



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: January 10, 2024
Re: **Board of Adjustment Meeting – January 22, 2024**

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. 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 January 17, 2024.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, January 22, 2024 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 December 18, 2023 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 5 Brookside Road – Special Use permit request for driveway turnaround.

Site Visit – 2:25 pm

Case 2: 9 Brooklawn Chase – Tree Removal Request (Removal of More than 10 Protected Trees) and Landscape Plan Review

Site Visit – 2:35 pm

Case 3: 6 Fairway Place – Special Use Permit for swimming pool in rear yard.

Site Visit – 3:15 pm

Case 4: 7 Amherst Road – Variance request for encroachment into side yard setback.

Site Visit – 3:30 pm

**Case 5: Cedar Hill Drive, Lot 1 - Parcel 9646-42-14-1900000
Special Use permit request for retaining wall and fence in rear yard; variance request for fence location in front yard.**

Site Visit – 2:55 pm

Case 6: 120 Stuyvesant Road – Special Use permit for Concrete Mounds in Front Yard and Sports Court in Side Yard; Variance Request for Concrete Mounds in Front Yard and Sports Court Intrusion into Rear and Side Yard Setbacks.

Site Visit – 2:00 pm

5. Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, DECEMBER 18, 2023

The Board of Adjustment met at 4:00 p.m. on Monday, December 18, 2023.

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

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

Chairman Goosmann swore in the following:

Mr. Tony Williams

Mr. Jonathan Kanipe

Ms. Carol Jackson

Mr. George Renfro

Mr. Michael O'Buckley

Ms. Jessica Pishko

Mr. Phil Hardin

Mr. Jon Moore

A motion was made by Ms. Rhoda Groce moved to approve the minutes from November 20, 2023. Ms. Lynn Kieffer seconded and was unanimously approved.

HEARING (Evidentiary):

The first project is for a Special Use Permit at 100 Stuyvesant Road for a fence to screen utility structures. Mr. Robert Chandler shepherded the matter. Ms. Carol Jackson is the homeowner and said they want to have an area in the front to screen utility structures. Ms. Jackson said this is to enhance the house and the appearance from the street. Mr. Clarke said a Variance needs to be applied for this matter and in order to have fencing in the front yard, one would have to apply for a Variance and explain what the hardship is.

Mr. Clarke said this matter cannot be considered at this meeting since the fence request is in the front and she only applied for a Special Use Permit. She would need to withdraw her application and reapply for a Special Use and Variance. Ms. Kieffer said, if the fence were attached to the house, it wouldn't need a Variance or a Special Use Permit.

DELIBERATION AND DETERMINATION

Ms. Jackson withdrew her application and the Board advised Ms. Jackson to speak to Mr. Williams about the fence connecting to the house which would not need a Special Use or Variance.

HEARING (Evidentiary):

The next matter is for a Special Use Permit request for a replacement fence at 15 Greenwood Road. The matter was shepherded by Ms. Rhoda Groce. Mr. George Renfro said he would like to have a deer fence installed. They have an existing fence that would go around the entire back part of their house. It was built in 1969 when the house was built. They would like to replace it with a ten-foot fence to prohibit deer from coming in. Mr. Renfro spoke with the neighbor behind his house and he was supportive of the project. Ms. Groce asked if any of the neighbors asked for additional buffering, would he be able to add this. Mr. Renfro said yes. The fence will be a metal wrought iron fence.

DELIBERATION AND DETERMINATION

Ms. Groce restated the facts and said Mr. George Renfro is applying for a Special Use Permit at 15 Greenwood Road. This would be for a replacement fence. It will be a deer fence up to ten feet and a metal PVC coated fence. He is willing to provide additional buffering if requested.

Mr. Chandler moved that a Special Use Permit be granted to Mr. George Renfro at 15 Greenwood 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. He 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. The motion was seconded by Ms. Martha Barnes and unanimously approved.

HEARING (Evidentiary):

The third matter is for a Special Use Permit request for a swimming pool in the rear yard and open-air outdoor living space at 4 Fairway Place. The matter was shepherded by Ms. Martha Barnes. Mr. Michael O'Buckley said they would like to add to the back of the house which would be approximately 400 square feet. They would like to install a 10'x20' pool. The impervious area is 10,988 square feet. The total roof coverage is 3,221. The fence will be 48 inches. It will be glass panels. The open-air living space is attached to the house. It has a fireplace. There will be can lights shooting down. There will be two small lights in the pool. They will be on opposite ends of the pool. There is currently buffering. Ms. Barnes asked Mr. O'Buckley if a neighboring property owner asked for additional screening, would he be compliant with this. Mr. O'Buckley said yes.

DELIBERATION AND DETERMINATION

Ms. Barnes restated the facts and said Mr. O'Buckley at 4 Fairway Place is requesting a Special Use Permit for a 10'x20' pool and has some concrete surround and grass surround. It meets the impervious surface requirement. The open-air living space is about 17'x22' which abuts the pool. The open-air living space will also include a fireplace. The pool is going to be surrounded by a four-foot glass panel fence. He is open to screening if additional screening is needed. The lighting is minimal and is faced down.

Ms. Kieffer made a motion to grant a Special Use Permit to Mr. Michael O'Buckley at 4 Fairway Place for a swimming pool and outdoor living space in the rear yard 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 this site, and no neighboring property owner has objected. She 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. The motion was seconded by Ms. Rhoda Groce and unanimously approved.

HEARING (Evidentiary):

The next matter is for a Special Use Permit for a fence within the rear yard and Variance request to encroach upon the rear setback at 44 Forest Road. Ms. Kieffer shepherded the matter. Ms. Jessica Pishko said they would like to install a four-foot-high fence. It will be coated black iron that will extend out on one side to encompass part of the patio. It will be in the back to connect to an existing chain link fence. It is within the setback. A Variance is requested so it could meet with the existing fence in the back. The lot was surveyed to make sure they were in the setbacks.

They spoke with the Cantrell's next door and will put in screening so it will not be a problem. The fence has three gates. The fence will not be visible from the road either as buffering will be placed so it is not visible from the road.

DELIBERATION AND DETERMINATION

Ms. Kieffer restated the facts and said Ms. Jessica Pishko is requesting a Special Use Permit for fence installation in the rear yard and a Variance for the fence to attach to the existing fence in the backyard. It will be 261 linear feet and four feet tall.

Ms. Rhoda Groce moved that a Special Use Permit as requested be granted to Ms. Jessica Pishko of 44 Forest Road for a fence within the rear yard and the facts as recited by Lynn Kieffer 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. She 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. The motion was seconded by Ms. Rhoda Groce and unanimously approved.

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

Ms. Barnes seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The last matter is for a Variance request to encroach the front yard setback for an addition and a Special Use Permit request for construction of a new accessory building (detached garage) in the rear yard at 27 Park Road. Mr. Robert Chandler shepherded the matter. Mr. Jon Moore said the house is a bit over the setback line on the corner (about nine feet over). They would like to square off, which would result in an addition of approximately 14'x16'. It would project into the front yard another fourteen feet at its maximum. It would run at an angle diagonally to the line. The house is a corner lot and built in 1954. The front and side setbacks were discussed. Mr. Phil Hardin said the plans are well presented.

Mr. Chandler restated the facts and said Ellen Farmer and Thomas Jennings of 27 Park Road are applying for a Variance request for encroachment. The applicant would like to expand a bedroom on the eastern side of the house with encroachment into the setback line. The reason is because of when it was built and the lot itself, they will fill in the corner 14'x16' but no further out of the existing home parameters already. The hardship is when the rules were created and where the house is now positioned in this complicated lot. It doesn't violate the impervious surface or roof coverage.

Ms. Barnes moved that a Variance as requested be granted to Ellen Farmer and Thomas Jennings of 27 Park Road for encroachment into the front yard setback due to a house expansion 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. Further, she moved that by granting this Variance further satisfies the applicable Sections of 153.110(D) and paragraphs one through four and would not be contrary to the public interest where, owing to special conditions, 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.

Ms. Lynn Kieffer seconded the motion and was unanimously approved.

Mr. Kanipe recommended tabling the second matter (the garage) so they can look further into this setback issue in terms of front, rear, and sides. Mr. Kanipe said he would feel more comfortable for the Town making sure the proposed site plan is compliant with the Ordinance.

The matter was tabled until the Town could verify the setbacks appropriately.

The meeting was adjourned at 4:52 pm. The next Board of Adjustment meeting is scheduled for Monday, January 22, 2024, at 4:00 pm.

ATTEST:

Greg Goosmann

Chairman

Laura Jacobs

Town Clerk



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 22, 2024

Case 1

Property Owner: Claude Sheer
Property Address: 5 Brookside Rd
Request: Special Use request for Addition to Existing Driveway.

Project Description

The applicant requests a special use permit from the Board of Adjustment for an addition to the existing driveway. The Town's Zoning Ordinance considers driveways an accessory structure and permitted as a special use.

Special Use Permit Requirements

153.008 SPECIAL USES.

(A) *Purpose.* The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) *Development plan/ site plan requirement.*

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

(a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

(b) Boundary lines of the proposed development, proposed lot lines, and plot designs;

(c) Proposed location and use of all existing and proposed structures;

(d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;

(e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);

(f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;

(g) Location and/or notation of existing and proposed easements and rights-of-way;

(h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;

(i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;

(j) Where applicable, the following written documentation shall be submitted:

1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;

2. The zoning district or districts in which the project is located;

3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;

4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;

5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and

6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.

(k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) *Special use standards.*

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.

Special Use Request

The applicant has filed a special use request to allow this installation within the front yard and not within the required setbacks.



[Home](#) > [Departments](#) > [Planning & Zoning](#) >

Zoning Compliance

Zoning Compliance Application

Town of Biltmore Forest

Name

Claude	Sheer
--------	-------

Property Address

5 Brookside Road

Phone

617 968 4411

Email

claudesheer@gmail.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning *

- R-1 R-2 R-3 R-4
 R-5 P-S

Lot Size *

Proposed Roof Coverage Total *

Must not exceed maximum coverage allowed

Proposed Impervious Surface Coverage *

Must not exceed maximum coverage allowed

Front Yard Setback *

Side Yard Setback *

Rear Yard Setback *

Building Height *

Description of the Proposed Project *

Estimated Start Date *

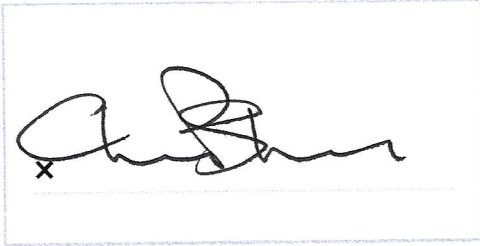
Estimated Completion Date *

Estimated Cost of Project *

Supporting Documentation (Site Plan, Drawings, Other Information)

or drag files here.

Applicant Signature *



draw type

Date *

12/8/24

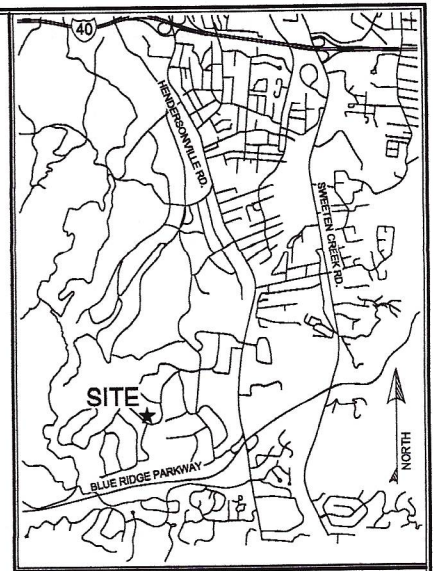
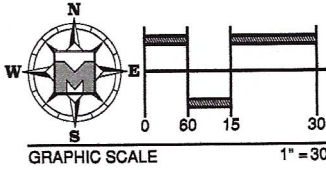


**Town of Biltmore Forest,
NC**

355 Vanderbilt Rd.
Biltmore Forest, NC 28803
(828) 274-0824

© 2023 Town of Biltmore Forest,
NC

- STANDARD LEGEND**
- PIN - PROPERTY IDENTIFICATION NUMBER
 - AC - AIR CONDITIONER(HEAT PUMP)
 - W.P.P. - WOODEN POWER POLE
 - FIR/CAP - FOUND IRON ROD WITH PLASTIC CAP
 - CH - CHORD LENGTH
 - CS - CHORD BEARING
 - R - RADIUS
 - D - DELTA ANGLE
 - O.E. - OVERHEAD ELECTRIC LINES
 - A.G. - ABOVE GROUND
 - B.G. - BELOW GROUND
 - I.P.F. - IRON PIN FOUND
 - SIR/CAP - SET IRON ROD & CAP
 - U.B. - UREED BOOK
 - P.B. - PLAT BOOK
 - PG. - PAGE
 - AC. - ACRES
 - U.E. - UTILITY EASEMENT
 - O.A. - OVERALL
 - CONC. - CONCRETE
 - CO. CLEANOUT
 - SAN - SANITARY
 - CLF - CHAIN LINK FENCE
 - S.F. - SQUARE FEET
 - F.H. - FIRE HYDRANT
 - FND. - FOUND
 - I.R. - IRON ROD (REBAR)
 - R.W. - RIGHT-OF-WAY
 - MH - MANHOLE
 - WV - WATER VALVE
 - WM - WATER METER

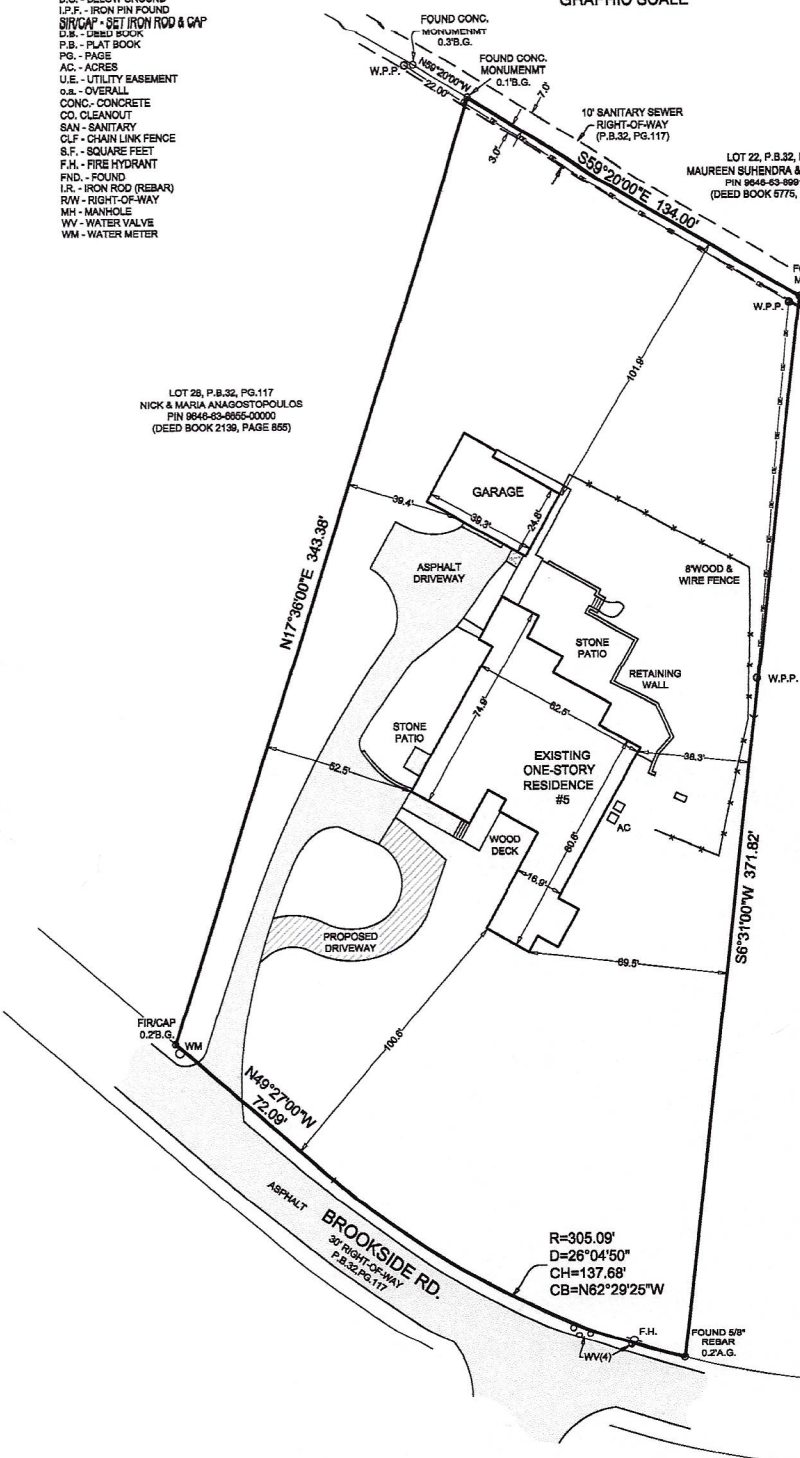


VICINITY MAP
NOT TO SCALE

LOT 28, P.B.32, PG.117
NICK & MARIA ANAGOSTOPOULOS
PIN 9646-83-6655-00000
(DEED BOOK 2139, PAGE 855)

LOT 22, P.B.32, PG.117
MAUREEN SUHENDRA & JOHN CARTER
PIN 9646-83-8991-00000
(DEED BOOK 6775, PAGE 723)

LOT 26, P.B.32, PG.117
BETSY & TIMOTHY GILLESPIE
PIN 9646-83-8640-00000
(DEED BOOK 2096, PAGE 80)



DESCRIPTION: (PROPERTY SURVEYED) PIN 9646-83-7587-00000
ALL OF LOT 27 OF PLAT BOOK 32, PAGE 117, BEING ALL OF THAT LAND AS DESCRIBED IN DEED BOOK 6185, PAGE 536 OF THE PUBLIC RECORDS OF BUNCOMBE COUNTY, NORTH CAROLINA.

SAID LANDS CONTAINING 59,258 SQ.FT / 1.36 ACRES

1. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD AND ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, OR RESTRICTIONS THAT MAY LEGALLY AFFECT THIS PROPERTY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT.
3. UNDERGROUND FOUNDATIONS, LANDSCAPE FEATURES AND ROOF OVERHANGS WERE NOT LOCATED.
4. THIS IS AN ABOVE GROUND SURVEY. THE SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE OF UNDERGROUND UTILITIES OR STRUCTURES. CALL 811 BEFORE DIGGING..
5. THERE WAS NO INVESTIGATION INTO THE EXISTENCE OF ENVIRONMENTALLY SENSITIVE AREAS.
6. DUE TO VEGETATION, THERE MAY BE ADDITIONAL UTILITIES OR IMPROVEMENTS NOT VISIBLE AT THE TIME OF THE SURVEY THAT ARE NOT SHOWN .
7. SOME FEATURES MAY BE EXAGGERATED FOR CLARITY.
8. OWNERSHIP, DEED AND PLAT INFORMATION IS PER THE BUNCOMBE COUNTY GIS WEBSITE.
9. NO HORIZONTAL CONTROL MONUMENTATION WAS RECOVERED WITHIN 2000' OF PROPERTY
10. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
11. THE PURPOSE OF THIS SURVEY IS TO SHOW NEW IMPROVEMENTS AND TO CALCULATE EXISTING AND PROPOSED PERVIOUS AREAS. THE BOUNDARY INFORMATION SHOWN IS PER THE SURVEY RELEASED MARCH 21, 2021.

PERVIOUS CALCULATIONS:
TOTAL AREA OF PROPERTY = 59,258 S.F. 100%
EXISTING IMPERVIOUS AREA = 11,024 S.F. 18.6%
PROPOSED DRIVEWAY AREA = 1,022 S.F. 1.7%
PROPOSED IMPERVIOUS AREA = 12,046 S.F. 20.3%

REVISED 12/7/2023 TO SHOW EXISTING AND PROPOSED PERVIOUS AREAS.

BOUNDARY SURVEY

For : CLAUDE SHEER & KATHLEEN GOODWIN
CITY OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA

THOMAS MULLOY P.L.S.
140 Macedonia Rd. Asheville, NC. 28804(828)
337-2253 mulloysurveying.com

CURRENT OWNER:
CLAUDE SHEER & KATHLEEN GOODWIN
File no: 2853

SURVEYORS CERTIFICATE:

I, THOMAS MULLOY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION ON MARCH 17, 2022 OF DB 6185, PG 536, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION AS CALCULATED IS AT LEAST 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 21st DAY OF MARCH, 2021.

THOMAS M. MULLOY, P.L.S.
 PLS #4642 State of NC.

ESTIMATE

Appalachian Excavation & Concrete, LLC

50 Dix Creek Chapel Rd
Asheville, NC 28806

appalachian.ecllc@gmail.com
+1 (828) 776-0047
<https://appalachianexcavationconcrete.com>



Claude P. Sheer

Bill to

Claude P. Sheer
5 Brookside Road
Biltmore Forest, NC

Estimate details

Estimate no.: 1164
Estimate date: 12/07/2023

#	Date	Product or service	SKU	Qty	Rate	Amount
1.		Services Demolition of existing asphalt driveway Includes: >Haul it away to the recycling plant >Regrade the area >Installation of gravel >Compact with roller compact >Frame the area with 2x6 >Labor		1	\$4,600.00	\$4,600.00
2.		Services Pour concrete 5,831 Includes: >4 inches of 4000 PSI concrete with commercial fiber >Broom finish >Control joints >Clean area		1	\$37,900.00	\$37,900.00
3.		Services Apron entrance (Flagstone stamp) Includes: >10 ft x 25 ft >6 inches of 4000 PSI concrete with fiber >Color >Application of powder release >Stamp >Pressure wash the next day >Application of sealer >Labor		1	\$4,200.00	\$4,200.00

4.	Services New turn around section Includes: >Excavation >Remove bushes >Remove top soil >Haul it away >Grade the area >Compact dirt >Installation of 6 inches of ABC gravel >Compact gravel >Heavy equipment >Labor	1	\$4,900.00	\$4,900.00
5.	Services Materials Includes: >3 loads of ABC gravel >Frame the area	1	\$1,950.00	\$1,950.00
6.	Services Stump dump fee Haul fee	1	\$550.00	\$550.00
			Total	\$54,100.00

Note to customer

Payment Methods: Check,Cash, and Credit card (3%)

We look forward to working with you!!

Special Use Permit Application

Town of Biltmore Forest

Name

Claude Sheer

Address

5 Brookside Road

Phone

(617) 968-4411

Email

claudesheer@gmail.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:

Add a "jug handle" turn around to our existing driveway.

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

We propose to add a loop to our existing driveway to simplify deliveries of every type. Currently, when making a delivery such as USPS the driver has to either back out of our driveway or execute a "K" turn in the driveway. The property be used for the turn around is directly in front of our in what is now a very small front lawn.

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

Signature

Date

12/8/2023

Claude Sheer

I completed the Special Use Permit form online. Below is the Boundary Survey with an indication of the location of the Holly we are planning to remove in conjunction with the project. Our plan is to replace the Holly with a Weeping Red Bud.

Let me know if you need anything else from us.

Town of Biltmore Forest
BOARD OF ADJUSTMENT
HEARING NOTICE



For More Information Visit:
www.biltmoreforest.org



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 22, 2024

CASE 2

Property Address: 9 Brooklawn Chase

Property Owner: John Semanik

Request: Tree Removal Request (Removal of More than 10 Protected Trees) and Landscape Plan Review

Background

The property owners request permission from the Board of Adjustment to remove twelve (12) trees that are considered as protected trees under the Town's ordinance. This ordinance is attached to the memorandum for the Board's review and requires the Board of Adjustment's approval before more than ten (10) protected trees may be removed.

Supplemental Information

The applicants have provided the tree removal request stating the reason for the removal and a landscape plan showing the existing location of trees to be removed. The application also includes the proposed landscaping plan for the property. The Town's Tree Preservation Ordinance is attached.

Zoning Compliance Application

Town of Biltmore Forest

Name

John Semanik

Property Address

9 Brooklawn Chase

Phone

(904) 365-5553

Email

jmckinstry@sedaconstruction.com

Parcel ID/PIN Number

964671083100000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

3.93 acres

Proposed Roof Coverage Total

No structure being built

Proposed Impervious Surface Coverage

No structure being built

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

No structure being built

Description of the Proposed Project

Removing trees that are close enough to fall on the house, terrace, or driveway and replacing with natural landscaping, as well as Biltmore Estate inspired gardens that are being designed by a landscape architect.

Estimated Start Date

1/29/2024

Estimated Completion Date

2/29/2024

Estimated Cost of Project

\$150,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

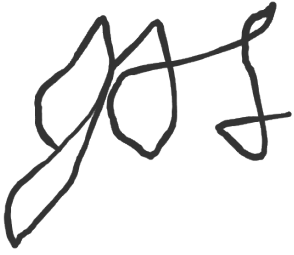
Proposed Tree Removal.pdf

9 Brooklawn Chase w Trees.pdf

9 Brooklawn Chase w Gardens.pdf

Trees_at_9_Brooklawn_Chase.pdf

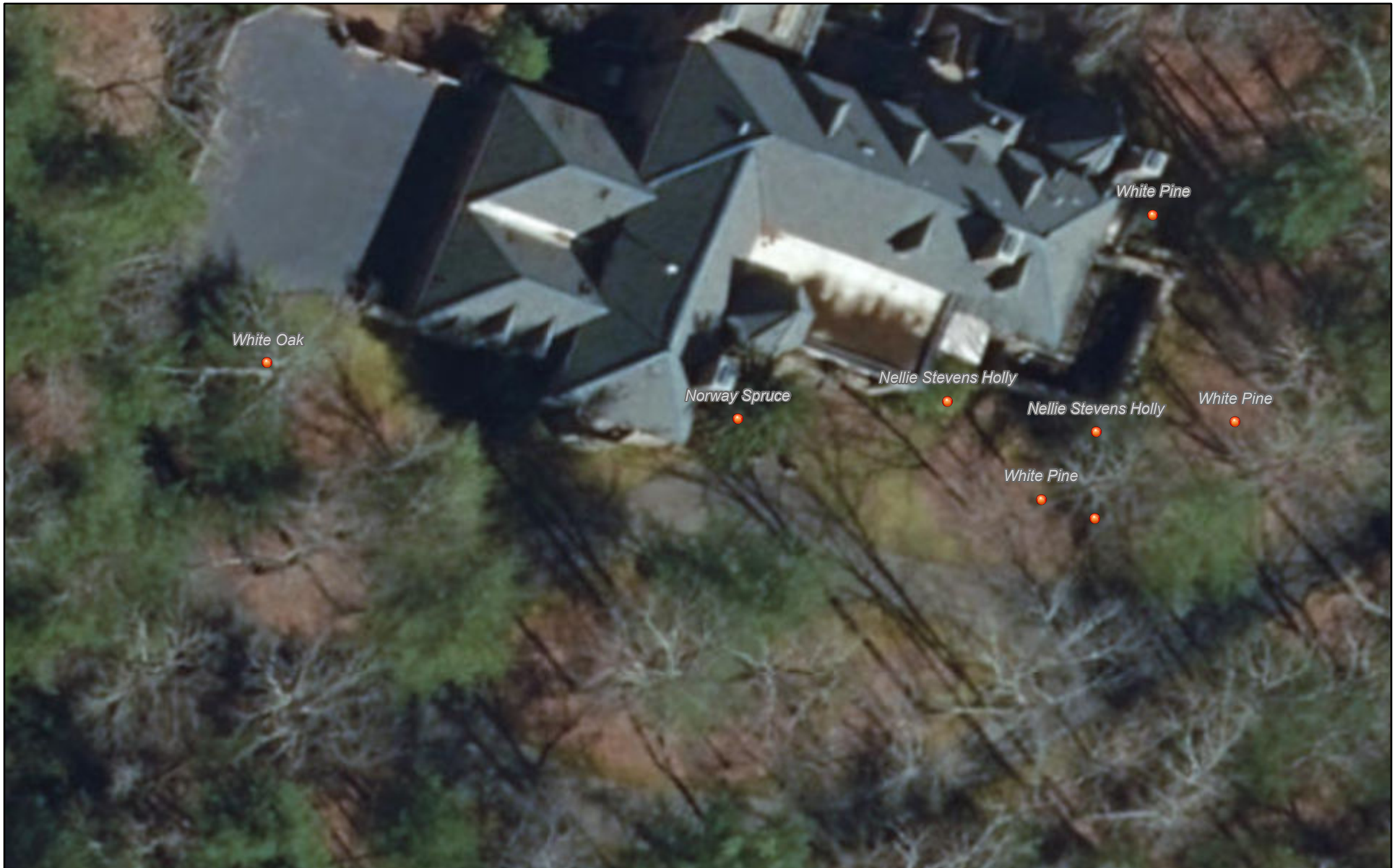
Applicant Signature

A handwritten signature in black ink, consisting of several overlapping loops and a final vertical stroke.

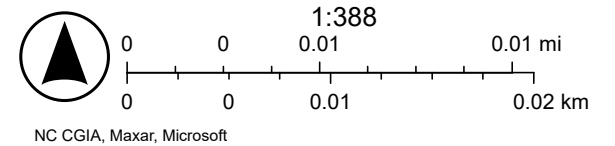
Date

12/18/2023

9 Brooklawn Chase Tree Removal Map



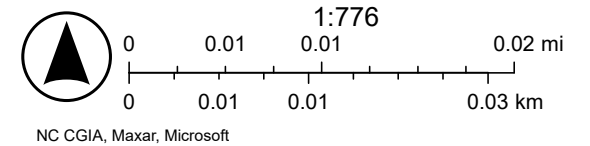
11/13/2023

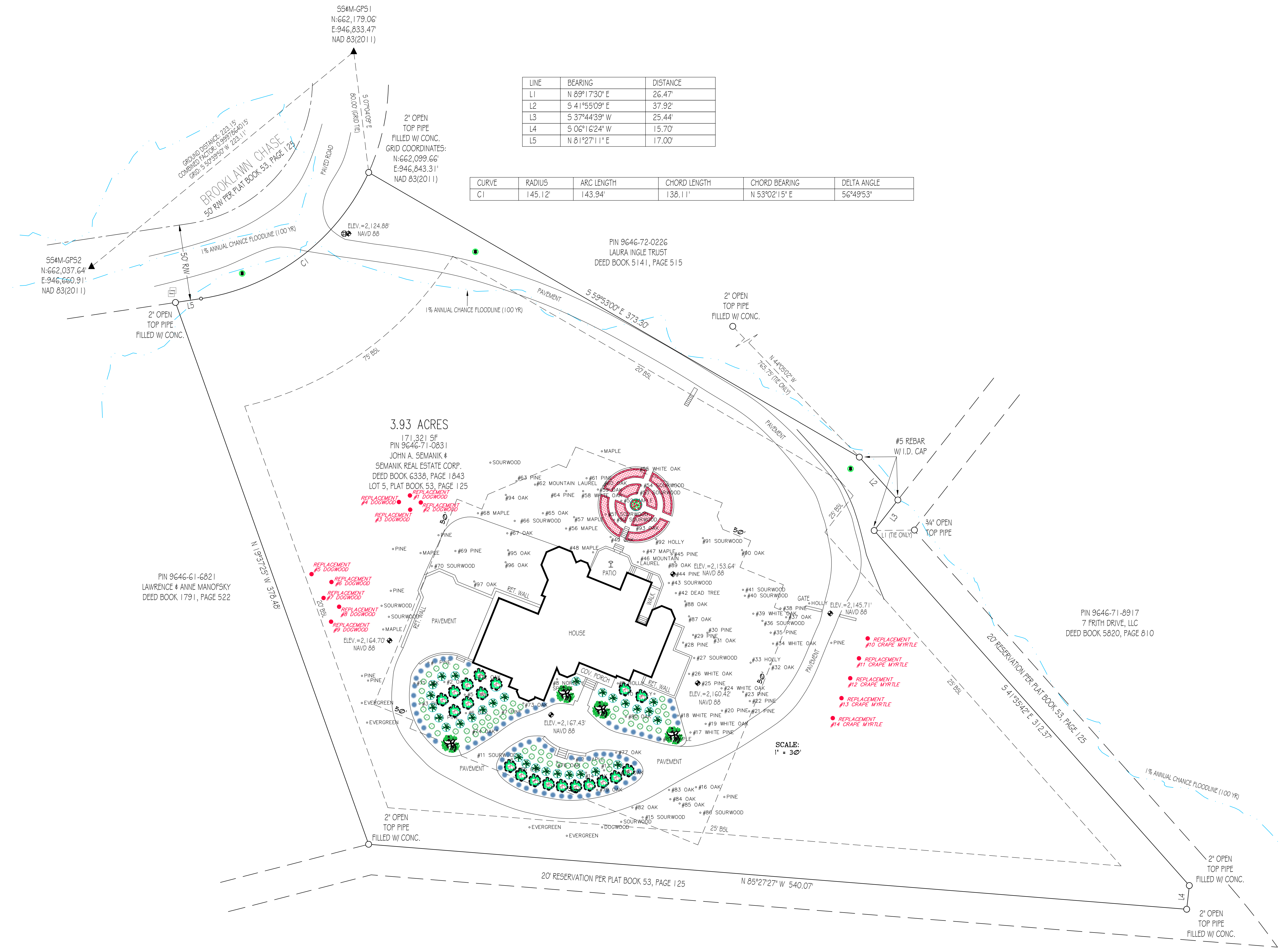


9 Brooklawn Chase Tree Removal Map



11/13/2023





LINE	BEARING	DISTANCE
L1	N 89°17'30\" E	26.47'
L2	S 41°55'09\" E	37.92'
L3	S 37°44'39\" W	25.44'
L4	S 06°16'24\" W	15.70'
L5	N 81°27'11\" E	17.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	145.12'	143.94'	138.11'	N 53°02'15\" E	56°49'53\"

3.93 ACRES
 171,321 SF
 PIN 9646-71-0831
 JOHN A. SEMANIK &
 SEMANIK REAL ESTATE CORP.
 DEED BOOK 6338, PAGE 1843
 LOT 5, PLAT BOOK 53, PAGE 125

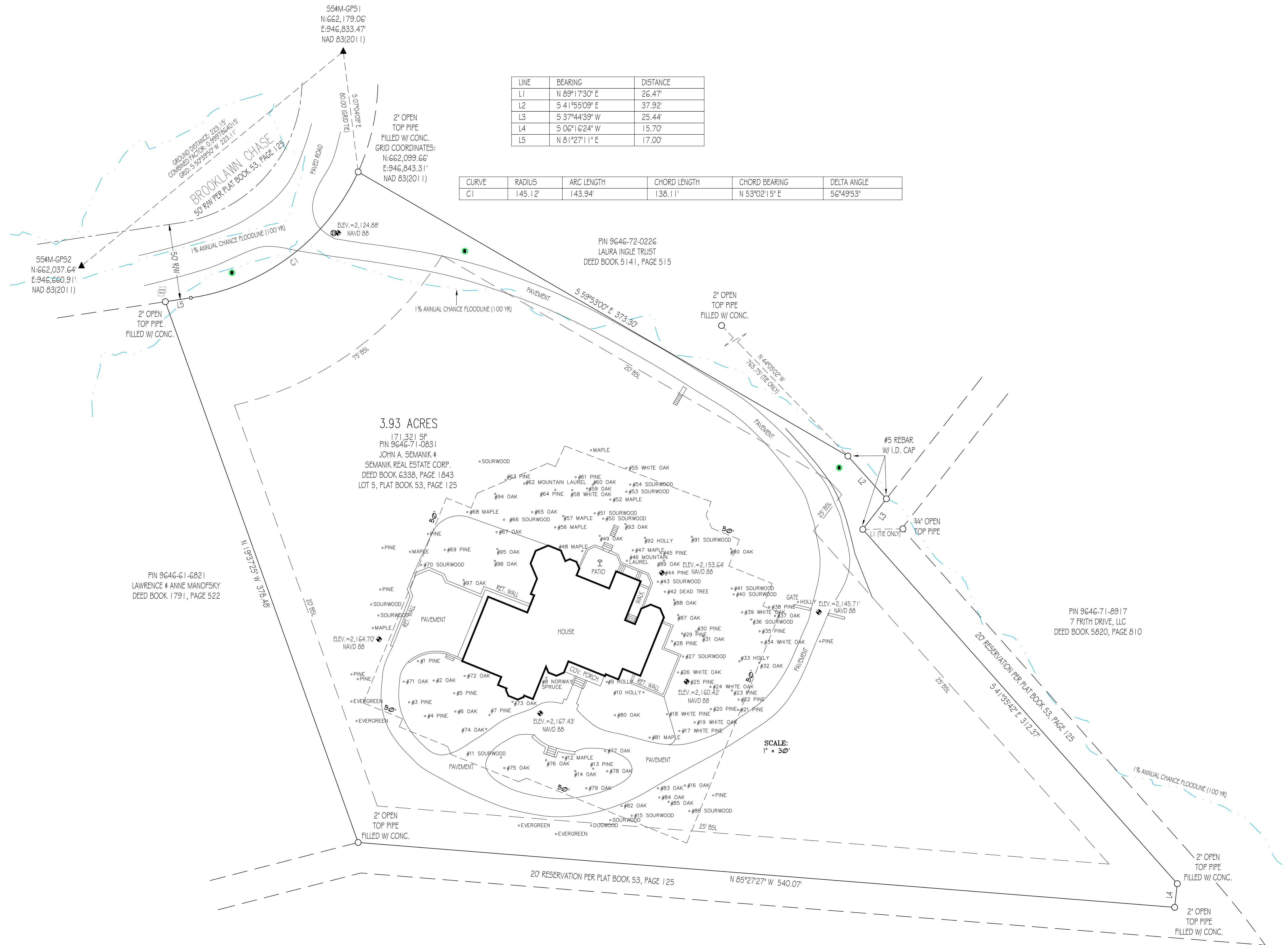
PIN 9646-72-0226
 LAURA INGLE TRUST
 DEED BOOK 5141, PAGE 515

PIN 9646-61-6821
 LAWRENCE & ANNE MANOFFSKY
 DEED BOOK 1791, PAGE 522

PIN 9646-71-8917
 7 FRITH DRIVE, LLC
 DEED BOOK 5820, PAGE 810

SCALE:
 1" = 30'

BLUE RIDGE PARKWAY



LINE	BEARING	DISTANCE
L1	N 89°17'30" E	26.47'
L2	S 41°55'09" E	37.92'
L3	S 37°44'39" W	25.44'
L4	S 06°16'24" W	15.70'
L5	N 81°27'11" E	17.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	145.12'	143.94'	138.11'	N 53°02'15" E	56°49'53"

SCALE:
1" = 30'

BLUE RIDGE PARKWAY

Tree #	Tree Name	Protection	Diameter (Inches)	NOTES
1	Pinus strobus	Unprotected	14	Too close to building and driveway
2	Quercus alba	Unprotected	12	Too close to building and driveway
3	Pinus strobus	Unprotected	14	Too close to building and driveway
4	Pinus echinata	Unprotected	11	Too close to building and driveway
5	Pinus strobus	Unprotected	16	Too close to building and driveway
6	Quercus coccinea	Unprotected	12	Too close to building and driveway
7	Pinus strobus	Unprotected	9	Too close to building and driveway
8	Picea abies	Unprotected	14	Uprooting - root sprung/too close to building
9	Ilex 'Nellie R Stevens'	Unprotected	7	Nellie Stevens holly too close to building
10	Ilex 'Nellie R Stevens'	Unprotected	8	Nellie Stevens holly too close to building foundation
11	Oxydendrum arboreum	Unprotected	10	Too close to driveway
12	Acer rubrum	Unprotected	14	Too close to driveway
13	Pinus strobus	Unprotected	10	Too close to driveway
14	Quercus alba	Unprotected	19	Too close to driveway
15	Oxydendrum arboreum	Unprotected	22	Too close to driveway
16	Quercus alba	Unprotected	11	Too close to driveway
17	Pinus strobus	Unprotected	13	Too close to driveway
18	Pinus strobus	Unprotected	8	Suppressed/too close to building
19	Quercus alba	Unprotected	19	Too close to driveway
20	Pinus strobus	Unprotected	17	Sap ooze and trunk crack
21	Pinus echinata	Unprotected	20	Shortleaf pine - Lower trunk damage and fruiting body on trunk
22	Pinus strobus	Unprotected	9	Too close to driveway
23	Pinus echinata	Unprotected	17	Poor live crown ratio- shortleaf pine
24	Quercus alba	Unprotected	14	Phototropic lean toward house, prune low branches
25	Pinus strobus	Unprotected	10	Mostly dead
26	Quercus alba	Unprotected	8	Suppressed
27	Oxydendrum arboreum	Unprotected	7	Too close to building
28	Pinus strobus	Unprotected	12	Too close to building
29	Pinus strobus	Unprotected	13	Leaning toward and too close to building
30	Pinus strobus	Unprotected	18	Too close to building
31	Quercus alba	Unprotected	9	Too close to building
32	Quercus coccinea	Unprotected	19	Base has internal decay
33	Ilex opaca	Unregulated	4	
34	Quercus alba	Unprotected	8	Too close to gate and driveway

35	Pinus strobus	Unprotected	18	Too close to gate and driveway
36	Oxydendrum arboreum	Unprotected	12.5	Too close to gate and driveway
37	Quercus alba	Unprotected	7.5	Dead top
38	Pinus strobus	Unprotected	9.5	Too close to gate and driveway
39	Quercus alba	Unprotected	8	Too close to gate and driveway
40	Oxydendrum arboreum	Unprotected	8	
41	Oxydendrum arboreum	Protected	8	
42	Oxydendrum arboreum	Unprotected	7.5	Sourwood mostly dead
43	Oxydendrum arboreum	Unprotected	6	Too close to building
44	Pinus strobus	Unprotected	11	Remove to give maple room
45	Pinus echinata	Unprotected	14	Poor live crown ratio - shortleaf pine
46	Kalmia latifolia	Unprotected	7	Too close to building
47	Acer rubrum	Unprotected	7.5	Too close to building
48	Acer rubrum	Unprotected	8	Red maple structure is poor
49	Quercus coccinea	Unprotected	10	Scarlet Oak - Base is girdled with chain/Too close to building
50	Oxydendrum arboreum	Unprotected	7	Sourwood dead top
51	Oxydendrum arboreum	Unprotected	12	Too close to building
52	Acer rubrum	Protected	10.5	
53	Oxydendrum arboreum	Protected	14	
54	Oxydendrum arboreum	Protected	16	
55	Quercus coccinea	Unprotected	15.5	May have internal decay
56	Acer rubrum	Protected	9	
57	Acer rubrum	Protected	13	
58	Quercus coccinea	Unprotected	21	Old Stem crack may have internal decay
59	Quercus coccinea	Unprotected	21	Decay at base- likely to damage other trees - tree has character
60	Quercus coccinea	Unprotected	21	Base not solid
61	Pinus strobus	Protected	26	
62	Kalmia latifolia	Protected	8	
63	Pinus echinata	Protected	17	
64	Pinus echinata	Unprotected	22	Poor crown
65	Quercus alba	Unprotected	9	Suppressed/too close to building
66	Oxydendrum arboreum	Unprotected	12	Too close to building
67	Quercus alba	Unprotected	19	Too close to building
68	Acer rubrum	Protected	13	Red maple
69	Pinus strobus	Unprotected	11	Poor crown ratio/Too close to driveway

70	Oxydendrum arboreum	Unprotected	17	Too close to driveway
71	Quercus alba	Unprotected	18.5	Too close to building and driveway
72	Quercus coccinea	Unprotected	16	Too close to building
73	Quercus alba	Unprotected	17	Too close to building
74	Quercus alba	Unprotected	13	Too close to building
75	Quercus alba	Unprotected	15.5	Too close to building and driveway
76	Quercus alba	Unprotected	17	Too close to building and driveway
77	Quercus alba	Unprotected	15	Too close to building and driveway
78	Quercus alba	Unprotected	13	Too close to building and driveway
79	Quercus alba	Unprotected	11	Too close to building and driveway
80	Quercus alba	Unprotected	17	Too close to building
81	Acer rubrum	Protected	7	Red Maple
82	Quercus alba	Unprotected	17	Too close to driveway
83	Quercus alba	Unprotected	19	Too close to driveway
84	Quercus alba	Unprotected	22	Too close to driveway
85	Quercus alba	Unprotected	18	Too close to driveway
86	Oxydendrum arboreum	Unprotected	23	Too close to driveway
87	Quercus alba	Unprotected	19	Too close to building
88	Quercus alba	Unprotected	13	Heavy lean toward house, lifting root plate
89	Quercus alba	Unprotected	25	Very Hollow at base and fungus present
90	Quercus coccinea	Unprotected	17	Trunk hollow
91	Oxydendrum arboreum	Unprotected	14	Poor crown
92	Ilex opaca	Unregulated	4	
93	Quercus alba	Unprotected	21	Too close to building
93	Quercus alba	Unprotected	21.5	Too close to building
94	Quercus coccinea	Protected	26	
95	Quercus alba	Unprotected	22	Too close to building
96	Quercus alba	Unprotected	27	Too close to building
97	Quercus alba	Unprotected	20	Too close to building

ORDINANCE 2023-06

**AN ORDINANCE TO AMEND THE
TOWN OF BILTMORE FOREST ZONING ORDINANCE BY ADDING CHAPTER
153.050 AND DELETING CHAPTERS 93.30 THROUGH 93.41 OF THE TOWN OF
BILTMORE FOREST TOWN CODE**

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 chapter of its existing zoning ordinance;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST THAT:

Section 1. Chapter 153.050 shall be added to the Biltmore Forest Zoning Ordinance as follows:

Chapter 153.050 Tree Preservation

TREE PRESERVATION

153.050 Purpose

153.051 Definitions

153.052 Removal of protected trees

153.053 Applications for removal of more than ten (10) protected trees

153.054 Removal of unprotected trees

153.055 Enforcement

153.056 Drip line protection

153.057 Replacement of trees

153.058 Inspections, Appeals, Bond, and Penalty

TREE PRESERVATION

§ 153.050 PURPOSE.

(A) In order to maintain the unique characteristics of the Town of Biltmore Forest as a residential neighborhood with a history beginning as part of the Vanderbilt Estate, it is necessary to preserve the traditional appearance of Biltmore Forest as a true forest. This is particularly true of trees along the roads and around the perimeter of lots. Trees provide buffer and a natural canopy, and are a hallmark of the Town requiring protection. The Town is focused on maintaining the current health of the forest and increasing species diversity, with a primary goal to replace hardwood trees, other native trees, and trees of preference more quickly. Trees provide shade, cooling, noise and wind reduction, prevent soil erosion, produce oxygen, filter dust, and absorb carbon dioxide. Trees also provide natural habitat and aesthetic enhancement in the Town.

(B) Preservation and appropriate replacement of trees is the intent of this chapter. This chapter shall apply to all properties within the Town of Biltmore Forest except as noted in part C below.

(C) This chapter does not apply to properties owned, leased, or controlled by the Town of Biltmore Forest. This chapter does not apply to properties that perform forestry activity on forestland taxed on the basis of its present-use value as forestland under Article 12, Chapter 105, of the N.C. General Statutes. Once an active forestry management plan is no longer in place, the exception for the property will be removed. Property owners with an active forestry management plan shall provide a current copy of this plan to the Town each calendar year by January 31.

(D) This ordinance applies to residential and non-residential tree removal that does not involve construction activity. Refer to §153.034 for landscaping plan requirements and §153.061 for tree removal and replacement guidelines related to all construction activity.

§ 153.051 DEFINITIONS.

NON-RESIDENTIAL USES. For the purposes of this chapter, non-residential uses may include specific uses found throughout the Town that do not encompass single-family or multi-family residential dwellings. These uses may exist within a residential zoning district, but by actual use, are not residential in nature. Examples of these uses include, but are not limited to, public or private schools; country, athletic, and social clubs; medical or dental offices and campuses.

ORDINANCE ADMINISTRATOR. For the purposes of this chapter, the ordinance administrator charged with administration, inspection, review, and enforcement is the Town Manager or his/her designee.

OUTDOOR RECREATION ACTIVITIES. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed non-residential places, sites, or fields. Active recreational uses and supporting services include swimming, tennis, golf, baseball and other field sports, track, and playground activities.

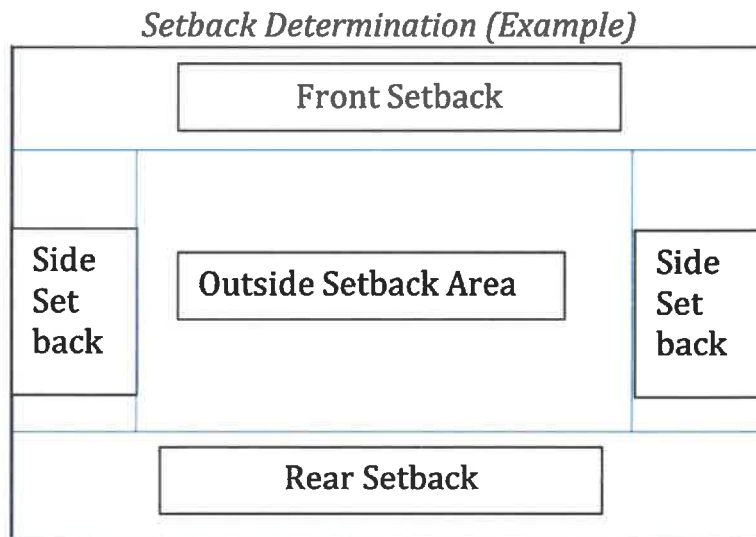
PROTECTED TREE. A protected tree is any tree six inches or more in diameter at a height of four and a half feet from the ground (DBH-diameter at breast height) that is in sound, healthy condition.

RECOMMENDED PLANTING LIST (RPL). A list developed and updated by the Town Arborist that includes preferred species based on the tree being removed and acceptable replacement locations. For all replanting requirements, a minimum of fifty (50) percent of the total replacement

trees must come from the RPL with twenty-five (25) percent of the total replacement trees being those species identified as trees of preference, as defined below. A minimum of one (1) tree scheduled for replacement shall come from the Tree of Preference (TOP) list as defined below. The replanting list may be updated periodically and is available on the Town's website.

RESIDENTIAL USES. For the purposes of this chapter, residential uses include single-family detached dwelling units found within the R-1, R-2, and R-3 zoning districts and includes attached multi-family residential units found within the R-1, R-2, and R-3 zoning districts.

SETBACKS. For the purposes of this chapter, setback refers to the minimum yard setback requirement found in § 153.007 "DIMENSIONAL REQUIREMENTS" of the Town Zoning Ordinance. "INSIDE SETBACK AREA" is the length found from the street or property line, and "OUTSIDE SETBACK AREA" is the remainder of the property area. An example of setback locations are shown below.



TREES OF PREFERENCE (TOP). Trees that warrant additional attention and regulation due to being a preferred native species or having distinctive height and/or diameter. Trees of preference include any healthy, living tree with the following characteristics:

- (A) Has a trunk diameter at breast height (DBH) of thirty-six (36) inches or more;
- (B) Any tree native to North Carolina per the United States Department of Agriculture Natural Resource Conservation Service Plants Database with a trunk DBH of thirty (30) inches or more.

UNREGULATED TREE. A tree that is less than six (6) inches in diameter, regardless of height or species, is to be unregulated and not subject to the provisions of this chapter.

UNPROTECTED TREE. A tree that is six inches or more in diameter at a height of four and a half feet from the ground, and is dead, produces no foliage during normal growing seasons, or a tree that is diseased or damaged to the extent that it is structurally compromised and poses a safety hazard,

or a tree that, for any other reason, poses a safety hazard. Safety hazard concerns are evaluated by the Town Arborist in accordance with best management practices developed by the International Society of Arboriculture (ISA).

§ 153.052 REMOVAL OF PROTECTED TREES.

(A) No person shall remove or in any way damage any protected tree on a property without receiving approval from the appropriate regulatory review body for the removal and paying any applicable fee. Any protected trees removed shall be replaced as outlined in § 153.057 below.

(B) If the Ordinance Administrator concludes the removal of the number of protected trees requested would be undesirable, and not within the letter or intent of this chapter, he or she may refuse to approve such removal, or permit the removal of a lesser number of protected trees. Further, in his or her discretion, the Ordinance Administrator may require that the applicant provide a tree survey showing the location, size, and type of protected trees on a property, including common scientific names. The tree survey shall clearly indicate which protected trees are indicated for removal and which will be left undisturbed. In the case of new construction, the site plan must show the location of building, driveways, terraces, and other structures on the property. All protected trees must be clearly tagged as to retention or removal. The Ordinance Administrator may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Ordinance Administrator, to confirm that the protected tree(s) are on the applicant's property. An applicant has the right to appeal a decision of the Ordinance Administrator to the Board of Adjustment within five (5) business days of the decision.

§ 153.053 APPLICATIONS FOR REMOVAL OF MORE THAN TEN (10) PROTECTED TREES.

An application to remove more than ten (10) protected trees in twelve (12) successive months shall be made to the appropriate regulatory review authority as shown below. A fee for this application shall be paid along with the application.

Table 1 - Regulatory Review Body Requirements

Protected Trees Requested for Removal	Regulatory Review Body
1-10 Trees	Ordinance Administrator
11-30 Trees	Board of Adjustment
31+ Trees	Board of Commissioners

§ 153.054 REMOVAL OF UNPROTECTED TREES.

(A) An unprotected tree may be removed by the property owner after notifying the Town of the plans to remove the tree(s) and receiving approval to do so from the Ordinance Administrator.

(B) The Ordinance Administrator may require the property owner to retain a certified arborist to render an opinion as to the health and structural integrity of the tree(s) in question and report the findings, in writing, to the Town before final approval is given. The Town reserves the right to consult with its own tree specialist to confirm the health and condition of any tree(s) prior to removal.

(C) Any unprotected trees removed shall be replaced as defined in § 153.057 below.

§ 153.055 ENFORCEMENT.

Any unauthorized removal, cutting, or damage to protected or unprotected tree(s) may result in the Ordinance Administrator placing a stop-work order on any activity on the property. This order shall remain in effect until all corrections are made to bring the property into compliance with this chapter, up to and including a final landscaping plan showing the full tree replacement as required by 153.057 below.

§ 153.056 DRIP LINE PROTECTION.

The health of protected trees requires the prevention of soil disturbance within the drip line of the trees. Covering this area with pavement or other materials, including excess soil, can affect the health of the tree. Final landscape plans shall protect this area around the tree and denote tree save areas on the plan.

§ 153.057 REPLACEMENT OF TREES.

(A) The replacement of protected and unprotected trees and trees of preference shall be established in accordance with the following requirements:

Table 2 - Residential Tree Replacement Requirements

SIZE OF TREE REMOVED (DBH)	INSIDE SETBACK AREA				OUTSIDE SETBACK AREA			
	PROTECTED		UN-PROTECTED		PROTECTED		UN-PROTECTED	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	1	2"	1	2"	1	2"	x	x
19"-36"	1*	3"	1	2"	1	2"	x	x
36"+ ^T	1**	3"	1*	3"	2	2"	1	2"

* must include a minimum of 3 screening/buffering trees as defined in RPL

** must include a minimum of 5 screening/buffering trees as defined in RPL

^T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

Table 3 - Non- Residential Tree Replacement Requirements

SIZE OF TREE REMOVED (DBH)	INSIDE SETBACK AREA				OUTSIDE SETBACK AREA			
	PROTECTED		UN-PROTECTED		PROTECTED		UN-PROTECTED	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	2	2"	x	x	1	2"	x	x
19"-36"	2*	3"	1	2"	1	3"	x	x
36"+ ^T	2**	4"	1*	3"	1	4"	1	3"

* must include a minimum of 3 screening/buffering trees as defined in RPL

** must include a minimum of 5 screening/buffering trees as defined in RPL

^T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

(B) A replacement tree may be planted up to one (1) year prior to the removal of any tree in order to count toward replacement. Replacement trees planted after existing tree removal shall be in the ground within six months of removal of the original tree. The Ordinance Administrator may, for good cause shown, and in his or her sole discretion, extend this period for an additional six months.

(C) The Town's Recommended Planting List (RPL) shall be utilized by applicants when determining what species of trees are to be replanted. A minimum of fifty (50) percent of the total replacement trees shall come from the RPL with a minimum of twenty-five (25) percent of total replacement trees coming from the Trees of Preference (TOP) list. A minimum of one (1) tree scheduled for replacement shall come from the Tree of Preference (TOP) list. Variation from these requirements must be granted by the Ordinance Administrator prior to approval and planting.

(D) See the above charts for the minimum replacement size for all deciduous trees. Evergreen trees that are planted as replacement trees shall be a minimum of six (6) feet in height at the time of planting.

(E) (1) Depending on the proximity of other trees and/or structures, lesser quantities of replacement trees may be authorized by the Ordinance Administrator or by the Board of Adjustment (in the case of an appeal to the Town) or the Ordinance Administrator may authorize the replanting or replacement of trees in a location or locations where such replacement trees are more likely to survive. For existing residential lots where mature canopies remain after tree removal, replacement requirements may be amended regarding location and species to provide the best opportunity for healthy growth. This replacement requirement discretion is meant solely to allow for maintenance of existing residential lots where the canopy is thick and growing new trees would be impractical and/or difficult. This allowance is not intended for new residential construction.

(2) For non-residential lots, if replanting inside the setback results in an adverse condition to Town roads, other public property, other private property, or results in an undue hardship for an outdoor recreation activity, a variance application may be filed with the Board of Adjustment to replant the appropriate number of trees in a different location.

(3) Non-residential properties that include an outdoor recreation activity as a primary purpose, as defined above, are provided a tree removal allowance not to exceed net fifty (50) trees outside the setback of the property in a calendar year. Net removal is defined as the number of protected trees removed minus the number of trees re-planted on the property where the outdoor recreation activity occurs. Prior to removal of trees pursuant to this section, the property owner should submit to the Ordinance Administrator notice of the tree(s) to be removed. For purposes of this net removal allowance, a property owner needs only to submit to the Ordinance Administrator documentation of any protected trees removed and any trees replanted as a record of same for each calendar year. Unprotected trees outside the setback of a non-residential property with an outdoor recreation activity as a primary purpose may be removed without replacement, provided that notice is given to the Ordinance Administrator regarding the necessity for removal.

(F) The Town encourages a diversity of species during replanting, with a focus on replenishing hardwood trees within the forest. However, to provide appropriate screening and buffering, particularly among non-residential uses, trees that have a lower canopy (height) at maturity are also encouraged for inclusion in a replanting plan. This combination will ensure the canopy is varied in both height and species.

(G) Replacement trees shall not be planted within the Town's right-of-way or in an area to obstruct the view of traffic.

§ 153.058 INSPECTIONS, APPEALS, BOND, AND PENALTY.

(A) All protected trees designated to remain, pursuant to a tree survey, plus any replacement trees shall be inspected by the Ordinance Administrator six months following any construction to ensure the trees are in a healthy condition. The Ordinance Administrator may require replacement or replanting of replacement trees if the appropriate replacement trees are not in place during this review.

(B) Any person aggrieved by a decision made under this subchapter by the Ordinance Administrator may file, within five (5) days after the date of such decision, a petition to have such decision reviewed and acted upon by the Board of Adjustment. The decision of the Board of Adjustment shall be subject to review by the Board of Commissioners.

(C) At the option of the Town, a bond or other type of guarantee can be required of the property owner and/ or applicant when submitting a tree removal application to ensure all replanting requirements are met to the satisfaction of the Town.

(D) Any violation of this chapter shall be subject to the penalty provisions found in §153.999 of the Town of Biltmore Forest Zoning Ordinance.

Section 2. Chapter 93, Sections 93.30 through 93.41, shall be deleted from the Biltmore Forest Town Code due to the removal of this ordinance to the Town of Biltmore Forest Zoning Ordinance.

Section 3. Effective Date.

This ordinance amendment shall take effect upon adoption.

10-9-2023

Date

George F. Goosmann III

George F. Goosmann, III

Mayor

Laura Jacobs

Laura Jacobs

Town Clerk

PRIVATE

9

Town of Biltmore Forest
BOARD OF ADJUSTMENT
HEARING NOTICE



For More Information Visit:
www.biltmoreforest.org



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 22, 2024

Case 3

Property Owner: Kenneth Ellington

Property Address: 6 Fairway Place

Project Description

The applicant requests a special use permit for the installation of a pool/spa in the rear yard. The application includes a description of the project proposed and is not within the setbacks. This was tabled from the October 2023 meeting.

Special Use Request

The Town considers a pool as an accessory structure, pursuant to Chapter 153.029 of the Zoning Ordinance. This is attached for the Board's review. The specific language of the Zoning Ordinance states that the Town regulates these only as the North Carolina General Statutes allows. This statute is also included for the Board's review. Updated plans and pictures have been provided.

Special Use Requirements

153.008 SPECIAL USES.

(A) *Purpose.* The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) *Development plan/site plan requirement.*

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

(a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

(b) Boundary lines of the proposed development, proposed lot lines, and plot designs;

- (c) Proposed location and use of all existing and proposed structures;
- (d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;
- (e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);
- (f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;
- (g) Location and/or notation of existing and proposed easements and rights-of-way;
- (h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;
- (i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;
- (j) Where applicable, the following written documentation shall be submitted:
 1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;
 2. The zoning district or districts in which the project is located;
 3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;
 4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;
 5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and
 6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.
- (k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) *Special use standards.*

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.

Zoning Compliance Application

Town of Biltmore Forest

Name

Susan Turner

Property Address

6 Fairway Place

Phone

(828) 989-4387

Email

susan@signature-llc.com

Parcel ID/PIN Number

964688801200000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.1499998

Maximum Roof Coverage

4,682 square feet (Up to 1 acres)

Proposed Roof Coverage Total

0

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

~1500 sqft

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

0'

Description of the Proposed Project

custom pool/ spa- start date & total cost is unknown currently. We are trying to get the preliminary plan approved so we can move forward with contract

Estimated Start Date

1/5/2024

Estimated Completion Date

5/31/2024

Estimated Cost of Project

\$250,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

SK1-Site Plan.pdf

Applicant Signature

Date
10/2/2023

Susan Turner

Special Use Permit Application

Town of Biltmore Forest

Name

Susan Turner

Address

6 Fairway Place

Phone

(828) 989-4387

Email

imsturner@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:

custom pool/ spa with patio and retaining wall

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

this is a residential custom swimming pool and spa. It will enhance the beauty of the property and will not negatively affect the community

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

Signature

Date

Susan Turner

From: [Susan Turner](#)
To: [Tony Williams](#)
Subject: Re: 6 fairway pl
Date: Thursday, January 04, 2024 4:15:23 PM
Attachments: [~WRD1960.jpg](#)
[image001.png](#)

WARNING: This email originated from outside of the Town of Biltmore Forest Network.

Hi Again,

I would like to modify the variance request to include the retaining wall that will be needed to hold back the existing landscape in the backyard and keep the pool deck at the same elevation as the existing back patio area. The wall varies in heights, which is listed below and on the plans. It will have a concrete footer under the wall and be constructed with CMU block, rebar and concrete poured in the block after they are installed. The face of the wall and the cap will match the veneer and caps on the house columns in the backyard.

Wall heights and length of each height:

1'-6" tall @ 20'-6" long

2'-6" tall @ 20'-6" long

3' tall @ 20'-6" long

3'-6" tall @ 39' long

3' tall @ 18'-6" long

Thank you very much for your help with this change. Look forward to meeting you all onsite.

Susan Turner

Asheville, NC

828.989.4387 (mobile)



www.thesignatureexperience.com



On Thu, Jan 4, 2024 at 2:58 PM Tony Williams <twilliams@biltmoreforest.org> wrote:

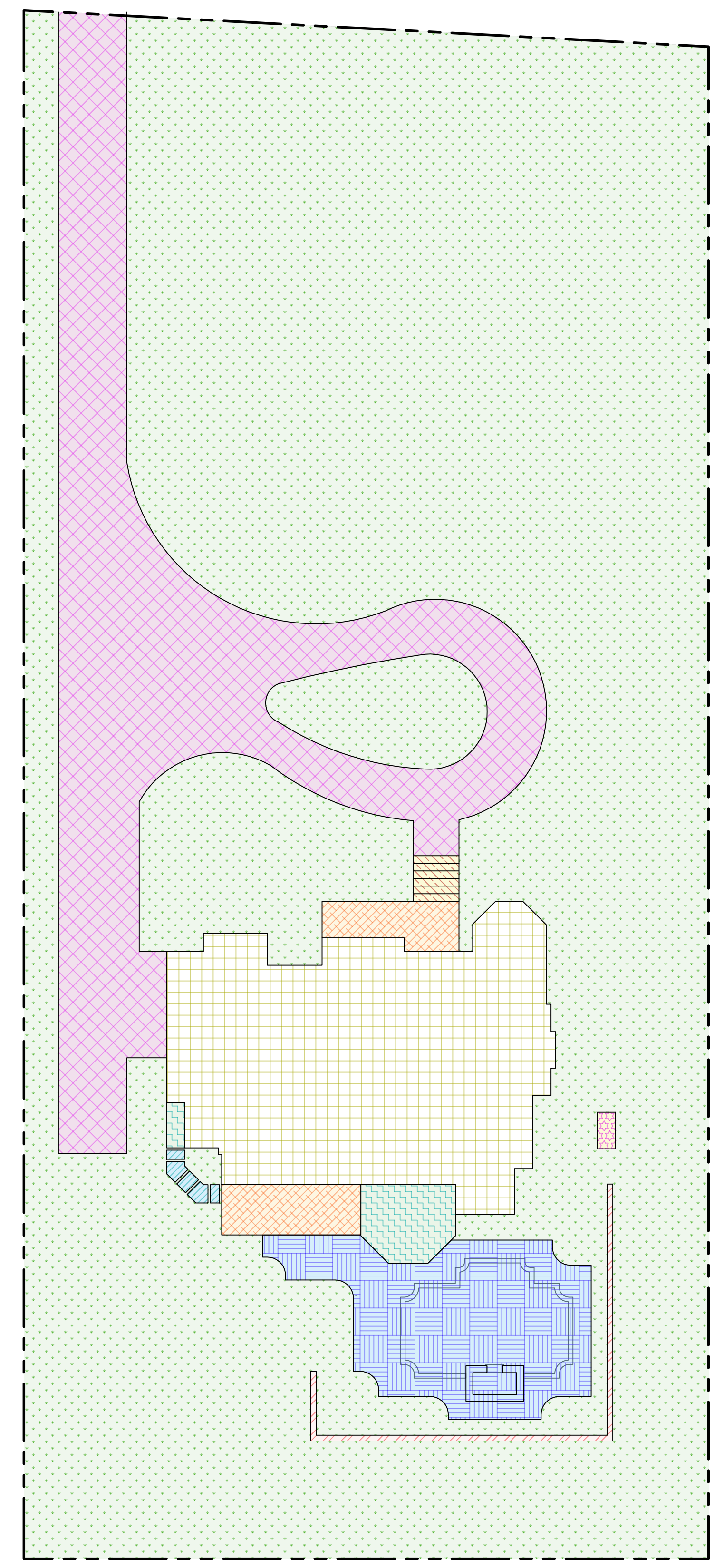
Hi Susan,

We can take care of it over the phone or if you want to type up an email with the changes and I can take care of that for you. If you prefer the phone, I will be available on and off until around 12 tomorrow.

EFFORTS HAVE BEEN MADE TO PRODUCE THIS DOCUMENT USING RECYCLED MATERIALS. PLEASE CONTINUE THE CYCLE AND PROPERLY RECYCLE ALL UNNECESSARY COPIES.

EXISTING LOT COVERAGE CHART

HATCH	DESCRIPTION	TOTAL
	EXISTING HOUSE	4376 SF
	POOL & POOL DECK	1933 SF
	COVERED PORCH	362 SF
	UNCOVERED PATIO/DECK	613 SF
	STEPS	100 SF
	WALKWAY	57 SF
	DRIVEWAY	6981 SF
	RETAINING WALL	170 SF
	EQUIPMENT PAD	32 SF
	TOTAL IMPERMEABLE AREA	14624 SF
	PERMEABLE AREA	35684 SF
	TOTAL	50308 SF
	PERVIOUS PERCENTAGE TOTAL	70.93%
	IMPERVIOUS PERCENTAGE TOTAL	29.07%



Elegant Backyard Retreat with Pool and Spa

PREPARED FOR
The Ellington Family

PROJECT LOCATION
6 Fairway Place
Biltmore Forest, 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	10/09/2023	Site Permeability	SP
1	10/09/2023	Updated Site Permeability	SP
2	01/04/2023	Updated Site Permeability	CD
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

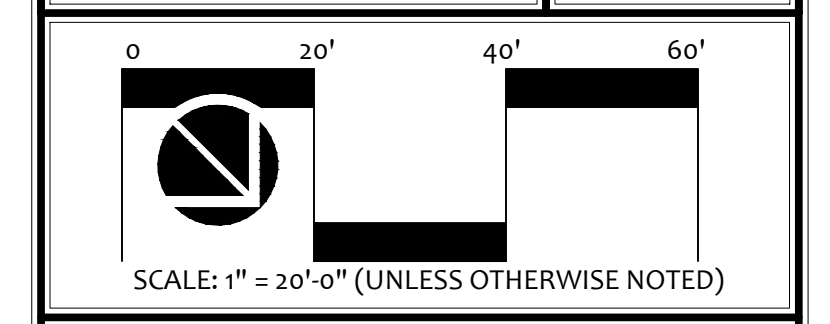
CLIENT PROJECT #: 1
FIRM PROJECT #: 230827
DR BY: SP RELEASE DATE: 10/09/2023
AP BY: CD REVISION DATE: 01/04/2024

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 Permeability Plan SK2
Page 1 of 1



This drawing contains specific and proprietary information and is the property of Signature, LLC. This drawing and the information contained herein may not be scanned, copied, reproduced, modified, published, posted, uploaded, transmitted, or distributed in any way without expressed written consent from Signature, LLC for the specific project named on this sheet.
© 2024 Signature, LLC

01 SITE PERMEABILITY PLAN

1" = 20'-0"

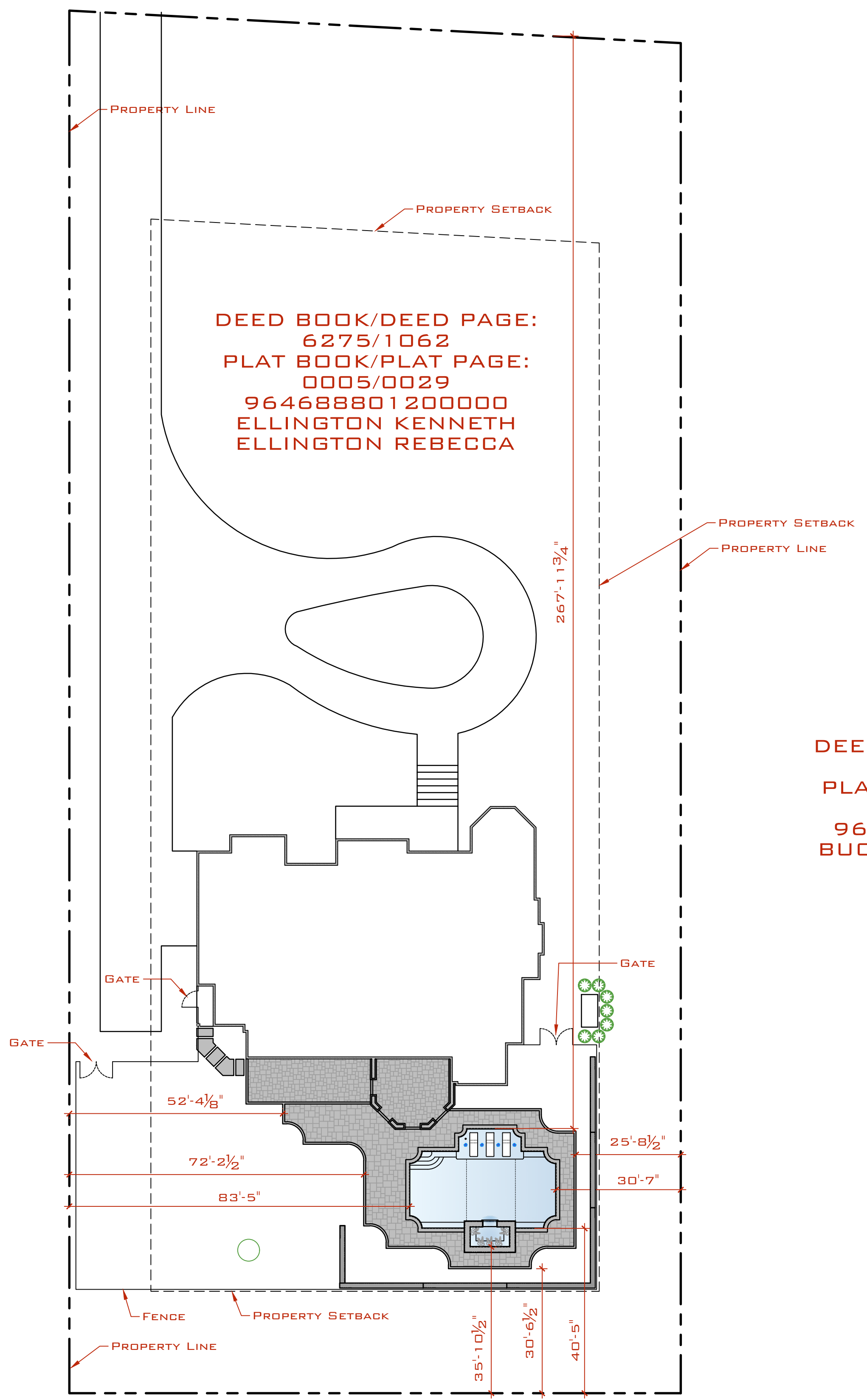
EFFORTS HAVE BEEN MADE TO PRODUCE THIS DOCUMENT USING RECYCLED MATERIALS. PLEASE CONTINUE THE CYCLE AND PROPERLY RECYCLE ALL UNNECESSARY COPIES.



01 4'-6" ALUMINUM FENCE DETAILS
N.T.S

D
C
B
A

FAIRWAY PLACE



DEED BOOK/DEED PAGE:
6194/1303
PLAT BOOK/PLAT PAGE:
0005/0029
964687887800000
ELLISTON W LEON

DEED BOOK/DEED PAGE:
6275/1062
PLAT BOOK/PLAT PAGE:
0005/0029
964688801200000
ELLINGTON KENNETH
ELLINGTON REBECCA

DEED BOOK/DEED PAGE:
6287/562
PLAT BOOK/PLAT PAGE:
0232/0029
964688716600000
BUCKLEY MICHAEL J JR

02 SITE PLAN
1" = 20'-0"

Elegant Backyard Retreat with Pool and Spa

PREPARED FOR
The Ellington Family

PROJECT LOCATION
6 Fairway Place
Biltmore Forest, 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

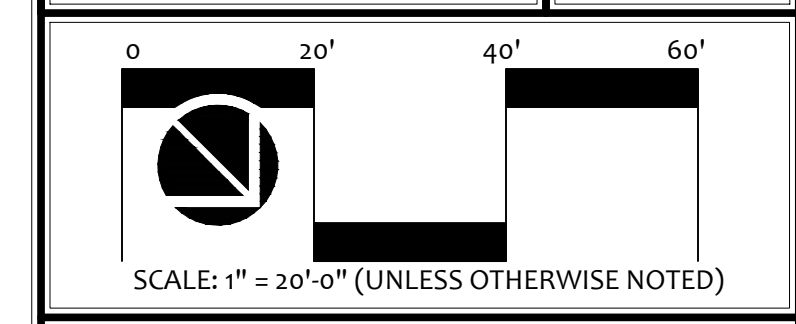
#	DATE	DESCRIPTION	BY
0	09/29/2023	Permit Review	SP
1	01/04/2024	Updated Site Plan	CD
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

CLIENT PROJECT #: 1
FIRM PROJECT #: 230827
DR BY: SP RELEASE DATE: 09/29/2023
AP BY: CD REVISION DATE: 01/04/2024

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 SK1
Page 1 of 1



SCALE: 1" = 20'-0" (UNLESS OTHERWISE NOTED)
This drawing contains specific and proprietary information and is the property of Signature, LLC. This drawing and the information contained herein may not be scanned, copied, reproduced, modified, published, posted, uploaded, transmitted, or distributed in any way without expressed written consent from Signature, LLC for the specific project named on this sheet.
© 2024 Signature, LLC



01 BELGARD PAVER - DUBLIN COBBLE
N.T.S.

- NOTES**
- 1) RETAINING WALL CAP & VENEER TO MATCH EXISTING MATERIALS ON EXISTING HOUSE
 - 2) RETAINING WALLS TO BE CONSTRUCTED OF CMU BLOCK

Elegant Backyard
Retreat with
Pool and Spa

PREPARED FOR
The Ellington Family

PROJECT LOCATION
6 Fairway Place
Biltmore Forest, NC 28803

SIGNATURE

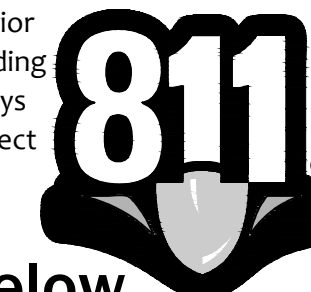
Signature, LLC. 1 (864) 991.8020 Office
781 Congaree Rd. 1 (864) 551.2421 Fax
Greenville, SC 29607
office@signature-llc.com www.signature-llc.com

REVISIONS

#	DATE	DESCRIPTION	BY
A	09/13/2023	Rough Draft Presentation	CD
B	09/22/2023	Revised Rough Draft	CD
C	09/28/2023	Revised Rough Draft	CD
D	10/09/2023	Added Paver	SP
E	10/09/2023	Updated Address	SP
F	01/04/2024	Updated Rough Draft	CD
G			
H			
I			
J			
K			
L			
M			
N			

CLIENT PROJECT #: 1
FIRM PROJECT #: 230827
DR BY: CD RELEASE DATE: 09/13/2023
AP BY: CD REVISION DATE: 01/04/2024

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.

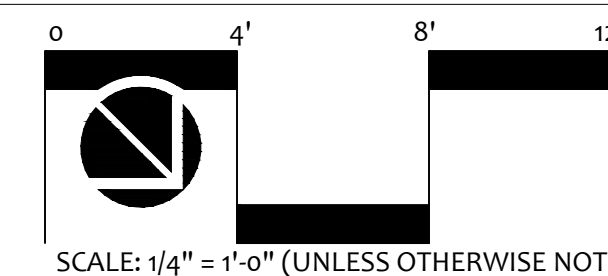


Know what's below.
Call before you dig.

Concept Plan

C1

Page 1 of 1



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

This drawing contains specific and proprietary information and is the property of Signature, LLC. This drawing and the information contained herein may not be scanned, copied, reproduced, modified, published, posted, uploaded, transmitted, or distributed in any way without expressed written consent from Signature, LLC for the specific project named on this sheet.
© 2024 Signature, LLC

02 CONCEPT PLAN
1/4" = 1'-0"















Town of Biltmore Forest
**BOARD OF ADJUSTMENT
HEARING NOTICE**



For More Information Visit:
www.biltmoreforest.org

6





BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 22, 2024

CASE 4

Property Address: 7 Amherst Rd

Property Owner: Meherwan Irani

Request: Variance for structure within side setback

Background

The property owners request permission to construct a 28x24 carport addition to the home in an existing driveway area. The proposed carport would be in the side yard of the home and would encroach into the side yard setbacks. No new impervious surface will be installed due to the carport going on an existing driveway area.

Variance

The Variance requested would be for the proposed structure to be constructed within the side setback and would be located 10 feet from the side property line. The property is in the R-1 District and has a front setback of 60', sides 20', and rear 25'.

Variance Requirements

(D) *Variations*. 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

Zoning Compliance Application

Town of Biltmore Forest

Name

Jeremy McCowan

Property Address

7 Amherst Road

Phone

(828) 545-6633

Email

jeremy@jandnhomes.com

Parcel ID/PIN Number

964698761600000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

.64

Proposed Roof Coverage Total

3,687 existing - adding 886 of coverage for the carport- new total 4,573

Proposed Impervious Surface Coverage

7,265 sq/ft existing - carport is to be added over the existing gravel driveway so impervious surface would not increase

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

13' 8"

Description of the Proposed Project

Add a carport and convert existing garage into a den. Variance application will be submitted for encroachment on side set back. Existing 7' tall shrub spans entire length of new proposed carport.

Estimated Start Date

2/12/2024

Estimated Completion Date

4/22/2024

Estimated Cost of Project

\$75,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

12.27.23_7 Amherst Rd_Carport.pdf

7 Amherst Existing Hedge Screening.jpg

Applicant Signature

Date
12/28/2023

A handwritten signature in black ink, consisting of a large initial 'D' followed by a series of connected, cursive letters.

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Jeremy McCowan

Address

7 Amherst Road

Phone

(828) 545-6633

Email

jeremy@jandnhomes.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?

Add a carport over existing gravel driveway. Carport would encroach into side setback 10'.

What does the ordinance require?

20' to side setback.

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

REQUIRED FINDINGS: Please provide a thorough response to each.**Unnecessary hardship would result from the strict application of the ordinance.**

There is not enough room on the side setback to allow the size of carport that is needed for parking of a modern day family.

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

The existing home and garage are already located 42' from the side setback.

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

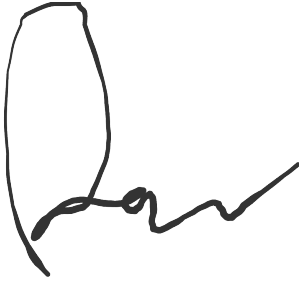
Correct. The current owner is working with conditions that existed when they purchased the home.

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 new carport location would not affect public safety. There is an existing 7' tall privacy hedge that already blocks the view of the driveway and location where the owners currently park their cars. The existing hedge would provide screening for the neighbors in the new location of the carport.

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

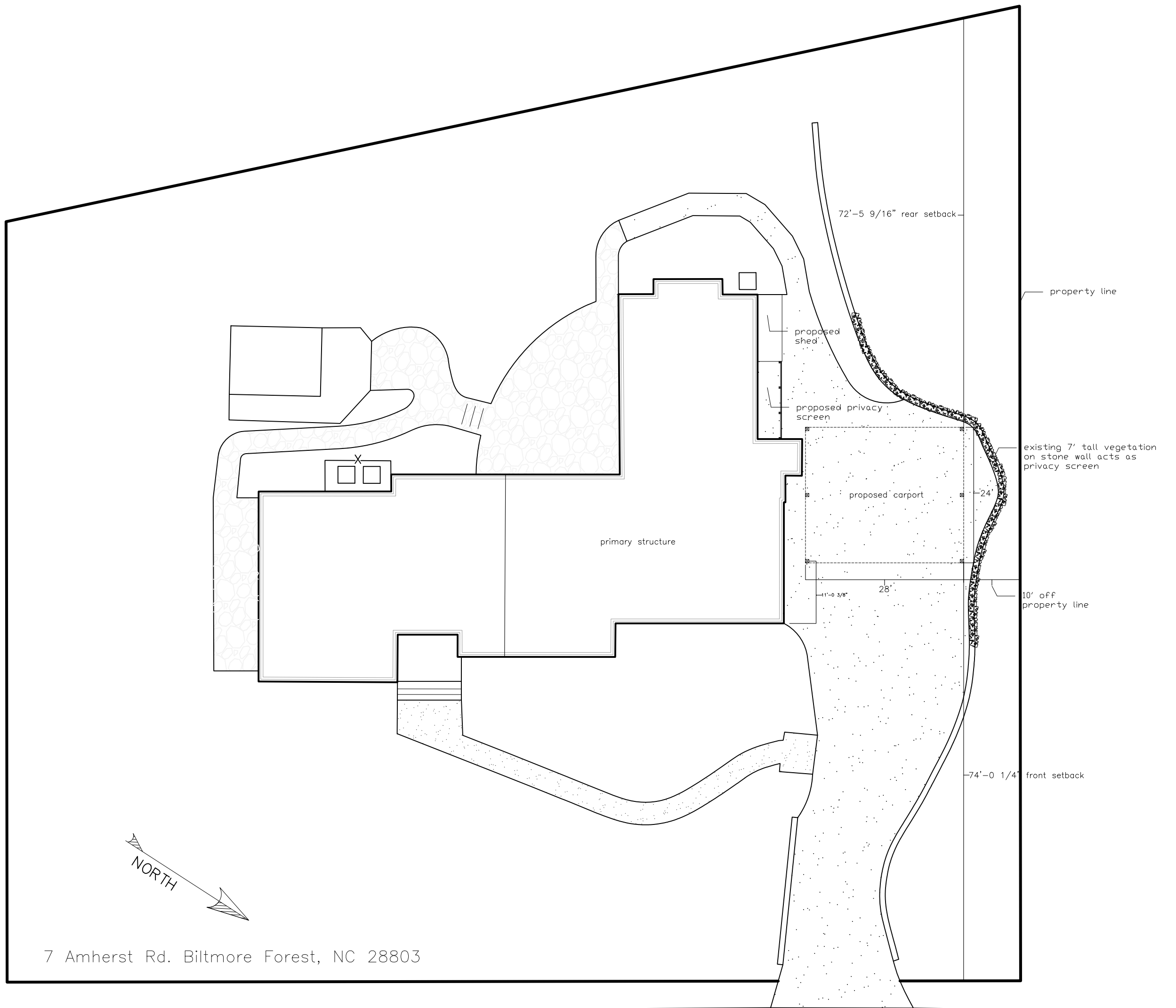
Signature

A handwritten signature in black ink, consisting of a large, vertical, oval-shaped initial followed by a series of connected, wavy lines.

Date

12/28/2023

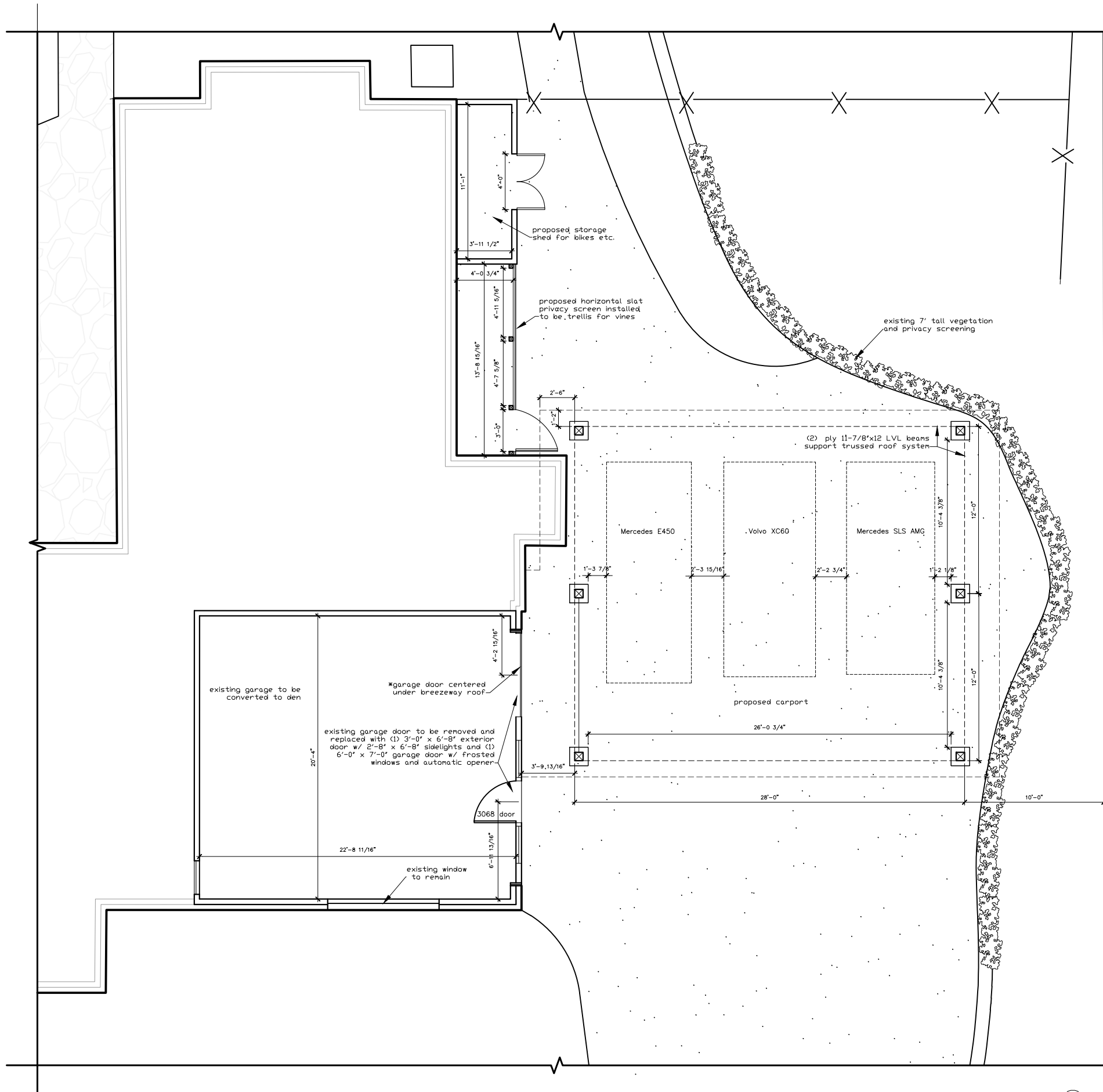
(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.



Amherst Rd.

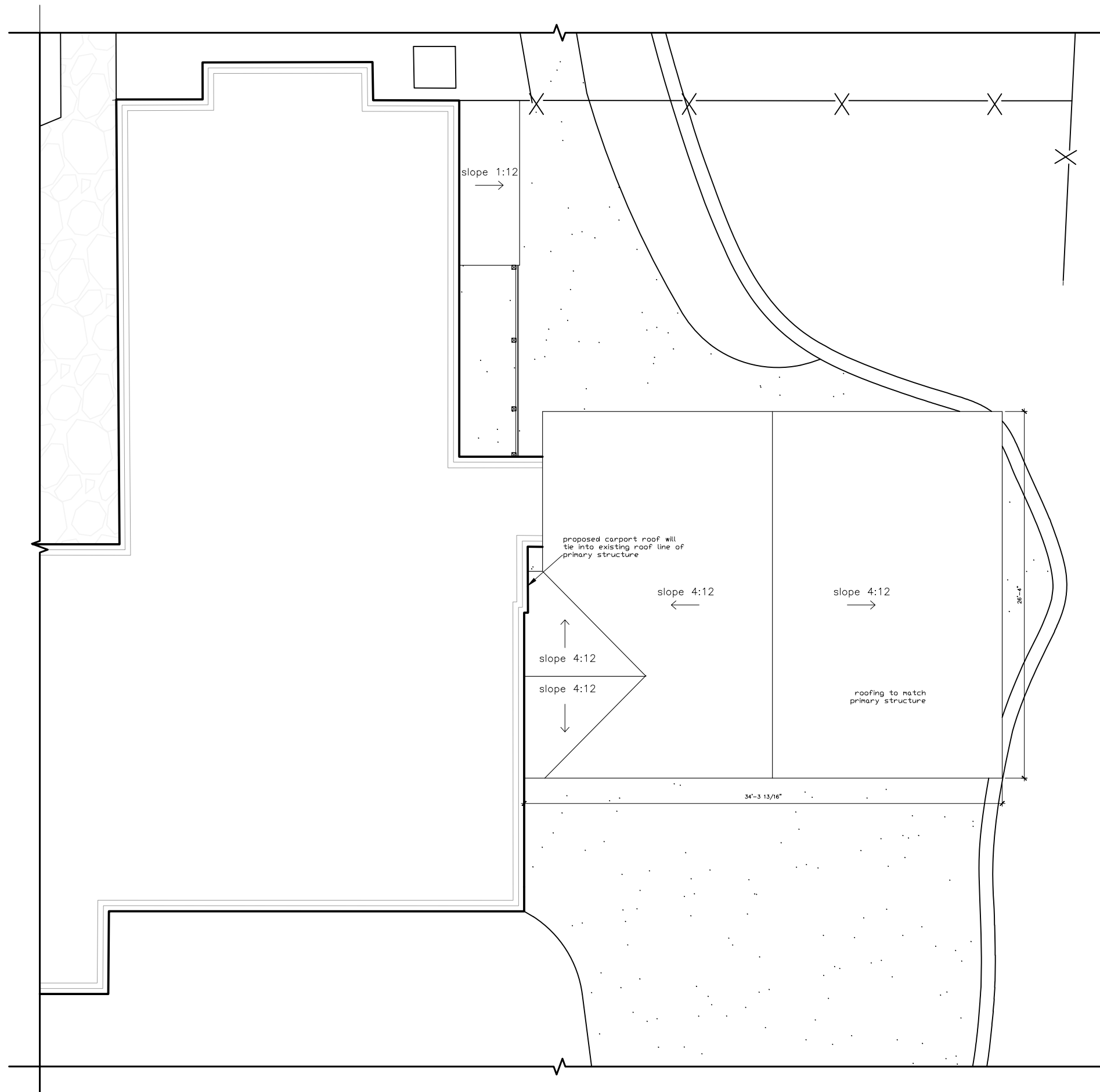
Site Plan

Scale: 1/16" = 1'-0"



Plan

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



slope 1:12
→

proposed carport roof will tie into existing roof line of primary structure

slope 4:12
←

slope 4:12
→

slope 4:12
↑

slope 4:12
↓

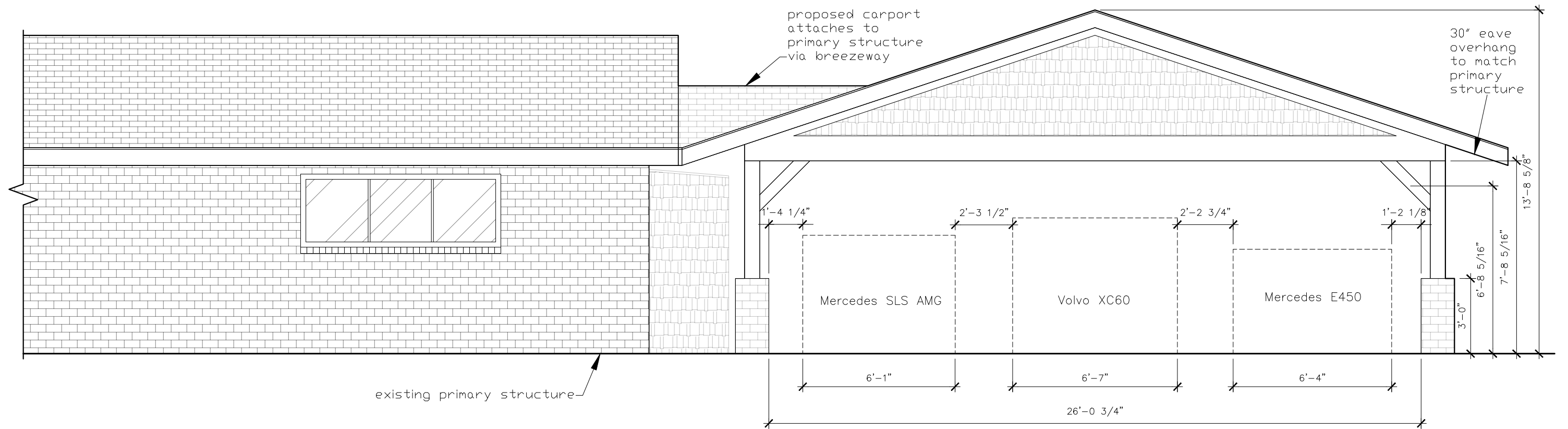
roofing to match primary structure

34'-3 13/16"

28'-4"

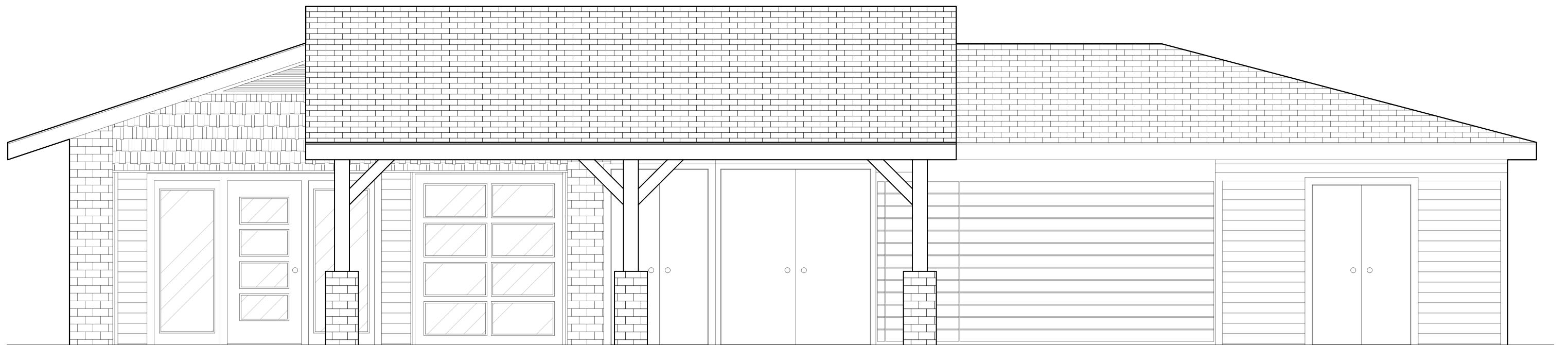
Roof Plan

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



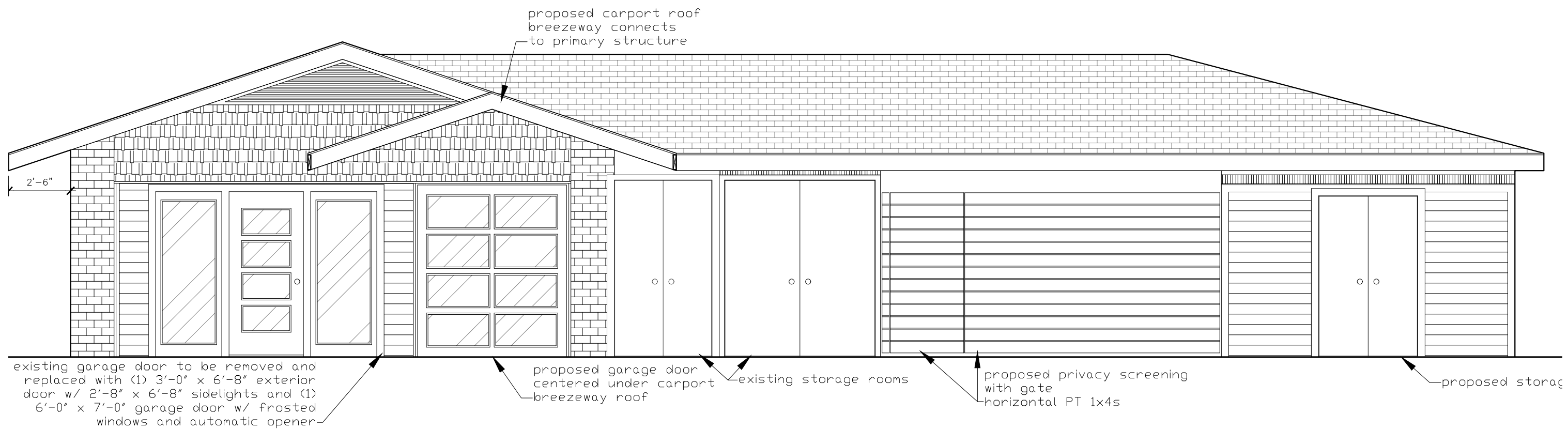
East Elevation

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



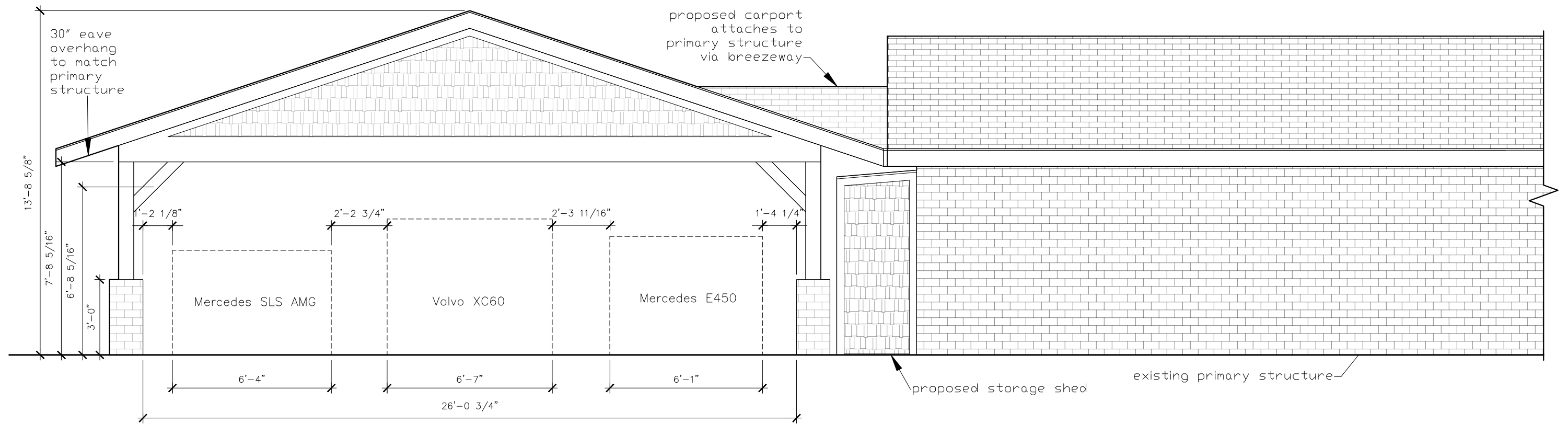
North Elevation w/Carport

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



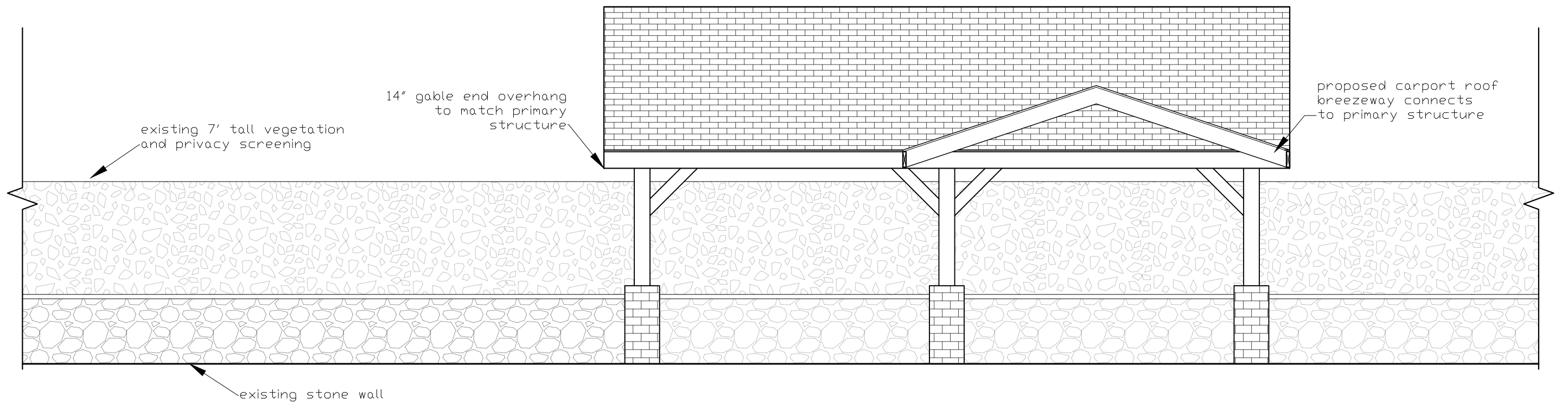
North Elevation w/o Carport

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



West Elevation

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



South Elevation

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



Town of Biltmore Forest
BOARD OF ADJUSTMENT
HEARING NOTICE
For More Information Visit:
www.biltmoreforest.org

7





BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 22, 2024

CASE 5

Property Address: Vacant lot (Lot 1) next to 23 Cedar Hill Drive
Property Owner: Konstantin Barlas
Request: Special Use Permit request for a Privacy Wall/Retaining Wall for a new residence
Variance Request for fence in front yard.

Background

The property owners submitted plans for a new home construction in November of 2023. As part of this construction, they request a special use permit from the Board of Adjustment for a Privacy/Retaining Wall. The wall is considered an accessory structure per the Town's Zoning Ordinance and requires approval by the Board of Adjustment as a special use.

The owners also request a variance for a fence in the front yard, which would require proof of hardship from the applicant and approval from the Board of Adjustment.

Special Use Permit Requirements

153.008 SPECIAL USES.

(A) *Purpose.* The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) *Development plan/site plan requirement.*

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

- (a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;
- (b) Boundary lines of the proposed development, proposed lot lines, and plot designs;
- (c) Proposed location and use of all existing and proposed structures;
- (d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;
- (e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);
- (f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;
- (g) Location and/or notation of existing and proposed easements and rights-of-way;
- (h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;
- (i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;
- (j) Where applicable, the following written documentation shall be submitted:
 1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;
 2. The zoning district or districts in which the project is located;
 3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;
 4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;
 5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and
 6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.
- (k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) *Special use standards.*

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.

Special Use Request

The property owners are presenting plans for a special use permit from the Board of Adjustment for a Privacy/Retaining Wall. The wall is considered an accessory structure per the Town's Zoning Ordinance and requires approval by the Board of Adjustment as a special use. All items shown on the plan with generated pictures for reference.

Variance Information

The property owners request a variance for a fence in the front yard.

Variance Request

The owners are requesting a variance for a fence in the front yard. The Town's Ordinance does not allow a fence in the front yard without a variance granted from the Board of Adjustment. The variance request must show a hardship for approval from the board. The home plans were heard at the November 2023 meeting for this property. Updated photos have been included with plans.

Special Use Permit Application

Town of Biltmore Forest

Name

Konstandin Barlas

Address

23 Cedar Hill Drive

Phone

(828) 777-5550

Email

barlasdino752@aol.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:

We would like to add a wall surrounding our back yard, retaining wall for our driveway to allow for proper pullout, and a wrought iron fence above a retaining wall over lower courtyard.

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

These items would not adversely affect anyone living in the neighborhood. In fact it would provide safety to anyone who steps on our property, as well as provide some privacy for ourselves and our neighbors. We are using all approved materials as well as trying to maintain a heavily landscaped buffer for our neighbors. Virtually the entire wall will be hidden by trees from the neighborhoods perspective.

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

Signature



Date

12/21/2023

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Konstandin Barlas

Address

23 Cedar Hill Drive

Phone

(828) 777-5550

Email

BARLASDINO752@AOL.COM

Current Zoning/Use

R

Requested Use

R

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

What would you like to do with your property?

Add a retaining wall for driveway, wall around back yard for pool and tennis court, wrought iron fencing in front of home.

What does the ordinance require?

No fences in 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.**

NC building code requires fencing for safety above the courtyard. We need a retaining wall for our driveway turnaround because of the lay of the land.

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

In order to have an egress from our basement and maintain as much as the natural lay of land as possible to keep within the spirit, purpose and intent of the Biltmore Forest ordinances, we will need the fence for fall protection above the lower courtyard and a retaining wall for our driveway turnaround.

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

The NC building codes for safety and the natural lay of the land.

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 variance is consistent with the spirit, purpose, and intent of the ordinance because we are doing everything possible to abide by all Biltmore Forest guidelines, NC building codes, and fall within the

parameters of ordinance. Also the extensive new landscaping parameters that we met ,will help achieve justice by helping maintain Biltmore Forests integrity.

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

Signature

Date

12/22/2023

Two handwritten signatures in black ink. The signature on the left is more complex and angular, while the one on the right is more fluid and cursive.

REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____ REVIEW OFFICER
OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

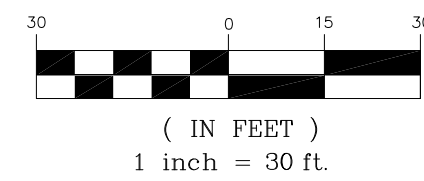
REVIEW OFFICER _____

DATE _____

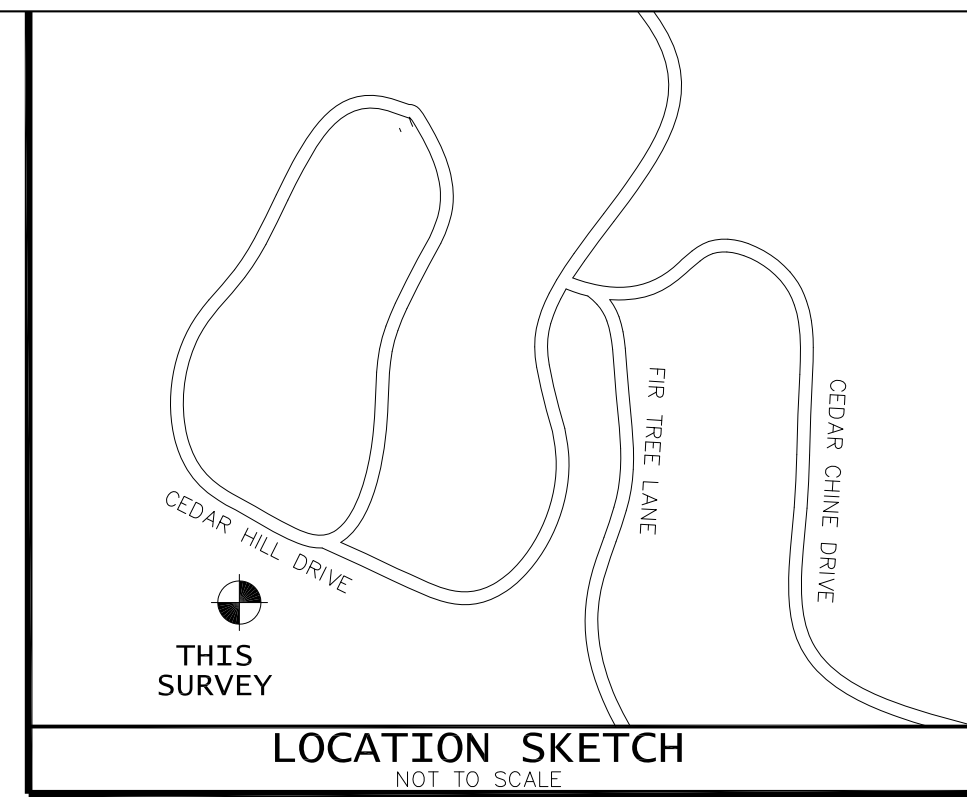
TREE LEGEND

- OAK TREE
- MAPLE TREE
- POPLAR TREE
- SOURWOOD TREE
- LOCUST TREE
- PINE TREE
- HICKORY TREE
- BLACK GUM TREE
- HEMLOCK TREE
- CHERRY TREE
- HOLLY TREE

GRAPHIC SCALE



PLAT BOOK 78, PAGE 77



LEGEND

- | | |
|------------------|---------------------|
| CENTRAL ANGLE | CHD CHORD |
| ARC LENGTH | BRG BEARING |
| RADIUS | DRAINAGE MANHOLE |
| R/W RIGHT OF WAY | SANITARY MANHOLE |
| FOUND IRON PIN | WATER METER |
| FOUND STONE | WATER VALVE |
| SET BENCHMARK | CATCH BASIN |
| WOOD POWER POLE | CLEAN OUT |
| CENTERLINE | TELEPHONE RISER |
| PROPERTY LINE | ELECTRIC METER |
| FIRE HYDRANT | CMP CULVERT |
| WELL | N/F NOW OR FORMERLY |
| GAS METER | OH— OVERHEAD WIRE |
- BOUNDARY LINE NOT SURVEYED
 RIGHT OF WAY LINE POINT NOT SET
 SET 5/8" IRON ROD WITH L-4379 CAP UNLESS NOTED
 LINE NOT TO SCALE

NOTES

- 1.) THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- 2.) THE BEARINGS SHOWN HEREON ARE BASED ON PLAT BOOK 78, PAGE 77.
- 3.) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT OF WAYS OR OWNERSHIPS.
- 4.) THE RATIO OF PRECISION OF THE UNBALANCED TRAVERSE MEETS OR EXCEEDS 1 : 10,000.
- 5.) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY F.E.M.A. FLOOD INSURANCE RATEMAP # 3700964600J EFFECTIVE DATE: 01/06/2010.
- 6.) THE FEATURE SYMBOL LOCATIONS ARE TO THE CENTER OF THE SYMBOL AND MAY BE ENLARGED FOR CLARITY.
- 7.) UNDERGROUND FOUNDATIONS AND/OR UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
- 8.) BEARINGS AND DISTANCES SHOWN IN PARENTHESIS REPRESENT DEED AND OR PLAT VALUES.
- 9.) ACREAGE COMPUTED BY THE COORDINATE METHOD.
- 10.) THERE ARE NO NORTH CAROLINA GEODETIC CONTROL POINTS WITHIN 2000 FEET OF THIS SITE.

REFERENCES

DEED BOOK 6312, PAGE 1843
PLAT BOOK 78, PAGE 77

ZONING

PER PLAT BOOK 78, PAGE 77
SETBACKS:
FRONT: 60' FROM EDGE OF PAVEMENT
SIDE: 20'
REAR: 25'

CERTIFICATE

I, KEITH R. SANDERS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6312, PAGE 1843, BUNCOMBE COUNTY REGISTRY); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE BUNCOMBE COUNTY REGISTRY (SEE REFERENCES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 23RD DAY OF MAY, A.D. 2023.

Keith R. Sanders

KEITH R. SANDERS
PROFESSIONAL LAND SURVEYOR # L-4379
STATE OF NORTH CAROLINA

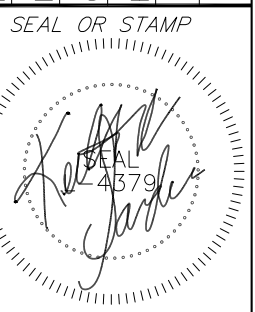
**SANDERS
SURVEYING & MAPPING
SERVICES, INC.**
(828) 669-2777
C-2384



510 AVENA ROAD, BLACK MOUNTAIN, NORTH CAROLINA, 28711

BOUNDARY & TOPOGRAPHIC SURVEY FOR:
KONSTANDIN & ANTONIA BARLAS
PIN # 9646-42-1419
DEED BOOK 6312, PAGE 1843
BILTMORE FOREST,
BUNCOMBE COUNTY, NORTH CAROLINA

DATE: 05/20/23
DRAWN: KRS
CHECKED: KRS
F.B.#: TDS
SCALE: 1" = 30'
23-0075.DWG



PROJECT:
23-0075
SHEET:
1 OF 1

NO.	REVISION	DATE	BY

N/F
THOMAS & CECILIA GLEASON
DEED BOOK 6201, PAGE 1775
PIN 9646-32-8444
LOT 2
PLAT BOOK 60, PAGE 39

N/F
KONSTANDIN & ANTONIA BARLAS
DEED BOOK 5489, PAGE 1697
PIN 9646-42-3424
LOT 19
PLAT BOOK 60, PAGE 39

LOT 1
PLAT BOOK 78, PAGE 77
57,154 SQUARE FEET
1.31 ACRES

10' UTILITY & DRAINAGE EASEMENT

FOUND 2" CONCRETE FILLED IRON PIPE (TYPICAL)

20' RESERVED STRIP BILTMORE FARMS, INC.

N/F
THE BILTMORE COMPANY
DEED BOOK 295, PAGE 425
PIN 9635-98-5386

HOG WIRE FENCE

SETBACK LINE (TYPICAL)

CEDAR HILL DRIVE

ASPHALT PAVEMENT

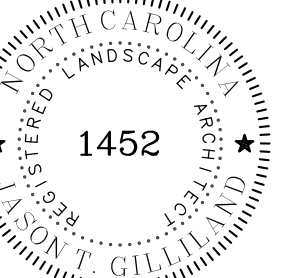
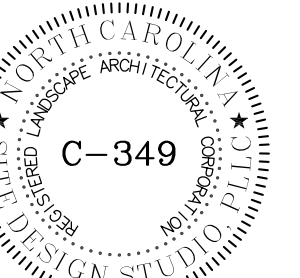
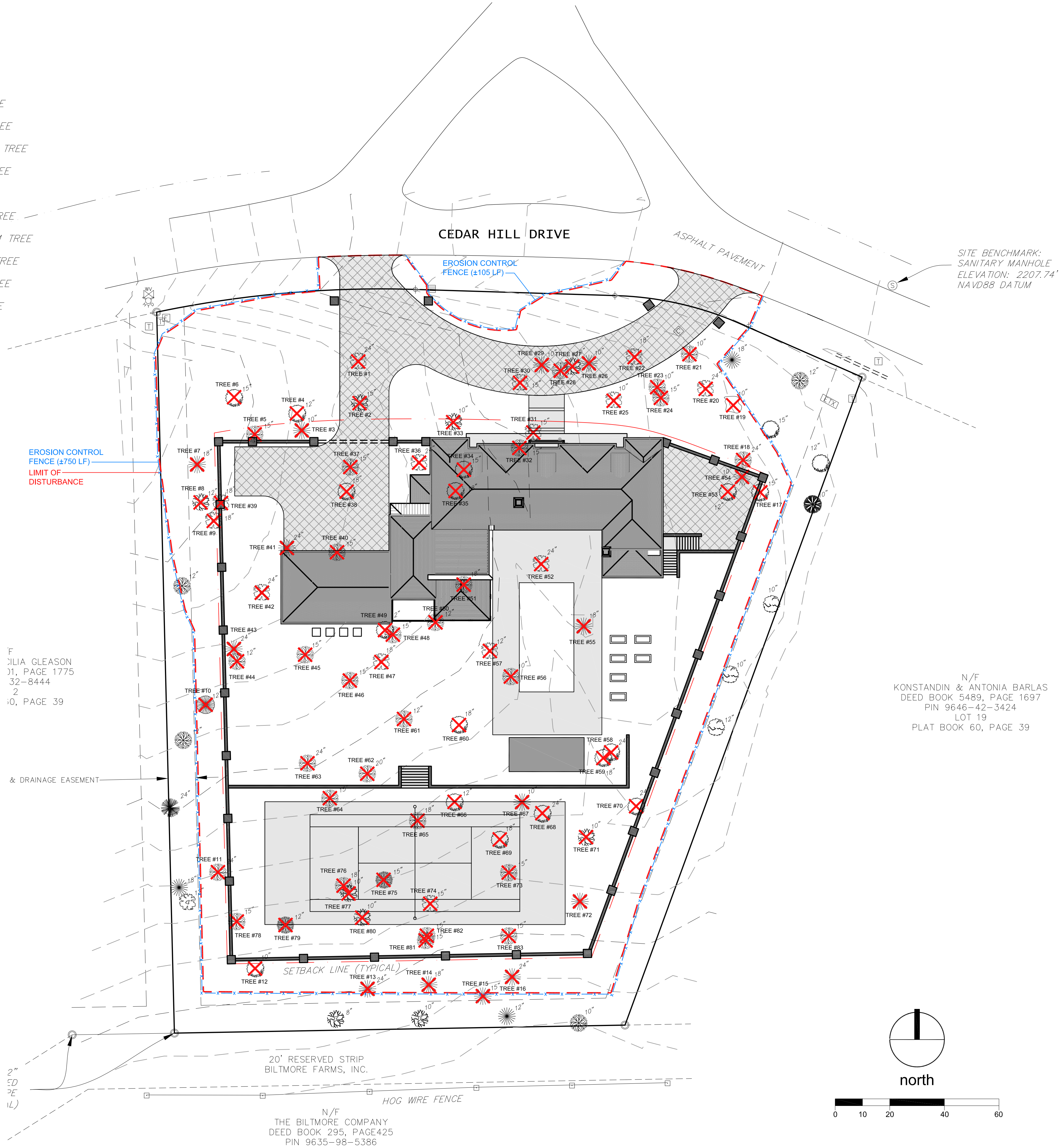
SITE BENCHMARK:
SANITARY MANHOLE
ELEVATION: 2207.74'
NAVD88 DATUM

TREE #	TREE TYPE	SIZE	PROTECTED INSIDE SETBACK	PROTECTED OUTSIDE SETBACK	REPLACEMENT QTY.	ADDITIONAL REQUIREMENTS
1	POPLAR	24"	X		2	3 SCREEN TREES
2	SOURWOOD	15"	X		2	
3	PINE	10"	X		1	
4	OAK	12"	X		1	
5	MAPLE	15"	X		2	
6	OAK	15"	X		2	
7	PINE	18"	X		2	
8	SOURWOOD	12"	X		1	
9	POPLAR	18"	X		2	
10	HICKORY	12"	X		1	
11	MAPLE	24"	X		2	3 SCREEN TREES
12	OAK	10"	X		1	
13	PINE	24"	X		2	3 SCREEN TREES
14	PINE	18"	X		2	
15	PINE	15"	X		2	
16	PINE	24"	X		2	3 SCREEN TREES
17	OAK	15"	X		2	
18	MAPLE	24"	X		2	3 SCREEN TREES
19	HOLLY	10"	X		1	
20	POPLAR	24"	X		2	3 SCREEN TREES
21	MAPLE	10"	X		1	
22	POPLAR	18"	X		2	
23	MAPLE	10"	X		1	
24	MAPLE	15"	X		2	
25	POPLAR	10"	X		1	
26	PINE	10"	X		1	
27	SOURWOOD	10"	X		1	
28	MAPLE	24"	X		2	3 SCREEN TREES
29	PINE	10"	X		1	
30	POPLAR	15"	X		2	
31	POPLAR	15"		X	2	
32	MAPLE	15"		X	2	
33	MAPLE	10"		X	1	
34	OAK	15"		X	2	
35	OAK	18"		X	2	
36	POPLAR	24"		X	2	
37	MAPLE	15"		X	2	
38	OAK	18"		X	2	
39	POPLAR	18"		X	2	
40	MAPLE	15"		X	2	
41	PINE	24"		X	2	
42	POPLAR	24"		X	2	
43	PINE	24"		X	2	
44	MAPLE	12"		X	1	
45	MAPLE	15"		X	2	
46	MAPLE	15"		X	2	
47	POPLAR	18"		X	2	
48	MAPLE	15"		X	2	
49	OAK	12"		X	1	
50	MAPLE	12"		X	1	
51	MAPLE	18"		X	2	
52	POPLAR	24"		X	2	
53	OAK	12"		X	1	
54	PINE	10"		X	1	
55	PINE	18"		X	2	
56	MAPLE	10"		X	1	
57	POPLAR	12"		X	1	
58	OAK	24"		X	2	
59	OAK	18"		X	2	
60	OAK	18"		X	2	
61	MAPLE	12"		X	1	
62	MAPLE	20"		X	2	
63	MAPLE	24"		X	2	
64	MAPLE	15"		X	2	
65	MAPLE	18"		X	2	
66	OAK	12"		X	1	
67	PINE	10"		X	1	
68	OAK	24"		X	2	
69	OAK	18"		X	2	
70	OAK	24"		X	2	
71	MAPLE	10"		X	1	
72	PINE			X	1	
73	MAPLE	15"		X	2	
74	POPLAR	15"		X	2	
75	BLACK GUM	15"		X	2	
76	MAPLE	18"		X	2	
77	SOURWOOD	10"		X	1	
78	MAPLE	15"		X	2	
79	BLACK GUM	12"		X	1	
80	SOURWOOD	10"		X	1	
81	MAPLE	15"		X	2	
82	MAPLE	15"		X	2	
83	MAPLE	15"		X	2	
TOTAL TREES					138	21

TREE REMOVAL CHART:

TREE LEGEND

- OAK TREE
- MAPLE TREE
- POPLAR TREE
- SOURWOOD TREE
- LOCUST TREE
- PINE TREE
- HICKORY TREE
- BLACK GUM TREE
- HEMLOCK TREE
- CHERRY TREE
- HOLLY TREE



BARLAS RESIDENCE
 PARCEL PIN# 9646-42-1419
 99999 CEDAR HILL DRIVE
 BILTMORE FOREST, NORTH CAROLINA

DATE: NOVEMBER 1, 2023
 DESIGNED BY: JTG
 CHECKED BY: JNG
 SCALE: 1" = 20'
 PROJECT #: 23-062

REVISED:
 NOVEMBER 6, 2023

SHEET TITLE
TREE REMOVAL PLAN

SHEET NUMBER
L100

DEVELOPMENT DATA

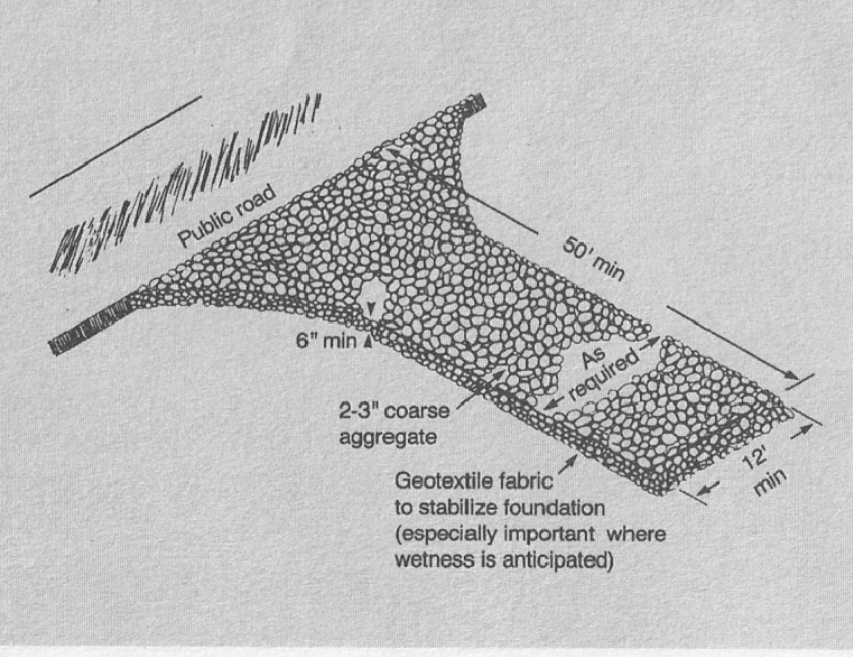
PROPERTY OWNER: KONSTANDIN & ANTONIA BARLAS
23 CEDAR HILL DRIVE
ASHEVILLE, NC 28803

PARCEL PIN: 9646-42-1419
57,154 SF OR 1.31 AC

ZONING: R-1

FRONT SETBACK: 60'
SIDE SETBACK: 20'
REAR SETBACK: 25'

Temporary Gravel Entrance/Exit



The gravel entrance/exit provides a stable entrance condition from the construction site and keeps sediment off public roads.

Inspect entrance/exit pad and sediment disposal area weekly and after heavy rains or heavy use.

Reshape pad as needed for drainage and runoff control.

Topdress with clean stone as needed.

Immediately remove sediment tracked or washed onto public roads.

GRADING & EROSION CONTROL NOTES:

1. PROPERTY OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL STORM WATER POLLUTION PREVENTION LAWS AND ORDINANCES. PROPERTY OWNER SHALL BE RESPONSIBLE FOR ALL REQUIRED PERMITS.
2. EROSION AND SEDIMENT CONTROL MEASURES INDICATE THE MINIMUM MEASURES REQUIRED. ALL EXISTING STORMWATER MEASURES SHALL BE PROTECTED DURING CONSTRUCTION. IT IS THE PROPERTY OWNERS RESPONSIBILITY TO ADD ADDITIONAL MEASURES AS REQUIRED BY FIELD CONDITIONS AND/OR ON-SITE INSPECTION.
3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED DAILY AND AFTER ANY RAINFALL. ANY REPAIRS OR DEFICIENCIES SHALL BE CORRECTED IMMEDIATELY. A RECORD LOG SHALL BE MAINTAINED ON THE SITE BY THE PROPERTY OWNER AND WILL RECORD ANY DEFICIENCIES AND THE CORRECTIVE MEASURES TAKEN. REFERENCE THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL MANUAL FOR ADDITIONAL INFORMATION.
4. ALL FILL SLOPES SHALL BE COMPACTED FULL DEPTH TO NOT LESS THAN 95 PERCENT MAXIMUM DENSITY (STANDARD PROCTOR), SHALL BE PLACED ON A SURFACE CLEAR OF GROWTH AND DEBRIS, AND BE PROPERLY BENCHED AND DRAINED.
5. ALL CONSTRUCTED SEVERE SLOPES GREATER THAN 2:1 SHALL BE DESIGNED BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEERING. ADDITIONALLY FOR CONSTRUCTED SEVERE SLOPES GREATER THAN FIVE FEET IN HEIGHT, AN INSPECTION AND A STABILITY CERTIFICATE ARE REQUIRED BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEER WITH GEOTECHNICAL EXPERTISE SUFFICIENT TO PERFORM THE INSPECTION AND STABILITY ANALYSIS.
6. EXISTING SURFACE DRAINAGE PATTERNS AND STRUCTURES SHALL BE PRESERVED. ALL 3:1 AND STEEPER SLOPES AND PERIMETER AREAS SHALL BE REVEGETATED WITHIN 7 CALENDAR DAYS OF DISTURBANCE. CUT SLOPES SHALL NOT EXCEED 1.5:1 AND FILL SLOPES SHALL NOT EXCEED 2:1.
7. ALL DISTURBED AREAS NOT PAVED SHALL BE FINE GRADED AND SEEDED WITH REBEL II TALL FESCUE SEED MIX OR EQUIVALENT. ALL SLOPES 4:1 OR GREATER SHALL RECEIVE EROSION CONTROL MATTING PRIOR TO SEEDING.
8. BEFORE THE YOU DIG CALL 1-800-632-4849 N.C. ONE-CALL CENTER IT'S THE LAW. THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE UTILITY COMPANIES REGARDING THE PROPOSED CONSTRUCTION. IN ADDITION, THE CONTRACTOR IS TO BE NOTIFIED WHICH UTILITIES, BUT NO LIMITED TO WATER, SANITARY SEWER, STORM SEWER, ELECTRICAL, TELEPHONE, CABLE, FIBER OPTICS AND GAS, ARE LOCATED IN THE VICINITY OF THE PROPOSED WORK. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND STAKING THE LOCATION OF ALL EXISTING UTILITIES AND PROTECTING THEM DURING THE WORK AND SHALL BEAR ANY COSTS TO REPAIR UTILITIES DAMAGED AS A CONSEQUENCE OF PERFORMING THE WORK.

POOL NOTES:

POOL & RETAINING WALLS DESIGNED AND CONSTRUCTED BY STRUCTURAL ENGINEER. POOL AND GENERAL CONTRACTORS. SDS SHALL NOT BE HELD RESPONSIBLE FOR THE DESIGN, CONSTRUCTION METHODS AND INSTALLATION OF THE POOL & RETAINING WALLS.

STANDARDS FOR RESIDENTIAL SWIMMING POOLS SHALL BE AS FOLLOWS:

- A. RESIDENTIAL SWIMMING POOLS SHALL BE OF A GENERALLY ACCEPTED AND APPROVED STRUCTURAL DESIGN.
- B. ANY RESIDENTIAL POOL MUST BE LOCATED AT LEAST FIVE FEET FROM THE PROPERTY OR LOT LINE.
- C. THERE SHALL BE A WALK AROUND THE ENTIRE PERIMETER OF ANY OUTDOOR POOL WITH A MINIMUM WIDTH OF THREE FEET OF UNOBSTRUCTED CLEAR DISTANCE FROM THE POOL EDGE, EXCEPT FOR THE INFINITY EDGE.
- D. ALL PERMANENT INSTALLATIONS TO INTRODUCE WATER INTO THE POOL FROM A POTABLE WATER SUPPLY SHALL BE DONE ONLY THROUGH AN AIR GAP OF AT LEAST 1½ THE DIAMETER OF THE INTRODUCING PIPE. IN THOSE INSTANCES WHERE A PERMANENT WATER INTRODUCTION SYSTEM IS NOT INSTALLED AND WATER FROM A POTABLE WATER SUPPLY IS INTRODUCED INTO THE POOL BY MEANS OF A HOSE, THE HOSE BIB TO WHICH THE HOSE IS CONNECTED SHALL BE EQUIPPED WITH A BACKFLOW PREVENTER APPROVED BY THE PLUMBING INSPECTOR.
- E. ALL OUTDOOR RESIDENTIAL SWIMMING POOL AREAS SHALL BE ENCLOSED BY AN ORNAMENTAL WIRE, WOOD STAVE OR OTHER TYPE BARRIER AT LEAST FOUR FEET IN HEIGHT, DESIGNED TO MINIMIZE THE POSSIBILITY OF UNAUTHORIZED OR UNWARY PERSONS FROM ENTERING THE POOL AREA. ENTRANCES THROUGH THE BARRIER SHALL BE PROVIDED WITH SELF-CLOSING GATES OR OTHER ACCEPTABLE ENTRANCES OF THE SAME HEIGHTS, BOTTOM AND TOP, ABOVE THE ADJACENT GROUND SURFACE, HAVING LATCHES. THE BOTTOM EDGE OF THE BARRIER SHALL BE NOT MORE THAN SIX INCHES FROM THE ADJACENT GROUND SURFACE AND THE HEIGHT OF THE BARRIER SHALL BE NOT LESS THAN FOUR FEET FROM THE ADJACENT GROUND SURFACE.

THIS SHALL APPLY TO ALL RESIDENTIAL SWIMMING POOLS CONSTRUCTED AFTER THE EFFECTIVE DATE OF THE ORDINANCE FROM WHICH THIS SECTION IS DERIVED (ORDINANCE NO. 964, 7-7-77).

NOTE:

SITE, GRADING & EROSION CONTROL PLANS PREPARED FROM BASE BOUNDARY, TOPOGRAPHIC & TREE SURVEY INFORMATION PROVIDED BY SANDERS SURVEYING & MAPPING SERVICES, INC. DATED 05-20-2023

CONSTRUCTION SEQUENCE:

1. INSTALL ALL EROSION CONTROL MEASURES AS SHOWN;
2. ON-SITE INSPECTION BY INSPECTOR TO APPROVE PERIMETER EROSION CONTROL DEVICES;
3. PROCEED WITH GRADING;
4. CLEAN SEDIMENT BASINS WHEN ONE-HALF FULL;
5. REPAIR OR REPLACE ALL EROSION CONTROL MEASURES AS NEEDED;
6. SEED AND MULCH DENUDED AREA, AS REQUIRED, AFTER FINISHED GRADES ARE ESTABLISHED;
7. MAINTAIN SOIL EROSION CONTROL MEASURES UNTIL PERMANENT GROUND COVER ESTABLISHED;
8. REQUEST FINAL APPROVAL BY CONSTRUCTION INSPECTOR; AND,
9. REMOVE ALL TEMPORARY SOIL EROSION CONTROL MEASURES AND STABILIZE THESE AREAS.

IMPERVIOUS CALCULATIONS:

ROOF AREA = 5,500 SF
FRONT PORCH / WALKWAY = 409 SF
POOL DECK = 2,200 SF
MULTI-PURPOSE SPORT COURT = 4,950 SF
ESTATE WALL = 763 SF
TERRACE WALLS & STEPS = 249 SF
COURTYARD WALLS & STEPS = 154 SF
TOTAL IMPERVIOUS AREA = 14,225 SF (24.89%)

DRIVEWAY = PERVIOUS PAVERS
PARKING COURT = PERVIOUS PAVERS
COURTYARD = PERVIOUS PAVERS
POOL PAVILION = OPEN-AIR TRELLIS

N/F
THOMAS & CECILIA GLEASON
DEED BOOK 6201, PAGE 1775
PIN 9646-32-8444
LOT 2
PLAT BOOK 60, PAGE 39

N/F
KONSTANDIN & ANTONIA BARLAS
DEED BOOK 5489, PAGE 1697
PIN 9646-42-3424
LOT 19
PLAT BOOK 60, PAGE 39

10' UTILITY & DRAINAGE EASEMENT

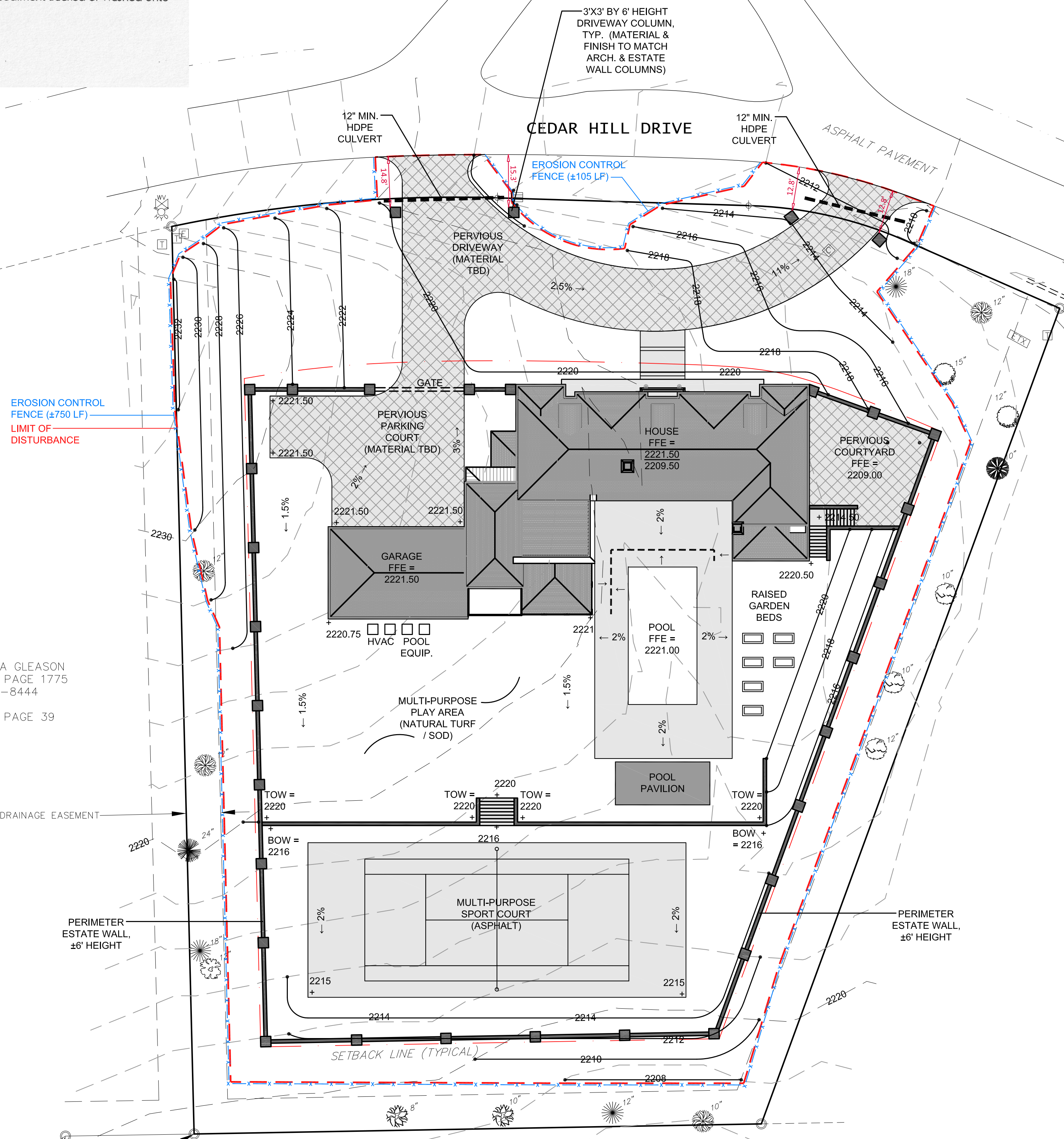
PERIMETER ESTATE WALL, ±6' HEIGHT

PERIMETER ESTATE WALL, ±6' HEIGHT

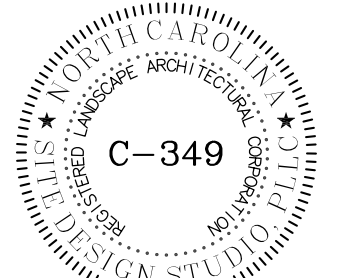
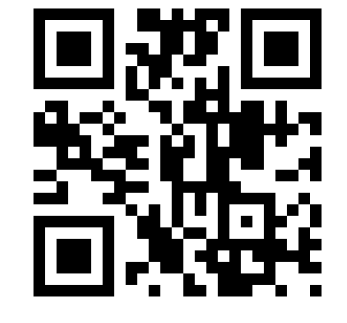
FOUND 2" CONCRETE FILLED IRON PIPE (TYPICAL)

20' RESERVED STRIP
BILTMORE FARMS, INC.

N/F
THE BILTMORE COMPANY
DEED BOOK 295, PAGE 425
PIN 9635-98-5386



SITE BENCHMARK:
SANITARY MANHOLE
ELEVATION: 2207.74'
NAVD88 DATUM



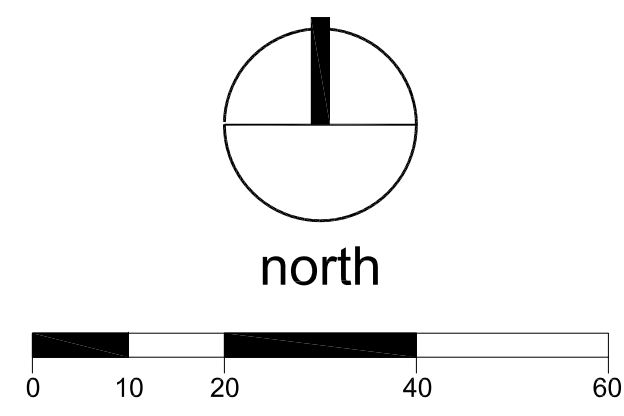
BARLAS RESIDENCE
PARCEL PIN# 9646-42-1419
99999 CEDAR HILL DRIVE
BILTMORE FOREST, NORTH CAROLINA

DATE: NOVEMBER 1, 2023
DESIGNED BY: JTG
CHECKED BY: JNG
SCALE: 1" = 20'
PROJECT #: 23-062

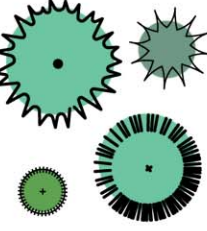
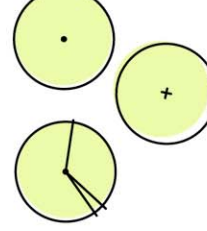
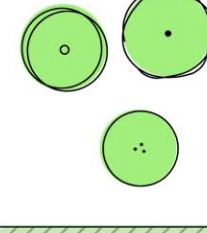

REVISED:
NOVEMBER 6, 2023
NOVEMBER 7, 2023

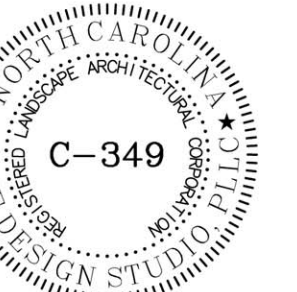
SHEET TITLE
SITE, GRADING & EROSION CONTROL PLAN

SHEET NUMBER
L101



LANDSCAPE LEGEND

	EVERGREEN TREES
	LAREG DECIDUOUS TREES
	ORNAMENTAL TREES
	SHRUB BED AREAS



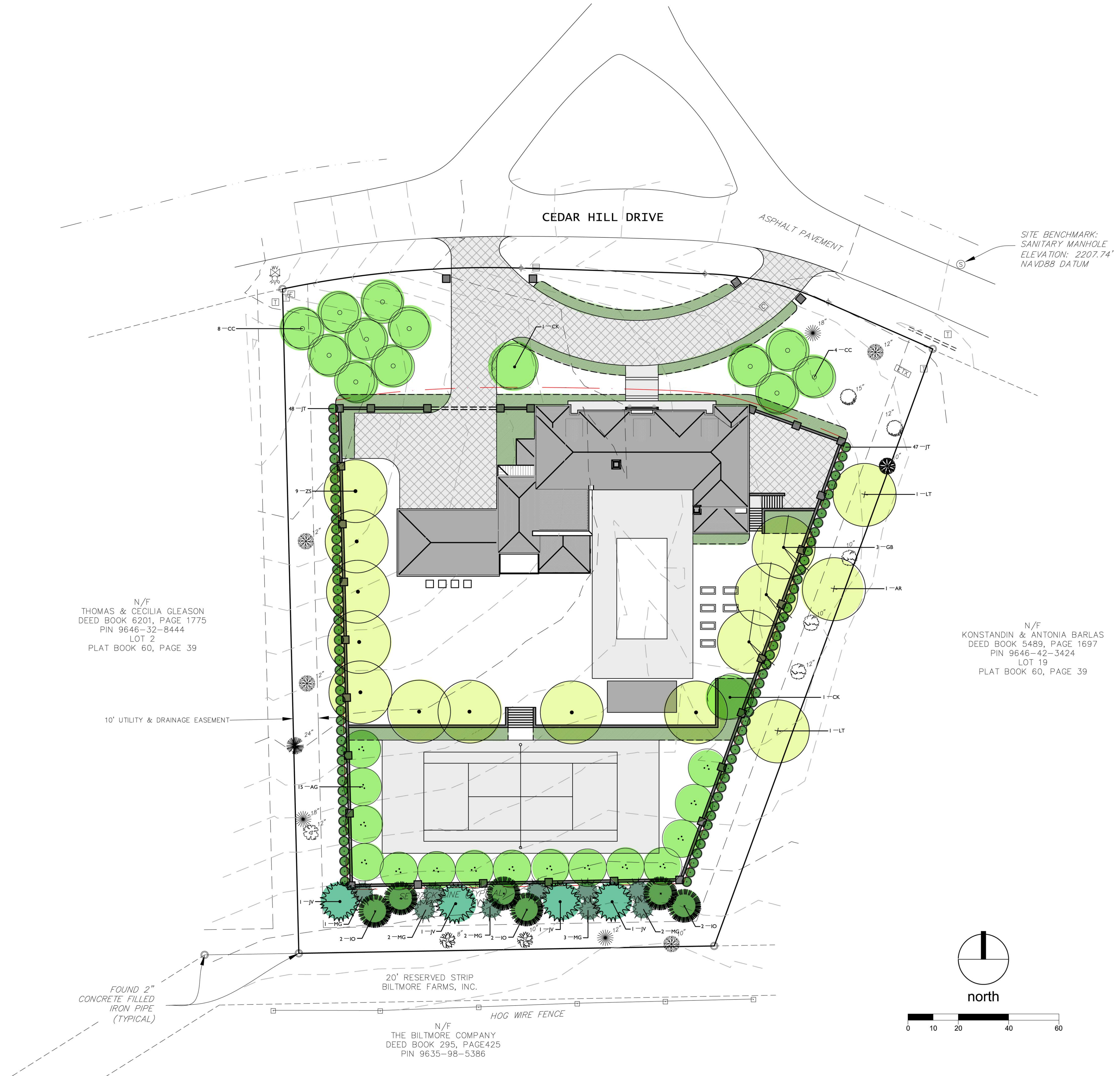
BARLAS RESIDENCE
 PARCEL PIN# 9646-42-1419
 99999 CEDAR HILL DRIVE
 BILTMORE FOREST, NORTH CAROLINA

DATE: NOVEMBER 1, 2023
 DESIGNED BY: JTG
 CHECKED BY: JNG
 SCALE: 1" = 20'
 PROJECT #: 23-062

REVISED:
 NOVEMBER 6, 2023

SHEET TITLE
TREE REPLACEMENT & LANDSCAPE PLAN

SHEET NUMBER
L102

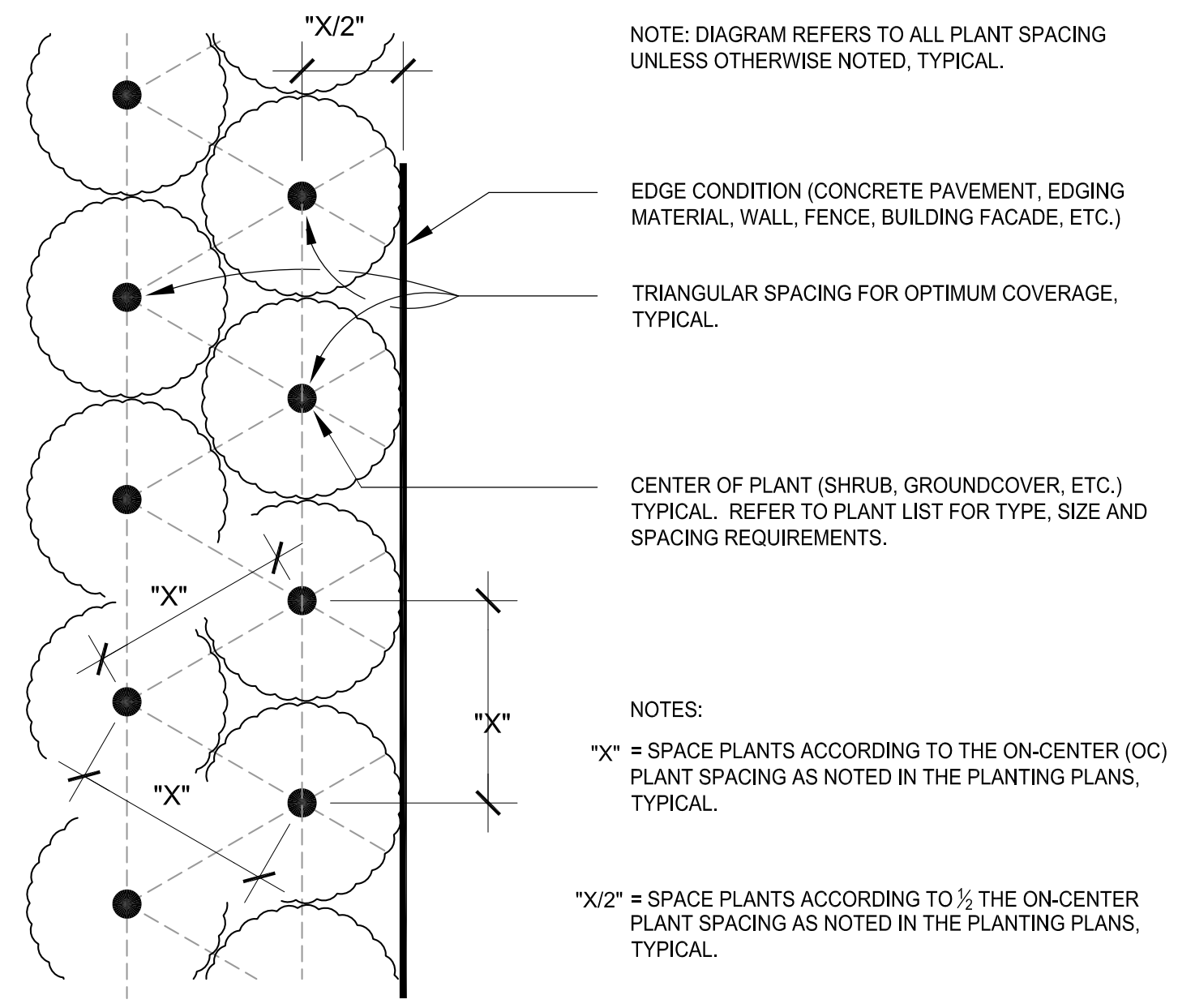


PLANT LIST

Key	Qty.	Evergreen Trees	Size
IO	6	Ilex 'Nelle R Stevens' Nelle Stevens Holly	8-10' high at planting. B&B. Single straight leader; well branched
JT	95	Juniperus virginiana 'Taylor' Taylor Eastern Red Cedar	8-10' high at planting. B&B. Single straight leader; well branched
JV	4	Juniperus virginiana Eastern Red Cedar	8-10' high at planting. B&B. Single straight leader; well branched
MG	10	Magnolia grandiflora 'Little Gem' American Holly	8-10' high at planting. B&B. Single straight leader; well branched

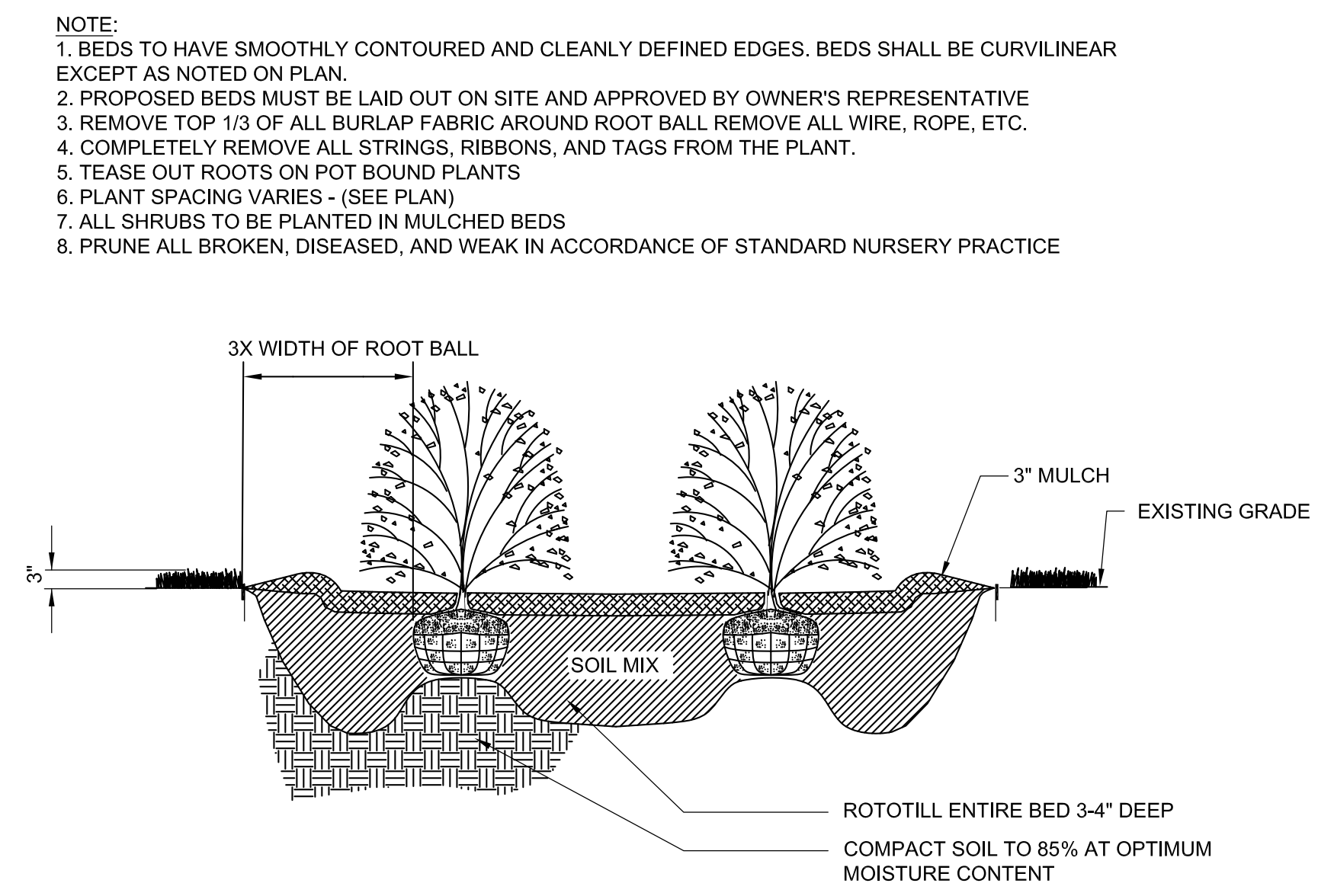
Key	Qty.	Large Deciduous Trees	Size
AR	1	Acer rubrum Red Maple	2" cal. min. 8-10' ht. B&B. Single straight leader; well branched
GB	3	Ginkgo biloba 'Princeton Sentry' Princeton Sentry Ginkgo	2" cal. min. 8-10' ht. B&B. Single straight leader; well branched
LT	2	Liriodendron tulipifera Tulip Poplar	2" cal. min. 8-10' ht. B&B. Single straight leader; well branched
ZS	9	Zelcova serrata Zelcova	2" cal. min. 8-10' ht. B&B. Single straight leader; well branched

Key	Qty.	Small Deciduous Trees	Size
AG	15	Acer griseum Eastern Redbud	1 1/2" cal. min. 8-10' ht. B&B. Single straight leader; well branched
CC	12	Cercis canadensis Eastern Redbud	1 1/2" cal. min. 8-10' ht. B&B. Single straight leader; well branched
CK	2	Cornus kousa Kousa Dogwood	1 1/2" cal. min. 8-10' ht. B&B. Single straight leader; well branched



1 SHRUB PLANTING PLAN
L103

N.T.S.

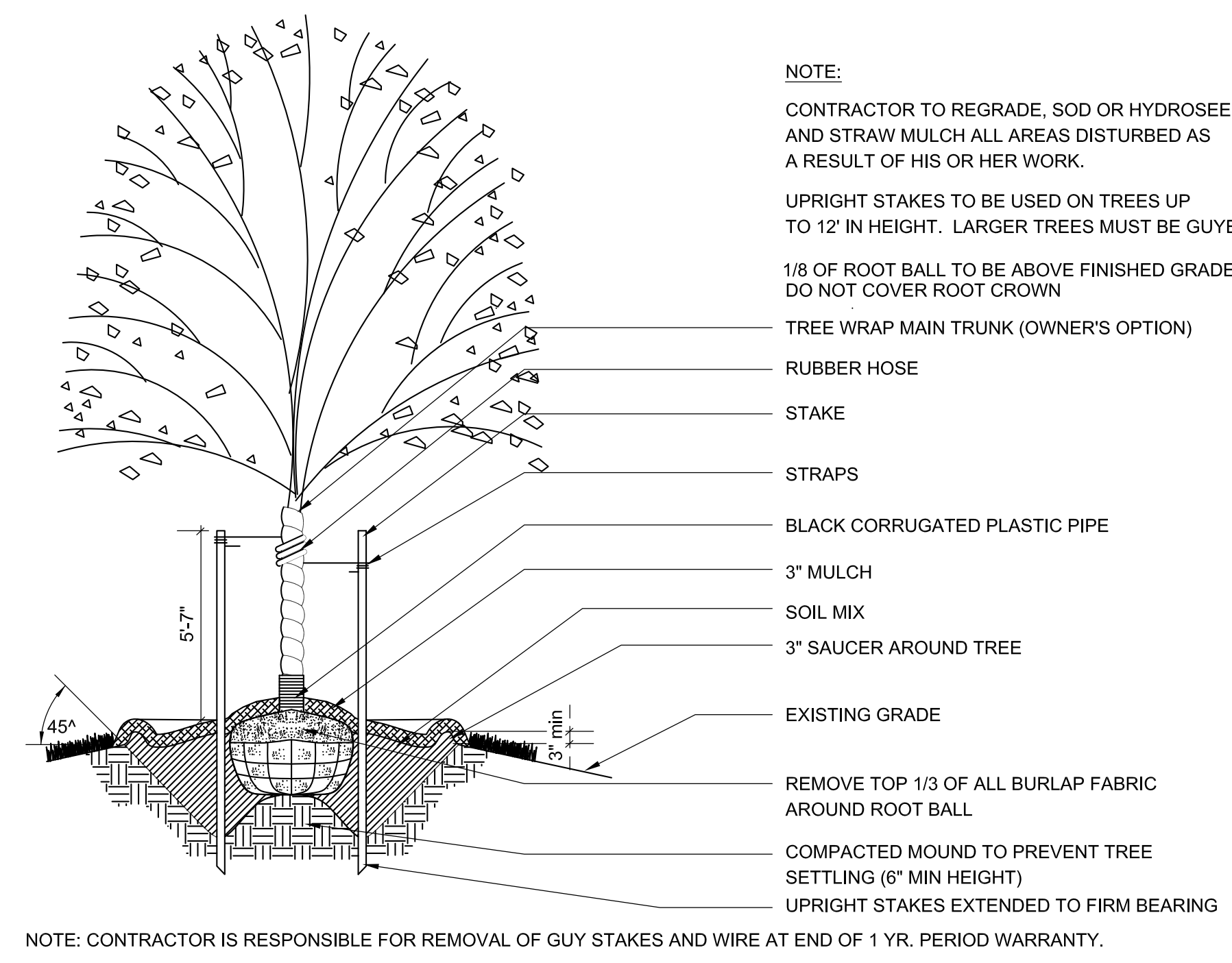


2 SHRUB PLANTING DETAIL
L103

N.T.S.

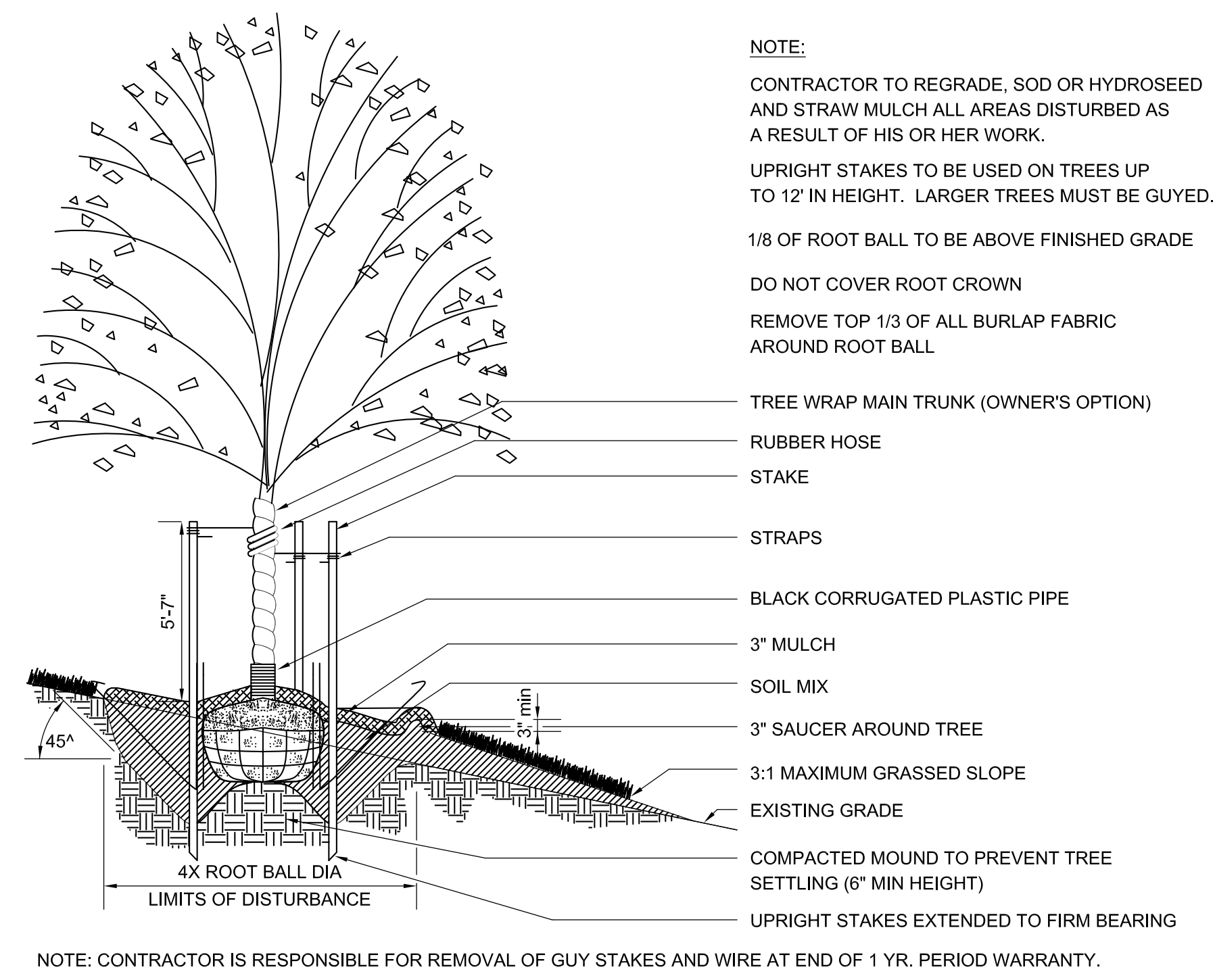
LANDSCAPE NOTES:

- IF INSTALLED OR EXISTING SITE WORK VARIES FROM CONDITIONS SHOWN IN THIS PLAN, CONTRACTOR IS TO NOTIFY PROJECT COORDINATOR PRIOR TO BEGINNING WORK IN THOSE AREAS.
- THE LANDSCAPE CONTRACTOR SHALL INSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS PREPARED BY OTHER CONSULTANTS SO THAT THE PROPOSED GRADING, STORM DRAINAGE, OR ANY OTHER CONSTRUCTION DOES NOT CONFLICT WITH, NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS AS DESIGNATED ON THIS PLAN.
- THE CONTRACTOR SHALL NOTIFY UTILITY LOCATION COMPANY OF THE PROPOSED CONSTRUCTION. IN ADDITION, THE CONTRACTOR IS TO BE NOTIFIED WHICH UTILITIES, INCLUDING STORM AND SANITARY SEWERS ARE LOCATED IN THE VICINITY OF THE PROPOSED WORK. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND STAKING THE LOCATION OF ALL EXISTING UTILITIES AND PROTECTING THEM DURING THE WORK AND SHALL BEAR ANY COSTS TO REPAIR UTILITIES DAMAGED AS A CONSEQUENCE OF HIS WORK.
- ALL WORK SHALL MEET OR EXCEED THE REQUIREMENTS OF ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS.
- NO SUBSTITUTIONS OF PRODUCTS, PLANT TYPES OR SIZES SHALL BE MADE WITHOUT THE WRITTEN APPROVAL OF THE OWNER, LANDSCAPE ARCHITECT AND CITY REVIEW AGENCY. REQUESTS SHALL BE IN WRITING AND SHALL STATE THE REASON FOR THE SUBSTITUTION REQUEST, THE SUGGESTED ALTERNATIVE AND THE CHANGE IN COST.
- ALL TREES SHALL BE BE PLANTED A MINIMUM OF 5 FEET AWAY FROM UTILITY LINES.
- ALL TREES ARE TO BE SECURELY STAKED OR GUYED FOR ONE YEAR PER THE TREE PLANTING DETAILS AND INSTALLED WITH A 3" DIAMETER, 3" DEEP WOOD MULCH RING AROUND THE BASE OF THE TREE.
- ALL SHRUB BEDS ARE TO BE MULCHED WITH ± 3" DEPTH, WOOD CHIP MULCH. NO WEED CONTROL FABRIC IS REQUIRED IN THESE AREAS.
- SOIL PREPARATION UNDER ALL AREAS TO BE SEEDED, SODDED OR PLANTED SHALL RECEIVE AN APPROVED COMPOST SOIL AMENDMENT AND SHALL BE APPLIED AT A RATE THREE CUBIC YARDS PER ONE THOUSAND SQUARE FEET AND TILLED INTO THE SOIL.
- THE CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE IMPROVEMENTS, INCLUDING SEEDING, FOR ONE FULL YEAR. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL PLANT MAINTENANCE DURING THE GUARANTEE PERIOD.
- ALL DISTURBED AREAS NOT LOCATED IN PLANTER BEDS SHALL BE FINE GRADED AND SEEDED WITH "NO MOW" SEED MIX.



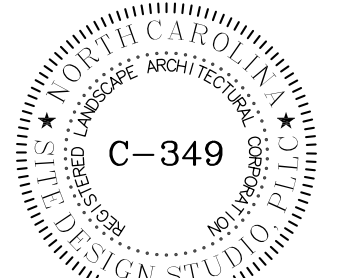
3 TREE PLANTING
L103

N.T.S.



4 TREE PLANTING ON SLOPE
L103

N.T.S.



BARLAS RESIDENCE
 PARCEL PIN# 9646-42-1419
 99999 CEDAR HILL DRIVE
 BILTMORE FOREST, NORTH CAROLINA

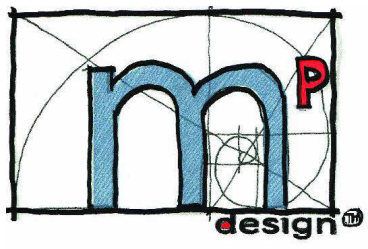
DATE: NOVEMBER 1, 2023
 DESIGNED BY: JTG
 CHECKED BY: JNG
 SCALE: 1" = 20'
 PROJECT #: 23-062

REVISED:
 NOVEMBER 6, 2023

SHEET TITLE
 PLANT LIST,
 DETAILS &
 NOTES

SHEET NUMBER
L103

Preliminary NOT FOR CONSTRUCTION



Mario Piccolo
828.747.0597
themariopiccolo@gmail.com

Barlas Residence



Driveway Gate Detail

7' Max Column Height
Brick To Match House



Metal Fence
Stucco Finish

Left Side Fence Detail

No.	Description	Date

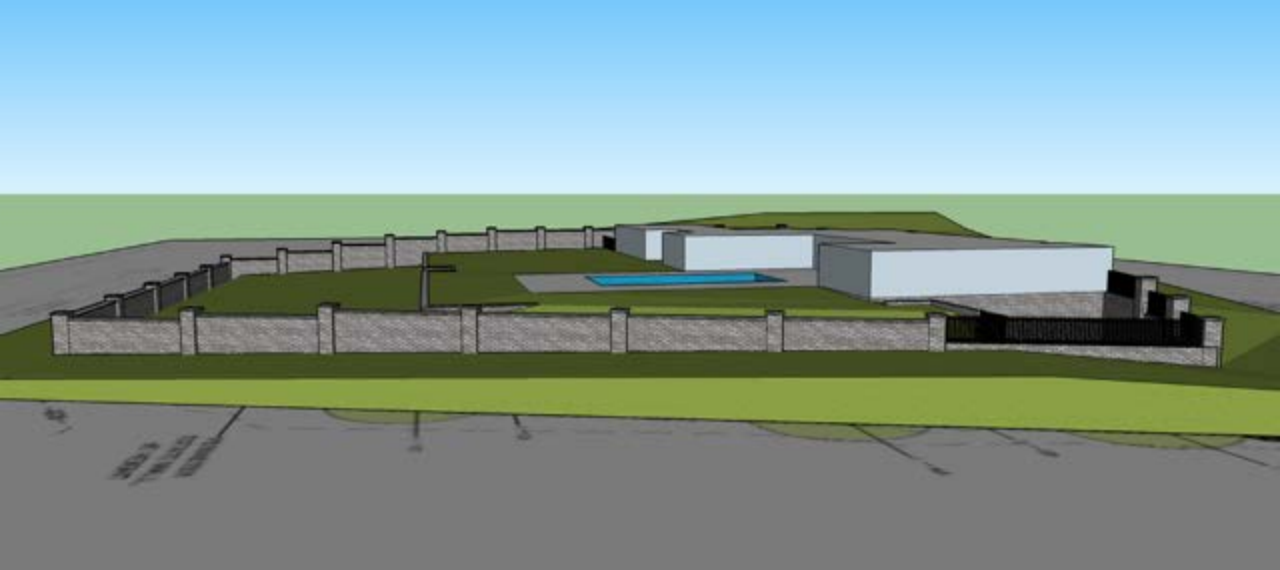
Single Family Residence
Site Wall Details

Project number	
Date	
Drawn by	Author
Checked by	Checker
C1	
Scale	

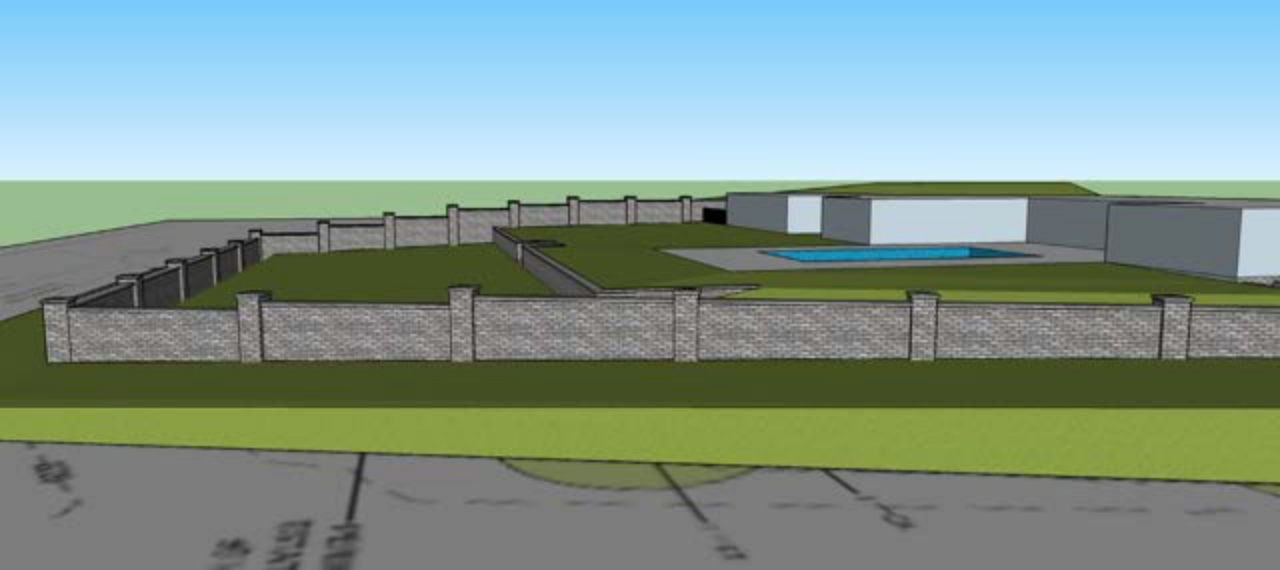


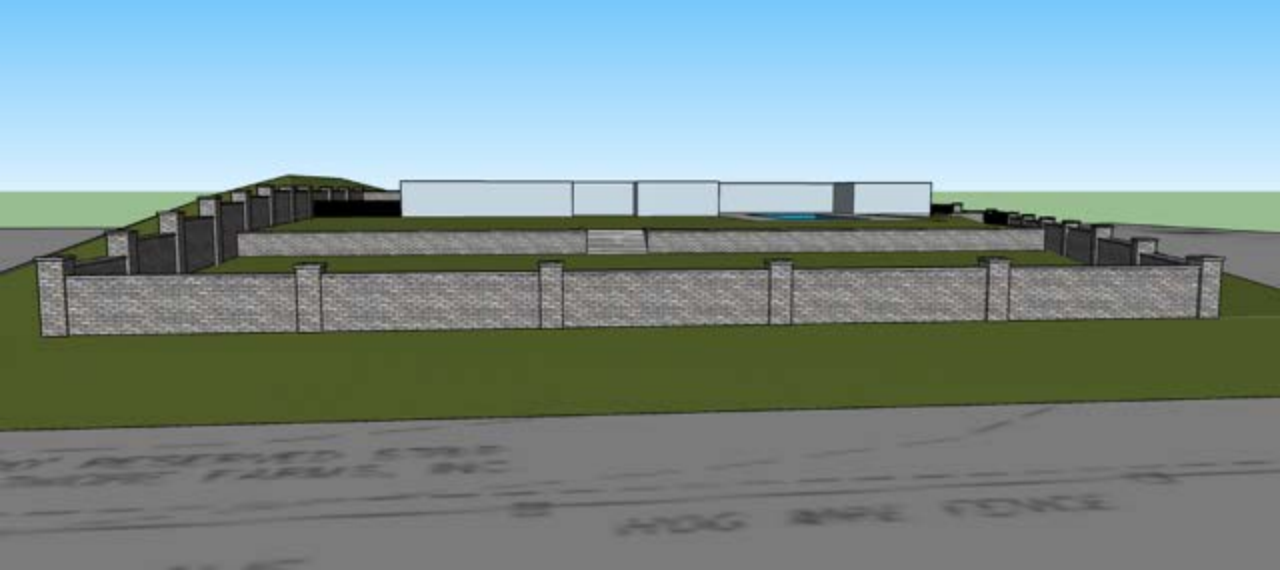


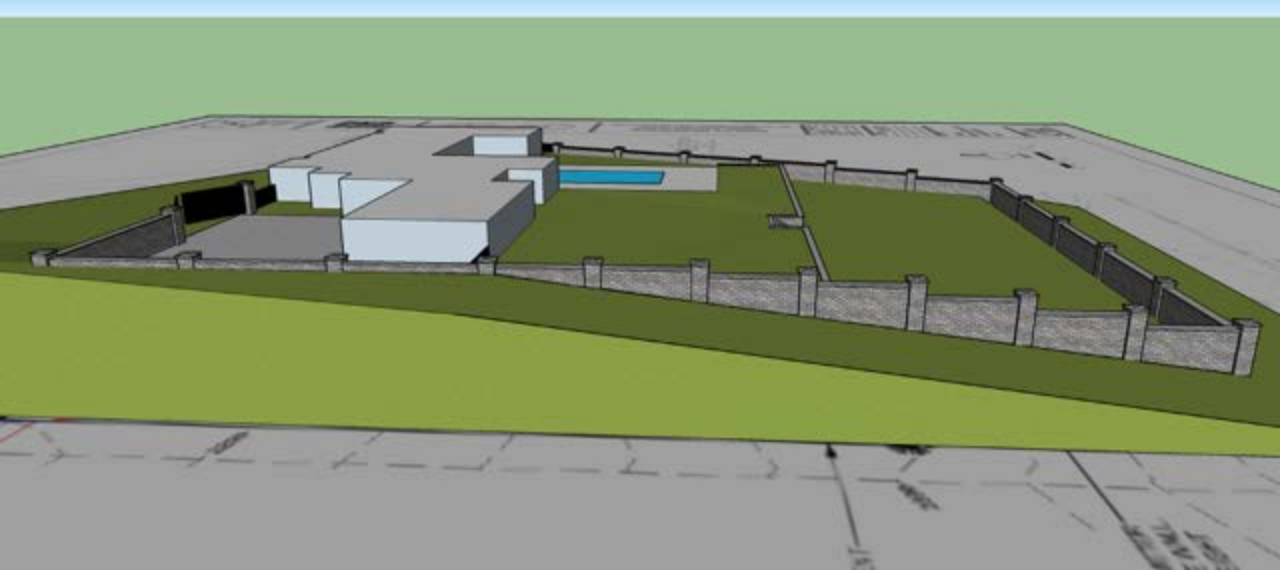


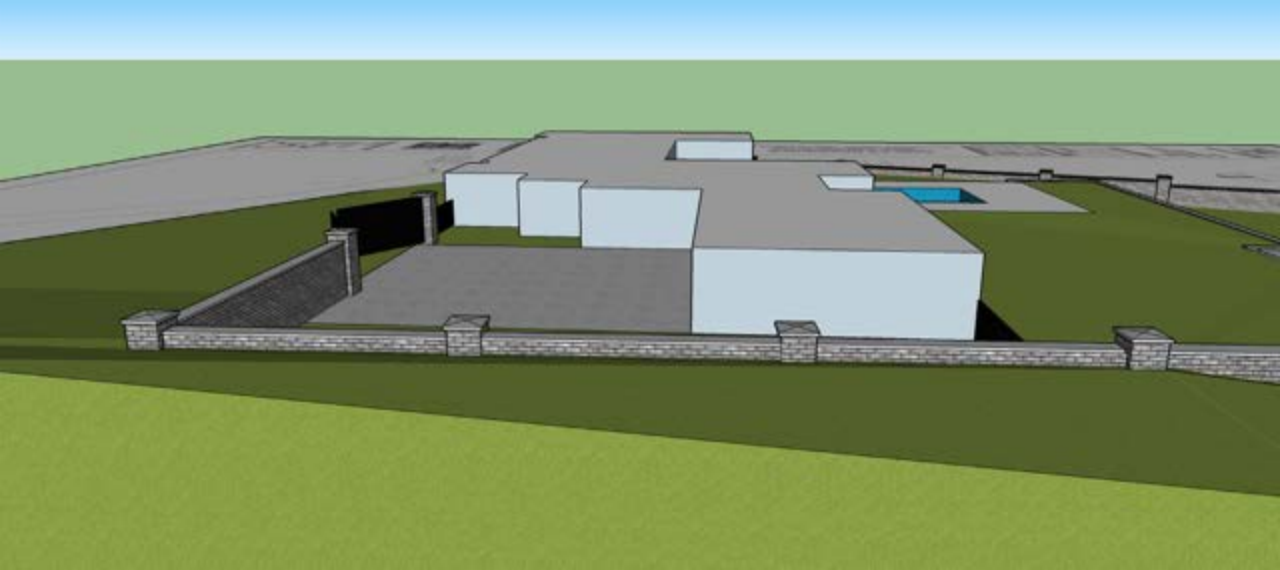












Town of Bitmore Forest
BOARD OF ADJUSTMENT
HEARING NOTICE



For More Information Visit:
www.bitmoreforest.org





BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

January 22, 2024

CASE 6

Property Address: 120 Stuyvesant Road

Property Owner: TJ & Kirby Finger

Request: Special Use Permit request for Accessory Structures

Variance for encroachment into the rear and front setbacks

Background

The property owners request permission to construct a sports court as well as a gravel patio with stone walkways. They are also requesting approval for the concrete round balls along the driveway. The proposed 30'x65' sport court and 250sf patio would be located on the Stuyvesant Crescent side and rear of the home. The proposed sport court is in compliance with the side and rear setbacks. The patio and part of the stone paths are within the rear setback and less than 10' from the property line. Six of the eight 20" concrete balls are within the front setback along the driveway but out of the right of way.

Special Use Permit

Section 153.029 (attached) of the Town's Zoning Ordinance regulates accessory structures and requires a special use permit from the Board of Adjustment. The ordinance notes that all accessory structures must be located within the rear or side yard and comply with setbacks.

Variance Request

The applicant's request for approval for round balls along the driveway that are within the front setback. The front setback for the R-1 District is 60', six of the eight balls would fall within the setback but out of the right of way. The first balls would fall approximately 20' from the edge of the property line per the submitted plan.

The applicants are also requesting a variance for the 250-sf gravel patio and stone walkways that are within the rear setback. The rear setback for the R-1 District is 25', the patio is closest to the rear property line at approximately 5' per the plans submitted. A copy of the variance and special use requirements are attached.

Zoning Compliance Application

Town of Biltmore Forest

Name

TJ & Kirby Finger

Property Address

120 Stuyvesant Rd Asheville, NC 28803

Phone

(828) 318-4550

Email

kirbyfinger@gmail.com

Parcel ID/PIN Number

964683765100000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.68

Proposed Roof Coverage Total

0

Proposed Impervious Surface Coverage

30' x 65'

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

0

Description of the Proposed Project

- 1.) Seeking approval for the concrete mounds along the driveway in the front yard.
- 2.) Seeking approval for sports court & landscape plan for side yard.

Estimated Start Date

3/1/2024

Estimated Completion Date

5/1/2024

Estimated Cost of Project

\$150,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

LA-Finger-Site Plan-005-Court.pdf

Applicant Signature

Date
11/24/2023

Thomas Finger Jr.

VARIANCE APPLICATION

Town of Biltmore Forest

Name

TJ & Kirby Finger

Address

120 Stuyvesant Rd. Asheville, NC 28803

Phone

(828) 318-4550

Email

kirbyfinger@gmail.com

Current Zoning/Use**Requested Use**

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

What would you like to do with your property?

- 1.) Seeking approval for the 8 concrete mounds along the driveway in the front yard.
- 2.) Seeking approval for sports court & landscape plan for side yard.

What does the ordinance require?

25ft set back off the rear and 20ft setback off side

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.**

In examining the further development of amenities on our property, the most cost-effective, flat, and logical place for this court is on the edge of our front setback. This would put the court in prominent view along Stuyvesant Road, a key corridor in and out of Biltmore Forest. We seek this variance to place the court in a more conspicuous spot on our property. This site is more challenging and expensive to develop, but we think it is a much better solution and more in keeping with the community's character.

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

In examining the further development of amenities on our property, the most cost-effective, flat, and logical place for this court is on the edge of our front setback. This would put the court in prominent view along Stuyvesant Road, a key corridor in and out of Biltmore Forest. We seek this variance to place the court in a more conspicuous spot on our property. This site is more challenging and expensive to develop, but we think it is a much better solution and more in keeping with the community's character.

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

NA

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

This site is more challenging and expensive to develop, but we think it is a much better solution and more in keeping with the community's character.

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

Signature

Date

11/24/2023

Thomas Finger Jr.

Special Use Permit Application

Town of Biltmore Forest

Name

TJ & Kirby Finger

Address

120 Stuyvesant Rd. Asheville, NC 28803

Phone

(828) 318-4550

Email

kirbyfinger@gmail.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:

- 1.) Seeking approval for the concrete mounds along the driveway in the front yard.
- 2.) Seeking approval for sports court & landscape plan for side yard.

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

- 1.) Why have had multiple compliments about the balls from multiple friends and neighbors.
- 2.) It brings community together, used to love to play basketball at the Simpkins house as a child.

In examining the further development of amenities on our property, the most cost-effective, flat, and logical place for this court is on the edge of our front setback. This would put the court in prominent view along Stuyvesant Road, a key corridor in and out of Biltmore Forest. We seek this variance to place the court in a more conspicuous spot on our property. This site is more challenging and expensive to develop, but we think it is a much better solution and more in keeping with the community's character.

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

Signature

Date
11/24/2023

Thomas Finger Jr.

153.008 SPECIAL USES.

(A) *Purpose.* The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) *Development plan/site plan requirement.*

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

(a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

(b) Boundary lines of the proposed development, proposed lot lines, and plot designs;

(c) Proposed location and use of all existing and proposed structures;

(d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;

(e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);

(f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved sedimentation and erosion control plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;

(g) Location and/or notation of existing and proposed easements and rights-of-way;

(h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;

(i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;

(j) Where applicable, the following written documentation shall be submitted:

1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;

2. The zoning district or districts in which the project is located;
3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;
4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;
5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units per acre); and total amount of open space; and
6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.

(k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) *Special use standards.*

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and § 153.110(C)(1) have been met.

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

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

(B) (1) In addition, the following standards are established for accessory structures and accessory buildings:

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in § [153.008](#);
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;

(f) The accessory building must be designed in the same architectural style as the principal structure;

(g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ [153.043](#) and [153.048](#); and

(h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

(2) For all satellite dishes less than 24 inches in diameter, an application for a zoning compliance certificate shall be made directly to the Zoning Administrator; the Zoning Administrator shall issue a zoning compliance certificate.

(3) Fences, gates, and walls shall be regulated in accordance with § [153.049](#) of this Zoning Ordinance.

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

Editor's note:

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

(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

LANDSCAPE DEMOLITION

1. Remove demolished materials from site. Disposal by burning and/or burying is prohibited.
2. Contact the local underground service update for utility location and identification prior to demolition.
3. The location of existing utilities as shown on the plans may vary in relation to actual existing conditions; additional utilities not shown on the drawings may exist. Verify in the field the data shown, and call any discrepancies to the attention of the Landscape Architect or Site Representative before starting work.
4. Perform excavation in the vicinity of existing utilities by hand where applicable. The Contractor is responsible for damage to existing utilities caused by any person, vehicle, equipment or tool related to the execution of the Contract.
5. Perform excavation in the vicinity of existing trees shown to remain by hand where applicable. The contractor is responsible for damage to existing trees.

LAYOUT NOTES

1. For dimensions of buildings, garages, trash enclosures and related work, refer to the architectural drawings. Copies of these drawings are available from the owner.
2. Written dimensions take precedence over scale. Do not scale drawings.
3. Where dimensions are called as "equal," space referenced items equally, measured to their center lines unless otherwise noted.
4. Measurements are to face of building, wall or the fixed site improvement. Dimensions to center lines is indicated.
5. Install intersecting elements at 90 degree angles to each other unless otherwise noted.
6. Provide expansion joints where concrete or mortar set stone or brick flatwork meets vertical structures such as walls, curbs, steps and building elements.
7. See civil engineers plans for the layout of roadway edge of pavement and curb. Verify that dimensions shown for site elements are consistent with layout information from engineers. Bring all discrepancies to the attention of the Landscape Architect prior to construction.

GRADING AND DRAINAGE

1. Existing underground utilities are shown per available records. Verify the actual location and elevation in the field prior to beginning construction of the new facilities. Protect existing utilities and be responsible for damage to utilities encountered during construction.
2. Request inspection as required 48 hours in advance of performing any work unless otherwise noted on this sheet.
3. Debris created by removal operations become the property of the Contractor and is to be legally disposed of away from the job site.
4. Notify local underground service companies for utility finds 48 hours prior to any excavation.
5. Refer to structural drawings for connections to drains over structure.
6. Refer to architectural drawings for waterproofing of slab penetrations.
7. Refer to Civil Engineer's drawings for connections to drains.

SITE NOTES

Impervious Surface
 Lot Size: 1.68 AC
 Max Impervious: 18,352 SF
 Existing Impervious
 Home: 5,487 SF
 Patios: 1,672 SF
 Driveway: 5,717 SF
 Total: 12,876 SF

Existing Tree Legend
 Map. Maple Tree
 Pop. Tulip Poplar Tree
 Loc. Locust Tree
 WP. White Pine
 Holly American Holly
 WO. White Oak
 Hky. Hickory Tree
 Saw. Sawtooth Oak

Replacement of Trees

	Inside Setback		Outside Setback	
	Protected	Unprotected	Protected	Unprotected
6"-12"			4	
13"-18"	2	1	2	
19"-36"	1			

Required Replacements
 Trees 2" DBH - 13 Trees
 Trees 3" DBH - 2 Tree
 Screening Buffer Trees - 3 trees

PLANT LIST

11/22/23

Common	Scientific	Size	Comments
Canopy Layer			
Serviceberry	Amelanchier canadensis	2"-4" ctp.	Multi-stem Specimen
Japanese Maple	Acer palmatum 'Bloodgood'	2"-4" ctp.	Multi-stem Specimen
Weeping Japanese Maple	Acer palmatum 'Tamukeyama'	2"-4" ctp.	B&B
Caral Bark Japanese Maple	Acer palmatum 'Sango-kaku'	2"-4" ctp.	B&B
Japanese Cedar	Cryptomeria japonica	6-10' ht	B&B
Nellie Stevens Holly	Ilex X 'Nellie R. Stevens'	6-10' ht	B&B
Dawn Redwood	Metasequoia glyptostroboides	6-10' ht	B&B
Thuja Green Giant	Thuja plicata x standishii 'Green Giant'	6-10' ht	B&B
Saucer Magnolia	Magnolia soulangeana	2"-4" ctp.	B&B
Norway Spruce	Picea abies	6-10' ht	B&B
Thunderhead Japanese Black Pine	Pinus thunbergii 'Thunderhead'	6-10' ht	B&B
White Pine	Pinus alba	6-10' ht	B&B
Understory Layer			
Rose Creek Abelia	Linnaea x 'Rose Creek'	7 gal	container
Bowwood Freedom	Buxus NewGen Freedom® 'SB 300' PP32421	7 gal	container
Hinoki Cypress	Chamaecyparis obtusa 'Nana'	3 gal	container
Red Twig Dogwood	Cornus sanguinea 'Midwinter Fire'	3 gal	container
Paperbush	Edgeworthia chrysantha	3 gal	B&B or container
Witch Alder	Fothergilla major	3 gal	B&B or container
Witch Alder	Fothergilla gardenii 'BLUE MIST'	3 gal	container
Annabelle Hydrangea	Hydrangea arborescens 'Annabelle'	3 gal	container
St. John's Wort	Hypericum prolificum	3 gal	container
Hydrangea Little Lime Punch	Hydrangea paniculata 'Little Lime Punch'	3 gal	container
Hydrangea Bloomstruck	Hydrangea macrophylla 'Bloomstruck'	3 gal	container
Inkberry Holly	Ilex glabra 'Shamrock'	3 gal	container
Woodland Anise Tree	Illicium 'Woodland Ruby'	7 gal	container
Sweetspire Little Henry	Itea virginica 'Sprich'	3 gal	container
Sweetspire	Itea virginica 'Henry's Garnet'	3 gal	container
Japanese Holly	Ilex crenata 'Hoogenboom'	3 gal	container
Winter Jasmine	Jasminum nudiflorum	3 gal	container
Montgomery Blue Spruce	Picea pungens 'Montgomery'	3 gal	container
Burkwood Viburnum	Viburnum x burkwoodii	3 gal	container
Ground Layer			
Everest Sedge	Carex oshimensis 'Carfit01' PP #20,955	1 gal	container
Grassland Sedge	Carex divulsa	1 gal	container
Everlime Sedge	Carex oshimensis EverColor® 'Everlime' PP25622	1 gal	container
Everillo Sedge	Carex oshimensis EverColor® 'Everillo' PP21002	1 gal	container
Joe Pye Weed	Eutrochium dubium 'Little Joe'	3 gal	container
Karl Foerster Grass	Calamagrostis acutiflora	3 gal	container
Muhly Grass	Muhlenbergia capillaris	1 gal	container
Shenandoah Switchgrass	Panicum virgatum Shenandoah	1 gal	container
Prairie Dropseed	Sporobolus heterolepis	1 gal	container
October Skies Aromatic Aster	Symphotrichum oblongifolium 'October Skies'	3 gal	container
Seeding Layer			
Sun/Shade Mix		SF	Broadcast
Bed Prep and Mulch		SF	Broadcast

Basketball court with professional top coat (green and blue). Court will be 30'x65' Court sits at the edge of side and rear setbacks

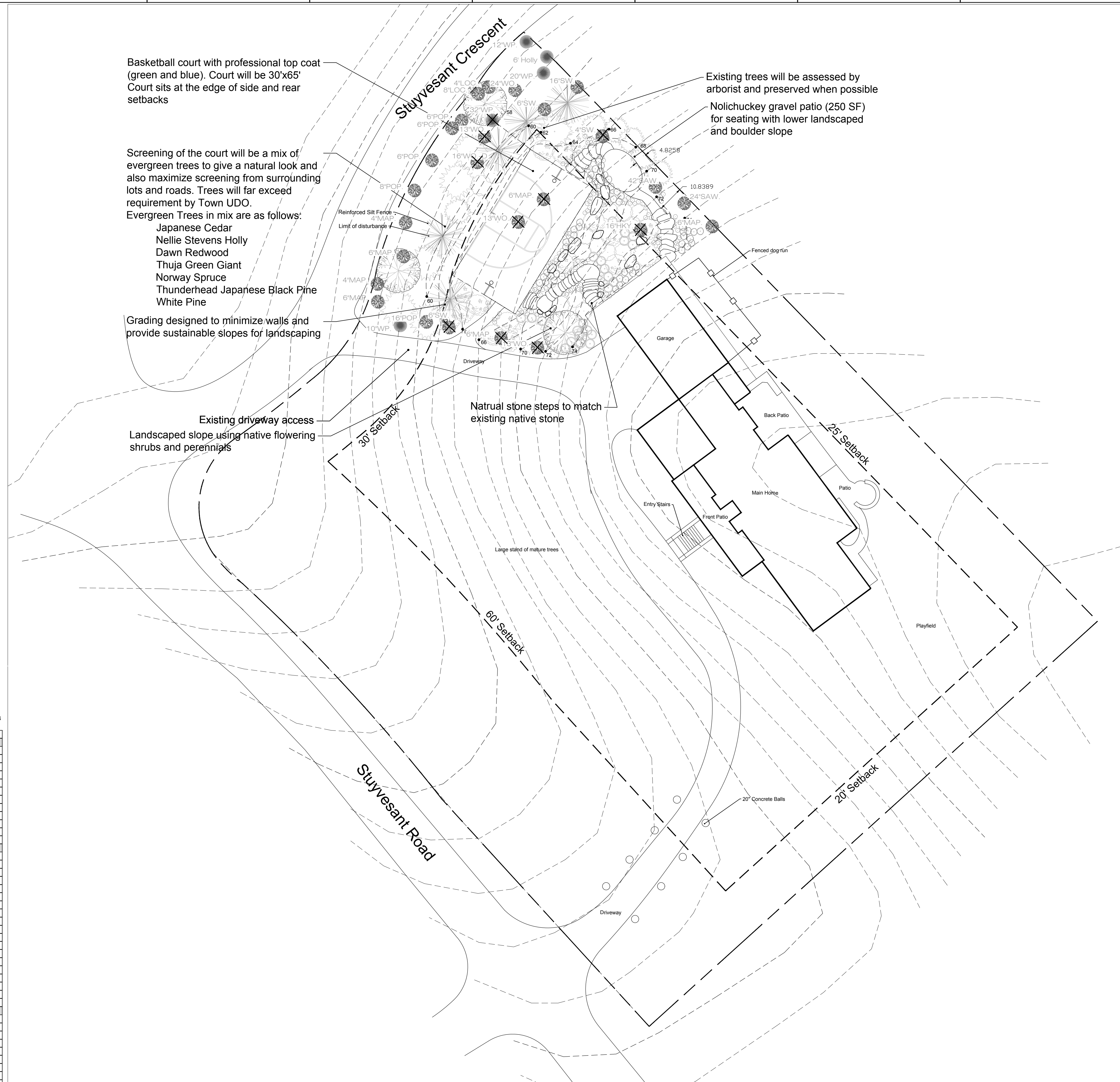
Screening of the court will be a mix of evergreen trees to give a natural look and also maximize screening from surrounding lots and roads. Trees will far exceed requirement by Town UDO. Evergreen Trees in mix are as follows:
 Japanese Cedar
 Nellie Stevens Holly
 Dawn Redwood
 Thuja Green Giant
 Norway Spruce
 Thunderhead Japanese Black Pine
 White Pine

Grading designed to minimize walls and provide sustainable slopes for landscaping

Existing driveway access
 Landscaped slope using native flowering shrubs and perennials

Natural stone steps to match existing native stone

Existing trees will be assessed by arborist and preserved when possible
 Nolichucky gravel patio (250 SF) for seating with lower landscaped and boulder slope



Drake Design Concepts
 Landscape Architecture + Design
 8 Ozark Spring Lane
 Asheville, NC 28805
 828.337.9952

Finger Residence
120 Stuyvesant Road
 Asheville, North Carolina 28803

ISSUE DATE: 11/22/2023

#	DATE	DESCRIPTION
1	12/10/2023	Design and Notation Revisions

DRAWN: DF REVIEWED: RF



Site Plan

SHEET NUMBER

L1-1



120

Town of Biltmore Forest
BOARD OF ADJUSTMENT
HEARING NOTICE



For More Information Visit:
www.biltmoreforest.org

From: [Rebecca Schultz Lester](#)
To: [Tony Williams](#); [Jonathan Kanipe](#)
Cc: [Dan Lester](#)
Subject: 120 Stuyvesant Road Sports Court
Date: Wednesday, January 17, 2024 11:17:52 AM

WARNING: This email originated from outside of the Town of Biltmore Forest Network.

Dear Jonathan - I am reaching out today regarding the proposed sport court at 120 Stuyvesant Road. My concerns are as follows:

1. This is a beautifully laid out, historic neighborhood with a specific set of rules designed to preserve the integrity of and property values in the area. The addition of a highly visible sport court on the corner of two busy roads will stick out like a sore thumb and drastically change the value of the surrounding properties. Furthermore, the court would be in a side yard, not a backyard, which then raises the question of what everyone else in the neighborhood should be allowed to do in their sideyards, which is a dangerous precedent to set.
2. While the Fingers may be using it as a basketball sport court, they may not live there forever and who knows what the next owners may use it as once it's existing. This is very concerning to us as it is just the right size to become a pickleball court in the future, which creates a ton of noise. Residents in The Ramble who live near the pickleball courts have experience decreased property values as a result of the noise pollution and I don't want that to be the case in Biltmore Forest, specifically for my property.
3. In the proposed plan, there is no fencing around the court, meaning balls will be littering the surrounding area - that is a major eyesore for everyone who passes. If a child playing on the court chases a ball down the hill and a car is coming around the corner, it creates a dangerous environment where it is very easy for someone to get hurt. The plan also lacks lighting, which once installed will pollute the surrounding area in the evenings.
4. I have concerns that children from the park will not know that the court is on private property and wander over to play on the unfenced sport court creating a liability for everyone involved.
5. I assume dirt and fill will need to be brought onto the property to create this sport court, which raises the question of water runoff and drainage issues for the neighboring properties. What will be done to mitigate that?

Everyone who lives in this neighborhood agreed to follow the rules and restrictions laid out by the town to maintain our property values and quality of life. This seems like a gross encroachment on that concept. I respectfully request that the Board of Adjustments deny this proposed request.

Thank you,
Rebecca Lester
3 Stuyvesant Crescent