUNN RESIDENCE
STONE ENTRANCE W/ GATE
HUNY BONES GARDEN DESIGN
MAY 2022 - CONCEPT SKETCH

Entrance Garden Stone Work

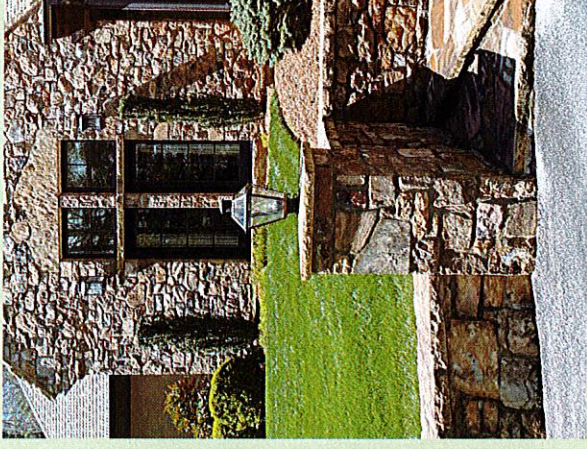
Each driveway entrance will have low stone walls starting with a 2.5' – 3' H x 2' square column and a curving wall tapering to finish at approximately 10" on the end

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)



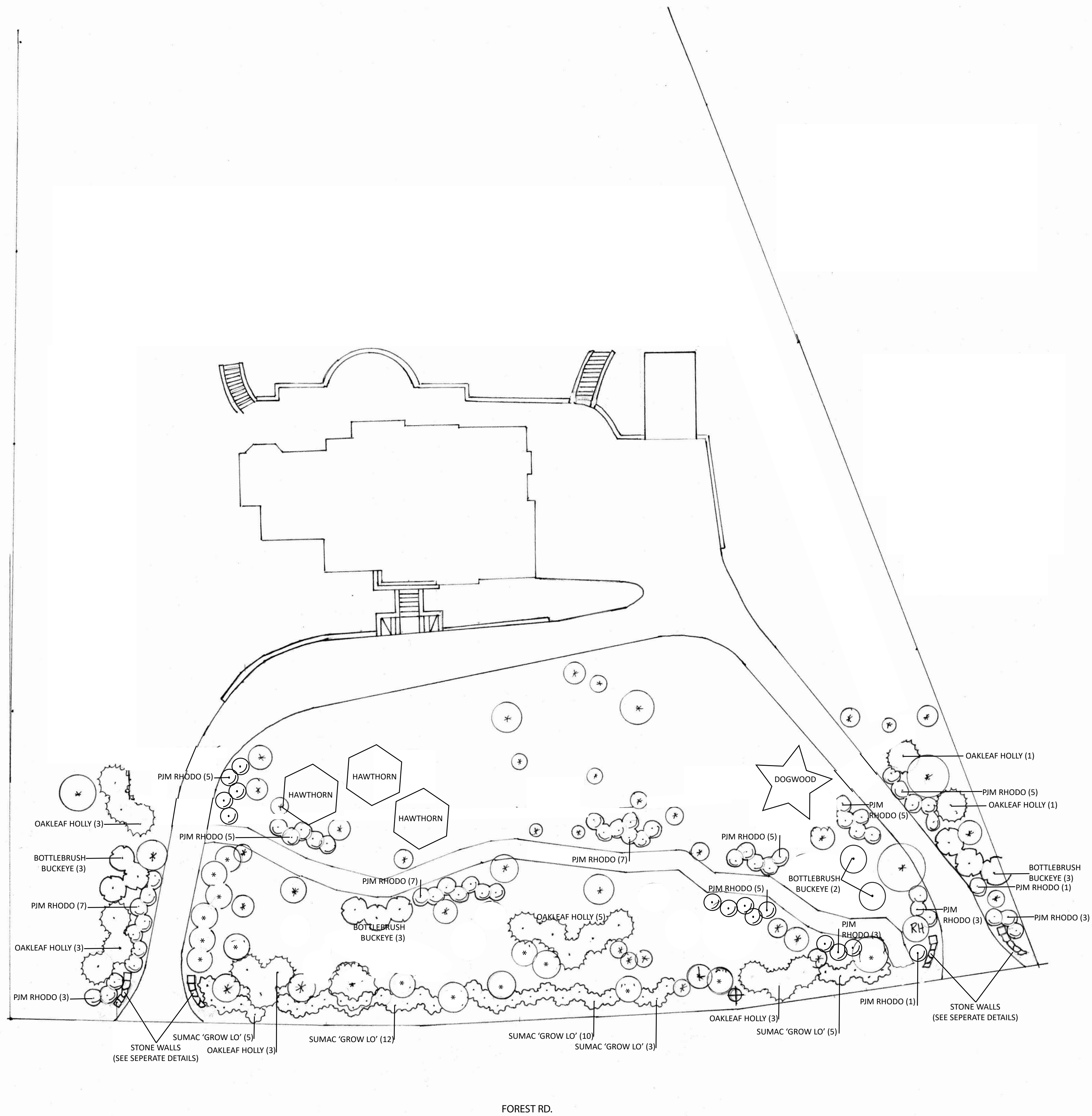
Existing Tapered Wall



Existing Column 2' sq

PLANT LIST & NOTES			
Common Name	Botanical Name	Quantity	Installed Size
Bottlebrush Buckeye	Aesculus parviflora	11	3 gal
Hawthorn	Crataegus viridis 'Winter King'	3	15 gal
Dogwood 'Cherokee Princess'	Cornus florida 'Cherokee Princess'	1	15 gal
Oakleaf Holly	Ilex x 'Oakleaf'	19	10 gal
PJM Rhododendron	Rhododendron 'PJM Group'	62	3 gal
Sumac 'Grow Lo'	Rhus aromatica 'Grow Lo'	35	3 gal

Planting Notes	
Prep work	(1) 1.5" caliper tree to be cut down, 8 - 10 large shrubs to be removed, designer to flag Grass to be removed on slope where Sumac will be planted Designer will work with crew to site plants
Amendment & Planting	Plants will be pocket planted with wide pits, 75% native soil + 25% AMY Planting Mix for backfill, Biotone
Watering	All plants will be well-watered in, homeowners responsible for ongoing watering
Mulch	All planting areas, plus 2' along either side of both driveways will get 3" double ground pine bark



Scale: 1" = 20'
Date: July 26, 2022
Page: 1 of 2

Gunn Residence
45 Forest Road
Biltmore Forest, NC 28803
Final Landscape Plan: Entrance Garden

3 Chestnut Mountain Ridge
Asheville, NC 28803
828.628.4922

Muddy Boots
GARDEN DESIGN

**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

(828) 274-1617

Email

bfcogs@aol.com

Parcel ID/PIN Number

9646-84-0971

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.583 acres

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

6220

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

12,062 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

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

10/1/2022

Estimated Completion Date

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

M. J. Singh

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.

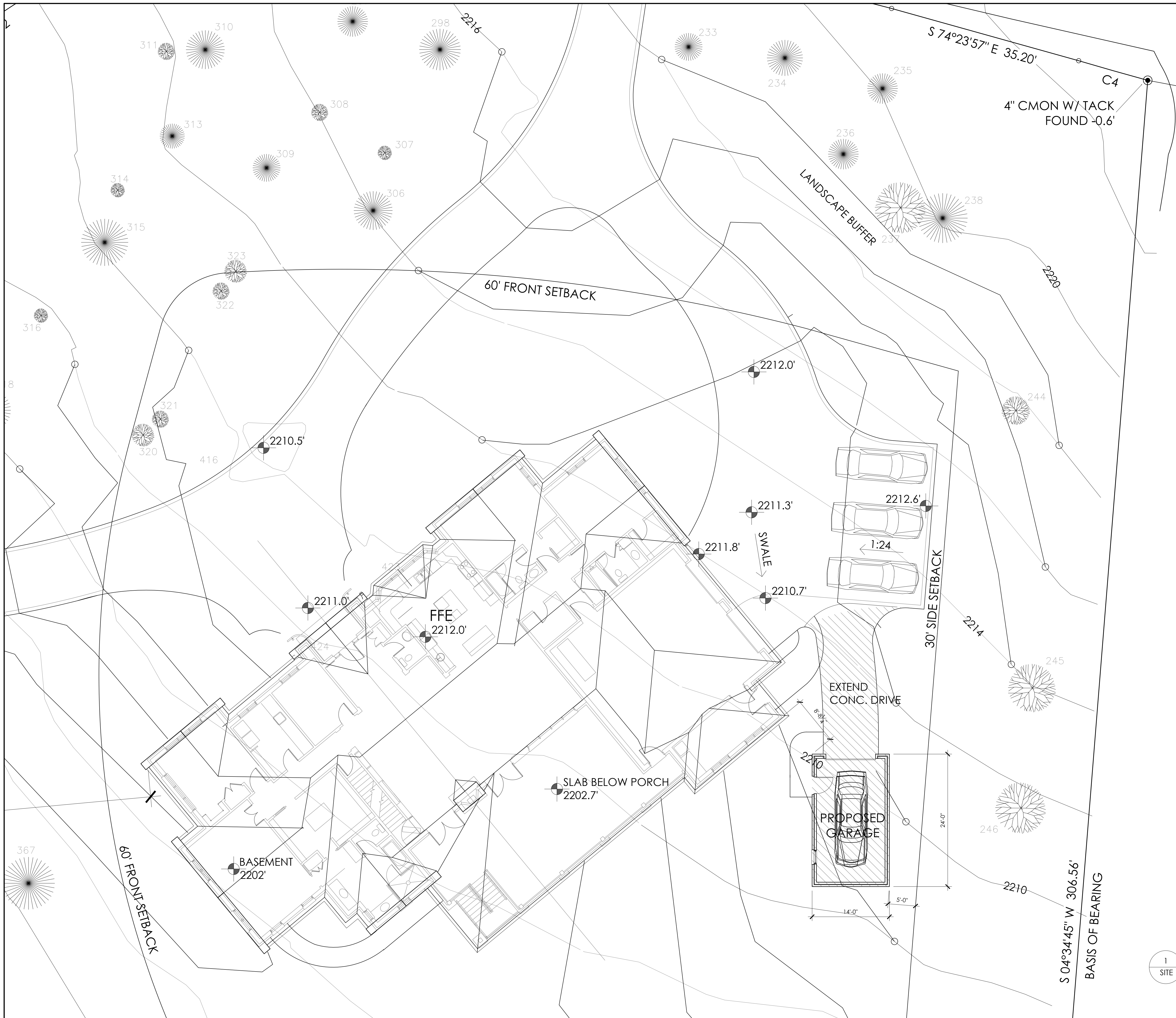
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Date

8/21/2022

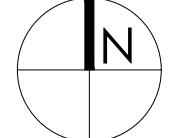
A handwritten signature in black ink, appearing to read "M. J. G. H.", written over a horizontal line. The signature is cursive and somewhat stylized.



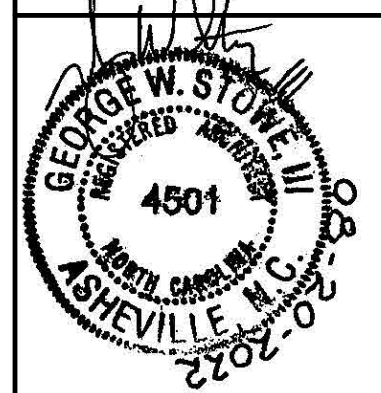
1
SITE

Partial Site Plan
Scale: 1/8" = 1'-0"

NOTE:
SITE PLAN BASED ON SURVEY BY MCABEE &
ASSOCIATES, DATED 02-16-2017
PIN: 9646-84-0971




GEORGE STOWE ARCHITECT
member, American Institute of Architects
184 East Chestnut Street • Asheville, NC 28801
ph 828-251-2357 • fax 828-225-0530
gstowearchitect@bellsouth.net
www.GeorgeStoweArchitect.com

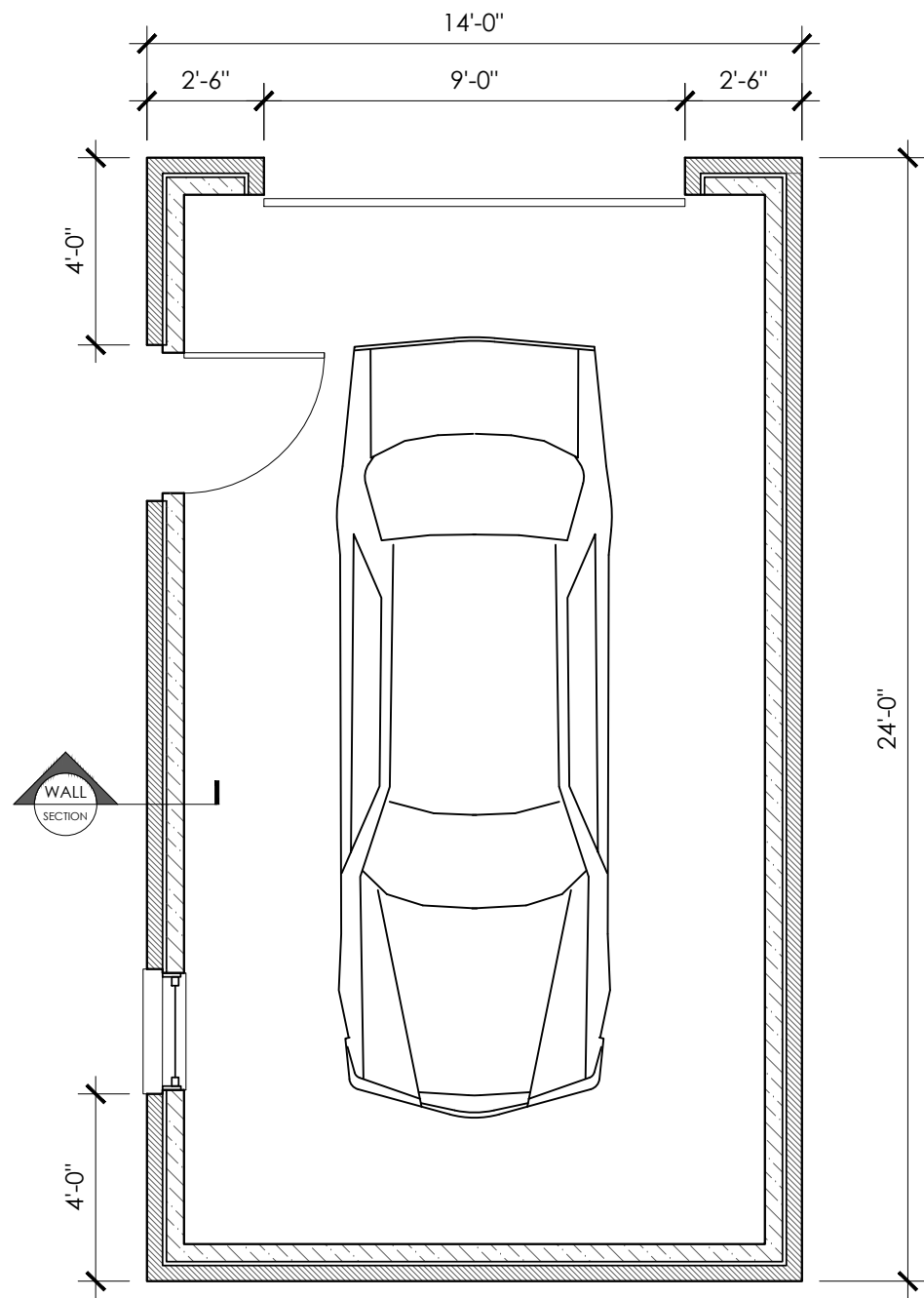


DATE:
08-20-2022

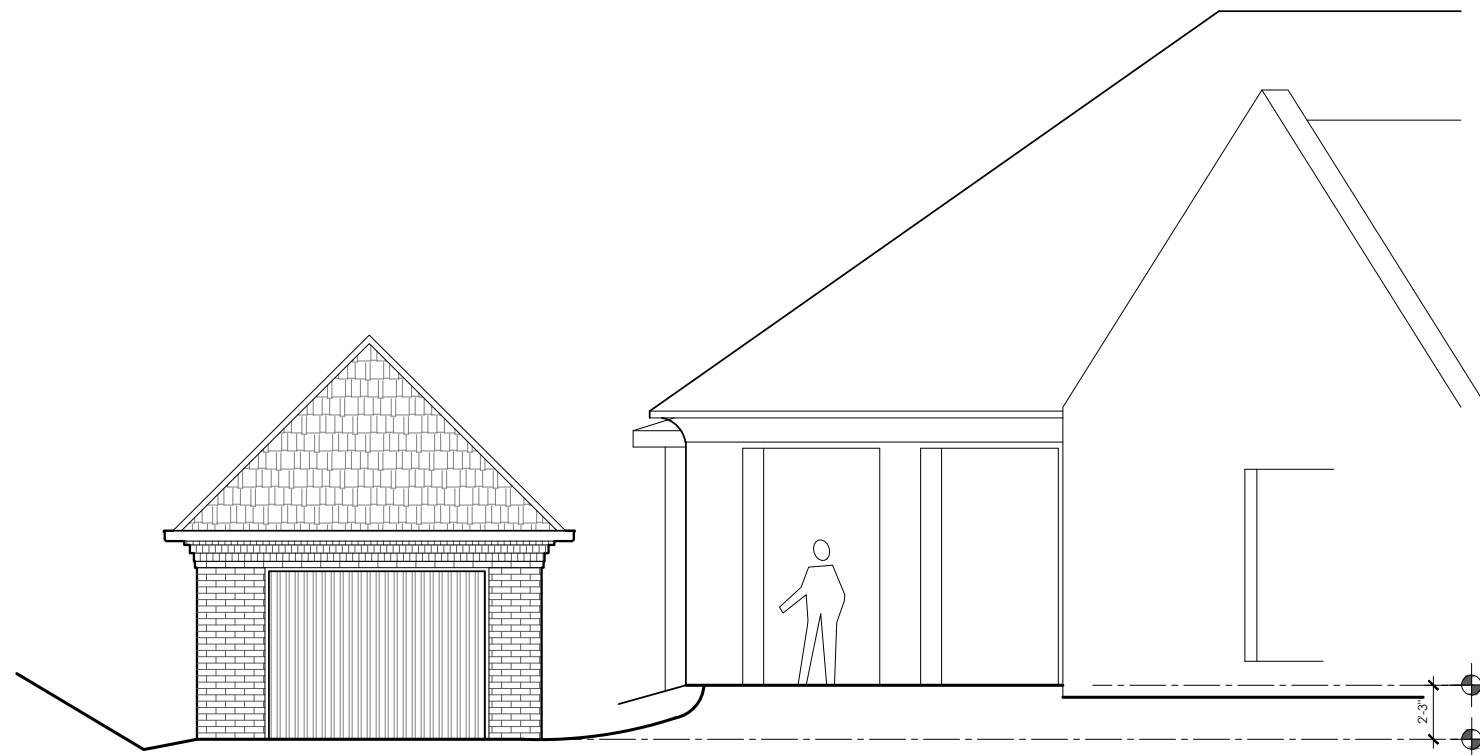
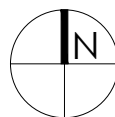
REVISIONS:

Proposed Accessory Garage for
COGBURN RESIDENCE
Hilltop Road
Blittmore Forest, NC

SITE



Main Level Plan
Scale: 1/4" = 1'-0"



North Elevation
Scale: 1/8" = 1'-0"



West Elevation
Scale: 1/4" = 1'-0"



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

Accessory Garage Building for
David and Gay Cogburn
 Hilltop Road
 Biltmore Forest

DATE:
 08-10-2022

12
12

"IRONSTONE" PORCELAIN TILE
ROOF SHINGLES, NOT SHOWN

ROOF WOOD TRUSS FRAMING
W/ 5/8" PLYWD ROOF DECK.

COPPER ROOF EDGE FLASHING

GUTTER SYSTEM TO MATCH EXISTING

5/4" x COMPOSITE WOOD EAVE

CONT. PERFORATED PTD. METAL EAVE VENT

3 COURSES CORBELED ROWLOCKS
+ 1 COURSE CORBELED STRETCHER

BRICK VENEER

1/2" THICK RIGID INSULATION

"TYVEK" WRAP FOR AIR INFILTRATION BARRIER

1/2" PLYWOOD SHEATHING

2" X 4" @16" C/C WOOD STUD FRAMING

R-13 F.G. INSULATION W/ VAPOR BARRIER

1/2" GYPSUM WALL BOARD

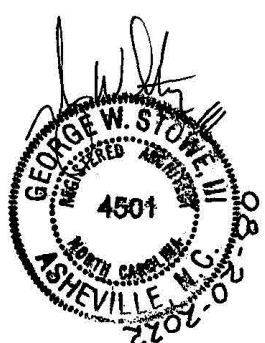
R-38 F.G. INSUL.
TYP. @ ATTIC

10"

9'-3 5/8"

9'-1 1/2"

CONC. FOOTING AS REQ'D



Wall Section
Scale: 1" = 1'-0"

DATE:
08-09-2022

Accessory Garage Building for
David and Gay Cogburn

Hilltop Road

Biltmore Forest

GEORGE STOWE • ARCHITECT
member, American Institute of Architects

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828-251-2357 • gstowearchitect@bellsouth.net

www.GeorgeStoweArchitect.com





DATE: 9/2/2022		NO.	DATE
DRAWN BY:			
CHECKED BY:			
SCALE: 1"=30'			
PROJECT:	COGBURN		
DRAWING:	PLANTING PLAN		
SHEET:	PLANTING PLAN		
OF			

LYNN PAKER	LANDSCAPE ARCHITECT 286 PEARSON DRIVE ASHEVILLE, NORTH CAROLINA 28814 LYNN.PAKER@GMAIL.COM 326.588.1725
RESIDENCE OF	
GAY & DAVID COGBURN	
32 HILLTOP ROAD	
ASHEVILLE, NORTH CAROLINA 28813	

NORTH CAROLINA PROFESSIONAL LANDSCAPE ARCHITECTS 739 LYNN PAKER	
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**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

R-1

Lot Size

72,310 sq ft

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

3,200 sq ft

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

6,500 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

16 ft

Description of the Proposed Project

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

Estimated Start Date

11/1/2022

Estimated Completion Date

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

Applicant Signature

Date
8/19/2022

James Rujan

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 is 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



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 borders 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 is 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. Rugan

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NOTES

1) CHAIN LINK FENCE BARRIER AND GATES WILL BE COMPLIANT WITH 2018 NORTH CAROLINA RESIDENTIAL CODE, SECTION AV105.2

Custom Backyard Retreat with Swimming Lane

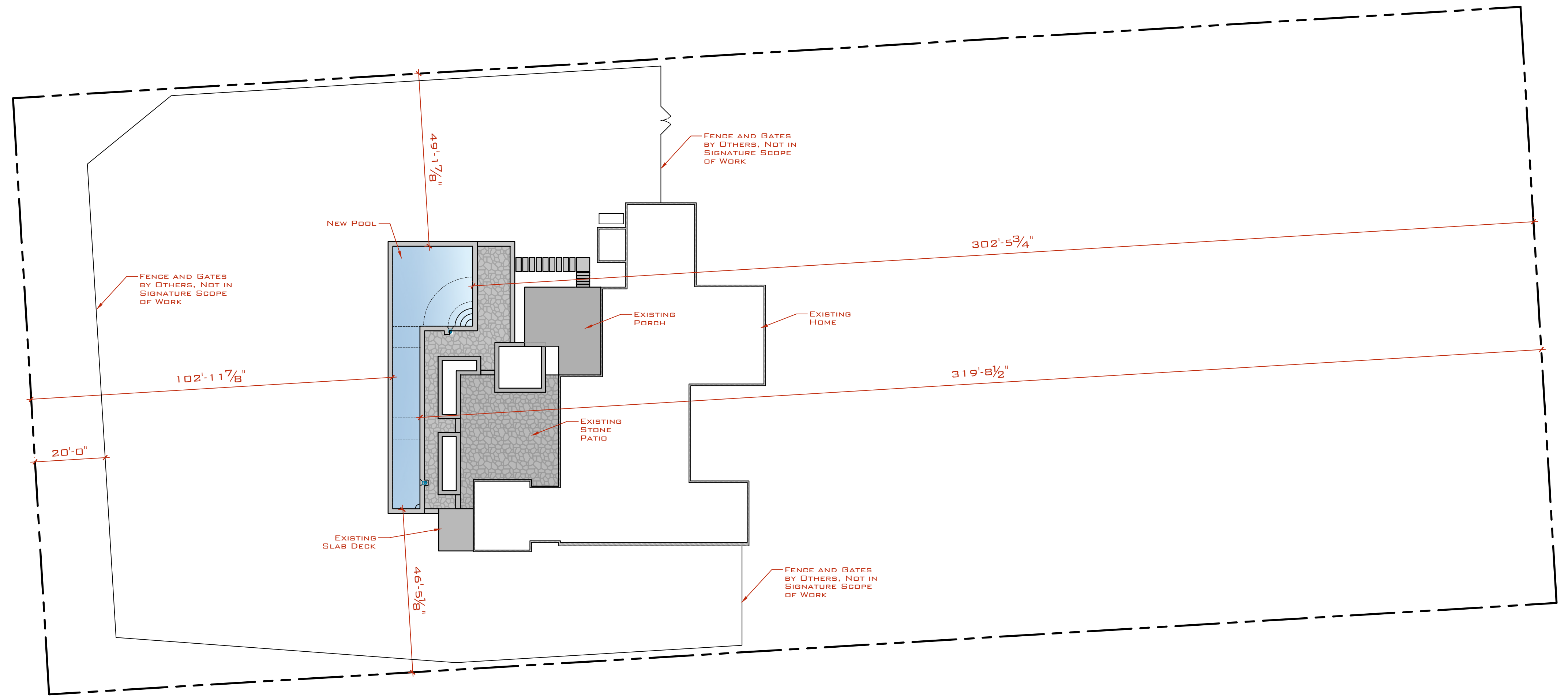
PREPARED FOR
Jim & Megan Dugan

PROJECT LOCATION
327 Vanderbilt Road
Asheville, NC 28803

SIGNATURE

Signature, LLC. 1 (864) 991.8020 Office
781 Congaree Rd. 1 (864) 551.2421 Fax
Greenville, SC 29607
office@Signature-LLC.com www.Signature-LLC.com

01 EXISTING CHAIN LINK FENCE W/ GATE
N.T.S.



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			
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12			
13			

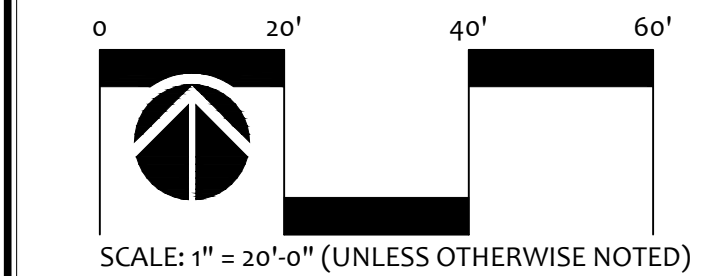
CLIENT PROJECT #: 1
FIRM PROJECT #: 220317

DR BY: SP RELEASE DATE: 08/05/2022
AP BY: CD REVISION DATE: 08/19/2022

Call 811 at least 72 hours prior to breaking ground, excluding weekends and legal holidays to connect you to the correct local "Call Before You Dig" Center.

Know what's below. Call before you dig.

Site Plan S1
Page 1 of 1



02 SITE PLAN
1" = 20'-0"

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Custom Backyard Retreat with Swimming Lane

PREPARED FOR
Jim & Megan Dugan

PROJECT LOCATION
327 Vanderbilt Road
Asheville, NC 28803

SIGNATURE

Signature, LLC. 1 (864) 991.8020 Office
781 Congaree Rd. 1 (864) 551.2421 Fax
Greenville, SC 29607
office@Signature-LLC.com www.Signature-LLC.com

REVISIONS

#	DATE	DESCRIPTION	BY
0	08/04/2022	Review Set	SP
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

CLIENT PROJECT #: 1
FIRM PROJECT #: 220317

DR BY: SP RELEASE DATE: 08/04/2022
AP BY: CD REVISION DATE: 08/04/2022

Call 811 at least 72 hours prior to breaking ground, excluding weekends and legal holidays to connect you to the correct local "Call Before You Dig" Center.

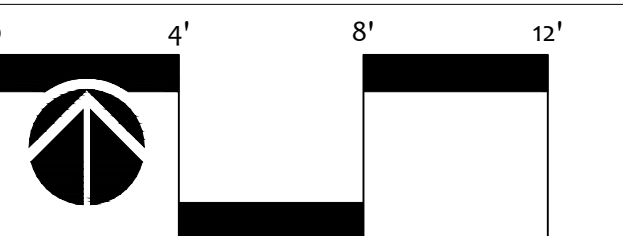


Know what's below.
Call before you dig.

Master Plan

L2

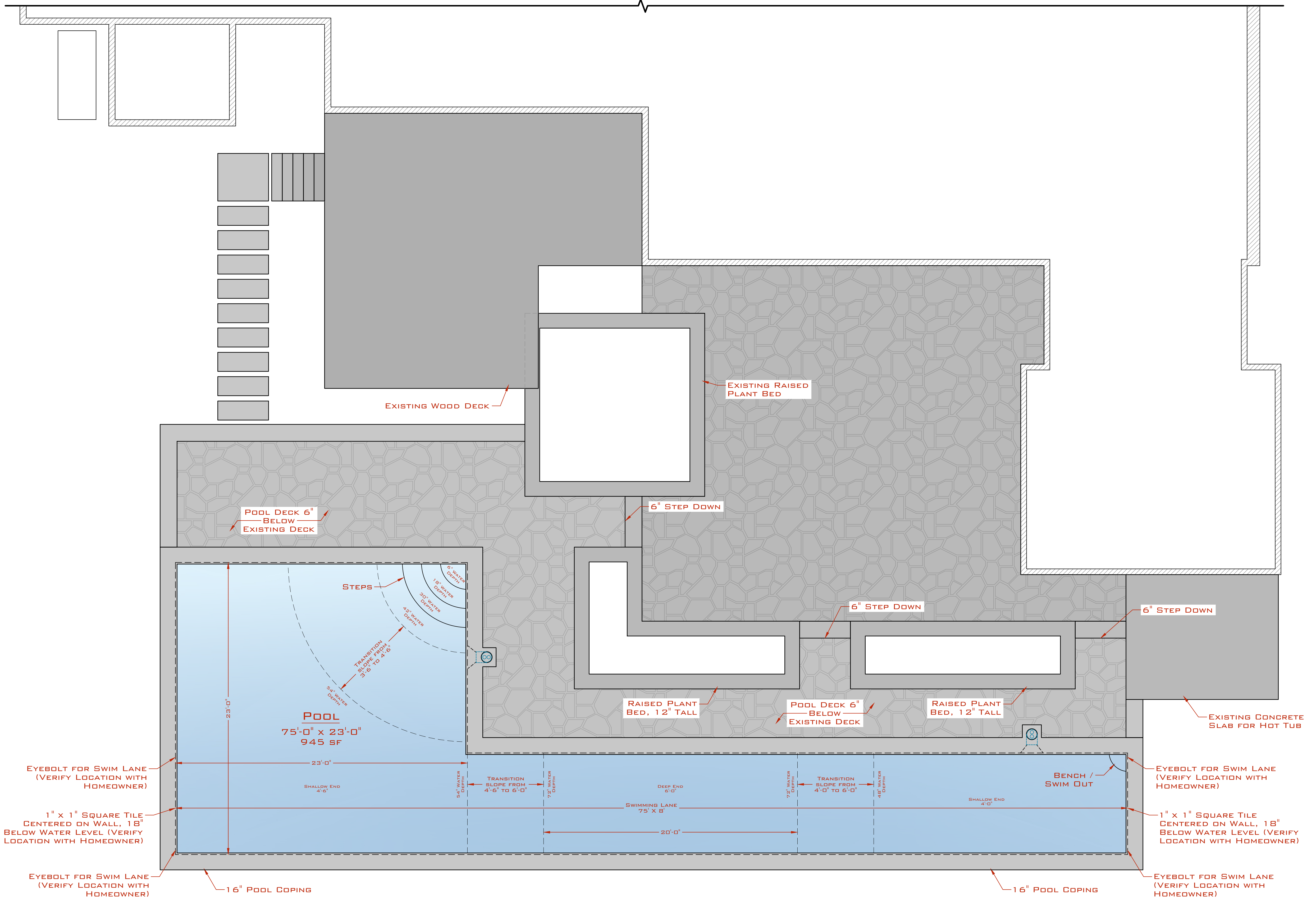
Page 2 of 5



SCALE: 1/4" = 1'-0" (UNLESS OTHERWISE NOTED)

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FINISH MATERIAL LIST

ITEM	FINISH	ITEM	FINISH
PLASTER		POOL SKIMMER COLOR	
COPING		POOL FITTINGS COLOR	
COPING MORTAR		OVERFLOW COLOR	
WATERLINE TILE		POOL MAIN DRAIN COLOR	
WATERLINE TILE GROUT			

01 MASTER PLAN
1/4" = 1'-0"

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Sean Phelan