



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: May 6, 2021
Re: **Board of Adjustment Meeting – May 17, 2021**

Applicants:

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

Members of the Board of Adjustment & staff may visit each property prior to the meeting. If this occurs, the property owner will be notified beforehand and asked if they approve the visit. If so, the visit will be conducted in a socially distant manner consistent with North Carolina state orders related to preventing the spread of Covid-19.

Neighbors:

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

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

You are invited to attend the scheduled meeting via Zoom and make comment when called upon. Any additional information regarding the Zoom meeting will be provided on the Town's website no later than May 13, 2021.

*****REVISED AGENDA*****

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, May 17, 2021 at 4:00 pm in the Town Hall Board Room via Zoom. The format for the meeting and instructions for attending the meeting via Zoom can be found on the second page of this agenda. The link for the Zoom meeting can be found at the bottom of the second page.

1. The meeting will be called to order and roll call taken.
2. The minutes of the April 19, 2021 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).
 - Case 1: 10 Stuyvesant Crescent** - Special Use Permit request for Playground Structure in Rear Yard
 - Case 2: 2 Hemlock Road** – Special Use Permit request for Fence within Rear Yard and Low Retaining Wall Extension within Side and Rear Yards
 - Case 3: 341 Vanderbilt Road** – Special use permit request for swimming pool within rear yard
 - Case 4: 300 Vanderbilt Road** – Special use permit request for Replacement Fence within Rear Yard Setback
 - Case 5: 63 Forest Road** – Variance Request to Exceed Maximum Roof Coverage for Accessory Building and Special Use Request for Accessory Building
 - Case 6: 307 Vanderbilt Road** – Variance Request for Re-construction of Storage Shed within Side Yard Setback

4. Adjourn

Process and Procedure for May 17, 2021 Board of Adjustment Meeting via Zoom

- All participants attending will be held in the “waiting room” prior to admittance by Town staff. Once admitted into the meeting, please mute audio until called upon by the Board chair.
- The meeting will be called to order at 4:00 p.m. by the Chair. All interested parties and applicants will be virtually sworn-in at this time.
- Each matter will be called forward and Town staff will authorize video and audio for the applicants and any person with standing for that particular case. If an applicant would like to present visual evidence, they must provide this evidence to Town staff no later than Friday, May 14, 2021.
- The Board chair, or other Board of Adjustment member, will specifically ask questions to the applicant and ask for any evidence that they would like to present.
- The Board chair, or other Board of Adjustment member, will then specifically ask for any person with standing for that specific matter to provide comment. Town staff will moderate this comment period but will ensure each person who wishes to speak or provide evidence is able to do so.
- When all evidence and testimony has been provided, the Board will deliberate and render a decision, then move on to the next matter where the process will be repeated.

How to Access the May 17, 2021 Board of Adjustment Meeting via Zoom

In order to access the Board of Adjustment meeting, please visit <http://zoom.us> to sign up, for free, for a Zoom account. This will enable you to participate with your desktop or laptop computer as you see fit. The Zoom link and log-in credentials are at the bottom of this page.

You may also download the free Zoom app from the Apple Store or Google Play on your mobile iOS or Android device. This app will walk you through setting up a free account.

If you are unable to access the meeting through a web or app based format, but would still like to listen and participate in the meeting, you may do so by calling one of the phone numbers listed below and entering the meeting ID and password.

Join Zoom Meeting

<https://us02web.zoom.us/j/84624534992?pwd=Z25MTk9GVVZSL1ZvQTZ1ejRyb2Zpdz09>

Meeting ID: 846 2453 4992

Passcode: 917366

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, APRIL 19, 2021

The Board of Adjustment met at 4:00 p.m. on Monday, April 19, 2021. The meeting was held virtually via Zoom.

Members present: Mr. Greg Goosmann, Ms. Rhoda Groce, Mr. Robert Chandler (via Zoom), Ms. Lynn Kieffer, and Mr. Lowell Pearlman (via Zoom). Ms. Martha Barnes, alternate member, was also present via Zoom. Mr. Jonathan Kanipe, Town Manager, were also present. Mr. William Clarke, Town Attorney was also present.

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

Mr. Goosmann swore in the following:

Mr. Jonathan Kanipe
Mr. Harry Buckner
Mr. Steven Lee Johnson
Mr. Kip Warlick
Ms. Mary Anne Warlick
Ms. Amy Fahmy
Mr. John Manley
Mr. Clay Mooney
Mr. John Spake
Ms. Holly Spake

A motion was made by Mr. Robert Chandler to approve the minutes from March 15, 2021. Ms. Rhoda Groce seconded the motion. Roll call was taken by Chairman Goosmann and the minutes were unanimously approved.

HEARING (Evidentiary):

A Special Use Permit was requested at 412 Vanderbilt Road for driveway gates and columns. Ms. Lynn Kieffer shepherded the matter. Mr. Steven Lee Johnson discussed the project. There are two basic components, removal of one of two driveways. It will be landscaped with grass and native plants. There will be an addition of a stone column and entrance with gates. Located within 61 feet from the edge of the pavement on Vanderbilt Road. There will be enhanced landscaping and resurfacing of the driveway. Ms. Kieffer said they are removing the four existing columns. The new gate will be located within the property and outside the front property setback as required.

DELIBERATION AND DETERMINATION:

Ms. Lynn Kieffer recited the facts and said a Special Use Permit is being applied for by Jack and Sarah Cecil of 412 Vanderbilt Road for driveway gates and columns. It also meets the emergency service's guidelines.

Ms. Rhoda Groce moved that a Special Use Permit be granted to Jack and Sarah Cecil and the facts as recited by Ms. 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. Ms. Groce 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.

Ms. Lynn Kieffer seconded the motion. Roll call was taken by Chairman Goosmann and unanimously approved.

HEARING (Evidentiary):

The next matter was a request for a Special Use Permit for an accessory structure in the rear yard and a driveway expansion at 57 Forest Road. Mr. Lowell Pearlman shepherded the matter. Ms. Amy Fahmy represented the homeowners. There will be enlargement of the existing driveway. They are proposing a metal arched arbor. It will be twelve foot high and ten feet in length. It will be covered and will be 780.5 square feet. They will be adding 1,639 square feet to make it easier to get in and out of the garage. The area driveway will also be resurfaced with asphalt. The new driveway will feature curbstone edging and a stone apron at the entry on Forest Road. A new stone terrace will be added off the porch in the rear of the house.

DELIBERATION AND DETERMINATION:

Mr. Lowell Pearlman recited the facts and said Kip and Mary Anne Warlick of 57 Forest Road are applying for an accessory structure in the rear yard and expanding their driveway.

Ms. Lynn Kieffer moved that a Special Use Permit be granted to Kip and Mary Anne Warlick of 57 Forest Road and the facts as recited by Lowell Pearlman and his summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Kieffer further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Ms. Martha Barnes seconded the motion. Roll call was taken and unanimously approved.

HEARING (Evidentiary):

The next matter was for a Special Use Permit for a rear yard fence and driveway realignment at 309 Vanderbilt Road. Ms. Rhoda Groce shepherded the matter. Mr. Manley said the backyard fence would be replaced, go to the back property line, and go back toward 311 Vanderbilt. There is an existing fence that runs off the shelter. This is the area that will be replaced. Mr. Manley said he would be willing to prepare for additional screening if needed. There are water pooling issues which will be fixed as well. In order to do this project, Mr. Manley said a couple of trees will also need to be removed. They are trying to create a safe way in and out of the driveway.

DELIBERATION AND DETERMINATION:

Ms. Groce recited the facts and said John Manley of 309 Vanderbilt is proposing to construct an 8-foot tall deer fence. It is wooden and meets the guidelines from the North Carolina Wildlife Commission. The fence would be minimally visible from Vanderbilt Road.

Mr. Lowell Pearlman moved that a Special Use Permit be granted to John Manley for a driveway improvement area and an upgraded fence for 309 Vanderbilt 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. Mr. Pearlman 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.

Martha Barnes seconded the motion. Roll call was taken by Chairman Goosmann and unanimously approved. Mr. Clarke stated this property abuts the Biltmore Estate.

HEARING (Evidentiary):

The final matter was for a Special Use Permit and Variance Request for an accessory structure (fencing) located in the side and rear yard setback at 5 Stuyvesant Crescent. Mr. Robert Chandler shepherded the matter. They would like to construct a decorative aluminum fence within the side and rear yard setbacks. The applicant requests permission for this Variance due to the topography and placement of the home. The fence will not be visible from the street or neighboring property owner

DELIBERATION AND DETERMINATION:

Ms. Barnes restated the facts. John and Holly Spake are requesting a Special Use Permit and Variance. They stated their hardship. There were no additions to the facts.

Ms. Lynn Kieffer moved that a Special Use Permit and Variance as requested by granted to Sarah and John Spake at 5 Stuyvesant Crescent for a fence in the rear yard replacement. The facts as recited by Martha Barnes and her summation be accepted as findings and facts to support this grant.

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

Ms. Rhoda Groce seconded the motion. Roll call was taken by Chairman Goosmann and the motion was unanimously approved.

Chairman Goosmann adjourned the meeting at 4:38 pm. The next Board of Adjustment meeting is scheduled for Monday, May 17, 2021 at 4:00 pm.

ATTEST:

Greg Goosmann
Chairman

Laura Jacobs
Town Clerk

DRAFT

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

May 17, 2021



**Case 1 – 10 Stuyvesant Crescent
Special Use Permit Request for Playground Structure
in Rear Yard**

Special Use Permit Request for Playground Structure Installation in Rear Yard

The applicant requests permission for a special use permit to install a playground structure within the rear yard. Playground structures are considered accessory structures under the Town's Zoning Ordinance.

Section 153.029 of the Zoning Ordinance (attached) specifies the following:

(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. § 160A-201.*

The applicant's proposal states the swing set/treehouse playground structure is 12 feet tall at its peak and 21 feet in length. The applicant states the playground structure will be located entirely within the rear yard and not visible from the road.

Zoning Compliance Application

Town of Biltmore Forest

Name

Guy Wrenn

Property Address

10 Stuyvesant Cresent

Phone

(828) 230-3495

Email

gwrenn05@yahoo.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.25

Maximum Roof Coverage

5,060 square feet (Up to 1.2 acres)

Proposed Roof Coverage Total

n/a

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

n/a

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

12

Description of the Proposed Project

It's a semi permanent playground, behind our house, not readily visible from the street attached picture is the exact playset as it sits at our current residence (we will be moving into 10 Stuyvesant Crescent in the coming months). approximately 21ft in total length and 12 ft in total width. peak of the "roof" is 12 ft

Estimated Start Date

7/11/2021

Estimated Completion Date

4/18/2021

Estimated Cost of Project

\$500.00

Supporting Documentation (Site Plan, Drawings, Other Information)

playset.jpg

Applicant Signature

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by several loops and a long horizontal stroke at the end.

Date

4/29/2021



Special Use Permit Application

Town of Biltmore Forest

Name

Guy Wrenn

Address

10 Stuyvesant Crescent

Phone

(828) 230-3495

Email

gwrenn05@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:

It's a swingset/treehouse/play area for my children. It's a swing set with two swings and a treehouse with a ladder, slide and a "climbing wall" which, including the roof is probably 11 or 12ft tall, at the peak. You can see exactly what it is if you look up Dane's Den from playnation

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

It would be in our back yard, behind the house and not readily visible from the street

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

Signature

Date

4/28/2021





**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

May 17, 2021



**Case 2 – 2 Hemlock Road
Special Use Permit Request for Fence
and Extension of Low Retaining Wall**

Special Use Permit Request for Fence and Gate Installation
and Low Retaining Wall Extension

The applicant requests permission for a special use permit to install a fence within the rear yard in compliance with section 153.049 of the Town's Zoning Ordinance. The proposed fence is four (4) feet tall and will run fifteen (15) feet on one side and twelve (12) feet on the other side, with two (2) gates. The fence will be contained within the overall extension of the low retaining wall in the rear yard. Section 153.049 of the Town's Zoning Ordinance, which provides regulation for both fences and walls, is attached to this memorandum.

The applicant's proposal notes the fence will match, as closely as possible, the existing retaining walls on property. The new retaining wall is 155-160 feet in length and four (4) feet tall. The proposal states the wall will only be partially visible where the lower level is facing the home.

Zoning Compliance Application

Town of Biltmore Forest

Name

Laura Werner

Property Address

2 Hemlock Rd

Phone

(310) 920-1611

Email

lwerner310@hotmail.com

Parcel ID/PIN Number

9646-53-7448-00000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.82 Acres

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

no change

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

no change

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

2 story with basement - no change

Description of the Proposed Project

Wall and fenced in are for dogs.

We are looking to add about 155-160 ft and 4' tall, in the same style as the current retaining walls. The new wall will be about 2.5' retaining, a little more in some areas and less in other areas in side and back yard of the residence. The fenced area will be about 15' on one side, with a gate and about 12' on the other side of the wall, with a gate.

I can take a video of the area if needed and submit. I'm not sure what exactly is needed.

Estimated Start Date

5/22/2021

Estimated Completion Date

6/30/2021

Estimated Cost of Project

\$40,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

21086-2HemlockDriveSurveyorsReport4-5-21.pdf

2 Hemlock Rd Fence Drawing 2021 04 26 V1.jpg

2 Hemlock house with current wall.jpg

Applicant Signature

Date

4/26/2021



Special Use Permit Application

Town of Biltmore Forest

Name

Laura Werner

Address

2 Hemlock Rd

Phone

(310) 920-1611

Email

lwerner310@hotmail.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 are looking to add about 155-160 ft and 4' tall, in the same style as the current retaining walls. The new wall will be about 2.5' retaining, a little more in some areas and less in other areas in side and back yard of the residence. The fenced area will be about 15' on one side, with a gate and about 12' on the other side of the wall, with a gate.

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

The wall will only be partially visible as part of it is a retaining wall, where the lower level is facing our home.

The wall will be made to look as much like the existing retaining walls as possible, so that it looks like it has always been there. The gates will be minimal, only 4' tall and very simple, similar to the current railing on the home today.

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

Signature

Date

4/26/2021







From: [laura](#)
To: [Jonathan Kanipe](#)
Cc: [JB Pro Gmail \(john.brackettjr@gmail.com\)](#)
Subject: RE: 2 Hemlock new buyers - Pup Fence
Date: Saturday, May 01, 2021 8:48:01 AM
Attachments: [image007.png](#)
[image009.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image001.png](#)

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

Jonathan,

The wall will look as close to the existing retaining walls as possible, I have asked to look at the stone chosen beforehand. It will be wrapped around the wall, with no ledge, just like the existing stone.

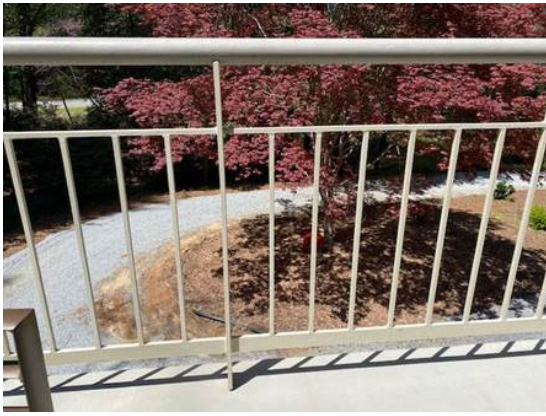


We didn't provide details of the fence, because we have been working on the details, but I think we have finally found someone to make it for us. I asked if he can get us a sketch before 5/17. Fingers crossed. We are working with Owens Welding, <https://www.owenswelding.com/> Who is building a custom fence for us.

It will be made of aluminum in bronze #40, one of their standard colors, and will have a gate that looks similar to this, low enough to keep the pups from getting out & secured with a latch to the gate,



And the fence will look similar to our balcony, which looks like this...but 4' tall and the base will be lower to the ground, to keep the pups safe.



It will look gorgeous! More to come....

Laura -

From: Jonathan Kanipe <jkanipe@biltmoreforest.org>
Sent: Tuesday, April 27, 2021 8:33 AM
To: laura <lwerner310@hotmail.com>
Cc: JB Pro Gmail (john.brackettjr@gmail.com) <john.brackettjr@gmail.com>
Subject: RE: 2 Hemlock new buyers - Pup Fence

I received the submission and thanks for sending it all over. In terms of the meeting itself, we will hold that at 4pm with a site visit (at your property) beforehand. If you have any pictures or other descriptions of the fence/wall that you'd like to construct that would be helpful as well.

Thanks very much.

Jonathan Kanipe
Town Manager
Town of Biltmore Forest
(828) 274-0824 // jkanipe@biltmoreforest.org
<http://www.biltmoreforest.org>

All email correspondence to and from this address is subject to public review under the NC Public Records Law.

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **888-777** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit buncombeready.org

From: laura <lwerner310@hotmail.com>
Sent: Monday, April 26, 2021 9:32 PM
To: Jonathan Kanipe <jkanipe@biltmoreforest.org>
Cc: JB Pro Gmail (john.brackettjr@gmail.com) <john.brackettjr@gmail.com>
Subject: RE: 2 Hemlock new buyers - Pup Fence

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

Jonathan – I submitted both forms and a tree removal request for the 1 18"+ circumference tree that needs to be removed. I plan to attend on 5/17's town hall mtg between 4 & 6 pm.

I can print out the items I submitted. I can also take a video if needed to get a better perspective of the location. Not sure what exactly is required to support the request.

In the interim, I will work to get gas and electrical lines marked, since we are doing some land leveling.

Thanks again for all of your help!

Laura Werner & John Brackett, Jr.

From: laura
Sent: Monday, April 19, 2021 6:43 PM
To: Jonathan Kanipe <jkanipe@biltmoreforest.org>
Cc: JB Pro Gmail (john.brackettjr@gmail.com) <john.brackettjr@gmail.com>
Subject: RE: 2 Hemlock new buyers - Pup Fence

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

May 17, 2021



**Case 3 – 341 Vanderbilt Road
Special Use Permit Request for Swimming Pool, Outdoor
Fireplace, and Low Wall**

Special Use Permit Request for Swimming Pool Installation
Special Use Permit Request for Outdoor Fireplace and Low Wall

The applicant requests permission for a special use permit to install a swimming pool in the rear yard. The swimming pool would also include a patio with an outdoor fireplace and low retaining wall. The outdoor fireplace is considered an accessory structure as well, but the low wall is covered by Section 153.049 of the Zoning Ordinance (attached). The swimming pool, attached wall, and fireplace are located within compliance of the setbacks for the rear and side yards.

The Town's Zoning Ordinance for the swimming pool and outdoor fireplace are stated below.

§ 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:

(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.

Zoning Compliance Application

Town of Biltmore Forest

Name

Robert and Merry Stephenson

Property Address

341 Vanderbilt Road

Phone

(248) 824-3059

Email

hustonstephenson@gmail.com

Parcel ID/PIN Number

9647-81-0350-00000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.25 acres

Maximum Roof Coverage

5,060 square feet (Up to 1.2 acres)

Proposed Roof Coverage Total

N/A

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

1016

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

N/A

Description of the Proposed Project

We would like to build an inground pool with a spa and patio area with a wood burning fireplace. The pool design would include leveling out a section of our yard to accommodate a 17'0" x 36'0" pool with 2'0" natural Bluestone coping and a 11'0" x 16'0" natural stone patio. A 2'0" tall natural stone wall would be constructed along the west side of the pool. Please see the attached drawing for additional information.

Estimated Start Date

6/1/2021

Estimated Completion Date

9/30/2021

Estimated Cost of Project

\$140,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

pool design.pdf

Applicant Signature

M. Stephen

Date

4/17/2021

Special Use Permit Application

Town of Biltmore Forest

Name

Robert and Merry Stephenson

Address

341 Vanderbilt Road

Phone

(248) 824-3059

Email

hustonstephenson@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:

We would like to add an inground pool to our backyard. The design would include leveling out a portion of our backyard to accommodate a 17x36 pool and spa and a natural stone patio area with a wood burning fireplace. The west side of the design would include a 2'0" decorative stone wall. The stone wall, pool coping, and patio will be constructed with natural stone to fit in with the surrounding landscaping of our yard.

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

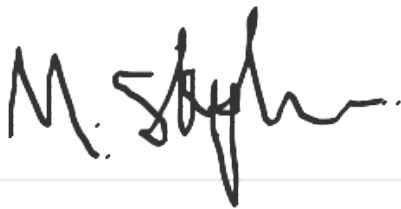
Our backyard is private and completely surrounded by trees so the pool wouldn't be visible from the road.

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

Signature

Date

4/16/2021



Private Outdoor
Living with Pool,
Spa, & Fireplace

PREPARED FOR
Bob & Merry Stephenson

PROJECT LOCATION
341 Vanderbilt Rd.
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

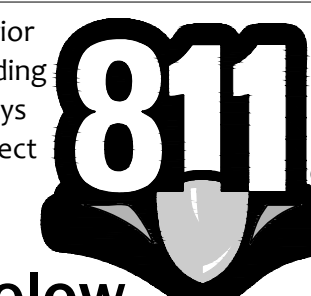
REVISIONS

| # | DATE | DESCRIPTION | BY |
|---|------------|---------------------------|----|
| A | 03/22/2021 | Rough Draft Presentation | CD |
| B | 04/08/2021 | Final Design Presentation | CD |
| C | | | |
| D | | | |
| E | | | |
| F | | | |
| G | | | |
| H | | | |
| I | | | |
| J | | | |
| K | | | |
| L | | | |
| M | | | |
| N | | | |

CLIENT PROJECT #: 1
FIRM PROJECT #: 210213

DR BY: CD RELEASE DATE: 03/22/2021
AP BY: CD REVISION DATE: 03/22/2021

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.

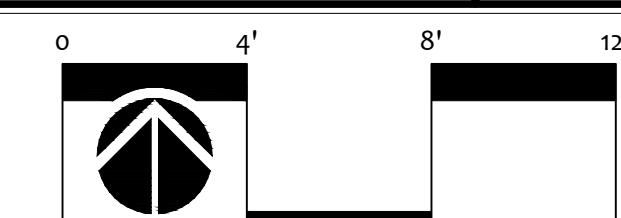


Know what's below.
Call before you dig.

Concept Plan

C1

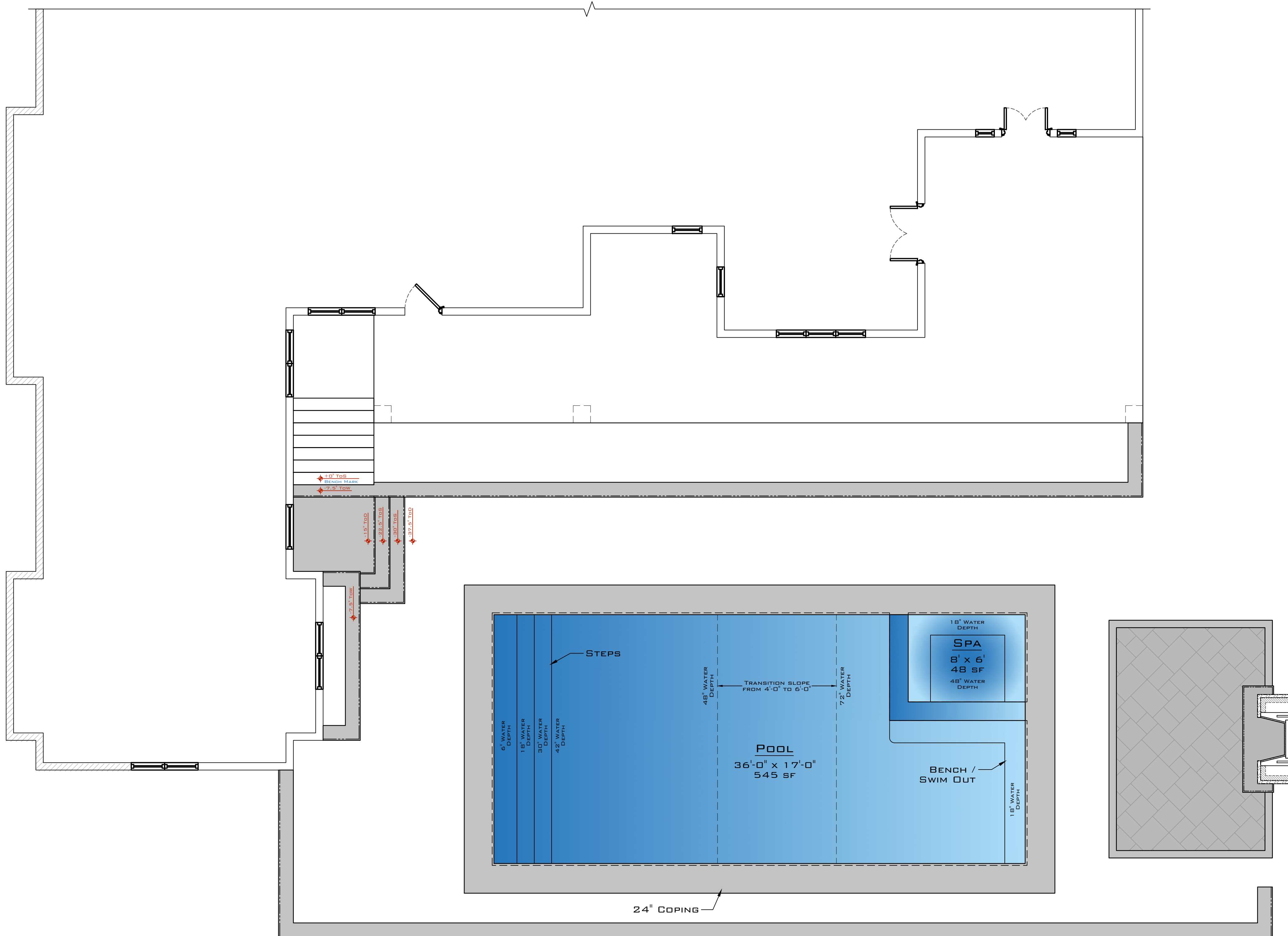
Page 1 of 1



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.

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

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

Over

LETTER
4/20/21 11:42:24 AM

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

May 17, 2021



**Case 4 – 300 Vanderbilt Road
Special Use Permit Request for Replacement Fence within
Rear Yard Setback**

Special Use Permit for Accessory Structure (Fence) in Rear Yard

A special use permit is requested for the installation of a fence in the rear yard. The applicant has also requested the fence be placed on the property line, which is approved within the special use allowance as a replacement fence. Please note, this property abuts the City of Asheville zoning jurisdiction, so that zoning/use is not subject to the Town of Biltmore Forest zoning jurisdiction.

The Town's fence regulations, found in § 153.049 FENCE, GATE AND WALL REGULATIONS, state that

(A) New fences, gates or walls may be approved by the Board of Adjustment as a special use, so long as the gate, fence or wall meets the following requirements.

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.

The replacement request is a result of the existing fence being located along the rear property line. This residential property abuts an incompatible land use, in that it borders commercial buildings within the City of Asheville. The Zoning Ordinance, in § 153.063 BUFFER STRIP AND SCREEN REQUIREMENTS, provides the Board of Adjustment "authority to require that a wall or fence be constructed next to property used for residential purposes when the Board determines that the buffer strip alone does not provide adequate buffering."

In this case, the applicant is the residential property owner and NOT the commercial entity. In addition, the Town is unable to exert any specific zoning authority or extend our zoning jurisdiction to the properties within the City of Asheville. The requirements for the buffer strip, as noted below, allow a fence to extend along the rear and/or side property line which abuts an incompatible land use.

§ 153.063 BUFFER STRIP AND SCREEN REQUIREMENTS.

(A) Certain land uses are defined in this chapter as being an incompatible land use when developed adjacent to other less intensive land uses. A buffer strip can serve to lessen adverse impacts when development occurs.

(B) The installation of the applicable buffer strip shall be the responsibility of the owner of the developing land use. Buffer strips shall be located on the property of the developing land use between the property line and any vehicular use areas, buildings, storage, service areas, or other area of activity. The buffer strip shall extend along the entire rear and/or side property line which abuts an incompatible land use, up to any required street tree planting strip.

(Note: Sections 1-5 not applicable to this specific situation)

(6) *Additional buffering. The Board of Adjustment has the authority to require that a wall or fence be constructed next to property used for residential purposes when the Board determines that the buffer strip alone does not provide adequate buffering. The fence or wall shall be constructed in a durable fashion of wood, stone, masonry materials, or other materials if deemed appropriate and shall be built of material compatible with the principal building.* When concrete block is utilized, it shall be finished with stucco on both sides. The materials and design shall be approved by the Board of Adjustment on a case-by-case basis. The finished side of the fence or wall shall face the abutting property. A chain link fence may not be used to satisfy the requirements of this section. Shrubs shall be planted on the applicant's side of the property at the rate of 25 per 100 linear feet; their placing and arrangement shall be the decision of the applicant.

The applicants note that a recent approval for their neighboring property would allow them to provide a continuous buffer between the incompatible uses on Hendersonville Road and their properties on Vanderbilt Road. The proposed description of the fence (6 feet high, wooden privacy fence) complies with fence material requirements in both the fence ordinance and the buffering ordinance above.

Special Use Permit Application

Town of Biltmore Forest

Name

Marilyn & Peter Ong

Address

300 Vanderbilt Rd

Phone

(828) 505-3806

Email

peterylong3@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:

Replace very old and falling-down wire fence at rear of property. Approx Length 85 feet. Will clean out old shrub debris to prepare the fence line.

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

We are on a narrow strip of land between Vanderbilt and Henderson. The greek restaurant is our neighbor on the Henderson side. The old existing fence is currently the only separation between the forest and this commercial area. Fence cannot be seen from the road on either side. In addition, a new fence will actually be much more attractive and will prevent intruders and bears from crossing into Biltmore Forest.

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

Signature



Date

4/5/2021

















**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

May 17, 2021



**Case 5 – 63 Forest Road
Variance Request to Exceed Maximum Roof Coverage for
Accessory Building
Special Use Permit Request for Detached Accessory
Building**

Variance Request for Exceeding Maximum Roof Coverage Overage for Accessory Building
Special Use Request for Construction of Detached Accessory Building

The applicant requests permission for a variance to exceed the maximum roof coverage allowance in conjunction with the special use request for a detached accessory building. The Zoning Ordinance allows a maximum of 6,700 square feet of roof coverage on properties between 2 and 2.5 acres. The applicant's lot is 2.1 acres, and the total coverage (even when factoring in this proposal) equals 5,294 square feet of roof coverage.

The specific variance request results from the detached accessory building proposal having 794 square feet of roof coverage. Section 153.029 of the Zoning Ordinance specifies that the maximum roof coverage for a detached building is 750 square feet. The applicant requests this variance in order to allow a 12" roof overhang for rain protection, and notes that this allowance will provide better site drainage and minimize grading disturbance. The pertinent zoning section is below.

§ 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. § 160A-201.

In addition to the variance request, a special use permit is required per the above Zoning Ordinance regulations.

Zoning Compliance Application

Town of Biltmore Forest

Name

Rebecca Morgan

Property Address

63 Forest Rd

Phone

(828) 777-9813

Email

rebeccaismorgan@gmail.com

Parcel ID/PIN Number

9646-58-6737

ZONING INFORMATION

Current Zoning

R-1

Lot Size

2.1 ac 91,476sf

Maximum Roof Coverage

6,700 square feet (Up to 2.5 acres)

Proposed Roof Coverage Total

5,294sf

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

11,200sf

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

23'

Description of the Proposed Project

1 1/2 story guest cottage with 950sf of heated floor area and 794sf roof area

Estimated Start Date

6/15/2021

Estimated Completion Date

12/11/2021

Estimated Cost of Project

\$300,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

MorganCottage -- A4 -- elevations - section -- 04262021-001.pdf

MorganCottage -- A3 -- elevations - section -- 04262021-001.pdf

MorganCottage 2 (dragged).pdf

MorganCottage -- A1 -- foundation plan Details -- 04262021-001.pdf

MorganCottage -- A0 -- site -- 04262021-001 2.pdf

Applicant Signature

Date
4/26/2021

Bruce Johnson

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Rebecca Morgan

Address

63 Forest Rd

Phone

(828) 777-9813

Email

rebeccaismorgan@gmail.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 1 1/2 story guest cottage with 950sf heated floor area and 794sf of roof coverage on a 2.1 acre lot. Total roof coverage for lot would be 5294sf

What does the ordinance require?

Maximum roof coverage for accessory structure is 750sf with total allowed for lot 6700sf.

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

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

The extra 44sf allows for a 12" roof overhang for rain protection.

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

The extra 44sf allows for better site drainage and minimizes grading disturbance.

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

The footprint of the structure was minimized as much as possible to reduce roof coverage while still meeting the owner's needs.

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 extra 12" overhang does not increase the visual impact of the structure. It is located at the rear of the property surrounded by woods and adjacent to Biltmore estate, and cannot be seen from street or neighbors. The adjacent property owners have been contacted and agree with the 44sf increase.

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

Signature

Date

4/26/2021

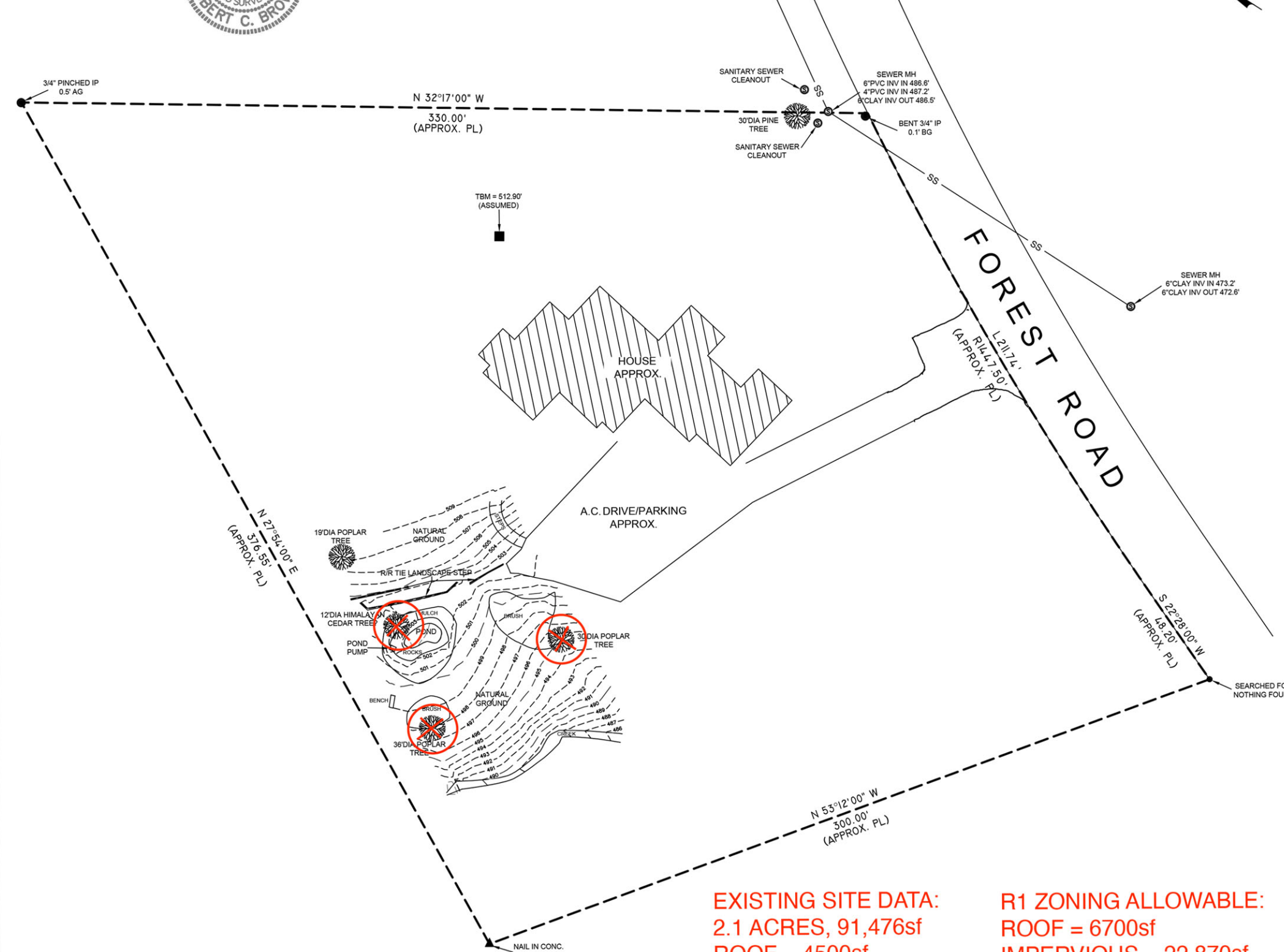
Bruce Johnson

I, Robert C. Brown, certify that this map was drawn under my supervision from an actual survey made under my supervision (dead description recorded in deed books as noted) using traditional field procedures; that the ground survey was performed on January 11, 2021, to the 95% confidence level to meet Federal Geographic Data Committee standards.

Witness my Signature, License Number, and Seal
this date **02/26/2021**

Robert C. Brown
N.C. Professional Land Surveyor
License # L-2748

- SYMBOL LEGEND**
- Unmarked point
 - Iron pipe found (as described)
 - Nail found (as described)
 - Sanitary sewer manhole
 - Tree
- ABBREVIATION LEGEND**
- AG above grade
 - HG below grade
 - ENA Ed Holmes & Associates
 - D.B. Dead Book
 - OSP open iron pipe
 - FB Flat Book
 - PN Parcel identification number
 - Page Page
 - TBM temporary benchmark



EXISTING SITE DATA:
2.1 ACRES, 91,476sf
ROOF = 4500sf
IMPERVIOUS = 5500sf

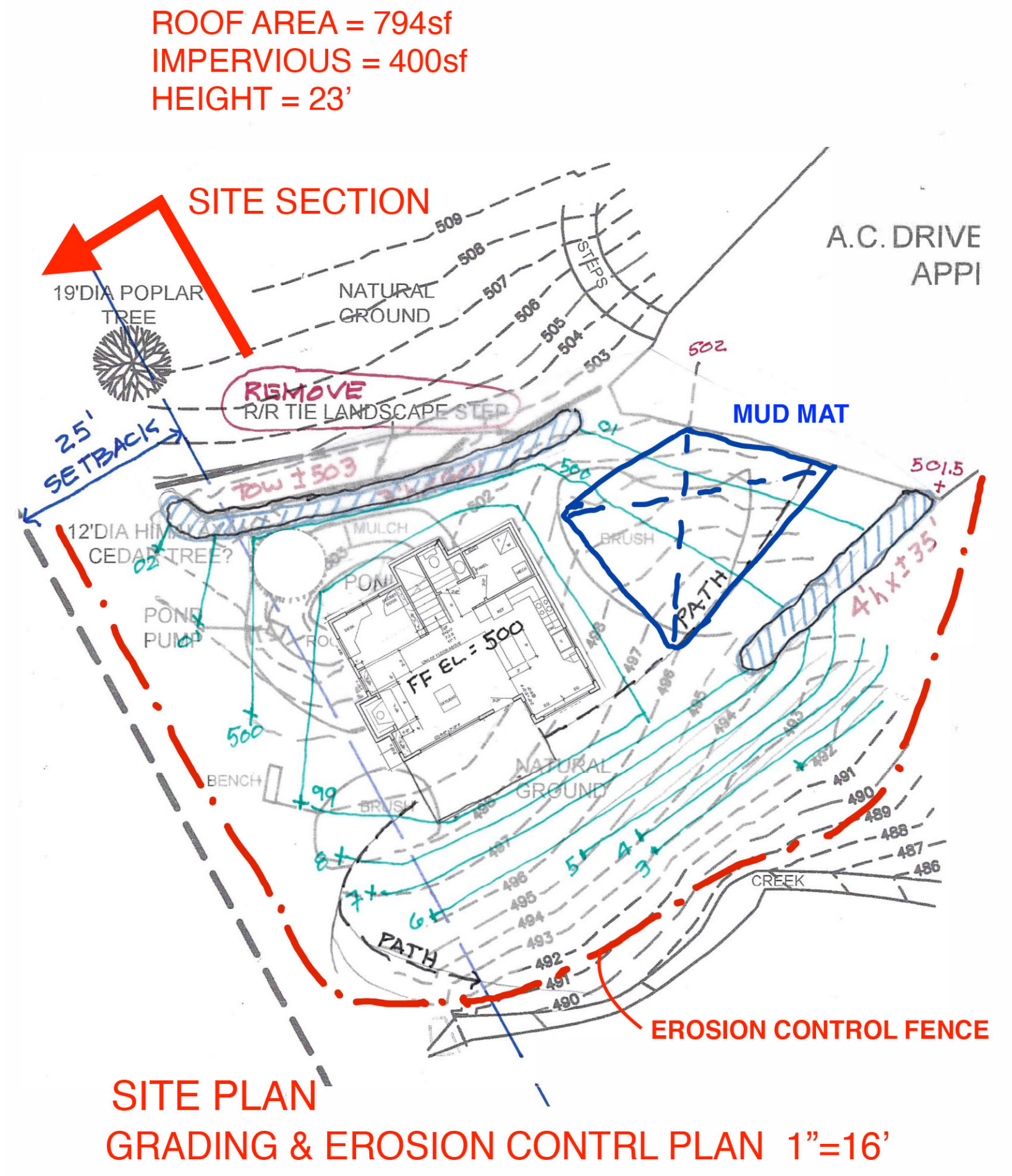
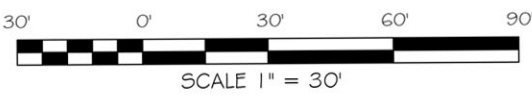
R1 ZONING ALLOWABLE:
ROOF = 6700sf
IMPERVIOUS = 22,870sf
HEIGHT = 25'

Topographic Survey for
James S. Morgan, Jr.
and wife
Rebecca Stein Morgan

REFERENCES
PIN 9646-58-6737
Deed Book 1524 Page 151

G3 Forest Road
Biltmore Forest
Buncombe County
DATE: February 18, 2021 DRAWN BY: J. Willard
JOB #21008 CHECKED BY: R. Brown
Robert C. Brown, PLS L-2748

ED HOLMES & ASSOCIATES
LAND SURVEYORS, P.A.
300 Ridgfield Ct. Ste. 301 Asheville, NC 28806
Company Licensure # C-2806
828.225.6562



SITE PLAN
GRADING & EROSION CONTRL PLAN 1"=16'

ROOF AREA = 794sf
IMPERVIOUS = 400sf
HEIGHT = 23'

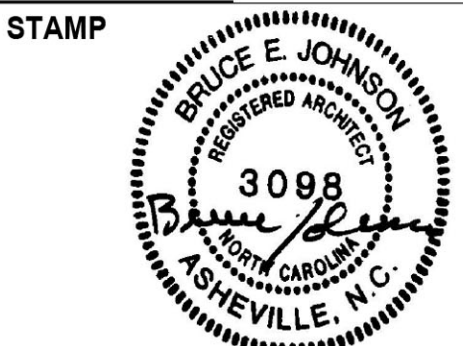
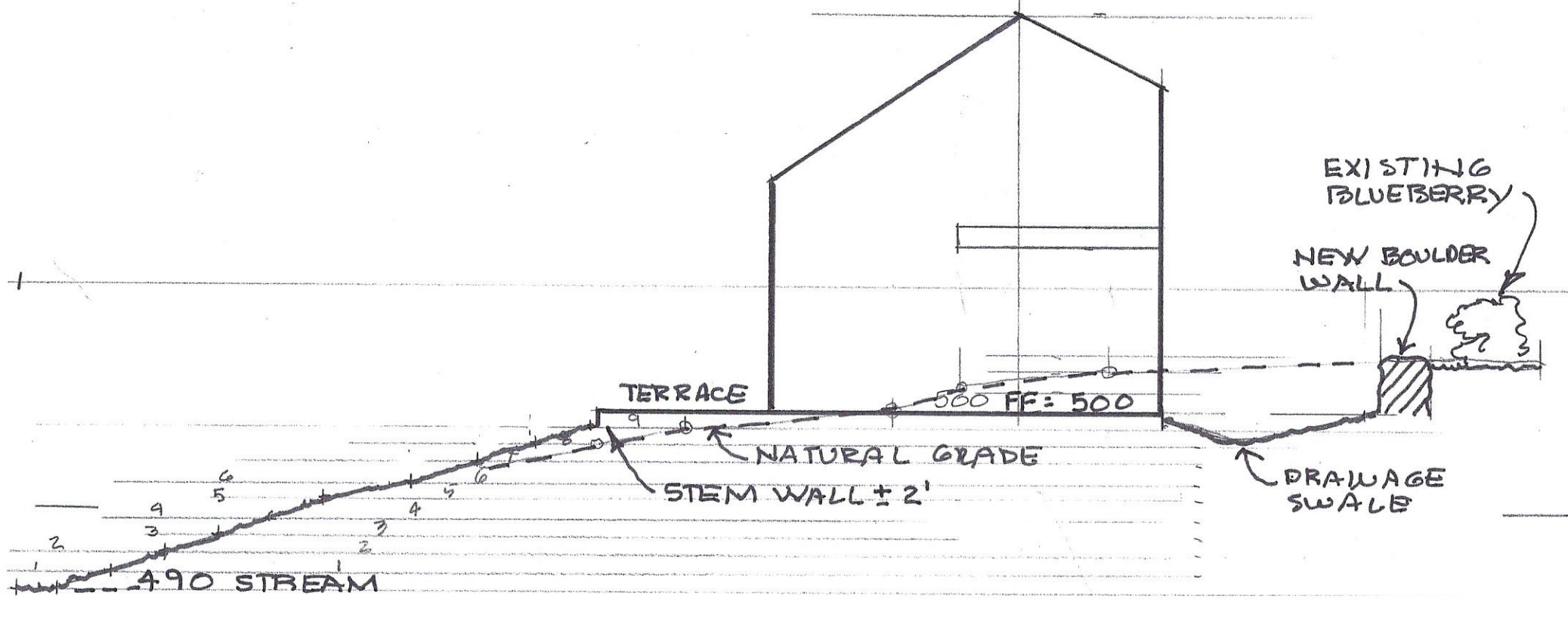
SITE SECTION

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.

SITE SECTION

SCALE 1/8" = 1'-0"

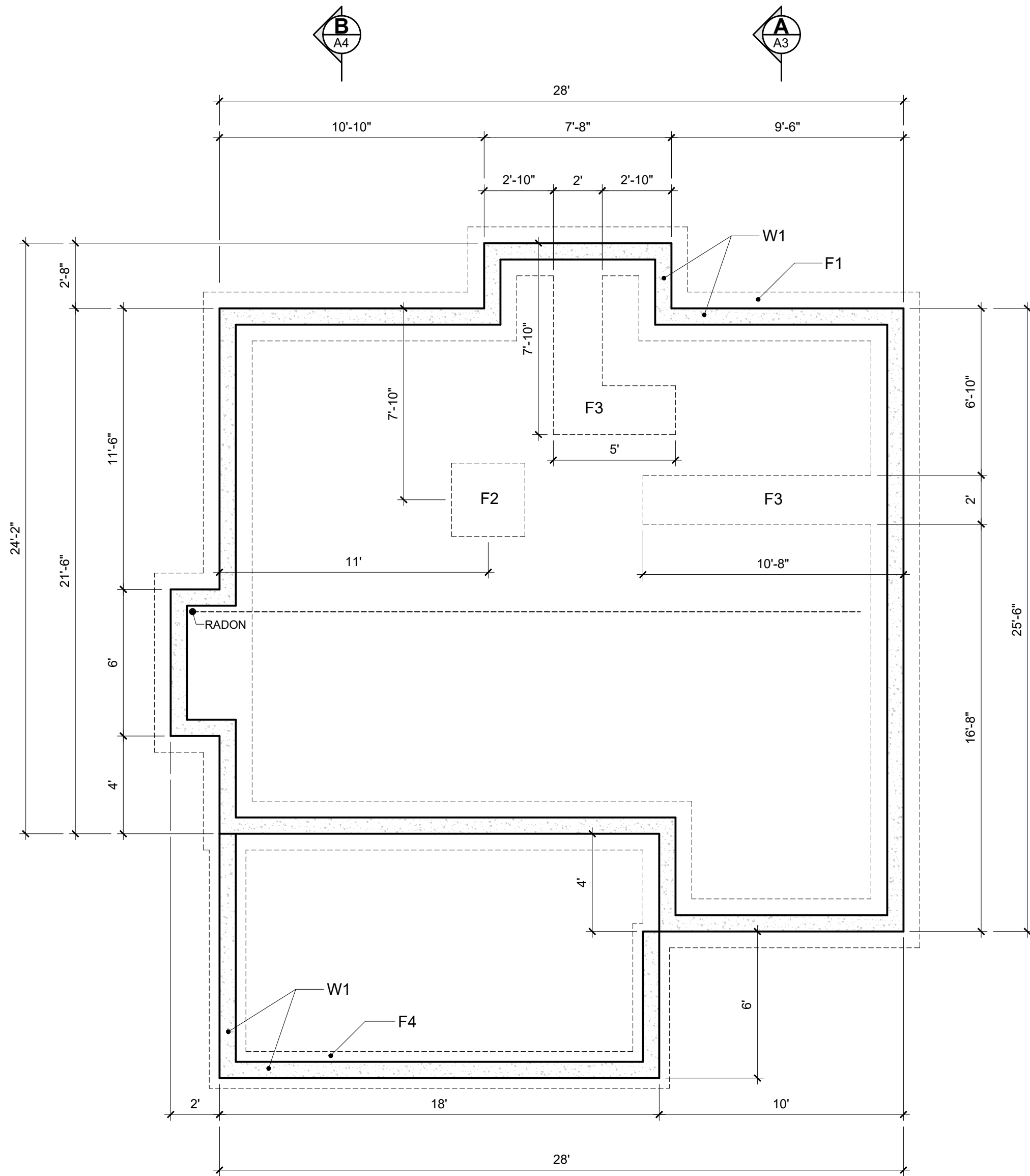


BRUCE JOHNSON ARCHITECTURE, PA
66 FOREST ROAD, ASHEVILLE, NC 28803
828-274-3922, BJAIA@CHARTER.NET
WWW.BRUCEJOHNSONIA.COM

MORGAN COTTAGE

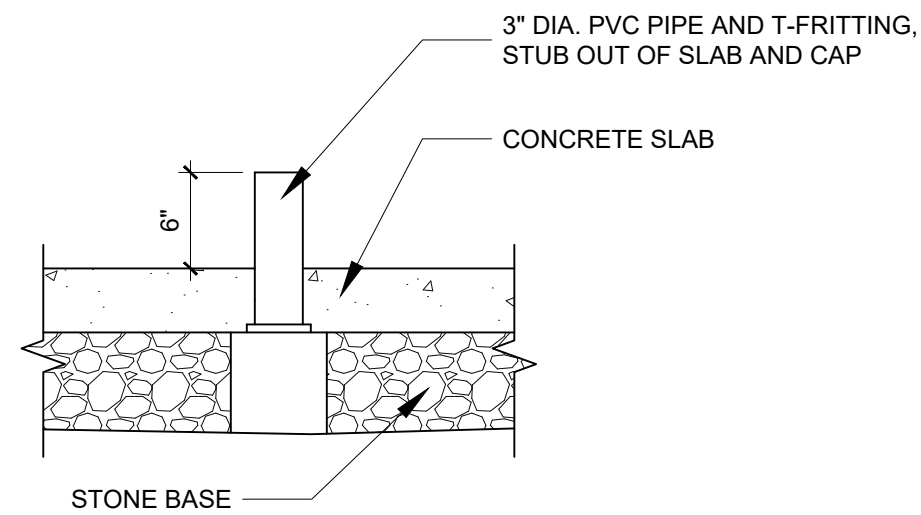
63 FOREST ROAD
BILTMORE FOREST
NC 28803

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|-----------|----------------|
| DATE | 04 / 26 / 2021 |
| SHEET | A1 |
| DRAWN BY: | FS |



FOUNDATION PLAN

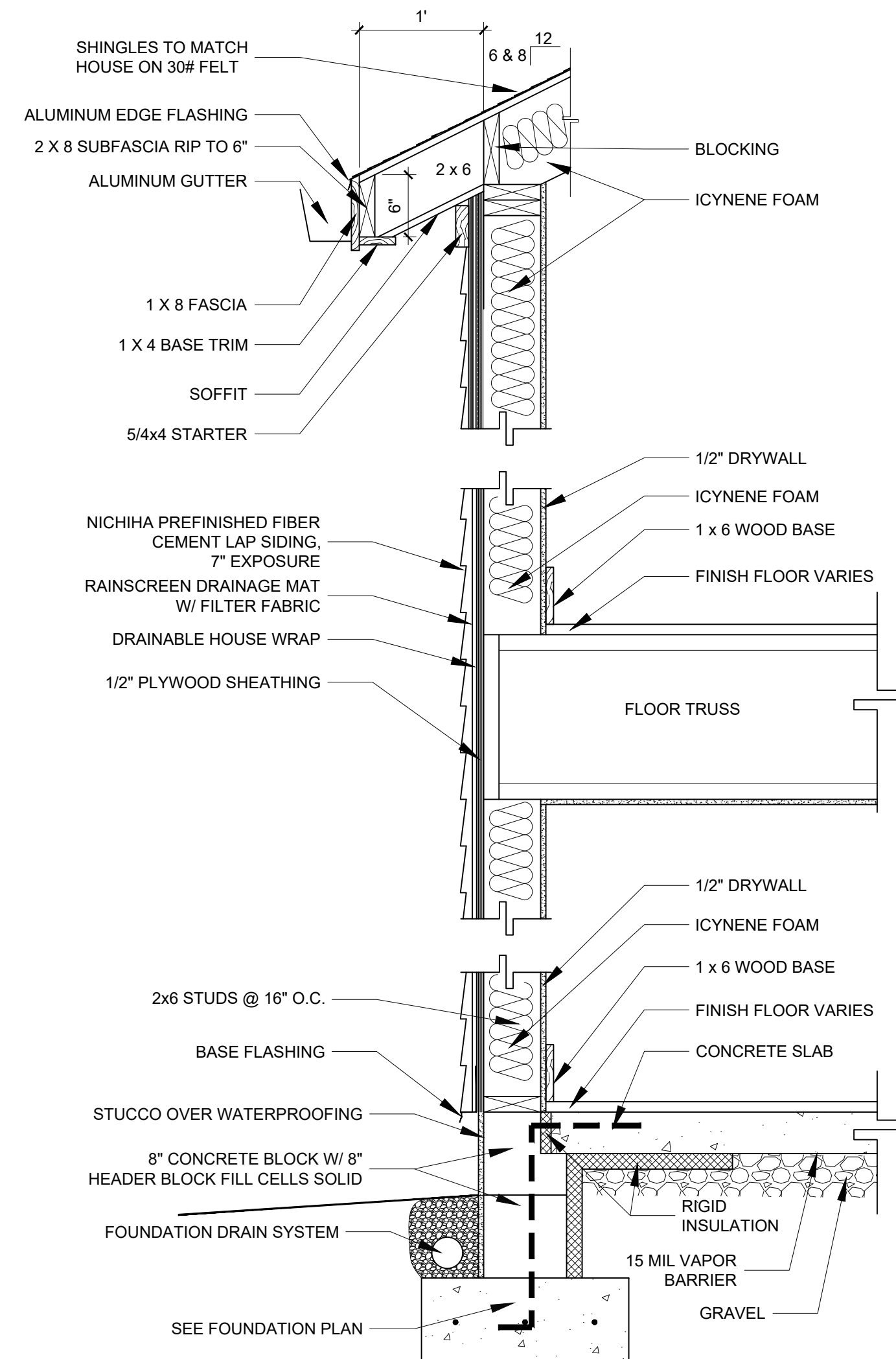
SCALE 1/4" = 1'-0"



RADON DETAIL

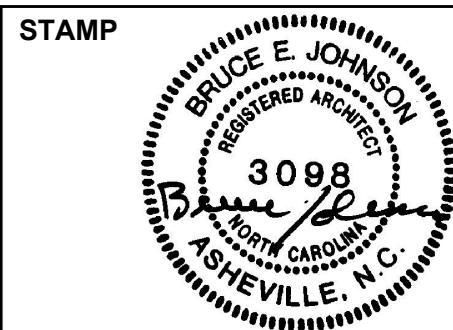
SCALE 1" = 1'-0"

| REINFORCING SCHEDULE | |
|---|---|
| WALLS | |
| W1 | 8" CONCRETE BLOCK W/ 8" HEADER BLOCK FILL CELLS SOLID W/ (1) #4 REBAR @ 24" O.C. EXTENDED OUT OF WALL & TIE INTO SLAB |
| FOOTINGS: | |
| F1 | 2'-0" W. x 12" T. W/ 3 - #4 CONT. & #4 TIES @ 48" O.C. |
| F2 | 3'-0" W. x 3'-0" x 12" T. W/ #5 @ 8" O.C. EACH WAY |
| F3 | 2'-0" W. x 12" T. W/ 2 - #4 CONT. (TURN DOWN SLAB) |
| F4 | 18" W. x 10" T. W/ 3 - #4 CONT. & #4 TIES @ 48" O.C. |
| NOTES: | |
| 1. REBARS ARE LOCATED 3" CLEAR FROM BOTTOM OF FOOTING | |



WALL DETAIL

SCALE 1" = 1'-0"



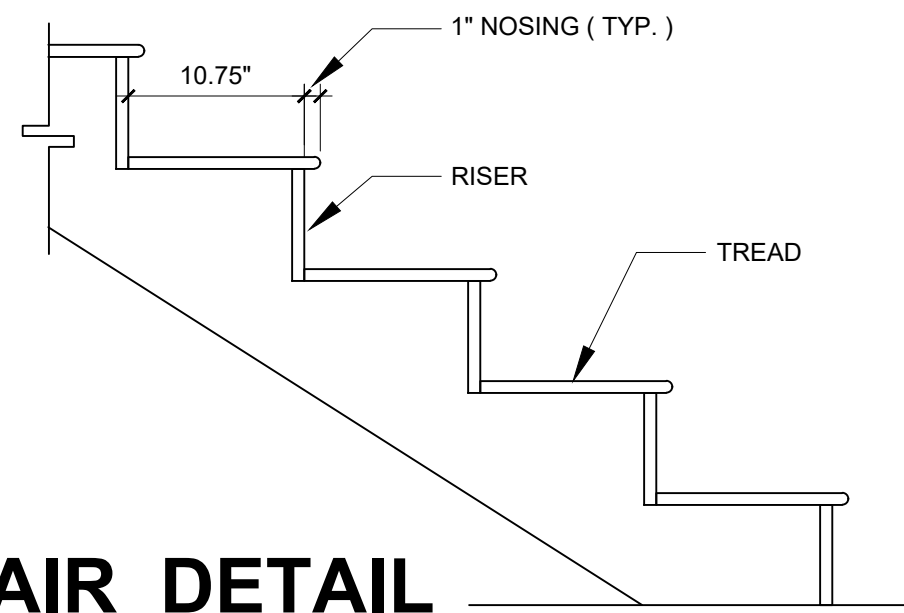
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 828-274-3922, BJAIA@CHARTER.NET
 WWW.BRUCEJOHNSONIAA.COM

MORGAN COTTAGE
 63 FOREST ROAD
 BILTMORE FOREST
 NC 28803

DATE
04 / 26 / 2021

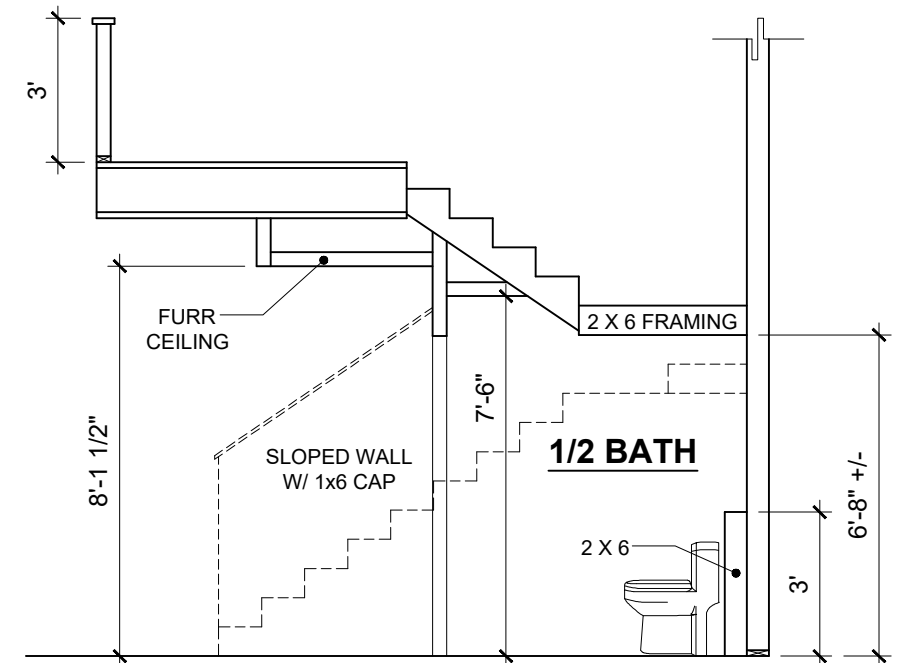
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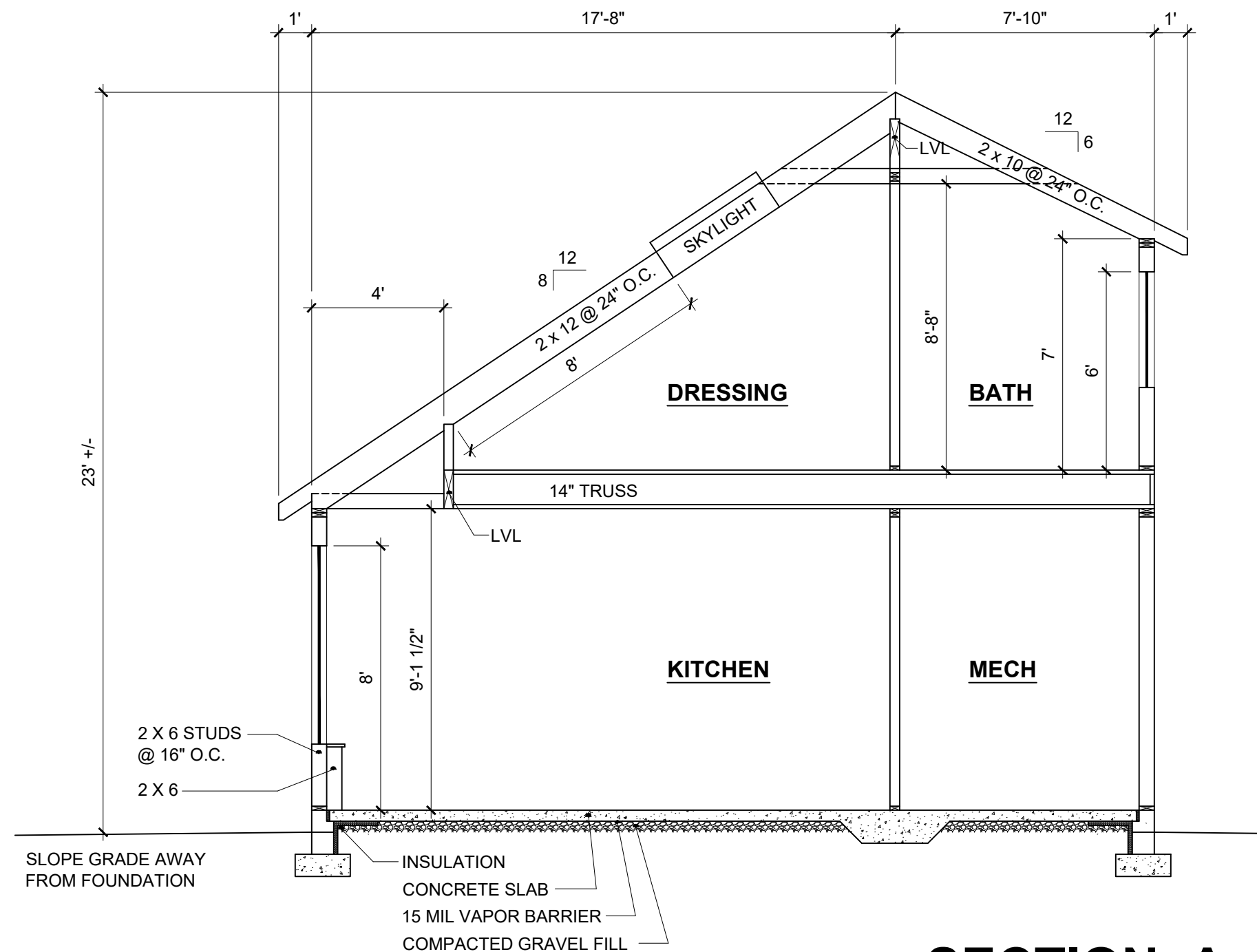
STAIR DETAIL

SCALE 1" = 1'-0"



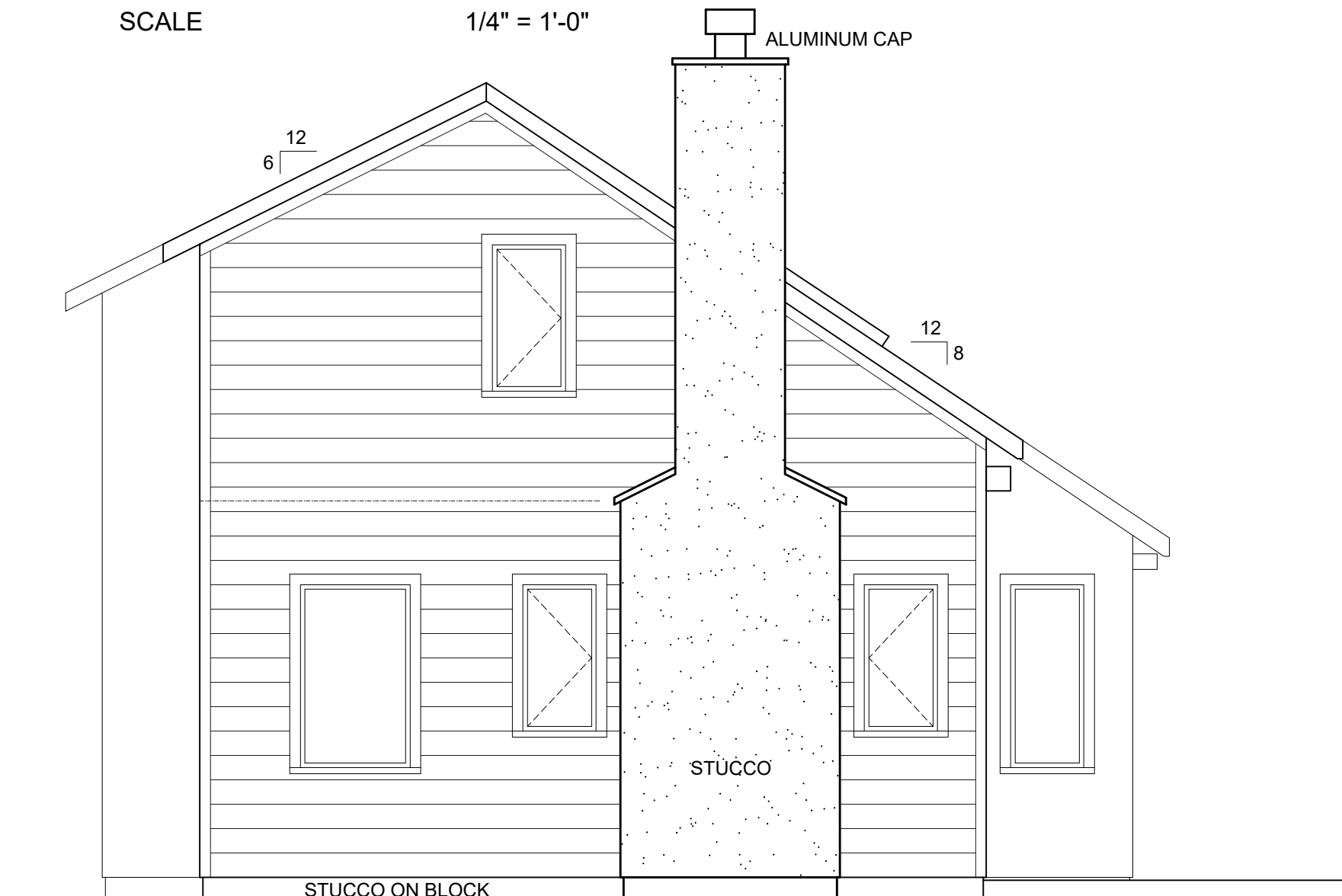
STAIR SECTION

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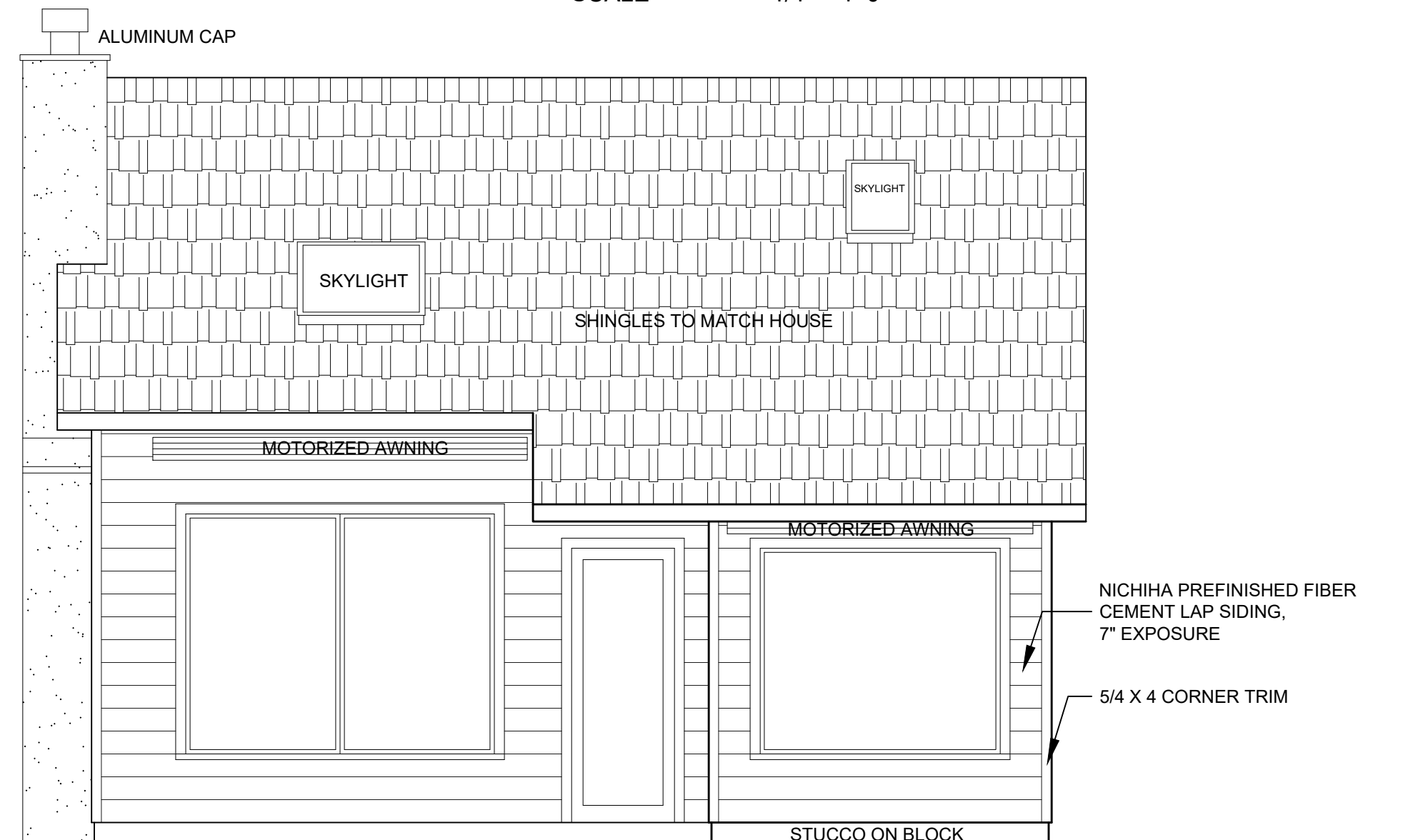
SECTION A

SCALE 1/4" = 1'-0"



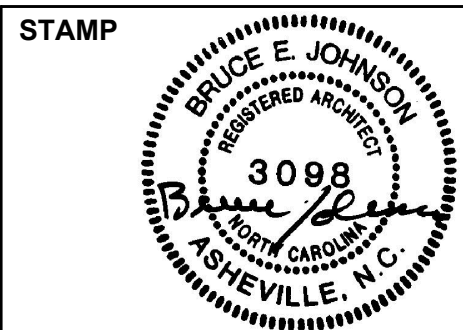
WEST ELEVATION

SCALE 1/4" = 1'-0"



SOUTH ELEVATION

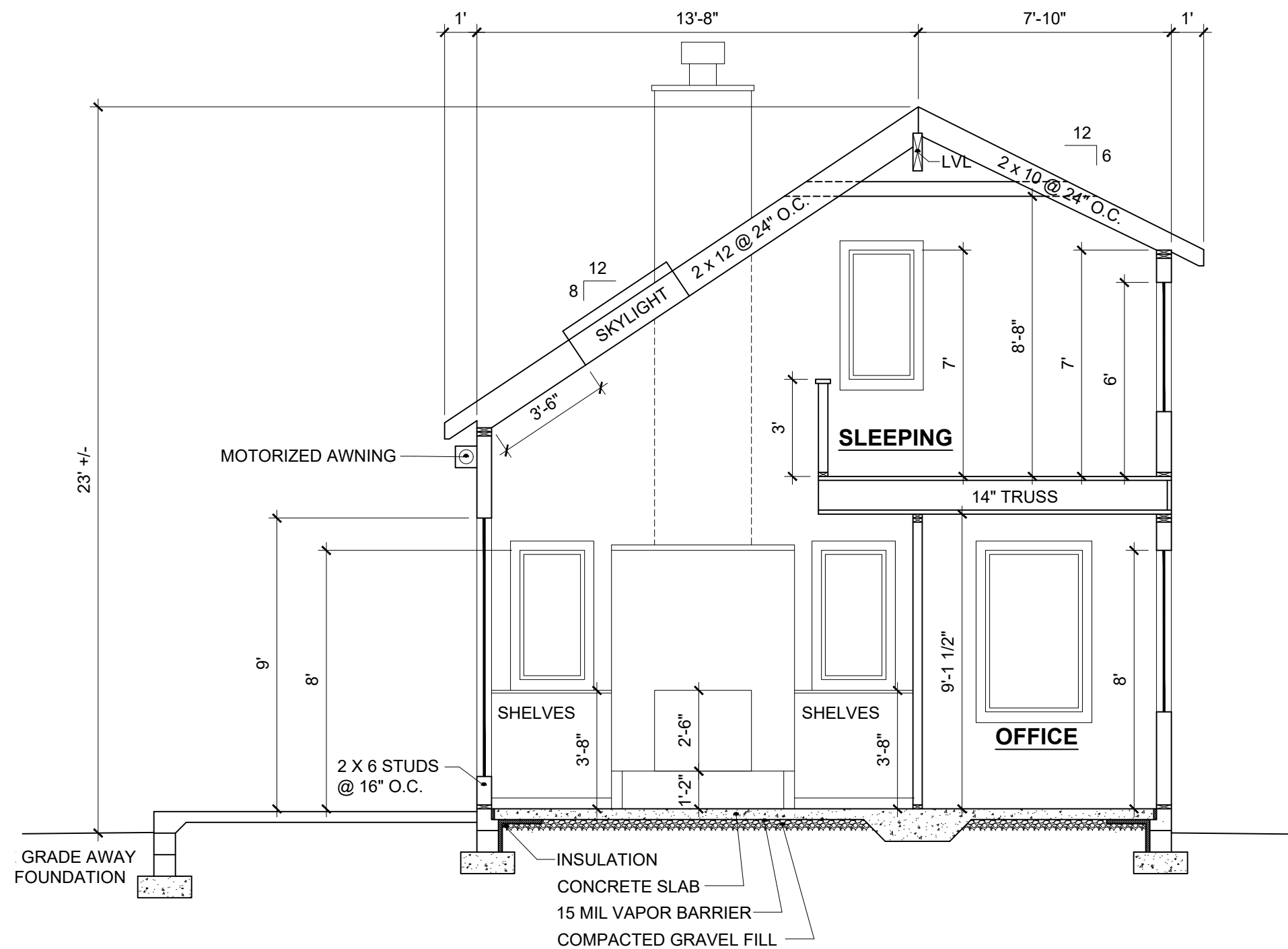
SCALE 1/4" = 1'-0"



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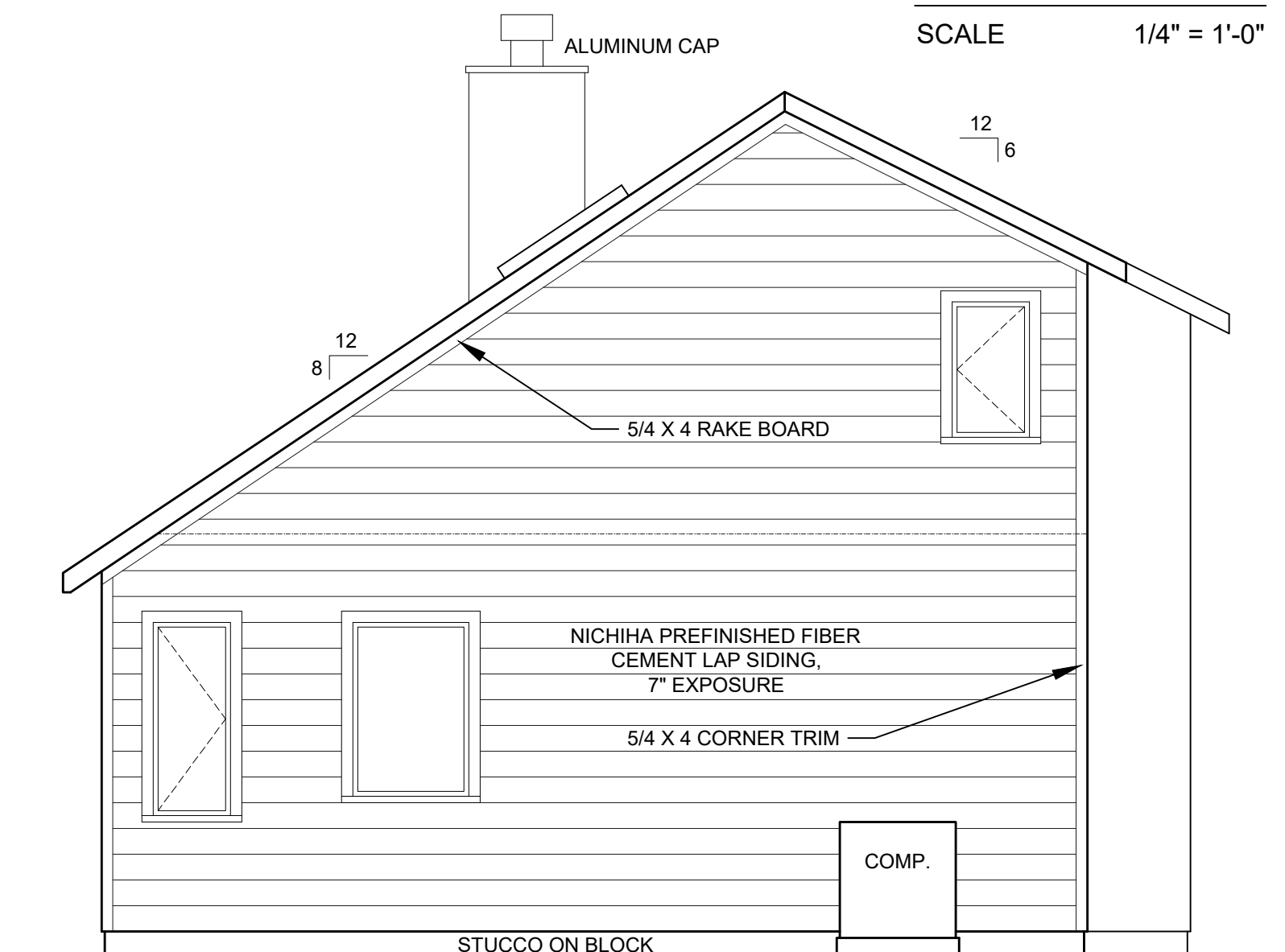
MORGAN COTTAGE
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DATE
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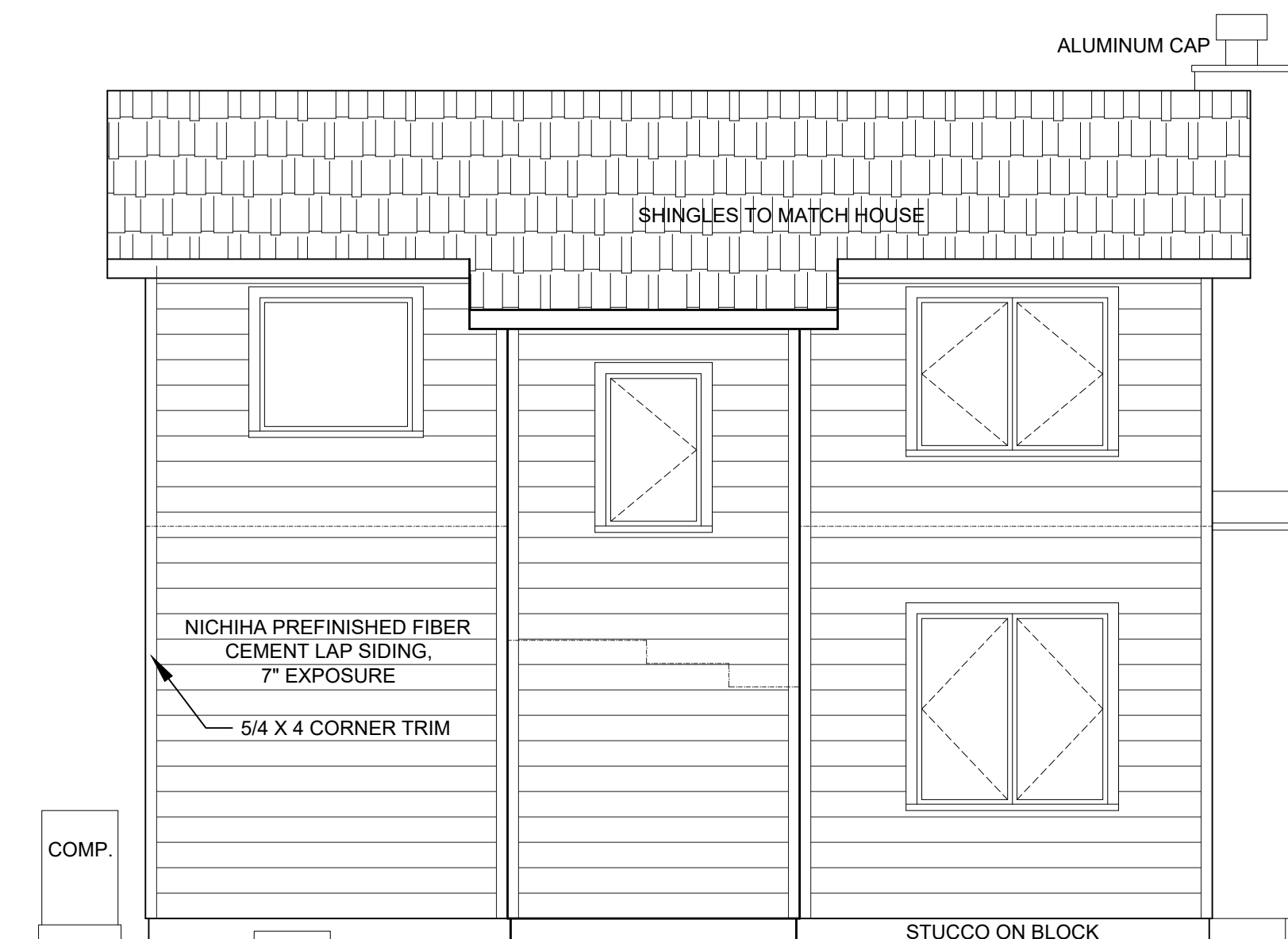
SECTION B

SCALE 1/4" = 1'-0"



EAST ELEVATION

SCALE 1/4" = 1'-0"



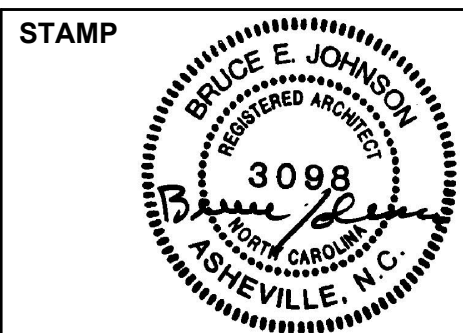
NORTH ELEVATION

SCALE 1/4" = 1'-0"

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 BILTMORE FOREST
 NC 28803

DATE
04 / 26 / 2021
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A4
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**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

May 17, 2021



**Case 6 – 307 Vanderbilt Road
Variance Request to Reconstruct Accessory Building within
Side Property Setback**

Variance Request to Re-Construct Accessory Building within Side Property Setback

The applicant requests permission for a variance to reconstruct an existing storage shed within the side yard setback. This application appeared before the Board previously with permission requested to reconstruct on the existing location. The existing location was found to be on the neighboring property, and the easement/agreement concerning that location no longer applied. As a result, the applicants have returned for consideration to allow reconstruction within the side yard setback on their property.

The facts have not changed substantially since the Board's last hearing regarding this matter, but the applicants did provide a new variance application related to this specific request. I have included a copy of this variance request, as well as their original zoning application and associated photos of the property.

Zoning Compliance Application

Town of Biltmore Forest

Name

Raymond W. and Elizabeth S. Russell

Property Address

307 Vanderbilt Road

Phone

(828) 423-2196

Email

rruseb@aol.com

Parcel ID/PIN Number

9647743522

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.54 acres

Maximum Roof Coverage

2,874 square feet (Up to .5 acres)

Proposed Roof Coverage Total

144sf

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

827sf (roof,-144sf, floor -144sf,and walls-539sf)

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

No Minimum (PS District)

Building Height

10' south to 12' north

Description of the Proposed Project

Rebuilding of Collapsed 23+ years old Storage Shed 8"X18' on existing concrete slab--easement for location

Estimated Start Date

11/1/2020

Estimated Completion Date

12/20/2020

Estimated Cost of Project

\$2,500.00

Supporting Documentation (Site Plan, Drawings, Other Information)

RW&ESRussell.pdf

Applicant Signature

Date
11/28/2020

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Ray and Elizabeth Russell

Address

307 Vanderbilt Road

Phone

(828) 274-3979

Email

rrusseb@aol.com

Current Zoning/Use

R

Requested Use

storage shed

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?

Move the south shed wall to the property line between 307 and 309 Vanderbilt Road

What does the ordinance require?

Property be within the property line between 307 Vanderbilt Road and 309 Vanderbilt Road with set back

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.**

Movement of the south wall of the shed to the property line to ensure no further hardship upon the owners. The associated costs of the move will be far less than a removal of the entire structure, creation of a new concrete slab and purchase of/construction with required new materials. Estimated costs of removing and relocating the south wall of the shed will be several thousand dollars in time and material. However, the cost of a complete removal and relocation increases the costs to \$10,000 or more.

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

The topography of the owner's property is quite uneven and/or difficult to access for storage of mowers and lawn and maintenance equipment in other locations which have been given consideration.

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

This hardship is not the result of applicant/property owner action; it is out of respect for topography and trees as well as several former owners' construction/landscaping for such storage.

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.

We believe that the modified storage shed can become an asset to the property, meet the spirit, purpose and intent of the ordinance while ensuring improved public safety and substantial justice.

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

Signature

Date

4/21/2021

IR

ESPUSSELL