



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: September 12, 2025
Re: **Board of Adjustment Meeting – September 22, 2025**

Applicants:

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

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

Neighbors:

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

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

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

Additional information regarding the meeting will be provided on the Town's website no later than September 18, 2025.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, September 22, 2025 at 4:00 p.m. at the Biltmore Forest Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

1. The meeting will be called to order and roll call taken.
2. The minutes of the August 18, 2025 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: Lot #11 Cedar Hill Drive Parcel 9646-54-0152-New Construction Review and Variance for accessory structures in the front yard.

Site visit: 3:20 pm

Case 2: 7 Brookside Road- Special Use Request for an accessory building(garage) in the rear yard. This matter was tabled from last month's Board of Adjustment meeting.

Site Visit: 3:45

MINUTES OF THE BOARD OF ADJUSTMENT
MEETING HELD MONDAY, AUGUST 18, 2025

The Board of Adjustment met at 4:00 p.m. on Monday, August 18, 2025

Chairman Greg Goosmann, Ms. Lynn Kieffer, Mr. Robert Chandler, Ms. Rhoda Groce, Ms. Martha Barnes, and Ms. Janet Whitworth were present. Mr. Tony Williams, Town Planner was present, and Mr. Jonathan Kanipe(present via Zoom). Mr. Robert Chandler and Town Attorney Mr. Billy Clarke were not present.

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

Ms. Martha Barnes made a motion to approve the minutes from the July 28th, 2025 meeting. Ms. Janet Whitworth seconded the motion and was unanimously approved.

Chairman Goosmann swore in the following:

Mr. Tony Williams

Mr. Jonathan Kanipe

Mr. Nick Anagnostopoulos

Ms. Maria Anagnostopoulos

Mr. David Yow

Mr. Adam Carter

Mr. Taylor Sword

Mr. Steven Lee Johnson

HEARING (Evidentiary):

Town Planner Tony Williams presented the following facts: The property owner at 7 Brookside Road is presenting plans to add an accessory building in the rear yard. The proposed structure would be a 750 square foot garage apartment that meets the location and setback requirements. All accessory buildings within Town require a Special Use Permit for approval.

The applicants stated that when trees hit their house during a storm, they converted their garage into a bedroom and bathroom. The proposed garage apartment would provide space for vehicles and lawn equipment on the first floor, with living space for family members above.

Ms. Lynn Keefer noted that the board had received two letters from neighboring properties expressing concerns about the project. She mentioned that during the site visit, they observed that while the proposed structure would be within the required setbacks, it would be highly visible to neighboring properties due to its height and location at the highest point on the property.

The board expressed concerns about the structure's visibility, height, and potential impact on neighboring properties. Board members suggested alternatives including:

1. Moving the structure closer to the main house to reduce its visual impact
2. Lowering the grade to reduce the overall height
3. Potentially redesigning it as a single-story structure

Two neighbors, Mr. David Yow (from 57 Hilltop Road) and Mr. Adam Carter (from 59 Hilltop Road), spoke at the meeting. They expressed concerns about:

- The two-story design in a neighborhood of primarily single-story ranchers
- The placement at the highest elevation point maximizing visual impact
- Headlights from the driveway potentially shining into their homes
- The size and scale not being in harmony with the neighborhood character

After considerable discussion, the applicant decided to withdraw the application temporarily to revise the plans and address the concerns raised.

DELIBERATION AND DETERMINATION:

The application was withdrawn by the applicant with plans to submit revised plans for consideration at the September 22nd, 2025 meeting.

HEARING (Evidentiary):

Mr. Tony Williams presented the following facts: The property owner at 47 Forest Road was presenting plans for multiple wall accessory structures within the front yard. The first proposed retaining wall would be approximately 4 feet tall, 105 linear feet, and located within the front yard. The second wall would be 5 feet tall, 76 linear feet, and also located within the front yard, but located within the side setback as well. The application did not meet the requirements for location and setbacks for accessory structures and therefore required a variance.

Mr. Steven Lee Johnson, landscape architect for Janet and Taylor Sword, explained that the project included a small but impactful architectural renovation and addition, which includes a new front porch and bedroom, as well as additions to an existing back porch. The primary scope of the project as it impacts the neighborhood is to reconstruct and realign their driveway.

The goals of the project were to:

1. Create a more pleasing entry to the property
2. Remove the existing steep asphalt drive

3. Provide needed guest parking at the front door
4. Provide a long-term planned maintenance solution and planting solution for an area that used to be fully wooded and is now in full sun

Ms. Janet Wentworth noted that she and her husband were business partners with Taylor Sword but would still be able to vote.

Ms. Lynn Keefer mentioned that during the site visit, they observed that the longer wall in front of the house would have buffering on both the backside (where cars park) and the front side (facing Forest Road). It was also noted that the applicants had discussed the project with their neighbor, particularly regarding the boulder wall planned for the side area between the two properties, and the neighbor was in agreement with the plan.

No objections were raised by board members or the public.

DELIBERATION AND DETERMINATION:

Ms. Lynn Kieffer moved that a Variance as requested be granted to Janet and Taylor Sword of 47 Forest Road and that the facts as recited by Tony Williams and his summation be accepted as findings of fact to support this grant. The board has inspected the site, and no neighboring property owner has objected. Further, she moved the board to find that granting this variance satisfied the applicable section of 153.110(d) paragraphs 1, 3, 4 would not be contrary to the public interest, owing to special condition, a literal enforcement of the provisions of this ordinance would, in this case, result in practical difficulty or unnecessary hardship. She further moved the board to find that the spirit of the ordinance would be observed, public safety and welfare secured, and substantial justice done. The applicant must report to the zoning administrator within 7 days of completion of the project in order that the zoning administrator can determine that the project has been completed in accordance with plans submitted to the town. The motion was seconded by Rhoda Gross. The motion passed unanimously with all members voting "aye."

The meeting was adjourned with the next board meeting scheduled for Monday, September 22, 2025.

The next meeting is scheduled for Monday, September 22nd, 2025 at 4 pm.

The meeting was adjourned at pm.

ATTEST:

Greg Goosmann, Chairman

Laura Jacobs, Town Clerk

[illegible]

NOTES:

- 1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.U.M.45700046001. EFFECTIVE DATE: JANUARY 6, 2010.
- 2) PROPERTY SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- 3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
- 4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 5) AREA BY COORDINATE COMPUTATION.
- 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- 7) SUBJECT PROPERTY IS ZONED R-11 PER THE TOWN OF BILTMORE FOREST ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

BUILDING SETBACKS (PER R-1 CLASSIFICATION):
FRONT = 60'
SIDE = 20'
REAR = 25'

REFERENCES:

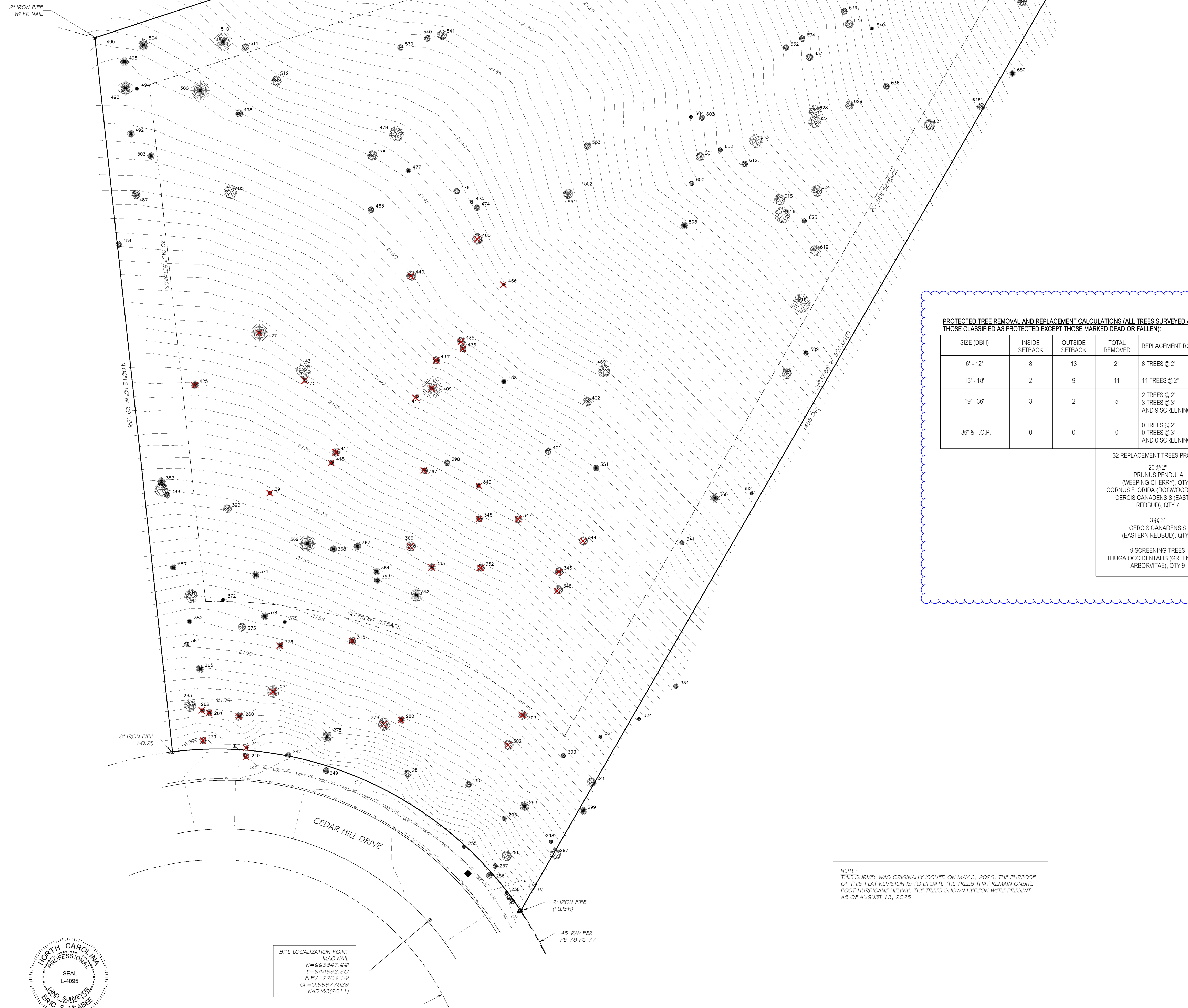
DB 6395 PG 1433
FD 70 PG 77

LEGEND & ABBREVIATIONS:

- FD = PLAT BOOK
DB = DEED BOOK
PG = PAGE
RW = RIGHT OF WAY
PIN = PARCEL IDENTIFICATION NUMBER
O = CALCULATED POINT
(NOT MARKED IN FIELD)
● = RECOVERED BOUNDARY MONUMENT
(SIZE AND TYPE AS NOTED)
● = #4 REBAR WITH MCABEE ID CAP SET
● = GAS MARKER
● = SANITARY SEWER CLEANOUT
● = SANITARY SEWER MANHOLE
● = TELECOMMUNICATIONS SERVICE PEDESTAL
● = TRANSFORMER
--- = UNDERGROUND ELECTRIC LINE
--- = UNDERGROUND TELEPHONE LINE
--- = WATER LINE
● = WATER METER

REFERENCES:

DB 6395 PG 1433
FD 70 PG 77



| PROPERTY CURVE TABLE | | | | |
|----------------------|--------|------------|---------------|--------------|
| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
| C1 | 140.92 | 143.76 | N 69°29'48\" | 155.63 |

PROTECTED TREE REMOVAL AND REPLACEMENT CALCULATIONS (ALL TREES SURVEYED ARE THOSE CLASSIFIED AS PROTECTED EXCEPT THOSE MARKED DEAD OR FALLEN):

| SIZE (DBH) | INSIDE SETBACK | OUTSIDE SETBACK | TOTAL REMOVED | REPLACEMENT RMT |
|--|----------------|-----------------|---------------|---|
| 6\" - 12\" | 8 | 13 | 21 | 8 TREES @ 2\" |
| 13\" - 18\" | 2 | 9 | 11 | 11 TREES @ 2\" |
| 19\" - 36\" | 3 | 2 | 5 | 2 TREES @ 2\" 3 TREES @ 3\" AND 9 SCREENING TREES |
| 36\" & T.O.P. | 0 | 0 | 0 | 0 TREES @ 2\" 0 TREES @ 3\" AND 0 SCREENING TREES |
| 32 REPLACEMENT TREES PROVIDED | | | | |
| 20 @ 2\" | | | | |
| PRUNUS PENDULA (WEeping CHERRY), QTY 6 | | | | |
| CORNUS FLORIDA (DOGWOOD), QTY 7 | | | | |
| CERCIS CANADENSIS (EASTERN REDBUD), QTY 7 | | | | |
| 3 @ 3\" | | | | |
| CERCIS CANADENSIS (EASTERN REDBUD), QTY 3 | | | | |
| 9 SCREENING TREES | | | | |
| THUGA OCCIDENTALIS (GREEN GIANT ARBORVITAE), QTY 9 | | | | |

TREE TABLE

| TREE NO. | SPECIES & SIZE | TREE NO. | SPECIES & SIZE |
|----------|----------------|----------|----------------|
| 239 | Poplar 10 | 476 | Maple 16 |
| 240 | Poplar 10 | 478 | Red Oak 24 |
| 241 | Birch 6 | 479 | Red Oak 24 |
| 242 | Poplar 10 | 485 | Poplar 23 |
| 243 | Poplar 10 | 487 | Red Oak 14 |
| 244 | Poplar 10 | 492 | White Pine 12 |
| 245 | Poplar 12 | 493 | White Pine 24 |
| 246 | Poplar 10 | 494 | White Pine 6 |
| 247 | Poplar 10 | 495 | White Pine 14 |
| 248 | Poplar 10 | 496 | Maple 12 |
| 249 | Maple 6 | 500 | White Pine 32 |
| 250 | White Pine 14 | 503 | White Pine 12 |
| 251 | White Pine 10 | 504 | White Pine 18 |
| 252 | White Pine 8 | 510 | White Pine 30 |
| 253 | Red Oak 20 | 511 | Maple 12 |
| 254 | White Pine 14 | 512 | Maple 16 |
| 255 | White Pine 20 | 526 | Sourwood 8 |
| 256 | White Pine 18 | 527 | White Pine 12 |
| 257 | White Pine 10 | 532 | Sourwood 10 |
| 258 | White Pine 12 | 533 | Maple 10 |
| 259 | Maple 10 | 539 | Maple 10 |
| 260 | White Pine 16 | 540 | Maple 10 |
| 261 | White Pine 16 | 541 | White Oak 16 |
| 262 | White Oak 16 | 551 | Maple 16 |
| 263 | Black Gum 8 | 553 | Sourwood 12 |
| 264 | Sourwood 6 | 561 | White Oak 26 |
| 265 | White Pine 6 | 562 | Sourwood 16 |
| 266 | Sourwood 6 | 563 | White Oak 10 |
| 267 | White Oak 14 | 564 | White Oak 16 |
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NOTE:
THIS SURVEY WAS ORIGINALLY ISSUED ON MAY 3, 2025. THE PURPOSE OF THIS PLAT REVISION IS TO UPDATE THE TREES THAT REMAIN ON-SITE POST-HURRICANE HELEN. THE TREES SHOWN HEREON WERE PRESENT AS OF AUGUST 13, 2025.

ORIGINAL DATE: 5-3-2025
REVISION DATE: 8-13-2025
PROJECT # 14319
DRAWING # G-24-0033
DRAWN BY: ESM
SCALE: 1"=20'

BOUNDARY AND TOPOGRAPHIC SURVEY OF THE PROPERTY OF:
CHRISTIAN & KAREN DIRX
(BEING ALL OF LOT 11 - BLOCK W - BILTMORE FOREST)

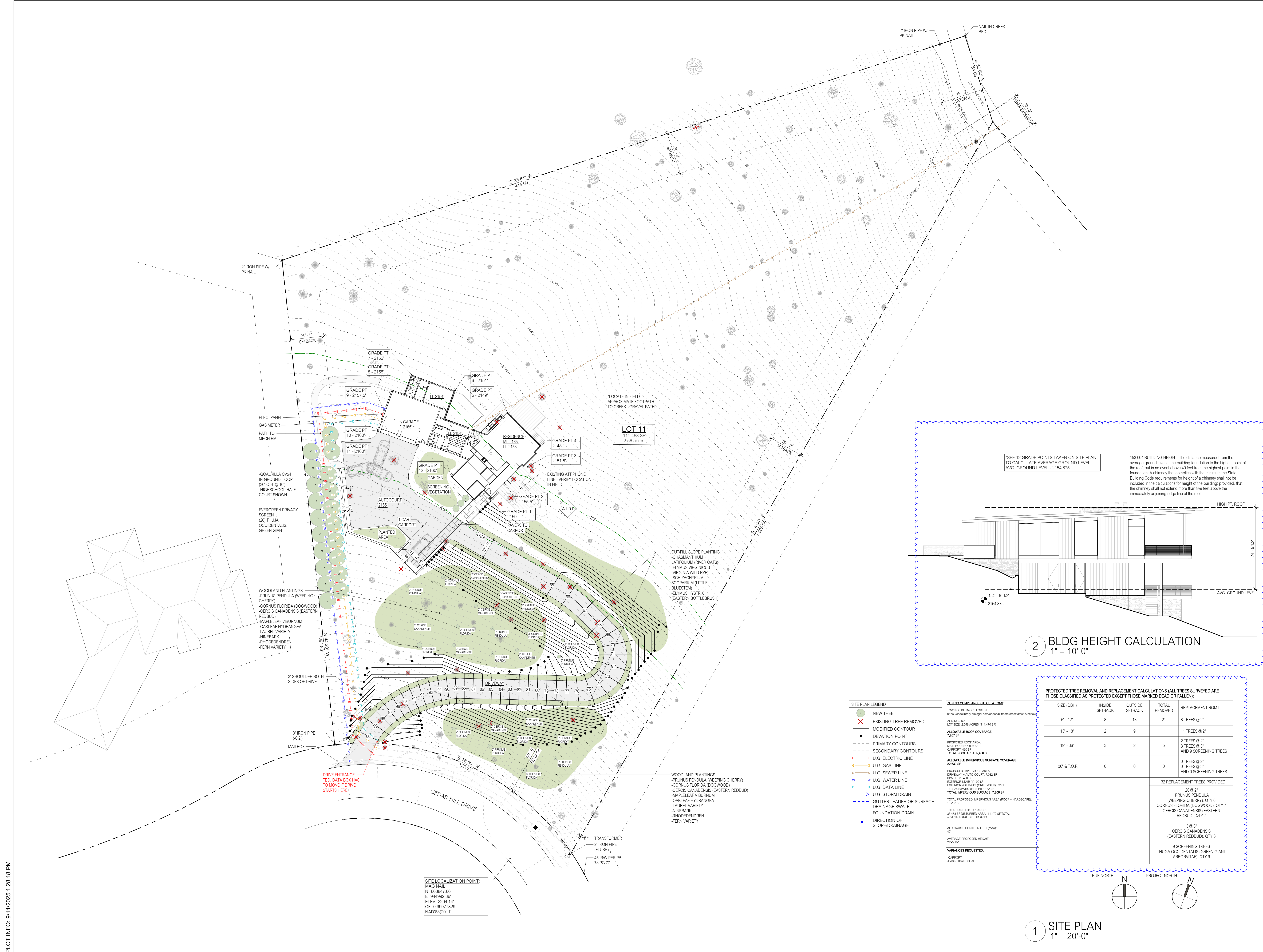
BY: ESM
DESCRIPTION: UPDATE TREE SURVEY
DATE: 8/13/25
NO. 1

MCABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING
Eric S. McAbee, PLS
J. Barry West, PLS
Telephone (828) 628-1284
Fax (828) 628-1285
3 McAbee Trail - Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-684

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NOT FOR CONSTRUCTION

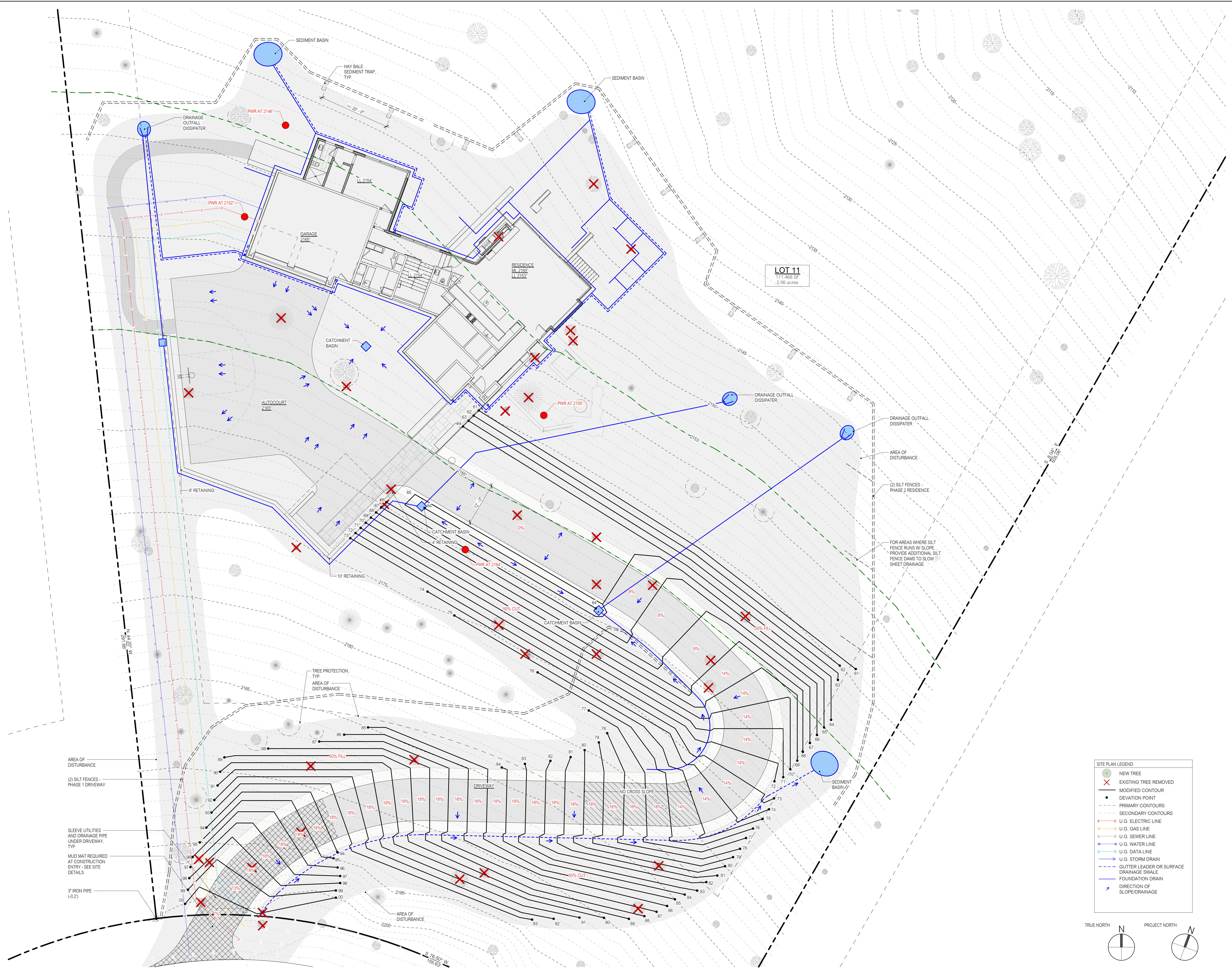
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CARLTON EDWARDS



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1 GRADING PLAN
1" = 10'-0"

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NOT FOR CONSTRUCTION

24.04

LOWER LEVEL PLAN

A2.04

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1 LOWER LEVEL PLAN
1/4" = 1'-0"

[illegible]

2000

| PROJECT NAME AND LOCATION |
|---|
| 1. Project Name: [Project Name] |
| 2. Location: [Location] |
| 3. Project Description: [Project Description] |
| 4. Project Objectives: [Project Objectives] |
| 5. Project Budget: [Project Budget] |
| 6. Project Timeline: [Project Timeline] |
| 7. Project Risks: [Project Risks] |
| 8. Project Status: [Project Status] |
| 9. Project Manager: [Project Manager] |
| 10. Project Sponsor: [Project Sponsor] |
| 11. Project Stakeholders: [Project Stakeholders] |
| 12. Project Deliverables: [Project Deliverables] |
| 13. Project Milestones: [Project Milestones] |
| 14. Project Risks: [Project Risks] |
| 15. Project Status: [Project Status] |
| 16. Project Manager: [Project Manager] |
| 17. Project Sponsor: [Project Sponsor] |
| 18. Project Stakeholders: [Project Stakeholders] |
| 19. Project Deliverables: [Project Deliverables] |
| 20. Project Milestones: [Project Milestones] |

DIRX RESIDENCE LOT #11
CEDAR HILL DRIVE
LTMORE FOREST, NC 28803

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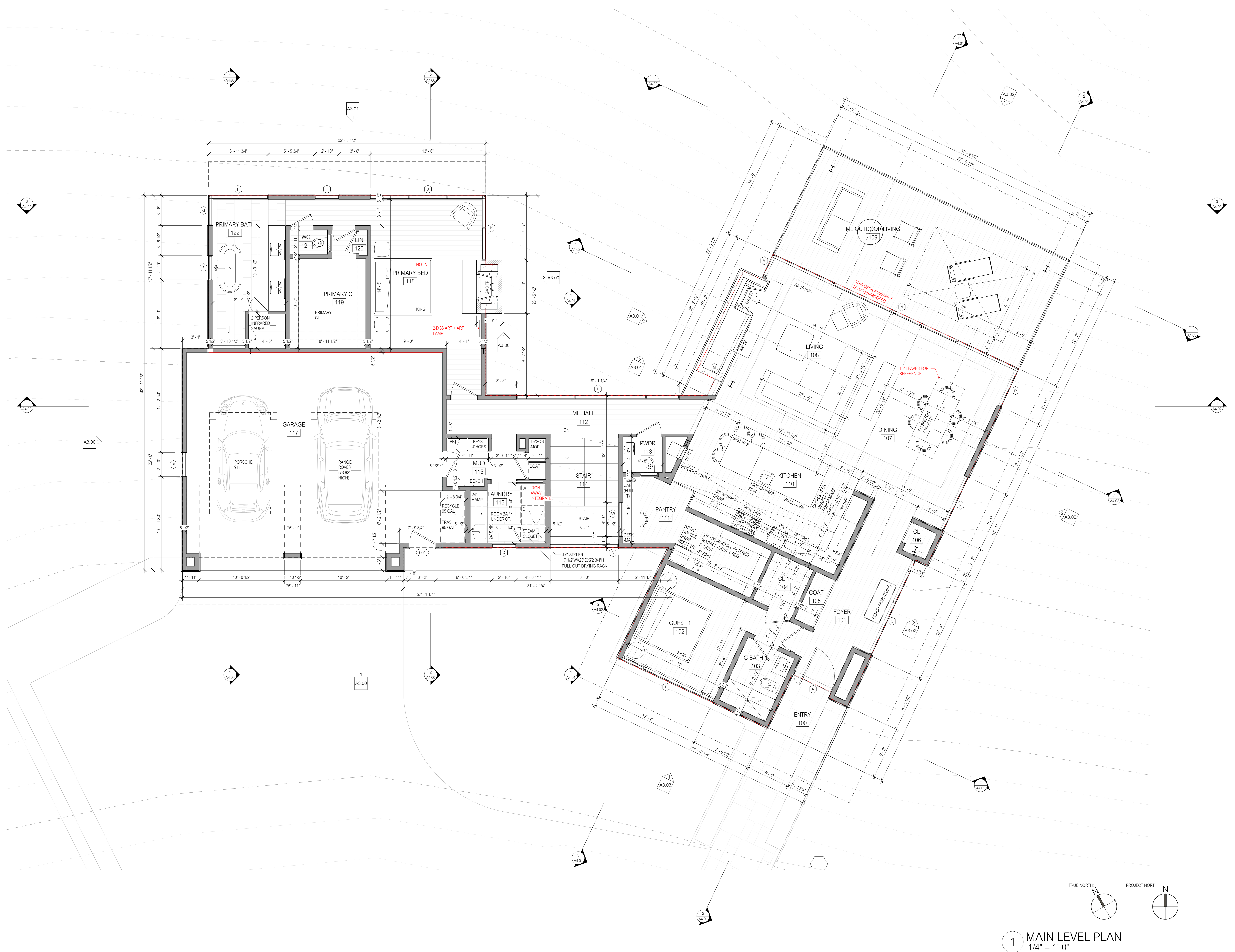
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2025-09-11

MAIN LEVEL PLAN

A2.05

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NOT FOR CONSTRUCTION

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|---------------------------|
| PROJECT NAME AND LOCATION |
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DIRX RESIDENCE LOT #11
CEDAR HILL DRIVE
BILTMORE FOREST, NC 28803

PROJECT NUMBER

24.04

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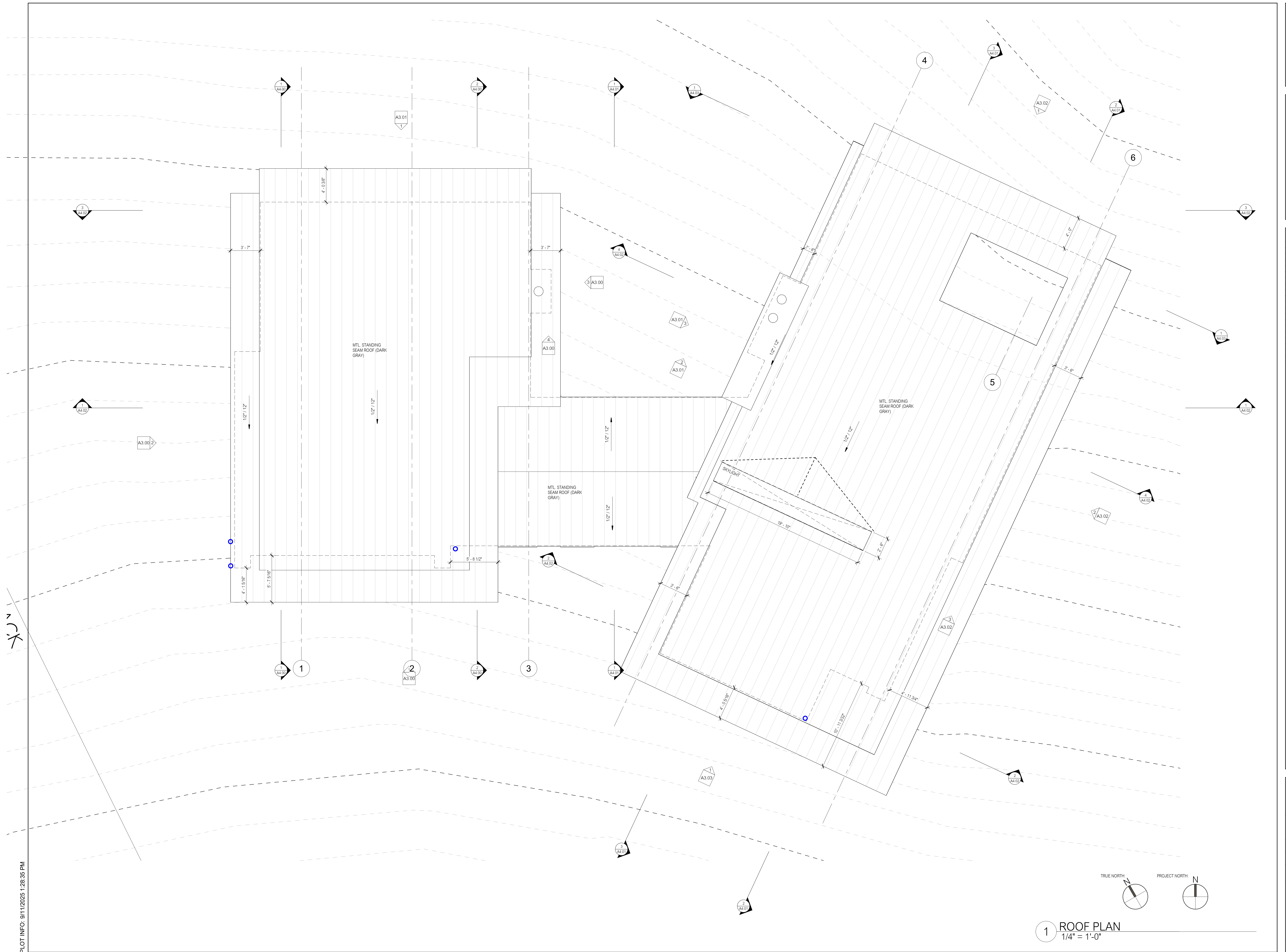
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| DATE: 2025-09-11 | |

ROOF PLAN

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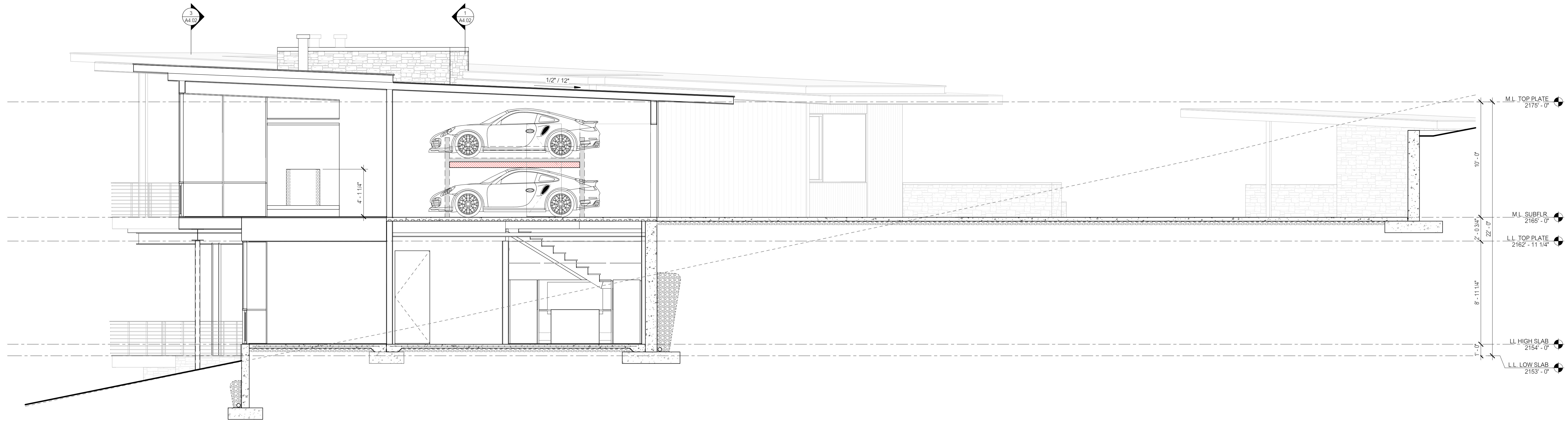
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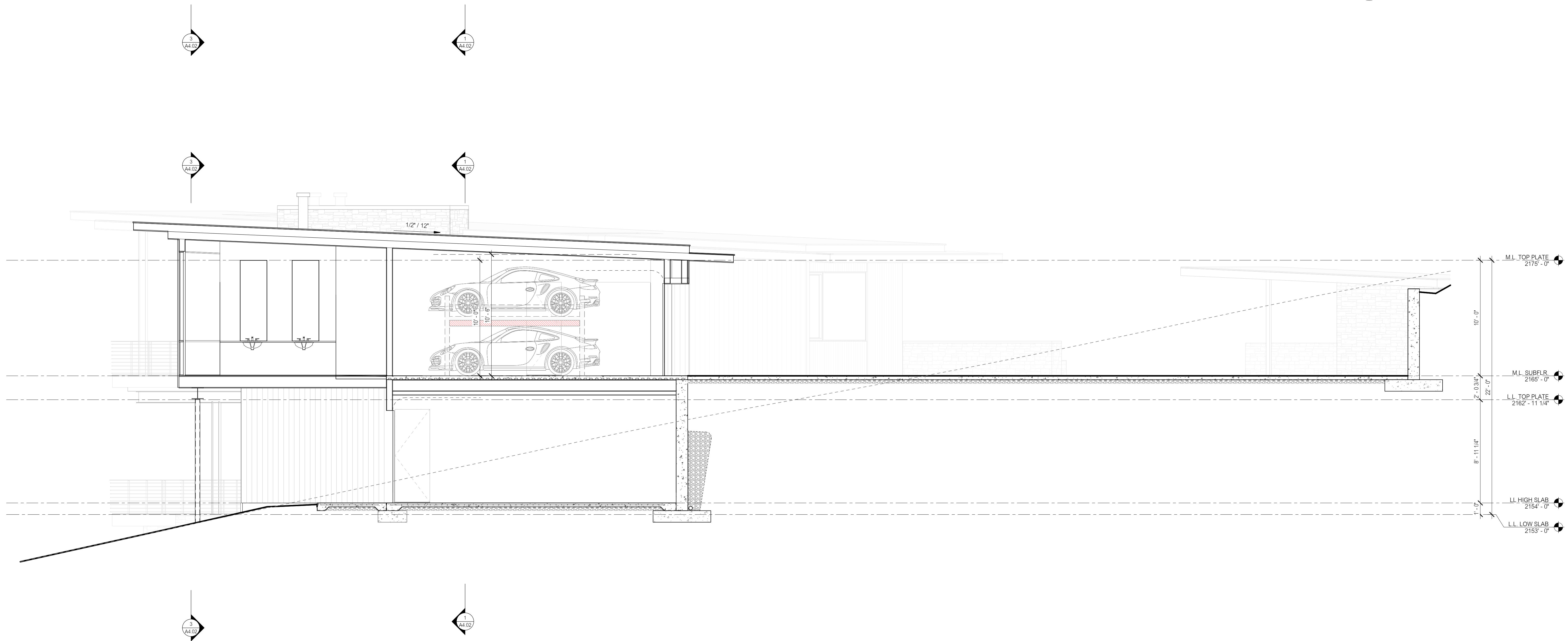
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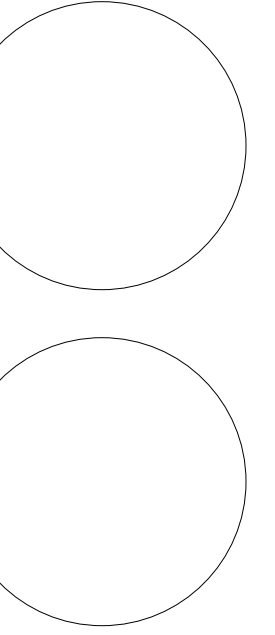
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| CHECKED BY | Checker |
| DESIGN DEVELOPMENT | |
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| COPYRIGHT © 2025 CARLTON EDWARDS | |



2 N-S SECTION - P. BED AND GARAGE
1/4" = 1'-0"



1 N-S SECTION - P. BATH AND GARAGE
1/4" = 1'-0"

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2000

PROJECT NAME AND LOCATION

DIRX RESIDENCE LOT #11
CEDAR HILL DRIVE
LTMORE FOREST, NC 28803

PROJECT NUMBER

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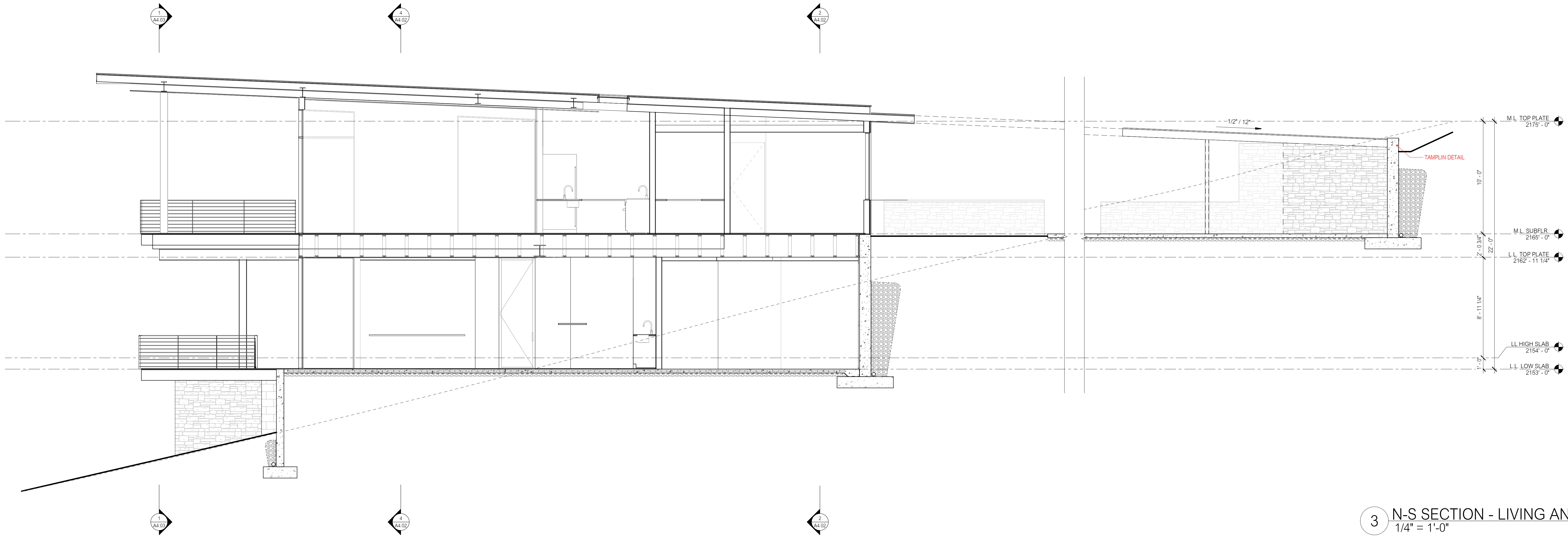
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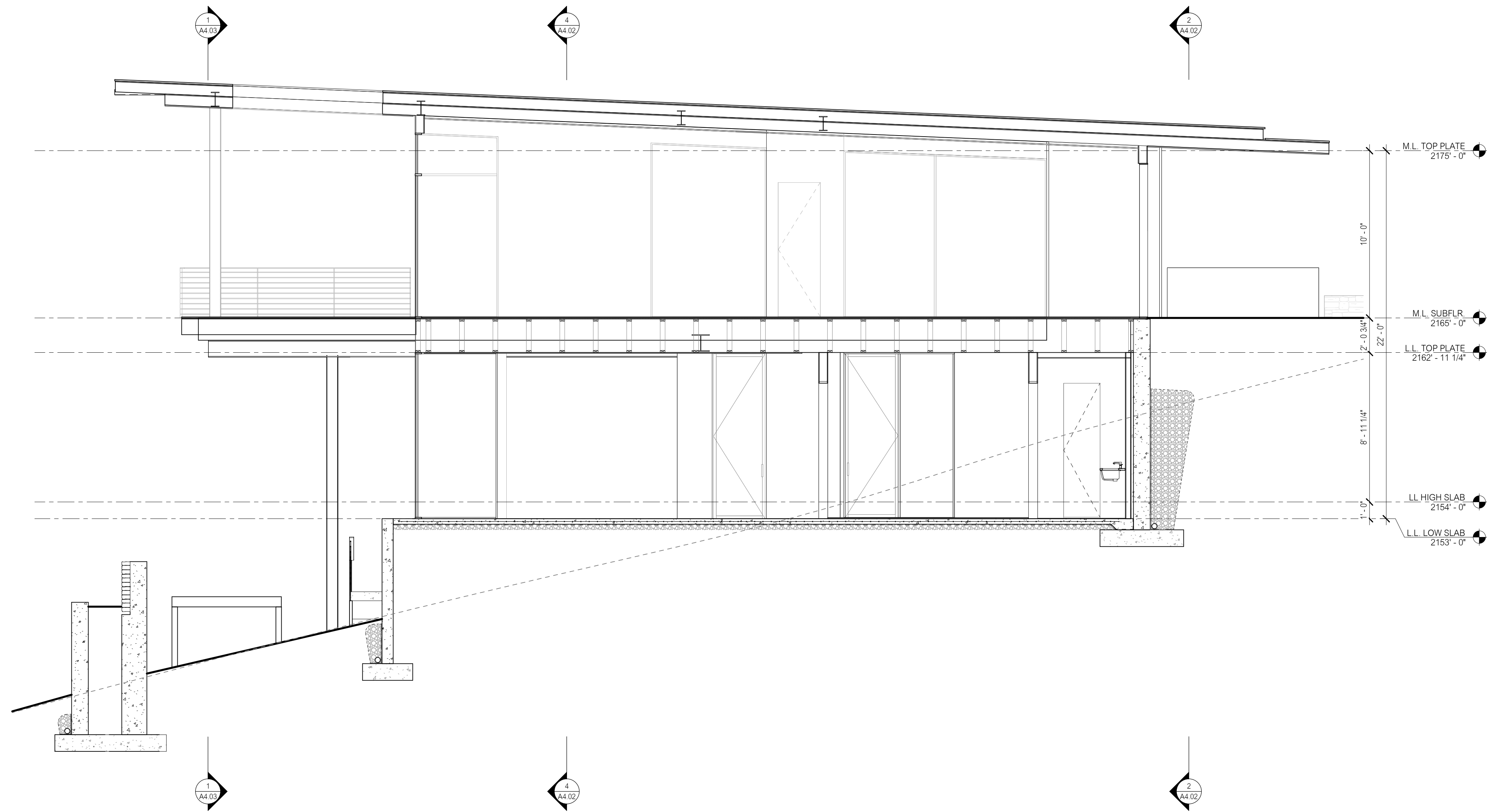
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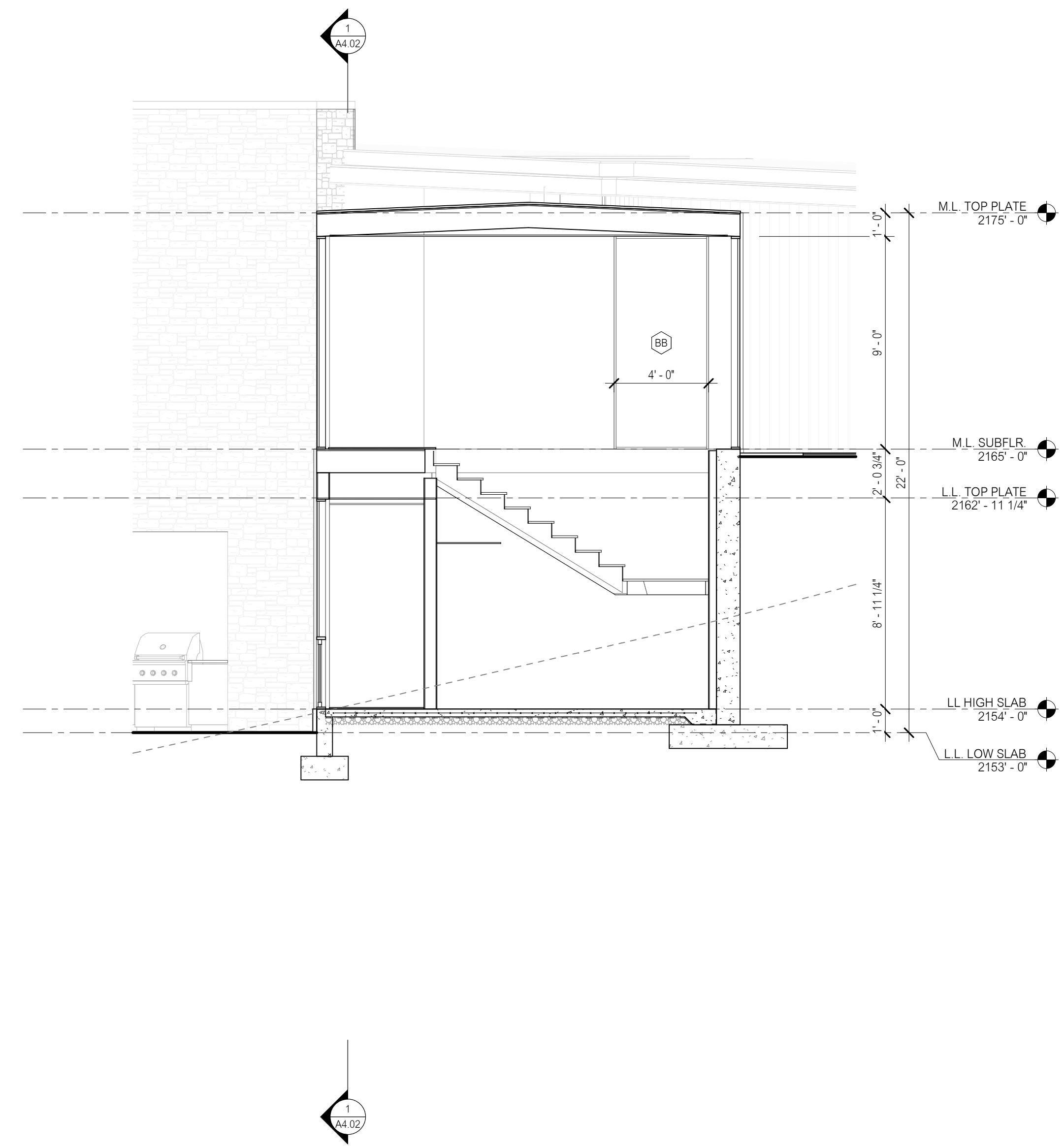
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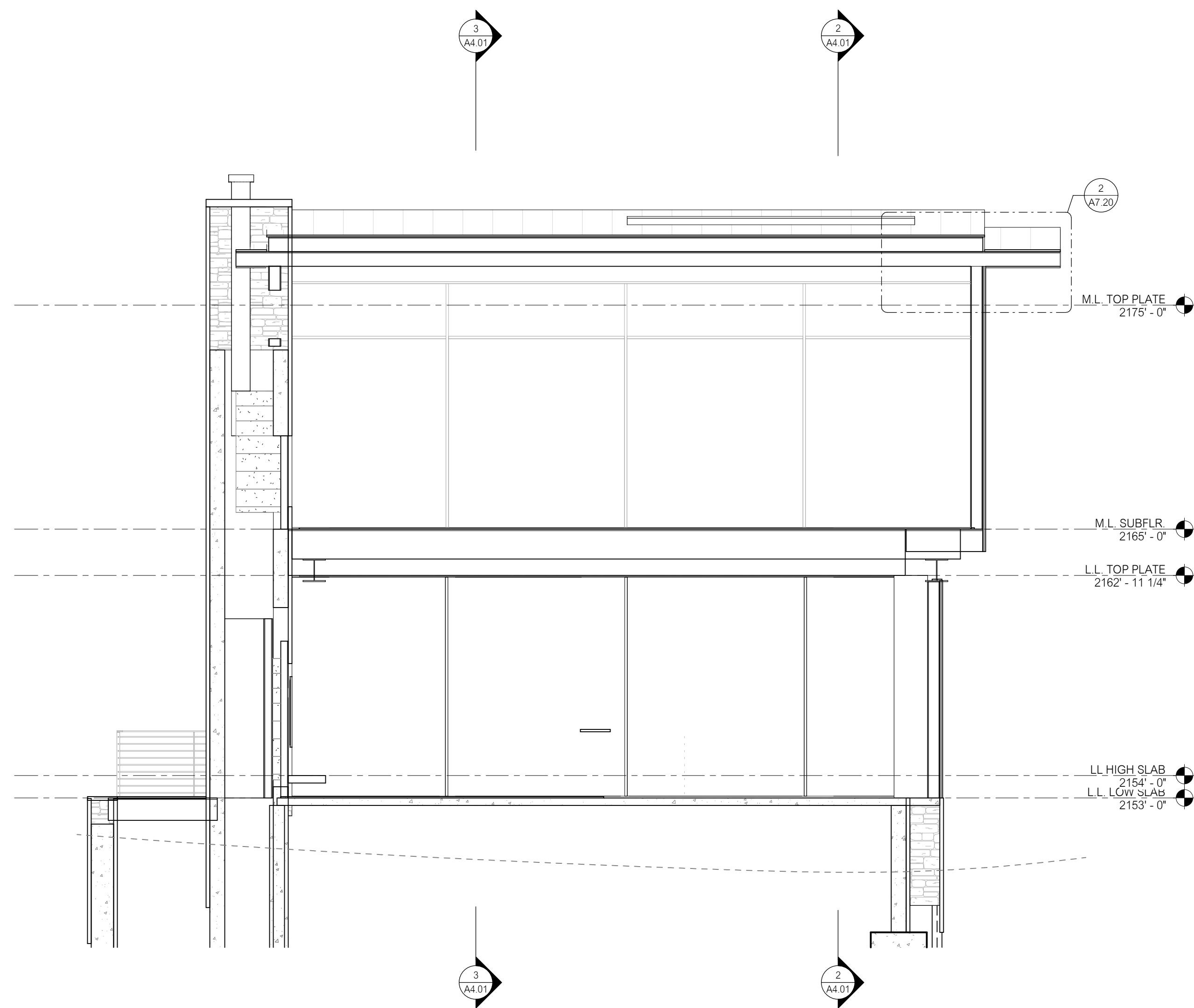
3 N-S SECTION - LIVING AND KITCHEN
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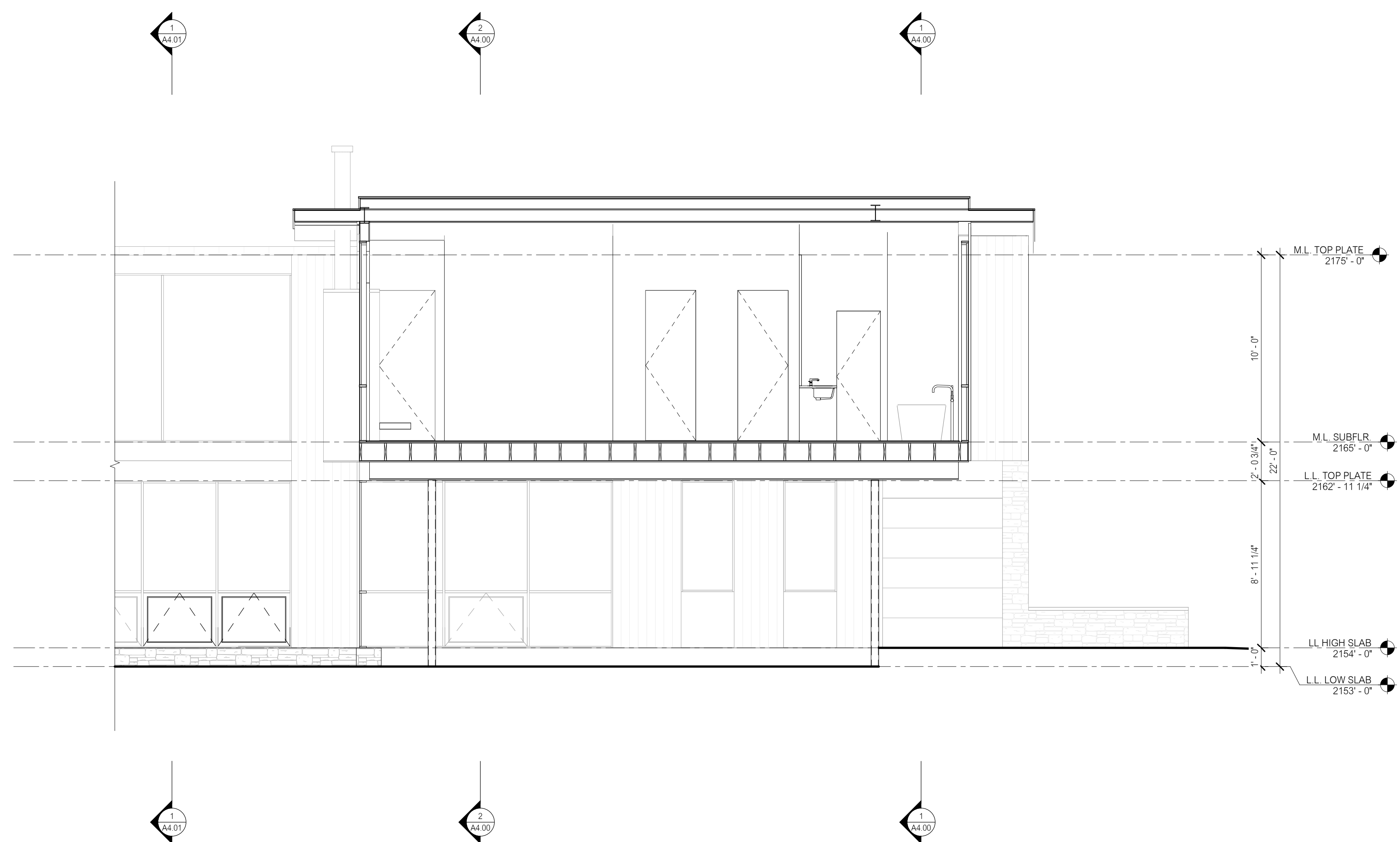
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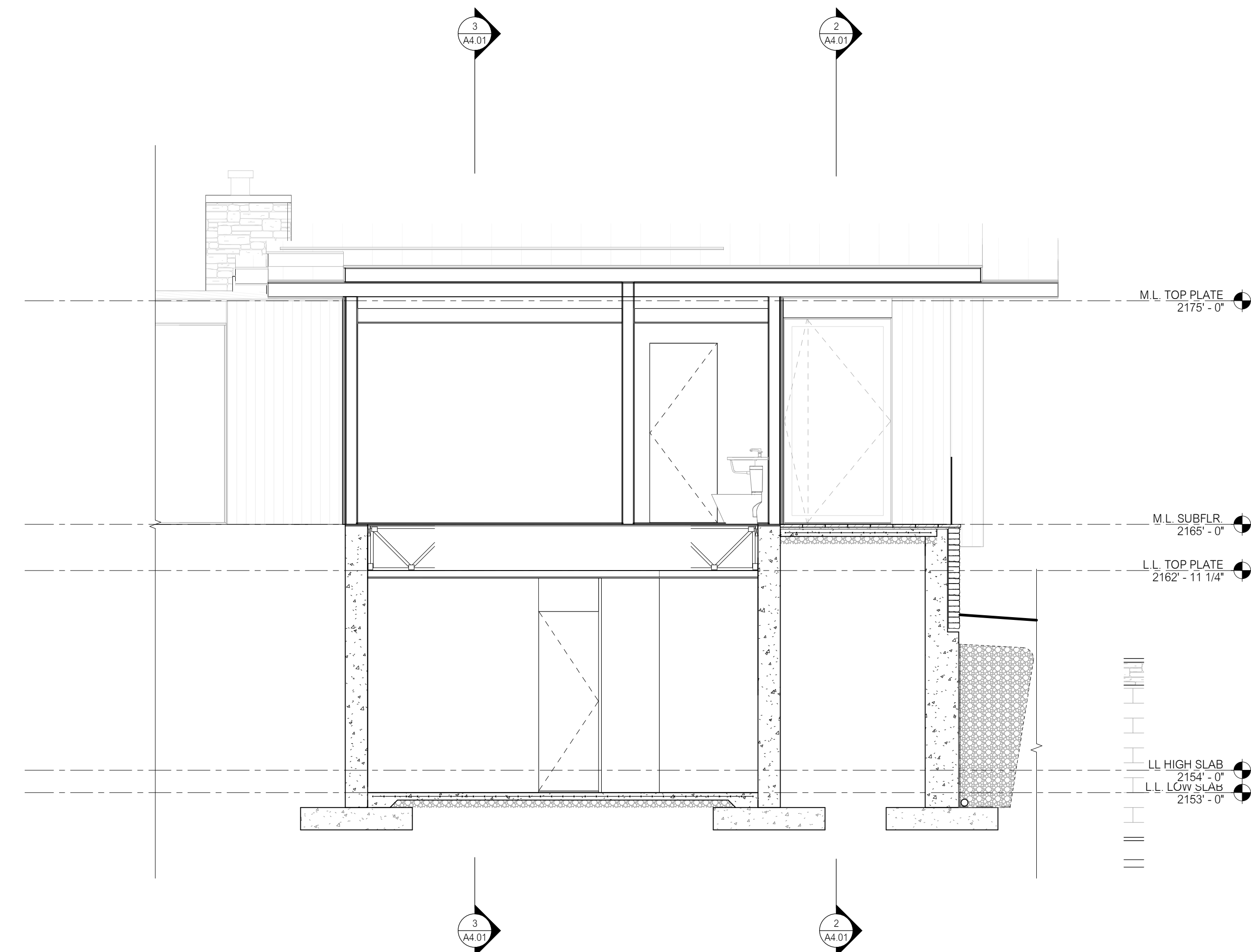
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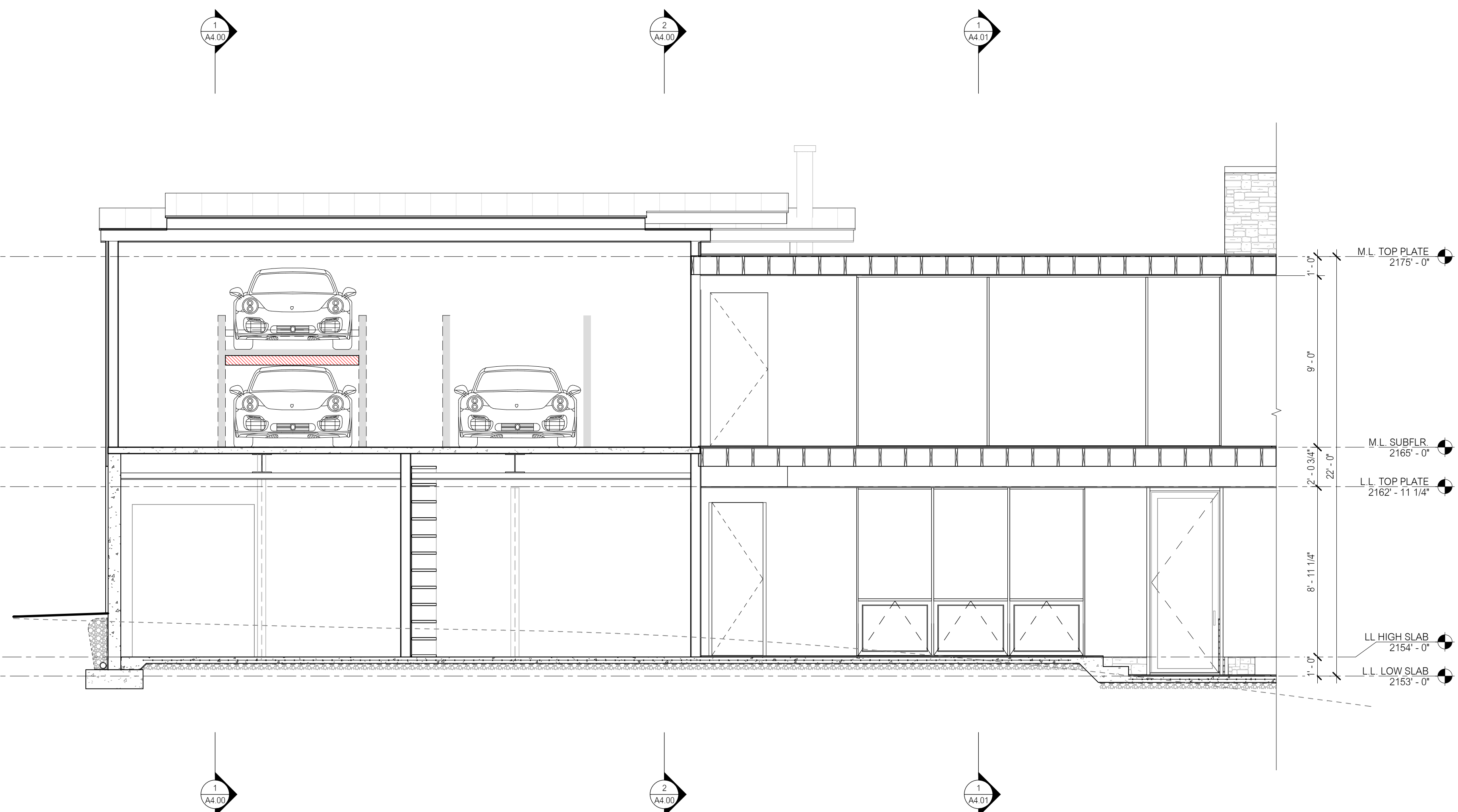
SE-NW SECTION - LIVING AND DINING



3 E-W SECTION - P. BATH AND BED
1/4" = 1'-0"



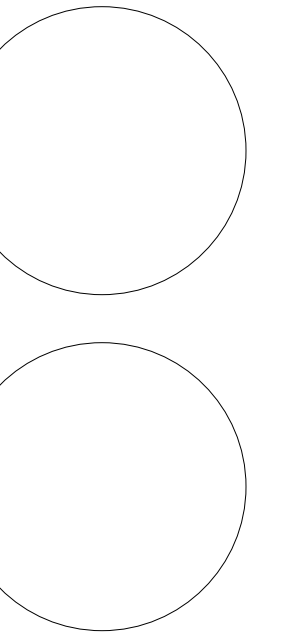
2 E-W SECTION - GUEST BED AND BATH
1/4" = 1'-0"



1 W-E SECTION - GARAGE AND HALL
1/4" = 1'-0"

CARLTON
DWARDS

BOX 7466
 EVILLE, NC 28802
 274.7554 phone
 274.7512 fax

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2000

DIRX RESIDENCE LOT #11
CEDAR HILL DRIVE
LTMORE FOREST, NC 28803

PROJECT NUMBER

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| OWN BY | Author |
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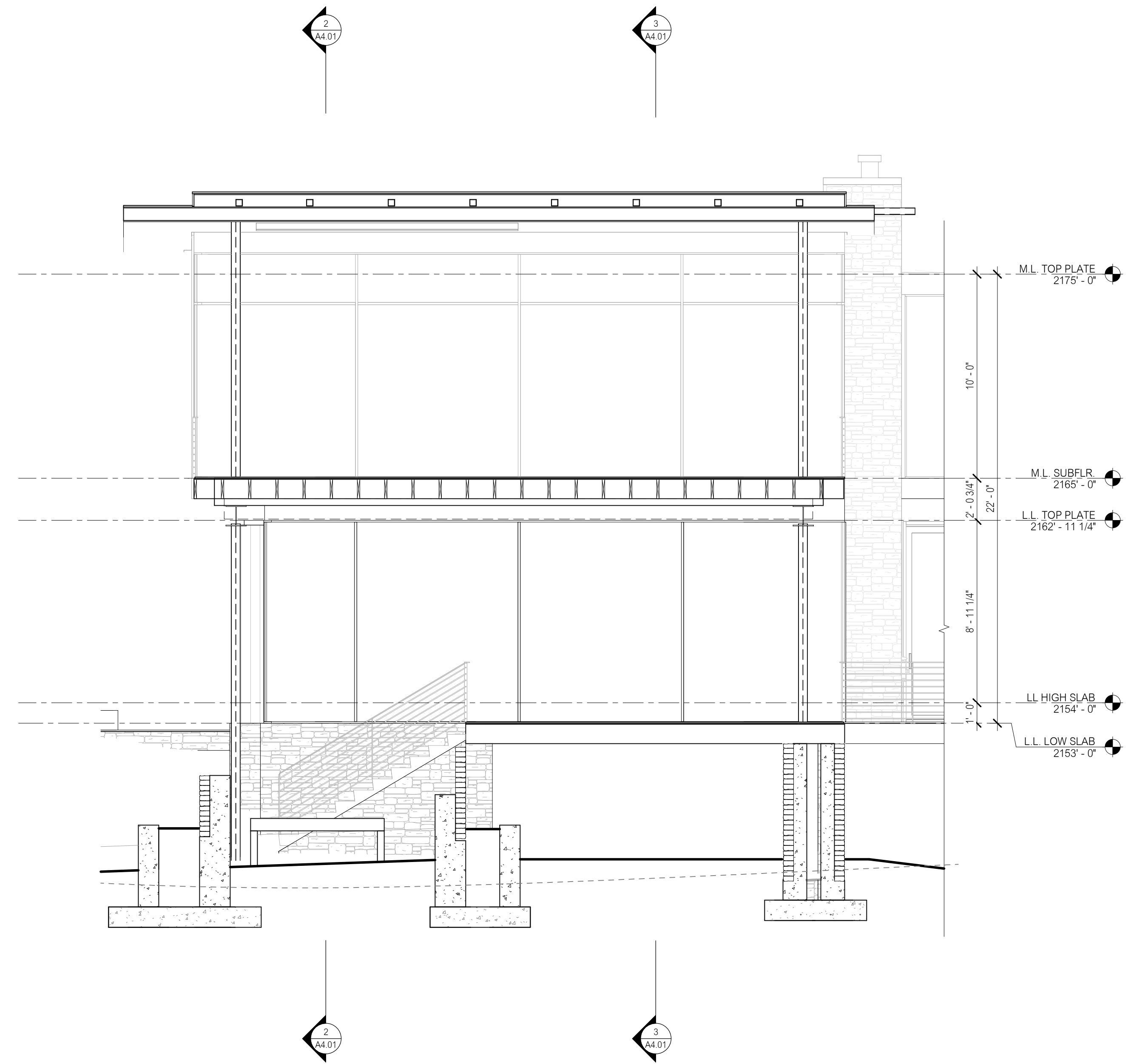
IGN DEVELOPMENT

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BLDG SECTIONS

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1 E-W SECTION - OUTDOOR LIVING
1/4" = 1'-0"





BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

September 22, 2025

CASE

Property Address: Lot #11 Cedar Hill Rd

Property Owner: Chris and Karen Dirx

Request: Review of Landscaping Plan Associated with New Residential Construction and Variance for Accessory Structures in Front Yard

Background

The property owners are presenting plans for a new home construction. As part of this construction, they have submitted the proposed tree removal and replacement schedule. The application does not meet the requirements set forth in the ordinance for accessory structures (carport and basketball goal) being located within the rear yard and will require a variance.

Board of Adjustment Review for New House Construction

Landscaping and grading plans with land disturbance of twenty percent or more will require the Board's approval. The pertinent section, Chapter 153.034, is attached.

Variance

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

153.034 LANDSCAPING AND GRADING PLANS, LAND DISTURBANCE, AND SEDIMENTATION CONTROL.

(A) *Plans required.* A landscaping and grading plan, as defined in the town's zoning application process, are required for any or all of the following activities.

(1) Any land-disturbing activity, such as grading projects or removal of natural vegetation, that involves the disturbance of 20% or more of the land area of any lot. Prior to commencing such activity in a public service district, any land-disturbing activity, such as grading projects or removal of natural vegetation other than routine maintenance, shall be subject to approval by the Town Board of Adjustment regardless of the area to be disturbed.

(2) Any residential construction activity that results in an addition of greater than 500 square feet of roof coverage.

(3) Any non-residential construction activity as defined in § [153.061](#).

(B) All landscape and grading plans shall demonstrate compliance with the town's tree protection and preservation regulations as found in §§ 153.050 through 153.059 and § [153.061](#)(C) for existing residential and non-residential tree maintenance and new construction activities, respectively.

(C) *Pre-construction conference and supervision.*

(1) Prior to the commencement of any pre-construction land-clearing or soil disturbance, a pre-construction conference will take place between a representative of the town and the applicant to review procedures for protection and management of protected trees and other landscape elements identified in the approved landscape plan. The applicant will designate one or more persons responsible for ensuring the protection of new or existing landscaping elements to be preserved. The responsible person shall be present on site whenever activity is taking place that could damage or disturb such landscape elements, and will notify the Ordinance Administrator that such activity is taking place.

(2) The applicant shall provide the following at least seven days prior to the pre-construction conference.

(a) Approved landscaping plan, showing all protected and unprotected trees to be removed, and all replacement trees to be planted.

(b) Chart showing the quantity of trees, scientific species name, and tree designation (protected, unprotected, or tree of preference) and replacement quantities required.

(c) Final grading plan showing tree preservation limits and limits of disturbance.

(D) *Construction supervision and additional compliance requirements.*

(1) The town shall have developed sites inspected periodically to ensure work is conforming to the approved landscape plan and the applicable sections of this subchapter. Prior to the commencement of any pre-construction land-clearing or soil disturbance, the developer/contractor shall be required to sign a document agreeing to abide by the conditions stipulated in this subchapter. At the option of the town, a compliance bond may be required.

(2) Compliance with G.S. § 113A-54. Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and *Rules and Regulations for Erosion and Sediment Control* as established by the State

Sedimentation Control Commission, State Department of Natural Resources and Community Development.
(Ord. passed 10-19-1983; Ord. passed 6-8-2021; Ord. 2023-05, passed 10-9-2023)

153.110 (D) Variances. Upon application, when unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the public may not be the basis for granting a variance;

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

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

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

Editor's note:

This amendatory language was passed during a Board meeting, May 14, 2014

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Anna Gay

Address

Lot #11 Cedar Hill Drive

Phone

(828) 230-7398

Email

kgay@carlton-edwards.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?

We would like to have a basketball goal and a carport in the auto court of the residence.

What does the ordinance require?

The ordinance requires accessory structures , shall not be located in any front yard.

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.**

Putting the carport and basketball goal in a compliant area (rear or side yard) is not feasible due to the existing topography of the site. The other areas of the site are very sloped and would require more extensive and intrusive grading/disturbance area to be able to have a space for this use. The proposed location utilizes the space that will already be graded as part of the auto court, will be discreet, and will be downhill of Cedar Hill Drive as well as the neighboring property, which will further make it unobtrusive.

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

The hardship results from the existing topography.

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

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

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

The requested variance is consistent with the spirit, purpose and intent of the ordinance. It promotes family

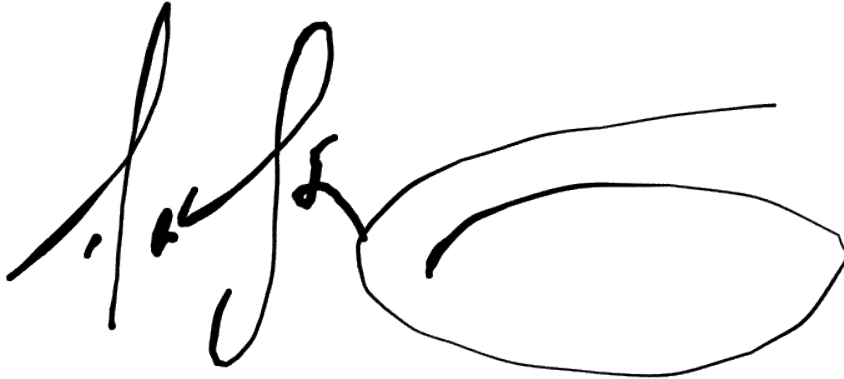
well-being and health, does no harm to neighbors or the community, will be unobtrusive, kept in good condition, the surroundings will be consistent with the character of the architecture and it will not diminish aesthetics to or from the property.

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

Signature

Date

9/2/2025

A handwritten signature in black ink, consisting of a stylized first name followed by a large, oval-shaped surname.

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

Yes

Zoning Compliance Application

Town of Biltmore Forest

Name

Anna Gay

Property Address

Lot #11 Cedar Hill Drive

Phone

(828) 230-7398

Email

kgay@carlton-edwards.com

Parcel ID/PIN Number

9646-54-0152

ZONING INFORMATION

Current Zoning

R-1

Lot Size

2.559

Proposed Roof Coverage Total

5486

Proposed Impervious Surface Coverage

7432

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

26'-2"

Description of the Proposed Project

This is a two story, 4500 SF modern residence on a sloped, wooded site with a meandering driveway through the trees ending at an auto court banked into the hillside. The exterior materials of the home are durable and natural in appearance and the residence affords distant mountain views yet privacy from neighboring properties.

Estimated Start Date

1/1/2026

Estimated Completion Date

2/1/2028

Estimated Cost of Project

\$2,263,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2025-08-25 Dirx Residence Zoning Submittal.pdf

Applicant Signature

Date
8/25/2025

A handwritten signature in black ink, consisting of stylized cursive letters followed by a long horizontal flourish.



August 14, 2025

Dear Mr. Kanipe and members of the Board of Adjustment,

I am writing in regard to the proposal for a two-story accessory structure and driveway approach near the rear property line at 7 Brookside Road. I share a rear property boundary with the applicant in the immediate area of the proposed structure.

In fairness to the applicant, several months ago he mentioned plans to build a garage in back of the house, and I had no concern with the concept. However, I assumed the garage would be adjacent or near to the primary home and use a minor extension of the existing driveway. However, the proposed siting of the structure is concerning.

While I do not object to the idea of a garage with upstairs living space, I do not understand what hardship would force the structure to be located so far from the primary residence and so close to the properties on Hilltop Road. I would not object to the proposed structure if it were placed in direct proximity and architectural continuity with the primary residence. Nor would I object to a smaller accessory structure near the rear property line if it were properly screened with berms and/or vegetation. As proposed, the structure would adversely affect the viewsheds of homes on Hilltop Road and would alter the secluded and forested character of the community that has prevailed for more than sixty years. It would also permanently eliminate the privacy of Hilltop residents using their back yards in plain view, and at times even in the shadow, of the proposed second-story living space. Vehicles approaching the structure at night would sweep our back yards and bedroom windows with their headlights, again an unprecedented impact on the seclusion of homes in the area.

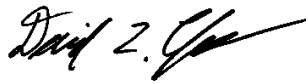
In addition to my immediate concerns, the proposed structure could pose issues in the long term. The establishment of an independent structure with living space would create the potential for future use as rental space, particularly if the garage area were to be finished as living space in the future. This would be inconsistent with current land use, and it would be much less likely if the proposed garage was sited contiguously with the primary home. A rented apartment towering over our back yards would present a security concern because short-term tenants could command a view of the rear areas of our homes. Also, given the applicant's recent experiences with tree damage, I worry that once the proposed structure is placed near our properties we would be compelled to destroy our remaining tall trees in the area or be held liable for future windthrow.

The community between Brookside and Hilltop roads has been my home since 1965, when many of the houses were being built. Since that time all of the residences have enjoyed the mutual seclusion of forested back yards, until the neighborhood suffered catastrophic tree loss during Tropical Storm Helene. While I understand that much of our forested landscape was permanently altered, I feel that we should rebuild in a manner that

is consistent with the community and landscape that has historically existed in Biltmore Forest. I hope that the applicant can modify the proposed project to meet that objective.

Thank you for the opportunity to comment on this proposal. If I can provide more info or help in any way please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Yow". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David L. Yow
57 Hilltop Road
Biltmore Forest

ORDINANCE 2025-03

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

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

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

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

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

SECTION 1.

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

(A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard or within any side yard or rear yard setback.

(B) (1) Accessory buildings are allowed with a special use permit in accordance with the following chart, provided that the requirements in items a-h below, where applicable, are met:

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

Notes

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

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

- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in § 153.008;
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building should be constructed in the same architectural style as the principal structure;
- (g) Properties greater than five (5) acres may only exceed five (5) accessory buildings if approved by the Board of Adjustment;
- (h) An accessory building may be a maximum of 1,000 square feet of roof coverage OR the percentage relative to the primary residence, whichever is greater.

Section 2. Effective Date.

This ordinance amendment shall take effect upon adoption.

5-13-25

Date

Laura Jacobs

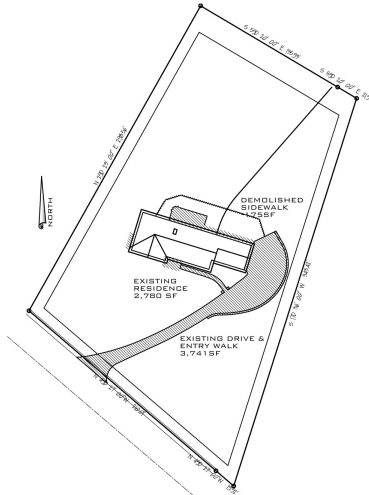
Laura Jacobs

Town Clerk

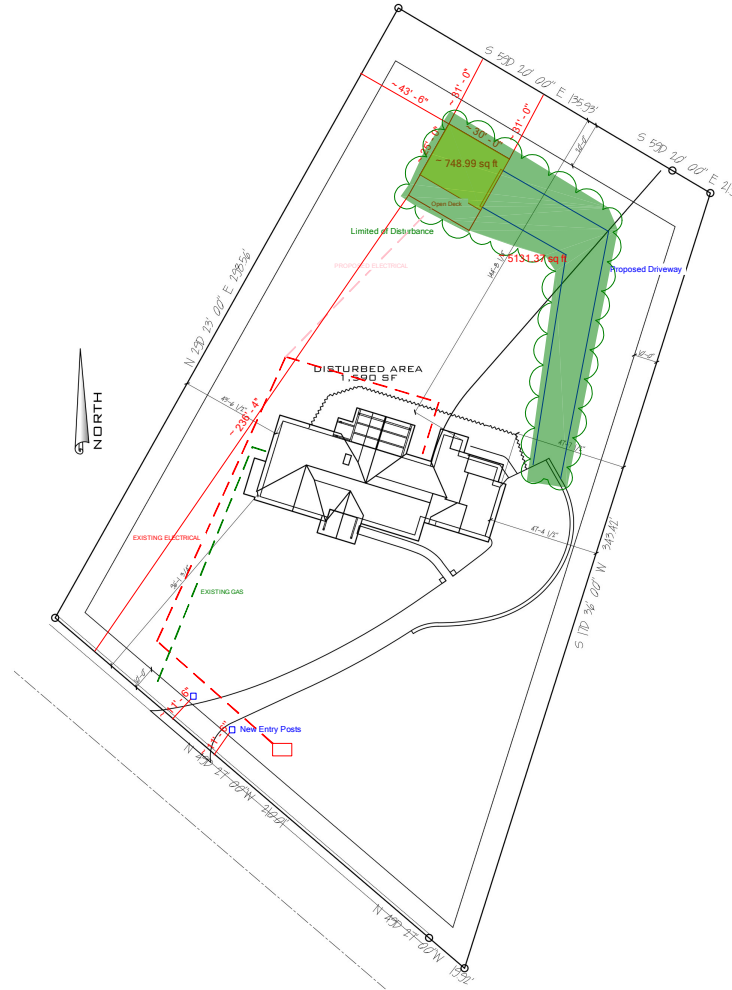
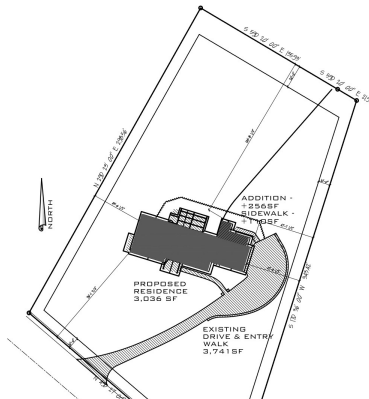
George F. Goosmann III

George F. Goosmann, III

Mayor



EXISTING IMPERMEABLE
6,521 SF TOTAL



**SHAMBURGER
ARCHITECTURAL
GROUP**

Wayland Shamburger, AIA
Architect

421 Fifth Avenue West
Hendersonville, NC, 28739

(P) 828-692-2737
(F) 828-694-0737
wayland@edsaia.com

A Renovation For The
**AGNOSTOPOLOUS
FAMILY**

7 Brookside Road
Asheville NC 28803

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ARCHITECTURAL GROUP PLLC
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General Contractor to comply with all
state and local codes. Any discrepancies
in plans shall be discussed with
Shamburger Architectural Group prior to
assembly, ordering, and construction.



August 14, 2025

To the Biltmore Forest Board of Adjustment,

We are writing to formally express our concern and objection regarding the proposal from the owners of 7 Brookside Rd. to construct a two-story accessory building (garage, 25') and a new driveway in the rear of their property.

This proposed development raises several significant concerns that we believe warrant careful consideration and subsequent denial by the Board of Adjustment. Our primary objections are as follows:

- **Impact on Neighborhood Character:** The construction of a two-story garage/accessory structure in the rear of the lot, along with a new driveway, would significantly alter the established residential character of our neighborhood. Such a substantial addition is out of scale with the existing homes and lot sizes in this area.
- **Visual Impact and Aesthetics:** The proposed structures, particularly a two-story garage, would be highly visible from adjacent properties, creating an imposing and undesirable visual impact. Additionally, the headlights and noise from cars entering and exiting the backyard of 7 Brookside Rd. would obviously create unwanted disturbances for neighbors on both Brookside Rd. and Hilltop Rd. This would detract from the aesthetic appeal, quiet charm, and open feel of the neighborhood.
- **Environmental and Drainage Concerns:** Increased impervious surfaces from a new driveway and building footprints could exacerbate existing stormwater runoff issues in the area. This has the potential to negatively impact neighboring properties and the local ecosystem. As we recover from Helene, such significant environmental impacts need to be carefully considered.
- **Precedent Setting:** Approving such a large-scale accessory structure and driveway in the rear of a residential lot could set a detrimental precedent for future development within Biltmore Forest, potentially leading to a loss of the unique and desirable characteristics of our community.

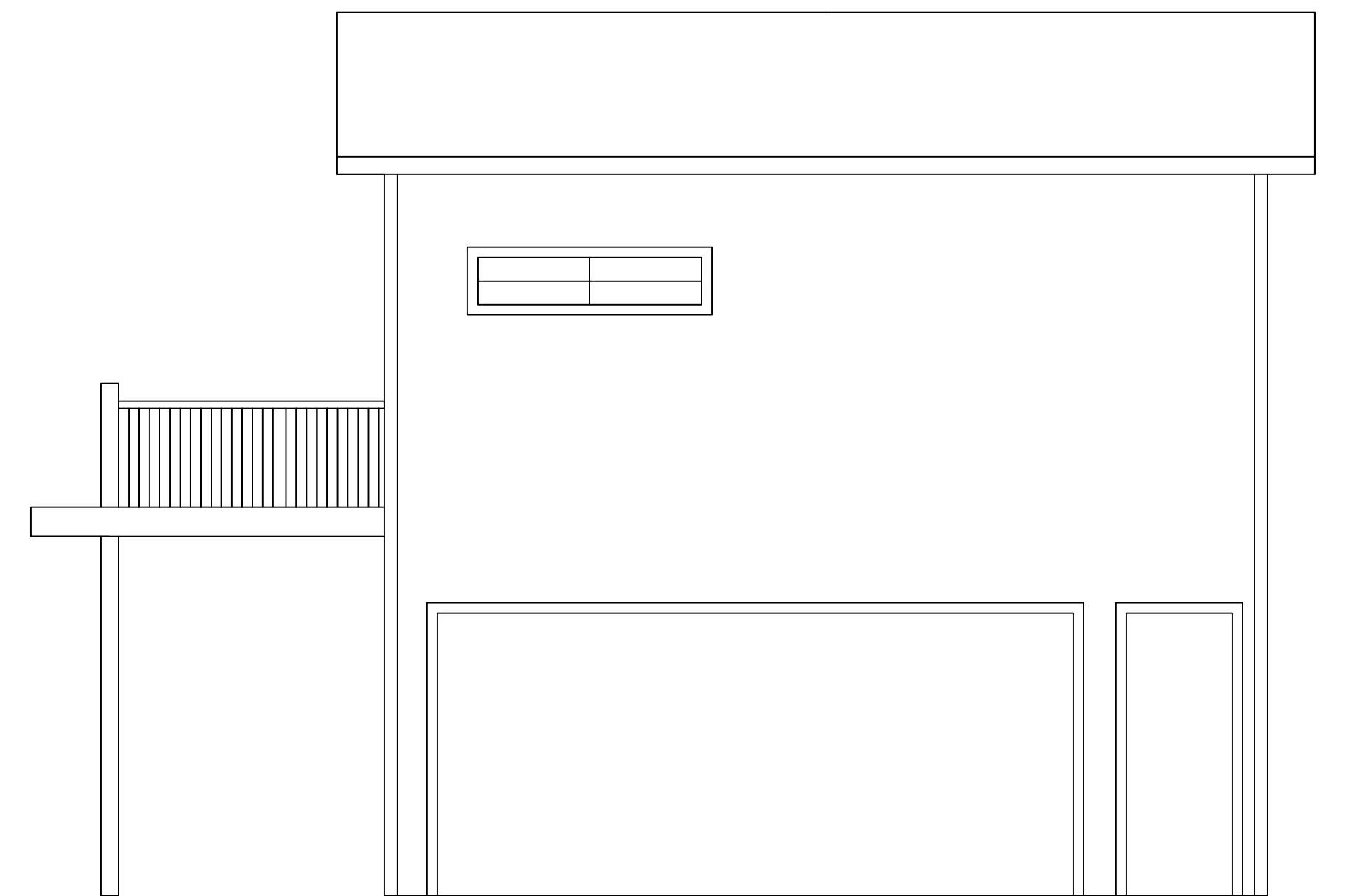
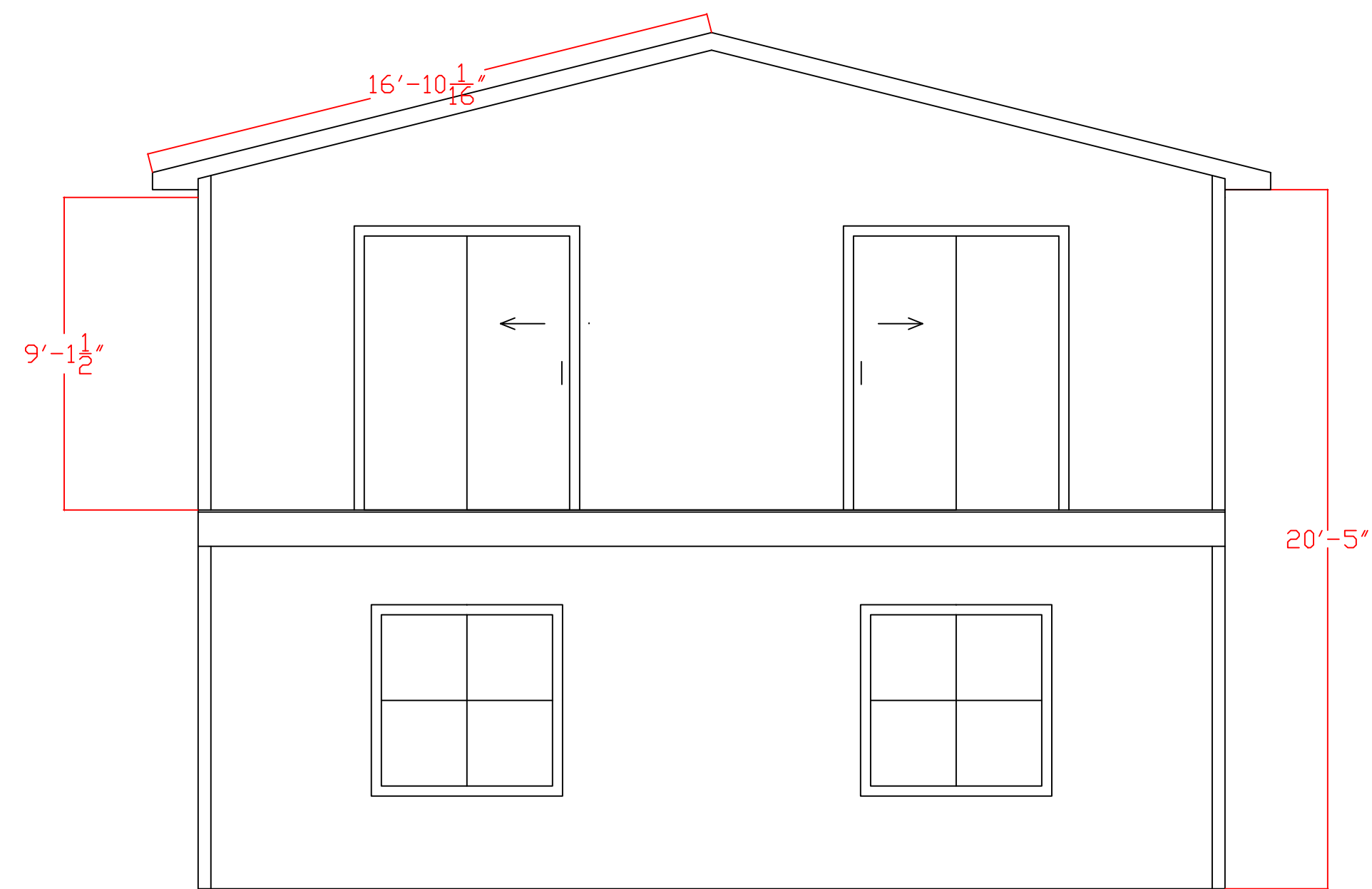
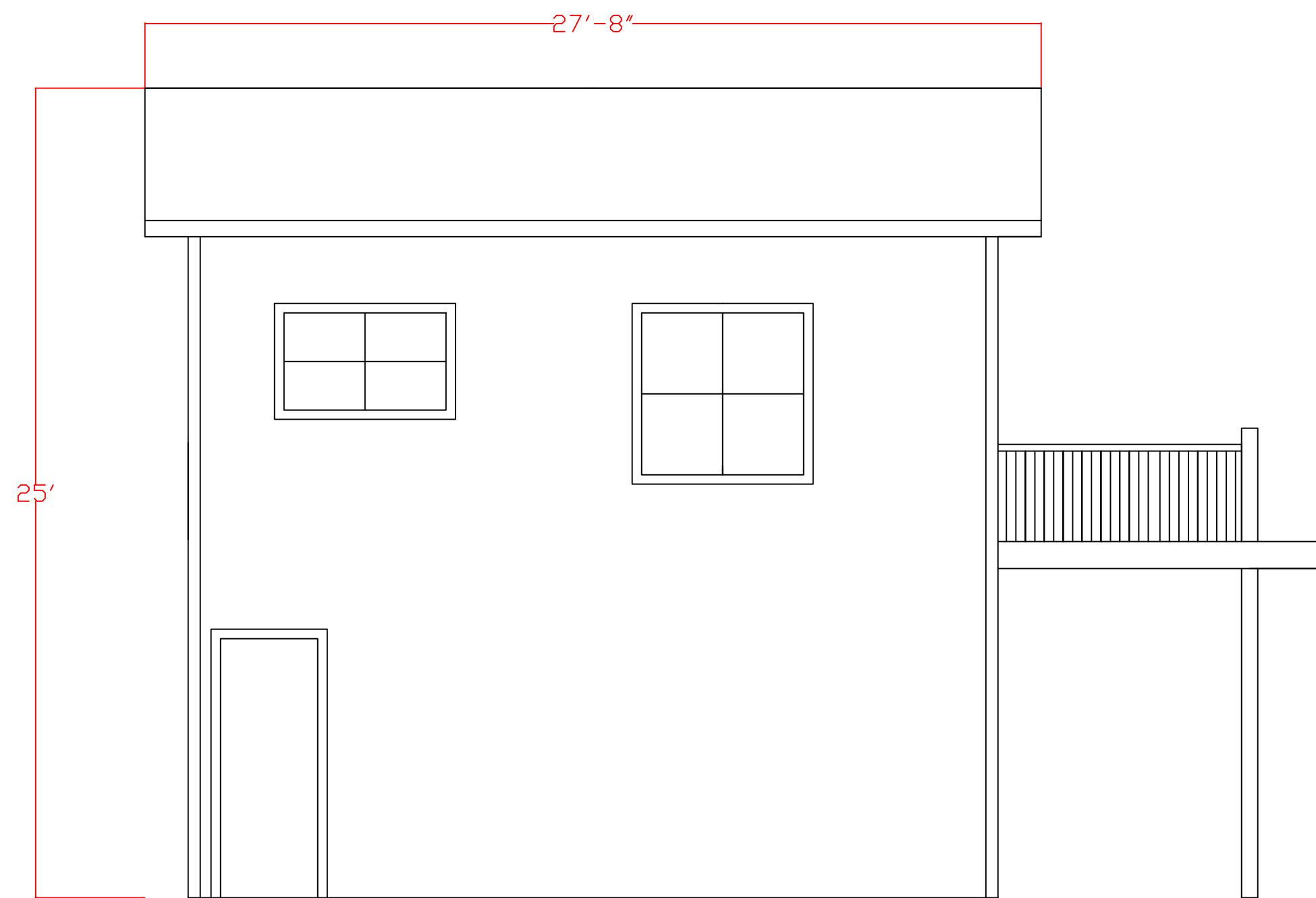
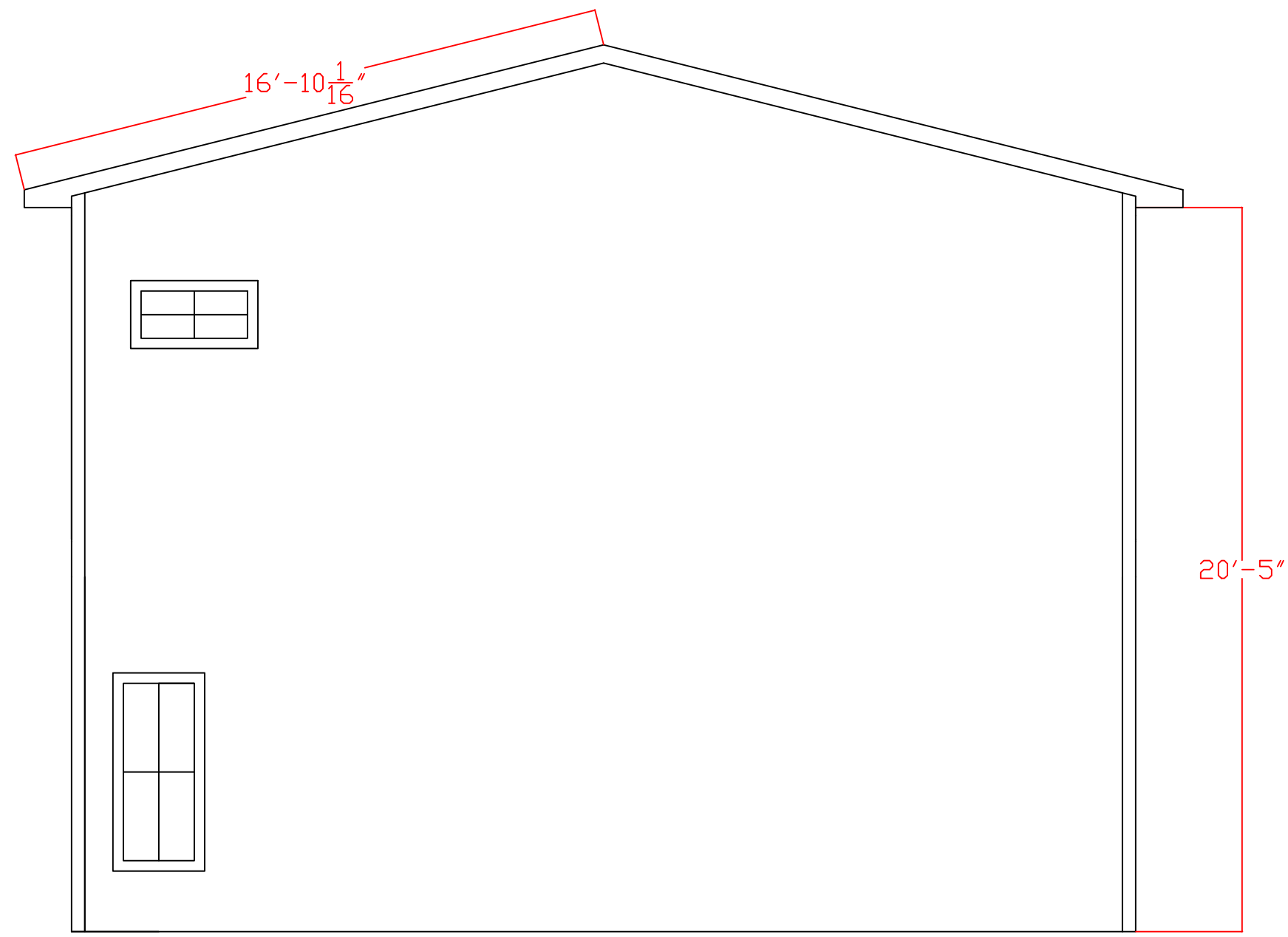
Aside from the above concerns, the proposed building and additional driveway come at a moment in which Biltmore Forest continues to recover from the devastation of Helene. The natural vegetation that might have once buffered this uncharacteristically large backyard structure is now gone, and this proposal not only presents an eyesore, but it represents the prospect of diminished property values for homes surrounding 7 Brookside Rd.


We urge the Biltmore Forest Board of Adjustment to carefully review this proposal and consider the negative impacts it would have on the surrounding properties and the overall character of the neighborhood. We respectfully request that the Board deny this application.

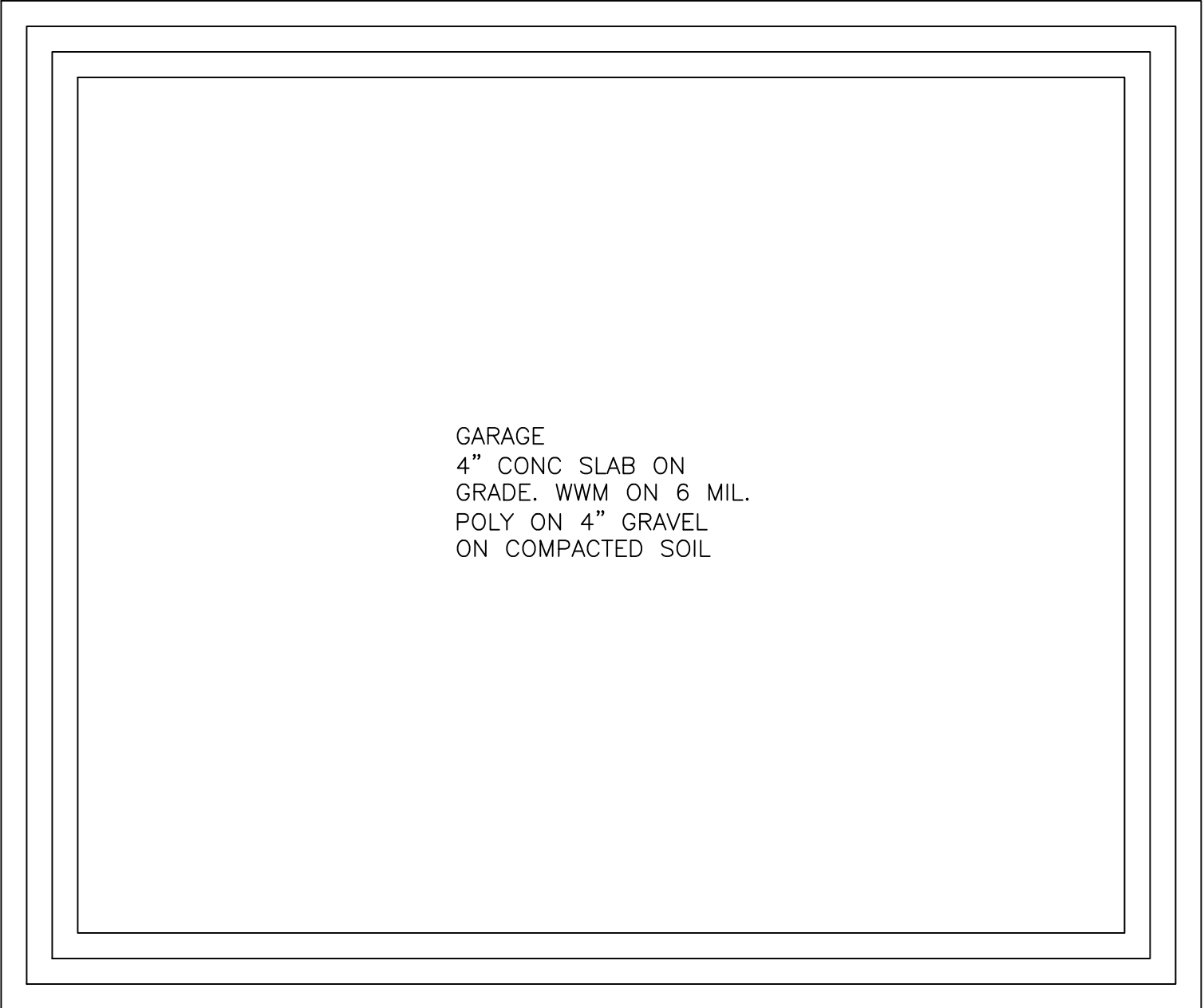
Thank you for your time and consideration of this important matter.

Sincerely,

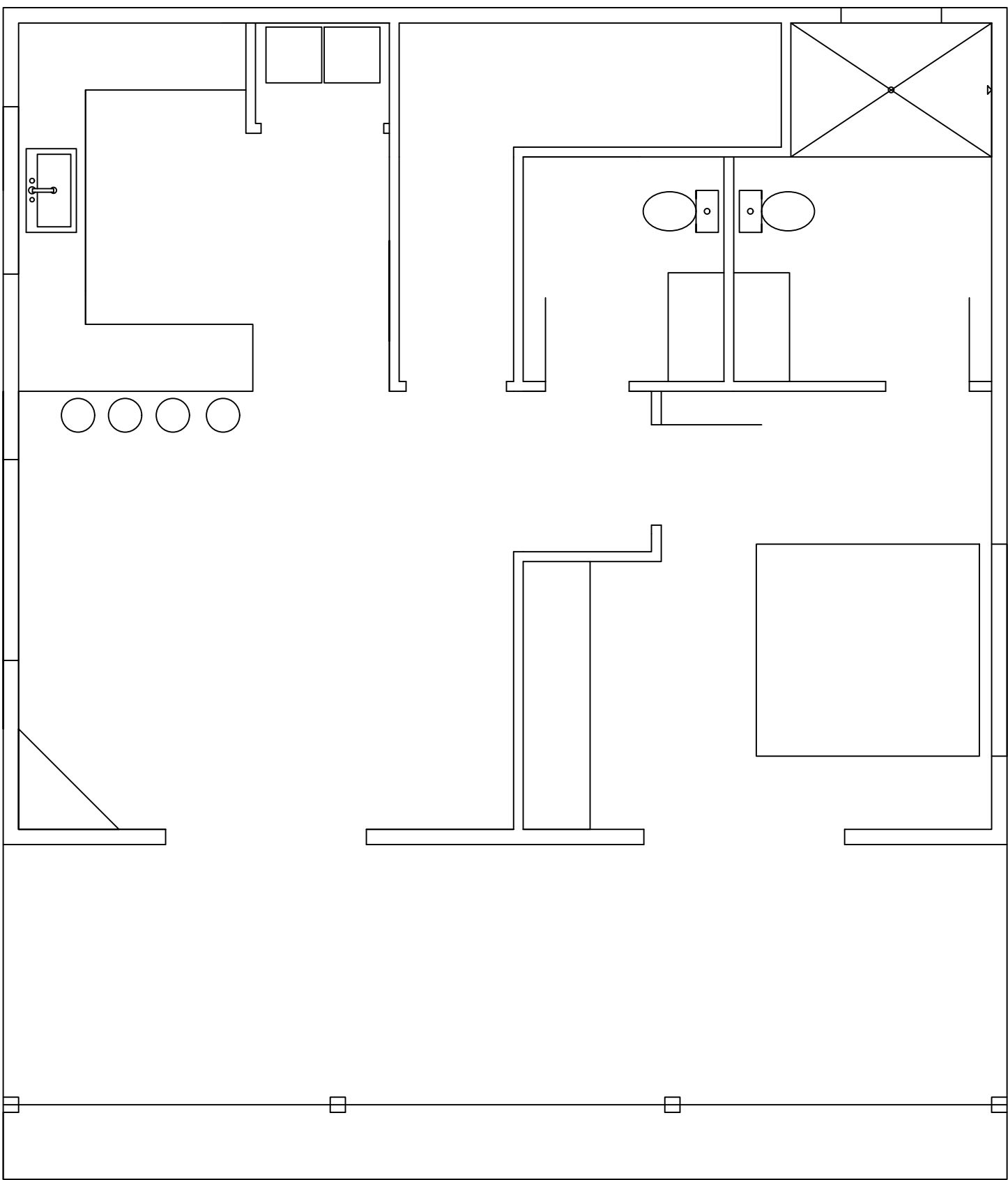
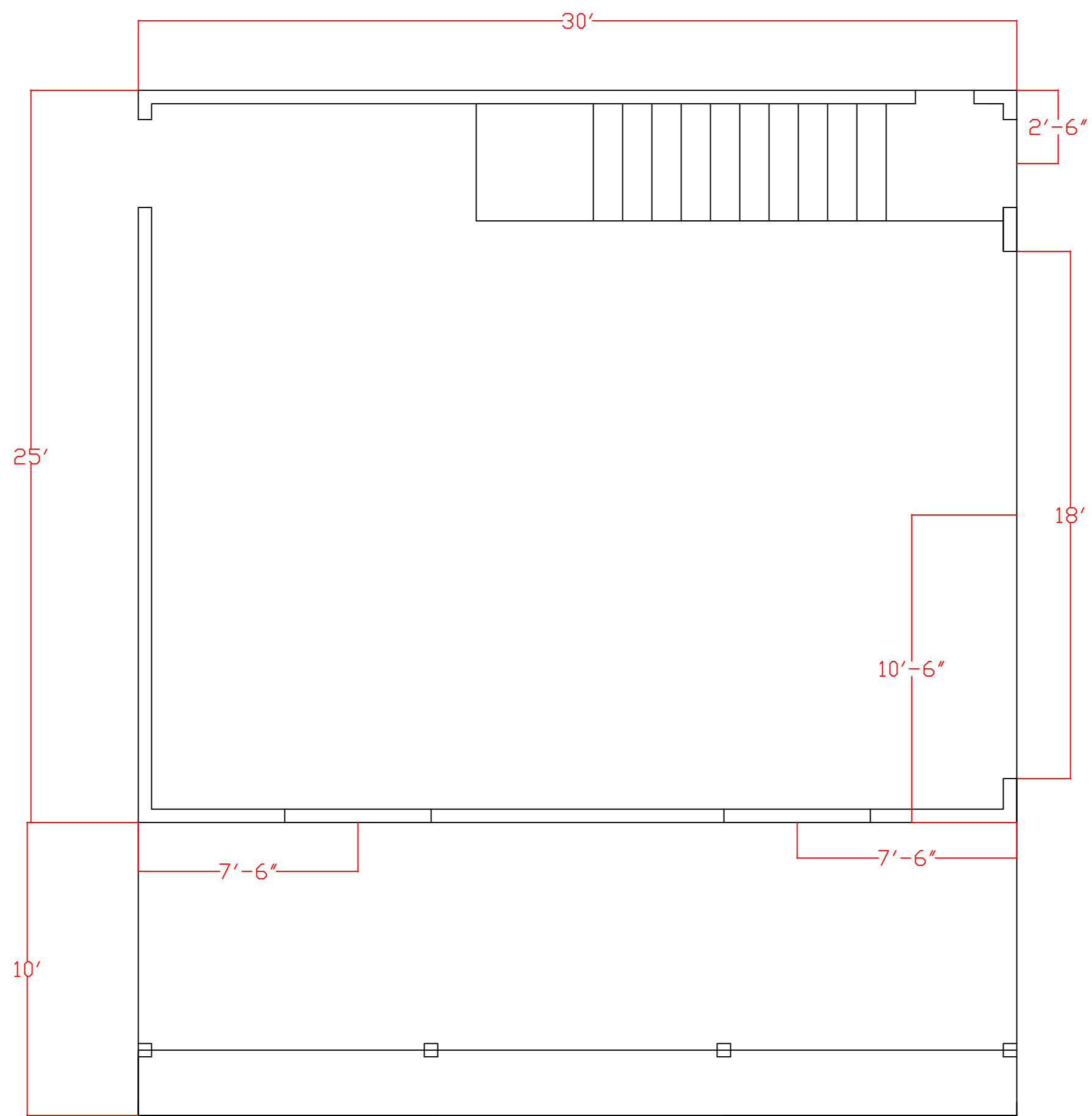
Adam Carter and Maureen Suhendra
59 Hilltop Rd.



| | |
|---|---------------------|
|  | Project: |
| | Location: |
| | Drawing Name: |
| | Scale: 1/4" = 1'-0" |
| | Date: |



24" X 12" CONTINUOUS
CONC FOOTING



| |
|---------------------|
| Project: |
| Location: |
| Drawing Name: |
| Scale: 1/4" = 1'-0" |
| Date: |



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

September 22, 2025

CASE

Property Address: 7 Brookside Rd
Property Owner: Nick Anagnostopoulos
Request: Tabled From Last Month Special Use Request for an Accessory
Building(Garage)

Background

This case was tabled last month. The property owner is presenting plans to add an accessory building in their rear yard. The proposed structure will be a 750 square foot garage apartment that meets the location and setback requirements. All accessory buildings within Town require a special use for approval.

Special Use

Sections 153.029 and 153.037 (attached) of the Town's Zoning Ordinance regulates accessory structures and buildings which require a special use permit from the Board of Adjustment. Special use findings are covered in section 153.110 (C) (attached) of the Town's Zoning Ordinance.

153.037 ACCESSORY STRUCTURES OR BUILDINGS UTILIZED AS DWELLINGS.

(A) Upon adoption of this chapter, accessory buildings used as dwelling units and occupied by a "family" (see definition in § [153.004](#)) member shall be a conforming use. Such units occupied by a non-family member shall be nonconforming uses.

(B) (1) The definitions and provisions of this chapter provide for this situation.

(2) Therefore, the following shall apply:

(a) An existing accessory structure occupied at the time of adoption of this chapter by a non-family member can continue to be used for such purpose. If the unit occupied by a non-family member becomes vacant for more than 60 days (see § [153.036](#)(C)(2)(c)4.), then such unit could only be reoccupied by a family member.

(b) New accessory structures intended for use as dwellings shall only be occupied by a family member.

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

153.110 (C) *Special uses.*

(1) Upon application, the Board of Adjustment may grant in particular cases and subject to appropriate conditions and safeguards, permits for special uses as authorized by this chapter, and set forth as special uses under the various use districts.

(2) A special use permit may be granted by the Board of Adjustment only after making the following findings:

(a) An application for the special use has been submitted as prescribed by this chapter;

(b) 1. If the Board of Adjustment finds, in the particular case in question, that the use, including any proposed structures:

a. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

b. Meets all required conditions and specifications of this chapter and other applicable rules, regulations, and standards;

c. Will not substantially injure the value of adjoining or abutting property;

d. Will be in general conformity with the plan of development of the town and its environs;

e. Will be reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and structure design;

f. Will be in harmony with scale, bulk, height, coverage, density, and character of the area or neighborhood in which it is located; or

g. Is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities, and will not cause undue traffic congestion or create a traffic hazard.

2. In granting such a permit, the Board of Adjustment may designate such conditions in connection therewith that will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this chapter. However, the Board of

Adjustment shall not impose conditions on special use permits that the town is not statutorily allowed to impose.

(c) Before any special use permit is issued, the Board shall make written findings certifying compliance with the specific rules governing the individual special use (see § [153.008](#)), and that satisfactory provision and arrangement has been made for at least the following, where applicable:

1. Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control;
2. Provision of off-street parking and loading areas where required, with particular attention to the items in division (C)(2)(c)1. above, and the economic, noise, and odor effects of the special use on adjoining properties in the area;
3. Adequate and proper utilities, with reference to locations, availability, and compatibility;
4. Buffering, with reference to type, location, and dimensions;
5. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
6. Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size, and suitability;
7. Buildings and structures, with reference to location, size, and use;
8. Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood;
9. With the exception of Americans with Disabilities Act, being 42 U.S.C. § 12101, lighting requirements and street lighting, the design standards as outlined in § [153.047](#), "Site Design and Form and Mass Commercial Buildings," shall apply when exterior lighting is proposed and/or required;
10. A site plan has been submitted as required in § [153.008](#); and
11. The applicant/landowner must provide written consent to conditions placed on a special use permit by the Board of Adjustment.

(d) 1. The Zoning Administrator shall make periodic inspections during construction as well as a final inspection after construction is complete to determine whether the conditions imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this chapter have been met. The Zoning Administrator shall report his or her findings to the Board of Adjustment.

2. If at any time after a special use permit has been issued, the Board of Adjustment determines that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such use discontinued.

3. If a special use permit is terminated for any reason, it may be reinstated only after reapplying for a special use permit.

Special Use Permit Application

Town of Biltmore Forest

Name

Nick Anagnostopoulos

Address

7 Brookside Rd

Phone

(828) 273-3389

Email

na89@charter.net

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:

Garage /apartment matching the style of existing house garage will be used for car storage and apartment for occasionally visiting guests or family members, driveway for parking .

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

Apartment will be built in the back portion of the property and will not be visible from the road and mostly obscured by trees and bushes from surrounding neighborhood and apartment will only be used for occasional family or guest visits

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

Signature

Date

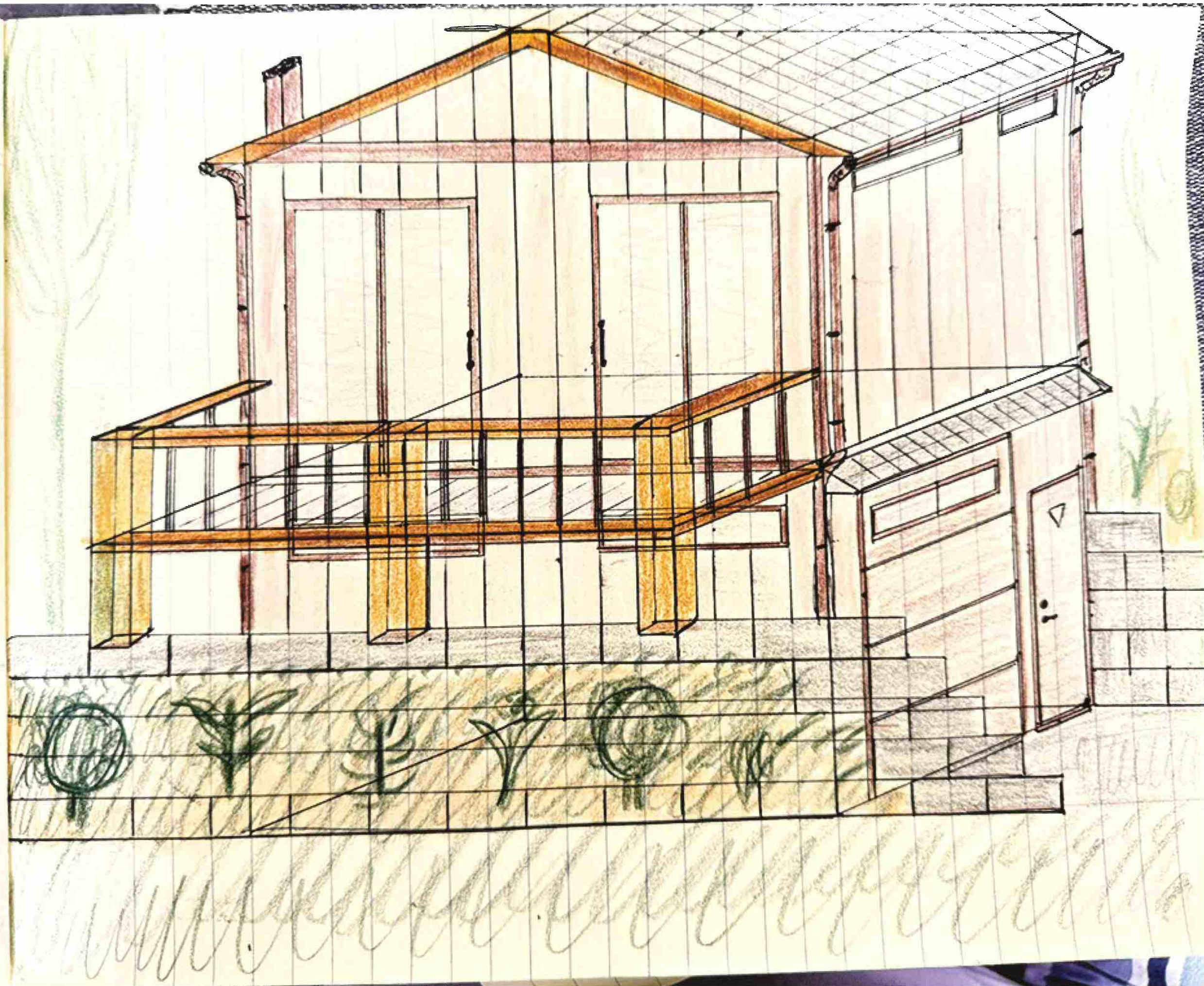
7/31/2025

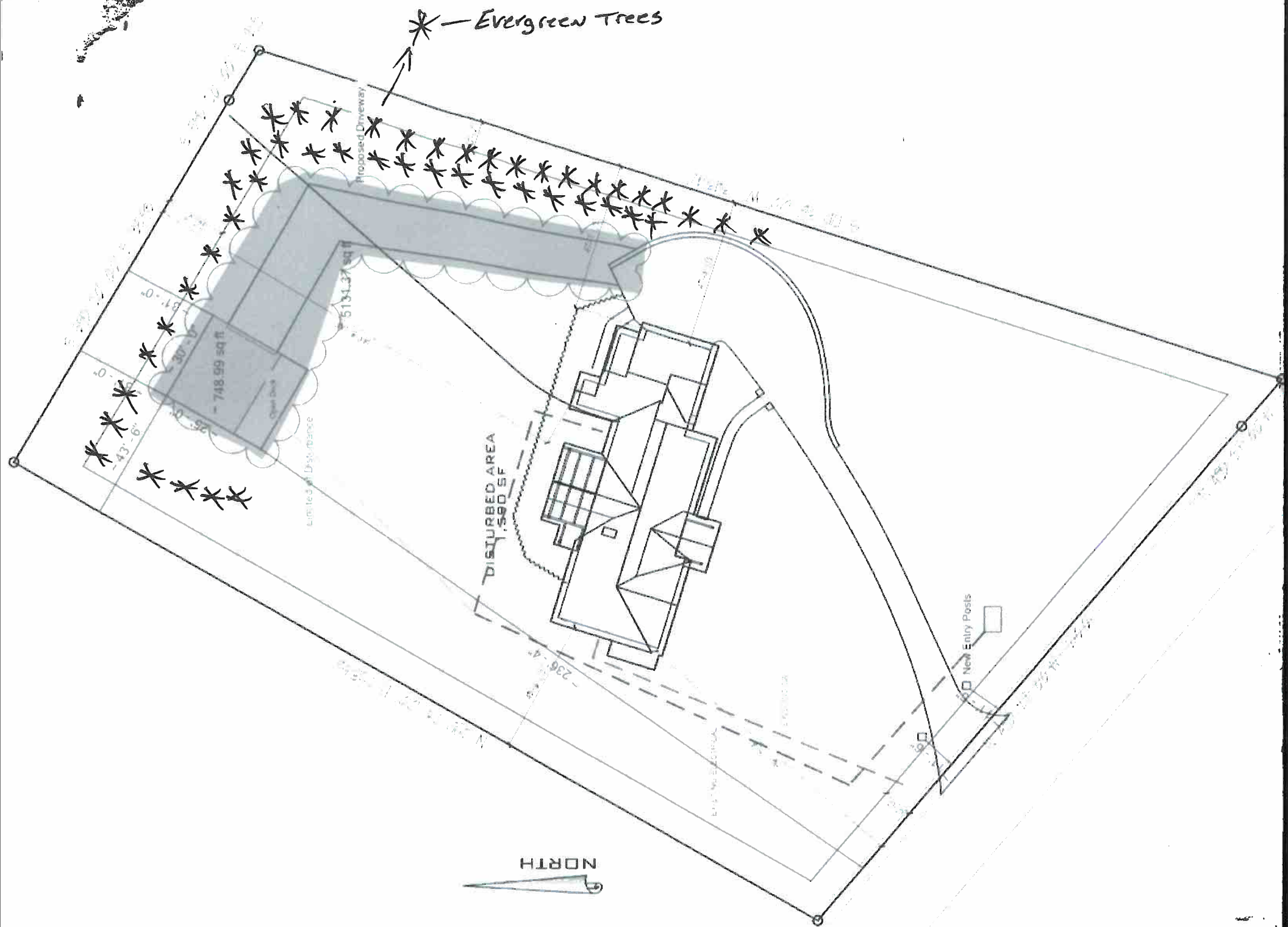
Nick Anagnostopoulos

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

I plan to pay in person or mail a check

Max
Rear
18





Zoning Compliance Application

Town of Biltmore Forest

Name

Nick Anagnostopoulos

Property Address

7 Brookside Rd

Phone

(828) 273-3389

Email

na89@charter.net

Parcel ID/PIN Number

964663665500000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.2 acres

Proposed Roof Coverage Total

5009 square ft

Proposed Impervious Surface Coverage

14602 square 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

25ft

Description of the Proposed Project

A 750 square foot two level garage apartment, the roof and the style of the building will match the existing home. Photos of the current home are attached below. Roofing (shingles) will be the same as the existing home. The front of the apartment/ garage columns will match the existing home cedar and rock. Exterior walls will have rock base and smart board and is going to be painted the same as the home. We have not yet picked a color for the home but it will be the same color for both. Add two entry post at the bottom of the driveway

Estimated Start Date

9/1/2025

Estimated Completion Date

4/1/2026

Estimated Cost of Project

\$175,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Garage Elevations.pdf

Garage Floor Plan.pdf

image1.jpeg

image0.jpeg

image2.jpeg

7 Brookside.pdf

Applicant Signature

Date

7/2/2025

Nick Anagnostopoulos